

# EXECUTIVE

**MONDAY  
2<sup>ND</sup> AUGUST 2010  
AT 1000 HOURS**

## COMMITTEE ROOM ONE

### PROVIDING ACCESS FOR ALL

If you need help understanding any of our documents or require a larger print, audio tape copy or a translator to help you, we can arrange this for you. Please contact us on the telephone numbers provided:



**01246 242407 or 01246 242323.**

Other Equalities information is available on our web site.  
[www.bolsover.gov.uk](http://www.bolsover.gov.uk) or by e-mail from [equalities.officer@bolsover.gov.uk](mailto:equalities.officer@bolsover.gov.uk)

Minicom: 01246 242450 Fax: 01246 242423

Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 23<sup>rd</sup> July 2010

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 2<sup>nd</sup> August 2010 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 pages 94 to 95.

Yours faithfully,



Chief Executive Officer  
To: Chairman & Members of the Executive

Tel 01246 242424 Fax 01246 242423 Minicom 01246 242450 Text 07729 421737

Email [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk) Web [www.bolsover.gov.uk](http://www.bolsover.gov.uk)

Chief Executive Officer: Wes Lumley, B.Sc.,F.C.C.A.



## EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 5th July 2010 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor E. Watts (to minute no. 136) - in the Chair

Councillors J.E. Bennett, K. Bowman (to minute no. 137), A.J. Hodkin, D. Kelly, D. McGregor, B.R. Murray-Carr, A.M. Syrett and A.F. Tomlinson.

Officers:-

W. Lumley (Chief Executive Officer), K. Drury (Customer Service and Access Officer) (to minute no 133), D. Eccles (Head of Regeneration) (to minute no. 137), G. Galloway (Building and Property Contracts Manager) (to minute no. 137), D. Hill, (Head of Finance and Revenues), J. Ritchie, (Head of Community and Street Services) (to minute no. 134), A. Wylie (Principal Solicitor), and R. Leadbeater (Democratic Services Officer).

### **127. APOLOGIES**

There were no apologies for absence.

### **128. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **129. DECLARATIONS OF INTERESTS**

Minute No.	Member	Level of Interest
136.	Councillor E. Watts	Personal

## EXECUTIVE

### **130. MINUTES OF A MEETING OF THE EXECUTIVE HELD ON 7<sup>TH</sup> JUNE 2010**

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

**RESOLVED** that the minutes of a meeting of the Executive held on 7<sup>th</sup> June 2010 be approved as a true record.

### **131 . RECORD OF DECISION NOTICES FROM THE JOINT BOARD MEETING HELD ON 25<sup>TH</sup> MAY 2010**

Moved by Councillor B.R. Murray-Carr, seconded by Councillor A.F. Tomlinson

**RESOLVED** that the record of Decision Notices from the Joint Board Meeting held on 25<sup>th</sup> May 2010 be noted.

### **132. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS**

The Portfolio Holder for Customer Services introduced the report to advise Members of the number of compliments, comments, complaints, Freedom of Information and personal data requests for the period 2<sup>nd</sup> January to 31<sup>st</sup> March 2010.

Members' attention was drawn to the list of improvements introduced as a result of customer feedback received.

The Customer Service and Access Officer advised Members that 48 compliments and 29 comments had been received during the 4<sup>th</sup> quarter of 2009/10. These had all been responded to within the service standard and were the highest number of compliments and comments received in a single quarter during the 2009/10 year.

A total of 429 Stage 1 complaints had been received and 55 Stage 2. All had been responded to within the service standard. Stage 3 complaints for the period totalled six, four of which had been responded to within the service standard.

Members' attention was drawn to the three Ombudsman complaints, details of which were outlined in the appendices to the report. The annual letter from the Ombudsman would be provided to the next meeting of the Executive for Members' information.

## EXECUTIVE

Details of Freedom of Information requests received by the Council were provided. Discussion took place and Members raised a number of questions to which the Customer Service and Access Officer responded.

Members requested further information in respect of:

- The proportion of Council Tax paid by Direct Debit, Cash, Cheque in 2009/10.
- Details of each department's Code of Practice in relation to retention of information.

Concerns were raised in respect of the amount of officer time potentially spent on Freedom of Information requests. Members commented that it was pleasing that targets for complaints were being exceeded and questioned whether the 20 day target was appropriate. The Customer Service and Access Officer acknowledged that customers would prefer a quicker written response to their complaint and as such response times were closely monitored. The average response time was currently 15 days however, this was as a result of a few complaints being responded to very quickly reducing the average response time. The Customer Service and Access Officer noted that with the volumes of Freedom of Information Requests received it would be difficult to reduce the response times but that it remained an aspiration.

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

**Reason for Decision: To keep Members informed of volumes and trends regarding compliments, comments, complaints and freedom of information requests.**

(Head of Customer Service & Access Officer/Head of Democratic Services)

The Customer Service and Access Officer left the meeting.

### **133. PATCH MANAGEMENT POLICIES – PROVISION OF DOMESTIC BINS AND BULKY WASTE COLLECTION**

The Portfolio Holder for the Environment introduced the report and policies in respect of domestic bin provision and bulky waste collection. The policies had been considered by Senior Management Team, Policy and Performance Management Group and Scrutiny Committee. Issues were identified by

## EXECUTIVE

Members in respect of items 4.5 and 4.17 of the bulky waste collection policy regarding customer refunds.

It was suggested that the Bulky Waste Collection Policy be deferred to the next meeting of the Executive pending submission of a report by the Chief Executive Officer detailing the discussions and committee route that the policy had previously taken.

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

**RESOLVED** that (1) the Bulky Waste Collection Policy be deferred to the next meeting of the Executive to enable a report to be submitted by the Chief Executive Officer giving full details of the timetable and path of this policy from first being debated by all relevant participant groups to date and their recommendations. Also, details of any decision relating to this policy that has been taken and implemented before receiving agreement by the Executive.

**Reason for Decision: To enable further information to be provided to Members before implementation of the policy is agreed.**

(Chief Executive Officer/Head of Democratic Services)

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

**RESOLVED** that (2) Patch Management Group ensure that appropriate departmental procedures are in place to deliver the Replacement Domestic Bin policy

(3) the Replacement Domestic Bin Policy be adopted and implemented from 1<sup>st</sup> August 2010.

**Reason for Decision: To improve the way in which replacement of domestic bins are dealt with by the Authority.**

The Head of Community and Street Services left the meeting.

## EXECUTIVE

### **134. WORKING NEIGHBOURHOODS FUND MONITORING REPORT**

The Leader of the Council introduced the report and 2009/10 End of Year Monitoring Report in respect of Working Neighbourhoods Funding. The Working Neighbourhoods Fund (WNF) provided resources to local authorities to tackle worklessness and low levels of skills in their most deprived areas.

The Chief Executive Officer drew Members' attention to the proportion of WNF allocated to Bolsover of £7,067,898 for 2010/11. This was a reduction of 2%, equating to £198,000.

The full End of Year Report was included in the agenda for Member's information.

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

**Reason for Decision: To ensure that WNF is targeted to best effect.**

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

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

The Leader of the Council declared a personal interest and left the meeting.

Councillor A. F. Tomlinson in the Chair

### **136. DISPOSAL OF OXCROFT DEPOT AND ADJOINING LAND EXEMPT – PARAGRAPH 3**

The Deputy Leader of the Council introduced the report to seek Member's approval to dispose of the former Council Depot and adjoining land on Oxcroft Lane.



## EXECUTIVE

It had originally been envisaged that the land would be sold for residential development but due to the economic downturn, securing a sale of this type had proven difficult.

The Council had been approached by a commercial business who had identified the site as suitable for their purpose, subject to relevant planning permissions.

The site had been valued by the District Valuer and provisional terms had been agreed. These provisionally agreed terms were in line with the Councils Acquisitions and Disposals Strategy.

The Head of Regeneration provided Members with a copy of a letter received from local residents raising concerns that asbestos may be stored on the site by the proposed purchaser.

The Head of Regeneration and Building and Property Contracts Manager provided further information and responded to Members' questions.

The Head of Finance and Revenues responded to Members' questions with regard to the use of the capital receipt.

Members debated the issue at considerable length, taking into account the information provided by Officers of the Council and letters received from local residents. The Head of Regeneration had recommended that the former depot and adjoining land be sold for commercial purposes, however following discussions Members proposed an alternative resolution.

Moved by Councillor K. Bowman, seconded by Councillor A. Hodkin  
**RESOLVED** that the sale of the former depot site to the prospective buyer be refused and that relevant Officers be requested to actively seek a purchaser for residential development of the site.

Councillors J.E. Bennett, K. Bowman and A. Hodkin requested that their vote in support of the amended resolution be recorded.

(Head of Regeneration)

**Reason for Decision: Further information was required and the desire to see the land made available for Housing.**

Councillor K. Bowman left the meeting.

## EXECUTIVE

### 137. TENDER – PUBLIC ART CONSULTANCY EXEMPT – PARAGRAPH 3

The Portfolio Holder for Arts and Leisure and Head of Shared Procurement provided an explanation to Members in respect of the use of Section 106 funding.

Two tenders for the above contract had been received before the deadline.

Moved by Councillor A. F. Tomlinson, seconded by Councillor A. Syrett  
**RESOLVED** that 1) the Executive witness the opening of the tenders,

2) the tenders be passed to the Evaluation Team for final evaluation,

3) a report for Members' information providing details of the tenders and evaluation process be submitted,

4) the evaluation meeting to take place on Friday 9<sup>th</sup> July 2010 at 0900 hours at the Riverside Depot.

**Reason for decision: In order to secure the tender which gives the best value for money.**

(Head of Shared Procurement)

The meeting concluded at 1150 hours

**AGENDA ITEM 4**

**EXECUTIVE – 2<sup>ND</sup> AUGUST 2010  
RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY  
COMMITTEE- 30<sup>TH</sup> JUNE 2010**

**107. PEST CONTROL POLICY**

The Environmental Health Residential Manager presented the Council's Pest Control Policy, which had been developed via the Patch Management process.

The Policy concerned the eradication of rats, mice and other pests of public health significance such as wasps, fleas and cockroaches within the Council's administrative area.

Members raised questions regarding out of office hours reporting and using the eyes and ears process.

Discussion took place regarding the Council's statutory duty in ensuring its area is kept free from rats and mice.

Further to a question raised by Councillor Morley regarding colonies of bees, the Environmental Health Residential Manager, advised the meeting that the Council had contact with two beekeepers in the District, one in the north of the area and one in the south. He added that bees would only be killed where it was absolutely necessary, for example, an infected hive.

The Environmental Health Residential Manager further advised the meeting that policies were reviewed every two years but any concerns regarding a policy could be reviewed at any time.

Moved by Councillor T. Cook, seconded by Councillor R. Holmes  
**RESOLVED** that 1) the Pest Control Policy be accepted,

2) the Pest Control Policy be forwarded to the Executive for approval.

(Environmental Health Residential Manager / Head of Democratic Services)

Committee:	Sustainable Scrutiny Committee	Agenda Item No.:	9.
Date:	30 <sup>th</sup> June 2010	Category	
Subject:	Pest Control Policy	Status	Open
Report by:	Environmental Health Residential Manager		
Other Officers involved:	Patch Management Group		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D Kelly, Portfolio Holder for Environment		

### **RELEVANT CORPORATE AIMS**

REGENERATION – Developing healthy, prosperous and sustainable communities

The policy describes the activities and responsibilities involved in carrying out the pest control service.

### **TARGETS**

There are no specific targets in the Corporate Plan for the delivery of the policy.

### **VALUE FOR MONEY**

Undertaking pest control work helps to prevent damage to property and goods and more importantly the spread of disease which saves on replacement costs, the consequences of the damage caused and costs to the health services

### **THE REPORT**

The Pest Control Policy is attached and has been developed via the Patch Management process.

## **ISSUES FOR CONSIDERATION**

Whether or not to approve the policy.

## **IMPLICATIONS**

Financial : None

Legal : None

Human Resources : None

## **RECOMMENDATIONS**

- 1. That Sustainable Scrutiny Committee review and accept the Pest Control Policy**
- 2. That the Pest Control Policy be forwarded to the Executive for approval**

ATTACHMENT: Y

FILE REFERENCE:

SOURCE DOCUMENT:

# **BOLSOVER DISTRICT COUNCIL**

## **Pest Control Policy**

**3<sup>rd</sup> June, 2010**



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



## **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	Pest Control Policy
Document type – i.e. draft or final version	Draft
Location of Policy	L drive, John Sherwood, Committee items
Author of Policy	John Sherwood
Patch Management meeting 1 <sup>st</sup> time (2 <sup>nd</sup> time )	9 <sup>th</sup> November, 2009 (7 <sup>th</sup> December )
Member route for Approval & Cabinet Member concerned	Patch Management
Reviewed by Director of Strategy (now Director of Neighbourhoods)	Via patch management as Chair
SMT	3 <sup>rd</sup> June, 2010
Date Risk Assessment completed	
Date Equality Impact Assessment approved	
Partnership Involvement (if applicable)	None
Date added to the Forward Plan	
Policy Approved by	
Date Approved	
Policy Review Date	
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	



## **CONTENTS**

## **PAGE**

<b>1. The Introduction</b>	<b>5</b>
<b>2. The Scope of the Policy</b>	<b>6</b>
<b>3. The Principles of the Policy</b>	<b>6</b>
<b>4. The Policy Statement</b>	<b>8</b>
<b>5. Responsibility for implementing the Policy</b>	<b>10</b>

## **1 Introduction**

- 1.1 This policy is concerned with the eradication of rats, mice and other pests of public health significance such as wasps, fleas and cockroaches within Bolsover District Council's administrative area.

It is well documented that rats can be infected with a wide range of pathogens which are causative agents of diseases such as toxoplasmosis, Weil's disease and listeriosis. Rats can also cause damage to electrical cables, gas and water pipes by gnawing on them which has been known to cause fires and flooding in properties. Mice carry a wide range of food-borne pathogens and can spread these on work surfaces as they move in search of food. Many insects carry disease as well. Cockroaches for example carry a wide range of disease causing organisms and have been implicated in the cause and the spread of allergies and asthma.

- 1.2 The Council operates a pest control service which is managed within the Residential Section of Regeneration. The service is delivered by two Pest Control Technicians with one acting in a senior capacity. The pest control store is based at the Riverside Depot at Doe Lea and administrative functions undertaken in Sherwood Lodge. An appointment system is in place and appointments are made via

Contact Centres. The latter also take direct payments from customers prior to any chargeable treatment being carried out.

## **2 Scope of the Policy**

This policy applies to pest control treatments that are carried out at residential properties within the district including both private and public dwellings. It defines what pest species the Council will deal with and also where charges will be made.

## **3 Principles of the Policy**

3.1 The principle of this policy is to ensure that the Council meets its statutory duty in ensuring that, as far as practicable, its area is kept free from rats and mice. This duty is defined in the Prevention of Damage by Pests Act 1949 Section 2 which in particular requires the Council to :-

- 1 From time to time carry out such inspections as may be necessary
- 2 Destroy rats and mice on land of which the Council is the occupier
- 3 Enforce the duties of owners and occupiers of land where infestations maybe / are occurring.

In order to meet this duty the Council provides a pest control service. However, it also uses its statutory enforcement powers laid out within the above mentioned Act to deal with infestations of rats or mice or where harbourage may lead to an infestation of rats or mice.

3.2 The Council, in line with other local authorities has, since October 1<sup>st</sup>, 2006, had a duty in relation to the conservation of biodiversity in exercising its functions. As a direct consequence of this requirement the Council no longer provides a service for the eradication of any species of Bee, except in very exceptional circumstances. There would be no circumstances where the Council would deal with a protected species other than giving advice.

No commercial treatments will be undertaken except in the Council's own premises.

3.3 Pest species for which a treatment service will be provided are as follows:-

Rats inside and outside properties

Mice inside a property

Wasps

Bed Bugs

Fleas

Pharaoh's ants

Cockroaches

3.4 Charging for the Service

Charges are made according to those approved by Council during the annual budget process and no distinction is made between tenures or income. Payment is required before any treatment is carried out and

payments can be made in the normal ways including by debit card over the telephone. The charge includes for initial and revisits and materials used. Due to the requirement to pre pay for the service the Council will refund customers when a charge is found consequently not to be required. Outside normal office hours the service is only available in emergency circumstances such as having a rat inside and is at the discretion of the Head of Regeneration. It is also dependent upon pest control staff being available out of hours.

#### **4 Policy Statement**

- 4.1 The Council will meet its statutory obligations by providing a pest control service and will deliver that service to the highest standards of safety and best practice. Treatments for rats and mice inside domestic properties and rats outside will be undertaken free of charge. Other pests will attract a charge. Where pest species are not listed then the Council will not undertake any treatment to eradicate them, for instance treatments are not available to eradicate bees, ants or bats, the latter being a protected species. A service for advice and identification of pest species will be provided but will attract a charge where a visit to a property is required. Advice will normally be provided over the telephone and be free of charge as will identification if the pest species is brought into the Contact Centres in a suitable sealed container.
- 4.2 A service is in place based upon the pest species significance to public health with rats inside being given the highest priority. Where a request

for service is received for the latter, it will be dealt with before the end of the next working day but generally, it is dealt with the same day if a request is received before 12 noon, dependent upon the Pest Control staff workload for that day. The priority given to various pest species is listed below in terms of timescales allotted to each pest:-

Rats inside	1 working day
Advice and guidance	2 working days
Bed Bugs	)
Fleas	)
Mice inside	) 5 working days
Pharaoh's Ants	)
Wasps	)
Rats outside	)

In respect of the 5 work day period for receipt of the service, this time may be shorter or longer and is dependent upon the workload within the service at the time. Every effort will be made to provide the service within the above timescales.

- 4.3 The timescales and charges are detailed on the Council's website. There are also links to other related websites such as English Nature, the Bumble Bee Conservation Trust and the Derbyshire Wildlife Trust. There are also useful downloads such as 'Help save the Bumble Bee'.

## **5 Responsibility for implementing the policy**

The responsibility for implementing this policy is with the Residential Section of Regeneration Services. Day to day management of the service comes within the remit of the Senior Pest Control Technician whilst management of the service within the section is the responsibility of the Senior Environmental Health Officer. The overall responsibility for the policy lies with the Environmental Health Residential Manager. The Council also uses an external contractor from time to time which is dictated by the needs of the service and its customers. Contact Centre Managers have responsibility for ensuring that their staff operate the appointment and payment systems in an efficient manner in line with the Council's Customer Service Standards and liaise with the Residential team when necessary.

Committee:	Executive	Agenda Item No.:	5.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Bulky Waste Charges Chronology		
Report by:	Chief Executive Officer		
Other Officers Involved	Head of Community and Street Services		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor D. Kelly, Portfolio Holder for Environment		

#### **RELEVANT CORPORATE AIMS**

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment by reducing the amount of household waste collected

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

- Decision taken to charge for bulky waste at Fees and Charges Budget Meeting 4/2/09 Minute 686 refers

Please specify how the proposals help to deliver the corporate aims.

#### **TARGETS**

- Contributes to the ongoing need to improve recycling targets
- Achieves efficiency savings
- Reduces total household waste arising

#### **VALUE FOR MONEY**

- Charging for the services helps make the service affordable and achievable within the resources available



## **THE REPORT**

At the Executive on the 5<sup>th</sup> July 2010 Members deferred approval of the Bulky Waste Policy, and requested full details and the timetable. These are set out below:

The Best Value Review of Discretionary Services in 2008 looked at the free Bulky Collection Service and recommended that charging be brought in (PPMG minutes 22/1/09)

On the 28/1/09 Scrutiny Committee looking at Fees and Charges endorsed the recommendation to charge for Bulky Waste (Min 663).

From Scrutiny the recommendation went to Full Council 4/2/09 as part of the Fees and Charges Budget Report (Min 686) and the recommendation to charge was endorsed.

In order for the charging to commence in the April of 2009 at the beginning of the financial year, there needed to be a procedure developed which would allow the contact centres to book the work and accept payment, and then pass the job to street services.

The procedure was developed into a CRM script ready for the 1<sup>st</sup> April 2009, so that it was all systems go from that date.

At the Patch Management meeting of the 25<sup>th</sup> February 2009 it was minuted "Bulky Waste" – a new policy to be developed as soon as possible.

The 'Policy' would then firm up the procedures put in place for the Bulky Waste Service.

It is important to state that it would have been impossible to produce the policy in between either full council on the 4<sup>th</sup> February 2009 or the Patch Management meeting on the 28<sup>th</sup> February 2009 and the implementation day of the 1<sup>st</sup> April.

The Patch Management Working Group (PMWG) consists of Members of the Executive, Senior Managers and Council Officers.

The remit of the working group is to develop approaches to Patch Management that deliver on 'Cleaner, Greener, Safer Neighbourhoods', 'Reputation Agenda' and 'Estates Management' in a consistent way.

One of the key ways to deliver this is the development of clear and focussed policies.

There is a full PMWG procedure which has 15 steps, which is available, but is produced below in the form of a flow chart.

Some of the policies which have been through the PMWG are:-

- Amenity Policy
- Tree Policy
- Fly Tipping Policy
- Replacement Bin Policy
- Nuisance Vehicle Policy
- Bus Shelter Policy
- Litter/Dog Bins Policy
- Recharge Policy
- Winter Maintenance Policy

Once approved they are placed on the intranet and the public website.

At the 18<sup>th</sup> March PMWG meeting, the draft policy was circulated to the group, so they could take it away and give comments to the lead officer by the 27<sup>th</sup> March 2009.

At the meeting of the 27<sup>th</sup> April the lead officer was absent, and at the meeting on the 18<sup>th</sup> May 2009, the lead officer agreed to submit it to the next meeting.

It should be stated that the lead officer was also leading on three other policies.

There was no June meeting and at the 15<sup>th</sup> July meeting the lead officer was absent again, so it had not moved on between the end of March 2009 and the meeting on the 13<sup>th</sup> August.

At the 13<sup>th</sup> August meeting it was discussed and submitted for an Equality Impact Assessment (EIA).

At the meeting of the 14<sup>th</sup> September it was stated that a couple of staff were being trained on EIA assessments, and the Bulky Waste Policy was being used as part of their training.

The meeting of the 14<sup>th</sup> October reported that the Bulky Waste Policy had been through the EIA process and was now on its way to the Equality Service Development Group (ESDG).

The meeting of the 9<sup>th</sup> November records that the policy had been to the ESDG and was now to be submitted to the Senior Management Team,

The policy was actually submitted to the SMT on the 12<sup>th</sup> November 2009 and it was recorded:-

“..... The Draft Bulky Waste Collection Policy was submitted for Senior Management Team comment/approval. Minor amendments were made and some queries to be followed up. Any efficiencies to be explored and captured in the efficiency/savings log .....”.

- Agreed that (1) subject to minor amendment of some issues the policy be approved  
(2) the Bulky Waste Collection Policy be submitted to PPMG

At the PMWG meeting on the 7<sup>th</sup> December 2009, the Bulky Waste Policy was discussed along with the minor amendments made by SMT, and then sent to PPMG in January 2010.

At the PMWG meeting on the 8<sup>th</sup> February 2010, it was reported that PPMG3 had agreed the report and the lead officer was to submit a report to the next Scrutiny.

It duly went to Scrutiny on the 24<sup>th</sup> February 2010 and Minute 762 refers.

At the PMWG on the 7<sup>th</sup> April, the Director of Neighbourhoods said he would check with the lead officer, absent at this current meeting if it was lined up for the next executive.

At the PMWG on the 5<sup>th</sup> May, the lead officer said he would submit it to the next executive.

The lead officer had been pulled off all normal and routine work to concentrate on the HSE Improvement Notice on Hand, Arm Vibration.  
The policy was submitted to the Executive on the 5<sup>th</sup> July 2010 and deferred, pending this report.

The chronology is appended showing the journey of the Bulky Waste Policy.

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

- (1) Cllr. McGregor's request for details of any decision relating to this policy that had been taken and implemented before receiving agreement by the Executive.
- (2) Cllr. Kelly/Cllr. McGregor resolving that: PMWG ensure that appropriate departmental procedures are in place to deliver the policies.

I believe the report covers both the above points; procedures are in place, some of which still require a policy, but those procedures must be implemented pending the adoption of policies, otherwise the Council could not operate.

## **IMPLICATIONS**

Financial: The policy forms the basis on which charges are made and produce income to the Council.

Legal: The policy covers activities which form part of our statutory duty as a Waste Collection Authority.

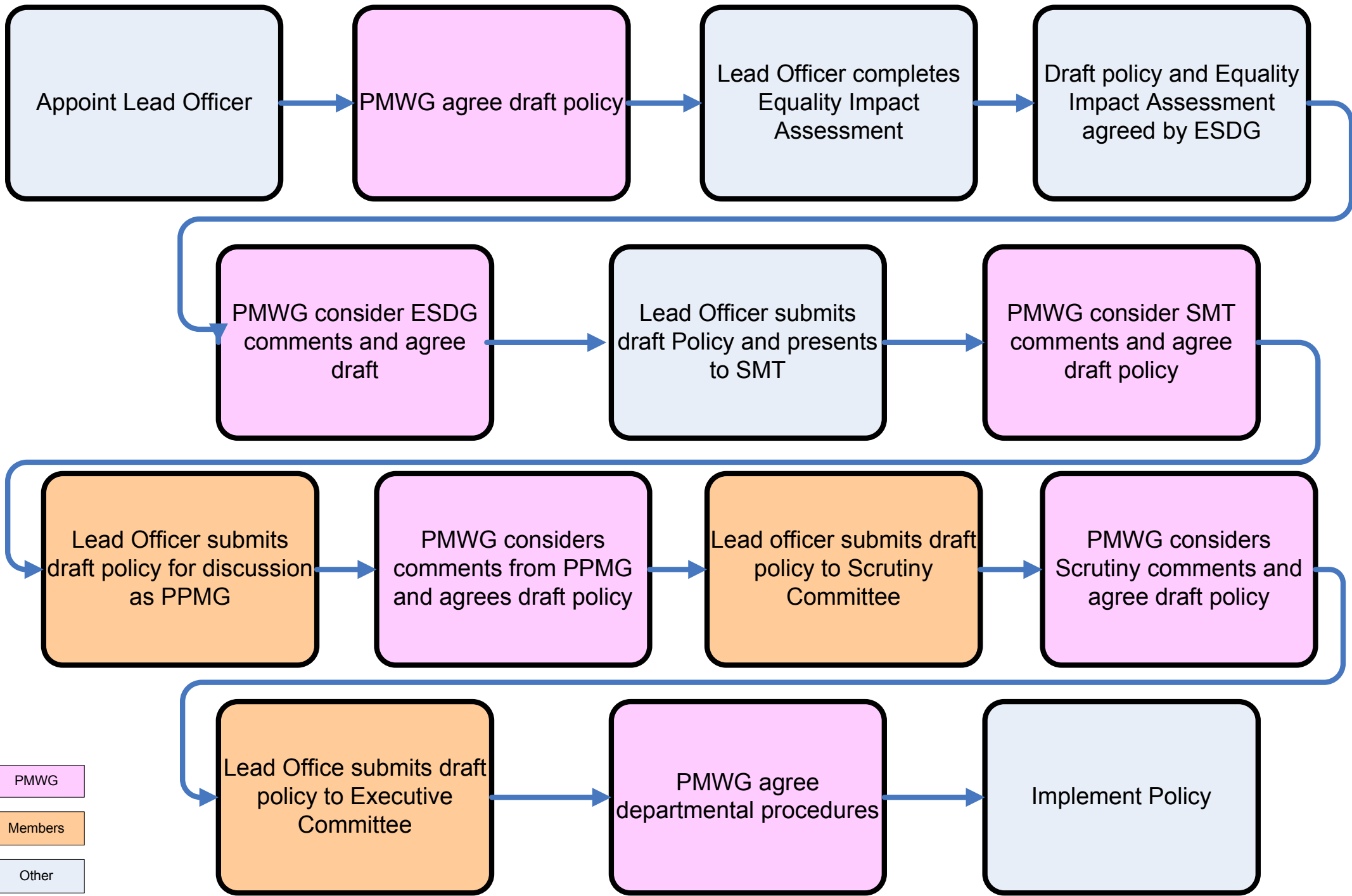
Human Resources: None

## **RECOMMENDATION**

**Members reconsider the approval of the Bulky Waste Policy.**

## ATTACHMENTS:

- PMWG Flowchart
- Chronology of the Bulky Waste Policy from Autumn 2008 to 5<sup>th</sup> July 2010



- PMWG
- Members
- Other

## **BULKY WASTE CHARGES CHRONOLOGY**

- 1. Patch Management Policies Procedures**
2. Best Value Review of Discretionary Services: see PPMG minutes 22/1/09
3. Scrutiny Committee 28/1/09 – Fees & Charges
4. Scrutiny Minutes (28/1/09) Minute 663 refers.
5. Full Council 4/2/09 – Fees & Charges.
6. Full Council Minutes (4/2/09) Minute 686 refers.
7. Intouch article Feb 2009 issue 13 page 3
8. Copy of Executive report prepared & subsumed by Fees & Charges report.
9. Patch Management Minutes 25/2/09 –Bulky Waste –“New Policy to be developed as soon as possible”
10. Patch Management Minutes 18/3/09 – Draft policy circulated, comments to AL by 27/3/09
11. Press Release on Bulky Waste Charges from 1/4/09
12. Bulky Waste Policy in Draft, see para. 4.18
13. Procedure notes/guidance on charging for bulky waste, for staff, operatives and contact centres.
14. CRM Script extract p2 of 2 showing mandatory field on Refund policy.
15. Patch Management Minutes 27/4/09 item 7. Note AL absent
16. Patch Management Minutes 18/5/09 item 7
17. Patch Management Minutes 15/7/09
18. Patch Management Minutes 13/8/09 item 5 Bulky Waste Policy circulated, comments noted, going to EIA.
19. Patch Management Minutes 14/9/09 item 5. New staff training on doing EIA's. Using Bulky Waste as example.
20. Patch Management Minutes 14/10/09 item 5, EIA completed, going to Equality Service Development Group (ESDG).
21. Patch Management Minutes 9/11/09 item 5. ESGD approved, going to SMT 12/11/09.
22. Senior Management Team minutes 12/11/09. Item 3, Agreed with some clarification and to be submitted to PPMG.
23. Patch Management Minutes 7/12/09 item 5. SMT approved, going to PPMG in January 2010.
24. Patch Management Minutes 8/2/10 item 5. PPMG had agreed the report. AL to report to next Scrutiny.
25. Report to Scrutiny 24/2/10 – Bulky Waste
26. Scrutiny Minutes 24/2/10 Minute 762 refers – Bulky Waste.
27. Patch Management Minutes 10/3/10 item 5 AL to report to Executive.
28. Patch Management Minutes 7/4/10 item 5. AL absent, Stuart to check with AL if he has it ready for Executive.
29. Patch Management Minutes 5/5/10 item 5. AL to submit to next Executive.
30. Extract from Executive 5/7/10 Bulky Waste Policy
31. Minutes from Executive 5/7/10 Bulky Waste Deferred. CEO to report to next Executive.

Committee:	Executive	Agenda Item No.:	6.
Date:	2nd August 2010	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		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D McGregor, Portfolio Holder for Customer 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> April 2010 to 30<sup>th</sup> June 2010.

#### **Compliments**

Table A shows the number of written compliments received for the period. In total 42 written compliments were received. 9 of these compliments were for Environmental Health and 6 each for Community Services, Regeneration and Street Services.

## Comments

Table B shows the number of written comments received for the period. 15 out of 16 comments received were responded to within standard (20 working days), with the remaining one open but within timescale as of 13/7/10.

There were no trends for this period.

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 1<sup>st</sup> April 2010 to 30<sup>th</sup> June 2010:

<b>Stage One Complaints</b>	
<b>Service Area</b>	<b>01/04/10 -30/06/10</b>
Complaints regarding housing repairs e.g. out of time, quality	6
Missed clinical waste collection	17
Missed domestic or green bin collection	182
Missed blue box collection	94
Bin not fully emptied	0
<b>Total</b>	<b>299</b>

For the same period Contact Centres handled 7,641 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. 18 complaints were received during this period. 16 of these were responded to within our customer service standard of 20 working days, with the remaining two open but within timescale as of 13/7/10.

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 8 stage three complaints were received, 5 (63%) were responded to within standard and 3 were out of time. On average it took 15 working days to respond.



## Ombudsman

Table G shows the status of Ombudsman complaints for 2010/11 as of 12<sup>th</sup> July 2010. During this period 2 informal complaints were received, both were responded to within the Ombudsman's standard of 28 calendar days. With regards to these complaints, the Ombudsman has recorded their decisions as follows; one of 'local settlement' and one of 'no evidence of maladministration'. We have no outstanding decisions in relation to complaints received during 2010/11.

## Freedom of Information (FOI)

Table H shows the number of requests for 'freedom of information' for the period by date order. Of the 92 requests received, 89 were responded to within the government standard of 20 working days, 1 was withdrawn and 2 are open but within timescale as of 13/7/10.

Table I shows the above information by department.

## Personal Data requests (DP)

There were 10 requests made within this quarter, all of which have been dealt with promptly. 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 98% has been set for responding to stage two complaints within 20 working days for 2010/11. For this period 100% was achieved.

## **ISSUES/OPTIONS FOR CONSIDERATION**

None

## **IMPLICATIONS**

Financial: - None

Legal: - None

Human Resources: - None

## **RECOMMENDATION**

**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 01/04/10 – 30/06/10

Table B: Comments summary for the period 01/04/10 – 30/06/10

Table C: Comments summary by department 2010/11

Table D: Stage two complaints summary for the period 01/04/10 – 30/06/10

Table E: Stage two complaints summary by department 2010/11

Table F: Stage three complaints summary for the period 01/04/10 – 30/06/10

Table G: Ombudsman complaints summary for 2010/11

Table H: Freedom of information summary for the period 01/04/10 – 30/06/10

Table I: Freedom of information summary by department 2010/11

FILE REFERENCE: - N/A

SOURCE DOCUMENT: - N/A

**Table A: COMPLIMENTS SUMMARY 01/04/10 – 30/06/10**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Compliment</b>	<b>Departments Involved</b>
01/04/10	Worksop	Thanks to contractors fitting UPVC door for efficient service and very hard work	Regeneration
01/04/10	Creswell	Thanks to Refuse Team for delivery of new bin	Street Services Contact Centre
07/04/10	Clowne	Thanks to Environmental Health for health and safety enforcement	Environmental Health
08/04/10	Newton	Very impressed with Council Tax and Recovery Sections	Revenues & Finance
14/04/10	Bolsover	Thanks to staff at Kissinggate for birthday party	Leisure
15/04/10	Creswell	Really enjoyed pool at Creswell Leisure Centre	Leisure
15/04/10	Bolsover	Thanks to Community Services and team at Community House	Community Services
19/04/10	South Normanton	Thanks for litter pick, very prompt	Street Services
20/04/10	Shirebrook	Thanks to Housing Needs Officer for help and support in taking up of tenancy	Housing
19/04/10	Alfreton	Thanks for litter pick and fly tipping	Street Services
20/04/10	Chesterfield	Thanks to two CAN Rangers for joint initiative with Safer Neighbourhood Team on St Augustines Estate	Community Services
22/04/10	Bolsover	Excellent service from Drains Team, fast response and very friendly	Regeneration
27/04/10	Shirebrook	Thanks for works undertaken on Shirebrook Alley Gating and Business Security Scheme	Community Services
27/04/10	Shirebrook	Thanks for help with garden	Community Services
28/04/10	Clowne	Thanks to Environmental Health Officers for talk at Social Group	Environmental Health
30/04/10	Bolsover	Thanks regarding Wellness Programme at Creswell Leisure Centre, to team and cleanliness of centre	Leisure
10/05/10	Amber Valley	Thanks to Dog Warden service for returning lost dog	Environmental Health
06/05/10	Warsop Vale	Thanks for party held in Centre, staff very helpful	Leisure
26/04/10	Barlborough	Thanks for donation to Help the Heroes fund	Environmental Health
11/05/10	Hillstown	Thanks to refuse collector who stopped to collect bin	Street Services
30/04/10	Tibshelf	Thanks to Environmental Health Officer for rubbish cleared away in Tibshelf area	Regeneration
13/05/10	Tibshelf	Thanks to Grounds Maintenance Team for fence repair. Very prompt and efficient service	Environmental Health
14/05/10	Scarcliffe	Thanks for getting things done and new street signs	CSPD Regeneration

**Table A: COMPLIMENTS SUMMARY 01/04/10 – 30/06/10**

Date Received	Area	Summary of Compliment	Departments Involved
18/05/10	Whitwell	Thanks to electrician for quick response for fixing light fitting and was very pleasant	Housing
18/05/10	Bolsover	Compliments to Customer Advisor on her knowledge and politeness	Contact Centre
17/05/10	Tibshelf	Compliment to CSPD in efficient handling of complaint	CSPD
24/05/10	Clowne	Compliment for Dog Warden Service for cleaning up of dog fouling in Clowne	Environmental Health
24/05/10	Shirebrook	Compliment to Welfare Team for speedy response to referral made for welfare adaptation	Housing
24/05/10	Whitwell	Thanks to Environmental Health Enforcement Team for actions regarding an abandoned vehicle	Environmental Health
27/05/10	Clowne	Thanks to engineer and electrician who attended property, very polite, tidy and professional	Housing
26/05/10	Shirebrook	Thanks to staff at Shirebrook Leisure Centre for their help, support and professionalism	Leisure
04/06/10	Shirebrook	Efficiency of Environmental Enforcement Technical Assistant	Environmental Health
09/06/10	Clowne	Advice given with regard to bee swarm	Regeneration
09/06/10	Bolsover	Prompt service regarding a blocked drain	Regeneration
09/06/10	Bolsover	How dealt with by Customer Advisor regarding neighbour dispute	Contact Centre
09/06/10	Shirebrook	Thanks to CAN Rangers service for joint initiative with Community Voluntary Partnership	Community Services
14/06/10	Stanton Hill	Thanks for information sent out to help trace owner of derelict chapel	CSPD
21/06/10	Glapwell	Thanks for delivery of new blue box	Contact Centre Street Services
28/06/10	Whitwell	Thanks for clearing up fly tipping at Doles Lane	Street Services
29/06/10	Unknown	Thanks to Dog Warden Service and CAN Rangers for dealing with dog fouling problem	Environmental Health Community Services
29/06/10	Pinxton	Thanks to CSPD for swift reply to enquiry	CSPD
29/06/10	Barlborough	Thanks to CSPD for assistance regarding an enquiry	CSPD

**Table B: SUMMARY OF COMMENTS 01/04/10 – 30/06/10**

<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>
06/04/10	Whitwell	Comments on Creswell Leisure centre - disabled and rubber mat taken away so very slippery, suggests installing a hand rail	Leisure	29/04/10	18	Matting was unhygienic and presented a tripping hazard. Cannot put hand rail in as would cause a fire hazard by decreasing size of corridor width. Staff help customer to poolside when she visits
08/04/10	South Normanton	Would like justification of garage rent increase	Housing	06/05/10	19	Explanation that charge is in line with other increases within Council
13/04/10	Glapwell	Garage rent increase not happy with area around garage, parking and access	Housing	10/05/10	18	Parking is responsibility of Police/DCC
12/04/10	Clowne	Comments regarding issues around Clowne	Community Services Environmental Health Street Services Leisure	10/05/10	19	Co-ordinated action being taken by Community Safety Partnership
21/04/10	Tibshelf	Disappointed with Bulky Waste service and restrictions	Street Services	19/05/10	19	Explanation for bulky waste restrictions and the charges set out
27/04/10	Bolsover	Attended offices to hand in copy of father-in-law's death certificate and was kept waiting in a queue then had no privacy to speak	Housing Revenues & Finance Contact Centre	21/05/10	17	Apology to customer and assurance that the process has been identified as an area for improvement and is currently being addressed

**Table B: SUMMARY OF COMMENTS 01/04/10 – 30/06/10**

<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>
28/04/10	Palterton	Comments regarding economic and environmental impacts on the proposed community windfarm	Planning	21/05/10	16	Explanation on proposed windfarm project, outlined potential economic and environmental benefits
10/05/10	Bramley Vale	Wants an allotment for grazing	Regeneration	20/05/10	8	Explanation to rights of grazing land
13/05/10	Shirebrook	Delay of planning application for supermarket	Planning	02/06/10	12	Explanation of Planning process
19/05/10	Bolsover	Neighbourhood problems on Scarsdale Street	Housing	01/06/10	8	Explanation of action taken by Council so far
19/05/10	Bolsover	Unhappy that the Council had given telephone number to someone as ex-directory	CSPD Contact Centre	02/06/10	9	No record of contact – assurance that no-one from the Council had given details out
09/06/10	Shirebrook	No communication between departments – housing benefit and arrears now resolved but still received an eviction notice	Revenues & Finance Housing	06/07/10	19	Apology however explanation of the sequence of events which led to the eviction notice being served
10/06/10	Langwith Junction	Grass left after cut	Street Services	14/06/10	2	Explanation on grass cutting procedure however will review this year
15/06/10	Pleasley Vale	Sale of and subsequent planning application for Vale House	Planning Regeneration	30/06/10	11	Explanation that best price was achieved and that the planning process is entirely separate to the remit of the Regeneration department in bringing the site back into use

**Table B: SUMMARY OF COMMENTS 01/04/10 – 30/06/10**

<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>
18/06/10	Barlborough	In regard to whether BDC will be funding a heritage village sign on A619	Regeneration	21/06/10	1	Responded to direct from CEO – not funding a sign
30/06/10	Hilcote	Concerns over grass, weeds and litter in Hilcote	Street Services			Open but within timescale

**Table C: Comments Summary by Department 2010/11**

<b>Department/Section</b>	<b>01/04/10 – 30/06/10</b>			<b>01/07/10 – 30/09/10</b>			<b>01/10/10 – 31/12/10</b>			<b>02/01/11 – 31/03/11</b>			<b>Total</b>		
	<b>No. of Comments</b>	<b>No. Responded to in time</b>	<b>No. responded to out of time</b>	<b>No. of Comments</b>	<b>No. Responded to in time</b>	<b>No. responded to out of time</b>	<b>No. of Comments</b>	<b>No. Responded to in time</b>	<b>No. responded to out of time</b>	<b>No. of Comments</b>	<b>No. Responded to in time</b>	<b>No. responded to out of time</b>	<b>No. of Comments</b>	<b>No. Responded to in time</b>	<b>No. responded to out of time</b>
<b>Contact Centre</b>	2	2											2	2	
<b>CSPD</b>	1	1											1	1	
<b>Community &amp; Street Services</b>	5	5											5	5	
<b>Housing</b>	5	5											5	5	
<b>Legal</b>															
<b>Leisure</b>	2	2											2	2	
<b>Planning &amp; Environmental Health</b>	4	4											4	4	
<b>Regeneration</b>	3	3											3	3	
<b>Revenues &amp; Finance</b>	2	2											2	2	
<b>Totals</b>	<b>24</b>	<b>24</b>											<b>24</b>	<b>24</b>	



**Table D: Summary of Stage Two Complaints 01/04/10 – 30/06/10**

<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>
08/04/10	Bolsover	Problem with bailiff's visit, paid what was owing but now owe more charges	Revenues & Finance	07/05/2010	20	Explanation that tenant moved from property without advising the Council tax Section and also changed name
12/04/10	South Normanton	Green bin not emptied for two weeks	Street Services	30/04/10	14	Apology and new procedure put in place to monitor tickets being returned by crews
15/04/10	Glapwell	Vehicles driving up dropped kerbs and footpaths, bollard been removed, called in to see someone from Housing on two occasions but was refused an appointment	Housing	11/05/10	17	Explanation that parking enforcement is not a BDC function and action taken so far
21/04/10	Creswell	Very unhappy with bailiff firm claiming that they are not affiliated to the industry governing body.	Revenues & Finance	13/05/10	16	Explanation of events leading up to bailiffs being sent and an statement from the bailiff's office
26/04/10	Bolsover	Damage to daughter's bedroom and stairs whilst repairs were being carried out to bathroom	Housing Revenues & Finance	19/05/10	16	Confirmation of correspondence to Ombudsman, Insurers and resident that work carried out satisfactorily. Compensation for accidental damage refused by tenant
14/05/10	Tibshelf	Complaint regarding no refuse collection for a property they rent out	Street Services	27/05/10	9	Apology that matter not resolved sooner, replacement bin received however no refund payable on council tax

**Table D: Summary of Stage Two Complaints 01/04/10 – 30/06/10**

<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>
26/05/10	Bolsover	Claim for council tax benefit has not been processed. Had 100% rebate before moving to Bolsover	Revenues & Finance	16/06/10	15	Explanation delay due to information not supplied by claimant
26/05/10	Bolsover	Unhappy with benefits review	Revenues & Finance	18/06/10	17	Explanation of criteria required for benefit assessment
28/05/10	Newton	No response to complaint regarding inconsiderate parking of vehicle cutting hedges and grass verges	Street Services	04/06/10	4	Apology for late response to original e-mail, explanation of operative's procedure when parking on site
28/05/10	Glapwell	No response to complaint regarding inconsiderate parking	Housing	22/06/10	16	Parking enforcement not a BDC function, however apology for wrong information given initially and looking at possibilities to resolve
07/06/10	Creswell	Wants tenant's benefit claim paid direct to landlord	Revenues & Finance	01/07/10	18	Apology that a letter was not sent out advising that payments were to be made to tenant and explanation that insufficient evidence for a safeguard request
18/06/10	South Normanton	Complaint regarding being fined for not picking up after dog fouled on Ball Hill	Community Services	23/06/10	3	Re-iterated that it is an offence not to pick up dog mess
22/06/10	Clowne	Complaint regarding the delay in answering FOI Request	Housing	09/07/10	13	Gave details of recorded reports for low battery and intercom and apologised original letter not responded to

**Table D: Summary of Stage Two Complaints 01/04/10 – 30/06/10**

<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>
22/06/10	Barlborough	Complaint about grass cutting in Barlborough	Street Services	23/06/10	1	Apology and assurance that grass will be cut in time for inspection by East Midlands Barlborough in Bloom committee
22/06/10	Tibshelf	Complaint about the fact that no-one turned up for an arranged visit to assess for a sharps bin collection	Street Services Contact Centre	05/07/10	9	Apologies from Street Services and Contact Centre for missed appointment. Bin now collected and arrangements set up for further collections
25/06/10	Creswell	Unaware of arrears incurred in respect of previous property	Housing Revenues & Finance			Open but within timescale
29/06/10	Barlborough	Received two summons for non payment of council tax. Offered to pay amounts owed but not happy it is still going to court	Revenues & Finance			Open but within timescale
30/06/10	Glapwell	Father's arm hurt after catching it on broken gate, unhappy about length of time taken for insurance claim	Revenues & Finance	09/07/10	7	Pending insurance claim. Insurers still awaiting medical report but will chase up this week

**Table E - Complaints (Stage 2) Summary by Department 2010/11**

Department/Section	01/04/10 – 30/06/10			01/07/10 – 30/09/10			01/10/10- 31/12/10			02/01/11 – 31/03/11			Total 2010/11		
	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	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	1	1											1	1	
Customer Service & Performance															
Community & Street Services	6	6											6	6	
Housing	5	5											5	5	
HR & Payroll															
ICT															
Legal															
Leisure															
Planning & Environmental Health															
Regeneration															
Revenues & Finance	9	9											9	9	
<b>Totals</b>	<b>21</b>	<b>21</b>											<b>21</b>	<b>21</b>	

**Table F: Summary of Stage Three Complaints 01/04/10 – 30/06/10**

<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>
01/04/10	South Normanton	Not happy with stage 2 complaint response to planning residential development between Ball Hill and Corn Close wants independent investigation	Planning	04/05/10	20	Re-iterated the role of the Planning Department and the procedures undertaken when considering applications
12/04/10	Bolsover	Not happy that neighbouring property had been used as a storage facility when upgrade work was carried out in area	Housing	10/05/10	19	Accept that communications could have been better, however the department had acted appropriately
13/04/10	South Normanton	Felt staff gave incorrect information in relation to her son's benefit and rent account	Revenues Housing CSPD	14/05/10	21	Re-iterated advice given in response to Stage 2 complaint – information data protected until authorisation was given by son
26/04/10	Rainworth	Not happy with context of apology, feels it was insincere	Revenues	26/05/10	21	Re-iterated responsibility of claimant to inform of change of circumstances. Claim of bullying not accepted
30/04/10	South Normanton	Still not happy with attitude of Housing Needs Officer	Housing	04/06/10	22	Apology for upset caused, however accurate information has to be given with regard to housing situation
12/05/10	Bolsover	Not happy with actions of the bailiffs and cannot understand amount owing	Revenues & Finance	04/06/10	16	Confirmation of actions of bailiffs and amounts owing
23/06/10	Bolsover	Ongoing problem with benefits re: suspension of housing and council tax benefits	Revenues & Finance	05/07/10	8	Re-iteration of Stage 2 response- insufficient information to process claim. Information now supplied

**Table F: Summary of Stage Three Complaints 01/04/10 – 30/06/10**

<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>
30/06/10	Glapwell	Not happy with Stage 2 response on parking and wanted to be dealt with by senior officers	Housing	12/07/10	8	Re-iterated advice given in response to Stage 2 complaint – Parking is not a function we are responsible for, however Housing are liaising with County to try to resolve. Also confirmed that the customer should not expect to speak to senior officers when visiting the Contact Centre for updated information

**Table G: Summary of Ombudsman Complaints 2010/11**

<b>Date Received</b>	<b>Area</b>	<b>LGO's Summary of Complaint</b>	<b>Departments Involved</b>	<b>Date Response sent</b>	<b>No. of Calendar Days</b>	<b>Date Decision Letter Received</b>	<b>Ombudsman's Decision</b>
19/04/10	Bolsover	<b>Informal</b> – Council has failed to take action under the tenancy agreement to ensure neighbours keep their hedges trimmed and refused to consider altering or waiving its fees for dealing with a high hedge application	Housing Planning	13/05/2010	24	10/06/10	<b>Decision recorded as 'local settlement'</b> . Hedge to be cut in the autumn. High Hedges Policy to be considered regarding concessions
24/05/10	Shirebrook	<b>Informal</b> complaint regarding the Council's refusal to provide a replacement bin free of charge following theft and/or collect resident's bin from within the curtilage of the property	Street Services	01/06/10	8	14/06/10	<b>Decision recorded as 'no maladministration'</b> . Council has complied with its policy

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
01/04/10	01/1011	List of all credit balances for National Non Domestic Rates owing to incorporated companies	Revenues & Finance	30/04/10	19	Partially some info held-some not
07/04/10	02/1011	Information on the street contractor for parking offences	DCC	08/04/10	1	Transferred to DCC
07/04/10	03/1011	Names and positions of officers in the Legal Department	CSPD	08/04/10	1	No – information by other means and Data Protected - web link given
08/04/10	04/1011	Amount spent in 2008-09, 2007-08 and 2004-05 on external fees for bringing claims against someone or contesting a claim brought against the council	Revenues & Finance Legal	07/05/10	20	No - exempt - exceeds time limit
08/04/10	05/1011	Request details of British Sign Language interpreting services provided	CSPD Revenues & Finance	07/05/10	20	No - exempt - exceeds time limit
09/04/10	06/1011	Information for procurement of Recruitment Agency Services	Heads of Service	10/05/10	20	No information held
12/04/10	07/1011	Information on tree preservation orders and high hedges	Planning	11/05/10	20	Yes
12/04/10	08/1011	Information on credit balances for National Non Domestic Rates from 1990 to date	Revenues & Finance	10/05/10	19	Yes
12/04/10	09/1011	Information on the total spend on ICT within local authority	ICT	11/05/10	20	Yes
12/04/10	10/1011	Information regarding Enforcement Notices and Appeals, Contaminated Land and Compulsory	Planning Legal	04/05/10	15	No exempt - information by



**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
		Purchase Orders	Environmental Health Regeneration			other means - web link given
12/04/10	11/1011	Details of any tenders that have been awarded over last 24 months that have Call Centre/Call Handling/Out of Hours Call Handling in their title	Procurement	30/04/2010	14	No information held
13/04/10	12/1011	Total number of Health Impact Assessments that have been submitted as a supporting document for a planning application	Planning	30/04/10	13	No information held
14/04/10	13/1011	Information relating to ICT Department structure and operations	ICT	11/05/10	18	Yes
14/04/10	14/10/11	Information regarding use of Regulation of Investigatory Powers Act (RIPA)	Legal	12/05/10	19	Partially, some exceeds time limit
14/04/10	15/1011	Information regarding number of times RIPA used in last 24 months	Legal	12/05/10	19	Partially, some exceeds time limit
15/04/10	16/1011	Information on credit balances for National Non Domestic Rates for 2010	Revenues & Finance	12/05/10	18	Yes
15/04/10	17/1011	Name, title, postal and electronic e-mail address for Head of Occupational Health	DCC	19/04/10	2	Transferred to DCC
15/04/10	18/1011	List of all trading names and/or addresses of all commercial premises which have been served with a noise abatement notice due to amplified music since 01/01/2008.	Environmental Health	12/05/10	18	Yes

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
15/04/10	19/1011	Information on parking enforcement and Freedom of Information	DCC CSPD	13/05/10	19	Partially (transferred to DCC)
15/04/10	20/1011	Information regarding ICT strategy	ICT	12/05/10	18	Yes
19/04/10	21/1011	Total amount that council has reimbursed its staff for mileage using their personal cars for business	HR & Payroll	13/05/10	17	No - exceeds time limit
20/04/10	22/1011	Confirmation of details regarding Local Development Framework	Planning	23/04/10	3	Yes
20/04/10	23/1011	Information regarding education	DCC	22/04/10	2	Transferred to DCC
21/04/10	24/1011	Information regarding new motto, mission statement or equivalent within last 5 years	CSPD	22/04/10	1	No - no information held
21/04/10	25/1011	Information on Licensing under the 1952 Hypnotism Act	Legal	17/05/10	17	No - no information held
22/04/10	26/1011	Numbers of FTE employees in council excluding teachers at the end of financial year 2004/5, plus various other questions	HR & Payroll	19/05/10	18	Partially, some information held-some not
23/04/10	27/1011	Copy of phone log for August and September 2006	Revenues & Finance	17/05/10	15	Yes
26/04/10	28/1011	Information relating to employee benefits and payments	HR & Payroll	17/05/10	14	Partially, some information held-some not
28/04/10	29/1011	Information of addresses and rateable values of empty commercial properties with current rateable value between £18,000 and £20,000	Revenues & Finance	19/05/10	14	Yes

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
28/04/10	30/1011	Programme and or initiative to reduce carbon footprint of council	Regeneration	20/05/10	15	Yes
29/04/10	31/1011	How many Working Men's Club's have we afforded a rate reduction due to the recession, financial hardship or a drop in takings since July 1st 2007	Revenues & Finance	20/05/10	14	No - no information held
29/04/10	32/1011	Names of specified officers	CSPD	30/04/10	1	Yes
29/04/10	33/1011	Overseas visits made by councillors and/or employees/officers from January 1 2009 to present	HR & Payroll CSPD	19/05/10	13	No - no information held
04/05/10	34/1011	Employee paid time off to watch World Cup matches	CSPD	24/05/10	14	No - no information held
04/05/10	35/1011	Commemorative plaque scheme	CSPD	24/05/10	14	No - no information held
04/05/10	36/1011	Staff numbers/ invoices processed	HR & Payroll Revenues & Finance	24/05/10	14	Partially, some information held-some not
05/05/10	37/1011	Information regarding application and allocation of Disabled Facility Grants	Regeneration	24/05/10	13	Yes
05/05/10	38/1011	Allocation and spend of Working Neighbourhoods Fund	CEPT	02/06/10	19	Yes
05/05/10	39/1011	Retirement and Pension Schemes	DCC	06/05/10	1	Transferred to DCC
06/05/10	40/1011	Fees for returning stray animals	Environmental Health	19/05/10	9	Yes

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
07/05/10	41/1011	Questions in relation to the Council's Future Jobs Fund programme	HR & Payroll	24/05/10	11	Partially, some information held-some not
10/05/10	10/02002/EHINFO <sup>1</sup>	Amber Park Development UDG, Berristow Lane, Berristow Lane Industrial Estate, South Normanton	Environmental Health	21/05/10	10	Yes
12/05/10	42/1011	Information regarding types of housing stock and occupants	Housing	21/05/10	7	Partially, some information held-some not
11/05/10	43/1011	Sickness absence and number of full time employees	HR & Payroll	20/05/10	7	Partially, some information held-some not
12/05/10	44/1011	Prosecutions in relation to recycling and waste	Street Services	21/05/10	7	No - no information held
13/05/10	45/1011	Business rates receiving mandatory relief	Revenues & Finance	25/05/10	8	Yes
11/05/10	46/1011	Staffing and provisions for polling stations	Democratic Services	25/05/10	10	Partially, some information held-some not
13/05/10	47/1011	Names of Councillors, ward, political party, e-mail address	Democratic Services	17/05/10	2	No exempt – information available by other means - web link given
14/05/10	48/1011	Written policies and procedures relating to collection and care of stray/abandoned dogs	Environmental Health	14/06/10	20	Yes

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
17/05/10	49/1011	List of current venues which are lap dancing establishments	Legal	19/05/10	2	No - no information held
19/05/10	50/1011	Primates licensed under the Dangerous Wild Animals Act	Environmental Health	02/06/10	9	Partially, some information held-some not
19/05/10	51/1011	Details of schools and colleges	DCC	20/05/10	1	Transferred to DCC
19/05/10	52/1011	Locations and facilities of Play Parks within authority	Leisure	16/06/10	19	Yes
19/05/10	53/1011	Number of people currently on waiting list for a council property	Housing	15/06/10	18	Yes
21/05/10	54/1011	Information relating to appeals against decisions of the Licensing Committee	Legal	02/06/10	6	No - no information held
21/05/10	55/1011	How many approved gypsy/traveller pitches in authority	Regeneration	02/06/10	6	Yes
24/05/10	56/1011	Information regarding the council's website	ICT	04/06/10	7	Yes
25/05/10	57/1011	Amount of funding and staff time given to trade unions and activities	HR & Payroll	04/06/10	6	Partially, some information held-some not
25/05/10	58/1011	Information regarding CCTV specifications	Community Services Leisure Regeneration	FOI Request withdrawn 03/06/10		
25/05/10	59/1011	Information on Highway Act 1980- unauthorised signs and structures and Adoption of privately owned land	Regeneration Legal DCC	11/06/10	12	Transferred to DCC

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
26/05/10	60/1011	List of Framework agreements and call off arrangements let by authority and used solely by authority	Procurement CSPD	17/06/10	15	Partially – and information available by other means - web links
28/05/10	61/1011	Since Thursday 24th November 2005 how many Section 51 and Section 87 Licensing Act 2003 Reviews have been submitted	Legal	07/06/10	5	Yes
03/06/10	62/1011	Forward full structure charts of departments inc. names, job titles & numbers	CSPD	25/06/10	16	Partially, some information held-some available by other means – web links given
30/05/10	63/1011	Information relating to the practice of pre-ticking the Register opt-out box on the annual canvass form.	Democratic Services	24/06/10	17	Partially some information held - some not
02/06/10	64/1011	Information relating to persons who have died with no known next of kin since 1st September 2009 to present day	Environmental Health	11/06/10	7	Yes
02/06/10	10/02936/EHINFO <sup>1</sup>	Holmes Yard, Brookhill Lane, Pinxton	Environmental Health	08/06/10	2	Yes
31/05/10	65/1011	The total expenditure on IT/ICT within the Council for 2008/9 and 2009/10	Revenues & Finance ICT	08/06/10	5	Yes
03/06/10	66/1011	Details of payments/donations made by specified Councillors from their Community	Revenues & Finance	07/06/10	2	Yes

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
		Fund for the period 2009/2010				
04/06/10	67/1011	In the last financial year how many incidents did the authority record where refuse collectors were assaulted and how many working days were lost during 09/10 financial year.	Street Services	09/06/10	3	Yes
07/06/10	68/1011	Information regarding union membership subscriptions	HR & Payroll	09/06/10	2	Yes
08/06/10	69/1011	Information on students and possession of dangerous weapons	DCC	09/06/10	1	Transferred to DCC
08/06/10	70/1011	The number of trees cut down in 2008/9 and number of trees planted in 2008/9/10	Street Services	16/06/10	6	Yes
08/06/10	71/1011	Research into the incidence of different types of management system within Local Authorities.	Environmental Health	10/06/10	2	Clarification sought 10/06/10 and 01/7/10
08/06/10	72/1011	Proportion of Council Tax paid for by benefits or directly from the residents	Revenues & Finance	30/06/10	16	Yes
09/06/10	73/1011	Copy of phone log for June and July 2006	CSPD	23/06/10	10	Yes
11/06/10	74/1011	Request for copies of planning documents	Planning	14/06/10	1	No - exempt, information available by other means
10/06/10	75/1011	Release the statutory register of members' interests in full for each of the last 3 years (calendar or financial)	Legal	18/06/10	6	No - exempt, information available by other means

**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
14/06/10	76/1011	Since 1st January 2005 have we introduced any new wording on any welcome road signs	CSPD	24/06/10	8	No information held
14/06/10	77/1011	How many children have been forcibly adopted without parental consent since November 2006	DCC	15/06/10	1	Transferred to DCC
14/06/10	78/1011	Supply a list of expenses claimed by each councillor within the district for this current session, also list of salaries paid	HR & Payroll	29/06/10	11	Yes
14/06/10	79/1011	Information on Procurement services	Procurement	30/06/10	12	Partially –web links given
15/06/10	80/1011	Information regarding EDRM Systems	ICT	17/06/10	2	Partially some information held - some not
15/06/10	81/1011	Have we renamed any streets, roads, avenues etc. since January 1st 2000	Regeneration	18/06/10	3	Yes
17/06/10	82/1011	Companies which have contracts with council to recycle electronic goods, including fridges, computers and televisions.	Street Services ICT	08/07/10	15	Partially some information held - some not
18/06/10	83/1011	Information on how council trades with its suppliers	Procurement			Open but within timescale
22/06/10	84/1011	Information on council's regulations on leafleting	Planning	29/06/10	5	No information held
23/06/10	85/1011	List of credits that have been written off in respect of Non Domestic Business Rates as at 31/03/10 as far back as records will allow	Revenues & Finance	29/06/10	4	Yes
23/06/10	86/1011	How many families received Housing Benefits of over £2,000 per week	Revenues & Finance	25/06/10	2	No information held



**Table H - Summary of FOI Requests 01/04/10 – 30/06/10**

<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>
23/06/10	87/1011	How much money is given to independent schools for last three years to cover costs of educating state school pupils	DCC	24/06/10	1	Transferred to DCC
23/06/10	88/1011	Provide list of all flags flown from main council building within last 12 months	CSPD	30/06/10	5	Partially some information held - some not
24/06/10	89/1011	How much money has been spent on producing and distributing council newspapers for last three years	CSPD			Open but within timescale
25/06/10	90/1011	Incidents of attempts by care providers to evict residents in care homes	DCC	28/06/10	1	Transferred to DCC

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

**Table I: Freedom of Information Requests by Department 2010/11**

Department/Section	1/4/10- 30/6/10			1/07/10 – 30/9/10			1/10/10 – 31/12/10			2/1/11 – 31/3/11			Total		
	No. of Requests	No. Responded	No. out of time	No. of Requests	No. Responded	No. out of time	No. of Requests	No. Responded	No. out of time	No. of Requests	No. Responded	No. Out of time	No. of Requests	No. Responded	No. out of time
CEO	1	1											1	1	
CEPT	2	2											2	2	
CSPD	15	15											15	15	
Community & Street Services	6	6											6	6	
Democratic Services	4	4											4	4	
Housing	3	3											3	3	
HR & Payroll	11	11											11	11	
ICT	8	8											8	8	
Legal	11	11											11	11	
Leisure	3	3											3	3	
Planning & Environmental	16	16											16	16	
Health															
Procurement	4	4											4	4	
Regeneration	9	9											9	9	
Revenues & Finance	16	16											16	16	
<b>Totals</b>	<b>109</b>	109											<b>109</b>	109	

Committee:	Executive	Agenda Item No.:	7.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Annual Review from the Local Government Ombudsman		
Report by:	Customer Service and Access Officer		
Other Officers Involved			
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D. McGregor, Portfolio Holder for Customer Services		

#### **RELEVANT CORPORATE AIMS**

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The effective management of complaints 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 CSP3 and CSP4 for number of complaints and response times

#### **VALUE FOR MONEY**

N/A

#### **THE REPORT**

##### **Purpose**

To provide information contained within the Annual Review 2009/10 from the Local Government Ombudsman (LGO).

The Annual Review provides a summary of the complaints that the LGO received for Bolsover District Council over the last financial year. It also contains a covering letter and a statistical breakdown of the complaints together with an explanatory note. These documents have been appended for your information.

Key points from the Annual Review:

- The LGO received 16 enquiries and complaints during 2009/10, of which 12 were forwarded to the Investigative Team. These covered by subject - Housing (7), Other (4) and Planning and Building Control (1).
- Our average response time to first enquiries was 25.3 days, slightly longer than our 2008/09 performance (24.7 days) but well within the LGO's target of 28 days.
- The LGO decided 11 complaints, 7 were found to have insufficient evidence of maladministration, 1 was discontinued, 1 was outside jurisdiction and 2 resulted in a local settlement.
- Only one complainant chose to resubmit their complaint to the LGO after it had been considered by the Council.

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

None

### **IMPLICATIONS**

Financial: - None

Legal: - None

Human Resources: None

### **RECOMMENDATION**

**That Executive receive the report and the LGO Annual Review 2009/10**

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

To keep Members informed of Ombudsman complaints

ATTACHMENTS: - Annual Review 2009/10 dated 21<sup>st</sup> June 2010

FILE REFERENCE:

SOURCE DOCUMENT:

21 June 2010

Mr W Lumley  
Chief Executive Officer  
Bolsover District Council  
Sherwood Lodge  
Bolsover  
CHESTERFIELD S44 6NF

Our Ref: Annual Review/AS/sw  
(Please quote our reference when contacting us)

Dear Mr Lumley

**Annual Review 2009/10**

I enclose an annual review that summarises the complaints about your authority that my office has dealt with over the past year and provides a general update on developments affecting the Local Government Ombudsmen.

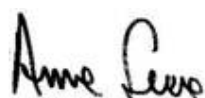
This annual review and those for all other councils will be published on our website ([www.lgo.org.uk](http://www.lgo.org.uk)). This gives you the opportunity to consider the review first. If you think that there is any material factual inaccuracy please let my office know immediately. We will issue a press release about the publication of the annual reviews on our website. A summary of our complaint statistics for all authorities will also be published on our website.

I am arranging for a copy of this letter and the review to be sent to you electronically so that you can distribute it easily internally and put the annual review on your website. You do not need to include this covering letter on your website.

The annual review mentions the training that we provide and I also enclose information on the full range of courses available together with contact details for enquiries and bookings.

If your authority would find it helpful, one of my senior colleagues or I would be pleased to arrange to meet and discuss the annual review or any aspect of our work.

Yours sincerely



Anne Seex  
Local Government Ombudsman

**The Local Government Ombudsman's  
Annual Review  
Bolsover District Council  
for the year ended  
31 March 2010**

# Contents of Annual Review

<b><u>Section 1: Complaints about Bolsover District Council 2009/10</u></b> .....	<b>7</b>
<u>Introduction</u> .....	7
<u>Enquiries and complaints received</u> .....	7
<u>Complaint outcomes</u> .....	7
<u>Liaison with the Local Government Ombudsman</u> .....	7
<u>Training in complaint handling</u> .....	7
<u>Conclusions</u> .....	8
<b><u>Section 2: LGO developments</u></b> .....	<b>9</b>
<u>Introduction</u> .....	9
<u>New schools complaints service launched</u> .....	9
<u>Adult social care: new powers from October</u> .....	9
<u>Council first</u> .....	9
<u>Training in complaint handling</u> .....	10
<u>Statements of reasons</u> .....	10
<u>Delivering public value</u> .....	10
<b><u>Appendix 1: Notes to assist interpretation of the statistics 2009/10</u></b> .....	<b>10</b>
<b><u>Appendix 2: Local authority report 2009/10</u></b>	

## **Section 1: Complaints about Bolsover District Council 2009/10**

### **Introduction**

This annual review provides a summary of the complaints we have dealt with about Bolsover District Council. I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

### **Enquiries and complaints received**

Our Advice Team deals with all initial contacts to the Ombudsmen and advise people who want to make a complaint. The Advice Team recorded 16 enquiries about your Council in 2009/10 and forwarded 12 complaints for my office to consider. The complaints we considered were about housing (7), other (4) and planning and building control (1).

### **Complaint outcomes**

My office made decisions on 11 complaints about the Council in 2009/10. In any one year, there can be a difference in the number of complaints received and the number of decisions made by my office. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31 March.

### **Local settlements**

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. Of the complaints we considered about your authority, only two led to a local settlement (20%).

One settlement related to a request for a new front door which the Council agreed to replace ahead of schedule.

The other settlement related to the disclosure of diary sheets about anti social behaviour to the alleged perpetrator. The Council had already apologised but also agreed to pay £200.

### **Liaison with the Local Government Ombudsman**

We made four first enquiries to your Council during 2009/10 and the average response time was 25.3 days well within the target of 28 days.

I am pleased that the Council was able to send a delegate to our Liaison Officer Seminar.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.



**Conclusions**

I hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2010**

## **Section 2: LGO developments**

### **Introduction**

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### **New schools complaints service launched**

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### **Adult social care: new powers from October**

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### **Council first**

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

### **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

### **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

### **Delivering public value**

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mrs A Seex  
Local Government Ombudsman  
Beverley House  
17 Shipton Road  
YORK  
YO30 5FZ**

**June 2010**

## Appendix 1: Notes to assist interpretation of the statistics 2009/10

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Premature complaints:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

### Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the LGO's jurisdiction.

### **Table 3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **Table 4. Average local authority response times 2009/10**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Children and family services</b>	<b>Housing</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	1	1	0	0	0	2
Advice given	0	1	1	0	0	2
Forwarded to investigative team (resubmitted prematures)	0	1	0	0	0	1
Forwarded to investigative team (new)	0	6	0	1	4	11
<b>Total</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>16</b>

**Investigative Team**

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Total</b>
<b>2009 / 2010</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>11</b>

**Average local authority resp times 01/04/2009 to 31/03/2010**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	4	25.3
2008 / 2009	3	24.7
2007 / 2008	4	34.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

Committee:	Executive	Agenda Item No.:	10.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	Key decision included in the Forward Plan		
Subject:	Former Markland Campus, Creswell – Future Management of Sports Ground, Changing Rooms and Children’s Play Area		
Report by:	Head of Leisure		
Other Officers Involved	Special Projects Officer Senior Principal Solicitor		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor A. Syrett, Portfolio Holder for Arts & Leisure		

**RELEVANT CORPORATE AIMS**

**REGENERATION – Developing healthy, prosperous and sustainable communities**  
 Contribute to improving the health of the District. Develop vibrant town centres. Develop flourishing rural communities.

**SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning**  
 Ensure all our services are provided in a fair and equitable manner. Promote the development of skills and learning within communities.

**ENVIRONMENT – Promoting and enhancing a clean and sustainable environment**  
 Protect, enhance and improve the natural and built environment in a sustainable way.

**CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services**  
 Strengthen community consultation and involvement. Design and deliver services to meet the needs of customers.

**COMMUNITY SAFETY – Ensuring that communities are safe and secure**  
 Tackle Anti Social Behaviour (ASB) and its causes.



## **TARGETS**

The facilitation of this project will contribute directly to the delivery of Community Safety, Environment, Regeneration and Social Inclusion priorities and targets within the Council's Corporate Plan.

## **VALUE FOR MONEY**

Working collaboratively is a guiding principle running through the Council's Sports Development and Sports Facilities Strategies. This approach will enable partners to deliver economies of scale by pooling resources and enabling partners to work more efficiently together by avoiding duplication and waste as well as improving overall effectiveness by working to shared aims and adding value to each others work.

## **THE REPORT**

### **Background**

Bolsover District Council has been responsible for the management and maintenance of 3.13ha of land with two football pitches and two disused tennis courts adjacent to the former Markland School Campus, Creswell.

Following closure of the school, the ownership of Markland Campus passed to Chesterfield College who ran the campus as an outlying campus of Chesterfield College. In recent years the campus buildings were occupied by a number of local organisations including Clown Community Transport, Groundwork Creswell and Junction Arts.

An outline application for the redevelopment of the Markland Campus site for residential use was submitted by Chesterfield College in 2003 (03/00740/OUTMAJ). A Section 106 Agreement was drawn up as part of the application process.

As the existing open space was outside the boundary of the development site it was not affected by the residential development. However, through negotiations as part of the Section 106 Agreement, the developer was responsible for the provision of additional recreational facilities including a children's play area and a changing room facility. A commuted sum of some £36,389 was also agreed towards the provision of further formal recreation provision.

It has always been the intention that the freehold interest in the open space would be transferred to the Council on completion of the development. To this end, a sum of £58,372 would be paid upon the transfer of the open space as a contribution towards the future maintenance of the open space.

Following the submission and approval of further planning applications, redevelopment of the site commenced in 2007.

The residential development was largely completed in 2009. Work on the changing facility commenced in 2008 but suffered a number of delays but was completed (barring some snagging) in May 2010. The children's play area was installed in early 2010. In line with the Section 106 Agreement, the developer is responsible for the maintenance of the open space until it is transferred to the Council, although Elmton with Creswell Parish Council has undertaken to cut the grass to ensure that the pitches are maintained in a playable condition. As a result of this, and the relocation of a set of rugby posts from Oxcroft Miners Welfare, Creswell Crusaders RUFC began using the Markland site in 2009.

### **Current situation**

Elmton with Creswell Parish Council, as part of its Sport and Arts in the Community project (report presented to Executive in 2008) is taking a keen interest in the open space and additional recreation provision at Markland Campus. Leisure Services has been liaising with the Parish Council regarding the development of a multi-use games area (MUGA) on one of the former tennis courts.

The Parish Council has recently expressed a desire to take on the management and maintenance of the site following completion [letter of 5 March 2010].

The aim of the Sport and Arts in the Community project is to 'increase a desire to excel in sports and arts activities within the young people of the community'. The Parish Council propose to achieve this by bringing facilities up to a high standard, providing coaching across a number of activities and creating clubs / groups with a view to them ultimately becoming self sustaining activities.

The Parish Council feel that this is a long term project and will take around 5 years to come to full fruition. It is hoped that the youngsters being coached in years 1 and 2 of the project will become the coaches in subsequent years. It is felt that this approach not only benefits the sustainability of the project but also adds to a sense of community pride.

The Parish Council believe that they can enhance their chances of attracting funding to support the project by holding the lease on the former Miners Welfare Cricket Ground. Although the Parish owns other areas of land for sport, they feel it is insufficient for them to fulfil the needs of the project they have developed.

The Bolsover District Sports Development Strategy explains that Sports development is about putting in place the building blocks and creating the right conditions so that sport can flourish at all levels. It introduces people to sport, teaches them the basic skills and gives them the opportunity to participate at their own level, whether this is a game of Sunday morning football or representing your country.

As a rural area without large centres of population the community relies on a strong network of schools, village halls, miners' welfares and community centres where some level of sports activity can take place.

Parish Councils and Miners Welfares, as key providers of neighbourhood sports and recreational facilities across the District, are often too small to raise the investment to

maintain and improve these facilities from their annual precepts and many lack the expertise or time needed to secure funding from other sources such as the lottery.

## **STRATEGIC GOALS**

- Increase participation in sport
- Improve levels of performance in sport
- Use sport to improve quality of life

## **Some of our KEY OBJECTIVES**

- Help develop a network of good quality and locally accessible neighbourhood sports facilities.
- Help our sport clubs to become stronger.
- Help enable our gifted and talented players to reach their full potential.
- Use sport to deliver neighbourhood renewal and regeneration priorities.

One of the key barriers to participation in sport, cultural and leisure activities is the availability of suitable facilities at an affordable price.

In an attempt to tackle this and other barriers to participation, this Authority has developed a number of strategies and worked collaboratively on many projects.

Both the District Arts Development Strategy and the District Sports Development Strategy along with the Building Schools for the Future Programme, place great emphasis on:

- collaboration,
- partnership working,
- empowerment,
- increased opportunity,
- support of the voluntary sector,
- improved access,
- better facilities,
- enhanced quality of life,
- increased participation,
- development of a network of facilities,
- help given to clubs and other voluntary organisations to become sustainable and strong.

By working in partnership with other agencies, many benefits can be gained:

- Partnership working allows services to be delivered in a joined up way. This has benefits both strategically, in terms of providing a well-balanced service and operationally in terms of pooling resources
- Bringing together the various parts of service delivery provides a unique opportunity to develop new and innovative approaches to service provision
- Economies of scale can be achieved as service providers pool not only resources, but effort and managerial time
- Through coming together and focusing on a common goal, a shared vision is formed of what partners want to achieve and how they want to achieve it
- Partnership working co-ordinates action between organisations which can provide additional momentum to get things done
- Partnership working also allows many organisations to access funding

Elmton with Creswell Parish Council could be described as proactively seeking to improve the sports and arts provision in their community through their ***Sports and Arts in the Community Programme***.

This proposal fits well with the District Council's approach to working in partnership to achieve common objectives.

As part of the programme the Parish Council aims to:

- Bring four playing surfaces up to match standard
- Add two hard tennis courts
- Provide a programme of activities and coaches/deliverers for the activities
- Provide the necessary equipment (where needed) to enable the activities to take place
- Develop a number of clubs/activity groups that will after initial support go on to become self sustaining
- Contribute to the development of sports and arts, environmental improvement, healthy living, , life long learning , community safety and employment growth in the community
- Assist the creation of community cohesion and civic pride within Elmton with Creswell Parish

The Parish Council estimate this programme will take 5 years to come to fruition and around £300,000 - £400,000 to fund. It is hoped that funding can be sourced externally; as such a number of applications are being prepared to send to funding bodies such as:

- Big Lottery
- Coalfields Regeneration Trust
- Landfill tax

The Markland Campus site is one of the key sites in Creswell that will provide facilities for:

- Football
- Rugby
- Tennis
- Hockey
- Various activities within the MUGA (multi use games arena)

The Parish Council would act as booking and management agent for the site.

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

Members are asked to note that within the section 106 agreement associated with this site there are a number of requirements that the Landowner and the Council shall meet:

- *Prior to the occupation of 70% of the dwellings comprising the development or in accordance with the programme agreed with the Council pursuant to the Approved Scheme to transfer to the Council the freehold interest in the Neighbourhood Open Space in accordance with the provisions of the Fourth Schedule. To pay the sum £58,372 (Fifty eight thousand three hundred and seventy two pounds) upon the transfer of the Neighbourhood Open Space as a contribution towards the future maintenance of the Neighbourhood Open Space.*

Despite having passed the trigger of 70% occupation, the land has not yet been transferred nor has the commuted maintenance sum been paid. If the land were transferred to the Parish Council the commuted maintenance sum would be paid to the Parish Council.

- *The council hereby agrees that any land transferred under the provisions of this schedule shall be subject to a restrictive covenant by the transferee with the transferor preventing the use of the land for any purpose other than that for which it was transferred and in particular but without prejudice to the generality of the foregoing the land concerned shall be subject to a covenant preventing any built development on the land other than small scale development which would enhance the facility for recreational use but which is wholly ancillary to it such as children's play equipment.*

If the land were transferred to the Parish Council, this covenant would remain in place.

Depending upon the decision reached by Executive and the timing of this report in relation to the land transfer by the developer – there would be the possibility of the freehold interest in the open space being transferred directly to the Parish Council rather than indirectly through the District Council.

## **IMPLICATONS**

### Financial:

There is a considerable financial value to the land as well as substantial sums relating to the site via the section 106 agreement.

If Bolsover District Council retained the management of the site, the costs associated with this would be in the region of:

- Pitches, Pavilion, Play area, MUGA maintenance = £5000 - £6000 p.a.
- Water & Electricity = £1000 - £1500 p.a.
- General management and administration = £2000 - £3000 p.a.

This would effectively mean an increase of between. £8000 - £10,500 p.a.

However this option would also generate income in the region of £2000 pa

However, by transferring the land to the Parish Council, the cost of managing and maintaining the site would be borne by the Parish Council rather than the District Council, although this would be offset by the commuted maintenance sum.

There is an opportunity for leveraging in additional funding from external agencies via the Parish Council's proposed programme if the land were transferred to the Parish Council.

### Legal:

If the land were transferred directly to the parish council an amendment would be needed to the current section 106 agreement which could require a decision by Planning Committee.

As detailed earlier in this report – there is a restrictive covenant upon the land *preventing the use of the land for any purpose other than that for which it was transferred* . If it were to be decided to transfer the land to the Parish, Members may wish to consider the requirement of a 'claw back' clause in the event that the Parish became unable to fulfill their aspirations.

### Human Resources:

None

## **RECOMMENDATIONS**

- 1) **Executive considers the transfer of the land to Elmton with Creswell Parish Council**
- 2) a. **If Executive approves the transfer of the land to Elmton with Creswell Parish Council , then along with the transfer of the land, the provision in the section 106 agreement for the maintenance / revenue sum of £58,372.00 would also be reassigned to the Parish to allow them to manage and maintain the site in future.**
  - b. **In addition a recommendation to this affect be made to Planning Committee.**

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

To take advantage of the possible extra funding which the Parish Council could obtain for this recreation facility.

ATTACHMENTS:            Plan of the site  
FILE REFERENCE:        None  
SOURCE DOCUMENT:     Background papers held by the Head of Leisure.

03/00740  
 AMENDED

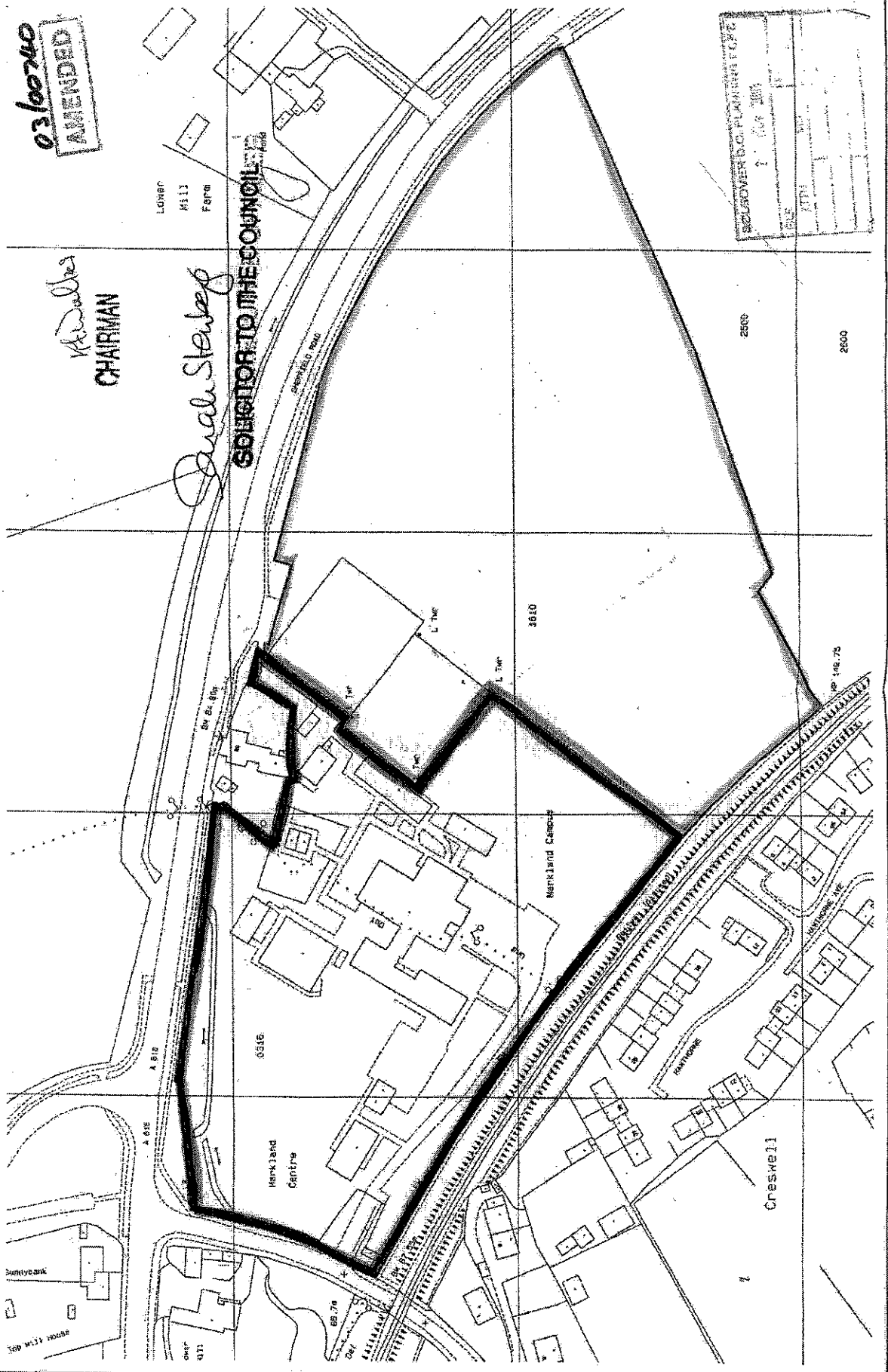
*K. D. Dalby*  
 CHAIRMAN

LOWB  
 MILL  
 Farm

*Paul Staley*  
 GOVERNOR TO THE COUNCIL

GOVERNOR TO THE COUNCIL

SCHEMATIC PLAN FOR THE  
 MARKLAND CAMPUS  
 1. NOV 2009



		Planning, Transport and Environment TRANSPORT PLANNING	
DLE0428 NOV 2009 RKS	Scale: 1:1250 Date:	Markland Campus, Creswell SITE LOCATION PLAN RPS 1a	JI



Committee:	Executive	Agenda Item No.:	11.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Transfer of land adjacent to The Sidings Skate Park off Rectory Road, Clowne		
Report by:	Special Projects Officer		
Other Officers Involved	Head of Leisure Senior Valuer Senior Principal Solicitor		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor A. Syrett, Portfolio Holder for Arts and Leisure		

#### **RELEVANT CORPORATE AIMS**

COMMUNITY SAFETY – Ensuring that communities are safe and secure by providing recreational areas which are located to maximise informal surveillance  
ENVIRONMENT – Promoting and enhancing a clean and sustainable environment by providing recreational facilities that are designed to enhance existing recreation areas and to facilitate easy maintenance  
REGENERATION – Developing healthy, prosperous and sustainable communities by providing additional recreational facilities for young people

#### **TARGETS**

None.

#### **VALUE FOR MONEY**

By obtaining best value under section 123 of the Local Government Act 1972

#### **THE REPORT**

As part of the ongoing development of the area of former railway sidings off Rectory Road, Clowne and in order to create a skate park and teenage focused play area, funding for phase 3 was secured by Groundwork Creswell from the Landfill tax Credit Scheme through Derbyshire Environmental Trust (DET) in 2008.

Following consultation with local young people in 2009, it was suggested that an informal BMX track be developed within the area of the former Clowne station using part of the funding. This suggestion was raised with DET who are keen to support its development.

The area of land earmarked for the BMX area was originally the end of the two platforms of Clowne South Station and the trackbed between the platforms. The platform edges were removed in the early 1990s and the area landscaped. Since then, the area has become overgrown with a number of large trees separating it from the skate park.

Bolsover District Council's Leisure Services department has been looking to develop a BMX track within the District for a number of years. However, this would be a competition standard track that would be developed in partnership with a local BMX club who would assume responsibility for management and maintenance, rather than an informal 'play' track. Due to concerns over maintenance and safety, Bolsover District Council would not support the development of an informal, unmanaged BMX track on its land due to concerns over safety and liability.

However, as there is support for the proposal amongst local young people it has been suggested that Clowne Parish Council leases the land from Bolsover District Council to facilitate construction of the BMX track. The Parish Council would subsequently be responsible for management and maintenance of the land / BMX track. Initial discussions suggest that the Parish Council would be happy to lease the land for this purpose.

An area of land (0.1 ha) adjacent to the land in question, which includes a multi use games area (MUGA) is already leased to Clowne Parish Council for a period of 10 years which commenced in 2005. It is recommended this area of land is incorporated into the proposed BMX area and that this larger area of land, some 0.3 hectares as shown on the attached plan, is leased for a minimum period of 25 years.

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

1. Whether to lease the area of land to Clowne Parish Council.
2. Whether to impose restrictions on the future use, development and / or disposal of the land

### **IMPLICATIONS**

Financial: Legal costs associated with the transfer of land. Savings on future maintenance costs on the land to the Council

Legal: Ensuring compliance with section 123 of the Local Government Act 1972

Human Resources: None

## **RECOMMENDATION**

- 1) That an area of land of some 0.3 ha at Clowne Linear Park is leased to Clowne Parish Council for a period of 25 years.
- 2) That a restriction is placed on the future use, development and / or disposal of the land

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

In order to allow an area of land owned by Bolsover District Council to be leased to Clowne Parish Council for the development of an informal BMX track.

ATTACHMENTS: Plan of the area of land currently leased to Clowne PC  
Plan of the land to be leased

FILE REFERENCE:

SOURCE DOCUMENT:

Committee:	Executive	Agenda Item No.:	12.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Arrears – Irrecoverable Items over £1000		
Report by:	Head of Finance and Revenues		
Other Officers Involved			
Director	Director of Resources		
Relevant Portfolio Holder	Councillor A. Hodkin, Portfolio Holder for Resources		

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

To maintain sound Financial Management and continue to seek efficiency savings. As part of sound financial management it is necessary to recognise and deal with money owed where no further effective steps can be taken for recovery. This also goes to providing efficient Council services.

### **TARGETS**

Does not apply to this report.

### **VALUE FOR MONEY**

Ensuring that the limited resources are concentrated on recovery of debt that is collectable. Under current Council guidance, it has been considered not cost-effective to spend more money on outside agencies to take further action.

## **THE REPORT**

### **IRRECOVERABLE ITEMS**

Executive is requested to approve the write off of the under-mentioned irrecoverable items including costs amounting to £42,156.68 as itemised on the attached schedules.

<b>Bankruptcy/ Liquidation</b>		
No of Accounts	Type of Account	
7	Council Tax	£5,442.95
6	Business Rates	£29,812.30
3	Sundry Debts	£6,901.43
	<b>Total</b>	<b>£42,156.68</b>

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

Writing off the outstanding debts in respect of persons who are bankrupt or companies in liquidation.

### **IMPLICATIONS**

Financial: None

Legal: None

Human Resources: None

### **RECOMMENDATION**

**That approval is given to write off the irrecoverable items including costs amounting to £42,156.68 with the proviso that should any of the debts become collectable the amounts be re-debited.**

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

In order that outstanding debts can be written off.

ATTACHMENTS:           **Y**

SOURCE DOCUMENT:   Official Receiver/ Internal records.

**COUNCIL TAX: AMOUNTS FOR WRITE OFF - BANKRUPTCY/ LIQUIDATION**

	<u>Account Reference</u>	<u>Lead Liable Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liable From</u>	<u>Liable To</u>	<u>Bill Balance</u>
1	901315966	CASTLE CONSTRUCTION LTD IN ADMIN	12 HARDWICK VIEW CLOSE NEW HOUGHTON NG19 8SJ	£ 372.76	01.04.2009	24.09.2009	£372.76
2	901315975	CASTLE CONSTRUCTION LTD IN ADMIN	11 HARDWICK VIEW CLOSE NEW HOUGHTON NG19 8SJ	£ 372.76	01.04.2009	24.09.2009	£372.76
3	901315993	CASTLE CONSTRUCTION LTD IN ADMIN	10 HARDWICK VIEW CLOSE NEW HOUGHTON NG19 8SJ	£ 372.76	01.04.2009	24.09.2009	£372.76
4	901316003	CASTLE CONSTRUCTION LTD IN ADMIN	9 HARDWICK VIEW CLOSE NEW HOUGHTON NG19 8SJ	£ 372.76	01.04.2009	24.09.2009	£372.76
5	901316012	CASTLE CONSTRUCTION LTD IN ADMIN	2 HARDWICK VIEW CLOSE NEW HOUGHTON NG19 8SJ	£ 372.76	01.04.2009	24.09.2009	£372.76
6	901319378	HND CONSTRUCTION LTD,	11 ORWIN HOUSE SHIREBROOK NG20 8AR	£ 253.22	26.05.2009	23.03.2010	£253.22
7	900622650	MR JAMES BULL	33 HARTINGTON STREET LANGWITH NG20 9DT	£3,325.93	01.04.2004	01.04.2005	£261.06
					01.04.2005	01.04.2006	£418.56
					01.04.2006	01.04.2007	£524.67
					01.04.2007	01.04.2008	£501.76
					01.04.2008	01.04.2009	£414.95
					01.04.2009	01.04.2010	£360.00
					01.04.2010	01.04.2011	£844.93
				<b>£5,442.95</b>			

**BUSINESS RATES: AMOUNTS FOR WRITE OFF: BANKRUPT/ LIQUIDATION**

<u>Account Reference</u>	<u>Lead Liabe Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liabe From</u>	<u>Liabe To</u>	<u>Bill Balance</u>
1 800120223	BANNER HOLDINGS LTD	5 MIDLAND WAY BARLBOROUGH LINKS BARLBOROUGH	£ 4,405.98	01/04/2010	04/06/2010	£4,405.98
2 800139640	CARLSBRO ELECTRONICS	6 MAISIES WAY SOUTH NORMANTON ALFRETON	£ 12,416.37	01/04/2009 13/02/2009	24/02/2010 01/04/2009	£6,255.26 £1,487.26
3 800132796	DOVEDALE CONFECTIONERY	KINGFISHER HOUSE PORTLAND ROAD SHIREBROOK	£ 1,016.45	01/04/2010	05/05/2010	£1,016.45
4 800127517	DOVEDALE CONFECTIONERY	UNITS 5-6 VERNON STREET SHIREBROOK	£ 395.28	01/04/2010	05/05/2010	£ 395.28
5 800094482	DOVEDALE CONFECTIONERY	DOVEDALE VERNON STREET SHIREBROOK	£ 1,786.98	01/04/2010	05/05/2010	£1,786.98
6 800156282	R & B INTERNATIONAL	UNIT 48 MCARTHUR GLEN RETAIL SOUTH NORMANTON	£ 9,791.24	07/08/2008	16/01/2009	£9,791.24
			<u>£ 29,812.30</u>			

**PROPOSED WRITE OFF OF SUNDRY DEBTORS - BANKRUPTCY /LIQUIDATION**

<u>ACCOUNT NUMBER</u>	<u>INVOICE NUMBER</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>	<u>DEBTOR</u>	<u>REASON FOR INVOICE</u>	<u>WRITE-OFF AMOUNT</u>	<u>REASON FOR WRITE-OFF</u>
25797	30089842	24.11.08	1662.21	MR R J DUCKMANTON 73 STATION ROAD WHITWELL	OVER ALLOWED HOUSING BENEFIT	1,083.58	DEBTOR DISCHARGED FROM BANKRUPTCY 26.04.10 LEGISLATION REQUIRES DEBT TO BE WRITTEN OFF
37688	30096990	21.04.09	4011.01	MR J BULL 33 HARTINGTON STREET LANGWITH	OVER ALLOWED HOUSING BENEFIT	3,825.01	DEBTOR HAS A DEBT RELIEF ORDER MADE AGAINST HIM DATED 05.07.10 LEGISLATION REQUIRES DEBT TO BE WRITTEN OFF
6017	76634	07.04.10	1992.84	DOVEDALE CONFECTIONERY LTD VERNON STREET SHIREBROOK	MORTGAGE REPAYMENT	1,992.84	DEBTOR HAS GONE INTO ADMINISTRATION - NO RECOVERY ACTION CAN BE TAKEN.
						<u>£ 6,901.43</u>	



## **EXECUTIVE AGENDA**

**Monday 2<sup>nd</sup> August 2010 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.	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
3.	To approve the Minutes of a meeting of the Executive held on 5 <sup>th</sup> July 2010.	4 to 10
4.	Recommended Item from Sustainable Communities Scrutiny Committee – Minute No. 107. Pest Control Policy <b><i>Recommendation on Page 11</i></b>	11 to 23
5.	Bulky Waste Charges Chronology <b><i>Recommendation on Page 28</i></b>	24 to 30
6.	Compliments, Comments Complaints and Freedom of Information Requests <b><i>Recommendation on Page 34</i></b>	31 to 58
7.	Annual Review from the Local Government Ombudsman <b><i>Recommendation on Page 60</i></b>	59 to 71
8. *	Junction Arts Community Arts Programme – Proposed Annual Programme Plan 2010/11	To Follow
9. *	Shirebrook Model Village Sportsground	To Follow
10. *	Former Markland Campus, Creswell – Future Management of Sports Ground, Changing Rooms and Children’s Play Area <b><i>Recommendation on Page 79</i></b>	72 to 80a

11.	Transfer of Land Adjacent to the Sidings Skate Park, Off Rectory Road, Clowne <b>Recommendation on Page 83</b>	81 to 85
12.	Arrears – Irrecoverable Items over £1000 <b>Recommendation on Page 87</b>	86 to 90
<p><b>PART 2 – EXEMPT ITEMS</b>  <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i></p> <p><u>Exempt – Paragraph 3</u></p>		
13.	Arrears – Irrecoverable Items over £1000 <b>Recommendation on Page 92</b>	91 to 93
14.	Tarran Bungalows	To Follow

**\*Denotes Key Decision on Forward Plan**

Committee:	Executive	Agenda Item No.:	8.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	Key decision included in the Forward Plan		
Subject:	Junction Arts Community Arts Programme – Proposed Annual Programme Plan 2010/11		
Report by:	Arts Development Officer		
Other Officers Involved	Head of Leisure		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor A. M. Syrett, Portfolio Holder for Arts and Leisure		

#### **RELEVANT CORPORATE AIMS**

##### **REGENERATION – Developing healthy, prosperous and sustainable communities**

Contribute to bringing awareness to issues regarding health within the District.

Help develop flourishing rural communities.

Help develop vibrant projects through creative work.

##### **SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning**

Ensure quality in the delivery of services.

Promote the development of skill and learning in the community.

##### **ENVIRONMENT – Promoting and enhancing a clean and sustainable environment**

Protect, enhance and improve the natural environment in a sustainable way through the development of the arts

Bring awareness to the environment through creativity

##### **CUSTOMER FOCUSED SERVICES**

Strengthen community consultation.

Design and deliver services to meet the needs of participants.

Improve quality of services delivered.

**TARGETS**

The work of Junction Arts directly impacts on the Corporate Plan target relating to increasing the number of annual recorded attendances at participatory arts programmes each year.

**VALUE FOR MONEY**

The Council's core funding helps to lever in additional investment in Community Arts provision.

**THE REPORT**

The Council has approved annual core funding offered in two stage payments. Fifty percent (50%) of the funding released in April each financial year on receipt of a proper invoice and approval of the annual programme plan for the forthcoming year and the balance released in December or upon submission of the Junction Arts Annual Report, subject to a satisfactory activity report being received.

At Executive on the 1<sup>st</sup> February 2010 Members approved the 2<sup>nd</sup> stage payment for 2009/10 but did not approve the 1<sup>st</sup> stage payment for 2010/11 until a satisfactory Annual Programme Plan had been developed by Junction Arts and agreed by the Head of Leisure and the Arts Development Officer.

The Head of Leisure and Arts Development Officer have worked closely with Junction Arts to develop a template which illustrates the value and outcomes associated with the work of Junction Arts and how it fits with our Organisation's priorities and targets.

A template has now been devised and the suggested programme plan for 2010/11 is now presented in this way. The format does improve the process particularly when attempting to demonstrate linkages between arts and cultural activity and the wider aims of the Council. Incidentally, this new method has received some acclaim from the Arts Council England who have intimated that if the scheme proves to be successful that they may use the same system to demonstrate and profile their work.

Junction Arts proposed plan for 2010/11 is attached at Appendix 1, pages 17 to 25 for your information.

Councillor Ann Syrett is the Council's representative on the Junction Arts Board.

## **ISSUES/OPTIONS FOR CONSIDERATION**

Grants to Voluntary Organisations have recently been reviewed as part of a discretionary service review. Junction Arts have a Service Level Agreement which states that funding will be given at the existing level of £19,800 until 31<sup>st</sup> March 2011. No further commitment has been given beyond this point.

The Council's funding is offered in two stage payments. Fifty percent (50%) of the funding released in April each financial year (subject to the Annual Programme Plan for the forthcoming year being approved) and on receipt of a proper invoice and the balance to be released in December upon receipt of and subject to a satisfactory activity report being received. It is for Members to decide whether or not the attached annual programme plan is satisfactory for the forthcoming year.

A new system has now been devised re Annual Programme Plan for Junction Arts and new staff and board members have been appointed at Junction Arts and a reporting mechanism agreed.

## **IMPLICATONS**

Financial: Core funding of £19,800 has been allocated to Junction Arts as part of the 2010/11 budget. There are no additional financial implications. The 1<sup>st</sup> stage payment of £9,900 is scheduled for payment subject to Members approval of the attached programme plan for 2010/11.

Legal: The grant is subject to Junction Arts complying with the conditions outlined in the Council's Service Level Agreement.

Human Resources: The Arts Development Officer attends Junction Arts Board Meetings in a non voting capacity and has ongoing regular contact with Junction Arts staff.

## **RECOMMENDATIONS**

- 1. That Members consider approval of the proposed annual plan & core funding for 2010/11.**
- 2. 1<sup>st</sup> stage payment be released subject to approval of the Annual Programme Plan for 2010/11.**

## **REASON FOR DECISION**

**To release the 1st stage payment to Junction Arts.**

ATTACHMENTS:                    **Y**  
FILE REFERENCE:

Service Level Agreement

Leisure Services



**SERVICE LEVEL AGREEMENT  
BETWEEN  
JUNCTION ARTS AND  
BOLSOVER DISTRICT COUNCIL**

**1.0 Commissioning Body**

**Bolsover District Council**

Registered Address - Sherwood Lodge, Bolsover, Chesterfield,  
Derbyshire, S44 6NF  
Telephone - 01246 242424  
Fax - 01246 242423

**2.0 Service Provider**

**Junction Arts**

Registered Address - Shirebrook Community Resource Centre,  
Langwith Road, Shirebrook  
Derbyshire NG20 8TF  
Telephone - 01623 746222  
Fax - 01623 743755

**3.0 Definitions**

For the purpose of this agreement the following words and phrases shall have the following meanings:

The “**Council**” shall mean Bolsover District Council

The “**Service Provider**” shall mean Junction Arts

The “**District**” shall mean the administrative area of Bolsover District Council

“**Financial Year**” shall mean 1<sup>st</sup> April to 31<sup>st</sup> March

The “**Activity Report**” shall mean a written statement detailing key achievements, outputs and conformance to the service specification and annual programme plan.

“**Satisfactory**” shall mean formally approved by a standing committee of the Council.

The “**Annual Programme Plan**” shall mean all agreed programmes of work, services or activities undertaken within the District in the financial year to which the funding relates.

The “**Service Specification**” shall detail all agreed levels of service and shall remain in force for the duration of this agreement.

The “**Annual Review**” shall mean a formal meeting between the Council and the Service Provider held in November each year.

References to “**Staff**” in the context of this agreement shall mean all board members, permanent full-time, part-time & casual staff plus all freelance & temporary staff, consultants & volunteers acting on behalf of Junction Arts with duty of care/ supervisory responsibilities for children & vulnerable adults.

“**Nominated Representative**” shall mean a named bona fide representative from each party to act as a single point of contact through which all formal correspondence and communication relating to the agreement should be channeled.

#### **4.0 Sole Purpose for which Funding is offered**

The Council shall provide funding towards those core running costs incurred by the Service Provider in the development and delivery of the Annual Programme Plan in accordance with the Service Specification and terms and conditions contained at schedule 1 herein.

#### **5.0 Value of Funding**

£19,800 revenue grant per financial year.

#### **6.0 Duration and Termination**

This agreement shall commence on the 1<sup>st</sup> April 2009 and will remain in force until 31 March 2011. During this period it will be necessary for negotiations to take place between the Council and the Service Provider to ascertain any subsequent funding beyond 31 March 2011.

#### **7.0 The Council's Corporate Aims**

The service provider will demonstrate how their work, services or activities address the council's corporate aims:



Community Safety – Ensuring that communities are safe and secure



Customer Focused Services – Providing excellent customer focused services



Environment – Promoting and enhancing a clean and sustainable environment



Regeneration – Developing healthy, prosperous and sustainable communities



Social Inclusion – Promoting fairness, equality and lifelong learning



Strategic Organisational Development – Continually improving our organisation

#### **8.0 Method and Timing of Payments**

The Council's funding is offered in two stage payments. Fifty percent (50%) of the funding will be released in April each financial year on receipt of a proper invoice and the balance will be released in December subject to a satisfactory activity report being received and accepted by the Council and on receipt of a proper invoice for the remaining monies.



## **9.0 Conditions applying to the Funding**

- 9.1 The Service Provider shall ensure that proper financial systems and records are in place showing clearly how the funding has been spent together with any income generated and make this information available, together with copies of all relevant receipts and invoices, to the Council or its appointed auditors on request.
- 9.2 If either the Council or the Service Provider is in dispute or considers that the other is in breach of the terms and conditions of this agreement then the matter will be dealt with under the procedure outlined in section 13 of this agreement.
- 9.3 Any breach of the terms and conditions of this agreement by the Service Provider may result in withdrawal of funding or its reduction, and a consequential requirement to repay to the Council any sums paid to which there is no longer an entitlement.
- 9.4 Funding is provided in response to the Annual Programme Plan, any amendment or matter relevant to or affecting the Annual Programme Plan must be notified to the Council immediately. The Council reserves the right to revise its offer of funding under such circumstances or if costs are for any reason significantly different from that anticipated.
- 9.5 In the event that the Service Provider shall cease to operate or be placed in the hands of a receiver or be declared bankrupt; or fail to undertake or properly complete the Annual Programme Plan or work in accordance with the Service Specification; or fail to properly account for the funding received; or fail to abide by the terms and conditions of this agreement then the Council reserves the right to terminate payments and may seek the return of any appropriate proportion of any monies paid. In the event that the Service Provider ceases to operate or is placed in the hands of an Administrator or any Insolvency Practitioner then the funding is to be deemed forthwith withdrawn and the Service Provider shall have no entitlement to or expectation of monies which have not been paid prior to that time.
- 9.6 Any out of pocket expenses, costs or allowances incurred by the Service Provider as a result of attendance at Council meetings will be the responsibility of the Service Provider.
- 9.7 The Service Provider, as an employer, must comply with all recognised employment law and codes of practice paying particular regard to promoting equal opportunities practice in all areas.
- 9.8 Both the Council and Service Provider must abide by a code of confidentiality in terms of issues raised during or resulting from this agreement. Issues are to remain within the confines of the Council/Service Provider meetings, should this code be broken, the matter will be considered a breach of this agreement and dealt with under section 13 of this agreement.

- 9.9 Whilst honesty and integrity are not in question, Officers and Members of both the Council and Service Provider must declare any personal conflicts of interest that may prejudice any decisions made by the Council or Service Provider in relation to this agreement prior to any such decisions being made.
- 9.10 The Service Provider must produce and present all information as required by the Council that is necessary to comply with the Council's legal, monitoring and reporting requirements.
- 9.11 The Service Provider must ensure that no person involved in or affected by the Annual Programme Plan is treated unfairly and is committed to eliminating all forms of discrimination and to promoting equality of opportunity and good relations between persons of different racial and social groups.
- 9.12 The Service Provider must ensure compliance with all statutory obligations and indemnify and keep indemnified the Council against all proceedings, costs, expenses, claims and demands arising from the delivery of the Annual Programme Plan.
- 9.13 The Service Provider must not do or suffer to be done or permit anything which may bring the Council into disrepute.
- 9.14 The Service Provider has a duty of care to the health, safety and welfare of customers, staff and the general public and therefore must operate safe systems of work in accordance with all acts of law and recognised codes of practice relevant to the type of work, service or activity being undertaken.
- 9.15 All staff employed by the Service Provider that are involved either directly or indirectly in the delivery of the Annual Programme Plan that come into regular contact with children or vulnerable adults must have a Criminal Records Bureau (CRB) check undertaken to an appropriate level of disclosure.
- 9.16 The Service Provider must have a robust and up to date child and vulnerable adult protection policy in place for the duration of this agreement.
- 9.17 Throughout the duration of this agreement the Council requires prominent ongoing acknowledgement of the funding it provides on official stationery and all promotional material of the Service Provider incorporating the logo of the Council where space allows.
- 9.18 All publicity and PR undertaken by the Service Provider must clearly acknowledge and make reference to the Council as a Funder.

## **10.0 Nominated Representatives**

- 10.1 The Council's nominated representative is Carole Hirst, Arts Development Officer
- 10.2 The Service Provider's nominated representative is Tina Glover, Chief Executive .
- 10.3 Substitutions at Council & Service Provider liaison meetings will be allowed providing that the substitute is a bona fide representative of the body nominating that substitute.

## **11.0 Service Specification and Annual Programme Plan**

The Service Provider agrees to work in accordance with the Service Specification and Annual Programme Plan contained at schedule 1 herein.

A draft Annual Programme Plan is to be submitted to the Council by the Service Provider by the end of October each year for consideration.

## **12.0 Monitoring and Review Arrangements**

- 12.1 The use of the Council's funding is to be monitored by the Council's nominated representative who must have access to all information held by the Service Provider that is considered necessary to measure effectiveness and compliance.
- 12.2 Prior to the payment of funding the Service Provider is required to submit a satisfactory activity report. The Service Provider's nominated representative, or a deputy, will be required to present the Activity Report and draft Annual Programme Plan to a standing committee of the Council in December each year and be available to take questions.
- 12.3 The Service Provider's audited annual accounts for the most recent financial year is to be submitted to the Council as part of the Annual Review.
- 12.4 The nominated representatives will meet quarterly to discuss progress made against the Annual Programme Plan and any other related business that may arise.
- 12.5 An elected member and the nominated representative from the Council will attend Junction Arts board meetings in an advisory capacity.
- 12.6 An Annual Review is to be held in November each year to determine whether this agreement should be adjusted using the 'Annual Review Form' contained at Schedule 2 herein.
- 12.7 Any changes to this agreement should be documented on the 'Agreement Revision Form' contained at Schedule 3 herein and signed by both the Council and Service Provider.

### **13.0 Resolution of Disputes**

13.1 If either party considers that there has been a breach of this agreement or a dispute arises either directly or indirectly from this agreement then the affected party should in the first instance write to the other party's nominated representative setting out the details of the breach or area of dispute, stipulating the action they think is required to remedy it. A time period must be agreed between both parties within which the remedial actions required will be completed and this must not exceed 3 months.

13.1 Any outstanding breaches or unresolved disputes shall then be formally discussed by the following representatives:

Chief Executive of the Council  
Chair of Junction Arts

13.2 If following the meeting the issue(s) discussed still remain unresolved then the matter will be referred to an independent firm of solicitors who specialise in contract law who shall give independent advice for the most appropriate resolution. This action shall be binding on both parties and the cost of this advice shall be borne equally.

### **14.0 Schedules**

Schedule 1 – Annual Review Form  
Schedule 2 – Agreement Revision Form

### **15.0 Declaration**

I hereby declare that I have read and understand this service level agreement and that I have the proper authority to enter into this agreement and that I agree to fully comply with the terms and conditions contained herein.

Signed by: \_\_\_\_\_

Print Name: Lee Hickin

Position in Organisation: Leisure Operations Manager

On behalf of: Bolsover District Council

Signed by: \_\_\_\_\_

Print Name: Tina Glover

Position in Organisation: Chief Executive

On behalf of: Junction Arts

## Schedule 1

### Service Level Agreement between Junction Arts and Bolsover District Council

#### ANNUAL REVIEW FORM (to be completed before end of November each year)

##### Section 1 - Review Details

Name of Service Provider .... Junction Arts.....

Date of Review .....

Period being Reviewed .....

Level of Funding Agreed - £19,800 for 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010..

##### Section 2 – Representatives Present at Annual Review

Service Provider – Junction Arts

Name

Position

Commissioning Body – Bolsover District Council

Name

Position

### **Section 3 – Information Required**

A written statement about the status of each agreed programme of work shown in the Annual Programme Plan clearly demonstrating actual outputs achieved against agreed targets, with reasons for any variances.

A summary of main achievements and successes during the year.

Details of new or emerging areas of work or funding opportunities.

Details of significant problems encountered during the year.

Copy of the draft annual programme plan for the forthcoming financial year.

Details of all other funding secured by the Service Provider since the last annual review.

Copy of the audited annual accounts for the most recent financial year.

### **Section 4 – Documentation**

Has the Service Provider submitted all the relevant information shown in Section 3 herein?	Y <input type="checkbox"/>	N <input type="checkbox"/>
--------------------------------------------------------------------------------------------	-------------------------------	-------------------------------

If no, please supply reason and indicate whether any further action needs to be taken.

### **Section 5 – Service Delivery**

Has the organisation achieved all the agreed targets in the Annual Programme Plan?	Y <input type="checkbox"/>	N <input type="checkbox"/>
------------------------------------------------------------------------------------	-------------------------------	-------------------------------

If no, please give reason

### **Section 6 – Terms and Conditions of Funding**

Has the Service Provider adhered to the Terms and Conditions of this agreement?	Y <input type="checkbox"/>	N <input type="checkbox"/>
---------------------------------------------------------------------------------	-------------------------------	-------------------------------

If no, please give reason

**Section 7 – Annual Improvement Plan**

The following issues/areas of work have been identified as requiring improvement:

Issue/Area of Work	Action Required	by when	by whom
--------------------	-----------------	---------	---------

**Section 8 – Any other Comments**

**Section 9 – Review Outcome and Recommendations**

- No changes proposed to the agreement
- Minor revisions to the agreement are needed (please complete the Annual Revision Form at Schedule 3 herein)
- Other (please specify below) \_\_\_\_\_

---

---

---

---

On completion of the Annual Review the Council and Service Provider must sign and amend as necessary the following declarations:

Commissioning Body: Bolsover District Council

I agree/disagree with the comments/recommendations contained on this Annual Review Form.

Print Name: .....

Position in Organisation: .....

Signed: ..... Date: .....

Service Provider: Junction Arts

I agree/disagree with the comments/recommendations contained on this Annual Review Form.

Print Name: .....

Position in Organisation: .....

Signed: ..... Date: .....

If either party is unable to agree the outcome and recommendations then objections should be submitted in writing and attached to the Annual Review Form.



### Schedule 3

## Service Level Agreement between Junction Arts and Bolsover District Council

### AGREEMENT REVISION FORM

#### Minor Changes:

This form should be completed if through the annual review process it has been identified that the agreement needs minor revision for the following year, (e.g. one or more of the agreed outputs negotiated may need to be amended for the following year).

1. Date of Review: .....
2. Representatives present at review meeting: .....
3. Minor amendments agreed (please give details of minor amendments to the Service Level Agreement)  
.....  
.....  
.....
4. Authorisation:  
  
Signed on behalf of Service Provider:  
  
Junction Arts  
  
Signed: .....  
  
Print Name: .....  
  
Position in Organisation: .....  
  
Date: .....

Signed on behalf of Commissioning Body:

Bolsover District Council

Signed: .....

Print Name: .....

Position in Organisation: .....

Date: .....

5. This completed document should be attached as a variation to the signed Service Level Agreement document.

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]

Project Name:	BRIGHT WINTER NIGHTS	Project Co-ordinator: Val Carman
Overview	Artist led workshops aimed at supporting rural seasonal celebrations (including Bolsover Lantern Parade.) The emphasis of the programme will be on traditional and contemporary interpretation of local stories through a range of art forms. We are extending participation in the celebrations by offering workshops to vulnerable families in the Bolsover district who are participating in the Connecting Families project.	
Performance Indicators /aims and outcomes		
Date of project	Nov 2010 – Dec 2010	
Participants	Local schools and the wider community.	
Parishes	The district of Bolsover.	
Sessions	32	
Bolsover District Council Corporate Plan	2. Customer focused services	2. Designed for families and individuals to participate and take part in an event.
	3. Environment	3. Local area focus, including environmental themes.
	4. Regeneration	4. Aim to increase tourism, visitor attendance to town and Bolsover Castle.
	5. Social Inclusion	5. Opportunity for participation by underprivileged groups.
	6. Strategic Organisational Development	6. Strengthens relationship with schools, teachers and community groups in the private and public sector.
The Place Survey	NI 1 Agree that their local area is a place where people from different backgrounds get on well together.	Participatory event bringing together community and visitors to the area.
	NI 2 Feel that they belong to their immediate neighborhood.	Participation and celebration in their area.
	NI 140 Respect and consideration for each other.	Community event to
Sustainable Communities Strategy	4. Lifelong Learning better results a better future.	4. Increase creative skills and transferable skills in participatory activity and delivery of an event.
Partners	Old Bolsover Town Council Christmas Festival Committee.	

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]

Project Name:	CREATIVE CURRICULUM	Project Co-ordinator: Andy Messer
Overview	<p>Our successful and long-standing 'Living Literacy' programme in the District of Bolsover has provided us with a model that inspires young people, teachers and support staff. We aim is to use this experience to help schools design and deliver their own creative curriculum through school projects with professional artists working alongside teaching staff. This will be delivered at a time of change for primary education with the government introduction of the new Primary Curriculum.</p> <p>The new curriculum is the most significant change to primary school education since the National Curriculum at the end of the 1980's with an emphasis which is shifting away from the acquisition of knowledge (for which there is still a place) to mastering skills that will be useful for life and learning. Teachers and Head Teachers will have greater freedom to produce their own curriculum that can be tailored to suit the needs of their pupils and the communities to which they belong. The establishment of better links between school, home and the wider community is a priority and a key phrase is 'the real world context'.</p>	
Performance Indicators /aims and outcomes		
Date of project	October 2009 – July 2010	
Participants	School children	
Parishes	1	Old Bolsover
Sessions	15	
Artist/s	Andy Messer. Lucy Colgan. Dave Watson. James Reader	
Bolsover District Council Corporate Plan	1. Community Safety	1. N/A
	2. Customer Focused Activity	2. Delivers high quality participatory sessions in consultation with teachers
	3. Environment	3. Aspects of the project looks at the natural environment and ways to enhance it via sculptural pieces
	4. Regeneration	N/A
	5. Social Inclusion	5. Offers new creative skills to local schoolchildren
	6.Strategic Organisational Development	6. Strengthens relationships with local schools and teachers
The Place Survey		
Sustainable Communities Strategy	5. A Healthy Environment – A better place to live	5. Encouraging children to learn more about their environment and through a creative process begin to take ownership through what they have made or been involved in on the project
Partners		

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]

Project Name:	DRAWING THE WAY	Project Co-ordinator: Val Carman
Overview	<p>Creswell Crag was amongst the most northerly places on earth to have been visited by our ancient ancestors, a story that is unique on a European and World scale, and they left their mark in the form of 'cave art' and beautiful artifacts. As a response to this special place, a site specific, interactive, public art-work, will be delivered over 7 days during May and June. The concept will be to engage the contemporary visitor by inviting them to participate in a creative survey and drawing project.</p> <p>This survey will show individual information, first name, age, place from where they have traveled, and a printed mark, which will be completed onto travel labels. The visitors will then draw their journeys onto large sheets of paper, each line, each route interacting with each other, culminating in an overlay of information, a palimpsest of time, place and people.</p> <p>By experiencing the act of drawing, and bringing a personal element to the project, the work aims to bring more awareness to this special site and its history, and to the pleasure of creativity to the general public.</p> <p>The work will expand daily over the week and produce a large-scale exhibition for visitors to the Crag.</p>	
Performance Indicators /aims and outcomes		
Date of project	May 2010	
Participants	General Public/All Ages	
Parishes	1	Elmton with Creswell [Creswell Crag]
Sessions	18	
Bolsover District Council Corporate Plan	1. Community Safety:	N/A
	2. Customer focused services:	2. This project provides an opportunity for the general public to become involved in a large-scale event which surveys their personal journey to the District of Bolsover
	3. Environment	N/A
	4. Regeneration	N/A
	5. Social Inclusion	5. Creative participation for all those who take part.
	6.Strategic Organisational Development:	6. Working with a partner to advance the experience of visitors.
The Place Survey		
Sustainable Communities Strategy		
Partners	Creswell Heritage Trust	

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]		
Project Name:	LINK FILM PROJECT	Project Co-ordinator: Val Carman
Overview	<p>This project aims to create short films about young peoples' experiences - good and bad – of health care and social care, and will help to show how 'Link' [local Involvement Networks] and Arts organizations can be used to make positive changes in this. [Other organizations in Derbyshire have been selected to work alongside other groups of differing ages and experiences].</p> <p>Working collaboratively with High Peak Community Arts and vulnerable young people, creative workshops will be delivered. The young people will experience a film making process, have the opportunity to voice their views creatively and have editing control over the outcome of the images and sound.</p> <p>Creative Forum, are our selected artists, and Action for Children in South Normanton will be our hosts.</p> <p>The film will be installed on the NHS /LINK website.</p>	
Performance Indicators /aims and outcomes		
Date of project	Dec 2009-Feb 2010	
Participants	Young People	
Parishes	1	South Normanton
Sessions	4	
Bolsover District Council Corporate Plan	1. Community Safety:	1.Young people encouraged to report/advise on their experiences within the NHS
	2. Customer focused services:	2. Designed specifically to focus and meet the needs of a targeted group of young people.
	5. Social Inclusion	5. The voice of local people young people in the wider arena.
	6. Strategic Organisational Development:	6. Working with new partners, often in complex areas and difficult rural areas.
The Place Survey	NI 2 Raising feeling of belonging to immediate area	N1 2 Specific reference to local services.
	NI 4 Raising influence in local decision making:	N1 4 Bringing local debate to a national web site
	NI 119 Improved Health:	N1 119 By increasing the excellence of local Health Authority
	NI 27 Having a voice to report on local public services and influence:	N1 27 The voice of young people influencing national services
	NI 140 Respect and consideration for each other:	N1140 Working as a group to benefit the community
	2. Improved Health:	2. Bringing awareness to young people that they have a voice to help provide a better service for the community
Sustainable Communities Strategy	5. Healthy Environment:	5. Helping to recognize that being healthy will build a healthier community.
Partners	High Peak Community Arts / NHS / Action for Children	

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]

Project Name:	RURAL ROUTES	Project Co-ordinator: Val Carman
Overview	<p>As part of our new Rural Programme, we are developing an innovative 'creative survey' in schools. This project, for schoolchildren in rural areas takes the route of research, text and drawing based on the journeys taken by children to their schools. The research aspect, investigates rural school journeys in other parts of the world, whilst the text gives an opportunity to assess and describe a personal experience. Self-portraits and individual maps will provide the drawing element, providing tuition in a range of skills and creativity.</p> <p>This important area of our programme aims to bring a new knowledge and pride to the community, by recognizing the significance of living in a rural environment. There will obviously be aspects of the information, which may not be so positive, but these young people will provide a new voice to listen to.</p> <p>The final surveys will be exhibited at the School Fete or celebration day where parents and friends can view the work.</p> <p>This is a pilot project designed, to be advanced into more schools at a later stage in the year.</p>	
Performance Indicators /aims and outcomes		
Date of project	May 2010	
Participants	School children	
Parishes	1	Scarcliffe [Whaley Thorns Primary School]
Sessions	4	
Bolsover District Council Corporate Plan	1. Community Safety:	N/A
	2. Customer focused services:	2. Delivery specifically for local children in rural areas of the District
	3. Environment	3. Bringing awareness of the local environment
	4. Regeneration	N/A
	5. Social Inclusion	N/A
	6.Strategic Organisational Development:	6. Bringing new opportunities to the school curriculum
The Place Survey	NI 12 Feel that they belong to their immediate neighbourhood	NI 12 A mapping of the local area and the significance of the rural environment
Sustainable Communities Strategy		
Partners	Whaley Thorns Primary and Nursery School	

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]

Project Name:	SIDELINEZ	Project Co-ordinator: Jane Wells
Overview	<p>Following a successful pilot project, this new work invites people of all ages, who are members of sports groups to submit ideas on how they would enhance their group through a creative process.</p> <p>A specific website <a href="http://www.sidelinez.co.uk">www.sidelinez.co.uk</a> has been established providing information on how to apply. Groups of all ages and from different sports could be assisted in various creative disciplines, for example, logo design, victory dance, documentary film. A short-listing process will decide on the best use of creative resource and time.</p> <p>With the Olympics in 2012 nearby, this project aims to bring a momentum to the relationship between 'art and sport', recognizing that when put together a club may find new enthusiasm and hopefully, extend their potential.</p> <p>Creative Forum, have been selected to follow the work through from the pilot project, which they delivered with huge success.</p>	
Performance Indicators /aims and outcomes		
Date of project	November 2009 – Summer 2010	
Participants	Various age Ranges	
Parishes	6 Groups	Awaiting website launch to see results of locations
Sessions	12	
Artist/s	Creative Forum	
Bolsover District Council Corporate Plan	1. Community Safety	N/A
	2. Customer Focused Activity	2. Bespoke projects in consultation with the group members Projects designed to encourage an opportunity for greater interaction with the showcasing of a particular group and to enhance their participation within a sport
	3. Environment	N/A
	4. Regeneration	N/A
	5. Social Inclusion	5. Invitation via a specific web site <a href="http://www.sidelinez.co.uk">www.sidelinez.co.uk</a> for all ages and abilities to take part in the project
	6. Strategic Organisational Development	6. The project is aimed at supporting community leaders within their chosen sports, to develop the group further via creative participation
The Place Survey	NI 1 Agree that their local area is a place where people from different backgrounds get on well together	NI 1 the project will encourage inclusion and participation for all members of the community who wish to take part
	NI 2 Feel they belong to their immediate neighbourhood	NI 2 Encourage the groups to campaign for more members and engage with people in the immediate locality
	NI 6 Have been involved in decisions that affect the local are in the past 12 months	NI 6 Recognize that the groups are usually voluntarily run and see how they relate to local councils etc for support
Sustainable Communities Strategy	2. Improved Health-Getting better all the time	2. The project aims to encourage the expansion and give support to local sports groups through creative participation
Partners		



JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]		
Project Name:	TAKE ME WITH YOU	Project Co-ordinator: Val Carman
Overview	<p>Take Me with You is an artist led, participatory, public art project exploring the theme of absence through text, portraiture and multi-media. Working with lorry drivers, families and schools, the project will utilize a fleet of working HGV's to create a temporary, mobile national exhibition and an interactive website.</p> <p>The artist Mat Hand is a professional and respected practitioner who embraces difficult areas within the lives of communities. Previous work [project managed by Junction Arts], was been recognised and showcased by Arts Council England in their yearly report.</p> <p>A schools based literature programme delivered by a professional poet will explore the themes from a young person perspective.</p> <p>A funding application was submitted to ACE and the results will be announced in July 2010</p>	
Performance Indicators /aims and outcomes		
Date of project	Summer 2010 – Winter 2010	
Participants	Various age Ranges 6 schools 5 families	
Parishes		Not yet confirmed
Sessions	12	
Artist/s	Mat Hand & Andy Tooze	
Bolsover District Council Corporate Plan	1. Community Safety	N/A
	2. Customer Focused Activity	2. By working directly with the participants, the artists will provide a platform for focused debate and skill sharing
	3. Environment	N/A
	4. Regeneration	N/A
	5. Social Inclusion	5. This work will focus on the personal experiences of different age groups within the community.
	6. Strategic Organisational Development	6. Invitation by a specific website <a href="http://www.takemewithyou.co.uk">www.takemewithyou.co.uk</a> for the wider community beyond the district to take part in the project.
The Place Survey	NI 2 Feel they belong to their immediate neighbourhood	NI 2 Showcasing local people and aspects of their employment. Emphasis on The district of Bolsover, the families, children and the geographical importance for their communications
Sustainable Communities Strategy	3. A better Place to Work	3. Celebrating new opportunities within the district for employment and show the significance of family values and education.
Partners	Haulin Ads	

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]		
Project Name:	TRANSITION	Project Co-ordinator: Val Carman
Overview	<p>A yearly event in Junction Arts programme, this day offers an opportunity for professional artists to extend their practice to working on participatory/community-based projects.</p> <p>This highly skilled area of work demands a new methodology and frequently a new way of making work. The aim of the day is to provide an insight into the aims and objectives of a participatory arts organization and the structure required to convert concept into reality.</p> <p>An emphasis will be on participants and the creative experience explained and supported through talks, film and 'a making' session.</p> <p>A guest artist has been booked to bring a new dimension to the event. Rachel Carter, this year has been selected to showcase her project, 'The Green Garden' at The Chelsea Flower Show working with participants from a local residential care home in Derbyshire along with other local charities and organizations.</p>	
Performance Indicators /aims and outcomes		
Date of project	October 14 2010	
Participants	8 – 12 Professional artists	
Parishes	Langwith	Langwith Community Hall booked as the venue
Sessions	2	
Artist/s	To be decided	
Bolsover District Council Corporate Plan	1. Community Safety	N/A
	2. Customer Focused Activity	2. Specific programme for professional artists focusing on moving into participatory work
	3. Environment	N/A
	4.Regeneration	N/A
	5. Social Inclusion	5. Selection will be made via a short-listing process with view to offering places to artists with varying skills.
	6. Strategic Organisational Development	6. Skills learning process designed to provide access for artists to work within the wider community
The Place Survey	NI 6 Have been involved in decisions that affect the local area in the past 12 months	NI 6 The project will cover areas of community negotiation
Sustainable Communities Strategy	4. Lifelong Learning Better results a better future	4. Although not part of 'Lifelong Learning', this project takes inspiration from the aims of the programme, and provides artists with an opportunity to make a better future for themselves and the communities they work with.
Partners		

JUNCTION ARTS PROJECT PROFILE [Bolsover District Council]		
Project Name:	WELL MADE	Project Co-ordinator: Jan Flamank
Overview	<p>A frequently ignored group within the community, the elderly in residential homes can benefit immensely from creative participation. By using traditional skills, which are familiar, they will make small relevant items, and through talking within the group, be encouraged to relate memories and stories. This important work helps to bring a new dimension to the lives of the residents and encourages interaction and dialogue. Working with small groups, the artist is able to bring a personal quality, which helps build esteem and develop relationships. Jan Flamank has worked in arts and health on numerous projects and delivers work of high integrity.</p>	
Performance Indicators /aims and outcomes		
Date of project	April - June 2010	
Participants	Elderly residents	
Parishes	Shirebrook	Ashbourne Court Care Home
Sessions	8	
Artist/s	Jan Flamank	
Bolsover District Council Corporate Plan	1.Community Safety	N/A
	2. Customer Focused Activity	2. Designed to improve the quality of life for elderly people through creative participation
	3.Environment	N/A
	4.Regeneration	N/A
	5.Social Inclusion	5.A skill sharing experience for elderly members of the community
	6. Strategic Organisational Development	6. Supporting staff in care homes by offering external projects
The Place Survey	N1 1 Agree that their local area is a place where people from different backgrounds get on well together	N1 An opportunity for staff and residents to work with a professional artist, and to develop the confidence to exchange stories and memories.
Sustainable Communities Strategy	2 Improved Health-Getting better all the time	2. By recognising that stimulative work with the elderly, had a positive effect on their lives, this project has been well received in the care home
Partners		

Committee:	Executive	Agenda Item No.:	9.
Date:	2 <sup>nd</sup> August 2010	Status	Open
Category	Decision within the functions of Executive		
Subject:	Shirebrook Model Village Sports Ground		
Report by:	Head of Leisure		
Other Officers Involved	Special Projects Officer		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor Ann Syrett, Portfolio Holder for Arts & Leisure		

#### **RELEVANT CORPORATE AIMS**

##### **REGENERATION – Developing healthy, prosperous and sustainable communities**

Contribute to improving the health of the District. Develop vibrant town centres. Develop flourishing rural communities.

##### **SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning**

Ensure all our services are provided in a fair and equitable manner. Promote the development of skills and learning within communities.

##### **ENVIRONMENT – Promoting and enhancing a clean and sustainable environment**

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

##### **CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services**

Strengthen community consultation and involvement. Design and deliver services to meet the needs of customers.

##### **COMMUNITY SAFETY – Ensuring that communities are safe and secure**

Tackle Anti Social Behaviour (ASB) and its causes.

## **TARGETS**

To improve the opportunities for investment and future development of this open space whilst promoting healthier lifestyles and regeneration priorities with the Council's Corporate Plan.

## **VALUE FOR MONEY**

If options 2 or 3 of this report are agreed the Authority will reduce the costs associated with the management and maintenance of the site whilst helping to create a management group that could help facilitate future investment and improvements for the site which will benefit the wider community.

## **THE REPORT**

### **Background**

Shirebrook Model Village Recreation Ground Welfare Scheme is a registered charity (No. 520506) of which Bolsover District Council is the trustee.

The Council has passed its responsibility for the operation of the site to a management committee comprising users of the site. A management agreement to this effect was produced in 2005. The management committee is responsible for day to day management of the ground (such as grass cutting, line marking, winter maintenance, etc.) and quarterly committee meetings are held at which the Council is represented.

The recreation ground has been the home of Shirebrook Cricket Club for over 100 years, although in recent years the use of the cricket pitch has dwindled and football had become the main sport played on the ground. In 2004 as part of the Bolsover Improving Playing Pitches Initiative (BIPPI) the original cricket pavilion and score box was demolished and replaced with a prefabricated changing facility, which was at best a compromise that would allow the use of the ground for football and cricket.

Over the last couple of years the cricket club has seen a resurgence in interest and is looking to re-establish league cricket on the ground to the standard required for the Bassetlaw league. To this end the cricket club has levelled and re-seeded the pitch and is actively working to develop a new cricket pavilion, as a dedicated cricket pavilion will be required to meet league criteria.

The cricket club has had a pavilion designed and has been applying for funding for its construction. However, in order to secure significant funding it is necessary to provide evidence of ownership or security of tenure in the form of a lease of at least 21 years.

Over a period of several months the matter has been discussed with CISWO (ultimately the owners of the site), Bolsover District Council's Legal Services, the cricket club and the Charity Commission.

Under the current arrangements it is not possible to simply grant a lease to the cricket club. It would be necessary for Bolsover District Council to relinquish its trusteeship and for this to be passed to another party, acceptable to CISWO and the Charity Commissioners, with similar aims and objectives and for the charitable objects to remain the same.

### **Current Position**

We have explored the options open to us to help resolve this issue, and have held lengthy discussions with the Charities Commission. Unfortunately the wheels turn slowly, therefore concerns from interested parties have been raised and frustrations expressed at the time that is being taken to move this forward.

The issues that we need to consider are:

- The Management Agreement (effectively passing on the Council's obligations as trustee to another body) may be subject to legal challenge by CISWO
- The implications for the current management committee
- The site is not owned by Bolsover District Council (CISWO)
- The suitability of current facilities is thought to be not appropriate
- There is a desire to develop the site and facilities amongst the users and other interested parties
- In order to attract funding, the clubs need lengthy security of tenure – something we can't offer under the current arrangement
- Bolsover District Council has a very small budget for the maintenance & development of such sites at present
- The current users of the site have slightly different perspectives in terms of the future of the site and their own ambitions
- There could be/should be more community involvement in the management of the site
- There is an existing need for a community facility for use by Shirebrook Model Village Residents Association / community groups

In the meantime, the ground continues to be managed by the management committee, but the recent discussions with CISWO, the Charity Commission and others have highlighted a number of issues with the management of the site. Whatever course of action is agreed, it is likely that the current management committee will have to be dissolved.

## ISSUES/OPTIONS FOR CONSIDERATION

The recreation ground is currently managed via a management committee that Bolsover District Council is an active member of.

Although the Council doesn't 'own' the ground, it is the managing trustee, so is legally responsible for the ground.

There are a number of options for the future management of the site. These are:

1. **Bolsover District Council manages the ground as it would any other 'Leisure' site, such as Castle Leisure Park.** This would have ongoing revenue implications, e.g. grounds maintenance and would probably result in a reduction of external funding opportunities that are open to clubs and community groups etc.
2. **A new legal entity be formed that in time becomes the majority trustee.** This could satisfy all parties as the committee would comprise representatives of all users. It could also expand its remit to cover the neighbouring Coronation Drive Recreation Ground. However, this option needs to be investigated further.
  - a. Bolsover District Council included as a trustee (possibly 1 of 7) – this option is likely to be the easiest and quickest way to change from the current arrangements. Whilst Bolsover would still be a trustee, it would become a minority trustee and the responsibility for the management and development of the site would be that of the group of trustees – not as it stands at present Bolsover District Council alone, this would effectively mean the trustees would;
    - i. Undertake the day to day management and operation of the site.
    - ii. Undertake any repairs and maintenance of the site.
    - iii. Administer income and expenditure for the site.
    - iv. Administer the bookings and lettings of the facilities.
    - v. Apply to various funding sources to further develop the site.

The club's and Residents Association representatives have expressed this option as their preferred choice. Bolsover District Council would still have some responsibility within the scheme – this would involve officers attending trustee meetings etc.

- b. Bolsover District Council to relinquish trusteeship – This option would remove any responsibility for the site from Bolsover District Council.

Part of the plans to develop the sites facilities may include the need to relocate the current football changing pavilion to the neighbouring Coronation drive Recreation Ground which is owned by Shirebrook Town Council. The

Head of Leisure Services presented this option recently to Shirebrook Town Council who welcomed the suggestion and supported the proposal. The Head of Leisure has also approached Shirebrook Town Council with a view to the possibility of them becoming a trustee on the newly formed board should this become the preferred option for the future management of this site, a response is still awaited.

## **IMPLICATONS**

Financial:

Option 1 would cost approx. as follows if Bolsover District Council took back the management of the site.

- Land management = £1500 - £2000 p.a.
- Repairs and maintenance = £3000 - £4000 p.a.
- Water & Electricity = £1000 - £1500 p.a.
- General management and administration = £2000 - £3000 p.a.

This would effectively mean an increase of between. £7500 - £10,000 p.a.

It is also important to recognise that this site is in need of considerable capital investment for infrastructure.

However this option would also generate income in the region of £2000 - £3000 pa

Option 2a would effectively mean Bolsover District Council would have no direct further financial or other responsibility for the site except in its capacity as minority trustee. The management and development of the site would be the responsibility of the new legal entity. It must be noted however that this arrangement could have the potential to create a reliance on Bolsover District Council's resources if not managed correctly.

Option 2b would effectively mean Bolsover District Council would have no further financial or other responsibility for the site.

Legal:

Option 2a & 2b would require legal intervention to assist the transfer of trusteeship etc.

Human Resources:

The Head of Leisure and the Special Projects Officer have already spent a considerable amount of time on this project during the last 18 months. Further time will be required to resolve the current issues whichever option is pursued, however should either option 2a or 2b be the favoured approach, then future resource requirements would be limited.



**RECOMMENDATIONS that**

- (1) the report be received,**
- (2) Executive approves the Head of Leisure to pursue options 2a or 2b to resolution dependent upon the decision of Executive.**

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

To agree the future management arrangements for Shirebrook Model Village Sports Ground. To improve the opportunities for investment and future development of this open space whilst promoting healthier lifestyles and regeneration priorities with the Council's Corporate Plan.

**ATTACHMENTS:**

**FILE REFERENCE:** None

**SOURCE DOCUMENT:** Background papers held by Head of Leisure.