

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 2nd August 2010 at 1000 hours.

PRESENT:-

Members:-

Councillor E. Watts - Chair

Councillors J.E. Bennett, K. Bowman, A.J. Hodkin, D. Kelly, D. McGregor, B.R. Murray-Carr, A.M. Syrett and A.F. Tomlinson.

Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council), J. Brooks (Director of Resources), P. Campbell (Head of Housing) (for minute no. 227), K. Drury (Customer Service and Access Officer) (to minute no. 221), D. Eccles (Head of Regeneration) (to minute no. 218 and for minute no. 227), J. Fieldsend (for minute no. 227), L. Hickin (Head of Leisure) (to minute no. 225) J. Ritchie (Head of Community and Street Services), (to minute no. 219), D. Troop (Housing Strategy and Enabling Manager) (for minute no.227) and R. Leadbeater (Democratic Services Officer).

Visitors:-

T. Glover and I. Wall (Junction Arts) (to minute no 217).

211. APOLOGIES

There were no apologies for absence.

212. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

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213. DECLARATIONS OF INTERESTS

Minute No.	Member	Level of Interest
222.	Councillor D. McGregor	Personal and Prejudicial
221.	Councillor B. R. Murray Carr	Personal

214. MINUTES OF A MEETING OF THE EXECUTIVE HELD ON 5TH JULY 2010

Moved by Councillor B. R. Murray-Carr, seconded by Councillor D. McGregor
RESOLVED that the minutes of a meeting of the Executive held on 5th July 2010
be approved as a true record.

215. CHANGE IN ORDER OF BUSINESS

The Chair consented to a change in the order of business to bring forward the presentation for Junction Arts Community Arts Programme Proposed Annual Programme Plan 2010/11.

216. JUNCTION ARTS COMMUNITY ARTS PROGRAMME – PROPOSED ANNUAL PROGRAMME PLAN 2010/11

The Portfolio Holder for Arts and Leisure introduced the report for Members to further consider the Junction Arts Annual Programme Plan and to request approval for the first stage payment to be released. It was added that Junction Arts were a Core Funded organisation and were involved in numerous projects with partner organisations such as the Local Strategic Partnership and Cultural Forum and were responsible for attracting external funding into the District.

Tina Glover gave a presentation to Members providing further detail on the proposed plan. Members were advised that a number of response requests would also be considered throughout the year as and when received, and these would be in addition to those initiatives included in the programme presented to the Executive. Junction Arts had worked in conjunction with officers of the Council to ensure the plan was formulated to complement the Council's Corporate Aims and objectives.

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The proposed programme included:

- Bright Winter Nights – participation, supporting community cohesion and increasing visitors to the District.
- Creative Curriculum – Building partnerships with schools and supporting lifelong learning.
- Link Film Project – Providing a forum for young people and creating new partnerships with LINK Derbyshire and Action for Children.
- Drawing the Way – Creswell Museum and Heritage Centre, supporting partnership projects.
- Rural Routes – Voices of young people shared with the community and expansion of working with schools and communities.
- Sidelinz – Focus on innovative sports and arts collaborations leading up to the 2012 Olympics.
- Take me with You – Involving families of long distance lorry drivers and raising the profile of the district
- Transition – Extending opportunities for solo artists to develop their work and supporting growth of cultural industries.
- Well Made – Participatory work with the elderly and health and well-being memories.

Members raised concerns with regard to the projects involving lorry driver's families and in respect of cared for children. Tina Glover confirmed that both these projects would be approached with sensitivity and would be totally supported by the appropriate specialist organisations.

In response to questions raised with regard to the likelihood of a grant being given for the Limestone Journeys project, Ian Walls advised that meetings and discussions were ongoing with the Heritage Lottery Fund and initial indications were positive.

Questions were raised with regard to provision for traveller groups to which Tina Glover responded.

The Head of Leisure advised Members that Junction Arts had carried out significant work and improvements to provide better accountability and measures of achievement. It was added that Bolsover District Council had also improved its methods of measuring outputs and evaluating performance against Corporate Aims and targets and there was confidence that Junction Arts represented value for money.

Thanks were extended to the Junction Arts team and Leisure staff.

Tina Glover and Ian Walls left the meeting.

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Moved by Councillor A. M. Syrett, seconded by Councillor D. McGregor
RESOLVED that (1) that the proposed Annual Plan and core funding for 2010/11
be approved;

(2) the 1st stage payment be released.

(Head of Leisure)

Reason for Decision: To release the 1st stage payment to Junction Arts.

217 . RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE – MINUTE NO. 107 PEST CONTROL POLICY

The Portfolio Holder for Environment presented the report to seek approval of the Pest Control Policy previously considered by the Sustainable Communities Scrutiny Committee.

In response to Members' questions, the Head of Regeneration advised that the 5 working day's target to respond to requests was considered achievable and any reduction of the target would be difficult to maintain during particularly busy periods. Members were assured that any requests received were dealt with as soon as service provision would allow.

Moved by Councillor D. Kelly, seconded by Councillor E. Watts
RESOLVED that the Pest Control Policy be approved

(Environmental Health Residential Manager)

**Reason for Decision: To improve the way in which pest control is dealt with
by the Council.**

The Head of Regeneration left the meeting.

218. BULKY WASTE CHARGES CHRONOLOGY

The Portfolio Holder for the Environment introduced the report which had been requested at the last meeting of the Executive, as anomalies had been identified on the Bulky Waste Charging policy.

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Members had raised concerns in respect of items 4.5 and 4.17 of the policy which advised that charges were non refundable on cancellation of a collection request.

Following lengthy discussion it was suggested that the recommendation be amended to include that from 1st September 2010 if a bulky waste collection request was cancelled giving at least 48 hours notice of the collection date (excluding weekends), a refund would be given.

Moved by Councillor D. Kelly, seconded by Councillor A. F. Tomlinson
RESOLVED that the Bulky Waste Policy be approved subject to inclusion of the following that “from 1st September 2010 if a bulky waste collection request is cancelled giving at least 48 hours notice of the collection date (excluding weekends) a refund will be given”.

(Head of Community and Street Services)

Reason for Decision: To improve the way in which the Bulky Waste Collection service is dealt with by the Council.

The Head of Community and Street Services left the meeting.

219. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS

The Portfolio Holder for Customer Services introduced the report to advise Members of compliments, comments, complaints and Freedom of Information requests for the period 1st April to 30th June 2010.

The Customer Service and Access Officer advised Members that a total of 42 written compliments, 16 written comments and 18 stage 2 complaints had been received. All had been responded to within the 20 day standard. There had been 8 stage 3 complaints of which only 5 had been responded to within standard. The Customer Service and Access Officer informed the meeting that relevant Heads of Service had been reminded of the need to provide their information more promptly. There had also been 299 stage 1 complaints handled by the Contact Centre.

Further information was provided on Ombudsman Complaints, Freedom of Information and personal data requests which were produced in full in the report.

Members raised questions in respect of an outstanding insurance claim and response times for Freedom of Information (FOI) requests to which the Customer Service and Access Officer responded.

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The procedure for obtaining FOI details from the Council's departments was explained and discussion took place in respect of the procedure when complaints relating to services provided by other organisations were received.

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.

220. ANNUAL REVIEW FROM THE LOCAL GOVERNMENT OMBUDSMAN

The Portfolio Holder for Customer Services introduced the report to provide Members with details of information contained within the Annual Review 2009/10 from the Local Government Ombudsman (LGO).

The Customer Service and Access Officer advised that the Annual Review provided a summary of the complaints received in respect of Bolsover District Council over the last year.

The LGO had concluded that of the 11 complaints received, 7 were found to have insufficient evidence of maladministration, 1 was discontinued, 1 was outside the LGO's jurisdiction and 2 had resulted in local settlement.

The Annual Review letter was reproduced in full in the agenda for Members' information.

Moved by Councillor D. McGregor, seconded by Councillor E. Watts.
RESOLVED that the report and Local Government Ombudsman Annual Review 2009/10 be received.

Reason for Decision: To keep Members informed of Ombudsman complaints.

The Customer Service and Access Officer left the meeting.

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221. SHIREBROOK MODEL VILLAGE SPORTSGROUND

The Portfolio Holder for Arts and Leisure introduced the report to seek a decision on the future management of Shirebrook Model Village sports ground.

The Head of Leisure advised that Bolsover District Council was currently a trustee of the Shirebrook Model Village Ground Welfare Scheme and had passed responsibility for the operation of the facility to a management committee comprising of users of the site.

The Cricket Club that used the ground was looking to re-establish league cricket on the ground to the standard required for the Bassetlaw league. In order for the club to secure funding for improvements to the site, it was necessary to provide evidence of ownership or security of tenure in the form of a long term lease. Shirebrook Town Council had been approached as a possible trustee.

A number of options for trustee arrangements were put forward for consideration, which were detailed in the report. It was added that these options would help to ensure that the facilities would be retained for recreational use. The Head of Leisure advised that discussions with Shirebrook Town Council were still ongoing and their final position on transfer of responsibility for the land had still to be clarified.

Members asked questions and discussed the issue at considerable length. Concerns were raised that any transfer of trusteeship should also include transfer of financial responsibility for the maintenance and upkeep of the grounds.

Councillor B. R. Murray-Carr declared a personal interest and did not take part in the discussion.

Members considered the options and agreed that option 2b would be most favourable. An amendment to the recommendation was requested.

Moved by Councillor E. Watts, seconded by Councillor J.E. Bennett

RESOLVED that (1) the report be received;

(2) the Head of Leisure be given approval to pursue option 2b to resolution in consultation with the Portfolio Holder for Arts and Leisure;

(3) in the event of negotiations for Option 2b proving unsuccessful, the matter be brought back to the Executive for further consideration.

(Head of Leisure)

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Reason for Decision: 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 lifestyle and regeneration priorities with the Council's Corporate Plan.

Councillor D. McGregor declared a personal and prejudicial interest in the following item and left the meeting.

222. FORMER MARKLAND CAMPUS, CRESWELL, FUTURE MANAGEMENT OF SPORTS GROUND, CHANGING ROOMS AND CHILDREN'S PLAY AREA

The Portfolio Holder for Arts and Leisure introduced the report for Members to consider the transfer of a plot of recreational land at the former Markland Campus and accompanying Section 106 Agreement monies to Elmton with Creswell Parish Council. The Parish Council anticipated that their chances of attracting additional funding would be enhanced by this transfer.

The Head of Leisure drew Members' attention to the background details which were provided in the report, and advised that Elmton with Creswell Parish Council, as part of its Sport and Arts in the Community Project, had expressed an interest in taking on management and maintenance of the site. Leisure Services had liaised with the Parish Council regarding the development of a multi-use games area.

Members discussed the proposals at considerable length and in particular, whether Section 106 Agreement monies should be released to Elmton with Creswell Parish Council as a lump sum or by instalment.

Following further discussion, Members agreed that the Head of Leisure's recommendations be amended to request that the Solicitor to the Council be delegated to formulate the Terms and Conditions of the transfer.

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

RESOLVED that(1) the transfer of land to Elmton with Creswell Parish Council be approved, subject to the Terms and Conditions on which the transfer of the land takes place and the terms and conditions for the transfer of the Section 106 Agreement for the maintenance/revenue sum of £58,372.00 being delegated to the Solicitor to the Council in consultation with the Portfolio Holder for Arts and Leisure and the Head of Leisure.

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(2) a recommendation to this affect be made to Planning Committee.

(Head of Leisure/Solicitor)

Reason for Decision: To take advantage of the possible extra funding which the Parish Council could obtain for this recreational facility.

223. LUNCHTIME ADJOURNMENT

The time being 1230 hours Members considered whether the remaining business could be concluded by 1400 hours.

Moved by Councillor J.E. Bennett, seconded by Councillor A. F. Tomlinson
RESOLVED that the meeting continue.

Councillor D. McGregor re-joined the meeting.

224. TRANSFER OF LAND ADJACENT TO THE SIDINGS SKATE PARK, OFF RECTORY ROAD, CLOWNE.

The Portfolio Holder for Arts and Leisure introduced the report to seek Members' approval for the transfer of a parcel of land to Clowne Parish Council for development as BMX track on a long term lease. The Head of Leisure advised Members that this area of land was adjacent to the existing Sidings Skate Park and funding for the next phase of development had been secured by Groundwork Creswell. It was confirmed that as lease holders, Clowne Parish Council would be responsible for the management and maintenance of the land and BMX track.

A restriction on future use of the land was recommended for inclusion in the agreement.

Members asked questions in respect of the costs of transferring the land which the Head of Leisure agreed to discuss with Clowne Parish Council. It was confirmed that Clowne Parish Council would have public liability for the site.

Moved by Councillor A.M. Syrett, seconded by Councillor J.E. Bennett.
RESOLVED that (1) an area of land of some 0.3 hectares at Clowne Linear Park be leased to Clowne Parish Council for a period of 25 years.

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(2) a restriction be placed on the future use, development and/or disposal of the land.

(Head of Leisure/Solicitor)

Reason for Decision: 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.

The Head of Leisure left the meeting.

225. ARREARS – IRRECOVERABLE ITEMS OVER £1000

The Portfolio Holder for Resources introduced the report to request Members' approval to write off irrecoverable arrears.

Members asked questions in respect of individual amounts included in the report to which the Director of Resources responded.

Moved by Councillor A. J. Hodkin, seconded by Councillor J.E. Bennett
RESOLVED that approval be 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.

(Head of Finance)

Reason for Decision: In order that outstanding debts can be written off.

226. 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.

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227. ARREARS – IRRECOVERABLE ITEMS OVER £1000 EXEMPT PARAGRAPH 3

The Portfolio Holder for Resources introduced the report to request Members' approval to write off irrecoverable debts.

Members asked questions to which the Director of Resources responded. Members requested further details of the period of time over which the debt detailed in the report had accrued which the Director of Resources agreed to provide.

Moved by Councillor A.J. Hodkin, seconded by Councillor A. Syrett.

RESOLVED that approval be given to write off the irrecoverable items including costs amounting to £18,060.73 with the proviso that should any of the debts become collectable the amounts be re-debited.

(Head of Finance)

Reason for Decision: In order that outstanding debts can be written off.

The Head of Regeneration, Housing Enabling Manager, Principal Solicitor and Head of Housing joined the meeting.

228. TARRAN BUNGALOW REDEVELOPMENT EXEMPT PARAGRAPH 3

(1) Bolsover Oxcroft

The Portfolio Holder for Regeneration introduced the report for Members to consider the options for future redevelopment of the Tarran Bungalows.

The Head of Regeneration provided an update on the current position. Members were advised that Bolsover District Council had received confirmation from the Secretary of State that Housing Revenue Account Land at Oxcroft could be released for the purpose of Tarran Bungalow development. However owing to the loss of Local Authority New Build and Kick Start Funding there was a requirement to change the scale, scope and direction of Tarran redevelopment schemes. The Council had been advised that a small amount of National Affordable Housing Programme funding may be available, the proposal was outlined in detail in the report.

A further supplementary report was tabled containing updated information.

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Members discussed the options at considerable length and asked questions to which the Head of Regeneration and Housing Strategy and Enabling Manager responded.

Moved by Councillor A.F. Tomlinson, seconded by Councillor. K. Bowman
RESOLVED that (1) Members agree in principle to taking the proposed scheme forward dependant on the financial settlement which will be reported back to the Executive;

(2) Housing Services carries out 1 to 1 consultation with the tenants on the Oxcroft site and that the outcomes of this consultation be reported back to the Executive.

(3) it be noted that the Chairman of the Council has agreed that the call-in procedure as set out in 4.5.16 of the Council's Constitution shall not apply;

(4) it be noted that the decision is an urgent one.

(2) New Houghton and Langwith Junction

The Head of Regeneration presented the report to request Members consider the approval of provision of land at Hollycroft Farm in order to secure the provision of alternative housing. Members were advised that pursuit of National Affordable Housing Programme monies was continuing. This was in conjunction with efforts to attract buy-in provision from the Coalfields Regeneration Trust so that Tarran bungalow re-provision could occur at New Houghton and Langwith Junction.

Moved by Councillor A.F. Tomlinson, seconded by Councillor K. Bowman
RESOLVED that provision of £40,000 value or £80,000 (marriage value) land at Hollycroft Farm in order to secure 10x bungalows at Long Lane Shirebrook in partnership with Derwent Living for the permanent housing of Langwith Junction tenants and possible temporary housing of Bolsover Oxcroft tenants be approved.

(Housing Strategy and Enabling Manager/Head of Regeneration)

Reason for Decision: In order to decide how to proceed with the Tarran project.

The meeting concluded at 1355 hours.