

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 6th September 2010 at 1000 hours.

PRESENT:-

Members:-

Councillor A. F. Tomlinson - In the Chair

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

Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council), J. Brooks (Director of Resources), S. Tomlinson (Director of Neighbourhoods), L. Hickin (Head of Leisure) (to minute no. 309), D. Bonsor (Housing Needs Manager) (to minute no. 308), A. Lowery (Street Services Manager) (to minute no. 315), D. Hill (Head of Finance and Revenue) (from minute no. 311 to minute no. 312), M. Broughton (Project Officer (Business Growth)) (from minute no. 311 to minute no. 313), G. Galloway (Building and Contracts Manager) (from minute no. 313 to minute no.317), R. Owen (Senior Valuer) (from minute no. 313 to minute no.316), D. Troop (Housing Strategy and Enabling Manager) (from minute no. 315 to minute no.318), B. Truswell (Head of Shared Procurement) (from minute no.316 to minute no.318) and R. Leadbeater (Democratic Services Officer).

302. APOLOGIES

Apologies for absence were received from Councillors J.E. Bennett and E. Watts.

303. URGENT ITEMS OF BUSINESS

The Chairman had consented to two urgent items of exempt business being considered by the Executive, Site of Yorke House, Creswell and Kerbside Recycling Tender.

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304. ORDER OF BUSINESS

The Chairman consented to a change in the order of business to accommodate two urgent items of business. These would be taken as agenda item no. 11 (minute no. 314 refers) and agenda item no. 12 (minute no. 315 refers). The Local Investment Plan would be re-ordered to the penultimate item.

305. DECLARATION OF INTEREST

Minute No.	Member	Level of Interest
308.	Councillor D. McGregor	Personal and Prejudicial

306. MINUTES – 2ND AUGUST 2010

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. Kelly
RESOLVED that the minutes of a meeting of the Executive held on 2nd August 2010 be approved as a true record.

307. CHOICE BASED LETTINGS

The Portfolio Holder for Housing Management presented the report to update Members on the feedback from consultations with customers in respect of Choice Based Lettings.

The feedback appeared to suggest that the current housing allocation system was not fully understood and that applicants were interested in having a better understanding of how points were allocated to them and what properties were available. Attendees at the public meetings had not raised any objections to the introduction of the new Choice Based Letting scheme which would enable allocations information to be more easily available.

The new policy was attached to the report for Members' consideration. Particular attention was drawn to items 3 and 4 of the allocations policy which would enable the Council to exercise greater control in respect of applications from households with a history of anti-social behaviour.

The policy had been considered on previous occasions by the Executive, Scrutiny Committee and the Policy and Performance Management Group. Members' attention was drawn to a number of tasks to be completed prior to

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launch including finalising of guidance and application forms and staff training. Copies of the Application Form Guidance and Choice Based Lettings information leaflet were tabled for Members' information. The Director of Neighbourhoods requested that an additional recommendation be included to allow minor amendments to be made to these documents in consultation with the Portfolio Holder.

Members asked further questions with regard to housing for tenants with a history of anti-social behaviour, the points allocated to the homeless and applications for OAP bungalows to which the Housing Tenancy Manager responded. Members commented that it was pleasing that mental health issues had been addressed as part of the new policy.

Moved by Councillor K. Bowman, seconded by Councillor B.R. Murray-Carr

RESOLVED that (1) Members note the positive feedback received on the proposed scheme;

(2) the name of Bolsover Lettings is confirmed for the scheme;

(3) the web address is confirmed for the scheme;

(4) Members adopt the draft policy as the Council's allocation policy;

(5) the policy is implemented from the 'go-live' date of the software.

(6) in the meantime the Authority will continue with the existing allocations policy until recommendation 5 occurs.

(7) minor amendments to the Application Form Guidance and Choice Based Lettings information leaflet be delegated to Head of Housing, in consultation with the Director of Neighbourhoods and Portfolio Holder.

REASON FOR DECISION: To allow the Council to adopt a Choice Based Letting Scheme.

(Head of Housing)

The Housing Needs Manager left the meeting.

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

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308. SECTION 106 FUNDING REQUESTS FOR FORMAL LEISURE/SPORTS PROVISION BY ELMTON WITH CRESWELL PARISH COUNCIL

The Portfolio Holder for Arts and Leisure presented the report to request that Members agree to release £60,000 of Section 106 funding gained via the Skinner Street development. This funding would be used to provide a cricket pavilion to enhance the newly restored Creswell Cricket Ground.

Members were advised that the Section 106 monies would provide the shortfall for a larger Sports and Arts in the Community project established to encourage participation and excellence in sports for young people in the community.

In accordance with Access to Information Procedure Rule 4.2.15 (c) (General Exception), this item which was not included on the Forward Plan was considered by Executive.

Moved by Councillor A. M. Syrett, seconded by Councillor B.R. Murray-Carr
RESOLVED that Executive approves the use of the Section 106 monies gained via the Skinner Street development to the value of £60,000 to support the development of a new cricket pavilion and the wider 'Community Sports and Arts' programme.

REASON FOR DECISION: To take advantage of the Section 106 funding held by the District Council and determine whether it should be used to help deliver this Parish Council recreation facility.

(Head of Leisure)

Councillor D. McGregor rejoined the meeting.

The Head of Leisure left the meeting.

309. WORKING NEIGHBOURHOODS FUND MONITORING REPORT

The Portfolio Holder for Regeneration presented the report to update Members on the Working Neighbourhoods Fund. The full Quarter 1 report had been provided for Members' further information.

Members' attention was drawn to a number of matters outlined in the Quarterly Monitoring report. These included a bid to establish a Shirebrook Enterprise Centre for which initial indications were positive and the possibility of a pre apprenticeship pilot scheme to complement the existing Bolsover Apprenticeship Programme.

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In response to questions from Members, the Chief Executive Officer advised that the current Working Neighbourhoods funding allocation was for the period up to March 2011 but there was no requirement for monies to be spent by this date. However, the majority of the funding had now been allocated and it was uncertain whether funding of this nature would continue until the Government had made its budget announcements next month.

Moved by Councillor A.F. Tomlinson, seconded by Councillor B.R. Murray-Carr
RESOLVED that the report be received.

REASON FOR DECISION: To ensure that Working Neighbourhoods Funding is targeted to be effective.

310. NATIONAL FRAUD INITIATIVE (NFI) 2010/11

The Portfolio Holder for Resources introduced the report to advise Members of the progress on the National Fraud Initiative.

The Audit Committee had considered the Audit Commission's national report and the Council's assessment against recommended practice. It was added that the Council's Corporate response to this work had not previously been timely and had resulted in criticism in various External Audit Reports.

Members' attention was drawn to the data systems specified by the Audit Commission from which extracts would be sought and the timetable for work to be carried out.

Further to questions, the Director of Resources advised that the self assessment had identified gaps in the processes used. It had also indicated that responses were improved when the work carried out had the clear backing of Senior Management Team and Members. Senior Management Team had been updated on the work carried out to date and it was planned to provide updates to future meetings of the Audit Committee.

Moved by Councillor A. Hodkin, seconded by Councillor D. McGregor
RESOLVED that the Executive note the plan for the National Fraud Initiative 2010/11.

REASON FOR DECISION: To document and create awareness of arrangements that seek to improve the Council's arrangements, supporting the Strategic Organisational Development objective to continually improve our organisation.

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The Head of Finance and Revenues and Project Officer (Business Growth) joined the meeting.

311. SINGLE PERSONS DISCOUNT REVIEW

The Portfolio Holder for Resources introduced the report to advise Members of arrangements for a review of the Single Persons Discount.

Members were advised that the 8 District and Borough Councils in Derbyshire together with Derby City Council, had signed a Statement of Intent confirming their participation in the review. Derby City would undertake a formal tender process on behalf of the participating authorities to select a third party company to undertake a review for each authority.

The Head of Finance and Revenues added that some authorities had elected to undertake their own review by writing to all residents in receipt of Single Persons Discount, asking them to reconfirm their entitlement and cross checking with the Electoral Register. This was considered a costly and time consuming method and it had therefore been considered more effective to enter into a third party agreement. The third party companies would have access to a wider variety of databases such as credit records, providing far greater cross checking capabilities. Funding for the review had been approved by the East Midlands Improvement and Efficiency Partnership.

It was estimated that should the claims for Single Persons Discount be reduced by around 5%, Bolsover District Council alone could save in excess of £22,000 per year.

Members' attention was drawn to the table in the report outlining potential costs and savings to all the Derbyshire authorities.

Questions were raised with regard to whether information on the review would be provided to members of staff whose work involved visiting homes around the District and whether they could assist in providing any information. Concerns were also raised that further resources may be required in Contact Centres to accommodate the potential increase in enquiries. The Head of Finance and Revenues noted Members' comments.

Moved by Councillor A.J. Hodkin, seconded by Councillor D. McGregor
RESOLVED that the report be noted.

REASON FOR DECISION: To improve the efficiency of the Council and to generate savings.

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(Head of Finance and Revenues)

The Head of Finance and Revenues left the meeting.

312. COMMUNITY BRIDGE LOAN

The Portfolio Holder for Regeneration introduced the report to seek the Executive's agreement to authorise bridging loans to community groups who had applied for LEADER grant funding. Members were advised that although these groups were awarded LEADER funding, all project costs had to be paid for by the applicant community groups in the first instance and claimed back retrospectively. This created a significant cash flow problem for these groups that had previously been able to overcome this problem with a 0% loan provided by Derbyshire County Council. This facility had been withdrawn by Derbyshire County Council on 31st March 2010.

It was suggested that Bolsover District Council may be able to extend this facility to community groups in Bolsover. Further details of the terms of the proposed scheme were outlined in the report.

Members raised questions in respect of the security of any loans provided. The Director of Resources advised that loans would only be agreed on production of a signed grant funding agreement, a risk assessment of the project, credit checks and submission of 3 years of the organisation's accounts. The loan would be provided piecemeal on a month by month basis and therefore this was the maximum potential risk to the Council. It was added that the volume of requests for this facility was likely to be very low.

Moved by Councillor A. Tomlinson, seconded by Councillor K. Bowman
RESOLVED that (1) delegated authority be given to the Director of Resources, in consultation with the Cabinet Member for Regeneration, for authorisation of bridging loan applications based on reviewing the documentation outlined in the report.

(2) the Standards Committee and Council be recommended to approve the Director of Resources' delegation for inclusion in the Council's Constitution.

REASON FOR DECISION: To develop vibrant town centres and flourishing rural communities.

(Director of Resources/Head of Democratic Services)

The Project Officer (Business Growth) left the meeting.

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The Building and Property Contracts Manager, Senior Valuer and Head of Shared Procurement joined the meeting.

313. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

314. SITE OF YORKE HOUSE, CRESWELL EXEMPT - PARAGRAPH 3

The Senior Valuer presented the report to seek Member approval to extend Welbeck Estate's option to purchase land at the Site of Yorke House, Creswell for a period of 5 years.

In accordance with Access to Information Procedure Rule 4.2.16 (Special Urgency), this item which was not included on the Forward Plan was considered by Executive.

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. Kelly

RESOLVED that (1) in accordance with the Council's Constitution, retrospective approval is given to the Chief Executive Officer's decision to extend the option by 3 months to allow the Executive to consider the matter.

(2) the option to purchase the land by Welbeck Estate for the sum of £350,000 be extended for a period of 5 years at no charge to Welbeck Estate.

REASON FOR DECISION: In order to secure a capital receipt for the Council from the sale of an area of land that is surplus to requirements and to contribute to the regeneration of the former Creswell Colliery.

(Senior Valuer/Director of Resources)

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The Housing Enabling Manager joined the meeting.

315. KERBSIDE RECYCLING TENDER EXEMPT – PARAGRAPH 3

The Portfolio Holder for the Environment introduced the report to seek Members' acceptance of tenders received for the provision of the Council's kerbside recyclables waste collection service.

The Street Services Manager advised that two companies had submitted tenders and each had provided several options priced according to the method of collection. These had been considered by a joint evaluation board meeting for the best value for money option.

Members were provided with a detailed explanation of each of the proposed schemes and considered the recommendations outlined in the report at considerable length.

In accordance with Access to Information Procedure Rule 4.2.16 (Special Urgency), this item which was not included on the Forward Plan was considered by Executive.

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

RESOLVED that (1) the contract for the kerbside collection of recyclables be awarded to HW Martin; at rates set out in their bid for a third Wheelie Bin collection system, including the collection of plastics (Option C).

(2) the contract be awarded for duration of 5 years with an option to extend up to 7 years and with a contract commencement date of 1st November 2010.

(3) a legal agreement be made between Bolsover District Council and North East Derbyshire District Council to the effect that each Council agrees to meet costs of the other Council were one Council to withdraw from the contract prior to its natural end date; and that those costs be calculable by way of differential between the Council's individual bid rates and combined Council bid rates.

(4) the Executive agrees that the decision cannot be reasonably deferred and that in accordance with Part 4.2 paragraph 16 the Chair of the Sustainable Communities Scrutiny Committee has agreed that this was the case.

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REASON FOR DECISION: In order to improve the efficiency and level of service provided to the Council's customers, by appointing a contractor to undertake kerbside collections of recyclable materials.

(Head of Procurement/Street Services Manager/Solicitor to the Council)

The Senior Valuer and Street Services Manager left the meeting.

316. DISPOSAL OF OXCROFT DEPOT AND ADJOINING LAND EXEMPT – PARAGRAPH 3

The Portfolio Holder for Regeneration introduced the report to seek Members' views on the future of the site of the Oxcroft Depot.

The Building and Property Contracts Manager outlined the details of revised proposals received since the previous report presented to Members at the Executive on 5th July. Members had declined an offer to sell the land for commercial purposes and had requested that Officers seek to market the site for housing development.

Members were advised that a revised offer had been received that would secure a significant capital receipt with an added agreement to vacate and sell the land within a period of 3 years.

The Building and Property Contracts Manager and Director of Resources further advised Members of the potential costs associated with retention of the site including yearly business rates, insurance and unexpected costs such as fire or flood damage. In addition, the potential advantages of securing a capital receipt of this size to meet other potential costs and generate interest was detailed to Members. It was added that to market the site as land for housing development, significant financial outlay would be needed to clear the site and submit an application for outline planning permission.

Members discussed the issues raised at length and some concerns were noted in respect of the potential loss of future capital receipts as a result of disposing of the land during a period of economic downturn. It was added that there had also been significant public concern over the potential storage of asbestos on the site.

In accordance with Access to Information Procedure Rule 4.2.15 (c) (General Exception), of the Council's Constitution, this item was not included on the Forward Plan and was considered by Executive.

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In accordance with Access to Information Procedure Rule 4.5.16 (Call In and Urgency), this item would not be subject to call in.

Moved by Councillor D. McGregor, seconded by Councillor B. R. Murray-Carr **RESOLVED** that (1) Officers investigate and present marketing information at a future Executive on the sale of the Oxcroft Depot and adjoining land for residential use.

(2) meetings take place with the Oxcroft residents to ascertain their views on City Scaffolding's offer not to run any part of their asbestos business from the Oxcroft site.

(3) clarification be provided on the potential financial penalties that could be imposed in relation to the site, in the event that City Scaffolding do not vacate the Oxcroft site within the three year period.

REASON FOR DECISION: To ensure that the Executive considers the matter in the light of all the relevant facts to make an informed decision.

Councillors K. Bowman, A.J. Hodkin, and A. M. Syrett requested that their vote against the resolution be recorded.

Councillors D. McGregor D. Kelly, B.R. Murray-Carr and A.F. Tomlinson requested that their vote for the resolution be recorded.

The Building and Property Contracts Manager left the meeting.

317. LOCAL INVESTMENT PLAN EXEMPT – PARAGRAPH 3

The Portfolio Holder for Regeneration introduced the report to request Members' approval of a number of recommended changes to the governance structure for delivery of the Single Conversation, the underpinning evidence bases and scoring matrix and the draft Local Investment Plan

A further recommendation was added to approve the Cabinet Member representative on the Executive Sounding Board.

The Housing Strategy and Enabling Manager drew Members' attention to minor changes to the Local Investment Plan and supporting documentation, including the Corporate Asset Management Strategy and Housing for Vulnerable People.

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Members were advised that the Local Investment Plan priorities were regeneration of Bolsover and Shirebrook Town centres. In response to Members' questions it was confirmed that housing developments would be supported by economic development and creation of employment. It was further added that the HCA had accepted the plans submitted by the Council and were confident these were robust and that the Core Strategy was being delivered.

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that (1) the recommended changes to the governance structure be approved (Appendix C and C1) for the delivery of the Single Conversation, including;

- the Executive Sounding Board would report to the Joint Board
- the Joint Board would ensure representation from Bassetlaw District Council, Derbyshire County Council and Nottinghamshire County Council at its meetings for Single Conversation agenda items
- the Terms of Reference for the Executive Sounding Board are amended to include up to one additional officer from each District Council (where necessary) and one additional Member of the District Council's Cabinet.
- the Terms of Reference are reviewed again in six months time.

(2) the unweighted scoring matrix at Appendix B be approved, which had been approved by the Executive Sounding Board as a way of assessing and prioritising projects and interventions across the HMA.

(3) the draft Local Investment Plan (Appendix A) be noted and the current prioritisation of projects likely to come forward in the next three year period.

(4) the five evidence bases used to underpin vulnerable persons and renewal housing projects within the draft Local Investment Plan (Appendices D1, D2, D3, D4, D5) be approved.

(5) the development of a holistic Corporate Asset Management Strategy reflecting "Total Capital Total Place", leverage and wellbeing considerations as part of the ongoing Local Investment Plan process be supported.

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(6) a further report on the completed Investment Plan for the North Derbyshire and Bassetlaw Housing Market Area be generated in due course.

(7) Councillor D. Kelly be the additional Cabinet Member representative on the Executive Sounding Board.

(Housing Strategy and Enabling Manager/Head of Regeneration)

REASON FOR DECISION: To ensure that the Council is dealing with housing investment appropriately.

318. TENDER – ELECTRICAL TESTING AND UPGRADES EXEMPT – PARAGRAPH 3

The Head of Shared Procurement advised Members that 7 tenders for the above contract had been received before the deadline.

Moved by Councillor A. F. Tomlinson, seconded by Councillor D. Kelly
RESOLVED that (1) the Executive witness the opening of the tenders,

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

(3) once evaluation has been completed, a Report for Information be submitted for Members,

(4) the evaluation meeting to take place on Thursday 9th September 2010 at 1000 hours in the Head of Shared Procurement's Office, Sherwood Lodge.

REASON FOR DECISION: In order to secure the tender which gives the best value for money.

(Head of Shared Procurement)

The meeting concluded at 1308 hours.