

## EXECUTIVE

Minutes of a reconvened meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday, 20<sup>th</sup> December 2010 at 1000 hours.

### PRESENT:-

Members:-

Councillor E Watts - Chair

Councillors J.E. Bennett, K. Bowman, A.J. Hodkin (to minute no. 644), 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 and Monitoring Officer), J. Brooks (Director of Resources), K. Hopkinson (Director of Development), S. Tomlinson (Director of Neighbourhoods) (from minute no. 650), D. Eccles (Head of Regeneration) (to minute no. 642), P. Campbell (Head of Housing) (to minute no. 651), C. Doy (Development Control Manager (for minute no. 642) and R. Leadbeater (Democratic Services Officer).

### 639. ORDER OF BUSINESS

The Chair consented to a change in the order of business to reduce waiting time for officers. Exempt items would be considered as the first items on the agenda.

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

Moved by Councillor K. Bowman, 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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### 641. DISPOSAL OF KITCHEN CROFT EXEMPT PARAGRAPH 3

Members were advised that this item had been withdrawn from the agenda.

The Development Control Manager joined the meeting during the following agenda item.

### 642. PROPOSALS FOR THE OXCROFT LANE DEPOT EXEMPT PARAGRAPH 3

The Head of Regeneration presented the report to seek Members' views on various options in respect of the former Council depot at Oxcroft Lane, Bolsover.

Members were requested to consider whether to market the site for sale, retain and maintain the site in its existing condition, or retain and lease the site on short term lets. The cost incurred by each of the options was detailed in the report for Members' information.

The report concluded that in view of current market conditions and the imperative to protect revenue that the preferred option would be to offer the site for short term lease. Members were advised that should this be approved, planning permission would need to be sought for light industry use (B1), general industrial use (B2) and storage (B8).

Members suggested that the recommendation be amended to specify the period of the short term lease as a maximum of three years.

Concerns were raised by local Members with regard to the inclusion of class (B2), general industrial use and it was suggested that the recommendation be amended to exclude B2. Advice was sought from the Development Control Manager on the definition of class B2.

Moved by Councillor A. F. Tomlinson, seconded by Councillor B.R. Murray-Carr  
**RESOLVED** that the recommendation be amended to specify that the short term lease shall be a maximum of three years.

Having been put to the vote, the motion was carried.

Moved by Councillor A.J. Hodkin, seconded by Councillor J.E. Bennett  
That the recommendation be amended to exclude class B2.

Having been put to the vote, the motion failed.

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Moved by Councillor A. F. Tomlinson, seconded by Councillor B. R. Murray-Carr **RESOLVED** that the Head of Regeneration be instructed to apply for change of use of the Depot for B1, B2 and B8 and once permission is in place to begin letting the Depot either as one or as individual units on short term lease with the individual lease limited to a maximum of three years.

**REASON FOR DECISION: To secure the best return for the Council from a property that is surplus to operational requirements and thereby reduce the revenue burden.**

(Head of Regeneration)

The Head of Regeneration and the Development Control Manager left the meeting.

### **643. DISPOSAL OF 67 THE CROFT EXEMPT PARAGRAPH 3**

The Head of Housing presented the report to seek Members' views on proposals to dispose of 67 The Croft. Various options were presented for consideration along with the associated financial implications.

The report recommended that the property be sold at auction with a reserve price set by the Senior Valuer or alternatively, disposed of by private sale to an interested party.

Members discussed the issues raised in the report at some length and suggested that a valuation of the property should have been provided prior to agreement to the auctioning of the property being sought.

The Director of Development advised Members that a number of legal issues needed to be resolved before the actual valuation and reserve price were finalised. Members were referred to the report for further explanation of the reasons for sale.

It was suggested that the decision be delegated to the Chief Executive Officer in consultation with the Leader of the Council and Portfolio Holder for Housing Management.

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Moved by Councillor K. Bowman, seconded by Councillor J. E. Bennett  
**RESOLVED** that (1) the Chief Executive Officer be delegated to authorise the sale of the property using the most appropriate means, in consultation with the Leader of the Council and Portfolio Holder for Housing Management.

**REASON FOR DECISION: In order to secure a capital receipt for the Council from the sale of a property that is surplus to requirements.**

(Chief Executive Officer/Head of Housing)

Councillor A. Hodkin left the meeting.

### **644. OPEN ITEMS**

Moved by Councillor E. Watts, seconded by Councillor J.E. Bennett  
**RESOLVED** that the meeting move into open business.

### **645. APOLOGIES**

No apologies were submitted

### **646. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **647. DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

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### 648. MINUTES – 1<sup>ST</sup> NOVEMBER 2010

Moved by Councillor A. F. Tomlinson, seconded by Councillor D. McGregor  
**RESOLVED** that the minutes of a meeting of the Executive held on 1<sup>st</sup> November 2010 be approved as a true record.

### 649. EYES AND EARS

The Portfolio Holder for the Environment presented the report to seek Members' approval to extend the Eyes and Ears trial period by a further six months. The Eyes and Ears scheme had been re-launched in response to proposals to cease Estate Audits and implement a year round scheme to encourage staff and Members to report any problems and seek to improve the condition of neighbourhoods around the District.

Some delays had occurred in respect of the delivery of training and awareness sessions and therefore it was proposed to extend the trial period.

Councillor McGregor confirmed his and Councillor Connerton's attendance at the Eyes and Ears presentation held in August 2010.

Members advised that not all matters submitted through Eyes and Ears were being addressed and also raised concerns in respect of the limited number of progress reports to Members on these, and matters raised through the Customer Relations Management system. The Chief Executive Officer was requested to raise these issues with the appropriate Heads of Service.

Moved by Councillor E. Watts, seconded by Councillor J.E. Bennett.  
**RESOLVED** that the extension of the Eyes and Ears trial period for a further six months be approved.

**REASON FOR DECISION: To assist the Council in addressing issues of low public perception in respect of Council services and the neighbourhoods in which people live.**

(Director of Neighbourhoods)

The Director of Neighbourhoods arrived during the following agenda item.

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### 650. RENT ARREARS – QUARTERLY REPORT

The Head of Housing presented the report to provide Members with a quarterly update on rent arrears including current and former rent arrears.

Members were advised that in respect of former rent arrears, recovery work was continuing resulting in a reduction in debt from previous years.

A national company based in Barlborough had been engaged at a reduced fee to trace former tenants. This would provide further options for the Council to attempt further direct debt recovery, only referring to the debt collection agency as a last resort. Initial calculations suggested that this would provide a more effective and cheaper collection service and it was recommended that this initiative be trialled for six months.

The Head of Housing advised Members that current rent arrears remained challenging with little change in the level of debt owed during the current financial year. Court action was proving increasingly difficult with courts taking a more cautious approach, however, officers continued to work on building relationships with courts and judges.

Members' attention was drawn to the analyses included in the report.

Members asked questions and requested that the Head of Housing provide a written report on the court process to a future meeting. Members were advised that Improvement Scrutiny Committee was currently undertaking a review into rent arrears, including consideration of court processes, which would be provided to the Executive once completed. Councillor Murray-Carr suggested that the Improvement Scrutiny Committee may need to consider meetings with the Court User Group to ensure a full understanding of the process was included as part of the rent arrears review.

Moved by Councillor K. Bowman, seconded by Councillor J.E. Bennett

**RESOLVED** that (1) the report be noted;

(2) the proposed way of working with a recovery agent for Former Tenants Arrears is trialled for a six month period and the results are reported back to a future meeting.

**REASON FOR DECISION: To inform Members of the current situation on rent arrears.**

(Head of Housing)

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### 651. COUNCIL BUDGETS

#### Capital Programme 2011/12 to 2013/14

The Director of Resources presented the report in detail and outlined the capital expenditure and financing proposals with recommendations for a Capital Programme for 2011/12 to 2013/14.

Details of the estimated outturn for 2010/11 were summarised in the report along with key variations, including the Asset Management Plan and Mandatory Disabled Facilities Grants. Capital bids, prudential borrowing, capital receipts and external funding from grants and contributions were outlined in the report.

Members' comments and questions were invited to which the Director of Resources responded.

Moved by Councillor K. Bowman, seconded by Councillor J.E. Bennett  
**RESOLVED** that (1) the estimated outturn for 2010/11 of £11,763,864 be approved;

(2) the proposed Capital Programme for 2011/12 to 2013/14 be approved;

(3) any surplus Capital Receipts (above the level required for current commitments) be diverted to the projects in priority order as detailed in the report;

(4) a further report be submitted to the Executive outlining the proposed Housing Schemes to be financed by the Major Repairs Allowance (MRA);

(5) the Prudential Indicators be adopted;

(6) the Director of Resources has delegated authority, within the total limit for any individual year, to effect movements between the separately agreed limits for borrowing and other long term liabilities.

**REASON FOR DECISION: The Budget for 2010/11 is revised at this time to align it with the expected outturn. This is good financial management.**

(Director of Resources)

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### Housing Revenue Account Budgets – 2010/11 Estimated Outturn and 2011/12

The Director of Resources introduced the report to advise Members of the budget issues associated with the Housing Revenue Account. This included the estimated outturn budget for 2010/11 and the original budget for 2011/12. A summary of the Housing Revenue Account budgets for both years were included in the report.

Details of Fees and Charges were included in the report.

Members were invited to ask questions to which the Director of Resources responded.

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

**RESOLVED** that (1) the estimated outturn for 2010/11 is approved;

(2) the proposed Housing Revenue Account budget for 2011/12 is approved for consideration by Scrutiny Committees;

(3) dwelling rents be increased in accordance with the Rent Restructuring guidelines by an average of 8.21% for 2011/12, subject to confirmation of the rent determination;

(4) the proposed changes in respect of fees and charges be approved for consideration at Scrutiny Committees.

**REASON FOR DECISION: The Budget for 2010/11 is revised at this time to align it with the expected outturn. This is good financial management.**

**The Council is required to approve a budget for 2011/12 based on the rent levels set.**

(Director of Resources)

The Head of Housing left the meeting.

### General Fund Budgets – 2010/11 Estimated Outturn and 2011/12

The Director of Resources introduced the report to seek Members' approval of the general fund budget. The report outlined the estimated outturn budget for 2010/11 and the original budget for 2011/12. Detailed budgets for both years and future year projections were included in the appendices to the report.



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Following consideration by Scrutiny Committees a further report would be provided to the Executive on 7<sup>th</sup> February 2011 prior to submission to Council for final approval.

Members were invited to ask questions to which the Director of Resources responded.

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

**RESOLVED** that (1) the estimated outturn for 2010/11 of £12.003m be approved for consideration by the Scrutiny Committees and reported back to the Executive meeting on 7<sup>th</sup> February 2011;

(2) Council be recommended to approve a 0% increase in Council Tax based on the Government's compensation arrangements;

(3) the budget for 2011/12 of £9.909m be approved for consideration by the Scrutiny Committees and reported back to the Executive meeting on 7<sup>th</sup> February 2011.

**REASON FOR DECISION: The Budget for 2010/11 is revised at this time to align it with the expected outturn. This is good financial management.**

**The Council is required to approve a budget for 2011/12. This must be a balanced budget.**

(Director of Resources)

The Chair expressed disappointment that the Council had been named in a national report by the Audit Commission for its accounting failures and added that there were so many references in this report to what the Auditor wanted changing. He said that this should not occur again.

The meeting concluded at 1225 hours.