

## EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 7<sup>th</sup> February 2011 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), J. Brooks (Director of Resources), K. Hopkinson (Director of Development), S. Tomlinson (Director of Neighbourhoods), J. Fieldsend (Senior Principal Solicitor), P. Campbell (Head of Housing) K. Drury (Customer Service and Access Officer) (to minute no. 808), J. Foley (Head of Customer Service and Performance) (to minute no. 809), G. Galloway (Building and Contracts Manager) (to minute no. 810), D. Troop (Housing and Enabling Manager (from minute no. 811 to minute no. 816) and R. Leadbeater (Democratic Services Officer).

### 802. APOLOGIES

There were no apologies.

### 803. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### 804. DECLARATIONS OF INTEREST

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

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### **805. MINUTES – 10<sup>TH</sup> JANUARY 2011**

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

**RESOLVED** that the minutes of a meeting of the Executive held on 10<sup>th</sup> January 2011 be approved as a true record.

Councillor Murray-Carr advised Members that contact had been made with the Derbyshire Criminal Justice Board with a view to arranging a meeting to consider the establishment of a Court User Group.

### **806. RECORD OF DECISION NOTICES FROM THE JOINT BOARD MEETING HELD ON 18<sup>TH</sup> JANUARY 2011**

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

**RESOLVED** that the decisions from the Joint Board meeting held on 18<sup>th</sup> January 2011 be noted.

Councillor Watts declared a personal interest in the following item.

### **807. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS FOR THE PERIOD 1<sup>ST</sup> OCTOBER TO 31<sup>ST</sup> DECEMBER 2010**

Councillor McGregor, Portfolio Holder for Customer Services, introduced the report to advise Members of the compliments, comments, complaints and Freedom of Information requests for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2010.

Members were pleased to note the increase in the number of compliments received from 34 in the previous quarter to 52 in the October to December quarter.

There were still two complaints awaiting a response from the Ombudsman.

Questions were raised with regard to the Ombudsman's comments that the Council's High Hedges Policy be revisited in respect of concessions. Members advised that this issue had been reviewed by the High Hedges Committee in December 2010. Due to the amount of officer time involved, it had concluded that the minimum charge had been set and further concessions were not reasonable. The Customer Service and Access Officer advised that this information had been provided to the Ombudsman.

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Discussion took place on the responsibility for hedge cutting in accordance with the Council's tenancy agreements and Members suggested that further clarity was needed on this issue.

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

The Customer Service and Access Officer left the meeting

### **808. CORPORATE PLAN TARGETS PERFORMANCE REPORT**

Councillor Bennett, Portfolio Holder for Performance, introduced the report to update Members on the Corporate Plan performance up to the end of December 2010.

Members' attention was particularly drawn to the progress on a number of items.

CSc1 – Reduce serious acquisitive crime by 3% by March 2011. – At the end of November 2010 this was 23% below the milestone target and had reduced to 28% in December.

CSc2 – Reduce Assault with less serious injury by 12% by March 2011. – At the end of November this was 15.8% below the milestone target and in December was 14.4%.

EB2 – Reduce internal waste disposed of by the Council to landfill by 20% from 2006/07 levels by March 2011. – This was currently at 85%.

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

**REASON FOR DECISION: To inform Members of the progress against Corporate Plan Targets.**

The Head of Customer Services and Performance left the meeting.

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### 809. ASSET MANAGEMENT PLAN AND STRATEGY

The Building and Contracts Manager presented the report to advise Members on the Asset Management Plan and Strategy. The Strategy had been written to lay out how the Authority would manage its Corporate Assets through 5 key objectives.

Members' considered the Asset Management Plan and Strategy which was included in the agenda.

The Building and Contracts Manager was requested to re-check the current ownership of two areas including the Site of Public Conveniences Wharf Road, Pinxton and Public Open Space at Ruthyn Avenue, Barlborough.

Moved by Councillor A.F. Tomlinson, seconded by Councillor B.R. Murray-Carr **RESOLVED** that the Asset Management Plan and Strategy be approved.

**REASON FOR DECISION:** In order to make the best use of Council resources.

(Building and Contracts Manager)

The Building and Contracts Manager left the meeting

### 810. CAPITAL PROGRAMME

The Director of Resources presented the report and provided Members with details of key changes to the Capital Programme since it was last considered by Cabinet. Members were advised that the Scrutiny Committees had recently considered the report and had not requested any changes be made.

- Increase in Major Repairs Allowance from £18,000 to £128,000 over 3 years. Further Housing issues would be considered under the new arrangements for the Housing Revenue Account.

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson **RECOMMENDED** that (1) the estimated outturn for 2010/11 of £11,763,864 be recommended to Council;

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

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(3) it be recommended to Council that 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 recommended to Council for adoption;

(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)

The Housing Strategy and Enabling Manager joined the meeting during the following minute

### 811. HOUSING REVENUE ACCOUNT

The Director of Resources presented the report and provided Members with details of key changes to the Housing Revenue Account since it was last considered by Cabinet. Members were advised that the Scrutiny Committees had recently considered the report and had not requested any changes be made.

- Officers were currently evaluating the under spend in the Housing Revenue Account, a further update would be provided to Members.
- The surplus for 2010/11 is £106,000, increasing the Working Balance from £629,000 to £735,000.
- Proposals to reduce the amount the HRA provided to the Citizens Advice Bureau by £7,050 as part of the review of grants to voluntary sector organisations would be subject to a review of consultation and an Equality Impact Assessment. A further report would be provided to the Executive.
- Under the Rent Restructuring calculations for 2011/12 the average rent increase would be 8.21%

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- Changes to charges such as garage rents would be implemented from 1<sup>st</sup> April 2011 in accordance with tenancy agreements

Concerns were raised with regard to the increased rent charges for tenants and the potential hardship this may cause. The Director of Resources advised that some of the proposed increases to Fees and Charges may qualify for assistance through the benefits system should the tenant qualify.

The Chief Executive Officer requested further clarity on the Equality Impact Assessment to be carried out in relation to the proposed reduction in grant funding to which the Director of Resources responded.

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

**RECOMMENDED** that (1) the estimated outturn for 2010/11 and budget for 2011/12 be recommended for approval at Council;

(2) It be noted that the proposed grant to the Citizens Advice Bureau be reported back to a future meeting of the Executive;

(3) dwelling rents increased in accordance with the Rent Restructuring Guidelines by an average of 8.21% for 2011/12 is recommended for approval at Council.

**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 balanced budget for 2011/12 based on the rent levels set.**

(Director of Resources)

## 812. GENERAL FUND

The Director of Resources presented the report and provided Members with details of key changes to the General Fund budgets since it was last considered by Cabinet. Members were advised that the Scrutiny Committees had recently considered the report and had not requested any changes be made.

- Support Service charges had now been completed and had been reflected in the HRA and General Fund
- Following changes in respect of the budget gap, vacancy factors and spending review the Working Balance would be reduced to £1,200,000.

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- The Government had revised the maximum amount that local authorities' grant funding would be reduced by from 8.9% to 8.8%. This would not affect the settlement received however the transition grant would be increased.
- An extra £10,000,000 had been made available to shire districts to compensate for the loss of concessionary bus travel funding.
- The Council had seen its assessed revenue spending power increased by £285,000, reflecting the Council's share of LEGL funding.
- The Council's Formula grant for 2011/12 was calculated as £5,342,000 a decrease of £1,900,000. Transition grant had increased from £1,828,000 to £2,311,000 for 2011/12.
- The provisional grants for 2012/13 were summarised.
- Details of revised grants to Voluntary Organisations were drawn to Members' attention. A review of the consultation with the affected groups would take place and Equality Impact Assessments would be undertaken with a report back to a future meeting of the Executive.
- The overall budget position for 2011/12 and 2012/13 was drawn to Members' attention including proposed amounts of Transition Grant to be used for each financial year.
- Conferences for 2011/12 were also outlined.

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

**RECOMMENDED** that (1) the estimated outturn for 2010/11 of £11.744m be recommended to Council on 16<sup>th</sup> February 2011.

(2) Recommend to Council a 0% increase in Council Tax based on the Government's compensation arrangements.

(3) the budget for 2011/12 of £11.933m be recommended to Council on 16<sup>th</sup> February 2011.

(4) the Pension Fund shortfall costs in 2010/11 of £100,854 are to be funded from the General reserve.

(5) the Transition grant in 2011/12 and 2012/13 be allocated to a transition reserve to be used for items of expenditure that support the Council achieving a balanced budget.

(6) changes to the reserves are recommended for approval by Council.

(7) the grants to voluntary organisations are reported to the Executive at a future meeting reflecting the consultation outcomes.

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**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)

### 813. SENSITIVITY AND RISK REPORT

The Director of Resources presented the report. Members were advised that the Scrutiny Committees had recently considered the risks included within the report and had not requested any changes be made.

- Members' attention was drawn to information contained in the report with regard to the low interest rates which may have a significant impact on the Council's investments if this continued.
- Energy values were shown relative to changing prices and may require an increase in energy reduction schemes.
- The impact of various levels of pay award was outlined.
- National insurance payments would also vary in relation to pay awards and reductions in staff.
- The sensitivity analysis did not indicate that the Council's budget setting was likely to be distorted by external factors.

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

**RESOLVED** that (1) the sensitivity analysis for the General Fund and Housing Revenue Account are approved and reported to Council.

(2) the risk assessment for revenue budgets (the General Fund and Housing Revenue Account) and the capital budget are approved and reported to Council.

**REASON FOR DECISION:** The budgets approved need to be proven to be robust to ensure the Council's objectives can be resourced.

(Director of Resources)



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### 814. LOCAL INVESTMENT PLAN (LIP) DELIVERY OF LANGWITH JUNCTION SCHEME

Councillor Tomlinson, Portfolio Holder for Regeneration, introduced the report to provide Members' with details of progress on the Local Investment Plan delivery and development of the Langwith Junction site.

New information had been received from the HCA on 21<sup>st</sup> January 2011 that a range of LIP interventions would be considered for delivery immediately. RSLs and developers were being asked to bid for £2.1 billion of unallocated HCA monies

The Housing and Enabling Manager continued that the announcement had not been anticipated and monies had to be allocated on a very short timescale, by late March/early April of 2011. All local authorities had completed Local Investment Plans which included deliverable regeneration schemes which in the case of Bolsover, included schemes to replace Tarran bungalows in Langwith Junction, New Houghton and Bolsover. A total of 81 dwellings were proposed in the Langwith Junction scheme including 28 bungalows. This would be the first phase of the development.

Details of budget packages were detailed in the report for Members' information along with a proposed timetable. Members were provided with further detail in respect of the proposed site layout.

Members asked questions to which the Housing and Enabling Manager responded.

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

**RESOLVED** that (1) Members give approval to proceed to RSL competition and Planning Application generation for the Langwith Junction Tarran development.

(2) Members delegate to the Director of Development the decision as to whether to make an application to the Secretary of State for the disposal of the Tarran bungalow site at Langwith Junction, Shirebrook under section 32 of the Housing Act 1985. The decision of the Director of Development is to be made in consultation with the Leader and Deputy Leader of the Authority and the Housing Management Portfolio Holder and must satisfy section 123 Best Value requirements via confirmation from the District Valuer.

(3) Members delegate the power to the Chief Executive Officer to enter into any agreement and/or incur expenditure incidental and

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ancillary to the development of the Tarran bungalow sites in consultation with the Leader and Deputy Leader of the Council.

(4) Members recognise that New Houghton scheme delivery and a range of other LIP interventions will be looked at urgently following the Nottingham HCA meeting January 21<sup>st</sup> 2011.

**REASON FOR DECISION: To enable Local Investment Plan delivery and better attainment of New Homes Bonus, Affordable Homes Bonus and Empty Homes Bonus.**

(Director of Resources)

### **815. LOCAL INVESTMENT PLAN UPDATE – SHEFFIELD CITY REGION JOINT HOUSING AND REGENERATION BOARD**

Councillor Tomlinson, Portfolio Holder for Regeneration, introduced the report to seek Members' approval to join the Sheffield City Region Joint Housing and Regeneration Board. Changes to the Homes and Communities Agency's (HCA) boundaries meant that the North Derbyshire and Bassetlaw HMA, would be covered by the combined East and West Midlands teams. Neighbouring HMA authorities motioned a desire to be covered by the Yorkshire and Humberside HCA team. This led to a map being issued showing Bassetlaw, Chesterfield and North East Derbyshire covered by Yorkshire and Humberside HCA and Bolsover by the East Midlands team. Since all of these district authorities were currently grouped into HMA areas for funding purposes Members were requested to approve that Bolsover District Council join the Sheffield City Region Joint Housing and Regeneration Board.

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

**RESOLVED** that (1) Members approve Bolsover District Council's membership of the Joint Housing and Regeneration Board for the Sheffield City Region.

(2) Members nominate the Regeneration Portfolio Holder as representative for the Authority.

(3) Members nominate the Environment Portfolio Holder as deputy representative for the Authority.

**REASON FOR DECISION: To enable better delivery of the Local Investment Plan and greater attainment of New Homes, Affordable Homes and Empty Homes bonus**

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The Housing and Enabling Manager left the meeting

### 816. TENANT ALTERATIONS POLICY

The Head of Housing presented the report and Tenant Alterations Policy for Members' consideration. The policy would apply to Council tenants wishing to carry out work on their homes and would ensure that any improvements were carried out to an acceptable standard and provide tenants with clear guidance.

The policy had been developed by the Patch Management Group and had been considered by the Senior Management Team and Safe and Inclusive Scrutiny Committee. Questions had been raised by Senior Management Team in respect of whether the Council could charge for permission for tenants to make alterations to a Council property and whether the Council workforce could carry out the alterations.

Members discussed these issues at length and there was considerable debate over what type of alterations would be reasonable to charge for, if any. It was considered that it may be appropriate for the Council's workforce to undertake tenant alterations subject to capacity in the service.

Members' attention was drawn to the appendices to the policy which outlined standard conditions and situations where permission would not be granted.

The Head of Housing advised Members that it was not proposed to make charges for all permissions for alterations but in some instances, it may be reasonable to pass on the cost of officer time to inspect work done and to ensure that any works undertaken did not cause damage to the property.

The Head of Housing was requested to provide a list of the types of works that it was considered appropriate to charge for before a decision on this particular aspect was taken by Members.

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

**RESOLVED** that the decision on whether to charge tenants for permission to make improvements to their Council homes be considered upon submission of a list of the type of alterations to be chargeable.

Moved by Councillor K. Bowman, seconded by Councillor E. Watts

**RESOLVED** that Members approve and adopt the Tenants Improvement Policy

**REASON FOR DECISION:** To adopt a policy that provides more clarity on how the Council will deal with tenants improvements.

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(Head of Housing)

### 817 THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor E. Watts, 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 item 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.

### 818. FORMER TENANTS ARREARS – WRITE OFFS EXEMPT – PARAGRAPH 1

Councillor Bowman, Portfolio Holder for Housing Management presented the report to request Members' approval to write off former tenant arrears. In all cases the debt was irrecoverable.

Moved by Councillor K. Bowman, seconded by Councillor D. McGregor

**RESOLVED** that Members agree to the write off of the debts as detailed in the report.

**REASON FOR DECISION: To write off debts from former tenants where there is no prospect of collecting the debt.**

(Head of Housing)

The meeting concluded at 1125 hours.