

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 7th March 2011 at 1000 hours.

PRESENT:-

Members:-

Councillor E. Watts – Chair

Councillors K. Bowman (to minute no. 885), 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), L. Ball (Business Development Manager) (to minute no. 883), S. Bentley (Senior Environmental Health Officer (Residential)) (from minute no. 883 to minute no. 887), M. Broughton (Project Officer (Business Growth)) (from minute no. 883), P. Campbell (Head of Housing) (to minute no. 885), G. Galloway (Building and Contracts Manager), L. Hickin (Head of Leisure) (to minute no. 881), C Hirst (Arts Development Officer) (to minute no. 881), C. Millington (Scrutiny Officer) (from minute no. 880 to minute no. 882) and R. Leadbeater (Democratic Services Officer).

Also in attendance:-

Councillors M. Dooley and R. Bowler (minute no. 880 to minute no. 882)

Junction Arts:-

Keena Paul and Paul Steel (to minute no. 881)

876. APOLOGIES

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

877. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

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878. DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
887.	Councillor E. Watts	Personal and Prejudicial

879. MINUTES – 7TH FEBRUARY 2011

Moved by Councillor D. Kelly, seconded by Councillor B. R. Murray-Carr
RESOLVED that the minutes of a meeting of the Executive held on 7th February 2011 be approved as a true record, subject to clarification that the Tenant Alterations Policy (minute no. 816) was approved and adopted but subject to the type of tenant alterations that would be chargeable being agreed at a future meeting.

Councillor Murray-Carr advised that a letter had been received from the Derbyshire Criminal Justice Board concerning relationships with the courts, which would be circulated to Executive Members for information.

The Scrutiny Officer and Councillors Dooley and Bowler joined the meeting during the following item.

880. JUNCTION ARTS COMMUNITY ARTS PROGRAMME – 2ND STAGE PAYMENT 2010/11 AND 2011/12 PROPOSED PROGRAMME PLAN

Keena Paul, Chair of Junction Arts, advised that Members' approval was sought to release the 2nd stage payment for 2010/11 to Junction Arts and requested that Members' consider the proposed annual plan and core funding for 2011/12.

Councillor Syrett, Portfolio Holder for Arts and Leisure, added that it was pleasing to note that the aim of the arts programme would be to increase community involvement and integration through the use of various forms of media. Members' attention was drawn to the targets detailed in the report which had been achieved for 2010/11.

Paul Steel, the newly appointed Managing Director, provided a presentation for Members detailing the achievements of the programme carried out during 2010/11 and advised that 12 projects would be undertaken during 2011/12. The primary focus of these projects would be on rurally based participatory arts and would aim to deliver against the Council's strategic objectives and Corporate Plan targets.

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Members' raised questions in respect of the ShopFace and Better Place to Work projects to which Junction Arts representatives responded. Further questions were raised in respect of other stakeholders and incomplete projects from 2010/11. It was noted that the predominance of projects were aimed at young people and schools.

The Head of Leisure drew Members' attention to the financial information included in the report. Members were advised that for the Authority's £19,800 investment, a total provision of £166,907 was "levered in" by Junction Arts. It was added that documentation was in the process of being revised to more clearly demonstrate value for money.

Members' attention was drawn to the Project Plans for 2011/12 and 2012. The Portfolio Holder for Arts and Leisure added that as a result of the Comprehensive Spending Review, it had been necessary to reduce the level of funding provided to Junction Arts. It was added that Junction Arts had considered the Council's approach to this to be fair and equitable.

The Chair thanked the representatives from Junction Arts for their presentation.

Moved by Councillor A.M Syrett, seconded by Councillor E. Watts

RESOLVED that (1) Junction Arts had performed satisfactorily and the 2nd payment for 2010/11 totalling £9,000 be released to them;

(2) the proposed annual plan and core funding for 2011/12 be approved.

REASON FOR DECISION: To promote arts and participatory arts within the District to the benefit of inhabitants.

(Head of Leisure)

Keena Paul, Paul Steel, the Head of Leisure and the Arts Development Officer left the meeting.

881. REPORT OF THE IMPLEMENTATION OF THE ANTI-SOCIAL BEHAVIOUR DELIVERY IMPROVEMENT PLAN SCRUTINY REVIEW

Councillor Murray-Carr, Portfolio Holder for Community Safety, raised concerns in respect of the extent of Portfolio Holder involvement in the review and requested that the item be deferred.

A lengthy discussion took place on the extent of Portfolio Holder involvement in Scrutiny Reviews.

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Following the debate, Members considered the recommendations of the Safe and Inclusive Scrutiny Committee outlined in the report. The Chair of the Safe and Inclusive Scrutiny Committee and Scrutiny Officer presented the report for Members' consideration.

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

RESOLVED that the report into the Implementation of the Anti-Social Behaviour Delivery Improvement Plan and the recommendations contained within the report be accepted, subject to the Chair of the Safe and Inclusive Scrutiny Committee and the Portfolio Holder for Community Safety meeting to discuss the report and recommendations and subject to any major changes resulting therefrom, (major changes being defined as including changes to recommendations) being brought back to the Executive for further consideration.

REASON FOR DECISION: Consideration of reports from Scrutiny Committees.

(Scrutiny Officer)

The Scrutiny Officer and Councillors Dooley and Bowler left the meeting.

882. REMOVABLE MEDIA POLICY

The Business Development Manager presented the report to seek Members' approval to adopt the Removable Media Policy which had been previously circulated.

The aim of the policy was to restrict and control the use of removable media devices and protect the Council from potential breaches of the Data Protection Act.

In response to questions, Members were advised that removable media devices which included CDs, MP3s and USB memory sticks, should be requested from IT Services. The use of these media devices to store personal data would require the submission of a valid business case prior to approval being given.

Members asked questions in respect of financial implications to which the Business Development Manager responded.

Moved by Councillor D. McGregor, seconded by Councillor A. M Syrett

RESOLVED that the Policy be accepted.

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REASON FOR DECISION: In order to ensure that the information and information systems throughout the Council continue to be protected.

(Business Development Manager)

The Business Development Manager left the meeting.

The Senior Environmental Health Officer (Residential) and Special Projects Officer (Business Growth) joined the meeting during the following item.

883. PARKING ISSUES – TIBSHELF

The Chief Executive Officer advised Members that a 444 signature petition had been received, requesting that action be taken to remedy damage caused to a grassed area in the town centre of Tibshelf. This had been as a result of unauthorised parking by residents of nearby Council owned flats. Members were advised that the number of petitioners was insufficient to meet the Council's petition criteria.

The Head of Housing presented the report advising Members that this issue had been brought to Members' attention at the request of a local Tibshelf Member. The Head of Housing had considered various options which were outlined in the report, including installation of bollards or fencing and re-surfacing the area, all of which were financially prohibitive. It was added that there were potentially a number of other areas across the District with a similar problem.

Photographs of the area were circulated and Members raised concerns, with lengthy discussion taking place on whether remedial action should be taken. Members also suggested that the issue be considered by the Housing Stock Management Group in accordance with the recommendation included on the report, to enable this issue to be considered as a District wide issue rather than one area in isolation.

A number of possible interim measures were proposed including:

- the use of large boulders to prevent parking on the area
- monitoring by the CAN Rangers, in consultation with Derbyshire County Council, in an attempt to gain evidence for the Civil Parking Enforcement to prosecute offenders for driving over the pavement
- erection of warning signs
- vehicle clamping (if still available to local authorities)
- writing to tenants to advise of what action would be taken against offenders.

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

RESOLVED that (1) the Housing Stock Management Group consider costings on the proposed interim measures including, use of large boulders and how these compare to other priorities within the Capital Programme;

(2) That the Stock Management group try to identify if other areas within the District have similar problems and report back to a future meeting of Executive.

(3) clarification be sought on what enforcement action could be taken including deployment of CAN Rangers/Civil Parking Enforcement and warning signs and local tenants be informed of this in writing.

REASON FOR DECISION: To make Members aware of a parking issue in Tibshelf and to ensure Members have the District wide information in order to decide whether a solution can be provided.

(Head of Housing)

884. MRA CAPITAL PROGRAMME

The Portfolio Holder for Housing presented the report to seek Members' approval of the draft MRA Capital Programme and transfer of funds between projects.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

RESOLVED that (1) the draft MRA Capital Programme be accepted;

(2) The Head of Housing, in consultation with the Housing Stock Group, is able to transfer funds between individual projects;

(3) Once other funding is finalised, an additional or amended report is presented to the Executive.

REASON FOR DECISION: To agree the MRA Capital Programme for 2011/12

(Head of Housing)

The Head of Housing and Portfolio Holder for Housing left the meeting.

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885. ENTERPRISE COACHING – SUSPENSION OF CONTRACT STANDING ORDERS

The Portfolio Holder for Regeneration introduced the report to seek Members' approval to suspend Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 to award Groundwork Creswell, Ashfield and Mansfield the contract for Enterprise Coaching.

The Projects Officer (Business Growth) added that changing provider at this stage may result in a significant change in the delivery of the service and would waste a proportion of the final year's reserves.

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

RESOLVED that Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 be suspended for the reasons given in the report in order to award Groundwork Creswell, Ashfield and Mansfield with the contract for Enterprise Coaching.

REASON FOR DECISION: To ensure that Working Neighbourhoods Fund is targeted to best effect and where needed and to ensure that the tendering process does not unjustifiably distort the result.

(Project Officer (Business Growth))

886. MEDEN VALLEY MAKING PLACES

The Portfolio Holder for Regeneration introduced the report to seek Members' views on whether the Third Deed of Variation relating to the Members' Agreement and Funding Agreement in respect of Meden Valley Making Places should be approved.

The Senior Environmental Health Officer (Residential) advised Members that the Agreements required amendment due to the East Midlands Development Agency (EMDA) being disestablished and to extend the life of Meden Valley Making Places, therefore allowing completion of the existing programme.

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

RESOLVED that (1) the report be received;

(2) the Third Deed of Variation relating to the Members' Agreement and the Funding Agreement in respect of Meden Valley Making Places Ltd be approved;

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(3) the Chief Executive Officer be authorised to sign any legal documents in respect of the Third Deed of Variation.

REASON FOR DECISION: Bolsover District Council is a Member of Meden Valley Making Places and in supporting the company will continue to benefit from its work in the District.

(Senior Environmental Health Officer (Residential))

The Senior Environmental Health Officer (Residential) left the meeting.

Councillor Watts declared a personal and prejudicial interest and left the meeting.

Councillor A.F. Tomlinson - In the Chair

887. BARLBOROUGH HERITAGE CENTRE

Councillor Tomlinson, Portfolio Holder for Regeneration, presented the report to seek Members' approval for the Council to provide grant funding to Barlborough School House Trust. The purpose of the grant would be to support the transition period during the conversion of Barlborough Resource Centre to Barlborough Heritage Centre. This project would create a heritage exhibition to showcase local artefacts and historical records, encouraging visitors and engaging the local community in promoting the heritage of the area. The conversion would also include small business office space which would be let to provide an income to the Heritage Centre.

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

RESOLVED that (1) the Council provide £16,859 grant funding to Barlborough School House Trust to support the long-term sustainability of a local heritage/tourism asset and provide high quality small business office accommodation for Barlborough. This is subject to evidence of landowner approval to sub let on a commercial basis;

(2) delegated authority be given to the Chief Executive Officer to agree the terms of and sign the grant agreement;

(3) the Partnership team administer and monitor the grant in line with the proven Working Neighbourhoods Fund Grant funding process.

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REASON FOR DECISION: In order to develop vibrant town centres and flourishing rural communities.

(Project Officer (Business Growth))

Councillor Watts rejoined the meeting.

Councillor E. Watts - In the Chair

888. ARREARS IRRECOVERABLE ITEMS OVER £1,000

The Director of Resources presented the report to seek Members' approval to write off irrecoverable arrears in respect of persons or companies bankrupt or liquidated.

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

RESOLVED that approval be given to write off the irrecoverable items including costs amounting to £9,772.44 with the proviso that should any of the debts become collectable the amounts be re-debited.

REASON FOR DECISION: In order that outstanding debts can be written off.

(Head of Finance and Revenues)

889. 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.

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890. ARREARS IRRECOVERABLE ITEMS OVER £1,000 EXEMPT – PARAGRAPH 3

The Director of Resources presented the report to seek Members' approval to write off irrecoverable arrears in respect of accounts where the debtor had ceased to trade or the debt was not cost effective to recover.

Moved by Councillor D. McGregor, seconded by Councillor A. F. Tomlinson
RESOLVED that approval be given to write off the irrecoverable items including costs amounting to £13,465.90 with the proviso that should any of the debts become collectable the amounts be re-debited.

REASON FOR DECISION: In order that outstanding debts can be written off.

(Head of Finance and Revenues)

891. CONFIRMATION OF AGREEMENT WITH CISWO OVER USE OF SITE PROCEEDS IN BOLSOVER EXEMPT – PARAGRAPH 3

The Solicitor to the Council presented the report to seek Members' views on whether to accept CISWO's offer of a Social Worker to be provided within the District in exchange for the Bolsover Baths permanent endowment. Members requested that their role/involvement be included within the service level agreement.

Members were also required to decide how the accrued interest should be used.

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson
RESOLVED that (1) the Bolsover Baths permanent endowment be transferred to CISWO;

(2) the Council enter into a service level agreement with CISWO for the provision of social worker service within the District on terms to be agreed by the Chief Executive Officer, in consultation with the Leader and Deputy Leader of the Council;

(3) the interest accrued from the permanent endowment should be used for a Bolsover scheme;

(4) the Chief Executive Officer be given delegated powers to apply to the Charity Commission to dissolve the Bolsover Baths charity;

(5) the Chief Executive Officer be given delegated powers, in consultation with the Leader and Deputy Leader of the Council, to

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make such application or do anything necessary to facilitate the dissolution of the Bolsover Baths charity and the transfer of the permanent endowment and interest to other suitable projects including determining what is a suitable project.

REASON FOR DECISION: To ensure that the beneficiaries of the charity obtain the benefit of the charitable endowment and interest.

(Chief Executive Officer)

892. SHERWOOD LODGE – LEASING SPACE TO OUTSIDE BODIES EXEMPT – PARAGRAPH 3

The Building and Contracts Manager presented the report to seek Members' approval to give delegated authority to the Director of Development to negotiate agreements to lease accommodation in the Council's offices.

The Director of Development advised that the agreements previously advised to Members were still on course to commence on 1st April 2011.

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

RESOLVED that the Director of Development be given delegated authority in consultation with the Chief Executive Officer, the Leader and Deputy Leader, to negotiate and enter into lease agreements, with outside bodies, for space within the Council's Corporate portfolio.

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

(Director of Development/Solicitor to the Council)

893. LUNCHTIME ADJOURNMENT

The time being 1230 hours Members considered whether to adjourn the meeting or whether the agenda could be concluded by 1400 hours.

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

RESOLVED that the meeting continue.

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894. PROJECT HORIZON EXEMPT – PARAGRAPH 3

The Director of Development presented the report to seek Members' approval to market Sherwood Lodge as a potential retail development site. This would also provide the Authority with an opportunity to upgrade its accommodation to a potentially more cost effective building.

Members requested a further report outlining in detail the potential financial benefits and regeneration impact of the proposal.

Moved by Councillor A. F. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that delegated authority be given to the Director of Development in consultation with the Chief Executive Officer, the Leader and Deputy Leader to:-

- (1) Negotiate terms for the sale and achievement of best value of Sherwood Lodge as a development site based on both price and overall regeneration impact;
- (2) Use £3K of transition grant fund to be ring-fenced to support the cost associated with the sale of the site;
- (3) Undertake the process of identifying an appropriate new Council facility including detailed design to Bolsover District Council to put the development out to tender;
- (4) Use £265K of transition grant fund to be ring fenced to support the cost associated with identifying the preferred site and associated design works;
- (5) Following the conclusion of 1 to 4 above that a report be provided to Executive detailing the potential financial benefits and overall regeneration impact of the proposal.

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

(Director of Development/Solicitor to the Council)

The meeting concluded at 1247 hours.