

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 8th August 2011 at 1000 hours.

PRESENT:-

Members:-

Councillor A.F. Tomlinson – Chair

Councillors K. Bowman (from minute no.284), D. Kelly, B.R. Murray-Carr and A. M. Syrett.

Officers:-

S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), J. Brooks (Director of Resources), K. Hopkinson (Director of Development), J. Foley (Head of Customer Service and Performance) (to minute no. 291), D. Hill (Head of Finance and Revenues) (from minute no.288 to minute no.290), C. Doy (Development Control Manager) (to minute no.285), K. Drury (Customer Service and Access Officer) (to minute no.288) and R. Leadbeater (Democratic Services Officer).

277. APOLOGIES

Apologies for absence were received on behalf of Councillors E. Watts and D. McGregor and W. Lumley (Chief Executive Officer) and S. Tomlinson (Director of Neighbourhoods).

278. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

279. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

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280. MINUTES – 6TH JUNE 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 6th June 2011 be approved as a true record.

281. MINUTES – 14TH JUNE 2011

Moved by Councillor D. Kelly, seconded by Councillor B.R. Murray-Carr
RESOLVED that the minutes of a special meeting of the Executive held on 14th June 2011 be approved as a true record.

282. RECORD OF DECISION NOTICES FROM THE JOINT BOARD MEETING HELD ON 24TH MAY 2011

Moved by Councillor B.R. Murray-Carr, seconded by Councillor A.M. Syrett
RESOLVED that the decisions from the Joint Board meeting held on 24th May 2011 be noted.

283. RECORD OF DECISION NOTICES FROM THE JOINT BOARD MEETING HELD ON 19TH JULY 2011

Moved by Councillor D. Kelly, seconded by Councillor B.R. Murray-Carr
RESOLVED that the decisions from the Joint Board meeting held on 19th July 2011 be noted.

Councillor Bowman joined the meeting during the following item.

284. RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE – FLY POSTING POLICY

The Development Control Manager presented the report to seek Members' approval of the revised Fly-Posting Policy. The policy had been reviewed in light of changes to planning regulations.

Members were advised of the procedure for reporting and removal of illegal notices from privately owned property, utility structures and street furniture and Council owned property.

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It was noted that changes to the Council's Constitution were required to effect all changes included in the policy.

Members raised questions in respect of specific areas affected by fly-posting and the CAN Rangers' anticipated role, to which the Development Control Manager responded

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. Kelly
RESOLVED that the Fly-Posting Policy be approved.

(Head of Democratic Services – Constitution)

The Development Control Manager left the meeting.

285. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS – 4TH JANUARY 2011 TO 31ST MARCH 2011 AND SUMMARY FOR 2010/11

The Customer Service and Access Officer presented the report to advise Members of the compliments, comments, complaints and Freedom of Information requests for the period 4th January to 31st March 2011, including a summary for 2010/11.

Members were advised that the outstanding Ombudsman decision noted in the report had now been received and concluded by local settlement. Fewer stage one and stage two complaints had been received in comparison to the previous period.

Questions were raised in respect of individual complaints to which the Customer Service and Access Officer responded.

Moved by Councillor K. Bowman, 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.**

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286. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS – 1ST APRIL 2011 TO 30TH JUNE 2011

The Customer Service and Access Officer presented the report to advise Members of the compliments, comments, complaints and Freedom of Information requests for the period 1st April to 30th June 2011.

It was noted that there had been a good cross section of compliments during the period with all complaints responded to within the required standard. There had been a significant increase in stage two complaints.

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

287. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW LETTER

The Customer Service and Access Officer presented the report to inform Members of the outcome of the Annual Review for 2010/11 from the Local Government Ombudsman.

The average response time for Freedom of Information requests was 26.5 days which was slightly longer than the previous year's but still well within Local Government targets.

In response to questions from Members, the Customer Service and Access Officer confirmed that the total cost of settlements to the Authority for 2010/11 was £500.00.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. Kelly
RESOLVED that the report and the LGO Annual Review 2010/11 be received.

REASON FOR DECISION: **To keep Members informed of performance in dealing with Ombudsman complaints.**

The Customer Service and Access Officer left the meeting.

The Head of Finance and Revenues joined the meeting during the following item.

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288. RISK REGISTER REVIEW

The Director of Resources presented the report to update Members on the current Risk Register and for Members to consider whether reporting of sub-categories of risk for partnerships, health and safety and project risks should continue. These issues were now covered by the Partnership Protocol. It was confirmed that there were no items that were subject to change and upon acceptance the report would be forwarded to the Audit Committee for their information.

Members raised questions in respect of the Council's insurance renewal. The Head of Finance and Revenues confirmed that tenders were due back by week ending 19th August and these would then be evaluated by the Council's brokers.

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

RESOLVED that (1) the contents of the report be noted;

(2) the sub-categories of risk for partnerships, health and safety and project risks no longer require reporting.

REASON FOR DECISION: To keep Members informed of the progress of Risk Management.

(Director of Resources)

289. THE COUNCIL'S PROVISIONAL OUTTURN 2010/11

The Head of Finance and Revenues presented the report to update Members on the Council's actual performance against current approved budgets.

General Fund – deficit of £420,000 largely due to the Icelandic bank issue. Once adjusted this would produce a surplus of £172,000.

Reserves – these had decreased by £217,000.

Housing Revenue Account – This showed a surplus of £455,379.

Capital Programme – The provisional outturn showed spending of £6,182,175, £4,624,130 lower than anticipated.

Members asked questions in respect of NNDR recovery and the Housing Revenue Account working balance, to which the Head of Finance and Revenues responded.

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Moved by Councillor K. Bowman, seconded by Councillor D. Kelly
RESOLVED that (1) the financial position regarding the provisional outturn for the General Fund, Housing Revenue Account and Capital be noted;

(2) the information supplied on early retirements be noted.

The Head of Finance and Revenues left the meeting.

REASON FOR DECISION: To update Members on the Council's provisional outturn for 2010/11.

290. CORPORATE PLAN TARGETS - 2010/11 OUTTURN

The Head of Customer Service and Performance presented the report to provide Members with details of the Corporate Plan target updates for the last quarter of 2010/11 and the final outturns for the year. These would form the basis of the Annual report for 2011 to be presented to Council on 17th August 2011.

Members raised questions in respect of outturns relating to climate change to which the Head of Customer Service and Performance responded.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor K. Bowman
RESOLVED that the report be received.

REASON FOR DECISION: To update Members on the Corporate Plan Target Outturns for 2010/11.

The Head of Customer Service and Performance left the meeting.

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

Moved by Councillor D. Kelly, seconded by Councillor A.F. Tomlinson
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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292. SHERWOOD LODGE DEVELOPMENT UPDATE EXEMPT PARAGRAPH 3

The Director of Development presented the report to update Members on progress in respect of proposals to redevelop the Sherwood Lodge site. Members' agreement was sought for the Council to enter into a period of exclusivity with one of the interested retailers to devise a fully considered scheme prior to undertaking a public consultation.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. Kelly
RESOLVED that the Director of Development be given delegated authority, in consultation with the Chief Executive Officer, Leader and Deputy Leader of the Council to agree terms and enter into a period of exclusivity with one of the retailers.

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

(Director of Development/Solicitor to the Council)

293. ACQUISITION OF PROPERTIES EXEMPT PARAGRAPH 3

The Director of Development presented the report to seek Members' approval for delegated authority to enter into negotiations and purchase three properties in Bolsover town.

Moved by Councillor A.F. Tomlinson, seconded by Councillor B.R. Murray-Carr
RESOLVED that (1) authority be delegated to the Director of Development in consultation with the Deputy Leader of the Council to negotiate and buy the three identified strategic properties in Bolsover Town with a maximum budget of £450,000 funded from the Transition Grant Funding, subsequently negotiate an agreement and sell the property as part of any future development,

(2) delegation be given to the Director of Resources to determine the most appropriate financing arrangements, balancing demands on Transition Grants with scope to capitalise this expenditure (£450,000),

(3) a further £20,000 budget is allocated to prepare (testing, repairs, planning permission, etc) the properties for short-term letting and to meet landlord obligations funded from the Transition Grant fund,

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(4) 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,

(5) it be noted that the Executive consider that the above decision is an urgent one.

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

(Director of Development/Director of Resources/Solicitor to the Council)

The meeting concluded at 1050 hours.