

**EXECUTIVE**

**MONDAY**  
**9<sup>TH</sup> JANUARY 2012**  
**AT THE CONCLUSION**  
**OF SPECIAL COUNCIL**

**COMMITTEE ROOM**  
**ONE**

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Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 22<sup>nd</sup> December 2011

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of Bolsover District Council to be held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 9<sup>th</sup> January 2012 at the conclusion of Special Council.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16<sup>th</sup> May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on page 125.

Yours faithfully,



Chief Executive Officer

To: Chairman & Members of the Executive

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Chief Executive Officer: Wes Lumley, B.Sc., F.C.C.A.

Committee:	Executive	Agenda Item No.:	5.
Date:	9 <sup>th</sup> January 2012	Status	Open
Category	Part of the Budget and Policy Framework		
Subject:	Orchestral Development 3 Year Strategic Plan 2012-2015		
Report by:	Arts Development Officer		
Other Officers Involved	Head of Leisure		
Director	Director of Health & Wellbeing		
Relevant Portfolio Holder	Councillor A. M. Syrett, Portfolio Holder for Social Inclusion		

### **RELEVANT CORPORATE AIMS**

#### **REGENERATION – Developing healthy, prosperous and sustainable communities**

Contribute to raising awareness to health issues within the District.

Help develop flourishing rural communities.

Help develop vibrant projects through creative work.

To forge collaborations between professional orchestras and key organizations such as The Mighty Creatives, Orchestras Live, Derbyshire County Council, Developers and Sponsors

#### **SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning**

To continue the ongoing presence by the highest quality professional orchestras in Bolsover;

To develop orchestral work that is both relevant and challenging to the community, enhancing existing music and arts activity;

To directly involve local young people, adults and older people in orchestral projects, developing their skills and potential;

To forge collaborations between professional orchestras and key organizations such as The Mighty Creatives and Orchestras Live.

Promote the development of skill and learning in the community.

**ENVIRONMENT – Promoting and enhancing a clean and sustainable environment**

To contribute towards Bolsover District Council’s strategies for regeneration and the arts, including Public Art

To contribute towards the priorities of the Government’s Every Child Matters policy, including Healthy Living

Protect, enhance and improve the natural environment in a sustainable way through the development of the arts

Raise awareness of the environment through creativity

To raise awareness of other services within the Council through the arts, such as Community Safety, Street Cleansing and Recycling.

**CUSTOMER FOCUSED SERVICES**

Strengthen community consultation.

Design and deliver services to meet the needs of participants.

Improve quality of services delivered.

**TARGETS**

Aims

- To continue the ongoing presence of the highest quality professional orchestras in Bolsover
- To develop orchestral work that is both relevant and challenging to the community, enhancing existing music and arts activity
- To directly involve local young people, adults and older people in orchestral projects, developing their skills and potential
- To forge collaborations between professional orchestras and key organizations such as The Mighty Creatives and Orchestras Live
- To contribute towards Bolsover District Council’s strategies for regeneration and the arts, including Public Art
- To contribute towards the priorities of the Government’s Every Child Matters policy, including Healthy Living

**VALUE FOR MONEY**

The Council invests only in this scheme through Public Art Contributions through 106 agreements or Planning Conditions.

## **THE REPORT**

The Council has been working to a 3 year Orchestral Development Strategy 2009 to 2011 developed by the Arts Development Officer and Orchestras Live the National Governing Agency for orchestral development work within the UK, which expires in 2011.

Following on from the initial three-year orchestral strategy between Orchestras Live and Bolsover District Council, the Orchestral Development Strategy for 2012-2015 aims to continue to flow from Bolsover's Public Art Strategy through a series of participation projects and performances marking areas of regeneration across the District. Each project will feature orchestral musicians, sometimes in collaboration with other artists, working closely with community groups and especially young people.

This strategy will look at changes that have naturally evolved within the arts within Bolsover District, taking into account the work of the Culture and Tourism Partnership within the Local Strategic Partnership and the use of Public Art Contributions where Members and Developers are happy for monies to support community arts projects.

A copy of the proposed Orchestral Development Strategy for 2012 to 2015 is contained in the Appendix.

Bolsover District Council is seen as ground breaking in its work within the music and particularly the orchestral development field. Bolsover is the only rural Authority to have a strategic focus on orchestral development and is seen nationally as a leading Authority in its work within the orchestral development field.

### **Main Achievements over the past 18 months.**

For Members' information the Arts Development Officer has also attached the official Evaluation Reports for

**"Heritage Back to the Future"** which was a Public Art project from a Tesco planning application where £28,000 was used to develop a 3 year residency programme with the Halle Orchestra and worked with the 3 Clowne schools on a music and film project which pulled in a further £40k+ in partnership funding. The project was deemed a resounding success as can be seen from the evaluation, so much so that it has been used as a case study nationally by Orchestras Live.

**"Animal Magic"** Evaluation Report which as a project with Symphonia VIVA , a regional orchestra with Creswell Junior School and working with a teacher from Glebe Junior School to develop her conducting and personal "Animateur" skills whilst working with the children. This was another successful project.

**"Tis Death to Break a Frame"** Evaluation Report, which was a project where an Oratorio was written based on the Luddite Uprising. It was the 200<sup>th</sup> Anniversary of the Luddite Uprising and on that basis funding was successful from the Heritage Lottery as well as many other sources. For a small financial

input from Public Art of £3,000 a total project worth £80,000 was successfully delivered. The children taking part were from Glebe Junior School and Creswell Junior School. All children visited Pleasley Vale as part of this project. Pleasley Vale will also benefit by some tourist interpretation boards and curriculum packs from this funding.

### **New Works.**

**“Invocation Proposal”**, which is a project that will take place in July 2012 as part of the Bolsover Arts Festival. It is a special commissioned Concerto for Cello, Orchestra, African Percussion and a solo contemporary African Dancer. This has been commissioned by Orchestras Live and is highly subsidised. Bolsover will be the only rural setting for this nationally toured commission.

**“Lullaby Project”** “ with the City of London Symphonia” – working with families in an early years setting.

The aim of this project is to promote a series of interactive Lullaby Concerts designed specifically for young children and their parents/carers, particularly aiming to reach people in dispersed rural communities and hard-to-reach areas; To involve local young musicians in the concerts, acting as inspirational role models for the young audiences; To develop the skills of nursery practitioners and childminders through a music training day.

The workshops are aimed to target creativity and learning which is integral to the project, particularly encouraging the use of music at the settings and their communities by involving nursery practitioners, parents and carers in practical music activity alongside the young children.

This project will be unique to this region.

**“Clowne Intergenerational Project II”** - A creative ‘recycling’ project.

The aim of the project is to raise awareness of recycling within Heritage High School and the wider community through an innovative creative process combining film and music.

A DVD of the finished work will be distributed to all other schools in the area (Primary and Secondary) to spread awareness of environmental issues more widely.

### **ISSUES/OPTIONS FOR CONSIDERATION**

Whether the Orchestral Development Strategy 2012 to 2015 represents value for money.

### **IMPLICATONS**

Financial: The Council invest only in this scheme through Public Art Contributions through 106 agreements or Planning Conditions.

Legal: The strategy is subject to complying with the conditions outlined in the Section 106 agreements and Planning Conditions.

Human Resources: The Arts Development Officer manages all Public Art Projects where a management fee is applied to each project undertaken.

## **RECOMMENDATIONS**

- 1. Members approve the Orchestral Development Strategy 2012-2015**
- 2. That Members approve Public Art Contributions be used to support the Orchestral Development Strategy where required and appropriate.**

## **REASON FOR DECISION**

**To approve the Orchestral Development Strategy 2012-2015**

ATTACHMENTS:	<b>Y</b>
FILE REFERENCE:	Heritage Back to the Future Evaluation Report Clowne 2011. Animal Magic Evaluation Report 2011 Tis Death to Break a Frame Evaluation Report 2011. Invocation 2012

SOURCE DOCUMENT:

Committee:	Executive	Agenda Item No.:	6.
Date:	9 <sup>th</sup> January 2012	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Report from the Review of Legal Services - Improvement Scrutiny Committee		
Report by:	Councillor Hilary Gilmour – Chair of the Improvement Scrutiny Committee		
Other Officers Involved	Scrutiny Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	N/A		

#### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT - Continually improving our organisation

#### **TARGETS**

Reduce the Council's overall spend in accordance with the Savings Strategy by March 2013.

#### **VALUE FOR MONEY**

With the Council still to find further savings in the next few years, it was considered timely to review specific areas with a view to identifying what savings have been made, what further savings could be found and whether the service or area of spend provides the authority with value for money. The Council is taking this issue seriously and has dedicated a Portfolio Holder, Councillor Duncan McGregor to oversee budgets and savings.

#### **THE REPORT**

This Review area was first identified by the Scrutiny Conference in June 2011 and at its meeting on 30<sup>th</sup> August 2011, the Improvement Scrutiny Committee agreed to undertake a review of Legal Services to help identify areas of efficiency, savings and value for money. In its review of Legal Services, the Improvement Scrutiny Committee set out to consider the following issues;



1. Savings identified/made in the last year
2. Further savings that could be made
3. Efficiencies in the particular area/service
4. Value for money of the area/service
5. Whether the authority can generate income from the area/service

The Committee used various methods to complete its review; key Officers from the Legal Services department provided written and verbal responses to Members questions and Elected Members carried out a benchmarking exercise consulting 9 different local authorities from the region.

The results of the benchmarking exercise and Officers responses were considered at length before a final conclusions report was agreed by the Improvement Scrutiny Committee.

The Report was submitted to Scrutiny Management Board on 19<sup>th</sup> December 2011 and approved.

### **ISSUES/OPTIONS FOR CONSIDERATION**

The review document.

### **IMPLICATIONS**

Financial: None identified  
Legal: None identified  
Human Resources: None identified

### **RECOMMENDATIONS**

1. **That Executive consider the Improvement Scrutiny Committee recommendations set out in the report of the Improvement Scrutiny Review of Legal Services**
2. **That a response be provided on the review recommendations in order that an action plan is drawn up to monitor implementation.**

### **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

Consideration of reports from Scrutiny Committee.

ATTACHMENTS: N  
FILE REFERENCE:  
SOURCE DOCUMENT:

**BOLSOVER DISTRICT  
COUNCIL**

**IMPROVEMENT SCRUTINY  
COMMITTEE**

**EFFICIENCIES, SAVINGS AND  
VALUE FOR MONEY  
SCRUTINY REVIEW**

**LEGAL DEPARTMENT**

**21<sup>st</sup> November 2011**

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Appendix 1 – Stakeholders engaged during the Review

Appendix 2 – Benchmarking results and summary

## **Foreword of Councillor Hilary Gilmour Chair of the Improvement Scrutiny Committee**

It is a pleasure to present this review report on behalf of the Improvement Scrutiny Committee. It details the findings, conclusions and recommendations from the committee on the review of Legal Services.

I would like to give our thanks to the Legal Services for their information and transparency throughout this sensitive review.

I would like to say a special thank you to Claire Millington for her professionalism, guidance and her outstanding ability as our Scrutiny Officer.

Thank you to Abby Brownsword, Democratic Services Officer for her commitment.

Finally, thank you to the members of the Improvement Scrutiny Committee for their commitment and involvement in this scrutiny review.

### **1. Introduction**

With the Council still to find further savings in the next few years, it was considered timely to review specific areas with a view to identifying what savings have been made, what further savings could be found and whether the service provides the authority with value for money.

The Council is taking this issue seriously and has dedicated a Portfolio Holder, Councillor Duncan McGregor to oversee budgets and savings.

The Legal Department was identified as the highest priority for elected Members at the Annual Scrutiny Conference and the review commenced in August 2011.

Throughout the review, the Committee kept in mind that the Strategic Alliance between Bolsover and North East Derbyshire District Councils aimed to reduce costs and the Council's would look at whether some of the costs of providing services could be shared, although the authorities would keep their political, geographical and administrative independence.

The Improvement Scrutiny Committee has identified six recommendations in accordance with the scope of the review. Good practice and efficiencies have also been identified and are detailed in the 'key findings' section of the report.

It is hoped that the recommendations made within this report will assist the authority in finding further efficiencies and savings, whilst identifying areas where there is potential to bring in extra income.

## **2. Recommendations**

### **Recommendation 1**

That through the appropriate phase of the Strategic Alliance, the role of the Monitoring officer be reviewed to ensure that the role is carried out in the most efficient way for the authority and the advantages/disadvantages of having a shared Monitoring Officer between Bolsover and North East Derbyshire District Councils be considered.

*(Please refer to paragraph 6.8 for background information)*

### **Recommendation 2**

That the Authority, through senior management supports the Land Charges team in negotiating a reduction in the fee taken from Derbyshire County Council for each search completed, currently £21.00 and secure this as quickly as possible.

*(Please refer to paragraph 6.9 for background information)*

### **Recommendation 3**

That Legal Services explore appropriate opportunities to promote their services to Parish Councils and other potential public sector customers, which could result in an increased income for the authority.

At this time, the Legal Team should also review their hourly rate, currently £50.00 per hour, to ensure that it is as competitive - even with regulatory constraints in place - and in comparison to the private and other public sector organisations.

*(Please refer to paragraph 6.10 for background information)*

### **Recommendation 4**

That the requirement for attendance of a member of the Legal Team to non-regulatory meetings be considered to ensure that the most efficient working practices are in place.

*(Please refer to paragraph 6.11 for background information)*

### **Recommendation 5**

That the Legal Team approach neighbouring authorities with a view to providing external services and assistance with work where capacity allowed, in the same way that a service was currently provided to Derbyshire Dales District Council.

*(Please refer to paragraph 6.12 for background information)*

## **Recommendation 6**

That senior management give consideration to including Legal within the next round of service reviews with North East Derbyshire District Council. The opportunity should be taken to review the service sooner rather than later as the Service Review process could follow where the Scrutiny Review had finished. This would ensure that any savings would be identified as soon as possible, ensuring that the service was efficient and providing value for money.

*(Please refer to paragraph 6.13 for background information)*

### **3. Scope of Review**

The review considered the following issues;

- Savings identified/made in the last year
- Further savings that could be made
- Efficiencies in the service
- Value for money of the service
- Whether the authority can generate income from the service

#### **The Committee comprised of the following Members,**

Cllr Hilary Gilmour (Chair)

Cllr Jim Smith (Vice-Chair)

Cllr Toni Bennett

Cllr Rose Bowler

Cllr Pauline Bowmer

Cllr Ray Brooks

Cllr Jim Clifton

Cllr Terry Cook

Cllr Ray Heffer

Cllr Rita Turner

Support to the Committee was provided by the Scrutiny Officer and the Democratic Services Officer.

## **4. Method of Review**

- 4.1 The Committee met on 3 occasions to consider the scope of the review, key issues they wanted to discuss, the people they wished to interview and to carry out their investigations.
- 4.2 The Committee interviewed four officers from the Legal Department and contacted 9 neighbouring authorities to ask questions on how other legal departments were set up and how they carried out their work.

Attached at **Appendix 1** is a list of stakeholders interviewed and at **Appendix 2** is the benchmarking results and summary.

### 4.3 Equality and Diversity

Within the process of the review the panel have taken into account the impact of equalities and have not identified any negative impact.

## **5. Evidence**

5.1 The following documents were considered as part of the review:

- Legal Services Department Briefing paper and case study
- Legal Services Department staffing structure
- Employment Tribunals 2007-2011 (details of external services provided and costs involved)
- Extracts from private sector quotes for negotiating a compromise agreement and an employment related investigation.
- Breakdown of estimated hourly rate – Jim Fieldsend – Senior Principal Solicitor
- Details of work undertaken on behalf of Derbyshire Dales District Council.
- Medium Term Financial Plan - Budget Book 2011/12
- Draft - Legal Department Service Plan
- Legal Services Internal Satisfaction Survey Report 2011
- Final report – review of expenditure within PPMG1's remit – September 2009 (Legal Department budget)
- Final report – Scrutiny review of fees and charges applied by Bolsover District Council – September 2009 (Land Charges)

## 6. Key Findings

### Strengths

6.1 Over the past year, the Legal section had identified savings which have included;

- Reduction in the cost of search fees – Land Charges
- Reduction of staff – Licensing and Land Charges
- Disestablishment of the Trainee Solicitor Post – Legal
- Reduction in what the section subscribes to – savings to the subscription budget through all discretionary subscriptions
- Identifying free training where possible – although Solicitors must complete a mandatory number training hours per year (Continuing Professional Development – CPD) the legal section at the time of the review had not spent any money on training this year.
- Where the team was required to pay for training, they would attempt to negotiate a deal, e.g. 2 for 1.

6.2 The Committee were advised that employment tribunals in the past had been contracted out at a cost of £16,203.40 (from 2008 – 2011 for 9 Tribunals) as there was not sufficient expertise within the team to deal with in-house. Had the team dealt with these Tribunals themselves it would have been at an estimated cost of £4,000 - £5,000. To avoid further expense in future, one of the Principal Solicitors is undertaking training in order to keep this work in-house. Information suggested that claims from employees would continue to increase as there was no cost to the employee to submit a claim, therefore the authority needs to be prepared to deal with these issues in a cost effective way.

Ensuring the team had the necessary skills and expertise would result in good advice and prevent additional costs.

6.3 The benchmarking exercise carried out by members of the Committee highlighted that the support for Parish Councils offered by authorities across Derbyshire differed significantly from that given by the team at Bolsover, with most authorities giving little or no support.

Members felt that Bolsover excelled at the support offered to Parish Councils and that this should continue.

6.4 The team provided support to Derbyshire Dales District Council on a negotiated rate of £50.00 per hour. Derbyshire Dales only has one solicitor and puts a lot of work out to external solicitors. The team were limited in the profit that it could make. At the time of writing the report, the Committee were advised that since the end of 2010, £1,605.00 income had been generated.

The work received from Derbyshire Dales was absorbed into the existing workloads of the two Principal Solicitors and were not lengthy cases. The extra work had not affected the capacity of the team.



- 6.5 Bolsover District Council Legal Services were a member of East Midlands Law Share. There was no fee to be a member and should an external contractor be required for an issue, members received a preferential rate as follows;

Solicitor - £185.00 per hour  
Trainee Solicitor - £163.00 per hour  
PA/Secretary - £98.00 per hour  
(Bolsover's hourly rate - £50.00 per hour)

East Midlands Law Share also provides free training for members and the legal team confirmed that they did take advantage of all free training offered.

- 6.6 The team work closely with other authorities to share ideas and have on occasion borrowed a member of staff with particular expertise with reciprocal arrangements in place.

As a result of the Strategic Alliance, the team felt that they were working closer with the legal team at North East Derbyshire District Council.

- 6.7 Land Charges are particularly susceptible to competitors as local authorities have statutory regulations which they are required to adhere to. Private companies challenge what local authorities do. Despite this fact, 70-80% of the market is currently held by Bolsover District Council's Land Charges team and this is down to the hard work of the team, assisted by the Government's removal of the Home Information Pack (HIP) Scheme. Members of the team have been proactive in contacting solicitors in order to hold a bigger share of the market over the private search companies.

Although the authority had reduced the cost of search fees, they were now receiving a larger share of the market which resulted in an increased income. There were statutory limits for charges and the authority was required to be cost neutral (2009 charging regulations).

Members of the Committee were advised that the Land Charges team were performing well compared to neighbouring authorities in Derbyshire. They were the cheapest and had a request turnaround time of 3 days.

### **Areas for Improvement**

- 6.8 It was clear from the benchmarking exercise that there was no precedent for the appointment of Monitoring Officer and Deputy Monitoring Officer in terms of position held within the authority, experience or qualifications. The roles in the authorities in Derbyshire were filled by differently qualified persons – Solicitors and non-Solicitors. Whilst it was appreciated that the Monitoring Officer was a

Statutory Role, it would be worthwhile considering how the role could be carried out most efficiently.

Whilst considering the role of the Monitoring Officer, Members were also of the opinion that the duties and day to day role carried out by the Monitoring Officer be considered to ensure that the authority received the most efficient use of the Monitoring Officer's time and whether some tasks currently carried out by the Monitoring Officer could be more appropriately carried out by another officer reporting to the Monitoring Officer, for example, checking all minutes produced by the authority.

According to the information provided by the Legal Department, the Solicitor to the Council and Monitoring Officer role included;

- Managing Legal Services Department (includes Legal and Democratic Services) and directing its work
- The Council's Statutory Monitoring Officer and chief legal advisor, ensuring that the Council, its Members and Officers act within proper legal and ethical frameworks
- 'Qualified Person' under the Freedom of Information Act 2000
- Overseeing the administration and conduct of elections on behalf of the returning officer
- Member of Senior Management Team (Monitoring Officer Role)<sup>1</sup>

The Committee was also advised that the Monitoring Officer oversaw complaints in relation to the Code of Conduct and ensured that the Council made decisions responsibly and within its powers.

6.9 The Land Charges team were currently trying to negotiate a reduction in the amount of each search fee taken by Derbyshire County Council, currently £21.00, in order to further reduce the cost and capture an even larger share of the market. Members felt that the authority should support the team in negotiating a reduction with Derbyshire County Council and secure this as quickly as possible.

6.10 There may be opportunities for the Legal Team in terms of promoting their services to Parish Councils, for example, on conveyancing and employment issues. Compared to private solicitors, the team felt that they could offer a competitive price, and extra income for the authority.

Members of the authority who were also Parish Councillors could approach the Team and receive advice and support on Parish matters. Whilst this service was appreciated by all Members, it was felt that Parish Councils would be willing to pay for these services, as they would have been charged should they have taken advice from a private solicitor. Parish matters could include simple questions to complex and sensitive employment issues, all of which were being dealt with free of

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<sup>1</sup> This statement was correct at the time of writing the report however, this is no longer the case, Senior Management Team has now become the Strategic Alliance Management Team and the Monitoring Officer does not have a role in this team.

charge by the authority's Legal Team. Training sessions were also provided at no cost to the Parish Council.

Members felt that at £50.00 per hour, the Legal Team were currently underselling themselves however did appreciate that this was due to being restricted to only charging enough to cover costs. Once the Localism Bill came into force, the Legal Team should review its hourly rate to a more appropriate figure, whilst still being competitive in comparison to the private sector.

- 6.11 The benchmarking exercise also highlighted that the attendance of legal officers and solicitors at non-regulatory meetings differed significantly. Again, Members requested that the requirement for attendance of a member of the Legal Team to non-regulatory meetings be reconsidered to ensure that the most efficient working practices were in place and the team was providing value for money.

In most authorities, Solicitors or Legal Officers attended the regulatory committees, Planning, Licensing and Standards.

- 6.12 Members noted the good practice and pro-active approach in the Legal Team in providing assistance to Derbyshire Dales. When asked whether there was any opportunity to carry out work for other authorities, Members were advised that other neighbouring authorities had a legal department similar to that of Bolsover District Council and therefore there wouldn't be any work to pass on. It was however highlighted in the benchmarking exercise that Amber Valley, Erewash and High Peak Borough Councils all occasionally contracted work out for cases where their officers did not have the required specialism and there may be an opportunity for the legal team at Bolsover District Council to provide a service to these authorities where capacity permitted.

- 6.13 Members of the Committee felt that as the Legal Service would eventually be the subject of a Service Review with North East Derbyshire District Council through the Strategic Alliance, the opportunity should be taken to review the service sooner rather than later as the Service Review process could follow where the Scrutiny Review had finished. This would ensure that any savings would be identified as soon as possible, ensuring that the service was efficient and providing value for money.

## **7. Conclusions**

The introduction of the Localism Bill may bring about many opportunities for the Authority, but regardless of this, there are potential opportunities that would allow the Legal Team to provide legal services to a greater number of appropriate clients, subject to capacity of the team. In comparison to other teams across Derbyshire County, a larger percentage of Bolsover's Legal Team are qualified Solicitors or Lawyers whereas other authorities tended to have less legally qualified staff and more administration staff to provide support. This would suggest that the team was in a good position to prepare for and take advantage of the changes that the Localism Bill might bring.

Members of the Improvement Scrutiny Committee undertook a benchmarking exercise, contacting 9 authorities in Derbyshire (by telephone). Members asked the same questions of each authority relating to resources, working practices and structures. Due to the differences in approaches to the management of their services, it was difficult to draw direct comparisons. It was possible to draw some conclusions, which have been raised within the report.

Members were asked to consider the question of outsourcing early on in their review and whether this was an avenue that should be explored. Benefits of outsourcing included savings on training, legal know how, best practice sharing and legal surgeries. One particular provider who worked with other local authorities quoted that their target was to never go above £150.00 per hour on a fixed fee arrangement. Having heard from the Legal Team that they were a Member of East Midlands Law Share, and therefore had access to best practice, etc and that the hourly rate for the Senior Principal Solicitor was £50.00 per hour, the Committee concluded that there would be no benefit to the authority in investigating the possibility of outsourcing any further as part of the Scrutiny Review, particularly when the Strategic Alliance presented further opportunities for sharing working practices and arrangements.

### Stakeholders

Councillor Duncan McGregor	Portfolio Holder for Corporate Efficiencies
Wes Lumley	Joint Chief Executive
John Brooks	Director of Resources
Sarah Sternberg	Solicitor to the Council
Jim Fieldsend	Senior Principal Solicitor
Alan Turner	Legal and Standards Officer
Geoff Allcock	Licensing/Enforcement Officer
Pauline Redfearn	Legal and Land Charges Officer
Amber Valley Borough Council	
Chesterfield Borough Council	
Derbyshire County Council	
Derbyshire Dales District Council	
Erewash Borough Council	
High Peak Borough Council	
Mansfield District Council	
North East Derbyshire District Council	
South Derbyshire District Council	

### **Summary report on benchmarking exercise**

The Elected Members of the Improvement Scrutiny Committee undertook a benchmarking exercise by contacting (by telephone) 9 similar local authorities within the region. Members asked the same questions of each authority relating to costs, resources and practices.

Due to the differences in approaches to the management of their services it is difficult to draw direct comparisons but it has been possible to draw conclusions around 5 key areas.

These are;

- I. The role of Monitoring Officer is filled by differently qualified persons – Solicitors and Non-solicitors.
- II. The number of Officers and Solicitors differ regardless whether functions like Licensing and Land Charges are carried out by Legal or by other services.
- III. Most of the authorities questioned as part of the benchmarking have in-house Legal Services.
- IV. The Legal Services support for Parish Councils differs significantly from that offered by Bolsover; most give little or no support.
- V. Attendance of Legal Officers and Solicitors at regulatory and non-regulatory meetings differs significantly.

	How many officers	How many are Solicitors? What about MO?	Budget	Is all work done in house? – If not – who do you contract work out to?	Do you do work for others? What is the hourly rate?	Which Services does the team support? Any others?	How do you deal with enforcement cases?	Do you support Parish Councils?	Do your Solicitors attend all regulatory committees? What about non-reg. committees?	Which depts do Licensing and Land Charges come under?
<b>Amber Valley</b>	7 - 4 Full time and 3 Part time	1 MO is Chief Executive	£340,000 includes £70,000 provision for external legal services /barristers fees, etc.	Most – we do use different external services depending on the issue or specialism, e.g. employment issues or major planning disputes, etc.	No.  We do support one Parish Council	ALL	We deal with all Court action in house.	Only provide advice if required.	Yes – Solicitor attends Planning, Licensing and Standards.  CEO attends Scrutiny and Council	Licensing – <b>Democratic Services</b> Land Charges – <b>CEO</b>
<b>Chesterfield</b>	6	4  Including Monitoring Officer and Deputy Monitoring Officer	Not known	Yes.	No.	ALL except revenues which is outsourced (collections)		No	Yes  Don't attend non-regulatory committees	Licensing – <b>Environmental Health</b> Land Charges – <b>Legal Services</b>
<b>Derbyshire County Council</b>	69.5 FTE (78 people)	30.4 FTE (32 people) including the Monitoring Officer	Legal Services 2011/12 – £2,530,151 gross, £2,145,313 net	Not all work is done in house. Some work is undertaken by external barristers and solicitors. We have undertaken a Child Care Counsel Tender exercise and are members of East Midlands Lawshare.	We do some work for other local authorities based on our own internal rates. Charges are agreed with each local authority. Our typical solicitor's hourly rate is £70.00.	We support all county council functions.	We work closely with client departments from the outset of enforcement matters.	Over recent years we've worked for 5 parish councils. Areas of work include general conveyancing rights of way and possession proceedings re: travellers.	Yes (Reg.)  Solicitors attend all of the Council's committee meetings with the exception of Scrutiny Committee. However, the Scrutiny function is part of the Legal & Democratic Services Division.	Licensing – <b>N/A</b> Land Charges – <b>N/A</b>

<b>Derbyshire Dales</b>	4 2 full time/2 part time	1	No – budget is shared with Democratic Services – no separate legal budget	Some work is carried out by Bolsover District Council – we are also part of East Midlands Law Share.	No.	ALL – housing is an ALMO	Passed early on.	We have 74 Parishes so we don't support them.	(Reg.) as and when required.  (Non-reg) as and when required.	Licensing – <b>Committee Services Directorate</b> Land Charges – <b>Legal</b>
<b>Erewash</b>	5 - Legal Exec and 2 P/T admin ass.	2 Solicitors Borough Solicitor is MO  Head of Democratic Services is DMO	£249,000	Occasionally we pass on work on Planning areas and HR/Equal Pay issues.	None at all.	ALL except housing (don't have housing stock) we do cover any homelessness issues.	Advise on enforcement and take cases on for prosecution.	We don't.	All regulatory committees.  Don't attend non- regulatory committees as routine.	Licensing – <b>Operational Services</b> Land Charges – <b>Planning</b>
<b>High Peak</b>	5	2 Solicitors, 2 Legal Executives and one Trainee  Executive Director of Customer Services is Monitoring Officer.	Can't say	Yes – occasionally we use external services for expert advice where a case is unique or specialist. Equal Pay claims						Licensing –  Land Charges -
<b>Mansfield</b>	14	6.5	Not known	Mostly in house – rare exceptions.	Would consider, dependant on the issue. Hourly rate unknown.	ALL	Advice is given by legal if necessary. A member of the tem would attend at a stage during court action dependant on the case.	Services not needed – only 1 parish.	A Legal Officer attends but not always a Solicitor. (regulatory)  Officer from legal attends Scrutiny.	Licensing – <b>Legal</b>  Land Charges – <b>Legal</b>
<b>North East Derbyshire</b>	6	3 – Monitoring Officer is	£222,098.00 which includes £40,000	We don't deal with employment issues – pass to HR	We provide a legal service to Rykneld	ALL services plus Freedom of Information	Passed cases from the outset –	We don't. We took the view that we	Planning – only when required. Solicitor always	Licensing – <b>Environmental Services</b>



		Assistant Director, Governance (no legal qualifications)  Deputy MO is Principal Solicitor.	income from Rykneld Homes (ALMO)		Homes.  We used to do a small amount of work for Peak Park Authority but this has stopped since they had a change in Head of Legal. (Rate unknown)	requests.	sometimes provide advice and consider documents and suggest amendments – see them right through to court proceedings.	weren't insured by the Law Society to provide legal advice to Parish Councils.	attends Licensing and MO attends Standards.  We don't attend other committees unless asked to attend for a specific item – not in a support/legal advice role.	Land Charges – <b>Planning</b>
<b>South Derbyshire</b>	3	2 Lawyers and one Monitoring Officer	Not able to answer	Yes	No	ALL	Yes	No support for Parish Councils	(Reg) – Only when required.  (Non-reg) – only when required.	Licensing – <b>Environmental Health</b>  Land Charges – <b>Legal</b>

Committee:	Executive	Agenda Item No.:	7.
Date:	9 <sup>th</sup> January 2011	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Housing Department – Quarterly Progress		
Report by:	Head of Housing		
Other Officers Involved	Housing Innovation Officer Housing Enforcement Manager Responsive Repairs Manager Asset Management Officer		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor K. Bowman, Portfolio Holder for Housing Management		

#### **RELEVANT CORPORATE AIMS**

COMMUNITY SAFETY – Ensuring that communities are safe and secure  
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services  
ENVIRONMENT – Promoting and enhancing a clear and sustainable environment  
REGENERATION – Developing healthy, prosperous and sustainable communities  
SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.  
STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

Please specify how the proposals help to deliver the corporate aims.

#### **TARGETS**

The Housing Department contributes to a range of corporate targets, these are referred to within the body of the report.

#### **VALUE FOR MONEY**

This report illustrates how the Housing Department is functioning efficiently, and makes reference to a range of projects that had individually been accepted as they provide VFM.

## **THE REPORT**

This report contains the quarterly report for the Housing Department. The statistical report contains information up to September 2011, but the text makes reference to more recent events.

### a. Rent Arrears

Rent arrears progress closely echoes the pattern established in previous years. This means that arrears have remained flat throughout the year, and we can expect an improvement in the last quarter. This is largely due to the impact of the rent free weeks.

Rent arrears are a target within the corporate plan. There are concerns that welfare reforms will have an impact on rent arrears, and a more detailed report will be presented to Members at a future meeting.

### b. Former Tenants Arrears.

Progress on FTA's remains challenging, throughout this period the administrator post has been only partially filled on a part time basis, but at time of writing the post has been advertised. It is hoped that once the post is filled more progress will be apparent. The reduction of FTA debt is a corporate target.

### c. Repairs Issues.

The repairs service continues to perform well both in terms of speed and quality with high ratings for satisfaction. There are some issues around the measure for Right First Time. There is no clear definition of how Right First Time is measured, and Bolsover has adopted a strict definition which means we appear to be performing less well when compared with others (within the repairs benchmarking group) who have adopted a different definition. We are currently working with others to develop a standard definition.

### d. Mobile Working

As previously reported the vast majority of repairs are dealt with through mobile working, and this has worked well since June 2011. However, the project continues with the aim of utilising the system for all operatives. The project is currently on target to introduce text messaging for tenants (a corporate target designed to reduce missed calls) and for voids work before the end of December. The final module is gas servicing, this currently works well on a database, and requires more work to transfer information onto the Academy system and then mobile working. Due to the importance of the module and the specific regulations for the control of landlords' records this module will be introduced at the end of the financial year.

e. Choice Based Letting.

There is a Corporate target to introduce CBL by the end of December. The system was in place by the end of November with training and awareness sessions being offered for officers, Members and customers. The system will be fully available to customers during January 2012.

f. Mutual Exchanges.

It is a requirement of the Government's new national housing strategy for every council to have subscribed to an online mutual exchange system. One of the recognised providers of such a scheme is Abris who supply the new CBL system. Officers have negotiated a reduced price for this system and the cost can be contained within the existing CBL budget. This scheme will be launched in two phases, a basic system will be offered with CBL with an enhanced version being introduced in the next financial year.

g. SP Contracts

The Supporting People Team have confirmed their wish to extend our current contracts for mobiles wardens, sheltered housing and alarm monitoring. We continue to work with Chesterfield and South Derbyshire to develop an option to compete for the county-wide monitoring contract when advertised.

h. Capital Programme.

The Housing Stock Group in December agreed changes to the capital programme. This made sufficient savings to allow the purchase of 21 replacement bungalows at Langwith.

## **ISSUES/OPTIONS FOR CONSIDERATION**

The contents of the report.

## **IMPLICATIONS**

Financial: Not directly  
Legal: Not directly  
Human Resources: Not directly

**RECOMMENDATIONS**

**That the information in this report is noted.**

**REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

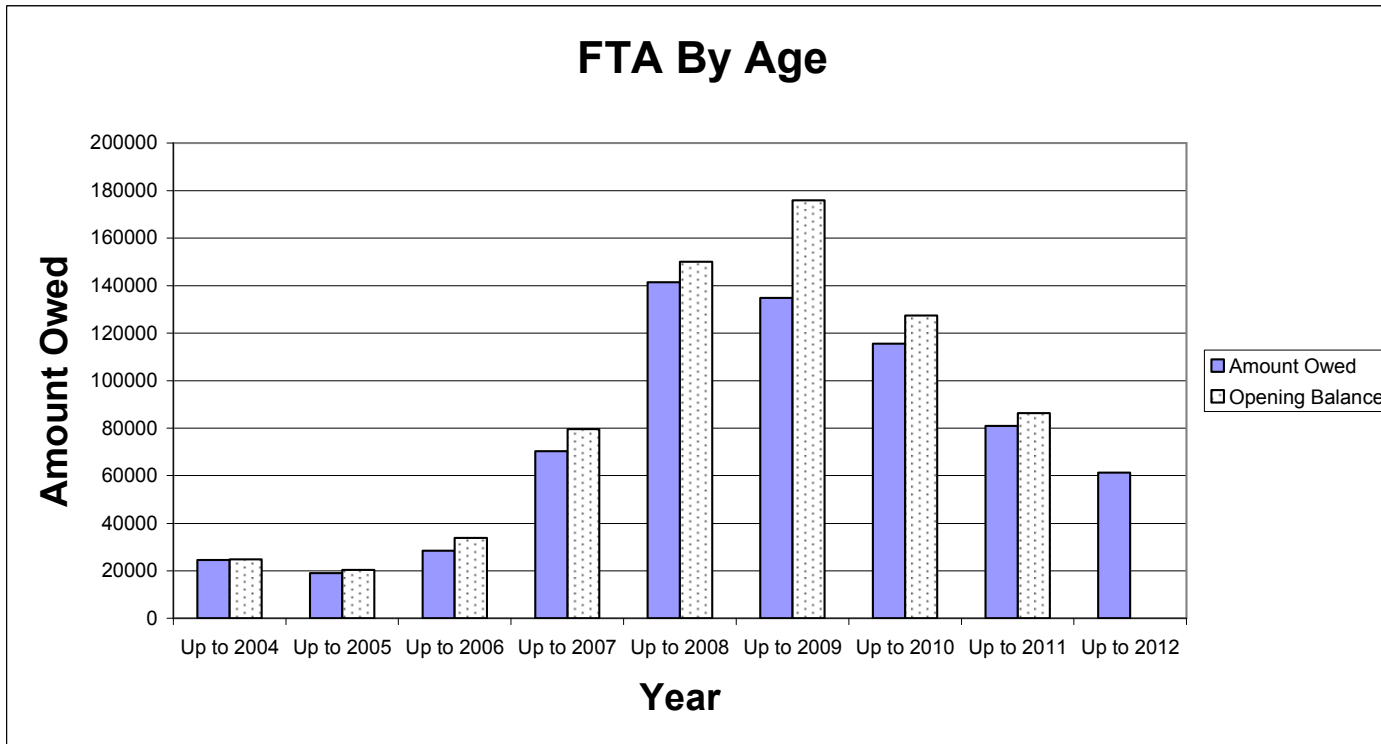
To update Members on the Housing Department performance.

ATTACHMENTS:           **N**  
FILE REFERENCE:  
SOURCE DOCUMENT:

# 1. FTA Aged Debt Analysis

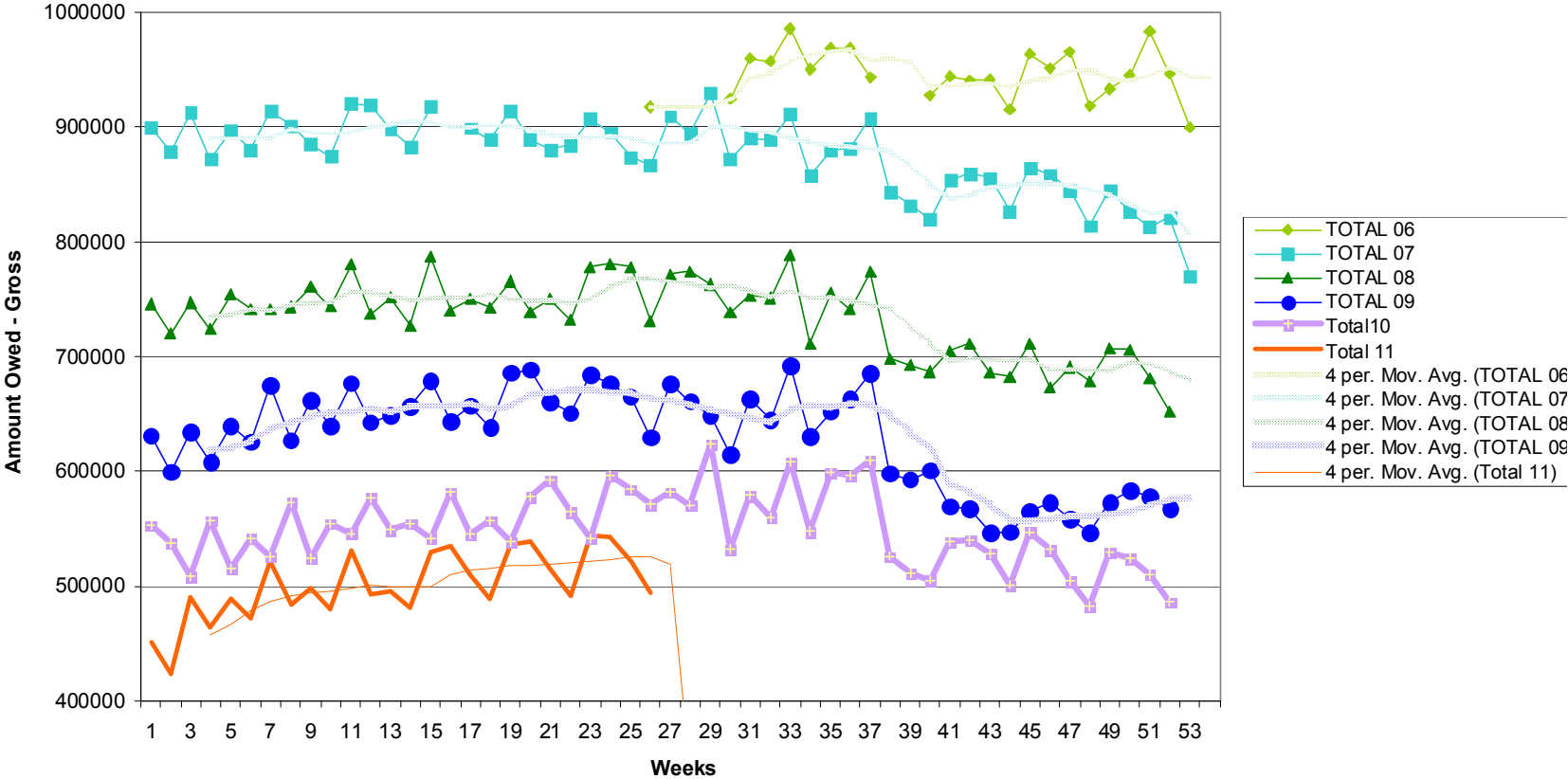
Year of debt	Up to 2004	Up to 2005	Up to 2006	Up to 2007	Up to 2008	Up to 2009	Up to 2010	Up to 2011	Up to 2012	TOTAL
Amount Owed	24540	18992.74	28465.98	70346.15	141467.85	134883.91	115609.38	£80,884.95	61274.46	676465.4
Number	45	28	42	80	113	136	111	177	150	882
Opening Balance	24780.75	20338.62	33742.05	79699.11	150145.2	175973.4	127348.7	86366		698393.8

Reduction (exc 2012) 83202.87



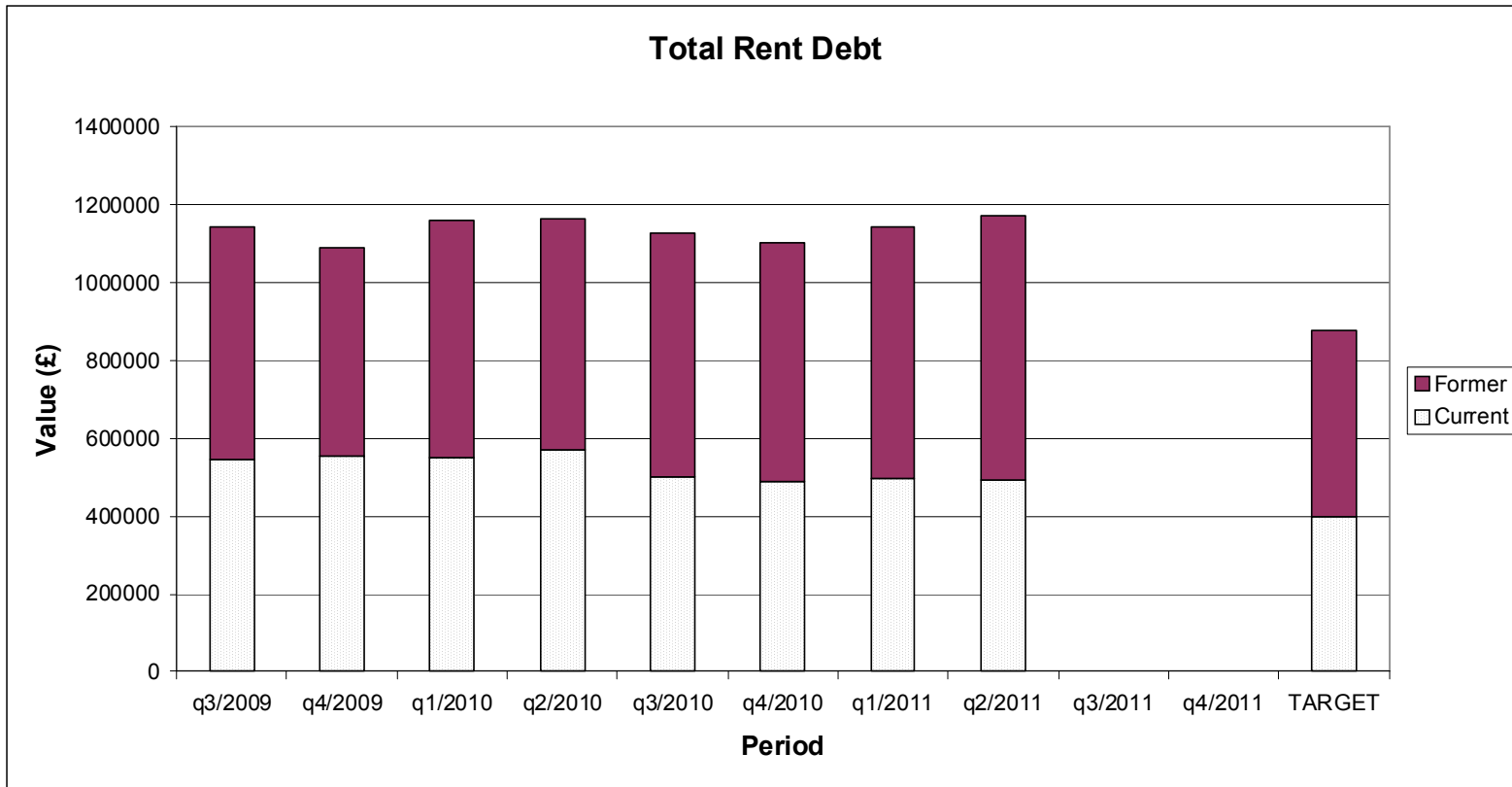
## 2. Current Rent Arrears (as of 3 October 2011)

**Total Owed Chart Current Rent Arrears Target - 2.5%**



### 3. Total Rent Owed

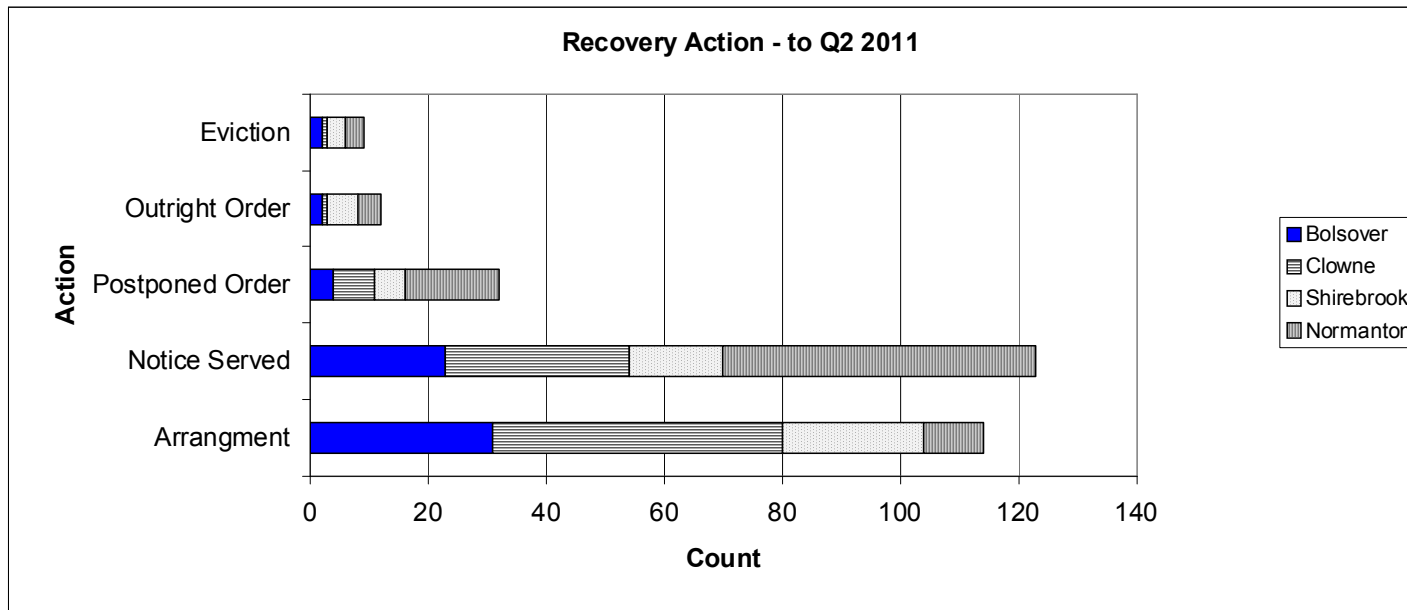
	q3/2009	q4/2009	q1/2010	q2/2010	q3/2010	q4/2010	q1/2011	q2/2011	q3/2011	q4/2011	TARGET
Current	547072	553120	548858	571012	501376	486526	498259	494406			400000
Former	596973	535411	612028	592887	625685	617625	644640	676465.42			477578
TOTAL	1144045	1088531	1160886	1163899	1127061	1104151	1142899	1170871.4	0	0	877578





#### 4. Rent Arrears Actions - YTD Sept 2011

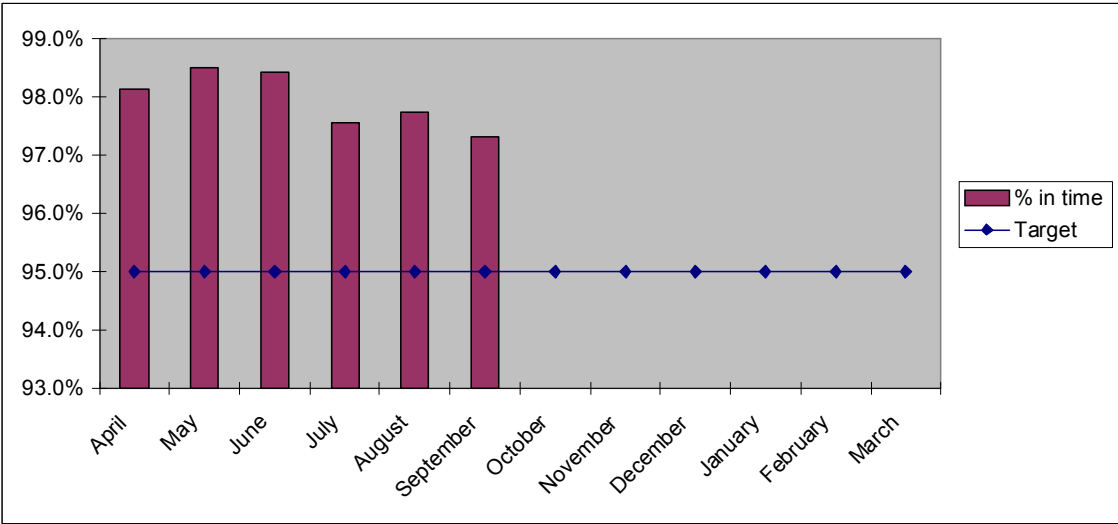
	Bolsover	Clowne	Shirebrook	Normanton	TOTAL
Arrangment	31	49	24	10	114
Notice Served	23	31	16	53	123
Postponed Order	4	7	5	16	32
Outright Order	2	1	5	4	12
Eviction	2	1	3	3	9
					0
TOTAL	62	89	53	86	290



5. All repairs by month - completed in time

	In time	Out of time	TOTAL	% in time
April	1154	22	1176	98.1%
May	1173	18	1191	98.5%
June	1433	23	1456	98.4%
July	1200	30	1230	97.6%
August	1206	28	1234	97.7%
September	1336	37	1373	97.3%
October				
November				
December				
January				
February				
March				

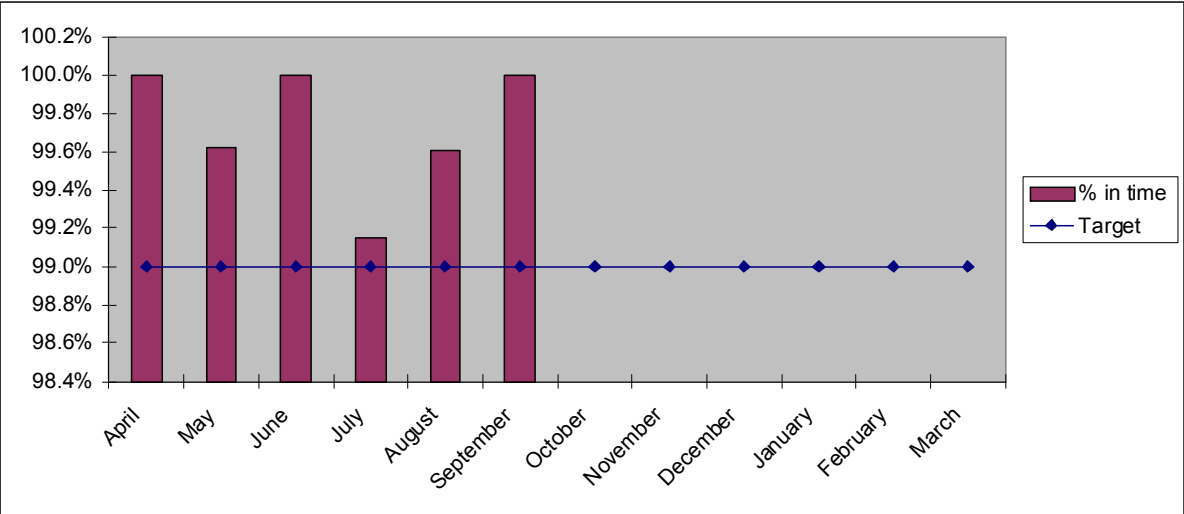
Target
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%
95.0%



6. Emergency repairs only - completed in time

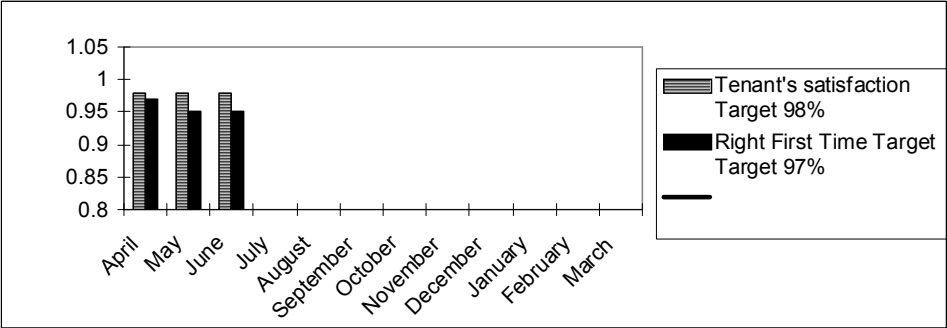
	In time	Out of time	TOTAL	% in time
April	259	0	259	100.0%
May	261	1	262	99.6%
June	308	0	308	100.0%
July	233	2	235	99.1%
August	253	1	254	99.6%
September	282	0	282	100.0%
October				
November				
December				
January				
February				
March				

Target
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%
99.0%



### 7. Customer Feedback

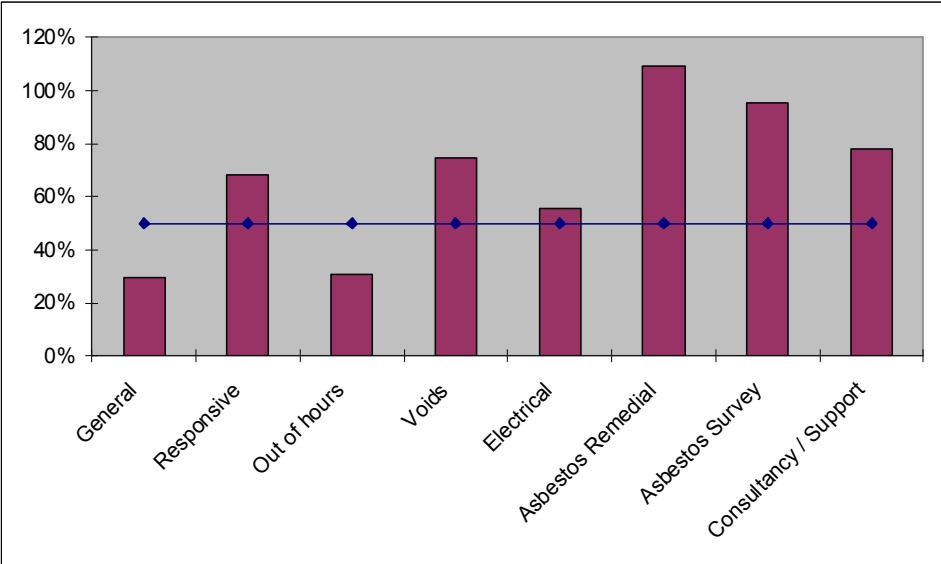
	Tenant's satisfaction Target 98%	Right First Time Target 97%
April	98%	97%
May	98%	95%
June	98%	95%
July	96%	93%
August	97%	95%
September	97%	95%
October		
November		
December		
January		
February		
March		



8. Sub contractor budget

Month	6
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Item	Annual budget	Spend to date	% incurred	Should be	Monitoring
General	12500	3,678	29%	50.0%	-2572
Responsive	238334	162,415	68%	50.0%	43248
Out of hours	61750	19,093	31%	50.0%	-11782
Voids	190000	141,489	74%	50.0%	46489
Electrical	47500	26,333	55%	50.0%	2583
Asbestos Re	19,000	20,727	109%	50.0%	11227
Asbestos Su	52100	49,680	95%	50.0%	23630
Consultancy	51316	40,023	78%	50.0%	14365



Council:	Executive	Agenda Item No.:	8.
Date:	9 <sup>th</sup> January 2012	Category	3.
Subject:	Fees and Charges 2012/13	Status	Open
Report by:	Director of Corporate Resources		
Other Officers involved:			
Director	Director of Corporate Resources		
Relevant Portfolio Holder	Councillor E. Watts, Leader of the Council		

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – to continually improve the efficiency and effectiveness of all Council Services by maximising the potential use of Council resources.

### **TARGETS**

The development of Policy Led Budgeting will help to inform future spending plans and assist in the delivery of the efficiency gain targets.

### **VALUE FOR MONEY**

The Budget Process challenges existing spending levels and new spending proposals to ensure that resources are effectively used and directed towards the delivery of the Corporate Aims.

### **THE REPORT**

1. This report sets out the proposed increases in General Fund Fees and Charges for 2012/13.
2. Heads of Service have been asked to review their Fees and Charges for 2012/13. The results of the review are shown in Appendix A. Specific comments on highlighted areas analysed between directorates are given below.

## **Neighbourhoods**

3. Trade Refuse, Cesspool/Septic Tank Fees and Bulky Refuse
  - ◆ The proposed charges for trade refuse and emptying of cesspools and septic tanks have been set after taking into account the costs of the service.
  - ◆ There has been a year on year drop in the income from Bulky Refuse and, as such, there is an expected decrease in income in 2012/13 of £8,000 compared to the 2011/12 opening budget
4. Leisure Services
  - ◆ It is proposed that all leisure fees and charges are increased by 3%.

## **Development**

5. Pest Control
  - ◆ It is proposed that the charges are increased by 5.6%. However due to a decrease in demand it is proposed to reduce the annual budget to £6,100 a drop of £650.
6. Animal Welfare
  - ◆ Some of the charges are set by statute. It is proposed that the discretionary element is increased by differing amounts ranging from 5.5% to 5.9%.
7. Car Parks
  - ◆ It is proposed that there will be no charges for car-parking in the District.
8. The following information is relevant for budget purposes but does not require a decision on the level of fees and charges.

## **Development**

9. Development Control
  - ◆ Planning fee income is being kept constant at a level of £325,000 for future years. The savings strategy includes an increase of £32,500 from 2012/13 however as this is a red item it has not been included in this report or the budget.

10. Pleasley Vale

- ◆ From 2012/13 it is estimated that the net increase in occupancy of 1% will be achievable based on the current economic climate, the effect on the type of businesses currently letting the mills, and the current property market (particularly the office sector).

11. Premises development

- ◆ Income has been decreased from 2012/13 onwards as there will no longer be rental income for Kitchen Croft and Oxcroft House as part of Project Horizon.

12. Pollution Control

- ◆ The fees are set by statute and it is difficult to estimate the potential level of applications.

13. Dog Control

- ◆ The kennelling charges are set to recover the costs. The release fee and the fixed penalty fees for dog fouling are set by statute.

**Chief Executives**

14. Land Charges

- ◆ Previously legislation requires fees to be set to at least cover expenditure over a 3 year period. Competition from the private sector is increasing resulting in reduced levels of income.

15. Licensing

- ◆ The charges in this area are set by statute and it is the level of charges which is the main factor in determining income levels.



## **IMPLICATIONS**

Financial: The projected income levels as estimated within this report will – subject to approval by Members – be the levels which will be included in the Council's budget for 2012/13. Once adjustments have been made for changes in services provided the overall level of income budgeted for in respect of 2012/13 is in line with that included in the current year's budgets.

Legal: None

Human Resources: None

## **RECOMMENDATIONS**

- 1. That the proposed fees and charges for 2012/13 be agreed and recommended to Council.**
- 2. That the other information relating to income is noted.**
- 3. That Members approve the continuation of the policy that no charges be levied for domestic drain-rodding services or for car parking.**

ATTACHMENTS: **N**

FILE REFERENCE: None

SOURCE DOCUMENT: Background papers held in Financial Services

General Fund Fees and Charges Estimates 2011 - 2015

	Service		Statutory Fee	Actual 2008/09 £'s	Actual 2009/10 £'s	Actual 2010/11 £'s	Original Budget 2011/12 £'s	Estimated Outturn 2011/12 £'s	Original Budget 2012/13 £'s	Forecast 2013/14 £'s	Forecast 2014/15 £'s
G089 / 9041	Premises Development - Rents	Regeneration	N	(36,570)	(37,656)	(39,992)	(38,850)	(53,850)	(20,000)	(20,000)	(20,000)
G090 / 9041	Pleasley Vale Rents	Regeneration	N	(403,379)	(414,183)	(444,603)	(430,000)	(421,180)	(427,100)	(427,100)	(427,100)
G029 / 9041	Markets - Rents	Regeneration	N	(159,254)	(148,915)	(145,193)	(155,000)	(133,000)	0	0	0
G028 / 9091	Cesspools	Comm & Street	N	(21,799)	(22,946)	(19,976)	(36,180)	(36,180)	(37,040)	(37,920)	(38,810)
G028 / 9035	Recycling Materials	Comm & Street	N	(143,245)	(131,410)	(135,476)	(135,300)	(135,300)	(138,000)	(141,000)	(144,000)
G028 / 9037	Trade Refuse	Comm & Street	N	(229,441)	(249,438)	(269,923)	(275,730)	(267,730)	(274,080)	(280,570)	(287,220)
G028 / 9124	Bulky Refuse	Comm & Street	N	0	(29,912)	(27,888)	(30,000)	(25,000)	(22,000)	(20,000)	(18,000)
G021 / 9035	Pollution Reduction	Environmental Hlth	Y	(21,735)	(13,227)	(16,087)	(13,070)	(13,070)	(13,070)	(13,070)	(13,070)
G026 / 9035	Animal Welfare	Environmental Hlth	Part	(4,212)	(4,666)	(5,894)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)
G026 / 9021	Licences - Animals	Environmental Hlth	Y	(2,181)	(2,109)	(1,550)	(2,000)	(3,200)	(2,000)	(2,000)	(2,000)
G023 / 9035	Pest Control	Regeneration	N	(3,436)	(4,360)	(6,180)	(6,750)	(6,100)	(6,100)	(6,100)	(6,100)
G030 / 9035	Street Trading	Environmental Hlth	Y	(840)	(800)	(400)	(840)	(840)	(930)	(930)	(930)
G018 / 9035	Public Conveniences	Environmental Hlth	N	(268)	(259)	(243)	(250)	(250)	(250)	(250)	(250)
G032 / 9050	Grounds Maintenance DCC Agency	Comm & Street	N	(63,000)	(68,727)	(64,542)	(69,020)	(69,020)	(71,090)	(73,220)	(75,420)
G053 / 9022	Licences - Drivers Applications	Legal Services	Y	(12,325)	(13,681)	(13,591)	(13,370)	(13,500)	(13,000)	(13,000)	(13,000)
G053 / 9023	Licences - Operators Licences	Legal Services	Y	(4,021)	(5,220)	(5,246)	(5,220)	(4,500)	(4,000)	(4,000)	(4,000)
G053 / 9024	Licences - Vehicle	Legal Services	Y	(16,864)	(22,761)	(28,511)	(22,760)	(24,000)	(25,000)	(25,000)	(25,000)
G053 / 9025	Licences - Hackney Vehicles	Legal Services	Y	(4,439)	(2,801)	(2,038)	(1,000)	(2,000)	(1,000)	(1,000)	(1,000)
G053 / 9026	Licences - Criminal Records Bureau	Legal Services	Y	(4,104)	(4,483)	(4,778)	(5,440)	(2,700)	(1,600)	(1,600)	(1,600)
G053 / 9028	Licences - Lotteries	Legal Services	Y	(1,535)	(1,546)	(979)	(900)	(900)	(900)	(900)	(900)
G053 / 9030	Licences - Gaming Machines	Legal Services	Y	(1,500)	(1,600)	(1,150)	(1,000)	(1,300)	(1,300)	(1,300)	(1,300)
G053 / 9031	Liquor Licensing - Personal	Legal Services	Y	(2,530)	(2,756)	(1,669)	(2,200)	(1,900)	(1,500)	(1,500)	(1,500)
G053 / 9032	Liquor Licensing - Premises	Legal Services	Y	(43,985)	(45,310)	(41,615)	(45,000)	(44,000)	(44,000)	(44,000)	(44,000)
G053 / 9104	Gambling Act	Legal Services	Y	(6,560)	(7,205)	(6,550)	(7,000)	(7,100)	(7,000)	(7,000)	(7,000)
G056 / 9035	Land Charges	Legal Services	N	(65,507)	(80,004)	(62,404)	(63,000)	(63,000)	(63,000)	(63,000)	(63,000)
G070 / 9035	Outdoor Sports & Recreation Facilities	Leisure Services	N	(11,399)	(14,700)	(14,049)	(16,000)	(16,000)	(16,400)	(16,800)	(17,000)
G071 / 9***	Creswell Leisure Centre	Leisure Services	N	(202,965)	(163,516)		(175,370)	(187,050)	(192,270)	(191,670)	(195,770)
G062 / 9035	Energised Youth Programme	Leisure Services	N	(130,372)	(131,078)	(104,013)	(100,000)	(124,750)	(100,000)	(100,000)	(100,000)
G063 / 9035	GO Football	Leisure Services	N	(11,628)	(7,732)	(6,662)	(6,000)	(6,800)	(6,800)	(6,900)	(7,000)
G064 / 9035	Community Sports Coach Scheme	Leisure Services	N	(1,425)	(1,536)	(1,578)	0	(9,000)	(5,000)	(5,000)	(5,000)
G069 / 9***	Kissinggate Leisure Centre	Leisure Services	N	(90,503)	(37,046)		(167,100)	(165,000)	0	0	0
G065 / 9035	Parks, Playgrounds & Open Spaces	Leisure Services	N	(4,243)	(4,709)	(4,453)	(5,200)	(5,200)	(5,300)	(5,400)	(5,500)
G074 / 9053	Development Control - Planning Fees	Planning Services	Y	(386,810)	(312,480)	(242,417)	(325,000)	(325,000)	(325,000)	(325,000)	(325,000)
G048 / 9041	Town Centre Housing	Housing	N	(16,251)	(19,465)	(20,101)	(19,500)	(20,000)	(20,000)	(20,000)	(20,000)
				<b>(2,108,326)</b>	<b>(2,008,237)</b>	<b>(1,739,751)</b>	<b>(2,179,050)</b>	<b>(2,193,420)</b>	<b>(1,849,730)</b>	<b>(1,860,230)</b>	<b>(1,875,470)</b>

## Licensing

	Individual Fees			Total Budget		
	Current 2011/12 charges £	Proposed 2012/13 charges £	Proposed Increase £	Original Budget 2011/12 £	Estimated Outturn 2011/12 £	Draft Budget 2012/13 £
Drivers' Licences	55.00	55.00	0	(13,370)	(13,500)	(13,000)
Private Hire Vehicle Operators						
- one vehicle	60.00	60.00	0	(5,220)	(4,500)	(4,000)
- 2 to 5 vehicles	120.00	120.00	0			
- each additional 5 vehicles	60.00	60.00	0			
- dependant on CO2 emissions	136.00	136.00	0	(23,760)	(26,000)	(26,000)
Vehicle Licence						
- dependant on CO2 emissions	160.00	160.00	0			
Criminal Records Bureau (CRB)	36.00	26.00	0	(5,440)	(2,700)	(1,600)
Gaming Machines	50.00	50.00	0	(1,000)	(1,300)	(1,300)
Liquor - Personal Licences	37.00	37.00	0	(2,200)	(1,900)	(1,500)
Liquor - Premises Licences						
- dependant on rateable value (starting at £100 up to £635)	100.00	100.00	0	(45,000)	(44,000)	(44,000)
Lotteries						
- grant	40.00	40.00	0	(900)	(900)	(900)
- renewal	20.00	20.00	0			
Gambling Act Premises						
- dependant on licence (starting at £195 up to £425)	195.00	195.00	0	(7,000)	(7,100)	(7,000)

Individual fees are not proposed to change, therefore the changes in annual budget are due to anticipated changes in levels of activity.

**Land Charges**

		Individual Fees			Total Budget		
		Current 2011/12 charges £	Proposed 2012/13 charges £	Proposed Increase £	Original Budget 2011/12 £	Estimated Outturn 2011/12 £	Draft Budget 2012/13 £
					(63,000)	(63,000)	(63,000)
<b>Full Search:</b>							
Residential	LLC1 and CON29	60.00	60.00	0			
Commercial	LLC1 and CON29	105.00	105.00	0			
<b>Split Searches:</b>							
Residential	- LLC1 only	25.00	25.00	0			
	- CON 29 only	45.00	45.00	0			
Commercial	- LLC1 only	44.00	44.00	0			
	- CON 29 only	71.00	71.00	0			
CON29 optional questions:	- Q4	30.00	30.00	0			
	- others	6.00	6.00	0			
Parcels of land		37.00	37.00	0			

**Regeneration**

		Individual Fees				Total Budget		
		Current 2011/12 charges £	Proposed 2012/13 charges £	Proposed Increase £	% Increase	Original Budget 2011/12 £	Estimated Outturn 2011/12 £	Draft Budget 2012/13 £
<b>Pest Control:</b>								
Wasps inside and outside	- standard	35.69	37.69	2.00	5.6%	(6,750)	(6,100)	(6,100)
	- out of hours	56.01	59.15	3.14	5.6%			
Cockroaches	- standard	35.69	37.69	2.00	5.6%			
	- out of hours	56.01	59.15	3.14	5.6%			
Fleas	- standard	35.69	37.69	2.00	5.6%			
	- out of hours	56.01	59.15	3.14	5.6%			
Cluster flies	- standard	35.69	37.69	2.00	5.6%			
	- out of hours	56.01	59.15	3.14	5.6%			
Bed Bugs	- standard	35.69	37.69	2.00	5.6%			
	- out of hours	56.01	59.15	3.14	5.6%			

## Environmental Health

		Individual Fees				Total Budget		
		Current 2011/12 charges £	Proposed 2012/13 charges £	Proposed Increase £	% Increase	Original Budget 2011/12 £	Estimated Outturn 2011/12 £	Draft Budget 2012/13 £
<b>Animal Welfare:</b>						(2,000)	(3,200)	(2,000)
Riding Establishments	- full	77.50	82.00	4.50	5.8%			
	- provisional	68.00	72.00	4.00	5.9%			
Dangerous Wild Animals		77.50	82.00	4.50	5.8%			
Pet Animals I		64.00	67.50	3.50	5.5%			
Pet Animals II		77.50	82.00	4.50	5.8%			
Animal Boarding		64.00	67.50	3.50	5.5%			
Breeding of Dogs		77.50	82.00	4.50	5.8%			
<b>Environmental Protection:</b>								
Permits		Fees set by DEFRA				(13,070)	(13,070)	(13,070)
Environmental Information Requests		37.00	39.00	2.00	5.4%			
<b>Fixed Penalties:</b>						(6,000)	(6,000)	(6,000)
Dog Fouling		50.00	50.00	0				
Littering		80.00	80.00	0				
<b>Stray Dogs:</b>						(5,000)	(5,000)	(5,000)
Statutory Fee		25.00	25.00	0				
Kennel Fee		Kennel cost plus admin fee (£12.39)	kennel cost plus admin fee (£12.39)	0				
Inoculation Costs		Vet cost plus admin fee (£12.39)	Vet cost plus admin fee (£12.39)	0				

Out of Hours collection fee		Kennel cost plus admin fee (£12.39)	Kennel cost plus admin fee (£12.39)					
Microchipping		16.00	17.00	1.00	6.25%	(1,200)	(1,200)	(1,200)
<b>Other Licences:</b>								
Street Trading		418.50	442.00	23.50	5.6%	(840)	(840)	(930)
Skin Piercing	- premises	34.00	36.00	2.00	5.9%	0	0	0
	- person	21.50	23.00	1.50	7.0%			
Food Register	- single entry	5.00	5.00	0		0	0	0
	- per category	50.00	50.00	0				
	- full register	300.00	300.00	0				
	- registration or renewal	67.00	71.00	4.00	6.0%	0	0	0
Salvage Operators	- amendment	28.50	30.00	1.50	5.3%			

**Trade Refuse, Cesspool and Septic Tanks**

		Individual Fees			Total Budget		
		Current 2011/12 charges £	Proposed 2012/13 charges £	Proposed Increase £	Original Budget 2011/12 £	Estimated Outturn 2011/12 £	Draft Budget 2012/13 £
<b>Trade Waste:</b>					(275,730)	(267,730)	(274,220)
General Commercial Waste	1100	590	620	30			
	750	470	500	30			
	660	430	450	20			
	500	370	390	20			
	330	270	290	20			
	240	230	240	10			
	120	210	220	10			
	sack	100	110	10			
	skip	240	250	10			
Schools	1100	270	290	20			
	750	230	240	10			
	660	220	230	10			
	500	210	220	10			
	330	180	190	10			
	240	170	180	10			
	sack	100	110	10			
	skip	90	100	10			
<b>Cesspools:</b>					(36,180)	(36,180)	(37,920)
	1	107	113	6			
	2	214	226	12			
	3	321	339	18			
	4	428	452	24			
	5	535	565	30			
	6	642	678	36			
	7	749	791	42			
	8	856	904	48			
	9	963	1,017	54			
	10	1,070	1,130	60			
	11	1,177	1,243	66			
	12	1,284	1,356	72			



Committee:	Executive	Agenda Item No.:	9.
Date:	9 <sup>th</sup> January 2012	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Arrears – Irrecoverable Items over £1000		
Report by:	Head of Finance and Revenues		
Other Officers Involved			
Director	Director of Corporate Resources		
Relevant Portfolio Holder	Councillor E. Watts, Leader of the Council		

### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

To maintain sound Financial Management and continue to seek efficiency savings. As part of sound financial management it is necessary to recognise and deal with money owed where no further effective steps can be taken for recovery. This supports the provision of efficient Council services as it enables a focus to be maintained on those accounts which are collectable.

### **TARGETS**

Does not apply to this report.

### **VALUE FOR MONEY**

Ensuring that the limited resources are concentrated on recovery of debt that is collectable. Under current Council guidance, it has been considered not cost-effective to spend more money on outside agencies to take further action.

## **THE REPORT**

### **IRRECOVERABLE ITEMS**

Executive is requested to approve the write off of the under-mentioned irrecoverable items including costs amounting to £43,656.90 as itemised on the attached schedules.

<b>Bankruptcy/ Liquidation</b>		
No of Accounts	Type of Account	
3	Council Tax	£6,026.00
2	Business Rates	£2,744.84
4	Sundry Debt	£19,422.37
	<b>Total</b>	<b>£28,193.21</b>

<b>No Trace</b>		
No of Accounts	Type of Account	
2	Council Tax	£2,499.25
6	Business Rates	£10,880.74
2	Sundry Debt	£2,083.70
	<b>Total</b>	<b>£15,463.69</b>

Where debtors leave the properties without forwarding addresses extensive efforts are made to trace them. In addition to departmental checks, statutory undertakers and other agencies are contacted, enquiries are made of neighbours and family or employers where known. Where it is known that a person has moved to another area contact is made with the relevant local authority to alert them and request reciprocal information.

### **ISSUES/OPTIONS FOR CONSIDERATION**

Writing off the outstanding debts in respect of persons who are bankrupt or companies in liquidation or unable to trace.

### **IMPLICATIONS**

Financial: The costs will be met from a provision for doubtful debts which has been agreed as part of the Council's budget.

Legal: None

Human Resources: None

### **RECOMMENDATIONS**

**That approval is given to write off the irrecoverable items including costs amounting to £43,656.90 with the proviso that should any of the debts become collectable the amounts be re-debited.**

**REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE  
CONSTITUTION**

In order that outstanding debts can be written off.

ATTACHMENTS:            Y

SOURCE DOCUMENT:    Official Receiver/ Internal records.

**COUNCIL TAX: AMOUNTS FOR WRITE OFF - BANKRUPT**

<u>Account Reference</u>	<u>Lead Liabe Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liabe From</u>	<u>Liabe To</u>	<u>Bill Balance</u>
1 901262101	HUIISH,MR GAVIN PAUL	15 HIGH STREET BARLBOROUGH S43 4EY	£ 3,160.61	18/11/2007	01/04/2008	£ 240.00
				01/04/2008	01/04/2009	£ 406.94
				01/04/2009	01/04/2010	£1,293.78
				01/04/2010	05/03/2011	£1,219.89
2 90139708X	HUIISH,MR GAVIN	APOLLO HIGH STREET BARLBOROUGH S43 4EY	£ 421.23	31/08/2010	18/03/2011	£ 421.23
3 900651361	FRITCHLEY,MR ALEXANDER	54 RIDGEWAY LANGWITH JUNCTION NG20 9RS	£ 2,444.16	01/04/2006	01/04/2007	£ 354.24
				01/04/2007	01/04/2008	£ 589.57
				01/04/2008	01/04/2009	£ 588.48
				01/04/2009	01/04/2010	£ 599.96
				01/04/2010	01/04/2011	£ 311.91
			<b>£ 6,026.00</b>			

**BUSINESS RATES: AMOUNTS FOR WRITE OFF: BANKRUPT/ LIQUIDATION**

<u>Account Reference</u>	<u>Lead Liable Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liable From</u>	<u>Liable To</u>	<u>Bill Balance</u>
1 800062461	CARR VALE WORKINGMENS CLUB	CLUB & PREMISES SHERWOOD STREET CARR VALE	£ 1,013.38	01/04/2011	01/08/2011	£1,013.38
2 800158505	STARTMORE PUB CO LTD	THE WHITE LION 128 MARKET STREET SOUTH NORMANTON	£ 1,731.46	03/08/2010	18/11/2010	£1,731.46
			<u>£ 2,744.84</u>			

**PROPOSED WRITE OFF OF SUNDRY DEBTORS - BANKRUPTCY /LIQUIDATION**

<u>ACCOUNT NUMBER</u>	<u>INVOICE NUMBER</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u> £	<u>DEBTOR</u>	<u>REASON FOR INVOICE</u>	<u>WRITE-OFF AMOUNT</u>	<u>REASON FOR WRITE-OFF</u>
67593	30151738	14.06.11	7932.56	MR A FRITCHLEY 54 RIDGWAY LANGWITH JUNCTION	OVER ALLOWED HOUSING BENEFIT	7,932.56	DEBTOR HAS BEEN DECLARED BANKRUPT AT NOTTINGHAM COUNTY COURT CASE NO 763/2011
41108	30121881	08.06.10	3655.18	MISS L KEY 11 OLIVE AVENUE SHIREBROOK	OVER ALLOWED HOUSING BENEFIT	1,665.10	PER INSOLVENCY SERVICE DEBTOR HAS A DEBT RELIEF ORDER CASE NO DRO3471365 DATED 25.11.11
	30129935	09.09.10	613.39			613.39	
13405	61893	28.01.08	2284.75	MANSFIELD RESIDENTIAL LTD 15 TEMPLE FORTUNE MANSIONS FINCHLEY ROAD LONDON	GROUP REPAIR WORKS AT 300 DEVONSHIRE ST NEW HOUGHTON	1,070.00	PER INSOLVENCY PRACTITIONERS COMPANY IN VOLUNTARY LIQUIDATION - PROOF OF DEBT SUBMITTED
13597	81715	17.02.11	3495.52	MANSFIELD RESIDENTIAL LTD 15 TEMPLE FORTUNE MANSIONS FINCHLEY ROAD LONDON	GROUP REPAIR WORKS AT 106 &122 VERNEY STREET NEW HOUGHTON	3495.52	PER INSOLVENCY PRACTITIONERS COMPANY IN VOLUNTARY LIQUIDATION - PROOF OF DEBT SUBMITTED
	81727	17.02.11	4645.80			4645.80	
						<u>£ 19,422.37</u>	

**COUNCIL TAX: AMOUNTS FOR WRITE OFF - NO TRACE**

	<u>Account Reference</u>	<u>Lead Liabile Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liabile From</u>	<u>Liabile To</u>	<u>Bill Balance</u>
1	901290096	MARTIN,MR JAMES	415 KITCHENER TERRACE LANGWITH NG20 9HL	£ 1,427.45	31/10/2008 01/04/2009 01/04/2010	01/04/2009 01/04/2010 28/06/2010	£213.00 £956.34 £258.11
2	901113830	GILLESPIE,MR GEORGE	1 MEADOW BANK SOUTH NORMANTON DE55 2JZ	£ 1,071.80	01/04/2006 01/04/2007	01/04/2007 07/02/2008	£235.41 £836.39
				<b>£ 2,499.25</b>			

**BUSINESS RATES: AMOUNTS FOR WRITE OFF: NO TRACE**

<u>Account Reference</u>	<u>Lead Liabile Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liabile From</u>	<u>Liabile To</u>	<u>Bill Balance</u>
1 800162359	EURO PARTS DIRECT	UNIT 1 AT 1 BROOKHILL LANE BROOKHILL INDUSTRIAL ESTATE PINXTON	£ 1,992.47	10/01/2011	01/04/2011 01/04/2011 01/09/2011	£ 707.31 £1,285.16
2 800158013	GEMELLIS	THE PRINCE OF WALES BARBERS ROW RENISHAW	£ 2,107.48	01/07/2010	07/02/2011	£2,107.48
3 800160124	MR DEAN LYTH	THE WHITE LION 128 MARKET STREET SOUTH NORMANTON	£ 1,341.58	11/02/2011	01/04/2011 01/04/2011 16/05/2011	£ 824.10 £ 517.48
4 80016277X	MR PLACHKOV MIHAYLOV	UNIT 7 AT 1 BROOKHILL LANE BROOKHILL INDUSTRIAL ESTATE PINXTON	£ 2,564.32	11/03/2011	01/04/2011 01/04/2011 01/08/2011	£ 363.24 £2,201.08
5 800161193	VILLEWOOD CONSTRUCTION	4 CHESTERFIELD ROAD TIBSHELF	£ 1,455.03	01/04/2011	01/08/2011	£1,455.03
6 800161907	WEST HILL INNS LTD	CROWN HOTEL 16 HIGH STREET TIBSHELF	£ 1,419.86	02/02/2011	01/04/2011 01/04/2011 01/06/2011	£ 653.21 £ 766.65
			<b>£ 10,880.74</b>			



**PROPOSED WRITE OFF OF SUNDRY-DEBTORS OVER £1000.00 - NO TRACE**

<u>ACCOUNT NO.</u>	<u>INVOICE NO.</u>	<u>INVOICE DATE</u>	<u>AMOUNT</u>	<u>DEBTOR</u>	<u>REASON FOR INVOICE</u>	<u>WRITE OFF AMOUNT</u>	<u>REASON FOR WRITE OFF</u>
1494	30160677	27.09.11	1043.70	MR M OWENS 33 CHESTNUT DRIVE SHIREBROOK MANSFIELD	OVER ALLOWED HOUSING BENEFIT	1,043.70	NO TRACE OF DEBTOR - INFORMATION RECEIVED INDICATES THAT DEBTOR NOW LIVES IN PHILLIPPINES
46860	30094277	26.02.09	1040.00	MR L CHIGBUNDU 140 CROMPTON STREET NEW HOUGHTON	OVER ALLOWED HOUSING BENEFIT	1,040.00	NO TRACE DEBTOR - INFORMATION RECEIVED INDICATES THAT DEBTOR NOW LIVES AND WORKS IN SAUDI ARABIA
						<b><u>2,083.70</u></b>	

## **EXECUTIVE AGENDA**

### **Monday 9<sup>th</sup> January 2012 at the conclusion of Special Council Committee Room One**

<b>Item No.</b>		<b>Page No.(s)</b>
	<b>PART 1 – OPEN ITEMS</b>	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal and prejudicial interests in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items  and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the Minutes of a meeting of the Executive held on 12 <sup>th</sup> December 2011.	Previously circulated
5.	Orchestral Development 3 Year Strategic Plan 2012-2015	3 to 70
6.	Report from the Review of Legal Services - Improvement Scrutiny Committee	71 to 88
7.	Housing Department – Quarterly Progress	89 to 100
8.	Fees and Charges 2012/13	101 to 111
9.	Arrears Irrecoverable Items Over £1,000 (Open)	112 to 120
	<b>PART 2 – EXEMPT ITEMS</b> <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i>	
	<u>Exempt – Paragraph 2</u>	
10.	Arrears Irrecoverable Items Over £1,000 (Exempt)	121 to 124
11.	Former Tenant Arrears – Write Offs	To Follow

**\*Denotes Key Decision on Forward Plan**

## EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 12<sup>th</sup> December 2011 at 1000 hours.

### PRESENT:-

Councillor E. Watts – Chair (to Minute No. 691)

### Members:-

Councillors K. Bowman, D. McGregor, B.R. Murray-Carr, A.M. Syrett and A.F. Tomlinson.

Councillors M. Dooley and S. Wallis (from Minute No.683 to Minute No. 685).

### Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), P. Hackett (Director of Health and Wellbeing), K. Hopkinson (Director of Development) (from Minute No. 689), S. Tomlinson (Director of Neighbourhoods), J. Foley (Head of Customer Service and Performance) (from Minute No. 683 to Minute No. 686), L. Hickin (Head of Leisure) (to Minute No. 682), J. Ritchie (Head of Community and Street Services) B. Truswell (Head of Shared Procurement), (from Minute No. 677 to Minute No. 680 and from Minute No. 686), P. Brown (Chief Executive's and Partnership Manager) (to Minute No. 678), S. Chambers (Communications Officer), G. Galloway (Building and Contracts Manager) (from Minute No. 681 to Minute No. 683), C. Hirst (Arts Development Officer) (to Minute No. 678), D. Troop (Housing Strategy and Enabling Manager) (from Minute No. 689) and R. Leadbeater (Democratic Services Officer).

### Visitors:-

T. Witts (Groundwork Creswell, Ashfield and Mansfield), A. Aubrey and P. Steele (Junction Arts).

### 670. APOLOGY

An apology for absence was received from B. Mason (Director of Corporate Resources).

## EXECUTIVE

### 671. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

### 672. CHANGE IN THE ORDER OF BUSINESS

The Chair consented to a change in the order of business. The Tarran Bungalow Redevelopment item would be considered as the last item on the agenda and the Permission for the Tender for Street Scene works would be brought forward.

### 673. DECLARATIONS OF INTEREST

Councillor Tomlinson advised the meeting of his intention to declare a personal and prejudicial interest in the agenda item 'Groundwork Creswell, Ashfield and Mansfield Core Funding, Report on Activities during 2010/11' as a Member of the Board of Groundwork Creswell. He further added that he intended to remain in the meeting for the duration of the presentation but would leave prior to Members taking any decision or before any debate commenced.

Councillor Syrett advised that her Register of Interests did not include Junction Arts and although she attended regular Junction Arts board meetings, this was as an Ex-officio member without voting rights. Therefore she considered that she had no personal interest in the Junction Arts item.

Advice was sought from the Solicitor to the Council who advised that Councillor Tomlinson's declaration and intention to leave the meeting was appropriate. Councillor Syrett had not included Junction Arts on her Register of Interests as she considered she was not a member or in a position of control at Junction Arts and thus her intention to remain in the meeting without making a declaration followed. The Solicitor to the Council added that ultimately, it was an individual Member's own decision as to whether they considered they had a personal or a prejudicial interest to declare.

Minute No.	Member	Level of Interest
680.	K. Bowman	Personal
680.	D. McGregor	Personal
680.	B. Murray-Carr	Personal
680.	D. Kelly	Personal
676.	A. Tomlinson	Personal and Prejudicial
680.	A. Tomlinson	Personal
680.	E. Watts	Personal

## EXECUTIVE

### **674. MINUTES – 7<sup>TH</sup> NOVEMBER 2011**

Moved by Councillor E. Watts, seconded by Councillor A. Tomlinson  
**RESOLVED** that the minutes of a meeting of the Executive held on 7<sup>th</sup> November 2011 be approved as a true record.

### **675. RECORD OF DECISION NOTICES FROM THE JOINT BOARD MEETING HELD ON 22<sup>ND</sup> NOVEMBER 2011**

Moved by Councillor E. Watts, seconded by Councillor A. Tomlinson  
**RESOLVED** that the decision notices from the meeting of the Joint Board held on 22<sup>nd</sup> November 2011 be noted.

### **676. GROUNDWORK CRESWELL, ASHFIELD AND MANSFIELD CORE FUNDING, REPORT ON ACTIVITIES DURING 2010/11**

The Portfolio Holder for Regeneration gave a brief introduction.

Trevor Witts from Groundwork Creswell, Ashfield and Mansfield provided a presentation on activities and achievements for 2010/11 and proposed activity to 2013 to request that Members agree to the release of the payment for 2011/12 totalling £13,900.

Members were advised of a number of projects which were focussed upon engaging young people. A programme targeted at young people excluded from school had a 90% attendance rate. Major programmes undertaken in respect of environmental works, construction and business development were detailed for Members' information.

Members were advised that 29 of the 42 staff currently employed by Groundwork Creswell, Ashfield and Mansfield resided in Bolsover District.

Outputs for 2010/11 and the current year to date were provided. This included the number of unemployed beneficiaries of the various schemes, the number of jobs secured as a result of training and the number of qualifications attained by participants. Through the various programmes, a total of £794,000 had been levered into the district during 2010/11.

The service level agreement was appended to the report for Members' consideration.

## EXECUTIVE

Councillor Tomlinson reaffirmed a personal interest and left the room prior to debate and Members' consideration of the recommendations in the report.

Members were pleased to note the outputs reported for the previous year, particularly in relation to youth engagement and ex-offenders and considered that Groundwork Creswell had delivered excellent value for money.

Moved by Councillor D. McGregor, seconded by Councillor D. Kelly  
**RESOLVED** that the payment for 2011/12 totalling £13,900 be released to Groundwork Creswell, Ashfield and Mansfield.

**REASON FOR DECISION:**            **To release the payment to Groundwork Creswell, Ashfield and Mansfield in accordance with the service level agreement.**

(Chief Executive's and Partnership Manager)

T. Witts left the meeting.

Councillor Tomlinson returned to the meeting.

The Head of Shared Procurement joined the meeting during the following item.

### **677. JUNCTION ARTS COMMUNITY ARTS PROGRAMME – 2<sup>ND</sup> PAYMENT 2011/12 AND 2012/13 PROPOSED PROGRAMME PLAN**

The Portfolio Holder for Social Inclusion introduced the report for Members to consider the release of the 2<sup>nd</sup> stage payment to Junction Arts.

Paul Steele from Junction Arts provided a presentation to advise Members of the programme of projects provided during 2010/11 and the proposed programme for 2011/12.

A number of projects were targeted at disaffected young people including the 'Response Project' which, aimed to tackle incidences of juvenile arson and youth film and media projects.

The programme for 2011/12 included a proposed community radio project that subject to funding, would work towards introducing a mobile studio covering the whole district culminating in a two week local radio broadcast which would report upon a variety of community issues. Other developments included the 'Make Create' arts and crafts programme that was specifically targeted to the elderly members of the community.

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Members raised concerns in respect of this year's restricted Bolsover Lantern Parade which had been contained within the Bolsover Castle grounds. It was added that better communication links to Parish Councils should be put in place and consideration given to the spread of participation of community groups. Further questions were raised in respect of the proposed community radio project to which Mr. Witts responded.

Moved by Councillor A. Syrett, seconded by Councillor D. McGregor  
**RESOLVED** that (1) the 2<sup>nd</sup> stage payment for 2011/12 totalling £8,000 be approved;

(2) the proposed annual plan for 2012/13 be approved, subject to Council approval of on-going core-funding and a report of Grants to Voluntary Organisations scheduled for January 2012.

**REASON FOR DECISION: To release the 2<sup>nd</sup> stage payment to Junction Arts.**

(Head of Leisure)

P. Steele and A. Aubrey (Junction Arts) left the meeting.

The Chief Executive's and Partnership Manager and Arts Development Officer left the meeting.

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

Moved by Councillor E. Watts, seconded by Councillor A. 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 item of business on the grounds that it involves 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.

### **679. PERMISSION FOR TENDER FOR STREET SCENE WORKS EXEMPT – PARAGRAPH 3**

The Head of Community and Street Services provided a presentation to Executive to seek permission to tender for street scene works. These included maintenance of closed churchyards, the assisted garden scheme and backline/frontline weeding. The report recommended that the tender be let to a

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not for profit organisation, with the successful tenderer being required to demonstrate the community benefit and added value they could provide, including increasing volunteering opportunities and upskilling local people.

Members welcomed the proposals and asked questions in respect of the various options to be considered, to which the Head of Shared Procurement responded.

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

**RESOLVED** that (1) tenders be invited to secure a Not for Profit Organisation to carry out the Summer works as specified for the Street Scene service for a period of 5 years with a 2 year option using the non OJEU route (option b) utilising a voluntary transparency notice;

(2) The Director of Neighbourhoods, in consultation with the Chief Executive Officer, Leader, Deputy Leader and Portfolio Holder for the Environment be granted delegated powers to agree the final wording of the Specification for the works and open tenders.

**REASON FOR DECISION:** To enable the tender process for Street Scene works to be commenced.

(Head of Community and Street Services)

Moved by Councillor D. McGregor, seconded by Councillor B.R. Murray-Carr  
**RESOLVED** that the meeting return to open business.

The Head of Shared Procurement left the meeting.

## OPEN ITEMS

Councillors K. Bowman, D. Kelly, D. McGregor, B.R. Murray-Carr, A. Tomlinson and E. Watts declared a personal interest in the following item.

### 680. LIMESTONE JOURNEYS PARTNERSHIP AGREEMENT

The Portfolio Holder for Social Inclusion introduced the report to seek Executive agreement to sign up to the Limestone Journeys Partnership Agreement.

Members were advised that the Limestone Journeys Partnership, led by the Creswell Heritage Trust and supported by the Heritage Lottery Fund, was seeking in kind match funding from the Authority for works associated with



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landscape and interpretation projects. The Authority had been approached to sign up and commit to a formal joint working arrangement with a number of partner organisations. Following revisions to the original proposed terms Members were advised that any financial risks to the Authority associated with the proposals were now significantly reduced. Proposed projects to be delivered by Bolsover District Council Leisure Officers were outlined in the report including the in kind contribution that the Authority would be required to provide.

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

**RESOLVED** that the Chief Executive Officer, on behalf of the Council, signs up to the agreement to help ensure the aims and objectives of the partnership and scheme are realised for the benefit of the communities within Bolsover District.

**REASON FOR DECISION:**            **To help improve the access to the District's landscape heritage in an inclusive, relevant and enjoyable way which will assist with the economic and social regeneration in an area with high levels of multiple deprivation.**

(Chief Executive Officer/Head of Leisure Services)

The Building and Contracts Manager joined the meeting during the following item.

### **681. AIMING HIGH CAPITAL GRANT – REPLACEMENT JETTY AT PLEASLEY VALE OUTDOOR ACTIVITY CENTRE**

The Portfolio Holder for Social Inclusion introduced the report to seek Executive approval to accept an Aiming High for Disabled Children Grant and to seek agreement to tender for a replacement jetty and associated works at Pleasley Vale Outdoor Activity Centre.

The Director of Health and Wellbeing advised Members that a grant of £93,500 had been offered by Derbyshire County Council for Aiming High for Disabled Children which provided funding for projects designed for disabled children and their families. The proposed scheme would provide better disabled access for water based activities, including the construction of a new jetty and associated works. Subject to planning approval, contracts were required to be let and works completed by the end of March 2012 to comply with the terms of the funding.

Members raised concerns in respect of the timeframe for planning permissions to be granted. The Director of Health and Well Being responded that a planning

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application had been submitted and whilst the time restrictions were tight, the deadline could be achieved.

A further report would be provided to Members in respect of repairs and re-watering of the mill pond.

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

**RESOLVED** that (1) the offer of a £93,000 Aiming High for Disabled Children Grant be accepted;

(2) the tender process be streamlined to allow works to proceed without undue delay in accordance with contract standing orders;

(3) should planning permission and other consents not be granted in time for the project to be completed by 31<sup>st</sup> March 2012 that authority be given to the Director of Health and Wellbeing to decline the offer of funding;

(4) delegated powers be granted to the Head of Leisure to amend the scheme as necessary to deal with other risks such as weather and increased costs.

**REASON FOR DECISION:** In order to allow the development of an accessible jetty/floating pontoon at Pleasley Vale Outdoor Activity Centre.

(Director of Health and Well Being/Head of Leisure)

The Head of Leisure left the meeting at this point.

### **682. DISPOSAL OF GOODS AND OFFICE FURNITURE**

The Portfolio Holder for Regeneration introduced the report which sought Members' approval to dispose of spare items of furniture.

The Building and Contracts Manager added that approval was also sought for the clearing of commercial premises where tenants had been evicted for non payment of rent.

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

**RESOLVED** that Executive give Authority to allow furniture and commercial property clearance items to be sent to auction for disposal.

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

(Building and Contracts Manager)

The Building and Contracts Manager left the meeting.

Councillors Dooley and Wallis and the Head of Customer Service and Performance joined the meeting during the following item.

### **683. RECOMMENDED ITEM FROM SAFE AND INCLUSIVE SCRUTINY COMMITTEE – PATCH MANAGEMENT POLICIES – RUNNING A BUSINESS FROM HOME AND ILLEGAL OCCUPIERS**

The Director of Neighbourhoods presented the report to seek Executive approval of the Running a Business from Home policy, which sought to clarify when permission to work from a council property would be withheld. The Illegal Occupiers policy was concerned with the process for removal of squatters in Council properties.

Members raised concerns that there was no provision built into the policy for local ward councillors to be notified of any issues. The Director of Neighbourhoods agreed to include notification of Members in the policy.

Moved by Councillor E. Watts, seconded by Councillor D. McGregor  
**RESOLVED** that (1) the Illegal Occupiers policy be adopted;

(2) the Working from Home Policy be adopted.

**REASON FOR DECISION:** To implement policies in respect of Illegal Occupiers and Working from Home.

(Head of Housing)

### **684. SHARED SERVICES SCRUTINY**

Councillor Dooley, Chair of Scrutiny Management Board, introduced the report and handed to Councillor Wallis for an update. The report considered future scrutiny arrangements for the three shared services of Building Control, Procurement and Internal Audit following the pilot.

Members asked questions to which Councillor Wallis responded.

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

**RESOLVED** that the Executive note the intention to formalise the pilot arrangements for the Shared Services Scrutiny Panel to scrutinise the provision of joint services between the three councils, Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council.

**REASON FOR DECISION:**            **Consideration and noting of a Scrutiny report to formalise the joint scrutiny arrangements across the 3 Councils.**

Councillors Dooley and Wallis left the meeting.

### **685. CHANNEL STRATEGY 2011-2013**

The Head of Customer Service and Performance presented the report to seek Executive approval of the Channel Strategy 2011-2013.

The implementation of the Channel Strategy by December 2011 had been a Corporate Plan Target and whilst there was no legal requirement its implementation was considered good practice.

Considerable consultation had been undertaken. The purpose of the strategy was not to replace provision of face to face contact but to identify the most cost effective channels for customers to contact the council and offer a variety of communication channels and choice.

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

**RESOLVED** that the Channel Strategy 2011-2013 be approved.

**REASON FOR DECISION:**            **Decision within the function of Executive.**

(Head of Customer Service and Performance)

The Head of Customer Service and Performance left the meeting.

The Head of Shared Procurement joined the meeting during the following minute.

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### 686. ICT INVESTMENT PLANS

The Portfolio Holder for Corporate Efficiency presented the report to seek Executive approval of essential investments and proposed expenditure requirements to 2015 in respect of the Council's ICT. The Portfolio Holder for Corporate Efficiency noted that the report had not been previously provided to him prior to its submission to the Executive.

Members raised concerns regarding the programme of laptop replacements for Councillors not before a period of 4 years and software that would be unsupported by 2014. The Portfolio Holder for Corporate Efficiency was requested to relay Members' concerns to the Head of Shared ICT.

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

**RESOLVED** that (1) the essential investments detailed in the appendix to the report in respect of 2011-12 be approved;

(2) proposed expenditure requirements for years 2012-13 through to 2014-15 are noted and options for funding be considered as part of the development of the Council's Medium Term Financial Plan.

(3) Executive receive an annual report on expenditure along with any revisions to the 5 year investment plan.

**REASON FOR DECISION:** To ensure that the Council has the ICT tools needed.

(Head of Shared ICT)

### 687. WORKING NEIGHBOURHOODS FUND MONITORING REPORT – QUARTER 2 UPDATE

The Chair presented the report to provide information to Members on quarter 2 of the Working Neighbourhoods Fund.

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

**RESOLVED** that the report be received.

**REASON FOR DECISION:** To ensure that WNF is targeted to best effect.

(Chief Executive's and Partnership Manager)

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### 688. 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 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.

The Director of Development and Housing Strategy and Enabling Manager joined the meeting during the following item.

### 689. SHARED PROCUREMENT UNIT – TENDERS UPDATE EXEMPT – PARAGRAPH 3

The Head of Shared Procurement presented the report to seek Members' approval of historical tenders.

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

**RESOLVED** that (1) the entering of a contract with Octavian Continental for Pleasley Vale Mills Security Services, as shown at 2.0 of the report be approved;

(2) the entering of a contract with Elite Cleaning and Environmental Services for cleaning of communal areas at Pleasley Vale Mills, as shown at 3.0 of the report be approved;

(3) the entering of a contract with Security Plus for security carrier services, as shown at 4.0 of the report be approved;

(4) the entering of a contract with Dark Scaffolding for scaffolding services, as shown at 5.0 of the report be approved.

**REASON FOR DECISION:** To secure best value on a cost and quality basis.

(Head of Shared Procurement)

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### 690. CCTV MONITORING AND HARDWARE TENDER EXEMPT – PARAGRAPH 3

The Portfolio Holder for Community Safety presented the report to seek approval to commence a tendering process for the supply of CCTV hardware and monitoring services.

The Head of Community and Street Services advised Members of current CCTV arrangements at Council premises and future proposals. Bolsover and Bassetlaw Councils would meet shortly to discuss the joint tender.

Members discussed the value for money and potential crime prevention advantages and disadvantages of CCTV.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. McGregor  
**RESOLVED** that (1) OJEU tender for the supply of CCTV Hardware and Monitoring Services is commenced;

(2) the OJEU advert is worded so that other local authorities can access the concluded contract either immediately or at a later date;

(3) Transition Grant funding is provided for the new cameras at Clowne and Doe Lea Depot (Riverside);

(4) it be agreed to monitor the Tibshelf cameras within the Partnership, if the Parish continue with the purchase, but on condition that the annual service charge which Tibshelf Parish Council saves by doing this, is paid to the Council. (Circa £1,500);

(5) Delegated powers be granted to the Director of Neighbourhoods in consultation with the Chief Executive Officer, Leader and Deputy Leader of the Council and Portfolio Holder for Community Safety to make any changes to the procurement to ensure value for money.

**REASON FOR DECISION:** To ensure that the Council has a modern, fit for purpose, value for money CCTV system in areas where ASB is worst.

(Head of Community and Street Services)

Councillor Watts left the meeting.

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Councillor A. Tomlinson in the Chair

### 691. TARRAN BUNGALOW REDEVELOPMENT EXEMPT – PARAGRAPH 3

The Housing Strategy and Enabling Manager presented the report to update Members on the Tarran bungalow redevelopment proposals and to seek Members' approval to make an application to the Secretary of State to release HRA land at Langwith Junction.

The Portfolio Holder for Housing Management commented that consultation and decant arrangements for previous schemes had been excellent with positive feedback being received from residents.

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

**RESOLVED** that (1) an application to the Secretary of State for Communities and Local Government under section 32 of the Housing Act 1985 for the disposal of the land at Langwith Junction shown at Appendix D be made;

(2) delegated powers be given to the Chief Executive Officer in consultation with the Deputy Leader and Portfolio Holder for Housing Management to enter into any agreement and/or incur expenditure incidental and ancillary to the development of the Tarran bungalow sites;

(3) 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 on the basis that the Landlord Service is losing rent on vacant decant properties and Kier Partnership Homes receive 75% HCA grant up front for start on sites before March 31<sup>st</sup> 2012 - thereby assisting with the Council's own cash flow and in terms of contract payments;

(4) the purchase of 21 bungalows on the Langwith Junction site using HRA monies be approved;

(5) surplus Oxcroft Tarran decant budget totalling £39,000 for use at Langwith Junction be approved;

(6) payment of £4,700 Homeloss and Disturbance to one householder agreeing to move to Shirebrook Town Centre be approved;



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(7) gifting of Haddon Place access identified at Appendix C and valued at £1,750 at Appendix E to owner occupier at 10 Haddon Place be approved, subject to approval of a stopping up order;

(8) the appointment of employer's agent as outlined in the report be approved.

(9) the transfer of housing land shown hatched on Appendix D to Kier Partnership Homes as described in the report be approved.

**REASON FOR DECISION:**        **to enable the Tarran Bungalow  
Redevelopment at Langwith Junction to  
proceed.**

(Director of Development)

The meeting concluded at 1310 hours.