

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Monday 22nd October 2012 at 1000 hours.

PRESENT:-

Members:-

Councillor A. F. Tomlinson – In the Chair

Councillors K. Bowman, D. Kelly, D. McGregor, B.R. Murray-Carr (to minute no. 540) and A.M. Syrett.

Officers:-

W. Lumley (Chief Executive Officer), P. Hackett (Director of Health and Well Being), B. Mason (Director of Corporate Resources), S.E.A. Sternberg (Solicitor to the Council), J. Fieldsend (Senior Principal Solicitor), M. Connley (Special Projects Officer – Leisure), L. Khella (Consultant Programme Manager) (to minute no. 539), J. Clayton (Partnership Funding, Research and Appraisals Manager) (to minute no. 539) and R. Leadbeater (Democratic Services Officer).

534. APOLOGY

An apology for absence was received on behalf of Councillor E. Watts.

535. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

536. DECLARATIONS OF INTEREST

Minute No.	Member	
541.	B.R. Murray-Carr	Significant Non Statutory

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537. MINUTES – 24TH SEPTEMBER 2012

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

RESOLVED that the minutes of a meeting of the Executive held on 24th September 2012 be approved as a true record.

538. NATIONAL OFFENDER MANAGEMENT SERVICES (NOMS) FUNDING OPPORTUNITY TO CREATE A SOCIAL ENTERPRISE

The Consultant Programme Manager presented the report to seek Executive approval in respect of a proposal to source funding from the National Offender Management Service. The aim was to create a social enterprise which would support local offenders and disadvantaged people residing within Bolsover, Chesterfield and North East Derbyshire in gaining employment and skills. Bolsover District Council had submitted an expression of interest to secure £50,000 of funding to develop a legally constituted partnership to deliver employment related support in the local area. The first stage of the application process had been successful and a more detailed proposal was required to be submitted by the end of October 2012.

The role of the social enterprise would be to perform a support function to increase funding into the area, which would be used by partner organisations to deliver support to those groups facing the greatest barriers to accessing employment.

In response to questions from Members, the Consultant Programme Manager advised that there were approximately 150 to 180 ex-offenders residing in the area that would be amongst those people likely to benefit from the scheme. Further questions were raised in respect of assistance available to other disadvantaged groups such as the disabled and homeless. Members were advised that the project was still in a very early stage and individual schemes and beneficiaries were not yet identified. It was added that the social enterprise would not focus on the delivery of schemes or attempt to duplicate work undertaken by other agencies but would work with partners to attract funding into the area for specialist organisations to deliver.

Questions were raised as to whether the management team that would be responsible for delivering the social enterprise had been identified. The Consultant Programme Manager responded that a formal procurement process would likely be undertaken for this purpose.

Members were pleased to support the creation of the social enterprise.

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

RESOLVED that (1) Executive notes and supports the proposal to seek funding from the National Offender Management Service to create a social enterprise which will support local disadvantaged people residing within Bolsover, Chesterfield and North East Derbyshire to gain employment.

(2) a reporting mechanism is implemented to keep Members/Officers abreast of developments regarding the social enterprise should the application for funding to NOMS be successful.

REASON FOR DECISION : **Supporting positive outcomes for disadvantaged groups by increasing access to funding opportunities.**

(Consultant Programme Manager)

The Consultant Programme Manager and Partnership Funding, Research and Appraisals Manager left the meeting.

539. COMMUNITY RIGHT TO CHALLENGE

The Solicitor to the Council presented the report to advise Members of the provisions contained within the Localism Act 2011, known as the Community Right to Challenge, which enabled relevant bodies to submit an expression of interest for the running of Council services. This included most Council provided services.

The relevant bodies permitted to submit an expression of interest were defined in the Act as:

- A parish council;
- A voluntary body;
- A community body;
- A body or trust established for charitable purposes;
- Two or more employees of the authority, whether or not they have formed themselves into a body for this purpose, or
- Such other persons or bodies as may be specified by the Secretary of State by regulations.

Members were advised that services provided in partnership with the NHS, those services providing health or social care for complex needs, or statutory powers

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such as Council Tax setting, were excluded from the Community Right to Challenge.

The Solicitor to the Council advised that there was no requirement for a relevant body to have a local connection and an expression of interest could be submitted in partnership with another organisation, including a commercial organisation or sub-contractor arrangement.

The information and qualifications required for submitting an expression of interest were outlined in the report along with the process that the Council would follow to validate and accept it and carry out a formal tender process. Expressions of Interest would be required to demonstrate best value and promote or improve the social, economic or environmental well-being of the area. Services that were currently provided jointly with other authorities could also be subject to Community Right to Challenge.

Members raised questions in respect of the process and implications of a Community Right to Challenge to which the Solicitor to the Council responded. Concerns were raised in respect of the potential increased costs brought about by additional procurement exercises and that commercial organisations would be permitted to tender for services through affiliation with permitted relevant bodies.

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

RESOLVED that (1) the Executive designate 1–21 August of each year as the time period during which the Council will receive expressions of interest for Council services other than those provided jointly with other authorities.

(2) the Executive appoint the Monitoring Officer as proper officer for the purposes of the Community Right to Challenge and recommend to Standards Committee the inclusion of this in the Delegation Scheme in the Constitution.

(3) the Executive authorise the Monitoring Officer to acknowledge expressions of interest for Council services other than those provided jointly with other authorities by 31 August of the year in which the expression of interest is made and advise the relevant body that has made the submission that a decision on whether to accept or reject their expression of interest will be made between 1 September and 31 October of the same year.

(4) once the Monitoring Officer, as proper officer, has undertaken a review of an expression of interest, a report be brought to the Executive at the earliest opportunity for members to decide whether or not to accept or reject the expression of interest. Where the decision is to reject the expression of interest this will include at least one of the statutory grounds for refusal set out in

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paragraph 3.13 of the original Executive report. Where the decision is to approve the expression of interest the procurement exercise will commence between 1 and 30 November of the year in which the expression of interest is made.

(5) for the purposes of the legislation, the minimum period to elapse between the date of the Council's decision to accept an expression of interest and the date on which the procurement exercise will start be two days and the maximum period be 91 days. The maximum period to elapse between the date on which the Council receives an expression of interest submitted by a relevant body and the date on which it notifies the relevant body of its decision in respect of the expression of interest be 92 days.

(6) a report setting out timescales for those Council services currently provided jointly with other authorities be brought back to a future meeting of Executive.

(7) current contracts with third parties be advertised on the Council's website for the purposes of the Community Right to Challenge 6 months before the end of the contract.

(8) the Monitoring Officer be given delegated authority to vary the timescales in paragraphs 1 to 5 above, following consultation with the Leader of the Council.

(9) the timescales given in paragraphs 1 to 4 be publicised on the Council's website and be subject to review in 12 months' time.

REASON FOR DECISION: **This is new legislation which needs to be implemented and a process put in place.**

(Solicitor to the Council/Head of Democratic Services)

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

Moved by Councillor K. Bowman, seconded by Council A. Syrett

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.

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Councillor B.R. Murray Carr declared a Significant Non Statutory interest in the following item and left the meeting.

541. SHIREBROOK MODEL VILLAGE SPORTS GROUND – DISPOSAL OF CHANGING PAVILION AND LEASE OF FACILITY TO SPORTS CLUBS – EXEMPT PARAGRAPH 3

The Portfolio Holder for Social Inclusion presented the report to seek Executive approval of proposals for the future management and maintenance of Shirebrook Model Village Sports ground, including disposal of the changing pavilion to Shirebrook Town Council and lease of the facility to local sports clubs.

The Director of Health and Well Being and Special Projects Officer provided further detail in respect of the ownership and trusteeship of the site which had been a complex and long standing issue. Members were advised that agreement of the proposals would provide the best achievable outcome for both the Council and existing users of the facilities.

Members supported the principle of the proposals, however concerns were raised with regard to the £5,000 to be provided annually by Bolsover District Council in respect of maintenance of the site. The Director of Health and Well Being advised that the Council had a legal obligation to maintain the site as trustee but suggested that this issue could be re-visited at a future date.

At the request of the Chair, a minor amendment was made to recommendation 4 to state that the £5,000 per annum would be provided from existing Leisure Services budgets.

Moved by Councillor A. Syrett, seconded by Councillor K. Bowman

RESOLVED that (1) Bolsover District Council remains as Trustee of Shirebrook Model Village Recreation Ground Welfare Scheme (Registered Charity No. 520506).

(2) 25 year leases be granted to Shirebrook Cricket Club and Shirebrook Rangers on terms to be agreed by the Assistant Director of Leisure in consultation with the Solicitor to the Council.

(3) disposal of the existing changing pavilion to Shirebrook Town Council to be relocated from Shirebrook Model Village Sports Ground to Coronation Drive Recreation Ground, subject to the resolution of the land ownership issue and the granting of leases to Shirebrook Cricket Club and Shirebrook Rangers Football Club be approved.

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(4) a budget of £5,000 per annum be established from existing Leisure Services' budgets for Shirebrook Model Village Recreation Ground to cover costs associated with the ongoing maintenance of the site by existing volunteers.

REASON FOR DECISION: **In order to allow the development of land for the provision of sport, recreation and community facilities.**

(Director of Health and Well Being)

The meeting concluded at 1104 hours.