

EXECUTIVE

Minutes of a meeting of the Executive of Bolsover District Council held in Chamber Suites 1 & 2, The Arc, High Street, Clowne on Tuesday 14 May 2013

PRESENT:-

Members:-

Councillor A.F. Tomlinson – In the Chair

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

Officers:-

W. Lumley (Chief Executive Officer), K. Hopkinson (Director of Development), B. Mason (Director of Corporate Resources), S. Tomlinson (Director of Neighbourhoods), J. Fieldsend (Senior Principal Solicitor), M. Kane (Governance Manager), S. Chambers (Communications Manager), J. Arnold (Assistant Director – Planning) (For minute 1186), C. Millington (Overview and Scrutiny Officer) (For minutes 1179 and 1180), S. Clow (Housing Strategy and Enabling Manager) (For minute 1184), P. Campbell (Head of Housing) and K. Drury (Information and Engagement Manager) (For minute 1182)

Also in attendance were Councillors H Gilmour, C Munks and K Reid for minutes 1179 and 1180.

Councillors R Bowler and M Dooley were present in the public gallery.

1175. APOLOGIES FOR ABSENCE

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

1176. URGENT ITEMS OF BUSINESS

The meeting was notified of one item of urgent business to be taken in private session – Shirebrook Model Village Sports Ground.

1177. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

EXECUTIVE

1178. MINUTES OF EXECUTIVE HELD 8 APRIL 2013

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

RESOLVED that the minutes of a meeting of the Executive held on 8 April 2013 be approved as a correct record and signed by the Chair.

1179. RECOMMENDED ITEM FROM IMPROVEMENT SCRUTINY COMMITTEE HELD ON 2 APRIL 2013 – MIN NO 1062 – CONTACT CENTRE

Executive considered an item which had been referred to it by the Improvement Scrutiny Committee in connection with the Contact Centre. Councillor H Gilmour, Chair of the Improvement Scrutiny Committee, presented the item and answered members' questions.

Executive was advised that a review into mobile working had commenced but been subsequently suspended. However, having received a presentation on the role of Contact Centre staff, the Committee felt it necessary to refer two recommendations relating to their role on to Executive.

The Committee's first recommendation related to concerns expressed that appointments with Repairs Inspectors could not be made through the CRM system by the Council's Customer Service Advisors even though the current system could enable this to happen.

In addition, queries that had been passed to the Council's Housing Team were listed as 'complete'. This was misleading to members and the public when they were calling for an update. A more suitable term to use on the system would be 'job with housing' which would mitigate the potential for confusion should a customer request an update on their repair.

During consideration of the item, the following points were noted:

- Direct booking by Contact Centre Advisors for repairs appointments had always been a long term aim of the Housing Team. However the section would be in a better position to assess how this might work following the receipt of a report setting out a new structure for the service.
- There were questions over whether the term 'job with housing' was appropriate from a whole council perspective given that it may appear the Council was 'passing the buck' from one department to the next. Consideration needed to be given to more appropriate wording which would provide assurance to members and customers that the job was being progressed.

EXECUTIVE

Moved by Councillor K. Bowman and duly seconded
RESOLVED that (1) It be approved in principle that:

(a) Contact Centre Advisors be allowed to book appointments with Repairs Inspectors, removing a delay to the customer in receiving details of an appointment.

(b) The wording within the system be changed from 'complete' to some other suitable wording to avoid confusion.

(2) The full implementation of resolution (1) above be subject to a further report which should be referred to Executive within six months.

REASON FOR DECISION: In the interests of the efficiency and effectiveness of the housing service.
(Director of Neighbourhoods)

OTHER OPTIONS CONSIDERED: None.

1180. SUSTAINABLE COMMUNITIES SCRUTINY REVIEW OF PLEASLEY VALE MILLS

Executive considered a report of the scrutiny review undertaken by the Sustainable Communities Scrutiny Committee into Pleasley Vale Mills. Councillor K Reid was in attendance at the meeting to present the report and answer any members' questions.

The Committee had undertaken the review with a view to understanding how the site was currently used including take up of rental space, take up of leisure activities and facilities, income and expenditure to the Authority as well as the historical importance of the site.

The Committee had made seven recommendations based on the evidence it had gathered during the review. The comments of the relevant Portfolio Holders and senior officers had been sought prior to the report being approved by the Scrutiny Management Board.

During consideration of the item, the following points were noted:

- The Committee had taken cognisance of security issues at Pleasley Vale Mills during its review and hoped that security would be brought in house in due course.

EXECUTIVE

- Whilst members were happy with the recommendations, questions were asked about the evidence base of the review and, in particular, the financial and supporting policy information provided in the report.

Moved by Councillor A.M. Syrett, seconded by Councillor B. Murray-Carr

RESOLVED that (1) The following recommendations of the Pleasley Vale Mills Scrutiny Review be approved:

- (a) That a charity or charities be encouraged to take up some available space within the Mill complex which would remove the business rate burden on the space that they would occupy and result in some savings to the budget.
- (b) That a new set of legal documents be drafted which would speed up the process of tenancy agreements to assist tenants in signing up and moving into their accommodation more quickly.
- (c) That the Regeneration Department be responsible for the management and upkeep of the whole Pleasley Vale site and the Asset Management Plan be updated to add the assets which were not currently included within the Plan, namely the former Greaseworks building and the mill pond.
- (d) That when the current security contract expires, the Authority considers whether costs can be saved by bringing the function in-house for future contracts.
- (e) That the suggestion of moving security to Mill 1 in order to free up the two lodges for sale be seriously considered, ensuring a security presence closer to the Mills and potential income for the authority from the sale of the lodges.
- (f) That marketing and advertising of the Outdoor Activity Centre must be improved in order to maximise participation and income.
- (g) That the provision of residential accommodation within Bolsover District be thoroughly considered in order to attract tourism to the area.

EXECUTIVE

(2) A further report on financial and supporting policy information relating to Pleasley Vale Mills be reported to Executive within a six week period.

(3) The Executive provide a response on the review recommendations within six weeks in accordance with the Scrutiny Procedure Rules in order that an improvement plan can be drawn up to monitor implementation of the recommendations.

REASON FOR DECISION: In the interests of regenerating the District.
(Director of Development)

OTHER OPTIONS CONSIDERED: None.

1181. COMPLIMENTS, COMMENTS AND COMPLAINTS QUARTERLY REPORT (QUARTER 4)

Executive considered a report which set out information on the number of compliments, comments, complaints, Freedom of Information and personal data requests for the fourth quarter of 2012/13 covering 2 January to 31 March 2013. The report also provided a general summary for 2012/13.

In total, 27 complaints had been received in the fourth quarter of 2012/13. There had been 11 compliments. Details for service requests in the quarter and over the year were also provided together with recent Ombudsman activity.

Members raised issues and asked questions on the summary information provided as an appendix to the report.

Moved by Councillor D. McGregor, duly seconded

RESOLVED that the Compliments, Comments and Complaints Report for Quarter 4 be noted.

REASON FOR DECISION: To keep members informed of volumes and trends regarding compliments, comments and complaints.
(Director of Corporate Resources)

OTHER OPTIONS CONSIDERED: None.

EXECUTIVE

1182. INFORMATION REQUESTS – OCTOBER 2012 TO MARCH 2013

Executive considered a report which set out information on requests made under Freedom of Information (Fol), Environmental Information Regulations (EIR) and Data Protection legislation for the period 1 October 2012 to 31 March 2013. The report also contained summary information for 2012/13.

The Council had received 177 FOI and 28 EIR requests in the period. Executive were advised that all requests were now closed and had been responded to within the 20 day statutory period. Over the year 2012/13 the Council had received 362 FOI requests and 59 EIR requests (421 in total), slightly up on last year's combined total of 402 requests. Overall 99% (417) of the requests would be responded to within time.

In respect of Data Protection, six subject access requests and 11 third party requests had been received in the period. All had been responded to within the statutory 40 day period.

Over the 2012/13 year, eight subject access requests and 18 personal data requests had been received. This was similar to the previous year. All requests had been responded to within the statutory time period.

Following the presentation of the report, members asked questions on requests received in respect of the New Homes Bonus, Neighbourhood Plans and the Losk Lane Wind Turbine application.

Moved by Councillor D. McGregor, seconded by Councillor B. Murray-Carr
RESOLVED that the report on Information Requests for the period October 2012 to March 2013 be noted.

REASON FOR DECISION: To keep members informed of volumes and trends regarding information requests.
(Information and Engagement Manager)

OTHER OPTIONS CONSIDERED: None.

1183. ANTI SOCIAL BEHAVIOUR POLICY

Executive considered a report which sought approval of a new Anti-Social Behaviour Policy for the Council, as required by the Anti-Social Behaviour Act 2003.

EXECUTIVE

The revised Policy had been reviewed by the Patch Management Group and included a number of changes to build on the success of the previous document. The main change in the document was an increased focus on the victims of anti-social behaviour which reflected a more national shift in emphasis partially arising from the Pilkington case in Leicester.

Other changes in the document arose from the need to reflect updated legislation, assess vulnerability, undertake risk assessments for vulnerable people and share information with the County Council.

Following an introduction to the Policy by officers, members raised concerns that it did not adequately tackle issues around publicising anti-social behaviour and that the Portfolio Member for Housing had not been properly consulted over the document.

The Chair reiterated the importance of officer consultation with Portfolio Members prior to reports being brought to Executive.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. McGregor
RESOLVED that the report on the Anti-Social Behaviour Policy be deferred pending revisions to the section on publicity.

REASON FOR DECISION: To enable the Council to investigate how it may properly publicise cases of anti-social behaviour.
(Director of Neighbourhoods)

OTHER OPTIONS CONSIDERED: None.

1184. EAST MIDLANDS DECLARATION ON AFFORDABLE HOUSING

Executive considered a report which sought approval for the Council to sign up to the East Midlands Declaration on Affordable Housing.

It was noted that the Affordable Homes Programme 2011-15 allocated just 4.1% of total investment to the East Midlands. This was half the share that the East Midlands received between 2008 and 2011. In response to the decrease in grant, and the general decline in affordable housing delivery, East Midlands Councils formed a task group to look at how affordable housing provision could be maximised.

The task group delivered three outputs which included a new prospectus for affordable housing in the East Midlands, an affordable housing good practice guide which publicised examples of good practice and the East Midlands Declaration for Affordable Housing.

EXECUTIVE

The purpose of the Declaration was to acknowledge the benefits that affordable housing brought to the area and the difficulty in delivering it in the current grant regime and economic circumstances. By signing the Declaration, signatory local authorities committed their council to working constructively and collaboratively with partners and communities to maximise opportunities and resources to deliver new affordable housing.

Moved by Councillor A. Tomlinson, seconded by Councillor D. McGregor
RESOLVED that the Council supports the signing of the East Midlands Declaration for Affordable Housing.

REASON FOR DECISION: To formalise the Council's commitment towards affordable housing.
(Housing Strategy and Enabling Manager)

OTHER OPTIONS CONSIDERED: None.

1185. HOUSING SERVICES – QUARTERLY UPDATE

Executive considered a report which provided a quarterly update on current housing performance. The report contained statistical data relating to rent arrears, repairs, contract work, Supporting People, capital work and the STAR survey.

Members were advised that rent arrears recovery was challenging in the current economic environment and that these challenges would increase following the introduction of the under-occupation premium and other aspects of welfare reform. A more detailed report on ideas for addressing this would be brought to a future meeting.

The Council had been successful in securing the contract for the static wardens, mobile wardens and falls recovery scheme. Although the countywide monitoring service was on hold for a period of at least 12 months, the Council was successful in its bid to run this on an interim basis.

As previously agreed by Council, a full stock condition survey would shortly be undertaken. An external consultant had been appointed to carry out the preparatory work and a project initiation meeting had been organised.

During the consideration of the report, the following points were noted:

EXECUTIVE

- Rent arrears were being experienced with approximately 250 tenancies District-wide. However, this was significantly more than the current number of people affected by the under-occupation premium.
- Reference was made to the recent unsatisfactory gas servicing audit and the steps being taken to address it.
- Work was ongoing with contracts to ensure as many jobs as possible were caught by tendered works.
- Concern was expressed over the number of voids in the District and the lost income arising. A view was expressed that more work should be undertaken to market empty properties.

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

RESOLVED that the quarterly update report on Housing Services be noted.

REASON FOR DECISION:

To update members on the performance within the Housing Service.
(Head of Housing)

OTHER OPTIONS CONSIDERED:

None.

1186. APPOINTMENT OF PLANNING CONSULTANT TO PROVIDE SUPPORT FOR LOCAL PLAN PUBLIC HEARING

Executive considered a report which sought approval to fund an external planning consultant to support the Council's Local Plan Hearing.

Members were advised that the Council's Planning Policy Manager had left its employment at the end of March 2013. This departure came at a challenging time for delivering the Local Plan for Bolsover with the service in the final stages of consultation and preparation prior to submission to the Secretary of State and subsequent public examination.

The Planning Policy Manager would have taken a lead in the Local Plan examination process, presenting the Council's case and responding on all aspects raised by the Inspector. Without this role being filled, the Council would be at risk of not delivering the Local Plan to programme.

EXECUTIVE

The short term solution to this problem was to put in place the temporary resource required to ensure the Council could pass the public examination process and maintain the agreed programme for delivering the Local Plan. Following completion of public examination the service would review its existing team and consider any restructuring or permanent filling of vacant posts to deliver corporate needs. These options would be presented to members in the form of a report to a future Executive meeting.

Members noted that the Planning Policy Manager from North East Derbyshire District Council had been seconded to Bolsover for two days per week on a temporary basis for up to one year. However, this still left a capacity issue for the Council to ensure proper representation and advice to get through public examination.

The proposal therefore was to appoint planning consultants utilising salary savings from the existing Planning Policy Manager post. Tendering and procurement would follow Council procedures and be undertaken through the Joint Procurement Unit.

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

RESOLVED that the proposal to use up to £25,000 planning service salary savings to fund an external planning consultant to support the Local Plan Hearing be approved.

REASON FOR DECISION:

The development of the Local Plan was a target within Bolsover's corporate plan.
(Assistant Director - Planning)

OTHER OPTIONS CONSIDERED:

Not making the appointment would leave the Council at significant risk of not delivering the Local Plan to programme.

1187. STRATEGIC RISK REGISTER

Executive considered a report which presented a revised Strategic Risk Register for the Council. A copy of the document was attached to the report as an appendix.

The Council's Strategic Risk Register had been developed by the Business Risk Group. It took account of issues raised within the Master Risk Register which outlined the service and operational risks faced by the Council.

EXECUTIVE

The intention of the Register was to:

- Identify any newly emerging risks which need to be added to the Register and remove any risks that had been resolved. An ongoing review of the Strategic Risk Register ensured that a focus was maintained on current risks.
- Ensure that existing risks were reviewed, that appropriate mitigation remained in place and, where necessary, risk assessment was revisited.
- Allow appropriate consideration to be given to the success of existing mitigation and to the issue of whether any further mitigation was required.

The key issue emerging from the Strategic Risk Register was the need to maintain current performance at a time of declining financial support from Government. This was likely to entail some changes in the manner in which services to residents were delivered with the level of change required being likely to disrupt service provision.

An issue that emerged from the quarterly performance, finance and risk meeting was that of managing the impact of welfare reform. A number of potential concerns arose from the impact of welfare reform. This included the potential adverse impact on Council income streams and rising financial costs from increasing eligibility of local residents for benefit payments at a time when Government grant support was fixed.

The Risk Management Group agreed that it would review the Council's Risk Strategy in due course. This work would be completed by the time of the next quarterly report to Executive concerning the Strategic Risk Register. This would be used as the basis for a training and awareness programme amongst staff and members.

Moved by Councillor D. McGregor, seconded by Councillor B. Murray-Carr
RESOLVED that (1) The Strategic Risk Register, as at 31 March 2013, be approved.

(2) An updated Register as at 30 June 2013 together with a revised Risk Strategy be brought back to a subsequent meeting of Executive for approval.

REASON FOR DECISION: To advise members of current risks faced by the Council.
(Director of Corporate Resources)

OTHER OPTIONS CONSIDERED: None.

EXECUTIVE

1188. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor D. Tomlinson, 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Paragraph 3 of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

1189. TENDER EVALUATION OUTCOME – OUT OF HOURS CONTRACT EXEMPT- PARAGRAPH 3

Executive considered the outcome of a tender evaluation process for the Council's Out of Hours Repairs Service.

The tender was advertised on 25 March 2013. Four bids were received and opened by officers at a formal ceremony. The relevant Portfolio Member also attended the opening. A paper evaluation exercise took place on 7 May 2013.

Costs for the tender were provided on a schedule of rates basis. To make sense of these, estimated annual volumes were applied to provide an annual cost for each bid. The bids were evaluated on a 40% quality 60% cost basis.

On the basis of cost and quality, it was recommended to award the contract to J Tomlinson on the basis of a two year contract with the option to extend for two further periods of up to twelve months.

Executive were advised at the meeting of some amendments to the previously circulated evaluation assessment. These amendments did not, however, impact on the outcome of the evaluation.

Councillor Bowman left the meeting during consideration of the item.

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

RESOLVED that (1) The contract for the out of hours repairs service be awarded to J Tomlinson Ltd on the basis of a two year contract with the option to extend for two further periods of up to twelve months each.

EXECUTIVE

(2) The Emergency and Responsive Manager be given the delegated authority to implement the extension based on satisfactory performance from the contractor and an acceptable pricing proposal going forward.

REASON FOR DECISION: To ensure effective provision of the out of hours service.
(Director of Corporate Resources)

OTHER OPTIONS CONSIDERED: Three other bids were considered and rejected. The successful bidder secured best value on both cost and quality.

**1190. TENDER EVALUATION OUTCOME – MINOR WORKS
FRAMEWORK CONTRACT FOR SURFACING
EXEMPT- PARAGRAPH 3**

This item was withdrawn from the agenda.

**1191. TENDER EVALUATION OUTCOME – MINOR WORKS
FRAMEWORK CONTRACT FOR DRAINS REPAIRS
EXEMPT- PARAGRAPH 3**

This item was withdrawn from the agenda.

**1192. URGENT ITEM OF BUSINESS
SHIREBROOK MODEL VILLAGE SPORTS GROUND
EXEMPT- PARAGRAPH 3**

The Deputy Leader consented to the following item being taken as urgent because to wait until the next meeting of the Executive may have resulted in essential grant funding being lost.

Executive considered an update report in respect of the Shirebrook Model Village Sports Ground.

Members noted that this matter had come before them in October 2012 when they had resolved to grant a 25 year lease of the Recreation Ground to Shirebrook Cricket Club and Shirebrook Rangers Football Club. Members had been advised at that meeting that before any lease could be granted the land would need to be transferred to the Council by the registered owner. This transfer had now taken place and the land was vested in the Official Custodian of Charities.

EXECUTIVE

Negotiations had progressed with the Cricket and Football Clubs and the Cricket Club were close to entering a lease. Before a lease of charity land could be made, the Council was required to comply with Section 119 of the Charities Act 2011 which required trustees to:

- Obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the trustees and acting exclusively for the charity;
- Advertise the proposed disposition for such period and in such manner as is advised in the surveyors report (unless it would not be in the best interests of the charity to advertise the proposed disposition);
- Decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition was proposed to be made were the best that could reasonably be obtained for the charity.

The Council was unable to use its own Principal Valuer to produce a report as he acted for the Council and could not exclusively act in the interests of the Charity. The District Valuer had therefore been asked and had produced a report which was made available to members.

Members briefly discussed the report including the issues around opinion of value, advertisement of the disposition and profit sharing.

Moved by Councillor A. Syrett, duly seconded

RESOLVED that (1) The Council proceed with the grant of 25 year leases for the Shirebrook Model Village Sports Ground in accordance with the recommendation of the District Valuer.

(2) The Council not advertise the proposed disposals.

REASON FOR DECISION: To address outstanding issues with regard to the Shirebrook Model Village Sports Ground.
(Senior Principal Solicitor)

OTHER OPTIONS CONSIDERED: To advertise the proposed disposals.

The meeting concluded at 1215 hours.