

EXECUTIVE

Minutes of a meeting of the Executive held in the Chamber Suites, The Arc, Clowne, on Monday, 9 December 2013 at 1000 hours.

PRESENT:-

Councillor E Watts in the Chair

Members:-

Councillor R Bowler, D Kelly, B Murray-Carr, K Reid, A Syrett and A Tomlinson

Officers:-

W Lumley (Chief Executive Officer), B Mason (Director of Corporate Resources), P Hackett (Director of Health and Well Being), S Sternberg (Assistant Director – Governance and Monitoring Officer), J Foley (Assistant Director – Customer Service and Improvement), M Kane (Governance Manager), S Chambers (Communications Officer), A Brownsword (Governance Officer) and A Bedford (Support Officer).

0641. APOLOGIES FOR ABSENCE

There were no apologies for absence given at this meeting.

0642. URGENT ITEMS OF BUSINESS

There were no urgent items of business considered at the meeting

0643. DECLARATIONS OF INTEREST

Councillor K Reid declared a non significant other interest in item six on the agenda, Derby and Derbyshire Joint Committee for Economic Prosperity, arising from his employment at Derbyshire County Council.

0644. MINUTES OF EXECUTIVE HELD ON 28 OCTOBER 2013

Moved by Councillor E Watts and duly seconded.

RESOLVED that the minutes of the meeting of Executive held on 28 October 2013 be approved as a correct record and signed by the Chairman.

0645. RECOMMENDED ITEMS FROM OTHER STANDING COMMITTEES

There were no items recommended from other standing committees.

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0646. DERBY AND DERBYSHIRE JOINT COMMITTEE FOR ECONOMIC PROSPERITY

Executive considered a report of the Chief Executive which sought approval to establish, along with the County Council, Derby City Council and all District and Borough Councils in Derbyshire, a Joint Committee to deliver economic growth and prosperity across Derbyshire and to appoint the Council's representative to that Joint Committee.

Executive was advised that in September 2013 the Leaders of the County Council, Derby City Council and the District and Borough Councils had given their agreement in principle to the establishment of a joint committee to conduct a governance review to determine whether the existing governance arrangements for economic development, regeneration and transport in the area were effective or whether the area would benefit from changes, including the establishment of a new Economic Prosperity Board covering the whole of Derby and Derbyshire.

In anticipation that the review would recommend an Economic Prosperity Board it was intended that the Joint Committee would act as a shadow economic prosperity board and pursue an economic regeneration strategy which reflected the needs of a diverse area by carrying out a number of activities.

Draft governance arrangements for the Joint Committee were considered by the Derby and Derbyshire Chief Executives and an officer working group had been established with representatives from each authority to undertake the governance review.

Attached to the report were draft terms of reference, arrangements and rules of procedure for the Joint Committee, together with a proposed timeline leading to the establishment of an economic prosperity board for the whole area by April 2015. Each of the authorities had agreed the governance arrangements at officer level and their executives' were asked to approve arrangements and appoint a representative and substitute.

The County Council would act as the host authority for the joint committee and provide the necessary officer support for the administration of the Committee and the Working Group.

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

RESOLVED that Executive:-

- (1) Approves the establishment of a Joint Committee for Economic Prosperity with Derbyshire County Council, Derby City Council and the District and Borough Councils in Derbyshire.
- (2) Approves the draft Terms of Reference, Arrangements and Rules of Procedure for the Joint Committee as attached to the report.

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- (3) Delegates the Council's powers to make decisions relating to the delivery of economic growth in the area to the Joint Committee.
- (4) Appoints the Leader of the Council as its representative on the Joint Committee and the Deputy Leader as the Council's substitute representative.
- (5) Delegates to the Chief Executive Officer, following consultation with the Leader and Deputy Leader, the authority to amend the governance arrangements for the Joint Committee.

REASON FOR DECISION:

In order to join with the other Derbyshire Councils in forming a joint committee to pursue the establishment of an economic prosperity board.

OTHER OPTIONS CONSIDERED:

None.

(Chief Executive)

0647. WORKING NEIGHBOURHOODS FUND AND WORKING SKILLS PLANS UPDATE – APRIL TO SEPTEMBER 2013

Executive considered a report of the Chief Executive's and Partnerships Manager which set out progress in respect of the Working Neighbourhoods Fund and Working Skills Plans for the second quarter, April to September 2013.

The Council had received an award of Working Neighbourhoods Fund in 2008 of some £7,066,100 for the purposes of tackling worklessness and low levels of skills and enterprise in the most deprived areas.

As part of the Council's approach to tackling worklessness a commissioning framework had been established to allocate the funding in two ways:-

- By focusing upon the people who were already receiving benefits and were unemployed to try and encourage them back to work and off benefits.
- By tasking the Local Strategic Partnership with identifying measures to address and prevent the need to be in receipt of benefits or become unemployed.

An appendix to the report entitled Working Neighbourhoods Fund and Working Skills Plan Update – April to September 2013 provided updates in respect of the Working Neighbourhoods Fund. Some of the main highlights were set out to Members.

Moved by Councillor A Tomlinson and seconded by Councillor E Watts

RESOLVED that the report on the Working Neighbourhoods Fund and Working Skills Plan Update – April to September 2013 be received.

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REASON FOR DECISION: To ensure that the Working Neighbourhoods Fund was targeted to best effect.

OTHER OPTIONS CONSIDERED: None.
(Chief Executive's and Partnerships Manager)

0648. CORPORATE PLAN TARGETS – APRIL TO SEPTEMBER 2013 – UPDATE REPORT

Executive considered a report of the Assistant Director – Customer Service and Improvement which set out the Council's performance for the second quarter, April to September 2013.

The following points were noted:-

- Target CSF04 to reduce incidence of fly tipping, dog fouling and littering was under performing due to an increase in the number of incidents of fly tipping reported. This could have a significant impact on the end of year target and previous downward trend.
- Target CSF06 to reduce the average time to re-let Council properties was failing at 31 days as against a target of 22 days. Executive was advised that removing figures for New Bolsover would take the average re-let time down to 27 days and if the difficult to let properties were removed the time would reduce even further to 21 days.
- Significant improvement had been made in respect of the target for CFS10 for processing all new housing and council tax benefit claims, although it remained slightly over target due to a difficult first quarter.
- Target E07 for completing and adopting the residential development planning guide had been achieved in the second quarter.
- Target E02 for reducing waste sent to landfill was still failing against the original target although it was felt that there was little the Council could do and issues would be dealt with when the Corporate Plan was refreshed in 2014.
- Target E06 to increase street cleanliness was behind target due to an increase in the amount of detritus.
- The target to support 60 existing businesses and create 39 new businesses was still on track. It was noted that existing businesses had been supported but to date only 14 had been created. Four of these came in the last quarter.
- Target SOD01 to reduce the Council's overall spend by March 2013 had been marked as achieved during the quarter.

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Moved by Councillor E Watts and seconded by Councillor R Bowler

RESOLVED that Executive:-

- (1) Notes the progress against the Corporate Plan 2011-2015.
- (2) Requests that re-let times for New Bolsover be separated from Target CFS06 and reported on separately.

REASON FOR DECISION: To advise Executive of current Council performance.

OTHER OPTIONS CONSIDERED: None.
(Assistant Director – Customer Service and Improvement)

0649. INFORMATION REQUESTS – APRIL TO SEPTEMBER 2013

Executive considered a report of the Assistant Director – Customer Service and Improvement which provided information on requests made under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 1998 for the second quarter, April to September 2013.

During the quarter there had been 197 Freedom of Information requests and 40 Environmental Information requests. All had been responded to within the target time of 20 days.

There had also been one Subject Access request and 19 Third Party requests received for personal data held under the Data Protection Act. All of these requests had been responded to within 40 calendar days.

Appendices to the report set out in detail those requests received.

Moved by Councillor E Watts and seconded by Councillor R Bowler

RESOLVED that the report setting out information requests from April to September 2013 be received.

REASON FOR DECISION: To keep Members informed of volumes and trends regarding information requests.

OTHER OPTIONS CONSIDERED: None.
(Assistant Director – Customer Service and Improvement)

0650. LOCAL GOVERNMENT OMBUDSMAN'S DECISION IN RELATION TO THE APPROPRIATION OF LAND AT SHERWOOD LODGE

Executive considered a report of the Monitoring Officer which set out a recent Local Government Ombudsman decision in relation to the appropriation of land at Sherwood Lodge, Bolsover.

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The background to the complaint was that the Local Government Ombudsman had received a complaint from a Bolsover resident (Mrs B) about the way in which the Council had decided to appropriate land at the site for development. The Council was unaware that the site included land which was designated as public open space in 1941 as it did not hold records from its predecessor Council.

The complainant said that members of the public, including herself, had used the land for recreational purposes for many years. Instead of advertising its intentions for the disposal of land designated as a public open space the Council decided to appropriate the land for planning purposes at the Executive meeting in June 2011, from which the public were excluded. As the meeting was held in private, members of the public were not aware of the Council's intention to appropriate the land and had no opportunity to object.

The Ombudsman found fault with the Council as follows:-

- The Council should have held records from its predecessor authority and known the land at its former headquarters was dedicated open space.
- The Council should have checked the status of the land and/or carried out a search with other agencies.
- Being aware that there was open space should have alerted the Authority to check whether it was dedicated.
- Whilst awareness that it was dedicated would not have prevented the Council from appropriating the land for planning purposes, it did require the advertising and consideration of any objections prior to appropriation.
- Subsection (1) of the Local Government Act 1974, section 122, required the Council to decide that the land was no longer required for the purpose for which it was held immediately before the appropriation. This required the Council to consider the public need within the locality for the existing use. The Ombudsman stated that if members of the public had been included in the meeting it would have become clear that the land was open space.
- The Council pointed out it was entitled to exclude the public because the report contained legally privileged information but this was not the reason it gave in its Executive report.
- The Council's Disposal and Acquisition of Land and Property Assets Strategy did not cover the disposal of land designated as public open space.

The Ombudsman recommended that the Council should:-

- Apologise in writing to Mrs B.

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- Pay Mrs B £250 to acknowledge the outrage and the loss of opportunity she had experienced.
- Revise its Disposal and Acquisition of Land and Property Assets Strategy to include procedures on how to deal with land designated as public open space and report the outcome within six months of the date of their report.

Moved by Councillor E Watts and seconded by Councillor B Murray-Carr

RESOLVED that Executive:-

- (1) Receive the report from the Local Government Ombudsman into a decision on the appropriation of land at Sherwood Lodge.
- (2) Write a letter of apology to Mrs B.
- (3) Compensate Mrs B to the amount of £250 to acknowledge the outrage and loss of opportunity she had experienced with regards to the appropriation.
- (4) Review procedures with regard to the disposal of land designated as public open space and including the Disposal and Acquisition of Land and Property Assets Strategy.

REASON FOR DECISION:

To ensure that open space is dealt with as required by statute when it is part of a site which may be disposed of in the future.

OTHER OPTIONS CONSIDERED:

None.

(Monitoring Officer)

0651. BUDGET MONITORING REPORT, QUARTER TWO – APRIL TO SEPTEMBER 2013

Executive considered a report of the Director of Corporate Resources which set out the financial position of the Council following the second quarter's budget monitoring exercise for the General Fund, the Housing Revenue, Capital Programme and Treasury Management activity.

In respect of the General Fund Revenue Account, the original budget for 2013/14 included a savings target of £0.884m. The current budget now showed that this target was reduced to £0.293m which meant that the Council had secured budget savings of £0.591m in the first half of the financial year. Budget savings secured had been distributed to the appropriate services or income lines within budgets.

In respect of the Housing Revenue Account, quarter two income figures showed a range of variances which gave a net position of £0.158m above the budgeted position for the half year. Expenditure within each of the operating areas of the Housing Revenue Account continued to show under-spends at the half year point.

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The overall expenditure position on the Housing Revenue Account was showing as £0.227m below the profiled budget. There were therefore no budget pressures to report at this stage on the Housing Revenue Account. It was likely that under-spends would continue during the year until the stock condition survey was completed giving detailed property by property information.

The original Capital Programme was approved at £9.439m but had been updated with approved carry forwards from 2012/13. It now stood at £10.837m for 2013/14. The Capital Programme profile budget for quarter two was £2.756m and the actual spend and known commitments totalled £1.895m which was £0.861m behind the planned spend position.

Executive was asked to note that the Council, in common with other authorities who used the Co-op Bank, had received notification from the Bank that as part of their restructuring proposals they were withdrawing from local authority banking. The letter from the Co-op Bank stated that it would honour existing contracts until their termination date, which for the Council ran until March 2017, although they would not object to any local authority terminating their contract at an earlier date. Officers were looking into options that were open to the Council to move away from the Co-operative Bank at the earliest opportunity.

Following consideration of the report, Members asked questions and raised issues. The following points were noted:-

- Executive was advised that the additional headroom funding from the Housing Revenue Account was likely to be allocated to the Local Enterprise Partnership for the purposes of investing in new house building.
- Allocations of New Homes Bonus were not to be top sliced to provide financial support to Local Enterprise Partnerships .
- The monies anticipated from the director secondment were now more likely to be achieved in f2014/15.
- Work was ongoing to find a new tenant at The Arc once the College vacated it in the next financial year.

Moved by Councillor R Bowler and seconded by Councillor E Watts

RESOLVED that Executive:-

- (1) Notes the monitoring position of the General Fund at the end of the second quarter as detailed in the appendix to the report (a net favourable variance of £0.002m against the profiled budget) and the key issues highlighted within the report.
- (2) Notes the position of the Housing Revenue Account, the Capital Programme and Treasury Management at the end of the second quarter.

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- (3) Requests that officers continue to actively manage all budgets to ensure that savings targets were achieved by the year end and that the Council operates within approved budgets in respect of the General Fund, Housing Revenue Account and Capital Programme.
- (4) Notes the content of the letter that had been received from the Co-operative Bank concerning their intention to withdraw from local authority banking. Officers would continue to undertake work to consider the most appropriate future option for the Council's banking arrangements, it being noted that the Council's finance team were working to establish a back-up reserve current account facility in order to support the Council's business continuity arrangements.
- (5) Requests that officers report back on the proposed arrangements of how and when the Council should prepare and undertake the transfer from the Co-operative Bank.

REASON FOR DECISION: To inform Executive of the position on the Council's budgets at the end of the second quarter of the 2013/14 financial year.

OTHER OPTIONS CONSIDERED: None.
(Director of Corporate Resources)

0652. REVISED GENERAL FUND, HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME BUDGET FOR 2013/14

Executive considered a report of the Assistant Director – Accountancy and IT, which advised them of the outcome of the revised budget process undertaken during October and November 2013.

Officers had commenced the budget process in October 2013 in order to establish the revised budget figures for the current year and provide an early indication of the financial position of the General Fund to allow adequate time for budget discussions with officers and Members.

The revised budget on the General Fund Revenue Account showed that the total spending requirement had been reduced to £12.114m which was £0.918m below the original budget figure of £13.032m. The reduction reflected the achievement of £0.615m worth of savings.

The budget lines below the total spending requirement had also been revised. The total of these revised budgets gave an overall surplus to the General Fund in the current year of £0.275m.

In respect of savings targets for 2014/15 to 2016/17, the original Medium Term Financial Plan approved in February 2013 indicated a budget gap for 2014/15 of

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some £0.993m. This had been reduced to some £0.752m arising from the work to date to address budget pressures.

In respect of the Housing Revenue Account, rental income was shown at £0.312m more than the original budget which was partly due to the level of void properties being lower than anticipated. The Council had also seen an increase in the money received from Derbyshire County Council in respect of supporting people arrangements.

The main variances reported within the expenditure side of the Housing Revenue Account related to an increase in supervision and management costs. The net increase was £0.233m which reflected an increase in employee costs, a review of the charges between the General Fund, Capital and the Housing Revenue Account and additional council tax arising from the changes in empty property exemptions and property numbers affected within the Housing Revenue Account. After all the proposed budget changes detailed, the Housing Revenue Account was anticipated to deliver a surplus in the current financial year of £0.086m which was £0.062m above the original budget for 2013/14 and, if realised, would increase the level of Housing Revenue Account balances to £1.861m.

The total capital expenditure was anticipated to be £8.926m in the current year which was split between the General Fund (£4.990m) and the Housing Revenue Account (£3.936m).

Moved by Councillor R Bowler and seconded by Councillor E Watts

RESOLVED that Executive:-

- (1) Notes the revised General Fund operational budget as set out in Appendix 1 and detailed in Appendix 2 to the report.
- (2) Notes the revised Housing Revenue Account operational budgets for 2013/14 as set out in Appendix 3 to the report.
- (3) Notes the revised Capital Programme for 2013/14 as set out within Appendices 4 and 5 to the report

- REASON FOR DECISION:**
- (1) To set revised budgets as early as possible within the financial year for the General Fund and Housing Revenue Account which would ensure that identified budget savings were realised, that all budget managers were working to the revised budgets and to allow the planned changes in the Housing Revenue Account budgets to be delivered.
 - (2) To update the 2013/14 Capital Programme to reflect schemes approved during the year and to note the re-profiling of certain schemes within the Programme.

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0653. STRATEGIC RISK REGISTER

Executive considered a report of the Director of Corporate Resources, which presented the latest Strategic Risk Register outlining the service or operational risks faced by the Council.

A key element emerging from the Strategic Risk Register was one of an ongoing requirement to maintain current performance in respect of service delivery, performance and governance to local residents. The current position needed to be maintained at a time when it would be increasingly necessary to manage the Council's finances in a more proactive way in order to ensure that expenditure remained in line with the level of resources.

Three issues emerged through the Strategic Risk Register. The first was the ongoing drive to secure financial savings whilst protecting levels of service to the public which may over-stretch the Council's managerial capacity. The Council had taken the approach of seeking to maximise the level of savings that were secured through a transformational agenda which required the introduction of new technology, together with projects such as the Senior Management Review. However, transformational work was time consuming and given that the level of managerial resource had already been significantly reduced the ability to deliver against agreed projects was going to be a challenging one.

Secondly there continued to be concerns regarding the potential impact of welfare reform upon the Council's financial operational capacity. A clear risk had been identified that expenditure would exceed current budgets and that increases in workload would require a corresponding increase in administrative capacity. A further risk was that income in respect of housing rents and council tax may become more difficult to collect. Officers would continue to actively monitor the position and provide further reports to Members as appropriate.

A further growing concern was around the issue of data protection and the Strategic Risk Register had been amended to reflect that concern. A review and refresh of the Council's Risk Strategy remained outstanding and was planned to be undertaken shortly.

Moved by Councillor E Watts and seconded by Councillor A Tomlinson

RESOLVED that Executive approves the Strategic Risk Register as at 30 September 2013 as set out in an appendix to the report and requests that an updated Register as at 31 December 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 the main risks facing the Council.

OTHER OPTIONS CONSIDERED: None.
(Director of Corporate Resources)

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0654. EXTENSION OF AGREEMENTS WITH DERBYSHIRE COUNTY COUNCIL

Executive considered a report of the Assistant Director – Governance and Monitoring Officer, which proposed extensions to a number of contracts where the Council currently provided public health services on behalf of Derbyshire County Council which it had inherited from the former Primary Care Trusts. The services were provided by the Partnerships Team, Environmental Health and Leisure Service.

Details of the three agreements were set out in the report. The agreements, apart from Five 60, were due to expire on 31 March 2014. The County Council had requested that the Council continue to provide a service until 30 September 2014. The County Council had reviewed the current provision of health services across Derbyshire and did not need to extend the agreement beyond this period. The Five 60 agreement expired on 31 July 2014 and would not be extended, however, the Council would continue to provide services under the Wellness Plus contract.

Moved by Councillor E Watts and seconded by Councillor A Tomlinson

RESOLVED that the following agreements be extended to 30 September 2014:-

- Administration of small grants fund administered by the Partnerships Team.
- An agreement relating to vulnerable people/fuel poverty administered by the Environmental Health Service.
- The Wellness Plus and Health Referral and Healthy Lifestyle HUB administered by the Leisure Service.

REASON FOR DECISION: To continue to provide the services as outlined in the report.

OTHER OPTIONS CONSIDERED: None.

The meeting concluded at 1110 hours.