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Executive
6th November 2017
Agenda Item No. 4(B)

Minutes of a meeting of the Executive of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday 9th October 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor A.M. Syrett in the Chair

Councillors M.J. Dooley, S.W. Fritchley, B.R. Murray-Carr and K. Reid

Officers:-

D. Swaine (Chief Executive Officer), L. Hickin (Strategic Director), S. Sternberg (Assistant Director – Legal and Governance, Monitoring Officer and Solicitor to the Council) (until Minute No. 0298), D. Clarke (Assistant Director – Finance and Revenues & Benefits) (until Minute No. 0298), A. Westray-Chapman (Assistant Director – Economic Growth) (until Minute No. 0290), P. Campbell (Assistant Director – Community Safety and Head of Housing (BDC)) (until Minute No. 0294), G. Galloway (Assistant Director – Property and Estates) (until Minute No. 0293), M. Broughton (Commercial Property and Developments Manager) (until Minute No. 0293), and A. Brownsword (Senior Governance Officer)

0283. APOLOGIES

Apologies for absence were received from Councillors M.J. Ritchie and B. Watson

0284. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0285. DECLARATIONS OF INTEREST

There were no declarations of interest.

0286. MINUTES – 11TH SEPTEMBER 2017

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Moved by Councillor K. Reid and seconded by Councillor B.R. Murray-Carr
RESOLVED that the minutes of a meeting of the Executive held on 11th September 2017 be approved as a true and correct record.

0287. ITEMS RECOMMENDED BY SCRUTINY COMMITTEE

There were no recommended items from Scrutiny Committees

0288. POLICY AND BUDGET FRAMEWORK ITEMS

There were no policy and budget framework items to consider.

0289. CHANGE IN ORDER OF BUSINESS

Due to the Assistant Director – Economic Growth being required to represent the Council at an external meeting, the Chair consented to a change in the order of business.

0290. NON KEY DECISION BOLSOVER REGENERATION SCHEME

The Assistant Director – Economic Growth presented the report which sought endorsement of the preparation of a bid ready to be submitted to the D2N2 LEP for a Bolsover Town Centre Regeneration Programme and to develop governance framework proposals to assist with the delivery and management of growth activity across the Council.

The Regeneration Framework for Bolsover District Council had previously been approved and a list of priorities formulated of which the Bolsover Town Centre Regeneration Programme was one. The next step was to identify funding opportunities to enable delivery of the projects.

Moved by Councillor S.W. Fritchley and seconded by Councillor B.R. Murray-Carr
RESOLVED that (1) the Executive endorse the preparation of a bid ready to be submitted to the D2N2 LEP for a Bolsover Town Centre Regeneration Programme subject to a further report to the Executive to formally endorse the bid submission,

(2) the Assistant Director – Economic Growth develop the governance framework proposals to assist with the delivery and

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management of growth activity across the Council and present these to a future meeting of the Executive.

(3) the Executive grant delegated powers to the Chief Executive in consultation with the Leader of the Council to take any actions to progress opportunities set out in this report.

REASON FOR DECISION: The Regeneration of Bolsover District is integral to the Councils Corporate Plan, Growth Strategy, emerging Transformation Strategy, Housing and Economic Development Strategy which identify interventions required to transform our district. This report proposes a way forward to secure sufficient financial resources to deliver projects set out in the Regeneration Framework.

OTHER OPTIONS CONSIDERED: The Council could choose not to implement any of the projects within the Councils Corporate Plan, Growth Strategy, emerging Transformation Strategy, Housing and Economic Development Strategy but this would cause reputational damage as the purpose of all these documents is to provide a plan for delivering regeneration across the District.

(Assistant Director – Economic Growth)

The Assistant Director – Economic Growth left the meeting.

0291. NON KEY DECISION NEW BOLSOVER – LOCAL LETTING SCHEME

The Assistant Director – Community Safety and Head of Housing (BDC) presented the report which sought approval of a local letting scheme to be introduced for New Bolsover. Following the modernisation and repair of the New Bolsover Model Village, a local lettings policy would help to ensure a balanced sustainable community. The proposed scheme would be in place for 3 years and be reviewed after that time.

A discussion took place regarding the length of time the local letting scheme should be in place.

Moved by Councillor M. Dooley and seconded by Councillor B.R. Murray-Carr

RESOLVED that (1) Members agree to the introduction of the enclosed local letting scheme, for all new allocations at New Bolsover

(2) the scheme will be monitored on an ongoing basis to ensure that it remains appropriate to the scheme and continues to support the sustainability objectives. The scheme will be formally reviewed after 3

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years, with a progress report to the Executive after 18 months, or earlier if it is not meeting its objectives and is no longer viable

REASON FOR DECISION: The scheme is designed to:

- meet housing need within the District by making best use of properties in order to create balanced, sustainable communities
- ensure that homes are allocated in a clear, fair and transparent manner
- make sure the Council is complying with housing and related legislation

OTHER OPTIONS CONSIDERED: Not to introduce a scheme, rejected as the purpose of the scheme is to rebalance the existing imbalance of residents.

(Assistant Director – Community Safety and Head of Housing (BDC))

0292. **NON KEY DECISION** **LAND COMPULSORY PURCHASE ORDER – ROOD LANE,** **CLOWNE**

The Commercial Property and Developments Manager presented the report which sought to enable the Council to acquire all necessary land interests to deliver the regeneration of the Rood Lane site. The land was unregistered and all other avenues to acquire the land had been exhausted.

Development of the site was aligned to the key aims of the Corporate Plan and the development of the site would deliver social and economic benefits to the Council.

Moved by Councillor S.W. Fritchley and seconded by Councillor B.R. Murray-Carr

RESOLVED that (1) Executive recommends to Council, the making of Bolsover District Council (Land to the East of Rood Lane) Compulsory Purchase Order ("CPO") to acquire the land shown indicated by the hatched area on the annexed plan required to deliver the proposed housing development on the Site pursuant to section 17 Housing Act 1985 because it considers that the acquisition will deliver an increase in new quality housing within the District,

(2) Subject to Council approval, agrees to authorise the Chief Executive, in consultation with the Leader and Executive Member for Planning and Regeneration, to take all necessary steps to commence the process for the making, confirmation and implementation of the CPO, including securing the appointment of suitable external advisors and preparing all necessary CPO documentation.

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REASON FOR DECISION: In pursuit of the Council's Corporate Plan aims, the CPO of the unregistered land identified in appendix A will enable the development of circa 50 new, good quality family homes in addition to the wider benefits outlined in the report.

OTHER OPTIONS CONSIDERED: The alternative options to CPO are either:

Adverse possession – BDC have pursued an adverse possession claim with the Land Registry but unfortunately failed in the claim due to not being able to demonstrate exclusive use.

Acquire the land through negotiation – BDC have tried to identify the owner (if there is one) of the land in order to negotiate the acquisition of the land. Site notices have been displayed for 8 weeks and notices on both the Council's website and Clowne Contact Centre.

Do nothing – Do not pursue the CPO and prevent the development of the Rood Lane site.

(Assistant Director – Property and Estates)

0293. **NON KEY DECISION** **B@HOME UPDATE**

The Commercial Property and Developments Manager presented the report which updated the Executive on the southern batch of sites agreed at the meeting of the Executive in January 2017 and gave a general update on the B@Home programme. The report also sought approval to seek funding for further developments in Shirebrook, Clowne and Bolsover and for further HCA AHP funding bids.

93 new council homes had previously been delivered by the B@Home programme and officers were currently working on identifying an additional pipeline of sites for development. The report outlined a number of sites in the south of the District which could support development of further council properties. The proposed homes would be built to meet not only Lifetime Homes standard, but also National Minimum Space Standards and would be of high quality.

Members felt that the Council should be proud of its achievements through the B@Home programme.

Moved by Councillor S.W. Fritchley and seconded by Councillor M. Dooley

RESOLVED that (1) Executive acknowledge the progress update on the B@Home Programme and support the utilisation of existing budgets to deliver in accordance with the table set out in paragraph 1.7 of the report,

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(2) Executive support further HCA AHP funding bids for B@Home sites outlined in the report,

(3) Executive supports a report being presented to Council seeking the investment of £987k, funded through HRA headroom borrowing, to deliver new council housing in accordance with the table set out in paragraph 1.9 of the report,

(4) Subject to funds being approved by Council, that Executive delegate powers to the Assistant Director Property & Estates to enter the construction contracts to support the above recommendations, subject to a positive financial appraisal following the conclusion of feasibility works.

REASON FOR DECISION: The chosen sites meet the recognised housing demand within the District and should these schemes not be progressed this demand will remain, in addition delays could impact on the delivery of the Council's 100 homes target.

OTHER OPTIONS CONSIDERED: Executive could choose not to support the development of these sites and aim to deliver its corporate plan target utilising alternative sites.

(Assistant Director – Property and Estates)

The Assistant Director – Property and Estates and the Commercial Property and Developments Manager left the meeting.

0294. KEY DECISION PROVISION FOR ASBESTOS REMOVAL SERVICE FOR BOLSOVER DISTRICT COUNCIL HOUSING REPAIRS SECTION

The Assistant Director – Community Safety and Head of Housing (BDC) presented the report which sought approval for Kaefer Ltd to provide an Asbestos Removal Service for Bolsover District Council's Housing Repairs Section. This was a specialist service and could not be provided in house.

The tender had been administered via Efficiency East Midlands who had a tendered framework for asbestos removal which met the requirements of the Council without the need for a separate tender exercise.

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Moved by Councillor K. Reid and seconded by Councillor M.Dooley

RESOLVED that (1) the Executive agree to award this contract to Kaefer Ltd for an initial 2 year period

(2) the Assistant Director Community Safety and Head of Housing (BDC) is delegated power to extend this contract for a 2 further periods each of one year, but this is conditional on the satisfactory performance of the contractors, and the agreement of the Portfolio Holder – People and Places

(3) progress on this contract is reported through the Housing Stock Group

REASON FOR DECISION: There is a requirement to provide a service to deal with any Asbestos contaminations and subsequent removals

OTHER OPTIONS CONSIDERED: This is a specialist service and cannot be provided in house.

(Assistant Director – Community Safety and Head of Housing (BDC))

The Assistant Director – Community Safety and Head of Housing (BDC) left the meeting.

0295. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor M. Dooley and seconded by Councillor B.R. Murray-Carr

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.

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**0296. NON KEY DECISION
FREDERICK GENT COMMUNITY SPORT AND LEISURE
MANAGEMENT PARTNERSHIP
EXEMPT – PARAGRAPHS 3 AND 5**

The Strategic Director presented the report seeking approval of a settlement negotiated by Officers to resolve a dispute with Frederick Gent School regarding unpaid recharges.

Moved by Councillor M. Dooley and seconded by Councillor A.M. Syrett

RESOLVED that the Executive approve the offer to Frederick Gent School and the Frederick Gent Community Sport and Leisure Partnership as detailed in the report in full and final settlement of all their claims in relation to the former partnership to be paid out of the Transformation Reserve.

REASON FOR DECISION: It is considered by officers that this is a reasonable settlement. The donation of the equipment is not considered to be detrimental to the Council as due to its age it has very little monetary value.

OTHER OPTIONS CONSIDERED: To withdraw the offer to settle. This would result in the school commencing recovery proceedings for the full £60,000. Chances of successfully defending a case and/or lodging a successful counter-claim are no better than 50%. In addition if the Council lost the Council would be liable for legal fees which could be in excess of £20,000.

(Strategic Director)

0297. CHANGE IN ORDER OF BUSINESS

The Chair consented to the order of business being changed.

**0298. NON KEY DECISION
MEDIUM TERM FINANCIAL PLAN
EXEMPT – PARAGRAPHS 1, 3 AND 4**

The Assistant Director – Finance and Revenues & Benefits presented the report to secure the agreement of the Executive for two employees within the Financial Services Team to take voluntary redundancy from the Council as part of a review of the Financial Services Team.

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Moved by Councillor S.W. Fritchley and seconded by Councillor K. Reid

RESOLVED that (1) the Executive request the Chief Executive to exercise his delegated powers to make the posts of Accountancy Assistant (AC005) and Expenditure Assistant (AC006) redundant and to remove the posts from the establishment,

(2) the Executive approves funding the costs of £46,105 associated with the recommended changes in respect of the Financial Services team as detailed within this report from in year vacancy savings with any shortfall being met from the Transformation Reserve.

REASON FOR DECISION: The Council's Medium Term Financial Plan approved in February identified a savings target of £1.7m over the period to March 2021. The Council is taking steps to achieve the financial savings required whilst seeking to protect the level of service including internal control arrangements. The proposal outlined in this report will achieve ongoing savings of approximately £40k p.a. Officers are confident that the impact of making the posts concerned redundant can be effectively managed, whilst the proposed redundancy has been discussed and agreed with the officers concerned.

OTHER OPTIONS CONSIDERED: The option that has been recommended is considered the appropriate option as this secures financial benefits for the Council together with a service which is more appropriately resourced to meet the demands which it faces. Given the ongoing reduction in the level of government funding for local authorities it is not considered appropriate to decline opportunities that secure financial savings where the impact upon services is manageable.

(Assistant Director – Finance and Revenues & Benefits)

The Assistant Director – Finance and Revenues & Benefits and the Assistant Director – Legal and Governance, Monitoring Officer and Solicitor to the Council left the meeting.

**0299. NON KEY DECISION
STRATEGIC ALLIANCE – SENIOR MANAGEMENT TEAM REVIEW
PROPOSALS
EXEMPT – PARAGRAPHS 1, 3 AND 4**

The Chief Executive Officer presented the report which sought approval for the continued review of the Senior Management Team. The report also sought approval to engage specialist external support to the Chief Executive Officer and Strategic Directors to undertake the review and outlined the proposed approach to the review along with an estimated timeline.

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Moved by Councillor S.W. Fritchley and seconded by Councillor B.R. Murray-Carr

RESOLVED that the Executive (1) supports the continued review of the Strategic Alliance Management Team,

(2) agrees the approach and estimated timeline outlined in the report,

(3) Agrees to the Chief Executive Officer bringing in external specialist Human Resources support to assist with the review process,

(4) Gives authority to the Chief Executive Officer in consultation with the Leader to agree additional funding for the extension of the specialist support if required to complete or extend the review.

REASON FOR DECISION: (1) Both Councils continue to face significant financial challenges and part of the measures to meet these challenges is the continued success of the Strategic Alliance, the successful delivery of the Growth Agenda and the Authority's Transformation Strategy.

(2) The Authority needs to ensure it has sufficient capacity, skills, and experience and leadership behaviours to deliver on these agendas and will also need to ensure that there is a 'fit-for-purpose' alignment of portfolios and responsibilities.

(3) The external support is necessary given the limited input of in-house HR capacity for the reasons identified in paragraph 1.4 of the report.

OTHER OPTIONS CONSIDERED: (1) To delay or allow the wider review to become protracted will impact on the potential resulting benefits resulting from the review.

(2) The only realistic alternative option to commissioning external consultancy support would be that the Chief Executive Officer and Strategic Directors carry out the review without specialist advice and guidance which has been rejected on the grounds of risk and timeliness.

(Chief Executive Officer)

The meeting concluded at 1046 hours.