

## EXECUTIVE

Executive  
5<sup>th</sup> January 2017  
Agenda Item No. 4

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday 4<sup>th</sup> December 2017 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor A.M. Syrett in the Chair

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

Officers:-

D. Swaine (Chief Executive Officer), K. Hanson (Strategic Director), S. Sternberg (Assistant Director – Governance, Solicitor to the Council and Monitoring Officer), D. Clarke (Assistant Director – Finance and Revenues & Benefits), G. Galloway (Assistant Director – Property and Estates) (until Minute No. 0448), P. Brown (Chief Executives and Partnership Manager) (until Minute No. 0449), L. Khella (Consultant Programme Manager) (until Minute No. 0449), A. Bedford (Customer Standards and Complaints Officer) (until Minute No. 0446), N. Etches (Business Estates Manager) (until Minute No. 0447), L. Robinson (Finance Assistant) (Observing) and A. Brownsword (Senior Governance Officer)

### **0440. APOLOGIES**

There were no apologies for absence.

### **0441. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0442. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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### 0443. MINUTES – 6<sup>TH</sup> NOVEMBER 2017

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

**RESOLVED** that the minutes of a meeting of the Executive held on 6<sup>th</sup> November 2017 be approved as a true and correct record.

### 0444. ITEMS RECOMMENDED BY SCRUTINY COMMITTEES

There were no items recommended by Scrutiny Committees.

### 0445. POLICY AND BUDGET FRAMEWORK ITEMS

There were no Policy and Budget Framework items.

### 0446. NON KEY DECISION CUSTOMER SERVICE STANDARDS AND COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2017/18 – 1<sup>ST</sup> APRIL 2017 TO 30<sup>TH</sup> SEPTEMBER 2017

The Customer Standards and Complaints Officer presented the report which provided information on the Council's performance in relation to its customer service standards. The report also gave information on the effective management of complaints and customer requests and gave information on the number of compliments, comments and complaints for the period 1<sup>st</sup> April 2017 to 30<sup>th</sup> September 2017.

It was noted that there had been some slippage against the corporate (excluding Contact Centre and Revenues & Benefits helpline) telephone answering target which was possibly due to the new telephony system and Officers' use of diverts when away from the office. This will be monitored by the Customer Standards and Complaints Officer further once the telephony system is fully embedded. There had also been slippage against the answering email target, but it was felt that this was due to the continued volume of e-mails received, which remains high.

Moved by Councillor K. Reid and seconded by Councillor B. Watson

**RESOLVED** that the Executive note the overall performance on customer service standards and compliments/comments and complaints

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**REASON FOR DECISION:** The report is to keep Elected Members informed of volumes and trends regarding customer service standards and compliments, comments, complaints and to remain compliant with the Customer Service Excellence standard.

**OTHER OPTIONS CONSIDERED:** Not applicable as the report is to keep Elected Members informed rather than to aid decision making.

(Customer Standards and Complaints Officer)

The Customer Standards and Complaints Officer left the meeting.

### **0447. NON KEY DECISION MINIMUM ENERGY EFFICIENCY STANDARDS (NON DOMESTIC)**

The Business Estates Manager presented the report which outlined the impact of the Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (Referred to as MEES). The MEES will make it unlawful from April 2018 to undertake new lets, residential or commercial properties, with an Energy Performance Certificate (EPC) rating of F or G.

It was noted that there were certain exemptions e.g listed buildings and this would apply to Pleasley Vale Mills and buildings used for industrial activities which were large open spaces e.g. the former depot site.

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

**RESOLVED** that the Executive acknowledge the report and agree this satisfies the corporate priority accordingly

**REASON FOR DECISION:** Based upon Officers reviewing the relevant legislation, attending conferences and seminars on the subject, seeking professional advice from Compliance 365 and consulting with DCLG, the exemptions explained in the report are Officer interpretation. DGLG state that it is for the landlord to make reasonable assumptions in determining any exemptions however, as the legislation is enforced and case law is established, the exemptions may need to be reviewed again.

**OTHER OPTIONS CONSIDERED:** (1) Executive could fail to agree with the interpretation of the legislation, particularly the application of exemptions. Officers would take into consideration such an objection and reassess the revenue impact accordingly.

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(2) Executive could take a zero risk approach to exemptions and insist that all properties let have an EPC rating of A to E, thus ensuring compliance. On assets such as Pleasley Vale Mills, this approach will be extremely costly and some interventions would carry significant planning risk.

(Assistant Director – Property and Estates)

The Business Estates Manager left the meeting.

### **0448. NON KEY DECISION LAND SALE – BOLSOVER**

The Assistant Director – Property and Estates presented the report which sought approval for the surrender of the existing lease and disposal of land on Cotton Street, Bolsover to Old Bolsover Town Council for less than market value.

Old Bolsover Town Council (OBTC) had negotiated a price of £16,000 with the current leaseholder and wished to use the land for community events etc. To protect the Council from any future liabilities in relation to the site, it was proposed to dispose of the freehold title to OBTC for the value of £1, subject to terms.

Members felt that this was a positive way to help OBTC continue to provide community events and contributed to the Councils High Street Regeneration Programme.

Moved by Councillor S.W. Fritchley and seconded by Councillor A.M. Syrett  
**RESOLVED** that (1) Executive agree to surrender the Holymoore Development Limited lease on the terms outlined in the report.

(2) Executive agree to dispose of the land on Cotton Street, as shown in Appendix A of the report, to OBTC for the value of £1, acknowledging the disposal is at less than best considerations.

**REASON FOR DECISION:** The surrender of Holymoore Development lease and disposal of the site to OBTC will secure the long term community use of the site to support the economic and social well being of the area, whilst protecting the Council from any future liabilities.

**OTHER OPTIONS CONSIDERED:** (1) Do nothing and let Holymoore Developments sell the lease.

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(2) Agree to let Holymoore Development surrender the lease and transfer the lease to OBTC. However, in order to buy the lease, OBTC will need to pay the lessee £16k and have asked that if the lease is transferred that it is done so on a peppercorn rent.

(Assistant Director – Property and Estates)

The Assistant Director – Property and Estates left the meeting.

### **0449. NON KEY DECISION BOLSOVER PARTNERSHIP FUNDING AND PERFORMANCE MONITORING - APRIL TO SEPTEMBER 2017**

The Chief Executive's and Partnership Manager presented the report which gave details of key activities that the Partnership Team had been working on between April and September 2017.

The Consultant Programme Manager informed the meeting that unemployment figures were the lowest they had been in Bolsover District and long term unemployment was lower than average. Unemployment in young people had also reduced. However, out of work benefits were higher due to increases in disability and carers allowances.

The extension of the criteria for the Business Growth Fund had increased the number of enquiries received and through grants given, 11 jobs had been created.

The approach to measuring impact of social value of commissioned projects and services managed by the team was explained in more detail to Executive. This involved the use of a social value tool known as "HACT" and enabled a monetary value to be applied to less measurable issues such as wellbeing..

The Chief Executive's and Partnership Manager noted that the Controlling Migration Funding was now in place along with the full team for delivery of the "Building Resilience" programme in Shirebrook NG20 postcode areas. An official launch would take place on 14<sup>th</sup> December 2017 to coincide with a ministerial visit by Lord Nicholas Bourne, Parliamentary Under Secretary from the Department for Communities and Local Government.

Members congratulated the Partnership Team on the work carried out throughout the year and the Chief Executive Officer noted that although the Council did a lot of good work, it needed to be watchful of the situation with regard to Derbyshire County Council funding which was being reduced.

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Moved by Councillor A.M. Syrett and seconded by Councillor K. Reid

**RESOLVED** that (1) the report be received.

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

**OTHER OPTIONS CONSIDERED:** Not applicable as the report is to keep Elected Members informed rather than to aid decision making.

The Chief Executive's and Partnership Manager and the Consultant Programme Manager left the meeting.

### 0450.           **NON KEY DECISION** **STRATEGIC RISK REGISTER AND PARTNERSHIP ARRANGEMENT**

The Assistant Director – Finance and Revenues & Benefits presented the report which updated the Executive on the current position regarding Risk Management and Partnership Arrangements and sought approval for the revised Strategic Risk Register as at 30<sup>th</sup> September 2017.

It was noted that the risks remained the same as previously although an additional item regarding HS2 had been added. A discussion took place regarding the Local Plan and the need for it to be added to future Risk Register.

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

**RESOLVED** that the Executive approve the Strategic Risk Register as at 30 September 2017 as set out in Appendix 1 of the report.

**REASON FOR DECISION:** To enable Executive to consider the risks identified within the Strategic Risk Register / Partnership Arrangements in order to assist in maintaining effective governance arrangements, service and financial performance.

**OTHER OPTIONS CONSIDERED:** Under the relevant good practice and to facilitate the development of robust managerial arrangements the Council is required to prepare a Strategic Risk Register as part of its risk management framework. This report is in part intended for Members and Officers to consider whether the Council has adopted an appropriate approach to its management of risk and partnerships. Given that this report is part of the approach to help ensure the effective management of risk/partnerships there is not an alternative to the presentation of a formal report.

(Assistant Director – Finance and Revenues & Benefits)

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### 0452. NON KEY DECISION MEDIUM TERM FINANCIAL PLAN – REVISED BUDGETS 2017/18

The Assistant Director – Finance and Revenues & Benefits presented the report which sought approval of the 2017/18 revised budget for the General Fund Housing Revenue Account and Capital Programme. The revised budget showed that the Net Cost of Services had increased to £10.811m which was £0.0557m above the original budget figure. The original savings target of £0.170m had now been delivered. The Council was waiting to hear whether its application to be part of the Derbyshire Business Rates Pilot had been successful.

The Chief Executive Officer noted that the Council was in a healthy position, but that monies placed in reserves would be used to off-set the Council's equal pay liabilities. Moved by Councillor S.W. Fritchley and seconded by Councillor A.M. Syrett

**RESOLVED** that (1) the Executive approve the revised General Fund operational budget for 2017/18 as set out in Appendix 1 and detailed in Appendix 2 of the report,

(2) Executive approves the revised HRA budgets for 2017/18 as set out in Appendix 3 of the report,

(3) Executive approves the revised Capital Programme for 2017/18 as set out within Appendix 4 of the report.

**REASON FOR DECISION:** The purpose of this report is to set revised budgets as early as possible within the financial year for the General Fund and HRA which will ensure that identified budget savings are realised, that all budget managers are working to the revised budgets and to allow the planned changes in the HRA budgets to be delivered. The improved position on both the Council's main revenue budgets reflects a combination of favourable circumstances during the year, together with careful budget management and the ongoing policies of progressing the Growth and Transformation agenda in order to reduce the underlying level of expenditure in line with the ongoing reductions in the level of government grant. The savings achieved will be used to support service delivery to residents and tenants in future financial years.

#### **OTHER OPTIONS CONSIDERED:**

##### General Fund and HRA

The anticipated surplus on the Council's two main revenue accounts will result in an increase in financial reserves at the year-end which are available to protect services at a time of declining central government support. How these additional resources are

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utilised is a decision for Members which will be taken as part of the 2018/19 budget process.

### Capital

There are no alternative options being considered with regard to the proposed allocations from the Capital Programme budget as it ensures the Council's assets meet health and safety requirements in that they are maintained in a fit for purpose state that ensures they remain fully operational.

(Assistant Director – Finance and Revenues & Benefits)

### **0453. KEY DECISION LOCAL DISCRETIONARY BUSINESS RATES RELIEF SCHEME**

The Assistant Director – Finance and Revenues & Benefits presented the report which requested approval for the proposed Local Discretionary Rates Relief Scheme to support those small businesses that faced the steepest increases in their business rates bills as a result of the 2017 revaluation.

It was up to each local authority to approve its own scheme within the Government guidelines. There was no need to apply and each of the 300 qualifying businesses would be written to with an amended bill.

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

**RESOLVED** that the Executive approve the proposed Local Discretionary Business Rates Relief Scheme as set out in Appendix 1 of the report.

**REASON FOR DECISION:** The report seeks agreement to introduce the proposed Local Discretionary Business Rates Relief Scheme, in accordance with the Government's establishment of funding.

**OTHER OPTIONS CONSIDERED:** A scheme that is more generous than the one proposed would result in expenditure greater than the grant which we will receive and incur the Authority in additional expenditure. A scheme less generous would result in businesses having to pay more and an under spend and the Authority having to return the under spend to the Government.

(Assistant Director – Finance and Revenues & Benefits)



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### 0454. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

**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.

### 0455. NON KEY DECISION

There were no exempt non key decision items to be discussed

### 0456. KEY DECISION ECONOMIC DEVELOPMENT STAFFING EXEMPT – PARAGRAPHS 1, 3 AND 4

The Chief Executive Officer presented the report which sought approval for one employee within the Economic Development team to take redundancy and to agree interim management arrangements prior to bringing back a further report on a wider Economic Development and Housing Strategy Review.

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

**RESOLVED** that (1) Executive request the Chief Executive to exercise his delegated powers to make the post of Economic Development and Inward Investment Manager (REG004) redundant and to remove the post from the establishment,

(2) Executive approves funding the costs of £103,068.14 associated with the recommended changes in respect of the Economic Development team as detailed within this report from in year vacancy savings with any shortfall being met from the Transformation Reserve,

(3) the Housing Strategy and Growth Manager will be the interim manager for the Economic Development team and a further report will be brought back to Members regarding a wider Economic Development and Housing Strategy services review,

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(4) Executive consider the matter urgent and note that the Chairman of Customer Service and Transformation Scrutiny Committee has also agreed that the matter is urgent and it is reasonable in the circumstances for Call In not to apply

**REASON FOR DECISION:** The proposal outlined in the report will achieve ongoing savings of approximately £54,529. Officers are confident that the impact of making the post concerned redundant can be effectively managed, and will facilitate a wider review of the Economic Development and Housing Strategy services.

**OTHER OPTIONS CONSIDERED:** The option that has been recommended is considered the appropriate option as this secures financial benefits for the Council as well as facilitating a wider review of the Economic Development and Housing Strategy services

The meeting concluded at 1057 hours.