

EXECUTIVE

Executive
19th February 2018
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 15th January 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor A.M. Syrett in the Chair

Councillors S.W. Fritchley, B.R. Murray-Carr, K. Reid (from Minute No. 0526) and B. Watson.

Officers:-

D. Swaine (Chief Executive Officer), K. Hanson (Strategic Director (KH)), L. Hickin (Strategic Director (LH)), S. Sternberg (Assistant Director – Governance, Solicitor to the Council and Monitoring Officer), D. Clarke (Assistant Director – Finance and Revenues & Benefits), P. Campbell (Assistant Director – Community Safety and Head of Housing (BDC)), R. Routledge (Interim Planning Policy Manager) (until Minute No. 0527), K. Drury (Information, Engagement & Performance Manager), P. Brown (Chief Executive's and Partnership Manager) (from Minute No. 0532), A. Brownsword (Senior Governance Officer) and L. Robinson (Finance Assistant) (Observing)

0520. APOLOGIES

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

0521. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0522. DECLARATIONS OF INTEREST

There were no declarations of interest.

EXECUTIVE

0523. MINUTES – 4TH DECEMBER 2017

Moved by Councillor S.W. Fritchley and seconded by Councillor A.M. Syrett
RESOLVED that the minutes of a meeting of the Executive held on 4th December 2017 be approved as a true and correct record.

0524. ITEMS RECOMMENDED BY SCRUTINY COMMITTEES

There were no items recommended by Scrutiny Committees.

0525. POLICY AND BUDGET FRAMEWORK ITEMS

There were no Policy and Budget Framework Items.

Councillor K. Reid entered the meeting during discussion of the following item of business

0526. NON KEY DECISION INTERVENTION ISSUES

The Interim Planning Policy Manager presented the report which made the Executive aware of the issues around the potential for intervention in relation to the Council's Local Plan making and informed the Executive of the approach Officers would take in relation to the issue.

The Secretary of State for Communities and Local Government (SoS) had named Bolsover District Council as one of 15 authorities that were subject to the potential action. The report outlined the actions already taken by the Council and the details of a visit by the Planning Inspector.

A robust project plan was currently being prepared by the Council and a response needed to be submitted to the DGLG by 31st January 2018.

Moved by Councillor A.M. Syrett and seconded by Councillor S.W. Fritchley
RESOLVED that (1) the Chief Executive Officer in consultation with the Leader and the Chair of Planning, be authorised to respond to DCLG on behalf of the Council,

(2) Progress on the Local Plan be added to the Executive agenda as a standard item until further notice.

REASONS FOR DECISION: 1. It is considered surprising and unfortunate, that the SoS has decided to include this authority in his considerations on intervention.

EXECUTIVE

However, that is the case and it is important that the authority demonstrates that it has taken a serious and proactive approach to the delivery of the Local Plan.

2. Whilst work is continuing on making and improving our case in relation to the threat of intervention, work in relation to finalising a robust project plan is also ongoing. Considering that the submission to the SoS must be made by the end of January, it is recommended that the CEO in consultation with the Leader and the Chair of Planning Committee, be authorised to respond to DCLG on behalf of the Council.

3. Adding a Local Plan progress report to the Executive Agenda will enable greater oversight of this important piece of work

OTHER OPTIONS CONSIDERED: The Council must react to the threat of intervention that we have been subjected to. Not to submit a strong case to support the Local Plan process is likely to lead to intervention occurring and the concerns raised in section 3 of the report coming to fruition.

(Chief Executive Officer)

The Interim Planning Policy Manager left the meeting.

0527. KEY DECISION CORPORATE PLAN TARGETS PERFORMANCE UPDATE – JULY TO SEPTEMBER 2017 (Q2 – 2017/18)

Executive considered a report of the Information, Engagement and Performance Manager which provided breakdown details of quarter 2 (July to September 2017) performance outturn for the Corporate Plan 2015 -2019 targets.

Out of the 61 targets 46 (75%) were on track, 12 (20%) had been achieved (previously), 1 (2%) was overdue and 2 (3%) had been withdrawn (previously).

Full details of progress were given in the report.

Moved by Councillor A.M. Syrett and seconded by Councillor S.W. Fritchley

RESOLVED that (1) progress against the Corporate Plan 2015-2019 targets to be noted,

(2) Target C04 - *Promote the Council website and increase (unique) visitor numbers by 7% year on year*, be withdrawn

REASON FOR DECISION: This is an information report to keep Members informed of progress against the corporate plan targets noting achievements and any areas of concern.

OTHER OPTIONS CONSIDERED: Not applicable to this report as providing an overview of performance against agreed targets.

EXECUTIVE

(Information, Engagement and Performance Manager)

**0528. KEY DECISION
DISABLED FACILITIES GRANTS – EXECUTIVE FUNCTION AND
DELEGATION TO OFFICERS**

The Assistant Director – Governance, Solicitor to the Council and Monitoring Officer presented the report which outlined the proposal to revise the list of Executive Functions within the Council’s Constitution, to include decisions in respect of Disabled Facilities Grants and to amend the terms of reference for the Licensing Committee.

It was a long standing practice at the Council that all applications for Disabled Facilities were approved by Licensing Committee, even though the majority were applications for mandatory grants which the Council had no legal basis to refuse. There were no grounds to treat such grants as a function to be exercised by Council or a committee of the Council.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor K. Reid
RECOMMENDED to Council that the Constitution is amended to:

- (i) Remove item 4 from the Licensing Committee terms of reference; and
- (ii) Add to the Executive Functions in Section 3.4 the following item:

“All functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation.”; and
- (iii) That a paragraph is inserted into the Scheme of Delegation to Officers granting the Joint Assistant Director – Planning & Environmental Health authority to determine mandatory Disabled Facilities Grants applications.

REASON FOR DECISION: The changes set out will enable the Council to fulfil its obligation to ensure decision making takes place properly and lawfully.

OTHER OPTIONS CONSIDERED: The function could remain with Licensing Committee but this would be potentially unlawful and leave decisions open to challenge.

(Assistant Director – Governance, Solicitor to the Council
and Monitoring Officer)

EXECUTIVE

0529. KEY DECISION REVIEW OF JOINT RIPA POLICY

The Assistant Director – Governance, Solicitor to the Council and Monitoring Officer presented the report which advised the Executive of a review of the joint policy and procedures covering the Council’s activities under the Regulation of Investigatory Powers Act 2000 (RIPA). The report also sought approval for some minor amendments to the policy.

It was noted that there had been no changes in the legislation, but the changes in the Strategic Alliance Management Structure had required changes to the ‘authorising officers’ and ‘designated persons’ named within the policy.

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

RESOLVED that (1) the update provided on the use of the policy, be noted,

(2) the revised Joint RIPA Policy and Procedure document be approved,

(3) the Executive Agree that the Joint RIPA Policy and Procedures document be updated by the Monitoring Officer to reflect the appointment of Authorised Officers and Designated Persons, made by the Monitoring Officer at any future time.

REASON FOR DECISION: No changes have been made in the relevant legislation that are yet in force and codes of practice have not been revised therefore the purpose of the amendments are to ensure the policy remains accurate and up-to-date.

OTHER OPTIONS CONSIDERED: The Council is recommended to review and update its RIPA policy regularly as failure to do so could result in the policy failing to comply with legislative changes and lead to unlawful investigatory actions taking place.

(Assistant Director – Governance, Solicitor to the Council
and Monitoring Officer)

0530. KEY DECISION CRESWELL LEISURE CENTRE FUTURE OPTIONS

The Strategic Director (LH) presented the report to consider future options for Creswell Leisure Centre following the cessation of the site as a swimming facility. A group was established and a proposal for a Creswell Heritage and Wellbeing Centre was proposed. However, an asset condition survey revealed that the cost of repairs to the building classed as ‘extreme risk’ or ‘high risk’ was approximately £0.265m.

EXECUTIVE

A recent meeting of the 'Future of Creswell Steering Group' had decided that the scheme within the former leisure centre was no longer viable due to the remediation costs and were looking to continue the proposal with a 'new build'. Consultation with the Charities Commission and the Coalfield Social Welfare Organisation would need to take place and it was unlikely that the facility would find a buyer in its current state of repair.

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

RESOLVED that (1) Officers pursue with CISWO and Charities Commission termination of the existing charitable scheme on the basis of a 'no longer viable' facility/asset,

(2) A further report be presented to the Executive following the above activity, detailing the options available to the Council.

REASON FOR DECISION: At present the facility presents a liability for the Council as it stands empty at the risk of falling deeper into disrepair, its vulnerability to vandalism and ongoing building costs including but not limited to; background heating, security and responsive repairs.

OTHER OPTIONS CONSIDERED: Bolsover District Council could continue to pursue with the 'Future of Creswell Steering Group', the proposal to refurbish the former swimming pool facility into the 'Creswell Heritage and Wellbeing Centre' – **rejected at this stage** due to the cost to remediate and the impact of this in conjunction with the refurbishment costs upon the business case.

(Strategic Director (LH))

0531. **KEY DECISION** **ALARM MONITORING CONTRACT – DERBYSHIRE COUNTY** **COUNCIL**

The Assistant Director – Community Safety and Head of Housing (BDC) presented the report which informed the Executive of an offer of an extension of contract from Derbyshire County Council (DCC) to provide an alarm monitoring service to older people and to decide if the offer should be accepted.

The service was well regarded by residents and had a strategy to become self sufficient without DCC funding, but the extension of the contract for a further year offered certainty.

EXECUTIVE

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

RESOLVED that (1) the Council accept the offer of a one year contract extension to continue to provide an alarm monitoring service to people within the District,

(2) Officers prepare for future tender opportunities to provide similar services within the District,

(3) Officers prepare a future report to consider marketing the service to attract more users

REASON FOR DECISION: The Council continues to extend the service and attract more customers, the majority of whom self fund. This is part of a strategy to ensure that the Council are not dependent on DCC funding to operate the service, but would be self sufficient if we were not successful in winning future tenders

OTHER OPTIONS CONSIDERED: Not to accept the contract extension. Rejected as this would have a detrimental impact on vulnerable customers

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

The Chief Executive's and Partnership Manager entered the meeting.

0532. COMMISSIONING SUPPORT FOR THE BOLSOVER PARTNERSHIP

The Chief Executive's and Partnership Manager presented the report which informed the Executive that the contract for the provision of commissioning support provided to the Bolsover Partnership by an external independent provider was due to come to an end in March 2018.

The report outlined the range of funding streams used to deliver priorities within the Sustainable Community Strategy and it was noted that when last tendered in April 2015, there had been little interest. It was also noted that the proposed extension was compliant with the Council's Procurement Rules and IR35 obligations.

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

RESOLVED that In accordance with 4.8.4 of the Council's Procurement Rules, it is recommended that the current contract with Phoenix Regeneration Ltd be extended for a further 3 years (to be reviewed annually).

REASON FOR DECISION: The existing contract is due to come to an end in March 2018 giving insufficient time to tender. In addition, it is important to ensure that there is no gap in service provision.

EXECUTIVE

OTHER OPTIONS CONSIDERED: The following were considered and rejected due to the risks and costs involved as outlined in the report.

1. Do nothing - let the contract cease on the 31 March 2018
2. Extend the current contract for 3 years to 2021 (to be reviewed annually)
3. Exercise a full tender process on the open market
4. Create an Establishment Post within the Council

(Chief Executive's and Partnership Manager)

The meeting concluded at 1038 hours.