

## **EXECUTIVE**

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday 10<sup>th</sup> September 2018 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor A.M. Syrett in the Chair

Councillors M.J. Dooley, S.W. Fritchley, H.J. Gilmour, D. McGregor, B.R. Murray-Carr, M.J. Ritchie and B. Watson

Also in attendance with the permission of the Chair was Councillor S. Peake (Chair of the Healthy, Safe, Clean and Green Communities Scrutiny Committee) (in respect of Minute No. 0269) and Councillor T. Munro (Chair of Planning Committee) (in respect of Minute No's 0271 and 0275)

Officers:-

D. Swaine (Chief Executive Officer), K. Hanson (Strategic Director – Place), L. Hickin (Strategic Director – People), S. Sternberg (Joint Head of Corporate Governance), P. Campbell (Joint Head of Housing and Community Safety), S. Brunt (Joint Head of Streetscene) (until Minute No. 0277), N. Calver (Governance Manager) (until Minute No. 0273), R. Routledge (Interim Planning Policy Manager (until Minute No. 0271), A. Bedford (Customer Standards and Complaints Officer) (until Minute No. 0273), T. Fletcher (Chief Accountant), C. Fridlington (Planning Manager) (Minute No. 0273 to 0275), K. Drury (Information, Engagement & Performance Manager) (until Minute No. 0276), I. Barber (Property Services Manager) (until Minute No. 0279), S. Chambers (Communications, Marketing & Design Manager) (until Minute No. 0282) and A. Brownsword (Senior Governance Officer)

### **0265. APOLOGIES**

There were no apologies for absence.

### **0266. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0267. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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### 0268. MINUTES – 16<sup>TH</sup> JULY 2018

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

**RESOLVED** that the Minutes of a meeting of the Executive held on 16<sup>th</sup> July 2018 be approved as a true and correct record.

### 0269. ITEMS RECOMMENDED BY SCRUTINY COMMITTEE REVIEW OF ENFORCEMENT ACTION UNDERTAKEN BY BOLSOVER DISTRICT COUNCIL TO IMPROVE THE QUALITY OF THE ENVIRONMENT ACROSS THE DISTRICT

The Chair of the Healthy, Safe, Clean and Green Communities Scrutiny Committee presented the report on the recent Scrutiny Review of Enforcement Action undertaken by Bolsover District Council to improve the quality of the environment across the District.

The review had begun by looking at levels of dog fouling, litter and fly tipping, but had been extended to address Member perception of enforcement action undertaken by Environmental Health. The report had 18 recommendations and key issues included staffing levels, use of resources, communication internally and externally, online reporting and reputational risk.

Members welcomed the report and noted that the main staffing issue had been addressed. The Chief Executive Officer noted that the Council needed to consider the strategic context and ensure that the team had the right powers and the right skills in place.

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

**RESOLVED** that (1) the Executive considers and approves the recommendations of the review outlined in section 2 of the report and submit their response to Healthy, Safe, Clean and Green Communities Scrutiny Committee.

(2) a monitoring report be submitted to the Executive in 6 months.

**REASON FOR DECISION:** Members appreciate that a range of approaches have been taken by staff to both prevention and enforcement. Where possible staff have endeavoured to maintain this despite staff vacancies, but this has not always been possible. Members hope that the recent situation will reinforce that effective resource levels (both staff and non-staff) are key to good quality service delivery even in times of austerity. It is hoped that the recommendations set out in this review report will help further embed the refreshed approach to enforcement that is being taken now the Environmental Enforcement Team is fully staffed.

**OTHER OPTIONS CONSIDERED:** The Executive could choose not to endorse the recommendations of the review, where they feel the course of action recommended is beyond the delivery capacity of the Authority.

(Scrutiny and Elections Officer)

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Councillor S. Peake left the meeting.

### **0270. POLICY AND BUDGET FRAMEWORK ITEMS REVIEW OF JOINT RIPA POLICY**

The Portfolio Holder for Corporate Governance presented the report which detailed the annual review of the joint policy and procedures covering the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Joint Head of Corporate Governance noted that the policy had to be reviewed regularly but had not been used since 2012, the main change was around communications data.

Moved by Councillor D. McGregor and seconded by Councillor M.J. Ritchie

**RESOLVED** that (1) the revised Joint RIPA Policy and Procedure document be approved.

(2) the Executive note that a further review will take place once the provisions of the Investigatory Powers Act 2016 relating to the acquisition and disclosure of communications data are brought into force

**REASON FOR DECISION:** The review of the Joint RIPA Policy has been undertaken to ensure it is up to date, fit for purpose and legally compliant. The revised version amends the structure of the policy in order to create a separate section for the powers to acquire communications data. When the amendments arising from the Investigatory Powers Act are brought into force, a further review will take place focused on this section of the policy only.

**OTHER OPTIONS CONSIDERED:** It is recommended that the Councils review and update the 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.

(Joint Head of Corporate Governance)

### **0271. NON KEY DECISION LOCAL PLAN UPDATE**

The Interim Planning Policy Manager gave a presentation which updated the Executive on work carried out with regards to the Local Plan to date.

Following the 6 week consultation period which ended in June 2018, a further meeting had been held with the Planning Inspector and MHCLG at which it was agreed that due to the amount of submissions received during consultation, the Local Plan would be submitted to the Planning Inspectorate by the end of August 2018.

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The Local Plan was submitted on 31<sup>st</sup> August 2018 and it was hoped that hearings would commence by the beginning of December, however this was now down to the Planning Inspectorate.

The Chair of the Planning Committee commended the work of the Planning Policy Team and the Local Plan Steering Group and noted that it was hoped that the Council would soon have a Local Plan to be proud of.

Moved by Councillor D. McGregor and seconded by Councillor A.M. Syrett  
**RESOLVED** that the presentation be received.

**REASON FOR DECISION:** The presentation was to keep Members informed of the progress of the Local Plan.

**OTHER OPTIONS CONSIDERED:** Not applicable, this was a presentation to inform the Executive of progress with regard to the Local Plan process.

The Interim Planning Policy Manager left the meeting

### **0272. NON KEY DECISION ANNUAL LETTER FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) 2017/18**

The Portfolio Holder for Corporate Governance presented the report which detailed an annual summary of statistics on the complaints made about the Authority for the financial year ending 31<sup>st</sup> March 2018. It was noted that 5 enquiries and complaints had been made to the LGSCO during 2017/18, but only one had been subject to a detailed investigation. 5 complaints had been decided - 1 was referred back to the Council, 2 were closed, advice was given in 1 case and the remaining 1 was not upheld.

Members noted that this was a pleasing report which showed that complaints were being resolved at an earlier stage.

Moved by Councillor D. McGregor and seconded by Councillor A.M. Syrett  
**RESOLVED** that (1) the Executive receive the report and the Annual Letter from the Local Government & Social Care Ombudsman 2017/18.

**REASON FOR DECISION:** The report is to keep Elected Members informed of volumes and trends regarding LGSCO/ HO complaints.

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

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### **0273. NON KEY DECISION CUSTOMER SERVICE STANDARDS AND CCC REPORT 2017/18 – 1<sup>ST</sup> OCTOBER 2017 TO 31<sup>ST</sup> MARCH 2018 AND ANNUAL SUMMARY**

The Portfolio Holder for Corporate Governance presented the report which made the Executive aware of performance in relation to its Customer Service Standards across the Council. It was noted that no trends had been identified and very few complaints received by the Council were justified.

The Customer Standards and Complaints Officer noted that the Customer Service Standards had been recently refreshed.

Moved by Councillor D. McGregor and seconded by Councillor A.M. Syrett

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

**REASONS 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 keep Elected Members informed rather than to aid decision making.

The Governance Manager and the Customer Standards and Complaints Officer left the meeting.

The Planning Manager entered the meeting.

### **0274. NON KEY DECISION BUSINESS RATES PILOT**

The Portfolio Holder for Finance, Resources and Sustainable Energy presented the report which gave information on the expansion of the Business Rates Pilot into 2019/20.

The Chief Accountant explained that there had been a successful pool since 2015 and 2018/19 was the first year that the Council had been part of the 100% Business Rates Pilot. However, the Government had announced that successful Pilots in 2019/20 would only receive 75%. Approval was sought for delegated power to be granted to the Joint Head of Finance and Resources, in consultation with the Leader of the Council to submit an expression of interest to enter into a Derbyshire Business Rates Pilot arrangement for 2019/20.

The Chief Executive Officer explained the percentages involved and noted that the Council would hope to be successful in its 2019/20 Pilot submission.

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Moved by Councillor B. Watson and seconded by Councillor S.W. Fritchley

**RESOLVED** that (1) the Executive note the contents and requirements of the invitation to pilot 75% Business Rates Retention in 2019/20,

(2) the Executive grants approval for the Head of Finance & Resources, in her capacity as the Council's S.151 Officer and in consultation with the Leader of the Council to submit an expression of interest to enter into 75% Business Rates Pool Pilot in 2019/20.

**REASONS FOR DECISION:** The report considers the case for entering into a Business Rates Pilot across a two tier area that should bring additional financial advantages through the retention of a higher proportion of business rates income and to gain additional benefits from any further growth. The pooling arrangement in operation since April 2015 and more recently the pilot have been a success, and we are looking to build upon these successes by participating further in a two tier pilot.

**OTHER OPTIONS CONSIDERED:** The alternative option is not to join and to remain outside a Derbyshire Business Rates Pilot. The reasons for rejecting the option of remaining outside the Business Rates Pilot is that we would be potentially losing out on additional income for the Council and potentially jeopardise and piloting possibilities for other authorities within Derbyshire.

(Joint Head of Finance and Resources)

### **0275. NON KEY DECISION DRAFT LOCAL ENFORCEMENT PLAN FOR PLANNING**

The Chair of Planning Committee introduced the report and noted that the policy would sit within the Council's suite of enforcement policies.

The Planning Manager noted that the policy aimed to give greater transparency in how the Council would deal with enforcement and how enquiries would be prioritised. The policy also gave information on when the Council could not take enforcement action. It was hoped a clear policy would assist Officers to be more effective.

Members asked whether as part of monitoring the Planning Department worked with other Officers across the Council. It was noted that there was a cross Council working group which included representatives from Environmental Health, Housing and Revenues and Benefits.

The Strategic Director – Place noted that a high level policy was currently being created which would pull together enforcement across all departments and create a corporate approach.

Moved by Councillor D. McGregor and seconded by Councillor A.M. Syrett

**RESOLVED** that (1) the Executive note the proposals to publish a Local Enforcement Plan and provide feedback on the current draft,

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(2) the proposals to publish a Local Enforcement Plan be referred to the Council's Planning Committee for further consideration,

(3) a report on the implementation of the Local Enforcement Plan be submitted to the Executive in 6 – 12 months.

**REASONS FOR DECISION:** Planning enforcement is carried out across the District and is a front-line service that can have an impact on the reputation of the Council and public confidence in the planning system. It is therefore important that the wider Council is kept informed of proposals that directly affect how planning enforcement will be carried out within the District.

**OTHER OPTIONS CONSIDERED:** Members of the Planning Committee have oversight of planning enforcement and it is considered publication of a Local Enforcement Plan will provide the Planning Committee with greater certainty of how officers will carry out this function within the District. The publication of a Local Enforcement Plan is also consistent with Government guidance on best practice and carrying out effective planning enforcement accords with the Council's corporate priorities and vision for the District. Therefore, no alternative options were considered.

(Planning Manager)

The Planning Manager left the meeting.

### **0276. NON KEY DECISION CORPORATE PLAN TARGETS PERFORMANCE UPDATE APRIL TO JUNE 2018 (Q1 – 2018/19)**

The Portfolio Holder for Corporate Governance presented the report which informed the Executive of the Quarter 1 outturns for the Corporate Plan 2015-2019 targets.

The Information, Engagement & Performance Manager noted that out of the 61 targets, 38 (62%) were on track, 16 (26%) had been achieved (14 previously), 5 (8%) had been withdrawn (previously), 1 (2%) was on alert and 1 (2%) had been extended previously.

A discussion took place regarding target T10 - *Reduce the level of former tenants' arrears by 10% through early intervention and effective monitoring by March 2019* which had been flagged as an alert and it was noted that more written background was needed and the target had previously been affected by the removal of the spare room subsidy and would also be affected by the introduction of Universal Credit.

The Chief Executive Officer suggested that the issue could be addressed by the introduction of a new Performance Indicator when the Corporate Plan was refreshed next year.

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Moved by Councillor D. McGregor and seconded by Councillor A.M. Syrett

**RESOLVED** that progress against the Corporate Plan 2015-2019 targets to be noted.

**REASONS 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.

The Information, Engagement & Performance Manager left the meeting.

### **0277. KEY DECISION VEHICLE REPLACEMENT – STREETSCENE WASTE SERVICES TEAM**

The Portfolio Holder for Streetscene presented the report which sought approval for the purchase of 2 32 tonne refuse collection vehicles. It was noted that investigations had taken place regarding the possibility of electric drive refuse collection vehicles, but there were currently none available to meet the Council's requirements.

The Joint Head of Streetscene noted that the replacement vehicles would provide improved efficiencies and met the highest available emission standards. Smaller vehicles would result in an increase of resource requirement.

The Chief Executive Officer noted that a 26 tonne electric drive refuse collection vehicle was currently being trialled at Sheffield City Council and that further investigations should take place as technology was moving quickly.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor B. Watson

**RESOLVED** that (1) Executive approves replacement of 2 No refuse collection vehicles as set out at 5.1.1 of this report, procured by way of the Nottinghamshire Procurement Partnership Framework Contract for the provision of Refuse Collection Vehicles,

(2) Financing of the vehicles is undertaken by way of Prudential Borrowing, as previously approved within the Council's (2018\19) Capital Programme and Treasury Management Strategy.

(3) The Joint Head of Service - Streetscene be requested to look into options for the conversion of the remaining Refuse Collection Fleet to electric power and report the findings to the Portfolio Holder - Streetscene for further consideration and that these investigations give regard to the need for flexibility in the fleet to reflect future housing demands and the growth of residential developments in the District.



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**REASON FOR DECISION:** Large commercial vehicles identified in this report fall due for replacement in 2018\19. It is proposed they are replaced by way of an established framework contract and financed via prudential borrowing.

**OTHER OPTIONS CONSIDERED:** (1) Vehicle replacement proposed in this report are diesel (combustion) engine powered; in particular, as alternative electric (EV) or ultra-low emission (ULEV) vehicle options are not available in this vehicle class and weight range. Vehicles proposed meet current Euro-VI emission standards. Vehicles are also fitted with electric bin hoist which further reduce engine emissions.

(2) Currently, there is no large goods EV chassis configuration to meet the Council's refuse vehicle specification requirements; albeit, Dennis Eagle is developing a 26tonne (6x2 chassis) configuration, this will not go in to production until 2020 at the earliest. EV chassis configuration vehicles being developed at this time do not meet the Council's payload requirements and would demand increased vehicle and staffing resource as set out at 5.1.7 to 5.1.9 in the report.

(Joint Head of Streetscene)

The Joint Head of Streetscene left the meeting.

### **0278. KEY DECISION SAFE AND WARM UPGRADE SCHEME AND WIDER WORKS – ORCHARD CLOSE AND SANDHILLS ROAD, BOLSOVER**

The Portfolio Holder for Housing and Community Safety presented the report which sought approval to appoint a contractor to undertake the Safe and Warm Scheme and wider works following a tender exercise.

The Property Services Manager noted that the project included a communal heating system that served 13 block of 2 storey flats and wet room conversions to a standard design.

Moved by Councillor H.J. Gilmour and seconded by Councillor M.J. Ritchie

**RESOLVED** that the Executive agree to award the contract to Matthews & Tannert Ltd for the tender sum of £566,059.52.

**REASON FOR DECISION:** The evaluation group were in unanimous agreement that the most competitive and impressive tender submission had been received from Matthews & Tannert Ltd who scored top on both price and quality respectively.

**OTHER OPTIONS CONSIDERED:** Due to the existing condition of the communal heating system there is potential risk for failure of the boilers. It is not economically viable to replace the boilers and there is further complication due to the deteriorating condition of the existing pipe work infrastructure.

(Joint Head of Housing and Community Safety)

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### **0279. KEY DECISION RENEWAL OF ROOFS, SOFFITS AND FASCIAS AND ASBESTOS REMOVAL AT HIDES GREEN AND THE APDDOCK, BOLSOVER**

The Portfolio Holder for Housing and Community Safety presented the report which sought approval to appoint a contractor to undertake replacements of roofs, soffits and fascias and asbestos removal following a tender exercise.

The Property Services Manager noted that due to the discovery of asbestos, a specialist contractor was required.

Moved by Councillor H.J. Gilmour and seconded by Councillor M.J. Ritchie  
**RESOLVED** that (1) Executive agree to award the contract to Avonside Roofing Ltd for the Tender sum of £416,288.24,

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

**REASON FOR DECISION:** The Evaluation group unanimously agreed that the overall most competitive and impressive tender was submitted by Avonside Roofing Ltd.

**OTHER OPTIONS CONSIDERED:** There were no alternative options considered, as asbestos is a hazardous substance which must be removed by specialist contractors.

(Joint Head of Housing and Community Safety)

The Property Services Manager left the meeting.

### **0280. KEY DECISION MEDIUM TERM FINANCIAL PLAN BUDGET MONITORING REPORT QUARTER 1 – APRIL TO JUNE 2018**

The Portfolio Holder for Finance, Resources and Sustainable Energy presented the report which updated the Executive on the financial position of the Council following the 1<sup>st</sup> quarter budget monitoring exercise.

The Chief Accountant noted that there were no real budget pressures in quarter 1 and the outcome of the Governments Fair Funding Review and Business Rates Reset were awaited to give more clarity to the position for 2020/21.

Moved by Councillor B. Watson and seconded by Councillor M.J. Ritchie  
**RESOLVED** that (1) the Executive note the monitoring position of the General Fund at the end of the first quarter as detailed on Appendix 1 and 5 (A net favourable variance of £0.073m against the profiled budget) and the key issues highlighted within the report,

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(2) the Executive note the position on the Housing Revenue Account (HRA), the Capital Programme and Treasury Management at the end of the first quarter.

**REASON FOR DECISION:** The report summarises the financial position of the Council following the first quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account, Capital Programme and Treasury management activity.

**OTHER OPTIONS CONSIDERED:** The Budget Monitoring report for 2018/19 is primarily a factual report which details progress against previously approved budgets. Accordingly, there are no alternative options to consider.

### **0281. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Moved by Councillor M.J. Ritchie and seconded by Councillor B. Watson

**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.

### **0282. NON KEY DECISION PROPOSED RESTRUCTURE OF THE COMMUNICATIONS, MARKETING AND DESIGN TEAM EXEMPT – PARAGRAPHS 1 AND 3**

The Portfolio Holder for Town Centre Renewal, Media and Marketing presented the report which sought approval for a restructure of the Communications, Marketing and Design Team. The report also sought approval for additional publications and an increased budget to support the changes.

The Communications, Marketing & Design Manager gave an update on the work currently being carried out by the Team.

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

**RESOLVED** that (1) Executive support the change to the establishment and request the Chief Executive Officer to establish the new full time post and increase the existing 0.5 FTE to full time on the establishment,

(2) Executive approve the increased revenue budgets up to the maximum cost detailed in the finance section of the report to be met from the Transformation Reserve.

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**REASON FOR DECISION:** The current structure does not have sufficient capacity/depth to meet the present and future demands in a timely and efficient manner. The proposed structure adds additional capacity and knowledge to the team by adding 1 additional full time Web Developer post and increasing the current 0.5 x FTE Communications Officer post to 1 x FTE.

**OTHER OPTIONS CONSIDERED:** To continue with existing structure, this is inadvisable considering the existing and future demands identified.

(Joint Strategic Director – People)

The Communications, Marketing & Design Manager left the meeting.

### **0283. KEY DECISION CONTACT CENTRE RESTRUCTURE EXEMPT – PARAGRAPHS 1 AND 3**

The Portfolio Holder for Partnership and Transformation presented the report which sought approval of a voluntary redundancy request from the Customer Services Manager.

The Joint Strategic Director noted that the team had been supportive and that savings would be made.

Members thanked the Customer Services Manager for her hard work over the years.

Moved by Councillor M. Dooley and seconded by Councillor M.J. Ritchie

**RESOLVED** that (1) Executive ask the Chief Executive Officer to exercise his delegated power to;

- I. Approve the request for voluntary redundancy
- II. Establish the new structure
- III. Recruit into the post of Customer Services Manager as outlined in the report.
- IV. Disestablish one Contact Centre Manager post,

(2) the costs outlined in the report are met from the Transformation Reserve.

**REASON FOR DECISION:** The option would present a considerable saving for the Council whilst ensuring the standard and quality of the service provided remained unaffected.

**OTHER OPTIONS CONSIDERED:** Request for voluntary redundancy be refused. Rejected at this stage as there is a potential option for consideration which could meet

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the needs of the service, the needs of the individual and generate considerable savings for the Council as part of the Transformation Programme.

(Joint Strategic Director – People)

**0284. KEY DECISION  
ALDER HOUSE, SHIREBROOK  
EXEMPT – PARAGRAPH 3**

The Portfolio Holder for Housing and Community Safety presented the report which updated the Executive on issues at Alder House.

The Joint Head of Housing and Community Safety noted that there were problems with design and location of Alder House which had resulted in low demand. The property was now empty and could be decommissioned.

Moved by Councillor H.J. Gilmour and seconded by Councillor A.M. Syrett

**RESOLVED** that (1) the Executive confirm the decisions previously made by Asset Management Group, the Leader, Portfolio Holders and local Members to offer empty Alder House, and to offer Home Loss Payments to qualifying tenants,

(2) the Executive support the decision made by Asset Management Group, the Leader, Portfolio Holders and local Members to demolish Alder House,

(3) that CMEC are appointed to carry out demolition work at Alder House.

**REASON FOR DECISION:** That Alder House is no longer fit for purpose and should be decommissioned and then demolished.

**OTHER OPTIONS CONSIDERED:** As the property is being empty incurs costs to the authority, and is a potential risk Members have previously requested that options for demolition were considered as soon as practicable. No other options were considered.

(Joint Head of Housing and Community Safety)

The meeting concluded at 1217 hours.