

To: All Members

The Arc  
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Date: 29<sup>th</sup> July 2020

Dear Councillor

**EXECUTIVE MEETING MONDAY, 27 JULY 2020 – DECISION NOTICE**

I have pleasure in enclosing herewith, for your attention, a copy of the Decision Notice of the Executive held on Monday, 27 July 2020.

Set out below is the procedure for calling in decisions of the Executive. **Only Key Decisions may be called in.** Request forms to call in a decision of the Executive may be obtained from the Governance Team.

**Deadline date for calling in Key Decisions contained in the Decision Notice**

**5<sup>th</sup> August 2020**

**Number of Members required to call in an item**

Three Scrutiny Members

**Method by which items may be called in**

- By completion of the form available from the Governance Team

**Recording of called in items;**

The Governance Manager shall be responsible for keeping and maintaining a log of called in items. In practice this log will be kept by the Governance Officers who are themselves authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

Yours sincerely,



Solicitor to the Council & Monitoring Officer

**DECISION NOTICE OF THE EXECUTIVE  
MONDAY, 27TH JULY 2020**

**NON KEY DECISIONS**

AGENDA ITEM		DECISION
6	<b>Corporate Plan Targets Performance Quarter 4 2019/20</b>	<p><b>RESOLVED</b> - That progress and outturns against the Corporate Plan 2019-2020 targets be noted.</p> <p><b>REASON FOR DECISION:</b> This was an information report to keep Members informed of progress against the corporate plan targets noting achievements and any areas of concern.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> Not applicable to this report as it was providing an overview of performance against agreed targets.</p>

**KEY DECISIONS**

AGENDA ITEM		DECISION
7	<b>Playing Pitch Improvements (Clowne)</b>	<p><b>RESOLVED</b> – That -</p> <ol style="list-style-type: none"> <li>(1) Executive agree to contribute £262,500 (£250k + 5% contingency) from the Council's Transformation Reserve into the Capital Programme towards the cost of the 3G FTP at The Arc, with the Football Foundation contributing the remaining £500,000 to the project.</li> <li>(2) A replacement pitch fund be created to contain annual contributions for 10 years from income received from the pitch,</li> <li>(3) Executive delegate powers to the Head of Service - Transformation &amp; Organisation to enter agreements and contracts associated with and ancillary to project.</li> <li>(4) <i>It be recommended to Council that the scheme be added to the Capital Programme.</i></li> <li>(5) The above resolutions be subject to the issues raised Derbyshire Wildlife and the Environmental Health service being addressed as part of the full planning</li> </ol>

	<p>application.</p> <p><b>REASON FOR DECISION:</b> As the project was one of the priority projects in the Local Football Facility Plan for Bolsover to meet demand from local clubs for an all-weather facility it was recommended that the Council work with the Football Foundation to develop a 3G FTP at The Arc.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The retention and improvement of the existing pitches had been considered, but given the cost of carrying out the necessary works, the limited additional benefit they would provide in terms of availability and the lack of sufficient additional rental income meant that this option was rejected.</p>
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**PART 2 - EXEMPT ITEMS**

**NON KEY DECISIONS**

AGENDA ITEM		DECISION
9	Re-Imagining Pleasley Vale	<p><b>RESOLVED</b> - That £50,000 be allocated to the project from the transformation reserve to commission technical reports on highways, flood risk, drainage and disposal of foul water, under delegated authority granted to the Assistant Director of Development in consultation with the Re-Imagining Pleasley Vale Strategic Group.</p> <p><b>REASON FOR DECISION:</b> The Council needed to be satisfied that the proposals could be provided with a safe and suitable access and that the cost of any necessary highway improvements would not prevent the development going ahead before it could be satisfied that the proposed development was capable of being delivered.</p> <p>Equally, the Council needed to be satisfied that flood risk would not be a significant constraint on development of the site and that provision of appropriate drainage and disposal of foul drainage would be achievable and affordable before it could be satisfied that the proposed development would be reasonably likely to happen.</p>

	<p><b>OTHER OPTIONS CONSIDERED:</b> The ‘do nothing’ option was rejected in line with the request of Members made at the informal meeting of the Executive in May 2020.</p> <p>The ‘do more’ option was not recommended at this stage because the outcome of the survey work recommended in this report may have materially altered the scheme, which would have made redundant any additional work carried out at this stage.</p>
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## KEY DECISIONS

AGENDA ITEM		DECISION
10	<b>Safe and Warm Upgrade Scheme - Pattison Street - Scheme Update</b>	<p><b>RESOLVED</b> - That the Contract entered into with Matthews &amp; Tannert Ltd be for the revised sum of £660,485.70.</p> <p><b>REASON FOR DECISION:</b> The additional works were more cost effective than returning in the near future and ensured that the tenants would not be disrupted again nor would they incur substantial redecoration costs as each room would be affected during the required electrical rewire to the flat.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The alternative of deferring the rewire works was rejected as it would have incurred additional and repeated costs both to the Council and the tenants, and would have led to tenants enduring substantial disruption and upset twice in a relatively short period.</p>
11	<b>Award Of Electrical Upgrade And Rewiring Programme</b>	<p><b>RESOLVED</b> – That:</p> <ol style="list-style-type: none"> <li>(1) Executive agree to awarding the contract, within the Framework, to Farrendale Ltd;</li> <li>(2) Progress on this contract is reported through the Housing Stock Group; and</li> <li>(3) The Director of Development is given delegated power to add and remove any of the six other Framework Contractors, as required to meet operational requirements, within the terms of the Framework.</li> </ol>

		<p><b>REASON FOR DECISION:</b> The procurement of these works had been undertaken in compliance of standard council procedures.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The alternative option of carrying out a full competitive tender process by Bolsover District Council was rejected because the Framework attracted a broader range of contractors.</p>
12	<b>Purchase of employment land at Shirebrook</b>	<p><b>RESOLVED – That -</b></p> <ol style="list-style-type: none"> <li>(1) Executive approve the purchase of the land at Portland Drive, Shirebrook up to the value of £165,000;</li> <li>(2) Executive delegate authority to the Director of Development to agree the final purchase price and the remaining terms and conditions of the purchase and purchase agreement; and</li> <li>(3) It be recommended to Council that the scheme be added to the Capital Programme.</li> </ol> <p><b>REASON FOR DECISION:</b> This represented an opportunity to pursue development opportunities within the district and to create a revenue income using capital money to develop commercial units.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The option to not pursue the sale of the land was rejected because land was at a premium within the district, this was viable land and was available within the value band recommended by the Senior Valuer. There was a demand for commercial properties in this location.</p>
13	<b>Purchase of Section 106 Properties from Rippon Homes off Ball Hill - South Normanton</b>	<p><b>RESOLVED – That –</b></p> <ol style="list-style-type: none"> <li>(1) Executive note the contents of this report;</li> <li>(2) Executive approve the purchase of the 3 properties from Rippon Homes off Ball Hill – South Normanton for the agreed price in paragraph 1.4 subject to SDLT and 10% contingency to include fees; and</li> </ol>

	<p>(3) The Director of Development be given delegated powers to enter into contract with Rippon Homes for the purchase of the properties. This includes the timescale for delivery and to agree the final purchase price and costs.</p> <p><b>REASON FOR DECISION:</b> This proposal offered value for money, would meet local housing need and increase the Council's housing stock.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The option to not purchase the properties was rejected as the properties were to fulfil a housing need in the area. This housing mix best supported that identified housing need.</p>
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## PART 1 - PUBLIC ITEMS [CONT]

### NON KEY DECISIONS

AGENDA ITEM		DECISION
15	Shirebrook Crematorium	<p><b>RESOLVED</b> - That £20,000 be allocated from the transformation reserves to the project to commission technical reports on qualitative and quantitative need for a new crematorium on land at Shirebrook, under delegated authority granted to the Assistant Director of Development.</p> <p><b>REASON FOR DECISION:</b> To enable an informed decision to be taken on the feasibility and viability of a new crematorium on the land at Shirebrook based on the quantitative and qualitative need for the new facility before this scheme could be progressed.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> A 'do nothing' option was rejected because this would not have progressed the scheme.</p> <p>A 'do more' option was not recommended at this stage because the outcome of the reports may have made any additional work carried out at this stage redundant.</p>

## KEY DECISIONS

AGENDA ITEM		DECISION
16	<b>Award of Raising Aspirations Contract</b>	<p><b>RESOLVED</b> – That Executive note the contents of this report and approve the appointment of Derbyshire Education Business Partnership to deliver the Raising Aspirations programme from September 2020 to August 2022.</p> <p><b>REASON FOR DECISION:</b> DEBP provided an outstanding tender submission demonstrating an exceptional understanding of the specification requirements and an excellent track record through their existing Raising Aspirations delivery and other initiatives.</p> <p><b>OTHER OPTIONS CONSIDERED:</b> The option to do nothing was rejected as funding had already been allocated to the programme. The option to extend the current contract was not possible under procurement rules.</p>

## PART 2 - EXEMPT ITEMS [CONT]

### KEY DECISIONS

AGENDA ITEM		DECISION
18	<b>Refund of Leaseholders' Management Fees</b>	<p><b>RESOLVED</b> - That on the basis that the management fees do not meet the statutory tests of 'reasonableness' in the 1985 Act:</p> <ol style="list-style-type: none"> <li>(1) existing tenants be refunded any management fees paid to the Council from when they took on their lease where their account is up to date in all other respects;</li> <li>(2) where an account is in arrears, existing tenants should be refunded any management fees previously paid to the Council from when they took on their lease but any refund should be first used to clear any arrears with the tenant receiving any</li> </ol>

remaining balance of the refund;

- (3) an advertisement is placed on the Council's website inviting former tenants to apply for a refund of any management fees paid to the Council during their tenancy providing a proof of ID, verification of bank account details and proof of payment to prevent fraud; subject to
- (4) where an old account has not been settled in full, previous tenants should be refunded any management fees previously paid to the Council during their tenancy but any refund should be first used to clear any outstanding debts with the tenant receiving any remaining balance of the refund.

**REASON FOR DECISION:**

As the Council could not convincingly demonstrate that the management fees accrued over seven years were charges reasonably incurred by the tenants or that the service they paid was provided to a reasonable standard, it was agreed that the fees be refunded.

**OTHER OPTIONS CONSIDERED:**

A 'do nothing' option was rejected because this would not have resolved the existing complaints or satisfactorily addressed the issues raised in this report.

A 'do less' option was rejected because a time limit on certain claims against the Council in the 1985 Act could not be reasonably applied to the matters at hand.

**Only Key Decisions may be called in. All other decisions will be actioned immediately with the exception of those referred to Council (shown in italics).**