

## **EXECUTIVE**

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 3 October 2022 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Steve Fritchley in the Chair

Councillors Duncan McGregor (Vice-Chair), Mary Dooley, Clive Moesby, Sandra Peake, Liz Smyth and Deborah Watson.

Officers:- Karen Hanson (Executive Director Resources), Grant Galloway (Executive Director Strategy and Development), Pam Brown (Assistant Director Leader's Executive, Partnerships, Governance and Communications), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Treasurer), Ian Barber (Assistant Director Property Services and Housing Repairs), and Alison Bluff (Acting Governance and Civic Manager).

Also in attendance at the meeting for Minute Number EX48-22/23 only was Councillor Jen Wilson and Joanne Wilson (Scrutiny and Elections Officer).

### **EX44-21/22 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors David Downes and Tom Kirkham.

### **EX45-21/22 URGENT ITEMS OF BUSINESS**

The Chair advised the meeting of an urgent item of business to be considered which would be discussed in exempt business as the last item on the agenda.

### **EX46-21/22 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **EX47-21/22 MINUTES**

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that Minute Numbers EX35-22/23 to EX42-22/23 of the Minutes of the Executive meeting held on 5<sup>th</sup> September 2022, be approved as a correct record.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby **RESOLVED** that Minute Number EX43-22/23 be approved as a correct record.

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### MATTERS REFERRED FROM SCRUTINY

#### EX48-21/22      REVIEW OF INTEGRATION OF SOCIAL VALUE TO BDC POLICY AND DELIVERY

Executive considered a detailed report presented by the Chair of Local Growth Scrutiny Committee, Councillor Jen Wilson, in relation to a Review undertaken by the Committee regarding integration of social value to BDC policy and delivery.

The objectives agreed were to review how social value could be integrated in to current policy and delivery, based on best practice examples, investigate how the Council could maximise the social value benefits of the Coalite development, with specific emphasis on skilled jobs, and how this could be applied to other development sites within the District. Assess how wide the social value strategy should be developed, engaging with other service areas/Scrutiny Committees as required, and assess how the integration of social value could be supported by developing a 'cooperative council' approach.

The key issues identified for investigation were detailed in the report. The key findings arising from the review were that the Council was well placed to move forward in this area following initial integration of social value by the Partnerships team. The draft Policy produced was in line with national guidance for such documents and mirrored those of best practice authorities, and the procurement of a social value calculator tool had been robust with significant officer and Member input.

Scrutiny Committee had put together six recommendations, as detailed in the report, which would hopefully assist the Council in embedding social value in to the wider policy structures and operational delivery of the Council.

Councillor McGregor noted the report was a good report. He referred to paragraph 2.3 and advised the meeting that a system had been in place for a long time which enabled evidence of section 106 agreements agreed as part of planning permissions. He added that the Scrutiny Committee could seek information regarding this system from the Interim Planning Policy Manager.

The Assistant Director Leader's Executive, Partnerships, Governance and Communications noted that this was originally trialled via a tool acquired from the Cabinet Office and used by the Partnership Team to monitor grants to voluntary organisations, which turned out to be a really successful exercise to demonstrate the amount pound for pound, that the Council received for investing in grants to the voluntary organisations programme. She added that it was good to see that this would be used for all the projects and initiatives across the Council, particularly in terms of parish and town councils and communities across the District.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth  
**RESOLVED** that (1) the recommendations of the review as outlined in section 2 of the report be endorsed,

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(2) monitoring by Scrutiny Committee takes place over a twelve month period via the PERFORM system with an update report to Committee at the end of the monitoring period.

### Reasons for Recommendation

The Scrutiny Committee have put together six recommendations which will hopefully assist the Council in embedding social value in to the wider policy structures and operational delivery of the Council.

### Alternative Options and Reasons for Rejection

Due to the requirements of the Public Services (Social Value) Act 2012, the Council must seek to bolster compliance and refresh the approach to securing social value outcomes. As such a 'do nothing' approach is not a viable option. 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

## EX49-21/22      **AMBITION PLAN TARGETS PERFORMANCE UPDATE - APRIL TO JUNE 2022 (Q1 - 22/23)**

Executive considered a detailed report presented by the Portfolio Holder for Corporate Governance, in relation to outturn performance against the Council's Ambition Targets for the April to June 2022 quarter.

Out of the 31 targets, 22 were on track (71%), 1 had achieved its annual outturn in 2021/22 (3%), 1 had been left on alert (3%) and 7 had been achieved previously (23%).

The Portfolio Holder for Corporate Governance commented that the report was a good report, noting that CUS.07 - *Reduce average relet times for standard voids (Council properties) to 20 calendar days by March 2021 and maintain thereafter*, was on alert.

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake **RESOLVED** that the quarterly outturns against the Council Ambition 2020-2024 targets be noted.

### Reasons for Recommendation

Out of the 31 Council plan targets, 22 are on track (71%), 1 achieved its annual outturn in 2021/22 (3%), 1 left on alert (3%) and 7 achieved previously (23%).

This is an information report to keep Members informed of progress against the Council Ambition targets noting achievements and any areas of concern.

### Alternative Options and Reasons for Rejection

Not applicable to this report as providing an overview of performance against agreed targets.

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### BUDGET & POLICY FRAMEWORK ITEMS

#### **EX50-21/22 ANTI FRAUD, BRIBERY AND CORRUPTION POLICY**

Executive considered a detailed report presented by the Portfolio Holder for Finance, Councillor Clive Moesby, in relation to the council's updated Anti-Fraud, Bribery and Corruption Policy which was attached as an appendix to the report.

The Anti-Fraud, Bribery and Corruption policy aimed to help employees (including temporary and agency workers), Elected Members and Co-opted Members on the Council's committees, to understand their roles in the Council regarding fraud, bribery and corruption. Employees must ensure that they adhered to legal and contractual requirements and ensure that all procedures and practices remained above reproach.

The policy also aimed to help partners, contractors, suppliers, voluntary organisations and members of the public to understand how and when to contact the Council with their concerns.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Anti-Fraud, Bribery and Corruption Policy as set out in Appendix 1 to the report be approved.

#### **Reasons for Recommendation**

The current policy is at least 6 years old so this new policy is a complete re-write. The Policy has been updated to take account of all legislative and operational changes to ensure it is fit for purpose. The policy was presented to the Audit and Corporate Overview Scrutiny Committee on 13<sup>th</sup> September 2022 for comments.

#### **Alternative Options and Reasons for Rejection**

No alternatives found – the Council is required to have a policy and this ensures we set the standard at a sufficiently high level to send a clear message that fraud, bribery or corruption will not be tolerated, that all reported or identified instances will be dealt with in a professional and timely manner, that we are committed to preventing and detecting fraud, bribery or corruption and that those perpetrating the aforementioned acts will be dealt with swiftly and firmly and be prosecuted using all the sanctions available.

#### **EX51-21/22 COVID-19 GOVERNMENT FUNDING RECEIVED**

Executive considered a detailed report, presented by the Treasurer, which provided financial details of all grants, reliefs and compensation schemes the Council had received from central Government in response to the Coronavirus pandemic now that the final grant schemes have been reconciled.

In addition to receiving funding or reliefs to pass onto businesses and individuals, the Council also received funding to cover the financial effect of the pandemic. Some of this funding was simply a pot of Government support allocated between all councils on an arbitrary basis but some of the support was given to the Council based on its assessment of what it would need, or thought it would need based on information at the time.

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Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor  
**RESOLVED** that the report be noted.

### Reasons for Recommendation

The report is for Member's information.

### Alternative Options and Reasons for Rejection

No alternatives found – the report is a factual report based on all grants and contributions received throughout the period 11<sup>th</sup> March 2020 to 9<sup>th</sup> September 2022.

## KEY DECISIONS

### EX52-21/22          PROVISION OF SCAFFOLDING SERVICES FOR THE COUNCIL'S DOMESTIC HOUSING STOCK

Executive's approval was sought to award a contract for the provision of Scaffolding Services to the Council.

The Portfolio Holder for Housing presented the report which informed Members that a procurement exercise had recently been undertaken in line with the Council's procurement rules and the Public Contracts Regulations 2015. The procurement was undertaken using a competitive tender procedure.

Following advertisement of the contract, only one submission was received and this was from the incumbent contractor, Dark Scaffolding.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor  
**RESOLVED** that (1) the contract for the provision of Scaffolding Services to the Council be awarded to Dark Scaffolding,

(2) delegated powers be given to the Assistant Director of Property Services and Housing Repairs for extension to the contract after the first 2 years should service provision continue to meet the agreed standards and provide value for money.

### Reasons for Recommendation

After carrying out a comprehensive tender process, only one submission was received which was from the incumbent contractor.

The evaluation process identified a 9% uplift in the schedule of rates which is in line with current inflation rates and good value based upon their previous rates.

### Alternative Options and Reasons for Rejection

To undertake a further procurement exercise which may not provide any more submissions but would add additional delay, officer time and expense.

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### EX53-21/22 WELFARE ADAPTATIONS INSTALLATION CONTRACT

Executive's approval was sought to award a contract for the installation of welfare adaptation works to the Council's domestic housing stock to a framework of three contractors in accordance with Council Procurement Rules.

The Portfolio Holder for Housing presented the report which informed Members that the last contract for the provision of welfare adaptation works for the Council's Housing Repairs Service had expired on 3rd September 2022.

The Housing Repairs Service was required to deliver welfare adaptations to Council properties across the District. The number of adaptations varied each year depending on the number of applications and types of adaptations required. Examples of adaptations included grab rails, access improvements, specialist toilet facilities and ramps. The framework of three companies provided the Council with the resource, resilience and flexibility for the range of installations required.

Following a comprehensive assessment of the submissions, Swinstead Enterprises Ltd, Acis Group and T&S Heating met the suitability assessment and were considered to be economically advantageous based on the award criteria.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor  
**RESOLVED** that (1) Swinstead Enterprises Ltd, Acis Group and T&S Heating Ltd, be awarded the framework contract for the installation of welfare adaptation works to the Council's domestic housing stock,

(2) delegated powers be given to the Assistant Director of Property Services and Housing Repairs for extension to the contract after the first 2 years should service provision continue to meet the agreed standards and provide value for money.

#### Reasons for Recommendation

After carrying out a comprehensive procurement process, three submission are considered to meet the award criteria required to carry out the welfare adaptations to Council owned property.

#### Alternative Options and Reasons for Rejection

The alternative of not awarding the contracts has been rejected as welfare adaptations are an essential service to the public.

### EX54-21/22 MINOR WORKS CONTRACT

Executive's approval was sought to award a contract for minor works on the Council's domestic housing stock to a framework of three contractors in accordance with Council Procurement Rules.

The Portfolio Holder for Housing presented the report which informed Members that the last contract for the provision of minor works for the Council's Housing Repairs Service had expired on 3rd September 2022.

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The Housing Repairs Service was required to deliver minor works to Council properties across the District. The number of works varied each year and examples included repairs to masonry, roof repairs and fencing installations. The framework of three companies provided the Council with the resource, resilience and flexibility for the range of works required.

Following a comprehensive assessment of the submissions, Swinstead Enterprises Ltd, M & J's Building Services and T&S Heating met the suitability assessment and were considered to be economically advantageous based on the award criteria. This was in line with the previous framework contract of three contractors which had worked successfully for the last 4 years.

Moved by Councillor Sandra Peake and seconded by Councillor Liz Smyth

**RESOLVED** that (1) Swinstead Enterprises Ltd, M & J's Building Services and T&S Heating Ltd be awarded the framework contract for minor works to the Council's domestic housing stock,  
(2) delegated powers be given to the Assistant Director of Property Services and Housing Repairs for extension to the contract after the first 2 years should service provision continue to meet the agreed standards and provide value for money.

### Reasons for Recommendation

After carrying out a comprehensive procurement process, the three submissions are considered to meet the award criteria required to carry out the minor works required to Council owned property.

### Alternative Options and Reasons for Rejection

The alternative of not awarding the contracts has been rejected as minor works are essential to maintain the condition of the Council's housing stock.

## EX55-21/22 EXCLUSION OF THE PUBLIC

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley

**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 Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed. [The category of exempt information is stated after each Minute].

## EX56-21/22 WHOLLY OWNED COMPANY EXEMPT PARAGRAPH 3

Executive considered a detailed report, presented by the Executive Director of Strategy and Development, which provided an update on the position of Dragonfly and the conversion of Dragonfly into a wholly owned company. Also, to request that Executive consider a proposal for board membership for Dragonfly as a wholly owned company, to approve monies from the transformation reserve to obtain legal and professional advice

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to inform the formulation of the company, and to give delegated authority to the Executive Directors of the Council to enable new structures for the Council and Dragonfly to be finalised and implemented.

The Portfolio Holder for Finance asked various questions regarding the proposals to which the Executive Director of Strategy and Development and the Executive Director of Resources replied.

The Portfolio Holder for Governance thanked officers for the report and noted that a lot of hard work had gone into producing report.

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake

**RESOLVED** that (1) the decision by Dragonfly Development Ltd to 'buy out' Woodhead Regeneration from the Joint Venture be endorsed,

(2) the amendments to Dragonfly Development Ltd as outlined in the report be approved,

(3) the sum of monies as stated in the report from the transformation reserve to obtain legal and other professional advice and services be approved,

(4) delegated authority be given to the Executive Directors of the Council, in consultation with the Leader, to enable new structures for the Council and Dragonfly to be finalised and implemented.

### **Reasons for Recommendation**

The wholly owned management company has been established in order to comply with the Localism Act to promote the regeneration of the District and to secure improved financial returns for the Council from its asset base. This will provide a mechanism to deliver good quality private rented accommodation across the District, to invest in commercial and retail property to generate a return on investment and to provide a management company service to deliver new build capital projects as the main contractor.

### **Alternative Options and Reasons for Rejection**

As detailed in the report.

The meeting concluded at 11:15 hours.