

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 29th January 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Mary Dooley, Duncan McGregor, Clive Moesby, John Ritchie, and Sandra Peake.

Officers:- Karen Hanson (Chief Executive), Steve Brunt (Strategic Director of Services), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Section 151 Officer), Pam Brown (Service Director Executive, Corporate Services and Partnerships), Sarah Kay (Assistant Director Planning and Planning Policy), Deborah Whallett (Housing Services Manager), Sally Lovell (Business Estates Manager, Dragonfly Management) and Alison Bluff (Governance).

Also in attendance at the meeting, observing, were Junior Cabinet Members Phil Smith, Janet Tait and Jane Yates, Councillor Tom Munro and Thomas Dunne-Wragg (Scrutiny Officer).

EX105-23/24 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Anne Clarke.

EX106-23/24 URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

EX107-23/24 DECLARATIONS OF INTEREST

Minute Number	Member	Level of Interest
EX113-23/24	Councillor Steve Fritchley	Other registerable interest due to being a Director of Dragonfly Development Ltd
EX114-23/24	Councillor Steve Fritchley	Other registerable interest due to being a Director of Dragonfly Development Ltd
EX113-23/24	Councillor Mary Dooley	As a housing rent payer to BDC

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EX108-23/24 MINUTES – 4TH DECEMBER 2023

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED that the Minutes of an Executive meeting held on 4th December 2023 be approved as a correct record.

EX109-23/24 CHANGE TO ORDER OF BUSINESS TO THAT STATED ON THE AGENDA

The Chair consented to a change in order of business to that stated on the agenda. Agenda item 9: Lease to 2WL Limited at Pleasley Vale Business Park, would be considered after Agenda item 6: Bolsover Local Nature Recovery Champion.

NON KEY DECISION

EX110-23/24 SAFEGUARDING POLICY AND PROCEDURES - PROTECTING CHILDREN AND ADULTS AT RISK

Executive considered a detailed report which sought Members' approval to adopt the proposed Safeguarding Policy and Procedures, Protecting Children and Adults at Risk.

The Council's current Adult Safeguarding Policy and Children Safeguarding Policy were separate policies and were not due to expire until 2025. If adopted, the proposed refreshed policy would act as a single policy document, and would replace the two existing safeguarding policies.

There was a requirement for the district and borough councils in Derbyshire to work in partnership with DCC, who were the statutory lead for safeguarding in Derbyshire as they had responsibility for adult care and children's services.

It had been agreed at a recent Derbyshire Safeguarding Leads Group that a safeguarding policy would be developed by all district and borough councils across Derbyshire to ensure consistency of service. Therefore, the refreshed policy presented to Members had been developed to complement DCC's safeguarding policy and procedures, and had the approval of the Derbyshire Safeguarding Boards.

Members were asked to note that the refreshed Safeguarding Policy had been adapted in line with the Council's reporting procedures, therefore, the current reporting procedures in place would not be amended.

The Council would raise awareness of the new policy, along with the associated information sheets, by publishing on the Council's website.

Safeguarding training would continue to be implemented for all new and existing employees. All safeguarding link officers would undertake training on their roles and responsibilities at regular intervals to give updates on any change in legislation. The draft policy was considered by the Climate Change and Communities Scrutiny Committee on 5th December 2023.

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Moved by Councillor Mary Dooley and seconded by Councillor Duncan McGregor
RESOLVED that the draft Derbyshire wide policy, Safeguarding Policy and Procedures, Protecting Children and Adults at Risk, be adopted.

Reasons for Recommendation

To adopt the Derbyshire wide safeguarding policy to enable a consistent partnership approach across the county.

Alternative Options and Reasons for Rejection

An alternative option was not to adopt the Derbyshire wide policy and continue to have two policies in place, this was rejected due to the partnership approach to provide consistency across Derbyshire for safeguarding.

Another reason for rejection was that future staff time would be saved reviewing one policy instead of two.

One policy for both adults and children would be more “user friendly” to employees and residents of the district.

NON KEY DECISION

EX111-23/24 BOLSOVER LOCAL NATURE RECOVERY CHAMPION

Committee considered a detailed report in relation to re-establishing the Local Nature Recovery (LNR) Champion Member role and to re-select a Member to the role.

Following the district elections in May 2023, it was now necessary to re-select a Member to the role of LNR Champion. This role would continue to work closely with the Planning Policy team as the focus of the four pledges were carried forward. This position would also sit on a newly formed LNR task and finish group, who would collectively identify focus for forthcoming workstreams and ongoing engagement with the county wide LNRS preparation.

To aid with this selection, the leaders of the Council’s political groups had been emailed to notify them of this potential opportunity and to establish whether there was any interested Members that would wish to volunteer for the Local Nature Recovery Champion role. Volunteers had been asked to direct their interest to the Governance Team by 5pm on Friday 19th January 2024. This would allow for any relevant nominees to be presented at the Executive meeting for consideration.

It was noted that Councillor Anne Clarke had put her name forward for the Local Nature Recovery (LNR) Champion Member role.

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake
RESOLVED that Councillor Anne Clarke be the Council’s Local Nature Recovery (LNR) Champion Member.

Reasons for Recommendation

To re-select a Member volunteer for the role of Local Nature Recovery Champion, and to appoint a Member to the role.

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Alternative Options and Reasons for Rejection

It would be possible to not create a Local Nature Recovery Champion, although this would not achieve the benefits stated in the report. Therefore, officers had not considered this option.

NON KEY DECISION

EX112-23/24 LEASE TO 2WL LIMITED AT PLEASLEY VALE BUSINESS PARK APPENDIX 1 TO THE REPORT IS EXEMPT UNDER PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972

Executive considered a detailed report which provided an update on the outcome of lease negotiations with 2WL Limited, based at Pleasley Vale Business Park, and also sought Members' approval to enter into a new lease agreement with them on the negotiated terms as set out in the report.

2WL had an established business operation at Pleasley Vale having been based on the site for almost 30 years.

On 6th September 2021, the Executive granted delegated authority to the Director - Strategy and Development to agree terms with 2WL Limited for a new lease. These agreed heads of terms were set out in Appendix 1 to the report.

The rent would continue at £93,303 for the first 5 years of the new term which would enable the tenant to make a capital investment in years 1 to 3. The rent had been agreed by the Council's Senior Valuer.

The capital investment included repairs to areas of the floor and the roof in the occupiable space in Mill 2 and the Dyehouse and replacement of windows to the front elevation of Mill 2, the elevation facing towards Mill One, and which was visible from entering the site from Mill One.

The Landlord would have the right to break the lease in the event of redevelopment of the site by the Landlord. However, Members were asked to note this would only apply when a redevelopment contract had been signed and would be subject to 24 months' notice being served under the 1954 Landlord and Tenant Act.

The Tenant had the option to end the lease agreement at the end of the fifth year of the term by serving no less than 6 months prior written notice.

An upwards only rent review would be completed every 5 years from commencement of the lease and in the last year of the term. This would be based on market value.

Moved by Councillor John Ritchie and seconded by Councillor Duncan McGregor
RESOLVED that: 1) the negotiated and agreed heads of terms be approved,

2) a lease agreement be entered into with 2WL Limited.

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Reasons for Recommendation

Securing a tenancy for 2WL Limited at Pleasley Vale Business Park would provide some certainty on their continued occupation of the site and enable them to make capital investment in the building. This would significantly improve the premises, which were currently in a poor state of repair, and ensure that the Landlord could invest its limited revenue funds into urgent repairs which had already been identified in other areas on site.

There were currently no confirmed proposals for the regeneration of Pleasley Vale Business Park and therefore agreeing the tenancy would secure the rental income of at least £93,303 per annum for the 15-year term. In addition, the business rate liability, currently £49,664 per annum, would remain with the tenant.

By including the Landlord break, it ensured that accepting these proposals would not compromise redevelopment of Pleasley Mills.

Alternative Options and Reasons for Rejection

To allow the current lease to run its course and continue through to expiry on 30th September 2026. The tenant currently had security of tenure so could be left to hold over at the end of their already agreed contractual term. In addition, the Landlord did not currently have the option to break which could negatively impact on future development plans, therefore this option had been discounted.

Not to proceed with the new tenancy may result in the tenant choosing to relocate their business to alternative premises and this could potentially fall outside the district. Not only would this result in a loss of revenue income which would be significant loss to the Authority, but it could also have an impact on the district in terms of unemployment or a loss of employment as all staff were recruited from the locality and may not be able to travel.

Should the business relocate; the Authority would need to make a significant investment in the premises to bring it to the required standard for re letting.

As a Member on the Dragonfly Board, Junior Cabinet Member, Councillor Janet Tait, left the Chamber at this point.

Having previously declared his interest in the following two items of business, Councillor Steve Fritchley left the meeting.

Councillor Duncan McGregor in the Chair

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NON KEY DECISION

EX113-23/24 MEDIUM TERM FINANCIAL PLAN 2023/24 TO 2027/28

Executive considered a report in relation to the current budget for 2023/24 and the proposed budget 2024/25, for the General Fund, Housing Revenue Account and Capital Programme, as part of the Council's Medium Term Financial Plan covering the years 2023/24 to 2027/28.

The report provided an overview of the Council's financial position in order to inform the decision-making process. In particular financial projections were provided for:

- 2023/24 Current Budget Position: this was the current year budget, revised to take account of changes during the financial year ending 31st March 2024.
- 2024/25 Original Budget: this was the proposed budget for the next financial year on which the Council Tax would be based, and would commence from 1st April 2024.
- 2024/25 Original Budget: this included proposed increases to rents and fees and charges for the next financial year for the Housing Revenue Account.
- 2025/26 to 2027/28 Financial Plan: In accordance with good practice the Council agreed its annual budgets within the context of a Medium-Term Financial Plan (MTFP). This included financial projections in respect of the next three financial years.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor **RECOMMENDED** that, at its meeting on 31st January 2024, Council consider and approve the following;

- 1 That in the view of the Section 151 Officer, the estimates included in the Medium-Term Financial Plan 2023/24 to 2027/28 are robust and that the level of financial reserves whilst at minimum levels are adequate, be accepted.
- 2 That officers report back to Executive and to the Finance and Corporate Overview Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets.

GENERAL FUND

- 3 A Council Tax increase of £5.89 is levied in respect of a notional Band D property (2.99%).
- 4 The Medium-Term Financial Plan in respect of the General Fund as set out in Appendix 1 of this report be approved as the Revised Budget 2023/24, as the Original Budget in respect of 2024/25, and the financial projection in respect of 2025/26 to 2027/28.
- 5 That any further under spend in respect of 2023/24 is transferred to the Council's General Fund Reserves.

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6 On the basis that income from Planning Fees may exceed £0.500m in 2023/24, the Head of Paid Service in consultation with the Leader be granted delegated powers to authorise such additional resources as are necessary to effectively manage the resultant increase in workload.

HOUSING REVENUE ACCOUNT

7 That Council increases its rent levels by 7.7% to apply from 1st April 2024.

8 That the increases in respect of other charges as outlined in Appendix 4 Table 1 be implemented with effect from 1st April 2024.

9 The Medium-Term Financial Plan in respect of the Housing Revenue Account as set out in Appendix 3 and 4 of this report be approved as the Revised Budget in respect of 2023/24, as the Original Budget in respect of 2024/25, and the financial projection in respect of 2025/26 to 2027/28.

10 That under spends in respect of 2023/24 to 2027/28 are transferred to the HRA Revenue Reserve.

CAPITAL PROGRAMME

11 That the Capital Programme as set out in Appendix 5 be approved as the Revised Budget in respect of 2023/24, and as the Approved Programme for 2024/25 to 2027/28.

Reasons for Recommendation

The report presented a budget for approval by Council. It sought to ensure approval to budgets in respect of the General Fund, the Housing Revenue Account, and the Capital Programme.

Alternative Options and Reasons for Rejection

Alternative options were considered throughout the report

KEY DECISION

EX114-23/24 DRAGONFLY SERVICE LEVEL AGREEMENTS

Executive considered a detailed report which provided details of the service level agreement it was proposed to be entered into with Dragonfly Management (Bolsover) Ltd, in connection to the services the company would provide to the Council. The report also sought Executive's approval for the Council to complete the service level agreement.

At its meeting held on 1st February 2023, Council agreed the recommendations set out in a business case regarding the arrangements for the Dragonfly companies: Dragonfly Development Ltd and Dragonfly Management (Bolsover) Ltd.

Under the agreed arrangements Dragonfly Development Ltd was to act as the Council's commercial company undertaking developments for external clients together with acting as subcontractor in delivering the Council's own build programme.

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Dragonfly Management would provide services to the Council such as housing repairs, economic development, facilities management, and bring forward sites for development.

Following this decision a number of services had been undertaken by Dragonfly Management (Bolsover) Ltd, however, no formal agreement was in place. It was necessary in the long term to have an arrangement in place and for the last few months the Council and Dragonfly had been working on a draft service level agreement ("SLA"). A copy of the proposed SLA was attached at Appendix 1 to the report.

The SLA was a detailed document providing for the provision of services back to the Council. In summary the agreement provided for the provisions of the services as set out in Schedule 1 the Specification. These services were as follows;

- Capital Projects
- New Builds
- Engineering
- Facilities Management
- Business Support for Property Services and Engineering Services
- Repairs and Maintenance Services
- Business Growth Services
- Economic Development Services

Schedule 3 of the SLA dealt with the payment that the Council would make to the company for the services. These payments would be the equivalent to the budgetary allocation the Council would make for the provision of the services which were set each year.

A separate service level agreement was being produced setting out the support services that the Council would provide to Dragonfly. These included Legal Services, HR and Payroll, ICT, Procurement and Finance.

Members welcomed the report and noted that a lot of work had been undertaken in relation to the SLAs. The Chief Executive confirmed that the SLA had previously been considered at the BDC Dragonfly Shareholder Board and at Local Growth Scrutiny Committee.

Moved by Councillor John Ritchie and seconded by Councillor Clive Moesby
RESOLVED that 1) the contents of the SLA be noted,

2) the Council enters into the service level agreement with Dragonfly Management (Bolsover) Limited,

3) the Council's Chief Executive Officer be given delegate authority to agree any amendments to the Service Level Agreement.

Reasons for Recommendation

A formal agreement between the Council and Dragonfly Management (Bolsover) Ltd was necessary to clarify the arrangement by which the company would provide services back to the Council.

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Alternative Options

Not to have an agreement. This was rejected as a formal arrangement is important to provide certainty to both parties and to reduce potential areas of dispute.

The meeting concluded at 10:30 hours.