

To: All Members

The Arc
High Street
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6th March 2024

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Dear Councillor

EXECUTIVE MEETING MONDAY 4TH MARCH 2024 – DECISION NOTICE

I have pleasure in enclosing herewith, for your attention, a copy of the Decision Notice of the Executive held on Monday 4th March 2024.

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:

WEDNESDAY 13th MARCH 2024

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 and Monitoring Officer

**DECISION NOTICE OF THE EXECUTIVE
MONDAY 4TH MARCH 2024**

NON KEY DECISIONS

AGENDA ITEM		DECISION
5	Fire Safety Policy	<p>RESOLVED that to ensure the Council was compliant with Regulatory Reform (Fire Safety) Order 2005 and Building Safety Act 2022, the Fire Policy be approved.</p> <p>REASON FOR DECISION: It was a legal requirement to have a Fire Safety Policy and to monitor compliance with its implementation.</p> <p>OTHER OPTIONS CONSIDERED: Failure to approve and adopt the Fire Safety Policy would place the Council in a position of non-compliance, presenting risk of enforcement action by the Derbyshire Fire & Rescue Service (Fire Safety Officer) for failure to comply with and/or breaching requirements of the Fire Safety Order.</p>
6	Ambition Plan Targets Performance Update - October 2023 to December 2023	<p>RESOLVED that the quarterly outturns against the Council Ambition 2020-2024 targets be noted.</p> <p>REASON FOR DECISION: This was an information report to keep Members informed of progress against the Council Ambition targets noting achievements and any areas of concern.</p> <p>OTHER OPTIONS CONSIDERED: Not applicable to this report as providing an overview of performance against agreed targets.</p>
7	Management of Corporate Debt - Write Off of Outstanding Amounts	<p>RESOLVED that the amounts included at paragraph 2.1 of the report (£28,881.49) and individually detailed in Appendix 1 to the report be written off.</p> <p>REASON FOR DECISION: Given that all available options to recover the debt had been explored, it was important that the Council recognised the position and approved the write-off of the uncollectable debt</p>

OTHER OPTIONS CONSIDERED:

These were outlined in the main body of the report.

KEY DECISIONS

AGENDA ITEM		DECISION
8	Vehicle Replacements - Waste Services	<p>RESOLVED that the replacement of 4 waste collection vehicles as set out in the report be approved.</p> <p>REASON FOR DECISION: To ensure fleet vehicles were replaced in line with the capital fleet replacement programme.</p> <p>OTHER OPTIONS CONSIDERED: Replacement of vehicles by way of finance lease arrangements was not considered to offer good value to the Council and reduced the scope for flexibility concerning how vehicles were managed throughout the course of their anticipated life; in particular, where vehicles may require releasing from the leasing agreement prior to their natural end date. In addition, some of the lease companies had charged the Council considerable amounts of money when they were unhappy with the condition vehicles were returned in. This increased the cost of leasing considerably to the Council.</p> <p>Vehicle replacements proposed in the report were diesel (combustion) engine powered; in particular, as alternative electric (EV) or ultra-low emission (ULEV) vehicle options were not available in this vehicle class and weight range. Vehicles proposed met current highest Euro-VI emission standards and were fitted with electric bin hoists which further reduced engine emissions and were able to operate on HVO (Hydrated Vegetable Oil) offering 60% (approx.) reduced tail-pipe emissions</p>
9	Derby and Derbyshire Strategic Leadership Board	<p>RESOLVED that;</p> <p>1) Executive approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2 to the report,</p>

- 2) the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the D2 Strategic Leadership Board as set out at Appendix 2 to the report and the position detailed in those documents regarding scrutiny and co-option be approved,
- 3) appoints the Leader, Councillor Steve Fritchley, as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Councillor Duncan McGregor, as substitute,
- 4) notes the intention that the D2 Strategic Leadership Board be the body for the nomination of district and borough representatives to the East Midlands Combined County Authority, when established, further noting that this is subject to the CCA's agreement to designate the D2 Strategic Leadership Board as a nominating body,
- 5) agrees that the County Council will act as the host authority for the Joint Committee,
- 6) notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly,
- 7) notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly,
- 8) approves the Council's membership of the D2 Strategic Leadership Board,
- 9) notes that the functions of the Committee are executive functions, and therefore, the Council will not have the opportunity to co-opt additional members onto the Committee and the ability to co-opt is restricted within the Terms of Reference,
- 10) notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to

		<p>review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.</p> <p>REASON FOR DECISION:</p> <p>To establish the D2 Strategic Leadership Board with robust governance arrangements in place and secure the Council's future involvement and participation in new governance arrangements as they develop and emerge.</p> <p>To enable Cabinet to commit the financial resources required to support the D2 Strategic Leadership Board and work activity.</p> <p>To enable the Council to participate fully in all decision making and programme activity that will take place under the remit of the proposed D2 Strategic Leadership Board.</p> <p>To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board.</p> <p>OTHER OPTIONS CONSIDERED:</p> <p>Existing Joint Committees having been dissolved; the Council could take the option to not create a successor committee. There would still, however, need to be an alternative vehicle to make nominations to the CCA when established.</p> <p>Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible.</p>
10	Bolsover Homes Scheme - Woburn Close Cluster, Blackwell	RESOLVED that the Council enters into contract with Dragonfly Management (Bolsover) Limited for the development of the Woburn Close Cluster as outlined in the report to Executive on 11th September 2023.

		<p>REASON FOR DECISION: To comply with the Public Contract Regulations 2015.</p> <p>OTHER OPTIONS CONSIDERED: To enter into a contract with Dragonfly Development Limited. This would breach the requirements of the Public Contract Regulations 2015.</p>
11	<p>Briar Close, Shirebrook - demolition of Council owned bungalows</p>	<p>RESOLVED that delegated authority be given to the Assistant Director Housing Management and Enforcement to award the contract for demolition of the Council-owned bungalows and ancillary buildings on Briar Close, Shirebrook to Dragonfly Development Limited.</p> <p>REASON FOR DECISION: There were no compelling reasons to retain the existing buildings, but there was potential for re-development of the site that would enhance amenity value of the local area and better serve the local community. However, leaving the buildings empty was likely to attract additional anti-social behaviour as well as incur costs to the Council in terms of council tax payments for the vacant bungalows. It was therefore recommended that Dragonfly Development Limited be appointed to demolish the Council-owned bungalows and ancillary buildings.</p> <p>OTHER OPTIONS CONSIDERED: The option to retain the bungalows was rejected due to their condition and the significant amount of investment needed to get them to a decent home's standard. Were they not to be demolished, the Council would continue to incur cost liability for Council Tax (£1,200 per week) and this would also further obscure void property performance. It was therefore in the interest of the Council to arrange demolition of the properties.</p>

**PART 2 - EXEMPT ITEM
PARAGRAPH 3**

KEY DECISION

AGENDA ITEM		DECISION
13	<p>Receipt of grant funding for installation of combined heat and power units at the Arc</p>	<p>RESOLVED that 1) the grant offer towards the installation of CHP units for The Arc be accepted,</p> <p>2) that the Procurement process be undertaken,</p> <p>3) the use of the money already identified and set-a-side in the Transformation Reserve, to cover the additional costs over and above the grant received, with any remaining balance going into the unallocated reserve balance be approved.</p> <p>REASON FOR DECISION: To accept the grant offer towards the installation of CHP units for The Arc.</p> <p>To approve the start of the procurement process and additional costs of monies already identified from the Transformation Reserve.</p> <p>OTHER OPTIONS CONSIDERED: To continue with current operating systems of conventional gas fired boilers and not recoup the benefit of long-term savings.</p>

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