

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Executive

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Friday 23rd February 2024

Dear Councillor

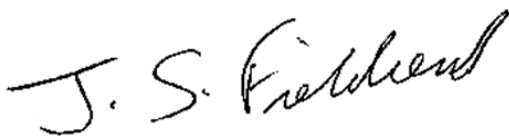
EXECUTIVE

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 4th March, 2024 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3.

Yours faithfully



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

EXECUTIVE AGENDA

*Monday 4th March 2024 at 10:00 hours taking place in the Council Chamber, The Arc,
Clowne*

| Item No. | | Page No.(s) |
|----------|--|----------------|
| 1. | Apologies For Absence | |
| 2. | Urgent Items of Business | |
| | To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972. | |
| 3. | Declarations of Interest | |
| | Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: | |
| | a) any business on the agenda | |
| | b) any urgent additional items to be considered | |
| | c) any matters arising out of those items | |
| | and if appropriate, withdraw from the meeting at the relevant time. | |
| 4. | Minutes | 5 - 13 |
| | To consider the minutes of the last meeting held on 29 th January 2024 | |
| | <u>NON KEY DECISIONS</u> | |
| 5. | Fire Safety Policy | 14 - 35 |
| 6. | Ambition Plan Targets Performance Update - October 2023 to December 2023 | 36 - 45 |
| 7. | Management of Corporate Debt - Write Off of Outstanding Amounts | 46 - 50 |
| | <u>KEY DECISIONS</u> | |
| 8. | Vehicle Replacements - Waste Services | 51 - 53 |
| 9. | Derby and Derbyshire Strategic Leadership Board | 54 - 80 |
| 10. | Bolsover Homes Scheme - Woburn Close Cluster, Blackwell | 81 - 92 |
| 11. | Briar Close, Shirebrook - demolition of Council owned bungalows | 93 - 97 |

12. Exclusion of the public

To move:-

“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 item].

PART 2 - EXEMPT ITEMS

KEY DECISIONS

- 13. Receipt of grant funding for installation of combined heat and power units at the Arc 98 - 101**
- (Exempt Paragraph 3)**

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 1000 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

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 |

EXECUTIVE

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.

EXECUTIVE

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.

EXECUTIVE

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.

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.

EXECUTIVE

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

EXECUTIVE

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.

EXECUTIVE

- 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.

EXECUTIVE

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.

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.

EXECUTIVE

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.

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 1030 hours.

BOLSOVER DISTRICT COUNCIL

MEETING OF THE EXECUTIVE ON 4TH MARCH 2024

FIRE SAFETY POLICY

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT

| | |
|------------------------|--|
| Classification | This report is Public |
| Contact Officer | Steve Brunt – Strategic Director of Services Bronwen MacArthur-Williams – Health and Safety Manager |

PURPOSE/SUMMARY OF REPORT

1. To recommend to Executive adoption of the Council’s Fire Safety Policy which will be applicable to all BDC corporate and housing independent living scheme premises.

REPORT DETAILS

1. Background

- 1.1 The Government has published new guidance on the enhanced duties of responsible persons under amendments of the Regulatory Reform (Fire Safety) Order 2005 and Building Safety Act 2022 (S156) applying to all non-domestic premises where people work, visit or reside, including parts of multi-occupied residential buildings, communal corridors, stairs and plant rooms.
- 1.2 It is now a requirement for all organisations to have a written fire safety policy, requiring all responsible persons must record:
 - Their completed fire risk assessment in full (where previously only specific information was required to be recorded)
 - Identity the individual and/or the organisation engaged by them to undertake/review any or all of the fire risk assessment.
 - Fire safety arrangements in how their premises is managed.
 - Maintain contact information and share this with other responsible persons and residents of multi-occupied residential premises.
 - Responsible persons take reasonably practicable steps to ascertain the existence of other responsible persons who share or have duties in the same premises and of accountable persons and must identify themselves to them.
 - Outgoing responsible persons share all “relevant fire safety information” with incoming responsible persons.
 - Responsible persons of a building containing two or more sets of domestic premises provide residents with relevant fire safety information, in a format that is easily understood.

2. Details of Proposal or Information

- 2.1 Executive approval is sought in adoption of the Council’s Fire Safety Policy.
- 2.2 When adopted, the policy will be reviewed periodically thereafter.

3. Reasons for Recommendation

- 3.1 It is a legal requirement to have a Fire Safety Policy and to monitor compliance with its implementation.

4 Alternative Options and Reasons for Rejection

- 4.1 Failure to approve and adopt the Fire Safety Policy will 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

RECOMMENDATION(S)

- 1. Executive approves the Fire Policy to ensure the Council is compliant with Regulatory Reform (Fire Safety) Order 2005 and Building Safety Act 2022.

Approved by Councillor Clarke Portfolio Holder for the Environment, under which Health and Safety arrangements reside.

| | |
|--|---|
| <u>IMPLICATIONS:</u> | |
| <u>Finance and Risk:</u> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Details: Costs in complying with amended legislation will be met through existing budgets. <div style="text-align: right;">On behalf of the Section 151 Officer</div> | |
| <u>Legal (including Data Protection):</u> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Details: Failure to approve and adopt the Fire Safety Policy could result in prosecution by the Derbyshire Fire & Rescue Service for failure to comply with and/or breaching requirements of the Fire Safety Order <div style="text-align: right;">On behalf of the Solicitor to the Council</div> | |
| <u>Environment:</u> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment Details: By ensuring fire safety precautions are in place, this reduces environmental impacts of fire and smoke. | |
| <u>Staffing:</u> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Details: This policy is required to ensure the safety and wellbeing of all users of Council building, including the public, staff and contractors. It is integral to ensuring appropriate health and safety measures are in place. <div style="text-align: right;">On behalf of the Head of Paid Service</div> | |

DECISION INFORMATION

| | | |
|--|---|----|
| Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i> | | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | | No |
| District Wards Significantly Affected | (please state which wards or state All if all wards are affected) N/a | |
| Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | <u>Details:</u> This policy has undergone consultation with relevant Officers, members of SLT and Climate Change and Communities Scrutiny Committee as part of its development and approval route. | |
| Links to Council Ambition: Customers, Economy and Environment. | | |
| Customers – Improving health, safety and wellbeing. | | |

| DOCUMENT INFORMATION | |
|----------------------|------------------------------|
| Appendix | Title |
| 1 | Fire Safety Policy 2024-2025 |

| |
|--|
| Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i> |
| Building Safety Act 2022: 2022 c. 30, part 5, Fire Safety (S156). https://www.legislation.gov.uk/ukpga/2022/30/section/156#section-156-6 |

290823



Fire Safety Policy

January 2024

Equalities Statement

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Access for All statement

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- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR [policy title here]

| Policy Details | Comments / Confirmation (To be updated as the document progresses) |
|---|---|
| Policy title | Fire Safety Policy 2024-2025 |
| Current status – i.e. first draft, version 2 or final version | Final version |
| Policy author (post title only) | Health & Safety Manager |
| Location of policy (whilst in development) | Property Services and Health & Safety |
| Relevant Cabinet Member (if applicable) | Cllr. Clarke |
| Equality Impact Assessment approval date | Falls within wider Health & Safety Policy EIA. |
| Partnership involvement (if applicable) | N/a |
| Final policy approval route i.e. Executive/ Council | Executive |
| Date policy approved | |
| Date policy due for review (maximum three years) | February 2025 |
| Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public) | |

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1.0 INTRODUCTION

- 1.1 Bolsover District Council (BDC) will make every effort to minimise the risk to occupants in Council owned housing stock/commercial buildings by complying with all relevant legislation and subsequent guidance. These include the Regulatory Reform (Fire Safety) Order 2005 (RRO), Fire Safety Act 2021, the Building Safety Act 2022 and the Housing Act 2004.
- 1.2 BDC currently own 15 low-rise blocks (1-2 floors) alongside 6 Sheltered Housing Schemes and Community Rooms. Commercial Builds include buildings up to 5 stories high. Details are shown in Appendix 1 for Housing premise locations, in Appendix 2 for Commercial locations and in Appendix 3 for Corporate locations.

2.0 SCOPE

- 2.1 This policy applies to all BDC owned blocks of flats and to the communal parts of converted properties managed by BDC Housing section and Commercial Services and applies to all tenancies.
- 2.2 The main objectives of this policy are to ensure the Council has adequate measures are in place:
- to safeguard all relevant persons from death or injury in the event of fire
 - to minimise the risk of fire and to limit fire spread
 - to minimise the potential for fire to disrupt services, damage buildings and equipment or harm the environment
- 2.3 BDC will appoint a Responsible Person as required by the Fire Safety Act as set out at section 5.1.

3.0 POLICY STATEMENT

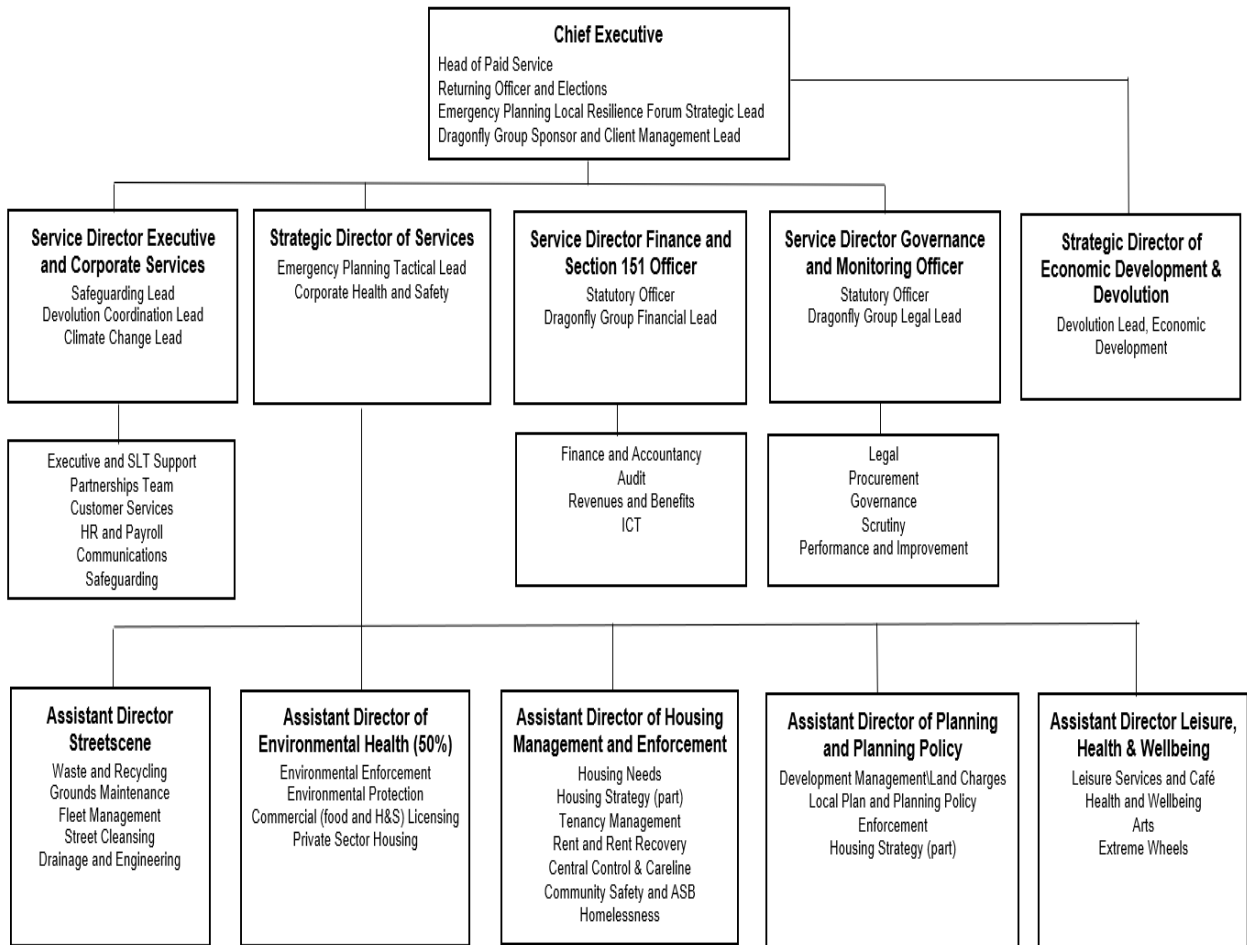
- 3.1 BDC aims to provide a safe environment in which our employees and tenants are assured that the risk of injury or damage property caused by fires is minimised.
- 3.2 We will foster and maintain good working relationships with partner services to help ensure the ongoing safety of our employees and tenants - this includes Derbyshire Fire & Rescue Service (DFRS).
- 3.3 In aiming to deliver this environment we will seek to identify, assess and reduce risks to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005.
- 3.4 In discharging our obligations to fire safety BDC will:
- carry out Fire Risk Assessments (FRAs) in accordance with the Regulatory Reform (Fire Safety) Order 2005
 - facilitate fire risk audits with DFRS as requested

3.5 We will provide employees and tenants with advice and information about fire safety via a range of media including:

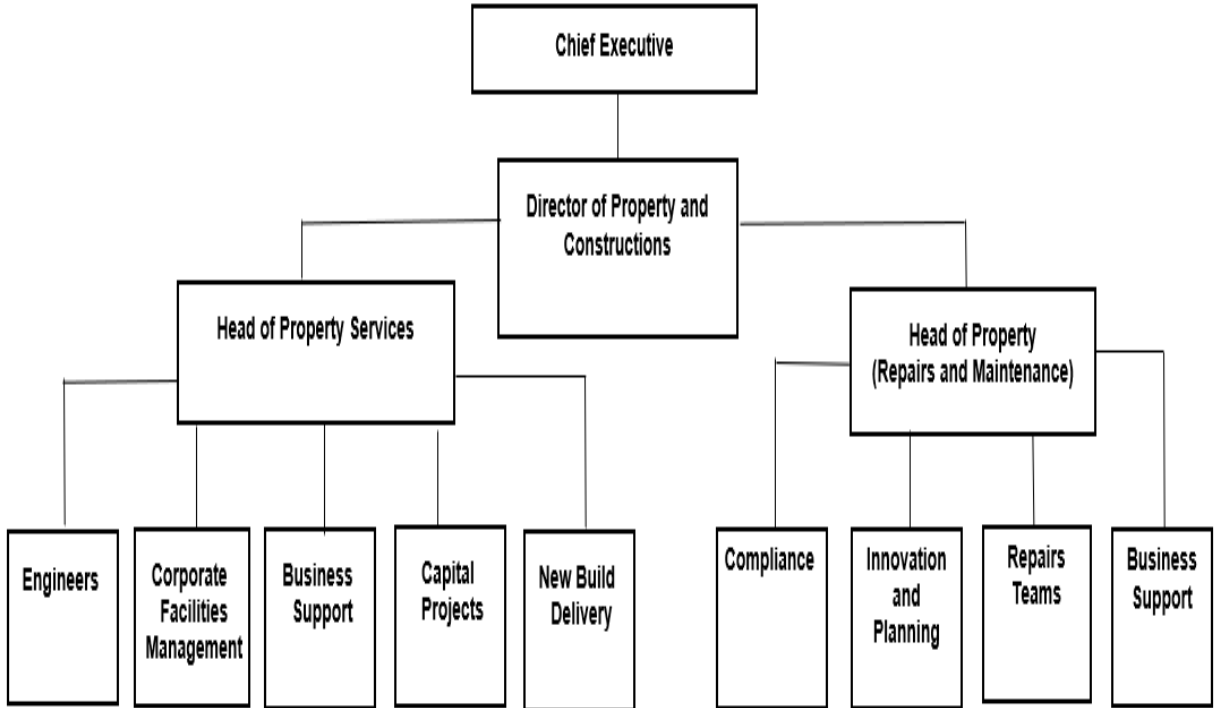
- newsletters
- leaflets
- posters
- website
- tenant handbook
- during tenancy visits

4.0 STRUCTURES

4.1 Bolsover District Council



4.2 **Dragonfly Development Ltd.**



5.0 **RESPONSIBILITIES**

5.1 **Chief Executive**

The Council will appoint the Chief Executive (Karen Hanson) as the Responsible Person - as required by the Fire Safety Act 2021. The Chief Executive is ultimately responsible to the Council for ensuring the effectiveness and implementation of the Fire Safety Policy and management procedures.

5.2 **Elected Members**

- It is the responsibility of Elected Members to monitor the Fire Safety Policy.
- Elected Members must ensure that sufficient priority is given to the allocation of resources for the provision of fire safety issues.

5.3 **Strategic Director, Directors, Assistant Directors and Service Managers**

Strategic Director, Assistant Directors and Services Managers are responsible and accountable for achieving the objectives within the Fire Safety Policy across their respective portfolios. In particular, they will:

- Ensure that their Officers know and accept their responsibilities under the Fire Safety Policy and that they are able to carry out those responsibilities.
- Ensure the involvement and active participation of employees at all levels, including third parties (e.g., contractors and members of the public) where appropriate.
- Ensure that appropriate fire safety management arrangements are clearly identified and that nominated Officers have sufficient knowledge and time to carry out their responsibilities effectively

5.4 Facilities Management Service (Dragonfly Development Ltd.) will:

- Prepare and regularly monitor the Fire Safety Policy with the Health & Safety Service
- Appoint a competent Fire Risk Assessor to undertake biennial fire risk assessments of all relevant Housing, corporate and commercial buildings.
- Whenever possible, ensure that all recommendations are actioned and closed down within specified timescales.
- Obtain the relevant fire risk assessment from each commercial tenant and ensure the appropriate assessment is available in each corporate building
- Maintain and monitor a corporate register of fire risk assessments for all relevant BDC buildings.
- Remain informed of any changes in legislation and best practice developments.

5.5 Health & Safety Service will:

- Jointly prepare and regularly monitor the Fire Safety Policy with the Facilities Management Service
- Assist the Facilities Management Service in implementing this Policy across all relevant Housing and corporate premises
- Remain informed of any changes in legislation and best practice developments.
- Liaise with and consult with Trade Union Health & Safety Representatives and representatives of employee safety regarding fire safety measures.

5.6 All employees must:

- Be aware of the duty of care to themselves and to others.
- Co-operate regarding fire safety, including complying with all fire safety rules and regulations relating to their area of responsibility.
- Undertake any fire safety training that may be required.
- Participate in all fire evacuations – whether planned or ‘live’.
- Report any fire hazards, which could put themselves or others at serious risk, to their line manager.
- Not interfere with or misuse any fire equipment provided.
- Co-operate with investigations into any fire related accidents / incidents / near misses.
- **Temporary and Agency workers** shall, for the purposes of the Fire Safety Policy, be regarded as employees of the Council.
- **Trainees and work experience student** shall be deemed to be ‘employees’ of the Council in accordance with the Health and Safety (Training for Employment) Regulations 1990

5.7 Contractors, Partner Organisations and Commissioned Services

The Council will work together with partner organisations and other key stakeholders to ensure that fire safety is taken into account where joint working takes place. The Council will also ensure that there is proper liaison with external organisations such as enforcement and inspection bodies.

5.8 Trade Union Health and Safety Representatives

Trade Union Health and Safety Representatives have the same responsibilities as other employees. However, in addition to these responsibilities they also have rights under the Safety Representatives and Safety Committees Regulations 1977 and under agreed arrangements with the Council are permitted to:

- Receive information from the employer regarding matters of fire safety
- Be involved in the consultation process on the Fire Safety Policy and procedures

6.0 FIRE RISKS

6.1 The Regulatory Reform (Fire Safety) Order 2005 (RRO 2005) places a duty on landlords to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity.

The main fire risks identified are:

- combustible materials, including rubbish and furniture.
- faulty electrical installations.
- Smoking.
- failures in compartmentation.
- mobility scooters and charging points.

6.2 BDC will mitigate the risks identified above by carrying out regular checks of all common areas and Council managed areas and by dealing with any identified issues immediately. Signage is placed within the common areas highlighting no smoking and the area being maintained as a sterile environment. Mobility scooters must not be charged or kept in any communal areas.

6.3 BDC will review the suitability of the accommodation against the staff and tenants needs in order to mitigate fire risks and the need to place any aids in Council managed and communal areas.

6.4 BDC will have inspected the compartmentation condition at the time of the fire risk assessment and at each review.

7.0 FIRE RISK ASSESSMENTS (FRAs)

7.1 The RRO 2005 identifies BDC as the responsible person and as such we have a duty to carry out a FRA in relevant premises and take reasonable steps to remove or reduce any risks that have been identified and to act upon significant findings.

7.2 FRAs will be regularly reviewed as follows:

- Sheltered schemes – annually, after a fire or following any significant changes.
- Common areas of flats – every 3 years or after significant change or a fire.
- Community Rooms – every 3 years or after significant change or a fire
- Commercial Buildings - every two years.

7.3 Fire Risk Assessor

The fire risk assessor's role will be carried out by a competent person who shall:

- carry out FRAs.
- provide technical and expert advice.
- ensure compliance with the requirements of the Regulatory Reform (Fire Safety) order 2005.

7.4 The current fire risk assessment company is:

Eyton Solution Ltd
Regus Business Park,
Office G26,
Heronsway,
Chester CH4 9QR
Tel: (0)1244 732 449

Eyton Solutions are accredited to the BAFE Fire Safety Register and are a SSAIB registered provider (no. NWAL050)

7.5 The relevant FRA will be automatically shared with every commercial tenant as part of their lease pack.

7.6 Every commercial tenant will be required to provide a copy of their FRA to the Council's Commercial Team.

7.7 The relevant FRA will be filed in each corporate building's fire log book.

8.0 FIRE PREVENTION

The Council's fire preventative measures are designed to protect people, property, and assets against the loss of life, injury and damage caused by fire.

8.1 Wherever possible measures to prevent the risk of fire will be taken, including:

- ensuring that common areas and storage areas are kept clear and by carrying out enforcement where breaches occur.
- ensuring that staff are trained in order to identify and report any potential risks.
- provision of information and advice to existing staff and tenants about how to reduce the risk of fires with the help of DF&RS.
- providing leaflets and information to highlight the risks of fires and how help their prevention.
- ensuring we identify and work with more vulnerable staff and tenants who may be at greater risk should there be a fire.
- carrying out individual risk assessments and putting in place control measures to manage risks where identified.

9.0 FIRE PROTECTION

Evacuation routes and fire exits.

- 9.1 To ensure safe evacuation, routes will have adequate signage and be kept free of sources of ignition, flammable and combustible material and obstructions at all times. This will be enforced as necessary.
- 9.2 To ensure that the security of each building is maintained, fire exits will not be left open. In blocks of flats and in sheltered schemes inspections will be carried out to identify and deal with such issues.

10.0 EVACUATION PLAN

- 10.1 A copy of this Policy and specific evacuation plans for all occupied corporate buildings will be kept in the site's Fire Log Book and will be monitored by the Facilities Management Team.
- 10.2 All corporate sites will operate full evacuation arrangements and this will be tested annually through an evacuation exercise. See Appendix 4 for each specific corporate property procedure.
- 10.3 A copy of this Policy and each commercial tenant's bespoke evacuation plan will be retained and monitored by the Facilities Management Team.
- 10.4 A copy of this Policy and bespoke evacuation plan for each Housing group dwelling will be made available upon request received from any domestic tenant.
- 10.5 Housing sites operate various evacuation arrangements – see Appendix 5 for each specific Housing Group dwelling procedure.
- 10.6 A Personal Emergency Evacuation Procedure (PEEP) must be prepared where relevant and information must be shared with the Health & Safety Team for inclusion on the corporate PEEP register.

11.0 TRAINING

- 11.1 Nominated employees (BDC & DDL) who are responsible for assessing and reviewing any fire risk assessment must be trained and competent to do so.
- 11.2 At the present time the Fire safety Act does not specify what the level of training and competencies are to be. BDC and DDL shall discuss this when Government guidance is available.

12.0 FIRE DOORS IN COMMUNAL AND TENANTED AREAS

- 12.1 Fire doors are provided to help prevent the spread of smoke and fire and must be kept closed or fitted with door holders which are designed to release to closure when the fire alarm is activated.
- 12.2 Fire doors in common areas are checked regularly during FRAs and by scheme managers and other trained officers to ensure they are operating correctly and are not damaged.

12.3 Fire doors, including entrance doors, provide a minimum of 30 minutes fire resistance (the standard specification is FD30S).

12.4 Fire doors should not be propped open, tampered with or compromised in any way e.g., materials which damage or pierce a door or frame.

13.0 SIGNAGE

13.1 Appropriate fire safety signage is displayed throughout communal areas indicating the fire exit/s.

13.2 Fire action notices are also present in all communal areas. Fire doors are marked to be kept shut and no smoking signs are displayed where required.

14.0 SMOKE ALARMS

14.1 Hard wired smoke alarms are fitted within 99% of tenanted properties. This will be 100% by the end of 2023. empty or re-wired. Tenants can contact DF&RS for a home fire safety visit where they can check/fit smoke alarms as appropriate and also give a range of advice around home safety.

14.2 Hard wired smoke alarms are installed in all commercial and corporate properties.

15.0 PUBLICISING THE FIRE SAFETY POLICY

15.1 BDC will publicise this policy via a range of media and in the following ways:

- tenant handbook
- fire safety leaflets
- staff briefings and training
- newsletters
- posters
- website
- during tenancy visits
- upon request from Housing group dwelling tenants

16.0 POLICY REVIEW

16.1 The Fire Safety Policy will be reviewed initially after 1 year (in February 2025) and biennially thereafter, unless a significant circumstance arises e.g.:

- fire hazards change or increase and / or new fire hazards are realised
- In the event of a fire occurring in a corporate premise, BDC owned commercial building or Housing group dwelling
- As a result of DF&RS enforcing action
- Changes in Council structures

17.0 APPENDICES

Appendix 1: Housing Group Dwelling Premise Locations

Appendix 2: Corporate Premise Locations

Appendix 3: Specific Corporate Property Evacuation Procedures
Template

Appendix 4: Specific Housing Group Dwelling Procedures
Template

HOUSING GROUP DWELLING PREMISE LOCATIONS

Housing Group Dwellings / Sheltered Schemes locations, evacuation type and fire risk assessment dates are detailed below:

| Property | Type | Location | Frequency of FRA | Next FRA due | Evacuation Policy |
|------------------|-----------------------------------|-----------------|-------------------------|---------------------|--------------------------|
| Victoria House | Sheltered Scheme | Creswell | Every year | 20.06.2024 | Stay put |
| Parkfields | Sheltered Scheme | Clowne | Every year | 20.06.2024 | Stay put |
| Ashbourne Court | Sheltered Scheme | Shirebrook | Every year | 12.12.2023 | Stay put |
| Valley View | Sheltered Scheme | Hillstown | Every year | 17.04.2024 | Full evacuation |
| Jubilee Court | Sheltered Scheme | Pinxton | Every year | 21.06.2024 | Full evacuation |
| Woburn House | Sheltered Scheme | Blackwell | Every year | 21.06.2024 | Full evacuation |
| | | | | | |
| Mill Lane | Community Room | Whitwell | Every 3 years | 27.06.2026 | Full evacuation |
| Recreation Close | Community Room | Clowne | Every 3 years | 27.06.2026 | Full evacuation |
| Queens Court | Community Room | Shirebrook | Every 3 years | 27.06.2026 | Full evacuation |
| Park View | Community Room | Barlborough | Every 3 years | 27.06.2026 | Full evacuation |
| | | | | | |
| Hides Green | Elderly persons Grouped Dwellings | Bolsover | Every 3 years | 27.10.2025 | Stay put |
| Sandhills | Elderly persons Grouped Dwellings | Bolsover | Every 3 years | 13.12.2025 | Stay put |
| The Paddock | Elderly persons Grouped Dwellings | Bolsover | Every 3 years | 30.01.2023 | Stay put |
| Orchard Close | Elderly persons Grouped Dwellings | Bolsover | Every 3 years | 13.12.2025 | Stay put |
| Pattison Street | Elderly persons Grouped Dwellings | Shuttlewood | Every 3 years | 27.10.2025 | Stay put |
| Longlands | Elderly persons Grouped Dwellings | Bolsover | Every 3 years | 13.12.2025 | Stay put |
| | | | | | |
| Lime Tree Avenue | General Needs Group Dwelling | Glapwell | Every 3 years | 30.01.2026 | Stay put |

| | | | | | |
|------------------|------------------------------|-----------------|---------------|------------|----------|
| Brookhill Avenue | General Needs Group Dwelling | Pinxton | Every 3 years | 31.01.2026 | Stay put |
| Chestnut Court | General Needs Group Dwelling | Pinxton | Every 3 years | 22.11.2025 | Stay put |
| Woodfield Road | General Needs Group Dwelling | Pinxton | Every 3 years | 31.01.2026 | Stay put |
| Church Street | General Needs Group Dwelling | South Normanton | Every 3 years | 23.01.2026 | Stay put |
| The Croft | General Needs Group Dwelling | South Normanton | Every 3 years | 23.01.2026 | Stay put |
| High Street | General Needs Group Dwelling | Tibshelf | Every 3 years | 30.01.2026 | Stay put |
| George inn Court | General Needs Group Dwelling | Whitwell | Every 3 years | 31.01.2026 | Stay put |
| Crich View | General Needs Group Dwelling | Newton | Every 3 years | 23.01.2026 | Stay put |

Appendix 4 details specific evacuation procedures for each Housing site.

END OF APPENDIX 1.

CORPORATE PREMISE LOCATIONS

Corporate premise locations and fire risk assessment dates are detailed below. All sites operate a full evacuation policy:

| Site Name | Date Undertaken | Next FRA Due | Frequency of FRA |
|---------------------------------------|-----------------|--------------|------------------|
| Bolsover Contact Centre | 13/07/2022 | 17/07/2024 | Every two years |
| Broadmeadows Cricket Pavilion | 12/07/2022 | 17/07/2024 | Every two years |
| Castle Leisure Park | 13/07/2022 | 17/07/2024 | Every two years |
| Clune Street | 22/11/2022 | 22/11/2024 | Every two years |
| Pleasley Vale Outdoor Activity Centre | 26/10/2021 | 26/10/2023 | Every two years |
| Pleasley Vale Boat House | 12/07/2022 | 12/07/2024 | Every two years |
| Pleasley Vale Business Park | 27/10/2021 | 27/10/2023 | Every two years |
| Riverside Depot | 26/10/2022 | 26/10/2024 | Every two years |
| Shirebrook Contact Centre | 26/10/2022 | 26/10/2024 | Every two years |
| South Normanton Contact Centre | 27/06/2023 | 27/06/2025 | Every two years |
| The Tangent | 26/10/2021 | 26/10/2023 | Every two years |
| The Arc | 28/10/2021 | 28/10/2023 | Every two years |

NB: as of 11.10.23, both the Coach House (at Pleasley Vale) and Security Lodge (at Pleasley Vale) are empty and therefore do not require a Fire Safety Policy or evacuation procedures.

Appendix 4 details each site's specific evacuation procedures.

END OF APPENDIX 2

SPECIFIC CORPORATE PROPERTY EVACUATION PROCEDURES TEMPLATE**TEMPLATE FOR COMPLETION OF EACH SITE'S DETAILS**

| | |
|--|---|
| Premise / Site Name & Address: | |
| BDC Responsible Person: | Karen Hanson Chief Executive Bolsover District Council The Arc Clowne S43 4JY |
| Name & Contact Details of Fire Risk Assessor | Eyton Solution Ltd Regus Business Park, Office G26, Heronsway, Chester CH4 9QR Tel: <u>(0)1244 732 449</u> |
| Date Fire risk assessment carried out: | |
| Fire risk assessment review date: | |
| Location of fire risk assessment (e.g.: Fire Log Book at Reception, or detail other arrangement): | |
| Fire alarm type: | |
| Fire evacuation procedure: | |
| Fire extinguisher provider, service date and review date for communal areas: | Every 12 months (CHUBB) – Details in fire log book. |
| Number of BDC employee PEEP holders within the building: | |

END OF APPENDIX 3

SPECIFIC HOUSING GROUP DWELLING PROCEDURES & TEMPLATE

1.0 Introduction

All blocks of flats:

- 1.1 The Council operates a delayed evacuation procedure in purpose-built blocks where residents, if not directly affected by the fire, should remain within their property until advised otherwise. This is usually decided by the Emergency Services.
- 1.2 The construction of a purpose-built block gives a minimum of up to 30 minutes containment of a fire, with the fire doors and walls resisting the spread of fire into the common parts of the block. In addition residents in other flats will have 60 minutes protection when their own front door is taken into consideration.
- 1.3 When the Fire Service attends, they may decide:
 - if and when to commence a full evacuation
 - when to instigate a visual inspection
 - when residents can return to their premises
 - when to involve the Police and the other agencies
 - any other steps appropriate to the circumstances

TEMPLATE FOR COMPLETION OF EACH SITE'S DETAILS

| | |
|---|--|
| Premise / Site Name & Address: | |
| BDC Responsible Person: | Karen Hanson Chief Executive Bolsover District Council The Arc Clowne S43 4JY |
| Name & Contact Details of Fire Risk Assessor | Eyton Solution Ltd Regus Business Park, Office G26, Heronsway, Chester CH4 9QR Tel: (0)1244 732 449 |

| | |
|--|---|
| Date Fire risk assessment carried out: | |
| Fire risk assessment review date: | |
| Location of fire risk assessment (e.g.: Fire Log Book at Reception, or detail other arrangement): | |
| Fire alarm type: | |
| Fire evacuation procedure: | |
| Fire extinguisher provider, service date and review date for communal areas: | Every 12 months (CHUBB) – Details in fire log book. |
| Number of PEEP holders within the building: | |

END OF APPENDIX 4.

END OF DOCUMENT.

Bolsover District Council

Meeting of the Executive on 4th March 2024

Ambition Plan Targets Performance Update – October 2023 to December 2023

Report of the Deputy Leader and Portfolio Holder for Corporate Performance & Governance

| | |
|------------------------|--|
| Classification | This report is Public |
| Contact Officer | Kath Drury, Information, Engagement and Performance Manager |

PURPOSE/SUMMARY OF REPORT

To report the Quarter 3 outturns for the Council’s Ambition targets 2020-2024.

Out of the 25 targets:

- 17 (68%) are on track
- 8 (32%) achieved their outturns previously.

REPORT DETAILS

1. Background

1.1 The attached appendices contain the performance outturn as of 31st December 2023.

2. Details of Proposal or Information

2.1 A summary of performance by Council Ambition aim is provided below:

2.2 Our Customers – Providing excellent and accessible services

- 9 targets in total
- 9 targets are on track

2.3 Our Environment – protecting the quality of life for residents and businesses, meeting environmental challenges, and enhancing biodiversity

- 11 targets in total
- 7 targets are on track
- 4 targets achieved previously (ENV 07, ENV 08, ENV 09, ENV 10)

2.4 **Our Economy – by driving growth, promoting the District and being business and visitor friendly**

- 5 targets in total
- 1 target is on track
- 4 targets achieved previously (ECO 08, ECO 09, ECO 04, ECO 01)

3. Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

That quarterly outturns against the Council Ambition 2020-2024 targets be noted.

Approved by the Portfolio Holder for Corporate Performance & Governance

| | | |
|---|------------------------------|--|
| <u>IMPLICATIONS:</u> | | |
| <u>Finance and Risk:</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Details: | | |
| On behalf of the Section 151 Officer | | |
| <u>Legal (including Data Protection):</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Details: | | |
| On behalf of the Solicitor to the Council | | |
| <u>Environment:</u> | | |
| Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. | | |
| Details: | | |
| By reporting on targets which supports the Council to meet its carbon neutral target and enhance the environment. | | |
| <u>Staffing:</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Details: | | |
| On behalf of the Head of Paid Service | | |

DECISION INFORMATION

| | |
|---|----|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | No |

| | |
|---|---|
| District Wards Significantly Affected | None |
| <p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | Cabinet Members/SLT informed on route via the quarterly performance process |

| |
|--|
| Links to Council Ambition: Customers, Economy, and Environment. |
| All |

| DOCUMENT INFORMATION | |
|----------------------|--|
| Appendix No | Title |
| 1 | Ambition Target listing by exception and aim |

| |
|--|
| Background Papers |
| <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i> |
| All details on the PERFORM system |

Appendix 1 Full Ambition Target Listing by Aim

Status Key

| | |
|----------------------|---|
| Target Status | Usage |
| On Track | The target is progressing well against the intended outcomes and intended date. |

Ambition Target Listing by Aim for those on track

Aim: Our Customers – providing excellent and accessible services

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| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update |
|---|--|---|
| CUS.01 - Measure customer satisfaction in all front facing service areas at least every two years on a rolling programme | Corporate Resources Directorate Cllr Moesby | On track Overall satisfaction with the Go! Active 3G pitch: 100 % satisfaction (67% satisfied and 33% very satisfied) Ads hoc survey undertaken during this period. Also, customer services are developing a 'real time' satisfaction survey to monitor satisfaction after a customer contact transaction. Once up and running this information will be reported here. |
| CUS.02 - Improve the overall performance and usability of the website by achieving a minimum score of 90% using the Silktide* tool by March 2024. | Corporate Resources Directorate Cllr Dooley | On track The overall scores using the Silktide system are Content - 91 (Excellent), Accessibility - 93 (Excellent), Marketing - 76 (Good), User Experience - 97 (Excellent). Scores taken on 02/01/24. There has been a delay in upgrading the site to a newer version of the software, due to other work commitments, but we are hopeful this will be done within the next couple of months which will reduce the amount of documents on the site therefore increasing the accessibility score. Please note however, that the scores constantly change due to pages and documents being added/deleted every day. We are currently looking at moving the website to a newer version of the software, after which we will be working our way through the website to rectify any issues and reducing the number of PDFs and |

| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|--|---|----------------------------|--|
| | | | documents on the site as that is the biggest area where accessibility and content scores can be increased, but this is a time-consuming issue. |
| <p>CUS.03 - Ensure that at least 50% of transactions are made through digital channels by March 2024</p> <p>Note: Through the Contact Centre / Customer Services</p> | <p>Corporate Resources Directorate</p> <p>Cllr Moesby</p> | On track | <p>Data from Customer Services for Q3:</p> <p>Online Digital Transactions - 37,808 this is including Voter Registrations, Housing, Revenues and Planning online forms accessed via the website. This has decreased from 43,962 the previous quarter.</p> <p>Tel and Non-Digital contact - 35,797 all staff assisted transactions. This has decreased from 41,136 the previous quarter.</p> <p>Total contact transactions 73,605 = 51.37% of transactions/contact was via digital methods</p> |
| <p>CUS.04 - Work with partners to deliver the Sustainable Communities Strategy and publish an evaluation report annually</p> | <p>Corporate Resources Directorate</p> <p>Cllr Dooley</p> | On track | <p>The strategy will now be launched in May after elections and the elected mayor is in place. The team have been working closely with partners to shape the priorities and align towards the Council's new plan, devolution and East Midlands Combined Authority. This will be launched at the Annual General Meeting.</p> |
| <p>CUS.05 - Monitor performance against the corporate equality objectives and publish information annually</p> | <p>Corporate Resources Directorate</p> <p>Cllr McGregor</p> | On Track | <p>Work has commenced on the action plan for the new Equality Plan 2024-2028. Departmental representation being sought for new dedicated equality TEAMS channel to cascade information, share learning and receive comments and suggestions. Hate crime data obtained for district and Derbyshire and further work being undertaken to capture hate incidents through service requests at the Council.</p> |
| <p>CUS.06 - Prevent homelessness for more than 50% of people who are facing</p> | <p>Community Services Directorate</p> | On Track | <p>396 approaches 335 Prevented 61 Still Open 85% Prevented</p> |

| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|--|--|----------------------------|---|
| homelessness each year | <i>Cllr Peake</i> | | |
| CUS.08 - Maintain high levels of tenant satisfaction with council housing and associated services | Corporate Resources Directorate <i>Cllr Peake</i> | On Track | The Tenants Satisfaction survey (based on the national standards for tenant satisfaction) is moving into its last geographical area – South Normanton. Take-up is being closely monitored to ensure geographical coverage and alignment to the housing tenants' profile. The team have been focussing on trying to engage with younger tenants as more older tenants have completed the survey so far. At the end of the financial year the results have to be published and reported on. Comments received during this process have been acted on. |
| CUS.09 - Increase participation/attendances in leisure, sport, recreation, health, physical and cultural activity by 3,000 per year. | Community Services Directorate <i>Cllr Dooley</i> | On Track | During quarter 3 we attracted 85,958 attendances to leisure facility-based activities, community outreach programmes and school delivery. Running total to date, 287,404. |
| CUS.10 - Deliver a health intervention programme which provides 500 adults per year with a personal exercise plan via the exercise referral scheme | Community Services Directorate <i>Cllr Dooley</i> | On Track | The total number of people that started a health referral programme in the second quarter is 170, giving a running total of 534 for the year. |

Aim: Our Environment – protecting the quality of life for residents and businesses, meeting environmental challenges, and enhancing biodiversity

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| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|--|--|----------------------------|---|
| ENV.01 - Develop an externally facing climate change communication strategy targeting communities and stakeholders by October 2020 and deliver an annual action plan | Corporate Resources Directorate <i>The Leader</i> | On track | <p>January 2024</p> <p>October - Bolsover TV - 27 Oct - Autumn walks at Hardwick, green bins suspended Environment newsletter - 5 October - International E-Waste Day, World Food Dy, Unblocktober. 19 October - Sustainability Day, Climate Action Day, World Vegan Month.</p> <p>November - Bolsover TV - 10 November - Dog management PSPO, Storm Babet assistance Environment newsletter - 2 November - Geography Awareness Month, World Vegan Month, Storm Babet assistance 16 November - Oceans of Plastic, help for local businesses to understand Net Zero 30 November - World Soil Day, International Mountain Day, International Animal Rights Day. December - Bolsover TV - 15 December - Food waste, rural fund at Half Acre Farm Environment newsletter - Sustainable Christmas</p> <p>Social Media - used to support all of the above stories and to continue to drive traffic to the TV and newsletters. Website - Press releases written for the bigger of the above stories and included on the news page of the website In Touch - January - Food waste, help for local businesses to understand Net Zero, composting toilet, battery fire risk</p> |
| ENV.02 Reduce the District Council's carbon emissions by - 100 tonnes CO2 in | Corporate Resources <i>Cllr Clarke</i> | On track | The Job advert is now live and will close 06/02/2024. Shortlisting and an interview date will take place this week commencing 05/02/2024 |

| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|--|--|----------------------------|--|
| 20/21 - 125 tonnes CO2 in 21/22 - 200 tonnes CO2 in 22/23 - 300 tonnes CO2 in 23/24 | | | |
| ENV.03 - Achieve a combined recycling and composting rate of 43% by March 2024. | Community Services Directorate <i>Cllr Clarke</i> | On track | Performance is estimated based on Q3 (2022\23) Waste Data Flow figures of 2,450 (approx.) tonnes of recyclable\ compostable material collected, equating to a combined recycling and composting rate of 41.5%. This will be updated ending March 2024 when official Waste Data Flow (WDF) information becomes available. <u>Note:</u> A 2.7% increase throughout Q1 and Q2 has been recorded. If this carries through to Q4 with a further positive increase, then the outturn figure will be close to or meet the intended target. |
| ENV.04 - Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS). | Community Services Directorate <i>Cllr Clarke</i> | On Track | Q3 - LEQS's established 3% of streets and relevant land surveyed fell below grade B cleanliness standards representing 97% falling within the 96% target standard set |
| ENV.05 - Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS). | Community Services Directorate <i>Cllr Clarke</i> | On Track | Q3 LEQS's established 0% of streets and relevant land surveyed fell below grade B cleanliness standards and within the 2% target standard set. |

| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|---|--|----------------------------|---|
| ENV.06 - Carry out 144 targeted proactive littering/dog fouling patrols per year (in 2022/23 and review number for 2023/24) | Community Services Directorate <i>Cllr Clarke</i> | On Track | Although the newly stretched quarterly target wasn't met, overall, for the year we are behind by just 2 patrols against the annual target which we expect to pick up during Q4 New Q3 target = 39; Q2 actual = 26 New Annual target = 155 |
| ENV.11 - Resolve successfully 60% of cases following the issuing of a Community Protection Warning by 2024 | Community Services Directorate <i>Cllr Moesby</i> | On track | <ul style="list-style-type: none"> • 8 CPW's have been issued in Quarter 3 • Currently there are 76 live CPW's in force - These cases are continually monitored for the duration of the case (now with an 18-month review unless stipulated otherwise). • 1 CPW has progressed to a CPN during Quarter 3. • 10 of the total 76 live CPWs have progressed to CPN at the end of Quarter 3 (deemed failures) - therefore a current success rate of 87% |

Aim: Our Economy – by driving growth, promoting the District, and being business and visitor friendly

| Council Plan Target (Target date 31/03/24 unless stated otherwise) | Directorate/ Portfolio Holder | Q3 2023/24 Progress Update | |
|---|--|----------------------------|---|
| ECO.02 - Optimise business growth (as measured by gross Business Rates) by £2m by March 2024. | Corporate Resources Directorate <i>Cllr Ritchie</i> | On Track | Outturn Q3 23/23 = Rateable value 74,117,775. Baseline (Outturn 22/23) = 66,342,311= difference - 7,775,464, +11.72%. |



Bolsover District Council

Meeting of the Executive on 4th March 2024

MANAGEMENT OF CORPORATE DEBT – WRITE-OFF OF OUTSTANDING AMOUNTS

Report of the Portfolio Holder for Resources

| | |
|------------------------|---|
| Classification | This report is open. |
| Contact Officer | Theresa Fletcher Director of Finance and Section 151 Officer |

PURPOSE/SUMMARY OF REPORT

For Executive to agree to the proposed write-off of debts in respect of Business Rates, Housing Rents and Overpaid Housing Benefits as detailed in **Appendix 1** to this report.

REPORT DETAILS

1. Background

- 1.1 The main sources of income for the Council’s General Fund are business rates, council tax, a small number of government grants and service-related income. The greatest source of income for the Council’s Housing Revenue Account is dwelling rent, often referred to as ‘housing rents’.
- 1.2 We request the income due to us on the relevant system by raising bills for business rates, council tax and housing rents. There is legislation in place for each of these sources which determines the rules of collecting this income.
- 1.3 For service-related income, invoices are raised on the sundry debtor system which is a module of our Civica Financial Management System. Examples of types of income include housing benefit overpayment, trade refuse, industrial unit rent, garage site rent, wardens service and alarms, and leisure - hire of facilities. This income is reported in two amounts with housing benefits overpayments identified separately from the rest.
- 1.4 Debtors of a Local Authority are very sensitive to change. If a tenant/tax payer’s circumstances change it can become difficult for them to keep paying their rent or council tax. Informing us of a change in personal circumstances late can mean more benefit is paid to them than they are entitled to which can mean they become benefit overpayment debtors.
- 1.5 Circumstances can change quickly, and mean debtors fall into arrears. It is very common for Local Authority’s to have arrears balances due to the vulnerable

nature of some of its debtors. Debt management is how the Council manages its arrears and debtors.

1.6 When an amount of arrears becomes uncollectable it is described as a bad debt. Writing-off amounts which are no longer collectable is an essential part of the debt management process. It ensures that a focus is maintained on those amounts which are collectable, thus maximising overall levels of collection.

1.7 The Council's Constitution allows the Director of Finance and Section 151 Officer, *'after consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500.'*

2. Details of Proposal or Information

2.1 This report recommends the write-off of a number of individual debts which are above the limit of £2,500. The table below gives a summary of each class of write-off. This shows the amounts to be written off in 2023/24 as part of this report, and amounts written off in previous years, as a comparison.

| | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23 | 23/24 |
|--------------------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | £ | £ | £ | £ | £ | £ | £ |
| Business Rates | 24,366 | 50,398 | 64,988 | 16,870 | 62,841 | 39,545 | 81,790 |
| Council Tax | 5,838 | 21,579 | 75,565 | 58,361 | 44,815 | 52,901 | 50,376 |
| Housing Rents | 3,217 | 64,279 | 34,343 | 32,447 | 31,432 | 0 | 37,420 |
| Overpaid Housing Benefit | 25,231 | 23,166 | 47,143 | 43,432 | 40,769 | 34,078 | 16,810 |
| Sundry Debtors | 9,045 | 0 | 0 | 0 | 22,084 | 2,610 | 0 |
| Total | 67,698 | 159,423 | 222,040 | 151,110 | 201,942 | 129,133 | 186,397 |

2.2 The table shows we have had to write-off similar amounts in previous years. Comparing our write-offs against other authorities is proving impossible to do as this information is not available to be shared.

2.3 Billing authorities like Bolsover District Council act as agents, collecting council tax and business rates on behalf of the major preceptors (including government for business rates) and as principals, collecting council tax and business rates for themselves. Accordingly, only a proportion of the above write-off for council tax (16% - £8,060) and business rates (40% - £32,716) is a loss to this council.

2.4 In all cases, every attempt has been made by the Council and agencies working with the Council, to collect the outstanding debt before write-off is proposed:

- Where the debtor is bankrupt or in liquidation the amounts for write-off are proposed only where there is no realistic prospect of recovery.

- Where companies have ceased to trade, there is no further recovery of outstanding amounts possible.
- Where the debtor is deceased, the amounts are proposed for write-off where there is no estate and therefore, further recovery is not possible.
- Where debtors leave properties without a forwarding address, extensive efforts are made to trace them. In addition to departmental checks, statutory undertakers (utilities companies) and other agencies are contacted, enquiries made of neighbours and family members, where known. Where it is known that a person has moved to another area, contact is made with the relevant Local Authority to alert them and request reciprocal information. These are classed as no trace.
- Where the debtor's location is known but all efforts to recover the outstanding debt have been exhausted and further recovery is not possible, they have been classed as not recoverable.

3. Reasons for Recommendation

- 3.1 Given that all available options to recover this debt have been explored, it is important that the Council recognises the position and approves the write-off of the uncollectable debt.

4 Alternative Options and Reasons for Rejection

- 4.1 These are outlined in the main body of the report.

RECOMMENDATION(S)

That Executive agrees to write-off the amounts included at 2.1 (£28,881.49) and individually detailed in Appendix 1.

Approved by Councillor Clive Moesby, Portfolio Holder for Resources

IMPLICATIONS.

Finance and Risk: Yes No

Details:

The financial issues are covered throughout the report. International Financial Reporting Standard (IFRS) 9 – Financial Instruments, requires the Council to write-off debt as soon as it is deemed uncollectable. This is to ensure the correct value of arrears is included on the Council's balance sheet at 31st March each year.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

There are no legal or data protection issues arising directly from this report.

On behalf of the Solicitor to the Council

Environment:

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

Not applicable for this report.

Staffing: Yes No

Details:

There are no human resource issues arising directly out of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

| | |
|--|----|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | No |
| <p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> | No |

| | |
|---|--|
| <p>District Wards Significantly Affected</p> | None |
| <p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>Details: Portfolio Holder for Finance</p> |

Links to Council Ambition: Customers, Economy, and Environment.

DOCUMENT INFORMATION

| Appendix No | Title |
|-------------|---|
| 1 | Detail of recommended write-offs over £2,500. |

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).

None

Detail of recommended write-offs over £2,500

| | | |
|--|-----------------|------------------|
| Business Rates | | £ |
| Langwith | No Trace | 4,397.08 |
| Tibshelf | Not recoverable | 5,227.70 |
| Business Rates Total | | 9,624.78 |
| Housing Rents | | £ |
| South Normanton | Deceased | 5,468.97 |
| Whitwell | Deceased | 5,691.45 |
| South Normanton | Deceased | 3,369.91 |
| Housing Rents Total | | 14,530.33 |
| Overpaid Housing Benefits | | £ |
| Shirebrook | Deceased | 4,726.38 |
| Overpaid Housing Benefits Total | | 4,726.38 |
| Total write-offs across all classes of debt | | 28,881.49 |

BOLSOVER DISTRICT COUNCIL
MEETING OF THE EXECUTIVE ON 4TH MARCH 2024
VEHICLE REPLACEMENTS – WASTE SERVICES
REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT

| | |
|------------------------|--|
| Classification | This report is Public |
| Contact Officer | Steve Brunt – Strategic Director of Services |

PURPOSE/SUMMARY OF REPORT

Request Executive’s approval in the purchase of 4 refuse collection vehicles operated by the Council’s Streetscene Waste Services Team.

REPORT DETAILS

1. Background

- 1.1 Streetscene Waste Services Team operate a fleet of heavy commercial vehicles, four of which fall due for replacement in the 2024\25 capital programme.
- 1.2 The vehicles will be utilised in the collection of burgundy bin dry recyclable wastes.
- 1.3 Refuse collection vehicles (RCV’s) are procured via the Nottinghamshire Procurement Partnership framework contract that meets public procurement rules.

2. Details of Proposal or Information

- 2.1 Executive approval is sought to approve the placing of orders for 4 waste collection.

3. Reasons for Recommendation

- 3.1 To ensure fleet vehicles are replaced in line with the capital fleet replacement programme.

4 Alternative Options and Reasons for Rejection

- 4.1 Replacement of vehicles by way of finance lease arrangements was not considered to offer good value to the Council and reduces the scope for flexibility concerning how vehicles are 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 have 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.
- 4.2 Vehicle replacements 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 highest Euro-VI emission standards and are fitted with

electric bin hoists which further reduce engine emissions and are able to operate on HVO (Hydrated Vegetable Oil) offering 60% (approx.) reduced tail-pipe emissions.

RECOMMENDATION(S)

That Executive approves the replacement of 4 waste collection vehicles set out herein.

Approved by Councillor Anne Clarke, Portfolio Holder for Environment

IMPLICATIONS:

Finance and Risk: Yes No

Details:

Cost per vehicle is £229,500, totalling £918,000 for the supply, including delivery, first vehicle registration, road fund license and transfer of GIS equipment from the old vehicle.

Budget provision for replacement of the vehicles is included within the approved capital budget (fleet vehicle replacement programme) and funded by way of prudential borrowing as agreed as part of the Council's Treasury Management Strategy.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Procurement of the vehicles is by way of the Nottinghamshire Consortia Framework Agreement for refuse collection vehicles, which meets public procurement requirements.

On behalf of the Solicitor to the Council

Environment: Yes No

Details:

Vehicle replacements proposed herein are diesel (combustion) engine powered; in particular, as alternative electric (BEV) or ultra-low emission (ULEV) vehicle options are not available in the vehicle class and weight range to meet the Council's specification to maintain service performance.

These meet current Euro6 emission standards and qualify to run on 100% bio-diesel offering increased (60% approx.) reduced emissions, further enhanced by electric bin hoists.

Staffing: Yes No

Details: N/A

On behalf of the Head of Paid Service

DECISION INFORMATION

| | |
|--|------------|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i></p> | <p>Yes</p> |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | <p>Yes</p> |

| | |
|--|---|
| <p>District Wards Significantly Affected</p> | <p>(Please state which wards or state All if all wards are affected)</p> <p>All Wards</p> |
| <p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/></p> | <p><u>Details:</u> Vehicle specification meets with prior workforce consultation outcomes on fleet requirements to meet service performance needs.</p> |

| |
|--|
| <p>Links to Council Ambition: Customers, Economy, and Environment.</p> |
| <p>Customers – Improving health, safety, and wellbeing. Environment – collection of waste, increasing recycling and reducing landfill disposal.</p> |

| DOCUMENT INFORMATION | |
|----------------------|-------|
| Appendix | Title |
| N/a | N/a |

| |
|---|
| <p>Background Papers</p> |
| <p><i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i></p> |
| <p>N/A</p> |



Bolsover District Council

Meeting of the Executive on 4th March 2024

Derby and Derbyshire Strategic Leadership Board

Report of the Leader of the Council

| | |
|------------------------|---------------------------------------|
| Classification | Open |
| Contact Officer | Karen Hanson, Chief Executive Officer |

PURPOSE/SUMMARY OF REPORT

- To provide Executive with an update on work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working.
- To seek approval from Executive for the Council to establish and participate in a new Joint Committee of Derby and Derbyshire’s councils, the D2 Strategic Leadership Board, to collaborate, co-ordinate and drive forward agendas where it is recognised that more can be achieved by councils working together to improve outcomes for people and places across Derbyshire.

REPORT DETAILS

1. Background

- 1.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which will bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it is important to ensure that Derby and Derbyshire Councils strategic approach to collaborative and partnership working continues, has the flexibility to evolve to meet changing circumstances and is fit for purpose in managing the interface with this new authority, which will have key responsibilities for major investment strategies and programmes for the East Midlands region.
- 1.2 All Derby and Derbyshire’s councils will have a stake in these agendas and there is recognition that shaping these effectively will be made more successful by doing so together.
- 1.3 As well as dovetailing with the new regional Combined County Authority, it is recognised that any new county wide governance needs to build on the collaborative working which has been maturing through existing partnership approaches embodied by the D2 Economic Prosperity and Vision Derbyshire joint committees. It is important that the positives of current ways of working are carried forward and that all councils feel they have a full say in decisions as well as safeguards to protect their interests.

- 1.4 Notwithstanding this, there have been ongoing concerns about a proliferation of partnership arrangements with similar or overlapping remits that have led to calls for their rationalisation to clarify roles and reduce the bureaucratic burden on all authorities moving forward.
- 1.5 The case for a new single leadership board comprising all Derby and Derbyshire's councils, working collectively to tackle the county's challenges and speaking with a collective voice, has been further strengthened by the challenging financial circumstances that many local authorities up and down the country are facing, together with the ever pressing need to collaborate, to create new ways of working, and to be more cost effective in delivering services for places, residents and business.

Reviewing current D2 strategic governance arrangements

Vision Derbyshire

- 1.6 In 2019, Derbyshire Councils came together to explore a future collaborative approach to partnership working in Derbyshire, shaping a shared, ambitious leadership vision focused on achieving the greatest public value for local people and communities.
- 1.7 This approach, Vision Derbyshire, has involved a significant investment of time, hard work and goodwill from participating councils, including Leaders and Officers.
- 1.8 It is now over four years since work on Vision Derbyshire commenced. There have been a number of significant achievements during this time, in particular driving forward the Vision Derbyshire Business Development programme, the development of the Vision Derbyshire Climate Change Strategy and supplementary Planning Policy Guidance and the creation of the Vision Derbyshire Joint Committee.
- 1.9 A light touch review of Vision Derbyshire was undertaken by East Midlands Councils in early 2023, tasked with gathering local councils' views on the current arrangements, challenges and opportunities and ambitions for the future.
- 1.10 A report submitted to the Vision Derbyshire Joint Committee on 28 July 2023 outlined the review's key findings:
- Vision Derbyshire has supported a collegiate, shared understanding of the common challenges facing councils across the county and how collectively these challenges may be addressed
 - Vision Derbyshire provided a helpful platform upon which Derbyshire Councils were able to develop and deliver elements of their collective programme response to the Covid-19 pandemic
 - The fulcrum for activity has likely accelerated the delivery of joint programmes and has been of benefit to wider work in Derbyshire
 - However, only a limited number of councils are full contributory members
 - The absence of some councils inhibits the ability of Vision Derbyshire to be an authoritative and representative partnership of all councils

- Nevertheless, there is a potential appetite and opportunity to move forward.

1.11 In particular:

- There is an appetite for refreshed, collaborative activity between councils in Derbyshire, particularly on matters relating to the Combined County Authority.
- There is an appetite to see existing partnership and governance arrangements in Derbyshire simplified and rationalised with a single Derbyshire-wide partnership vehicle comprising all Derbyshire councils.
- There is recognition that a future partnership approach should specifically align with the proposals for the East Midlands Mayoral Combined County Authority to enhance collective influence.
- There is a desire to discuss and share best practice in service delivery – while recognising that any shared services and/or procurement initiatives are best progressed by arrangements involving relevant councils.
- There is a consensus that to support a fresh approach, the ‘Vision Derbyshire’ brand should be ‘retired’ as partners move to a fresh collaborative arrangement.

1.12 The report’s findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition Council’s collaborative objectives remain relevant and worthy and that the approach has helped to lock together county, district and borough relationships.

D2 Joint Committee for Economic Prosperity (D2 EPC)

- 1.13 In November 2013 the Council approved the establishment, with Derby City Council and all District and Borough Councils in Derbyshire, of a Joint Committee to deliver economic growth and prosperity across geographical county of Derbyshire.
- 1.14 The D2 EPC’s purpose was to act as the local public-sector decision-making body for strategic economic development at the D2 level and to oversee the planning, alignment, development, and delivery of investment related to economic growth and prosperity for the area, utilising funding from Government, the D2LEP and EU.
- 1.15 The Joint Committee also maintained and supported ongoing dialogue with key strategic partners, relevant bodies whose work impacts of the area, including the D2 business community.
- 1.16 Key achievements and successes have included: establishment of a D2 investment pipeline; leadership of economic recovery from the COVID pandemic, targeted work on key sectors such as the rural economy and low carbon transport; support to businesses and inward investment activity; development of growth, skills and employment and transport strategies; delivery of regeneration programmes such as town deals; and management of the retained business rates pool. The development of strategic approaches in response to Government initiatives such as the Freeport and HS2 have also occurred through D2 EPC.

- 1.17 During the course of 2023 the Committee agreed that a governance review be undertaken in which the work, purpose and terms of reference of the existing Boards was evaluated:
- The D2 Joint Committee for Economic Prosperity (D2 EPC)
 - The Derbyshire Economic Recovery Board (DERB)
 - The Derbyshire Economic Partnership (DEP)
- 1.18 While the review floated the idea of bringing together the EPC, DERB and DEP within what, at that stage, was to be called the D2 Growth Board - with a Business advisory board potentially envisaged as sitting alongside – it was recognised that there needed to be a single decision-making arena that included all Leaders.

2. Details of Proposal or Information

Future strategic governance arrangements for Derby and Derbyshire: The Strategic Leadership Board

- 2.1 Bringing together and informed by the above reviews, the D2 Strategic Leadership Board (D2 SLB) is proposed as the successor to the two existing joint committees, Vision Derbyshire and Economic Prosperity, promising a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.
- 2.2 The D2 SLB is proposed to be established as a joint committee, offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee.
- 2.3 The proposed structure for the new D2 SLB can be found at **Appendix 1**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 2**. A short Guide to the D2 SLB is at **Appendix 3** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.

This new Joint Committee would bring together Derby and Derbyshire's ten councils to:

- Provide collective leadership for Derby and Derbyshire, allowing our authorities to speak with a single, shared voice on matters of common interest at the county, regional and national level;
 - Collaborate as partners to develop joined-up approaches to the complex, connected and challenging agendas where our councils share common interests; and
 - Progress shared ambitions for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.
- 2.4 All local authorities within Derby and Derbyshire would be invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our

localities, and for Derby and Derbyshire as a whole, by our councils working together.

- 2.5 Accordingly, D2 SLB's remit would include 'place', regeneration, broader economic development, business and skills, and transport, and wider agendas including climate and the environment, and health and wellbeing.
- 2.6 The Board, on behalf of the participating authorities, would be empowered to discuss and collectively agree actions for improving the delivery of functions already within the remit of local authorities to improve the economic, environmental or social wellbeing of the areas within Derbyshire.
- 2.7 The Board would also provide an opportunity to explore rationalisation and alignment of existing partnership structures and approaches, which will be essential given limited capacity and expertise and reducing public sector resources.
- 2.8 In this context, it would be for the Board to establish any sub committees it chooses to in order to provide support to the Board's work programme and for the Board to determine the membership of these sub committees. Any such sub committees would report into the full Board.
- 2.9 From a legal perspective, the Strategic Leadership Board would be constituted as a 'Joint Committee'. This means that, with decision making powers delegated to it by its constituent member councils, the Board would be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)
- 2.10 All local authorities would be encouraged to delegate functions to enable D2 SLB to act as the responsible decision-making body for those functions that participating councils confer upon it and to ensure full collaboration across the range of proposed activities that would form D2 SLB's agenda. The ambition is that through councils' active commitment and participation the Board will mature into a truly authoritative, representative, and collaborative partnership of all Derby and Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each would have separate as well as shared interests in partnership working.
- 2.11 It is proposed that membership and participation be open to all Derby and Derbyshire's councils, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

Relationship to the proposed EMCCA

- 2.12 Once the East Midlands Combined County Authority is established it is vital that D2 councils come together to manage their interface with this new authority, which will lead the development and delivery of key expenditure programmes all of which will bring benefits to Derby and Derbyshire, including a Devolution

Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.

- 2.13 All Derby and Derbyshire's councils will have a stake in these agendas and successfully influencing and shaping the CCA's thinking, planning and decision making on local investment priorities is likely to be optimised by doing so together.
- 2.14 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss and seek agreement and alignment of Derby and Derbyshire councils' positions on EMCCA business where there are shared interests;
 - Provide a sounding board for Derby and Derbyshire's representatives on the CCA Board to seek advice and equip themselves with an understanding of councils' individual and collective views and priorities related to EMCCA business;
 - Advise and assist EMCCA with the development of its strategy and with implementation of programmes as invited to do so.
- 2.15 Additionally, the Board is envisaged as providing a potentially appropriate mechanism for agreeing formal nominations for district and borough representation on the proposed EMCCA. Under the proposal to establish the EMCCA, Derbyshire's District and Borough Councils collectively are expected to have to two seats on the CCA board, with the City and County each having two seats by virtue of being Constituent Member Authorities. It is expected that the D2 Strategic Leadership Board will be designated by the EMCCA in due course as the formal nominating body for appointments from non-constituent members to the CCA board. The specific process for nominations will need to be developed and agreed by the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and borough to determine their two nominations via the D2 SLB. These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs in Derbyshire and not solely of the District or Borough for which they are a Councillor.
- 2.16 If the D2 SLB consents to the designation as a nominating body, the terms of reference of the D2 SLB will need to be amended to include the function of nominating non-constituent representatives to the proposed EMCCA and other associated committee/advisory group representatives as and when requested.

Terms of Reference for the SLB

- 2.17 The draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee are attached at **Appendix 2**, for consideration and agreement by Executive as they include proposed delegations from Councils. These provide a framework for the Joint Committee to operate as the future joint decision-making body for matters where Derby and Derbyshire Councils will work collaboratively.

- 2.18 These terms of reference are draft and need to be considered by each of the respective Councils before they can be ratified by the D2 SLB when it convenes.
- 2.19 The articles set out the main aims of the D2 SLB, which will:
- Provide collective strategic leadership for local government in Derby and Derbyshire
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
 - Improve joint working across local government in Derby and Derbyshire
 - Form a collective view on matters impacting Derby and Derbyshire
 - Ensure the proposed EMCCA is aware of Derby and Derbyshire's collective views and interests and exercise functions if designated as a 'nominating body' by the Combined County Authority, once established.
 - Enable improved agility, timeliness and effectiveness in decision making.
- 2.20 As the Board's role develops, consideration will be given to the Joint Committee taking on additional responsibilities as these emerge and develop. This will be subject to further approval by the Council to delegate those additional functions to the Joint Committee.
- 2.21 Membership of the Board will comprise councillors from participating councils who will each be enabled to appoint one Elected Member and one substitute. While the Board is envisaged as making decisions on the basis of consensus, formally, in order to reserve the decision-making rights of authorities delegating functions, it is proposed that voting will be restricted to those representatives who are from authorities which have delegated functions to the Committee.
- 2.22 Given the role the Council has played in the D2 EPC and developing and reviewing the Vision Derbyshire approach it is recommended that the authority delegate functions to the Joint Committee as set out in this report to enable it to be formed, agreeing the draft governance arrangements as set out in the Terms of Reference **Appendix 2**.
- 2.23 It is recommended that Executive agree that Derbyshire County Council will act as the Strategic Leadership Board host authority. It is also recommended that the Leader, Councillor Steve Fritchley, be nominated to represent the County Council on the Joint Committee once it is formed and the Deputy Leader]Councillor Duncan McGregor, be nominated as substitute.
- 2.24 The full legal implications for the establishment of the SLB can be found below, and, while it is assumed that Council representation on the Board will be undertaken by the Leader, it is recommended that Executive note the Council's position regarding the co-option of members onto the Board and that the Council's existing scrutiny arrangements can review or scrutinise decisions made in connection with the exercise of the functions of the Board.

Host Authority and accountable body

- 2.25 The Joint Committee is not a legal entity in its own right and therefore to establish and operate the Joint Committee, a host organisation will be required. The host authority will be responsible for the administration of meetings of the

Joint Committee, hold funding on behalf of the Joint Committee and act as the employing authority for the purposes of executive team supporting the Committee (the Programme Team). The host authority's Statutory Officers will act as the Statutory Officers for the Joint Committee.

- 2.26 It is proposed that the County Council should act as the Host authority for the Joint Committee and provide the necessary executive support for its administration. The County Council was the Host Authority for the D2 EPC and Vision Derbyshire Joint Committee and therefore has sufficient capacity to assume this role.

Winding up the D2 Joint Committee for Economic Prosperity

- 2.27 On 14 December 2023 members of the D2 EPC approved to dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 2.28 The D2 EPC has had responsibility for managing the Retained Business Rate pool and resourced a range of successful projects (including capital grant and feasibility schemes, business start-up support and the youth hubs). Following the dissolution of the D2 EPC, £734,449 remains and there are no current commitments for spend. It was agreed in principle this remaining sum be delegated to the Strategic Leadership Board. It would be for D2 SLB to determine how spend against the remainder sum be allocated to projects and proposals that support economic growth and/or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.
- 2.29 Executive is asked to note the dissolution of the D2 Joint Committee for Economic prosperity and Vision Derbyshire.

Winding up the Vision Derbyshire Joint Committee

- 2.30 On 14 December 2023 members of the Vision Derbyshire Joint Committee approved the dissolution of the Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be noted or agreed by constituent member councils.
- 2.31 Executive is asked to note the dissolution of the Vision Derbyshire Joint Committee.

The delivery programme and resource for the D2 SLB

- 2.32 There is agreement across Councils that capacity and capability, through the establishment of a programme team, is needed to support the Board. The Programme Team would be responsible for:
- Overseeing and managing the approach – including servicing meetings/committees
 - Working with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities

- Shaping the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.

- 2.33 As the host authority, Derbyshire County Council will be responsible for the establishment of the team, the implications for which can be found at in the implications section below. The team will be comprised of a number of permanent Programme Team posts, to be agreed by the D2 Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 2.34 The D2 Strategic Leadership Board, once established will direct the work of the programme team and a number of current funding streams have been identified to support this work, previously attributed to the Vision Derbyshire programme, the D2 EPC and the Derbyshire Economic Partnership. This is outlined in the table below.

| Strategic Leadership Board Funding | £'s |
|---|----------------|
| County Council Funding (40%) | 156,324 |
| Derbyshire Economic Partnership Funding | 135,000 |
| Business Rate Pool Contribution | 99,485 |
| Total | 390,890 |

- 2.35 The proposals require no immediate additional funding commitments from the Council.
- 2.36 The current Business Rates Pool stands at £734,449 and how the Board is funded beyond the 2024/25 period, will be a decision to be taken by the Board at an appropriate time.

Next Steps – Taking Forward Proposals

- 2.37 All Derby and Derbyshire Councils are now being asked to agree to join and participate in the D2 Strategic Leadership Board.
- 2.38 Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management level, are recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible 'short guide to the D2 SLB'. It will be important to ensure that the Council is engaged in development of the Board's work programme over the coming months to maximise the collaborative benefits for this authority, local people and communities in Derbyshire.
- 2.39 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working will also be important.

3. Reasons for Recommendation

- 3.1 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.

- 3.2 To enable Cabinet to commit the financial resources required to support the D2 Strategic Leadership Board and work activity.
- 3.3 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.
- 3.4 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board.

4. Alternative Options and Reasons for Rejection

- 4.1 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.
- 4.2 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 Debry and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible

RECOMMENDATION(S)

That Executive:

1. 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.
2. Approves 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 and the position detailed in those documents regarding scrutiny and co-option.
3. Appoints the Leader, Cllr Steve Fritchley, as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Cllr 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 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.

Approved by Councillor Steve Fritchley, Leader of the Council and Portfolio Holder for Policy, Strategy and Communications

IMPLICATIONS.

Finance and Risk: Yes No

Details:

Financial implications are set out in the report. Funding for the Strategic Leadership Board is shown as paragraph 2.35

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Section 101(5) of the Local Government Act 1972 (LGA 1972) permits councils to make arrangements for two or more authorities to discharge any of their functions jointly, and arrange for the discharge of those functions by a Joint Committee.

Under s102 LGA 1972 two or more local authorities may appoint a joint committee of those authorities for the purpose of discharging any of their functions. Those two or more authorities would need to agree to delegate functions or powers to the joint committee to enable it to discharge those functions. Those two or more authorities may permit other authorities to appoint members to the joint committee without those authorities delegating functions into it. However, all authorities that wish to join the joint committee will need to formally agree to set up the committee and agree the terms of reference to be able to appoint a member to the committee.

All members appointed to the joint committee are members of that committee. Under the legislation, all members would have the right to participate and vote on any matters at the joint committee. However, voting rights can be restricted to members of those authorities who have delegated functions to it in the Terms of Reference.

Section 9EB of the Local Government Act 2000 (LGA 2000) enables the Secretary of State to make regulations permitting arrangements under section 101(5) of the LGA 1972 where any of the functions are the responsibility of the executive of the Authority. The relevant regulations are the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Regulation 11 makes provision for joint arrangements to involve a joint committee under section 101(5) of the LGA 1972.

The functions being delegated to the D2 Strategic Leadership Board are all executive functions. Therefore, in accordance with the legislation and the Council's Constitution, the decision to establish the D2 Strategic Leadership Board and determine the number of members to be appointed to the Committee and their terms of office should be made by Cabinet.

As the functions are executive functions, the regulations also require that the members appointed to the D2 Strategic Leadership Board should be members of the Executive.

In accordance with the Regulation 12 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, a local authority with executive arrangements delegating executive functions is not able to co-opt additional members to the Committee. However, an authority operating a committee system is able to co-opt additional members. Therefore, the ability to co-opt is restricted within the Terms of Reference to obtaining a majority vote in relation to any proposal to co-opt. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights.

Any requests for information received by the Board should be directed to the relevant constituent authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by 2 or more constituent authorities, they will liaise with each other before replying to the request. The host authority will co-ordinate responses to ensure that legislative deadlines are met.

As part of the process of making decisions and changing policy, the D2 Strategic Leadership Board will in accordance with the public sector equality duty to consider the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.
- Foster good relations between people who share protected characteristics and those who don't.

On behalf of the Solicitor to the Council

Environment:

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Staffing: Yes No

Details:

There are no staffing implications as a result of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

| | |
|---|-----|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input checked="" type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i></p> | Yes |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | Yes |

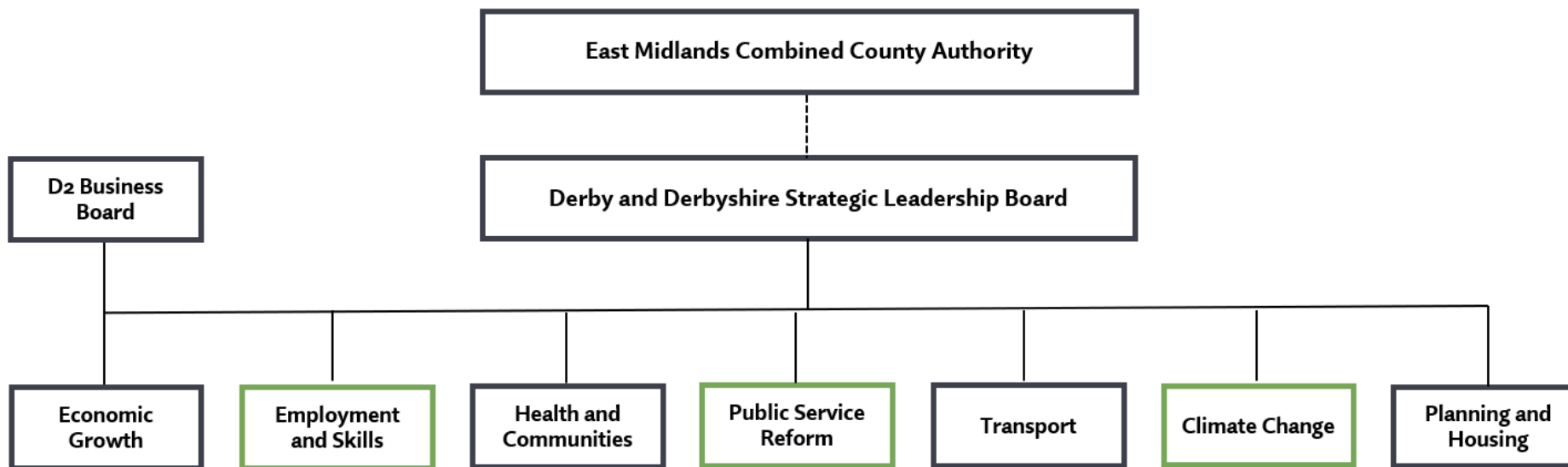
| | |
|--|----------------------------|
| District Wards Significantly Affected | All wards |
| <p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>Yes</p> <p>Details:</p> |

| |
|--|
| Links to Council Ambition: Customers, Economy, and Environment. |
| Our Economy by driving growth, promoting the District and being business and visitor friendly |

| DOCUMENT INFORMATION | |
|----------------------|---|
| Appendix No | Title |
| 1 | Proposed single framework for the D2 Strategic Leadership Board |
| 2 | Draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee |
| 3 | A short guide to the D2 SLB |

| |
|---|
| Background Papers |
| <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i> |
| |

Draft Proposed Structure for the D2 SLB (showing potential thematic areas, to be determined)



THE DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

[Draft] TERMS OF REFERENCE

ARTICLES

1. Introduction and Context

- 1.1 The **Derby and Derbyshire Strategic Leadership Board** (D2 SLB) brings together the County's ten local authorities in what is a **joint committee** with a refreshed and fully inclusive approach to collaborative working across existing and new partnership activity. D2 SLB will:
- Provide collective leadership for Derby and Derbyshire, ensuring our authorities are heard to speak with a single, shared voice at the county, regional and national level;
 - Collaborate as partners to develop joined-up approaches to the complex, connected and sometimes challenging agendas where our councils share common interests; and additionally
 - Progress shared ambitions for the area, co-ordinating resources better and more sustainably.
- 1.2 With the creation of the East Midlands Mayoral Combined County Authority bringing new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it makes sense for D2 councils to come together to manage their interface with this new authority as well as co-ordinating City, District, Borough and County agendas which are envisaged as becoming the remit of D2 SLB including economic development, skills, health and wellbeing, transport and the environment and potentially wider agendas where there is common recognition in the value of tackling challenges together.
- 1.3 Accordingly, the D2 SLB will:
- Achieve joined up approaches within and between a variety of **shared policy agendas and service delivery agendas**, including but not restricted to place and economic development;
 - Rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Policy Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and

- Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the new **Combined County Authority** primarily to secure collective influence, especially concerning investment and growth.

1.4 In this context, the overall ambition of D2 SLB is to mature into a truly authoritative and representative partnership of all Derby and Derbyshire councils while duly acknowledging the sovereignty of participating Councils and recognising that each will have separate as well as shared interests in partnership working, including a choice about whether or not to participate in this new venture.

Guiding Principles for the D2 SLB

1.5 The joint committee will provide:-

- Strong collective leadership and seek to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance across an appropriate geographical footprint in Derby and Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control

1.6 It is envisaged that collaboration and decision making based on these principles will enable Derby and Derbyshire's local authorities to tackle challenges at regional, county and local place levels more effectively.

1.7 The D2 SLB will act as the responsible decision-making body for functions delegated to it by participating Councils within Derby and Derbyshire and, accordingly, membership of the D2 SLB will comprise councillors appointed by those participating authorities. Councils may choose to appoint members to the D2 SLB while not delegating decision-making responsibilities for functions. However, all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB.

1.8 Councils participating in the D2 SLB are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and/or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils.

2. Membership of the D2 SLB

- 2.1 All local authorities within the Derby and Derbyshire are invited to join the D2 SLB as constituent members (subject to agreement by respective councils) namely:
- Derbyshire County Council
 - Derby City Council
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Erewash Borough Council
 - High Peak Borough Council
 - North-East Derbyshire District Council
 - South Derbyshire District Council
- 2.2 All participating councils within Derby and Derbyshire will be permitted to appoint one elected member to the D2 SLB and to nominate one elected member as a substitute, whether or not they are delegating functions to the D2 SLB.
- 2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 2.4 All appointments as Members or Substitute Members of the D2 SLB shall be for a term of one year from the Annual Meeting, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.
- 2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the D2 SLB and the new appointment shall take effect from the point specified in the written notice.
- 2.6 Should a change of political control occur at a participating local authority, usually arising from local elections, it will be for that local authority to confirm any changes in appointments to the D2 SLB's membership in accordance with the constitutional arrangements of that Council. A Member or Substitute Member of the D2 SLB who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the D2 SLB, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.

- 2.7 A person may resign as a Member or Substitute Member of the D2 SLB by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the D2 SLB shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the D2 SLB by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the D2 SLB. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and that wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee and shall have no voting rights. An individual's co-option shall terminate as soon as her/his involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.
- 2.11 All Members of the D2 SLB (including any Substitute Members acting in place of Members of the D2 SLB) will:
- a) (subject to the D2 SLB's voting arrangements) collectively be the ultimate policy makers of the D2 SLB;
 - b) bring views of their Councils into the D2 SLB's decision-making process; and
 - c) maintain the highest standards of conduct and ethics.
- 2.12 Members will at all times observe the Code of Conduct for Members in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 2.13 No remuneration shall be payable to D2 SLB Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at participating Councils. (It is acknowledged that a participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the D2 SLB in respect of duties and responsibilities undertaken as a Member or Substitute Member of the D2 SLB.)

3 Chairing the D2 SLB

- 3.1 The Chair of the D2 SLB will be appointed by the D2 SLB.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 3.3 The D2 SLB will appoint a Vice-Chair to deputise for the Chair when the latter is not present or available.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the D2 SLB will cease to hold such office when they cease to be a Member of the D2 SLB, in accordance with the provisions set out at paragraphs 2.6 to 3.7 above.

4. Procedural Arrangements

- 4.1 The D2 SLB shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 While a guiding principle of D2 SLB will be decision making by consensus, which will lead the Board to coalesce around agendas where there is a shared view about how to proceed, should there be circumstances where a vote is required each Member of the D2 SLB shall have one vote, other than in the following circumstances:
 - a) where matters reserved to upper tier authorities are to be discharged, eg. public transport functions that are reserved to county and unitary authorities;
 - b) where matters reserved to lower tier authorities are to be discharged, eg. housing functions that are reserved to borough, district and unitary authorities;
 - c) where matters reserved to specific geographies are to be discharged, eg. local planning functions that are reserved to Derbyshire councils only
 - d) where matters reserved in a combination of the above are to be discharged, eg. shared services arrangements involving specific councils not others.
- 4.3 In such circumstances Members from authorities that have no formal remit will not be entitled to vote. No authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for

which it has no responsibility in law. No authority will be entitled to vote on a matter to which they have not formally delegated to the D2 SLB.

- 4.4 The proceedings of the D2 SLB shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5. Records of Proceedings

- 5.1 The D2 SLB shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 5.2 Minutes of the proceedings of a meeting of the D2 SLB, or any sub-committee, shall be kept in such form as the D2 SLB may determine.
- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the D2 SLB or sub-committee by the Member chairing that meeting.
- 5.4 A Member of the D2 SLB, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.
- 5.5 Minutes of all minutes will be published on the websites of all participating Councils.

6. Sub-Committee

- 6.1 The D2 SLB may establish such sub-committees as it thinks fit to discharge its functions.

7. Officers

- 7.1 The Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the D2 SLB will serve as the statutory officers in support of the D2 SLB.
- 7.2 The D2 SLB may call upon any officer of any of the local authorities who have members on the D2 SLB for advice and assistance, as it considers necessary to carry out its functions.

8. Scrutiny of decisions

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the D2 SLB in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the D2 SLB according to its own specific governance arrangements.

9 Winding up of the D2 SLB and Cessation of Membership

- 9.1 The D2 SLB may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the D2 SLB, that authority may cease its membership with effect from the date of its decision. However, authorities will remain liable for any previously agreed financial contributions until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

FUNCTIONS AND RESPONSIBILITIES

- a. The D2 SLB is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The D2 SLB is established for the following purposes:
- Provide collective strategic leadership for local government in Derby and Derbyshire
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
 - Improve joint working across local government in Derby and Derbyshire
 - Form a collective view on matters impacting Derby and Derbyshire
 - Enable agile, timely and effective decision making.
- b. The D2 SLB, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derby and Derbyshire from the following broad definitions:
- Incorporating existing partnership arrangements
 - Areas for collaborative system changes across authorities
 - Specific thematic projects and priorities
- c. Within those broad definitions, the D2 SLB will:
- i) Provide a forum for consideration of opportunities for joint working across Derby and Derbyshire
 - ii) Provide or assume democratic oversight for existing joint committee and partnership arrangements

- iii) Inform and support the work of the East Midlands Mayoral Combined County Authority, in particular feeding into the EMCCA led Investment Strategy for the region
- iv) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level
- v) Determine commissioning arrangements on matters for which funding is provided on a sub-regional basis
- vi) In particular, act as the local public sector decision-making body for strategic economic development across Derby and Derbyshire (including potential alignment of resources, commissioning, and performance / contract management) in respect of
 - (a) Skills and training
 - (b) Inward Investment
 - (c) Investor Development
 - (d) Sector Development
 - (e) Regeneration Delivery
 - (f) Climate Change and Low carbon
 - (g) Supporting debates on Land Use policy
- vii) Own, monitor and review the Derbyshire Growth Plans and associated investment plans
- viii) Act as the accountable body for decision making on funding streams allocated to the D2 SLB by other bodies
- ix) Oversee the planning, alignment and performance of delivery partners and organisations to achieve more effective and efficient commissioning, monitoring and implementation, and ultimately better outcomes
- x) Engage and maintain an active, ongoing dialogue with the Derby and Derbyshire business community through relevant economic advisory boards
- xi) Hold to account relevant bodies whose work impacts on the economic well-being of Derbyshire
- xii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public

- xiii) Monitor and review performance in respect of services delivered in partnership through the D2 SLB and authorise the publication of an annual report of performance and outcomes
 - xiv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working
 - xv) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
 - xvi) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
 - xvii) Delegate functions and responsibilities to sub-committees or officers as the D2 SLB deems appropriate and keep any governance arrangements associated with the D2 SLB under review.
- d. In the above context, it will be for the Board to establish any sub committees it chooses to in order to provide support with specific tasks within the Board's work programme and for the Board to determine the membership of such sub committees. Any sub committees will report into the full Board.
- e. The D2 SLB will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the D2 SLB are:
- Derbyshire County Council
 - Derby City Council
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Erewash Borough Council
 - High Peak Borough Council
 - North-East Derbyshire District Council
 - South Derbyshire District Council
- [MEMBERSHIP TO BE AGREED BY RESPECTIVE AUTHORITIES]
- g. It is for individual Councils participating in the D2 SLB to determine which functions and responsibilities they are willing to delegate to the D2 SLB in accordance with their own decision-making arrangements. Conversely, the D2 SLB in determining its agenda, priorities and forward programme will wish to take a view on whether or not to accept such responsibilities.

- h. No authority represented on the D2 SLB may participate in voting upon or discharging a function for which it has no responsibility in law.

---- *Ends* ----

DRAFT

A short guide to the D2 Strategic Leadership Board (D2 SLB)

a) Aims and ambitions – what is it; and why should my council join?

D2 SLB is exactly as its name implies, a **leadership board**, bringing together Derby and Derbyshire's ten councils to lead and direct existing and new partnership agendas and activity:

- Providing collective **leadership for Derby and Derbyshire**, ensuring our authorities speak with a single, shared voice at the county, regional and national level;
- Collaborating as partners to develop **joined-up approaches** to the complex, connected and challenging agendas where our councils share common interests; and
- Progressing **shared ambitions** for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

All local authorities within Derby and Derbyshire are invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils **working together**.

Those agendas will incorporate the remits of the dissolved D2 Economic Prosperity and Vision Derbyshire Joint Committees – including, '**place, regeneration, broader economic development, business and skills, and transport**', and strengthening the focus of wider agendas including **climate and the environment, and health and wellbeing**.

Legally, the D2 Strategic Leadership Board will be constituted as a '**Joint Committee**'. This means that, with decision making powers delegated to it by its constituent member councils, the Board will be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)

A further consideration behind the proposed D2 Strategic Leadership Board is the creation of a Combined County Authority for the East Midlands, which will bring new opportunities to improve outcomes for people and places throughout Derbyshire. Once established, it makes sense for D2 councils to

come together to manage their interface with this new authority which is envisaged as having a key role in determining agendas, such as an investment programme and adult education strategy for the East Midlands region. All Derby and Derbyshire's councils will have a stake in these agendas and shaping these effectively will be made more possible by doing so together.

b) Functions – what will it do; what is my Council agreeing to, getting from it; and giving up?

The D2 Strategic Leadership Board is intended to:

- achieve joined up approaches within and between **shared policy and service delivery agendas**, in the first instance, place, growth, regeneration and economic development – including business support, inward investment, skills and transport; and, potentially, oversight of related future funding from the new Combined County Authority or Government;
- rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the proposed D2 Growth Board will be superseded by a single Derbyshire-wide partnership arrangement); and
- provide a possible forum for collaborative activity between councils in Derbyshire on matters relating to the anticipated new **Combined County Authority**, to generate and secure collective influence, especially concerning investment and growth strategies; and additionally, because a mechanism is needed to agree nominations and appointments from Derbyshire Councils to the CCA Board (though this is subject to EMCCA delegation and further approvals).

By joining, Derby and Derbyshire's councils are, first, signalling their intention to work together in the provision of improved services for Derby and Derbyshire's residents and the general betterment of the city and county; and secondly, councils are enabling the D2 Strategic Leadership Board to act as the responsible decision-making body for such functions as those identified above that are conferred upon it by participating councils.

The County's local authorities have, therefore, nothing to lose and everything to gain from membership of the Strategic Leadership Board. The hope is that their active commitment and participation will allow the Board to mature into a truly authoritative, representative and collaborative partnership of all Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each will have separate as well as shared interests in partnership working. This includes a choice about whether or not to participate in specific agendas (or indeed whether or not to participate at all).

c) Arrangements – how it will work in practice; how is my Council assured of getting a say?

Within the remit conferred upon it by participating Councils, it will be for the D2 SLB itself to determine its agenda and priorities, forward programme of activities together with the frequency of its meetings and working methods.

In doing so, the D2 SLB's guiding principles will be:

- Strong collective leadership which seeks to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance reflecting the geographical footprint of Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control; and last but not least
- Decision making by consensus.

Membership of the Board will comprise councillors from participating councils who will each be enabled to **appoint one Elected Member and one substitute**.

Although it is assumed that Councils joining the D2 Strategic Leadership Board will wish to delegate responsibilities for collective decision making in respect of agreed agendas identified above, whether or not Councils choose to do so is entirely a matter for them. Membership and participation by all Derbyshire's councils is welcome, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

While the Board is envisaged as reaching decisions on the basis of consensus, formally, should there be circumstances where a vote is called for, no authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. Accordingly, the **Terms of Reference are drafted to ensure safeguards** are in place regarding Councils' discharge of their own statutory and non-statutory responsibilities.

All participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the Board. **It is proposed that the County Council will act as host Authority for the Board.**

DCC, Strategy and Policy, December 2023

BOLSOVER DISTRICT COUNCIL
MEETING OF THE EXECUTIVE ON 4TH MARCH 2024
BOLSOVER HOMES SCHEME – WOBURN CLOSE CLUSTER, BLACKWELL
REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

| | |
|------------------------|---|
| Classification | Open |
| Contact Officer | Steve Brunt– Strategic Director of Services |

PURPOSE/SUMMARY OF REPORT

To seek approval to change the name of the contractor for the Woburn Close Cluster Development.

REPORT DETAILS

1. Background

- 1.1 On the 11th September 2023 the Executive agreed that the Council enter into contract with Dragonfly Development Limited for the development of the Woburn Close Cluster. A copy of the Executive report for 11th September 2023 is attached at **Appendix 1**.
- 1.2 Due to the value of the work the Council will need to enter into a contract with Dragonfly Management (Bolsover) Limited and not Dragonfly Development Limited. The reason for this is explained in the Legal Implication section of this report.

2. Details of Proposal or Information

- 2.1 It is proposed that the Executive change the contractor to undertake the development of the Woburn Close Cluster from Dragonfly Development Limited to Dragonfly Management (Bolsover) Limited.

3. Reasons for Recommendation

- 3.1 To comply with the Public Contract Regulations 2015.

4. Alternative Options and Reasons for Rejection

- 4.1 To enter into a contract with Dragonfly Development Limited. This will breach the requirements of the Public Contract Regulations 2015.

RECOMMENDATION(S)

1. 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.

Approved by Councillor Sandra Peake, Portfolio Holder for Housing

IMPLICATIONS.

Finance and Risk: Yes No

Details:

As contained in the original report which is Appendix 1 to this report. No new financial implications arise from this specific report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Regulation 12(1) of the Public Contract Regulations 2015 requires that any direct contract award that the Council makes for works where the value is £5,372,609 or more must be to Dragonfly Management (Bolsover) Limited and not to Dragonfly Development Limited. This is because Dragonfly Development Limited has been designed to be an outward facing commercial trading company and cannot take advantage of the rules set out in Regulation 12. Dragonfly Management (Bolsover) Limited however is a company set up to take advantage of the rules and therefore the Council can make direct awards to it without the need for competition.

On behalf of the Solicitor to the Council

Environment:

Details:

As contained in Appendix 1 to this report. No new environmental implications arise from this specific report.

Staffing: Yes No

Details:

There are no direct staffing implications arising from this report. All staff are in place to deliver the schemes.

On behalf of the Head of Paid Service

DECISION INFORMATION

| | |
|--|------------|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | <p>Yes</p> |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | <p>Yes</p> |

| | |
|---|------------------|
| <p>District Wards Significantly Affected</p> | <p>Blackwell</p> |
| <p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>Details:</p> |

| |
|---|
| <p>Links to Council Ambition: Customers, Economy, and Environment.</p> |
| <p>Enabling Housing Growth: increasing the supply, quality, and range of housing to meet the needs of the growing population and support economic growth.</p> |

| DOCUMENT INFORMATION | |
|----------------------|--|
| Appendix No | Title |
| 1 | Executive report - 11 th September 2023 |

| |
|--|
| <p>Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i></p> |
| |

Bolsover District Council

Meeting of the Executive on 11th September 2023

BOLSOVER HOMES SCHEME – WOBURN CLOSE CLUSTER, BLACKWELL

Report of the Portfolio Holder for Housing

| | |
|------------------------|---|
| Classification | Open |
| Contact Officer | Steve Brunt Strategic Director of Services |

PURPOSE/SUMMARY OF REPORT

To seek approval to carry out demolition work and construction of 45 new dwellings at the Woburn Close Cluster scheme.

REPORT DETAILS

1. Background

Bolsover Homes Framework

- 1.1 As members of Executive will be aware the previous programme of residential developments across the district, B@Home, ended in 2019. To build on this success the Bolsover Homes framework was approved in July 2020 to meet social housing need and deliver the aims and objectives of the Council. The Bolsover Homes Council Report outlined the framework and approved the overall budget.
- 1.2 In order to allocate the budget, give clear information regarding future schemes, and to compliment the Bolsover Homes Council Report a brochure was compiled and shared with all Members to illustrate the Bolsover Homes pipeline. The schemes ranged from the Whitwell cluster which had planning permission, to other sites that had not been looked at in any detail. The document outlined the standards the properties were to be built to, subject to agreed changes by the Design Team and gave estimated costs to deliver the schemes. Linked to this is the Council's Ambition of "Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of the growing population and support economic growth". Also linked is the target set out in the Business Growth Strategy ECO-07 which aspired to deliver 150 new homes through the Bolsover Homes Programme by March 2024.
- 1.3 Having reviewed the Bolsover Homes Council Report and brochure, the Council agreed to allocate capital funds of £36.2m to deliver Bolsover Homes schemes

over the period to March 2024. During this timeframe funding has also been achieved by using available 1:4:1 capital receipts and Homes England external funding. This has increased the budget available.

- 1.4 It was a condition of the budget allocation that a further report was required to be brought for each scheme once planning permission had been awarded, viability study presented, independent market assessment received, and costs agreed. Only once approved by the Executive could contracts for scheme/s be entered into.

Council's Ambition

- 1.5 The Council's Ambition to enable housing growth is already being achieved as Members have already approved the construction or purchase of 148 new Council properties through the Bolsover Homes framework. (See **Appendix 1** for a summary of new Council properties which have been delivered or are currently on site).
- 1.6 Part of BDC's ambition is to redevelop the affordable housing scheme at Woburn Close, Blackwell which is located in the south of the district.

Construction Delivery

- 1.7 Dragonfly Development Limited has directly employed staff into its New Builds department in the roles of Operations Manager, Preconstruction Manager, Project Manager, Quantity Surveyor, Site Manager, Quality Manager and Business Support Officer. Whiteley Eaves continue to undertake the professional roles of External Quantity Surveyor, Principal Designer and Managing Agent and William Saunders Partnership continue as architects and engineers.
- 1.8 A Design Team has been formed consisting of Members, Architects, Engineers, Principal Designer, and officers from BDC Housing and the Dragonfly Development Limited New Builds team to assess the available sites, demand and timescales to bring a programme of suitable developments forward.

Rise in construction market costs

- 1.9 Since budget allocation was provided in July 2020 delivery costs have risen dramatically due to market price rises. The graph below, published in August 2023, shows fairly stable but generally rising material prices in the ten-year period up until 2021. This is followed by a more than 70% rise in material prices between 2021 and today.) Labour costs have also risen over the period but at a much slower rate.

Material Price Indices

Chart 2: Construction Material Price Indices, UK
Index, 2015 = 100



Source: Monthly Statistics of Building Materials and Components, Table 1

2. Details of Proposal or Information

Demolition of existing properties at Woburn Close

- 2.1 The independent living scheme and bungalows at Woburn Close, Blackwell are beyond their useful economic lives. They were built using Reema panel construction which is now classified as defective, they are not energy efficient, and the independent living scheme cannot viably be made safe in terms of fire safety. The decision has been made to demolish these buildings. The Council has assessed that there is still strong demand in the area for affordable housing and that a replacement independent living scheme and various types of housing are required in the locality.

Proposed development of the Woburn Close Cluster by Dragonfly Development Limited

- 2.2 The scheme brought forward today for decision will provide a replacement independent living scheme at Woburn Close comprising 20 self-contained flats together with a mix of 23 houses and bungalows with a further 2 properties being built at a nearby disused parking area at Pendean Close. Site layouts showing a summary of the type and number of properties are shown at **Appendix 2** for Woburn Close and **Appendix 3** for Pendean Close.
- 2.3 The properties will be built to the principles of lifetime homes, will meet National Design Guide Characteristics and the properties that are built for older people will achieve the HAPPI principles. The external elevations of the properties have been designed to complement and enhance Blackwell village.
- 2.4 The costs put forward by Dragonfly Development Limited have been independently assessed by Whiteley Eaves and confirmed to be competitive.

Meeting the Council's Ambition

- 2.5 The construction of these new homes will take the total number of properties that will be delivered with the current funding pot to 162 (also see **Appendix 1** for a summary of new council properties which have been delivered, are on site or are proposed to be built if approval is granted today)
- 2.6 The target set out in the Business Growth Strategy ECO-07, which aspired to deliver 150 new homes through the Bolsover Homes Programme, will also be achieved financially albeit not by the March 2024 timeline.

Planning permission

- 2.7 Planning permission has been obtained for Woburn Close and it is hoped to start on site in March 2024, work has been carried out to the programme to allow for completion of all properties approximately two years thereafter - in March 2026.
- 2.8 Planning permission has not been obtained for the two bungalows at Pendean Close although pre application advice is favourable. If permission is not granted for these properties they will be removed from the scheme and the costs revised downwards.

Work on site to date

- 2.9 To date the bungalows at Woburn Close have been vacated in readiness for demolition – the budget for this was approved by the Executive on 31st of July 2023. The independent living scheme remains partially occupied by residents who intend to move to the newly developed independent living scheme. If approval is given to demolish the remainder of the site this will save on empty properties Council Tax which is currently a cost to the Housing Revenue Account.

Homes England Funding

- 2.10 Homes England (HE) have indicated that they are likely to offer funding towards the scheme but this is less likely if the scheme completion date goes beyond March 2026 as this is when the current round of funding ends and HE have indicated that there is no certainty that other funding will become available beyond March 2026.
- 2.11 Consequently, further delays to the start on site to beyond March 2024 could jeopardise Homes England funding. A contribution of £2.25m has been requested but a decision by Homes England has not yet been received.

Financial Implications

- 2.12 To give Members an indication of the whole-life financial implications of a capital scheme, we use a spreadsheet model developed over a number of years. The model is based on assumptions made at a point in time so will never be 100% accurate, but it is an estimate of future costs and income streams for the Housing Revenue Account (HRA).

- 2.13 Inputs to the model are initial capital build costs; the ongoing revenue costs such as supervision and management; the rental income receivable and the borrowing costs associated with financing the capital scheme.
- 2.14 This is then spread over a 50-year period, being the maximum period the Council is allowed to borrow funds from the Public Works Loan Board over, and also the maximum number of years our properties can be depreciated over, under current accounting regulations.
- 2.15 Generally, when the scheme makes a positive contribution to the Housing Revenue Account overall, i.e. when rental income is greater than the costs to the HRA including the interest on the borrowing, it is considered that the scheme has paid for itself although at this stage the principal amount borrowed has often not yet been repaid and it can take a number of years before the whole of the initial capital cost has been recouped.
- 2.16 As long as the HRA remains sustainable and can therefore afford to continue paying the associated borrowing costs of a scheme, there is no reason why a scheme making a positive contribution to the HRA, that takes longer than 50-years to recoup the initial outlay, shouldn't be undertaken. The sustainability of the HRA must be considered in light of all borrowing costs from this and previous capital schemes, not just the scheme being appraised and considered.
- 2.17 25% of properties in the Council's current housing stock are over 100 years old and still earning rental income while 58% of the stock is between 50 and 100 years old. As you can see from the paragraphs above, this income is not factored into the spreadsheet model but is still being received.
- 2.18 The graph below shows the age of properties in the UK. This shows that more than 50% of the housing stock in the UK is over 50 years old, which highlights why the model should be used as a guide but not in isolation.



- 2.19 The Woburn Close scheme has 2 different elements, the independent living scheme replacement for Woburn House comprising 20 flats and also the mix of 23 houses and bungalows plus the 2 further properties at Pendean Close. For the purposes of the financial appraisal, the difference in the properties make it appropriate to identify the figures separately for each part, wherever possible.

| Year 1 initial outlay and net cost | Flats Independent Living Scheme | Houses & Bungalows | Whole Scheme |
|---|--|-----------------------------------|-------------------------|
| | £ millions | £ millions | £ millions |
| Total build costs including demolition and construction | 5.638 | 5.945 | 11.583 |
| Assumed net income in year 1 | (0.118) | (0.203) | (0.321) |
| Assumed net cost in year 1 excluding principal | 0.290 | 0.310 | 0.600 |
| Net Cost to HRA in year 1 | 0.172 | 0.107 | 0.279 |

- 2.20 The table above shows an indicative net cost to the HRA for year 1 following scheme completion. Net income and net cost increase each year with inflation until gradually the income exceeds the cost. Both elements of this scheme take longer than 50 years to fully recoup the initial capital cost. However, by the 22nd year of the house and bungalow scheme being completed the scheme makes a positive contribution to the HRA as described in paragraph 2.15, subject to all 8 of the houses still being within the Council's housing stock, as they will be subject to 'right to buy' legislation.
- 2.21 The nature of the independent living scheme means the rental income is low compared to the initial cost of building the flats. This means that by year 50, the scheme doesn't make a positive contribution to the HRA and fully recouping the initial cost is probably not a deciding factor when making a decision on whether to undertake the scheme. It should be remembered however, that the Council will still have the use of the building for tenants and will carry the value of the building on its balance sheet.
- 2.22 Additionally, if funding sought from Homes England was successful, this would reduce the amount of initial borrowing undertaken by the Council and therefore the cost to the Housing Revenue Account each year. The time taken for the schemes to recoup the initial capital cost and make a positive contribution to the HRA would also be reduced.
- 2.23 The total build costs for the scheme from start to finish including carrying out surveys, obtaining planning permission, demolition and construction includes a contingency pot of £1.102m, which would be returned to the Council if not spent.

The contingency pot would cover:

- further price rises in the market over the 2-year build period, as subcontractors may not hold their submitted prices for this length of time.
- Increases in material prices over the 2-year period.
- any unforeseen engineering adjustments that may have to be made once detailed drawings and calculations are devised from the approved planning drawings.

Design and site constraint details

- 2.24 The ground conditions on site require expensive raft foundations which increase construction costs.
- 2.25 The costs per square meter of the independent living scheme flats are 59% more than the costs to build the houses and bungalows. Specialist developments of this nature will always be more expensive than standard accommodation due to the additional features that are provided. The flats benefit from extra amenities such as a communal room and kitchen, first floor communal area, reception, office, scooter stores and internal refuse stores. In addition, the layout of such schemes requires corridors, fire escapes, lifts and other circulation spaces that would not be necessary in a standard dwelling.

3. Reasons for Recommendation

- 3.1 To continue to meet the growing demand for affordable housing in the district.
- 3.2 To develop a fit for purposes independent living scheme in the south of the district.
- 3.3 To deliver a more affordable rental residential development in the south of the district.
- 3.4 To enable demolition to save the HRA the cost of Council Tax on empty properties.
- 3.5 To give the best chance of achieving Homes England funding by ensuring scheme completion before March 2026

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could decide not to proceed with the scheme, but this would mean that there was only provision of one independent living scheme in the south of the district when there is an identified demand for more provision.
- 4.2 The Council could decide to delay its decision to see if prices in the construction market fall to levels which would make the scheme more viable. However, if a decision is not made there is a chance that Homes England funding could be lost which would mean that prices in the market would have to drop much lower.

RECOMMENDATION(S)

1. That Executive approves the capital expenditure budget as outlined within the report to deliver the Woburn Close affordable housing building scheme in the amount of £5,944,592.11 for the houses and bungalows and £5,637,982.58 for the Independent Living Scheme.
2. That Executive approves an expenditure budget as outlined within the report to deliver the Pendean Close affordable housing building scheme, subject to planning permission being granted.

3. That Executive agrees that the Council enters into contract with Dragonfly Development Limited for the development of the Woburn Close Cluster as outlined in the report.

Approved by Councillor Sandra Peake Portfolio Holder for Housing

IMPLICATIONS.

Finance and Risk: Yes No

Details:

Covered in paragraphs 2.12 – 2.23 of the report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council will need to enter into a formal contract with Dragonfly Development Limited.

On behalf of the Solicitor to the Council

Environment:

Details:

The newly built properties will help the Council to transition to net zero by 2050 through decarbonisation of its housing stock. The properties will be much more fuel efficient than the existing Reema panel buildings that are currently on the Woburn Close site. The properties will be constructed with enhanced u-values, above the minimum requirements of Building Regulations, in order to reduce heat loss and carbon emissions. The properties will incorporate renewable technologies including solar panels and air source heat pumps. Electric Vehicle charge points will be installed at all dwellings to encourage the use of electric vehicles. The scheme includes biodiversity enhancements to offset any ecological impact from the development. Where possible energy expended during the construction of the properties will be kept to a minimum.

Staffing: Yes No

Details:

There are no direct staffing implications arising from this report. All staff are in place to deliver the schemes.

On behalf of the Head of Paid Service

DECISION INFORMATION

| | |
|---|-----|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | Yes |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | Yes |

| | |
|---|-----------|
| District Wards Significantly Affected | Blackwell |
| <p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | Details: |

| |
|--|
| Links to Council Ambition: Customers, Economy and Environment. |
| Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of the growing population and support economic growth |

| DOCUMENT INFORMATION | |
|-----------------------------|---------------------------------|
| Appendix No | Title |
| 1 | Properties delivered or on site |
| 2 | Woburn Close – Site layout |
| 3 | Pendean Close – Site layout |

| |
|--|
| <p>Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i></p> |
| |

Bolsover District Council

Meeting of the Executive on 4th March 2024

Briar Close, Shirebrook - demolition of Council owned bungalows

Report of the Portfolio Holder for Housing

| | |
|------------------------|--|
| Classification | This report is Public. |
| Contact Officer | Victoria Dawson, Assistant Director Housing Management and Enforcement |

PURPOSE/SUMMARY OF REPORT

- To seek approval to award the contract for demolition of the Council-owned bungalows and ancillary buildings on Briar Close, Shirebrook to Dragonfly Development Limited.

REPORT DETAILS

1. Background

- 1.1 The Council owns 49 bungalows on Briar Close, Shirebrook, which due to their condition are beyond their habitual economic lives and need to be demolished.
- 1.2 The site has been considered for redevelopment by the Council and as such the bungalows have been vacated in readiness for the demolition, with affected tenants awarded with an agreed home loss payment.
- 1.3 Planning permission has been obtained for the demolition and an indicative costing for demolition, removal of services and meters has been obtained from Dragonfly Developments Limited.

2. Details of Proposal or Information

- 2.1 The main considerations for recommending demolition are:
 - The access is unsuitable for the tenant group with excessive stepped approaches.
 - The bungalows are chalet style buildings with no thermally efficient façade to front and rear elevations, resulting in significant heat loss and damp / mould issues.
 - There is a lack of private garden/amenity areas.
 - Major elements (roofs, heating systems, kitchens and bathrooms) are approaching or exceeding the remaining lifespan and will result in Decent Homes failures.
- 2.2 It is not considered financially viable to undertake any extensive repair and maintenance programme to bring the bungalows up to the necessary decent

home standard. As such, a decision was taken to stop all allocations to these properties and priority was given to remaining tenants to be rehoused as well as a discretionary home loss payment to tenants.

- 2.3 The site is now vacant and the next step to avoid the HRA having to cover the cost of the empty property council tax liability, as well as avoiding any anti-social behaviour and vandalism, is to demolish the buildings.
- 2.4 Planning permission for demolition has been obtained.
- 2.5 An indicative quote to clear the site in full, including removal of asbestos, service disconnection and gas/electric meters removal, has been obtained. Therefore, we are seeking an approved budget of up to £265,000 for the required demolition and clearance.
- 2.6 Officers continue to explore redevelopment opportunities or sale of this site. Until an alternative use for the site is decided, the cost of clearing the work is classed as revenue expenditure for the HRA.

3. Reasons for Recommendation

- 3.1 There are no compelling reasons to retain the existing buildings, but there is potential for re-development of the site that would enhance amenity value of the local area and better serve the local community.
- 3.2 However, leaving the buildings empty is 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.
- 3.3 It is therefore recommended that Dragonfly Development Limited be appointed to demolish the Council-owned bungalows and ancillary buildings.

4 Alternative Options and Reasons for Rejection

- 4.1 The option to retain the bungalows was rejected due to their condition and the significant amount of investment needed to get these to a decent home's standard.
- 4.2 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 is therefore in the interest of the Council to arrange demolition of the properties.

RECOMMENDATION(S)

To delegate the decision to award the contract for demolition of the Council-owned bungalows and ancillary buildings on Briar Close, Shirebrook to Dragonfly Development Limited to the Assistant Director Housing Management and Enforcement.

Approved by Councillor Sandra Peake Portfolio Holder for Housing

IMPLICATIONS.

Finance and Risk: Yes No

Details: There continues to be a loss of rental income and council tax liability while ever the properties remain vacant. Demolishing the bungalows would remove the council tax liability. The rent loss cannot be mitigated unless new properties are built/purchased but demolishing the properties gives certainty around the voids figure used to estimate the HRA rental income budgets.

The demolition costs can be achieved within existing revenue budgets by careful reprofiling of the capital and revenue HRA budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: Dragonfly Development Limited is also a company wholly owned by the Council. Council on 6th March 2024 are to consider changes to the Council's procurement rules to allow for a direct award to Dragonfly Development Limited where the contract amount is below the public works contract threshold of £5,327,609. This decision is subject will be subject to Council agreeing to those changes.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details: Demolition increases the biodiversity of the site initially. Any future development of the site would need to take account of improving net zero carbon emissions over the lifetime of the development helping the district to transition to net zero by 2050 through decarbonisation of its housing stock.

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

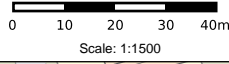
| | |
|--|-----|
| <p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards, or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i></p> | Yes |
| <p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> | Yes |

| | |
|--|---|
| District Wards Significantly Affected | (Please state which wards or state All if all wards are affected) |
| Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | Details: |

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
| |

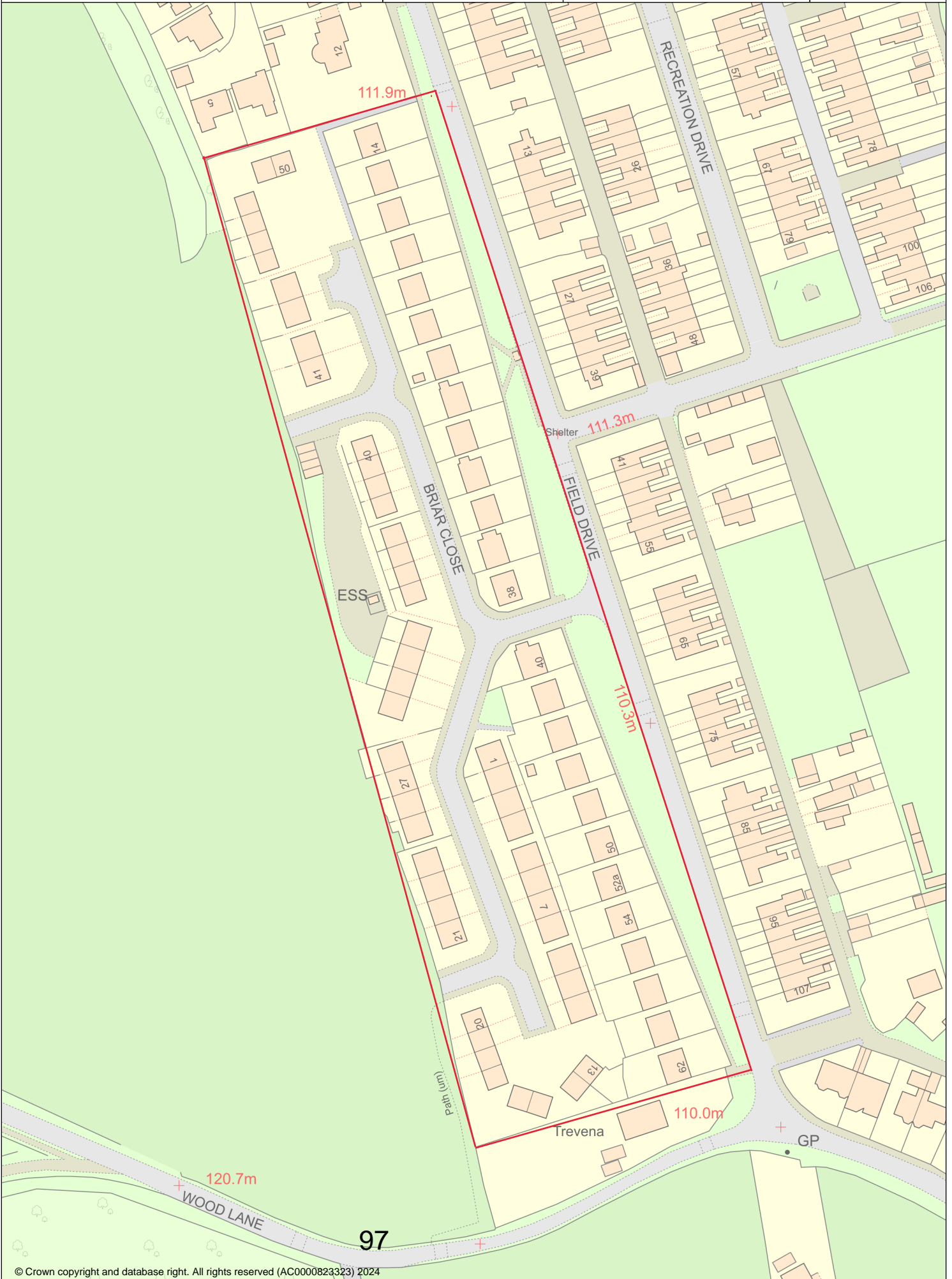
| DOCUMENT INFORMATION | |
|-----------------------------|---------------------|
| Appendix No | Title |
| 1 | Plan of Briar Close |

| |
|---|
| Background Papers |
| <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i> |
| |



Author: V. Dawson

Date: 08/01/2024



Agenda Item 13

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted