

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 23rd June 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Jane Yates in the Chair

Councillors s Mary Dooley, Donna Hales, Rob Hiney-Saunders, Tom Munro, John Ritchie and Phil Smith.

Officers:- Karen Hanson (Chief Executive), Theresa Fletcher (Section 151 Officer), Jim Fieldsend (Monitoring Officer), Steve Brunt (Strategic Director of Services), Sarah Kay (Interim Director Planning, Devolution & Corporate Policy), Thomas Dunne-Wragg (Scrutiny Officer), Amelia Carter (Senior Economic Development Officer), Sally Lovell (Business Estates Manager), Natalie Etches (Head of Business Growth), Nicola Astle (Joint ICT Assistant Director), Victoria Dawson (Assistant Director Housing Management and Enforcement), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing) and Alison Bluff (Senior Governance Officer).

Also in attendance at the meeting were Councillors Victoria Waplington and Sally Renshaw (to Minute No. EX113-25/26).

Observing the meeting were Junior Cabinet Members Rowan Clarke, Duncan Haywood, Mark Hinman and Jeanne Raspin, and Councillors Anne Clarke, Duncan McGregor and Ashley Taylor. Officers Dan Barley (Senior Repairs Co-ordinator) and Andrew Clarke (Operational Repairs Manager).

EX108-25/26 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Clive Moesby (Portfolio Holder for Resources).

EX109-25/26 URGENT ITEMS OF BUSINESS

The Leader made the following urgent announcement;

“Last week at the Extraordinary Executive meeting, Members agreed to dissolve the current boards of the Dragonfly companies, and in order to give effect to that decision, it is necessary to serve notice on the companies that the Council, as Shareholder, intends to pass a resolution dismissing the relevant directors at general meetings of the companies. Notices have been served and it is now for the companies to call general meetings. General meetings will be meetings of the shareholders, i.e., the Council and it's at those meetings were the resolution to dismiss the directors will be considered. Please note that the directors will have opportunity to make representations at those meetings. At the general meetings, the Council will need to be represented and in the shareholder agreement dated 2nd May 2023, there is provision for the Council to nominate a person to act as its authorised representative. Currently, there is no one nominated to act as its representative so it's necessary for the Executive to nominate someone. As general

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meetings might take place prior to the next Executive meeting on 28th July 2025, it's necessary to nominate someone at today's meeting. By reason of these circumstances, which shall be specified in the minutes, I am of the opinion that the item should be considered at this meeting as a matter of urgency. We need to have someone to act as the Council's representative, and I nominate Councillor John Ritchie".

The motion was seconded by Councillor Donna Hales.

On being put to the vote, the motion was carried. It was therefore **RESOLVED** that Councillor John Ritchie be the Council's authorised representative at the general meetings of the Dragonfly companies.

EX110-25/26 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
EX114. 25/26	Councillor Dooley	Mary As a member on the Pinxton Parochial Church Council, Councillor Dooley would not partake in the discussion or voting on the item and would leave the meeting at the appropriate time.

The Leader referred to item 13 on the agenda: *Shirebrook Market Place: Reimagined – Update on Regeneration Funded Works* and noted that as she was not a Shirebrook Town Councillor and the item was not in her ward, she did not need to declare any interest in the item.

EX111-25/26 MINUTES

Moved by Councillor Tom Munro and seconded by Councillor Mary Dooley
RESOLVED that the Minutes of an Executive meeting held on 19th May 2025 be approved as a correct record.

NON KEY DECISIONS

EX112-25/26 SCRUTINY REPORT - JOINT REVIEW OF SECURITY ARRANGEMENTS AT THE ARC: POLICIES, PROTOCOLS AND PROCEDURES

Executive considered a detailed report presented jointly by Councillors Vicky Waplington and Sally Renshaw, chairs of the Customer Services Scrutiny Committee and Local Growth Scrutiny Committee respectively, in relation to the joint Scrutiny review of security arrangements at the Arc, policies, protocols and procedures.

The review related directly to the remit of the Customer Services Committee as well as the Local Growth Scrutiny Committee, and by working together the Committees were

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able to bring a broader range of ideas and perspectives to the review, ensuring a more thorough and informed approach. This collaborative effort allowed for a more efficient use of resources and promoted a cohesive and integrated scrutiny process, which was particularly beneficial for such a large-scale and complex piece of work.

The key issues identified for investigation included:

- Ensuring the safety of staff and customers at Council facilities
- Exploring the potential for implementing a security guard team
- Reviewing current security protocols
- Evaluating staff training for handling critical situations
- Assessing areas where the Council was performing well and areas that needed improvement

The Joint Committee had put together 11 recommendations to assist the Council in improving security and safety arrangements at The Arc and these were set out in the report.

Members welcomed the report and noted that it was an excellent report.

Moved by Councillor Donna Hales and seconded by Councillor Tom Munro

RESOLVED that: 1) the recommendations of the review as outlined in section 2 of the report be endorsed,

- 2) monitoring of these recommendations by the Scrutiny Committee takes place over a twelve-month period via post scrutiny monitoring reports with an update report to the Scrutiny Committee at the end of the monitoring period.

Reasons for Recommendation

The Joint Committee had put together 11 recommendations to assist the Council in improving security and safety arrangements at The Arc as detailed above.

Alternative Options and Reasons for Rejection

Executive could choose not to endorse the recommendations of the review where they felt the course of action recommended was beyond the delivery capacity of the Authority.

The Scrutiny Officer and Councillors Waplington and Renshaw left the meeting.

EX113-25/26 DAMP AND MOULD POLICY

Executive considered a detailed report, presented by Councillor Phil Smith, Portfolio Holder for Housing, which sought Members' approval to adopt a Damp and Mould policy. The policy was appended to the report.

As a landlord, the Council was responsible for maintaining its tenanted properties and managed them in line with the relevant regulations, legislation and guidance. This included keeping tenants' homes safe from hazards under the Housing Health and Safety Rating System (HHSRS), under the Housing Act 2004. One of those hazards was identified as damp and mould.

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The Housing Ombudsman had published a spotlight report in October 2021, which stated landlords should take a zero-tolerance approach to damp and mould. The Social Housing (Regulation) Act 2023 introduced “Awaab’s Law”, following the death of Awaab Ishak, a two year old child living with his parents, who passed away from a respiratory condition which was found to be caused by damp and mould in their flat. Awaab’s Law would come into force for the social housing sector from October 2025, with a phased implementation approach specific to damp and mould.

Officers had produced a Damp and Mould Policy with the key aim to raise awareness of the issues surrounding damp and mould for those living in the Council’s properties. It set out the Council’s zero-tolerance approach to addressing and resolving reports of damp and mould and explained the Council’s legal obligations. The policy provided detail on how the Council would ensure it met its legal obligations, specifically how it would triage and inspect reports of damp and mould, and how it would ensure it met the timescales as set out in Awaab’s Law.

Moved by Councillor Phil Smith and seconded by Councillor Donna Hales

RESOLVED that the Damp and Mould Policy be approved and adopted.

Reasons for Recommendation

The policy was considered necessary so that members of the public were aware of the Council’s responsibilities and its approach to how it ensured damp and mould was actioned within legislative timescales.

Alternative Options and Reasons for Rejection

No alternative options were proposed as the policy was required to meet relevant regulations, legislation and guidance.

Having previously declared her interest in the following item of business, Councillor Dooley left the meeting.

EX114-25/26 LAND TO THE REAR OF ST HELEN'S CHURCH HALL, PINXTON

Executive considered a detailed report, presented by Councillor Tom Munro, Portfolio Holder for Growth, which set out options and a recommendation to transfer the freehold of the Council’s land to the rear of St Helen’s Church Hall, Pinxton, for no consideration to the Diocese of Derby in order to deliver the outcomes of the Regeneration Funding which had been allocated to the Church Hall project.

The Regeneration Fund was allocated to the Council in the Government’s Autumn Statement of 2023 and the Investment Plan approved in May 2024. One of the projects within the Investment Plan was the refurbishment of Pinxton Church Hall which had to be completed by March 2026, unless a variation was submitted and approved by the Minister for Housing Communities and Local Government (MHCLG).

Significant work had been undertaken to explore both the refurbishment and new build options for the site which was in split ownership between the Diocese of Derby and the Council.

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The Council's land had been long associated and used by the Church Hall, however, due to the absence of deed information, the arrangements which led to the Diocese using the piece of land for the last couple of decades were unclear.

The Council's parcel of land had been valued by the Council's Land Valuer on the basis of the land being used as amenity/community use. Local authorities were given powers under the Local Government Act 1972 Act to dispose of land, the only constraint was that a disposal must be for the best consideration reasonably obtainable (except where there was consent from the Secretary of State), who had provided specific consent for the disposal of any interest in land which the authority considered would help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Further, requirement of the funding was that land titles must be clear and undisputed.

It was considered that the disposal of the site for less than best consideration would result in the promotion of the social wellbeing of Pinxton's residents by facilitating the re-development of the hall for the benefit of the whole community and the Council's land would be used as a community garden which would promote the environmental wellbeing of the area.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that: 1) the freehold transfer of the land to the Diocese of Derby for no consideration, i.e., no financial benefit to the Council on terms to be agreed by the Monitoring Officer, be approved,

- 2) the Council acknowledges that the transfer of the land to the Diocese of Derby would contribute to the promotion of the economic, social or environmental wellbeing of the area.

Reasons for Recommendation

The Council's land had been long associated and used by the Church Hall (over two decades) for no consideration i.e. no financial benefit to the Council.

The Council's Legal department had advised the site could potentially be pursued by the Diocese if they chose to explore claiming adverse possession rights to the site.

A nil consideration would result in all the VAT being fully recoverable allowing for the full budget allocated by the funders to be spent on the project.

The disposal of the asset would promote the social wellbeing of Pinxton which allowed the Council to dispose of its asset for less than best consideration, in accordance with the Local Government Act 1972.

Alternative Options and Reasons for Rejection

A peppercorn lease transfer could be considered; however, this had been discounted as it would result in more expensive legal fees agreeing the terms of the lease. The leasehold transfer would have no greater benefit to the Council as restrictions covenants could be imposed on a freehold transfer.

Sale of the Council's land to adjacent neighbours could be considered, however, this would result in no amenity space being available for hall users and would reduce the scope of the hall and its connection to the proposed landscaping/community garden to the rear. It was also a possibility that the adjacent neighbours may not be interested in

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purchasing the site.

Requiring the Diocese to pay for the site could be considered, however, they had already confirmed that they did not have the budget to purchase the site. If the Council were to sell the land to the Diocese for a consideration it would result in the VAT not being recoverable for the project, thereby reducing the scope of the project.

Councillor Dooley returned to the meeting and thanked the Council and officers for their hard work in relation to this project, especially the Senior Economic Development Officer who had been the lead officer.

The Senior Economic Development Officer left the meeting

EX115-25/26 APPOINTMENT TO OUTSIDE BODIES - EXECUTIVE FUNCTIONS

Executive received a report, presented by the Leader, which set out the appointments of Executive Members to represent the Council on external organisations in relation to Executive functions.

The Leader noted that only one representative was required for Derbyshire Law Centre, and this would now be Councillor Phil Smith and not Councillor Donna Hales.

The term of office for each appointment would be for the 2025/26 Municipal Year unless otherwise specified by the Leader.

Moved by Councillor Jane Yates and seconded by Councillor Mary Dooley
RESOLVED that the appointment to outside bodies (Executive functions) be received.

Reasons for Recommendation

To appoint representatives to ensure the effective representation of the Executive on external organisations (Outside Bodies) (Executive Functions) for the 2025/26 Municipal Year.

Alternative Options and Reasons for Rejection

Executive could choose not to appoint to the Outside Bodies; however, this was not recommended as it would fail to provide a representative of the Executive to these organisations.

EX116-25/26 DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

Executive considered a detailed report, presented by the Leader, which sought Members' approval to change the Council's representatives on the D2 Strategic Leadership Board, and to amend the terms of reference of the Board.

In March 2024, Executive agreed to establish and participate in a new joint committee of Derby and Derbyshire's councils being the D2 Strategic Leadership Board (D2SLB). The Board would collaborate, co-ordinate and drive forward agendas where it was recognised that more could be achieved by councils working together to improve outcomes for people and places across Derbyshire.

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When agreeing to the establishment of the D2SLB and various governance arrangements, Executive had specifically appointed Councillor Steve Fritchley as the Council's representative, and Councillor Duncan McGregor as substitute. A resolution was now needed to replace Councillors Fritchley and McGregor on the Board with Councillor Jane Yates as representative and Councillor Donna Hales as substitute.

In addition, the terms of reference for the D2SLB also agreed in March 2024, had now been amended to refresh the governance arrangements including clarifying the purpose of the board and the constituent's roles and responsibilities, and amending the procedural arrangements of the Board. A copy of the revised terms of reference were appended to the report.

Moved by Councillor Jane Yates and seconded by Councillor John Ritchie

RESOLVED that: 1) the Leader be appointed as the Council's representative on the D2SLB, and the Deputy Leader be appointed as substitute,

2) the revised terms of reference for the D2SLB as set out in the appendix to the report be agreed.

Reasons for Recommendation

It is expected that the Council's representatives on D2SLB should be the Leader and deputy leaders of each member council.

Alternative Options and Reasons for Rejection

There are no alternatives.

KEY DECISIONS

EX117-25/26 DISPOSAL OF LAND AT ROWAN DRIVE

Executive considered a detailed report, presented by Councillor Phil Smith, Portfolio Holder for Housing, which sought Members' approval for the disposal of Council owned land at Rowan Drive, Shirebrook.

The area of land in question was located between Rowan Drive and Recreation Road and was edged red on a plan appended to the report. The site had been considered for alternative uses including biodiversity offset, however, this had been deemed unsuitable and redevelopment had been discounted as not being financially viable.

Former garages had been demolished due to their condition, and minimal income was generated from the parking bays which were currently let. There were a number of vehicular and pedestrian accesses off the former garage site into the rear gardens of the properties on Recreation Road and an exercise had been undertaken to identify which of these accesses were by way terminable licences and which were permanent – this would need to be disclosed to any future purchaser. It was assumed that these accesses would not affect the viability of the development of the land. In addition, there were a number of privately owned garages on garage plots, land which was let to the owners by the Council, and these were terminable upon notice. Also identified on the plan were 3 garage structures on the site which were not in the Council's possession and would be excluded from any sale.

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The land had been valued at £225,000 and in accordance with the Council's Disposal and Acquisition Policy the matter was referred to the Council's Asset Management Group who had recommended that the land be disposed of.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

RESOLVED that the disposal of the former garage site at Rowan Drive, Shirebrook, be approved.

Reasons for Recommendation

The former garages had been demolished due to their condition and there was minimal income generated from the parking bays which were currently let. The land required ongoing maintenance by the Council. Disposal would generate a capital receipt for the Council.

Alternative Options and Reasons for Rejection

Alternative uses for the site had been considered and discounted.

EX118-25/26 WARM HOMES SOCIAL HOUSING FUND

Executive considered a report, presented by Councillor Phil Smith, Portfolio Holder for Housing, which informed Members of the Warm Homes Social Housing Fund. The report also sought Members' approval to accept the grant funding of £811,065 and to agree to match fund the amount to enable substantial improvements to the energy efficiency of Council homes across the District.

The Warm Homes Social Housing Fund was a Government fund which allowed local authorities and registered providers to install energy efficiency upgrades and low carbon measures to their housing stock. The programme sought to raise the energy performance of as many social homes currently below Energy Performance Certificate (EPC) 'C' up to that level as possible by 2030 as part of the journey for the social housing stock towards Net Zero by 2050.

The Council, working with the Midlands Net Zero Hub consortium, had bid for this funding and had received £811,065. However, for the project to progress, there was a requirement for the Council to match fund the amount, and it was proposed to utilise the Housing Revenue Account Unallocated Major Repairs Reserve to meet this requirement.

The scheme would enable improvements to approximately 90 Council owned homes currently performing at a level below EPC 'C' with the intention to install four air source heat pumps and a number of solar panels with batteries. These would need to be completed by the required 31st March 2028 deadline. Dragonfly Management would deliver the scheme for the Council operating under a service level agreement / Memorandum of Understanding.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

RESOLVED that: 1) the Social Housing Fund Wave 3 allocation of £811,065 be accepted to enable the delivery of a programme of energy efficiency improvements to upgrade,

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- 2) the Assistant Director Housing Management is given delegated authority, in conjunction with the Portfolio Holder for Housing, to sign the required grant agreement,
- 3) a budget of £838,236.00 is allocated to the project, to be met from the Housing Revenue Account Unallocated Major Repairs Reserve.

Reasons for Recommendation

This was a demonstration of the Council's commitment to the decarbonisation of Council homes to ensure that households were better able to keep warm, while reducing carbon emissions. The properties selected to benefit from this proposed programme of works were some of the least energy efficient within the Council's housing stock. The Government had confirmed that social housing properties would have to meet a minimum Energy Performance Certificate (EPC) rating of Band C by 2030. This project would help to meet this requirement.

Alternative Options and Reasons for Rejection

The Council could decline the offer and continue instead to develop a programme of schemes in preparedness for any additional funding opportunities that may become available. However, it could not be guaranteed that such opportunities would arise, and the housing stock would still require measures to bring all properties to a minimum EPC 'C' requirement by 2030.

EX119-25/26 WARM HOMES LOCAL GRANT

Executive considered a report, presented by Councillor Phil Smith, Portfolio Holder for Housing, which provided information in relation to the Warm Homes Local Grant. The report also sought Members' approval to accept the grant funding of £1.2m to enable substantial improvements to the energy efficiency of residents' homes across the District.

The Warm Homes Local Grant was a Government fund which allowed local authorities to work with eligible residents to install energy efficiency upgrades and low carbon measures to homes across the District. The scheme aimed to deliver both energy costs and carbon savings for eligible households and would cover all fuel types.

To be eligible for the scheme, residents would need to be a homeowner or private sector landlord whose property had an Energy Performance Certificate of D or below.

There were three qualifying pathways that a household could take:

- gross household income under £36,000 or
- in receipt of a specified means tested benefit or route 2 of Energy Company Obligation flex or
- live in an Index of multiple deprivation (IMD) area 1-2. These households would automatically qualify for the scheme.

It was anticipated that there would be considerable interest from property owners, whether owner occupiers or private landlords, and the Council would need to be prepared and manage expectations whilst seeking to help as many residents live in a warmer home.

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It was proposed that Bassetlaw District Council would deliver the project on behalf of the Council under the current Service Level Agreement between the two authorities.

Moved by Councillor Phil Smith and seconded by Councillor Rob Hiney-Saunders
RESOLVED that: 1) the Warm Homes Local Grant Fund of £1.2m be accepted,

2) the Service Level Agreement with Bassetlaw District Council be extended to enable them to deliver the scheme on behalf of Bolsover District Council.

Reasons for Recommendation

By accepting the grant, the Council was meeting its corporate ambitions of working towards net zero and would be supporting low income and vulnerable households in improving the energy efficiency of their homes.

Alternative Options and Reasons for Rejection

The Council could refuse to accept the grant, but this was not considered an option. The Council could look to deliver the project in-house, however, additional resource over and above the allocated admin and ancillary allowance would be required, and so outsourcing to Bassetlaw was the preferred option.

EX120-25/26 SHIREBROOK MARKET PLACE: REIMAGINED - UPDATE ON REGENERATION FUNDED WORKS

Executive considered a detailed report, introduced by Councillor Tom Munro, Portfolio Holder for Growth.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing presented the report which provided an update to Members on the Regeneration Funded works relating to the *Shirebrook Market Place: REimagined* project. The report also set out the legal position of the project and the agreements required with Shirebrook Town Council and sought approval to enter into a contract with the Principal Contractor for the works to be completed.

The Regeneration Fund had secured £2million for the completion of the Pavilion building and associated landscaping. The budget included for all client fees and costs as well as the principal contractor's works and all sub-contracted packages. The contract value for completing the works package for both phases 2 and 3 was £1,857,537.29 and this budget included completing phase 3 (£1,068,181 of the £2,000,000 allocated) with the remainder of the contract sum (£789,356.29) required to complete the public realm works as shown in phase 2.

Both the Dragonfly Project Control Board (PCB) and the Council's Strategic Commissioning Board (SCB) had considered this project at its most recent meetings (25th April and 15th May respectively) and agreed that the remaining public realm works should be funded from the underspend of the £2,000,000 budget to allow the works to Shirebrook Market Place to be completed in its entirety. The Council's Strategic Commissioning Board recommended that the Chief Executive, on behalf of the Strategic Commissioning Board, seek approval from Executive for the underspend of £789,357 to be allocated to fund the costs of the remaining public realm works.

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Shirebrook Town Council was the landowner of the Market Place and as such, BDC would be required to prepare a Development Agreement with them that put in place the contractual arrangements for BDC undertaking the works and handover to the Town Council at practical completion. It would also set out arrangements for the Town Council to take ownership and maintenance responsibility of the new Pavilion building and all public realm areas following practical completion.

Councillor Munro thanked the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing, and the officers who had worked alongside him regarding the project, including the Business Growth Manager. He noted that this would be the first of the projects listed in the Government's £15m Regeneration Funding.

Moved by Councillor Tom Munro and seconded by Councillor Jane Yates

RESOLVED that: 1) the underspend of £789,357 be allocated to fund the costs of the remaining public realm works,

- 2) the appointment of Dragonfly Development Limited (DDL), to deliver the contract for the value of £1,857,537.29 be approved.
- 3) delegated authority is given to the Monitoring Officer to enter into a Development Agreement with Shirebrook Town Council based on the Heads of Terms as set out in the report.

Reasons for Recommendation

The Council had developed the *Shirebrook Market Place: REimagined* project in partnership with Shirebrook Town Council to deliver significant public realm improvements to Shirebrook Market Place.

The Council was now in the position where the full package of works had been prepared and detailed cost schedule for the works received. This was within the available budget and allowed for a reasonable contingency. Allocating the underspend of £789,357 would enable the full scheme to be completed.

There was a commitment from Shirebrook Town Council to this scheme, and a Development Agreement would document both parties' involvement and responsibilities for delivering the scheme.

Alternative Options and Reasons for Rejection

Alternative delivery options had been considered by both the Project Control Board and the Strategic Commissioning Board, including not undertaking the phase 2 works, but the proposed course of action was considered to more strongly align to the overall ambition of the Council to achieve sustainable regeneration utilising MHCLG's Regeneration Fund.

EX121-25/26 EXCLUSION OF THE PUBLIC

Moved by Councillor Jane Yates and seconded by Councillor Donna Hales

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed. [The category of exempt information

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is stated after each Minute].

NON KEY DECISIONS

EX122-25/26 CYBER SECURITY POLICY

Executive considered a detailed report, presented by the Joint ICT Assistant Director, in the absence of the Portfolio Holder for Resources, Councillor Clive Moesby.

The policy applied to all employees, contractors, partners, agents, and other stakeholders who had access to ICT facilities and data. It covered all assets owned by the parties, information held or owned, ICT infrastructure used, and the physical environment in which the information and/or supporting ICT was used. The policy also included guidelines and legislation available.

The objective of the policy was to ensure the highest standards of information security were always maintained across the parties. This included carrying out duties in a professional and lawful manner, minimising business damage and interruption caused by security incidents, adequately protecting customer and employee data, meeting all legislative and regulatory requirements, and using ICT equipment and facilities responsibly, securely, and with integrity.

The unions had seen the policy and had approved its contents, and the policy had also been to the Customer Services Scrutiny Committee held on 16th June 2025 where it was recommended for approval.

In response to a Member's question, the Joint ICT Assistant Director advised that instant messaging was subject to FOI.

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders
RESOLVED that the Joint Information and Cyber Security Policy October 2024 be approved.

Reasons for Recommendation

The Policy was recommended for approval by the Customer Services Scrutiny Committee held on 16th June 2025.

Alternative Options and Reasons for Rejection

None.

KEY DECISIONS

EX123-25/26 APPOINTMENT OF A CONTRACTOR TO COMPLETE PHASE 2 OF THE FLOOD DEFENCE WORKS AT PLEASLEY VALE

Executive considered a detailed report, introduced by Councillor Munro, Portfolio Holder for Growth.

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The Business Growth Manager presented the report which provided an update to Members on the findings of the drainage team whilst completing maintenance to the critical drains at Pleasley Vale Business Park. The report sought Executive's approval for the direct award of a contract to deliver a part of the Phase 2 flood defence works specifically focusing on desilting of the culverts, and to authorise the necessary additional funding to undertake repairs to the culvert if it were identified as urgent whilst the contractor was on site.

Following a report to Council in December 2024 where Members had approved commencement of Phase 1 of the flood defence works at Pleasley Vale, work had commenced in April 2025. Survey and maintenance inspections of the drains had identified a risk of discharge to the river Meden from the foul drains and services for toilets presenting this type of risk were removed from usage.

Further surveys showed a damaged drain which ran via an overflow culvert under Mill 1, and also identified a significant accumulation of silt in the overflow, which was impeding water flow from Mill Pond 1 and drainage efficiency within the system.

Two possible solutions were identified and desilting the culverts was found to be the preferred solution. This was because installing a new drain would be highly intrusive leading to the rear of Mill 1 being inaccessible for a prolonged period, causing significant disruption and impact for tenants, and likely to be at a much higher cost for the works to complete the install. The culverts were currently around 25% blocked in some places and worse in others. Therefore, increasing capacity of water flow rate through the culverts would provide an immediate benefit for flood protection ensuring improved resilience against potential flooding plus reduce the risk to the insurance reserve if works were completed before the 2025-26 winter months.

Special suppliers P & D Environmental and IDS had both provided quotes for the work with IDS coming in lower. However, P & D Environmental were already mobilised onsite as principal contractor and under CDM regulations there could only be one principal contractor on site at any one time. This meant that P & D Environmental would charge a contract management fee to manage IDS increasing the overall cost of IDS's proposal.

An Environment Agency (EA) permit was also required for any work on a water course, including maintenance to culverts, to ensure compliance with environmental regulations and protect water quality. A permit was already in place for Phase 1 of the flood defence works and culvert clearance could be undertaken as an EA maintenance exemption. The exemption had already been approved and was valid for a year from 15th June 2025. However, the work needed to be completed by the end of September 2025 due to raised water levels during the winter months as it became unsafe to complete work during this time.

The Business Growth Manager noted that the sum quoted was for the silt to be removed off site if it were not contaminated and requested an additional recommendation that delegated authority be given to the Chief Executive, in consultation with the Section 151 Officer, to approve an additional budget of £180k to remove the silt if it were found to be contaminated.

In response to a Member's question, the Business Growth Manager advised that the Go Active Leisure facilities at Pleasley Vale were not affected by this report.

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Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

RESOLVED that: 1) in line with the previously agreed recommendations as set out in paragraph 1.2. of the report works for the desilting of the culvert be approved,

- 2) delegated authority be given to the Chief Executive, in consultation with the Section 151 Officer, to approve an additional budget of an estimated £187,000 to remove the silt if it were found to be contaminated,
- 3) direct award of the works contract to the company currently working on site (P&D Environmental) at the value as stated in the report, which includes the provisional sum for removal of the silt offsite, be approved,
- 4) delegated authority is given to the Section 151 Officer to authorise the necessary additional funding to undertake repairs to the culvert, if identified as needing to be done urgently, whilst the contractor is on site.

Reasons for Recommendation

Installing a new drain would be highly intrusive, leading to the rear of Mill 1 being inaccessible for a prolonged period, causing significant inconvenience and impact for tenants. It is likely to be more costly to the Council, if the fall levels permit this option to be considered.

In addition, the desilting was identified as part of the Phase 2 Flood Defence Works which is intended to mitigate the site against future flood risk. The culverts are currently around 25% blocked in some places and worse in others. Therefore, increasing capacity of water flow rate through the culverts will provide an immediate benefit for flood protection ensuring improved resilience against potential flooding, plus will reduce risk to the insurance reserve if works completed before the 2025-26 winter months.

Furthermore, by working within the existing structure to carry out the necessary repairs, expense of redirecting the drain can be avoided, ensuring a more cost-effective solution.

Completing the work while the EA permit and maintenance exemption are in place will lessen the impact on tenants and avoid lengthy delays in reinstating toilet facilities.

Prompt completion of the works will help mitigate the risk of pollution to the River Meden.

When taking into consideration subsequent CDM and contract management costs into consideration, the overall expenditure is comparable. Furthermore, the methodology outline in P & D's proposal is considered to carry less risk.

Alternative Options and Reasons for Rejection

Complete a full procurement exercise to appoint a contractor to desilt the culverts has been discounted due to:

Work needs to be completed with urgency to ensure it can be completed within in the summer months in accordance with the EA permit and maintenance exemption period and mitigate risk of any enforcement action.

To alleviate ongoing inconvenience to tenants and reinstate toilet facilities as soon as possible with the minimum impact on their day-to-day operations.

EXECUTIVE

To minimise the risk to the £1million insurance reserve set aside to cover the liabilities of a flood event on site at Pleasley Vale.

The meeting concluded at 11:00 hours.