

# Public Document Pack

## EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 31st January 2022 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Steve Fritchley in the Chair

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

Officers:- Karen Hanson (Executive Director of Resources), Grant Galloway (Executive Director of Strategy), Theresa Fletcher (Assistant Director of Finance & Resources), Pam Brown (Assistant Director of Leader's Executive), Chris Fridlington (Assistant Director of Development and Planning), Lisa Ingram (Solicitor), Natalie Etches (Business Growth Manager) (to Minute No EX76-21/22), Hannah Cash (Chartered Legal Executive) observing, and Alison Bluff (Governance Officer).

### **EX71-21/22      APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **EX72-21/22      URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **EX73-21/22      DECLARATIONS OF INTEREST**

Councillor Liz Smyth declared a Disclosable Pecuniary Interest in Agenda Item 5 – Additional Restrictions Grant. Councillor Smyth did not participate in the discussion or the vote on this item.

### **EX74-21/22      MINUTES – 6<sup>TH</sup> DECEMBER 2021**

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake  
**RESOLVED** that the Minutes of an Executive meeting held on 6<sup>th</sup> December 2021 be approved as a correct record.

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### NON KEY DECISIONS

#### EX75-21/22      ADDITIONAL RESTRICTIONS GRANT

Executive considered a report in relation to the latest funding of Additional Restrictions Grant (ARG) monies from the Government.

The ARG was a discretionary funding scheme which aimed to support businesses severely impacted by Coronavirus and its variants, and was first launched in the 2020/21 financial year with further rounds of funding being 'topped-up' in January 2021 and April 2021.

The scheme had been administered through the Economic Development Team and the Partnerships Team, and to date, 302 grants had been awarded to Small and Medium-sized Enterprises (SME) across the Bolsover District.

The Government had recently issued the Council with the latest top-up of funding in-line with a Guidance Note published on 30th December 2021, which also detailed the criteria for awarding the money.

Officers had been working through the guidance and in response to the latest variant, Omicron, local authorities were encouraged to support businesses from all sectors that may have been impacted including but not limited to, hospitality, accommodation, leisure, personal care, the travel and tourism sector (group travel, travel agents, tour operators), wedding industries, and other businesses that may not have received other grant funding. This scheme would be extended to include businesses both in and outside of the business rates system.

Businesses who applied for or who were awarded an ARG, would also be registered with either the Federation of Small Businesses (FSB) or Marketing Peak District and Derbyshire (MPDD), for a 12-month membership. This would be at no cost to the business and was a further support tool the Council were able to offer to businesses as part of its COVID recovery support. It could include legal help and advice, debt recovery, cyber protection, access to funding, marketing and new market opportunities, and targeted sector-specific business support for growth.

The Business Growth Manager advised the meeting that a number of businesses, both in and outside of the priority sectors as identified in the report, had applied for the funding since the application process had started. However, some of these applications would need to be refused due to the limited amount of funding against the number of applicants received, as it would not be possible to extend the grant out to all the businesses.

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley  
**RESOLVED** that the details of the forthcoming Additional Restrictions Grant (ARG) be noted and the following proposals endorsed;

- (i) a new scheme is open inviting businesses from across the District to apply through a new application process;

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(ii) businesses who have been and continue to be affected by the Coronavirus pandemic, specifically the Omicron variant, be prioritised for the ARG including;

- businesses from all sectors that may have been impacted, including but not limited to, hospitality, accommodation, leisure, personal care, the travel and tourism sector (group travel, travel agents, tour operators), wedding industries,
- businesses who hold a business rates account,
- businesses who do not hold a business rates account,
- and businesses who have not received any previous ARG funding.

(iii) the following criteria be used to assess the level of grant funding to be awarded from the ARG scheme;

- level of fixed costs faced by the business,
- no. of FTE employees within the applicant business,
- the impact of the Omicron variant on their business trading,
- and, the value of previous grant/s award through ARG or other discretionary grant schemes.

(iv) the level of any award be set at a maximum of £5,000 for a single business with discretion to award a grant of £1,500 / £2,500 / £5,000 based on an officer assessment using the above criteria as set out in 1(ii) and 1(iii).

(Assistant Director of Development and Planning)

### REASONS FOR RECOMMENDATION(S)

The report set out the proposals for administering the latest round of ARG funding to the value of £97,718.41

The grant was a much needed financial injection in to businesses who were facing continued financial pressures as a result of COVID and its variants.

### ALTERNATIVE OPTIONS AND REASONS FOR REJECTION

The option to 'do nothing' with Additional Restrictions Grant self-evidently cannot be countenanced by the Council.

The Business Growth Manager left the meeting.

## EX76-21/22 TENANT ALTERATION AND IMPROVEMENT POLICY

Executive's approval was sought in relation to an updated Tenant Alteration and Improvement Policy.

The Council owned and managed its housing stock consisting of 5019 properties. All tenants were entitled to make a request for permission for alterations or improvements to their home which the Council would not unreasonably refuse. However, the Council could impose conditions and also give genuine reasons why permission must be refused.

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The updated Tenant Alteration and Improvement Policy outlined the Council's approach in considering requests and that any changes did not have a detrimental effect on the value or let-ability of a property.

Tenants were to make requests in writing and provide sufficient detail for consideration by way of a preferred form. If appropriate, the Council would confirm permission in writing, together with any required conditions. Any permission would be granted for a period of 12 months and if work was not commenced within that time a tenant would need to re-apply. Tenants would need to complete a further form and return to the Council when any works were finished.

In cases of refusal, a tenant would be given an opportunity to challenge the reasons of a decision to refuse permission or the conditions imposed for recharge, or the recharge amount, by way of a formal appeals process.

Appeals would be directed to the Repairs Team and decisions made jointly with the Operational Repairs Manager and the Housing Enforcement Manager. Any further challenge would be dealt with through the Council's Corporate Complaints procedure.

In some cases, tenants were entitled to compensation for work carried out to their home at their own expense but this would only be available should the tenant leave the property. The policy set out the legislation on this and how compensation would be calculated, taking into account depreciation, wear and tear.

In response to a Member's queries, the Executive Director of Resources advised the meeting that any compensation monies due where a tenant had passed away would be paid to the tenant's Estate. In relation to the number of appeals made to date, the Executive Director of Resources would investigate and provide the information to Members.

Moved by Councillor Sandra Peake and seconded by Councillor Deborah Watson  
**RESOLVED** that the updated Tenant Alteration and Improvement Policy be approved.

(Assistant Director of Housing Management & Enforcement)

### **REASONS FOR RECOMMENDATION(S)**

It was considered good practice to have a policy which set out the Council's approach to tenant alterations and improvements.

The policy sat alongside and supplemented the tenancy agreement and ensured that all tenants were aware of their rights and responsibilities but also ensured that officers involved in housing repairs and tenancy management, adopted the same fair but firm approach and took into account of the need to consider equality and proportionality when taking any action.

### **ALTERNATIVE OPTIONS AND REASONS FOR REJECTION**

The updated Policy was considered necessary so that members of the public were aware of the Council's approach to requests, payment of compensation or recovery of recharges and in what circumstances these would arise.

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### EX77-21/22 HOUSING TENANCY AGREEMENT

Executive's approval was sought to commence a public consultation on a revised Council Housing Tenancy Agreement, and to also grant the Assistant Director of Housing Management and Enforcement delegated powers to adopt the Tenancy Agreement, in consultation with the Leader, Deputy Leader and Portfolio Holder for Housing, subject to any changes following the public consultation.

The Council's existing tenancy agreement was over 10 years old and it was considered good practice for landlords to revise their tenancy agreements on a regular basis. Changes in legislation, regulation and accepted good practice were also reasons why tenancy agreements should be revised.

The proposed changes to the tenancy agreement were summarised in the report and further in an attached document appended to the report.

Section 103 of the Housing Act 1985, set out very clear rules that had to be complied with when Local Authority landlords wished to vary the terms of tenancy for existing tenants, including asking tenants to comment on the proposed variation within such time specified in the notice as the Council considered reasonable. The Council must then consider any comments made by tenants within the specified time.

The Council must then serve a notice of variation on a tenant which must contain the actual variations being proposed, incorporating additional changes (if any), brought about by comments received through the preliminary notice process and the date on which the variation would take effect, that date being no less than four weeks of the date of the notice. The Council must include any information that it considered necessary to inform a tenant of the nature and effect of the variation.

A suggested timetable was provided in the report and illustrated the actions required.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor  
**RESOLVED** that (1) the commencement of a public consultation on the revised Council Housing Tenancy Agreement be approved,

(2) the Assistant Director of Housing Management and Enforcement be given delegated powers to adopt the Tenancy Agreement, in consultation with the Leader, Deputy Leader and Portfolio Holder for Housing, subject to any changes following a public consultation.

(Assistant Director of Housing Management & Enforcement)

### **REASONS FOR RECOMMENDATION(S)**

The revised tenancy agreement set out the required information more clearly and logically for tenants. It protects the tenant's right to quiet enjoyment of their homes.

It addresses deficiencies in the existing agreement as a result of a number of legislative changes and updates both Council rights and obligations as a landlord, as well as tenants' rights.

The agreement strengthens the Council's ability to enforce conditions of tenancy against those who wilfully and/or persistently fail to abide by them.

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### ALTERNATIVE OPTIONS AND REASONS FOR REJECTION

To do nothing and to continue to operate using the existing, outdated tenancy agreement would mean that the Council will not have a modern, easily understandable, fit for purpose, tenancy agreement in place.

#### EX78-21/22      52 WEEK RENT PERIOD

Executive considered a report in relation to moving from the current 48 week per year housing rent collection cycle to a 52 week rent collection cycle.

The Council's tenancy agreement contained a clause which stated that tenants must pay their rent weekly in advance every Monday. The annual rent for a Council property was currently divided by 48 weeks instead of 52. This had the effect of making a tenant pay more on those weeks in which rent was charged than they would if it was spread evenly across all the weeks in the year.

It was proposed to move from the 48 week rent collection cycle to a 52 week rent collection cycle, which would align the rent account payment requirements to Universal Credit payment cycles, and tenants would also see a weekly reduction in their rent. In turn, this should have a positive impact upon the level of rent debt and also reduce levels of stress and anxiety for those who are finding it hard to pay on time.

No statutory consultation was required for the rent collection proposal, however, tenants would be notified in advance of the changes to ensure minimum disruption.

Members noted that some tenants may still wish to pay their rent over a 48 week period.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Council moves to a standard 52 week rent collection cycle from April 2022.

(Assistant Director of Housing Management & Enforcement)

### REASONS FOR RECOMMENDATION(S)

The main rationale for the change is to allow those in receipt of Universal Credit to spread the cost of their rent throughout the year and to ensure that their rent accounts are kept up to date as much as possible.

There is also a need to ensure that a rent payment culture is embedded in all aspects of housing service delivery. There is a tension between having weeks which are called "rent free" in an era where Officers are trying to encourage tenants to establish a payment habit and to keep their accounts up to date. By setting the expectation of a payment for every week of the year, it would minimise the situation where a tenant could claim that they had been under the impression that they were not required to pay rent because there had been a rent free week, or that their debt will be cleared because they intend to use the rent free weeks as an opportunity to make additional payments.

### ALTERNATIVE OPTION AND REASONS FOR REJECTION

To do nothing is rejected because the proposal to move to a 52-week rent collection pattern will enable a more transparent service for tenants, will allow for better budgeting

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(aligned to benefit payments) and is consistent with most other household bills as well as providing a more efficient collection process for the Housing Service

### KEY DECISIONS

#### EX79-21/22      MEDIUM TERM FINANCIAL PLAN 2022/23 - 2025/26

Executive's approval was sought for the proposed budget 2022/23, for the General Fund, Housing Revenue Account and Capital Programme as part of the Council's Medium Term Financial Plan covering the years 2022/23 to 2025/26.

The report provided Members with an overview of the Council's financial position in order to inform the decision making process.

In particular financial projections were provided for:

- 2021/22 Current Budget Position – this was the current year budget, revised to take account of changes during the financial year that would end on 31<sup>st</sup> March 2022.
- 2022/23 Original Budget – this was the proposed budget for the next financial year, on which the Council Tax would be based, and would commence from 1<sup>st</sup> April 2022.
- 2022/23 Original Budget, this included proposed increases to rents and fees and charges for the next financial year for the Housing Revenue Account.
- 2023/24 to 2025/26 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 Council approve;

(1) in the view of the Chief Financial Officer, the estimates included in the Medium Term Financial Plan 2022/23 to 2025/26 are robust and that the level of financial reserves whilst at minimum levels are adequate, be accepted.

(2) officers report back to Executive and to the Audit and Corporate Overview Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets. These reports to include updates on achieving savings and efficiencies for 2022/23 and future years.

#### GENERAL FUND

- 1 A Council Tax increase of £5.00 is levied in respect of a notional Band D property (2.68%),
- 2 The Medium Term Financial Plan in respect of the General Fund as set out in

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Appendix 1 to this report be approved as the Revised Budget 2021/22, as the Original Budget in respect of 2022/23, and the financial projection in respect of 2023/24 to 2025/26,

- 3 That any further under spend in respect of 2021/22 is transferred to the Council's General Fund Reserves,
- 4 On the basis that income from Planning Fees may exceed £0.500m in 2021/22, 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**

- 5 That Council sets its rent levels in line with government policy, increasing rent levels by CPI (3.1%) plus 1% to apply from 1<sup>st</sup> April 2022,
- 6 That the increases in respect of other charges as outlined in Appendix 3 Table 1 to this report be implemented with effect from, 1<sup>st</sup> April 2022,
- 7 The Medium Term Financial Plan in respect of the Housing Revenue Account as set out in Appendix 3 to this report be approved as the Revised Budget in respect of 2021/22, as the Original Budget in respect of 2022/23, and the financial projection in respect of 2023/24 to 2025/26,
- 8 That under spends in respect of 2021/22 to 2025/26 are transferred to the HRA Revenue Reserve.

### **CAPITAL PROGRAMME**

- 9 That the Capital Programme as set out in Appendix 4 to this report be approved as the Revised Budget in respect of 2021/22, and as the Approved Programme for 2022/23 to 2025/26,
- 10 That the Assistant Director of Property Services and Housing Repairs be granted delegated powers in consultation with the Portfolio Member and the Asset Management group to approve the utilisation of the £260,000 of AMP Refurbishment Work allocation, with such approvals to be reported back to Executive through the Quarterly Budget Monitoring Report.

(Section 151 Officer/Governance Manager)

### **REASONS FOR RECOMMENDATION(S)**

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

### **ALTERNATIVE OPTION AND REASONS FOR REJECTION**

Alternative options are considered throughout the report.

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### EX80-21/22 EXCLUSION OF THE PUBLIC

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

### KEY DECISIONS

#### EX81-21/22 SERVICE LEVEL AGREEMENT - HOUSEHOLD SUPPORT FUND EXEMPT PARAGRAPH 3

Executive's approval was sought for the Council to enter into a Service Level Agreement with Derbyshire County Council (DCC) in relation to funding arrangements for the Household Support Fund (HSF).

On 6<sup>th</sup> October 2021, the Government announced that a new HSF grant would be made available to County Councils and Unitary Authorities in England, to support vulnerable households most in need this winter. The purpose of the grant was to buy food or pay essential utility bills, essential living costs and housing costs, as the economy recovered from the Covid pandemic.

Following a successful bid to DCC, the Council had been awarded an amount of HSF grant money to support Bolsover residents to help with housing costs specifically. Further to discussions, it had been agreed that DCC would administer a proportion of the grant funding to assist vulnerable households with food and utility bills.

In order to receive the grant, a Service Level Agreement had been provided by DCC to be signed by the Council, which set out how the grant must be administered and the reporting information required.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Council enters into a Service Level Agreement with Derbyshire County Council for the Household Support Fund.

(Executive Director of Resources)

#### REASON FOR DECISION:

The grant was an opportunity to financially assist vulnerable households across the District to prevent homelessness and to sustain tenancies.

In order to receive this grant the Service Level Agreement needs to be signed. The Councils legal team have approved the agreement in its current form

#### OTHER OPTIONS CONSIDERED:

Do nothing. This option is rejected, to refuse the Service Level Agreement would mean residents in the District could not benefit from the funding and may suffer financial hardship.

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### EX82-21/22      **APPOINTMENT OF SECURITY AND CONCIERGE CONTRACTOR FOR COMMERCIAL PROPERTY EXEMPT PARAGRAPH 3**

Executive's approval was sought to give delegated powers to the Assistant Director for Development and Planning to appoint the first or second choice supplier following a recent procurement evaluation exercise and interviews undertaken to appoint contractors to deliver the Security and Concierge contract.

The last contract for the Security and Concierge Contract came to an end on 30<sup>th</sup> November 2021. A tender was issued in September 2021 to re commission a specialist experienced Security organisation to continue to achieve security and effective operational objectives for the Council's business parks and business centres; Pleasley Vale Business Park and The Tangent, Shirebrook. The contract also required CCTV Monitoring and Key Holder responsibilities in relation to other property owned by the Council.

Bids were received from 8 organisations and were evaluated on a cost and quality basis: Cost 60% / Quality 40%. The quality elements included: method statement (15%); operational instructions (10%); implementation (5%); Contract Management (5%); Learning and Development (3%); Service Development (2%).

A spreadsheet showing the evaluation scores of the 8 submissions was attached to the report.

Based on results of the evaluation matrix and following an initial offer letter to the preferred supplier, contract mobilisation and Tupe commenced on 1st December 2021.

The Council had reserved the right to add and/or remove sites to the contract, and any inclusion of sites would be based on the rate specified in the tender response of the appointed company.

Moved by Councillor Liz Smyth and seconded by Councillor Clive Moesby

**RESOLVED** that (1) the Assistant Director for Development and Planning be given delegated authority to appoint the preferred supplier and to enter in to a contract agreement, to be drafted and issued by Legal Services. The delegation to extend to include the appointment of the second supplier on the shortlist if for any reason contracts were not agreed with the preferred supplier,

(2) The Assistant Director for Development and Planning be given delegated authority to implement the two one-year extensions based on satisfactory performance from the contractor, and also an acceptable pricing proposal going forward.

(Assistant Director of Development and Planning)

The meeting concluded at 1045 hours.