

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 8th August 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Mary Dooley, David Downes, Duncan McGregor, Clive Moesby, Sandra Peake and Liz Smyth.

Officers:- Karen Hanson (Executive Director Resources), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Treasurer), Chris Fridlington (Assistant Director Development and Planning), Ian Barber (Assistant Director Property Services and Housing Repairs), Victoria Dawson (Assistant Director Enforcement and Housing Management) and Alison Bluff (Acting Governance and Civic Manager).

Also in attendance at the meeting was Councillor David Dixon and Joanne Wilson (Scrutiny & Elections Officer).

EX26-22/23. APOLOGIES

An apology for absence was received on behalf of Councillor Deborah Watson.

EX27-22/23. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

EX28-22/23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

EX29-22/23. MINUTES – 11th JULY 2022

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** that the Minutes of an Executive meeting held on 11th July 2022 be approved as a correct record.

MATTERS REFERRED FROM SCRUTINY

EX30-22/23. REVIEW OF VOLUNTARY & COMMUNITY SECTOR GRANT ALLOCATIONS

Executive considered a detailed report in relation to a recent Review undertaken by the Climate Change & Communities Scrutiny Committee in relation to Voluntary & Community Sector Grant Allocations.

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The Review report was presented by Councillor David Dixon on behalf of the Climate Change & Communities Scrutiny Committee Chair, Councillor Nick Clarke, who was unable to attend the meeting.

The last review of the programme had taken place in 2013/14, and Scrutiny had agreed to consider a further review at the suggestion of the Executive and Partnerships Team, with the aim being to ensure the VCS Grant Allocation Programme remained fit for purpose, value for money and sustainable.

The key issues identified for investigation were detailed in the report along with evidence sought.

The key findings arising from the review were:

- The review had proved both timely and invaluable in identifying potential duplication and assessing the advantages/disadvantages of different allocation processes.
- A refreshed approach to centralising grant allocations would ensure better communication between service areas and eliminate duplication.
- That the use of Social Return on Investment (SROI) as an evaluation tool gave the Council a clear indication of value for money on the investment made. While our existing mechanism of calculating this via the Housing Associations Charitable Trust (HACT) model achieved this, it was clear that evaluation tools had significantly advanced and it was an appropriate juncture for the Council to look to use a more advanced evaluation tool.
- That existing reporting mechanisms were sufficient and would be further strengthened by the ability to create more detailed evaluation reports using the new software.

Scrutiny had put together twelve recommendations which would hopefully assist the Council in ensuring grant allocations to the voluntary and community sector were transparent, had clear outcomes and monitoring arrangements, and met the current needs of the Council and local residents.

Further to a concern raised by Councillor Dooley, the Scrutiny & Elections Officer clarified that the current approach of reporting VCS grant allocation monitoring via the Bolsover Partnership Annual Reports to Executive and Council on a bi-annual basis, would continue. However, when the SROI evaluation software tool was up and running, reports would include much more detail and these would form part of the wider partnership monitoring report.

The Leader noted that it was a good report and a good review.

Moved by Councillor Mary Dooley and seconded by Councillor Sandra Peake
RESOLVED that (1) the recommendations outlined in section 2 of the Review report be approved, and that the current approach of reporting VCS grant allocation monitoring via the Bolsover Partnership Annual Reports to Executive and Council on a bi-annual basis, continues,

(3) monitoring by Scrutiny takes place over a twelve month period via the PERFORM system with an update report to Committee at the end of the monitoring period.

(Scrutiny & Elections Officer)

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Councillor David Dixon and the Scrutiny & Elections Officer left the meeting.

BUDGET AND POLICY FRAMEWORK ITEMS

EX31-22/23. CORPORATE DEBT 2021/22

Executive considered a detailed report which provided the Council's current position regarding corporate debt as at 31st March 2022.

The main sources of income for the Council's General Fund were business rates, council tax, a small number of government grants, and service related income. The main source of income for the Council's Housing Revenue Account was dwelling rent (often referred to as 'housing rents'). Government grants were paid directly in to the Council's bank account on agreed dates so it was not necessary to include them on any of the debtor systems.

Bills for business rates, council tax and housing rents had to be requested and this was carried out on a relevant system. Legislation was in place for each of these sources which determined the rules of collection.

For service related income, invoices were raised on the sundry debtor system which was a module of the Civica Financial Management System. Examples of types of income included, housing benefit overpayment, trade refuse, industrial unit rent, garage site rent, wardens' service and alarms, and leisure hire of facilities. This income was reported in two amounts with housing benefit overpayments identified from the rest.

Failure to collect debt would have a detrimental impact on the Council's financial position if sufficient bad debt provisions were not in place. It must be remembered that the Covid 19 pandemic continued to impact on the arrears for all the Council's main sources of income at 31st March 2022.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor
RESOLVED that the Council's Corporate Debt position as at 31st March 2022 be noted.

Reasons for Recommendation

To ensure that Executive are informed of the latest position concerning the Council's debt.

Alternative Options and Reasons for Rejection

This report was for information only.

EX32-22/23. BUDGET MONITORING REPORT

Executive considered a detailed report which provided the Council's current financial position following the 2022/23 Quarter 1 monitoring exercise for the General Fund, the Housing Revenue Account (HRA), Capital Programme and Treasury Management activity.

The issue of Financial Risk was covered throughout the report. However, it was noted that the risk of not achieving a balanced budget was outlined as a key risk within the Council's Strategic Risk Register.

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Whilst officers were of the view that these risks were being appropriately managed, it needed to be recognised that there may be pressures on all of the Council's main budgets as these had been or were being reduced to minimum levels. These would need to be managed carefully during the course of the current financial year if the Council was to protect existing financial balances and reduce the funding deficit in 2025/26 in light of current inflation levels.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor
RESOLVED that (1) the monitoring position of the General Fund at the end of the first quarter as detailed on Appendix 1 to the report (a net favourable variance of £0.032m against the profiled budget), and the key issues highlighted within the report be noted,

(2) the position on the Housing Revenue Account (HRA), the Capital Programme and Treasury Management at the end of the first quarter (Appendices 3, 4 and 5).

Reasons for Recommendation

The report summarised the financial position of the Council following the first quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account, Capital Programme and Treasury Management activity.

Alternative Options and Reasons for Rejection

The Budget Monitoring report for 2022/23 was primarily a factual report which detailed progress against previously approved budgets. Accordingly, there were no alternative options to consider.

KEY DECISIONS

EX33-22/23. REVIEW OF FLY TIPPING ENFORCEMENT AND ENVIRONMENTAL FIXED PENALTY NOTICE FEES

Executive considered a detailed report which provided an update on the work of the Environmental Health Service in relation to fly tipping enforcement, and also to present options for revising fixed penalty fine levels for environmental offences.

The current fixed penalty fines for various environmental offences had remained the same in the District for a number of years. New offences such as fly tipping and householder duty of care had been added as legislation had been updated, along with a Public Space Protection Order, which added new dog related offences to the pre-existing dog fouling offence. This had resulted in some inconsistencies with the fixed penalty fine levels both in the significance of offences and in comparison with neighbouring authorities.

Table 1 in the report showed benchmarking of fixed penalty fine levels for matters the Joint Environmental Health Service enforced. It also showed the range within which the Council could set a fixed penalty fine in accordance with the legislation.

The report recommended that the fixed penalty fine levels for environmental offences in Table 1 of the report be adopted by the Council. These changes would bring parity between fly tipping and business waste duty of care offences, which were closely linked, while keeping fines for householders and smaller less serious offences more affordable. It

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would also bring the litter and fly tipping fixed penalty in line with neighbouring authorities and to the middle of the potential range, where it was paid early.

Although these levels were considered appropriate to the area, they would be reviewed in 12 months' time to understand the effect the changes may have had on offending and payment rates and whether there was a need to increase the levels further.

To mitigate against fines not being paid, an early payment reduction was proposed for littering and fly tipping, as these fines would be at their maximum. Without this, and whilst this sent a clear message about how serious the Council viewed these offences, they remained high and potentially unaffordable. This would then push more cases to the Courts resulting in higher costs to the Council for relatively minor offences.

More serious and repeat offences, along with cases where the fixed penalty was not paid, would always be forwarded to Court for a prosecution or a civil recovery process in line with the Council's enforcement policies.

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth

RESOLVED that (1) the performance in relation to fly tipping enforcement be noted,

(2) the fixed penalty fine levels as recommended in Table 1 of the report be set,

(3) the Joint Assistant Director – Environmental Health, to carry out a review in 12 months on the impact of the changes to the fixed penalty fine levels.

(Assistant Director – Environmental Health)

Reasons for Recommendation

Adjusting the fixed penalty amounts ensures the Council is keeping pace with national legislative changes and ensures fixed penalty amounts act as a suitable punishment for the offence, as well as ensuring they are affordable for smaller, less serious offences.

The increases to some of these fixed penalty amounts also demonstrates the Council's commitment to tackling environmental crime.

Allowing early payment reductions to £100 and £300 for littering and fly tipping offences respectively enables a higher penalty than currently but enables a discount for early admission of offences, encourages earlier payment and the reduced burden on the Council for follow up enforcement.

Alternative Options and Reasons for Rejection

In the financial year 2020/21, 70% of environmental fixed penalty notices were paid. It would be possible to increase penalty amounts to the maximum levels without any discount, however, this would be likely to result in lower payment rates and more cases being progressed to a criminal court. This places additional resource burdens on the Authority without receiving the resulting fines handed down at court.

It is also possible to keep the fixed penalty amounts at their current levels. That, however, would mean that fixed penalties for some offences are lower than those for similar issues, simply because the penalty amount was not set when the legislation came into effect.

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**EX34-22/23. DERBYSHIRE HOMELESSNESS AND ROUGH SLEEPING
STRATEGY 2022-2027**

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor
RESOLVED that the Derbyshire Homeless Strategy 2022-2027 be deferred to a future meeting to enable further discussion.

The meeting concluded at 1040 hours.