

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 31st October 2022, at 1000 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Mary Dooley, David Downes, Duncan McGregor and Liz Smyth.

Officers:- Karen Hanson (Executive Director Resources), Grant Galloway (Executive Director Strategy and Development), Pam Brown (Assistant Director Leader's Executive, Partnerships, Governance and Communications), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Treasurer) and Alison Bluff (Acting Governance and Civic Manager).

Also in attendance at the meeting were Councillors Derek Adams, David Dixon and Jen Wilson, and Wayne Carter (Leisure Operations Manager) (to Minute Number EX66-22/23), Natalie Etches (Business Growth Manager) and Sally Lovell (Business Estates Manager)

EX57-22/23. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Clive Moesby, Sandra Peake and Deborah Watson.

EX58-22/23. URGENT ITEMS OF BUSINESS

The Chair advised the meeting of an urgent item of business to be considered in relation to Creswell Heritage and Wellbeing Centre – Staffing Proposal, which would be considered after agenda item 8 – Safe and Warm Upgrade at Jubilee Court, Pinxton.

EX59-22/23. DECLARATIONS OF INTEREST

Councillor Duncan McGregor declared a non pecuniary interest in the urgent item of business, Creswell Heritage and Wellbeing Centre – Staffing Proposal, and advised that he would leave the meeting at the relevant time.

EX60-22/23. MINUTES – 3RD OCTOBER 2022

Moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth
RESOLVED that the Minutes of an Executive meeting held on 3rd October 2022, be approved as a correct record.

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NON KEY DECISIONS

EX61-22/23. CREATION OF A LOCAL NATURE RECOVERY CHAMPION AND APPOINTMENT

Executive's approval was sought to create a local nature recovery champion Member role and appointment.

At its meeting held on 28th September 2020, Executive approved a budget for the preparation of a Local Nature Recovery Strategy for Bolsover District in order for the Council to be ready for the duties emerging from the enactment of the Environment Act 2021.

Given their expertise, the Council had commissioned Derbyshire Wildlife Trust to deliver the Local Nature Recovery Strategy. Further to initial delays, progress had been swift and a final document received, which was reported to the Council's Local Plan Implementation Advisory Group (LPIAG) at its meeting held on 21st September 2022.

For the remit of the local nature recovery champion Member role, officers had drawn upon the more established area of Heritage Champions, as promoted by Historic England, and based on this work, it would be possible for the selected Member to seek to champion Bolsover District's natural environment in the following ways:

Inspire - Generate enthusiasm and awareness for the importance of Bolsover District's natural environment within the Council and the wider community; and to stand up as a point of contact for support and information on local nature related issues from both the local community and others outside the authority.

Advocate - Promote opportunities that draw attention to the natural environment across Bolsover District and to help ensure that commitment to the proper care of the natural environment is embedded in all activities over which the authority has influence.

Influence - To influence those stakeholders around Bolsover District for the benefit of the natural environment.

Communicate - To be a voice within the Council to communicate the importance of Local Nature Recovery.

All leaders of the Council's political groups had been notified of the opportunity for a local nature recovery champion Member role along with a request for nomination of a volunteer for the role.

Executive was advised that Councillor Tom Munro had put himself forward for the local nature recovery champion Member role.

Moved by Councillor Duncan McGregor and seconded by Councillor David Downes **RESOLVED** that Councillor Tom Munro be appointed as the local nature recovery champion Member for the Authority.

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Reasons for Recommendation

To enable the Members to consider the advice of the Local Plan Implementation Advisory Group in relation to Local Nature Recovery and particularly the suggestion of creating a Local Nature Recovery Champion Member role.

Therefore, the agreement of the Executive is sought to create a Local Nature Recovery Champion Member role and to appoint a Member to the role.

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 have not considered this option.

EX62-22/23. RISK MANAGEMENT STRATEGY 2022

Executive considered a detailed report which provided an update regarding the current position in relation to the Council's risk management arrangements, Strategic Risk Register, and refreshed Risk Management Strategy 2022.

The Council's Risk Management Strategy was endorsed by Audit Committee (now the Audit and Corporate Overview Scrutiny Committee), at its meeting held in January 2020, and was subsequently approved by Executive in March 2020. The Strategy had now been reviewed and refreshed with an updated action plan which outlined the actions for the Risk Management Group (RMG) as follows:

- Develop an annual programme of operational risk register reviews to ensure all are reviewed every 12 months,
- Further develop project and partnership risk management arrangements and reporting to the RMG,
- Develop and undertake refreshed risk management awareness training for all staff,
- Develop and undertake risk management awareness training for all Members (as part of the induction training following the Elections in May 2023).

Over the last 12 months, the RMG had considered (and continued to consider) the following arising issues and their impact on the Council:

- The impact of the Autumn Budget and Bolsover's settlement (December 2021) on the Council's Medium Term Financial Plan,
- The impact of the Government's Levelling Up White Paper and Bill,
- The impact of Local Government Reform including a County Deal for the East Midlands and the development of a Combined Mayoral Authority
- Cyber risks and ransomware attacks,
- Ongoing national issues regarding cost of living, fuel and food prices, annual staff pay rise and inflation,
- Housing pressures taking into consideration the Homelessness Duty, the impact of Covid and subsequent Section 21 notices being issued and several refugee and asylum dispersal schemes,
- The impact of Climate Change.

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These issues would remain under constant review by the RMG, alongside all risks within the Strategic Risk Register, and appropriate additions and/or amendments would take place at the appropriate time.

In addition to the Strategic Risk Register, the RMG reviewed individual operational risk registers for specific service areas. This was undertaken on a rolling programme to ensure all services had appropriate and up-to-date risk registers in place.

In the last 12 months, the RMG had received reports on the following operational risk registers:

- Leisure
- Business Growth
- Housing and Community Safety
- Environmental Health
- Payroll

Service leads provided presentations to the Group to enable appropriate review and scrutiny to take place.

The Council's insurance portfolio was renewed on 1st October 2022, following annual reviews of policies, to minimise and mitigate risks. This was normal practice. The Council's Insurance Officer regularly attends the Risk Management Group and also maintains the master copy of the risk registers. It was expected that increasing building costs may result in higher insurance premiums during the current year.

The Executive Director of Resources drew Members' attention to two minor amendments necessary to the Risk Management Strategy being to include reference to fraud on page 6 and to include reference to the Data Protection Officer on pages 17 to 20.

Members welcomed the report and noted it was a good report.

A Member noted difficulties in the recruitment to professional posts and that the Council would look at introducing appropriate apprenticeships and queried if this was now being carried out. The Executive Director of Resources confirmed that work was being undertaken regarding apprenticeships and also in retaining apprentices following completion of their training. She also confirmed that refreshed safeguarding training was underway for all staff and would be rolled out to Members following the elections in May 2023.

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED that subject to the above amendments, the refreshed Risk Management Strategy at Appendix 1 to the report be approved,

(2) the report and Strategic Risk Register as set out in Appendix 2 be noted.

Reasons for Recommendation

The Audit and Corporate Overview Scrutiny Committee has considered and noted this report from the Risk Management Group as part of the Council's robust approach to risk management. The Risk Management Group provides a comprehensive oversight of risk throughout the organisation.

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The Risk Management Group has made significant progress in ensuring that risk is effectively managed within the Council. By leading on the development and review of all risk related policies, plans and strategies across the Council, the Group provides consistency of approach and alignment of all service areas in relation to risk management.

Alternative Options and Reasons for Rejection

It is good practice for the Council to develop and regularly review its Risk Management Strategy, Strategic Risk Register and associated risk management processes and policies. Given the importance of these arrangements for the overall performance and governance of the Council the alternative of not providing them is rejected.

BUDGET & POLICY FRAMEWORK ITEMS

EX63-22/23. BUDGET MONITORING QUARTER 2 – 2022/23

Executive considered a detailed report which provided an update on the financial position of the Council following the second quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account (HRA), Capital Programme and Treasury Management activity.

The Treasurer drew Members attention to the Government's proposal to cap rents for social housing which was published in February 2019 and stated:

'In October 2017, the government announced its intention to set a long-term rent deal for both local authority landlords and housing associations. This would permit annual rent increases on both social rent and affordable rent properties of up to CPI (Consumer Price Index) plus 1 percent from 2020, for a period of at least five years.'

Although this rent rise cap would not have any effect on the 2022/23 HRA income figures, it was hoped the results of the consultation were known in enough time to feed into the update of the Medium Term Financial Plan.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that the monitoring position of the General Fund at the end of the second quarter as detailed in Appendix 1 to the report (a net favourable variance of £0.907m 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 second quarter (at Appendices 3, 4 and 5 to the report) be noted.

Reasons for Recommendation

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

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Alternative Options and Reasons for Rejection

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

KEY DECISION

EX64-22/23. SAFE AND WARM UPGRADE AT JUBILEE COURT, PINXTON

Executive's approval was sought for the appointment of contractor to undertake the safe & warm upgrade work at Jubilee Court, Pinxton. Details of work to be carried out were set out in the report.

Working in conjunction with the Council's Procurement Team, works were tendered in accordance with Council procedures. Three tenders were received and evaluated on 21st September 2022 were Davlyn Construction Ltd (Derby) scored 98 out of 100.

Moved by Councillor Steve Fritchley and seconded by Councillor Mary Dooley

RESOLVED that (1) Davlyn Construction be awarded Contract to carry out Safe & Warm Upgrade at Jubilee Court Pinxton in accordance with tendered specification and following tender evaluation,

(2) progress on the contract is reported through the Housing Stock Management Group.

Reasons for Recommendation

The evaluation group were in unanimous agreement that this tender represented a competitive submission received from Davlyn Construction Ltd (Derby)

Alternative Options and Reasons for Rejection

None.

Councillor Duncan McGregor left the meeting for the following item of business.

EX65-22/23. URGENT ITEM OF BUSINESS CRESWELL HERITAGE AND WELLBEING CENTRE STAFFING PROPOSAL

Executive's approval was sought to enter into a Service Level Agreement with Creswell Heritage and Wellbeing Trust for the Council to manage the day to day operation of the Creswell Heritage and Wellbeing leisure facility.

The Creswell Heritage and Wellbeing leisure facility consisted of a 2 x badminton court sports hall, 27 station gym, group exercise studio, soft play area, indoor caving system and café.

The Creswell Heritage and Wellbeing Trust had approached the Council to manage the day to day operation of the facility on their behalf until a customer base was established and the site reputable and fully operational.

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In order to effectively manage the site, the District Council would need to establish nine positions within Leisure Services, these would be on a shift rota, covering opening hours between 7am – 9pm and weekend shifts accordingly. Management support and cover would be available from the Go Active facility.

The Creswell Heritage and Wellbeing Trust would be responsible for the financing and operation of the facility and would effectively be 'buying in' the services of the Council to staff the site. There would be no financial risk to the Council as the costs would be fully recovered by a detailed Service Level Agreement which would be drafted between Creswell Heritage and Wellbeing Trust and the Council. This would also be endorsed by Elmton with Creswell Parish Council who would have ultimate responsibility for the site should the Trust ever get to a position where they were unable to continue to operate. Further, if the agreement were to cease, the nine members of staff would transfer over to the Trust.

Moved by Councillor Liz Smyth and seconded by Councillor Mary Dooley

RESOLVED that (1) the Council enters into a service level agreement with Creswell Heritage and Wellbeing Trust to manage the new leisure facility in Creswell on behalf of the Trust, subject to there being no risk to the Council,

(2) the Service Level Agreement to be signed off under delegated authority following consultation with the Leisure and Tourism Portfolio Holder and the Head of Paid Services.

Reasons for Recommendation

To assist the Trust in managing and operating a leisure facility in a much needed, deprived area of the District, making access to physical activity more achievable for local residents of the area.

Alternative Options and Reasons for Rejection

The Trust could operate the site direct but this was rejected by the Trustees as they had no formal experience of operating such a site and therefore requested the input from an established team with back office support through HR, payroll, legal and finance.

The Leisure Operations Manager left the meeting.

Councillor Duncan McGregor returned to the meeting.

EX66-22/23. EXCLUSION OF THE PUBLIC

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley

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].

Councillor Jen Wilson entered the meeting.

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NON KEY DECISION

BUDGET & POLICY FRAMEWORK ITEM

EX67-22/23. MANAGEMENT OF CORPORATE DEBT – WRITE OFF OF OUTSTANDING AMOUNTS EXEMPT PARAGRAPHS 1 & 3

Executive's approval was sought to write off debts in respect of Business Rates, Council Tax and Overpaid Housing Benefits as detailed at paragraph 2.1 in the report and individually detailed in Appendix 1 to the report

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** that the amounts included at paragraph 2.1 in the report and individually detailed in Appendix 1 be written off.

KEY DECISIONS

EX68-22/23. OUTCOME OF CALL IN OF DECISION EX41-22/23 – FUTURE SKILLS HUB EXEMPT PARAGRAPH 3

Executive considered a detailed report presented by Councillor Jen Wilson, Chair of Local Growth Scrutiny Committee, regarding the Committee's Call-In of a decision made by Executive at its meeting held on 5th September 2022, (Minute Number EX41-22/23 refers), in relation to a Future Skills Hub.

The Executive Director for Strategy & Development, the Assistant Director of Development & Planning and the Portfolio Holder for Growth/Economic Development, had attended the 4th October 2022 Scrutiny meeting to respond to points raised by the Call-In signatories.

At the request of the Scrutiny Committee, further contact had been made with the potential delivery partner for Proposal 2 by the Executive Director for Strategy & Development, who advised Members that there still remained a lack of commitment from them. In addition to this, the Monitoring Officer advised Members of an email sent to Councillor Tom Kirkham from the potential delivery partner for Proposal 2 but again this provided no further commitment from them.

Councillor Duncan McGregor noted that timing and balance had been essential with regard to the option Executive had agreed on at its meeting held on 5th September 2022, i.e., Proposal 1, which he felt was the right decision and he saw no reason to change it.

Moved by Councillor Duncan McGregor and seconded by Councillor David Downes **RESOLVED** that the decision made by Executive at its meeting held on 5th September 2022 remain unchanged being;

that (1) based on the two options as set out in the report, Proposal 1 was the preferred option,

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(2) delegated authority be given to the Business Growth Manager and Assistant Director of Development and Planning, in consultation with the Executive Director of Strategy and Development and the Leader of the Council, to complete negotiations in relation to Proposal 1.

Reasons for Recommendation

As detailed in the report dated 5th September 2022.

Alternative Options and Reasons for Rejection

As detailed in the report dated 5th September 2022.

EX69-22/23. POTENTIAL LEASE OF A COMMERCIAL PROPERTY EXEMPT PARAGRAPH 3

Executive considered a detailed report which provided information of an offer received for the letting of a commercial property in Bolsover.

Moved by Councillor Liz Smyth and seconded by Councillor Duncan McGregor

RESOLVED that (1) delegated authority be given to the Assistant Director of Development and Planning to negotiate and agree the terms of the tenancy in consultation with the Solicitor to the Council,

(2) delegated authority be given to the Executive Director of Strategy and Development to use the previously approved dilapidations budget included in the Transformation Reserve plus any additional funds required to complete the Landlord works from the Transformation Reserve up to a maximum of monies as stated in the report.

Reasons for Recommendation

As set out in the report.

Alternative Options and Reasons for Rejection

As set out in the report.

The meeting concluded at 1040 hours.