

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday, 9th October 2023 at 1000 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Mary Dooley, Duncan McGregor, Clive Moesby, Sandra Peake, and John Ritchie.

Officers:- Karen Hanson (Chief Executive), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Section 151 Officer), Pam Brown (Service Director Executive, Corporate Services and Partnerships), Steve Brunt (Strategic Director of Services), Kath Drury (Information, Engagement and Performance Manager) and Alison Bluff (Governance).

Also in attendance at the meeting, observing, were Councillors Rowan Clarke, Jeanne Raspin and Phil Smith.

EX36-23/24. APOLOGIES

There were no apologies for absence.

EX37-23/24. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

EX38-23/24. DECLARATIONS OF INTEREST

Minute Number	Member	Level of Interest
EX41-23/24	Councillor Steve Fritchley	Other registerable interest due to being a Councillor on Shirebrook Town Council and a Director of Dragonfly Development Ltd

EX39-23/24. MINUTES – 11TH SEPTEMBER 2023

Councillor Anne Clarke confirmed that she had been present at the meeting held on 11th September 2023, but her name had been omitted from Members present in the Minutes.

Moved by Councillor Duncan McGregor and seconded by Councillor Anne Clarke
RESOLVED that subject to the inclusion of Councillor Anne Clarke in Members present at the meeting, the Minutes of an Executive meeting held on 11th September 2023 be approved as a correct record.

EXECUTIVE

NON-KEY DECISIONS

EX40-23/24. AMBITION PLAN TARGETS PERFORMANCE UPDATE – APRIL TO JUNE 2023

Executive considered a detailed report in relation to the Quarter 1 outturns (April to June 2023) for the Council's Ambition targets 2020-2024.

Out of the 31 targets:-

- 20 (65%) were on track
- 2 (6%) had achieved their outturn for 2022/23
- 1 (3%) was under review
- 8 (26%) had achieved their outturns previously.

Broken down by Council Ambition;

Our Customers - Providing excellent and accessible services - 10 targets in total

- 9 targets were on track
- 1 target was under review CUS07 (relet average time in days for standard voids)

Our Environment - protecting the quality of life for residents and businesses, meeting environmental challenges, and enhancing biodiversity - 11 targets in total

- 7 targets were on track
- 4 targets had been achieved previously (ENV 07, ENV 08, ENV 09, ENV 10)

Our Economy - by driving growth, promoting the District and being business and visitor friendly - 10 targets in total

- 4 targets were on track
- 2 had achieved their outturn for 2022/23 (ECO 05 and ECO 06)
- 4 targets achieved previously (ECO 08, ECO 09, ECO 04, ECO 01)

The Portfolio Holder for Resources noted that *CUS 07, Reduce average relet times for standard voids (Council properties) to 20 calendar days by March 2021 and maintain thereafter*, was under review and would be split into different categories for the new Ambition Plan 2024-2028.

The Portfolio Holder for Housing referred to *CUS.06, Prevent homelessness for more than 50% of people who are facing homelessness each year*, and noted that 62 out of 108 approaches made to the Council had been prevented from becoming homeless, which equated to a 57% prevention rate, and this was a credit to the Housing service.

The Chief Executive advised the meeting that there was a huge pressure on the housing service especially regarding homelessness in relation to Section 21 Notices being served by private landlords, and a reduction in council properties. For Bolsover District currently, there were approximately 1800 people on the Housing Register. With

EXECUTIVE

regard to targets for void properties, the Chief Executive noted that these would be split into the different categories of empty properties so Members could consider each aspect. Members would be updated as soon as possible as to what these categories would be.

With regard to *ECO.03 - Working with partners to bring forward employment and development opportunities at Coalite and Clowne Garden Village (CGV) strategic sites by 2023*, the Portfolio Holder for Growth noted the CGV site would be considered later in the autumn.

With regard to *ECO.07 - Deliver 150 new homes through the Bolsover Homes Programme by March 2024*, the Portfolio Holder for Growth noted that demolition work was due to start at the Woburn Close scheme very soon.

The Portfolio Holder for Housing noted that *ENV.11 - Resolve successfully 60% of cases following the issuing of a Community Protection Warning by 2024*, came under the Portfolio for Resources and not Housing.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie **RESOVLED** that quarterly outturns against the Council Ambition 2020-2024 targets be noted.

Reason for Recommendations

Out of the 31 Council plan targets, 20 are on track (65%), 2 have achieved their annual outturn (6%), 1 is under review (3%) and 8 achieved previously (26%).

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

Alternative Options and Reasons for Rejection

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

Having previously declared his interest in the following item of business, Councillor Steve Fritchley left the meeting.

Councillor Duncan McGregor in the Chair

EX41-23/24. LEASE OF ROSELAND PARK AND CREMATORIUM

Executive considered a detailed report which provided an update on the partial exemption and VAT position of the Council, and the next steps in relation to the lease of Roseland Park and Crematorium in line with expert advice provided on the VAT partial exemption calculation.

The report sought Member's approval for the transfer of the Roseland Park land to the Council, to enter into an agreement with the Shirebrook Crematorium LLP

EXECUTIVE

("LLP") setting how the crematorium will be operated by the LLP and the subsequent lease of the land and crematorium to the LLP. Members were also asked to approve the Section 151 Officer's decision to opt to tax the crematorium.

The Council would be investing £9.2million into the construction of a new build crematorium and wake facility, over the next 18-months, with work starting on site in September 2023. The facility would be operated by the Shirebrook Crematorium LLP, which would be a partnership between Bolsover District Council and Shirebrook Town Council.

The Director of Finance (Section 151 Officer) had previously advised Executive that income and expenditure relating to cremations could adversely affect the Council's partial exemption calculation and cost the Council money. Therefore, this would need fully investigating as part of the next stage of the project to ensure any VAT consequences relating to the Council's Section 33 body status were factored into the feasibility cost plan before any final decision on borrowing was undertaken.

The Director of Finance had now sought this VAT advice from the Council's tax advisors, PSTAX, which was set out in the report along with the measures needed to structure the delivery of the scheme in order to comply with the advice given.

The land where the crematorium was to be built was currently owned by Shirebrook Town Council. In order to complete the lease referred to above, Shirebrook Town Council would need to transfer the land to the District Council for nil consideration. The transfer by the Town Council would represent its contribution to the scheme. The transfer would be made subject to the Council entering into an agreement to lease the completed crematorium to the LLP.

Moved by Councillor Clive Moesby and seconded by Councillor John Ritchie

- RESOLVED** that 1) the Council takes a transfer of the Roseland Park land as shown edged red on the plan attached to the report from Shirebrook Town Council for nil consideration,
- 2) the Council grant a lease of Roseland Park and crematorium for a peppercorn rent on terms to be agreed by the Council's Chief Executive,
- 3) the Council enter into an agreement with the LLP setting out how the LLP will operate the crematorium rent on terms to be agreed by the Council's Chief Executive, in consultation with the Director of Finance & Section 151 Officer.
- 4) the Director of Finance & Section 151 Officer's decision to opt to tax the crematorium, in order to protect the Council's partial exemption position, be approved.

Reason for Recommendations

To ensure the Council's de minimis partial exemption position is protected, to mitigate any potential repayments of VAT to HMRC.

Whilst independent advice is being sought for the LLP's VAT position, it should be noted that the LLP is separate from the Council and subject to separate VAT registration. The

EXECUTIVE

LLP would not be a local authority and would not receive the same VAT recovery position regarding exempt or non-business activities.

Alternative Options and Reasons for Rejection

The advice provided by PSTAX presents the only option available to the District Council to ensure it protects its partial exemption limit.

The recommendations from PSTAX align to the Council's intended route of establishing a joint venture LLP to operate the crematorium, and confirm the steps needed to ensure the Council does not breach its de minimis partial exemption limit and trigger a repayment to HMRC of potentially £1.7m.

The meeting concluded at 1015 hours.