

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 4th March 2024 at 1000 hours.

PRESENT:-

Members:

Councillor Steve Fritchley in the Chair

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

Officers:- Karen Hanson (Chief Executive), Jim Fieldsend (Monitoring Officer), Theresa Fletcher (Section 151 Officer), Steve Brunt (Strategic Director of Services), Pam Brown (Service Director Executive, Corporate Services and Partnerships), Vicky Dawson (Assistant Director Housing Management and Enforcement), Kath Drury (Information, Engagement and Performance Manager), Wayne Carter (Assistant Director of Leisure, Health & Wellbeing), and Alison Bluff (Governance).

Also in attendance at the meeting were Junior Cabinet Members Councillors Jeanne Raspin and Jane Yates.

EX68-23/24. APOLOGIES

There were no apologies for absence.

EX69-23/24. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

EX70-23/24. DECLARATIONS OF INTEREST

Minute Number	Member	Level of Interest
EX77-23/24 & EX78-23/24	Steve Fritchley	Other registerable interest due to being a Director of Dragonfly Development Ltd

EX71-23/24. MINUTES – 29TH JANUARY 2024

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED that the Minutes of an Executive meeting held on 29th January 2024 be approved as a true and correct record.

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NON KEY DECISIONS

EX72-23/24. FIRE SAFETY POLICY

Executive considered a detailed report, presented by the Portfolio Holder for Environment, which sought Member's approval for the revised Fire Safety Policy which would be applicable to all the Council's corporate and housing independent living scheme premises.

The Government had published new guidance on the enhanced duties of responsible persons under amendments of the Regulatory Reform (Fire Safety) Order 2005 and Building Safety Act 2022 (S156) applying to all non-domestic premises where people worked, visited, or resided, including parts of multi-occupied residential buildings, communal corridors, stairs, and plant rooms.

It was a legal requirement to have a Fire Safety Policy and to monitor compliance with its implementation. Failure to approve and adopt the Fire Safety Policy would place the Council in a position of non-compliance, presenting risk of enforcement action by the Derbyshire Fire & Rescue Service (Fire Safety Officer) for failure to comply with and/or breaching requirements of the Fire Safety Order.

Moved by Councillor Anne Clarke and seconded by Councillor Mary Dooley
RESOLVED that to ensure the Council was compliant with Regulatory Reform (Fire Safety) Order 2005 and Building Safety Act 2022, the Fire Policy be approved.

Reasons for Recommendation

It was a legal requirement to have a Fire Safety Policy and to monitor compliance with its implementation.

Alternative Options and Reasons for Rejection

Failure to approve and adopt the Fire Safety Policy would place the Council in a position of non-compliance, presenting risk of enforcement action by the Derbyshire Fire & Rescue Service (Fire Safety Officer) for failure to comply with and/or breaching requirements of the Fire Safety Order.

EX73-23/24. AMBITION PLAN TARGETS PERFORMANCE UPDATE – OCTOBER 2023 TO DECEMBER 2023

Executive considered a detailed report, presented by the Portfolio Holder for Corporate Governance, in relation to outturn performance against the Council's Ambition Targets for Quarter 3 (October 2023 to December 2023).

Out of the 25 targets, 17 (68%) were on track and 8 (32%) had achieved their outturns previously. A summary of performance by Council Ambition aim was provided in the report.

The Chief Executive noted that the Council's current Ambition Plan 2020-2024 was very close to the end of its four year completion and Members would receive a presentation on the Council's new plan for 2024-2028 at Council on 6th March 2024.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie

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RESOLVED that the quarterly outturns against the Council Ambition 2020-2024 targets be noted.

Reasons for Recommendation

This was 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.

EX74-23/24. MANAGEMENT OF CORPORATE DEBT – WRITE OFF OF OUTSTANDING AMOUNTS

Executive considered a detailed report, presented by the Portfolio Holder for Finance, which sought Member's approval to the proposed write off of debts in respect of Business Rates, Housing Rents and Overpaid Housing Benefits totalling £28,881.49 as individually detailed in the appendix to the report.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor **RESOLVED** that the amounts included at paragraph 2.1 of the report (£28,881.49), and individually detailed in the appendix to the report, be written off.

Reasons for Recommendation

Given that all available options to recover the debt had been explored, it was important that the Council recognised the position and approved the write-off of the uncollectable debt.

Alternative Options and Reasons for Rejection

These were outlined in the main body of the report.

KEY DECISIONS

EX75-23/24. VEHICLE REPLACEMENTS – WASTE SERVICES

Executive considered a detailed report, presented by the Portfolio Holder for Environment, which sought Member's approval for the purchase of 4 refuse collection vehicles.

The Strategic Director of Services advised Members that the size and configuration of these vehicles were not available in electric unless built on a retrofit basis, which costings received was £586k per vehicle. However, the vehicles proposed in the report were able to operate on HVO (Hydrated Vegetable Oil) offering 60% (approx.) reduced tail-pipe emissions. He added that when these refuse and Housing fleet vehicles were replaced later this year, approximately 90% of the fleet would be HVO compatible at which point a switch to HVO fuel would be considered.

Moved by Councillor Anne Clarke and seconded by Councillor Duncan McGregor **RESOLVED** that the replacement of 4 waste collection vehicles, as set out in the report, be approved.

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Reasons for Recommendation

To ensure fleet vehicles were replaced in line with the capital fleet replacement programme.

Alternative Options and Reasons for Rejection

Replacement of vehicles by way of finance lease arrangements was not considered to offer good value to the Council and reduced the scope for flexibility concerning how vehicles were managed throughout the course of their anticipated life; in particular, where vehicles may require releasing from the leasing agreement prior to their natural end date. In addition, some of the lease companies had charged the Council considerable amounts of money when they were unhappy with the condition vehicles were returned in. This increased the cost of leasing considerably to the Council.

Vehicle replacements proposed in the report were diesel (combustion) engine powered; in particular, as alternative electric (EV) or ultra-low emission (ULEV) vehicle options were not available in this vehicle class and weight range. Vehicles proposed met current highest Euro-VI emission standards and were fitted with electric bin hoists which further reduced engine emissions and were able to operate on HVO (Hydrated Vegetable Oil) offering 60% (approx.) reduced tail-pipe emissions.

EX76-23/24. DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

Executive considered a detailed report, presented by the Leader of the Council, which provided an update on the work taking place with Derby and Derbyshire councils in relation to a revised approach to collaborative and partnership working.

The report also sought Member's approval for the Council to establish and participate in a new Joint Committee of Derby and Derbyshire councils, the D2 Strategic Leadership Board, to 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.

All Derby and Derbyshire Councils were now being asked to agree to join and participate in the D2 Strategic Leadership Board. Wider engagement with leadership teams within participating councils, both at an Elected Member and Senior Management level, were recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible 'short guide to the D2 SLB'. It would be important to ensure that the Council was engaged in development of the Board's work programme over the coming months to maximise the collaborative benefits for the Authority, local people, and communities in Derbyshire.

Identifying the key actions which the Council would need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working, would also be important.

It was noted that paragraph 2.23 of the report should read say that Councillor Steve Fritchley be nominated to represent Bolsover District Council and not the County Council.

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Moved by Councillor Steve Fritchley and seconded by Councillor Mary Dooley

RESOLVED that 1) Executive approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2 to the report,

2) the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the D2 Strategic Leadership Board as set out at Appendix 2 to the report and the position detailed in those documents regarding scrutiny and co-option be approved,

3) appoints the Leader, Councillor Steve Fritchley, as the Council's representative on the D2 Strategic Leadership Board and the Deputy Leader, Councillor Duncan McGregor, as substitute,

4) notes the intention that the D2 Strategic Leadership Board be the body for the nomination of district and borough representatives to the East Midlands Combined County Authority, when established, further noting that this is subject to the CCA's agreement to designate the D2 Strategic Leadership Board as a nominating body,

5) agrees that the County Council will act as the host authority for the Joint Committee,

6) notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly,

7) notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and recommends to Council that the Constitution is amended accordingly,

8) approves the Council's membership of the D2 Strategic Leadership Board,

9) notes that the functions of the Committee are executive functions, and therefore, the Council will not have the opportunity to co-opt additional members onto the Committee and the ability to co-opt is restricted within the Terms of Reference,

10) notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.

Reasons for Recommendation

To establish the D2 Strategic Leadership Board with robust governance arrangements in place and secure the Council's future involvement and participation in new governance arrangements as they develop and emerge.

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To enable Cabinet to commit the financial resources required to support the D2 Strategic Leadership Board and work activity.

To enable the Council to participate fully in all decision making and programme activity that will take place under the remit of the proposed D2 Strategic Leadership Board.

To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board.

Alternative Options and Reasons for Rejection

Existing Joint Committees having been dissolved; the Council could take the option to not create a successor committee. There would still, however, need to be an alternative vehicle to make nominations to the CCA when established.

Existing Joint Committees having been dissolved; the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Deby and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible.

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

Council Duncan McGregor in the Chair

EX77-23/24. BOLSOVER HOMES SCHEME – WOBURN CLOSE CLUSTER, BLACKWELL

Executive considered a detailed report, presented by the Strategic Director of Services, which sought Member's approval to change the name of the contractor for the Woburn Close Cluster Development.

At Executive on 11th September 2023, Members agreed that the Council entered into contract with Dragonfly Development Limited for the development of the Woburn Close Cluster (Minute No EX32-23/24 refers).

Due to the value of the work, the Council would need to enter into a contract with Dragonfly Management (Bolsover) Limited and not Dragonfly Development Limited.

Regulation 12(1) of the Public Contract Regulations 2015 required that any direct contract award that the Council made for works where the value was £5,372,609 or more must be to Dragonfly Management (Bolsover) Limited and not to Dragonfly Development Limited. This was because Dragonfly Development Limited had been designed to be an outward facing commercial trading company and could not take advantage of the rules set out in Regulation 12. Dragonfly Management (Bolsover) Limited, however, was a company set up to take advantage of the rules and therefore the Council could make direct awards to it without the need for competition

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Moved by Councillor Sandra Peake and seconded by Councillor Clive Moesby
RESOLVED that the Council enters into contract with Dragonfly Management (Bolsover) Limited for the development of the Woburn Close Cluster as outlined in the report to Executive on 11th September 2023.

Reasons for Recommendation

To comply with the Public Contract Regulations 2015.

Alternative Options and Reasons for Rejection

To enter into a contract with Dragonfly Development Limited. This would breach the requirements of the Public Contract Regulations 2015.

EX78-23/24. **BRIAR CLOSE, SHIREBROOK – DEMOLITION OF COUNCIL OWNED BUNGALOWS**

Executive considered a detailed report, presented by the Portfolio Holder for Corporate Governance, which sought Member's approval to award a contract for the demolition of 49 Council-owned bungalows and ancillary buildings on Briar Close, Shirebrook, to Dragonfly Development Limited.

Due to their condition, the bungalows were beyond their habitual economic lives, and it was not considered financially viable to undertake any extensive repairs and maintenance to them.

The bungalows were now vacant, and the affected tenants had been awarded an agreed home loss payment. Planning permission had been obtained for demolition of the bungalows and officers continued to explore redevelopment opportunities or sale of the site.

An indicative quote to clear the site in full, including removal of asbestos, service disconnection and removal of gas/electric meters, had been obtained. Therefore, a budget of up to £265,000 was required for demolition and clearance.

The Assistant Director Housing Management and Enforcement, advised the meeting that since the publication of the report, the quote received from Dragonfly for £258.5k was slightly less than that stated in the report of £265k

Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED that delegated authority be given to the Assistant Director Housing Management and Enforcement to award the contract for demolition of the Council-owned bungalows and ancillary buildings on Briar Close, Shirebrook to Dragonfly Development Limited.

Reasons for Recommendation

There were no compelling reasons to retain the existing buildings, but there was potential for re-development of the site that would enhance amenity value of the local area and better serve the local community. However, leaving the buildings empty was likely to attract additional anti-social behaviour as well as incur costs to the Council in terms of council tax payments for the vacant bungalows. It was therefore recommended that Dragonfly Development Limited be appointed to demolish the Council-owned bungalows and ancillary buildings.

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Alternative Options and Reasons for Rejection

The option to retain the bungalows was rejected due to their condition and the significant amount of investment needed to get them to a decent home's standard. Were they not to be demolished, the Council would continue to incur cost liability for Council Tax (£1,200 per week) and this would also further obscure void property performance. It was therefore in the interest of the Council to arrange demolition of the properties.

Councillor Steve Fritchley returned to the meeting.

Councillor Steve Fritchley in the Chair

EX79-23/24. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

KEY DECISION

EX80-23/24. RECEIPT OF GRANT FUNDING FOR INSTALLATION OF COMBINED HEAT AND POWER UNITS AT THE ARC EXEMPT PARAGRAPH 3

Executive considered a detailed report, presented by the Portfolio Holder for Partnerships, Health and Wellbeing, which sought Members approval for the Council to accept Government funding in order to pursue the procurement of Combined Heat and Power Units for installation at The Arc.

Members congratulated the Assistant Director of Leisure, Health & Wellbeing for the success of the funding bid application.

RESOLVED that 1) the grant offer towards the installation of CHP units for The Arc be accepted,

2) that the Procurement process be undertaken,

3) the use of the monies already identified and set-a-side in the Transformation Reserve to cover the additional costs over and above the grant received, with any remaining balance going into the unallocated reserve balance be approved.

Reasons for Recommendation

To accept the grant offer towards the installation of CHP units for The Arc.

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To approve the start of the procurement process and additional costs of monies already identified from the Transformation Reserve.

Alternative Options and Reasons for Rejection

To continue with current operating systems of conventional gas fired boilers and not recoup the benefit of long-term savings.

The meeting concluded at 1036 hours.