

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday 16th September 2019 at 1000 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors

Councillors Nick Clarke, Mary Dooley, Duncan McGregor, Clive Moesby, Sandra Peake, Liz Smyth and Deborah Watson.

Officers:- Dan Swaine (Joint Chief Executive Officer), Lee Hickin (Joint Strategic Director – People), Sarah Sternberg (Joint Head of Corporate Governance and Monitoring Officer), Theresa Fletcher (Chief Accountant and S.151 Officer), Matt Broughton (Head of Partnerships and Transformation), Kath Drury (Information, Engagement and Performance Manager) (For Agenda Items 7E to 7G), Ann Bedford (Customer Standards and Complaints Officer) (For Agenda Items 7E to 7G), and Donna Cairns (Senior Governance Officer).

0281. APOLOGIES

There were no apologies for absence.

0282. URGENT ITEMS OF BUSINESS

There was no urgent business.

0283. DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations of interest.

0284. MINUTES – 22nd July 2019

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby
RESOLVED that the minutes of a meeting of the Executive held on 22nd July 2019 be approved as a true and correct record.

0285. ITEMS RECOMMENDED BY SCRUTINY COMMITTEES

No items were recommended to this meeting by the Scrutiny Committee.

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BUDGET AND POLICY FRAMEWORK ITEMS

0286. REDUCTION IN DEBT CHARGES THROUGH USE OF RESERVES

Executive considered the report of the Portfolio Holder – Finance and Resources which set out a proposal to reduce the cost of debt charges that the Council pays, by using reserves to financial the Capital Programme.

The proposal was to swap the financing of the General Fund Capital Programme to the use of reserves rather than borrowing in order to make substantial savings through reduced debt charges.

As at 31st March 2019, the Council's Transformation Reserve had a balance of £8.354m, of which £5.998 was uncommitted. This reserve was available to support investment in cost reduction or income growth, reflecting the Council's proactive approach to addressing the financial challenges it faced. It was proposed that part of the Transformation Reserve could be used to fund the Capital Programme which would lead to a reduction in the debt charges.

The General Fund Capital Programme expenditure to be funded from borrowing was currently £6.573m for the whole three years of the programme. The debt charges associated with this level of borrowing were already included in the General Fund budget at £1.441m.

As the Council did not have enough reserves to be able to avoid the need for all of this borrowing, an assessment had been carried out to calculate the largest savings on the highest value assets with the shortest lives.

The report at Table 2 showed the proposal to use £2.732m of reserves in 2019/20 which would save £0.191m in that year. With further use of reserves in 2020/21 and 2021/22 as outlined in Table 2 of the report, a total of £0.841m would be saved over the three year period.

Moved by Councillor Clive Moesby and seconded by Councillor Sandra Peake

RESOLVED – *That Executive recommends to Council:*

- (i) that £3.937m be invested to finance the Capital Programme as outlined in paragraph 1.11 of the report; and*
- (ii) that the Capital Programme be re-financed in line with paragraph 1.11 of the report.*

REASON FOR DECISION:

To achieve favourable rates of return compared with other forms of investment, through a proposal with little or no financial risk.

OTHER OPTIONS CONSIDERED:

Using a smaller amount of the Transformation Reserve was rejected as this would have reduced the overall revenue saving that could be achieved. The option of pursuing alternative investment projects instead of re-financing the Capital Programme was rejected as such projects were likely to involve greater financial risk and a return below 7-17%.

(Chief Accountant and S.151 Officer)

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NON KEY DECISIONS

0287. BUDGET MONITORING REPORT QUARTER 1 – APRIL TO JUNE 2019

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

The Chief Accountant and S.151 Officer gave an update on the report following the announcement of the Government's Spending Review. This included an update to the projected shortfalls in the Medium Term Financial Plan as follows:

	19/20 Budget	20/21 Budget	21/22 Budget	22/23 Budget
	£	£	£	£
Opening Budget shortfall/(surplus)	82,748	974,537	1,559,378	2,204,665
Efficiencies identified (removed from budget)	(344,036)	(242,894)	(242,894)	(242,894)
Current Budget Shortfall	(261,288)	731,643	1,316,484	1,961,771
Efficiencies identified <u>not yet realised</u>	(116,651)	(1,577,580)	(1,465,025)	(1,839,804)
Target Budget Shortfall	(377,939)	(845,937)	(148,541)	121,967

General Fund

The overall position on the General Fund at the end of Quarter 1 showed that there was a favourable variance of £0.365m. This was mainly due to receiving income in advance of spend for the year. There were no real budget pressures identified in Quarter 1, however officers were to continue to monitor the position during the next quarter.

The savings target for 2019/20 in the Medium Term Financial Plan had been met, however there was still a need for on-going savings. The shortfall in future years was to be addressed through the Transformation Programme which included a combination of income maximisation, business redesign and business cost reduction options.

Housing Revenue Account (HRA)

At the end of Quarter 1, the HRA was showing a net deficit of £0.361m. There were no significant issues to report in respect of this period.

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Capital Programme

In headline terms, the Capital Programme profiled budget for Quarter 1 was £3.913m and the actual spend and known commitments totalled £2.830m, which was £1.083m behind the planned spend position.

There were no significant financial issues to report regarding capital expenditure, however it was noted that the delivery of the approved Capital Programme was slightly behind the profiled position as at Quarter 1.

Treasury Management

The Treasury Management activity undertaken in the first quarter of 2019/20 was in line with the plans agreed as part of the Treasury Management Strategy 2019-2023. The income received from investments was higher than budgeted, however, interest rates were variable and therefore it was too early in the financial year to predict if this trend would continue. A full assessment of this was to be carried out during the next quarter with a view to amending budgets accordingly.

Moved by Councillor Clive Moesby and seconded by Councillor Mary Dooley

RESOLVED – That Executive:

- (i) notes the monitoring position of the General Fund at the end of the first quarter as detailed in Appendix 1 to the report (A net favourable variance of £0.365m against the profiled budget) and the key issues highlighted within the report; and
- (ii) notes the position on the Housing Revenue Account (HRA), the Capital Programme and Treasury Management at the end of the first quarter (Appendices 2, 3 and 4 to the report).

REASON FOR DECISION:

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

OTHER OPTIONS CONSIDERED:

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

(Chief Accountant and S.151 Officer)

0288. STRATEGIC RISK REGISTER AND PARTNERSHIP ARRANGEMENTS

Executive considered the report of the Portfolio Holder – Finance and Resources in relation to the Council's Strategic Risk Register as at 31st March 2019.

The report ensured that Executive were kept informed concerning the Council's latest position on Risk Management and Partnership working and were able to exercise effective control of on the Council's Risk Management arrangements.

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There were no new risks added to the Strategic Risk Register since the last review in December 2018, however the risks and mitigation continued to be monitored by the Senior Management Team and Portfolio Holders at quarterly performance meetings.

It was proposed that a comprehensive review of the Council's Risk Management Framework be undertaken to ensure the continued effective and systematic management of risk. The Strategic Director – People informed Members that he intended to produce a new Risk Management Strategy as part of this review and that a Member-lead Risk Management Group would be proposed to oversee the Strategy and policies/documents sitting below it.

Moved by Councillor Clive Moesby and seconded by Councillor Sandra Peake

RESOLVED – That Executive approves:

- (i) the Strategic Risk Register as at 31st March 2019; and
- (ii) that the Joint Strategic Director – People undertake a comprehensive review of the Council's Risk Management Framework.

REASON FOR DECISION:

To enable the Executive to consider the risks identified within the Strategic Risk Register/Partnership Arrangements in order to assist in maintaining effective governance arrangements, service and financial performance.

OTHER OPTIONS CONSIDERED:

This report enabled Members to consider whether the Council had adopted an appropriate approach to its management of risk and partnerships. As this report was part of the approach to help ensure the effective management of risk / partnerships there was no alternative to the presentation of this report.

(Strategic Director – People)

0289. PAYMENT CARD INDUSTRY DATA SECURITY STANDARDS COMPLIANCE

Executive considered the report of the Portfolio Holder – Corporate Governance which informed Members of the potential cost and service implications in progressing towards Payment Card Industry Data Security Standards (PCI-DSS) compliance. It also sought Executive's approval for necessary measures identified in order to achieve this.

The report set out the objectives and requirements of the PCI-DSS and the implications of a breach of compliance.

The Council had identified key areas that needed to be addressed in order to achieve compliance, which included the future use of the payment kiosks across the contact centres and the risks inherent within the current 'cardholder not present' payment processes.

In respect of payment kiosks in the contact centres, Executive supported the option to replace the current kiosks with like-for-like replacements.

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The options to address 'cardholder not present' payment processes were outlined in the report and it was noted that further investigation was required of the feasibility of the preferred option – Civica 'PCI Pal' solution.

Members commented that the level of cash payments indicated the need for the Council to continue to provide this method of payment, however trends may evolve over time and should be monitored.

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley
RESOLVED – That Executive:

- (i) notes the contents of the report and acknowledges the potential cost implication outlined within the report;
- (ii) supports Option 1 as outlined in the report at paragraph 1.12 to replace the payment kiosks with like-for-like kiosks; and
- (iii) requests a further report on proposals for a future payment strategy.

REASON FOR DECISION:

To provide a practical and economical solution to ensure Payment Card Industry Data Security Standards Compliance, whilst maintaining or enhancing the customer experience and trust in the Council when it comes to personal and sensitive data.

OTHER OPTIONS CONSIDERED:

The options to replace the payment kiosks with card only payments and to move to cashless operation at all Contact Centres were rejected. A further report was to be provided to present the implications and progress of driving down demand for kiosk usage and future Cardholder Not Present solutions.

(Head of Partnerships and Transformation)

0290. ANIMAL WELFARE POLICY

Executive considered the report of the Portfolio Holder – Street Scene and Environmental Health which recommended for approval a new Animal Welfare Policy.

The Policy was produced following the commencement of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018. The regulations covered:

- Pet Shops
- Kennel / Cattery Boarding of Dogs and Cats
- Home Boarding of Dogs
- Breeding of Dogs
- Riding Establishments
- Keeping or training animals for exhibition

The new legislation was designed to raise standards and promote consistency in Animal Welfare, and to ensure that those who participate in any of the above Trades "where there

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is a view to make financial gain; or where a commission or fee is taken" are licensed and monitored.

The proposed Animal Welfare Policy set out the legislative framework, the fees and charges which had already been approved in Delegated Decision DD/046/18PC, the application process, the inspection process, and how premises with lower star ratings can appeal these decisions.

Members queried the level of resource for handling these applications and inspections and were advised that the Environmental Health service was considered to have sufficient capacity within existing resources. Inspections were to be carried out in conjunction with local veterinarian practices.

Moved by Councillor Deborah Watson and seconded by Councillor Mary Dooley
RESOLVED – That Executive approves and adopts the Animal Welfare Policy.

REASON FOR DECISION:

It was considered to be good practice to have a policy setting out how the Council inspects and licences establishments under the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.

OTHER OPTIONS CONSIDERED:

The policy was considered necessary so that members of the public are aware of the standards and how the Council operates, and so that animal licensed premises are aware of what is expected of them.

(Team Manager – Solicitor (Contentious))

0291. CUSTOMER SERVICE STANDARDS / COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2018/19

Executive considered the report of the Portfolio Holder – Corporate Governance which provided information on the Council's performance in relation to its customer service standards.

Members commented that the report demonstrated excellent service standards were being achieved and that staff should be commended for their hard work and commitment.

Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake
RESOLVED – That Executive

- (i) notes the overall performance on Customer Service Standards and Compliments, Comments and Complaints; and
- (ii) passes its thanks to all Council staff for their hard work in achieving high levels of customer service standards.

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REASON FOR DECISION:

To inform elected Members of the volumes and trends regarding Compliments, Comments and Complaints and to remain compliant with the Customer Service Excellence standard.

OTHER OPTIONS CONSIDERED:

Not applicable as this report was for information only.

(Customer Standards and Complaints Officer)

0292. ANNUAL LETTER FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN 2018/19

Executive considered the report of the Portfolio Holder – Corporate Governance which detailed an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2019.

It was noted that 15 enquiries and complaints had been made to the Local Government and Social Care Ombudsman during 2017/18, but none had been subject to a detailed investigation. 9 complaints had been decided of which 2 were incomplete or invalid, advice was given in 1, 2 were referred back to the Council and 4 were closed after initial enquires.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby

RESOLVED – That Executive receives the report and the Annual Letter from the Local Government and Social Care Ombudsman 2018/19.

REASON FOR DECISION:

The report was to keep elected Members informed of the volumes and trends regarding Local Government and Social Care Ombudsman and Housing Ombudsman complaints.

OTHER OPTIONS CONSIDERED:

Not applicable as this report was for information only.

(Customer Standards and Complaints Officer)

0293. CORPORATE PLAN TARGETS PERFORMANCE UPDATE – APRIL TO JUNE 2019 (Q1 – 2019/20)

Executive considered the report of the Portfolio Holder – Corporate Governance which reported on the Quarter 1 outturns for the Corporate Plan 2019-20 targets.

It was noted that 100% of the targets were on track.

In respect of target C14 - Attend 99% of repair emergencies within 6 working hours – the performance was consistently around 97.6%. The lead officer did not consider it feasible to attain 99% for all emergencies received during office hours due to the overlap with the out of hours service. Executive agreed to reduce this target to 98%.

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Moved by Councillor Duncan McGregor and seconded by Councillor Mary Dooley
RESOLVED – That:

- (i) progress against the Corporate Plan 2019-20 targets be noted.
- (ii) target C14 be amended to 98% from 99% to reflect a more realistic target for the service to achieve.

REASON FOR DECISION:

This was an information report to keep Members informed of progress against the corporate plan targets, noting achievements and any areas of concern.

OTHER OPTIONS CONSIDERED:

Not applicable as this report was for information only, providing an overview of performance.

(Information, Engagement and Performance Manager)

KEY DECISIONS

0294. SKIP SERVICES FOR BOLSOVER DISTRICT COUNCIL HOUSING REPAIRS SECTION

Executive considered the report of the Portfolio Holder – Housing and Community Safety which sought approval for the appointment of a contractor to provide a skip waste collection and recycling service for the Council's housing repairs section.

Following a full tender process and evaluation of the bids based on both price and quality, Donald Ward T/A Ward Recycling were recommended to be appointed.

Moved by Councillor Sandra Peake and seconded by Mary Dooley
RESOLVED – That

- (i) the contract for the provision of a skip service for Bolsover District Council be awarded to Donald Ward T/A Ward Recycling.
- (ii) the contract be awarded initially for two years, and based on satisfactory performance, be extended for up to two additional periods, each of one year.

REASON FOR DECISION:

Following a procurement exercise, taking into account both cost and quality criteria, Donald Ward T/A Ward Recycling was assessed as being the most economically advantageous bidder.

OTHER OPTIONS CONSIDERED:

The option to continue with the current contract was rejected due to increased costs and the appointed contractor was the most suitable following a procurement exercise.

(Strategic Director – Place)

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0295. EXCLUSION OF THE PUBLIC

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **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].

PRIVATE SESSION – NON KEY DECISIONS

0296. JOINT ICT STRUCTURE REVIEW

Executive considered the report of the Portfolio Holder – Corporate Governance which requested Executive’s support for a restructure of the Joint ICT Service as recommended by the Joint ICT Committee.

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley **RESOLVED** – That, subject to no significant issues occurring from the formal consultation with staff and subject to Joint ICT Service partners also approving the recommendations, Executive:

- (i) supports the Joint ICT Committee recommendations at paragraph 2.5 of the report; and
- (ii) approves the payment of Bolsover District Council’s share of the one-off restructuring costs and the increase in the revenue budget staffing costs as outlined at paragraph 5.1.1 of the report.

REASON FOR DECISION:

To address the management overcapacity identified and reinvest in providing additional capacity to support and deliver the partners’ digital transformation aims.

OTHER OPTIONS CONSIDERED:

The option to retain the existing structures, roles and responsibilities was rejected as this would not have addressed the identified issues in the report. The option not to create an additional post was also rejected as this would not have delivered the additional capacity required to deliver the transformation programmes.

(Exempt Paragraphs – 1, 2, 3 and 4)
(Head of Partnerships and Transformation)

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PRIVATE SESSION – KEY DECISIONS

0297. PROPOSED ADDITION TO MANAGEMENT CAPACITY

Executive considered the report of the Leader which set out proposals for additional management capacity to be created that would be dedicated to Bolsover District Council.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor
RESOLVED – That:

- (i) *for the reasons set out within the body of the report, to add capacity to the establishment, Members recommend to Council the addition of the posts of Director of Development and Assistant Director of Development.*
- (ii) Members approve the recruitment process and implementation plan as set out within the body of the report.
- (iii) Members approve plans to review the senior management structure of the Council as set out in section 3.3 of the report.

REASON FOR DECISION:

In order for the Authority to withstand the pressures of an uncertain world, the Council needed to be 'masters of our own destiny'. The Council must first, however, invest in its own staff. Increasing the capacity of the Council and dedicating the new posts to developing an income will increase the Council's chances of balancing its budgets in the long term.

OTHER OPTIONS CONSIDERED:

The option to continue with the current arrangements was rejected for the reasons set out in the report.

(Exempt Paragraphs – 1, 2, 3 and 4)

The meeting concluded at 1115 hours.