

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Virtual Meeting by Video Conference and Live Streamed on Monday, 27th July 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Steve Fritchley in the Chair

Councillors Duncan McGregor (Vice-Chair), Nick Clarke, Mary Dooley, Clive Moesby, Sandra Peake, Liz Smyth and Deborah Watson.

Officers:- Karen Hanson (Joint Director of Environment and Enforcement), Grant Galloway (Director of Development), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Theresa Fletcher (Head of Finance and Resources & Section 151 Officer), Chris Fridlington (Assistant Director of Development), Pam Brown (Head of Leader's Executive and Partnerships), Matthew Broughton (Joint Head of Partnership and Transformation), Wayne Carter (Leisure Operations Manager), Kath Drury (Information, Engagement and Performance Manager), Lucy Sheppard (Partnerships Policy Officer), Nicola Calver (Governance Manager), Donna Cairns (Senior Governance Officer) and Tom Scott (Governance Officer).

EX10-20/21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

EX11-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

EX12-20/21 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.

Councillor Steve Fritchley and Councillor Sandra Peake declared significant other interests in relation to Item 6 – Shirebrook Crematorium – arising from their membership of Shirebrook Town Council. Both Members left the meeting for the discussion and vote on this item.

Councillor Steve Fritchley declared a Disclosable Pecuniary Interest in relation to Item 10 - Refund of Leaseholders' Management Fees – due to being affected personally as a leaseholder. Councillor Fritchley left the meeting for the discussion and vote on this item.

In relation to Agenda Item 11 – Award of Raising Aspirations Contract – Councillor Clive Moesby wished it to be noted that as a member of Derbyshire County Council he had a non-significant other interest in the matter due to funding for the Raising Aspirations being provided by Derbyshire County Council.

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EX13-20/21 CHANGE OF ORDER OF THE AGENDA

It was moved by the Leader, Councillor Steve Fritchley, and seconded by Councillor Duncan McGregor that Item 6 – Shirebrook Crematorium and Item 10 – Refund of Leaseholder's Management Fees be moved to the end of the agenda due to the Leader needing to leave the room for these items. It was also noted that Item 11 – Raising Aspirations Programme – was to be considered in public session, rather than private, which was an error on the agenda.

RESOLVED – That the agenda be altered to the order as set out within these minutes.

EX14-20/21 MINUTES

Moved by Councillor Sandra Peake and seconded by Councillor Mary Dooley

RESOLVED that the minutes of a meeting of Executive held on 29th June 2020 be approved as a true and correct record.

NON KEY DECISIONS

EX15-20/21 CORPORATE PLAN TARGETS PERFORMANCE QUARTER 4 2019/20

Executive considered the report of the Portfolio Holder – Corporate Governance which reported on the outturns for Quarter 4 of 2019/20 for the Corporate Plan targets. The report set out progress on all key tasks and performance indicators that contributed directly to the aims within the Council's Corporate Plan.

Out of the 26 targets, 22 had been achieved (84%), 3 had failed (12%) and 1 (4%) was awaiting information. It was noted that the 3 failed targets had all been rolled over into the performance framework for the Council Ambition for 2020-2024 so they would be continue to be monitored and reviewed and actions would be taken to address them.

A figure on the number of newly built residential properties was not yet available as this required the planning department to visit sites to count the completed dwellings. This had been delayed due to the Covid-19 pandemic and restrictions. It was hoped that this information could be provided with the Quarter 1 report for 2020/21.

Members discussed waste and recycling collections due to reports from some members of the public of incidents of bins not being emptied due to alleged contamination and some complaints about the language and behaviour of the recycling contractors. The Portfolio Holder – Environment advised she would take up these matters with the Head of Street Scene.

The Deputy Leader queried why sheltered accommodation was not included in the re-let times. The Assistant Director of Development advised that the Customer Service and Transformation Scrutiny Committee were looking at re-let times and a report was to be provided on these issues. The Covid-19 pandemic had impacted the performance on this target. The report for Scrutiny would also be provided to Executive Members.

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Moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake
RESOLVED - That progress and outturns against the Corporate Plan 2019-2020 targets be noted.

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 to this report as it was providing an overview of performance against agreed targets.

(Director – Corporate Resources)

KEY DECISIONS

EX16-20/21 PLAYING PITCH IMPROVEMENTS (CLOWNE)

Executive considered the report of the Portfolio Holder – Partnerships and Leisure which requested capital funding from the Council towards the cost of a full size floodlit 3G Football Turf Pitch (FTP), with the majority of the cost funded by the Football Foundation. Approval was also sought to engage with the Football Foundation to start the process of developing the proposal at The Arc.

The proposal had arisen following a local demand study which identified The Arc as a strategic site. Members considered it a great opportunity to develop another top class facility at The Arc alongside the leisure facility.

A feasibility study was to be carried out and it was hoped that this would be submitted to the Football Foundation by October 2020. A decision from the Football Foundation on the matched funding was expected by January 2021.

Members noted that initial consultations had taken place with Derbyshire Wildlife Trust and Environmental Health as part of pre-application advice provided by the Planning service and that any issues would be addressed as part of a full planning application.

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

- (1) Executive agree to contribute £262,500 (£250k + 5% contingency) from the Council's Transformation Reserve into the Capital Programme towards the cost of the 3G FTP at The Arc, with the Football Foundation contributing the remaining £500,000 to the project.
- (2) A replacement pitch fund be created to contain annual contributions for 10 years from income received from the pitch,
- (3) Executive delegate powers to the Head of Service - Transformation & Organisation to enter agreements and contracts associated with and ancillary to project.

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- (4) *It be recommended to Council that the scheme be added to the Capital Programme.*
- (5) The above resolutions be subject to the issues raised Derbyshire Wildlife and the Environmental Health service being addressed as part of the full planning application.

REASON FOR DECISION:

As the project was one of the priority projects in the Local Football Facility Plan for Bolsover to meet demand from local clubs for an all-weather facility it was recommended that the Council work with the Football Foundation to develop a 3G FTP at The Arc.

OTHER OPTIONS CONSIDERED:

The retention and improvement of the existing pitches had been considered, but given the cost of carrying out the necessary works, the limited additional benefit they would provide in terms of availability and the lack of sufficient additional rental income meant that this option was rejected.

(Director – Corporate Resources)

EX17-20/21 EXCLUSION OF THE PUBLIC

Moved by Duncan McGregor and seconded by Councillor Sandra Peake

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].

PART 2 - EXEMPT ITEMS

NON KEY DECISIONS

EX18-20/21 RE-IMAGINING PLEASLEY VALE

Executive considered the report of the Portfolio Holder – Economic Development which provided an update on the proposals to redevelop Pleasley Vale and requested funding for pre-planning technical work to determine the viability for the project.

Executive discussed the timetable for the reports to be produced, with an indication given by the Director of Development that it would be in the next few months.

Moved by Councillor Liz Smyth and seconded by Councillor Steve Frith

RESOLVED - That £50,000 be allocated to the project from the transformation reserve to commission technical reports on highways, flood risk, drainage and disposal of foul water, under delegated authority granted to the Assistant Director of Development in consultation with the Re-Imagining Pleasley Vale Strategic Group.

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REASON FOR DECISION:

The Council needed to be satisfied that the proposals could be provided with a safe and suitable access and that the cost of any necessary highway improvements would not prevent the development going ahead before it could be satisfied that the proposed development was capable of being delivered.

Equally, the Council needed to be satisfied that flood risk would not be a significant constraint on development of the site and that provision of appropriate drainage and disposal of foul drainage would be achievable and affordable before it could be satisfied that the proposed development would be reasonably likely to happen.

OTHER OPTIONS CONSIDERED:

The 'do nothing' option was rejected in line with the request of Members made at the informal meeting of the Executive in May 2020.

The 'do more' option was not recommended at this stage because the outcome of the survey work recommended in this report may have materially altered the scheme, which would have made redundant any additional work carried out at this stage.

(Paragraph 3)
(Director of Development)

KEY DECISIONS

EX19-20/21 **SAFE AND WARM UPGRADE SCHEME - PATTISON STREET - SCHEME UPDATE**

Executive considered the report of the Portfolio Holder – Housing regarding pre-contract variations which had increased the contract value for the Safe and Warm Upgrade Scheme at Pattison Street, compared to the tender received which was originally approved by Executive in February 2020.

The works had been awarded to the contractor Matthews & Tannert Ltd. The Client (Housing Services) had requested that identified essential works be undertaken during the scheme in addition to the original tender specification.

Moved by Councillor Sandra Peake and seconded by Councillor Duncan McGregor
RESOLVED - That the Contract entered into with Matthews & Tannert Ltd be for the revised sum of £660,485.70.

REASON FOR DECISION:

The additional works were more cost effective than returning in the near future and ensured that the tenants would not be disrupted again nor would they incur substantial redecoration costs as each room would be affected during the required electrical rewire to the flat.

OTHER OPTIONS CONSIDERED:

The alternative of deferring the rewire works was rejected as it would have incurred additional and repeated costs both to the Council and the tenants, and would have led to tenants enduring substantial disruption and upset twice in a relatively short period.

(Paragraph 3)
(Director of Development)

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EX20-20/21 AWARD OF ELECTRICAL UPGRADE AND REWIRING PROGRAMME

Executive considered the report of the Portfolio Holder – Housing that sought approval for the award of the contract for Electrical Works in council owned domestic properties for Bolsover District Council. Efficiency East Midlands' Framework for regional provision of Electrical works had been used to engage a suitable contractor.

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

- (1) Executive agree to awarding the contract, within the Framework, to Farrendale Ltd.
- (2) Progress on this contract is reported through the Housing Stock Group.
- (3) The Director of Development is given delegated power to add and remove any of the six other Framework Contractors, as required to meet operational requirements, within the terms of the Framework.

REASON FOR DECISION:

The procurement of these works had been undertaken in compliance of standard council procedures.

OTHER OPTIONS CONSIDERED:

The alternative option of carrying out a full competitive tender process by Bolsover District Council was rejected because the Framework attracted a broader range of contractors.

(Paragraph 3)
(Director of Development)

EX21-20/21 PURCHASE OF EMPLOYMENT LAND AT SHIREBROOK

Executive considered the report of the Portfolio Holder – Economic Development which sought approval to purchase development land at Portland Drive, Shirebrook.

Moved by Councillor Liz Smyth and seconded by Councillor Duncan McGregor
RESOLVED – That-

- (1) Executive approve the purchase of the land at Portland Drive, Shirebrook up to the value of £165,000; and
- (2) Executive delegate authority to the Director of Development to agree the final purchase price and the remaining terms and conditions of the purchase and purchase agreement
- (3) It be recommended to Council that the scheme be added to the Capital Programme.

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REASON FOR DECISION:

This represented an opportunity to pursue development opportunities within the district and to create a revenue income using capital money to develop commercial units.

OTHER OPTIONS CONSIDERED:

The option to not pursue the sale of the land was rejected because land was at a premium within the district, this was viable land and was available within the value band recommended by the Senior Valuer. There was a demand for commercial properties in this location.

(Paragraph 3)
(Director of Development)

EX22-20/21 PURCHASE OF SECTION 106 PROPERTIES FROM RIPPON HOMES OFF BALL HILL - SOUTH NORMANTON

Executive considered the report of the Portfolio Holder – Housing which recommended the purchase of 3 properties for rent within the Housing Revenue Account off Ball Hill, South Normanton.

Council approval for the inclusion of the scheme in the Capital Programme had been granted on 22nd July 2020.

RESOLVED – That –

- (1) Executive note the contents of this report.
- (2) Executive approve the purchase of the 3 properties from Rippon Homes off Ball Hill – South Normanton for the agreed price in paragraph 1.4 subject to SDLT and 10% contingency to include fees.
- (3) The Director of Development be given delegated powers to enter into contract with Rippon Homes for the purchase of the properties. This includes the timescale for delivery and to agree the final purchase price and costs.

REASON FOR DECISION:

This proposal offered value for money, would meet local housing need and increase the Council's housing stock.

OTHER OPTIONS CONSIDERED:

The option to not purchase the properties was rejected as the properties were to fulfil a housing need in the area. This housing mix best supported that identified housing need.

(Paragraph 3)
(Director of Development)

EX23-20/21 RE-ADMISSION OF THE PUBLIC

RESOLVED – That the public be re-admitted to the meeting (via the Live Stream online).

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Councillor Steve Fritchley and Councillor Sandra Peake left the meeting at this point.

Councillor Duncan McGregor took the Chair

PART 1 - OPEN ITEMS [CONT]

NON KEY DECISIONS

EX24-20/21 SHIREBROOK CREMATORIUM

Executive considered the report of the Portfolio Holder – Economic Development that provided an update on proposals for a crematorium on land at Shirebrook and sought to secure funding for pre-planning technical work.

A possible site had been identified and initial work had been carried out on assessing the feasibility of this site. There were no obvious planning constraints on development of a crematorium on the land.

The next steps to determine whether these proposals were viable were to evaluate quantitative and qualitative need for the facility and then identify an operator.

Moved by Councillor Liz Smyth and seconded by Councillor Clive Moesby

RESOLVED - That £20,000 be allocated from the transformation reserves to the project to commission technical reports on qualitative and quantitative need for a new crematorium on land at Shirebrook, under delegated authority granted to the Assistant Director of Development.

REASON FOR DECISION:

To enable an informed decision to be taken on the feasibility and viability of a new crematorium on the land at Shirebrook based on the quantitative and qualitative need for the new facility before this scheme could be progressed.

OTHER OPTIONS CONSIDERED:

A 'do nothing' option was rejected because this would not have progressed the scheme.

A 'do more' option was not recommended at this stage because the outcome of the reports may have made any additional work carried out at this stage redundant.

(Paragraph 3)
(Director of Development)

Councillor Sandra Peake returned to the meeting at this point.

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KEY DECISIONS

EX25-20/21 **AWARD OF RAISING ASPIRATIONS CONTRACT**

Executive considered the report of the Portfolio Holder – Partnerships and Leisure which advised on the outcome of the report tender process for the Raising Aspirations contract and sought approval for the appointment of Derbyshire Education Business Partnership (DEBP) to continue delivering the Raising Aspirations programme.

With continued commitment of funding for 2020/21 and 2021/22 from Derbyshire County Council's localities and place budget, the Partnership, Strategy and Policy Team had worked with Public Health colleagues to design and co-ordinate a tender for a one year contract to commence in September 2020. The tender required work to be delivered in targeted schools across Derbyshire to raise aspirations and address the wider determinants of health. The three schools that were to benefit from the raising aspirations project in the Bolsover District were Stubbing Wood Special School, Frederick Gent School and Heritage High School.

Moved by Councillor Mary Dooley and seconded by Councillor Duncan McGregor

RESOLVED – That Executive note the contents of this report and approve the appointment of Derbyshire Education Business Partnership to deliver the Raising Aspirations programme from September 2020 to August 2022.

REASON FOR DECISION:

DEBP provided an outstanding tender submission demonstrating an exceptional understanding of the specification requirements and an excellent track record through their existing Raising Aspirations delivery and other initiatives.

OTHER OPTIONS CONSIDERED:

The option to do nothing was rejected as funding had already been allocated to the programme. The option to extend the current contract was not possible under procurement rules.

(Head of Leader's Executive and Partnerships)

EX26-20/21 **EXCLUSION OF THE PUBLIC**

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby

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].

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PART 2 - EXEMPT ITEMS [CONT]

KEY DECISIONS

EX27-20/21 REFUND OF LEASEHOLDERS' MANAGEMENT FEES

Executive considered a report of the Portfolio Holder – Housing which recommended the refunding of management fees charged by the Council in relation to the service charges applied to leasehold properties over a seven year period.

Moved by Councillor Sandra Peake and seconded by Councillor Liz Smyth

RESOLVED - That on the basis that the management fees do not meet the statutory tests of 'reasonableness' in the 1985 Act:

- (1) existing tenants be refunded any management fees paid to the Council from when they took on their lease where their account is up to date in all other respects;
- (2) where an account is in arrears, existing tenants should be refunded any management fees previously paid to the Council from when they took on their lease but any refund should be first used to clear any arrears with the tenant receiving any remaining balance of the refund;
- (3) an advertisement is placed on the Council's website inviting former tenants to apply for a refund of any management fees paid to the Council during their tenancy providing a proof of ID, verification of bank account details and proof of payment to prevent fraud; subject to
- (4) where an old account has not been settled in full, previous tenants should be refunded any management fees previously paid to the Council during their tenancy but any refund should be first used to clear any outstanding debts with the tenant receiving any remaining balance of the refund.

REASON FOR DECISION:

As the Council could not convincingly demonstrate that the management fees accrued over seven years were charges reasonably incurred by the tenants or that the service they paid was provided to a reasonable standard, it was agreed that the fees be refunded.

OTHER OPTIONS CONSIDERED:

A 'do nothing' option was rejected because this would not have resolved the existing complaints or satisfactorily addressed the issues raised in this report.

A 'do less' option was rejected because a time limit on certain claims against the Council in the 1985 Act could not be reasonably applied to the matters at hand.

(Paragraph 3)
(Director of Development)

The meeting concluded at 11:10 hours.