

GROWTH SCRUTINY COMMITTEE

Minutes of a meeting of the Growth Scrutiny Committee of the Bolsover District Council held as a Virtual Meeting on Wednesday, 9 September 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Jenny Wilson in the Chair

Councillors Tricia Clough (Vice-Chair), Derek Adams, David Dixon, Chris Kane, Tom Kirkham, Tom Munro, Graham Parkin, Peter Roberts and James Watson.

Officers:- :- Chris Fridlington (Assistant Director of Development), Ian Barber (Head of Property Services & Housing Repairs), Kath Drury (Information, Engagement and Performance Manager), Joanne Wilson (Scrutiny and Elections Officer), Donna Cairns (Senior Governance Officer) and Alison Bluff (Governance Officer).

Also in attendance at the meeting were Councillors Councillor Mary Dooley (Portfolio Holder - Partnerships and Transformation), Councillor Sandra Peake (Portfolio Holder - Housing and Community Safety) and Councillor Liz Smyth (Portfolio Holder - Economic Development).

GRO17-20/21 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Jim Clifton.

GRO18-20/21 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered.

GRO19-20/21 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GRO20-20/21 MINUTES

Councillor James Watson noted that he had abstained from voting on Minute Number GRO16-20/21 but this had not been recorded in the Minutes.

Moved by Councillor Jenny Wilson and seconded by Councillor David Dixon.

RESOLVED that subject to it being recorded that Councillor James Watson abstained from voting on Minute Number GRO16-20/21, the Minutes of a Growth Scrutiny Committee held on 15th July 2020 be approved as a correct record.

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GRO21-20/21 LIST OF KEY DECISIONS AND ITEMS TO BE CONSIDERED IN PRIVATE

Committee considered the List of Key Decisions and Items to be considered in private document.

In response to a Member's queries, the Property Services Manager explained that *the provision of positive input ventilation systems*, was a ventilation system fitted to properties suffering from condensation mould and approval was being sought from Executive for the appointment of a contractor to install these where necessary into Council properties. With regard to the *purchase of facilities module for the existing IDOX (Uniform) EDMS system*, this was a document system already used by a number of departments in the Council. Due to Property and Estates now requiring a new system to hold the Council's asset data on, this was the preferred system as it would link to the other departments.

A Member sought clarification as to why some items on the list were to be considered in exempt business by the Executive. He raised concern and felt that proper consideration had not been given to the second part of the public interest test. The Senior Governance Officer noted that the List of Key Decisions was to give notice of items where officers intended them to be considered in exempt business by the Executive, however, it would be the decision of the Executive to decide at their meeting by way of voting if they should not be. Although it was a Members' right to query this in advance, the Member should raise his concern with the Monitoring Officer and this would be reviewed in advance of the agenda going out for the Executive meeting. Any specific queries about reports should be raised by the report author and/ or the Portfolio Holder.

Moved and seconded

RESOLVED that the List of Key Decisions and items to be considered in private be noted.

GRO22-20/21 CORPORATE AMBITIONS PERFORMANCE UPDATE - APRIL TO JUNE 2020 (Q1 - 2020/21).

Committee considered a report in relation to the Quarter 1 outturns (April to June 2020) for the Council's Ambition Performance Framework 2020-2024 targets and relevant supporting service indicators.

There were 10 targets in total relevant to the Committee. Seven targets were on track and the following 3 targets had been affected by Covid19.

ECO.01 - Deliver a Business Growth Strategy by March 2021 that will support enterprise, innovation, jobs and skills and makes the best use of our assets.

Due to Covid19, Economic Development staff had concentrated on assisting businesses affected by Government directed closures from mid-March 2020 into Quarter 1 2020/21. 19 Business Bolsover Ebulletins were issued to alert businesses and partners to the emerging support and grant aid packages. Economic Development officers worked with DCC, other Derbyshire LA's, and county wide partners on the County & District Liaison Group to address the issues arising across the County during the pandemic. A BDC Recovery Plan was drafted to pull together the programmes and assistance and also

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looked at emerging issues, funding options, delivery mechanisms, and timescales. BDC received Local Authority Discretionary Grant funding of £622,750 for businesses who were not eligible for the Business Rates grants. The Economic Development Team (EDT) participated in the county wide discussions to ensure uniformity in the schemes eligibility criteria and application process, and then promoted, assessed and awarded the Discretionary Grants, with 68 businesses receiving a grant. Work had continued to support the application seeking funding for the proposed Technology Centre, and the application for the Construction Skills Partnership, which is progressing through appraisal.

A Member requested his gratitude be passed to the Economic Development Team, and noted in the Minutes, for the diligent way in which they had ensured that the available grants from Government had been administered to local businesses. Although there had been slight delays for some businesses, these had been dealt with straight away.

ECO.03 - Working with partners to bring forward employment and development opportunities at Coalite and Clowne Garden Village strategic sites by 2023.

Working with partners had been temporarily suspended due to the strictures imposed by Covid19, and the need to address urgent issues arising from the economic downturn. Now that partners and businesses were re-opening, work could re-commence in the near future.

A Member raised concern that as well as it being reported on social media by Bolsover residents, she had noted that a pungent smell continued to emanate from the former Coalite site. She queried what was being done to address this as it would detract from any potential businesses wanting to be based on the site. The Assistant Director - Development replied that he was aware of the problem which seemed to happen when it rained. He had been advised that the smell was not toxic and not a public health issue. However, he would speak to Pollution Control Officer from Environmental Health regarding the mitigation measures in place.

Another Member referred to the proposed development of Clowne Garden Village and if the employment strategy for the area could still go ahead without the redevelopment of the highway roundabout near to the Treble Bob public house. The Assistant Director of Development confirmed that the improvements to the roundabout would need to be carried out beforehand as advised by Highways England and Derbyshire County Council.

ECO.10 - Working with partners to grow the visitor economy, the number of tourists and the amount of tourism spending in the District by 2023.

As the Visitor Economy (VE) sector was shut down completely at the end of March 2020 due to Covid19, the Town Centres & Tourism Officer, assisted by EDT Officers, contacted local VE sector businesses to offer support and guidance. Email contact details were collected and added to the Business Bolsover Ebulletin circulation list to ensure that the businesses were informed of the funding and assistance as it was released by the Government. This relationship had been on-going through the pandemic which enabled a number of the businesses to apply for and receive grants. The Draft Tourism Strategy was completed and circulated to Members and partners for input and endorsement. The

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Covid19 pandemic then closed all VE sector businesses indefinitely (at that point in time), with huge economic implications, across all sub-sectors. The Draft Strategy would now be revisited as the sector emerged from the pandemic and re-opened to the public over the summer period and stabilised. There would be long term implications from the pandemic for the sector which would take time to emerge and require further on-going support and assistance.

A Member referred to the Creswell Crags visitor attraction and noted that although it had been an extremely challenging time for all visitor attractions, Creswell Crags had received good visitor numbers after re-opening which had matched what they would normally receive for the time of year. However, the likely upcoming announcement from the Government of no more than 6 people in a public gathering would have a detrimental impact.

A Member felt that all 10 targets would have been affected by Covid19 and not just the above 3, he suggested that priority had not been given to the 3 targets. The Information, Engagement & Performance Manager advised Committee that the above 3 targets had been adversely affected by Covid19 because activities had been diverted to other priorities, however, the other targets had managed to progress as planned and that is why a distinction had been made between the targets and an update provided to Members where possible. The Member noted that target ECO.06 was also reliant on third parties and suggested that this target had been given priority over the other 3 targets. The Information, Engagement & Performance Manager replied that the information provided in the report for ECO.06 related to 2019/2020 outcomes which was before Covid19, as these were positive outcomes it was decided that the target be left as being on track.

ECO.02 - Optimise business growth (as measured by gross Business Rates) by £2m by March 2023.

This target was reported as being on track.

Business growth (as measured by gross Business Rates) reduced by £101,450 (-0.16%) when compared to the outturn figure for 2019/20 (£65,445,968).

This would be the baseline for this Council plan period.

This target was not measured during 2019/20.

When comparing the Q1 2020/21 outturn to the last revaluation (2017) then business growth had increased by £2,999,041 (+4.8%).

Breakdown - Out-turn Q1 2020/21 £65,344,518, Baseline (Outturn 2019/20) £65,445,968 = difference - 101,450, -0.16%.

Out-turn Q1 2020/21 £65,344,518, Baseline 62,345,477 (2017 Revaluation) = difference +2,999,041, +4.8%.

ECO.04 - Prepare and adopt new Housing Strategy by January 2021.

This target was reported as being on track.

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The strategy timetable had been reviewed at Growth Scrutiny Committee and there would be several opportunities for Member involvement with the strategy development. The Housing Strategy team would work closely with the Portfolio Holder and other stakeholders in the strategy development. The timetable had slipped from January to early February as the team had been redeployed to Community work and Homelessness work as part of the 'Everybody In' call.

ECO.05 - Annually review housing delivery in the district and facilitate delivery to meet the annual target of 272 new homes.

This target was reported as being on track.

Net number of new dwellings completed for the period 1st April 2019 to 31st March 2020 was 439 dwellings.

ECO.06 - Work with partners to deliver an average of 20 units of affordable homes each year.

This target was reported as being on track.

28 units for last year (2019/20). This is an annual figure and not available until after the financial year-end. Also most sites have been closed through the Covid-19 crisis and we have not been notified of any completions during Q1.

ECO.07 - Deliver 150 new homes through the Bolsover Homes Programme by March 2024.

This target was reported as being on track.

Bolsover Homes was procured and funding was agreed at Council on the 22nd July 2020. This would allow pre-construction work and design to take place on new schemes and detailed design and costings on schemes with planning approval with a view to getting these on site in October 2020.

ENV.07 - Prepare and adopt a new Empty Property Strategy by January 2021 to support the Council's vision to bring empty properties back into use.

This target was reported as being on track.

The strategy timetable had been reviewed at Growth Scrutiny Committee and there would be several opportunities for Member involvement with the strategy development. The Housing Strategy team would work closely with the Portfolio Holder and other stakeholders in the strategy development. The timetable had slipped from January to early February as the team had been redeployed to Community work and Homelessness work as part of the 'Everybody In' call.

ENV.08 - Bring 5 empty properties back into use per year through assistance and enforcement measures.

This target was reported as being on track.

Action Housing had completed the refurbishment of a long term empty property in Carr

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Vale. The property had been converted into 2 apartments and had provided 2 units of affordable accommodation which were now both occupied. Action Housing were continuing with the conversion of an old Co-op building in Whitwell which would be converted into 5 apartments. Work had been delayed due to Covid19, however, it was expected that it would be completed before the end of this year. The Empty Property Officer continued to work in partnership with Planning Enforcement and Environmental Health to take enforcement action against 4 problematic empty properties in the District. Progress had been delayed due to Covid19 and officers being deployed to other departments, however, work had now recommenced. A working group had been established to explore the option of introducing a Council Tax Premium for long term empty properties. If agreed this would be implemented in April 2021 and would hopefully encourage owners to bring their empty properties back into use. 1 empty property had been brought back into use this quarter providing 2 units of affordable accommodation.

Service Indicators

There were 5 service indicators in total all of which had a positive outturn. Further information was contained in the appendix to the report.

Moved by Councillor Tom Munro and seconded by Councillor Jenny Wilson
RESOLVED that the report be noted.

GRO23-20/21 GROWTH STRATEGY UPDATE Q3 & Q4 2019/20 & GROWTH PERFORMANCE INDICATORS Q3 & Q4 2019/20.

Committee considered a report which provided the 2019/20 Growth Indicator outturns.

A summary attached to the report contained an update on the Growth Strategy for the period 2015–2020, together with the outturns for performance indicators for 2019-20, which supported the delivery of the Growth Strategy.

In 2014 the Council committed to a Strategy to focus on unlocking the potential to deliver growth for the District. Through the Growth Strategy and the Corporate Plan (at that time) 2015-2019, the Council set out its ambition to create a sustainable high performing economy. The Council established 3 strategic priorities to unlock our growth potential;

1. **Supporting Enterprise:** maintaining and growing the business base,
2. **Enabling Housing Growth:** increasing the supply, quality and range of housing to meet the needs of a growing population and support economic growth,
3. **Unlocking Development Potential:** unlocking the capacity of major employment sites.

Three performance indicators were at 'exception' with a full explanation provided within the appendix. Two performance indicators were awaiting data - information had been delayed due to Covid 19.

The Council had approved a new Council Ambition and developed a performance framework to deliver that ambition over the period 2020-2024. One of the aims to support the Ambition was *our economy – by driving growth, promoting the District and being business and visitor friendly*. Delivering a new Business Growth Strategy by March 2021

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was one of the targets to support this aim. Once the new strategy was approved this report would be reviewed as required.

A Member queried what the process for defining the next Growth Strategy would be and as it was based on ambition, would it be measured in the same way with different targets being broken down. Further, the graph showed an increase in unemployment so would a bigger focus be put on ECO.01 and would this include a strategy to bring in more jobs to the District, potentially utilising a lot of the empty space at Pleasley Vale. The Assistant Director of Development advised Committee that work on the Growth Strategy was ongoing and a priority. An economy recovery plan was drawn up in the early stages of lockdown and this was developing into a Business and Growth Strategy. Jobs were a huge objective in the Strategy and a whole range of work was being carried out, for example, with the Council's Partnership Team regarding the 'Kickstart' scheme and the Institute of Technology and also getting employment sites up and running etc. Work was also being undertaken with the Portfolio Holder for Economic Development on the service plan objectives and targets.

A Member referred to the figures for business rates growth and arrears in the report and queried if this data was broken down by ward. The Information, Engagement & Performance Manager would enquire and inform Members if this were available.

A Member queried how the new Planning Indicators in the Growth Strategy would match up to the proposals in the Government's new White Paper on Planning. The Assistant Director of Development advised that the White Paper was a consultation document and it was unsure what the new Planning performance targets would be, so the Council's current targets would remain relevant for the foreseeable future. However, this would change as the white paper progressed into law. There could also be significant changes to how the Planning Service was delivered. The main concern for the Council was the prospect of having to re draft the Local Plan if the White Paper went through as drafted as this could cost the Council between £600k and £1.5m. A significant amount of work was currently being undertaken by Planning officers in response to the White Paper. An update would be given to Members at an informal meeting after the Council meeting on 16th September 2020.

Queries in relation to Dragonfly and expansion of business units had been raised at the Scrutiny pre meeting by the Chair and Vice Chair and responses to those queries had been circulated to Members as follows;

Is there any further detail in relation to Dragonfly?

Officer Response;

Meadow Close, South Normanton – 1 remaining plot and if remained unsold would be utilised for a sales suite for Park Lane until it sold.

Park Lane, Pinxton – this site was ready and Board approval was awaited (4th September) to deliver a further 10 units.

Mill Lane, Bolsover (Former Depot) - a procurement exercise was being undertaken to demolish the old depot. Architects had been working on plans across both Oxcroft Lane and Mill Lane but these would now be reviewed to ensure the single site mix was right (Oxcroft Lane, Bolsover would now not be

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progressing following discussions with Old Bolsover Town Council).

Rood Lane, Clowne - this had been suspended for further discussions regarding the use of the land.

Is there any detail on whether officers are looking to increase supply of larger units, where businesses are looking to expand?

Officer Response;

Shirebrook was the main focus but we're also looking at land across the District, for the larger units, the most favoured sites are those with easy access to the Motorway.

The Assistant Director of Development advised that acquiring land was competitive. However, in addition to the above, talking to the different land owners regarding delivery of the former Coalite site, Markham Vale and Whitwell Colliery was ongoing to see if there were any partnership opportunities to bring forward developments. Also looking for incubator units for smaller businesses. Units at Pleasley Vale could be promoted and used but it had no modern buildings.

The Property Services Manager added that the Council was also looking for land for domestic properties as well as commercial and requested that if any Members knew of anyone that owned land in the District who would be willing to engage with the Council to let him know.

Moved by Councillor Tom Munro and seconded by Councillor Jenny Wilson

RESOLVED that the report be noted.

The Portfolio Holders for Economic Development, Housing, Partnerships & Leisure, the Information, Engagement & Performance Manager and the Property Services Manager left the meeting.

GRO24-20/21 OUTCOME OF RECONSIDERATION OF DECISION - SALE OF LAND AT GLAPWELL.

Committee considered the response of the Director of Development following the reconsideration of the decision (DD/025/20/DC) regarding the sale of land at Glapwell.

On 5th May 2020, the Director of Development had made the decision (DD/025/20/DC) to dispose of the parcel of land on Park Avenue, Glapwell, on the terms as set out in the report.

The decision was called in by 3 Scrutiny Members and considered by Growth Scrutiny Committee at its meeting on 10th June 2020, where it was resolved that the Director of Development be requested to reconsider the decision due to the following concerns;

- 1. The timing of this decision is called into question as there was no urgent need to make the decision and no urgent need to use delegated powers to do so.*
- 2. Considering the impact on the local community of the decision to sell the land,*

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the decision was not proportionate to what would be achieved by the sale.

3. The way in which the decision was taken was not fully open and transparent and further consultation should have taken place with Ward Members and the public.

4. The Director of Development is requested to seek further legal advice on the issue of whether the land is open space and to clarify the appropriate method of disposal, in line with the Council's Joint Disposal and Acquisitions Policy.

The Director of Development had reviewed each of the four areas and the findings were set out in the response.

The outcome of the next steps would determine what happened with the sale of the land. The land had been assessed as not being public open space. However, to remove any future argument, the land would be advertised and due process followed. Since the meeting of Growth Scrutiny Committee on 10th June 2020, the land had been registered as an Asset of Community Value and any disposal would follow the restrictions set out on the disposal of listed assets.

Members raised the following questions and concerns and requested that these be put to the Director of Development for a response;

- *What consultation is now taking place?*
- *How the public open space assessment was made.*
- *Whether land being treated as public open space can still be considered to be surplus.*
- *That the Public Questions to Council and the request from the MP for an independent review of the planning applications to be taken into account.*
- *How the access was determined and what Highways evidence was considered.*
- *On what basis did the Director of Development consider that local Members were aware of the land sale?*
- *What will be the next stage following the public open space consultation?*

A Member suggested that a recommendation be made that Standards Committee review whether delegated decisions taken by officers on reconsideration are reviewed by themselves or by another officer.

The Scrutiny & Elections Officer advised Members that as part of the Call In procedure rules, Members could ask for clarity in terms of the report that had been circulated, however, some elements were outside of the call in decision. Members were aware of a press release and a potential consultation but as these were not part of the original call in and decision, they could not be challenged at present. This was the same for queries that may be raised at Council on 25th November. Committee could, however, suggest that their considerations as above be taken into account.

The Senior Governance Officer added that the next process following the open space consultation, considering the registration of the land as an asset of community value, would be raised with the Monitoring Officer as a procedural issue. With regard to the suggested recommendation to Standards Committee, Members were advised that this could be looked at under guidance and practice, however, legislation was that Scrutiny's

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power was to refer a decision made but not yet implemented back to the decision maker.

Referring to the planning application, the Assistant Director of Development noted that only one letter had been received suggesting that the land was used by the community in any way, and although this wasn't determinative, it was indicative. When considering the sale of land proposal, officers had visited the site and had decided there was no real evidence that it was being used as community space and this was why it was determined not to be a public open space. Subsequently, it had been accepted that the land would be treated as public open space, hence the Council's advertisement for the possible disposal for public consultation for a 4 week period.

With regard to access to the proposed development site, Derbyshire County Council (DCC) had raised no objections with Park Avenue, as an adopted road, being used as a safe and secure access – this meant in planning law, there was no requirement to look for an alternative access and to challenge this would be difficult.

The Senior Governance Officer confirmed that should the proposal to dispose of the land go ahead, as part of the Asset of Community Value process, community groups would have 6 weeks to register their intention to bid for the land.

A Member queried if the advertisement was appearing in a newspaper currently and if it were also advertised on the Council's website. She queried if DCC Highways had visited the site at all in relation to the planning application. The Assistant Director of Development replied that he would enquire about the advertisement and inform Members and added that although he had no knowledge of DCC visiting the site, they had provided a good knowledge of the site further to the planning application. The Scrutiny & Elections Officer reminded Members that this discussion should relate to the decision to sell the land and not stray into the planning decision.

A Member raised that in accordance with the disposals policy, now the land was recognized as open space, it was no longer surplus and did not need to be sold. The Assistant Director of Development replied that the land was being advertised as public open space and the results of the consultation response would be considered as to the next steps.

Moved by Councillor James Watson and seconded by Councillor Jenny Wilson
RESOLVED that all Members' questions and concerns raised at this meeting be provided to the Director of Development for a response to be presented to Members at the next meeting of Committee.

(Scrutiny & Elections Officer)

Councillor Chris Kane and the Assistant Director of Development left the meeting.

GRO25-20/21 WORK PROGRAMME 2019/2020

Committee considered their Work Programme 2020/21.

Members were advised that the work programme was subject to change but Members would be kept informed.

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A Member noted that he had put a request to the Scrutiny & Elections Officer for Committee to discuss at the November meeting to undertake a review on the Council's current activity with Robert Woodhead Ltd and the schemes the Council had with Dragonfly and Bolsover Homes. This was with a view to understand the arrangements in place and the risks to the Council where large contracts were in place. The Scrutiny & Elections Officer suggested that if Committee agreed to undertake this review, an informal meeting could be held to discuss the scope of the review and what questions would be put forward to officers. Another Member felt that a review at this time would be premature and suggested that this be undertaken during the middle of the 4 year contract.

Moved by Councillor James Watson and seconded by Councillor Tom Kirkham that a scoping exercise in relation to a review of the relationship and contracts awarded to Robert Woodhead, be undertaken by Committee at its meeting in November.

Upon being put to the vote it was

RESOLVED that a scoping exercise in relation to a review of the relationship and contracts awarded to Robert Woodhead, be undertaken by Committee at its meeting in November.

The Scrutiny & Elections Officer suggested that an informal meeting of the Committee be held at the conclusion of this meeting to discuss the scoping of the review.

The formal part of the meeting concluded at 1200 hours and Members then met as a working party to continue their review work. The working party concluded at 1220 hours.