

SOUTH RIBBLE BOROUGH COUNCIL

COUNCIL MEETING – 20 NOVEMBER 2013

REPORT OF THE CABINET

The Cabinet met on the evening of Wednesday 6 November 2013.

On that occasion, the Cabinet considered the matters set out below. Decisions shown in boxed areas are subject to Council confirmation; the reports considered by the Cabinet were available to all members in advance of the Cabinet meeting.

1. Performance Monitoring Report – Mid Year 2013/14 - April 2013 to September 2013

The Leader introduced this item on the Council's performance for the first six-months of the year from 1 April 2013 to 30 September 2013 against the Corporate plan key actions, Budget, financial performance and risk management. The purpose of the report was to allow members to assess how the Council was performing, to ensure it was delivering on the key things that mattered to South Ribble and ensure the Council continued to improve.

She informed members that this had been considered by the Scrutiny Committee the previous night who had considered it a good report without any particular issues to raise but sought further reports in due course on City Deal and the governance arrangements around City Deal.

It was agreed to note the report.

2. LDF Site Allocations DPD Adoption Version

The Cabinet Member for Strategic Planning & Housing introduced this item which followed on from the Central Lancashire Core Strategy (adopted July 2012) and formed the last key stage of the emerging LDF. The Site Allocations DPD, when adopted, would allocate sites across the borough for housing, employment, retail, open space, biological heritage sites etc. as well as bringing in a series of development management policies which would be used to inform decisions on planning applications.

Members commented that this was a significant step forward and the Site Allocations DPD would carry 'significant weight' in the development management process and be extremely helpful to planning.

It was agreed:

That Council be recommended to:

- a) Accept the Main Modifications recommended by the Planning Inspector and the findings of her Partial Report (Appendix 1 of the report);
- b) Endorse the Site Allocations and Development Management Policies DPD – Partial Version (Appendix 2 of the report), including all Main Modifications amendments for Development Management purposes;
- c) Delegate authority to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make minor text, layout and formatting amendments.

3. Essential IT Upgrades / Enhancements - Waiver of Contract Procedure Rules

The Cabinet Member for Shared Services & Corporate Support introduced these items which sought the waiving of contract procedure rules for intermediate value contracts in respect of a Telephony System Upgrade and to allow a further maintenance agreement for Revenues and Benefits to be directly awarded to Capita on a 12 month rolling agreement

In accordance with the Council's Contract Procedure Rules the proposed procurements were of intermediate value (£10,000 to £75,000). Ordinarily at least three requests for quotations would be obtained and normally at least one local supplier would be included in the suppliers to be invited to quote. However, in respect of the Telephony upgrade a procurement exercise was not a practical solution as the maintenance work needed to be carried out by our current supplier Siemens and required immediate attention.

In respect of the Revenues and Benefits Software, given the current climate of change and uncertainty affecting the work of Revenues and Benefits, it would be inappropriate to commit to a new long term contract beyond the abolition of Housing Benefit. In addition, in view of continuing software changes necessary due to legislative changes imposed by central government, a general waiver to approve any future, mandatory, central government funded procurements of legislative upgrades was required.

He further informed members that Contract Procedure Rules did allow for the waiver of specific rules in exceptional circumstances.

Concern was expressed at the use of waivers generally but the waiver in respect of the telephony was of particular concern as the Contract Procedure Rules allowed for waivers which were genuinely exceptional and not of the Council's own making and as a decision was made to defer its replacement/upgrade and programme it into 2016/17 the need for this waiver was arguably of the Council's own making.

It was accepted that waivers should only be used in exceptional circumstances but in these cases they were justified.

a) Siemens Hi-Path Telephony System Upgrade

It was agreed:

- a) That the requisite expenditure to upgrade Siemens Hi-Path Telephony Architecture to the latest version, including Microsoft licences as detailed in the report, in accordance with financial regulation no.3 be approved;
- b) That paragraphs 10.1 to 10.3 (intermediate value procurement) of the Council's Contract Procedure Rules be waived to enable this essential upgrade work to be carried out by our current supplier for the reasons set out in this report;
- c) That £43,000 of the capital budget set aside for CAPS replacement be vired to fund the proposed expenditure on Siemens Hi-Path, in accordance with financial regulation no.3.

b) Revenues and Benefits Software

It was agreed:

- a) That the requirements of paragraph 11 of the Council's Contract Procedure Rules be waived to allow a further maintenance agreement to be directly awarded to Capita on a 12 month rolling agreement (12 months' notice required by either party), until April 2016 for the reasons outlined in the report;
- b) That the requirements of paragraph 11 of the Council's Contract Procedure Rules be waived and that delegated authority be granted to the Director of Business Transformation to approve any future, mandatory, central government funded procurements of legislative upgrades by direct award to Capita for the reasons outlined in this report and as described

in paragraph 1.9 above, provided that the aggregate value of such procurements does not exceed £75,000 in any one financial year.

4. Authorisation of Expenditure for Schemes within the Vehicle Capital Programme 2013/14

The Cabinet Member for Neighbourhoods & Street Scene introduced this report on the Council's vehicle replacement capital programme which sought the replacement of one large and two mini road sweeping vehicles in 2013/14.

The procurement had been through a joint process with Chorley Borough Council, through the shared financial and procurement service, as Chorley Borough Council was also procuring three road sweepers within the same timescales.

It was agreed:

- a) That the tender from Company A that scored highest in the tender evaluation exercise for the one large road sweeper be accepted;
- b) That the tender from Company C that scored highest in the tender evaluation exercise for the two mini road sweepers be accepted.

5. Scrap Metal Dealers Act 2013

The Cabinet Member for Regeneration, Leisure & Healthy Communities informed members that the Scrap Metal Dealers Act 2013 came into effect on 1st October 2013 having received Royal Assent on 28th February 2013.

The Act created a new regulatory regime that replaced the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 relating to Motor Salvage Operators.

It continued to give the primary regulatory powers to Local Authorities, but extended the previous registration scheme, to require a local Licensing Authority to grant a licence only where it was satisfied that the applicant was suitable to hold one. It also gave the Licensing Authority the power to refuse or revoke a licence when it was not so satisfied.

Members welcomed the introduction of the regulations and hoped it would lead to reduction in metal theft and similar problems with scrap metal.

The Cabinet Member for Regeneration, Leisure & Healthy Communities informed members that the new regulations did not apply to the Council or to charities.

It was agreed:

That Council be recommended:

- a) To authorise the Licensing Act Committee and Director of Regeneration, Leisure and Healthy Communities, to carry out the Authority's functions under the Scrap Metal Dealers Act 2013, in accordance with Appendix 1 of the report;
- b) To delegate the responsibility for subsequent reviews of fees to the Director of Regeneration and Healthy Communities in conjunction with the appropriate Cabinet member;
- c) To agree the necessary changes to the Constitution to reflect the recommendations above;
- d) To agree that the period of time for representations to be made under the provisions of Schedule 1, paragraph 7 (6)(a), shall be 21 days in all cases.

6. Review of Charges for Fixed Penalty Notices

The Cabinet Member for Neighbourhoods & Street Scene introduced this report on Fixed Penalty Notices and informed members that the last time consideration was given to FPN charges was when the Council adopted Dog Control Orders in September 2009, under powers afforded to local authorities by the Clean Neighbourhoods and Environment Act 2005. Due to the time period that had now passed it was considered appropriate that the charges should be reviewed. He pointed out the increases related to the areas of litter and dog control.

Members welcomed the increases but questioned the reasons for not increasing the FPN's to the maximum permissible.

In response, the Cabinet Member for Neighbourhoods & Street Scene confirmed that it was a balance between what was considered would be paid without the need for recourse to the Courts. He also confirmed that adequate publicity for the increase would be given.

It was agreed that Council be recommended to approve the proposed Fixed Penalty Charges as detailed in Appendix 1 of the report and that they be implemented from 1 April 2014.

7. Waste Re-Tendering and Procurement of Vehicles

The Cabinet Member for Neighbourhoods & Street Scene introduced this item which reported that the Council's partnering contract with Enterprise (now Amey) expired in June 2015 and detailed the proposed procurement process to be undertaken to ensure that a new partnering contract was in place when the existing contract expired.

The report also detailed the proposed procurement process for 5 replacement waste vehicles.

It also referred to discussions that had been held with neighbouring councils to ascertain if there was any interest in undertaking a joint procurement and that as there was no interest at this point in time discussions had been held with Chorley Borough Council around the potential to align contracts.

The fact that this was a high profile service which was due to commence one month after the Council elections in May 2015 was referred to and it was noted that there was no member involvement in the project as had been the case previously and that this or even member involvement from the opposition party may be useful.

The Leader confirmed that further consideration would be given to member involvement in the project team.

It was agreed:

- a) That the procurement of the waste service be advertised in the Official Journal of the European Union (OJEU);
- b) That the restricted procedure be followed for the waste service procurement;
- c) That the evaluation criteria for the waste service procurement be based on 50% cost and 50% quality;
- d) That the contract period for the new contract be 8 years with extension options of up to 7 years (15 years in total);
- e) That an option be included for a 6 year contract period which may give opportunity

to align contracts with Chorley Borough Council in 2021;

f) That the procurement process, contract award procedure, and evaluation criteria for the procurement of 5 refuse collection vehicles be as outlined in the report.

8. 30 Rhodesway - Potential Options

The Cabinet Member for Strategic Planning & Housing reported that at its meeting on 4th September 2013 Cabinet adopted an Empty Properties Policy which set out proposals for bringing long term empty residential properties in the Borough back into use.

This property was a 2 bed semi-detached bungalow and had been registered empty since 1st April 2002 and was in an extremely poor state.

Members expressed concern at the possible cost and it was confirmed that it was hoped that the Council would recoup any expenditure.

It was agreed:

- a) That the Corporate Property Officer be authorised to continue negotiations for the acquisition of the property by agreement in an attempt to avoid the need for a Compulsory Purchase Order;
- b) That Cabinet approve further to the powers set out in Section 17 of the Housing Act 1985 (as amended) the making of the following compulsory purchase order for the purpose of re-sale and renovation in accordance with the Council's Empty Properties Policy 2013: namely 'The South Ribble (30 Rhodesway Hoghton) Compulsory Purchase Order 2013';
- c) That the Legal Services Manager be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices, and the presentation of the Council's case at any Public Inquiry. In addition, to negotiate the withdrawal of objections to the Order and take all necessary steps to acquire the property, by agreement;
- d) That, following the confirmation of the Compulsory Purchase Order or acquisition by agreement, the Corporate Property Officer be authorised to enter into negotiations with a developer partner/purchaser, identified following a marketing exercise and agreed in consultation with the Cabinet Member for Strategic Planning and Housing, for the disposal and renovation of the property with minimal financial impact to the Council, to bring it back to a habitable condition for occupation.

9. The Cabinet's Forward Plan

It was agreed to approve the Forward Plan submitted under section 22 of the Local Government Act 2000.

I hereby commend the report of the Cabinet to the Council.

COUNCILLOR MRS MARGARET SMITH

LEADER OF THE COUNCIL