

**CABINET
4TH JULY 2019**

PRESENT: The Deputy Leader (Councillor Barkley)
Councillors Bokor, Harper-Davies, Mercer,
Smidowicz and Vardy

Councillor Hunt

Chief Executive
Strategic Director of Corporate Services
Head of Strategic Support
Head of Regulatory Services
Head of Cleansing and Open Spaces
Procurement Manager
Health, Safety and Wellbeing Manager
(Leicestershire County Council)
Democratic Services Officer (LS)

APOLOGIES: Councillors Morgan, Poland, Rollings and Taylor

The Deputy Leader stated that this meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

10. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

11. LEADER'S ANNOUNCEMENTS

No announcements were made.

12. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 6th June 2019 were confirmed as a correct record and signed.

13. QUESTIONS UNDER CABINET PROCEDURE 10.7

No questions had been submitted.

14. PUBLIC SPACES PROTECTION ORDER CHARNWOOD CONTROL OF DOGS
2020

Considered a report of the Head of Regulatory Services seeking approval of the Notice of Intention and, upon expiry of the 28-day notice period, approval of the Public Spaces Protection Order (Charnwood Borough Council) Control of Dogs 2020 under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014 (item 6 on the agenda filed with these minutes).

Councillor Hunt, Chair of the Scrutiny Commission, presented a report detailing the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Regulatory Services assisted with consideration of the report. He wished to make minor amendments to Appendix A of his report as follows:

First paragraph to be amended to read:

Notice is hereby given that Charnwood Borough Council ('the Council') proposes for the purposes of reducing antisocial behaviour in relation to dog control to extend and vary a Public Spaces Protection Order under Section 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.

Second paragraph to be amended to read:

The Council would like to seek your views on the proposed Notice of Intention to extend and vary an order. This Notice outlines the details of the proposed variations to the Order in red ink on page 2. Any comments and/or objections should be sent in writing or by email to the correspondence address below.

The Head of Regulatory Services also reported verbally the comments in respect of this matter made by the Loughborough Area Committee at its meeting on 19th June 2019. Overall, the Committee had supported the proposals.

RESOLVED

1. that the Notice of Intention, attached at Appendix A to the report of the Head of Regulatory Services and as amended above, be approved and issued;
2. that, if there are no objections, the draft Public Spaces Protection Order (PSPO), attached at Appendix B to the report of the Head of Regulatory Services, be approved as drafted after the expiry of the 28 days' notice period;
3. that the Head of Regulatory Services, in consultation with the Cabinet Lead Member for Regulatory Services, Enforcement and Licensing, be given delegated authority to amend and make the Order if there are only minor alterations required;
4. that the Head of Regulatory Services, in consultation with the Cabinet Lead Member for Regulatory Services, Enforcement and Licensing, be given delegated authority to make revisions and amendments to the Order in response to future requests for additional dog controls (for requests which cover no more than one ward);

5. that the Head of Regulatory Services, in consultation with the Cabinet Lead Member for Regulatory Services, Enforcement and Licensing, be given delegated authority to extend the Order if there are no major changes required to the Order at the renewal time (January 2023);
6. that the Head of Regulatory Services, in consultation with the Cabinet Lead Member for Regulatory Services, Enforcement and Licensing, be given delegated authority to authorise staff at Parish/Town Councils or other organisations, as deemed appropriate, to issue fixed penalty notices for dog control offences;
7. that the report of the Scrutiny Commission be noted.

Reasons

1. To inform the public about the content of the proposed PSPO and give a formal opportunity for them to raise objections and comments.
- 2.&3. To vary the PSPO under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014, to address anti-social behaviour issues relating to dog control and to ensure the law-abiding majority can use and enjoy public spaces.
4. To enable relevant revisions to the PSPO subject to evidence of dog control issues in an area (revisions impacting on more than one Ward will require Cabinet approval).
5. To enable renewal of the PSPO if there are no major changes required.
6. To assist Town/Parish Councils and other suitable organisations in the ability to offer an enhanced enforcement service in addition to the provision from the Council.
7. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

15. CHANGES TO BULKY WASTE COLLECTIONS

Considered a report of the Head of Cleansing and Open Spaces to consider the introduction of charges for the collection of bulky waste from households across the Borough (item 7 on the agenda filed with these minutes).

Councillor Hunt, Chair of the Scrutiny Commission, presented a report detailing the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Cleansing and Open Spaces assisted with consideration of the report.

RESOLVED

1. that a charge for all household bulky waste collections covered within the Environmental Services Contract from October 2019 is approved, to be reviewed 6 months after implementation;
2. that the charge of £20.00 per bulky collection (up to 3 items per collection) is agreed and that there will be no limit on the number of collections per household per year;
3. that alternative methods of disposing of bulky waste be promoted and advertised widely by the Council;
4. that delegated authority be given to the Head of Cleansing and Open Spaces to introduce a scheme for waiving the above charge in cases of exceptional hardship, with details of that scheme to be agreed in consultation with the Cabinet Lead Member for Performance of Major Contracts;
5. that the report of the Scrutiny Commission be noted.

Reasons

1. To ensure that some of the contract costs are offset by the income generated while the total number of collections remain within the contract arrangements and to enable how the charge is operating in practice to be assessed.
2. To ensure that the charge is in line with the regional and national levels.
3. To make residents aware of the alternatives.
4. To ensure that residents in such circumstances can use the service, if needed.
5. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

16. REVENUE OUTTURN 2018/19 AND CARRY FORWARD OF BUDGET

Considered a report of the Head of Finance and Property Services setting out the Revenue Outturn position of the General Fund and Housing Revenue Account (HRA) for 2018/19 compared with the Original budgets and requesting budget carry forwards for the General Fund and the HRA (item 8 on the agenda filed with these minutes).

The Strategic Director of Corporate Services assisted with consideration of the report.

RESOLVED

1. that the Revenue Outturn positions of the General Fund and Housing Revenue Account for 2018/19 be noted;
2. that carry forwards of budgets amounting to £39k for the General Fund and £484.7k for the HRA be approved, funded from the General Fund Working

Balance and HRA Balance in 2019/20 as detailed in paragraph 28 in Part B of the report of the Head of Finance and Property Services.

Reasons

1. To enable the information to be used when considering future budgets and the Medium Term Financial Strategy.
2. To enable the budgets to be carried forward to cover costs of committed services in 2019/20.

17. CAPITAL PLAN OUTTURN REPORT 2018/19

Considered a report of the Head of Finance and Property Services setting out total expenditure on the Capital Plan 2018/19 compared with the current budget and detailing those schemes that require carry forward of budget to 2019/20 and the provisional arrangements for the financing of the Plan (item 9 on the agenda filed with these minutes).

The Strategic Director of Corporate Services assisted with consideration of the report.

RESOLVED

1. that the outturn position for 2018/19 be noted and that the carry forward of project budgets totalling £1,079,800 be approved;
2. that the provisional financing of the Plan set out in Table 2 in Part B of the report of the Head of Finance and Property Services be noted.

Reasons

1. To enable projects to be completed.
2. To indicate how the Plan is likely to be financed.

18. ADDITIONS TO ANNUAL PROCUREMENT PLAN 2019/20

Considered a report of the Head of Finance and Property Services proposing additions to the Council's Annual Procurement Plan for 2019/20 (item 10 on the agenda filed with these minutes).

The Procurement Manager assisted with consideration of the report.

RESOLVED

1. that the contracts, over £25,000 and up to £75,000, listed in Appendix A to the report of the Head of Finance and Property Services, be let in accordance with Contract Procedure Rules;

2. that the contracts, over £75,001 and up to £500,000, listed in Appendix B to the report of the Head of Finance and Property Services, be let in accordance with Contract Procedure Rules.

Reason

- 1.&2. To allow contracts of the Council to be let in accordance with contract procedure rules.

19. ANNUAL HEALTH AND SAFETY PERFORMANCE REPORT 2018/19

Considered a report of the Head of Strategic Support informing the Cabinet and providing a public record of the Council's health and safety performance in 2018/19 (item 11 on the agenda filed with these minutes).

The Head of Strategic Support and the Health, Safety and Wellbeing Manager (Leicestershire County Council) assisted with consideration of the report.

RESOLVED that the Council's health and safety performance over the preceding year, as set out in Part B of the report of the Head of Strategic Support, be noted.

Reason

It is considered good practice by the Health and Safety Executive, the Institute of Directors and the Royal Society for the Prevention of Accidents for public bodies to publish an annual report on health and safety performance. The Management of Health and Safety at Work regulations 1999 require all employers to review their health and safety management system. Since 2015 the Council has employed BS OHSAS 18001: "Occupational Health & Safety Management Systems" as its base system for managing health and safety.

20. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Democratic Services Officer stopped the sound recording of the meeting.

21. DISPOSAL OF CHARNWOOD CAMPUS OPTION AND SALE OF ADJOINING LAND

Considered an exempt report of the Strategic Director of Corporate Services to consider the disposal of the Council's option in land at Charnwood Campus and an adjoining piece of land (item 13 on the agenda filed with these minutes).

Councillor Hunt, Chair of the Scrutiny Commission, presented an exempt report detailing the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its valuable pre-decision scrutiny work, both in respect of this item and items considered earlier in the meeting.

The Strategic Director of Corporate Services assisted with consideration of the report.

RESOLVED

1. that decisions be made as detailed in the exempt minute (Cabinet Minute 21E 2019/20);
2. that the exempt report of the Scrutiny Commission be noted.

Reasons

1. As set out in the exempt minute (Cabinet Minute 21E 2019/20).
2. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

NOTES:

1. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on 12th July 2019 unless called in under Scrutiny Committee Procedure Rule 11.7.
2. No reference may be made to these minutes at the Council meeting on 2nd September 2019 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on 12th July 2019.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.