

THE "CALL-IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 19 APRIL 2011. MINUTE NOS. 92, 93, 96 AND 97 ARE NOT SUBJECT TO "CALL-IN".

CABINET MEMBER - ENVIRONMENTAL

**MEETING HELD AT THE TOWN HALL, SOUTHPORT,
ON WEDNESDAY 6 APRIL 2011**

PRESENT: Councillor Tattersall

ALSO PRESENT: Councillors Dutton and Hardy

IN ATTENDANCE: Councillor Papworth

89. APOLOGIES FOR ABSENCE

No apologies for absence were received.

90. DECLARATIONS OF INTEREST

No declarations of interest were received.

91. MINUTES

RESOLVED:

That the Minutes of the meeting held on 12 January 2011 be confirmed as a correct record.

92. BUS / TAXI FRAMEWORK ARRANGEMENT

Further to Minute No. 37 of the meeting of the Cabinet held on 10 June 2010, the Cabinet Member considered the report of the Operational Services Director, seeking approval to extend the current Bus Route Framework Agreement for an additional 12 months to September 2011, to coincide with the expiry of the Taxi Framework Agreement. A procurement process had been undertaken via the Official Journal of the European Union (OJEU) in order to obtain prices for appropriate services required by the Council with effect from September 2011.

The report indicated that a decision on the matter was required to provide an ongoing service for the transportation of vulnerable residents by external bus and taxi companies and to enable the Council to effectively budget for such expenditure over the coming two years.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the pricing framework procured through the tendering process be noted;
- (2) the Cabinet be recommended to approve the future use of this pricing framework; and
- (3) the Cabinet be recommended to permit the Specialist Transport Unit to plan and award routes accordingly in the most financially advantageous manner for the Council, using the new pricing framework, with effect from 1 September 2011.

93. AWARD OF CONTRACT - RECYCLING COLLECTION SERVICES

Further to Minute No. 79 of 12 January 2011, the Cabinet Member considered the report of the Operational Services Director on the proposed scope of Recycling Collection Services and the establishment of appropriate contractual arrangements for the provision of the services during the period 1 August 2011 to 31 July 2016.

The report indicated that the existing arrangement for the provision of the dry recycling collection service (Including food waste) and bring sites had been established in February 2010, when the previous contractor entered into administration; that this interim arrangement had enabled recycling collection services to continue to be provided whilst the Council conducted a formal procurement process to establish a new contractual arrangement; and that the interim arrangement was in place until 31 July 2011 to provide a reasonable mobilisation period following a formal award of contract.

The report also indicated that due to concerns about the overall cost of providing recycling collection services in future, it had been established that the new contract would contain the following elements as priced options:

- Option 1 – ‘Core Service’ - the weekly collection of recyclable materials, as per current the service (including food) directly from households;
- Option 2 – provision of a ‘Bring Site Service’ – e.g. collection, emptying of containers and cleanliness of the sites;
- Option 3 – the addition of plastic to the core service;
- Option 4 – the addition of cardboard to the core service;
- Option 5 – ‘Core Service’ with plastic and cardboard added, plus a Bring Site Service.

The Operational Services Director presented the report and indicated that breaking the service up into the above elements would provide the Council with the opportunity to determine the level of service that could be funded and therefore the scope of the contract that would be awarded.

He also explained that the 5 year tender period had been determined as the most viable option, following informal market consultation with prospective bidders, as this represented a reasonable period for depreciating vehicle costs; it was considered that a shorter contract period would over-inflate tendered prices.

In accordance with European and UK procurement legislation a formal tendering exercise had been undertaken which had resulted in the formal evaluation over a two week period of four valid short listed tenderers, with scores being awarded to each tender, as indicated in paragraph 12 of the report. The moderated scores were incorporated into an overall scoring template, the outcome of which was detailed in Appendix A of the report.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That the Cabinet be recommended to

- (1) approve Options 1 and 2 as the scope of the Council's future recycling service with a view to implementing Option 5 by April 2013, finances permitting;
- (2) agree to award a Contract to Tenderer D for the provision of the recycling collection services, to reflect the agreed scope of service, for the period 1 August 2011 to 31 July 2016, with the option to extend the contract period up to a maximum of 2 years, subject to satisfactory performance; and
- (3) acknowledge the level of one-off savings that will be achieved, as a result of this decision, prior to the implementation of Option 5.

94. COMMERCIAL CLINICAL WASTE

Further to Minute No. 80 of 12 January 2011, the Cabinet Member considered the report of the Operational Services Director updating on the statutory position regarding Commercial Clinical waste collections.

The report indicated that all Councils in England and Wales were obliged to arrange for the collection of domestic clinical refuse if requested to do so, but were not legally obliged to collect commercial clinical waste. Due to difficulties classifying clinical waste; the high costs of disposing of clinical waste; and the lack of an authorised outlet for the disposal (incineration) of such waste in the borough, the nearest outlet being at Ellesmere Port; it was not considered viable for the Council to offer a clinical waste collection service.

Notwithstanding the above, the Operational Services Director indicated that the Cleansing Section had undertaken discussions with a number of private companies, including the current clinical waste service provider for the Primary Care Trust and that all of those companies had indicated a willingness to provide a clinical waste collection service for any of the Council's current customers at a much lower rate than the Council could offer. Although the Council would not offer this service directly, it could, if requested, arrange for the provision of a commercial clinical waste collection service via a suitably licensed operator. Any costs incurred in providing this service would be recharged to the person or organisation making the request.

RESOLVED:

That the Council will no longer offer to provide a Commercial Clinical Waste service directly, but will, if requested to do so, arrange for a Commercial Clinical Waste service to be provided via a suitably licensed external clinical waste collection service.

95. CHARGING POLICY - WHEELED BINS

Further to Minute No. 69 (3) c) of the meeting of the full Council held on 27 January 2011, the Cabinet Member considered the report of the Operational Services Director, detailing an initial policy which, from April 2011 onwards would apply an 'administration and delivery' charge of £10 for providing a replacement or additional green (garden waste) wheeled bin .

Whilst accepting that it was not within his purview to over-ride a decision of the full Council, the Cabinet Member expressed concern that the report did not take into account the many implications and potential difficulties of introducing a charge for replacing the green wheeled bins, for example:

- Would the Council offer concessions to unemployed / lower income groups?
- How would the Council deal with stolen bins or bins damaged by the collection contractor?

The Cabinet Member commented that the potential for problems for the Council in having to deal with complaints, and refusals to pay the charge, could outweigh the benefits of any income generated by the replacement fee, and accordingly, a clear strategy was needed.

RESOLVED:

That the Operational Services Director be requested to submit a further more detailed report on a proposed a policy, following consultation with other Councils, which achieved 'best practice' and provided a practical and achievable solution for dealing with requests to replace wheeled bins and

that which also included proposals for dealing with exemptions and the ability to pay.

96. GREEN WASTE (COMPOSTING) - EXTENSION OF EXISTING ARRANGEMENTS

Further to Minute No. 83 of 12 January 2011, the Cabinet Member considered the report of the Operational Services Director on the need to extend the existing Green Waste Composting arrangements for a period of 8 weeks whilst technical issues were resolved at the proposed new bulking site of the incoming contractor.

The Operational Services Director introduced the report and reminded Members that the new Contract was to be for the period 1 April 2011 to 31 March 2013, with an option to exercise an additional one year extension, subject to satisfactory performance. The temporary arrangements with the existing contractor for the delivery and processing of green waste would ensure continuity of service until the new contractual arrangements were in place. In addition, the revised start date for the contract would not affect the finish date.

RESOLVED: That

- (1) a revised commencement date of the new Green Waste (Composting) contract be approved; and
- (2) the extension of the existing arrangements for the delivery of green waste to WRS Composting in Formby by a further period of 8 weeks, be approved.

97. FLOOD AND COASTAL EROSION RISK MANAGEMENT

Further to Minute No. 85 of 12 January 2011, the Cabinet Member considered the report of the Environmental and Technical Services Director seeking amendments to the staffing establishment in order to make adequate provision for undertaking new statutory duties relating to Flood Risk Management.

The report indicated that with effect from April 2011, the Council would be the designated Lead Local Flood Authority and that this role would bring with it substantial new duties and some adjustment to the staffing establishment in order to adequately deliver these duties without impacting on key frontline service delivery. Should the Council choose not to allocate additional funding, it would be at risk of failing to discharge its duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010; and severely reduce the Council's ability to understand, plan and manage the risks from flooding and coastal erosion. In addition, failure to comply with the new duties could result in infraction proceedings under the European Commission Floods Directive.

The report also indicated that the Government had provided funding in the form of a Specific Grant to meet the cost of carrying out the Authority's new duties in relation to local flood risk management and revenue grant allocations for 2011/12 and 2012/13 were announced in December 2010 as part of the Local Government Finance Settlement. Sefton's grant allocations were £120,600 in 2011/12 and £157,900 in 2012/13. Funding for 2013/14 was not expected to be announced until December 2012 and it would be necessary to review the level of service in 12 months time when the remaining provisions were fully enacted and again in 2013 when future funding levels were known.

Paragraph 14 of the report detailed the proposed future more comprehensive approach to Flood and Coastal Erosion Risk Management, which would be delivered through a restructured and re-designated Coastal Defence Team, supplemented by the addition of one full-time equivalent core-funded post, thereby enabling it to adequately undertake the existing functions of the team, the Client/Project Sponsor role for drainage engineering works and the bulk of the new duties identified in the report.

RESOLVED: That

- (1) the report be noted;
- (2) the Cabinet be requested to consider the impact of the new duties imposed on the Council as Lead Local Flood Authority, together with existing flood defence and coastal defence responsibilities;
- (3) the Cabinet be requested to note Sefton's specific grant allocations within the Local Government Finance Settlement of £120,600 in 2011/12 and £157,900 in 2012/13; and
- (4) the Cabinet be requested to approve the allocation of £70,000 out of the above funding to the Flood and Coastal Erosion Risk Management function, from April 2011, in order to facilitate adequate delivery of the new duties, through the creation of one full-time equivalent new post, which would provide a redeployment opportunity for staff under risk of redundancy as a result of the Council's budget savings in 2011/12.

98. ENVIRONMENTAL PORTFOLIO FEES AND CHARGES

The Cabinet Member considered the report of the Environmental and Technical Services Director detailing the revised fees and charges for the Environmental Portfolio for 2011/12.

The report indicated that each year, those fees and charges relating to the Council's functions were reviewed and increased where appropriate, to reflect service changes, current service costs, national guidance and/or inflation. The report also indicated that a number of previously charged

services had now ceased as a result of the Council's prioritisation and budget setting exercise and no longer appeared on the list of service charges as listed in Annex 1 to the report.

RESOLVED:

That the report be noted.

99. INTERIM ANIMAL FEED PLAN 2011/12

The Cabinet Member considered the report of the Environmental and Technical Services Director on an Interim Animal Feed Plan for 2011/12, as required by the Food Standards Agency.

The Interim Feed Plan was attached as Annex 1 to the report.

RESOLVED: That

- (1) the report be noted; and
- (2) the 'Interim' Animal Feed Plan 2011/12 be approved.

100. A FRAMEWORK FOR THE DELIVERY OF SERVICES IN ANIMAL HEALTH AND WELFARE 2011/12

The Cabinet Member considered the report of the Environmental and Technical Services Director, seeking approval for the revised framework agreement between the Council's Trading Standards Service and the Department for Environment, Food and Rural Affairs, for the delivery of the animal health and welfare service. The report indicated that a decision on this matter was required to ensure effective disease control and encourage consistency of approach across local authorities and that the National Performance Framework for Trading Standards required such initiatives to be considered and approved by the Council's elected representatives.

RESOLVED:

That the Animal Welfare Service Delivery Plan 2011/12, as annexed to the report, be approved.

101. AGE RESTRICTED SALES UPDATE 2010/2011

The Cabinet Member considered the report of the Environmental and Technical Services Director providing the statutory annual review of the enforcement action undertaken by the Trading Standards Section for 2010/11 in relation to legislation intended to control the sale of age restricted products and to advise the Cabinet Member of:

- (a) the outcome of the enforcement programme in relation to age restricted products for 2010/11;

- (b) the proposed enforcement programme in relation to age-restricted products for 2011/12; and
- (c) the ongoing "Knock Back" scheme designed to assist licensees in the prevention of underage sales of alcohol.

The report indicated that a decision on this matter was required because the annual report on this activity was a statutory requirement. In addition, the report indicated that the control of age-restricted sales had positive benefits for Community Safety and young people's health and there was growing pressure from external organisations for the Council to increase the quantity of work in this important area.

RESOLVED: That

- (1) the activities undertaken by the Trading Standards Section to control age related sales in 2010/11 be noted; and
- (2) the level and targeting of underage enforcement activities proposed for 2011/12 be approved.

102. LAST MEETING

The Cabinet Member indicated that this was his last meeting as Cabinet Member, as he would not be continuing as a Councillor in the coming municipal year. Also, there would be no further meetings of the Cabinet Member – Environmental following constitutional changes agreed by the Council and the discontinuation of future Cabinet Member meetings, as part of its budget cutting exercise, under the Transformation Programme.

The Cabinet Member thanked everyone at the meeting for their help and support in his role as Cabinet Member, particularly the Officers whom he had always found to be extremely helpful, courteous and supportive.

He indicated that as a Councillor, Environmental Protection had always been an area 'close to his heart' because of its vital role in protecting the public's health, safety and well being.

The Spokespersons extended best wishes and thanks to the Cabinet Member for his invaluable support and guidance over the past year and Councillor Papworth thanked him for his exemplary help with Overview and Scrutiny matters.

Officers returned the Cabinet Member's thanks, indicating that he had been extremely supportive of their work and that he would be greatly missed.