



## **Cabinet Decision Notice**

The following decision(s) were taken by Cabinet at its meeting held on **21 April 2020**. Decisions will (unless called-in) become effective at 5pm on 28 April 2020.

### **Agenda item no. 2**

#### **Declarations of interest**

##### **(a) Decisions**

To agree that all previously declared interests were deemed carried forward for the purposes of this meeting.

**RESOLVED:** It was NOTED that all previously declared 'Interests' were deemed 'carried forward' for the purposes of this meeting.

##### **(b) Reasons for decisions**

To clarify the status of the previously declared interests.

##### **(c) Alternative options considered**

N/A

##### **(d) Conflicts of interest/ dispensations**

None.

### **Agenda item no. 6**

#### **Committee Appointments and Proportionality**

##### **(a) Decisions**

This report seeks approval to the proportionality arrangements for committees of Buckinghamshire Council established in the constitution, and sets out next steps in appointing members to individual committees.

**RESOLVED:**

Recommendations: That the Executive of Buckinghamshire Council: -

1. Note the Regulations set out in Appendix 1;
2. Subject to these Regulations coming into force:
  - a. note the proportionality arrangements as set out at Appendix 2;
  - b. agree that, following discussion with the Group Leaders, the Executive should receive a further report at its next meeting to designate appointments to Council committees, and then confirm these on 11 May 2020;
  - c. note that the two Deputy Leaders on the Executive will be Cllr Katrina Wood and Cllr Angela Macpherson;
3. Agree to delegate to the Monitoring Officer powers to vary the membership of a Committee at any point on a permanent or casual basis upon the written nomination of a Group Leader.

**(b) Reasons for decisions**

The Government has laid regulations which make provisions for the governance of Buckinghamshire Council, following the postponement of the local elections on 7 May 2020. The regulations include provision for the Executive to make appointments to various committees established under the Council's constitution.

**(c) Alternative options considered**

N/A

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 8****Fly Tipping Enforcement Policy****(a) Decisions**

The old authorities in Buckinghamshire did not issue fixed penalty notices against flytipping offences. This was mainly due to the two tier system, the Waste Collection Authorities (District) had the legal power whilst the Waste Disposal Authority (County) conducted the investigations into Fly-Tipping but didn't have the power.

The new Buckinghamshire Council now has full powers and therefore it is proposed that the new Council should utilise these and make arrangements to issue FPNs for fly-tipping offences at the earliest opportunity. This policy would enable that to happen and would also generate between £10,000 and £20,000 of additional income annually. Also enforcement officers would be enabled to deal with more investigations in a more streamlined manner.

**RESOLVED:**

Members of the Cabinet AGREED the revised wording to recommendation number three. The following recommendations were AGREED for the Fly-Tipping Enforcement Policy.

1. To sign-off agreed Enforcement Policy regarding enforcement against fly-tipping attached as per Appendix A.
2. To utilise powers to serve fixed penalty notices in response to low level dumping offences and failures in duty of care by householders.
3. To finalise agreed level of FPN issued for fly-tipping offences to be £400 with an early payment discount rate of £100 resulting in a fine of £300.

**(b) Reasons for decisions**

This will be a tool which shows the new Council taking an even more firm, yet transparently proportionate stance against fly-tipping – we will be able to publicise this as a general hardening of enforcement but cannot publicise FPN actions on an individual basis. There will be some set up costs in arranging for payments to be made, but in the long term it would allow between £10,000 and £20,000 of income to be generated. The additional income can be used to invest in further enforcement work and can also be used as a template for implementing similar measures against littering offences which would also generate income.

**(c) Alternative options considered**

The options:-

1. 'Do nothing' – the authority would not benefit from around £12,000 of income per annum. Its only merit is that the Council would not have to arrange for FPN printing and/or the additional costs of collecting the new FPN income
2. Implement FPNs for a wider range of offending – This could include cases which have been traditionally prosecuted at court in Buckinghamshire. The obvious advantage of this is a reduction in legal costs, but conversely, the Council would not benefit from as strong a zero tolerance position, through the naming and shaming of offenders processed in this manner and would also severely limit the opportunities to reclaim costs following conviction. Proportionate and appropriate discretion would be exercised regarding the decision to use an FPN. NB It currently 'costs' on average £300 to prosecute a fly-tipping case at court as we recover only part of the costs we apply for (on average). (Recommended)

**(d) Conflicts of interest/ dispensations**

None.

**8a Inquire Parish Councils****(a) Decisions**

This report seeks approval to a Procedure setting out how Buckinghamshire Council will carry out its powers to appoint temporary members to inquorate parish councils and authority for the Deputy Chief Executive to make such an Order for Kingsbrook Parish Council.

**RESOLVED:**

Recommendations: That Buckinghamshire Council :-

1. Approve the procedure set out in Appendix 1 for making appointments to inquorate parish councils under section 91 of the Local Government Act 1972
2. Authorise the Deputy Chief Executive in consultation with the Group Leaders to make the Order attached at Appendix 2 to appoint Parish Councillors to Kingsbrook Parish Council to enable it to operate.

**(b) Reasons for decisions**

The adoption of the Procedure will ensure that Buckinghamshire Council can respond to situations where parish councils become inquorate and enable this tier of local government to continue to function effectively. The proposed Order for the newly established Kingsbrook Parish Council will enable it to operate following the postponement of the local elections on 7 May 2020.

**(c) Alternative options considered**

The option of reporting each occasion where an Order under section 91 is necessary to the Standards and General Purposes Committee for a decision has been considered but due to the frequency of committee meetings this could cause delay in ensuring that parish councils can continue to operate after becoming inquorate. As the appointment of temporary members can be delegated to officers in consultation with Group Leaders this will ensure member involvement in the process. If an Order was not made for Kingsbrook this newly established parish council would be unable to operate until after the postponed local elections in May 2021. This delay was not considered to be acceptable.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 9**

**Household Recycling Centre (HRC) Service - Procurement Project**

**(a) Decisions**

The HRC Service is not only business critical but a legal duty to undertake. This

report seeks to ensure the Council makes decisions enabling the continuity of that duty. An options appraisal has been undertaken and considered a high level assessment of the benefits/risks associated with providing the HRC service, including betterment and policy changes, as a result an outsourced contract with a third party provider compared to an in-house service is the recommended option.

**RESOLVED:**

Recommendations:

1. To agree to proceed with Option C and to carry out a procurement process for the provision of a Household Recycling Centre service.
2. That authority be delegated to the Service Director for Neighbourhood Services, following consultation with the Cabinet Member for Environment, to take all necessary actions to agree the procurement strategy for the future Household Recycling Centre Service contract.

**(b) Reasons for decisions**

Buckinghamshire Council undertakes the provision of Household Recycling Services to discharge its statutory obligations as set out in the Environmental Protection Act (EPA) 1990. In addition the spend values of the HRC service contract means there is a compliance requirement related to Public Contracts Regulations 2015.

**(c) Alternative options considered**

The options available for consideration are:

- a. The 'Do nothing' option is not recommended as no service arrangements will be in place upon expiry of the existing contract on 31st March 2022.
- b. The in-house option for the HRC service, including the management of all waste materials, is not recommended as the cost benefit analysis modelling shows it does not provide clear value for money for the Council at this time.
- c. The outsourcing option for the HRC service is deliverable and is considered an affordable option. These arrangements would include a minimum of nine HRC sites, continued weekday closures, retention of the charging scheme for construction and demolition waste and a contract term of five years plus five years or part thereof (total term up to ten years). However, any reward/risk sharing mechanism would need to reflect market appetite and negotiations during the procurement. The ability to include flexibility for any future betterment and/or policy changes over the contract term will be a key consideration.

Option C, outsourcing the HRC service, is the recommended option.

**(d) Conflicts of interest/ dispensations**

None.

For further information please contact: Sally Taylor on 01296 531024 or [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).

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