



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 15TH APRIL 2015 AT 2.00 P.M.

PRESENT:

Councillor K.V. Reynolds - Chair

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), G. Jones (Deputy Leader and Cabinet Member for Housing), D.T. Hardacre (Performance and Asset Management), Mrs B.A. Jones (Deputy Leader and Cabinet Member for Corporate Services), K. James (Regeneration, Planning and Sustainable Development), R. Passmore (Education and Lifelong Learning), D.V. Poole (Community and Leisure Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services and S.151 Officer), D. Street (Corporate Director Social Services).

Also in Attendance:

R. Hartshorn (Head of Public Protection), E. Lucas (Head of Procurement), I. Evans (Contracts Manager), S.M. Kauczok (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. SPECIAL CABINET – 25TH MARCH 2015

RESOLVED that the minutes of the special meeting held on 25th March 2015 (minute nos. 1-5) be approved and signed as a correct record.

4. CABINET – 1ST APRIL 2015

RESOLVED that the minutes of the meeting held on 1st April 2015 (minute nos. 1-6) be approved and signed as a correct record.

MATTER ON WHICH AN EXECUTIVE DECISION WAS REQUIRED

5. PROPOSAL TO INCREASE FIXED PENALTY NOTICE FINES FOR LITTER AND DOG CONTROL ORDER OFFENCES AND TO SET FIXED PENALTY NOTICE FINES FOR COMMUNITY PROTECTION NOTICES AND PUBLIC SPACE PROTECTION ORDERS

The report was considered by the Health, Social Care and Wellbeing Scrutiny Committee held on 24th March 2015. The views of the Scrutiny Committee were reported to Cabinet.

Members' views were sought on a proposed increase in the level of fines attached to Fixed Penalty Notices for litter and Dog Control Order offences and for a proposed fine for Fixed Penalty Notices under the Anti-social Behaviour, Crime and Policing Act 2014.

Fixed Penalty Notices (FPNs) are issued for offences of littering and in relation to Dog Control Orders. The current fine for both offences is £75 (or £50 if the penalty is paid within 7 days of issue). The maximum level permitted by the legislation is £150. It was recommended that the level of fine for both offences be increased to £100 (or £75 if paid within 7 days of the issue). The Anti-social Behaviour Crime and Policing Act 2014 sets a maximum fixed penalty fine of £100 for certain offences under a Community Protection Notice or a Public Space Protection Order with local discretion as to the amount to be set. The report recommended that the level of fine be set at £100 (or £75 if paid within 7 days of the issue).

At present, offences of dog fouling committed on land within the County Borough which has been designated under the Dogs (Fouling of Land) Act 1996, attract a FPN fine of £75, which cannot be altered and as such will remain at £75 (discounted to £50 if paid within 7 days). It is possible to replace all such designations with a Public Space Protection Order but for the reasons given in the report it is not proposed to do so at present. In 2013/14 Public Protection staff issued 47 FPNs for dog fouling under the Dogs (Fouling of Land) Act 1996.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. In addition it was proposed that the increase in the level of fines for FPNs issued in relation to littering offences and breaches of Dog Control Orders be implemented from 1st June 2015 and that the level of fine for FPNs issued for Community Protection Notices and Public Space Protection Orders offences be implemented forthwith. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report: -

1. The level of fine for Fixed Penalty Notices issued in relation to littering offences under the Environmental Protection Act 1990 be increased to £100 (or £75 if paid within 7 days of the issue) from 1st June 2015.
2. The level of fine for Fixed Penalty Notices issued for breaches of Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 be increased to £100 (or £75 if paid within 7 days of the issue) from 1st June 2015.
3. The level of fine for Fixed Penalty Notices issued for Community Protection Notices and Public Space Protection Orders offences under the Anti-social Behaviour Crime and Policing Act 2014 be set at £100 (or £75 if paid within 7 days of the issue) forthwith.

RECOMMENDATION TO COUNCIL

6. AMENDMENTS TO STANDING ORDERS FOR CONTRACTS AND IMPLEMENTATION INTO UK LAW OF THE NEW EUROPEAN UNION PUBLIC CONTRACTS DIRECTIVES 2014

The report sought Members' approval of the proposed amendments to the Council's Standing Orders for Contracts following the implementation into UK Law of the New European Union (EU) Public Contracts Directives 2014, prior to referral to Council.

Since 2011 the European Commission, Member States and the European Parliament have negotiated a new set of rules covering public contracts and the procurement discipline. Following extensive consultation throughout the EU including Wales, the new rules were agreed by the European Commission and came into force on 17th April 2014. On 26th February 2015 the UK formally implemented the New EU Public Contracts Directives 2014 into national law via the UK Public Contract Regulations 2015.

It was reported that the new regulations will not only support the UK and Welsh Government priorities for procurement but will help to deliver the Council's aims and objectives for modern day procurement. To support the implementation of the new rules, training and workshop sessions have been provided to relevant officers across the Council. Due to the limited timeline on the implementation of the new regulations an extensive consultation on the practical day-to-day operation of SOfC has not been possible. However, a consultation exercise will be undertaken and any amendments proposed as a result, will be presented to Members for ratification.

During the course of the discussion, clarification was sought on the involvement of Cabinet Members and the use of consultants and in house provider in the process. It was agreed that the Cabinet Members for Corporate Services and Community and Leisure Services would meet with the Officers concerned to further discuss.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved subject to further clarification of the involvement of the relevant Cabinet Member and the use of consultants and in house provider in the process. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the officer's report and discussed at the meeting:-

1. Subject to further clarification of the involvement of the relevant Cabinet Member and the use of consultants and in house provider in the process, Cabinet noted and approved the proposed amendments to the Council's Standing Orders for Contracts in line with proposals set out within Appendix A (page 39 of the report) and recommend to Council that the Council's Monitoring Officer be authorised to make the necessary amendments to the Council's Constitution to reflect the approved amendments.
2. Members note the implementation of the New EU Public Contracts Directives 2014 via the UK Public Contract Regulations 2015 and how the new rules support the Council's aims and objectives for modern day procurement.
3. Members note that due to the limited timeline on the implementation of the new Regulations an extensive consultation across the Council on the practical operation (day-to-day) of Standing Orders for Contracts has not been possible. However, a consultation exercise will be undertaken in the next few months and any amendments proposed as a result of the consultation exercise will be presented to Members for ratification.

The meeting closed at 2.40 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 29th April 2015.

CHAIR