

DD1

## **EXECUTIVE CABINET MEMBER FOR ENVIRONMENTAL SERVICES**

A record of decisions made by the Executive Cabinet Member with responsibility for Environmental Services, Waste and Waste Collection, Regulatory and neighbourhood and Community Services:-

**MONDAY, 11<sup>TH</sup> FEBRUARY, 2019**

Following consideration of the matters detailed below in the presence of:-

Councillor Peel	Executive Cabinet Member for Environmental Services
Councillor Mrs Fairclough	Major Opposition Spokesperson
Councillor Wilkinson	Minor Opposition Spokesperson
Councillor Hornby	Minor Opposition Spokesperson
Councillor Sanders	Minor Opposition Spokesperson

### **Officers**

Mr. G. Brough	Director of Place
Ms. K. Hopkins	Assistant Director Neighbourhood and Regulatory Services
Ms. J. Pollard	Head of Strategic Finance and Accountancy
Mr. K. Roberts	Head of Service Community Services
Ms. D. Dixon	Senior Recycling Officer
Ms. P. Clyne	Principal Licensing Officer
Ms. M. Harris	Principal Lawyer
Mr. I. D. Mulholland	Principal Democratic Services Officer

### **30. MONITORING OF EXECUTIVE CABINET MEMBER DECISIONS**

The Borough Solicitor submitted a report which set out the details of previous Executive Cabinet Member decisions together with an update on the action and progress.

**The Executive Cabinet Member NOTED the report.**

### **31. STATEMENT OF FITNESS AND SUITABILITY (PRIVATE HIRE, HACKNEY CARRIAGE AND SOCIAL NEEDS TRANSPORT)**

The Director of Place submitted a report which set out details of proposals to amend the Statement of Fitness and Suitability which related to private hire, hackney carriage and social needs transport vehicles.

The report explained that proposals to make amendments to the Statement of Fitness and Suitability, as outlined in the report, went to a meeting of the Place Policy Development Group on 12<sup>th</sup> December, 2018. At this meeting the amendments were discussed and the Policy Development Group, augmented by the Licensing Environmental and Regulation Committee, supported the proposals.

**The Executive Cabinet Member AGREED that the Statement of Fitness and Suitability be amended in accordance with the information detailed in the report.**

### **32. UPDATED CCTV CODE OF PRACTICE**

The Borough Solicitor submitted a report which set out proposals for approval of an updated CCTV Code of Practice.

The CCTV code of practice has not been updated since 2008. Since that date many changes have taken place. Not least we have seen the introduction of the General Data Protection Regulation (GDPR).

## DD3

The report explained that GDPR changed the rules regarding subject access requests (SAR's) – and a request for a digital CCTV image was considered to be a SAR. The time-limits to respond to requests had been reduced from 40 to 30 days and the previous £10 charge had been abolished. All the forms on the web site had already been amended and published.

Updates had also been made to the details around the purpose of the CCTV scheme. The 2018 COP provided a more streamlined and user-friendly document when compared with its 2008 predecessor. The new COP retained the essential elements required to meet the legislative and operational obligations.

The new code included a clause covering requests for CCTV from internal Council departments and a consultation process had been added within the COP.

A section covering consideration before installation of a CCTV system had been added and a section covering the Protection of Freedoms Act had also been included.

The redrafted 2018 COP now met the requirements of the Council's accreditation bodies including the National Security Inspectorate and the Surveillance Camera Commissioners Certification.

From a legislative perspective the section covering Regulation of Investigatory Powers Act (RIPA) had been updated and revised.

The new COP had also been approved by the Council's CCTV operational partner NCP.

**The Executive Cabinet Member APPROVED and authorised the publication of the CCTV Code of Practice, 2018.**

### **33. MUNICIPAL FUNERAL CONTRACT**

The Director of Place submitted a report which sought approval to carry out and complete the procurement tender process for the provision of a Municipal Funeral Contract.

## DD4

The report explained that the Council had a statutory obligation under the Public Health Act, 1984 to arrange the disposal of any person who died within its boundary where no other funeral arrangements were being made (“Type 1 Funerals”). The Council had the power to recover costs from the deceased’s estate, if available. The Coroner was responsible for searching for relatives and the Coroner would only release the body of a deceased person to the Council once investigations had been completed.

Currently, the Council also assisted Bolton residents with limited funds by contracting with a provider to offer a simple, lower cost funeral package with a named funeral director. This was a “Type 2 Funeral” and was arranged directly between the deceased’s family or friends and the funeral director in accordance with the contract that the Council had put in place. There was no direct involvement from the Council except to make residents aware of the service, where appropriate.

The current contracts for the delivery of Type 1 Funerals and Type 2 Funerals was held by Funeral Services Ltd trading as the Co-Operative Funeral Group. Both current contracts expired on 23<sup>rd</sup> May, 2019. It was proposed that the Council tendered for the delivery of Type 1 Funerals for a term of 2 years with the option to extend that term for another year.

The delivery of Type 1 Funerals was a statutory obligation managed by the Dept of People; annual costs for 16/17 were £27,729.00 and approximately 40% of costs were recovered by the Council (£11,107.07 towards the funeral costs & £1592.30 in Admin Fees). This framework agreement detailing a funeral package option places no financial commitment on the Bereavement Services budget.

It was proposed that the Council did not tender Type 2

In terms of why external funerals were required the report explained that over the past 3 years there had been between 24 and 26 Type 1 Funerals each year. In 2018 there had been 18, up to the end of November.

In 2014/15 there were 30 Type 2 Funerals. Over the following 3 years there were 26 in total (6 from January 2018). This declining trend was due to the introduction of competitively priced simple funerals offered by a number of other funeral companies on the market. These alternatives were often provided at a lower cost than the current Type 2 Funerals and allowed customers to shop around for their preferred provider.

Due to the increasing availability of lower cost alternatives it was therefore recommended that Type 2 Funerals were no longer offered via the Council.

**The Executive Cabinet Member AGREED to -**

**(i) Delegate authority to the Director of Place to tender for the provision of a Municipal Funeral Contract (Type 1 Funerals) in conjunction with the Council's Corporate Procurement team.**

**(ii) Delegate authority to the Director of Place to appoint the most economically advantageous tenderer with effect from 24<sup>th</sup> May, 2019 and to negotiate and complete a contract for the provision of Type 1 Funerals in accordance with the advertised tender documentation.**

**(iii) Delegate authority to The Borough Solicitor to carry out all the necessary legal formalities in relation to the above.**

#### **34. DIRECTORATE OF PLACE PERFORMANCE REPORT QUARTER THREE, 2018/19**

The Director of Place submitted a report which outlined the dashboard highlights of the performance of key priorities for the Directorate of Place during the period 1<sup>st</sup> September, 2018 to 31<sup>st</sup> December, 2018.

**The Executive Cabinet Member NOTED the report.**

**35. DIRECTORATE OF PLACE – FINANCE REPORT  
2018/19, QUARTER THREE**

The Director of Place and the Director of Corporate Resources submitted a joint report which provided the Executive Cabinet Member with information relating to the financial quarter three projected outturn position of the Environmental Services portfolio, within the Directorate of Place.

**The Executive Cabinet Member –**

- (i) Noted the quarter three financial position of the Environmental Services portfolio.**
- (ii) Approved revisions made to the capital programme for the Environmental Services portfolio at quarter three, as set out in section 4 and appendix A of the report.**
- (iii) Approved the realigned savings contained within section 3.**
- (iv) Authorise the Director of Place to call off under any available framework(s) to enable the capital programme to progress for schemes under the limit of £300,000.**

**EXCLUSION OF PRESS AND PUBLIC**

**Resolved – That, in accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in their exemption outweighs the public interest in their disclosure.**

**36. PROCUREMENT OF WASTE AND RECYCLING  
CONTAINERS**

The Director of Place submitted a report which sought approval to procure the supply of wheeled bins under an existing framework agreement or through a tender exercise and procure the supply of food waste containers and kitchen

caddies using an existing framework or through a tender exercise.

**The Executive Cabinet Member –**

**(i) Authorised the Deputy Director of Place to procure the supply of wheeled bins and the supply of food waste containers and kitchen caddies using existing frameworks or through a tender exercise in accordance with Standing Orders relating to Contracts.**

**(ii) Authorised the Deputy Director of Place to negotiate and complete call off orders for wheeled bins and the supply of food waste containers and kitchen caddies for a term of 2 years with the right to extend for 2 further periods of 12 months, subject to satisfactory performance by the appointed suppliers and price.**

**(ii) Authorised the Borough Solicitor to carry out all necessary legal formalities.**