

Meeting of: The Cabinet

Date 5th June 2024

Time: 6.30pm

Venue: Council Chamber, The Business Centre, Futures Park, Bacup, OL13 0BB



The meeting will also be live streamed at the following link:

<https://www.youtube.com/channel/UCrLsMDOP7AYxik5pNP0gTIA/streams>

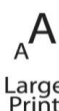
Supported by: Glenda Ashton, Committee and Member Services officer Tel: 01706 252423

Email: glendaashton@rossendalebc.gov.uk

ITEM	Lead Member/Contact Officer	
A.	BUSINESS MATTERS	
A1.	Apologies for Absence	<p>Clare Birtwistle, Monitoring Officer 01706 252438 clarebirtwistle@rossendalebc.gov.uk</p>
A2.	Minutes of the last meeting To approve and sign as a correct record the Minutes of the meeting held on 13 th March and 22 nd May 2024.	
A3.	Urgent Items of Business To note any items which the Chair has agreed to add to the Agenda on the grounds of urgency.	
A4.	Declarations of Interest <i>Members are advised to contact the Monitoring Officer in advance of the meeting to seek advice on interest issues if necessary.</i> Members are requested to indicate at this stage, any items on the agenda in which they intend to declare an interest. Members are reminded that, in accordance with the Local Government Act 2000 and the Council's Code of Conduct, they must declare the nature of any personal interest and, if the interest is prejudicial, withdraw from the meeting during consideration of the item.	
B.	COMMUNITY ENGAGEMENT	
B1.	Public Question Time Members of the public can register their question by contacting the Committee Officer. Groups with similar questions are advised to appoint and register a spokesperson. This is an opportunity to ask a question about an agenda matter which the Council may be	<p>Questions can be submitted in advance of the meeting to democracy@rossendalebc.gov.uk in line with the Cabinet speaking procedure</p>

The agenda and reports are also available for inspection on the Council's website <https://www.rossendale.gov.uk/>. Other formats are available on request. Tel 01706 217777 or contact Rosendale Borough Council, Futures Park, Bacup, OL13 0BB

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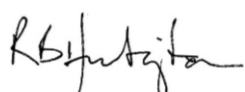
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ITEM	Lead Member/Contact Officer	
	able to assist with. A time limit applies for each question and you are only able to address the meeting once. Please begin by giving your name and state whether you are speaking as an individual member of the public or as a representative of a group. (Question time normally lasts up to 30 minutes).	
C.	CHAIR'S UPDATE	
C1.	Update from the Chair of the Overview & Scrutiny Committee	Councillor A Barnes
D.	KEY DECISIONS	
D1.	Fixed Penalty Notice Fees	Councillor M Smith/Andy Taylor Head of Environmental Services 01706 252519 andrewtaylor@rossendalebc.gov.uk
D2.	Whitaker Park Play	Councillor Lythgoe/Andy Taylor Head of Environmental Services 01706 252519 andrewtaylor@rossendalebc.gov.uk
D3.	Capital Contract 2024/25	Councillor Lythgoe/Clare Law Head of People and Policy 01706 252457 clarelaw@rossendalebc.gov.uk
D4.	Purchase of food waste refuse collection vehicle	Councillor Lythgoe/Andy Taylor Head of Environmental Services 01706 252519 andrewtaylor@rossendalebc.gov.uk



Rob Huntington
Chief Executive

Date Published: 28th May 2024

MINUTES OF: THE CABINET

Date of Meeting: Wednesday 13th March 2024

**Present: Councillor A Barnes (Chair)
Councillors B Ashworth, Lythgoe, McInnes and Oakes**

**Rob Huntington, Chief Executive
David Smurthwaite, Director of Economic Development
Clare Birtwistle, Head of Legal (Monitoring Officer)
Clare Law, Head of People and Policy
Kimberly Haworth, Head of Financial Services
Andy Taylor, Head of Environmental Services**

**Also present: Councillor Neal
1 member of the public**

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 7th February 2024 were agreed as a correct record.

3. URGENT ITEMS OF BUSINESS

There were no urgent items.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC QUESTION TIME

There were no public questions.

6. UPDATE FROM THE CHAIR OF THE OVERVIEW & SCRUTINY COMMITTEE

There had been no meetings since Cabinet last met.

7. RETENTION AND DISPOSAL POLICY

The Lead Member for Environment and Corporate Services outlined the report which asked Cabinet to approve the policy and delegate minor amendments to the Data Protection Officer and Lead Member.

Members were invited to comment on the report:

- Time limits on the retention of live stream recordings was being considered.
- Training was needed for members on the use of social media platforms. There were issues with retention and disposal on such platforms.
- The Legal Team were thanked for their hard work on the policy.

Resolved:

1. Cabinet approved the Retention and Disposal Policy and its related schedule.
2. Future minor amendments to the policy and related schedule were delegated to the Data Protection Officer in consultation with the Lead Member.

Reason for Decision:

The adoption of this updated policy would further enhance the Council's compliance with the UK GDPR and Data Protection Legislation and ensure compliance with all relevant legislation.

Alternative Options Considered:

None.

8. DEBT WRITE OFFS

The Lead Member for Resources outlined the report, which asked Cabinet to approve write offs in relation to irrecoverable Sundry debts, Non-Domestic Rate debts and Council Tax debts.

The following clarification was provided and action agreed:

- Debts would continue to be pursued where possible.
- Clarification to be provided on the recovery of debts where a business had entered into an IVA (Individual Voluntary Arrangement).

Resolved:

Cabinet approved:

1. The write off of £20,163.55 in respect of irrecoverable Sundry debts.
2. The write off of £34,027.35 in respect of irrecoverable Non-Domestic Rate debts (NNDR).
Direct cost to Rossendale Borough Council £13,610.94.
3. The write off of £25,266.41 in respect of irrecoverable Council Tax debt. Direct cost to Rossendale Borough Council £3,436.23.

Reason for Decision:

It was prudent practice to clear any debts from the ledgers which were now deemed to be irrecoverable.

Alternative Options Considered:

None.

9. PERFORMANCE MANAGEMENT REPORT Q3 2023/24

The Lead Member for Environment and Corporate Services outlined the report which asked Cabinet to consider the Council's performance and consider a recommendation from the February Overview and Scrutiny Committee.

Members were invited to comment on the report:

- The need to remember the positive outcomes in the report.
- Some of the red risks were outside the Council's control.
- Measurement of the vibrancy of Rossendale town centres was now part of the residents' survey which was highlighted in the Quarter 3 report and provided a baseline going forward.
- Food waste collections would not impact on the frequency of residual collections.
- The processing of Disabled Facilities Grants (DFGs) was red due to issues with invoicing at Lancashire County Council. Quarter 4 should show a different picture.
- The recommendation from the Overview and Scrutiny Committee was agreed.

- Councillor Neal thanked the Council for working in partnership with Whitworth Town Council on matters such as the Leisure Centre and installation of the cattle grid.
- Officers were thanked for their work.

Resolved:

1. Cabinet noted and consider the Council’s performance detailed in the report.
2. Cabinet noted and consider a recommendation from the February Overview and Scrutiny Committee as detailed in point 3.6 of the report.

Reason for Decision:

Monitoring the Council’s performance would enable Cabinet to identify and consider any actions, projects, performance measures or corporate risks requiring further action.

Alternative Options Considered:

None.

10. FINANCIAL MONITORING REPORT Q3 2023/24

The Lead Member for Resources outlined the report which asked Cabinet to note the content of the report.

Cabinet members were invited to comment on the report:

- The Council were aware of the unprecedented levels of homelessness in the borough which was a priority for the team.
- The Finance Team were thanked for their work.

Resolved:

1. Cabinet noted the content of the Q3 financial monitoring report.

Reason for Decision:

To consider and monitor the Medium Term Financial Strategy.

Alternative Options Considered:

None.

The meeting concluded at 7.07pm

_____ CHAIR _____ DATE

MINUTES OF: THE CABINET (SPECIAL)

Date of Meeting: Wednesday 22nd May 2024

**Present: Councillor A Barnes (Chair)
Councillors Lythgoe, McInnes, M Smith and Walmsley**

**David Smurthwaite, Director of Economic Development
Clare Birtwistle, Head of Legal (Monitoring Officer)
Karen Spencer, Chief Finance Officer
Clare Law, Head of People and Policy
Sean O'Hagan, LUF Programme Manager**

**Also present: Councillor Neal
4 members of the public**

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Walmsley declared that he owned a building within the Bacup area as disclosed on his Declaration of Interests.

3. PUBLIC QUESTION TIME

One written question had been submitted. In response, the Leader advised that in order to apply for the Levelling Up funding, Rossendale Borough Council worked closely with Partners, Genecon and Into Places to complete a feasibility study on the Bacup Market development. This provided detailed insight into the demographics and catchment for the facility and provided an analysis on competitor sites.

The funding application also required a full cost-benefit analysis, including operating and maintenance costs along with potential revenue streams and the economic, social environmental and cultural benefits.

Since the award of the funding, Market Curators have been appointed to develop the detail of the financial model which sits hand in hand with the design of the facility. This included a forecast cash flow and projected profitability which takes into account the operating hours and costs.

4. Rossendale LUF Regeneration Programme – Temple Court Market Stage 3 Design Approval (Temple Court Market, Bacup)

The LUF Programme Manager and Leader/Lead Member for Economic Development outlined the report which asked Cabinet to approve the designs for Temple Court Market and to delegate the procurement and appointment of a market management organisation and appoint the most economically advantageous construction contracts.

Delegations to include Lead Member for Resources and s151 Officer at recommendations 2 and 3.

Cabinet members were invited to comment on the report:

- Costs were still a pressure due to inflation.
- A Dedicated Programme Board would oversee the project.
- It aligned with the Council’s priority to create a thriving local economy.
- The Consultation resulted in changes which showed the success of the process.
- Officers were thanked for their hard work.
- The timeline was challenging but the project would be delivered on time.
- Frameworks were being investigated to ensure a successful tender process.

Members were invited to comment on the report:

- Taxis parking took up valuable space when a rank could be used.
- The direct costs of bidding for resources together with the hidden cost of officer time.

Resolved:

1. To approve the RIBA Stage 3 design of the Temple Court Market in order to proceed with the planning application.
2. To Delegate Authority to the Director of Economic Development, Head of Legal Services and s151 Officer in consultation with the Lead Member for Regeneration and Lead Member for Resources, to procure and appoint a market management organisation for Temple Court Market.
3. To Delegate Authority to the Director of Economic Development, Head of Legal Services and s151 Officer in consultation with the Lead Member for Regeneration and Lead member for Resources, to procure and appoint the most economically advantageous relevant construction contracts to deliver Temple Court Market.

Reason for Decision:

The Delivery of the Capital Levelling Up Fund will support Rossendale to have a Thriving Local Economy and in turn support our Economic Development Aspirations. Approval to move forward with the proposed plans for Temple Court Market Place will enable delivery of the programmes within the approved timescales.

Alternative Options Considered:

None.

The meeting concluded at 7.00pm

_____ CHAIR _____ DATE

Subject:	Fixed Penalty Notice (FPN) Fines	Status:	For Publication
Report to:	Cabinet	Date:	5 th June 2024
Report of:	Public Protection Manger	Lead Member:	Environment & Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached: No	No
Biodiversity Impact Assessment:	Required: No	Attached: No	No
Contact Officer:	Susan Chadwick	Telephone:	01706 238 648
Email:	susanchadwick@rossendalebc.gov.uk		

1. RECOMMENDATION

1.1 Agree and adopt the revised FPN fines to address the Government change to increase the upper limits of FPNs for fly-tipping, littering and failure in householder duty of care.

2. EXECUTIVE SUMMARY

- Environmental crime is a problem for communities.
- The cleanliness of the environment has a significant impact on the quality of life, enjoyment and perception of those who live, work and visit the Borough.
- Government expressed an intention for local authorities to adopt a stronger stance in the enforcement of environmental offences.
- Statutory instrument has increased FPN upper limits in respect of fly-tipping, littering and household waste duty of care.

3. BACKGROUND

3.1 Environmental offences, notably fly-tipping and littering, have far-reaching consequences on our communities. They not only degrade the natural beauty of our surroundings but also pose serious health risks. Accumulations of waste can attract vermin, contribute to pollution, and become breeding grounds for disease. Moreover, the financial burden of cleaning up illegally dumped waste diverts funds from other essential services.

3.2 Fly-tipping is a particularly egregious offence that remains a challenge for all local authorities. It blights landscapes, harms wildlife, and can lead to severe environmental pollution. The act of fly-tipping shows a blatant disregard for the community and the environment, and its detection and prosecution are fraught with challenges. The transient nature of this crime further complicates enforcement efforts, as evidence can be scarce and the identification of offenders challenging.

3.3 FPN's provide local authorities with a visible and effective way of responding to environmental crime and harm.

3.4 FPN's sit between the lowest form of sanction, a 'Simple Caution', and a prosecution.

3.5 The government has expressed its intention for local authorities to adopt a stronger stance in addressing waste crime and to enhance existing deterrents to encourage behavioural change.

3.6 This was expressed by statutory instrument (The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023), commencing 31st July 2023, which raised the upper limits for FPN's in respect of the following environmental offences:

3.6.1 Fly-Tipping

3.6.2 Failure in Householder Duty of Care

3.6.3 Littering

3.7 To that end, Government laid a statutory instrument to raise the upper limit of FPN's as follows:

3.7.1 Fly-tipping upper limit increased from £400 to £1,000

3.7.2 Litter or graffiti upper limit increased from £150 to £500

3.7.3 Household waste duty of care upper limit increased from £400 to £600.

3.8 In raising the upper limit of fines in relation to the offences at paragraph 3,7, the Environment Minister said that it would deter people from harming our public spaces in the first place, and ensure that those who continue to offend face tougher consequences.

3.9 It is important to note that the level for a fixed penalty should be appropriate for the individual offence. FPNs that are too high could lead to substantial non-payment rates and will be counter-productive for the Council through increased officer time and legal costs which might not be recovered at court.

3.10 A fixed penalty notice will only be issued in cases which comply with the Code of Crown Prosecutors with regard to the evidential and public interest test. An FPN is issued, in the first instance, as an alternative to a prosecution and due consideration is always given to prosecuting for the offence if they decide not to pay the fine.

4. DETAILS

4.1 In light of this, it seems prudent to review FPN fines across the board and ensure that they are set at appropriate levels and are consistent across the offences.

4.2 The table appended at **Appendix A** outlines the current fine levels in the lower and upper columns and the proposed new levels in the relevant columns.

5. RISK

5.1 Increasing the maximum fine levels may mean that offenders will not make payment of the fine or may be unable to afford the fine. This may increase the number of cases referred to the Magistrates Court for prosecution, however, in many cases, this is mitigated by having an early payment fee (lower limit).

5.2 The risk is further mitigated in that the increase in fine levels will act as a strong deterrent for this anti-social behavior.

6. FINANCE

6.1 Increasing the fine levels is intended to discourage potential offenders and support the costs of dealing with illegal waste disposal. Income received from the issuing of FPN's can only be used for environmental schemes and income will vary depending on the type of offence and whether full recovery is achieved.

7. LEGAL

7.1 The various pieces of legislation defines the fine level range that Councils can set. These levels are within those as the Council cannot set fine levels outside the ranges specified.

8. POLICY AND EQUALITIES IMPLICATIONS

8.1 The recommendations of this report have no particular impact on any of the protected Equalities groups. It does not introduce a new service or policy requiring an accompanying EIA.

9. REASON FOR DECISION

9.1 Fly-tipping is an environmental hazard which can destroy habitats and can be poisonous to humans and wildlife. Measures to reduce fly-tipping and other environmental crimes will have a positive ecological impact on the environment.

9.2 The FPN fine levels are intended to discourage the anti-social behaviour that blights our Borough and undermines the broader community enjoyment of the environment.

9.3 The FPN fine levels are a response to the Government’s call for stronger action to tackle environmental offences.

Background Papers	
Document	Place of Inspection
Appendix A – Table of Fines	Attached

Fixed Penalty Notice Fines– Environmental Offences

Appendix A

Offence	Provision	Lower	Upper	Minimum/Maximum	Proposed Lower	Proposed Upper	Notes
Abandoning a vehicle	Section 2A(1) Refuse Disposal Amenity Act	£120	£200		£120	£200	No change
Breach of PSPO (Alcohol & Nuisance Vehicles)	Section 67 Anti-Social Behaviour Crime & Policing Act 2014	£60	£100		N/A	£100	Nuisance vehicles are a particular problem. Offence should not be discounted.
Breach of PSPO (Dog Control)	Section 67 Anti-Social Behaviour Crime & Policing Act 2014	£75	£90		N/A	£100	Remove lower. Change upper
Breach of CPN	Section 48 Anti-Social Behaviour Crime & Policing Act 2014	£50	£100		N/A	£100	Remove lower. No discount for early payment.
Duty of Care (Business)	Section 34(1) Environmental Protection Act 1990	£180	£300		£180	£300	No change
Duty of Care (Domestic)	Section 34(2A) Environmental Protection Act 1990	£180	£300	150/600	£200	£600	Maximum upper permitted is £600
Duty of Care (Waste Notes)	Section 34(1) Environmental Protection Act 1990	£180	£300	150/600	£200	£600	Maximum upper permitted is £600
Fly tipping	Section 33(1)(a) Environmental Protection Act 1990	£120	£400	Upper 1,000	£400	1,000	Fly-tipping is a hard to eradicate blight on the landscape. Lower is currently less than most other environmental offences and this is disproportionate.
Carrying controlled waste without registration	Section 1(1) Control of Pollution (Amendment) Act 1989	£180	£300		£180	£300	No change
Failure to produce waste carrier's licence	Section 5B(2) Environmental Protection Act 1990	£180	£300		£180	£300	No change
Industrial & commercial offences connected with waste receptacles	Section 47ZA(2) Environmental Protection Act 1990	£60	£100	75/110	£75	£110	Change lower and upper

Offence	Provision	Lower	Upper	Minimum/ Maximum	Proposed Lower	Proposed Upper	Notes
Domestic offences connected with waste receptacles	Section 47ZA(2) Environmental Protection Act 1990	£40	£80	75/110	£75	£110	Change lower and upper
Smoking in a smoke free zone	Section 7 Health Act 2006	£30	£50		£30	£50	No change
Person having the management or control of smokefree vehicle fails to stop a person from smoking there (driver)	Section 8(4) Health Act 2006	£30	£50		£30	£50	New addition
Littering	Section 87 Environmental Protection Act 1990	£75	£90	65/500	£75	£250	Change upper to £250
Flyposting or graffiti	Section 43(1) Anti-Social Behaviour Act 2003	£50	£75		£50	£80	Change the upper level

Subject:	Improvements to Whitaker Park Play facilities	Status:	For Publication
Report to:	Cabinet	Date:	5 th June 2024
Report of:	Head of Environmental Services	Lead Member:	Environment And Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	N/A
Biodiversity Impact Assessment:	Required: No	Attached:	N/A
Contact Officer:	David McChesney	Telephone:	01706 252584
Email:	davidmcchesney@rossendalebc.gov.uk		

1. RECOMMENDATIONS

- 1.1 That Cabinet approves the improvements to play facilities at Whitaker Park and the project is added to the Capital Programme.
- 1.2 That authority is given to officers to obtain external funding for the works.
- 1.3 If successful, delegate the acceptance of the external funding to the Head of Operations in consultation with the Lead Member.
- 1.4 That Cabinet approves the tendering of the works and delegates acceptance of the successful tender to the Head of Operations in consultation with the Lead Member.

2. EXECUTIVE SUMMARY

- Play improvements are the priority for development in the Whitaker Park Masterplan.
- Public Consultation has been undertaken and there is strong support for the improvements.
- UKSP funding for park improvements has a deadline of end of March 2025 so the project needs to be delivered in 2024/25

3. BACKGROUND

- 3.1 Whitaker Park is one of the Council's two parks which the authority is working hard to ensure is a destination site, along with Stubblelee Park in Bacup. Like with Stubblelee, the Masterplan approach has been utilised to identify key areas and projects for improvements over the next decade to ensure the park has the quality facilities that will draw visitors.
- 3.2 The Council has been working with the local community and councillors on the Masterplan since 2022, with the first item to be addressed being drainage, which is currently underway. The second priority is refreshing the toddler play equipment and provision of facilities for youths, which are currently lacking in the park.
- 3.3 Specific consultation has taken place in January and February 2024 which have given the team ideas to develop a concept design which will in turn form a cost estimate to enable bids to be submitted for the required funding from various sources.
- 3.4 The process is now at the stage of submitting funding applications.

4. DETAILS

- 4.1 Funding applications are proposed to the following sources:

Lancashire Environmental Fund- £40,000

FCC Community Action Fund- £100,000

Valencia- £100,000

- 4.2 The Council has £75,000 for park improvements at Victoria and Whitaker Parks in 2024/25, and it is proposed that £55,000 is used as match funding to increase chances of success in the bids mentioned above. This this will give an approximate budget of £295,000 for completion of the works, development costs and third party contributions. The third party contributions are payments that have been made by the Council or community group to the funders to release the grants.
- 4.3 Improvements in the toddler area include replacing three items of equipment, replacing the entire safety surface, repairing the natural play area where deteriorated and addition of picnic facilities for families. The youth area will then introduce more challenging and adventurous equipment such as large embankment slide, double zip wire and something to develop climbing skills.
- 4.4 Once the funding streams have been confirmed, it is proposed that officers will go out to tender to obtain the most advantageous tender for the Council. This tender will be designed to match the funding available.

5. RISK

- 5.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to invest in the site will risk deterioration leading to increased maintenance liability and health and safety issues.
 - Failure to pursue the project will result in loss of funding from UKSP.
 - Extensive consultation has taken place with local residents who have voiced their desire for the area to be improved. To ignore this would negatively affect the Council's reputation.

6. FINANCE

- 6.1 The expenditure and financing for the scheme are set out in the table below:-

Project Budget		£
Expenditure		
Whitaker Park Improvements		295,000
Total Expenditure		295,000
Financed by		
RBC UKSPF - Whitaker capital scheme	Secured	55,000
FCC Community Action Fund	Not-Secured	100,000
Lancashire Environmental Fund	Not-Secured	40,000
Valencia	Not-Secured	100,000
Total Income		295,000
Surplus/(-)Deficit		0

- 6.2 The RBC match will be funded from the UK Shared Prosperity scheme for park improvements. Should the external funding bids be unsuccessful the scheme will be revised accordingly.

7. LEGAL

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- 7.1 Under the Constitution, prior approval must be obtained from the Corporate Management Team and Cabinet to seek tenders for anything over £100k. Corporate Management Team has considered this matter and recommends its approval.
- 7.2 All tenders and works contracts must be carried out in compliance with the Council's Contract Procedure Rules and the grant funding requirements of each funder.

8. POLICY AND EQUALITIES IMPLICATIONS

- 8.1 There are no policy or equality implications arising.

9. REASON FOR DECISION

- 9.1 The development of Whitaker Park Play facilities will mean that the Council is investing to ensure the park's destination site status. Much needed refurbishments of the existing area will ensure it is safe and remains an asset to residents, while provision of challenging and exciting equipment for youths will mean the parks fills a much needed gap in Rossendale's play provision.

No Background papers.

Subject:	Capital Repairs and Maintenance Contract 2024/25	Status:	For Publication
Report to:	Cabinet	Date:	5 th June 2024
Report of:	Facilities and Safety Manager	Lead Member:	Environment and Corporate Services.
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment:	Required:	No	Attached: No
Contact Officer:	Jane Riley	Telephone:	01706 252515
Email:	janeriley@rossendalebc.gov.uk		

1. RECOMMENDATION

- 1.1 Cabinet to approve the list of works on the 2024/25 Capital Building Repairs Contract and authorise Officers to go out to tender.
- 1.2 Cabinet to delegate authority to appoint the contractor to the Head of People and Policy in consultation with the Lead Member.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of the annual Capital Building Repairs Contract is to keep buildings, structures and other council assets in a state of good repair and to prevent assets creating risks to health and safety.
- 2.2 The contract allows economies of scale by tendering a range of works together and avoids individual procurement of separate planned works. This contract also aims to reduce reactive repairs and enable more efficient facilities management, with officers having to manage one principal contractor rather than several.
- 2.3 This contract is not designed to contribute or subsidise other projects and is prepared using reactive repairs surveys/reports, feedback from officers and building managers and officers' working knowledge of council-owned assets.
- 2.4 The three priority criteria the works are:
 - Health and Safety
 - Wind and Weather Tight
 - Public Facing
- 2.5 The works have been further prioritised to ensure that the most urgent works are addressed within the available budget.
- 2.6 The Contract Procedure Rules require Corporate Management Team and Cabinet to approve any contract with an expenditure of over £100k prior to going out to tender.

3. BACKGROUND

- 3.1 This is the eighteenth year of the annual capital building repairs contract where works are identified through ongoing reactive repairs surveys/reports, feedback from officers and building managers and officers working knowledge of council owned assets.

3.2 The proposed works will form the basis of the tender, and a specification will be drawn up to precisely detail the Council's requirements. It is the officer's opinion that the list of works will be achievable within the stipulated budget envelope, but this will be tested in the tender process. Some minor value engineering may be undertaken without putting the Council at risk of challenge.

4. DETAILS

4.1 The proposed works were selected following consideration of day-to-day reactive repairs surveys/reports, feedback from officers and building managers and officers' working knowledge of council-owned assets.

4.2 Works were prioritised using the following criteria:

- Health and Safety
- Wind and Weather Tight
- Public Facing

They were further prioritised according to urgency and available budget.

4.3 Works to be considered for inclusion within the 2024/25 capital contract are as follows:

- Henrietta Street Depot – Carry out renovations to the back wall of the main depot building;
- Kay Street – carry out reroofing of properties 29, 31, 33-35, 37, 39 and 41-45, together with repointing and flaunching of chimney on 41-45. Work to be phased if necessary to remain within the contract cost;
- The Ashcroft – carry out third phase of reroofing, including removal and replacement of existing solar panels, subject to agreement with Rossendale Leisure Trust;
- Adrenaline Centre – replace 8 air conditioning units;
- Rawtenstall Bus Station – replace/convert existing coin machines to contactless payment and carry out works to redesign entrance to toilet facilities;
- Haslingden Cemetery yard – demolish unsafe garage leaving slab in situ;
- Whitworth Chapel – carry out repointing works to front elevation;
- Whitworth Chapel – Repair external woodwork and guttering.

4.4 When tendered, the contract will be advertised on the Contracts Finder portal and the Council website. The opportunity will also be brought to attention of known contractors. The tender will be evaluated on the basis of 80% price and 20% quality with 5% each for health and safety, references, social values and insurances.

5. RISK

5.1 If the annual contract does not proceed council buildings, structures and assets will suffer from deterioration with health and safety implications and increased repair cost when finally addressed.

5.2 The cost of the works could exceed the cost envelopes. It is not envisaged that this will be the case and internal costs estimates have shown costs of the selected works to fall within budget.

- 5.3 Prioritisation of the list of works has resulted in removal of some works from the list due to budget constraints. There is a risk that these assets will suffer further deterioration, which may result in increased repair costs and/or increased health and safety risks.
- 5.4 Contractors not being aware of the opportunity. This will be extensively advertised and be published both on the Council's website and the government procurement portal.

6. FINANCE

- 6.1 With the exception of the replacement air conditioning units at the Adrenalin Centre, which will be funded from the Carbon Reduction fund, the projects detailed above will be funded from the Capital Building Repairs budget. There is £100k available in 2024/25.
- 6.2 Should the budgets not be enough to cover the whole works they will be prioritised to fit within the available budget.

7. LEGAL

The legal implications are covered within the body of the report. A JCT Minor Works Building Contract will be entered into with the successful tenderer once the appointment of the contractor has been approved.

8. POLICY AND EQUALITIES IMPLICATIONS

No policy or equalities implications

9. REASON FOR DECISION

To approve the level of works and tender process for the 2024/25 contract to maintain council owned assets, ensuring that the same do not suffer from deterioration with health and safety implications and increased repair cost when finally addressed.

No background papers

Subject:	Food Waste Vehicles	Status:	For Publication
Report to:	Cabinet	Date:	5 th June 2024
Report of:	Head of Environmental Services – Andy Taylor	Lead Member:	Environment and Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input checked="" type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached: No	No
Biodiversity Impact Assessment:	Required: No	Attached: No	No
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1. RECOMMENDATION

- 1.1 That Cabinet approves the purchase 4 Terberg Orus 6 Food Waste Collection vehicles at a cost of £408,000 to meet the demands of the service.

2. EXECUTIVE SUMMARY

- Mandatory Food Waste Collections are scheduled to begin in April 2026.
- All Local Authorities need to purchase new Food Waste Collection Vehicles to provide this service causing a significant supply chain issue with vehicle manufacturers leading to long lead times for vehicles.
- Council has a budget of £511,000 New Burdens Funding to purchase the new vehicles so there is no direct cost to the Council. 4 Vehicles will cost £408,000 leaving sufficient resources to purchase an additional vehicle once officers have completed the route optimisation and service design processes.
- The proposal is to order 4 Terberg Orus 6 Food Collection Vehicles now to ensure the vehicles are available to deliver Food Waste Collection Services from April 2026 as required.

3. BACKGROUND

- 3.1 Mandatory Food Waste Collections are scheduled to begin in April 2026. The Council has been awarded New Burdens Funding of £511,500 to purchase food waste collection vehicles.

4. DETAILS

- 4.1 All Local Authorities have been instructed to collect Food Waste from April 2026 and have been awarded New Burdens Funding to purchase new vehicles. This has caused a significant supply chain issue with vehicle manufacturers. There are only 4 manufacturers who build Food Waste Collection Vehicles and as such there is a significantly limited market place. Officers have recently been advised by the manufacturers that the lead times for new vehicles is currently 50 weeks. The majority of councils are yet to place orders and it is therefore essential that the Council place orders for vehicles now to secure a build slot. The Council is able to delay delivery until nearer the go live date but in order to do this an order needs to be placed. There is no upfront cost to the Council and the vehicles will be paid for upon delivery which is anticipated to be between September and December 2025. There is also a significant risk of price increases as demand increases; by ordering vehicles now the Council will be able to secure the lowest price possible and ensure best value.
- 4.2 The Council has been awarded New Burdens Funding of £511,500 to purchase food waste collection vehicles. It is not confirmed if the service will need 4 or 5 collection vehicles and as such are proposing the purchase of 4 vehicles to ensure the Council can hit the Government mandated go live date of April 2026. If officers identify nearer the go live date that additional

vehicles are required the Council will have the budget available and will be able to order an additional vehicle.

- 4.3 Current price per Vehicle £102,000 – the budget allocated for vehicle purchase in the Food Waste Collection capital scheme is £511,500.

5. RISK

- 5.1 If the 4 new vehicles are not purchased, the Council will be unable to deliver the Mandatory Food Waste Collections.
- 5.2 If the Council does not order vehicles now there is a risk of prices increasing as demand for vehicles increases and the service will be subject to extended lead times which again may mean that the Council miss the April 2026 go live deadline.

6. FINANCE

- 6.1 The Council has received £739k new burdens capital funding to enable the purchase of the vehicles and caddies/bins required to deliver the food waste collection service. The 4 vehicles will be purchased using the new burdens funding.

7. LEGAL

- 7.1 The vehicles will be procured via an approved framework ensuring compliance with the Council's Contract Procedure Rules. There is no requirement under the terms of the framework to secure the order with a deposit and the full remittance will be due upon delivery. All normal warranties will be in place when the Council takes possession of the vehicles.
- 7.2 Cabinet are required to approve this order as it relates to expenditure over £100k and it is not currently on the vehicle replacement programme.

8. POLICY AND EQUALITIES IMPLICATIONS

- 8.1 There are no immediate policy or equality implications arising from this report save that the Council is mandated to collect food waste from April 2026

9. REASON FOR DECISION

- 9.1 Food Waste Collections are scheduled to begin in April 2026 and approving the purchase of the required vehicles now will ensure the Council is ready for the mandatory go live date.

No background papers