

CALL-IN SUB-COMMITTEE MINUTES

10 MARCH 2015

Chair: * Councillor Jerry Miles

Councillors: * Richard Almond * Barry Kendler
* Jeff Anderson * Paul Osborn

In attendance: Susan Hall Minute 11
(Councillors)

* Denotes Member present

7. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance.

8. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 5 – Call-In of the Cabinet Decision – 19 February 2015 – Environment and Enterprise MTFS Implementation Plan

Councillor Susan Hall, who was not a Member of the Sub-Committee, declared a non-pecuniary interest in that she was the Portfolio Holder when the three bin system was introduced.

9. Minutes

RESOLVED: That the minutes of the meeting held on 2 October 2014 be taken as read and signed as a correct record.

RESOLVED ITEMS

10. Protocol for the Operation of the Call-In Sub-Committee

The Chair drew attention to the document 'Protocol for the Operation of the Call-In Sub-Committee'. He outlined the procedure to be followed at the meeting, and the options open to the Sub-Committee at the conclusion of the process.

In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

He informed the Sub-Committee that the ground (b) had been cited on the Call In notice, and this had been deemed to be valid for the purposes of Call-In.

RESOLVED: That the Call-In would be determined on the basis of the following ground:

- (b) the absence of adequate evidence on which to base a decision.

11. Call-In of the Cabinet Decision - 19 February 2015 - Environment and Enterprise Medium Term Financial Strategy Implementation Plan

The Sub-Committee received the papers in respect of the call-in notice submitted by 7 Members of Council in relation to the decision made by Cabinet on the Environment and Enterprise Medium Term Financial Strategy Implementation Plan.

The Chair advised the Sub-Committee on the suggested order of proceedings and reminded Members of the timings allowed for submissions and questions. He invited the representative of the signatories to present their reasons for the call-in.

The representative of the signatories commented on attendance by members of the public, and said this demonstrated that the issue was important to residents. She added that while the decision was appalling and unpopular,

the call-in related to the lack of due process and the absence of sound evidence on which to base the decision. She believed the decision had not been properly thought through, that no business case had been presented, and that the supporting documentation was insufficient to justify the decision. She posed the following questions:

- How was the predicted take-up rate of 40% arrived at?
- How would concessions be determined and administered?
- Had the cost of concessions been factored in to projected savings?
- How would fluctuations in eligibility for concessions be managed?
- How would assisted collections be managed?
- Would there be an increased need for pest control?
- Would there be an increase in illegal bonfires and how would this potential nuisance be addressed?
- Would fly-tipping increase?
- How would surplus brown bins be disposed of, and at what cost?
- The rate for disposing of residual waste was considerably higher than recycled waste – had the probability of cross-contamination been calculated, and what would be the cost of monitoring and correcting this?
- Which vehicles would be used to meet the change in collection methods?

In conclusion, she re-iterated her point that the decision had not been fully thought through, that there was insufficient evidence in the documentation to support the assumptions made, and that residents were entitled to have the cost of waste collection met through their council tax contributions, which were among the highest in London.

The Portfolio Holder for Environment, Crime & Community Safety, stated that savings of £83m would be needed over the next 4 years, and this decision was one of many contributory measures; savings were based on the scheme running from October 2015 to March 2017. The 40% take-up rate was arrived at by the professional judgement of officers, using current collection rates, benchmarking with other authorities, and the results of consultation. Of the 40%, it was anticipated that 18% would be in receipt of concessionary rates, and this was factored into the predicted savings. A comprehensive promotional campaign was planned to increase awareness and understanding on the part of residents in respect of waste collection. A decision on vehicles would be made in April. In conclusion, the report and its recommendations

had been signed off by the Section 151 Officer, and was therefore deemed to be financially sound.

The Portfolio Holder for Finance and Major Contracts commented that the decision had been one of principle about the introduction of charges for some waste collection, and the detail still had to be finalised. The administration had taken a decision not to take measures which would harm vulnerable people, and therefore other difficult decisions would be necessary. He challenged opposition members to say how they would achieve savings in the light of the difficult budget situation. He stated that concessions would be determined in the same manner as council tax benefit, and that processes already existed for this.

The Director, Finance and Assurance, said he was responsible for signing off the budget in its entirety as sound and robust. The savings listed were based on a take-up rate of 40%, but other proportions had been modelled, and savings would still be achieved if there was some variance in the figures.

The Divisional Director, Environmental Service Delivery, explained that practical considerations in delivering a sustainable waste collection service had been looked at first, and then costed based on a model encompassing a range of factors. They had made reasonable assumptions, for instance using figures for the most expensive vehicles. In practice, compliance in Harrow was high, and he believed the promotional campaign would support this. In response to a question, he stated that a lower take-up rate would result in lower associated costs in addition to lower income. He referred to the concern that there would be an increase in fly-tipping following the introduction of charges for trade waste, but this had not in fact occurred.

Members discussed the requirement for background papers, which were material to the decision being taken, being made available to the public, and the degree to which it was acceptable to model figures on assumptions versus evidence. It was also established that no firm decision on the nature and scale of concessions had been decided.

(The Sub-Committee then adjourned from 6.50 pm until 7.35 pm to receive legal advice.)

The Chair announced the decision of the Sub-Committee and it was

RESOLVED: (by a majority decision) That

- (1) the challenge to the decision should be taken no further and the decision be implemented;
- (2) the Call-In Scrutiny Sub-Committee was concerned that material documents may not have been listed as background papers and agreed that this would be raised as a Member item for the next Overview and Scrutiny Committee for consideration as to whether a referral to Cabinet is required.

(Note: The meeting, having commenced at 5.30 pm, closed at 7.40 pm).

(Signed) COUNCILLOR JERRY MILES
Chair