

**In accordance with Committee Procedure Rule 46.2, we the undersigned, hereby give notice that we wish to call-in the Executive Decision – Civic Amenity Site: Policies & Charges made on Wednesday 12<sup>th</sup> February 2014 by the Portfolio Holder for Community Safety and Environment.**

**In accordance with Committee Procedure Rule 46.5, we the undersigned, hereby give notice that we wish to call-in the Executive Decision with the following reasons.**

## **1. Inadequate consultation with stakeholders prior to the decision**

As this decision is likely to be significant in terms of its effects on residents and communities living or working in an area of two or more wards of the Borough it should have followed the process of a "Key" Decision. Constitution - Article 13 (13.03 – type of Decision (b) Key Decisions).

As any resident or business within the Borough can use the site at Forward Drive, and they arrive in a multitude of different vehicles, then it is abundantly clear that all Wards within the Borough are affected by the changes to the charging and that therefore this is a Key Decision.

The consequence of rushing this decision through without following due process has prevented a briefing from taking place with Members or other affected organisations meaning limited time being allowed for proper consultation or examination of the proposal.

It also suggests that the intention may have been to circumvent such scrutiny.

This lack of consultation reflects the dictatorial style in which the leader of the council seems to be making decisions.

## **2. The absence of adequate evidence on which to base a decision**

It is a Principle within Article 13 of the Constitution that; ***All decisions of the Council will be made in accordance with the following principles: A recording of options considered and rejected***

The record of the Portfolio Holder decision clearly states within "**Options Considered**" and "**any other option identified by the Portfolio Holder**" as "**NONE**".

Further, it is not articulated within the report how the decision was arrived at whereby it is believed that the implementation of charges for van drivers will reduce the "aggressive behaviour by some traders at the site."

This policy may in fact have a negative impact on the borough. By limiting the number of trips that people can make to dispose of waste, people are far more likely to fly-tip or illegally dump their rubbish as they have no means to get rid of their waste. In the long run this may cost the council more money, and make the borough a less clean place to live.

It is a knee jerk reaction to an issue without researching alternatives in the wider context.

### **3. The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework.**

There is no mention within the report as to how the decision is proportionate to achieving the Councils agreed vision and priorities. Indeed, this report is contrary to the Corporate Priorities that have been agreed by Council and published within the Corporate Plan in February 2013. It appears that this decision is being made for publicity reasons, as opposed to actually offering a solution for what is a serious issue.

For reference the agreed Corporate Priorities are:-

- 1. Supporting and protecting people who are most in need;*
- 2. Keeping neighbourhoods clean, green and safe;*
- 3. United and involved communities; and*
- 4. Supporting our town centre, our local shopping centres and businesses.*

The report highlights Corporate Priorities that are being proposed by the Administration but have not been agreed and are therefore not the Council Priorities. Therefore, the decision outlined within the report can only be made by Council.

For one example; as it now introduces a change to the charging structure we would contend that this report does not support those in need who use community groups or neighbours to take excess rubbish to the civic amenity site in a van, which contributes to keeping neighbourhoods clean, green and safe.

The decision contradicts the Councils agreed policies that ensure there is a joined-up, cross-sector approach to agreeing the delivery of local priorities.

Further, the decision does not reflect the wider sector and the delivery of services, which may contribute to greater inequality and poorer outcomes.

In addition, Councils are required to take the environmental impact into consideration when making a decision.

With only limited trips to a free disposal unit to drop off industrial waste, people are far more likely to dispose of paint and motor oils down the drain, with serious potential consequences for the environment.

Toxic content needs to be disposed of properly, and for this to happen people need access to disposal unit sites. If people don't always have access to this facility then there is a serious risk of increasing environmental pollution in the area.

In view of the reasons outlined in point 3 we would like the committee to consider referring the decision to Full Council in accordance with the powers and duties given to the Call-In Sub-Committee as stated within the Constitution.

### **4. The action is not proportionate to the desired outcome**

At a time when the council is facing significant financial challenges to its budget with the council having to find £75 million so far and recent announcements that further savings of £70 million will need to be made over the next few years the council needs to ensure that in exercising its functions it has regard to a combination of economy, efficiency & effectiveness. This has not been articulated within the report that the decision has been made on.

This decision clearly only targets van owners and it is solely these residents who will lose their 3 free trips per year. The decision is a totally disproportionate reaction to aggressive behaviour by a very few traders at the site.

## **5. A potential human rights challenge;**

When making the decision the Portfolio Holder did not take due regard to the Public Sector Equality Duty (PSED), in particular, where decisions must be aimed at Fostering good relations between people who share a protected characteristic and those who do not.

The PSED is quite clear in that the duty arises before a decision is made. Further, sufficient information about the Equality Duty must be available to the decision maker at the time any decision is made.

The PSED also requires the Council to have 'due regard' which means consciously thinking about the three aims of the general duty as part of the decision making process.

This means that consideration of equality issues must influence the decisions reached by public bodies - in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others. Harrow Councillors discharge this requirement by undertaking Equality Impact Assessments, which are an integral part of our decision making process

The report states that "*An EqIA has been undertaken that shows no adverse impact on people with the protected characteristics.*" There is no public record or evidence of this EQiA and it was not presented or associated with the report.

The statement in the report Civic Amenity Site: Policies & Charges around **Equality Implications** is clearly incorrect as, for example, the majority of wheelchair users are van owners, who would be disproportionately affected.

Also disproportionately affected are those who, in particular small businesses, who use a van for their work but can't also afford a car, so have to use a van to dispose of their waste.

It would also disproportionately affect "those in need" (also a current Corporate Priority) who use community groups (also a current Corporate Priority) to take larger items of rubbish by van to the refuse site.

**Hard copy signed by Councillors:-**  
Cllr Graham Henson,



**Email notices have also been received from Councillors:**

1. Cllr Keith Ferry

*Keith Ferry*

2. Cllr Navin Shah

*Navin Shah*

3. Cllr Bill Stephenson

*Bill Stephenson*

4. Cllr Phil O'Dell

*Phil O'Dell*

5. Cllr Sasikala Suresh

*S. Suresh*