



Scrutiny Commission Tuesday 1 November 2022

Report Title	Call-In of Key Decision Relating to Garden Waste: Future Service Provision
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

List of Appendices

Appendix A – Notice of Call-In of Key Decision

Appendix B – Extract from minutes of the Executive meeting held on 27 September 2022 (reconvened from 15 September 2022)

Appendix C – Report to Executive of 15 September 2022 - Garden Waste: Future Service Provision

1. Purpose of Report

- 1.1. To note the call-in by 9 councillors of an Executive key decision of 27 September 2022 in respect of Garden Waste: Future Services Provision, and to consider the next steps that the Scrutiny Commission may take in accordance with the Constitution's Scrutiny Procedure Rules relating to call-in.

2. Executive Summary

- 2.1. On 29 September 2022 a call-in request was received from Councillor Anne Lee, supported by Councillors Ross Armour, Lyn Buckingham, William Colquhoun, Martin Griffiths, Ken Harrington, Peter McEwan, Zoe McGhee and Simon Reilly.
- 2.2. The call-in request was considered against the list of requirements set out in paragraph 18.1 of Part 7.1 of the Council Constitution's Scrutiny Procedure Rules and considered valid by the Deputy Monitoring Officer on 4 October 2022.

2.3. The effect of the call in is to prevent the decision of the Executive to harmonise the garden waste collection service across North Northamptonshire from being implemented whilst the Scrutiny Commission considers any alternative course of action, or recommendations they wish to propose.

3. Recommendations

- 3.1. Following consideration of the call-in in respect of Garden Waste: Future Service Provision and the reasons given, the Scrutiny Commission is asked to either:-
- a) Refer the decision back to the Executive for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations;
 - b) Refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules if it considers that the decision is outside the Council's budget and policy framework; or
 - c) Decide to take no further action and note accordingly the original Executive decision will be effective immediately.
- 3.2. *(Reason for Recommendations – To comply with good governance and the call-in procedure set out in paragraphs 17-21 of Part 7.1 of the Constitution's Scrutiny Procedure Rules.)*
- 3.3. *(Alternative Options Considered – In responding to the call-in, the Scrutiny Commission has three options to consider, to either refer back to the Executive, refer (in specific circumstances) to full Council, or to take no further action and allow the Executive decision to take effect.*

4. Report Background

- 4.1. Call-in is the exercise of the Council's Scrutiny Committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented. Where a decision is called in and a Scrutiny Committee decides to refer it back to the Executive for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 4.2. A Key Decision which has been entered onto the Executive Forward Plan but not yet implemented is subject to call-in. A decision may be called in only once. Any call-in which may be considered to be within the terms of reference of both of the Council's scrutiny committees will be considered by the Monitoring Officer in consultation with the Chairs of the Scrutiny Committees, in order to

decide which of the Committees should consider the call-in. In this case, it has been considered that the Scrutiny Commission is the most appropriate Committee to consider the call-in.

4.3. A valid call-in was received by the Monitoring Officer on 29 September 2022 in relation to Garden Waste: Future Service Provision, a copy of which is attached to this report at Appendix A. The call-in is in respect of a decision by the Executive on 27 September 2022 relating to previous arrangements implemented by the legacy authorities which means the current garden waste service differs across North Northamptonshire. The Executive in making its decision has sought to harmonise the service so that residents across the area will receive the same level of service, and the service funded in the same way. An extract from the minutes and a copy of the Executive report setting out its reasoning is attached at Appendices B and C to this report respectively.

5. Issues and Choices

5.1. The received Call-In asserts that the following principles of decision making outlined in Part 1.1 of the Constitution have been breached by the making of the decision by the Executive allegedly not:-

i) Representing Best Value

- By charging for green waste this would encourage fly tipping, discourage gardening and cause drainage problems;

ii) Being Clear About What Trying to Achieve and What the Outcomes will be;

- By being incompatible with the Council's strategy for a greener North Northants and recycling.

iii) Considering whether an alternative option is more appropriate.

- By disregarding the recommendation of the Finance Scrutiny Committee with the costs coverable by reserves.

5.2. The detailed reasoning for these assertions is set out in the Notice of Call-In at Appendix A.

5.3. The call-in goes on to seek a proposed alternative course of action to that of the Executive decision, requesting instead that:-

i) a universal service be provided with no subscription charge, to operate for either 8 or 12 months of the year;

ii) Household garden waste collections be provided to every property in North Northamptonshire irrespective of individual household participation, with each property to be allocated one 240 litre container which will be collected from the point where the property meets the public highway on a fortnightly basis; and

iii) The garden waste service would be suspended for two weeks over the Christmas and New Year period and residents would be able to dispose of Christmas trees through the service on its resumption in January.

5.4. In considering the call-in, the Scrutiny Commission can choose to either:-

- a) Refer the decision back to the Executive for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations;
- b) If it considers that the decision is outside the Council's budget and policy framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules; or
- c) Decide to take no further action, in which case the original Executive decision will be effective immediately.

6. Next Steps

6.1. Depending on the Scrutiny Commission's decision, either the Executive will be requested to reconsider its decision, normally at its next meeting; the matter will be referred to full Council, or no further action will be taken and the decision will be effected immediately.

7. Implications (including financial implications)

7.1. Resources and Financial

7.1.1. The estimated annual costs and income (as well as three year projections) of the four options presented to the Executive on 27 September 2022 are set out in the Executive report at Appendix C - this includes the estimated costs and income of Option C (Subscription 12 month service), as approved by the Executive, together with the alternative Option A (Universal 12 month service) and Option B (Universal 8 month service) which are the proposed alternative courses of action set out by the call-in.

7.1.2. The full resources and financial implications are set out in paragraph 7 of the Executive Report (Appendix C to this report).

7.2. Legal and Governance

7.2.1. The legal and governance implications of the decision are set out in paragraph 7.2 of the Executive Report (Appendix C).

7.2.2. This report supports good governance by application of the procedure set out in the Council's constitution in respect of Call-in.

7.3. Relevant Policies and Plans

- 7.3.1. The made by the Executive is considered to be in line with the Council's Corporate Plan, particularly the commitments to provide modern public services and to create a greener, sustainable environment.
- 7.3.2. The Council approved its Waste and Recycling Collection Policy in October 2021, a full copy of which can be found at:- [Waste and Recycling Policy](#)

7.4. Risk

- 7.4.1. A number of key risks are identified in the report to the Executive which can be found at paragraph 7.4 (Appendix C).

7.5. Consultation

- 7.5.1. The Council conducted a public consultation exercise between March 2022 and April 2022, further details of which can be found in the report to the Executive which at paragraph 7.4 (Appendix C).

7.6. Consideration by Scrutiny

- 7.6.1. Future service provision for Green Waste was discussed at the meeting of the Finance and Resources Scrutiny Committee on 16th August 2022. To further enhance the decision making process, members of the Scrutiny Commission were also invited to attend the meeting. Following a debate, the Finance and Resources Scrutiny Committee held a majority view in favour of harmonising the service as a 12-month, universal service with no subscription charges for the collection of garden waste, including additional bins and optional sack collection.

7.7. Consideration by the Executive

- 7.7.1. At its meeting of 27 September 2022, the Executive approved the harmonisation of the garden waste collection service across North Northamptonshire, agreeing to recover some of the costs of providing the service by charging a subscription fee for a service operating 12 months of the year (option C). An extract from the minutes of the meeting, including the full decision can be found at Appendix B to this report.

7.8. Equality Implications

- 7.8.1. In line with the Equality Act 2010, an Equality Screening Assessment was undertaken and included in Appendix B to the Executive report.

7.9. Climate Impact

- 7.9.1. The climate and environment impact of the proposals set out to the Executive can be found in the report to the Executive at paragraph 7.9 (Appendix C).

7.10. **Community Impact**

7.10.1. Impacts to the community can be found in the report to the Executive at paragraph 7.10 (Appendix C).

7.11. **Crime and Disorder Impact**

7.11.1. Crime and Disorder impacts can be found in the report to the Executive at paragraph 7.11 (Appendix C).

8. Background Papers

- 8.1. Executive Update on Garden Waste Service – 22nd February 2022
<https://northnorthants.moderngov.co.uk/documents/s5739/Update%20on%20Garden%20Waste%20Service.pdf>
- 8.2. Consultation on the future provision of the garden waste service: results and analysis: <https://northnorthants.citizenspace.com/cet/garden-waste-service>