



# WOKINGHAM BOROUGH COUNCIL

An Extraordinary Meeting of the **OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 24 OCTOBER 2022 AT 7.30 PM**

Susan Parsonage  
Chief Executive  
Published on 14 October 2022

The role of Overview and Scrutiny is to provide independent “critical friend” challenge and to work with the Council’s Executive and other public service providers for the benefit of the public. The Committee considers submissions from a range of sources and reaches conclusions based on the weight of evidence – not on party political grounds.

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council’s Constitution. If you wish to participate, please contact Democratic Services. The meeting can be viewed live using the following link:

<https://youtu.be/fYDImubJJqY>

This meeting may be filmed for inclusion on the Council’s website. Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council’s control.

<b>Our Vision</b>
<b><i>A great place to live, learn, work and grow and a great place to do business</i></b>
<b>Enriching Lives</b>
<ul style="list-style-type: none"> <li>• Champion excellent education and enable our children and young people to achieve their full potential, regardless of their background.</li> <li>• Support our residents to lead happy, healthy lives and provide access to good leisure facilities to enable healthy choices for everyone.</li> <li>• Engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of.</li> <li>• Support growth in our local economy and help to build business.</li> </ul>
<b>Providing Safe and Strong Communities</b>
<ul style="list-style-type: none"> <li>• Protect and safeguard our children, young and vulnerable people.</li> <li>• Offer quality care and support, at the right time, to reduce the need for long term care.</li> <li>• Nurture our communities: enabling them to thrive and families to flourish.</li> <li>• Ensure our Borough and communities remain safe for all.</li> </ul>
<b>Enjoying a Clean and Green Borough</b>
<ul style="list-style-type: none"> <li>• Play as full a role as possible to achieve a carbon neutral Borough, sustainable for the future.</li> <li>• Protect our Borough, keep it clean and enhance our green areas for people to enjoy.</li> <li>• Reduce our waste, promote re-use, increase recycling and improve biodiversity.</li> <li>• Connect our parks and open spaces with green cycleways.</li> </ul>
<b>Delivering the Right Homes in the Right Places</b>
<ul style="list-style-type: none"> <li>• Offer quality, affordable, sustainable homes fit for the future.</li> <li>• Ensure the right infrastructure is in place, early, to support and enable our Borough to grow.</li> <li>• Protect our unique places and preserve our natural environment.</li> <li>• Help with your housing needs and support people, where it is needed most, to live independently in their own homes.</li> </ul>
<b>Keeping the Borough Moving</b>
<ul style="list-style-type: none"> <li>• Maintain and improve our roads, footpaths and cycleways.</li> <li>• Tackle traffic congestion and minimise delays and disruptions.</li> <li>• Enable safe and sustainable travel around the Borough with good transport infrastructure.</li> <li>• Promote healthy alternative travel options and support our partners in offering affordable, accessible public transport with good transport links.</li> </ul>
<b>Changing the Way We Work for You</b>
<ul style="list-style-type: none"> <li>• Be relentlessly customer focussed.</li> <li>• Work with our partners to provide efficient, effective, joined up services which are focussed around our customers.</li> <li>• Communicate better with customers, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.</li> <li>• Drive innovative, digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.</li> </ul>
<b>Be the Best We Can Be</b>
<ul style="list-style-type: none"> <li>• Be an organisation that values and invests in all our colleagues and is seen as an employer of choice.</li> <li>• Embed a culture that supports ambition, promotes empowerment and develops new ways of working.</li> <li>• Use our governance and scrutiny structures to support a learning and continuous improvement approach to the way we do business.</li> <li>• Be a commercial council that is innovative, whilst being inclusive, in its approach with a clear focus on being financially resilient.</li> <li>• Maximise opportunities to secure funding and investment for the Borough.</li> <li>• Establish a renewed vision for the Borough with clear aspirations.</li> </ul>

## MEMBERSHIP OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

### Councillors

Jim Frewin (Chairman)	Andrew Mickleburgh (Vice-Chairman)	David Cornish
Andy Croy	Peter Dennis	Graham Howe
Norman Jorgensen	Adrian Mather	Stuart Munro
Gregor Murray	Alison Swaddle	

### Substitutes

Gary Cowan	Michael Firmager	Chris Johnson
Pauline Jorgensen	Morag Malvern	Charles Margetts
Alistair Neal	Beth Rowland	Rachelle Shepherd-DuBey
Wayne Smith	Bill Soane	

ITEM NO.	WARD	SUBJECT	PAGE NO.
39.		<b>APOLOGIES</b> To receive any apologies for absence.	
40.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest.	
41.		<b>PUBLIC QUESTION TIME</b> To answer any public questions on items contained within this Agenda. A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this Committee.  Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to <a href="http://www.wokingham.gov.uk/publicquestions">www.wokingham.gov.uk/publicquestions</a>	
42.		<b>MEMBER QUESTION TIME</b> To answer any Member questions on items contained within this Agenda.	
43.	None Specific	<b>CALL-IN COVERING REPORT - FOOD CADDY LINERS</b> To consider a report which gives details of the Call-In and the procedure to be followed at the meeting.	5 - 14

44. None Specific

**OFFICER RESPONSE TO THE CALL-IN**

15 - 18

To consider a report which sets out the officer response to the Call-In.

**Any other items which the Chair decides are urgent**

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

**CONTACT OFFICER**

**Neil Carr**

Democratic & Electoral Services Specialist

**Tel**

0118 974 6058

**Email**

neil.carr@wokingham.gov.uk

**Postal Address**

Civic Offices, Shute End, Wokingham, RG40 1BN

# Agenda Item 43.

<b>TITLE</b>	<b>Call-In of Executive Decision – Food Waste Caddy Liners</b>
<b>FOR CONSIDERATION BY</b>	Overview & Scrutiny Management Committee on 24 October 2022
<b>WARD</b>	None Specific;
<b>LEAD OFFICER</b>	Deputy Chief Executive - Graham Ebers

## **PURPOSE OF REPORT**

The Call-In process exists to ensure that key decisions are taken in line with agreed principles set out in the Council's Constitution relating to, for example, openness, consultation and proportionality. The Call-In process provides public confidence in the Council's decision making process.

## **RECOMMENDATION**

The Committee is asked:

- 1) to consider the Call-In request relating to the Executive decision on Food Waste Caddy Liners and the Officer response to the Call-In;
- 2) having considered the Call-In and relevant evidence, determine whether to confirm the Executive decision or refer the matter back to the Executive for further consideration, with recommendations as appropriate.

## **SUMMARY OF REPORT**

In accordance with the Council's Constitution, five non-Executive Members of the Council have submitted a formal notice "calling-in" the Executive Decision relating to ceasing the provision of food waste caddy liners.

The decision was taken at the Executive meeting on 29 September 2022.

The Executive decision was:

"That the Executive agree ceasing the supply of caddy liners as alternatives are available."

The report sets out details of the Council's Call-In procedure, the procedure to be followed at the meeting and the options available to the Committee following consideration of the evidence.

## **Background**

At its meeting on 29 September 2022, the Executive considered a report on the supply of single use green plastic food waste caddy liners.

The Executive report stated that the Council's food waste service commenced in 2019 with a starter pack of 100 caddy liners for one year. The caddy liners were funded through a one-off capital receipt in the first year which was not intended to continue after year one. Although no budget was identified for the caddy liners their supply continued in 2020, 2021 and 2022. Income generated by the wider service was able to cover expenditure on the caddy liners. However, due to increasing financial pressures, this arrangement was no longer financially viable. The report noted that the food waste caddy could be lined with other items such as bread bags, cereal packets, newspaper, etc. and that ultimately there was no requirement for it to be lined at all (the caddy could be washed if required).

A report on the caddy liners had been submitted to full Council following a "Call-In" by seven Members under section 5.4.14 of the Council's Constitution, as it was considered to be a Key Decision. The decision was originally made as an officer decision in consultation with the Executive Member. It was not considered to qualify as a Key Decision as defined in para 1.4.4 of the Constitution. As the situation was not clear, a report was submitted to the Executive for decision on 29 September 2022.

At the meeting on 29 September 2022, the Executive made the following decision:

"That the Executive agree ceasing the supply of caddy liners as alternatives are available."

The Executive report is appended to this report for information.

## **Decision Making Principles**

Section 1.4.2 of the Constitution states that all decisions of the Council will be made in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

## **Call-In Details**

In line with the Council's Constitution, the Executive Decision was called-in by five non-Executive Members – Councillors Parry Batth, Laura Blumenthal, Norman Jorgensen, Pauline Jorgensen and Gregor Murray. The Call-In was submitted on 3 October 2022.

The Call-In was submitted on the basis that the decision had contravened Section 1.4.2 b) and d) of the Council's Constitution. The Call-In also referred to a breach of the rules relating to the Executive Forward Programme in that this was a Key Decision (affecting all residents of the Borough) and a significant revenue risk, yet it was not included on the Forward Programme circulated to Members as required by the Constitution.

The detailed Call-In paper is appended to the report.

### **Officer Response to the Call-In**

Officers have produced a report which addresses the points raised in the Call-In paper. The officer response is set out at Agenda item 44.

### **Call-In Procedure**

The procedure to be followed at the Overview and Scrutiny Call-In meeting is as follows:

- The Overview and Scrutiny Committee Management Committee Chair explains the purpose and structure of the meeting;
- One of the five non-Executive Members who called-in the decision outlines the reasons for the Call-In;
- Witnesses can be called as necessary (with the agreement of the Chair) and can make a short presentation to the Committee;
- Members of the Committee can ask questions of the non-Executive Member and any witnesses;
- The relevant Executive Member (supported by Officers) responds to the points made in the Call-In;
- Witnesses can be called as necessary (with the agreement of the Chair) and can make a short presentation to the Committee;
- Members of the Committee can ask questions of the Executive Member, Officers and any witnesses;
- The Executive Member sums up the response to the Call-In;
- One of the five non-Executive Members sums up the Call-In;
- The Committee considers the evidence submitted, draws its conclusions and decides whether to confirm the Executive decision or recommend that the Executive reconsiders the decision (with appropriate recommendations).

The Overview and Scrutiny Management Committee cannot overturn the decision/s subject to Call-In. If the Committee has concerns, it can refer the decision/s back to the Executive for further consideration with any recommendations the Committee has agreed. If the decision/s are referred back, the Executive should meet to carry out the reconsideration within 20 working days.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

*The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	N/A	N/A
Next Financial Year (Year 2)	0	N/A	N/A
Following Financial Year (Year 3)	0	N/A	N/A

### **Other Financial Information relevant to the Recommendation/Decision**

The financial impact of the Executive decision is set out in the supporting report

### **Cross-Council Implications**

Set out in the Executive report

### **Public Sector Equality Duty**

Considered as part of the Executive report

### **Climate Emergency**

Considered as part of the Executive report

### **List of Background Papers**

Report submitted to the Executive on 29 September 2022

**Contact** Neil Carr

**Telephone** 0118 974 6000

**Service** Democratic Services

**Email** [neil.carr@wokingham.gov.uk](mailto:neil.carr@wokingham.gov.uk)



<b>TITLE</b>	<b>Ceasing the supply of single use plastic food caddy liners</b>
<b>FOR CONSIDERATION BY</b>	Executive on Thursday, 29 September 2022
<b>WARD</b>	None Specific;
<b>LEAD OFFICER</b>	Director, Place and Growth - Steve Moore
<b>LEAD MEMBER</b>	Executive Member for Environment and Leisure - Cllr Ian Shenton

**PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

To confirm the decision for stopping the supply of caddy liners.

**RECOMMENDATION**

That the Executive agree ceasing the supply of caddy liners as alternatives are available.

**EXECUTIVE SUMMARY**

This report has been brought to Council following a 'call-in' motion by seven Members under 5.4.14 of the Council's Constitution as they consider this is a Key Decision. This was originally made as an officer decision in consultation with the Lead Member as it was not considered to qualify as a Key Decision as defined in paragraph 1.4.4 of the Constitution. As it is not clear, this report has been brought to Executive for decision.

In 2019, the food waste service was implemented with a starter pack of 100 caddy liners for one year. Although no budget was set aside, this supply continued in 2020, 2021 and 2022 as income generated by the wider service was able to accommodate this spend, however due financial pressures this is no longer financially viable.

This report sets out the decision to cease the supply of food waste caddy liners and the associated rationale.

## BACKGROUND

In January 2018, The Executive approved the report for the delivery of the food waste service which was funded through both revenue and capital expenditure. The supply of caddy liners was funded through a one-off capital receipt in the first year to start the service and was not intended to continue thereafter. The day-to-day operation of the service was funded through revenue.

In 2019, seven million caddy liners were distributed to residents as part of the implementation of the new food waste collection service. Each property received a starter pack of 100 liners to support residents with the transition.

Income to the waste service has subsequently enabled the supply of caddy liners to properties since 2019. However now due to financial and environmental pressures this income from the waste service can no longer be realised.

### **Financial reasons for the Change:**

There is no specific budget for caddy liners as set out in Paper 2 of the January 2018 report. The estimated cost of the caddy liners for 2022/23 has escalated dramatically to around £120k, reflecting crude oil price increases.

The funding as set out in Paper 2 of the 2018 report states that there is only £500,000 one off cost for containers and liners as Table 1 below:

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Not Applicable
Next Financial Year (Year 2)	£0	Yes	Not Applicable
Following Financial Year (Year 3 2019/20)	£500,000 one-off cost for containers & kitchen caddies, etc.	Yes	Capital

Table 1: Extract taken from January 2018 report

There has not been any specific budget for the supply of kitchen caddy liners beyond 2019 and there is no specific policy in place to supply going forwards. Although there is no specific budget, stopping the supply of caddy liners will save the current cost.

### **Environmental reasons for the change:**

The Council has included reducing single use plastics as an initiative under the Climate Emergency and has tasked the Executive Member for Environment to deliver this (para 5.2.10.26). It is considered that this decision aligns with that initiative as currently the Council uses seven million single-use liners per year. Those that are used to line food waste caddies are removed during the composting process and incinerated with attendant greenhouse gas emissions.

The impact of the change is minor as the kitchen caddy can be lined with other items i.e. bread bags, cereal packets, newspaper etc and ultimately there is no requirement for it to be lined at all (residents can wash the caddy if required).

There is a perception that there could be a drop of collected food waste if the caddy liners are not supplied. However, a strong communications campaign will be undertaken to highlight the issue of food waste in the blue bags (c.20%) and move this to the food caddies. The Council’s waste team will also support residents with advice where required.

The weekly collection of food waste will continue, and it was not envisaged that the caddy liners would be supplied beyond the first year. There are simply financial and environmental issues that have to be addressed

**Key Decisions:**

The original decision was made by officers on Friday 15 July 2022 after consultation with the Lead Member. The decision was not considered to qualify as a key decision as stipulated in parts 1.4.4 the Council’s Constitution.

However, seven councillors did not consider this was correct and elected to use the constitutional review mechanism within part 5.4.14. This would require Council to consider the point on the 22 September 2022 and if full Council determined it was a Key Decision then it would have required the decision maker to redetermine the decision after following the Key Decision process.

Officers do not consider that this is Key Decision under the Constitution but recognise that it is not clear and so have made the pragmatic decision (in response to the constitution review) to withdraw the original decision and bring this to Executive following the Key Decision process.

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

Although there is no specific budget allocated for the supply of caddy liners, there would be a cost saving which would amount to around £120k per annum.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial 2022/23 (Year 1)	£0		
Next Financial Year 2023/24 (Year 2)	c.£120k cost saving		
Following Financial Year 2024/25 (Year 3)	c.£120k cost saving		

<b>Other Financial Information</b>
Although there is no specific budget allocated for the supply of caddy liners, there would be a cost avoidance <u>saving</u> which would amount to around £120k per annum.

<b>Stakeholder Considerations and Consultation</b>
Stakeholder consideration has been assessed as part of this report. The impact of the change is minor as the kitchen caddy can be lined with other bags i.e. bread bags, newspaper etc and ultimately there is no requirement for it to be lined. A robust targeted communications campaign to highlight that over 20% of the blue bags is food waste and encourage moving this to the food waste caddies.

<b>Public Sector Equality Duty</b>
This has been completed with no impact determined.

<b>Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i></b>
This Council has declared a climate emergency and is committed to playing as full a role as possible through leading by example as well as by encouragement. This proposal will help reduce carbon and single use plastic and support the goal of the Borough reaching carbon neutral by 2030

<b>Reasons for considering the report in Part 2</b>
N/A

<b>List of Background Papers</b>
None

<b>Contact</b> Richard Bisset	<b>Service Place</b>
<b>Telephone</b>	<b>Email</b> richard.bisset@wokingham.gov.uk

## WOKINGHAM BOROUGH COUNCIL

## CALL-IN OF DECISION

We 5 non-executive Members of the Council wish to call-in the following decision:

**Reference No:** 2022/09/29 – no 36 Ceasing the supply of single use plastic caddy liners

**Subject:** Supply of free food caddy liners

The decision was made by the Lib Dem/labour coalition executive to cease the provision of free food caddy liners in 2023/24 on 29<sup>th</sup> September

#### 1.4.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

#### Reason for Call-in:

1. The decision has contravened Section 1.4.2 b) and d) of the Council's constitution, insofar as the decision:
  - a) Is not proportional to the desired outcome in that the saving attributed to the targeted increase in food waste recycling of £350k would not be achieved by the removal of free caddy liners, as confirmed by Cllr Clive Jones, the Lib Dem Leader of the Council in the Reading Chronicle on the 22<sup>nd</sup> September 2022, when he said that whilst the volume of recycling could dip slightly it will come back because people want to recycle. This is not aligned to the desired outcome of increased food recycling.
  - b) Due consultation has not occurred, the decision sheet on 29<sup>th</sup> September confirms that no alternatives were considered and no public consultation has taken place in breach of 1.4.2 b). In addition, before the decision was tabled at executive the Leader of the council stated in the Reading Chronicle of the 22<sup>nd</sup> September "It will be debated at the council meeting on Thursday but this is just to ratify it and the decision has been taken". This is a clear case of predetermination where the Leader confirms that a decision has been taken not only before consultation but also before the meeting at which the decision was due. This is a breach of 1.4.2 d)

2. The decision has also breached rule 5.4.8 which says that a copy of the forward programme will be provided to all members each month AND published on the Council's website. The item in question was a key decision in that it affects all residents of the borough and a significant risk to revenue and was not on a forward programme provided to members as required by the constitution.

Name (please print)	Signature
<i>Greg Murray</i>	SIGNED
LAURA BLUMENTHAL	SIGNED
PARRY BATH	SIGNED
<i>Pauline Jorgensen</i>	SIGNED
NORMAN JORGENSEN	SIGNED

3<sup>rd</sup> October 2022

.....  
Date

<b>TITLE</b>	<b>Officer Response to Call-In ref: Ceasing the supply of single use plastic food caddy liners in the Borough from 2023</b>
<b>FOR CONSIDERATION BY</b>	O&S Management Committee on 24 October 2022
<b>WARD</b>	None Specific
<b>DIRECTOR</b>	Steve Moore, Place and Growth

---

**Reference No:** Executive Decision 2022/09/29 - Item 36.

**Subject:** Ceasing the supply of single use plastic food caddy liners in the Borough from 2023

### **Reason for Call-In**

Five non-Executive Members allege that the decision has contravened the following sections of the Constitution:

- Section 1.4.2 b) due consultation and the taking of professional advice from Officers;
- Section 1.4.2 d) a presumption in favour of openness;
- Rule 5.4.8 Member Notification of the Forward Programme

### **Detail of the alleged contravention of the Constitution and associated response**

**1a) Is not proportional to the desired outcome in that the saving attributed to the targeted increase in food waste recycling of £350k would not be achieved by the removal of free caddy liners, as confirmed by Cllr Clive Jones, the Lib Dem Leader of the Council in the Reading Chronicle on the 22<sup>nd</sup> September 2022, when he said that whilst the volume of recycling could dip slightly it will come back because people want to recycle. This is not aligned to the desired outcome of increased food recycling.**

**Response:** The removal of free caddy liners for residents of Wokingham Borough is not expected to have an impact on the saving associated with a targeted increase in food recycling as the decision does not affect residents' ability to continue recycling their food waste. We are unaware of any other councils that routinely supply caddy liners to households and data shows that their participation rates remain unaffected. In order to support residents to continue to correctly recycle their food waste, in turn ensuring the savings are achieved, officers are in the process of developing a targeted communications campaign. This will highlight to residents that there is no need to line the food caddy when disposing of their food waste, but if residents wish

to continue using a liner, they can use materials such as salad bags, cereal packets or newspaper.

The communications campaign will also highlight to residents that whilst Wokingham Borough Council's recycling record has improved significantly in recent years, from 40.5% in 2018/2019 to over 54% in 2021/22, the recycling performance of many other Councils in the UK is above 60% and it is possible for Wokingham Borough Council to achieve the same or better.

It is estimated that the incorrect disposal of food waste into the blue bag rather than the food waste caddy accounts for 20% (by weight) of the blue bag make up. As the cost of disposing of blue bag general waste is significantly higher than the cost of food waste and dry recycling, the incorrect disposal of food waste means that the Council is unnecessarily spending money which could be saved if the food waste was correctly disposed of in the food caddy. With the reduction of annual blue bag provision from 80 bags to 54 bags, agreed at the September 2022 Executive, the Council's focus will be to move as much recyclable material from general waste to the green recycling bags and food waste caddy.

The results of the October 2021 waste consultation, which sought to understand residents views on the current waste collection and disposal approach in Wokingham, clearly demonstrates that the majority of residents are focussed on the environmental benefits of better waste management and are willing to recycle more and minimise their overall waste.

- 86% of respondents are willing to recycle more.
- 54% of respondents felt that the environmental benefits are most important.

Therefore, through a reduction in blue bag provision and a targeted communications campaign to support residents to dispose of their food waste correctly, the savings target is still expected to be achieved.

**1b) Due consultation has not occurred, the decision sheet on 29<sup>th</sup> September confirms that no alternatives were considered and no public consultation has taken place in breach of 1.4.2 b). In addition, before the decision was tabled at executive the Leader of the council stated in the Reading Chronicle of the 22<sup>nd</sup> September "It will be debated at the council meeting on Thursday but this is just to ratify it and the decision has been taken". This is a clear case of predetermination where the Leader confirms that a decision has been taken not only before consultation but also before the meeting at which the decision was due. This is a breach of 1.4.2 d)**

A consultation did not occur as this decision does not lead to a fundamental change to the service and stopping the supply of kitchen caddy liners will not impact on the way the kitchen caddy is used. The weekly collection of food waste will continue as normal and residents will still be able to dispose of their food waste separately to their general waste and dry recycling. There is no need for residents to line the food waste caddys in order to correctly dispose of their food waste, however if residents would like to line their caddy they can use items such as salad bags, cereal packets or newspaper.



**2) The decision has also breached rule 5.4.8 which says that a copy of the forward programme will be provided to all members each month AND published on the Council's website. The item in question was a key decision in that it affects all residents of the borough and a significant risk to revenue and was not on a forward programme provided to members as required by the constitution.**

Under section 6.3.29 (Call-In), the Constitution sets out the six reasons for non-Executive members calling-in a decision. These are the principles of decision making as set out in chapter 4.1 of the Constitution. Section 6.3.29 does not explicitly refer to the Executive Forward Plan.

With regards to section 5.4.8 (Executive Forward Plan), the key notification requirement is to meet the requirements of the 28 day "notice" as set out in the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. For the Executive meeting of 29 September 2022, this requirement was met as notification was provided on 25 August 2022 and was transparently available to residents and members on the Council website from that date.

The substantive intention of section 5.4.8 is, by publishing the Forward Plan, residents of the Borough will be able to find out the expected timing of key decision, who will take them, and also the consultation mechanisms available to them.

The signatories to the call-in highlight that the constitution also refers to a copy of the Forward Plan being provided to all Members. This is not a legal requirement. However, it has been the local practice that when the Forward Plan is published, an automated notification email goes to Members. It has been asserted that not all Members received notification in this case, contrary to the constitution. As soon as officers were alerted to this concern, steps were immediately taken with the software provider to address the issue. Officers are satisfied that the automated notification system works correctly and that this was an isolated incident which will not reoccur.

It is the Monitoring Officer's view that whilst there may have been an inadvertent, technical breach of clause 5.4.8 of the constitution, the substantive legal provision of the clause was met.

This page is intentionally left blank