

**MINUTES OF A MEETING OF THE  
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
HELD ON 26 AUGUST 2020 FROM 7.00 PM TO 10.25 PM**

**Committee Members Present**

Councillors: Pauline Helliard-Symons (Chairman), Alison Swaddle (Vice-Chairman), Jenny Cheng, Paul Fishwick, Jim Frewin, Sarah Kerr, Abdul Loyes, Ken Miall, Andrew Mickleburgh, Rachelle Shepherd-DuBey, Oliver Whittle, Carl Doran and Emma Hobbs

**Other Councillors Present**

Councillors: Parry Batth, Rachel Bishop-Firth, Lindsay Ferris, John Kaiser, Malcolm Richards and Imogen Shepherd-DuBey

**Officers Present**

Peter Baveystock, Consultant Specialist, Place Clienting  
Richard Bisset, Lead Specialist, Place Clienting  
Neil Carr, Democratic and Electoral Services Specialist  
Graham Ebers, Deputy Chief Executive  
Andy Glencross, Assistant Director, Highways and Transport  
Chris Traill, Director, Place and Growth

**23. APOLOGIES**

Apologies for absence were submitted by Andy Croy and Guy Grandison.

Carl Doran and Emma Hobbs attended the meeting as substitutes.

**24. DECLARATION OF INTEREST**

There were no declarations of interest.

**25. CHAIRMAN'S STATEMENT**

At the start of the meeting, the Chairman made the following statement about the role of the Committee in considering the Call-In of Executive decisions:

“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. That is the approach the Committee will take in considering the Call-In.”

In relation to the specific issue of the replacement of recycling black boxes, the Chairman confirmed that no decision had been taken about the method of replacement.

**26. PUBLIC QUESTION TIME**

In accordance with the agreed procedure the Chairman invited members of the public to submit questions.

**26.1 Philip Meadowcroft asked the Chairman the following question:**

Will the Chairman please confirm that, notwithstanding the contents of items 27 and 28 on the agenda have been called-in by Opposition councillors, she will ensure that the meeting is conducted at all times on a non-partisan basis to enable an intellectually-honest, open,

transparent, and civilised discussion and outcome on issues which are critical for local democracy?

**Answer**

Yes, as you have already been assured from my initial statement.

**27. MEMBER QUESTION TIME**

There were no Member questions.

**28. CALL-IN OF EXECUTIVE DECISIONS**

The Committee considered the Call-In of decisions taken by the Executive, at its meeting held on 30 July 2020, relating to:

- The proposed re-phasing of parts of the Capital Programme – Appendix B to the Executive report;
- £600k additional budget for the Dinton Pastures Activity Centre;
- £288k of additional borrowing for the purchase of reusable sacks for dry recycling, to improve recycling levels.

The Committee noted that Agenda items 27 and 28 would be considered together. The report at Agenda item 28 provided a detailed response to the third element of the Call-In (reusable sacks for dry recycling).

The report stated that, at its meeting on 30 July 2020, the Executive considered the Capital Monitoring Report for the first quarter of 2020/21 (April-June). The Executive report stated that the Covid-19 pandemic had had an unprecedented impact on the Council's finances, in terms of both its Revenue and Capital resources. It was, therefore, essential that the Capital programme was closely reviewed to assess the assuredness of funding sources and any changes in service requirements. Council Officers had conducted a review of the Capital programme to identify the re-phasing of projects matched to expected delivery.

The Executive report also referred to the purchase of reusable sacks to improve the recycling levels for material such as paper and card. It also considered additional funding to support the development of the Dinton Pastures Activity Centre.

The Executive decisions were that:

- 1) it be noted that the Council's Capital Programme will continue to be reviewed throughout the year in the context of the impact of Covid-19 on funding sources and service requirements, and that any changes will be presented to Executive for approval;
- 2) the proposed re-phasing to parts of the Capital Programme following the 'in-year' review including the impact of Covid-19, as set out in Appendix B, be approved;
- 3) £600k additional budget funded by borrowing for the Dinton Pastures Activity Centre (DAC), for changes necessitated as an outcome of public consultations and planning requirements be approved. The cost of borrowing estimated at £27k per annum will be covered from expected additional incomes generated by the new activity centre, as set out in paragraph 6 of the Executive Summary of the report;

- 4) a reduction of the Schools Devolved Formula grant budget in the capital programme to £302k, due to the Council receiving £87k less than originally budgeted, as set out, in paragraph 7 of the Executive Summary, be noted;
- 5) borrowing of £288k for the purchase of hessian sacks which will have the effect of increasing recycling levels and generating a beneficial financial impact far in excess of the cost of borrowing, as set out in paragraph 8 of the Executive Summary, be approved;
- 6) it be noted that consultants will be engaged within existing budgets to review the noise levels and options with regards to recent major resurfacing works, as set out in paragraph 9 of the Executive Summary;
- 7) the quarter one position for the capital budgets, as set out in Appendix A to the report as summarised in the Executive Summary, be noted.

In line with the Council's Constitution, the Executive decisions relating to sections of the Capital Monitoring Report had been Called-In by five non-Executive Members – Councillors Bishop-Firth, Conway, Ferris, Jones and Imogen Shepherd-Dubey.

The Call-In stated that three of the Executive decisions should be reviewed for the following reasons:

**Item 2 – Appendix B -** There has been no scrutiny of this rescheduling. We do not know what the impact on Council services will be or if any of the costs are likely to increase due to any delay. The decision making behind this re-phasing, should be reviewed by OSMC.

**Item 3 – Dinton Activity Centre -** There is no mention of what changes are being made? There is no business case and reports on how this money is to be spent. Where is the decision to make these changes to the project? Why has this not been brought forward for scrutiny and for a decision?

**Item 5 – Reusable Sacks -** How can this money be agreed if there has been no decision to change the waste collection process? Where is the report and the business case? Where is the scrutiny? There is a need to examine the choices and agree the change, before agreeing to spend money.

The Chairman explained the format of the meeting and set out the order of business for the Call-In debate.

**Councillor Clive Jones addressed the Committee and explained that the Executive decisions had been called in on the following grounds:**

Officers and Members had worked very hard during the pandemic to maintain the delivery of key services and provide support for vulnerable residents. However, even during the pandemic, the Council's decision making procedures had to be followed in order to ensure that sound decisions were being made. If this had happened, there would have been no need for the Call-In to take place.

Clive stated that, in relation to the purchase of reusable sacks, the Leader of the Council had claimed that delays following the Call-In would cost the Council between £90k and £100k. However, the delays had resulted from the fact that the Executive had made

decisions using incomplete information. The Executive Forward Programme, published on 30 July, included reference to consideration of the sacks issue at the meeting on 24 September 2020.

In relation to the Decision Making Principles in the Council Constitution, Clive commented as follows:

Openness – not all of the possible options and consequences had been considered at the Executive on 30 July. For example, in relation to delaying the care home project and the purchase of reusable sacks.

Consultation – the options paper for replacement of black recycling boxes was not seen by the Executive Member until 28 July, after the despatch of the Executive Agenda. There was no scrutiny of the re-phasing of the Capital Programme. There was no supporting paper explaining the additional £600k cost of the Dinton Activity Centre project. The Executive were not able to ask detailed questions due to the limited information in front of them.

As long-standing Members were aware, Executive decisions taken using partial information frequently resulted in poor decisions which required further consideration and extra cost.

#### **Parry Batth put the following question to Clive Jones**

In relation to the consultant's wet waste option appraisal report, this was received by me on 28 July. At the Executive on 30 July the main objective was to secure funding as there was concern that we were moving into the season of wetter weather. Clive commented that the issue was about the Executive having the full information in front of it when it considered the funding.

#### **Committee Members put the following questions to Clive Jones:**

As the Lib Dem lead Member on Environment, with a monthly Officer briefing, would Clive have expected to receive information earlier? Clive confirmed that he had asked frequent questions about the replacement of black boxes and that Officers had discussed a trial of new arrangements at the end of 2019.

In the context of the financial pressures facing the Council, how robust were the projected savings relating to the replacement of black boxes by reusable sacks? Clive stated that the projected saving was £600k compared to making no changes. However, the calculations and assumptions underlying this figure were not presented to the Executive when the decision was made on 30 July.

How were the other Berkshire councils coping with the challenge of wet paper and card? Clive stated that Bracknell, Reading and West Berkshire used wheelie-bins. WBC Officers had not considered the option of wheelie-bins as part of the recent decision on reusable sacks.

One of the Council's decision making principles was "due consultation". What did this mean in the context of the decisions that were called-in? Clive stated that there should have been consultation with residents on the reusable sacks as this change affected every household. Officers were discussing a trial in late 2019, but nothing had materialised.

In relation to the reusable sacks, the options report gave examples of other councils using sacks for dry recyclable waste. Did the report provide sufficient evidence to enable a sound decision? Clive stated that the report did not indicate how long the sacks had been in use. Nor did it provide any feedback on quality or service delivery issues.

In relation to the use of reusable sacks, the Council had carried out public consultation some years ago on the option of wheelie-bins. Residents were clearly in favour of the current system. Clive stated that the situation may have changed over time. For example, the introduction of brown bins had been a success and may have helped to change residents' views.

**Parry Bath and John Kaiser addressed the Committee and set out the Executive's response to the Call-In.**

John Kaiser commented on the financial aspects of the Call-In. In relation to the reusable waste sacks, John stated that the proposal would deliver net cost savings of £400k per annum. The proposal had been submitted to the Executive in order to earmark the funding, pending a further decision on implementation. In relation to the Dinton Activity Centre, it was good financial management to take a decision on a supplementary estimate as quickly as possible. The re-phasing of the Capital Programme was also a routine occurrence, again part of sound financial management. The specific items for re-phasing were discussed with the relevant services in line with the aim of focussing on key priority areas.

Parry Bath commented on the decisions relating to the Dinton Activity Centre and the reusable recycling sacks. In relation to Dinton, Parry stated that the pre-application planning consultation had identified the need for additional expenditure, for example in relation to the indoor climbing wall and the new pedestrian bridge. The additional costs would be funded by the service.

In relation to the reusable sacks, Parry stated that market testing in 2017 had confirmed residents' support for the current method of service delivery using blue bags and black boxes rather than wheelie-bins. At the end of 2019, the "Stamp out the Damp" campaign had indicated the need for a longer term solution for wet paper and card. The only change under consideration was the change of receptacle from black boxes to reusable bags. The basic service delivery model remained unchanged. On 30 July the Executive had agreed the funding for the change, pending a further decision at the September Executive.

Graham Ebers addressed the Committee on the issue of transparency in the Executive report. In relation to the re-phasing of the Capital Programme, Graham confirmed that this was routinely carried out every year. Any changes followed detailed discussions with the relevant service. If anything, this year's re-phasing was more transparent than previous years. In relation to the waste sacks, this was not a change of policy and, therefore, Graham felt that the Executive decision was in line with the Council's Constitution. In relation to the Dinton Activity Centre, as the proposed borrowing would be repaid through additional service income, this was also in line with the Constitution.

**Clive Jones put the following questions to the Executive Members and Officers:**

To Graham Ebers – how could the Executive make effective decisions on re-phasing the Capital Programme without understanding the detailed narrative behind each change?

Graham confirmed that detailed work had taken place with departments to understand the impact of re-phasing and to ensure a focus on key priorities. The impact of Covid-19 meant that resources had to be targeted on priority areas.

To John Kaiser – why was funding for the purchase of reusable sacks approved without a detailed options report or business case? John confirmed that the Executive had agreed to set money aside pending a further decision on the preferred option.

To Peter Baveystock – did the Executive decision give a green light to purchase the reusable sacks? Peter confirmed that the decision was to ring-fence funding, but that negotiations would have commenced with potential contractors.

To Peter Baveystock – the consultant's option appraisal report was not ready in time for the Executive Agenda despatch on 23 July, so why wasn't the Executive meeting delayed until the report was available? Peter confirmed that changing the meeting date would have been possible but was not considered necessary. The decision to change to reusable sacks was not considered to be a change of policy. The change in the market for paper and card was known earlier in the year but the impact of Covid-19 and details of delivery times impacted on the decision making process.

**Committee Members put the following questions to the Executive Members and Officers:**

The consultant's report was circulated to Executive Members on 28 July, but a press release was also circulated on that date. This was how Members found out about the proposed change to reusable sacks. There was also a concern about the health and safety aspect of one handed lifting of the sacks. Had this issue been risk assessed? Peter Baveystock confirmed that the Council's contractor, Veolia, was satisfied that handling of the sacks would be safe.

Did the consultants look at any other options apart from reusable sacks? Why were Members not informed about the other options? Peter Baveystock confirmed that the consultant's report included analysis of other options such as boxes with lids and caps for the black boxes.

The consultant's report was based on two quarters of rainfall data and the six month period used was one of the wettest on record. Peter Baveystock commented that the rainfall projections were based on actual rather than projected data.

The Council's Constitution stated that expenditure over £50k should be supported by a business case. Had the business case for the reusable sacks been agreed yet? Peter Baveystock confirmed that the business case would be submitted to the Executive at its meeting on 24 September.

As mentioned earlier, what did "due consultation" mean in the context of the Executive decision on the reusable sacks? Graham Ebers commented that, in the context of the decision taken by the Executive, there was no requirement for consultation as the decision was supported by the Executive Member and did not constitute a change in policy.

**Parry Batth and John Kaiser summed up the Executive response to the Call-In.**

John Kaiser stated that re-phasing of the Capital Programme happened each year and was good financial management. The re-phasing followed detail work with the relevant services and did not have any negative impacts. The impact of Covid-19 meant that the Council had to focus its resources on key priorities.

Parry Bath stated that the £600k additional funding for the Dinton Activity Centre arose out of the results of planning requirements and public consultation. The additional funding would be financed from additional income generated by the new centre. Consequently, there were sound business reasons for the decision.

Parry Bath stated that the proposed borrowing of £288k for reusable sacks did not constitute a change in policy. It was more of a minor change in service delivery. The consultant's report was available and demonstrated the financial savings arising out of the proposal.

### **Clive Jones summed up the arguments in favour of the Call-In**

Clive stated that the Call-In would not have been necessary if the correct procedures had been followed and the Executive had received all the relevant information. However, this had not happened.

In relation to the reusable sacks, the Executive Member did not see the option appraisal report until after the despatch of the Executive Agenda. Additional costs for the Council arose out of the poor decision making process rather than the Call-In. Officers had confirmed that purchase of the reusable sacks would not happen until after the Executive meeting on 24 September. Members were aware that poor decision making often resulted in the need for further decisions and additional costs to the Council.

### **The Committee considered the evidence supporting the Call-In and the response from the Executive.**

In relation to Item 2 – rephrasing of parts of the Capital Programme (Appendix B), it was proposed by Oliver Whittle and seconded by Emma Hobbs that the Executive decision be confirmed.

On being put to the vote, the Chairman confirmed that the proposal was approved.

In relation to Item 3 - £600k borrowing for the Dinton Activity Centre, it was proposed by Sarah Kerr and seconded by Rachelle Shepherd-Dubey that

- 1) the Executive decision be confirmed;
- 2) the Chairman write to the Leader of the Council to request that, in future, project plans for Capital projects are properly costed before consideration by the Executive, to ensure that large amounts of funding are not added at a later date.

On being put to the vote, the Chairman confirmed that the proposal was approved.

In relation to Item 5 – borrowing £288k for the purchase of reusable sacks, it was proposed by Sarah Kerr and seconded by Rachelle Shepherd-Dubey that the decision be referred back to the Executive for further consideration, to include a fully costed business case (as set out in the Constitution) and trialling of potential solutions.

On being put to the vote, the Chairman confirmed that the proposal was not approved.

It was then proposed by Emma Hobbs and seconded by Alison Swaddle that the Executive decision be confirmed.

On being put to the vote, the Chairman confirmed that the proposal was approved.

**RESOLVED** That:

- 1) in relation to Item 2 – re-phasing of parts of the Capital Programme (Appendix B), the 30 July Executive decision be confirmed;
- 2) in relation to Item 3 - £600k borrowing for the Dinton Activity Centre, the 30 July Executive decision be confirmed;
- 3) in relation to Item 3 - £600k borrowing for the Dinton Activity Centre, the Chairman write to the Leader of the Council to request that, in future, project plans for Capital projects are properly costed before consideration by the Executive, to ensure that large amounts of funding are not added at a later date;
- 4) in relation to Item 5 - borrowing £288k for the purchase of reusable sacks, the 30 July Executive decision to set aside budget for an alternative to black dry recycling boxes, be confirmed.

**29. PROVISION OF REUSABLE SACKS FOR DRY RECYCLING: CALL-IN RESPONSE**

This report was considered in conjunction with Agenda item 27: Call-In of Executive Decisions (see Minute 29 above).