

TITLE	Single Use Plastics and Food Waste
FOR CONSIDERATION BY	Council on 22 September 2022
WARD	None Specific;
LEAD OFFICER	Deputy Chief Executive - Graham Ebers Monitoring Officer – Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

The call-in has resulted in the decision to be made by Executive as a Key Decision. This will be made in a public meeting in accordance with the Council's standard procedures.

RECOMMENDATION

- 1) That Council notes:
 - a) The reasons for the call-in request by the seven Councillors made on 20 July;
 - b) The withdrawal of the original officer decision that ceased the provision of single use plastics for food waste caddies; and
 - c) The key decision report that will be considered by Executive at its meeting of the 29 September 2022.

SUMMARY OF REPORT

To note the reason for the call-in and decision to reconsider the decision by Executive on the 29 September 2022

Background

A decision by officers was made to no longer provide single use plastic food caddy liners to residents. This decision is described as non-key and was made to meet the Council's financial challenge (as no budgetary provision has been made for this service) and the Council's initiative to eliminate the use of single use plastics

On 20 July, seven members of the Council requested a call in under rule 5.4.14 of the Constitution. They consider the recent decision should have been a Key Decision as defined. The members are requesting the decision is call-in as they believe that the decision does not comply with rule 5.4.11 of the Constitution (including requirements for notice and publication in the Forward Programme). A copy of the call in is attached.

Under rule 5.4.14, a report must be submitted to full Council to consider whether the decision is key or not.

Analysis of Issues

The constitution provides under para 5.1.9.3 that it is for the lead officer to determine whether a decision is key or not.

The lead officer decided it was not. The 7 members of the Council believe it is a Key Decision and that full Council should make the decision.

Key decisions made by Executive decision, an IMED or an officer, must be made in accordance with part 5.4 which requires prior advertisement (on the Forward Plan) and record keeping of the decision and the reasoning. The key decisions are listed in part 1.4.4 of the Constitution. They are quite broad in wording used in the drafting.

It is arguable whether it is significant to the service or function that it relates (para 1.4.4 a)). However, the impact also needs to be considered against its effect on communities living in an area comprising two or more wards (para 1.4.4 b). It is arguable whether it has a significant effect. Each of the categories of Key Decisions must be considered in isolation and this change will only be a Key Decision if it qualifies under 1 or more of the categories of 1.4.4 a to g.

Although officers who made the decision, believe the decision is not key, the 7 members do raise legitimate points. It is however considered unclear.

Bearing in mind the purpose of the key decision protocol (to promote openness and transparency in decision making) and the fact it isn't clear, has led to the officer's withdrawing the original decision. This means it will not be transacted unless a new decision is made.

This means there is no longer a decision for Council to consider at this meeting.

A Key Decision report will be considered by Executive at its meeting of the 29 September 2022 into the single use plastics and food waste/caddy liners.

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		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

None

Public Sector Equality Duty

There are no PSED requirements to consider at this point.

Climate Emergency – *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*

The decision to use single use plastics has an impact on the Climate Emergency but this decision will be made by Executive on 29 September 2022.

Reasons for considering the report in Part 2

N/A

List of Background Papers

Call in 21 July 2022

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Service Governance

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