

Agenda Item 43.

TITLE	Call-In of Executive Decision – Food Waste Caddy Liners
FOR CONSIDERATION BY	Overview & Scrutiny Management Committee on 24 October 2022
WARD	None Specific;
LEAD OFFICER	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

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