

**MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
HELD ON 24 OCTOBER 2022 FROM 7.00 PM TO 9.45 PM**

Committee Members Present

Councillors: Andrew Mickleburgh (Vice-Chair), David Cornish, Andy Croy, Peter Dennis, Graham Howe, Adrian Mather, Stuart Munro, Alison Swaddle and Alistair Neal

Other Councillors Present

Councillors: Norman Jorgensen, Pauline Jorgensen, Imogen Shepherd-DuBey and Ian Shenton

Officers Present

Richard Bisset, Lead Specialist, Place Clienting
Neil Carr, Democratic and Electoral Services Specialist
Graham Ebers, Deputy Chief Executive & Director of Resources & Assets
Callum Wernham, Democratic and Electoral Services Specialist

42. APOLOGIES

Apologies for absence were submitted from Jim Frewin and Gregor Murray.

Al Neal attended as a substitute.

Norman Jorgensen attended the meeting as one of the signatories, to present the Call-In.

43. DECLARATION OF INTEREST

There were no declarations of interest.

44. PUBLIC QUESTION TIME

There were no public questions.

45. MEMBER QUESTION TIME

There were no Member questions.

46. CALL-IN FOOD CADDY LINERS

The Committee considered a Call-In on a decision made by the Executive, at its meeting on 29 September 2022, relating to ending the supply of Food Waste Caddy Liners. The Call-In covering report stated that the Executive decision was:

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

Andrew Mickleburgh (in the Chair) explained the procedure to be followed at the meeting and the issues for Members to focus on. The Committee was tasked to review the Executive decision against the decision making principles set out in the Council’s Constitution, viz:

- 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.

Norman Jorgensen, one of the five Call-In signatories, presented the Call-In (supported by Pauline Jorgensen). Councillor Jorgensen addressed the Committee and made the following opening statement:

“The purpose of this call in is two-fold. Firstly to ensure decisions are made following the processes set out in the Council’s constitution and, secondly, to encourage good decision making.

On 29 September the Lib Dem Executive made the decision to cease the provision of food caddy liner bags. The Conservative Councillors who signed this call-in fear that if this decision is carried through it will act as a barrier to the use of the food waste recycling scheme and adversely impact the level of food waste recycled if some residents chose to discard food waste into the blue bags instead. This at a time when we wish to improve levels of recycling and reduce the volume of material discarded in the blue bags.

The Council has a target of increasing the use of the food waste service in 2022/23 by about 70%, which was not given due weight when making this decision. We feel the targeted 70% improvement has been placed in jeopardy by the decision to stop providing food caddy liners.

I will now go through the specific reasons for the call in.

1. a) In breach of rule 1.4.2.a) *proportionality*, we believe the decision is not proportional to the desired outcome in that the savings attributed in the 2022/23 Medium Term Financial Plan to the targeted increase in food waste recycling of £350,000 would not be achieved if caddy liners are not provided. To give context, each tonne of food waste diverted from the blue bags results in a saving to the Council of £1,000 in disposal costs. As stated previously, we feel that removal of the provision of caddy liners will discourage use of the food recycling scheme. Our view on the likely reduction in food waste recycling resulting from this decision was confirmed by the Leader of the Council on 22 September 2022 in the Reading Chronicle where he said that whilst the volume of recycling could dip slightly it will come back because people want to recycle.
1. b) In breach of rule 1.4.2.b) *due consultation*, no public consultation was undertaken on the proposed removal of the service and no alternatives were considered as shown in the decision sheet for the 29 September Executive meeting. Also, before the paper was considered by the Executive, the Leader of the Council stated in the Reading Chronicle on 22 September, that “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 in breach of rule 1.4.2.d) *a presumption in favour of openness*.
2. Rule 5.4.8. requires that any key decision is to be advertised on the Forward Programme of the Executive at least 28 days before a key decision is made. It also

says that “*Each month a copy will be provided to all Members*” (that is, a copy of the Forward Programme listing the key decisions to be made by the Executive). This latter requirement was not met, so Members did not have adequate foresight of upcoming business of the Executive.

We have presented four instances where the decision to cease supplying caddy liners has breached the rules of the Council’s decision making processes and so invite the Overview and Scrutiny Management Committee to ask the Executive to look at this decision again, this time following the proper processes.”

Following Councillor Jorgensen’s statement, members of the Committee raised the following points and questions:

How significant was the risk to achieving the £350k saving in the MTFP? Councillor Jorgensen stated that there was a significant risk. There was a danger that residents would be put off recycling food waste if the caddy liners were not available. Although the potential use of other materials was noted, it would be a less convenient and messier process for residents.

Andy Croy queried the wording of the Call-In which referred to the Lib Dem/Labour coalition Executive. Councillor Croy confirmed that there were no Labour Members on the Executive.

In relation to proportionality, what were the desired outcomes relating to this decision? Councillor Jorgensen stated that it was important to focus on the overall environmental impact of the decision. So, for example, a proper consultation may have generated ideas about the use of recycled caddy bags. It was necessary to look at the potential cost saving against the overall impact on the amount of food waste recycled.

What evidence was there that the overall £350k savings target would not be achieved as a result of the decision? Councillor Jorgensen referred to the comments of the Leader in the Reading Chronicle, to the effect that the volume of recycling could dip slightly. It was also important to note that the new administration had made a commitment to more effective consultation with residents.

What were the financial implications of continuing to supply the food waste caddy liners? Councillor Jorgensen stated that supplying the caddy liners would help to achieve greater levels of food recycling. This would then deliver a greater saving, a saving which could be used to cover the costs of the liners. A proper consultation could also have generated more ideas leading to further increases in recycling and less contamination of the blue bags.

In relation to due consultation, many decisions were taken without public consultation. What was different about this decision? Councillor Jorgensen commented that this was a big decision which impacted on every household in the Borough.

47. RESPONSE TO THE CALL-IN - FOOD WASTE CADDY LINERS

Ian Shenton, Executive Member for Environment, Sport and Leisure, addressed the Committee in response to the Call-In.

Councillor Shenton stated the Executive had agreed to the food waste service in January 2018, with a commencement date in 2019. There was no intention to continue to supply caddy liners after the initial batch, which was funded through a one-off capital receipt. In 2020, the caddy liners were made available on request. Then, in 2021, they were supplied again to all households, funded from income from the garden waste scheme. No growth bid was submitted to formalise the funding arrangement. This came to a head in the summer of 2022 when it became clear that funding from other parts of the service was no longer viable.

It was clear that many other councils, which did not provide caddy liners, were able to achieve better performance than WBC. Caddy liners were not material to their high performance. The Executive decision did not constitute a significant change to the service as other materials could be used to line the food waste caddies, as set out in the Executive report. The weekly collection service would continue as normal. Consequently, there was no need to carry out a consultation on the new arrangement.

In the ensuing discussion, Members raised the following points and questions:

After the caddy liners were made available on request in 2020, who made the decision to recommence the supply to all households in 2021? It was confirmed that the decision was taken in consultation with the Executive Member. The decision was taken for the convenience of residents. It was not based on a reduction in performance of the service.

Was the decision to continue supplying the caddy liners without budget provision taken in public? Is there a record of the decision? It was confirmed that the decision was taken internally following discussions between officers and the Executive Member. There was no consultation on this decision.

Graham Ebers confirmed that there was no specific ongoing revenue provision for the caddy liners after the first year of operation. Funding from elsewhere in the service became problematic this year in the context of the financial challenges facing the Council.

If finalised, how will the impact of the decision to remove the caddy liners be monitored and reported? It was confirmed that there was monthly monitoring of the waste tonnages collected. The data would reveal any impact towards the end of the 2022/23 Municipal Year. In the meantime, officers were confident that food waste tonnages would increase and the overall £350k saving would be achieved.

In relation to the application of section 5.4.8 of the Constitution, Andrew Moulton commented that the Council's legal obligations had been met in line with the relevant Access to Information requirements. It was accepted that not circulating the Executive Forward Plan to all Members amounted to a technical breach of the rules. This was seen as a "one-off" incident. It was confirmed that the Forward Plan could still be viewed on the Council's website during September. The scale and impact of this technical breach was a matter for the Committee to consider.

48. SUMMING UP AND DECISION

Ian Shenton summed up the response to the Call-In as follows. There was no specific budget for the food waste caddy liners. For a budget to be created there would have had to be a growth bid – which did not happen. The cost of the caddy liners has been met from elsewhere in the service budget. The food waste collection service will continue – there are other ways to line the food waste caddy. No other council provides a routine supply of

caddy liners, yet they are able to outperform WBC. The caddy liners are not essential to the delivery of the service and ending their supply will save the current cost.

Norman Jorgensen summed up the Call-In as follows. The funding issue is set out in the Medium Term Financial Plan – diversion of food waste from blue bags to caddies. A public consultation took place last year on recycling. A similar consultation should have taken place on the issue of caddy liners. Some of the reasons for the Call-In, e.g. proportionality were subject to a degree of subjectivity. However, the breach of section 5.4.8 of the Constitution was clear. That alone is justification for referring the matter back to the Executive. Greater notice to Members would have allowed more time for discussion and questioning. It was also clear, from comments in the media, that predetermination had taken place before the decision was made.

Having considered the Call-In and the response from the Executive Member, the Committee considered its decision.

Andrew Mickleburgh confirmed that the Committee could not overturn the Executive decision subject to the Call-In. If the Committee had concerns, it could refer the decision back to the Executive for further consideration with any recommendations the Committee agreed. Alternatively, the Committee could confirm the Executive decision.

It was proposed by Andy Croy and seconded by Adrian Mather that the Executive decision, relating to Food Waste Caddy Liners, be confirmed.

Upon being put to the vote it was:

RESOLVED: That the Executive decision, relating to Food Waste Caddy Liners, be confirmed.

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