

Meeting:	General scrutiny committee
Meeting date:	Friday 1 December 2017
Title of report:	Call-in of cabinet member decision in respect of charity shop waste disposal
Report by:	Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose and summary

To consider the call-in of the decision of the cabinet member contracts and assets regarding changes to the policy on charity shop waste disposal.

The cabinet member's decision has been called in by the following 7 councillors: Councillors: PP Marsh, JM Bartlett, AJW Powers, PA Andrews, PE Crockett, FM Norman and ACR Chappell.

Recommendation(s)

That:

- (a) the committee considers the evidence put forward that:**
 - i. there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account; and**
 - ii. the decision is disproportionate to the desired outcome; and**
- (b) in light of the evidence put forward, determine any recommendations it wishes to make to the cabinet member.**

Alternative options

1. Having considered the decision in light of the grounds and evidence for the call in, it is open to the committee to:
 - a) if there are no concerns, determine to take no further action; or
 - b) if concerns are identified, to refer the decision back to the cabinet member contracts and assets for reconsideration, setting out in writing the nature of its concerns.

Key considerations

2. In accordance with the [scrutiny rules](#) of the council's constitution, the decision by the cabinet member – contracts and assets on 13 November 2017: charity shop waste disposal (at appendix 1), has been called-in for consideration by this committee.
3. The stated reasons for the call-in are given in appendix 2 and are reproduced below:

Ground	Evidence
that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;	<p>Looking in the round this decision is not fully informed. Focussing on the most obvious impact of the decision, the projected cap on tipping would cost the Hospice in the region of £20K a year when fully implemented.</p> <p>St Michaels are valued partners who help us perform well both in diverting substantial tonnages from landfill and by providing valuable social care. The current decision does not take these factors into account. See below for more detail.</p>
that the decision is disproportionate to the desired outcome;	<p>Apparent short term operation savings made will be offset by:-</p> <p>Reputational damage – St Michael's hospice is one of the most well known and well loved charities in the county. It has recently delivered an award winning state of the art building costing £11.5 million without requiring any funding at all from Herefordshire Council. The building team actively used local architects, contractors and suppliers wherever practical.</p> <p>We have bent over backwards to encourage the University: surely we should also be supporting</p>

	<p>this highly effective organisation that is helping us on so many fronts.</p> <p>Practical damage to our recycling and reuse rates, which are overall greatly boosted by the 440 volunteers who provide an extraordinary 59 FTE effort working on reuse and recycling at the 14 St Michael's shops and warehouses in the county. This dwarfs our own in-house Waste team capacity and is a huge asset in meeting our waste targets and reducing landfill costs.</p> <p>Many of these volunteers are socially isolated and this work contributes greatly to their wellbeing. Many also receive training and move onto paid work.</p> <p>The income from the reuse and recycling not only supports one in four of the hospice patients but also provides a social care service that directly improves our hospital discharge rates and supports people who would otherwise call more heavily on our overstretched social care budget.</p> <p>Further figures are given in the letter submitted to the council as part of the consultation. This is available as part of the decision evidence.</p>
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4. Having heard the evidence for calling in the decision, and any response from the cabinet member, the committee may decide that it is satisfied or, if concerns remain, the committee may choose to recommend that the cabinet member reconsider the decision in light of specific comments the committee makes.
5. If the committee is satisfied, the original decision may be implemented immediately. If the committee makes a recommendation to the cabinet member, they shall reconsider any decision referred to them following call-in, take into account any views expressed by the relevant scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.

Community impact

6. In accordance with the council's adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As any recommendation of the scrutiny committee must be referred to the cabinet member to consider, we do not believe that it will have an impact on our equality duty.

Financial implications

9. There are no financial implications arising from the recommendations. If the scrutiny committee makes any recommendations to the cabinet member the financial implications of those recommendations will be taken into consideration by the cabinet member.

Legal implications

10. The call in was determined a valid by the monitoring officer (as detailed in appendix 2) and the meeting has been convened in the specified 10 day period.
11. The committee has no power to overturn an executive decision. It may, however, request the decision maker to reconsider the decision if, following a review of the decision and the evidence on which the call in has been based, it has concerns.

Risk management

12. There are no risks identified with the recommendations. If the scrutiny committee makes any recommendations to the cabinet member the risk management implications of those recommendations will be taken into consideration by the cabinet member

Consultees

13. None

Appendices

14. Appendix 1: written statement of a non-key decision, associated report and appendices

15. Appendix 2: determination of validity of call-in

Background papers

16. None identified