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Meeting	Corporate Services, Climate Change and Scrutiny Management Committee (Calling In)
Date	12 February 2024
Present	Councillors Fenton (Chair), Merrett (Vice-Chair), Ayre, Baxter, J Burton, Kelly, D Myers, Rowley, Steels-Walshaw, K Taylor, Waller, Widdowson and Orrell (Substitute for Cllr Healey)
Apologies	Councillor Healey
In Attendance	Cllr J Kent, Executive Member, Environment and Climate Emergency Cllr K Lomas, Executive Member, Finance and Major Projects
Officers Present	James Gilchrist, Director of Environment, Transport and Planning Ben Grabham, Head of Environmental Services Dawn Steel, Head of Democratic and Scrutiny Services

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#### **10. Declarations of Interest (6.03 pm)**

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

Cllr Merrett noted that he was a beneficiary of the green bin collection service. Prior to the meeting, he had taken advice from the Monitoring Officer and as this was the case for most members, he had been advised that it was not a declarable interest.

#### **11. Minutes (6.04 pm)**

Resolved: That the minutes of the last meeting held on 15 January 2024 be approved as a correct record.

**12. Public Participation (6.04 pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn, a resident, stated that she was in support of both the call-in and charging for green bin waste collections. She raised concerns regarding the consultation process and the report to the Executive Member. Finally, she made some suggestions for future scrutiny review.

**13. Called-In Item: Waste Services - Service Developments Report - Executive Meeting, 25 January 2024 (6.08 pm)**

Members considered a report which set out the reasons for the call-in of the decisions made by the Executive on 25 January 2024 in respect of the above matter, along with the committee's remit and powers in relation to the call-in.

The decisions were contained in the extract from the relevant Decision Sheet at Appendix A to the report. The original report and associated annexes were attached at Appendix B. The decisions had been called in by Cllrs Hollyer, Fisher and Mason for the following reasons:

- *The Council paper claims that the charge will go towards offsetting the cost of delivering the service, however no rationale is given for the level of the charge being set at £46.50, other than this happening to be the amount charged in neighbouring North Yorkshire Council - a council with a very different profile to York. It would seem that the charge was set at the maximum level it was felt possible politically. This is no basis for making policy, if a charge is deemed necessary then it should be set at a level appropriate to York, with an explanation for the level. In addition, the stated aim of the policy is to cover the cost of collecting green waste, however the level of the charge is potentially higher than needed to cover the costs of the service - in opposition to the supposed aims of the policy.*

- *No consultation with the public has been properly undertaken, the report seems to think that a reference to the charge made last year in a council report is sufficient consultation with the public. Clearly this is wholly insufficient and the lack of consultation is reflected in the inadequate EIA, which glosses over, for example, the impacts on elderly and disabled residents that might rely on the service as it is.*
- *The options appraisal, in paras 33-38 makes no mention of the impacts of introducing a charge on the Council's equalities and environmental objectives - and only focuses on the financial issue. In addition, no consideration appears to have been given to the likely increase in costs of carrying the, potentially large amount of, extra green waste dumped in the grey bins to Allerton Park and then processing it.*
- *Insufficient consideration is given to the impact of the charge on the Council's equalities (e.g. impact on elderly and disabled residents for example) and environmental objectives (e.g. reduced recycling, increased air quality, increased fly-tipping, increased car trips, increased paving of gardens) - and no referenced evidence for assertions that these are not concerns has been provided.*

The Calling-in Members, Cllrs Hollyer, Fisher and Mason, each addressed the committee in turn, expanding on their reasons for the call-in and then responding to questions from Members. The Executive Member for Environment and Climate Emergency, Cllr J Kent, and the Executive Member for Finance and Major Projects, then addressed the committee regarding their decisions, and responded to questions. Officers responsible for the report to the Decision Session spoke to clarify aspects of their report and to answer questions. Finally, Cllr Hollyer summed up on behalf of the Calling-In Members and the Executive Member for Environment and Climate Emergency summed up the Executive position.

During the above process, it was confirmed that:

- The green waste collection service was not a statutory requirement.

- Due to budget constraints, the decision had been taken to charge for the service and make the collection service available to all residents.
- Should the level of take up be higher than anticipated, the charge could be lowered or the profit could be used to support other services. If there was a 60% take up, revenue could achieve £1.6m, the current cost of the service was £1.8m.
- Council Tax support category, already have a reduction on their council tax through means testing. There was an existing system in place which could be used to evidence resident's eligibility for a discount, subject to the completion of a data protection waiver.
- The statistical significance of the available data, from the Waste Data Flow information, was very low. It was therefore difficult to use data to support any conclusions.
- Consultation had taken place with business partners, voluntary and community organisations.
- The IT system was at an early stage of development.

Under the provisions of the council's constitution at the time the call-in was made, Members were asked to state individually whether they considered the core principles identified in the call-in request (Appendix C) had been breached or not. The following options were available:

- In the event of the majority of Members finding no breach, the call-in request would be immediately closed with no further action unless the Committee identifies any areas worthy of future exploration by the scrutiny function.
- In the event of the majority of Members finding a breach, the called in decision would be referred back in full for further consideration at the next appropriate meeting of the Executive.

With five Members finding there had been a breach, and seven members finding there had not been a breach, the call-in fell and it was:

Resolved:

- i. That the call-in request be closed.
- ii. That Economy, Place, Access and Transport Scrutiny Committee be asked to review the

new arrangements following an appropriate period of operation.

Reason: To determine the outcome of the alleged breach in Executive decision making.

Cllr S Fenton, Chair

[The meeting started at 6.02 pm and finished at 7.33 pm].