

Appendix C

City of York Council Constitution Appendix 5: Scrutiny Procedure Rules

Annex 2 - Call-in Request Form

This form must be completed and signed by THREE City of York Councillors and MUST be returned to Democratic Services within 5 working days of the decision being published (*not including the day of publication*).

Decision taker:	Executive
Date of publication of decision:	25 January 2024
Title of Decision Called in:	6. Waste Services – Service developments i. Noted the report and agreed to introduce a garden waste subscription service at a fee of £46.50 per bin, and instruct officers to begin work so that the Council can introduce an annual fee for kerbside garden waste collections in York;
Date Decision Called in:	29 January 2024

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary to or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 7 of the Council's Constitution.	X
	If reason 4, please tick which specific element of Article 7 the decision maker has not followed, did he or she not:	
(a)	Meaningfully consider all alternatives and, where reasonably possible, consider the views of the public.	X
(b)	Understand and keep to the legal requirements regulating their power to make decisions.	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	X
(d)	Act wholly for proper purpose and/or in the	

	interests of the public.	
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	
(g)	Make sure they are properly authorised to make the decisions.	
(i)	Take appropriate professional advice from Officers.	

Detailed Reason(s) for Call-in.

The reasons in 4 above differs from those in the constitution, but we have chosen to tick the one which most closely matches those in the constitution.

We believe the decision breaches Principles of Decision Making: c) clarity of aims and desired outcomes, d) decisions will be proportionate to the intended objective, f) due consultation and taking professional advice from Officers, g) explaining options considered and giving reasons and j) consideration of relevant implications.

c) and d) - 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.

f) - 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.

g) - 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.

j) - 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.

	Name (please print)	Signature (<i>please note that signatures will not be published with the agenda. Electronic signature will be accepted</i>)	Date
1.	Andrew Hollyer	Andrew Hollyer	29/01/24
2.	Tony Fisher	Tony Fisher	29/01/24
3.	Ashley Mason	Ashley Mason	29/01/24

For office use only:

Received on behalf of the Monitoring Officer by: (signature)

Name: Dawn Steel

Date: 29/01/24

Time: 15:40

Validation Check (if necessary):

Monitoring Officer / Chief Operating Officer

Valid: YES / ~~NO~~

Reason: The reasons submitted could form the basis of a valid challenge to the report.

Completed by: (signature)



Date: 29/1/2024

Time: 16:02