

Minutes

Corporate Scrutiny Committee

31st July 2023



Present

Councillors	Present	Councillors	Present
J Abbott	Yes (Call In Member)	I Parker	Yes
J Beavis	Yes	R Ramage	Yes
J Bond	Apologies	W Taylor	Yes (Call In Member)
G Courtauld	Yes	E Williams	Yes
P Heath (Chairman)	Yes	T Williams (Vice-Chairman)	Yes
D Holland	Yes	J Wrench	Apologies (G Prime appointed as substitute)
J Martin	Yes (Call In Member)		

The meeting was called as part of the Council's 'Call In' Procedures (CPR 17.7) to deal with the 'Call In' of the [Cabinet decision](#) in respect of the Garden Waste Collection Service. There was no other business to be considered.

The following Members of the Cabinet were present at the meeting: K Bowers, L Bowers-Flint, G Butland, M Cunningham, T Cunningham, F Ricci and G Spray. Councillors P Schwier, B Taylor and R van Dulken were also present in their capacities as Deputy Cabinet Members.

The following non-Committee Members were present as signatories to the "Call In" of the decision: C Finch, M Fincken, L Jefferis, S Mason, M Staines and P Thorogood.

Councillor D Garrod was in attendance to observe the meeting.

Any Members of the Committee who were signatories to the 'Call In' of the decision of Cabinet, listed under Item 5 of the Agenda, were not allowed to participate as Members of the Committee during the meeting. They were, however, allowed to attend and participate as 'Call In' Members.

Both those Members calling in the decision and the Cabinet were permitted to stay at the meeting whilst the Corporate Scrutiny Committee debated and decided what action to take at the discretion of the Chairman. They were not able to participate in the general debate by the Committee.

1 **DECLARATIONS OF INTEREST**

INFORMATION: Councillor T Cunningham, Deputy Leader and Cabinet Member for Transformation, the Environment and Customer Services, declared an Interest as an Elected Member at Essex County Council (ECC).

2 **MINUTES**

DECISION: There were no Minutes for signing as the meeting marked the first formal meeting of the Corporate Scrutiny Committee (the Committee) following the Elections on 4th May 2023.

3 **PUBLIC QUESTION TIME**

INFORMATION: There was one statement made in respect of Agenda Item 5, 'Call In – Cabinet Key Decision – Options for the Future of the Garden Waste Collection Service.' The statement was read out by J Mann, Scrutiny Officer, on behalf of Mr A Badger, who was unable to attend the meeting. The statement included five questions which were put to the Cabinet for their consideration.

Having heard the statement, Councillor G Butland, Leader of the Council, confirmed that any questions that were not addressed during the main discussion for the evening would receive a formal response following the meeting.

4 **CALL IN – CABINET KEY DECISION – 'OPTIONS FOR THE FUTURE OF THE GARDEN WASTE COLLECTION SERVICE'**

INFORMATION: The Chairman explained that this Item would be divided into two parts. The first part would provide an opportunity for the Committee to hear from all parties present, which included Members who were signatories to the respective 'Call In' Notices and Members of the Cabinet. The second part would allow the Committee to consider the Item in a general debate, which included reaching a decision whether to refer the 'Call In' to Cabinet for reconsideration. Those Members of the Committee who were signatories to the 'Call In' of the decision, or a Member of the Cabinet, would not be allowed to participate during the second part of the meeting.

The Chairman then commenced with the first part of the meeting.

Members speaking during this Item were reminded that speeches were limited to the content of the 'Call In' Notices and that no new matters were to be introduced, although they could refer to matters raised within the report.

On behalf of the Labour Group, Councillor M Fincken was invited to speak in respect of the Group's 'Call In' Notice, the grounds for which were detailed in the [Committee's report](#). Following this, other Members present from the Labour Group were also invited to make any further comments.

On behalf of the Independent and Green Group, Councillor J Abbott was then invited to speak in respect of the Group's 'Call In' Notice, the grounds for which were detailed in the [Committee's report](#). Following this, other Members present from the Independent and Green Group were also invited to make any further comments.

In their speeches, both the Labour and Independent and Green Groups commented on the significant public interest and concern expressed about the decision via the Council's social media panels and on the ground. Other issues raised were around the consideration of alternative options to the decision that was made; the Council's financial objectives against the backdrop of the Cost of Living Crisis and the potential for disproportionate impacts on residents; a perceived lack of communication with the public and non-Cabinet Members; the impact on recycling targets and the Council's declaration

of a Climate Emergency.

The Chairman then invited Cabinet Members to set out their reasoning behind the decision taken on 10th July 2023 to introduce charges for the Green Waste Collection Service (the Collection Service).

Councillor G Butland, Leader of the Council, acknowledged that the introduction of a charge for the Collection Service had garnered much public interest, but reiterated that there was a necessity to close the current budget gap in the Council's Medium Term Financial Strategy (MTFS). As such, 'difficult' decisions needed to be made.

Councillor T Cunningham, Deputy Leader and Cabinet Member for Transformation, the Environment and Customer Services, began by thanking the Chairman and Governance Service for facilitating the 'Call In' process. Apologies were also extended to residents who had been in contact with Customer Services to enquire about the Collection Service.

Councillor Cunningham proceeded to highlight that the Council's budgetary process was always open to scrutiny and reiterated that the decision to charge for the Collection Service had not been taken lightly, or without any public knowledge or attention. On the subject of the take-up rate of the Collection Service, financial modelling around the decision had indeed been based on circumspective rates, as it was prudent to do so. It was expected that there would be a period of transition whereby recycling rates fell to some degree; however, the assumption that this decline would be extreme, or that rates of fly-tipping would also increase, was unfounded. In terms of the Council's income generation, it was noted that the Trade Waste Service was highly effective in this regard. The organisation would also continue to look at other options for income generation, such as shared services.

Councillor K Bowers, Cabinet Member for Resources and Performance, made reference to the budget gap of £2million for the Authority, which was expected to increase. For the current financial year, it was predicted that there would be a £644,000 shortfall which was to be covered by balances; however, it was recognised that the Council could not continue to meet the shortfall in this way, and that other options needed to be considered.

In response to concerns raised about the annual charge increases, Councillor Bowers explained that the subscription charge from 2025/26 was subject to the corporate annual fees and charges review and was not confirmed. Regarding openness and transparency, Councillor Bowers reminded Members that discussions around the possibility of charging for the Collection Service had been underway since 2018. Accordingly, reference was made within the report to the Council's budget setting meeting in February 2023 about the potential for setting monies aside to accommodate this option. Finally, it was underlined the Collection Service was discretionary, and that neither of the two 'Call In' notices from the Labour and Independent and Green Groups had offered alternative suggestions for meeting the Council's budget gap.

The Chairman then invited the officers present to make any comments in response to the issues highlighted thus far.

P Partridge, Head of Operations, explained that one of the critical factors which impacted on the options considered as part of the project management process was the Resources and Waste Strategy for England 2018 (the Strategy), and this was underpinned by the Environment Act 2021 (the Act). Within this legislation, the Government had set out proposals to achieve consistency in household waste collections to avoid confusion

amongst the public and ensure that a better quality of material was collected as part of the service. As such, the Strategy and the Act were critical factors in influencing officer opinions throughout the decision-making process. Although other options could have been identified (e.g. a 'hybrid' collection service), these would not have achieved the same consistency of approach in household waste collections as set out by the Government, and could have resulted in higher costs for the organisation and uncertainty amongst the District's residents. It was added that the Council had received notification from DEFRA that anticipated waste reforms had been delayed until October 2025.

The Chairman subsequently invited Members of the Committee to ask any questions they had at this stage of the 'Call In' Members, Cabinet Members or officers. The following information was provided in response to the questions raised:

- The Council had considered alternative options for meeting the budgetary shortfall alongside the Collection Service charge. The Council also had an Investment Strategy and Investment and Development Programme which were continuously reviewed should new ideas around income generation and commercialisation be identified.
- There were limits on the amount of Council Tax that could be charged each year.
- In regard to the costs of implementing the new charges, Members were reminded that during the Council's budget setting meeting in February 2023, a sum of £200,000 had been allocated towards the implementation and transition period.
- In terms of other options for meeting the financial shortfall, the likelihood was that discretionary services would need to be reviewed. Indicative costs were then provided and were as follows: Community Support and Wellbeing - £228,000; Health Development - £60,000; external funding to Citizens Advice and Community 360 - £4,000; Economic Development and Business Engagement - £231,000; Sustainability and Carbon Management - £109,000; and the Planning Enforcement Team - £327,000.
- It was stressed that the introduction of the charges for the Collection Service would not resolve the financial shortfall of the Council alone; instead, a sum of £2million needed to be identified to achieve this. Accordingly, £1million had been allocated by the Council at the disposal of the Chief Executive for the transformation of the Council's services to help bridge the budgetary gap.
- In respect of the review which led to the decision to charge for garden waste, Members were advised that this was largely centred around clarification from ECC on funding availability, as well as greater uncertainty from Central Government.
- Specific figures in respect of home composting rates were not available to hand at the meeting, however, Members were advised that a significant number of residents had previously purchased subsidised compost bins from Essex County Council for home composting.
- In terms of the length of time other Councils had been charging for their garden waste service, officers did not have specific figures available, but many other Local Authorities in Essex had been doing this for a number of years (e.g. Harlow, Brentwood, etc).
- In regard to 'vulnerable resident' groups, it was emphasised that the Council would

assess individual cases and provide assistance where possible, as it had done historically for the grey bin collections.

- A referendum on the Collection Service would not resolve the financial challenges facing the Authority. It was highlighted that the Council's budget gap was comparatively small against those of other Local Authorities.
- There had been a regrettable downward trend in the District's recycling rates over recent years; a collective effort from both the Council and the District's residents was required to address this.
- In response to a query on the potential impact of the decision on the Council's climate change policies, it was reiterated that the Council was committed to taking positive action towards tackling climate change. This was evidenced by the formulation of the Authority's Climate Change Strategy, delivery of the Climate Change Action Plan and the significant capital that had been invested in this area over the years. It was also recognised that recycling and waste collection was just one element of a much wider Climate Change agenda for the Authority.

The Chairman proceeded to thank all Members for their participation in the first part of the meeting this evening. Non-Committee Members were welcome to stay and observe the meeting for the remaining duration, but they would not be able to participate in the general debate.

The Chairman then commenced with the second part of the meeting.

Committee Members were advised that having heard from both 'Call In' Notices, the Cabinet Members and Officers, it was now for them to consider the information provided with a view to reaching a conclusion on whether they believed the Cabinet had taken into account a key consideration as part of their decision making. The decision of the Committee would result in either the matter being referred back to Cabinet at its meeting on 7th August 2023, or the confirmation of the Cabinet decision made on 10th July 2023 and thus the end of the 'Call In' process.

During the general debate on the matter, Members of the Committee made the following observations:-

- Councillor J Beavis expressed her disappointment over the decision and embraced the scrutiny process around this. It was felt that the decision still required further consideration before being approved, particularly in light of the new administration and concerns raised around public engagement in the lead up to the decision and the potential impact on residents. Reference was also made to other Local Authorities who had adopted a similar approach to their Collection Services but then experienced further issues around fly-tipping, and assurance was sought that such issues would not transpire in the Braintree District. Finally, Councillor Beavis commented on the Authority's longstanding commitment to commercialisation and queried the need to introduce the charges against the backdrop of other schemes that already been implemented for this purpose.
- Councillor G Courtauld expressed his support for the decision to charge for green waste and felt it was irresponsible to retain a free service when there was a need for the Authority to resolve a £2million budget deficit.

- Councillor I Parker addressed a number of the pertinent points within the 'Call In' Notices. In regard to the 'failure to consult,' Members were reminded that the issue of whether to charge for garden waste or not was one that had been debated as part of the Council's budget setting process with both Members and Parish Councils over the last six months. In respect of the decision being 'contrary to policy,' it was highlighted that recycling rates did not capture home composting rates. In terms of 'climate change' concerns, it was stated that the act of composting garden waste was itself a contributor to the emission of greenhouse gases, regardless of whether this took place at home or in a County Council waste facility. Finally, Councillor Parker felt that the decision, although not an easy one for the Authority to make, had been given thorough and careful consideration by both officers and Members alike, as evidenced by benchmarking exercises and alternative options that had been explored, but were found to be unsuitable.

At the conclusion of the debate, the Chairman thanked Members for their contributions and proceeded to the vote.

The vote was conducted by way of a show of hands and the results were as follows:

Refer the decision back to Cabinet: Councillor J Beavis, Councillor E Williams (two votes)

The decision should not be referred back to Cabinet: Councillor G Courtauld, Councillor D Holland, Councillor G Prime, Councillor I Parker, Councillor R Ramage and Councillor T Williams (six votes)

The original decision of the Cabinet on 10th July 2023 was therefore confirmed and would take effect from the conclusion of the meeting.

It was reiterated that there would be no further opportunity for the decision to be 'Called In' as set out in CPR 17.20 of the Council's Constitution.

Before closing the meeting, the Chairman wished to thank Members from all parties for their contributions to the process and for the professional manner in which it had been conducted. Gratitude was also extended to the officers who had been involved with the process and made the necessary arrangements.

DECISION: That the decision should not be referred back to Cabinet for reconsideration.

REASON FOR DECISION: To ensure compliance with the Council's Procedural Rules 17.7 (CPR 17.7) and processes regarding 'Call In.'

The meeting commenced at 7.15pm and closed at 8.45pm.

Councillor P Heath
(Chairman)