

## OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

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**MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 21 JUNE 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Simon Killane (Chairman), Cllr Alan Hill (Vice Chairman), Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Christine Crisp, Cllr Howard Greenman, Cllr Jon Hubbard, Cllr George Jeans, Cllr Gordon King, Cllr Jacqui Lay, Cllr Bridget Wayman, Cllr Peter Edge (Substitute) and Cllr Paul Oatway (Substitute)

**Also Present:**

Cllr Chris Caswill, Cllr Bill Moss, Cllr Toby Sturgis, Cllr Philip Whitehead, Cllr Jerry Wickham and Cllr Graham Wright

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59 **Apologies**

Apologies were received from Councillors Stewart Dobson, Stephen Oldrieve, Tony Trotman and John Walsh.

Councillor Dobson was substituted by Councillor Paul Oatway QPM.

Councillor Oldrieve was substituted by Councillor Peter Edge.

60 **Declarations of Interest**

There were no declarations.

61 **Chairman's Announcements**

There were no announcements.

62 **Public Participation**

The rules on public participation were noted.

63 **Call-in of Cabinet Member Decision SDSPW-03-16: Cessation of 3rd Sector Policy Subsidy - VCSE Permits for Household Recycling Centres**

On 14 June 2016 the Designated Scrutiny Officer and Head of Democracy and Performance received a request from the requisite number of non-executive members that they wished to call-in Cabinet Member Decision SDSPW-03-16: Cessation of 3<sup>rd</sup> Sector Policy Subsidy – VCSE Permits for Household Recycling Centres.

An officer report had been prepared on the procedure to be followed in assessing the call-in, along with a copy of the decision, its supporting information, and the call-in request itself. In particular it was emphasised that the call-in was to determine if the correct process had been followed in taking the decision, and whether everything that was required to be taken into account had been, not on whether the Committee agreed with the decision itself.

The decision taken under delegated authority by the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste involved the introduction of charges for Voluntary, Community and Social Enterprise (VCSE) sector organisations to continue disposing of waste at Household Recycling Centres (HRC).

Prior to presentation and debate, a statement was received from Mr Matt Kelcher from the Charity Retail Association on behalf of their members in Wiltshire. The benefits of the decision were questioned, along with confusion over the aims of the decision.

The lead signatory of the Call-in, Councillor Chris Caswill, then outlined why he considered that the Decision had not been made in accordance with the principles of decision making as detailed in Article 15.3 of Part 2 of the Constitution and as listed in the covering report.

Councillor Caswill pointed to the fact 18 other councillors of cross party background had signed his call-in request, indicating how important a decision it had been. He explained that the aims of the call-in were unclear on whether its primary aim was to reduce queues at HRCs or save money, and in any case had provided no evidence in its report that VCSEs and schools had contributed to those queues. It was also unclear that it would be effective in achieving either of those aims, and even if it did, the action that would be taken was disproportionate.

It was also stated the decision would lead to inefficiencies, with schools being provided financial support on one hand but then charged for disposing of waste. The decision did not serve communities or demonstrate there had been working in partnership with VCSEs and others, and would not promote wellbeing as it would discourage the recycling of materials if people worried by donating to charities, who would not be able to dispose of that which could not be sold, would face charges for doing so. As such it was also against the council's environmental objectives.

The Cabinet Member, Councillor Toby Sturgis, then responded to the points raised and described how he believed he had followed the necessary processes

and principles of decision making, supported by Councillor Jerry Wickham, Portfolio Holder for Waste.

The Cabinet Member stated the HRCs were designed solely for disposal of householder waste. From 2012 councils bordering Wiltshire had imposed discretionary charges for non-householders using such centres, and Wiltshire had been receiving large quantities of waste from out of county, with clear evidence of charities being responsible. The Cabinet Member recognised the excellent work of many charities, but much of the material deposited at HRCs would be material unable to be sold at a charity's retail outlets, and as such would in any case go to landfill.

The aims of the decision had, in the view of the Cabinet Member, been clear. It was necessary to achieve savings in the current economic climate, and also address the issues of queueing at and misuse of HRCs. Very few schools had acquired passes to use HRCs, and only in small loads. There had been extensive consultation with partners, and some had accepted the level of charges suggested as reasonable. The sites were only intended for Wiltshire residents so there was no discrimination against them, and the decision promoted wellbeing by assisting in the council making its required savings in order to deliver its key services despite decreased funding and rising demand.

The Committee then discussed the case made for the call-in and the Cabinet Member's response and whether he had taken adequate account of the principles of decision making.

The Committee sought details of charities bringing in materials from outside Wiltshire and how the permits were presented monitored and enforced if this was proving ineffective, and any implications for the proposed new process.

Some members were concerned at the impact on VSCEs and their volunteers if the council were to bring in such charges for permits, particularly given increased reliance on 3<sup>rd</sup> sector organisations. They also questioned whether smaller groups in particular could bear the cost and if any reputational damage to the council would occur, and whether the decision was indeed proportionate to the desired aims.

In response to queries the Cabinet Member stated he had assessed many variations of the impact of the proposed charges, and considered the level of charge was not punitive and should not have a negative effect. Other members also felt that the cost for a permit was reasonable, and were used in other counties, and the Cabinet Member had demonstrated the impact would not be disproportionate to the aims as laid out.

Clarity was sought on whether a charity was restricted to purchase of a single permit, up to a maximum of 12 visits per month to a HRC, or could larger charities purchase multiple permits to enable more visits. After discussion it was stated charities were restricted to a single permit.

To summarise, the Cabinet Member defended his decision stating it had been a difficult one but that he had followed the correct process and considered all relevant factors in making that decision.

Councillor Caswill as lead signatory of the Call-in summarised by stating the debate had reinforced the concerns about the processes being followed. There had been no mention of charities from out of county abusing their permits as the cause of problems and the decision's main aim being to prevent that. A blanket charge on all charities, large and small, was not proportionate, and a more efficient system could achieve the same aims. He did not feel evidence had been provided with the decision or at the meeting to justify the assertion due consideration had been given to relevant factors, and work with partners had not been at a suitable level.

At the conclusion of debate, it was,

**Resolved:**

**On balance of the written and oral evidence presented, to find that there were insufficient grounds to demonstrate that the principles of decision making had not been followed by the Cabinet Member in this case, and therefore the decision can be implemented with immediate effect.**

*A recorded vote having been requested by the necessary numbers of councillors, the vote was as follows:*

*For the motion*

*Councillor Chuck Berry, Councillor Christine Crisp, Councillor Howard Greenman, Councillor Alan Hill, Councillor Jacqui Lay, Councillor Paul Oatway QPM, Councillor Bridget Wayman.*

*Against the motion*

*Councillor Glenis Ansell, Councillor Peter Edge, Councillor Jon Hubbard, Councillor George Jeans, Councillor Simon Killane, Councillor Gordon King.*

64 **Date of Next Meeting**

The next meeting is scheduled for 5 July 2016.

(Duration of meeting: 12.30 - 2.00 pm)

The Officer who has produced these minutes is Kieran Elliott (Senior Democratic Services Officer), of Democratic & Members' Services, direct line (01225) 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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