

**21 June 2016**

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**Call-In with respect to individual decision SDSPW-03-16 (relating to cessation of 3rd Sector policy subsidy)**

**Purpose of report**

1. A call-in with respect to the above delegated decision has been received by the designated scrutiny officer. The call-in request is attached at **Appendix 1**.
2. This report sets out the background and process for the management committee in considering, and either rejecting the call-in, or referring the decision back to the decision maker for reconsideration.

**Background**

3. The delegated decision [SDSPW-03-16](#) - Cessation of 3rd Sector Policy Subsidy: VCSE Permits for Household Recycling Centres - was published on 7 June 2016 and is also attached with accompanying papers at **Appendix 2**.
4. The decision was taken by Cllr Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste. This decision was in relation to the proposed changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and Household Recycling Centres (HRC) by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and Schools.
5. Under the council's Constitution, a group of no less than 10 non-executive councillors are able to request that a decision is called-in, within 5 working days of the publication of the decision. Upon receipt of a request to call-in, the designated scrutiny officer must call a meeting of the Overview and Scrutiny Management Committee within 5 days to consider the call-in.
6. The designated scrutiny officer received a request to take effect from 14 June to call-in the decision as detailed in Appendix 1, sent by (i) Cllr Chris Caswill with supporting signatories from:
  - (ii) Cllr Jon Hubbard
  - (iii) Cllr Ricky Rogers
  - (iv) Cllr Glenis Ansell
  - (v) Cllr Brian Dalton
  - (vi) Cllr Gordon King
  - (vii) Cllr Russell Hawker
  - (viii) Cllr Graham Wright
  - (ix) Cllr Pat Aves
  - (x) Cllr Ian West
  - (xi) Cllr Chris Hurst
  - (xii) Cllr Steve Oldrieve
  - (xiii) Cllr Trevor Carbin

(xiv) Cllr Magnus Macdonald

(xvii) Cllr Peter Edge

(xv) Cllr Bill Douglas

(xviii) Cllr Bob Jones MBE

(xvi) Cllr Ian Thorn

(xix) Cllr Ian McLennan

The provision for a call-in of an executive decision is set out in the [Overview and Scrutiny Procedure Rules](#) in Part 8 of the Wiltshire Council Constitution. It is designed to be used in exceptional circumstances where members have evidence which suggests that the Executive did not take the decision in accordance with the principles of decision-making as set out in Article 13.2 of [Part 2](#) of the Constitution.

7. The specific principles, identified by the call-in signatories, as having not been followed, and the supporting justification as to why, are provided below:

<b>Principle</b>	<b>Challenge</b>
<ul style="list-style-type: none"><li>to produce action that is proportionate to the desired outcome</li></ul>	<i>The action is not proportionate in respect of the savings estimate and the negative effects on the voluntary sector.</i>
<ul style="list-style-type: none"><li>to be clear over desired outcomes and aims</li></ul>	<i>There is a confusion between the aims of reduced HRC queues and saving money. Which is the main aim?</i>
<ul style="list-style-type: none"><li>to obtain best value and operate efficiently, effectively and economically</li></ul>	<i>It is not efficient or effective to charge schools for this service, especially those in the LA sector.</i>
<ul style="list-style-type: none"><li>to serve Wiltshire communities and to work in partnership with other agencies having the same aim</li></ul>	<i>This fails to promote Partnership Working with the Voluntary Sector. It will discriminate against organisations and individuals living and working in Wiltshire.</i>
<ul style="list-style-type: none"><li>To promote the economic, social and environmental well-being of the county</li></ul>	<i>This punitive measure fails to promote social and environmental wellbeing.</i>

8. The call-in request further clarifies in the section on action already taken to resolve the matter, including representations to the decision maker:

*I [Cllr Chris Caswill] wrote to the Cabinet Member to express my concerns on 31 May. I pointed out that the Voluntary Sector already suffered grant reductions and this was a further penalty, the decision was contrary to the principles of working in partnership, and that it did not promote environmental and social wellbeing, and would also have perverse side effects, such as discouraging recycling and taking second hand goods to voluntary organisations.*

9. Further comments were also included as follows:

*It is not enough to say that 'It became clear that' Voluntary Sector use was 'one of the causes' of HRC queues. No detailed evidence is provided for this claim and the Council's own policy of reduced HRC hours is more likely to be the main cause.*

*This decision should be withdrawn and other options considered to achieve the budgeted saving.*

### **Purpose of the meeting**

10. The purpose of this meeting is for the Overview and Scrutiny Management Committee ('the Committee') to consider the evidence presented by the call-in signatories that the principles of decision making, as outlined in the Constitution, have not been followed and provide the opportunity for the relevant Cabinet Member to outline the details of, and reasons for, the decision.
11. The options for the Committee are either to refer the decision back to the Cabinet Member for reconsideration in light of the outcome of the debate at the meeting, or to reject the call-in and allow the decision to be implemented with immediate effect.

### **Format for the meeting**

12. Call-ins are only used in exceptional circumstances in Wiltshire Council and are therefore an unusual occurrence. As such, in consultation with the Chairman and Vice-Chairman of Overview and Scrutiny Management Committee, the format for the meeting is as outlined below.
13. When the meeting begins the Chairman will:
- Invite any members of the public who have registered to speak, to do so. (Up to 3 speakers are permitted to speak for up to 3 minutes on the agenda item)
  - Ask a representative of the councillors who requested the call-in to outline their concerns and reasons for these.
  - Ask the Cabinet Member (and their supporting colleagues) to briefly respond to the points raised.
14. Members of the Committee will then discuss the call-in request and the evidence presented and invite the Cabinet Member and the councillors who requested the call-in to respond to any questions asked by the Committee.
15. The Chairman will invite, in turn, the Cabinet Member and then the representative of the councillors who requested the call-in, to sum up any final comments.

16. Based on the evidence from the Cabinet Member and the councillors who requested the call-in, the Committee will then decide in accordance with the options set out in paragraph 11.
17. In either case, reasons will be given by the Committee for its decision.

### **Next steps following the meeting of the management committee**

18. Following the meeting, the relevant Cabinet Member, Corporate and Associate Directors and call-in signatories will be informed of the outcome of the meeting, and minutes published.
19. If the Committee decides that the decision does not need to be reconsidered, then it can be implemented immediately.
20. If the Committee refers the decision back to the decision-maker, then it will be reconsidered in light of comments made by the Committee within a further 5 working days. The decision-maker can decide whether to amend the original decision, or not, before adopting a final decision.
21. Once a final decision has been made there is no further right of review under the overview and scrutiny rules.
22. In the event of any additional recommendations being made by the Committee then these will be treated in the same way as any other recommendations made by overview and scrutiny, and referred to the relevant Cabinet Member or the Executive generally.

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### **Appendices**

Appendix 1 - Call-in request

Appendix 2 - Decision SDSPW-03-16

### **Background Papers**

[Link](#) to published decision.