

Key Decision Required:	YES	In the Forward Plan:	No – General Exception Procedure used
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CABINET

22 JANUARY 2016

REFERENCE FROM CORPORATE MANAGEMENT COMMITTEE

A.1 **CEASE DELIVERY OF BLACK SACKS**

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider, within the period prescribed by the Council's Overview and Scrutiny Procedure Rules, the decision of the Corporate Management Committee in respect of Executive Decision number 2633, which was called-in, and to resolve a final decision.

EXECUTIVE SUMMARY

At its meeting held on 11 December 2015, the Cabinet considered the future provision and delivery of black sacks by the Council to residents and decided that:

- (a) *the future provision and delivery of black sacks by the Council to residents is ceased with effect from 2016; and*
- (b) *a promotion and press campaign is delivered to provide information about the ceasing of the service and informing residents how waste should be presented running alongside our promotion of increased recycling.*

That decision was called-in for scrutiny by Councillors J A Brown, I J Henderson and Stephenson. The Corporate Management Committee considered the call-in at its meeting held on 4 January 2016.

RECOMMENDATION(S)

That, in accordance with the Council's Constitution, Cabinet reconsiders its decision (number 2633) and decides whether to confirm, rescind or amend the decision as its final decision on this matter.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At the meeting of the Cabinet held on 11 December 2015, the Cabinet considered a report from the Monitoring Officer, which recommended, among other things, ceasing the delivery

of black sacks as a contribution to the Council's required savings of £2million in 2016/2017. The Cabinet decided to approve that recommendation.

Councillor Stephenson, supported by Councillors I J Henderson and J A Brown called-in that decision for scrutiny on the following grounds:-

"We are seeking further scrutiny of decision 2633 as we believe it will have an unacceptably negative impact on the quality of life for those living within the Tendring District in that it will increase the prevalence of litter, result in increased fly tipping and will discourage people from recycling at a time when TDC is unable to meet its recycling targets.

Furthermore, by withdrawing a front line service but insisting that residents continue to provide good quality black sacks at their own expense, the Council is to all intent and purpose imposing a 6% council tax increase on residents without having undertaken any public consultation or without having given the members of the Council the opportunity to debate and decide the issue.

We believe that our criteria fits the Overview and Scrutiny Procedure Rules, namely:

Article 17 (b) Overview and Scrutiny Procedure Rules - (iv) The decision-maker did not take into account relevant considerations or other material factors and therefore, the decision is unreasonable."

The Corporate Management Committee considered the call-in at its meeting held on 4 January 2016 and, in accordance with the call-in procedure, Councillors Stephenson, Henderson and Brown explained their objections and the reasons for the call-in. The Portfolio Holder for Environment and the Portfolio Holder for Finance and Transformation provided reasons behind the decision, which were supported by the Leader of the Council.

The Committee decided that:

"The Committee refers the decision back to the decision-maker (i.e. Cabinet) in light of the fact that a mediation process has not been able to take place and requests that the Cabinet reconsiders its decision within the required 15 working days following this meeting and preferably following mediation."

CURRENT POSITION

The Corporate Management Committee has decided that Executive Decision 2633 be referred back to Cabinet. Cabinet is now required to consider the views of the Corporate Management Committee and decide whether it wishes to confirm, rescind or amend that decision as its final decision on this matter.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

None.