



**REPORT OF THE MONITORING OFFICER IN RESPECT OF THE CALL-
IN OF A DECISION BY CABINET TAKEN ON 18 MAY 2020**

**RESTRICTING RESIDUAL WASTE
KEY DECISION NO. NH Q47**

SCRUTINY PANEL

30 JUNE 2020

CLASSIFICATION:

Open

WARD(S) AFFECTED

All

**Dawn Carter-McDonald
Director of Legal and Governance (Acting)
Monitoring Officer**

1. SUMMARY

- 1.1 To advise the Scrutiny Panel on the call-in process, and in particular whether the decision taken by Cabinet on 18th May 2020 relating to Restricting Residual Waste - Key Decision No. NH Q47, is within the policy and budgetary framework.

2. RECOMMENDATIONS

- 2.1 **Members note the Call-In process, and advice of the Monitoring Officer and s151 Officer that the decision taken by the Cabinet was inside the Council's policy and budgetary framework.**

- 2.2 **After considering the evidence presented to the meeting the Panel is recommended:**

- i) to take no further action, in which case the decision will take effect immediately; or,**
- ii) to refer the decision back to Cabinet for reconsideration, setting out the nature of the Committee's concerns; Cabinet must then re-consider the matter, taking into account the concerns of the Scrutiny Panel, before making a final decision; or**
- iii) to refer the matter to Full Council if the Panel considers that its recommendations would have an impact on the Council's budget or policy framework.**

3. RELATED DECISIONS AND REASON FOR DECISION

- 3.1 The Scrutiny Panel is expected to take its own decision with regard to whether a called-in decision is outside or inside the policy and budgetary framework when considering action to take in relation to a called-in decision.
- 3.2 The report before the Panel relates to the call-in of the decision of Cabinet of 18 May 2020 in respect of Restricting Residual Waste (Key Decision No. NH Q47) to introduce fortnightly collections for residual waste to street level properties, using black 180l wheeled bins.

4. BACKGROUND TO THE REPORT

- 4.1 The Call-In Procedure Rules (the Rules) appear at Paragraph 10 of Part 4.5 of the Constitution as last published on 27 April 2020.
- 4.2. The Rules prescribe that once a validated call-in request has been notified to the Chair of the Scrutiny Panel, the Panel must meet to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 4.3 Having considered the matter, the Scrutiny Panel has a number of options:
- (i) To take no further action, in which case the original decision will take effect immediately.

- (ii) To refer the original decision back to Cabinet as the original decision-maker where the Scrutiny Panel considers that a preferable alternative decision should be taken. If this option is followed, the Scrutiny Panel must set out in writing the nature of its concerns and its recommendations. In such cases, Cabinet will then consider the matter again at their next meeting and may either accept or reject any recommendations made to it and may amend its decision. If Cabinet does reject any or all of the recommendations made to it then it will submit a written statement to the next meeting of the Scrutiny Panel setting out its reasons.
- (iii) To refer the original decision to Full Council in circumstances where the Panel considers that its recommendations would have an impact on the Council's budget or policy framework. Where such a referral is made, the item will appear on the agenda for the next ordinary meeting of Full Council. If Full Council does not concur with Cabinet's decision then it may refer the decision back to Cabinet together with Full Council's views on the decision. Cabinet will then meet within 15 working days to determine whether to amend the decision or not. Full Council may only change the decision if it is contrary to the policy framework or contrary to or not wholly consistent with the budget.

4.4 If Cabinet or Full Council, as the case may be, does not amend a decision and the Scrutiny Panel still feels a more appropriate decision should have been taken, it may add the matter to its own work programme or the work programme of a Commission and monitor the implementation of the decision.

4.5 The documents, plans and strategies comprised in the Council's Policy Framework are set out in Paragraph 4.7 of Article 4 of Part 2 of the Constitution. For ease of Members' reference, the Framework comprises the Annual Library Plan, Local Transport Plan, Local Development Framework and Local Area Plans, Licensing Authority Policy Statement, Crime and Disorder Reduction Strategy, Youth Justice Plan, Corporate Plan, Housing Statement and Equalities Statement.

5. THE CALL-IN

5.1 A request to call-in the decision of Cabinet on 18th May 2020 in relation to Restricting Residual Waste was made on 26th May 2020, by Councillor Harvey Odze and supported by four other Councillors – Councillors Levy, Klein, Papier and Steinberger.

5.2 A copy of the Cabinet report dated 18th May 2020; the published decision and the call-in request all form part of the published Agenda pack distributed to Members of the Scrutiny Panel.

5.3 The call-in request does not assert that the decision was outside the policy or budgetary framework.

5.4 The basis of the call-in is that:

- in making its decision Cabinet failed to consider relevant evidence; and

- that the decision taken was not in the interests of the Borough's residents and a preferable alternative decision could be adopted.

6. MONITORING OFFICER'S ASSESSMENT

- 6.1 The Monitoring Officer has considered whether the request falls within the ambit of permissible reasons Paragraph 10 of Part 4.5 of the Constitution and concludes that it is. The call-in request has also been made by the required number of non-executive Members of the Council, namely 5.
- 6.2 The Monitoring Officer has also assessed whether the decision taken was inside or outside of the policy framework and concludes that it is within the policy framework because the subject matter of the call-in is not contrary to the list of those documents, plans and strategies which comprise the policy framework.

7. SECTION 151 OFFICER'S ASSESSMENT

7.1 The Section 151 Officer's assessment is that the decision taken by Cabinet on 18 May 2020 is within the financial framework of the authority.

Report Author	Clifford Hart, Senior Governance Services Officer Tel: 020 8356 3597 Clifford.hart@hackney.gov.uk
s151 Officer	Ian Williams, Group Director Finance and Resources Tel: 020 8356 3003 ian.williams@hackney.gov.uk
Monitoring Officer	Dawn Carter-McDonald Acting Director of Legal and Governance and Monitoring Officer Tel: 020 8356 6234 Dawn.Carter-McDonald@hackney.gov.uk