



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Call in of Delegated Decision 237/24	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team	
	Pre Cabinet	
	Leader's / Leader of the Opposition's Advisory Group	
	Cabinet / Council	
	Scrutiny (Climate Change and Environment) Committee: 30th October 2024	



<p>Is this an Executive Decision:</p>	<p>NO</p>	<p>Is this a Key Decision:</p>	<p>NO</p>
<p>Is this in the Forward Plan:</p>	<p>NO</p>	<p>Does this report contain Confidential or Exempt Information:</p> <p>If the report Contains Confidential Information, please provide reason.</p> <p>If the report contains Exempt Information, please state relevant paragraph from Schedule 12A LGA 1972</p>	<p>NO</p> <p>N/A</p> <p>N/A</p>

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date _____ Signature _____

Chief Finance Officer: **Lloyd Haynes**

Date _____ Signature _____

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Scrutiny (Climate Change and Environment) Committee

Date: 30th October 2024

REPORT TITLE: Call in of Delegated Decision 237/24

PORTFOLIO: Cabinet Member for Environment and Climate Change

CHIEF OFFICER: Mark Rizk

CONTACT OFFICER: James Abbott Ext. No. x1244

WARD(S) AFFECTED: All

1. Purpose of the Report

1.1. To consider the delegated executive decision 237/24 “Subscription Based Garden Waste Collection Service – Charges for 2025”.

2. Background

2.1. Call-in is provided for in Part 3 of the Council’s Constitution.

2.2. The Cabinet Member (Environment and Climate Change) made an executive decision as detailed in Executive Decision Record 237/24 which was a key decision and subject to call-in.

2.3. This decision has been validly called in by 12 Members.

3. Contribution to Corporate Priorities

3.1. The decision being considered is in relation to the Corporate Priority “Developing a Green New Deal for East Staffordshire”.

4. Call in of Delegated Executive Decision 237/24

4.1. On 9th October 2024, the Cabinet Member (Environment and Climate Change) made an executive decision “*to implement a subscription charge of £40 per bin for the garden waste collection service for calendar year 2025. This will be reduced to £35 for those households who subscribe prior to 31 January 2025.*”

To offer a 50% concessionary rate to those households in receipt of passported benefits”.

- 4.2. This decision is detailed in Executive Decision Record (EDR) 237/24. A copy of the EDR is attached at Appendix 1.
- 4.3. As this was a “key decision”, notice of the decision was given to all Members of the Council on 11th October 2024.
- 4.4. The Council’s Constitution (Part 3, Paragraph 6.5.4) states that a valid request to call in a decision shall:
 - 4.4.1. Be in writing or by email;
 - 4.4.2. State the decision which the Councillors wish to call in;
 - 4.4.3. State the reason(s) why they wish to call in the decision (having regard amongst other things to the criteria set out in Article 11.2);
 - 4.4.4. Be signed by any ten Councillors.
- 4.5. A request to call the decision in was received via email by the Proper Officer on 15th October 2024.
- 4.6. The decision was called in by the following 12 Members of the Council:
 - 4.6.1. Cllr G Allen
 - 4.6.2. Cllr L Bullock
 - 4.6.3. Cllr A Clarke
 - 4.6.4. Cllr B George
 - 4.6.5. Cllr V Gould
 - 4.6.6. Cllr P Hudson
 - 4.6.7. Cllr J Jones
 - 4.6.8. Cllr R Lock
 - 4.6.9. Cllr B Peters
 - 4.6.10. Cllr S Sankey
 - 4.6.11. Cllr C Smedley
 - 4.6.12. Cllr C Wileman
- 4.7. Copies of their requests to call the decision in are attached in Appendix 2.
- 4.8. Of the grounds suggested in Appendix 2, the call-in request has been accepted as valid only on the following:
 - 4.8.1. *“Failure to document the financial costs associated with the administration of managing discounts based on passported benefits”;* and
 - 4.8.2. *“Failure to consider the welfare, health and mental health impacts of such a policy by reducing the ability of residents, especially older residents, to use their gardens and gardening as an outlet health benefits by making it cost prohibitive.”*
- 4.9. The decision now needs to be considered by the Scrutiny (Climate Change and Environment) Committee in accordance with the Council’s Constitution.

4.10. The Scrutiny Committee has three options:

4.10.1. To do nothing and allow the decision to stand; or

4.10.2. To refer the decision back to the decision taker with a request to reconsider, including the reasons in writing for so doing; or

4.10.3. To refer the matter directly to the full Council for debate (this will only usually be in exceptional circumstances such as when the decision is contrary to the Policy Framework or the Council's budget).

4.11. For information, a summary of the consultation responses in respect of the subscription charge is shown at Appendix 3.

4.12. N.B. The considerations referred to in the following Sections 5-11 of this covering report relate only to this covering report. Additional information relating directly to decision 237/24 is contained within Appendix 1.

5. Financial Considerations

*This section has been approved by the following member of the Financial Management Unit: **Lloyd Haynes***

5.1. There are no financial issues arising directly from this covering report.

6. Risk Assessment and Management

6.1. There are no identified risks arising from this covering report.

7. Legal Considerations

*This section has been approved by the following member of the Legal Team: **John Teasdale***

7.1. There are no significant legal issues arising directly from this covering report.

8. Equalities and Health

8.1. **Equality impacts:** The subject of this covering report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed in relation to this covering report.

8.3. An equality and health impact assessment is not required in relation to this covering report.

9. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

9.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

9.2. Following consideration of the above, there are no Data Protection implications arising from this covering report which would require a DPIA.

10. **Human Rights**

10.1. There are no Human Rights issues arising from this covering report.

11. **Environmental Impacts**

Consider impacts related to the Climate Change & Nature Strategy aims:

- Reducing greenhouse gas emissions (climate change mitigation)
- Preparing for future climate change (adaptation)
- Protecting and enhancing nature
- Using resources wisely and minimising waste and pollution

11.1. Does the proposal have any positive or negative environmental impacts?

11.1.1. There are no environmental impacts in relation to this covering report.

12. **Recommendation(s)**

12.1. To consider the following decision made by the Cabinet Member (Environment and Climate Change) *“to implement a subscription charge of £40 per bin for the garden waste collection service for calendar year 2025. This will be reduced to £35 for those households who subscribe prior to 31 January 2025. To offer a 50% concessionary rate to those households in receipt of passported benefits”*, and to decide whether to:

12.1.1. Do nothing and allow the decision to stand; **or**

- 12.1.2. Refer the decision back to the decision taker with a request to reconsider, including the reasons in writing for so doing: or
- 12.1.3. Refer the matter directly to the full Council for debate (this will only usually be in exceptional circumstances such as when the decision is contrary to the Policy Framework or the Council's budget).

13. Background Papers

- 13.1. None

14. Appendices

- 14.1. Appendix 1: Executive Decision Record 237/24
- 14.2. Appendix 2: Member Requests for Call-in
- 14.3. Appendix 3: Public Consultation Summary