

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

30 JUNE 2022

### REPORT OF THE CHIEF OFFICER – LEGAL & REGULATORY SERVICES, HR & CORPORATE POLICY

#### CALL-IN OF CABINET DECISION: RECYCLING AND WASTE SERVICE POST 2024

#### 1. Purpose of report

- 1.1 The purpose of this report is to enable the Committee to consider the decision of Cabinet of 14 June 2022 in relation to the report on Recycling and Waste Service Post 2024.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
  2. **Helping people and communities to be more health and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 In accordance with Rule 18 of the Overview and Scrutiny Procedure Rules in the Council's Constitution, 3 Members of the Overview and Scrutiny Committees, and a Scrutiny Chair, have requested that an Executive decision made by Cabinet on the 14 June 2022 be Called-In.
- 3.2 For the purposes of informing the Committee more fully regarding the reasons for Call-In, the following appendices have been attached:
- **Appendix A** – Cabinet Decision Record of 14 June 2022;
  - **Appendix B** – Notice of Call-In Form;

- **Appendix C** – Report of the Corporate Director - Communities: Recycling and Waste Service Post 2024 to Cabinet on 14 June 2022.

#### 4. Current situation/proposal

- 4.1 The role of Councillors exercising Overview and Scrutiny is, amongst other things, to ensure that the development of the Council's policies and the way they are being implemented reflect the needs and priorities of local Communities in the County Borough. As such, in holding to account the Cabinet for the efficient exercise of the executive function, the Overview & Scrutiny process aims to strengthen accountability for the decisions and performance of Bridgend County Borough Council.
- 4.2 Three Members of Overview and Scrutiny Committees and a Scrutiny Chair have requested to Call-In the Cabinet decision of 14 June 2022.
- 4.3 The role of the Committee within the Call-In process is to consider the proposed decision taken by Cabinet including the reasons for the decision, factors taken into account by Cabinet when making the decision and whether the decision is in line with corporate priorities and policies. Further details as to the reasons for Call-In are provided at **Appendix B** and set out below:
- The report presented to Cabinet did not contain sufficient information for Cabinet to make a fully informed decision nor did they seek additional information through questioning.
  - There was no presentation of the alternative options that could be considered, for example the service could be brought in-house and managed directly rather than procuring a 'short-term' interim contract between 2024 & 2026.
  - There was no indication of the procurement costs that would be incurred. Neither was there a cost benefit analysis between a short-term contract and an in-house option (because the in-house option hadn't been considered).
  - The paper did not consider alternatives to procuring the plant and existing fleet from Kier. No consideration was given to alternative options such as procuring an 'all in contract' or leasing an alternative fleet (potentially a low emission fleet for example).
  - Aside from the estimated additional cost of 'HVO' fuel the cabinet made a decision without a full understanding of the costs.
  - There was insufficient scrutiny or questioning of the decision to proceed with HVO fuel despite an additional revenue cost of £75k pa. Given the current cost of living crisis such an increase in revenue expenditure without any obvious direct benefit should have been given much further scrutiny. The Cabinet Member for Future Generations and Wellbeing did ask if the HVO would be from primary or recycled sources, but the Director for Communities was unable to answer.
  - In summary, the paper was presented as a fait accompli, the Cabinet failed to challenge the assumptions made in the paper. There was no consideration of alternative options in either the paper or the Cabinet's deliberations. There was no financial information within the paper for the Cabinet to understand the financial implications of their decision nor did they request it. The Cabinet did not properly consider budgetary implications of the HVO fuel proposal against a

backdrop of a wider cost of living crisis and further budget pressures. The Director of communities was also unable to confirm the source of the 'HVO' fuel.

- The decision has not been properly considered and requires further scrutiny.

4.4 If, having considered the decision, the Committee is still concerned about it, then it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns. If referred to the Cabinet, it must be reconsidered by Cabinet within a further 7 clear working days, amending the decision or not, before adopting a final decision. If the Committee does not refer the matter back to the Cabinet, the decision may be determined on the date of the Overview and Scrutiny Committee meeting.

## **5. Effect upon policy framework and procedure rules**

5.1 The work of the Overview & Scrutiny Committees relates to the review and development of plans, policy or strategy that form part of the Council's Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental wellbeing in the County Borough of Bridgend.

## **6. Equality Act 2010 implications**

6.1 The equality implications are outlined in Section 6 of the Cabinet report attached as **Appendix C**.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 An assessment under the Wellbeing of Future Generations (Wales) Act 2015 has been made and is outlined in Section 7 of the Cabinet report attached at **Appendix C**.

## **8. Financial implications**

8.1 The financial implications are outlined in Section 8 of the Cabinet report attached as **Appendix C**.

## **9. Recommendation**

9.1 The Committee is recommended to consider the Cabinet decision of 14 June 22 relating to Recycling and Waste Service Post 2024 and to determine whether it wishes to:

- i) refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns;
- ii) decide not to refer the matter back to the Cabinet.

Kelly Watson

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24 June 2022

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**Background documents:** None