

EXECUTIVE SCRUTINY COMMITTEE

A meeting of Executive Scrutiny Committee was held on Tuesday 12 November 2024.

Present: Cllr Sylvia Walmsley (Chair), Cllr Kevin Faulks (Vice-Chair), Cllr Marc Besford, Cllr Carol Clark, Cllr Richard Eglington, Cllr Lynn Hall, Cllr Shakeel Hussain, Cllr Niall Innes, Cllr Sufi Mubeen, Cllr Tony Riordan, Cllr Paul Rowling, Cllr Andrew Sherris (sub for Cllr Laura Tunney) and Cllr Marilyn Surtees.

Officers: Garry Cummings, Clare Harper, Neil Brama, Lisa Tague (DCE & F,T&P); Ged Morton, Julie Butcher, Kirsty Grundy, Jonathan Nertney, Judy Trainer, Gary Woods (CS); Carolyn Nice, Angela Connor, Marc Stephenson (A,H&W); Reuben Kench, Craig Willows, Andrew Corcoran (CS,E&C) and Iain Robinson (R&IG).

Also in attendance: Cllr Pauline Beall (SBC Cabinet Member for Adult Social Care), Cllr Clare Besford (SBC Cabinet Member for Environment and Transport), Cllr Diane Clarke OBE, Cllr Robert Cook (SBC Leader of the Council), Cllr John Coulson, Cllr Eileen Johnson, Cllr Mick Moore, Cllr Norma Stephenson OBE, Cllr Hugo Stratton, Cllr Hilary Vickers and Cllr Barry Woodhouse.

Apologies: Cllr Laura Tunney.

ESC/24/24 Evacuation Procedure

The Committee noted the evacuation procedure.

ESC/25/24 Declarations of Interest

There were no declarations of interest.

ESC/26/24 Meeting Procedure

The Committee noted the meeting procedure.

ESC/27/24 Powering our Future - Call-In

The Head of Democratic Services presented a report setting out the background to the call-in and supporting documents.

The decisions of Cabinet, taken on 17 October 2024 in relation to the Powering Our Future Programme had been subject to a valid call-in. The call-in applied to the following decisions:

RESOLVED

1. The recommended options set out in the report in respect of the Waste and Recycling Reviews be approved:

- Introduction of charging for green waste from 1st April 2025

- Introduction of weekly food waste and recycling service from 1st April 2026 with the acquisition of associated vehicles and the development of a Waste Transfer Station
- Cease the provision of the Community Recycling Centres with immediate effect.

2. The removal of the maximum charge for non-residential care be approved.

5. The changes to car parking charges in Stockton and Yarm Town centres be approved; including the removal of the first hour free parking and introduction of the rate of £1.50 for three hours stay in short stay car parks, alongside an uplift to long stay car parking charges.

Cabinet Recommended to Council:-

10. Council approve £4.3m prudential borrowing for the acquisition of food and recycling waste receptacles, green waste bins, site preparation costs for a Waste Transfer Station and resurfacing of Wellington Square car park.

The reasons for call-in related to the following principles of decision making:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from Officers;
- respect for human rights and equality of opportunity;
- a presumption in favour of openness;
- clarity of aims and desired outcomes; and
- an explanation of what options have been considered and giving the reasons for decisions
- relevant matters have not been ignored
- clarity and explanation of information provided

The following Members and officers attended the meeting:

- Cllr Bob Cook – Leader of the Council
- Cllr Pauline Beall – Cabinet Member for Adult Social Care
- Cllr Clare Besford – Cabinet Member for Environment and Transport
- Garry Cummings – Deputy Chief Executive and Director of Finance, Transformation and Performance
- Clare Harper – Assistant Director, Finance, Transformation and Performance
- Reuben Kench – Director of Community Services, Environment and Culture
- Craig Willows – Assistant Director, Community Services and Transport
- Carolyn Nice – Director of Adults, Health and Wellbeing
- Angela Connor - Assistant Director, Adult Social Care

In addition, all Members who signed the call-in request were present at the meeting.

The following documents had been included with the agenda for the meeting for consideration by the Executive Scrutiny Committee:

- Call-In Form
- Decision Record
- Report of Monitoring Officer as the decision on the validity of the call-in
- Corporate Management Team Response Paper

In addition to the agenda papers, the following documents had been circulated prior to the meeting:

- Equality and Poverty Impact Assessment – Increase to non-residential care fees
- Equality and Poverty Impact Assessment – Changes to car parking charges
- Knight Frank email regarding tender specification, car park refurbishment, Wellington Square
- Knight Frank Tender Analysis Report, car park refurbishment, Wellington Square

Questions had also been provided by the call-in requesters in accordance with the Council's constitutional requirements and had been circulated to the Committee to assist them in formulating questions at the meeting.

On behalf of the Councillors who had submitted the call-in request of the Cabinet decision, Councillor Diane Clarke urged the Committee to refer the matters back to Cabinet for reconsideration, explaining the rationale for the call in, which related to:

- Lack of clarity and detailed information
- Lack of consultation and consideration of the impacts of the decisions
- Disproportionate impact on residents driven by financial objectives
- No evidence of how inequalities would be reduced or how the measures would improve services
- Lack of data / evidence throughout to understand why the Council had arrived at the stated conclusions / requests for change

The Deputy Chief Executive and Director of Finance, Transformation and Performance highlighted the financial challenges facing the Council and the role of the Powering Our Futures programme in identifying savings to meet the budget gap.

Non-Residential Care Charges

The Director of Adults, Health and Wellbeing introduced the Corporate Management Team response. She referred to the Equality and Poverty Impact Assessment which had been undertaken and had now been circulated to the Committee and highlighted that a communication and engagement plan was in place to engage with the 49 clients who would be affected by the change. She also referred to engagement with the ADASS network which had resulted in 31 responses from other local authorities; this revealed that only one local authority still had a maximum charge and most local authorities had already removed the charging cap.

Questions from Committee Members and responses were as follows:

1. The Cabinet report contained no information on the financial pressures on the service. However, the very few paragraphs in the Cabinet report focused entirely on the 49 vulnerable individuals who could create an additional £300k of income to the Council. What information was provided to the Cabinet as to the impact this measure would have on these individuals?

The Director of Adults, Health and Wellbeing commented that each client would be assessed individually and that it would not have been appropriate to include this information in the Cabinet report.

2. The Corporate Management Team response referenced that an equality impact assessment had been undertaken to review the impact upon those affected and any requiring mitigating actions. It also referenced that a communication and engagement plan was in place to engage with the 49 clients affected. Could this be provided to Committee Members and requesters?

The Director of Adults, Health and Wellbeing referred to the Equality and Poverty Impact Assessment which had been circulated to the Committee. There would be one-to-one personal visits to each client who needed them and wider communication of service changes.

3. Should not individuals already have been contacted?

The Director of Adults, Health and Wellbeing explained that there was no legal requirement to consult. However, all individuals would be assessed under the Care Act and she reassured the Committee that no individual would be asked to pay more than they could afford.

4. The Equality and Poverty Impact Assessment did not reflect the impact on age as a protected characteristic and instead referred to this as a neutral impact.

The Director of Adults, Health and Wellbeing commented that this was an administrative error and would be corrected.

5. The Equality Impact Assessment referenced a lead in period of six months? Was there a specific target date for implementation?

Councillor Bob Cook advised that there was no specific date identified for implementation and it could begin beyond 1 April 2025. Like many other Councils, Stockton was having to make difficult decisions. However, all individuals would need to be assessed before any changes in payments for their care were made.

6. Was Cabinet made aware prior to their decision making of the existence of the Equality and Poverty Impact Assessment and the engagement plan?

Councillor Bob Cook confirmed that Cabinet was aware of the Equality and Poverty Impact Assessment and engagement proposals.

7. Recent scrutiny programmes had not recommended increasing Non-Residential Care Charges. The Cabinet Report stated that as part of the process, there had been *extensive engagement with Members and colleagues to ensure robust challenge and feedback in shaping the change. This included Member Briefings and Scrutiny Committees (the Scrutiny Programme for 2024-25 has been designed and agreed to inform reviews where areas of policy change are anticipated)*. Members commented that the Adult Social Care and Health Select Committee had not had the opportunity to comment on the specific proposals and there had not been engagement with the wider membership on the proposal.

The Deputy Chief Executive and Director of Finance, Transformation and Performance advised that there had been engagement on the overall programme and the proposals had been discussed at a Group Leaders meeting on 18 August 2024.

8. The Equality and Poverty Impact form stated that engagement had to take place yet the entry stated that there was no legal obligation for consulting.

The Director of Adults, Health and Wellbeing reiterated that there was no statutory requirement to consult on the changes. However, there would be engagement on an individual assessment basis with those who would be affected.

9. Notwithstanding that there was not a legal requirement to consult, was there not a moral obligation? Clarification was requested on the legal advice provided.
10. The Equality and Poverty Impact Assessment document was dated October 2024. Was this completed before or after the Cabinet decision? As the document was not signed off by the Director, was it valid?

The Director of Adults, Health and Wellbeing advised that the Equality and Poverty Impact Assessment had been completed before the Cabinet date. She advised that that this was a live document and she had been fully sighted on its contents.

11. Could the Cabinet Member confirm that there was no statutory requirement to consult on the proposals?

Councillor Pauline Beall confirmed this.

12. Could the Cabinet Member confirm that 31 Local Authorities responded to the call out to the ADASS network to assess charging policies?

Councillor Pauline Beall confirmed this.

13. Could the Cabinet Member advise of anything now known to her that she did not know before the Cabinet meeting on 17 October?

Councillor Pauline Beall commented that she had not seen the Equality and Impact Assessment document but had been aware of the content of the assessment from briefings to Cabinet.

14. The timing of these announcements was concerning given the recent Care at Home contractual changes. In addition, the Adult Social Care and Health Select Committee's previous review of Care at Home had not recommended removing the fee cap. This would cause potentially adverse impact in the stated pursuit of just £150,000 – a small sum of the overall Council budget.

It was proposed by Councillor Lynn Hall and seconded by Councillor Tony Riordan:

That the matter be referred back to Cabinet for reconsideration.

On being put to the vote, the motion was NOT CARRIED (6 Councillors voting in favour and 7 Councillors voting against).

AGREED That no further action be taken.

Green Waste

The Director of Community Services, Environment and Culture introduced the Corporate Management Team response and acknowledged that there was technical / detailed information that had not been included within the report presented to Cabinet on 17 October 2024.

Questions from Committee Members and responses were as follows:

15. What was the present annual cost/budget for collecting garden waste?

The Director of Community Services, Environment and Culture advised that the budget was £280,000 (which only covered the direct cost of operatives and excluded all overheads).

16. How was this waste dealt with/disposed of once collected? What cost was this to the budget?

The Director of Community Services, Environment and Culture advised that the cost was £180,000 per annum.

17. What were the costs to the budget for the disposal of it?

The Director of Community Services, Environment and Culture advised that the cost was £28 per tonne.

18. How much waste (weight) was projected to be collected in years 1 and 2 following the projected take up?

The Director of Community Services, Environment and Culture advised that this was 3,325 tonnes (year 1); 6,650 tonnes (year 2).

19. The Cabinet report (para 14) suggested that garden waste was collected free/subsidised but goes on to state that the new guidelines would create an additional pressure of £70k. However, the proposal by Cabinet to ease this financial pressure was to introduce a fee of £40 per household each year to create an increase in annual income of £1.2 million plus. Can you please explain these details further?

The Director of Community Services, Environment and Culture explained that the additional pressure of £70,000 was the difference between the current 26-week schedule and the new 36—week requirement (note: SBC currently collected for 30 weeks – four more than the budget for the service).

20. The report referred to the 'Simpler recycling guidelines and the report appeared to suggest that the charging for collecting garden waste was mandatory. Was it not correct that the guidelines made it mandatory for Councils to 'offer' a garden waste collection, not charge, but they 'may' charge for it, because the economic and environmental case was not strong enough to proceed with the proposal to require waste collection authorities to introduce a free minimum garden waste collection service? Local authorities would be required to provide a garden waste collection service where it was requested but, as was currently the case, they could 'continue to choose to charge' for this service. Was this explained to the Cabinet members?

The Director of Community Services, Environment and Culture confirmed that this had been explained to Cabinet.

21. What information was shared with Cabinet regarding what approach other Local Authorities take in respect of green waste?

Councillor Bob Cook and Councillor Clare Besford advised that the overall approach taken by other Local Authorities was provided and they confirmed that they had all the information they needed in order to make a decision.

22. The 'Simpler recycling guidelines' recognised the unnecessary cluttering of streets with numerous bins for waste recycling streams and permits co-collecting to prevent street amenity being blighted. An option for councils to co-collect food and garden waste was permitted within the guidelines, and the possibility of it being collected in the same bin by way of exemption. Was this option provided to the Cabinet members?

The Director of Community Services, Environment and Culture commented that co-collection arrangements required specific facilities; as no such local facility existed, this was not a viable option.

23. Could people share green waste bin and was this factored into plans?

The Director of Community Services, Environment and Culture confirmed that this was an option and assumptions of take-up were based on Waste and Resources Action Programme (WRAP) modelling.

24. Could people put green waste in residual / general waste bin?

The Director of Community Services, Environment and Culture confirmed that there was nothing to stop residents doing this.

25. What was the impact of putting green waste in with residual waste?

The Director of Community Services, Environment and Culture advised that consideration was given to this as part of potential outcomes. Councillor Richard Eglinton commented that the Select Committee report noted that behaviours would change over time once the service was established. The Director of Community Services, Environment and Culture confirmed that the costs of the education exercise had been factored in.

26. Would there be an impact on residents who collected leaves that had fallen from Council trees?

The Director of Community Services, Environment and Culture People advised that residents could contact the Council. For example, there were no costs incurred by litter picking groups.

27. The CMT response to the issue of no consultation, states, Consideration was given by officers to the potential to consult residents on how much to charge. However, two factors mitigated any potential benefits of consultation over the amount to be

charged; first, previous experience suggests that people will seek to pay as little as possible and would choose the lowest value in any range suggested in consultation, secondly the overall financial position of the Council is such that it is necessary to recoup the full future costs of the service. On that basis, consultation which purported to invite residents to determine or influence the amount to be charged would have been misleading. A Member asked whether there should have been a moral obligation to consult.

Food Waste

28. What if the formal appeal for additional grant support was not successful?

The Deputy Chief Executive and Director of Finance, Transformation and Performance advised that there would be no impact. Prudential borrowing was intended for anything above £1.4m. Plans were not predicated on the success of the appeal.

29. The Corporate Management Team response document stated, in respect of the number of bins required, estimates had been based on the figures provided in the independent WRAP report, which assumed demand levels in Stockton that were consistent with national comparators. Could clarification be provided as to the report and detail referenced. Could this independent report be forwarded/provided? Was this information provided to Cabinet?

Councillor Clare Besford advised that the WRAP report had been considered by the Place Select Committee and previously been considered by Cabinet. Councillor Bob Cook also confirmed that the WRAP report had been taken into account as part of the decision-making process.

30. Did the Cabinet Members have all relevant information to make a decision?

Councillors Bob Cook and Clare Besford confirmed that this was the case.

31. Have the Cabinet Members been made aware of any additional information since the Cabinet meeting?

Councillors Bob Cook and Clare Besford confirmed that this was not the case.

It was proposed by Councillor Paul Rowling and seconded by Councillor Richard Eglington:

That the matter is not referred back to Cabinet for reconsideration.

On being put to the vote, the motion was CARRIED (7 voting in favour and 6 voting against).

AGREED that no further action be taken.

Car Parking Fees and Charges

The Director of Community Services, Environment and Culture introduced the Corporate Management Team response.

32. The Cabinet decision record includes references to the transformation programme and the Council had and continued to carry out extensive engagement with Members and colleagues to ensure robust challenge and feedback in shaping the change. This included member briefings. Can the committee be informed when the briefings took place for, Fees and Charges – Car Parking, Fees, and Charges - Non-residential care charge?

The Director of Community Services, Environment and Culture advised that although briefings had taken place with Leaders and Portfolio Holders, there had been no full Member briefing on this matter.

Councillor Paul Rowling commented that Executive Scrutiny Committee should look at when all Member engagement would be appropriate in relation to matters of this nature.

33. The call-in request highlighted the 'impacts' the proposals would have on residents and businesses, and no assessment had been conducted. However, an impact assessment would be considered after one year, but only on residents, visitors, and Council finances. Why were the Cabinet not considering the impact on businesses? This was particularly important following the recent government decision to increase employers National Insurance Contributions.

The Director of Community Services, Environment and Culture advised that this was an omission and it was the intention to include businesses in the impact assessment after the operation of one year of the new arrangements. They were, however, included in the Equality and Poverty Impact Assessment.

34. What information was considered regarding the potential impact of the proposals on businesses?

Councillor Clare Gamble advised that no information, other than general modelling, existed to predict the impact on individual businesses. However, doing nothing was not an option. There was no legal requirement to consult and no-one would support the changes in any consultation.

35. Was the focus limited to the council finances only? The Corporate Management Team response, states, *other options for charging were considered but ruled out due to various reasons such as they would not generate enough income to cover the cost of providing the service and maintaining our car parks. Have the Cabinet forgot to consider the overriding principles in the introduction of the Cabinet Report?*

Cabinet is recommended to agree the updates and recommendations to ensure that the Council continues to deliver its commitment to the Powering Our Future Missions; to address the financial challenges we face at the same time as improving outcomes for communities, including:

- *Creation of opportunities to build brighter futures for our communities and reduce inequality, using the limited amount of money we have available.*
- *Carefully managing our resources, creating a new relationship with communities, while providing efficient services that are valued by our residents.*

The Director of Community Services, Environment and Culture commented that the driver was financial viability, but environment drivers were also important.

36. LGA good practice suggests that consultation should take place in these cases.

Councillor Paul Rowling commented that it would be useful for the Council to consider how we consult as a Council.

37. Has the Council looked at the potential impact of changes outside the Borough and was modelling used to ascertain potential impact?

The Director of Community Services, Environment and Culture confirmed that this had taken place.

38. Did the Cabinet Members have all relevant information to make a decision?

Councillors Bob Cook and Clare Gamble confirmed that this was the case.

39. Have the Cabinet Members become aware of any new information since the Cabinet meeting?

Councillors Bob Cook and Clare Gamble confirmed that this was not the case.

It was proposed by Councillor Paul Rowling and seconded by Councillor Richard Eglington:

That the matter is not referred back to Cabinet for reconsideration.

On being put to the vote, the motion was CARRIED (7 voting in favour and 6 voting against).

AGREED that no further action be taken.