

Appendix D

Call In of the Residual Waste Container Size – Ruling from the Deputy Monitoring Officer on which parts of the call-in request are within scope for consideration at the call-in meeting of the Overview and Scrutiny Commission on 30 January 2018

Background

The Monitoring Officer has judged the call-in to be valid in part.

The Monitoring Officer has ruled that matters raised in the call in relating to the Cabinet decision made on 15 January 2018 as regards the size of the wheeled bins to be used are within scope and matters which refer to matters outside of the scope of this decision and which relate to previous decisions taken by Cabinet and/or were dealt with at the call in held on 2 August 2016 are not in scope.

Further advice from the Deputy Monitoring Officer

More specifically the following matters are **in** scope:

(a) Proportionality

- The impact on street cleanliness as specifically relates to the size of the bin and not generally as it relates to wheeled bins
- Safety of residents and operatives as it relates to the size of the bin.

(b) Consultation and taking professional advice

- Consultation with residents about the size of the bins with which they are due to be issued.

(c) Respect for human rights and equalities

- Impact for disabled and elderly residents in relation to the size of the bin
- Equality impact assessment
- Improved safety for operatives

(d) Openness

- Length and amount of detail in the report
- Public consultation on the size of bins

(e) Clarity of aims and desired outcomes

- All of the points raised in this section are in scope

(f) Consideration and evaluation of alternatives

- Consideration of the residents petition in relation to the size of bins
- Points raised in relation to alternative sized wheeled bins
- Residents choice as to the size of the bin
- Views of the contractor and impact on decision making

The following matters are not in scope to be called in as either they do not relate to the decision made at cabinet on 15 January and/or they refer to previous decisions of cabinet and/or have been subject to call in by the Overview and Scrutiny Commission on 2 August 2016:

(a) Proportionality

- The impact on street cleanliness generally as regards wheeled bins
- The effect on street scene and convenience for residents of wheeled bins in general as opposed to the size of the wheeled bin

(b) Consultation

- Reference to the Lavender Fields pilot in 2015

(d)presumption in favour of openness

- Crime and disorder implications as they relate to wheeled bins generally
- Engagement with residents on the issue of wheeled bins generally

(f) consideration and evaluation of alternatives

- Discussion of alternatives to wheeled bins. The decision to move to wheeled bins was decided at cabinet on 4 July 2016