



## FULL COUNCIL

Wednesday, 26 January 2022

<b>Subject</b>	Scrutiny Committee's recommendations considered by Cabinet on 7 December 2021
<b>Report by</b>	Councillor Steve Gallant Leader of Council
<b>Supporting Officer</b>	Chris Bing Head of Legal and Democratic Services & Monitoring Officer <a href="mailto:Chris.Bing@east Suffolk.gov.uk">Chris.Bing@east Suffolk.gov.uk</a> 01394 444408

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	All Wards

## Purpose and high-level overview

### Purpose of Report:

In accordance with Paragraph 8C8 of the Scrutiny Procedure Rules in the Constitution, Full Council is required to consider Scrutiny Committee recommendations, made in relation to their reviews on Housing Development and Waste Management, which the Cabinet on 7 December 2021 was unable to agree in whole, or in part.

Scrutiny Committee's recommendations were detailed in the appendices to the Cabinet reports:

- ES/0963 by the Cabinet Member with responsibility for the Environment in relation to the Scrutiny Committee review of Waste Management.
- ES/0964 by the Cabinet Member with responsibility for Housing in relation to the Scrutiny Committee review of Housing Development

### Options:

No other options were considered as the Constitution requires that this procedure be followed.

### Recommendation/s:

That Full Council notes and affirm Cabinet's decisions of 7 December 2021 on Scrutiny Committee recommendations to Cabinet in reports ES/0963 and ES/0964

## Corporate Impact Assessment

### Governance:

Paragraph 8C8 of the Scrutiny Procedure Rules in the Constitution requires that, if following careful and proper consideration by the Cabinet of any report (or reports) from the Scrutiny Committee:

(a) The Cabinet is unable to agree in whole or in part with any recommendations in the report (or majority report if there be also a minority report) and proposes a decision at variance in whole or in part with any recommendations.

Or

(b) The Cabinet in agreeing with any recommendations in the report (or majority report) is thereby supporting proposals that would require in whole or in part a departure from or change to the Council's existing Budgetary and/or Policy Framework.

The recommendations in the report (or majority report) of the Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration. The Proper Officer shall ensure that the item is placed in the agenda for the next Council meeting.

After due consideration, the decision of the Council shall be final.

**ESC policies and strategies that directly apply to the proposal:**

East Suffolk Council's Constitution – Scrutiny Procedure Rules.

**Environmental:**

Not applicable.

**Equalities and Diversity:**

Not applicable.

**Financial:**

Not applicable.

**Human Resources:**

Not applicable.

**ICT:**

Not applicable.

**Legal:**

To accord with the Council's Constitution.

**Risk:**

To avoid any reputational damage from not complying with the Council's Constitution.

**External Consultees:**

Not applicable

## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To accord with the Council's Constitution and ensure good governance for the benefit of residents and ratepayers within the District.			

## Background and Justification for Recommendation

1 Background facts	
1.1	The Constitution requires Full Council to consider any Scrutiny Committee recommendations that are rejected wholly or in part by Cabinet.
1.2	On 7 December 2021, Cabinet received three reports containing recommendations from the Scrutiny Committee following their reviews in relation to Empty Homes, Housing Development and Waste Management.
1.3	Cabinet agreed the Empty Homes recommendation but rejected the recommendation relating to Housing Development. The Scrutiny Committee made 14 recommendations in relation to Waste Management, 7 of which were not agreed by Cabinet.

2 Current position	
2.1	<p><b>Housing Development</b></p> <p>The Scrutiny Committee had recommended:</p> <p style="padding-left: 40px;">That Cabinet be asked to support this Committee’s recommendation for Officers to draw up a Business Case, within 3 months of the Cabinet decision, on the resources required in order to increase the existing target of delivering 50 new build Council houses per annum to 100 new build Council houses per annum.</p>
2.2	<p>At Cabinet on 7 December 2021, the Cabinet Member with responsibility for Housing, Councillor Kerry, asked Cabinet not to accept the recommendation from the Scrutiny Committee, at this time, citing a number of other factors that needed to be considered before a Business Case could be produced such as:</p> <ul style="list-style-type: none"><li>• The need to consider the energy efficiency of its 4,500 Housing Revenue Account owned properties.</li><li>• To understand the impact of key changes that would impact on the Housing Revenue Account’s Business Plan, including the Building Safety Bill, the Retrofit agenda, the changes in the way ESC could use Right to Buy receipts and the removal of the debt cap.</li></ul> <p>Councillor Bird, Chairman of the Scrutiny Committee had urged Cabinet to support the recommendation by emphasising that the Scrutiny Committee had not recommended increasing the council house building target, but merely to produce a business case to quantify the impact and cost of so increasing the target.</p> <p>The Leader and the Cabinet Member with responsibility for Housing had repeated the need for evaluation to take place at this time, especially the cost, of retrofitting existing Council houses. The Leader had also stated that the Team was focussed heavily on a whole number of issues; and there was little point in asking them to produce a Business Case when Cabinet's view was already known.</p> <p>The Cabinet resolved that the recommendation made by the Scrutiny Committee be rejected.</p>

2.3

### Waste Management

At Cabinet on 7 December 2021, Councillor Mallinder, the Cabinet Member with responsibility for the Environment, in referring to the recommendations put forward by the Scrutiny Committee, stated that ESC was doing much of the work already and going forward, with the move to a Local Authority Trading Company delivering waste services, there would be a review of practices. Councillor Mallinder had also reported that the Environmental Bill would bring a complete change of how household waste would be collected.

The Leader had referred to the Suffolk Waste Partnership (SWP) and stated that if the Scrutiny Committee made a suggestion that was Suffolk-wide, then it needed to be considered by the SWP rather than ESC. The Leader was of the view that it was not the role of the Scrutiny Committee to ask Cabinet to ask somebody else to do something; he added that the Scrutiny Committee could, if it so wished, contact the Chair of the SWP, who happened to also be Councillor Mallinder, regarding initiatives.

Cabinet resolved to support the response to the Scrutiny Committee recommendations outlined by the Cabinet Member with responsibility for the Environment in report ES/0963.

2.4

Full Council is asked to note the responses to the following recommendations which were effectively accepted:

**1. That, within six months of receipt of this report, Cabinet seeks the creation of a more integrated approach to waste management by closer working between Norse Commercial Services and the Council's Environmental Enforcement Team.**

This action is already in place, the processes of delivery of our services relies on full integration of both East Suffolk and Norse - education and enforcement is a continued policy.

**2. That, within three months of receipt of this report, Cabinet reviews the current staffing level of Waste Management Officers and consider increasing the establishment by a further three Officers.**

Resources will be considered and discussed with Norse. ESC is looking at proposals to create a stronger strategic waste function within the authority and will review the resources allocated to this area as part of this review.

**3. That, within three months of receipt of this report, Cabinet seeks a review of the current schedule of lay-by clearing to ensure it is operating at maximum efficiency.**

All waste services are monitored and periodically updated. This ongoing review will now be led through our new Waste and Business Improvement Manager.

**4. In welcoming the trial of sensors on bins, the Committee recommends that, within three months of receipt of this report, Cabinet seeks trials of the following**

	<p><b>additional measures to aid the reporting of full bins – (a) a Quick Response (QR) matrix barcode (or two dimensional code) on bins that identifies specific locations and when the bins are nearing capacity; and (b) that the Council’s current online reporting system be enhanced, perhaps to mirror the reporting system of Highways at the county council, so that it tells a user if an incident of fly-tipping has already been reported.</b></p> <p>In order to test its effectiveness, a trial can be carried out within six months. If it proves to be successful, we could consider a wider rollout. There is a massive transformation piece being undertaken at present in waste and we need to be mindful of our resources.</p> <p><b>5. Having considered the fly-tipping initiative implemented in Northamptonshire in partnership with the Police and Crime Commissioner (PCC), the Committee recommends that, within six months of receipt of this report, Cabinet seeks exploration of the replication of this initiative, including funding contributions from the PCC (which aids private landowners to deal with fly-tipping and receives funding from the PCC for the tackling of littering issues as anti-social behaviour)</b></p> <p>This request will be referred to the Suffolk Waste Partnership. The PCC covers the entire county and therefore ESC cannot negotiate this in isolation. It should be noted however that waste enforcement responsibilities fall to ESC and the Environment Agency, not the police.</p> <p><b>6. The Committee acknowledged the benefit of school visits to the Energy from Waste facility for school parties but wished to recommend that, within two months of receipt of this report, the Cabinet Member for The Environment seek the incorporation of the RSPCA’s Generation Kind initiative in the curriculum (which highlights the damage done to wildlife by litter)</b></p> <p>This recommendation will be raised with the Suffolk Waste Partnership. ESC does not have the staff to engage with schools or have any controls over the curriculum.</p> <p><b>7. That, in general, campaigns such as that launched on 17 June to help people understand recycling requirements, be expanded beyond social media to ensure as wide an audience as possible and avoid digital exclusion</b></p> <p>This recommendation will be raised at the Suffolk Waste Partnership, who plan and resource these campaigns.</p>
2.5	Full Council is asked to consider the following recommendations made by the Scrutiny Committee which the Cabinet resolved not to accept:
2.5.1	<p><b>That, within one month of receipt of this report, the Cabinet Member for The Environment lobbies the responsible Government Minister to seek a fully digitised and traceable waste management service.</b></p> <p><b>That, within one month of receipt of this report, the Cabinet Member for The Environment lobbies Highways England to seek a review of its current policy so</b></p>

	<p><b>that electronic anti-littering message signs can be displayed again on the overhead gantries on both carriageways of the A14 between Ipswich and Felixstowe.</b></p> <p><b>That, within one month of receipt of this report, the Cabinet Member for The Environment lobbies the Port of Felixstowe to seek improved and affordable facilities for drivers at the Port (to minimise littering in lay-bys and potential health hazards).</b></p> <p>It is not realistic for Cabinet to lobby on an endless list of issues to Government Departments and / or other agencies. It is open for Scrutiny Committee to do so if they wished.</p>
2.5.2	<p><b>That, with three months of receipt of this report, Cabinet explores the possibility of financial assistance/grants to residents on low income or in receipt of Universal Credit towards the cost of collection of large and bulky items</b></p> <p>This recommendation is not supported. It will be very difficult, in practise, for Norse to determine whether someone is in receipt of UC when they bill for a collection. Therefore, it is open to abuse. In addition, it starts a precedent of reductions in fees and charges for people in receipt of UC that would in practise mean the council subsidising refuse services, adding pressure to the system.</p> <p>This has been raised with our Housing Team who have in turn spoken with Housing Associations to give assistance.</p> <p>Residents need to take responsibility for their actions, the message the cabinet member of the environment will be articulating is reuse, repropose and reduce.</p>
2.5.3	<p><b>That, within two months of receipt of this report, Cabinet authorises the Fixed Penalty Notice for littering to be increased to the maximum amount permissible and, in addition, that those being sent a FPN also receive a leaflet explaining the impact of their actions on the environment (rather than an ashtray)</b></p> <p>This recommendation is not supported. Each individual case will continue to be looked at on its own merits. Applying the maximum penalty has its drawbacks, as the larger the fine the greater number of people will default leading to increased workload with follow-up and prosecutions.</p>
2.5.4	<p><b>That, within two months of receipt of this report, Cabinet seeks a communication campaign to advise residents of how to find reputable waste management carriers and what licensing documentation to seek before hiring</b></p> <p>The Environment Agency licence waste carriers and already publicise the rules around this. Our message to residents is that they need to be responsible for checking any company credentials and illustrate how to do this.</p>
2.5.5	<p><b>That, within three months, the Community Partnership Board be asked to consider providing funding towards the prevention of littering (it is suggested that this be implemented along the lines of the Local Area Committees scheme successfully implemented by Sheffield City Council).</b></p>

	The Community Partnership Board is responsible for allocating funds in line with its own priorities and does not seek outside recommendations for projects. It is not the role of Scrutiny or indeed Cabinet to seek to influence this process.
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### 3 How to address current situation

3.1	Full Council can either note and affirm Cabinet's decisions on Scrutiny Committee's recommendations, or they can approve Scrutiny Committee's recommendations. The Council's decision is final.
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### 4 Reason/s for recommendation

4.1	Cabinet gave careful consideration to all of Scrutiny Committee's recommendations on Housing Development and Waste Management and provided reasons for accepting some recommendations and rejecting others, at its meeting on 7 December 2021.
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## Appendices

### Appendices:

<b>Appendix A</b>	Report ES/0964 by the Cabinet Member with responsibility for Housing in relation to the review on Housing Development
<b>Appendix B</b>	Report ES/0963 by the Cabinet Member with responsibility for the Environment in relation to the Scrutiny Committee review on Waste Management.
<b>Appendix C</b>	Minutes of the Cabinet Meeting held on 7 December 2021.

### Background reference papers:

None