

**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
MONDAY, 21 AUGUST 2006**

Councillors Councillors Bull (Chair), Cooke (Vice Chair), Bevan, Jones, Davies, Winskill, Whyte (substituting for Newton)

Apologies Councillor Newton, substituted for by Councillor Whyte

MINUTE NO.	SUBJECT/DECISION
OSCO36.	<p>CHAIR'S WELCOME AND APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Newton who was substituted, according to Standing Orders, by Councillor Whyte.</p>
OSCO37.	<p>DECLARATIONS OF INTEREST</p> <p>Councillor Haley, in response to points of clarification as to whether he had an interest to declare sought clarification from the Legal representative present as to whether he was required to make a declaration as Executive Member - Environment. The Legal representative (Mr Mitchison) responded that he did not believe that it was necessary for Councillor Haley to declare an interest at this juncture as he was attending the Committee to give evidence in relation to the Executive decision that had been called-in to the Overview and Scrutiny Committee and therefore was not participating in this Committee's decision making process.</p>
OSCO38.	<p>URGENT BUSINESS</p> <p>None.</p>
OSCO39.	<p>CALL-IN OF THE EXECUTIVE DECISION RELATING TO THE RECYCLING SERVICE</p> <p>The Overview and Scrutiny Committee received the reports of the Interim Director of Environmental services and the Monitoring Officer, on the circumstances of the Call-in of the decision of the Executive, in relation to the Recycling Contract.</p> <p>With the consent of the Chair of the Committee, the main signatory of the Call-in outlined the reasons for the Call-in as detailed in the attached papers. Some further concerns raised and included:</p> <ul style="list-style-type: none"> • The decision not to enter into formal and binding arbitration with the contractor RWS. • Why work on drawing up a new contract and a tendering process had not begun earlier.

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- The ability of the Council to deliver the service in-house.
- Why the existing contract could not be extended with the existing contractor RWS.
- The impact on staff currently delivering the service and employed by RWS.
- That insufficient information had been provided in the report to the Executive, about the financial situation including possible loss of external funding, pension provision and the likely outcome of arbitration.

It was requested that the Committee take evidence from a Director of RWS.

In response to questions from the Committee the Director of RWS indicated that in his opinion:

- RWS could tailor the service provided to meet the Council's requirements.
- RWS had increased the collection of recyclable materials considerably.
- The report to the Executive had insufficient information.
- There was no reason for not going to arbitration as RWS wished.

The Monitoring Officer's Representative advised the Committee that according to investigation, the original decision of the Executive taken on 25 July 2006 in respect of recycling services was within the policy and budgetary frameworks. However, this did not prevent the Committee questioning the merit of the decision taken even though it was the opinion of the Monitoring Officer that the RWS contract could not have been extended because it was not compliant with EU regulations.

The Interim Director of Environmental Services, outlined the reasons why the Council was unwilling to enter in to arbitration with RWS and addressed the issues that had been raised in the Call-In, offering extended details to those set out in the Report in response to the specific issues raised in the Call-In. This included the issues over the contributions RWS had made to the efficiency of recycling capacity within the borough. It was also established that the decision to bring the service back in-house had been largely based on what future aspirations/provisions the Council wanted to provide in a scheme of services that has a rapidly changing agenda. The Council had to decide for itself on what provision it wanted in the future and thus needed to look at the policy framework by bringing the service in-house and

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	reconsidering it in order to create innovative and leading-edge services. RESOLVED: The Committee resolved to exclude the press and public from the meeting in accordance with provisions of the Council's Constitution.	
OSCO40.	EXCLUSION OF PRESS AND PUBLIC The Committee moved into part two of the Agenda (the Exempt part)	

COUNCILLOR GIDEON BULL

Chair