

SCRUTINY AND OVERVIEW COMMITTEE

Minutes of the meeting held on Tuesday 6 December 2011 at 5:30pm in the Town Hall, Croydon

MINUTES – PART A

Present: Councillor Steve Hollands (Chairman)
Councillors Jason Cummings (Deputy Chairman), Sean Fitzsimons (Vice Chairman), Yvette Hopley, Humayun Habir, Bernadette Khan and Terry Lenton

Cllr Phil Thomas was also in attendance

A82/11 MINUTES OF THE PREVIOUS MEETING (Agenda item 1)

RESOLVED –

That the minutes of the meeting held on 8th November 2011 be approved as a correct record and signed by the Chairman.

Cllr Khan requested that it be noted that in minute A78/11 at the point of the paragraph beginning “*Members asked the Leader about the Council’s policy for staff transfers when outsourcing services to external providers*”, she had been arguing that the Council’s policy to outsource services that paid staff a lower hourly rate could effectively force more people to be reliant on the public purse. As a consequence the savings from outsourcing should be considered alongside wider implications.

A83/11 APOLOGIES FOR ABSENCE (Agenda item 2)

There were no apologies for absence.

A84/11 DECLARATIONS OF INTEREST (Agenda item 3)

There were no declarations of interest.

A85/11 URGENT BUSINESS (Agenda item 4)

There was no urgent business.

A86/11 EXEMPT ITEMS (Agenda item 5)

The allocation of business between Part A and Part B of the agenda was agreed as per the agenda.

Cllr Fitzsimons expressed his disappointment that at least part of

agenda item B1 (Call-in: Waste Procurement – Appointment of Preferred Bidder) could not be discussed in the public Part A section of the meeting. He argued that the Council's policy could be discussed in public, before the Committee moved to a private session to consider the commercially sensitive specifics of the contract. The Chairman explained that he had sought legal advice and had been advised that the whole discussion should take place in a private session to protect the corporate risk to the Council. He also highlighted that members of the public would have the opportunity to participate in any future decisions as part of the planning application process. Cllr Khan wished it to be noted that she supported Cllr Fitzsimons' view that it was in the public interest that any discussion should be open and transparent.

RESOLVED –

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

Members of the press and public were asked to leave the meeting. Two members of the public refused to leave so the meeting adjourned and subsequently resumed in a different room.

SUMMARY OF PART B DISCUSSION

**B02/11 CALL-IN: WASTE PROCUREMENT – APPOINTMENT OF
PREFERRED BIDDER (Agenda item B1)**

Cllr Phil Thomas (Cabinet Member for Environment & Highways), Anthony Brooks (Director of Public Safety), Gabriel MacGregor (Head of Corporate Law) and Frank Smith (South London Waste Partnership) were in attendance for this item.

This item included disclosure of exempt information (as defined by paragraph 3 of Schedule 12A in Part 1 of the Local Government Act 1972: 'Information relating to the financial or business affairs of any particular person (including the authority holding that information)'). The minutes of the discussion are therefore also exempt and not available to the public. A summary of the discussion is below, as required by section 100C(2) of the Local Government Act 1972.

The Committee discussed the proposed decision, including:

- The public consultation on potential sites for facilities that had already taken place as part of the Waste Plan approval process
- There would be an opportunity for significant public involvement as part of the normal planning process
- The policy of energy recovery and the wider hierarchy waste treatment, as agreed in the Joint Waste Strategy
- The evidence of any adverse impact on health of local residents
- The contingency plans should the planning application be refused
- The Borough's current recycling rate

Following the discussion of the proposed decision, Cllr Thomas left the meeting

The Chairman expressed the Committee's concern at the inconsistent approach of the SLWP to publishing meeting papers and reports. Members agreed that it was essential for all four partner boroughs to publish information in a timely manner to allow sufficient public scrutiny and accountability. It was therefore agreed that officers be asked to work with colleagues from the partner boroughs and the SLWP to ensure that all documents that the public were entitled to view were available on each authority's website, and that they were published as soon as they were available in future.

The Committee also discussed how the work of the SLWP could be scrutinised effectively on a cross-borough basis. The Head of Democratic Services & Scrutiny informed members that whilst not prohibited, there was no legislation that made provision for cross-borough scrutiny, except for health issues. Therefore any joint scrutiny of the SLWP would need to be done on a voluntary basis by the four partners. It was also highlighted that each authority in the Partnership currently worked to different timetables, and that therefore there was a potential for clashes. The Committee agreed that officers should be asked to explore the options and implications of a joint scrutiny arrangement and to report the findings to a meeting of the Scrutiny Chairs for further consideration.

Members highlighted their concern that the recycling rate in Croydon had not reached the agreed target, and that the proposed waste arrangements could impact upon future progress. Officers explained that the proposed facility would not discourage recycling and reassured members that there remained a firm commitment to recycle as much waste as possible. It was therefore proposed and agreed that the Council's recycling strategy should be included as an agenda item at a future meeting of the Community Services & Safety Scrutiny Sub-Committee to enable further scrutiny of the subject.

The Committee agreed not to make any formal recommendations to Cabinet but agreed to monitor the response of officers to the comments made.

RESOLVED –

That the Committee agreed not to refer the decision by Cabinet on 14th November 2011 regarding 'Waste Procurement – Appointment of a Preferred' Bidder back to Cabinet for reconsideration.

A87/11 DATE OF FUTURE MEETINGS (Agenda item 6)

The dates of future meetings were noted as:

- 20th December 2011
- 24th January 2012
- 11th April 2012

The meeting ended at 7:04pm