

**NEW HOUSEHOLD WASTE RECYCLING CENTRE AND RE USE FACILITY -  
CONSIDERATION OF CALLED-IN CABINET DECISION CAB/15/25**

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**Background**

1. The Council's Constitution makes provision for a Call-In Procedure which provides that any non-Cabinet Member may call-in a decision of which notice has been given, by giving notice in writing to the Operational Manager of Scrutiny Services within the Call-In Period (within seven clear working days after publication of the decision). The Operational Manager shall then notify the Cabinet Business Office and call a meeting of the relevant Scrutiny Committee, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in.
2. Cabinet Decisions, for purposes of the Call-In Procedure, are those made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive or a Corporate Director (or other post holder/s within the same tier of management or responsibility).
3. During the Call In period after the Cabinet meeting of the 16 July 2015 two non executive councillors submitted requests to Call In the decision on the item titled 'New Household Waste Recycling Centre & Re Use Facility'. The report sought approval of the recommendations on the future of the re-organisation of Household Waste Recycling Centres and a Re Use Facility in Cardiff.
4. The Cabinet Decision CAB/15/25 made on 16 July 2015, published on the 20 July and with a proposed implementation date of 29 July 2015, looked to resolve that:

- The location of the new larger HWRC at the Lamby Way Depot in Rumney be approved;
- It be noted that the closure of the existing Wedal Road HWRC's will take place on completion of the new HWRC at Lamby Way and that the delivery timescales for recommendations 1 and 2 will be April 2016;
- That the operation of seasonal hours would be implemented by November 2015 along with approval for immediate implementation of the proof of residency for resident access to the Household Waste Recycling Centres;
- That a new charging approach for non Cardiff residents is approved and that commercial operators are identified to reduce treatment and disposal costs;
- A third party operator be sought for the delivery of a Re Use Facility and authority delegated to the Director City Operations and Corporate Director Resources in consultation with the Members for Environment and Corporate Services & Performance to deal with all matters (including all ancillary matters) associated with the process (including the strategy, evaluation and weightings) up to and including award of contract.

5. The reasons provided in the decision register for taking this decision were:

- To progress with the construction of the new larger HWRC and complete the reduction of the number of sites from 3 to 2.
- To progress the required changes to increase recycling, reduce the residual waste arising, reduce treatment and disposal costs, increase income opportunities, achieve the required operational savings and introduce a new re-use solution for good quality unwanted items for communities.

6. A copy of the relevant section of the Register of Cabinet Decisions, setting out the decision and reasons for this decision, is attached as **Appendix 1**.

7. Attached as **Appendix 2** is the report to the Cabinet Business Meeting of 16 July 2015. **Appendix 2** itself has five appendices, these are:

- **Appendix A1 & A2** - Route times and route distances for North Wards to Bessemer Close HWRC and Lamby Way HWRC;
- **Appendix B** - Regional HWRC Use Assessment;

- **Appendix C** - Environmental Scrutiny Chair Letter on the proposed HWRC changes;
- **Appendix D** - Cabinet Member for Environment response to Environmental Scrutiny Chair Letter;
- **Appendix E** - Equality Impact Assessment.

8. Two non executive councillors have requested that this decision is called in for Scrutiny Committee consideration. The Member reasons given for the Call In are:

- That there has been insufficient consultation with councillors in the north of Cardiff. To only consult with Councillors in Cathays and Rumney significantly skews the consultation result in favour of the closure of Wedal Road;
- This is an issue of significant public interest and there has been insufficient consultation with residents across all of Cardiff (in particular north Cardiff);
- The Cabinet report does not contain sufficient financial data to justify taking the decision, i.e. there needs to be more detailed financial information. Detailed financial information should include a detailed breakdown of costs for enhancing the Wedal Road and Lamby Way sites along with any potential capital receipts for disposal of the sites;
- The report does not include details of a proper traffic study. This needs to be done to reflect the impact of travelling to and from the respective sites at different times of day;
- The report does not adequately measure:
  - The impact of the closure of Wedal Road on the residents of north Cardiff;
  - The impact of moving the current Wedal Road site to the nearby parks depot on Wedal Road;
  - The potential negative impact on recycling rates in north Cardiff resulting from the closer of Wedal Road. This is particularly important at a time when Cardiff is going through a series of significant waste collection changes;
  - The environmental impact caused by the closure of Wedal Road is not measured in the report, for example, the increase in traffic emissions caused by residents driving further to recycle materials.

9. The Environmental Scrutiny Committee's terms of reference were last agreed by Full Council on 25 June 2015. These cover a wide range of topics including waste management and strategic waste projects. The full terms of reference for the Environmental Scrutiny Committee are attached to this report as **Appendix 3**.
10. The role of Scrutiny Committees calling in a decision is:
  - To test the merits of the decision;
  - To consider the process by which the decision has been formulated;
  - To make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider);
  - To suggest further steps before a decision is made.
11. Members will remember that the Environmental Scrutiny Committee considered an item titled 'Household Waste Recycling Centres – Proposed Changes' at a meeting on 9 June 2015. Following this item the Chairperson wrote a letter to the Cabinet Member for the Environment which included comments on the future proposals for the Household Waste Recycling Centre. A copy of this letter has been attached to this report as **Appendix 4**. A response was provided by the Cabinet Member for the Environment to on the 10 July 2015 and has been attached to this report as **Appendix 5**.

### **Scope of Scrutiny**

12. The Committee therefore needs to consider this call-In in accordance with the requirements of the Call-In Procedure. The scope of this scrutiny is limited to exploring the reasons for the call-in listed in paragraph 8.
13. It is important that Members focus their questions directly on the decision taken by Cabinet on 16 July 2015. Should questions be evaluated as probing decisions not within the remit of the call-in then the Chair will deem it necessary to disallow the line of inquiry.
14. Under the Call-In Procedure, the relevant Scrutiny Committee may consider the called-in decision itself, or decide to refer the issue to the Council for Scrutiny if the

matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within 10 clear working days of such a referral, unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.

15. Having considered the decision, the Scrutiny Committee may refer it back to the decision maker for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.
16. If following a Call-In, the matter is not referred back to the decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the Scrutiny Period or the Council Scrutiny Period as appropriate, whichever is the later.
17. In order to undertake its task the Committee will have the opportunity consider statements from the following witnesses:
  - Douglas Haig – Vice Chairman, Residential Landlords Association;
  - Craig Williams – Member of Parliament for Cardiff North;
  - Elaine Biffenden – Rhiwbina Resident;
  - Steve Morris – Nant Y Wedal Resident.
18. Written statements will also be provided for consideration at the meeting by the following:
  - Michael Jones – Michael Jones & Company;
  - Jason Rowlands – Principal Engineer (Transport Projects), City & County of Cardiff Council;
  - Simon Rickaby - Nant Y Wedal Resident.

## **Legal Implications**

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **Financial Implications**

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATION**

The Committee is recommended to consider Cabinet Decision CAB/15/25 in accordance with the Call In Procedure.

**Marie Rosenthal**

**Director of Governance & Legal Services**

**20 August 2015**