

## OVERVIEW AND SCRUTINY MANAGEMENT BOARD

<b>Date and Time :-</b>	<b>Tuesday, 28 January 2020 at 5.30 p.m.</b>
<b>Venue:-</b>	<b>Town Hall, Moorgate Street, Rotherham.</b>
<b>Membership:-</b>	<b>Councillors Cowles, Cusworth, R. Elliott, Jarvis, Jepson, Keenan, Mallinder, Steele (Chair), Taylor, Tweed, Walsh and Wyatt.</b>

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

### AGENDA

**1. Apologies for Absence**

To receive the apologies of any Member who is unable to attend the meeting.

**2. Declarations of Interest**

To receive declarations of interest from Members in respect of items listed on the agenda.

**3. Questions from Members of the Public and the Press**

To receive questions relating to items of business on the agenda from members of the public or press who are present at the meeting.

**4. Exclusion of the Press and Public**

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

**5. Petition - 'Enforcement Action Needed Now By Rotherham MBC Against Re-opening Droppingwell Landfill' (Pages 1 - 6)**

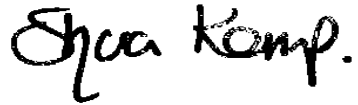
To consider a petition received calling on the Council to take enforcement action against the reopening of Droppingwell Landfill.

**6. Urgent Business**

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

**7. Date and time of next meeting**

The next meeting of the Overview and Scrutiny Management Board will be held on Wednesday 29 January 2020 at 11.00 a.m. at Rotherham Town Hall.

A handwritten signature in black ink that reads "Sharon Kemp". The signature is written in a cursive, flowing style.

SHARON KEMP,  
Chief Executive.

Public Report  
Overview and Scrutiny Management Board

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**Committee Name and Date of Committee Meeting**

Overview and Scrutiny Management Board – 28 January 2020

**Report Title**

Petition – ‘Enforcement Action Needed Now By Rotherham MBC Against Re-opening Droppingwell Landfill’

**Is this a Key Decision and has it been included on the Forward Plan?**

No

**Strategic Director Approving Submission of the Report**

Shokat Lal, Assistant Chief Executive

**Report Author(s)**

James McLaughlin, Head of Democratic Services  
01709 822477 or james.mclaughlin@rotherham.gov.uk

**Ward(s) Affected**

Keppel

**Report Summary**

At the Council meeting on 30 October 2019, it was noted that a petition had been received in respect of a request for enforcement action by Rotherham MBC against reopening the Droppingwell Landfill.

As the petition had 1,563 valid signatures under the Council’s petition scheme, it has been referred to Overview and Scrutiny Management Board for review. This report sets the process that the Board should follow in considering the call for action contained within the petition.

**Recommendations**

1. That the petition be considered according to the procedure set out in paragraph 4.2
2. That consideration be given to whether the call for action in the petition should be supported or not, and any additional recommendations that the Board would wish to make to the Cabinet, officers or other bodies.
3. That the Chair of Overview and Scrutiny Management Board report back to Council on the outcome of deliberations on the petition.

**List of Appendices Included**

Appendix 1 Petition Frontsheet – Enforcement Action Needed Now By Rotherham  
MBC Against Reopening Droppingwell Landfill

**Background Papers**

Minutes of the Council Meeting – 30 October 2019

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Council – 30 October 2019

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Petition – ‘Enforcement Action Needed Now By Rotherham MBC Against Re-opening Droppingwell Landfill’**

### **1. Background**

- 1.1 At the Council meeting held on 30 October 2019, a petition requesting enforcement action by Rotherham MBC against the reopening of Droppingwell Landfill was formally received. The petition contained 1,563 valid signatures under the Council’s Petition Scheme and was accordingly referred to the Overview and Scrutiny Management Board for review. The ‘front sheet’ of the petition is enclosed as Appendix 1 to this report.

### **2. Key Issues**

- 2.1 The petition requests that the Council considers enforcement action against the reopening of Droppingwell Landfill.
- 2.2 The Council has referred the petition to the Overview and Scrutiny Management Board to review and make recommendations to the Cabinet or officers or other bodies in respect of the issues raised.
- 2.3 The lead petitioner has been invited to attend the Board and may make verbal representations for up to fifteen minutes. The Board then has the opportunity to seek further information from the lead petitioner through questions.

### **3. Options considered and recommended proposal**

- 3.1 A petition is a call for action and the role of the Overview and Scrutiny Management Board in reviewing the petition is to ensure that consideration is given to that call for action and to review any associated decision making processes. In this particular case, the Board should consider the merits of the case made by the petitioners and determine whether recommendations should be made to give effect to the call for action.
- 3.2 In considering the petition, the following procedure, subject to the Chair’s discretion, will be followed in accordance with the Council’s Petition Scheme:-
1. The Chair will welcome attendees to the meeting and explain the procedure that will be followed at the meeting.
  2. The Lead Petitioner will have the opportunity to present the call for action in the petition for a period of up to fifteen minutes.
  3. Members may ask questions of the Lead Petitioner in respect of the presentation for a period of up to fifteen minutes.
  4. The relevant Cabinet Member and/or officers will present the background to the issue and respond to the issues raised in the petition and the statement by the Lead Petitioner.
  5. The Lead Petitioner may put questions to the Cabinet Member and/or officers for the purposes of clarification for a period of up to five minutes.
  6. Members may ask questions of the Cabinet Member and/or officers.
  7. Following the conclusion of questions, Members may debate the merits of the petition and the Council’s position.

8. The Chair will invite Members to propose a recommendation(s) on petition, which will either support or reject the petition. In recommending either, the Board may make further recommendations to Council or Cabinet on any lessons learned from the petition or decision making process.

3.3 At the conclusion of the discussion, the Chair will advise the Lead Petitioner that formal notification of the Board's recommendation will be provided in writing within ten working days and published on the Council's website as part of the minutes of the meeting.

#### 4. **Consultation on proposal**

4.1 This section of the report template is not relevant to the subject matter as the procedure is for Members to review the request in the petition, which is not subject to consultation.

#### 5. **Timetable and Accountability for Implementing this Decision**

5.1 Overview and Scrutiny Management Board is responsible for considering the request to review the petition and communicating the outcome of the review within ten working days to the lead petitioner.

5.2 If Members determine that the request is valid and requires further investigation, then Overview and Scrutiny Management Board will provide direction on whether it requires further consideration by an officer, the Cabinet or whether the response should be considered by the Council. The petition scheme does not provide a timescale for this to be completed, but where consideration is required by either Cabinet or Council this will be listed on the agenda for the next available meeting.

5.3 No further will action will be required if Overview and Scrutiny Management Board do not support the petition.

#### 6. **Financial and Procurement Advice and Implications**

6.1 If the Overview and Scrutiny Management Board were minded to agree with the call for action in the petition and make a recommendation to the Cabinet supportive of the call for action, some analysis of financial implications would be reported to the decision maker prior to any final determination.

#### 7. **Legal Advice and Implications**

7.1 Whilst there are no legal implications in respect of the procedural aspects of the petition, there are a number of legal implications which Members will need to be mindful of in making any recommendations to Cabinet, officers or other bodies. The Council's Monitoring Officer will be present at the meeting to provide advice and ensure that any recommendations arising from the review of the petition are lawful and consistent with the powers available to the Council.

**8. Human Resources Advice and Implications**

8.1 There are no human resources implications arising from this report.

**9. Implications for Children and Young People and Vulnerable Adults**

9.1 In considering the petition, Members should seek assurances that the implications for children and young people and vulnerable adults have been addressed.

**10. Equalities and Human Rights Advice and Implications**

10.1 Members should be mindful of equalities when considering the call for action within the petition. Section 149 of the Equality Act 2010 in particular imposes an obligation on Members to have due regard to protecting and promoting the welfare and interests of persons who share a relevant protected characteristic (such as: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation).

**11. Implications for Ward Priorities**

11.1 There are no direct implications in respect of the Keppel ward plan's priorities.

**12. Implications for Partners**

12.1 The call for action also relates to the Environment Agency, who have been invited to attend the meeting. Members will have the opportunity to address technical questions to the representative from the Environment Agency to inform any potential recommendations.

**13. Risks and Mitigation**

13.1. The call for action within the petition does not directly present any risks to the Council.

**14. Accountable Officers**

James McLaughlin, Head of Democratic Services

*Report Author:* James McLaughlin, Head of Democratic Services  
01709 822477 or james.mclaughlin@rotherham.gov.uk

This report is published on the Council's [website](#).

**change.org**

Recipient: Rotherham Borough Council Legal Department

Letter: Greetings,

ENFORCEMENT ACTION NEEDED NOW BY R.M.B.C. AGAINST  
REOPENING DROPPINGWELL LANDFILL