

## Merton Council - call-in request form

### 1. Decision to be called in: (required)

**South London Waste Partnership - Procurement of Waste Collection and Related Environmental Services (LOT 1 services)**

### 2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	X
(b) due consultation and the taking of professional advice from officers;	X
(c) respect for human rights and equalities;	X
(d) a presumption in favour of openness;	X
(e) clarity of aims and desired outcomes;	X
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

### 3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	X
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	



**4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)**

Required by part 4E Section 16(c)(a)(ii) of the constitution:

**(a) proportionality (i.e. the action must be proportionate to the desired outcome);**

It is unclear from the report how the decision to end the weekly rubbish collection can be justified given that this constitutes a significant degradation of the service currently provided to residents. It is also in direct contradiction of national government policy.

Nor does the report fully justify the decision to impose two large wheelie bins on residents. Under the scheme proposed by the Preferred Bidder, each household will potentially need to have five different containers as follows:

- One large wheelie bin for non-recyclable household waste;
- One large wheelie bin for paper and card;
- One box or reusable bag for plastics, glass and cans;
- One food waste caddy; and
- One green waste wheelie bin (if residents opt to pay for this service)

Given that recyclables are currently co-mingled i.e. sorted only after collection, it is unclear from the report how this huge increase in the number of containers residents will be obliged to store is proportionate. Currently residents only have to store:

- One plastic sack for non-recyclable household waste;
- One box for paper, card, plastics, glass and cans;
- One food waste caddy; and
- One green waste wheelie bin (if residents opt to pay for this service)

As such, if adopted, the new system would mean residents' kitchens, front gardens and street fronts being clogged up with up to five different containers.

Similarly, one of the findings of the 2015 pilot in Lavender Fields ward was an increase in the amount of residual waste being collected during the trial

period. Given that the Council is aiming to reduce the amount of waste sent to landfill, it is difficult to see how this decision aligns with that goal.

Moreover, serious doubt has been cast on whether the Cabinet's proposals will in fact lead to improved street cleanliness by the Merton Matters group, which was established locally to campaign specifically for a cleaner borough. Founder Dan Goode has made clear that wheelie bins will not solve the "intrinsic littering culture" in Merton, stating to the Wimbledon Guardian as follows:

*"We have a service now, which they are contracting out, which is not coping. My concern, and a lot of people's concern, is that the council is aiming for a service that's the same as the one they are getting now."*

*"For a borough that's already struggling with waste, having fewer collections is just madness. There's a fundamental issue with cleanliness in Merton."*

*"Bins are already overflowing in the streets and in the parks, and with dog poo added into them now as well. To add to that fortnightly bin collection is just utter madness."*

**(b) due consultation and the taking of professional advice from officers;**

There has been no consultation with residents thus far about the LOT 1 proposals as the Cabinet report itself admits at section 5. Yet these are clearly radical changes to the waste collection service and ones that will affect almost all residents across the borough. There is no evidence presented in the report that residents support these changes.

Proposals for wheeled bins were not mentioned once in Labour's 2014 manifesto for the local elections. This would have been the proper time to gain a public mandate or otherwise for what is now proposed yet no such consultation with residents took place. Instead, by the time of the next election in 2018, the change will already have been agreed and in process.

Nor is there any evidence provided to demonstrate that the Lavender Fields pilot conducted in 2015 was representative of the borough as a whole in terms of the mix of different types of housing stock. There were only 1200 households in the trial area compared to 75,000 across Merton so it seems unlikely that every type of different housing type in the borough was consulted via the pilot.

Moreover the pilot itself used a different waste collection system from that which is now proposed. There was a weekly – rather than fortnightly –

rubbish collection during the trial period and recyclables were collected together rather than being separated out into paper and card and then plastic, glass and cans as is now planned under the latest proposals. This means the results of the consultation on the pilot cannot be regarded as representative of the views of residents in Lavender Fields about the system that has now been brought forward.

**(c) respect for human rights and equalities;**

There is no analysis provided in the report on the impact of wheeled bins and/or a fortnightly collection service for disabled and elderly residents living in Merton despite concerns having been raised about this previously. Whilst the report states that one will be needed, no Equality Impact Assessment has been published alongside the report to enable Cabinet members to give this due consideration when making their decision on the preferred bidder.

Similarly 9.4 of the report states that current Merton staff members may be affected by the Preferred Bidder proposal including potentially through a change in their terms and conditions. Yet there is no breakdown of the demographics of those staff members who will be impacted e.g. age, ethnicity, gender.

**(d) a presumption in favour of openness;**

There has been a lack of openness throughout this process. Prior to the Lavender Fields pilot, both officers and Cabinet Members were asked time and again by Opposition councillors and residents whether wheeled bins were again being considered and this was denied. Likewise with a move to fortnightly rubbish collections.

This suggests that officers were either not aware of the administration's proposals prior to the pilot and therefore very little, if any, proper preparatory or exploratory work can have been undertaken or else important information was being withheld from elected Opposition Members.

With regard to the move to fortnightly rubbish collections, there has been an utter lack of transparency by the administration towards the electorate of Merton. During the 2014 local election campaign, leaflets from prospective Labour councillors stated precisely the opposite to what is now proposed, explicitly pledging "a weekly rubbish collection with Labour". Indeed one of Merton Labour's 5 'promises for the next 4 years' stated:

*"We will collect your rubbish each week and fight off the pressure to move to fortnightly or monthly collections".*

As per (b) above, the 2015 pilot was not conducted using a fortnightly collection or multiple wheeled bins and containers as is now being proposed.

Only in the week commencing 23<sup>rd</sup> May 2016 were the actual proposals on the number of containers and on fortnightly collections shared with both Opposition councillors and residents.

**(e) clarity of aims and desired outcomes;**

It is not altogether clear what the desired outcomes of this decision are. Is improving street cleanliness the primary driving factor or is it the need to make cost savings? The report is contradictory in this respect.

As the 2014 Annual Residents' Survey showed (the last one to be conducted in Merton), street cleaning is the top priority for Merton's residents with falling levels of satisfaction with how the council tackles litter and dirt in the streets. Clearly all councillors and residents wish to see cleaner streets in Merton. Yet there is no convincing empirical evidence provided in the report as to how the proposed scheme will deliver improvements with regard to this shared aim and what level of improvements can be expected.

As per (b) and (d) above, the Lavender Fields pilot can not be relied upon as it was conducted using a different and more frequent collection system than what is now proposed. Plus, as stated previously, the Merton Matters campaign group does not believe the proposals will materially improve the cleanliness of the streets.

If the main driver is to make cost savings, there was a real lack of clarity from officers and Cabinet members regarding the financial savings these proposals might deliver for council taxpayers when pre-decision scrutiny was undertaken by the Sustainable Communities scrutiny panel on 9<sup>th</sup> June despite considerable probing by Opposition councillors. Nothing in the Cabinet report has provided reassurance around this point.

It is also not clear where the cost of the capital investment is coming from to purchase the new wheeled bins and refuse vehicles. This point is particularly striking in light of the comments published in the Wimbledon and Mitcham & Morden Guardian from Cllr Andrew Judge (then Cabinet Member for Environmental Sustainability and Regeneration) on 22<sup>nd</sup> January 2015. In a letter to that newspaper, he stated that "there are no plans to roll out wheeled bins to the rest of the borough and given our

financial position, we could not afford to do so if we wanted to.”

This begs the obvious question then as to how the council’s financial position has now changed during the intervening period to make this affordable. Again, the report offers no explanation.

Furthermore, there are unanswered questions around the financial probity of the Cabinet’s decision to use £67,000 set aside from the WCSS (Weekly Collection Support scheme) fund administered by the DCLG for the Lavender Fields pilot that is now being cited in support of this decision on the Preferred Bidder. This fund is designed to be used to support initiatives to retain weekly collections and incentivise recycling. Yet, in no way does the Cabinet’s decision on a Preferred Bidder support either of these aims, given that the amount of waste sent to landfill is predicted to rise and the proposal is to move to a fortnightly rubbish collection. There are therefore questions to be asked about whether this is an appropriate use of the government’s money.

**(f) consideration and evaluation of alternatives;**

There doesn’t seem to have been any proper consideration by the Cabinet of other waste collection methods and their impact on street cleanliness e.g. the provision of lids for recycling boxes. It is therefore impossible to judge the merits and comparable cost of these other methods.

There is also no evidence that the Cabinet has given any consideration to the cross-party Sustainable Communities scrutiny task group review of efficient household waste management and the environment which published its report and recommendations in May 2011. This task group looked at this issue in extensive detail and concluded by rejecting the introduction of wheeled bins. It is not clear what has changed since then.

In November 2015 a report was presented to Cabinet by the Sustainable Communities Scrutiny Panel setting out four key considerations that the Panel would wish to be addressed in advance of any roll out of wheeled bins across the borough:

- That Cabinet undertake a more detailed analysis of detailed costs and projected savings of the wider roll out of the scheme before making a decision;
- That should the scheme be rolled out, Cabinet considers choice for residents in the size of wheeled bins and if they wish to participate in the scheme;
- That Cabinet considers the impact of wheeled bins outside homes on the street scene;

- That Cabinet consider the impact on disabled users if wheeled bins are used in terms of accessing pavements and homes.

Yet, there is not clear evidence from the report that Cabinet has given these points detailed consideration, particularly around greater choice of container for residents.

The impression given at the 9<sup>th</sup> June Sustainable Communities panel meeting and by the Cabinet report is that the council is being shoehorned into the proposed system of waste collection i.e. fortnightly rubbish collections and multiple wheeled bins by the bidding process. It seems that, rather than looking at what alternatives may be most appropriate for Merton and its residents, the council is being dictated to by the Preferred Bidder and what works best for them across all of the four boroughs forming the South London Waste Partnership.

In particular, the option of retaining an in house waste collection service does not appear to have been fairly evaluated and staff members in the relevant E&R team have raised concerns about the lack of a level playing field to enable them to bid for the contract. They argue for example that had it been known that the council would accept the collection of rubbish every fortnight rather than every week then this would have meant a considerably reduced workload for an in house service. This would have brought the in house cost price down for providing an equivalent waste service and would have achieved the 10% saving and more.

Merton's own staff have also questioned the projected economies of scale, efficiency levels and experience of the contract provider. If equivalent savings could be found within the current in house provider the question arises as to whether the Cabinet has fully evaluated the alternatives to what is being proposed.

Similarly, during the pre-decision scrutiny meeting, Cabinet members and officers were asked to identify alternative savings that would enable the council to retain a weekly rubbish collection yet there is no evidence in the Cabinet report or decision notice that this has been explored in detail.

Finally, the Cabinet appears not to have considered the impact of the EU Referendum result when reaching its decision, particularly in regard to the number of containers in which waste is to be collected. Para 3.4.2 of the Cabinet report refers to EU Directive 2008/98/EC yet of course, it is quite possible given the UK's recent vote to leave the EU, that this directive will no longer apply by the time of the roll out of this new waste collection system. This suggests that there would be no reason why co-mingling of recyclables could not continue in Merton and there would therefore be no

reason to move to two separate containers per household for recyclables. Yet there is no evidence this was discussed by Cabinet at its meeting on 4<sup>th</sup> July when taking its decision.

## 5. Documents requested

All papers provided to the Director of Environment and Regeneration/Director of Corporate Services and relevant Cabinet Members prior to, during and subsequent to the decision making process on the outsourcing of LOT 1 services through the South London Waste Partnership.

All emails, reports and associated documentation relating to the decision to introduce wheeled bins provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

All emails, reports and associated documentation relating to the decision to move to a fortnightly waste collection provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

The detailed financial analysis of the projected costs of implementing the LOT 1 proposals.

The detailed financial analysis of the projected savings to be delivered through implementation of the LOT 1 proposals.

Minutes of all the SLWP meetings when proposed savings from this procurement were discussed.

The detailed risk analysis in relation to the implementation of the LOT 1 proposals, including both financial and reputational risks.

The detailed analysis of the impact of the LOT 1 proposals on the cleanliness of Merton's streets.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to the LOT 1 proposals.

All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services, other council officers and the SLWP on the LOT 1 proposals, including in relation to the introduction of wheeled bins across the borough and the move to a fortnightly waste collection service.

All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services, other council officers and DEFRA on the LOT 1 proposals, including in relation to the introduction of wheeled bins across the borough and the move to a fortnightly waste collection service.



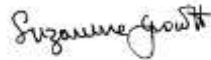
## 6. Witnesses requested

Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking  
Chris Lee, Director of Environment and Regeneration  
Cormac Stokes, Head of Street Scene and Waste  
Staffside representative on behalf of staff at Garth Road  
Terry Downes, GMB (or another GMB representative)  
Dan Goode, Merton Matters founder  
Representatives from local disabled groups and groups representing elderly residents e.g. Merton Centre for Independent Living, Merton Seniors Forum  
Annie Baker, Strategic Partnership Manager, South London Waste Partnership

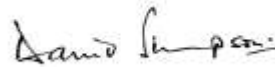
## 7. Signed (not required if sent by email):



Cllr Daniel Holden



Cllr Suzanne Grocott



Cllr David Simpson

## 8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)
- **OR** as a signed paper copy to the Head of Democracy Services, 7<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864

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