

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 2 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);

There are serious concerns and many unanswered questions about the Cabinet's decision, at its meeting on 4th July 2016, to press ahead with proposals to transfer responsibility for upkeep of the borough's green spaces to a third party as part of the South London Waste Partnership (SLWP) procurement process.

Doubt has been cast on whether the Cabinet's proposals will maintain the current level of maintenance service for parks and open spaces in the borough let alone enable some much needed improvements. As has been pointed out by local Friends of Parks groups, the overall funding for parks is already very low, compared to other boroughs in London, and their view is that reducing it further will harm the quality of Merton's open spaces.

Furthermore the Cabinet does not appear to have considered the effect that outsourcing to the Preferred Bidder will have on the motivation of existing Friends groups. These groups do a great deal to promote and maintain local parks as well as raising funds externally and through fundraising activities. The potential loss of this invaluable support as a result of the Cabinet's decision does not appear to have been factored into the calculations in relation to future funding and maintenance of Merton's green spaces.

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

There has been no consultation with residents thus far about the LOT 2 proposals as the Cabinet report itself admits at section 5. Yet these are clearly radical changes to the maintenance of Merton's parks and open spaces and ones that could affect a majority of residents across the borough. There is no evidence presented in the report that residents support these changes.

Cabinet's current plans for Merton's parks and open spaces were not mentioned 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 implemented.

It is also clear that consultation with Greenspaces staff, trade unions and Friends of Parks groups on the Cabinet's plans has been limited. Indeed there was no consultation at all prior to Cabinet's initial decision to engage in this procurement exercise in November 2014. Since then concerns have consistently been raised on a range of aspects by all three of the aforementioned groups, as well as by Opposition councillors as part of the scrutiny process, but there is negligible reference in the report to the issues that have been raised and they appear to have gone unheeded by the Cabinet.

This lack of consultation shows disdain for all those staff and Friends groups who work so hard to maintain the borough's precious open spaces.

(c) respect for human rights and equalities;

The Cabinet report demonstrates a lack of respect for human rights and equalities. There is no analysis provided on the impact of these changes on different groups within the community, including children and disabled/elderly residents living in Merton. 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.

Residents across the borough deserve to have easy access to green space which is safe, secure and well maintained yet there is nothing contained in the report to ensure this duty is properly fulfilled by the council in the future.

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 the members of the Greenspaces team who will be impacted e.g. age, ethnicity, gender.

(d) a presumption in favour of openness;

There has been no presumption in favour of openness and transparency in the decision making process. The report is thin on the details of the potential consequences for the maintenance of Merton's green spaces. Much of the report focuses on waste collection and processing. For

example there is no reference to parks and green spaces in the title of the report.

There are also serious and unanswered questions about the democratic accountability of the Preferred Bidder to Merton's residents, taxpayers or councillors should this body be granted responsibility for maintenance of the borough's parks. Whilst the procurement has been conducted via the SLWP, it is an external third party company which will be providing the maintenance service and Friends groups in particular are concerned that this will severely undermine the third party's accountability and communication with them.

(e) clarity of aims and desired outcomes;

It is not altogether clear what the desired outcomes of this decision are. The report heavily implies it is predominantly the need to make cost savings.

If that is the case, 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 9th June despite considerable probing by Opposition councillors. Nothing in the Cabinet report has provided reassurance around this point.

There is also no convincing empirical evidence provided in the report as to how the proposed scheme will deliver improvements with regard to the maintenance of Merton's green spaces even though that is clearly the wish of residents, Friends groups and councillors.

Nor is there a detailed breakdown in the report of the impact on future staffing levels within the council's existing Greenspaces team.

(f) consideration and evaluation of alternatives;

Whilst there is a section in the Cabinet report on alternative options, there is no clear explanation as to why grounds maintenance in particular has been included in this joint procurement exercise. Trade union sources indicate that Merton's green spaces are the most efficiently managed in London with spend per acre at the lowest anywhere in the capital and spending of just 0.5% of Merton's revenue. Yet the Cabinet doesn't appear to have considered this. Nor has there been any published information provided to the Cabinet on previous unsuccessful attempts to outsource the parks maintenance service which we understand has been tried twice before and there is no benchmarking against other authorities which have

pursued this.

The impression given at the 9th June Sustainable Communities panel meeting and by the Cabinet report is that the council is being shoehorned into the proposed procurement of LOT 2 services by the bidding process. It seems that, rather than looking at what alternatives may be most appropriate for Merton's parks 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. For example, it is not clear what legal/cost implications, if any, there would be for the Council if the four partner boroughs were now to decide not to award the contract to the Preferred Bidder.

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. This is illustrated by the various correspondence between GMB representatives and the Director of Environment and Regeneration which has been copied to all councillors.

There has clearly been a strong desire amongst Greenspaces staff to bid for the contract themselves, potentially via a social enterprise vehicle. Yet, they have been precluded from doing so in spite of national government policy promoting the Right to Bid. One obstacle, for example, was that Merton added a pre-qualified questionnaire to the terms of the outsourcing enabling them to remove or exclude certain bidders.

In terms of alternatives, concerns have also been raised by Staffside representatives and Friends Groups that a 24 year contract, even with break clauses, is too inflexible and that the procurement cost is very high, perhaps because it was conducted through the SLWP, a waste collection and processing body, with little experience in the grounds maintenance sector.

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 or via the establishment of a social enterprise by Greenspaces staff then the question arises as to whether the Cabinet has fully evaluated the alternatives to what is currently being proposed.

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 2 services through the South London Waste Partnership.

All emails, reports and associated documentation relating to the decision on the Preferred Bidder for LOT 2 services 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 2 proposals.

The detailed financial analysis of the projected savings to be delivered through implementation of the LOT 2 proposals.

The detailed analysis of what legal/cost implications, if any, could be incurred by a) the Council and b) the Preferred Bidder if the four partner boroughs were not to award the contract to the successful bidder.

The detailed risk analysis in relation to the implementation of the LOT 2 proposals, including both financial and reputational risks.

The detailed analysis of the impact of the LOT 2 proposals on the future maintenance and quality of Merton's green spaces.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to the LOT 2 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 2 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 trade union/Staffside representatives on the LOT 2 proposals, including in relation to the possibility of an in house bid.

6. Witnesses requested

Cllr Nick Draper, Cabinet Member for Community and Culture

Chris Lee, Director of Environment and Regeneration

James McGinlay, Head of Sustainable Communities

Doug Napier, Greenspaces Manager

Staffside representative on behalf of Greenspaces staff

Terry Downes, GMB (or another GMB representative)

Tony Burton, Independent Merton Green Spaces Forum
Jane Plant, Independent Merton Green Spaces Forum
Annie Baker, Strategic Partnership Manager, South London Waste Partnership

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



Cllr Najeeb Latif



Cllr Gilli Lewis-Lavender



Cllr David Dean

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
- **OR** as a signed paper copy to the Head of Democracy Services, 7th 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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