

## Merton Council - call-in request form

- **Decision to be called in: (required)**

Merton Regeneration Programme (Cabinet Meeting of 9 July 2013; agenda item 3)
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- **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);	
(b) due consultation and the taking of professional advice from officers;	X
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	X
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

- **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.	

- **Evidence which demonstrates the alleged breach(es) indicated in**  
 **above (required)**

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

- **Breach of due consultation:** Despite the fact that discussions have been ongoing for some time between Merton Council and MPH (Merton Priory Homes) and a presentation made to the Circle Housing Group Management Board in December 2012, no consultation with ward councillors or the scrutiny panels was undertaken. Because the time appeared on the cabinet agenda at late notice (with the paper only published one working day before the cabinet meeting), there was no opportunity for pre-decision scrutiny.

The paper failed to meet the requirements in favour of transparency and the explanation given was inadequate. Given the fact that discussions have been ongoing for well over a year with MPH, the need to commence consultation with residents before consulting ward councillors or the scrutiny panel is unclear.

“The legal requirements for Access to Information have not been met. The Chair has agreed the submission of this item to this meeting as a matter of urgency in order that Cabinet is aware of the proposals being put forward By Merton Priory Homes on the engagement they are commencing on the Eastfields, High Path and Ravensbury estates.”

**Breach of a presumption in favour of openness:** No details of the feasibility study or financial implications have been disclosed (even confidentially); the transfer of the housing properties to MPH in 2010 represented one of the most important financial transactions undertaken by Merton Council and the agreement has financial implications for at least 20 years, particularly in matters concerning regeneration. It would be expected that both Merton Council and MPH would have evaluated the implications of these financial arrangements (even at a high level) at this stage of the process, particularly within the Circle Group. If these arrangements have not been analysed within Merton Council, there is an urgent need to do so and the results reported as part of this report. If MPH is working with Merton Council in an open dialogue, it would be expected that they would have shared details of the December 2012 presentation with Merton Council and these details should have been made available to cabinet and councillors. The cabinet paper asks cabinet to seek to influence MPH but the underlying basis for the powers available to cabinet are not clear.

**Breach of consideration of alternatives:** Depending on the evaluation of the financial implications under the existing transfer arrangements, an alternative of renegotiating these arrangements to result in a better regeneration programme for both parties must be considered. This would obviously be confidential.

- **Documents requested**

- **Minutes of meetings between Merton Council and MPH relating the regeneration of properties in Merton.**
- **Presentation made by MPH to Circle Housing Group Management Board (December 2012) and any other presentations relating to the regeneration of MPH properties**
- **Stock transfer agreement relating to regeneration of properties**
- **MPH financial statements for MPH and Circle Group for 2010/11, 2011/12 and 2012/13 financial years**

- **Witnesses requested**

- **Cabinet Member for Regeneration and Environmental Sustainability**
- **Cabinet Member for Community and Culture**
- **Director of Environment and Regeneration**
- **Director of Corporate Services**
- **MPH Managing Director**
- **Circle Group Head of Regeneration**

- **Signed (not required if sent by email):**  
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- **Notes**

Call-ins must be supported by at least three members of the Council (Part 4E Section 16(c)(a)(i))

The call in form and supporting requests must be received by by 12 Noon on the third working day following the publication of the decision (Part 4E Section 16(c)(a)(iii)).

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 (Part 4E Section 16(c)(a)(iv)) to the Assistant Head of Democracy Services, 8<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Assistant Head of Democracy Services on 020 8545 3361