

## Merton Council - call-in request form

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

<b>Residual waste container size</b>
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### 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:

We – the signatories – welcome the fact that the council has at last recognised the concern among a significant number of residents in Merton about the size of wheeled bins in relation to their properties, as per paragraph 2.4 of the report. This is particularly an issue in our own ward of Dundonald as well as various other wards which form part of Merton’s town centres, given the prevalence of terraced housing there with less space for the storage of bins.

However, for the reasons outlined below, we do not believe that full and proper consideration has been given by the council to all other options with regard to the size(s) of waste container proposed to be introduced.

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

It is simply unclear from the report whether the decision taken by Cabinet is proportionate to the desired outcome. The stated objectives of the new service due to be introduced in Merton in October 2018 are outlined at paragraph 1.1, namely encouraging greater recycling; keeping Merton’s streets cleaner; being safer for residents and operatives; and being cost-effective.

Whilst recycling rates and cost are both referred to in the report and appendix, there is no evidence provided on how the Cabinet’s decision on waste container size will impact on street cleanliness. Dan Goode, founder of the Merton Matters group (which was established locally specifically to campaign for a cleaner borough) has made clear previously that wheeled bins will not solve the “intrinsic littering culture” in Merton. At 2.8 the report talks about this in relation to bins smaller than 180l but we are not provided with any comparable empirical evidence on street cleanliness levels using 240l bins, 180l bins, a smaller sized bin or a different type of container.

With regard to safety, it is impossible to glean from the information provided as part of this decision how the safety of residents and operatives

would be impacted by it as there is also no comparable data provided on levels of safety using 240l bins, 180l bins, a smaller sized bin or a different type of container.

Furthermore, there are serious questions over whether it is proportionate with regard to the effect on the street scene and on convenience for residents given the significant increase in the number of containers that residents will be obliged to store under the new system and the size of those containers.

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

There has been no formal consultation with residents about the size of the residual waste containers with which they are due to be issued. This is stated explicitly at 2.10. Yet this decision clearly constitutes a radical change to the waste collection service and one that will affect almost all residents across the borough.

Nor is there any evidence provided to demonstrate that the Lavender Fields pilot conducted in 2015 can be relied upon to demonstrate the opinion of residents right across the borough. The area of Lavender Fields that formed the pilot is not representative of the borough as a whole in terms of the mix of different types of housing stock.

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 current proposals. Nor were any size bins other than 240l ones used in the pilot.

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

There is no analysis provided in the report on the specific impact for disabled and elderly residents living in Merton of the size of wheeled bins. One might have expected information on the merits or otherwise for disabled and elderly residents of using 240l bins, 180l bins, a smaller sized bin or a different type of container.

No updated Equality Impact Assessment has been published alongside the report to enable Cabinet members to give this due consideration when making their decision on the size of container.

Improved safety for operatives is a stated objective of this decision. Yet

there is also no breakdown of the demographics of those operatives who will be impacted e.g. age, ethnicity, gender.

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

There is a lack of openness in the report and appendix as illustrated by their brevity (just 10 pages in total). For example, it is stated at 2.21 that there are no crime and disorder implications as a result of this report. Yet, there have been high profile cases in recent months of wheeled bins being purposefully set on fire here in south London and so one would expect that that would at least have been taken into consideration when looking at container size. The same is true of theft levels of different sizes and types of container.

Particularly concerning has been the general lack of engagement with residents on this issue. A petition was presented to Full Council on behalf of over 1100 residents asking the council to consider the residents' own proposal for the waste containers which they would like to see introduced in October 2018 and yet this was met with only a brief standard response from the council.

Also, as per (b) above, the 2015 pilot was not conducted using a fortnightly collection or multiple 180l wheeled bins as is now being proposed.

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

There appear to be contradictions within the report when it comes to the desired outcomes of this decision.

For example, 2.23 states there are no health and safety implications as a result of this report. Yet earlier the report states that the safety of residents and operatives is one of the stated objectives of the decision.

Then in paragraph 2.5, the report outlines how residents in larger households will be able to request a 240l wheeled bin for residual waste and those who prefer will be able to request a 140l bin. Yet this is only 'once the new service has been introduced'. This does not seem to tally with the stated objective for this scheme to be cost effective. It does not seem clear why the council is proposing to issue these new bins to everyone in the first instance and then potentially replace some of them with bins of a different size. Residents are questioning whether it might not be more cost effective to engage in advance with households about the size of bin that would be most appropriate for them, particularly given the fact that officers stated in their response to a residents' petition on wheeled bins handed in at Full Council in September 2017 that:

*'Acceptable criteria to vary from the "norm" should be agreed in advance of any service being rolled out.'*

There is clearly also an environmental aspect to this which appears nit to have been addressed by the Cabinet. In light of the recent press coverage of the damage being done by plastics to the global environment and publication of the Government's 25 Year Environment Plan, it seems that an unnecessary amount of additional plastic is being produced in order to accommodate the Cabinet's decision when the impact of this could potentially be lessened. Concerns have equally been raised by residents about the impact on the environment of the replacement of a large number of perfectly good bins.

There is also a lack of clarity around the comparative data provided on potential savings in Appendix A. There are 4 options outlined showing the comparative impact on recycling rates and on savings to be delivered. Yet only the 240l bin is tested with a weekly collection. There is no comparative data provided showing the impact of a weekly collection with a smaller bin e.g. 180l or 140l. This does not appear to have been tested.

Finally, as the 2017 Annual Residents' Survey showed, street cleaning remains 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, as at a) above, there is no convincing empirical evidence provided in the report as to how the decision will deliver improvements with regard to this shared aim and what level of improvements can be expected.

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

The residents' petition handed in to Full Council in September 2017 set out clear alternatives in terms of waste container size. Yet, despite a huge amount of time and research being spent by the residents' group on this, it does not appear to have been given consideration by Cabinet when reaching their decision.

The residents' 5 point proposal included the supply of two 80l lidded 'Bell-Orb' bins for recycling, both in brown with self-coloured, embossed symbols. Unfortunately nowhere in the report is there evidence that this clear alternative has been tested by council officers for its impact on the stated objectives of the decision even though these brown 80l bins would clearly be beneficial in terms of the street scene appearance.

There is also no reference to the 'slave-bin' collection method and the impact of this on container size even though Merton officers themselves

have conceded that the 'to-&-fro' collection process proposed will take considerably longer for operatives to complete than the existing 'slave-bin' system. Yet, this has clear environmental and cost implications for the council and so would seem crucial to the decision making process. .

The Cabinet has only considered either 240l or 180l bins i.e. the same size for both residual/general waste and for paper and card. There is not even any mention of 80l or 120l bins or a variation of these. The council has repeatedly stated in public that 'one size does not necessarily fit all' and so many residents understandably feel that the council should opt for at least two sizes, and give residents the choice, particularly given that the 180l bins may be thinner but are not smaller in height. For example one other option could be the issuing of one 120l bin and one 180l one.

The *No Wheelies Please, Merton* group has pointed out that 42% of Merton council taxpayers are claiming 'single-adult-occupier' discount. There will also be a considerable percentage of households comprising couples (many of whom may be elderly). They therefore argue that as many as 60-70% of households may have a relatively low waste output and as such the issuing of 120l bins to them should be considered. Yet this alternative is not referred to in the Cabinet report.

There doesn't seem to have been any proper consideration by the Cabinet of modifications to existing container types used in Merton 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 further options.

There is also no evidence that, in reaching this decision, 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.

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. These included the following:

- 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 choice being given to residents BEFORE the scheme is rolled out.

There are concerns among some residents (and not dispelled by the Cabinet report) that the council is being shoehorned into the proposed system of waste collection by its contractor. Rather than looking at what alternatives may be most appropriate for Merton and its residents in terms of container size, they feel the council is being dictated to by the contractor and what works best for them across all of the four boroughs forming the South London Waste Partnership.

With regard to this, it is noteworthy that the following motion has been carried at the most recent meetings of both the Wimbledon and the Raynes Park Community Forum for presentation at the next full Council Meeting:

*We, the attendees of the {Wimbledon/Raynes Park} Community Forum, request that Merton Council's Cabinet make time to discuss the following proposal with Veolia's Merton manager:*

*"ALL MERTON'S FUTURE BIN AND RECYCLING BOX PURCHASES SHOULD BE BROWN IN COLOUR (to match the food & garden waste bins), FREE FROM PRINTED LBM LOGOS, WITH A SIMPLE SYMBOL FOR WASTE OR RECYCLING ON THE LID IN BLACK (less conspicuous than white) IN ORDER TO MAXIMISE UNOBTRUSIVENESS."*

Yet, this decision seeks to disregard resident concerns about colour and wider design of the waste containers proposed for introduction in October 2018.

Finally, the Cabinet appears not to have considered the impact of the EU Referendum result when reaching its decision, particularly in regard to the size of containers in which waste is to be collected. There is no reference to whether EU Directive 2008/98/EC will still apply by the time of the roll out of this new waste collection system. Were it not to be applicable any longer in the UK then this would clearly have an impact on the size of container choice as it may be that co-mingling of recyclables could in fact continue here in Merton.

## 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 residual waste container size.

All emails, reports and associated documentation relating to the decision on residual waste container size 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 decision on residual waste container size.

The detailed financial analysis of the projected savings to be delivered through implementation of the decision on residual waste container size.

Minutes of all the SLWP meetings when residual waste container size was discussed.

The detailed risk analysis in relation to the implementation of the decision on residual waste container size, including both financial and reputational risks.

The detailed analysis of the impact of the decision on residual waste container size on the cleanliness of Merton's streets.

The detailed analysis of the impact of the decision on residual waste container size on recycling rates in Merton.

The detailed analysis of the impact of the decision on residual waste container size on the health and safety of both residents and operatives.

The detailed analysis of the impact of the decision on residual waste container size on crime and disorder in Merton.

The Equality Impact Assessment (or any other equalities analysis carried out) in relation to the decision on residual waste container size.

A copy of the detailed 'analysis of operations in other local authorities'



referred to at paragraph 2.3 of the report.

A copy of the detailed 'review of best practice' referred to at paragraph 2.3 of the report.

A copy of the detailed 'guidance from WRAP' referred to at paragraph 2.3 of the report.

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 Veolia on residual waste container size.

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 WRAP on residual waste container size.

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 residual waste container size.

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 *No Wheelies Please, Merton* residents' group on residual waste container size, including all evidence provided to the council by this group.

## **6. Witnesses requested**

Cllr Ross Garrod, Cabinet Member for Street Cleanliness and Parking, LB Merton

Chris Lee, Director of Environment and Regeneration, LB Merton

Graeme Kane, Assistant Director Public Space, Contracting and Commissioning, LB Merton

Charles Baker, Waste Strategy and Commissioning Manager, LB Merton

Staffside representative on behalf of Merton refuse collection staff

Terry Downes, GMB (or another GMB representative on behalf of Merton refuse collection staff)

Dan Goode, Merton Matters founder

Nell Allen-Alexander, *No Wheelies Please*, Merton residents' group

Representative from The Apostles Residents Association

Representative from The Battles Area Residents Association

Representative from the Wimbledon East Hillside Residents Association (WEHRA)

Representatives from any other residents associations in Merton with which the council has had correspondence on the introduction of wheeled bins or received representations.

Representatives from local disabled groups and groups representing elderly residents e.g. Merton Centre for Independent Living, Merton Seniors Forum.

Representative from Veolia

Representative from WRAP


Jonathan Wragg, Sales Director, MGB Plastics (or another representative from MGB Plastics)

Annie Baker, Strategic Partnership Manager, South London Waste Partnership (or another representative from the SLWP)

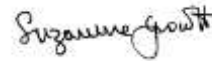
**7. Signed (not required if sent by email):**



**Cllr Michael Bull**



**Cllr David Dean**



**Cllr Suzanne Grocott**

**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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