

## LONDON BOROUGH OF CROYDON

To: All Members of Council  
Croydon Council website  
Access Croydon & Town Hall Reception

### **PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON MONDAY, 15 NOVEMBER 2021**

This statement is produced in accordance with Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules the following decisions may be implemented from **1300 hours on 23 November 2021** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to each decision listed below

**Reasons for these decisions:** As set out in the report:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=2511>

**Other options considered and rejected:** As set out in the report:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=2511>

**Details of any consultation and representations received not included in the published report:** None.

**Details of conflicts of Interest declared by any Cabinet Member:** None.

The Leader of the Council has delegated to Cabinet the power to make the decisions set out below:

**Agenda Item: 11A CONTRACTS FOR THE RECEIPT, BULKING, HAULAGE, AND TREATMENT OF FOOD WASTE AND GREEN WASTE**

**Key Decision No.: 4521CAB**

**Details of decision:**

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

**RESOLVED:** To

1. Following the procurement process detailed in the report and subject to approvals through the relevant governance processes in LBs Merton, Kingston and Sutton, approve the South London Waste Partnerships (SLWP) recommendations for the RB Kingston (procuring authority on behalf of SLWP) to award the following contracts for the handling and treatment of food and green garden waste for an initial period of 4 years and 7 months commencing on 1 September 2022 with options to extend until 31 March 2030 for a maximum contract value of £16m (which for Croydon represents £1.4m for the initial term, and £4m over the life of the contract)
  - 1.1 award **Lot 1** to BioCollectors (Direct Delivery of Food)
  - 1.2 award **Lot 3.1** to CountryStyle (Villers Road Green Waste)
  - 1.3 award **Lot 3.2** to Olleco (Villers Road Food Waste)
  - 1.4 award **Lot 5.1** to SUEZ (Transfer, haul, treat Green)
  
2. Approve that the Council enters into an Inter Authority Agreement (IAA) substantially in the form appended to the Part B report on this agenda (which sets out the roles and responsibilities of each of the SLWP boroughs in respect of the procurement, sharing of costs, contract management and other responsibilities in respect of the new food and green garden waste contract) with the agreement and finalisation of terms of the said IAA being delegated to the Corporate Director of Sustainable Communities, Regeneration & Economic Recovery.

**Signed:** Interim Monitoring Officer

**Notice date:** 23 November 2021

**Contact Officers:** [Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [Anoushka.clayton-walsh@croydon.gov.uk](mailto:Anoushka.clayton-walsh@croydon.gov.uk)

## Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 23 November 2021** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
  - i) the Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee; or
  - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
  - i) The grounds for the referral
  - ii) The outcome desired
  - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
  - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision. The Chair of the Scrutiny & Overview Committee shall also be notified.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
8. The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision is outside of the budget and policy framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C of the Constitution) apply. The Council

may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. If the Council determines that the decision was within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
11. The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
12. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
13. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Leader including the reasons for urgency.

**Signed:** Interim Monitoring Officer

**Notice Date:** 23 November 2021

**Contact Officers:** [victoria.lower@croydon.gov.uk](mailto:victoria.lower@croydon.gov.uk) and [Anoushka.clayton-walsh@croydon.gov.uk](mailto:Anoushka.clayton-walsh@croydon.gov.uk)

**PROFORMA**

**REFERRAL OF A KEY DECISION TO THE  
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower and Anoushka Clayton-Walshe, Democratic Services & Scrutiny e-mail to [Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [Anoushka.clayton-walshe@croydon.gov.uk](mailto:Anoushka.clayton-walshe@croydon.gov.uk)

Meeting:  
Meeting Date:  
Agenda Item No:

**Reasons for referral:**

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

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**The outcome desired:**

**Information required to assist the Scrutiny and Overview Committee to consider the referral:**

Signed:

Date:

Member of \_\_\_\_\_ Committee