



CORPORATE SERVICES DEPARTMENT
Caroline Holland - Director

To all Members of the Council

**Democratic Services
London Borough of Merton
Merton Civic Centre
Morden, Surrey SM4 5DX**

Tel: 020 8545 3356
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Date: 17 January 2018

Dear Councillor

Notification of Cabinet Decisions

The decisions of the Cabinet meeting held on Monday 15 January 2018 are attached.

The call-in deadline is Monday 22 January 2018 at noon

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

Democracy Services

Decisions of the Cabinet held on Monday 15 January 2018

Call-in deadline – Monday 22 January 2018 at noon

4	Reference from the Sustainable Communities Overview and Scrutiny Panel - Call-in of Merton Hall Construction Contract decision	Cabinet noted that the Sustainable Communities Overview and Scrutiny Panel, at its meeting on 10 January 2018, had resolved not to refer the call-in of the Cabinet decision back to Cabinet.
5	Reference from the Sustainable Communities Overview and Scrutiny Panel – Morden regeneration	RESOLVED that the comments of the Sustainable Communities Overview and Scrutiny Panel, as set out in paragraph 2.2 of the Cabinet report, be noted.
6	Adoption of Merton's Estates Local Plan	<p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That Cabinet recommends the adoption of Merton's Estates Local Plan to Council on 7 February 2018 and associated Sustainability Appraisal, as part of Merton's statutory Local Plan and subsequent updating of Merton's statutory Policies Map to include the Estates Local Plan area, to which Estates Local Plan policies apply. 2. That authority be delegated to the Director of Environment and Regeneration to deal with all the necessary adoption documents and other consequential matters in accordance with the appropriate legislation.
7	Delivery of Clarion's Estate Regeneration Project	<p>RESOLVED that Cabinet recommends to full Council support for the following:</p> <ol style="list-style-type: none"> 1. The considerable work already underway to support the regeneration of Eastfields, High Path and Ravenbury estates; attracting £1bn investment in Merton, creating much needed new homes and jobs. 2. To agree in principle that the Council exercises its compulsory purchase powers to support the delivery of the Merton Estates Regeneration Programme and the

Decisions of the Cabinet held on Monday 15 January 2018
Call-in deadline – Monday 22 January 2018 at noon

		<p>objectives of Merton’s Estates Local Plan to acquire the land as required within the areas described in the Cabinet report and shown edged red on the plans attached at Annex 1 of the Cabinet report.</p> <ol style="list-style-type: none"> 3. That Council Officers in conjunction with Clarion Housing Group (Clarion) begin preparatory work for the compulsory purchase which would include specific land interests to be acquired so that Clarion can deliver the regeneration of the Eastfields, High Path and Ravensbury Estates. 4. That Persona Associates land referencing agents be appointed by Clarion who will be responsible for the costs of that appointment and serve requisitions on landowners who will declare their land interests. 5. That Council officers commence the preparation of all documents required to support the CPO process including preparation of the necessary statements of reasons and the requisite statutory notices. 6. That the Council and Clarion enter into a Compulsory Purchase Order Indemnity Agreement under which Clarion will indemnify the Council against all the costs and expenses involved in making the CPO including the acquisition costs of the properties and the compensation due to Landowners. 7. That a financial allocation may be required for the Council’s Capital Programme from 2018-19 onwards deliver this approach. Any financial allocation would be considered by the Council’s financial approval process nearer the time under the Council’s Constitution and would be fully indemnified by Clarion Housing Group as set out in Recommendation 6. 8. That officers agree the joint appointment of Leading Counsel with Clarion Housing Group and the appointment of Leading Counsel to provide advice to the Council, if necessary.
8	Delivery of the regeneration of Morden town centre	<p>RESOLVED</p> <ol style="list-style-type: none"> 1. That a joint venture option be the most appropriate delivery vehicle structure for Morden.

Decisions of the Cabinet held on Monday 15 January 2018
Call-in deadline – Monday 22 January 2018 at noon

		<ol style="list-style-type: none"> 2. That officers be authorised to negotiate a Scheme Delivery Agreement with TfL for an appropriate joint venture structure to deliver the regeneration of Morden Town Centre. 3. That the Memorandum of Understanding, set out in the exempt Appendix B, between the Council and Transport for London which sets out how the two parties will collaborate on the preparatory works for the procurement of a development partner be noted. 4. That the procurement of a Project Management Consultant to coordinate and advise on the preparatory works for the procurement of a development partner be noted.
9	Merton's Neighbourhood Fund	<p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the update on the Neighbourhood Fund be noted. 2. That £5,000 of Neighbourhood Funding be allocated per ward to small scale public space projects in consultation with ward councillors; 3. That £213,000 be set aside to partner fund the delivery of Merton's London Borough of Culture programme, subject to the Council's bid to the Mayor of London being successful and subject to full assessment of competing bids for 2019 delivery. 4. That delegated authority be granted to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to allocate Neighbourhood Fund money to individual projects (including London Borough of Culture) received through the recent Neighbourhood Fund consultation, in line with Cabinet's agreed Neighbourhood Fund criteria.
10	Residual waste container size	RESOLVED that Option A as set out in the Cabinet report be approved.

Decisions of the Cabinet held on Monday 15 January 2018
Call-in deadline – Monday 22 January 2018 at noon

		<table border="1"> <tr> <td></td> <td>Residual/ general waste</td> <td>Paper and card</td> </tr> <tr> <td>Option A</td> <td>180l wheeled bin</td> <td>180l wheeled bin</td> </tr> </table>		Residual/ general waste	Paper and card	Option A	180l wheeled bin	180l wheeled bin
	Residual/ general waste	Paper and card						
Option A	180l wheeled bin	180l wheeled bin						
11	Air Quality Action Plan 2017-2022	<p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the public consultation responses to the Council’s draft Air Quality Action Plan 2018-2023 be noted. 2. That the draft Air Quality Action Plan 2018-2023 be agreed. 3. That future decisions in respect of the draft Air Quality Action Plan 2018-2023 be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Street Cleanliness and Parking. 						
12	Dog Control Public Space Protection Orders	<p>RESOLVED that it be recommended to Council:</p> <ol style="list-style-type: none"> 1. That the making of the following new dog control Public Spaces Protection Order for Merton's public spaces be approved: <ol style="list-style-type: none"> i) The prohibition of dog fouling by ensuring that dog owners and walkers clear up after their dogs. ii) The establishment of dog exclusion areas, predominantly children’s playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens. iii) Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park 						

Decisions of the Cabinet held on Monday 15 January 2018
Call-in deadline – Monday 22 January 2018 at noon

		<p>and on Mitcham Common, but not Wimbledon Common which has its own byelaws).</p> <p>iv) The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four.</p> <p>2. That the amount of the fixed penalty payable under a Fixed Penalty Notice issued in respect of breaches of the Order be £80, payable within 14 days and with no discount for early payment be agreed.</p> <p>3. That the Director of Environment & Regeneration be delegated authority in consultation with the Cabinet Member for Community & Culture to finalise and make the Public Space Protection Order, to come into force on 5 March 2018 or as soon as possible thereafter.</p>
13	London Councils Grants Scheme Subscription for 2018/19	RESOLVED that the Council's contribution to the London Councils Grants Scheme 2018/19 as per the subscription set by London Councils Leaders' Committee on 5 December 2017 be approved.
14	Business Plan 2018-22	<p>RESOLVED</p> <p>1. That the financial information arising from the Provisional Settlement 2018/19 be noted and that the financial implications will be incorporated into the draft MTFS 2018-22 and draft capital programme 2018-22.</p> <p>2. That the latest update of the draft MTFS for 2018 – 22 be noted.</p>
15	Financial Monitoring Report 2017-18 - November 2017	<p>RESOLVED:</p> <p>1. That the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £1.1million, 0.3% of the gross budget be</p>

Decisions of the Cabinet held on Monday 15 January 2018

Call-in deadline – Monday 22 January 2018 at noon

noted.

2. That the adjustments to the Capital Programme contained in Appendix 5b to the Cabinet report be noted and the following adjustments to the Capital Programme be approved:

Scheme	2017/18 Budget	2018/19 Budget	2019/20 Budget	2020/21 Budget	Funding/Re-profiling
Corporate Services	£	£			
Westminster Council Coroners Court	0	460,000	0	0	New Scheme Merton Funded
Housing Company	(8,238,530)	1,486,190	4,942,360	1,809,980	Re-profiling
Bidding Fund	(1,216,400)	1,216,400	0	0	Re-profiling
Acquisitions Budget	(791,770)	791,770	0	0	Re-profiling
Children, Schools and Families					
Harris Academy Morden	(50,000)	(1,349,940)	1,399,940	0	Re-profiling
Harris Academy Merton	(220,000)	220,000			Re-profiling
St Mark's Academy	0	(1,423,600)	(1,128,700)	2,552,300	Re-profiling
New School	(566,260)	266,260	300,000	0	Re-profiling
Environment & Regeneration					
Wimbledon Park Lake De-Silting	(106,500)	(1,143,500)	1,250,000	0	Re-profiling
Morden Leisure Centre	(705,360)	632,960	72,400	0	Re-profiling
Fleet Vehicles	(142,000)	142,000	0	0	Re-profiling
Merton Priory Chapter House Visitors' Centre	370,370	0	0	0	HLF/S106 Funded Scheme
Total	(11,666,450)	1,298,540	6,836,000	4,362,280	

3. That £170,540 Section 106 funding for Merton Priory Chapter House Visitor Centre for 2017/18 be approved.

17

Delivery of the Regeneration of Morden Town Centre - Exempt

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session. The decision is set out under

Decisions of the Cabinet held on Monday 15 January 2018
Call-in deadline – Monday 22 January 2018 at noon

Appendix	item 8.
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Merton Council - call-in request form

1. Decision to be called in: (required)

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);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(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.	
(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:

5. Documents requested

6. Witnesses requested

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

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 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, 8th floor, Civic Centre, London Road, Morden SM4 5DX.

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