

Merton Council

Cabinet Agenda

Membership

Councillors:

Stephen Alambritis (Chair)
Mark Allison
Kelly Braund
Mike Brunt
Tobin Byers
Caroline Cooper-Marbiah
Nick Draper
Edith Macauley MBE
Martin Whelton

Date: Monday 10 December 2018

Time: 7.15 pm

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,
Morden SM4 5DX**

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All Press contacts: communications@merton.gov.uk, 020 8545 3181

Cabinet Agenda

10 December 2018

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 6
4	Reference from the Overview and Scrutiny Commission - first round of budget scrutiny	7 - 10
5	Draft Business Plan 2019-23	To Follow
6	Financial Report 2018/19 – October 2018	To Follow
7	Vehicle Emissions, Public Health and Air Quality - a strategic approach to parking charges 2	To Follow

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

CABINET

12 NOVEMBER 2018

(7.15 pm - 7.49 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Kelly Braund, Mike Brunt, Caroline Cooper-Marbiah, Nick Draper, Edith Macauley MBE and Martin Whelton

ALSO PRESENT: Councillor Oonagh Moulton

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Rachael Wardell (Director, Children, Schools & Families Department), Jason Andrews (Environmental Health Pollution Manager), Cathryn James (Interim Assistant Director, Public Protection), David Keppler (Head of Revenues and Benefits), Fiona Thomsen (Head of shared legal services) and Dr Dagmar Zeuner (Director, Public Health)
Louise Fleming (Senior Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from the Cabinet Member for Adult Social Care and Health.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 15 October 2018 are agreed as an accurate record.

4 PREPARING THE COUNCIL FOR THE UK'S EXIT FROM THE EUROPEAN UNION (Agenda Item 4)

The Deputy Leader and Cabinet Member for Finance presented the report which set out the action taken to date to prepare the Council for the UK's exit from the European Union. He welcomed the report which was timely due to concerns of both Merton residents from the EU and friends and family currently living and working in the EU and he welcomed the creation of a Cabinet portfolio with responsibility for managing the impact of Brexit on the Council and the borough.

The Deputy Leader thanked the officers who had been looking into the subject and welcomed the cross-departmental working. He registered the interest from the communities who were concerned over the impact and thanked the Polish Families Association who had responded in writing to the Cabinet report. He acknowledged

that there was a deal of uncertainty over the content of the deal being negotiated by the Government and he hoped that the people would be given the opportunity to have their say on the terms of the deal.

The Director of Corporate Services advised that the report would also be considered by the Overview and Scrutiny Commission. A report had been published by London Councils on the work of the 17 London authorities who had been working on assessing the impact of Brexit, and Merton was highlighted as one of the case studies.

The Chair welcomed the Cabinet report and the report of London Councils. He proposed that the third recommendation be amended to read agree, rather than note.

RESOLVED:

1. That the implications for the Council and the Borough of the issues outlined in the report and the actions being taken to deal with them be noted;
2. That the establishment of a corporate task group headed by the Director of Corporate Services that is looking at the implications of Brexit in more detail and directing the actions being taken be noted; and
3. That the proposed approach for how the Council can support EU residents, particularly those in hard to reach and vulnerable groups, with information and support to secure their rights around settled status be agreed.

5 REGIONAL ADOPTION AGENCY (Agenda Item 5)

The Cabinet Member for Children's Services presented the report which set out recommendations relating to the transfer of components of Merton's adoption work to a Regional Adoption Agency; including the transfer of budget and TUPE of posts to the new regional body hosted by London Borough of Southwark, of which Merton would host the South West London Hub. There would be regular monitoring reports to the Children and Young People Scrutiny Panel which would enable the Council to have oversight of its performance.

The Director of Children, Schools and Families endorsed the approach which would deliver benefits for the Council and service users.

The Chair thanked the Cabinet Member and Director for their contributions and highlighted that the Council's current Adoption Service had been rated as one of the best in London.

RESOLVED that recommendations relating to transfer of components of Merton's adoption work to a Regional Adoption Agency; transfer of budget and TUPE of posts to new regional body be supported as follows:

1. That the London Borough of Merton enter into regional adoption agency arrangements as part of Adopt London South.

2. That staff and finances (provisional 5.29 FTE and £298,791 of which £256,564 is staffing related) are transferred to the London Borough of Southwark who will be hosting Adopt London South on behalf of ten South London boroughs, noting that Merton will be the spoke authority for the South West authorities. The figures are provisional pending the outcome of an independent audit of all local authorities' proposed budgetary transfers.
3. That Merton's DCS is granted delegated authority to make more detailed decisions around the implementation of this proposal including signing off the inter-authority agreement between Merton and Southwark.

6 INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE- ANTI-SEMITISM DEFINITION (Agenda Item 6)

The Cabinet Member for Community Safety, Engagement and Equalities presented the report which set out the proposal to include the International Holocaust Remembrance Alliance anti-Semitism definition into the Council's Hate Crime Strategy. Hate crime was a strategic priority for the Merton Community Safety Partnership as well as a Mayoral priority for London. She highlighted the recent shooting at the synagogue in Pittsburgh, USA as an example of the importance of tackling hate crime.

The Chair thanked the Cabinet Member and the Leader of the Opposition for attending the service at the Wimbledon Synagogue yesterday and showing support for the Jewish community. The Chair read out the recommendations which had followed the all-party supported motion from the meeting of the Council on 12 September 2018.

RESOLVED

1. That the adoption of the IHRA definition of anti-Semitism and its examples be formalised; and
2. That the IHRA definition of anti-Semitism and its examples be included within the Merton Hate Crime Strategy.

7 COUNCIL TAX SUPPORT SCHEME 2019/20 AND COUNCIL TAX TECHNICAL REFORMS 2019 (Agenda Item 7)

The Deputy Leader and Cabinet Member for Finance presented the report and thanked those involved in preparing the report, which set out a proposed Council Tax Support Scheme for 2019/20, for recommendation to Council. He gave some background to the cuts in government funding and the commitment of the Council to not pass on those cuts to the most vulnerable residents.

The Director of Corporate Services advised that the technical reforms had recently received royal assent and highlighted the proposal to charge the additional premium

on properties which had been empty for some time to encourage their being brought back into use for residential accommodation.

The Chair welcomed the report and that council tax had remained at the same level over recent years and thereby honouring the key pledge of the Council to protect those residents on low incomes.

RESOLVED

1. That the uprating changes for the 2019/20 council tax support scheme detailed in the report be agreed, in order to maintain low council tax charges for those on lower incomes and other vulnerable residents
2. That Council be recommended to adopt the new 2019/20 scheme.
3. That Council be recommended to agree to implement the proposed council tax technical reforms concerning the increased empty property premium from 1 April 2019 and subsequent years following the amendments to Section 11B of the Local Government Finance Act 1992.

8 VEHICLE EMISSIONS, PUBLIC HEALTH AND AIR QUALITY - A STRATEGIC APPROACH TO PARKING CHARGES (Agenda Item 8)

The Cabinet Member for Regeneration, Housing and Transport presented the report on behalf of the Cabinet Member for Adult Social Care and Health who had given his apologies for the meeting. The report was the first stage in examining the impacts of vehicle emissions on air quality and public health and ways in which the Council can address through looking at parking policy and sustainable transport. There would be a further report to Cabinet in December before being considered by Scrutiny in January.

The Cabinet Member thanked all those involved in the Cabinet report, which had received cross-departmental contributions. He highlighted the health issues arising from poor air quality caused by traffic congestion and stressed the commitment to reducing the impact on residents by reducing emissions and tackling air quality by moving to more sustainable modes of transport, promoting walking and cycling and adopting a strategic approach to setting parking charges, looking at both on and off street parking.

The Director of Environment and Regeneration advised that central government had devolved the responsibility for managing air quality and Public Health to local government. The Council has a range of measures it can use to tackle the issues, if not all the policy levers. The Council had already implemented an emissions based levy which would be reviewed in 2019 when officers had gathered two years' worth of data to assess. He outlined the targets which the London Mayor had set in respect of increasing use of sustainable modes of transport and the obligation of the Council to meet those targets.

The Council currently has a commitment to review parking charges and the Cabinet report builds on that commitment. The Council would consider charging in light of

access to other modes of transport, balancing the needs of residents and businesses. The Council also has a commitment to improving both public health and air quality in the Borough. Many other boroughs were having to plan to reduce the impact of emissions on their residents, and to fail to act on this would be a derogation of the Council's duty. A proposed schedule of charging would be brought to Cabinet in December before being considered by Scrutiny in January.

The Director of Public Health welcomed the report and advised the Cabinet that there was an emerging evidence base on the impacts of air quality on public health, particularly the impact on the cognitive development of young children, which was currently being examined by an independent committee. Therefore air quality had a disproportionate impact on those who are most vulnerable and the Council had a duty to address that inequality.

The Leader thanked all for their contributions and welcomed the report.

RESOLVED

1. That the important role that Parking Services play to help deliver key strategic council priorities including public health, air quality and sustainable transportation be noted; and
2. That the contents of the Cabinet report and the key strategic policies in order to review future parking policies and charges be noted.

9 DRAFT BUSINESS PLAN 2019-23 (Agenda Item 9)

Cabinet noted that the item had been deferred to the next meeting on 14 December 2018.

10 FINANCIAL REPORT 2018/19 – SEPTEMBER 2018 (Agenda Item 10)

The Deputy Leader and Cabinet Member for Finance presented the financial monitoring report and highlighted that the projected overspend of just under £2m for 2018/19 which represented 0.36% of the Council's overall budget, which was a relatively small part of that budget. He thanked all those involved in writing the report for budgeting effectively.

The Director of Corporate Services advised that the income report was showing an improvement and page 27 of the report showed improvement in deliverability of savings. The report would also be considered by the Financial Monitoring Task Group.

RESOLVED

1. That the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £1.92 million, 0.36% of gross budget be noted;

2. That the virement of £100k between Environment & Regeneration & Corporate Services in relation to the funding of RingGo card processing charges be approved.
3. That the virement of £302k between Community Care Placement Contingency and Housing Related Support (both in Adult Social Care placements) be approved and it be noted that the savings were allocated to an incorrect cost centre at the start of the financial year.
4. That the position in respect of the Capital Programme contained in Appendix 5b be noted and the items in the Table below be approved:

Scheme		2018/19 Budget	2019/20 Budget	Narrative
Corporate Services				
Planning and Public Protection	(1)	(199,730)	199,730	Reflects Projected Spending Pattern
Housing Company	(1)	(200,000)	200,000	Reflects current projected spending pattern
Children, School and Families				
Cricket Green expansion	(1)	(150,000)	150,000	Reflects the estimated programme post contract award
Healthy Schools	(1)	188,630	0	Funded by CSF grant
Environment and Regeneration				
Highway Bridges and Structures	(1)	200,000	(200,000)	Re-profiled in accordance with projected spend
Polka Theatre	(1)	0	150,000	To achieve ongoing revenue savings
Bus Priority Scheme	(1)	(150,000)	0	Correction to TfL Schemes
Mitcham Town Centre	(1)	(435,680)	425,000	CIL scheme re-profiled
School Part Time Road Closure	(1)	74,000	0	TfL funded scheme
Total		(672,780)	924,730	

Committee: Cabinet

Date: 10 December 2018

Wards: All

Subject: Scrutiny of the Business Plan 2019-2023: comments and recommendations from the overview and scrutiny panels

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair of Overview & Scrutiny

Contact officer: Julia Regan; Julia.regan@merton.gov.uk; 020 8545 3864

Recommendations:

-
1. That Cabinet, in taking decisions relating to the Business Plan 2019-23, takes into account the comments and recommendations made by the Overview and Scrutiny Commission and the outcomes of consideration by the Overview and Scrutiny Panels.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform Cabinet of the recommendations and comments resulting from pre decision scrutiny of the Business Plan 2019-23 by the Overview and Scrutiny Commission and Overview and Scrutiny Panels at their November 2018 meetings.

2 DETAILS

- 2.1. Each of the Overview and Scrutiny Panels and the Overview and Scrutiny Commission has examined the budget and business plan proposals relating to the service areas within their remit. The Overview and Scrutiny Commission has also received the findings of the Panels.
- 2.2. The Overview and Scrutiny Commission met on 14 November 2018 and RESOLVED to forward to Cabinet the comments and recommendations made by the Overview and Scrutiny Panels. These are set out in Appendix 1.
- 2.3. The Commission discussed and RESOLVED to endorse the two proposed savings relating to Corporate Services - CS01 discretionary rate relief policy and CS02 charge for Blue Badges.
- 2.4. The Commission also RESOLVED to express disappointment that Cabinet was not further advanced in identifying proposed savings for future years. However the Commission also recognised the difficult situation that Cabinet faces in relation to the size of the budget gap.

3 ALTERNATIVE OPTIONS

- 3.1. Cabinet is required under the terms of the constitution to receive, consider and respond to recommendations from Overview and Scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The Constitution contains the requirements for consulting scrutiny on the budget and business plan. There is an initial phase of scrutiny in November each year, with the second round in January/February representing the formal consultation of scrutiny on the proposed Business Plan, Budget and Capital Programme.

5 TIMETABLE

- 5.1. Round one of scrutiny of the 2019-23 Business Plan was undertaken as follows:-
- Sustainable Communities Overview & Scrutiny Panel: 1 November 2018
 - Healthier Communities & Older People Scrutiny Panel: 6 November 2018
 - Children & Young People Overview & Scrutiny Panel: 7 November 2018
 - Overview and Scrutiny Commission: 14 November 2018
- 5.2. Comments and recommendations from round one will be reported to Cabinet on 10 December 2018.
- 5.3. Round two of scrutiny of the Business Plan is planned as follows:-
- Sustainable Communities Overview & Scrutiny Panel: 9 January 2019
 - Children & Young People Overview & Scrutiny Panel: 16 January 2019
 - Healthier Communities & Older People Scrutiny Panel: 10 January 2019
 - Overview and Scrutiny Commission: 23 January 2019
- 5.4. The responses from round two will be presented to Cabinet on 18 February 2019. A meeting of full Council will then take place on 6 March 2019.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. These are detailed in the substantive reports elsewhere on this agenda and in the reports considered by Cabinet on 15 October 2018.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The process for developing the budget and business plan is set out in Part 4C of the Council's Constitution. The role of the Overview and Scrutiny Commission and panels with regard to the development of the budget and business plan is set out in Part 4E of the Constitution.
- 7.2. 8.2 The legal and statutory implications relating to the Business Plan are contained in the reports elsewhere on this agenda.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None directly relating to this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None directly relating to this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None directly relating to this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1: comments and recommendations made by the scrutiny panels in relation to the Business Plan 2019-23.

12 BACKGROUND PAPERS

12.1. None

References/Comments from Scrutiny Panels to the Overview & Scrutiny Commission 14 November 2018

Scrutiny of the Business Plan 2019-2023

Sustainable Communities Overview and Scrutiny Panel: 1 November 2018

The Panel discussed and commented on the report and PASSED the following motion:

“This Panel recommends to Cabinet to consider increasing the capital spend on street trees and other associated landscaping by 10% to help improve the Borough’s air quality offset by reducing equivalent spend on fleet vehicles. “

In introducing the motion, Councillor Daniel Holden said the purpose of the motion is to meet aspirations of Mayor of London which is to reduce the number of vehicles and increase trees to improve air quality.

The motion was seconded by Councillor Russell Makin.

The Panel took a recorded vote on the motion. 4 members voted in favour (Councillors Laxmi Attawar, Nick McLean, Daniel Holden and Russell Makin); 2 voted against (Councillors Ben Butler and Joan Henry) and there were 2 abstentions (Councillors Anthony Fairclough and Stan Anderson).

Healthier Communities and Older People O&S Panel: 6 November 2018

The Panel heard concerns expressed by disability groups in the borough about the impact that the proposed savings would have in the medium term upon people who are already at a disadvantage. The Panel felt a great deal of sympathy but were also aware of the extent of the predicted budget gap and the need to make savings.

Children and Young People Overview and Scrutiny Panel: 7 November 2018

The Panel had raised concerns about the impact that cuts in services would have on vulnerable young people. The Panel noted that there were a growing number of referrals across children’s services nationally, including safeguarding and special educational needs, and the Panel have concerns about the impact this may have locally.