

# **Merton Council**

## **Cabinet Agenda**

### **Membership**

#### **Councillors:**

To be appointed by the Leader of the Council

**Date:      Wednesday 15 May 2019**

**Time:      8.15 pm, or on the rise of the Annual Council meeting scheduled for  
7.15pm the same evening**

**Venue:    Members' Resources Room (adjacent to the Council Chamber)  
Merton Civic Centre, London Road, Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.  
For more information about the agenda please contact  
[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone [020 8545 3616](tel:02085453616).

All Press contacts: [communications@merton.gov.uk](mailto:communications@merton.gov.uk), 020 8545 3181

# **Cabinet Agenda**

## **15 May 2019**

- |   |                                    |        |
|---|------------------------------------|--------|
| 1 | Apologies for absence              |        |
| 2 | Declarations of pecuniary interest |        |
| 3 | Minutes of the previous meeting    | 1 - 6  |
| 4 | Constitution of Committees         | 7 - 12 |

### **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.

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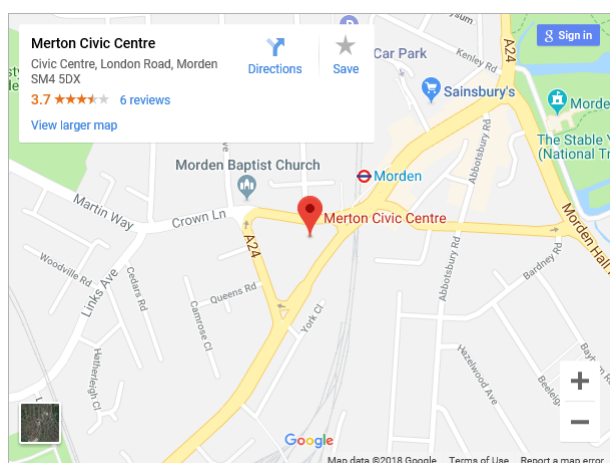
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# Agenda Item 3

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## CABINET

25 MARCH 2019

(7.15 pm - 7.32 pm)

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

ALSO PRESENT: Councillor Laxmi Attawar, Nigel Benbow, Daniel Holden and Nick McLean

Ged Curran (Chief Executive), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Rachael Wardell (Director, Children, Schools & Families Department), Paul Evans (Assistant Director of Corporate Governance), Steve Langley (Head of Housing Needs and Strategy), Mandy Little (Communications Officer) and James McGinlay (Assistant Director for Sustainable Communities)  
Louise Fleming (Senior Democratic Services Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from the Deputy Leader and Cabinet Member for Finance, Councillor Mark Allison. Apologies for lateness were received from the Cabinet Member for Environment and Street Cleanliness, Councillor Mike Brunt.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest made.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 18 February 2019 are agreed as an accurate record.

### 4 REFERENCE FROM THE SUSTAINABLE COMMUNITIES SCRUTINY PANEL - TERMS OF REFERENCE OF DIESEL LEVY REVIEW (Agenda Item 4)

The Chair advised that items 4 and 5 would be discussed together, however for ease of reference the minute of the item and resolutions are set out separately.

At the invitation of the Chair, the Chair of the Sustainable Communities Overview and Scrutiny Panel Councillor Laxmi Attawar presented the reference report, outlining the recommendations in the report in respect of widening the scope of the review to look at data from other Councils to identify trends.

The Cabinet Member for Adult Social Care and Health thanked Councillor Attawar for her presentation and addressed her comments in his presentation of item 5.

RESOLVED

That the recommendations of the Sustainable Communities Overview and Scrutiny Panel, as set out in paragraph 2.5 of the report, be taken into account when making decisions on the Diesel Levy Implementation Review.

5 TERMS OF REFERENCE FOR DIESEL LEVY AND EMISSION BASED CHARGES REVIEW. (Agenda Item 5)

The Cabinet Member for Adult Health and Social Care, Councillor Tobin Byers presented the report, thanking the Chair of the Scrutiny Panel for her presentation. The Cabinet Member gave some background to the proposed review, which had formed part of the original decision to introduce a charge for the most polluting vehicles in the Borough with the aim of improving air quality. Cabinet had undertaken to carry out a review after two years and obtaining the views of the Scrutiny Panel on the Terms of Reference of that review. He outlined the proposed terms of reference of the review of the Diesel Levy, and drew the Cabinet's attention to paragraphs 2.12 and 2.13, where it was proposed to accept the recommendation of the Scrutiny Panel and expand the scope of the review accordingly.

The Cabinet Member advised that the review would look at both national trends in data and local data, both qualitative and quantitative data, to compare against other boroughs. The second part of the review would look at the impact of a diesel levy on Pay and Display, and the third part would look at a broader emissions-based charging policy. He advised the Cabinet that the review should be looked at in the wider context of the Council's health and wellbeing agenda, encouraging more active and less sedentary lifestyles. The review of Pay and display machines in the Borough, with a move towards cashless options would be carried out in consultation with ward members. It was intended to bring a report back to Cabinet in the Autumn.

The Cabinet Member for Regeneration, Housing and Transport, welcomed the work carried out by the Scrutiny Panel and highlighted the benefits of the Diesel levy in reducing the use of diesel vehicles and contributing to improving air quality.

The Cabinet Member for Community and Culture welcomed the report and the opportunity to see what measures were being carried out in neighbouring boroughs on this issue.

The Chair echoed the comments made, highlighting the work done in the London Borough of Kingston on this issue. He thanked all those who had contributed to the report and the discussion.

RESOLVED

That the Terms of Reference for a review of the diesel levy and emissions based charging as set out in the report be approved.

6 AWARD OF CONTRACTS FOR HOUSING RELATED SUPPORT (HRS)  
(Agenda Item 6)

The Cabinet Member for Regeneration, Housing and Transport presented the report which set out proposals for the provision of Housing Related Support in the Borough, giving an overview of the background to the contract and the scope of the provision.

The Cabinet Member for Community Safety, Engagement and Equalities welcomed the recommendations in the report, which would help to provide support for domestic abuse survivors.

The Chair thanked all those involved in tackling the issues outlined by the Cabinet Members.

RESOLVED

1. That the award of the contracts for Housing Related Support for Lots 1 to 5 in respect of the highest ranked and evaluated bids for each Lot as set out in Appendix Part B be approved.
2. That the contracts which are due to commence by 1 July 2019 and will be granted for a period of 3 years with options to extend for up to 2 further periods of up to 12 months each. The maximum contract period will be no more than 5 years.
3. Authority be delegated to the Director of Community and Housing, in consultation with the Cabinet Member for Adult Social Care and Health and the Cabinet Member for Regeneration, Housing and Transport, the authority to extend the contract by the further increment of up to 2 years (as above).

7 EXTENSION OF CONTRACTS FOR SUPPLY OF ELECTRICITY AND GAS  
(Agenda Item 7)

The Chair introduced the report which recommended extending the existing contract for supply of the Council's electricity and gas for a one year period, which represented good value for money and a business-like approach. The next year would provide officers with the opportunity to test the market further to obtain the best deal for Merton. The Director of Corporate Services echoed the Chair's comments.

RESOLVED

1. That the extension of the contract for the Supply of Electricity with Scottish Power for a further year until 31/03/22, at an estimated cost of £1.7m be approved.
  2. That the extension of the contract for the Supply of Gas with Gazprom for a further year until 31/03/22, at an estimated cost of £0.75m, be approved.
- 8 CREATION OF HOLDING COMPANY (CHAS 2013 LTD) (Agenda Item 8)

The Chair introduced the report which proposed the creation of a holding company for CHAS 2013 Ltd (Contractors Health and Safety Assessment Scheme) which would ensure CHAS was as efficient and profitable as possible. The Director of Environment and Regeneration advised that the proposal would give the Council more flexibility to bring benefits to the Council. The Chair welcomed the report and that the Council ran CHAS on behalf of the country.

RESOLVED

1. That the creation of a Holding Company using a Separate Groups Model to form a CHAS group structure in principle be approved.
2. That authority be delegated to the Director of Corporate Services to finalise the creation of the holding company and to approve and enter into the associated legal documentation.

9 FINANCIAL REPORT 2018/19 – JANUARY 2019 (Agenda Item 9)

The Chair introduced the report which set out the financial position at January 2019. He highlighted that there were still financial pressures on local authorities, particularly in Children’s Services.

The Director of Corporate Services highlighted the key parts of the report for Members to consider and advised that this would be the last monthly report before the outturn report is presented to Cabinet in June.

RESOLVED

1. That Cabinet note the financial reporting data relating to revenue budgetary control, showing a forecast net underspend at year-end of £2.48 million. 0.46% of gross budget.
2. That Cabinet approve the adjustments to the Capital Programme contained in Appendix 5b  
That Cabinet note the adjustments to the Capital Programme contained in Appendix 5b and approve the items in the Table below:

Scheme	2018/19 budget	2019/20 budget	Narrative
Corporate Services			
Customer Contact Programme	(1,499,010)	1,499,010	Re-profiled in accordance with projected spend
Environment and Regeneration			
Cycle Route Imps – Beddington Lane Cycle Routes	(135,000)	135,000	TfL approved re-profiling



<b>Total</b>	<b>(1,634,010)</b>	<b>1,634,010</b>	
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10 EXCLUSION OF THE PUBLIC (Agenda Item 10)

Cabinet noted that the contents of the exempt appendix at item 11 would not be referred to and therefore the meeting remained in public session. The decision is set out under item 6 above.

11 AWARD OF CONTRACTS FOR HOUSING RELATED SUPPORT (HRS) - EXEMPT APPENDIX (Agenda Item 11)

Cabinet noted that the contents of the exempt appendix at item 11 would not be referred to and therefore the meeting remained in public session. The decision is set out under item 6 above.

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## **Committee: Cabinet**

**Date: 15 May 2019**

Wards: All

## **Subject: Constitution of Committees**

Lead officer: Paul Evans – Assistant Director of Corporate Governance

Lead member: Leader of the Council

Contact Officer: Louise Fleming – Senior Democratic Services Officer (020 8545 3616)  
[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

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### **Recommendations:**

That the Cabinet:

- A. agrees to appoint two Cabinet members and two substitute members to the South West London Joint Waste Management Committee as detailed in Appendix A to this report (to follow).
- B. agrees to appoint two Cabinet members, to the Wandle Valley Regional Park Trust as detailed in Appendix A to this report (to follow).
- C. agrees to appoint the Leader of the Council to the South London Partnership Joint Committee, as detailed in Appendix A to this report.
- D. Agrees to appoint three Cabinet members to the Merantun Development Limited Sub-Committee as detailed in Appendix A to this report (to follow).
- E. agrees the term of reference for the South West London Joint Waste Management Committee as detailed in Appendix B. These terms of reference have also been included for information in the Constitution of Committees and Outside Bodies report to Annual Council.
- F. agrees the terms of reference for the Merantun Development Limited Sub-Committee, set out in Appendix C to this report.
- G. agrees to delegate to the Chief Executive the authority to fill vacancies on the bodies detailed at recommendations A and F on the nomination of the Party Whip of the group with a vacant position.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. To establish and appoint to those bodies for which the Cabinet has the responsibility to do so.

## **2 DETAILS**

- 2.1. Constitution of committees is carried out annually by the Council. Those committees which carry out executive functions or are advisory to the Cabinet need to be appointed by the executive following the Annual Council meeting.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The Cabinet has a discretion over whether it appoints any of the committees referred to in the recommendations.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. Party Groups have been consulted on their membership of these bodies.

### **5 TIMETABLE**

- 5.1. The committees' advisory bodies established by Cabinet will come into effect immediately.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. None for the purpose of this report.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None for the purpose of this report.

### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None.

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

Appendix A: List of bodies to be constituted by Cabinet (to follow)

Appendix B: Terms of Reference for the South West London Joint Waste Management Committee

Appendix C: Terms of reference for the Merantun Development Limited Sub-Committee

### **12 BACKGROUND PAPERS**

- 12.1. None.

**South West London Joint Waste Management Committee**

**Membership: 2 – (Substitutes allowed)**

**Constituted by: Cabinet**

**Powers and Duties determined by: Cabinet**

**Authority: Cabinet**

**Functions:**

To advise the Cabinet on the South London Joint Waste Committee whose primary function is to make arrangements for the disposal of waste, provide places for the deposit and disposal of waste and to advise the Participating Councils on the delivery and separation of waste. The Participating Councils are the London Boroughs of Merton, Croydon and Sutton and the Royal Borough of Kingston. The specific functions of the Committee are set out in Schedule 1 of the Constitution of the Committee operating under the name of the South London Waste Partnership.

Each Council has two seats on the Committee with only one vote per borough.

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**MERANTUN DEVELOPMENT LIMITED SUB-COMMITTEE**

**TERMS OF REFERENCE**

**Membership: 3**

**Constituted by: Cabinet**

**Powers and Duties determined by: The Localism Act 2011**

**Authority: Cabinet**

**Purpose:**

To act as the Shareholder Board for the London Borough of Merton Local Authority Property Company (LAPC) "Merantun Development Limited".

**Functions:**

To exercise all rights and responsibilities of the Council as shareholder, including but not limited to agreeing the company's annual business plan and funding arrangements and monitoring progress against the business plan on behalf of the Council.

**Reserved Matters:**

The list of matters reserved for Shareholder approval is as set out in Schedule 1 of the Shareholder Agreement.

**Delegated Functions:**

The Director of Environment and Regeneration will have delegated authority to take decisions on reserved matters in circumstances where the financial expenditure to be incurred, in any one instance, is below two hundred and fifty thousand pounds (£250,000)

**Quorum: 2 Members of the Cabinet**

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