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Merton Council

Council Meeting

Membership

The Mayor: Councillor Michael Brunt

The Deputy Mayor: Councillor Edith Macauley MBE

Councillors: Agatha Mary Akyigyina OBE, Stephen Alambritis MBE, Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey, Thomas Barlow, Nigel Benbow, Hina Bokhari, Michael Brunt, Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Andrew Howard, Janice Howard, Natasha Irons, Sally Kenny, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Edith Macauley MBE, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Marsie Skeete, Peter Southgate, Geraldine Stanford, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson, David Williams MBE JP and Helena Dollimore

Date: **Wednesday 7 July 2021**

Time: **7.15 pm**

Venue: **Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX**

This is a public meeting and attendance by the public is permitted. There will be a limited number of seats available for members of the public should they wish to attend, however we would encourage you to continue to watch online whilst Covid-19 restrictions remain in place.

The meeting will be held in accordance with Government guidelines and any measures applicable at the time of the meeting.

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Council meeting

7 July 2021

1	Apologies for absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meetings	1 - 34
4	Announcements by the Mayor, Leader of the Council and Chief Executive	
5	Public questions to cabinet members The questions and written responses will be circulated at the meeting.	
6	Councillors' ordinary priority questions to cabinet members The questions and written responses will be circulated at the meeting	
7a	Strategic theme: Councillors' questions to cabinet members The questions and written responses will be circulated at the meeting.	
7b	Strategic theme: Main report	35 - 52
7c	Strategic theme: motions	
8	Report of the Morden Community Forum, 24 February 2021	53 - 56
9	Report of the Mitcham Community Forum, 25 February 2021	57 - 62
10	Reports from the Wimbledon Community Forum, 25 March 2021 and 16 June 2021	63 - 132
11	Reports from the Raynes Park Community Forum, 30 March 2021 and 10 June 2021	133 - 208
12	Notices of motion: Liberal Democrat Motion	209 - 210
13	Notices of Motion: Labour Motion	211 - 212
14	Appointment of Chief Executive	213 - 216
15	Local Plan - submission to the Secretary of State	217 - 226
16	PlanWimbledon's application to be a neighbourhood forum for	227 -

	their proposed neighbourhood area of Wimbledon	374
17	Constitutional Changes	375 - 548
18	Member Code of Conduct	549 - 586
19	Revisions to the Council's Contract Standing Orders 2020	587 - 650
20	Changes to Membership of Committees and related matters	651 - 654
21	Petitions	655 - 656
22	Business for the next ordinary meeting of the Council	

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. For further advice please speak with the Managing Director, South London Legal Partnership.

Partnership.

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Agenda Item 3

COUNCIL

13 APRIL 2021

(7.15 pm - 7.47 pm)

PRESENT

The Mayor, Councillor Sally Kenny,
The Deputy Mayor, Councillor John Dehaney

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis MBE, Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey, Thomas Barlow, Nigel Benbow, Hina Bokhari, Mike Brunt, Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, Nick Draper, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Natasha Irons, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Edith Macauley MBE, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Marsie Skeete, Peter Southgate, Geraldine Stanford, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson and David Williams MBE JP

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Andrew Howard.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 REQUEST TO HOLD AN EXTRAORDINARY MEETING OF THE COUNCIL UNDER PART 4A, SECTION 3.1(C) OF THE COUNCIL'S CONSTITUTION (Agenda Item 3)

The motion was moved by Councillor McLean and seconded by Councillor Williams.

The Labour amendment as set out in agenda item 4 was moved by Councillor Allison and seconded by Councillor Pritchard.

Councillors Holden, Barlow, Southgate and Kohler spoke in the debate.

The Labour amendment was put to a vote and was carried – votes in favour: 34, votes against: 17, abstentions: 7.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 33, votes against: 17, abstentions: 7.

RESOLVED:

- 1) Council agrees that it should be the Council's usual practice to avoid having meetings during a pre-election period, and that meetings during such periods should only be take place by exception to ensure that Council resources paid for by the taxpayer are not inadvertently used to promote a political party's campaign during an election period;
- 2) Council regrets the decision of the Government not to legislate to allow virtual meeting meetings to continue beyond 7 May which means that meetings would have to take place in confined spaces prior to vulnerable staff or members being fully vaccinated, or lockdown being fully lifted. It therefore endorses the decision to move the Annual Council meeting, and to hold an Extraordinary meeting of the Council on 21 April 2021 for the purposes of considering the Council's response to violence against women and girls;
- 3) Council notes that the High Court is due to consider the question of whether meetings can be held virtually on 21 April although it is not known when the judgment will be available;
- 4) Council resolves to reinstate the meetings listed below:
 - 26th April Healthier Communities and Older People Scrutiny Panel;
 - 27th April Children and Young People Scrutiny Panel;
 - 28th April Overview and Scrutiny Commission;

And to schedule a meeting for the Sustainable Communities Overview and Scrutiny Panel before 7 May but if before that meeting, the Court case confirms that it is lawful to continue meetings virtually, that rescheduled meeting shall be cancelled and replaced with a meeting to take place before the end of May

- 5) Council resolves that new meetings of the Health and Wellbeing Board and the Joint Consultative Committee with Ethnic Minority Organisations shall be scheduled to be held after the lifting of lock down restrictions on 21 June, unless the Court case confirms that it is lawful to continue to hold meetings virtually in which case those committees should go ahead on the currently scheduled dates, namely (22 June and 9 June respectively);
- 6) That in respect of all other meetings, the Council considers a revised calendar at the annual meeting on 21 April.

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.

COUNCIL

21 APRIL 2021

(7.15 pm - 8.17 pm)

PRESENT The Mayor Councillor Sally Kenny
The Deputy Mayor Councillor John Dehaney,
Councillors Agatha Mary Akyigyina, Stephen Alambritis,
Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey,
Thomas Barlow, Nigel Benbow, Hina Bokhari, Michael Brunt,
Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie,
David Chung, Caroline Cooper-Marbiah, Pauline Cowper,
Stephen Crowe, Mary Curtin, David Dean, Nick Draper,
Anthony Fairclough, Edward Foley, Brenda Fraser,
Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden,
James Holmes, Andrew Howard, Janice Howard, Natasha Irons,
Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif,
Edith Macauley, Russell Makin, Peter McCabe, Simon McGrath,
Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod,
Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson,
Marsie Skeete, Peter Southgate, Geraldine Stanford,
Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson
and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 ELECTION OF MAYOR FOR 2021/22 AND THE MAYOR'S APPOINTMENT OF THE DEPUTY MAYOR FOR 2021/22 (BOTH WITH EFFECT FROM 19 MAY 2021) (Agenda Item 3)

It was moved by Councillor Allison and seconded by Councillor Pritchard that Councillor Michael Brunt be elected Mayor of the London Borough of Merton for 2021/22 with effect from 19 May 2021.

Councillor McLean also spoke in support of the nomination (copies of their speeches are attached at the end of these minutes).

There not being any other nominations, the Mayor put it to the meeting and it was **RESOLVED UNANIMOUSLY**

Councillor Brunt announced that his Deputy Mayor for 2021/22 would be Councillor Edith Macauley.

Councillor Brunt announced that his consort would be Joan Brunt and the mayor's chaplains would be a joint chaplaincy between the Reverend Alison Judge and Reverend Belemo Alagoa.

Councillor Macauley announced her consort would be Carvel Patrick Okesola.

Councillor Brunt thanked the Council for his election for the forthcoming year and announced that his two charities would be Marie Curie and Merton Christian Care Association.

To ensure compliance with Covid19 regulations, the declaration of office and presentation of badges and chaplains' crosses would be presented on another date outside of the meeting.

4 VOTE OF THANKS TO THE RETIRING MAYOR (Agenda Item 4)

The Chief Executive invited Councillor Allison to move the vote of thanks which was seconded by the Leader of the Conservative Group Councillor McLean.

In doing so, both group leaders, the Leader of the Liberal Democrat Group, Leader of the Merton Park Ward Independent Residents Group and Councillors Janice Howard and Macauley all spoke in recognition of Councillor Kenny's mayoral term. The speeches are attached at the end of these minutes.

Councillor Kenny then responded to the vote of thanks.

RESOLVED UNANIMOUSLY:

That the Council places on record its sincere thanks and appreciation to Councillor Sally Kenny for the dedicated manner in which she served as Mayor of the London Borough of Merton for the 2020/21 municipal year.

5 MINUTES OF THE PREVIOUS MEETING (Agenda Item 5)

RESOLVED: That the minutes of the meeting held on 3 March 2021 are agreed as an accurate record.

6 APPOINTMENT OF CHAIRS AND VICE CHAIRS OF THE OVERVIEW AND SCRUTINY COMMISSION AND ITS PANELS AND THE COUNCILLORS' CODE OF CONDUCT (Agenda Item 6)

The report was moved by Councillor Christie and seconded by Councillor Whelton.

Councillors Williams, Kohler and Southgate also spoke on the item.

The report was put to a vote and was carried – votes in favour: 50, votes against: 6, abstentions: 2.

RESOLVED:

A. That Council noted the differing views of the political groups regarding the appointment of chairs and vice chairs of the Overview and Scrutiny Commission and its Panels set out in the report

B. That Council amended paragraph 9 of the Overview and Scrutiny Procedure Rules by deleting the following wording: "The appointment of Chairs and Vice Chairs will comply with the rules of proportionality and" as shown below:

" The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Commission and any of its scrutiny panels at its Annual Council meeting. In each case the Chair and Vice Chair for each body will not be from the same political party. In the event of a vacancy during the council year, the Council will appoint a new Chair at the first meeting following the resignation of the Chair. All panel chairs are to be members of the Overview and Scrutiny Commission."

7 CONSTITUTION OF COMMITTEES AND OTHER BODIES (Agenda Item 7)

The report was moved by Councillor Allison and seconded by Councillor Pritchard.

Councillor Barlow also spoke on the item.

The report was put to a vote and was carried – votes in favour: 51, votes against: 6, abstentions: 2.

RESOLVED:

That Council:

That the Council:

A. i) approved the constitution of committees, sub-committees and scrutiny bodies set out in Appendix A and;

ii) agreed the allocation of seats, chair and vice-chair positions and the appointment of members to those seats;

B. i) approved the constitution of consultative forums and other bodies set out in Appendix B and

ii) agreed the appointment of members to those seats;

C. agreed the allocation of seats and appointment to the outside organisations as detailed in Appendix C.

D. noted the appointments to the Cabinet including their respective portfolios (Appendix D)

E. agreed that the Council's Constitution be amended to incorporate any changes resulting from the approval of recommendations A to D.

8 CALENDAR OF MEETINGS (Agenda Item 8)

The report was moved by Councillor Byers and seconded by Councillor Allison.

Councillor McLean also spoke on the item.

The report was put to a vote and agreed.

RESOLVED:

1. That in the event that it is not legally possible to hold virtual meetings provisions beyond 7 May 2021, the revised Calendar of meetings for the 2021/22 municipal year, with the addition of an extraordinary Standards and General Purposes Committee on 28 June 2021, attached at Appendix A, is agreed.
2. That in the event that it is legally possible to hold virtual meetings beyond 7 May 2021, the Calendar of meetings for the 2021/22 municipal year, previously agreed by the Council with the addition of a Sustainable Communities Overview and Scrutiny Panel on 24 May and an extraordinary Standards and General Purposes Committee on 28 June 2021, attached at Appendix B, be agreed.

9 CHIEF OFFICER RECRUITMENT (Agenda Item 9)

The report was moved by Councillor Stringer and seconded by Councillor Allison.

The report was put to a vote and agreed.

RESOLVED:

That Council:

A Noted that the successful executive search agent for the Assistant Director, Education & Early Help has advised that the salary range of £96,840 to £101,193 per annum is on the low side in order to attract good quality candidates to the role.

B Approved a market supplement of up to £15,000 per annum if needed to secure an exceptional candidate during the recruitment process for the Assistant Director, Education & Early Help.

C Noted and approved the recruitment salary package of £96,840 to £101,193 per annum for the post of Assistant Director, Social Care as required by the Council's pay policy statement.

D Noted and approved the potential requirement for a market supplement of up to £15,000 per annum if needed to secure an exceptional candidate during the recruitment process for the Assistant Director, Social Care & Youth Inclusion.

Nomination of Cllr Brunt – Cllr Allison Speech

Madam Mayor, I propose as the next Mayor of Merton, Cllr Mike Brunt

Mike needs no introductions to most at Merton – he has been a Figge’s Marsh councillor for two stints since 1990

Mike has a very hard act to follow, but he is very distinguished. A councillor of high standing with colleagues across 20 years of public service A former Leader of LBM.

More recently Cabinet Member for Environment, and for the past few months a record-breaker: Merton’s first ever interim maternity leave Cabinet Member, a role he relinquished earlier this week, and for which he deserves our inordinate thanks.

Mike has served the council and our community tremendously, and I can think of nobody better to serve as Mayor for the next civic year.

With the agreement of Council, Mike will take up his position on May 19th when a formal, socially-distanced ceremony will take place, and I very much look forward to his installation.

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Thank you Madam Mayor and I would like to second Cllr Brunts appointment.

For members who were elected in 2018 or later - Cllr Brunt will of course be our first male mayor.

So Mr Mayor elect congratulations.

Your appointment as Mayor for the forthcoming municipal term is a deserved acknowledgment of your many years of service to Merton Council and the Borough.

Service that includes being Leader of the Council from 1997 to 1999

I am sure all members would like to join me in wishing you the very best wishes for your Mayoralty

Thank you.

Councillor McLean

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Councillor Pritchard – Election of Mayor 2021/22 Speech

Thank you very much, Madam Mayor I will take the opportunity to speak briefly, first to thank you for Your service at this very, well indeed the most difficult of times and thank you for the opportunity to again second the nomination of Councillor Brunt.

The first time I met Councillor Brunt was a few years back at his selection contest to be my local Councillor, it was a contest he won hands down, as his character and experience shone through. From that point he's gone on to become my Councillor, then my colleague and then my friend.

As time has passed I've grown to like him, respect him and value his advice and judgement. In many ways he embodies many of "Nolan's principles of public life", selflessness integrity, objectivity, accountability, openness and honesty. This is something that's lacking in far too many politicians today.

Madam Mayor Councillor Brunt is already a community leader and I am delighted he will be our next Mayor. Thank you

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Councillor Brunt Election of Mayor 2021/22 Speech

I think with that announcement of Edith's grandson as her consort we have a combined age in our consorts of 110, so I think that shows you the age range that we represent and the inclusivity of Merton as a Borough; but I would like to thank all Councillors for putting their trust in me and for the kind words that have been said tonight and before tonight in my election as Mayor of Merton for 2021/22. I would also like to thank friends and family, from not only the UK but also around the world. And I know that there are people watching this live stream tonight from here but also from South Africa, Argentina, from India and from America, so I do hope that they've got a good sound quality and they can hear what is going on.

It is a great honour to be elected to be the Mayor of the Borough that I was born in and I grew up in, although it wasn't called Merton when I was first born. I've so much to thank Merton for and I hope that over the coming year I can demonstrate that gratitude and also give something back to Merton further.

Last year has been one of challenges for us all and I know you Madam Mayor have particularly striven to make an impact and to see as many people as possible during these difficult times. I hope as we emerge from this lockdown and more and more of our community get vaccinated we'll be able to meet more and more and be able to celebrate the hard work of so many in our community.

In particular, I'd like to celebrate the work of carers in Merton and I think that will be the theme for my year – caring. There are so many people who are carers, whether they're even school children who are also carers within the family and I think we need to celebrate so much that they've given over the last year. That's informed my choice of charities for the year, because I have chosen Marie Curie as one of my charities and the other one is Merton Christian Care Association. Both have given amazing support to families and individuals through this time and before. Marie Curie provides a range of support which includes end of life support for those who wish to spend their final days at home. And as a family we benefitted from that in my dad's dying days where they came to support us. Christian Care Association works mainly with people in Merton who have no recourse to public funds, so they are almost destitute some but they provide emotional support which is important, but also furniture, household items, food parcels when they are needed and they're helping people to get established and move on in life.

There will be time to meet and share more about those charities as time goes on, I hope we have a successful year raising funds for them, but I hope by raising awareness we'll also encourage people to volunteer for them. There will also be a better opportunity Madam Mayor to thank you for everything you've done in this last eight months since you became Mayor. It was a shortened year I know, and that's something that's sad for you but you have achieved so much. Your visits to people on

their door steps to give thank yous and recognise their contribution to their community, your visits to as many schools despite the difficulties of the pandemic. There will be a better opportunity on the 19th and beyond, 19th of May and beyond to say thank you to you. I have got a hard act to follow and it was said earlier, thank you very much and thank you to the Council and to all members who have supported me.

RESOLVED UNANIMOUSLY: that the council places on record its sincere thanks and appreciation to Councillor Sally Kenny, for the dedicated manner in which she has served as Mayor of the London Borough of Merton for the period 2020-2021.

Sally Kenny has served as a councillor for Lower Morden Ward for the past seven years. Previously a Merton school teacher she quickly established herself as a brilliant ward councillor, committed to her ward, who would often pick up casework while walking her dog.

It was no surprise that Sally was such an effective councillor, and most recently she became Chair: CYP Overview & Scrutiny Panel, a position of considerable influence.

Sally became Mayor in the unusual circumstances of Covid-19 in Sept 2020.

She has had a uniquely challenging Mayoral term during the pandemic – but has done a fantastic job of adapting the Mayoral role to support our communities.

Her term has also been a huge challenge – elected in Sept, she has held the shortest Mayoral year in Merton, yet has still gone on to raise tens of thousands for her chosen charities and recognised hundreds of residents for their work during the pandemic.

Her Mayoral charities are Morden Little League and Merton & Morden Guild of Social Service, both charities close to her heart locally.

Her current total amount raised for charity – and it's current, as she still has a few events left to run – is more than £21,000.

She was also among the first to recognise that the Mayor's role needed to move online during the pandemic, and has attended more than 80 community and formal events, many virtually, during her term on behalf of the council.

Sally's charity events have included:

- Sponsored Litter Picks (in three main town centres - Morden, Wimbledon and Mitcham)
- Movember fundraising campaign
- Mayor's sweepstakes
- Online auctions
- A Christmas Song (produced by students from the Cricket Green School)
- A Virtual Balloon Race

Most of all... Sally has championed her Covid-19 Community Awards.

Set up by the Mayor last year, the Covid-19 Community Awards were a fantastic way of using the Mayoral role to recognise and encourage community spirit.

They have also been a huge success.

Designed to recognise those who have supported their neighbours, helped their community or shown a community-minded approach during the pandemic, she received hundreds of nominations from the public.

The award is a formal certificate of recognition from the Council – a little thing that goes a long way in building community spirit, as we've seen.

More than 400 local residents have received community award certificates – many in socially-distanced visits from the Mayor herself when it was allowed.

The initiative was so popular it was later widened to include organisations such as schools, doctors' surgeries and community groups.

In total, more than 600 Covid-19 Award certificates have been awarded by Sally in the short space of her term.

As Mayor, Sally has been ably supported in her work by Deputy Mayor, Councillor John Dehaney and their consorts; as well as her team, Sandra Folkes and attendant Carl Brown.

Sally Kenny has had only 8 months as Mayor but she has achieved more than most Mayors do in 12. We thank her and her team for their service, and for doing their bit to support our community during this difficult period.

Thank you Madam Mayor.

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Thanks to the Mayor – Cllr McLean

I am pleased to second the thanks for Cllr Kenny.

I have the utmost respect for Cllr Kenny – indeed even more so in seeing the way that she has dealt with her term as Mayor during this dreadful pandemic.

It was of course over two years ago that I attended the FISH Easter party during Cllr Curtain's term as Mayor and I had hoped to have been able to attend again during Cllr Kenny's mayoralty.

Sadly it was not to be - I was looking forward to once again wearing the colourful pinny while pouring the tea.

Madam Mayor you have dealt with the difficulties of the pandemic wonderfully well and we congratulate you.

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Thank you Chief Executive

I would just like to say a short few words giving thanks from the Liberal Democrat group, to Councillor Kenny for her time as Mayor, and also to councillor Dehaney, and their consorts and the team – for the work they have all done this year.

As it's already been remarked, it's been a difficult year to be Mayor. But Cllr Kenny has been cheery and driven, and shown a determination to make the most of her time for her charities - Merton and Morden Guild and Morden Little League. I particularly want to touch on all the Little Leagues in the borough: organised sport is such a vital resource for the children, helping towards good health and development. I want to thank them for all the work they do.

I've enjoyed seeing all the photos on the Mayor's social media of her delivering her Certificates of Recognition to people and groups who have given their time during the Covid crisis. I'm particularly grateful for the efforts that she went to, to make sure that those people I'd nominated could be included as well, so thank you for that Sally.

Recognition of public service is so important.

Thank you again, Madame Mayor

Councillor Fairclough

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TRIBUTE TO THE MAYOR

Let's face it, Cllr Kenny – Sally – was dealt a rotten hand for her year as Mayor of Merton. Elected at a much-delayed Annual Council Meeting in September last year, it seemed no time at all before the excesses of Eat Out to Help Out were coming back to push up the infection rate and we were back into lockdown by November. Fortunately, we were able to go ahead with planned events for Remembrance Sunday and Armistice Day on a socially distanced basis. These are always solemn events in which the Mayor plays a key role as our first citizen, and one which Sally performed with dignity and composure.

But the Mayor's carol service planned for 16th December had to be cancelled at short notice, and there was no Christmas dinner or other seasonal festivities for us to enjoy with the Mayor.

Never mind. Andy Butcher, Chair of Merton and Morden Guild, and supporter of Morden Little League, came to the rescue with the Mayor's virtual Bingo session in January. This was great fun, even if his customary caller's patter had to be toned down a bit in the interests of political correctness.

Bingo seemed to bring out the gambling spirit in members, so in February we had the Mayor's horse racing sweepstake every Saturday, with a lively commentary on WhatsApp on the favoured runners and riders. The Southgate household provided surprisingly successful in the sweepstakes, so much so that we were emboldened to enter for the balloon race, but as this was entirely virtual, we never worked out how the

winners were determined. Never mind, it was fun, and Sally's two charities, Merton & Morden Guild and Morden Little League both benefitted.

And so Sally's Mayoral year comes to a close after just eight short months, thanks to the need to bring the ACM forward to avoid a possible ban on councils meeting virtually after 6th May. It's been too short. Let's thank Sally for her time as our Mayor, and the dignity and authority with which she has carried out her role. And here's hoping we can find an opportunity in the future for her to come back and be our Mayor again, only next time without the restrictions imposed by the pandemic getting in the way.

Cllr Peter Southgate

Councillor Janice Howard Vote of thanks Speech

Thank you Madam Mayor, I would like to acknowledge what an enormous challenge the past mayoral year has been for you. The pandemic has severely curtailed many of the usual community and London-wide mayoral events due to lockdown during your shortened year, however you have been an inspiration to us all, your innovative certificate program, recognising those who have gone above and beyond in the pandemic was inspired, not only that but to extend this to schools and GP surgeries certainly made its mark on every recipient, making them feel valued for the essential work they do. With face2face events impossible this did not deter Madam Mayor from finding so many ingenious ways of raising funds for her chosen charities. A virtual balloon race at Easter, online charity bingo, and online auctions have all helped to raise a great deal of money. It's down to your tremendous enthusiasm and energy that so much was achieved. There are still a few virtual events to happen and of course I shall be supporting them and hoping you raise even more money for the Morden Little league and the Merton and Morden Guild.

I am sure your mayoral year will be so well remembered for all you've done for the community of Merton. Thank you.

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Councillor Macauley Vote of thanks Speech

Thank you Chief Executive, Deputy Lieutenant Chris Cotton, Councillors and Madam Mayor, officers and distinguished guests. It gives me great pleasure tonight to give a vote of thanks to the retiring mayor of Merton, Cllr Sally Kenny for all her excellent work which she has done especially during this difficult period of Covid-19 for her two charities Merton and Morden Guild and Morden Little league.

The job of the first citizen of the borough is a very personal one in that the responsibilities are not abstract or theological but rather direct, specific and intimate. Unfortunately, during the period of her mayoralty it has been very difficult for Cllr Kenny to perform any outdoor activities due to Covid restrictions. However during this short period of time she has done quite a lot of activities with her team; virtual bingo, sponsored litter, sponsored swim, charity calendar, virtual raffle auction, Christmas song produced by the students of Cricket Green School and supported by the wonder Cllr Linda Kirby and also a virtual Balloon race. In the last two weeks Cllr Kenny has presented well over 400 certificates to Merton residents who have demonstrated a caring and nurturing approach to their neighbours, throughout the Covid-19 pandemic.

She has also presented well over 600 certificates to Schools, Dr Surgeries and a variety of groups who are helping others throughout the year. Cllr Kenny also attended the London Mayors Association Annual Service in Westminster Abbey with her consort and everyone was socially distanced, which was well attended by other London Borough Mayors. Due to the death of the Duke of Edinburgh, Cllr Kenny paid a tribute to Her Majesty the Queen and opened a book of condolences for the Borough of Merton. She has also had the opportunity to participate in last week's event of an evening song commemoration service for the Duke of Edinburgh, hosted by the Dean of Southwark at Southwark Cathedral. Cllr Kenny has been a very hardworking and outstanding Mayor. Together with her consort her daughter Amanda, also the Deputy Mayor Cllr John Dehaney and his consort have been a great support to her.

Also the Mayor's Chaplain the Reverend David Ruddick, Vicar of Emmanuel who is part of the Morden Church of England team and also Carl and Sandra. On behalf of the Chair of the London Mayors Association, Steve Summers and also members of the Executive, I would like to extend our sincere thanks to Cllr Sally Kenny for her efforts and commitments and the way in which she has performed her duties as first citizen of the Borough. Welcome to the Chain gang. Thank you.

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My term as Mayor of Merton has certainly been different. None of us could have predicted what impact the pandemic was going to have and while it's fair enough to say that it has affected my whole term as Mayor in very many ways, I have been determined to ensure that I do my best for Merton and for my charities.

I am so grateful to my fellow Councillors for nominating me and for their support during this last year.

I wish that I could have met more of Merton's residents in person. I wish that I could have met more of Merton's charities and organisations, who do outstanding work to support our community. I would have loved to have done this. I wish that I could have raised more funding for my charities who have worked throughout Covid to support people and be a lifeline to them; always a point of contact and a break from their isolation but despite this I am so proud of what we all achieved during this difficult time.

I loved meeting those of you whom I did. Setting up the scheme to deliver certificates, in recognition of what groups and individuals have done for our community during COVID is something of which I am so proud. Merton has so very many kind, thoughtful and caring people living and working in our

borough. The people of Merton supported each other throughout this time and I saw our local community helping others. Each certificate was given as a result of nominees from Merton residents and it was rewarding to acknowledge people who went ahead and provided for us all.

As I presented certificates, socially distanced of course, I was taken aback at the surprise and delight with which they were received. Certificates were issued to schools, doctors and dentists surgeries, care homes and places of worship, which remained open, in different ways, throughout COVID.

There are still very many people who deserve certificates and recognition that I have not reached and I'm sorry that we didn't have time to get to you all. Circumstances have reduced my ability to visit more people, and now I am running out of time but if anyone does have someone they wish to nominate please do let me know. There are a number of individuals and groups I wish to thank.

My charities; The Merton and Morden Guild, Anne and Hamish and Morden Little League, Andy Butcher, who were tenacious in their support of me in Zoom fund raising events. You must all be well aware of the Zoom Bingo and Sweepstake as well as the online auctions and raffles. My committee,

comprised of, as well as my charities and Deputy Mayor; Councillors Agatha Akyigyina, Janice Howard, Linda Kirby and Edith Macauley, who supported and encouraged me, mainly at a distance via Zoom. My Consort, my daughter Amanda, who was delighted to attend 2 events when conditions allowed. My thanks also to my Deputy Mayor, John Dehaney, whom was a positive support to me with his Consort, his wife Audrey.

Some people have been incredibly generous with donations, whether financially or with prizes. Very many Councillors and the wider community have generously supported the virtual events. To all of you I am extremely grateful. Without your support my position would have been more difficult and frustrating.

My sincere thanks to Sandra and Carl; their attention to protocol is exemplary. They both ensured that I knew where I was going, what to be ready for and the necessary detail I would require. Carl had to be tolerant of my back seat driving; of me telling him the quickest route to take, especially in my local area. We certainly weaved our way around Merton, delivering the certificates in person. Also to Steve, who stepped up to support me whenever needed. Sandra was forever ready to any suggestion I made and was prepared to act at quite short notice which I found invaluable. She always had a ready smile to any idea I had and

enabled me to feel that I could make suggestions and receive a balanced critical response. Sandra is a positive person and is a delight to work with in all areas. Carl, as many of you know, likes a joke and it amused him to find my keys or phone which often dropped in the car without me realizing until I needed them. There the needed item would be in Carl's safe hand. Sandra and Carl are a magnificent team. Together the three of us laughed our way through the ongoing changes in legislation to keep ourselves in a constructive frame of mind.

I wish also to thank Ged and the two Louises for their support with Council meetings.

I sincerely thank every one of you who has helped and supported me during this different year. My very best wishes to Councillor Brunt who will take over this mantel; I shall support you all I can.

Thank you.

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.

COUNCIL

21 APRIL 2021

(8.17 pm - 9.12 pm)

PRESENT

The Mayor Councillor Sally Kenny
The Deputy Mayor Councillor John Dehaney,
Councillors Agatha Mary Akyigyina, Stephen Alambritis,
Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey,
Thomas Barlow, Nigel Benbow, Hina Bokhari, Michael Brunt,
Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie,
David Chung, Caroline Cooper-Marbiah, Pauline Cowper,
Stephen Crowe, Mary Curtin, David Dean, Nick Draper,
Anthony Fairclough, Edward Foley, Brenda Fraser,
Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden,
James Holmes, Andrew Howard, Janice Howard, Natasha Irons,
Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif,
Edith Macauley, Russell Makin, Peter McCabe, Simon McGrath,
Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod,
Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson,
Marsie Skeete, Peter Southgate, Geraldine Stanford,
Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson
and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 REQUEST TO HOLD AN EXTRAORDINARY MEETING OF THE COUNCIL UNDER PART 4A, SECTION 3.1(C) OF THE COUNCIL'S CONSTITUTION (Agenda Item 3)

The report was moved by Councillor Akyigyina and seconded by Councillor Skeete.

The Liberal Democrat amendment as set out in agenda item 4 was moved by Councillor Bailey and seconded by Councillor Bokhari.

Councillors Ward, McLean, McGrath, Ormrod, Irons, Gould, Moulton, Lanning, Kohler, Benbow, Fairclough and Stringer spoke in the debate.

The Liberal Democrat amendment was put to a vote and was carried – votes in favour: 58, votes against: 0, abstentions: 1.

The substantive report (as amended) was then put to a vote and was carried – votes in favour: 58, votes against: 0, abstentions: 1.

RESOLVED:

- A. That Council considered and noted the content of the report
- B. Recognising that misogyny is systemic, and acknowledging the hurt and anger expressed more recently by women and girls in response to the murder of Sarah Everard, which was in part calling for their lived experience to be listened to and real action taken to address their concerns, Council calls on Cabinet to:

- (1) develop safe and confidential opportunities for women and girls to share their experiences with the Council and other appropriate authorities to inform their work in changing male behaviour to reduce VAWG; and
- (2) to explore how restorative justice processes might be utilised to provide victims with an additional form of support and means of reducing VAWG.

Committee: Council

Date: 7th July 2021

Wards: All

Subject: **Strategic Objective Review – Sustainable Communities**

Lead officer: Director of Environment and Regeneration, Chris Lee,

Lead member: Cabinet Member for Housing, Regeneration and the Climate Emergency, Councillor Martin Whelton.

Contact officers: Housing Needs: Head of Housing Needs, Steve Langley;
Business Support Officer, Steve Webb.

FutureMerton: Deputy FutureMerton Manager, Tara Butler;
Principal Spatial Planner, Valerie Mowah; Placemaking and Regeneration Officer,
Katharine Fox

Recommendations:

A. That Council consider, and note, the content of this report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 At its meeting on 14 October 2019 Cabinet approved the Business Plan 2020-2024.

1.2 The Business Plan sets out how the council will deliver the Community Strategy, which is grouped into five strategic themes:

- Sustainable communities,
- Safer and stronger communities,
- Healthier communities,
- Older people and
- Children and young people.

1.2.1 Performance against these themes, plus an additional theme of corporate capacity, is monitored by Council. Each meeting of Council will receive a report updating on progress against one of these strategic themes.

1.3 This report provides Council with an opportunity to consider progress against the priorities that are to be delivered under the theme of **Sustainable Communities**

1.4 The key outcomes set out in the Business Plan relating to this theme are:

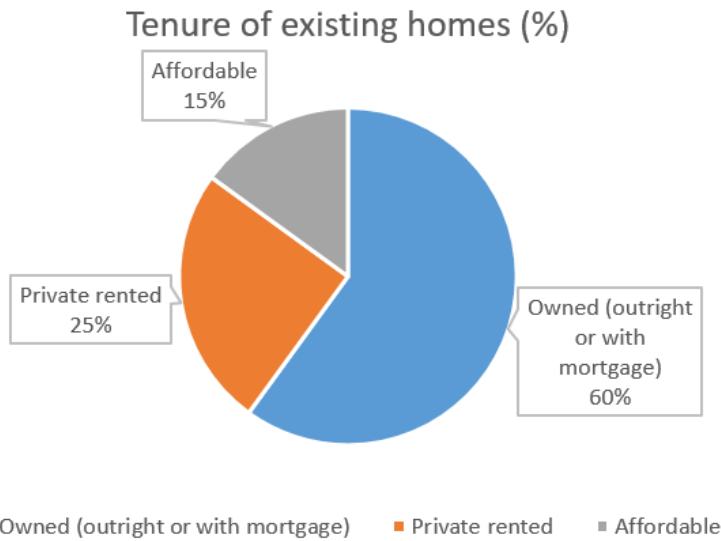
- Create a more sustainable borough, reduce carbon and be resilient to the impacts of climate change
- Create new jobs, improving the skills and capacity of residents
- Improve the condition and supply of housing, including affordable housing
- Promote the development of sustainable transport, including cycling and walking

1.5 This report focuses on progress in relation to improving the condition and supply of housing, including affordable housing.

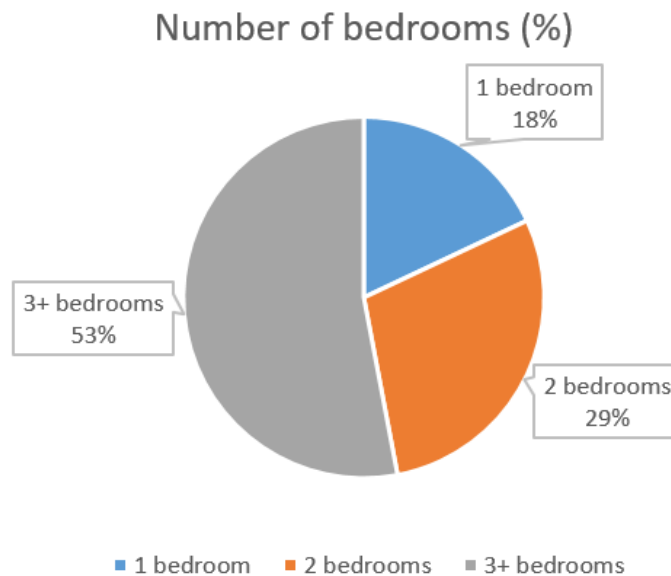
2 DETAILS

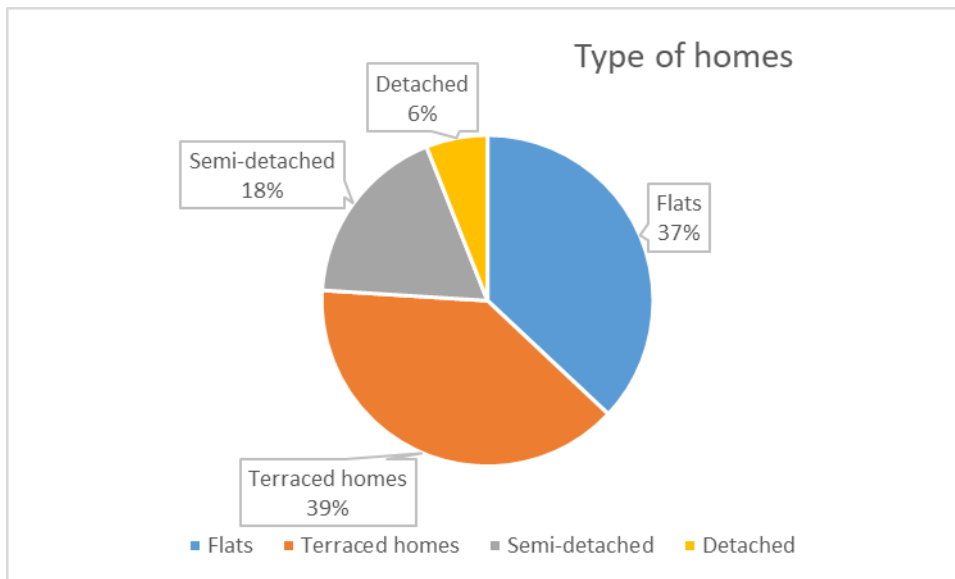
2.1 The current delivery challenges and housing market in Merton

2.2 Merton has approximately 86,000 existing homes, of which c71,000 are held in the private sector and 14,000 are affordable homes owned by Registered Housing providers.



2.3 Merton has a larger proportion of privately owned homes, larger (+3 bed) homes, over 60% of which are houses.





2.4

2.5 Over the ten-year period, housing delivery nationally has fallen substantially short of housing need, which is reflected in all council areas, including Merton. By way of background, Merton is suburban in nature and relatively constrained in terms of land for new homes as the borough does not have significant brownfield development land, significant large sites or many regeneration opportunities. Like all councils in London and the south east Merton faces a significant scale of housing need, beyond which planning policies can meet.

2.6 However, this delivery challenge is not unique to Merton and one equally faced across the whole of London. The 2021 London Plan housing target falls short of the current standard method assessment of need and the next iteration of the London Plan will have to be aligned with new national policy and guidance which requires an additional 35% uplift over and above the current calculation of local housing need.

2.7 The credit crunch and subsequent economic recession had a significant impact nationally on housing delivery. The effects of this were particularly borne out over the 2009-13 period which can be seen in Merton, with low housing delivery over this period.

2.8 The substantial house price growth which has been seen is symptomatic of a sustained supply-demand imbalance. This therefore doesn't suggest a 'market capacity' issue is constraining delivery; however, land supply is constrained.

2.9 The introduction of Permitted Development Rights in 2013/14 has supported an upward growth in housing delivery in the period since. Prior approval applications coming forward have been focussed in Wimbledon, Raynes Park and Colliers Wood more than in Mitcham and Morden. The higher number of approved applications in these neighbourhoods is mainly due to a greater volume of commercial space in these areas and the volume of applications reflect this.

2.10 In Merton, there is a constant backdrop of change of use and conversion applications. This type of development is stronger in the northern neighbourhoods of Merton including in Wimbledon, Raynes Park and Colliers Wood where there is more loosely structured suburban development and larger properties which offer potential for conversion or intensification within the plot.

2.11 Overall development volumes are however being driven by new-build development. Over the last fifteen years this has been strongest in Mitcham, Wimbledon and Colliers Wood.

- 2.12** As also set out later in the report, to try and address these challenges, Merton is undertaking a number of projects to help deliver homes, including affordable homes including:
- Giving greater planning certainty by developing new planning policies and allocating sites in Merton's new Local Plan, and by developing planning guidance to improve the quality of homes (Merton's Borough Character Study and Small Sites Toolkit)
 - Recommending public consultation on a draft housing delivery strategy, to be considered by Cabinet in July 2021
- 2.13** Merton's draft housing delivery strategy sets out the challenges but also an extensive list of actions towards delivering new homes in Merton. These include actions under:
- Partnership working
 - Housing for particular needs
 - Density and intensification
 - Using and improving the existing stock
- 2.14** In July 2021 Merton's Cabinet will consider the recommendation for six weeks of public consultation on the housing delivery strategy.
- 2.15** **What is Merton doing around increasing housing supply to meet the targets in the London plan, and specifically what is it doing to ensure adequate amounts of affordable housing?**
- 2.16** As reported to councillors including the Borough Plan Advisory Committee, Sustainable Communities Scrutiny Panel and Cabinet, increasing the supply of new homes to help address housing needs is a high priority for government and for the Mayor of London.
- 2.17** The Queens Speech 2021 sets out how government will take forward a Planning Bill to radically changing the planning system to accelerate the delivery of new homes, first announced in the 2020 Planning White Paper.
- 2.18** The new London Plan, adopted in March 2021, sets government's policy framework into London which includes building new homes in London and, at a local level, increasing Merton's share of London's new homes from 411 new homes per year to 918 new homes year. Across the last 10 years, Merton has generally been successful in achieving its share of London's new homes.
- 2.19** In recognition of the national and regional policy direction, Merton has taken forward a wide range of initiatives which are summarised in this report.
- 2.20** Lessons learned from the collapse of Merantun and the use of the former Merantun sites and the former Virgin gym
- 2.21** In late 2020 the council took the decision to wind up Merantun Developments Ltd as at the time it did not deliver enough return on investment compared to other investments that the council could access. Merantun Developments Ltd had successfully taken four council-owned sites: Elm Nursery (21 homes); Raleigh Gardens (36 homes); Land at Canons (18 homes) and Farm Road (18 homes) through the planning application process; Merton's Planning Applications Committee resolved to grant permission for the four sites in July 2020. The four sites are connected for affordable housing / viability purposes.

2.22 All the Merantun sites, and other council owned sites including the former Virgin Active Gym on Battle Close, Sibthorpe Road car park, Worsfold House, Chaucer Centre, Gifford House, Hartfield Road Car Park, the site of the former Wimbledon Community Centre, , and Morden town centre are in Merton’s new Local Plan allocated (in whole or in part) for new homes. The council is also developing a disposals strategy for council-owned housing sites, including site capacities based on design considerations.

2.23 Merton’s new Local Plan gives the planning certainty that these council owned sites are suitable for new homes and the council’s disposal programme will arrange the disposal of these sites for new homes.

2.24 The lessons learnt from the decision not to proceed with development following planning permission is that small sites, such as those taken to planning permission by Merantun Developments Ltd, can be difficult to develop and have marginal viability in a borough like Merton. Increased build and borrowing costs combined with lower rental values (rent or sales) disproportionately affect smaller sites in Merton’s housing market. Costs of construction are proportionally higher on small sites as there is less space to store materials on site and less scope to phase construction. This reflects what the development industry and Registered Providers have also said about Merton’s housing market.

2.25 Bringing empty homes back into use – including statistics since 2018

2.26 1.1 There is no legal requirement for local authorities to have an Empty Homes Strategy, and bringing empty homes back into use is not a silver bullet to increase housing supply. Although the council does not currently have an Empty Homes Strategy and does not have dedicated officers to deliver this function, where necessary and appropriate it takes a reactive approach to bringing empty homes back into use. This is usually achieved through an informal approach. That said a review of statutory provisions and guidance has been carried out and local authority Environmental health data and strategies across London were reviewed. The review, whilst informative , has not demonstrated, that the early adoption of an empty Homes strategy is an effective use of resources at this time . This view was influenced in part by the fact that

2.27 There are a number of challenges in bringing empty homes back to use, which include:

- Owners cannot be found – locating owners can be notoriously difficult and adds to the timescale and costs of the process.
- The reasons that homes are left empty can sometimes be complex and personal.
- The property would normally have to be empty for at least two years.
- There is no legal obligation upon landlords to offer their homes to the council for a nomination of a tenant within Local Housing Allowance rates.

2.28 Notwithstanding this, the council continues to work closely with the private rented sector to increase housing supply so as to meet acute housing need, i.e. homelessness. During the period 2018 to 2021 housing supply for residents was increased by obtaining access to 157 homes which were let in partnership with private sector landlords.

	2018/19	2019/20	2020/21
RDS Lettings	45	41	71

2.29 Despite a challenging operating environment, we have managed to retain our position of having the lowest numbers of homeless households living in temporary accommodation of any London borough. However, we recognise the importance of finding new and innovative approaches to increasing housing supply and in doing so

improve the housing outcomes for our residents. As highlighted in this report, officers continue to work with housing associations to develop new build affordable housing but the importance of the private rented sector cannot be ignored. A new initiative was required to deliver affordable, suitable private sector accommodation to allow the council to meet its homelessness duties against a background of:

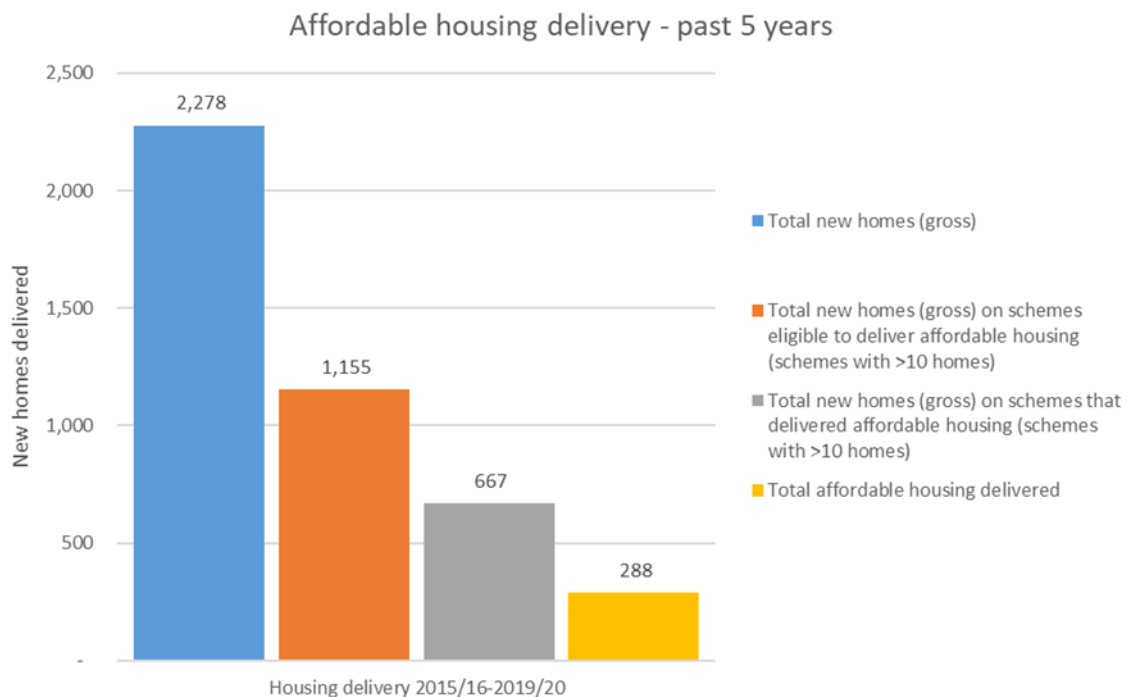
- A challenging market with limited availability of accommodation for households on low incomes
 - The possibilities of increasing levels of homelessness next year following the cessation of the ban on evictions
 - The shift in emphasis in homelessness policy towards the use of resources to prevention
 - The importance of working closely with other London Boroughs to collaborate to secure accommodation.
- 2.30** We have recently reached a major milestone by Cabinet approving that we become a member of Capital Letters at the Cabinet meeting in June 2021.
- 2.31** Capital Letters, a not for profit company, will procure suitable and affordable private sector accommodation for homeless households and those at risk of homelessness. By becoming a member of Capital Letters we hope to see an increased availability of housing options and increased levels of housing supply as close to the borough as possible. Capital Letters is an innovative new approach to addressing the borough's homelessness issues. By working with Capital Letters we will secure better options for our homeless residents and over the coming months we expect to see progress in increasing housing supply and improving the housing pathways for households facing homelessness.
- 2.32** It is important that we highlight how the council and its partners have worked together to end rough sleeping. Currently there is just one known rough sleeper living in Merton. Since lockdown began, under the "everyone in principle" Merton has housed circa 130 individuals into accommodation, some of whom would not usually be eligible under the Housing Act for assistance.
- 2.33** We continue to provide support and advice to these individuals, working with them to develop sustainable housing solutions thus preventing a return to the streets. This has been referred to as "in for good". Merton has signed up to the rough sleeping Next Steps strategy, agreeing to work in partnership with London Councils, the GLA, Public Health and the NHS to ensure no one who has been placed into emergency accommodation without an offer of support to end their rough sleeping. Housing solutions for former rough sleepers has included moves into the private rented sector and supported housing.
- 2.34** Over the last 4 years, Merton has successfully obtained close to £1.8m in grants from the MHCLG, through various programme such as the Rough Sleeping Grant (RSG), Rough Sleeping Initiative (RSI), Rapid Rehousing Pathway (RRP), Controlling Migration Fund (CMF) and Cold Weather Funding, to provide outreach, accommodation and support services for rough sleepers.
- 2.35** Affordable housing statistics since 2018 and a summary of activities undertaken to ensure developments and developers meet targets including outlining of the council's strategy around affordable housing and small sites
- 2.36** There are two sources of new affordable housing in Merton:
- New homes delivered via the planning system from contributions from large sites

- Registered Housing Providers building or buying developments of 100% affordable homes

2.37 Current planning policy in Merton, like most of the country, seeks a percentage of new homes from large sites as affordable homes. Merton's Core Planning Strategy 2011 sets this target as 40% affordable housing for sites over 10 homes.

2.38 The graph below summarises housing delivery over the past 5 years. It shows that over that period 2,278 new homes were completed, of which 1,155 homes (51% of homes) were part of large sites (schemes proposing 10 or more homes) and therefore eligible to provide affordable housing.

2.39 On eligible developments, 288 affordable homes were provided on site and where viability meant that affordable home could not be delivered on site a total of £1,387,965 cash in lieu was received.



2.40 Therefore where developments provided affordable housing on site (grey bar on the graph), an average of 43% was affordable ($288 \div 667 = 43\%$), above Merton's target of 40%. These developments included:

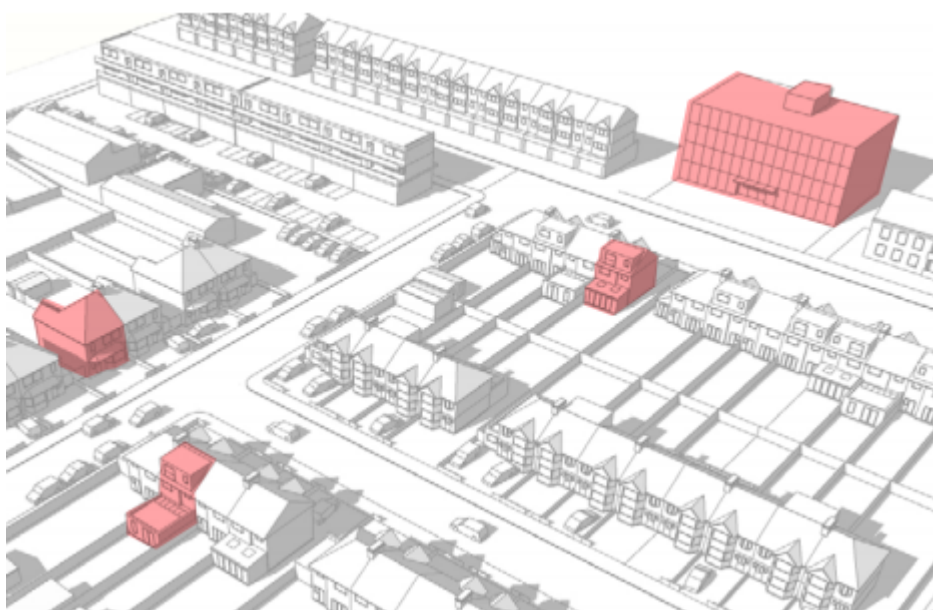
- 118-120 Christchurch Road, Colliers Wood (54 affordable homes, 100%)
- 191-193 Western Road, Colliers Wood (48 affordable homes, 100%)
- Former community centre, Woodstock Way, Mitcham (36 affordable homes, 100%)
- 2-6 High Street, Colliers Wood (34 affordable homes, 100%)
- Former Atkinson Morley, Raynes Park (28 affordable homes, 27%)
- Haig Housing, Morden (27 affordable homes, 40%)
- Windmill Road, Mitcham (20 affordable homes, 100%)

2.41 Considering all the large developments eligible to provide affordable housing on site (including sites where cash in lieu was received), as shown by the orange bar, 25% of the new homes built were affordable ($288 \div 1,155 = 25\%$).

- 2.42** However, national planning guidance on calculating housing supply requires all councils to calculate the percentage of affordable homes against all developments in the borough, including small developments which are not eligible to provide affordable homes via the planning system.
- 2.43** Therefore, when calculating the percentage of affordable housing on the total number of homes built in Merton in the past five years (i.e. including the 1,123 homes (49% of the total) built on small sites that are not eligible to provide affordable housing through the planning system) the percentage of affordable housing drops to 13% although the number of affordable homes built stays the same at 288 affordable homes.
- 2.44** The council successfully bid for £366k from the GLA's Homebuilding Capacity Fund to investigate housing delivery, including affordable housing delivery <https://www.merton.gov.uk/Documents/Merton%20Housing%20Delivery%20Research%20Final%20Report%20March%202021.pdf> which investigates this issue in more detail.
- 2.45** The low number of new affordable homes delivered via the planning system is because Merton is a borough of small sites due to fragmented land ownership and high land values making land assembly expensive. The delivery of affordable housing has also been affected by the introduction of Prior Approval rights to convert offices, shops and light industrial uses to residential without the need for full planning permission.
- 2.46** For more than 10 years, on average around 90% of the planning applications Merton council receives for new homes are for sites of less than 10 homes. In 2018/19 (as set out in [Merton's Authority Monitoring Report](#)) only one site in Merton was built that delivered more than 10 homes; that site delivered 11 homes of which 5 (45%) were affordable, above Merton's target for 40% affordable homes on site.
- 2.47** In the past 5 years, Registered Providers have delivered 192 affordable homes either by buying sites once they have received planning permission, by buying more homes within a development above those required by planning permission or by developing sites themselves. These sites include:
- 118-120 Christchurch Road, Colliers Wood – L&Q (54 affordable homes, 100%)
 - 191-193 Western Road, Colliers Wood – L&Q (48 affordable homes, 100%)
 - Former community centre, Woodstock Way, Mitcham - YMCA (36 affordable homes, 100%)
 - 2-6 High Street, Colliers Wood – Optivo (34 affordable homes, 100%)
 - Windmill Road, Mitcham - Optivo (20 affordable homes, 100%)
- 2.48** The outline of the council's strategy around small sites and affordable housing is to improve the quality of design of small sites, increasing the quality of their delivery through the planning system and is set out below
- 2.49** *New small sites affordable housing policy in new Local Plan 2021* – contains a new policy which proposes to collect financial contributions from smaller sites as well as continuing the policy on large sites to help deliver affordable housing. If the Secretary of State's planning inspector approves this policy, then this can be implemented once the new Local Plan is adopted.
- 2.50** *New housing delivery strategy draft 2021* - being recommended for public consultation to Cabinet in July 2021. This sets out the council's ambitions to deliver affordable homes, including increasing engagement with Registered Affordable Housing Providers on their delivery programmes.

- 2.51 *Engaging with Registered Affordable Housing Providers on small sites delivery*** In 2015 Merton's scrutiny panel carried out a scrutiny review of housing supply (Merton's Housing Supply Task Group <https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=280>) In this Merton's Scrutiny Panel conducted workshops with Registered Affordable Housing Providers (such as Clarion, Moat, Wandle) on their delivery programmes. The Registered Providers were clear that they sought sites that could deliver over 150 affordable homes and were not interested in the delivery of smaller sites due to the difficulties and extra financial burden of managing smaller sites. As part of Merton's emerging housing delivery strategy, working with the GLA council officers are working with new registered affordable housing providers that will deliver smaller sites, particularly those that come through the planning system.
- 2.52 *Greater transparency on affordable housing viability statements*** – in 2018, Merton Council resolved to require developers to publish affordable housing viability statements that accompany planning applications. Prior to this, developers had argued that these documents should remain confidential. Publishing affordable housing viability statements alongside other planning documents allows anyone with an interest in the planning application to see the financial considerations for that scheme. Merton employs a property consultancy, Altair, to independently scrutinise developer's viability statements where the percentage of affordable housing is contested, and the council also publishes these results. This ensures that the process and findings are transparent and accessible to everyone.
- 2.53 *Improving the quality of small sites planning applications submissions and overall design*** – small, infill sites across the borough make a valuable contribution to housing supply and on average 90% of planning applications Merton receives are for small sites (less than 10 homes). To help improve the quality of these developments, Merton successfully bid for £366k from the GLA's Homebuilding Capacity Fund and has developed and consulted on a Small Sites Toolkit, directed towards landowners and builders of small sites to provide small sites design guidance and a template Design and Access statement. In June 2021 Cabinet adopted Merton's Small Sites Toolkit as a supplementary planning document to Merton's Local Plan.

Extract from Merton's Small Sites Toolkit 2021



- 2.54**
- 2.55 *Development of new ideas, like Modular homes and self-build homes*** - since the award winning affordable housing scheme at Brenley Park of £60,000 homes was delivered in

2013, Merton has continued to explore and deliver different approaches to affordable homes.

- 2.56** Working together the YMCA, Rogers Stirk Harbour and Partners architects and the council delivered 36 modular homes for affordable accommodation at the Y-cube Mitcham, which opened in 2015. The YMCA have nomination rights for half the homes and the council for the other half.

Y-cube Mitcham - YMCA



- 2.57** The council's emerging Local Plan contains policy support for further modular builds in Merton.
- 2.58** Many residents in Merton self-build and as a result, are able to provide the robust evidence government legislation requires to waive Community Infrastructure Levy charge on their new homes. For example, as set out in Merton's Authority Monitoring report, in 2018/19, 21 homes in Merton were self-built (8% of the total number of homes built that year). The council continues to welcome self-build as a way of delivering new homes both through its emerging planning policies in the Local Plan.
- 2.59** Merton's Local Plan states that we will aim to deliver a minimum of 11,732 additional homes between 2021/22-2035/36 to meet the local housing need. These homes will be delivered on small and large sites across the borough, in particular through:
- Estates Regeneration at Eastfields, High Path and Ravensbury (circa 2,000 new homes)
 - Morden town centre (circa 2,000 new homes)

- Benedict Wharf, (up to 850 new homes)
- Mitcham Gasworks (to be confirmed later in 2022)
- Brown and Root Phase 2
- YMCA (135 new homes and 121 hostel rooms)
- Haslemere Industrial Estate (129 new homes)

2.60 Clarion Housing Group are delivering the regeneration of Eastfields, High Path and Ravensbury to replace existing poor quality homes and to deliver new homes. To date, outline planning permission has been granted for all three sites, residents have moved into Phase 1 at Ravensbury and Phase 1 at High Path is finishing construction. Planning permission has been granted for Phase 2 at High Path and all phases at Ravensbury. Pre-application discussions for Phase 1 at Eastfields have taken place.

2.61 In September 2021, the council will consider a report towards supporting the estate regeneration in these challenging market circumstances. The council is fully committed to the regeneration of the three estates. As the largest single delivery landowner, the council recognises that the estate regeneration is key to increasing housing supply in Merton and improving the quality of homes for existing residents.

2.62 What is Merton doing to ensure people have decent homes?

2.63 Support for housing association tenants and oversight of Clarion and other housing associations – including statistics on relevant activities since 2018.

2.64 The Council as a non stock-owning local housing authority is not legally required to provide oversight of Clarion Housing and other housing associations and their regulatory functions. This role is the legal responsibility of Government’s Regulator of Social Housing.

2.65 The council expects that Clarion and other housing association partners deliver their landlord functions in accordance with their repairing obligations as set out in legislation and in individual tenancy agreements. Where housing associations fail to comply with their legal obligations, and where housing association tenants contact the council’s Housing Enforcement team to report cases of disrepair, officers will investigate and work with the landlord and tenant to facilitate a solution.

2.66 Notwithstanding this, the Cabinet Member, together with senior council officers meet with Clarion housing to review Clarion performance and Clarion Housing are invited twice a year to the Sustainable Communities Overview and Scrutiny Panel.

2.67 The table below sets out the service requests made to the Housing Enforcement team from tenants between 2018 and 2021. The requests are a combination of both private sector landlords and social housing landlords.

	2018-19	2019-20	2020-21
C013 - Licensing Consultation	2		
C014 - Planning Consultation	1		
EMPT - Pro-active Empty Property	3		
F&V - Filthy & Verminous	3	6	6
GPAY - Grant Repayment Query	13	14	23
HDIS - Housing Disrepair	310	254	243
URGE - Urgent Housing Request	14	14	24

HIMI - Immigration Housing Survey	1		
HMOA - HMO Advice	246	165	71
HMOG - General HMO	279	220	255
HOTH - Housing - Other	110	129	394
HS08 - H&S Advice	1	1	
HS09 - General	1		
MEN - Members/ MP Enquiry	56	65	65
P001 - Rats	52	30	44
P002 - Mice	24	12	17
P003 - Cockroach Infestation	3	3	
P004 - Ants		2	1
P005 - Other	1	5	1
P006 - Insect Infestation			1
P008 - Pigeons			7
P009 - Squirrels			2
P00B - Bedbug Infestation			5
PDRA - Drainage	33	32	31
PTEN - EH TEN Consultation	1		
REFU - Refuse/Rubbish	113	87	101
Total Service Requests	1267	1039	1291

- 2.68** What the council is doing in response to adopt the spirit of the Social Housing White paper published Nov 2020, which calls for: A new charter giving social housing residents a greater voice; A tougher housing regulator to ensure high standards from landlords; and a strengthened housing ombudsman to speed up the handling of complaints?
- 2.69** The Social Housing White Paper was published by the Ministry of Housing, Communities and Local Government on 17 November 2020. It is to be welcomed as it aims to provide a tougher housing regulatory framework for tenants. The paper is aimed at Social Housing Landlords and their tenants, and given that the council is not a landlord, the commitments and key measures contained in the papers are unlikely to have a direct impact upon the council. Despite this, the council will continue to follow the White Paper through its adoption into law so as to ensure that any obligations arising that affect the council are fully understood.
- 2.70** Enforcement activities to support private sector tenants, since 2018, and separating out activities relevant to HMOs from those undertaken to support private sector tenants not in HMOs (and specifically statistics on non-HMO prosecutions)
- 2.71** Private sector housing plays a significant part in the housing provision within Merton. It is recognised that the majority of this housing is in good condition and well managed, however nationally the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type. The council has a responsibility to deal with unsatisfactory housing that presents health and safety hazards to the occupier.
- 2.72** It is not disputed that the private rented sector should provide high standards, secure swift and effective access to justice and that the large volume of powers to protect tenants from poor housing are being used.
- 2.73** The council takes a proactive approach to dealing with “rogue landlords” and improving housing conditions in the borough, thus seeking to ensure that private renters can occupy their homes safely.

- 2.74** As outlined in the section above, the number and range of tenant service requests are numerous and vary from year to year. It is not possible to divide these figures based on whether the query was raised by a tenant in a HMO or as a single household.
- 2.75** There were no prosecutions in 2018/2019. In 2019/20 the council successfully prosecuted three landlords and issued one Civil Penalty Notice. This resulted in the following fines being issued against the Landlords : £3, 911, £6011.50, £4,854, and £8,000 (civil penalty) There were no prosecutions in 2020/21. However, the council has had one further successful prosecution since April 2021 resulting in a fine against the Landlord for £16,520. All of these were for breaches of HMO regulations. There have been no prosecutions with regards to single household dwellings. The process of prosecuting Landlords for renting properties in poor condition is very long and complex. Prosecution cases against Landlords for poor housing conditions are tried in the magistrates courts.. They are criminal offences Most of the steps involved are laid down in law or are essential to the legal process of proving the case in court beyond reasonable doubt .This can take many months
- 2.76** The private rented sector is complex with 140 Acts of Parliament containing more than 400 individual regulations. Upon consideration of all available evidence the council has a number of options to resolve a private tenant's difficulties: take no action, offer informal action/advice, serve a statutory notice, issue a formal caution, prosecute, carry out works in default.
- 2.77** Latest on plans in relation to a selective licensing scheme
- 2.78** The council will continue to explore all options to improve the housing conditions of its residents, and this includes planning for a Selective Licensing scheme. Prior to the Covid19 Pandemic officers were carrying out due diligence as to the merits of introducing a selective licensing scheme. This included the research of relevant legislation and guidance. Selective licence submissions were made by a range of Councils (accepted and rejected by MHCLG) and were reviewed to identify lessons learned and good practice., meetings were held with LB Waltham Forest and LB Enfield, and a data analytics company that assisted the successful introduction of schemes in England and extensive data analysis carried out on a wide range of Merton ward data relevant to the regulatory criteria.
- 2.79** However, following the outbreak of the Covid19 pandemic and the disruption and challenges this has brought to our community further work has been delayed. We are also conscious that several councils including Brent, Croydon and Liverpool have also had their application for renewal of the schemes rejected by the Secretary of State due to the evidential base not being robust. Officers have been asked to continue reviewing the position as to the viability and effectiveness of such a scheme as the benefits of selective landlord licensing for improving the conditions of tenants in the private sector is widely recognised.
- 2.80** What information does the Council give to its residents that are renting on their right and the support it can give?
- 2.81** Residents can contact the Housing Options Team or the Housing Enforcement Team either by telephone, email; and Covid-19 restrictions permitting, home visits and 1:1 interviews at the Civic Centre. Officers will provide a range of advice and assistance on a range of topics which include:
- Security of tenure
 - Illegal eviction and harassment
 - Rent control
 - Affordability

- Possession proceedings
- Housing disrepair
- HMOs

2.82 Additionally, there are a number of Housing Advice pages on the council's website:

<https://www.merton.gov.uk/council-tax-benefits-and-housing/housing-advice>

2.83 Cladding, including action taken following the motion to full council

2.84 In February 2021 Merton Council passed a motion that stated:

2.85 "1. The Government's inadequate response to the Grenfell tragedy has failed to address the legitimate health and safety concerns of occupiers in blocks of flats causing genuine stress and risking residents' mental health. Many owners, in buildings of all heights, have been left in limbo, unable to remortgage/mortgage, buy or sell (without an EWS1 form) and understandably concerned about the cost of remedial work.

2.86 2. Despite the Government's focus on blocks of flats above 18m, the Richmond House fire in Sutton demonstrates the need for residential developments below this height to be covered by legislation relating to fire safety risks.

2.87 3. The Government has largely adopted a 'hands-off' approach, insisting that making properties safe is the responsibility of building owners and failing to hold developers to account.

2.88 4. Members in parliament are calling on the Government to give long overdue support to residents who are stuck in homes that are still not safe four years on from the Grenfell tragedy, whose homes are now worthless. Council commends Merton officers for undertaking an audit of all residential blocks in Merton above 18m.

2.89 Council requests that Cabinet

2.90 1. Signs up to the End our Cladding Scandal Campaign, which makes the following 10 demands:

- The government must lead an urgent national effort to remove all dangerous cladding from buildings by June 2022.
- The Building Safety Fund must cover all buildings, regardless of height, and a range of internal and external fire safety defects, not just cladding.
- The government should provide the money up front and then seek to recover it from any responsible parties or via a temporary levy on development.
- Social housing providers must have full and equal access to the fund.
- The government must compel building owners or managers to be honest with residents about fire safety defects.
- The government should cover the cost of interim safety measures.
- The government should act as an insurer of last resort and underwrite insurance where premiums have soared.
- A fairer, faster process is needed to replace the EWS form and funding is necessary to ensure all buildings requiring a form are surveyed within 12 months.
- Mental health support must be offered to affected residents.

- Protecting residents from historic and future costs must be a key commitment of new building safety legislation.
- 2.91** 2. Writes to the government requesting sufficient funding for Merton to recruit the necessary officers and enable those officers to:
- include low rise blocks of flats under 18m in their audit.
 - Publish the audit to establish the scale of cladding issues in Merton, as part of the campaign calling for the Government to urgently establish the extent of dangerous cladding and prioritise buildings according to risk, as well as providing immediate funding and pursuing those responsible for costs.
 - Create an online ‘hub’ for residents, tenants and long leaseholders in both the private and social housing sectors to access relevant support to deal with issues including financial problems and mental health concerns, as well other useful relevant information (eg support concerning rogue landlords, ASB etc 3.
- 2.92** 3. Notes that such measures would go beyond what has been put in place by neighbouring boroughs, and can only be achieved with additional support from the government, which has let Merton’s residents down by not acting to resolve the cladding scandal sooner, even though it is now 4 years since the Grenfell tragedy highlighted this.”
- 2.93** The details of the motion are available online here:
<https://democracy.merton.gov.uk/documents/g3622/Printed%20minutes%20Wednesday%2003-Feb-2021%2019.15%20Council.pdf?T=1>
- 2.94** Councillor Martin Whelton, Cabinet Member for Housing, Regeneration and the Climate Emergency, has written to Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government.
- 2.95** The Cabinet Member wrote to inform that Merton Council has signed up to the End Our Cladding Scandal Campaign which calls on the Government to lead an urgent, national effort to fix the spiralling cladding and building safety crisis. The letter also expressed concern around surveying buildings under 18m without the necessary and appropriate funding from Government and requested additional funding.
- 2.96** At the time of writing, no response has been received.
- 2.97** What the council is doing to ensure developers take climate change action seriously, including building sustainably and avoidance measures such as paying carbon offsets?
- 2.98** Despite the pandemic, Merton has accelerated actions since declaring a climate emergency in July 2019. Following extensive public consultation and engagement during 2019 and 2020, in November 2020 Merton adopted a Climate Strategy and action plan.
- 2.99** Part of the strategy to help the borough reach net zero carbon by 2050 is to achieve net zero carbon operations from new developments by 2050. This element of the strategy is partly delivered by Merton’s emerging Local Plan, which sets challenging carbon reduction targets for new development, incorporating smaller sites for the first time. Working with five other London boroughs, Merton has also reviewed carbon offset contributions to calculate exactly what it costs to offset carbon from development in London. Planning policies on carbon reduction in Merton’s emerging Local Plan are firmly based on on-site delivery of measures and improving the fabric of the building first. In the circumstances where it can be demonstrated that carbon reduction cannot be achieved on site and must be offset elsewhere, Merton’s new planning policies propose levying £300 per tonne of carbon, up from £90 per tonne in the London Plan, as this is based on the pan-London research as to what carbon reduction actually costs to deliver.

2.100 Should Merton's Local Plan pass its examination by the Secretary of State's Planning Inspectorate and be adopted by Merton Council, then this policy will be in place and be implemented.

3. CONSULTATION UNDERTAKEN OR PROPOSED

3.1 As set out in the body of this report.

4. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

4.1 As set out in the body of this report

5. LEGAL AND STATUTORY IMPLICATIONS

5.1 As set out in the body of this report.

6. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

6.1 None for the purposes of this report.

7. CRIME AND DISORDER IMPLICATIONS

7.1 None for the purposes of this report.

8. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1 None for the purposes of this report.

9. Appendices – the following documents are to be published with this report and form part of the report.

9.1 None for the purposes of this report.

10. BACKGROUND PAPERS

10.1 Merton's new Local Plan 2021 <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/newlocalplan>

10.2 Merton's adopted Local Plan [Local Plan \(merton.gov.uk\)](https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/adopted-local-plan)

10.3 Merton's authority monitoring reports [Local Plan \(merton.gov.uk\)](https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/adopted-local-plan)

10.4 Merton's Climate Strategy 2020 and Action Plan
<https://www.merton.gov.uk/assets/Documents/Draft%20Climate%20Strategy%20and%20Action%20Plan%20-%20Council%20V2.pdf>

10.5 Merton's housing delivery research 2021
<https://www.merton.gov.uk/Documents/Merton%20Housing%20Delivery%20Research%20Final%20Report%20March%202021.pdf>

10.6 Merton's small sites toolkit <https://www.merton.gov.uk/planning-and-buildings/planning/supplementary-planning-documents/small-sites-toolkit>

10.7 Merton's Borough Character Study 2021 <https://www.merton.gov.uk/planning-and-buildings/planning/supplementary-planning-documents/character-study2021>

10.8 Merton's Housing supply task group 2015 – final report
<https://democracy.merton.gov.uk/documents/s9921/Housing%20Supply%20Task%20Group%20-%20Final%20Report%20191015.pdf>

10.9 Cabinet decision on Merton's housing supply task group (October 2015)
<https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=280>

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Morden Community Forum 24 February 2021 Chair's Report

The meeting was held via Zoom, and chaired by Councillor Nick Draper. Around 20 residents and eight councillors attended on Zoom with 55 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

London Assembly Update

Leonie Cooper, Assembly Member for Merton and Wandsworth, provided any update on the work of the London Assembly. Leonie apologised for being delayed due to a family bereavement and the chair agreed that in the circumstances there would be no questions to Leonie.

Leonie said it has been a difficult time everyone and for the Assembly's work as members are still having to work from home. The work of the Mayor and Assembly has included supporting the Everyone In programme, strategic coordination of the vaccine programme and Street Space projects. Leonie said she felt that it would have been preferable if more consultation with residents had taken place with the Street Space schemes. Leonie chairs the Economy Committee and they have been looking at 15 minute neighbourhoods as an option as part of the recovery plan.

Leonie was happy to respond to any residents questions by email to Leonie.Cooper@london.gov.uk

Census 2021

Matthew Hopkins, Census Engagement Manager for the Office of National Statistics (ONS), gave a presentation on the 2021 Census. The presentation is attached to this report. Census day is 21 March 2021 and this will be a digital-first census with most households able to complete the form online. For those without digital access they will be able to request a paper copy and ONS field staff will visit households who have not completed their census form and can provide paper copies. Help will also be available online, through a call centre and locally from Merton Voluntary Service Council.

Cllr Pearce asked that as older people will reluctant to open the door during the pandemic can the end date be pushed back? Matthew said that the current information is that there is no plan to extend but ONS are looking at the implications of the Governments roadmap. Everyone will get a letter including an invitation to request a paper form via the call centre.

A resident said that they thought census was being discontinued and Matthew replied that there will be reviewed after this one, and at the moment it is still the best overall picture of society.

Merton Character Study

Mark Warren, Urban Designer, and Tara Butler, Programme Manager, gave a presentation on the Merton Character Study and Small Sites Toolkit currently being consulted on. The presentation is attached to this report.

Tara said that there had recently been a report to the [Sustainable Communities Overview and Scrutiny Panel](#) on the More Morden regeneration programme that may be of interest to residents.

Mark said that the Character Study was not just based on the built environment but also has layers including people, history, natural environment, communities, socio-economic and environment. Neighbourhood areas were drawn from the views of residents. In Morden environment and transport had scored highly. There is more detail for each ward, including potential growth.

Small sites are those less than 0.25 hectares and in Merton they have a critical role. In the last 15 years 62% of new homes were built on these small sites. The Small Sites Toolkit sets out the issues developers should consider including themes such as 'Made in Merton', 'Fit for Purpose', 'People First' and 'Economic and Sustainable'. The aim is to improve the quality of developments on small sites.

Both the [Character Study](#) and the [Small Sites Toolkit](#) consultations are open until 23 March 2021.

A resident asked how people had been notified about the consultations. Tara said the information had been sent to the 3000 people on a database of those interested in planning policy, as well as information being posted on the Council [consultation database](#), and publicised on social media. To be get informed about future planning policy consultations you can email future.merton@merton.gov.uk.

Cllr Pearce asked about the pressure Merton is under to provide new homes and how we can protect existing open spaces and local character. Tara said that the role of planning policy is to set out what we want to see and to define what we mean by local character.

Cllr Southgate asked about the issue of back gardens in the Small Sites Toolkit and if the Planning for the Future white paper will help Merton protect them. Tara and Mark said the Toolkit should help improve the quality of any back garden development but it does not define if they should be permitted, any applications would still require permissions.

Cllr Wilkinson said that design guidance is welcome but how will it be communicated to developers and inform design from the outset. Tara said the toolkit will be used during any pre-application advice and be available on the planning website.

Cllr Alambritis asked about Merton's role as an infill borough. Tara explained that Merton's position between inner and outer London as well as fragmented ownership means that Merton has a comparatively high number of applications for small sites. In Merton 90% of applications were for small sites compared to only 50% in other parts of London.

A resident asked about the £300,000 made available from the Community Infrastructure Levy (CIL) to support the Morden Town Centre Regeneration. Tara explained that CIL

funding comes from a levy on developers in the borough and can be spent on local infrastructure as directed by the Cabinet. The Morden project has been delayed by the COVID pandemic so the Cabinet agreed that the funding should be used to improve the public realm. Discussions will be held with local councillors but it would not be sensible to invest significantly in buildings that are expected to be part of the regeneration programme. Cllr Draper said he would be happy to receive any suggestions from residents to be considered by the Steering Group of councillors.

COVID Update

Barry Causer, Head of Strategic Commissioning, Public Health, gave a presentation on the latest situation with COVID in Merton. The presentation is attached to this report and covered the latest statistics, the new Roadmap, and key updates.

Barry said that the 7-day case rate (per 100,000) was down to 132.3 from a peak of 1000 but this is still too high. We have seen a similar disproportionate impact on some BAME communities in wave 2 as we did in the first wave, and cases have been higher in the East of the borough compared to the West. The new national road map has a number of stages and each has at least 5 weeks between each stage, which will be used to assess the impact of the changes.

There had been an enhanced testing programme in Pollards Hill in response to a resident who was found to have the South African variant of COVID-19. Over 10,000 tests were circulated and so far no additional cases have been found. Cllr Draper said the whole council had contributed to an extraordinary achievement in Pollards Hill.

The vaccination programme is going well in South West London, now on priority groups 5 and 6. There are a number of barriers and some hesitancy to have the vaccines amongst some communities, so the NHS are holding webinars led by BAME clinicians to answer any questions from those living or working in Merton and are also working with local community and faith organisation to encourage take up. Recent studies have shown that the vaccine is likely to reduce transmission as well as reducing the impact of the virus on individuals.

To find out more you can sign-up for the [Council COVID newsletter](#), and if you would like to be more involved in supporting your community you can still join the [COVID Champions](#). There is also financial support available to local community groups through [Merton Giving](#).

Councillor Draper thanked residents for attending and closed the meeting.

Date of future meetings:

Wednesday 13 October 2021 at 7.15pm, Council Chamber, Merton Civic Centre.

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Mitcham Community Forum 25 February 2021 Chair's Report

The meeting was held via Zoom, and chaired by Councillor David Chung. 10 residents and two councillors attended on Zoom with 72 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

London Assembly Update

Leonie Cooper, Assembly Member for Merton and Wandsworth, provided an update on the work of the London Assembly. It has been a difficult time for everyone with many families suffering from bereavement. Leonie paid tribute to staff in Merton, NHS, City Hall, Police and Fire Service in supporting residents who have been ill. In the second wave significant impact on police with up to 22% off sick or isolating. The roll out of vaccines has been a fantastic success and in SW London we are ahead of planned delivery.

Many businesses have been hit very hard. There has been lots of support from Government and local councils but we hope to see more from the Chancellor in the budget. As Chair of Economy Committee Leonie has been meeting with those affected and they are looking at how to build a recovery in London. This includes looking at the 15 minute neighbourhood concept as an option for London. As deputy chair of the Environment Committee Leonie and her colleagues have been looking at protecting and improving open spaces and looking into whether the improvements in Air Quality during the pandemic can be retained. Some of the traffic measures introduced have been controversial and even in a pandemic it is essential to keep residents informed and engaged. [Mayors Question Time](#) on the budget took place today over Zoom. The Mayors budget includes a 9.5% increase in the precept going to the police, the fire brigade and concessionary fares.

The pre-election period starts on 22 March. Many may wish to register for postal vote to avoid attending person. The Election is on 6 May and involves the Mayor, Assembly member for Merton and Wandsworth, and the Assembly top up list. Ged Curran is the new returning officer for Merton and Wandsworth.

Cllr Gretton asked about the impact of 30 years of planning decisions on Mitcham. Leonie raised concerns about the current proposals in parliament to reform planning, in particular the expansion of permitted development rights. If any residents have any issues for Leonie they can email to leonie.cooper@london.gov.uk

Wilson update

Sue Tappenden, project manager for the Well-Being part of Wilson gave an update on the project. South West London Clinical Commissioning Group (CCG) had provided a statement saying that the CGG is working with NHS Property Services on options for development of a Mitcham health and wellbeing hub (including the Wilson site), but as yet there is no timetable for work to start. The CCG will engage with the community at the appropriate time. The CCG is hopeful there will be more developments to share over the coming months.

In 2019 there was a decision to use parts of the Wilson Hospital for a well-being space on an interim basis. Wilson Wellbeing Steering Group was set up to develop the project. Chaired by Diana Sterck, Steering Group members include representatives from local community organisations and local residents. The project started work late 2019 and all the Group's meeting minutes are available on the [MVSC website](#). The Group is working with the local community to identify services and gaps to support the expansion and delivery of wellbeing services and activities to support local residents. Unfortunately, COVID-19 has impacted greatly on progress and development work has been extremely difficult over the last year.

On a positive note, working with the CCG, NHS Property Services developed an improved and more flexible wellbeing space at The Wilson at the end of 2020 as part of their social prescribing initiative. The space is currently being used for the vaccine clinic. As restrictions lift and the vaccine programme changes, it is anticipated that the space will become available for use by the local community to deliver wellbeing services and activities. Space will be free of charge to hire for small organisations/group and available at a competitive rate for larger organisations. The social prescribing initiative is also developing a community garden at the Wilson for use by local residents.

Cllr Chung asked about publicity for the service. Sue said this was put on hold during COVID but they are developing a website with all the relevant information and a way of booking the space. It will also ask residents to suggest activities that will benefit the community.

A resident asked about the long term prospects, as residents are concerned. Sue said she understands the frustration and will ensure that the CCG are aware that there is still a high level of interest in future plans.

A resident asked about booking rooms at the Wilson and Sue said she could be [emailed](#) until the website is ready. A resident said there is also a community garden at the Canons. Sue has been talking with the Canons project team but the two sites will have very different offers.

Cllr Gretton asked how we could encourage young people to take up more outdoor activities. Sue said that the Wilson Wellbeing would not be limited to just the Wilson site and they would be looking to work with other partners and collaborators to support a wide range of projects and ideas.

Cllr Chung said that the Wilson is important to the health and wellbeing and can be a major factor in closing the gap between East and West of the borough.

Merton Character Study

Katherine Fox, Urban Designer, and Tara Butler, Programme Manager, gave a presentation on the Merton Character Study and Small Sites Toolkit currently being consulted on. The presentation is attached to this report.

Katherine said that the Character Study was not just based on the built environment but also has layers including people, history, natural environment, communities, socio-economic and environment. Neighbourhood areas were drawn from the views of residents.

In Morden environment and transport had scored highly. There is more detail for each ward, including potential growth.

Small sites are those less than 0.25 hectares and in Merton they have a critical role. In the last 15 years 62% of new homes were built on these small sites. The Small Sites Toolkit sets out the issues developers should consider including themes such as 'Made in Merton', 'Fit for Purpose', 'People First' and 'Economic and Sustainable'. The aim is to improve the quality of developments on small sites.

Both the [Character Study](#) and the [Small Sites Toolkit](#) consultations are open until 23 March 2021.

A resident asked about back garden developments and Tara explained that Merton generally does not accept applications on green space, but the guide provides guidance for those considering an application on a small site.

A question was asked about the future of the Burn Bullock and Cricket pavilion which is under threat from landlord and if Merton would consider a Compulsory Purchase Order. Tara said the guide should help improve any applications from the landlords by providing clear guidance on the quality. CPOs can only be down in particular circumstance so it would depend on the legal rights. Future Merton is happy to continue to engage with the club.

A resident asked of the tool kit and character study addresses accessibility, needs of intergenerational families, and secondary routes. Tara said these issues are covered in the new Local Plan.

A resident said there were distinctive community areas that had been included in the same neighbourhoods for example Phipps Bridge has been linked to Church Road. We would welcome feedback on these issues in the consultation.

A resident asked if the plans cover the need for affordable homes, Tara explained these documents cover the look of buildings, the Local Plan will address the need of affordable homes. Another resident said that planning decisions currently allow buildings that do not reflect current character and again this feedback to the consultation is helpful. This toolkit will address quality on small sites as this makes up the majority of development.

A resident asked if whether local churches were notified of plan-making consultations. If anybody or any organisation would like to be notified of public consultations on plan-making and planning guidance they are welcome to contact us and we will add them to the consultation database. We can't add or retain contact details without the person or organisation explicitly opting in. There are two main ways to do this:

- Complete the online survey "Subscribe to the Local Plan consultation database" available on Merton Council's Local Plan webpage here: [Local Plan \(merton.gov.uk\)](https://www.merton.gov.uk/local-plan)
- Register for email alerts about council-wide consultations (this will allow the user to select different council-wide areas of interest such as education, the environment, climate change matters, as well as plan-making) [Get involved in Merton](#)

Census 2021

Matthew Hopkins, Census Engagement Manager for the Office of National Statistics (ONS), gave a presentation on the 2021 Census. The presentation is attached to this report. Census day is 21 March 2021 and this will be a digital-first census with most households able to complete the form online. For those without digital access they will be able to request a paper copy and ONS field staff will visit households who have not completed their census form and can provide paper copies. Help will also be available online, through a call centre and locally from Merton Voluntary Service Council.

Rowan Site

James McGinlay, Head of Regeneration, gave an update from Merton Council and SW London CCG. The Rowan Park development including housing, park, community facility and health centre. The housing and park has been delivered. For the health centre Crest has approved the building, some funding from Merton. Changes to the design has been approved by planning. The CCG is working with GPs which has been slowed by pandemic. GPs have agreed the layout, but CCG is commissioning surveyors to report over the next couple of months to authorise value for money with in the NHS. The community facility is integral with the health centre but is the same size as previously planned. It will be about a year-long build and this could begin possibly in the summer.

Tara updated on Mitcham Bridge construction work is taking place, and we hope to finish late summer 2021.

Climate Change Action Plan

Katie Halter, Climate Change Officer gave a presentation on the Climate Change Action Plan. The presentation is attached to this report. The Climate Change Strategy was adopted in November 2020 and the deliver plan was adopted in February 2021. The Plan covers Merton Council's work to decarbonise and support it can give to others.

There has been a 40% reduction in Merton Council estate emissions since 2009. Merton Council took a number of actions in 2020 including switching to 100% renewable electricity; completing the roll out of LED street lights; spending £0.5m to decarbonise children's centres and community buildings; £400,000 from the Neighbourhood Fund being spent on a Warmer Homes Project; updating the Local Plan and campaigns such as Climate Champions in GP surgeries.

Plans in 2021 include new [community pledges](#), another round of [Solar Together](#), and new [Action Groups](#) to encourage community projects. You can register for [email updates](#) on this work.

A resident asked if there was help for voluntary, community, and faith groups. Katie said the team was happy to provide advice to groups and will be attending a meeting of the Faith and Belief Forum. The team is already in communication with Sustainable Merton, Merton Residents Transport Group and others and any groups are welcome to get involved.

COVID Update

Barry Causer, Head of Strategic Commissioning, Public Health, gave a presentation on the latest situation with COVID in Merton. The presentation is attached to this report and covered the latest statistics, the new Roadmap, and key updates.

Barry said that the 7-day case rate (per 100,000) was down to 132.3 from a peak of 1000 but this is still too high. We have seen a similar disproportionate impact on some BAME communities in wave 2 as we did in the first wave, and cases have been higher in the East of the borough compared to the West. The new national road map has a number of stages and each has at least 5 weeks between each stage, which will be used to assess the impact of the changes.

There had been an enhanced testing programme in Pollards Hill in response to a resident who was found to have the South African variant of COVID-19. Over 10,000 tests were circulated and so far no additional cases have been found. Cllr Draper said the whole council had contributed to an extraordinary achievement in Pollards Hill.

The vaccination programme is going well in South West London, now on priority groups 5 and 6. There are a number of barriers and some hesitancy to have the vaccines amongst some communities, so the NHS are holding webinars led by BAME clinicians to answer any questions from those living or working in Merton and are also working with local community and faith organisation to encourage take up. Recent studies have shown that the vaccine is likely to reduce transmission as well as reducing the impact of the virus on individuals.

To find out more you can sign-up for the [Council COVID newsletter](#), and if you would like to be more involved in supporting your community you can still join the [COVID Champions](#). There is also financial support available to local community groups through [Merton Giving](#).

Councillor Chung thanked residents for attending and closed the meeting.

Date of future meetings:

Wednesday 13 October 2021 at 7.15pm, Council Chamber, Merton Civic Centre.

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WIMBLEDON COMMUNITY FORUM
25 MARCH 2021

(7.15 pm - 9.00 pm)

PRESENT Councillors Councillor James Holmes (in the Chair),

1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor James Holmes. Twelve residents and nine councillors attended on Zoom with 63 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

2 CLIMATE CHANGE ACTION PLAN (Agenda Item 2)

Katie Halter, Climate Change Officer gave a presentation on the Climate Change Action Plan. The presentation is attached to this report. The Climate Change Strategy was adopted in November 2020 and the deliver plan was adopted in February 2021. The Plan covers Merton Council's work to decarbonise and support it can give to others.

There has been a 40% reduction in Merton Council estate emissions since 2009. Merton Council took a number of actions in 2020 including switching to 100% renewable electricity; completing the roll out of LED street lights; spending £0.5m to decarbonise children's centres and community buildings; £400,000 from the Neighbourhood Fund being spent on a Warmer Homes Project; updating the Local Plan and campaigns such as Climate Champions in GP surgeries.

Plans in 2021 include new [community pledges](#), another round of [Solar Together](#), and new [Action Groups](#) to encourage community projects. You can register for [email updates](#) on this work.

3 2021 CENSUS (Agenda Item 3)

Matthew Hopkins, Census Engagement Manager for the Office of National Statistics (ONS), gave a presentation on the 2021 Census. The presentation is attached to this report. Census day was 21 March 2021 and this is a digital-first census with most households able to complete the form online. For those without digital access they will be able to request a paper copy and ONS field staff will visit households who have not completed their census form and can provide paper copies. Help will also

be available online, through a call centre and locally from Merton Voluntary Service Council.

A resident asked why there isn't a box for Crown Servants and other trade reps serving abroad who would be unaccounted for in the census, census only mentions Armed Forces. Matthew said that crown servants would be accounted for in the same way as others working overseas and that the Armed Forces question relates to veterans rather than service officers.

4 COVID UPDATE (Agenda Item 4)

Kaz Obuka and Fiona White from South West London Clinical Commissioning Group gave a presentation on the take up of the COVID-19 vaccine in Merton. The presentation is attached to this report.

Kaz said the vaccination programme has been going well with more than 66,000 having received their first dose, all either over 50 or considered clinically vulnerable. They have been reaching out to communities within Merton including 35 online workshops with more than 900 attendees. Fiona said the work would continue to target communities like homeless, asylum seekers, and women's refuges with more vaccination events in community facilities.

Cllr Kohler said that the three cohorts of over 70 years olds had all hit around 84% is that a natural ceiling. Fiona said that the target is 92% and we have not hit a ceiling as yet so we still expect the numbers in these groups to go up.

Cllr Fairclough asked if there were any stats for the uptake in local care homes. Fiona said they are still going back to care homes as residents may not yet have had a second vaccination and we are finding that staff that were initially reluctant were now changing their minds.

A resident asked about people in Merton having to leave the borough to receive the vaccine. Fiona said that care workers may be vaccinated at work and in-patients in their hospital but otherwise we are using a range of venues with more to coming available. A resident asked about how long vaccines will last, Fiona said some vaccines take 3 weeks to build up immunity and we think they may last 6-12 months but we do not yet know. It is possible boosters may be needed but we do not know yet. Fiona also confirmed that you should receive the same vaccine in both rounds.

Cllr Ormerod asked about vaccinations for children. Fiona said trials with teenagers are currently taking place. A resident expressed their thanks to NHS staff for running such an amazing service.

5 ANY OTHER BUSINESS (Agenda Item)

Suzanne Grocott gave a presentation on the Wimbledon Neighbourhood Plan which is attached to this report. PlanWimbledon is a community group that has been running for a year and aims to create a better more sustainable Wimbledon. There are more than 300 members including residents associations, businesses and individuals. PlanWimbledon has applied to Merton Council to become a Neighbourhood Forum so they can write a Neighbourhood Plan. The Cabinet has approved a six week [consultation](#), which runs until 12 April. The main questions are is this the right area, covering about 40,000 residents, and should PlanWimbledon be the Forum to write the Neighbourhood Plan.

A resident asked what the point of the plan is and does it have any legal weight at all to make a difference. Suzanne explained that Neighbourhood plans do have legal weight once they have been approved by a referendum. The Plan forms part of the statutory framework in line with national policies, the London Plan and the borough Local Plan. The Plan can change non-strategic policies and can give more detail than the other policies. A resident asked if PlanWimbledon will be a consultee on planning applications and Suzanne said it will be a stakeholder for Merton Council to consult.

A resident asked about traffic management in Wimbledon, specifically on Haydon Park North. As the consultation on a Low Traffic Neighbourhood has not been successful what other traffic management plans would be considered. This will be raised with the Highways Team.

6 DATE OF NEXT MEETING (Agenda Item 5)

Councillor Holmes thanked everyone for attending and closed the meeting.

The date of next meeting:
7.15pm Wednesday 16 June 2021

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Merton Climate Change Update

Katie Halter,
Climate Change Officer
March 2020



A framework to meet net-zero targets....

Since the Declaration of a climate emergency, we have developed a sound strategic approach and a framework for delivery.

Merton's Climate Strategy and Action Plan was adopted in November 2020.

Climate Delivery Plan – Year 1 adopted in January 2021



Merton Climate Action Plan

19%
of borough
emissions

Transport

What you can do:

Reduce car use in favour of walking and cycling

Switch to ultra-low emission vehicles such as electric

Schools and businesses adopt travel plans

Avoid flying

What the Council will do:

Support new cycle paths and wider pavements

Work with TfL for faster transport decarbonisation and vehicle share schemes

Consult on emission-based parking charges

81%
of borough
emissions

Buildings & Energy

What the Council will do: What you can do:

Require new buildings to be low carbon and resilient to the impacts of climate change

Lobby for tighter regulations and further funding for low carbon buildings

Save energy by switching off appliances and turning down the heating

Use green electricity

Avoid gas by buying a low carbon heating system (e.g. a heat pump)

Invest in insulation and renewable energy

-0.1%
of borough
emissions

Green spaces

What you can do:

Grow vegetation around your home

Remove paving from your front garden to plant trees

Join or sponsor a community planting group

What the Council will do:

Maintain existing green spaces and plant more trees

Major
contributor
of
emissions

Green Economy

What the Council will do:

Encourage waste reduction

Help build low carbon skills

Encourage green businesses

What you can do:

Buy green and local products

Eat less meat, fish and dairy

Reuse items and buy products with less packaging



Actions in 2020

We continued to reduce emissions from the Council's estate.

Shift to 100% **renewable electricity.**

Completed LED **streetlight programme.**

Bid for £0.5 M grant to **decarbonise children's centres** and community buildings.



Actions in 2020

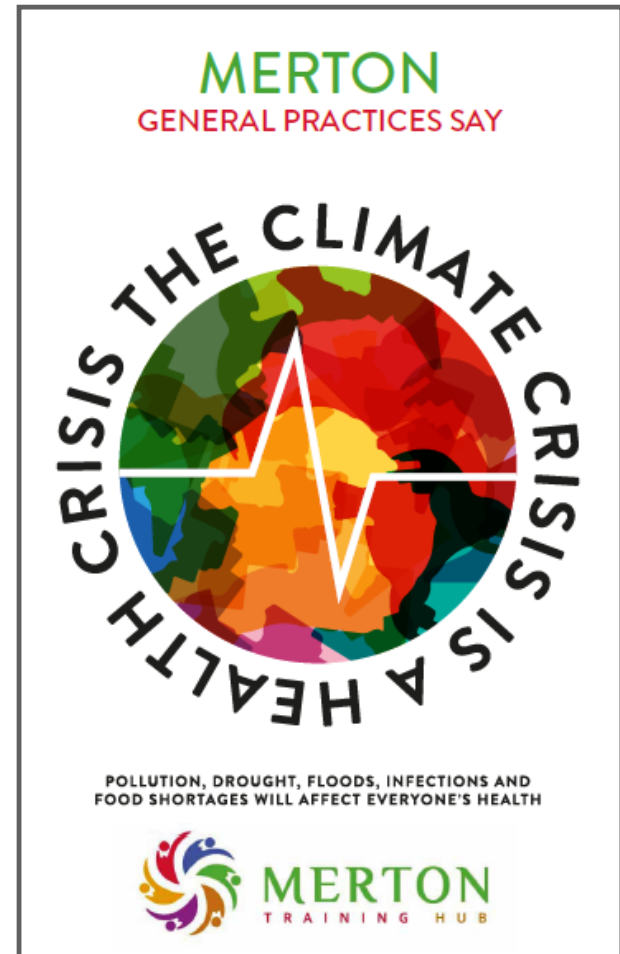
We continued to support emissions reductions within the borough

£400,000 of **Neighbourhood Fund** allocated to climate reduction projects

More funding for **Warmer Homes** Project

Draft **Local Plan** policies consistent with Climate targets

Campaigns to support change, such as Climate Champions in GP practices.



Coming up in 2021

Register for new **email updates**

Google “Merton climate emergency”

Sign up to receive future updates on
Merton's Climate Strategy and Action Plan

Make a climate change pledge

Pledge to make Merton a net-zero carbon borough by 2050.

Make your climate change pledge

Make a **pledge**

Google “Merton climate pledge”

The Big Pedal – register your school!

www.bigpedal.org.uk



Join the **Climate Action Group**

Google “Merton climate action group”

How the Climate Action Group will work

Page 73

Want to take action?
Have an idea?

Come to a meeting

Build a carbon reduction project



Climate Action Group Structure

Co-Chairs

Ramya Venkataraman: cag.engagement@gmail.com
Cllr Martin Whelton: Martin.Whelton@merton.gov.uk

Engagement and Funding

Ramya Venkataraman: cag.engagement@gmail.com

Page 78

Green Economy

Diana Sterck
Carola Grillo
cag.greenconomy@gmail.com

Buildings and Energy

Katie Halter
cag.buildings@gmail.com

Transport

Luke McCarthy
Mehmood
Naqshbandi
Transport.CAG.Merton@gmail.com

Greening Merton

Kelly Gunnell
cag.greeningmerton@gmail.com

Group Support

Dominique Hill: Dominique.Hill@merton.gov.uk
Katie Halter: Katie.Halter@merton.gov.uk

Next Steps

Meeting dates

Wednesday 31st March – Greening Merton

Wednesday 28th April – Building & Energy

Wednesday 26th May – Transport

Wednesday 30th June – Progress Meeting

Keep in touch

- Check the Climate Action Group website or sign up for climate updates
- Contact a community lead or climate change officer

End



census
2021

Helping everyone take part in Census 2021

Matthew Hopkins
ONS Census Engagement Manager, Merton

Page 11

Minute Item 3

The census

- The census is a survey that happens every 10 years and everyone takes part.
- The ONS is responsible for the census in England and Wales.
- The census is important because it gives the most detailed information we have about our society.



Billions of pounds are allocated to local services using census-based information every year

Page 79 So that these funds can be allocated in the most appropriate and effective ways, it's important the census accurately captures everyone in our society.

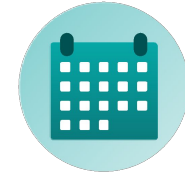


No one knows your community better than you

- By taking part and encouraging others to do the same, you'll help make sure your community is counted in decisions on services and funding.
- We understand that building positive relationships with communities means more people understand the benefits of the census and are likely to take part.
- We need your help to raise awareness and understanding of the census in your community.

Census 2021 facts

- The next census will take place on **Sunday 21 March 2021.**
- For the first time this will be a **digital-first** census, but paper will be available for those who need it.
- We'll focus on engaging with everyone, including under-represented and **hard to reach groups.**
- Help will be available for people who need support to take part online.



Keeping personal information safe

- Before publishing statistics, the ONS make sure that they don't include any personal information.
- The information collected in the census remains anonymous for 100 years.
- No individual or their responses can be identified in the statistics the ONS publish.
- Everyone must complete the census. Legislation made the modern census a legal obligation in 1920.



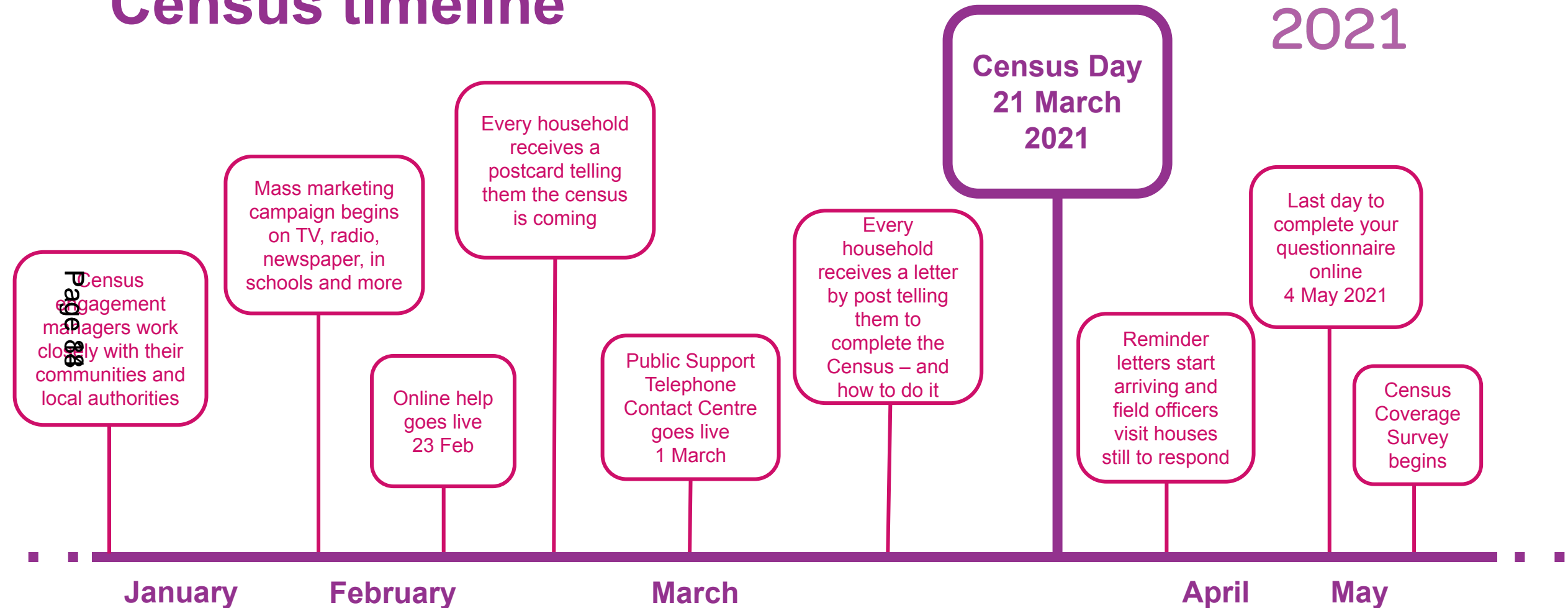
Keeping personal information safe

- Personal census information can't be used to change any service an individual gets, and it can't be seen by anyone who makes decisions about them.
- For example, it cannot be seen or used by government to influence benefit claims, a residency application, immigration status or taxes, or by landlords or any other private organisation



Census timeline

census
2021



Advanced Postcard

Page 89

Sent to every household - mid to end of **February**

Inform people that the census is coming.

Calls upon recipients to look out for their census invitation pack in the post.



Initial Contact Packs - Letter

Page 20

Sent to households **beginning of March**

Provide households with their access code for the electronic questionnaire.

Provide help options - including where to request a paper questionnaire.

census 2021

Householder
<Address_Line1>
<Address_Line2>
<Locality>
<Town_Name>
<Postcode>

If you need help, go to www.census.gov.uk or phone us free on 0800 141 2021
Reference number:
1234 1234 12

Dear Householder

We need your help with the census, which gathers vital information to help plan services, such as transport, education and healthcare. All households should complete the census on **Sunday 21 March 2021** or as soon as possible after. You must complete the census by law or you could be fined up to £1,000.

How to complete your census

- 1 Read this letter containing your household access code. ✓
- 2 Go to www.census.gov.uk, select "Start census" and enter your household access code:
1A2B 3C4D 5E6F 7G8H
- 3 Answer the questions and submit when complete.

Your answers are protected by law and will be kept confidential.

The census should take around **10 minutes per person** to fill in. Every census completed online saves paper and taxpayers' money. See the enclosed leaflet for how to get help to complete your census. You can request a paper form at www.census.gov.uk or call 0800 141 2021.

Thank you

Professor Sir Ian Diamond – National Statistician

Office for National Statistics www.census.gov.uk 1234

Initial Contact Packs - Information

census
2021

Page 27

Included with the letter

Provide households with answers to common questions about the census and how to complete the form.

Communicate different methods of contact for getting help.



What the census is

The census is a survey that happens every 10 years and gives us a picture of all the people and households in England and Wales.

Why you have to take part

Organisations such as local authorities and charities use census information to understand the services we all need, including transport, education and healthcare.

You must complete the census by law. If you do not, or if you supply false information, you could be fined up to £1,000.

Some questions are clearly labelled as being voluntary. It is not an offence if you do not answer these.

When to complete your census form

You should complete your census form on Sunday 21 March 2021 or as soon as possible after.

You can submit your completed questionnaire before 21 March if you know who will be in your household on that day. If you submit your questionnaire before 21 March but your circumstances change before that day, you can let us know.

Who should fill it in

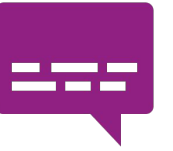
The household should fill in the census for the household. This is the person who owns or rents (or jointly owns or rents) the property, or the person who is responsible (or jointly responsible) for paying household bills and expenses.

Answering separately from your household

If you want to answer separately from the people you live with, you can contact us to request an individual access code. Someone must still complete a census for your household.

Making it accessible for all

- Large print format
- Braille format
- Accessible videos with BSL, audio & subtitles
- Easy Read leaflet
- Text Relay
- Compatible electronic questionnaire
- Online guidance
- Translation booklets of the questionnaire
- Language support line



Online & Language support

Dedicated Contact Centre

- People will be able complete the census over the phone with help from trained staff via free phone.
- Guidance and translation service in many languages.
- Request a paper version of the questionnaire.
- Accessible census guidance, for example, in braille



Language support

Translated versions of a number of engagement communications in 49 languages e.g.

Languages		
Arabic	Czech	Hebrew
French	Hungarian	Urdu
Bengali	Bulgarian	Somali
Mandarin	Polish	Spanish
Cantonese	Romanes	Portuguese
Cornish	Punjabi	Kurdish
Romanian	Gujrati	Tamil
Lithuanian	Hindi	Vietnamese
Latvian	Nepali	Turkish
Slovak	Yiddish	Additional languages available

What you can do

- Support people to fill in their questionnaire
- Direct people to the telephone and language support
- Help to promote the message that personal census information is kept safe and secure
- Post news items or articles if you are able to communicate online with your community

Keep in touch

Census Engagement Managers for Merton:

matthew.hopkins05@field.census.gov.uk

+44 (0)7452 945152

- Bookmark the Census 2021 website: www.census.gov.uk
- Follow us on social Media [#Census2021](https://twitter.com/Census2021)

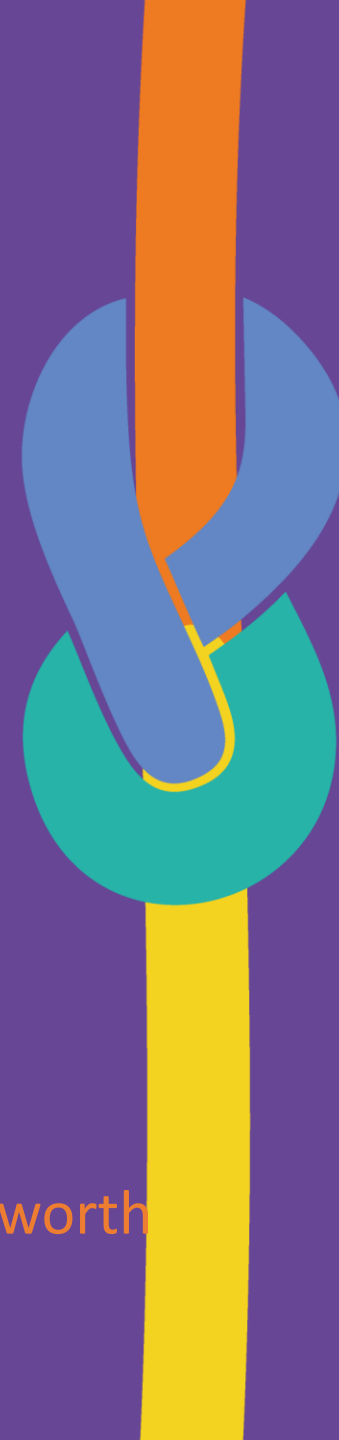


COVID-19 vaccination: your questions answered

Page 23

Fiona White - Quality Assurance Manager and Nurse Consultant
NHS Merton, South West London Clinical Commissioning Group

Kalu Obuka - Head of Engagement and Equalities, Merton & Wandsworth
South West London Clinical Commissioning Group



Aim of the session: To support our community around understanding COVID-19 and the vaccination programme

- The COVID -19 vaccination

Number of Merton COVID-19 cases

15,977 (published Tuesday 23 March 2021)

Merton Vaccination Uptake

Based on the weekly published NHS data set, which is available [here](#).

Page 29 Merton figures (as of the last publication on the 18th March).

	Number of people vaccinated with at least 1 dose						
	Under 55	55-59	60-64	65-69	70-74	75-79	80+
Merton	25,348	8,004	8,217	7,062	6,417	4,368	6,794
% achieved*	33.8%	55.8%	70.6%	79.3%	83.6%	83.9%	83.6%

Average vaccination uptake achieved for Wimbledon Park Ward – 68.0%

*Percentages as of 16th March. Data is draft and subject to change due to multiple local and national sources.

Why use a vaccine?

- Vaccines are crucial and part of our defence against infectious diseases.
- When enough people get vaccinated, it's harder for a disease to spread to those who can't have vaccines.

Page 96

Getting vaccinated protects not only you but also your family, friends and community.

- Vaccines are made to prevent people from getting serious infectious diseases. It's much safer for your immune system to learn to fight illness through vaccination than by catching and treating them.
- At present we don't know whether it stops you spreading the virus to other people, so you still need to wear a mask, wash your hands and social distance after you have been vaccinated.

[Find out more about vaccines and why they are safe and important](#)



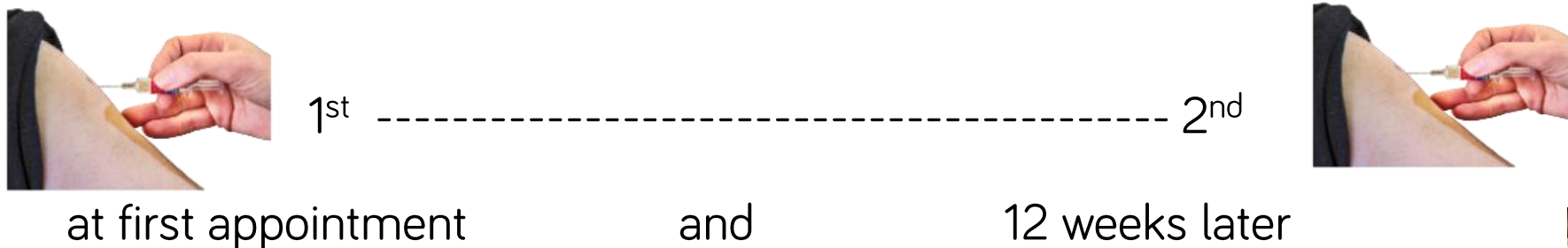
What vaccines are currently available?

- Pfizer/BioNTech
- Oxford/AstraZeneca COVID-19 vaccines are now available
- Vaccines have to pass their rigorous tests on safety and efficacy, so people should be assured that whatever vaccine they get will be safe and effective.

Page 97

You may have heard about new coronavirus vaccines in the media, including those from Moderna and Novavax. We don't have full information about the new vaccines yet, but can assure that any vaccines that the NHS will provide will have been approved by the MHRA. Vaccines have to pass their rigorous tests on safety and efficacy, so people should be assured that whatever vaccine they get will be safe and effective.

You will have two injections in your arm



Page 98

Your practice will let you know when you need to come back.

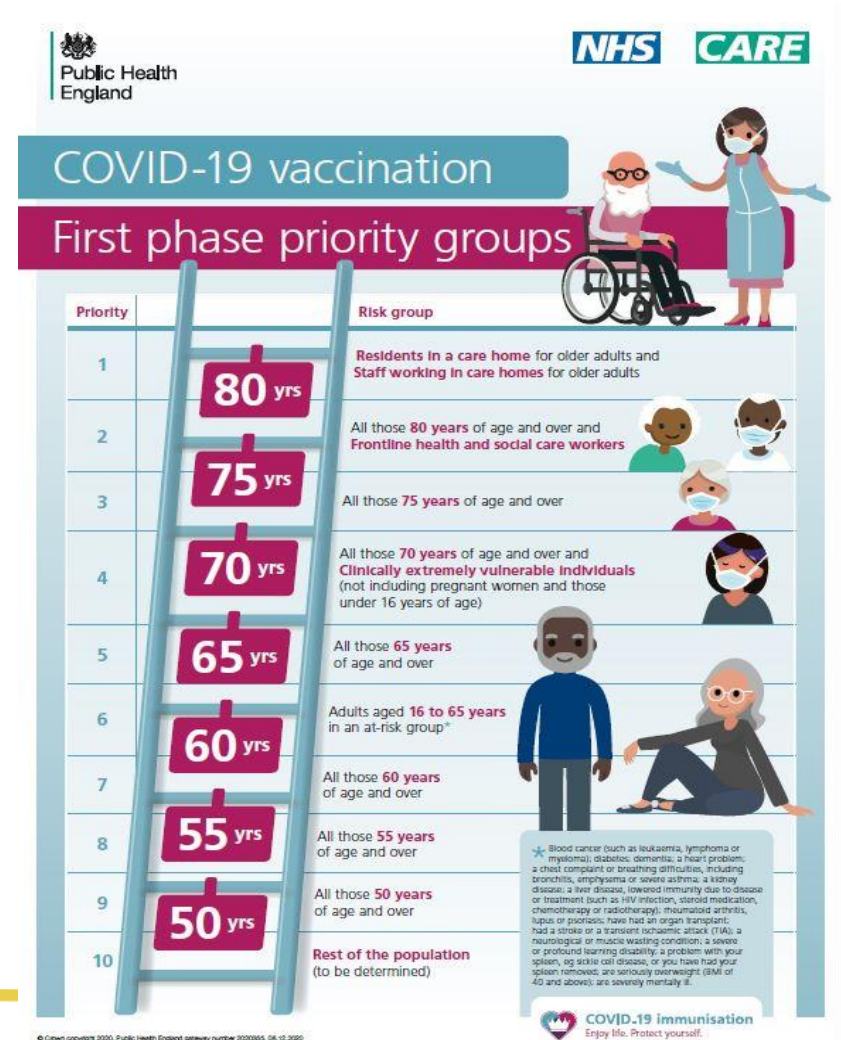
After three weeks you will be safer from the virus



Who will get the COVID-19 vaccine and when?

- The JCVI priority list is as follows:
 1. residents in a care home for older adults and their carers
 2. all those 80 years of age and over and frontline health and social care workers
 3. all those 75 years of age and over
 4. all those 70 years of age and over and clinically extremely vulnerable individuals
 5. all those 65 years of age and over
 6. all individuals aged 16 years* / 18 years to 64 years with underlying health conditions which put them at higher risk of serious disease and mortality
 7. all those 60 years of age and over
 8. all those 55 years of age and over
 9. all those 50 years of age and over

Page 99



Where will the COVID-19 vaccine be administered?

- Since 8 December over 500 local vaccination services and nearly 80 hospital hubs have launched what is the largest vaccination programme in the history of the NHS - at the same time as the whole of the health service has been dealing with the intensifying Covid pressures.
- Current hubs in Merton: Wilson Hospital and West Wimbledon Clinic (The Nelson).
- We are continuing to build capacity across the system to offer more vaccinations with additional local vaccination services, hospital and vaccination centres coming on-line.
- Community COVID-19 vaccination pop-up clinic

Thank you for all of your questions today. We hope you have found the session useful.

Please email mertonccg.getinvolved@swlondon.nhs.uk if you have any feedback or suggestions for future sessions.

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PlanWimbledon
Sustainability Prosperity Community

Wimbledon Community Forum

25 March 2021



Have a real say in planning Wimbledon's future

**Vote for PlanWimbledon –
your neighbourhood planning
group**

To find out more about PlanWimbledon:
www.planwimbledon.org



PlanWimbledon
Sustainability Prosperity Community



WIMBLEDON COMMUNITY FORUM
16 JUNE 2021

(7.15 pm - 8.15 pm)

PRESENT Councillors (in the Chair), Councillor Daniel Holden

1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor Daniel Holden in the absence of Councillor James Holmes. Five residents and six councillors attended on Zoom with 55 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

2 PLAN WIMBLEDON UPDATE (Agenda Item 2)

Suzanne Grocott gave a presentation on Plan Wimbledon's progress towards developing a Wimbledon Neighbourhood Plan, which is attached to this report. PlanWimbledon is a community group that has been running for 18 months and aims to create a better, more sustainable Wimbledon through the development of a neighbourhood plan. The group held a general meeting on 15 June.

Future Merton held a public consultation in April and May on whether PlanWimbledon should be designated as a Neighbourhood Forum for the purpose of developing a Neighbourhood plan the proposed area of Wimbledon. There were c1300 responses to the consultation with 90% supporting the proposed area and the application to become a Forum. Most respondents were local residents.

The key issues raised by Merton Council following the consultation included:

- A lack of responses from Wimbledon town centre businesses and employees
- No responses from Plough Lane retail park or Weir Road industrial estate

Since the consultation concluded PlanWimbledon has been in negotiation with Merton Council to address some of these issues. The Council is due to decide on PlanWimbledon's application at the [Cabinet meeting on 22 June](#).

3 YOUR MERTON (Agenda Item 3)

Kris Witherington, Merton Council, gave a presentation on the Your Merton engagement programme, and the presentation is attached to this report. The aim is to build a detailed understanding of resident & community priorities in the wake of the Covid-19 pandemic. By seeking views from all parts of our community we aim is to

create a comprehensive, professional engagement that provides genuine insight from residents, communities, service users and hard-to-reach groups. This will provide an updated set of insight showing changes to previous perceptions and future priorities which will support the development of future corporate plan for the borough. The programme asks about places that are important, your daily life, the impact of the pandemic, and your ambitions for the future. We have conducted a large scale telephone survey, have developed an [interactive website](#) and will be working with community groups to hold targeted focus groups. Residents are encouraged to complete the website by going to www.merton.gov.uk/yourmerton by 7 July and to share this with their friends, family and local networks.

A resident asked if the telephone survey was the same as the regular Residents Survey. Kris explained that survey covered both regular questions and specific questions for the Your Merton programme.

4 OPEN FORUM (Agenda Item 4)

2023 Boundary Commission Review:

The Boundary Commission for England is consulting on proposed revisions to the parliamentary boundaries for 2023. For the Wimbledon constituency the major changes are Cannon Hill ward moving to Mitcham and Morden while two wards from Kingston, St James and Old Malden, will join the constituency. To comment on the proposals please go to <https://www.bcereviews.org.uk/> by 2 August

A resident asked about the overflowing bins in Dundonald Rec. Cllr Fairclough said that the contract team had found the bins were not being emptied frequently enough. The Green Spaces team had provided response which was:
Dundonald Park has experienced an increase in usage in-line with the recent improvement in weather conditions. Our greenspace service have increased their frequency of attendance at Dundonald Park to ensure that bins are managed more tightly during this time of increased usage. If there are bin lids missing this will be reported to our service delivery partners, idverde for action. The Coffee stall has a bin for users and there are other bins in the park

Haydon Park North traffic management was raised at the last community forum meeting. Highways Team and responded with:
We received funding via a bid process to introduce a Low Traffic Neighbourhood in Haydon Park North area and following an informal consultation the majority of the residents rejected the scheme. There are no further plans for this area and additionally, we do not have access to further funding at this time.

David Hall Chair of Wimblecomm said that Wimbledon Community Association would be celebrating 75 years this year. They are working on capturing the history of the organisation and hope to either have an event or other way of highlighting the work of the group. Information on their plans will be available from their website at <https://wimbledoncommunity.org/>

Cllr Gretton asked if bins had been taken out of Haydon Road Station and that residents have been reporting that their recycling wheelie bins showing cracks and lots need replacing.

A resident asked about the 'Parklet' being installed in the Wimbledon Village High Street. Details of the parklet and the consultation on the Experimental Traffic Order can be found on the [Council website](#).

A resident asked about school streets. Kris explained that the Experiment Traffic Orders for 28 school streets had begun in September but due to lockdown closures the consultations for all of the sites had been extended until 31 July. These can be found on the [Council website](#).

5 DATE OF NEXT MEETING (Agenda Item 5)

Councillor Holden thanked everyone for attending and closed the meeting.

Future meetings:

7.15pm Wednesday 22 September 2021

7.15pm Wednesday 1 December 2021

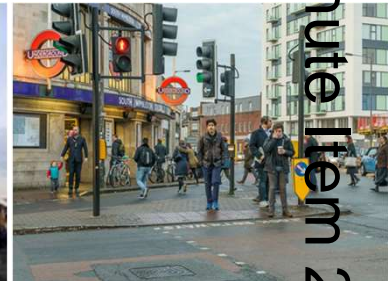
7.15pm Wednesday 23 March 2022

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PlanWimbledon
Sustainability Prosperity Community

Wimbledon Community Forum: 16 June 2021



Agenda

1. Group Status

2. The Consultation Process

3. Future Action

Page 10



PlanWimbledon
Sustainability Prosperity Community



PlanWimbledon: Our Mission

‘to shape a better, more sustainable Wimbledon to enhance the lives of future generations of residents, businesses, workers and visitors.’

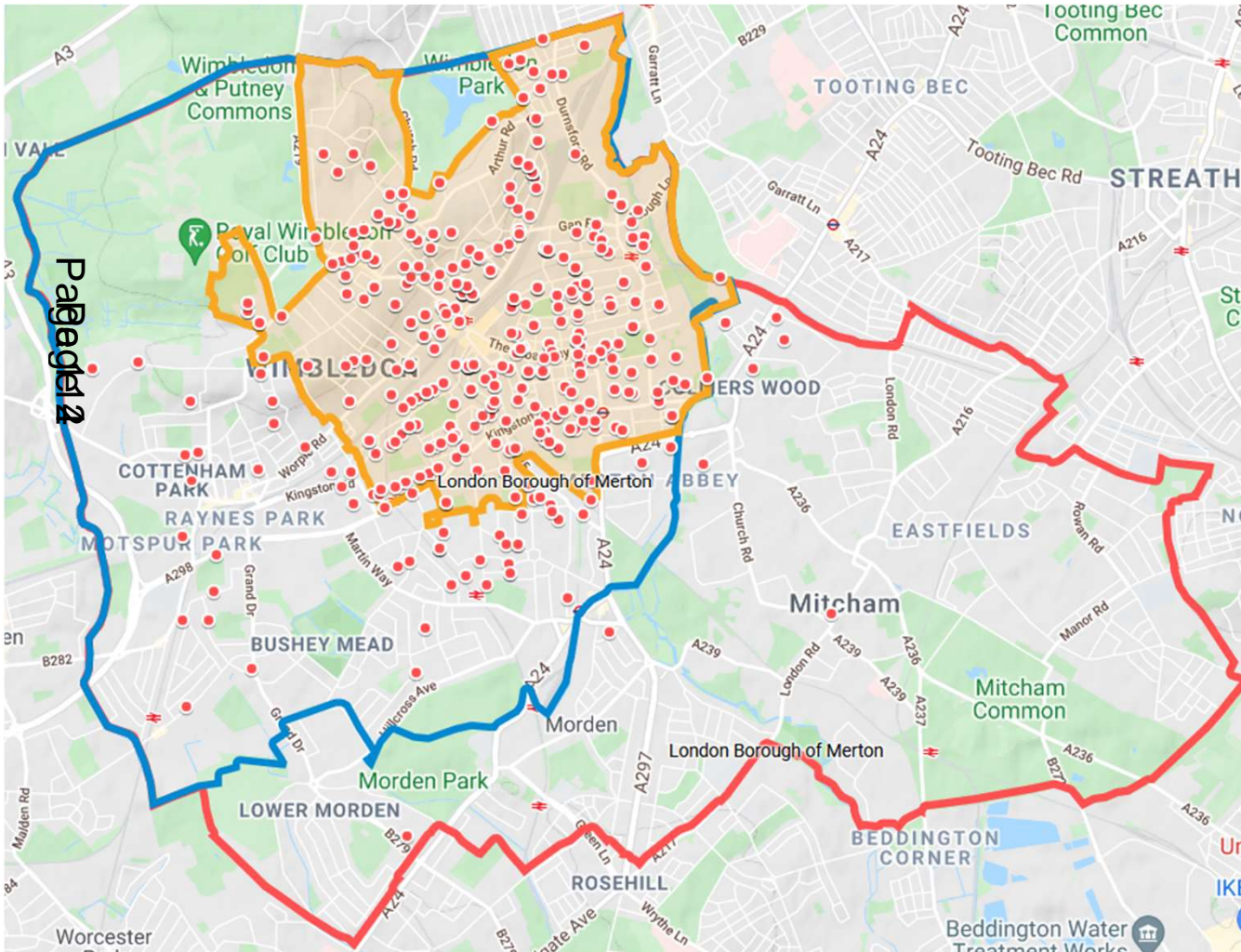
Page 311



PlanWimbledon
Sustainability Prosperity Community



PlanWimbledon Area



PlanWimbledon
Sustainability Prosperity Community



About PlanWimbledon

- As legislated by the Locality Act of 2011
- PlanWimbledon is a not-for-profit and non-partisan organisation representing local stakeholders whether that be businesses, residents, faith groups, education, arts, etc.
- Centred on a wide and growing membership – currently c. 1000 actual members (associations and individual businesses and residents) representing several thousands of people.
- This is a community project. The Steering Committee consists of local professionals donating their time and committed to delivering a better future for Wimbledon.
- At this stage we do not receive any public funding.
- Underpinned with advice from AECOM



PlanWimbledon
Sustainability Prosperity Community



The Journey to a Neighbourhood Plan

- **Jan 2020:** Inauguration as a group.
- **Jan 2020 onwards:** Extensive consultation with community
- **Feb 2021:** Application to Merton Council to be designated as a forum and an area.
- **12th April - 23rd May 2021:** Public consultation.
- **Jun 2021:** Extensive post consultation discussions with Future Merton
- **July 2021:** Full Council decides designation.



PlanWimbledon
Sustainability Prosperity Community



Results of Consultation

Page 715



PlanWimbledon
Sustainability Prosperity Community

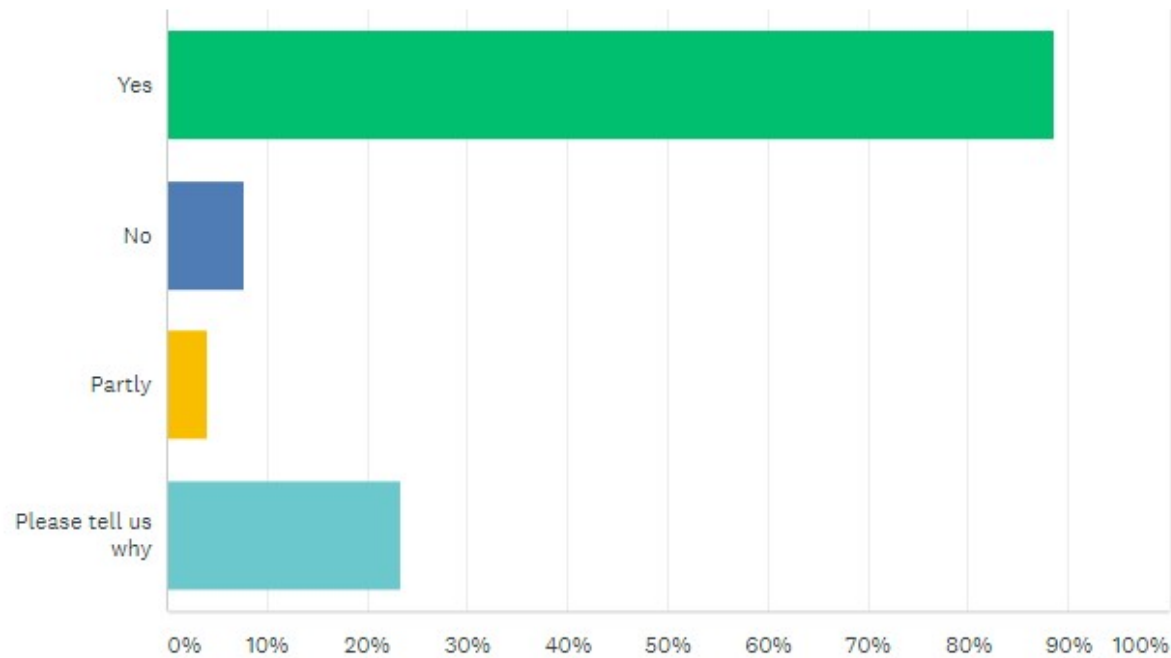


Do you support PlanWimbledon's proposed neighbourhood area boundary?

Do you support PlanWimbledon's proposed neighbourhood area boun...

Answered: 1,333 Skipped: 15

Page 1 of 8

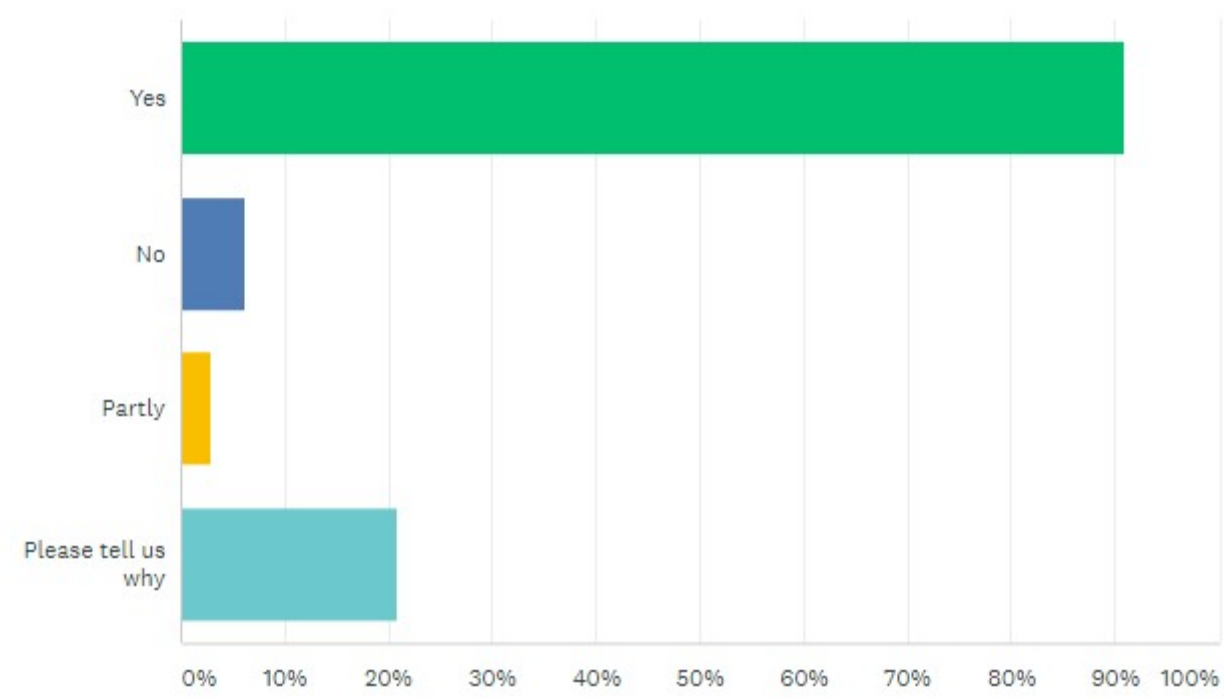


Do you support PlanWimbledon's application to become a neighbourhood forum?



2. Do you support PlanWimbledon's application to become a neighbo...

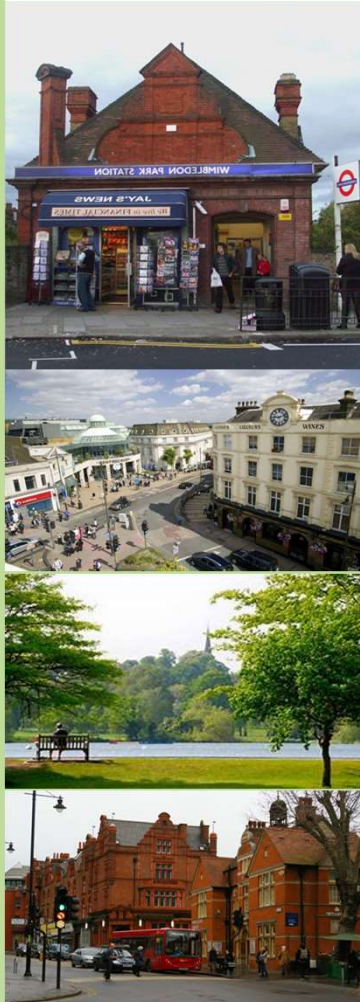
Answered: 1,329 Skipped: 19



Page 917

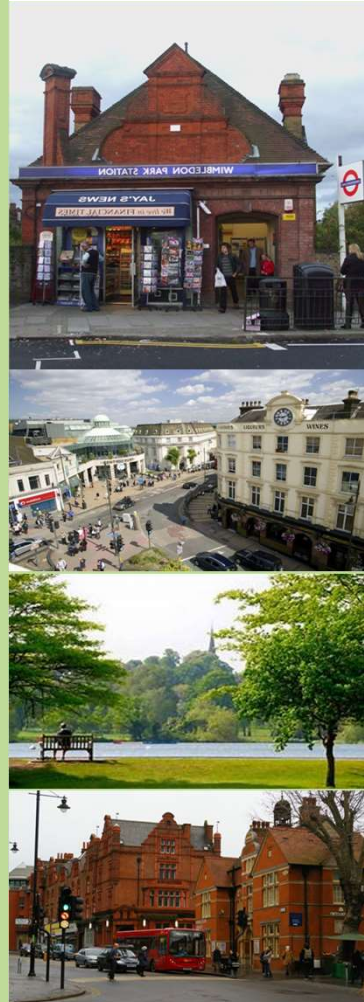
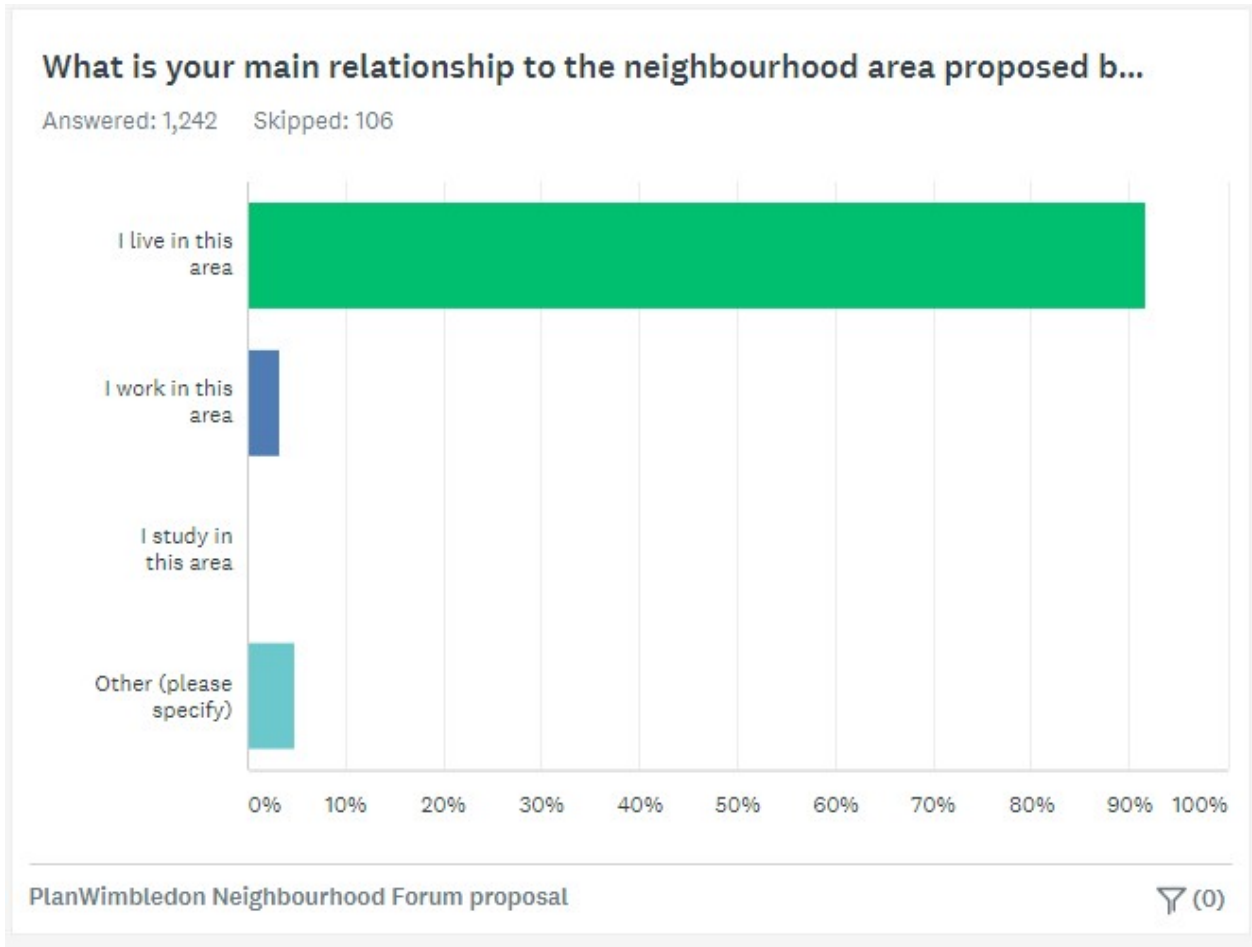
PlanWimbledon Neighbourhood Forum proposal

0



What is your main relationship to the neighbourhood plan proposed by PlanWimbledon?

Page 18



Key Issues

1. The overall size of the area

2. Specific issues with:

Wimbledon Town Centre

Plough Lane Retail Park / Weir Road Industrial Site

Merton Park boundary

- North-West Wimbledon
- High Path Area

3. Concerns about the democratic nature of PlanWimbledon

Page 119



PlanWimbledon
Sustainability Prosperity Community



Current Status

Awaiting recommendations from Future Merton

Page 20



PlanWimbledon
Sustainability Prosperity Community





Thank you!

www.planwimbledon.org



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Join our biggest
ever conversation

merton.gov.uk/YourMerton



Page 123

Tell us where in Merton
is important to you



Your Merton

Engaging our community in
post-pandemic priorities

Minute Item 3



Outline

- What is Your Merton?
- Objectives & themes
- How we are engaging people
- Online engagement platform
- What can you do?

What is Your Merton?



- Our biggest-ever engagement with residents, with more opportunities to give us their views than ever before
- Aimed at everyone who lives, works, travels to or studies in the borough
- Delivered through multiple channels to ensure we can get views from as many people as possible

Objectives

1. Build a **detailed understanding of resident & community priorities in the wake of the Covid-19 pandemic** – including changes to their local service priorities around key issues such as transport, health & the environment
2. Seek views from **all parts of our community** – creating a comprehensive, professional engagement that provides genuine insight from residents, communities, service users & hard-to-reach groups
3. Provide an updated **set of insight** showing changes to previous perceptions & future priorities
4. Support the development of future **corporate plan for the borough**

2023-24
Page 28

Key themes

1. Places

What are the places our respondents love, and why? What places do they think need improvement, and how?

2. Day to day life

What are the things that impact your daily quality of life the most; what is life like in your community and what influences it?

3. The impact of the pandemic

How has the pandemic impacted your life, and what could be the impact of that on how you use local services & facilities?

4. Ambitions for the future

What are your hopes for the future of the area you live in?

How we are engaging people

1. 2021 Resident Survey (completed)

- 1,100 sample
- Conducted by telephone
- Demographically representative

2. Community group conversations & focus groups (live)

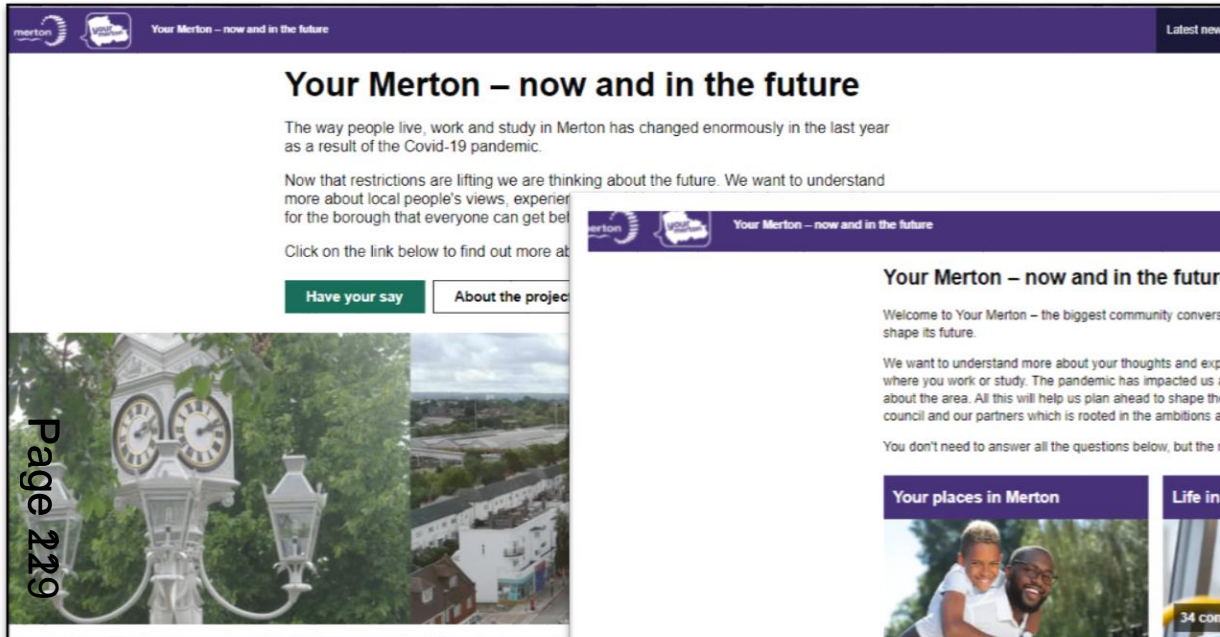
More than 30 focus groups with community partners

Facilitated conversations with young people, community partner groups, voluntary sector and others

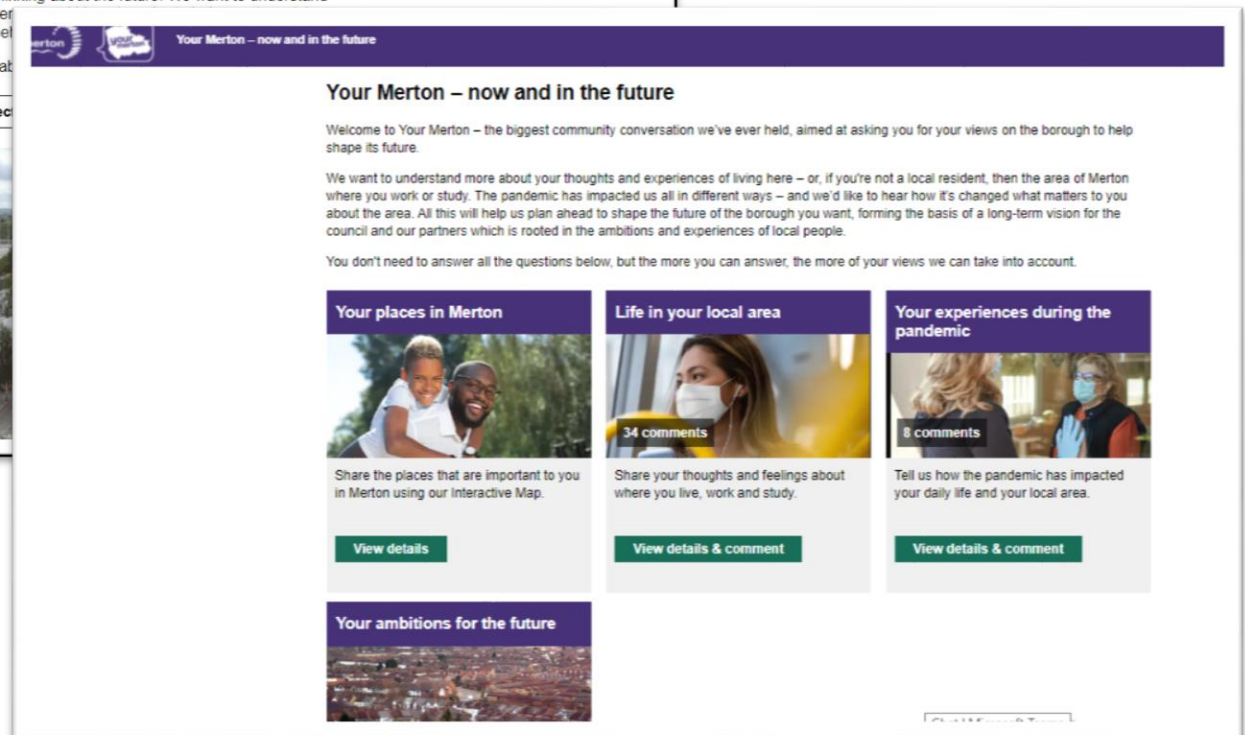
3. Your Merton website

- Launched on May 12, runs until July 7
- User-friendly, map-driven, themed around impact of the pandemic, future ambitions & views on the area
- Comments on places and services in the area

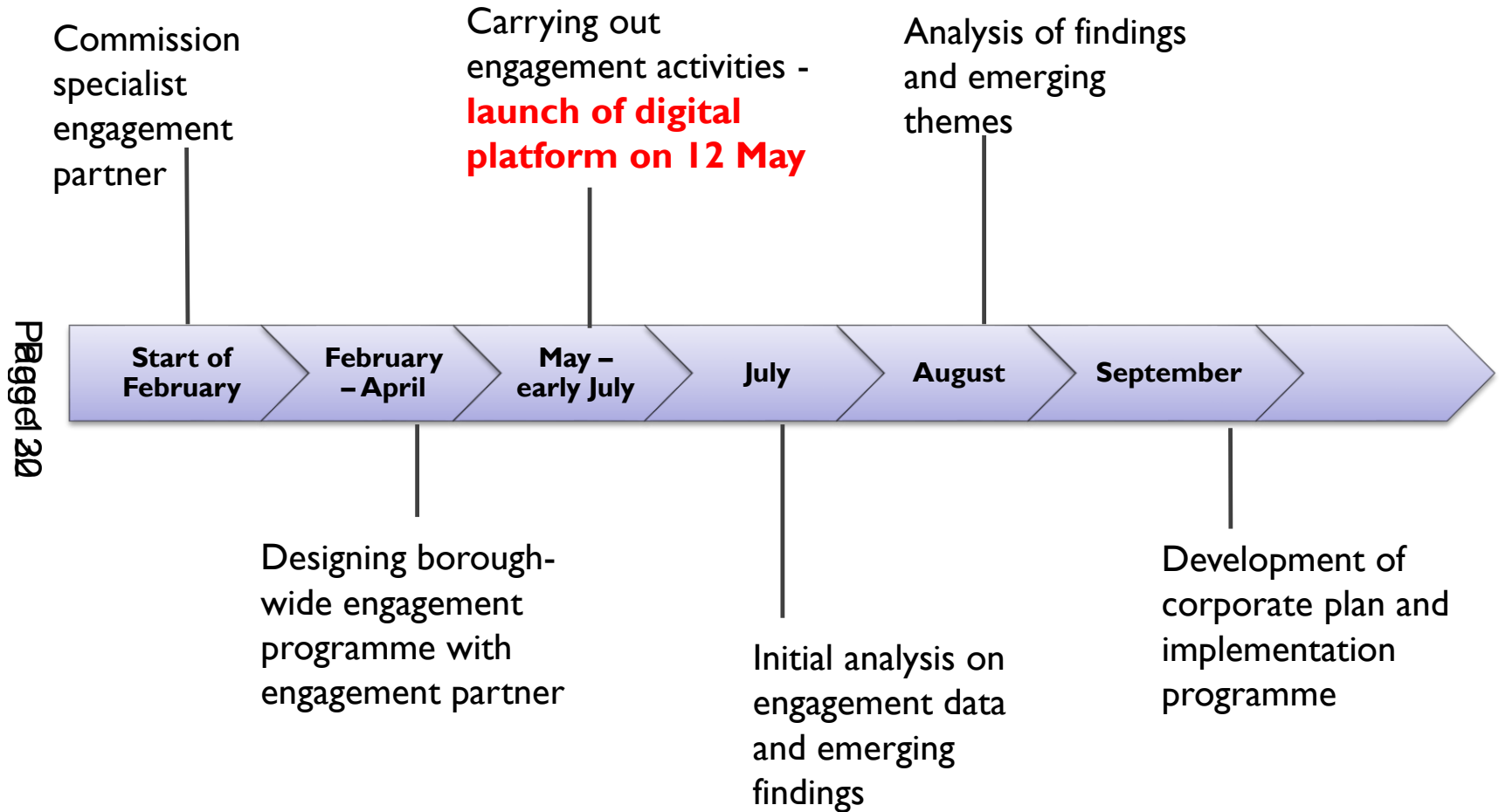
The Your Merton website



[Link: Visit the Your Merton website](#)



Timeline



What can you do?

- Visit www.merton.gov.uk/yourmerton
- Share with friends, family, networks
- If you would like any images or copy for newsletters please email getinvolved@merton.gov.uk

Any questions?

Page 22

Q & A

RAYNES PARK COMMUNITY FORUM
30 MARCH 2021

(7.15 pm - 9.15 pm)

PRESENT Councillors Councillor Omar Bush (in the Chair),

1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor Omar Bush with Chris Edge from the Raynes Park Association (RPA). Twenty-two residents and five councillors attended on Zoom with 155 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

2 RAILWAY, STATION, STREET MANAGEMENT AND IMPROVEMENTS (Agenda Item 2)

Chris Larkman gave an update on the 'Kiss and ride' on the south side of the station. Workspace responsible for managing parking and have promised to put up notices. Network Rail (NR) have put fencing in front of Station House and have cleared area to prevent fly-tipping. Chris is meeting with NR in April to review progress. The north side embankment still being considered. Cllr Crowe said he is still chasing is transfer of land on south side to be transferred from NR to Merton Council.

Tony Edwards said that a £1k grant for open space is available with deadline of 12 April so looking to see if any local open space would be viable. Cllr Dean suggested Skew Arch area but Tony said they haven't found sufficient land there. Tony said he will share the criteria. Jane Plant said she will have a look at the criteria but said we need to be sure who the land belongs to and they have agreed to planting as we need to avoid making management of trees more difficult.

3 UPDATE ON COVID VACCINATION PROGRAMME (Agenda Item 3)

Kaz Obuka and Dr Vasa Gnanapragasam from South West London Clinical Commissioning group gave a presentation on the take up of the COVID-19 vaccine in Merton. The presentation is attached to this report.

Kaz said the vaccination programme has been going well with more than 66,000 having received their first dose, all either over 50 or considered clinically vulnerable. They have been reaching out to communities within Merton including 35 online workshops with more than 900 attendees. Dr Gnanapragasam said the focus would be on individuals not just cohorts as COVID somewhere is COVID anywhere and would see more variations.

A resident asked about the Johnson and Johnson vaccine being the best defence against the South African variant. Dr Gnanapragasam said Johnson and Johnson has not yet been approved for use and vaccine distribution is decided nationally. Even with the vaccine rollout it is still vital to maintain social distancing.

Cllr Adam Bush asked about take up of the vaccine amongst BAME communities. Dr Gnanapragasam said there have been some issues and it is vital to address individual concerns. Kaz said the CCG has been holding events in faith centres to reach different communities and more of these venues will be used for vaccination centres.

A resident asked about long waits for blood tests at the Nelson as the environment for waiting is not COVID safe. Dr Gnanapragasam said the service at the Nelson is run by St Georges although samples go to either St Helier or St Georges. They currently do not have an appointment system to be more convenient but this is causing congestion. As a result they are considering introducing a booking system.

Cllr Omar Bush ask if Merton was on track to meet the national schedules. Dr Gnanapragasam said we will be if the public book appointments when eligible and GPs will be chasing unvaccinated to offer reassurance.

A resident asked if a booster will be needed and Dr Gnanapragasam said this is possible in order to adapt to variations but we do not know at this point. A resident also asked about pregnant women being vaccinated and Dr Gnanapragasam said women should speak with their GPs to assess the risk. There is no issue with breast feeding and the vaccine. A resident thanked Dr Gnanapragasam for the commitment of GPs to the vaccination programme.

4 CLIMATE CHANGE ACTION PLAN (Agenda Item 4)

Katie Halter, Climate Change Officer gave a presentation on the Climate Change Action Plan. The presentation is attached to this report. The Climate Change Strategy was adopted in November 2020 and the deliver plan was adopted in February 2021. The Plan covers Merton Council's work to decarbonise and support it can give to others.

There has been a 40% reduction in Merton Council estate emissions since 2009. Merton Council took a number of actions in 2020 including switching to 100% renewable electricity; completing the roll out of LED street lights; spending £0.5m to decarbonise children's centres and community buildings; £400,000 from the Neighbourhood Fund being spent on a Warmer Homes Project; updating the Local Plan and campaigns such as Climate Champions in GP surgeries.

Plans in 2021 include new [community pledges](#), another round of [Solar Together](#), and new [Action Groups](#) to encourage community projects. You can register for [email updates](#) on this work.

A resident asked about Solar panels. Katie said there was not a specific programme in Merton but we support the [Solar Together](#) programme. The round for 2021 has just closed. You could also raise specific ideas for solar energy at the Action Group.

A resident asked about the ecological cost of new car versus emissions from old cars. Katie said ecological can mean a number of different things but there is a reference in the Climate Strategy to a study looks at the embodied carbon not just emissions. Shows impact of production is considerable but this is a high level so it is difficult to be specific on the impact in Merton.

A resident asked about London plan targets and Katie said there are more stringent climate requirements in draft Local Plan being proposed.

A resident said that the following the consultation on emission based parking charges, the decision was to go ahead in spite of opposition. Katie said she was aware of the opposition. The basis of making charges different for different types of activities is well founded.

A resident asked about the impact of the expansion of the Ultra-Low Emission Zone, but Katie said the ULEZ deals with air pollution rather than carbon emissions.

5 2021 CENSUS (Agenda Item 5)

Matthew Hopkins, Census Engagement Manager for the Office of National Statistics (ONS), gave a presentation on the 2021 Census. The presentation is attached to this report. Census day was 21 March 2021 and this is a digital-first census with most households able to complete the form online. For those without digital access they will be able to request a paper copy and ONS field staff will visit households who have not completed their census form and can provide paper copies. Help will also be available online, through a call centre and locally from Merton Voluntary Service Council.

A resident asked about access to Vestry Hall. Matthews said the Support Centre is currently restricted to online & telephone support due to COVID restrictions. They hope to open up for drop in sessions by late April and to coordinate with libraries to use computers there. The support centre can be reached on 020 8685 1771.

6 PLANNING UPDATE (Agenda Item 6)

Neil Milligan, Building and Development Control Manager for Merton Council provided an update on planning issues in Raynes Park.

- 2 Amity Road – demolition of office block to build flats. Likely to go to committee in May
- Bushy Road – prior approval adding two extra floors to a block of flats.
- 14 Worple Road – likely to go to committee
- Manuplastics – two supplementary applications for residential units refused. Appealed against so waiting for the hearing.
- Wyke Road – 8 flats granted at the planning committee. A Section 106 agreement will need to be reached.
- Burlington Road Tesco site – for 300+ units. There was a public enquiry in December and January, now waiting for a decision.
- Medical centre at 15 Amity – pre app for block of flats

Neil also said that the government had introduced new legislation to allow for shelters outside pubs, although this is likely to be a temporary measure. The Government is not extending virtual committees so likely to have to go back in person from May. This is subject to legal action and there might possibly be a hybrid option.

A resident asked about London plan has increased target for units and Neil said the new London Plan has a challenging target for Merton.

A resident asked about the Wyke Road section 106 going ahead despite ownership issues and a Network Rail covenant. Neil explained that planning decisions is not based on ownership issues or Network Rails' view on enforcing the covenant which it would be up to them to do.

A resident asked about the speed limit on Bushy Road changing from 40mph to 20mph.

Neil said there is a programme to reduce across London and Merton, will need to check with colleagues. Cllr Fairclough said Highways had said they expected to add signage. FOLLOWING THE MEETING: the Highways team confirmed that Bushey Road is 30mph between A3 and Grand Drive and then becomes 20mph from Grand Drive toward Kingston Road. Unfortunately until very recently some of the old signs were not removed but I believe that all the correct signage are now in place

A resident asked about the Lesser site on Grand Drive. Neil said there are ongoing discussions, the site was put forward for Local Plan as area for development but has been empty for some years. Cllr Dean said a number of owners had blocked previous attempts to use for sport.

7 ANY OTHER BUSINESS (Agenda Item 7)

Dundonald Church should be completed in June, move in July and opening in September

[Garth Road Centre](#) now back to appointment only.

Hartfield Walk works taking place without permission by Love Wimbledon. Neil said the application is being assessed so can't comment on the merits. Cllr Fairclough has raised questions about use of CIL and the process to date.

FOLLOWING THE MEETING Love Wimbledon has published details of the works on [Hartfield Walk](#) and [frequently asked questions](#). They will also be providing [updates](#).

8 DATE OF NEXT MEETING (Agenda Item 8)

Cllr Bush thanked everyone for attending and closed the meeting

Future meetings:

All at 7.15pm:

- Thursday 10 June 2021
- Thursday 16 September 2021
- Thursday 2 December 2021
- Tuesday 22 March 2022

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COVID-19 update

Raynes Park Community Forum

Page 139

Barry Causer
Head of Strategic Commissioning (Public Health)

3rd December 2020

Minute Item 3



AIMS AND PURPOSE

- Brief overview of the COVID impact on Merton's communities so far
- Brief overview of outbreak control developments
- Overview of the Tier 2 guidance
- Set out some opportunities for action

Page 10



Weekly key messages

Cases (19th – 25th November):

- 7 day case rate (all ages) was **160.8 cases per 100,000** (down from 185.8 last week).
- 7 day case rate (among 60+) was **113.2 cases per 100,000** (up from 102.1 last week).
- **343** new COVID cases in Merton.

Deaths:

- **1** new registered Merton COVID death (in hospital) for the week ending 6th November.

Testing (pillar 2 only):

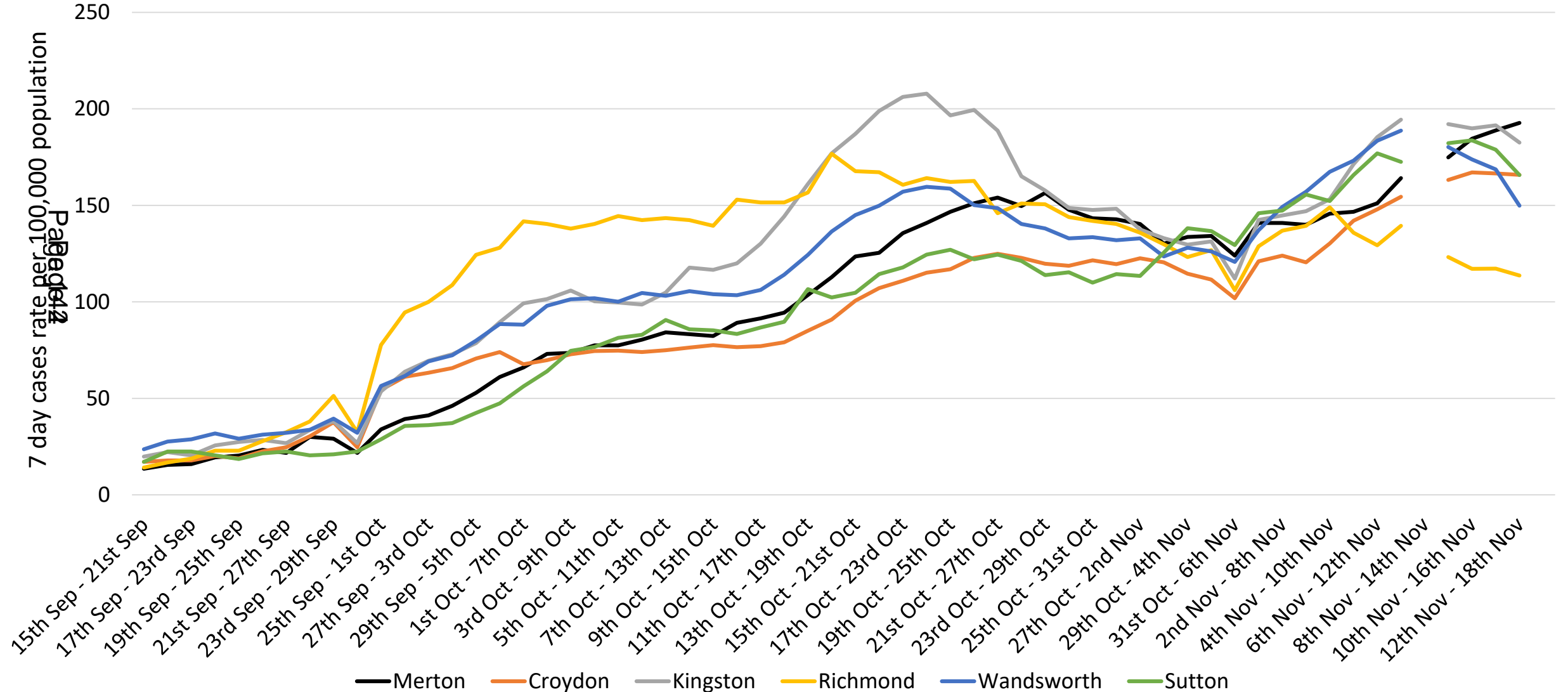
- 7 day testing rate was **218.4 daily tests per 100,000** (up from 215.6 daily tests per 100,000).
- 7 day test positivity decreased to **9.3%** (down from 11.2%).

Rolling 7-day rate of confirmed positive cases per 100,000 population in Merton compared to South West London boroughs (Pillar 1 & 2)

30th November 2020

Source: PHE/PHEC Daily Report

Reporting frequency: Daily



Due to reporting issues no data was available for 8th-14th November

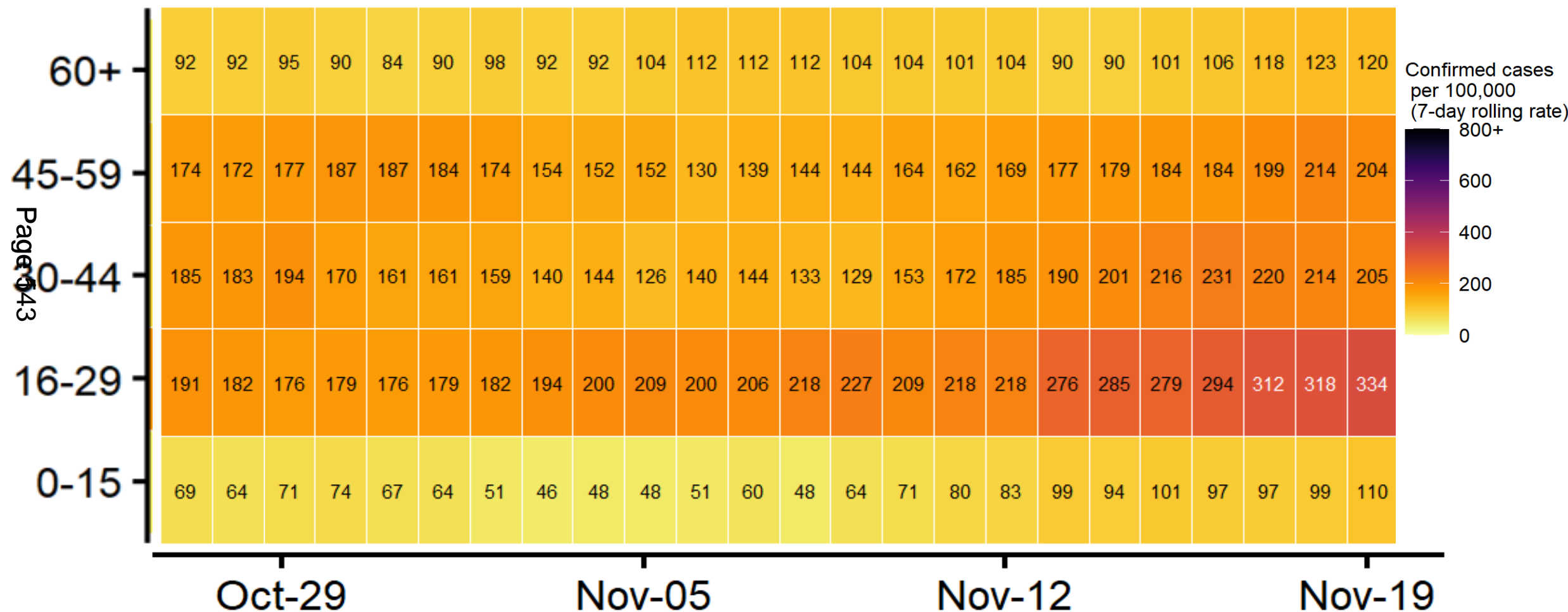
COVID-19 cases rates in Merton by age group heat map over time

30th November 2020

7-day rolling total case rates per 100,000

Source: PHE/PHEC Daily Report

Reporting frequency: Daily

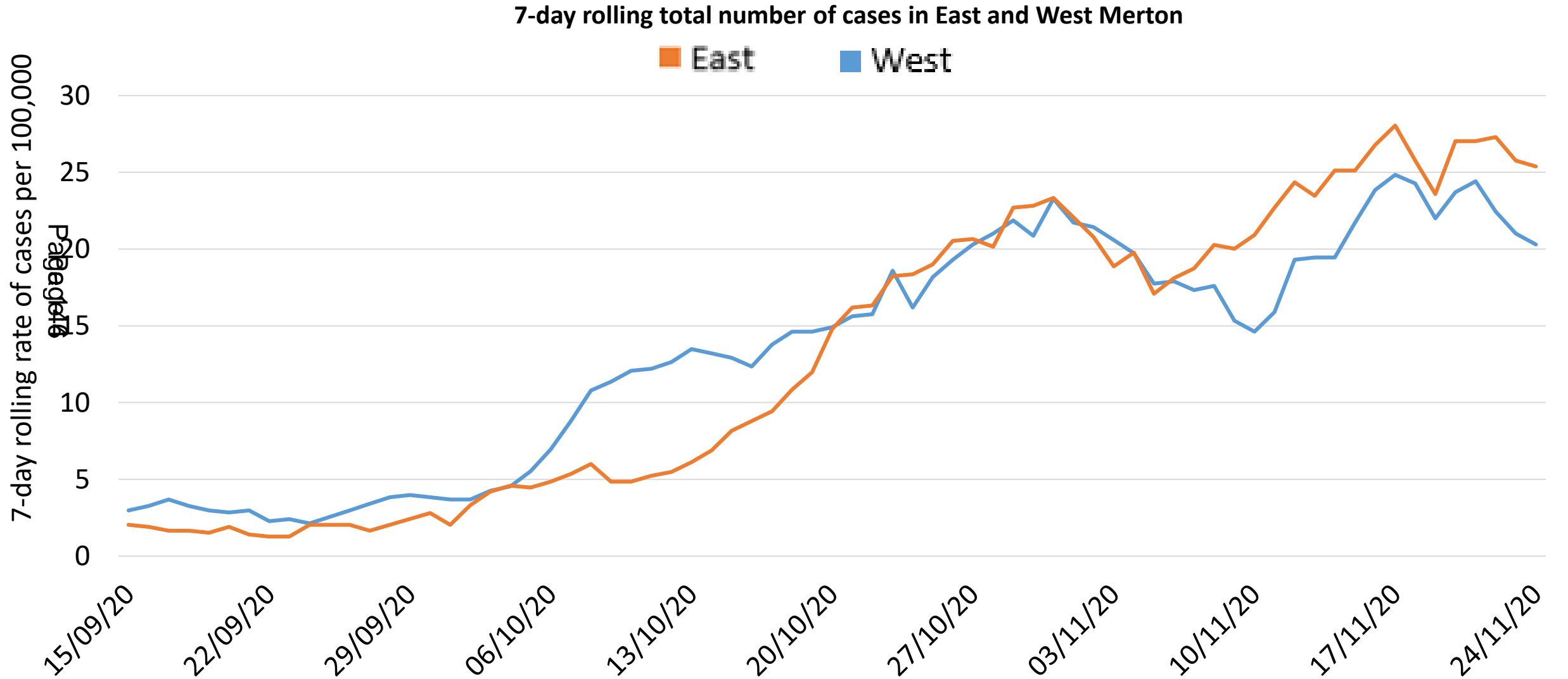


COVID-19 case rates in East and West Merton

30th November 2020

Source: LSAT daily line list

Reporting frequency: Daily

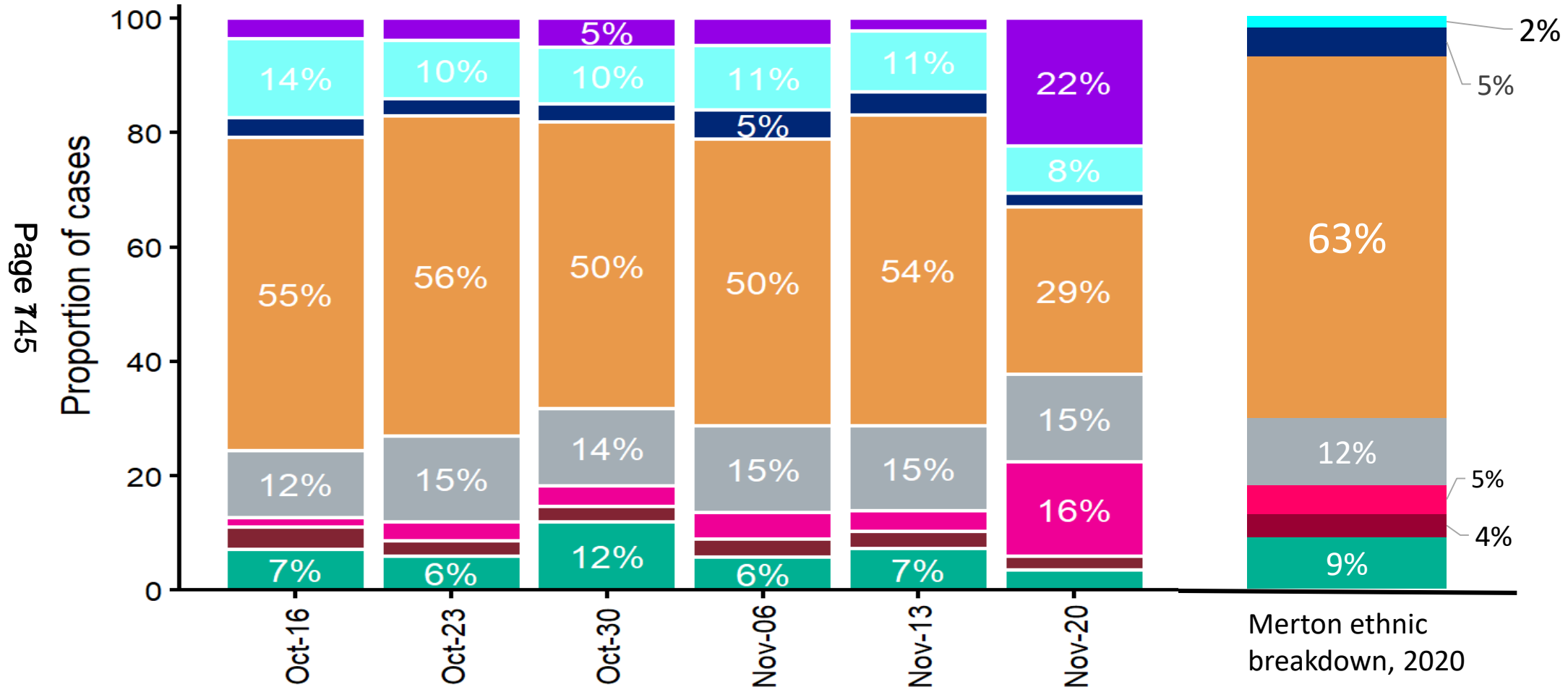


COVID-19 positive cases in Merton by ethnicity

30th November 2020

Weekly distribution of cases by ethnic group in Merton.
Data over 6 weeks and compared to ethnic breakdown Merton.

Source: PHE Merton LA Report



*Please note recent week (ending 20th November) figures are preliminary.
Majority of case data still to be reported

Source: 2016 GLA housing-led population projections

Number of deaths registered among Merton residents

30th November 2020

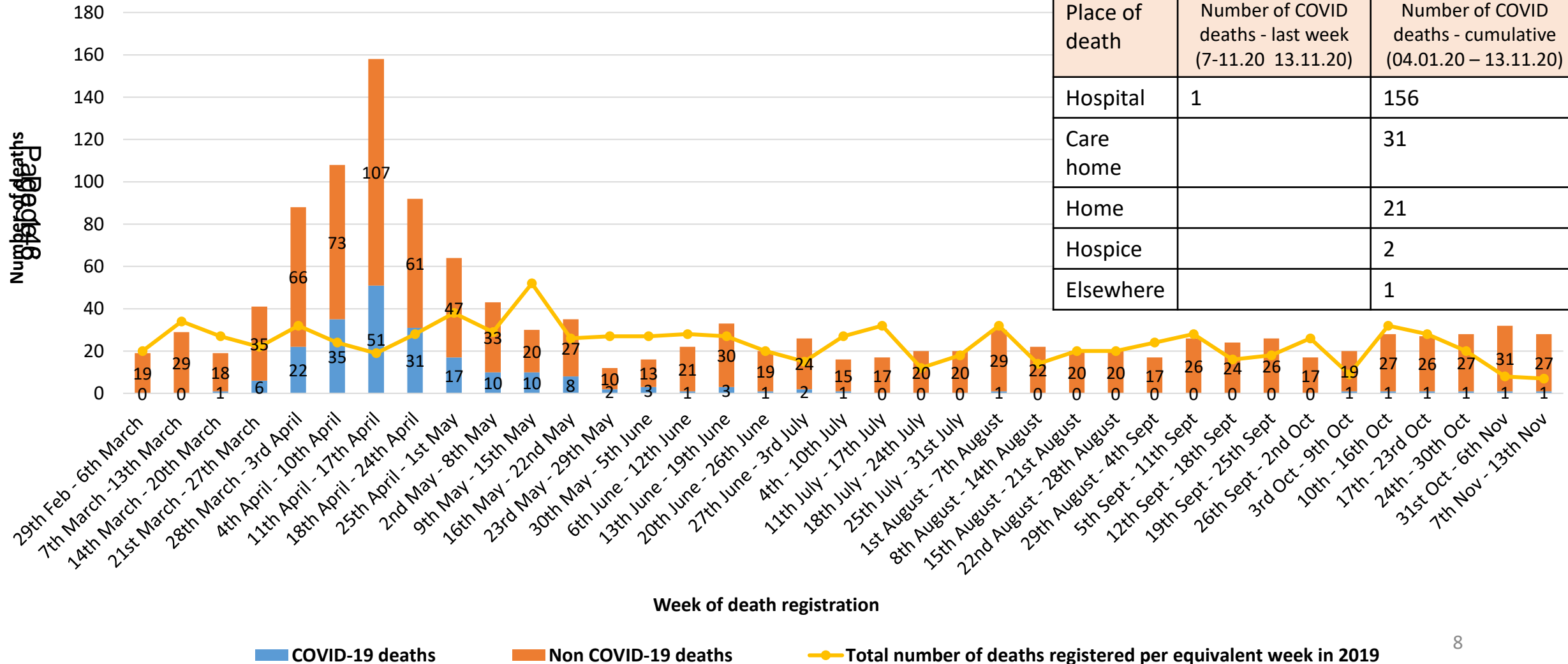
Source: ONS

Reporting frequency: Weekly (most recent 7.11.2020 – 13.11.2020)

Cumulative number of COVID related deaths registered in Merton
(04.01.2020 – 13.11.2020)

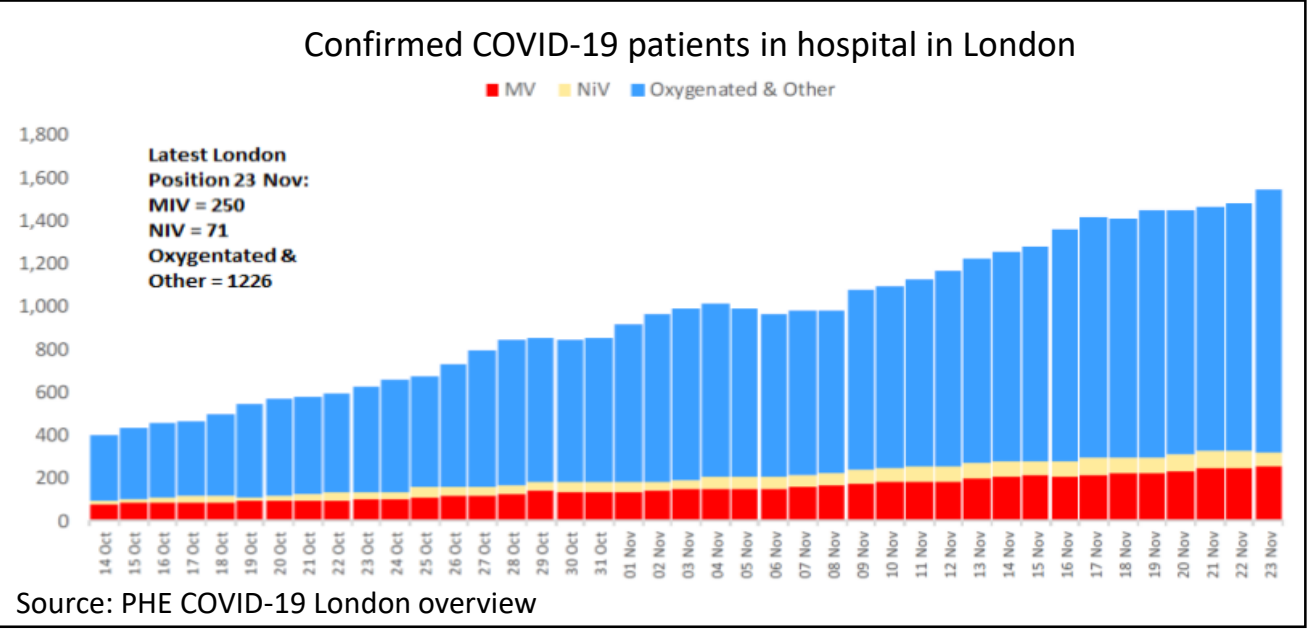
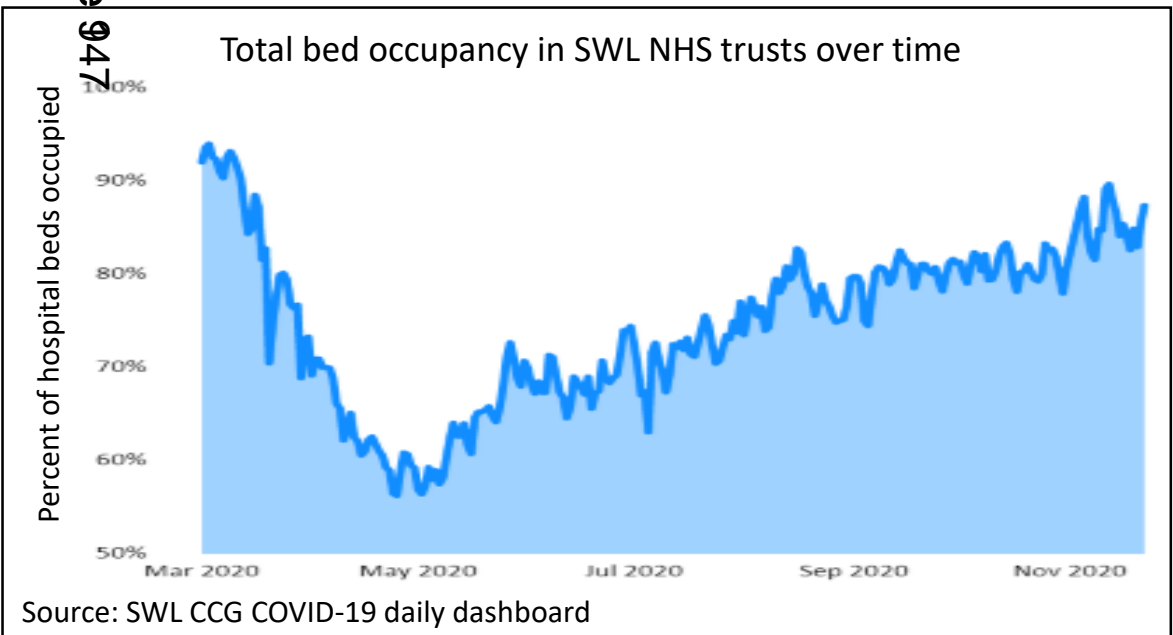
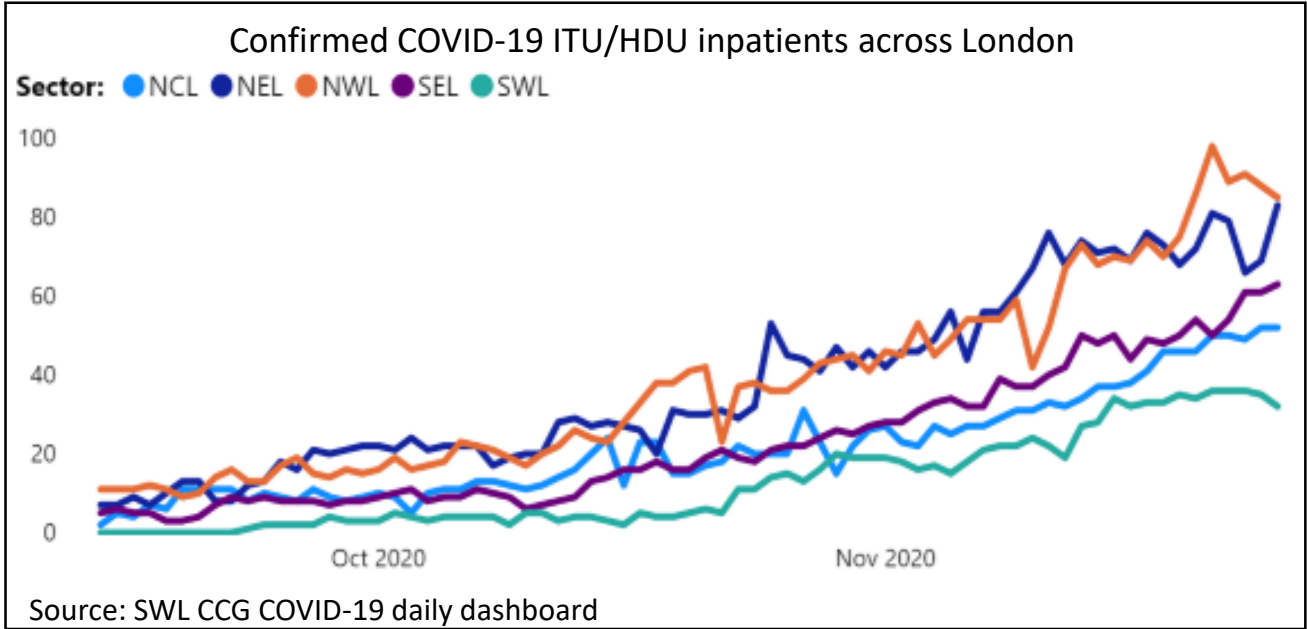
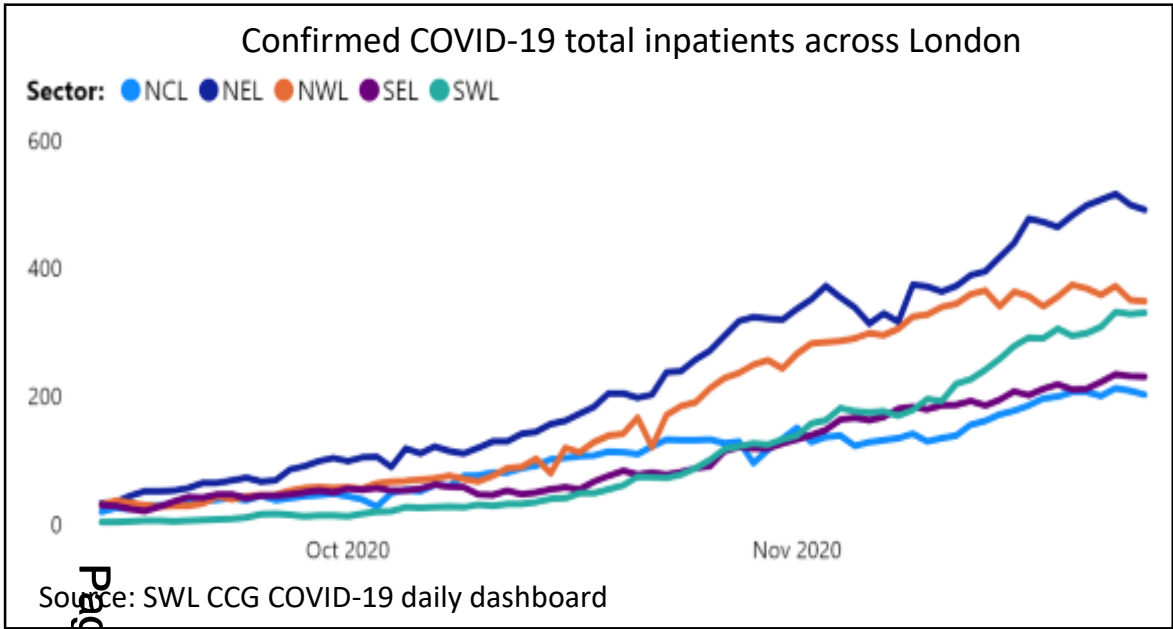
211

Number of deaths in Merton by week of registration



COVID-19 and NHS-related indicators

30th November 2020



Page 947

Local contact tracing

- Launched on 18th Nov, in first 3 days – 24 successfully contacted.
- All contacted signposted to local support services

Testing

- Symptomatic:
 - Pillar 1 testing – responsibility of NHS
 - Pillar 2 testing – responsibility of DHSC, local testing sites in collaboration with LA
- Asymptomatic:
 - PCR (polymerise chain reaction) testing for care homes, being rolled out to homecare
 - LFT (lateral flow test) – responsibility devolved to health care providers, universities, future plans for care homes, schools, and LAs
 - Positive results require confirmation with PCR
 - Currently nose/throat but saliva version expected soon

Page 14

COVID-19 vaccination

- Led by NHS, supported by LA and partners
- Mass testing sites (approx. 1/LA), PCN (Primary Care Network) testing sites for primary care delivery (PCNs can share sites, but expected to be not more than 2-3 per shared site and some have their own site)
- Priority groups – identified by JCVI (national Joint Committee on vaccination and immunisation) based on risk; feasibility also needs to be considered for delivery, ie Pfizer vaccine requires storage -80C. Front line health and care workers are high priority; and then age is used as other main determinant.

TIER 2

HIGH ALERT

FROM 2 DEC

Page 149

MEETING FRIENDS AND FAMILY No mixing of households indoors, apart from support bubbles. Maximum of six outdoors.	BARS, PUBS AND RESTAURANTS Pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals. Venues must stop taking orders at 10pm and must close by 11pm.	RETAIL Open.	WORK AND BUSINESS Everyone who can work from home should do so.
EDUCATION Early years settings, schools, colleges and universities open. Childcare, other supervised activities for children, and childcare bubbles permitted.	INDOOR LEISURE Open.	ACCOMMODATION Open.	PERSONAL CARE Open.
OVERNIGHT STAYS Permitted with household or support bubble.	WEDDINGS AND FUNERALS 15 guests for weddings, civil partnerships, wedding receptions and wakes; 30 for funerals.	ENTERTAINMENT Open.	PLACES OF WORSHIP Open, but cannot interact with anyone outside household or support bubble.
TRAVELLING Reduce the number of journeys you make and walk or cycle if possible. Avoid busy times and routes on public transport. Avoid car sharing with those outside of your household or support bubble. Avoid entering a Tier 3 area, other than where necessary such as for work or education. Further exemptions apply.	EXERCISE Classes and organised adult sport can take place outdoors, but cannot take place indoors if there is any interaction between people from different households. Organised activities for elite athletes, under-18s and disabled people can continue.	RESIDENTIAL CARE COVID-secure arrangements such as substantial screens, visiting pods, and window visits. Outdoor/airtight visits only (rollout of rapid testing will enable indoor visits including contact).	LARGE EVENTS Sport, live performances and business meetings limited to 50% capacity or 2000 people outdoors (whichever is lower) and 50% capacity or 1000 people indoors (whichever is lower)

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TIER 2 RESTRICTIONS

As of 00.01 Wednesday 2nd December the local restriction tier system applies to England

What does this mean?

London and Merton has been placed in **Tier 2: High Alert**. This is for areas with a higher or rapidly rising level of infections, where some additional restrictions need to be in place.

- ✓ you must not socialise with anyone you do not live with or who is not in your support bubble in any indoor setting, whether at home or in a public place
- ✓ you must not socialise in a group of more than 6 people outside, including in a garden or a public space – this is called the ‘rule of 6’
- ✓ pubs and bars must close, unless operating as restaurants. Hospitality venues can only serve alcohol with substantial meals
- ✓ places of worship remain open but you must not socialise with people from outside of your household or support bubble while you are indoors there
- ✓ organised outdoor sport, and physical activity and exercise classes can continue
- ✓ you can continue to travel to venues or amenities which are open, but should aim to reduce the number of journeys you make where possible



WHAT HAS NOT CHANGED?

Hands, Face, Space.

- ✓ Washing your hands with soap and water, or using hand sanitiser, regularly throughout the day will reduce the risk of catching or passing it on.
 - ✓ You must [wear a face covering](#) in most indoor public settings, unless you have an exemption
 - ✓ Social Distancing: Stay 2 meters apart from those who you do not live with or who are not in your support bubble.
- Where you cannot stay 2 metres apart you should stay more than 1 metre apart, and take additional steps to stay safe. For example:
- Wear a face covering: on public transport and in many indoor spaces, you must wear a face covering by law, unless you are exempt
 - move outdoors, where it is safer and there is more space
 - if indoors, make sure rooms are well ventilated by keeping windows and doors open

Page 131



OPPORTUNITIES FOR ACTION

- Join our network of over **115** COVID-19 Community Champions; a key part of our approach to preventing and managing outbreaks in Merton.
- Drop-in sessions take place every Wednesday (12pm-1pm and 7pm-8pm) - last weeks topic was 'winter wellness' and this week we are exploring the 'tier 2 restrictions'.

Page 52

Sign up for our 'Celebrating Safely' workshops on Monday 14th December 2020 (12 noon to 1pm and 6pm to 7pm) – to hear practical tips on reducing the risk of COVID-19 during the holiday season.

- Sign up for Merton COVID-19 newsletter – www.merton.gov.uk/newsletter
- For more information contact public.health@merton.gov.uk



ANY QUESTIONS?

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Merton Climate Change Update

Katie Halter,
Climate Change Officer
March 2020

Page 135



Minute Item 4

A framework to meet net-zero targets....

Since the Declaration of a climate emergency, we have developed a sound strategic approach and a framework for delivery.

Merton's Climate Strategy and Action Plan was adopted in November 2020.

Climate Delivery Plan – Year 1 adopted in January 2021



Merton Climate Action Plan

19%
of borough
emissions

Transport

What you can do:

- Reduce car use in favour of walking and cycling
- Switch to ultra-low emission vehicles such as electric
- Schools and businesses adopt travel plans
- Avoid flying

What the Council will do:

- Support new cycle paths and wider pavements
- Work with TfL for faster transport decarbonisation and vehicle share schemes
- Consult on emission-based parking charges

81%
of borough
emissions

Buildings & Energy

What the Council will do:

- Require new buildings to be low carbon and resilient to the impacts of climate change
- Lobby for tighter regulations and further funding for low carbon buildings

What you can do:

- Save energy by switching off appliances and turning down the heating
- Use green electricity
- Avoid gas by buying a low carbon heating system (e.g. a heat pump)
- Invest in insulation and renewable energy

-0.1%
of borough
emissions

Green spaces

What you can do:

- Grow vegetation around your home
- Remove paving from your front garden to plant trees
- Join or sponsor a community planting group

What the Council will do:

- Maintain existing green spaces and plant more trees

Major
contributor
of
emissions

Green Economy

What the Council will do:

- Encourage waste reduction
- Help build low carbon skills
- Encourage green businesses

What you can do:

- Buy green and local products
- Eat less meat, fish and dairy
- Reuse items and buy products with less packaging



Page 197

Actions in 2020

We continued to reduce emissions from the Council's estate.

Shift to 100% **renewable electricity**.

Completed **LED streetlight programme**.

Bid for £0.5 M grant to **decarbonise children's centres** and community buildings.



Actions in 2020

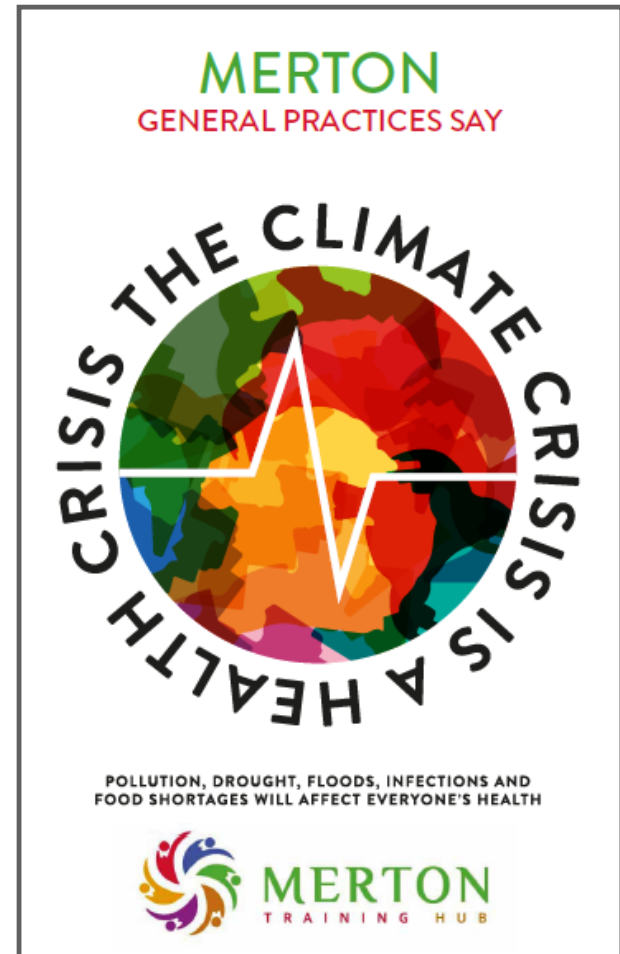
We continued to support emissions reductions within the borough

£400,000 of **Neighbourhood Fund** allocated to climate reduction projects

More funding for **Warmer Homes** Project

Draft **Local Plan** policies consistent with Climate targets

Campaigns to support change, such as Climate Champions in GP practices.



Coming up in 2021

Register for new **email updates**

Google “Merton climate emergency”

Sign up to receive future updates on
Merton's Climate Strategy and Action Plan

Page 10

Make a climate change pledge

Pledge to make Merton a net-zero carbon borough by 2050.

Make your climate change pledge

Make a **pledge**

Google “Merton climate pledge”

The Big Pedal – register your school!

www.bigpedal.org.uk



Join the **Climate Action Group**

Google “Merton climate action group”

How the Climate Action Group will work

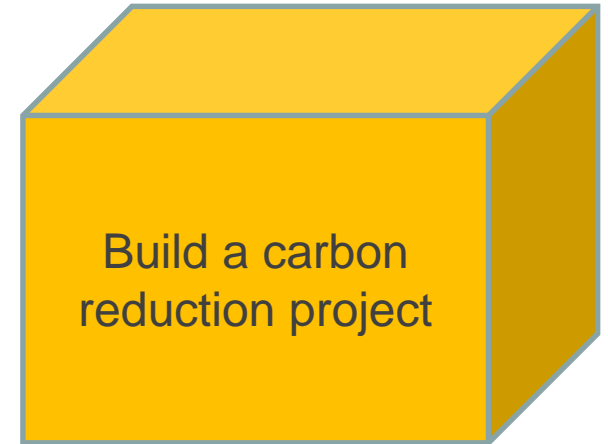
Page 281

Want to take action?
Have an idea?

Come to a meeting

Build a carbon reduction project

Zero CO₂



Climate Action Group Structure

Co-Chairs

Ramya Venkataraman: cag.engagement@gmail.com
Cllr Martin Whelton: Martin.Whelton@merton.gov.uk

Engagement and Funding

Ramya Venkataraman: cag.engagement@gmail.com

Page 02

Green Economy

Diana Sterck
Carola Grillo
cag.greenconomy@gmail.com

Buildings and Energy

Katie Halter
cag.buildings@gmail.com

Transport

Luke McCarthy
Mehmood
Naqshbandi
Transport.CAG.Merton@gmail.com

Greening Merton

Kelly Gunnell
cag.greeningmerton@gmail.com

Group Support

Dominique Hill: Dominique.Hill@merton.gov.uk
Katie Halter: Katie.Halter@merton.gov.uk

Next Steps

Meeting dates

Wednesday 31st March – Greening Merton

Wednesday 28th April – Building & Energy

Wednesday 26th May – Transport

Wednesday 30th June – Progress Meeting

Keep in touch

- Check the Climate Action Group website or sign up for climate updates
- Contact a community lead or climate change officer

End

Page 10



RAYNES PARK COMMUNITY FORUM
10 JUNE 2021

(7.15 pm - 8.45 pm)

PRESENT Councillors Councillor Nick McLean (in the Chair),

1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor Nick McLean with Chris Edge from the Raynes Park Association (RPA). Sixteen residents and five councillors attended on Zoom with 43 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

Chris Edge thanked Peter Fisher and Jane Plant and for their long service to the Raynes Park community who are moving out of the area.

2 RAILWAY, STATION, STREET MANAGEMENT & RAYNES PARK IMPROVEMENTS (Agenda Item 2)

Chris Larkman said that the RPA is still trying to persuade Workspace to take responsibility for the Kiss and Ride. Both embankments are in a mess with rubbish on the south side; Network Rail (NR) have promised to clear up but we will keep pressurising. NR are still delaying the transfer of land south of the station. Tony Edwards explained that a Parklet takes over road space to allow for extended seating for café/restaurant. An option in Raynes Park is by the Skew Arch but would require TfL to give up a bus parking space. RPA is not sure there is any other viable local space in the area but welcomes suggestions. Matthew Willis said Future Merton have been looking at having a coffee van or food truck use a Parklet. Matthew Willis had suggested a mural on the skew arch via Next Door and a vote was taking place on the two designs although the final decision will sit with NR as they are funding the scheme. The designs are attached to this report.

3 PLANNING UPDATE (Agenda Item 3)

Neil Milligan was unable to attend or provide an update due to staffing issues.

A resident asked about the Manoplastics site. Cllr Crowe said they have planning permission for 160 units and now up to the developer to progress the work. Cllr Fairclough said the developer had appealed to against a decision to turn down additional units.

A resident asked if Community Infrastructure Levy (CIL) can be used for temporary structures as at Hartfield Walk. Details of the criteria for CIL can be found at <https://www.merton.gov.uk/planning-and-buildings/planning/community-infrastructure-levy/spending-the-levy> and there is no specific restriction on temporary structures. The decision to fund the works at Hartfield Walk was taken at [Cabinet on 7 September 2020](#) and related to the CIL contribution from the Plough Lane Stadium Development.

4 OPTIMAL AGING (Agenda Item 4)

Dr Phoebe Wright, and Jen Kaye, Darzi Fellows with Central London Community Healthcare Trust gave a presentation on Optimal Aging. The presentation is attached to this report.

They are looking at the health of older people in Merton which is set to increase over the next decade. The health of older people has also deteriorated as a result of lockdown. The project aims to increase the healthy span, the period of time where people are healthy, rather than the overall life span. Age does not cause major problems until over 90 but it does impact on abilities and resilience. Narrowing of the fitness gap can help preventable disease. There is also a need to address attitudes and culture.

The work in Merton and Wandsworth has three strands:

- Optimal Aging Content
- A digital platform called WISH (Wellness Interactive Support Hub)
- A Live Longer Better professional network

The pilot testing of WISH will involve up to 380 patients over 65 including those at the Nelson practice. Participants will provide feedback on the platform.

The study is also looking at end of life planning, looking at practical issues like will planning and healthcare issues like decisions to refuse treatment. Dr Wright asked residents to feedback on their thoughts on end of life planning. Resident's feedback included:

- Losing a relative had prompted a rethink and actions
- Considering organ donation as this is still an option in old age
- Creating a death file for relatives
- Not having immediate family nearby makes the situation more complicated as is health emergencies if single.

Dr Wright said it was always an option to discuss issues with your GP or other health professionals. Dr Wright is interviewing people about their plans and if you would like to be involved please email phoebewright@nhs.net

The project is looking at how the use of technology can help. There has been an explosion in the use of technology but take up is much lower for over 75s. The project

aims to look at the benefits and barriers to use of technology. Jen has been having discussions with groups about access and is happy to attend any local groups.

Residents talked about the benefits of using fitness trackers and voice activated devices. A resident asked if technology was really the solution and Jen said it is part of the solution as if it can give information and empower people but not the only solution. A resident asked if the project was linked in with local groups. Dr Wright said they are working with a range of organisations including Age UK Merton, Wimbledon Guild, and the Social Prescribing Team. It is vital to ensure there is local information on WISH that can build local connections. If the findings show the project is successful it can be rolled out across GP practices.

5 ANY OTHER BUSINESS (Agenda Item 5)

Your Merton:

Kris Witherington, Merton Council, gave a presentation on the Your Merton engagement programme. The aim is to build a detailed understanding of resident & community priorities in the wake of the Covid-19 pandemic. By seeking views from all parts of our community the aim is to create a comprehensive, professional engagement that provides genuine insight from residents, communities, service users and hard-to-reach groups. This will provide an updated set of insight showing changes to previous perceptions and future priorities which will support the development of future corporate plan for the borough. The programme asks about places that are important, your daily life, the impact of the pandemic, and your ambitions for the future. We have conducted a large scale telephone survey, have developed an [interactive website](#) and will be working with community groups to hold targeted focus groups. Residents are encouraged to complete the website by going to www.merton.gov.uk/yourmerton by 7 July and to share this with their friends, family and local networks.

2023 Boundary Commission Review:

The Boundary Commission for England is consulting on proposed revisions to the parliamentary boundaries for 2023. For the Wimbledon constituency the major changes is Cannon Hill ward moving to Mitcham and Morden while two wards from Kingston, St James and Old Malden, will join the constituency. To comment on the proposals please go to <https://www.bcereviews.org.uk/> by 2 August

Merton Green Streets, Cllr David Dean introduced this volunteer-led initiative by local residents and businesses to make our streets greener. The group is providing trees, bushes and plants to encourage planting, provide education and increase skills. They want to build up a structure to develop confidence in the organisation. The benefits included reducing pollution and tackling climate change. If you want to give time or skills to help please volunteer. The next planting date is 19 June and

details can be found at www.frontgardenfriendly.uk/Mertongardenstreets. As an example there is a new wildflower meadow on the Chase. Street trees involve the council and are more complex but there are still lots of other places to plant. Cllr Dean thanked the volunteers who have been involved to date.

A resident asked about driveway conversions and removal of trees. Cllr Dean suggested contacting local councillors with specific issues.

Cllr McLean thanked everyone for attending and closed the meeting

6 DATE OF NEXT MEETING (Agenda Item 6)

Future meetings:

All at 7.15pm in Raynes Park Library, subject to COVID-19 restrictions:

- Thursday 16 September 2021
- Thursday 2 December 2021
- Tuesday 22 March 2022



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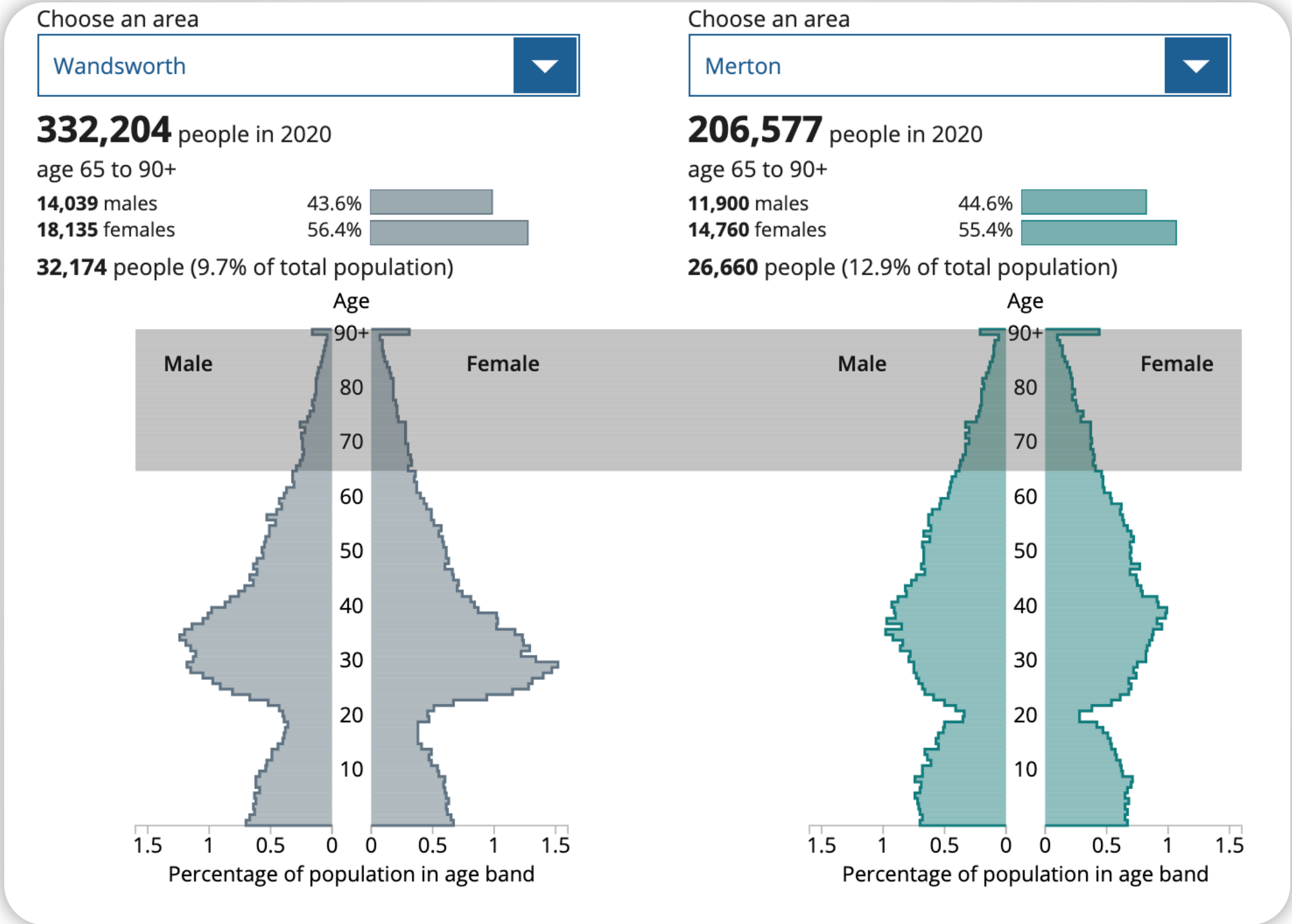
Optimal Ageing in Merton

Jen Kaye & Dr Phoebe
Wright
10th June 2021

Outline for this evening

1. The case for change
2. Optimal Ageing in Merton
3. Our focus:
 - Planning for end of life
 - Using digital technology for health
4. Q&A


The case for change





2020

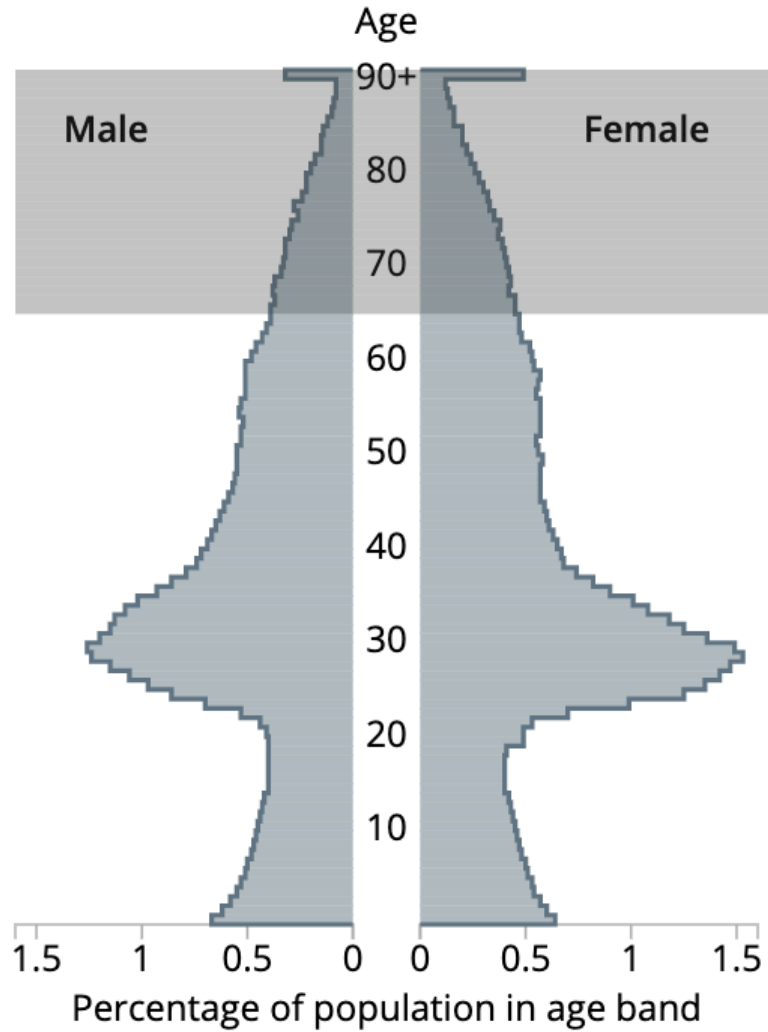
The case for change


Page 8



Choose an area
 

361,209 people in 2040
 age 65 to 90+
22,573 males 43.8% 
28,982 females 56.2% 

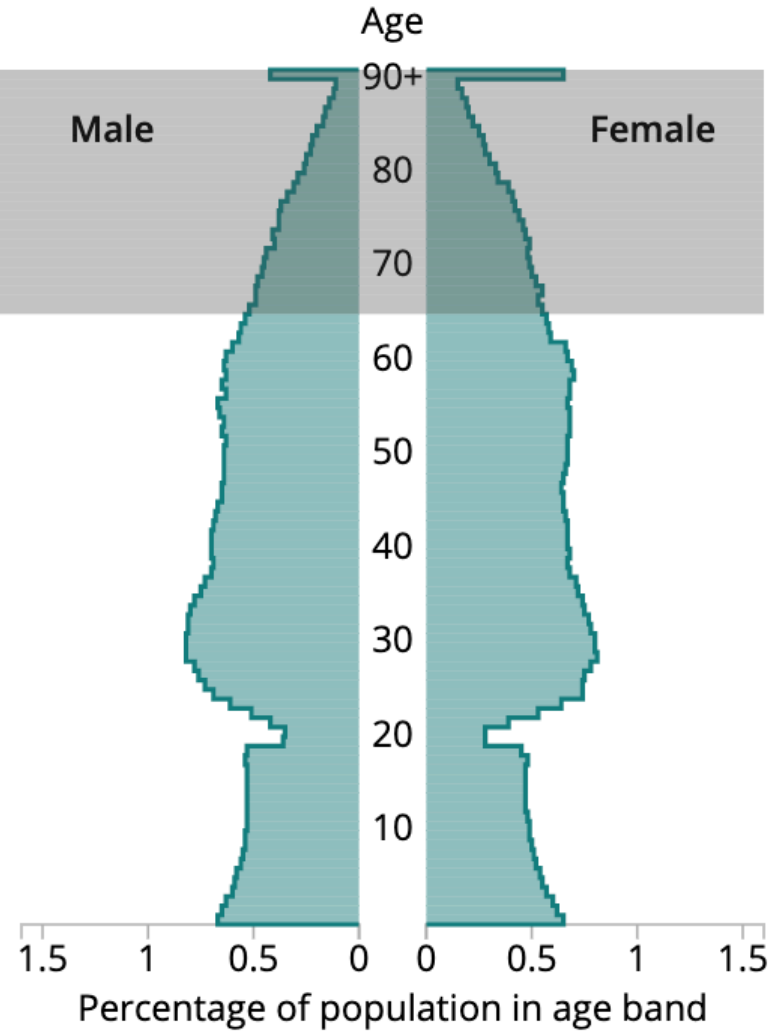
51,555 people (14.3% of total population)



Choose an area
 

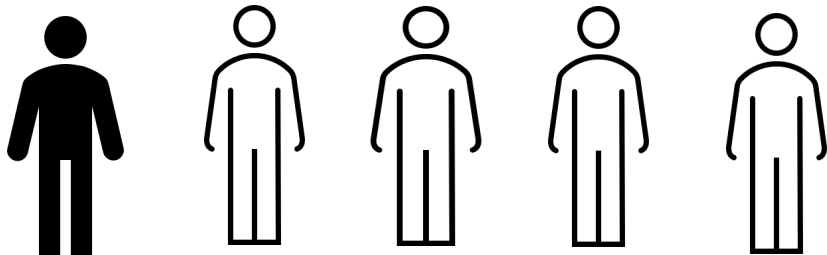
211,500 people in 2040
 age 65 to 90+
17,950 males 45.7% 
21,291 females 54.3% 

39,241 people (18.6% of total population)

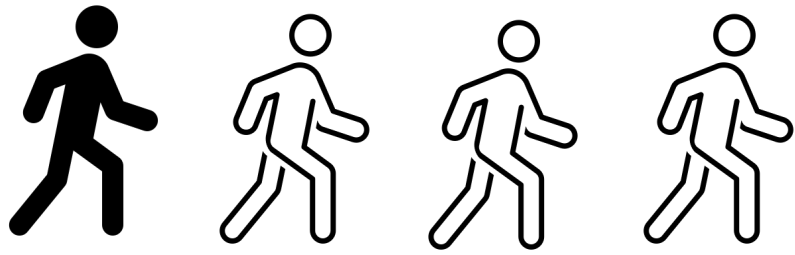


2040

The case for change



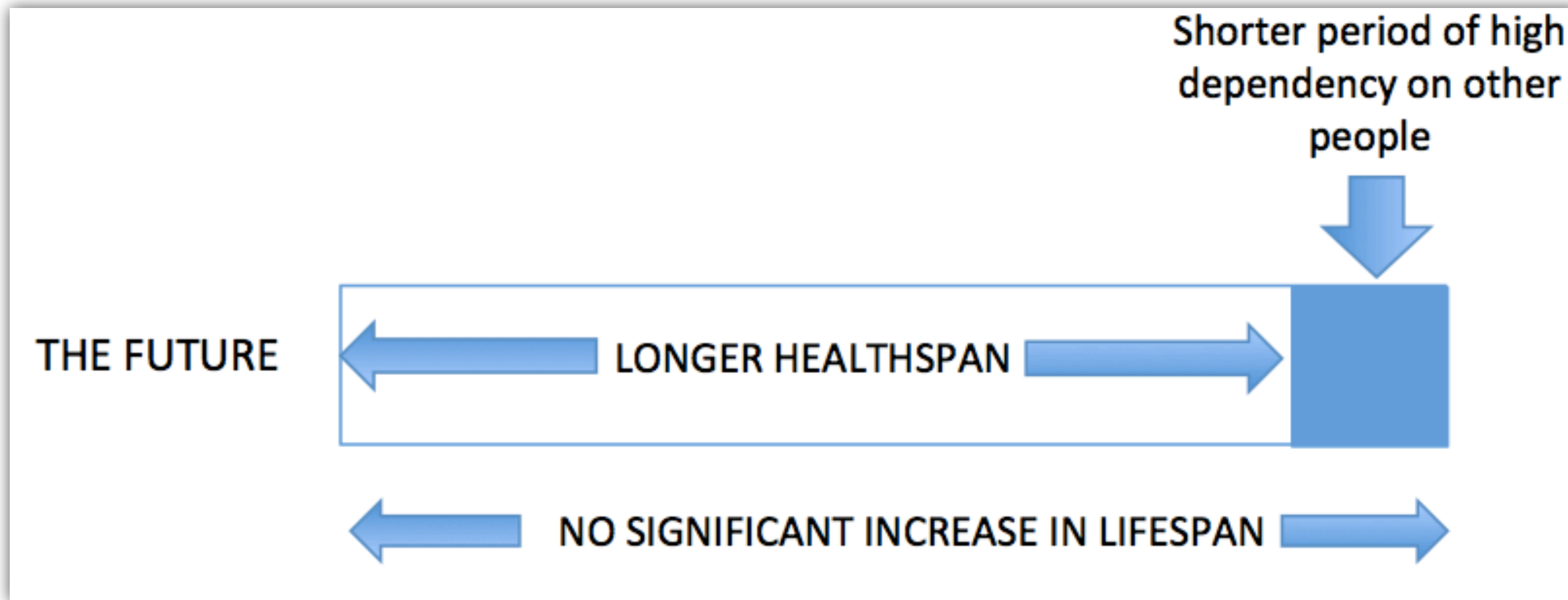
Post covid: 1 in 5 feel less steady on their feet



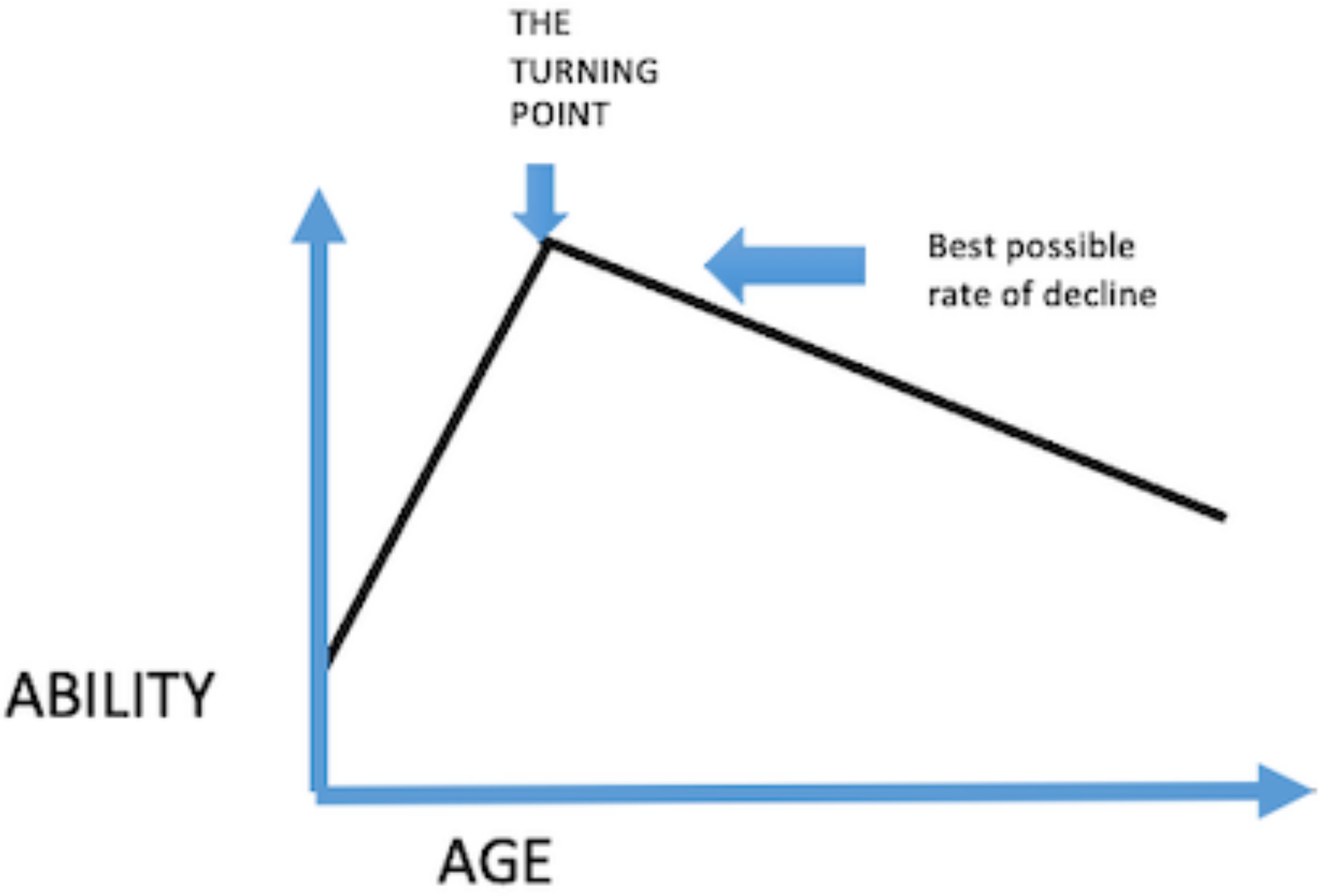
Post covid: 1 in 4 are unable to walk as far as before

AGE UK (2020)

The case for change



The case for change



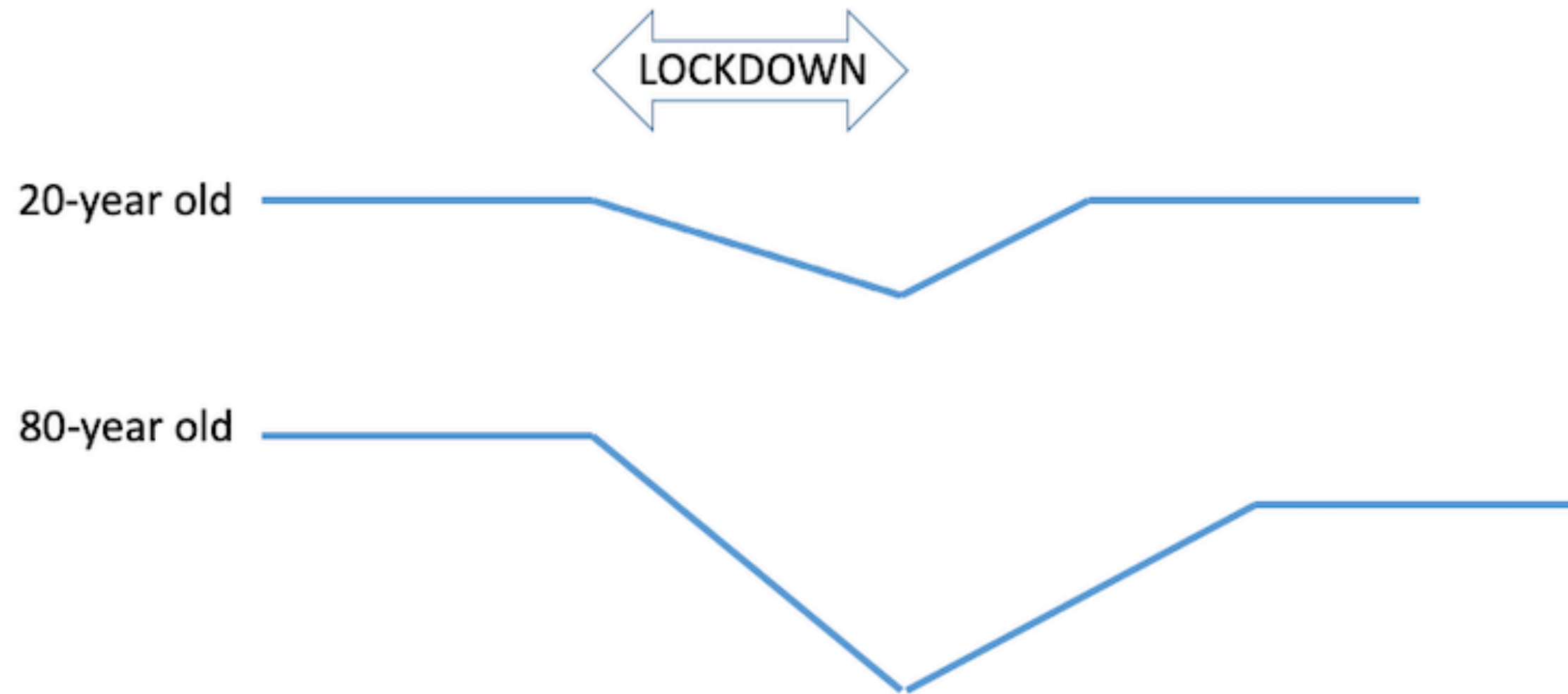
The case for change

Ageing is not a cause of major problems till the 90s.

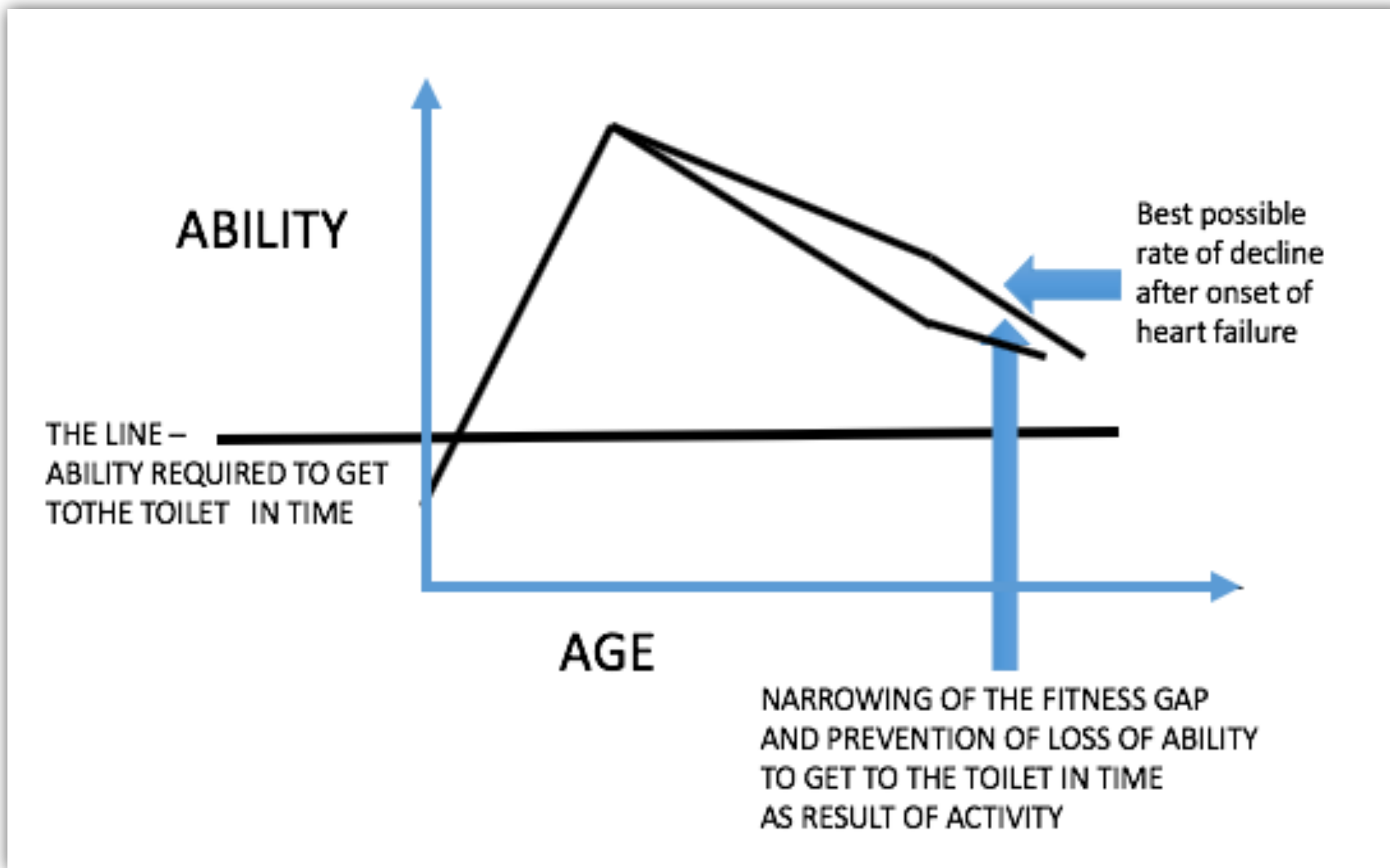
But it does affect maximum ability and resilience



The case for change



The case for change



Optimal Ageing in Merton

Population health approach to helping
older population in Merton
Live Longer Better

Optimal Ageing
content

New digital platform
W:ISH

Live Longer Better
professional network



- ✓ Help older people 'live longer better'
- ✓ Empowering & self-management approach
- ✓ Change culture around ageing
- ✓ Compress period of disability / dependency
- ✓ Reduce their need for health & social care

Optimal Ageing in Merton: W:ISH – The Wellness Interactive Support Hub

Page 88

The screenshot displays the W:ISH website interface. At the top, there is a teal header with the W:ISH logo and the text "Wellness Interactive Support Hub". Below the header, there is a navigation bar with links for "About W:ISH", "About Digiatics", and "Contact". A user profile is visible, showing the email address "jenckaye@gmail.com" and a "Manage Profile" button. The main content area is divided into several sections: a "Patients login" section with a "Login" button, a "Welcome to W:ISH" message, and a video player showing a healthcare professional. On the right side, there is a "Feed" section with a "News Feed" link and a post from W:ISH dated "1 hour ago - 1 June 2021". The post content includes text about a benchmark or baseline of health and a challenge to stand up and sit down.

nhswish.com

Optimal Ageing in Merton: W:ISH – The Wellness Interactive Support Hub

LIVE LONGER BETTER

11 weeks ago - 5 March 2021

LLB 2- Improving Physical Fitness.mp4



Muir Gray
PHYSICIAN

Manage

Social

News Feed

Surveys

Wellness Record



10 Today
10 weeks ago - 15 March 2021

10 Today is a set of fun 10-minute, audio and video workouts intended to easily fit into your day to help get you stretching and moving at home.

It has been designed by and for older people to keep you physically active, boost your wellbeing, and help maintain your mobility and balance.

Each routine provides engaging and easy to follow exercises that are a great way of staying active within your own home. They can be done at any time, whether standing up or sitting down, and are adaptable to different fitness levels.

Like 0 | Comments 0

physical

Confidence & belief in change

Why?

This is a good measure of how likely I am to choose behaviours that will keep me fit and well

How?

On a scale of 1 to 10, rate how much you believe in the following statement: "I have the power to become healthier, fitter and stronger."

Record Score



Pilot with Wandsworth & Merton Citizens

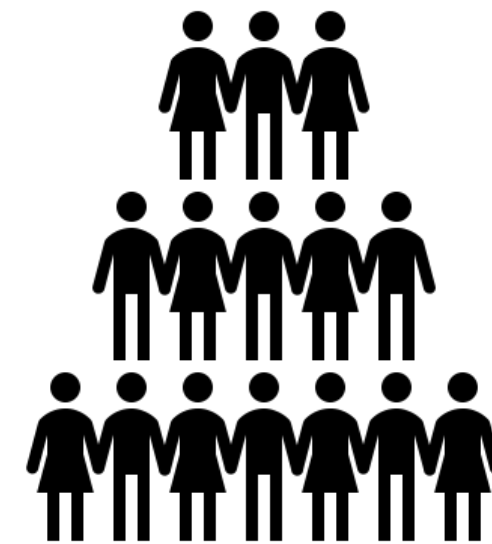
May 2021

Citizens > 65 from GP practices in Wandsworth & Merton

Aiming for 380 participants;
(currently 230!)

Rolling recruitment process over 2-month period

Feedback & evaluation by university team



Our focus: Planning for end of life

What matters most to you?

Our focus: Planning for end of life

What would matters most
to you if you only had weeks
to live?

Our focus: Planning for end of life

70% of people feel comfortable talking about death and dying
(Age UK)

8% of people with cancer have spoken to their healthcare team about death and dying
(Macmillan)

Our focus: Planning for end of life

Will

Funeral planning

Lasting Power of Attorney

Do not resuscitate

Advance decision to refuse treatment

Where you want to die

Our focus: Planning for end of life

Group discussion:

Q: How do you feel about planning for end of life?

Q: What would help?

Q: Who would you speak to?

Our focus: Planning for end of life

Interviewing people from
Merton to understand local
views on the topic – any
volunteers?

Our focus: Using digital technology for health

65-74 year olds:

75% use the internet almost every day

75+ year olds:

46% use the internet almost every day

42% do not use the internet

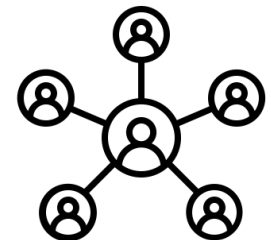
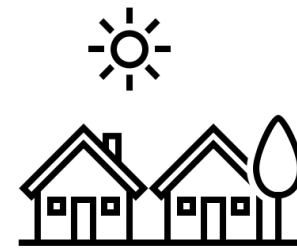
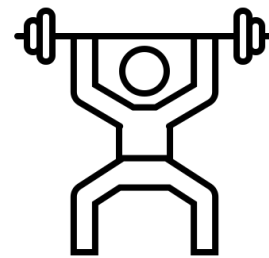
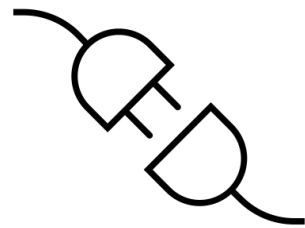
Only 15% want to use the internet more

(Age UK, 2021)



Our focus: Using digital technology for health

Page 28



Our focus: Using digital technology for health

Group discussion:

Q: How do you feel about using digital technology (e.g. websites & apps) to help you keep fit and healthy?

Q: What gets in the way?

Q: What helps?

Thank you

jennifer.kaye2@nhs.net
phoebewright@nhs.net

Join our biggest
ever conversation

merton.gov.uk/YourMerton



Page 297

Tell us where in Merton
is important to you



Your Merton

Engaging our community in
post-pandemic priorities

Minute Item 5



Outline

- What is Your Merton?
- Objectives & themes
- How we are engaging people
- Online engagement platform
- What can you do?

What is Your Merton?



- Our biggest-ever engagement with residents, with more opportunities to give us their views than ever before
- Aimed at everyone who lives, works, travels to or studies in the borough
- Delivered through multiple channels to ensure we can get views from as many people as possible

Objectives

1. Build a **detailed understanding of resident & community priorities in the wake of the Covid-19 pandemic** – including changes to their local service priorities around key issues such as transport, health & the environment
2. Seek views from **all parts of our community** – creating a comprehensive, professional engagement that provides genuine insight from residents, communities, service users & hard-to-reach groups
3. Provide an updated **set of insight** showing changes to previous perceptions & future priorities
4. Support the development of future **corporate plan for the borough**

Key themes

1. Places

What are the places our respondents love, and why? What places do they think need improvement, and how?

2. Day to day life

What are the things that impact your daily quality of life the most; what is life like in your community and what influences it?

3. The impact of the pandemic

How has the pandemic impacted your life, and what could be the impact of that on how you use local services & facilities?

4. Ambitions for the future

What are your hopes for the future of the area you live in?

How we are engaging people

1. 2021 Resident Survey (completed)

- 1,100 sample
- Conducted by telephone
- Demographically representative

2. Community group conversations & focus groups (live)

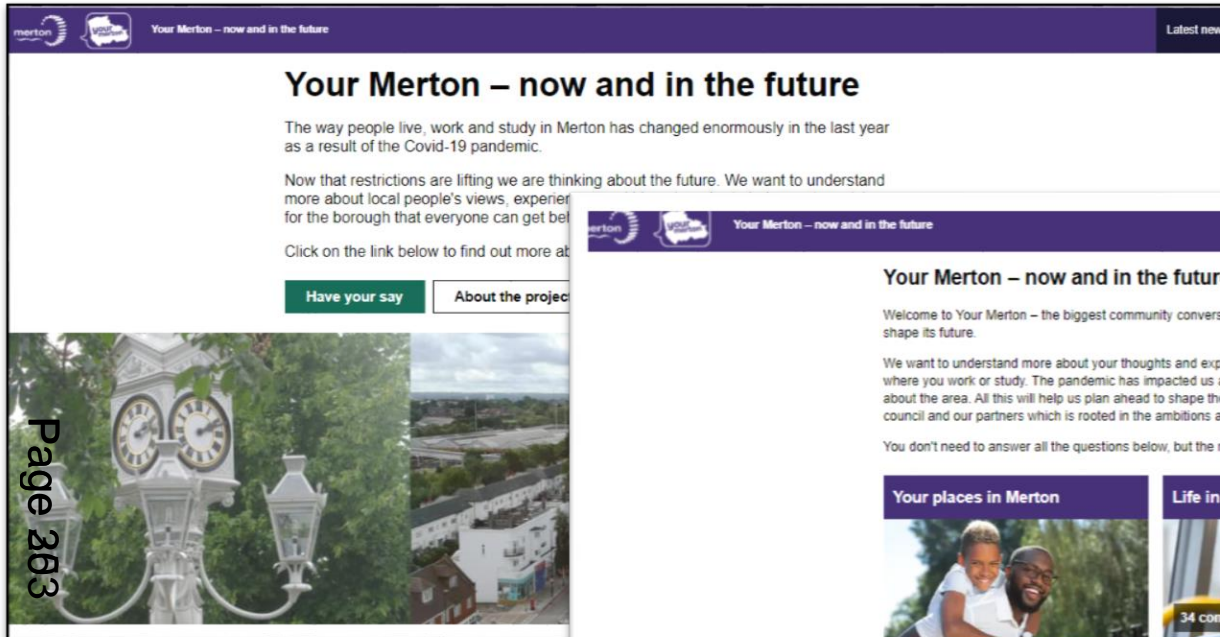
More than 30 focus groups with community partners

Facilitated conversations with young people, community partner groups, voluntary sector and others

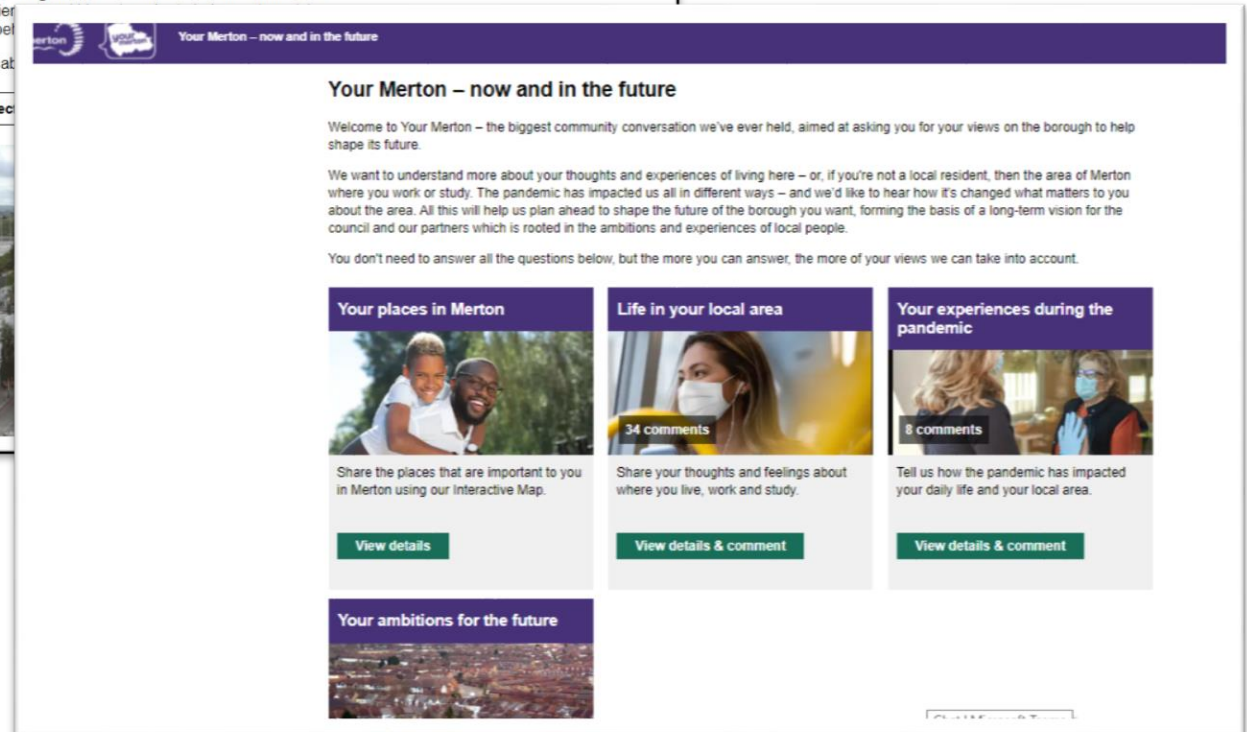
3. Your Merton website

- Launched on May 12, runs until July 7
- User-friendly, map-driven, themed around impact of the pandemic, future ambitions & views on the area
- Comments on places and services in the area

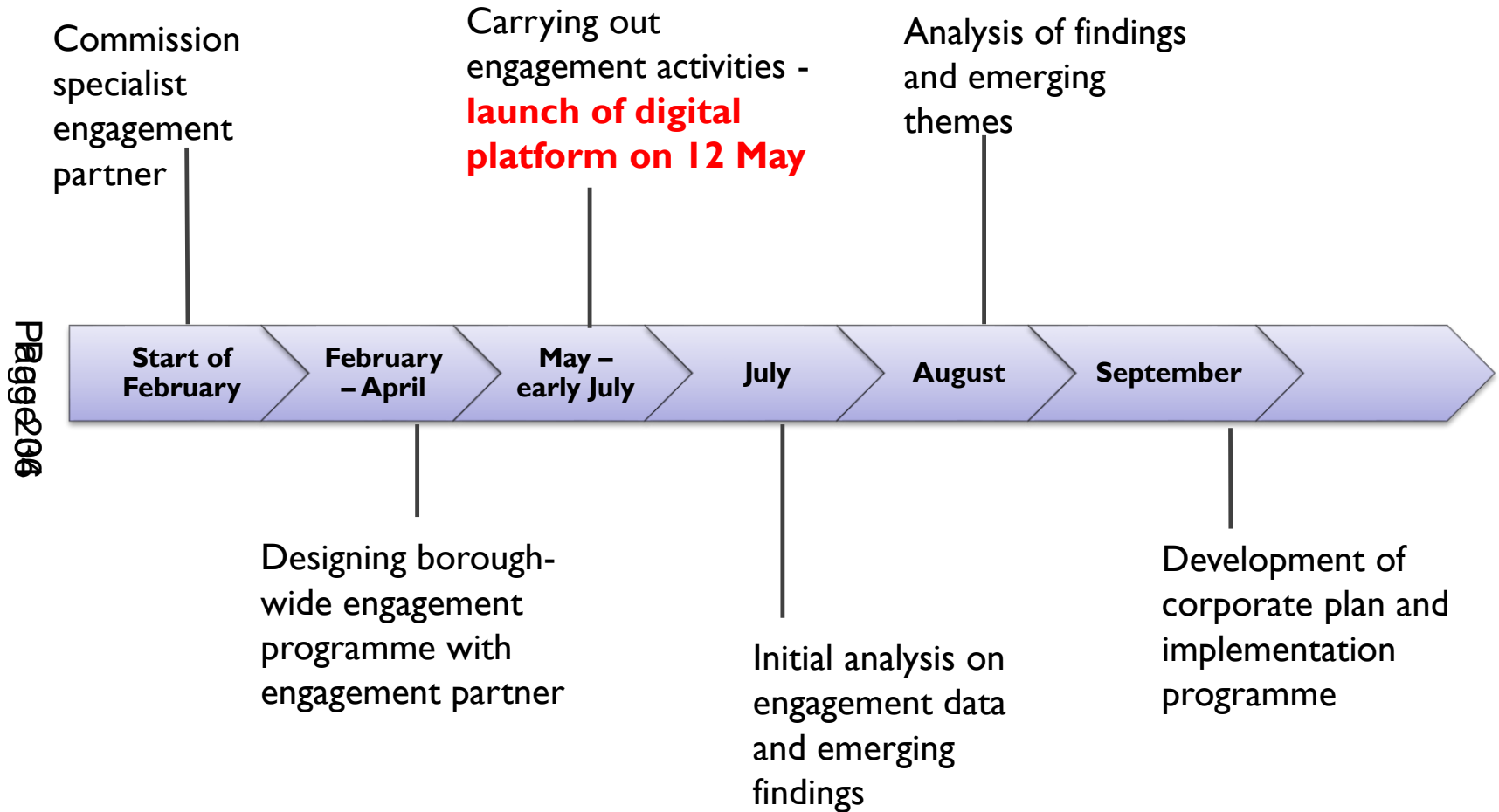
The Your Merton website



[Link: Visit the Your Merton website](#)



Timeline



What can you do?

- Visit www.merton.gov.uk/yourmerton
- Share with friends, family, networks
- If you would like any images or copy for newsletters please email getinvolved@merton.gov.uk

Any questions?

Page 208

Q & A



FRONT GARDEN FRIENDLY

Merton Garden Streets

Let's make Merton more bee-friendly!



LET'S TURN OUR STREETS GREEN!

From Mitcham to Morden to Merton Park, let's make our streets green



We want to help residents plant up their streets with bee-friendly flowers and shrubs: in front gardens, under street trees, in window boxes, hanging baskets and on top of bike/bin sheds.

Greener streets help reduce urban flooding, keep us cool in hot months, filter pollution, benefits wildlife and improves our wellbeing.

Everyone welcome -- no gardening experience or knowledge required.

To take part, find out if your street is registered via the web site and get in touch with your street coordinator (and get planting!). If it hasn't, register your street at the link on the right to become a street coordinator-- get a few neighbours to join in too.

We can provide some plants and compost to make the scheme accessible to all, but you are encouraged to provide your own.

Small prizes to be won in a number of creative categories.

FOR MORE INFORMATION:

Go to the website: www.frontgardenfriendly.uk/Mertongardenstreets

Register your Merton Garden Street [here](#)

Join our Facebook Group: **Merton Garden Streets**

Instagram: **MertonGardenStreets**

Twitter: **@ClimateMerton**

COMMUNITY PLANTING DAYS: 15th May 19th June 17th July

Kindly Sponsored By:



Thank you to B&Q Merton Store for their support



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COUNCIL MEETING – 7 JULY 2021 NOTICE OF MOTION

Lift the Ban coalition

Council notes:

(1) that in February [2020](#) Council passed a resolution to become a 'Borough of Sanctuary' and, also resolved to "challenge anti-refugee and anti-migrant attitudes wherever they are found";

(2) The decision passed by Cabinet on 22 June [2021](#) for LB Merton to join the Lift the Ban Coalition;

3) That the Leader and Cabinet member were reluctant to bring a motion or joint motion to Council on this topic, or to discuss this issue with other Council groups or interested councillors.

Council believes that Members should be allowed an opportunity to debate this issue publicly, including challenging any anti-refugee and anti-migrant attitudes if they are to be found.

Council therefore resolves to:

1) Endorse the Cabinet decision to join the Lift the Ban Coalition; and,

2) Request the Leader of the Council and/or the relevant Cabinet Member to write to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

Cllr Hina Bokhari

Cllr Anthony Fairclough

Cllr Jenifer Gould

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**Full Council – Wednesday 7th July 2021
Labour Group Motion
Commonwealth and Nepalese Veterans support**

Council notes, with pride, the many Merton residents whose families have served in our armed forces, and welcomes the borough's support for them at Armed Forces Day on 26 June 2021; recognises the incredible service of men and women from the Commonwealth and Nepal who have served and do serve in the UK Armed Forces, and also notes the unconscionable way so many of them and their families are being treated.

This council agrees with veterans who believe their right to stay in the UK should be awarded automatically on account of their service and notes that the recent government public consultation was insufficient in scope; with the only proposal being to offer a visa fee waiver after 12 years' service – an unduly high threshold that will alleviate costs for only a fraction of service personnel.

This council believes that only meaningful reform will deliver justice, and that means introducing a free and equitable route to citizenship that incorporates families, and – as we as nation do not know how many have been affected by this injustice – believe that the government should establish a dedicated unit to assist veterans, similar to the Windrush Taskforce.

Council calls upon the Leader of the council to write to the Prime Minister, The Minister of State for Immigration, The Parliamentary Under-Secretary of State for Defence People and Veterans, and our two local MPs, outlining this council's support for Commonwealth and Nepalese veterans, and asking them to press for a change in the legislation that affects those that have served our country so honourably.

Cllr Dennis Pearce Cllr Helena Dollimore Cllr Owen Pritchard Cllr Marsie Skeete

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Committee: Council

Date: 7th July 2021

Agenda item:

Wards: All

Subject: Appointment to the post of Chief Executive

Lead officer: Liz Hammond, Interim Head of Human Resources

Lead member: Chair of Appointments Committee and Leader of the Council

Key decision reference number:

Recommendations:

A To confirm the appointment of Hannah Doody recommended candidate to the post of Chief Executive, as the Council's Head of Paid Service with effect from 8th July 2021.

1. Purpose of report and executive summary

1.1 The purpose of this report is to confirm the appointment of Hannah Doody to the post of Chief Executive.

2. Details

2.1 The Appointments Committee have previously ratified the recruitment process to the post of Chief Executive at a meeting held on 21st January 2021.

2.2 The recruitment campaign was handled by Penna who have a good track record of recruitment to similar roles in other London Boroughs. They also advised about the salary for the role.

2.3 Long list assessments were conducted by Julie Towers (Managing Director, Penna) and Ben Cox (Associate Director, Penna). Of the thirteen applications received, seven candidates were long listed who then had a preliminary technical interview with Ben Cox (Director, Penna) and Carolyn Downs (Technical assessor and Chief Executive at Brent Council). They produced detailed reports on the candidates and three of the seven candidates were recommended for short listing.

2.4 The short listed candidates completed psychometric assessments that tested intellectual ability, personality and motivation.

2.5 From a diversity perspective, of the thirteen applications received, 54% were of a white background and 47% BAME. Of the seven longlisted candidates, 74% were of a white background and 26% BAME. Of the three shortlisted candidates, 67% were of a white background with 33% BAME.

2.6 On 19th April one of the shortlisted candidates withdrew from the process for personal reasons, leaving two candidates for interview.

2.7 On 26th April the two candidates met key external stakeholders from a range of partner organisations and an internal staff group which were followed by a formal

interview with the Appointments Sub Committee (Councillors Mark Allison, Eleanor Stringer, Nick McLean, Anthony Fairclough and Marsie Skeete), which included a pre-prepared presentation.

- 2.8 Hannah Doody, who currently holds the post of Director of Community & Housing at Merton Council was unanimously recommended to be appointable to the post.

3. Financial, resource and property implications

- 3.1 The costs of procuring the Chief Executive were c£25,000, including advertisements costs.

4. Legal and statutory implications

- 4.1 The appointment of the Head of Paid Service is a function which can only be discharged by Full Council.
- 4.2 This procedure for appointment is set out in the Employee Procedure Rules (part 4H) of the constitution. That process has been followed including the requirement to notify the proposed appointment to every member of the Cabinet. No objection has been received.

5. Human rights, equalities and community cohesion implications

- 5.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.
- 5.2 It is unlawful to discriminate on grounds of gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an **intention** to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment **methods** used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the **effect** is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.

6. Risk management and health and safety implications

- 6.1 None

7. Appendices – the following documents are to be published with this report and form part of the report

- 7.1 None

8. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 8.1 None

9. Contacts

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 - Tel: 020 8274 4901

10. Useful links

- 10.1 Merton Council's Web site: <http://www.merton.gov.uk>
- 10.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- 10.3 <http://www.merton.gov.uk/legal.htm>
- 10.4 This disclaimer also applies to any links provided here.

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Committee: Council

Date: 7th July 2021

Wards: All

Subject: Merton's Local Plan and Policies Map – submission to the Secretary of State

Lead officer: Director of Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Housing, Regeneration, and the Climate
Emergency Councillor Martin Whelton

Contact officer: Future Merton Strategic Policy Manager, Tara Butler

Recommendations:

That, following consideration by Cabinet and the Borough Plan Advisory Committee, Council resolve to:

- A. submit Merton's Local Plan and Policies Map to the Secretary of State for independent examination. This would be preceded by a statutory six-week consultation period between July and September 2021.
- B. Agree the timetable for production set out in section 5 of this report, which will amend Merton's Local Development Scheme.
- C. delegate authority to the Director of Environment and Regeneration, Chris Lee, in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency Councillor Martin Whelton for changes to the documents between 23rd June 2021 and the receipt of the Planning Inspector's final report:

-
- (i) to approve alterations to the plans for submission to the Secretary of State for independent examination and as necessary throughout the examination process arising from matters including responses to pre-submission public consultation, national or regional policy changes, additional relevant evidence and matters arising from the independent examination.
 - (ii) to consider and approve officers' response to comments received at the pre-submission public consultation, and associated alterations to the plans for their submission to the Planning Inspector via the Secretary of State.
-

NOTE FOR APPENDICES

For the purposes of the council meetings, the Local Plan is not fully formatted.

High quality formatting of the Local Plan, including final numbering and referencing, will take place after full council on 7th July 2021 using specialist software. By formatting the Local Plan after the committee cycle this means that amendments made at committee can be easily integrated into the Local Plan. Referencing will also take place at the same time as formatting.

The Local Plan and Policies Map is produced in PDF format for the purposes of Cabinet and Council meetings. If councillors would like to see a more detailed map of any part of the borough for the Policies Map, officers can produce close up maps on request.

To save on paper, for the purposes of the council meetings the Local Plan and Sustainability Appraisal will be available online and will be printed in paper copies on request to officers. Paper copies will also be available at the meeting venue.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Merton's *Local Plan* is the detailed development plan for Merton, containing the overall borough-wide planning strategy and detailed planning policies and allocates sites for new development.
- 1.2. Merton's Policies Map is being revised at the same time, which will designate land for specific uses, such as open spaces, town centre boundaries, neighbourhood parades and nature conservation.
- 1.3. Once adopted, the plans and the map will be the main reference point guiding planning decisions in the borough, replacing Merton's *Sites and Policies Plan 2014* and Merton's *Core Planning Strategy 2011*.
- 1.4. The new Local Plan was started in late 2017; it has been prepared in line with statutory regulations, informed and improved by a total of nine months of public consultation, local and national research and the latest data from a variety of sources. The plans are in general conformity with the Mayor's London Plan 2021 and the National Planning Policies Framework 2019.
- 1.5. This report recommends that Cabinet recommends that council resolves to
 - submit the *Local Plan* and Policies Map to the Secretary of State for an examination in public by an independent Planning Inspector. This is preceded by pre-submission public consultation.
 - Agree the timetable for production set out in Section 5 of this report, which will amend Merton's Local Development Scheme.
 - delegate amendments to the documents that arise between 23rd June 2021 and the receipt of the Planning Inspector's final report to the Director of Environment and Regeneration, Chris Lee, in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency, Councillor Martin Whelton.
- 1.6. On 22nd June 2021, Merton's Cabinet resolved the recommendations in this report. The Borough Plan Advisory Committee considered this report at their meeting on 1st July 2021. As this is after the despatch for full council, the Borough Plan Advisory Committee's recommendations will be reported separately to full council.
- 1.7. Councillors at Cabinet on 22nd June 2021 received an appendix containing a version of the Local Plan including an error relating to the planning policy on building heights in Colliers Wood. In March 2021 Merton's Borough Plan Advisory Committee and the Cabinet Member for Housing, Regeneration and the Climate Emergency resolved to recommend that the wording relating to building height in Colliers Wood be amended to clarify that the existing Britannia Point should remain the pinnacle building in terms of height. This amendment was made by officers but unfortunately, due to officer oversight, Cabinet were sent a version of the Local Plan with incorrect wording. This has been corrected for the Borough Plan Advisory Committee and Council; appendix 1 to this report contains the correct wording

which is incorporated in Chapter 3 – policy N.3.1 “Colliers Wood” and referred to in relevant Colliers Wood site allocations “*Colliers Wood town centre may be an appropriate location to accommodate higher density development including tall buildings. Britannia Point should remain the pinnacle building in the centre in terms of height. This can then form the basis for a coherent group of buildings that relate well to each other in terms of scale, massing, form and architecture. New buildings must be designed, orientated and laid out within the site and within the context of nearby buildings and structures to mitigate the potential for uncomfortable wind conditions at ground level, which would particularly affect pedestrians and cyclists*”. Officers would like to apologise for the mistake in the wording sent to Cabinet.

2 DETAILS

- 2.1. Every borough should have an up-to-date development plan to guide planning decision in their area. Currently (May 2021) Merton’s statutory development plan is:
- The Mayor’s London Plan 2021
 - Merton’s Estates Local Plan 2018 (only for Eastfields, High Path and Ravensbury)
 - Merton’s Sites and Policies Plan 2014
 - The South London Waste Plan 2012 (currently being revised and only for planning applications for waste management facilities)
 - Merton’s Core Planning Strategy 2011
- 2.2. It is important that Merton has a Development Plan that is based on the most-up-to-date research for the borough, the most recent consultation feedback and is in conformity with the National Planning Policy Framework 2019 and the Mayor’s London Plan 2021.
- 2.3. Without up-to-date planning policies, the NPPF and other material considerations can be used to guide local planning decisions, rather than adopted local council policy. This means that local issues may not be able to be adequately considered in decision-making, especially at planning appeals.

Summary of overall strategy

- 2.4. The overall strategy and many of the amendments to it has arisen out of community consultation feedback, local Merton evidence and national / London-wide planning policies. The objectives have been reordered following consultation feedback.
- 2.5. Tackling the causes of climate change and its effects – Merton has adopted a Climate Change Strategy and Action Plan in 2020. The Local Plan has made tackling the causes of climate change and managing its effects one of the key strategic priorities and it is now embedded throughout the plan. This was strongly supported by responses at public consultation early in 2021 from all across the borough.
- 2.6. Recovery and resilience following Covid19 – the pandemic is changing the way we live our lives: where and how we want to work, shop, socialise, live and travel. It has also had a devastating effect on local businesses and jobs, and has rapidly accelerated changes to our high streets that had already started pre 2020. Together with other council strategies, projects and investments, the Local Plan is supportive of measures to embed recovery and improve the borough’s resilience.
- 2.7. Places for people – this objective ensures Merton can meet its needs for new homes, including affordable homes, of the types and sizes for different households

is a key part of Merton's Local Plan. This will be coupled by working with the voluntary sector, businesses, the NHS, Met Police, Transport for London and other partners to deliver social and community services, both by providing new infrastructure and repurposing under-used spaces. Other council strategies and projects – such as the emerging Housing Strategy and the Neighbourhood Fund for community infrastructure levy – contribute to this objective.

- 2.8. Good growth – the council wants to create the conditions for growth that helps with economic recovery and one of the Local Plan's objectives is ensuring it takes place in the most appropriate and sustainable locations. The council also wants to guide the benefits of this growth to meet the needs of Merton's communities and enhances the borough's unique character and appearance, thus achieving positive social, environmental and quality of life objectives as well.
- 2.9. Place plans and the 20-minute neighbourhood – promoting healthy streets through boosting local businesses and high streets, reducing pollution and supporting walking and cycling will all help to create a local neighbourhood where residents can access the services they need within 20 minutes of their home. The new Local Plan will draw these considerations into planning decisions.

New planning policies

- 2.10. The *Local Plan* contains new planning policies including
- policies to support delivering the boroughs' commitment to net zero carbon by 2050, including on smaller sites
 - detailed policies to guide planning applications for new homes, particularly affordable homes and associated infrastructure such as schools, crèches and other community facilities. This includes re-introducing the requirement to collect contributions towards affordable homes from smaller developments as well as large ones
 - policies to encourage walking and cycling, to manage parking and to consider the transport impacts of new development;
 - policies to protect open spaces, nature conservation areas and trees;
 - Policies to support our high streets, town centres and other business areas, including considering
 - policies to enshrine the importance of design considerations in new development, including high quality urban design, managing heritage assets and a specific approach to inform planning applications for tall buildings and basements;
 - policies to help mitigate flood risk, pollution and to improve the energy efficiency of new buildings, including seeking to retain and use additional funding from development to improve local community buildings.

Allocating sites to accommodate growth

- 2.11. The Local Plan allocates sites for new development. Every borough does this about every 10 years. It assists greatly with knowing where development might happen over the following 10 years, helping councils, their public sector partners, businesses and others recognise in advance where new homes and business opportunities might be, and plan for their investment as necessary.
- 2.12. In 2018 sites in the plan were proposed by a wide variety of organisations including private sector landowners, local residents, the council, the NHS, Transport for

London and local community groups. Since then, officers have investigated each of these sites, undertaken the necessary research including three rounds of public consultation totalling nine months to help inform potential development scenarios.

Designating land for specific uses

- 2.13. The council has undertaken a very extensive review of the whole of the borough's area – regardless of ownership - to identify where specific land use designations should apply and to record these on a map, known as the Policies Map. Once adopted, the Policies Map 2021 will replace Merton's Policies Map 2014, illustrating where specific planning policies apply in the borough, for example where open space is protected in Merton, where are the boundaries of Merton's town centres, what parts of Merton are nature reserves and where industrial areas are.
- 2.14. These designations include:
- Town centre boundaries and industrial areas
 - Metropolitan open land and other open spaces
 - Cycling and walking routes
 - Sites of Importance for Nature Conservation
 - Designations relating to the historic landscape including conservation area boundaries, archaeological priority zones and ancient monuments.
- 2.15. We would like to thank all the consultation responses we have received from individual residents, community groups and other Merton organisations on the policies map. Local people have a forensic and in-depth knowledge of their local area and it is thanks to them taking the time to engage with and improve the Local Plan, for example in mapping the specific boundaries of individual open spaces or defining borough wide cycling routes.

Delegated powers

- 2.16. To ensure that the *Local Plan* and Policies Map can be delivered efficiently and effectively between pre-submission publication (July 2021), through the public examination to the receipt of the Inspector's final report, officers are seeking delegated powers in consultation with Members to make changes needed to the document.
- 2.17. Guidance is clear that the council should consider the plans sound once it has decided to publish them in advance of submitting them to the Secretary of State. However, it is recognised that during the next five months, changes to the plans may be required, for example to update facts, improve clarity, usability and formatting, and to fix errors.
- 2.18. Government has introduced some significant changes to the planning system, including the expansion of what can be built without the need for planning permission (i.e. via permitted development rights or "prior approval"). More amendments to planning matters are proposed, including a Planning Bill and a new NPPF 2021. Government is also due to announce new building regulations, which may have a bearing on planning policies. Factual updates may be necessary to ensure that Merton's *Local Plan* and Policies Map remain up to date during the six-month examination period.

- 2.19. It is recommended that the Council agree that authority be delegated to the Director for Environment and Regeneration, in consultation with the Cabinet Member for Environmental Sustainability and Regeneration to approve these alterations.

3 ALTERNATIVE OPTIONS

- 3.1. The main alternative option is not to submit the plans to the Secretary of State. This is not recommended for the following reasons:
- 3.2. An up-to-date plan prepared using local evidence and guided by community consultation, is the most appropriate guide for local planning decisions. Merton's Core Planning Strategy is 10 years old and some of the information it relies on is more than 20 years old (e.g. Census 2001). The older the plan, the easier it is to challenge whether or not the all of the policies it contains conform to the National Planning Policy Framework. The NPPF states that, in the case of out of date local planning policies, the NPPF can be used as a material consideration to guide planning decisions in the borough instead of the local plan. This takes decision-making away from what is important locally.
- 3.3. The *Local Plan and Policies Map* makes the most effective use of up-to-date available evidence. Evidence that is more than 3 years old is considered out of date and is more easily subject to challenge by those objecting to the plan, either at examination or for planning applications.
- 3.4. Merton had prepared a wealth of evidence to support Merton's Local Plan, including a green infrastructure study 2020, a playing pitch strategy 2019, an indoor sports facility study 2020 a local plan viability study 2020, a housing delivery study 2021 and a strategic flood risk assessment 2020. <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan-research> In total, preparation of evidence to support these plans, including community consultation, cost close to £750,000.
- 3.5. Not progressing with the plan at this time may mean revising this evidence, incurring significant additional costs.
- 3.6. In considering this issue, officers have also considered whether or not to pause work on Merton's emerging Local Plan in the light of government's proposed changes to the planning system and plan-making; officers are not currently recommending this approach. The reasoning for this is set out in more detail in Section 10 "risk ,management and health and safety implications" of this report.
- 3.7. Another alternative option is not to recommend delegating decisions to the Director in consultation with Members during the examination process and instead to require amendments to be considered via the councillor committee process. This approach is not recommended due to the significant amount of time it would add to the examination process, the committee cycle taking at least six weeks.
- 3.8. Once the plan has been submitted to the Secretary of State, the Planning Inspector manages the timetable for at least the next 12 weeks before, during and after the examination hearings. To ensure that Merton can respond to the Inspector's requests in an efficient and timely manner, it is recommended that decisions are delegated to the Director in consultation with Members. The Planning Inspector's fees are approximately £1,000 per day for each day of the hearing so this approach will also help to save resources.
- 3.9. There are also alternative options around amending or removing one or more of the policies, sites or land designations from within the plan.

4 CONSULTATION UNDERTAKEN OR PROPOSED

Consultation undertaken

- 4.1. Plan preparation started in 2017. Community feedback is vital to preparing a local plan and three different stages of public consultation have been carried out, totalling over nine months of engagement:
- 4.2. **A “call for sites” Stage 1 public consultation** took place between October 2017 and January 2018. This was the first stage, asking general questions about what sites or what policies the Local Plan might contain. Over 1,000 responses were received; far more than previous Local Plan consultations.
- 4.3. **A Stage 2 draft Local Plan public consultation** took place between October 2018 and January 2019. It contained draft policies, potential sites for allocation and land designations (e.g. town centre boundaries) Approximately 240 respondents raised over 1,500 separate points. The feedback we received was reported to Merton’s Borough Plan Advisory Committee in March 2019 (see link to report: <https://democracy.merton.gov.uk/documents/s26977/04%20BPAC%20Local%20Plan%20and%20FW%20masterplan%20summary%20of%20consultation%20responses%20Mar2019.pdf>)
- 4.4. All responses received to each stage of the consultation are also available online (with personal details removed) www.merton.gov.uk/newlocalplan
- 4.5. **A Stage 2a draft Local Plan public consultation** took place between 13th November 2020 to 1st February 2021. As set out in the report to the Borough Plan Advisory Committee in October 2020, Merton’s Local Plan stage2a public consultation was conducted entirely online due to Covid19 restrictions. In line with the Coronavirus Planning Regulations, Merton’s Statement of Community Involvement was amended to reflect this.
- 4.6. Although the consultation finished on 1st February 2021, the council continued to accept responses after the consultation date in recognition of the difficult situation people are going through with Covid19 and that the sustainability appraisal document was not visible without password protection online until 4th January 2021 due to an IT issue.
- 4.7. All of the consultation responses have been considered and the plan has been amended accordingly at each stage. The plan is accompanied by a Statement of Consultation, setting out what people and organisations told us about the plans, and what actions have taken place as a result of their comments.
- 4.8. During the course of the plan’s preparation, officers have proactively engaged with community groups, other infrastructure providers, businesses and their representatives, landowners and developers, and councillors representing most of the borough’s wards.
- 4.9. If the plan is resolved by councillors for submission to the Secretary of State, then it will be published for six weeks between July 2021 and September 2021 for local communities, businesses, landowners and any other interested parties to comment on the final plan. These comments, together with the final plan and associated supporting documents, would be submitted to the Secretary of State and be examined in a public hearing by an independent planning inspector.

5 TIMETABLE

Next steps

- 5.1. In July 2019 Merton’s Cabinet resolved to amend the timetable for producing a Local Plan (known as Merton’s Local Development Scheme)

- 5.2. As set out in Merton's Local Development Scheme 2019-22 the proposed timetable for the production of the Local Plan is:
- 1st February 2021 – Stage 2a consultation finishes, consider comments
 - Spring 2021 – pre-submission publication
 - Summer (Quarter 3) 2021 – submission to the Secretary of State for independent examination
 - Winter (Quarter 4) 2021 – adoption
- 5.3. This report proposes a minor amendment to Merton's Local Development Scheme to have the following timetable:
- 1st February 2021 – Stage 2a consultation finishes, consider comments
 - *Summer 2021 (to start between July and September for six weeks)* – pre-submission publication
 - *Autumn* (Quarter 3) 2021 – submission to the Secretary of State for independent examination
 - Winter (Quarter 4) 2021-22 – adoption (*this date will be governed by the Planning Inspectorate and the length of the examination*)
- 5.4. The minor amendment to the timetable takes account committee cycles.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The financial resources for preparing the Local Plan have been from within existing resources, supplemented by successful bids to external resources such as the Mayor of London's Homebuilding Capacity Fund.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 have both informed the statutory procedure to be followed before a Local Plan is submitted to the Secretary of State for independent examination. The Local Plan has been prepared in conformity with both sets of regulations as and when they applied.
- 7.2. Failure to adhere to the statutory procedure or a lack of robust evidence to support the plan may result in legal proceedings to challenge the validity of the plan.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An Equalities Impact Assessment has been prepared in conjunction with Merton's Local Plan.
- 8.2. The plans have also been informed by an ongoing Strategic Environmental Assessment and Sustainability Appraisal, prepared in parallel with each stage of

the plan and used to ensure that the plans deliver social, economic and environmental benefits equally. Some of the objectives that the plans have been appraised against relate to improving community cohesion.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The Met Police have been engaged in all stages of the preparation of Merton's Local Plan, and have made representations on several issues.
- 9.2. The Sustainability Appraisal, prepared in parallel with each stage of the plan to ensure that the plans deliver social, economic and environmental benefits assesses the plans against objectives to reduce crime and the fear of crime.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are several risks to the Local Plan project and a risk log is kept and regularly updated to help manage risks.
- 10.2. **Decision-making on related projects** – in June and July 2021 the council is considering a number of strategies and projects that help to deliver the policies within the Local Plan. These include supplementary planning documents (e.g. the Borough Character Study, Small sites toolkit, air quality guidance) or decisions that influence placemaking, resilience and the creation of new homes (e.g. Clarion Stock Transfer Agreement decision; Merton's Housing Strategy; Merton's Neighbourhood Fund). Decisions on each of these projects will influence the success and speed at which the Local Plan can be delivered.
- 10.3. **Risk on up to date Local Plan** - as set out in Section 3 of this report, there is a risk that planning decisions will be challenged where decision-makers are using a development plan that is more than 10 years old as the policy basis for planning decisions. There is also a risk that decision-makers in Merton will be expected to use the NPPF to guide detailed local planning decisions.
- 10.4. There is also a risk identified in not having an up-to-date Local Plan on the ability of the council to successfully bid for funding for new local infrastructure. If the new infrastructure is to be delivered through the planning system, the council's ability to successfully deliver this may be called into question if the plan it is using to determine planning applications is more than 10 years old.
- 10.5. On 19th January 2021, the Housing Minister made a written statement to the House of Commons to set out the importance of maintaining progress to get up to date local plans in place, reiterating government's deadline of December 2023 for this. It stated that is critical that work should continue to advance Local Plans through to adoption by December 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic.
- 10.6. **Risk (and opportunity) of new planning system** – government has consulted on a Planning White Paper, new draft National Planning Policy Framework and made it clear that they intend to introduce a new planning system during this parliament. Some of this requires primary legislation and may take some time to establish; the Queens Speech on 11th May 2021 announced a forthcoming Planning Bill.
- 10.7. Officers have considered whether to advise councillors to wait until the new planning system is established or continue to develop Merton's Local Plan. At the time of writing (June 2021) officers consider that work should continue on the pre-submission local plan. Considerations on this have been the considerable time and effort Merton's communities have taken in helping to shape the draft Local Plan; government's deadline of December 2023 for all authorities to have an up to date

local plan in place and the dates of some of Merton's current statutory planning documents and the resources used to support the draft local plan.

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

- Appendix 1: Merton's Local Plan and Policies Map - submission version
- Appendix 2: Merton's sustainability appraisal of Merton's Local Plan and policies map

To save paper, these documents are available online for everyone to view and will be printed for councillors on request by contacting the FutureMerton team on 020 8545 3837 or future.merton@merton.gov.uk

12 BACKGROUND PAPERS

- 12.1. Written Ministerial Statement January 2021 <https://questions-statements.parliament.uk/written-statements/detail/2021-01-19/hcws720>
- 12.2. Government letters to Chief Planning Officers <https://www.gov.uk/guidance/planning-guidance-letters-to-chief-planning-officers#section>
- 12.3. NPPF 2019 and 2021 draft <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 12.4. MHCLG Planning for the future 2020 <https://www.gov.uk/government/publications/planning-for-the-future>
- 12.5. Legislation relating to the preparation of Local Plans

Committee: Council

Date: 7th July 2021

Wards: Abbey, Colliers Wood, Dundonald, Hillside, Merton Park, Raynes Park, Trinity, Wimbledon Park, Village

Subject: PlanWimbledon's application to be a neighbourhood forum for their proposed neighbourhood area of Wimbledon.

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Housing, Regeneration and the Climate Emergency, Chris Lee

Contact officer: Deputy FutureMerton Manager, Tara Butler

Recommendations:

That, following consideration by Merton's Borough Plan Advisory Committee and Cabinet, council

- A. Notes the consultation responses to the publication of the PlanWimbledon neighbourhood area and forum applications.
- B. Refuses PlanWimbledon's application as a neighbourhood forum.
- C. Declines to determine PlanWimbledon's Neighbourhood Area application because, following the refusal of the neighbourhood forum application, there would be no organisation that is capable of being designated as a neighbourhood forum in relation to it.
- D. Encourages and supports further dialogue between PlanWimbledon and the business community towards resolving the issues identified in this report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. A community group called PlanWimbledon applied to be designated as a neighbourhood forum for their proposed neighbourhood area of Wimbledon.
- 1.2. Following Cabinet approval in March 2021, Merton Council carried out a 6-week public consultation between 12th April and 23rd May 2021 which is required under the neighbourhood planning legislation to inform decision-making on designating neighbourhood forums and areas.
- 1.3. Under the neighbourhood planning legislation, the council has 13 weeks from the day after the first date of the public consultation to make a decision whether or not to approve PlanWimbledon as the Neighbourhood Forum for their proposed neighbourhood area of Wimbledon and whether to approve the proposed neighbourhood area, otherwise their proposals have deemed consent. This date expires on 13th July 2021.
- 1.4. Over 1,300 responses were received to the consultation, with approx. 100 either anonymous or duplicates which could not be included. The representations available online: [PlanWimbledon Consultation Responses](#)

merton.gov.uk , are summarised within the body of this report, illustrated through graphs set out at Appendix 2 and also contained in Appendix 4 to this report. The majority of respondents (c90%) were from residents and supported PlanWimbledon's proposed area and forum. There were objections to the proposals including from:

- Merton Park: consultees either wanted the whole of Merton Park to be within the PlanWimbledon area or outside the area.
- Representatives of the business community, on the basis that the proposed area was too large, that businesses weren't adequately represented in PlanWimbledon, that there was already a plethora of existing planning rules and guidance and an additional layer of Neighbourhood Planning would not lead to greater certainty in decision-making, and that other neighbourhood forums may form for Wimbledon town centre in the next five years.

- 1.5. Officers have considered all aspects of the proposal including the public consultation responses and PlanWimbledon's application against the neighbourhood planning legislation and guidance. PlanWimbledon have also provided correspondence in June 2021 confirming an increase in their membership since the original application; their views on responses to the consultation and their representation of business interests.
- 1.6. Officers recommend that PlanWimbledon does not currently satisfy the criteria that must be taken into account by the council under Section 61F(7)(a) of the Town and Country Planning Act 1990, in that its membership is not considered to be drawn from all places in the specified area or all sections of the community in that area, and further its purpose does not reflect in general terms the character of the entirety of the area. Accordingly the Council is legally required to refuse the application for designation as a neighbourhood forum in relation to the specified area.
- 1.7. Officers considered whether the deficiency in the appropriateness of designating PlanWimbledon as the neighbourhood forum could be addressed through the council designating it as a neighbourhood forum for a smaller area or areas other than specified within its application, however officers felt that these options could not be recommended at the present time. This is set out in more detail in Section 3, "alternative options".
- 1.8. Accordingly officers recommend that the application for designation of PlanWimbledon as a neighbourhood forum is refused. The Court of Appeal has held that where a neighbourhood forum application has been rejected the authority can decline to determine an application by that forum to designate a neighbourhood area on the basis that there will be no organisation that is capable of being designated as a neighbourhood forum in relation to it. Officers recommend that the council declines to determine the application for designation of the specified area as a neighbourhood area on this basis.
- 1.9. As there will be no designated forum or area at this time, this will give the opportunity to PlanWimbledon and representatives of the business community to work together to resolve the issues set out in this report and will not act as a restriction to revised proposals for designation coming

forward. Officers will work constructively and positively with all parties to this end.

- 1.10. At their meeting on 22nd June 2021, Merton's Cabinet considered and resolved the above recommendations to this report. The Borough Plan Advisory Committee considered this report at their meeting on 1st July 2021; as this is after the agenda despatch of this report for full council, the Borough Plan Advisory Committee's recommendations will be reported to full council separately.
- 1.11. This report is structured as follows:
 - Purpose of the report and executive summary
 - Introduction to the application
 - Public consultation
 - Analysis of the neighbourhood forum application
 - Analysis of the neighbourhood area application
 - Overall conclusions
 - Alternative options

2 INTRODUCTION TO THE APPLICATION

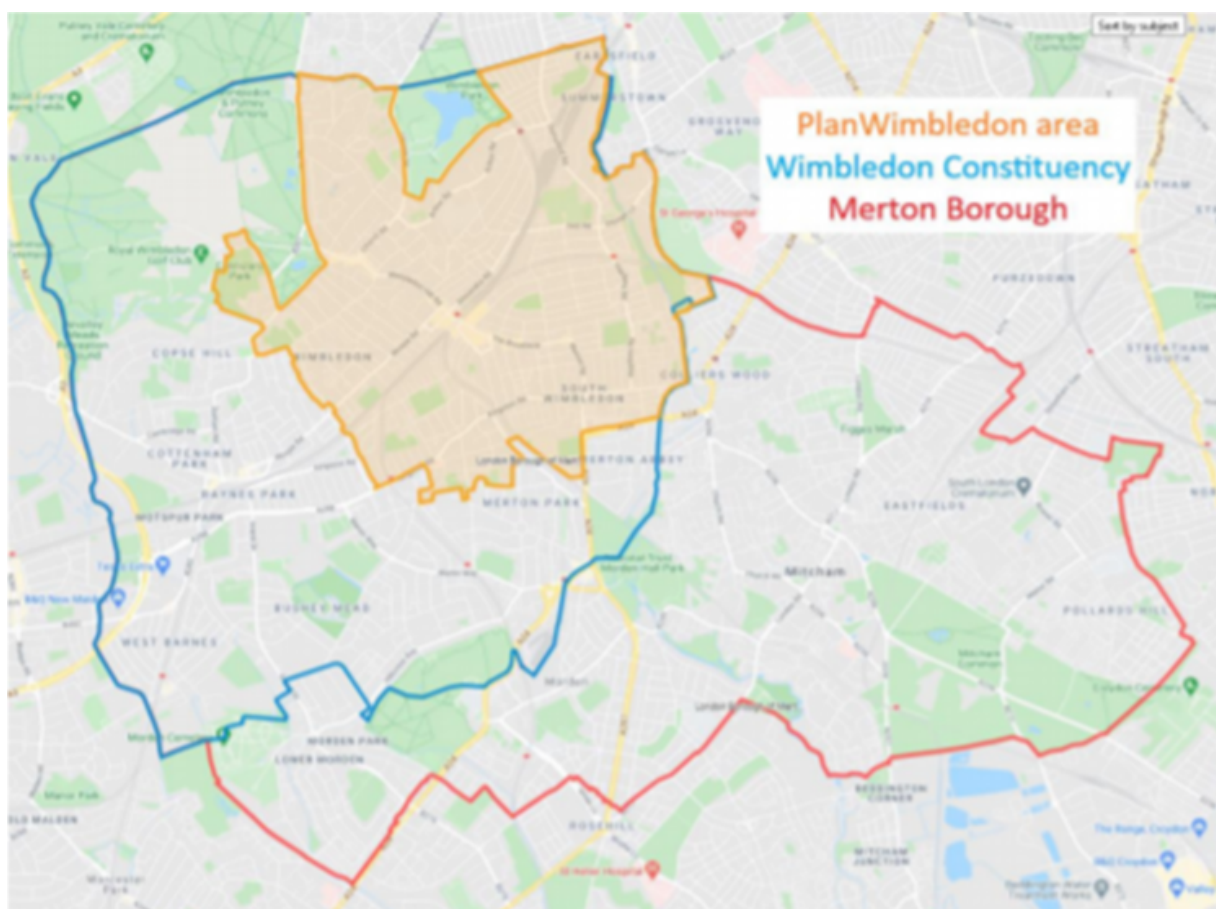
- 2.1. The Town and Country Planning Act 1990, as amended by the Localism Act 2011, and the Neighbourhood Planning Regulations 2012 set out the process by which an application can be made by a local grouping or organisation for designation as a neighbourhood forum and for the designation of a neighbourhood area.
- 2.2. The designation of a neighbourhood area and forum are the first steps in the process of neighbourhood plan preparation. A neighbourhood plan, if brought into force, would form part of the Council's development plan for the Borough. Councillors are not being asked to make any decisions on a neighbourhood plan as part of this report.
- 2.3. The council has two decisions to make:
 - On the application for a Neighbourhood Forum (i.e. the community group who would be allowed to make a neighbourhood plan) and
 - On the application for a Neighbourhood Area (i.e. the geographic boundary over which the forum would be 'authorised to act' and a new neighbourhood plan would apply).

PlanWimbledon's application

- 2.4. The community group which became PlanWimbledon started in 2017 and sought officer advice, firstly in 2018 about preparing a neighbourhood plan for the Wimbledon area.
- 2.5. Following ongoing engagement and advice from council officers to PlanWimbledon, on 19th February 2021 Merton Council received an

application from PlanWimbledon to become the Neighbourhood Forum for their proposed Neighbourhood Area of Wimbledon. The proposed Neighbourhood area lies entirely within the London borough of Merton but borders the London Borough of Wandsworth.

Map 1: PlanWimbledon's proposed neighbourhood area (section 8.3 of PlanWimbledon's application)



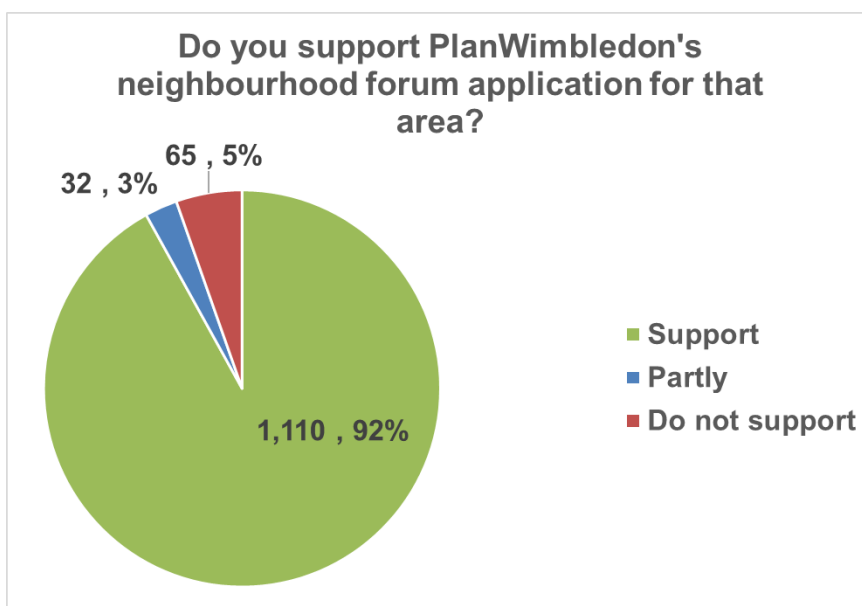
- 2.6. PlanWimbledon's application is available online here: https://www.merton.gov.uk/Documents/PlanWimbledon_Application_for_neighbourhood_forum_designation_April21.pdf and was one of the consultation documents for the public consultation.
- 2.7. Since PlanWimbledon's application was published in early April 2021, PlanWimbledon's membership has increased from around 300 in early April 2021 to over 600 as at 7th June 2021. PlanWimbledon's letter (dated 15th June 2021) confirming this is included as Appendix 6 to this report.

PUBLIC CONSULTATION

- 2.8. In line with the legislative requirements and following approval by Cabinet on 22nd March 2021, the council carried out public consultation which started on 12th April 2021 and finished on 23rd May 2021. It was publicised by the council by:
- 2.8.1 Hosting PlanWimbledon's application form, proposed neighbourhood area map and a summary of the consultation details on the council's website <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/neighbourhood-plans> which included a short online survey to help people to respond (Information is also available on PlanWimbledon's website: <https://planwimbledon.org/>)
 - 2.8.2 Contacting 798 contacts (residents' associations, community groups, landowners, business groups, individuals etc) who had subscribed to the the council's local plan consultation database. Officers considered restricting distribution to only contacts with a Wimbledon postcode but in the end contacted everyone on the consultation database as people or organisations without an SW19 postal address may work, study, avail of services or socialise within the proposed area.
 - 2.8.3 Contacting anyone who has subscribed to Merton Council's "get involved" consultation portal, alerting them to the consultation.
 - 2.8.4 Facilitating dialogue between PlanWimbledon and organisations referred to in PlanWimbledon's application form (e.g. the All England Lawn Tennis Club; AFC Wimbledon).
- 2.9. PlanWimbledon also promoted the consultation through their membership and channels and met with groups prior to and during the consultation period.
- 2.10. Details of the responses received are all available online here <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/neighbourhood-plans/planwimbledon-consultation-responses/> and are summarised in the body of this report and in Appendix 4 to this report.
- 2.11. Although the consultation ended on Sunday 23rd May 2021 at 11.59pm, 11 responses were received via the online survey after the consultation ended (i.e. on Monday 24th May between 12.05am and 9.49am before the online survey was taken down). Officers recommend that these 10 responses have been included in the consultation results.
- 2.12. 1,227 verifiable responses were received; 1,213 by SurveyMonkey and the remaining 12 by email. Approximately 108 responses were anonymous or duplicates and weren't counted. Consultees were advised on the council's website that anonymous responses couldn't be considered.
- 2.13. **Neighbourhood forum:** of the 1,227 verifiable responses, 1,110 (91%) supported PlanWimbledon to be the neighbourhood forum group, 32 responses partly supported PlanWimbledon and 65 responses objected to PlanWimbledon being the proposed neighbourhood forum. The remainder, 16 respondents, did not directly reply to this question; either leaving it blank

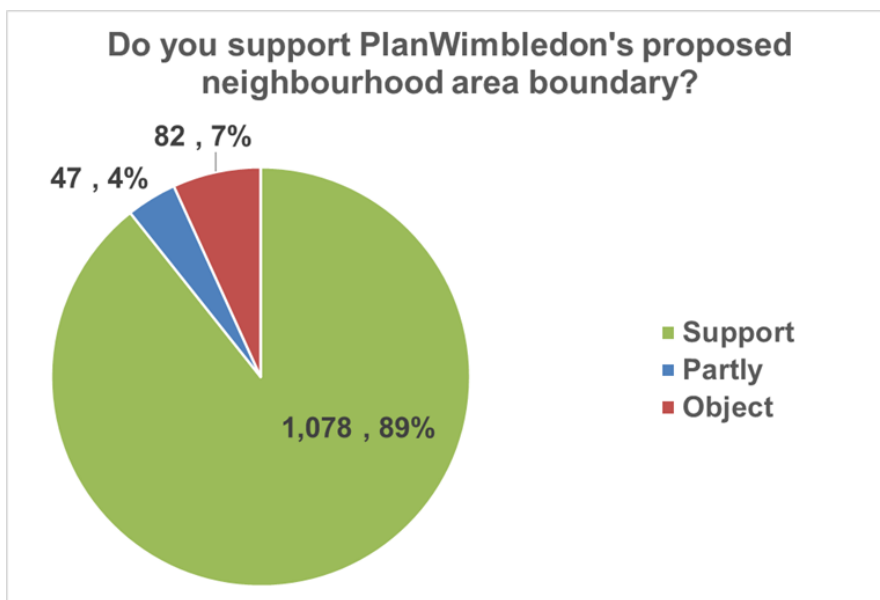
or making general statements on neighbourhood planning (e.g. Sport England).

Graph 1 – summary of consultation responses on PlanWimbledon’s neighbourhood forum application



2.14. **Neighbourhood area boundary:** Of the 1,227 verifiable responses received, 1,078 (88%) supported the area boundary, 47 (4%) partly supported the area boundary and 82 (7%) objected to the proposed area boundary. The remainder of respondents (1%) did not answer the question (for example, Sport England and Natural England sent general statements containing advice on a prospective neighbourhood plan).

Graph 2 – summary of consultation responses on PlanWimbledon’s neighbourhood area boundary application



CONSIDERING PLANWIMBLEDON’S NEIGHBOURHOOD FORUM APPLICATION

- 2.15. There are two sets of criteria that a council must consider when assessing a neighbourhood forum application
- 2.16. Firstly, PlanWimbledon’s application is considered against the (largely procedural) criteria set out in the Neighbourhood Planning (General) Regulations 2012 and the conditions set out in Section 61F(5) of the Town and Country Planning Act 1990. These criteria and conditions are examined in Table 1 below

Table 1 – comparison of PlanWimbledon’s proposal against the Neighbourhood Planning Regulations 2012

Criteria in the Neighbourhood Planning (general) Regulations 2012	PlanWimbledon’s proposal considered against the criteria
a) A map which identifies the area to which the application relates	PlanWimbledon provided a map of their proposed Neighbourhood Area to the council in February 2021. PlanWimbledon and Merton Council worked together to redraw the same PlanWimbledon map with an ordnance survey base which was used for public consultation
b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area;	PlanWimbledon provided this statement, which sets out how PlanWimbledon arrived at the proposed neighbourhood area boundary, with a starting point of a mile’s radius from the centre of Wimbledon town centre (c15-20-minute walk) and then considering historic, physical and human geography to define the edges of the boundary. Section 6 of PlanWimbledon’s

	<p>statement sets this out, including detailed consultation with different residents' associations and community groups, which helped to shape the details of the outer boundary of PlanWimbledon's proposed neighbourhood area. PlanWimbledon's statement demonstrates that their engagement highlighted that some organisations asked to be incorporated within PlanWimbledon's boundary (e.g. Ursuline High School; Friends of Cannizaro Park) and other organisations (e.g. residents associations at North West Wimbledon, Colliers Wood, Residents Association of West Wimbledon (RAWW), Raynes Park Association) considered that they may want to form their own neighbourhood forum in the future and so wished to be outside PlanWimbeldon's boundary at this time. There is more limited information on engagement with businesses and business groups on the appropriateness of the proposed neighbourhood area.</p>
<p>A statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F (5) of the Town and Country Planning Act 1990, which are:</p> <p>a) The neighbourhood forum is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned;</p> <p>b) Its membership is open to:</p> <p>i) Individuals who live in the neighbourhood area concerned,</p> <p>ii) Individuals who work there, and</p> <p>iii) Individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned;</p> <p>c) Its membership includes a minimum of 21 individuals each of whom</p>	<p>PlanWimbledon have provided the necessary information to demonstrate that their proposed neighbourhood forum meets these conditions. Section 7 of PlanWimbledon's statement sets out that the purpose of The purpose of the proposed PlanWimbledon Forum is to:</p> <p><i>"• Promote or improve the social, economic and environmental wellbeing of the neighbourhood area;</i></p> <ul style="list-style-type: none"> • <i>Canvass the viewpoints of residents, workers and businesses, bringing common understanding and clarity of local needs and wants</i> • <i>Capture key priorities and crystallise them in the form of a neighbourhood plan, which, subject to referendum, would complement the Merton Local Plan, adding detail and nuance."</i> <p>PlanWimbledon have provided 29 named members in their application (19 residents; 5 councillors; 5 businesses & landowners) and breakdown of their whole membership in their application, which (at the time of submission in</p>

<p>i) Lives in the neighbourhood area concerned,</p> <p>ii) Works there, or</p> <p>iii) Is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned; and</p> <p>d) It has a written constitution</p>	<p>April 2021) was of over 300 members. It states that 85% of the total membership are individuals and 15% are businesses, groups and associations (e.g. faith groups). Section 8.4 provides PlanWimbledon’s constitution.</p> <p>Following the close of consultation and with encouragement from the council PlanWimbledon have updated their membership to demonstrate that they have attracted more members between early April 2021 (when their application was submitted) and June 2021. PlanWimbledon now have more than 600 members (see Appendix 6 to this report and graphs below)</p>
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- 2.17. Secondly, in deciding whether to designate a neighbourhood forum, the Local Planning Authority must have regard, under section 61F(7)(a), to the desirability of designating an organisation or body:
- a) *Which has secured, or taken reasonable steps to attempt to secure, that its membership includes at least one individual falling within the categories set out above;*
 - b) *Whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area; and*
 - c) *Which has a purpose which reflects (in general terms) the character of the neighbourhood area.*
- 2.18. Furthermore, the Court of Appeal has confirmed that provided the local planning authority does have regard to the desirability of designation in accordance with its duty under s61F(7) it may still refuse an application for designation. In other words it has a discretion.
- 2.19. **a) Has PlanWimbledon secured, or taken reasonable steps to attempt to secure, that its membership includes at least one individual falling within the categories set out above?**
- 2.20. PlanWimbledon’s membership breakdown and constitution is contained in their application statement, which was the main public consultation document. It demonstrates that PlanWimbledon has secured at least one individual who lives in the area, works in the area or is a political representative within the proposed area. PlanWimbledon provided updated membership information in June 2021 which does not change this position and demonstrates that membership has increased. Therefore this criterion is met.
- 2.21. **b) Is PlanWimbledon’s membership drawn from different places in the neighbourhood area concerned and from different sections of the community in that area?**

PlanWimbledon's membership as it currently stands

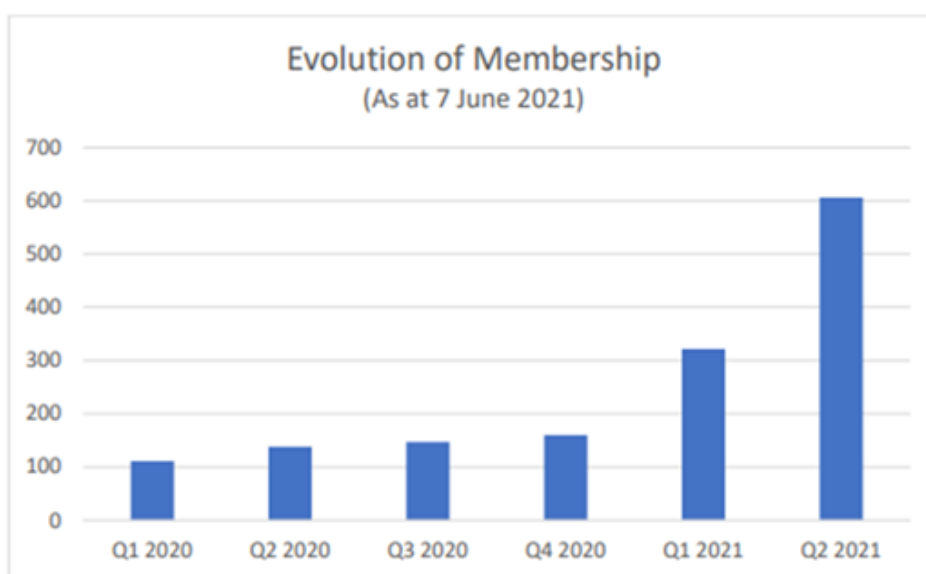
- 2.22. As set out in Table 3 below and in appendix 5 to this report, PlanWimbledon's membership at the time of application is detailed in their application form (dated 3rd April 2021), which was subject to public consultation. PlanWimbledon then updated this in June 2021 to reflect their increased membership (see appendix 6 to this report).
- 2.23. PlanWimbledon's membership is predominantly residential, reflecting the very large residential area it covers, but it is considered by officers to be under-represented by the business community relative to the strengths, characteristics and significance of the business and economic community found within the proposed Wimbledon neighbourhood area. This is also reflected in the consultation results, which had low levels of response from the business community and indicated opposition from significant business organisations.
- 2.24. Table 3 below shows a breakdown of membership, extracted from page 13 of PlanWimbledon's application form (appendix 5 to this report) and table 3a is from the more recent June 2021 correspondence with council officers (appendix 6 to this report)

Table 2: Extract from PlanWimbledon's application p.13 (dated April 2021) with member breakdown

Current membership breakdown by category	Count	%
Individual residents & residents working locally	237	73%
Residents associations	9	3%
Businesses	23	7%
Councillors	17	5%
Individual visitors or working locally (but not resident)	22	7%
Faith groups	8	2%
Other groups	8	2%
Total	324	100%

Table and graph 2a: Graph and table extracted from PlanWimbledon's updated (June 2021) with member breakdown (see appendix 6)

Current membership breakdown by category	%
Individual residents & residents working locally	73%
Individual visitors or working locally (but not resident)	11%
Businesses	8%
Councillors	3%
Residents associations	2%
Faith groups	1%
Other groups	1%
Total	100%



The business community within the specified area – this could set out the ONS data

- 2.25. The assessment of PlanWimbledon’s proposed neighbourhood area later in this report (para 2.67 onwards and particularly Table 5) goes into more detail on the characteristics of that area.
- 2.26. The specified area includes Wimbledon town centre which has a strategic economic importance that reaches across Merton and is recognised in the London Plan designation of Wimbledon as Merton’s only major town centre, with high commercial growth potential, capacity and demand for new speculative office development. It also includes Wimbledon Village, Leopold Road, Wimbledon Chase, Arthur Road and South Wimbledon which are recognised by the local plan to be distinct local town centres; Wimbledon Village is unique in these in having a London-wide visitor catchment. Plough Lane / Weir Road / Durnsford Road is the borough’s third largest industrial estate and contains a significant number of businesses. Appendix 3 contains a list of more than 550 of the public facing businesses in these areas (as at January 2020). Many of the businesses in Wimbledon town centre, the Strategic Industrial Location and Wimbledon Village are major national or

international businesses, including retail, food and beverage, waste management, and financial and professional services.

- 2.27. Following the public consultation, council officers met PlanWimbledon on several occasions in June 2021 and invited further representations from PlanWimbledon to substantiate their view that the proposed forum was representative of all sections of the community within their proposed area given the lack of response and objections from the business community. PlanWimbledon’s most recent letter to officers (received on 15th June 2021) is published at Appendix 6. In it PlanWimbledon provided further information on their business membership (see extracts at Table 3a above).
- 2.28. PlanWimbledon also provide ONS data via Nomis for the Wimbledon Parliamentary Constituency which demonstrates that in 2020 there were a total of 7,215 businesses in the Wimbledon Parliamentary constituency boundary, of which over 6,600 were micro (0-9 employees) and 100 were either medium (50-249 employees) or large (250+ employees). PlanWimbledon state that the range of business sizes in PlanWimbledon’s membership is proportional to their representation across the proposed area.

Table 3 extract from PlanWimbledon correspondence with council officers (15th June 2021), contained in full in appendix 6

Businesses by size in specific constituencies, 2020

	Wimbledon		Mitcham and Morden		UK
	Number of businesses	%	Number of businesses	%	%
Size of businesses					
Micro (0 to 9 employees)	6,690	92.7%	3,915	93.9%	89.6%
Small (10 to 49 employees)	425	5.9%	220	5.3%	8.5%
Medium-sized (50 to 249 employees)	80	1.1%	30	0.7%	1.5%
Large (250+ employees)	20	0.3%	0	0.0%	0.4%
<i>All businesses</i>	<i>7,215</i>	<i>100.0%</i>	<i>4,170</i>	<i>100.0%</i>	<i>100.0%</i>

Source: [ONS, Business activity size and location, 2020, via NOMIS database](#)

- 2.29. The ONS data provided by PlanWimbledon demonstrates that there are far fewer medium and large businesses in the Wimbledon parliamentary constituency than there are SME and micro. However it also clearly demonstrates:
- 2.29.1 The importance of the Wimbledon area to the business base and jobs provision of Merton. Wimbledon has 80 businesses that are medium sized (50-249 employees) whereas the Mitcham and Morden constituency (the only other parliamentary constituency in Merton) has only 30 businesses of a similar size. Wimbledon has 20 large businesses (+250 employees) whereas Mitcham and Morden have none. Wimbledon has over 7,000 businesses in total whereas

Mitcham and Morden have just over 4,000, of which 93% are micro businesses (0-9 employees)

- 2.29.2 That by using the absolute minimum business sizes from the data (i.e. assuming that every one of the 80 medium sized business in Wimbledon only has the minimum number of 50 employees) this data demonstrates that nearly 10,000 people are employed in medium and large businesses in Wimbledon, 1.4% of total businesses in the Wimbledon Parliamentary constituency. That is a significant number of employees just in medium to large businesses in Wimbledon alone.
- 2.29.3 Further analysis of Nomis data demonstrates that in 2019 60,000 people in Merton were in employment (i.e. employees and self employed) so approximately one sixth of the borough's total employees and self employed were found in just 100 businesses all in the Wimbledon parliamentary constituency. Some of these 100 medium and large businesses are not within the proposed PlanWimbledon area; the Wimbledon Parliamentary constituency also includes South Wimbledon business area and BID which contains at least one large business; however the majority will be within PlanWimbledon's proposed area in Wimbledon town centre, Plough Lane / Weir Road / Durnsford Road industrial area and elsewhere. This helps to demonstrate the importance of Wimbledon's 100 medium to large businesses to the economy and jobs for the whole borough.

Representation of the business community within the membership: generally

- 2.30. In their letter to officers of 15th June 2021, PlanWimbledon
- provide updated membership data, giving a total number of members as “over 600” but not an exact figure.
 - state that 8% of their membership are businesses but do not give an exact figure for the total number of business (also set out in Table3a above in this report).
 - gives the percentage of PlanWimbledon's SME “business members and supporters” as 18.5% of PlanWimbledon's total business members and supporters” SME businesses area described as being of 10 to 249 employees, a different categorisation from the Office of National Statistics / Nomis data PlanWimbledon provided in their letter of 15th June 2021 (see appendix 6) and in extracted in Table 3 above).
 - gives the percentage of PlanWimbledon's large (+350 employees) business members and supporters as being 1.9% of the total number of PlanWimbledon's business members and supporters

Table 4 extract from PlanWimbledon correspondence with council officers (15th June 2021), contained in full in appendix 6

PlanWimbledon is representative of the proposed area's business community

	<u>Wimbledon constituency</u>		<u>PlanWimbledon</u>
	Number of businesses	%	% of business members and supporters
Size of businesses			
Micro (0 to 9 employees)	6,690	92.7%	79.6%
SME (10 to 249 employees)	505	7.0%	18.5%
Large (250+ employees)	20	0.3%	1.9%
<i>All businesses</i>	7,215	100.0%	100.0%

- 2.31. Without knowing the total number of PlanWimbledon membership (described by PlanWimbledon as “over 600”) or the total number of PlanWimbledon’s business members and supporters or what the definition of “business members and supporters” is, it is difficult to accurately ascertain PlanWimbledon’s representation or membership of medium (50-249 employees as described by the ONS) or larger businesses or employers (+250 employees). The named business members in PlanWimbledon’s application form are listed as a local architect, local pharmacist, locksmith owner and a member of a property company. PlanWimbledon state that Wimbledon Village Business Association is a PlanWimbledon member.
- 2.32. Section 6 of PlanWimbledon’s constitution (part of their application form) states that their Steering Group must contain 12 members with at least one “representative of business interests”. A quorum is achieved by at least 5 of the 12 total members, one of whom must be an officer (there are three officers). There is no requirement to have more than one business representative on the Steering Group; there is also no requirement for a business representative to be present for a decision-making meeting to be quorate. Therefore, under PlanWimbledon’s current constitution, it is possible for all decisions to be taken without input from any business representative, despite the proposed Forum covering a significant number and range of businesses and jobs in south London, including Merton’s only major town centre, three smaller town centres, several high streets and one of the borough’s three Strategic Industrial Locations.
- 2.33. Section 6.4 of PlanWimbledon’s application form demonstrates that PlanWimbledon have engaged very thoroughly with resident groups regarding the proposed boundary of their neighbourhood area. Some community groups and organisations asked for the boundary to be extended to cover their area (e.g Ursuline High School, Rydon Mews Residents Association Friends of Cannizaro Park), other residents associations (North West Wimbledon Residents Association; Residents Association of West Wimbledon (RAWW), the Raynes Park Association, Colliers Wood Residents Association) asked that PlanWimbledon’s proposed boundary avoid their area; the main reason given in PlanWimbledon’s application is that the residents associations may want to consider a neighbourhood forum / area for their residential area in the future. Paragraph 7.5.8 of PlanWimbledon’s application form records PlanWimbledon’s business and

landowners membership, which is updated in June 2021 (appendix 6) and outlined above. Neither this section nor the extensive earlier sections at 6.4 on drawing the boundary demonstrate how or if dialogue with businesses was taken forward in creating the proposed area boundary and proposed forum, and seeking business representation.

- 2.34. Consideration of the three main business communities within the proposed PlanWimbledon area is taken in turn.

Representation of the business community within the membership: Plough Lane / Weir Road Strategic Industrial Location.

- 2.35. **Plough Lane / Weir Road industrial area** – This is one of the largest extensive business areas in Merton, and a Strategic Industrial Location in planning terms with London-wide significance. PlanWimbledon do not have any members from this area (including in the June 2021 update) and no responses were received at public consultation. If the applications for the proposed neighbourhood forum and area were acceptable in other respects, officers would have recommended that this area should be removed from the proposed neighbourhood area in order for the proposed area to meet the criterion of having membership drawn from different places and sections in the proposed area.

Representation of PlanWimbledon membership generally: Area north of Somerset Road / Parkside

- 2.36. PlanWimbledon's membership map (original April 2021 and including the June 2021 update) does not show any members to the north of Somerset Road and only two public consultation responses were received from this area. However, other factors that can be considered are that:
- This area is characterised by large homes, usually set in large plots so the population density is lower. The All England Lawn Tennis Club also makes up a significant landholding here.
 - Council officers facilitated contact between the All England Lawn Tennis Club and PlanWimbledon and AELTC have sent a supportive response to the public consultation
 - PlanWimbledon's application states that Parkside Residents Association is a member of PlanWimbledon
- 2.37. Therefore, despite the lower membership illustrated on PlanWimbledon's membership map, there is evidence of support from this area.

Representation of the business community within the membership: Wimbledon Town Centre

- 2.38. PlanWimbledon's application is comprehensive and detailed on how the proposed area boundary was created with input from many different residents' associations and community organisations (e.g. Friends groups within parks). There is far less information on how and when the business community has been engaged and involved since the project started in 2017, even though PlanWimbledon's application is clear that Wimbledon town centre was always at the heart of the proposed boundary. Some of this may be
- 2.39. PlanWimbledon's proposed constitution provides a Steering Committee of 12 members, only one of whom must be a "representative of the business community"; the business representative is not required for a quorate vote and even if they were, with just one representative it would always be possible for the business representative to be outvoted on every issue.
- 2.40. Feedback from the public consultation reflects this; demonstrating that a significant number of businesses are not members of PlanWimbledon and are not generally supportive of PlanWimbledon's proposals to become a neighbourhood area covering Wimbledon town centre.
- 2.41. LoveWimbledon's response to the consultation states that the BID would like to consider becoming a business led neighbourhood area / forum in the future. This is similar to the statements made in PlanWimbledon's application by community and residents groups, including the Raynes Park Association, Residents Association of West Wimbledon (RAWW) North West Wimbledon Residents Association and Colliers Wood Residents Association. PlanWimbledon's engagement with these residents associations helped to guide and inform the proposed area boundary, enveloping the residents associations that said they would like to participate and drawing it away from the residents associations who stated that they would like to consider their own neighbourhood plan in the future. There is no evidence that business groups or the business community were as involved in drawing the boundary, particularly for areas that are wholly or predominantly business in nature such as Wimbledon town centre and Plough Lane / Weir Road / Durnsford Road strategic industrial location.

Conclusions on this criterion

- 2.42. With over 1,000 respondents supporting both PlanWimbledon's proposed neighbourhood area and proposed neighbourhood forum and less than 100 objections for each, the number of those who objected at public consultation is proportionally far fewer than those who are supportive. However notwithstanding this disparity in numbers, the evidence has led officers to conclude that at this current time PlanWimbledon's membership is not sufficiently drawn from all sections within the proposed area. The proposed area covers the Major town centre at Wimbledon, three distinct local centres at Arthur Road, South Wimbledon and Wimbledon Village and the Strategic Industrial Location at Plough Lane / Durnsford Road / Weir Road. There is no evidence presented in PlanWimbledon's application of proportionate membership representing businesses or employers from these areas, particularly larger businesses that are found in Wimbledon town centre and Plough Lane / Weir Road industrial area, nor is there evidence suggesting

the businesses / employers in these locations are supportive of the proposed forum and neighbourhood area.

- 2.43. PlanWimbledon have responded to state that once designated it will engage further with business organisations and encourage them to join its membership and participate in its decision-making. This is welcomed. However, as set out above, officers must base their assessment on the membership of PlanWimbledon, as it currently stands, and in light of the representations made during the consultation including from businesses and business organisations, who are largely either silent or are not supportive of the proposed forum. Whilst officers have considered PlanWimbledon's stated aspirations to recruit further members from the business community following designation, they do not recommend that any weight should be given to them as these may or may not come to fruition, and will in any event be challenging in light of confirmed opposition from some business organisations.
- 2.44. Therefore this criterion is not considered to be met.
- 2.45. **Do PlanWimbledon's proposals have a purpose which reflects (in general terms) the character of the neighbourhood area?**
- 2.46. As set out above, officers consider that PlanWimbledon's application, membership details (in the original application and June 2021 update) and responses to the consultation demonstrate that its proposals are residential led and have strong support from many residents. PlanWimbledon's purpose could be appropriate for the residential areas that PlanWimbledon's proposed area covers and for the high streets and smaller centres that support this area.
- 2.47. However PlanWimbledon's proposed area also intends to cover some of the borough's main business districts, such as Wimbledon town centre and the Strategic Industrial Locations at Plough Lane / Weir Road / Durnsford Road. For the reasons set out in detail earlier in this report, the purpose of these business areas is not reflected in PlanWimbledon's application, nor in the public consultation feedback. Therefore while Wimbledon town centre and Plough Lane industrial area remains in PlanWimbledon's proposed neighbourhood area, this criterion is not considered to be met.

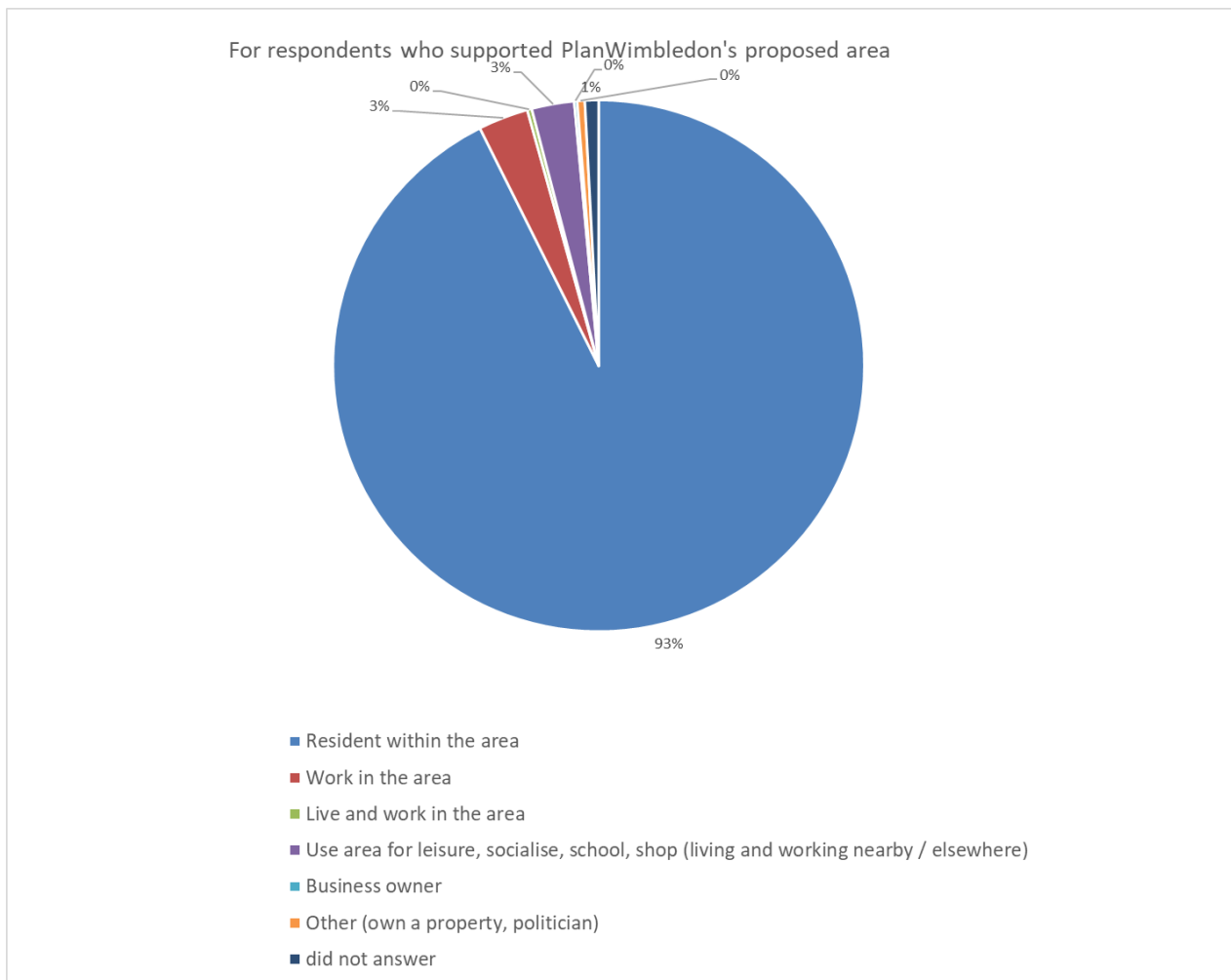
CONSIDERING PLANWIMBLEDON'S NEIGHBOURHOOD AREA APPLICATION

- 2.48. Overall, the vast majority of respondents (1,078 or 88% of responses received) supported PlanWimbledon's proposed neighbourhood area. All public consultation responses are available online: [PlanWimbledon Consultation Responses \(merton.gov.uk\)](https://www.merton.gov.uk/consultation/planwimbledon-consultation-responses)
- 2.49. 189 respondents gave reasons for support, which included
- That the proposal empowered local people to have their say, that this will enable local community voices to be heard
 - that the neighbourhood area proposed represents Wimbledon,

- that it will be a positive influence on Wimbledon including the town centre;
- that it will strengthen planning rules within the character of Wimbledon
- that Wimbledon has specific needs and this will help to meet them
- that it makes sense geographically, that the boundary has been carefully considered.

2.50. Most of that support came from residents. Of the 1,078 supportive responses for the neighbourhood area, 1,003 (93%) of respondents supporting identified themselves as residents compared to 29 respondents (3% of supporters) who supported the proposals and identified themselves as working in the area and 3 respondents (0.3%) who both lived and worked in the area. Two respondents identified themselves as business owners supporting PlanWimbledon’s proposed neighbourhood area, and 28 supportive respondents (3% of supporters) described how they lived nearby or elsewhere, using the area for school, shopping, socialising and leisure activities.

Graph 3 – summary of respondents who supported PlanWimbledon’s proposed neighbourhood area at public consultation



- 2.51. Organisations who responded to the consultation to support PlanWimbledon's proposed neighbourhood area include:
- 2.51.1 The All England Lawn Tennis Club (AELTC) who welcome greater community participation in the planning process on principle and states that should PlanWimbledon be successful in forming a neighbourhood forum, AELTC would welcome further opportunities to engage with the group and discuss AELTC's future plans and aspirations. AELTC urges PlanWimbledon to support Merton's emerging Local Plan and continued investment, growth and development within the borough. On the proposed neighbourhood area AELTC states "*The AELTC has no objection to the intended area, however it is unclear why Wimbledon Park has been excluded (where all land and sites adjoining are included)*". (NB: paragraph 6.4.17 of PlanWimbledon's application form sets out their reasoning on why the whole of Wimbledon Park was not included within the proposed area).
 - 2.51.2 AW Champion – a timber supply business with 10 branches in the south east of England, including one within the PlanWimbledon area on Hartfield Crescent (and another elsewhere in Merton). This respondent supports the proposed neighbourhood forum and area, and added "*we wish to ensure our concerns are addressed when the neighbourhood plan is prepared*".
 - 2.51.3 A resident who runs a business employing 10 people in the who supports both the proposed area (stating "*The boundary is large which will enable the group to have "clout" and deal properly with issues from pollution to planning and beyond*" and the proposed forum (stating "*The group has a broad range of local support.*" "*It is sad that Love Wimbledon opposes the application. Focusing purely on business removes the balance from a vibrant mixed use area*"
 - 2.51.4 Merton Conservatives, who state that they wholeheartedly support PlanWimbledon, "*this is an important community initiative that will ensure that the views of local people are heard during the planning process. It is critically important that the character and feel of Wimbledon is preserved and having input from the local community will be important in achieving this.*"
 - 2.51.5 Transport for London, who note that there is a number of TfL assets including underground stations, tram stops and bus infrastructure in the area, and that the statutory safeguarding of Crossrail2, also in the area, is due to be updated in 2021. TfL states "*we have no objection to the designation of the neighbourhood forum or the proposed area and look forward to constructive dialogue with the forum when it is established.*"
 - 2.51.6 The Wandle Valley Forum, who supports 140 community groups, voluntary organisations and local businesses and everyone who shares a passion for the Wandle. The Wandle Valley Forum supports the proposed Area, stating "*This is within the Wandle Valley Regional Park. It has been developed in consultation with relevant local organisations and presents an appropriate expression of the community's views about the geographic identity of Wimbledon. We welcome the inclusion of the whole of Wandle Meadow Nature Park*" The Wandle Valley Forum go

on to say that ideally, the boundary would include land on both sides of the river running north from Plough Lane but understand the rationale for not including land within Wandsworth council jurisdiction given the additional complexity it would bring to neighbourhood planning.

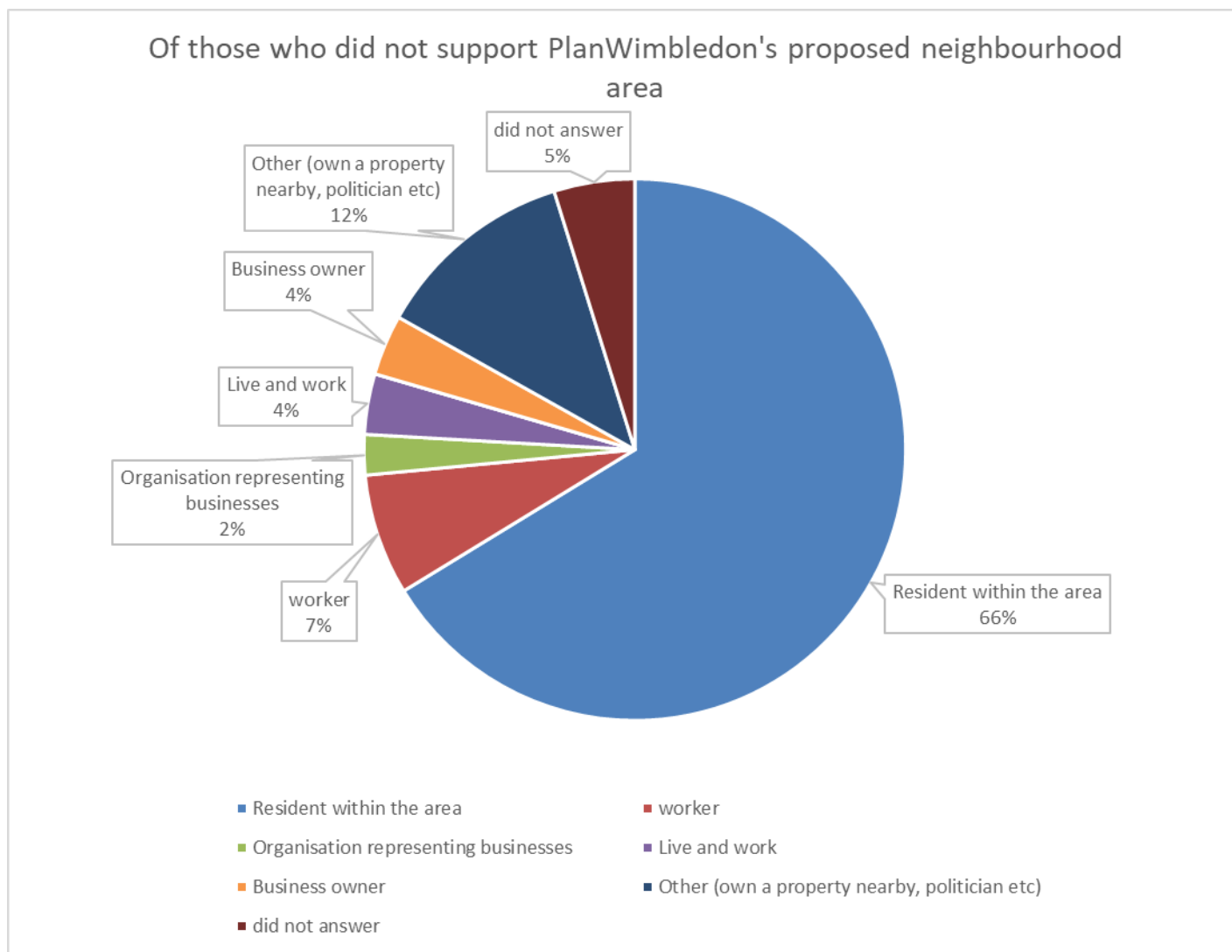
- 2.51.7 The Wandle Valley Forum also support PlanWimbledon's proposed neighbourhood forum and have provided a written response which is included as Appendix 4.

Part support for the area boundary

- 2.52. Of the 54 responses that stated that they "partly" supported the boundary, many of these were residents seeking inclusion within the boundary (i.e. they lived beyond the boundary and wanted the boundary redrawn to include their street). This was particularly true of Merton Park, where at least 12 respondents who "partly" supported PlanWimbledon's area wanted the boundary extended to cover more of Merton Park.
- 2.53. A business landowner, Eskmuir Group, partly support the proposed Area and have not responded to this question for the Forum. Eskmuir Group owns St George's House at 8-20 Worple Road and 20-26 St George's Road, currently a ground floor supermarket with office space and car parking above, proposed for redevelopment in Merton's local plan. Eskmuir group have provided a written response which is included as Appendix 4. This can be summarised as:
- A great deal of thought has gone into defining PlanWimbledon's proposed neighbourhood area
 - That PlanWimbledon's four reasons why the proposed Forum should cover the area identified (to encourage community engagement, ensure appropriate growth, deliver a shared vision and drive socio-economic change) are already covered by existing planning policy including the London Plan, Local Plan documents and the FutureWimbledon SPD which have been subject to extensive public consultation
 - Eskmuir suggest that PlanWimbledon consider redefining the boundaries of the proposed neighbourhood area to exclude the area already covered by the FutureWimbledon SPD

Objections to the area boundary:

- 2.54. 84 objections were received to the proposed area boundary.



2.55. Of the 84 respondents who objected to the area boundary, 63 were individuals who gave reasons for their objection and at least 19 of these reasons (c25% of all objections received on the proposed area) were from residents who wanted the boundary extended, mainly to cover all of Merton Park but also to cover other areas such as Colliers Wood, Cottenham Park, Raynes Park, South Wimbledon and Wimbledon Park. The remaining c40 resident objections given were from individuals, who gave reasons including the size of the area as being too large, lack of democratic accountability, no knowledge of the group’s proposals and not necessary to create further boundaries / planning rules.

2.56. 11 respondents who objected identified themselves as working in the area or representing businesses sited within the area. This includes in particular LoveWimbledon, Merton Chamber of Commerce, and F&C Commercial Property, which owns the landholdings in Wimbledon town centre including Morrisons, the piazza and adjacent shops and services.

2.57. LoveWimbledon is Wimbledon town centre’s Business Improvement District. It has existed for nearly a decade, having been voted for and paid for by certain business ratepayers in Wimbledon town centre in 2012 and again in 2017. The website for LoveWimbledon states that it is a not for profit company limited by guarantee, managed by a Board of Directors made up of

representatives of the local business community. PlanWimbledon acknowledge that LoveWimbledon is an important stakeholder.

- 2.58. LoveWimbledon's response is provided in full in Appendix 4 It states that LoveWimbledon and PlanWimbledon have met several times and engaged over three years on this. LoveWimbledon state that they agree with PlanWimbledon that Wimbledon town centre is vital for accessing local services, shops, workplaces, leisure and travel. LoveWimbledon note the strategic role of Wimbledon town centre as a component of the UK's capital city, an Opportunity Area in the London Plan, and Merton's only Major town centre, home to a thriving retail centre, a large office hub and a national transport centre.
- 2.59. LoveWimbledon are concerned that the proposed area's boundary and scale are inappropriate, that it will fetter progress and development of the central business district and they do not support it. They do not support PlanWimbledon's designation as a proposed neighbourhood forum; they note that PlanWimbledon's constitution and governance structure does not support meaningful business representation or voting rights for individual businesses, property owners, asset managers or bodies such as LoveWimbledon. LoveWimbledon refer to their own business and property owners survey feedback, and state that 85% of businesses with a range of commercial interests in Wimbledon do not support a resident-led neighbourhood plan covering the central business district.
- 2.60. LoveWimbledon consider it is understandable that many people identify with the internationally recognised name of Wimbledon and the SW19 postcode, they state the largest in London, but that this has created a proposed area with an impractically wide and broad scale of diverse interests that is unmanageable. LoveWimbledon also comment on difficulties with engagement and anti-business feedback.
- 2.61. LoveWimbledon propose in the longer term to pursue a business led Neighbourhood Forum and Plan which reflects business and residential issues, would have a balance of business and resident representation to steer it and would require support from both the business and residential community at the referendum stage.
- 2.62. Merton Chamber of Commerce has over 20 years of experience in Merton, and has over 700 members and over 3,000 business customers across the borough. It is affiliated with the London Chamber of Commerce and other Chambers. Following a meeting between PlanWimbledon and Merton Chamber of Commerce Directors on 19th May 2021, Merton Chamber of Commerce responded to the consultation saying:
- Merton Chamber of Commerce values PlanWimbledon's work and supports the concept and purpose of neighbourhood planning as improving social capital
 - The Chamber discussed PlanWimbledon's proposed area and it is their view that the proposed area is too large. In their experience, the different localities within the proposed area (Wimbledon Village, Wimbledon Park, Wimbledon town centre, Plough Lane, South

Wimbledon etc) have very different characteristics and don't share a sense of cohesiveness apart from being part of Merton.

- Merton Chamber would be happy to work with PlanWimbledon and be a conduit for their future communications with Merton's business community.

2.63. Clarion Housing Group objected to the large size of the area and it covering the High Path estate, which already is covered by detailed planning guidance in the Estates Local Plan.

Other comments on the consultation results

2.64. No responses were received from the Durnsford Road / Weir Road / Plough Lane industrial areas, which are included in the proposed PlanWimbledon area. Only two responses, one from the All England Lawn Tennis Club (supporting the proposals) were received from the streets to the north of Wimbledon Park bordering Wandsworth.

2.65. Some respondents to the public consultation referred to the potential merits or otherwise of potential future neighbourhood plans, including in relation to existing or future planning policy, should PlanWimbledon's forum and area applications be approved. These are not material considerations to be taken into account at the stage of considering applications for neighbourhood forum and area designation. Government is clear that local planning authorities should not take these matters into account when designating a neighbourhood area. NPPG <https://www.gov.uk/guidance/neighbourhood-planning--2>) Paragraph: 035 Reference ID: 41-035-20161116 states

2.66. *When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order. It should not make assumptions about the neighbourhood plan or Order that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designating a neighbourhood area.*

ASSESSMENT OF CONSULTATION RESULTS AND DESIGNATING A NEIGHBOURHOOD AREA

2.67. For the reasons stated elsewhere in this report, officers recommend that the application for designation as a neighbourhood forum is refused and furthermore the Council should decline to determine the neighbourhood area application. Nevertheless, the proposed forum and the proposed area raise interrelated issues. Accordingly, this section discusses the area specified in the application as the neighbourhood area, which inform officers overall recommendations on the applications.

2.68. NPPG Paragraph 33 (<https://www.gov.uk/guidance/neighbourhood-planning--2>) asks "What considerations, other than administrative boundaries, may be relevant when deciding the boundaries of a neighbourhood area?" and states:

2.69. *The following could be considerations when deciding the boundaries of a neighbourhood area:*

- *village or settlement boundaries, which could reflect areas of planned expansion*
- *the catchment area for walking to local services such as shops, primary schools, doctors' surgery, parks or other facilities*
- *the area where formal or informal networks of community based groups operate*
- *the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style*
- *whether the area forms all or part of a coherent estate either for businesses or residents*
- *whether the area is wholly or predominantly a business area*
- *whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway*
- *the natural setting or features in an area*
- *size of the population (living and working) in the area*

Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents”.

2.70. Section 6 of PlanWimbledon’s application sets out clearly how PlanWimbledon developed their proposed neighbourhood area boundary. PlanWimbledon started with a 1-mile radius circle with the centre point of Centre Court shopping centre (the former Wimbledon town hall at the heart of Wimbledon town centre) as the basis for a 15-minute walking / cycling journey, considered physical features (e.g. roads, parks) then refined the boundary in close consultation with many residents’ groups and community organisations.

2.71. PlanWimbledon’s application states that they consider the area appropriate for designation, saying *“The boundaries of the proposed neighbourhood area are coherent, consistent and appropriate. They are geographically and historically logical, and often coincide with local government boundaries.*

The people who live or work within these boundaries refer in general terms to the area as “Wimbledon”.

They use “Wimbledon” when giving their address or in their response to the questions “where do you live?”, “where do you work?” and “where is your shop/office?”.

They use the services provided within the area rather than outside, including primary schools; surgeries; library; places of worship/religious meetings; shopping; restaurants and bars; and theatres and cinemas.

Our membership is spread across this fairly wide area because they regard it as “their Wimbledon”.

They are economically and/or emotionally strongly invested in the area, and what happens here really matters to them”

2.72. The council’s assessment of the neighbourhood area against the NPPG Criteria is as follows in Table 5 below.

Table 5: assessment of PlanWimbledon’s proposed neighbourhood area against the NPPG criteria

NPPG criteria	Assessment of proposed Neighbourhood Area against these criteria
<p>village or settlement boundaries, which could reflect areas of planned expansion</p>	<p>The proposed area contains Wimbledon town centre, as Merton’s largest town centre, the location for nearly all of the borough’s offices, many of the borough’s major businesses and over half the borough’s total number of jobs. Wimbledon town centre has a strategic economic importance that reaches across Merton and is recognised in the London Plan designation of Wimbledon as part of an Opportunity Area (with South Wimbledon and Colliers Wood) for homes and jobs, as Merton’s only major town centre, with high commercial growth potential, capacity and demand for new speculative office development. A list of over 200 businesses in Wimbledon (as at January 2020) is included as Appendix 3, including multi-national businesses, international and national chains, office headquarters, regional headquarters, retail, leisure, financial services and charities</p> <p>Wimbledon Village, Leopold Road, Wimbledon Chase, Arthur Road and South Wimbledon are all smaller local centres; Wimbledon Village is unique in these in having a London-wide visitor catchment.</p> <p>Plough Lane / Weir Road / Durnsford Road is the borough’s third largest industrial estate and contains a significant number of businesses, including waste management services (Cappagh Group, Reston Waste), builders merchants (Travis Perkins, Selco, Wickes, Topps Tiles), national food delivery depots (Ocado), food production (Vallebona, Mustard Foods, water delivery). Many of the businesses in Wimbledon town centre, the Strategic Industrial Location and Wimbledon Village are major national or international businesses, including retail, food and beverage, waste management, and financial and professional services.</p>
<p>the catchment area for walking to local services such as shops, primary schools, doctors’ surgery, parks or other facilities</p>	<p>The area contains at least 14 primary and secondary schools, at least seven parks and open spaces a wide range of other services including healthcare centres, gyms, and town centre services such as two theatres, and cinemas. Although not catchment areas, the proposed area also contains the internationally known All England Lawn Tennis Club grounds, hosts to the Wimbledon</p>

	Championships Grand Slam, and the AFC Wimbledon stadium at Plough Lane.
the area where formal or informal networks of community based groups operate	PlanWimbledon's application demonstrate that there are a large number of formal and informal community based groups operating within the wider Wimbledon area. This is also reflected in some of the consultation responses, which refer to social and community activities within the proposed area. However PlanWimbledon's application also demonstrates that community groups that are also partly defined as "Wimbledon" do not necessarily see themselves as part of the proposed area (e.g. Residents Association of West Wimbledon; North West Wimbledon Residents Association, Wimbledon Common Conservators).
the physical appearance or characteristics of the neighbourhood, for example buildings that may be of a consistent scale or style	<p>Merton's draft borough character study analyses characteristics of the whole of Merton, considering various aspects including socio-economic, functional character, environmental and climate change influenced character, community character and built character.</p> <p>The built character analysis demonstrates that there are a wide range of different built characteristics within the proposed area, from Wimbledon town centre, to detached houses with large gardens to suburban terraces to industrial sheds. Appendix 1 contains a map to illustrate this derived from the draft Borough Character Study. There are several different conservation areas that cover different parts of the proposed area; the FutureWimbledon SPD and Merton's Estates Local Plan also analyse the existing character of specific parts of the proposed neighbourhood.</p>
whether the area forms all or part of a coherent estate either for businesses or residents	PlanWimbledon's application and the majority of over 1,000 responses received from residents at the consultation demonstrate that there are views that the "Wimbledon" area is coherent. However other responses to the public consultation demonstrate that some people view the area as being made up of distinct districts, estates and neighbourhoods with different characteristics and is too large and diverse to be considered as a single coherent area. This spatial distinctiveness within the area is also reflected in the analysis of the area in Merton's draft Borough Character Study 2021 and other planning documents including conservation area character appraisals, Merton's Estates Local Plan and successive Local Plans.

<p>whether the area is wholly or predominantly a business area</p>	<p>The proposed area contains four designated town centres (Arthur Road, South Wimbledon, Wimbledon Village and Merton’s only major town centre at Wimbledon) and many high streets and shopping parades (Leopold Road, Wimbledon Chase, Haydon’s Road and others).</p> <p>It also contains one of Merton’s three Strategic Industrial Locations at Plough Lane / Weir Road / Durnsford Road which is the borough’s third largest industrial estate and contains a significant number of businesses, including waste management services (Cappagh Group, Reston Waste), builders merchants (Travis Perkins, Selco, Wickes, Topps Tiles), national food delivery depots (Ocado), food production (Vallebona, Mustard Foods, water delivery). Many of the businesses in Wimbledon town centre, the Strategic Industrial Location and Wimbledon Village are major national or international businesses, including retail, food and beverage, waste management, and financial and professional services.</p> <p>Most of Merton’s businesses lie within the PlanWimbledon area. The combined business areas of Wimbledon town centre, South Wimbledon, Wimbledon Village, Arthur Road, Plough Lane / Weir Road / Durnsford Road, Haydon’s Road, Leopold Road and other neighbourhood parades have over 550 public facing businesses, from financiers to international banks, City law firms to HQs, branches of international and national retail chains, restaurants (chains and independents) and cafes, regional headquarters, delivery suppliers, food production, waste management, industrial businesses, charities, cafes, beauticians and other leisure activities.</p> <p>As an example of the range of businesses within the area, Appendix 3 lists the public facing businesses in the four town centres (Wimbledon town centre, Wimbledon Village, South Wimbledon and Arthur Road) as well as some of the neighbourhood parades at Leopold Road, Ridgeway and Haydon’s Road and some of the businesses within the Strategic Industrial Location at Plough Lane / Weir Road / Durnsford Road.</p> <p>However, as drawn, the proposed neighbourhood area can’t be considered wholly or predominantly a business area as there are +25,000 homes within the area.</p>
<p>whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway</p>	<p>The area is crossed by a variety of natural features and infrastructure; PlanWimbledon’s application state that these features (e.g. the river Wandle) have been considered in drawing the proposed neighbourhood area boundary.</p>

<p>the natural setting or features in an area</p>	<p>PlanWimbledon’s application states and it is possible to see that natural settings and features, including Wimbledon Common and the river Wandle, are used to guide boundaries for the proposed neighbourhood area.</p>
<p>The size of the population (living and working) in the area. Electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents</p>	<p>PlanWimbledon neighbourhood area covers approximately a third of the borough of Merton. It contains 25,519 homes (approximately a third of the borough’s homes) accounting for approximately 60,000 residents.</p> <p>In 2018-19 (the last year for which there was data) over 18million entries and exits took place in Wimbledon station</p>

3 OVERALL CONCLUSIONS

- 3.1. PlanWimbledon’s application and the majority of consultation responses demonstrates that there are views that the proposed Wimbledon neighbourhood area is coherent and appropriate. More than 1,000 residents identify with the “Wimbledon” area as defined by PlanWimbledon and support PlanWimbledon’s proposals to become a neighbourhood forum for that area. PlanWimbledon state that the Wimbledon Village Business Association are a PlanWimbledon member and the council received supportive consultation responses including from the All England Lawn Tennis Club and the Wandle Valley Forum.
- 3.2. However, although there are approximately 25,000 homes and 60,000 residents living within PlanWimbledon’s proposed neighbourhood area, evidence provided in PlanWimbledon’s application form, at consultation responses, in PlanWimbledon’s June 2021 correspondence with the council and that is publicly available demonstrates that the specified area is also, in part, characterised by its businesses. Wimbledon town centre is the location for nearly all of the borough’s offices, many of the borough’s medium and large businesses and over half the borough’s total number of jobs. Wimbledon town centre has a strategic economic importance that reaches across Merton and is recognised in the London Plan designation of Wimbledon as Merton’s only major town centre, with high commercial growth potential, capacity and demand for new speculative office development. Other distinct town centres within PlanWimbledon’s proposed area (Arthur Road, South Wimbledon, Wimbledon Village) compliment this as business

locations in their own rights. Plough Lane / Weir Road / Durnsford Road strategic industrial location is also home to several large national businesses.

- 3.3. Officers analysis of the evidence received by the council and as set out in the report leads to the conclusion that PlanWimbledon's membership is not drawn from different sections of the community in so far as the business community, particularly medium to larger businesses or businesses in certain geographic locations, are not represented in PlanWimbledon's membership. Two of the area's major business groups (Merton chamber of commerce and LoveWimbledon BID) are not supportive of the area and LoveWimbledon does not support the forum. Furthermore, for similar reasons, officers analysis is that the proposed forum does not reflect the character of the specified area, so far as it includes the business community.
- 3.4. Officers overall recommendation is therefore that PlanWimbedon does not meet government's mandatory criteria to be designated as a neighbourhood forum. Accordingly, the Council is under a duty to refuse to designate the proposed forum because the mandatory criteria are not satisfied.
- 3.5. If the council does not designate the proposed forum, it may decline to determine the neighbourhood area application on the basis that there will be no organisation that is capable of being designated as a neighbourhood forum in relation to it. Officers considered but rejected various alternative options including the designation of a smaller or different area as a neighbourhood area than that specified in the application (see below).
- 3.6. These recommended decisions do not close off the possibility of neighbourhood forums being designated in Merton in future. PlanWimbledon and other organisations, including from the business sector, have stated commitments to work together on neighbourhood planning. PlanWimbledon and other individuals and organisations will have time and opportunities to address the issues outlined in this report, with the continued support of officers, and come together with revised proposals that meets government's criteria for the successful designation in due course of a neighbourhood forum and area, or multiple forums with multiple areas.

4 ALTERNATIVE OPTIONS

- 4.1. Several alternative options were considered to try and resolve the issues identified in this report. These are set out below.

Extending the time to allow further dialogue

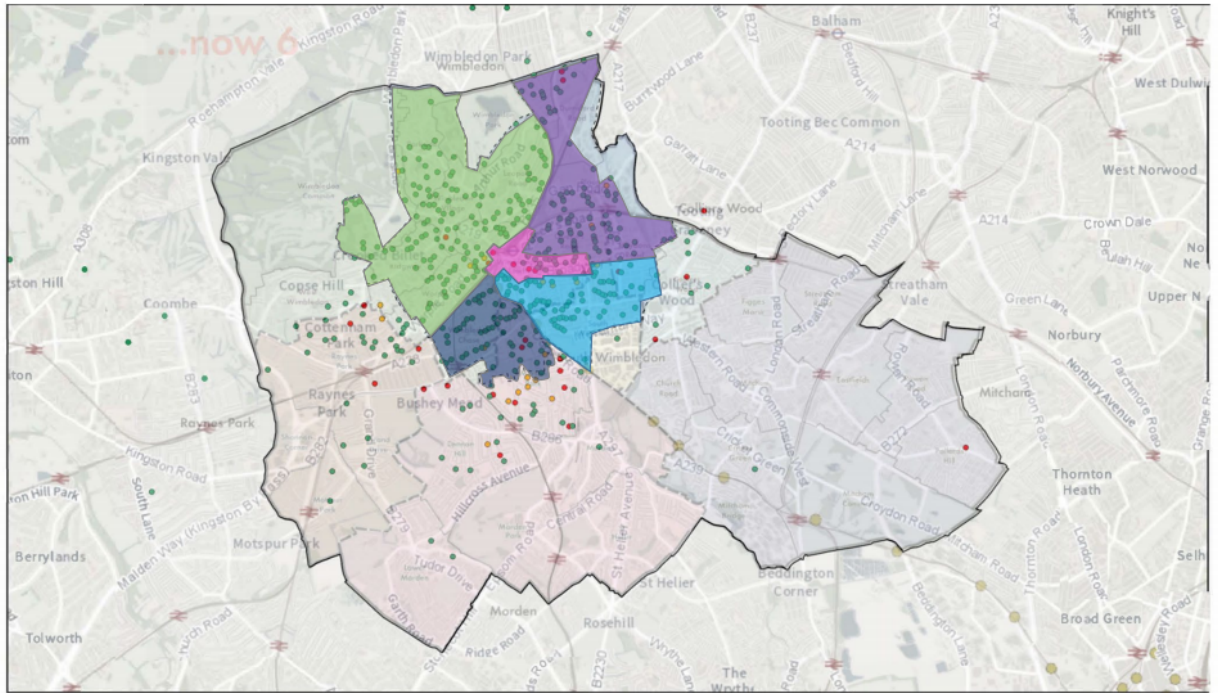
- 4.2. It is clear that there is strong support from many residents for PlanWimbledon's proposed forum and for the geographic boundary. Further dialogue between PlanWimbledon and the business community may be able to resolve the unmet criteria. This is evident from the consultation responses where even those only partly supporting or objecting to the proposals (e.g. Merton Chamber of Commerce, F&C Commercial Property Holdings) stated that they would like to be involved with further dialogue on neighbourhood planning.

- 4.3. Therefore officers considered the alternative option to defer decision-making to allow PlanWimbledon time to try and address the identified issues relating to the Forum and Area application. However government legislation requires councils to make a decision within 13 weeks from the day after the first date of public consultation; this deadline is 13th July 2021. Council meetings are scheduled for 22nd June and 8th July. Therefore this alternative option was not taken forward.

Amending the proposed area boundary

- 4.4. An alternative considered by officers was to recommend that PlanWimbledon's specified area be designated as a neighbourhood area with the exclusion only of the Strategic Industrial Location at Plough Lane / Durnsford Road and also Wimbledon town centre. Officers considered this carefully as it initially appeared that it could address some of the reasons why the neighbourhood area isn't appropriate by reducing the area to focus more on residential areas. It could also potentially address the reasons why the proposed neighbourhood forum isn't appropriate – the neighbourhood forum would not be required to have members drawn from sections of the major business community if the major business locations were no longer part of the proposed neighbourhood area.
- 4.5. However, although officers considered that recommending the removal of the Plough Lane / Durnsford Road Strategic Industrial Location would have still left a coherent neighbourhood area, removing Wimbledon town centre from the middle of the proposed area would have undone the reasoning for establishing the proposed area in the first place, as set out in PlanWimbledon's application. This alternative would have left the neighbourhood area as a very large residential hinterland with the town centre missing. There are cases where neighbourhood areas successfully surround places that are not covered by the same neighbourhood area / forum (e.g. Hampstead), however officers do not consider that removing the major Wimbledon town centre from the rest of the large area would be coherent, particularly in considering the detailed reasoning set out in the original application. It would also be important for such a major change from the original application to be carried out in consultation with residents, businesses, councillors and others. Therefore this proposal is not recommended, at this stage.
- 4.6. Officers also considered whether PlanWimbledon proposed neighbourhood forum could be designated for an area or areas within the wider area specified in its application in respect of which its membership and purpose are more appropriately reflected. This alternative option was not deliverable however: PlanWimbledon's membership is spread extensively across and beyond the proposed neighbourhood areas and the details provided in the application form and the consultation responses means it is not possible to accurately assess whether it meets the criterion of being drawn from different places and different sections of each of the proposed neighbourhood areas within the statutory timeframes for decision-making. Also, PlanWimbledon confirmed in their letter of 15 June 2021 that it was not supportive of designation as the forum in relation to smaller areas.

Plan Wimbledon Alternative Option 1: Town Centre and Neighbourhood Areas

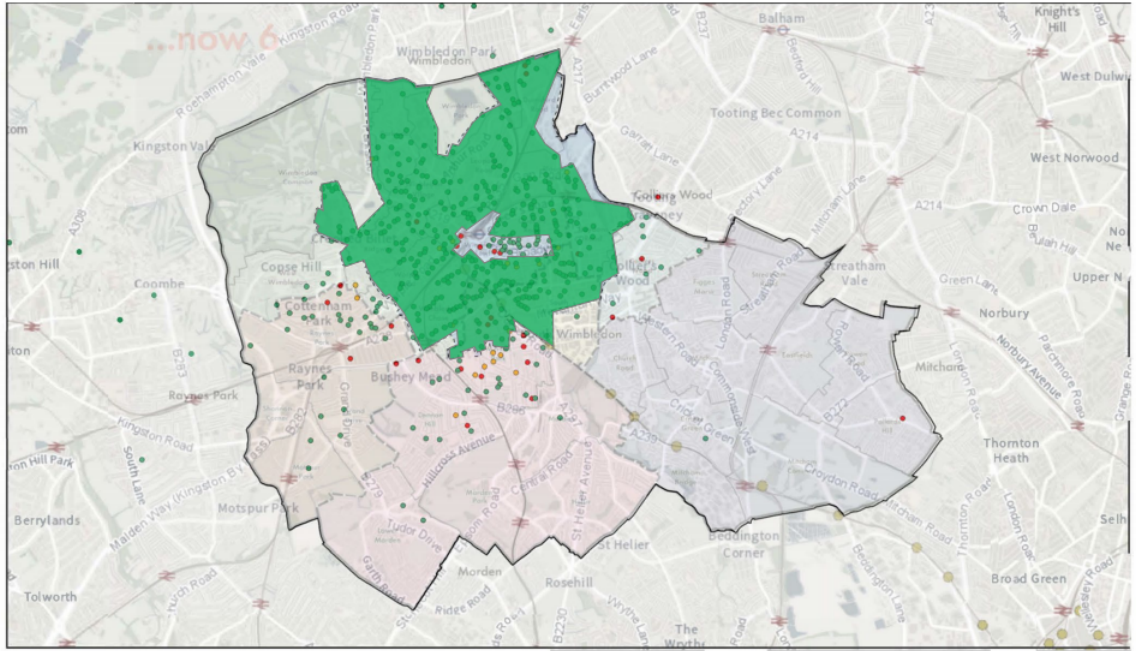


Legend

- Support proposed area
 - Partly support proposed area
- Do not support proposed area
 - Plan Wimbledon Proposed Area
- Wimbledon Village Neighbourhood Area
 - Wimbledon Park Neighbourhood Area
- Wimbledon Town Neighbourhood Area
 - Wimbledon Chase & Old Merton Park Neighbourhood Area
- South Wimbledon Neighbourhood Area



Plan Wimbledon Alternative Option 2: Wimbledon Residential Neighbourhood Area

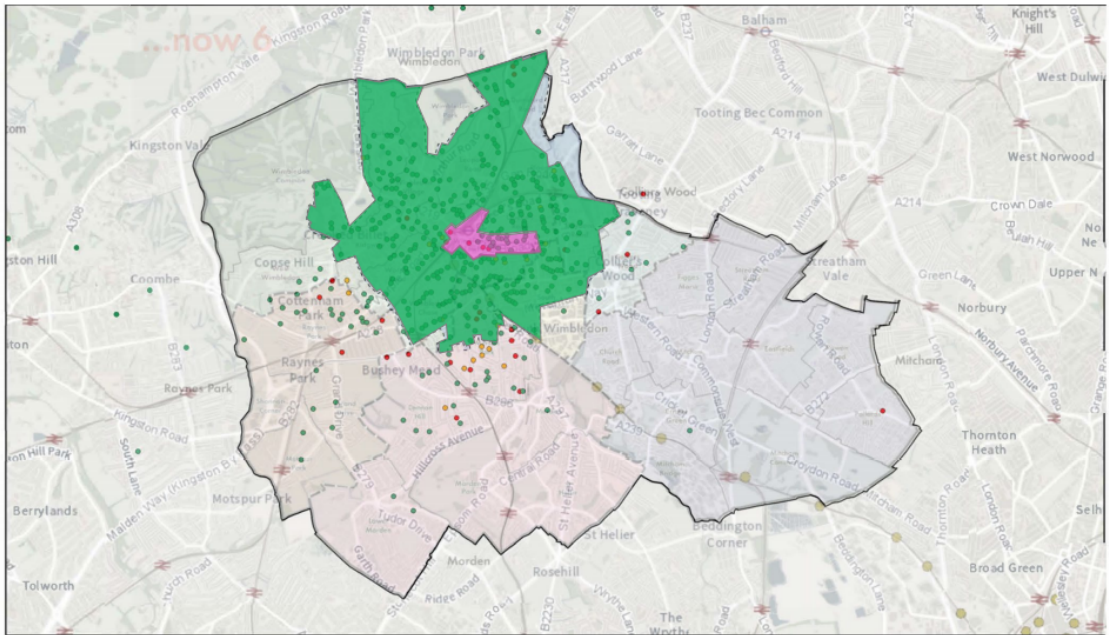


Legend

- Support proposed area
- Partly support proposed area
- Do not support proposed area
- PlanWimbledon Proposed Area
- Wimbledon Residential Neighbourhood Area



Plan Wimbledon Alternative Option 3: Town Centre and Neighbourhood Areas

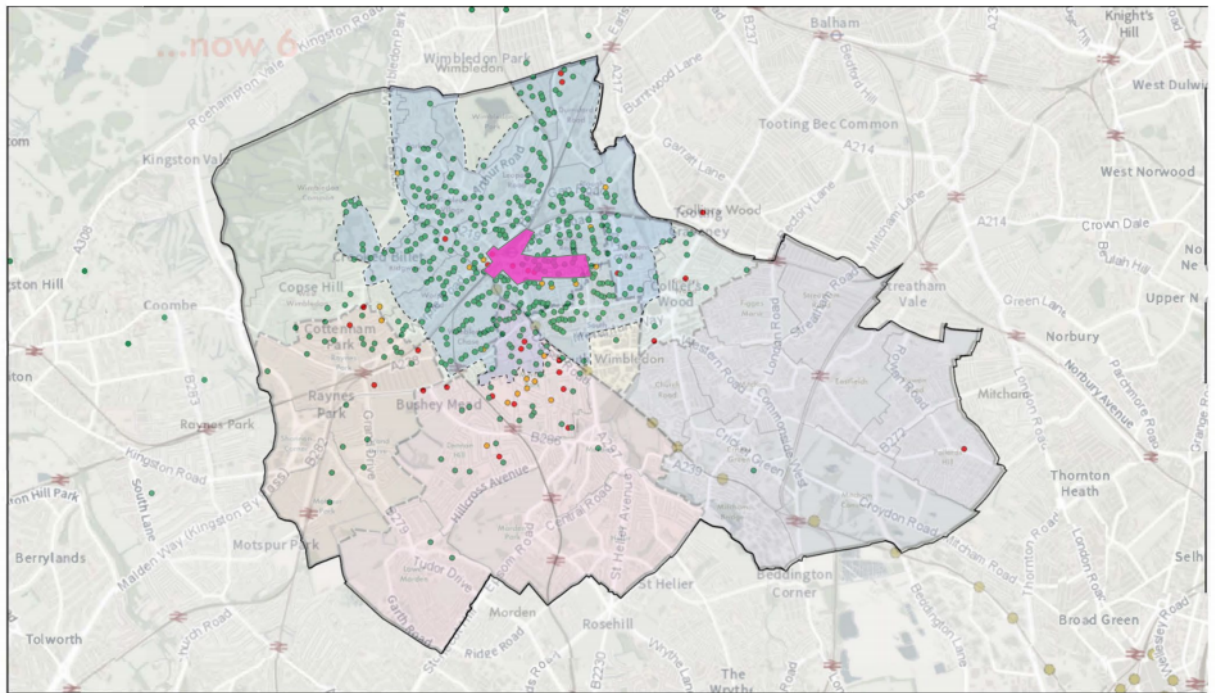


Legend

- Support proposed area
- Partly support proposed area
- Do not support proposed area
- PlanWimbledon Proposed Area
- Wimbledon Neighbourhood Area
- Wimbledon Town Neighbourhood Area



Plan Wimbledon Alternative Option 4: Town Centre Neighbourhood Area



Legend

- Support proposed area
- Do not support proposed area
- Partly support proposed area
- Plan Wimbledon Proposed Area
- ➔ Wimbledon Town Neighbourhood Area



5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1. As set out in the body of this report.

6 TIMETABLE

6.1. The neighbourhood planning regulations require councils to make decisions on neighbourhood forums / areas within 13 weeks of the first day after public consultation started, otherwise the proposals will receive deemed consent. This date expires on 13th July 2021. Therefore, the proposals will be considered at

- Cabinet on 22nd June
- Council on 8th July

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1. This report is concerned with applications for the designation of a neighbourhood forum and a neighbourhood area. The making of these designations of themselves can be accommodated within existing staff resources

- 7.2. Local planning authorities may claim for £5,000 from the Ministry for Housing Communities and Local Government (MHCLG) following the designation of a neighbourhood area and/or neighbourhood forum.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The relevant law is set out in the Town and Country Planning Act 1990, as amended, and the Neighbourhood Planning (General) Regulations 2015, as amended. The criteria under which applications for designation as neighbourhood forums and areas must be considered are set out and analysed above.
- 8.2. The 2015 Regulations introduce prescribed timeframes within which LPAs must determine applications for neighbourhood areas and forums. The prescribed period for the LPA to determine the PlanWimbledon application is 13 weeks, starting from the date immediately following the first day PlanWimbledon's application was first published for consultation by the council
- 8.3. The Court of Appeal in R (Daws Hill Neighbourhood Forum) v Wycombe DC [2014] 1 WLR 1362 clarified the approach a local planning authority should take when considering a combined application made by a body for designation as a neighbourhood forum and for designation of the neighbourhood area in relation to which the proposed neighbourhood forum would be authorised to act.
- 8.4. Amongst other things, the Court of Appeal rejected the submission that, in the situation of a combined application where the application for designation of the neighbourhood forum is refused, the local planning authority must nevertheless go on to determine the application for the specified area to be designated as a neighbourhood area or alternatively exercise its power under s61G(5) to secure that some of the proposed neighbourhood area is designated by the council as a neighbourhood area.
- 8.5. The facts of that case were that the local planning authority determined to designate the applicant as a neighbourhood forum but, in exercise of its power under s61G(5), it did so only for part of the neighbourhood area it applied for to the exclusion of two development sites.
- 8.6. Here however officers have recommended that it is not appropriate to designate PlanWimbledon as a neighbourhood forum for the whole proposed area specified within its application for the reasons set out in Section 2 of this report, nor is it appropriate, for the reasons explained in Section 4 "alternative options", to designate the forum for any smaller part or parts of the proposed neighbourhood area.. Accordingly, the council may, pursuant to the guidance from the Court of Appeal, decline to determine the application for designation of the 'specified area' as a neighbourhood area and to consider its power under s61G(5). Officers have recommended that this approach is taken.
- 8.7. This will amount to the determination of the application as required within the prescribed 13 weeks for the purposes of the Neighbourhood Planning (General) (Amendment) Regulations 2015, regulation 6A.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1. Officers have assessed PlanWimbledon’s membership (updated as at 15th June 2021, see appendix 6) against the available resident ward data within the proposed PlanWimbledon area for protected characteristics of age and ethnicity.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1. None for the purposes of this report.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. None for the purposes of this report

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

- Appendix 1 – Merton draft Borough Character extract – built character analysis
- Appendix 2 – further analysis of public consultation results
- Appendix 3 list of businesses in the four town centres, high streets and the strategic industrial location (derived from Merton’s shopping survey 2020)
- Appendix 4– copies of public consultation results
- Appendix 5 – PlanWimbledon’s application (April 2021 version)
- Appendix 6 – PlanWimbledon’s correspondence with council officers (dated 15th June 2021)

13 BACKGROUND PAPERS

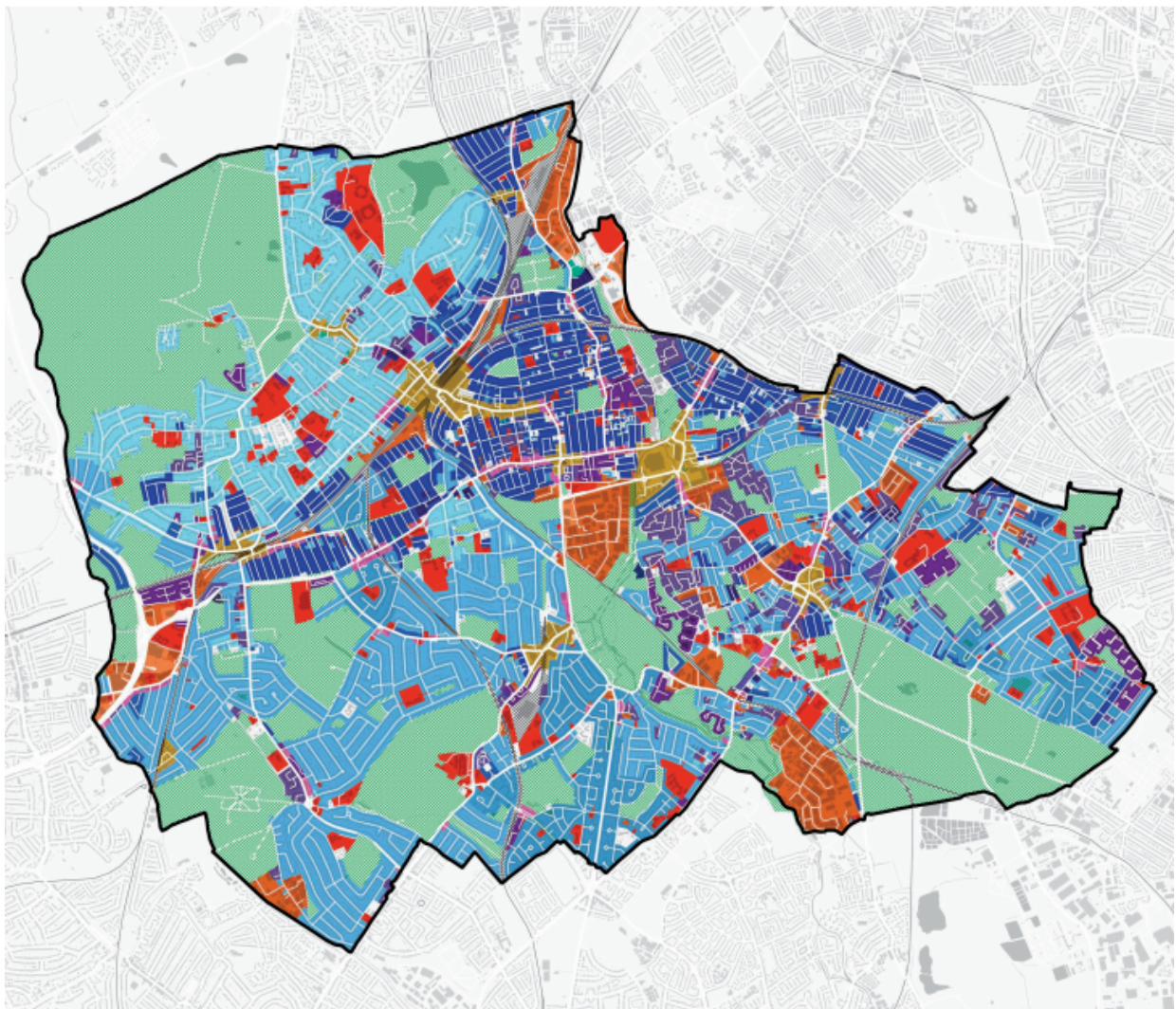
- 13.1. National Planning Practice Guidance (NPPG) – neighbourhood planning <https://www.gov.uk/guidance/neighbourhood-planning--2>
- 13.2. Legislation and regulations as outlined in the report (links found within the NPPG)
- 13.3. Merton’s draft Borough Character Study 2021 <https://www.merton.gov.uk/planning-and-buildings/planning/supplementary-planning-documents/character-study2021#:~:text=This%20study%20has%20been%20prepared,undertaken%20between%202011%20and%202015.>
- 13.4. PlanWimbledon’s applications to become a neighbourhood forum and for the of Wimbledon <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan/neighbourhood-plans>
- 13.5. Merton’s Local Plan including Estates Local Plan <https://www.merton.gov.uk/planning-and-buildings/planning/local-plan>
- 13.6. Merton data hub <https://data.merton.gov.uk/>
- 13.7. London datastore <https://data.london.gov.uk/>
- 13.8. NOMIS – official labour market statistics provided by the Office of National Statistics <https://www.nomisweb.co.uk/>
- 13.9. Merton’s shopping survey

13.10. Correspondence from PlanWimbledon to council officers, June 2021

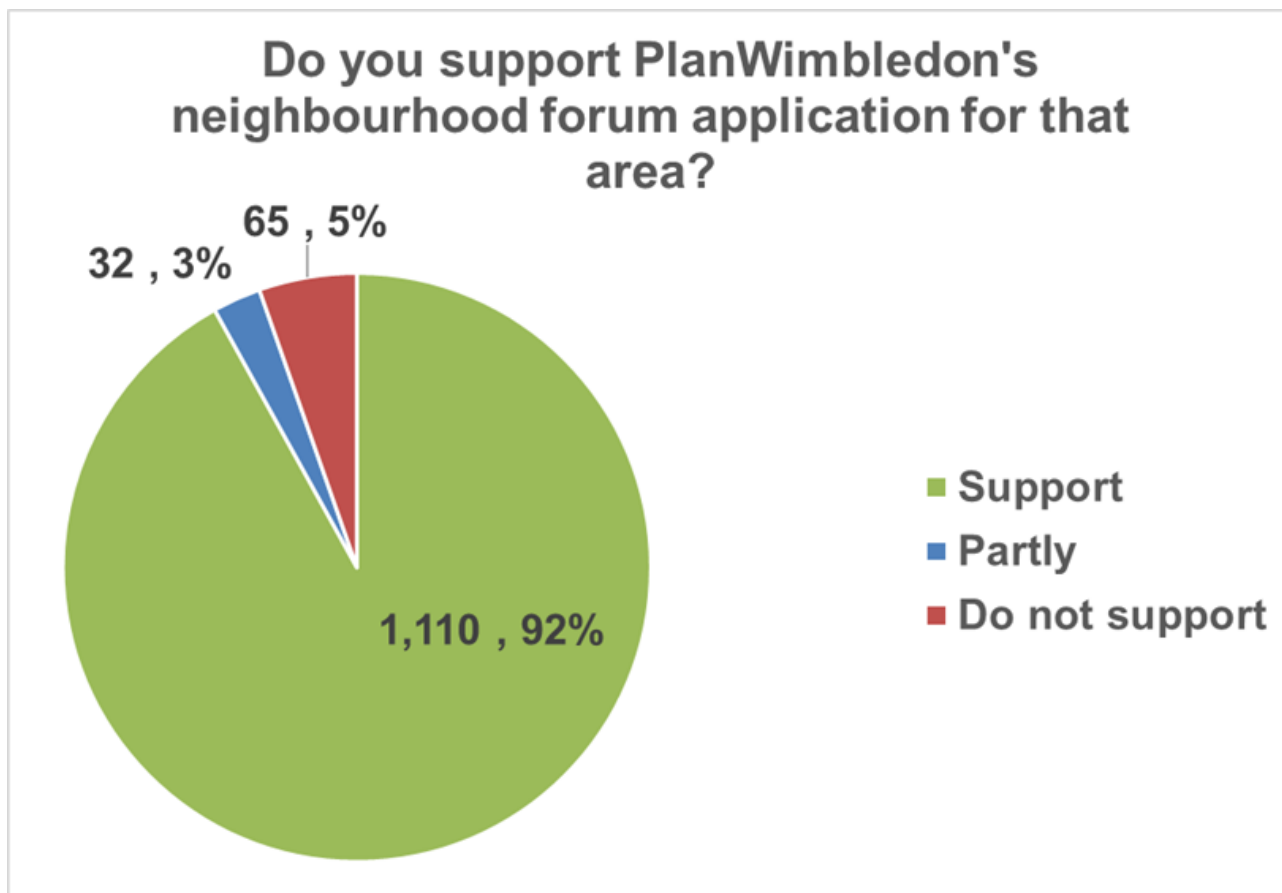
Appendix 1 Merton draft Borough Character Study extract – built character analysis

CENTRES (mixed use)	VILLA / SPACIOUS	CUL-DE-SAC
BIG BOX RETAIL	SUBURBAN	MANSION BLOCK
INDUSTRY	COTTAGE ESTATE	LINEAR BLOCKS
INSTITUTIONS	URBAN TERRACE	INFRASTRUCTURE
PARADES	QUARTER HOUSE	GREEN SPACE
CORRIDORS	MODERN URBAN	

Types of development have been classified. These are shown in the key and plan below, where the plan is coloured in accordance with type. This quickly allows us to see patterns and the geographical spread across the borough.

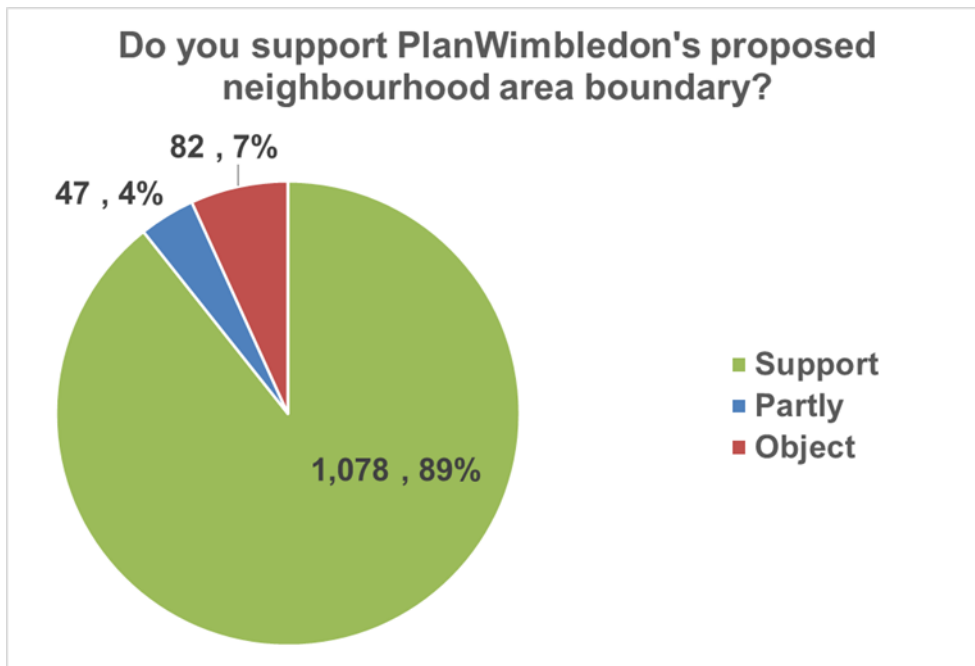


Appendix 2 – further analysis of public consultation results



There were two respondents who said both “yes” and “partly” when asked if they supported PlanWimbledon’s neighbourhood forum application for that area. These have not been included in the graphs.

Yes	Partly	The area is where I live and where I intend to live for the next twenty years. I would like to feel that any decisions that affect my quality of life will be properly considered in future.
Yes	Partly	Vagueness concerns although the Council needs oversight aspect that I think is envisioned in this group



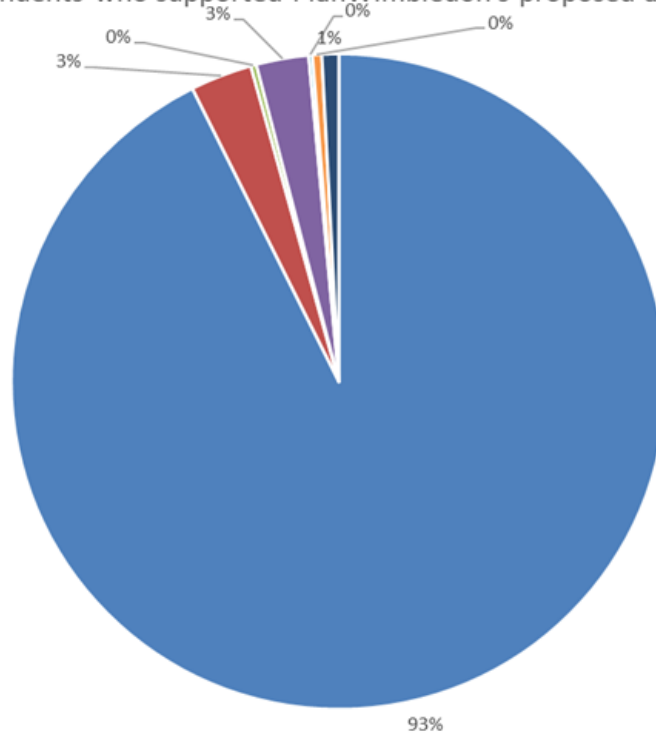
There were two respondents who said “no” and “partly” for the boundary and stated the following. These have not been included in the graphs

No	Partly	It should include all of Merton park or none of Merton park.
No	Partly	All or nothing.
No	Partly	I think SW20 (West Wimbledon) should also be included.

There were five respondents who said “yes” and “partly” for the boundary who stated the following. These have not been included in the graphs

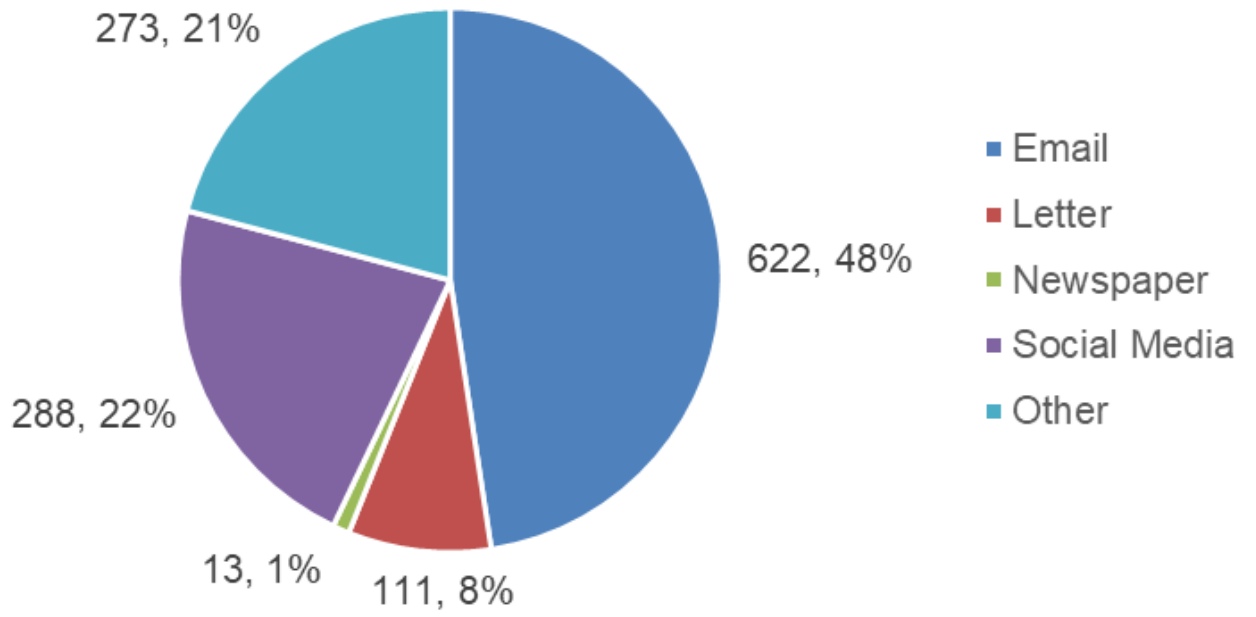
Yes	Partly	I don't fully understand the election process for the plan wimbledon team and how much local residents feelings will be represented.
Yes	Partly	I would like to have seen it more central to Wimbledon town to protect it from overdevelopment from the master plan including the sale of Centre court and future crossrail2 development
Yes	Partly	Southern boundary should not impinge on existing Merton Park residential area south of Kingston Road but can include Nelson Hospital shopping parade.
Yes	Partly	Would prefer West Wimbledon to be included
Yes	Partly	I think it should extend a bit further south in Merton park to take account of the John Innes area of benefit.

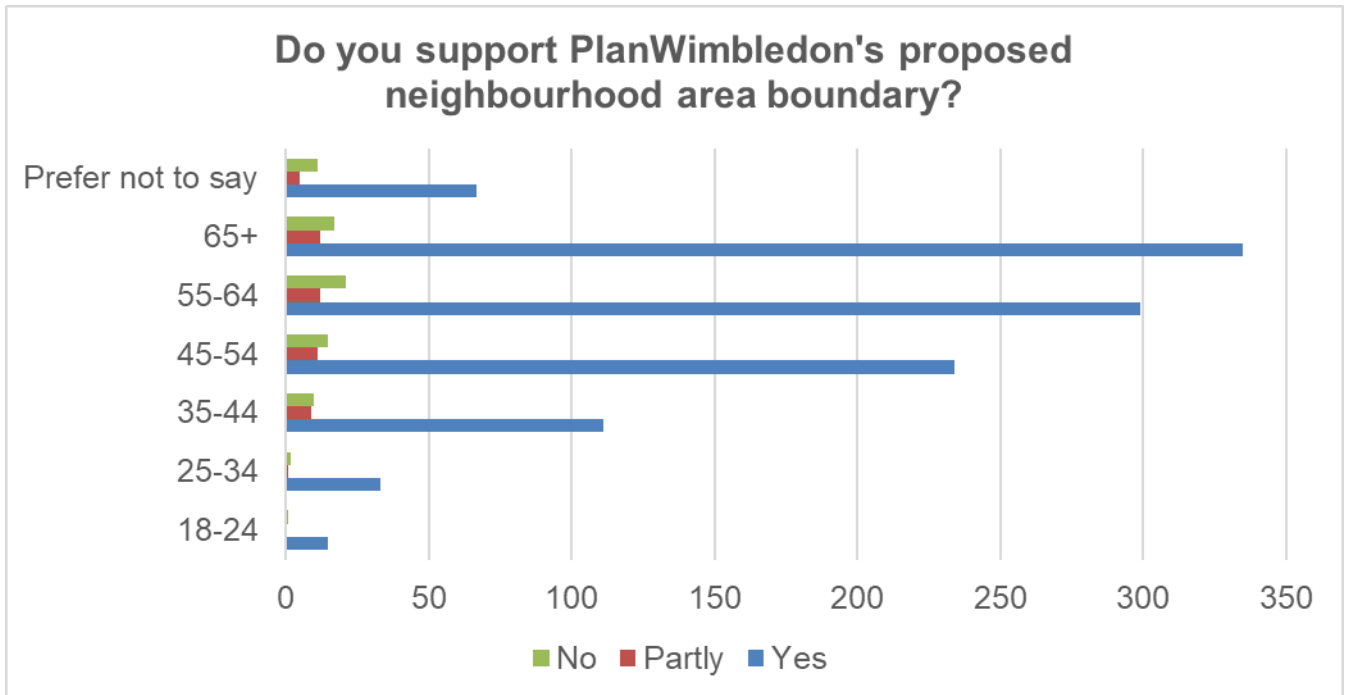
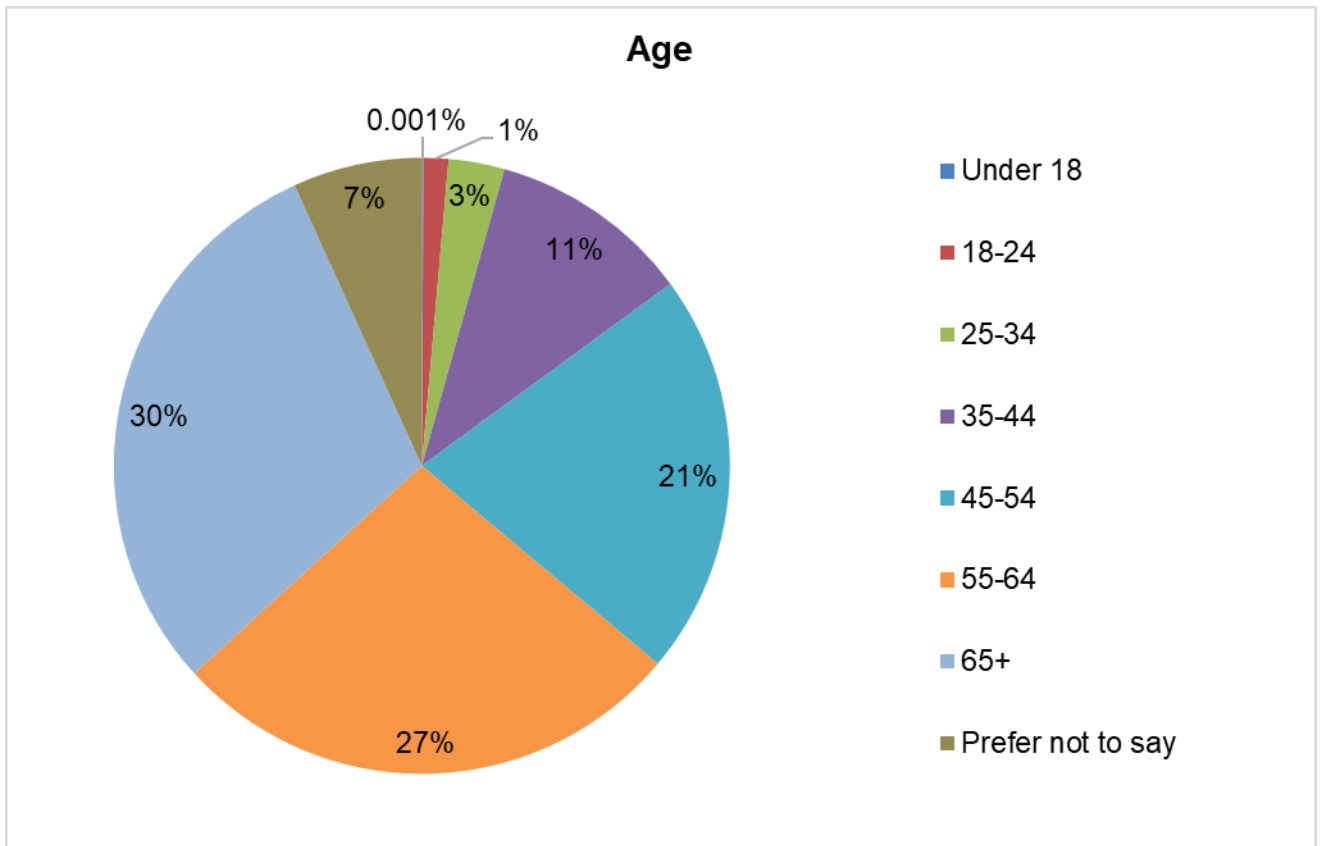
For respondents who supported PlanWimbledon's proposed area



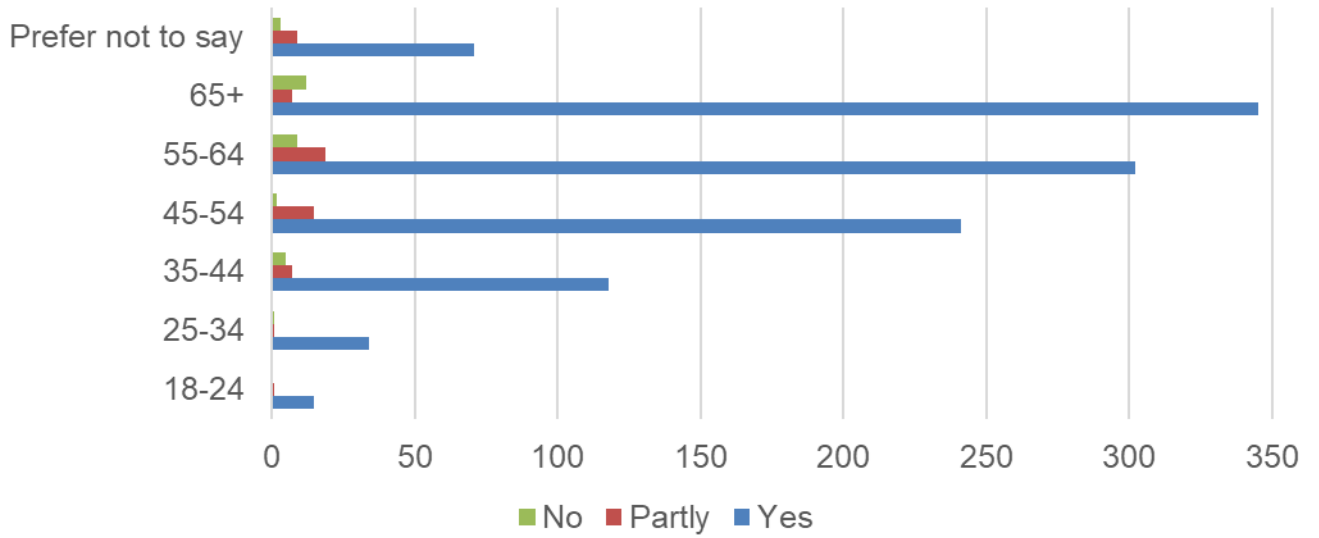
- Resident within the area
- Work in the area
- Live and work in the area
- Use area for leisure, socialise, school, shop (living and working nearby / elsewhere)
- Business owner
- Other (own a property, politician)
- did not answer

How did you hear about the consultation?

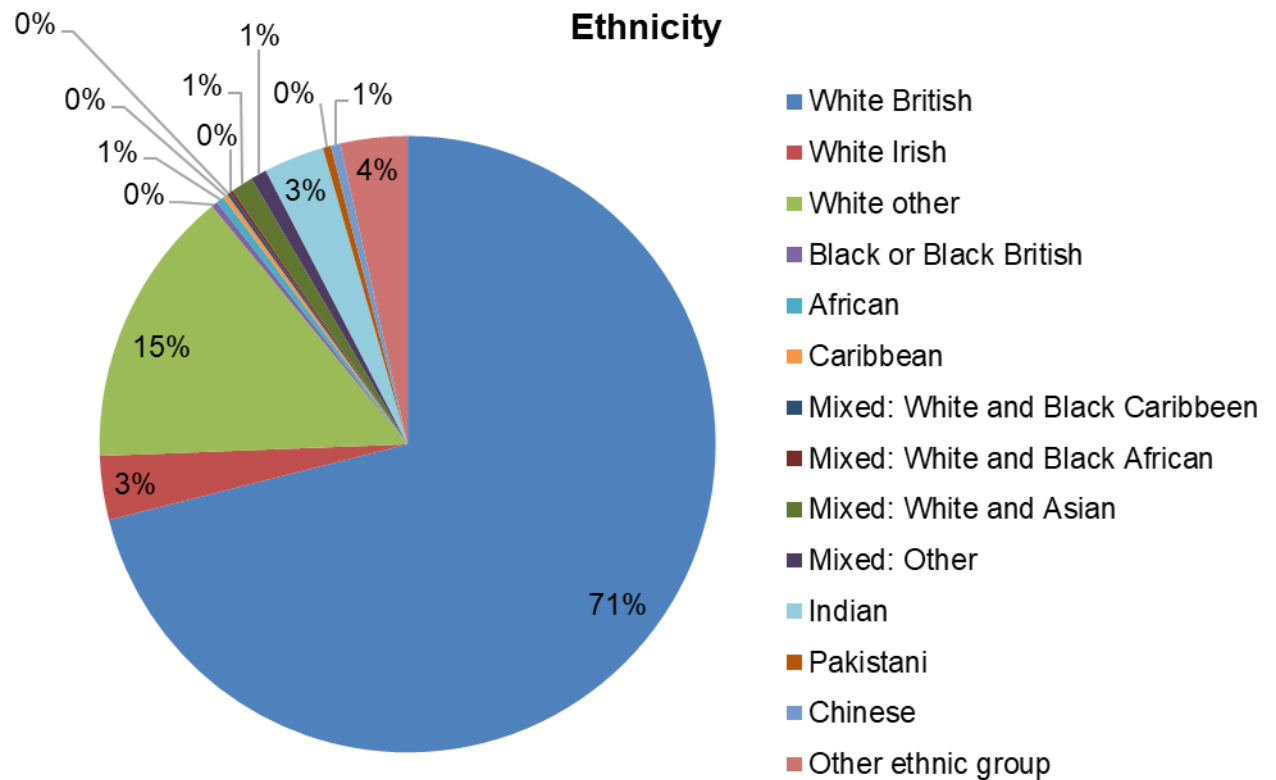




Do you support PlanWimbledon's proposed neighbourhood forum?



Ethnicity



Appendix 3 List of businesses in the four town centres, high streets and the strategic industrial location (derived from Merton's shopping survey 2020)

This does not include all businesses. Generally Merton's shopping survey only includes businesses that provide a customer facing service in a shopfront, including a trade counter)

Wimbledon town centre (208 businesses listed)

Tax Assist Accountants	Accountants
Aubergine	Art Gallery
3 Store	Mobile Phone Shop
601 Queens Rd	Bar/Restaurant
A Plan Insurance	Insurance Broker
Accessorize	Fashion Accessories
All Bar One	Public House
Andrew Purnell & Co	Estate Agent
Art Jewels	Jeweller
Auntie Anne's	Café
Aya	Takeaway
Barber	Barber
Berties Wine Bar	Public House
Betfred	Bookmakers
Bills	Restaurant
Blacks	Outdoor Shop
Boots	Chemist
Boots Opticians	Opticians
British Foundation	Charity Shop
Buneos Aires	Restaurant
Café Mori	Restaurant
Café Nero	Café
Cancer Research UK	Charity Shop
Card Factory	Card Shop
Charity shop	Charity shop
Chipotle	Restaurant
Clarks	Shoe Shop
Clementines	Hairdressers
Clinic	Beauty Services
Clinton Cards	Card Shop
Coral	Bookmakers
Costa Café	Café
Creature Company	Pet Store
Crepe Affair	Restaurant
Curry's PC World	Computer Shop
Dexters	Estate Agent
Diba	Takeaway
Dip and Flip	Restaurant
Drink Junction	Off Licence
Ecco	Shoe Shop

Edission White	Estate Agent
Edwards	Public House
EE	Mobile Phone Shop
Eillisons	Estate Agent
Elys	Department Store
Entertainment Exchange	Music Store
Evans Cycles	Bike Shop
Fayre and Square	Gift and Stationary Shop
Fielders	Art & Craft Shop
Five Guys	Restaurant
Flight Centre	Travel Agent
Foxtons	Estate Agent
Franco Manca	Restaurant
G like Gelato	Ice cream parlour
Gap	Clothes Shop
Gap Kids	Baby & Child Store
Gourment Burger Kitchen	Restaurant
Greggs	Bakers
Grilandia	Restaurant
H & M Teen	Clothes Shop
H&M	Clothes Shop
H&M kids	Clothes Shop
H&M Men	Clothes Shop
Haart	Estate Agent
Halifax	Building Society
Hand and Raquet	Public House
Hawes & Co	Estate Agent
Headmasters	Hairdressers
Health Zone	Health Food Store
Herbal World	Chinese Medicine
HMV Curzon	Music Store
Holland & Barrett	Health Food Store
HSBC	Bank
I&S	Locksmiths
imm Thai Fusion	Restaurant
Itsu	Food shop
Jacks of London	Barbers
Jackson's Estate Agents	Estate Agent
JC Michael	Care services
JD Sports	Sports Shop
Jennings Bet	Bookmakers
Jimmy's World Kitchen	Restaurant/ Bar
Joe & the Juice	Bar
JoJo Momon Belle	Childrens Clothes Shop
Junction Box	Post Office/ Newsagent
Kababji	Restaurant

Kaldi Coffee	Café
Kall Kwik	Printing Services
Kentucky Fried Chicken	Restaurant
Kingleigh Folard & Hayward	Estate Agent
Kingsmere	Dry Cleaners
Krystals	Newsagent
Ladbrokes	Bookmakers
Lakeland Homeware	Homeware Store
Lauristons	Estate Agent
Lebara Mobile	Phone Repairs
Leon	Café
Lidl Uk	Office
Little Waitrose	Supermarket
Lloyd's	Bank
Look Fabulous Forever	Beauty Services
Ludlow Thompson	Estate Agent
Lush	Cosmetics Store
Marks & Spencers	Supermarket
MBL Estates Real Estate	Estate Agent
McDonalds	Restaurant
Melbury House,Offices	Offices
Metro Bank	Bank
Mia Tai	Restaurant
Monsoon	Clothes Shop
Morrisons	Supermarket
Moss & Co	Estate Agent
Mountain Warehouse	Outdoors shop
MW Solicitors	Solicitors
Nando's	Restaurant
Nationwide	Building Society
Natwest	Bank
Neptune	Kitchen Shop
NHS Sutton & Merton	Offices
Nutfield Health Club	Gym
Odeon	Cinema
Office	Shoe Shop
Office Angels	Recruitment Agent
Offices	Offices
Oki	Restaurant
Oliver Bonas	Clothes Shop
O'Neills	Public House
Oxfam	Charity Shop
Paddy Power	Bookmakers
Pandora	Jeweller
Papa Johns	Takeaway
Paperchase	Stationary Store

Patisserie Valerie	Café
Patrica	Fancy Dress Hire
Paverly Bridal	Clothes Shop
Phase Eight	Clothes Shop
Phokas Barbers	Barbers
Pizza Express	Restaurant
Pizza Hut	Takeaway
Post Office	Post Office/ Newsagent
Pret A Manger	Café
Princess Nails	Beauty Services
Redevelopment	Redevelopment
Reflections	Hairdressers
Retail 24	Newsagent
Robert Dyas	Hardware store
Rosy Lea Café & Sandwich Bar	Café
Roxie	Restaurant
Rush Hair Stylist	Hairdressers
Ryman	Stationers
Sabi's Closet	Cab Office
Sainsburys	Supermarket
San Lorenzo	Restaurant
Santander	Bank
Scope	Charity Shop
Sean Hanna	Hairdressers
Sinclair	Jeweller
Smarty	Dry Cleaners
Smash	Pub/club
Smiggle	Childrens toys
Snappy Snaps	Photographic Shop
Specsavers	Opticians
Starbucks	Café
Sticks & Sushi	Restaurant
Stormfront	Mobile Phone Shop
Subway	Sandwich Bar
Superdrug	Chemist
Swan Court	Office
Swarowski	Crystal Shop
Tanning Shop	Beauty Services
Teokath of London	Clothes Shop
Tesco Metro	Supermarket
The Adegas	Restaurant
The Alexandra	Public House
The Body Shop	Beauty Services
The Entertainer	Toy Shop
The Fragrance Shop	Perfumery
The Old Frizzle	Public House

The Prince of Wales	Public House
The Stage Door	Restaurant
Timpson	Shoe Repair
TK Maxx	Clothes Shop
Toni & Guy	Hairdressers
Tortilla	Restaurant
Touro Brazilian Steakhouse	Restaurant
Trespass	Outdoor Clothing Shop
Trinity Hospice	Charity Shop
TWM Solicitors	Solicitors
Uni Qlo	Clothes Shop
Urban Beauty	Beauty store
Vaporized	e-cigarettes
Victorian Café	Café
Vision Express	Opticians
Vodafone	Mobile Phone Shop
W.H Smith	Stationery Store
Wafflemeister	Waffle shop
Wagmama	Restaurant
Wahaca	Restaurant
Waterstones	Bookshop
WDS - Wimbledon Dental School	Dental Clinic
Whittards	Tea/ Coffee Retailer
Wibbas Down Inn (Whetherspoons)	Public House
Wilko	Homewares
Wimbledon Dry Cleaners	Dry Cleaners
Wimbledon Library	Library
Winchester White	Estate Agent
Worple News	Newsagent
Yori	Restaurant

Wimbledon Village (128 shopping survey businesses listed)

Chambers	Clothes making shop
Bayee Village	Restaurant
Hamptons & Sons	Estate Agent
RKade	Antiques
Micheal Platt	Jeweller
Joseph Azagury	Shoe Shop
Floor Seasons	Flooring Shop
Le Creuset	Cookery Shop
John D Wood	Estate Agent
Caroline Randall	Clothes Shop
Johnson's	Dry Cleaners
American Dry Cleaning Company	Dry Cleaners

Pellini Uomo Italian Menswear	Clothes shop
Rober Holmes & Co	Estate Agent
Redevelopment	Redevelopment
Holloways of Ludlow	Home fixtures and fittings
Victorian Rugs	Home furnishings
Take Time	Beauty services
Lifetime Shutters and Windows	
Senti	Perfume
Organic Master	Beauty Services
Fire Stables	Restaurant
Illumin8 Beauty	Beauty Services
Helping Hands Homecare	Care agency
Vacant	Vacant
The Wimbledon Village Osteopath	Osteopath
Wimbledon Fine Art	Art Gallery
Restore/ Hoban Design Ltd	Masonry Restoration Service/Office
FPD Savills	Estate Agent
The Hand & Foot Spa	Beauty Services
Cath Kidston	Home Furnishings
Le Pain Quotidien	Café
Hawes & Co	Estate Agent
Nordic Style	Home Furnishings
Cote Bistro	Café
Gail's	Café
Gardenia of London	Florist
Gentlemen's Barbers	Barbers
British Red Cross	Charity Shop
Chango	Restaurant
Eternal	Jeweller
Deborah Beaumont	Clothes Shop
Boho Beach Fest	Clothes Shop
Wimbledon Village Post Office	Newsagent/ Post Office
Traders Antiques	Antiques
Pop-up shop	Shop
Patara	Restaurant
Koing Kitchens	Home Furnishings
Thai Tho	Restaurant
Brew	Restaurant
Evie Loves Toast	Clothes Shop
Eileen Fisher	Clothes Shop
Dog & Fox	Public House
Andrew Scott Robertson	Estate Agent
Carluccio's	Restaurant
Giggling Squid	Restaurant
Sarah Pacini	Clothes Shop

Whistles	Clothes Shop
Reiss	Clothes Shop
Friar Wood	Wine Merchants
The Glass House	Beauty Services
Orlebar Brown	Clothes Shop
Robert Holmes & Co	Estate Agent
Matches Fashion	Clothes Shop
Clarendon Fine Art	Art Gallery
Castrads	Radiator shop
Mary's Living and Giving	Charity Shop
Neom Organics	Beauty Supply Store
Space NK Apothecary	Beauty Services
Pret a Vivre	Home Furnishings
Wimbledon Books and Music	Books & Music Store
Goddard	Vet Clinic
Residential	Residential
N.R. Headley	Dental Clinic
Pet Pavillion	Pet Supplies
Lightcafe	Café
Sweaty Betty	Sports Shop
All Seasons	Grocer/ Off-License
Tridology	Clothes Shop
Hobbs	Clothes Shop
Hemmingways	Public House
Fired Earth	Tiles Store
Baylee & Sage	Supermarket
Petite Bateau	Childrens Clothes Shop
Carat	Jeweller
Joseph	Clothes Shop
David Clulow	Opticians
Computoin Des Cottonners	Clothes Shop
The White Onion	Restaurant
Café Nero	Café
Rkade	Antiques
Masion St Cassien	Café
Rajdoot	Restaurant
Sorverign Travel	Travel Agent
The Ivy Café	Restaurant
SHOW Blow	Hairdressers
Iris	Clothes Shop
Joe & The Juice	Café
Prince	Clothes Shop
Jigsaw	Clothes Shop
Wimbledon Pharmacy	Chemist
Knight Frank	Estate Agent
Revital	Health food shop

Cancer Research UK	Charity Shop
Pizza Express	Restaurant
Piajeh	Clothes Shop
Megan's	Restaurant
Paul	Café
Porcelain Tiles	Tile shop
Andy's Salon	Hairdressers
Farrow & Ball	Paint & Paper
Japan UK Property Ltd	Estate Agent
Oxfam	Charity Shop
Peacock & Co Solicitors	Solicitors
Neal's Yard	Organic Natural Health & Beauty
Fig	Clothing
Expressive Eyes	Opticians
Vacant	Vacant
Nicolson & Frelander	Dry Cleaners
Sajana	Beauty Services
Mathnasium	Education
Skinsmiths	Beauty services
Headcase	Barbers
Lulu Blonde	Hair & Beauty
Wimbledon Tandoori	Restaurant
Black Radish	Restaurant
Headmasters	Hairdressers
ESHO	Beauty Services

South Wimbledon – 67 businesses listed

201 Asian Kitchen	Restaurant
Adams	Takeaway
Aino Health Centre	Alternative Health Centre
Alisha Dry Cleaner	Dry Cleaners
Ariana High Quality Dry Cleaners	Dry Cleaners
AYA	Restaurant
Body Sun	Beauty Services
British Dance Council	Offices
Costa	Café
CRIBBS Estate Agents	Estate Agent
Cruz Hair	Hairdressers
Cut Masters	Hairdressers
Cutdye by Lina	Hairdressers
Cutting Lounge	Barbers
Dallas Chicken n' Ribs	Takeaway
Darren Estate	Estate Agent
Dickson's	Estate Agent

Dylan's Barber	Barbers
Easan & Co./ M Vaikundavasan	Accountants
Eggs Benedict	Restaurant
FM	Dry Cleaners
Fresh Fish & Chips	Takeaway
Grenfell Housing Association	Housing Association
Gusto Café	Café
Hot Pod Yoga	Gym
Johnson Grilly	Solicitors
Kendall Car Rental	Car Rental
Kimico	Beauty Services
Klaudias Hair and Makeup	Beauty Services
Kwik Fit	Car Garage
Lark	Gift shop
Little Brazil	Restaurant
Little Vietnam	Restaurant
Martin & Co.	Estate Agent
Mazar	Takeaway
Merton Kebab House	Takeaway
Merton Minicabs	24 hr Cabs
Mr Clutch	Garage
N. Nahar & Co	Accountants
Nantha & Co	Solicitors
Nest Seekers	Estate Agent
NumberWorks 'nWords	Tuition
Rashid & Rashid Solicitors	Solicitors
Sainsburys	Convenience Shop
Shofar Chuch	Religious Centre
Signature Law	Law firm
Simply Fresh	Supermarket
Spiceway Supermarket	Off Licence/grocers
Stained Glass Studio	Glazers
Sunrise solicitors	Solicitors
Sunrise solicitors	Solicitors
SW19 Café	Café
Takahashi	Restaurant
TCL Estates	Estate Agent
Tennessee Express	Takeaway
Tesco Express	Supermarket
The Bank House	Accountants
The Hair Confidante	Hairdressers
The Kilkenny Tavern	Public House
The South Wimbledon Clinic	Health Centre
Timeless Interior	Antiques Restoration
Vape Cave	Vaping shop
Victoria Corporate	Accountants

Weber Brare	Hairdressers
Wimbledon Food & Wine	Convenience Shop
Wimbledon Solicitors	Solicitors
Wireless Vision	Mobile Phone Shop

Arthur Road – 38 businesses listed

The Tennis Gallery	Art Gallery
"Best One"	Newsagent
"Dr.Parry"	Chemist
"The Kindness"	Takeaway
A1 Cars	Cab Office
Brinkleys	Estate Agent
Burlington Estate Agents	Estate Agent
Café du Parc	Sandwich Bar
Casa Argentina	Café/Restaurant
Co-op	Supermarket
D&S Tailors and Dry Cleaners	Dry Cleaners
Dalchini	Restaurant
Enamour Hair and Body Clinic	Beauty Services
Estella	Restaurant
Frenchman's Creek	Furniture shop
Gallerie Prints	Art Gallery
Gennaro Dell'Aquila	Hair & Beauty
Indigo Projects	Office
James Mens Barbers	Barber
K2	Takeaway
Manuels	Bakers
McGlennons	Solicitors
Mr Sparx	Electrical Supplies and Lighting Bespoke Kitchens & Living Spaces
Neil Norton	
Park Viniters	Wine Merchants
Pasha BBQ and Kebab	Takeaway
Red Brick Oven	Takeaway
Regal Nails	Beauty Services
Saucer + Cup	Café
Seahorse Nursery	Nursery
Thai Spa Boutique	Hair & Beauty
The Cake Parlour	Baking Products
The Glass House	Office
The Park Barber's	Barbers

The Wedding Dress Shop	Bridal Shop
Thom Kirby	Hairdressers
Wimbledon Park Post Office	Post Office
Z Group	Financial Services

High streets including Haydon's Road, Leopold Road and Ridgeway – 99 businesses listed

"Best One"	Off Licence
:a Faroma	Portuguese takeaway
afl Construction	Building services
Ambience	Restaurant/ Cocktail Bar
Ambience express/Meze World	Café
Basilica	Takeaway
Blade Barber	Barbers
Brian Kirby Flowers	Florist
BTL Property London	Building Management
Bugsys Barbers	Barbers
Bumble Bee Day Nursury	Childrens Nursery
Charles Jarman Flooring Ltd	Home Furnishings
Chicken Cottage	Takeaway
City Plumbing Supplies	Home Furnishings
CLE Design Ltd	Offices
Commercial Electronics	Electrical Store
Co-op	Supermarket
Co-operative	Supermarket
Cuddington	Builder Services
Direct Companies Centre	Repairs Houehold and Garden Equipment
Dudey Dry Cleaners	Dry Cleaners
Easyaiportravel.com and Easyaccidentclaim.com	Cab Office/ Insurance
Esente Hair	Hairdressers
Galaxy	Dry Cleaners
Golden House	Takeaway
Good Chef	Takeaway
Good Earth Express	Takeaway
Hallidays Homes and Wares	Home Furnishings
Haydon Late Shop	Newsagent/ Off-Licence
Haydons Cabs	Cab Office
Haydons Café	Café
Haydons Pharmacy	Pharmacy
Hicks Gallery	Art Gallery
Holy Smoke	Restaurant
Home Care Service Provider	Service Provider
Hypnotherapy and Natural Health Centre	Natural Therapy Clinic
J.J Stores	Newsagent

Jaipur	Takeaway
Katja	Clothes Shop
Knox Brothers	Funeral Directors
Kydd & Kydd	Vet Clinic
LA Hairdressing & Inner Beauty	Hairdressers
Leopold News	Newsagent
Light House	Restaurant
Lupo Bros.	Café
Luxury Nails Boutique	Beauty Services
Mc China	Restaurant
Mimo	Hairdressers
Montana Barber Shop	Barbers
Mortgages Financial Consultant	Financial Services
Nails & Co London	Beauty Services
Newport Food and Wine	Grocer
Office	Office
P & P Glass	Glazers
Papa John's Pizza	Takeaway
Period Mirrors	Home Furnishings
Pilates studio	Pilates Studio
Pizza and Pasta Hut	Restaurant and Takeaway
Plum Lettings	Estate Agent
Quality Landrette/ Dry Cleaners	Dry Cleaners
R Clinic	Massage
R Clinic	Massage
Redevelopment	Redevelopment
Ridgeway Dental	Dental Clinic
Ridgeway Pharmacy	Chemist
Robert Edwards	Butchers
Robert Kirby	Hairdressers
Rovigo Pizza	Takeaway
Sara Cars	Accountants/Taxis
Secondbyte	Computer Repair
Shivshakti Newsagents	Newsagent
Star Kebab & Chicken	Takeaway
Strength Lab	Fitness Consultants
Thai Charms	Massage Centre
The 1995 Club	Café
The Box	Café
The Hairy Monkey	Hairdressers
The Little White Building Company	Home Improvements
The Patio	Café
The Sampler	Wine store
The Swan	Public House
The Wimbledon Print Company	Printing Services
Thomas James Pharmacy	Chemist

Traditional Babers	Hairdressers
Tree Box	Garden Shop
Trio Hair Studio	Hairdressers
Tucker French Bathrooms	Home Furnishings
Twoj Market Polish Deli	Grocer
Vanity Fur	Dog Grooming
Victory Dental Laboratory	Dental Clinic
Village Dry Cleaners	Dry Cleaners
Vintage Fish Wimbledon	Restaurant/Takeaway
Wacka	Café
William Hill	Bookmakers
Windows Glass	Glazers
Winter Bear: Home	Café
Xin's House	Takeaway
Yalini	Convenience Shop
Z&Z Hair &Beauty	Beauty Services

Appendix 4– copies of public consultation results

Available online here and to be added [PlanWimbledon Consultation Responses \(merton.gov.uk\)](https://www.merton.gov.uk/planwimbledon)

Respondents who gave reasons for supporting PlanWimbledon as the neighbourhood forum

- For the above reason. Merton Council leave a lot to be desired Could we declare UDI?
- This will allow real engagement by the community
- see above
- Although I do not live within the boundary, I am a frequent visitor for leisure & shopping and a member of an arts group based in the town centre. I support the idea of more local input in the planning process.
- Vagueness concerns although the Council needs oversight aspect that I think is envisioned in this group
- Neighborhood involvement in planning issues is to be welcomed.
- A residents forum taking initiative is welcome.
- It should give more influence to locals re their local neighbourhood
- The residents need more representation in determining the future development of Wimbledon in terms of planning decisions.
- We need such a forum
- As I am unhappy with the last 10 years of developments in Wimbledon as they have had a negative impact on the look of Wimbledon. I am also wary of further plans to increase the Wimbledon skyline which risks turning Wimbledon into a mini Croydon.
- Because there have been too many developments within Wimbledon area that do NOT improve the local area for communities. It is vital that local communities have a say (not just a chance to comment on planning proposals, that are then ignored) in what their local neighbourhood looks like and how it develops. No more increasingly ugly and high-rise buildings destroying the look and feel of an essentially Victorian town. A neighbourhood forum with PlanWimbledon would give residents a sense of agency in how their own, incredibly important, community develops, with people at the heart of decisions.
- I believe this organisation will support and take care of the values and heritage of Wimbledon as we all move forward
- Seems to fit the bill for such a group
- Local residents should be allowed to be heard about any future changes to their area.
- Because this plan had the best interests of residents and businesses alike
- I fully support the application for local residents and businesses to be involved in planning matters in keeping with the terms of the Localism Act
- Impartial and local residents are part of it.
- Yes so we have a greater say in the plans of Wimbledon as residents
- Wimbledon is a name known around the world. And also it has great value, character, heritage and meaning to local people - residents and businesses - as well as to the tens of thousands of regular visitors to SW19.
- Because the group contains people with varied interests and experience and relevant qualifications. The information I've seen tells me the group wants to work with all kinds of organisations, businesses etc in order to create the neighbourhood plan.

- It is a democratic way to move forward
- Feels like the only way to get my voice heard
- Because hopefully they will keep an eye on the proposed developments and ensure that Wimbledon is not stripped of its character and over developed as has been the case in Sutton where I lived as a child, and also Kingston and even worse Croydon which looks more like USA than UK.
- Residents voices, as well as those who use the area need a voice to express their views and a forum to raise issues/challenges as well as positive things. Merton council need more checks and balances in place, in respect of their plans and proposals and recognise the needs of those who live and work within the boundary proposed.
- As above
- This represents a means to participate and influence new development in my area. Other parties will need to take the comments of the neighbourhood forum seriously. This will mean other parties will not have total power in decision-making as at present. I would like my opinions to be formally represented through a recognised forum in relation to new development in the area in which I live.
- Wimbledon desperately needs a plan for the future; what kind of a place do we want to live? What is going to be done about the overwhelmingly hostile, polluted, noisy, and dangerous roads? How will the council take urgent action to cut traffic, create low traffic residential roads, pleasant & vibrant highstreets which can be safely accessed on foot or cycle? How will it engage with children and other marginalised groups and make the streets safe enough for children to use independently to access schools and parks? How will it restore the common and other green space to the tranquil low traffic areas they used to be?
- It is important for local residents views to be represented and experience shows that individual views are seldom heard or able to make a difference
- It is a fair way of getting local opinion on the development of Wimbledon
- So Wimbledon can plan building projects with the existing buildings in mind and not create tall high rise buildings in a modern style next to a Victorian building.
- Agree
- It will give more of a voice to specific issues in the respective area that those people either live or work
- It is community led and a credible coalition of local citizens and relevant sectors
- See above - anything that will help to hold the Council to account.
- The group is professionally run and represents a broad cross-section of Wimbledon stakeholders
- Locals input on any development would be a big help.
- The development of Wimbledon's town centre and surrounding areas needs to be done with residents in mind and meet the needs of residents in the local area.
- Good to have another voice speaking up for residents and smaller businesses
- Much of the major development to date has not been directed with a representative opinion of the residents who will be most directly affected. It is appealing for the community within the delineated boundary to be fully represented and to have a say in how development will impact the quality of their surroundings and amenities going forward.
- See above
- To be involved in the neighbourhood plans and to have our views taken into account in the future development of Wimbledon.

- It is important to have a truly independent neighbourhood forum to coordinate residents' views on buildings proposed to be built in Wimbledon town centre and to make any objections known to the Council with a united voice.
- We need representation to prevent applications and consent passing without our knowledge. This way we will be kept more informed
- As above
- We need some way to be heard.
- The marked out boundary on the map makes perfect sense as an area that can be considered as one.
- because it gives residents and businesses the opportunity to formally engage with the Council on the implementation of the Local Plan, as per the justification in their proposal
- The diverse mix of people in the group make it very representative of the neighbourhood area and thus a compelling voice for the area.
- As above
- Any Wimbledon forum that gives a voice to the community it represents, as long as that community is accurately represented, will be a force for positive change.
- Because the committee is made up of people who have long campaigned for better quality buildings in Merton. Unlike Merton council they have the best interests of Wimbledon and its residents at the heart of what they do.
- We need to be kept informed and have more say in what happens in our area.
- I think community involvement is always excellent .
- As above
- Yes
- to help ensure coherent planning for the area.
- Because we need a strong group representing the needs and wishes of local people which the Council does not at present heed.
- To bring all the disparate ideas together and provide consistent information
- Neighbourhood plans will become more important in determining planning applications if the white paper "Planning for the Future" is enacted into law
- To bring all areas of Wimbledon together for communities to create plans, giving the chance to join forces as a community, in creating the Wimbledon we want in the future.
- Yes because I think it's too cramped and no more houses should be built.
- because they support the views of local residents and businesses
- There are major proposals coming forward in respect of Wimbledon town centre which need examining. Representations should be made in respect of them and PlanWimbledon would be an appropriate body to achieve this.
- Wimbledon is a very special place. People move here, workers and companies come here BECAUSE they understand the value of a tightly knit community that values mutual respect, education, the environment and well being. These things at present do not have a distinct role in planning future Wimbledon.
- To stop over development
- It strengthens the community. Businesses and the local community do feed of each other and need each other to grow.
- Because someone needs to protect Wimbledon from people who have no taste.
- To have a thriving community there needs to be a forum to discuss what the community should do
- My friend told me about it

- Yes, the neighbourhood forum will be able to make an important contribution to planning and development in the area.
- To provide input into development plans for the area.
- Enables the residents to shape the future, encourages democracy in the planning process which seems to be lacking at present, better collaboration across the community
- As above. I support them because of the good and hard work done to consult with other local people, businesses and organisations, so it does feel truly local for Wimbledon.
- We need a politically neutral group.
- Strongly believe we need a greater localisation of planning scrutiny and design in Wimbledon.
- Enhances the ability of our local community to input into local planning and development
- Locals know best. Wimbledon is special and needs to remain so in the eyes of locals and the world alike.
- We need local people involved in planning decisions that affect our community in Wimbledon
- I'm a resident / it's the best chance for continuing to have a pleasant area
- Again important for our residency
- The area has residential plus commercial buildings , need to work together Also rather different needs from other areas in Merton
- This will give those who live and work in the area a greater say in Wimbledon's future development.
- Will bring a stronger voice for residents, businesses and community groups in neighbourhood planning
- Yes it is important local residents and businesses plan
- We need local people planning their futures in Wimbledon to be involved in planning what is there to be used and enjoyed
- See above
- This would be a helpful thing to have access to.
- We need a good neighbourhood forum
- The Committee has a wide mix of people with different areas of expertise to enable them to represent the entire area on the variety of issues that will inevitably crop up.
- So that I will be informed of all plans and proposals that affect life in my area
- We need broadest possible consultation at all levels for future neighbourhood development in Wimbledon area.
- Gives locals more voice in planning and allows us to protect green areas.
- A forum that should have a voice
- See answer to question 1.
- The development plan for Wimbledon has largely been developed to meet external pressures and is not a plan that those within Wimbledon want. Plan Wimbledon is an energetic group which will attempt to produce a development plan which meets the needs of business, residents and employees connected to the town and reconciling these with external pressures.
- Trust in the council planning approval process is at an all time low. Allegations of corruption, lack of consideration of designs fitting in with the integrity of the local area are big issues for residents.
- It is important that residents have a real say in proposed developments
- As above, I care deeply about the area that my family lives in and what happens as the decisions affect us.

- We should have a say for the future of our children and Wimbledon in general as to how it changes / grows and I understand that we have to be forward thinking. We have lost too many local shops and businesses and if we can add any value we should to keep the village more mixed otherwise it will become all restaurants and charity shops which would be a pity. The restaurants are wonderful as are the charity shops but it would be good to have smaller brands which can afford the rent and business rates? May be a business rate break for smaller brands? Only a thought?
- A voice is what is needed for lobbying and funding.
- As the PlanWimbledon's application process progressively comes to an end, I remain hopeful that common sense and good will would prevail above partisan interests and that the spirit of the Localism Act 2011 will be embraced by the London borough of Merton.
- Merton Conservatives wholeheartedly support PlanWimbledon. This is an important community initiative that will ensure that the views of local people are heard during the planning process. It is crucially important that the character and feel of Wimbledon is preserved and having input from the local community will be important in achieving this.

Respondents who gave reasons for partly supporting PlanWimbledon as the neighbourhood forum

- Not including surrounding areas
- Only on the basis of altering the boundary definition
- Yes if include South Merton Park area eg Cranleigh Road
- The area is where I live and where I intend to live for the next twenty years. I would like to feel that any decisions that affect my quality of life will be properly considered in future.
- Again because I don't fully understand how much the local residents, like myself, will be represented.
- Change the boundary to include all SW19 postcodes on the southern side and I'll agree wholeheartedly.
- I'd support it if Liberty Avenue were included...
- Only if they amend the boundary as mentioned above
- Only if you extend it to more of the Merton Park Ward
- Yes in theory, I agree there should be a local voice. But what does PlanWimbledon stand for, what are its goals? There will be issues around residential development versus commercial development. What is the vision for Wimbledon Town? I am sure it is different to Wimbledon Village and how can those work together? How will the Forum be managed so that it becomes a fruitful and positive force?
- I do not want part of the council area to have more say on what happens in the borough than other parts. I am worried it becomes a not in my back yard organisation
- I would only support if it includes the whole rather than part of Merton Park. I disagree with Merton Park Residents' Association advice as set out in the documentation associated to this consultation. Dividing the ward could lead to difficult decisions. I do not want to see this happen. As an SW19 resident I identify with Wimbledon rather than Morden.
- Vagueness concerns although the Council needs oversight aspect that I think is envisioned in this group
- If this enables cohesive representation for the area with regard to upcoming plans to increase density in the area, then I think this will be a good thing. However the boundary needs to be adjusted as stated above.

- It concerns me that PW list 'Recession' and 'Climate Change Emergency' as two of its rationales. I find these aspects overly political.
- The SW19 London postcodes of south Merton Park to Martin Way has to be included as it is an integral part of Merton Park and the whole neighbourhood belong to and have an affinity to Merton Park Ward Residents' Association. There are no ties, attachments or affiliations with Morden and the Surrey SM4 postcode.
- See above
- I'd like to know more about what is planned, it could be amazing. Also if Merton Park is left out of it I worry it will be detrimental to that area.
- If you would explain what your intentions are I may agree wholeheartedly but without a clear indication what you plan to do I cannot agree.
- There are very different requirements for Wimbledon Town compared to the surrounding areas. A large amount of the commercial real estate is not occupied by Wimbledon residents and would potentially be disenfranchised. The neighbourhood forum adds an extra layer of bureaucracy to the planning process, and LB of Merton appears to conduct it well enough at present
- For the boundary reason above. I support the idea of a neighbourhood forum more generally.
- not sure how we would use it.
- Risk it will not be representative, needs to take into account views of majority of residents not just a select few. Although I agree with holding the Council to account. Too many decisions are made without residents opinions being listened to.
- The forum members must be diverse and a reflection of the neighbourhood they represent.
- Only it includes the whole area village, town ,west Wimbledon.
- Though I have issues regarding the representativeness of the steering group
- I support this on the understanding that Merton Park southern boundary will be moved back to where it was originally, the line being drawn at the southern border of Circle Gardens SW19, which is within the one-mile radius and is the common sense boundary for Merton Park. the line can easily be put back to include Kenley Road and Poplar Road north of Circle Gardens and other parts of Merton Park within the one mile radius.

Respondents who gave reasons for not supporting PlanWimbledon's neighbourhood forum

- Feel there is sufficient representation rather than setting up a group , led by those who are opposed to Merton per se
- As above. We have councillors who represent us. Plan Wimbledon will not represent us at all
- The area they are attempting to "represent" is far too large for effective communication between all the disparate parts. Merton Park Ward is a tightly-knit community. It has a "village" atmosphere, built around long-standing institutions (schools, church, social and cultural societies...), in which there is participation from all corners of the Ward. There is very successful Residents' Association but they recognise the problems of listening to and acting on behalf of all the neighbourhood interests.
- The catchment area is too big and it appears the forum is very anti-growth and development. The average age of the consultees is too old to be looking to the future

generations. Resident Associations that have 'signed up' have not consulted the community, so this initial consultation is not representative of the local community.

- as above
- Unless you live in my neighbourhood I would argue you do not appreciate the history or atmosphere. Local issues that directly affect me would not necessarily do so to someone in another part of Wimbledon
- This looks like an unelected body over whom residents will have no control and will push their own agenda through. Most people in the area probably don't know about this and it is a highly dangerous precedent to allow such groups to gain any power of this kind
- Who are they and how and by whom were they selected?
- I do not want this group of unknown people called PlanWimbledon taking a lead on neighbourhood developments. I would prefer my elected officials to do that.
- The principal consideration is the fact that any future neighbourhood plan needs to properly comply with the “basic conditions” set out in Schedule 4B of the Town and Country Planning Act 1990, paragraph 8 (2). The policies and guidance that are relevant include the following: The NPPF follows the provision of section 38 (6) of the Planning and Compulsory Purchase Act 2004. The relevant NPPF paragraphs in this case relate to: paragraphs 12 and 13 (“the planning system should be genuinely plan led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priority; and a platform for local people to shape their surroundings”); paragraph 16d (“contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to the development proposals”) and paragraph 16f (“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area...”). The adopted Core Strategy 2011 establishes clear strategic policies for the regeneration and growth at Wimbledon and this priority remains within the new Merton Local Plan. The new local plan is advancing, having been subject to recent public consultation earlier this year (stage 2a consultation) and with an expected pre-submission plan anticipated for consultation during the coming months which will be examined and then formally adopted. The new local plan has been prepared to comply with strategic, new London Plan policies (as set out in the Mayor’s adopted London Plan 2021) which continues to identify Wimbledon as a Major Centre and an important opportunity area for large-scale development with significant increases in jobs and homes. The vision, key priorities and objectives for Wimbledon are therefore clearly set out in both the recently adopted London Plan and the advanced, new Merton Local Plan. In particular, draft Policy N3.6 contained within Chapter 9 of the new Merton Local Plan identifies the need for promoting Wimbledon as “South west London’s premier location for business, leisure, living and culture” in providing an “example of good quality and sustainable place making” whilst also identifying the need for “driving investment and innovation in work spaces to support the local economy and jobs in the town centre commensurate with Wimbledon’s role as a Major Centre.” It further states that the local plan will “encourage development that attracts businesses, visitors and tourism to the area all year round, including high-quality hotels, conference facilities and cultural activities” with the aim to strengthen the position of Wimbledon as a Major Centre in south London through the redevelopment of identified key sites. The Victoria Crescent site, known as Site Wi11 represents an important, strategic allocation for a mix of town centre uses through comprehensive redevelopment. The new Merton Local Plan when adopted later this year alongside the new London Plan will form the up-to-date statutory planning policy framework for future decisions on applications across the town centre. Further, there exists “Future Wimbledon Supplementary Planning Document” recently adopted in November 2020 which outlines all such priorities for Wimbledon town centre in relation

to achieving: design quality, public realm, urban greening and sustainability, improving High Street vitality (post-Covid recovery) whilst also considering long-term ambitions. These priorities are also embedded in draft planning policy to ensure consistency. The adopted town centre SPD has been subject to design and technical evidence and whilst F&C and their advisors have made past representations on it during the consultation process (in relation to inclusion of site Wi11 within the tall buildings cluster given its significance amongst other considerations), it is acknowledged that the SPD will act as guidance to the new Local Plan. The SPD document therefore incorporates guidance on alternative land-use allocation and distribution and other such development parameters particularly in relation to allocated sites having considered some of the constraints and opportunities across the town centre as a whole. The SPD therefore provides the next level of detail in terms of how strategic, identified sites might come forward which has been subject to stakeholder consultation and engagement. This planning policy framework is therefore considered more than adequate in providing the required policy and planning guidance in shaping the regeneration of the town centre and its strategic development sites. The introduction of a neighbourhood plan would result in unnecessary duplication of policy which would need to repeat policy objectives set out in the new local plan and adopted SPD (given it will need to be in compliance) – in turn, questioning at the outset its role and purpose. Such duplication would not meet the “basic conditions” for preparing a neighbourhood plan. Indeed, it would result in an additional layer of statutory plan policy which would create uncertainty in application decision-making given the planning policy framework which will be in place for that very purpose. Again, this would not meet the “basic conditions” tests. More specifically, within Plan Wimbledon’s application (updated April 2021) at paragraph 5.4.2, it is stated that the COVID-19 pandemic is increasing the uncertainty about the future direction of the economy particularly for High Street retailers, hospitality venues and offices as people adapt to different ways of shopping, working and socialising. There is certainly an element of repurposing town centres in adapting to new retail environments. However, the adopted SPD (and the new local plan) already recognise this and it is not considered that preparing a neighbourhood plan will create any further certainty; in fact, the opposite. Indeed, it is now (post-pandemic recovery) when absolute planning certainty is required through adopted policy and guidance in determining strategic development schemes in the short to medium term. Another layer of plan making will only add to planning uncertainty and potentially delay the decision making process for such schemes to the detriment of much needed, town centre regeneration to assist short term economic recovery.

- As above
- I believe we already have elected MP’s and councillors who are representative and accountable, along with credible residents associations and conservation society which represent their residents interests. I am concerned that this new self-appointed group dilutes democracy; is open to entryism from those with their own issues and agenda’s; and may therefore be less representative of the people of Wimbledon in general and Merton Park in particular.
- I do not think these things should be delegated to pressure groups
- See above,
- It's not a democratically elected body.
- No, they should be produced for specific areas including the town centre. I understand others have expressed an interest to produce neighbourhood plans.
- The impact of decisions within the proposed boundary potentially have impacts beyond that impact area. There can be knock on effects beyond the proposed boundary. The effect of decisions and change within the proposed neighbourhood area can created a

disadvantaged hinterland that is less prosperous, less safe, less desirable than it is now. In addition a group of self interested with a limited view of what's best for the wider area should not be in a position to make decisions that affect others. Democratically elected representatives should make decisions that takes into account the interests of the whole community. Principles of fairness, equalities and non- discrimination are highly likely to be ignored. A group of non- elected, non-representative people should not determine the lives/ fate of the wider community. I don't believe this group will be looking at the long term future of the area, and are not sufficiently qualified or accountable to the public. Who scrutinises these plans and why sho7ld I not have the freedom to influence plans for m6 town centre as I do now? No, that is undemocratic.

- Never heard of them. Suspect its another attempt by Merton Council to establish a supposedly representative body to push their climate emergency/cycle campaigning ideology e.g. Merton Residents Transport group which doesnt allow Merton Residents to join and whose definition of Transport starts & ends with a pushbike.
- I think it will be a bunch of Nimbys and will exclude vulnerable and disadvantaged voices.
- It is too large and driven by a background with a residential focus.
- See previous answer
- See answer to 1. Above
- Not either the current border. Need to include all of Merton Park.
- For the reasons above and also I don't think businesses are adequately catered for in the proposal as it stands
- Its simple not required . The current system is democratic and small communities can better represent their concerns in respect of inappropriate planning within their community without being bound by predetermined criteria of such a group. In addition to be stuck with with such a group for a five year period is totally inappropriate.
- Often the public does not understand planning, good design and will vote based on personal preferences rather than the good of the overall community. The people on PlanWimbledon are self appointed are not voted in. It will make the process more cumbersome.
- We do not wish to be labeled Morden
- Because the suggested designated area is too big imo.
- Area is too large with different priorities
- I prefer my area to be run by elected representatives.
- Although they have leafeted my home (in the neighbourhood area they seek) the leaflet asked for positive vote for them, without any invitation to join or without any information about how to join. This makes it look exclusive.
- No unelected body should have a legally binding say in planning decisions.
- Please see my reply to Q1.
- The current neighbourhood groups have shown themselves to be strongly against change and progress. They seem to prefer to see the area ossify is its current state or to chase costly elitist project that will benefit few.
- As above
- No and it should be stopped. It is too big and trying to do too much. Merton as the statutory planning body leads and facilitates. I would be interested in supporting a series of smaller project areas "neighbourhoods" in areas of opportunity/issues. If we are in the era of 15minute cities, why do Plan Wimbledon want to seemingly control and influence such a large and critical part of Merton? For example Love WImbledon as the BID are the group to articulate issues and opportunities in Wimbledon Town Centre
- Same reason as above

- Too political

Respondents who gave reasons for supporting PlanWimbledon's proposed neighbourhood area

- A manageable area for local interest groups
- Because the area makes sense geographically
- Because I think it's a good idea to have a proper plan that includes people that live in the area opinion. Instead of politician deciding without any consideration or common sense except political view and personal retribution
- It appears to encapsulate the area of Wimbledon.
- I have been living in Wimbledon for the last 20 years, it is my home town. I care about the future of Wimbledon.
- I love Wimbledon, especially Merton Park, where I live and my home is included in the area.
- Offer greater protection and influence for the local community
- Because we need to protect the conservation areas and stop partisan planning committees. We need to stop overdevelopment and the taking away of flats!
- Contains most important areas
- We need to preserve the few good things we have. Merton is over crowded as it is.
- It is an area of Merton distinct from the others and has different needs
- This is the area that needs the most support and control.
- Because the voices and opinions of our local community should be heard in future.
- Important for local community representatives to have a say in shaping the future of Wimbledon and local area within a 1mile radius.
- To protect the interests of local residents.
- Yes
- Appropriate
- It puts Wimbledon town at the centre; it embraces the three Wimbledon tube stops; it recognises 'natural' boundaries.
- Good to see locals having a say
- To keep Wimbledon town centre as as local an attractive and unique. Not overdeveloped high rise which in turn becomes one massive wind tunnel of high rise buildings without character or care for the area or local residents. There is no need to turn Wimbledon into a Hub like Croydon, which has become large high rise for office space, in which people travel to and from work, but the residential is lost for the sake of so called faceless business.
- It appears to be an appropriate delineation of an area of common interest
- I agree
- Includes the wider areas of Wimbledon which is good
- A genuine effort has been made to develop a sensitive and comprehensive Plan designed to sustain a distinctive locality.
- It's important to involve everyone in the community
- Empowers the local community
- A sensible boundary comprising the core areas of Wimbledon, including those of historic interest
- Exist arrangements ineffective.

- Keeps it local.
- It encompasses the neighbourhood of Wimbledon
- Good thing
- It captures how people relate to the different parts of Wimbledon. The only questionable aspect is leaving out the Wimbledon Park grid.
- Having a 'real' input into the future of the proposed NAB is a vital, democratic and important step in having an active chance to influence any alterations and alleged 'improvements' in the proposed NAB, imposed by Local Government's draconian and undemocratic current procedures. The lack of proper and considered consultations (and the right of a veto), subverts the wishes of those who live and work in the designated area. With the distance between elections, the voice of the electors must be heard and considered.
- It includes not just the town centre but the surrounding area to some extent.
- something needs to be done with Wimbledon or the planner will go wild and raise the 'character' of the place to the ground and replace it with blocks of glass tower blocks. The more rented accommodation there is, the less likelihood the occupants are going to take an interest in the place if they know they're not going to be there very long. Do we need any more offices? There seems to be plenty lying empty at the moment.
- It is good to encompass the whole of Wimbledon Village AND town in one neighbourhood plan and to bring so many interested parties together. I would have preferred Wimbledon Park, or at least the AELTC part of it, to have been included within the boundary, but understand that Plan Wimbledon and the constituent residents' associations interested in the AELTC proposals are already in active dialogue, so for now its omission can be accepted. In the longer term it should be included.
- The area is where I live and where I intend to live for the next twenty years. Anything happening within a mile of where I live is likely to affect my quality of life.
- Merton is a large borough that encompasses too wide an area that we feel doesn't really focus on the individual towns' needs and wants. Having lived here for 14 years, we want to focus on a positive re-emergence of the town and village after the pandemic and regain the community feel, the great shops and be part of local planning rules that affect this area.
- It sounds like a good idea.
- It important to have a shared understanding of boundaries
- Covers the vast majority of a natural community area within Merton, served largely by the same transport, infrastructure and business/shopping services.
- Yes, as it covers the SW19 postcode and what is generally known as Wimbledon proper.
- I like to know all the news of the area, so I think it's a great idea.
- It's a unique area, famous around the world, & needs protecting.
- It defines Wimbledon town and residential areas connected
- To help develop services and planning for the Wimbledon area to help residents and businesses
- Wimbledon is a distinct community and it often feels as if it is smothered within the much bigger Merton borough council.
- The boundary is large which will enable the group to have "clout" and deal properly with issues from pollution to planning and beyond.
- It covers all the parts of the neighbourhood I consider to be Wimbledon from the centre to the boundary
- Good for residents
- Very difficult to decide where the boundary should be but this seems a practical solution to the question "Where do you live?". Further South, if the answer comes back "Wimbledon" that is wishful thinking.

- Don't actually know what the boundary is!
- Wherever the boundaries are drawn someone somewhere will be left out and probably upset. A decision has to be made at some stage otherwise this group won't be able to get off the ground.
- It represents a coherent area.
- It encompasses the people who see themselves as Wimbledonians.
- I think that it is important for local people to have a coordinated input into the determination of planning policies. This group is well organised, seems to cover a broad spectrum and is good at keeping people informed.
- To take care of our local environment and protect it against any adverse construction etc
- This represents the area that I see as Wimbledon
- good idea and fair
- Residents have a right to be involved in the planning of their neighbourhood!
- I believe this to be an appropriate boundary and represents what I consider to be Wimbledon
- I've been living in Wimbledon for more than 12 years now and the sense of community across the proposed area is very strong
- Because I believe it's best for Wimbledon.
- The areas that encompass the boundary include a diversity of places and uses that combine to create the interesting mixture that makes the area a neighbourhood we should be proud of.
- I would welcome a forum to keep us updated and fully aware of proposed planning developments as we do have to protect the over development of Wimbledon and preserve and protect the residential areas many of which are close to the town centre
- It covers the central areas of Wimbledon - town and village - and the adjacent areas. Thus it covers the area where people live and work and use local services, shops and entertainment.
- Have to start (and stop) somewhere!
- Yes as it is a natural hub for Wimbledon
- The line has to be drawn somewhere in Merton Park and I think using the John Innes Conservation area boundary as you have done is a sensible approach. I wouldn't object to pushing a little further, as far as Circle Gardens.
- E
- People must say something about the area where they live
- It makes sense
- Its a great idea to have a formal means to represent the people who reside in the area
- Area represents what I consider a of Wimbledon
- Having been a resident in Wimbledon for over 37 years, I am saddened at how we have been treated. Developers are moving in and the lovely town I fell in love with all those years ago is almost gone. I think it is important that the people who live here should have a more active role and a say in how our neighbourhood is run.
- It seems to include an area that most people identify as Wimbledon.
- I think it's a good first step and I hope that going forward the boundary will be extended
- The right area
- I support the ideas put forward.
- They look right

- This area needs a forum independent from the Council's planners as the voices of residents in this area are very often ignored and valid objections are overridden for party political reasons. Residents of all political views have a right to independent support. and advise
- It's good
- Encompasses the key areas which make up Wimbledon
- Better control
- Important to look after the area carefully and properly for the residents and businesses
- As rate payers it is good to consult residents
- Wimbledon is a thriving town but it could be an even better and more attractive place to live and work with the right planning and foresight. A proper plan would also ensure it retains its current individual character.
- As a small independent business we feel it is important to understand and know about the development of the local area.
- Because it clearly needs it
- To enable us to have a voice
- I live within the designated area and want to have a say on future developments
- It's about time the residents and not the developers and their "friends" in the council who have for years totally ignored and illegally at times breached planning rules and regulations to drive through their own plans against the will of the community.
- Covers all the historic area of Wimbledon, not just the more affluent parts
- We do need a separate residents voice for Wimbledon which is an unique entity. At present decisions concerning civic issues are made by majority of councillors who do not live here.
- Significant part of the borough so good representation of residents interests living close to town centre.
- It will enable planning to take account of local area and its needs
- It encompasses Wimbledon only and not other centres such as Raynes Park
- While not au fait with the technical side of the proposals, I understand the Friends of Wimb Town Centre support the proposals and as a member I do too.
- Useful to gauge local views.
- It's important to keep any development within the style or character of its immediate area.
- Because we need to make sure the council agenda is based on the environment rather than profit.
- It makes sense
- Although it was noted that Chase Side Ave and Oxford Ave will form part of the new "Raynes Park" constituency. This was mostly a result of a request from Apostles Residents Association to join Raynes Park and the position within the existing polling district. Since the two roads are not part of The Apostles and not eligible to join Apostles Residents Association. The Apostles Association does include high traffic Kingston Rd among its area of influence so the proposed western extent of the Plan Wimbledon boundary seems sensible.
- Important for local issues to be about a local area not a whole borough which has huge diversity across it.
- I really feel strongly that meton council do a poor job in regulating home owners building standards (materials used, designs etc) Even in conservations areas such as south park gardens. i would really love to help support this. Also dog fouling is an increasing problem on our pavements.
- As town centre plans impact on residential and vice versa
- The local community is what makes Wimbledon so special. Local stakeholders' views need to be respected, and this is a fair way to allow local views to be heard.

- Inside this boundary there is a good mix of the people and organisations who make up Wimbledon.
- I agree. It is the most appropriate area. Why doesn't it include the Causeway too?
- Because I would want whatever developments in mind would not affect the quality of life currently enjoyed by the residents living in Wimbledon town
- Because residents need a say, not just commerce and business
- The creation of a neighbourhood plan offers the prospect of real local influence over the future development of the town centre. It's very important that local residents are involved in all plans for the future of their area.
- The boundary area covered includes my home area where I spend the vast majority of my time. The area covered centres on Wimbledon town centre which is a locally significant and well-known location. I identify with this area and the surrounding mile radius.
- It offers a coherent coverage of the whole Wimbledon area, providing a platform for all sectors of the community to come together to produce a truly democratic neighbourhood plan for the benefit of all.
- It encompasses the heart of Wimbledon but leaves autonomy to other surrounding areas to develop their own criteria and priorities
- It covers the important area
- It is interested in the particular needs of the area it will cover. Their purpose is clear and important for me. I think it balances the needs of residents, green spaces, the arts and business
- Agree
- Feel there will be more awareness to the general public in the area, not just those that have become members
- It would be good to have a more resident driven approach to planning, greening and cleaning Wimbledon. We currently have a planning department that pays lip service listen to residents' reasonable arguments and a Council that lacks vision and refuses to enforce the Veolia street cleaning and refuse / litter contract meaning that Merton's streets are a disgrace and an health hazard.
- Because it makes logical sense and is clearly defined.
- Local framework would help to improve Wimbledon.
- I am resident in this area (Lake Road)
- Because I think it makes sense
- i am fully into my neighborhood
- It is comprehensive in covering key areas of expansion and development that impact on each other in forming the locality and brings together the number of different communities living in each locality.
- Wimbledon needs a Wimbledon- focussed plan because of its historical identity.
- Because community interaction is vital
- Despite not living in within the boundary of the proposed neighbourhood area I feel it is important for all residents of Merton to have a say on how the centre of Wimbledon will look; some of the high rise buildings proposed to be built behind Wimbledon station will be very obtrusive and dominate the otherwise pleasantly low skyline. It would be sad for Wimbledon to end up looking like Croydon with its soulless tower blocks.
- To be safe
- It is important to have a say in how Wimbledon is developed as a locally resident
- To protect the residents from over development
- Seems like a pretty comprehensive covering of the area that I would refer to as Wimbledon!

- Residents need a voice in development and town planning, particularly as the Council seem to want more high-rise buildings in a low-rise neighbourhood. We need to monitor the density new building and of the population in Wimbledon.
- because it includes those areas of Merton that might be considered Wimbledon, as per the justification in their proposal
- The thorough research carried out by the group has resulted in them proposing the most sensible, representative boundary for the Wimbledon neighbourhood.
- To protect and promote local interests and needs
- The boundary appears to have been well considered and devised in conjunction with relevant groups. It seems to accurately reflect the "Wimbledon" area
- Because it's inclusive
- Too many bad decisions affecting my area being made without public knowledge or outcry being ignored.
- It corresponds to my view of Wimbledon. I do wish that the commons were included, particularly the windmill, but I understand the reason for exclusion.
- I think it is important for local people to be involved in plans that effect Their areas
- Because I do
- W
- Because we need a strong group representing the needs and wishes of local people which the Council does not at present heed.
- As far as it affects Merton Park Ward, the adoption of the boundary of the John Innes (Merton Park) Conservation Area for Plan Wimbledon makes sense as an extant, familiar boundary
- Wimbledon is a remarkable locale in so many ways. It needs a coherent voice.
- Because I don't want small business to be demolished and instead more flats being built.
- The boundary is a sensible distance from the Old Town Hall which together with the station can be regarded as the centre of Wimbledon.
- Wimbledon people's voices need to be heard
- I fall within this boundary and it fits with what I consider my locale.
- I do think it represents the centre of Wimbledon including both businesses and residents. It encompasses the 20 minute guidance what the council considers to be local.
- There has to be a designated area. The area proposed seems a good on
- My friend told me about it
- The boundary has been selected with great care and intensive consultation, especially around the edges of the area.
- The area appropriately encompasses the region identifiable as "Wimbledon", focussed on the town centre.
- Provides good coverage of the area I consider to be Wimbledon
- Even though it is a large area, it is difficult to draw narrower natural boundaries
- As I'm a longtime resident of central Wimbledon (Trinity Ward) it makes sense to me, and the PlanWimbledon team have obviously done a lot of work to ensure full consultation.
- It is an accurate definition of the area.
- Fairly reflects the extent of Wimbledon as a zone
- It is a natural area as Wimbledon and a lot of research has gone into defining he precise boundaries
- Better involves our neighbourhood in decision making process
- There appears to extensive consultation among a varied groups to decide upon the area boundary

- It is the area considered to be Wimbledon
- I'm a resident and it's important for me and my family
- This plan will represent the area everyone lives and works in Wimbledon.
- Has been widely consulted on
- Yes
- Wimbledon is a specific place with a specific demographic and need. It needs to be treated as it's own entity. If supermarkets can profile areas to stock the right food and provisions that will sell in an area, why can't government?
- Defines Wimbledon rather than the amorphous Merton
- It represents my local area.
- Widely thought to be best
- Looks good and will help support the needs of the local community
- S
- The Plan Wimbledon committee have a myriad of skillsets and have consulted very widely on the area boundary. The boundary as drawn makes total sense and includes both Wimbledon Town Centre and Village with all the areas in-between so gives a real sense of the whole community.
- It is important to have a well thought out plan with restrictions so that we always have a sensitive and sustainable area
- so that local people have a say in their future
- Include the voices of people who live in the area more directly in our future
- Includes relevant neighbourhoods.
- Realistically drawn
- Because I believe in the good of Wimbledon
- Includes my residence and business.
- See written submission
- Its good for the longevity of the community.
- Its a coherent area decided by consultation with residents affected.
- Because I care about what happens in the neighbourhood that my family lives in.
- The village and Wimbledon and areas should be involved to be inclusive of all of Wimbledon.
- It seems to be a structured way to reach urbanisation goals over the decades to come.
- I want Wimbledon to be a beautiful fun an supportive place for my daughter as she grows.
- I would like to herewith wholeheartedly second the representation letter from PlanWimbledon by reference and incorporation
- Merton Conservatives wholeheartedly support PlanWimbledon. This is an important community initiative that will ensure that the views of local people are heard during the planning process. It is crucially important that the character and feel of Wimbledon is preserved and having input from the local community will be important in achieving this.

Respondents who gave reasons for partly supporting PlanWimbledon's proposed neighbourhood area

- I live in Wimbledon Park, which is included in the boundary, but after reading on Nextdoor that residents of Merton Park are unhappy to be split I cannot agree fully as I don't know the full situation.

- Extend to include more of Merton Park
- It should include all of Merton park or none of Merton park. All or nothing.
- I am concerned that the wider the neighbourhood area boundary the more dilute and generic the policies within it must become - exactly the opposite of a neighbourhood plan, and the problem with the existing Core Strategy/Local Plan
- It should be extended to include all those part of SW19 e.g. drawing a false line through Merton Park or other areas will create confusion and lack of clarity. It neither fits the current definition of Wimbledon or creates a satisfactory alternative.
- I don't fully understand the election process for the plan wimbledon team and how much local residents feelings will be represented.
- I think SW20 (West Wimbledon) should also be included.
- Would prefer Wimbledon Park to be included in the area as it is our local park.
- I live in Merton Park and would regard myself as a Wimbledon resident. I shop/eat/drink in Wimbledon centre and village, my daughter goes to school in Wimbledon, my husband works within the proposed area and we regularly use Wimbledon Common so don't support the exclusion of Merton Park.
- Seems fairly arbitrary in the Merton Park area
- I would like to have seen it more central to Wimbledon town to protect it from overdevelopment from the master plan including the sale of Centre court and future crossrail2 development
- On the surface it seems fine, although perhaps that is difficult to say, until the neighbourhood starts to discuss and interact, only then will issues of boundary become apparent.
- Why not just follow the constituency boundary. There is a lot of confusion between parliamentary boundaries & Merton council neighbourhoods. A lot of the east of the proposed boundary is part of Merton Council's Colliers Wood neighbourhood despite having no connection with Colliers Wood
- In view of the AELTC now owning the Wimbledon Golf Club land and their recent planning application and what will no doubt end up being 'a site of development' I believe that area should be included.
- I think the coherent entity of "Wimbledon" extends for gger wet state than Lower Downs Rd, eg it would include Arterberry Rd, but not beyond Haydons Rd to the East
- Not sure that calling it Plan Wimbledon is appropriate when it will not include the whole borough and seems to concentrate only on the central town centre.
- Southern boundary should not impinge on existing Merton Park residential area south of Kingston Road but can include Nelson Hospital shopping parade.
- Concept I support but the aim and methods are too vague
- While living just outside the proposed boundary, my family regards Wimbledon (rather than Morden) as our local centre shopping and leisure,so have a vested interest in how the area evolves. (My childrens' former secondary school also falls within the boundary.) I realise the boundary has to be drawn somewhere but am concerned that it may exclude some residents/businesses that have a natural affinity with Wimbledon rather than Raynes Park, Merton Park or Morden.
- Use Durnsford Road as a boundary, ie. do not extend into Somerstown or Earlsfield.
- I think the boundary should include Wimbledon Chase and lower downs, Kingston rd
- I think it is too big - the town and the village are quite different
- I think the lower boundary should be Kenley Road (Mostyn to Circle Gardens) as this is within the 20 minute walk that they state is their guide for the area.

- I don't understand why both Wimbledon common and park are not included in the boundary. I do see that photos of both of these places are used in the website. I also think the path along the wandle between gap road and Earlsfield should be included as it is now in constant use since lockdown. I think now that people from Wimbledon have been using it so much this will continue.
- I dont fully understand the brief
- Would prefer West Wimbledon to be included
- I think it should extend a bit further south in Merton park to take account of the John Innes area of benefit.
- I believe Wimbledon Park should be included within the plan, particularly given the plans from AELTC for development.
- You appear to omit the whole of Wimbledon Park which I realise could be difficult to include because of joint responsibility between Wandsworth and Merton councils, but it needs protecting.
- I dont understand what this boundary is going to mean for our area. Are you wanting to protect all the green spaces & trees or what is the reason for creating such a boundary?
- The proposed area is unusually large in terms of population.
- Area needs to be extended further toward Morden to include other areas of Merton Park
- why are the houses around the common and the common itself not included? the common is a key asset for Wimbledon.
- Concerned about how this leaves other areas like Colliers Wood, who are less able to out together a plan themselves.
- I see you are including Merton Cricket Club which is on Aylward Road/Cannon Hill Lane and I fail to see why Aylward Road is never contacted or considered to be included in any decisions.
- I would want the boundary to be extended to the junction of the Ridgeway and Cottenham Park Road and down to Worple Road via Pepys Road
- We live in Merton Park but outside the edge of the conservation area, which we understand is the limit to the Plan's boundary. Why is it not the postcode area, SW19, which would then include us?
- The only part I would question is the Southfields grid area running South from Revelstoke Road to Wimbledon Park tube and East towards Earlsfield. To me, these would have more in common with The Grid or Earlsfield and might be better catered for by a different group.
- confused as to it's power.
- I would like Arterberry Road included in this area.
- Arbitrary cut off between Morden and Wimbledon along Dorset road, including more expensive houses on one side and excluding those on the opposite side - both equally close to the town hall
- Seems like a logical place to draw a southern boundary line, taking into account the official John Innes Conservation area (rather than the much larger and vaguer John Innes 'area of benefit', which extends into Morden). However, it could be made smaller by just cutting off at the Kingston Road as the lower boundary.
- I support this on the understanding that Merton Park southern boundary will be moved back to where it was originally, the line being drawn at the southern border of Circle Gardens SW19, which is within the one-mile radius and is the common sense boundary for Merton Park. the line can easily be put back to include Kenley Road and Poplar Road north of Circle Gardens and other parts of Merton Park within the one mile radius.

- Paraphrase: change boundary to include Kenley Road and Poplar Road, north of Circle Gardens

Respondents who gave reasons for not supporting PlanWimbledon's proposed neighbourhood area

- Include colliers wood
- It should include all of Merton park or none of Merton park. All or nothing.
- Merton park should be fully included rather than split down the middle. A logical boundary to the south would be Erridge Road.
- What skills do these people have to decide on planning matters . This is a self elected lobby group. We have elected bodies to do this .
- Cuts my area in two
- We live immediately outside the area, actually touching the boundary. Our primary focus is Wimbledon and it seems our voice will be ignored.
- What they are proposing is not a natural, socially-cohesive neighbourhood or community. Wimbledon is comprised of many different neighbourhoods and overlapping communities, each with identifiable characteristics and organisations around and through which the life and essence of that area is played-out. I live in Merton Park - the LBM Merton Park Ward constitutes much of the local community; not all of it but ,most of it. It DOES constitute a LOCAL neighbourhood. An arbitrary line on a map should not claim to encompass one living, breathing neighbourhood.
- Does not include South Merton Park area to Martin Way
- I understand that the idea of having a Wimbledon area was to assist with people identifying with their local area. The postcode for Wimbledon is SW19, also made famous worldwide by the Tennis Championship. I disagree most strongly with the recommendation of MPWRA that the ward should be cut in half and that some SW19 postcodes are within the area boundary, and others are not. The Merton Park sub area should not be split in two as this doing so would destroy the unique character of the area, modeled as it is on other garden suburbs in London. If all of Merton Park's SW19 postcodes cannot be incorporated into the new plan boundaries, they should all be excluded.
- Too big not focused on residential areas
- I live on Erridge Road SW19, closer to Dorset Road. The Merton Park Ward Residents Association are a bunch of snobs who only serve themselves. Requesting that the boundary be drawn along the John Innes Conservation area, as "this formed a natural line between Wimbledon and Morden" is both a complete lie and throws me and other neighbours into some horrible no-man's land. Please include ALL the SW19 postcodes and ignore whichever halfwit suggested that ridiculous boundary. P.s. love the proposal though just please change the boundary to include my house!
- I think SW20 (West Wimbledon) should also be included.
- We have enough planning red tape. Residents need to have commercial spaces in this boundary and we need businesses locally to employ residents and our young adults. This forum does not appear to represent the commercial sector, businesses or commercial property owners.
- No idea who these self appointed folk are, nor what they intend to do.

- No prior knowledge of this, not have previously been consulted. Would not wish Arterberry Road, SW20, excluded from any such newly privileged area.
- the area I have chosen to live in is unique and as such I invest time and energy in being involved in community groups that directly enhance this area. I would not be as involved in a larger area
- It needs to include Raynes Park and Cottenham Park or at least the part north of the A298. The current south west boundary is too restricted.
- Please include Liberty Avenue, as it's in SW19 too!
- I do not think unelected groups should be given any official recognition
- It shouldn't cut Merton Park Ward in half - boundary should be extended to include the whole ward
- I have lived in Wimbledon for the last 42 years yet I have never heard of this group and I do not know on what basis they think they represent my neighbourhood. They do not represent me.
- These representations do not object outright to Plan Wimbledon being a designated forum for proceeding with a neighbourhood plan for the wider area; however, the inclusion of Wimbledon town centre within the designated application is subject to objection. F&C Commercial Property Holdings Limited (as advised by BMO Real Estate Partners, as asset managers and Stanhope Plc as development consultants) own Site Wi11 known as Victoria Crescent/Piazza, 39–59 The Broadway, 1–11 Victoria Crescent/Piazza, Wimbledon. The extent of the proposed neighbourhood area is not reflective of a “neighbourhood” but instead it includes many different neighbourhoods of a very extensive catchment. It would be difficult to understand how the neighbourhood plan would encompass focused, concise and detailed policies in achieving the economic growth objectives for Wimbledon as a Major Centre whilst also trying to achieve other different regeneration objectives for residential sub-areas of the identified catchment.
- I live in the Merton Park Ward but outside the planned area. I don't feel I live in Morden (I live on the boundary with John Innes Park) but I do identify with living in Wimbledon, where I can walk to, shop and socialise.
- This seems to be an anti development group with a political agenda
- Unclear why it divides Merton Park
- It seems to cut Merton Park in half
- There is great need to simplify, rather than complicate further the U.K. town planning system.
- It's an arbitrary line drawn up by a few individuals on no clear basis, which would have the effect of excluding a large number of households of people who have always regarded themselves as residents of Wimbledon.
- We have lived in Cranleigh Road for 46 years and feel very much part of Wimbledon/Merton Park Community. Therefore, we would like the boundary to include as much of South Merton Park as possible.
- The proposed area is far too large to address the many different characteristics that exist in parts of Wimbledon.
- South Wimbledon MUST be included
- Mitcham and Colliers Woods should not be included in Wimbledon
- The impact of decisions within the proposed boundary potentially have impacts beyond that impact area. There can be knock on effects beyond the proposed boundary. The effect of decisions and change within the proposed neighbourhood area can create a disadvantaged hinterland that is less prosperous, less safe, less desirable than it is now.
- not large enough and includes all the wealth parts of the neighbourhood

- It excludes parts of Merton Park. The ward should not be divided.
- Because it cuts half way through Wimbledon chase area. Should incorporate end of Worple Rd and to Martin Way.
- Too large and covers a diverse area of residential, retail and office which each have their own needs.
- Should include Wimbledon Park and WPGC which is about to be destroyed by AELTC proposals
- Merton Park is already a well defined residential area with its own residents association and councillors. The Plan Wimbledon boundary splits Merton Park into two. This would make it more difficult for MPWRA to continue to represent the area as a whole. In my view the whole of Merton Park should either be included or excluded from the Plan Wimbledon area, and not split along the John Innes conservation area boundary.
- Many residents have no knowledge of this group. Despite being very active re planning via the OneMerton organisation.
- The JI conservation area runs to the west of the gardens of Poplar Road AND NOT just to the west of the house!! So the gardens of 1 - 33 are not in the conservation area. Please change you map to line up with the map of the Merton Council website https://www.merton.gov.uk/assets/Documents/0177_john_innes_merton_park_map.pdf
- May not include neighbouring borough residents/businesses who could be impacted by decisions and discussions
- You are putting a border through the centre of Merton Park which is very divisive as this is quite a tight knit area.
- It should include all of Merton Park if the counsellors are on the committee then they need to represent ball of Merton Park, not just bits of it.
- I feel the suggested boundary is to large and covers a number of neighbourhood's which would make it to complex and potentially fail to meet the need of any neighbourhood
- I don't trust Merton council at all
- sw20 Odh - why not included?
- it is too large to meaningfully represent individual areas and their interests . It has no policy for conservation areas one of Wimbledon`s greatest assets . Its intentions and objectives are not properly thought out ,lack clarity and contain with meaningless statements . it appears, despite its claims, to be a lobbying group for those that pay its expenses . It attracts business who see it as a way to exert influence on the current system for their personal benefit
- Merton Park will be divided into two.
- Too big to be impactful or meaningful as a neighbourhood forum.
- Because it seems to separate out a small section of Merton Park to be included. As a Merton Park resident I do consider myself part of Wimbledon. I think the shoe of Merton Park should be included, or the whole of Merton Park should be excluded, enabling Merton Park to create their own plan.
- I don't vote to then have a separate group decide what happens in my area.
- Creating another boundary within Merton not really necessary.
- These are very disparate areas with very different concerns. The area selected looks too varied to be representative yet too small to be strategic.
- The boundary is irrelevant as I cannot support PlanWimbledon having a legally binding vote.
- I believe that the area is simply too big and too diverse for it to be possible to reach any meaningful consensus on the Neighbourhood Plan and it is quite possible that the approval of Plan Wimbledon as a Neighborhood Forum for the area that has been

included will in fact be an impediment to the essential ongoing development of the CBD and the investment required to provide a vibrant hub particularly for business. The CBD should be excluded from the proposed area. Plan Wimbledon has not demonstrated any vision for the development of the CBD, have not engaged meaningfully with the business community and have launched this consultation at a very difficult time for business in the Town Center as they seek to re-open after an extended period of lockdown. Extensive consultation has already been undertaken by Merton Council leading to the publication of the Masterplan and Plan Wimbledon have not given any indication as to their view on the Masterplan and subsequent SPD. Most importantly the constitution of Plan Wimbledon does not provide for meaningful and proportionate representation for businesses in its decision making and is therefore not the right forum to propose a Neighbourhood plan that includes the CBD.

- Don't know who they are or what they represent - have they been elected - if so who by?
- This is a large, diverse area. I'm not sure that such a big range should be covered by a single neighbourhood forum. I would think that smaller groups would be closer to the local issues of each area and better able to suggest plans for those areas.
- This is just more bureaucracy in Local Government
- The proposed area is too big. Totally inappropriate. There should be a series of "neighbourhoods". As BID's, Town Centre Management and other area based vehicles have shown, have a manageable area of focus to work on. Key policies then around bringing people together on 1) improvement & development, 2) Brand & Marketing, 3) Management.
- Too far south in Merton Park and towards Wimb Park also which have their own distinct areas
- I don't believe the neighbours of Wimbledon are qualified or reliable to have this amount of power and will stop Wimbledon's progression
- Waste of money which could be spent elsewhere in Merton
- It leaves too many small areas. You say you have consulted with various groups but I don't think they've consulted their members. I belong to RAWW and members have not been asked.

Q1. Do you support PlanWimbledon's proposed neighbourhood area boundary? *Yes, but with the vital exception detailed below*

Q2. Do you support PlanWimbledon's application to become a neighbourhood forum for that area? *YES, with the small additional area detailed below*

I support this on the understanding that the Merton Park southern boundary will be moved back to where it was originally, the line being drawn at the southern border of Circle Gardens SW19, which is within the one-mile radius and is the common sense boundary for Merton Park.

The line can easily be put back to include Kenley Road and Poplar Road north of Circle Gardens, and other parts of Merton Park within the one-mile radius

Connected to Survey Response 12586927425

I believe we already have elected MP's and councillors who are representative and accountable, along with established residents associations and conservation society which credibly represent their residents interests. I am concerned that this new self-appointed group dilutes democracy; is open to entryism from those with their own issues and agenda's; and may therefore be less representative of the people of Wimbledon in general and Merton Park in particular.

Kindest Regards

I would like to herewith vote in my personal capacity to PlanWimbledon's designation consultation as follows:

Question 1. Do you support PlanWimbledon's proposed neighbourhood area boundary? I VOTE YES

Question 2. Do you support PlanWimbledon's application to become a neighbourhood forum for that area? I VOTE YES

As the consultation provides for free-text comments:

1. I would like to herewith wholeheartedly second the representation letter from PlanWimbledon by reference and incorporation.

2. As the PlanWimbledon's application process progressively comes to an end, I remain hopeful that common sense and good will would prevail above partisan interests and that the spirit of the Localism Act 2011 will be embraced by the London Borough of Merton.

The advice of the Merton Park Ward Independent Residents' Party – aka the Merton Park Ward Residents' Association - and the John Innes Society (two organisations whose management committees overlap) may, in my opinion, have been tainted by politics.

My understanding from a meeting convened by PlanWimbledon is that the discussions about the boundary for PlanWimbledon coincided with a fight to retain three seats for the above political party when the Boundary Commission wanted to reduce the size of the ward and the number of Council seats to two. It makes sense that it was politically expedient to showcase the significance of the Conservation Areas north and south of the Kingston Road. The boundary of the Conservation Area was thus given undue emphasis.

In actual fact, people living north of Circle Gardens see Wimbledon as their Town Centre whether they are wealthy enough to live in the Conservation Area or not. It is as easy – and far more pleasant – for us to walk or cycle into Wimbledon as it is to Morden, and we choose Wimbledon. If you ask anyone living north of Circle Gardens where they go to the library, hairdresser, gym, food shops, restaurants, take-aways, pubs, clubs, entertainments and the rest, they will say they go to Wimbledon. If you ask people living south of Circle Gardens, they will say Morden, due to convenience. IF MERTON PARK RESIDENTS HAD BEEN ASKED, THIS WOULD HAVE BEEN CLEAR. Social media posts by members of PlanWimbledon apologise profusely for the fact that the pandemic severely restricted consultation. SOME SECTORS OF THE COMMUNITY, ESPECIALLY THOSE WHO DO NOT OWN OR USE COMPUTERS (POORER PEOPLE, ELDERLY PEOPLE) HAVE BEEN COMPLETELY EXCLUDED FROM VIEWING ANY PROPOSED BOUNDARY.

There has been no possibility of canvassing neighbours during lockdown.

In the northern part of Merton Park, we care very much what happens to Wimbledon Town Centre and want to have a say in its future development. If asked where we live, we would always say “Wimbledon” or “SW19”. Those of us who live north of Circle Gardens would never say “Morden”.

It is important that the Council gets this right. The battle with the Boundary Commission has been fought and lost, and the MPWIR Party will be down to two seats at the next election.

The impact of PlanWimbledon on Merton Park residents will long outlive that political battle. The line of the Conservation Area is not relevant to PlanWimbledon and there is no reason to retain it as a boundary except if politicians want to defend an entrenched position. Surely the advice about the southern Merton Park border must be ruled out, given that political interests may have been involved and there was no consultation about where the boundary should be.

The line can easily be put back to include Kenley Road and Poplar Road north of Circle Gardens, and other parts of Merton Park within the one-mile radius

Connected to Survey Response 12673329291

I have gone through the SurveyMonkey questionnaire and endorsed the neighbourhood area proposed by PlanWimbledon. Although I was persuaded to be one of the named members on the application which led to the PlanWimbledon consultation going live - for the designation of a neighbourhood area and forum - I will leave the formal Yes vote about whether to endorse PlanWimbledon, as the suitable body for designation as a neighbourhood forum, to those people who are being allowed to see the decision-making processes of the PlanWimbledon SteerCo (steering committee) during the six months that led up to the application being made.

If the PlanWimbledon SteerCo has been working together on the application to become a designated neighbourhood forum without being dominated by one or two voices, however well-meaning they might be, then PlanWimbledon deserves to be endorsed and designated as the neighbourhood forum. If the PlanWimbledon SteerCo has accepted the help of anyone wishing to get involved, regardless of whether that person is the "right sort", then PlanWimbledon deserves to be endorsed and designated as the neighbourhood forum. If the PlanWimbledon SteerCo has the positive mindset that "members care", then PlanWimbledon deserves to be endorsed and designated as the neighbourhood forum - the organisation or body responsible for creating a neighbourhood plan.

Whether all those PlanWimbledon members elected to serve on the SteerCo are listened to equably - with their collective decisions, on behalf of ordinary members, being made in a fair and democratic fashion - is not something I am in a position to judge because there is no open door policy for ordinary members to attend SteerCo meetings and ordinary members of PlanWimbledon are not able to see PlanWimbledon SteerCo meeting minutes, for reasons I struggle to understand but which must be respected.

Merton Planning Officers, who are able to see PlanWimbledon SteerCo meeting minutes, are better placed to form an opinion of PlanWimbledon's competence and also form a view about the structure of the numerous PlanWimbledon SteerCo meetings that have been held.

It was good to learn during the consultation, from a member of the PlanWimbledon SteerCo, that "The Steering Committee has already decided that minutes of the Neighbourhood Forum Steerco meetings would be published, following designation." This is a very good sign in the context of the many responses I have received from other neighbourhood planning groups with regard to openness.

I hope you are able to find reasons to justify endorsing the application being made by PlanWimbledon for designation as the neighbourhood forum for the Wimbledon area proposed.

Dear Sir/Madam

I write on behalf of the All England Lawn Tennis Club (AELTC) in response to the current consultation on the PlanWimbledon Neighbourhood Forum Proposals.

As a principle, the AELTC welcomes greater community participation and involvement in the planning process. Should PlanWimbledon be successful in forming a Neighbourhood Forum, the AELTC would welcome further opportunities to engage with the group and discuss our future plans and aspirations.

Again, if successful, it will be important for PlanWimbledon to support continued investment, growth and development within the Borough. We also urge the group to support the direction of the London Borough of Merton's emerging new Local Plan.

Finally, we note the geographical extent of area proposed for the new Neighbourhood Forum. The AELTC has no objection to the intended area, however, it is unclear why Wimbledon Park has been excluded (where all land and sites adjoining are included).

Please do not hesitate to contact me should you wish to discuss the AELTC's position in greater detail.

Kind regards,

Director

Rolfe Judd

Architecture **Planning** Interiors

21 May 2021

**Future Merton
London Borough of Merton**



By email to future.merton@merton.gov.uk

Dear Sir / Madam,

**PlanWimbledon proposed Neighbourhood Area consultation
Representations on behalf of Clarion Housing Group.**

On behalf of Clarion Housing Group (Clarion) we write to make representations on the PlanWimbledon proposed Neighbourhood Area consultation.

Clarion is one of the London Borough of Merton's (LBM) preferred Registered Providers of affordable housing. It owns and manages around 10,000 homes in the Borough, including the High Path Estate in South Wimbledon where it is engaged in a major investment programme to provide additional good quality new homes.

Construction of Phase 1 to provide 134 new homes at High Path is nearing completion. Outline planning permission has been granted for the regeneration of the remainder of the Estate to deliver over 1,500 more homes alongside new employment and community spaces, and new open space. Reserved Matters approval for Phase 2 has also been secured. Policies addressing the regeneration of the Estate are contained within the Estates Local Plan (ELP) (2018) and we understand these policies will be saved as part of the new Local Plan.

It is understood that PlanWimbletons' strategy for defining the Neighbourhood Area was initially informed by setting a one mile radius around Wimbledon's former Town Hall. The boundary was then adjusted to reflect physical geography, people's perceptions of the extent of Wimbledon, and responses from various parties that had been engaged with.

Despite the approach taken it is clear that the proposed area is very large (about a third of the borough). To put this into context, the Planning Practice Guidance (PPG) states that "*electoral ward boundaries can be a useful starting point for discussions on the appropriate size of a neighbourhood area; these have an average population of about 5,500 residents*".¹ In contrast, the Application by PlanWimbledon outlines that the proposed area spans 7 wards with an adult population of 40,000. Another consideration relevant when deciding the boundaries of neighbourhood areas can be the physical appearance or characteristics of the neighbourhood. The difficulty with the extensive area proposed is that it encompasses a very diverse range of townscapes. For instance, the area around the former Town Hall has a very different architecture and character from the High Path Estate and even, arguably, South Wimbledon. This will make it very challenging for any future Neighbourhood Plan to be focussed in its policy intent. In this regard, it is also noted that: the Councils 2021 Character Study which is proposed to be adopted as a SPD, identifies South Wimbledon as a district character area from the rest of the Wimbledon area (which itself is comprised of several neighbourhoods). The draft Local Plan also identifies South Wimbledon as a distinctive neighbourhood in its own right and confirms that local residents consider South Wimbledon as a neighbourhood with its own distinctive character.

The Application document by PlanWimbledon identifies four reasons why the Neighbourhood Forum should cover the area identified, these being to encourage community engagement, ensure appropriate growth, deliver a shared vision, and drive socio-economic change.

¹ Paragraph: 033 Reference ID: 41-033-20140306





Whilst these aspirations are well understood, the existing local and regional planning policy context does this already for the High Path Estate through policies contained within the New London Plan (adopted in March 2021), the Core Strategy and Site and Policies Plan, and the Estates Local Plan (ELP) (adopted 2018). The emerging Local Plan also includes a chapter on South Wimbledon which includes the High Path Estate.

All of these documents have been subject to extensive public consultation, have been informed by a robust evidence base and where adopted have undergone Examination in Public. Specifically, the ELP was developed with the specific intent of bringing forward the optimum regeneration development proposals for the Eastfields, Ravensbury and High Path Estates with several site-specific policies devoted to each neighbourhood. The evidence base and community engagement carried out in preparing the ELP was prepared at a local level. As a result it sets out a very clear vision of how the High Path Estate may be developed.

Bearing the above in mind we suggest that PlanWimbledon and the Council consider re-defining the boundaries of the Neighbourhood Area so that it excludes the High Path Estate.

We would be grateful for confirmation that this letter of representation has been received. Should you have any questions regarding its contents please do not hesitate to contact myself or Samruti Patel at these offices.

Yours faithfully,

14 April 2021

VIA EMAIL
FUTURE.MERTON@MERTON.GOV.UK

Planning Policy
London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

Dear Sir / Madam,

PLANWIMBLEDON FORUM / AREA CONSULTATION

COMMENTS ON BEHALF OF ESKMUIR GROUP

On behalf of our client, Eskmuir Group (“Eskmuir”), Savills is instructed to make representations in response to the ongoing consultation on the proposal by PlanWimbledon to designate a Neighbourhood Forum for Wimbledon.

Eskmuir is the freehold owner of the property at 8-20 Worple Road & 20-26 St George’s Road within Wimbledon Town Centre which comprises a ground floor supermarket with office space and car parking to the upper floors. As the London Borough of Merton will be aware, Eskmuir is considering various options for the redevelopment of their site, as reflected in its mixed use allocation within the Draft Local Plan.

From the “Application to Become a Neighbourhood Forum and Neighbourhood Area in Merton” document prepared by PlanWimbledon it is evident that a great deal of thought has gone into defining the area to be included within the Neighbourhood Forum with the strategy for defining the area initially informed by setting a one mile radius around Wimbledon’s former Town Hall before adjusting these boundaries to reflect physical geography, people’s perceptions of the extent of Wimbledon, and responses from various parties that had been engaged with.

The “Application to Become a Neighbourhood Forum and Neighbourhood Area in Merton” document published by PlanWimbledon identifies four reasons why the Neighbourhood Forum should cover the area identified, these being to encourage community engagement, ensure appropriate growth, deliver a shared vision, and drive socio-economic change. Whilst these aspirations are well understood, Eskmuir is of the view that the existing local and regional planning policy context does this already for Wimbledon Town Centre through policies contained within the New London Plan (which was adopted in March 2021), the Core Strategy and Site and Policies Plan (which are soon to be replaced by the New Local Plan), and the Future Wimbledon Supplementary Planning Document (‘SPD’) (which was adopted in November 2020).

All of these documents have been subject to extensive periods of public consultation, set visions for their specific geography, and strive to deliver growth in the right way. The best example of this is the Future Wimbledon SPD which in many ways has a similar scope to that of a Neighbourhood Plan albeit it is focussed on Wimbledon Town Centre. The Future Wimbledon SPD provides a clear spatial and visual framework for Wimbledon under a series of visions and in many ways identifies broad areas for redevelopment and the design considerations.

With that in mind, it is suggested that PlanWimbledon consider re-defining the boundaries of the Neighbourhood Area so that it excludes the area already covered by the Future Wimbledon SPD given the scope of that

document and to reflect its very recent adoption. Alternatively, if such an approach is not taken by PlanWimbledon and the extent of the neighbourhood area is retained as proposed at present, Eskmuir suggest that a 'light touch' approach is taken for Wimbledon Town Centre to reflect the provisions of the Future Wimbledon SPD.

I trust these comments are helpful. I would be grateful if you could please notify us of any further consultations in respect of the Neighbourhood Forum.

Yours faithfully,

PLAN WIMBLEDON'S APPLICATION FOR A NEW NEIGHBOURHOOD PLAN

REPRESENTATIONS SUBMITTED ON BEHALF OF F&C COMMERCIAL PROPERTY HOLDINGS LIMITED IN RESPONSE TO ONLINE SURVEY (submitted via LBM's portal on 19/05/2021)

- 1.1 These representations do not object outright to Plan Wimbledon being a designated forum for proceeding with a neighbourhood plan for the wider area; however, the inclusion of Wimbledon town centre within the designated application is subject to objection.
- 1.2 F&C Commercial Property Holdings Limited (as advised by BMO Real Estate Partners, as asset managers and Stanhope Plc as development consultants) own Site Wi11 known as Victoria Crescent/Piazza, 39–59 The Broadway, 1–11 Victoria Crescent/Piazza, Wimbledon.

Do you support Plan Wimbledon's proposed neighbourhood boundary?

- 1.3 The extent of the proposed neighbourhood area is not reflective of a "neighbourhood" but instead it includes many different neighbourhoods of a very extensive catchment. It would be difficult to understand how the neighbourhood plan would encompass focused, concise and detailed policies in achieving the economic growth objectives for Wimbledon as a Major Centre whilst also trying to achieve other different regeneration objectives for residential sub-areas of the identified catchment.

Do you support Plan Wimbledon’s application to become a neighbourhood forum for that area?

- 1.4 The principal consideration is the fact that any future neighbourhood plan needs to properly comply with the “basic conditions” set out in Schedule 4B of the Town and Country Planning Act 1990, paragraph 8 (2).
- 1.5 The policies and guidance that are relevant include the following:
- 1.6 The NPPF follows the provision of section 38 (6) of the Planning and Compulsory Purchase Act 2004. The relevant NPPF paragraphs in this case relate to: paragraphs 12 and 13 (“*the planning system should be genuinely plan led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priority; and a platform for local people to shape their surroundings*”); paragraph 16d (“*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to the development proposals*”) and paragraph 16f (“*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area...*”).
- 1.7 The adopted Core Strategy 2011 establishes clear strategic policies for the regeneration and growth at Wimbledon and this priority remains within the new Merton Local Plan. The new local plan is advancing, having been subject to recent public consultation earlier this year (stage 2a consultation) and with an expected pre-submission plan anticipated for consultation during the coming months which will be examined and then formally adopted. The new local plan has been prepared to comply with strategic, new London Plan policies (as set out in the Mayor’s adopted London Plan 2021) which continues to identify

Wimbledon as a Major Centre and an important opportunity area for large-scale development with significant increases in jobs and homes. The vision, key priorities and objectives for Wimbledon are therefore clearly set out in both the recently adopted London Plan and the advanced, new Merton Local Plan.

- 1.8 In particular, draft Policy N3.6 contained within Chapter 9 of the new Merton Local Plan identifies the need for promoting Wimbledon as “*South west London’s premier location for business, leisure, living and culture*” in providing an “*example of good quality and sustainable place making*” whilst also identifying the need for “*driving investment and innovation in work spaces to support the local economy and jobs in the town centre commensurate with Wimbledon’s role as a Major Centre.*” It further states that the local plan will “*encourage development that attracts businesses, visitors and tourism to the area all year round, including high-quality hotels, conference facilities and cultural activities*” with the aim to strengthen the position of Wimbledon as a Major Centre in south London through the redevelopment of identified key sites. The Victoria Crescent site, known as Site Wi11 represents an important, strategic allocation for a mix of town centre uses through comprehensive redevelopment.
- 1.9 The new Merton Local Plan when adopted later this year alongside the new London Plan will form the up-to-date statutory planning policy framework for future decisions on applications across the town centre.
- 1.10 Further, there exists “Future Wimbledon Supplementary Planning Document” recently adopted in November 2020 which outlines all such priorities for Wimbledon town centre in relation to achieving: design quality, public realm, urban greening and sustainability, improving High Street vitality (post-Covid

recovery) whilst also considering long-term ambitions. These priorities are also embedded in draft planning policy to ensure consistency.

1.11 The adopted town centre SPD has been subject to design and technical evidence and whilst F&C and their advisors have made past representations on it during the consultation process (in relation to inclusion of site W111 within the tall buildings cluster given its significance amongst other considerations), it is acknowledged that the SPD will act as guidance to the new Local Plan. The SPD document therefore incorporates guidance on alternative land-use allocation and distribution and other such development parameters particularly in relation to allocated sites having considered some of the constraints and opportunities across the town centre as a whole. The SPD therefore provides the next level of detail in terms of how strategic, identified sites might come forward which has been subject to stakeholder consultation and engagement.

1.12 This planning policy framework is therefore considered more than adequate in providing the required policy and planning guidance in shaping the regeneration of the town centre and its strategic development sites. The introduction of a neighbourhood plan would result in unnecessary duplication of policy which would need to repeat policy objectives set out in the new local plan and adopted SPD (given it will need to be in compliance) – in turn, questioning at the outset its role and purpose. Such duplication would not meet the “basic conditions” for preparing a neighbourhood plan. Indeed, it would result in an additional layer of statutory plan policy which would create uncertainty in application decision-making given the planning policy framework which will be in place for that very purpose. Again, this would not meet the “basic conditions” tests.

1.13 More specifically, within Plan Wimbledon's application (updated April 2021) at paragraph 5.4.2, it is stated that the COVID-19 pandemic is increasing the uncertainty about the future direction of the economy particularly for High Street retailers, hospitality venues and offices as people adapt to different ways of shopping, working and socialising. There is certainly an element of repurposing town centres in adapting to new retail environments. However, the adopted SPD (and the new local plan) already recognise this and it is not considered that preparing a neighbourhood plan will create any further certainty; in fact, the opposite. Indeed, it is now (post-pandemic recovery) when absolute planning certainty is required through adopted policy and guidance in determining strategic development schemes in the short to medium term. Another layer of plan making will only add to planning uncertainty and potentially delay the decision making process for such schemes to the detriment of much needed, town centre regeneration to assist short term economic recovery.

Other Comments

1.14 The application contains very limited representation from business interests and reflects very much the ambitions of the neighbourhood plan to be resident led. This does not sit comfortably with the commercial objectives essential for bringing forward short, medium and long-term economic growth within Wimbledon as a Major Centre.

1.15 Should the application be approved, before proceeding with the neighbourhood plan, F&C and their advisors would want to be fully involved and engaged in the process in order to assist in providing a balanced representation of important business interests to ensure delivery of key regeneration sites.

21st May 2021

**Love Wimbledon Business Improvement District's formal response
to Plan Wimbledon's proposal for designation as a Neighbourhood Forum**

Love Wimbledon BID is supportive of neighbourhood planning in urban areas, but we have significant concerns about the neighbourhood planning boundary being proposed by Plan Wimbledon and the adopted constitution of the proposed Forum. In particular we are very concerned about the inclusion of Wimbledon Town Centre, as the Central Business District (CBD) within the designation application. To formulate our response, we have sought professional advice on Neighbourhood Planning and consulted with businesses and property owners of Wimbledon on the Plan Wimbledon proposal.

Existing situation and current regulations

There is a lack of clarity in the proposal about the aims and aspirations of Plan Wimbledon with regard to the Town Centre. There is no reference to, or therefore a clear understanding of, the approach or relationship with the existing SPD adopted in November 2020 that has been developed through 8 years of extensive consultation, or indeed the recent consultation on the update to the Local Plan.

Since the launch of Future Wimbledon in 2013, Love Wimbledon BID has invested significant effort to widely consult and influence the development of the masterplan and subsequent SPD. Whilst we don't consider the masterplan to be perfect, we understand the SPD guidance, together with the Local Plan policy framework for the centre, namely policies CS.6, CS.7, CS14 and CS18-20 which are all *strategic* policies and therefore provide a strong statutory basis for planning purposes, with which any neighbourhood plan would have to be in conformity. Yet these current and strategically important documents are not referred to within the Plan Wimbledon proposal.

Wimbledon Town Centre is designated as a Major Centre in the London Plan and indeed is Merton's only Major Centre. It is also designated as a GLA Opportunity Area with Colliers Wood and South Wimbledon in the emerging London Plan. Its role, as a CBD therefore is significant beyond Wimbledon. Having invested so much time and effort relating to the centre's strategic as well as our local role, Love Wimbledon wants to build on what is already there in terms of the SPD Guidance and emerging Local Plan Policies.

Proposed area and size

Love Wimbledon BID welcomes and supports the view of Plan Wimbledon that the Town Centre is vital for accessing local services, shops, workplaces, hospitality, and as a key transport hub. Whilst there is no theoretical limit to the size of a neighbourhood planning area, with over 100 Forums now established in the GLA area, we note that most are in the 10-20,000 population bracket. There are exceptions such as Mill Hill (27,000), Finsbury Park and Stroud Green (30,000), Isle of Dogs (28,000), but these do not include centres of the same planning status as Wimbledon.



The proposed physical boundary and resulting population is of a large 'town' rather than a 'neighbourhood' size & larger than any other neighbourhood area of which we are aware. Whilst populations of 40,000 are more common outside of metropolitan areas – for example in market towns, these are mostly led by Town Councils with a long track record of engagement and delivery.

We have met with the group to discuss our concerns several times. We have been told that Bracknell provides a good precedent for a Wimbledon Neighbourhood Plan. Physically, Bracknell is very different from Wimbledon as a stand alone 'new town' with a purpose built retail/commercial heart surrounded by concentric residential area, a less diverse demographic mix (85% White British), and mobility/transport reliance on the car. It has a Town Council and sits within a unitary authority.

Wimbledon in contrast is part of a national capital, has a distinct CBD with a strategic 'national' transport hub, a large office hub as well as a thriving retail centre which serves Wimbledon and beyond. It has both a town centre AND a village centre and a vastly different demographic across the borough with high density housing adjoining the CBD, a lack of commercial office supply to meet the demand, which is crucial to the footfall of the retail offer for both locals and visitors. Wimbledon also has an established Business Improvement District.

We are aware of no neighbourhood plan designations of the size proposed within a metropolitan borough which have included a major centre with an up to date planning framework. We are aware of smaller retail centres in London boroughs being included but the inclusion of larger centres have been initiated by either business led qualifying bodies (e.g. Central Ealing, Soho, Mayfair) or qualifying bodies with significant business and real estate interests represented (e.g. Hyde Park and Paddington, Finsbury Park and Stroud Green). We are concerned therefore given the present make-up and governance structure of Plan Wimbledon, the boundary and scale is inappropriate and crucially prevents the BID forming a business led qualifying body to progress a neighbourhood plan for the CBD area in the future.

Within the Plan Wimbledon proposed area, representing around a third of the borough of Merton, there is a large disparity of businesses within the area as well as a diverse demographic group of residents. SW19 is the largest postcode in London and the name Wimbledon has international recognition, so it is understandable that people far and wide identify with the name, but the proposed bloated area will create an impractically wide and broad scale of diverse interests to meaningfully consult with, let alone reach agreement and we believe will result in the dilution of meaningful conversations and resultant policies.

Governance

The Plan Wimbledon constitution explains that businesses can join, as single entities but they do not appear to have a vote on the plan as businesses per se. There also appears to be no recognition of property owners or asset managers, which we find surprising given that the proposition to include a major metropolitan centre, but once again most likely relates to the unwieldy size of the proposed area. There is no indication of how the business representation would be meaningful in terms of the governance structure of the proposed forum and Love Wimbledon BID, as a business representative organisation could join only as an associate member, with no voting rights.

Love Wimbledon has been meeting with various representatives of this group over the past three years and have experienced significant anti-BID and anti-business rhetoric, in public meetings, in person and feedback from businesses after representations have been made to them by members of this group. This negativity inevitably brings into question the true agenda of the forum and demonstrates their lack of commitment to full stakeholder engagement and their competency in being able to host an open consultation where all parties are valued and listened to.

Timing of consultation

This six-week consultation launched on April 12th 2021, a not insignificant day for many businesses across England as they re-opened after 4 months of lockdown. Many hospitality businesses have only re-opened

this week, not allowing for a meaningful consultation with these important stakeholders in the town. If Plan Wimbledon were serious about involving members of the CBD area, this timing should have been adjusted to take this into account.

Feedback received by Love Wimbledon

Love Wimbledon has undertaken its own consultation with businesses and property owners and the feedback we have received is resoundingly negative to this proposal.

85% of businesses with a range of commercial interests in Wimbledon do not support a resident led neighbourhood plan covering the CBD area and verbal feedback from a Strategic Leaders Forum yesterday also supported this evidence. We have received statements such as:-

"There is adequate planning control exercised by LB Merton. Further layers of control will add to an already lengthy process and will make Wimbledon a less attractive place in which to invest."

"There is already in place a planning framework, it may not be perfect but it is fair and provides the local neighbourhood an opportunity to put forward their concerns."

"...the existing local and regional planning policy context does this already for Wimbledon Town Centre through policies contained within the New London Plan (which was adopted in March 2021), the Core Strategy and Site and Policies Plan (which are soon to be replaced by the New Local Plan), and the Future Wimbledon Supplementary Planning Document ('SPD') (which was adopted in November 2020). All of these documents have been subject to extensive periods of public consultation, set visions for their specific geography, and strive to deliver growth in the right way. The best example of this is the Future Wimbledon SPD which in many ways has a similar scope to that of a Neighbourhood Plan albeit it is focussed on Wimbledon Town Centre. The Future Wimbledon SPD provides a clear spatial and visual framework for Wimbledon under a series of visions and in many ways identifies broad areas for redevelopment and the design considerations. With that in mind, it is suggested that PlanWimbledon consider re-defining the boundaries of the Neighbourhood Area so that it excludes the area already covered by the Future Wimbledon SPD given the scope of that document and to reflect its very recent adoption."

"I've been a business owner in Wimbledon since 2000 and believe Love Wimbledon has been a great support and behind all the good things that go on in Wimbledon. They are the organisation who will be best for the future of not only the businesses but also the residents"

Customer facing businesses are also reporting to us disingenuous communications and representations about what Plan Wimbledon is and what they are trying to achieve.

Relationships

In spite of the negativity, as mentioned above Love Wimbledon has continued to meet representatives of the group throughout this time and attended public meetings in an effort to keep communications open, however in a recent meeting with members of the steering committee they objected to our independent adviser, someone with long experience of neighbourhood planning attending a meeting.

Love Wimbledon's Proposition

We are determined, working with Merton Council, property owners, businesses, service providers and residents, to maximise our influence over the future spatial development of the Town Centre (i.e. Love Wimbledon BID's agreed boundary) and how the existing 2020 masterplan develops out. Hence it is our longer term aim to pursue a business-led Neighbourhood Forum and Plan which truly reflects business as well as residential issues.

A business-led Neighbourhood Forum and Plan, proposed by Love Wimbledon BID would need support from both residents and businesses in a referendum. The current proposition would not require this, and businesses could only have a say via their employees if they lived locally and, significantly, would not incorporate the views of the real estate property owners. Many existing business-led Neighbourhood Forums have a balance of business and resident representation on their steering groups (e.g. Hyde Park and Paddington, Central Ealing, Mayfair, Spitalfields). We also feel, as an existing community organisation, and

through our extensive business network, that Love Wimbledon is very well placed to facilitate a dynamic dialogue between residents, businesses, and real estate interests.

Love Wimbledon will be seeking advice on the non-strategic policies design, transport, environment and social policies any neighbourhood plan might be able to bring forward in relation to the CBD area to further develop our thinking on this.

Conclusion

In summary, Love Wimbledon cannot support the proposal for Plan Wimbledon's designation as a Neighbourhood Forum with its current structure and a proposed boundary that will include the CBD and BID area. We believe the size of the area is unmanageable, the consultation has been unprofessional and carried out under dubious circumstances, the proposed governance will not be representative of all stakeholders and the implementation of this proposal will fetter progress and development of the CBD.

The Directors of Merton Chamber of Commerce have reviewed the proposals set out by Plan Wimbledon and held a meeting with them on 19th May. I am responding on behalf of our Directors with the following comments:

Merton Chamber of Commerce values the work undertaken by Plan Wimbledon over the last 3 years and we support the concept and purpose of Neighbourhood Plans and the additional social capital they bring to the local area.

One of the areas we discussed with Plan Wimbledon was the designation of the area, the rationale for this is set out in their Plan. In summary, the designated area should be cohesive, that people and businesses should have a sense of belonging to it and recognize the importance of “20 minute neighbourhoods” as set out in Merton Council’s draft Local Plan.

It is our view that the proposed designated area is too large. The Chamber of Commerce has over 20 year’s experience working with businesses in the whole of Merton and recognises that there are very different characteristics between the localities embraced by the proposed boundary – examples are Wimbledon Village and broader area, Wimbledon Park, Wimbledon town centre, South Wimbledon, Wimbledon Chase, Plough Lane and Weir Road and Colliers Wood. We believe that many of these areas do not share a sense of cohesiveness, apart from being part of Merton borough.

We therefore are not able to support the proposal for the size of the designated area. We would be very happy to work with Plan Wimbledon and be a conduit for their communications in the future with Merton’s business community.

Signed on behalf of the Directors of Merton Chamber of Commerce.

Diana Sterck
Chief Executive
Merton Chamber of Commerce

Please find the Conservative Group's response to the PlanWimbledon consultation below:

Merton Conservatives wholeheartedly support PlanWimbledon, this is an important community initiative that will ensure that the views of local people are heard during the planning process. It is crucially important that the character and feel of Wimbledon is preserved and having input from the local community will be important in achieving this.

Future Merton
C/o Paul McGarry and Tara Butler

Sunday 23 May 2021

Re: PlanWimbledon designation consultation – representation from PlanWimbledon

Dear Paul, dear Tara,

As the consultation on our application for designation draws to a close, PlanWimbledon are submitting this letter as our own representation.

Since PlanWimbledon's application was submitted in February, we have made tremendous progress from an already strong base, as the understanding of the benefits that neighbourhood planning offers our whole community gathers momentum. We are confident and excited at the prospect that the consultation votes will underpin our designation as neighbourhood forum for the proposed Wimbledon area.

We would like to make the following observations from our experiences and learnings to date. In particular, we wish to correct some of the misconceptions which have come across:

- **There is a strong and growing appetite for neighbourhood planning across the neighbourhood**

We are thrilled by the accelerating level of support and enthusiasm for neighbourhood planning across the area. Latterly, the Covid pandemic has driven both a greater sense of community and the desire to have a say in the future development of our home and work environments.

- **We have strong cross-sectional support from the local community**

This is reflected in our membership which now stands at over 550, representing an uplift of more than 100% since we applied for designation back in February. New members have come from across the proposed territory of the plan and across the spectrum of demographics, as well as from businesses, residents and landowners, and a wide variety of associations. (Please note that we count each association as only one member). Our social media presence has encouraged younger members to sign up to PlanWimbledon.

- **The Wimbledon area has been rigorously defined and reflects a cohesive view from the local community**

The proposed area for the Wimbledon neighbourhood forum has been determined by an extensive engagement programme with the local community, with inputs from a wide range of stakeholders. The proposed area reflects the local community's opinion of what is appropriate for the neighbourhood plan.

The size of the proposed area of Wimbledon is a testament to the strong feeling of belonging that the community has, and of the history of the town and its diversity. While each sub-area has its own individual characteristics, everyone identifies strongly with the town centre as Wimbledon's anchor and community heart. The town centre is a focus common to all the neighbourhood's constituent communities.

- **The proposed area is not 'too large'**

It is important to note that there is no maximum recommended size of area for neighbourhood planning. While the overall size of the proposed Wimbledon area has attracted concern from certain quarters, it is not the largest neighbourhood forum area.

In Bracknell, the whole town (including its high street and train station) has successfully created a neighbourhood plan, which is to be submitted for referendum shortly. Bracknell Town Centre has 55,000 adults and a geographical area twice that of Wimbledon (16 km² for Bracknell, compared to 8 km² for Wimbledon). Like Wimbledon, Bracknell includes a train station, art spaces and protected green spaces.

Merton has the potential to become a trailblazer among London boroughs. There is enough talent, expertise and enthusiasm within our proposed boundary to prepare a very successful neighbourhood plan.

- **PlanWimbledon is pro-development**

We have received some feedback that PlanWimbledon are perceived as being opposed to development and progress. This is a complete misconception. The group is dedicated to ensuring that Wimbledon continues to be an attractive and vibrant location for people to live, work and visit. This can be achieved only by fostering a strong local economy which is resilient to, and takes advantage of, the radical and fundamental social and economic changes being wrought.

We recognise how important it is that Wimbledon draws in visitors to spend money and support the local economy. As a more advantaged area in the borough, Wimbledon needs to work hard for Merton as well as for those who work or live here.

PlanWimbledon is legally bound to operate within the framework of the Local Plan. We look forward to working in partnership with Future Merton in developing effective and beneficial policies which will build on and enhance the current planning framework.

- **PlanWimbledon has a strong relationship with the business community**

From the outset, we have been determined to make neighbourhood planning in Wimbledon a creative collaboration between all the area's community constituents: business, residential, faith, arts, education, health, care and all the other stakeholders, including councillors and Future Merton.

We are particularly delighted by the many businesses who have joined us across the area. Here, too, the diversity and depth of the support is considerable: from local convenience stores to nationwide food and drink chains; from interior design stores to charity shops; from wellbeing practitioners to arts and crafts; and from landowners to individual local workers and business owners.

We have found that many businesses relish the opportunity to join an organisation that connects them with their local customers and the local community in a matter of mutual interest and support.

The Wimbledon Village Business Association is one of our members, as are numerous individual businesses and landowners of all kinds and sizes across our proposed area, including many in Wimbledon town centre. Just last week we had a productive meeting with the Chamber of Commerce, who will be discussing their potential PlanWimbledon membership with their Board. We also had a very constructive meeting with Romulus, the new owners of Centre Court, where we found many synergies in our aims. We look forward to collaborating with them.

- **Our relationship with Love Wimbledon**

We have had several meetings with Love Wimbledon, the BID currently covering Wimbledon town centre. Unfortunately, they have chosen not to support PlanWimbledon's designation for the proposed area during the consultation period, and have stated that they 'are considering applying for a separate neighbourhood forum' which would cover the town centre only. We are deeply concerned about this for the following reasons:

1. Planning does not fall within Love Wimbledon's remit.
2. Love Wimbledon have stated several times that they are not interested and do not have the resource to create a neighbourhood plan. Neighbourhood planning is, by its very nature, not remunerated.
3. The severing of the town centre from the surrounding areas would remove the connective tissue from the neighbourhood, and would create strong resentment from PlanWimbledon's supporters.
4. Taken to its logical conclusion, this would mean that the town centre would not be guaranteed to have a neighbourhood plan. The result of that would be that Wimbledon town centre would not be able to benefit from the many advantages a neighbourhood plan would deliver, thus undermining the town centre's future growth.

We are committed, once designated, to build a constructive working relationship with Love Wimbledon.

- **PlanWimbledon is not a lobbying or campaigning group**

PlanWimbledon is a non-partisan, not-for-profit group. We are donating our time, energy and talent and have no financial interest. We conduct ourselves with full respect for other community stakeholders and their interests. Our remit as the designated forum would be to create a neighbourhood plan. To keep that focus, and to ensure high standards of governance, PlanWimbledon operates under an approved constitution with a steering committee elected by its members annually. We have Wimbledon at heart.

We greatly appreciate the help and advice you have given us throughout the whole process. We know that organising a completely new consultation is time-consuming, but we hope that this process has prepared you for the many potential future neighbourhood forum applications which we have found are being considered within the borough.

At our half-way meeting with you, knowing that over 600 overwhelmingly positive responses had been received in the first couple of weeks gave us the confidence that we are spearheading something which people really want in Wimbledon.

Next steps

PlanWimbledon are organising a General Meeting in June to report our progress to our membership, and to start the planning process for the next stage of our journey.

We look forward to meeting Future Merton again after the consultation has ended to discuss the results.

Many thanks.

On behalf of PlanWimbledon,

Suzanne Grocott, Chair

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework** (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered.

Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely,

Planning Administration Team
Planning.south@sportengland.org



Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF

Sent: 16 May 2021 10:29

To: Future Merton

Cc:

Subject: FW: Have your say on PlanWimbledon's proposed neighbourhood area/forum

Thank you for consulting Transport for London (TfL). We note that the proposed neighbourhood area includes a number of TfL assets including London Underground stations, tram stops and bus infrastructure. There is also statutory safeguarding in place for Crossrail 2 which is expected to be updated in 2021. We have no objections to the designation of the neighbourhood forum or the proposed area and look forward to constructive dialogue with the forum when it is established.

Best wishes

Tfl Planning Transport for London



APPLICATION FOR WIMBLEDON NEIGHBOURHOOD AREA AND FORUM
A response to Merton Council by Wandle Valley Forum
May 2021

1. Wandle Valley Forum provides support and an independent voice for 140 community groups, voluntary organisations and local businesses and for everyone who shares a passion for the Wandle.
2. We have considered the proposals to designate PlanWimbledon as the neighbourhood forum to prepare a neighbourhood plan for the proposed neighbourhood area in the context of the Wandle Valley Forum Charter (<http://bit.ly/27Yal2m>). This seeks to “*strengthen the role of local communities in the Wandle’s future*” and to “*support local groups’ work to influence planning and development decisions*”. We have seen the benefits of this being taken forward through neighbourhood planning at Hackbridge and Beddington Corner which completed one of the first neighbourhood plans in London. We are also supportive of the Tooting Bec and Broadway neighbourhood forum and area as designated by Wandsworth Council and are in discussions with those considering the potential of neighbourhood planning for the lower Wandle.
3. We support PlanWimbledon as a neighbourhood forum. It is broadly based and has an appropriate constitution. We have had the opportunity to inform its development.
4. We support the proposed neighbourhood area. This is within the Wandle Valley Regional Park. It has been developed in consultation with relevant local organisations and presents an appropriate expression of the community’s views about the geographic identity of Wimbledon. We welcome the inclusion of the whole of Wandle Meadow Nature Park.
5. Ideally, the boundary would include land on both sides of the river running north from Plough Lane. This would minimise the risks of the Wandle being treated as the edge of the neighbourhood area. Nevertheless, we understand the rationale for the boundary not crossing the boundary with Wandsworth given the added complexity this could bring to the neighbourhood planning process. This also helps to support the rationale for not including Wimbledon Park.
6. We look forward to participating in the work of PlanWimbledon once designated.

General enquiries: wandlevalleyforum@gmail.com
Web site: www.wandlevalleyforum.org.uk
Twitter: [@WandleForum](https://twitter.com/WandleForum)

Please respond to Chair, Wandle Valley Forum, c/o 43 Bramcote Avenue, Mitcham CR4 4LW

Appendix 5 – PlanWimbledon’s application (April 2021 version)

Application form PlanWimbledon Application for neighbourhood forum designation April21.pdf (merton.gov.uk)

Map of proposed neighbourhood area:
[https://www.merton.gov.uk/Documents/PlanWimbledon on proposed neighbourhood area April21.pdf](https://www.merton.gov.uk/Documents/PlanWimbledon%20on%20proposed%20neighbourhood%20area%20April21.pdf)



PlanWimbledon
Sustainability Prosperity Community

Application to become a neighbourhood forum and neighbourhood area in Merton

18 February 2021

(Updated 6 April 2021)

Table of Contents

1. Name of the proposed neighbourhood forum	3
2. Name of the proposed neighbourhood area to which the application relates.....	3
3. Contact details	3
4. Proposed named members and their interests	4
5. Why we want to establish a neighbourhood forum	5
5.1. Encourage local democracy in the planning process	5
5.2. Ensure appropriate growth	5
5.3. Community collaboration towards a shared vision	5
5.4. Social and economic change in Wimbledon	5
6. Neighbourhood area	6
6.1. How we defined the boundary.....	6
6.2. Area metrics	6
6.3. Why we consider this area appropriate for designation	7
6.4. Proposed boundary	7
7. PlanWimbledon organisation and values	9
7.1. Purpose	9
7.2. Evolution	10
7.3. Governance	10
7.4. Membership classification	11
7.5. Neighbourhood area membership.....	12
7.6. Membership classification metrics	15
7.7. Community engagement and communication plan.....	16
8. Appendices	19
8.1. Initial one mile radius vector map.....	19
8.2. PlanWimbledon Area with Members.....	20
8.3. PlanWimbledon area, Wimbledon Constituency, Merton Borough	21
8.4. Constitution.....	22
8.5. Minutes from the inaugural meeting of 25 th of January 2020.....	28
8.6. Minutes from the general meeting of 14 th of December 2020.....	29

1. Name of the proposed neighbourhood forum

The name of the proposed Neighbourhood Forum is PlanWimbledon.

2. Name of the proposed neighbourhood area to which the application relates

The name of the proposed Neighbourhood Area to which the application relates is Wimbledon.

3. Contact details

(will be made publicly available and used as a single point of contact for the forum)

Name:	Suzanne Grocott
Address:	22, The Quadrant, SW20 8SP
Email:	chair@planwimbledon.org
Telephone:	07768 362370

4. Proposed named members and their interests

	Name	Resident	Business / Landowner	Councillor	Post Code	Interests
1	Dan Holden			X	SW19 3	Hillside Ward Councillor
2	Paul Kohler			X	SW19 8	Trinity Ward Councillor
3	Peter Southgate			X	SW19 3	Merton Park Ward Councillor / School Governor of Merton Park Primary School
4	Edward Foley			X	(undisc.)	Merton Park Ward Councillor / Chair of School Governors of Ricards Lodge
5	Nigel Benbow			X	SW19 1	Abbey Ward Councillor
6	Paresh Modasia		X		SW19 7	Local Pharmacist
7	Marcus Beale	X	X		SW19 7	Local Architect
8	Clive Hilton	X			SW19 4	Chair of Wimbledon Union of Residents Associations and Westside Common RA
9	Gabriel Bennett-Powell	X			SW19 8	Secretary, Friends of Wimbledon Town Centre
10	Susan Cusack	X			SW19 7	Chair, Belvederes Residents Association
11	Rev. Mark Eminson	X			SW19 1	Team Rector, Holy Trinity Church
12	Arun Velautham	X			SW19 3	Representative, the Shree Ghanapathy Temple
13	Chris Goodair	X			SW19 4	Chair, Wimbledon Society Planning & Environment Committee
14	Catherine Nelson	X			(undisc.)	Chair, The Friends of Cannizaro Park
15	Ian Murray		X		SW19 4	Owner I&S Locksmiths
16	Andrew Badrudin		X		SW19 4	London Property Holdings Limited
17	Barry O'Donnell	X			SW19 4	Property Consultant with interest in Environment / Conservation
18	Suzanne Grocott	X			SW20 8	Steering Group / School Governor of Wimbledon Chase Primary School
19	Augustin Bataille	X			SW19 1	Steering Group / South Wimbledon Resident
20	Alan Maries	X			SW19 8	Steering Group / Trustee, Sustainable Merton
21	Deborah Crosby	X			SW19 8	Steering Group / South Park Resident
22	Lynne Gordon	X			SW19 7	Steering Group / Chair, Wimbledon East Hillside Residents Association
23	Regina Denton	X			SW19 3	Steering Group / Dundonald Resident
24	Rob Cowan	X			SW19 8	Steering Group / Officer, Friends of Wimbledon Town Centre
25	Mark Morgan	X			SW19 5	Steering Group / Committee Member, Belvederes Residents Association
26	Nigel Headley	X	X		SW19 5	Steering Group / Member, Wimbledon Village Business Association
27	Sue Hale	X			SW19 7	Steering Group / Hillside Resident
28	Tim Day	X			SW20 9	Steering Group / Merton Park Resident
29	Jonathan Parker	X			SW19 4	Resident Artist

5. Why we want to establish a neighbourhood forum

5.1. Encourage local democracy in the planning process

- 5.1.1. PlanWimbledon is applying to be designated as a neighbourhood forum for the Wimbledon neighbourhood area in accordance with the Localism Act 2011. The Government is encouraging local communities to lead and influence decision-making because it makes a real difference to their locality. It is a means to change a neighbourhood for the better in cooperation with the local planning authority.

5.2. Ensure appropriate growth

- 5.2.1. Part of the proposed neighbourhood plan area has been identified as an Opportunity Area in the London Plan¹ and is forecast to grow significantly.
- 5.2.2. There is an urgent need for high quality and sustainable development, ensuring that Wimbledon continues to prosper, enhancing the standing of our town, and enabling local businesses to thrive sustainably.
- 5.2.3. We believe in growth which is positive and creative. We have a vision of a balanced, prosperous, sustainable neighbourhood where residents love to be, where businesses thrive and grow, and to which visitors are attracted. The PlanWimbledon Neighbourhood Forum will harness local knowledge, skills and imagination to ensure that Wimbledon grows in a way that respects its distinctive character.

5.3. Community collaboration towards a shared vision

- 5.3.1. Once designated, PlanWimbledon will lead and coordinate the preparation of a neighbourhood plan for Wimbledon, working with stakeholders and Merton Council, bringing together the interests of residents, workers and businesses within the designated area.
- 5.3.2. Merton Council is redrafting its Core Planning Strategy and Sites and Policies Local Plan (the “Local Plan”) to comply with the revised adopted London Plan 2021 (the “London Plan”). A neighbourhood plan can help to provide the council with a strong evidence base for setting out policies to shape sustainable development to meet a shared vision – such examples of ‘trickle-up’, whereby local policy can benefit from evidence gathered and policies developed at a neighbourhood level, are very common across the country. A neighbourhood plan will be of direct benefit for Merton Council and the community in that it can provide additional benefit and detail (that would be too resource intensive for the council to gather itself) which can help the Council more effectively to serve the local community.²

5.4. Social and economic change in Wimbledon

- 5.4.1. Wimbledon is a highly attractive neighbourhood with excellent transport links, outstanding schools, a wide range of shops, a popular hospitality sector, cultural activities, green spaces, and a safe environment. Wimbledon’s desirability as a place to live and work has fostered a strong local economy.

1 Clause 2.1.27 Adopted London Plan 2021.

2 In the recent Characterisation Study Consultation, 155 people from Wimbledon took part in the survey (Local Plan).

- 5.4.2. But social and economic change is rapid and affecting our community. The Covid-19 pandemic is increasing the uncertainty about the future direction of the economy, particularly for high-street retailers, hospitality venues and offices as people adapt to different ways of shopping, working and socialising. Green spaces are treasured more than ever, and people may become much less tolerant of crowds. The safety of our streets cannot be taken for granted.

6. Neighbourhood area

6.1. How we defined the boundary

- 6.1.1. We took as our starting point Wimbledon's former Town Hall, a historic building that has been incorporated into the Centre Court shopping mall. This is adjacent to Wimbledon Station, the central hub for the area's transport network.
- 6.1.2. A widely spread community of people consider Wimbledon to be their place, and are proud of Wimbledon being an internationally recognised brand. Agreeing that we should predominantly focus on the human scale, we began by considering an area within a one-mile radius (see 'vector map' in Appendix 8.1) of the former Town Hall. One mile is a distance that most people can easily walk in 15/20 minutes and is equivalent to a five-minute bike ride. This focus aligns with the recognition of the importance of 20-minute neighbourhoods in Merton Council's draft local plan³.
- 6.1.3. Both physical and human geographical factors were considered when taking a virtual tour of the perimeter. These included the River Wandle and its tributaries, pathways, roads, railways, open spaces, and ward and borough boundaries. The task of drawing a precise line to create a boundary was tackled by consulting with a wide range of bodies, including residents' associations, schools, community groups, sports clubs and housing associations which are located at the edges of the area. The map was revised many times as the consultation progressed (see section 6.4 Proposed Boundary).
- 6.1.4. We have consulted widely with interested parties around the edges of the area and reflected their views on where the Wimbledon neighbourhood begins and ends.
- 6.1.5. We gradually contacted all local councillors representing the seven wards that are covered in the proposed neighbourhood forum area. They know the demographics of specific polling districts and they were able to introduce us to more residents who might be interested in neighbourhood planning. Progress was made in setting up meetings and a set of guidance notes was compiled. Encouraging people to join the group formally as members provided a tangible demonstration of the degree of support neighbourhood planning could have (see Members' dot map in appendix 8.2). The dialogue was helpful in agreeing the logical extent of the area and where the boundary should lie.

6.2. Area metrics

- 6.2.1. The total adult (aged 18 and over) population of the proposed forum area is estimated as 40,000 using data obtained from the Merton data website <https://data.merton.gov.uk/> (Borough Preferred Option data). We have taken coverage to be 100% of three wards (Hillside; Wimbledon Park; Trinity); 75% of Dundonald ward; 50% of Village and Abbey wards; and 25% of Merton Park ward.

³ "20-minute neighbourhoods are places where communities can access most of their daily needs within a 20-minute (about 800 metres) return walk from home". Local Plan consultation 2a "Good Growth Strategy".

- 6.2.2. The proposed forum boundary encloses an area of 8.48 square km, which consists of areas of natural beauty (see 6.1.3) in which the population frequently walks or cycles.
- 6.2.3. Wimbledon is a green, affluent area with 70% of the area being in the top two least deprived quartiles.⁴ However, there are pockets of deprivation, including the only travellers' site in Merton.
- 6.2.4. Merton has the third highest economic activity rate amongst all the London boroughs, after the City of London and Lewisham. There are 13,220 active businesses (2019 data) of which 93% are considered micro (0-9 employees).⁵ Wimbledon is the largest site of economic activity in Merton, having the borough's only major town centre and being the heart of its successful economy.⁶

6.3. Why we consider this area appropriate for designation

- 6.3.1. The boundaries of the proposed neighbourhood area are coherent, consistent and appropriate. They are geographically and historically logical, and often coincide with local government boundaries.
- 6.3.2. The people who live or work within these boundaries refer in general terms to the area as "Wimbledon".
- 6.3.3. They use "Wimbledon" when giving their address or in their response to the questions "where do you live?", "where do you work?" and "where is your shop/office?".
- 6.3.4. They use the services provided within the area rather than outside, including primary schools; surgeries; library; places of worship/religious meetings; shopping; restaurants and bars; and theatres and cinemas.
- 6.3.5. Our membership is spread across this fairly wide area because they regard it as "their Wimbledon". They are economically and/or emotionally strongly invested in the area, and what happens here really matters to them.

6.4. Proposed boundary

- 6.4.1. A map of the proposed neighbourhood area (coloured orange) is shown in Appendix 8.3, and set in the context of the Wimbledon Parliamentary constituency boundary (coloured blue) and the Merton borough boundary (coloured red).

A web-based version of this map on the Google Maps platform is also available at www.google.com/maps/d/edit?mid=1phaVTu0KR6lyEhpshHlfGxC7aV1TBWZv&usp=sharing.

We will be working with the council to prepare a map which conforms to the required format for consultation.

- 6.4.2. The area boundary has been drawn in a way that indicates whether one or both sides of roads are included. The following 'route map', setting out anticlockwise in a westerly direction, provides justification for delineating the proposed boundary. Justification for the chosen area and boundary is shown in *[italics]*.

4 The Index of Multiple Deprivation (IMD) 2019 is the official measure of relative deprivation for small areas (or neighbourhoods) in England. The IMD ranks every small area (Lower Super Output Area) in England from 1 (most deprived) to 32,844 (least deprived). The domains are: Income; Employment; Education; Skills and Training; Health and Disability; Crime; Barriers to Housing Services; Living Environment. Each domain is given a weighting and is based on a basket of indicators.

5 All data taken from the Merton data website <https://data.merton.gov.uk/>

6 Local Plan 2a consultation draft 09 Wimbledon 3.6.1

- 6.4.3. Starting from the point where Parkside meets the borough's northern boundary at the junction with Queensmere Road, turn south down Parkside, bearing left along The Green and proceeding south west down Southside Common. Turn northwards up West Side Common past The Fox and Grapes public house and around West Place, North View, Camp View and Camp Road, avoiding Wimbledon Common.
[Following discussions of the boundary with the Wimbledon and Putney Common Conservators, we have agreed not to include the green parts of the Common.]
- 6.4.4. Continue southwards, including Cannizaro Park and House.
[The Friends of Cannizaro Park has asked for the park to be included, and Westside Common Residents Association has asked us to include the Sycamore/Chester Road areas.]
- 6.4.5. Turn east along Cannizaro Park's southern boundary to exclude the Wool Road area.
[North West Wimbledon Residents Association asked us to remove the Wool Road area as it might wish to create its own neighbourhood forum covering Wool Road Conservation Area in the future.]
- 6.4.6. Turn south west down Woodhayes Road, then turn east along Ridgway.
[Rydon Mews Residents Association wished to remain inside the area. NWWRA and the Residents Association of West Wimbledon considered that, given their footprints, they were really more akin to Raynes Park and wanted to be free to join any future neighbourhood forum for Raynes Park. RPA, NWWRA, RAWW and the RMRA have each agreed on the final boundary.]
- 6.4.7. Turn south beyond Lansdowne Road to include properties along the west side of The Downs.
[The planned boundary was originally planned to run up the middle of The Downs, but in discussion with Ursuline School – who describe themselves as a Wimbledon school – the boundary was amended to take in both sides of The Downs.]
- 6.4.8. Beyond Worple Road, keep east of Lower Downs Road and Kingston Road.
[The Raynes Park Association were very supportive but wished to have their own forum sometime in the future, and therefore agreed that the boundary between Raynes Park and Wimbledon should run down the back of Lower Downs Road. It was pointed out at a PlanWimbledon general meeting that the new council ward boundaries will place Chaseside and Oxford Avenue in Raynes Park. However, we felt that since Wimbledon Chase is included, it was still right to include these two roads.]
- 6.4.9. On reaching Bushey Road, turn east along Kingston Road passing Cannon Hill Lane, then turn south into Manor Gardens so as to include the Nelson Health Centre and Rutlish School grounds.
- 6.4.10. Follow the John Innes Conservation Area southern boundary to Dorset Road.
[Merton Park Ward Residents Association requested that the boundary be drawn along the John Innes Conservation area, as this formed a natural line between Wimbledon and Morden.⁷]
- 6.4.11. Turn north east along Dorset Road to reach Sheridan Road. Cross over the Tramlink line and turn south east to follow the tracks to Parkleigh Road.
[The Wilmore End Residents Association is pleased to be included in the neighbourhood area.]
- 6.4.12. Turn north up Merton Road and then east along Merantun Way to reach the River Wandle, turning north along its left bank (so as to exclude the Wandle Valley Regional Park) to reach Merton High Street, thereby skirting Colliers Wood Ward.
[We met with the Colliers Wood Residents Association and agreed that the boundary should run along the ward boundary with Colliers Wood. They did not consider themselves part of Wimbledon and may wish to form their own neighbourhood forum in the future.]

⁷ On the day of this document update, we have been made aware by MPWRA of their internal reconsideration of the PlanWimbledon boundary, following the confirmation of the new ward boundaries.

- 6.4.13. Turn north up the west bank of the River Wandle to the south west corner of the Wandle Meadow Nature Park. Then turn east along its boundary to include the entire park in our area, and continue eastwards to run north of properties on Boundary Road.
[The Wandle Valley Forum asked us not to run our boundary down the middle of the river, where we understand that the western boundary of the Tooting Bec and Broadway Neighbourhood Forum (currently dormant) runs. We have therefore decided to keep our boundary to the west bank of the river. In addition, although the southernmost part of the Wandle Meadow Nature Park is technically in Colliers Wood, the Wandle Valley Forum also asked us to extend our boundary to take in the whole of the park. We have confirmed with the Colliers Wood Residents Association that they are in agreement with this.]
- 6.4.14. Turn north behind houses on Kimble Road to reach the Thameslink railway, then turn west along the tracks to follow the borough boundary to the east of Waterside Way, continuing past Plough Lane along Summerstown.
- 6.4.15. Turn west along Riverside Road, then south before reaching St Martin’s Way, following the borough boundary around the Stadium to reach the River Wandle.
[We are actively trying to contact AFC Wimbledon to discuss the boundary with them.]
- 6.4.16. Turn north along the boundary fence of the left bank of the River Wandle to the west of the borough boundary but rejoin the borough boundary as it leaves the river past Trewint Street.
[The Wandle Valley Forum is supportive of PlanWimbledon’s endeavour and understands why the neighbourhood area is not crossing the local authority boundary around Garratt Park and Garratt Mills, resulting in them not to be included.]
- 6.4.17. Before reaching Ravensbury Road, turn west to include properties to the north of Haslemere Avenue. At Acuba Road, turn north, then immediately west again to include properties to the south of Ravensbury Avenue. Continue following the Merton borough boundary along Revelstoke Road, including properties only to the south, to reach the gate into Wimbledon Park. Follow the southern boundary of Wimbledon Park along Home Park Road, turning west to reach Church Road, then turning north up it.
[Wimbledon Park Residents Association had asked that we extend our area into Summerstown and also include all of Wimbledon Park. The Friends of Wimbledon Park also requested that we take in parts of Wandsworth and the Wandle Valley. However, as we were reluctant to cross the borough borders, they then agreed that we take the whole of Wimbledon Park out of our area to leave it free to become part of a future wider Lower Wandle Valley green space area.]
- 6.4.18. On reaching Bathgate Road, turn west to continue within the borough, turning north west along Queensmere Road, following the borough boundary back to the starting point on Parkside.
[The Parkside Residents Association is a member of PlanWimbledon and is pleased to be included in the neighbourhood area. We have reached out to the AELTC and plan to start discussions with them soon.]

7. PlanWimbledon organisation and values

7.1. Purpose

- 7.1.1. The PlanWimbledon Forum is applying to be the relevant body for designation as a neighbourhood forum for the purposes of section 61G of the Town and Country Planning Act 1990 (as amended).
- 7.1.2. The purpose of the proposed PlanWimbledon Forum is to:
- Promote or improve the social, economic and environmental wellbeing of the neighbourhood area.

- Canvass the viewpoints of residents, workers and businesses, bringing common understanding and clarity of local needs and wants.
- Capture key priorities and crystallise them in the form of a neighbourhood plan which, subject to referendum, would complement the Merton Local Plan, adding detail and nuance.

7.2. Evolution

- 7.2.1. PlanWimbledon started life in 2017 as the “Wimbledon Neighbourhood Planning Group”. At first a handful of individuals met regularly in local cafes to discuss the idea of creating a neighbourhood forum and the area that it might cover.
- 7.2.2. Initial meetings were fairly informal, with interested people being on an email distribution list to which an open invitation to monthly meetings was extended. Venues for those meetings included the manager’s office at Centre Court Shopping Centre, Wimbledon Hill Church, Wimbledon Arts Space, Wimbledon Library, Dundonald Congregational Church and upstairs at Starbucks, San Lorenzo and Chimichanga restaurants.
- 7.2.3. Advice was initially sought from Tony Burton, a volunteer convener of www.NeighbourhoodPlanners.London who is also an independent examiner on neighbourhood plans. An application to Locality for AECOM to provide pre-designation support was accepted and we continue to receive valuable advice from them.
- 7.2.4. The inauguration of the Wimbledon Neighbourhood Planning Group (as it then was) in January 2020 saw an elected Steering Committee being formed under an initial constitution. It focused on formalising procedures, agreeing the boundary, expanding membership and preparing the application for designation. The group has been meeting weekly since that time.
- 7.2.5. The constitution (see Appendix 8.4) details our objectives and working methods. The current constitution is available to view on the PlanWimbledon website www.planwimbledon.org. The PlanWimbledon Constitution meets the conditions outlined in section 61F(5) of the 1990 Act (as amended).

7.3. Governance

- 7.3.1. The Steering Committee is represented by up to 12 members, elected at the AGM, and includes three officer positions and at least one business representative.
- 7.3.2. During 2020, the Steering Committee reviewed how it was working. It conducted a skills audit to ensure it knew its individual and group capabilities, and it reached out to the wider membership to fill gaps in the skills base. Several new members were recruited and co-opted to the committee as and when people stepped down.
- 7.3.3. The restructured committee defined its mission, devised its strategy and developed an outreach programme to engage and consult with local people (see Section 7.7. Community Engagement and Communication Plan). In addition to explaining the background to the initiative and its aims, the committee made a priority of consulting broadly with those on the fringes of our boundary. Necessary revisions to the map of our neighbourhood area were made as we received feedback (see section 6.4 Proposed Boundary), providing confidence to apply for designation.
- 7.3.4. We rebranded the proposed forum PlanWimbledon (shorter, snappier and more memorable than Wimbledon Neighbourhood Planning Group), defined our values (Sustainability, Prosperity, Community), developed a visual identity and redesigned our website under the new name (www.planwimbledon.org) and colour palette. We plan to use our website to keep our membership informed and to encourage active participation.

- 7.3.5. At an open general meeting on 14 December 2020, attended by 39 members, the following were voted on:
- PlanWimbledon was adopted as the new name to replace Wimbledon Neighbourhood Planning Group, which had served as an interim vehicle for the prospective neighbourhood forum since 25 January 2020.
 - An amended constitution was considered and voted on after being reviewed by the members.
- 7.3.6. At the first AGM of PlanWimbledon on 15 February 2021, attended by 50 members, the following were voted on:
- Three officers (chair, treasurer and secretary) and a further seven Steering Committee members were nominated and elected unanimously.
 - Minor amendments to the constitution were considered and voted on. The PlanWimbledon Constitution meets the conditions outlined in section 61F(5) of the 1990 Act (as amended).
 - The decision that we should submit our application for designation was unanimously supported.

7.4. Membership classification

- 7.4.1. To achieve its objectives in line with its constitution and values, PlanWimbledon is continuously seeking to involve the whole Wimbledon community. We are open to and welcome all stakeholders in our area: individuals, businesses, groups and associations, educational establishments, campaigners, workers, and others.
- 7.4.2. Our outreach plan assigns specific responsibilities to each Steering Committee member and enables us to track progress. The outreach plan is continuously evolving and expanding as we identify new businesses, associations and other organisations within the proposed forum area (see Section 7.7 - Community Engagement and Communications Plan).
- 7.4.3. Each existing or potential member is recorded according to the following classification:

Group membership category

BIZ	Businesses, retail (including charity shops), professional services, etc.
LAND	Real estate developers and landowners specifically
RA	Residents associations and housing associations
ASSOC	Associations, groups, campaigning groups, country and language groups, social groups, help centres, charities, etc.
PARK	Parks, friends of park / recreation grounds, Wandle Valley Forum, etc. (if relating to a specific green space)
WELLB	Sport, healthcare and medical (physical and mental) etc., including medical practices, pharmacies, meditation groups, yoga, pilates etc.
ART	Performing arts, culture, art, music, crafts, etc.
FAITH	Religious and faith groups and buildings
EDU	Educational establishments (nurseries, schools, colleges, etc.)

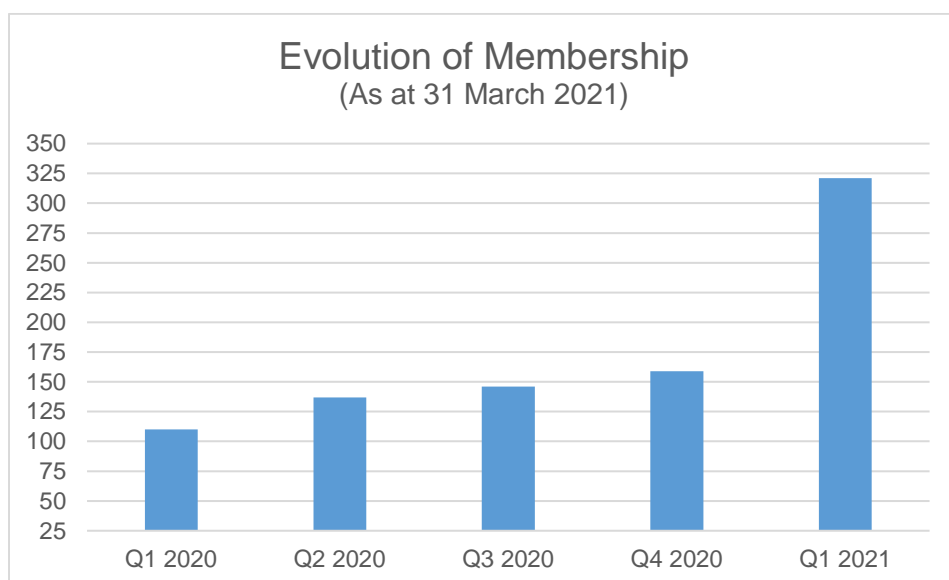
Individual membership category

IRES	Individuals who live in the area
IWL	Individuals who work (but don't live) in the area
IRESWL	Individuals who live and work in the area
IVIS	Individual "visitors" who don't live or work in the area, but with a material and ongoing interest in the area (e.g. social, economic, cultural)
CLLR	Elected members of Merton Council, any part of whose ward falls within the area (these are ex officio members)

- 7.4.4. While the vast majority of members are assigned to only one membership category, a handful of individuals are in our database both in their individual capacity and in their capacity as the named representative of a group.
- 7.4.5. As part of our outreach plan, we have initially prioritised residents associations and business associations in order to give our outreach immediate scale. The initial focus on residents associations was also a key input in defining the boundary of our proposed neighbourhood area.
- 7.4.6. The first Covid-19 pandemic lockdown, which struck some six weeks after our inauguration, has severely affected the lives of many, and has rendered most of the traditional outreach methodologies to expand our membership almost impossible. It has also changed the perspective of the individuals, families and businesses who have experienced shifts in priorities and in their time availability. Fortunately, people are now growing more at ease with online contact, opening greater opportunities which we are seizing.
- 7.4.7. The PlanWimbledon Steering Committee has leveraged our relationships, informal networks, friends and family, work and community colleagues, as well as modern technologies and Merton Council listings to build our membership base.
- 7.4.8. This membership building process and the engagement with the local community and stakeholders are fundamental and ongoing activities of PlanWimbledon throughout our existence.
- 7.4.9. As a result of these efforts, PlanWimbledon has already achieved a sizeable and engaged membership base that is large, diverse and very supportive.

7.5. Neighbourhood area membership

- 7.5.1. PlanWimbledon's membership is now well in excess of 300 and is continuing to grow steadily, as can be seen from the chart below. The chart shows all members of all categories combined (individuals and associations are each counted as one member). It reflects the tremendous effort that PlanWimbledon is deploying to grow its membership, validate the proposed forum area boundary and engage with the local community and stakeholders.



- 7.5.2. The enclosed membership distribution map covering the proposed neighbourhood area shows our current membership coverage (Appendix 8.2 Membership Distribution Dot Map)
- 7.5.3. 29 members who have agreed to support the application are listed in section 4. All have agreed and confirmed by email to have their name, post code and status accompany the application, to be published on the council website. These are listed, including name, street address (provided separately to the local authority) and local interest, confirming widespread support from across the neighbourhood area. The members include representatives of a range of local interest groups, residents and local businesses.
- 7.5.4. Stephen Hammond, Member of Parliament for Wimbledon, is fully supportive of PlanWimbledon and our application. He hopes that the establishment of the forum will lead to the preparation of a neighbourhood plan which attracts widespread support.
- 7.5.5. Our membership can be broken down further as follows.

Current membership breakdown by category	Count	%
Individual residents & residents working locally	237	73%
Residents associations	9	3%
Businesses	23	7%
Councillors	17	5%
Individual visitors or working locally (but not resident)	22	7%
Faith groups	8	2%
Other groups	8	2%
Total	324	100%

Current membership breakdown by type	Count	%
Individuals (IRES, IRESWL, IVIS, IWL, CLLR)	276	85%
Businesses, groups & associations	48	15%
Total	324	100%

7.5.6. **Individual residents:** Individual residents account for 73% of our membership base. Representation amongst local residents is even more significant once the number of people in residents associations and other groups are taken into account.

7.5.7. **Residents associations:**

- a) PlanWimbledon has identified 37 residents associations that partly or wholly fall within our proposed boundary. As at 31 March 2021, 27 of them have been reached out to, most of which now have an ongoing dialogue with us. Nine residents associations have joined PlanWimbledon to date. Those residents associations, while they account each for a single member in our database, represent a large number of residents and a significant geographic footprint of support from the local population.
- b) The engagement with residents associations has been the key source of input into refining the shape of our PlanWimbledon boundary area (see Section 6.4 Proposed Boundary).
- c) Every residents association we have been in touch with is supportive of neighbourhood planning. None of those residents associations that fall within our boundary area has refused, in principle, to join PlanWimbledon. Several are currently going through the necessary process of consulting their whole membership base before joining as a society.
- d) Those residents associations that have declined to join have done so either because they did not consider that they “belonged” to the “Wimbledon” area (and the proposed boundary has been adjusted accordingly), or because they have ambitions to create their own neighbourhood plan. Again, we have agreed where the future boundaries should meet and look forward to sharing learnings with them.

7.5.8. **Businesses and landowners:**

- a) The PlanWimbledon Area includes Wimbledon town centre in addition to several significant commercial high streets and shopping parades which are distributed throughout the area.
- b) We have identified the following business areas to date:

Wimbledon town centre
Wimbledon Hill Road Conservation Area shopping parade
Wimbledon village
Leopold Road Conservation Area shopping parade
Arthur Road Conservation Area shopping parade
Wimbledon Chase station shopping parade
Nelson Hospital shopping parade
Kingston Road shopping parade
South Wimbledon station shopping parade
Merton High Street
Morden Road
Haydons Road station shopping parade
North Road
Weir Road, Gap Road and Plough Lane area

- c) In terms of business associations, the whole area is served by the Merton Chamber of Commerce, Wimbledon town centre by the Love Wimbledon Business Improvement District, and Wimbledon village by the Wimbledon Village Business Association. The smaller high streets do not seem currently to have any active business associations.
- d) As part of our outreach plan to businesses, we have initially prioritised business associations in order to give our outreach immediate scale.

- e) Wimbledon Village Business Association has already joined us, and we have an ongoing dialogue with the other business associations. We are very enthusiastic about more of them joining us, as channeling the voice of the businesses they represent is one of their core missions.
- f) The pandemic is severely restricting the interactions we are able to have with individual businesses. It not only drastically reduces our available communication channels with them, but also results in businesses being less receptive, with many of them being currently fully or partially closed, and those that are open having limited capacity to interact with us.
- g) Nevertheless, our continued effort in building relationships with businesses is paying off. Not only are businesses the second largest member category, accounting for 7% of our membership base, but we are also seeing growing momentum, with new business memberships accounting for 9% of new 2021 registrations to date.

7.5.9. **Councillors:** Our neighbourhood area includes seven wards (complete or partial), represented by a total of 21 local councillors. Of these, 17 are already signed-up members. Each ward is represented by at least one councillor who is a member of PlanWimbledon.

7.5.10. **Faith groups:** At present, six different faiths are represented by seven establishments, a pleasing reflection of PlanWimbledon’s openness and inclusivity. There are ongoing dialogues and outreaches for more to join us.

7.5.11. **Visitors and local workers:** Wimbledon attracts individuals who are not resident in the neighbourhood area but who come to work locally or who are “visitors” (see definition above).

7.5.12. **Other groups:** The PARK, ASSOC, ART, WELLB and EDU categories together account for 2% of our membership base. We have reached out and have ongoing dialogues with more groups and associations, which we expect to come to fruition once common projects, dedicated workshops and opportunities provide input, crystallising how they can contribute to the preparation of the neighbourhood plan.

7.6. Membership classification metrics

7.6.1. Membership is recorded and tracked under a separate and confidential database. When applying for membership, individual residents are asked to supply a range of classification data so we can monitor the diversity of our members. This is, of course, voluntary and not all individual members provide these details, but we have collected as much such data as is reasonably possible. Only individuals aged 18 or over can formally be members.

7.6.2. Gender classification metrics

Individual Residents - Gender

	PlanWimbledon Membership		PlanWimbledon Area*
	Count	%	%
Male	97	42%	49%
Female	121	52%	51%
Other	1	0%	-
Not available	12	5%	-
Total	231	100%	0%

7.6.3. Ethnicity classification metrics

Individual Residents - Ethnicity			
	PlanWimbledon Membership		PlanWimbledon Area*
	Count	%	%
White	186	81%	79%
Others	16	7%	21%
Not available	29	13%	-
Total	231	100%	100%

7.6.4. Age classification metrics

Individual Residents - Age			
	PlanWimbledon Membership		PlanWimbledon Area*
	Count	%	%
18 - 24	0	0%	6%
25 - 34	7	3%	25%
35 - 44	26	11%	26%
45 - 54	45	19%	16%
55 - 64	58	25%	11%
65 - 74	43	19%	8%
75+	17	7%	7%
PNTS**	4	2%	-
N/A	31	13%	-
Total	231	100%	100%

* Note: PlanWimbledon Area is a weighted average of Merton Council's classification data for residents in those wards which partly or wholly fall in the PlanWimbledon area as follows: Abbey 50%, Dundonald 75%, Hillside 100%, Merton Park 25%, Trinity 100%, Village 50%, Wimbledon Park 100%. PlanWimbledon Area age metrics rebased excluding 0 – 17 population.

** Prefer Not To Say.

7.7. Community engagement and communication plan

- a) Our community engagement and communication plan is articulated around each stage of the neighbourhood planning cycle.

Stage 1: Preparation of our application for designation: During this stage, we are engaging with as many communities as possible during lockdown across the area to agree a boundary, and grow as diverse and geographically spread membership as possible. Growing and maintaining a large and diverse membership will remain a key task throughout the existence of PlanWimbledon.

Stage 2: Consultation: We will generate publicity and engage more broadly with people across the entire neighbourhood to create awareness and understanding of our aims, and flag the forthcoming consultation process to be undertaken by the council on the proposed area.

Stage 3: Post-designation: We will conduct widespread consultation and discussion on what people and stakeholders within the area see as important priorities, before moving on to consulting on the resulting content of the neighbourhood plan, ensuring that all groups are involved.

Stage 4: Referendum: We will combine our efforts with those of the council to create awareness of and engagement with the referendum on the neighbourhood plan, which will be undertaken by the council.

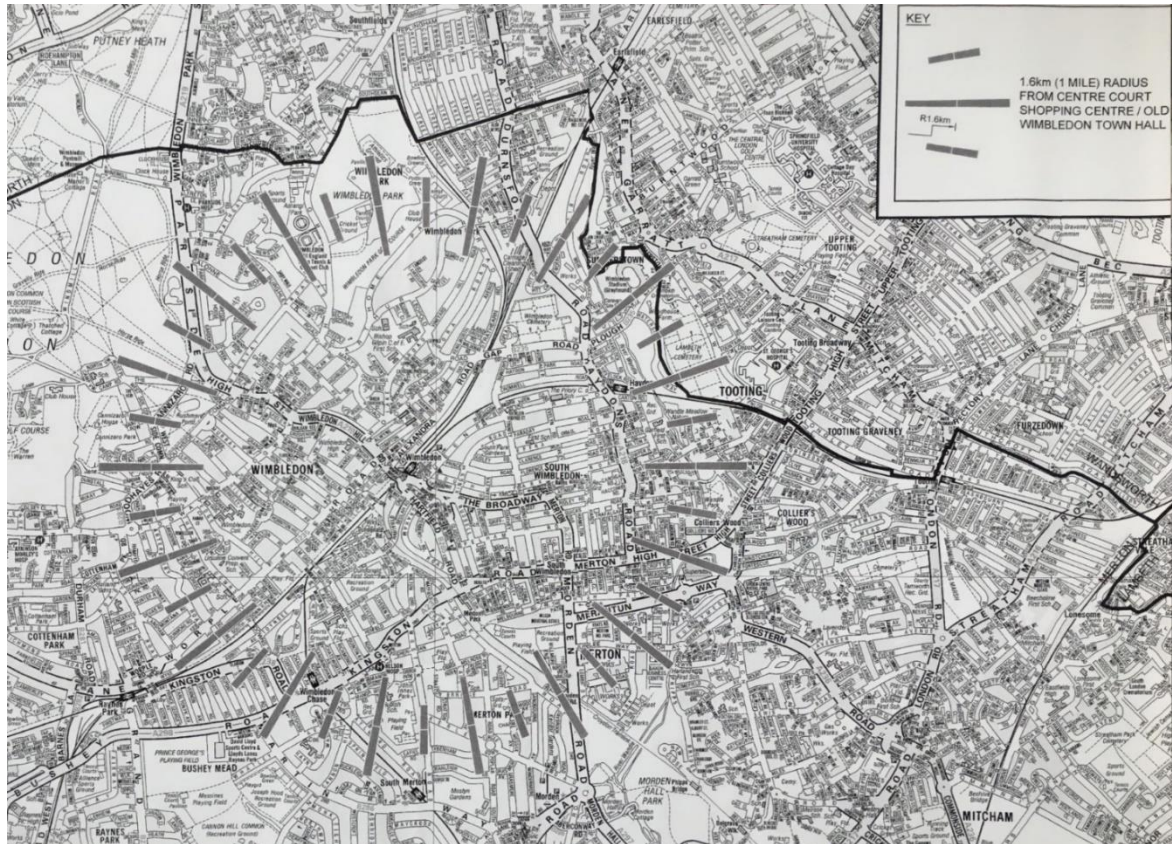
Stage 5: Neighbourhood plan effectiveness and progress: Once our neighbourhood plan is in effect, we will continue involving the whole community in monitoring its effectiveness and we will review the need for updates.

- b) At each stage, the communications to and engagement with the community will be underpinned by
- **Clear objectives:** such as creating awareness and encouraging engagement and voting.
 - **Defined targeted audiences:** such as businesses, landowners, residents, younger people and children, people with disabilities, and associations.
 - **Key messages:** such as bringing the community together, leveraging local knowledge, and enabling people to have their say.
 - **Communication channels to be used for each target market and message:** such as local media, social media, leaflets and workshops.
- c) With an anticipated relaxation of Covid-19-related restrictions, we expect to have a broad array of **communication and engagement channels** at our disposal, including the following:
- **Local media:** Wimbledon Times, Time and Leisure, Darling, etc.
 - **Social media:** Twitter [@plan_wimbledon](#), Instagram, Facebook Groups (e.g. Wimbledon Village Live, South Wimbledon News and Views), Nextdoor, etc.
 - **Our website:** www.planwimbledon.org
 - **Our members' own databases:** such as the membership lists of residents associations, business associations and local associations (while respecting data protection restrictions).
 - **Merton Council's contact mechanisms:** such as My Merton and email lists (if available) and community forums
 - **Webinars and Q&A sessions**
 - **Surveys**
 - **Leafleting**
 - **Community engagement and targeted workshops**
 - **Stalls and other on-the-ground presence**
- d) As we progress, these channels will enable us to engage further with specific target groups, such as the younger population. Not only might social media reach a larger audience of young adults, we also anticipate holding workshops in collaboration with schools and other associations that will reach a broader spectrum of the younger population.
- e) Throughout our continued engagement with the local community, we anticipate that focus groups and workshops targeted, for example, at local businesses, would help identify the range of planning needs specific to particular groups.

- f) On the social media front, we have laid the foundation of a professional approach and strengthened our brand by renaming ourselves as PlanWimbledon and upgrading our visual identity. This will enable us to have a consistent and recognisable presence across all media types. We have already collected support from community actors which have a social presence and have offered to relay our communication among residents and businesses alike.
- g) Finally, the PlanWimbledon Steering Committee has already considered and discussed an internal organisation matrix to structure and coordinate the action of sub-groups and sub-committees in order to ensure our effectiveness in involving all parts of our community in the preparation of a neighbourhood plan.

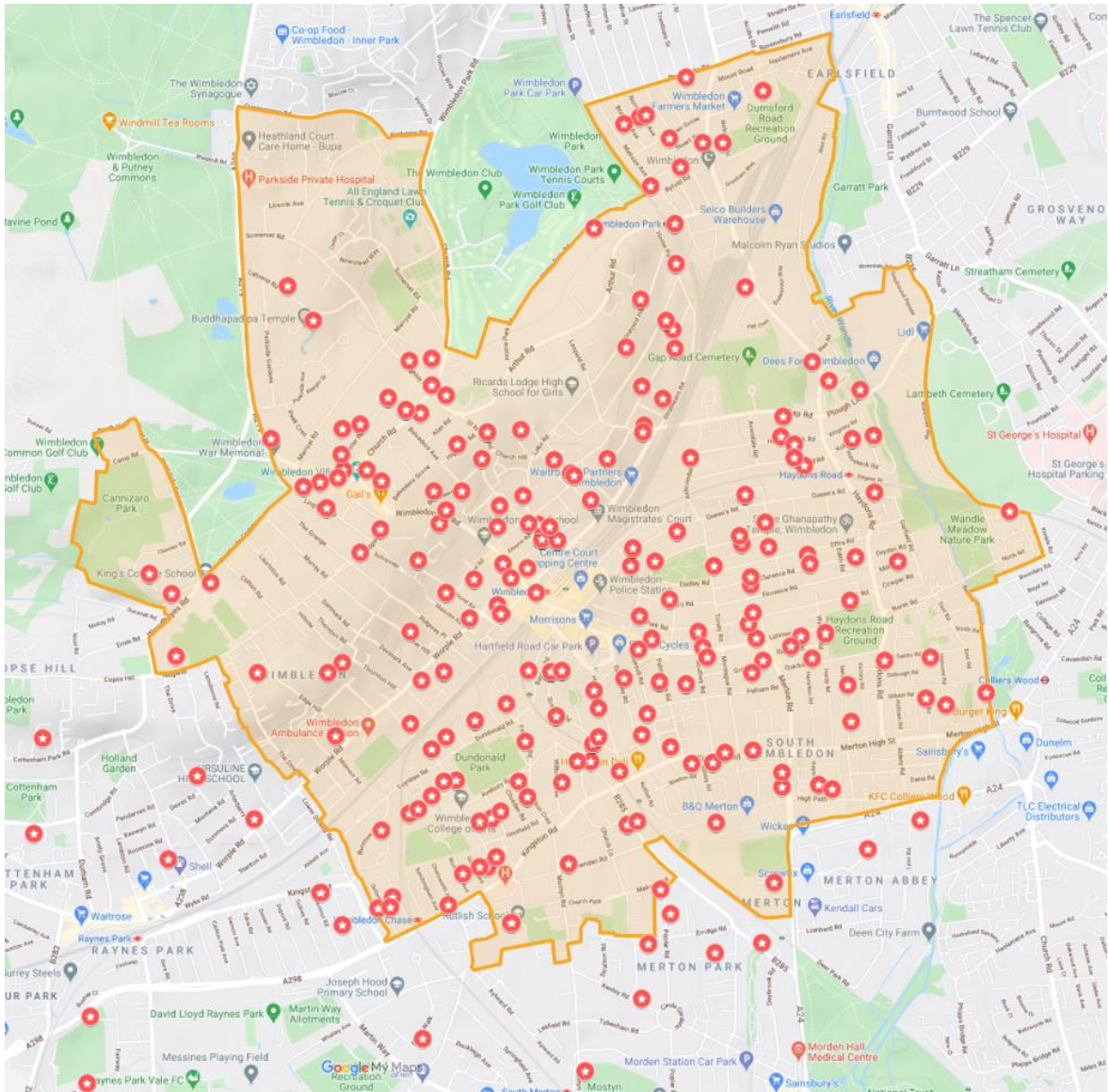
8. Appendices

8.1. Initial one mile radius vector map



Appendices

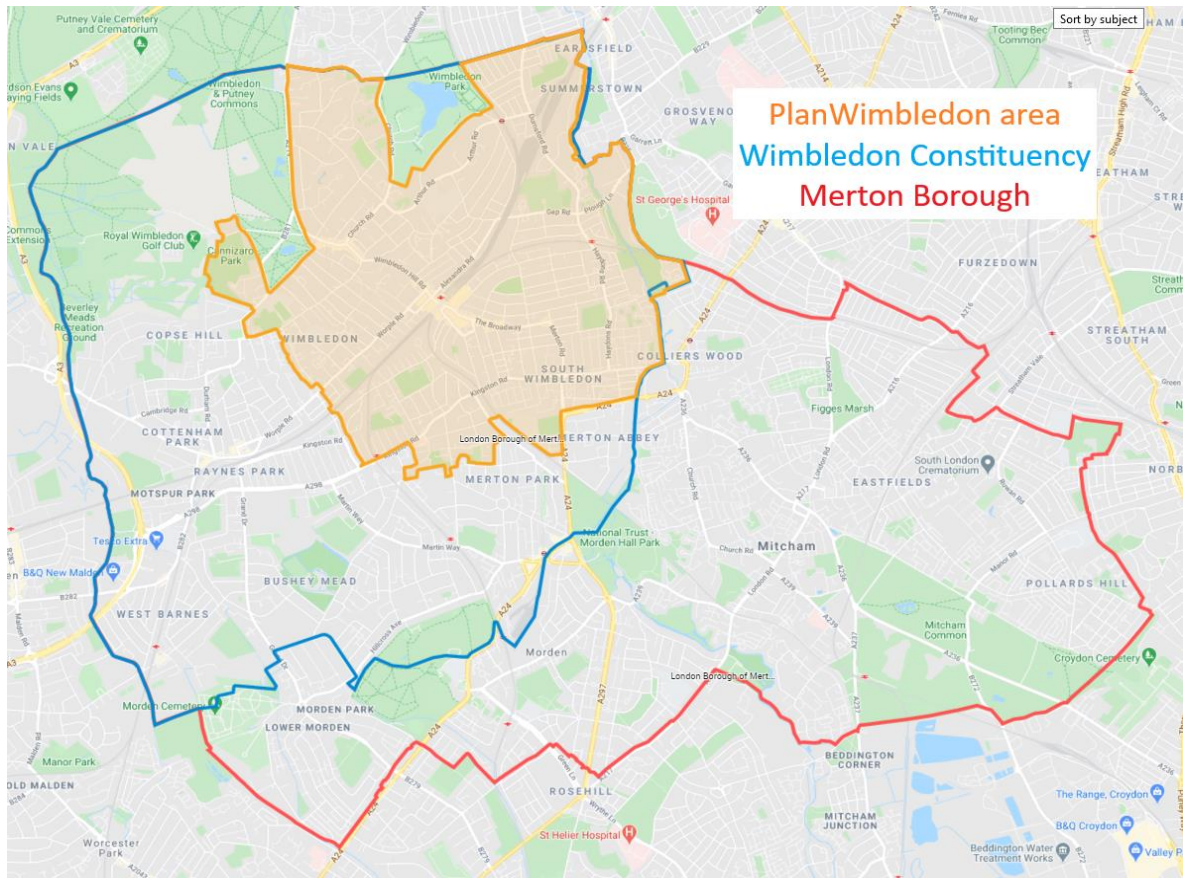
8.2. PlanWimbledon Area with Members



Note: As at 3 April 2021.

Appendices

8.3. PlanWimbledon area, Wimbledon Constituency, Merton Borough



Appendices

8.4. Constitution



Constitution of PlanWimbledon

(formerly known as **Wimbledon Neighbourhood Planning Group**)

The name of the Group shall be **PlanWimbledon**

1. DEFINITIONS:

In this document certain word(s) shall have the meaning ascribed to them as below:

1.1 **"Group"** means PlanWimbledon (formerly known as the Wimbledon Neighbourhood Planning Group).

1.2 **"Neighbourhood Plan"** and **"Neighbourhood Forum"** have the meanings ascribed to them in the Localism Act 2011, Schedule 9 Neighbourhood Planning.

1.3 **"The Wimbledon Area"** and **"Area"** is the proposed area for which the Group will develop a Neighbourhood Plan post designation.

1.4 **"General Meeting"** is a meeting of members properly arranged as described in this constitution.

1.5 **"Conflicts of interest"** A conflict of interest is a situation in which an individual has competing interests or loyalties because of their duties to more than one person or organisation.

2. OBJECTIVES:

2.1 The Group is established with the key objective to form an authorised Neighbourhood Forum which would prepare a Neighbourhood Plan for the Wimbledon Area. The aims of this are:

- To promote / improve the balance of the social, economic, and environmental wellbeing of the Area
- To ensure full community involvement, from all sections of the community.

- To provide opportunities for local people to inform and influence local decisions.
- To improve democratic participation by local people.
- To establish all necessary sub-groups to enable progress on and completion of all sections of the Neighbourhood Plan.
- To make necessary arrangements for the publication of the Neighbourhood Plan, including publicising the Plan.
- To liaise with the Local Authority, its relevant Committees, and its representatives on preparation of specific aspects of the Plan.
- To establish a process to monitor the implementation and effectiveness of the Plan

3. AFFILIATIONS, OPERATIONS, AND INDEPENDENCE:

3.1 The Group shall be politically independent.

3.2 All members of the Group shall act in the best interests of the Group and the Area and shall follow the good governance guidelines set out in the attached guidance (and any subsequent updates): <http://www.goodgovernancecode.org.uk>.

3.3 The Group shall also act in accordance with best practice in the preparation of the Neighbourhood Plan and in accordance with Government guidance for such preparation and shall seek to work collaboratively with the Local Planning Authority to achieve this.

4. MEMBERSHIP:

4.1 Membership of the Group shall be open to all who are interested in actively furthering the purposes of the Group, specifically, those who live or work in the Wimbledon Area. The composition of the Membership should reflect the scope and character of the geographical Area covered by the Group and also the different sections of the community. The Group shall operate without distinction or discrimination on the grounds of sex, disability, sexual orientation, race, or of political, religious, or other opinions.

4.2 A Member is someone who has provided the necessary information to the Secretary and has been accepted as a Member to attend General Meetings, by submitting satisfactory evidence of eligibility along with contact details which may be used by the Group for its lawful purposes.

Only members over the age of 18 are permitted to vote at Meetings. Members must declare any conflicts of interest. An individual can only exercise one vote. There shall be a minimum of 21 Members.

4.3 Full Membership shall be open to:

- i. individuals who live in the area.
- ii. individuals who work in the area.
- iii. community organisations which operate in the area, through their duly nominated and appointed representative.
- iv. businesses, educational establishments or other entities which operate in the area, through their duly nominated and appointed representative.

4.4 Associate Membership shall be open to:

i. individuals who are elected members of Merton Council, where any part of the ward they represent falls within the Area.

ii. organisations of residents and businesses may join as Associate Members.

iii. associate members will be ex officio members i.e. attending but non-voting members

4.5 New members may join by applying via the website.

4.6 The decision to accept an application of new individual membership is the responsibility of the Officers, to be determined by majority vote. Refusal to accept an application for membership must be given to the applicant, along with a full and valid reason.

4.7 The Secretary shall be responsible for the maintenance of an up-to-date list of membership.

4.8 Lists of members and contact details are the sole ownership of the Group.

5. DISCIPLINARY PROCEDURE:

The Group has the right not to accept an individual or organisation into Membership and may terminate the Membership of any Member whose behaviour is not in the best interests of the Group. Any such decision to terminate a Membership shall be taken by the Steering Committee and there shall be a right of appeal at a General Meeting.

6. STEERING COMMITTEE:

6.1 The Steering Committee shall consist of all Officers and not more than eight other Members, at least one of whom must be representative of business interests in the Area and shall be responsible for running the affairs of the Group and may take decisions on its behalf. A decision to consult or to submit a Neighbourhood Plan shall be taken by a General Meeting.

6.2 A quorum for Meetings of the Steering Committee shall consist of five Members, one of whom must be an Officer. In the event of an equality in the votes cast on any issue to be decided, the Chairman shall have a second or casting vote. In the event that the Chair (and Vice Chair) are not able to attend a Meeting of the Steering Committee, its Members shall agree a Chair for the Meeting.

6.3 Nominations for election to the Steering Committee shall be made at or before the Annual General Meeting. They must be supported by a seconder and require the consent of the proposed nominee. If the nominations exceed the number of vacancies, a ballot shall take place in such manner as the Chair of the Meeting may direct.

6.4 The Steering Committee shall have the power to co-opt further members (who shall attend in an advisory and non-voting capacity). The consent of the proposed nominee must first have been obtained.

7. OFFICERS:

7.1 The Group will include the following official positions, hereinafter referred to as “the Officers”, with the roles set out below: Chair, Secretary and Treasurer to be elected annually by simple majority vote.

7.2 The Officers’ role descriptions are as follows:

i. Chair.

- Shall be the principal presiding officer and chairperson for the Group and meetings.
- Shall possess a casting vote on occasions where voting is tied.
- Shall lead the Group in all communication and business with external organisations and individuals, including being the Forum's spokesperson.
- Shall have the power to take urgent decisions for the interim in between meetings on the Group. These will then be reviewed at the next Forum meeting.
- Shall enforce the Constitution.

ii. Secretary:

- Shall be responsible for maintaining all records and notes.
- Shall be responsible for all correspondence with Group members.
- Shall be responsible for maintaining an up-to-date list of members.

iii. Treasurer:

- Shall be responsible for keeping all budgeting records.
- Shall be responsible for monitoring expenditure.
- Shall be responsible for the publication of a statement of accounts.
- Shall be responsible for applying for available grants.

Officers shall be determined from time to time at a General Meeting of the Group.

7.3 Nominations for the election of Officers shall be made at, or before, the Annual General Meeting. Such nominations shall be supported by a seconder and require the consent of the proposed nominee who must be present at the General Meeting. The election of Officers shall be completed prior to the election of Members to form the Steering Committee.

7.4 All Officers and Steering Group members shall relinquish their office every year and shall be eligible for re-election at the Annual General Meeting. If a vacancy is not filled at a General Meeting or becomes vacant during the course of the year, the Steering Committee shall have the power to elect a Member, or Members, to fill such position(s). The consent of the proposed nominee must first have been obtained.

7.5 The Officers may co-opt further officers to assist them in carrying out their duties. These co-opted officers should have clear, agreed job descriptions.

7.6 The Steering Group will elect a Vice Chair from amongst their number.

8. GENERAL MEETINGS:

8.1 An Annual General Meeting shall be held each year to receive and approve the Steering Committee's report, the audited accounts and to elect Officers and other Members to form the Steering Committee. The Steering Committee shall decide when General and other Meetings of the Group shall be held and shall give at least 14 days' notice of such meetings to all Members. The Secretary shall compile the minutes of such Meetings which will be made available to all Members, after approval by the Steering Committee.

8.2 Ten Members, personally present, including at least one of the Officers of the Group, shall constitute a quorum for a General Meeting of the Group.

8.3 Meetings can take place either in person or online. Members attending a meeting online shall be deemed to be attending in person.

9. FINANCES:

9.1 The Group may raise such funds as may be necessary to carry out its activities, from donations, grants and other appropriate sources. The Group shall have its own Bank Account post designation. The Group will not own any premises.

9.2 The Officers of the Group, on behalf of the Steering Committee shall, out of monies received by the Group, pay all proper expenses of administration and management of the Group. After the payment of the administration and management expenses and the setting aside to reserve of such sums as may be deemed expedient, the remaining funds of the Group shall be applied, by the Steering Committee, in furtherance of the purposes of the Group.

9.3 The Treasurer will present an annual report of income and expenditure to the Annual General Meeting.

10. CONFLICT RESOLUTION WITHIN THE GROUP:

At all times, the Group will recognise the primary need to encourage community involvement in, and support for, the Neighbourhood Plan. If it proves not possible for the Group to reach agreement during any stage of preparing the Plan, every effort shall be made by the membership of the Forum to resolve the difference by negotiation. Where this does not resolve the situation, the Group will ensure that the alternative view is included in the relevant stage of community engagement.

11. CONFIDENTIALITY:

It is understood, and agreed to, that the disclosure of confidential information may provide certain information that is, and must be kept, confidential. To ensure the protection of such information and to preserve any confidentiality necessary, it is agreed that all committee members will adhere to the specific confidentiality guidance notes which will be issued by the Steering Group from time-to-time.

12. AMENDMENTS:

The terms of this Constitution may be amended by a two-thirds of Members present voting in favour at a General Meeting, provided that 14 days' notice of the proposed amendment has been given to all Members.

13. NOTICES:

Any notice required to be given by these Rules shall be deemed to be duly given if left at, sent by prepaid post, addressed, or emailed to the address of that Member, last notified to the Secretary

14. DURATION:

When designated as a Neighbourhood Forum, the Group shall endure for five years unless renewed. If the group wishes to renew then prior notice of at least one year should be given.

15. DISSOLUTION:

In the event of the winding-up of the Group, the available funds of the Group shall be transferred to such one or more bodies having objects similar, or reasonably similar, to those herein before declared as may be chosen by the Steering Committee and approved by the Meeting of the Group at which the decision to dissolve the Group is confirmed.

January 2021

Appendices

8.5. Minutes from the inaugural meeting of 25th of January 2020

MINUTES FROM THE INAUGURAL MEETING OF THE WIMBLEDON NEIGHBOURHOOD PLANNING GROUP ON THE 25TH OF JANUARY 2020 AT HILLSIDE CHURCH, 37, WORPLE ROAD, SW19 1EL

1. List of Attendees: (56 in total)

2. Opening Business:

- Agenda attached
- Presentation from Tony Burton attached and notes from Rob Cowan and Suzanne Grocott and Jonathan Parker attached.
- Link to proposed area attached
- Questions were raised on the cohesion of the area given its size and how the Forum would relate to other local groups such as Friends of Wimbledon Town Centre and local Residents' Associations

3. Official Business:

- The Draft Constitution was adopted – copy attached
- The following officers were elected:
 - (i) Chair: Vince Harris
 - (ii) Secretary: Jonathan Parker
 - (iii) Treasurer: Suzanne Grocott
- The following members were elected to the Steering Committee:
 - (i) Rob Cowan
 - (ii) Tim Day
 - (iii) Regina Denton
 - (iv) Lynne Gordon
 - (v) Sara Sharp
 - (vi) Leigh Terrafranca
 - (vii) Deborah Crosby
 - (viii) Ghigo Berni - Business member

4. Closing Business

VH closed the meeting. He thanked everyone for coming and encouraged all to register as members of the group so they could be kept informed of progress.

5. Next Meeting:

tbc

Appendices

8.6. Minutes from the general meeting of 14th of December 2020



Plan Wimbledon - Wimbledon Neighbourhood Planning Group (“WNPG”) - General Meeting Minutes

Date: Monday, 14th of December 2020, *remotely via Zoom. 8pm*

Chair: Suzanne Grocott (SG) Minutes: Lynne Gordon (LG)

Attendees: 39

Chair’s Welcome:

SG welcomed everyone. She reported that there had not been a meeting for all members of the group since the inaugural AGM held on the 25th of January 2020. Covid had impacted the progress of the group as it had limited its ability to consult widely, nevertheless a great deal of work had been taking place which would be detailed at the meeting.

SG reported that several people had left the Steering Group since its inauguration and several people had been co-opted for assigned tasks, this was to be expected in a volunteer group as people’s personal circumstances change. She thanked everyone for their contribution, in particular, Jonathan Parker who had been the driving force behind achieving inauguration.

Planning Overview:

Rob Cowan gave an overview of what the new Government White Paper means for planning and the key developments outlined in Future Merton’s draft Local Plan for Wimbledon (presentation attached).

PlanWimbledon: An Overview of Developments in 2020:

Purpose/Strategy/Area/Membership map/Name/ Logo/Team/The Path to Designation (presentation attached)

Approval of the New Constitution:

LG explained that as the group progresses towards designation, it will require a more detailed constitution, therefore, a new draft constitution for the group had been circulated with the invitation to the meeting. There had been feedback on three points:

1.1: Greater clarity on definition of the new name

4.8: Giving access to the group's membership list would contravene GDPR guidelines so this would need to be removed

11.0: The confidentiality clause was felt to be too draconian and this would be replaced by a code of conduct which could be updated on a regular basis.

LG would circulate a revised constitution in the next few days and would ask for approval from members.

Getting Involved:

AM made a call for help from members. In particular, help was urgently needed in the following areas: Database Development and Management: Software; Digital Mapping; Social Media; Legal; Financial; Community Liaison (several); Online Surveys.

Questions:

Following the presentation, the following points were made/ questions were asked:

1. Clarification on the London Plan proposals for the various areas of Wimbledon. Wimbledon Town Centre was earmarked for more office/business development with housing development being centred on South Wimbledon, Colliers Wood.
2. There was concern about current proposed building heights, notably the Centre Court sales brochure and those in Colliers Wood.
3. Level of membership required to achieve designation. It was explained that there was an absolute minimum of 21 but many more would be needed for an area of our proposed size. Members also need to be spread across the whole area and represent the diversity of the area. The final plan will be subject to a referendum, so awareness and support of the process/plan needs to be high.
4. The plan should encompass as wide a number of issues as possible e.g., the South West Waste Plan since these impact greatly on planning within the area
5. It would be good to bring together all the planners who are active within the various RAs and community groups to provide a central resource and prevent duplication of effort. The Wimbledon Society should be part of this.
6. Since the Neighbourhood Plan has to be in line with the Local Plan, what could it add? This needs to be explored further as the new proposals are just being published but it was thought that it could add much more detail / determine precise standards on design codes, building standards; sustainability etc.
7. Timetable for Designation: It was hoped that the group would apply for designation by the end of March, the LBM Planning Department would then have a three-month consultation period and, if successful, would probably go to Full Council in September and we would get their decision by November.
8. Several members present congratulated the group on the progress made and many offered their help and active support in the future.
9. Jonathan Parker asked if "when the Group applies to the Council for designation, in order to show competence to the planning officers being asked to endorse the application, will this year's SteerCo meeting minutes be made available?" It was confirmed that the SteerCo minutes would be available for inspection by the Council if required during the designation process.

Next Meeting:

This would be the AGM scheduled for the end of January 2021. Date and time tbc.



Future Merton
C/o Paul McGarry and Tara Butler

Tuesday 15 June 2021

Re: PlanWimbledon designation consultation results – PlanWimbledon representation letter

Dear Paul and Tara,

Thank you sharing with us the results of the public consultation about PlanWimbledon's application to be designated as a neighbourhood forum, which closed on 24 May 2021.

IN A NUTSHELL

We are delighted by the extremely strong participation from the community, with more than 1,300 responses cast and over seven hundred separate comments provided. The overwhelming support from around 90% of the responses for both the proposed neighbourhood plan area and for PlanWimbledon to be designated as a neighbourhood forum sends an unequivocal message: the local community wants PlanWimbledon to go ahead in line with its application.

PlanWimbledon has fulfilled all the criteria for the London Borough of Merton (LBM) to designate us as a neighbourhood forum for our proposed area. We would like to highlight the key criteria as follows:

- ✓ PlanWimbledon's membership includes at least one individual who lives, who works and is an elected member. PlanWimbledon has fulfilled this criterion since before the public consultation.
- ✓ PlanWimbledon's membership is drawn from different parts of the area. As per our application prior to the public consultation and further through the updated membership metrics in appendix, this criterion was already fulfilled by PlanWimbledon prior to the public consultation.
- ✓ PlanWimbledon's membership is drawn from different sections of the community in that area. This criterion was already fulfilled by PlanWimbledon in its application prior to the public consultation.
- ✓ PlanWimbledon's purpose reflects the character of that area. PlanWimbledon's ultimate purpose is the preparation of a neighbourhood plan for the area which will complement the Merton Local Plan. Our mission is "to shape a better, more

sustainable Wimbledon to enhance the lives of future generations of residents, businesses, workers and visitors". We will be doing so with our three core values at the heart of our work:

Sustainability: PlanWimbledon's work will be consistent with LBM's and the UK's declared climate emergency.

Prosperity: We love Wimbledon and are excited to see it grow and evolve. Our mission can be achieved only by fostering a strong local economy. We support Wimbledon's growth and relentlessly seek to bring the businesses, the local authority, residents and local associations together to achieve our mission.

Community: By nature, a neighbourhood forum brings people together to work on a common project. As per our mission statement, we seek to provide benefits for all communities and businesses within the area.

CONSULTATION CONSIDERATIONS

The consultation results show that there is overwhelming support for both the proposed neighbourhood plan area and for PlanWimbledon to be designated as a neighbourhood forum.

Nonetheless there are a few important matters raised in the consultation responses which we are compelled to address unambiguously below.

1. The democratic nature of PlanWimbledon

A handful of individual comments were received querying such matters as our legitimacy, constitution, representativeness, and transparency. Having such a handful of comments is inevitable given the complexity of the process of neighbourhood planning and we'll keep engaging with the local community further on this matter.

There is an overwhelmingly larger number of positive consultation responses supportive of PlanWimbledon as a neighbourhood forum, including specific references to our democratic nature. To select just a few:

- *I think it's great to get the community helping shape the future development of the place we live and work in. A proper democratic voice.*
- *Because the group contains people with varied interests and experience and relevant qualifications. The information I've seen tells me the group wants to work with all kinds of organisations, businesses etc in order to create the neighbourhood plan.*
- *It is community-led and a credible coalition of local citizens and relevant sectors.*
- *The group is professionally run and represents a broad cross-section of Wimbledon stakeholders.*
- *The diverse mix of people in the group make it very representative of the neighbourhood area and thus a compelling voice for the area.*
- *The Committee has a wide mix of people with different areas of expertise to enable them to represent the entire area on the variety of issues that will inevitably crop up.*

It is important to note that:

- Our legitimacy as a neighbourhood group comes from the Localism Act 2011.
- Our constitution has been drawn up with AECOM's independent advice.
- Anyone living, working or being a regular visitor to and around the proposed area who would like to participate in a neighbourhood plan benefit from our open policy membership and can become a member of PlanWimbledon at no cost.
- We hold regular general meetings.
- All members of the Steering Committee, including its named officers, must stand for election or re-election each year at the AGM. Any member can put themselves forward as a candidate for a Steering Committee position.
- We are committed to publishing minutes and reports from our committees and working parties via our website once we are designated as a neighbourhood forum.

Finally, it is worth reiterating that PlanWimbledon is a non-partisan, not-for-profit group. We are not a lobbying or campaigning group. We are donating our time, energy, and talent, and have no financial interest. We conduct ourselves with full respect for other community stakeholders and their interests. We have Wimbledon at heart.

2. The proposed area is an appropriate and workable size

The PlanWimbledon proposed area has been determined through wide consultation with all stakeholders around the edges of the area and within it. The area is the will of the community, reflecting their views on where the Wimbledon neighbourhood begins and ends.

The area is cohesive, and it conforms to the 20-minute neighbourhood concept. People and businesses have asserted their belonging to it.

The purpose of the Localism Act 2011 and neighbourhood planning are to empower the local community to have a say on how their area develops. The local community has spoken and fundamentally validated the appropriateness of the area by giving overwhelmingly positive support in the public consultation.

Making a judgement about the size of the area is therefore a very subjective exercise that should not play a role in the designation process. Moreover, it is important to note that there is no maximum recommended size of area for neighbourhood planning. While the overall size of the proposed Wimbledon area has attracted some concern from certain quarters, it would not be the largest neighbourhood forum area.

BUSINESS SUPPORT FOR PLANWIMBLEDON

We understand from our conversation of Friday 11 June that Future Merton is satisfied that all criteria for designation of the proposed neighbourhood area have been met.

While Future Merton has acknowledged that the proposed area is predominantly residential in nature, we understand that Future Merton is currently looking further into PlanWimbledon's representativeness as the potential neighbourhood forum for the area. In particular, the question was raised about whether our business membership and support are representative of all three key business categories (Micro, SME, Large).

We would like to provide you with the following further evidence to demonstrate that we are adequately representing business for the purpose of our designation as neighbourhood forum for the proposed area.

1. PlanWimbledon’s area is overwhelmingly characterized by micro and SME businesses, which are well represented in PlanWimbledon’s membership.

For the avoidance of doubt, PlanWimbledon has applied for the proposed neighbourhood area as a whole. Our application should therefore be assessed against the whole area. We have investigated publicly available data on business, using Wimbledon constituency 2020 ONS data as the best proxy available.

Businesses by size in specific constituencies, 2020

	<u>Wimbledon</u>		<u>Mitcham and Morden</u>		<u>UK</u>
	Number of businesses	%	Number of businesses	%	%
Size of businesses					
Micro (0 to 9 employees)	6,690	92.7%	3,915	93.9%	89.6%
Small (10 to 49 employees)	425	5.9%	220	5.3%	8.5%
Medium-sized (50 to 249 employees)	80	1.1%	30	0.7%	1.5%
Large (250+ employees)	20	0.3%	0	0.0%	0.4%
<i>All businesses</i>	<i>7,215</i>	<i>100.0%</i>	<i>4,170</i>	<i>100.0%</i>	<i>100.0%</i>

Source: [ONS, Business activity size and location, 2020, via NOMIS database](#)

The data demonstrates that businesses based in Wimbledon are overwhelmingly (~99%) classified as Micro (0-9 employees) and Small (10-49 employees). There are only 100 Medium-sized (50 to 249 employees) and Large (250+ employees) businesses based in Wimbledon (we are assuming that all of these are within the PlanWimbledon area).

The table below shows our assessment of PlanWimbledon’s current business members.

PlanWimbledon is representative of the proposed area's business community

	<u>Wimbledon constituency</u>		<u>PlanWimbledon</u>
	Number of businesses	%	% of business members and supporters
Size of businesses			
Micro (0 to 9 employees)	6,690	92.7%	79.6%
SME (10 to 249 employees)	505	7.0%	18.5%
Large (250+ employees)	20	0.3%	1.9%
<i>All businesses</i>	<i>7,215</i>	<i>100.0%</i>	<i>100.0%</i>

The range of business sizes in PlanWimbledon’s membership is proportional to their representation across the proposed area.

2. Business representation letters have demonstrated that businesses would be ready to work with PlanWimbledon once designated.

The figures in the above table represent only those businesses that have signed up as members of PlanWimbledon. We have spoken to hundreds of other businesses, of all sizes, and some landowners (not represented in the numbers above) who have verbally told us that they would be happy to work with PlanWimbledon once designated but would prefer to remain neutral for now, particularly given the publicly unsupportive stance of Love Wimbledon.

Indeed, even the representation letters that you did receive from Eskmuir Group and F&C Commercial Property Holdings Ltd (F&C) conclude by saying they would work with us if designated.

- In their representation letter dated 19 May 2021, F&C state:
“Should the application be approved, before proceeding with the neighbourhood plan, F&C and their advisors would want to be fully involved and engaged in the process in order to assist in providing a balanced representation of important business interests to ensure delivery of key regeneration sites.”
This statement clearly demonstrates F&C Commercial Property Holdings Ltd’s willingness to contribute their opinions towards the preparation of a neighbourhood plan and to work with us. Furthermore, as indicated, PlanWimbledon has already engaged with them.
- In their representation letter dated 14 April 2021, Eskmuir Group state:
“Alternatively, (...) Eskmuir suggest that a ‘light touch’ approach is taken for Wimbledon Town Centre to reflect the provisions of the Future Wimbledon SPD.”
This statement clearly demonstrates Eskmuir Group’s willingness to contribute their opinions towards the preparation of a neighbourhood plan upon PlanWimbledon’s designation. Furthermore, as indicated, PlanWimbledon has already engaged with them.
- In their (undated) representation letter, Merton Chamber of Commerce has written:
“We would be very happy to work with Plan Wimbledon and be a conduit for their communications in the future with Merton’s business community.”
This is an unambiguously supportive statement in favour of PlanWimbledon as a neighbourhood forum. We value our engagement to date with them very much and look forward to our continued collaboration.

3. PlanWimbledon is committed to bringing all stakeholders together from across the area

Business interests are fully represented and have considerable potential for becoming fully engaged and actively contributing to the preparation of a neighbourhood plan.

PlanWimbledon has been and continues to be committed to work with all stakeholders within the community after designation. This will include businesses, both individually and with their groups and associations.

The governance of PlanWimbledon is flexible enough to provide a balanced representation.

- Every employee of a local business may be member of PlanWimbledon and so be able to put themselves forward as a member of the Steering Committee.

- Every business and employee will have a vote in the preparation of the neighbourhood plan even prior to it being submitted to referendum. In this way, the preparation of the plan itself will benefit from the input of businesses and local workers.
- We commit to reviewing our constitution, once we are designated, to ensure that we have an effective Steering Committee with broader representation of various stakeholders. We will structure PlanWimbledon's working groups to ensure that everyone's voice is heard during the preparation of the plan.

UPDATED MEMBERSHIP METRICS

Please find in appendix updated PlanWimbledon membership metrics.

FINAL REMARKS

We understand that Love Wimbledon BID is supportive of neighbourhood planning but that their short-term focus will be on their re-application for BID status. PlanWimbledon would certainly be happy to pause any plan preparation work, post-designation, to allow Love Wimbledon to complete this process and collaborate effectively with us thereafter.

During that time, we will look into further engagement with businesses and the wider community, continuing to build up our membership and updating our governance so that we are fully equipped for the work that lies ahead.

PlanWimbledon looks forward to our designation to start a fresh and fruitful friendship with Love Wimbledon.

We hereby call on the Cabinet to recognise that there is an overwhelming groundswell of support for PlanWimbledon as a forum and for the proposed area, that PlanWimbledon has satisfied the legal requirements laid down by Central Government and to designate us wholeheartedly as the neighbourhood forum for the entire proposed area.

Many thanks.

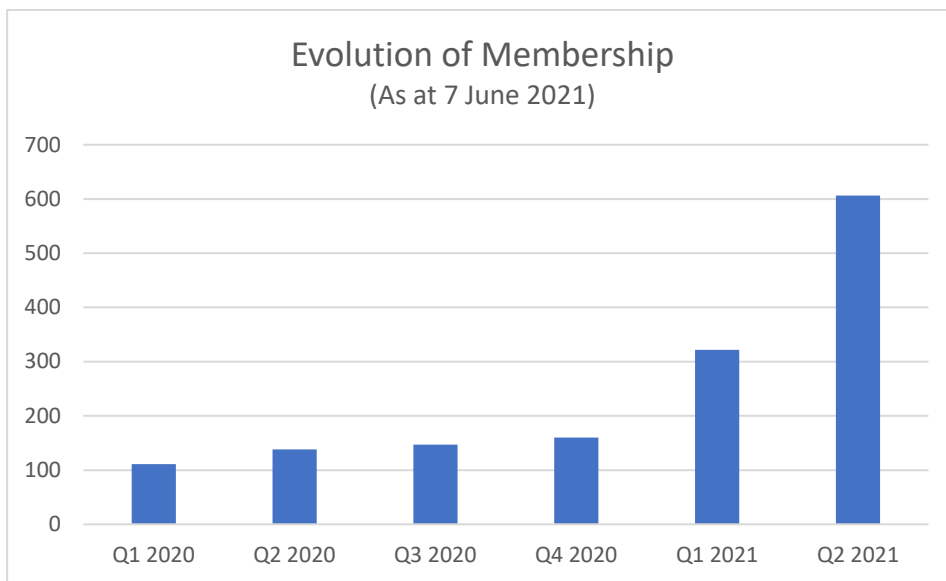
On behalf of PlanWimbledon,

Suzanne Grocott, Chair



Appendix – Updated membership metrics

PlanWimbledon has strong cross-sectional support from the local community across the area. This is reflected in our membership, which stands at over 600 and is continuing to grow. Please note that we count each association as only one member and that they are represented by a single dot on the map. Map dots are also consolidated by addresses and postcodes. With 13% of our members being business, groups and associations, some of them with several thousand members, we have a very broad and diverse representation.



Current membership breakdown by category	%
Individual residents & residents working locally	73%
Individual visitors or working locally (but not resident)	11%
Businesses	8%
Councillors	3%
Residents associations	2%
Faith groups	1%
Other groups	1%
Total	100%

Individual Residents - Gender

	PlanWimbledon Membership	PlanWimbledon Area*
	%	%
Male	41%	49%
Female	55%	51%
Other	0%	-
Not available	4%	-
Total	100%	100%

Individual Residents - Ethnicity

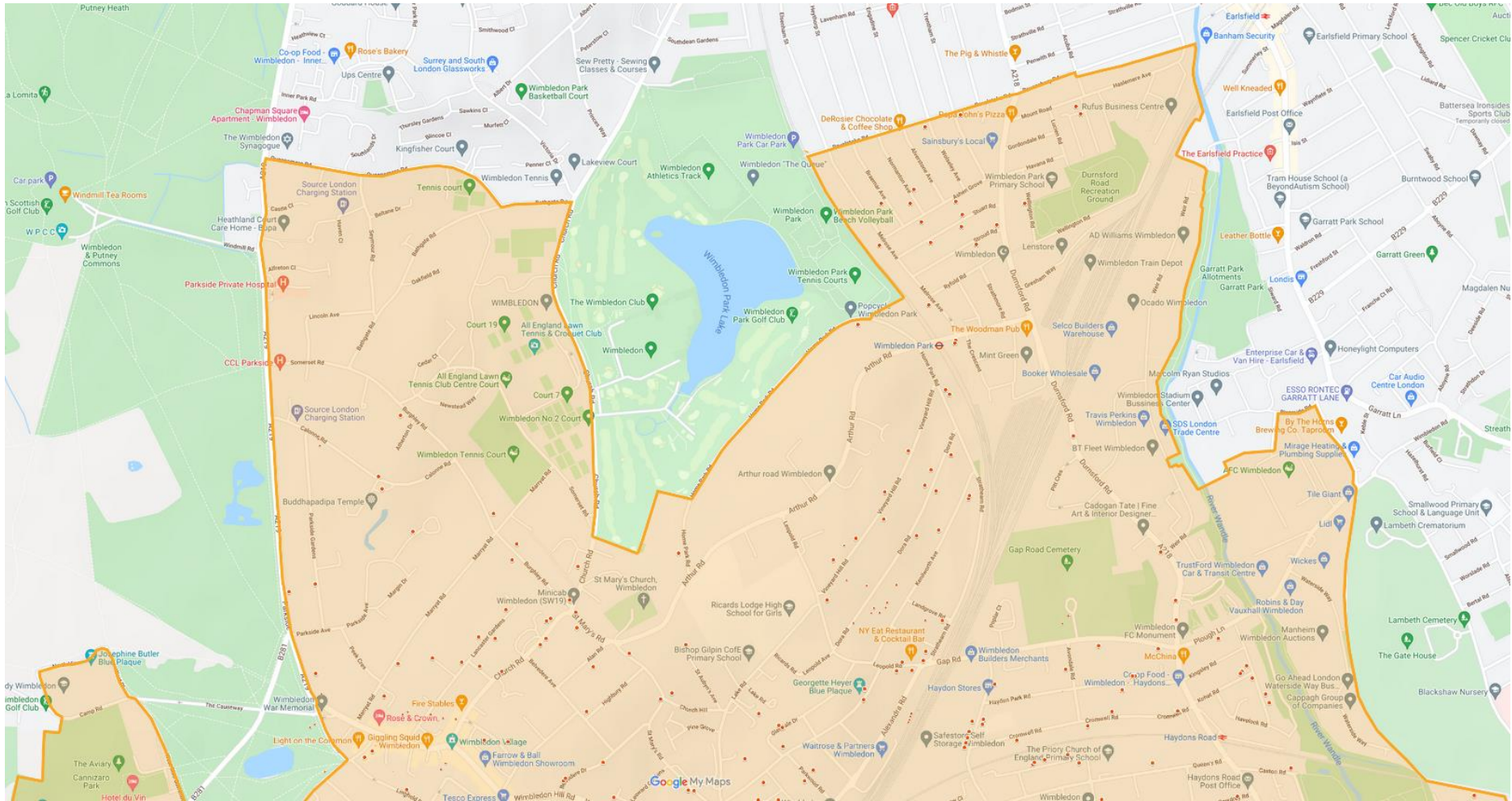
	PlanWimbledon Membership	PlanWimbledon Area*
	%	%
White	81%	79%
Others	10%	21%
Not available	9%	-
Total	100%	100%

Individual Residents - Age

	PlanWimbledon Membership	PlanWimbledon Area*
	%	%
18 - 24	1%	6%
25 - 34	5%	25%
35 - 44	13%	26%
45 - 54	24%	16%
55 - 64	23%	11%
65 - 74	17%	8%
75+	6%	7%
PNTS**	3%	-
N/A	7%	-
Total	100%	100%

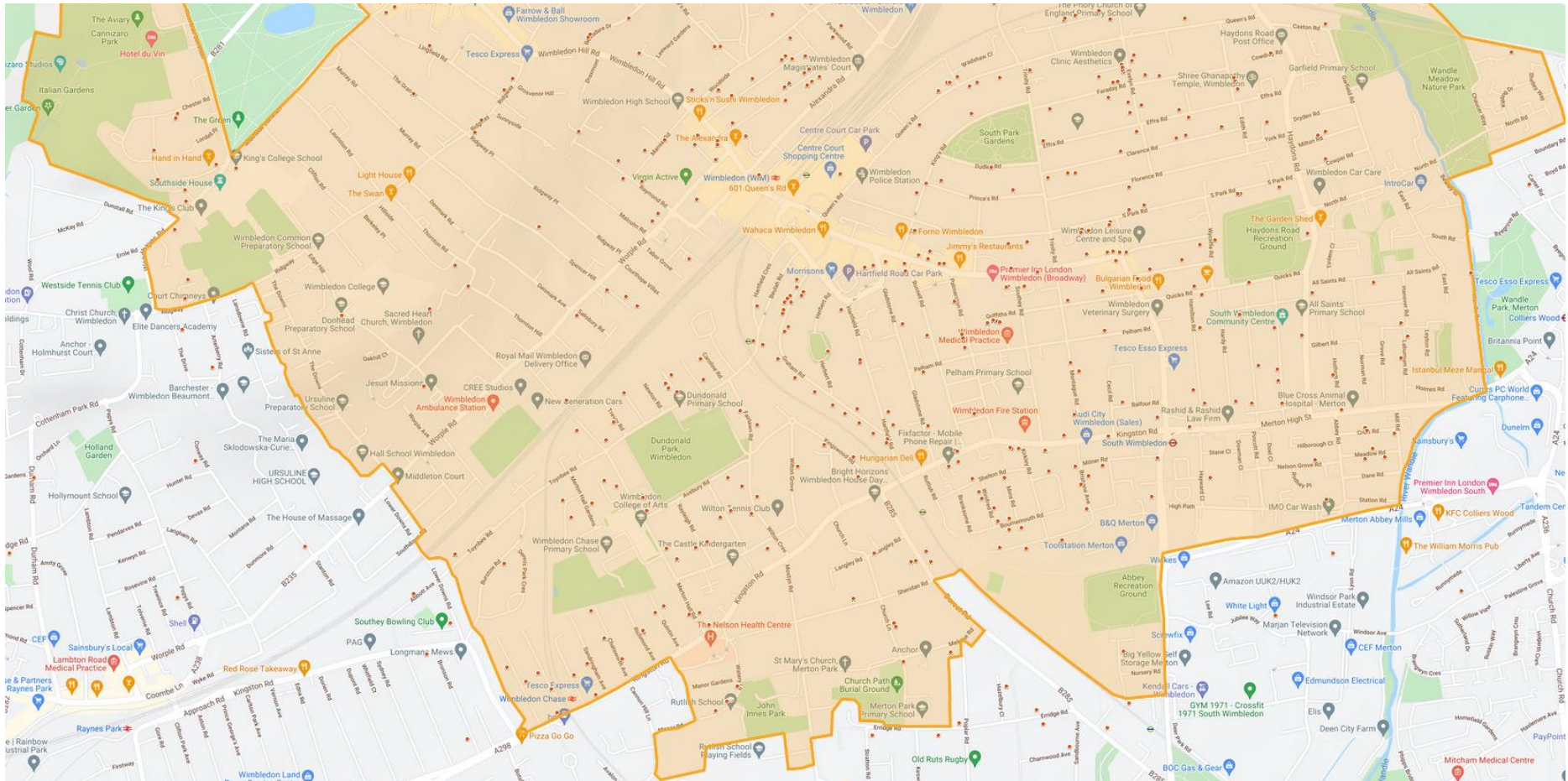
* Note: PlanWimbledon Area is a weighted average of Merton Council's classification data for residents in those wards which partly or wholly fall in the PlanWimbledon area as follows: Abbey 50%, Dundonald 75%, Hillside 100%, Merton Park 25%, Trinity 100%, Village 50%, Wimbledon Park 100%. PlanWimbledon Area age metrics rebased excluding 0 – 17 population.

** Prefer Not To Say.



Dots represent members of PlanWimbledon, in their approximate location.

One dot may represent more than one member. One dot may represent one group or association, sometimes representing many people in the area.



Dots represent members of PlanWimbleton, in their approximate location.

One dot may represent more than one member. One dot may represent one group or association, sometimes representing many people in the area.

Committee: Full Council

Date: 07 July 2021

Wards: All

Subject: Constitutional Changes

Lead officer: Louise Round

Lead member: Councillor Tobin Byers

Contact officer: Louise Round: louise.round@merton.gov.uk

Recommendations:

A. To agree to adopt the following amended parts of the Constitution attached as appendices A-J to this report*:

- (i) Part 1 – Summary and explanation
- (ii) Part 2 – Articles
- (iii) Part 3A – Responsibility for Local Choice Functions
- (iv) Part 3B – Responsibility for Non-Executive Council Functions
- (v) Part 3C – Responsibility for Executive Functions
- (vi) Part 4A- Council Procedure Rules
- (vii) Part 4B -Access to Information Procedure Rules
- (viii) Part 4C – Budget and Policy Framework Procedure Rules
- (iv) Part 4D - Cabinet Procedure Rules
- (ix) Part 4E – Overview and Scrutiny Procedure Rules

*Tracked changes versions of the appendices are available from Democracy Services on request. A table setting out the substantive proposed changes is attached as appendix K.

- B. To recommend to Full Council that it adopts the Scheme of Delegation to Officers attached as appendix L to this report insofar as it relates to non-executive functions and to endorse it insofar as it relates to executive functions and to agree it will form Part 3E and replace existing parts 3E, 3F and 7B of the constitution;
- C. To agree the arrangements for meetings set out in paragraphs 2.5.13 – 2.5.22 and the protocol attached as appendix M, subject to review in six months.
- D. To agree that the changes shall come into effect on 8 July and to authorise the Monitoring Officer to make such consequential and minor drafting amendments as she considers reasonably necessary including, without limitation, to renumber the parts of the constitution as appropriate.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. At its meeting in July 2020, the Standards and General Purposes Committee agreed to carry out a review of the Council's constitution and appointed a cross party member working group ("the working group") to oversee that process. The working group met on several occasions and on 28 June 2021. the Standards and General Purposes Committee considered and agreed a

number of proposed changes to the constitution.

1.2. Under section 9E of the Local Government Act 2000, where functions are executive functions, the responsibility for establishing arrangements for their discharge lies with the Leader of the Council who in turn has delegated some of that responsibility to the Cabinet. At its meeting on 22 June, the Cabinet agreed changes to the Cabinet Procedure Rules and to Part 3B of the constitution, which relates to responsibility for executive functions. Those changes, together with the ones agreed by the Standards and General Purpose Committee are now being submitted for endorsement (for executive functions) and agreement (for non-executive matters) by full Council, and, The parts in respect of which changes are being recommended are:

- i. Part 1 – Summary and explanation
- ii. Part 2 – Articles
- iii. Part 3A – Responsibility for Local Choice Functions
- iv. Part 3B – Responsibility for Non-Executive Council Functions
- v. Part 3C – Responsibility for Executive Functions
- vi. Part 4A - Council Procedure Rules
- vii. Part 4B - Access to Information Procedure Rules
- viii. Part 4C – Budget and Policy Framework Procedure Rules
- ix. Part 4D - Cabinet Procedure Rules
- x. Part 4E – Overview and Scrutiny Procedure Rules

In addition, a new Scheme of Delegation to Officers is being proposed.

1.3. There are some parts of the constitution which have not been considered by the working group because of time constraints. These are the financial regulations, the officer employment procedure rules (some amendments to which were considered by this Committee last year), the Officer Code of conduct and a number of protocols. Revisions to contract standing orders are the subject of a separate report on the agenda, as are proposed changes to the procedure for dealing with complaints against members.

1.4. Many of the proposed changes to the parts referred to in paragraph 1.1 above are drafting changes suggested to make the meaning of clauses clearer or to bring them into line with agreed existing practice or to reflect legislative or structural changes. Attached as appendix K is a table which captures those changes which could reasonably be considered be significant or points of principle and the most substantive of these are discussed below. The majority relate to the proposed new scheme of delegation and the Council Procedure Rules

2 DETAILS

Scheme of Delegation to Officers (new part 3E) (Appendix L)

- 2.1. The overall approach of the current constitution to delegations to officers is to provide that unless something is specifically reserved for a member body, it is by default delegated to officers. However, these provisions are currently spread across a number of parts of the constitution and as a result can be quite hard to follow. It is also difficult to understand what the parameters of that officer decision making are. Accordingly, it is proposed to bring all the delegations into one composite scheme, regardless of whether the functions in question are executive functions or non-executive functions. The proposed draft scheme of delegation is at Appendix L.
- 2.2. Council is being asked to approve the new scheme Council insofar as it relates to non-executive functions and to note and endorse it in relation to executive functions. If adopted, the new scheme will replace parts 3E (scheme of delegation by cabinet), 3F (scheme of delegation by Full Council) and part 7B (Scheme of delegation to officers by chief executive) of the constitution.
- 2.3. The proposed new scheme is a move away from the current scheme which has all authority vested in the chief executive who onwardly delegates to chief officers. There is no legal requirement to structure delegations in this way and it is common practice to set out in broad terms which chief officers, including directors, have responsibility for which areas of council business.
- 2.4. Provisions allowing for urgent decision taking by officers are included, to be exercised in consultation with the relevant cabinet member or committee chair as the case may be. Such decisions will still need to be taken in accordance with the access to information rules contained in part 4B of the constitution.
- 2.5. The scheme of delegation in the constitution is complemented by departmental management schemes, setting out “onward delegations” and financial limits for decision taking within departments. If the proposed new scheme of delegation is approved, these will be reviewed to ensure they are consistent with that scheme and reflect changes in structure/ job titles etc. since they were last updated.

Council Procedure Rules (Part 4A) (Appendix F)

- 2.5.1 These rules were the part of the constitution which underwent the most discussion at the working group as it would be fair to say that over the years and by agreement between the political groups, practice on the ground has departed slightly from the written word of the Constitution.
- 2.5.2 **Strategic Theme Debates.** (Rule 2.3.g) It is proposed that the order of business is changed slightly so that all aspects of the debate on a particular strategic theme should be taken as one agenda item rather than being divided into their constituent parts as is currently the case. If agreed, the

debate would then follow this format

- (i) Cabinet member presents the report on the strategic theme
- (ii) Cabinet Member answers any written questions from councillors on the strategic theme submitted three clear working days in advance and any oral supplementary questions (15 minutes for this aspect)
- (iii) Motions on the strategic theme moved and seconded
- (iv) Debate on the strategic theme proceeds in accordance with the normal rules of debate

2.5.3 Where motions are submitted on the strategic theme, those motions currently need to be with Democracy Services by 9am on the day before the meeting. The draft changes to rules initially proposed moving that deadline to 3 clear days before the meeting which will bring it into line with the time limit for submitting non-strategic theme questions. The Standards and General Purposes Committee agreed that the motions should be submitted earlier than at presently, namely by 9am on the Friday (two clear working days) before a Wednesday meeting but only on the basis that the strategic theme report is circulated seven clear days before the meeting, in other words, in advance of the agenda, in order to give members the opportunity to make any strategic theme motion relevant to the content of the report

2.5.4 On the question of which strategic theme should be considered at a particular meeting, the rules (note to 2.3 f) currently provide that the five themes in the Council's business plan should be considered "on a priority basis in rotation". In practice, this does not happen and the groups have previously agreed that each group can choose a theme (or, more often, a subset of it) and the number of choices allocated to each group is calculated on a broadly proportionate basis and agreed at the beginning of the four-year cycle. The note in the rules also refers to consultation on the order of business taking place at "the cross party committee" although no such committee exists. The Standards and General Purposes Committee agreed to remove the reference to the cross party committee and to recommend the following wording which has been incorporated into the revised council procedure rules.

"The entitlement to select the strategic theme to be considered at each meeting shall lie with the leaders of all the political groups represented on the Council and the number of choices allocated to each political group should, so far as is reasonably practicable reflect the respective sizes of each group. The schedule setting out the timing of each group's nomination shall be agreed at annual council. "

2.5.5 **Time limit for submitting non-strategic theme questions.** (Rule 12.4)
Although the working group felt it was right to wait for the report on the strategic theme to be circulated before requiring questions on that theme to

be submitted, the group agreed that there would be some merit in non-strategic theme questions being submitted earlier in order to allow them to be circulated with the agenda. Currently they are circulated, together with the written answers to them, on the day of the meeting. Including the questions with the agenda would allow members of the public to know in advance of the meeting the kinds of issue that might be discussed. So the proposal is that the questions should be submitted 7, rather than the current 3, clear working days before the meeting. The Standards and General Purposes Committee agreed this and also the suggestion of one member that if this proposal were to be adopted, the answers should also be answered earlier 48 hours before the meeting.

- 2.5.6 **Time allotted for non-strategic theme questions.** (Rule 12.6). The group considered whether the current 15-minute limit should be extended but although there was a general consensus that some self-discipline both in answering the written question and in putting the supplementary question, on balance the time limit should remain. However, they did consider that the Mayor should have the discretion to add any unused public question time to the member question time and this has been included in the proposed changes.
- 2.5.7 **Varying Times and Dates of Meetings** (Rule 5.1) This is proposed for amendment to make it clear that the ability, in exceptional circumstances, for the chief executive to vary or cancel meetings requires the consent of the chair of the meeting in question, although they no longer need formally to request this.
- 2.5.8 **Arrangements for Meetings** (Possible new Rule 21) The Standards and General Purposes Committee considered arrangements for future meetings and their recommendations are set out at paragraphs 2.5.13 to 2.5.22 below. If Council accepts those recommendations, a new council procedure rule will be put in place to ensure the new arrangements are reflected on the face of the constitution.

Budget and Policy Framework Procedure Rules (part 4C)

- 2.5.9 **Decisions outside the budget or policy framework** (Rule 5). some changes have been made to clarify the process to be followed where a ground for call in of an executive decision is that the decision would be contrary to the policy framework or contrary to or not wholly in accordance with the budget. At the moment advice from the Monitoring Officer (MO) is required but it is unclear at what point that advice should be received and what follows thereafter. The proposed process is:

- (i) Non-compliance with the budget or policy framework cited as a separate ground for call in;

- (ii) Call in goes to Overview and Scrutiny Commission who take advice from the MO or S.151 officer;
- (iii) If the MO or S.151 Officer concludes decision is compliant, it can be implemented forthwith;
- (iv) If the MO or 151 officer considers it is not compliant, they produce a report to the Cabinet which is sent to all councillors;
- (v) Cabinet meets to decide whether to proceed;
- (vi) If Cabinet wishes to proceed, it refers the matter to Council;
- (vii) Council either:
 - a) confirms decision is within policy framework; or
 - b) amends policy framework to make decision compliant; or
 - c) remits to Cabinet to reconsider and if they wish to proceed, to require them amend decision so it is in compliance.

Overview and Scrutiny Procedure Rules (part 4E)

2.5.10 **Call in Provisions** (rules 16 and 17). The process for deciding whether a request for call in is valid has been amended. The current wording implies that the full meeting of the Commission agrees the request for call in whereas they only consider it once the “threshold “criteria have been met. That judgement is made by the Monitoring Officer under rule16(e).

2.5.11 Perceived non-compliance with the policy framework or budget has been added as a specific ground for call in to reflect the legislative requirements and to ensure consistency with the budget and policy framework rules referred to above.

Arrangements for meetings

2.5.12 As a result of the expiry of the emergency legislation enabling council and committee meetings to be held virtually, the law requires meetings to take place in person and for arrangements to be made to allow members of the public to attend physically should they choose. The Standards and General Purposes Committee considered a number of proposals for future meetings which will ensure compliance with those legal requirements but which will allow the council to take advantage of the flexibility which the technology can provide. This will reflect the different circumstances of councillors as well as increasing public participation. Licensing Committees are constituted under different legislation and may continue to be held remotely.

- 2.5.13 **Meeting Room.** It is not yet known whether all Covid restrictions will be lifted on 19 July, but even if they are, given the current infection rates, it would seem prudent to hold meetings in larger rooms which will allow for social distancing in some form. It is therefore proposed that most formal meetings take place in the Council Chamber. This also allows for the combination of remote and physical participation. Other meetings, not legally required to take place in person, for instance the Joint Cemetery Board, could continue to meet virtually and the possibility of using hybrid technology for consultative committees and community fora will be explored to allow them to take place in the relevant locality while maintaining some element of remote participation. The position will be kept under review in light of the prevailing conditions and where the law allows a choice to be made, the Chair of the relevant meeting will be consulted about the preferred option.
- 2.5.14 **Full Council.** It will be possible to fit all 60 councillors, alongside a limited number of officers and members of the public, in the Council Chamber for the purposes of full council meetings, and still comply with 1+ metres social distancing. However, it would be open to members to agree that instead of the full complement attending, some members would not attend, provided that the meeting was quorate based on the numbers in physical attendance. This would be subject to discussion and agreement between the groups on a case by case basis.
- 2.5.15 If this approach were adopted, members who did not attend the meeting in person would still be able to participate by Zoom. However, their attendance would not count towards the quorum or towards their attendance for the purposes of section 85 of the Local Government Act 1972 (“the six month rule”), and they would not be able to vote or formally move or second amendments.
- 2.5.16 **Remote Attendance by Members.** It is proposed that councillors who wish to attend a committee meeting to observe but who are not members of that committee should be able to attend remotely, including those who wish to speak on a specific item. However, it should be noted that although their attendance would be recorded in the minutes it would not count towards their attendance for the purposes of the six-month rule.
- 2.5.17 As in the case of full council, it is proposed that councillors who are members of the committee in question may attend remotely, provided there are sufficient numbers physically present for the meeting to be quorate. They could ask questions and participate in discussions but would not be able to vote and, as above, could not count their attendance for the purposes of the six-month rule. The councillor formally chairing the meeting would also need to be physically present.
- 2.5.18 Remote attendance by members of the committee will not be permitted for meetings of the Planning Applications Committee, or to Licensing

Committees should they at some point revert to being held in person.

2.5.19 **Public Participation.** Members of the public wishing to participate in a meeting, for instance by asking a question at full council, giving evidence at a meeting of an overview and scrutiny panel or speaking on a planning application, may continue to do so. However, if they wish to attend in person, they must be allowed into the meeting room. Where the numbers wishing to attend are significant, a ticketing system could be setup for these purposes. If necessary, attendees could be held in a socially distanced waiting area outside the Council Chamber whilst other items were being considered and each group brought in only for their specific item. This approach has been used in the past for other large meetings. Again, the extent to which this will be necessary will be kept under review in light of the prevailing conditions.

2.5.20 **Live-streaming.** Before the pandemic, although meetings were recorded and could later be viewed on the website, they were not livestreamed. Now that the technology is in place there would seem to be no reason why live streaming should not continue. Live streamed meetings have received between 20 and 554 views. Previously, average in person attendance was between 1 – 50 members of the public.

If the above proposals are agreed, a new council procedure rule 21 will apply to reflect the different arrangements. A meeting protocol, reflecting the risk assessment carried out, is attached as appendix M. The Standards and General Purposes Committee agreed to review the position after six months.

3 ALTERNATIVE OPTIONS

3.1. Council could choose not to accept the recommended changes although this would mean that there would continue to be inconsistencies between the wording in the constitution and practice on the ground which is not good governance and relies on the memories of those involved in various discussions over the years. This is a risk when officers leave and when there is regular change in the make-up of the political membership of the Council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. The changes proposed in this report have been the subject of consultation with the cross party working group and the Council's two independent persons and are recommended by the Standards and General Purposes Committee.

5 TIMETABLE

5.1. If Council the proposals set out in this report, they will be come into effect from 8 July.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. There are no financial implications arising from this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. There is no express legislative provision allowing councillors to participate remotely in their capacity as councillor and there may be some risk of challenge on the basis that people not present at the meeting in accordance with the 1972 Act requirements should not be able to participate in debates on matters. However, as the Council's constitution allows councillors who are not members of bodies to attend and speak at their meetings, as well as members of the public, it would seem illogical to deny that opportunity to members of those bodies. Therefore, although the law has not been tested in this respect here would seem to be little risk in allowing this, particularly while Covid restrictions remain in place.

7.2. The statutory provisions governing council decision making are reflected in this report and the proposed amendments to the constitution.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None

9 CRIME AND DISORDER IMPLICATIONS

9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

None

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Part 1

SUMMARY AND EXPLANATION

1. This Constitution is laid out in parts. This Part 1 is a summary and explanation and is not a substantive part of the document.
2. Part 2 comprises the sixteen (16) Articles of the Constitution. The Articles form the building blocks and foundation of the Council's Constitution.
3. Part 3 describes the Council's executive arrangements. Since the Local Government Act 2000 came into force, every local authority is required to choose a model of governance from a choice of four prescribed by Parliament. Part 3 essentially explains that the Council's functions fall into two categories – those matters that are the responsibility of the Cabinet and those which are the responsibility of the Full Council. It then sets out the committees to which the Full Council has delegated powers, and also sets out the powers the Leader has decided the Cabinet should reserve for itself. All other powers are delegated to officers in accordance with the Scheme of Delegation to Officers which forms Part 7.
4. Part 4 contains the procedural rules or "Standing Orders" which govern meetings of the Council, the Cabinet and Committees, the employment of staff and the award of contracts. It also contains the Council's financial regulations.
5. Part 5 is the Council's ethical governance framework. It sets out various codes of practice and protocols governing councillors ("members") and officers, some statutory and some voluntary.
6. Part 6 sets out the Members' Allowance Scheme adopted by Full Council. Members are volunteers who stand for election. They are not employees, but office holders. In order to recognise the level of voluntary responsibility they assume and the time commitment they make, the law permits them to be paid allowances. In deciding the amount of the allowances, the Council must take into account the recommendations of an Independent Remuneration Panel.
7. Part 7 sets out how the Council is organised and also gives details of which powers are delegated by Council and the Leader to officers of the Council's Corporate Management Team. This part also describes the role of the Corporate Management Team (CMT) and the Leader's Strategy Group (LSG). These two entities are not part of the Constitution. The CMT is the Chief Executive's meeting with the Council's most senior officers. The LSG is a meeting chaired by the Leader of the Council and brings together members of the Cabinet and members of CMT for planning the work of the Council and monitoring progress, but not for taking decisions.

8. How the Council Operates

The Council is composed of 60 councillors, who are elected every four years. Councillors, also known as members, are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Full Council. Meetings of the Council are normally open to the public unless confidential or exempt information is being discussed. At these meetings, councillors decide the Council's overall policies and set the budget each year. The Council also elects the Leader, sets up and makes appointments to the Overview and Scrutiny Commission and other committees, and confirms the appointment of the Chief Executive and the Monitoring Officer.

9. How Decisions Are Made

The Cabinet is the part of the Council that is responsible for most executive decisions. The Cabinet is made up of a maximum of 10 Councillors, including a Leader elected by the Council and a Deputy Leader appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a formal meeting of the Cabinet, the public will be able to attend, except where personal or confidential matters are being discussed. The Cabinet is required to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, the decision must be referred to the Council as a whole to decide.

10. Overview and Scrutiny

The role of Overview and Scrutiny is to hold the Cabinet to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community.

This function is carried out by an Overview and Scrutiny Commission and Overview and Scrutiny panels, which support the work of the Cabinet and the Council as a whole.

They allow citizens to have a greater say in Council matters by holding public investigations into matters of local concern and making recommendations for improvement. This work advises the Cabinet and the Council as a whole on its policies, budget and service delivery. Indeed, the Cabinet or the Council may consult with them on forthcoming decisions and the development of policy.

The Overview and Scrutiny Commission also monitors executive decisions once they are made. In certain circumstances, they can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.

11. Community Forums

In order to give local citizens a greater say in Council affairs, four Community Forums have been created. Community Forums are open meetings which bring together people working and living in an area to discuss issues affecting them. They are advisory and consultative in nature and do not have decision making powers.

12. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Member/ Officer Protocol governs the relationships between officers and members of the Council. (Part 5)

13. Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's public question time and contribute to investigations by the various Overview and Scrutiny Panels;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the executive or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;

- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- file a complaint with the Council or the Ombudsman as appropriate; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Democracy and Electoral Services.

14. Strategy Board/ Leader's Policy Group/ Leader's Strategy Group

It is recognised as good practice for senior councillors and officers to meet together on a regular basis to gain a shared understanding of key issues facing the Council and to ensure a corporate focus on key issues. This function is performed by the Leader's Strategy Group (LSG), more information about which is in Part 7.

Part 2

ARTICLES OF THE CONSTITUTION

Article 1 – THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Merton, hereinafter referred to as Merton Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and Eligibility

- (a) **Composition.** The Council comprises 60 members, otherwise called councillors. Three councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Boundary Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the London Borough of Merton or those living or working or occupying property in the Borough will be eligible to hold the office of Councillor.

2.2 Election and Terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002 unless other legislative provision is made. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making;
 - (iii) effectively represent their communities and bring their communities' views into the Council's decision-making process, i.e. become the advocate of, and for, their communities;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially and act as an advocate for constituents in resolving particular concerns or grievances;
 - (v) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
 - (vi) participate in the governance and management of the Council; and
 - (vii) maintain the highest standards of conduct and ethics.

(b) **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4-B of this Constitution.

2.4 Conduct

Councillors shall at all times observe the Members’ Code of Conduct set out in Part 5A of this Constitution and any other member protocols agreed by the Council

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – CITIZENS AND THE COUNCIL

3.1 Citizens’ Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** Citizens on the electoral roll for the Borough of Merton have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet when key decisions, as defined in Article 13, are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (v) inspect the Council's accounts and make their views known to the external auditor; and
 - (vi) inspect the Councillors' Register of Interests.
- (c) **Participation.** Citizens have the right to participate in the Council's meetings through Question Time and may be invited to contribute to investigations by the Overview and Scrutiny Commission or panels. The Council will also promote a network of community area forums aimed at enabling citizens to express views on local matters as part of its community leadership role. Citizens may also attend and address committees and sub-committees responsible for decisions on planning and licensing matters.
- (d) **Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its complaints scheme;
 - (ii) the Local Government and Social Care Ombudsman after using the Council's own complaints scheme;

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not willfully harm property things owned by the Council, councillors or officers. Persons who willfully refuse to operate within these "citizens' responsibilities" will be referred to the relevant authorities.

Citizens are encouraged to make conscientious use of their roles as voters and as members of a wider community by:

- (a) voting at every election;
- (b) respecting the expression of differing opinions in public debate;
- (c) promoting tolerance and respect between their fellow citizens; and
- (d) individually and collectively seeking information about the decision-making role of councillors whilst respecting the Council's procedures which give effect to a representative democracy.

Article 4 - THE FULL COUNCIL

4.1 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) electing the Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.5;
- (h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (i) confirming the appointment of the Head of Paid Service and the Council's Monitoring Officer.
- (j) agreeing which local choice functions shall be the responsibility of the executive (part 3A)
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting, or opposing, the making of local legislation or private Bills;
- (l) all other matters which, by law, must be reserved to Council.

4.2 Meanings

- (a) **Policy Framework.** The following plans and strategies constitute the Policy Framework. The Council by resolution may, from time to time (and without prior consideration by the Standards and General Purposes Committee, the Head of Paid Service or the Monitoring Officer in accordance with Article 15.2), add other plans and strategies to the Policy Framework.

- Business Plan
- Community Plan
- Equality and Community Cohesion Strategy
- Housing Strategy
- Local Plan
- Children and Young People's Plan
- Climate Change Strategy
- Wimbledon Town Centre Masterplan

(b) **Budget.** The budget is the Council's formally adopted financial plan for the year and includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.3 Council Meetings

There are four types of Council meetings:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;
- (d) budget/council tax meetings.

Meetings will be conducted in accordance with the Council Procedure Rules in Part 4A of this Constitution.

4.4 Responsibility for Functions

The Council has set out in, Part 3, of this Constitution the delegation of responsibility for the Council's functions to committees. The scheme of delegation of those functions to officers is set out in Part 3E.

Article 5 - CHAIRING THE FULL COUNCIL

5.1 Role and function of the Mayor

The Mayor, or in the Mayor's absence, the Deputy Mayor will have the following roles and functions:

- (a) to be the ceremonial representative of the Council, taking precedence on all such occasions;
- (b) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.2 Selection of The Mayor and Deputy Mayor

The Mayor will be elected by the Council annually. Vacancies occurring during the year will be filled for the remainder of the municipal year.

The Deputy Mayor will be appointed by the incoming Mayor at the Annual Meeting each year.

5.3 Responsibilities

The Mayor, and in his or her absence the councillor chairing the meeting will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not in the Cabinet are able to hold the Cabinet to account;
- (d) to promote public involvement in the Council's activities;
- (e) to be the conscience of the Council; and
- (g) to establish, following consultation, a timetable for meetings of the full Council and to manage the business of the meeting, so as to adhere so far as possible, to the timetable and to ensure the completion of business within the time available.

Article 6 – OVERVIEW AND SCRUTINY COMMISSION AND PANELS

6.1 Appointment of the Overview and Scrutiny Commission and Panels

The Council will establish Overview and Scrutiny bodies to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any Regulations made under Section 32 of that Act, the Local Government Act 2003, the Health and Social Care Act 2001, the Police and Justice Act 2006, the Local Government and Public Involvement in Health Act 2007, which may include:

- (i) Overview and Scrutiny Commission;
- (ii) Sustainable Communities Overview and Scrutiny Panel;
- (iii) Healthier Communities and Older People Overview and Scrutiny Panel;
- (iv) Children and Young People Overview and Scrutiny Panel;

6.2 General functions

Within their terms of reference, the Overview and Scrutiny Commission and Panels may:

- (a) Review and scrutinise decisions after they are made by the Cabinet, Cabinet committees, sub-committees, Cabinet members and Council officers;
- (b) Make reports and/or recommendations to the full Council and/or the Cabinet and/or community forums in connection with the discharge of any functions;
- (c) Make reports or recommendations on any matter affecting the Council area or its inhabitants;
- (d) Participate in and make recommendations on the development of Council policy;
- (e) Be consulted as appropriate on key decisions, and on such other decisions as those making them see fit before these are made by the Cabinet, Cabinet committees, sub-committees, Cabinet members or Council officers;
- (f) Exercise the right to call-in, for reconsideration of decisions made but not yet implemented by the Cabinet and Officers in the case of key and non-key executive decisions (as defined by article 13(c));
- (g) In accordance with statutory regulations, review and scrutinise matters relating to the health service within the Council's area and to make reports and recommendations thereon to local NHS bodies;

- (h) In accordance with statutory regulations, review and scrutinise matters relating to local improvement targets within the Council's area and to make reports and recommendations thereon to Cabinet and/or the local strategic partnership;
- (i) In accordance with statutory regulations, review and scrutinise matters relating to the crime and disorder matters within the Council's area and to make reports and recommendations thereon to Cabinet and/or the community safety partnership;
- (j) To receive deputations in accordance with the Overview and Scrutiny Procedure Rules;
- (k) Appoint non-voting co-optees to the Overview and Scrutiny Commission and/or Policy Review Panels; and
- (l) Represent to the Council the interests of Merton people.
- (m) Receive references from councillors under the statutory Councillor's Call for Action, consider whether such matters should be the subject of formal scrutiny, and carry out scrutiny or refer appropriate matters to relevant scrutiny panels.

6.3 Specific functions

- (a) **Co-ordination.** The Overview and Scrutiny Commission shall co-ordinate the functions and work programs of its panels.
- (b) **Policy Development.** The Overview and Scrutiny Commission and Panels may participate in policy development. They may:
 - (i) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) Question members of the Cabinet, Chief Officers, Heads of Service or their nominees about their views on issues and proposals affecting the service area; and
 - (v) Liase with external organisations operating in the Council's area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

- (c) **Review & Scrutiny.** The Overview and Scrutiny Commission and Panels may:
- (i) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (ii) Review and scrutinise decisions made by the Cabinet, Cabinet Members, committees and council officers;
 - (iii) Question members of the Cabinet, chairs of committees, Chief Officers and Heads of Service or their nominees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects as set forth in Part 4 of this Constitution;
 - (iv) Make recommendations to the Cabinet, Cabinet members and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - (v) Review and scrutinise the performance of public bodies in the area and invite reports from them all by requesting them to address the Overview and Scrutiny Commission and local people about their activities and performance; and
 - (vi) Question and gather evidence from any person (with their consent).
- (d) **Finance.** The Overview and Scrutiny Commission may exercise overall responsibility for the finances made available to it.
- (e) **Annual report.** The Overview and Scrutiny Commission must report annually to full Council on its workings and the workings of its panels, make recommendations for future work programs and amended working methods, if appropriate.
- (f) **Officers.** The Overview and Scrutiny Commission may exercise overall responsibility for the work programme of the officers allocated by the Chief Executive to support its work.

6.4 Proceedings of Overview and Scrutiny Commission

The Commission and its panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4-E of this Constitution.

Article 7 – THE CABINET

7.1 Role

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and Composition

The Cabinet will consist of a maximum of 10 councillors, including the Leader elected by the Council and Deputy Leader(s), appointed by the Leader. The Cabinet may not include the Mayor or Deputy Mayor of the Council.

7.3 Leader

- (a) **Selection.** The Leader will be a Councillor elected to the position of Leader by the Council for a four year term. The Leader will be elected at the Annual Council Meeting or at the next meeting of the Council after a vacancy arises. The Leader shall hold office for four years or until:
- (i) they resign from office; or
 - (ii) they are no longer a Councillor; or
 - (iii) they are removed from office by resolution of the Council at an earlier date.
- (b) **Responsibility for Functions.** The Leader has responsibility for deciding which individual members of the Cabinet, Cabinet committees, officers or joint arrangements are responsible for the exercise of particular executive functions. Part 3-C sets out those matters for which the Cabinet or individual councillors have responsibility. The scheme of delegation of such executive functions to officers is in Part 7.
- (c) The Leader will determine the number of councillors who may be appointed to the Cabinet;
- (d) **Power to Reallocate.** The Leader will have the power to vary the allocation of portfolios held by Cabinet members meeting and to determine which Cabinet Member shall hold a lead role in respect of any cross cutting policy matter.

7.4 Deputy Leader

- (a) **Selection.** The Deputy Leader will be a Councillor appointed to the position of Deputy Leader by the Leader for a four-year term. The Deputy Leader shall hold office until the end of the term of office of the Leader or until:

- (i) they resign from office;
- (ii) they are no longer a Councillor; or
- (iii) the Leader, if he/she thinks fit, removes the Deputy Leader from office

Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.

The Leader may choose to appoint two deputy leaders.

- (b) **Role.** The Deputy Leader is a Member of the Cabinet and will deputise for the Leader during his or her absence,

- (c) **Other provisions**

If for any reason:

- (i) the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place; and
- (ii) no Deputy Leader is able to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in the place of the leader.

7.5 Other Cabinet Members

The members of the Cabinet shall be councillors appointed by the Leader. They will include the Deputy Leader. The Leader shall allocate specific portfolio responsibilities to the Members of the Cabinet who shall hold office until the next Annual Council meeting or until:

- (a) they resign from office;
- or
- (b) they are no longer councillors; or
- (c) they are removed from office by the Leader.

7.6 Assistant Cabinet members

The Leader may appoint assistant Cabinet members. The appointment of an Assistant Cabinet member will specify the areas of responsibility of the member and identify the Cabinet member whom the office holder is to assist. (Assistant Cabinet members are not members of the Executive and are not entitled to a special responsibility allowance under the Members Allowance Scheme in Part 6

Article 8 – REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council has established committees to discharge some of its non-executive functions. These committees are listed in Responsibility for Council Functions in Part 3B of this Constitution. The committees will follow the Council's Rules of Procedure set out in Part 4-A of this Constitution.

Article 9 – THE STANDARDS AND GENERAL PURPOSES COMMITTEE

9.1 Standards and General Purposes Committee

The Council has established a Standards and General Purposes Committee with membership, role and functions as set out in paragraph 1.1 of Part 3-B of this constitution. The Standards and General Purposes Committee may appoint a Hearings Subcommittee to hear complaints that councillors have breached the Code of Conduct

9.2 Proceedings

Proceedings of the Standards and General Purposes Committee and any Hearings Subcommittee shall take place in accordance with the relevant part of the procedure rules set out in Part 4 of this Constitution. The Standards and General Purposes Committee may agree procedures specifically for dealing with member complaints which differ from those procedure rules provided they comply with any statutory requirements.

Article 10 – COMMUNITY INVOLVEMENT AREA COMMITTEES AND COMMUNITY FORUMS

10.1 Creation

- (a) The Council will create, facilitate or participate in community partnerships, community forums, focus groups and service or user based consultative groups as part of its community leadership role and in order to aid transparent and accountable decision-making

- (b) The Council may appoint Area Committees as it sees fit if it considers that to do so will ensure improved service delivery in the context of best value and more efficient transparent and accountable decision-making

10.2 Form, Composition and Function

- (a) The community forums will be advisory and consultative in nature but will not have decision-making powers. They will have no budgets and will not be able to incur expenditure.
- (b) As the community forums will be advisory only, their composition need not reflect political balance.
- (c) The Council and the Cabinet will include details (if any) of the delegations to area forums in Part 3 of this Constitution, including the functions delegated, the composition and membership of the forums, budgets and any limitations on delegation.

10.3 Conflicts of Interest – Membership of Area Forums, Overview and Scrutiny Commission and Panels

- (a) **Conflict of interest.** If the Overview and Scrutiny Commission, or one of the Overview and Scrutiny Panels is scrutinising specific decisions made by a community forum of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Commission or Panel meeting unless a dispensation to do so is given by the Standards Committee. This paragraph would only apply if a community forum were given decision-making powers.
- (b) **General policy activity.** Where the Overview and Scrutiny Commission or Panels are engaged in policy development or general review of a matter relating to a community forum of which a councillor is a member, s/he must declare his/her interest before the relevant agenda item is reached, but need not withdraw and may participate in the debate

10.4 Community Forums – Access to Information

- (a) Community Forums will comply with the Access to Information Rules in Part 4 of this Constitution.
- (b) Agendas and notices for Community Forum meetings which deal with both executive and non-executive functions, will state clearly which items are which.

10.5 Cabinet Members on Community Forums

A member of the Cabinet may serve on a Community Forum if otherwise eligible to do so as a Councillor.

Article 11 – JOINT ARRANGEMENTS

11.1 The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions that are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.
- (c) The Cabinet may only appoint members of the Cabinet to a joint committee where the joint committee exercises executive functions.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet where the joint committee exercises non-executive functions.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in Part 3-C of this Constitution.

11.3 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution shall apply to joint arrangements.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to the executive.
- (c) If the joint committee contains members who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation to and from other Local Authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority, or to a health service body.
- (d) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The Cabinet may delegate executive functions to a health service body in accordance with the Health Act 1999 as amended
- (d) The decision whether or not to accept such a delegation from another local authority or health service bodies shall be reserved to the full Council.

11.5 Contracting Out

The Council and/or the Cabinet may contract or arrange for another body or organisation to carry out functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making power.

Article 12 – OFFICERS

12.1 The Council shall appoint such staff as the Council thinks necessary for the proper discharge by the Council of its functions.

- a) Appointment of staff cannot be the responsibility of the Cabinet. Appointment of staff at Director and Chief Officer level is delegated to the Appointments Committee and appointments of officers below that level must be the responsibility of the Head of Paid Service or his/her nominee(s).
- b) Proper Officers have been appointed for the purposes of a number of specified statutory functions and a list of all such proper officers forms an appendix to the Scheme of Delegation to officers in Part 7 C of this Constitution

12.2 Chief Officers. The following posts are designated Chief Officers of the Council:

Post	Functions areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Provision of professional advice to all parties in the decision-making process</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council) Policy best value and scrutiny</p> <p>Returning Officer at Local Elections and Acting Returning Officer at UK Parliamentary Elections</p>
Director of Corporate Services	Finance, ICT, Corporate Governance, Human Resources, Audit, Communications, Council Tax, Business Rates Council Tax and Housing Benefit and Customer Services
Director of Environment and Regeneration	Development control, the local plan, regeneration, highways and transportation, waste management, regulatory services
Director of Children, Schools and Families	Social and welfare services, child protection, Education and Children
Director of Community and Housing Services	Adult Education, training. Libraries, Housing and Adult Social Services

12.3 Head of Paid Service, Monitoring Officer and Chief Financial Officer.

- (a) The Council has designated the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Corporate Services	Chief Finance Officer and Section 151 Officer
Managing Director of the South London Legal Partnership	Monitoring Officer Chief Legal Officer

- (b) Such posts will have the functions described in Article 12.4–12.6 below.
- (c) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7B of this Constitution.

12.4 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will if required report to Full Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.5 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up- to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards and General Purposes Committee.** The Monitoring Officer will contribute to the promotion and maintenance of

high standards of conduct through provision of support to the Standards Committee.

- (d) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (e) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (g) **Dispensations to Members under Section 33 Localism Act 2011.** The Monitoring Officer shall have delegated authority to grant a dispensation to members allowing them to refrain from declaring a disclosable pecuniary interest and to participate in discussions in and vote on matters in which they have such an interest.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.6 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy

framework issues to all councillors and the Council Chair and will support and advise councillors and officers in their respective roles.

- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.7 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the officers' opinion sufficient to allow their duties to be performed.

12.8 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.9 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4-H of this Constitution.

Article 13 – DECISION-MAKING

- 13.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 Principles Of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

- (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.

13.3 Types Of Decision

(a) Decisions reserved to Full Council.

- (i) Decisions relating to the functions listed in Article 4.1 will be made by the Full Council and not delegated, except on grounds of urgency in cases where the law permits, in which case the Chief Executive shall be the decision maker,
- (ii) Urgency means a decision that is required where the interests of the Council would be prejudiced if a decision were not to be taken prior to the next scheduled ordinary meeting of the Full Council.
- (iii) If the Chief Executive takes a decision in accordance with this article 13.3, she shall report such instances to Full Council as soon as practicable

(b) Key Decisions

- (i) **Definition.** A key decision means an executive decision which is likely
 - a) to result in Merton Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - b) to incur expenditure valued at £500,000 or above; or
 - c) to be significant in terms of its effects on communities and groups of service users living or working in an area comprising one or more wards or electoral divisions in Merton; or
- (ii) **Procedure.** A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure and Access to Information Rules set out in Part 4 of this Constitution.

(c) Non Key Executive Decisions

- (i) **Definition.** A non-key executive decision is an executive decision that:
 - Incurs expenditure of between £250,000-£499,999 or

- Is a significant one-off decision that would be a variation from council policy in respect of
 - a) the granting of a permission or licence; or
 - b) affecting the rights of an individual

(ii) Procedure. A decision maker may only make a non-key executive decision in accordance with the requirements of the Access to Information Procedure rules set out in Part 4B of this Constitution.

(d) Administrative Decisions (Non-key)

(i) Definition. A non-key administrative decision is an executive decision that:

- Incurs expenditure of less than £250,000
- has not been defined as a non-key delegated executive decision

13.4 Decision-Making by the Full Council

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-Making by the Cabinet

Subject to Article 13.8, the Cabinet and Cabinet committees will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision-Making by the Overview and Scrutiny Commission

The Overview and Scrutiny Commission and panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.7 Decision-Making by other Committees and Sub-Committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision-Making by Council Bodies acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair process contained in Article 6 of the European Convention on Human Rights.

13.9 Access to information

All decision makers will follow the rules set out in Part 4B of the Constitution as far as those rules apply to them.

Article 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial regulations set out in Part 4 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution. Any contract entered into on behalf of the Council shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer. Such signatures may be applied electronically where the law permits.

14.3 Legal Proceedings

The Managing Director of the South London Legal Partnership is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Managing Director of the South London Legal Partnership considers that such action is necessary to protect the Council's interests.

14.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Managing Director of the South London Legal Partnership or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Managing Director of the South London Legal Partnership. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Managing Director of the South London Legal Partnership should be sealed. The affixing of the Common Seal will be attested by the Managing Director of the South London Legal Partnership or another officer authorised by him/her.

14.6 In addition to the Seal being attested by any one of the officers referred to above documents of a ceremonial nature of those carrying some prestige (including Long Service Awards) shall also, if appropriate bear the signature of the Mayor or the Deputy Mayor in addition to that of the Chief Executive.

14.7 Except for documents sealed in accordance with 14.6, the entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose and shall be signed by the person who has attested the Seal.

14.8 The Common Seal of the Council shall not be affixed to any document unless such sealing has been authorised by a resolution of the Council or a Committee to which the Council has delegated its powers in this behalf or by a decision of an officer authorised by the Council. A written instruction by an authorised officer shall be a sufficient authority for sealing any document necessary to give effect to such resolution or decision.

Article 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty To Monitor And Review The Constitution

The Head of Paid Service, the Monitoring Officer, and the Standards and General Purposes Committee will jointly and severally monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

15.2 Changes To The Constitution

(a) **Approval.** Subject to (b) below, changes to the Constitution will only be approved by the Full Council following consideration of any recommendation or representation made by:

- the Head of Paid Service;
- the Monitoring Officer and/or;

- the Standards and General Purposes Committee
- (b) Monitoring Officer may make minor or consequential changes to this constitution including to ensure legislative references are up-to-date and to ensure consistency of language.
- (c) **Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
- (d) **Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.”

Article 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of The Constitution

- (a) **Limit to Suspension.** The Articles of this Constitution may not be suspended. The Council Procedure Rules may as specified in paragraph (b) below, be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to Suspend.** A motion to suspend Council Procedure Rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.2 Interpretation

The ruling of the Mayor or the Chair of any committee, subcommittee commission or panel as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

- (a) The Head of Democracy and Electoral Services will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual’s declaration of acceptance of office on the member first being elected to the Council.

- (b) The Head of Democracy and Electoral Services will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Head of Democracy and Electoral Services will ensure that the summary of the Constitution is made widely available within the area including the Council's website and is updated as necessary.

SCHEDULE 1: DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Commission and Panels and the Overview and Scrutiny Procedure Rules);
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules;
3. Article 10 (Area Forums);
4. Article 11 (Joint Arrangements);
5. Article 13 (Decision-Making) and the Access to Information Procedure Rules;
6. Part 3 Responsibility for Functions.
7. Part 7 B Scheme of Delegation to Officers

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Part 3 – A

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

1 Responsibility For Local Choice Functions

- 1.1 The Council has decided that the following local choice functions specified under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be the responsibility of the Cabinet:
- a. All functions under a local Act specified as being the responsibility of the Executive, other than those specified or referred to in Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
 - b. Making arrangements pursuant to section 51A of the Education Act 2002 and regulations made thereunder ;
 - c. Making arrangements pursuant to section 94(1) and (4) of the School Standards and Framework 1998 Act; and the School Admissions (Appeals Arrangements) (England) Regulations 2012 (SI 2012/9)
 - d. Making arrangements pursuant to section 95(2) of the School Standards and Framework 1998 Act and the School Admissions (Appeals Arrangements) (England) Regulations 2012 (SI
 - e. Any function relating to contaminated land;
 - f. Discharging any function relating to the control of pollution or the management of air quality;
 - g. Serving an abatement notice in respect of a statutory nuisance;
 - h. Passing a resolution that Schedule 2 Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
 - i. Investigating any complaint as to the existence of a statutory nuisance;
 - j. Inspecting the authority's area to detect any statutory nuisance;
 - k. Obtaining information under section 330 Town and Country Planning Act 1990 as to interests in land;
 - l. Obtaining particulars of persons interested in land under section 16 Local Government (Miscellaneous Provisions) Act 1976;
 - m. Making of agreements for the execution of highways works;
 - n. Determining any appeal against a decision made by or on behalf of the Council except those relating to:

- (i) appeals by officers against decisions made under the Council's Disciplinary, Grievance and Discrimination/Harassment/Victimisation procedures; and
- (ii) appeals against licensing determinations.

1.2 The Council has decided that the following local choice functions specified under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 **will not be** the responsibility of the Cabinet:

- a. All functions under a local Act which are specified as being the responsibility of the Council;
- b. Determining appeals against decisions made by or on behalf of the authority relating to:
 - (i) appeals by officers against decisions made under the authority's Disciplinary, Grievance and Discrimination/Harassment/Victimisation procedures; and
 - (ii) appeals against licensing determinations.
- c. Appointing and revoking the appointment of any individual to:
 - (i) any office other than an office in which he or she is employed by the authority;
 - (ii) any body other than the authority or a joint committee of two or more authorities; or to
 - (iii) any committee or subcommittee of such a body.

Part 3 – B

RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS

1. The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below. These Committees may consider and decide any matter of relevant non-executive business referred to the Committee by a Sub-Committee or a Director.

Meetings will commence at 7.15pm and end at 10.15pm with the exception of the Planning Applications Committee, Licensing Sub-Committee and Appeals Committee meetings, which are not subject to the three-hour guillotine.

Except for matters reserved to councillors, or other decision makers, all other matters relating to the Council's non-executive functions are delegated to officers in accordance with the scheme of delegation set out in part 3E of this constitution.

1.1 Standards and General Purposes Committee

a) Membership

12 councillors, excluding the Mayor and Leader.

Independent Persons are invited to attend in an advisory or non-voting capacity.

b) Role and functions

Promotion and maintenance of high standards of conduct and probity within the Council:

- To promote and maintain high standards of conduct and probity by councillors and co-opted members
- To receive reports from the Monitoring Officer on dispensations granted to councillors and co-opted members.
- To hear appeals from councillors and co-opted members where a dispensation has been refused by the Monitoring Officer.

Assistance to councillors and co-opted members

- To receive reports upon, monitor, manage and advise the Council on the implementation of the Council's Member Development Strategy and Member Development Programme, including training on the Member Code of Conduct.

Enforcement of the Code of Conduct

- To oversee the arrangements for the enforcement of the Council's Member Code of Conduct, including amendments to the procedure and assessment criteria.
- To oversee the maintenance of the Register of Members' interests, including approval of the form of declaration and guidance to members.
- To hear complaints made against Members when an investigation concludes that there may have been a breach of the code of conduct and to decide what action, if any, to take, in consultation with the Independent Person.
- To establish a Hearings Subcommittee for the purposes of considering cases where person when an investigation concludes that there may have been a breach of the code of conduct and for deciding what action, if any, to take, in consultation with the Independent Person.

Financial Governance and Audit Matters

- To approve the Council's statement of accounts, and to consider any reports produced by the Chief Finance Officer, in accordance with the duty to make arrangements for the proper administration of the Council's financial affairs
- To consider reports and receive recommendations from External Audit.
- To consider reports and receive recommendations from Internal Audit and the shared fraud partnership.
- To monitor the effectiveness, development and operation of risk management and governance.
- To formally agree the Annual Governance Statement and review the improvement plans.

Other functions

- To monitor and review the operation of the Council's Constitution as required by Article 15.1 of the Constitution, including the Financial Regulations, and to make appropriate recommendations to the Council in relation thereto.
- To monitor and receive regular reports on the operation of the Regulation of Investigatory Powers Act 1998 (RIPA).
- To maintain an overview of complaints handling and Local Government Ombudsman investigations, including receiving reports of payments exceeding £1000 to persons adversely affected by any maladministration on the part of the Council, as identified in a report by the Local Government Ombudsman.
- To determine (under Section 3A of the Local Government and Housing Act 1989) applications by Council employees for exemption from political restriction.
- To monitor amendments to and the operation of the Staff Code of Conduct.
- To assist in the appointment of independent persons.
- To discharge the Council's functions in relation to elections.
- To consider any issues, which is in the professional opinion of the Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.
- Except for matters reserved by statute for consideration by Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- To determine all other matters which are non-executive functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated to an officer.
- To exercise the function, powers and duties of the Council as trustee of trusts for which the Council is Corporate Trustee except insofar as those functions that have been delegated to Chief Officers of the Council.

1.2 **Appointments**

Committee (a) Membership:

10 Members (b) **Functions:**

- (i) To recommend the appointment of a Chief Executive and Head of Paid Service and the Monitoring Officer to the Council
- (ii) To interview and appoint Chief Officers as defined by the Officer Employment Procedure Rules and to approve statements specifying:
 - the duties of the officer concerned;
 - any qualifications or qualities to be sought in the person to be appointed;
 - to make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - to make arrangements for a copy of the statements mentioned in sub paragraph (ii) to be sent to any person on request; and
 - to make arrangements to shortlist applicants for these posts and agree the assessments to be taken by shortlisted applicants.
- (iii) To determine the terms and conditions on which officers hold office (including the terms of dismissals), restructures, exits, statutory discretion relating to termination payments, reorganisations involving changes to staff responsibilities at Deputy Chief Officer and above.
- (iv) To deal with disciplinary matters in relation to the Head of Paid Service, Section 151 Officer and the Monitoring Officer
- (v) All other staffing matters that have not been delegated to any other decision maker
- (vi) To establish a sub-committee to perform any of these functions as appropriate

1.3 Planning Applications Committee

- (a) **Membership:** 10 Members (10 seats plus 1 Independent non-voting co-opted member to be appointed by the Planning Committee)
- (b) **Functions:**
 - (i) To hear and determine all applications received under the Town and Country Planning Acts, including heads of terms of any ancillary agreements
 - (ii) To hear and determine objections to new Tree Preservations Orders

- (iii) To exercise the Council's functions in relation to planning control and building control
 - (iv) To consider the implications of changes in legislation and powers relating to control over development and building control, and related enforcement matters
 - (v) To develop an annual work programme, set targets and a review mechanism through the year
 - (vi) To ensure all the work of the committee promotes the Council's commitment to equality of opportunity for councillors, staff and the local community
 - (vii) To ensure the work of the committee meets the needs and aspirations of the local community and is responsive to the wishes of the community at large
 - (viii) To arrange for the discharge of any of its functions by the Director of Environment and Regeneration
- (c) All matters relating to the exercise of this committee's functions are delegated to the Director of Environment and Regeneration except the following which are reserved to Committee: -
- (i) Where a written request is received from a Council Member that a particular application/applications should be determined by Committee;
 - (ii) Where objections have been received which cannot be overcome by conditions but where the application is considered to be in accordance with the Development Plan and so recommended for approval (minor developments or changes of use may be excluded from this exception)
 - (iii) Where the proposal is significantly contrary to the Development Plan Policy, unless recommended for refusal
 - (iv) Proposals which are subject to a Section 106 agreement that would contain any heads of terms or contributions that are not a standard requirement of the local plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; or applications for release or significant modification/variation from such obligations;

- (v) Where conflict arises between the officer's recommendation and the advice issued by English Heritage or other body with similar statutory status;
- (vi) Determinations in cases where an appeal has been lodged against non-determination which is subject to or may go to a Public Inquiry or Informal Hearing;
- (vii) Revocation/ modification of planning permission and discontinuance orders;
- (viii) Where the Council may be involved in compensation or service of a purchase notice (except in relation to stop notices):
- (ix) Where proposals accord with the Development Plan but are recommended for refusal;
- (x) Where the proposal involves the Council either as applicant or landowner and the scheme is not of a minor nature;
- (xi) Where enforcement action will follow on from a refusal of planning permission;
- (xii) Where an Environmental Impact Assessment has been provided or requested
- (xiii) Where the applicant is a Councillor
- (xiv) Where officers consider the application should be determined by the Committee
- (xv) Applications relating to major hazardous substances

1.4 Licensing Committee 2003 and Licensing Committee (Miscellaneous)

1.4.1 These separate committees will consist of the same membership and be scheduled to meet at the one after the other to deal with:

- (a) Licensing Committee (2003)
 - (i) All matters which can be dealt with by the Licensing Committee established by the Licensing Act 2003

- (b) Licensing Committee (Miscellaneous)
 - (i) Licensing matters which cannot be dealt with by the Licensing committee established under the Licensing Act 2003

1.4.2 **Membership** 12 Members

1.4.3 **Functions** – Licensing Committee (2003):

- (a) To discharge on behalf of the Council all of its licensing functions which are not reserved to full Council or another decision maker, pursuant to the provisions of:
 - (i) the [Licensing Act 2003](#)
 - (ii) the [Gambling Act 2005](#)

- (b) To advise the Council on its Statements of Policy with respect to the exercise of its licensing functions relating to
 - (i) the [Licensing Act 2003](#)
 - (ii) the [Gambling Act 2005](#)

- (c) To review the Statements of Policy at such times as it considers appropriate and report to Council when required.

- (d) To delegate functions to sub-committee(s) or officers as appropriate, having regard to guidance issued by the Secretary of State. The following delegations are in place in relation to Licensing Act 2003 functions:

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence / club premises certificate		If relevant representations made	If no relevant representations made
Application for provisional statement		If relevant representations made	If no relevant representations made
Application to vary premises licence / club premises certificate		If relevant representations made	If no relevant representations made

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Application to vary a designated premises supervisor		If a police objection	All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision on whether to consult other responsible authorities on minor variation application			All cases
Determination of a minor variation			All cases
To raise representations on behalf of the Licensing Authority as a Responsible Authority			All cases

Delegation of licensing decisions and functions (Gambling Act 2005)

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS	DEMOCRATIC SERVICES & LEGAL SERVICES
Three year Licensing Policy	x			

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS	DEMOCRATIC SERVICES & LEGAL SERVICES
Policy not to Permit Casinos	x			
Validity of Applications or Representations			x	
Representations made by Licensing Authority			x	
Determination of Applications		x	When no hearing is required	
Dispensing with Hearings		Where all parties agree		Where all parties agree prior to hearing
Extending Times Limits		x		Where there is a need prior to hearing (consult with Licensing Committee Chair)
Consideration of Representations (opposing or supporting) and Notices (temporary use / occasional use)		x	x	
Procedure and Conduct of Hearings		x		
Issue of Notice of Hearing				x
Determining Relevance of Information		x		

1.4.4 Functions – Licensing Committee (Miscellaneous)

- (a) To deal with any other licensing matter which must be dealt with by a committee of the Council and cannot be dealt with by the Licensing Committee (2003) including but not limited to, matters under the London Local Authorities Act 1990 (as amended), London Local Authorities Act 1991, Scrap Metal Dealers Act 2013, Local Government (Miscellaneous

Provisions Act 1982, Animal Welfare Act 2006 (including its Regulations), Animal Boarding Establishments Act 1963, Zoo Licensing Act 1981, Riding Establishments Acts 1964 and 1970, Breeding of Dogs Act 1973.

- (b) To review the Statements of Policy on any other licensing matter at such times as it considers appropriate and report to Council when required.
- (c) To review the fees for any other licensing matter at such times as it considers appropriate and report to Council when required.
- (d) To deal with any matter which the Director of Environment and Regeneration considers appropriate to be referred to the Licensing Committee (miscellaneous)

1.5 Overview and Scrutiny Commission and Overview and Scrutiny Panels

- (a) **Membership of the Commission:** Membership 15, consisting of 4 statutory co-opted Members, 1 non-voting co-opted Member and 10 Councillors.
- (b) **Functions:** The functions of the Overview and Scrutiny Commission and Panels are set out in Article 6 of Part 1 of the Constitution and should be read in conjunction with the Overview and Scrutiny Commission Procedure Rules in Part 4-E.
- (c) Scrutiny panels and joint scrutiny panels membership and details are found within Overview and Scrutiny Commission Procedure Rules in Part 4-E

1.6 Borough Plan Advisory Committee

- (a) **Membership:** 6 Members (Members of the Cabinet and Assistant Cabinet members may not be appointed to this Committee)
- (b) **Functions:**
 - 1. To discharge the Council's responsibilities contained in the Local

Government Act 2000 and Planning and Compulsory Purchase Act 2004 (as amended) with respect to the Merton Local Plan specifically to make recommendations as appropriate to the Cabinet and Council on matters including:-

- (i) Local Development Scheme
 - (ii) Statement of Community Involvement
 - (iii) Development Plan Documents
 - (iv) Local Development Documents
 - (v) Area Plans and Supplementary Planning Documents
 - (vi) Strategic Environmental Assessment
 - (vii) Tests of Soundness of Development Plan Documents
 - (viii) Neighbourhood plans
2. To consider and advise the Cabinet and Council on the Report of the Inspector conducting the Independent Examination of Development Plan Documents of the Merton Local Plan.
 3. To advise the Cabinet and Council on the preparation of Local Plans prepared with adjoining boroughs, specifically the Joint Waste Development Plan Document.
 4. To advise the Cabinet and Council on other Strategic / London-wide spatial planning and transport planning matters.
 5. To consider the need for information, research, studies and investigations further to the preparation of the Merton Local Plan and to advise the Council on the resources required to prepare and review the Merton Local Plan.
 6. To consider new and emerging legislation relevant to the preparation and review of the Merton Local Plan.
 7. To consider and advise Cabinet and Council on buildings and structures to be included in the Local List, considering officer recommendations and consultation feedback.

1.7 Pensions Committee

- (a) **Membership:** 3 Councillors who shall be voting members plus two non-voting members comprising one staff representative and one pensioner representative to be appointed at the discretion of the Council

- (b) **Functions:**
 - (i) To review and approve all aspects of investment policy relating to the Pensions Fund, including agreeing the strategic asset and review the Investment Strategy Statement and amend it when necessary. This includes the authority to do the following;

 - (ii) To agree benchmarks and performance targets for the investment of the Fund's assets and review periodically;

 - (iii) To agree to transfer funds into mandates managed by the London Collective Investment Vehicle (CIV) as soon as appropriate opportunities become available;

 - (iv) To receive regular reports from the London CIV and to agree and resultant actions from a review of the investments held with the London CIV;

 - (v) To keep the performance of the investment managers under regular review and extend or terminate their contracts as required. To appoint new managers when necessary.

 - (vi) To agree policy guidelines for the exercise of voting rights attached to the Fund's shares;

 - (vii) To review the appointment of specialist advisors and service providers and make new appointments as necessary;

 - (viii) To consider the overall implications of the Council's policies for employment and benefits issues and their impact on the Pension Fund and agree any strategic changes;

 - (ix) To agree on the Pension fund's sustainable investment policy and consider the impact of the ESG on each investment decisions

- (c) The Director of Corporate Services is be authorised to take urgent decisions in relation to the pensions fund and investment strategy on behalf of the Committee, reporting back to next scheduled meeting of the Pensions Committee on any exercise of these powers

- (d) **Knowledge and understanding (including Training)**
Committee members are expected to attend/complete training arranged by the Fund in order to meet and maintain the Merton Pension Fund and the LGPS knowledge and skills requirements.

- (e) **Non-Voting Members**
 - i. The non-voting members of the Committee shall be appointed until the date of the next all council elections.

 - ii. Non-voting members shall not be entitled to send substitutes in their absence

 - iii. If a non-voting member does not attend for 2 consecutive meetings then unless that nonattendance is for a reason approved in advance by the Committee, their membership of the Committee shall automatically cease and the Director of Corporate Resources shall be entitled to appoint replacement members.

 - iv. If a non-voting member resigns or is otherwise unable to continue as a member, the Director of Corporate Resources shall be entitled to appoint a replacement member

1.8 Merton Health and Well Being Board

(a) Terms of Reference

1.1 Purpose

Merton Health and Wellbeing Board works in partnership to provide strategic leadership to improve health and wellbeing and reduce health inequalities. It promotes an integrated approach to delivery of priorities and engages on strategy development and service delivery. It focuses on prevention and the

achievement of positive outcomes across the determinants of health. The vision of Merton Health and Wellbeing Board is:

- i. A fair share of opportunities for health and wellbeing for all Merton residents.
- ii. This means the Health and Wellbeing Board will work to halt the rise in the gap in life expectancy between areas of Merton.

1.2 Context

The Health and Social Care Act required each local authority to establish a Health and Wellbeing Board from April 2013. It gave Boards statutory duties to encourage integrated working and to develop Joint Strategic Needs Assessments (JSNAs) and joint Health and Wellbeing Strategies. The Act permits the local authority to arrange for Health and Wellbeing Boards to exercise any functions that are exercisable by the authority. Health and Wellbeing Boards are also now required to produce and maintain a Pharmaceutical Needs Assessments and to agree the Better Care Fund Plan

1.3 Core Principles

Merton Health and Wellbeing Board agreed a set of core principles that underpin the work of the Board:

- Supporting everyone to take greater responsibility for their health and wellbeing
- Encouraging everyone to make a personal contribution
- Raising aspirations
- Recognising mental health as a cross cutting issue
- Focus on tackling the worst inequalities in health and wellbeing
- Promoting equalities and diversity.
- Working in partnership to achieve more

2. Responsibilities

- 2.1 The responsibilities of the Health and Wellbeing Board are to:
Improve health and wellbeing and narrow the gaps in health inequalities.

- 2.2 Encourage health, social care and health related services to work in an integrated way working with partners to identify opportunities for future joint commissioning.
- 2.3 Lead on signing off the Better Care Fund Plan.
- 2.4 Assess the needs of Merton's population through the Joint Strategic Needs Assessment (JSNA)
- 2.5 Agree the Merton Health and Wellbeing Strategy (that reflects the priorities identified in the JSNA) and undertake strategic monitoring, evaluation and refresh
- 2.6 Provide strategic priorities through the Health and Wellbeing Strategy to help align commissioning intentions. Specifically, Merton Council plans for commissioning and Merton Clinical Commissioning Group's Commissioning Plan are informed by the Health and Wellbeing Strategy and JSNA.
- 2.7 Ensure that strategic issues arising from the Safeguarding Adults Board and Merton Safeguarding Children Board inform the work of the Health and Wellbeing Board
- 2.8 Receive the annual report of the Safeguarding Adults Board and Merton Safeguarding Children Board and ensure partners respond to issues pertinent to the Board.
- 2.9 Request information from any individual member of the Health and Wellbeing Board that is needed to deliver on the Health and Wellbeing Board responsibilities.
- 2.10 Publish and maintain a Pharmaceutical Needs Assessment for Merton.
- 2.11 Comply with further statutory and other agreed responsibilities as required.

(b) Membership

- Cabinet Member for Adult Social Care and Health (Chair)
- Cabinet Member for Children Schools and Families
- Member of the Opposition

Under the governing legislation, the Leader of the Council is responsible for nominating the elected member representatives on the Board

- Merton Clinical Commissioning Group Chair (Vice Chair) Merton Clinical Commissioning Group Chief Officer
- Merton Clinical Commissioning Group Director of Commissioning
- Merton Clinical Commissioning Group GP

- Director of Housing and Communities (non-voting)

- Director of Children Schools and Families (non-voting)
- Director of Environment and Regeneration (non-voting)
- Director of Public Health (non-voting)

- Chief Executive of Merton Voluntary Service Council
- Representative of Health watch
- Community Engagement Network representative

- (All members have vote except where specified as non-voting).

(c) Merton Health and Wellbeing Board HWBB Community Sub-group

The Health and Wellbeing Board has established a The HWBB Community Sub-group will support the implementation of Merton's Local Outbreak Control Plan and to have oversight of work on the impact of COVID-19 on vulnerable communities,

1.9 South West London and Surrey Joint Health Overview And Scrutiny Committee (JHOSC)

(a) Terms of reference

- (i) The South West London and Surrey Joint Health Overview and Scrutiny Committee is established by the Local Authorities of **London Borough of Croydon, London Borough of Merton, London Borough of Richmond upon Thames, Surrey County Council, London Borough of Sutton, London Borough of Wandsworth**, and the **Royal Borough of Kingston upon Thames (constituent areas)** in accordance with s.245 of the NHS Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- (ii) It will be a standing Joint Overview and Scrutiny Committee or a sub-committee thereof which will undertake scrutiny activity in response to a particular reconfiguration proposal or strategic issue affecting some, or all of the constituent areas.
- (iii) The length of time a specific matter / proposal will be scrutinised for will be determined by the Joint Committee or Sub Committee.
- (iv) The purpose of the Standing Joint Committee is to act as a full committee or commission sub-committees to consider the following matters and carry out detailed scrutiny work as below:
 - a) To engage with Providers and Commissioners on strategic sector wide *proposals* in respect of the *configuration* of health services affecting some or all of the area of Croydon, Merton, Richmond upon Thames, Surrey County Council, Sutton, Wandsworth, and the Royal Borough of Kingston upon Thames (constituent area).
 - b) Scrutinise and respond to the consultation process (including stakeholder engagement) and final decision in respect of any reconfiguration proposals affecting some, or all of the constituent areas.
 - c) Scrutinise in particular, the adequacy of any consultation process in respect of any reconfiguration proposals (including content or time allowed) and provide reasons for any view reached.
 - d) Consider whether the proposal is in the best interests of the health service across the affected area.
 - e) Consider as part of its scrutiny work, the potential impact of proposed options on residents of the reconfiguration area, whether proposals will deliver sustainable service change and the impact on any existing or potential health inequalities.

Constitution Part 3-B

June 2021

Page | 18 of 27

- f) Assess the degree to which any proposals scrutinised will deliver sustainable service improvement and deliver improved patient outcomes.
- g) Agree whether to use the joint powers of the local authorities to refer either the consultation or final decision in respect of any proposal for reconfiguration to the Secretary of State for Health.
- h) As appropriate, review the formal response of the NHS to the Committees consultation response.
- (v) The Joint Committee will consist of 2 Councillors nominated by each of the constituent areas and appointed in accordance with local procedure rules. Each Council can appoint named substitutes in line with their local practices.
- (vi) Appointments to the Joint Committee will be made annually by each constituent area with in-year changes in membership confirmed by the relevant authority as soon as they know.
- (vii) A Chair and Vice Chair of the Joint Committee will be elected by the Committee at its first meeting for a period of one year and annually thereafter.
- (viii) The life of the Joint Committee will be for a maximum of four years from its formation in May 2018.
- (ix) For each specific piece of scrutiny work undertaken relating to consultations on reconfiguration or substantial variation proposals affecting all or some of the constituent areas, the Joint Committee will either choose to act as a full Committee or can agree to commission a sub-committee to undertake the detailed work and define its terms of reference and timescales. This will provide for flexibility and best use of resource by the Joint Committee.
- (x) In determining how a matter will be scrutinised, the Joint Committee can choose to retain decision making power or delegate it to a sub-committee.
- (xi) The overall size of each sub-committee will be determined by the main Committee and must include a minimum of 1 representative per affected constituent area.
- (xii) Where a proposal for reconfiguration or substantial variation covers some but not all of the constituent areas, in establishing a sub-committee, formal membership will only include those affected constituent areas. Non affected constituent areas will be able to nominate members who can act as 'observers' but will be non-voting.
- (xiii) The Committee and any sub-Committees will form and hold public meetings, unless the public is excluded by resolution under section 100a (4) Local

Government Act 1972 / 2000, in accordance with a timetable agreed upon by all constituent areas and subject to the statutory public meeting notice period.

(b) Rules of Procedure

Membership of Committee and Sub-Committees

- (i) The London Boroughs of Croydon, Merton, Richmond upon Thames, Sutton, Wandsworth and the Royal Borough of Kingston upon Thames and Surrey County Council will each nominate, 2 members to the JHOSC, appointed in accordance with local procedure rules.
- (ii) Appointments will be reconfirmed annually by each relevant authority.
- (iii) Individual authorities may change appointees in accordance with the rules for the original nomination.
- (iv) Individual authorities will be strongly encouraged to nominate substitutes in accordance with local practice.
- (v) In commissioning Sub-Committees, membership will be confirmed by the JHOSC and can be drawn from the main Committee or to enable use of local expertise and skill, from non-Executive members of an affected constituent area.
- (vi) The membership of a sub-committee will include at least one member from each affected constituent areas. An affected constituent area is a council area where the proposals will impact on residents. Non affected areas can appoint 'observer' members to sub-committees but they will be non-voting.
- (vii) The JHOSC, may as appropriate review its membership to include authorities outside the South West London area whom are equally affected by a proposal for reconfiguration or substantial variation who can be appointed to serve as members of relevant sub-committees.

(c). Chairman

- (i) The JHOSC will elect the Chairman and Vice Chairman at the first formal meeting. A vote will be taken (by show of hands) and the results will be collated by the supporting Officer.
- (ii) The appointments of Chairman and Vice Chairman will be reconfirmed annually.
- (iii) If the JHOSC wishes to, or is required to change the appointed Chairman or Vice Chairman, an agenda item should be requested supported by four of the seven constituent areas following which the appointments will be put to a vote.
- (iv) Where a sub-committee is commissioned, at its first meeting a Chairman and Vice-Chairman will be appointed for the life of the sub-committee.

(d) Substitutions

- (i) Named substitutes may attend Committee meetings and sub-committee meetings in lieu of nominated members. Continuity of attendance is strongly encouraged.
- (ii) It will be the responsibility of individual committee members and their local authorities to arrange substitutions and to ensure the supporting officer is informed of any changes prior to the meeting.
- (iii) Where a named substitute is attending the meeting, it will be the responsibility of the nominated member to brief them in advance of the meeting.

(e) Quorum

- (i) The quorum of a meeting of the JHOSC will be the presence of one member from any five of the seven participating constituent areas.
- (ii) The quorum of a meeting of a Sub Committee of the JHOSC will be three quarters of the total membership of the sub-committee to include a minimum of two members.

(f) Voting

- (i) Members of the JHOSC and its sub Committees should endeavour to reach a consensus of views and produce a single final report, agreed by consensus and reflecting the views of all the local authority committees involved.
- (ii) In the event that a vote is required, each member present will have one vote. In the event of there being an equality of votes the Chairman of the JHOSC or its sub-committee will have the casting vote.

(g) JHOSC Role, Powers and Function

- (i) The JHOSC will have the same statutory scrutiny powers as an individual health overview and scrutiny committee that is:
- accessing information requested
 - requiring members, officers or partners to attend and answer questions
 - Referral to the Secretary of State for Health if the Committee is of the opinion that the consultation has been inadequate or the proposals are not 'in the interests' of the NHS
- (ii) The JHOSC can choose to retain the powers of referral to the Secretary of State for Health for a particular scrutiny matter or delegate them to an established sub-committee.

(h) Support

- (i) The lead governance and administrative support for the JHOSC will be provided by constituent areas on an annual rotating basis.
- (ii) The lead scrutiny support for sub-committees will be provided by constituent areas on a per issue basis to be agreed by the sub-committee.
- (iii) Meetings of the JHOSC and its sub-committees will be rotated between participating areas.
- (iv) The host constituent area for each meeting of the JHOSC will be responsible for arranging appropriate meeting rooms and ensuring that refreshments are available.
- (v) Each constituent area will identify a key point of contact for all arrangements and Statutory Scrutiny Officers will be kept abreast of arrangements for the JHOSC.

(i) Meetings

- (i) Meetings of the JHOSC and its sub-committees will be held in public unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000 and will take place at venues in one of the seven constituent areas.
- (ii) Meetings will not last longer than 3 hours from commencement, unless agreed by majority vote at the meeting.

(j) Agenda

- (i) The agenda will be drafted by the officers supporting the JHOSC or its sub-committees and agreed by the appropriate Chairman. The officer will send, by email, the agenda to all members of the JHOSC, the Statutory Scrutiny Officers and their support officers.

(ii) It will then be the responsibility of each borough to:

- publish official notice of the meeting
- put the agenda on public deposit
- make the agenda available on their Council website; and
- make copies of the agenda papers available locally to other Members and officers of that Authority and stakeholder groups as they feel appropriate.

(k) Local Overview and Scrutiny Committees

- (i) The JHOSC or its sub-committees will invite participating constituent areas health overview and scrutiny committees and other partners to make known their views on the review being conducted.
- (ii) The JHOSC or its sub-committees will consider those views in making its conclusions and comments on the proposals outlined or reviews.
- (iii) Individual Overview and Scrutiny Committees will make representations to any NHS Body where a consensus at the JHOSC cannot be reached.

(l). Representations

- (i) The JHOSC or its sub-committees will identify and invite witnesses to address the committee and may wish to undertake consultation with a range of stakeholders.
- (ii) As far as practically possible the committee or sub-committee will consider any written representations from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas.
- (iii) The main Committee and any established sub-committees will consider up to 3 verbal representations per agenda item from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas. Individuals must register to speak before 12pm on the day before the meeting takes place and will be given three minutes to make their representations to the committee.
- (iv) The Chairman or any committee or sub-committee will have the discretion to accept more or late speakers where s/he feels it is appropriate.

1.10 Joint Consultative Committee with Ethnic Minority Organisations

Membership: 5 Merton Councillors and representatives of Community Organisations

Constituted by: Council

Powers and Duties determined by: Council

Authority: Equality Act 2010 and Article 10.1(a) of the Constitution

Functions

- a) To advise and make recommendations upon strategic policy issues relating to:
 - (i) Issues of local concern to the ethnic minority communities
 - (ii) Provision of Council services and resources, with reference to the needs of local ethnic minority communities
 - (iii) The elimination of discriminatory practices and racial prejudice in the delivery of Council services
 - (iv) The promotion of equal opportunities and good relations between different groups
 - (v) Applications for financial grant from Merton Council, Central Government, EC and other external funding organisations in aid of projects affecting local ethnic minority people.
- b) To contribute to and monitor the Council's Equality and Diversity Statement and Policy and the Race Equality commitments of the Corporate Equality Scheme

1.11 Merton Standing Advisory Council on Religious Education

Authority: Section 390 of the Education Act 1996

(a) Role and functions

- a) To advise the LA on such matters concerned with school worship and with Religious Education according to an Agreed Syllabus as the LA may request or as the SACRE may see fit.
- b) These matters might include methods of teaching and choice of materials to deliver the Agreed Syllabus.
- c) To evaluate how well the Agreed Syllabus supports the provision of Religious Education provision in schools.
- d) To receive, and determine whether an application from a Head Teacher to vary the requirement for worship of a broadly or mainly Christian character, is appropriate for the whole school or for groups of pupils.
- e) To publish an annual report on the work of SACRE and to circulate this to Headteachers, to QCDA and to the appropriate Council Committee and senior officers in Children Schools and Families Department.
- f) To set up a Statutory Conference at any time if, in the opinion of SACRE, it becomes necessary to review the Authority's agreed syllabus and to do so at least every five years.
- g) To advise, if requested, on matters arising from the Authority's Complaints Procedures under Section 23 of the Education Reform Act 1988.

(b) Officers

The Director of Merton's Children, Schools and Families Department, or such other senior officer/s as s/he may designate, shall attend and participate in discussions in the SACRE as professional adviser/s and make appropriate arrangements to support the administration of the SACRE and its meetings.

(c) Membership

In accordance with the provisions of the Education Reform Act 1988 (Section 11(4)): The SACRE is to comprise four groups representing:

Committee A

Such religions and belief groups as, in the opinion of the Council, will appropriately reflect the principal religious and belief traditions in the Borough of Merton.

Committee B

The Church of England.

Committee C

Such associations representing teachers and headteachers as, in the opinion of the Local Authority, ought, having regard to the circumstances of the borough, be represented.

Committee D The Local Authority. Three elected Councillors, as nominated by the political groups represented on Merton Council at the Council's Annual meeting in May.

Part 3 –C

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Other than those matters reserved to the Council under Article 4 and Part 3A (Responsibility for Local Choice Functions) and those functions which as a matter of law may not be executive functions, all other remaining functions are allocated as executive functions.

1.1 Cabinet

- (a) **Membership:** The Leader will appoint between 1 and 9 councillors to the Cabinet, from among whose number shall be appointed a Deputy Leader(s). The cabinet portfolios are set out in part 3-D.
- (b) In accordance with section 9E of the Local Government Act 2000, the Leader has responsibility for deciding how and by whom executive functions should be discharged.
- (c) The Leader has delegated all executive functions to the Cabinet; and the Cabinet will:
- (i) take all necessary action to ensure that the Council's net revenue and capital expenditure is targeted to be at, or below, approved levels at the end of each financial year;
 - (ii) with respect to each Council service:
 - consider standards of services and service delivery;
 - review and monitor services, using measures of performance and setting targets;
 - make changes in service delivery, in the light of comparative performance data;
 - take account of the recommendations of best value and other reviews, together with other Overview and Scrutiny recommendations.
- (d) The Leader has also delegated some executive functions to officers in accordance with the scheme of delegation set out in part 7. Apart from those functions listed in paragraph (g) below, either the Cabinet or officers may exercise the functions listed in the scheme of delegation to officers.
- (e) Nothing in this part, 3-C shall prevent the Leader exercising any executive function him or herself.

- (f) Subject to paragraph 4 below, the Leader has decided that the following functions shall only be exercised by the Cabinet may not be exercised by officers:

(g) Functions Reserved to the Cabinet

- i. Proposing to the Council a strategic policy framework, and the individual strategies making up that framework;
- ii. Identifying priorities, and recommend them to the Council;
- iii. Proposing the Council's budget, and recommend it to the Council, including the level of Council Tax;
- iv. Leading on the political direction of the Council as a whole, and relevant areas of responsibility in particular, within the guidelines and policies approved by the Council;
- v. Considering major policy changes, and make appropriate recommendations to Council;
- vi. approving the acquisition of all land and buildings that have been referred for decision by the Chief Executive;
- vii. agreeing Compulsory Purchase Orders;
- viii. agreeing the award of contracts worth £2million or more.
- ix. taking decisions in relation to CHAS 2013 Ltd on those matters reserved for cabinet in the delegation matrix forming the schedule to the shareholders' agreement between the Council and CHAS 2013 ltd;

2. Joint Committees

The Cabinet has agreed, pursuant to regulation 9 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 to participate in the following joint committees:

2.1 South London Partnership

Role and Purpose of the Joint Committee:

- (a) To form collaborative South London views on issues affecting economic growth, regeneration and competitiveness

- (b) To undertake activities which promote and improve economic growth and wellbeing in the South London area
- (c) To determine strategic objectives and barriers to growth for the local area and develop solutions
- (d) To take on additional responsibilities and funding delegated from Government where the Committee judges this to be in the area's best interests.
- (e) The aim of the Joint Committee will be collaboration and the Terms of Reference would not prohibit any of the Member Councils from promoting economic wellbeing in their own areas either in addition to, or independently, from the Joint Committee
- (f) The detailed terms of reference are set out in the Joint Committee's constitution

Membership

The Leader is the Council's representative in the South London Partnership.

2.2 South London Waste Partnership Joint Committee

Membership: 2 Councillors from the London Boroughs of Croydon, Kingston, Merton and Sutton (the "participating councils")

Functions: To make arrangements for the disposal of waste, provide places for the deposit and disposal of waste and to advise Participating Councils on the delivery and separation of waste. The detailed functions are set out in Schedule 1 of the constitution of the joint committee operating under the name of the South London Waste Partnership.

3. Delegations to Individual Cabinet Members from the Leader of the Council

The Cabinet Member for Housing, Regeneration, and the Climate Emergency shall have delegated authority to approve the making of any order relating to traffic management or car parking.

4 Urgency

- 4.1** Notwithstanding that a decision is reserved for decision by the Cabinet in accordance with 1.1(g) above, a decision may be taken by the Chief Executive or appropriate Director where it is urgent. An urgent decision may only be made where, taking into account the Council's public interests, the Monitoring Officer considers that it cannot reasonably be deferred until the next scheduled meeting of the Cabinet.
- 4.2** Urgent decisions may only be taken after consulting the Leader and the relevant cabinet member;
- 4.3** In the case of emergencies, the Chief Executive is authorised to approve all reasonable expenditure and/or undertake all reasonable actions after consultation with the Leader of the Council unless such consultation is not practicable.

Part 4 – A

COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The Annual Meeting shall commence at 7:15 p.m. and shall be held at Merton Civic Centre, London Road, Morden, Surrey, unless otherwise decided by the Chief Executive after consultation with the leader of each group of elected members represented on the Council.

1.2 Business

At the annual meeting, the Council will:

- (a) receive apologies for absence;
- (b) to receive declarations of pecuniary interest from members;
- (c) approve the minutes of the last meeting;
- (d) elect the Mayor of the Council;
- (e) receive the Mayor's appointment of Deputy Mayor and Mayor's Chaplain or other religious adviser for the ensuing municipal year;
- (f) every four years (or at any other time when the office of Leader becomes vacant) elect the Leader of the Council and note, if known, the appointment by the Leader of the Deputy Leader(s) and other appointments to the Cabinet including their portfolios;
- (g) appoint at least one Overview and Scrutiny Commission and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (h) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree, as set out in Part 3 of this Constitution;
- (i) agree which committees to establish and make the appropriate appointments in accordance with Section 1.3 below;
- (j) announce and present awards as appropriate;

- (k) approve a programme of ordinary meetings of the Council for the year if not already done so.

1.3 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the terms of reference for those committees;
- (c) decide the size and the allocation of seats to groups of elected members in accordance with the political balance rules set out in the Local Government and Housing Act 1989;
- (d) receive nominations of councillors to serve on each committee and outside body; and
- (e) appoint members to those committees and outside bodies where appointment has been reserved to the Council.

2. ORDINARY MEETINGS

2.1 Dates and Frequency

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting, with the month of August to be regarded as the vacation month.

2.2 Time and Place

Ordinary meetings including Budget/Council Tax meetings of Council shall commence at 7:15 p.m. and finish three hours after commencement. at Merton Civic Centre, London Road, Morden, Surrey, unless otherwise decided by the Chief Executive after consultation with the leader of each group represented on the Council.

2.3 Order of Business

The business at an ordinary meeting shall include the following:

- (a) in the absence of the Mayor, to choose a member to preside to receive apologies for absence;
- (b) to approve minutes of last meeting;
- (c) to receive declarations of interest from members;

- (d) to receive announcements from the Mayor, Leader and Chief Executive;
- (e) Questions from the Public (this will not apply at the meeting of the Council convened to consider the budget and council tax in accordance with Rule 3.3 below or at the annual meeting of the council);
- (f) Questions from councillors relating to Strategic Themes other than the strategic theme to be the focus of the meeting in accordance with paragraph (g) below. (Questions must be submitted to the Chief Executive **seven clear days before** the meeting).

Review of the Strategic Themes Under the Council's business plan

- (g) The entitlement to select the strategic theme to be considered at each meeting shall lie with the leaders of all the political groups represented on the Council and the number of choices allocated to each political group should, so far as is reasonably practicable reflect the respective sizes of each group. The schedule setting out the timing of each group's nomination shall be agreed at annual council.

For the Strategic Theme selected for the meeting (the Strategic Theme"), the following will apply:

- The relevant Cabinet member or leader will prepare a report containing relevant performance indicators and other data, a summary of any key decisions taken since the Strategic Theme was last considered as well as any accompanying advice/ recommendations of Overview and Scrutiny Panels/ Commission and consultative fora and this **shall be circulated seven clear working days** before the meeting as well as forming part of the agenda pack for the meeting;
- Non Cabinet members may submit motions relating to the strategic theme being considered at the meeting and such motions shall be submitted to the Chief Executive by **9am on the day two clear** working days before the day of the meeting;
- The relevant Cabinet Member or Leader may also bring to the meeting draft policies or strategies on a draft "green paper basis;
- The debate on the strategic theme will proceed as follows:
- The Cabinet Member/Leader will introduce his or her report(s)
- He or she will deal with any written questions on the strategic theme submitted to the Chief Executive by 2pm on the day three clear working days before the day of the meeting.in accordance with rule 12.4(a) and reply to any oral supplementary questions .

- The time for answering questions related to the Strategic Theme shall be limited to 15 minutes. No further questions, supplementary questions or verbal answers will be permitted after expiry of that time.
- Any motions arising relating to the relevant strategic theme standing in the names of non-Cabinet members will be moved and seconded.
- The meeting will then debate the report(s) in the usual way and in accordance with these procedure rules.

(h) Reports of Community Fora

The reports of each Community Forum shall be considered by the Council in turn. In the course of approval of each report:

- The Chair of the Community Forum may make a report in relation to the report of the Forum.
 - Councillors for the wards comprising the Community Forum may address the Council on matters arising from the report.
 - For the Community Forum reporting at the meeting, the following will apply:
 - Any reports to the Council and any recommendation to the Council or any Committee of the Council should be printed with the Council Reports.
 - Any original motion relating to the report of a Community Area Forum must be submitted to the Chief Executive by 9am on the day before the meeting to enable time-tabling before meeting.
 - The Leader or an appropriate Cabinet Member shall respond to any written questions relating to the report and may respond to the Chair of the forum and any ward members. (Questions must be submitted to Chief Executive in accordance with the deadline set out in 12.4(a))
- (i) Matters referred to Council by the Overview and Scrutiny Commission
- (j) Corporate Reports (Audit Commission, IdeA, Best Value Draft Final Reports, Standards Committee, Monitoring Officer etc.) which cover a range of corporate objectives and principles.
- (k) Any Notice of Motion
- (l) Functions of Full Council and other matters requiring a Council decision.
- (m) Presentation of petitions to the Mayor.

(n) Motion for business of next meeting.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

The following may request the Proper Officer to call extraordinary Council meetings:

- (a) the Council by resolution;
- (b) the Mayor of the Council;
- (c) any five members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;
- (d) the Chief Executive; or
- (e) the Monitoring Officer.

3.2 Business

In consideration of the nature and purpose of extraordinary meetings, the business conducted at such meetings is limited to a single item, with no consideration of previous minutes or reports.

3.3 Budget/Council Tax Meetings

The business at a Budget/Council Tax meeting shall include the following:

- (a) in the absence of the Mayor and Deputy Mayor, choose a member to preside;
- (b) receive apologies for absence;
- (c) approve minutes of the last meeting;
- (d) receive any declarations of Interest from members;
- (e) receive a presentation of the Budget/Council Tax report from the relevant officer(s);
- (f) officers respond to questions from members addressed through the Mayor;
- (g) to receive remarks from the Cabinet on the report;

(h) debate on the report and consideration of any motions and/or amendments.

- 3.4 A meeting to discuss the timetabling of the agenda for Council meetings may be arranged to provide relevant advice to the Mayor. Each group may nominate one representative to attend the timetabling meeting which shall be arranged by Democracy Services. However, the Mayor retains responsibility for the conduct of the meeting.
- 3.5 Chief Officers or their nominees may speak or respond to relevant questions at all Council meetings at the request of the Mayor or the person presiding as Chair of the meeting. However, care must be taken to ensure that officers are not drawn into political debate in the Council meetings.
- 3.6 All decisions relating to either the substantive budget motion/proposal or any amendments to it, will be to be taken via a recorded vote (Roll Call).

4. SUBSTITUTION FOR MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 When Permissible

Except in relation to except any Licensing Committee established under the Licensing Act 2003, each political group represented on the council may, at the AGM, appoint named substitutes who may attend where appointed members are unable to do so to all Council appointed committees;

4.2 Procedure

The appointed member must notify the Chair of the committee or sub-committee of their apologies and indicate the name of his or her substitute by noon on the day of the meeting.

- 4.3 The Chief Executive shall have the delegated authority to agree a change in the identity of any named substitute at the request of the leader of any political group represented on the Council.

4.4 Powers and Duties

Substitute members will have all the powers, including voting rights, and all the duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

5. GENERAL RULES APPLYING TO ALL COUNCIL MEETINGS

5.1 Time and Place of Meetings

Although the time and place for the Council's meetings are to be established in accordance with paragraphs 1.1 and 2.2 above, the Chief Executive may vary the time and place of or cancel such meetings in exceptional circumstances to ensure the smooth operation of the Council. This may only be done with the agreement of the Chair of the relevant meeting and after consultation with the Leaders of other political groups represented on the Council.

5.2 Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a Council meeting, the Chief Executive will send a summons to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5.3 Chair of Meeting

The Mayor or other person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair or Mayor also include the Chair of committees and sub-committees. The powers of the Chair include:

- (a) To decide all matters of order, competence, relevancy, interpretation of standing orders relating to the conduct of the meeting and the appropriateness of Council questions;
- (b) To direct a Councillor to discontinue speaking if the Chair considers the Councillor is being repetitive or irrelevant, uses unbecoming language or is in some other way breaching the order of the meeting;
- (c) To move that a member be heard not further under rule 16.3 and, if necessary to move that a member leave the meeting or that the meeting be adjourned, in accordance with Rule 16.4;
- (d) To order the removal of a member of the public who is disruptive or the clearing of public areas in the event of a general disturbance. Re-admission shall be at the discretion of the Chair;
- (e) In the case of an equality of votes, the Chair of the meeting shall have a second or casting vote;
- (f) The decision of the Chair shall be final. Members shall address the Chair when speaking and not dispute the decisions of the Chair during the course of the meeting.

5.4 Quorum

- (a) The quorum of a meeting of the Council or of any non-executive committee will be one quarter of the whole number of members or a minimum of three members. The quorum for a meeting of the Cabinet, Cabinet committee or Cabinet sub-committee is governed by the Cabinet Procedure Rules.
- (b) Except where authorised by statute, business shall not be transacted in the absence of a quorum. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will stand adjourned for 10 minutes. If after recommencing there is still no quorum, then the meeting will end immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

5.5 Duration of Meeting

- (a) Guillotine

If the business of the meeting has not been concluded by 3 hours, including any adjournments, after the start of the meeting, the Chair must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

- (b) If there remain other motions or recommendations on the agenda, they are deemed formally moved and seconded together with any amendments. No speeches will be allowed on these items and the vote will be taken in the usual way.

- (c) Where a report or motion contains a number of recommendations, they will be taken together unless the Mayor agrees there is a need for individual resolutions.

- (d) Recorded vote

If a recorded vote is called for during this process, it will be taken immediately.

- (e) During this the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

- (f) Extending the Meeting

The foregoing provisions of this rule shall not apply if before the expiry of three hours the meeting has agreed that the meeting should continue beyond three hours, whether for a specified additional period or otherwise,

- (g) Close of the Meeting

When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

5.6 Declaration of Interests

Members shall abide by the Council's Code of Conduct. It is the responsibility of every member to declare any relevant interest at the beginning of the meeting or as the relevant item of business is reached.

6. MOTIONS ON NOTICE

6.1 Notice

Except for motions that can be moved without notice under Rule 7 below and motions relating to the strategic theme under consideration at the meeting moved under rule 2.3(g), written notice of every motion must be delivered to the Chief Executive not later than 5pm on the day which is seven clear working days before the date of the Council meeting. These will be maintained for public inspection.

6.2 Motions must be signed by at least three members except:

A single independent member may submit a motion without any further signatories.

A group with two members may submit a motion if both members of the group have signed it.

6.3 Motions set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Members giving notice state, in writing, that they propose to move it to a later meeting or withdraw it. However, any motions submitted on the Strategic Theme being considered at the meeting in accordance with Rule 2.3 (g) or in respect of the reports of Community Forums under Rule 2.3(h) will be taken during in the course of the debate on those items.

6.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect Merton, as determined by the Chief Executive.

7. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something, including a matter raised by a question asked pursuant to Rule 11.9, to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) with leave of the Mayor, to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond three hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

8. RULES OF DEBATE

8.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

8.2 Right to Require Motion in Writing

Unless notice of the motion has already been given or is not required under Section 7, the chair may require it to be written down and handed to him/her before it is discussed.

8.3 Seconders' Speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

8.4 Content and Length of Speeches

Speeches must be directed to the matter or subject under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Chair. In order to facilitate the smooth running of the meeting, the Mayor, Chief Executive and Group leaders may from time to time agree different lengths of speeches. The length may vary depending on whether the speaker is the mover of a motion or is exercising a right of reply. The Chief Executive will notify all councillors of any such agreement.

8.5 When a Member May Speak Again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

8.6 Amendments to Motions

- (a) Amendment to motions or to recommendations in reports must be submitted in writing to the Chief Executive by 9am on the morning of the working day before the meeting, unless the Mayor has agreed that an amendment may be submitted after that time.

- (b) The Chief Executive will circulate copies of any amendments received by 5pm on the day of the meeting
- (c) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

Subject to paragraph (f) below:

- (d) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be moved.
- (g) After an amendment has been carried, the amended motion will be read out before accepting any further amendments, or if there are none, put to the vote.
- (h) The Mayor shall have discretion to allow debate on more than one amendment at once if in his or view to do so would facilitate the smooth running of the meeting, provided that votes on amendments shall be taken separately,

8.7 Alteration of Motion

A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations that could be made as an amendment may be made.

8.8 Withdrawal of Motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

8.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote unless the guillotine has fallen under Rule 5.5 (a).
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

8.10 Motions which May be Moved during Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) with the leave of the Mayor, to amend a motion;
- (c) to proceed to the next business;
- (d) that the question now be put;
- (e) that the meeting continue beyond three hours in duration;
- (f) to refer something, including mater raised by a question asked pursuant to Rule 11.9, to an appropriate body or individual;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4.

8.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) if a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried, the Mayor will move on to the next item of business on the agenda without taking a vote on the item currently under debate.
- (c) if a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion or amendment to the vote.
- (d) if a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

8.12 Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

8.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

8.14 Length of debates

The time available for the consideration of any matter before the Council shall, be as determined by the Mayor having had regard to the timetable for the meeting prepared in accordance with rule 3.4 the nature of the business and the time at which the decision is made. The Mayor shall at the commencement of the debate state the time available for the consideration of the matter if different from that set out in the prepared timetable and shall rule when the time available has expired, at which point, and if appropriate the matter under debate shall be put immediately to the vote.

9. PREVIOUS DECISIONS AND MOTIONS

9.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

9.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

10. VOTING

10.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

10.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair of the meeting will have a second or casting vote. There will be no restriction on how that person chooses to exercise a casting vote.

10.3 Show of Hands

Unless a recorded vote is demanded under Rule 10.4, the Mayor will take the vote by show of hand or electronically, or if there is no dissent, by the affirmation of the meeting.

10.4 Recorded Vote

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing or electronically and entered into the minutes, to show whether they voted for or against the motion or amendment, or abstained from voting. Before a recorded vote is taken the division bell shall be rung for one minute at the expiration of which period and before the vote is taken the doors of the Council Chamber shall be closed and thereon no member shall be allowed to enter the Chamber or to leave it until the conclusion of the vote.

NB All decisions relating to either the substantive budget motion/proposal or any amendments to it, will have to be taken via a recorded vote (Roll Call).

10.5 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The nominees will be voted upon in alphabetical order.

In any situation where there is a contested vote on an appointment and there is an equality of votes in favour of two or more candidates, and where there is no other person with more votes in their favour, the decision as to who is elected shall be determined by casting vote of the Chair .

11. QUESTIONS BY THE PUBLIC

11.1 General

Members of the public, in accordance with these rules, may ask questions of Members of the Cabinet at ordinary meetings of the Council, but excluding Council meetings when tax or budget is on the agenda. The time during which Public Questions shall be taken shall not exceed 15 minutes. It shall not be in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies will be taken as read.

11.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

11.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail, to the Chief Executive no later than seven working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Cabinet to whom it is to be put.

11.4 Number of Questions

A resident or business ratepayer of the Borough may ask one written question (limited to 50 words) on any matter in relation to which the Council has a legal power or responsibility or which affects the borough . A resident or business ratepayer may ask one supplementary question at the meeting in clarification of an answer. The Mayor may reject a supplementary question on the grounds in Rule 11.5 below.

11.5 Scope of Questions

The Chief Executive has absolute discretion and may reject a question if it:

- is not related to a matter over which the Council has a legal power;
- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

11.6 Record of Questions

The Chief Executive will send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members on the day of the meeting together with the written answers to those questions and will be made available to the public attending the meeting.

11.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, either in person or remotely, in accordance with standing order 21 they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

11.8 Written Answers

Any questions, which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

11.9 Reference of Question to the Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee, including the Overview and Scrutiny Commission and Panels, or sub-committee. Once seconded, such a motion will be voted on without discussion.

12. QUESTIONS BY MEMBERS

12.1 On Reports of the Cabinet or Committees

A member of the Council may ask the Leader, a member of the Cabinet or the Chair of a Cabinet Committee any question without notice upon an item of the report of the Cabinet or a [Cabinet?] committee when that item is being received or under consideration by the Council

12.1 Questions on Notice at Full Council

Subject to Rule 12.3 , a Member of the Council may ask:

- the Leader;
- a member of the Cabinet; or
- the Chair of any committee or sub-committee.

a question on any matter in relation to which the Council has powers or duties or which affects Merton.

12.2 Questions on Notice at Committees and Sub-Committees

Subject to Rule 12.3, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect Merton and which falls within the terms of reference of that committee or sub-committee.

12.3 Notice of Questions

A Member may only ask a question under Rule 12.1 if either:

- (a) the question relates to the strategic theme selected for debate or a report of a community forum at the meeting and they have given notice in writing of the question to the Chief Executive by 2pm on the day three clear working days before the date of the Council meeting (i.e. on the Thursday preceding a Council meeting to be held on a Wednesday if there are no intervening public holidays);
- (b) In respect of questions not relating to that strategic theme, they have given notice in writing of the question to the Chief Executive by 5pm on the day seven clear working days before the date of the Council meeting; or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by 12:00 noon on the day of the meeting.

12.4 Response

An answer may take the form of:

- (a) a written answer circulated to all members of the Council **no later than 48 hours before the start of the meeting**, or
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication.

12.5 Supplementary Question

A member asking a question under Rule 12.2 or 12.3 may ask one supplementary question, without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Where the reply to the supplemental question cannot conveniently be given orally, a written answer may be circulated to all members of the Council.

12.6 Time Allotted

The time for answering questions not related to the Strategic Theme shall be limited to 15 minutes unless the time allotted for public questions has not been fully used in which case the Mayor shall have the discretion to add that unallocated time to the time allotted for member questions.

The time for answering questions asked on the Strategic Theme under paragraph 2.3(g) shall also be 15 minutes.

No further questions, supplementary questions or verbal answers will be permitted after expiry of the relevant allotted time. The written answers previously circulated will under paragraph 12.4(a) above together with the answers to any supplementary questions become part of the minutes of the Council meeting.

13. MINUTES

13.1 Signing the Minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

13.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of

schedule 12 relating to signing of minutes.

13.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order in which the Mayor put them.

14. RECORD OF ATTENDANCE

The attendance of those Members present during the whole or part of a meeting will be recorded by the Democratic Services officer. The record shall indicate whether the Member has attended in person or remotely in accordance with standing order 21.

15. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 18 (Disturbance by Public).

16. MEMBERS' CONDUCT

16.1 Standing to Speak

When a Member speaks at Full Council, they must stand and address the meeting through the Mayor, unless they are taking part in a remote virtual meeting at which this rule shall not apply. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation. The Council will respect the particular circumstances under which some Members remain seated when they speak.

16.2 Mayor Standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

16.3 Member Not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

16.4 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on

without discussion.

16.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

17. DISTURBANCE BY THE PUBLIC

17.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

17.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

18. PETITIONS

18.1 Petitions are to be presented to the Mayor without debate and then passed to the relevant Chief Officer for appropriate action.

18.2 The Chief Officer shall provide a written report on the subject matter of the Petition to the Members sponsoring the Petition. The reply shall also be published on the intranet/ internet and circulated with the minutes of the Council meeting to which the Petition was presented.

19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

19.1 Suspension

All of these Council Rules of Procedure except Rule 10.4 and 14.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

19.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

20. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet, which are governed by the Cabinet

Procedure Rules in Part 4 of the Constitution. Only Rules 5-10 (but not or 8.14), 12.3, 14, 15, 16-21 (but not Rule 19.1) apply to meetings of committees and sub-committees. Meetings of the Planning and Licensing are not subject to the three hour guillotine and therefore Rule 5.5 (a) – (e) and 7 (m) do not apply to those committees.

21 REMOTE ATTENDANCE

- 21.1 The Council has the ability to allow remote participation in its meetings by virtual means via Zoom or other similar technology and in respect of such attendance the following provisions apply to meetings where the relevant facilities exist.
- 21.2 Members of the public, wishing to speak or ask a question at any meeting shall be offered the opportunity of doing so remotely;
- 21.3 Representatives of partner bodies, including those giving evidence at the Overview and Scrutiny Commission or any of its panels may do so remotely
- 21.5 Any member appointed to a Committee or Sub-Committee, with the exception of its chair may participate in a formal meeting of that body Committee remotely, but their presence would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting of that body is quorate.
- 21.6 A member who is entitled to attend a meeting of a committee, sub committee or Cabinet but who is not a member of that body, may do so attend remotely.
- 21.7 Remote attendance by a member at a meeting under paragraph 21.5 or 21.6 above, shall not count as attendance for the purposes of S.85 of the Local Government Act 1972 (the 'six-month' attendance rule);
- 21.8 Paragraph 21.5 of this standing order does not apply to the Planning Applications Committee or the Licensing Committee or any of its subcommittees.

Part 4 – B

ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

These rules apply to all meetings of the Council, the Overview and Scrutiny Commission and Panels, the Standards and General Purposes Committee, all other committees and sub-committees and public meetings of the Cabinet and Cabinet sub-committee (together called meetings).

2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. Right to Attend Meetings

Members of the public and media may attend all meetings subject only to the exceptions in these rules.

4. Notices of Meeting

The Council will give at least five clear working days notice, or any minimum amount of time set by statute, of any meeting by posting details of the meeting at the Merton Civic Centre, London Road (the designated office) and on the Council's website (www.merton.gov.uk).

5. Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's website at least five clear working days before the meeting.

If an item is added to the agenda later, the revised agenda and each such report will be available to the public and open to inspection as soon as the report is available to Councillors.

6. Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) any background documents identified in the report or supplied to councillors in connection with the report to any person on payment of a charge for postage and any other reasonable costs.

7. Access to Minutes etc. after the Meeting

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the council or of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of Background Papers

The author will set out in every report a list of those documents (under the heading background papers) relating to the subject matter of the report which is his/her opinion;

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those that disclose exempt or confidential information as defined in rule 10 below.

8.2 Public Inspection of Background Papers

The Council will make one copy of each background paper listed in a report available for public inspection for six years after the date of the meeting concerned.

9. Summary of Public's Rights

These Access to Information Procedure Rules, as part of the Constitution, constitute the written summary of the public's rights to attend meetings and to inspect and copy documents. These Rules and

the entire Constitution are available at Merton Civic Centre and on the Council's website (www.merton.gov.uk).

10. Exclusion Of Access By The Public To Meetings

10.1 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Where it is proposed to exclude the public from a meeting of the Cabinet or any cabinet committee sections 17, 18 and 19 of these rules also apply

10.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Where it is proposed to exclude the public from a meeting of the Cabinet or any cabinet committee rules sections 17, 18 and 19 of these rules also apply

10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order.

10.4 Meaning of Exempt Information

Exempt information means information which falls within the seven categories below and is not prevented from being exempt by virtue of the two qualifications in paragraph 10.5 if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Category	Condition
1. Information relating to any individual	

<p>2. Information which is likely to reveal the identity of any individual</p>	
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>“financial or business affairs” includes contemplated as well as past of current activities;</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“employee” means a person employed under a contract of service; “labour relations matter” means – any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992(b) (matters which may be the subject of a trade dispute, within the meaning of that Act); or any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	

<p>6. Information which reveals that the authority proposes (a) to give under any enactment a notice under of by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution crime.</p>	

10.5 Qualifications to Exemption of Information

Information falling within paragraphs 10.4 is not exempt information if it falls within either of the following categories:

Category	Definition
<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under the companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.</p>	<p>“registered” in relation to information required to be registered under the building Societies Act 1986(c), means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992(c)</p>	

11. Exclusion of Access by the Public to Reports

If the Chief Executive or the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

Where it is proposed to exclude the public from a meeting of the Cabinet or any cabinet committee sections 18 and 19 of these rules also apply

12. Application of Rules to the Cabinet

- (a) **General Application.** Rules 13 – 24 apply to the Cabinet, its committees and sub-committees.
- (b) **Meetings to Take Key Decisions.** If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 14 (general exception) or Rule 15 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution.

13. Procedure Before Taking Key Decisions

Subject to Rule 14 (general exception) and rule 15 (special urgency), a key decision may not be taken unless:

- (a) a notice has been published in connection with the matter in question setting out the matters required by regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; and
- (b) at least 28 clear working days have elapsed since the publication of the notice

14 General Exception

If a notice of a key decision has not been published in accordance with Rule 13 included in the forward plan, then subject to Rule 15 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until the proper notice period can be given;
- (b) the Chief Executive and the Leader have notified the Chair of the Overview and Scrutiny Commission and/or of the relevant panel, in writing, of the matter to which the decision is to be made;

- (c) the Chief Executive and the Leader have made copies of that notification available to the public at the offices of the Council and on the Council's website; and
- (d) at least five clear normal working days have elapsed since the Chief Executive and the Leader complied with (a) and (b)

Where such a decision is taken collectively, it must be taken in public unless it is likely that confidential or exempt information would be disclosed.

15 Special Urgency

If by virtue of the date by which a decision must be taken, Rule 14 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Commission, or, in the absence of the Chair of the Overview and Scrutiny Commission, the Mayor or in his or her absence the deputy Mayor, that the taking of the decision cannot be reasonably deferred.

16 Report to Council

16.1 When the Overview and Scrutiny Commission can require a Report

If the Overview and Scrutiny Commission thinks that a key decision has been taken which is not in compliance with Rules 13-15 above it may require a report to be made by the Chief Executive and the Leader to the Council.

16.2 The Leader's Report to Council

The Leader will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that.

The report to council will set out particulars of the decision, the individual or body making the decision and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

16.3 Quarterly Reports on Special Urgency Decisions

In any event, the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17 Private Meetings of the Cabinet (Exempt Procedure)

Any meeting of the Cabinet or any Cabinet committee which is proposed to be held wholly or partially in private session in order to deal with exempt or confidential business may only proceed in respect of those items of business in accordance with the following rules

- 1) A notice of the intent to hold a private meeting must be published at least 28 clear days prior to the meeting and that notice must indicate the reasons for the meeting to be held in private.
- 2) A further notice must be published at least 5 clear days prior to the meeting and that notice must include:
 - a.) The reasons for the meeting to be held in private
 - b.) Any representations received about why the meeting should be open to the public; and
 - c.) A statement of responses to such representations

18 Exempt Urgency Procedure

Where the date of the meeting at which it is proposed to consider exempt or confidential information makes compliance with (17.1 above) impracticable the meeting may only be held in private where:

- a.) The Chair of the Overview and Scrutiny Commission (or in his/her absence The Mayor or in his or her absence the Deputy Mayor) has agreed that the meeting is urgent and cannot reasonably be deferred; and
- b.) a notice of that agreement is published as soon as reasonably practicable;

19 Record of Decisions

After any formal meeting of the Cabinet, whether held in public or private, the Chief Executive or his or her nominee, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

20 Key Decisions by Individual Members of Cabinet and/or Officers

20.1 Publicity

Rule 13 above applies to decisions taken by individual members of the Cabinet and to officers whenever they take key decisions.

20.2 Record of Individual Decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an Officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of paragraphs 7 and 8 will also apply to the making of decisions by individual decision makers. This does not require the disclosure of exempt or confidential information or advice from a political adviser.

21 Recording and Publishing of Non-Key Executive Decision

21.1 The council is required to record and publish all Non-Key Executive Decisions (defined in Part 2, Article 13.3(c)(i) as decisions incurring expenditure of between £250,000-£499,999 or those significant one off decisions which constitute a departure from council policy in respect of the granting of permission or a licence or affecting the rights of an individual).

21.2 As soon as reasonably practicable after the non key executive decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, that states:

- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest declared by any executive member consulted in relation to the decision; and
- a note of dispensation granted in respect of any declared conflict of interest.
- the date by which a request to call-in the decision must be received.

21.3 Any background papers must be retained and made available for inspection for a period of four years from the date of the decision. These requirements do not apply to confidential or exempt information.

21.4 Confidentiality or the fact that exempt information forms part of the decision not a reason for non-publication. The officer will still need to publish the information to the effect that a decision has been taken but the confidential or exempt details will not be made public.

21.5 Non-key executive officer decisions are be subject to call-in and will therefore not be implemented until the call-in period has expired.

22. Overview and Scrutiny Commission's and Panels' Access to Documents

Subject to Rule 23.1 below, the Overview and Scrutiny Commission and panels will be entitled to copies of any document which are in the possession of control of the Cabinet and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet, Cabinet committee or Sub-committee;
- or
- (b) any decision taken by an individual member of the Cabinet.

22.1 Limit on Rights

The Overview and Scrutiny Commission and relevant panels will not be entitled to:

- (a) any documents that are in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

23 Additional Rights of Access for Panels and Members

23.1 Material Relating to Previous Business

All councillors will be entitled to inspect any document, which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a private meeting unless it appears to the Proper Officer that allowing such inspection:

- (a) would involve the disclosure of exempt information of a description within paragraph 10.4 above; or
- (b) would involve the disclosure of the advice of a political adviser or assistant.

Notwithstanding sub-paragraph (a) above, a document shall be available for inspection if it falls within category 3 (information relating to the financial or business affairs of any particular person (including the

authority holding that information)) except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract or category 6 (information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment).

23.2 Material Relating to Key Decisions

All councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet, which relates to any key decision unless Rule 23.1 (a) or (b) above applies.

24 Nature of Rights

These rights of a councillor are additional to any other right he/she may have.

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Part 4 – C

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Outline Budget Process - Discretion on Overview and Scrutiny Commission to Respond to Cabinet Proposals

- (a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Cabinet will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chair(s) of the Overview and Scrutiny Commission and panels together with dates when the Cabinet will consider them further, which shall be at least 6 weeks after service of the notice on the Chair(s).
- (b) Meetings of the Overview and Scrutiny panels and Commission will be convened to consider whether to respond to the Cabinet's initial proposals and whether any consultation by it is appropriate. In the event that the Overview and Scrutiny panels resolve to make comments on the Cabinet's initial proposals, the panels will forward these comments to the Overview and Scrutiny Commission, which will co-ordinate a joint Overview and Scrutiny response to Cabinet within the timescale set for decision by the Cabinet.
- (c) The Cabinet will finalise its proposals for the Council to consider, having taken into account the comments from the Overview and Scrutiny Commission. The report to Council will show the Cabinet's response to those comments.
- (d)
 - (i) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph(ii)
 - (ii) Before the Council:
 - (a) amends the draft plan or strategy;
 - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy;

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

(iii) Where the Council gives instructions in accordance with paragraph (ii) it must specify a period of at least five working days beginning on the day after the date on which the Leader receives instructions on behalf of the Cabinet within which the Leader may-

(a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(iv) When the period specified by the Council referred to in paragraph (iii) has expired, the Council must, when:

(a) amending the draft plan or strategy, or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of submission to the Secretary of State of any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader submitted to the Council or informed the Council within the period specified.

(v) Subject to paragraph (ix) where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in

accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

- (b) estimates or other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set in paragraph (vi).

- (vi) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (v)(a), or issues a precept under Chapter IV or Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give him or her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (vii) Where the Council gives instructions in accordance with paragraph (vi), it must specify a period of at least five working days beginning on the day after the date on which the Leader received the instructions within which the Leader may:
 - (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements with the Cabinet's reasons for any amendments made of the estimates or amounts, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with, any of the authority's objections and the Cabinet's reasons for any such disagreement.
- (viii) When the period specified by the Council referred to in paragraph (vii), has expired the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (v)(a) or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

- (b) the Cabinet’s reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the Council’s objections; and
 - (d) the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council or informed the Council of within the period specified.
- (ix) Paragraphs (v) to (vii) shall not apply in relation to:
- (a) calculations or substitute calculations which Council is required to make in accordance with section 52I, 52J 52T or 52U of the Local Government Finance Act 1992; and
 - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
- (e) The Council’s decision will be publicised in accordance with Part 4-B and a copy shall be given to the Leader.

3. Decisions Outside the Budget or Policy Framework

- (a) The Cabinet, Cabinet Committees, Cabinet Members and any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council (referred to in these Rules as a “departure from the policy framework or the budget”), that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, Cabinet Committees, Cabinet Members, any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.
- (c) If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- (a) A decision will be urgent if any delay is likely to seriously prejudice the Council's or the public interests.
- (b) The decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Chair, of the Overview and Scrutiny Commission that the taking of the decision cannot be reasonably deferred. If the Chair or Vice Chair of the Overview and Scrutiny Commission is unable to act, then the agreement of the Mayor or in his or her absence, the Deputy Mayor will suffice.

5. Call-In of Decisions Outside the Budget or Policy Framework (Overview & Scrutiny Procedure Rules 16 & 17)

- (a) Where the Overview and Scrutiny Commission is considering a call in of an executive decision which has been called in on the grounds that it is, or if implemented would be a departure from the policy framework or the budget, it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) If the conclusion of the Monitoring Officer and/or Chief Finance Officer is that the decision is not a departure from the policy framework or budget, the decision may be implemented forthwith.
- (c) If the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is a departure from policy framework or the budget, they shall prepare a report to that effect and send it to the Leader and make copies available to every member of the Council.
- (d) If, having considered the matter, the Cabinet wishes to proceed with the decision, the Cabinet shall refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- (e) At its meeting the Council will receive a report of the decision or proposals from the Cabinet and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse the decision as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;
 - or
 - (ii) amend the Council's budget or policy framework to encompass the decision or proposal and agree to the decision with immediate

effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way.

or

- (iii) where the Council accepts that the decision or proposal is a departure from the policy framework or the budget, and does not amend the existing framework to accommodate it, it may require the Cabinet to reconsider the matter and to amend the decision so that, in the view of the Monitoring Officer and/ or the Chief Finance Officer, it complies with the policy framework or budget. .

6. The Policy Framework

- (a) Article 4.2 (in Part 2) lists the policy documents, plans and strategies which form part of the policy framework.
- (b) Plans, policies and strategies falling within article 4.2 and requiring ministerial approval will be approved first by the Full Council. The Cabinet has the power to agree any amendments required by the minister etc. and for implementing those plans, policies and strategies.

Part 4 – D

CABINET PROCEDURE RULES

1. THE CABINET

1.1 Cabinet Decisions

The arrangements for the discharge of executive functions are as set out in the executive arrangements adopted by the Council and set out in Part 3C and the Scheme of delegation to Officers in Part 3E. These provide for executive functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Cabinet committee or sub-committee;
- (c) an individual Cabinet member;
- (d) an officer;
- (e) joint arrangements;
- (f) another local authority.

1.2 Sub-Delegation

- (a) Where the Cabinet, a Cabinet committee or sub-committee, or an individual Cabinet member is responsible for an executive function, they may delegate further but not to a non-cabinet member.
- (b) Unless the Leader directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Cabinet committee or sub-committee or to an officer.
- (c) Unless the Leader directs otherwise, a Cabinet committee to whom functions have been delegated by the Leader may delegate further to a sub-committee or to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- (e) Portfolio descriptions of Cabinet members are set out in Part 3 – D of this Constitution

1.3 Conflicts of Interest

Cabinet members shall act in accordance with the Council's Code of Conduct for Councillors in Part 5 of this Constitution.

1.4 Meetings of the Cabinet

- (a) The Cabinet shall meet according to the dates determined by the Cabinet. As Chair of the Cabinet, the Leader shall, in consultation with the Chief Executive, convene additional meetings, cancel or reschedule meetings, as necessary, to enable the efficient and smooth operation of Cabinet business. Any changes to Cabinet dates which will impact on the Overview & Scrutiny Commission will be agreed in consultation with the Chair of the Commission and the Leader of the Opposition.
- (b) Meetings of the Cabinet will be held in the Civic Centre or another location to be agreed by the Leader. Meetings will begin at 7:15 p.m., unless determined otherwise and shall last no more than three hours.
- (c) Meetings of the Cabinet shall be open to any councillor, the media and the public. If the business under consideration is exempt or confidential as determined under the Access to Information Rules set out in Part 4 of this Constitution, then the meeting will not be open to the media or the public. If in the reasonable opinion of the Leader a councillor who is not a member of the Cabinet requires access to the information under discussion in any part of a meeting during which members of the public have been excluded, that councillor shall be permitted to remain in the Cabinet meeting during that time,
- (d) The Leader or Chair of a Cabinet committee or sub-committee may invite a non-Cabinet Council member to participate in the debate on an item of business but such member will not have any right to vote on the matter.
- (e) Notice of Cabinet, Cabinet committee or sub-committee meetings will be given and the agenda and papers for each meeting will be available in compliance with the Access to Information Rules set out in Part 4 of this Constitution.

1.5 Quorum

The quorum for a meeting of the Cabinet, Cabinet committee or sub-committee shall be three members of the Cabinet, one of whom shall be the Leader or a nominated Cabinet member. For a Cabinet committee or sub-committee meeting, the quorum shall be three councillors or one third of the membership of the relevant Cabinet committee or sub-committee, whichever is the larger.

2. CONDUCT OF CABINET MEETINGS

2.1 Chairing of Cabinet Meetings

If the Leader is present he/she will preside. In his/her absence, then his or her nominee shall preside.

2.3 Conduct of Business

At each meeting of the Cabinet the following business will be conducted:

- (a) apologies for absence;
- (b) declarations of interest, if any;
- (c) consideration of the minutes of the last meeting;
- (d) matters referred to the Cabinet (whether by the Overview and Scrutiny Commission or by the Council) for reconsideration by the Cabinet in accordance with the call-in provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports from the Overview and Scrutiny Commission or panels
- (f) other matters set out in the agenda for the meeting,

2.4 Consultation

All reports to the Cabinet from any Cabinet member or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny panels, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. So far as possible Cabinet Members will consult with the relevant Overview and Scrutiny panel(s) before responding to consultations by outside bodies.

2.5 Inclusion of Items on the Cabinet Agenda

- (a) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Commission. In addition to any Best Value reviews, there may be up to 4 items referred for reconsideration by the decision-maker in accordance with the call-in procedures and up to 2 other reports from the Overview and Scrutiny Commission, per Cabinet meeting, unless agreed otherwise by the Leader.
- (b) The Chief Finance Officer and/or the Monitoring Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties

- (c) Otherwise the agenda for Cabinet meetings will be drawn up by the Chief Executive in consultation with the Leader of the Council.

Part 4 – E

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. THE ROLE OF OVERVIEW AND SCRUTINY

Without prejudice to any role prescribed by statute, the role of Overview and Scrutiny is to hold the Cabinet to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community

2. DISTRIBUTION OF OVERVIEW AND SCRUTINY FUNCTIONS

The responsibilities for the overview and scrutiny functions identified in Articles 6 of this Constitution will be distributed as follows:

- (a) The Overview and Scrutiny Commission shall be responsible for:
 - (i) Co-ordinating of the annual input of the overview and scrutiny panels to the Council's business plan and budget formulation processes;
 - (ii) Identifying issues for in-depth study by the commission and to set up task-and-finish groups for cross-cutting and/or strategic issues which fall outside the remit of a single panel (or which the panel does not regard as a priority);
 - (iii) Hearing call-ins of decision;
 - (iv) Putting forward suggestions for review topics to the scrutiny panels for consideration when panels set their work programmes;
 - (v) Keeping under review the effectiveness of the overview and scrutiny function and to recommend where appropriate changes in structure, processes or ways of working; and
 - (vi) Acting as a co-ordination mechanism with the Cabinet, to facilitate Overview and Scrutiny's contribution to Merton's strategic priorities
 - (vii) Receiving and considering references from councillors under the statutory Councillor's Call for Action, considering whether such matters should be the subject of formal scrutiny, and carrying out such scrutiny or referring appropriate matters to relevant scrutiny panels.
- (b) Within their terms of reference, the overview and scrutiny panels will be responsible for the following:
 - (i) Pre-decision scrutiny within their terms of reference;

- (ii) Performance monitoring and review within their terms of reference;
- (iii) Hearing call-ins of decisions that fall within their remit and have not been subject to pre-decision scrutiny;
- (iv) Review of the borough's draft business plan and budget, within a framework set by the scrutiny commission; and
- (v) To identify and carry out selectively, through task-and-finish groups, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects
- (vi) Undertaking scrutiny activity in relation to any matter referred to it by the Overview and Scrutiny Commission following the consideration by the Commission of any Councillor Call for Action

3 TERMS OF REFERENCE

The Overview and Scrutiny Commission and panels will carry out the above functions within the following terms of reference:

<i>Title</i>	<i>Scope</i>
Overview & Scrutiny Commission	<ul style="list-style-type: none"> • Cross-cutting & strategic matters • Overall responsibility for scrutiny of the development of the budget and business plan • The overall approach to partnership arrangements • Responsibility for keeping scrutiny under review, including structures, processes, the Scrutiny Handbook and the Overview & Scrutiny Annual Report • Scrutiny of issues relating to Safer and Stronger Communities, including: <ul style="list-style-type: none"> • Formal crime and disorder scrutiny, including discharging the Council's responsibilities in respect of the Police & Justice Act 2006 • Safer communities, including the role of the crime and disorder reduction partnership, safer neighbourhood teams, antisocial behaviour, drugs and alcohol treatment, domestic violence and road safety • Stronger communities, including community leadership and community empowerment • Supporting the voluntary and community sector, including the Compact and capacity building • Community engagement, including active citizenship, involvement and consultation • Community cohesion

	<ul style="list-style-type: none"> • Diversity & equalities, as related to service delivery Scrutiny of issues relating to corporate capacity, including: <ul style="list-style-type: none"> • Financial monitoring • Communications • Legal • Human resources • IT • Customer service and • The performance monitoring framework
Sustainable Communities Overview and Scrutiny Panel	<p>Scrutiny of issues relating to Sustainable Communities, including:</p> <ul style="list-style-type: none"> • Housing, including housing need, affordable housing and private sector housing • Environmental sustainability, including energy, waste management, parks & open spaces and the built environment • Culture, including tourism, museums, arts, sports & leisure • Enterprise and skills, including regeneration, employment, adult education & libraries • Transport
Healthier Communities and Older People Overview and Scrutiny Panel	<p>Scrutiny of issues relating to Healthier Communities and Older People, including:</p> <ul style="list-style-type: none"> • Formal health scrutiny, including discharging the Council's responsibilities in respect of the Health and Social Care Act 2001 • Health, including promoting good health and healthy lifestyles, mental health and reducing health inequalities • Community care (adult social care and older people's social care) • Active aging • Access to care and health services
Children and Young People Overview and Scrutiny Panel	<p>Scrutiny of issues relating to Children and Young People, including:</p> <ul style="list-style-type: none"> • Children's social care, including child protection • Education, including school standards, special educational needs, the extended schools programme and the healthy schools initiative • Youth services and youth engagement, including the, young people 'Not in Education, Employment or Training' (NEET), and the Youth offending • Children's Centres

4. MEMBERSHIP

The Council will appoint members to the Overview & Scrutiny Commission and panels at its Annual Council meeting. All councillors except members of the Cabinet may be members of the Overview and Scrutiny Commission or panels. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved.

5. CO-OPTEEES

The Overview and Scrutiny Commission may appoint a number of people to participate as non-voting co-optees.

Co-optees appointed to the Commission or any panel shall undertake to be bound by the Council's Code of Conduct for Members.

6. EDUCATION REPRESENTATIVES

The Overview and Scrutiny Commission and the Children and Young People Overview and Scrutiny Panel shall include in its membership the following voting representatives when dealing with education matters:

- (a) one Church of England diocesan representative;
- (b) one Roman Catholic diocesan representative; and
- (c) two parent governors.

These representatives have automatic rights of co-option and voting powers in connection with matters concerning the duties and functions of the Council as a Local Education Authority. When the Commission and/or relevant Panel deals with other matters, these representatives may be present and may speak but will have no right to vote.

7. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMISSION AND PANELS

There will be at least five ordinary meetings of the Overview and Scrutiny Commission each year. In addition, extraordinary meetings may be called from time to time, as and when appropriate. The Chair of the Commission has the power to convene additional meetings to consider business or to cancel a meeting for lack of business or to reschedule a meeting, having first consulted with the designated representatives of all groups recognised by the Council. In addition, extraordinary meetings of the Commission may be called by the proper officer if he/she considers it necessary.

The calendar of meetings for the Commission and Panels is set annually by full Council following consultation with their chair. In exceptional circumstances the Chief Executive may vary the date, time or place of any scheduled meeting or call-in meeting or cancel such a meeting with the consent of the Chair of the Commission or Panel and after consultation with the members of the body. The reasons for the variation shall be recorded at the rearranged or, in the case of cancellation, the next meeting.

8. QUORUM

The quorum for the Overview and Scrutiny Commission and panels will be one quarter of the whole number of members or a minimum of three members as prescribed by Rule 5.4 of the Council Procedure Rules in Part 4-A of this Constitution.

9. CHAIRING OVERVIEW AND SCRUTINY COMMISSION AND PANELS MEETINGS

- (a) **Selection.** The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Commission and any of its scrutiny panels at its Annual Council meeting. In each case the Chair and Vice Chair for each body will not be from the same political party. In the event of a vacancy during the council year, the Council will appoint a new Chair at the first meeting following the resignation of the Chair. All panel chairs are to be members of the Overview and Scrutiny Commission.
- (b) **Powers of the Chair.** The Chair of the Overview and Scrutiny Commission will have the powers:
- (i) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - (ii) To preside over meetings of the Commission/Panels so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - (iii) To ensure that the Commission/panel meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account; and
 - (iv) To promote public involvement in the Commission/Panel's activities.

In addition, the Commission may confer powers for chairs of the Commission/ Panels that are

- (i) Designed to uphold the purposes of the constitution;
 - (ii) Designed to ensure that business can be carried out efficiently with regards to the rights of councillors and the interests of the community;
 - (iii) Designed to ensure that the meeting is a place for debate; and
 - (iv) Designed to promote public involvement in the Commission/Panel activities.
- (c) **Work Programme.** Subject to the coordination role of the Overview and Scrutiny Commission, the Overview and Scrutiny Commission and the panels will be responsible for setting their own work programme and in doing so shall take into account wishes of all members on that scrutiny body.

10. AGENDA ITEMS

- (a) Any member of the Overview and Scrutiny Commission or panel shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Commission or panel to be included on the agenda for the next available meeting of the Commission or panel. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting, having due regard to the Access to Information provisions.
- (b) Any member of the Council wishing to include an item on the agenda of the Overview & Scrutiny Commission or a panel when they do not sit on the body concerned, may give written notice to the Proper Officer that they wish an item, other than an item for call-in, to be included on the agenda of the Commission or relevant panel. This item may be identified as a result of a 'Councillor Call for Action'. If the Proper Officer receives such a notification, then he/she will include the item for consideration by the Commission or panel on its first available agenda having due regard to the Access to Information Provisions.
- (c) For call-in requests, see Rule 17, below,
- (d) The Overview and Scrutiny Commission/panel will also respond, as soon as its work programme permits, to requests from the Council and or the Cabinet to review particular areas of Council activity.

11. PRE-DECISION POLICY DEVELOPMENT AND REVIEW OF THE FORWARD PLAN

- (a) The Overview and Scrutiny Panels will contribute to the development of Council policy by identifying and prioritising areas for policy development input, subject to work programme decisions of the Overview and Scrutiny Commission. In so doing, the panels will:
 - (i) examine and anticipate issues relevant to the Council's Policy Framework as set out in Article 4;
 - (ii) review the forward plan and consider which issues / reports / proposals they wish to examine in detail before a decision is made;
 - (iii) undertake a detailed examination of any proposal in (ii) above, investigating alternatives, timeframes, costings, consultation processes, seeking background or any other relevant information and formulating recommendations which may be passed to the decision-maker as is appropriate, before the formal decision is made;
 - (viii) consult with Cabinet members, Chief Officers, Heads of Service or their nominees.
- (b) The Overview and Scrutiny Commission and/or panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary, to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- (c) The role of the Overview and Scrutiny Commission in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules Part 4-C.

12. PRE-DECISION POLICY REPORTS FROM OVERVIEW AND SCRUTINY COMMISSION

- (a) Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Commission will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet and/or the Council as appropriate.
- (b) The agenda for Cabinet meetings shall include a standing item for pre-decision policy matters referred to it by the Overview and Scrutiny Commission in accordance with Cabinet Procedure Rule 2.5(a).

- (c) The Cabinet and/or the Council as appropriate shall respond to the report of the Overview and Scrutiny Commission/panel within 2 months of it being considered at the meeting of Cabinet/ Council.
- (d) In preparing reports for Cabinet Meetings, Cabinet members and officers will have regard to the comments and issues raised by the overview and scrutiny pre-decision review process.

13. REVIEW AND SCRUTINY OF DECISIONS

- (a) The Overview and Scrutiny Commission or panel may review and scrutinise decisions made or actions taken in connection with the discharge of any Council functions. These reviews may take one of two forms:
 - (i) after the decision is made and implemented; or
 - (ii) after the decision is made but before it is implemented in accordance with Rules 16 and 17 governing 'call-in'.
- (b) In addition to reviewing relevant documentation for these reviews, the Commission or relevant panel may wish to question Cabinet members, Chairs of non-executive committees, Chief Officers, Heads of Service, or their nominees. In particular the Commission or panel may seek explanations about the following in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.
- (c) Members of the Cabinet, Chief Officers, Heads of Service or their nominees will be required to attend; where:
 - (i) the Chair of the Commission or panel informs the Proper Officer of the request in writing or electronically
 - (ii) the Proper Officer informs the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is to attend;
 - (iii) the notice will state the nature of the item on which he/she is to attend and whether any papers should be produced. Where the Commission or panel seeks the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation;

- (iv) Any member of the Cabinet , or any officer formally required to attend a meeting to answer questions is subject to a duty to do so. Where, in exceptional circumstances, an officer, or his or her nominee, is unable to attend on the specified date, then the Commission or panel will arrange an alternative date in consultation with the officer, or his or her nominee. Chief officers and heads of service should ensure that officers nominated to appear have the appropriate knowledge and responsibilities;
- (v) those appearing before the Commission or panel shall not be required to answer any questions which, in the opinion of the Monitoring Officer , could render the Council liable to legal proceedings in any court or tribunal;
- (vi) appearances before the Commission or panel will always be conducted in accordance with the member/officer protocol; and
- (vii) Any person required to attend a meeting to answer questions is not obliged to answer any question which he/she would be entitled to refuse to answer in court proceedings.

14. OVERVIEW AND SCRUTINY COMMISSION MEMBERS' RIGHTS TO DOCUMENTS

In addition to their rights as councillors, members of the Overview and Scrutiny Commission and panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 –B of this Constitution.

15. ATTENDANCE BY OTHERS AT POLICY DEVELOPMENT OR REVIEW MEETINGS

The Overview and Scrutiny Commission or panel may invite people other than those referred to in paragraph 13 above to address it, discuss issues and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

16. CALL-IN

- (a) **General.** Key decisions and Executive Non Key decisions (as defined by Articles 13(3)(b) and (c) of this constitution are subject to call in for consideration by the Overview and Scrutiny Commission before the decision is implemented. Call in should only be used in exceptional circumstances and a request for call in should only be agreed if either:

- a) there are reasons to consider that the decision concerned was contrary to the policy framework or contrary to or not wholly in accordance with the budget; or
- (b) There is evidence which suggests that the decision taken did not accord with the principles of decision making set out in Article 13.2 and repeated at paragraph d below; and
- (c) a proper and timely request for call-in has been made.
- (d) **Principles of Decision-Making.** All decisions of the Council will be made in accordance with the following principles:
- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (ii) due consultation and the taking of professional advice from officers;
 - (iii) respect for human rights and equalities;
 - (iv) a presumption in favour of openness;
 - (v) clarity of aims and desired outcomes;
 - (vi) consideration and evaluation of alternatives;
 - (vii) irrelevant matters must be ignored.
- (e) **Requirements for Call-In Consideration**

In order to ensure that call-in is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for call-in:

- (i) at least three members of the Council must request call-in of the decision;
- (ii) the request for call-in must specify the reason for the call-in in sufficient detail to allow the Monitoring Officer to decide whether it is a valid call in
- (iii) the request for call-in must be received by the Chief Executive by 12 noon on the third working day following publication of the decision. The request for call-in should either be a signed paper copy or an electronic copy sent from the councillors own e-mail account;

- (iv) the decision for which call in consideration is requested must not have been subject to a prior call-in request.
- (f) **Publication of Decision.** When a decision is made by the Cabinet, a Cabinet Committee or an individual Cabinet member, or a key decision or a non-key executive decision (as defined in Article 13.3 (c) (i)) is made by an officer with delegated authority from the Cabinet or under joint arrangements, the decision will be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made.

That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, unless a proper and timely call in request has been made in accordance with this Rule

- (g) **Consideration of Call-In Requests.** Upon receipt of any call-in requests, the Monitoring Officer will assess the call-in form(s) and the specified evidence of the alleged breach or breaches of the principles of decision making to determine whether the requirements set out above have been met.

The Monitoring Officer will forward all call-in requests that comply with the above to the Chair of the relevant Overview and Scrutiny Commission/ panel for consideration by the Commission/ panel at the next scheduled meeting. If in the view of the Monitoring Officer, any delay in considering the call in would be likely to be prejudicial, s/he may arrange for a special meeting of the Commission or Panel to be called, having first consulted the Chair of that body.

- (h) **Outcomes of Call-In.** Having considered the called-in decision, and subject to paragraph (g) below, the Overview and Scrutiny Commission or Panel may:
 - (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If it is referred back to an individual Cabinet Member or an officer exercising delegated authority, he/she shall then reconsider within a further 5 working days. If it is referred back to the Cabinet, the Chief Executive shall either call a meeting of the Cabinet on such date as he/she may determine, or place the matter on the agenda for the next scheduled meeting if, in his/her judgment, any resulting delay would not be prejudicial. The decision maker may amend the decision or not, before adopting a final decision which will be explained in writing or

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- (iii) decide not to refer the matter back to the decision making person or body, in which case the decision shall take effect immediately.
- (i) Where the Commission considers that that the decision is or would be contrary to the Policy and Framework or contrary to or nor wholly in accordance with the Budget, the provisions of paragraph 5 of the Budget and Policy Framework Procedure Rules set out in Part 4 C of this constitution shall apply
- (j) held.

17. CALL-IN AND URGENCY

- (a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (b) The decision taker (if an individual) or the Chair of the body making the decision shall obtain the agreement of the Chair, or in their absence the Vice Chair, of the Overview & Scrutiny Commission that the taking of the decision cannot be reasonably deferred. If the Chair or Vice-Chair of the Overview and Scrutiny Commission are unable to act then the agreement of the Mayor or the Deputy Mayor in his or her absence, will suffice.
- (c) The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (d) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary, within the Scrutiny Annual Report.

18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMISSION MEETINGS

- (a) The Overview and Scrutiny Commission and/or panels shall consider the following business:
 - (i) apologies for absence;
 - (ii) minutes of the last meeting;
 - (iii) declarations of interest

- (iv) consideration of matters properly referred to the Commission for a decision in relation to call-in of a decision;
 - (v) responses of the Cabinet to reports of the overview and scrutiny committee;
 - (vi) consideration of matters in the forward plan; and
 - (vii) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Commission or panel conducts investigations (e.g. with a view to policy development), the Commission or panel may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the commission or panel be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Commission by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Commission shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. INVOLVEMENT OF STAFFSIDE

When the Overview & Scrutiny Commission or any of its panels are in public session, representatives of Staffside may attend meetings and will be given the opportunity to present material, discuss issues and answer questions, in accordance with the agenda, to enable the Commission or panels to take account of issues raised and material presented in their reports and recommendations. Representatives of Staffside may only be present or contribute to meetings when confidential or exempt information is discussed with the permission of the Chair of the Commission or panel.

20. DEPUTATIONS AT MEETINGS

- (a) Any group or society likely to be affected by a matter which appears on an Overview and Scrutiny Commission / panel agenda may ask that a deputation should be received by that body. Such request shall be made to

the Chief Executive by telephone, email or letter by 12 noon on the day before the meeting to which it relates. The group or society making the request shall indicate the matter to which the request relates, the number (which shall not exceed 5), and names and addresses of the persons who will form the deputation and the member of the deputation who will speak for them.

- (b) On being called by the Chair, the person speaking for the deputation may speak for up to 5 minutes making such remarks as he / she thinks fit, provided that such shall relate to the matter indicated when the request was made, and that they do not make a personal attack upon any person.
- (c) The Commission / panel may, during a further period not exceeding 5 minutes for each deputation, ask questions of those attending. Such questions shall be asked and answered without discussion.
- (d) Thereafter the deputation shall withdraw, save that by resolution of the Commission / panel these times periods may be extended.
- (e) No deputation shall appear before the Commission or panel within 6 months after a deputation has appeared before the Commission / panel with the same or similar objects.
- (f) Deputations will not be received on subjects that have a general application to all or a substantial portion of the residents of the borough.
- (g) The Chair(s) shall have discretion to agree alternative arrangements to the procedure set out above in exceptional circumstances.
- (h) Political parties and / or political groups shall not be entitled to use this procedure.
- (i) Members of the Cabinet may attend and speak at Overview and Scrutiny Commission and panel meetings

21. PROVISIONS IN RESPECT OF HEALTH

- (a) The Overview and Scrutiny Commission (or the Healthier Communities and Older People Overview and Scrutiny Panel acting on behalf of the Commission) may review and scrutinise any matter relating to the planning, provision and operation of health services within its area and shall in carrying out the review and scrutiny of a particular matter:
 - i) have regard to any guidance issued by the Secretary of State;
 - ii) invite interested parties to comment on the matter;

- iii) take account of relevant information available to it and in particular relevant information provided by the Healthwatch Merton pursuant to a referral;
 - iv) an Overview and Scrutiny Committee when making reports and recommendations to the Council and/or the local NHS bodies shall include:
 - an explanation of the matter reviewed or scrutinised;
 - a summary of the evidence considered;
 - a list of the participants involved in the review or scrutiny;
 - any recommendations on the matter reviewed or scrutinised.
- (b) Where an Overview and Scrutiny Commission requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Commission within 28 days of the request.
- (c) When considering any proposal (with certain exclusions) for a substantial development or variation in respect of health services, then the local NHS body is required to consult the Overview and Scrutiny Commission. The local NHS body may specify a date for comments on the proposal and depending on the timescales it may be necessary to convene special meetings of the Overview and Scrutiny Commission.
- (d) If the Overview and Scrutiny Commission/ Healthier Communities and Older People Overview and Scrutiny Panel considers that the consultation by the local NHS body referred to above was inadequate in respect of content, time allowed, or reasons given then the Overview and Scrutiny Commission/panel may make a written report to the Secretary of State. The Overview and Scrutiny Commission/Healthier Communities and Older People Overview and Scrutiny panel may also send a written report to the Secretary of State setting out reasons why the proposal from the local NHS body is not in the interests of the health service within the Council's area.
- (e) The local NHS body is under a duty to provide the Overview and Scrutiny Commission/Healthier Communities and Older People Overview and Scrutiny Panel with such information (with exceptions) as it may reasonably require in order to discharge its functions.
- (f) The Overview and Scrutiny Commission/Healthier Communities and Older People Overview and Scrutiny Panel has powers to require officers of a local NHS body to attend before the Commission/Panel to answer such questions as appear to the Commission to be necessary for the discharge of its functions, with certain exceptions.

Merton External Scrutiny Protocol

Introduction

1. Under Merton Council's constitution, the role of Overview and Scrutiny is to hold the Executive to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community. Since the original legislation in 2000 that introduced overview and scrutiny to local authorities, councils have been granted additional powers under the Health and Social Care Act 2001 in order to scrutinise the provision of health services.
2. New legislation (the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007) now grants similar powers to local authorities to enable them to scrutinise effectively both crime and disorder matters and the work of Local Strategic Partnerships (LSPs)¹. The Councillor Call for Action provision of the Local Government and Public Involvement in Health Act 2007 also provides a 'last resort' mechanism for overview and scrutiny to try to resolve persistent local service delivery issues of genuine community concern, where all efforts by a local councillor to find a solution through local action and discussion have been unsuccessful.
3. These powers are all intended to enable the overview and scrutiny function to hold service providers² to account for their performance, including their work with a local authority to meet specific local targets.
4. These are positive developments: if there is to be further devolution of public service delivery to enable residents' needs to be met more effectively, local government needs to strengthen its structures and processes of local accountability.
5. In order for the exercise of these new scrutiny powers to be effective, it is vital that all partners and stakeholders are engaged in the process and share a common understanding of Overview and Scrutiny's aims. This protocol has therefore been developed to embody that understanding and set out the rights and responsibilities that relate to the parties concerned.
6. Scrutiny of other organisations external to the Council – whether in the public, private or voluntary and community sector – is also a key element of Overview and Scrutiny's work and likely to increase in importance as councils and councillors develop their community leadership and place shaping role. For Overview and Scrutiny, this includes:
 - involving local people and community organisations in scrutiny activity;

¹ In Merton, this involves the work of two partnerships: Safer Merton (the Crime and Disorder Reduction Partnership) and the Merton Partnership (the LSP).

² For the purposes of this protocol, the term 'service providers' refers to all local agencies or organisations whose activity affects the people who live, work or learn in the borough of Merton

- developing a dialogue with service providers and other stakeholders outside the council;
 - taking up issues of concern to local people;
 - reviewing whether goals are being achieved; and
 - examining what can be done to solve problems and enhance performance and achievement.
7. This protocol is based on good practice principles for scrutiny and the standards set out below are intended to be applicable to all scrutiny activities involving organisations external to the Council.
8. A list of documents underpinning this protocol is set out at the end of this document.

Aims of Scrutiny

9. The overall aims of scrutiny in Merton are:
- To scrutinise the impact of the Council's own services and those of key partnerships and other service providers on those who live and work in or visit Merton, with a view to improving their well-being, improving services and helping to deliver the aims of Merton's Community Strategy.
 - To undertake the above work in accordance with the relevant legislation governing the operation of overview and scrutiny and with regard to best practice.

Underlying Principles of Scrutiny

10. The following underlying principles of scrutiny have been proved, in Merton and elsewhere, to assist in securing effective outcomes and adding value:

Collaboration

- Improvement in service delivery can best be achieved through partnerships between the Council and other service providers. This shared responsibility should be acknowledged in any scrutiny activity undertaken.
- Increasingly services are provided jointly or as the result of partnerships between the local authority and other public sector organisations or other partners. Scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit.
- While scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect and good faith.
- Although collaboration is an underlying principle, Merton's Overview and Scrutiny Commission is independent of other service providers and partners.

Added Value

- It is vital that scrutiny brings something new to reviews of local service provision and does not duplicate the many other forms of performance management and inspection that exist for public service providers.
- Scrutiny activities should make a distinct and positive impact and only be carried out where objective review by elected lay representatives will help progress to be made.
- Scrutiny activities should have a clear purpose. There should be a focus on improving services for and improving the well-being of those who live and work in Merton.
- The scrutiny process should be proactive in seeking out issues to examine that will add most value.
- Scrutiny should be prepared to examine issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, while being mindful of their potential implications for external organisations.
- Scrutiny should aim to develop feasible recommendations providing value for money by securing benefits that outweigh the costs of implementation.

Clarity

- Scrutiny should be a transparent process and encourage open and honest discussion.
- Scrutiny activities should be well planned and timely.
- Scrutiny of particular issues should be time-limited.
- Processes and reports should be clear and accessible to the public.

Knowledge

- Scrutiny reports must be evidence-based in order to provide credible conclusions and recommendations.
- Although members of scrutiny reviews will want to be informed, and training should be provided where appropriate, the scrutiny process is not meant to be an “expert” review.
- The scrutiny process should also be impartial, in the sense that it should be driven by the evidence rather than by a particular standpoint.

Accessibility

- It is a fundamental role for the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.
- The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review are all valuable in effective scrutiny. Scrutiny should involve all stakeholders

and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach.

- Constructive engagement and clear lines of communication should enable a two-way flow of information between scrutiny and all those involved, including feedback of results.

Providing information to scrutiny

11. Overview and scrutiny will respect the requirements and provisions of the Data Protection Act 1998. The provision of information to scrutiny will be governed by relevant legislation³ and established protocols for the sharing of data.
12. Requests for information from scrutiny will clearly identify why the information is needed and what it is to be used for to enable the request recipient(s) to identify the appropriate information to be provided.
13. To facilitate the scrutiny process, relevant information will be pro-actively provided and requests for information promptly dealt with.
14. Where information requested is readily available and routinely collected, it will be provided within two weeks of receipt of the request.

Notice of required attendance at scrutiny meetings and/or submission of written reports

15. Forward planning of Overview and Scrutiny Commission and its Scrutiny Panels' work programmes will normally ensure the provision of reasonable notice of requests for information/ the submission of written reports and/or required attendance of partners' personnel at meetings.
16. All requests will contain a clear explanation setting out what is required and will be accompanied by information about the purpose and nature of the scrutiny. Advice from participating organisations will be taken by the Overview and Scrutiny Commission and Scrutiny Panels as to who is best placed to attend on their behalf in view of the issue to be scrutinised.
17. While some organisations (such as local NHS bodies under the Health & Social Care Act 2001 and the bodies deemed to be 'responsible authorities' under the Police and Justice Act 2006) are required by legislation to attend scrutiny meetings

³ For example, under the Police and Justice Act 2006 (c. 48), Schedule 9 Amendments to the Crime and Disorder Act 1998, 5 (4), the provision to overview and scrutiny panels personal data (within the meaning of the Data Protection Act 1998) is excluded; and under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No.3048 (2002), so is the provision of confidential information which relates to and identifies a living individual.

if summoned, it is hoped that other organisations not under such obligation will be willing to engage constructively with scrutiny and attend when requested to do so.

Format, sign-off and final deadlines for written reports

18. Merton Council's standard scrutiny report format should be used for all written reports to the Overview and Scrutiny Commission and Scrutiny Panels. An electronic copy of the scrutiny report format, including advice to report authors, will be provided by a Democratic Services officer whenever a report is being requested.
19. All reports to the Overview and Scrutiny Commission/ Scrutiny Panels must be submitted, in the first instance, to the relevant Scrutiny Officer by the deadline stated in the timetable provided by the Democratic Services Officer to meet the requirements of Access to Information legislation.
20. Once received, the Scrutiny Officer will arrange internal sign-off of the covering report. This may include the addition of information on any legal, financial or other significant implications of the report for Merton Council.

Availability of meeting papers

21. Papers for meetings of the Overview and Scrutiny Commission and scrutiny panels will be sent by the Democratic Services Officer to the appropriate partner scrutiny lead and also to those who are providing reports and/or making presentations at each particular meeting. Papers are dispatched so as to allow at least 5 full working days between dispatch and the scrutiny meeting, in order to meet the requirements of Access to Information legislation and enable interested parties to read the documents.
22. Arrangements will be made with partnerships to ensure that participating organisations/member bodies receive agendas and relevant papers. Any other organisations wishing to receive papers on a regular basis can ask the Scrutiny Officer to add them to the distribution list.
23. Meeting papers can also be viewed on the Council's website at www.merton.gov.uk/committee

Style and conduct of meetings

24. Where external organisations are invited to attend scrutiny meetings, the meetings will be conducted in accordance with the principles and procedures set out in the Scrutiny Procedure Rules and Access to Information Procedure Rules of Merton Council's Constitution. In particular:
 - those attending scrutiny meetings will be given an indication of the likely time they will be asked to participate and the duration of their involvement in the meeting: as far as possible, all members of the panel will ensure that this is honoured;
 - those assisting a scrutiny panel by giving evidence will be treated with respect and courtesy;
 - meetings will be conducted fairly and non-aggressively and in a manner that seeks out information, rather than placing blame;
 - all members of the panel will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - attendees are expected to maintain a positive and objective style of discussion and answer questions honestly and openly;
 - everyone who attends meetings is expected to use jargon-free language as far as possible; and
 - every person who attends a meeting to give evidence or answer questions shall identify themselves, state the capacity in which they attend and their authority to speak on behalf of any body or organisation and if required declare any personal interest in the business of the meeting.

25. Most overview and scrutiny panel meetings are ‘open’ and held in public in order to be as transparent as possible. But there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972).⁴ Advice is available from the Scrutiny Team if all or some of evidence to be submitted to a panel might fall into either of these categories.

The involvement of other organisations/groups and members of the public

26. The input of other organisations and groups is recognised as being essential to the success of scrutiny.
27. Where organisations or groups are formally invited, in advance of the relevant Panel meeting, to make a presentation to - or ask questions at - the Panel on a scrutiny matter, the appropriate partner lead(s) will normally be notified at the earliest opportunity. In any event, formal presentations should normally be indicated on the agenda.
28. Organisations/groups and any other members of the public attending meetings (as either representatives of organisations/groups or as individuals) will not be required to provide their questions in advance of the meeting.
29. Where scrutiny seeks to engage with the third sector (voluntary and community groups), it will respect the principles of the Merton Compact.⁵

Reports and recommendations

30. Where the Overview and Scrutiny Commission or a Scrutiny Panel makes a written report, including any recommendations, to a partner organisation, the report shall include:
- an explanation of the matter reviewed or scrutinised;
 - a summary of the evidence considered;
 - a list of the participants involved in the review or scrutiny exercise; and
 - any recommendations on the matter reviewed or scrutinised, including an indication of the costs associated with implementing the recommendations.
31. The written report provided to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information (as defined in the Local Government Act 1972). The Overview and Scrutiny Commission or Scrutiny Panel may replace so much of the document as discloses the information with a summary which does not disclose that information. The Overview and Scrutiny Commission or Scrutiny Panel must do so if, in

⁴ More details can be found in the Council’s constitution, Part 4B, ‘Access to information procedure rules’, paragraphs 10.1-10.5.

⁵ http://www.merton.gov.uk/mertoncompact_bookletv3.pdf

consequence of excluding the information, the published document or the copy provided to the partner authority would be misleading or not reasonably comprehensible.

32. Where appropriate and possible, draft reports will be circulated to the relevant body/bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy.
33. Final reports and recommendations may also be forwarded to other Council committees, organisations and to the media, as the Overview and Scrutiny Commission/Scrutiny Panel may determine.
34. Partner organisations receiving reports and recommendations from the Overview and Scrutiny Commission/Scrutiny Panels are expected to respond within a period of two months (except for statutory health bodies which are obliged by legislation to respond within four weeks). Arrangements will be made to ensure that relevant bodies receive copies of such reports or recommendations directly, in advance of their appearing on the next available partnership agenda.

How partners will 'have regard to' and/or consider and respond to Overview and Scrutiny reports and recommendations

35. The Local Government and Public Involvement in Health Act 2007 gives the Council's overview and scrutiny function specific new powers to require relevant partners to have regard to a scrutiny report or any of its recommendations that relate to a local improvement target which a) is specified in Merton's Local Area Agreement; and b) relates to a relevant partner authority. These powers are in addition to powers (under the Health and Social Care Act 2001 and the Police and Justice Act 2006) that already exist requiring consideration of reports and recommendations and a response from health service bodies and the authorities responsible for crime and disorder strategies.
36. However, it is expected that all organisations will, in support of the aims of scrutiny and in the spirit of the principles set out in paragraph 10, consider and respond to all Overview and Scrutiny reports and recommendations addressed to them, irrespective of whether they are legally obliged to do so.

Resolving disputes about the protocol

37. If a partner or external organisation believes that this protocol is not being adhered to, the issue should be referred to the Overview and Scrutiny Commission for consideration and decision.

Review of protocol

38. This protocol will be reviewed jointly on an annual basis or more frequently if experience and circumstances highlight that amendments may need to be made.

Availability of support

39. Further advice or information on any aspect of this protocol or on overview and scrutiny at Merton Council is available from the Scrutiny Team, Corporate Governance, Merton Civic Centre, London Road, Morden SM4 5DX.

Telephone: 020 8545 3864
E-mail: scrutiny@merton.gov.uk
Website: www.merton.gov.uk/scrutiny

Background documents

40. The following documents underpin this protocol:
- Local Government Act 2000
 - Health and Social Care Act 2001
 - Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No.3048 (2002)
 - Health and Social Care Act 2001 – Directions to Local Authorities (Overview and Scrutiny Committees, Health Scrutiny Functions) (2003)
 - Local Government Act 2003
 - Police and Justice Act 2006
 - Local Government and Public Involvement in Health Act 2007
 - Overview and Scrutiny of Health – Guidance (2003)
 - Merton Council's Constitution
 - Overview and Scrutiny Handbook, London Borough of Merton
 - Data Protection Act 1998

Constitution Review

Summary of Proposed changes June 2021

Part	Paragraph number	Proposed changes
Part 1 – Summary and explanation		Drafting changes only to reflect other proposed structural changes and new terminology
Part 2 - Articles	4.2	<p>Update definition of policy framework to reflect current suite of strategies:</p> <ul style="list-style-type: none"> • Business Plan • Community Plan • Equality and Community Cohesion Strategy • Housing Strategy • Local Plan • Children and Young People’s Plan • Strategic Business Continuity Plan • Procurement Strategy • Neighbourhood Renewal Strategy • Climate Change Strategy • Wimbledon Town Centre Masterplan
	7.4/7.5 removal of leader and cabinet members	delete reference to leader and cabinet members being disqualified as no longer a legal possibility
	13.3 Urgency	delete reference to urgency committee in relation to council decisions needed urgently as hasn’t been established for a number of years. Such decisions to be taken by the Chief Exec where that is lawful and to be reported to the next meeting.

Part	Paragraph number	Proposed changes
3 –A Responsibility for Local Choice functions	1.1 (o)	Delete reference to appeals against rehousing decisions as Merton no longer owns housing stock Update statutory references and remove reference to benefits review boards as these no longer exist and appeals are heard by tribunals.
	Miscellaneous	Other drafting changes only to reflect other proposed structural changes and new terminology
3- B Responsibly for non-executive functions	Introduction	Make it clearer that unless specifically reserved for Full Council or a committee, all decisions are delegated to officers, in accordance with the scheme of delegation to officers which will now be a composite scheme covering exec and non exec functions and will form part 3E of the constitution.
	1.2 Terms of Reference of Standards and General Purposes	<ul style="list-style-type: none"> Includes power to establish a Hearing subcommittee to deal with complaints against members
	1.2 Appointments Committee	Includes power to deal with disciplinary matters for the Head of Paid Service, Section 151 Officer and MO
	1.3 Planning Applications Committee	Clarification of which types of application can only be decided by Committee
	1.4.4 Licensing Committee (2003)	Add in more detailed Scheme of Delegations as previously agreed by Council for licensing and gambling
	1.4.5 Licensing Committee (Miscellaneous)	Add in more examples of the types of licensing matter which the ‘miscellaneous’ hearing committee can deal with
	1.5 Appeals Committee	Recommend deletion as it was established to deal with appeals against housing decision made by the Council in its capacity as a landlord. It no longer meets.
	1.8 Joint Regulatory Services Committee	Recommend deletion as Richmond and Wandsworth Councils have indicated they no longer wish to have

Part	Paragraph number	Proposed changes
		elected member participation in the governance arrangement for the regulatory services partnership (RSP)
	1.9 Local Pensions Board	Change to Pensions Committee, clarify terms of reference to distinction between elected member body and advisory pensions board
	1.10 and 1.11 Health and Well Being Board	Add in terms of reference of Health and Well Being Board and Sub group
	1.13 JCC with Ethnic Minority Organisations	Add in terms of reference of JCC with Ethnic Minority Organisations
	1.14 SACRE	Add in SACRE
3 – C Responsibility for Executive Functions		
	1.1	Making it clear that the Leader is responsible for deciding how executive decisions are made and cross referring to the new scheme of delegation in part 3E
	1.1(g)	Refined list of matters reserved for cabinet decision, reflecting practice on the ground and making express reference to contracts worth £2m or more which is currently contained in contract standing orders but not elsewhere. Covers reserved CHAs decisions (<i>if agreed in separate paper</i>)
	1.3	Add in terms of reference of joint committees –South London Partnership and South London Waste Partnership
Part 4- A Council Procedure Rules		
Part 4- A Council Procedure Rules	2.3 Order of Business and Strategic theme	<ul style="list-style-type: none"> Restructure format of strategic theme debate so that the relevant Cabinet member introduces the report followed by questions and motions on that theme. Member questions on other issues are taken separately, after public questions but before the strategic theme debate

Part	Paragraph number	Proposed changes
		<ul style="list-style-type: none"> Clarify process for choosing strategic theme – at nomination of group leaders either on rotation or proportionately
	6 + 12 Time limits for questions and motions	<ul style="list-style-type: none"> Strategic Theme <u>motions</u> submitted 3 clear days before meeting (currently 9am day before the meeting, provided that the report on the strategic theme is circulated before the main agenda) “Ordinary” member questions submitted 7 clear days before meeting (currently 3 clear days) to allow them to be circulated with the agenda (written answers still to be circulated on the day) No “motions” on community forms reports Amendments to be submitted by 9am on the working day before the meeting (currently no time limit), unless chair agrees a later submission Amendments to be circulated by 5pm on day of the meeting
	5.1 Changing time and date of meetings	Clarify power of Chief Executive to cancel or vary meeting dates: needs agreement of, but not a request from the Chair, although they may make such a request and group Leaders should be consulted .
	10.5 Voting on appointments	Cause clarifying casting vote of the Chair in the event of a tie
	8.4 Length of speeches	Addition of ability to agree different speech lengths as happens now in practice
	12. Questions	Remove separate provision 12.1 for members to ask questions on Cabinet and Cabinet committee reports.
	New SO 21	Provisions for the public to attend meetings remotely and for non committee members to do so too, noting that

Part	Paragraph number	Proposed changes
		they will not count towards the quorum or the purposes of the six month rule (separate paper for consideration of SGP)
4B- Access to Information Procedure Rules	12	Removal of provisions preventing private meetings between cabinet and officers within 28 days of formal cabinet as this is no longer a legal requirement relating to cabinet
	15	Include deputy mayor in list of persons who can authorise urgent decisions where a proposed decision is not on the forward plan and/ or 5 clear days notice has not been given
4C Budget and Policy Framework Procedure Rules	2. Budget setting	Delete paragraph 2(e) which erroneously gives the Leader a second right to object to the Council's budget proposals after they have already been sent back to cabinet for reconsideration
	5 Call in of decisions on the grounds they are outside the budget or policy framework	<p>Clarification for process:</p> <p>Being outside the budget or policy framework is a separate ground for call in</p> <p>Call in goes to Overview and Scrutiny Commission who take advice from the MO or S.151 officer.</p> <p>A. If MO concludes decision is already compliant, it can be implemented forthwith.</p> <p>B. if MO/ . 151 officer considers it is not compliant, produces a report which is sent to all councillors</p> <p>Cabinet meets to decide whether to proceed</p>

Part	Paragraph number	Proposed changes
		<p>If Cabinet wishes to proceed, refers matter to Council.</p> <p>Council either:</p> <p>confirms decision is within policy framework; or</p> <p>amends policy framework to make decision compliant;</p> <p>remits to Cabinet to reconsider and if wish to proceed, to amend decision so it is in compliance.</p>
	6(b) policy framework	amended to make it clear that only where a plan falls in policy framework and needs ministerial consent is full council approval required, not any plan that needs ministerial consent. Reflects legal position.
4D Cabinet Procedure Rules	1.5(c)	Clarifies legal position on attendance of non cabinet members during the part of any meeting where exempt information is being considered and the press and public have been excluded. That is, they permitted to stay if it necessary for the performance of their role
4E Overview and Scrutiny Procedure Rules	7 Meetings times and dates	Changed to reflect the fact the calendar is agreed by full council after consultation with chairs (currently says the chair of the commission and panels <i>decide</i>). Chief exec may vary or cancel in exceptional cases with the agreement of the chair of the Commission and after consulting the chair of the panel if relevant.

Part	Paragraph number	Proposed changes
	16 Call in	<p>Clarifying that only executive, not administrative, decisions of officers are susceptible to call in (i.e. key decisions and executive non-key (defined by article 13.3(c)(i)) including those where the value is 250k-499K)</p> <p>Adding in being apparently contrary to the policy framework or budget as a discrete ground for call in.</p> <p>Also removing wording which appears to give the Commission the power to decide whether a call in is valid as that contradicts the later provisions which confer that decision on the monitoring officer taking into account the criteria set out in 16(e)</p> <p>Cross referring to the budget and policy framework rules where that ground applies for the process to be followed.</p> <p>Inserting express power to fix specific additional meeting to hear call ins</p>
<p>Hearing subcommittee Process Part 5.A Appendix to complaints process</p>		<ul style="list-style-type: none"> • • Include specific power for the chair to vary the procedure if appropriate, including to elide the fact finding and determination of breach stages • Make it clear that the subcommittee has to consider the public interest when deciding whether to exclude the press and public
<p>Members Complaints Process (on website not currently part of Constitution)</p>	4.2 Validity of complaints	Amended to make it clear that procedure only applies to acts of a member acting in that capacity or claiming to

Part	Paragraph number	Proposed changes
Will become an addendum to Part 5 A – Code of Conduct		act or giving the impression that they are acting in that capacity.
	4.5 Consultation with Independent person	Remove mandatory requirement for the Monitoring Officer (MO) to consult with the Independent person (IP) at the beginning of the process. Still mandatory to consult before deciding to refer the complaint for formal investigation.
	4.6 Factors to be taken into account when considering whether to refer for investigation	<p>Adds in:</p> <ul style="list-style-type: none"> • Prohibition on considering ‘complaints which are already the subject of other complaints process • Power not to consider vexatious complaints or those appearing designed to harass or insult • Adds presumption that complaints over 3 months old will not normally be investigated • Adds presumption that process does not cover complaints about Council decisions, polices or service failure • Gives the MO power not to investigate if the complaint could more appropriately be dealt with through political group or party processes
Members complaints process	7.3	<ul style="list-style-type: none"> • Where the investigation officer concludes that there is a breach of the code, the complaint will proceed to a hearing by a hearing subcommittee, rather than a full meeting of the standards and General Purposes Committee (although the

Part	Paragraph number	Proposed changes
		<p>Terms of Reference (TOR) of Standards and General Purposes will retain the right to have full hearings).</p> <ul style="list-style-type: none"> The current 'filter' stage of the process whereby the committee decides, on receipt of the investigating officer's report <u>whether</u> to refer the complaint for hearing, is removed, if the report concludes there is a prima facie breach. That is now be a decision for the MO.
New Part 7B Scheme of Delegation to Officers	replaces and combines parts 3E (scheme of delegation by cabinet), 3F (scheme of delegation by Full Council) and part 7B (Scheme of delegation to officers by chief executive)	<p>Brings together all the delegations into one place. The Chief Executive still has overarching responsibility but, unlike at present, there are direct delegations to the four council directors.</p> <p>As before, the principle is that unless specifically reserved for decisions by a member body, they are deemed delegated to the relevant director. Each director will then draw up departmental schemes of management setting out levels of responsibility within departments, including financial limits</p>
	4	Provisions for dealing with conflicts of interest
	6	Sets out the context for taking decisions, to be consistent with council policy, budget and financial regulations
	11	<p>Clarifies position on urgent decisions and emergencies – power to take urgent decision where it cannot reasonably be deferred to the next meeting. Requires consultation with relevant cabinet member or committee chair and compliance with the access to information procedure rules.</p> <p>Such consultation can be dispensed with in real emergencies if it is not reasonably practicable</p>

Part	Paragraph number	Proposed changes
	Appendix	List of proper officers has been updated

SCHEME OF DELEGATION OF POWERS AND FUNCTIONS TO OFFICERS

Approved by the Council on xxxxxxxx on the recommendation of the Standards and General Purposes Committee on xxxx and, insofar as it relates to the exercise of executive functions, by the Cabinet on 22 June 2021

1. INTRODUCTION

The Scheme of Delegation provides information on the arrangements for the delegation of authority to officers to carry out the Council's various functions and sets out those functions which have been delegated to officers. It should be read alongside other Council wide procedures and related documentation.

Decisions must be taken in accordance with the Access to Information Procedure Rules set out in part 4B of the constitution and the principles set out in this scheme.

The list of officers designated as proper officers for the purposes of various pieces of legislation governing local authorities is attached as schedule two.

2. POWERS OF DELEGATION

Delegations of non-executive functions to officers from Council, committees and sub-committees are made under Section 101 of the Local Government Act 1972. In the case of licensing and gambling, the delegations derive from Section 10 of the Licensing Act 2003 and Section 154 of the Gambling Act 2005.

Executive functions are delegated to officers by the Leader of the Council or the Executive under Section 9 of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011

This Scheme does not delegate:

- any matter which by law may not be delegated to an officer; and
- any matter which is specifically excluded from delegation by this scheme, or reserved for decision by the Council, the Leader or Cabinet or a committee or sub-committee.

3. BASIS OF DELEGATION AND RECORDING, IMPLEMENTING AND ACCOUNTING FOR DECISIONS

Where a function has been delegated to an officer, the person or body making the delegation may at any time resume responsibility for the function and may exercise the function despite the delegation.

An officer may refer a delegated matter to the person or body that has made the delegation if it is likely to be particularly controversial or raises issues of policy which Members would more appropriately determine or could expose the Council to major corporate risk which cannot be contained within directorate budgets.

An officer may refer a delegated matter to the Chief Executive if it raises issues of corporate priorities or the co-ordination of various functions of the authority. The Chief Executive has delegated authority to act in respect of any matter referred to her in this way

4. CONFLICTS OF INTEREST

Every officer is responsible for (a) identifying whether he/she has any personal interest in any matter which is under consideration and (b) notifying the authority (including under section 117 of the Local Government Act 1972).

Where an officer has a personal interest in any matter, he/she shall not participate in that matter and will refer the matter to his/her line manager.

Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by such other Director as the Chief Executive may determine for this purpose.

Where a Director is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter herself or allocate the matter to another officer.

Where the Monitoring Officer is unable to act on a matter, it shall be determined by the officer designated as Deputy Monitoring Officer.

5. THE CONTEXT FOR THE EXERCISE OF FUNCTIONS

The Chief Executive, Directors and other Chief Officers are authorised to discharge all the functions of the authority within their areas of responsibility as defined in section 8 below. Each Director is required to maintain an internal "scheme of management" for their directorate, providing more detailed information about delegated decisions and how these will be taken.

In the absence of the Chief Executive, the functions of Chief Executive and Head of Paid Service shall be the responsibility of the Director nominated by the Chief Executive.

6. GENERAL CONDITIONS AND LIMITATIONS

In taking any decision, each Officer must ensure that:

- (a) they have acted in a considered, well informed and defensible manner which is in the best interests of the Council and its residents;
- (b) all decisions are made with a full understanding of Council policy relating to the decision;
- (c) all decisions are made with an awareness of relevant legal obligations including equality requirements and a clear assessment of the impact of the decision on those affected;
- (d) all decisions are made in accordance with relevant spending limits, financial regulations and contract standing orders; and
- (e) all decisions made are consistent with the Council's budget strategy

The obligation to ensure that these issues are properly understood rests with each decision maker. Officers shall ensure that they have taken advice on procedural, legal and financial requirements from the appropriate department or other professional advisers.

This Scheme of Delegation describes broad areas of responsibility rather than detailing specific statutory functions. The Chief Executive shall be responsible for coordinating the discharge of the Authority's functions between the various officers.

Where the name of a post is changed, or its relevant functions become vested in a different post, any of the delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet or a committee/sub-committee unless a decision is made by the delegating body to the contrary. The Monitoring Officer may make amendments to this scheme from time to time to reflect such changes.

7. GENERAL DELEGATION TO CHIEF EXECUTIVE AND ALL DIRECTORS

The Chief Executive and all Directors shall have the power to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of and without prejudice to the generality of the foregoing, to take the following actions:

- (a) to incur expenditure on the Council's behalf within the sums approved by Council and in accordance with the financial regulations;
- (b) to procure goods and services consistent with the Council's procurement strategy and contract standing orders, up to a value of £2million in each case;
- (c) to agree the operational arrangements associated with all partnerships/partnering arrangements and ensure that appropriate governance frameworks and arrangements are established and are operating effectively;

- (d) to deal with the following human resources matters:
 - (i) to put in place staffing and management arrangements for the delivery of services which are consistent with the Council's staffing policies and to comply with management policies and procedures;
 - (ii) to create, delete or amend posts within approved budget provision
 - (iii) to authorise the suspension and termination of employment for any reason of employees of the Council, subject to the application of the appropriate procedures, including the Officer Employment Procedure Rules set out in Part 4H and with the advice of the Head of Human Resources where necessary;
 - (ii) to approve adjustments to salary including accelerated increments, recognition payments, honoraria, market supplements and other awards in accordance with schemes approved by the Council;
- (e) to lead and manage the operational delivery of services in a way which ensures their effective performance in accordance with all relevant management policies;
- (f) to submit bids for funding in consultation with the relevant Cabinet Member where this does not imply an ongoing or requires match funding that cannot be met within Directorate budgets;
- (g) to agree virements within the budget and policy framework and in accordance with the Financial Regulations;
- (h) to serve or place any necessary statutory or other notices;
- (i) after consultation with the Monitoring Officer, to authorise the institution, defence of or appearance in criminal or civil proceedings in relation to any matter for which they are responsible;
- (j) the award of settlements under £10,000 arising from the Local Government Ombudsman's recommendations;
- (k) to review and recommend changes in the fees and charges for services and to approve inflation only increases in discretionary charges of in consultation with the Director of Corporate Services; and
- (l) to respond to consultations by other bodies in relation to matters which might affect the functions of the Council where the issues are in line with existing policy (where appropriate, in consultation with the relevant Cabinet Member);
- (m) to make applications for planning permission, building control consent and other approvals in respect of building works;

8. AREAS OF SPECIFIC RESPONSIBILITY

The areas of delegated responsibility of each Director are detailed in the Schedule to this scheme. The authorisations include the power to do anything which facilitates, is incidental or conducive to the exercise of the relevant authority.

9. DETAILED SCHEMES OF MANAGEMENT

Each Director is responsible for establishing an internal scheme of management for their own department. Under this scheme, Directors may delegate functions allocated to them to other officers. In the Environment and Regeneration Department there is an additional scheme of management, which governs decision making in respect of the Regulatory Services Partnership between the Council and the London Boroughs of Richmond and Wandsworth.

A copy of the internal scheme of management will be made available on the Council's intranet site and be available for public inspection. The scheme will be reviewed annually.

10. CHIEF EXECUTIVE'S ROLE

For the avoidance of doubt, the Chief Executive is authorised to determine anything which is not covered by this scheme.

The Chief Executive may allocate or re-allocate responsibility for functions between officers as necessary for the effective discharge of those functions or to cover absence of particular officers.

The Chief Executive may take a decision on any matter with in the area of specific responsibility of other officers set out in section 8 below provided it is not reserved by statute for decision by a specified officer.

In the absence or inability to act of the Chief Executive for any reason, the other directors shall authorised to exercise any of the powers vested in him or her by this scheme of delegation.

11. URGENT DECISIONS AND EMERGENCIES

The Chief Executive and each Director in respect of his or her specific responsibilities, may take urgent decisions on matters even if those matters have been reserved for decision by Council, Cabinet or Committee, as long as the matter in question is not prevented by any statutory provision from being taken by officers.

A decision is to be treated as urgent if in the reasonable view of the Monitoring Officer it cannot reasonably be deferred until the next scheduled meeting of the relevant decision making body. Urgent decisions may only be

taken after consulting the Leader of the Council or relevant cabinet member in the case of an executive function or chair of the appropriate committee or sub-committee in respect of non-executive function. Where the Leader or chair is unable to act, the nominated deputies are authorised to act on their behalf.

In the case of emergencies, the Chief Executive is authorised to approve all reasonable expenditure and/or undertake all reasonable actions after consultation with the Leader of the Council unless such consultation is not practicable.

Such decisions shall comply with the requirements of the Access to Information Procedure Rules set out in Part 4B of this constitution.

SCHEME OF DELEGATION TO OFFICERS

AREAS OF SPECIFIC RESPONSIBILITY

A. THE CHIEF EXECUTIVE

The Chief Executive shall:

- (a) be the Head of the Paid Service (Section 4 of the Local; Government and Housing Act 1989) and undertake:
 - (i) the overall corporate management and operational responsibility for the Council (including overall management responsibility for all staff);
 - (ii) the overall provision of professional advice to all parties in the decision- making process (the Cabinet, Overview and Scrutiny Commission and its Panels, the Council and other committees); and
 - (iii) together with the Monitoring Officer, all functions in respect of maintaining the Constitution, advising whether Cabinet decisions are within the budget and policy framework, and overall advice to councillors and officers in their respective roles;
- (b) be entitled incur expenditure and delegate responsibility to incur expenditure in the event of a civil emergency
- (c) designate “Proper Officers” for the purposes of particular statutory functions from time to time and so authorise them to perform the functions of such a person under relevant legislation unless such designations are required to be made by a resolution of the Council.
- (d) take decisions in relation to CHAS 2013 Ltd on matters which are the responsibility of the Council as shareholder and which have not been reserved for decision by the Cabinet. Such decisions to be taken in consultation with the Director of Corporate Services and Monitoring Officer, together referred to as the Shareholder Panel

B. DIRECTOR OF CHILDREN, SCHOOLS AND FAMILIES

The Director of Children’s Services is the statutory officer under Section 18(1) of the Children Act 2004 and has authority in respect of all matters relating to the education of children and young people, the safeguarding of vulnerable children and for promoting the general wellbeing of children and families and services including but without limitation:

- (a) Children’s Social Care;

- (b) Children, Youth and Family Services;
- (c) Schools: Provision and support; and
- (d) Policy, performance and resources in these areas.

C. DIRECTOR OF COMMUNITIES AND HOUSING

The Director of Communities and Housing is the statutory officer for adult social services under Section 6(A1) of the Local Authority Social Services Act 197B, the Care Act 2014 and has authority for all matters relating to the care and support of vulnerable adults, safeguarding of vulnerable adults, housing and cultural services, including but without limitation:

- (a) Strategic commissioning & resources for adult social care;
- (b) Transformation and independence for adults;
- (c) Joint arrangements with health service bodies
- (d) Policy and performance in these areas;
- (e) Acting as receiver and administer receivership cases;
- (f) All matters relating to Public Health
- (g) Homelessness and regulation of private sector housing
- (h) Libraries and lifelong learning including further and higher education
- (i) Acting as Caldicott guardian

D. DIRECTOR OF ENVIRONMENT AND REGENERATION

The delegated authority of the Director of Environment and Regeneration shall relate to the following:

- (a) Planning, development and building control and trees, save for those matters reserved to the Planning Application Committee pursuant to section 7 of the Scheme of Delegation from Council contained in part 3B of this Constitution;
- (b) Street scene, including inspection, enforcement and street cleansing services;
- (c) Highways including street trading;
- (d) Traffic and Parking;
- (e) Leisure, Parks, Sports, and Cultural Services;
- (f) Waste and recycling services;
- (g) Crematoria and Cemeteries;

- (h) Acting as the Chief Licensing Officer for matters that fall to the council as Licensing Authority;
- (i) Other licensing matters, including but not limited to, matters under the London Local Authorities Act 1990 (as amended), London Local Authorities Act 1991, Scrap Metal Dealers Act 2013, Local Government (Miscellaneous Provisions Act 1982, Animal Welfare Act 2006, Animal Boarding Establishments Act 1963, Zoo Licensing Act 1981, Riding Establishments Acts 1964 and 1970, Breeding of Dogs Act 1973;
- (j) Functions in respect of commercial and residential regulatory services, environmental health, trading standards, private sector housing oversight and regulation and the promotion of safer communities as set out in the scheme of management for the Regulatory Services Partnership between the Council and the London Boroughs of Richmond and Wandsworth;
- (k) Regeneration programmes;
- (l) Housing policy and supply;
- (l) Property Services, Asset Management (other than responsibility for the management of Council occupied premises);
- (m) Functions of the enforcement authority for purposes of Health and Safety at work;
- (n) Community Safety and CCTV; and
- (o) Passenger transport and fleet management

F. DIRECTOR OF CORPORATE SERVICES

The Director of Corporate Services is the statutory officer for finance and the proper administration of the Council's financial affairs under sections 115, 146 and 151 of the Local Government Act 1972, section 114 of the Local Government and Finance Act 1988 and as such has authority for the following matters, including but without limitation:

- (a) Exercising corporate Council functions in relation to finance services, revenues and benefits, including benefits fraud, the Council's fraud strategy and associated arrangements, debt recovery, the governance framework, treasury management including borrowing, insurance and associated risk management, internal audit,
- (b) Carrying out the Council's functions as administering authority under the Local Government Pension Scheme;
- (c) Administering trust funds and charitable funds as required by the Council;
- (d) Overseeing the management arrangements for: the Council's information technology services; human resources; procurement advice/support; payroll; information governance, legal and electoral services and emergency planning; customer services and facilities management;

- (e) Exercising the functions of the registering authority pursuant to the Local Land Charges Act 1975;
- (f) Registration services for purposes of births marriages and deaths including civil partnerships and naming ceremonies;
- (g) Deciding upon methods of capital financing;
- (h) Writing off irrecoverable debts and charges due to the Council;
- (i) Approving the commencement of a new capital schemes not already provided for in the budget up to a value of £50,000;
- (j) Agreeing the release and/or the reduction of any Bond and to authorise the service of the notice of release/and reduction;
- (k) Providing support for elected members of the Council and democratic processes; and
- (l) Acting as Senior Information Risk Owner for data protection purposes

G. DIRECTOR OF PUBLIC HEALTH

- (a) All the functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006

H. MONITORING OFFICER

The Managing Director of the South London Legal Partnership is the statutory Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

The Monitoring Officer has delegated authority to do the following:

- (a) to take any action to implement any decision taken by or on behalf of the authority, including the signature or service of statutory and other notices and any document. The Monitoring Officer may authorise any other officer to take such action.
- (b) to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary, in the view of the Monitoring Officer to give effect to decisions of the authority or in any case where s/he considers that such action is necessary to protect the Council's interests or those of the residents of Merton;
- (c) to arrange for any legal proceedings to be conducted by any solicitor or barrister employed within the South London Legal Partnership including appearances before any court or tribunal in which the officer has rights of audience;
- (d) to instruct counsel, solicitors or other experts for legal proceedings, public inquiries, or other matters involving the Council;
- (e) to give undertakings to any court or tribunal on behalf of the Council and to give solicitor's undertakings where appropriate and within the rules and guidance issued by the Law Society

- (f) to enter objections to any proposal affecting the Council, the Council's area or the inhabitants of the Council's area;
- (g) to be the Senior Responsible Officer (SRO) with regard to the Regulation of Investigatory Powers Act (RIPA) and to nominate Authorised Officers to determine RIPA requests;
- (h) to be the Council's Data Protection Officer under the Data Protection Act 2018
- (i) to ensure the lawfulness and fairness of decision-making, provide support to the Standards and General Purposes Committee, receive complaints about breaches of the Members Code of Conduct, conduct investigations in consultation with the Independent Persons designated under the Localism Act 2011;
- (j) to grant a dispensation to members under section 33 of the Localism Act 2011 allowing them to refrain from declaring a disclosable pecuniary interest and to participate in discussions in and vote on matters in which they have such an interest;
- (h) to authorise, in consultation with the Chief Executive or the relevant Director, the payment of any award of damages, compensation and costs made by any court or tribunal against the Council;

PROPER OFFICERS**STATUTORY OFFICERS AND PROPER OFFICER FUNCTIONS****1. Statutory Officers**

Legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the council has allocated responsibility are listed below.

Title/Description (and statutory derivation)	Officer appointed
Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief Executive
Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	Managing Director , South London Legal Partnership
Officer responsible for financial administration (Section 151 – Local Government Act 1972)	Director of Corporate Service
Director of Children’s Services (Section 18 – Children Act 2004)	Director of Children, Schools and Families
Director of Adult Social Services (Section 6–Local Authority Social Services Act 1970)	Director of Communities and Housing
Director of Public Health (Section 73A – National Health Service Act 2006)	Director of Public Health *
Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Head of Strategy, Policy and Partnership

*Director of Public Health must be appointed by the authority *acting jointly* with the Secretary of State

2. Proper officer functions

The following officers are appointed proper officers and will carry out functions in relation to the statutory provisions specified. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the proper officer.

REPRESENTATION OF THE PEOPLE ACT 1983	
Section 8 – registration of electors	Chief Executive
Section 28 – The Acting Returning Officer at an election of a Member of Parliament	Chief Executive
Section 35 – The Returning Officer at an election of London Borough councillors	Chief Executive
LOCAL GOVERNMENT ACT 1972	
Section 83(1) – The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Chief Executive
Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made	Chief Executive
Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
Section 86 – To declare any vacancy in any office under this section	Chief Executive
Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened	Chief Executive
Section 89(1)(b) – The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the Borough	Chief Executive
Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Monitoring Officer
Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting	Chief Executive
Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Chief Executive
Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring Officer

Section 100B(7)(c) The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration. The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration	Monitoring Officer
Section 100C(2) The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded	Head of Democracy and Electoral Services or Scrutiny Officer as appropriate
Section 100D(1)(a) The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Monitoring Officer
Section 100D(5) The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Monitoring Officer
Section 100F(2) The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring Officer
Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Head of Democracy and Electoral Services
Section 115 – The officer to whom money properly due from officers shall be paid	Director of Corporate Services
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Director of Corporate Services
Section 151 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Monitoring Officer
Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	Monitoring Officer
Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Monitoring Officer
Section 229(5) – The officer to certify photographic copies of documents	Monitoring Officer
Section 233 – The officer to receive documents required to be served on the authority	Monitoring Officer

Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Monitoring Officer
Section 238 – The officer to certify printed copies of bylaws	Head of Democracy and Electoral Services / Scrutiny Officer as appropriate
Section 248 – The officer responsible for the keeping of the roll of freemen	Monitoring Officer
Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Monitoring Officer
Schedule 14 [paragraph 25(7)] – The officer responsible for the certification of true copies of resolutions	Chief Executive
Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Sections 9(1) & (2), 13(2)(h) and (3)(b) and 20(b) of the Registration Services Act 1953 (Proper Officer)	Chief Executive
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring Officer
Section 16 – Notices requiring details of interest in land	Any Officer of the Council
LOCAL GOVERNMENT AND HOUSING ACT 1989	
Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Monitoring Officer
Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Monitoring Officer
LOCAL GOVERNMENT ACT 2000	
The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Head of Democracy and Electoral Services
To establish and maintain the members' register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Monitoring Officer
To ensure that copies of the constitution are available for inspection	Head of Democracy and Electoral Services

To make payments of relevant allowances in accordance with the council's members allowances scheme	Head of Democracy and Electoral Services
To defray expenses of any members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough	Chief Executive
LAND CHARGES ACT 1975	
Section 19 – The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Monitoring Officer
NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951	
Proper officer to seek an order for removal of persons into care	Director of Communities and Housing
REGISTRATION OF SERVICES ACT 1953	
Proper officer for births, deaths and marriages	Chief Executive
LOCAL GOVERNMENT ACT 2003	
Section 25 – Requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserve	Director of Corporate Services
PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984, FOOD SAFETY (GENERAL FOOD HYGIENCE) REGULATIONS 1995 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1969	
Requirement to appoint a suitably qualified person as the council's medical advisor on environmental health and proper officer for notifiable disease	As may be appointed from time to time by the Director of Environment and Regeneration or Director of Public Health
CIVIL EVIDENCE ACT 1995	
To certify council records for the purposes of admitting the document in evidence in civil proceedings	Monitoring Officer
CRIME AND DISORDER ACT 1998	
Section 12 – to apply for the discharge or variation of a Child Safety Order	Director of Children, Schools and Families
Sections 17 and 37 – to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	The Chief Executive and Directors
CRIMINAL JUSTICE AND POLICE ACT 2001	
Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	The Chief Executive and Directors

LOCAL GOVERNMENT FINANCE ACT 1988	
Section 114 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Director of Corporate Services
Section 116 – Notification to the council’s auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Director of Corporate Services
Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	The Chief Executive and Directors
LOCAL GOVERNMENT CONTRACTS ACT	
Certification of relevant powers to enter into contract	The Chief Executive, Monitoring officer, Director of Corporate Services
LOCAL AUTHORITY CEMETERIES ORDERS 1977 (SI 1977 OF 204)	
Schedule 2, Article 10, Part 11.1(1) – To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority Note: It is not necessary for that deed to be executed under seal	As may be appointed from time to time by the Director of Environment and Regeneration
OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS	
Any other miscellaneous proper or statutory officer functions not otherwise delegated by the authority	Chief Executive or his/her nominee
NATIONAL HEALTH SERVICE ACT 2006	
Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area	Director of Public Health
Section 111 – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health	Director of Public Health
Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners	Director of Public Health
Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1	Director of Public Health
Section 6C(1) – the exercise by the authority of any of the Secretary of State’s public health functions, which it is required to carry out by regulations issued by the Secretary of State	Director of Public Health

Section 7A – the exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	Director of Public Health
Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders	Director of Public Health
Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed	Director of Public Health

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London Borough of Merton
Guidance on attending meetings of the Council and Committees
during Covid-19 Restrictions

This guidance applies to all Council and Committee meetings held in public.

1. All meetings will be held within the Council Chamber where social distancing can be observed. The dates and times of meetings can be found on the Council's website.
2. Do not attend any meetings in person if you are experiencing Covid-19 symptoms: a high temperature, a new, continuous cough or a loss/change to your sense of smell or taste.
3. Attendees are requested to take a lateral flow test (LFT) 24-48 hours prior to attending a meeting. Lateral flow tests should be registered on the NHS app. If you have a positive LFT result, you should not come to the meeting. Please note that you are still requested to take a LFT even if you have been double vaccinated.
4. Whilst attendance at the meetings is permitted, members of the public and those not directly involved within decision-making are encouraged to continue to view meetings online via the Council's Youtube channel or to participate remotely via Zoom.
5. Hand sanitizing solution will be available at the entrance/exit of the Chamber and all attendees are requested to use this on their way in and out of the meeting.
6. Cleaning wipes will also be made available for use.
7. Windows will be kept open at all times to ensure ventilation.
8. The Council Chamber will be cleaned before and after each meeting.
9. You will be asked to wear a mask (unless you are exempt) at all times whilst in the Council Chamber except when you are speaking during the meeting itself.
10. Please arrange to arrive into the meeting room no more than 15 minutes prior to the start of the meeting and leave promptly once it has finished to minimise contact.
11. Please socially distance from all others who are not a part of your household at all times. Depending on the capacity of the meeting, seats will be appropriately marked to indicate which seats cannot be used.
12. Water will not be provided – please therefore bring your own with you.
13. Enter and exit the meeting room via the one-way system

You can collect up to 2 boxes of 7 rapid tests to use twice a week at home from:

- [Merton libraries](#)
- Pharmacies: [find a pharmacy where you can collect rapid tests](#)
- NHS Test and Trace sites: [find a test site where you can collect rapid tests](#)

- Home delivery: If you can't use the other options, you can [order a box of tests online](#) or by calling 119

If testing at home, you will need to [register the results online](#) or by calling 119.

We recommend that you have a supervised test before you start testing yourself at home. [How to book a lateral flow test](#)

These measures will regularly be reviewed and updated depending on Government Guidance.

For any queries relating to this guidance please contact:

Democratic Services

Democratic.services@merton.gov.uk

0208 545 3357

Committee: Council

Date: 07 July 2021

Wards: All

Subject: Member Code of Conduct

Lead officer: Louise Round, Managing Director, South London Legal Partnership

Lead member: Councillor Tobin Byers

Contact officer: Louise Round: louise.round@merton.gov.uk

Recommendations:

- A. To adopt the revised Code of Conduct for Members attached as Appendix A with effect from 30 September 2021;
 - B. To note that the Monitoring Officer will arrange training sessions for councillors on the requirement of the revised Code of Conduct; and
 - C. To agree that the revised process for dealing with complaints that members have breached the Code of Conduct attached as Appendix B shall apply to all complaints made on or after 8 July 2021.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. At its meeting in July 2020 the Committee established a member working group to carry out a review of the Council's constitution. The working group met on several occasions and a number of changes are proposed to various parts of the Constitution. A separate report on those changes appears elsewhere on this agenda. The Standards and General Purposes Committee also considered whether to adopt a new code of conduct for councillors, based on the model code of conduct agreed by the Local Government Association (LGA), as amended following consideration by the working group to take account of local circumstances. That Committee agreed at its meeting on 11 March 2021 to recommend to Council that it adopt the revised code of conduct attached as appendix A.
- 1.2. At its meeting on 28 June, the Committee also considered the process for handling complaints that councillors have breached the code of conduct and agreed to recommend the revised process attached as appendix B.

2 DETAILS

- 2.1. Following extensive consultation, the LGA published its long awaited model code of conduct in December last year. They embarked upon the exercise as a result of a recommendation from the Committee on Standards in Public Life. The report from that committee made a number of other

recommendations in relation to ethical standards in local government, including that consideration be given to strengthening the sanctions available to councils in cases where councillors are found to be in breach of a code of conduct. However, this would require primary legislation and there is no indication from the Government that this is likely to be forthcoming.

- 2.2. Merton's current code of conduct (Appendix C) is a very light touch document, comprising primarily of the Nolan Principles and having no specific requirements beyond behaving in a way consistent with those principles and with the Council's policies and procedure. The requirement under sections 30 and 31 of the Localism Act 2011 to declare interests and to refrain from taking part in decisions where the councillor has a disclosable pecuniary interest (DPI) as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2011, is contained in the addendum to the Code. The addendum does not set out the definition of DPs or the other non-pecuniary interests which the Council has decided should be registered. Those other interests simply appear on the website on the councillor pages. Similarly, although councillors do register any gifts or hospitality offered to them, and the Standards and General Purposes Committee receives an annual report on this issue, the requirement to do so is not referred to in the Code of Conduct itself.
- 2.3. The working group agreed that such a broad brush approach to a code of conduct is not helpful as there is a risk either that nothing amounts to a breach of the Code or conversely that nearly every minor issue could be interpreted as a breach of the Nolan Principles and therefore a breach of the Code. It is generally accepted that those principles provide context and can be an aid to interpretation, rather than amounting to obligations which are enforceable against individual councillors.
- 2.4. The current Code also contains nothing by way of guidance for councillors to support them to behave in accordance with it. By contrast, the LGA code helpfully sets out explanatory guidance under each obligation.
- 2.5. The working group, which included the Council's two independent persons, considered that although the LGA code was cumbersome in certain respects, broadly speaking it was a useful document and certainly represents an improvement on the current Code. The draft code attached as appendix A is substantially the same as the LGA code with some amendments for clarity's sake.
- 2.6. The Localism Act 2011 requires councils to adopt codes of conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. There has been much debate about how to decide when a councillor is acting as an elected member as opposed to in their private capacity. It is not always easy to draw a clear line, especially when social media is being used, although the Council has already agreed social media guidance for councillors. The LGA code recommends the following wording which was agreed by the working group:

This Code of Conduct applies to you when:

- *you are acting in your capacity as a councillor and/or as a representative of your council;*
- *you are claiming to act as a councillor and/or as a representative of your council; or*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor*

2.7. Most of the provisions of the new Code are self-explanatory but the proposed requirements in relation to the declaration of interests at meetings are a bit more complex and can be summarised as follows:

2.7.1 As well as DPis, the proposed new Code defines “other registrable interests” as follows:

“You also have a registrable interest in any business of your authority where it relates to or is likely to affect:

a) any body to which you are nominated or appointed by your authority; or
b) any body of which you are in a position of general control or management and which:

- i) exercises functions of a public nature;
- ii) is directed to charitable purposes; or
- iii) has one of its principal purposes the influence of public opinion of policy (including any political party or trade union)”

2.7.2 Although not incorporated in the current code, the Council’s website indicates that the following interests are required to be registered and declared so the proposals above are slightly wider than the current position:

“trade union membership;

any position of management or control that the councillor holds in any third party organisation within the borough”

Interests at Meetings

2.7.3 If a matter being discussed at a meeting directly relates to a councillor’s DPI, this must be declared and the councillor must leave the room while the matter is being discussed. * Failure to do so is a criminal offence.

*Note: the interests of a councillor's spouse or civil partner or person living with the councillor as their spouse or civil partner are treated as though they are the interests of the councillor him or herself.

- 2.7.4 If the matter *directly relates* to one of the councillor's other registrable interests as defined in the Code or otherwise directly relates to their financial interests or well-being, they must declare it but can only speak on the matter if members of the public are also allowed to speak on the matter. This is to ensure that a councillor is not in a worse position than an ordinary member of the public. The councillor cannot vote on the matter but does not need to leave the room while the matter is under consideration.
- 2.7.5 If the matter simply *affects* the councillor's other registrable interests, or financial interest or well-being, as opposed to being specifically about one of those things, or it directly relates to or affects a friend, relative or close associate, the ability of the councillor to take part in the discussion of the matter will depend on whether they (or their friend, relative or close associate) are affected more than other residents in the ward or borough, where it is a borough wide issue. If not, then the councillor can participate in the usual way. If they are, then the test of whether the councillor can take part depends on what used to be known as the "prejudicial interest" test. In other words, the councillor must consider whether "a reasonable member of the public knowing all the facts would believe that interest would affect [their] view of the wider public interest". If not, the councillor may speak and vote in the usual way. If so, they may speak if members of the public may also speak but cannot vote. This may appear quite complex but it attempts to distinguish between those cases where the impact on a member or those close to them is direct and obvious and those where the connection is more remote.
- 2.7.6 As is currently the case, if interests are sensitive, a councillor only needs to declare the existence of the interest and not the detail behind it. The Monitoring Officer has authority to grant dispensations in some circumstances to allow councillors to vote where this otherwise would not be possible. The most obvious example would be where so many members were disqualified from voting that it would not be possible to convene a quorate meeting of the relevant decision making body.
- 2.8. If Council agrees to adopt the new code of conduct, it will clearly be important to ensure that all councillors are familiar with its requirements. The Monitoring Officer will arrange training for councillors on the new provisions which will include a reminder of the process for dealing with complaints when they are made against councillors. For that reason it is being suggested that the revised code does not come into force until 30 September in order to allow as many councillors as possible to have received that training in advance.

Relationship with Other Protocols

- 2.9. The current Code of Conduct is contained in Part 5a of the constitution together with its addendum which partly deals with the requirement to declare interests. Although the existing Code of Conduct is relatively light on detail, over the past few years the Council has adopted number of protocols designed to supplement its provisions. These are:
- 2.9.1 Part 5b - The Code of Conduct for Employees
 - 2.9.2 Part 5c - The Member/Officer Protocol
 - 2.9.3 Part 5d - The Monitoring Officer Protocol
 - 2.9.4 Part 5e - The Protocol on the Use of Council Resources and Facilities
 - 2.9.5 Part 5f - The Planning Protocol
- 2.10. Parts 5b and 5d relate to solely to officers and are not affected by these proposals. It is intended that if Council agrees to adopt it, the proposed new code takes the place of Part 5a and its addendum and that Parts 5c, 5d and 5e remain in place as they provide additional guidance for members. They would not require substantive changes if the proposed Code is adopted although it may be necessary to make some consequential changes to ensure consistency of language. These protocols will be reviewed in due course.

Complaints Process and Hearings Procedure

- 2.11. As part of the overall review of the constitution, the process which applies should someone wish to complain that there has been a breach of the code of conduct has also been considered and some changes proposed. A copy of the revised process is attached as appendix B and the changes are summarised below.

Capacity (paragraph 4.2)

- 2.12. As stated above, the new proposed code of conduct will only apply to conduct by a councillor when acting in that capacity or claiming to act in that capacity or giving the impression they are acting in that capacity. The complaints process has been amended to make this clear because as currently drafted that limitation on its application is not expressly stated.

Filter Process (paragraphs 4.4 – 4.11)

Under the existing procedure, when a complaint is received the Monitoring Officer will carry out an initial assessment to decide whether or not code is triggered by the complaint and if so, whether it should be referred for formal investigation. Such an investigation would be carried out either by a member of the South London Legal Partnership, or in appropriate cases by an independent external investigator. Even if the Monitoring Officer concludes that if the facts alleged are found to be true they might amount to a breach of the code, this does not automatically mean that the matter will proceed to the investigation stage. Paragraph 4.8 of the procedure sets out a number of

factors to be taken into account by the Monitoring Officer in reaching a decision on whether to investigate.

These include considering whether an investigation is proportionate and in the public interest, the availability of alternative means of resolving the complaint, the timing of any complaint and whether the conduct complained of is something which would more appropriately be judged by the electorate at the next election.

- 2.13. Some additional wording is being suggested to clarify some of the existing criteria. For the existing criterion which relates to complaints which are substantially similar to one which has previously been dealt with, additional wording is being suggested to exclude complaints from investigation where they are already subject to a separate process. On the question of timing, wording has been included to provide that cases relating to conduct which happened more than three months previously will not normally be investigated unless there is good reason for the delay.

- 2.14. Two new criteria are being proposed as follows:
 - 2.14.1 Subject-matter – complaints which are really about Council services, its policies or performance will be referred to the relevant service area in accordance with the Council’s complaints procedure;
 - 2.14.2 Member complaints – Complaints by members against another member will not usually be investigated if the Monitoring Officer considers that the complaint is of a kind which could be more appropriately addressed through political group processes, political party complaints procedures or informal mediation.

- 2.15. The first proposed change is self-explanatory but the second was the subject of some debate at the working group who recognised that ideally complaints between members should be resolved through discussions between and within the political groups but felt that it would be wrong to have an absolute bar on using the formal complaint processes for such issues. They also argued that there may be cases where complaints originate from one member but relate to matters other than the conduct of one member towards another member, for instance a failure to declare an interest, or misuse of council resources. Members should not be precluded from making complaints about such matters and this is reflected in the wording.

- 2.16. There was also some discussion about whether complaints by officers against members should be excluded from this process and dealt with under the member/officer protocol set out in part 5C of the constitution. This suggestion was welcomed in principle but at the moment the member/officer protocol does not cover the question of complaints by officers and so it was agreed that this suggestion should be revisited in conjunction with a refresh of the member/officer protocol.

Consultation with Independent Person (paragraph 4.5)

- 2.17. Under the current procedure, the Monitoring Officer is *required* to consult the Independent Person when considering the filter criteria in deciding whether to proceed to an investigation or to seek an informal resolution. This is not a legal requirement and the working group agreed that this should not be an absolute requirement at this stage, although the discretion to consult is retained. The Monitoring Officer is required to consult the Independent Person if she is minded to refer the matter for formal investigation.

Hearings (paragraph 7)

- 2.18. If an investigation is undertaken and the outcome of that investigation is that there is no breach of the code of conduct, then there is no requirement for a hearing and the matter is simply reported to the Standards and General Purposes Committee for information. However, if the conclusion of the investigating officer is that there has been a breach then the process currently requires that the report is submitted to the Standards and General Purposes Committee to decide whether there should be a hearing. The working group agreed that this stage should be omitted as it is hard to see how the Committee could do anything other than refer the matter to a hearing unless it sought to challenge the contents of the report. If it did that, it would effectively be conducting a hearing in any event in which case any further hearing would either be superfluous or at risk of challenge if any of the same members who had first considered the matter were to be involved in the hearing. If this recommendation is accepted, on receipt of a report concluding that there had been a breach, the matter would proceed straight to a hearing.
- 2.19. The current process includes provision to appoint a subcommittee to deal with a hearing but this is on a case by case basis. The working group agreed that the nature of hearings would be such as to be more appropriately dealt with by a smaller group of members than the full complement of the Standards and General Purposes Committee. Therefore, the default position should be a hearing by a hearings subcommittee. There would still be power for the full committee to conduct hearings but this would be by exception.
- 2.20. If this approach is agreed, it would be sensible to appoint a hearings subcommittee on a standing basis, given that matters may be referred straight to hearing as describe above, rather than have to convene a full meeting of the committee to appoint a subcommittee on a case by case basis. Accordingly, if full council agrees this proposed change, the next meeting of the Standards and General Purposes Committee should appoint a hearings subcommittee. Such a subcommittee will be subject to the proportionality requirements contained in the Local Government and

Housing Act 1989. The subcommittee does not have to be drawn from among the membership of its parent committee.

Hearings Procedure

- 2.21. The procedure for dealing with hearings is set out in the schedule to the complaints process. Some minor drafting changes have been made to this but the only actual change to the process is to give the chair of the hearing the power to vary the order of proceedings, in particular to combine the two stages of making findings of fact and considering whether the facts as found amount to a breach of the Code of Conduct.

3 CONSULTATION UNDERTAKEN OR PROPOSED

- 3.1. As stated above, the LGA model code has been subject to consultation at national level and the version being proposed for adoption together with revised complaints process has been agreed by a cross party working group of Merton councillors and the Standards and General Purposes Committee

4 TIMETABLE

- 4.1. If Council agrees the adoption of the proposed new code, it will come into force on 30 September 2021 in order to allow time for members to be trained on its requirements. There is no need to wait until then for the revised process to come into effect as this is not dependent on the code. It is therefore suggested that it apply to all complaints received on or after 8 July 2021.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. None

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. The legal implications are contained in the body of the report.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1. The proposed new code contains express provisions requiring members to treat people fairly and with respect and to refrain from bullying and discrimination. These specific requirements, if adopted, would be new and would be line with the Council's overall approach to qualities.

8 CRIME AND DISORDER IMPLICATIONS

- 8.1. None

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1. None

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

- Appendix A – proposed new code of conduct

- Appendix B – revised process for dealing with complaints against members
- Appendix C - Merton's current code of conduct

11

BACKGROUND PAPERS

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APPENDIX A – Council 7 July 2021

MERTON COUNCIL CODE OF CONDUCT FOR MEMBERS*

*if the Council agrees to adopt this Code, the preamble referring to the LGA and introductory paragraphs will be deleted.

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in councillors they should, on all occasions:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking their role councillors should:

- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council;
- you are claiming to act as a councillor and/or as a representative of your council; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings

- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect for the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct,

and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so

would prejudice their professional integrity.

The Council has agreed a Member/Officer protocol which supplements this Code of Conduct and should be read in conjunction with it.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it; or**
 - ii. I am required by law to do so; or**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing contract negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements as set out in the Protocol On The Use of Council Resources and Facilities; and**
- b. ensure that such resources are not used for party political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests in accordance with the law and the rules set out in Appendix A of this Code.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

The Council has adopted a Planning Protocol for Members which supplements this Code in relation to planning matters and should be read in conjunction with it.

10. Gifts and hospitality As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have declined to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered where its estimated value exceeds (£25). In the interests of transparency and to protect yourself against allegations, you should also register those cases where you have been offered but declined such gifts or hospitality. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A

Registering interests

1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests and those of your partner which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests).
2. You should also register details of your other interests which fall within the categories set out in Table 2 (Other Registerable Interests).
3. "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
4. You must ensure that your register of interests is kept up-to-date and notify the Monitoring Officer of any new interest, or of any change to a registered interest, within 28 days of becoming aware of it.
5. A 'sensitive interest' is as an interest which, if disclosed, could lead to you, or a person connected with you, being subject to violence or intimidation.
6. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold details of the interest from the public register.

Declaring interests

7. Where a matter arises at a meeting which *directly relates* to one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
8. Where a matter arises at a meeting which *directly relates* to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter

only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

9. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being or that of your partner (and is not a Disclosable Pecuniary Interest or Other Registrable Interest), you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise you must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

10. Where a matter arises at a meeting which:

- a. either *affects* your own financial interest or well-being; or
- b. *directly relates* to or *affects* a financial interest or well-being of a friend, relative, close associate

to a greater extent than it affects the financial interests or well-being of the majority of inhabitants of the borough or, where relevant, the ward affected by the decision, you must declare the interest. Having done so, you will still be able to participate in the consideration of matter unless paragraph 11 below applies.

11 Where you have declared an interest in accordance with paragraph 10 above in circumstances in which a reasonable member of the public knowing all the facts would believe that interest would affect your view of the wider public interest, you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You also have a registrable interest in any business of your authority where it relates to or is likely to affect:

- a) any body to which you are nominated or appointed by your authority; or
- b) any body of which you are in a position of general control or management and which:

- (i) exercises functions of a public nature
- (ii) is directed to charitable purposes or
- (iii) has as one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

Appendix B – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Part 5A Addendum

PROCEDURE FOR DEALING WITH COMPLAINTS MADE AGAINST ELECTED OF CO- OPTED MEMBERS FOR BREACH OF THE MEMBERS CODE OF CONDUCT

1. Background

This procedure sets out the arrangements adopted by the Council pursuant to s,28(6) Localism Act 2011 as to how a complaint that an elected or co-opted member of this authority has failed to comply with the authority's Code of Conduct can be made and how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under the Localism Act 2011 the authority must appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated and whose views can be sought by the authority at any other stage or by a member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for members.

3. Making a Complaint

- 3.1 A complaint must be made in writing, preferably using the Complaint Form on the authority's website and emailed or sent to:

The Monitoring Officer
London Borough of Merton
London Road
Morden
Surrey
SM4 5DX

Or emailed to: louise.round@merton.gov.uk

- 3.2 The Monitoring Officer has statutory responsibility for maintaining the register of members' interests and is responsible for administering the system in respect of complaints of member misconduct. In the Monitoring Officer's absence, the Deputy Monitoring Officer will undertake this role.
- 3.3 The authority will not normally investigate anonymous complaints unless there is a clear public interest in doing so.
- 3.4 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and will keep the complainant informed about the progress of the complaint.

3.5 The Monitoring Officer will inform the member against whom a complaint has been made that a complaint has been made and will give details of the complaint to them. The Monitoring Officer has the discretion, which will only be exercised in exceptional circumstances, not to inform the member of the complaint at this stage if the Monitoring Officer is of the view that there is a risk that an investigation could be frustrated or a case prejudiced by the member knowing the details.

4. Will the complaint be investigated?

4.1 The Monitoring Officer will review every complaint received.

4.2 The complaint must be:

- against a person who was a member of the authority at the time of the conduct complained of; and
- in respect of conduct of that member while acting, claiming to act or giving the impression to a reasonable member of the public that they are acting in their official capacity as a member; and
- in relation to an alleged breach of the Code of Conduct in force at the relevant time.

4.3. If in the view of the Monitoring Officer the complaint does not fall within 4.2 above the matter will not be considered and the complainant will be informed that there will be no further action.

4.4 Where the complaint meets the above criteria, and in order to establish a preliminary view of the circumstances of the complaint and to decide whether it should be investigated and/ or whether there may be a course of action which could be taken to resolve the issues promptly without the need for formal action, the Monitoring Officer may consult or meet with any other relevant persons, which may include the Leader of the Council or Group Leaders, the Chief Executive or any other officers, the complainant and the member against whom the complaint has been made.

4.5 This decision will normally be taken within 14 days of receipt of the complaint. The complainant and the member against whom the complaint is made will be informed of the Monitoring Officer's decision and the reasons for that decision.

4.5 The Monitoring Officer may consult the Council's Independent Person at any point during her consideration of a complaint and must so consult where she considers a matter should be referred for formal investigation

4.6 In assessing whether a complaint should be investigated the following factors will be taken into consideration:

- *Public interest* – the decision whether to investigate will be a proportionate response to the issues raised and expected outcomes will take into account the wider public interest and the costs of undertaking an investigation. Complaints will only be investigated where the allegations are reasonably considered to be serious matters which justify the time and resources of an investigation;
- *Alternative course of action* – a complaint will only be investigated where there is no other action which could be taken which would achieve an appropriate outcome in the circumstances of the case (see paragraph 4.8 below);
- *Member’s democratic role* – where a complaint relates to a matter more appropriately judged by the electorate at the local elections, the Monitoring Officer will not normally refer these matters for investigation;
- *Previous action* - if the complaint or a substantially similar complaint has already been subject to a previous investigation or some other action relating to the code of conduct or other related process, the matter will ordinarily not be referred for further action. Complaints which are already the subject of other internal or external processes will not be investigated;
- *Vexatious/repeated complaints* – the Monitoring Officer will not refer for investigation a complaint that is the same or substantially the same as one previously made by the complainant or which is considered to be vexatious or frivolous or designed to harass or insult individuals;
- *Timing of the alleged conduct* – if there are significant delays between the incident complained of and the complaint the matter will not ordinarily be considered further unless there are very good reasons for the delay. Complaints should normally be made within three months of the date upon which the alleged misconduct occurred;
- *Ulterior motive* – no further action is likely to be taken if the complaint is considered to be motivated by malice, political motivation or retaliation, or can be characterised as being ‘tit-for tat’;
- *Subject-matter* – complaints which are really about Council services, its policies or performance will be referred to the relevant service area in accordance with the Council’s complaints procedure;
- *Member complaints* – Complaints by Members against another Member will not usually be investigated if the Monitoring Officer considers that the complaint is of a kind

which could be more appropriately addressed through political group processes, political party complaints procedures or informal mediation.

4.8 Where the Monitoring Officer considers that a complaint can be resolved without the need for a formal investigation she may take one or more of the following actions:

- asking the member to acknowledge that his/her conduct was unacceptable and to offer an apology or other remedial action by the authority.
- referring the matter to group leaders or officers
- asking the member to be attending training

4.9 Matters which might appropriately be dealt with as described in 4.8 above may include:

- Misunderstanding of procedures or protocols
- Misleading, unclear or misunderstood advice from officers
- Lack of experience or training
- A general deterioration of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect.
- Allegations and retaliatory allegations from the same individuals

4.10 If such action does not resolve the complaint, the Monitoring Officer will reconsider whether the complaint merits formal investigation.

4.11. The Monitoring Officer may in exceptional circumstances, refer a complaint to the Standards and General Purposes Committee to determine if an investigation is the appropriate course of action.

4.11 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the police and other regulatory agencies.

5. How is the investigation conducted?

5.1 If the Monitoring Officer in consultation with the Independent Person decides that a complaint merits formal investigation, she will appoint an investigating officer and agree a timescale in which to undertake

the investigation. This will normally take no more than 12 weeks from the appointment.

- 5.2 The investigating officer will contact the complainant and the member against whom a complaint has been made and undertake such investigation as is appropriate in all the circumstances.
- 5.3 At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the complainant and the member against whom the complaint has been made.
- 5.4 Having received and taken account of any comments which have been made, the Investigating Officer will send a copy of the final report to the Monitoring Officer.
- 5.5 If at any time the investigation is frustrated, for example, if significant witnesses are not available for interview, the Monitoring Officer shall decide what action to take, including, in consultation with the Independent Person, terminating the investigation. Such a decision will be reported to the Standards and General Purposes Committee.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 6.1 The Monitoring Officer will review the Investigating Officer's report and if she is satisfied in consultation with the Independent Person that the report is sufficient, the Monitoring Officer will inform the complainant and the member concerned that she is satisfied that no further action is required. A copy of the investigating officer's final report will be given to the complainant and the member concerned. The report will be referred to the Standards and General Purposes Committee without question or debate, unless the member concerned requests that it not be reported.
- 6.2 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, she may ask the investigating officer to reconsider his/her report.

7 What happens if the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct?

- 7.1 The Monitoring Officer will review the investigating officer's report and in consultation with the Independent Person, will either (a) refer the matter to the Hearings Subcommittee which is a sub-committee of the Standards and General Purposes Committee or (b) seek local resolution.
- 7.2 *Local resolution*

The Monitoring Officer may consider that the matter can

reasonably be resolved without the need for a hearing. In such a case, she will consult with the Independent Person and the complainant and seek to agree a fair resolution which helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards and General Purposes Committee for information but will take no further action.

7.3 *Monitoring Officer consideration of whether a matter proceeds to Local hearing*

If the Monitoring Officer considers, in consultation with the Independent Person, that the matter should be referred directly to a hearing or if, in accordance with paragraph 7.2 above, the member has failed to comply with the suggested informal resolution, she shall refer the matter to the Hearings Subcommittee which shall proceed to conduct a hearing in accordance with paragraphs 8-11 of this procedure and the hearings procedure attached as the schedule to this procedure.

7.4 Where the Monitoring Officer considers it appropriate, she may refer a complaint falling within paragraph 7.3 above to the full Standards and General Purposes Committee for hearing instead of to the Hearings Subcommittee and in such cases the provisions of paragraphs 8-11 below and the schedule shall apply.

8. Pre Hearing Process

8.1 Prior to a hearing, an officer from the Council's Democracy Services team will write to the member subject to the complaint ("the member") proposing a date for the hearing before the Hearings Subcommittee.

8.2 Democracy Services will outline the hearing procedure to the member and request a written response within a set time in relation to whether the member:

- Wants to attend the hearing
- Wants to be represented at the hearing by a solicitor, barrister or any other person
- Disagrees with any of the findings of fact in the investigation report in which case the member should be asked to set out those facts which are in dispute
- Wants to give evidence to the Hearings Subcommittee either verbally or in writing

- Wants to call relevant witnesses to give evidence to the hearing and to provide details of the witnesses
- Wants any part of the hearing to be held in private and reasons for the request
- Wants any part of the investigation report or other relevant documents to be withheld from the public and reasons for the request

8.3 Democracy Services will refer the member's response to the Monitoring Officer to comment in order to ensure that all parties are clear about the remaining factual disputes and can deal with these issues at the hearing. The Monitoring Officer will also ascertain from the investigating officer whether the complainant will be giving evidence at the hearing and whether the investigating officer will be calling any witnesses to give evidence.

8.4 The Monitoring Officer will prepare a report for the hearing which will:

- Summarise the allegation
- Outline the main facts of the case which are agreed
- Outline the main facts which are not agreed
- Indicate whether the member and the investigating officer will be present at the hearing
- Indicate the witnesses, if any, who will be asked to give evidence
- Outline the proposed procedure for the hearing
- Include the Investigating Officer's report
- Include the views of the Independent Person

9 The Hearing

9.1 The hearing is before the Hearings Subcommittee and the Independent Person will be in attendance to provide his/her views before a decision is made.

9.2 The procedure for local hearings is set out in the schedule. The Chair of the Hearings Subcommittee shall have discretion to vary that procedure if s/he considers it is reasonably necessary to do so in order to ensure a fair and efficient hearing.

9.3 The meeting of the Hearings Subcommittee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 and the Subcommittee resolves to go into

private session having considered whether it is appropriate to do so, taking into account the public interest in the meeting being

- 9.4 The Hearings Subcommittee can determine the number of witnesses and the way in which witnesses can be questioned.
 - 9.5 If the member fails to attend the hearing, the Hearings Sub Committee can decide whether to proceed in the member's absence and make a determination or whether to adjourn the hearing to a later date.
 - 9.6 The Hearings Subcommittee will decide on the balance of probabilities whether it is more likely than not that the member is in breach of the Code of Conduct. The Hearings Subcommittee must seek the views of the independent person before making a decision on the allegation.
 - 9.7 If the Hearings Subcommittee concludes that the member did not fail to comply with the Code of Conduct, it will dismiss the complaint.
 - 9.8 If the Hearings Subcommittee concludes that the member did fail to comply with the Code of Conduct, the Subcommittee will then consider what action, if any, it should take. In doing this, the Hearings Subcommittee will give the member the opportunity to make representations to the Committee and will consult the Independent Person.
- 10. What action can the Hearings Subcommittee take where a member has failed to comply with the Code of Conduct?**
- 10.1 The Hearings Subcommittee may:
 - Issue a public censure or reprimand the member
 - Ask the member to apologise
 - Publish its findings in respect of the member's conduct
 - Report its findings to Council for information including a recommendation that the member be removed from any committee of the Council
 - Recommend to the member's Group Leader (or in the case of un- grouped members recommend to Council or to committees) that the member be removed from any or all committees of the council
 - Recommend to the Leader of the Council that the member be removed from the Cabinet or removed from particular portfolio responsibilities
 - Recommend to Council that the member be replaced in any Council appointed roles

- Instruct the Monitoring Officer to arrange training for the member
- Recommend to Council removal from all outside appointments to which the member has been appointed or nominated by the authority
- Withdraw facilities provided to the member by the Council, such as computer, website and/or internet access
- Exclude the member from the Council's offices or other premises with the exception of meeting rooms as necessary for attending council and committee meetings
- The Hearings Subcommittee has no power to suspend or disqualify the member or to withdraw members' allowances.

11. What happens at the end of the hearing?

- 11.1 At the end of the hearing the Chair of the Hearings Subcommittee will state the decision of the committee
- 11.2 As soon as practicable thereafter, the Monitoring Officer will prepare a formal decision notice in consultation with the Chair and send a copy to the complainant, the member, and make the decision notice available for public inspection unless, in a case where the Subcommittee's conclusion is that the member is not in breach of the code of conduct, the member requests that the notice of decision is not published

12. Revision of these arrangements

With the exception of paragraph 10 above, the Council has delegated the authority to amend these arrangements to the Standards and General Purposes Committee

13. Appeals

There is no right of appeal for the complainant or the member against a decision of the Monitoring Officer or the Hearings Subcommittee.

If the complainant believes that the authority has failed to deal with the complaint properly, they may wish to make a complaint to the Local Government Ombudsman.

Schedule to Part 5 A

PROCEDURE FOR HEARINGS BEFORE THE HEARINGS SUBCOMITTEE

1. Introductions
2. The Committee will consider whether to resolve to exclude the press and public from the hearing if one of the grounds set out in schedule 12A to the Local Government Act 1972 applies, taking into account the public interest in the hearing being open to the public.
3. The Chair of the Subcommittee will outline the hearing procedure. The Chair can depart from the procedure outlined below where he/she considers it expedient to do so in order to secure the fair consideration of the matter. This may include combining the stages of making findings of fact and considering whether such facts amount to a breach of the Code of Conduct.

Findings of Fact

4. The Subcommittee should consider whether there are any significant disagreements about the facts contained in the investigating officer's report. If there is no disagreement about the facts the committee can move on to the next stage of the hearing (go to paragraph 11)
4. Where there is a disagreement the investigating officer will be invited to make representations to support the findings of fact and with the Committee's permission, call witnesses to give evidence.
5. The member against whom the complaint has been made will be given the opportunity to challenge the evidence put forward by any witness called by the investigating officer by asking the witness questions.
6. The member will then be given the opportunity to make representations and with the Committee's permission, call any witnesses to give evidence.
7. The investigating officer will be given the opportunity to challenge the evidence put forward by any witness called by the member by asking the witness questions.
7. At any time, the Committee and independent person may question any of the people involved or any witnesses.
8. The Committee may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee in private will be shared with the meeting as a whole.

- 9 The committee may retire to consider its decision on a finding of facts in private.
- 10 Once the Committee has made its decision, the Chair will announce the Committee's finding of fact to the meeting.

Did the member fail to comply with the Code of Conduct?

11. The committee should then consider whether, based on the facts it has found, the member has failed to comply with the Code.
12. The member will be invited to make representations on the matter.
13. The investigating officer will be invited to make representations.
14. The independent person will be invited to express his or her views
15. The committee may, at any time, question the member, investigating officer or independent person on any point raised in the representations.
16. The member will be invited to make any final relevant points.
17. The committee may retire to consider its decision in private
18. Once the committee has made its decision, the Chair will announce the committee's decision to the meeting as to whether the member has failed to comply with the Code.

If there is a finding that the member has not failed to comply with the Code of Conduct

19. Where the committee decides that the member has not failed to comply with the Code, the committee can consider whether it wishes to make any recommendations to the authority.

If there is a finding that the member has failed to comply with the Code of Conduct

20. If the committee decide that the member has failed to comply with the Code, it will consider representations from the member, investigating officer and independent person as to:
 - Whether the committee should apply a sanction
 - What form any sanction should take.
21. The committee may question the investigating officer, member and independent person and take legal advice, to make sure they have the information they need in order to make an informed decision.

22. The committee may consider in private whether to impose a sanction and if, so what sanction it should be.
23. The Chair will announce the decision to the meeting.
24. The committee will also consider whether it should make any recommendations to the authority with a view to promoting high standards of conduct.

The written decision

25. As soon as practicable the Monitoring Officer will prepare a formal decision notice in consultation with the Chair and send a copy to the complainant, the member and make the decision available for public inspection unless, in a case where the Subcommittee's conclusion is that the member is not in breach of the code of conduct, the member requests that the notice of decision is not published.

Committee: Standards and General Purposes Committee

Date: 07 July 2021

Wards: All

Subject: Revisions to the Council's Contract Standing Orders

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Tobin Byers

Contact officer: Dawn Jolley, Head of Commercial Services

Recommendations:

- A. That Council adopt the proposed revisions made to the Council's Contract Standing Orders, effective from 8 July 2021 and for the Council's Constitution to be amended accordingly, as recommended by Standards and General Purpose Committee on 28 June 2021.

Changes made are in response to the implementation of the impact the UK leaving the EU will have on the Public Contracts Regulations [The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020] (PPR 2020), greater reinforcement with regards to the Social Value Act 2012, reference to the Council's commitment to the Climate Emergency; and to try to provide clarity in order to drive greater compliance overall with procurement governance and best practice

- B. That Council approve that the appendices to the CSOs may be updated by the Head of Commercial Services, with approval by Procurement Board, without the need to seek approval from SGPC and full Council, as recommended by Standards and General Purpose Committee on 28 June 2021.

These are supplementary documents, templates and guidance notes that compliment but do not impact on the content of the main CSOs.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform members about the proposed changes to the Contract Standing Orders (CSOs), which form Part 4G of the Council's Constitution, in light of the legislative changes brought about by the UK's exit from the EU and the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020. The revision also seeks to drive greater reinforcement to the Social Value Act 2012, reference to the Council's commitment to the Climate Emergency; and to try to provide clarity in order to drive greater compliance overall with procurement governance and best practice.

2 DETAILS

- 2.1. Merton, as a public authority is bound by the Public Procurement Regulations, which governs public sector procurement of works, supplies and services contracts. This

legal framework encourages free and open competition and value for money, in line with agreed obligations and regulations. As part of its strategy, the government aligns procurement policies with this legal framework, as well as with its wider policy objectives.

- 2.2. The implementation of the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, took effect from 23:00 on 31 December 2020. The revised Regulations fixes deficiencies in the public procurement regulations that are caused by the UK leaving the EU, and also implements the Withdrawal Agreement between the EU and the UK (which includes the Northern Ireland Protocol), the [EEA Separation Agreement](#) and the Swiss Citizens' Rights Agreement.
- 2.3. The Council is obliged to maintain a set of Contract Standing Orders to cover the procurement of all works, supplies and services and the procedures underpinning them. Given that Contract Standing Orders form part of the Council's Constitution, any amendments to the CSOs must be approved by full Council.
- 2.4. The main impact which affect councils in the short term is:
 - i) From 23:00 on 31 December 2020, new UK public procurement opportunities needed to be published on the UK e-notification service called Find a Tender service (FTS). The FTS means new UK opportunities will no longer be sent to the Official Journal of the European Union (OJEU) or Tenders Electronic Daily (TED). However, for procurements that were advertised in OJEU before 23:00 on 31 December, any subsequent notices, such as award notices, needed to be sent to OJEU for publication.
- 2.5. The Government is considering further reforms to the public procurement regulations. These are detailed in the Green Paper: Transforming public procurement, which has recently undergone consultation. There will also be the outcomes of the NHS and social care White Paper: Integration and innovation: working together to improve health and social care for all – implications for future procurement of public health service. The Council's CSOs will be revised and updated once the impact of both of these paper are known and appropriate legislation has been drafted. This is expected to be in about 18-months.

3.0 RECOMMENDED CHANGES TO CSOs

- 3.1 The key changes proposed within the review of the CSOs are summarised below:

a) Clearer signposting

The CSO's have been amended to better highlight the key principles of transparency and the need for value for money.

Clearer signposting to Departmental Scheme of Management; the Departmental Operational Procurement Groups (OPGs) and Procurement Board (PrB) has been included.

b) Application of the CSOs

The CSOs have been amended to reflect the change in requirement to advertise in Find a Tender as per the PPR 2020.

c) Social Value

Reference to the Public Services (Social Value) Act 2012 has been strengthened.

d) Climate Emergency

Due consideration is to be given to the Council's commitment to the Climate Emergency and how the Council can reduce its carbon footprint through the tenders that it lets.

e) Use of Professional Services and/or Consultants

The CSOs have been amended to ensure that in the first instance, Officers make use of corporate contracts / agreements for the provision of this type of requirement.

f) Evaluation of Bids

The CSOs have been amended to include reference to the fact that bids for contracts above the Lower Threshold (over £25,001) are to be evaluated by at least three Officers; that the highest scoring bid for contracts above the Lower Threshold (over £25,001) should have their financial standing reviewed by the respective departmental Service Financial Advisor; and the evaluation of bids received for contracts above the upper threshold (£100,000) are to be moderated by a member of the Commercial Services team.

g) Contract Extensions

The CSOs have been amended to make it clearer for officers wanting to extend or vary a contract.

4. PROCUREMENT TOOLKIT REFRESH

4.1 Along with the proposed revisions to the CSOs, the Procurement Toolkit, available to staff via the Merton Hub, is currently being refreshed in order to further support Officers undertaking compliant, outcomes focused procurements that meet the Council's needs now and in the future. This is a 'live' document which is updated as and when. This has been supplemented by a Social Value Toolkit, also available via the Merton Hub. Additionally, the Social Value Toolkit will be made available on the Council's website under Contracts, tenders and procurement.

4.2 Key updates to include:

- i) The updating of the template suite of documents for all the main procedures, including Quotations, Open and Restricted tenders and supporting detailed guidance notes.
- ii) Updated short summary guides and tables which offer a 'quick guide' to the approvals, advertising and procurement procedures based on the contract value
- iii) Up to date 'Process flows' for each procurement process, showing Officers the key stages and minimum timescales required to undertake the individual process, such as Open, Restricted and Competitive with Negotiation.
- iv) Templates for obtaining approval to invite tender and award a contract, where Officers have delegated authority as part of the Scheme of Delegation.
- v) A Commercial and Procurement glossary.

- 4.3 All documents have been created using the same themes and language to ensure consistency and so that the principles are clear and easy to understand.

5 ALTERNATIVE OPTIONS

- 5.1 Leave the CSOs as they are, previously revised by Full Council on 22 November 2017. This option is not recommend given that CSOs are required to be amended to ensure they are complaint with current legislation and best practice.

6 CONSULTATION UNDERTAKEN OR PROPOSED

- 6.1. The Council's Procurement Board as well as the Council's Monitoring Officer has been given the opportunity to comment on the proposed amendments to CSOs.

7 TIMETABLE

- 7.1. It is anticipated that should the proposed amendments be approved by Full Council on 7 July 2021 that the updated CSOs will be effective 8 July 2021.

8 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 8.1. None.

9 LEGAL AND STATUTORY IMPLICATIONS

- 9.1 The Local Government Act 1972 (Section 135) requires that Local Authorities make Standing Orders in respect of contracts for the supply of goods, services and materials or the execution of works to ensure competition and regulate the manner in which tenders are invited.

10 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 10.1 None.

11 CRIME AND DISORDER IMPLICATIONS

- 11.1 None.

12 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 12.1. By revising and updating the Council's Contract Standing Orders, risk of Legal Challenge for failure to follow due process should be mitigated at least in part.

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

- 13.1. Proposed Revised Contract Standing Orders

14 BACKGROUND PAPERS

The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020

LONDON BOROUGH OF MERTON

CONSTITUTION - PART 4G

CONTRACT STANDING ORDERS

Effective: July 2021¹

Version: 3.0

Revised by: Dawn Jolley – Head of Commercial Services

Approved by: Director of Corporate Services (15.06.2021)

Standards and General Purposes Committee (28.06.2021)

Full Council (ddmmyy)

¹ Full Council revised last version 2.0 on 22 November 2017.

CSOs are to be reviewed and revised every two to three years (unless a need arises to review sooner).

CONTENTS

CSO 1.	CONTRACT STANDING ORDERS - COMPLIANCE AND TERMINOLOGY	4
CSO 2.	AMENDMENT OF CONTRACT STANDING ORDERS	5
CSO 3.	PROCUREMENT TOOLKIT	6
CSO 4.	SCHEMES OF MANAGEMENT	6
CSO 5.	DIRECTOR'S RESPONSIBILITY	6
CSO 6.	RESPONSIBLE OFFICER'S DUTIES	7
CSO 7.	SEEKING AN EXEMPTION FROM CONTRACT STANDING ORDERS	9
CSO 8.	EXCEPTIONS TO CONTRACT STANDING ORDERS	10
CSO 9.	OPTIONS APPRAISAL	11
CSO 10.	CONTRACT VALUE ESTIMATION AND AUTHORISATION TO COMMENCE THE PROCUREMENT	11
CSO 11.	CONTRACT PACKAGING AND AGGREGATION	13
CSO 12.	FRAMEWORK AGREEMENTS	14
CSO 13.	GENERAL PROVISIONS, THE E-TENDERING SYSTEM AND COMMUNICATION WITH BIDDERS	15
CSO 14.	CONSULTANTS	16
CSO 15.	SERVICES COVERED BY THE LIGHT TOUCH REGIME	17
CSO 16.	CONTRACTS UP TO AND INCLUDING £5,000	17
CSO 17.	CONTRACTS ABOVE £5,000 UP TO AND INCLUDING THE LOWER THRESHOLD (£5,001 - £25,000)	18
CSO 18.	CONTRACTS ABOVE THE LOWER THRESHOLD UP TO AND INCLUDING THE UPPER THRESHOLD (£25,001 - £100,000)	18
CSO 19.	CONTRACTS ABOVE THE UPPER THRESHOLD (£100,001)	19
CSO 20.	CONTRACT AWARD NOTICES AND PUBLISHING AWARD DETAILS ON CONTRACTS FINDER	20
CSO 21.	EMERGENCY PROCUREMENT	21
CSO 22.	SHORTLISTING BIDDERS – STANDARD SELECTION QUESTIONNAIRES (SQS) AND SUITABILITY QUESTIONS	22
CSO 23.	EVALUATION OF BIDS AND AWARD CRITERIA	22
CSO 24.	CONTRACT AWARD AND AUTHORISATION PROCESS	23
CSO 25.	FORMS OF CONTRACTS AND IN WRITING	25
CSO 26.	CONTRACT CONDITIONS	25
CSO 27.	CONTRACT VARIATIONS, EXTENSION AND NOVATIONS	25
CSO 28.	CONTRACTS FOR THE DISPOSAL OF COUNCIL ASSETS	27
CSO 29.	CONFLICTS OF INTEREST	28
CSO 30.	ACCEPTANCE OF GIFTS AND HOSPITALITY	28
CSO 31.	UNAUTHORISED DISCLOSURE OF INFORMATION	29
CSO 32.	INTERNAL ADMINISTRATIVE MATTERS FOLLOWING AWARD OF CONTRACT	29
	APPENDIX 1 - DEFINITIONS	30
	APPENDIX 2 - EXEMPTIONS FROM CONTRACT STANDING ORDERS	38

EXEMPTION REPORT	40
APPENDIX 3– UK PROCUREMENT THRESHOLDS	43
APPENDIX 4 – MERTON THRESHOLDS	44
APPENDIX 5 - RETENTION PERIODS FOR CONTRACT DOCUMENTS	45
APPENDIX 6 CODE OF PRACTICE FOR THE APPOINTMENT OF CONSULTANTS	46
APPENDIX 7 – JOINT PROCUREMENT ARRANGEMENTS WITH THIRD PARTIES	50
APPENDIX 8 – PROCEDURE FOR ACCEPTING AND OPENING PAPER BIDS	51
APPENDIX 9 – COMPLYING WITH THE UK’S INTERNATIONAL OBLIGATIONS ON SUBSIDY CONTROL	52
APPENDIX 10 – MERTON PROCUREMENT / DEMOCRATIC GOVERNANCE	55
APPENDIX 11 – GUIDANCE NOTE ON SEALING CONTRACTS	57
APPENDIX 12 – PROCUREMENT CARDS (P-CARDS)	58
APPENDIX 13 – PUBLIC SECTOR PROCUREMENT FROM 1 JANUARY 2021	59

CSO 1. CONTRACT STANDING ORDERS - COMPLIANCE AND TERMINOLOGY

- 1.1 Contract Standing Orders (“CSOs”) form part of the Constitution of the London Borough of Merton (“the Council”) and govern contracts as described below.
- 1.2 The Council is legally obliged to have standing orders. CSOs must include provision for securing competition in the award of contracts and for regulating the manner in which tenders are invited.
- 1.3 These Orders are based on the following key principles:
 - a. To be transparent with our residents about how the Council spends their money
 - b. To ensure that the Council meets its statutory duty to deliver best value for money, and creates healthy competition and markets for the Goods, Services and Works purchased
 - c. To ensure that public money is spent legally and fairly
 - d. To support sustainability and social value objectives, and our public sector equality duty, encouraging local small businesses.
- 1.4 In addition, each Department must have and adhere to a Scheme of Management. The Scheme of Management will set out what level of financial authority officers in each Department have.
- 1.5 Officers must comply with these CSOs unless an Exemption from CSOs is obtained, in advance, in accordance with [CSO 7 \(Exemptions from Contract Standing Orders\)](#).
- 1.6 A list of Exceptions to these CSOs are to be found [under CSO 8 \(Exceptions to Contract Standing Orders\)](#).
- 1.7 Failure by Officers to comply with these CSOs is a disciplinary offence.
- 1.8 These CSOs apply to all contracts awarded by the Council for works, services or supplies, regardless of the source of funding for the contract, and to the award of concession contracts and those relating to income generation. They apply equally to contracts awarded by any person, firm or body acting on the Council’s behalf subject to CSO 1.7.
- 1.9 In certain cases, the Council may enter into joint procurement arrangements, partnership agreements or shared services with other parties, including other councils.
 - 1.9.1 Such agreements may contain delegations to either individual officers, joint committees or other Councils to authorise procurement strategies and/or contract awards in compliance with a third party’s contract standing orders.
 - 1.9.2 Procurement Board must approve any partnership agreement and/or shared services arrangement, at the outset, before being authorised by the Director of Corporate Services and/or the Chief Executive.
 - 1.9.3 At the sole discretion of either the Director of Corporate Services or the Chief Executive, the proposed joint arrangement may be designated as requiring prior consent from Cabinet to proceed. Please see [Appendix 7](#).

- 1.10 When entering into any agreement to engage a Consultant (to carry out work on behalf of the Council) in relation to any Disposal, Contract or Property Agreement (or proposed Disposal, Contract or Property Agreement) - the appointing and/or Responsible Officer must ensure that such Consultant agrees to, and actively complies with, these CSOs.
- 1.11 Disposals and Property Agreements are dealt with specifically at [CSO 28 \(Contracts for the Disposal of Council Assets\)](#) and unless otherwise stated to the contrary, the provisions stated to apply specifically to Contracts do not apply to Disposals or Property Agreements.
- 1.12 Every Contract and Disposal and Property Agreement must comply with:
- All applicable UK and associated Laws;
 - Financial Regulations; and
 - Relevant Council Policies.
- 1.13 These CSOs (whether amended or superseded or not) shall be retained for twelve (12) years from the date of publication before being considered for destruction.
- 1.14 The Director of Corporate Services may from time to time issue practical guidance and governance as to the steps to be taken to comply with these CSOs.
- 1.15 In these CSOs reference to a post, Director, department, team or the like includes a reference to any re-designated post, Director, department, team or the like from time to time who performs or substantially performs the role, function or duties of that post, Director, department, team or the like, or the manager of these posts.
- 1.16 Terminology and abbreviations referred to in these CSOs are set out at [Appendix 1](#).
- 1.17 These CSOs are to be read in conjunction with the Council's Procurement Toolkit that sets out guidance on the application of these principles and compliance with these CSOs. *The Toolkit is located on the Merton Hub and is updated on a regular basis in consultation with the Procurement Board and Departmental Operational Procurement Groups. Advice should also be sought from both Commercial Services and Legal Services*
- 1.18 Any wholly or partly owned Merton company must ensure that they set up their own, specific governance arrangements, in consultation with and approved by their relevant appropriate Board.

CSO 2. AMENDMENT OF CONTRACT STANDING ORDERS

- 2.1 Except to the extent permitted under CSO 2.2, these CSOs may only be amended following a recommendation of the Director of Corporate Services and approval by a meeting of the full Council.
- 2.2 These CSOs may be supplemented, varied or amended from time to time in respect of the Council Thresholds, the Authorisation Thresholds and to reflect the requirements of any amendments to or additional UK / associated Procurement Laws or other Laws with the written approval of the Leader of the Council, the Chair of Scrutiny, the Chief Executive and the Monitoring Officer.

CSO 3. PROCUREMENT TOOLKIT

- 3.1 The Procurement Toolkit contains guidance, information, templates, tools and techniques to assist officers in undertaking Contract procurement and management activity generally and in complying with these CSOs.
- 3.2 In the event of any conflict between these CSOs and the Procurement Toolkit, these CSOs shall take precedence over the Procurement Toolkit.
- 3.3 The Procurement Toolkit can be found on the Merton Hub.

CSO 4. SCHEMES OF MANAGEMENT

- 4.1 The Chief Executive and any officers authorised by the Chief Executive in accordance with the relevant Scheme of Management may authorise the entry into Contracts and Property Agreements by the Council.
- 4.2 The Director of Corporate Services shall keep a register of all Schemes of Management and make this available on the Council's intranet.
- 4.3 Financial limits for authorising the awards of contracts (including variations and/or extensions) - post approval by either the relevant Operational Procurement Group (OPG) and/or Procurement Board - are as follows:

Over £2 million	Cabinet
Above £500,000 <i>Key Decisions</i>	Chief Executive and Director of Corporate Services
Up to £500,000 <i>Non-key Decisions</i>	Level 1 Managers
Up to £250,000	Level 2 Managers + named exceptions
Up to £50,000	Level 3 Managers + named exceptions
Up to £20,000	Level 4 Managers + named exceptions
Up to £10,000	Level 5 Managers + named exceptions

- 4.4 Some variation may occur from department to department. Each Departmental Scheme of Management can be found on the Merton Hub. *(It is the responsibility of each Department to ensure that their respective Scheme of Management is reviewed regularly and kept up to date).*

CSO 5. DIRECTOR'S RESPONSIBILITY

- 5.1 Directors are responsible for ensuring within their department that:
- 5.1.1 these CSOs are observed and complied with;
- 5.1.2 a Scheme of Management exists for their department which sets out which Officers may authorise entering into a Contract and/or Property Agreement;
- 5.1.3 Contracts and Property Agreements are (as relevant) awarded/entered into and managed in accordance with these CSOs;
- 5.1.4 documentation, accurate records, clear audit trails relating to all Disposals, Contract procurements and actions, decisions and Authorisations relating to all Contracts and Property Agreements are maintained and are available for

inspection;

- 5.1.5 the documentation, records and audit trails referred to in CSO 5.1.4 shall be retained for the periods set out in [Appendix 5 \(Retention Periods for Documents\)](#).

CSO 6. RESPONSIBLE OFFICER'S DUTIES

- 6.1 The departmental Director (or alternative Officer on their behalf) shall appoint a Responsible Officer to be responsible for every proposed or actual Contract, Disposal and Property Agreement. Where no Responsible Officer has been directly appointed, the Responsible Officer shall be deemed the Budget Holder of the department from which the Contract is funded, income received (e.g. Concession Contracts, etc.) or Disposal/Property Agreement is handled.
- 6.2 The Responsible Officer shall be responsible for ensuring that the procurement of the Contract or Disposal is conducted in accordance with these CSOs. This includes where the procurement is undertaken by a consultant on behalf of the Council.
- 6.3 Without prejudice to the general requirement at CSO 6.2, the Responsible Officers shall:
- 6.3.1 before selecting the most appropriate procurement route for a Contract, carry out a robust Options Appraisal;
- 6.3.2 seek value for money and, in the procurement of a Contract and to the extent relevant, proportionate and permitted by UK / associated Procurement Law, consider social benefits of the Contract;
- 6.3.2.1 The Public Services (Social Value) Act 2012 places an obligation on the Council to consider the economic, social and environmental well-being of our local area when we award contracts over Regulatory Thresholds.
Please see guidance within the Social Value Toolkit
- 6.3.3 give due consideration to the Council's commitment to the Climate Emergency and how the Council can reduce its carbon footprint through the tenders that it lets;
- 6.3.4 conduct all activity in accordance with the highest standards of probity and integrity to prevent fraud and corruption;
- 6.3.5 fulfil the role as the project sponsor or appoint a project sponsor and appoint a project manager where relevant;
- 6.3.6 in relation to any Contract, adhere to the Council's Procurement Governance and Gateway Process as stipulated by the Director of Corporate Services;
- 6.3.7 take into account all relevant Laws and Council strategies, policies and procedures relating to equality, diversity, health & safety, Modern Slavery and sustainability;
- 6.3.8 be responsible for ensuring and demonstrating that appropriate statutory and stakeholder consultation has been carried out;
- 6.3.9 clarify the role (if any) of community groups, the voluntary sector and the business community;

- 6.3.10 ensure that either on appointment or engagement or (if not already done so) prior to commencing any relevant activities, all Officers, Contractors and Consultants, involved in the procurement of a Contract or a Disposal, complete a Declaration of Interest in line with the Council's Declaration of Interest policy (on the Merton Hub). This applies equally to any Community Representatives that may participate in any way in a procurement process.
- 6.3.11 take into account all relevant requirements under the Local Government Transparency Code and General Data Protection Regulation (GDPR);
- 6.4 The Responsible Officer may not delegate their duty under CSO 6.2 and 6.3 and shall ensure that compliance is properly evidenced.
- 6.5 Officers may invite community representatives to participate in the procurement process for development of specifications, assistance in selection of providers and the commentary on performance of particular contracts. The agreement of the Director of Corporate Services is required for any other type of involvement where this is not covered by law or any Council policy. *Guidance is also contained within the Procurement Toolkit.*
- 6.5.1 Community representatives (e.g. school representatives, but not Members) are not and may not be "Responsible Officers" for the purposes of these Standing Orders and, except where the law specifically provides otherwise, will be observers with speaking rights at the discretion of the Responsible Officer. They may advise Responsible Officers where appropriate, but all decisions will be taken by the Council within the framework of the schemes of delegation;
- 6.5.2 Responsible Officers will ensure community representatives give a written undertaking to treat all information confidentially throughout the tendering process, and the life of the contract and sign the appropriate declaration of interests;
- 6.5.3 The Council must always avoid any suspicion or risk of potential allegation about possible bribery or corruption. An adequate record of the Community Representatives involved, consulted and the responses obtained must be kept and filed. It must include a written record of those approached and their responses, including notes of any meetings held with names of all those present. Where possible, written responses should be encouraged. If face-to-face discussion is necessary, then the Responsible Officer should attend such a meeting accompanied by another Council representative.
- 6.6 The Council has a statutory duty to achieve best value and it is in the Council's best interests to spend public money in this way. Contracts must be awarded on the basis of the most economically advantageous tender (MEAT), quotation or proposal, as determined by such criteria as are relevant to the type of goods, works or services. This will generally cover the optimum combination of whole life costs and benefits, including such factors as quality, Social Value, initial price, running costs and disposal costs. In short, this does not require the tender to be awarded to the lowest priced bidder.

CSO 7. SEEKING AN EXEMPTION FROM CONTRACT STANDING ORDERS

- 7.1 The Chief Executive will consider and may grant exemptions, where appropriate, to these CSOs when requested by Officers within Corporate Services.
- 7.2 For Departments other than Corporate Services, the Director of Corporate Services is authorised to grant exemptions to these CSOs.
- 7.3 The grounds for granting exemptions are as follows. No exemption to these CSOs may be permitted unless the authoriser can be satisfied that:
- i. the circumstances of the proposed waiver are permitted under UK Procurement and associated law; and
 - ii. there are exceptional circumstances that have led to a need to depart from the CSOs and evidence has been provided which demonstrates the exemption is necessary to achieve the Council's objectives; and
 - iii. the nature of the market for the works to be carried out, or the services or supplies to be provided, has been investigated and it has been demonstrated that due to a lack of competition in the market, a departure from the requirements of CSOs is justifiable; or
 - iv. the contract is for works, services or supplies that are required in circumstances of an emergency and as such could not reasonably have been foreseen.
- 7.4 Where an exemption is requested, an Exemption Report must first be reviewed by the relevant Category Manager, the relevant Service Financial Adviser (SFA) and the Council's Legal Services (the South London Legal Partnership (SLLP)), all for comment and sign-off. The report is then to be submitted to the Head of Commercial Services (for review and approval) prior to it being submitted to the Chief Executive or the Director of Corporate Services (as relevant) and must include:
- a) the Contract Standing Order number from which the exemption is requested
 - b) the reasons for requesting the exemption
 - c) the alternatives available if the exemption is not granted
 - d) total value of the exemption being requested
 - e) any potential legal implications associated with the exemption request
 - f) the financial implications of the exemption request
- 7.5 No requested exemption shall be permitted to take effect until the Exemption Report has been signed as agreed by the Chief Executive or the Director of Corporate Services (as relevant).
- 7.6 A template and non-exhaustive list of circumstances where an exemption may be granted is set out in [Appendix2](#).
- 7.7 No exemption may be granted that:
- Is retrospective in seeking approval to award
 - would result in a breach of UK / associated Procurement Law
 - requires Cabinet to approve significant contract variations

- removes the requirement for Cabinet to approve certain contract awards
- differs from the Scheme of Management
- removes the requirement for declaration of any Officer or Members Interests

7.8 The Director of Corporate Services shall maintain a register of exemptions granted by department that shall refer to the relevant Contract, Disposal or Property Agreement and set out the nature of the exemption and the value of the Contract, Disposal or Property Agreement as well as include the Exemption Report. The Director of Corporate Services shall report exemptions monthly to the Procurement Board.

7.9 In exceptional circumstances - if the Director of Corporate Services and/or the Chief Executive are not able to grant an exemption - any two (2) Officers selected from the Deputy Section 151 Officer, the Monitoring Officer or any of the Council's remaining Directors may, acting jointly, consider and where appropriate, grant an exemption. Directors may not sign off an exemption report for their own department.

CSO 8. EXCEPTIONS TO CONTRACT STANDING ORDERS

DISPOSALS AND CONTRACTS NOT REQUIRING PROCUREMENT IN ACCORDANCE WITH THESE CONTRACT STANDING ORDERS

8.1 The following are not required to be procured in accordance with these CSOs unless otherwise required by Law and no exemption shall be required under [CSO 7 \(Exemptions from CSOs\)](#):

- Contracts of employment for staff;
- Contracts with agencies for the provision of individual temporary staff where the Head Human Resources, (after liaison with the Head of Commercial Services) agree that use of the vendor-managed service is not appropriate;
- Land Transactions (which solely relate to interest in land);
- Arrangements for the engagement of counsel for particular instructions, and certain other legal services (subject always to UK / associated Procurement Law), where the Monitoring Officer considers the instructions do not require a procurement exercise and can be commissioned outside of any current framework agreement for those services. Such instructions are to be reported by Legal Services to Procurement Board on a quarterly basis;
- Contracts for particular Voluntary Sector bodies where the Council is seeking to move from a grant agreement to a formal contractual relationship, and where the purpose of the contract is to establish the general conditions to support the voluntary sector body in adapting to the new arrangements, where the grant terminates;
- Contracts entered into by school governing bodies that operate under the relevant Scheme of Management, unless otherwise stated in the relevant Scheme of Management;
- Orders placed under Existing Contracts, Dynamic Purchasing Systems or Electronic Auctions (provided they are placed in accordance with the requirements set out or otherwise referred to in those Contracts);

- Contracts for the provision of packages of social care, educational and welfare, services to individual clients, where the aggregate value of such contracts does not exceed the UK Public Procurement Threshold for Social and other specific services. (see [APPENDIX 3](#))
- Contracts that ensure continuity of care of vulnerable persons in accordance with the Care Act 2014, Children Act 1989 and any superseding legislation;
- where the provider has signed a pre-placement agreement with the Council for residential or nursing care;
- the engagement of professional expert witnesses in contentious matters; and
- the appointment of independent investigators, arbitrators, mediators, and facilitators.

8.1.1 Entering into a grant agreement may not be subject to these CSOs in full and advice should be sought from Commercial Services and Legal Services.

8.1.2 None of the exceptions above may be utilised unless the Officer has Authority in accordance with the scheme of delegation.

8.2 Disposals of Property Assets shall be carried out in accordance with [CSO 28 \(Contracts for the Disposal of Council Assets\)](#).

CSO 9. OPTIONS APPRAISAL

9.1 Prior to the procurement of any Contract (be it for the provision of Goods, Services or Works) with a value above the Upper Threshold, the Responsible Officer must carry out an Options Appraisal to determine the best way of structuring the procurement to achieve the best outcome for the Council and the most appropriate procurement process. This should be presented, in the form of a Gateway 1 report, to the appropriate Departmental Operational Procurement Group (for contracts with a value less than £2m and regarded as low risk) and/or the Procurement Board (for contracts with a value of £2m or greater; or those projects regarded as having a high risk) for approval.

9.1.1 Guidance as to how to undertake an Options Appraisal is set out in the Procurement Toolkit

CSO 10. CONTRACT VALUE ESTIMATION AND AUTHORISATION TO COMMENCE THE PROCUREMENT

10.1 Before commencing any procurement, Officers must estimate the total value of the Contract to be procured (net of VAT). Also See [CSO 11 \(Contract Packaging and Aggregation\)](#).

10.2 The estimation is be carried out in accordance with UK / associated Procurement Law. The estimated value will determine the extent to which UK / associated Procurement Law applies as well as which CSOs apply.

The Procurement Toolkit contains guidance on the most appropriate form of Contract and procurement process to use. Commercial Services can also provide further advice. The Responsible Officer must have authority in accordance with the Scheme of Management.

10.3 The total value of the Contract must be based on the total amount payable (net of

VAT), over the full life of the Contract to the provider (regardless of where the funding is coming from, or whether or not it is a joint contract with another contracting authority). In all cases, it must include the value of any possible extensions during the period of the Contract.

10.4 In the case of contracts without a fixed term, the estimated value shall be the monthly value, multiplied by 48 (net of VAT). Additional guidance is to be sought from both Commercial Services and Legal Services to ensure compliance with UK / associated Procurement Law.

10.5 A Contract is not to be divided into smaller related Contracts (disaggregated) with the intention to avoid the application of UK / associated Procurement Law or particular CSOs. Where Contracts are disaggregated, the total value of all of the Contracts must be taken into account in determining the value of the Contract.

10.6 In the case of setting up a Framework Agreement, or Contracts to set up Dynamic Purchasing Systems (DPS), the value to be taken into account shall be the maximum estimated value of all of the Contracts envisaged to be awarded under the relevant Framework Agreement / DPS for the total period of the Framework Agreement / DPS.

10.6.1 Officers must consult the Head of Commercial Services and the Head of Law – Procurement and Information Governance, prior to seeking to set up any Framework Agreement or DPS. Please also refer to [CSO 12. FRAMEWORK AGREEMENTS](#)

10.7 Lots

10.7.1 As a general rule, where a Contract is (or may be) divided into smaller Contracts (Lots), the estimated value should take account of the value of all of the separate Lots, although in certain circumstances UK Procurement Law may permit a different methodology. Officers are to seek advice from Commercial Services and Legal Services when seeking to procure a Contract comprising of Lots.

10.7.2 Where a Contract is likely to be over the UK Procurement Threshold, Officers should record the justification for dividing or not dividing the Contract into smaller Lots.

10.8 Concession Contracts (and Contracts with nil value to the Council)

10.8.1 Specific rules apply to the valuation of Concession Contracts, where the Contract may have a nil value in terms of how much the Council pays the Provider, but this may not be a nil value when considered under the rules of the Concession Contracts Regulations 2016. The value of concession contracts shall therefore be the estimated total turnover of the concession generated over the duration of the contract, net of VAT. Also see [Appendix 9 \(Complying with the UK's International Obligations on Subsidy Control\)](#)

10.8.2 A contract will be considered to be a concession contract where:

- The consideration given to the contractor is that the contractor is permitted to exploit the works or services that are the subject of the contract (together with payment if desired).
- The award of the contract transfers the operating risk to the

concessionaire and involves real exposure to the vagaries of the market (this will be assumed where the concessionaire has no guarantee that it will recoup its investment).

10.8.3 Officers should seek advice from both Commercial Services and Legal Services, as well as approval from Procurement Board, when considering procuring and prior to awarding a Concession Contract.

10.9 Council's Commitment to Carbon Reduction

10.9.1 On 10 July 2019, Merton passed a motion to declare a climate emergency and set an ambitious carbon reduction target to make Merton the Council carbon neutral by 2030 and Merton the borough carbon neutral by 2050.

10.9.2 Officers should seek approval from Procurement Board when considering procuring any contract that has any carbon implications/impacts, irrespective of the value of the contract.

CSO 11. CONTRACT PACKAGING AND AGGREGATION

11.1 A procurement process for a new Contract may only proceed where the Council does not have a suitable Existing Contract in place. Commercial Services will, in conjunction with departmental users, publish (and update from time to time) via the Council's e-Tendering System, an Existing Contracts Register.

11.2 Contracts must be packaged to ensure they provide best Value for Money for the Council.

11.3 Responsible Officers, in conjunction with Category Managers, should consider whether aggregation of Contracts across departments offers best Value for Money for the Council and comply with reviews of service for the Council as a whole. Responsible Officers are required to justify their decision with regard to aggregation or disaggregation of Contracts across departments on the basis of Value for Money. Responsible Officers should seek advice from Commercial Services, and where necessary, Legal Services.

11.4 Aggregation:

11.4.1 Responsible Officers must aggregate contracts which have similar characteristics or are intended for renewal within a given time period, in the following way:

Contracts of the same type

11.4.2 The calculation of the estimated contract value should be based on the total value of successive contracts (including variations and extensions) of the same type, awarded anytime during the course of the preceding 48 months. This should be adjusted, where possible, to take account of changes in quantity or value which could occur in the course of 12 months following the award of a new contract.

Contracts for renewal within a certain time period

- 11.4.3 The calculation of the estimated contract value should be based on the total estimated value of successive contracts (including variations and extensions) awarded during the preceding 48 months (following the first delivery of the renewal).

Works contracts

- 11.4.4 In relation to a Works project the values of any services and supplies contracts, which are necessary for the completion of the works, must be included in the calculation of the estimated contract value.

CSO 12. FRAMEWORK AGREEMENTS

- 12.1 A Framework Agreement is a form of Contract and as a general rule, these CSOs shall apply (as appropriate) to accessing any existing Framework Agreement (be it let nationally, regionally or locally) and to the establishment of any new Framework Agreement by Merton Council.

12.2 Accessing an existing Framework Agreement

- 12.2.1 A Contract of any value may be procured using a suitable existing Framework Agreement (set up by the Council or another public sector authority, or other organisation) - provided that the Framework Agreement has been procured in accordance with UK / associated Procurement Law - and it is lawful and appropriate (in respect of scope, value, terms and eligibility to access) for the Council to use it. Responsible Officers should seek advice from Commercial Services, and where necessary, Legal Services.

- 12.2.2 Prior to utilising an existing Framework Agreement:

- i. the Director of Corporate Services (or their nominee) shall approve using such Framework Agreement; and
- ii. the Responsible Officer must seek written confirmation from both Commercial Services and Legal Services that it is lawful and appropriate for the Council to access the Framework Agreement.

- 12.2.3 Legal Services will keep an up to date list of all current and past framework agreements reviewed and approved for use by Merton.

12.3 Setting up a new Framework Agreement

- 12.3.1 When considering setting up a new Framework Agreement for the Council the Responsible Officer shall determine the estimated value of the Framework Agreement in accordance with [CSO 10 \(Contract Value Estimation and Authorisation to Commence the Procurement\)](#) and must seek advice from both Commercial Services and Legal Services, as well as approval from Procurement Board.

- 12.3.2 Responsible Officers may wish to consider permitting other contracting authorities to use the Framework Agreement and if so will need to ensure the Tender Documents and Framework Agreement are structured to enable this.

- 12.3.3 All Framework Agreements (and their Call-off Contracts) must comply with UK / associated Procurement Law.

12.4 Call-off Contracts

- 12.4.1 Call-off Contracts to be entered into pursuant to a Framework Agreement must be awarded in accordance with the rules set out in the Tender Documents and/or the Framework Agreement (as relevant). This includes in relation to the Terms and Conditions to apply.

12.5 Dynamic Purchasing Systems

- 12.5.1 A Dynamic Purchasing System may not be established without the prior approval of Procurement Board and the authorisation of the Head of Commercial Services and the Monitoring Officer and/or the Head of Law – Procurement and Information Governance or nominated officers.

CSO 13. GENERAL PROVISIONS, THE E-TENDERING SYSTEM AND COMMUNICATION WITH BIDDERS

- 13.1 The procurement of Contracts of any value and the Disposal of Council Assets shall at all times, be subject to Law.
- 13.2 In addition to the general principle at CSO 13.1, Contracts with a value at or above the Lower Threshold are subject to UK / associated Procurement Law with which Officers must comply. This includes Concession Contracts.
- 13.3 The Council Thresholds and the UK Procurement Regulations Thresholds are set out in [Appendix 3 \(UK Procurement Thresholds and SQ Thresholds\)](#) and [Appendix 4 \(Council Thresholds\)](#).
- 13.4 Save with respect to Contracts excluded from CSOs in line with [CSO 08](#):
- 13.4.1 all Contracts must be procured using the e-Tendering System;
- 13.4.2 the completed Contract must be added to the Existing Contracts Register;
- 13.4.3 [CSO 27 \(Contract Conditions\)](#) applies with respect to the requirement to include certain Terms and Conditions.
- 13.5 Subject to CSO 13.4 and [CSO 28](#), all procurements for Contracts and Disposals of Property Assets regardless of their value must be conducted using the e-Tendering System. This includes placing advertisements, requesting bids, issuing Invitations to Tender (and or Requests for Quotes) and publishing other Tender Documents, communicating with Bidders and the submitting bids.
- 13.6 All bids must be submitted to the Council via the e-Tendering System. In a very limited number of circumstances, it may be appropriate to require Bidders (in addition to submitting their bids via the e-Tendering System) to submit their bids or offers in hard copy (see [Appendix 8](#)).
- Under no circumstances may a late tender be accepted or opened without the written authorisation of the Head of Commercial Services or the Monitoring

Officer or the Head of Law – Procurement and Information Governance or nominated officers.

- Where genuine technical difficulties arise and the fault lies with the e-Tendering System, Bidders may be asked to submit their bid via the messaging section of the e-Tendering portal and/or a designated email address, once prior agreement has been sought by the Head of Commercial Services or the Monitoring Officer or the Head of Law – Procurement and Information Governance, or nominated officers.
- Bids must be opened in the presence of 2 (two) officers and a record made of the exact time and date each bid was opened. An audit trail must be sought from the system provider as to the nature of the technical difficulty. Under no circumstances may bids be sent to Officer email accounts without the prior written authorisation of either the Head of Commercial Services or Monitoring Officer or the Head of Law – Procurement and Information Governance or nominated officers.
- In the unlikely event that the e-Tendering portal is not accessible at all:
 - Where the system is not accessible for one day or less, an extension to the deadline for the receipt of quotes and/or tenders is to be granted and notification issued to all providers via a designated email address. Details of the extension are to be later added onto the portal for audit purposes.
 - Where the system is not accessible for a period of more than one day, an alternative arrangement will be set up by the Head of Commercial Services in conjunction and agreement with the Head of IT Service Delivery and notification issued to all providers via a designated email address. Details of the extension are to be later added onto the portal for audit purposes.

13.7 In certain complex procurements or Disposals and/or following an award decision (but prior to formal entry into the Contract), it may be necessary to communicate with Bidders. Such communications must be recorded in writing (preferably via the e-Tendering system) and/or minuted; and the decision to do so must be made by the Responsible Officer post discussion with the Head of Commercial Services and/or the Head of Law – Procurement & Information Governance. Officers must not meet with Bidders in person unless at least one other Officer is present.

CSO 14. CONSULTANTS

14.1 Where the Contract is a contract for the appointment of a Consultant, these CSOs shall at all times apply. This includes (without limitation) that the procurement procedure to be followed shall be as set out at [CSO 16 \(Contracts up to and including the £5,000\)](#), [CSO 17 \(Contracts above the £5,000 up to and including the Lower Threshold\)](#), [CSO 18 \(Contracts above the Lower Threshold up to and including the Upper Threshold\)](#) or [CSO 19 \(Contracts above the Upper Threshold\)](#) as appropriate, depending on the estimated value of the Contract.

14.2 Without prejudice to the general provision at CSO 14.1, the Responsible Officer shall ensure that:

- 14.2.1 the procurement complies with the Council's Code of Practice on procuring Consultants ([Appendix 6](#));
- 14.2.2 the Contract is in a form approved by the Director of Corporate Services (and [CSO 26.1.1 \(Forms of Contract and in Writing\)](#) shall not apply); that the Consultant complies with IR35 legislation and, where necessary, on a case-by-case basis, the Responsible Officer must seek guidance from the Head of HR with regards to whether or not the 'off-payroll working rules' apply.
- 14.2.3 the Council's Officer responsible for insurance matters shall determine the minimum insurance levels required; and
- 14.2.4 any Contract with the Consultant shall require the Consultant to comply with [CSO 30 \(Conflicts of Interest\)](#), [CSO 31 \(Acceptance of Gifts and Hospitality\)](#) and any other relevant Council policies.
- 14.2.5 Where the Council has an agreement in place for professional services and / or consultants, this must be used. If the agreement is deemed inappropriate for the nature of the professional services / consultancy required, an exemption of CSOs will be required [CSO 7 \(Exemptions from Contract Standing Orders\)](#).

CSO 15. SERVICES COVERED BY THE LIGHT TOUCH REGIME

- 15.1 Schedule 3 of the Public Contracts Regulations 2015 list the social and other specific services to be covered by the 'Light Touch Regime' (LTR). These can also be found in the Procurement Toolkit.
- 15.2 The LTR has a much higher UK Public Procurement Threshold than applies for other service contracts and permits a more flexible procurement procedure, subject always to compliance with UK / associated Procurement Law. (See [Appendix 3](#) for current thresholds)
- 15.3 A Contract for services that fall within the LTR is still a Contract and as such these CSOs apply (as appropriate) to entering into any Contract for such services.

CSO 16. CONTRACTS UP TO AND INCLUDING £5,000

- 16.1 This CSO applies to all Contracts with an estimated value of up to and including £5,000. Please also see [CSO 10.8](#) (Concession Contracts (and Contracts with nil value to the Council)) with regards to estimating the value of such contracts.
- 16.2 For all Contracts:
 - 16.2.1 the procurement may (where it is lawful to do so) be carried out using a suitable Existing Framework Agreement but otherwise must be carried out in accordance with this CSO;
 - 16.2.1 there is no requirement to advertise the Contract opportunity publically

- unless a Responsible Officer decides that advertising would provide better Value for Money for the Council;
- 16.2.2 Responsible Officers may issue either a Quick Quote or a Request for Quote (RfQ) inviting Bids from any number of Bidders but preferably three. Where deemed appropriate, the Responsible Officer may directly award the Contract by approaching a single Bidder. If a decision is made to directly award the Contract, the Responsible Officer must be satisfied (and keep a record) that this demonstrates best Value for Money for the Council;
- 16.2.3 all Bids must be submitted in writing via the Council's e-Tendering portal.

CSO 17. CONTRACTS ABOVE £5,000 UP TO AND INCLUDING THE LOWER THRESHOLD (£5,001 - £25,000)

- 17.1 This CSO applies to all Contracts with an estimated value above £5,000 up to and including the Lower Threshold of £25,000. Please also see [CSO 10.8](#) (Concession Contracts (and Contracts with nil value to the Council)) with regards to estimating the value of such contracts.
- 17.2 For all Contracts:
- 17.2.1 the procurement may (where it is lawful to do so) be carried out using a suitable Existing Framework Agreement but otherwise must be carried out in accordance with this CSO;
- 17.2.2 Bids should, as best practice, be sought by issuing either a Quick Quote or a Request for Quote (RfQ) to at least three (3) Bidders, although Officers may approach a single Bidder in accordance with CSO 17.3;
- 17.2.3 all Bids must be submitted in writing via the Council's e-Tendering portal (including where CSO 17.3 applies).
- 17.2.4 Once awarded, the details of the Contract must be published on the Council's Existing Contracts Register in-line with the Local Government Transparency Code 2015 (and any subsequent amendments)
- 17.3 The Responsible Officer may approach a single Bidder provided the Responsible Officer can demonstrate (and keeps a record of the fact) that there is only one Provider capable of performing the Contract.

CSO 18. CONTRACTS ABOVE THE LOWER THRESHOLD UP TO AND INCLUDING THE UPPER THRESHOLD (£25,001 - £100,000)

- 18.1 This CSO applies to all Contracts with an estimated value above the Lower Threshold up to and including the Upper Threshold of £100,000. Please also see [CSO 10.8](#) (Concession Contracts (and Contracts with nil value to the Council)) with regards to estimating the value of such contracts.
- 18.2 For all Contracts:
- 18.2.1 the procurement may (where it is lawful to do so) be carried out using an Existing Framework Agreement but otherwise must be carried out in

- accordance with this CSO;
- 18.2.2 the procurement must be conducted in accordance with UK / associated Procurement Law;
- 18.2.3 selection of Providers using a PQQ/SQ is not permitted;
- 18.2.4 where the Contract is for works and falls below £100,000, Bidders may be selected from a nationally accredited provider directory;
- 18.2.5 there is no requirement to advertise the Contract (although the Responsible Officer may choose to do so) and an RfQ may be issued to Bidders without advertising;
- 18.2.6 if the Contract is not advertised, RfQs must be issued to at least three (3) Bidders;
- 18.2.7 where the Contract is advertised, the contract notice must also be published on Contracts Finder;
- 18.2.8 all Bids must be submitted in writing via the Council's e-Tendering portal;
- 18.2.9 If fewer than three (3) written Bids are received the reason for this must be recorded and retained;
- 18.2.10 Once awarded, the details of the Contract must be published on both the Council's Existing Contracts Register in-line with the Local Government Transparency Code 2015 (and any subsequent amendments), as well as Contracts Finder in-line with Crown Commercial Services guidance.

CSO 19. CONTRACTS ABOVE THE UPPER THRESHOLD (£100,001)

- 19.1 This CSO applies to all Contracts with an estimated value above the Upper Threshold of £100,000. Please also see [CSO 10.8](#) (Concession Contracts (and Contracts with nil value to the Council)) with regard to estimating the value of such contracts.
- 19.2 For all Contracts:
- 19.2.1 the procurement may (where it is lawful to do so) be carried out using a suitable Existing Framework Agreement but otherwise must be carried out in accordance with this CSO;
- 19.2.2 the procurement must be conducted in accordance with relevant UK / associated Procurement Law;
- 19.2.3 all Contracts must be advertised as detailed below;
- 19.2.4 Once awarded, the details of the Contract must be published on both the Council's Existing Contracts Register in-line with the Local Government Transparency Code 2015 (and any subsequent amendments), as well as Contracts Finder in-line with Crown Commercial Services guidance.

Contracts below the relevant UK Procurement Threshold

- 19.3 Where the value of the Contract is below the relevant UK Procurement Threshold:
- 19.3.1 there is no requirement to publish public procurement notices through

- Find a Tender, but an advertisement must be placed via the e-Tendering System and also on Contracts Finder;
- 19.3.2 selection of Providers using a SQ is not permitted, other than for work Contracts and Social and Other Services Contracts, where an SQ may be used for Contracts with a value exceeding that of the UK Procurement Threshold for Services and Supplies .

Contracts above the relevant UK Procurement Threshold

- 19.4 Where the value of the Contract is at or above the relevant UK Procurement Threshold:
- 19.4.1 save where UK Procurement Law permits a PIN to be used as a call for competition, a Contract Notice must be placed through Find a Tender and on Contracts Finder;
- 19.4.2 selection of Providers using a SQ is permitted;
- 19.4.2 save where the Contract is for services that fall into the LTR category, the procurement must follow one of the procedures set out in the PCR 2015, namely:
- the Open Procedure (PCR 2015 Regulation 27);
 - the Restricted Procedure (PCR 2015 Regulation 28);
 - the Competitive Procedure with Negotiation (PCR 2015 Regulation 29);
 - the Competitive Dialogue (PCR 2015 Regulation 30); or
 - the Innovation Partnership (PCR 2015 Regulation 31).

The Responsible Officer must seek advice from Commercial Services and/or Legal Services prior to determining which route to follow.

- 19.5 A notice communicating the decision to award a Contract must be sent to each Bidder and a standstill period of 10 calendar days (excluding Bank Holidays) observed prior to entering into the Contract. Where an award of Contract is to be approved by Cabinet, the 10-day standstill period cannot commence until post-decision call-in is complete.

CSO 20 CONTRACT AWARD NOTICES AND PUBLISHING AWARD DETAILS ON CONTRACTS FINDER

- 20.1 For all Contracts with a value at or above the relevant UK Procurement Threshold:
- 20.1.1 a Contract Award Notice is required to be published;
- 20.1.2 information about the award of the Contract must also be published on Contracts Finder.
- 20.2 Contract Award Notices must be sent for publication no less than thirty (30) calendar days after the formal decision to award a Contract has been made.
- 20.3 For Contracts with a value at or above the Lower Threshold, there may be a requirement to publish information about the award of the Contract on Contracts

Finder and Officers should refer to the PCR 2015. Guidance is also contained in the Procurement Toolkit.

- 20.4 Where information about the award of the Contract is required to be published on Contracts Finder (i.e. for all contracts over £25,000), this shall be done within a reasonable time, but not exceed three months from the date authority to award has been granted by the Council. The information should include at the very least:
- the name of the Provider;
 - the date the Contract was entered into;
 - the value of the Contract; and
 - whether the Provider is an SME or a VCSE.
- 20.5 There is also a requirement for the Council to prepare and retain a written report (a "Regulation 84 Report") covering specified information about the procurement process for every over UK Procurement threshold contract, framework agreement and dynamic purchasing system which is awarded or established. Responsible Officers should seek guidance from Commercial Services and the Procurement Toolkit.

CSO 21. EMERGENCY PROCUREMENT

- 21.1 In an Emergency, it may not be possible to comply with the procurement procedures set out in these CSOs and in such circumstances, senior Officers may authorise the procurement of Contract or a Disposal to be carried out without the need for such compliance.
- 21.2 Senior Officers with authority to Authorise a procurement of a Contract or a Disposal in an Emergency are:
- the Chief Executive;
 - the Director of Corporate Services or
 - the Director of the relevant department in conjunction with one other Director.
- 21.3 In the event that the persons set out at CSO 21.2 are not available, the Responsible Officer may use their own judgement based on the severity and urgency of the situation to make a decision as to whether the relevant situation is an Emergency. Written justification must be made and retained on file for audit purposes.
- 21.4 The decision as to whether a situation is an Emergency shall be made by those Officers referred to at CSO 21.2 and CSO 21.3 in accordance with the Council's emergency planning and business continuity procedures set out on the Council's intranet. The Procurement Toolkit contains guidance on when an Emergency procurement for a Contract may be appropriate.

CSO 22. SHORTLISTING BIDDERS – STANDARD SELECTION QUESTIONNAIRES (SQs) AND SUITABILITY QUESTIONS

- 22.1 SQs are only permitted to be used where a Contract is valued at or above the relevant SQ Threshold and there is a need to pre-qualify bidders based on previous history. The SQ Thresholds are set out in Appendix 3. The Procurement Toolkit contains the form of SQ to apply. Officers may not deviate (including changing the SQ wording or adding new questions to the SQ) unless this is approved by Commercial Services.
- 22.2 Where a SQ is permitted, the procurement may be structured as a two-stage procedure or a single stage procedure,
- 22.3 Where a Contract is valued below the relevant SQ Threshold, Suitability Questions are still permitted, provided these are relevant to the subject matter of the Contract, are proportionate, and do not involve a separate stage in the procurement process (i.e. there can be no shortlisting of Bidders prior to requiring them to submit a Bid).
- 22.4 The Procurement Toolkit contains a set of appropriate Suitability Questions that may be used. Officers may omit questions from the Suitability Questions if these are not relevant.
- 22.5 There are mandatory and discretionary exclusion criteria set out in the PCR 2015. The Procurement Toolkit contains guidance on when these apply.
- 22.6 The assessment of responses to SQs and Suitability Questions shall be carried out by applying Selection Criteria.
- 22.7 Assessment Criteria for assessing responses to the SQ must comply with UK / associated Procurement Law.
- 22.8 Assessment Criteria for assessing responses to Suitability Questions must comply with the Treaty Principles.
- 22.9 Assessment Criteria, together with their relative weightings and methodology to be used to assess responses to SQs and Suitability Questions must be made available to Bidders in advance of them submitting their responses.

CSO 23. EVALUATION OF BIDS AND AWARD CRITERIA

- 23.1 In this CSO, all references to Award Criteria include sub-criteria of any level.
- 23.2 Save where the Council has invited only one (1) Bid (where permitted by these CSOs and/or PCR2015), the evaluation of Bids shall be carried out by applying Award Criteria.
- 23.3 The Award Criteria to apply, together with their relative weightings and the methodology used to evaluate Bids must be contained in the Tender Documents or the Request for Quote (RfQ), or the Quick Quote (as relevant) issued to Bidders at the commencement of the procurement process.
- 23.4 Evaluation of Bids must be open, transparent and not discriminate or favour a particular Bidder and must be carried out by applying the published Award Criteria

in accordance with the published evaluation methodology.

- 23.5 The Bid evaluation process should be designed specifically for each procurement process. The Procurement Toolkit contains guidance on evaluation of Bids.
- 23.6 Bids are to be evaluated by at least three Officers where the contact value is equal to or greater than £25k.
- 23.7 For contracts above the Lower Threshold - the financial element of highest scoring bidder should be reviewed by the respective Service Financial Advisor (SFA). This includes the bidder's financial standing.
- 23.8 The evaluation of bids received for contracts above the upper threshold are to be moderated by a member of the Commercial services team.
- 23.9 Whilst the Bid evaluation process is in progress, Officers and Members must not disclose information relating to any Bid or the procurement process to anybody not directly involved in the process - regardless of whether they are Officers, Members, residents of the borough, members of the press or Bidders. (This includes not disclosing to a Bidder information about its own Bid evaluation).
- 23.10 Subject to CSO 23.12 below, during the Bid evaluation process, contact with Bidders must be strictly limited, and where contact is necessary, it must be fully documented, and wherever possible, be carried out via the e-Tendering System.
- 23.11 Subject to CSO 23.12 below, contact with Bidders must be limited to matters directly related to the Bid evaluation and must be fair and transparent. Examples of where contact may be necessary are:
- to raise clarifications, or
 - to arrange presentation meetings.
- 23.12 Where an incumbent Provider has submitted a Bid, normal Contract management activities may continue, however care should be taken to limit the interaction to Contract management activities only and Officers must not discuss any Bid, including that submitted by the incumbent Provider or any aspect of the procurement or evaluation process.
- 23.13 Officers must not meet with any Bidder (including an incumbent Provider that has submitted a Bid for the new Contract) without at least one other Officer being present.

CSO 24. CONTRACT AWARD AND AUTHORISATION PROCESS

- 24.1 A decision taken by the Council may either be a non-key Decision or a key Decision. Key Decisions must be included on the forward plan, and published. Non-key Decisions do not require inclusion on the forward plan, however the decision and report must be published in line with the Local Authorities Regulations 2012. (See the Council's Constitution as well as [Appendix 10](#))
- 24.2 A Contract (including those in relation to income generation) may only be awarded and (save with respect to CSO 24.2.2 below) a Property Agreement may only be

entered into when:

- 24.2.1 all of the requirements of these CSOs have been met; and
 - 24.2.2 the expenditure and/or income involved has been included in approved revenue estimates, or is in the capital programme, or has been otherwise approved by the Director of Corporate Services;
 - 24.2.3 Authorisation has been obtained from the relevant body or person as set out in the Scheme of Management; and
 - 24.2.4 (if relevant) the Call-in Period and/or standstill period has expired.
- 24.3 Contract or Property Agreement variations (including extensions), not provided for in the original contract shall, unless otherwise provided for in the original Authorisation to award the Contract or enter into the Property Agreement, be Authorised by:
- 24.3.1 in the case of Contracts or Property Agreements being procured or proposed by Corporate Services - and with a total contract value equal to or greater than £100k, but less than £2m and/or which result in a 100% increase in contract value - by the Chief Executive;
 - 24.3.2 in the case of all other departments and with a total contract value equal to or greater than £100k but less than £2m and/or which result in a 100% increase in contract value, by the Director of Corporate Services;
 - 24.3.3 in the case of Contracts or Property Agreements with a total contract value equal to or greater than £2m, by Cabinet.
 - 24.3.4 in the case of Contracts or Property Agreements with a total contract value below £100k, in line with the Departmental scheme of management.
- 24.4 Where Authorisation is required to enter into a new Framework Agreement - to be established by the Council - the value of the Contract is the value of all of the Call-off Contracts proposed to be entered into (by the Council or any other body able to access the Framework Agreement).
- 24.4.1 Where the Council has established its own Framework Agreement, provided that correct Authority has been given to enter into the Framework Agreement, no further Authority is required to enter into any Call-off Contract under that Framework Agreement (unless otherwise stated in that Authority).
- 24.5 Where Authorisation is required to enter into a Call-off Contract for a framework agreement not established by the Council - in determining who the Authorising Body is, the value of the Contract is the value of all of the Call-off Contracts proposed to be entered into by Merton Council. Unless otherwise stated in the Authorisation, further Authorisation is required to enter into any additional Call-off Contract under that Framework Agreement.
- 24.6 Contracts for the provision of legal services or legal advice may not be awarded without the prior written consent of the Monitoring Officer and/or the Head of Law – Procurement and Information Governance or nominated officer.

CSO 25. FORMS OF CONTRACTS AND IN WRITING

- 25.1 Subject to CSO 25.3 below, before any Contract is awarded, it must be:
- 25.1.1 in a form which has been approved by the Monitoring Officer and/or Head of Law – Procurement and Information Governance, or nominated officer as being suitable for the proposed purpose of the Contract; and
 - 25.1.2 in writing.
- 25.2 Contracts must either be executed under seal by an authorised signatory of Legal Services; or signed by an appropriate Officer in line with the Scheme of Management. Legal Services shall advise whether a Contract should be executed under seal or signed by hand / electronically. (Please see [Appendix 11](#))
- 25.3 Contracts required to be entered into in an Emergency do not need to comply with CSO 25.1 before they are entered into. They do however, need to be confirmed as meeting the requirements of CSO 26.1 as soon as possible after the commencement of the Contract.
- 25.4 Where possible, prior to the commencement of the Contract, written terms of agreement should be drawn up, approved by Legal Services as suitable, and signed by the authorised signatory and the Provider.

Contracts can be executed under electronic signature by virtue of the Electronic Communications Act 2000, the 2001 Law Commission Paper and case law. However there are a few exceptions namely any contracts that need to be registered at the Land Registry and deeds which must be executed in the Councils case under seal.

CSO 26. CONTRACT CONDITIONS

- 26.1 The presumption is that except in limited circumstances Legal Services will be preparing the terms and conditions of contracts. In circumstances where the contract is of an extremely low value and very low risk, template contracts set up by Legal Services may be used by Officers. However, Officers should first consult Legal Services if they intend to use the templates themselves to ensure this is appropriate in the circumstances.

CSO 27. CONTRACT VARIATIONS, EXTENSION AND NOVATIONS

- 27.1 This CSO shall apply to all Contracts
- 27.2 Contracts may be modified/varied or extended, if any such changes are provided for within the terms of the contract and /or allowed within the Public Contracts Regulations 2015. Advice must be sought from both Commercial Services and Legal Services before any changes are approved and executed
- 27.3 Contract variations and extensions should be based on the same terms and conditions set out in the original Contract as a minimum, although where appropriate an improved position for the Council with regard to price and or T&Cs may be sought providing the scope of the contract is not substantially altered.
- 27.4 Total contract value (aggregation) must be taken into consideration.

- 27.5 In certain circumstances it may be appropriate for a Voluntary Transparency Notice to be published following a variation or extension to a Contract - the Responsible Officer should liaise with both Commercial Services and Legal Services.
- 27.6 The variation or extension shall require the Authorisation of the relevant Authorising Body in accordance with [CSO 24 \(Contract Award and Authorisation Process\)](#), taking into account the revised total contract value.
- 27.7 Contract variations and extensions must be recorded in writing and signed/sealed (as appropriate) by both the Council and the Provider.
- 27.8 Responsible Officers must be able to demonstrate that a variation and/or extension of a Contract will offer Value for Money to the Council and that the Contract will continue to meet the Council's requirements.
- 27.9 In an Emergency, a Contract variation or extension may be permissible pursuant to [CSO 21 \(Emergency Procurement\)](#).
- 27.10 The Responsible Officer must ensure that the Corporate Contracts Register is updated accordingly.
- 27.11 Contract variations and extensions shall at all times be subject to UK / associated Procurement Law.

27.12 Contract Extensions

- 27.12.1 As a rule, a contract shall not be extended unless expressly allowed for within the Contract Notice and the Contract.
- 27.12.2 However, depending on certain criteria, a contract may be varied to accommodate an extension to either the term and/or the value. Advice must be sought from Commercial Services and Legal Services prior to any contract variation being drafted and agreed to.
- 27.12.3 An 'extension' of contract not expressly allowed for within the Contract Notice and the Contract, or which cannot be legally accommodated via a variation, will be classified as a Direct Award for which an Exemption of these CSOs must be sought.
- 27.12.4 A Contract shall not be varied or extended (beyond the term and/or contract value originally approved) until funding has been identified in accordance with Council's financial procedures and approval obtained by either the relevant Operational Procurement Group (OPG) and/or Procurement Board.
- 27.12.5 The financial standing of the new company must be verified by Finance prior to any agreement to extend a contract being entered into.

27.13 Contract Novation

- 27.13.1 A Responsible Officer may agree the novation (transfer) of any contract subject to UK / associated Procurement Law.
- 27.13.2 Legal advice must be sought and UK Procurement Law adhered to.

- 27.13.3 A contract novation must be approved as per the thresholds referenced in the Council's Scheme of Management.
- 27.13.4 The financial standing of the new company must be verified by Finance prior to any agreement to novate a contract being entered into.

CSO 28. CONTRACTS FOR THE DISPOSAL OF COUNCIL ASSETS

- 28.1 This Contract Standing Order sets out specific requirements relevant to the Disposal of Council Assets.
- 28.2 Subject to CSO 28.4 below, any Disposal of Council Assets must be for best consideration reasonably obtainable. In respect of Property Assets, the duty to obtain best consideration reasonably obtainable is set out in section 123 of the Local Government Act 1972 ("Section 123"). In the context of Property Assets "best consideration" can, provided that it is reasonable and proportionate in the circumstances, include a quantifiable or demonstrable benefit to the public, the community or the Council that compensates the Council for any shortfall in financial compensation it receives from the Disposal.
- 28.3 Where the Disposal involves a Property Asset, the Corporate Property Officer shall determine whether an auction, a Bid process or a private treaty is the most appropriate method of Disposal taking into account the procedure set out in the Code of Practice – Disposal of Property. The Corporate Property Officer must be able to demonstrate that the Disposal satisfies the Council's obligation to comply with Section 123.
- 28.4 Where a Disposal of a Council Asset is proposed which is at less than best consideration reasonably obtainable (determined by the market or a qualified Valuer); and where the Council has the power to do so, no Disposal shall be made without the express written approval of the Director of Corporate Services and the appropriate Authorising Body, in consultation with Commercial Services and Legal Services.
- 28.5 The Corporate Property Officer shall seek approval of the Asset and Property Board prior to initiating any disposal. Where it is determined that a Bid process is the most appropriate, this must be undertaken via the Council's e-tendering portal.
- 28.6 In all cases where the Disposal of a Council Asset is or includes works and/or services to be performed or goods to be supplied which may result in the transaction being subject to UK / associated Procurement Law then the Responsible Officer shall liaise with Legal Services and shall be responsible for ensuring compliance with UK / associated Procurement Law.
- 28.7 Subject to CSO 28.6, where the Corporate Property Officer determines, in advance, that the most appropriate means of communication with the market and Bidders in relation to the Disposal of Property Assets is via means other than the e-Tendering System, this shall require prior approval of the Director of Corporate Services. Where the Corporate Property Officer determines that the most appropriate method of Disposal is by submission of paper Bids:
- 28.6.1 Bidders must be advised not to include any markings that would

identify them on the outside of their Bid; and

28.6.2 The procedure set out in [Appendix 8](#) shall apply.

28.8 Where the proposed Property Agreement is a lease for rent, the e-Tendering System need not be used.

CSO 29. CONFLICTS OF INTEREST

29.1 All Officers and Members must ensure that in carrying out their duties and functions for or on behalf of the Council, their decisions and actions are not impaired by a Conflict of Interest with their private interest.

29.2 The obligation to ensure that there is no Conflict of Interest extends to ensuring that there is no perception of a Conflict of Interest.

29.3 In order to ensure actual or perceived Conflicts of Interest are identified and appropriate steps taken to ensure that the Council's interest is not impaired, the following people are required to declare any interests which may affect a Disposal or the procurement process for a Contract or the appointment of a consultant or the management of any Contract or Property Agreement:

29.3.1 all Officers;

29.3.2 all Members involved in any relevant decision (at executive or scrutiny level) relating to a Disposal, Contract or Property Agreement;

29.3.3 All Consultants / interim members of staff

This should be done by those persons completing a Declaration of Interest.

29.4 Members are required to comply with the Members' Code of Conduct. Officers are required to comply with the Staff Code of Conduct.

29.5 Any Officer to whom an interest is declared has a duty to examine that declaration in the context of the Contract, Disposal or Property Agreement in question. The Officer must decide whether the interest declared would affect (or would appear to affect) the relevant person's ability to represent the Council's sole interest if they (in each case) participate in or carry out any action or make any decision in the Disposal or procurement process for a Contract or the management of the relevant Contract or Property Agreement.

29.6 A person who is considered to have a Conflict of Interest will be precluded from (in each case) participating in or taking any action and/or making any decision in relation to the relevant Contract, Disposal or Property Agreement until the Conflict of Interest no longer exists.

Please see the Council's Intranet for the most current version of the Declaration of Interest Form

CSO 30. ACCEPTANCE OF GIFTS AND HOSPITALITY

30.1 Acceptance of gifts, money, hospitality and other inducements by any Officer or Member involved in a Disposal and/or the procurement of a Contract and/or the management of and/or any decision relating to a Contract or Property Agreement could be viewed as accepting a bribe or corrupt practice. The general rule is that

no gift, money, hospitality or other inducement should be accepted by Officers or Members. All Officers and Members must comply with the Council's rules on the receipt and registration of gifts, money, hospitality and other inducements set out in the Staff Code of Conduct and in the Members' Code of Conduct.

- 30.2 Any Officer or Member involved in a Disposal or the procurement process for a Contract should be particularly sensitive to their involvement in that Disposal or procurement process where a person or organisation that has offered or given them a gift, money, hospitality or other inducement is involved in that Disposal or procurement or may submit a Bid for that Contract or Property Agreement in the future.
- 30.3 All offers of gifts, money, hospitality or other inducement should be reported in accordance with the Staff Code of Conduct or the Members' Code of Conduct (as appropriate).

CSO 31. UNAUTHORISED DISCLOSURE OF INFORMATION

- 31.1 No Officer or Member is permitted to disclose to any internal or external party any information they have obtained which may reasonably be considered to be capable of influencing the outcome of the award of a Contract or a Disposal.
- 31.2 No Officer or Member is permitted to disclose to any internal or external party any information that may be regarded as commercial confidential. This includes but is not limited to the pricing methodology of a current contract.

CSO 32. INTERNAL ADMINISTRATIVE MATTERS FOLLOWING AWARD OF CONTRACT

- 32.1 Following the entering into of any Contract, each Responsible Officer shall be responsible for:
- recording details of the Contract on the Existing Contracts Register; and
 - arranging for the archiving of the original signed Contract by Legal Services (Responsible Officers are to retain an electronic local copy of the signed Contract),
 - Where a Contract is over the relevant UK Procurement threshold, prepare a Regulation 84 report

APPENDIX 1 - DEFINITIONS

In these Contract Standing Orders, the following capitalised terms shall have the following meanings:

“Accredited Provider Register(s)” means the Council’s register(s) of individuals and organisations that have been appointed from time to time by the Council in accordance with these CSOs to provide relevant works, services and/or goods.

“Asset Management Plan” means the Council’s plan containing details relating to the Council’s Assets.

“Assistant Director” means the deputy to an appointed Director.

“Authorisation” means the approval given by the appropriate Authorising Body before Contracts or Property Agreements may be entered into (and “Authority” and any other derivatives shall be construed accordingly).

“Authorising Body” means a body or individual acting under properly delegated authority with power, up to the relevant Authorisation Threshold, to Authorise the award of a Contract or entering into of a Property Agreements on behalf of the Council.

“Authorisation Threshold” means the threshold referred to as such in Appendix 4 (Council Thresholds and Authorisation Thresholds), as the same may be amended from time to time pursuant to CSO 2 (Amendment of Contract Standing Orders)

“Award Criteria” means the criteria, including sub-criteria, determined by the Council upon which the evaluation of tenders and quotes is based.

“Bid” means an offer submitted in response to an Invitation to Tender and/or an RfQ and/or in relation to the Disposal of a Council Asset.

“Bidder” means an individual or organisation that may or has submitted a Bid, including in each case a Consultant.

“Cabinet” means the body of Members responsible for making most of the executive decisions of the Council and which may delegate such decision-making responsibility to relevant Officers.

“Call-off Contract” means an agreement entered into pursuant to a Framework Agreement pursuant to which the Provider is required to provide goods, services or works.

“Call-In Period” means the period of ten (10) days following the date on which a Key Decision is made and during which time such decision may be called-in for reconsideration by Cabinet.

“Chair of Scrutiny” means the chair person of the Council’s Overview and Scrutiny Commission.

“Chief Executive” means the most senior Officer of the Council.

“Code of Practice – Disposal of Property” means the Council’s code of practice on the disposal of property from time to time in place. The current code of practice is set out in the Asset Management Plan.

“Code of Practice on procuring Consultants” means the Council’s code of practice on procuring Consultants from time to time in place. The current code of practice is set out at [Appendix 6](#)

“Commercial Services” means the Council’s Commercial Services team (within Corporate Services) or such other body as has been approved by Cabinet to perform its functions.

“Competitive Dialogue” means the procurement procedure set out in Regulation 30 which may be used in the circumstances set out in that Regulation.

“Competitive Procedure with Negotiation” means the procurement procedure set out in Regulation 29 which may be used in the circumstances set out in that Regulation.

“Concession Contract” means a Contract where the consideration (payment) paid by the Council to the Provider under the Contract includes a right for the Provider to exploit the Contract commercially. This right may be the sole form of income received by the Provider or there may also be a financial payment by the Council.

“Conflict of Interest” means a situation in which a person has multiple interests which could possibly corrupt the motivation of that person. In the context of the Council, this is likely to be a situation where a person’s duty to the Council conflicts with a private interest they have or where a person has a duty to both the Council and to another public or other body and those duties conflict and in all cases includes the appearance of such a conflict.

“Consultant” means an individual or organisation providing specialised skills and expertise that is not available within the Council and who is appointed on a clearly specified and time limited basis to carry out a specific task or to provide specialist or strategic advice and/or other similar services. Consultants do not include temporary staff such as casual and contract staff and interim managers. The term “Consultancy” shall be construed accordingly.

“Contract” means any agreement for the provision of goods, services or works, including agreements with Consultants, Framework Agreements and Concession Contracts but excluding Call-off Contracts. Contract documentation is to include the Invitation to Tender documentation and any clarification questions and answers relevant to that specific bid. Contracts do not include the evaluation documents. These are however to be kept separately in line with the Council’s retention policy.

“Contract Award Notice” means a notice sent by the Council for publication in Find a Tender (OJEU prior to January 2021) confirming the award of a Contract.

“Contract Notice” means a notice sent by the Council for publication in Find a Tender (OJEU prior to January 2021) seeking expressions of interest or inviting Bidders to submit a Bid for a Contract.

“Contract Standing Orders” means the rules and requirements relating to Contracts and Property Agreements set out in this document or referred to herein.

“Contracts Finder” means the online database administered by central Government setting out

details of public sector Contracts opportunities and information relating to award of Contracts.

“Corporate Services” means the Council’s corporate services department or such other body as has been approved by Cabinet to perform its functions.

“Council Asset” means assets and/or chattels that are in the Council’s ownership or control, including Property Assets.

“Council Policies” means the policies of the Council from time to time relevant to the Contract or Disposal or as required by these Contract Standing Orders.

“Council Thresholds” means the Lower Threshold and the Upper Threshold.

“CSO” means a Contract Standing Order.

“Declaration of Interest” means the form of declaration of interest as published on the Council’s intranet.

“Director” means the appointed head Officer of a department within the Council.

“Director of Corporate Services” means the Director in charge of Corporate Services or any other Director to whom responsibility for corporate procurement functions is delegated by the Chief Executive

“Disposal” means the divestment of Council ownership in any Council Asset including a sale or other disposition of a Property Asset.

“Dynamic Purchasing System” means an electronic purchasing system for Contracts for works, services and goods commonly available in the market as described in Regulation 34.

“e-Tendering System” means the Council’s electronic procurement system from time to time.

“EIRs” means the Environmental Information Regulations 2004 (SI 2004/3391).

“Electronic Auction” means an online auction for Contracts for works, services and goods as described in Regulation 35.

“Emergency” means a genuinely unforeseen emergency situation which has significant and unforeseen consequences, for example where:

- life, property or equipment are immediately at risk; and/or
- standards of public health, welfare or safety are required to be re-established without delay, such as in the case of disaster relief or an act of terrorism.

“UK / associated Procurement Law” means the PPR 2015, the PPR 2020, and all relevant case law and guidance published by central Government and/or other relevant bodies from time to time.

“UK Procurement Thresholds” means the various thresholds set by Government from time to time in place and used to determine the extent to which UK Procurement Law applies. The current UK Procurement Thresholds relevant to the Council are set out in [Appendix 3 \(UK Procurement](#)

[Thresholds](#)).

“Exemption” an exemption from the requirement to comply with all or part of these Contract Standing Orders.

“Exemption Report” means the report (in the form report set out at [Appendix 2 \(Exemption Report\)](#)) to be completed when an Exemption is requested.

“Existing Contract” means an unexpired Contract entered into by the Council and a Provider for works, services and/or goods.

“Existing Contracts Register” means a list setting out all of the Existing Contracts, as updated from time to time and containing details of the Contract value, Contract Manager, Provider and commencement and expiry dates of the Contract.

“Financial Regulations” means the regulations setting out the financial policies of the Council from time to time in place.

“Find a Tender” means the Governments new e-notification service for publishing public sector procurement notices as of 1 January 2021.

“FOIA” means the Freedom of Information Act 2000 and any subordinate legislation made under that Act from time to time, together with any regulations, guidance and/or codes of practice issued by the Information Commissioner or relevant central Government department from time to time in relation to such legislation.

“Forward Plan” means the Council’s document which sets out the Key Decisions to be taken.

“Framework Agreement” means an over-arching agreement between one or more contracting authorities (which may include the Council) and one or more providers, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period.

“Innovation Partnership” means a Contract having as its aim the development of an innovative product, service or works and the resulting purchase by the Council of such product, service or works as described in Regulation 31.

“Invitation to Tender” means, where a Contract opportunity has been advertised, the document sent by the Council to Bidders inviting them to participate in the procurement procedure for that Contract, together with any other relevant documentation issued with that document or referred to in that document as forming a part of it. For the purpose of these CSOs, an invitation to tender means any document inviting Bids (for example, an invitation to negotiate or invitation to participate in dialogue) but excluding an RfQ and (for the avoidance of doubt) a SQ.

“Key Decision” means a decision made by Cabinet or a decision made under delegation to a Member or a Director that falls into one of the following categories:

- Type (a) - incurring expenditure or making savings which are significant having regard to the budget for the service or function to which the decision relates;
- Type (b) - significant in terms of its effects on communities and groups of service users living or working in an area comprising one or more wards or electoral divisions in the Council;
- Type (c) - amending the agreed budget and policy framework;
- Type (d) - expenditure of £500,000 or more.

“Key Decision Contract” means a Contract proposed to be awarded where the decision to award the Contract will be a Key Decision.

“Laws” means any relevant law, statute, subordinate legislation, bye-law, enforceable right, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, directive or requirement of any regulatory body as it is in each case in force from time to time, taking account of any amendment, extension or re-enactment.

“Leader” means the Member elected as leader of the Council.

“Legal Services” means the Council’s legal services department or such other body as has been approved by Cabinet to perform its functions. *also see “South London Legal Partnership (SLLP)”

“Light Touch Regime” means the regime described at Section 7 of the PCR 2016 to apply to those social and other specific services set out at schedule 3 to the PCR 2016.

“Lots” means small related Contracts that may be entered into with the same or a number of separate Providers following the division of a larger Contract into smaller but related parts.

“Lower Threshold” means the sum set out in Appendix 4 (Council Thresholds and Authorisation Thresholds) as being the lower threshold, as the same may be amended from time to time pursuant to CSO 2 (Amendment of Contract Standing Orders).

“Member” means an elected member of the Council.

“Members’ Code of Conduct” means the Council’s code of conduct from time to time applying to Members. The current code of conduct is set on the intranet.

“Monitoring Officer” means the Officer appointed by Council under s5 Local Government and Housing Act 1989 responsible for reporting to the Council where it appears to that person that the Council has done, or is about to do, something which would contravene the Law or which would constitute maladministration.

“Officer” means an employee or officer of the Council or any temporary staff (such as casual and contract staff and interim managers) or Consultant in each case appointed by the Council to carry out procurement or associated activities in relation to any Disposal, Contract or Property Agreement (including the Responsible Officer and any Director).

“OJEU” means the Official Journal of the European Union.

“Open Procedure” means the single stage procurement procedure to be conducted in accordance with Regulation 27.

“Options Appraisals” means a formal and documented analysis of the possible ways the Council may structure a procurement in order to obtain best Value for Money.

“Overview and Scrutiny Commission” means the body of the Council responsible for (inter alia) monitoring Council decisions.

“PCR 2015” means the 2015 Public Contract Regulations (SI 2015/102) as amended from time to time. **Please also see PPR2020“PIN (Prior Information Notice)”** means a notice published by the Council (in the OJEU (prior to January 2021) and/or on Find a Tender and/or on the Council’s website) which is used as a mechanism for notifying potential Bidders of the Council’s likely future requirements for goods, services and/or works and which may (in certain circumstances

permitted by the PCR 2015) be used as a call for competition for a Contract opportunity .

“PPR2020” means *The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 as amended from time to time.*

“Procurement Board” means *the body within the Council with responsibility (inter alia) for overseeing Contract procurement activities.*

“Procurement, Governance and Gateway Process” means *the Council’s processes and procedures for conducting, monitoring and reviewing its procurement activities as set out in the Procurement Toolkit.*

“Procurement Toolkit” means *the guidance, information, templates, tools and techniques to assist Officers in carrying out a procurement process for a Contract as set out on the Commercial Services’ intranet pages as amended from time to time.*

“Property Agreement” means *an agreement relating to land and/or buildings, including a purchase or sale agreement, where the Council is seeking a capital receipt or benefit (i.e. nominations)..*

“Property Asset” means *any interest in land or property in the ownership or control the Council.*

“Provider” means *any organisation or individual providing goods, works or services (including under a Concession Contract) to the Council, which may include a Consultant.*

“Restricted Procedure” means *the two-stage procurement procedure to be conducted in accordance with Regulation 28 where the second stage is restricted to those Bidders who have pass the previous SQ stage.*

“Regulation” means, *unless stated otherwise, a regulation of the PCR 2015 in conjunction with the PPR2020.*

“Regulation 84 Report” means *the report required under the Public Contracts Regulation 2015 for any procurement above the Public Procurement Thresholds (previously referred to as the thresholds above which a notice would be required to be published in the Official Journal of the European Union (OJEU)).*

“Responsible Officer” means *any Officer properly authorised under the Scheme of Management to carry out any of the Council’s functions in connection with a Disposal, Contract or Property Agreement entered (or proposed to be entered) into by the Council.*

“RfQ (Request for Quotation)” means *where a Contract opportunity has not been advertised (as permitted by these CSOs), the document issued to Bidders inviting them to submit a Bid, together with any other relevant documentation issued with that document or referred to in it as being part of it.*

“Selection Criteria” means *the criteria, including sub-criteria, determined by the Council upon which the assessment of responses to SQs and Suitability Questions is based.*

“Scheme of Management” means *the management arrangements for a department setting out the delegated authority of Officers within that department.*

“Section 151 Officer” means the Officer responsible for the proper administration of the Council’s affairs appointed under Section 151 of the Local Government Act 1972, being the Director of Corporate Services or any other Director to whom such responsibility is delegated by the Chief Executive from time to time.

“SME” means an enterprise falling within the category of micro, small and medium-sized enterprises defined by the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

“Social Value Toolkit” means the guidance and information to assist Officers in securing Social Value through a procurement as set out on the Commercial Services’ intranet pages as amended from time to time.

“South London Legal Partnership (SLLP)” means the Council’s legal services

“Specification” means the document setting out the Council’s requirements for the Contract to be procured.

“SQ (Standard Selection Questionnaire)” means a set of questions to be completed by Bidders to assess their suitability to be invited to the next stage of a procurement process for a Contract.

“SQ Threshold” means the various thresholds from time to time used to determine the extent to which the Council is permitted by UK Procurement Law to use a SQ. The current SQ Thresholds are set out in [Appendix 3](#).

“Staff Code of Conduct” means the Council’s code of professional conduct from time to time applying to Officers. The current code of professional conduct is set out on the Merton Hub

“Standstill Period” means the mandatory standstill period as described in Regulation 87 that must be observed between notifying Bidders of the Council’s intention to award a Contract and confirming the award of that Contract.

“Suitability Question” means in a procurement procedure that is below the SQ Threshold a question relating to information or evidence which the Council requires for the purpose of assessing whether Bidders meet requirements or minimum standards of suitability, capability, legal status or financial standing.

“Tender Documents” means all documents relating to the procurement process for a Contract including (as relevant) the PIN, Contract Notice, Specification, Invitation to Tender, Terms and Conditions and any other relevant documents.

“Terms and Conditions” means the actual or proposed terms and conditions of a Contract.

“Transparency Agenda” means any requirement placed on the Council or any Government policy, guidelines, codes of practice and the like relating to transparency in procurement and public contracts.

“Treaty Principles” means the principles of:

- 13.1.1 non-discrimination – which requires the Council to not discriminate against or in favour of certain Bidders or Providers;

- 13.1.2 *equality – which requires the Council to treat all Bidders and Providers equally and give them all the same opportunities;*
- 13.1.3 *transparency – which requires the Council to be transparent in terms of the process followed and its decision making;*
- 13.1.4 *proportionality – which requires the Council to be proportionate and not require Bidders or Providers to comply with unnecessary requests or requirements;*
- 13.1.5 *mutual recognition- which requires the Council to allow for mutual recognition of diplomas, certifications and other evidence of formal qualifications.*

“TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246).

“Upper Threshold” means the sum set out in Appendix 4 as being the upper threshold, as the same may be amended from time to time pursuant to CSO 2 (Amendment of Contract Standing Orders).

“Value for Money” means the optimum combination of whole life cost and quality (or fitness for purpose) to meet the Council’s requirements.

“VCSE” means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives.

“Voluntary Transparency Notice” means a notice to be published on Find a Tender (or in the OJEU prior to January 2021) setting out (inter alia) the Council’s justification for its decision to award a Contract without prior publication of a Contract Notice.

“Written” to also include receipt by email.

“Whistleblowing Procedures” means the Council’s whistleblowing procedure from time to time in place. The Council’s current whistleblowing procedure can be found on the intranet.

APPENDIX 2 - EXEMPTIONS FROM CONTRACT STANDING ORDERS

- A. Where an exemption is requested, an Exemption Report must first be reviewed by the relevant Category Manager, the relevant Service Financial Adviser (SFA) and the Council's Legal Services (the South London Legal Partnership (SLLP)), all for comment and sign-off. The report is then to be submitted to the Head of Commercial Services (for review and approval) prior to it being submitted to the Chief Executive or the Director of Corporate Services (as relevant) and must include:
- the Contract Standing Order number from which the exemption is requested
 - the reasons for requesting the exemption
 - the alternatives available if the exemption is not granted
 - total value of the exemption being requested
 - any potential legal implications associated with the exemption request
 - the financial implications of the exemption request

No Exemption may be retrospective.

No Exemption shall be presumed as permitted, nor deemed to take effect, until the Exemption Report has been signed as agreed by the Director Corporate Services (or in their absence, their nominated deputy), or the Chief Executive where the request is from the Corporate Services Department.

[In exceptional circumstances - if the Director of Corporate Services and/or the Chief Executive are not able to grant an exemption - any two (2) Officers selected from the Deputy Section 151 Officer, the Monitoring Officer or any of the Council's remaining Directors may, acting jointly, consider and where appropriate, grant an exemption. Directors may not sign off an exemption report for their own department.]

- B. A non-exhaustive list of reasons for seeking an Exemption is set out below and may be referred to in the Exemption Report (by reference to this Appendix 2 and the relevant paragraph below):
- a) that only one Provider is able to perform the Contract for technical or artistic reasons or because of exclusive rights, for example, the commissioning or purchase of works of art, museum artefacts, manuscripts or archive collection items;
 - b) that time limits required for carrying out a procurement for a Contract in accordance with these CSOs cannot be met for reasons of extreme urgency (for example, in an Emergency or for Contracts where the terms of a court order set a time limit which specifically precludes all or part of the procurement process for the Contract) which were unforeseen and un-attributable to the Council;
 - c) where the Council would risk losing the opportunity of entering into a Contract or Property Agreement and reasonably considers that there is no other viable alternative to the proposed Contract or Property Agreement;
 - d) that additional goods, works and/or services are required which, through unforeseen circumstances, were not included in the original Contract and which either are strictly necessary for the completion of the Contract or, for technical or economic reasons, cannot be carried out separately without disproportionate difficulty;
 - e) that goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another Provider would result in

- incompatibility or disproportionate technical difficulties in operation or maintenance;
- f) the proposed Contract is an extension to or variation of the scope of an existing Contract and demonstrates value for money;
 - g) when a grant from a public body includes a recommendation as to the Provider or is time limited;
 - h) in furtherance of the Council's social enterprise policy, or other economic development aims, subject to the prevailing financial support limits for this type of activity where the Council has agreed to collaborate with another public body and is satisfied that the contracting arrangements of the lead body (where different from the Council) do not contravene the Council's legal responsibilities in this respect;
 - i) if there are exceptional circumstances not previously identified or covered by existing policies, procedures or these CSOs.

EXEMPTION REPORT

[Please ensure that you have read [CSO 7 \(Seeking an Exemption from Contract Standing Orders\)](#) and Appendix 2 (Exemptions from Contract Standing Orders) prior to completing this form]

Director of Corporate Services Decision <i>(Chief Executive if a Corporate Services decision)</i>	Approved / Not Approved	Signature	Date

SUBJECT: _____

LEAD OFFICER: _____

LEAD MEMBER: _____

KEY DECISION REFERENCE No.: _____

RECOMMENDATION:

[Please include: the specific CSO are you asking exemption from? What the contract is for? Why are you seeking an exemption? Total value of exemption and total contract value if different? Total term? Note any other exemption previously granted in relation to this request]

Head of Commercial Services Recommendation	Approve / Not Approve	Signature	Date

1. EXECUTIVE SUMMARY AND PURPOSE OF REPORT

[Why is this request to exclude the application of the Council’s Contract Standing Orders to the process of awarding this contract being made and what is the business case to support this request? Please provide all relevant detail.]

[Please refer to the Council’s Contract Standing Orders which form part of the Council’s Constitution and are published on the Council’s website under Council and democracy / Decision-making]

2. DETAILS

Background Information

[Please include: Description of contract is the contract for goods / works / services? Current supplier, proposed contract period, Total value (including licenses etc.).]

Current Supplier(s) (if applicable):

Proposed Contract period:

Total Contract Value:

Previous exemption granted [number of months and Value]:

3. ALTERNATIVE OPTIONS

[Please describe what alternative options to an exemption have been considered, for example: • do nothing; • or undertaking a compliant procurement exercise. Why have these option not been recommended?]

4. FINANCIAL IMPLICATIONS

[Please provide a breakdown of cost by financial year. Please describe how costs will be controlled over the duration of the contract. Please ask Finance to run a credit check and include a summary of the findings here Please ensure that the relevant Service Financial Adviser(s) (FSA) has reviewed and provided comment]

5. BUDGET SIGN OFF

Name of Budget Holder	Budget Approved / Not Approved	Signature	Date

6. PROCUREMENT IMPLICATIONS

[Please describe how: value for money will be achieved over the duration of the contract, including contract management; social value will be considered; any potential breach of PCR2015. Please include comments from a member of Commercial Services]

7. LEGAL IMPLICATIONS AND STATUTORY PROVISION

[Is there a statutory requirement to deliver this provision? Yes / No – Please provide details. Please ensure comments are added from a member of the SLLP]

8. HUMAN RIGHTS AND EQUALITIES IMPLICATIONS

Will this contract impact on the Councils Human Right and Equalities strategic objectives and if so, how (positive and/or negative)?

'Equalities Merton' aims for full and equal access to learning, employment, services and cultural life and the celebration of diversity.

9. CONSULTATION UNDERTAKEN

Please set out which Service Area and Officer have been consulted in the preparation of this report. As a minimum please ensure you have consulted with Commercial Services who will advise if further consultation is required.

Department	Comments	Date	Signed
Commercial Services			
Service Financial Adviser			
Legal			
[Insert details of other departments consulted]			

BACKGROUND PAPERS:

[Please insert details of any relevant reports that may have gone to CMT / Procurement Board etc.]

OFFICER CONTACT DETAILS:

Name:	
Job Title:	
Department:	
Email address:	
Telephone No.:	

APPENDIX 3– UK PROCUREMENT THRESHOLDS

The Crown Commercial Service (CCS) is responsible for the legal framework for public sector procurement and leads on the development and implementation of procurement policies for government.

The over-riding procurement policy requirement is that all public procurement must be based on value for money, defined as “the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought”. This should be achieved through competition, unless there are compelling reasons to the contrary.

Public sector procurement is subject to a legal framework that encourages free and open competition and value for money, in line with internationally and nationally agreed obligations and regulations. As part of its strategy, the government aligns procurement policies with this legal framework, as well as with its wider policy objectives.

Details of the thresholds, applying from **1 January 2020** are given below. (Thresholds are net of VAT).

THE PUBLIC CONTRACTS REGULATION

	Supply, Services ² and Design Contracts	Works Contracts ³	Social and other specific services ⁴
Other contracting authorities (e.g. Local Authorities)	£189,330	£4,733,252	£663,540

SQs may only be used for the award of contracts whose value equals or exceeds specific thresholds:

	Supply, Services ⁷ and Design Contracts	Works Contracts ⁸	Social and other specific services ⁹
Local Authorities	£189,330	£189,330	£189,330

Form.

the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74.
- Subsidised services contracts specified under Article 15.
- Research and development services under Article 14 (specified CPV codes are exempt).

³ With the exception of subsidised works contracts specified under Article 13.

⁴ As per Article 74. Services are listed in Annex XIV.

APPENDIX 4 – MERTON THRESHOLDS**Council Thresholds**

Lower Threshold	£25,000
Upper Threshold	£100,000

Advertising of Contracts

CONTRACT VALUE	E-TENDERING SYSTEM	CONTRACTS FINDER	FIND A TENDER
At or above £5,000 but below Lower Threshold	Yes via use of Quick Quotes or Request for Quotes (RfQs)	Not required unless advertised elsewhere	Not required
At or above Lower Threshold but below PCR Threshold	Yes	Not required for call for competition unless advertised elsewhere. Is required for contract award	Not required
Above PCR Thresholds	Yes	Yes	Yes

APPENDIX 5 - RETENTION PERIODS FOR CONTRACT DOCUMENTS

The Council has a legal obligation to keep information for only as long as it is needed. There are costs and legal risks associated with keeping information that we no longer need.

The Council has a number of policies and procedures that must be followed by all staff, including the Retention and Disposal Policy. This policy applies to all records held by the council including electronic files, video, microfiche, paper files and photographs.

Please see the table below as a guide:

Transaction	Retention period
Contract under seal (Deed)	Twelve (12) years after expiry of Contract
Contract under hand / electronic signature	Six (6) years after expiry of Contract
Property Agreements – sales (other than right to buy)	Six (6) years
Property Agreements – right to buy	Twelve (12) years
Property Agreements – purchases	Twelve (12) years
Property Agreements – leases	Twelve (12) years from expiry of the lease
Property Agreements – licences	Six (6) years from expiry of lease
Property Agreements - compulsory purchase order	Property Agreements - indefinitely Correspondence – fifteen (15) years after completion of last transaction including settling the value

For further information, please visit Records management (Merton Hub) or speak to the Information Governance team (data.protection@merton.gov.uk)

APPENDIX 6 CODE OF PRACTICE FOR THE APPOINTMENT OF CONSULTANTS**Key Considerations**

- Value for Money must be demonstrated prior to engaging a consultant. External consultants are expensive and as such the requirement to engage with a consultant must be approved by the relevant departmental Director.
- The Councils Standing Orders are applicable to the appointment of Consultants,
- The appointment of a Consultant follows the same procedures as all other procurements.
- The Procurement Toolkit contains the Council's procurement procedures and standard templates.

What is a Consultant?

1. For the purposes of this procedure, an external consultant is someone who:
 - offers specialist skills and expertise not available in-house,
 - has a clearly specified and time-limited role that is not 'business as usual'
 - is not appointed to cover a vacant position within the Council.
2. Consultants generally work on specialist, strategic or advisory projects to a clearly defined brief with set deliverables and milestones
3. Temporary staff, including casual and contract staff and interim managers, are not consultants. There is a separate procedure for employing temporary staff as set out on the HR pages of the intranet

Process to follow in appointing a consultant.

The appointment of an external consultant is no different to that used in appointing any other supplier.

Business Case

As with any requirement, a business case should be completed and approved prior to engaging the market. It is expected that for the appointment of most consultants, the need to retain such specialist skills and expertise would have been highlighted in the initial project business case.

The advice & guidance on the development of a business case is set out in the Merton Approach to Projects on the Council's intranet.

Market Engagement

The advice & guidance on market engagement is set out in the Procurement Toolkit

In accordance with these CSOs all correspondence inviting quotations and any formal market engagement must be carried out utilising the Council's e-tendering system.

The bid documents

Templates and guidance for developing the Invitation documents e.g. Specification; ITT; Contract terms are contained in the procurement toolkit. Please seek advice and guidance from Commercial Services

Terms and Conditions

It should be noted that the appointment of consultants require specific terms and conditions as set out in the Council's T&Cs for consultants. Legal advice will be required concerning which template should be used based on the nature of the consultancy to be provided. Any conditions relating to performance management and performance related payments must also be included. Insurance levels to be determined by the Council's Insurance Officer.

Advice must be sought from HR regarding the revised IR35 legislation and whether or not it will be applicable, depending on the employment status of the Consultant and/or whether or not they operate a Personal Service Company (PSC).

Recording on the Contracts Register

As with any contract over £5,000, contracts for consultants must be recorded on the corporate Contrast Register at the completion of the procurement.

**THIS FORM IS TO BE COMPLETED POST APPOINTMENT OF A CONSULTANT,
BE THEY AN INDIVIDUAL OR PART OF A FIRM.**

Please email the fully completed and signed form to: temporaryworker@merton.gov.uk

RESPONSIBLE OFFICER

Name:		Tel Ext:
Department: Choose an item.	Division:	Section/Team:

CONSULTANCY ASSIGNMENT DETAILS

Is the appointment: a new assignment or an extension to an existing assignment
(please tick as appropriate)

Provider's name:	
Value of assignment including all options: £	
If extension, expiry date of the current assignment:	
If extension, value of services provided to date [£.....] and value of the extension [£.....]	
Start date:	Duration of appointment in weeks:
Appointment location:	Cost code:
Assignment brief / Key deliverables:	

RATIONALE FOR ENGAGEMENT/EXTENSION OF CONSULTANTS

Please give detailed reasons as to why you have engaged consultant or extended the assignment of the existing appointment. The reasons you provide must be explicit, otherwise you will be asked for more justification.

PROCUREMENT PROCESS

London Tenders Portal Reference Number (if applicable):

What procurement process was followed?		
Appointment using a Framework	How many quotations were invited:	Details of Framework (e.g. title, Owner, when it was let?):

	<p>How many quotations were received:</p>	
<p>Appointment following Requests For Quotation (RFQ)</p>	<p>How many quotations were invited:</p> <p>How many quotations were received:</p>	
<p>If only one Quotation was invited then justification for a single quotation process.</p>	<p>Reason for single quotation</p>	
<p>Appointment following Invitations to Tender (ITT):</p>	<p>How many tenders were invited:</p> <p>How many tenders were received:</p>	

APPENDIX 7 – JOINT PROCUREMENT ARRANGEMENTS WITH THIRD PARTIES

Joint procurement arrangements with third parties should be considered if such arrangements would offer the Council best value. Such third parties may include other public authorities and voluntary sector entities, and such arrangements may include membership of or use of purchasing consortia.

Any partnership agreement and/or shared services arrangement must be pre-approved by Procurement Board before being authorised by the Director of Corporate Services or the Chief Executive. At the sole discretion of either the Director of Corporate Services or the Chief Executive, the proposed joint arrangement may be designated as requiring prior consent from Cabinet to proceed.

Any joint procurement arrangements of the type described in Appendix 7 must be approved by the Director of Corporate Services or the Chief Executive prior to the commencement of any procurement or arrangement on behalf of the Council. No such approval may be given unless there has been a satisfactory appraisal of the matters set out below.

In considering any and all such proposals, the Director of Corporate Services and/or the Chief Executive must be satisfied:

- a. that the proposed joint procurement does not breach any UK law, or where the proposed third party is a foreign non-UK national, does not breach the laws of its country of registration if a company or location if a public authority; and
- b. is capable of delivering value for money; and
- c. where an exemption is required to the Council's Contract Standing Orders, (for example because it is necessary as part of the proposed arrangements to use the proposed third party's procurement regime, or because another party will be the lead body), that the proposed third party's governing procedures are sufficiently rigorous and can deliver standards of probity and transparency reasonably comparable to those of the Council's Contract Standing Orders; and
- d. that adequate consideration has been given to whether the proposed third party should indemnify the Council in the event that the third party's methods of operating and ideas may turn out to be unlawful or result in the Council being subjected to challenge, judicial review, or any similar action from any party that may lead to a financial loss for the Council.
- e. That an appropriate Inter-Authority Agreement shall be entered into by the Council and the Third Party(s).

The Director of Corporate Services and/or Chief Executive shall take procurement, legal and financial advice, as they consider necessary.

APPENDIX 8 – PROCEDURE FOR ACCEPTING AND OPENING PAPER BIDS

Where the Responsible Officer, with prior agreement of the Director of Corporate Services or their nominee determines (in accordance with these CSOs), requires that paper Bids may be submitted in relation to the Disposal of a Property Asset or where Bids in relation to Contracts are also required to be submitted in paper format, the procedure set out in this Appendix 8 shall apply. Please see the Procurement Toolkit for the process around receipt of paper bids.

1. Bids must not, under any circumstances, be opened before the deadline (date and time) for receipt of Bids has passed. If a Bid is opened early in error, the Responsible Officer must seek advice immediately from the Head of Commercial Services who will consult with Legal Services.
2. The Responsible Officer must fix a time and date for the opening of Bids received, which must (if relevant) take place after the deadline (date and time) for submission of electronic Bids.
3. No person may be present at the opening of Bids unless that person has been designated as part of the Bid opening process.
4. Only Officers may be present at the opening of the Bid.
5. All Bids received for a particular Contract or Disposal must be opened at the same time and place and in the presence of the same Officers.
6. All Bids must be opened in the presence of at least three (3) Officers.
7. The Officer leading the opening procedure must record the following details for each Bid received:
 - a. the date and time specified as the deadline for receipt of Bids for the particular Disposal or Contract;
 - b. the date and time that each Bid was received;
 - c. the name of each Bidder;
 - d. the amount of each Bid;
 - e. the names of those Officers present.
8. All Officers present at the opening of Bids must sign each Bid immediately after it is opened. All Bids received must be signed:
 - a. on the front page of the Bid; and
 - b. in the pricing schedule (or place where the price is stated).
9. Bids are to be scanned and filed electronically in accordance with the Council's retention policy. A copy of the electronic documentation is to be sent to Commercial Services for reference.

APPENDIX 9 – COMPLYING WITH THE UK'S INTERNATIONAL OBLIGATIONS ON SUBSIDY CONTROL

Following the UK's exit from the EU on the 31 December 2020, new rules on subsidy control now apply.

EU State aid rules only apply in certain limited circumstances:

- aid that is granted within scope of the Northern Ireland Protocol.
- the disbursement of outstanding Structural Funds payments

This quick guide summarises the key steps public authorities should take when awarding subsidies after 1 January 2021. Public authorities should read this guide in conjunction with the longer, technical BEIS guidance for more detailed background.

<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>

1. Step 1: Are you giving a subsidy and if so, what international obligations apply?

In general terms, and for the purposes of our international commitments, a subsidy is a measure which:

- is given by a public authority. This can be at any level – central, devolved, regional or local government or a public body
- makes a contribution (this could be a financial or an in kind contribution) to an enterprise, conferring an economic advantage that is not available on market terms. Examples of a contribution are grants, loans at below market rate, or a loan guarantee at below market rate or allowing a company to use publicly owned office space rent free. An enterprise is anyone who puts goods or services on a market. An enterprise could be a government department or a charity if they are acting commercially
- affects international trade. This can be trade with any World Trade Organisation member or, more specifically, between the UK and a country with whom it has a Free Trade Agreement. For example, if the subsidy is going towards a good which is traded between the UK and the EU this could affect trade between the EU and the UK. Please note that you are not being asked whether the subsidy could harm trade but merely whether there could be some sort of effect. Subsidies to very local companies or a small tourist attraction are unlikely to be caught as this is unlikely to affect international trade.

All of these tests must be met for a measure to be a subsidy.

If the measure meets the definition of a subsidy then you should consider which international obligations need to be met. In particular, you should determine whether the subsidy is going to a good or a service. Subsidies for services are outside the scope of the World Trade Organisation (WTO) Agreement on Subsidies and Countervailing Measures (ASCM). The WTO ASCM is most likely to be of relevance to subsidies in sensitive sectors such as aerospace, steel or automotive. On the other hand, attention needs to be given to the Free Trade Agreements (FTAs) the UK has agreed including the UK-EU Trade and Cooperation Agreement (TCA). These contain important obligations which must be met, where applicable. Please consult Section 5 of the technical guidance for more information on FTAs.

Public authorities also need to consider the implications of Article 10 of the Northern Ireland Protocol. The Protocol sets out that the EU State aid rules will apply in certain, limited cases where

this is relevant to trade between Northern Ireland and the EU. Please consult Section 7 of the guidance for more information on the Northern Ireland Protocol.

2. Step 2: Is the proposed measure a prohibited subsidy?

The WTO ASCM contains 2 categories of prohibited subsidies, under which subsidies must not be given:

- subsidies dependent on export performance – for example giving a subsidy to a widget manufacturer linked to exporting a certain tonnage of widgets to another country
- subsidies contingent on the use of domestic content – for example stating that the beneficiary must use 50% UK manufactured widgets in their product

These are not new obligations. The UK, as a member of the WTO, has been following the WTO ASCM rules since 1994. Therefore, subsidies for goods should already be designed to be compliant with these obligations.

In addition, several FTAs – including the UK-EU TCA – expand the above prohibitions to cover services and include additional prohibitions. These include giving:

- unlimited State guarantees
- restructuring subsidy if the beneficiary does not have a valid plan in place to return the company to viability

The UK-EU TCA includes some additional conditions for subsidies given to air carriers, energy/environment and large cross border or international projects. These are not prohibitions but conditions which must be met.

3. Step 3: If you are within scope of the UK-EU TCA you must ensure that the subsidy meets the terms of the principles

The UK-EU TCA sets out principles which all subsidies of more than 325,000 Special Drawing Rights (approx. £350,000) given to a single beneficiary over 3 years must meet.

The only exceptions are subsidies to compensate for natural disasters, subsidies for agriculture and subsidies for audio visual. If in scope, you must consider these principles in the design and granting of subsidies on a case-by-case basis. Failure to do so could leave a public authority open to judicial review in the UK.

The principles are that:

- subsidies should pursue a specific public policy objective to remedy an identified market failure or to address an equity rationale such as social difficulties or distributional concerns (“the objective”)
- subsidies should be proportionate and limited to what is necessary to achieve the objective
- subsidies should be designed to bring about a change of economic behaviour of the beneficiary that is conducive to achieving the objective and that would not be achieved in the absence of subsidies being provided
- subsidies should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy
- subsidies should be an appropriate policy instrument to achieve a public policy objective and that objective cannot be achieved through other less distortive means
- subsidies’ positive contributions to achieving the objective should outweigh any negative effects, in particular the negative effects on trade or investment between the Parties.

It is important to note that all the principles should be met. Public authorities should use the template in the Annex of the guidance to record their consideration of the principles. They may be required to provide this to the UK government if asked as part of the consultation or remedial measures processes in the UK-EU TCA or if they are subject to judicial review in the UK courts.

For the avoidance of doubt, public authorities can still pay out subsidies under previously approved schemes as these will be in line with the principles. This includes subsidies related to COVID-19 that have previously been given under the State aid Temporary Framework. Public authorities should keep these schemes under review and apply the principles to any changes made to these schemes.

4. Step 4: Assess the likelihood of triggering a dispute or unilateral remedies under WTO ASCM rules and other FTAs

This is where consideration needs to be given as to whether the subsidy could harm international trade or investment rather than merely affect it. The bar for WTO action is high, and as noted above is only likely to affect subsidies in sensitive sectors. Subsidies in these sectors may also be relevant under the other FTAs – especially the UK-EU TCA. When thinking about this, in addition to the sector, public authorities should consider:

- value of the subsidy and the intervention rate: very substantial subsidies (e.g., £hundreds of millions) are more likely to attract attention than small subsidies. The same is true for high intervention rates (e.g., 70% of project costs)
- international competitors: how many competitors are there? How easy is it to enter this market internationally? Are there only one or two competitors in the market who are likely to have concerns about any amount of subsidy?
- impact on trade: does this subsidy make it less likely that competitors can enter the UK market? Does it make it more likely that the beneficiary (or beneficiaries) can undercut in other markets? Does it make it more likely that the beneficiaries can win orders in third markets?

Public authorities should take a proportionate view when considering whether a subsidy could trigger action. Small sums to small companies are unlikely to do so. However, public authorities should consult BEIS if required using the email address at the bottom of this guide.

5. Step 5: Record the award of the subsidy

BEIS is developing a transparency database for public authorities to record information on relevant subsidies. This is beneficial not only for providing transparency in a domestic context but will also help deliver compliance with our international reporting requirements. It is therefore very important that subsidies are recorded in a timely way.

If in doubt, public authorities should contact subsidycontrol@beis.gov.uk for further advice

APPENDIX 10 – MERTON PROCUREMENT / DEMOCRATIC GOVERNANCE

Procurement Strategy (Gateway 1) and Contract Award Reports (Gateway 2) for low risk projects, with either a total contract value of £100k (but less than £2m), or Concession Contracts (and Contracts with nil value to the Council) need to be presented to the appropriate Departmental Operational Procurement Group(s).

Procurement Strategy (Gateway 1) and Contract Award Reports (Gateway 2) with a total contract value of £2m (or over) and/or rated high-risk i.e. those procurement projects which have been rated 15 and above, and/or procurement projects with carbon implications/impacts, must be presented to Procurement Board. All Concession Contracts (and Contracts with nil value to the Council) must also be presented to Procurement Board.

[see: <http://intranet/councilwide/policyproceduresandguidance/riskmanagement.htm>]

Must be placed on the Forward Plan at least 1 month prior (but preferably 2-3 months prior) to the required Cabinet decision date - see

<http://intranet/councillorsandcommittees/decisionmakinginmerton/forwardplan.htm>

If the need arises, the decision date on the Forward Plan items can always be pushed back a month or two without too much trouble providing sufficient notice is given to Democratic Services

Also see:

<https://democracy.merton.gov.uk/mgDelegatedDecisions.aspx?XXR=0&&DR=01%2f10%2f2013-07%2f11%2f2028&ACT=Find&RP=0&K=0&V=0&DM=0&HD=0&DS=1&Next=true&NOW=071113145709&META=mgdelegateddecisions>

NB: Please bear in mind, and flag-up any potential exempt appendices to your Award Report when filling in the Forward Plan

- Both the Gateway 1 and Gateway 2 report must go to Procurement Board as soon as practicable - Procurement Board is held once a month.

2.a	Where the Contract Award Report (Gateway 2) is for a contract with a total value (including all possible extension options) of £2m (or over) and/or rated high-risk:
	<ul style="list-style-type: none"> The report must include comments from relevant Finance, Legal and Commercial Services Officers and be approved by Procurement Board Reports are to be approved by the relevant director and then must be signed off by the relevant Cabinet Member(s) May need to go to CMT (unless otherwise agreed by a Director) Must go to the Leader's Strategy Group for review prior to going to Cabinet (unless otherwise agreed by a Director) <p>see: https://mertonintranet.moderngov.co.uk/mgAgendaManagementTimetable.aspx?RP=292; and http://intranet/councilwide/whoswho/cmtlsg.htm</p> <ul style="list-style-type: none"> Must go to Cabinet for approval https://mertonintranet.moderngov.co.uk/mgAgendaManagementTimetable.aspx?RP=146

2.a	Where the Contract Award Report (Gateway 2) is for a contract with a total value (including all possible extension options) of £2m (or over) and/or rated high-risk:
	<ul style="list-style-type: none"> Is subject to post-decision call-in*. Please allow one week for Scrutiny to decide whether or not it would like to call in the award. If they do, this could add an additional 4 -6 weeks to the decision process. You will then need to allow for any additional standstill period required under PCR2015, where applicable, prior to notifying the bidder(s) of the award outcome.

*If you believe that the award may be politically sensitive / of political interest you may opt to offer it up for pre-decision scrutiny.

2.b	The process for Key decisions delegated to Chief Officers (i.e. with a total contract value of between £500k - £1.9m) is:
	<ul style="list-style-type: none"> The Authority to Award report must include comments from relevant Finance, Legal and Commercial Services Officers and be approved by the relevant departmental Operational Procurement Groups Must be placed on the Forward Plan - preferably 2-3 months prior to the required decision date The Report must reviewed by the relevant director before being signed off by the Chief Executive and the Director of Corporate Services (in line with the Scheme of Management) and published 5-days before the decision date. May need to go to CMT (unless otherwise agreed by a Director) A decision form must be completed and published on the decision date. Is subject to post-decision call-in* - see http://intranet/ds-callinform.doc. Please allow one week for Scrutiny to decide whether or not it would like to call in the award. If they do, this could add an additional 4 -6 weeks to the decision process. You will then need to allow for any additional standstill period required under PCR2015, where applicable, prior to notifying the bidder(s) of the award outcome.

2.c	The process for Non-Key Decisions (i.e. with a total contract value of between £250k - £499k) is:
	<ul style="list-style-type: none"> The Authority to Award report must include comments from relevant Finance, Legal and Commercial Services Officers and be approved by the relevant departmental Operational Procurement Groups The Report must be signed off in line with the relevant Departmental Scheme of Management May need to go to CMT (unless otherwise agreed by a Director) Is subject to post-decision call-in* - see http://intranet/ds-callinform.doc. Please allow one week for Scrutiny to decide whether or not it would like to call in the award. If they do, this could add an additional 4 -6 weeks to the decision process. You will then need to allow for any additional standstill period required under PCR2015, where applicable, prior to notifying the bidder(s) of the award outcome. A decision form must be completed and published on the decision date.

APPENDIX 11 – GUIDANCE NOTE ON SEALING CONTRACTS

Under Merton’s constitution, all contracts must be in writing.

A contract can be executed either under signature (also known as a simple contract) or under a deed (also known as under seal).

The types of risk where contracts under £250,000 should be sealed in the areas described above, reflect worst-case scenarios. The table below gives some examples:

Construction	Where defective design or build could become apparent at a later date and the Council would want to be able to sue for losses or costs arising out of this. (For example, where materials used; internal and/or external cladding; fixtures and fittings and structural works lead to injury and/or death arising out of the defects, or where, for example, the loss of premises (e.g. a school) results in alternative accommodation having to be acquired).
Services relating to Children and Vulnerable Adults	Circumstances where, if the services/goods provided under the contract are not adequate; or clauses in the contract that are designed to protect the users of the service/goods are not complied with entirely (or at all); results in allegations of abuse, injury or death. This may not come to light until after the contract has ended. Another potential risk could be data breaches that may not be apparent during the life of the contract.
ICT	System failure/data breaches/losses incurred
Mechanical / Electrical	Where defective design, installation and/or maintenance could become apparent at a later date and the Council would want to be able to sue for losses or costs arising out of this including injury or death arising out of the defects.

Please refer to the Procurement Toolkit on the Merton Hub for additional guidance.

APPENDIX 12 – PROCUREMENT CARDS (P-CARDS)

In certain circumstances, the Council makes use of general Purchase Cards, which are effectively like credit cards and are used to make small purchases in a wide range of situations.

Procurement cards may provide an alternative method to purchasing low value goods or services however the cards must only be used for authorised business expenditure.

Please make a note of the restrictions associated to your Procurement Card. Any attempt to purchase outside of these restrictions will result in the transaction being declined.

Procurement cards are not to be used as a mechanism for avoiding Contract Standing Orders / from following a compliant procurement process.

Please note that any unauthorised expenditure may lead to disciplinary proceedings, and possible dismissal and criminal proceedings.

The use and administration of P-cards is dealt with by Finance - please refer to the Merton Hub for further information on the appropriate use of Procurement Cards.

APPENDIX 13 – PUBLIC SECTOR PROCUREMENT FROM 1 JANUARY 2021

From 1 January 2021, a new e-notification service called Find a Tender went live for the publication and viewing of UK public sector procurement notices. This replaced the requirement to publish notices in the Official Journal of the European Union (OJEU).

The London Borough of Merton manages their procurement notices via the Council's e-Tendering system operated by Proactis. Proactis are classified as an 'eSender' and they have confirmed that they publish notices to **Find a Tender**.

Links to Public Contracts Regulations

<https://www.legislation.gov.uk/uksi/2015/102/contents>

<https://www.legislation.gov.uk/ukdsi/2019/9780111176788/contents>

<https://www.legislation.gov.uk/uksi/2020/1319/contents/made>

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Committee: Council

Date: 7 July 2021

Subject: Changes to Membership of Committees and related matters

Lead officer: Ged Curran/Hannah Doody, Chief Executive/Director of Community & Housing

Contact officer: Amy Dumitrescu, Interim Democracy Services Manager

Democratic Services 020 8545 3357 - democratic.services@merton.gov.uk

Recommendations:

1. That the Council notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report seeks Council's approval for appointments to committee places and asks Council to note the changes made to committee membership under delegated authority since the publication of the agenda for the last ordinary Council meeting on 3 February 2021.

2 DETAILS

- 2.1. The following membership changes have been made by the Chief Executive under their delegated authority in accordance with section 1.4 of part 3F of the Constitution:

Committee	Member resigning	Replaced by	Date
Overview & Scrutiny Commission	NA	Cllr David Chung - substitute	28 April 2021
South London Waste Partnership	Cllr Michael Brunt	Cllr Natasha Irons	12 May 2021
Borough Plan Advisory Committee	NA	Cllr Helena Dollimore - substitute	22 May 2021
Children and Young People Overview & Scrutiny Panel	NA	Cllr Sally Kenny – substitute	22 May 2021

Healthier Communities & Older People Overview & Scrutiny Panel	Cllr David Chung	Cllr Helena Dollimore	22 May 2021
Healthier Communities & Older People Overview & Scrutiny Panel	NA	Cllr David Chung - substitute	22 May 2021
Overview & Scrutiny Commission	Cllr Joan Henry	Cllr Sally Kenny	22 May 2021
Overview & Scrutiny Commission	NA	Cllr Joan Henry – substitute	22 May 2021
Healthier Communities & Older People Overview and Scrutiny Panel	Cllr Thomas Barlow	Cllr Nick McLean	21 June 2021
Healthier Communities & Older People Overview and Scrutiny Panel	Cllr Nick McLean	Cllr Thomas Barlow	23 June 2021
Planning Applications Committee	Cllr Stephen Alambritis	Cllr John Dehaney	24 June 2021
Planning Applications Committee	Cllr Nick Draper	Cllr Laxmi Attawar	24 June 2021
Standards and General Purposes Committee	Cllr Nick Draper	Cllr Sally Kenny	28 June 2021

3 CONSULTATION UNDERTAKEN OR PROPOSED

3.1 None for the purposes of this report.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

4.1. None for the purposes of this report.

5 LEGAL AND STATUTORY IMPLICATIONS

5.1. The information regarding membership changes in this report complies with legal and statutory requirements. Council is required to accept nominations made by political groups.

5.2. The Housing and Local Government Act 1989 contains provisions relating to the political balance on committees, the duty to allocate seats to political groups and the duty to give effect to allocations.

5.3. The Council has a statutory duty to review the representations of different political groups on the Council in order to ensure that a political balance is secured on council committees so as to reflect the overall political composition of the council.

- 5.4. Once the review has been completed there is a second statutory duty to make a determination as to political representation. The requirement to allocate seats must be made in accordance with the following statutory principles:
- a) All of the seats are not to be allocated to the same political group.
 - b) The majority of the seats must be allocated to the political group with a majority on the Council.
 - c) Subject to the two principles listed above, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to that on full Council.
 - d) Subject to the above three principles, the number of seats on each ordinary committee of the Council allocated to each political group must bear the same proportion to their proportion on the full Council.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 8.1. N/A

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

- 9.1 None.

10 BACKGROUND PAPERS

Documents from the authorised officer confirming approval of the membership changes agreed under delegated authority.

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Committee: Council

Date: 7 July 2021

Subject: Petitions

Lead officer: Louise Round, Managing Director South London Legal Partnership

Lead member: Leader of the Council, Councillor Mark Allison

Contact officer: Democratic Services, democratic.services@merton.gov.uk

Recommendation:

1. That Council receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
 2. That Council notes the responses provided to the petitions submitted at the meeting held on 3 February 2021.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report invites Council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.

2 DETAILS

- 2.1. At the meeting held on 3 February 2021, the petition listed below was submitted and the response is set out below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.

A petition was submitted by Councillor Akyigyina on the Improper Closure of Public Right of Way.

Officer Response

- 2.3 *The petition references the exact location of the Public Right of Way (PRoW) as being located on the pedestrian public footpath that is situated 'at the side of no33 Langdale Avenue and to the side of no38 Upper Green East' In reviewing the Councils Asset register for PRoW the service has confirmed that this is registered as PRoW 177 and allows clear unrestricted pedestrian access between the two locations.*

The service acknowledges that the detail referenced in the petition as an alternative location further along Langdale Avenue adjacent to No. 1, which currently acts as a service road for the rear of the shops located on Upper Green East, has experienced persistent fly-tipping and improper disposal of household and commercial waste.

In order to resolve this matter and for the avoidance of doubt regarding the exact location(s) in question as outlined in the petition, we would welcome the opportunity to undertake a joint site meeting with representatives of the petition, Merton Highways team along with colleagues from Waste services.

- 2.4 Members are invited to present petitions at this meeting, and a response will be provided to the next ordinary Council meeting in September 2021.

3 ALTERNATIVE OPTIONS

3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purpose of this report.

5 TIMETABLE

5.1. None for the purpose of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purpose of this report.

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 for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11 APPENDICES

11.1. None

12 BACKGROUND PAPERS

12.1. None.