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## CABINET

22 JUNE 2021

(7.32 pm - 8.34 pm)

PRESENT Councillors Councillor Rebecca Lanning,  
Councillor Eleanor Stringer and Councillor Martin Whelton

ALSO PRESENT Councillor Peter Southgate  
Chris Lee (Director of Environment and Regeneration) and Amy  
Dumitrescu (Interim Democracy Services Manager)

ATTENDING Councillors Mark Allison, Agatha Akyigyina, Tobin Byers,  
REMOTELY Caroline Cooper-Marbiah, Natasha Irons, Owen Pritchard,  
Marsie Skeete

ALSO Councillor Nick McLean

ATTENDING  
REMOTELY Hannah Doody (Director Community and Housing), Caroline  
Holland (Director Corporate Services), Jane McSherry (Director  
Children, Schools and Families), Louise Round (Managing  
Director South London Legal Partnership), Paul McGarry (Head  
of Future Merton), Tom Procter (Head of Contracts and School  
Org), Matt Burrows (Head of Customer Experience and  
Communications), Tara Butler (Programme Manager) and  
Octavia Lamb (Policy & Research Officer – Labour Group)

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

Apologies were technically received from Councillors Allison, Akyigyina, Byers, Cooper-Marbiah, Irons, Pritchard and Skeete who were attending the meeting remotely.

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

There were no declarations of interest.

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

RESOLVED: That the minutes of the meeting held on 22 March 2021 are agreed as an accurate record.

### 4 MERTON'S LOCAL PLAN AND POLICIES MAP - SUBMISSION TO THE SECRETARY OF STATE (Agenda Item 4)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report, thanking the officers in Future Merton for their work on the report which sought formal approval for submission of the report for independent examination preceded by a six week consultation period.

The report itself would set the planning strategy and policies for the Borough as well alongside site designations for new developments and had been a process started in 2017. The report would also be taken to Full Council in July 2021.

The Cabinet Member noted that a number of amendments had been made to the report following feedback from members of the public including in relation to tall buildings in Colliers Wood including a requirement that no building should be higher than the existing tower.

The Cabinet Member for Culture, Leisure and Skills stated that she welcomed the amendments to the plan following residents feedback.

The Chair moved to the recommendations and it was

RESOLVED:

That Cabinet recommended that 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. That Cabinet agreed the timetable for production set out in section 5 of this report, which will amend Merton's Local Development Scheme.

C. That Cabinet delegated 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 23<sup>rd</sup> June 2021 and the receipt of the Planning Inspector's final report.

#### 5 ADOPTION OF MERTON'S BOROUGH CHARACTER STUDY AND SMALL SITES TOOLKIT AS TWO SUPPLEMENTARY PLANNING DOCUMENTS TO MERTON'S LOCAL PLAN (Agenda Item 5)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report which followed a Borough-wide characterisation study and would once adopted, help support the local plan and assist with assessing future planning applications.

The small sites toolkit set out urban design principles for small sites noting 90% of planning applications received over the past 15 years for new homes had been built on new sites.

The Cabinet Member thanked Future Merton for their work on the document and it was

RESOLVED:

A. That Cabinet adopted Merton's Borough Character Study and Small Sites Toolkit as two supplementary planning documents to Merton's Local Plan.

## 6 PLAN WIMBLEDON NEIGHBOURHOOD AREA AND FORUM APPLICATION (Agenda Item 6)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report which was in response to an application received from Plan Wimbledon for a proposed neighbourhood forum and following a public consultation on the proposal as required under planning legislation.

It was noted that a decision on the proposal was required within 13 weeks and therefore a recommendation was required from the Cabinet which would go to Full Council in July 2021.

The consultation had received over 1300 responses and over 90% of these were from residents and in support, however there were also a number of objections to the proposal including from the business community.

Following consideration of the proposal, it was not believed that the application satisfied the criteria under section 61f part 7a of the Town and Planning Act and therefore the Council were legally required to refuse the application, however the Cabinet Member recognised the work that had gone into the application and hoped that PlanWimbledon and the business community could work together to resolve the issues.

The Joint Deputy Leader and Cabinet Member for Performance, Recovery and the Local Economy spoke noting that it was important that all parties were able to have their say and be mindful of all views expressed.

In response the Cabinet Member for Housing, Regeneration and the Climate Emergency responded that this was important and it was a concern that the number of younger people who had responded was very low and that all parts of the community needed to be involved.

It was RESOLVED:

- A. That Cabinet noted the consultation responses to the publication of the PlanWimbledon neighbourhood area and forum applications.
- B. That Cabinet refused PlanWimbledon's application as a neighbourhood forum.
- C. That Cabinet declined 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. That Cabinet encouraged and supported further dialogue between PlanWimbledon and the business community towards resolving the issues identified in this report.

## 7 ADOPTION OF MERTON'S DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD) (Agenda Item 7)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report on the draft supplementary planning document on air quality submitted following public consultation which had been subsequently amended as a result of feedback received. The document also included guidance on air quality assessments.

The Cabinet Member thanked officers for their work on the report and it was

RESOLVED:

That Cabinet adopted the Air Quality guidance as a supplementary planning document to Merton's Local Plan.

## 8 NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY REVIEW (Agenda Item 8)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report which detailed the findings of the review into the spending of neighbourhood community CIL funding carried out in Spring 2021.

The Cabinet Member gave an overview of some of the projects which had been undertaken with investment from neighbourhood CIL and recommended the recommendations be approved.

The Director of Environment and Regeneration re-iterated that the 2021 bidding round would open in July 2021.

It was RESOLVED:

That Cabinet:

1. Noted the contents of the Neighbourhood Community Infrastructure Levy (CIL) Review report at Appendix 1.
2. Endorsed the approach to enhanced engagement with ward councillors in order to identify and deliver specific Ward Allocation Scheme investments before the 2022 local elections.
3. Endorsed that a wholesale review of the implementation of Neighbourhood CIL (to include the Ward Allocation Scheme and the Neighbourhood Fund) be carried out following the completion of the 3 years duration of the Ward Allocation Scheme in May 2022 and informed by the results of the Your Merton survey due in late 2021.

## 9 EXPANSION OF MERTON MEDICAL EDUCATION SERVICES AND FUTURE OF LAVENDER NURSERY (Agenda Item 9)

The Chair amended the order of items so that Item 10 was moved prior to Item 9 on the agenda during the meeting.

The Joint Deputy Leader and Cabinet Member for Children and Education presented the report providing an update from the consultation undertaken earlier in the year and thanked all those who had responded to the consultation.

All the alternatives suggested within the feedback had been investigated however none had been found. Following further investigations a further option was proposed to move the current nursery to another local children's centre.

The Chair summarised the recommendations and it was RESOLVED:

A. That Cabinet noted the significant number of objections in the consultation to expand Merton Medical Education Services by moving into Lavender (London Road) Nursery and that, for the reasons outlined in this paper, the Lavender (London Road) Nursery building remains the only affordable option to house Merton Medical Education Services and provide sufficient provision for the borough's growing number of children with medical needs.

B. That Cabinet agreed to engage stakeholders on two options to implement from January 2022: The first, to continue with the council's proposal as per the January 2021 consultation proposal. The second, to proceed with an augmented option that will provide a continuation of the Lavender Nursery full-time day care provision in other Children, Schools and Families building(s) in Lavender Ward in addition to re-providing the sessional places for children aged 2, thus maintaining the service in alternative premises within reasonable proximity to the current site.

#### 10 EXPANSION OF MELROSE SCHOOL INTO WHATLEY AVENUE SW20 (Agenda Item 10)

The Joint Deputy Leader and Cabinet Member for Children and Education presented the report detailing expansion of Melrose School to provide provision for the increasing number of children with special educational needs in particular those being diagnosed in with Autistic Spectrum Disorder.

The Cabinet Member for Finance noted the financial implications and considerations and thanked officers and the Cabinet Member for their work.

The Director of Corporate Services noted that the revenue savings had already been built into the current dsg deficit recovery plan.

The Chair spoke to thank Councillor Cowper for her input to discussions and it was RESOLVED:

That Cabinet agreed to publish statutory proposals to expand Melrose School by 80 additional places through the use of an additional site - Whatley Avenue SW20 and to extend the official designation of Melrose School from "Children with Social, Emotional and Mental Health" to "Children with additional complex and varied needs including Autism Spectrum Disorder (ASD), Speech, Language and Communication Needs (SLCN) and Social, Emotional and Mental Health (SEMH)"

#### 11 JOINING THE LIFT THE BAN COALITION (Agenda Item 11)

The Cabinet Member for Women and Equalities presented the report and thanked the officers involved for their work on the report.

The Chair thanked the Cabinet member and officers for their work and noted that the recommendation within the report was to consider whether to join the Lift the Ban Coalition and requested that this should be amended to reflect that the Cabinet agreed to join.

It was therefore RESOLVED:

That Cabinet agreed that Merton Council should join the Lift the Ban Coalition to give the right to work in any occupation for everyone waiting for more than 6 months for a decision on their asylum claim.

## 12 CAPITAL LETTERS (Agenda Item 12)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report which recommended joining the pan-London Capital Letters to help collaboratively procure properties for homeless and at-risk households, noting that Merton currently had 197 persons in temporary accommodation.

It was RESOLVED:

(a) That Cabinet approved the decision to become a member of Capital Letters (London) Ltd.

(b) That Cabinet noted that the main reason for joining Capital Letters is to increase housing supply for vulnerable homeless households, given the acute shortage of social housing nominations.

## 13 AWARD OF CONTRACT FOR THE SUPPLY OF TEMPORARY AGENCY WORKERS FOR THE LONDON BOROUGH OF MERTON (Agenda Item 13)

The Cabinet member for Finance presented the report which proposed awarding a two-year contract following a procurement process, with the proposed contractor as the current incumbent, who it was noted had served the Council well in providing temporary workers during the pandemic. The Cabinet Member thanked officers for their work.

It was RESOLVED:

A That Cabinet agreed to award the new contract for the supply of temporary agency workers for a period of 2 years with a 2 year potential extension, starting from 13<sup>th</sup> December 2021 at an estimated value of £13m per annum.

B That Cabinet agreed to implement a vendor neutral solution, as currently in place, when the current Contract for the supply of temporary agency workers on 13<sup>th</sup> December 2021

C In accordance with Contract Standing Orders (CSO 24.3) that authority be

delegated to the Director of Corporate Services to exercise, in consultation with the Cabinet Member for Finance, the council's option to grant the extension of the contract term for any period up to two further years beyond the expiry of the initial contract term on 13 December 2023.

#### 14 APPOINTMENT OF COMMITTEES AND PROPOSED CHANGES TO THE CONSTITUTION (Agenda Item 14)

The Cabinet Member for Finance presented the report, thanking the Monitoring Officer for her work on the constitutional amendments as well as the members of the Constitution Working Group.

The Cabinet Member advised that on committee appointments, Councillors Byers and Irons were nominated to the South West London Joint Waste Management Committee, with Councillors Allison and Whelton appointed as substitutes. Councillors Cooper-Marbiah and Irons were appointed to the Wandle Valley Regional Park Trust and Councillor Allison to the South London Partnership Joint Committee.

On the constitutional amendments, three broad areas of changes were proposed those being; responsibility for executive functions, delegation to officers and Cabinet procedure rules.

The Chair added thanks to the Monitoring Officer and it was RESOLVED that Cabinet:

- A. agreed to appoint two Cabinet members and two substitute members to the South West London Joint Waste Management Committee;
- B. agreed to appoint two Cabinet members, to the Wandle Valley Regional Park Trust;
- C. agreed to appoint the Leader of the Council to the South London Partnership Joint Committee;
- D. agreed to delegate to the Chief Executive the authority to fill vacancies on the bodies detailed at recommendations A and F on the nomination of the group with a vacant position;
- E. agreed a revised Part 3C of the Constitution – Responsibility for Executive Functions set out in Appendix A;
- F. agreed the scheme of delegation attached as Appendix C in so far as it relates to functions which are the responsibility of the executive; and
- G. agreed a revised Part 4D of the Constitution - Cabinet Procedure Rules as set out in Appendix B;
- H. Authorised the Managing Director, SLLP, to make any minor or consequential amendments to appendices A-C as in her opinion reasonably necessary.

#### 15 INCLUSION OF MISCARRIAGE AND STILLBIRTH AS SPECIFIED CATEGORIES INTO THE BEREAVEMENT/SPECIAL LEAVE POLICY (Agenda Item 15)

The Cabinet Member for Women and Equalities presented the report, thanking officers and noting that Merton Council would be one of the first Councils to include these categories within the Bereavement/Special Leave policy.

RESOLVED that:

Cabinet noted the inclusion of miscarriage and stillbirth as specified categories into the Bereavement/Special Leave Policy. This would allow those staff members suffering the grief of miscarriage or stillbirth to have up to 5 days (10 with Directors discretion) paid leave.

Following this item, at the invitation of the Chair, the Cabinet thanked the staff within Democratic Services and Facilities for their work on the hybrid meeting.

16 EXCLUSION OF THE PUBLIC (Agenda Item 16)

The Cabinet agreed not to refer to the exempt information contained in items 13 during consideration of the item and therefore the meeting remained in public.