



CORPORATE SERVICES DEPARTMENT
Caroline Holland - Director

To all Members of the Council

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

Tel: 020 8545 3357

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Date: 08 September 2021

Dear Councillor

Notification of Cabinet Decisions

The decisions of the Cabinet meeting held on Monday 6 September 2021 are attached.

The call-in deadline is Monday 13 September 2021 at noon

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

Yours sincerely

Democracy Services

Decisions of the Cabinet held on Monday 6 September 2021

Call-in deadline – Monday 13 September 2021 at noon

4	Clarion Estate Regeneration Programme Support	<p>RESOLVED:</p> <p>A. That Cabinet noted that the programme-level viability deficit of identified by Clarion Housing Group (Clarion) in April 2020 in relation to their proposed regeneration of the High Path, Ravensbury and Eastfields estates represents a significant barrier to delivery;</p> <p>B. That Cabinet agreed that the Council remains supportive of Clarion’s delivery of the Merton Estates Regeneration Programme (MERP) and the objectives of Merton’s Estates Local Plan 2018 to improve the lives of existing residents and provide new homes;</p> <p>C. That Cabinet agreed to support the proposed adjustment of the Sales Clawback mechanism in the Stock Transfer Agreement to suspend the Council’s eligibility to the 5% Sales Clawback mechanism so long as MERP is in the course of being delivered and remains in a deficit position at programme-level. The mechanism will be triggered only if MERP’s financial performance reaches or exceeds a break-even position.</p> <p>D. That Cabinet agreed to support an amendment to the Stock Transfer Agreement to commit Clarion to delivering Decent Homes Standard upgrades linked to any failure to achieve regeneration delivery milestones to ensure these works are guaranteed to be delivered within a specified timeframe irrespective of the status of MERP;</p> <p>E. That Cabinet agreed to support an amendment to the Stock Transfer Agreement to specific partnership working arrangements between Clarion and the Council to include open book business plan progress updates and monitoring and regular identification, management and mitigation of risks to viability and deliverability with forums to be established at operational (Officer) and strategic (Senior Officer and Member) levels with Clarion counterparts. This approach is proposed to ensure proactive management and monitoring of future risks.</p> <p>F. That Cabinet delegated authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency, to conclude any documentation, including, without limitation, amendments to existing agreements between the Council and Clarion, necessary to implement the recommendations C-E above on the best terms which in their view are reasonably achievable .</p> <p>G. That Cabinet agreed that the 2010 Nominations Rights Deed will be preserved and that the council will continue to receive 100% nominations to true voids but that a protocol between Clarion Housing Group and the council be drawn up so as to assist Clarion in meeting its</p>
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Decisions of the Cabinet held on Monday 6 September 2021

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		<p>regeneration ambitions and ensuring that the council can continue to discharge its statutory housing duties and protect the public interest. Any such protocol will be jointly prepared between the council and Clarion Housing Group and be delegated to the Director of Community and Housing in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency.</p> <p>H. That Cabinet asked officers to continue to consider options for a freehold asset to the Council that may reflect some value of the claw back suspension and, should a mutually agreeable asset transfer be agreed, to delegate authority to the Director of Environment and Regeneration, and the Director of Corporate Services to conclude that transfer in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency and the Cabinet Member for Finance.</p> <p>Cabinet also approved the recommendations within the exempt report.</p>
5	Expansion of Merton Medical Education Services and future of Lavender Nursery	<p>RESOLVED that Cabinet:</p> <p>A. Agreed that the Lavender (London Road) Nursery building remains the most viable option to house Merton Medical Education Services and provide sufficient provision for the borough's growing number of children with medical needs, and officers should proceed to move the service into this building in early 2022.</p> <p>B. Approved that the Lavender London Road Nursery full-time day care provision should move from January 2022 to Lavender Steers Mead in addition to providing the sessional places for children aged 2 that are funded through early education funding, thus maintaining the service in alternative premises within reasonable proximity to the current site.</p>
6	Expansion of Melrose School into Whatley Avenue SW20	<p>RESOLVED that Cabinet:</p> <p>A. Approved proposals to expand Melrose School by 80 additional places from 1 September 2022 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)"</p>

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		<p>B. Noted that the reason for this decision is to provide places for pupils with special educational needs and disabilities (SEND) in the local area and the expansion of Melrose School through the use of an additional site provides good value for money. Melrose is rated by Ofsted as “Good” with “consistently strong teaching across the school” and the Council’s Director for of Children, Schools and Families is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands</p>										
7	<p>Extension of concession contract for the provision of Bus Shelters, Free Standing Units and Associated 6 Sheet Advertising within Merton</p>	<p>RESOLVED:</p> <p>A. That Cabinet approved the exercise of the right to extend the contract for a period of 2 of the potential 5 years available.</p> <p>B. That Cabinet noted the contract award report dated 11 November 2019 had a minor administrative error included in it and mistakenly agreed to award a contract to JC Decaux for a term of 10 years with a potential extension of 5 years, whereas the intention of the Council and tender documentation had proposed a 15 year contract term with a potential extension of 5 years and the contract has been issued on that basis;and</p> <p>C. That Cabinet retrospectively agreed the award of the contract for the originally intended period of 15 + 5 years;</p>										
8	<p>Financial Report 2021/22 - Period 3 June 2021</p>	<p>RESOLVED:</p> <p>A. That Cabinet noted the financial reporting data for month 3, June 2021, relating to revenue budgetary control, showing a forecast net adverse variance at yearend on net service expenditure of £4.74m, increasing to £7.452m when corporate and funding items are included.</p> <p>B. That Cabinet approved the virement of £242k revenue budget between the Housing to Adult Social being the transfer of budget and clients (care & support related) from Housing budget to the placement budget.</p> <p>C. That Cabinet noted the contents of Section 5 and Appendix 5b of the report and approve the adjustments to the Capital Programme in the Table below:</p> <table border="1" data-bbox="840 1268 2042 1359"> <thead> <tr> <th></th> <th>Budget 2021-22</th> <th>Budget 2022-23</th> <th>Budget 2023-24</th> <th>Narrative</th> </tr> </thead> <tbody> <tr> <td></td> <td>£</td> <td>£</td> <td>£</td> <td></td> </tr> </tbody> </table>		Budget 2021-22	Budget 2022-23	Budget 2023-24	Narrative		£	£	£	
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	£	£	£									

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<u>Corporate Services</u>				
Customer Contact Programme	(100,000)			Vired to a Specific Scheme
Customer Contact - Robotics Process Automation (RPA)	100,000			Vired from overall Programme
<u>Children, Schools and Families</u>				
William Morris - Capital Maintenance	(25,000)			Virements - projected spend capital maintenance
Hillcross - Capital Maintenance	55,000			Virements - projected spend capital maintenance
Sherwood - Capital Maintenance	77,000			Virements - projected spend capital maintenance
Harris Academy Wimbledon - New School	20,000			Virements - projected spend capital maintenance
Perseid Expansion	(20,000)			Virements - projected spend capital maintenance
Perseid - Capital Maintenance	(25,000)			Virements - projected spend capital maintenance
West Wimbledon - Capital Maintenance	50,000			Virements - projected spend capital maintenance
Unallocated Capital Maintenance Budget	35,000			£167k School Contributions - £132k virement to specific schemes
<u>Environment and Regeneration</u>				
Highways and Footways - Highways bridges & structures	(105,000)			Building Enhancements and Increased Capacity to Store initially funded by virement
Highways and Footways - Salt Barn Upgrade	105,000			
CCTV Investment - CCTV and Infrastructure Upgrade	(662,100)	107,630	554,470	Profiled in line with projected spend
Morden Regeneration - Morden Town Centre Imp	(300,000)	200,000		Profiled in line with projected spend - £100k to Revenue
Total	(795,100)	307,630	554,470	

Merton Council - call-in request form

1. Decision to be called in: (required)

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

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

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy and Electoral Services, 1st floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy and Electoral Services on 020 8545 3409