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## CABINET

19 JUNE 2023

(7.16 pm - 8.33 pm)

PRESENT Councillors Councillor Ross Garrod (in the Chair),  
Councillor Eleanor Stringer, Councillor Stephen Alambritis,  
Councillor Billy Christie, Councillor Caroline Cooper-Marbiah,  
Councillor Brenda Fraser, Councillor Natasha Irons,  
Councillor Andrew Judge, Councillor Sally Kenny and  
Councillor Peter McCabe

ALSO PRESENT Councillor Stuart Neaverson  
Councillor Laxmi Attawar

Hannah Doody (Chief Executive), Asad Mushtaq (Executive Director Finance and Digital), John Morgan (Executive Director Adult Social Care, Integrated Care and Public Health), Jane McSherry (Executive Director Children, Lifelong Learning and Families), Lucy Owen (Executive Director Housing and Sustainable Development), Phil Howell (Assistant Director Commissioning), Roger Kershaw (Assistant Director Finance and Digital), John Bosley (Assistant Director Public Space), Lewis Addlington-Lee (Head of Leaders Office), Amina Bhamjee (Project Manager), Lesley Barakchizadeh (Lead Programme Consultant – Corporate Projects), Zara Bishop (Communications Manager) and Amy Dumitrescu (Democracy Services Manager)

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

No apologies were received.

### 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 17 May 2023 are agreed as an accurate record.

### 4 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL - ELECTRIC VEHICLE CHARGING TASK GROUP REPORT (Agenda Item 4)

At the invitation of the Chair, the Chair of the Electric Vehicle Charging Task Group, Councillor Attawar spoke to introduce the report, noting the task group had met and heard from the Cabinet Member and Future Merton alongside seeking input from TfL and looking at practices in other Boroughs. The task group had made recommendations to help shape the strategy.

The Cabinet Member for Transport responded to thank Councillor Attawar and the task group for engaging on the subject and committed to ensure that all twelve recommendations were considered fully as part of the EV Strategy.

RESOLVED:

1. That Cabinet considered the report and recommendations (attached in Appendix A) arising from the scrutiny review of Electrical Vehicle Charging in Merton.
2. That Cabinet agreed to the implementation and inclusion of the recommendations through the Electric Vehicle Strategy due to be written by Future Merton working with the Cabinet Member for Transport

5 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL - SCHOOL STREETS (Agenda Item 5)

At the invitation of the Chair, Councillor Neaverson, Chair of the Sustainable Communities Overview and Scrutiny Panel spoke to present a number of references from the panel to Cabinet (items 5-9 in the minutes). Councillor Neaverson thanked Councillors and Officers for their work across these areas.

RESOLVED: That as per the Sustainable Communities Overview and Scrutiny Panel request, Cabinet noted its reference set out in paragraph 2.6 to 2.8 of the report

6 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL – ACTIVE TRAVEL (Agenda Item 6)

RESOLVED:

That as per the Sustainable Communities Overview and Scrutiny Panel request, Cabinet responded to its reference set out in paragraph 2.6 to 2.7 of the report

7 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL - CALL IN: TRAVELLERS SITE (Agenda Item 7)

RESOLVED:

That as per the Sustainable Communities Overview and Scrutiny Panel request, Cabinet noted its reference set out in paragraph 2.11 of the report

8 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL – DEVELOPMENT CONTROL REPORTING (Agenda Item 8)

RESOLVED:

That as per the Sustainable Communities Overview and Scrutiny Panel request, Cabinet responded to its reference set out in paragraph 2.6 to 2.8 of the report

9 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL - HOMELESSNESS (Agenda Item 9)

RESOLVED:

That as per the Sustainable Communities Overview and Scrutiny Panel request, Cabinet responded to its reference set out in paragraph 2.6 to 2.7 of the report

10 BOROUGH OF SPORT BLUEPRINT (Agenda Item 10)

The Cabinet Member for Sport and Heritage presented the report, thanking officers for their work. The Blueprint outlined how the Council intended to achieve the aim of ensuring all residents particularly those under 16 and over 65 and those from less affluent communities had access to physical activity and sport at least once a week and to celebrate the rich heritage of sport within the Borough. The Cabinet Member gave an outline of the plans and noted a public forum would hold its first meeting in September 2023.

RESOLVED:

That Cabinet:

- A. Agreed the proposals to make Merton London's Borough of Sport.
- B. Noted the estimated costs associated with the plans and agree the final costs are allowed for in the Council's Medium Term Financial Strategy between 2023-26.
- C. Noted the creation of a public forum to gain support and combine effort, and the creation of a cross sector advisory group to guide and steer actions.
- D. Noted London's Borough of Sport will be formally launched towards the end of the summer with stakeholder and community events, with preparatory activities taking place across the summer.

11 COUNCIL DELIVERY OF AFFORDABLE HOUSING (Agenda Item 11)

The Cabinet Member for Housing and Sustainable Development presented the report which outlined the beginning of the process of the Council delivering affordable, low carbon housing, initially for the first 93 of 400 homes on the first four sites which had obtained planning permission, however noting that one would be redesigned. The Cabinet Member outlined the recommendations within the report.

In response to questions, the Cabinet Member advised that L&Q would be delivering at cost not for profit and that they currently built up to 3000 homes a year. The first 93 homes would be social rent and the proposal was to build a minimum of 400 homes by the end of the next three years. The company were committed to training and building the expertise of staff and development opportunities would be available to local companies as well as job opportunities for local people.

RESOLVED :

- A. That Cabinet provided approval to enter into a Collaboration Agreement with L&Q carry out the development management and delivery of 93 Council Homes for the Council.
- B. That Cabinet delegated the decision on the final terms of this Collaboration Agreement to the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development, and for the Council to enter into this final form of the Collaboration Agreement.
- C. That Cabinet approved expenditure of up to £176,500 to cover the reasonably incurred costs in implementing project activity to tender stage.
- D. That Cabinet noted the ambition to create exemplar, sustainable, low or zero carbon homes. This will include a materials-led approach to assure sustainability and reduced energy costs for residents. Various options will be investigated in terms of innovation, value for money and best practice from other councils and house builders.
- E. That Cabinet noted the update on the creation of a strategy for the remainder of the housing delivery programme, with the aim of a sustainable pipeline, either self-funding or minimising capital subsidy.
- F. That Cabinet noted that no arrangement has yet been made for the future letting and management of the completed units. This will be the subject of a future report and recommendation.
- G. That Cabinet delegated to the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development, authority to enter into agreements documenting the planning obligations for the four sites on such terms as are considered reasonable to the Council as landowner.

## 12 UPDATE ON CONSULTATION AND PROPOSED INTRODUCTION OF SELECTIVE AND ADDITIONAL LICENSING (Agenda Item 12)

The Cabinet Member for Housing and Sustainable Development presented the report providing an update on three key projects and thanking officers for their work. The Cabinet Member noted that in relation to selective licensing, extensive consultation had taken place and careful analysis of the evidence and data had been undertaken to consider what measures could be justified and where. Following a review of these responses, the recommendation was to confirm four wards for selective licensing to go live in September 2023, and seven wards for additional licensing. It was confirmed that the Government had looked at the evidence and confirmed they would not be intervening.

RESOLVED:

- A. Following review of the consultation responses, Cabinet Designated (Confirm) Selective Licensing for the following 4 wards: Figge's Marsh; Graveney; Longthornton; Pollards Hill; with proposed Go Live in Sept 23
- B. Following review of the consultation responses, Cabinet Designated (Confirm) Additional Licensing for the following 7 wards: Figge's Marsh; Graveney;

Longthornton; Pollards Hill; Colliers Wood; Cricket Green and Lavender Fields, with proposed 'Go Live' in September 2023

C. Cabinet approved the Selective and Additional Licensing Fees as set out in Appendix D

D. That Cabinet Delegated Authority to the Executive Director of Housing and Sustainable Development, and the Executive Director of Environment, Civic Pride, and Climate, in consultation with the Cabinet Member for Housing and Sustainable Development to increase the Licence Fees should this be required following the annual review of fees to ensure that costs are being covered

E. Cabinet noted that following Confirmation at Council in April 2023, the Article 4 Direction has now been made permanent in the 7 wards: Figge's Marsh; Graveney; Longthornton; Pollards Hill; Colliers Wood; Cricket Green and Lavender Fields.

F. That Cabinet noted that the timescale for the risk of Legal Challenge to the Article 4 Direction has now passed but there is still a risk of Legal Challenge to the introduction of Selective and Additional Licensing for 3 months from Designation

G. Cabinet noted that the Secretary of State has considered the evidence provided by the Council for the Article 4 Direction and has confirmed they will not be intervening

H. Cabinet noted that there is an ongoing risk of compensation claims being submitted for any small HMOs (6 person and under) that relied on the permitted development rights that have been removed in the 7 wards, and note that claims are only valid if a planning application is submitted within 12 months from the introduction of the Immediate Article 4 (17th November 2022) and then subsequently refused; or if additional Planning Conditions are applied that reduce the development's value

I. Cabinet noted the update on the Article 4 Direction and the Empty Homes Project

### 13 MERTON EVENT MANAGEMENT AND SAFETY ADVISORY GROUPS (SAG) (Agenda Item 13)

The Deputy Leader and Cabinet Member for Civic Pride presented the report which outlined the proposals and policies for holding events and to ensure robust processes were in place so that they were managed safely. The report contained the overarching process as well as the framework and process for when a Safety Advisory Group (SAG) is needed and the formal structure for SAGs. Charges and policies were included with the charges covering the costs of processing applications, noting that the fees were being waived for charity and community events. The Cabinet Member thanked officers for their work.

RESOLVED:

That Cabinet:

A. Established a single events application and tracking process, associated fees and charges and clear responsibility for processing of applications and administration of meetings including Safety Advisory Group meetings.

B. Approved the schedule of fees and charges shown in Appendix E.

C. Adopted the new Events Policy and SAG (Safety Advisory Group) Terms of Reference.

D. Allocated the responsibility for Charing SAG meetings to the Assistant Director for Public Protection (or suitable delegate) and mandate that sports ground safety and associated events are to follow the same processes and procedures for other events as recommended by this report.

E. Delegated to the Executive Director of Environment, Civic Pride and Climate, in consultation with the Cabinet Member for Civic Pride, amendments to the application process and associated fees and charges

#### 14 TREE STRATEGY (Agenda Item 14)

The Cabinet Member for Local Environment, Greenspaces and Climate Change presented the report, thanking officers for their work and noting the dedication to Dave Lofthouse. The report noted the aim to increase tree canopy by 10% by 2050 and outlined the 3 key aims within the report – to maintain existing trees, to protect trees from a range of issues and to enhance and optimise tree population – whilst the strategy focused on Council owned trees, phase 2 would look at those on private property and would form part of the wide greenspaces strategy.

The Assistant Director Public Space thanked officers for their work and Cabinet Members spoke to welcome the strategy.

#### RESOLVED:

A. That Cabinet reviewed Appendix 1 London Borough of Merton Tree Strategy 2023- 2029 (Part 1), Management of council-owned trees and agreed to adopt the Tree Strategy.

B. That Cabinet noted Appendix 2 Collated feedback for Tree Strategy Initial scoping consultation that took place between (17th January 2022 - 28th February 2022) (466 responses received) Appendix 3 Collated feedback from the Draft Tree Strategy Consultation that took place between 20th October 2022- 30th November 2022 (10 responses received).

#### 15 BREAST CANCER SCREENING, CHILDHOOD IMMUNISATION AND REDUCING SELF-HARM (Agenda Item 15)

The Cabinet Member for Health and Social Care presented the report, noting that a report on these issues had been considered previously by the Healthier Communities and Older People Scrutiny Panel and stating that this area required and relied on partnership and that the Council would work in partnership with colleagues in the Health service.

#### RESOLVED:

A That Cabinet noted the performance and progress, identified actions and the governance arrangements for the three programmes covered by the report.

B That Cabinet request that NHS England provides a breast cancer screening site in Merton as a matter of urgency. This would improve access to important services and contribute to reducing health inequalities.

C That Cabinet agreed to continue to use Council channels to increase uptake of immunisations, screening and to promote services that support the mental health of children and young people

#### 16 COMMUNITY OPPORTUNITIES FRAMEWORK FOR PEOPLE WITH A LEARNING DISABILITY (Agenda Item 16)

The Cabinet Member for Health and Social Care presented the report, highlighting the key objectives set out within the report.

#### RESOLVED:

A. That Cabinet approved commissioning of a Community Opportunities Framework for provision of community-based activities in Merton for people with a Learning Disability and/or Autism; Mental Health needs; Physical Disabilities; and People whose behaviours may challenge for an initial term of 5 years with an option to extend for a further period of up to two years at the Council's sole discretion.

B. That Cabinet noted that the procurement route is a framework with an indicative initial annual value of £800,000 per annum and a total framework value over the potential full term of 7 years estimated at £ 5,956,758 including inflationary uplift; the tender opportunity will be advertised on Find a Tender, Contracts Finder, and the Council's e-tendering system (London Tenders Portal). The process will widen competition and ensure the Council gets best value for money for this service.

C. That Cabinet delegated authority to the Executive Director for Adult Social Care, Integrated Care and Public Health, in consultation with the Cabinet Member for Social Care and Health, the award of contracts to the successful bidders at the conclusion of the tender process and on occasions when the framework is reopened to admit more providers on specific lots or varied to include additional Lots as may be required to continue meeting residents' needs.

#### 17 AWARD OF THE CONTRACT FOR PROVISION OF THE DISABLED FACILITIES GRANT (DFG) FUNDED DISABLED ADAPTATIONS SERVICE (Agenda Item 17)

The Cabinet Member for Housing and Sustainable Development presented the report, noting that the tendering process had been robust and the current market circumstances would not allow a better outcome than the one obtained.

#### RESOLVED:

A. That Cabinet approved the award to Bidder A (as detailed in the Confidential Appendix to this report) a contract for provision of the Disabled Facilities Grant DFG) Funded Adaptations Service for a period of 3 years from 4th September 2023, with an option to extend for up to two further years at the discretion of the Council.

B. In accordance with Contract Standing Orders (CSO 24.3) that authority be delegated to the Executive Director of Housing & Sustainable Development to exercise, in consultation with the Cabinet Member for Housing and Sustainable Development, the Council's option to grant one or more extensions of the contract

term for any period up to two further years beyond the expiry of the initial contract term on 3rd September 2026.

#### 18 CIVIC PRIDE: HIGH STREETS PROGRAMME (RESERVE FUND ALLOCATIONS) (Agenda Item 18)

The Deputy Leader and Cabinet Member for Civic Pride presented the report, noting the programme of work with the aim of improving town centres and supporting local neighbourhoods and thanked officers for their work.

#### RESOLVED:

- A. That Cabinet agreed the Civic Pride programme funding allocations.
- B. That Cabinet noted that a proportion of the programme remains unallocated in order to respond to in-year ad-hoc projects.
- C. That Cabinet agreed that any in-year funding requests are delegated for decision by the Executive Director, in discussion with the Cabinet Member

#### 19 MERTON TREASURY MANAGEMENT STRATEGY - ANNUAL REVIEW 2022-23 (Agenda Item 19)

The Cabinet Member for Finance and Corporate Services presented the report, advising that all activity had been in compliance with the strategy and the CIPFA code of practice and thanked officers for their work.

#### RESOLVED:

That Cabinet noted the update on the Merton Treasury management activity during 2022-23 and details any difference in activity from the Treasury management strategy approved in March 2022

#### 20 OUTTURN 2022/23 REPORT (Agenda Item 20)

The Cabinet Member for Finance and Corporate Services presented the report noting that the accounts had closed with a favourable variance of £2.3million which had been transferred to the Strategic priorities reserve fund, plans for which would be presented soon. The Cabinet Member thanked officers for their rigorous and accurate financial monitoring and advised that this would continue to be monitored.

In response to questions, the Cabinet Member advised that the Council had not taken on any new loans in a number of decades and had paid back half of its historic debt earlier in the year.

#### RESOLVED:

- 1. That Cabinet considered the outturn position on Capital and approve the Slippage into 2022/23 and other adjustments detailed in Appendix 2C, 2C1 and Section 7 of the report



2. That Cabinet approved the establishment of a renewals and repairs fund of circa £80k for 10 years required as part of the grant conditions for the Lawn Tennis Association Capital Grant of £708,650
3. That Cabinet considered the outturn position on revenue and approve the proposed appropriation of the £2.392m favourable variance to reserves

## 21 BUDGET 2024/25 AND MTFS 2024-28 (Agenda Item 21)

The Cabinet Member for Finance and Corporate Services presented the report, noting that the roll forward position was currently projecting a gap of £1.5million for the next financial year and £17million by the fourth year 2027/28 however those gaps would aim to be addressed through the budget setting process.

The Assistant Director Finance and Digital reiterated that the budget gap was largely linked to inflation and whilst further pressures were anticipated, additional provision had been set aside for this.

### RESOLVED :

1. That Cabinet noted the approach to rolling forward the MTFS for 2024-28
- 2 That Cabinet noted the initial reallocation of budgets to reflect the new Council structure into six directorates
- 3 That Cabinet agreed the approach to strengthening transparency in financial management, and the revised process for the 2024/25 budget round.

## 22 EXCLUSION OF THE PUBLIC (Agenda Item 22)

The meeting proceeded entirely in public and therefore this item was not required.