

Agenda Item 3

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CABINET

15 JANUARY 2018

(7.15 pm - 8.10 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Tobin Byers, Caroline Cooper-Marbiah, Nick Draper, Ross Garrod, Edith Macauley MBE, Katy Neep and Martin Whelton

ALSO PRESENT: Councillor Stephen Crowe, Abigail Jones and John Sargeant

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Chris Lee (Director of Environment and Regeneration), Yvette Stanley (Director, Children, Schools & Families Department), Paul Evans (Assistant Director of Corporate Governance), Roger Kershaw (Interim Assistant Director of Resources), James McGinlay (Assistant Director for Sustainable Communities), Jason Andrews (Environmental Health Pollution Manager), Octavia Lamb (Policy and Research Officer (Labour Group)), Doug Napier (Leisure and Culture Greenspaces Manager) and Sophie Poole (Head of Communications, CS), Louise Fleming (Senior Democratic Services Officer)

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 11 December 2017 were agreed as an accurate record.

4 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL - CALL-IN OF MERTON HALL CONSTRUCTION CONTRACT DECISION (Agenda Item 4)

Cabinet noted that the Sustainable Communities Overview and Scrutiny Panel, at its meeting on 10 January 2018, had resolved not to refer the call-in of the Cabinet decision back to Cabinet.

5 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL – MORDEN REGENERATION (Agenda Item 5)

The Cabinet Member for Environment, Regeneration and Housing introduced the report and noted the letter which Cabinet Members had received from CBRE GI setting out comments on the recommendations set out in the Cabinet report at Item 8. He advised that the proposed regeneration, which had been planned for some time, would be transformational and would bring much needed new housing, retail and jobs to the area. It was noted that the comments of the Sustainable Communities Overview and Scrutiny Panel had been incorporated into the Cabinet report.

The Chair of the Sustainable Communities Overview and Scrutiny Panel presented the reference report, highlighting that the recommendations had received unanimous support and outlining the discussion, stressing that the Panel were keen for the Council to retain a degree of control over the project.

At the invitation of the Chair, Councillor John Sargeant addressed the Cabinet meeting, giving some background to the reference report. He welcomed the regeneration, however expressed some concern over the potential impact that the cuts to TfL funding and the recent collapse of private sector developer Carillion could have on the regeneration. He felt that the Council should maintain as much control as possible over the project.

The Chair thanked the speakers and proposed that both the reference report and the decision report at item 8 be taken together, making no reference to the exempt information contained at item 17, therefore remaining in public session.

The Cabinet Member for Environment, Regeneration and Housing thanked the Scrutiny Panel and welcomed its contributions, highlighting the important role that the Panel would continue to play in developing the project going forward. He also thanked the Morden Councillors for their work in this first part of a complex project which would improve the public realm in Morden. The Director of Environment and Regeneration welcomed the letter from CBRE GI and advised Members that the proposals in the report at Item 8 did not preclude their involvement in the future; and welcomed a continued good working relationship with them in the future.

RESOLVED that the comments of the Sustainable Communities Overview and Scrutiny Panel, as set out in paragraph 2.2 of the Cabinet report, be noted.

6 ADOPTION OF MERTON'S ESTATES LOCAL PLAN (Agenda Item 6)

The Cabinet Member for Environment, Regeneration and Housing presented the report which set out the proposed Estates Local Plan for adoption by Council on 7 February 2018. The Plan would be one of the key documents guiding planning decisions in the borough, concerning the regeneration of Eastfields (Mitcham), High Path (South Wimbledon) and Ravensbury (Mitcham/ Morden) estates. He stressed the need to continue to work closely with local residents.

RESOLVED:

1. That Cabinet recommends the adoption of Merton's Estates Local Plan to Council on 7 February 2018 and associated Sustainability Appraisal, as part of Merton's statutory Local Plan and subsequent updating of Merton's statutory Policies Map to include the Estates Local Plan area, to which Estates Local Plan policies apply.
2. That authority be delegated to the Director of Environment and Regeneration to deal with all the necessary adoption documents and other consequential matters in accordance with the appropriate legislation.

7 DELIVERY OF CLARION'S ESTATE REGENERATION PROJECT (Agenda Item 7)

The Cabinet Member for Environment, Regeneration and Housing presented the report which set out a recommendation to Council on 7 February 2018 to approve the use of in principle Compulsory Purchase Orders in the delivery of the Clarion Estate Regeneration Project.

The Director of Environment and Regeneration advised that, although standard practice for a scheme of this type, the CPO powers would only be used as a last resort. He welcomed the hard work already undertaken by Clarion to buy back properties in preparation for the regeneration scheme.

In response to Members' questions, the Director of Environment and Regeneration advised that as the development schemes would be phased, there would be opportunities to revisit phases to ensure maximum benefits, including provision of affordable housing. Cabinet welcomed the report and the opportunities which the proposed developments would bring, including apprenticeships, and looked forward to the development of the new neighbourhoods.

RESOLVED that Cabinet recommends to full Council support for the following:

1. The considerable work already underway to support the regeneration of Eastfields, High Path and Ravensbury estates; attracting £1bn investment in Merton, creating much needed new homes and jobs.
2. To agree in principle that the Council exercises its compulsory purchase powers to support the delivery of the Merton Estates Regeneration Programme and the objectives of Merton's Estates Local Plan to acquire the land as required within the areas described in the Cabinet report and shown edged red on the plans attached at Annex 1 of the Cabinet report.
3. That Council Officers in conjunction with Clarion Housing Group (Clarion) begin preparatory work for the compulsory purchase which would include specific land interests to be acquired so that Clarion can deliver the regeneration of the Eastfields, High Path and Ravensbury Estates.

4. That Personna Associates land referencing agents be appointed by Clarion who will be responsible for the costs of that appointment and serve requisitions on landowners who will declare their land interests.
5. That Council officers commence the preparation of all documents required to support the CPO process including preparation of the necessary statements of reasons and the requisite statutory notices.
6. That the Council and Clarion enter into a Compulsory Purchase Order Indemnity Agreement under which Clarion will indemnify the Council against all the costs and expenses involved in making the CPO including the acquisition costs of the properties and the compensation due to Landowners.
7. That a financial allocation may be required for the Council's Capital Programme from 2018-19 onwards deliver this approach. Any financial allocation would be considered by the Council's financial approval process nearer the time under the Council's Constitution and would be fully indemnified by Clarion Housing Group as set out in Recommendation 6.
8. That officers agree the joint appointment of Leading Counsel with Clarion Housing Group and the appointment of Leading Counsel to provide advice to the Council, if necessary.

8 DELIVERY OF THE REGENERATION OF MORDEN TOWN CENTRE (Agenda Item 8)

The Cabinet noted that Item 5 and Item 8 would be taken together, and the minute of the discussion is set out under item 5.

RESOLVED

1. That a joint venture option be the most appropriate delivery vehicle structure for Morden.
2. That officers be authorised to negotiate a Scheme Delivery Agreement with TfL for an appropriate joint venture structure to deliver the regeneration of Morden Town Centre.
3. That the Memorandum of Understanding, set out in the exempt Appendix B, between the Council and Transport for London which sets out how the two parties will collaborate on the preparatory works for the procurement of a development partner be noted.
4. That the procurement of a Project Management Consultant to coordinate and advise on the preparatory works for the procurement of a development partner be noted.

9 MERTON'S NEIGHBOURHOOD FUND (Agenda Item 9)

The Cabinet Member for Environment, Regeneration and Housing presented the report which set out proposals for allocation of Community Infrastructure Levy Neighbourhood Funding to small scale public space schemes for delivery throughout 2018 and 2019. Cabinet welcomed the proposals and thanked local businesses for their efforts in the bid to the Mayor of London for London Borough of Culture.

RESOLVED:

1. That the update on the Neighbourhood Fund be noted.
2. That £5,000 of Neighbourhood Funding be allocated per ward to small scale public space projects in consultation with ward councillors;
3. That £213,000 be set aside to partner fund the delivery of Merton's London Borough of Culture programme, subject to the Council's bid to the Mayor of London being successful and subject to full assessment of competing bids for 2019 delivery.
4. That delegated authority be granted to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to allocate Neighbourhood Fund money to individual projects (including London Borough of Culture) received through the recent Neighbourhood Fund consultation, in line with Cabinet's agreed Neighbourhood Fund criteria.

10 RESIDUAL WASTE CONTAINER SIZE (Agenda Item 10)

The Cabinet Member for Street Cleanliness and Parking presented the report which set out options for the size of the residual waste container to be provided for all households in the Borough, following the decision to introduce wheeled bins for residual/general waste and a separate wheeled bin for paper and card made by Cabinet in July 2016. He outlined the options for consideration, and advised that the proposal had received unanimous support at the Sustainable Communities Overview and Scrutiny Panel on 10 January 2018. He also advised that it was not a "one size fits all" approach, and that there would be provision for households to request either a larger or smaller sized container if required.

RESOLVED that Option A as set out in the Cabinet report be approved.

	Residual/ general waste	Paper and card
Option A	180l wheeled bin	180l wheeled bin

11 AIR QUALITY ACTION PLAN 2017-2022 (Agenda Item 11)

The Cabinet Member for Street Cleanliness and Parking presented the report which set out consultation responses and a draft Air Quality Action Plan for 2018-23. He highlighted that although the Plan would go some way to addressing air quality in the Borough, it would also require a coordinated approach by central government to address air quality as a national issue in order to have a real impact. Cabinet noted the impact of air quality on the Borough's schools and welcomed the emphasis in the report to address the issue.

In response to Members' questions relating to the South Wimbledon junction, the Director of Environment and Regeneration advised that officers were committed to tackling the key junction and that the alignment of the Council's Action Plan with the

Mayor's Transport Strategy and his commitment to improving air quality in London would help in addressing the issue.

RESOLVED:

1. That the public consultation responses to the Council's draft Air Quality Action Plan 2018-2023 be noted.
2. That the draft Air Quality Action Plan 2018-2023 be agreed.
3. That future decisions in respect of the draft Air Quality Action Plan 2018-2023 be delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Street Cleanliness and Parking.

12 DOG CONTROL PUBLIC SPACE PROTECTION ORDERS (Agenda Item 12)

The Cabinet Member for Community and Culture presented the report which set out a recommendation to Council on 7 February 2018 to approve the making of a new dog control Public Space Protection Order, following a consultation exercise undertaken in response to a rise in dog attacks in the Borough. He advised that the consultation exercise had been well received and the proposals had received support from members of the public, including dog owners. The aim of the Order was to reduce numbers of dog attacks and ensure the safety of all those using the Borough's parks and open spaces, and therefore effective enforcement was key to its success. It was noted for clarification that the proposal included Morden Hall Park and Mitcham Common, not limited to those two areas. It was also noted that the Order would not cover Wimbledon Common due to it having its own by-laws.

RESOLVED that it be recommended to Council:

1. That the making of the following new dog control Public Spaces Protection Order for Merton's public spaces be approved:
 - i) The prohibition of dog fouling by ensuring that dog owners and walkers clear up after their dogs.
 - ii) The establishment of dog exclusion areas, predominantly children's playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens.
 - iii) Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park and on Mitcham Common, but not Wimbledon Common which has its own byelaws).
 - iv) The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four.
2. That the amount of the fixed penalty payable under a Fixed Penalty Notice issued in respect of breaches of the Order be £80, payable within 14 days and with no discount for early payment be agreed.

3. That the Director of Environment & Regeneration be delegated authority in consultation with the Cabinet Member for Community & Culture to finalise and make the Public Space Protection Order, to come into force on 5 March 2018 or as soon as possible thereafter.

13 LONDON COUNCILS GRANTS SCHEME SUBSCRIPTION FOR 2018/19
(Agenda Item 13)

The Cabinet Member for Community Safety, Engagement and Equalities presented the report which set out the Council's subscription to the London Council's Grant Scheme, for the funding of a range of services across London. The level of subscription was set by the London Council's Leaders' Committee which met on 5 December 2017. The Chair thanked the Cabinet Member for engaging with the London group and welcomed the opportunity for the Council to play its part in London.

RESOLVED that the Council's contribution to the London Councils Grants Scheme 2018/19 as per the subscription set by London Councils Leaders' Committee on 5 December 2017 be approved.

14 BUSINESS PLAN 2018-22 (Agenda Item 14)

The Deputy Leader and Cabinet Member for Finance presented the report which set out an update to the Business Planning process for 2018-22 and in particular on the current position relating to the revenue budget for 2018/19, and the draft MTFS 2018-22. He thanked all those involved in the preparation of the report and the Scrutiny Members for their work in developing the Business Plan. He drew Members attention to the Government's financial settlement and the challenge this would present to the Council over the coming years to fill the gap and that tough decisions would need to be made. It was noted that the financial settlement was provisional, and that the final settlement was not yet known.

RESOLVED

1. That the financial information arising from the Provisional Settlement 2018/19 be noted and that the financial implications will be incorporated into the draft MTFS 2018-22 and draft capital programme 2018-22.
2. That the latest update of the draft MTFS for 2018 – 22 be noted.

15 FINANCIAL MONITORING REPORT 2017-18 - NOVEMBER 2017 (Agenda Item 15)

The Deputy Leader and Cabinet Member for Finance presented the report which set out the financial monitoring data for November 2017 and proposed adjustments to the Capital Programme.

RESOLVED:

1. That the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £1.1million, 0.3% of the gross budget be noted.
2. That the adjustments to the Capital Programme contained in Appendix 5b to the Cabinet report be noted and the following adjustments to the Capital Programme be approved:

Scheme	2017/18 Budget	2018/19 Budget	2019/20 Budget	2020/21 Budget	Funding/Re-profiling
Corporate Services	£	£			
Westminster Council Coroners Court	0	460,000	0	0	New Scheme Merton Funded
Housing Company	(8,238,530)	1,486,190	4,942,360	1,809,980	Re-profiling
Bidding Fund	(1,216,400)	1,216,400	0	0	Re-profiling
Acquisitions Budget	(791,770)	791,770	0	0	Re-profiling
Children, Schools and Families					
Harris Academy Morden	(50,000)	(1,349,940)	1,399,940	0	Re-profiling
Harris Academy Merton	(220,000)	220,000			Re-profiling
St Mark's Academy	0	(1,423,600)	(1,128,700)	2,552,300	Re-profiling
New School	(566,260)	266,260	300,000	0	Re-profiling
Environment & Regeneration					
Wimbledon Park Lake De-Silting	(106,500)	(1,143,500)	1,250,000	0	Re-profiling
Morden Leisure Centre	(705,360)	632,960	72,400	0	Re-profiling
Fleet Vehicles	(142,000)	142,000	0	0	Re-profiling
Merton Priory Chapter House Visitors' Centre	370,370	0	0	0	HLF/S106 Funded Scheme
Total	(11,666,450)	1,298,540	6,836,000	4,362,280	

3. That £170,540 Section 106 funding for Merton Priory Chapter House Visitor Centre for 2017/18 be approved.

16 EXCLUSION OF THE PUBLIC (Agenda Item 16)

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session.

17 DELIVERY OF THE REGENERATION OF MORDEN TOWN CENTRE - EXEMPT APPENDIX (Agenda Item 17)

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 8.