

**Please note the venue for this meeting**

## **Merton Council**

### **Cabinet Agenda**

#### **Membership:**

**Councillor Stephen Alambritis, Leader of the Council**  
**Councillor Mark Betteridge, Deputy Leader and Performance and Implementation**

**Councillor Mark Allison, Finance**

**Councillor Andrew Judge, Environmental Sustainability and Regeneration**

**Councillor Linda Kirby, Adult Social Care and Health**

**Councillor Edith Macauley, Community Safety, Engagement and Equalities**

**Councillor Maxi Martin, Children's Services**

**Councillor Peter Walker, Education**

**Councillor Martin Whelton, Community and Culture**

**Date: Monday 19 September 2011**

**Time: 7.15pm**

**Venue: Merton Civic Centre, London Road, Morden, in the Council Chamber (N.B. The Council Chamber has a limited capacity and once this is reached it will not be exceeded on grounds of health and safety)**

**For information about this meeting please contact the Democratic Services Team 020 8545 3361:**

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**Dated this 9<sup>th</sup> Day of September 2011**

# Cabinet

## 19 September 2011

1. Apologies
  2. Declarations of Interest (see note 1 at foot of page)
  3. Minutes of the Meetings held on 18 July 2011 3
  4. Dundonald Primary School - Proposed Expansion to 2-forms of Entry (forward plan ref: 1074) 9
  5. London Permit Scheme (forward plan ref: 946) 47
- The following appendices have been provided to cabinet members only but are available for inspection on the web page for this meeting:**
- Appendix A Consultants Phase 1 Report
- Appendix B Business case to implement a Permit Scheme
- [http://www.merton.gov.uk/committee.htm?view=event&event\\_id=3574](http://www.merton.gov.uk/committee.htm?view=event&event_id=3574)
6. Response to Recommendations from Scrutiny Review of the Night-time Economy (forward plan ref: 1059) 55
  7. Changes to the London Councils Grant Scheme (forward plan ref: 1073) 63
  8. Business Plan Monitoring Report 2011-12 (forward plan ref: 1060) 99

### Note1: Declarations of interest

Councillors and co-opted members who have a personal or prejudicial interest in relation to any item on this agenda are asked to complete a declaration form and hand it to the Democratic Services Officer. Forms, together with a summary of guidance on making declarations of interest, will be available around the meeting table. If further clarification is needed members are advised to refer to "The Code of Conduct – Guide for members May 2007" issued by Standards for England, which will be available at the meeting if needed.

It is anticipated that there will be further matters to be considered at this meeting subject to:

a report being published; and  
the Chairman approving the later submission of the report and, where appropriate, submitted for reason of urgency (the reason for urgency to be agreed either prior to or at the meeting)

CABINET

DATE: 18 JULY 2011

TIME: 7.15pm – 8.46pm

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Mark Betteridge, Andrew Judge, Linda Kirby, Edith Macauley, Maxi Martin, Peter Walker and Martin Whelton.

ALSO PRESENT: Councillors Iain Dysart, Henry Nelles and Peter Southgate

1 DECLARATIONS OF INTEREST (Agenda Item 1)

None advised.

2 APOLOGIES (Agenda Item 2)

None received.

3 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 20 June 2011 are agreed as a correct record.

4 PRIVATE SOCIAL CARE SECTOR - SUSTAINABILITY AND CAPACITY TO DELIVER A QUALITY SERVICE (Agenda Item 4)

The Chair put the recommendation to the meeting and it was

RESOLVED: That the report is noted.

5 THE SUSTAINABLE TRANSPORT STRATEGY AND LOCAL IMPLEMENTATION PLAN (LIP2) (Agenda Item 5)

Councillor Andrew Judge made a number of introductory comments and drew members attention to the key aspects detailed in the report. In particular, he advised that the outcome of Transport for London's assessment of Merton's LIP2 was awaited and that, subject to a few minor amendments, Merton's LIP2 would most probably pass the assessment.

The Chair put the recommendation to the meeting and it was

RESOLVED: That approval is given to the Sustainable Transport Strategy and Local Implementation Plan 2 (LIP2) and that the Director of Environment and Regeneration is given delegated authority to make any necessary minor amendments to the plan.

6 FINANCIAL REPORT 2011/12 (Agenda Item 6)

Councillor Mark Allison made introductory comments to the report following which the Chair put the recommendation to the meeting and it was

RESOLVED: That

A. the financial reporting data relating to revenue budgetary control, showing a

CABINET

DATE: 18 JULY 2011

forecast underspend at year end of £1.664m; capital reporting and an update on corporate items is noted;

B. approval is given to the capital virements over £100k attached at Appendix 8 to the submitted report; and

C. approval is given to the revision of the Capital Programme following receipt of £1.415m additional grant for Private Sector Housing and the scheme total amended to £1.768m in 2011/12, in accordance with the Council's Financial Regulations and Financial Procedures (there are no revenue implications in respect of this action).

7 STREET MANAGEMENT ADVISORY COMMITTEE – APPOINTMENT OF SUBSTITUTES (Agenda Item 7)

The Chair put the recommendation to the meeting and it was

RESOLVED: That

A. approval is given to the appointment of four substitutes to the Street Management Advisory Committee, two to be allocated to the Labour Group and two to be allocated to the Conservative Group; and

B. Councillors Laxmi Attawar, Jeff Hanna, Janice Howard and Rod Scott are appointed as substitutes on the Committee.

8 ECONOMIC DEVELOPMENT PROGRAMME 2011/14 (Agenda Item 8)

Reason for Urgency

The legal requirements for Access to Information have not been met. The chair has approved the urgent submission of this item in order that the allocation of s106 and capital funding can be programmed to deliver projects beginning in the current financial year.

Councillor Andrew Judge made introductory comments making reference to a number of matters detailed on pages 7-10 of the submitted report.

The Chair put the recommendation to the meeting and it was

RESOLVED: That approval is given to the Economic Development Programme 2011/14 as set out in Appendix 1 to the submitted report together with the financial resources set out in Appendix 2 to the submitted report.

CABINET  
DATE: 18 JULY 2011

9 HIGHWAYS MAINTENANCE AND IMPROVEMENT CONTRACT (Agenda Item 9)

Reason for Urgency

The legal requirement for Access to information has not been met. The Chair has approved the urgent submission of this report as a notice inviting Tenders for the procurement of a new Highways Maintenance and Improvement Term Contract must be published on 20<sup>th</sup> July 2011 in the Official Journal of the European Union (OJEU) to allow the new Contract to be in place on 1<sup>st</sup> September 2012.

Councillor Andrew Judge introduced the report and advised as follows:

the current contract has been in place since September 2005 and has been the subject of a two year extension and is due to expire on 31 August 2012;

approval to the extension of the current contract included a request that officers undertake extensive market testing to ensure that a future contract includes the most suitable terms and conditions and cost-effective packaging of planned works;

this matter has not been presented to scrutiny due to timetable constraints; and

the recommended approach of Merton undertaking a tendering exercise on its own i.e. not as part of a Pan-London approach coordinated by Transport for London (TfL), is due to the significant experience Merton has in this area combined with a desire to maintain local control of the contract.

The Director of Environment and Regeneration, Chris Lee, confirmed that Merton is seen to be a good client being clear on its finances and the programme of works. If Merton were to align itself with other boroughs these benefits may be compromised. He advised that the current contract cannot legally be extended although a new six month contract could be considered. However, this would be expensive.

Overall, it is considered that a Merton arrangement will be beneficial and will allow a further four and a half years to fully evaluate the coordinated approach offered by TfL.

The Chair put the recommendation to the meeting and it was

RESOLVED : That

A. the content of this report is noted;

B. the Director for Environment and Regeneration is authorised to publish a notice in the Official Journal of the European Union (OJEU) inviting Tenders for the procurement of a new Highways Maintenance and Improvement Term Contract for a period of 5 years, starting 1<sup>st</sup> September 2012, with an option for

CABINET

DATE: 18 JULY 2011

extension for a further 2 years; and

C. a further report is presented to Cabinet in February 2012 setting out the outcome of the tender evaluation exercise and recommending the award of the contract to the preferred tenderer.

10 SOUTH LONDON WASTE PLAN (Agenda Item 10)

Reason for Urgency

The Chair has approved the submission of this item as a matter of urgency in order to meet the agreed milestones of the South London Waste Plan and to minimise the financial risks associated with not meeting these milestones.

The Chair put the recommendation to the meeting and it was

RESOLVED: That delegated authority is given to the Director for Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration to approve further proposed changes and consequent consultation to the submitted South London Waste Plan and its Sustainability Appraisal which may arise prior to its adoption.

11 DISTRIBUTION OF PERFORMANCE AWARD GRANT (PRG) (Agenda Item 11)

Reason for Urgency

The Leader has approved the submission of this item as a matter of urgency in order not to delay the proposed timetable for distributing the Performance Reward Grant.

The Chair introduced the report commenting that this is a significant contribution toward benefitting good purposes.

Councillor Edith Macauley advised that, following a meeting of the Merton COMPACT, the partnership would be asked to clarify the position in respect of the scoring method for the allocation of funds and other matters in respect of the application form.

Cabinet appreciated that, although the grant is much reduced, it will support the principle of 'Bridging the Gap' a key strategic objective of the Community Plan aimed at improving opportunities for those living in the east of the borough.

The Chair put the recommendation to the meeting and it was

RESOLVED: That, as the 'accountable body (Cabinet)' for the Performance Reward Grant, agreement is given to the following:

CABINET

DATE: 18 JULY 2011

- A. that the Merton Partnership should spend PRG flexibly, in line with the Partnership's priority to "Bridge the Gap", without restricting the levels of capital or revenue awarded and should not impose a deadline on itself to spend the entire fund;
- B. the design principles for distributing PRG in Merton (paragraphs 2.7 to 2.12), which the Partnership thematic groups have supported;
- C. the application pack, which includes application form, supporting guidelines, terms and conditions (Appendix I to the submitted report refers); and
- D. the Chief Executive is authorised to decide, in consultation with the Leader of the Council, the distribution of the Performance Reward Grant having due regard to the recommendations of the Executive Board of the Merton Partnership as to the how the awards should be made.