

CABINET
1 JULY 2013

(19:15 to 20:34)

PRESENT: Councillor Mark Betteridge (in the Chair); Councillors Mark Allison, Nick Draper, Andrew Judge, Linda Kirby, Edith Macauley, Maxi Martin and Martin Whelton.

ALSO PRESENT: Councillors Iain Dysart, Suzanne Evans, Gilli Lewis-Lavender and Peter Southgate

1 APOLOGIES FOR ABSENCE (Agenda item 1)

Councillor Stephen Alambritis.

2 DECLARATIONS OF INTEREST (Agenda item 2)

None advised.

3 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 10 June 2013 are agreed as a correct record.

4 MEMBERSHIP CHANGES AGREED BY THE EXECUTIVE LEADER OF THE COUNCIL (Item 4)

The Leader presented the report to Cabinet and put the recommendations to the meeting and it was

RESOLVED: That

- A. the Leader's decision to agree revised nominations to the Street Management Advisory Committee as detailed in the table to this report is noted;
- B. following officer advice, the Leader's decision to delete reference to substitute members from the Wandley Valley Regional Park Trust is noted; and
- C. acknowledges that any subsequent in-year changes to the membership of those bodies either constituted by Cabinet or, in respect of external bodies for which executive nominations are invited from the authority, are to be dealt with by the Executive Leader of the Council.

5 SOUTH LONDON WASTE PARTNERSHIP SUPPLEMENTAL INTER-AUTHORITY AGREEMENT (Agenda Item 5)

Councillor Andrew Judge introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

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A. the final form of the Supplemental Inter-Authority Agreement prepared and approved by the Management Group of the South London Waste Partnership is noted; and

B. the Director of Environment and Regeneration in consultation with the Head of Legal Services is given delegated authority to authorise the execution of the supplemental Inter-Authority Agreement in accordance with the details contained in the submitted report and the form of the agreement appended to the submitted report.

6 MERTON'S COMMUNITY INFRASTRUCTURE LEVY – SUBMISSION TO THE SECRETARY OF STATE (Agenda Item 6)

Councillor Andrew Judge introduced the report.

Cabinet had regard to the tabled paper comprising a reference from the Borough Plan Advisory Committee (BPAC) and the recommendations and supporting narrative in the submitted report.

Noting that the BPAC were in agreement with the recommendations in the substantive report, the Chair put the recommendations to the meeting and it was

RESOLVED: That the following resolutions are recommended to full Council:

1. Merton's Community Infrastructure Levy (CIL) Charging Schedule is submitted to the Secretary of State for examination by a Planning Inspector; and

2. any changes to Merton's CIL charging schedule that arise between 11 July 2013 and the receipt of the Inspector's final report are delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration.

7 MERTON'S SITES AND POLICIES PLAN AND POLICIES MAP – SUBMISSION TO THE SECRETARY OF STATE (Agenda Item 7)

Councillor Andrew Judge introduced the report.

Cabinet had regard to the tabled paper comprising a reference from the Borough Plan Advisory (BPAC) Committee and the recommendations and supporting narrative in the submitted report.

Cabinet also received a written representation from the 'Christopher Squash and Fitness Club'.

Subject to those matters agreed by Cabinet as detailed at resolution E below, Cabinet endorsed the recommendations made by the BPAC.

The Chair put the recommendations to the meeting and it was

RESOLVED: That the following resolutions are recommended to full Council:

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- A. Merton's Sites and Policies Plan and Policies Map is submitted to the Secretary of State for independent examination (this would be preceded by a statutory six week consultation period between July and September 2013);
- B. agreement is given to the timetable for production set out in section 5 of the submitted report; and
- C. delegated authority is given to the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration and the chair and vice-chair of the Borough Plan Advisory Committee for changes to the documents between 10 July 2013 and the receipt of the Planning Inspector's final report i.e.
 - (i) to approve minor alterations to the plans for submission to the Secretary of State for independent examination and as necessary throughout the examination process
 - (ii) to consider and approve officers' response to comments received at the pre-submission public consultation, and associated minor alternations to the plans for their submission to the Planning Inspector via the Secretary of State
- D. any significant alterations to Merton's *sites and policies Plan and Policies Map* arising from matters including responses to pre-submission public consultation, national or regional policy changes, additional relevant evidence be delegated to the Director for Environment and Regeneration in consultation with the chair and vice chair of the Borough Plan Advisory Committee and the Cabinet Member for Environmental Sustainability and Regeneration; and
- E. subject to the Cabinet's decisions in regard to the BPAC's amendments detailed below, the amendments proposed by the Borough Plan Advisory Committee in the reference report be made to the Sites and Policies Plan and Policies Map prior to resolution A above taking place:
 - (a) Site 16 Wimbledon Library: Cabinet disagreed with BPAC's insertion of the word "ancillary" into the site allocation
 - (b) Site 28 P4 Land adjacent to Wimbledon Theatre: Cabinet disagreed with BPAC's proposed insertion of the words "car park" into the site allocation
 - (c) Site 34 Raleigh Gardens car park: Cabinet agreed with BPAC that this site should not be allocated for development
 - (d) Site 37 Wimbledon Greyhound stadium, Cabinet agreed that, on the

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advice of officers, references to individual users in the *Sites and Policies* document (e.g. Christophers Squash Club) would not be appropriate

(e) Site 41 Kingston Road opposite Lower Downs Road: Cabinet disagreed with BPAC's proposed removal of this site from the plan

8 ADOPTION OF THE SUPPLEMENTARY PLANNING DOCUMENT FOR THE RAINBOW INDUSTRIAL ESTATE (Agenda Item 8)

Councillor Andrew Judge introduced the report

Cabinet welcomed representations from Councillors Iain Dysart and Gilli Lewis-Lavender.

Councillor Dysart made a number of comments including in summary:

he was grateful that the final decision was not being taken at this meeting but felt that the process of consultation on the brief was neither transparent or realistic having regard to the short timetable used for this purpose;

whilst the brief suggests that a local transport assessment has been conducted there is not an infrastructure study planned arising from the housing. The aspiration of 200-250 residential units would have an impact on schools and public services;

a six storey block would be unsightly and out of character with the surrounding area which has at most buildings of 4 storeys at the present time. The alternative to the housing element could be a car park which would help to alleviate the shortage of parking in the area;

the design element of the plans would not present an attractive environment in which to live in that they run alongside a railway station and are back-to-back with local businesses;

the question remains as to how business stake holders are being engaged in the process and consideration given to other types of business that might be attracted to the area;

whilst officers seek to protect visual views and promote the adoption of urban design solutions that meet a variety of needs it is clear that this has not to date been achieved and experience suggests that this will not be the final outcome.

Councillor Lewis Lavender made a number of comments including in summary:

three weeks of consultation with residents is not sufficient;

the current report on this matter appears to be the same as that rejected by residents some time ago. Although not mentioned in the report, the proposal affects Raynes Park and Dundonald as well as West Barnes;

the fact that residents are not being consulted properly on the issue is disappointing;

as previously, the proposal still includes 250 dwellings and the issue of transport has not been considered well enough;

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the junction at Lower Downs road is an accident waiting to happen; and the site is under half a mile from the rail station with the implication for increased traffic, accidents and bottlenecks;

a financial assessment suggested that there was scope to argue that the developers profit margin could be less but the report does not refer to the expected profit to be made; and the CIL calculation would make the developers profit even higher; and more time needs to be given to residents to respond to the consultation.

Cabinet had regard to the tabled paper comprising a reference from the Borough Plan Advisory Committee (BPAC) and the recommendations and supporting narrative in the submitted report.

Cabinet also received a written representation from the 'Wimbledon Society'.

Cabinet agreed to endorse the recommendations made by BPAC with the addition that recommendation A is amended to "allow additional responses.....20 July 2013".

The Chair put the recommendations to the meeting and it was

RESOLVED: That the recommendations of the Borough Plan Advisory Committee are agreed:

A. to allow additional responses to be received on the final Rainbow Industrial Estate planning brief until the end of 20 July 2013;

B. to require the final planning brief plus additional responses received to be considered by the Borough Plan Advisory Committee at an additional BPAC meeting proposed for 01 August 2013; and

C. delegates the adoption of the Rainbow Industrial Estate planning brief as a supplementary planning document (SPD) to Merton's Core Planning Strategy 2011 to the Director for Environment and Regeneration in consultation with the Cabinet member for Environmental Sustainability and Regeneration, on consideration of the recommendations from the BPAC meeting of 01 August 2013.

9 MITCHAM CRICKET GREEN CONSERVATION AREA APPRAISAL AND
MANAGEMENT PLAN (Agenda Item 9)

Councillor Andrew Judge introduced the report.

Cabinet had regard to the tabled paper comprising a reference from the Borough Plan Advisory Committee (BPAC) and the recommendations and supporting narrative in the submitted report.

Cabinet agreed to endorse the proposed amendment to recommendation A made by the BPAC and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That the content of the report presenting the final version of the Mitcham Cricket Green Conservation Area Appraisal and Management Plan is noted and the following amendments are made:

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'Cricket Green Heritage appraisal document to have amendments made to delete the use of the Ravensbury School and insert Cricket Green School; and the name Hooden on the Green (Pub) should be replaced by the White Heart'

10 APPROVAL OF STATUTORY PROPOSAL TO PERMANENTLY EXPAND HILLCROSS, MERTON ABBEY, PELHAM, POPLAR AND SINGLEGATE PRIMARY SCHOOLS (Agenda Item 10)

Councillor Martin Whelton introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

(a) approval is given to the proposals for a prescribed alteration to expand Hillcross Primary School from 420 places plus nursery to 630 places plus nursery with a permanent admission number of 90 per year from September 2014 subject to receiving planning permission by 31 December 2013; and that the reason for this decision is to provide basic need school places in the local area and the expansion of Hillcross Primary School provides extra places in an area of demand at a successful and popular school (the council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands);

(b) approval is given to the proposals for a prescribed alteration to expand Merton Abbey Primary School from 210 places plus nursery to 420 places plus nursery with a permanent admission number of 60 per year from September 2014 subject to receiving planning permission by 31 December 2013; and that the reason for this decision is to provide basic need school places in the local area and the expansion of Merton Abbey Primary School provides extra places in an area of demand at a successful and popular school (the council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands);

(c) approval is given to the proposals for a prescribed alteration to expand Pelham Primary School from 210 places plus nursery to 420 places plus nursery with a permanent admission number of 60 per year from September 2014 subject to receiving planning permission by 31 December 2013; and that the reason for this decision is to provide basic need school places in the local area and the expansion of Pelham Primary School provides extra places in an area of demand at a successful and popular school (the council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands);

(d) approval is given to the proposals for a prescribed alteration to expand Poplar Primary School from 420 places plus nursery to 630 places plus nursery with a permanent admission number of 90 per year from September 2014 subject to receiving planning permission by 31 December 2013; and that the reason for this decision is to provide basic need school places in the local area and the expansion of Poplar Primary School provides extra places in an area of demand at a successful and popular school (the council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands; and

(e) approval is given to the proposals for a prescribed alteration to expand Singlegate Primary School from 210 places plus nursery to 630 places plus nursery with a permanent admission number of 90 per year from September 2014 subject to receiving planning permission by 31 December 2013; and that the reason for this decision is to provide basic need school places in the local area and the expansion of Singlegate Primary School provides extra places in an area of demand at a successful and popular school (the council's Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands).

11 AWARD OF CONSTRUCTION CONTRACTS FOR SCHOOL EXPANSION PROJECTS AT CRANMER, HILLCROSS, MERTON ABBEY, POPLAR, PELHAM, ST MARY'S RC AND SINGLEGATE (Agenda Item 11)

Councillor Martin Whelton introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

A. subject to completion of the statutory process for school expansion including planning permission, agreement is given to award construction contracts to Mansell PLC for major school expansion projects at the following schools to the details provided in the relevant appendix to the submitted report:

1. Hillcross Primary School (appendix 1)
2. Merton Abbey Primary School (appendix 2)
3. Poplar Primary School (appendix 3)
4. Pelham Primary School (appendix 4)
5. St Mary's RC Primary School (appendix 5)
6. Singlegate Primary School (appendix 6)

B. Subject to completion of the statutory process for school expansion

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including planning permission to agree to award a construction contract to Willmott Dixon PLC for a major school expansion project at Cranmer Primary School as detailed in appendix 7 to the submitted report.

12 LONDON LIVING WAGE (Agenda Item 13)

Reason for urgency: The chair has approved the submission of this report as a matter of urgency in order that consideration is given to implementation of the LLW scheme at the earliest opportunity.

Councillor Mark Allison introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That the recommendation of the Head of Paid Service to introduce a minimum earnings guarantee for directly employed and agency staff based upon the London Living Wage is agreed.

13 FINANCIAL MONITORING UPDATE (Agenda Item 12)

Reason for Urgency – The Chair has approved

The chair has approved the submission of this report as a matter of urgency as it provides the latest available monitoring information for 2013/14. This requires consideration as it has implications for current and future years' budget monitoring and management.

Councillor Mark Allison introduced the report.

Cabinet agreed that Recommendation B. b) regarding 'Home Zones Across the Borough' is deferred for consideration to the September meeting of Cabinet.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

A. the current position on capital is noted and approval is given to the highlighted virement, increases, deletions and re-profiling contained in appendix 1b to the submitted report;

B. approval is given to the following new capital schemes:

- a) Wimbledon Park Community Space £100,000
- b) Home Zones Across the Borough (**this item to be deferred and presented to the September meeting of Cabinet**)
- c) Gifford House DDA Lift £46,840
- d) Legal Case Management £226,100

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e) Refurbishment of Gifford House £155,250; and that a £88,340 revenue budget is provided for Gifford House Refurbishments etc. funded by revenue reserve and contributions from other local authorities in the shared service;

C. an appropriation from OCPB reserve is approved in respect of:

1. Legal Case Management re-configuration and migration £96,000

D. two appropriations from Renewals and Repairs reserve are approved in respect of:

2. Gifford House DDA Works – Lift Installation £46,840; and

3. Refurbishment of Gifford House £38,850 (£20,890 Capital and £18,000 Revenue); and

E. approval is given to the virement of £136,000 from the short breaks budget and £115,000 from the positive activities Early Intervention budget to the centrally retained commissioning code.

14 Exclusion of the public

RESOLVED: That the public are excluded from the meeting during consideration of the items detailed below on the grounds that they involve the disclosure of exempt information falling within Category 3 of Paragraph 10.4 of Part 4B of the Constitution.

15 AWARD OF A CONTRACT FOR THE SUPPLY OF TEMPORARY AGENCY WORKERS FOR THE LONDON BOROUGH OF MERTON (Agenda Item 1 of the exempt agenda)

Reason for Exempt Urgency

The Chairman of the Overview & Scrutiny Commission has agreed that the report (which contains commercially sensitive information) be submitted as a matter of exempt urgency in order that Cabinet may consider the report within the timescale proposed.

Councillor Mark Allison introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

1. the new contract for the supply of temporary agency workers is awarded to the contractor identified in the submitted report for a period of 3 years with a 1 year potential extension; and

2. approval is given to implementation of a vendor neutral solution when the

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current contract for the supply of temporary agency workers with the current contractor ends on 8 December 2013.

16 SOUTH LONDON WASTE PARTNERSHIP – OUTCOME OF PHASE A
(Agenda Item 2 of the exempt agenda)

Reason for Exempt Urgency

The Chair of the Overview and Scrutiny Commission has agreed that the report is submitted as a matter of exempt urgency in order that the Cabinet may confirm that it is in agreement with revised commercial terms that have been agreed as part of contract negotiations with Viridor. These terms are available for a limited period. The report includes commercially sensitive information relating to contract rates, which in accordance with the current contractual terms are confidential and considered commercially sensitive.

Councillor Andrew Judge introduced the report.

Cabinet had regard to the recommendations and supporting narrative in the submitted report and, upon the Chair putting the recommendations to the meeting, it was

RESOLVED: That

- A. the content of the report and the current position with respect to the South London's Waste Partnership's contract review and negotiations is noted; and
- B. the Director of Environment & Regeneration is given delegated authority, in consultation with the Cabinet Member for Environmental Sustainability and Regeneration and the Head of Legal Services, to conclude the final drafting of the required Deed of Variation and request that the Royal Borough of Kingston as Lead Procuring Authority execute the Deed of variation.