

Merton Council

Council meeting

Membership

The Mayor: Councillor Brenda Fraser

The Deputy Mayor: Councillor Stan Anderson

Councillors: Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Mike Brunt, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley MBE, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn BSc, MRTPI(Rtd), Katy Neep, Jerome Neil, Dennis Pearce, John Sargeant, Judy Saunders, David Simpson CBE, Marsie Skeete, Peter Southgate, Geraldine Stanford, Linda Taylor OBE, Imran Uddin, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

Date: Wednesday 1 February 2017

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road,
Morden, SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda please contact 020 8545 3616 or email democratic.services@merton.gov.uk.

All Press contacts: press@merton.gov.uk, 020 8545 3181

Council meeting

1 February 2017

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Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

COUNCIL

23 NOVEMBER 2016

(7.15 pm - 7.40 pm)

PRESENT

The Mayor of Merton, Councillor Brenda Fraser
The Deputy Mayor, Councillor Stan Anderson

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeef Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Martin Whelton and David Williams.

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors John Sargeant, Marsie Skeete and Jill West.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 HONORARY ALDERMAN (Agenda Item 3)

The Leader, Councillor Stephen Alambritis moved the motion which was seconded by Councillor Oonagh Moulton

Councillor Stephen Alambritis

It is with great joy that I move this motion to confer the title of Honorary Alderman of the London Borough of Merton in recognition of Maxi Martin's loyal and distinguished service to this Council over many years.

The date month and year was 7 May 1998 when the immaculately dressed fashionista Maxi Martin was first elected in St Helier Ward. She soon established herself as a new labour loyalist and ever present campaigner and a friend to all.

Not the back benches for long for our Maxi as she made it into the Cabinet within 2 years of being elected. In 2000 she was given the portfolio she loved most: Primary education and Children's services

Fizzing with energy, Maxi was re-elected in May 2002 again for St Helier. Her caring approach was recognised when she was made Cabinet member for Care Services that same year.

Maxi certainly knew how to be presentable on important occasions and none more so than when she became the first citizen of the borough for the Municipal year 2003/2004. Maxi was a proud Mayor of Merton coming from Northumberland. Naturally children and young people were the focus of her mayoral year. To this day Maxi remains the only Mayor of this borough to put on a fashion show, and yes, with a catwalk included!! The show was the talk of the town and the local papers were brimming with pictures synonymous with Paris or Milan; clear evidence once more that Maxi had made her mark on the borough. She was helped during that amazing year as Mayor by her son Paul who is here today and by her colleague Cllr Judy Saunders as her Deputy.

And so we come to a hat trick of election wins when Maxi was returned again in 4 May 2006 in St Helier and Maxi is again in the Cabinet for Children's Services a post she held till her sad passing.

Maxi loved every one of the Borough's 45,000 children. Maxi was regularly visiting local schools talking to headteachers, teachers, support staff, governors and the children. Children would recognise her from a distance and run up to her just to say hello to a very stylish lady.

She was always a dazzling figure at meetings and events. She regularly chaired with charm the Morden Area Forum.

To Maxi Domestic Violence was totally and utterly unacceptable and she made it her cause to highlight how unacceptable it was.

Another cause Maxi adopted was one that recognised the service to this country that comes from our Armed Forces. She called every soldier a hero! Armed Forces Day in Merton was corralled, mustered, cajoled into place each year by Maxi's immense organisational skills.

As Mayor Maxi opened the grand Baitul Futuh Mosque in Morden. But Maxi religiously returned to that mosque for each of their wonderful events and was a true friend of the Ahmadiyya Muslim Women's Association.

In May 2014 Maxi made it 4 election wins in a row and again for St Helier Ward and as she would always remind us "the best ward in the world!"

As a councillor myself I was absolutely bound over by how Maxi cared for her residents in St Helier ward which she served uninterrupted for over 17 years. Every

call, letter, email, complaint, compliment, request, question, query was trapped, answered and followed through.

In truth Maxi made a rare and notable contribution to Merton.

And so it is with immense pride that I call on this Council to agree to confer upon Maxi Martin the title of Honorary Alderman.

Councillor Oonagh Moulton

I know all Conservative Councillors and indeed councillors across the Chamber wish to join me in supporting this posthumous honour for our late Councillor colleague and Past Mayor Maxi Martin.

I am honoured to have the opportunity to pay such a fitting tribute to a Councillor who had such a great sense of civic pride and duty in the work she did and played such a large part on the Council.

Here in our borough Maxi is remembered with affection not just by councillors but by the many community groups - many with whom she worked so tirelessly. School children, students, teachers, cadets, scouts and guides, residents of her ward of St Helier & Haig Homes along with members of the Royal British Legion, the Baitul Futuh Mosque and the many charities across our borough have all been supported or involved with her.

Her energy and commitment was such an example to us all. As Cabinet Member for Childrens' Services, Maxi held one of the toughest portfolios albeit one she loved from 2010 until she died.

It was a privilege to work with her often as her adversary and to hold her and her work on the Children's portfolio to account and for many years we were both on the Corporate Parenting Panel.

I also admired her for her work on the difficult issue of domestic violence an issue which unfortunately transcends all parties, all areas of our borough and country and affects many families across our society. She campaigned tirelessly and we must all continue the work in that area that Maxi championed so effectively.

Everyone has their own memory of the Maxi – from her immaculate make-up and presentation with her red high heels to that big smile and the piercing eyes! To this day however 'difficult' she might have been, I can't help but miss her...

Maxi had many friends that breeched the political divide as her work for the LMA - the London Mayors' Association can attest.

One of her many Conservative friends was Brian Coleman. One of our former colleagues Lord Ahmad of Wimbledon has summed this up 'True friendships transcend the political divide and we remember the unique Maxi Martin as a genuine friend to many'

I think we can all agree that 'She will be forever in our hearts' as she was in Merton's.

She was indeed a loyal and distinguished servant of Merton Council over many years and I am delighted to second this motion conferring the title of Honorary Alderman upon her.

Councillors Dennis Pearce, Edith Macauley, Mary Curtin, Agatha Akyigyina, Peter Southgate and Imran Uddin addressed the meeting to express their support for the motion.

The Mayor then called for a vote on the motion which, under Section 249 of the Local Government Act 1972, requires more than a two thirds majority of Members passing the motion for the Honorary Alderman to be bestowed.

The vote was unanimously carried.

RESOLVED:

That Maxi Martin is conferred with the title of Honorary Alderman of the London Borough of Merton in recognition of her loyal and distinguished service to the Council over many years.

The Mayor presented Mr Paul Martin with a certificate affixed with the common seal of the Council conferring upon Maxi Martin the title of Honorary Alderman.

COUNCIL

23 NOVEMBER 2016

(7.47 pm - 10.30 pm)

PRESENT

The Mayor, Councillor Brenda Fraser
The Deputy Mayor, Councillor Stan Anderson

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Mike Brunt, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors John Sargeant, Marsie Skeete and Jill West.

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 14 September are agreed as an accurate record.

4 ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE (Agenda Item 4)

The Mayor provided a brief update on recent Mayoral duties and gave details of future events planned for the rest of the municipal year.

There were no announcements from the Leader or the Chief Executive.

The Mayor presented to the Mitcham Community Orchard and Gardens, the 2016 Mayor of London's Team Award in the Environment Category.

13 NOTICES OF MOTION - CROSS PARTY 1 (Agenda Item 13)

The Mayor altered the order of items on the agenda to take this cross-party motion before the rest of the business.

The motion was moved by Councillor Oonagh Moulton and seconded by Councillor Stephen Alambritis.

At the invitation of the Mayor, Councillor Southgate spoke in support of the motion and Councillor David Williams responded to the motion.

The motion was then put to the vote and was unanimously carried.

RESOLVED: That this Council places on record its thanks to Councillor David T Williams JP for his dedicated service as a councillor in the London Borough of Merton, which has now reached a cumulative period of 40 years since he was first elected in 1974 and has included time as Leader of the Council (2006-10), Mayor (2012-13) and Deputy Mayor (1981-2).

The Mayor then presented Councillor David Williams with a framed copy of the motion.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited each of the questioners in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

6 COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

The responses to the written member ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

7a STRATEGIC THEME: COUNCILLORS' QUESTIONS TO CABINET MEMBERS (Agenda Item 7a)

The responses to the written member strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

It was also noted that a copy of the member non priority questions and responses will be published after the meeting, in line with Constitutional requirements.

7b STRATEGIC THEME: MAIN REPORT (Agenda Item 7b)

The Strategic Theme report on Corporate Capacity was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

Councillor Suzanne Grocott also spoke on the item.

RESOLVED: That the Strategic Theme report is agreed.

7c STRATEGIC THEME: MOTIONS (Agenda Item 7c)

Prior to the debate on the strategic theme motions, the Monitoring Officer gave a short statement to advise members on their discussion of the Strategic Theme Motion, Conservative 1.

Strategic Theme Motion 1 (Conservative)

The motion was moved by Councillor Hamish Badenoch and seconded by Councillor Brian Lewis-Lavender.

The Labour amendment to the motion as set out in agenda item 23 was moved by Councillor Ross Garrod and seconded by Councillor Agatha Akyigyina.

The Labour amendment was put to the vote and was carried. Voting was as follows:

Votes in favour: 34

Votes against: 22

Not voting: 1.

The substantive motion (as amended) was agreed.

RESOLVED: That this Council notes that the best way to find out what local people want is on the door step and at the ballot box and further notes it has agreed to abide by the principles set out in the Community Engagement Strategy and that, according to the Council's website, "all our consultation and community engagement activities should meet the highest standards of inclusion and involvement".

This Council notes some of Merton Council's recent consultations, which include but are not limited to:

- Despite the acknowledged difficulty of consulting on commercially confidential contract negotiations, a pilot with residents on proposed changes to Merton's waste collection system, which trialled a wheeled bin option in Lavender Fields

in 2015, and which gave the council an opportunity to learn the views of residents, including that 89% of residents were satisfied with wheeled bins and 81% thought their streets were cleaner as a result, with these views feeding into the optimum solution proposed by the preferred contractor across South West London. In addition Sustainable Communities Scrutiny Panel undertook pre-decision scrutiny of the proposed contract and the Overview and Scrutiny Commission heard the call-in and agreed that Cabinet could proceed to the next stage in progressing contracts estimated to save £2m every year for the potential 24 year life of the contract after having listened to the views of residents.

- Again, despite the acknowledged difficulties of consulting on commercially confidential contract negotiations across four boroughs, engagement with Friends of Parks groups on the proposals and arrangements for the new maintenance contract for the borough's parks and open spaces.
- Perceived Confusion around the recent council tax consultation, any decision on which is of course a "political" issue and will be considered by Cabinet on 12 December in the context of six years of government cuts and the Conservative government's refusal to address the national crisis in adult social care.
- The consultation with residents undertaken by Harris Foundation prior to their being granted approval by government to open a new secondary school in Wimbledon, and, now that the commercially sensitive necessary site purchases have been completed, the work to be undertaken with High Path Community Resource Centre users and carers on shaping the plans for the replacement centre at Leyton Road which will be on a like for like basis with no loss of services.

This Council recognises the difficulties in trying to please all of the people all of the time especially when there are strongly held views on all sides, but recognises that council officers do their very best to deliver transparent Consultations and calls on the Leader of the Council to:

- a) ensure that the Council meets its commitments under the Community Engagement Strategy in the formulation of policy; and
- b) Bring a report to the Overview and Scrutiny Commission on Merton's approach to consultation so that the Commission can consider whether it would wish to make any recommendations.

Strategic Theme Motion 2 (Conservative)

The motion was moved by Councillor David Williams and seconded by Councillor Stephen Crowe.

Councillors James Holmes, Peter Southgate, Jerome Neil and Imran Uddin spoke on the motion.

The motion was put to the vote voting was as follows:

Votes in favour: 21
Votes against: 34
Not voting: 2

The motion was lost.

8 REPORT FROM WIMBLEDON COMMUNITY FORUM 21 SEPTEMBER
2016 (Agenda Item 8)

Councillor James Holmes presented the report which was received by the Council.

9 REPORT FROM RAYNES PARK COMMUNITY FORUM 29 SEPTEMBER
2016 (Agenda Item 9)

Councillor Stephen Crowe presented the report which was received by the Council.

10 REPORT FROM MITCHAM COMMUNITY FORUM 5 OCTOBER 2016
(Agenda Item 10)

Councillor Ian Munn presented the report which was received by the Council.

11 REPORT FROM MORDEN COMMUNITY FORUM 6 OCTOBER 2016
(Agenda Item 11)

Councillor Philip Jones presented the report which was received by the Council.

12 REPORT FROM COLLIERS WOOD COMMUNITY FORUM 19 OCTOBER
2016 (Agenda Item 12)

Councillor John Dehaney presented the report which was received by the Council.

14 ESTATES LOCAL PLAN - SUBMISSION TO THE SECRETARY OF STATE
(Agenda Item 14)

The report was moved by Councillor Martin Whelton and seconded by Councillor Ian Munn.

Amendments to the recommendations in the report were moved by Councillor Najeeb Latif and seconded by Councillor John Bowcott.

Councillor Katy Neep spoke on the item.

The amended report was put to a vote and was unanimously agreed.

RESOLVED: In line with Cabinet's recommendations on 14 November 2016,

- A. To publish the Estates Local Plan and associated sustainability appraisal for comments followed by submission to the Secretary of State for Communities and Local Government

- B. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to approve any amendments to the Estates Local Plan and sustainability appraisal that may arise from 24 November 2016 until the receipt of the Planning Inspector's final report, to approve consultation documents or officer's responses to comments received at the pre-submission consultation and during the examination process.
- C. To note the continued progress in the delivery of the borough's regeneration by this decision which moves forward the renewal of three of the borough's estates as a comprehensive programme to build new homes and enhance the housing available to residents
- D. To note the progress of financial negotiations regarding the Stock Transfer Agreement and associated documents with Circle Merton Priory Homes or any successor organisation
- E. To delegate variations to the Stock Transfer Agreement to the Directors of Environment & Regeneration, Community & Housing and Corporate Services in consultation with the Cabinet Member, and
- F. To note that there will be a further report to councillors in March 2017 confirming the anticipated viability of the overall project prior to the final submission to the Secretary of State.
- G. As resolved by the Borough Plan Advisory Committee and Cabinet, that the council has had regard to the Self Build Register when developing the Estates Local Plan and that the council should not allocate specific sites for self build and custom housebuilding in the Estates Local Plan in order to prioritise rehousing residents who are already living on the three estates in new homes built to modern standards and to progress a viable regeneration project.
- H. To ensure that it is clear that estates regeneration is only supported where all three estates go forward to benefit from full regeneration, and not otherwise, as resolved by the Borough Plan Advisory Committee.

15 COUNCIL TAX SUPPORT SCHEME 2017/18 (Agenda Item 15)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Jeff Hanna, Joan Henry,

Mary-Jean Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Peter Southgate, Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton. (38)

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, David Dean, Suzanne Grocott, Daniel Holden, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, David Williams. (18)

Not voting: Councillors James Holmes, John Sargeant, Marsie Skeete, Jill West. (4)

RESOLVED: That Council agrees to the uprating changes for the 2017/18 council tax support scheme detailed in this report in order to maintain low council tax charges for those on lower incomes and other vulnerable residents.

16 CAPITAL SCHEMES REQUIRED TO PROGRESS PHASE C OF THE SOUTH WEST LONDON PARTNERSHIP (Agenda Item 16)

The report was moved by Councillor Mark Allison and seconded by Councillor Ross Garrod. Councillor Daniel Holden spoke on the item.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Jeff Hanna, Joan Henry, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Peter Southgate, Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton. (37)

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, David Dean, Suzanne Grocott, Daniel Holden, James Holmes, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, David Williams (19)

Not voting: Councillors Mary-Jean Jeanes, John Sargeant, Marsie Skeete, Jill West (4)

RESOLVED: That Council approve the following new Capital Schemes for Phase C of the South London Waste Partnership:

Schemes	2017-18 £000s	2018/19 £000s	Total £000s	Useful Life
SLWP Vehicles *	1,286	2,670	3,956	8
SLWP IT	42	0	42	8
SLWP Depot	73	0	73	15
SLWP Wheelie Bins	0	2,674	2,674	15
Total **	1,401	5,344	6,745	

* to note that this expenditure will be required regardless of whether or not the Phase C of the Waste Partnership is progressed.

** This investment will significantly contribute towards the estimated £1.7 million of annual revenue savings (allowing for the debt charges of the scheme)

17 APPOINTMENT OF EXTERNAL AUDITORS (Agenda Item 17)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED: That this Council opts in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) for the appointment of external auditors.

18 APPOINTMENT OF AN INDEPENDENT PERSON (Agenda Item 18)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED:

1. That Council agrees to appoint Pam Donovan as an independent person for the purposes of Chapter 7 of the Localism Act. The independent person will be invited to attend meetings of the Standards and General Purposes Committee in that capacity
2. That the appointment is made for a period of three years from 24 November 2016

19 MEMBER DISPENSATIONS (Agenda Item 19)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED: That Council

1. Grant the following dispensations to all members from Section 31(4) of the Localism Act 2011 on the basis that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business to impede the transaction of the business, such dispensations to be made in respect of members of the Council and take effect from 23 November 2016 for the period of four years:
 - i. housing, where the member is a tenant of the authority; provided that those functions do not relate particularly to that member's tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. an allowance, payment, pension or indemnity given to members;
 - iv. any ceremonial honour given to members; and
 - v. setting Council Tax or a precept under the Local Government Finance Act 1992.
2. Note that any appeals against the decision to grant or refuse a dispensation made by the Monitoring Officer will be considered by the Standards and General Purposes Committee.
3. Note that where the Monitoring Officer has used his delegated authority to grant a dispensation, a report on the authorisation be submitted to the next meeting of the Standards and General Purposes Committee.

20 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 20)

The report was moved by Councillor Stephen Alambritis and seconded by Councillor Mark Allison.

RESOLVED: That Council

1. Notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. Approves the updated terms of reference for the Standards and General Purposes Committee and subsequent update of Part 3B of the Constitution.

21 PETITIONS (Agenda Item 21)

The report was moved by Councillor Stephen Alambritis and seconded by Councillor Mark Allison.

RESOLVED: That Council

- A. Receives petitions submitted by Councillors Charlie Chirico, Oonagh Moulton, Suzanne Grocott, Katy Neep and Hamish Badenoch.
- B. Notes the response given by officers in respect of the petitions presented to the Council meeting held on 14 September 2016

22 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 22)

Councillor Stephen Alambritis announced that the Strategic Theme for the next ordinary meeting of the Council, being held on 1 February 2016, shall be Children's Services.

Committee: Council

Date: 1 February 2017

Wards: ALL

Subject: Strategic Objective Review – Children and Young People

Lead officer: Yvette Stanley – Director, Children Schools and Families Department

Lead member(s): Councillor Katy Neep; Councillor Caroline Cooper- Marbiah

Contact officer: Paul Ballatt – Assistant Director, Commissioning, Strategy and Performance

Recommendations:

- A. That Council considers the content of the report.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Council at its meeting in March 2016 approved the Business Plan 2016-2020. The Business Plan represents the way in which the council will lead the delivery of the Community Plan via a number of thematic partnerships and strategic themes. Performance against these themes, plus an additional theme of corporate capacity, is monitored by Council.
- 1.2 Each meeting of Council will receive a report updating on progress against one of these strategic themes. This report provides Council with an opportunity to consider progress against the priorities under the ‘children and young people’ theme.
- 1.3 The ambition for the theme as outlined in the council’s Business Plan 2015-19 is to ‘improve health outcomes, maintain robust safeguarding, improve educational outcomes, promote children and young people’s positive contribution and their economic wellbeing’.
- 1.4 The portfolio holders are Cllrs Katy Neep and Caroline Cooper-Marbiah
- 1.5 The Business Plan can be viewed at www.merton.gov.uk/businessplan.

2 DETAILS

Background

- 2.1 The Children Schools and Families Department aims to improve outcomes for children and young people in Merton through commissioning and providing a range of universal, targeted and specialist services. These include:
 - Early years services in children’s centres and settings
 - Primary, secondary and special schools
 - Services for pupils with Special Educational Needs
 - School admissions, pupil place planning and school capital strategy
 - School improvement

- Education Inclusion including universal youth services
 - Social work assessment and casework – Safeguarding; children in need; children looked after; care leavers
 - Family and Adolescent Services including youth justice; Transforming Families
 - Integrated services for children with disabilities
 - Commissioning, procurement and contract management
 - Policy, planning and performance management
- 2.2 The Department leads the local Children’s Trust, a partnership of agencies from the statutory, community and voluntary sectors which develops strategy and plans for the delivery of co-ordinated and integrated services for children, young people and families. Many of the Council’s children’s services are provided through this partnership approach with, for example, joint commissioning, integrated teams, multi-agency jointly delivered services and some co-location of staff.
- 2.3 Strong partnership working is at the heart of our approach to ensuring that children and young people are healthy, stay safe, enjoy and achieve, make a positive contribution and enjoy economic wellbeing. In addition to the Children’s Trust Board, governance of local children’s services is undertaken by Merton’s Local Safeguarding Children Board; the Health and Wellbeing Board and the Safer and Stronger Thematic Partnership.
- 2.4 In 2013, the Merton Partnership refreshed the Community Plan. In seeking to promote ‘better opportunities for youngsters’, children’s services partners expressed the following vision:
- “We are committed to delivering outstanding services which improve outcomes and life chances for all the borough’s children and young people. We are also determined to help those facing real challenges to overcome them and narrow the gap in outcomes.”
- 2.5 The vision recognises the need to provide the highest quality universal services while focusing particularly on children and young people vulnerable to poorer outcomes. This more targeted approach, prompted not least by the financial pressures faced by the public sector, has been reflected in the borough’s Children and Young People’s Plan for some years now. The current plan, covering the period 2016-19 contains the following key priorities:
- Children in need of early help
 - Children requiring timely and effective safeguarding
 - Children looked after and care leavers
 - Children with special educational needs and disabilities
 - Improving overall and narrowing gaps in educational outcomes and opportunities
 - Preventing, diverting and deterring young people from criminal behaviour to enable better outcomes

Performance relating to Children and Young People

- 2.6 Children's services are amongst the most highly regulated of public services with several hundred performance measures applied by a range of government departments. At a local level, relevant performance data is used routinely by managers and is monitored by governance bodies noted above and by the CYP Scrutiny Panel. Key performance data has been extracted for the purposes of this report and is contained in **appendix one**.

Commentary and key achievements relating to Children and Young People

- 2.7 In common with all Local Authorities, services provided by Merton council and its partners for children in need of help and protection, children looked after and care leavers are subject to regular external inspection by Ofsted on, broadly, a three year cycle. The last inspection of these services in Merton took place in 2012, at which point all these services were assessed as 'good'. Since 2012 there have been changes to the inspection framework and a general 'raising of the bar' in respect of Ofsted's expectations. There has been some slippage in the national programme of inspection and Merton now expects our inspection to be imminent. As part of our preparation we have undertaken self-evaluation against the 'new' Single Inspection Framework. Key areas of strength identified in our self-evaluation include:
- Strong political leadership of the local children's services agenda embodied in the 'July Principles' with consistent cross party commitment and support on children's issues
 - Shared ambitions across children's services agencies and a culture of support and challenge from key governance bodies – Children's Trust; Local Safeguarding and Health and Wellbeing Boards
 - A long tradition of partnership working between the council, schools, NHS commissioners and providers, the police service and the community and voluntary sectors
 - A consistent drive for continuous improvement through creating a learning culture, using evidence based practice and innovating with new developments in the last few years including the establishment of the Multi-Agency Safeguarding Hub (MASH); the commissioning of Multi Systemic Therapy for families; the establishment of a 'Single Point of Access' into child and adolescent mental health services; the establishment of a co-located Education, Health and Care Planning team for children with disabilities and SEN; the co-location of health staff into Merton's children's centres
 - A strong focus on recruiting, retaining and developing a high quality social care workforce supported by effective learning and development, evidence based practice tools, manageable workloads and fit for purpose structures
 - A longstanding commitment to listening to the voice of service users in individual care planning and service development through, for example, the Children in Care Council; Your Shout group; Young Inspectors
- 2.8 These strengths have enabled children's services to deliver significant service improvement. Key achievements include:

- Over 80% of families from areas of deprivation in the borough have accessed children's centres services in 2015-16
- All Merton's children's centres are currently rated good or outstanding, better than London and national benchmarks
- Improving statutory assessment timeliness with Merton's performance better than London and National benchmarks
- Improving child protection review compliance with Merton's performance better than London and national benchmarks
- Delivering one of the most effective and well evaluated Troubled Families initiatives nationally and being selected as an 'early starter' for phase two of the national programme
- Reducing first time entries into the criminal justice system by just under 60% since 2013-14
- Improving timeliness of care proceedings in respect of looked after children, reducing the time taken to complete applications by over 50%
- Improving the average time for matching a looked after child with an adoptive family with Merton's performance better than the national average
- Recruiting over 50 new fostercarers for Merton's looked after children since 2011 enabling a reduction in use of independent agency placements
- Significantly more care leavers are living in suitable accommodation and in education, training or employment than national averages
- More Merton schools are rated good or better by Ofsted and more Merton pupils attend schools rated good or better than London and National benchmarks
- Attainment of Merton pupils in 2016 at Key Stage 2 (expected standards in reading, writing, maths) was above national average
- Attainment of Merton pupils in 2016 at Key Stage 4 (Attainment 8 Score) was above national average
- Expanding over 20 primary schools to accommodate the additional demand for school places in Merton and progressing plans to ensure the sufficiency of secondary and special school places over the medium term

Key Challenges

Service Transformation

2.9 The significant budget reductions affecting the council since 2010 have been a major challenge. The council is responding to this challenge through its 'transformation' programme designed to re-engineer organisational structures and models of service delivery. CSF Department's overall approach to service transformation has been to focus on our statutory duties, to strengthen our approach to commissioning and to progress our longstanding commitment to partnership working. Some of the major 'transformation' ahead includes:

- Reorganising the department into two divisions, relocating the management of the department's strategic functions

- Embedding changes to practice and management following the transfer of casework with children with disabilities and their families into the mainstream Social Care and Youth Inclusion division
- Retaining the strongest focus on robust safeguarding practice and ensuring our structures for casework with children in need of help and protection, looked after children and care leavers remain fit for purpose
- Further strengthening performance management of casework practice through use of the new Mosaic client information system and through continuing to focus on single and multi-agency quality assurance processes
- Continuing to develop a 'Merton approach' to social work practice through embedding evidence based practice tools such as Signs of Safety and motivational interviewing
- Engaging with partners in the statutory and voluntary sectors to review Merton's Child and Young Person's Wellbeing Model to ensure it provides the framework and procedures to support the earliest possible identification of, and intervention with, children and young people with additional needs
- In the area of Early Years services, further increasing provision for vulnerable 2 year olds to meet government targets. Work will continue to increase alignment and integration of CSF, Clinical Commissioning Group and Public Health commissioning of under 5's health services and to further develop integrated working with community health staff now co-located in our children's centres
- Continuing work to transform universal youth services in Merton through implementing a partnership commissioning and delivery model and working with MVSC and youth organisations with a view to developing a 'youth foundation' approach across the borough which would enable alternative funding streams to be accessed eg through charitable trusts
- Continuing to develop the integrated approach to Education, Health and Care assessment and planning for children with SEN and disabilities introduced in the Children and Families Act 2014. Following the recruitment of the health staff co-located in the SENDIS service, this will particularly involve embedding and developing further the integrated processes involved in implementing new Education, Health and Care Plans for children previously subject to SEN statements
- Establishing a new integrated CSF, Public Health and Merton CCG commissioning team, hosted by the Director of Public Health, to seek economies of scale and efficiencies in use of commissioning budgets and deployment of commissioning capacity

- School improvement capacity will continue to be more sharply targeted to schools requiring improvement and on narrowing gaps in progress and attainment for certain pupil groups. Officers will continue to support the development of the Merton Education Partnership and to develop sustainable ways of providing support and challenge to Merton's schools
- Delivering sufficient secondary school places through ongoing work with the Education Funding Agency and Harris Federation to establish the new Free School on High Path in South Wimbledon and providing sufficient special school places through further expansions of Perseid and Cricket Green schools and reviewing the functions and capacity of our SEN 'bases' in mainstream schools

Public Policy Issues

- 2.10 Successive governments have sought to increase the volume and pace of adoption as a preferred means of achieving permanency for children who cannot remain looked after within birth families. Existing separate arrangements for recruiting adoptive parents and matching with children are seen to be barriers to achieving these ambitions and the present government is now seeking to establish regional arrangements by 2020. In London, the ALDCS submitted a proposition for the capital that regionalises some adoption functions but which also retains strong local connections. This has been agreed by DfE and London Boroughs including Merton are now engaged in establishing a more detailed model for possible implementation from 2017-18.
- 2.11 National reviews have been undertaken during 2016-17 on the future of Youth Offending Services and on the governance of local safeguarding arrangements. In respect of young people in the criminal justice system, the Taylor review has advocated a greater focus on welfare as opposed to punishment through the courts process and has challenged national government to implement changes which promote a more impactful approach to changing lives of the most troubled young people.
- 2.12 The Wood review of the governance of safeguarding arrangements concluded that national prescription of how local services should be held accountable for the effectiveness of safeguarding at a local level is no longer appropriate and advocated for local areas to develop their own solutions to effective governance with a stronger focus on improving outcomes supported by the strengthening through legislation of the current 'duty to cooperate'.
- 2.13 While full government responses to these reviews have not yet been made, partner agencies in Merton, led by the council, will need to consider implications for the model of youth offending service delivery and the functioning of Merton's Local Safeguarding Children's Board going forward.
- 2.14 Central government has been consulting on fairly radical changes to the national funding formula for schools. An analysis of 'illustrative allocations' undertaken by London Councils suggests that Merton would gain in the region of £5 million from the new formula (likely to be phased in, however) against a background of reduction in London as a whole. A new formula for early years funding is also being introduced with Merton expecting to benefit from in the region of £4 million additional funding in 2017-18. The overwhelming majority of these gains will go directly to schools and settings, alleviating to some extent concerns within the local childcare and schools sectors about budget pressures.

- 2.15 Members will be aware of the current government's commitment to increase the numbers of Academies inc Free Schools and to enable the establishment of new Grammar schools. Merton's administration continues to be committed to local authority maintained schools providing the core education offer locally. It has taken a pragmatic approach in respect of the relatively few Academies and Free Schools which have either been established or are in planning in the Borough. While these schools are autonomous, the council is committed to their engagement in the wider schools 'community' in Merton and CSF department enjoys effective working relationships with all current sponsor organisations. The current administration does not support the establishment of Grammar Schools in the borough.
- 2.16 Children's services and schools continue to be some of the most regulated and inspected services delivered by the council and partner agencies. We continue to prepare for the major 'Single Inspection' of services for children in need of help and protection, looked after children and care leavers which is now significantly overdue. Additionally, Ofsted has recently commenced a new inspection programme examining the effectiveness of local agencies' implementation of the SEN and Disabilities elements/duties of the Children and Families Act 2014. In particular, the inspection will examine progress in the implementation of Education, Health and Care Plans; the 'local offer' of services provided or available to this group; arrangements for the preparation for adulthood of young people with SEND and transitions arrangements with adults' services. In preparation for this inspection, officers are preparing a self-evaluation and are engaging with key partner agencies in this process.

Reports of Overview and Scrutiny Commission/Panels

- 2.17 The Children and Young People Scrutiny and Overview Panel continues to exercise its statutory function in relation to children's social care, including child protection.
- 2.18 The Cabinet Member for Children Services has attended all but one Panel meeting during this municipal year to provide an update on her responsibilities. Issues that have been highlighted include participation in children's services, housing provision, childhood obesity and Education, Care and Health Plans.
- 2.19 Reviewing the priorities for the Children, Schools and Families Department as set for the next four years is an essential part of the Panel's remit. Performance monitoring information from the department is provided at each meeting. This is presented by a relevant department officer and subject to scrutiny by members.
- 2.20 The basket of performance indicators presented at each meeting includes a range that enable the Panel to monitor children's services:
- In June 2016, the Panel noted the number of children who become subject to a Child Protection Plan for the second or subsequent time. Officers informed the Panel that this will be monitored through the quality assurance process, DMT and the Safeguarding Board. It was noted that whilst families have been supported to achieve change, how to make this resilient to other factors and allow families to recognise their own strengths to achieve systematic change is being pursued;
 - Panel members have noted and congratulated officers on their success in recruiting foster carers. This is allowing the department to decrease its use of agency foster carers and reduce their associated higher costs; and

- The percentage of Education, Health and Care plans issued within the statutory 20 week timescale continues to be monitored by the Panel as this is currently falling behind target. It has been highlighted that this is a national issue and that Merton's performance is on par with other London councils. As part of the budget process, members have been informed that Merton will receive a £150K funding allocation as Government recognises the work involved in achieving this target.

2.21 Departmental updates have been used to brief members on changes affecting social workers:

- It is Government policy to develop more regional approaches to the delivery of some elements of children's social care. Panel members have received updates on Merton's work with London Councils in planning for the regionalisation of adoption functions. This has been most recently reviewed by the Panel as part of the budget process. Proposed savings to be achieved from this new multi-borough adoption service are a work in progress and will continue to be refined as the deadline gets closer. Members sought reassurance that this would not destabilise important services; and
- Members have congratulated the department on its reduced reliance on agency social workers.

2.22 At its meeting in November 2016, the Panel received the annual report of the Merton Safeguarding Children Board. Keith Makin, the independent chair of the board, Superintendent Steven Wallace, the Acting Borough Commander and Yvette Stanley, Director, Children, Schools and Families attended the meeting to answer members' questions. The meeting established that:

- Effective partnership working, good lead member representation and multi-agency quality assurance are all strengths;
- The provision of training, listening to the voice of children and young people and the link with the safeguarding adults board have been key focuses during the year;
- The board has undertaken a self evaluation ready for Ofsted inspection;
- A serious case review has been conducted and the board has undertaken a number of task and finish groups looking at *Prevent*, Female Genital Mutilation (FGM), neglect and the performance management data set; and
- Over the next year the three key focuses for the board will be on 'think family' approaches, supporting vulnerable adolescents and early help for families to support them in strengthening their own resilience to address problems.

2.23 At its meeting in January 2017, the Panel received a report from the Public Health Team on services for children. This highlighted that waiting times to access a tier three Child and Adolescent Mental Health Service assessment has shortened by three weeks since 2013/14 and that whilst the childhood obesity

target has been achieved, there are still 4,000 overweight children in the borough. The Panel resolved to receive a further, more detailed update on childhood obesity.

- 2.24 At its meeting in February 2017, the Panel will again receive the annual schools standards report. This looks in-depth at the performance of Merton's schools including for defined cohort groups such as looked after children.
- 2.25 At its meeting in March 2017, the Panel will receive the annual corporate parenting report. This will allow Panel members to further examine priorities for the scrutiny of children's services which were identified during last year's review:
- The percentage of children in and leaving care that are 'not in education, employment or training' (NEET);
 - How the changing profile of the LAC population in Merton (coming into care at an older age) is affecting outcomes at KS4 for some pupils;
 - Increasing the number of foster carers and reducing use of foster care agencies;
 - Increasing the range of housing options for young people coming out of care; and
 - Reviewing the need for and use of residential care for looked after children
- 2.26 The focus on corporate parenting at the Panel's meeting in March 2017 will also provide the opportunity to look at housing solutions for care leavers as well as housing pressures that affect families and children. Officers from Community and Housing will support this session.
- 2.27 Additionally, the Panel has chosen over the last year to focus its task group capacity on how to better support vulnerable cohorts into employment including children in and coming out of care. The task group has accepted that there are sufficient local employment programmes and has instead focused on how to add value to these and make them more effective. The task group has looked at a variety of successful initiatives to inform its recommendations which include provision of work taster/work experience opportunities. The final report and recommendations of the task group will go to the Panel meeting in February 2017.
- 2.28 Councillor Neil has just started to conduct a rapporteur scrutiny review of participation in children services with a focus on looked after children and care leavers. The aim is to report back to the Panel at its March 2017 meeting on how looked after children can participate and influence services. The terms of reference for this rapporteur review were agreed by the Panel at its January 2017 meeting.

3 ALTERNATIVE OPTIONS

- 3.1 Not applicable – this report is for information only.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 None for the purposes of this report.

5 TIMETABLE

5.1 N/A

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The department continues to experience significant budget pressures across the local authority controlled budget, in particular in respect of placements for looked after children and care leavers; SEN Transport and providing services for unaccompanied asylum seekers and families with no recourse to public funds.
- 6.2 Although the 2016-17 target for recruitment of in house foster carers is expected to be met, ongoing use of independent sector fostering placements and residential care is needed because of the increasingly complex needs of some looked after children. Numbers of young people resident in semi-independent placements have grown significantly in meeting our increased responsibilities towards care leavers. We are currently reviewing the use of these placements and exploring the availability of alternative housing options which could be more affordable to the council.
- 6.3 In respect of SEN Transport we have achieved some success in reducing overspend in year through more robust application of eligibility, implementing a successful strategy to promote the use of Personal Budgets and beginning to use a Dynamic Purchasing System for the procurement of taxi providers. The clienting of taxi procurement is to be transferred to the department in April 2017.
- 6.4 More unaccompanied asylum seeking young people and families with no recourse to public funds have required support over the last year and this is likely to continue with Merton continuing to take responsibility for these young people and families through the London-wide rota and national dispersal schemes. Much of the spending by the council is unfunded by central government and this means relevant budgets will continue to be subject to significant pressures going forward.
- 6.5 The administration has recognised the need to add growth into CSF department's budget and £2.5 million additional funding over three years has been agreed, subject to council's approval of the overall budget in March 2017.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 There are no specific legal or statutory implications arising from this information report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 There are no specific human rights, equalities or community cohesion implications arising from this information report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no specific crime and disorder implications arising from this information report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 There are no specific risk management or health and safety implications arising from this information report.

11 APPENDICES – the following documents are to be published with this report and form part of the report

Appendix I: Performance Data

12 BACKGROUND PAPERS

12.1 2016-2020 Council Business Plan

Appendix I: Performance Data

No.	Priority area 1: Early Help - Deliver early help and improve outcomes for those subject to the effects of disadvantage	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
		Merton 2015/16	Merton 2014/15	England 2014/15	London 2014/15				
1	Number of Common and Shared Assessments undertaken (CASAs) YTD	589	443	No benchmarking available	No benchmarking available	Not a target measure	144	258	342
2	Percentage of parents referred completing 'parenting programmes'	81% (Q1 15/16)	75%	No benchmarking available	No benchmarking available	70%	67%	Data not reported this period	DNA
3	Percentage of 0-5 year olds from areas of deprivation (IDACI 30%) accessing Children's Centre services (estimated Census 2011 population) YTD	72%	78%	No benchmarking available	No benchmarking available	75%	34%	48%	58%
4	Number of two year olds accessing 'Free child places'	1492	917	No benchmarking available	No benchmarking available	Summer - 637 (Q2) Autumn - 751 (Q3) Spring - 886 (Q4)	408	Data not reported this period	396
5	Percentage achieving 'A Good Level of Development' at Early Years Foundation Stage (4 to 5 year olds)	68% (AY 2014/15)	60% (AY 2013/14)	66% (AY 2014/15)	68% (AY 2014/15)	60%	2015/16 academic outturns to be published in School Standards report in Feb 2017.		
6	Percentage of Free School Meals cohort achieving 'A Good Level of Development' at Early Years Foundation Stage Profile (4 to 5 year olds)	55% (AY 2014/15)	44% (AY 2013/14)	51% (AY 2014/15)	59% (AY 2014/15)	Not a target measure			
7	Percentage of MMR1 coverage: 1 dose of MMR by age 2 years	DNA	84%	No benchmarking available	No benchmarking available	Not a target measure			
8	Percentage of MMR2 coverage: 2 doses of MMR by age 5 years	80%	76%	No benchmarking available	No benchmarking available	87.6% (2018)			
9	Percentage of excess weight in children age 4-5 years (overweight and obesity)	21.8% (AY 2014/15)	20.9% (AY 2013/14)	19.10% (AY 2014/15)	22.60% (AY 2014/15)	Not a target measure	Annual measure		
10	Percentage of excess weight in children aged 10-11 years (overweight and obesity)	35.7% (AY 2014/15)	36.4% (AY 2013/14)	No benchmarking available	No benchmarking available	35.7% (2018)			

No.	Priority area 2: Safeguarding children and young people	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
		Merton 2015/16	Merton 2014/15	England 2014/15	London 2014/15				
11	Number of MASH initial contacts received	5308	4613	No benchmarking available	No benchmarking available	Not a target measure	1383	2628	3918
12	Percentage of Single Assessments authorised within statutory requirements of 45 days	93%	90%	81%	80%	85%	92%	92%	93%
13	Percentage of quorate attendance at Child Protection Conferences	DNR	91%	No benchmarking available	No benchmarking available	95%	89% (80/10)	85% (79/17)	79% (59/31)
14	Child protection plan rate per 10,000	30.0	39	43	41	Not a target measure	31.2	32.9	33.1
15	Number of Children subject of a Child Protection Plan (as at 31 March)	138	177	No benchmarking available	No benchmarking available	Not a target measure	144	152	153
16	Percentage of child protection cases which were reviewed within required timescale (cases open three months or more)	99%	91%	94%	96%	Not a target measure	100%	95%	94%
17	Percentage of Children subject of a Child Protection Plan who had a four weekly visit on time	71%	71%	64%	67%	Not a target measure	89%	83%	77%
18	Percentage of Children who became subject to a Child Protection Plan for second or subsequent time	24%	16%	17%	14%	16%	7%	11%	16%

No.	Priority area 3: Looked after Children and care leavers	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
		Merton 2015/16	Merton 2014/15	England 2014/15	London 2014/15				
19	Care application average duration (national target 26 weeks)	30	39	30	30	35	18	28	DNA
20	Number of Looked After Children	163	157	No benchmarking available	No benchmarking available	Not a target measure	167	151	162
21	Percentage of Looked After Children in external foster care agencies	37%	41%	38% (2013/14)	No benchmarking available	42%	38%	45%	43%
22	Number of 'in-house' foster carers recruited YTD	13	10	No benchmarking available	No benchmarking available	15	4	6	11
23	Percentage of Looked After Children cases reviewed within timescales YTD	97%	95%	No benchmarking available	No benchmarking available	Not a target measure	99%	97%	93%
24	Percentage of Looked After Children annual Health Assessments completed within timescale	DNR	94%	90%	90%	Not a target measure	Annual measure		
25	Percentage of Initial Personal Education Plans completed within timescales	84% (AY 2014-15)	93%	No benchmarking available	No benchmarking available	Not a target measure	Annual measure		
26	Percentage of LAC achieving 5 GCSEs A* - C including English and math	8% (2014-15)	21%	12% (2013/14)	15% (2013/14)	Not a target measure	2015/16 academic outturns to be published in School Standards report in Feb 2017.		
27	Numbers of children who become Looked After due to a remand YTD	8	6	No benchmarking available	No benchmarking available	Not a target measure	1	2	4
28	Percentage of Care Leavers in education, employment or training (EET) (18 year olds and above) Y	63%	44%	48%	53%	Above national	60%	66%	66%
29	Percentage of Care Leavers living in suitable accommodation	86%	76%	81%	83%	Above national	91%	92%	94%
30	Number of Looked After Children adopted or receiving a Special Guardianship Order YTD	16	16	No benchmarking available	No benchmarking available	13	4	8	9
31	Placement stability performance (3 moves or more) YTD	12%	14%	11%	No benchmarking available	12%	1%	9%	10%
32	Placement stability length (2 years or more) YTD	68%	46%	67%	No benchmarking available	66%	80%	75%	73%

No.	Priority area 4: Closing the gap in educational outcomes and opportunity	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
		Merton 2015/16	Merton 2014/15	England 2014/15	London 2014/15				
33	Percentage of all Children's Centres graded good or outstanding by Ofsted inspections	100%	100%	69%	76%	100%	100%	100%	100%
34	Percentage of all Schools graded good or outstanding by Ofsted inspections	89%	85%	84% (31 August 2015)	88% (31 August 2015)	89%	91%	92%	91%
35	Percentage of all Pupils in Schools graded good or outstanding by Ofsted	90%	84%	81% (31 August 2015)	88% (31 August 2015)	Not a target measure	92%	93%	92%
36	Percentage of Children achieving Level 4 or above in reading, writing and maths at Key Stage 2	82% (AY 2014-15)	80% (AY 2013/14)	80% (AY 2014/15)	84% (AY 2014/15)	82%	2015/16 academic outturns to be published in School Standards report in Feb 2017.		
37	Percentage of Young People achieving 5 or more GCSE grades A* to C including English & maths	60% (AY 2014-15)	64.2% (AY 2013/14)	53% Prov (AY 2014/15)	59% Prov (AY 2014/15)	64%			
38	Percentage of Young People aged 16-18 Not in Employment, Education or Training (NEET)	3.6%	4.3%	4.7%	No benchmarking available	5%	3.8%	4.1%	DNA
38a	% of CYP (16 - 17 year olds) not in education, employment or training (NEET) (new national replaces KPI 47)	n/a	n/a	No benchmarking available	No benchmarking available	n/a	DNR	DNR	1.4%
39	Percentage of Young People aged 16 - 18 who's NEET status is "Not Known"	3.6%	12.4%	9.2%	12.7%	Not a target measure	3.4%	2.3%	
39a	% of CYP (16 - 17 year olds) not in education, employment or training status 'not known' (new national replaces KPI 48)	n/a	n/a	No benchmarking available	No benchmarking available	n/a	DNR	DNR	5.6%
40	Percentage of surplus places at Reception year	6.20%	1.10%	No benchmarking available	No benchmarking available	5%	Annual measure		
41	Percentage of surplus places at Secondary school Year 7 (Inc. Academies)	5.50%	11.32%	No benchmarking available	No benchmarking available	5%	Annual measure		

No.	Priority area 5: Engage and enable young people to achieve better outcomes	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
		Merton 2015/16	Merton 2014/15	England 2014/15	London 2014/15				
42	Number of young people engaging in positive youth service participation		3,234	No benchmarking available	No benchmarking available	1,800	Annual measure		
43	Number of first time entrance into Youth Justice System aged 10 to 17 (cumulative)	61	60	22393 (2013/2014)	No benchmarking available	70	12	34	49
44	Rate of proven re-offending by young people in the youth justice system	0.88	1.05	1.04 (2013)	1.10 (2013)	Not a target measure	1.54	0.83	0.71
45	Percentage of young people requiring a First CAMHS assessment seen within 8 weeks of referral		72%	No benchmarking available	No benchmarking available	Not a target measure	Annual measure		
46	Teenage Pregnancy conception rate per 1000 (under 18 years) (Average data 18 months in arrears)	19.7 per 1000 in 2014	22.2 per 1000 in 2013	30.7 per 1000 (2011)	No benchmarking available	Not a target measure	Annual measure		
No.	Priority area 6: Children with special educational needs and disabilities	Benchmarking and trend				2016/17 Target	2016/17 Quarter 1	2016/17 Quarter 2	2016/17 Quarter 3
47	Number of Children or Young People with a Statement or Education, Health, Care Plan by Merton	1078 (Jan 2016)	1045 (Jan 2015)	240185 (Jan 2015)	41105 (Jan 2015)	Not a target measure	1219	1263	1185
48	Transfer of Statements to EHC Plans in 20 weeks (YTD)	18% (Jan 2016)	n/a	18% (Jan 2016)	14% (Jan 2016)	Not a target measure	59%	52%	46%
49	New Education Health and Care Plans issued within 20 weeks (YTD)	58% (Jan 2016)	100% (Jan 2015)	55% (Jan 2016)	64% (Jan 2016)	85%	27%	23%	20%
50	Percentage of SEN statemented pupils educated in borough maintained schools	90%	No benchmarking available	No benchmarking available	No benchmarking available	Not a target measure	89%	95%	91%
Others									
51	Percentage of statutory returns to government on time	100%	100%	No benchmarking available	No benchmarking available	100%	100%	100%	100%
52	Percentage of commissioned services quarterly monitoring completed on time	100%	100%	No benchmarking available	No benchmarking available	100%	100%	100%	100%
53	Percentage of major capital projects green/amber to time	86%	No benchmarking available	No benchmarking available	No benchmarking available	90%	100%	100%	100%
54	Percentage of spend on approved capital programme	No benchmarking available	No benchmarking available	No benchmarking available	No benchmarking available	80%	97%	100%	100%

Raynes Park Community Forum Wednesday 30 November 2016 Chair's Report

The meeting was held in Raynes Park Library Hall, and chaired by Councillor Suzanne Grocott with Chris Edge from the Raynes Park Association (RPA). 40 residents attended, as well as five other Merton Councillors, and officers from the council and its partners. The Chair welcomed everyone to the meeting.

Open Forum

Bulb planting

Volunteers from the RPA have planted bulbs outside the station and around the town centre.

Crossrail 2

TfL have been asked to submit a new business plan. This is likely to be ready in the spring with no further consultation expected until the summer.

Sustainability and Transformation Plan (STP)

All NHS Clinical Commissioning Groups have been tasked with producing a five year plan to improve services and efficiency. A draft of the plan covering South West London can be found at: http://www.merton.gov.uk/health-social-care/sw_london_stp.htm

Raynes Park Christmas

David Hurst reminded residents that the 2016 Christmas festival will be on 2 December 3.30 – 7pm with the lights switched on at 5pm. Two stages will be set up, one outside the station and the other in Waitrose car park. There will be choirs performing, local singer Heather Jackson, a grotto and a live nativity with animals. A KinoVan will also be showing old films of Merton. The event is being supported by 15 local businesses and Merton Council. Thanks were expressed to Nick Coke for leading on the event.

Councillor Stephen Alambritis

Stephen played tribute to the work of the RPA in bringing the community together and was pleased to congratulate Chris Larkman for his Community Contribution Award at Merton Council's Excellence Awards.

Stephen highlighted a number of new initiatives that would be of interest:

Ask Angela: Merton is the first London borough to rollout this safety initiative in pubs and clubs. Working with Merton Police the scheme enables anyone feeling threatened on a night out to use a safe word and then the venue will discreetly provide assistance. <https://news.merton.gov.uk/2016/11/29/merton-first-in-london-to-introduce-ask-for-angela-pub-safety-campaign/>

Schools: following the successful expansion of primary schools to offer an extra 4000 places a new secondary school is needed. Plans have now been announced to build a new Harris school with 1300 places next to High Path estate in South Wimbledon.

Business: there have been positive announcements about investment in the borough with WH Smith and Waterstones returning to Wimbledon, a new Metrobank, and a new flagship Next store at Shannon Corner. As part of the planning conditions Next will be working with Raynes Park High School to offer work experience and apprenticeships.

Morden Leisure Centre: work has commenced on the new family leisure centre in Morden Park costing £11million. The current swimming pool will remain open until the new centre is finished in early 2018, and then it will be returned to green space.

AFC Wimbledon: the new stadium has nearly cleared the final planning hurdle, a section 106 agreement, and will hopefully be ready for the 2018/19 season.

Fixed Penalty Notices: Merton is taking advantage of the new rules that allow for a £400 FPN for fly tipping that does not involve taking those responsible to court.

Officers will be increasing enforcement action.

Free parking: once again there will be free parking in most Merton Council car parks at weekends in the run up to Christmas, although this does not include Coombs Lane.

Grit: Merton Council has 2400 tonnes of grit ready to keep Merton moving over the winter.

Christmas trees: a free recycling collection will be available again this year. We collect more than 30,000 trees each year. <https://beta.merton.gov.uk/rubbish-and-recycling/bulky-hazardous-and-clinical-waste/christmas-trees>

Boundary Changes: Stephen is happy to support both MPs in challenging the plans to divide up the Merton parliamentary constituencies.

In response to questions Stephen said that My Merton should have gone to all households and anyone who is not receiving the magazine regularly should contact the Communications Team communications@merton.gov.uk with their details. The results of the council tax survey will be considered seriously. The council will be moving to wheelie bins and based on the experience of other boroughs there will be lots of concerns raised that residents soon adjust. The new arrangements will save up to £2million a year.

Stephen confirmed that he will continue to work with other local parties to make sure any new plans for Crossrail 2 will not be at the cost of local communities.

Current and anticipated planning applications

Neil Milligan, Development Control Manager, Merton Council updated the meeting on local planning and other issues.

- The bins south of the Skew Arch were not removed in the summer as originally planned. The programme was paused following concerns raised by residents so that a consultation could take place. Neil agreed to follow this up with Cormac Stokes from Waste Services as there have now been two consultations with different results.
- Footpath outside the station – Network Rail is willing to hand over land and officers are currently drawing up plans and identifying possible funding. The Leader of the Council agreed to follow up with officers to ensure this is resolved promptly.

- Rainbow Estate and Kiss-and-Ride – there has been no further news from Workspace about the development.
- Southey Road Bowling Club – the application was approved in July and the Section 106 agreement is still being negotiated.
- Atkinson Morely – the initial phase is half complete but an additional application will be submitted for 85 flats to be built instead of 16 houses. The park would remain open to the public.
- Manuplastics – an application has been made for a seven storey development 110 residential units. Comments can be made through the planning explorer on the Council website. It is possible that Network Rail may want to safeguard this site but they have not done so to date.

Waste collection changes

Cormac Stokes, Head of Street Scene and Waste, from Merton Council outlined the changes to waste collection services. Having worked across south west London to improve efficiency in disposing of waste a partnership of four boroughs (Merton, Croydon, Sutton and Kingston) has come together to look at collection. Following a lengthy procurement process Veolia became the preferred bidder in the summer. The aim is to optimise savings, improve the quality of the service, and offer environment benefits. There are still details being negotiated but the final contract is expected to be signed on 14 December.

From 3 April 2017 Veolia would take over Merton's service but there would be no immediate changes to collection. From October 2018 the service would change to:

TYPE	STORAGE	FREQUENCY
General residual (non-recyclable) waste	Wheelie bin	Fortnightly
Paper and Cardboard	Wheelie bin	Alternate weeks
Glass, cans & plastics	Existing box	Alternate weeks
Food waste	Existing mini bins	Weekly
Garden waste	Wheelie bins or bags as now	Fortnightly

Reducing frequency of residual waste collection has been shown to encourage recycling rates as residents become more aware of what they are disposing of, especially food waste, which is currently only used by half of all households. New vehicles split at the back will also reduce amount of traffic.

Street cleaning also forms part of the new contract. The new structure will be based on three local neighbourhoods with a lead manager. This should reduce down time and improve response rates. Strict timescales are set out in the contract.

Enforcement remains with Merton Council and the current contractor Kingdom. More than 6000 FPNs have been issued since April. Veolia will gather evidence to pass on to enforcement as part of the new arrangements.

In response to questions about residual waste like nappies Cormac explained that as long as this waste was bagged up and placed in the wheelie bin the fortnightly

collection will not cause any problems. This has worked well elsewhere. In terms of Clinical Waste this is collected under contract from the NHS so is open to a different procurement process. Concerns were also raised about the space needed for wheelie bins. Cormac is currently discussing these issues with Veolia in order to ensure an alternative method, coloured sacks, is available in households where wheelie bins are not viable. The experience in the pilot area was that it was possible to resolve these issues in all but a small number of properties. There will also be improved assisted collection for those residents with disabilities who need support.

Cormac was also asked about clearing leaf fall. Street Cleaners will clear leaves as part of their regular routes but special work crews will target problem areas in overtime. Bins in the town centres are emptied at least daily but in residential areas this may be weekly. If a bin is full please inform the council online <https://beta.merton.gov.uk/rubbish-and-recycling/litter-fly-tipping-and-street-cleaning>.

Helen Alexander from the Apostle's Residents Association criticised the proposed changes to waste collection and suggested a number of alternative options, including the use of smaller dustbins and boxes, as well as maintaining week collections. Helen invited residents to join her in campaigning against the changes.

Proposed Boundary Changes

Stephen Hammond, MP for Wimbledon, explained that the plans to reduce the number of MPs from 650 to 600 and equalise the size of constituencies could have a profound effect on Merton. Under the proposals from the Boundary Commission for England the number of MPs covering Merton would go from two to five with both Wimbledon and Mitcham being split across different constituencies. This would make it more difficult for Merton Council to work with MPs, challenge community cohesiveness and the quality of representation. A consultation on the proposals will run until 5 December and a number of alternative options have already been suggested. The BCE will report back on responses in March and the final version will be agreed in September 2018. Details of the current consultation can be found at <https://www.bce2018.org.uk/>

The Chair thanked residents for attending and closed the meeting.

Dates of future meetings all at 7.15pm, in the Library Hall:
8 March 2017

Wimbledon Community Forum 6 December 2016 Chair's Report

The meeting was held at the Mansel Road Community Centre, and chaired by Councillor James Holmes. Approximately 40 residents attended, as well as seven other Merton Councillors, and officers from the council and its partners. The Chair welcomed everyone to the meeting, introducing the councillors present at the meeting.

Wimbledon Masterplan

Paul McGarry, Head of Future Merton at Merton Council, updated the meeting on the development of a Masterplan for Wimbledon. Paul thanked the Friends of Wimbledon Town Centre and Create Streets for their recent survey which is a very useful backdrop and test-of-opinion at the start of the masterplan. Over 700 residents completed the survey and the top five findings were:

- Historic buildings are popular with seven out of ten people wanting to protect The Old Town Hall (1st), Wimbledon Fire Station (2nd) and the Prince of Wales pub (3rd) from demolition.
- Towers are not welcome in Wimbledon. Nine out of ten of those who responded do not want to see any buildings of 15 storeys or above.
- Buildings should be 7 storeys or less in Wimbledon Town Centre and The Broadway according to nine out of ten people. Over half would prefer to limit it to 4 storeys or less.
- People appreciate traditional architecture. Eight out of ten would like to see a traditional urban town centre with tightly packed streets, public spaces and traditional urban buildings.
- The town centre could be improved with 'more diverse shops' stated six out of ten people. Better traffic management, better designed buildings and more parking were also raised by a good number.

Paul said there was a lot of overlap with the Council's views.

The next stage in developing the Masterplan would be a workshop on 18 January at Merton Art Space. The workshop will be used to explore:

- Built Character
- Heritage
- Public Spaces
- Traffic & Transport

To register, visit <https://www.eventbrite.com/e/future-wimbledon-masterplan-workshop-tickets-30582543210>. The event will be ticketed to monitor capacity of the venue but if there is more demand, the workshop will be re-run later. Attendees will be asked to do some homework, with people asked to bring along images for an interactive exercise:

- 4 images of buildings / spaces that you love in Wimbledon
- 4 images of buildings / spaces that you dislike in Wimbledon
- 4 images of buildings / spaces, from other places, that illustrate the quality of what you would like to see in Wimbledon.

Following the workshop, Paul will work with councillors and community groups to establish a steering group for the Masterplan. Paul will update the next forum meeting on this.

In response to questions Paul said that the workshop will be a good opportunity to see if there is a public consensus and this will influence the outcome. Following the workshops a first draft of the Masterplan will be developed for the spring and a consultation will take place in summer (timing is indicative at this stage). A revised version will be ready in the autumn with a final version agreed in Spring 2018.

In response to Crossrail 2; Paul explained that Future Merton work closely with CR2, but with the delays to Crossrail 2's consultation, he didn't want to delay the council's masterplan work. The focus will be on areas other than the station and then when more detail is available from TfL in the summer this can be incorporated in the masterplan. The designs put forward as part of the Future Wimbledon competition will be explored in the workshops and the winning entry will be involved in the next stage. This will also include exploring the town's heritage. There is a map on the Council website that sets out the suggested boundaries of the plan www.merton.gov.uk/futurewimbledon. This area was chosen to reflect where there is greatest interest in development. Residents raised concerns about protecting the character of the area prior to the masterplan being adopted. Paul responded that the Council can't predict what applications are submitted or by whom and in some cases applications that have been rejected by the council have been overturned on appeal.

Current planning applications will not be affected by the Masterplan but there are existing planning policies on height, design and townscape. There is still an important role for residents and local communities to influence and improve planning applications. In response to South Wimbledon being part of the masterplan, there are not sufficient resources to develop a specific plan for every area of the borough and different areas have different development pressures.

The Polka Theatre has received Arts Council funding to extend the theatre and following public consultation in September has submitted a planning application Ref. 16/P4619.

Borough Character Study

Future Merton has started the Wimbledon Town chapter of the borough character study and would welcome involvement from residents in the New Year. The recent PlaceCheck exercise with Rob Cowan will feed into the study. For more information please see www.merton.gov.uk/bcs

Shopfront Design Guidance

We are consulting on our new Shopfront Design Guidance. This will help in determining planning applications but also advise shop owners on how to design or improve their shop fronts. www.merton.gov.uk/shopfrontsspd

Merton Community Fund

Community Infrastructure Levy (CIL) now replaces s106 and is a tax levied for each meter squared of new development that the Council collects to fund community infrastructure. 15% of CIL spend is to be decided by the local community. We want to know your priorities for up to £500,000 borough-wide, from streets, parks, community facilities. For more information please see www.merton.gov.uk/cil

Future of South Wimbledon

Paul McGarry highlighted some of the current regeneration plans for South Wimbledon. The plans for regeneration of the High Path Estate are being consulted on by Circle Housing. There is a consultation workshop on Weds 7 December 5-9pm at Elim Church on High Path. Work is underway with TfL on traffic modelling to improve the function / congestion / air quality and the pedestrian environment at the junction by South Wimbledon station. This is a 2 year project, initially collecting data, modelling the traffic and then exploring potential solutions. Councillor Katy Neep and our business support officer are drumming up support for the council's shopfront improvement grants and are looking to set up a business group for South Wimbledon to help improve the shops on Merton High St / Kingston Rd.

The Chair opened up this item to debate from residents. The following issues were raised by residents:

- There is a difficulty in engaging local businesses, and many look run down. Shopkeepers need to take pride in the location. Councillor Neep responded that many small businesses have responded well to the council's approach and Mark Holmes would be following up on this.
- A more proactive approach is needed to create a vision for the area. Paul responded that the area is covered by existing strategic planning policies
- The Kingston Road pinch point also needs to be examined. Paul explained that the initial traffic modelling will begin at South Wimbledon but will cover Kingston Road and other feeder roads to South Wimbledon junction..
- The impact of the new school on pollution
- There is concern about the loss of commercial space to residential units and this is difficult to prevent under current government 'prior approval planning rules' e.g automatic planning permissions for certain developments that are now beyond the control of the council. This is also impacting on the design of the new homes.
- Some landlords are not making sufficient provision for rubbish
- South Wimbledon tube station is looking dilapidated. Paul responded that the building is listed and the empty retail unit is expected to be filled soon by a new retail unit – currently in planning.
- There must be opportunities for pop-ups in empty properties. Paul explained that his team is trying to broker opportunities for businesses to use empty shops.
- Local diversity has been good in encouraging a wider range of local businesses
- High rise development without character is being built and more needs to be done to take into account the importance of design
- Litter problem needs more bins, enforcement and education
- More needs to be done to ask residents what they want.

Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing, thanked residents for their contribution and a worthwhile discussion. In Wimbledon the Masterplan presented an opportunity to set design preferences and balance the interests of residents and businesses. The process will actively engage the community so the council can listen to residents. In South Wimbledon the regeneration of High Path will have a huge impact and the public enquiry will no doubt cover the debate about building height. Councillor Whelton said he is happy to have an open discussion with local residents groups.

Councillor James Holmes agreed to present a motion to the next Council meeting on behalf of the Community Forum. Following discussion the following wording was agreed by the meeting:

“This Council agrees to work proactively and in a meaningful way with residents in South Wimbledon to develop it into a vibrant and thriving community, that is culturally and economically progressive, and which respects its rich heritage.”

New secondary school in South Wimbledon

Tom Procter, Head of Contracts & School Organisation at Merton Council, gave a presentation on proposals for a new secondary school in South Wimbledon. A copy of the presentation can be found at <http://www.merton.gov.uk/community-living/communityforums/wimbledoncommunityforum.htm>. Tom explained that no ideal site for a secondary school has been found and that the Council felt this site offered the best option.

In response to questions about consultation Tom explained that Harris Academy will hold a statutory consultation about the principles of the new school in February 2017 and there will be consultations on the planning application, likely to be in autumn 2017. In response to points made about transport access Tom said that more work needed to be done but safe access for school children will be ensured and it would not be appropriate for the school to be directly accessible from Mertantun Way as it stands.

In response to suggestions that Mitcham had more appropriate sites for a secondary school Tom explained that schools in this area are smaller and one existing Mitcham school is expanding with potential for two more if there is demand - putting a new school in that area would have a negative impact on those schools. Putting the school in South Wimbledon better matched the aspirations of parents for a local school.

Tom explained that whilst the new school was at its temporary site in Whately Avenue for two years they would be making use of Joseph Hood Recreation Ground and that would include refurbishing the tennis courts. Once the school moves to High Path the council would facilitate use of local playing fields, the nearest of which is Nursery Playing Fields which is currently leased by the Council and would need to be shared with Rutlish School.

Residents were concerned that the new facility to replace High Path Resource Centre would not be suitable. Tom replied that the head of the Resource Centre is working with service users and is happy with the plans for the new facilities.

Councillor Katy Neep, Cabinet Member for Children's Services, acknowledged that this was a difficult site with many challenges but was the only option that met the immediate need for a secondary school to open in September 2018. Harris is familiar with running schools in confined spaces and with the Council will ensure safety of pupils is taken very seriously. Councillor Neep has already spoken with many residents and is happy to discuss any on-going issues. Councillor Holmes encouraged residents to continue to raise issues of concern with councillors.

Soapbox

A resident raised concerns about litter and leaf fall in Plough Lane and Haydons Road.

Date of next meeting:

Wednesday 22 March 2017 at the Mansel Road Centre, Trinity United Reformed Church,
Mansel Road, London SW19 4AA.

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MOTION TO FULL COUNCIL 1 FEBRUARY 2017

This council notes the current crisis in the NHS as outlined by the President of the Royal College of Emergency Medicine, the President of the Royal College of Surgeons, the Conservative Chair of the Health Select Committee, the Nuffield Trust and the British Red Cross.

Rather than increase funding for the NHS or achieve efficiencies by integrating health and social care, government has instead asked the NHS in all 44 local “footprint” areas in England, including the South West London footprint which Merton is a part of, to create a local cost cutting “Sustainability and Transformation Plan” (STP) in order to bridge the budget gap of £20bn which is expected to have developed in the NHS by 2020.

In South West London proposals are currently being drawn up by the NHS. The council has engaged proactively with the local NHS where we can add value, in particular in relation to configuring community based services fit for the 21st century. However, in relation to acute hospitals, already it seems clear that the STP plans will be based on closing at least one of our local accident and emergency departments. Given repeated recent attempts to downgrade St Helier Hospital, local people will be justifiably concerned that the STP is simply another attempt to downgrade or close our much loved local hospital.

Whilst agreeing that government needs to find sustainable ways of addressing the £20bn funding gap it has allowed to develop in the NHS, this council reiterates its strong opposition to any plan that could result in the downgrading or closure of St Helier Hospital.

Whilst acknowledging the importance of improved community based services and the work to date the council has undertaken to feed into the NHS plans in this regard, Council calls on the Leader to ensure Merton Council proactively publicises the potential threat to our local acute hospital from the STP, the council’s absolute opposition to any closure or downgrading of St Helier Hospital, and the importance of residents making their voices heard in support of their hospital. Council also calls on local residents to attend the consultation event the NHS is holding in Merton, date to be agreed, and to make clear to the government that we will not accept any downgrade of St Helier Hospital.

Councillor Pauline Cowper

Councillor Sally Kenny

Councillor Jerome Neil

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COUNCIL MEETING – WEDNESDAY 1 FEBRUARY 2017

NOTICE OF MOTION

That this Council:

- 1) Notes remarks made by the Leader of the Council during 2016 on the level of Council Tax levy in 2017/18 and to engage in a consultation with the public:

‘Now, if residents tell us they want to pay more council tax I am happy to go along with that.’

‘For me it is what the residents want that counts. I will be fully consulting residents on next year’s budget and if they tell me they want to pay more, in the light of demographic changes, then I will follow their lead.’

‘I was elected to serve local residents and that is what I will do’

(Leader’s Speech - Budget Council Meeting, 2 March 2016)

and

- 2) That in respect of the consultation process:

‘...we will consult residents and members handed it all over, in the way they should, at arm’s length to ensure unbiased consultation, in keeping with Cabinet Office criteria on consultation.’

‘That’s exactly what I have done.’

(Councillors’ Questions – Council Meeting, 14 September 2016)

and

- 3) With regard to his Administration:

‘In Labour we believe in straight talking, honest politics. Some people think we should try and weasel our way out of it but that is not the new politics we practise here’

(Leader’s Speech - Budget Council Meeting, 2 March 2016)

In consequence and as no mention was made at Cabinet on 16 January 2017 of a Labour Party Press release dated 10 January 2017 with its implications for the raising of an Adult Social Care (ASC) precept arising out of the Consultation, the Council resolves now its intent that the maximum permitted increase in the ASC precept is inserted into its budget for 2017/18 and the MTFS for 2018/19 when the Cabinet’s recommendations are brought to its Budget setting meeting on 1 March 2017 - to allay the fears of our vulnerable and elderly residents and re-assure them that the Council cares for their needs by maximising its available resources.

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Committee: Council

Date: 1 February 2017

Wards: All

Subject: Merton Priory Homes Governance

Lead officer: Simon Williams, Director of Community and Housing

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment & Housing.

Contact officer: Steve Webb, Housing Business Support and Relationship Manager

Recommendations:

That, Council resolves:

- A. That members note Circle Housing plans to collapse the group structure and consolidate the separate housing associations into one association.
- B. That members note the powers that the council has in order to affect and influence decision making.
- C. That members note the proposed Community Panel for Merton and that any changes to the panel's Terms of Reference will be with the council's consent.
- D. That members note how the Housing and Planning Act 2016, Section 93, impacts on the council's powers and those of the council's nominated board members to the Merton Priory Homes board.
- E. That members note the recent Homes and Community Agency regulatory notice issued against Clarion Housing Group (appendix 2).
- F. Subject to acceptable final terms for the variations to the Stock Transfer Agreement (STA), council supports these governance proposals and gives its consent to vary the STA and that the council will use its shareholder vote to agree to the proposed changes at shareholder meetings.
- G. That members delegate authority to the Director of Community and Housing to agree final terms of the variations to the STA which will include the Terms of Reference for the Community Panel.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The primary purpose of this report is to update members on the Circle Housing plans to simplify the group structure and consolidate the nine housing associations in the group, including Merton Priory Homes (MPH), into one association and to seek members support for these plans.
- 1.2 Circle Housing are implementing a programme known to Circle as "Resurgence". Circle are not currently in a position to implement this in Merton without the council's approval, which they have requested with regards to variations to the Stock Transfer Agreement.

- 1.3 The council is a shareholder of MPH. It is necessary, in its role as shareholder, for the council to also agree a position on how to exercise its vote in forthcoming shareholder meetings on the proposals and whether they are in the best interests of tenants and leaseholders in providing accountability for their performance and services within Merton.
- 1.4 The report seeks to set out Circle's plans, the powers of the council, the impact on the MPH residents.
- 1.5 The council has taken its own legal advice on these plans.

2. DETAILS

This section of the report covers:

- Background on the stock transfer
- Circle restructure / resurgence
- The council as a shareholder
- Housing and Planning Act 2016
- Impact on Stock Transfer Agreement
- Merton community panel
- Resident consultation
- Impact on regeneration
- HCA Regulatory Notice
- Factors for consideration when reaching decisions

Background on stock transfer

- 2.1 The council transferred its former housing stock to Merton Priory Homes on 22 March 2010 following a positive ballot of tenants in June 2009.
- 2.2 Merton Priory Homes (MPH) [known later as Circle Housing Merton Priory] is a subsidiary of Circle Housing (Circle Anglia Ltd) and at the time of formation was one of the nine distinct housing associations in the Circle Housing group. The company is still registered as Merton Priory Homes, and for consistency will be referred to as Merton Priory Homes or MPH in this report.
- 2.3 There were 91 promises arising from the offer document to transferring tenants and leaseholders. 88 of these have been completed.
- 2.4 The stock transfer is underpinned by the Stock Transfer Agreement (STA). This is a legally binding agreement between LBM and MPH (or its successors.) The STA is independent of the restructure or merger.

Circle restructure / resurgence

- 2.5 Circle report that following the governance downgrade by the HCA in April 2015 they worked with the HCA and sector consultants to improve their decision making processes and services for their customers.
- 2.6 They determined that a key element for Circle Housing to overcome adverse events in the future and maintain good service standards was to consolidate the group of charitable registered providers / housing associations. According to Circle, the collapsing of the groups nine registered providers (RPs) is intended to provide them with greater financial resilience and clearer accountability.
- 2.7 The consolidation from nine RPs to one RP would take the form of a “transfer of engagements” of eight of the RPs to Circle 33. Transfer of engagements is a statutory process available to community benefit societies. Merton Priory Homes and Circle 33 are both community benefit societies. The process is that a society may, by approval at two meetings of its shareholders, agree to transfer its engagements to another society (the receiving society), which agrees to undertake those engagements. The “engagements” of the transferring society (i.e. all assets and liabilities) then pass automatically to the receiving society when the relevant resolutions of the shareholders are registered at the FCA. The liabilities which pass to the receiving society include the obligations under a stock transfer.
- 2.8 There is a planned consolidation of RPs from July 2016 to March 2017 in four phases. Merton Priory Homes are in phase 4 and the Circle Resurgence plans are for this to be completed by March 2017. Three RPs have already transferred to Circle 33 and MPH is currently one of six RPs in the group.
- 2.9 The council, as a shareholder, has not received notification from Circle of the outcome of any board decisions to move forward on scheduling special shareholder meetings to vote on the “transfer of engagements.”
- 2.10 In the event that Circle Resurgence goes ahead as planned, this would result in the disbandment of MPH and its Board.
- 2.11 Circle express an intention to retain a local focus through the implementation of a local community panel and the transition of the resident scrutiny panel to the new Service Quality Panel. These will operate alongside a regional panel for south London.

The council as a shareholder

- 2.12 The council’s role as a shareholder is enshrined in the Company’s Rules.
- 2.13 Rule C8 states “...*The Parent and the Council shall be shareholders.*”. To that end, under the Rules, it is not possible for the Council to be removed as a shareholder unless it agrees to be removed.
- 2.14 The council is a shareholder of the company and has 33% of the voting rights. This provides the council with the ability to block any resolution which requires a 75% majority of shareholders to vote in favour of a resolution.

This means the council has the ability to block any resolution to dissolve or wind-up the company.

- 2.15 However, the council will not be able to block a resolution in relation to a transfer of engagements or an amalgamation, which only requires a two-thirds majority decision of the shareholders. The rules provide that each of the council shareholder, the independent shareholders and the resident shareholders hold 33% of the voting rights each, with the Parent holding the additional 1%. To that end, it would be possible for the independent shareholders, the resident shareholders and the parent to form the required majority to pass a resolution for the company to transfer its engagements or amalgamate.
- 2.16 The council's powers as a shareholder may be reduced or removed if Section 93 of the Housing and Planning Act 2016 is enacted. (Further details are in the next section).
- 2.17 It should be noted that MPH resident board members and independent board members are all shareholders. Council nominated board members are not shareholders and it is "the council" that is the shareholder.
- 2.18 Circle Housing are proposing a special meeting of shareholders in order to vote on the proposal to transfer Merton Priory Homes to Circle 33. The meeting is likely to take place after the council has agreed on how it will use its shareholder vote. No date has been confirmed for the Special meeting of shareholders, however Circle are keen to meet soon after 1 February 2017.

Housing and Planning Act 2016

- 2.19 Section 93 of the Housing and Planning Act 2016 ("the Act") contains provisions which seek to reduce the influence local authorities have over private registered providers. The Act came into force in part on the 12 May 2016. Section 93 has not yet been enacted.
- 2.20 Section 93 of the Act enables the secretary of state to make regulations for the purpose of limiting or removing the ability of local authorities to exert influence over private registered providers through appointing or removing officers and exercising or controlling voting rights. For the avoidance of doubt, the definition of 'officers' under the act includes board members. Section 93(2) provides that any such regulations may in particular:
 - i. limit the number of officers a local authority may appoint
 - ii. prohibit a local authority from appointing officers
 - iii. confer powers on a private registered provider to remove officers appointed by a local authority
 - iv. prohibit a local authority from doing things that would result in it obtaining voting rights in a private registered provider
 - v. require a local authority to take steps to reduce or get rid of any voting rights that it has in a private registered provider.
- 2.21 Section 93(3) as drafted proposes that any such regulations *may* override or modify any contractual or other rights (wherever created) or anything in a private registered provider's constitution. This could mean that the contractual provisions written into the Transfer Agreement and the

protections set out in the company's rules (relating to the governance of the provider) could be overridden by the enactment of Section 93.

- 2.22 These provisions are not yet enacted. If, or when, such regulations are made, the council's protections relating to governance could be removed in their entirety. This would leave the council with no ability to influence or control the ability of the Parent to collapse the Company, along with the other eight registered providers in the Circle Anglia group, into one entity.

Impact on Stock Transfer Agreement

- 2.23 As outlined earlier in the report, if the transfer of engagements to Circle 33 were to go ahead the liabilities of Merton Priory Homes pass to Circle 33, and this includes the obligations agreed under the stock transfer.

- 2.24 There are three clauses in the Stock Transfer Agreement that require consent or consultation between MPH and the London Borough of Merton.

I. Paragraph 27 of Schedule 4 (the Deed of Covenant) requires MPH to obtain the council's consent (not to be unreasonably withheld or delayed) before changing the Company's status as a separate legal entity. This obligation is time limited. Council's consent will not be required after 22 March 2017.

A transfer of engagements may take place before this date, and so Circle ask for the council's consent to this.

II. Paragraph 12 of Schedule 4 requires MPH not to change its constitution in so far as it relates to local authority and tenant and leaseholder representation without the council's prior consent in writing (which in the case of tenant and leaseholder representation shall not be unreasonably withheld or delayed). There is no time limit on this provision.

As set out above the effect of a transfer of engagements from MPH to Circle 33 is to transfer this obligation to Circle 33. After Circle 33 has accepted transfers of engagements from the other eight housing associations in the group, it will be bound by the provisions of 10 separate stock transfer agreements. Circle note that it will not be possible to have representation from each of the local authorities at the Board level and therefore are asking each local authority with the benefit of a restriction regarding such governance arrangements to agree to vary the stock transfer so as to remove this provision after the transfer of engagements.

III. Paragraph 19 of Schedule 4 contains a commitment to consult the council if MPH intends to move its headquarters outside Merton. After a transfer of engagements this obligation would apply to Circle 33, whose headquarters would not be in Merton.

Circle initially requested to vary this clause so that it requires consultation if there is any proposal to move an existing office outside of the Borough of Merton, rather than the headquarters alone. Varying this clause, as initially proposed by Circle, would mean that Circle would only need to consult the council if they wished to move any of their offices outside the borough.

Following further discussion Circle have confirmed their commitment to retaining an office in the borough and have agreed that any variation should reflect that commitment. The exact wording of the variation is still to be finalised.

Merton community panel

- 2.25 Circle Housing are prepared to recognise the need for a local body to support and monitor the housing operations in Merton. With the planned disbandment of the MPH Board, they are proposing the creation of the Merton Community Panel. (see Appendix 1: Merton community panel draft terms of reference)
- 2.26 The Merton community panel is proposed to be a consultative panel established to support Circle Housing in monitoring the following in Merton:
- regeneration activity,
 - delivery of the housing and estates services,
 - development and delivery of the Group's Community Investment strategy
- 2.27 The panel shall consist of between 8 and 12 members, ideally (at full membership) 6 residents, 4 independents and 2 nominees from LBM. Employees shall not be members. The chair shall be an independent member appointed by Circle Housing. The panel may co-opt up to 3 (non-voting) co-optees, to fill temporary vacancies or to meet a skill gap on the Panel.
- 2.28 Circle propose that the panel shall continue for a period of 10 years or such shorter period as Circle Housing, with the consent of LBM, might reasonably determine having regard to the Panel's effectiveness. There will be a review at the end of each period of 2 years to consider the effectiveness, terms of reference, activities and membership. Any changes arises shall be with the consent of LBM.
- 2.29 Council Officers have worked with Circle Housing to review the terms of reference for the panel in order to ensure that any new structure ensures that the voice of residents is heard and that there is accountability for their performance. Agreement has been reached on all matters and the Terms of Reference will be included in the STA Deed of Variation.

Resident consultation

- 2.30 Circle commenced a 6 week period of resident consultation on 19 October 2016 for all MPH tenants and leaseholders. Circle note that the consultation

follows accepted HCA guidelines and was discussed with their tenant representatives.

- 2.31 The consultation document was sent to 9,500 MPH tenants and leaseholders and the consultation period closed on 30 November. There was also an online facility available, through Circle Voice.
- 2.32 Resident feedback to the consultation was low – 41 responses. 17 positive, 9 Negative and 15 Neutral. Circle have indicated that the low level of feedback has been consistent with consultation in other areas within the group, largely, Circle believe, this is because most tenants are concerned with rents, tenancy rights and service issues, none of which are impacted by changes to the legal structure.

Impact on regeneration

- 2.33 Circle have indicated that regeneration is dependent upon the completion of their resurgence plans.
- 2.34 Circle have made indications that the group cannot take forward financial plans for regeneration until resurgence has completed.

HCA Regulatory Notice

- 2.35 In December 2016 the regulator issued a notice that concluded that Clarion's predecessor organisation Circle Anglia Ltd (Circle) has breached the Home Standard and risked serious detriment to its tenants.
- 2.36 The main points were that the regulator received
- a large number of complaints and referrals in relation to the performance of the repairs and maintenance service provided to tenants of Circle Anglia Limited, particularly in east London
 - information in relation to the performance of Circle's customer contact systems and complaints in relation to those systems
 - information relating to Circle's performance on general statutory compliance
- 2.37 The regulator is considering what further action should be taken, including whether to exercise any of its powers. The full regulatory notice is attached as Appendix 2.

Factors for consideration when reaching decisions

- 2.38 Circle's review of their governance is identified by Circle as a driver for the Resurgence programme.
- 2.39 There is an agreed need for there to be a local voice and oversight of how a very large housing group performs operationally and delivers regeneration. The Community Panel which is specific to Merton, alongside the regional panel for south London, is intended to provide for this. The issue is whether the proposed terms of reference enable this panel to perform this function

adequately and whether there is accountability for their performance in Merton that provides a voice for residents.

- 2.40 Resurgence is a distinct set of plans specific to Circle Housing. It is not part of the merger with Affinity Sutton and was planned before the merger and the creation of the Clarion Group. Given the merger, the new organisation will be even bigger.
- 2.41 In discussion with Circle it is proposed to address these issues via the implementation of the Merton Community Panel. (Appendix 1 - Merton Community Panel Draft Terms of Reference)
- 2.42 Operational performance, especially on responsive repairs, is separate to these plans, but sets the backdrop against which the large group deliver improved performance. Currently a number of indicators are below target. MPH performance has been monitored at Sustainable Communities Overview and Scrutiny panel.
- 2.43 The HCA issued a Regulatory Notice to the Clarion Group dated December 2016 as it had concluded that the group's predecessor Circle Anglia Ltd had breached the Home Standard and risked serious detriment to its tenants. The regulator is considering what further action should be taken. The Regulatory Notice is attached as Appendix 2. Circle argue that this notice should not be taken to signify poor performance in Merton as the complaints came from elsewhere in London. However, we have been provided with no comparative figures from Circle Housing to compare performance.
- 2.44 The STA has a sunset clause to 22 March 2017 which requires the council's consent before changing the Company's status as a separate legal entity. However, there is no sunset clause regarding consent to change the Board's constitution in so far as it relates to local authority and tenant and leaseholder representation (and it could be argued that any changes to the board constitution by definition include such representation as it is embedded in the current arrangements). This council would retain the ability to block this after March 2017, subject to section 93 of the Housing and Planning Act being enacted.
- 2.45 The third STA amendment requested is to vary Schedule 19 Paragraph 4 to consult the council if they have any proposals to move an existing office outside of the borough, from the current obligation to consult the council if they propose to move the headquarters outside of the borough. Agreeing to this variation runs the risk of watering down the obligation to keep a housing office in the borough. Circle have subsequently confirmed their commitment to retaining an office in the borough and will ensure that the wording within the variation reflects this.

3. ALTERNATIVE OPTIONS

- 3.1 The council could decline to use its shareholder vote to support the amalgamation of MPH with Circle 33. The council's 33% share is in itself not enough to stop the plans. For the plans to be blocked by shareholders would require a minimum of one additional shareholder to vote against the plans.

- 3.2 The council could decline to sign off any amendments to the Stock Transfer Agreement before March 2017. The requirement for the council to consent to change MPH's status as a separate legal entity lasts until 22 March 2017. The council has no option to consent after this date on that particular clause.
- 3.3 The council's written consent is required for MPH to change its constitution in so far as it relates to local authority, tenant and leaseholder representation. If the council refused to give its consent they could face a challenge by Circle if the refusal was found to be unreasonable. However, this may also mean that Circle would need to agree an alternative mechanism for such representation in the new governance structure. The need to ensure appropriate representation is why the proposed Community Panel assumes such importance.
- 3.4 MPH are required to consult the council if they wish to move their headquarters outside of the borough. The council's consent is not required. However MPH are still obliged to maintain offices open to the public during normal office hours in the borough. This variation will be changed in order for Circle to seek the council's consent to move offices outside the borough rather than simply consult the council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 Circle Housing have completed a period of resident consultation between 19 October 2016 and 30 November 2016.
- 4.2 Circle note that the consultation is conducted in accordance with HCA Guidelines.
- 4.3 Officers have consulted with council nominees to the MPH Board.

5 TIMETABLE

- 5.1 Circle Housing are seeking to complete their Resurgence plans by the end of March.
- 5.2 A Special Shareholder meeting will be held following the February 2017 full council meeting.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 All obligations laid out in the Stock Transfer Agreement (with the exception of the three clauses referred to earlier) between MPH and LBM would remain in place and MPH's obligations would transfer to Circle 33.
- 6.2 There is no anticipated financial impact on the council.
- 6.3 Any property related contractual agreements between MPH and LBM would transfer to Circle 33 and LBM.

7. LEGAL AND STATUTORY IMPLICATIONS

7.1 The council's relationship with Circle is twofold, one as shareholder and the other a contractual relationship under the Stock Transfer Agreement. The advice in relation to the council's relationship under the Stock Transfer Agreement is set out below.

7.2 Under the Stock Transfer Agreement

7.2.i Paragraph 27 of Schedule 4 to the agreement. MPH promise for a period of 7 years from the 22 March 2010 not to change the Company's status as a separate legal entity within its group ... without the written consent of the council provided that during the last two years the council shall not unreasonably delay or withhold its consent.

MPH must obtain the council's consent to alter its status and the council must act reasonably in giving it.

'Reasonable' is very wide and can have different meanings. To simply say No would be unreasonable, the council should be able to show that it has considered the request and the decision they have come to is rational, reasonable, proportionate and balanced.

The council is able to withhold consent to a request from Circle until March 2017.

In the event MPH proceed without consent they will be in breach of contract and the council would be able to bring an action for breach of contract.

7.2.ii Paragraph 12 of schedule 4 of the Agreement. MPH promises not to change its constitution in so far as it relates to local authority and tenant and leaseholder representation without the council's written consent. There is no requirement in this clause for the council to act reasonably. There is a general implied duty to do so.

The council's written consent is required by MPH under the agreement to allow a change to be made. Failure to obtain it would leave MPH open to challenge by the council.

7.2.iii Paragraph 19 of schedule 4 to the Agreement requires MPH to consult with the council if they wish to locate their headquarters outside the borough. MPH are obliged to maintain offices open to the public during normal office opening hours in the borough of Merton.

MPH have a duty to consult with the council before they implement any changes. If they failed to do so the council would be able to challenge them.

Varying Paragraph 19 of Schedule 4, would allow MPH to move their offices outside the borough on consultation only. Their subsequent commitment to retain an office in the borough should be reflected in a legally binding agreement between the council and MPH to protect it.

The Housing and Planning Act 2016 came in to force in part on the 12 May 2016. Section 93 has not yet been enacted and it remains unclear when it will be. Section 93 is intended to reduce the influence a local authority has over private registered providers.

7.3 The council as shareholder.

- 7.3.i The council is a shareholder of the Company and has 33% of the voting rights. This provides the council with the ability to block any resolution which requires a 75% majority of shareholders to vote in favour of a resolution. This means the council has the ability to block any resolution to dissolve or wind-up the Company.
- 7.3.ii However, the council will not be able to block a resolution in relation to a transfer of engagements or an amalgamation, which only requires a two-thirds majority decision of the shareholders. The Rules provide that each of the council shareholder, the independent shareholders and the resident shareholders hold 33% of the voting rights each, with the Parent holding the additional 1%. To that end, it would be possible for the independent shareholders, the resident shareholders and the Parent to form the required majority to pass a resolution for the Company to transfer its engagements or amalgamate.
- 7.3.iii The council's powers as a shareholder may be reduced or removed if Section 93 of the Housing and Planning Act 2016 is enacted.
- 7.3.iv MPH Resident board members and Independent board members are all shareholders. Council nominated board members are not shareholders and it is "the council" that is the shareholder. Those board members act as nominees for the council.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 There is a need to ensure that proposed organizational changes are such that there is still a voice for local people.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 There are no crime and disorder implications anticipated.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

Risk assessment

- 10.1 No immediate financial risk. The obligations laid out in the STA will transfer from MPH to Circle Housing. Commitments will still need to be met by both parties.
- 10.2 Lack of a distinct organisational local voice.

Health and Safety Implications

10.3 No specific health and safety implications have been identified.

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

1. Merton Community Panel – Draft Terms of Reference
2. HCA Regulatory Notice – December 2016

**12. BACKGROUND PAPERS
NONE.**

MERTON COMMUNITY PANEL: TERMS OF REFERENCE

1. Background

1.1 Circle Thirty Three Housing Trust (known as Circle Housing) is a charitable registered provider of social housing, regulated by the Homes and Communities Agency. It is part of the Clarion Housing Group (“the Group”).

1.2 Circle Housing’s fundamental charitable purpose is the provision of housing and associated services for those in need, in particular the provision of social and affordable housing for rent and for sale to those unable to access market housing.

1.3 Stock within Merton was transferred in 2010 by the London Borough of Merton (“LBM”) to Merton Priory Homes which on [] transferred its engagements to Circle Housing.

2. Statement of Purpose

2.1 The Merton Community Panel is a consultative panel established to provide a local voice and to support Circle Housing in monitoring the following activity in Merton:

- 2.1.1 regeneration activity,
- 2.1.2 delivery of the housing and estates services,
- 2.1.3 development and delivery of the Group’s Community Investment strategy.

2.2 The Panel will be a source of intelligence for shaping and informing Circle Housing’s activities in Merton and act as a two way communication conduit between locally based Panel Members and the Circle Housing Board.

3. Key Areas of Activity

- Monitoring the role of Circle Housing in managing successful neighbourhoods in Merton, and, in partnership with the Regional Housing Director, advising on the operation of the local neighbourhood budget (covering issues not provided for under existing repairs and maintenance or neighbourhood management budgets);
- Overseeing the neighbourhood planning model; ensuring local issues are understood and addressed through service and asset management plans;
- Scrutinising landlord services, focussing on effective delivery and value for money, and including matters such as charges to tenants and leaseholders. In doing so, the Panel will maintain an effective dialogue with the Circle Housing Board, the Service Improvement Panel, and the Regional Panel
- Providing local engagement in helping to shape regeneration activity;
- Support Circle Housing in understanding local markets and opportunities for growth and in informing plans for investment in new affordable homes in the area;
- Promoting excellent local partnership working;
- Determining priorities for the allocation of the community investment budget in Merton, in line with the priorities set by the Clarion Foundation Trustees.

4. Duration and Meetings

4.1 The Panel shall continue for a period of 10 years or such shorter period as Circle Housing, with the consent of LBM, might reasonably determine having regard to the Panel’s effectiveness. There will be a review at the end of each period of 2 years to consider the

effectiveness, terms of reference, activities and membership. Any changes arising from such reviews shall be with the consent of LBM, where such consent will not be unreasonably refused.

4.2 It is anticipated that the focus of the Panel's activities will shift over time to concentrate primarily on regeneration activity within Merton.

4.3 It is expected that the Panel shall meet four times each year, with any changes being agreed by the Panel with Circle Housing.

5. Membership

5.1 The Panel shall consist of between 8 and 12 members, ideally (at full membership) 6 residents, 4 independents and 2 nominees from LBM. Employees shall not be members. The Chair shall be an independent member appointed by Circle Housing. The Panel may co-opt up to 3 (non-voting) co-optees, to fill temporary vacancies or to meet a skill gap on the Panel

5.2 All resident members must be tenants or leaseholders of Circle Housing and should live in the Merton area. It is intended that all independent members will either reside in or work in the Merton area, although it may be desirable to appoint independent members from outside in the area in some circumstances. It is intended that resident panel members will come from a representative range of areas and tenure types.

5.3 Panel members will be recruited and selected in accordance with the Group's policies, having regard to the skills, knowledge and experience required.

6. Membership Requirements

6.1 Resident members must not be in breach of their tenancy/lease nor be in legal dispute with Circle Housing for a period of 12 months prior to appointment and during their membership (and may be removed on written notice from the Company Secretary if they are). Membership is limited to one member per household at any one time.

6.2 Circle Housing will provide LBM with a statement of skills and experience necessary for its nominees. LBM shall use reasonable endeavours to nominate persons with the required skills and experience. Circle Housing shall be entitled, acting reasonably, to decline a nomination should the nominee not meet the required skills

6.3 Panel members shall be expected to comply with the Group's Code of Conduct and any other relevant policies, regulations or guidance. Circle Housing shall be entitled to remove a member after consultation with the Chair of the Panel should the member be in breach of such Code, policies, regulations or guidance.

7. Liaison and Escalation

7.1 The Panel shall be supported by the Regional Housing Director on operational issues and shall have an Executive Director sponsor who will lead on strategic issues.

7.2 Should the Panel consider that there is a significant service failure it can request that the matter be examined by the Circle Housing Board, which shall report back to the Panel in a timely fashion having regard to the nature of the issue referred.

December 2016

HCA Regulatory Notice

Registered Provider

Clarion Housing Group Limited (Clarion) (LH4087)

Regulatory Finding

The regulator has concluded that Clarion's predecessor organisation Circle Anglia Limited ("Circle") has breached the Home Standard and risked serious detriment to its tenants.

Circle no longer exists, having merged with Affinity Sutton to form Clarion in December 2016. Clarion has taken the responsibilities of the predecessor organisation and is responsible for addressing the issues in this notice.

The regulator is considering what further action should be taken, including whether to exercise any of its powers.

The Case

Over the period since April 2016, the regulator has received:

- a large number of complaints and referrals in relation to the performance of the repairs and maintenance service provided to tenants of Circle Anglia Limited, particularly in east London
- information in relation to the performance of Circle's customer contact systems and complaints in relation to those systems

- information relating to Circle's performance on general statutory compliance

During early 2016 the regulator had received assurance that the performance of Circle's emergency and urgent repairs service in east London, which had been the subject of a regulatory notice from April 2015, had improved significantly and was then at an adequate level. The regulator therefore removed the regulatory notice.

The referrals received after that point have related to a broad range of issues, including:

- performance of heating and hot water repairs services
- more general repairs and maintenance including, in some cases, services provided to vulnerable and potentially vulnerable tenants
- difficulties in contacting Circle to raise issues and complaints and perceived poor responses by Circle to complaints, leading to a very large number of complaints being outstanding for long periods of time. This followed Circle merging its customer contact operation into a single call centre and in parallel implementing a new customer relationship management IT system in June 2016

These referrals include a large number of what the regulator terms "statutory referrals" from councillors and MPs, as well as complaints from individual tenants. Collectively, they relate to hundreds of individual repairs issues raised by tenants, and hundreds of complaints about Circle's handling of repairs and accessing Circle's services. A high proportion of those complaints have been unresolved for long periods of time.

Circle provided information showing that it took action to improve the heating and hot water repairs service, including changing its contractor. It provided assurance in relation to compliance with statutory gas servicing requirements. It also set out the activities it undertook to understand and address issues both within its repairs service, and within the systems that enable its tenants and customers to contact it.

In the course of the investigation and in light of the referrals, the regulator has also sought to understand the position in relation to Circle's broader compliance with statutory requirements. Based on its own initial assessment, Clarion has set out a programme of work to enable its Board to gain assurance of compliance in ex-Circle stock across a range of statutory compliance requirements.

The Regulator's Findings

The regulator considered the case as a potential breach of the Home standard, which says:

1.2 Repairs and maintenance

Registered providers shall:

(a) provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time

The regulator has observed that:

- the referrals cover a very broad range of individual cases from the relatively minor to those classified as emergency/urgent,
- referrals have been made to the regulator from a wide range of sources and over an extended period of time
- referrals originate across an area of Circle's operations covering thousands of homes
- tenants affected include vulnerable people in some (though not all) cases
- poor performance of customer contact and handling systems has resulted in tenants facing significant barriers to reporting repairs
- as an apparent result, there is a very large number of complaints that have been outstanding for a long time

Considering the above, the regulator has concluded that Circle's repairs service failed to respond to the needs of tenants, and that Circle therefore breached part 1.2(a) of the Home standard. In light of the broad nature of the issues, the number of tenants affected and potentially affected, and the duration of the problems, the regulator has concluded this has had the potential to risk serious harm for Circle's tenants.

Conclusion

The regulator has concluded that Circle was not compliant with the Home standard and that there was potential for serious detriment to Circle's tenants.

Actions

Section 220 of the Housing and Regeneration Act 2008 states that the regulator's regulatory and enforcement powers may be used if a registered provider has failed to meet a standard under section 194 of the Act.

Clarion has acknowledged issues facing the repairs and customer relations service provided to affected tenants. It has put in place resources and structures to understand them properly and to improve the services, whilst acknowledging that resolving underlying causes may take some time. The regulator is liaising closely with Clarion as Clarion works systematically to understand and where necessary remedy service performance and compliance to gain assurance that it meets regulatory standards.

In light of this, the regulator will consider what, if any, further action it will take in relation to the breach of the standards.

December 2016

Committee: Council

Date: 1 February 2017

Wards: All

Subject: Approval of Pay Policy Statement and re-adoption of the Members' Allowances Scheme

Lead officers: Kim Brown, Interim HR Lead; Paul Evans, Assistant Director of Corporate Governance and Monitoring Officer

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officers:

Kim Brown, Interim HR Lead, kim.brown@merton.gov.uk;

Julia Regan, Head of Democracy Services, julia.regan@merton.gov.uk

Recommendations:

- A. That Council approve publication of the Pay Policy Statement for 2017/18;
 - B. That Council reconfirm the Members' Allowances Scheme for 2017/18 with a minor change to the section on approved duties, with effect from 1 April 2017.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 requires the Council to publish a pay policy statement and for the statement to be re-approved by Council each year.
- 1.2 The existing pay policy statement for 2016/17 was approved by Council on 3 February 2016.
- 1.3 The only amendments from the last year's version are to update the pay ratio data, and to add some commentary in relation to pending legislative changes. It is therefore proposed that the pay policy statement attached as Appendix A should be approved for 2017/18.
- 1.4 The report also recommends re-adopting the Members' Allowances Scheme with no change for 2017/18.

2 DETAILS

- 2.1. The pay policy statement for the year 2016/17, approved by Council, is currently published on the Council's website.
- 2.2. Council is required to re-approve the pay policy statement each year.
- 2.3. There has been no change in the council's pay policy, and the only changes in Chief Officers' pay has been as a result of the 1% national pay award from 1

April 2016, with a further 1% increase due on 1 April 2017. The only amendments from last year's version are to update the pay ratio data, and to add some commentary in relation to pending legislative changes.

- 2.4. A draft Pay Policy Statement for 2017/18 is attached at Appendix A.
- 2.5. In relation to the Members' Allowances Scheme the Council is required further to the Local Authorities (Members' Allowances) (England) Regulations 2003 to re-adopt its scheme of members allowances for the year 2017/18 and in doing so give due regard to the recommendations made by the report of the Independent Panel on the Remuneration of Councillors in London whose latest report was published in 2014.
- 2.6. The Independent Panel did not recommend any significant changes to the Scheme of Allowances which it approved in its report in 2006 and again in 2010. It recommended that members' allowances be pegged to the annual local government pay settlement.
- 2.7. Council is recommended to make a minor change to the section on approved duties within the Members' Allowances Scheme. At present there is a list at paragraph 8.12 setting out the bodies to which Council makes appointments. This list is out of date. In order to future-proof this section of the constitution, it is recommended to replace the list with text to read "Attendance at meetings outside the Borough, of committees, outside bodies and consultative groups to which Members are appointed annually by Council". The current and proposed text is set out in full in the legal implications section of this report.
- 2.8. Subject to the minor change set out in the preceding paragraph, Council is recommended to confirm its existing scheme of Member Allowances for 2017/18 and to retain the same level of allowances for 2017/18, thereby agreeing to not apply the local government pay settlement.

3 ALTERNATIVE OPTIONS

- 3.1. Publication of a Pay Policy Statement and member allowances are statutory requirements.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Any changes to the pay policy statement would be considered by the Council's Senior Remuneration Panel prior to submission to Council.

5 TIMETABLE

- 5.1. The Pay Policy Statement must be approved by Council for publication from 1 April 2017 on the Council's website.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There is provision in the draft MTFS for 2017-21 for an increase in the budgeted cost of salaries and Members' Allowances. These provisions will be kept under review each year.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Publication of the Pay Policy Statement and annual re-approval by a meeting of the full council is a statutory requirement under the Localism Act 2011.
- 7.2. Guidance was issued to authorities in 2011 to accompany the Localism Act, and revised 'final supplementary guidance' was issued by the DCLG in late February 2013. The required changes were addressed in the 2013/14 Pay Policy Statement and in subsequent years.
- 7.3. Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires re-adoption of the scheme. Before making or amending its allowances scheme, the Council is required, by Regulation 19, to have regard to the recommendations of an Independent Remuneration Panel.
- 7.4. Section 8 of the Members Allowance Scheme on Approved Duties currently has a list of outside bodies at paragraph 8.1.2 that is out of date, with some defunct bodies and included and other bodies to which Council appoints Members not included. Section 8 currently reads:

APPROVED DUTIES

8.1 Approved duties for the purposes of claiming travelling or subsistence allowances are defined below:

8.1.1 Representing the Council outside the borough in response to a formal invitation for member attendance.

8.1.2 Attendance at meetings of the following bodies, outside the Borough:

Association of London Government

Ethnic Minority Centre

Greater London Authority, or properly constituted organisations affiliated to the GLA where the Member is the Merton representative

Greater London Joint and Whitley Councils

Housing organisation, mobility and exchange services

Local Authorities Mutual Investment Trust

Local Government Association

Local Accident Prevention Council

London and South East Library Region

London Recycling Forum

London Research Committee

London Waste Regulation Authority

London Youth Games

Merton and Morden Guild of Social Services

Merton Arts Council

Merton Association for Disabled People

Merton and Sutton Joint Cemetery Board
Merton Voluntary Service Council
National Joint Councils
National Playing Fields Association
North East Surrey Crematorium Board
South West London Probation Committee
Standing Conference on Racial Equality in Europe
Territorial Auxiliary and Volunteer Reserve Association for Greater London

- 7.5. In order to future-proof this section it is recommended that Council agree to replace paragraph 8.1.2 with the following wording – “Attendance at meetings outside the Borough, of committees, outside bodies and consultative groups to which Members are appointed annually by Council”

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The intention of the pay policy measures in the Localism Act is to improve transparency of decision making, particularly in relation to top earners in the organisation.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None

10.0 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None. .

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix A – draft pay policy statement for 2017/18.

12 BACKGROUND PAPERS

- 12.1 None

LONDON BOROUGH OF MERTON
2017/2018
Pay Policy Statement

1. Introduction

- 1.1 The Council is committed to transparency of pay, and best value for money to residents in terms of the pay bill to the workforce and quality of services provided to residents. This statement is required under the provisions of the Localism Act 2011.

We monitor the Council's benchmark position regularly in London utilising data sets from London Councils, and in particular the annual chief officers' salary survey. This information is used when reviewing pay and grading structures, in combination with data on turnover, recruitment and retention.

- 1.2 This pay policy statement sets out: the Council's current position in the labour market and pay benchmarking, pay ratios, the current pay structure and arrangements, dealing with data transparency and senior officer termination payments.

2. Pay benchmarking

- 2.1 In terms of the senior pay benchmarks derived from the London Councils database we know the Council is positioned in the bottom quartile for senior pay for the 32 boroughs, and in a number of cases pays the lowest rate in the whole of London. Our overall pay rates below chief officer-level broadly mirror the median for Outer London Local Authorities.
- 2.2 The pay benchmarks are reviewed annually to ensure the Council continues to provide good value for money and that senior managers are not paid in excess of local, regional and national labour markets, as appropriate to the job.

3. Pay ratios and Fair Pay in the Public Sector

- 3.1 The Council has a pay ratio of 1:11 between the lowest and highest paid employees, conforming to CIPD research evidence that the average ratio in Local Government in England is 1:10. It should be noted this is well within the ratio level of 1:20 that was established for the Hutton Fair Pay Review (March 2011) to consider.
- 3.2 Merton uses job evaluation to determine an employee's grade and the rates within the grade are determined through national bargaining. The minimum rate of pay for NJC employees from 1 April 2017 of £17,961 per annum is based on the nationally determined minimum spine point rate. Merton operates a London Living Wage guarantee which ensures staff receive at least the London Living Wage from 1 April each year. The minimum NJC rate of pay at 1 April 2017 exceeds the London Living Wage. See paragraph 4.1 below for more detail on how we determine grades.

- 3.3 The Council ensures senior managers are required to demonstrate they are performing to appraisal objectives in order to qualify for incremental pay increases and this pay policy system conforms with the recommendations from the Hutton Fair Pay Review that senior managers' pay includes an element of 'earn back'.
- 3.4 As well as comparing with the lowest paid we also make comparison with the median (recommended in the Government's transparency guidelines). The ratio of the Chief Executive's pay to median employee salary is 1:7. The Hutton report suggested the ratio for the FTSE top 250 private sector companies was 1:38.
- 3.5 The average full-time salary for males employed by the Council is £28,316 a year, and the average full-time salary for females is £28,689 a year. The basic pay gap between male and female pay is -£373 (-1.3%) i.e. females earn on average more than males. The government is finalising guidance on the calculation method for statutory publication of the gender pay gap, from 1 May 2017. For future years this pay gap information will be published on our website alongside this Pay Policy Statement and updated at 1 April each year.

4. Current pay structures and arrangements

- 4.1 The Council operates:
- The Joint National Council (JNC) for LA Chief Executives, and the JNC for LA Chief Officers pay agreement arrangements &
 - The National Joint Council (NJC) Greater London Provincial Council (GLPC) Outer London pay agreement for most posts below Management Grade (MG), and applies the GLPC job evaluation scheme for jobs up to grade ME16. Job evaluation objectively establishes the relative size/value of posts whereas the pay/grade relationship ('price tag') is agreed by the Council with reference to GLPC benchmark guidance. The pay and grading structure below chief officers and Management Grade (see 4.3 below) currently allows for time-served incremental progression on an annual basis up to the grade maxima.
- 4.2 Some other employees are paid on nationally determined pay scales such as: Soulbury, Youth & Community, Teachers, Craft Workers and local conditions.
- 4.3 Senior managers, on grades MGA to chief executive grade are placed on grades with incremental progression on an annual basis. Progression through the grade is dependent upon satisfactory performance. Job evaluation for chief officers and managers above ME16 is conducted using the Hay job evaluation scheme.
- 4.4 Senior staff receive no performance-related pay or bonuses. They contribute from 8.5% up to 12.5% of their salary to the local government pension scheme and Merton's employer contribution to the pension fund for all contributing members is 13.9%. The employer contribution will change after the tri-annual evaluation. In some years the Chief Executive also receives

election expenses when general, local or European elections occur. Annual cost of living increases are determined nationally.

- 4.5 All matters relating to senior pay, including the chief executive's appraisal setting and assessment is dealt with by the Council's senior remuneration panel comprising of the three party leaders, chaired by the Leader of the Council for the administration at which the salary package is considered and recommended for approval. Salary packages over £100,000 are also reported to full Council for approval.
- 4.6 The Council applies the NJC and Chief Officers pay awards. All staff covered by these conditions of service received a 1% pay award from 1 April 2016 as part of a national 2-year pay agreement, with pay due to increase by a further 1% from 1 April 2017.
- 4.7 Any proposed changes to the pay and grading structure are subject to an Equality Impact Assessment to assess the likely impact of the changes. We conducted a full Equal Pay Audit in 2006, which found no significant issues, and we conduct further smaller audits on a periodical basis.

5. Transparency arrangements

- 5.1 The Council via its Internet site:
- publishes all senior employee salaries with: names, title, salary band and information including job descriptions that will cover span of control and managerial responsibilities.
 - publishes on an annual basis via its website a schedule of all council employees earning £50,000, or more, in accordance with the recommended code of practice for data transparency.
 - publishes structure charts on the Council's website as recommended by the government code of practice for data transparency.
 - publishes this policy via the Council's website
- 5.1 In the event that there are changes in an employee's salary (including market supplement) which results in a salary increase to £100k during the year; this package needs to be recommended by the remuneration panel and approved by full Council. Once agreed by full Council the details of the individual and post will be published including: name, title, salary band and information including job description that will cover span of control and managerial responsibilities.
- 5.2 The Chief Executive's remuneration, that of the Directors, and any officer earning over £100k, is already the subject of a published statement on the Council's website. Such levels of remuneration are subject to the Council's senior remuneration panel consisting of the three different political party leaders (see 4.5 above). Other salary and budget information is published in the annual statement of accounts, also available from the Council's website. The Chief Executive's appraisal objectives (priorities) are also published on the website here:
<http://www.merton.gov.uk/council/departments/chiefexecutive.htm>

- 5.3 For any new appointment where the salary is £100k per annum or more approval should be obtained from full Council prior to the appointment being made (in practical terms the agreement would be sought at the start of the recruitment process).

6. Termination payments

- 6.1 For Chief Officers, termination payments are reported to the General Purposes Committee and the rationale for such termination arrangements for these matters are approved by members of the Council. From April 2013 all severance packages over £100,000 are reported to full Council for approval. Pending statutory changes will further limit severance packages and introduce arrangements to recover payments should the person return to work in the public sector.
- 6.2 We will continue to review and publish our policy on the exercise of discretions under local authority regulations covering compensation for early termination of employment, redundancy and pension enhancements. We are currently considering our policy on the remuneration of chief officers who return to a local authority.

Committee: Full Council

Date: 1 February 2017

Wards:

Subject: Recruitment for Director of Community and Housing

Lead officer: Ged Curran Chief Executive

Lead members: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance, and Councillor Tobin Byers, Cabinet Member for Adult Social Care and Health

Contact officer: Kim Brown HR Lead, kim.brown@merton.gov.uk

Recommendations:

- A. To agree to commence a recruitment campaign for the post of Director of Community and Housing in accordance with Section 6A (1)) of the Local Authority Social Services Act 1970 as the current post holder will be retiring by end July 2017.
 - B. To approve an appointment to the post of Director of Community and Housing within the current Merton Director salary range of £120,561 to £136,351. As the Directors' salaries exceed £100,000 per annum, under the Localism Act approval has to be sought from full Council.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The post of Director of Community and Housing covers a statutory role as per Section 6A (1) of the Local Authority Social Services Act 1970 which requires the Council to have a nominated director of adult social care. The current postholder will be taking retirement in July 2016 and a replacement director of adult social care needs to be recruited in order to comply with legislation.
- 1.2. The role is a challenging one whereby the post holder is required to have complex specialist skills and be able to lead in an ever changing environment such as Local Government.
- 1.3. The current Merton Director pay scales range from £120,561 to £136,351 and recruitment advice is that we would not be able to find a suitably qualified candidate below these pay rates. These salaries will be increased by 1% from 1 April 2017 following a nationally determined pay award.

2 DETAILS

- 2.1. Merton's current Director of Community and Housing is taking retirement in July 2017.
- 2.2. The Council is required to have a post covering the role of director of adult social services as per Section 6A (1) of Local Authority Social Services Act

1970, therefore a replacement needs to be recruited in order to comply with legislation.

- 2.3. The recruitment campaign for the post of Director of Community and Housing is to be handled by GatenbySanderson. The recruiters have provided evidence of their track record of successfully recruiting to senior Adult Social Care roles.
- 2.4. The Director role is a challenging one, and requires the post holder to have certain specialist skills and experience to enable them to provide high quality services to the residents of the borough. The job description and person specification is attached at Appendix 1
- 2.5. Further to advice from GatenbySanderson about the salary for the Director of Community and Housing, it is proposed that the Director's vacancy is advertised at a salary in the range of £120K - £136K, i.e. the existing range for Directors at Merton of £120,361 to £136,351 noting a 1% nationally determined pay award will apply from 1 April 2017. This is consistent with the market for broadly similar director level posts in London. Actual salary on appointment will be dependent on the experience of the candidate.

3 ALTERNATIVE OPTIONS

- 3.1. The Director of Community and Housing is also the designated Director of Adult Social Services as per Section 6 (A1) of the Local Authority Social Services Act 1970. The Director of Adult Social Services is a statutory officer and the Council has a duty to appoint to this post. Therefore there is no alternative option other than to recruit a replacement.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None

5 TIMETABLE

- 5.1. If approval is given, the advert will appear in The MJ on Thursday 2nd February 2017 and in the National Guardian on Wednesday 8th February with a closing date of 27th February. Longlisting will take place on 6th March, preliminary interviews with a technical assessor week beginning 13th March, and shortlisting on 21st March with the final AAC panel (Appointments Advisory Committee) taking place on Wednesday 29th March.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The 2017/18 salary budget allocation including on-costs for the Director of Community and Housing post £152,840 to £173,000
- 6.2. GatenbySanderson's search fee is £14,950 which is payable in three instalments, 50% at the start of the campaign, 30% at handover stage and the final 20% on appointment. Additional costs include £1,000 to have a dedicated microsite to show case Merton and the opportunity to potential

candidates. Media costs include £3,250 for a quarter page full colour advert in The MJ. We can advertise in the National Guardian as part of an existing advertising contract and therefore no cost is attached to this.

- 6.3. Additional costs will include the day rate of the technical assessor and any selected psychometric assessments, both of which will be charged at cost.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. This post is covered by the Employee Procedure Rules (part 4H) of the constitution. The Appointments Committee is responsible for appointing to the Director's post. Once the recruitment process is completed in accordance with the Council's recruitment procedures an offer of appointment cannot be made by the Appointments Committee until the Committee has notified the Chief Executive of the name of the person to whom the Committee wishes to make an offer. The Chief Executive is then to notify the details to every member of the Cabinet. The appointment will only be made where no material or well-founded objections from the Cabinet have been received. Committee should therefore build this process in the recruitment planning.
- 7.2. In all other respects the process must comply with the Council's recruitment procedure.
- 7.3. As with all appointments of officers and staff, the appointment must be made on merit in accordance with section 7 of the Local Government and Housing Act 1989.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.
- 8.2. It is unlawful to discriminate on grounds of any of the protected characteristics referred to in the Equality Act 2010, including gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an intention to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment methods used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the effect is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None

- 10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**
- 10.1. The Appointment Committee will be invited to satisfy itself that the procedures operate as designed.
- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- 11.1 Appendix 1 - Job description and person specification.
- 12 BACKGROUND PAPERS**
- 12.1. None

LONDON BOROUGH OF MERTON
COMMUNITY & HOUSING DEPARTMENT
JOB DESCRIPTION

POST TITLE: DIRECTOR OF COMMUNITY & HOUSING

Grade: Director's Grade

DIVISION/SECTION: Director's Office

Location: Civic Centre

Responsible to: Chief Executive

Responsible for: Adult Social Care Services; Housing Policy; Housing Services; Libraries & Heritage; Merton Adult Education; Public Health and such other matters as may be added or changed from time to time.

Post number: To be confirmed

Date: 24 January 2017

1. MAIN PURPOSE

- To ensure the development, implementation and evaluation of Community and Housing strategies that are responsive to patterns of local need and are sufficiently dynamic to respond to changes in governmental direction and legislative change.
- To manage the provision of quality services that reflect the Authority's core values.
- To participate in the corporate management of the Authority.
- To act as the designated "Director of Social Services" in pursuance of the Local Authorities Social Services Act 1970 for adult social care.

2. MAIN DUTIES AND RESPONSIBILITIES

Generic

- To participate in the corporate management of the Authority and to contribute to the preparation of both short and medium term plans for the Authority in close co-operation with others as required.
- To evaluate the performance of the Department against stated objectives, developing performance measures and ensuring feedback to staff on the department's performance in meeting targets and objectives.
- To ensure the development of a departmental organisational structure that meets changing service needs. To promote sound departmental management practices and to be responsible for the effective recruitment and retention, motivation and development of staff within in effective industrial relations climate.
- To ensure the development of effective working relationships between the department and others across the Council. To lead, and participate actively in inter-departmental working groups, as required.

Specifics

- To provide accurate and timely advice to the Council, its committees, elected members, the Chief Executive and Directors, on developments and trends in the areas of Adult Social Care Services and Education; Libraries & Heritage and Housing and all matters relating to the strategic planning of those services and their resourcing.
- To develop, implement and evaluate policies and programmes for cost-effective, high-quality Adult Social Care and Education; Libraries & Heritage and Housing services which accord with the Council's policy objectives and meet both statutory and local needs.
- To ensure the development, monitoring and management of both capital and revenue budgets for Community and Housing services, maximising partnership arrangement, external funding opportunities and income generation as appropriate.
- To ensure that services are developed in close consultation with local health authorities and other agencies and that the local community and special interest groups are consulted on service and policy development. To promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility.
- To represent the Authority to external agencies such as Government Departments, Local Authority Associations, the Housing Corporation & Housing Associations, Health Authorities and Hospital Trusts, Service users, elected members, professional associations, private sector

developers, etc and to develop effective relationships to advance the Council's community service objectives.

- To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.
 - To act as nominated deputy in the absence of the Chief Executive and to undertake any other duties as directed by the Chief Executive.
3. The duties, roles and responsibilities of the post and the methods of working may be amended from time to time by the Chief Executive.

LONDON BOROUGH OF MERTON

COMMUNITY & HOUSING DEPARTMENT

PERSON SPECIFICATION

POST TITLE: DIRECTOR OF COMMUNITY & HOUSING

Grade: Director's Grade

Date: 24 January 2017

1. Knowledge

- Educated to degree level and/or full relevant professional qualification, with evidence of continuous professional development.
- An understanding of the legislative framework governing the work of the department. Understanding of the current issues facing the provision of social services and housing/education services impacting on service delivery within an urban, multi cultural environment.
- A clear understanding of the workings of local government and the wider environment in which it operates.

2. Skills

- Ability to demonstrate a clear vision of the future for Local Authority environment and regeneration services and the challenges facing those services in the short and medium term.
- Well developed analytical skills and proven ability of setting/achieving strategic objectives through performance management and of evaluating and achieving service quality.
- Ability to communicate effectively, negotiate and network through highly developed written, oral and presentation skills.

- Ability to develop innovative solutions whilst maintaining continuity of services through setting of clear goals/targets.
- Ability to lead, motivate and enthuse individuals and teams within a rapidly changing environment.
- Ability to work effectively within a political environment and to manage the member/officer interface.
- Commitment and ability to implement the Council's Equal Opportunities policies in employment and services.
- Commitment to working in partnership with a wide range of bodies both internally and externally.

3. Experience/Training

- Significant senior management experience in the provision of social services and experience of housing and/or educational services for adults within a multi-racial urban community. Experience of participation at senior management level in the corporate affairs and decision making of a large complex organisation.
- A successful track record and background of consistent achievement at senior management level (second tier or above) in a local authority or other large complex organisation.
- Evidence of involving communities, users and carers in service development and the evaluation of service quality.
- Experience of managing, motivating and developing a multi-disciplinary workforce and harnessing the talents of employees at all levels.
- Experience of successfully leading management of change within a service setting.
- Experience of working in co-operation and partnership with a wide range of internal and external bodies including statutory agencies/organisations.
- Experience of having successfully managed substantial budgets through rigorous control procedures, as well as delivering budget options within a corporate framework.
- Experience of establishing and implementing business planning processes and performance management systems to ensure appropriate and cost effective service delivery.

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Committee: Council

Date: 1 February 2017

Wards: All

Subject: Calendar of meetings 2017 - 2018

Lead officer: Paul Evans, Assistant Director of Corporate Governance

Lead member: Deputy Leader and Cabinet Member for Finance

Contact officer: Susanne Wicks, Senior Democratic Services Officer, 020 8545 3616, democratic.services@merton.gov.uk

Recommendations:

1. That Council agree the calendar of meetings for the municipal year 2017-18.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To propose a calendar of meetings for Council bodies for 2017-18.

2 DETAILS

- 2.1. The calendar is set out in Appendix A to the report.

3 ALTERNATIVE OPTIONS

- 3.1. The Council can make whatever arrangements it sees fit in respect of the calendar within the legal constraints set out below. The Council should also have regard to audit and accounting requirements in respect of submission of the Annual Governance Statement by the end of June in each year and the approval of the Final Accounts by the end of September in each year.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The Leader has been consulted in respect of the executive meeting schedule. The chairs of the Overview and Scrutiny Commission and the Scrutiny Panels have been consulted in respect of the scrutiny schedule. Chairs of other committees have also been consulted. Group offices and leaders have been consulted and their comments taken into account where possible.

5 TIMETABLE

- 5.1. The calendar contained in Appendix A covers the period from immediately after the 2017 Annual meeting up to and including the Annual meeting 2018.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. In borough election years the Council must hold its annual meeting between 12 and 25 days after the election. In other years the annual meeting must be held in March, April or May.
- 7.2. The Council must hold a meeting to agree its budget by 11 March in each year.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Publishing a calendar of meetings in advance is important in giving people information about when the Council proposes to do its business and take decisions which affect the community and individuals.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. It is important for the proper discharge of the Council's duties that a proper framework for decision making is established including the scheduling of meetings in advance to allow for business reports to be properly prepared for decision making bodies.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – calendar of meetings for 2017-18.

12 BACKGROUND PAPERS

- 12.1. None

	2017-18	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18
COUNCIL														
Annual (2)	17													23
Ordinary (5)			12			13		22			7			
Council budget (1)											28			
EXECUTIVE (inc LSG)														
Cabinet (11)	17	5	3			18	16	13	11	15	19	26		23
LSG (9)	22	19				4	2 & 30	27		3 & 29		12		
SCRUTINY														
Overview and Scrutiny Commission (6)			6			20		15		25 & 31		21		
Healthier Communities and Older People OSP (6)		27				6		7		11	2	13		
Children and Young People OSP (6)		28					10	8		17	1	14		
Sustainable Communities OSP (6)		8				5		2		10	21	20		
NON-EXEC & ADVISORY														
Standards and General Purposes Committee (4)		29				7		9				15		
Borough Development Plan Advisory Committee (3)						11		30				14		
Licensing Committee (3)		13					11				20			
Planning Applications Committee (12) Thurs	25	22	20	17	21	19	16	14	14	18	22	22	26	
OTHER														
Wimbledon Forum (4)		21			28				5			1		
Raynes Park Forum (4)		15			14				7			8		
Morden Forum (2)							12			24				
Mitcham Forum (2)							18			23				
Colliers Wood Forum (1)							5							
Heritage Forum (2)							17							
JCC (4)		7			11				6			7		
JOINT COMMITTEES														
Health and Well-Being board (5) Daytime (3pm) Tues		20			19			28		30		27		
South London Waste Partnership Joint Committee * (4)														
Joint Regulatory Services (3) Daytime 10am **		6					10				6			
Final budget round meetings in bold														

* TBC with host authority
 **TBC with LB RUT

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Committee: Council

Date: 1 February 2017

Wards: All

Subject: Proportionality and Appointments to Committees

Lead officer: Paul Evans, Assistant Director of Corporate Governance

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Susanne Wicks, Senior Democratic Services Officer, 020 8545 3616, democratic.services@merton.gov.uk

Recommendations: That Council

- A. Approve the allocation of seats to political groups, as detailed in Appendix A to the report.
 - B. Approve the appointment of nominees to those seats as detailed in Appendix B to this report.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report is presented in the context of the recent resignation of a member from the Conservative Group, leading to a change in the allocation of seats to the groups represented on the council, in accordance with the principles of proportionality.
- 1.2. Council must allocate the requisite number of seats to each of the groups and approve the appointment of nominees to those seats.

2 DETAILS

- 2.1. Councillor David Dean resigned from the Conservative Group on 6 January 2017, and is now non-aligned to a political group.
- 2.2. The allocation of seats to committees has been recalculated to reflect this change and is attached at appendix A.
- 2.3. The Conservative group have suggested nominations for seats to be allocated to Councillor Dean as attached at Appendix B. The nominations must be either ratified or amended by Council.

3 ALTERNATIVE OPTIONS

- 3.1. The Council has a statutory duty to review the representation of different groups on the Council in order to ensure that a political balance is secured on council committees, sub-committees, etc. to reflect the political composition of the Council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Political groups are advised of the seat allocations due to them and have been invited to make appointments to those seats.

5 TIMETABLE

- 5.1. Subject to Council approval, the proposed changes will take immediate effect.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Housing and Local Government Act 1989 contains provisions relating to the political balance on committees, the duty to allocate seats to political groups and the duty to give effect to allocations.
- 7.2. The Council has a statutory duty to review the representations of different political groups on the Council in order to ensure that a political balance is secured on council committees so as to reflect the overall political composition of the council.
- 7.3. The requirement to allocate seats must be made in accordance with the following statutory principles:
- a) All of the seats are not to be allocated to the same political group.
 - b) The majority of the seats must be allocated to the political group with a majority on the Council.
 - c) Subject to the two principles listed above, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to that on full Council.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- A. Allocation of seats on committees.
- B. Proposed nominations for seats allocated to Councillor Dean.

12 BACKGROUND PAPERS

- 12.1. None.

Parties	Labour	Con	MPIR	LD	NA
Seats	36	19	3	1	1

Total councillors 60

Total in groups 60

Committees subject to Statutory proportionality		Seats	Allocations actual				Variation seats
Scrutiny committees			Labour	Con	MPIR	LD	NA
Commission		10	6	3	1	0	0
Healthier Communities		8	5	3	0	0	0
Children and Young People		10	6	3	1	0	0
Sustainable Communities		8	5	2	1	0	0
JHSC		2	1	1	0	0	0
Committees							
Appointments		10	6	3	0	1	0
Licensing		12	7	4	1	0	0
Licensing misc		12	7	4	1	0	0
Planning		10	6	2	1	0	1
Standards and General Purposes		12	7	4	0	1	0
Appeals		6	4	1	0	0	1
Advisory Committees established by the Council							
Pension Fund AC		3	2	1	0	0	0
Borough Development Plan AC		6	4	2	0	0	0
JCC		5	3	2	0	0	0
CADAP		5	3	2	0	0	0
Member School Standards Panel		3	2	1	0	0	0
Total seats		122	74	38	6	2	2
Total rounded		122	Total allocated				122
Variation		+	Variation				+

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COMMITTEE	LABOUR	CONSERVATIVE	MERTON PARK INDEPENDENT RESIDENT WARD	LIBERAL DEMOCRAT	NON ALIGNED
PLANNING APPLICATIONS COMMITTEE (10 seats, substitutes allowed)	6 seats Cllr Linda Kirby (Chair) Cllr Abigail Jones Cllr Philip Jones Cllr Andrew Judge Cllr Geraldine Stanford Cllr Imran Uddin Substitutes: Cllr Laxmi Attawar Cllr Joan Henry	2 seats Cllr John Bowcott (Vice Chair) Cllr Najeeb Latif Substitutes: Cllr Stephen Crowe Cllr Daniel Holden	1 seat Cllr Peter Southgate Substitute: Cllr John Sargeant	0 seat	1 seat Cllr David Dean
APPEALS COMMITTEE (6 seats, no substitutes)	4 seats Cllr Stephen Alambritis (Chair) Cllr Mark Allison Cllr Sally Kenny Cllr Martin Whelton	1 seat Cllr Oonagh Moulton	0 seat	0 seat	1 seat Cllr David Dean

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Committee: Council

Date: 1 February 2017

Subject: Changes to Membership of Committees and related matters

Lead officer: Ged Curran, Chief Executive

Contact officer: Susanne Wicks, Senior Democratic Services Officer, 020 8545 3357

democratic.services@merton.gov.uk

Recommendations:

1. That the Council notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks Council note changes made to committee membership under delegated authority since the publication of the agenda for the Council meeting held on 23 November 2016.

2 DETAILS

- 2.1. The following membership changes have been made under delegated authority in accordance with section 1.4 of part 3F of the Constitution:

Committee	Member resigning	Replaced by	Date
Overview & Scrutiny Commission	Cllr Hamish Badenoch	Cllr John Bowcott	30.11.16
Overview & Scrutiny Commission	Cllr Suzanne Grocott	Cllr Najeeb Latif	30.11.16
Standards and General Purposes Committee	Cllr Marsie Skeete	Cllr Mike Brunt	07.12.16
Standards and General Purposes Committee	Cllr Mary Curtin	Cllr Martin Whelton	12.12.16
Overview & Scrutiny Commission	Cllr John Bowcott	Cllr Hamish Badenoch	20.12.16
Overview & Scrutiny Commission	Cllr Najeeb Latif	Cllr Suzanne Grocott	20.12.16
Appeals Committee	Cllr Najeeb Latif	Vacancy	18.01.17
Overview & Scrutiny Commission	Cllr Mike Brunt	Cllr Imran Uddin	24.01.17

3 CONSULTATION UNDERTAKEN OR PROPOSED

- 3.1 None for the purposes of this report.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

4.1. None for the purposes of this report.

5 LEGAL AND STATUTORY IMPLICATIONS

5.1. The information regarding membership changes in this report complies with legal and statutory requirements. Council is required to accept nominations made by political groups.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1. N/A

9 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

9.1 None.

10 BACKGROUND PAPERS

Documents from the authorised officer confirming approval of the membership changes agreed under delegated authority.

Committee: Council

Date: 1 February 2017

Subject: Petitions

Lead officer: Paul Evans, Assistant Director, Corporate Governance.

Lead member: Leader of the Council, Councillor Stephen Alambritis.

Contact officer: Democratic Services, democratic.services@merton.gov.uk

Recommendation: That Council

- 1) Receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution; and
 - 2) Note the response given by officers in respect of the petitions presented to the Council meeting held on 23 November 2016.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report invites Council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.

2 DETAILS

- 2.1. At the meeting held on 14 September 2016, Council received five petitions as detailed below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.
- 2.2. A petition was submitted by Councillor Charlie Chirico regarding a dropped kerb outside 69-71 Craven Gardens.

Officer response

- 2.3 Craven Gardens had many complaints and we responded to each complainant. Every Property owner has a right to access their property and to park a motor vehicle within the property curtilage. The requirement for a legally constructed vehicle crossover comes into play where the use is classed as habitual.
- 2.4 All applications received are assessed against the councils approved criterion and where they meet those criterion a crossover can be constructed at the applicants full cost. Where this affects a Controlled Parking Zone a Public Consultation is undertaken. This invites the public, by way of yellow public notice on site and notices in the local paper and London Gazette, with Ward Members notified as well.
- 2.5 In this case the property did not meet the minimum criteria for a motor car crossing but the applicant does use a motorcycle every day. Due to the abuse of early motorcycle crossings the current construction must include two protective posts and the droppers (Angled Kerbs) are 0.4 l/m, total width of the crossover is no more than 2.4m including the dropped Kerb sections. The loss of on street parking is reduced by one bay to accommodate the access.
- 2.6 No objections were received prior to the construction.

- 2.7 A petition was submitted by Councillor Hamish Badenoch regarding a request by residents of Heights Close, SW20 not to have wheelie bins.

Officer response

- 2.8 The wheelie bin service is due to be implemented in October 2018. Given the operational challenges presented at Heights Close a joint inspection with our contractor will be undertaken in order to ascertain the most efficient collection service methodology.
- 2.9 It is recognised that the approach to waste collection cannot necessarily be a “one size fits all” approach and that different container types and sizes will need to be appropriate for the property type. However, in order for collection processes to be as lean and efficient as possible standardisation will be required and any variation from the standard process would require justifiable reasons. Acceptable criteria to vary from the “norm” should be agreed in advance of any service being rolled out.
- 2.10 For properties such as terraced housing where there are no front gardens in which to present the wheelie bin, the blue and purple sack collection will be retained with the revised frequency of collection. Maisonettes will need to be reviewed on a case by case basis as many maisonettes have side access and front gardens suitable to store the wheelie bins. Where this is not the case then different arrangements will need to be agreed.
- 2.11 A petition was submitted by Councillor Oonagh Moulton regarding a request for traffic calming on Wellington Road.

Officer response

- 2.12 The petition has been considered and the Council’s initial response is:
- 2.13 The Council takes safety very seriously and has an annual local safety programme. Rat running, perceived danger and excessive speed / volume of traffic are problems in a number of roads throughout the borough and regrettably due to insufficient funds and resource it is not possible to address them all. Due to limited available resource and funding and high demand for similar action that outweigh the available funding, it is necessary to consider action that is evidence based, for example by giving first consideration to those areas with recorded personal injury accidents and areas immediately outside schools. As part of our annual Local safety programme, all recorded accidents are investigated prior to drawing up implementation proposals. Having undertaken this process for this financial year, I can confirm that Wellington Road has not been identified as an area requiring engineering intervention.
- 2.14 However, following requests from one of the ward councillors, Wellington Rd has been assessed on a number of occasions. With parking on both sides of the road, it is a relatively narrow road that allows only one lane of traffic flow at any one time. It is not a through route or a rat run and accommodates low volume of traffic. Sightlines are not compromised as it is also a very straight road without any junctions. In the absence of any speed data, it is not possible to comment on speed and although it is appreciated there may be a perception of speed, it would be very difficult for motorists to travel at excessive speed particularly given that the only motorists within this road are residents, their visitor and the local business based at the bottom of the road.

- 2.15 Funding and other priorities aside, other factors that have also been considered include the fact that the most effective speed reducing features are road humps; however these are unpopular due to associated noise and vibrations. Due to the commercial vehicles using this road, such features would not be recommended as residents are likely to find the noise and vibration unacceptable. Other traffic calming measures such as chicanes and build outs could be considered but given the volume of parking that would be lost these are likely to be met with strong objections from the residents. Additionally, such features are not cycle friendly and could potentially result in a more aggressive style of driving and cause unnecessary accidents. Mobile speed cameras are operated by the police and they concentrate on through roads where there is evidence of constant excessive speed and personal injury accidents.
- 2.16 Speed activated signs are used very rarely in areas with high volume of through traffic with evidence of excessive speed and on very rare occasions they are used near schools which are based on routes that suffer from rat running. These signs are not permanent fixtures and are designed to be rotated throughout the borough but due to limited funding this is not always possible.
- 2.17 The Council has recently completed a consultation on improvement works immediately outside the school where the pedestrian entrance is based in Havana Road. The improvements include the appropriate road markings and signage to make motorists aware of the school but this does not include Wellington Road as the Council is not aware of any pedestrian access (other than vehicular access) via Wellington Road but this will be checked with the school. It should also be noted that the School has not raised the issue of the access via Wellington Road as one that would require attention.
- 2.18 With regards to restricting the size of commercial vehicles, the commercial unit that is located at the end of Wellington Rd has a legitimate right to operate its business and the Council cannot restrict or compromise its commercial viability by imposing restrictions on its vehicles. In situations where there may be conflict between a commercial unit and residents, it may be appropriate for representatives from both sides to discuss concerns and reach a suitable solution.
- 2.19 The Council fully understands residents' concerns, however, given other priorities and for the reasons set out above, the council will not be taking any action at this time.
- 2.20 A petition was submitted by Councillor Suzanne Grocott regarding a planning application for 162-164 Hartfield Road.
- Officer response
- 2.21 The petition has been fully considered in assessing the planning application with the case officer including an assessment in any final report on the application.
- 2.22 A petition was submitted by Councillor Katy Neep entitled "Morris up Merton".
- Officer response
- 2.23 Colliers Wood has recently installed several new benches with decorative William Morris style carvings. In addition to the benches LBM are currently identifying locations where William Morris style work can be displayed around the Colliers Wood High Street. Depending on the approval from building owners (identified locations for artwork), the community will see several pieces of William Morris

inspired work in 2017. Our Town Centre Business Support Officer has been in contact with Cllr Katy Neep and the Petition organiser to keep them abreast of the situation, which all parties are content.

3 ALTERNATIVE OPTIONS

3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purpose of this report.

5 TIMETABLE

5.1. None for the purpose of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purpose of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11 APPENDICES

11.1. None.

12 BACKGROUND PAPERS

12.1. None.