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Merton Council

Council Meeting

Membership

The Mayor: Councillor Michael Brunt

The Deputy Mayor: Councillor Edith Macauley MBE

Councillors: Agatha Mary Akyigyina OBE, Stephen Alambritis MBE, Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey, Thomas Barlow, Nigel Benbow, Hina Bokhari, Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, Helena Dollimore, John Dehaney, Nick Draper, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Andrew Howard, Janice Howard, Natasha Irons, Linda Kirby, Sally Kenny, Paul Kohler, Rebecca Lanning, Najeeb Latif, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Marsie Skeete, Peter Southgate, Geraldine Stanford, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson and David Williams MBE JP

Date: Wednesday 15 September 2021

Time: 7.30 pm or at the conclusion of the Special Meeting.

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

This is a public meeting and attendance by the public is permitted. There will be a very limited number of seats available for members of the public should they wish to attend, however we would encourage you to continue to watch and participate online at present. The meeting will be held in accordance with Government guidelines and any measures applicable at the time of the meeting.

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Council Meeting

15 September 2021

1	Apologies for absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meeting	1 - 12
4	Announcements by the Mayor, Leader of the Council and Chief Executive	
5	Public questions to cabinet members The questions and written responses will be circulated at the meeting.	
6	Councillors' ordinary priority questions to cabinet members The questions and written responses will be circulated at the meeting	13 - 14
7a	Strategic theme: Main report	15 - 30
7b	Strategic theme: Councillors' questions to cabinet members The questions and written responses will be circulated at the meeting.	
7c	Strategic theme: motions	
8	Notices of motion: Liberal Democrat Motion	31 - 32
9	Notice of Motion: Conservative Motion	33 - 34
10	Clarion Estate Regeneration Programme Support	35 - 40
11	Overview & Scrutiny Annual Report 2020-21	41 - 48
12	Changes to membership of committees and related matters	49 - 56
13	Petitions	57 - 60
14	Business for the next ordinary meeting of the Council	

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. For further advice please speak with the Managing Director, South London Legal Partnership.

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Agenda Item 3

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COUNCIL
7 JULY 2021

(7.15 pm - 10.13 pm)

PRESENT (in the Chair), Councillor Michael Brunt,
Councillor Agatha Mary Akyigyina,
Councillor Stephen Alambritis, Councillor Mark Allison,
Councillor Thomas Barlow, Councillor Nigel Benbow,
Councillor Hina Bokhari, Councillor Adam Bush,
Councillor Ben Butler, Councillor Billy Christie,
Councillor David Dean, Councillor John Dehaney,
Councillor Anthony Fairclough, Councillor Edward Foley,
Councillor Brenda Fraser, Councillor Edward Gretton,
Councillor Joan Henry, Councillor Daniel Holden,
Councillor James Holmes, Councillor Natasha Irons,
Councillor Edith Macauley, Councillor Russell Makin,
Councillor Simon McGrath, Councillor Owen Pritchard,
Councillor Peter Southgate, Councillor Eleanor Stringer,
Councillor Martin Whelton, Councillor David Williams and
Councillor Helena Dollimore

ATTENDING REMOTELY Councillor Stan Anderson, Councillor Laxmi Attawar, Eloise Bailey, Omar Bush, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, Nick Draper, Jenifer Gould, Andrew Howard, Janice Howard, Natasha Irons, Sally Kenny, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Peter McCabe, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Carl Quilliam, David Simpson, Marsie Skeete, Geraldine Stanford, Dave Ward and Dickie Wilkinson

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

31 Councillors attended the meeting remotely and are listed within the minutes accordingly.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETINGS (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 April and the meetings held on 21 April are agreed as an accurate record.

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

The Mayor thanked everyone for the kind words and support he had received since becoming Mayor and gave an overview of the past and upcoming events.

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

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The Mayor announced that the agenda order would be amended, with Item 14, Appointment of Chief Executive taken first followed by item 5 onwards in the published agenda order.

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited the questioners who had registered to speak a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'public questions to Cabinet Members' published document.

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 'member ordinary priority questions to Cabinet Members' published document.

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 'member strategic theme priority questions to Cabinet Members' published document.

It was also noted that a copy of the remaining Member 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 Sustainable Communities with a focus on Housing and a special focus on decent homes and housing supply was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Mundy then seconded the motion.

Councillors Gretton and Bailey also spoke on the item.

The Liberal Democrat amendment was moved by Councillor McGrath and seconded by Councillor Fairclough.

The Liberal Democrat amendment was put to the vote and fell – votes in favour: 13, votes against: 15, abstentions: 1.

An indicative vote was also taken online for those members participating remotely (votes for 13, against 15, 0 abstentions).

The substantive report was then put to the vote and carried – votes in favour: 25, against: 3, abstentions: 1.

An indicative vote was also taken online for those members participating remotely (Votes for 25, against 4, 0 abstentions).

RESOLVED: That the Strategic Theme report is agreed.

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

The motion was moved by Councillor Fairclough and seconded by Councillor Bokhari.

Councillor Benbow also spoke on the item.

The Labour amendment as set out in agenda item 26 was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Draper then spoke to second the item.

The Labour amendment was put to a vote and was carried– votes in favour: 17, votes against: 0, abstentions: 12.

An indicative poll was also taken online, the results of which were votes in favour 17, 0 against, 12 abstentions.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 22, votes against: 0, abstentions: 9.

An indicative poll was taken online the results of which were: votes in favour 22, 0 against, 9 abstentions.

RESOLVED:

Council requests Cabinet establish a Tenants' Champion service, that would:

- Be similar to (the non-stock holding) Richmond Council's Tenants' Champion, a service that that has been in place for more than 10 years;
- Work to support both tenants and leaseholders who rent or lease their properties from a housing association and also private renters in the borough,

- Provide support by giving someone for residents to contact if they had long running, unresolved complaints with their landlord, and by providing relevant information to renters more generally;
- Be trialled for a year and report their work to the Sustainable Communities scrutiny panel.
- Include Councillor Nick Draper being appointed as Merton's inaugural Tenants Champion.

8 REPORT OF THE MORDEN COMMUNITY FORUM, 24 FEBRUARY 2021
(Agenda Item 8)

Councillor Cowper presented the report which was received by the Council.

9 REPORT OF THE MITCHAM COMMUNITY FORUM, 25 FEBRUARY 2021
(Agenda Item 9)

Councillor Chung presented the report which was received by the Council.

10 REPORTS FROM THE WIMBLEDON COMMUNITY FORUM, 25 MARCH
2021 AND 16 JUNE 2021 (Agenda Item 10)

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

11 REPORTS FROM THE RAYNES PARK COMMUNITY FORUM, 30 MARCH
2021 AND 10 JUNE 2021 (Agenda Item 11)

Councillor Omar Bush presented the report which was received by the Council.

12 NOTICES OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 12)

The motion was moved by Councillor Bokhari and formally seconded by Councillor Fairclough. Councillor Gould then spoke to second the motion.

Councillor Barlow also spoke on the item.

The Labour amendment as set out in agenda item 27 was formally moved by Councillor Stringer and then Councillor Skeete spoke to move the amendment. The amendment was then seconded by Councillor Allison.

The Labour amendment was put to a vote and was carried – votes in favour: 17, votes against: 0, abstentions: 12.

An indicative poll was taken for members participating remotely the results of which were: votes in favour 17, 0 votes against, 13 abstentions.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 20, votes against: 0, abstentions: 9.

An indicative poll was taken for members participating remotely, the results of which were 21 votes in favour, 0 against and 10 abstentions.

RESOLVED:

Council notes:

(1) that in February [2020](#) Council passed a resolution to become a 'Borough of Sanctuary' and, also resolved to "challenge anti-refugee and anti-migrant attitudes wherever they are found";

(2) The decision passed by Cabinet on 22 June [2021](#) for LB Merton to join the Lift the Ban Coalition;

3) That the Leader has written to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

Council therefore resolves to:

1) Endorse the Cabinet decision to join the Lift the Ban Coalition; and congratulate the Leader for writing to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

13 NOTICES OF MOTION: LABOUR MOTION (Agenda Item 13)

The motion was moved by Councillor Pritchard and seconded by Councillor Dollimore making her maiden speech.

Councillors McLean and Bokhari also spoke on the item.

The motion was then put to a vote and was agreed.

RESOLVED:

Council notes, with pride, the many Merton residents whose families have served in our armed forces, and welcomes the borough's support for them at Armed Forces Day on 26 June 2021; recognises the incredible service of men and women from the Commonwealth and Nepal who have served and do serve in the UK Armed Forces, and also notes the unconscionable way so many of them and their families are being treated.

This council agrees with veterans who believe their right to stay in the UK should be awarded automatically on account of their service and notes that the recent government public consultation was insufficient in scope; with the only proposal being

to offer a visa fee waiver after 12 years' service – an unduly high threshold that will alleviate costs for only a fraction of service personnel.

This council believes that only meaningful reform will deliver justice, and that means introducing a free and equitable route to citizenship that incorporates families, and – as we as a nation do not know how many have been affected by this injustice – believe that the government should establish a dedicated unit to assist veterans, similar to the Windrush Taskforce.

Council calls upon the Leader of the council to write to the Prime Minister, The Minister of State for Immigration, The Parliamentary Under-Secretary of State for Defence People and Veterans, and our two local MPs, outlining this council's support for Commonwealth and Nepalese veterans, and asking them to press for a change in the legislation that affects those that have served our country so honourably.

14 APPOINTMENT OF CHIEF EXECUTIVE (Agenda Item 14)

The report was moved by Councillor Allison and seconded by Councillor Stringer.

The report was put to a vote and agreed.

RESOLVED:

That Council confirmed the appointment of Hannah Doody recommended candidate to the post of Chief Executive, as the Council's Head of Paid Service with effect from 8th July 2021.

Councillors Alambritis, McLean, Fairclough, Southgate and Williams then spoke to thank outgoing Chief Executive Ged Curran, who then responded.

15 LOCAL PLAN - SUBMISSION TO THE SECRETARY OF STATE (Agenda Item 15)

The report was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Quilliam then spoke to second the report.

The Liberal Democrat amendment to the report recommendations was moved by Councillor McGrath and seconded by Councillor Fairclough.

Councillors Crowe and Dean also spoke on the item.

The Liberal Democrat amendment was supported by those speaking and therefore a vote was taken on the substantive report (as amended) and was carried. Votes in favour: 20, against: 8, abstentions: 1.

An indicative online poll was taken of members attending remotely the result of which was votes for: 24, 6 against, 0 abstentions.

RESOLVED:

That, following consideration by Cabinet and the Borough Plan Advisory Committee, Council resolved to:

A. submit Merton's Local Plan and Policies Map to the Secretary of State for independent examination. This would be preceded by a statutory six-week consultation period between July and September 2021.

B. Agreed the timetable for production set out in section 5 of this report, which will amend Merton's Local Development Scheme.

C. delegated authority to the Director of Environment and Regeneration, Chris Lee, in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency Councillor Martin Whelton for changes to the documents between 23rd June 2021 and the receipt of the Planning Inspector's final report:

(i) to approve alterations to the plans for submission to the Secretary of State for independent examination and as necessary throughout the examination process arising from matters including responses to pre-submission public consultation, national or regional policy changes, additional relevant evidence and matters arising from the independent examination.

(ii) to consider and approve officers' response to comments received at the pre-submission public consultation, and associated alterations to the plans for their submission to the Planning Inspector via the Secretary of State

- That within the Local Plan: RAYNES PARK: POLICY N3.4(M) should be amended to read: "Ensuring new homes are of a high design quality and support housing choice by requiring development to comply with the most appropriate minimum space standards (particularly in the case of dwelling conversions), and that all development respects local character, heritage and amenity in surrounding residential neighbourhoods."

16 PLANWIMBLEDON'S APPLICATION TO BE A NEIGHBOURHOOD FORUM FOR THEIR PROPOSED NEIGHBOURHOOD AREA OF WIMBLEDON (Agenda Item 16)

At the start of the item the group whips declared that the following Councillors are members of PlanWimbledon:

Councillors Holden, Gretton, Simpson, Moulton, Andrew Howard, Janice Howard, Williams, Barlow, McGrath, Kohler, Fairclough, Southgate, Foley and Stringer.

The report was moved by Councillor Whelton and seconded by Councillor Butler.

Councillors Fairclough and Southgate also spoke on the item.

The Conservative amendment was moved by Councillor Holmes and seconded by Councillor Holden.

The amendment was put to the vote and fell. Votes in favour – 13, votes against: 15, abstentions: 1.

An indicative poll was also taken of members participating remotely the results of which were votes in favour: 13, votes against: 16, not voting:1.

The substantive report was then put to the vote and was carried. Votes in favour – 15, votes against: 13, 1 abstention.

An indicative poll was also taken of members participating remotely the results of which were votes in favour: 11, votes against: 14, 3 abstentions.

RESOLVED:

That, following consideration by Merton's Borough Plan Advisory Committee and Cabinet, council

A. Noted the consultation responses to the publication of the PlanWimbledon neighbourhood area and forum applications.

B. Refused PlanWimbledon's application as a neighbourhood forum.

C. Declined to determine PlanWimbledon's Neighbourhood Area application because, following the refusal of the neighbourhood forum application, there would be no organisation that is capable of being designated as a neighbourhood forum in relation to it.

D. Encouraged and supported further dialogue between PlanWimbledon and the business community towards resolving the issues identified in this report

17 CONSTITUTIONAL CHANGES (Agenda Item 17)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

A. That Council agreed to adopt the following amended parts of the Constitution attached as appendices A-J to this report*:

(i) Part 1 – Summary and explanation

(ii) Part 2 – Articles

(iii) Part 3A – Responsibility for Local Choice Functions

(iv) Part 3B – Responsibility for Non-Executive Council Functions

(v) Part 3C - – Responsibility for Executive Functions

(vi) Part 4A- Council Procedure Rules

(vii) Part 4B -Access to Information Procedure Rules

(viii) Part 4C – Budget and Policy Framework Procedure Rules

(iv) Part 4D - Cabinet Procedure Rules

(ix) Part 4E – Overview and Scrutiny Procedure Rules

*Tracked changes versions of the appendices are available from Democracy Services on request. A table setting out the substantive proposed changes is attached as appendix K.

- B. That Council adopted the Scheme of Delegation to Officers attached as appendix L to this report insofar as it relates to non-executive functions and to endorse it insofar as it relates to executive functions and to agree it will form Part 3E and replace existing parts 3E, 3F and 7B of the constitution;
- C. That Council agreed the arrangements for meetings set out in paragraphs 2.5.13 – 2.5.22 and the protocol attached as appendix M, subject to review in six months.
- D. That Council agreed that the changes shall come into effect on 8 July and to authorise the Monitoring Officer to make such consequential and minor drafting amendments as she considers reasonably necessary including, without limitation, to renumber the parts of the constitution as appropriate

18 MEMBER CODE OF CONDUCT (Agenda Item 18)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

- A. That Council adopted the revised Code of Conduct for Members attached as Appendix A with effect from 30 September 2021;
- B. That Council noted that the Monitoring Officer will arrange training sessions for councillors on the requirement of the revised Code of Conduct; and
- C. That Council agreed that the revised process for dealing with complaints that members have breached the Code of Conduct attached as Appendix B shall apply to all complaints made on or after 8 July 2021.

19 REVISIONS TO THE COUNCIL'S CONTRACT STANDING ORDERS 2020 (Agenda Item 19)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

- A. That Council adopted the proposed revisions made to the Council's Contract Standing Orders, effective from 8 July 2021 and for the Council's Constitution to be amended accordingly, as recommended by Standards and General Purpose Committee on 28 June 2021. Changes made are in response to the implementation of the impact the UK leaving the EU will have on the Public Contracts Regulations [The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020] (PPR 2020), greater reinforcement with regards to the Social Value Act 2012, reference to the

Council's commitment to the Climate Emergency; and to try to provide clarity in order to drive greater compliance overall with procurement governance and best practice B. That Council approved that the appendices to the CSOs may be updated by the Head of Commercial Services, with approval by Procurement Board, without the need to seek approval from SGPC and full Council, as recommended by Standards and General Purpose Committee on 28 June 2021. These are supplementary documents, templates and guidance notes that compliment but do not impact on the content of the main CSOs

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

The report was formally moved by Councillor Stringer and then Councillor Byers spoke to move the report. The report was formally seconded by Councillor Christie.

Councillors Williams and Kohler spoke on the item.

RESOLVED:

That the Council:

1. Approved the appointment of nominations to Committees and outside bodies as set out in Appendices A-C.
2. Noted the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council

21 PETITIONS (Agenda Item 21)

The report was formally moved by Councillor Allison and formally seconded by Councillor Stringer.

RESOLVED

That Council

1. Noted the update on the petition received at the last meeting,
2. Accepted receipt of the following petitions:
 - Petition presented by Councillor Macauley entitled Litter and Flytipping in Lavender Fields
 - Petition presented by Councillor Barlow entitled Wimbledon Village Farmers Market
 - Petition presented by Councillor McLean entitled West Barnes Rubbish

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

That the Strategic Theme for the next ordinary meeting of the Council, being held on 15 September, shall be Children and Young People with a focus on the DSG.

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From Councillor Aidan Mundy to the Cabinet Member for Housing, Regeneration and Climate Emergency

Can the cabinet member please update Council on the steps his department has taken to address Clarion Housing Association's repairs performance?

From Councillor David Dean to the Cabinet Member for Housing, Regeneration and the Climate Emergency

At the July council meeting the Cabinet Member said that he was 'shocked' by the conditions on the Eastfields estate and that he took the issue 'with the utmost seriousness'. If he has made this a priority then why then has he failed to ensure that Clarion is held to its responsibilities to maintain the Phipps Bridge estate?

From Councillor Helena Dollimore to the Leader of the Council

Following the decision to downgrade St Helier hospital and move services to Belmont, the capital allocation for the project has been reduced by more than 25% – from £551m to less than £400m.

As the choice of site was made on the basis of that capital requirement being met, and before the full impact of the pandemic was known, what impact does the Leader consider these changes would have had on the options appraisal, and what does he think would need to be done to ensure that they do not lead to worse health inequalities in South West London?

From Councillor Anthony Fairclough to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Could the Cabinet Member outline any activities he has undertaken to fulfil the motion passed at the July full Council meeting, where it was requested that Cabinet “establish a Tenants’ Champion service”? Could he give details of any meeting he has had about this, providing dates and information on attendees?

From Councillor Ben Butler to the Cabinet Member for Finance

In their announcement to raise National Insurance for low income workers in order to reduce social care charges for homeowners the Government said: “We expect demographic and unit cost pressures will be met through Council Tax, social care precept, and long-term efficiencies.” What analysis has the cabinet member made of the impact of further “precepts” and council tax increases on council taxpayers in Merton?

From Councillor Ed Gretton to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Can the cabinet member update council on their recent efforts to promote regeneration in the borough?

From Councillor Joan Henry to the Cabinet Member for Women and Equalities

Following the horrific events in Afghanistan can the Cabinet Member on what work is being done to offer support for Afghan refugees here in Merton?

From Councillor Simon McGrath to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Given the climate emergency and the recent flooding, has the Cabinet Member met with Thames Water and the Environment Agency to discuss changing the regulatory environment for Thames to ensure they maintain their assets to protect residents from regular flooding events?

From Councillor Daniel Holden to the Cabinet Member for Local Environment and Green Spaces

What meetings has the cabinet member had with Thames Water and other partners to stop the frequent flooding we have seen across Merton this summer?

From Councillor David Chung to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Can the Cabinet Member please update us on the numbers of rough sleepers in the borough and how this compares with other boroughs?

Committee: Council

Date: 15 September 2021

Wards: All

Subject: Children and Young People with a focus on the Dedicated Schools Grant

Lead officer: Jane McSherry, Director Children, Schools and Families

Lead member: Councillor Eleanor Stringer

Contact officer: Nick Wilson, Interim Assistant Director, Education and Early Help

Recommendations: That Council:

- a) **Notes the outturn position of the Dedicated Schools Grant (DSG) as at 31st March 2021, and the cumulative DSG deficit position as at 31st March 2021.**
- b) **Notes the strategic intentions of the Council to create a sustainable high needs system, and the involvement of the local authority in the Department for Education's (DfE) 'Safety Valve Intervention Programme'**
- c) **Notes the situation with regard to school places, and of Pupil Premium and Recovery Premium allocations in Merton schools.**
- d) **Notes the work of the Children and Young People's Overview and Scrutiny Panel**

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report outlines the position of the Dedicated Schools Grant (DSG) in Merton as of March 2021; the cost pressures which have resulted in this outturn; the action taken to date to try to reduce these cost pressures; the proposed focus for strategic next steps and the involvement of the Council in the Department for Education's (DfE) 'Safety Valve Intervention Programme' with the aim of agreeing a package of reform to the high needs system.
- 1.2. This report also provides an overview with regards pupil places in Merton schools; Pupil Premium and Recovery Premium in Merton schools; and of the work of the Children and Young People's Overview and Scrutiny Panel
- 1.3. Detailed analysis of Dedicated Schools Grant (DSG) budgets as at the end of March 2021 reports over and underspends within the four blocks of DSG that combine to an overall overspend of £12.231m as per table1 below and a cumulative DSG deficit of £24.981m. Appendix A details previous years DSG deficits.

TABLE 1 - DSG Outturn 2020/21	2020/21 Funding £'000s	2020/21 LESS Academy funding £'000s	2020/21 Funding received by Merton £'000s	2020/21 Projected Out-turn £'000s	(Surplus) / +Deficit Mar-21 £'000s
Schools Block – ISB	129,966	-27,922	102,045	101,281	-764
Central Block	1,016		1,016	817	-199
High Needs Block	36,177	-1,242	34,936	49,428	14,492
Early Years Block	16,337		16,337	15,039	-1,298
Total DSG 2020/21	183,496	-29,163	154,333	166,564	12,231
DSG deficit 2018/19 b/f					2,909
DSG deficit 2019/20 b/f					9,841
DSG out-turn cumulative					24,981

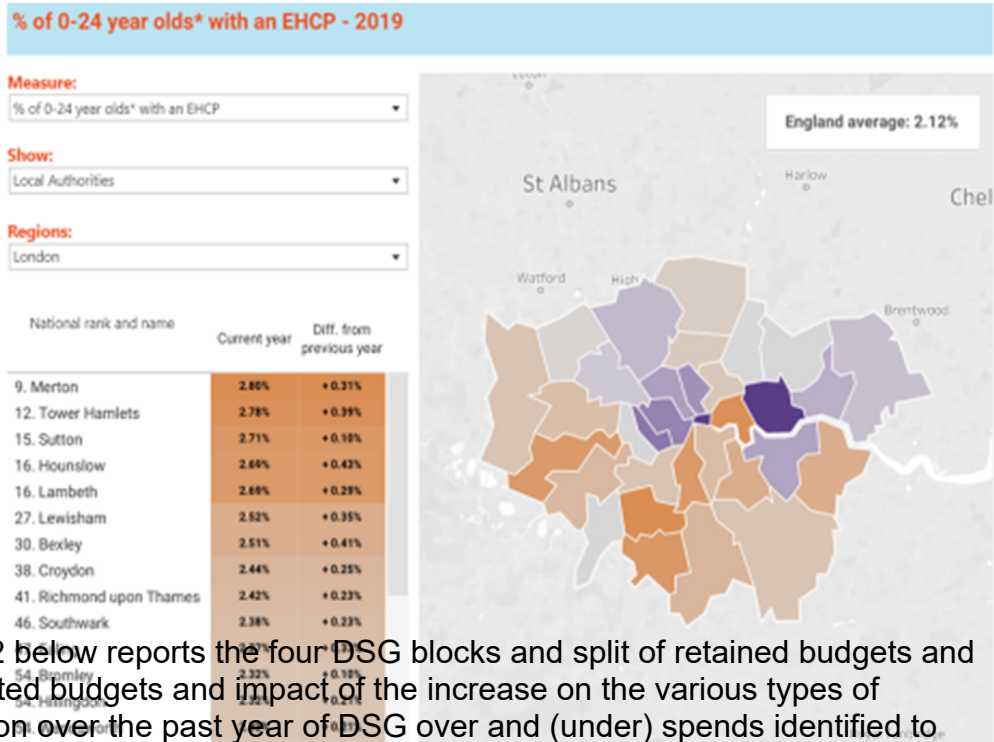
2 BACKGROUND TO THE DEDICATED SCHOOLS GRANT

- 2.1. The DSG is paid in support of the local authority's schools budget. It is the main source of income for the schools budget.
- 2.2. The DSG is a ring fenced specific grant and can only be used in support of the schools' budget and spent on school/pupil activity as defined by the School and Early Years Finance (England) Regulations (2020). It can be used for no other council purposes.
- 2.3. The DSG is split between four different funding blocks – schools, central school services, early years, and high needs. Each Council's allocation is largely based upon actual pupil numbers from the October pupil count preceding the actual financial year. Although separate allocations are received for each block, transfers are allowed between blocks but subject to certain restrictions.
- 2.4. Most of the grant is allocated to schools – the Individual School's Budget (ISB) or delegated budget – this is mainly formula driven; the remainder is the Centrally Retained School's Budget – the non-delegated budget.
- 2.5. Overspends on the DSG are carried forward and are a first call on the following year's allocation of DSG. Underspends on the DSG are carried forward to support the future year's school's budget.
- 2.6. The Authority must ensure that DSG is correctly spent and has to report the outturn position to inform the impact upon the following year's budget position. The budget monitoring of the Authority distinguishes between how services are funded, namely by DSG or by the Local Authority.
- 2.7. The LA receives its DSG allocation gross (including allocations relating to academies and post 16 provision), and then the Education & Skills Funding Agency (ESFA) recoups the actual budget for these settings to pay them direct, leaving a net or LA allocation.
- 2.8. Local authorities are responsible for determining the split of the grant between central expenditure and the individual schools budget (ISB) in conjunction with local schools forums. Local authorities are responsible for allocating the ISB to individual schools in accordance with the local schools' funding formula.

3 DSG DETAIL

- 3.1. Merton's Schools, Central Schools Services, and Early Years blocks underspent during 2020/21 while the High Needs Block (HNB) overspent. Some of these underspends were as a result of management action to reduce the overall overspend expected in the DSG as a whole.
- 3.2. The main reason for the overspend in the HNB is increased numbers of Education Health and Care Plans (EHCPs) over the past years which have not been met with corresponding increases in grant funding. This has resulted in the HNB overspend becoming progressively larger each year and growth in demand for specialist SEN placements.
- 3.3. These have all resulted in the HNB overspend becoming progressively larger each year and growth in demand for specialist SEN placements.
- 3.4. In the three years from January 2013 to January 2016, the total number of statements and EHCPs increased from 888 to 1,075 (increase of 187 cases, 21%). In the six years from January 2016 to January 2021, the total number of statements and EHCPs increased from 1,075 to 2,252 (increase of 1,177 cases, 109%). As of August 2021, the number of EHCPs is 2463.
- 3.5. The National government statistics report¹:
 - 3.3% of all pupils in schools in England have an Education, Health and Care (EHC) plan, a rise from 3.1% in 2019;
 - A further 12.1% of all pupils have SEN support, without an EHC plan, up from 11.9% in 2019;
 - The most common type of need for pupils with an EHC plan is autistic spectrum disorders (ASD) and for pupils with SEN support is speech, communication and language needs;
 - SEN is more prevalent in boys than girls, with boys representing 73.1% of all pupils with an EHC plan and 64.6% of pupils with SEN support.
- 3.6. The extract below reports Merton's increases in EHCP's as 9th in the country (DfE Statistics 2019) with an average increase of 2.12% from previous year and Merton reporting 2.80%. (Torquay was the highest 3.85%).

¹ [Education, health and care plans, Reporting Year 2021 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)



3.7 Table 2 below reports the four DSG blocks and split of retained budgets and delegated budgets and impact of the increase on the various types of provision over the past year of DSG over and (under) spends identified to the end of March 2021:

TABLE 2- DSG (underspends) and overspends 2020/21 split of retained and delegated budgets	Schools Block	Central Block	High Needs Block	Early Years Block	Total all Blocks
	£'000	£'000	£'000	£'000	£'000
Delegated expenditure	(671)	-	2,740	(1,392)	677
Retained Items	(93)	(199)	11,752	94	11,554
Total	(764)	(199)	14,492	(1,298)	12,231

3.8 Table 3 below details the impact of the increase on the various types of provision over the past year of DSG over and (under) spends identified to the end of March 2021:

TABLE 3- Dedicated Schools Grant, (underspends) and overspends 2020/21	Schools Block	Central Block	High Needs Block	Early Years Block	Total all Blocks
	£'000	£'000	£'000	£'000	£'000
Rate adjustments	(6)				(6)
Bulge class funding	(89)				(89)
SEN statement payments to Merton maintained schools			2,496		2,496
SMART Centre			29		29
Special schools			303		303
ARP			(88)		(88)
Early Years 2/3/4 YO Offer				(1,392)	(1,392)
Schools Formula	(576)				(576)
Delegated expenditure	(671)	-	2,740	(1,392)	677
Independent placements			9,611		9,611
Out of Borough provision			2,260		2,260
FE and post 16 ISP			577		577
Sensory Team			(25)		(25)
Early years support				94	94
Parenting cover	(9)				(9)
Schools causing concern	(20)				(20)
Prudential Borrowing		(177)			(177)
School Admissions		(22)			(22)
School Meals (equipment)	(3)				(3)
Behaviour support	(17)				(17)
Attain	(39)				(39)
Tree work	(11)				(11)
School Improvement	6				6
Education Welfare			(26)		(26)
Independent Hospital provision			14		14
EHCP's Independent Residential placements			(521)		(521)
Early SEN help 0-5 years			(138)		(138)
Retained Items	(93)	(199)	11,752	94	11,554
Total	(764)	(199)	14,492	(1,298)	12,231

4 TRAJECTORY OF SEND COST PRESSURES OVER TIME AND ACTIONS TAKEN TO MITIGATE PRESSURE

4.1. The overall cost for SEND has increased significantly over the past five years as a result of the increase in the number EHC Plans, underpinned by the following factors:

- The change/increase in age range of young people with EHCPs to 0- 25; the extended period of support up to 25 has resulted in the numbers of young people with EHCPs post 16 increasing from 35 to 302;
- Early identification of need;
- The development of the SEND regional market, which has seen private sector investment, and a desire amongst parents to access non-maintained independent special schools;

- The change in profile of provision attended by children and young people with EHCPs:

Provision type	Proportion of EHCPs attending in 2016	Proportion of EHCPs attending in 2020
State funded mainstream schools (Inc. ARPs)	49%	42%
Non Maintained and Independent Special Schools	12%	16%
Merton Special Schools	33%	23%

- The use and cost of non-maintained and independent special schools (£17m spend);
- Curriculum, inclusion profile and local school organisation.

4.2. The following table 4 details the impact of the increase in EHCPs.

TABLE 4 - EHCP's and type of Provision	Jan 2016 Total Statements and EHCPs		Jan 2017 Total Statements and EHCPs		Jan 2018 Total Statements and EHCPs		Jan 2019 Total Statements and EHCPs		Jan 2020 Total Statements and EHCPs		Jan 2021 Total Statements and EHCPs	
	No	%	No	%	No	%	No	%	No	%	No	%
Early Years (incl. Private & Voluntary Settings)	0	0%	1	0%	7	0%	7	0%	7	0%	8	0%
Mainstream Schools (incl. Academies, Free and Independent)	422	39%	461	37%	526	35%	584	34%	707	37%	816	36%
Additional Resourced Provision	110	10%	111	9%	116	8%	125	7%	125	6%	133	6%
State Funded Special Schools	358	33%	388	31%	416	27%	440	26%	474	25%	520	23%
Independent Special Schools	132	12%	153	12%	176	12%	228	13%	280	15%	367	16%
Post 16 College and traineeships	25	2%	93	7%	183	12%	212	12%	199	10%	268	12%
Post 16 Specialist	10	1%	25	2%	44	3%	37	2%	35	2%	44	2%
Alternative Education (incl. EOTAS, Hospital Schools and EHE)	15	1%	10	1%	22	1%	28	2%	61	3%	37	2%
No placement (including NEET)	3	0%	0	0%	28	2%	51	3%	40	2%	59	3%
Total	1075	100%	1242	100%	1518	100%	1712	100%	1928	100%	2252	100%
Change over previous year				16%		22%		13%		11%		17%

4.3. Table 5 below details numbers of EHCPs and ages of children

Table 5: Children and young people with an EHC plan¹ by local authority and age group²
 Year: January 2019
 Coverage: England

LA code	LA name	Number of children and young people with EHC plans ¹ :					
		Under 5 years of age	Aged 5-10	Aged 11-15	Aged 16-19	Aged 20-25	Total
ENGLAND		14,094	117,222	126,332	77,587	18,760	353,995
E09000024	315 Merton	71	625	584	343	89	1,712

Source: SEN2 2019

Notes:
 1. Includes a very small number of children and young people with statements not yet transferred to EHC plans.
 2. Age breakdown refers to age as at 31 August 2018

4.4. EHCPs within Merton have grown an average of 16% over the 5 years yet the HNB funding growth has seen an average growth of 4% increase since 2018/19, since the reporting deficit. This lack of funding has been a contributing factor to the DSG deficit as well as huge growth and demand for SEN provision within Merton.

DSG - HNB	£'m	Increase £'m	%
2018/19	32.662	0.306	0.9%
2019/20	33.085	0.423	1.3%
2020/21	36.177	3.092	9.3%
2021/22*	39.926	3.749	10.4%

* reduced TPG/TPECG allocation

4.5. Further analysis of National Government data for 2019/20 reports the category of first need as Speech Language and Communication needs (SLC) on school census as the highest number of EHCPs in Merton as table 6 below and Autistic Spectrum Disorder (ASD) as the second recorded level of need:

2019/20	TABLE 6 - Data Analysis Statement or EHC by first type of Need													
Sector	ASD	HI	MLD	MSI	other Difficulty/ Disability	Physical Disability	PMLD	SEN support	SLD	SEMH	SLD	SLC	VI	Total
PRU	1									2				3
PRIMARY	562	16	95	6	46	96	6	1	40	301	130	702	6	2,007
SECONDARY	339	16	99	4	28	37				166	98	340	11	1,138
Special	228		431		10	32	274		458	160	3	182		1,778
	1,130	32	625	10	84	165	280	1	498	629	231	1,224	17	4,926

Special educational needs in England, Academic Year 2019/20 – Explore education statistics – GOV.UK (explore-education-statistics.service.gov.uk)

4.6. The current in-year deficit of £12.4m at Month 3 will further increase the DSG unusable reserve to an estimated £37.4m by the end of March 2022.

5 ACTIONS TO MITIGATE SEND COST PRESSURES

5.1. To try to mitigate the increases in cost we have undertaken the following:

- We have increased the number of special school placements. The number of places in 2016 was 358; by 2020 it had risen to 520. There are plans for an 80 additional places.
- We have increased the number of ARP places. The number of places in 2016 was 101; by 2020 it had risen to 150.
- We have reduced independent provision placement inflation through joint working with South London Consortium including use of a Dynamic Purchasing System.
- We have implemented a presumption to assess to reduce delay, promote SEN support and reduce tribunals.
- We have invested in the EHCP coordinators who manage assessments to meet demand.
- We have reviewed the special school Element 3 (top up) banding.

6 SEND NEXT STEPS

6.1. Merton's six strategic responses to creating a sustainable high needs system are as follows:

- With partners develop a shared understanding of a sustainable high needs system.
- Further test the EHCP assessment threshold to ensure consistency of approach.
- Target investment on effective early intervention.
- Strengthen the local SEN support offer
- Strengthen the annual review process.
- Develop local provision to reduce reliance on high cost non-maintained and independent places

7 DfE SAFETY VALVE INTERVENTION PROGRAMME

7.1. The DfE have recently invited Merton to participate in the second round of their 'safety valve' intervention programme with the aim of agreeing a package of reform to the high needs system that will bring the DSG deficit under control.

7.2. This will start in September, with a meeting involving senior officers, when the local authority will set out our perspective on and reasons for the deficit position, and the particular challenges within the local authority. The department's team will ask questions and introduce their initial lines of enquiry based on a rigorous review of the data.

7.3. Over the autumn, the department's team will then work closely with the local authority to challenge and support the development of the DSG management plan through detailed discussions. During this process, the local authority will be working towards submitting a proposal to the department setting out:

- How the authority will go about reaching an in-year balance on the DSG, and the timeframe for achieving this;

- How the authority will itself reduce the historic cumulative deficit, and what support might be required from the department to eliminate the deficit in full.
- 7.4. Final proposals will be submitted to the department in early December. The negotiation teams will assess the proposals and determine whether they secure the sustainability of the authority's high needs systems and spending appropriately and quickly, and whether any request for support represents value for taxpayer money.
- 7.5. The final decision on whether to enter into an agreement with any authority lies with the Secretary of State.
- 7.6. If the authority's proposals are agreed to by the Secretary of State, they will form the basis of a published agreement. The agreement will require the authority to implement reforms to the agreed timetable, alongside maintaining an agreed savings profile.
- 7.7. It will also set out additional funding which the department will release to support the reduction of your cumulative deficit and any potential resources required from LBM.
- 7.8. The authority's progress against the agreement will subsequently be monitored by the department, and will determine the release of further funding.

8 SCHOOL PLACE PLANNING

PRIMARY SCHOOLS

- 8.1. After an unprecedented 35% increase in pupil numbers in the 11 years to 2017/18 (a rise of 4,367 from 12,683 to 17,050), 2017/18 was the peak in primary school numbers and we are now experiencing a significant fall, with a drop of 1,184 pupils (7%) to 2020/21 .
- 8.2. Reception year numbers decreased in 2020/21 for the fifth consecutive year and a further fall is forecast – the extent of the further fall is dependent on the forecast model used. As the lower numbers flow to all year groups, the total primary school roll by the GLA forecast model is 15,108 in 2025/26, nearly 2,000 less than the 2017/18 peak.
- 8.3. There are now a number of schools with surplus places compared to their net capacity, although following previous expansions most primary schools are of a good size to enable admission numbers to be reduced and for the school to operate to at least one form of entry.
- 8.4. The broad strategy is as follows:
- Continue to encourage schools to reduce admissions numbers to multiples of 30 for education efficiency when practical to do so
 - Encourage schools to work in cluster areas with the council to agree reductions in admission numbers at an area level
 - Consider use of compatible alternative uses for space where appropriate such as primary age SEND Additional Resourced Provision when it can be agreed with schools

- Where appropriate consider alternative models to operate schools for school improvement and to manage a balanced budget e.g. hard and soft federations
 - No plans to close schools
- 8.5. Ten schools have already formally reduced their admission number for reception year but presently the only official decrease in physical capacity has been at Stanford where SEND additional resourced provision is being provided in the space; the council is actively considering others although for safeguarding reasons surplus space in primary schools is not easy to re-purpose, but provides helpful additional space to schools.
- 8.6. Our planned review process for this year will again be as follows:
- By 30 September 2021 – Review actual intakes in September along with the latest pupil forecasts, especially in reception year, to consider whether we should encourage schools to reduce their admission number for 2022/23 (requiring an application the Schools Adjudicator) and/or a reduction as part of the council’s annual statutory school admissions consultation in late 2021 for 2023/24 entry.
 - 15 January 2021 – Admissions offer closing date. Review whether, based on actual admissions applications, any of the decisions made in the autumn need to be reviewed for 2022/23 reception entry.
- 8.7. A more detailed report is being considered by CSF overview and Scrutiny Panel on 29 September 2021

SECONDARY SCHOOLS

- 8.8. The significant increased pupil numbers has reached secondary age in the last 5 years and the Year 7 roll has broadly plateaued following the significant increase to September 2018 when the council facilitated the opening of the Free School Harris Academy Wimbledon for September 2018 and which moved to its permanent site in autumn 2020.
- 8.9. However, the lower numbers flowing through primary school will reach year 7 within the next 2-3 years and so there is concern there will be surplus places and a need to reduce the capacity of some schools.
- 8.10. The level of demand continues to be dependent on the pupil retention from year 6, as there is extensive cross border movement.
- 8.11. There has been some concern regarding the impact of a proposed second new Free School in Sutton some 700 metres from the boundary, and there is also concern regarding the proposed opening of a new Voluntary Aided school in Kingston that is also close to the Merton border. After successful lobbying, initially by Merton Council and Merton schools and followed by Sutton schools, it has very recently been confirmed that the mainstream Sutton Free School will not be progressed. There will however be a 56 place special school there, due to open in 2024.

FACTORS AFFECTING PUPIL NUMBERS

- 8.12. The most significant factor affecting LA primary school numbers is the live births. However, over the past 5 or so years we have found that the migration patterns between birth and starting school have changed quite

significantly, with a 6% fall in birth to reception year retention by 2020/21 compared to 2015/16.

8.13. The reduction in demand in primary schools is also undoubtedly impacted by changing migration patterns which stem from the time of the Brexit referendum, and have been exacerbated by Covid 19 impacts.

8.14. With regard to secondary schools, local authority boundary movement is a significant factor. This is best illustrated by the retention percentage from LB Merton state funded school roll in year 6 to year 7. This retention dropped from circa 85% in the early 2010s to a low of 74.4% for 2017/18, but has since risen over the last two years to almost 80%, illustrating the significance and difficulty of planning when LB Merton is a net exporter of pupils.

9 PUPIL PREMIUM AND COVID CATCH UP FUNDING

9.1. The total Pupil Premium allocation for Merton for 2021/22 is £8,300,327. This is made up of the following

Primary school funding (deprivation)	£5,081,410
Secondary school funding (deprivation)	£2,670,657
Service Child Pupil Premium	£18,290
Pupil Premium Plus for Post-LAC	£242,640
Pupil Premium Plus for Looked After Children	£267,330

9.2. Individual school allocations can be found on the GOV.UK website [here](#).

9.3. Schools are required to report on spending associated with the Pupil Premium, and also to publish strategies for future spend. Each school will plan for this differently, dependent on the needs faced by their pupils, but could include:

- Extra one-to-one or small-group support for children within the classroom.
- Employing extra teaching assistants to work with classes.
- Running catch-up sessions before or after school, for example for children who need extra help with maths or literacy.
- Running a school breakfast club to improve attendance.
- Providing extra tuition for able children.
- Providing music lessons for children whose families would be unable to pay for them.
- Funding educational trips and visits.
- Paying for additional help such as speech and language therapy or family therapy.
- Funding English classes for children who speak another language at home.
- Investing in resources that boost children's learning, such as laptops or tablets.

9.4. During 2020/2021, in addition to the Pupil Premium funding, Merton schools received a total of £916,278 in Covid Catch Up Premium. Schools were

required to produce plans to identify how this premium would be used, and this differed from school to school. Some schools invested in the National Tutoring Programme; others implemented their own tutoring programmes and invested in staffing to enhance the offer for these pupils. Schools identified pupils to benefit from the funding on the basis of various different types of assessment. Details of allocations made to individual schools can be found on the GOV.UK website [here](#).

- 9.5. During 2021/22 schools nationally will benefit from the new 'Recovery Premium', which builds on the 'Pupil Premium'. Schools' allocations from the Recovery Premium are calculated based on the numbers of their pupils who are eligible for the pupil premium. This will provide each mainstream school with a total of £145 for each eligible pupil and special, AP, hospital schools and special units within mainstream schools, with £290 for each eligible pupil, across the 2021/22 academic year. No primary school will receive less than £2000 and no secondary school will receive less than £6000. We expect the allocations to be published in November.
- 9.6. In addition, schools will also benefit from the 'School Led Tutoring Grant'. All state-funded primary, middle and secondary schools in England, including academies and free schools, will receive £203 for 60% of pupils eligible for Pupil Premium, from Year 1 to Year 11. This payment is ring-fenced to fund tutoring provision that can be locally sourced by schools. Final allocations will be confirmed to schools at the beginning of the Autumn Term.

10 CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY PANEL

- 10.1. The Children and Young People Overview and Scrutiny Panel has played an important role in scrutinising services during the pandemic. The Director of Public Health has attended every meeting to provide an update on the local impact. Panel members asked questions about issues that had arisen in their communities such as concerns around a possible backlog of registration of newborns during lockdown one. The panel were reassured that this had been resolved.
- 10.2. Panel Members were particularly concerned about; support for students who had fallen behind in their education as a result of the pandemic, the rise in referrals to children's social care and children's mental health and wellbeing. Plans are in place to address these issues and the Panel will continue to review them during the next year.
- 10.3. The Panel considered the budget and business plan at the November, January and February meetings. There were updates on the deficit in the Designated Schools Grant, some panel members asked if the department were pursuing commercial opportunities to help to mitigate the shortfall. The work programme for the coming year will include a report on Education Health and Care Plans alongside an update on the Designated School Grant.

11 ALTERNATIVE OPTIONS

- 11.1. The Council must cooperate with the DfE to address the DSG situation, see legal and statutory implications below.

12 CONSULTATION UNDERTAKEN OR PROPOSED

- 12.1. Statutory consultation has been undertaken about extending special school provision. The Schools Forum review progress on the DSG management plan and the deficit.

13 TIMETABLE

- 13.1. The Safety Valve timetable is set out in paragraphs 7.1-7.8

14 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 14.1. Finance implications have been covered by the main body of this report, finance colleagues will continue to support the ongoing work on the DSG deficit.

15 LEGAL AND STATUTORY IMPLICATIONS

- 15.1. The Dedicated Schools Grant is a specific grant under section 14 of the Education Act 2002 provided to local authorities to support the schools budget which funds individual school budgets and other provision for individual pupils including provision made by the council for pupils with special educational needs and disabilities. The Council is required to comply with the published conditions of grant for the DSG. DSG conditions require that any local authority that has an overall deficit on its DSG account at the end of the 2020 to 2021 financial year must cooperate with the DfE to address the situation.

16 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 16.1. None

17 CRIME AND DISORDER IMPLICATIONS

- 17.1. None

18 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 18.1. None

19 BACKGROUND PAPERS

- 19.1. Links to external papers are included in the report; Appendix A (detailing 2018/19 and 2019/20 DSG blocks outturn) is attached.

Appendix A

2018/19 and 2019/20 DSG blocks outturn

2019/20 Dedicated Schools Grant	Schools Block	High Needs Block	Early Years Block	Total all Blocks
	£'000	£'000	£'000	£'000
Rate adjustments	-86			-86
Bulge class funding	-240			-240
SEN statement payments to Merton maintained schools		1,188		1,188
ARP		-35		-35
Income recovered from other local authorities		-297		-297
Early Years 3/4 YO Offer			-533	-533
Other small over and (under) spends	-14		-47	-61
Delegated expenditure	-340	856	-580	-64
Additional SEN provision		1,489		1,489
Independent day school provision		6,799		6,799
SEN & Early Help staffing		-80		-80
Independent residential school provision		-132		-132
FE and post 16 ISP		-12		-12
Out of borough maintained school and academy places		2,012		2,012
Alternative education		326		326
SEN statement payments to Merton academies		286		286
Recoupment income		-242		-242
Sensory Team		-22		-22
Language and learning team		240		240
Early years support team			-56	-56
Parenting cover	-222			-222
Schools causing concern	-194			-194
Other small over and (under) spends	-108	-179		-287
Retained Items	-524	10,485	(56)	9,905
Total	-864	11,341	(636)	9,841

2018/19 Dedicated Schools Grant	Schools Block	Central Schools Services Block	High Needs Block	Early Years Block	Total all Blocks
	£'000	£'000	£'000	£'000	£'000
Rate adjustments	-107				-107
Growth fund underspend	-305				-305
SEN statement payments to Merton maintained schools			457		457
ARP			-92		-92
Special schools			81		81
Additional HN grant allocation			-483		-483
Early Years 3/4 YO Offer				-692	-692
Other small over and (under) spends	-18				-18
Delegated expenditure	-430	0	-37	-692	-1159
Additional SEN provision			1,426		1,426
Independent day school provision			3,601		3,601
Other LA maintained provision			866		866
Independent residential school provision			-1,046		-1,046
FE and post 16 ISP			120		120
Parenting cover	-186				-186
Attain	-50				-50
Other small over and (under) spends	-33	-32	29	-13	-49
Retained Items	-269	-32	4,996	-13	4,682
Total	-699	-32	4,959	-705	3,523
Earmarked DSG reserves					-614
DSG Deficit 2018/19					2,909

COUNCIL MEETING – 15 SEPTEMBER 2021 NOTICE OF MOTION

Pension Divestments

This Council notes that:

- A 'Climate Emergency' was declared by this Council in July 2019.
- Burning fossil fuels poses a serious risk to the stability of the climate upon which our well-being and economy depend, and research demonstrates that up to 80% world's proven fossil fuel reserves will have to remain unburnt if we are to have a reasonable chance of keeping global warming to less than 2 degrees Celsius.
- Four London Borough local authority pension funds have committed to full divestment, including: London Borough of Waltham Forest in September 2016; London Borough of Southwark in December 2016; London Borough of Islington in September 2018; and, London Borough of Lambeth in December 2018.

This Council believes that:

- The Council should invest its pension funds in ways that support our Climate Emergency declaration; and
- Since 80% of fossil fuels must remain in the ground, the reserves of the fossil fuel industry risk becoming 'stranded assets' with little or no value – representing a substantial financial risk for those that invest in them.

The Council calls on Merton's Pension Committee to divest from fossil fuels and adopt responsible investment policies which

- rule out new investments in fossil fuel companies; and
- divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within three years.

Cllr Jenifer Gould

Cllr Simon McGrath

Cllr Anthony Fairclough

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COUNCIL MEETING – 15 SEPTEMBER 2021 NOTICE OF MOTION

Flooding

This council recognises the repeated failure of the Labour administration and Veolia to protect the borough from flooding. The Labour administration has failed in its duty to ensure that Veolia cleans the drains and gullies of the borough, which has made a significant contribution to recent flooding in Merton.

Therefore, council calls on cabinet to:

- Ensure that Veolia is held to the terms of the contract and ensures that all drains and gullies are cleared immediately;
- Provide regular updates to council to ensure that drains and gullies are kept clear;
- Increase the monitoring of drains and gullies from the current once every three years schedule, and consider invoking the step-in clauses in the contract with Veolia in future to ensure Merton has the best protection from flooding;
- Instruct planning officers to ensure that flood prevention is a priority for future developments;
- Instruct planning officers to promote permeable surfaces in future parking crossover applications;
- Increase tree planting to assist with flood prevention.

Cllr Nick McLean

Cllr Daniel Holden

Cllr David Dean

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Exempt or confidential report The following paragraph of Part 4b Section 10 of the constitution applies in respect of information within Appendices A, B and C and it is therefore exempt from publication: Information relating to the financial or business affairs of any particular person (including the Authority holding that information). Members and officers are advised not to disclose the contents of the appendices

Committee: Council

Date: 15 September 2021

Wards: Abbey, Figges Marsh, Ravensbury

Subject: Support for Clarion Estate regeneration programme

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Regeneration, Housing and the Climate
Emergency

Contact officer: Deputy FutureMerton Manager, Tara Butler

Recommendations:

That Council note that Cabinet resolved the following recommendations at their meeting on 6th September 2021:

- A. To note that the programme-level viability deficit of identified by Clarion Housing Group (Clarion) in April 2020 in relation to their proposed regeneration of the High Path, Ravensbury and Eastfields estates represents a significant barrier to delivery;
- B. To agree that the Council remains supportive of Clarion's delivery of the Merton Estates Regeneration Programme (MERP) and the objectives of Merton's Estates Local Plan 2018 to improve the lives of existing residents and provide new homes;
- C. To agree to support the proposed adjustment of the Sales Clawback mechanism in the Stock Transfer Agreement to suspend the Council's eligibility to the 5% Sales Clawback mechanism so long as MERP is in the course of being delivered and remains in a deficit position at programme-level. The mechanism will be triggered only if MERP's financial performance reaches or exceeds a break-even position.
- D. To agree to support an amendment to the Stock Transfer Agreement to commit Clarion to delivering Decent Homes Standard upgrades linked to any failure to achieve regeneration delivery milestones to ensure these works are guaranteed to be delivered within a specified timeframe irrespective of the status of MERP;
- E. To agree to support an amendment to the Stock Transfer Agreement to specific partnership working arrangements between Clarion and the Council to include open book business plan progress updates and monitoring and regular identification, management and mitigation of risks to viability and deliverability with forums to be

established at operational (Officer) and strategic (Senior Officer and Member) levels with Clarion counterparts. This approach is proposed to ensure proactive management and monitoring of future risks.

- F. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency, to conclude any documentation, including, without limitation, amendments to existing agreements between the Council and Clarion, necessary to implement the recommendations C-E above on the best terms which in their view are reasonably achievable .
 - G. To agree that the 2010 Nominations Rights Deed will be preserved and that the council will continue to receive 100% nominations to true voids but that a protocol between Clarion Housing Group and the council be drawn up so as to assist Clarion in meeting its regeneration ambitions and ensuring that the council can continue to discharge its statutory housing duties and protect the public interest. Any such protocol will be jointly prepared between the council and Clarion Housing Group and be delegated to the Director of Community and Housing in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency.
 - H. To ask officers to continue to consider options for a freehold asset to the Council that may reflect some value of the claw back suspension and, should a mutually agreeable asset transfer be agreed, to delegate authority to the Director of Environment and Regeneration, and the Director of Corporate Services to conclude that transfer in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency and the Cabinet Member for Finance.
-
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Clarion Housing Group are delivering regeneration across three estates Eastfields, High Path and Ravensbury, supported by Merton's Estates Local Plan (2018). The 15 year programme is the largest housebuilding programme in Merton; it will build approximately 2,704 new homes, including replacing approximately 1,174 homes for existing tenants and homeowners to a modern standard.
- 1.2. The council supports the estate regeneration; it provides new homes to modern standards for the existing social housing and private residents on the three estates; it provides new homes to accommodate existing households that are currently living in overcrowded accommodation particularly at High Path; the regeneration provides modern homes, community rooms; investment to create space for shops and services along Merton High Street and Morden Road, new playgrounds and landscaping (including addressing issues of drainage, parking, providing play spaces and flood risk) and it provides more than 1,000 new homes, a significant proportion of future housing delivery, in Merton: important benefits for tenants and owner occupiers alike in a post Covid 19 where the quality of residents homes and neighbourhood are an important contribution to health and wellbeing.

1.3. This support has been made through a series of council decisions in from

2014 onwards, including the production and adoption of Merton's Estates Local Plan (2014 to February 2018) to guide planning decisions on the three estates and ensure that all three estates are regenerated. The council also agreed the "10 Commitments" with Clarion to ensure residents are treated fairly during the regeneration and has been monitoring the progress through the council's Sustainable Communities Overview and Scrutiny Panel.

1.4. On 6 April 2020 Clarion wrote to Merton's Chief Executive advising that a significant viability gap had emerged in relation to the proposed Merton Estates Regeneration Programme (MERP) encompassing the High Path, Eastfields and Ravensbury Estates. The programme-level viability gap, on a growth model basis, had swung from a surplus position at the point of the grant of planning permission in April 2019 to a deficit as of April 2020 as set out in the confidential section of this report. Clarion advised that this level of deficit was a serious risk to deliverability and measures needed to be explored to reduce this deficit and mitigate risks to delivery.

1.5. This report covers the following principal areas:

- a) The background and reasons for how and why the programme- level MERP viability gap has emerged, as reported by Clarion and scrutinised by LBM and their consultants;
- b) An overview of the process which has taken place over the last 12 months to address this viability gap inclusive of extensive cost and value optimising, programme refinement, options and scenario testing which took place via collaborative working between LBM and Clarion;
- c) The proposed measures identified as an output of this process to reduce the deficit to a position Clarion has confirmed is sufficient to allow them to commit to delivery; and
- d) Analysis and justification of the proposed commitments this report recommends LBM supports the reduction of Clarion's viability deficit at the time of writing this report, as set out in the confidential section of this report, but note that this is subject to final financial due diligence and subject to exchange of contracts and to manage risk across the remainder of the delivery programme, as set out in the recommendations of this report.
- e) The report covers the following principle areas - Heads of terms for the purposes of facilitating Merton Estate Regeneration Programme

1.5.2 On 6th September 2021, Cabinet met to consider the report and resolved all of the recommendations in this report. Merton's Sustainable Communities Overview and Scrutiny Panel considered a

presentation of the key matters in the report in their meeting on 2nd September 2021.

1.5.3 Councillors should note the following matters which are expanded in more detail within the report:

- (i) The above recommendations A-H are set out “in principle” subject to further legal and financial due diligence and the final agreement to the Heads of Terms is delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency. Now that Cabinet have resolved these principles, the financial and legal due diligence will continue.
- (ii) That Clarion’s business plan for MERP has been robustly scrutinised, challenged and iteratively developed through dialogue over the last 12 months by LBM Officers, Members and Merton’s independent financial viability consultants, SQW. This includes the identified viability deficit and a range of potential mitigation and value optimisation measures and interventions.
- (iii) That the options for scheme optimisation and value enhancement identified and referred to in the body of this report have not been designed in detail or subject to either formal planning or public consultation. Subject to endorsement of the recommendations set out above, Clarion will commit to progressing with design development, public and stakeholder consultation and seeking any necessary consents with full acknowledgement that this still represents their risk to deliverability and that the council’s planning decisions are not fettered by Cabinet and council decisions on the estate regeneration.
- (iv) That the outputs and conclusions of the process reported in this paper have been focused on identifying a viability position that Clarion can commit to delivering the full regeneration programme of all three estates to unlock the homes, jobs, placemaking and sustainability benefits the full programme would deliver relative to Decent Homes Standards upgrades, including
 - the provision of new homes to meet the needs of tenants and help address overcrowding
 - improved external areas, landscaping and open spaces, which are particularly important in a post Covid19 world
 - greater sustainability within the developments and improved comfort within the new homes
 - Contributions towards local infrastructure and travel which helps access to local amenities
 - contributes to Merton’s share of London’s housing needs, which is for targets of 918 new homes in Merton per year for the next 10 years.
- (v) That officers have endeavoured to ensure that the recommendations put before the Cabinet are proposed both to enable the delivery of full regeneration benefits for all three estates, whilst also ensuring adequate fallback, milestone-linked, provisions regarding Decent Homes Standards are secured to protect the

position of residents should MERP fail to proceed at the pace anticipated.

- (vi) That significant risks to financial viability and deliverability still remain, notwithstanding Clarion's commitment to deliver and proceed with MERP on the basis of the viability deficit identified in the confidential section of this report, and that is important for LBM and Clarion to work openly, proactively and collaboratively within an agreed governance framework to ensure these risks can be pre-empted, identified and managed effectively across the remaining duration of the programme.
- (vii) That officers are working to monitor Clarion's housing and maintenance following recent events where the standard of repairs and maintenance fell well below the expectations of the residents and of the Council; regular updates are being provided by CHG to the Council to ensure that they are tackling repairs and maintenance issues to a good standard and in a timely fashion particularly on the Eastfields Estate.

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Committee: Council

Date: 15th September 2021

Wards: All

Subject: Overview and Scrutiny Annual Report 2020-21

Lead officer: Lysanne Eddy, Interim Policy and Scrutiny Manager

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

Contact officer: Lysanne Eddy, Interim Policy and Scrutiny Manager;
Lysanne.Eddy@merton.gov.uk 020 8545 3882

Recommendations:

- A. That Council receives the 'Scrutiny in Merton' Overview and Scrutiny Annual Report
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Council is invited to receive the 'Scrutiny in Merton' Overview and Scrutiny Annual Report

2 DETAILS

- 2.1. The Overview and Scrutiny Commission is required to produce an annual report outlining the work of the overview and scrutiny function over the course of the Municipal Year. The Commission has used the report as an opportunity to draw attention to some of the key outcomes achieved during the year as well as identifying other topics covered by each of the Panels and the Commission itself.
- 2.2. The redesigned Overview and Scrutiny Annual Report 2020/21 is a shorter report with a greater use of graphics. This aims to make it more reader friendly but continues to explain the:
- (i) Overview and Scrutiny structure;
 - (ii) Breadth of topics discussed throughout the year;
 - (iii) Focus on a single key outcome achieved per panel;
 - (iv) number of meetings, members and stakeholders; and
 - (v) number of task group reviews and their impact
- 2.3. The report was approved for submission to Council by the Overview and Scrutiny Commission virtually on 2nd July 2021.

3 ALTERNATIVE OPTIONS

- 3.1. The Overview and Scrutiny Commission would be in breach of the constitution if it did not produce an annual report and present it to Council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The Overview and Scrutiny Commission approved the content of the Annual Report. Each Panel Chair was consulted on the section relating to their work

5 TIMETABLE

- 5.1. The Overview and Scrutiny Commission received the report by email for comments and approved it virtually, with no comments received, by the deadline of 2nd July 2021.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are none specific to this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under Part 2 Article 6.3 (e) of the Council's Constitution, the Overview and Scrutiny Commission must report annually to full Council on its workings and the workings of its panels, make recommendations for future work programmes and amended working methods, if appropriate.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. Examples of how this aim is achieved are included in the Scrutiny in Action section and supported by the publication of Scrutiny in Numbers.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The Police and Justice Act 2006 requires every Council to have a scrutiny committee with the power to review or scrutinise decisions made, or other action taken by the Council and the other responsible authorities in the exercise of their crime and disorder functions
- 9.2. In Merton this responsibility lies with the Overview and Scrutiny Commission and its work on these issues is described in the Commission's section of the Annual Report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There are none specific to this report

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

- 'Scrutiny in Merton' Overview and Scrutiny Annual Report 2020-21

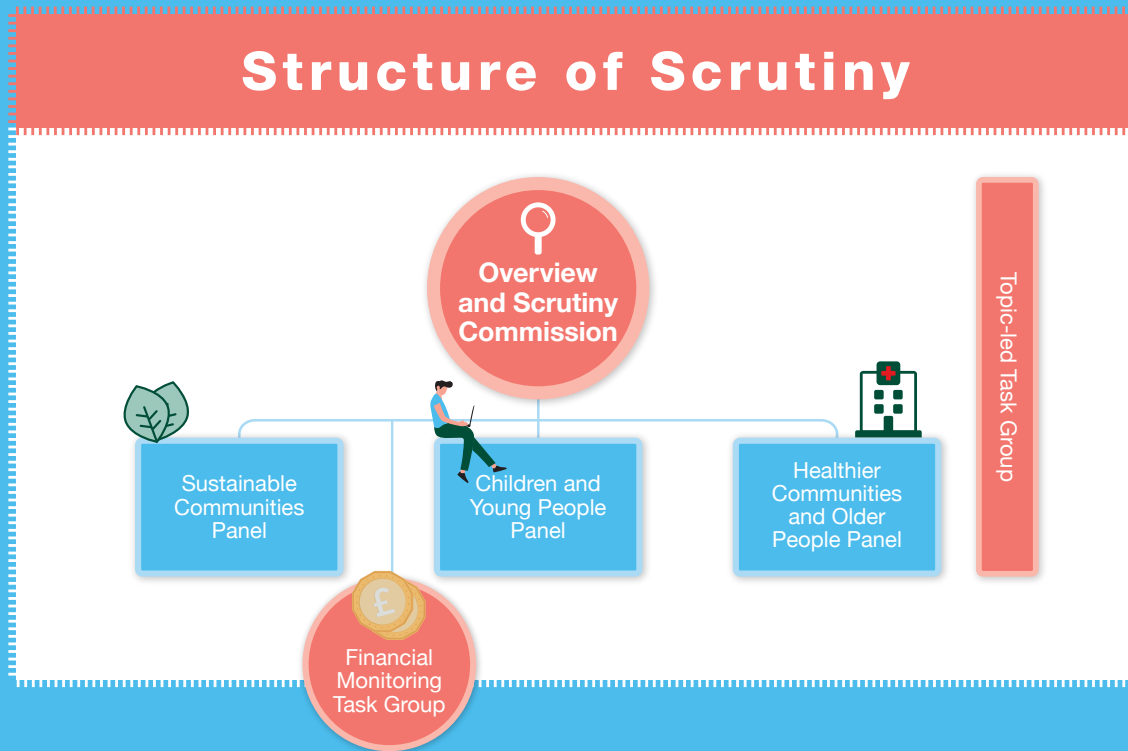
12 BACKGROUND PAPERS

- 12.1. None

Scrutiny in Merton

The scrutiny function acts on behalf of the community to improve services and decision-making inside and outside of the council. It does this through in-depth reviews, evidence sessions on a topic or questions to service providers, Cabinet members or partners.

Page 43



Scrutiny's impact 2020-21

The scrutiny year started with the formation of a concise improvement plan, in response to the review undertaken by the Centre for Governance and Scrutiny in 2019. This laid the foundation for Scrutiny to be clear on the outcomes it wanted to achieve going forward and the impact it was making for local residents. This action plan continues to be embedded in the work of Scrutiny in Merton to model best practice.



Children and Young People Overview and Scrutiny Panel

2020 was a year like no other with the emergence of the global pandemic COVID-19. With the United Kingdom quickly being moved into extreme lockdown procedures, Scrutiny in Merton was swift in response and

one of the first London Authorities to resume. Online meetings were established, hosted via the Zoom platform, with the Overview and Scrutiny Commission being operational from June 2020. These meetings were live and streamed public engagement using the council's YouTube channel.

Scrutiny's role was essential in providing the ability for panel members to check, challenge and celebrate the efforts of the council and its partners in responding to the pandemic. Through regular briefings and intelligence updates, scrutiny

panels monitored accomplishments in key areas across worst impacted or vulnerable residents. Panels continuously scrutinised the financial impact on the voluntary sector alongside the distribution of small business grants, testing and vaccination rates, local contingency planning for further outbreaks, cases in care homes, access to other health services including mental health, domestic abuse rates and education attainment as well as ensuring Merton's response to reducing child poverty through the provision of free school meals. Housing services were also questioned to ensure essential services and repairs continued to be delivered.

This approach positioned the council to apply the national strategy of Build Back Better swiftly at the local level. Merton was one of the quickest boroughs to disperse £30m of business grants to local businesses and minimised the financial impact on the voluntary and community sector through additional discretionary funds. Merton reported fewer cases and deaths in care homes compared to other local authorities and very successfully managed the enhanced testing programme in Pollards Hill.

The Overview and Scrutiny Chairs would like to offer their sincere thanks to officers, partners, community organisations and residents for their role in managing Merton's tremendous response to the pandemic. ➔

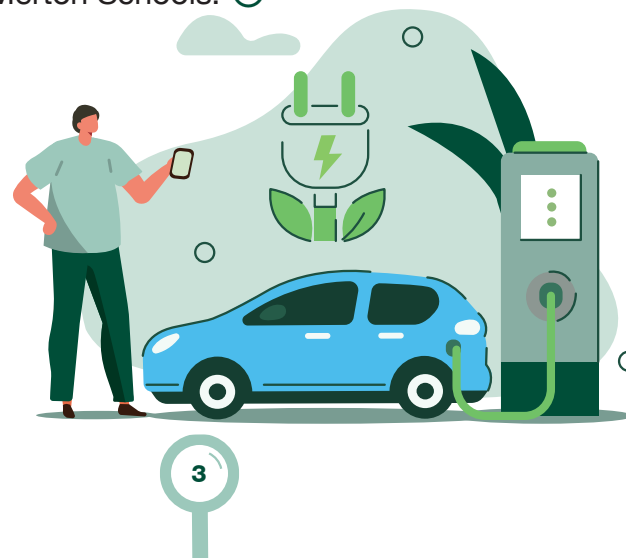


Scrutiny in action

Merton's Public Space Protection Order (PSPO) was presented to the **Overview and Scrutiny Commission**, with particular interest from the panel on the approach being adopted and the areas it would cover. As a result of Scrutiny input and recommendation, Cabinet agreed further analysis and consultation be carried out to assess either further expansion of the proposed PSPO and/or separate PSPOs for the areas of Morden Town Centre, Wimbledon Town Centre and other wards of concern.



The proposed expansion of the School Streets scheme was examined by the **Sustainable Communities Panel** as part of an ongoing consultation process. A School Street is a road with restricted access to vehicles at school drop-off and pick-up times. The reduction of vehicle traffic supports children who walk, cycle and scoot into school helping them to lead healthier and more active lives. Considering resident contributions and feedback, the panel made recommendations to expand the scheme to all schools in the borough which brought the total from 3 to 29. Merton now has the highest number of School Streets in London. Officers will report back to the panel on plans to implement School Streets or a School Street type approach to the remaining Merton Schools. ➔



Other topics scrutinised

- ➔ Climate change
- ➔ Local policing and crime
- ➔ Merton's Design Review Panel
- ➔ Management of green spaces
- ➔ Merger of South West London Clinical Commissioning Groups
- ➔ Safeguarding adults
- ➔ Expansion of Merton Medical Education Services
- ➔ Proposed council budget savings



Scrutiny challenge decisions that would impact communities

An NHS proposal to reconfigure acute services at St. Helier Hospital, potentially re-locating the accident and emergency department and children's services was investigated by the **Healthier Communities and Older People Panel**. After careful analysis of the proposal, the majority of the panel felt strongly that this would have a detrimental impact on communities who are already socio-economically disadvantaged. Action was taken by the panel to write directly to the Secretary of State to ask him to reconsider the decision. Although the decision to proceed with the original proposal was upheld, many panel members continue to have grave concerns. This demonstrates the essential role that scrutiny plays in challenging decisions that councillors feel threaten the delivery of essential services and equality of provision to Merton's residents. The Chair and Vice Chair continue to scrutinise the plans through the South West London Joint Health Overview and Scrutiny Committee.

The **Children and Young People Panel** have taken an active and sustained interest in the establishment of the Harris Academy Wimbledon. Continuously scrutinising progress and particularly seeking clear assurances that pupils were suitably catered for whilst temporary arrangements in other buildings were in place. The new school successfully opened in November 2020 and is the first new state secondary school in Merton for over a generation.



Ensuring pupils' wellbeing is important to Scrutiny

Scrutiny in numbers

Meetings and members

- ➔ 26 panel meetings
- ➔ 36 members
- ➔ 4 co-optees
- ➔ 82 items considered
- ➔ 22 partner and local organisations who attended
- ➔ 2,866 YouTube views averaging 110 views per meeting

Plus

- ➔ 2 call-ins
- ➔ 10 scrutiny referrals/recommendations to Cabinet including budget

Task group reviews

- ➔ 1 review
- ➔ 7 meetings, engagements or workshops
- ➔ 26* presenters or witnesses

At the time of publishing this annual report, recommendations were not as yet finalised for reporting.

*as at 15 June 2021

In-depth reviews: 2020–21 task groups

In response to the organisational resourcing pressures of COVID-19, the Overview and Scrutiny Commission reduced the number of in-depth reviews to one during the municipal year 2020–21.

task	action	outcome
<p>The topic selected was the <i>Repurposing of Merton's High Streets</i>. A task group was convened and members agreed to focus on five high streets across the borough: Morden, Mitcham, Raynes Park, Wimbledon and South Wimbledon.</p>	<p>Using a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis approach, a series of virtual workshops were initially arranged with ward councillors to capture early intelligence and form the basis of the SWOT for further discussion. A second series of virtual workshops are, at the time of writing this report, being established with wider stakeholders and resident groups.</p>	<p>These workshops will continue to utilise the SWOT approach, drawing out more of the opportunities and possibilities for future use in each of the five high streets. This task group aims to complete its inquiries by the end of July 2021, with recommendations to Cabinet in September 2021.</p>



Ways to get involved:

There are a number of ways you can get involved in the work of scrutiny at the council by:

- ➔ suggesting an issue or topic for scrutiny to look at merton.gov.uk/council-and-local-democracy/decision-making/overview-and-scrutiny/get-involved or by writing, emailing or phoning the Scrutiny Team on **020 8545 3864**
- ➔ attending a meeting open to the public
- ➔ requesting to give information and views in writing or speaking at a meeting
- ➔ contacting your local councillor on how to get involved

You can also view our scrutiny pages on our website, which include meeting dates, agendas and panel membership, via merton.gov.uk/scrutiny or by contacting the Scrutiny Team on scrutiny@merton.gov.uk



Committee: Council

Date: 15 September 2021

Subject: Changes to Membership of Committees and related matters

Lead officer: Hannah Doody, Chief Executive

Contact officer: Amy Dumitrescu, Democracy Services Manager

Democratic Services 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.
 2. Agrees the appointment of members to seats on Committees and sub-committees in Appendix A
 3. Agrees the appointment of members to seats on the consultative forums and other bodies set out in Appendix B
 4. agrees the allocation of seats and appointments to the outside organisations as detailed in Appendix C.
 5. Notes the changes to the appointments to the Cabinet including their respective portfolios (Appendix D);
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report seeks Council's approval for appointments to committee places and asks Council to note the changes made to committee membership under delegated authority since the publication of the agenda for the last ordinary Council meeting on 7 July 2021.

2 DETAILS

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

Committee	Member resigning	Replaced by	Date
Borough Plan Advisory Committee	Cllr Najeeb Latif	Cllr Daniel Holden	30 June 2021

- 2.2 The Leader has given notice of changes made by him to the membership of the Cabinet which now comprises the councillors listed in appendix A together with details of their portfolios.

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. Under the Council's constitution the Chief Executive may make appointments to committees at the request of group leaders between meetings of the Council, such appointments to be confirmed at the next available meeting of the Council..

5.2. Appointments to the Cabinet are a matter for the Leader so the changes made by him in July are simply for the Council to note.

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 Appendix A – Committees and sub-committees and allocation of seats to political groups (To follow)

9.2 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups (To follow)

9.3 Appendix C – Allocation of seats on outside organisations (To follow)

9.4 Appendix D - Executive Leader's appointments to the Cabinet and their respective portfolios

10 BACKGROUND PAPERS

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

Leader of the Council – Mark Allison

- Chair of Cabinet
- Leader of the Council

**Joint Deputy Leader and Cabinet Member for Children and Education
– Eleanor Stringer**

- Joint Deputy Leader of the Council
- Overarching management of education
- Leading on the planning, development and expansion of the schools estate
- Raising standards at each key stage in schools, especially GCSE KS4, and minimising the impact of austerity on educational outcomes
- Championing fair access and leading on strategic schools' issues
- Responsibility for Smart Centre (PRU) and exclusions and improving transitions into mainstream education, work and training.
- Governor training and support
- Leading across the 14-19 agenda including skills
- Covering the full statutory role as lead member for Children
- Development of the Children's Trust
- Children's care services and disabled children, including SEND
- Early years and childcare, extended schools and children's centres
- Leading on improvement in youth services. Responsible for youth justice, and engaging young people in the life of the community eg Youth Parliament
- Corporate parenting and ensuring our looked after children succeed
- Strong safeguarding through Local Safeguarding Children's Board partnership.
- Supporting families to stay together wherever appropriate, and promoting security and stability when children do come into our care
- Joint responsibility for Merton's Violence Against Women and Girls (VAWG) Strategy

**Joint Deputy Leader and Cabinet Member for Performance, Recovery and the
Local Economy – Owen Pritchard**

- Joint Deputy Leader of the Council.
- Leading on the Council's recovery agenda.

- Leading on performance monitoring and Service Planning.
- Member Lead on the Merton the Place, a place-based vision for the borough's recovery from Covid-19, working with the Modernising Merton Lead Member
- Responsible for effective communication with residents.
- Responsible for implementation and roll out of CRM project.
- Lead Member on Strategic infrastructure development in the borough.
- Leading on efforts to boost trade and the local economy in town centres, supporting small businesses, markets and Business Improvement Districts.

Cabinet Member for Local Environment and Green Spaces – Natasha Irons

- Increasing recycling rates and overseeing the council's waste strategy and street cleaning services
- Ensuring contracts uphold best possible outcomes in effective management of waste and street cleansing.
- Focus on streetscene improvement, including initiatives around HMOs/flats above shops.
- Promoting campaigns against environmental crimes (fly-tipping, litter).
- Leading on parks and use of the borough's greenspaces.
- Ensuring management of contracts for parks and open spaces.
- Encouraging sustainable activity by local community groups in parks and open spaces.
- Responsibility for allotments and cemeteries

Cabinet Member for Women and Equalities – Marsie Skeete

- Ensuring all equalities strands (sex, race, disability, sexual orientation, gender reassignment, pregnancy/maternity, religion/belief, age, marriage and civil partnerships) are embedded throughout council performance and the impact on these groups of austerity is minimised
- Oversight of the Council's Equality Strategy and Equality Impact Assessments and drawing up an Equalities Charter
- Chair of the Joint Consultative Committee with Ethnic Minorities
- Assessing the needs of the borough's EU citizens as the UK exits the EU
- Supporting the Merton Council staff BAME Forum
- Joint responsibility for Merton's Violence Against Women and Girls (VAWG) strategy
- Support and development of the LGBT+ forum
- Support and development of the Faith and Belief Forum

- Overseeing community engagement, including Community Plan, increased participation in local decision making and increasing social capital
- Overseeing the council's community partnerships, including specific focus on the voluntary sector.
- Leading on the management of grants to community groups and decisions of Grants Committee
- Chair of the Merton Compact Board.
- Overseeing voluntary sector organisations applying to become Refugee Community Sponsors.

Cabinet Member for Housing, Regeneration and the Climate Emergency – Martin Whelton

- Council lead on the Climate emergency
- Chair of Climate Change Implementation Committee
- Responsible for building links with residents, businesses and community groups to reduce carbon.
- Leading on regeneration and neighbourhood renewal initiatives.
- Overall responsibility for planning policy.
- Leading on the development of the Local Plan.
- Responsible for housing strategy, developing relations with Housing Associations and promoting the needs of tenants and leaseholders.
- Ensuring delivery of promises by Clarion Housing.
- Overseeing monitoring and enforcement of HMOs and rogue landlords
- Overseeing major projects in town centres.
- Building a vision in conjunction with local residents for the future of our neighbourhoods.
- Overall responsibility for development and building control and spatial policy.
- Transport planning including Crossrail 2, and liaison with Transport for London.
- Leading on traffic and highways.

Cabinet Member for Adult Social Care and Public Health – Rebecca Lanning

- Community care services, including relationships with the local Clinical Commissioning Group (CCG), Primary Care Network (PCN), Integrated Care System (ICS), wider health organisations including the voluntary sector in addition to protecting local health services.

- Social services for adults and services for adults with learning disabilities.
- Lead on dementia and mental health services.
- Leading on personalisation and choice issues.
- Older people's services including support for carers, day care for the elderly and meals on wheels, working alongside the National Health Service.
- Lead on Public Health and healthy living schemes.
- Lead member for Air Quality and sustainable transport, including school streets, cycling and LTNs, and for parking services and overseeing the council's parking management strategy.
- Chair of Health and Wellbeing Board.
- Lead member for addressing food poverty.

Cabinet Member for Culture, Leisure and Skills – Brenda Fraser

- Leading on libraries including maximising use of library buildings
- Overseeing leisure operations and development
- Liaising with businesses and cultural organisations to embed culture in regeneration plans
- Leading on apprenticeships and training.
- Leading on the adult education service.
- Business opportunities in heritage and tourism
- Leading on trading standards and commercial environmental health
- Working with organisations in the borough's thriving arts and cultural Communities

Cabinet Member for Partnerships, Public Safety and Tackling Crime – Agatha Akyigyina

- Reducing the threat of crime and anti-social behaviour in Merton and working closely with Police and Community Safety partnerships
- Leading on a knife crime strategy for the borough
- Point of contact with Borough Command Unit and Deputy Mayor for Crime and Safety
- Overseeing CCTV operations
- Joint responsibility for Merton's Violence Against Women and Girls (VAWG) strategy
- Oversight of the Council's Preventing Violent Extremism strategy
- Support and development of Merton's Armed Forces Community Covenant

Cabinet Member for Finance – Tobin Byers

- Leading on the budget, including the development of revenue, capital and debt management strategies
- Responsible for corporate finance, IT and audit, human resources, civic and legal services, and risk management
- Lead on asset management, driving improvements in council performance and leading budget and finance performance review meetings
- Leading on Modernising Merton, the change management agenda with responsibility for driving through value for money and efficiency within the council, working with the Merton the Place Lead Member
- Overseeing the Council Commissioning strategy
- Monitoring progress of council wide strategic approach to customer services and community support and access.
- Monitoring the implications of Brexit on Merton Council, working alongside the Cabinet Member for Women and Equalities

Note: All Cabinet Members are also responsible as Corporate Parents for children in the care of the Council

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Committee: Council

Date: 15 September 2021

Subject: Petitions

Lead officer: Louise Round, Managing Director South London Legal Partnership

Lead member: Leader of the Council, Councillor Mark Allison

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

Recommendation:

1. That Council receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
 2. That Council notes the responses provided to the petitions submitted at the meeting held on 7 July 2021.
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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 7 July 2021, the petitions listed below were submitted and the responses are set out 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.

A petition was submitted by Councillor Macauley on the Litter and Flytipping in Lavender Fields

Officer Response

We have been handling a sustained increase in the volume of fly-tipped waste incidents across the borough which is blighting our communities. The waste deposited damages our environment and our enjoyment of our neighbourhoods is diminished. Unfortunately, fly-tipping has become a common form of anti-social behaviour which constitutes a criminal offence.

In order to address these concerns it is recognised that a 'Cleaner Merton' programme needs to be undertaken. The fly-tip strategy and supporting action plan is one element of the wider programme which places focused attention through specific actions to improve outcomes in this specific area.

In order to better understand the nature of the issues which have been raised in the petition, I am pleased to note that in conjunction with the Lead Cabinet Member and Council officers we have been able to meet in person with representatives from the petition and have identified a number of work streams

which we hope will start to see a sustainable improvement in and around the area of Brangwyn Close and Willow View.

A Petition was submitted by Councillor Barlow on Wimbledon Farmers Market.

Officer Response

Thank you for sharing with us the petition in support of the Wimbledon Village Farmers Market.

The Highway arrangements to enable the Market to relocate on-street have been introduced under an experimental traffic order. The Council is now collating feedback on the traffic order consultation and will also include the petition as evidence of support.

The council will be making a decision on whether to amend, remove or make permanent, the highway arrangements for the Market in autumn this year.

The RSP Licensing team are working closely with Merton Highways to ensure we are in step with future traffic orders and the successful operation of Wimbledon Village Sunday Market.

A Petition was submitted by Councillor McLean on West Barnes Rubbish and Flytipping

Officer Response

We acknowledge the concerns raised by the West Barnes and Motspur Park Village residents. The waste collection service provided by our service provider, Veolia has been designed to maintain the curtilage collection approach rather than a kerbside collection system. This is to ensure that our pavements are kept clear of refuse containers restricting access for pushchair / wheelchair users. This requires householders to set out waste bins within the confines of their property as close to the edge as possible.

We have ensured that this area is reviewed and the crews monitored to ensure high collection standards are maintained.

In regards to the commercial bins we will be contacting the business and managing agents to ensure that these bins are removed from the highway.

- 2.2 Members are invited to present petitions at this meeting, and a response will be provided to the next ordinary Council meeting in November 2021.

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.

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