

Merton Council

Council Meeting

Membership

The Mayor: Councillor Joan Henry

The Deputy Mayor: Councillor Agatha Mary Akyigyina OBE

Councillors: Sally Kenny, Stephen Alambritis MBE, Laxmi Attawar, Thomas Barlow, Hina Bokhari, Mike Brunt, Billy Christie, Caroline Cooper-Marbiah, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Daniel Holden, Andrew Howard, Natasha Irons, Linda Kirby MBE, Paul Kohler, Edith Macauley MBE, Peter McCabe, Simon McGrath, Nick McLean, Aidan Mundy, Dennis Pearce, Marsie Skeete, Eleanor Stringer, Martin Whelton, Helena Dollimore, James Willisroft, Sheri-Ann Bhim, John Braithwaite, Michael Butcher, Caroline Charles, Eleanor Cox, Klaar Dresselaers, Chessie Flack, Kirsten Galea, Ross Garrod, Jil Hall, Billy Hayes, Susie Hicks, Dan Johnston, Andrew Judge, Usaama Kaweesa, Samantha MacArthur, Gill Manly, Stephen Mercer, Stuart Neaverson, John Oliver, Robert Page, Michael Paterson, Tony Reiss, Slawek Szczepanski, Matthew Willis, Max Austin and Victoria Wilson

Date: **Wednesday 14 September 2022**

Time: **7.15 pm**

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

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda please contact democratic.services@merton.gov.uk or telephone [020 8545 3357](tel:02085453357).

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

Council Meeting

14 September 2022

1	Apologies for absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meeting	1 - 10
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	11 - 12
7a	Strategic theme: Main report	13 - 32
7b	Strategic theme: Councillors' questions to cabinet members The questions and written responses will be circulated at the meeting.	
7c	Strategic theme: motions	
8	Reports from the Raynes Park Community Forum 30 June 2022	33 - 38
9	Notice of motion - Conservative Motion	39 - 40
10	Notice of motion - Conservative Motion	41 - 42
11	Notice of Motion - Liberal Democrat Motion	43 - 44
12	Notice of Motion - Labour Motion	45 - 46
13	Notice of Motion - Labour Motion	47 - 48
14	Amendments to the Constitution	49 - 56
15	Overview & Scrutiny Annual Report 2021/22	To Follow
16	Street Trading Policy under the London Local Authorities Act 1990 (as amended)	57 - 100
17	Changes to membership of committees and related matters	101 -

18 Petitions

Council to receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution

Please note: there is no written report as no petitions were received at the last meeting.

19 Business for the next ordinary meeting of the Council

20 Senior Council Structure

103 -
128

21 Exclusion of the Public

To RESOLVE that the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s).

22 Senior Council Structure (Exempt Report)

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.

Partnership.

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Agenda Item 3

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COUNCIL
6 JULY 2022

(7.15 pm - 10.04 pm)

PRESENT (in the Chair), Councillor Joan Henry,
Councillor Agatha Mary Akyigyina,
Councillor Stephen Alambritis, Councillor Laxmi Attawar,
Councillor Thomas Barlow, Councillor Hina Bokhari,
Councillor Michael Brunt, Councillor Billy Christie,
Councillor Caroline Cooper-Marbiah,
Councillor Anthony Fairclough, Councillor Edward Foley,
Councillor Brenda Fraser, Councillor Jenifer Gould,
Councillor Joan Henry, Councillor Daniel Holden,
Councillor Andrew Howard, Councillor Natasha Irons,
Councillor Linda Kirby, Councillor Paul Kohler,
Councillor Edith Macauley, Councillor Peter McCabe,
Councillor Simon McGrath, Councillor Nick McLean,
Councillor Aidan Mundy, Councillor Dennis Pearce,
Councillor Marsie Skeete, Councillor Eleanor Stringer,
Councillor Martin Whelton, Councillor Helena Dollimore,
Councillor James Williscroft, Councillor John Braithwaite,
Councillor Michael Butcher, Councillor Caroline Charles,
Councillor Eleanor Cox, Councillor Klaar Dresselaers,
Councillor Chessie Flack, Councillor Kirsten Galea,
Councillor Ross Garrod, Councillor Jil Hall,
Councillor Billy Hayes, Councillor Susie Hicks,
Councillor Dan Johnston, Councillor Andrew Judge, Councillor
Sally Kenny, Councillor Usaama Kaweesa,
Councillor Samantha MacArthur, Councillor Gill Manly,
Councillor Stephen Mercer, Councillor Stuart Neaverson,
Councillor John Oliver, Councillor Robert Page,
Councillor Michael Paterson, Councillor Tony Reiss,
Councillor Slawek Szczepanski, Councillor Matthew Willis,
Councillor Max Austin and Councillor Victoria Wilson

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Sheri-Ann Bhim.

Councillors Simon McGrath and Daniel Holden attended remotely.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 25 May 2022 are agreed as an accurate record.

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

The Council observed a minutes' silence following the death of former Councillor and Freeman of the Borough Allan Jones. Councillor Brunt and Councillor McLean spoke about his life.

The Leader spoke on the upcoming Cost of Living Event and on the TV screen at the Canons Leisure Centre which would be screening the Wimbledon Tennis Championship.

Councillors Macauley and Foley spoke to congratulate Councillor Kirby on receiving her MBE.

Councillors Irons, Kohler and Judge spoke on the recent retirement of Chris Lee, Director of Environment and Regeneration.

There were no announcements from the Chief Executive.

The Mayor then provided an update on her recent and upcoming events and activities.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited each of the questioners in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the '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: MAIN REPORT (Agenda Item 7a)

The Strategic Theme report on Supporting residents who are most in need and promoting the safety and wellbeing of all our communities with an emphasis on Health inequalities was moved by Councillor McCabe and seconded by Councillor Charles.

Councillor Austin also spoke on the item.

The Liberal Democrat amendment to the Strategic Theme Report was moved by Councillor Gould and seconded by Councillor Hicks. Councillor McCabe also spoke on the amendment.

The Liberal Democrat amendment was put to a vote and carried unanimously.

The Strategic Theme report as amended was agreed.

RESOLVED:

A. That the Council notes the progress in relation to the contents of this report

Council also:

b) requests a report be sent to Cabinet within the next 12 months setting out a comprehensive engagement plan, with targets and deadlines for improvement aimed at:

- Increasing uptake of Breast cancer screening services by women across the borough;
- Increasing uptake of Childhood immunisations, particularly pre-school boosters and MMR vaccinations;
- Reducing the incidence of self-harming by young people.

c) requests Cabinet to undertake a review of the borough's cycling and walking infrastructure aimed at increasing the number of children cycling and walking thereby reducing school-related traffic congestion and resulting air pollution.

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

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.

7c STRATEGIC THEME: LABOUR MOTION (Agenda Item 7c)

The motion was moved by Councillor Dollimore and seconded by Councillor Williscroft.

Councillors Fairclough and Barlow spoke on the item.

The motion was then put to a vote and was carried – votes in favour: 47, votes against: 6, abstentions: 1.

RESOLVED:

This Council notes the enormous health inequalities, exacerbated by inequalities in access to healthcare, between the East and West of the borough.

Council notes that according to Public Health Outcomes Framework data, the slope index of inequality (an overarching measure of the life expectancy inequality gap which represents the gap in years of life expectancy at birth between the most deprived and least deprived communities), from 2018 to 2020 in Merton the gap was 5 years for females (95% CI 3.3-6.6) and 7.7 for males (95% CI 6-9.4).

Council notes the proposal to move services to Belmont will increase these inequalities and reduce access to healthcare for the people of Merton.

Council notes the cuts to funding and delays to the programme of hospital-building in Belmont that have already been seen, and believes them to be a matter of concern to people throughout South West London.

This Council has a long-standing commitment to ensuring that the residents of Merton have access to a full range of NHS acute services on the St Helier Hospital site, including a blue light A&E and consultant-led maternity service. Any attempt to relocate acute services away from an area of relative deprivation in St Helier in favour of a more affluent area such as Belmont would be incompatible with the statutory duty on the Merton Clinical Commissioning Group (CCG) to have regard to the need to tackle health inequalities because it would make accessing acute health services significantly more difficult for those in our population who suffer the greatest level of inequality. Instead, council supports the previous strategy to re-build St Helier hospital on its current site with its full range of services intact.

It is the firm belief of this Council that the retention of all services at St Helier is the very best way to ensure equality of healthcare provision for the residents of Merton, and ensure that those in the east do not further lose out.

The Council notes that the Leader of the Council has written on 15th June 2022 to the Chief Executive Officer designate for the South West London ICS to ask for an explanation of any reassurances she has received that the hospital-building programme in South West London will not suffer from further delays or cuts to funding. Council calls on the CCG to publish the new business plan and explain the reason behind residents not being consulted on it, and for information about the business of the Strategic Executive Group and the Strategic Oversight Group.

Council resolves to:

Write a letter to the CCG and other affected local authorities requesting that, in the ongoing spirit of cooperation identified by an independent review panel to the Secretary of State in October 2020 as essential to identifying the best possible outcomes for the whole population being served, they support the retention of all services at St Helier.

8 REPORTS OF THE MITCHAM COMMUNITY FORUM: 22 FEBRUARY 2022
(Agenda Item 8)

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

9 REPORT OF THE MORDEN COMMUNITY FORUM: 23 FEBRUARY 2022
(Agenda Item 9)

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

10 REPORT OF THE RAYNES PARK COMMUNITY FORUM: 22 MARCH 2022
(Agenda Item 10)

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

11 REPORT OF THE WIMBLEDON COMMUNITY FORUM: 23 MARCH 2022
(Agenda Item 11)

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

12 REPORT OF THE WIMBLEDON COMMUNITY FORUM: 15 JUNE 2022
(Agenda Item 12)

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

Councillor Kohler moved a motion submitted on behalf of the Community Forum. The motion was seconded by Councillor Stringer.

Councillor Austin spoke on the motion.

The motion was put to a vote and carried – votes in favour: 47, against: 6, abstentions: 1.

RESOLVED:

The Wimbledon Community Forum notes that some roads in Wimbledon are named after former residents who were slave owners.

The Forum calls on Merton Council to:

- consider including historical information in the vicinity of such road signs including the fact they are named after slave owners.

13 NOTICE OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 13)

The motion was moved by Councillor McGrath and seconded by Councillor Hall.

The Labour amendment as set out in agenda item 21 was moved by Councillor Christie and seconded by Councillor Hayes.

Councillor Howard spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 37, votes against: 16, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was agreed.

RESOLVED:

Council Notes:

- 1) That low pay still affects many people in Merton and that the Cost-of-Living crisis is making their situation worse
- 2) That Merton Council is a London Living Wage direct employer
- 3) The amendment to the Budget resolution passed by Council in March 2021:
"G) welcoming the provision in the MTF5 for increased contract costs/LLW for contracts due to be re-let in 2022/23 onwards, requests Cabinet make real movement towards paying the London Living Wage to care workers employed by outside contractors as and when each contract comes up for retendering and/or renegotiation."

3) The ongoing work to negotiate new contracts with service providers who pay the London Living Wage, most recently (27th June) Cabinet approving a contract for Supported Living Services for Adults with a Learning Disability which pays London Living Wage to its staff

Council requests that Cabinet present a paper to on the costs, implications and timescale for Merton being accredited by the Living Wage Foundation in recognition of its status as a Living Wage Employer.

14 NOTICE OF MOTION: LABOUR MOTION (Agenda Item 14)

The motion was moved by Councillor Stringer and seconded by Councillor Kaweesa.

The Liberal Democrat amendment as set out in agenda item 21 was moved by Councillor Fairclough and seconded by Councillor Kohler.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 24, votes against: 29, abstentions: 1.

The Conservative amendment as set out in agenda item 21 was moved by Councillor McLean and seconded by Councillor Howard.

The Conservative amendment was put to a vote and fell – votes in favour: 8, votes against: 29, abstentions: 17

As six members of the Council requested that a recorded vote be taken on the vote on the substantive motion, a roll call was taken and the votes were as follows:

Votes in favour (54): Councillors Alambritis, Attawar, Austin, Barlow, Bokhari, Braithwaite, Brunt, Butcher, Charles, Christie, Cooper-Marbiah, Cox, Dollimore, Dresselaers, Fairclough, Flack, Foley, Fraser, Galea, Garrod, Gould, Hall, Hayes, Hicks, Howard, Irons, Johnston, Judge, Kaweesa, Kenny, Kirby, Kohler, MacArthur, Macauley, Manly, McCabe, McLean, Mercer, Mundy, Neaverson, Oliver, Page, Paterson, Pearce, Reiss, Skeete, Stringer, Szczepanski, Whelton, Willis, Williscroft, Wilson, Deputy Mayor Councillor Akyigyina and the Mayor Councillor Henry.

Votes against: (0)

Not Voting: (0)

The Motion was therefore unanimously agreed and it was

RESOLVED:

This Council notes that:

- The Royal College of Psychiatrists has reported that the cost-of-living crisis “poses a threat of pandemic proportions” to the nation’s mental health.
- On 1st April 2022, Ofgem increased the energy cap by 54%. For a typical household paying by direct debit it's now £1,971/year – up by a massive £693/year, from its previous level. Those on prepay, the price cap has also increased by 54%, from £1,309/year to £2,017/year on typical use – a rise of £708/year.
- Workers have seen their National Insurance contributions increased from 12% to 13.25% on 6 April to fund the response to the Covid NHS backlog and new investment in adult social care.
- Additionally – and in this same timeframe – food prices and fuel are rising caused by global inflation post-pandemic and the conflict in Ukraine.

This Council recognises the unprecedented financial pressures that all our residents will face in the coming year, and notes with serious concern, that for those with low or insecure income, these pressures could prove overwhelming.

The Council, therefore, declares a ‘Cost of Living Emergency’. Recognising that it has a part to play in response, this Council has:

- Established a £2 million Cost of Living Emergency Fund to target support to residents and voluntary organisations to alleviate the financial burden facing our residents.
- Set up a series of Cost of Living events across the borough to reach those most in need to inform them of resources and support available

- Maintained one of the country's most generous Council Tax Support schemes for residents on low incomes
- Created a 'Cost of Living' Hub on our website to help residents find services that can support them through financial difficulty
- Pledged to continue provision of Free School meals to those eligible throughout the school summer holidays

In addition, this Council will:

- Build on its status as a London Living Wage employer to ensure Merton becomes a London Living Wage Borough
 - Appoint a London Living Wage Champion to drive forward this work
- Convene a summit of voluntary organisations to discuss how best to provide support to those most in need The work of alleviating the Cost of Living crisis is not the Council's alone.

Therefore, this Council calls on the Government to:

- Continue funding the provision of Free School Meals during school holidays
- Extend support to schools and sporting facilities to mitigate against the increase in energy prices, so that children and families will not miss out on crucial education and exercise opportunities
- Extend to Merton the Money and Pensions Service (MaPS) pilot which joins up the mental health sector with debt advice services for people in mental health crisis to avoid spiralling debt.

15 UPDATE ON PLANNING ENFORCEMENT (Agenda Item 15)

This item was deferred to a future meeting.

16 UPDATE ON MOTIONS AND AMENDMENTS FROM COUNCIL 2021-22 (Agenda Item 16)

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

RESOLVED:

A. That Council notes the updates within the report on motions and amendments passed at Council during the previous municipal year

17 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 17)

The report was moved by Councillor Garrod and seconded by Councillor Stringer and Councillor Kohler spoke on the item.

RESOLVED:

That the Council:

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

18 PETITIONS (Agenda Item 18)

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

There were no petitions received.

RESOLVED

That Council

1. Notes the update on the petitions received at the last meeting,

19 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 19)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 14 September 2022, shall be “Work to make Merton a fairer, more equal borough and support those on lower income by tackling poverty and fighting for quality affordable housing – with a particular focus on housing, homelessness and support for renters – both in the private rented and social housing sector.”

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6: Councillors' Ordinary Priority Questions to Cabinet Members

From Councillor Slawek Szczepanski to the Deputy Leader and Cabinet Member for Civic Pride

Would the Cabinet Member provide an update on Ukrainian refugees being supported in the borough?

From Councillor Samantha MacArthur to the Cabinet Member for Finance and Corporate Services

Prior to the May elections, the current administration stated that they would "boost the local economy and encourage businesses that support our community". Would the Cabinet Member please confirm what support the Council is planning to give small businesses facing unaffordable increases in their energy bills that threaten their survival with severe consequences for jobs and business rates revenue within the borough?

From Councillor Caroline Charles to the Cabinet Member for Finance and Corporate Services

Would the Cabinet Member provide an update on the Council's support for Merton residents and businesses during this cost of living crisis?

From Councillor Michael Paterson to the Cabinet Member for Transport

Many residents consider low traffic neighbourhoods to be a money-making scheme, are they right?

From Councillor Jenifer Gould to the Cabinet Member for Health and Social Care

Caroline Abrahams, charity director at Age UK, said the unprecedented increase in energy bills is "a disaster in the making" for small and medium-sized businesses, including care homes." Would the Cabinet Member please set out what help Care Homes in Merton are being offered to help them through the energy price rise emergency and what plans are in place if they are forced to close?

From Councillor Helena Dollimore to the Deputy Leader and Cabinet Member for Civic Pride

Would the Cabinet Member provide an update on the Council's work with partners to ensure safer streets for women and girls?

From Councillor Chessie Flack to the Cabinet Member for Education and Lifelong Learning

We are all aware of the importance of a balanced diet for children's development and education. Given the cost of living crisis, are there any plans to expand free school meals, for example, by giving children on free school meals guaranteed and free access to breakfast clubs, or introducing 'dinner clubs'?

6: Councillors' Ordinary Priority Questions to Cabinet Members

From Councillor Max Austin to the Cabinet Member for Children's Services

The Wimbledon Times has reported that Merton Council has paid compensation of £3,500 for the 'distress and hardship' experienced by a Merton teenager after the council failed to find her temporary accommodation after she became homeless. Why did the council fail this vulnerable teenager?

From Councillor Michael Butcher to the Cabinet Member for Health and Social Care

Would the Cabinet Member provide an update on the Council's ambitions for public health in the borough and the important role that sport can play in achieving this?

Committee: Council

Date: 14th September 2022

Wards: All

Subject: Strategic Theme Report: Work to make Merton a fairer, more equal borough and support those on lower incomes by tackling poverty and fighting for quality affordable housing.

Lead officer: John Morgan, Interim Director of Community and Housing;

Adrian Ash, Interim Director of Environment and Regeneration;

Caroline Holland, Director of Corporate Services

Lead member: Councillor Andrew Judge, Cabinet Member for Sustainable Communities

Contact officer: Elliot Brunton, Interim Head of Housing Needs and Strategy;

Tara Butler, Programme Manager, Future Merton

David Keppler, Head of Revenue and Benefits

Recommendations:

A. That the Council consider the content of this report

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. Council, at its meeting on 2nd March 2022, approved the new Business Plan 2022 - 2026. The Business Plan sets out five strategic priorities and each meeting of the Council receives a report updating against one of the Council's strategic themes. The Business Plan sets out how the Council will deliver its ambition with five strategic priorities to shape and guide delivery.

- Maintaining excellent education and skills for all ages and needs;
- Promote a dynamic, connected and inclusive community and economy with safe, vibrant high streets and jobs for our residents;
- Support residents who are most in need and promote the safety and wellbeing of all our communities;
- Ensure a clean and environmentally sustainable borough with inclusive open spaces where people can come together and enjoy a variety of natural life;
- Work to make Merton a fairer, more equal borough and support those on lower income by tackling poverty and fighting for quality affordable housing

- 1.2 Performance against these priorities is monitored by Council. Each meeting of Council receives a report updating on progress against one of these priorities. This report provides Council with an opportunity to consider progress against the priorities that are to be delivered, specifically under the priority to Work to make Merton a fairer, more equal borough and support those on lower income by tackling poverty and fighting for quality affordable housing

2. INTRODUCTION

- 2.1 Section 3 of the body of the report provides an overview of the Council's work, including with partners, to deliver new affordable housing in the borough and to improve the quality of existing stock.
- 2.2 Sections 4 to 12 covers support for homelessness, renters and other housing related support provided by the Housing Needs Service.
- 2.3 Section 13 of the report provides an overview of the financial support available to residents in respect of housing costs provided by the Benefits service

3. NEW AFFORDABLE HOMES

3.1 New affordable homes are mainly provided via two routes:

- The planning system, where developments of large sites (11 homes or more) must provide a proportion of affordable housing, according to Merton's planning policies
- Social housing providers building developments themselves.

3.2 Merton is a borough of small sites due to fragmented land ownership and high land values, making site assembly difficult. For the past 15 years more than 90% of the planning applications received for new homes have been for small sites, which aren't currently required to provide any affordable housing. This makes the provision of affordable housing in Merton extremely challenging, compared to other boroughs such as Croydon which are characterised by larger development sites.

3.3 In recent years government has introduced changes to the planning system to allow the conversion of commercial premises (offices, shops etc) to homes under a process called "prior approval". Any homes created under prior approval do not use the local Council's planning policies, therefore do not have to provide any affordable housing.

3.4 In these challenging circumstances the Council has to support the delivery of affordable homes in other ways.

3.5 In August 2022 the Council held a special Cabinet to allocate funding to build 93 affordable homes across four Council-owned sites.

3.6 The Council's new Local Plan proposes reintroducing a policy to require a financial contribution from small sites towards the creation of new affordable homes. The new Local Plan is currently the subject of an independent examination, led by Planning Inspectors appointed by the Secretary of State. The Local Plan will have to pass the examination before this policy can be adopted (likely late 2022 or early 2023, depending on when the Inspectors deliver their report).

3.7 The Council supports Clarion's regeneration of Eastfields, High Path and Ravensbury to improve the quality of homes, including affordable homes, by adopting Merton's Estates Local Plan in 2018, considering successive planning applications and approving compulsory purchase in March 2022 to accelerate delivery.

3.8 The Council also supports Housing Providers in building affordable homes, either by buying more homes within a development above those required by planning permission or by developing sites themselves.

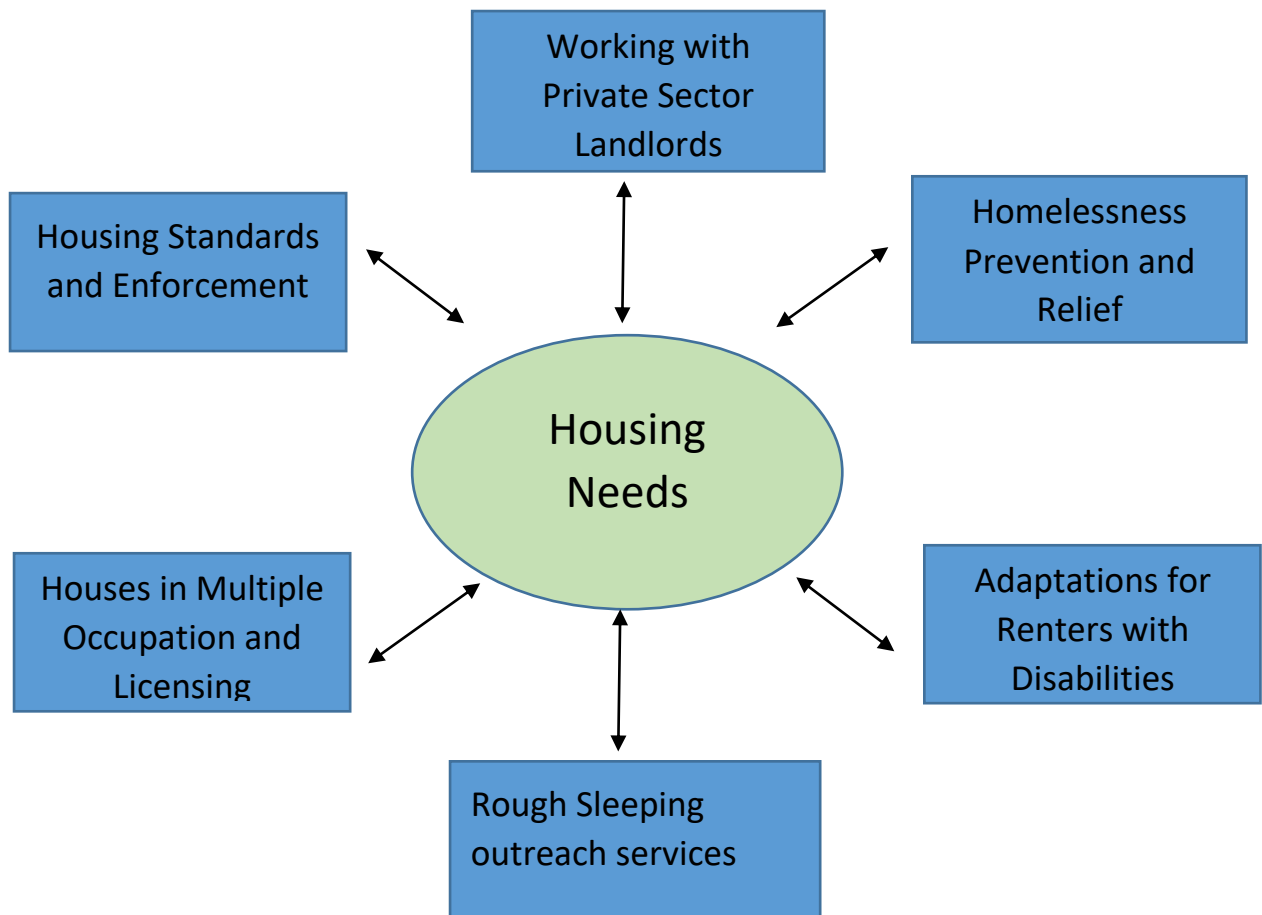
3.9 Between 2015 and 2020 Registered Providers have delivered 192 affordable homes in this way including:

- 118-120 Christchurch Road, Colliers Wood – L&Q (54 affordable homes, 100%)
- 191-193 Western Road, Colliers Wood – L&Q (48 affordable homes, 100%)
- Former community centre, Woodstock Way, Mitcham (36 affordable homes, 100%)
- 2-6 High Street, Colliers Wood – Optivo (34 affordable homes, 100%)
- Windmill Road, Mitcham (20 affordable homes, 100%) (in addition to the remainder of The Willows having been developed for affordable homes at an earlier date.

4. SUPPORT FOR HOMELESSNESS, RENTERS AND OTHER HOUSING RELATED SUPPORT

4.1 The Housing Needs and Strategy service has a number of functions that supports residents who may have a lower income and/or experience poor or insecure housing. Support for homelessness and renters falls broadly into 6 areas:

- Homeless applications and the prevention and relief of homelessness
- Partnership working with other agencies (via duty to refer)
- Working with private sector landlords
- Housing standards and enforcement
- Houses in Multiple Occupation
- Adaptations to renters with disabilities



4.2 Whilst prevention of homelessness for renters has always been a central plank to the work of the housing team, the legal duties to take action to prevent and relieve homelessness were strengthened by the introduction of the Homelessness Reduction Act 2017 (HRA). The 2017 Act did not replace the earlier legislation, but it created several new duties and gave additional rights to housing applicants.

4.3 The Act placed a duty on all local authorities so that, where someone makes a homeless application and they are deemed eligible (in terms of their immigration status) and if there are threatened with homelessness within 56 days, then the Council owes the prevention duty, or if they are actually homeless, the Council owes the relief duty for 56 days.

4.4 In both cases this means that the Council has to devise a Personalised Housing Plan (PHP). In order to do so the Council has to assess the circumstances that caused the applicant to be homeless or threatened with homelessness and assess their housing needs. The Council then has to devise a number of reasonable steps that the applicant and the Council will take to prevent or relieve their homelessness. The assessment and reasonable steps are then set out in the PHP and the applicant will then sign the plan if they agree to the steps.

4.5 When devising these steps Officers carry out an assessment of each person's individual needs and look at what housing options are available to prevent their clients from becoming homeless. These include, but are not limited to:

- Advice on security of tenure.
- Advice on Protection from Eviction.
- Legal Advocacy on tenant's behalf with private landlords.
- Negotiating with hosts to allow clients to continue to stay with them.
- Offering incentives to Landlords to renew tenancies
- Increasing the security of the homes of the victims of domestic violence via the sanctuary scheme to allow them to stay.
- Home visits to confirm the circumstances of the client.
- Rent and mortgage rescue scheme to pay arrears where clients meet the criteria
- Increased priority on the Council's waiting list where the requirements of the Council's Housing Allocations and Nominations Policy are met.
- Offers of accommodation from the Council's Rent Deposit Scheme.
- Arranging local supported housing / hostel places for single people.

4.6 Outside of a formal application, the housing service also provides advice and assistance to renters who visit the Council's offices. Housing Officers are available on a drop-in basis, or alternatively residents can contact officers via email or telephone. Officers will also sign post cases to the citizen's advice bureau and local law centres where specialist advice is required.

5. HOMELESSNESS PREVENTION AND RELIEF PERFORMANCE

5.1. Under the Homelessness Reduction Act there are a number of specified circumstances where the prevention and relief duties come to an end. The Council records the reasons that the prevention and relief duties end against each separate homeless case.

5.2. If the duty ends due to the applicant being able to stay in their current home for 6 months, or because they have found alternative accommodation that is available for at least 6 months, this is recorded as either a positive prevention or relief outcome. It is the case that prevention and relief activities mean the individual's housing crises are resolved far quicker than those cases who go beyond the 56 day duty. Prevention and relief activities have a cost benefit for the Council in that where this is achieved the Council does not have a long-term duty to provide temporary accommodation with the associated general fund costs.

5.3. Performance in relation to the number of positive outcomes is recorded below. As the table below sets out, the number of homelessness preventions have remained fairly consistent over the previous years. Merton has historically had the lowest number of cases in temporary accommodation in London and these activities contribute directly to this achievement.

	2017/18	2018/19	2019/20	2020/21	21/22
Preventions	465	504	480	455	452

6. PARTNERSHIP WORKING VIA THE DUTY TO REFER

6.1. The Homelessness Reduction Act 2017 introduced duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams.

6.2. The duty to refer helps to ensure that services are working together effectively to prevent homelessness by ensuring that peoples' housing needs are considered when they come into contact with public authorities. The specified authorities are-

- prisons
- young offender institutions
- secure training centres
- secure colleges
- youth offending teams
- probation services (including community rehabilitation companies)
- Jobcentres in England
- social service authorities (both adult and children's)
- emergency departments
- urgent treatment centres
- hospitals in their function of providing inpatient care
- Secretary of State for defence in relation to members of the regular armed forces

6.3. The Council has set up a portal on its website through which such referrals are made, and these automatically feed into the homelessness case management system. Officers review these to check whether the statutory threshold for a homeless application is met, and if yes, an application is processed and a personalised housing plan is produced as noted above.

6.4. The Housing service is also a member of multiple multi-agency panels such as: the Multi Agency Risk Assessment Committee (MARAC) for domestic abuse cases; Multi-Agency Public Protection Arrangements (MAPPA) for serious offenders; weekly discharge meetings with mental health services; and regular liaison with the probation service. The Housing Needs Service also works closely with colleagues in Children's, Schools, and families, particularly the Children's safeguarding Hub, and with colleagues in Adult Social Care. In respect of both children and adults, safeguarding is a key aspect of all Housing functions.

7. ROUGH SLEEPING OUTREACH SERVICES

- 7.1. Over the last 6 years, the Council has secured just over £2.5 million of grant funding to develop a range of services specifically for rough sleepers. This group has specific needs above and beyond the provision of accommodation alone. The services include: day-time outreach provided by a team of in-house staff with night-time outreach covered by Thamesreach; emergency accommodation; and day-to-day support and tenancy sustainment for clients. The service has established an accommodation pathway for clients to enable them to move on to more sustainable housing depending on their needs, including shared housing with support in the private rented sector, supported housing, or tenancies of self-contained accommodation in the private rented sector.
- 7.2. From having only 4 designated bed spaces for rough sleepers up until 2019, the Council now has 27 bed spaces in shared houses and 24 supported housing units available for rough sleepers before they move on to independent tenancies. Since the start of the pandemic in March 2020, the Council has placed 190 rough sleepers into accommodation. To date, we have moved 38 into private rented sector tenancies or other settled accommodation.
- 7.3. Our success in securing supported housing schemes played a huge part in keeping our very entrenched rough sleepers in accommodation, allowing them to stabilize and improving their engagement with services. It is not always easy as the team have to work hard to gain the trust of people. Currently 8 of our 12 most entrenched people are in supported accommodation. We are working very closely with support organisations such as English as a Second Language (EASL) and the Westminster Drug Project and refer clients to them for mental health assessments and substance misuse support including detox and rehab programme.
- 7.4. We have made huge progress in bringing down the number of rough sleepers in Merton. Our annual one-night count has dropped from the peak of 23 in November 2018, to 5 in November 2021, and the latest available figures show that Merton is one of only three boroughs in London reporting zero rough sleepers in February 2022, therefore we are well on course to meet the government target to eradicate rough sleeping by 2025.

8. TEMPORARY ACCOMMODATION

- 8.1. When residents make homeless applications, in some circumstances the Council has a legal duty to provide temporary accommodation, typically during the relief period if someone is actually homeless. Not all individuals are entitled to temporary accommodation.
- 8.2. Where people appear to be (a) eligible for assistance (mainly concerned with having settled immigration status); (b) homeless; and (c) in priority need of accommodation (most commonly having responsibility for children or being

vulnerable), they are owed what is known as the ‘interim’ duty. This duty provides them with temporary accommodation pending more detailed enquiries into their application and actions taken by the authority to relieve their homelessness.

- 8.3. Where on conclusion of those enquiries, (and assuming it is not possible to prevent or relieve homelessness) if officers within the Housing Department are satisfied that the homeless person is eligible; homeless; is in priority need and did not become intentionally homeless; and has a local connection, then they are owed what is known as the ‘full’ or the ‘main’ duty.
- 8.4. This is a duty to continue to provide them with suitable temporary accommodation, without limit of time, until the duty is brought to an end in a limited number of prescribed circumstances, most commonly via a reasonable offer of accommodation. This offer is from a registered social landlord or via a private sector Landlord.
- 8.5. Accommodation offered under the Act is required to be suitable for homeless households and this is set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. When securing accommodation in relation to either the “interim” or “main” homeless duty, s208(1) of the Housing Act states, so far as reasonably practical, the authority must secure this accommodation in its own area. This was reinforced in the Supreme Court judgement handed down in the case of *Nzolameso v Westminster* 2015.
- 8.6. Central government policy has restricted the types of temporary accommodation that can be seen as a suitable in the discharge of these duties. With effect from 1st April 2004, the use of bed and breakfast for families with children was made unlawful over a 6 week period and the use of this accommodation for persons aged 16 or 17 years old is likewise discouraged.
- 8.7. Merton Council has the lowest number of households in temporary accommodation of a London Borough

Numbers in Temporary accommodation snapshot at year end

2017/18	2018/19	2019/20	2020/21	2021/22
165	174	199	197	230

9. HOUSING STANDARDS AND ENFORCEMENT

- 9.1. Private sector housing makes up a significant proportion of the housing stock within Merton. It is recognised that the majority of this housing is in good condition and well managed, however nationally the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type. The Council has a responsibility to deal with unsatisfactory housing

that presents health and safety hazards to the occupier.

- 9.2. It is not disputed that the private rented sector should provide high standards, secure swift and effective access to justice and that the large volume of powers to protect tenants from poor housing are being used.
- 9.3. The Council takes a proactive approach to dealing with “rogue landlords” and improving housing conditions in the borough, thus seeking to ensure that private renters can occupy their homes safely.
- 9.4. Upon consideration of all available evidence the Council has a number of options to resolve a private tenant’s difficulties: take no action, offer informal action/advice, serve a statutory notice, issue a formal caution, prosecute, carry out works in default. The Council has a number of cases in the pipeline where a Civil Penalty / Prosecution may be necessary and appropriate.

9.5 Housing Enforcement Activity during 2021/22

Service Requests Received

Service Request – Apr 2021 - Mar 2022	Total
F&V - Filthy & Verminous	2
FIDR - FOI Request	2
FO12 - Premises Hygiene	1
GPAY - Grant Repayment Query	16
HDIS - Housing Disrepair	276
HMOA - HMO Advice	60
HMOG - General HMO	282
HOTH - Housing - Other	222
MEN - Members/ MP Enquiry	95
P001 - Rats	30
P002 - Mice	22
P003 - Cockroach Infestation	3
P008 - Pigeons	5
P00B - Bedbug Infestation	5
PDRA - Drainage	30
REFU - Refuse/Rubbish	90
URGE - Urgent Housing Request	37
WID - Works in Default	1
Total	1179

Notices Served

2021/22 Notices Served	
H234 - HMO Management Notice	41
HAWA - Hazard Awareness Notice	6
HPRO - Prohibition Order	6

PDP4 - PDPA 49 Sec 4	1
PRIM - Prelim Improvement notice	99
S011 - Improvement Notice	1
S012 - Improvement Notice	1
S083 - PHA 1936 Section 83 F&V Prem'	1
S16 - LGMPA76 Section 16	57
S235 - Section 235	3
S287 - PHA 36 Notice of Entry S287	1
Total	217

HOUSES IN MULTIPLE OCCUPATION (HMOS) & LICENSING

- 9.6 Some privately rented houses are let to people from several different families, either as bedsits or as shared houses. Houses like this are known as Houses in Multiple Occupation (HMOs).
- 9.7 HMOs provide a valuable source of rented housing to primarily single people in our area. However, this form of housing can be problematic due to fire safety issues and poor standards such as dampness, lack of affordable heating and other physical defects.
- 9.8 HMOs present higher risk accommodation particularly when considering fire safety. For that reason larger HMOs (housing 5 or more people) require a licence and planning permission is also required to convert a house into a HMO for seven people or more.
- 9.9 At the present time there are 457 licenced HMOs in the borough and officers are working hard to identify any others to safeguard the occupiers.
- 9.10 Identifying, inspecting and licensing of HMOs became more challenging when the requirement to licence was extended in October 2018, where previously there was no requirement to register these dwellings.
- 9.11 Landlords operating licensable HMOs without a licence are committing a criminal offence. It is our legal responsibility to monitor and enforce the new law to improve housing conditions for the tenants.
- 9.12 The housing enforcement team identified 3 dwellings which were required to have a licence but the Landlord failed to apply. All three cases were to the subject of a criminal investigation and all three landlords were prosecuted. Offences included failure to licence an HMO, fire safety and HMO Management Regulations.

HMO licences by year

2017/18	2018/19	2019/20	2010/21	2021/22
154	173	182	319	416

Selective Licensing and Article 4 Direction Development

9.13 To address the issues identified with problematic HMOs and the harm they can cause to local residential amenity and the occupiers, the Council is pursuing a holistic approach across both its planning and licensing powers.

9.14 On 3rd June 2019 Cabinet approved the recommendation of the Private Sector Housing Enforcement report to further analyse which areas in Merton could be subject to Selective Licensing (SL). Selective Licensing legislation is discretionary and enables Councils to deal with poor management of private rented properties that result in issues such as antisocial behaviour (ASB), crime, and health and safety hazards. Councils may also consider Additional Licensing of houses in multiple occupation (HMOs), which would apply to HMOs not covered by the current mandatory scheme, which applies to properties rented to five or more people who form more than one household.

9.15 A SL designation may be made if an area meets one or more of the following conditions (a scheme based on one condition would be unlikely to succeed, and for conditions 3-6 an area should have a higher than the average PRS stock (ca.19.6%)):

- That the area is, or likely to become, an area of low housing demand
- A significant and persistent problem caused by anti-social behaviour
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

9.16 Secretary of State approval is required for any scheme affecting more than 20% of the PRS, or 20% of the local authority area. Extensive data evidence, and a minimum 10-week public consultation are some of the stringent conditions required for a scheme. A scheme cannot start until three months after it is made. Following the 2019 Cabinet decision extensive data analysis and cost modelling was undertaken to assess the viability of a SL scheme. This work continued until 2020, but further progress was not made due to the impact of the pandemic. Members requested the previous work was revisited, and update reports were provided to Cabinet members in November 2021 and March 2022 and a

further one is due in October 2022.

9.17 This work has been combined with work to explore an Article 4 Direction in all or part of Merton, which would require any new small house or flat shares (small HMOs) to seek planning permission. In October 2022 Cabinet is due to consider approving both an Article 4 Direction (to require small HMOs (housing 3 people or more) in eastern wards to require planning permission) and Selective Licensing for specific wards.

EMPTY HOMES

9.22 In July 2020 C&H DMT considered a report on options to increase the accommodation supply in the borough. The report discussed a range of options, including an Empty Homes Scheme (EHS). Whilst work on some options has progressed, EHS work did not progress due to other priorities, and the impact of the pandemic. In November 2021 Cabinet members requested that the EHS work be revisited and reported back to members. Updates were provided to Cabinet members in March 2022 and a further update is due to go to Cabinet in October 2022.

9.23 EHSs enable Councils to bring back into use long-term empty properties (empty for 6 or more consecutive months, subject to ten exemptions e.g. holiday homes) in order to:

- Increase supply of housing
- Address associated crime, antisocial behaviour, and street scene impact.

9.24 An EHS may complement the availability of other powers e.g. Empty Dwelling Management Orders or Compulsory Purchase Orders to deal with issues. A scheme may provide incentives to owners, e.g. grant funding for repairs to bring properties up to standard for letting. Schemes are costly to operate and a viability assessment is needed to assess cost-benefit, taking into account operating and set up costs, and the potential benefits:

- Meeting housing need in the borough
- Identifying potential increase in Council Tax revenue
- Reducing temporary accommodation expenditure
- Reducing impact of unsightly and nuisance properties on neighbourhoods
- Utilising vacant residential units above commercial properties in high streets.

9.25 Merton provides temporary accommodation for around 230 households that the Council has a duty to house, at a cost of around £3.5m. For each property brought back into use and utilised, a reduction in temporary accommodation costs could be achieved.

9.26 As at 31st March 2021 the number of empty properties in Merton was 4,928. Of these 1,470 were second homes (unoccupied but furnished) and would not be considered under an EHS. Profiling the empty homes in the borough forms part of the cost benefit analysis to inform a scheme viability assessment. Consultation with owners of empty properties is also a requirement, to gauge the likelihood of owners' engagement with a scheme. Consultation with other Councils operating schemes is ongoing.

10. CLARION REGENERATION AND VISITS TO SOCIAL HOUSING ESTATES IN MERTON

10.1 Due to the need to improve housing conditions for residents in the longer term, the Council has been supporting the regeneration of Eastfields, High Path and Ravensbury estates.

10.2 In 2018 the Council adopted the Estates Local Plan to guide planning decisions. Outline planning permission for all three estates was granted in 2019 and detailed planning permission for Eastfields Phase 1 (c200 homes, including replacement affordable homes) was granted in April 2022.

10.3 Clarion has bought back a significant number of private homes on all three estates since 2016 and the Council is supporting the compulsory purchase of the remaining c40 existing homes on Eastfields Phase 1 to allow the new homes to be built. At the time of writing (end August 2022, the deadline for objections to the compulsory purchase will be 31st August 2022. Depending on whether there are objections, the next stage will be for the government's inspector to consider any objections to the compulsory purchase, which may include a public hearing.

10.4 For the remaining two estates, also granted outline planning permission in 2019, guided by Merton's Estates Local Plan 2018:

- High Path Phase 1 has been built and occupied: 136 homes of which most were replacement social housing
- High Path Phase 2 (+200 homes, mostly replacement affordable or private homes for existing residents) has started construction but will be in part dependent on whether there are objections to the compulsory purchase order (deadline 31st August 2022) and the nature of these objections.
- Ravensbury Phase 1 (22 homes, of which 18 were affordable) was completed in 2020
- Construction is underway for Ravensbury Phase 2 (c55 homes)

10.5 The remainder of the Ravensbury estate (phase 3 and 4) will be built depending on whether there are objections to the compulsory purchase of the remaining homes.

10.6 However, pending the regeneration of Eastfields, following the previous issues regarding the Eastfield estate that came to light in 2021, the Council set a regime of regular meeting with senior managers at Clarion and the

Council (including representatives and Directors from both Community and Housing and Environment and Regeneration) as well as the then Cabinet Member for Housing, Councillor Martin Whelton. There were two sets of monthly meetings, one concerned with the regeneration of High Path, Eastfields and Ravensbury estates, and the other concerning operational matters including estate inspections and repairs.

- 10.7 The Secretary of State for Levelling up, Housing and Communities, Michael Gove, wrote to Clarion and the letter was widely published in the media on the 23rd May 2022. In response to this the Leader of the Council visited residents on three blocks in Sadler Close (Chart House, Gladstone House and Fountain House) on 26th May 2022 and was accompanied by the ward Councillors and officers from the Housing Needs and Strategy service. Those present on the visit were shocked by the conditions that were witnessed on the estate. Following the visit the Leader has written to Claire Miller, the Chief Executive of Clarion regarding our concerns. We have also written to the Clarion Area Director and Head of Housing for Merton regarding the individual cases that were raised during our visit and this included officers findings of identified hazards under the Housing Health and Rating Safety System (HHSRS) under Housing Act 2004.
- 10.8 On 10th June, the Leader, cabinet member, ward Councillors, and Merton officers were accompanied by Clarion officers to visit Armfield Crescent and again picked up a number of issues from tenants, which are being followed up. On the 17th June there was a further visit to Edinburgh Court and the Four Acre estate in Lower Morden.
- 10.9 The Leader has arranged a series further visits to Clarion and other registered provider estates over the coming months.
- 10.10 These visits will be carried out by the Leader and Ward Councillors and officers from the Housing Needs and Strategy service, and any issues will be raised with the Landlord.

11. ADAPTATIONS FOR RENTERS WITH DISABILITIES

- 11.1 Disabled Facilities Grants (DFGs) are available from the Council to pay for essential housing adaptations to enable disabled people, including private renters, to stay in their own homes. The funding comes from Central Government.
- 11.2 These grants are means tested, so target the most help to those who cannot otherwise afford to adapt their homes. To apply, a tenant has to be assessed initially by an Occupational Therapist (OT). Their role is to determine what works are necessary and appropriate to meet the tenant and his/her family's need.
- 11.3 The next stage of the process is a technical assessment to see if the recommendation made by the OT can be implemented in the property. We

need to assess if the works are reasonable and practical to be undertaken. The funding for DFGs is provided by Central Government and distributed locally through the Better Care Fund.

11.4 This process ensures that any home adaptations we carry out are part of the overall health and care system to deliver joined up services.

Disabled Facility Grants – Completed

2017/18	2018/19	2019/20	2010/21	2021/22
68	74	61	43	80

12. GOVERNMENT WHITE PAPER ‘A FAIRER PRIVATE RENTED SECTOR’ BRIEFING

12.1 On 16 June 2022, the Department of Levelling Up, Housing and Communities (DLUHC) published its white paper, "A Fairer Private Rented Sector", giving us insight as to what we can expect to see in the Renters Reform Bill.

Reform of grounds for possession including the abolition of section 21

12.2 The White Paper confirms the Government's intention to abolish section 21; the "no-fault" / 2 month notice only basis for possession in the private sector. Service of such a notice has been the biggest cause of homelessness in Merton and the country for the last decade. Abolition of section 21 will necessitate a reform of possession grounds, in order to ensure that landlords can recover possession if they wish to sell a property or need the property as a home for themselves or a family member.

12.3 Two months' notice will be required where the ground for possession arises from circumstances beyond a tenant's control, such as the landlord selling, with less notice required for rent arrears and serious tenant fault.

12.4 Where tenants are in arrears, there is to be a new mandatory ground for repeated cases of serious arrears, in order to tackle the problem of tenants who regularly build up arrears and then reduce these before a Court hearing in order to avoid a mandatory possession order being made. Under this ground, eviction will be mandatory where a tenant has been in at least 2 months' rent arrears three times within the previous 3 years, regardless of the arrears balance at hearing. Tenants will be protected from eviction if the reason for their arrears is that they are waiting for benefits to be paid.

Rent and rent reviews

- 12.5 Contractual rent increases will no longer be permitted, so there can be no index linked or fixed uplifts. All rent increases will have to take effect by service of statutory notice in accordance with section 13 of the Housing Act 1988.
- 12.6 The notice period for rent increases will double, from at least 1 month to at least 2 months. Where a tenant does not agree the new proposed rent, they will have the statutory right to have this determined by the First Tier Tribunal. The Tribunal's role, which is currently to determine market rent, will be restricted so that it can only confirm or reduce the proposed rent. In other words, the Tribunal can no longer determine a market rent higher than the proposed rent.
- 12.7 In cases where several months' rent is paid in advance, landlords will be required to repay upfront rent, if the tenancy ends before the end of the period which the tenant has paid for. There is also a proposal to limit the amount of rent that landlords can ask for in advance through the Renters Reform Bill. This could result in landlords being reluctant to rent to those tenants without good references or credit history, such as those moving to the UK from abroad.

Other tenant rights

- 12.8 **Written terms of tenancy at the outset:** Oral tenancies are currently allowed, but the new proposal will require landlords to provide the tenant with a written tenancy agreement setting out the obligations and rights of both parties. The aim is that this will assist in resolving disputes.
- 12.9 **Property Portal:** The new Property Portal will include basic details about landlords, the properties they let, whether a property meets basic criteria such as whether it has a valid gas safety certificate and whether it meets the Decent Homes Standard. This will allow tenants to check the credentials of their landlord as it will become mandatory for local authorities to include details of all eligible offences. This data will be made publicly available.
- The Portal is also intended to provide a single 'front door' for landlords to understand their responsibilities, making it easier for landlords who are private individuals to access the necessary information about compliance.
- 12.10 **Decent Homes Standard:** For the first time it is proposed that the Decent Homes Standard, which was introduced in the social housing sector, would apply to the private rented Sector in an aim to improve the quality of housing in the private sphere. 'Decent' will mean the property will need to be free from the most serious health and safety hazards and landlords will need to ensure properties do not fall into a state of disrepair.

12.11 The implementation of this will begin with a review of the Housing Health and Safety Rating System (HHSRS), which is due to conclude in Autumn 2022 and then it is believed that pilot schemes adopting the Decent Homes Standard will be run.

12.12 **Pets:** Tenants will have the right to request a pet in their property and landlords will not be able to unreasonably withhold consent. The balancing side of this equation is that the Tenant Fees Act 2019 would be amended to allow pet insurance as a permitted payment. This means landlords will be able to require pet insurance, so that any damage to their property is covered.

12.13 **Unlawful blanket prohibitions:** It will become illegal for landlords to have blanket bans on renting to families with children or those in receipt of benefits with the aim of assisting the vulnerable.

12.14 **Dispute resolution:** The proposals promise a powerful new Property Ombudsman to resolve disputes between landlords and tenants in a time and cost-effective way, without the need to involve the Courts. Membership of the Ombudsman Scheme will be made mandatory.

The Ombudsman will have various powers of redress including compelling landlords to issue apologies, provide information, take remedial action, reimburse rent to tenants and/or pay compensation of up to £25,000. Decisions of the Ombudsman will be binding and failures to comply with the decisions may result in landlords being subject to Banning Orders.

12.15 **No lifetime deposits:** The initial plan to passport deposits from property to property to address the problem of crossover deposit periods has been dropped. Instead, the plan set out is that the Tenancy Deposit Protection Working Group will monitor and review private led solutions.

12.16 **Regulation/Enforcement:** At present, local authorities are only mandated to record Banning Orders on the Database of Rogue Landlords and Property Agents. The proposal is that this will be replaced and all eligible offences will have to be recorded on the Property Portal, which will be publicly available.

The threshold for civil penalties to be included on the Property Portal will be lowered from the current position which is only when two or more penalties are served within 12 months.

13. FINANCIAL SUPPORT

14.1 There Council offers a number of schemes to offer residents financial support.

14.2 Housing Benefit: A means tested scheme administered on behalf of the government to assist residents with help towards rental costs. Housing benefit for working age residents is being phased out and support for housing costs is now included in Universal Credit which is administered by Job Centres. Approximately 6,700 residents received housing benefit in 2021/22 and a total of £57.5 million was paid. The number of live claims is continuing to reduce as residents move to Universal Credit.

Pensioners and working age residents living in Supported Accommodation will continue to claim housing benefit.

14.3 Council Tax Support: A locally devised scheme to help residents with Council tax. In 2013 the government transferred responsibility for support with Council tax. The Council Tax Benefit scheme was scrapped and local authorities were given responsibility for devising their own local scheme with a 10% reduction in funding. Merton elected to adopt the Council Tax Benefit scheme as its local Council Tax Support scheme. The majority of local authorities adopted new scheme which were less generous than the Council Tax Benefit scheme. This meant that the majority of residents in other boroughs had to contribute more towards their Council tax and some had to make a contribution for the first time as they no longer received 100% support. Some residents Since 2013 Merton have continued to adopt a more generous scheme than the majority of local authorities.

14.4 Discretionary Housing Payment (DHP): Additional support to residents who receive Housing Benefit or the housing element of Universal Credit, but still have to pay some rent themselves. Examples of support would be where residents have their housing benefit reduced due to Local Housing Allowance caps, restrictions due to over occupation (bedroom tax). The Department of Work and Pensions provide a limited level of funding, for 2022/23 £422,000 has been allocated.

14.5 Local Welfare Support Scheme (LWSS): The LWSS is financial support to help vulnerable households in the London Borough of Merton if they are at risk to their health or safety or need help to re-settle or remain in the borough. The scheme allows us to consider awarding grants for emergency payments for food, heating and hot water and essential household items when someone is re-settling. These grants do not have to be paid back.

14.6 Welfare Benefits Support: This service offers residents help and advice on the following benefits:

- Attendance Allowance
- Carers Allowance
- Child Tax Credit
- Council Tax Support
- Disability Living Allowance
- Employment and Support Allowance
- Housing Benefit
- Local Welfare Support

- Pension Credit
- Personal Independence Payments
- Social Fund loans and grants
- State Pension
- Universal Credit
- Working Tax Credit

The service can refer residents to Citizens Advice for further support and advice.

14. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

15. LEGAL AND STATUTORY IMPLICATIONS

As stated in this report, the council has a number of statutory functions relating to the provision of housing and support for the homeless well as the general power of competence contained in the Localism Act 2011.

16. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

None for the purposes of this report.

17. CRIME AND DISORDER IMPLICATIONS

None for the purposes of this report.

18. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

None for the purposes of this report.

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

None

BACKGROUND PAPERS

None

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Agenda Item 8

RAYNES PARK COMMUNITY FORUM
30 JUNE 2022

(7.15 pm - 9.00 pm)

PRESENT Councillors Councillor Hina Bokhari (in the Chair),

1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held in Raynes Park Library and chaired by Councillor Hina Bokhari with Tony Edwards from the Raynes Park Association (RPA). 15 residents and 8 councillors attended with 93 additional views on YouTube. The Chair welcomed everyone to the meeting.

2 OPEN FORUM (Agenda Item 2)

Cllr Flack said that following a meeting Network Rail (NR) and South Western Railway (SWR), they will be putting in a bid by mid-July for step free access at Raynes Park Station. The bid will be for a lift from platform 1/2 to access platform 3/4. Whilst this is not an ideal solution it will be a significant improvement. A decision on the bid should be made by spring 2023, but construction would not be completed until 2029. Cllr Willis said that support from community helps with the approval process. Cllr Willis said that accommodation has been found for the two people who had been sleeping in Raynes Park tunnel. Residents can report anyone sleeping rough to [StreetLink](#) or by calling call 020 8274 4901 so that they can be assessed for support services. There is also an emergency out of hours line available which is 020 8543 9750.

Cllr Willis said people have been sleeping on the vacant Manoplastics site and fly-tipping had occurred. Cllr Willis had spoken to the owners who said the fly tip will be removed over the next couple of weeks. The owners had appealed against a planning rejection and been successful in a scheme for 120 flats, but they will also be applying for a self-storage facility on the site.

Cllr Wilson said Clarion Housing will be carrying out an inspection on the local estates on 19 July. Trinity Place, near Waitrose, has been in a mess for some time, the managing agent has done a site visit and will be bringing in a contractor to make improvements. Tony Edwards said the RPA had some plans to improve the area but as it is private land it was not possible to access Community Infrastructure Levy.

PC Jonathan Donnellan ward officer for Raynes Park said that the team have a probation officer attached to the team for the next sixth months. PC Donnellan left contact details for the team; residents can [email the team](#).

3 UPDATE FROM STEPHEN HAMMOND MP (Agenda Item 3)

Stephen thanked the Councillors who were not re-elected and welcomed the new councillors. Stephen said he was keen to continue to work with local councillors and the RPA to continue the improvements in the area. Stephen said he was delighted to support the application for step-free access at Raynes Park station, as it is the most used station without step-free access on the South Western network. Stephen will be raising this issue with ministers.

Stephen has spoken to the Chief Executive of Workspace about the Kiss and drop area outside the station as it remains in use for long term parking instead of drop off point. Stephen said he also wants to see improved cycle space. Motspur Park step-free access development should happen in the next few years. The scheme for the Wimbledon Chase site received planning approval last week and will include step-free access. Councillors will be visiting the site next week

AELTC planning application for Wimbledon Park is on land designated as Metropolitan Open Land and there is a legal covenant as well. Stephen said there are four major areas of contention: the closure of Church Road for an extended period; too many courts; too big show court: and the proposed new park has too many maintenance facilities meaning vehicle movements in a public park. The application is due to go to the Planning Application Committee in September, so it not too late to comment. To do so search for application number 21/P2900 on Merton Council's [Planning Explorer](#).

Stephen said he was pleased that the LESSA site application refused but important to stay vigilant.

Clarion have proved to not be the best social landlord so important to keep pressure on them and Merton Council. It was not good enough that they have not delivered improvements in time.

Stephen said he was pleased to see, and attend, so many street parties in Raynes Park and Wimbledon for the Queens Jubilee, showing lots of community spirit post-COVID.

Stephen said there has been an increasingly large Hong Kong community in Raynes Park, and this group is wanting to get more involved in the local community. It is likely some will want to get involved in local resident associations.

A resident asked about the current status of Crossrail 2. Stephen said that this was in 'deep-freeze' at the moment. He expected Network Rail to produce a final safeguarding list but it seems unlikely there will be any progress in next decade.

A resident said there were two other vacant sites opposite Manuplastics where developments have stalled and Stephen said he will follow up to find out who owners are.

4 FLOODING UPDATE AND SUDS (Agenda Item 4)

Tony Edwards gave an update on behalf of Tom Sly, Flood Management Officer, at Merton Council.

- Repairs to gully connections and new highway drainage pipework was completed in April on Coombe Lane in Raynes Park town centre (Amity Grove to Lambton Rd section) by Merton Council. At the same time, Thames Water undertook jetting and cleansing of their surface water sewers in this part of the town centre under the Council's traffic management.
- Merton are awaiting the outcome of our x3 surface water management bids to Thames Water – one of the bids includes a new SuDS raingarden feature outside the Shell Garage on Worple Rd.
- Merton are working closely with Thames Water, the Environment Agency and Network Rail on a flood risk feasibility study for Raynes Park. This first stage of this work is to undertake a detailed hydraulic model for the wider area, with the project partners. From the model, we will be able to produce a long list of options which provide the best benefits for flood risk reduction along with other deliverables such as improved amenity, water quality and biodiversity.
- Merton are working with Metis Consultants to complete formal flood risk investigations into the flooding that occurred last summer across the Raynes Park catchment. We will be undertaking a survey seeking feedback from residents and businesses to ensure all reports of flooding are captured. This survey will be on our website and the Council will issue comms on this, including via social media when available.
- There remains an issue with residents and businesses not reporting flooding from surface water sewers and foul sewers to Thames Water. For instance, if a manhole overflows and floods, this is a matter that should be reported to Thames Water. We encourage all to report flooding to Thames Water as this will affect future capital investment and remedial works by Thames Water. Thames Water's telephone number to report flooding on is 0800 3169 800. The Thames Water sewer flooding questionnaire can be found here: <https://forms.office.com/pages/responsepage.aspx?id=zb56VRQyu0-OUUFLaOu3ljewBCxI7CJHjCHCf31I76FUMEMwNkkxRVdIMEVVS1BPM0xZVVBTVjZFUj4u>

- Residents can report blocked gullies directly on the Council's website for priority clearance here: <https://www.merton.gov.uk/streets-parking-transport/street-cleaning/drain-and-sewer-problems>
- Residents at risk of flooding should all visit the [National Flood Forum](#) where they can find more information and guidance on what they can do to help manage their own flood risk and help using property level protection.
- There is information on the gov.uk website regarding steps to prepare to flooding here: [Prepare for a flood](#)
- For those residents who live adjacent to a main river they should also visit [Owning a watercourse - GOV.UK \(www.gov.uk\)](#) to find out what responsibilities they may have if any. Any further queries relating to main rivers such as the Beverley Brook and Pyl Brook. Any queries on this should be directed to enquiries@environment-agency.gov.uk and specify you live within the Environment Agency's Kent and South London Area.
- The Council's information on flood risk management is hosted on Merton's website here: [Flooding and rivers \(merton.gov.uk\)](#)

Tony said the RPA keen to work with Merton Council and Thames about other solutions and mitigations.

5 BUSINESS MATTERS - REPURPOSING THE HIGH STREET (Agenda Item 5)

Merton Council has launched an app called [Merton Local](#) for local businesses to register and residents search for local shops and services.

Tony said the RPA was disappointed that the Repurposing the Hight Street Scrutiny report did not address parking and traffic issues; more imaginative use of parking could help local businesses.

6 CLEARING RAILWAY EMBANKMENT (Agenda Item 6)

Elizabeth Lane from the RPA said after a long campaign NR are going to allow volunteers to access the embankment on the north side to clear the overgrowth. Will be creating a 'Friends of Raynes Park' to manage the volunteers to clear the site, plant the area and maintain it. The RPA has sent out messages to local resident associations for volunteers and are looking for 8-10 people to go through the health and safety training NR insist on. No date yet for the training and still need to sort out the insurance required. Stephen Hammond offered to help with getting NR to address

the insurance issue. The RPA will also need to look at fundraising options and will be getting advice from Cannizaro House.

A resident said vegetation has overgrown onto the highway. Chris Larkman said it was worth [contacting NR](#) to let them know. If it is obstructing the Highway can also report to [Merton Council](#).

A resident asked how the RPA will deal with the steepness of the embankment. Elizabeth said they will start at the lower level but more structural work will need funding and contractors. A resident asked if the project had access to enough planting, and Elizabeth said she had a rough plan and will be looking at the [Merton garden scheme](#) for support.

To volunteer please email lizlizard30@hotmail.com

7 GENERAL UPDATES (Agenda Item 7)

Chris Larkman and Tony Edwards gave an update on local issues.

The Parklet is working well and being used, demonstrating need for open space Land transfer at Raynes Park Station – legal agreement has been signed so Merton Council can start on footpath extension in the next month on Worple Road and outside the station.

Tree strategy – Cllr Gould said that the consultation on the strategy for council managed trees finished in February. A draft strategy out for consultation in the autumn. Residents can request tree planting via the Council [website](#) and can also report any [problems with street trees](#).

A resident asked about problems with overgrowing trees and Cllr Willis said the council will only pollard in the winter to avoid impact on nesting and other wildlife.

8 PLANNING UPDATES (Agenda Item 8)

There was no update from the planning team. Cllr Bokhari said she would raise this with the Development Control Team as it was important for residents to be kept informed.

9 ANY OTHER BUSINESS (Agenda Item 9)

Cllr Bokhari said the Council was organisation a series of '[Cost of living](#)' information and advice sessions at Morden Library on 9 July; Mitcham Library on 16 July; Wimbledon Library on 23 July. Cllr Charles said there was also an event at Morden Library event on 2 July to help residents who have not yet had their £150 Council Tax rebate

Cllr McLean said he was pleased that there would be a consultation on the speed limit on Bushy Road going to 30 MPH. The statutory consultation is due to take place from 14 July – 5 August and can be found on the [council website](#).

Michael Marks from the Raynes Park and West Barnes Residents Association said that planning permission for a standard rear extension on 124 Grand Drive had been granted but instead they are building flats. This needs action on enforcement. Michael also said that public comments on planning applications should be visible online.

Chris Larkman commented on the low turnout and asked attendees to encourage others to come along.

Cllr Bokhari thanked everyone for attending and closed the meeting

10 DATE OF NEXT MEETING (Agenda Item 10)

Future meeting:

Tuesday 20 September 2022, at 7.15pm in Raynes Park Library

Any issues or questions can be emailed to getinvolved@merton.gov.uk

Full Council 14th September 2022

Conservative Group Non-strategic theme motion ULEZ

Council notes that on 4th March the Mayor of London announced his plan to expand the Ultra-Low Emission Zone (ULEZ) from its current boundary of the North and South Circulars to cover almost all of Greater London, including Merton. These plans would see the ULEZ expanded by 29th August 2023.

Council notes that, whilst the ULEZ was originally introduced covering the same area and with the same boundaries as the Congestion Charge Zone, on 25th October 2021 it was expanded by 18 times its original size to its current boundaries. Council therefore notes that this significant change took place less than a year ago and that the ramifications have yet to be fully assessed.

Council notes that due to the limited public transport options in Merton, many residents and families need access to a car to live their daily lives and to travel to work. TfL figures show that 64 per cent of Merton households own a car and ONS figures show that 60 per cent of London households earning between £23,192 and £29,546 own a vehicle.

Council notes that expanding the ULEZ to Merton will financially burden many residents whose vehicles do not meet the ULEZ standard with a daily charge of £12.50 every time they drive their car. For families that drive every day this will mean additional costs of over £4,500.00 per year. This charge will also apply to family members and carers driving into London, thereby creating an additional burden for families, the elderly and those in care.

Therefore, Council opposes measures to push up the cost of living in Merton by imposing taxes and charges on Merton residents who rely on motor vehicles without providing them with realistic alternatives. Council notes that the Mayor of London has set aside almost £400 million towards expanding the ULEZ and related projects, and suggests this money would be better spent on such measures as:

- a faster upgrade to a zero-emission bus fleet;
- increasing the roll out of rapid charging points.
- encouraging more freight consolidation schemes.
- bringing back the previous Boiler Cashback Scheme to encourage Londoners to upgrade their boilers to reduce household emissions
- financing a generous scrappage scheme to support Londoners in replacing their vehicles

Furthermore, council recognises that the administration has:

- Failed to introduce low emission bus zones in the town centres as specified by a Conservative motion passed in February 2019;

- Failed to provide any dates and times of meetings with TfL regarding low emission bus zones as was promised by Cabinet Members in the September 2020 and February 2021 meetings of the council;
- Failed to provide details of discussions with TfL to reduce the financial burden of the ULEZ on Merton residents;
- Imposed taxes on parked cars which has had no meaningful reduction on air pollution;
- Failed to embrace technology led solutions to the pollution crisis which have been implemented by other London boroughs notably LB Wandsworth and LB Waltham Forest.

Therefore, council calls upon the Leader of the Council to:

- Ensure that his administration makes air quality a priority by implementing low emission bus zones in the town centres, with a quarterly report being provided to the Sustainable Communities Overview and Scrutiny Panel detailing the steps that have been taken and listing the dates of meetings with TfL;
- Writes to the Mayor of London to demand that he abandons his plans to harm Merton's families and businesses by expanding the ULEZ to Merton and to use the £400 million he has set aside for it on fairer and more effective ways of improving London's air quality.

Cllr Eleanor Cox

Cllr Michael Paterson

Cllr Nick McLean

Agenda Item 10

Full Council 14th September 2022

Conservative Group Non-strategic theme motion Council Tax freeze

This Council calls upon the Cabinet to begin to prepare the budget on the basis of freezing Council Tax for the 2023/24 financial year.

Cllr Nick McLean

Cllr Daniel Holden

Cllr Thomas Barlow

Cllr Max Austin

Cllr Eleanor Cox

Cllr Andrew Howard

Cllr Michael Paterson

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Liberal Democrat – Non-Strategic theme motion – Council, 14 September 2022

Cost of Living Emergency – Impact on Schools

Council notes:

The deleterious effect of the Cost of Living emergency on Merton's schools, including increased energy, staffing and maintenance costs;

The lack of Government support in helping schools address these cost increases;

The likelihood that, without additional funding, schools will have little choice but to deal with these additional costs by cutting back on teachers & support staff, teaching hours and/or other cuts that will adversely affect the education of children in Merton.

Council Requests :

The Leader of the Council to write to our MPs asking them to press the Government to immediately provide additional emergency funding for schools;

Relevant Cabinet members and Officers after consulting local schools, to present a paper to Cabinet as soon as possible on the extent of the funding shortfall caused by the Cost of Living emergency on local schools and outlining the options available to the Council in providing assistance to local schools;

If the paper includes confidential information, that information to be made available to all Councillors on request.

Councillor Chessie Flack

Councillor Paul Kohler

Councillor Hina Bokhari

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Labour – Non-Strategic theme motion – Council, 14 September 2022

Council Notes:

The successful achievement by six of the borough's fantastic parks and open spaces in being re-awarded the prestigious Green Flag Award.

The annual Green Flag Award is an international mark of quality which recognises and rewards well managed parks and green spaces, and is the benchmark standard for the management of recreational outdoor spaces across the UK and around the world.

The success of Abbey Recreation Ground, Colliers Wood Recreation Ground, Dundonald Recreation Ground, John Innes Park, Sir Joseph Hood Memorial Playing Fields, and South Park Gardens is a huge testament to the Council's Parks and Green Spaces team and the friends' groups in the borough who work tirelessly year round to ensure these parks are attractive places that people love and enjoy visiting, that support their health and wellbeing, and support biodiversity and the environment. Our excellent parks and open spaces are a source of pride for the Council and for Merton residents.

This Council notes that Merton residents are no further than 250 metres from their nearest park or playing field and looks forward to more of our great parks and open spaces right across the borough achieving Green Flag Award recognition in years to come.

Councillor Natasha Irons

Councillor Eleanor Stringer

Councillor Caroline Cooper-Marbiah

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Labour – Non-Strategic theme motion – Council, 14 September 2022

Council Notes:

That this Council notes and congratulates all Merton students who have recently received A-Level, Applied General and Technical, GCSE, and vocational results. This Council also congratulates Merton's schools, colleges and teaching staff on their students' achievements.

This cohort of students were significantly affected by the pandemic so these results are an incredible achievement. Early figures show that 32% of students in Merton schools received the top grade of A/A* AND 61% at A*-B. On Applied General courses, the average point score for students was 38.69, and above the national and Merton 2019 outcomes. For GCSE's, early figures show that 80% of students achieved at least a pass grade (4-9) in GCSE English and Maths, which is well above the very early national average of just over 70%.

Merton has some incredible schools and colleges and these results demonstrate their continued excellence, in spite of such hurdles. This Council believes education and lifelong learning have a crucial impact on the quality of people's lives. These results are a great milestone in the lives of these Morden residents

Cllr Sally Kenny

Cllr Eleanor Stringer

Cllr Brenda Fraser

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Committee: Council

Date: 14 September 2022

Subject: Amendments to the Constitution

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

Lead member: Councillor Billy Christie, Cabinet Member for Finance and Corporate Services

Contact officer: Amy Dumitrescu, Democracy Services Manager

Recommendations:

That Council authorise the following amendments to the Council's Constitution:

- A. Part 4B Para 17 and 18 (urgency procedures) as described in paragraph 2.2 below and detailed at Appendix A
 - B. Rule 2.3h (Community Fora Motions) as described at paragraph 2.6 below
 - C. Part 4A Para 21.5 (Remote Attendance) as described in paragraph 2.12 below and detailed at Appendix B
 - D. (Use of Resources) Part 5E as described at paragraph 2.13 below
 - E. Part 3D – Scheme of Delegation to Officers as described in Paragraph 2.9 to 2.10 below
 - F. To agree the treatment of contract extension for decision making purposes, details of which are set out in 2.11 below.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To consider changes to the Constitution to update sections with current working practice and to amend any other sections as detailed within the report as required.
- 1.2. The amendments proposed within the report have been agreed by the Standards and General Purposes Committee at its' meeting on 21 July 2022.

2 DETAILS

- 2.1. Part 4B Access to Information Rules
- 2.2. Paragraph 18 of Part 4B (Exempt Urgency Procedure) of the Constitution refers to a meeting at which exempt or confidential information is to be considered being held in private. In such cases, where it is not possible to give 28 days' notice of the agenda item, as the constitution is currently drafted the consent of the Chair of the Overview and Scrutiny Commission is required to allow the item to be considered. This is not a legal requirement. Such a requirement only applies where it is proposed to hold the entire meeting in private which in practice rarely happens. Where there are meetings where restricted (exempt) appendices to reports or singular restricted items are being considered and therefore the majority of the meeting is held in public, with the public excluded for those items, the only

legal requirement is that the Chair of the Overview and Scrutiny Commission agrees to that item being considered if it has not been on the forward plan for at least **5** clear working days. It is therefore proposed to amend paragraph 18 to reflect the legislative requirements.

2.3. The Democracy Services Manager and the Monitoring Officer continue to work on internal processes to improve the use of the forward plan across the organisation to prevent items being required to go through the urgency process.

2.4. Part 22 and 23 of Part 4B which detail the access rights to documents by members and by members who are members of the Overview and Scrutiny Commission. General practice at Merton has been that all group office staff and all Councillors are automatically provided with access to all restricted documents, however there is no automatic legal right for all Councillors to this information and it is not good information governance practice to have such a wide circulation of confidential information. Council is therefore asked to note that the practice of an unrestricted circulation of exempt reports or appendices will cease and such documents will only be provided to Councillors who have a statutory right to see such documents if they request such documents and can demonstrate a 'need to know' to the Monitoring Officer.

2.5. Rule 2.3h – Community Fora Motions

2.6. The Constitution currently states that “Any original motion relating to the report of a Community Area Forum must be submitted to the Chief Executive by 9am on the day before the meeting to enable time-tabling before meeting.” However all other motions (Ordinary and Strategic Theme) are required to be submitted by the following deadlines:

6.1 (Ordinary Motions) - not later than 5pm on the day which is seven clear working days before the date of the Council meeting.

2.3G (Strategic Theme Motions) - such motions shall be submitted to the Chief Executive by 9am on the day two clear working days before the day of the meeting;

2.7 It is therefore recommended that the deadline for Community Forum motions be brought in line with other motions to allow for amendments to be submitted as required (by 9am the working day before the Council meeting). It is therefore recommended these motions be submitted by 9am on the day two clear working days before the day of the meeting as is the case for strategic theme motions.

2.8 **Inconsistency Between the Scheme of Delegation to Officers and Contract Standing Orders.**

2.9 When the constitution was revised following consideration by a cross party working group and this Committee in July 2021, the Scheme of Delegation to Officers contained in Part 3D of the Constitution set financial limits on the value of contracts Directors are able to award. That limit was £2million and all contracts in excess of that amount must be agreed by Cabinet (subject to certain urgency provisions). However, the Contract Standing Orders which also form part of the Constitution (Part4G) set financial limits by reference to

internal departmental schemes of management. Under those schemes, Directors are only authorised to award contracts up to a value of £500K. Contracts between £500k and £2million must be agreed either by the Director of Corporate Services (the Council's section 151 officer) or the chief Executive. It is not good governance for there to be internal inconsistencies in the Constitution and Standards and General Purposes Committee were therefore requested to consider which limit should apply and to recommend to full Council an amendment to reflect that decision.

- 2.10 Standards and General Purposes Committee at their meeting on 21 July 2022 considered the above and recommended that the contract award threshold for Directors remain at £500,000 and all contracts between £500,000 and £2million must be agreed by the Director of Corporate Services or the Chief Executive as stated within the Contract Standing Orders (Part 4G). It is therefore recommended that part 3D be amended in line with Part 4G.
- 2.11 The other area in the contract standing orders which requires clarification is whether when agreeing an extension to a contract, the threshold for determining who can make that decision and whether it constitutes a key decision is the value of the whole contract as extended or just the value of the extension. It is recommended that where, on the original contract award, there was a specific delegation by Cabinet to officers to exercise a right to extend, then only the value of any such extension should be taken into account in determining whether it is a key decision and who has authority to take it. In other cases, the cumulative value of the contract should apply.
- 2.12 Remote Participation at Meetings
During the Covid-19 Pandemic, the Constitution was amended to permit remote participation at meetings where Councillors were unable to attend. Councillors are not permitted to vote if attending remotely however can still participate. The Constitution is currently silent on the definition of participation. It is therefore proposed to amend the current standing orders (Part 4A Para 21.5) to include the provision that members are not able to move or second motions or amendments remotely. A further line will therefore be added to 21.5 to this effect.
- 2.13 Use Of Council Resources
At the meeting of Standards and General Purposes Committee on 21 July 2022, members considered a range of options for the use of Merton letterhead paper by political groups. It was the consensus of that meeting that the option recommended to Council be the following:

“Political groups can continue sending welcome letters to residents on Merton letterhead so long as they comply with a template agreed with Monitoring Officer. Letters on ward business must be cleared by the

Monitoring Officer. The council will not pay for postage and letters must be hand delivered.”

It is therefore recommended that the Use of Council Resources (Part 5E) is amended to reflect this change.

3 ALTERNATIVE OPTIONS

- 3.1. The Council is advised to make these changes to ensure the Constitution is up to date and compliant with current legislation and best practice. The alternative option would be to do nothing, which is not recommended

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this report

5 TIMETABLE

- 5.1. If approved by Council, the amendments would be implemented with immediate effect.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Constitution provides that proposed changes to the Council's constitution be reported to the Standards and General Purposes Committee for approval prior to being considered at Council. (Article 15). This took place on 21 July 2022.
- 7.2. The Monitoring Officer has delegated authority to make minor administrative changes to the Constitution to reflect legislative changes or for the purposes of clarification.
- 7.3. The proposed amendments to the Constitution comply with the legislative requirements for decision making and in particular, the changes to paragraph 18 of the Access to Information Procedure rules reflect the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report

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

- Appendix A – Amended wording for Part 18 of the Access to Information Rules (Part 4B)

12 BACKGROUND PAPERS

12.1. None

17 Any meeting of the Cabinet or any Cabinet committee which is proposed to be held wholly ~~or partially~~ in private session ~~in order to deal with exempt or confidential business~~ may only proceed in respect of those items of business in accordance with the following rules

- 1) A notice of the intent to hold a private meeting must be published at least 28 clear days prior to the meeting and that notice must indicate the reasons for the meeting to be held in private.
- 2) A further notice must be published at least 5 clear days prior to the meeting and that notice must include:
 - a.) The reasons for the meeting to be held in private
 - b.) Any representations received about why the meeting should be open to the public; and a statement of responses to such representations

18 Exempt Urgency Procedure

Where the date of the ~~meeting at~~ which it is proposed be held in private ~~to consider exempt or confidential information~~ makes compliance with (17.1 above) impracticable the meeting may only be held in private where:

- a.) The Chair of the Overview and Scrutiny Commission (or in his/her absence The Mayor or in his or her absence the Deputy Mayor) has agreed that the meeting is urgent and cannot reasonably be deferred; and
- b.) a notice of that agreement is published as soon as reasonably practicable;

APPENDIX B – Part 4A Council Procedure Rules – Section 21 Remote Attendance

21.5 A member may participate in a meeting of Full Council remotely and shall have the right to ask questions pursuant to Rule 12. Such participation would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting is quorate and they shall not be entitled to vote on any matter under consideration.

Members are not permitted to move or second motions or amendments remotely.

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Meeting: Council

Date: 14th September 2022

Wards: All

Subject: Adoption of the Council's Street Trading Policy (2023 – 2028) under the London Authorities Act 1990 (as amended).

Lead officer: Adrian Ash, Interim Director of Environment and Regeneration.

Lead member: Edith Macauley, MBE, Chair of the Licensing Committee

Forward Plan reference number: N/A

Contact Officer: Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

Recommendations:

-
- A. To adopt the Council's Street Trading Policy for 2023-2028 under the London Authorities Act 1990 (as amended) as approved by Members of the Licensing Committee on 28th June 2022 to come into effect on the 1st January 2023

1. **PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 Approve the Street Trading Policy attached at Appendix A of the report as recommended by the Licensing Committee on 28th June 2022 to come into effect on the 1st of January 2023.

2. **DETAILS**

- 2.1 This is the first Street Trading Policy for the Council recommended for Adoption.
- 2.2 The Licensing Authority is required to carry out consultation with a prescribed list of consultees before determining its Street Trading Policy under the London Local Authorities Act 1990 (as amended).
- 2.3 The public consultation on the draft Street Trading Policy took place between 11th March and 31st May 2022.

- 2.4 An electronic copy of the draft policy was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors were notified of the public consultation.
- 2.5 During the consultation period, the Licensing Authority received eight responses to the consultation through the on-line survey. In addition, three responses were received directly.
- 2.6 The majority of people responding to the consultation were supportive of the proposed Street Trading Policy. There was no dissent.
- 2.7 Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on 28th June 2022.

3 **DECISION**

- 3.1 Members of the Licensing Committee decided to approve the draft Street Trading Policy under the London Local Authorities Act 1990 (as amended) attached at Appendix A with a recommendation for adoption by full Council.

4. **ALTERNATIVE OPTIONS.**

- 4.1 None for the purposes of this report

5. **CONSULTATION UNDERTAKEN OR PROPOSED.**

- 5.1 A eleven-week public consultation was undertaken on the proposed Street Trading Policy between 11th March and 31st May 2022.

6. **TIMETABLE.**

- 6.1 Following adoption by full Council the Street Trading Policy will take effect from 1st January 2023.

7. **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS.**

- 7.1 None for the purposes of this report.

8. **LEGAL AND STATUTORY IMPLICATIONS.**

- 8.1 Sections 21 - 41 of the London Local Authorities Act 1990 (as amended) regulates trading on the street. Under section 27(3) a Borough Council can make regulations prescribing standard conditions which are attached to a Street Trading Licence or can be added to a Temporary Licence. The legislation states in section 27(4) that before the regulations are made the Borough Council has to consult on them. Section 27(4), (5) and (6) prescribes how the consultation process is to be carried out, whilst requiring the conditions to be reasonable. Section 23 provides that standard conditions apply to any person authorised by a street trading licence or a temporary licence.

9. **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS.**
- 9.1 These are statutory functions and are applied globally.
- 10.0 **CRIME AND DISORDER IMPLICATIONS.**
- 10.1 None for the purposes of this report.
11. **RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS.**
- 11.1 Failure to discharge its duties under the Act and implement a Street Trading Policy/regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.
12. **APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT.**
- 12.1 Appendix "A" Draft Street Trading Policy.
13. **BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT.**
- 13.1.1 London Authorities Act 1990 (As amended)
<https://www.legislation.gov.uk/ukla/1990/7/contents/enacted>
<https://publications.parliament.uk/pa/ld200405/ldprbill/003/05003--r.htm>
- 13.2 Consultation responses – directly received.
- 13.3 On-line consultation responses.

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LONDON BOROUGH OF MERTON



Street Trading Policy

Approved on:

In effect from:

CONTENTS	PAGE NO
Introduction	3
Purpose	3
Consultation for the Street Trading Policy	4
Principles	4
What is street trading?	4
Other legislative considerations	5
Application process for a new Licence	5
Duration of licences	6
Street Trading Activities	6
- Trading from pitches	6
- Shopfront licences	7
- Markets operator	8
- Local Authority run markets	8
Designation of licence Streets	8
Types of Authorisations	9
- Street Trading licences	9
- Temporary licences	9
Special provisions for community/charity trading licences	9
Exemptions	10
Motor vehicles	10
Ice Cream Traders	11
Fees and Waivers	11
Consultation for licence applications	12
Assessing consultation feedback and objections	13
Decision making	13
Reasons for refusal of a licence	14
- Other considerations	15
Hearings	16
Appeals	16
Conditions and standards for licence holders	16

Special provisions for certain geographical locations	17
Delineation	17
Offences	18
Enforcement	18
Renewals	19
Variations	20
Succession	21
Lapsing of Street Trading licence	21
Commodities	21
Appendix 1 – Consultation List	23
Appendix 2 - Definitions	24
Appendix 3 - Street Trading licence Conditions	27
Appendix 4 – Commodities List	36

1. **Introduction**

- 1.1 Local Authorities may regulate street trading activities and apply local controls in their area. For the purposes of controlling street trading in the London Borough of Merton, the Council has previously adopted the relevant provisions of the 'London Local Authorities Act 1990 (as amended) hereafter referred to as ("The Act").
- 1.2 Street trading has always formed part of life in Merton. It provides valuable employment opportunities for local people as well as providing convenience and choice for visitors to the borough. The Council recognises the positive impact street trading can have on an area, and that it can add to the diversity of shopping opportunities and local neighbourhoods in which trading is carried out.
- 1.3 The Council is keen to create a street trading environment that complements the street scene and premises-based trading, is sensitive to the needs of both residents, traders and workers, promotes consumer choice and enhances the diverse trading and business opportunities in the borough.
- 1.4 The Council wants to ensure that street trading both enhances the character and ambience of local environments and is provided safely for all Merton residents and visitors.
- 1.5 At present, the main hubs of street trading in the borough are Mitcham, Morden, Wimbledon Village and Wimbledon Town Centre. This includes shopfront licences, designated street trading sites and markets. There are also catering vehicles on designated sites which provide food services to works in industrial areas such as Weir Road, Willow Lane and Lombard Road.
- 1.6 There are currently 898 temporary street trading licences including markets, 32 permanent pitches and 32 Shop Front Displays in the borough. This does not include an additional 40 regular Shop Front Licences currently utilising the Pavement Licences brought in under the Business and Planning Act 2020 to assist the hospitality sector during the COVID-19 pandemic.

2.0 **Purpose**

- 2.1 The purpose of this policy is to provide a framework for the Council to administer and regulate street trading to ensure a consistent approach is taken. It also serves as a reference for Licence holders, enforcement officers, relevant stakeholders and the Licensing Committee as to the Councils intended vision and approach to street trading activities.
- 2.2 In regulating street trading activities, the Council aims to reduce the administrative burdens on applicants, Licence holders and create a consistent and transparent process for traders.
- 2.3 This Policy sets out the regulatory framework, application process and conditions of licensing for the following activities:

- Markets/stalls
- Street Trading from Pitches
- Trading activities on private land within 7m of the public highway
- Shopfront and tables & chairs Licensing
- The revocation or prosecution for breach, of a licence
- Enforcement of the legislation

2.4 The Council will not deviate from this policy unless there is a good reason to do so and full reasons are provided.

3.0 Consultation

3.1 In preparing this Policy the Council has undertaken and had regard to the comments received following extensive consultation with statutory consultees, residents, businesses, Licence holders and other stakeholders. The consultation took place between 11th March 2022 and 31st May 2022. Details of those consulted can be found in Appendix 1.

4.0 Principles

4.1 Nothing in this Policy will:

- undermine the rights of any person to make an application under the Act for a licence and to have that application considered on its own merits; or
- override the right of any person to make objections or appeal against any decision

5.0 What is Street Trading?

5.1 The Council has determined that it will regulate street trading in the Borough under the London Local Authorities Act 1990 (as amended).

5.2 Section 21(1) of the Act defines Street trading as being '*the selling or exposing or the offering for sale of any article, and the purchasing of or offering to purchase any ticket, and the supplying or offering to supply any service, in a street for gain or reward*'.

5.3 For the purposes of this legislation a 'street' is defined in the same Section of the Act and includes 'any road or footway and other area within 7 metres of any road or footway, to which the public have access without payment'

5.4 Street trading licence' – means a licence granted under the Act and valid for not less than six months and not more than 3 years. The licence can only be granted in a designated street.

- 5.5 'Temporary licence' – means a licence granted under the Act valid for a single day or for a period not exceeding 6 months.
- 5.6 The Council has also determined to licence the use and the placing of tables and chairs on the highway under part II of the Act.
- 5.7 The Council has powers to designate a street as a 'licence street' and can prescribe the types of commodities or services which will be authorised by a licence.
- 5.8 The Council is permitted to charge fees and charges under Section 32 of the Act in respect of street trading licences and related costs.
- 5.9 Street trading without the required licence is an offence under section 38 of the Act and carries a maximum fine not exceeding level 3 on the standard scale, which is currently £1000.

Note: The placement of 'A' boards outside a premises are not covered by a street trading licence and must be agreed with the Highways Authority.

6.0 Other Legislative Considerations

- 6.1 Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example, Control of Pollution Act 1974 and Environmental Protection Act 1990, Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/Entertainment/Alcohol Licensing etc.

7.0 Application process for a new licence

- 7.1 The application process for each of the street trading activities to which this Policy relates are set out on the Council's website www.merton.gov.uk and includes a specified application form, supporting information requirements and payment of the appropriate fee.
- 7.2 Applications will be subject to consultation in accordance with this policy.
- 7.3 Where an application receives relevant objections, the case will be referred to the next available Licensing Committee for determination. The applicant and anyone making an objection will be given the opportunity to speak at the hearing.

- 7.4 For all street trading licences involving the offering of food, applicants should be registered with their home authority and make their Food Hygiene Rating Score available to an authorised officer of the Council upon request. Businesses which have a poor Food Hygiene Rating of 2 and below will not be granted a Street Trading licence
- 7.5 Food hygiene certificates will be displayed within the vehicle/trailer/stall when trading is taking place.
- 7.6 **Improving Air Quality** – The Council will be asking new applicants to use street trading vehicles that meet the Euro 6 emissions standards where the engine is required to be kept running for the purpose of providing power in connection with the licensed Street Trading activities. Existing traders will be required to conform to this requirement by 1st January 2024. Applications for a zero-emission-capable street trading vehicle will be favourably considered.

8.0 Duration of Licences

- 8.1 The Council has powers to issue permanent licences for up to three years or for such shorter period as the borough council may determine. Temporary licences can be issued for one day or up to six months. The Council has determined not to issue street trading licences for longer than 12 months.
- 8.2 Where the street trading proposed will first require designation of the street, the trader will be recommended to initially apply for a Temporary Licence. This will give them the opportunity to trade while the licensing process for the street trading licence takes place (this can take up to 3 months) and enable the assessment of whether the street can be designated for street trading.
- 8.3 Applicants making an application for the first time will, if successful, be given a licence of 6 months duration in order to assess the longer term suitability of trading at the location. A subsequent street trading application by the same Licence holder may then be granted for one year at the Council's discretion. All permanent licences issued by the Council will not exceed a period of 12 months

9.0 Street Trading Activities

Trading from Pitches

- 9.1 Street Trading Licences are issued in order to control the location of trading activity and ensure pitches are located in suitable areas do not cause nuisance or disruption to local businesses and are safe and accessible.
- 9.2 As part of the process of considering whether to issue a licence, the Council will make sure that trading locations do not cause obstruction to the highway, including lines of sight at junctions, and are positioned so as not to obstruct rights of way, entry to premises or cause nuisance to nearby residents. The Council will also consider the suitability of the proposed street trading in relation to the existing neighbouring retail outlets with the aim of ensuring the balance is kept between

encouraging new street trading and protecting the amenities of the neighbourhood. Conditions attached to licences will ensure these factors are controlled for the duration of the licence period.

9.3 Prospective applicants for Trading Licences are recommended to familiarise themselves with the Standard Conditions and to ensure that their proposed trading locations:

- Provide a minimum of 2m of space for pedestrians to pass safely
- Do not block access to existing premises (even if those premises are vacant)
- Are located such that they will not cause nuisance from smells, light or noise (including shouting)
- Allow for all trading materials and waste arising from activities to be removed by the Licence holder at the end of the trading period.

9.4 The Council has resolved to adopt a commodities list, given at Appendix 6, which details a number of types of goods or services that licence holder can be licensed to trade in.

Shop Front Licences - tables & chairs and shopkeeper displays

9.5 The Council regulates the placing of tables and chairs and shopkeeper displays on the highway through a licence issued under the Act.

9.6 Any person wishing to place such items on the public highway must first obtain a Shop Front Licence. This includes items such as tables, chairs, display units and barriers.

9.7 The display of goods outside the front facade of a premises or a seating area for patrons can greatly enhance the visual amenity and provide valuable additional sales space for businesses to advertise their goods for sale. However, inappropriately located shop front displays or seating areas can create problems for various members of the community e.g. people with disabilities, visual impairments, mobility difficulties and those using pushchairs etc.

9.8 Controlling the placement of these items helps to ensure that footpaths and walkways are kept clear of obstructions, and everyone can move about safely. For example, it may be necessary for tables and chairs to be positioned in a consistent manner on busy streets so that a constant and direct path through areas is maintained.

9.9 When deciding whether a Shop Front Licence might be appropriate for their business, prospective applicants should familiarise themselves with the Standard Conditions to ensure the following requirements can be met:

- Provide a minimum of 2m of space for pedestrians to pass safely in front of any display of goods or seating area.

- Do not block access to neighbouring premises (even if those premises are vacant) or access to properties above your shop or premises.
- Will be removed at the end of the trading period permitted by the licence
- The area does not cause damage to the highway

Markets Operator

- 9.10 A Market Operator providing a market can co-ordinate the applications for market stall holders and documents required for each proposed market trader. Under the London Local Authorities Act 1990, the Council must consider a street trading licence for each proposed market trader. Each trader will be issued an individual market stall street trading licence and not the Market operator. Each market stall holder will be required to adhere to the conditions of their market stall street trading licence.

Local Authority run Markets

- 9.11 Mitcham and Morden are authority run markets that require traders to register in advance of trading. Once registered, traders will be charged daily licence and pitch fees. The full registration form and process are available via the Council's website.

10.0 Designation of Licence Streets

- 10.1 If the Council considers that street trading should be allowed or licensed in any area, it may pass a resolution designating any street or part of a street as a licence street under Section 24 of the Act.
- 10.2 In deciding if a street or site should be designated for street trading, the following may be considered.
- a. The presence of any existing or planned street furniture;
 - b. The proximity and nature of any road junctions and pedestrian crossing points;
 - c. The number of street trading sites already licensed in the vicinity;
 - d. Whether the proposed site for designation would impact on accessibility for members of the public i.e. pedestrians, pushchairs, wheelchairs etc.
 - e. Whether the safety of the public will be put at increased risk;
 - f. Whether the proposed site will leave the recommended clearance of two metres clear passage between the trading area and the edge of the kerb or footway;
 - g. Whether there will be a negative impact on the character or appearance of the area.
- 10.3 To pass a resolution to designate a licence street or rescind or vary a designation, the Council must conduct a 28 day public consultation. During this time the Council consults with the Police, Highway Authority or relevant corporation, Planning Authority, Ward councillors, the Council's Food and Safety team, the general public

and any other relevant body/interested party. For the Red Route, Transport for London (TfL) is the relevant Highway Authority.

- 10.4 The consultation period begins from when notice of the intention to designate is published in a local paper. The Council will consider any relevant representations received, before making a decision.
- 10.5 A street does not have to be designated as a licence street for street trading purposes where a Temporary Licence is issued.
- 10.6 The Council is able to consider new locations where a designation resolution has not previously been made. In these circumstances, the trader will be required to submit full plans of their proposals to the Council for consideration
- 10.7 Designation of new licence streets will not normally be considered for streets with parking restrictions and/or a speed limit of 40mph or more.

11.0 Types of Authorisations

Street Trading licences

- 11.1 A Street Trading Licence will usually be issued to applicants for pitches and shop front and tables & chairs licences; and will be valid for one year. Before a street trading licence can be issued, traders will be required to hold a temporary licence for a minimum period of 6 months.

Temporary Licences

- 11.2 Temporary licences will be issued to applicants for pitch licences where the trade is only proposed for one day up to six months, or where the trading activity is part of an event or promotion.
- 11.3 Temporary Licences will also be available to applicants of pitch or shop front or tables & chairs licences who may wish to trade seasonally or for short periods of time. For example, where a business is going to be sold and a licence is only required for a short time or a seasonal extension to accommodate trade at specific times of the year.
- 11.4 Temporary licences may also be granted as part of an application for a full licence, allowing licensed activity during the consultation phase and to provide a test environment for a permanent licence

12.0 Special Provisions for Community/Charity Trading Licences

- 12.1 Community/Charity trading licences will be issued to organisations that are carrying out trading activity for the purpose of making a profit on an occasional or temporary basis.

12.2 The Council will consider individual applications for Community/Charity trading licences on a case-by-case basis and acceptance will be assessed in the following circumstances:

- fundraising activities,
- promotion of charity or other local cause,
- promotion of community services.

12.3 The licences will be applied for in the same way as Temporary Licences.

13.0 Exemptions

13.1 The Council recognises that certain trading activities do not constitute street trading and are therefore exempt from the licensing regime. The following exemptions are outlined in the legislation:

- a) A person trading as a 'Pedlar' under the authority of a pedlar's certificate granted under the Pedlars Act 1871, provided that the trading is only carried out 'house to house';
- b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of any enactment or order;
- c) Trading in a trunk road picnic area;
- d) Trading as a news vendor;
- e) Trading by a rounds man delivering milk and/or other perishable goods;
- f) Charity collections;
- g) The selling or offering for sale goods or services on private land adjacent to a shop provided that the trade forms part of the normal business of that shop. For example, a fruit/vegetable display outside a grocers' shop or Tables & Chairs for diners outside a café.

14.0 Motor Vehicles

14.1 It is an offence for traders to expose or offer for sale any motor vehicle on a public street without a licence This includes the selling or exposure or offer for sale of any motor vehicle in the course of a business if the vehicle is:-

- (a) exposed or offered for sale on the internet; and
- (b) kept on a street during the period when it is so exposed or offered for sale.

14.2 Where motor vehicles for sale are displayed on a street, this will be determined as an improper use of the highway for which the seller of the vehicle may be subject to legal action and the vehicle seized.

14.3 Persons operating motor vehicle trading activity from their residential address may need planning permission for the trading activity and cannot display their vehicles on the public highway without a valid street trading licence.

15.0 Ice Cream Traders

15.1 Ice cream trading means the selling, exposing or offering for sale from a vehicle, goods which consist mainly of ice cream, frozen confectionery or other similar items.

15.2 Merton Council does not issue street trading licences in respect of Ice Cream trading unless on a designated street and at a static location.

15.3 Itinerant ice cream trading outside of the 15-minute exemption is an offence under the Act and covers the use of a vehicle whether that be a van, bike or similar. Trading on foot would also require a licence and is not covered by the exemption

15.4 Where the Council is considering the prohibition of ice cream trading in certain locations, it will pass a resolution under Section 37 of the Act.

16.0 Fees & Waivers

16.1 Street Trading licence fees will be set and reviewed from time to time by the Council and any changes to those fees will be advertised in accordance with the provisions of the Act.

16.2 The licence fee is split between a non-refundable application fee and an enforcement/compliance charge. The Council requires payment to be made at the time of application. Where a licence is refused for any reason, a refund will be given for the enforcement and compliance section of this charge. Traders renewing their licences will have the option of paying by Direct Debit during the licence year.

16.3 Where a licence is revoked for reasons beyond the Licence holders' control, for example, where the highway has been redeveloped and there is no longer sufficient space for the trading activity to take place or where the Council has introduced a ban on certain commodities that were previously licensed, the Council will offer a partial refund of the licence fee. This will be calculated on a pro-rata basis in whole months from the final trading day until the end of the licence year.

16.4 Where a licence has been revoked for reasons within the control of the licence holder, the Council will not issue a refund of the street trading licence fee.

16.5 Fee Waivers

(a) Fee Waivers for absences as a result of long-term sickness/ill-health, or matters relating to maternity/paternity/adoption, or care giving, will be

considered on application to the Council in writing by the Licence Holder and may require official documentation as proof.

- (b) In the event that any conditions in (a) prevent a Licence Holder from trading, the Council may, upon application in writing from the Licence Holder, permit a named assistant to run the business during their absence.
- (c) Where a Licence Holder has been prevented from trading for any of the reasons set out below, the licensing authority may, at its absolute discretion, award a pro-rata waiver for the relevant period.
 - (i) Damage to the designated trading pitch, not caused by any act or omission or recklessness, of the trader to the extent where the Licence Holder is prevented from trading; or
 - (ii) Repairs that must be carried out to the surface of the street trading pitch or to utilities and services underneath it which prevent the Licence Holder from trading; or
 - (iii) Public realm or infrastructure improvement works affecting the location of the street trading pitch or its immediate vicinity to the extent where the Licence Holder is prevented from trading;
 - (iv) Obstruction of the pitch which cannot be removed to the extent where the Licence Holder is prevented from trading.
- (d) In many circumstances minor adjustments to the trading pitch, its location, the placement of stalls, the style of trading, etc. can allow the Licence Holder to trade without the need for fee waivers. The Licence Holder must take all reasonable steps to facilitate trading, including contacting the licensing authority for advice, before applying for a waiver of fees and charges. If minor adjustments are feasible and will result in a situation where trading can continue (whether partially restricted or not), the Licence Holder will not be entitled to a waiver
- (e) Licence charges will be payable for the first month of a period of certified absence.

17.0 Consultation for Licence Applications

- 17.1 Upon receipt and acceptance of an application, the Council will carry out a consultation with the relevant Ward Councillors, the Highway Authority, the Metropolitan Police, Environmental Health, Planning, and any trade representative i.e. Town Centre Management/BID team. The Council's Food Safety team will be consulted where the application is proposing to trade in food items.
- 17.2 Food traders will not be permitted to trade under licence without clearance from the Food Safety Team.
- 17.3 The purpose of the consultation is to seek assurances that the applicants' proposals to satisfy the requirements of the legislation and that they are suitable to be licensed. Through the consultation process, certain discretionary grounds for refusal or modification of applications may be identified.

17.4 Representations received after the end of the consultation period will not normally be considered. In exceptional circumstances the Council has discretion to consider late representations, if the application has not yet been determined. Such circumstances may be, but not limited to, where the representation was not received in time either through a technical fault or administrative error.

18.0 Assessing consultation feedback and objections

18.1 The Council will consider representations received as part of a designation/licence consultation, feeding into the final decision on grant or refusal

18.2 The Council will not consider any representations where they are; frivolous, vexatious or repetitious. Such objections are considered not 'relevant'.

19.0 Decision Making

19.1 The Council has powers to consider a wide range of matters on which to grant/refuse street trading licences. Any decisions made upon these grounds will be evidenced and justified after careful investigation into any responses received during the consultation process.

19.2 Certain grounds for refusal may present themselves through the application process. Where these grounds are identified, the applicant will be offered the opportunity to amend the application before it is determined.

19.3 The licence will be granted by officers authorised to do so provided that the necessary preconditions / requirements are met.

19.4 Where relevant adverse feedback has been received within the consultation period and discretionary grounds for refusal have been identified, the Council's Licensing Committee will be tasked with making determinations.

19.5 Where the application is to go before the Licensing Committee, the applicant will be expected to present the case and assist the committee panel with any questions. To facilitate this, the applicant will be advised in writing of the date, time and place when the application will be heard. The applicant can be represented if they wish, whether or not the person is legally qualified. The Licensing Team will prepare a report for the Licensing Committee regarding the application. The report will be made available to the applicant at least five working days before the date of the meeting together with any relevant hearing procedure.

19.6 Where no representations are made within the notified timescale the council will proceed to make a decision on the application and will notify the applicant of this in due course.

19.7 An application may be refused on statutory grounds and /or criteria as outlined in this policy. A Licence may be revoked on statutory grounds and / or criteria as outlined in this policy.

- 19.8 Merton Council cannot be held liable for any costs incurred due to a refused application.
- 19.9 Where grounds for refusal do exist, the Council may still grant a modified version of the licence applied for. For example, it may be appropriate to reduce the days/times of trading activity, to reduce the size of the proposed trading area or add conditions.
- 19.10 Conditions attached to licences will be designed to ensure that these factors are controlled for the duration of the licence period.

20.0 Reasons for refusal of a licence

- 20.1 The reasons under which a Street Trading Licence application can be refused are set out in the legislation, however, are summarised below. For full details please refer to Section 25 of the Act.
- 20.2. The Council will not grant a Street Trading Licence if any of the following apply:
- a) The applicant is under the age of seventeen.
 - b) The proposed trading location is not within a designated licence street.
 - c) The applicant is proposing to sell goods or services which the Council has resolved to ban.
 - d) There is not enough physical space within the proposed trading location and any trading activity would have an adverse impact on the surrounding area by causing obstructions to persons or vehicles using the street.
 - e) The applicant has made an application to trade in a location which does not satisfy the definition of a 'street' for the purposes of the legislation.
 - f) The applicant does not have permission of the landowner in the case of trading on private land covered under the definition of 'street'.
 - g) The applicant of a shop front licence is proposing to sell goods or offer services which are not sold or offered for sale within that shop.
 - h) There is insufficient width to allow a minimum 2m clearance on the highway.
 - i) That:
 - (i) the application is for the grant (but not the renewal) of a street trading licence; and
 - (ii) the only available position in the street is within the curtilage of or is contiguous with the frontage of a shop selling similar articles; and
 - (iii) the applicant is not the owner or occupier of the premises comprising the shop.
- 20.3 The Council may also refuse an application for a Street Trading Licence if:-
- (a) There are sufficient traders in the street, or at premises adjoining it, who are trading in the articles the applicant wishes to trade; or
 - (b) The nature of the articles, things or services in which the applicant wishes to trade would adversely affect the general amenity of the area;

- (c) The applicant has made a false statement in connection with the application
- (d) The applicant is unsuitable to hold a street trading licence;
- (e) The applicant has failed to avail himself of a previous street trading licence;
- (f) The applicant has had a licence revoked (or could have been revoked) on the grounds that fees or other charges due to the council were not paid
- (g) The applicant has failed to provide information required by the council to deal with the application;
- (k) The applicant has failed to provide suitable arrangements for storing the vehicle, stall or other items from which they propose to trade.

20.4 The determination of applications where no relevant adverse feedback has been received during the consultation period, will be determined by Officers delegated for the purpose, and may be changed from time to time as appropriate.

20.5 Other Considerations

The Council may also have regard to the other following factors when considering the impact on the local area of the proposed trading activity. This may result in additional conditions being imposed upon any licence granted:

- a) **Public Safety** – whether the street trading activity represents, or is likely to represent, a substantial risk to members of the public from the point of view of obstruction of the highway for emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that can be reasonably foreseen, that may occur when a trader is using the site.
- b) **Prevention of Crime and Disorder** – whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of an issue for traders wishing to operate as part of the night time economy.
- c) **Prevention of public nuisance or environmental damage** – whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or environmental issues. Examples include damage to street surfaces; noise; litter; refuse; vermin; fumes/odours etc.
- d) **Appearance of trading area** – Whether the street trading area is properly constructed and presented and enhances the aesthetic street scene of an area.
- e) **Needs of the area** – amongst other things, the Council will consider the demand for the articles for sale, and the geographical location of the proposed site.

21.0 Hearings

- 21.1 Where the Licensing Committee is to consider grounds for refusal of a licence application, the applicant will be provided at least 21 days' notice of any objection that has been made. Officers will aim to convene a hearing as soon as reasonably practicable after the 21 days' notice. The applicant will be advised in writing of the date, time and place when the application will be heard. The report will be made available to the applicant at least five days before the date of the meeting together with any relevant hearing procedure.
- 21.2 The applicant will be expected to present the case and assist the licensing committee panel with any questions. The applicant can be represented if they wish, whether or not the person is legally qualified. If the applicant fails to attend the hearing, the Licensing Committee may elect to hear the application in their absence. In such cases the Licensing Committee may make a decision based on written documents presented to them and submissions by any other party who do attend the hearing
- 21.3 Where a street trading licence is being considered for revocation, the Council is required to afford the licence holder an opportunity to address the Licensing Sub-Committee. The Council will give at least 21 days' notice of any revocation proceedings being brought against the licence holder.
- 21.4 Applicants will normally be notified of the decision within 5 working days from the date of the hearing and will also receive a written confirmation of the decision.
- 21.5 In certain circumstances, the Licensing Committee may defer their decision or they may adjourn a hearing. This will be dependent upon the severity and complexity of the case before them and it may be appropriate to gather additional information to aid the decision making process.

22.0 Appeals

- 22.1 Any person aggrieved by the Council's decision to refuse or revoke a street trading licence or is aggrieved by the terms and conditions on which a licence is granted, (other than the Council's Standard Conditions), may appeal to the Magistrates Court within 21 days of receipt of the written decision notice following the outcome of the Licensing Committee.
- 22.2 Applicants for temporary licences do not have any appeal rights, notwithstanding statutory rights to seek Judicial Review proceedings.

23.0 Conditions and Standards for Licence Holders

- 23.1 The council expects all licence holders to carry out their trading activities in accordance with the conditions imposed upon them.

- 23.2 In addition to the above information, the Council will also impose standard conditions on all street trading licences. Additional conditions may be added on a case-by-case basis. Standard conditions will be reviewed from time to time. The standard conditions can be found at Appendix 3.
- 23.3 The Council expects all licence holders to maintain their trading area in a proper manner and to ensure that any trading/display equipment is of a good quality and tidy appearance. The Council will offer assistance and advice to traders and applicants on how to improve the look and quality of their trading/display equipment.

24.0 Special Provisions for certain geographical locations

- 24.1 From time to time, the Council may consider imposing certain trading restrictions in certain geographical locations. For example, it may be appropriate to standardise trading times or maximum trading areas within very busy areas with a high concentration of traders. The Council may also determine to grant only Temporary Licences in a geographical area.
- 24.2 The Council will consider this action as part of town centre regeneration or as part of other town centre incentives.
- 24.3 Details of these special provisions are detailed in Appendix 3.
- 24.4 Where the Council is minded to impose new restrictions, it will consult with those traders affected to ensure transparency in the process.

25.0 Delineation

- 25.1 Where the Council issues a licence, it may be appropriate to define the trading area by delineating with studs or similar.
- 25.2 The Council will consider the following factors when deciding to delineate in certain areas:
- a) Whether there is a need to define the trading area to assist traders in keeping within their licensed trading area
 - b) Where licence holders of pitch licences, and the Council's enforcement officers, need to easily identify a specified trading area.
 - c) Where there is a high concentration of traders in a particular area and trading boundaries need to be defined
- 25.3 Delineation will be considered in consultation with the Council's Highways Service to ensure the appropriate materials are used. The cost for delineating trading areas will be borne by the trader.

26.0 Offences

26.1 Section's 34 & 38 of The Act outline the offences which include;

- a) Street Trading without a licence, including trading at a place/time not permitted by a licence
- b) Failure to comply with the street trading terms and conditions
- c) Making a false statement in connection with an application
- d) Obstruction of an authorised officer of the Council
- e) Failure to produce a valid street trading licence on demand

27.0 Enforcement

27.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licencing issues.

27.2 The decision to use enforcement action will be taken on a case-by-case basis and, to ensure consistency of approach, in accordance with the Regulatory Services Partnership Enforcement Policy which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

27.3 Enforcement commences with the issue of clear terms and conditions at the time an application for a street trading licence is made. Council officers will provide advice with respect to any issues surrounding the interpretation of licence conditions or other matters.

27.4 Factors that will be taken into consideration include, but are not limited to:

- a. seriousness of the breach
- b. The risk that the non-compliance poses to the safety, health or welfare of the public at large or to individuals;
- c. Evidence suggests that there was pre-meditation in the commission of an alleged offence;
- d. The alleged offence involved a failure to comply in full or in part with the requirements of this policy and / or the terms of the street trading licence;
- e. There is a history of previous warnings or the commission of similar offences;
- f. Aggravated circumstances such as obstruction of an officer or negative conduct;
- g. If the alleged offence, though not serious itself, is widespread in the area where it is committed;
- h. The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
- i. There has been a repetition of a breach that was subject to a formal caution or issue of a Fixed Penalty Notice;

- j. False information has deliberately been supplied and/or intention to deceive.

27.5 The Council may take the following types of enforcement action (in no particular order):

- a) Verbal/written warnings – e.g. a contravention and / or where Officer contact has not resolved the contravention;
- b) Simple cautions;
- c) Licence revocation/variation e.g. where fees go unpaid, a breach of a licence condition; conduct of the licence holder etc.
- d) Fixed Penalty Notices;
- e) Prosecution.

27.6 Where grounds for revocation and/or variation have been identified, the case will be considered by a Licensing Committee in the form of a licence review hearing.

27.7 The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.

27.8 If the Council considers that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from the Metropolitan Police

27.9 The Council may call for assistance from the Councils' CCTV control centre when dealing with such issues.

27.10 Standard conditions will be attached to every Street Trading Licence including Temporary Licences and these may be varied by the Council at any time.

27.11 Specific conditions may also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the location.

27.12 Officers will regularly inspect street trading areas to ensure compliance with the licence terms and conditions i.e. the trader is only trading in the licensed pitch area. In addition, all complaints of unlicensed street trading will be investigated

Any decision to prosecute an offence under this Act will be made in accordance with the Crown Prosecution Service Code for crown Prosecutors.

29.0 Licence renewals

29.1 When a licence is due for renewal a reminder will normally be sent to the holder, prior to the expiry of a licence, together with the relevant forms required for completion in order to renew the licence. This will normally be approximately two months in advance of the licence expiring.

- 29.2 The licence holder must apply to the Council for a renewal at least 30 days prior to the date of the current licence's expiry. If an application for renewal is not received, the licence will lapse.
- 29.3 The application process for renewal of each of the street trading activities to which this Policy relates are set out on our website www.merton.gov.uk and includes a specified application form, supporting information requirements and payment of the appropriate fee.
- 29.4 When a permanent street trading licence is due to expire, it is the duty of the licence holder to ensure that any renewal application is submitted to the Council in good time.

Reminders are sent purely as a matter of courtesy and it remains the responsibility of the licence holder to make a timely application and avoid licences expiring. The absence or non-receipt of a reminder does not stop a licence expiring.

- 29.5 All applications for licence renewals must be made in advance of the expiry of the current licence to allow for the application to be processed. Any renewals received outside of the legal framework may not be accepted, and applicants may need to apply for a new street trading licence.

30.0 Licence variations

- 30.1 The Council will allow traders to apply for variations to their licences within the duration of the licence or at renewal. Variations may include but are not limited to; a reduction in the size of the trading area; the authorised trading times; the authorised commodities; the conditions imposed upon the licence.
- 30.2 Where a licence holder wishes to increase the size of the licensed area to larger than the designated area, a new full application will be required. Increase in licence size but still within the scope of the current designation may be considered under a variation.
- 30.3 Variations must be applied for, using the appropriate form and may be subject to the same consultation process as for new and renewal applications. The application process for variation of each of the street trading activities to which this Policy relates are set out on our website www.merton.gov.uk and includes a specified application form, supporting information requirements and payment of the appropriate fee.
- 30.4 A processing fee will be charged and should accompany the application form. Where a variation is sought for an increase in a shop front display area, the fee for any additional metres will be charged as well as the processing fee.
- 30.5 Where the variation is administrative, e.g. change of licence holder's address; change of assistant's details, a lesser processing fee will be charged.

30.6 Where grounds to revoke a licence have been identified, the Council may, instead, choose to vary the licence by imposing additional conditions or making restrictions on the licensed area or times. Any such variations will be imposed by the Licensing Committee when considering a case for revocation/variation.

31.0 Succession

31.1 Under the London Local Authorities Act 1990 (as amended), traders have the right of Succession, which permits the licensed trader to nominate a relative whom he/she desires the licence be granted to under the following circumstances;

- a) When the licence holder dies;
- b) When the licence holder retires, having reached the normal age for retirement;
- c) When the licence holder advises the Council that owing to ill health, he is unable to continue to operate the licence.

31.2 The Council will consider the circumstances of the individual trader when assessing succession rights. It is advised that the trader seeks their own independent legal advice on the matters involved before any assumptions about the entitlement can be made.

31.3 Holders of temporary licences are not entitled to succession rights.

32.0 Lapsing of Street Trading Licences

32.1 A Street trading licence will automatically lapse where permission to trade from the landowner ceases.

32.2 Where the Council is the owner of the land upon which the street trading activity is taking place, the Council may withdraw permission to trade where there are exceptional circumstances to justify a decision for example, street works and or/redesign of a street where it would no longer be possible to maintain the trading area.

32.3 Any licence not renewed within the required time frame will lapse, and a new application will need to be submitted and granted before trading can continue.

33.0 Commodities

33.1 Applications for street trading licences must be made in accordance with the Council's approved list of commodities and banned commodities (Appendix 6). The Council will consider commodities that are not on the approved list at its own discretion.

33.2 The Council may amend this list in order to ensure fair trading opportunities to all traders in the relevant area. The Council may, from time to time, ban certain commodities in certain areas where there is a need to do so. If the Authority

amends the list of banned commodities, a 21-day consultation with traders will be held in the affected area prior to a decision being made.

APPENDIX 1

CONSULTATION LIST FOR THE POLICY

- Ward Councillors
- Metropolitan Police
- Highway Authority
- Planning Authority
- The Fire and Rescue Authority
- Existing Street Trading Licence Holders
- Persons/bodies representative of Street Trading Licence Holders
- Environmental Health Section (Food and Safety Team)
- Environmental Health Section (Noise and Nuisance Team)
- Transport for London
- Environmental Health (Air Pollution Team)
- The Area Forums
- Local business organisations
- Town Centre Management/BID team.
- Residents Associations

APPENDIX 2

DEFINITIONS

In the street trading licence conditions unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

'The Act' means the London Local Authorities Act 1990 Part III as amended.

'The Council' means the London Borough of Merton.

'Advertisement' means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

'Approved Street Festivals' means those street festivals whereby the Council may issue Temporary Licences.

'Assistant'

(a) means a person employed by, and acting under the directions of a licence holder to assist him/her about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the licence holder's stall.

(b) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner, supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

'Authorised Officer' means any officer of the Council authorised in writing by the Council's Director of Environment and Regeneration to carry out any function under the Act or these Regulations acting within the terms of such authorisation.

'Awning' includes a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall

'Child' means a person under compulsory school leaving age as in the Education Act 1996 or successor and includes a baby/child of pre-school age.

Designation the term to describe a legally defined licence street that permits trading subject to holding the appropriate licence. Can encompass a single pitch or an entire street.

Designated Site means a place in any licence street at which street trading may be engaged in by a Licence Holder and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

'Goods' means any goods, wares, or merchandise displayed for sale at a stall or Licensed Site.

"Grant", unless the context otherwise requires, includes renew and renewal, and cognate words shall be construed accordingly;

"Ice cream trading" means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.

"Itinerant ice cream trading" means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to that location or any other location in the same street on the same day.

'Harassment' includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licensed site, premises or services.

'Licence' means a valid Street Trading Licence or a valid Temporary Licence.

Licensing Committee means a collective of Councillors who will review licence applications and decisions

Licence Street term used to describe a street that has been designated by the Council to allow street trading, subject to holding a licence

Licensed Street Trader

'Licence Holder' means any person who holds a Street Trading or Temporary Licence for street trading under Part III of the London Local Authorities Act 1990 as amended. To also include assistants acting on behalf of the named licence holder.

'Loading and Unloading' includes stocking or replenishing goods at a Licensed site, vehicle or receptacle.

Pitch term used to describe a street trading location

'Receptacle' includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adopted for such use)

as a container for or for the display of any article or thing or equipment used in the provision of any service.

'Refuse' includes empty and discarded receptacles and any waste material.

'Stall' means any structure, box, table, stand or thing for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

'Shop Front Licence' means where the Council has granted a Licence to display goods from a stall on the footway immediately outside the shop premises, or for where the Council has licensed the placement of tables and chairs for customers' use on the street.

'Street' includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

'Street Furniture' includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.

'Street Trading' means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

'Street Trading Licence' means a Licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years:

'Temporary Licence' means a Licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.

APPENDIX 3

STREET TRADING LICENCE CONDITIONS

Part III of the London Local Authorities Act 1990 (as amended)

Regulations Prescribing Standard Conditions for Street Trading Licences

GENERAL

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment, or Regulation other than under the Act.

The possession of a street trading licence does not confer any special rights for use of a vehicle, and in particular does not exempt the Licence Holder or any assistants from the requirements of parking and/or traffic regulations currently in force.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include but are not limited to General Health and Safety, Food Safety, Trading Standards, Fire Prevention, and Highways Regulations.

It is the responsibility of the Licence Holder to ensure compliance with the conditions. This includes making appropriate arrangements for assistants to comply with any requirement or restriction imposed by a condition.

Failure to comply with conditions of the Street Trading Licence or Temporary Licence may result in the trader being liable for prosecution. I.E. being issued with a *fixed penalty notice* (F.P.N.) and/or, revocation of licence

1. INSURANCE

- a) The Licence Holder shall be responsible for holding appropriate public liability insurance, with a minimum liability of at least £5 million throughout the period where the Street Trading Licence is in force.

2. DAYS AND TIMES

- a) The Licence Holder shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no trading on Christmas Day.

3. CHARGES AND FEES

- a) Where the Council has agreed that Licence fees may be paid by instalments, the Licence Holder shall adhere to the schedule of payments specified by the Council, which may include additional fees specified in the Councils published fees, and any instruction to set up a direct debit where payments are missed.

- b) If the Licence Holder is not able to pay the fees due for a period of four weeks or more after they become due, they shall contact the Council in writing as soon as reasonably practical. The Licence Holder shall explain any circumstances that they wish to be taken into account prior to the Council beginning proceedings to revoke the licence.

4. LICENCE AND INSPECTION OF LICENCE ETC.

- a) The Licence Holder shall prominently display a copy of their Licence at the Licensed Site so that it is clearly visible.
- b) The Licence Holder shall produce the current Licence for inspection when requested to do so by an Authorised Officer of the Council or Police Officer.

5. POSITION

- a) The Licence Holder shall ensure that only the Licensed Site prescribed in the Licence is used, (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 5(c) shall arise
- b) The Licence Holder shall inspect the Licensed Site whilst in use at least every hour to ensure that any receptacles or tables and chairs are not outside of the licensed area.
- c) If the licensed site is obstructed by roadworks or other hazard, the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence holder.

6. SIZE

- a) The Licence Holder shall not place or cause to be placed on the street, a stall or any other object that exceeds the dimensions prescribed in the Street Trading Licence.
- b) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- c) The sizes and numbers of receptacles, tables & chairs, parasols or other objects shall not exceed those prescribed in the Licence.

7. PERMITTED GOODS AND SERVICES

- a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.

- b) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site.
- c) All commodities offered for sale will conform to the lists contained in Appendix 6 of the Street Trading Policy, and no commodities appearing in the banned list may be offered for sale. Special consideration will be given for items not included on any of the commodity lists in this document should applications be received.
- d) Commodities are divided into categories: Licence holders may trade up to three commodities from two categories on their street trading Licence

8. DEALING WITH THE PUBLIC

- a) The Licence Holder shall ensure that the public, Council officers and the Police are treated fairly and with courtesy.
- b) Admission or service shall not be refused to any person on the grounds of of any protected characteristics as defined by the Equality Act 2010, including gender, race, ethnic origin or the grounds of sexual orientation.
- c) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business that will cause harassment to any person on the grounds of any protected characteristics.
- d) The serving of customers shall not take place in the road.
- e) All goods offered for sale shall be clearly priced and sold in accordance with all relevant consumer protection laws or requirements
- f) A Licence Holder offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.

9. RECEPTACLES & CONSTRUCTION OF STALL

- a) Only those stalls and receptacles approved by the Council shall be used by the Licence Holder and assistants..
- b) Goods must not be placed directly on the street unless specified in the Licence.
- c) Stalls shall be constructed so as not to become unbalanced or otherwise unstable and shall be maintained in good order and free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- d) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street, and shall not be bolted or otherwise secured to any street furniture or anything in the street.
- e) The Licence Holder shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the licence holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

- f) The Licence Holder shall remove the receptacle and goods at the end of each trading day with the exception of those receptacles that have written consent from the Council to remain overnight on the designated pitch or other agreed location. Any receptacle left without permission may be removed and a cost recovery fee charged for removal and storage.
- g) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthestmost point from passing vehicular traffic.

10. ROOFING OF STALLS ETC.

- a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- b) The Licence Holder shall not permit the awning or roof of the stall to project outside the area of the pitch, except for 0.6m over the footway unless otherwise specified or restricted by a further condition of the Licence.
- c) The roof or awning shall be safely constructed and must not shed water over customers or passersby.
- d) The Licence Holder shall immediately remove any roof on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

11. ELECTRICITY SUPPLY ETC.

- a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power, for the operation of electronic scales, measuring equipment and cash registers and the testing of low wattage electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- b) Where the Council provides an electrical supply system to the stall, the Licence Holder shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- c) All electric power supplies shall have the appropriate consent from the Council before seeking installation of the supply by an electricity supplier.
- d) All electrical wiring and components shall comply with the basic Electricity Supplier Specification and be earthed and insulated accordingly.
- e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- f) Any suspended lighting shall be safely protected and shall not expose the public, Licensed Holders or assistants to any form of risk.
- g) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

- h) Licensed Holders shall ensure that electricity bollard supply covers and water points are secure at the close of each trading day.

12. GENERATORS , APPLIANCES ETC

- a) Mobile electrical generators, portable cooking appliances, bottled gas or other services shall not be used without the written consent of the Council.
- b) Electrical generators shall not be used at the location of Shop Front Licences
- c) When mobile electrical generators are permitted, they shall be so positioned that:-
- d) they do not present a danger to the public, and
- e) they do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and
- f) they do not cause a statutory noise nuisance or pollution nuisance, and
- g) any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- h) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be agreed with the Council in writing.

13. Noise and Nuisance

- a) The Licence Holder shall not cause or permit a nuisance to be created by noise or smell from the Licensed Site or type of display.
- b) The Licence Holder shall not use a megaphone, amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- c) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

14. IMPROVING AIR QUALITY - USE OF VEHICLES FOR STREET TRADING

- a) The Licence Holder shall only use vehicles that meet Euro 6 emissions standards where the engine is required to be kept running for the purpose of providing power in connection with the licensed Street Trading activities.
- b) The holder of a licence first issued prior to **31st December 2022** will not be required to comply with this condition until 1st January 2024

15. LOADING AND UNLOADING

- a) Loading and unloading shall be carried out as quickly as possible and the vehicle shall be removed immediately on completion, unless that vehicle is used as the permitted receptacle for Street Trading.

- b) Any cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at appropriate storage facilities and shall not be kept on the street.
- c) The Licence Holder shall not place, keep or use a vehicle at or near the Licensed Pitch in contravention of any legal parking or loading.
- d) Loading or unloading shall be abandoned, or vehicles moved, for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.

16. REMOVAL OF STALLS ETC.

- a) The Licence Holder shall remove the stall, including any associated furniture, and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.
- b) Stalls, goods, tables and chairs etc., shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- d) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.

17. PROVISION OF STALL BY THE COUNCIL

- a) The Licence Holder shall use any stall provided by the Council.
- b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not willfully or otherwise cause to it any damage.
- c) The stall shall not be used for street trading or any other purpose elsewhere.
- d) The stall when not in use shall be placed within any storage unit provided by the Council for this purpose.
- e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

18. REFUSE

- a) The licence holder shall ensure that all refuse arising as a result of their activities, including wastewater and oil, is placed in suitable covered containers that are kept within the designated pitch exclusively for that purpose and that are approved by the Council. Such refuse containers shall be provided by the licence holder, unless otherwise provided by the Council specifically for the use by licence holders and shall be kept as clean as is reasonably possible.
- b) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.

19. ATTENDANCE BY LICENSED LICENCE HOLDER

- a) The Licence Holder is required to make full personal use of the street trading licence, which means that the licence holder must personally attend at the stall during the hours and on the days that the licence authorises street trading to be carried on. A registered assistant can be present when the licence holder is temporarily unable to attend at the stall or if the licence holder can provide exceptional reasons as to why he or she was unable to be present for a longer period but a failure to make full personal use of the licence is a ground for revoking the street trading licence in its own right.
- b) Where, in accordance with Section 26 of the Act, the Licence Holder has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.
- c) The Licence Holder shall not sub-let the stall or any part of the stall or the licensed site or install a manager to operate the Licence.

20. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.

- a) The Licensed Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be on a form prescribed by the Council.
- b) The Licence holder shall give any other information regarding assistants as required by the Council.
- c) The maximum number of assistants per licence should be no more than 5.
- d) A licence holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.
- e) A licence holder or Assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- f) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the licence holder.

21. ADMINISTRATION

- a) The Licence Holder shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.
- b) All notifications (excluding payments of weekly/monthly charges) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the licence holder.

STANDARD CONDITIONS SPECIAL PROVISIONS

Conditions Specific to Shop Front Licences

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to Shop Front Licences only.

- SF1. A copy of the licence must to be displayed in the window of the premises outside which trading is permitted. The licence is to be displayed so as to be clearly visible and legible from the street.
- SF2. Payment for goods or services shall be carried out within the shop premises and not within the licensed site or road.
- SF3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
- SF4. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises, or to any part of the building to which the licence applies that is under separate occupation.
- SF5. Only those commodities or services sold or offered within the premises can be displayed outside, provided they are not excluded items as defined by the Councils regulations.
- SF6. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables & chairs to be placed on the street.
- SF7. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose shall be used by the Licence Holder for shop front trading or ancillary to shop front trading.
- SF8. Any barriers approved by the Council must be in place around the trading area during licensed hours. The barriers must be placed within the total space/area permitted by the licence and not take any more space than stipulated on the licence. They must be removed outside of the hours permitted by the licence.
- SF9. No Awning other than a parasol may be used as part of a stall for shopfront licences.

SF10. Mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.

SF11. Licence holders or assistants shall replenish Shop Front Licences from stocks held within the shop premises and not directly from any vehicle.

STANDARD CONDITIONS SPECIAL PROVISIONS

Conditions Specific to Local Authority Markets: Mitcham and Morden (Abbotsbury Road)

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to the Authority run markets at Mitcham and Morden.

- AM1. The market is open for trading between the hours of 8.30am and 5.30pm Monday - Saturday
- AM2. The Licence Holder shall only trade on the days agreed on their registration.
- AM3. The Licence Holder shall only trade from the agreed and allocated pitch.
- AM4. The Licence Holder only trade in those articles or services referred to on their registration.
- AM5. The Licence Holder shall sweep that part of the street from which they trade, and the area within a metre of their trading area at the end of each trading day. They shall keep that part of the street referred to on their registration in a tidy condition and to the Council's satisfaction.
- AM6. The Licence Holder shall ensure they have public liability insurance cover for £5,000,000 or hold a valid membership to the National Market Traders' Federation.
- AM7. The Licence Holder shall not use any equipment involving naked flames without the express permission of the Council.
- AM8. The Licence Holder shall not engage in any auction of any kind whatsoever.
- AM9. The Licence Holder shall only use the loading area (Mitcham) between 6am – 9am and between 3pm – 6pm.
- AM10. The Licence Holder shall remove their vehicle from the loading area as soon as unloading or loading has been completed, only returning at the close of trading.

APPENDIX 4

Permitted Commodities

Clothing
<ul style="list-style-type: none">● Women's clothing● Men's clothing● Children's clothing● Baby wear● Sportswear● Clothing accessories i.e. hats, scarves, ties, belts etc.● Underwear/nightwear● Footwear/slippers● Other items (must be specified)
Flowers
<ul style="list-style-type: none">● Cut flowers and plants● Uncut flowers and plants● Artificial flowers● Flower accessories i.e. pots, food, hanging baskets etc.● Seasonal i.e. Christmas Trees, Holly, Mistletoe etc.● Other items (must be specified)
Fruit and Vegetables
<ul style="list-style-type: none">● Raw fruit / vegetables● Other items (must be specified)
Pre-packed Groceries
<ul style="list-style-type: none">● Dried fruit, seeds, pulses, beans etc.● Cheese and dairy● Meat / fish● Bread / cake● Deli food i.e. olives, pickles, nuts etc.● Confectionary● Other items (must be specified)
Household Goods
<ul style="list-style-type: none">● Cleaning products● Laundry products● Cleaning utensils● Plastic storage and accessories e.g. crates, boxes etc.● Light bulbs● Other items (must be specified)
Toiletries and Cosmetics
<ul style="list-style-type: none">● Toiletries● Hair products● Make-up

- Perfume
- Other items (must be specified)

Kitchen / Dining

- Cookware
- Serve ware
- Glassware
- Tableware
- Other items (must be specified)

Soft Furnishings

- Cushions & throws
- Bedding
- Curtains and blinds
- Rugs & mats
- Dining linen
- Other items (must be specified)

Electrical & Audio/Visual

- Audio/amplification equipment
- Visual/display equipment
- Computer hardware and accessories
- Games consoles
- Musical instruments
- Cameras
- Electrical accessories
- Other items (must be specified)

Travel Accessories

- Luggage
- Sports bags
- Handbags
- Other items (must be specified)

Jewellery & Accessories

- Costume jewellery
- Precious jewellery
- Hair accessories
- Sunglasses
- Watches
- Other items (must be specified)

Stationary

- Office supplies
- Paper
- Greetings cards
- Wrapping supplies/gift bags
- Other items (must be specified)

Toys
<ul style="list-style-type: none"> • Children's Toys • Outdoor games and toys • Baby/nursery equipment • Other items (must be specified)
Tools, DIY and Gardening
<ul style="list-style-type: none"> • Tools • Garden tools • DIY supplies • Other items (must be specified)
Furniture
<ul style="list-style-type: none"> • Furniture including antiques • Other items (must be specified)
Sports Equipment
<ul style="list-style-type: none"> • Exercise equipment • Track & field • Golf • Sports equipment • Other items (must be specified)
Pet Supplies
<ul style="list-style-type: none"> • Pet food • Pet beds • Pet cages/hutches/tank/carriers • Grooming and care supplies • Other items (must be specified)
Arts and Crafts
<ul style="list-style-type: none"> • Art • Sculpture • Craft items • Handmade textiles • Other items (must be specified)
Textiles
<ul style="list-style-type: none"> • Fabric Haberdashery Yarn/Wool • Knitting/Sewing supplies • Other items (must be specified)
Miscellaneous
<ul style="list-style-type: none"> • Other items not in any category above (must be specified by the applicant)
Hot and Cold Food (ready to eat)

- Hot food - specify (prepared at the stall e.g. fish & chips, hot potatoes, kebabs, burgers, hot dogs, sandwiches, pies)
- Cold food - specify (prepared at the stall e.g. sandwiches, wraps, ice cream, ice lollies, salads, sushi)
- Hot drinks
- Cold drinks

Banned commodities

Banned Commodities
<ul style="list-style-type: none"> • Cigarettes, e-cigarettes, vapes and related items • Medicines, drugs and other prescribed substances • Drug related goods and paraphernalia • Weapons/Firearms (including replicas) and ammunition • Lottery tickets, raffles, tom bolas and other games of chance • New and used motor vehicles (unless part of a forecourt licences) • Second hand gas and electrical appliances • Pets and livestock • Containers of Liquid Petroleum Gas (LPG) including any which are part or fully discharged • Explosives including shop goods (fireworks) • Petroleum products including petroleum mixtures or solvents • Goods of an inflammable, corrosive or otherwise dangerous nature. <p>Any other goods thought to be unsuitable by The Council</p>

Special Consideration Commodities

The Council has determined that the following commodities will be given special consideration before holders of Street Trading Licences, Temporary Street Trading Licences or Speciality Markets are licensed to operate:

Special Consideration Commodities
<ul style="list-style-type: none"> • Alcohol and related items • Sex Articles (as defined by the Local government (Miscellaneous Provisions) Act 1982)

Committee: Council

Date: 14 September 2022

Subject: Changes to Membership of Committees and related matters

Lead officer: Hannah Doody, Chief Executive

Contact officer: Amy Dumitrescu, Democracy Services Manager

Recommendations:

That the Council:

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

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks Council to note the changes made to committee memberships under delegated authority since the publication of the agenda for the last ordinary Council meeting on 6 July 2022.

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:

2.2.

Committee	Member resigning	Replaced by	Date
Planning Applications Committee	Cllr Caroline Charles	Cllr Michael Butcher	18 July 2022
Planning Applications Committee	NA	Councillor Caroline Charles – Substitute	18 July 2022

3 CONSULTATION UNDERTAKEN OR PROPOSED

- 3.1 None for the purposes of this report.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1. None for the purposes of this report.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1. The information regarding membership changes in this report complies with legal and statutory requirements. Council is required to accept nominations made by political groups.
- 5.2. The Housing and Local Government Act 1989 contains provisions relating to the political balance on committees, the duty to allocate seats to political groups and the duty to give effect to allocations.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1. N/A

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

9.1 None.

10 BACKGROUND PAPERS

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

Committee: Full Council

Date: 14th September 2022

Wards: All

Subject: Senior Council Structure

Lead officer: Hannah Doody, Chief Executive

Lead member: Chair of Appointments Committee and Leader of the Council

Contact officer: Liz Hammond, Interim head of Human Resources

Recommendations:

- A To **note** the outcome of the senior management review carried out by the Chief Executive and the creation of the following executive director roles;
- 1) Executive Director of Innovation and Change
 - 2) Executive Director of Adult Social Care, Integrated Care and Public Health
 - 3) Executive Director of Environment, Civic Pride and Climate
 - 4) Executive Director of Housing and Sustainable Development
 - 5) Executive Director of Finance and Digital
- B To **note** the outline job descriptions for all of the roles attached as appendix two and that Appointments Committee agreed the approval of the final documents to the Chief Executive in consultation with the Chair of the Appointments Committee.
- C To **note** that the Appointment Committee has agreed to engage an executive search agent for any recruitment campaigns based on their track record and approach to attracting Black, Asian and Minority Ethnic candidates and has delegated to the Chief Executive the authority to appoint the executive search agent following soft market testing.
- D To **note** that the Appointments Committee has agreed to establish a sub-committee for the purposes of agreeing a shortlist of candidates and to act as the interview panel for the final interview.
- E To **note** that the Appointments Committee has approved the general recruitment process as outlined in paragraph 2 and has delegated the implementation of that process to the Interim Head of Human Resources in consultation with the Chair of the Appointments Committee.
- F. To **agree** that the Council offer the current (2021) Director salary range of £110,192 - £127,716 for the roles together with such suitable market supplements as the Chief Executive, in light of the advice of the retained executive search agent, considers appropriate pending a wider review of pay.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Appointments Committee met on the 1st September and agreed recommendations A – E and agreed to refer recommendation F to the Full Council meeting on the 14th September.
- 1.2 The Chief Executive has been in post since July 2021 and, as would be expected, has spent some time getting to know the whole organisation and working with members to shape the priorities for the next few years. This has included a consideration of the top management structure and whether it is fit for the future. To this end the CEO commissioned the services of a well-regarded HR consultancy, the HR Lounge Ltd, to carry out a review of the current structure. The lead consultant carried out an extensive consultation exercise, including structured interviews with 15 people, including all the directors, as well as running a focus group with assistant directors and other senior staff and talking with the Trades Unions.
- 1.3 The conclusion in the report was the senior team needs expansion, with responsibilities in some cases being reallocated and additional skills and expertise introduced. However admirable it may be to maintain a lean management structure, it is simply too lean and generates significant issues of risk and capacity. The senior team is spread too thinly and it is to their credit and good will that they cope as well as they do. At the same time, it follows that the day-to-day leadership of products and needs is at the expense of a full vision and strategy for the future. There is a shortage of resources and ingenuity to lead the major and big-ticket projects and regeneration. All the current team can do is prioritise daily needs rather than having the space to concentrate on longer term needs. The HR Lounge report highlights how much better resourced other London Local Authorities are at the top level.
- 1.4 The HR Lounge have recommended a revised structure which would create a level of resilience as well as introduce new and specialist regeneration skills and broaden the agenda and cover the range of contemporary services required. The revised structure also includes the creation of some new roles and the reallocation of functions between some existing roles with some consequential changes in title. The structure is deemed important to provide Merton with the skills that it needs now at Executive Director level. The CEO will provide professional oversight and strategic direction for the Monitoring Officer, Head of Communications, Head of Democratic Services and Head of Policy and Strategy with the day to day management of these posts falling to the Executive Director of Innovation and Change.

Under the proposals, the new corporate management team would comprise the following posts in addition to the Chief Executive:

Executive Director of Innovation and Change

Customer Experience, *Policy and Strategy, Democratic Services, Corporate and Business Planning, Communications, Monitoring Officer, Press, Public Relations

and Affairs, Media including Social Media, Values, Professionalism and all Enabling Services including Legal, Governance, Registry, Secretariat and Human Resource

Executive Director of Finance and Digital

Finance, Accounting and Reporting, Financial Investment and Strategy, Treasury, s.151 duties, Procurement and Digital and Connectivity

Executive Director of Housing and Sustainable Development

Regeneration, Growth, Major Projects, Strategic Planning, Strategic Transport Planning, Innovation and Asset Management, Planning consents and approvals, Building Control, All Property – Schools, Commercial, Housing Policy and Strategy, Liaison with LSVT, Homelessness,

Executive Director of Environment, Civic Pride and Climate

Facilities, Waste, Licensing and Enforcement including Trading Standards, Fly Tipping, Public and Green Spaces, Traffic, Highways and Parking, Emergency Planning, Civic Pride, Borough of Sport, Climate Change, Libraries and Community Hubs and Community Development

Executive Director of Children, Lifelong Learning and Families

Children's Social Care, Child Protection, Youth Offending, Schooling, Jobs and Skills, Apprenticeships, Lifelong Learning and Education for all ages

Executive Director of Adult Social Care, Integrated Care and Public Health

Adult Social Care, Integrated Care Systems, Adult Safeguarding, Adult Commissioning, Provider Services, Mascot Telecare, and Public Health

Note: Please note that for the activities highlighted in red the CEO will provide professional oversight and strategic direction with their people management line management remaining with the Executive Director of Innovation and Change.

- 1.5 As the proposals directly affect some of the existing directors, the Council's reorganisation procedures require those affected staff to be consulted about them. A formal consultation document was issued on 6 April and there have been meetings with the affected individuals with final consultation meetings concluding on the 26th July. The current Director of Corporate Services has direct assimilation rights to the Executive Director of Finance and Digital and the current Director of Children, Schools and Families has direct assimilation rights to the Executive director role of the same title. The Chief Executive considered the formal responses received and made a decision to make some amendments to the proposed restructure as a result.
- 1.6 The consultation report set out the proposals for filling new posts. The current Director of Environment and Regeneration retired in June and his role is being

covered by an interim and the current post of Director of Communities and Housing is covered by an internal acting up arrangement. In order to bring some stability into the organisation and allow it to move forward with its ambitious agenda, it is important that we now seek to recruit to the new structure with some priority. The London Market is buoyant due to a number of CEO roles being advertised which in turn generates churn at the next level down.

- 1.7 In order to ensure the Council can attract a strong field for these critical posts, the Appointments Committee agreed to the engagement of an executive search agent to support the recruitment process, and to delegate their appointment to the Chief Executive.
- 1.8 Members will note the job descriptions attached as appendix two are currently in outline form and the selected executive search agent will be asked to work with us to finalise the job descriptions. Appointments Committee have agreed to delegate approval of the final documents to the Chief Executive in consultation with the Chair of the Appointments Committee.
- 1.10 Full Council is asked to agree that, in line with the Council's pay policy, that the Council offer the current (2021) Director salary range of £110,192 - £127,716 for the roles, and apply suitable market supplements (which will be guided by benchmarking across London and as advised by the successful Executive Search agency). It is clear that Merton's current pay grades for Directors have now significantly fallen behind the market and Merton have had to use Market Factor Supplements of approximately £21k for a number of years in order to remunerate Directors appropriately. The HR Lounge have carried out Benchmarking across London which included a full review of both inner and outer London boroughs, Incomes data research, Xpert HR, pay trends and pay claims. The analysis of all this data shows median salaries for these roles at a conservative £153,000 - £163,000 in London. Some Local Authorities are operating two tier director structures. Post this restructure a wider review of Director grades would be recommended and the HR Lounge would recommend an overall salary band set with a minima of £140,000 and a maximum of £165,000 pa.

2. Details

- 2.1 A indicative proposed timetable is attached for information. This is indicative only at this stage as we may be able to move faster with some posts than others, dependent on the availability of good candidates.
- 2.2 As per our normal approach for senior appointments the full recruitment process will involve agreement of a longlist of candidates, who will then be put through a preliminary interview with a technical assessor. The technical assessors will be agreed by the Interim Head of Human Resources in consultation with the Chair of the Appointments Committee after recommendations by the chosen executive search agent.
- 2.3 The recruitment process will then continue with agreement of a shortlist of candidates, who will then be put through psychometric profiling. This is standard practice for senior appointments. Shortlisted candidates will then be invited to the interview day, which will consist of a stakeholder interview, 1-1 meeting with the Chief Executive, an informal lunch with key colleagues and ending with the final

panel interview with the Appointments Sub Committee who will make the final appointment decision.

- 2.4 The stakeholder panel will include representatives from a range of key partners, which will be decided in consultation with the Chair of the Appointments Panel.

3. Financial, resource and property implications

- 3.1 The costs of creating two additional Executive Directors roles will be circa £0.388m. This will be funded from the Internal Review contingency budget of £1.8m which was established to meet the financial implications of the Internal Review and the LGA Peer challenge which recognised the need for investment in corporate areas.
- 3.2 It is expected that the new management structure will help reduce the need for a range of senior interim management staff. Indications are that interim managers earning over a gross amount of £500 per day are costing the Council, on a daily basis, some £13,000. Albeit some of these posts are grant funded and project based.

4. Legal and statutory implications

- 4.1 The recommendation contained within this report are designed to ensure that the Council meets its statutory obligations to appoint staff on merit pursuant to the Local Government & Housing Act 1989. This means that the procedure should be capable of objective justification.
- 4.2 The decision on the composition of the senior management structure rests with the Chief Executive as head of Paid Service, pursuant to Article 12.3 (c) of the Council's Constitution. The proposals in this report reflect her final proposals and the draft JD's have been updated accordingly.
- 4.2 These posts are covered by the Employee Procedure Rules (part 4H) of the constitution. The Appointments Committee or subcommittee is responsible for appointing the Executive Directors.
- 4.3 However, before making an offer of a post with a remuneration package in excess of £100,000, as is proposed here, the approval of that package by full Council is required.
- 4.4 Once the recruitment process is completed in accordance with the Council's recruitment procedures an offer of appointment cannot be made until the Appointments Subcommittee has notified the Leader of the name of the person to whom the Subcommittee wishes to make an offer. The appointment will only be made where no material or well founded objections from the Leader have been received. This process should therefore be built into the recruitment planning timetable.
- 4.3 In all other respects the process must comply with the Council's recruitment procedure.

5. Human rights, equalities and community cohesion implications

- 5.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.
- 5.2 It is unlawful to discriminate on grounds of gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an **intention** to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment **methods** used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the **effect** is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.
- 5.3 Committee is invited to satisfy itself that the procedures operate as designed. Committee should therefore be satisfied that the advertisement and shortlisting and appointment criteria are objective in order to assist in objective justification of the final decision.

6. Risk management and health and safety implications

- 6.1 To do nothing and leave the structure as is. This would severely limit Merton in its aspirations to deliver its strategic aims. The Senior team is lacking the full compliment of skills required and the team has little or no resilience and capacity to deliver Merton's aspirations.

7. Appendices – the following documents are to be published with this report and form part of the report

- 7.1 Appendix One: proposed time table;
- 7.2 Appendix Two: draft job descriptions

8. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 8.1 Consultation report dated 6 April 2022.

9. Contacts

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- London Borough of Merton:
 - Address: Civic Centre, London Road, Morden, SM4 5DX
 - Tel: 020 8274 4901

10. Useful links

- 10.1 Merton Council's Web site: <http://www.merton.gov.uk>
- 10.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- 10.3 <http://www.merton.gov.uk/legal.htm>
- 10.4 This disclaimer also applies to any links provided here.

Appendix One – overview of draft recruitment timetable

Detailed Briefing Meeting	15 th September after the Appointments Committee on 1st September and full Council on the 14 th September
Preparing the adverts, JD's and microsite	Ongoing
Permission to recruit to posts above £100k to be approved by Full Council as per pay policy	Full Council meeting on 14 th September
Job Advertised and Search goes live	26th September (advert in MJ 29 th September)
Closing date	Friday 17th October
Longlist Meeting	24 th October
Preliminary Interviews	26 th Oct – 4 th Nov (carried out by executive search agent and agreed technical assessor)
Shortlisting meeting	8th November
Final Panel and Assessments	14 th – 25 th November



LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR - CHILDREN'S, LIFELONG LEARNING AND FAMILIES
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF CHILDREN'S, LIFELONG LEARNING AND FAMILIES

Grade: Executive Director

DIVISION/SECTION: CHILDREN, SCHOOLS AND FAMILIES

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: Including but not limited to: Children's Social Care, Child Protection, Youth Offending, Schooling and Education for all ages

Post number: **Date: 21 August 2022**

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as Gold in order to lead and support the Council's response to maintain critical services. Undertake election duties.
6. To carry out such other duties and responsibilities as requested by the Chief Executive Officer.



MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. To be responsible and accountable for the effectiveness, availability and value for money of statutory children's services and functions including the Council's functions in its capacity as a local education authority; the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children; the Council's functions for children and young people leaving care; health related functions on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children; and the Council's functions as a children's services authority as set out in the Children's Act 2004.
6. To lead all services and activities related to Children and Young people, with special and particular regard to safeguarding and protection of welfare and interests.
7. To lead the development of Education and Children's Social Care and give briefings information and advice to Members as required
8. To lead the Council's approach to Lifelong Learning enabling economies of scale and benefits to be realised.
9. To make arrangements to ensure that the Council's functions are discharged having regard to the need to safeguard children and young people and promote their welfare.
10. To chair the local safeguarding children board to coordinate board member's activities for the purpose of safeguarding the welfare of children and young people in the borough.



11. To maintain and develop productive links with headteachers and governors based on mutual respect, shared goals and shared responsibility for the improvement of educational standards within the borough.
12. To ensure that the Authority's statutory responsibilities in regard to such things as the provision of the school places, access, monitoring of standards and statements of children.
13. To promote the educational achievement of looked after children.
14. To promote the use of apprenticeships and lead on the Council's drive for new jobs and skills across the Borough.
15. To ensure that services are developed in close consultation with departments, the community, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
16. To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

DRAFT



LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR - ENVIRONMENT, CIVIC PRIDE AND CLIMATE
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF ENVIRONMENT, CIVIC PRIDE AND CLIMATE

Grade: Executive Director

DIVISION/SECTION: ENVIRONMENT AND HOUSING

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: Including but not limited to leading the creation and upkeep of a safer Merton. Lead on Climate Change and a Future Merton. Create a vision that promotes pride in the Borough. Responsible for Waste, Licensing and Enforcement including Trading Standards, Fly Tipping, Public and Green Spaces, Emergency Planning, Traffic, Highways and Parking, Community Development strategy, Libraries and Community Hubs. Lead on all Sports and Arts and liaison with the main sports providers.

Post number: **Date: 21 August 2022**

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as Gold in order to lead and support the Council's response to maintain critical services.



6. To carry out such other duties and responsibilities as required by the Chief Executive.

MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. To promote and represent the Borough's response to create a safer Merton. Lead on all initiatives and activities to generate pride in the Borough.
6. To develop and promote the Boroughs response to Climate Change and propose and promote initiatives in order to deliver the Councils aims and ambitions about Climate Change, Decarbonisation and Sustainability.
7. To work closely with sports promoters (e.g. Wimbledon and The LTA as well as others) in order to develop Merton as a borough of sport.
8. To act as the Council's principal Ambassador and policy advisor on Environment services, providing guidance and support to the Chief Executive, Cabinet and Members in translating their political objectives and priorities into coherent initiatives that deliver exceptional public services for Merton.
9. To lead on Council efforts to improve trade and the local economy and promote the Boroughs thriving Arts and Cultural activities.
10. To exercise responsibility for council policy and delivery of statutory obligations, act and operate to the highest standards in accordance with the council's plans, financial regulations and Standing Orders, ensuring the provision of an exemplary service to the council and its customers.
11. To lead and champion the council's key commitments in relation to recycling and sustainable waste management and disposal; promotion of physical activity and healthy lifestyles; greenspaces management, libraries, development and resident



engagement; trading standards, parking and traffic enforcement to support positive behaviour change and road safety.

12. To develop and deliver an effective infrastructure plan across all Environment activities for the borough. Oversee commercial and contracting arrangements for key strategic Highway, Waste and Transport services, ensuring that they deliver quality and effective services.
13. To develop and deliver effective sustainability plans for the borough, including waste and energy.
14. To be responsible for all aspects of Emergency Planning.
15. To ensure that services are developed in close consultation with communities, consultative groups, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
16. To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

DRAFT



LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR - FINANCE AND DIGITAL
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF FINANCE AND DIGITAL

Grade: Executive Director

DIVISION/SECTION: FINANCE AND DIGITAL

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: Including but not limited to Finance, Accounting and Reporting, Financial Investment and Strategy, Treasury, Section 151 duties, Procurement and Digital and Connectivity

Post number:

Date: 21 August 2022

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as Gold in order to lead and support the Council's response to maintain critical services. Undertake election duties.
6. To act as the Council's Section 151 Officer and as SIRO.
7. To carry out such other duties and responsibilities as requested by the Chief Executive Officer.



MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. The post is the Council's Section 151 Officer. The role exists to ensure that the finance function operates effectively and to the highest professional accounting standards and ensures good accounting, reporting and monitoring of all expenditures. The role must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded and used appropriately, economically, efficiently and effectively.
6. To lead and direct the effective development and implementation of the long and medium-term Financial Strategy, Financial Management Strategy, Capital Programme and Treasury Management Strategy; Lead the annual budget setting and Medium -Term Financial Strategy process, and ensure it is appropriately integrated with the wider integrated planning process.
7. To lead the development of the Council's financial vision and strategy with long term oversight of the Council's financial position.
8. To determine the Councils investment and financial strategies so as to maximise use and return on Council funds.
9. To oversee the investment of the Council's cash balances to ensure the best return consistent with the agreed risk profile.
10. To develop and implement a pension fund strategy and take responsibility for the financial administration of the Council's Pension Fund in compliance with regulations.



11. To develop the Technology, IT and Connectivity strategy and put in place and maintain a creative and sustainable infrastructure that enables the Council to undertake its functions effectively and efficiently.
12. To lead all technological investments in order to generate sustained improvements to Council services.
13. To support the transformation agenda by maximising the Council's budget and being innovative in the way that it is utilised.
14. To ensure that services are developed in close consultation with departments, the community, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
15. To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

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LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR - HOUSING AND SUSTAINABLE DEVELOPMENT
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF HOUSING AND SUSTAINABLE DEVELOPMENT

Grade: Executive Director

DIVISION/SECTION: REGENERATION, GROWTH AND ECONOMY

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: Including but not limited to: Regeneration and major change, Planning (including Transport) and Building controls and consents, Asset Management and Housing Policy and Homelessness.

Post number:

Date: 21 August 2022

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as Gold in order to lead and support the Council's response to maintain critical services.
6. To carry out such other duties and responsibilities as required by the Chief Executive Officer.



MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. To lead the Council's response to Regeneration. Oversee the investment in and development of the Council's strategy to build and grow the economic value and quality of the Borough. Exercise leadership on all matters related to investment and growth. To lead on all aspects of strategic planning.
6. To develop a long - term strategic plan of sustainable development and growth for the improvement and regeneration of the borough.
7. To manage all Council properties.
8. To exercise the Authorities statutory responsibilities in relation to planning and building controls and consents.
9. To oversee delivery of the regeneration and housing portfolio, driving and fronting the most ambitious programme possible and delivering a new level of change required. Drive significant cultural change through the organisation and with key partners. Be accountable for delivery of the programme.
10. To exercise responsibility for council policy and delivery of statutory (including all Environment and Housing statutory functions) obligations, act and operate to the highest standards in accordance with the council's plans, financial regulations and Standing Orders, ensuring the provision of an exemplary service to the council and its customers.
11. Lead on the delivery of feasibility studies and project oversight of major schemes. Identify potential benefits from each scheme - including jobs,



housing, employment opportunities and revenues - and determine what is required in order to deliver the schemes, timescales and any necessary public/private funding.

12. Lead the development of delivery timescales, schedules and resources required for taking each scheme forward and provide the necessary leadership required to deliver schemes in accordance with the agreed timescales.
13. Improve the use of the Council's strategic and land assets and ensure they make the maximum contribution to regeneration activities and income.
14. Proactively identify further opportunities for projects, programmes and activities that improve the social, economic and environmental wellbeing of Merton, prioritising those schemes in particular which have a direct financial benefit to the council, such as an increase in revenues or additional infrastructure and homes. Promote schemes that are capable of attracting private sector interest by, for example, securing outline planning permission or providing the enabling infrastructure.
15. Lead the cultural change and communications, engagement strategies necessary to support a regeneration programme and individual projects.
 - To ensure that services are developed in close consultation with departments, the community, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
 - To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.



LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR OF INNOVATION AND CHANGE
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF INNOVATION AND CHANGE

Grade: Executive Director

DIVISION/SECTION:

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: the overall internal organisation and infrastructure that supports the Council across all its operations, including but not limited to Human Resources including Learning and Development, Communications and Public Affairs and Relations, Policy development, Democratic services and Customer experience, Professionalism, Secretariat, Registry and Electoral Services as well as Legal and Governance.

Post number: **Date: 21 August 2022**

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as the Statutory Monitoring Officer.



6. To act as Gold in order to lead and support the Council's response to maintain critical services.
7. To carry out such other duties and responsibilities as required by the Chief Executive.

MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. To lead and direct all enabling services that support the efficient and effective operation of Council services and introduce a culture that drives transformation and change. Manage x-departmental projects and development programmes in order to achieve social and economic improvements, address inequalities and achieve positive outcomes for the community.
6. To bring support services together and create an altogether more robust, collaborative enabling function that supports the Council across all functions and create a culture and structure that generates goodwill, efficiency, pride and effectiveness.
7. To oversee the production and monitoring of the Corporate and Business Plan. Introduce and run a programme of continuous reviews and service improvements to enable ongoing performance assessment as well as challenge traditional and long-established working methods and systems.
8. To develop a high-quality customer strategy and engagement and ensure that there is a focus across the Council and its partners to deliver an inclusive and outstanding customer experience to all residents. Lead the relationship with the community, customers and external partners in order to improve outcomes.



9. To oversee the development of a professional and high calibre service that is based on high professional standards.
10. To manage the reputational and branding image of the Council both proactively and in response to specific operational circumstances.
11. To support the Chief Executive and Members in their leadership and community roles.
12. To ensure that services are developed in close consultation with communities, consultative groups, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
13. To champion and ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

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LONDON BOROUGH OF MERTON
EXECUTIVE DIRECTOR - SOCIAL CARE, INTEGRATED CARE AND PUBLIC HEALTH
JOB DESCRIPTION

POST TITLE: EXECUTIVE DIRECTOR OF SOCIAL CARE, INTEGRATED CARE AND PUBLIC HEALTH

Grade: Executive Director

DIVISION/SECTION: SOCIAL CARE AND HEALTH

Location: Merton Civic Centre

Responsible to: Chief Executive

Responsible for: Including but not limited to: Adult Social Care, Commissioning, Integrated Care Systems, Public Health, Mascot Telecare and Provider Services

Post number: **Date: 21 August 2022**

MAIN PURPOSE

1. To be professionally responsible and accountable for the strategic direction, effectiveness, availability and value for money of a range of Council services and functions.
2. To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client and organisational need and to changes in corporate priorities, governmental direction and legislative change.
3. To lead and manage the provision of quality services that reflect the Authority's core values.
4. To jointly lead in the corporate management of the Authority.
5. To act as Gold in order to lead and support the Council's response to maintain critical services.
6. To carry out such other duties and responsibilities as required by the Chief Executive Officer.



MAIN DUTIES AND RESPONSIBILITIES

Generic

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

Specific

5. To provide strategic leadership to ensure that Adult Social Care delivers a high quality, compassionate and caring service that supports the values and objectives of the Borough, promoting prevention, early intervention and resilience in order to improve outcomes for local people. To promote quality health, welfare, wellbeing and independence services and programmes that reduce dependency on public services.
6. To lead the development of service strategies and best practice in commissioning, and building on synergies across the directorate, with Public Health, Housing and the NHS to improve health, wellbeing and independence for local people.
7. To act as the Directorate and Council lead and advocate in all matters relating to adult social care, health and wellbeing including strategy, commissioning, operations and transformation.
8. To manage and be accountable for commissioning budgets, including effective integrated commissioning with the NHS.
9. To manage integrated care services with the NHS Trust.
10. To be the main liaison with the NHS Trust and all Health services in all jointly commissioned services and provision.
11. To be the strategic lead in all statutory Public Health.
12. To ensure that services are developed in close consultation with communities, consultative groups and local action groups and external agencies and to promote



public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.

13. To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

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