

# Agenda Item 3

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## CABINET

11 DECEMBER 2017

(7.15 pm - 8.00 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Tobin Byers, Caroline Cooper-Marbiah, Nick Draper, Ross Garrod, Edith Macauley MBE and Martin Whelton

ALSO PRESENT: Councillor David Williams

Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Yvette Stanley (Director, Children, Schools & Families Department), Richard Ellis (Head of Adult Commissioning), Paul Evans (Assistant Director of Corporate Governance) and Tom Procter (Head of Contracts & School Organisation)

Louise Fleming (Senior Democratic Services Officer)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Katy Neep. Apologies for lateness were received from Councillor Ross Garrod.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

Cabinet noted that the contents of the exempt items would not be discussed, and therefore the Cabinet could remain in public session. The items were considered in the following order, however are listed as they appeared in the agenda for ease of reference:

Items 3 and 13; Items 6 and 14; Items 7 and 15; Items 8 and 16; and Items 5 and 10.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 November 2017 are agreed as an accurate record.

### 4 REFERENCE FROM THE CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY PANEL – ELIM CHURCH AND MERTON HALL (Agenda Item 4)

The Cabinet Member for Finance introduced the report, thanking all those involved in the Scrutiny Panel discussion. The Cabinet Member for Education also spoke on the item.

The Director of Environment and Regeneration advised that discussions had taken place with Elim Church and officers were confident that equalities legislation would be complied with; and officers would continue to work with the Church to enable the facility to be used by the whole community.

RESOLVED that the recommendation made by the Children and Young People's Overview and Scrutiny Panel as set out in paragraph 2.2 of the Cabinet report be agreed.

#### 5 REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMISSION - FIRST ROUND OF BUDGET SCRUTINY (Agenda Item 5)

The Cabinet Member for Finance introduced the report, thanking all those involved in the first round of budget scrutiny and outlined the recommendations of the Commission.

The Leader also thanked those involved, and gave apologies from Councillor Peter Southgate, Chair of the Overview and Scrutiny Commission, who had not been able to attend to present the report.

RESOLVED that, in taking decisions relating to the Business Plan, the reference made by the Overview and Scrutiny Commission, set out in paragraph 2.3 of the Cabinet report, be taken into account.

#### 6 HOME CARE - AWARD OF CONTRACTS FOR THE PROVISION OF HOME CARE SERVICES (Agenda Item 6)

The Cabinet Member for Adult Social Care and Health presented the report which set out recommendations for the award of contracts for the provision of Home Care Services (also known as Domiciliary Care Services). He highlighted the changes proposed, particularly the division of the Borough into zones, incentives for providers to work across the Borough and improved use of technology. He outlined how the standard of care would be reviewed and maintained through performance monitoring and working in partnership with the CQC.

RESOLVED:

1. That the award of contracts for the provision of Home Care Services (also known as 'Domiciliary Care Services) for Lots 1, 2 & 3 in respect of the single highest ranked, evaluated bid for each Lot shown in Appendix 1a be approved.

Annual contract values by zone

West Zone (Lot 1)	@	£3.64 million
Central Zone (Lot 2)	@	£2.83 million
East Zone (Lot 3)	@	£2.83 million

**Total** **£9.30 million**

2. That the award of contracts for the provision of Home Care Services for Lots 4 & 5 in respect of those highest ranked, evaluated bids listed in Appendix 1b be approved. The annual cost of Home Care Services for Lots 4 & 5 are contained within the contract values shown under Recommendation 1. above.
3. That contracts will commence on 01 February 2018 and be for a period of five years with the option to extend (exercisable at the Council's sole discretion) by two further increments of 12 months each. The maximum possible contract period will be no more than seven years.
4. That for Lots 1, 2 & 3, the use of existing providers be approved for such a period of time as may be required to allow for the continued provision of Home Care Services ensuring:
  - a) a smooth transition from existing providers to new providers and
  - b) customer choice.

**7 HARRIS ACADEMY WIMBLEDON - CONTRACT AWARD DECISION FOR MERTON HALL CONSTRUCTION WORKS (Agenda Item 7)**

The Cabinet Member for Finance introduced the report, emphasising the growing need for a new secondary school in the Borough to expand the current provision which had recently been rated some of the best in the Country. The Cabinet Member for Education also spoke on the report, outlining the risks for Cabinet's consideration, which included the application for statutory listing, the nomination received to list Merton Hall as an Asset of Community Value and the application to the Planning Court for a judicial review of the decision to grant planning permission. A decision on the application for listing was expected by the Secretary of State by mid-January, and therefore the recommendation was to await that decision before proceeding. Cabinet noted the increased number of applications for schools in the current academic year and the need to expand provision; and noted the risks and alternative options as set out in the report.

**RESOLVED:**

1. That the benefits and risks identified in the Cabinet report with regard to implementing the construction contract to enable the works to Merton Hall and therefore the delivery of a permanent site for the new Harris Academy Wimbledon school be noted. This includes the application for the statutory listing of Merton Hall by the Secretary of State for Digital, Culture, Media and Sport, following an assessment by Historic England, the nomination to list Merton Hall as an Asset of Community Value (ACV), and an application to the Planning Court for a judicial review of the decision to grant planning permission.
2. That the Council enter into a construction contract with the organisation set out in the exempt appendix to the Cabinet report for works to Merton Hall agreed

in the draft contract with the Elim Church, to a contract value as set out in the exempt appendix to the Cabinet report, but only subject to the following conditions:

- (i) That the Council has entered into a conditional contract with the Elim Trust Corporation as trustee for Elim FourSquare Gospel Alliance (Elim Church) that will bind Elim Church to transfer the freehold of their land at High Path to the Council upon completion of the specified construction works and for the Council to transfer the freehold of Merton Hall to Elim Church.
- (ii) The Secretary of State for Digital, Culture, Media and Sport (DCMS) determines to decline the application made to add Merton Hall to the list of buildings of special architectural or historic interest maintained by the DCMS (The National Heritage List for England), whether or not any subsequent request is made for the DCMS to review that decision.

#### 8 RECOMMENDATION TO AWARD A CONTRACT FOR A REPLACEMENT PABX AND ASSOCIATED TELEPHONY SERVICES FOR THE COUNCIL (Agenda Item 8)

The Cabinet Member for Finance presented the report, which set out a recommendation to award a contract for replacement telephony services for the Council.

The Director of Corporate Services advised that the new contract would result in improvements to telephony services offered in the Council with improved efficiency in part due to moving to cloud based storage.

RESOLVED that the award of a contract to Company D for the provision of a replacement PABX and associated telephony services for a period of 5 years, with an option to extend for a further 2 years, thus giving an overall contract value of £2,077,456, be approved.

#### 9 CONSULTATION ON PLANNING GUIDANCE FOR A TRANSPARENT APPROACH TO DEVELOPMENT VIABILITY (Agenda Item 9)

The Cabinet Member for Environment, Regeneration and Housing presented the report, which set out proposals for a consultation on a draft Supplementary Planning Document on Development Viability, which would be important for greater transparency in the planning application process.

RESOLVED:

1. That greater transparency in assessing planning applications in Merton be supported and a 6 week consultation on a draft *Development Viability* supplementary planning document on and the planning application validation checklist be approved; and

2. That delegated authority be granted to the Director of Environment and Regeneration to approve these documents in consultation with the Cabinet Member for Environment, Housing and Regeneration and in consideration of the Borough Plan Advisory Committee's recommendations at their meeting in early January 2018.

#### 10 BUSINESS PLAN 2018-22 (Agenda Item 10)

The Cabinet Member for Finance presented the report, setting out the process which had been undertaken, examining those savings not yet delivered and identifying new savings, whilst being mindful of over and underspends and the importance of balancing the budget and being conscious of the low levels of reserves.

The Director of Corporate Services highlighted key points in the report for Cabinet's consideration, and advised that the recent announcement of the National Employers regarding the pay award offer of a 2.7% rise in 2018/19 and 2.8% rise in 2019/20 had added significantly to the Council's gap. In addition, there had been no additional funding for local authorities identified in the Government's recent budget to cover the increase in public sector pay. However, the council tax base had grown and officers were predicting an increase in collection rates, as out on page 25 of the Cabinet report. The savings proposals were set out on page 16 of the Cabinet report and would be referred to the Overview and Scrutiny Commission for consideration in January 2018. The Memorandum of Understanding for the Business Rates retention pool was set out in Appendix 9 of the Cabinet report. The amount of additional income from the pilot would not be known until the closing of accounts in 2018. The new gap projection was set out in page 18 of the Cabinet report. It was noted that the Office of Budget Responsibility was predicting that the Government's austerity agenda was likely to continue to at least 2025.

The Leader invited Lyla Adwan-Kamara, CEO of the Merton Centre for Independent Living to address the meeting. Cabinet noted her comments on the Business Plan, and her concerns that there was no new grant provision proposed for social care and over some of the savings proposed. She highlighted the need for a meaningful debate and looked forward to working with the Council to support local disabled and vulnerable people.

The Leader thanked all those involved in drafting the Business Plan, highlighting the challenging times ahead and stressing the need to continue to work together to map a way forward for local residents.

#### RESOLVED:

1. That the draft savings/income proposals (Appendix 3) and associated draft equalities analyses (Appendix 7) put forward by officers be agreed and referred to the Overview and Scrutiny panels and Commission in January 2018 for consideration and comment.

2. That the latest amendments to the draft Capital Programme 2018-2022 which was considered by Cabinet on 16 October 2017 and by scrutiny in November 2017.(Appendix 5) be agreed.
3. That the proposed amendments to savings previously agreed. (Appendix 2) be agreed.
4. That the Council Tax Base for 2018/19 set out in paragraph 2.6 and Appendix 1 be agreed.
5. That the draft service plans (Appendix 6) be agreed.
6. That the Council participates in the London Business Rates Pilot Pool and signs up to the Memorandum of Understanding and the draft resolutions set out in Appendix 9g be agreed.

11 FINANCIAL MONITORING REPORT 2017-18 - OCTOBER 2017 (Agenda Item 11)

The Cabinet Member for Finance presented the report, thanking all those involved in collating the monitoring information which was important in effective financial and service planning.

RESOLVED

1. That the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £1.4million, 0.3% of the gross budget be noted.
2. That the adjustments to the Capital Programme contained in Appendix 5b be noted.
3. That Cabinet approve the following adjustments to the Capital Programme

Scheme	2017/18 Budget	2018/19 Budget	Funding/re-profiling
Community & Housing	£	£	
Libraries IT	(100,000)	100,000	Re-profiled in accordance with tender process
Environment & Regeneration			
Morden TFL	(200,000)	0	It is envisaged that this allocation will form part of later years funding still to be approved by TfL
<b>Total</b>	<b>(300,000)</b>	<b>100,000</b>	

Please note: Colliers Wood Financial Lease was presented to Council for approval on 22/11/17 so will only require to be noted by Cabinet.

12 EXCLUSION OF THE PUBLIC (Agenda Item 12)

Cabinet noted that the contents of the exempt appendices would not be discussed and therefore the meeting remained in public session.

13 EXEMPT MINUTES OF THE PREVIOUS MEETING (Agenda Item 13)

RESOLVED: That the exempt minutes of the meeting held on 13 November 2017 are agreed as an accurate record.

14 HOME CARE - AWARD OF CONTRACTS FOR THE PROVISION OF HOME CARE SERVICES - EXEMPT APPENDIX (Agenda Item 14)

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 6.

15 HARRIS ACADEMY WIMBLEDON - CONTRACT AWARD DECISION FOR MERTON HALL CONSTRUCTION WORKS - EXEMPT APPENDIX (Agenda Item 15)

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 7.

16 RECOMMENDATION TO AWARD A CONTRACT FOR A REPLACEMENT PABX AND ASSOCIATED TELEPHONY SERVICES FOR THE COUNCIL - EXEMPT APPENDIX (Agenda Item 16)

Cabinet noted that the content of the exempt appendix would not be discussed and therefore the meeting could remain in public session. The decision is set out under item 8.

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