

# Agenda Item 3

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## CABINET

23 MARCH 2020

(7.15 pm - 8.01 pm)

PRESENT: Councillors Mark Allison (in the Chair), Tobin Byers and Eleanor Stringer

ALSO PRESENT: Councillor Peter Southgate

Ged Curran (Chief Executive) and Chris Lee (Director of Environment and Regeneration)  
Louise Fleming (Senior Democratic Services Officer)

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

The Deputy Leader of the Council and Cabinet Member for Finance advised that the Leader of the Council was self-isolating in light of current Government guidance in respect of Covid-19. To respect the Government's guidance on social distancing, it had been agreed to keep the attendance of Cabinet to a minimum. Therefore in addition to the Leader of the Council, apologies had been received from Councillors Laxmi Attawar, Kelly Braund, Caroline Cooper-Marbiah, Edith Macauley, Martin Whelton.

### 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 24 February 2020 are agreed as an accurate record.

The Chair altered the order of business, taking item 13 first to allow the Chief Executive to present the item before leaving the meeting. For ease of reference, items are listed below as they appear in the agenda.

### 4 REFERENCE FROM THE SUSTAINABLE COMMUNITIES SCRUTINY PANEL: EMISSION BASED CHARGING AND REVIEW OF THE DIESEL LEVY (Agenda Item 4)

The Chair advised that items 4 and 5 would be discussed together.

The Cabinet Member for Adult Social Care, Health and the Environment thanked the Sustainable Communities Scrutiny Panel for a useful discussion on the issues. He also thanked the officers involved and the Cabinet Member for Regeneration, Housing and Transport for their work on the review and comprehensive paper. He advised that due to the increase in CPZs in the Borough since the implementation of the diesel levy, it was difficult to see the impact of the levy although there had been

some evidence that those who had traded in their diesel permits had done so as a result of the implementation of the levy.

The report also proposed a comprehensive structure for an emissions based approach to charging, incorporating the Government's vehicle excise duty bandings to create the base rate and the Mayor of London's Ultra Low Emission Zone (ULEZ) model to replace the current diesel levy; due to them tackling different pollutants, CO and NOx emissions respectively. Adopting the ULEZ would also address the concerns of residents over the disparity between the diesel levy and the ULEZ. The PTAL structure would be retained as it was complimentary and addressed the policy objective of shifting behaviour towards more sustainable travel. It was proposed to carry out a formal public consultation on the proposed approach.

The Chair advised that the rest of the Cabinet had been consulted in advance and had been impressed with the thorough report and were in support of the recommendations. He thanked the Scrutiny Panel Members and officers for their work, and welcomed the reduction in diesel cars in the borough as a result of the levy.

RESOLVED:

That reference of the Sustainable Communities Overview and Scrutiny Panel set out in paragraphs 2.14 to 2.17 of the Cabinet report be taken into account when below when making decisions on the Diesel Levy and Emission Based Charging proposals.

## 5 CONSIDERATIONS OF EMISSION BASED CHARGING AND THE FUTURE OF THE DIESEL LEVY. (Agenda Item 5)

Items 4 and 5 were discussed together and the discussion is recorded under item 4 above.

RESOLVED:

1. That the findings of the Diesel Levy and Emissions based charging review and comment on the emerging emissions based charging proposals be noted.
2. That officers be authorised to proceed to consultation on the recommended approach and proposed model and charges for future emission based charging including the ULEZ type supplement.
3. That the formal consultation process set out in section 12 of the report be agreed and to have due regard to any comments raised as part of the formal consultation process in taking a final decision on whether to proceed with the implementation of any changes.
4. That authority be delegated to the Director of Environment and Regeneration, in consultation with the Cabinet Member for Regeneration Housing and Transport, to finalise the necessary consultation documentation as required.
5. That this report be referred to the Sustainable Communities Overview and Scrutiny Committee after consultation for consideration and to seek its views before Cabinet makes a final decision.

6 DRAFT RESPONSE TO IMPROVING HEALTHCARE TOGETHER  
CONSULTATION (Agenda Item 6)

The Cabinet Member for Adult Social Care, Health and the Environment presented the report, noting the Council's thanks to all those working in the NHS during the current Coronavirus crisis. He advised that the Improving Healthcare Together consultation, which was looking at a reconfiguration of the services provided at the Epsom and St Helier Trust, was due to conclude on 1 April. The Council's response would not be ready until just before the deadline and therefore the report set out the key lines of enquiry and asked the Cabinet to note those and that the response would be finalised by the Director after consultation with the Cabinet Member.

The report outlined the engagement which had taken place over the last three years and the work which was ongoing with health consultants over the social deprivation in the wards surrounding the St Helier hospital and the impact on those residents of reconfiguring the services. It was noted that the Council had a longstanding position of supporting the retention of the current suite of services at St Helier hospital and the report set out the previous motions which had been debated and agreed by the Council over the last three years in this matter. In addition to a response being submitted by the Executive, a report would also be considered by Scrutiny and the Cabinet Member would be working closely with the Chair of the Healthier Communities and Older People Scrutiny Panel, who was one of Merton's representatives on the SW London joint scrutiny committee to ensure that the Council's response was discussed.

The Chair reiterated the Council's support for the NHS workers in the current Coronavirus crisis and also the longstanding position of the Council which was concerned over the impact of the proposed reconfiguration on deprived communities.

RESOLVED:

1. That it be noted that the formal public consultation on plans to centralise major acute services within Epsom and St Helier's NHS Trust is open until 1 April 2020.
2. That the key lines of enquiry that the Council will propose in its response as described in paragraph 2.16 of the Cabinet report be noted.
3. That it be noted that the Director of Communities and Housing in consultation with the Cabinet Member for Adult Social Care, Health and the Environment, will finalise and submit the Council's response to the Improving Healthcare Together 2020 – 2030 consultation.

7 DRAFT MERTON COMMUNITY PLAN 2020-2026 (Agenda Item 7)

The Chair thanked all those involved in drafting the new Community Plan for 2020-2026, which had been a collaborative exercise of the Merton Partnership in drawing out the priorities of the Partnership. The formulation of the plan had been led by Police Chief Superintendent Sally Benatar with the support of the Director of Children, Schools and Families. The overarching goal was to increase social capital

in Merton to improve resilience and wellbeing, with a focus on those parts of the Borough with the lowest socio-economic outcomes.

The Cabinet welcomed the report and the work being undertaken and the Chair thanked the lead Cabinet Member for Women and Equalities for her work on the Plan.

RESOLVED:

1. That the draft Merton Community Plan 2020-2026 at Appendix 1 to the Cabinet report be endorsed; and
2. That the draft Community Plan be submitted to Full Council in April\* 2020 for adoption as one of the council's core strategic plans.

\*Due to the cancellation of the Council meeting on 1 April 2020, the draft Community Plan will be reported to the next scheduled Council meeting on 8 July 2020 for adoption.

## 8 RAYNES PARK SPORTS GROUND (Agenda Item 8)

The Chair advised that items 8 and 9 would be discussed together.

The Cabinet noted that additional representations had been received from Councillors in the West Barnes ward and the Friends of Sir Joseph Hood. Those representations had been taken into consideration in discussion with fellow Cabinet Member and it was felt that the issues raised had been addressed in the course of the consultation and in both the reports. It was noted that planning permission for both items had already been granted; and that mobile phone companies have extraordinary powers under the Electronic Communications Code to place masts in areas of need on public land, irrespective of the views of the local residents. It was also noted that the demand for phone signal was likely to increase with the current increase in home working. The Council has worked through the planning process to ensure that the masts were not put in places which interfered with people's enjoyment of open spaces. The current advice from Public Health England was that there was no evidence of harm from these masts.

At the invitation of the Chair, the Director of Environment and Regeneration concurred with the points made by the Chair and advised that the Council had followed the standard procedure for advertising the consultation on the lease and that although both sites were affected by a covenant the Council did not believe any residents enjoyed any benefits from the covenants. However the Council was working with the operator to secure an indemnity in the event of any challenge and therefore did not see any impediment with approving the recommendations set out in the papers

RESOLVED:

1. That the objections raised in response to the Council's advertisement under section 123 (2A) of the Local Government Act 1972 of its intention to grant a lease at Raynes Park Sports Ground be considered and noted.
2. That the Director of Environment and Regeneration be authorised to complete the lease on the main terms identified within the Confidential Appendix 4 to the Cabinet report under his delegated authority.

9 SIR JOSEPH HOOD MEMORIAL PLAYING FIELD (Agenda Item 9)

Items 8 and 9 were discussed together and the discussion is recorded under item 8 above.

RESOLVED:

1. That the objections raised in response to the Council's advertisement under section 123 (2A) of the Local Government Act 1972 of its intention to grant a lease at Sir Joseph Hood Memorial Playing Field be considered and noted.
2. That the Director of Environment and Regeneration be authorised to complete the lease on the main terms identified within the confidential appendix to the Cabinet report under his delegated authority.

10 EXTENSION OF SCHOOL CLEANING CONTRACT (Agenda Item 10)

The Cabinet Member for Schools and Adult Education presented the report which proposed the extension of the current school cleaning contract and thanked them for their response to the additional cleaning required by the current Coronavirus crisis.

The Chair thanked the Director of Children, Schools and Families and the officers involved.

RESOLVED:

That the council extend its existing contract with Julius Rutherford & Co Limited for provision of the school cleaning service at Merton primary, secondary and special schools and other education buildings up to 31 March 2022.

11 LGA CORPORATE PEER CHALLENGE FEEDBACK REPORT AND NEXT STEPS (Agenda Item 11)

The Chair presented the report which set out the feedback from the LGA Corporate Peer Challenge. He thanked all those involved in the review which had been useful for identifying areas for improvement. The Cabinet noted the areas where the Council had performed well, including that the Council was well run with strong leadership and welcomed the recommendations for ways in which the Council could improve, which included developing a strong narrative for Merton which described the Council's ambition for Merton's people and place.

RESOLVED:

1. That the findings and recommendations from the LGA Corporate Peer Challenge as set out at Appendix 1 to the Cabinet report be noted.
2. That the approach to implementing the recommendations as set out in section 4 to the Cabinet report be approved.

## 12 FINANCIAL MONITORING JANUARY 2019 (Agenda Item 12)

The Chair presented the report, which set out the Council's financial position at month 10 and thanked all those involved in the production of the report.

### RESOLVED:

1. That the financial reporting data for month 10, January 2020, relating to revenue budgetary control, showing a forecast net favourable variance at year-end of £2,613k, -0.5% of gross budget be noted.
2. That the contents of Section 4 and the amendments to the Capital Programme contained in Appendix 5b of the Cabinet report be noted.
3. That the release of £105k from the For Use in Future Years Budget Reserve be approved. As part of ceasing discretionary NNDR allowances to faith schools in 2019/20, Merton agreed to reduce the cost pressure on the DSG for one year.
4. That the release of £166k that was set aside in the SEN Reform Grant Allocation reserve to fund the school improvements adviser, EHCP co-coordinator and quality assurance expenditure be approved.

## 13 INTERIM DECISION MAKING ARRANGEMENTS (Agenda Item 13)

The Chair altered the order of business to take this item first to allow the Chief Executive to be present for the discussion before he left the meeting.

The Chair introduced the item, explaining that its purpose was to ensure the effective running of the Council during the Coronavirus period. However he wanted to reassure residents and Members of the Council that despite public meetings being cancelled, any decisions taken during this period would continue to be taken with the involvement of Members and that the work of the Council would increase over the coming months.

The Chief Executive reiterated that although decision making would be delegated in some cases to officers, those decisions would be taken with the full involvement of Members, taking into account their views before any technical decisions are taken. Since the publication of the report, the Government had declared an intention to amend the Covid-19 Bill to allow for virtual Council meetings to take place and at the point that this became law, the Council would take action as appropriate.

The Chief Executive advised that the Council was responding to the challenges and had implemented emergency planning procedures and was participating in a regional pan-London; sub-regional and borough wide strategic response which was operating effectively and the Council's services were continuing to operate. Where possible staff were working from home which meant that social care could be preserved and the Council could respond to the new challenges which arose. The Government had

announced a “shielding” initiative to protect those most vulnerable residents who were required to stay at home for three months by delivering food, medicine and support. The Council had a system in place and this would be in operation by end of the week. It was acknowledged that there would be challenges to come, but as far as possible the Council was planning for those and building resilience into its systems.

At the invitation of the Chair, the Cabinet Member for Adult Social Care, Health and the Environment reiterated his thanks to all the staff in the Community and Housing team and in the voluntary sector who had mobilised quickly to put support networks in place; and residents who had offered their help in mutual aid networks. He outlined the measures taken in adult social care and echoed the Chief Executive’s comments on the work on the hub model to shield and support vulnerable residents.

At the invitation of the Chair, the Cabinet Member for Schools and Adult Education expressed her thanks to officers and school teachers over the past days and to parents and families for their understanding. She thanked fellow councillors and the volunteers in the community. She outlined measures being taken in respect of schooling for the small number of children of key workers and the shift in youth provision from face to face to online.

The Chair echoed the comments made and was proud and humbled by the extraordinary effort in a small amount of time by people living and working in Merton. He urged people to heed the Public Health advice and advised that financial assistance provided by the government would be passed on to ensure that people in hardship receive the appropriate support.

The Cabinet asked that it be placed on record their thanks to Dr Dagmar Zeuner, Director of Public Health, and her team for their efforts working across departments in the Council.

#### RESOLVED:

1. That the arrangements for the good governance of the Council during the Covid-19 crisis, namely that officers will exercise their delegated authority to take decisions in accordance with the Council’s constitution be noted and endorsed.
2. That it be noted that when officers are taking delegated decisions they will consult appropriately with members, key decisions will be subject to the usual notice requirements and both key and non-key executive decisions will be published on the Council’s website in order to ensure transparency.

#### 14 EXCLUSION OF THE PUBLIC (Agenda Item 14)

Cabinet noted the information contained in the exempt appendices without referring to it as part of the discussion and therefore the meeting remained in public.

#### 15 RAYNES PARK SPORTS GROUND - EXEMPT APPENDIX (Agenda Item 15)

Cabinet noted the information contained in the exempt appendix and the decision can be found at item 8 above.

16 SIR JOSEPH HOOD MEMORIAL PLAYING FIELD - EXEMPT APPENDICES  
(Agenda Item 16)

Cabinet noted the information contained in the exempt appendix and the decision can be found at item 9 above.