

Agenda Item 3

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CABINET

18 JANUARY 2021

(7.15 pm - 8.38 pm)

PRESENT: Councillor Mark Allison (in the Chair),
Councillor Agatha Mary Akyigyina, Councillor Tobin Byers,
Councillor Caroline Cooper-Marbiah,
Councillor Rebecca Lanning, Councillor Owen Pritchard,
Councillor Marsie Skeete, Councillor Eleanor Stringer and
Councillor Martin Whelton

ALSO PRESENT: Councillors Anthony Fairclough, Edward Gretton, Daniel Holden,
Nick McLean, Aidan Mundy and Peter Southgate

Ged Curran (Chief Executive), Hannah Doody (Director of
Community and Housing), Caroline Holland (Director of
Corporate Services), Fabiola Hickson (Manager business
improvement law), Chris Lee (Director of Environment and
Regeneration), Jason Andrews (Environmental Health Pollution
Manager), Matt Burrows (Head of Communications and
Customer Experience), Anthony Hopkins (Head of Library,
Heritage and Adult Education Services), Cathryn James (Interim
Assistant Director, Public Protection), Octavia Lamb (Policy and
Research Officer (Labour Group)), Ben Stephens (Head of
Parking Services) and Louise Fleming (Democracy Services
Manager)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Irons. The Chair advised that Councillor Irons was taking maternity leave and that interim cover arrangements for her Cabinet portfolio would be announced in due course.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Tobin Byers declared a non-pecuniary interest in item 9 as he was the Chair of Age UK Merton and advised that he would not be taking part in the consideration of that item.

The Chair advised that this item would be taken last to allow Councillor Byers to leave the meeting. Items are listed below as they appeared in the agenda for ease of reference.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 7 December 2020 are agreed as an accurate record.

4 CLIMATE CHANGE DELIVERY PLAN - YEAR 1 (Agenda Item 4)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the item which set out a delivery plan for year 1 of the Council's Climate Change Strategy, with 8 work streams working towards a reduction in greenhouse gas emissions and to adapt to the effects of climate change, within the borough and within the Council's buildings and services in 2021. The plan set out foundations upon which further actions could be built and accelerated the rate of change in response to the climate emergency. In recognition that many of the actions required to achieve the net zero target by 2050 were dependent on others, an extensive communications plan had been drawn up with a community based climate action group to shortly hold its first meeting. The report also acknowledged the funding gaps that the Council was not expected to fill but would be needed by others to meet the 2050 net-zero target.

The Cabinet Member for Adult Social Care and Public Health congratulated the Cabinet Member and the officers involved for an ambitious plan to tackle climate change and reduce emissions and it was timely that the report preceded one of the tangible actions to do so elsewhere on the agenda. Merton recognised the link between the climate emergency and public health and therefore actions were embedded into the public health approach.

The Cabinet Member for Finance welcomed the report and thanked all those involved. He emphasised the importance of cross party work on the development of the plan and encouraged all Members to engage in the next stage of the delivery plan and to work with their communities to encourage the behaviour change required to meet the net zero target.

The Cabinet Member for Children and Education welcomed the report and that children and young people had been involved with the drafting of the plan, due to the impact that climate change had on children and young people.

The Cabinet Member for Women and Equalities expressed concern over the impact of climate change and emissions on a range of groups with protected characteristics and the evidence of the disproportionate impact on people from ethnic minorities. The delivery plan would play an important role in promoting equalities.

The Chair thanked all for their contributions and welcomed the report which demonstrated the commitment to this priority area and the cross party working.

RESOLVED:

1. That the Climate Delivery Plan – Year 1 be adopted.
2. That delegated authority be given to the Director of Environment and Regeneration, Chris Lee in consultation with Cllr Martin Whelton, the Cabinet member for Regeneration, Housing and Climate Change to make minor amendments.

5 REFERENCE FROM THE SUSTAINABLE COMMUNITIES OVERVIEW AND

SCRUTINY PANEL: EMISSIONS BASED PARKING CHARGES- A STRATEGIC APPROACH (Agenda Item 5)

The Chair advised that items 5 and 6 would be considered together. The detailed minute of the response to the reference report is set out at item 6 below.

At the invitation of the Chair, the Chair of the Sustainable Communities Overview and Scrutiny Panel presented the report which set out recommendations for the Cabinet to consider when making decisions on emissions based charging. He gave an overview of the discussion and welcomed the cross party contributions to developing the policy. He welcomed the slight change in the scheme since it had been considered at the Scrutiny Panel, to further support those in need. He thanked all those involved for their contributions to the meeting.

At the invitation of the Chair, Councillor Anthony Fairclough also spoke on this item. He encouraged the Cabinet to consider further changes to the scheme and outlined the ways in which he felt that the policy was deficient, in particular in relation to off street parking and through traffic, the targeting of Wimbledon and Raynes Park and the issue of visitor permits which he felt damaged public trust in the scheme.

RESOLVED:

That the reference of the Sustainable Communities Overview and Scrutiny Panel set out in paragraphs 2.11 to 2.19 of the Cabinet report be taken into account when making decisions on the Emissions Based Charges proposal.

6 EMISSION BASED VEHICLE CHARGING REVIEW OF CONSULTATION. (Agenda Item 6)

The Cabinet Member for Adult Social Care and Public Health presented the report, thanking all those involved and welcoming the lengthy consultation process to ensure that the proposals met the objectives, namely to tackle air quality and address climate change through active steps to reduce harmful emissions in the borough. Although the Council had limited levers to tackle air quality, it had been demonstrated that the ULEZ in London had reduced overall air pollution by 40% and therefore it was right to build on this evidence in Merton to reduce emissions and fulfil the objectives of the Air Quality Action Plan, of which emissions based charging was a key element. The proposals in the report aligned with the Government's "Polluter Pays" principle, the Treasury's vehicle excise duty that the greater share of the tax burden should fall on those who purchase the most polluting cars and the Government's plans to ban the sale of new petrol and diesel cars within the next 10 years. By abolishing the diesel levy surcharge, a fairer approach would be established which would result in around half of existing residential permit holders see their charges either reduce or stay the same. Only the most polluting vehicles in bands H and above would see a price increase and would be a key factor in affecting behaviour change, in combination with other measures including Low Traffic Neighbourhoods and School Streets, by encouraging users to consider purchasing a lower polluting vehicle, choose more sustainable and healthy modes of transport or

use of one of Merton's car clubs. Continuous monitoring would be essential to ensure that the measures continued to meet the Council's objectives.

The Cabinet Member for Housing, Regeneration and the Climate Emergency thanked all the officers involved in the extensive consultation and the proposals would be of benefit to the borough. The majority of respondents agreed with the overarching principle of the need to tackle air quality and climate change. He highlighted the response from Transport for London which welcomed the proposed approach. He summarised the responses in the consultation and felt that the proposals would lead to a step change in behaviour and encourage switching to less polluting vehicles and more sustainable transport choices. It was noted that as the measures achieve the objectives, the income from parking permits was projected to decrease. Any revenue received from the proposals could only be spent in line with the provisions of the Road Traffic Regulation Act 1984, and therefore could be reinvested in complimentary sustainable transport measures thus further contributing to the Council's objectives. In response to feedback received, the prices for the middle bands G and H had been reduced by £5 and £20 respectively, resulting in approximately 50% of the least polluting vehicles not paying a higher charge. The introduction of the RingGo parking technology in early 2020 now enabled the introduction of emission based parking charges and a number of respondents supported the move to the "polluter pays" principle. In the original proposals there had been no concessions to elderly groups, however taking into consideration responses received in the consultation, it was proposed to include a concession for those residents living in a CPZ over the age of 75; those in receipt of council tax benefit and those registered as a single occupant which would provide for up to 12 visitor passes a year at a 50% discount. This would support those vulnerable residents at risk of social isolation and digital exclusion that may be more reliant on visitors. He thanked the Chair of the Scrutiny Panel and Councillor Fairclough for their contributions and recommended the report for approval.

The Chair thanked both Cabinet Members for their presentations and work on this report, highlighting the evidence that these measures would encourage a move to lower emitting vehicles and noting the projected fall in income from parking permits.

The Director of Environment and Regeneration thanked the Scrutiny Panel for their helpful contribution to the debate and the comments which had been addressed in report. He stressed the need to keep the measures under review, to monitor the impact on car usage and air quality in the borough and monitor the wider London measures brought about to tackle this important topic. In response to a question from the Chair, the Director advised that the Council did not have any powers to charge road users in the borough nor introduce CPZs in areas where they had not been petitioned. The Council was seeking to utilise only those powers it had available to it.

The Chair summarised the points raised relating to the evidence supporting the proposals and the changes made to the proposals as a result of the consultation. He thanked Councillors Fairclough and Mundy for their contributions and welcomed the cross party collaboration on the proposals.

RESOLVED:

1. That the responses made during the formal consultation process alongside the further references and considerations raised by the Sustainable Communities Overview and Scrutiny Panel be noted.
2. That the proposed emissions based charging model and charges as set out in Appendix 5 of this report including the amendment to band G & H Residential permit prices be approved.
3. That the introduction of the changes with effect from 1st April 2021, or as soon as practicable thereafter be approved.
4. That authority be delegated to the Director of Environment and Regeneration, in consultation with the Cabinet Members for Regeneration, Housing and the Climate Emergency and Adult Social Care and Public Health, to finalise any operational matters in relation to the implementation of the proposals.
5. That authority be delegated to the Director of Environment and Regeneration, in consultation with the Cabinet Members for Regeneration, Housing and the Climate Emergency and Adult Social Care and Public Health, to make any future minor alterations to the scheme, including the introduction of any additional measures deemed necessary to mitigate the impact of the proposals and to support and incentivise sustainable travel choices.
6. That the proposed emissions based parking charges scheme be reviewed and reported to Cabinet no later than 24 months after implementation of the proposals.
7. A concession be provided to those residents living in a CPZ that are over 75, are registered on the Council tax register as a single occupant and in receipt of Council Tax benefit. These residents will be entitled to a maximum of 12 visitor permits per year at 50% discount for use in the CPZ that they reside in.
8. The annual rental cost to residents for a cycle parking space in secure residential cycle storage (cycle hangers) be subsidised as set out in 7.6 and 7.7.

7 HERITAGE STRATEGY 2021 - 2025 (Agenda Item 7)

The Cabinet Member for Culture, Leisure and Skills presented the report which set out the draft Heritage Strategy for 2021-25, thanking the officers, heritage and voluntary sector partners involved in the refresh of the Heritage Strategy. A collaborative action plan would be drawn up with partners to form the basis of monitoring and delivering the Strategy.

The Chair thanked the officers involved and welcomed the report.

RESOLVED

1. That the Heritage Strategy 2021 – 2025 be reviewed.
2. That the Heritage Strategy 2021 – 2025 be adopted by the Council.

8 PUBLIC CONSULTATION ON MERTON'S DRAFT BOROUGH CHARACTER AND SMALL SITES DRAFT SUPPLEMENTARY PLANNING DOCUMENTS (Agenda Item 8)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report which set out the proposed consultation on a Borough Character and small sites supplementary planning document, which would assist in assessing planning applications to reflect the unique character of the borough and encourage a design led approach. He thanked the officers involved and asked the Cabinet to endorse the proposals.

The Chair thanked the Cabinet Member and the officers for their work on the report.

RESOLVED:

1. That a six-week public consultation on the draft Borough Character Study and draft small sites guidance (both draft supplementary planning documents to Merton's Local Plan) to take place between February and March 2021 be approved.
2. That approval of the consultation documents be delegated to the Director of Environment and Regeneration, Chris Lee, in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency, Cllr Martin Whelton.

9 EXEMPTION REPORT FOR PUBLIC HEALTH COMMISSIONED SERVICES (Agenda Item 9)

The Cabinet Member for Finance left the meeting and did not return for the duration of this item.

The Cabinet Member for Adult Social Care and Public Health presented the report which set out a proposal for the extension of four contracts for the provision of commissioned Public Health services, to enable joined up care for residents.

The Chair thanked the Cabinet Member and the officers involved.

RESOLVED:

1. That the exemption from Contract Standing Orders (CSO) to enable four Public Health commissioned service contracts (as described below) to be extended for 12 months (14 months for Befriending contract) plus the option to extend for a further 12 months be agreed. This requires:

2. That it be agreed for the services to be exempt from Contract Standing Order (CSO) 27 under the provisions of CSO 19 (Contracts above the upper threshold (£100,001)). Under CSO 27, this is an 'extension' of Contract not expressly allowed for within the Contract Notice and the Contract will be classified as a Direct Award, which requires agreement for which an Exemption must be sought.
3. That within the 12 month extension period for the Children's Community Public Health service (contract no. 4), a variation of the contract would take place, which would remodel the support provided for vulnerable young first-time mothers. This would mean the Family Nurse Partnership (FNP) programme would be stepped down and clients would transition into the new bespoke model to be delivered by the health visiting service. In the event of significant COVID-19 restrictions, Cabinet also agree flexibility, and in extremis, an option not to undertake this variation within the 12 months extension.
4. That authority be delegated to Hannah Doody, Director of Community & Housing to finalise and approve terms and conditions for the contract variation, within existing public health grant budget and compliant with mandatory public health duties.

10 BUSINESS PLAN 2021-25 (Agenda Item 10)

The Chair advised that items 10 and 11 would be considered together although the minutes are set out separately for ease of reference.

The Cabinet Member for Finance presented the report which set out the draft Business Plan for 2021-25 and apologised for the lateness of the report, which had been due to officers working to ensure Members had the most up to date financial information. He also thanked all Scrutiny Members for their flexibility in changing the timetable due to the late settlement announcements and spending review. Unfortunately following those late announcements, a gap in the budget for the next year remained and the Council would be required to make additional savings, due to failure of government to recompense the Council for supporting residents through the pandemic. Those savings would be considered at the respective Scrutiny Panels and a special Overview and Scrutiny Commission in mid-February.

The report also recommended levying the Adult Social Care precept and raising council tax to the maximum allowed without a referendum, which was not a decision which had been taken lightly and would not have been taken had it been avoidable, in view of the ongoing impact of the pandemic on many residents. Even with the additional measures, a gap of nearly £6m remained in 2022/23, rising to £11.5m in the following year. He drew the Cabinet's attention to the DSG deficit and the impact of the Government's lack of a solution to address the deficit, which affected all local authorities and it was important to press the Government for a plan.

The Chair thanked the Cabinet Members and the officers involved.

The Director of Corporate Services advised that due to the current risks, it had been decided to not participate in the business rate pool for the next year, along with a number of other boroughs, although this would be kept under review. Further work would be carried out on actions to mitigate the increase in the DSG deficit and there

was some use of reserves proposed to reduce the budget gap. There would be a further round of budget scrutiny with the final business plan and equalities assessments coming to the special Cabinet meeting in February for consideration.

The Chair thanked all those involved for their work on the report, echoed the points made by the Cabinet Member in his presentation and looked forward to considering the comments made by the Scrutiny Panels in the third round of scrutiny which would be considered at the special meeting of the Cabinet in February.

RESOLVED:

1. That the new draft savings/income proposals (Appendix 3a) and associated draft equalities impact assessments (Appendix 4) put forward by officers be agreed and referred to the Overview and Scrutiny panels and Commission in February 2021 for consideration and comment as part of the Savings Information Pack.
2. That the latest amendments to the draft Capital Programme 2021-2025 be agreed and referred to the Overview and Scrutiny panels and Commission in February 2021 for consideration and comment as part of the Savings Information Pack.
3. That the proposed amendment to saving proposal ENV2021- 04 be agreed and referred to the Overview and Scrutiny panels and Commission in February 2021 for consideration and comment as part of the Savings Information Pack.

11 FINANCIAL MONITORING REPORT 2020/21 - NOVEMBER 2020 (Agenda Item 11)

The Cabinet Member for Finance presented the report which set out the budget position for November 2020 and thanked the officers involved for their work on controlling and monitoring budgets in such challenging circumstances. He highlighted the key points for consideration and the changes from the previous month's position. Despite the additional Covid funding, the Council was still left with an overall deficit of nearly £7.5m as a result of the pandemic which was despite the Government pledge that it would fund the pandemic response. Forecasting also showed that had the pandemic not happened, the Council would have been posting a surplus for 2020/21. The report also reflected the second national lockdown in November, but did not reflect the subsequent changes in tiers and the third national lockdown. The overall position remained uncertain, which made it very difficult to forecast and had been made more challenging by the Government's decision to give a one year rather than three year financial settlement and a number of one-off grants. The impact of Covid would be felt into the next financial year and it was important for the Council, along with the LGA, to press the Government to fully recompense local authorities for the cost of the pandemic response.

The Director of Corporate Services advised that although the current lockdown would have an impact on income and expenditure, some of that may be offset by further fees and charges grant, although it would only represent 75% of some of the Council's income, commercial or industrial income would not be included.

RESOLVED:

1. That the financial reporting data for month 8, November 2020, relating to revenue budgetary control, showing a forecast net adverse variance at year-end of £2.8m be noted.
2. That the contents of section 4 of the report be noted and the adjustments to the Capital Programme in Appendix 5b be approved.
3. That the contents of Section 4 and Appendix 5b of the report be noted and the amendments to the Programme contained in the Table below be approved:

		Budget 2020-21	Budget 2021-22	Budget 2022-23	Narrative
-	-	£	£	£	
<u>Corporate Services</u>	-				
Customer Contact	(1)	(158,200)	158,200		Reprofiled in line with projected spend
Civic Centre Boiler Replacement	(1)	(201,480)	201,460		Reprofiled in line with projected spend
Westminster Coroners Court	(1)	(460,000)	460,000		Reprofiled in line with projected spend
Multi-Functioning Device (MFD)	(1)	130,000			Provision for 5 rather than 3 Year Lease
Clarion CPO	(2)	(4,079,460)	1,657,620	2,421,840	Reprofiled in line with projected spend
<u>Community and Housing</u>					
Learning Disability Affordable Housing	(1)	(250,000)	(771,000)	1,021,000	Reprofiled in line with projected spend
<u>Children, Schools and Families</u>					
Melrose SEMH Unit	(1)	(300,000)	300,000		Reprofiled in line with projected spend
<u>Environment and Regeneration</u>					
Lamp Column Chargers	(1)	157,000			OLEV Grant

Casualty Reduction in Schools	(1)	276,000			Additional TfL Funding
Crown Creative Knowledge Exchange	(1)	(150,000)	150,000		Reprofiled in line with projected spend
Morden Town Centre Improvements	(1)	(100,000)	100,000		Reprofiled in line with projected spend
LBM Replacement of Fleet Vehicles	(1)	(168,410)	133,410		Reprofiled in line with projected spend
Highway Bridges and Structures	(1)	(474,000)	474,000		Reprofiled in line with projected spend
Car Park Upgrades	(1)	(125,000)	125,000		Reprofiled in line with projected spend
Cycle access/parking	(1)	120,500			Additional TfL Funding
Cycle Lane Works Plough Lane	(1)	(200,000)	200,000		Reprofiled in line with projected spend
Wimbledon Pk Waterplay Feature	(1)	(226,000)	226,000		Reprofiled in line with projected spend
Paddling Pools Waterplay Feature – Option 2	(1)	(113,000)	113,000		Reprofiled in line with projected spend
Total		(6,322,050)	3,527,690	3,442,840	

(1) Requires Cabinet approval

(2)

Requires Council approval

12 EXCLUSION OF THE PUBLIC (Agenda Item 12)

The Cabinet agreed not to refer to the contents of the exempt appendices during the discussion on items 9 and 14 and therefore the meeting remained in public.

13 EXEMPTION REPORT FOR PUBLIC HEALTH COMMISSIONED SERVICES - EXEMPT APPENDIX (Agenda Item 13)

The Cabinet noted the contents of the exempt appendix and the minute is set out at item 9 above.

14 CONTRACT EXTENSION/VARIATION - FINANCIAL MANAGEMENT SYSTEM (Agenda Item 14)

The Cabinet Member for Finance presented the report which set out a proposal to extend the existing contract for the Council's Financial Management System, for which the Council had been offered a discount in recognition of the delay in and cost of the initial implementation.

The Director of Corporate Services added that the spend analysis would be added into the system would help the Council in its category management plans for procurement process and the business tax portal modules to enable digital VAT.

The Chair thanked the officers involved.

RESOLVED:

1. That the following modifications of the agreement between the Council and Advanced Business Software and Solutions Ltd be approved:
 - Take up the optional 2 year extension that was provided for in the original contract.
 - Add the 'Spend Analysis' and 'Business Tax Portal' modules.
 - Extend the contract by a further period of one year (2023/4).
2. That the Resources team is authorised to raise a purchase order for the Business Tax Portal as soon as possible through January 2021 as we are mandated by HMRC to have this sub module operational by 1st April 2021.

15 CONTRACT EXTENSION/VARIATION - FINANCIAL MANAGEMENT SYSTEM EXEMPT APPENDIX (Agenda Item 15)

The Cabinet noted the contents of the exempt appendix and the minute is set out at item 14 above.

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