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CABINET

21 MARCH 2022

(7.15 pm - 8.13 pm)

PRESENT Councillors Councillor Mark Allison (in the Chair),
Councillor Owen Pritchard, Councillor Martin Whelton and
Councillor Brenda Fraser

ALSO PRESENT Councillor Peter Southgate

Chris Lee (Director of Environment and Regeneration), Louise
Round (Managing Director South London Legal Partnership),
Keith Burns (Interim Assistant Director Commissioning) and Amy
Dumitrescu (Democracy Services Manager)

ATTENDING
REMOTELY

Councillor Agatha Akyigyina, Councillor Natasha Irons,
Councillor Rebecca Lanning, Councillor Marsie Skeete and
Councillor Eleanor Stringer

ALSO
ATTENDING
REMOTELY

Councillor Nick McLean

Hannah Doody (Chief Executive), Jane McSherry (Director
Children, Schools and Families), James McGinlay (Assistant
Director Sustainable Communities), Tom Procter (Head of
Contracts and School Organisation), Ellis Kelly (Head of
Accountancy), Tara Butler (Deputy Head of Future Merton),
Peter Clifton (Interim Head of Safer Merton), Matt Burrows
(Interim Head of Communications and Customer Experience)
and Octavia Lamb (Policy and Research Officer – Labour Group)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies were received. Councillors Akyigyina, Irons, Lanning, Skeete and Stringer attended remotely.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETINGS (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 7 February, the minutes of the meeting held on 21 February and the exempt minutes of the meeting held on 21 February are agreed as an accurate record.

4 MERTON HATE CRIME STRATEGY 2022-26 (Agenda Item 4)

The Chair announced that Items 9 and 10 would be taken first and the remaining items would follow in agenda order, with Items 14 onwards taken in private session. For the purposes of the minutes all items are minuted in agenda order.

The Leader of the Council presented the report on behalf of the Cabinet Member for Partnerships, Public Safety and Tackling Crime, thanking the Cabinet Member and officers for their work. Discussions had taken place with the Hate Crime Strategy Group and the report proposed updating the strategy to cover the 2022-2026 period. The report had been updated to reflect the public engagement in 2021 as part of the YourMerton process and the Leader thanked the residents who had engaged with that process.

The Cabinet Member for Culture, Leisure and Skills spoke to thank the officers and Cabinet Member for their work.

RESOLVED:

- A. That Cabinet reviewed and signed off Merton's Hate Crime Strategy 2022-26.
- B. That Cabinet noted the content of the report in terms of work being undertaken on the hate crime agenda and consider how this work can be supported going forwards.

5 UPDATE FOLLOWING THE COUNCIL MOTION ON 21ST APRIL 2021 IN RELATION TO THE SAFETY OF WOMEN AND GIRLS IN MERTON
(Agenda Item 5)

The Leader of the Council presented the report on behalf of the Cabinet Member for Partnerships, Public Safety and Tackling Crime, which provided an update following a motion agreed at the Extraordinary Council meeting in April 2021. A task group had been established and first met in June 2021 which focused on a number of areas. The Leader thanked officers for their work on the report.

The Director of Environment and Regeneration noted that it was a work in progress and there was more work to be done and continuing to be undertaken.

RESOLVED:

- A. That Cabinet noted the work undertaken and to be undertaken to help improve the safety of women and girls in Merton
- B. That Cabinet reviewed and agreed the recommendation that Merton Council sign up to the Mayor's Night Safety Charter

6 COMPULSORY PURCHASE ORDERS FOR ESTATE REGENERATION:
EASTFIELDS PHASE 1, HIGH PATH PHASE 2 AND 3 AND RAVENSBURY
PHASE 2, 3 AND 4 (Agenda Item 6)

The Cabinet Member for Housing, Regeneration and the Climate Emergency presented the report, which followed the Cabinet decisions in 2018 to agree in principle to use Compulsory Purchase Orders to support implementation of the Merton Estates Regeneration Programme and that further CPOs would be required once conditions had been met. It was noted that these conditions had now been met

and voluntary acquisition had not been successful and therefore the report sought to make three CPOs which could be utilised if required.

The Leader thanked officers for their work.

RESOLVED:

- A That Cabinet resolved to make three Compulsory Purchase Orders (the **2022 CPOs**) for the acquisition of land, interests and rights (other than those already in the ownership of Clarion Housing Group) over the Order Land shown shaded pink and blue on the Plans attached as Appendix 1 and described more fully in section 3 of each of the draft Statements of Reasons attached as Appendix 2.
- B That Cabinet agreed that the 2022 CPOs shall be, entitled:
- I. "The London Borough of Merton (High Path No1) Compulsory Purchase Order 2022";
 - II. "The London Borough of Merton (Eastfields No1) Compulsory Purchase Order 2022"; and
 - III. "The London Borough of Merton (Ravensbury No1) Compulsory Purchase Order 2022".
- C That Cabinet agreed that there is a compelling case in the public interest to justify the making of the 2022 CPOs to include specific interests that must be acquired to facilitate the redevelopment of the High Path Estate, the Eastfields Estate and Ravensbury Estate (the **Estates**) as part of the Merton Estates Regeneration Programme, for the reasons detailed in this Report and the draft Statements of Reasons.
- D That Cabinet delegated to the Director of Environment and Regeneration the power to effect the making, confirming and implementation of the 2022 CPOs and to take all necessary steps to give effect to the 2022 CPOs in respect of the Order Land, but not limited to, the following procedural steps:
- I. making such amendments and additions to the draft Statements of Reasons as deemed necessary to properly reflect the Council's position regarding the proposed 2022 CPOs so as to properly present the Council's case;
 - II. making such amendments and additions to the Plans attached at Appendix 1 as deemed necessary to properly

enable construction of phases 2 and 3 of High Path, phase 1 of Eastfields and phases 2 to 4 of Ravensbury;

- III. making the 2022 CPOs, the publication and service of any press, site and individual notices and other correspondence for such making;
- IV. monitoring of negotiated agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the 2022 CPOs, including where appropriate seeking exclusion of land or new rights from the 2022 CPOs;
- V. seeking confirmation of the 2022 CPOs by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the Council's case at any Public Inquiry which may be necessary;
- VI. publication and service of notices of confirmation of the 2022 CPOs and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area;
- VII. acquiring title to and / or taking possession of the Order Land;
- VIII. transferring the title of the acquired land to Clarion Housing Group;
- IX. paying all costs associated with making the 2022 CPO, including the compensation payable to owners , noting that those costs will be reimbursed to the Council by Clarion;
- X. referral and conduct of disputes, relating to compulsory purchase compensation, at the Upper Tribunal (Lands Chamber); and
- XI. dealing with any matter relating to the implementation of the CPO Indemnity Agreement dated 7 February 2019 (and any subsequent amendments) including all financial checks with Clarion Housing Group and approval of the budget in relation thereto, and to agree amendments as necessary with Clarion Housing Group.

- E That Cabinet agreed that the public interest in enabling the development of the Eastfields, High Path and Ravensbury Estates to proceed outweighs the interference with relevant rights under the European Convention on Human Rights as discussed at section 22 of this report.

Cabinet also noted:

- F It has been considered that compulsory acquisition would be necessary so that Merton Estates Regeneration Programme, can be delivered and achieve the following:
- Comprehensive regeneration of two housing estates (Eastfield and High Path) and partial regeneration of another (Ravensbury) (together the **Estates**);
 - a significant contribution towards the Council's target for new homes over the coming years;
 - the replacement of poor quality and outdated housing stock with modern, high quality accommodation;
 - creation of new and distinct character neighbourhoods with public spaces, amenities and commercial and retail opportunities; and
 - economic and employment benefits for the Council.

7 REPURPOSING THE HIGH STREET - FINAL RECOMMENDATIONS
(Agenda Item 7)

The Leader noted that this was the last meeting for Councillor Peter Southgate and paid tribute to his work.

At the invitation of the Chair, Councillor Southgate spoke to present the report and gave an overview of the recommendations within it, following a task group established in 2020 and recognising the changed role of high streets as a result of the Covid19 pandemic. Councillor Southgate thanked the Cabinet Member and the Scrutiny team for their work.

The Deputy Leader and Cabinet Member for Finance, Performance, Recovery and the Local Economy responded to thank Councillor Southgate for his work and for the report.

RESOLVED:

- A. That Cabinet considered the report and noted the recommendations (attached in Appendix A) arising from the scrutiny review of the Re-purposing the High Street.

B. That Cabinet agreed to consider implementation of an action plan to be drawn up by officers working with relevant local partner organisations and Cabinet Member(s) to be designated by Cabinet.

8 PROVISION AND MAINTENANCE OF A COMMUNITY EQUIPMENT SERVICE (Agenda Item 8)

The Cabinet Member for Adult Social Care and Public Health presented the report, thanking officers for their work. It was noted that the contract if approved would be awarded on a rolling basis, as well as undertaking a value for money exercise every three years.

The Leader thanked officers for their work.

RESOLVED:

A. That Cabinet approved the award of a collaboration agreement for the provision and maintenance of a Community Equipment Service via an integrated Procurement Hub to London Borough of Croydon on a rolling basis, with the Council able to withdraw from the agreement by giving not less than six (6) months' written notice of its intention to do so to expire on 31st March in any Financial Year.

B. That Adult Social Care carry out an annual review of service quality as well as undertaking a full value for money exercise every 3 years to ensure that the service continues to offer Best Value.

C. That the Director of Community and Housing was given delegated authority, in consultation with the Cabinet Member for Adult Social Care and Health, to agree to the continuation of the collaboration agreement following the completion of each annual review and triennial value for money exercise

9 HOME TO SCHOOL TRANSPORT (Agenda Item 9)

The Deputy Leader and Cabinet Member for Children and Education presented the report, thanking officers for their work and those who had responded to the consultation. It was noted that responses had included that parents wanted education as close to home as possible to ensure that transport options available to them were as broad as possible. The consultation had consulted on a range of options.

RESOLVED:

a) That Cabinet noted the responses and officers' analysis from the consultation on home to school travel that ran from 23 November 2021 to 5 January 2022 and agreed to the following changes to home to school travel arrangements:

b) That Cabinet agreed to increase investment in travel training by £50,000 per year to support opportunities for the independence and well-being of the young person to travel to school/college independently rather than using supported travel from the age 11 where it is appropriate

c) That Cabinet agreed for officers to improve the offer of travel budgets (PTABs), by implementing a more transparent policy, making it easier for families to receive financial recompense and increasing their promotion. This will both improve the take up of this option by parents and the ease of its use, while also being more efficient for the Council

- d) In addition to continuing to meet our statutory requirements for home to school travel for statutory school age children, to continue to support families with children of pre-school age and post 16 students with the most significant needs where it is essential to get their child to school, especially for those with severe and profound learning difficulties
 - e) Not to introduce charging for receiving travel assistance.
 - f) Travel support for post-16 students to in the future be predominantly through independent forms of travel assistance, such as travel training and travel budgets, where this is possible. Organised transport only for those unable to use independent forms of travel or where their educational placement agreed in their EHCP is too far away to be reached independently.
 - g) Officers to continue work to ensure best value for money in providing travel assistance to children, including ensuring the most cost-effective means to procure the taxi market, efficient utilisation of the in-house buses and procured taxis, and more formal reviews with schools to ensure we meet the needs of children as effectively as possible including identifying children who could be supported towards more independent travel.
 - h) For officers in Community and Housing Department, working with Children, Schools and Families, to update their policies in relation to post-19 home to college travel on the basis of the same strategy as above
 - i) To delegate the Director of Children, Schools and Families, in consultation with the Deputy Leader and Cabinet Member for Children and Education, and the Director of Community and Housing in relation to the travel assistance policy for post-19 students, amendments to policy documents in line with the above for supported travel from September 2022
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10 EXTENSION OF SCHOOL CLEANING CONTRACT (Agenda Item 10)

The Deputy Leader and Cabinet Member for Children and Education presented the report which related to procuring a new school cleaning contract in line with the School year following the previous contract ending on 31 March 2022. The report sought approval to extend the existing contract until the end of the school year with subsequent contract decisions being brought to future Cabinet meetings as required. The Cabinet Member for Children and Education thanked officers for their work.

RESOLVED:

A. That Cabinet agreed 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 July 2022

11 FINANCIAL MONITORING REPORT - PERIOD 10 JANUARY 2022 (Agenda Item 11)

The Deputy Leader and Cabinet Member for Finance, Performance, Recovery and the Local Economy presented the report which projected a £6.5million outturn variance. It was noted that there were two further forthcoming months of the year and the report did not include any DSG funding if this was forthcoming in due course. The Cabinet Member thanked the finance team for their ongoing work.

The Leader thanked the Cabinet Member and officers for their work.

RESOLVED:

A. That Cabinet noted the financial reporting data for month 10, January 2022, relating to revenue budgetary control, showing a forecast net adverse variance at year end on net service expenditure of £5.967m, increasing to £6.592m when corporate and funding items are included, a decrease of £684k compared to last month

B. That CMT note the contents of Section 5 and approve the adjustments to the Capital Programme contained in Appendix 5b

That Cabinet noted the contents of Section 5 and Appendix 5b of the report and approve the adjustments to the Capital Programme in the Table below:

	Budget 2021-22	Narrative
<u>Children, Schools and Families</u>		
West Wimbledon - Capital Maintenance	(21,000)	Virement reflecting projected outturn
Wimbledon Park - Capital Maintenance	15,000	Virement reflecting projected outturn
Malmesbury - Capital Maintenance	6,000	Virement reflecting projected outturn
<u>Environment and Regeneration</u>		
Borough Regeneration - Shopfronts - ARG	195,000	Funded by Additional Restrictions Grant
Total	195,000	

12 SELECTIVE LICENSING UPDATE AND EMPTY HOMES (Agenda Item 12)

The Cabinet Member for Housing, Regeneration and the Climate Emergency provided a verbal update to the Cabinet.

The Cabinet Member advised that in terms of Selective Licensing and Article 4, licensing viability modelling and cost modelling was ongoing and a further Cabinet report was expected in due course. Background work was required to be undertaken on Article 4 and work continued to be ongoing on this. The Cabinet Member thanked officers for their work.

The Leader thanked the Cabinet Member and officers for their work and the update was noted by Cabinet.

13 EXCLUSION OF THE PUBLIC (Agenda Item 13)

RESOLVED: That the public were excluded from the meeting during consideration of the following report on the grounds that it was exempt from disclosure for the reasons stated in the report.

14 CHAS 2013 (Agenda Item 14)

The report was discussed and it was

RESOLVED:

That the recommendations within the report were agreed.