

COUNCIL
27 MARCH 2013
(19:15 – 21:55)

PRESENT: The Mayor, Councillor David Williams
The Deputy Mayor, Councillor John Bowcott
Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Mark Betteridge, Margaret Brierly, Richard Chellew, David Chung, David Dean, John Dehaney, Nick Draper, Iain Dysart, Chris Edge, Suzanne Evans, Karin Forbes, Brenda Fraser, Samantha George, Suzanne Grocott, Maurice Groves, Jeff Hanna, Richard Hilton, James Holmes, Janice Howard, Mary-Jane Jeanes, Philip Jones, Andrew Judge, Linda Kirby, Gilli Lewis-Lavender, Logie Lohendran, Edith Macauley, Russell Makin, Maxi Martin, Peter McCabe, Krystal Miller, Ian Munn, Diane Neil Mills, Oonagh Moulton, Henry Nelless, Dennis Pearce, John Sargeant, Judy Saunders, Linda Scott, Rod Scott, Debbie Shears, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Sam Thomas, Ray Tindle, Gregory Udeh, Peter Walker, Martin Whelton, Richard Williams, Miles Windsor and Simon Withey.

1 APOLOGIES FOR ABSENCE (Agenda item 1)

Councillor Gam Gurung submitted apologies for absence.

Councillors Chris Edge and Krystal Miller submitted apologies for lateness.

2 DECLARATION OF PECUNIARY INTEREST (Agenda item 2)

None advised

3 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the Budget Council Tax meeting held on 6 March 2013 are agreed as a correct record.

4 ANNOUNCEMENTS (Agenda Item 4)

Mayor's Announcements

Since my last announcements on 6 March, we held a celebration event for winning the New Year's Day Parade, handed out medals and received back the engraved trophy now sitting in the Parlour and a cheque for £7500, now sitting in the bank.

I have fulfilled a number of engagements ranging from attending a 106th birthday party to the Staff Excellence Awards, the Mayor of Sutton's Brazilian Carnival charity event, and the Hatfeild School PTA Pantomime.

On a more serious note, together with a number of current and former councillors and officers, I attended the funeral of Danny Connellan, where Councillor Stanford and Councillor Judge again made fulsome tributes to the former Freeman of the Borough.

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I was delighted by the support received for my Ball at the All England on 9 March and can confirm that more than £14,000 was raised for the charity.

In the seven weeks that remain between now and the Annual Council meeting, there are a number of scheduled events for me to attend, including the revitalised Merton Civic Awards on 25 April at Wimbledon Film Studios, in conjunction with the Local Guardian newspaper. I am also holding a Parlour Reception for past mayors at the prompt of Honorary Alderman Norman Healy, Mayor 1975-76, who has never been to the Parlour here at the Civic Centre.

On 14 April, the Deputy Mayor and Deputy Mayoress will be doing the 5 mile London Mayors Walk, retracing the steps of Dick Whittington from Highgate Hill to the Mansion House, but they showed no enthusiasm to substitute for me at dawn on 1 May, when I will be on Wimbledon Common, with the Morris Men, to greet the day.

There are also two more dates for your diaries; the charity race night on 18 April. Tickets are only £15 each, to include fish and chips, and many opportunities to part with small sums of cash. Even if you're not able to come, please sponsor a horse for £5 or a race for £25. You can name both the horse and the race, so get inventive.

The other date is my Civic Service at 6 pm on Sunday 28 April at St Martin's in Lower Morden, where Dan is the vicar. Please do come if you can.

Leader's Announcements

Thank you Mr Mayor. I want to welcome Councillor Hilton and Councillor Evans to their new positions, but in so doing, I would like to pay tribute to Councillor Debbie Shears. It may seem odd that I'm referring to my schooling in paying tribute to Councillor Debbie Shears but I used to go to school in a lovely school in Putney, Elliot Comprehensive School, and the motto of the school was "Manners Maketh Man". That is the one thing that I've noticed about Councillor Debbie Shears; her manners. I know she has a concern for the poor image the public have of politicians and I know that she's always yearned to put that right. In so doing she's always acted with honesty, with integrity and with openness, and always sought to work together with all parties. Therefore, ever since 2010, she's always sought to see whether she can bring the Council together. In 2011, she pushed for the Thameslink Loop motion that had all party support. In 2012 she was with me and other leaders on the AFC Wimbledon motion, seeking to bring back Wimbledon to Merton. This year, this month, this week, tonight, today, she was fully behind the RideLondon motion that we have today, which has cross-party support.

In that spirit I do wish to pay her a great tribute and wish her well.

Councillor Peter Southgate

Thank you for the opportunity to pay a brief and I must admit largely personal tribute to Councillor Shears. Debbie and I joined the Council nearly 11 years, we were both part of the 2002 intake. I well remember that we both, by chance, came in to sign our oath of allegiance to Merton, or whatever it was, in front of the Chief Executive. I don't think either of us realised he wasn't going to be around for very long to see whether we lived up to what we'd signed for, but I can tell you Mr Mayor that Debbie

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has certainly kept the undertaking she signed that day.

Whilst I was still in those early days grappling with the meaning of a substantive motion, Debbie proved herself an adept and feisty opposition spokesperson on Education and when the Conservatives came to power in 2006, she naturally took, the Cabinet post for Children's Services. It was during this period that we started to see the transformation in standards in our secondary schools, with, at last, GCSE results that we could be proud of, and that has continued under the present Administration.

Together with Councillor Moulton, Debbie deserved much of the credit for this, reintroducing 6th forms into our secondary schools, further helping to raise the aspirations of pupils. So Debbie, if you're ever wondering what you've done for Merton, look no further than the improved life chances of hundreds of our secondary school pupils with decent GCSE grades; they have every reason to be grateful to you.

In 2010 you became Leader of the Conservative group and Opposition. I think then we both learned the value of recognising where we could agree and where we were going to disagree, and accepting the difference would not always be reconcilable. We also came to recognise that we all shared a desire to achieve the best outcome for Merton and to put forward as the Leader has said, motions that could win support across the chamber, and we have an example later on the agenda this evening.

At its best it's been a very constructive and positive working relationship. I'm grateful for it. Debbie you'll be a very hard act to follow.

Councillor Iain Dysart

Thank you Mr Mayor. I think the first time I saw Debbie was at a local Raynes Park and West Barnes ward residents' association. She was talking about education – I think it was six years ago, she was the Cabinet Member for Education. I can't exactly recall what Debbie was talking about, although I promise you Debbie I was listening at the time but my memory has faded somewhat now. However, I know I thought 'this lady is going to get places. She's so keen, so energetic. And she did go places, didn't she, because she was the Leader of her group with just once councillor less than that of the current Labour Administration. I think that is some feat.

Debbie's a plain speaker, she speaks her mind. She and I don't agree on everything, but what she says is from conviction. There have been occasions when we've been able to work together and we've had some pleasant chats.

But even if she's now stepped down as Leader, I'm sure she will continue to be a very passionate advocate for her cause. She'll also do the best job she can to represent her community, and after all that is why we all stand for council elections in the first place, and what never ceases to keep us motivated and keep us focussed.

Councillor Richard Hilton

Can I start by thanking Councillor Alambritis for his kind words to Councillor Evans and I. I would also like to join the other party leaders in paying tribute to the hard work and dedication of Councillor Shears to Merton Council over the years, both in

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Opposition and as a member of the previous Conservative Administration and most recently as Leader of the Opposition. Debbie has represented Cannon Hill ward for over ten years during which time she has spent four years, as you know, under your leadership Mr Mayor, from 2006 – 2010 as a member of your Cabinet.

She can be proud of the achievements that she made there, and as the Leader said, during that time, standards were raised across the borough, particularly in GCSE attainment. Perhaps of greater significance, the introduction of 6th forms back into the borough, and of course a long-standing commitment to child protection issues.

Under her leadership the Conservative Group has managed to prevent the borough-wide introduction of wheeled bins, of which we are very proud, and Councillor Shears has set us in good stead for the future.

5 QUESTIONS FROM THE PUBLIC (Agenda Item 5)

The public questions and the replies given to these are available for inspection on the web page for this meeting.

6 QUESTIONS FROM COUNCILLORS (Agenda Item 6)

The priority councillor questions and the replies given to these are available for inspection on the web page for this meeting.

7 REPORT SUSTAINABLE COMMUNITIES WITH A FOCUS ON WASTE AND RECYCLING (Agenda Item 7)

The priority questions and answers and oral supplementary questions and answers are detailed on the web page for this meeting.

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The submitted report was moved by Councillor Andrew Judge and seconded by Councillor Stephen Alambritis.

Motion 1 (Conservative)

The following motion was moved by Councillor Linda Scott and seconded by Councillor Ray Tindle. In moving the motion, Councillor Scott sought the consent of the meeting, duly given, to alteration of the motion by the inclusion of the words “the previous” to follow the word “that” in the first line of the penultimate paragraph. The sentence now to read “This Council believes that the previous cuts.....”

Motion:

This Council recognises that cleanliness of the borough’s streets is a priority for residents and businesses in Merton. According to the latest Annual Residents’ Survey, litter and dirt in the streets remains one of the top concerns for people living in Merton.

This Council is however concerned that:

- Decomposing Christmas trees still remain uncollected from various streets around the borough;

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- There has been an increase in recent weeks in the number of missed garden waste collections owing to vehicle breakdowns;
- Only one fine was issued in Merton for dog fouling during the whole of 2012;
- Plans by the previous administration for chewing gum cleaning machines and for 24 hour weekend cleaning in Merton's town centres have not been taken forward; and
- Resident satisfaction with the way the council deals with litter is down 3 percentage points compared to 2010

This Council believes that the previous cuts to the street cleaning and waste collection budgets constitute a false economy if they simply lead to an increased number of complaints and to additional resources having to be deployed to rectify the service failures reported. One example often highlighted by residents is the current administration's decision to stop street sweeping following refuse collections.

This Council recognises the valid concerns expressed by residents about the impact of this on the cleanliness of their streets and therefore resolves to ask Cabinet to reverse its previous decision and to reintroduce the practice whereby street sweepers follow immediately after the refuse collection vehicles.

The Mayor put the motion to the meeting and declared the motion to be lost on a vote of 28 voting for the motion, 30 voting against the motion and 1 not voting.

Motion 2 (Labour)

The following motion was moved by Councillor Mark Betteridge and seconded by Councillor Russell Makin. In moving the motion, Councillor Betteridge sought the consent of the meeting, duly given, to alteration of the motion by the deletion of the annotation "6%" in the first bullet point and the inclusion of the annotation "7%" in its place.

Motion:

Council notes that our waste and recycling services help contribute to the cleanliness of our borough and the quality of life of our residents. Council therefore welcomes:

- A 7% increase in resident satisfaction with our recycling services and a recycling rate now at almost 40%
- Waste collection services at 5% above the London average and 7% above the outer London average, as measured in the 2012 Annual Residents' Survey
- The next phase of the South West London Waste Partnership contract, which will lead to savings of £27m over 25 years for the council, in addition to almost completely ending our use of landfill.

Council acknowledges that, in addition to providing a good quality domestic waste and recycling service, it is also important to focus on the cleanliness of the wider public realm and further welcomes:

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- The recent enforcement action against an individual who dropped litter in Colliers Wood and who was subsequently ordered by the courts to pay a fine and costs of £400
- The pilot “smart bins” initiative in Morden to deal with the problem of cigarette and chewing gum waste
- The new “Street Champions” programme where local residents are working with the council in reporting street scene issues.

Whilst welcoming all of the above initiatives, Council believes that the regular street clean remains fundamental to a cleaner Merton and welcomes Cabinet and Scrutiny’s decision not to support budgets reductions in this area. Council further resolves to continue to protect the regular street clean going forward, even in the face of the current squeeze on local government funding.

Amendment (Conservative)

It was moved by Councillor Linda Taylor and seconded by Councillor Janice Howard that the motion is amended to read:

Council notes that waste and recycling services are crucial to the cleanliness of our borough and the quality of life of our residents. Council therefore welcomes:

- A 6% (7% as amended) increase in resident satisfaction with our recycling services and a recycling rate now at 38.67%
- Perception of waste collection services at 5% above the London average and 7% above the outer London average, as measured in the 2012 Annual Residents’ Survey
- The next phase of the South West London Waste Partnership contract, which will lead to savings of £27m over 25 years for the council, in addition to almost completely ending our use of landfill.

Council acknowledges that, in addition to providing a waste and recycling service, it is also important to focus on the cleanliness of the wider public realm and to bring our residents with us in doing so. Whilst Council acknowledges:

- The recent enforcement action against an individual who dropped litter in Colliers Wood and who was subsequently ordered by the courts to pay a fine and costs of £400
- The pilot “smart bins” initiative in Morden to deal with the problem of cigarette and chewing gum waste
- The new “Street Champions” programme where local residents are working with the council in reporting street scene issues,

Council believes that the Labour Administration acted hastily in introducing plans for time banded waste collections in central Wimbledon, failing to take sufficient account of the impact on residents. Communication of the announcement was badly handled and led to considerable confusion and comment in the press.

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Council further believes that the regular street clean remains fundamental to a cleaner Merton and resolves to request that Cabinet:

- Makes no further reductions to the street cleaning budget
- Continues to protect the regular street clean going forward
- Continues to provide a weekly waste and recycling service
- Abandons plans forcing residents and businesses to put bins out in just two one-hour long slots

Commits to plans made by the previous Conservative administration to purchase machines to clean chewing gum from our streets.

The Mayor put the amendment to the meeting and declared the amendment to be lost on a vote of 26 voting for the amendment, 27 voting against the amendment and 6 not voting.

Amendment (Liberal Democrat)

It was moved by Councillor Iain Dysart and seconded by Councillor Mary-Jane Jeanes that the motion is amended as follows:

Amend the final sentence by the deletion of the words "even in the face of the current squeeze on local government funding"

The Mayor put the amendment to the meeting and, there being none voting to the contrary, declared the amendment to be carried.

The Mayor put the motion as amendment to the meeting and, there being none voting to the contrary, declared the motion as amended to be carried.

It was, therefore

RESOLVED: That the motion in the terms expressed in the Labour motion and as duly amended by the Liberal Democrat amendment is agreed.

Motion 3 (Conservative)

The following motion was moved by Councillor David Dean and seconded by Councillor Richard Hilton. In moving the motion, Councillor Hilton sought the consent of the meeting, duly given, to alteration of the motion by the inclusion of the words "to request" in the phrase "This Council resolves that:" – phrase now to read "This Council resolves to request that:"

Motion

This Council notes that:

- Viridor was appointed in January 2012 as the preferred bidder for the South London Waste Partnership's £990 million waste treatment contract and plans are being progressed for an incinerator at Beddington Lane;
- The current plans include chimneys standing at 85 metres high that will emit many tonnes of fine particle pollution, such as NO₂, PM₁₀ and PM_{2.5} into the local atmosphere;

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- The Conservative Mayor of London, Boris Johnson, has already raised objections to the inappropriate use of Metropolitan Open Land for this purpose and to the loss of local wildlife habitat.

This Council believes that:

- Beddington Lane, as a designated air quality management area, already suffers with pollution and shares local residents' concerns that an incinerator could make pollution levels worse;
- Insufficient reassurance has been provided by the developers, Viridor to the serious concerns our residents hold;
- We have a responsibility to make Merton a 'Green Borough' and much of the waste proposed to be sent to the incinerator can and should be recycled;
- The proposal comprises inappropriate development on Metropolitan Open Land for which very special circumstances are still to be demonstrated in accordance with London Plan policy.

This Council resolves to request that:

- a) the Cabinet Member write to Viridor seeking technical information on how waste will be dealt with; more information on how the loss of Metropolitan Open Land will be rectified; the need for a greater and more detailed air quality analysis; and to address concerns about the loss of a wildlife habitat which would result from the scheme as it stands.
- b) If the response is inadequate, Cabinet urges the London Borough of Sutton to reject the proposals for the incinerator in favour of other regional incinerators bidding for waste, and that Cabinet does not consider any plans for an incinerator within Merton.

Amendment (Liberal Democrat)

It was moved by Councillor Iain Dysart and seconded by Councillor Mary-Jane Jeanes that the motion is amended as follows:

Delete original recommendation b) and replace with:

"to ask the London Borough of Sutton to transparently take into account all views and concerns received when reaching its decision on the planning application"

The Mayor put the amendment to the meeting and declared it to be lost on a vote of 27 voting for the amendment and 30 voting against the amendment.

The Mayor put the original motion to the meeting and declared it to be lost on a

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vote of 25 voting for the motion, 30 voting against the motion and 4 not voting.

8 REPORTS OF COMMUNITY FORUMS (Agenda Item 8)

The report of the Raynes Park Community Forum was introduced by Councillor Rod Scott and the report was duly received.

9 NOTICES OF MOTION (Agenda Item 9)

Motion (Labour/Conservative/MPWIR)

The following motion was moved by Councillor Samantha George and seconded by Councillor Nick Draper:

This Council welcomes the announcement last month by the Mayor of London that the route of the new, world-class Prudential RideLondon cycling festival will pass through Raynes Park and Wimbledon on Sunday 4th August 2013, and that it is set to become a permanent fixture each year in Merton's and London's sporting calendar.

This Council looks forward to welcoming the tens of thousands of participants in the RideLondon-Surrey 100 event for recreational cyclists and the RideLondon-Surrey Classic race for professional cyclists, and also to playing host to the many visitors and Merton residents who will be lining the borough's streets to watch the action.

This Council believes that, as well as forming an important part of the 2012 Olympic and Paralympic legacy by encouraging increased interest and participation locally in cycling, this event provides an excellent opportunity to showcase the history of the whole borough to a very large audience and thereby maximise the full potential of RideLondon for all Merton's residents.

This Council therefore resolves to request that Cabinet works in conjunction with Love Wimbledon to promote Merton's rich and varied heritage, by inviting community groups and arts, culture and sporting organisations from all parts of the borough, including for example Morden Hall Park, Merton Priory Trust, and Mitcham Cricket Club, to promote their activities to the thousands of spectators and participants of RideLondon as it passes through Merton.

The Mayor put the motion to the meeting and, there being none voting to the contrary, declared the motion to be carried.

It was, therefore

RESOLVED: That the motion in the terms expressed above is agreed.

10 EQUALITY STRATEGY AND ACTION PLAN (Agenda Item 10)

The recommendation to the submitted report was moved by Councillor Edith Macauley, seconded by Councillor Stephen Alambritis and, upon the Mayor putting the recommendation to the meeting it was

RESOLVED: That the Equality Strategy and Action Plan 2013-2017 is adopted.

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11 REFRESH OF PAY POLICY STATEMENT AND READOPTION OF THE MEMBERS' ALLOWANCES SCHEME (Agenda Item 11)

The recommendations to the submitted report were moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis and, upon the Mayor putting the recommendation to the meeting it was

RESOLVED: That

1. the revisions to the 'Pay Policy Statement' are approved; and
2. the 'Members Allowances Scheme' is reconfirmed with no change for 2013/14 with effect from 1 April 2013.

12 PROTOCOL ON PLANNING MATTERS (Agenda Item 12)

The recommendation to the submitted report was moved by Councillor Andrew Judge and seconded by Councillor Philip Jones.

Amendment (Conservative)

It was moved by Councillor Diane Neil Mills and seconded by Councillor John Bowcott that the recommendation is amended by the addition of the following phrase at the end of the text:

"but establishes a task group to review the drafting of the protocol with the intention of bringing forward further proposed revisions for consideration by the relevant bodies."

The Mayor put the amendment to the meeting and declared it to be carried on a vote of 29 voting for the amendment, 27 voting against the amendment and 3 not voting.

The Mayor put the recommendation as amended to the meeting and it was

RESOLVED: That the revised protocol on planning matters is adopted but a task group is established to review the drafting of the protocol with the intention of bringing forward further proposed revisions for consideration by the relevant bodies.

N.B During debate it was suggested that the party group leaders establish the task group and that Councillors Diane Neil Mills and John Bowcott are invited to the task group meeting/s.

13 CONSTITUTION OF A MERTON HEALTH AND WELLBEING BOARD (Agenda Item 13)

The recommendations to the submitted report were moved by Councillor Linda Kirby and seconded by Councillor Stephen Alambritis and, upon the Mayor putting the recommendations to the meeting it was

RESOLVED: That

1. a 'Health and Wellbeing Board' (HWB) is constituted together with the terms of reference, allocation of seats and quorum arrangements detailed

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in the appendix to the submitted report;

2. all councillor and organisation representative appointees to the HWB have voting rights with the exception of officers of the council; and
3. the Director of Public Health is given the various delegations detailed in the appendix to the submitted report.

14 CONSTITUTIONAL AMENDMENTS (Agenda Item 14)

The recommendation to the submitted report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis and, upon the Mayor putting the recommendation to the meeting it was

RESOLVED: That the changes detailed in the submitted report are agreed.

15 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 15)

The recommendation to the submitted report was moved by Councillor Stephen Alambritis and seconded by Councillor Mark Betteridge and, upon the Mayor putting the recommendation to the meeting it was

RESOLVED: That the changes to the membership of committees approved under delegated powers since the last meeting of the council are noted.

16 PETITIONS (Agenda Item 16)

The recommendations to the submitted report were moved by Councillor Stephen Alambritis and seconded by Councillor Mark Betteridge and, upon the Mayor putting the recommendations to the meeting it was:

RESOLVED: That

1. the Council receive petitions (Part 4A. paragraph 18.1 of the Council's constitution); and
2. the advice given by officers in respect of the petitions presented at the 6 February Council meeting.

N.B. Councillor Geraldine Stanford submitted a petition on behalf of residents 'Rediscover Mitcham Proposals'

17 BUSINESS FOR THE NEXT ORDINARY MEETING (Agenda Item 17)

Councillor Stephen Alambritis confirmed the theme for the next ordinary meeting as being 'Corporate Capacity with a Focus on Local Government Finance.