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COUNCIL
2 APRIL 2014
(19.15 - 21.30)

PRESENT

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

1. APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors David Dean, Geraldine Stanford and Simon Withey

The Council send their condolences to Councillor Dean on the death of his mother.

2. DECLARATIONS OF INTEREST (Agenda Item 2)

No Declarations were made

Councillor Henry Nelles asked that it be recorded that in relation to item 11 – Section 106, Education Contributions, that he was a Governor at Pelham Primary School, however this did not affect his ability to vote on the item,

3. MINUTES OF THE PREVIOUS MEETING - 5 MARCH 2014 (Agenda Item 3)

RESOLVED:

That the minutes of the meeting held on 5 March 2014 were agreed as a correct record.

4. ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE (Agenda Item 4)

The Mayor:

As this is my last meeting I will be holding a thank you event for everyone who has helped and supported me throughout the year, on 1st July at the Polka Theatre.

Some sad news, just to note, the death of former Merton Park Councillor Neville Beddoe and I am going to invite Councillor Southgate to say a few words.

Councillor Southgate:

Thank you Madam Mayor for allowing me a moment to pay tribute to former Councillor Neville Beddoe. He died on Saturday in the Royal Marsden, of a recently diagnosed inoperable brain tumour. He was one of the three pioneers that founded the Merton Park Independents, when he was elected in 1990 alongside Bridget Smith and Dese Child. These three established a very strong franchise for the Independence right from the outset. Those of us who now represent Merton Park Ward have a very considerable debt them. Following in their footsteps has been the easy part compared to starting the Group from scratch. He served two terms as a Councillor for Merton Park until 1998 and then joined the Conservatives and became councillor for Raynes Park. Ward until 2002.

My colleague Iain Dysart who served contemporaneously with Neville from 1998 to 2002, described him as a genuine thinker, who was always in courteous in Council. These tributes were echoed at our residents meeting last night where he was described as a kind and gently unassuming man, always happy to help others

Our condolences go to his wife Ann and two children Matthew and Sarah. I'll keep Group Offices informed as to the funeral arrangements once they are known.

Councillor David Williams:

I was Leader of the Conservative Group when Neville was a Conservative Councillor. He was a man of integrity and honesty. He never held any office responsibility in the Council. He served his constituents in Merton Park and Raynes Park faithfully over the 12 years, where there weren't allowances being paid of more than a few hundred pounds. He did it because he believed in community service. He had great integrity

and honesty. He wouldn't stand in Merton Park as a Conservative because he would not change Party and stand against his former colleagues. How times have changed. We need more Neville Beddoe. We should honour his memory.

5. PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The questions and replies are available on the web page for this meeting.

6. COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

The questions and replies are available on the web page for this meeting.

7. (a) STRATEGIC THEME: COUNCILLORS' QUESTIONS TO CABINET MEMBERS (Agenda Item 7a)

The questions and replies are available on the web page for this meeting.

7. (b) STRATEGIC THEME: MAIN REPORT (Agenda Item 7b)

RESOLVED: That the report is agreed

7. (c) STRATEGIC THEME: MOTIONS: CONSERVATIVE (Agenda Item 7c)

The motion was moved by Councillors Debbie Shears and seconded by Margaret Brierly.

The Labour amendment, as set out in item 19e was moved by Councillors Mark Williams and seconded by Peter McCabe.

The amendment was then put to the vote and was carried – votes in favour 32, and votes against 24

The substantive resolution was agreed.

RESOLVED:

This Council continues to welcome the transfer of Public Health functions to local authorities such as Merton.

A year on from this change, this Council recognises the opportunities and benefits for the health of the Borough's residents of having the Director of Public Health in a senior managerial role within the council. Since the transition of Public Health to local authorities in April 2013 and the visible involvement of the Director of Public Health

and her team across council departments, the profile of Public Health has been raised and is beginning to have an influence on how council services could be delivered or targeted to improve health outcomes.

However, this Council notes that, despite strong and clear recommendations from the Government and organisations such as the Faculty of Public Health, but in line with many other Local Authorities, Merton's Director of Public Health reports partly to the Director of Community and Housing for the purposes of day to day management, oversight and support and routinely to the Chief Executive on policy matters, regularly attends the Corporate Management Team and has direct access to Members. This is the arrangement in many other Councils including our neighbours LB Sutton.

This Council believes that, in order to maximise the potential of the changes to Public Health, it is important to ensure greater influence is exerted by the Director of Public Health, particularly given that, according to the latest Annual Residents' Survey, the vast majority of Merton residents (87%) are unaware of the Council's new responsibilities.

Council notes that Merton receives a relatively low allocation of public health grant and that it is therefore important to ensure that this funding is not disproportionately directed towards management costs and that our small team of public health professionals is instead allowed to focus on doing the work on the frontline rather than overburdening them with attendance at additional management meetings that do not necessarily relate to public health.

Therefore this Council resolves to reaffirm its strong commitment to improving the health of Merton residents, and especially of those in the east of the Borough who often suffer more greatly from health inequalities and therefore a lower life expectancy, by requesting that the Cabinet and Chief Executive regularly review reporting lines for the Director of Public Health to ensure we maximise the impact on our residents of our relatively low public health funding.

7. (d) STRATEGIC THEME MOTION: LABOUR (Agenda Item 201)

The motion was moved by Councillors Stephen Alambritis and seconded by Stan Anderson.

The UKIP amendment as detailed in item 19a was moved by Councillors Suzanne Evans and Richard Hilton

The UKIP amendment was the put to a vote and was lost – via a clear majority

A roll-call was called on the substantive motion

Voting in Favour:

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Mark Betteridge, Richard Chellew, David Chung, Caroline Cooper-Marbiah, John Dehaney, Nick Draper, Suzanne Evans, Brenda Fraser, Jeff Hanna, Richard Hilton, Philip Jones, Andrew Judge, Linda Kirby, Edith Macauley, Russell Makin, Maxi Martin, Peter McCabe, Ian Munn, Dennis Pearce, Judy Saunders, Rod Scott, Sam Thomas, Gregory Udeh, Peter Walker, Martin Whelton and Richard Williams. (31)

Voting Against:

John Bowcott, Margaret Brierly, Chris Edge, Samantha George, Suzanne Grocott, Maurice Groves, James Holmes, Janice Howard, Gilli Lewis-Lavender, Logie Lohendran, Oonagh Moulton, Diane Neil Mills, Henry Nelles, Debbie Shears, David Simpson, Linda Taylor, Ray Tindle, David Williams, and Miles Windsor (19)

Not Voting:

Councillors Iain Dysart, Karin Forbes, Mary-Jane Jeanes John Sargeant Linda Scott, and Peter Southgate (6)

The Mayor declared the motion to be carried.

RESOLVED:

This Council is appalled that the Conservative MP for Wimbledon, Mr Stephen Hammond, voted in favour of Clause 119 of the Care Bill which allows the Secretary of State, as the person who makes the final decision on hospital closures, to bypass local opposition to a hospital closure even if the hospital is performing well. Council notes that the sign heralding the promised £219m redevelopment of the hospital has recently been taken down and is concerned that by voting in favour of Clause 119 Mr Hammond has betrayed local people and the campaign to save St Helier Hospital.

This Council calls on the Leader of the Council to write to Mr Hammond outlining the Council's deep disappointment that he voted in favour of new powers which, where another local hospital was in financial difficulty, could allow St. Helier to be downgraded or closed despite the wishes of local people.

8. REPORTS FROM COMMUNITY FORUMS (Agenda Item 15)

(a) RAYNES PARK COMMUNITY FORUM (Agenda Item 15a)

Councillor Gilli Lewis-Lavender presented the report, which was received by the Council.

(b) MITCHAM COMMUNITY FORUM - 25 MARCH 2014 (Agenda Item 15b)

Councillor Ian Munn presented the report, which was received by the Council.

(c) MORDEN COMMUNITY FORUM - 20 MARCH 2014 (Agenda Item 15c)

Councillor Maurice Groves presented the report, which was received by the Council.

(d) WIMBLEDON COMMUNITY FORUM - 18 MARCH 2014 (Agenda Item 15d)

Councillor Henry Nelles presented the report, which was received by the Council.

Councillor Nelles asked that his thanks and best wishes be recorded and passed on to John Hill who had been the supporting officer for the Wimbledon Community Forum for a number of years, as he will no longer be in that role.

9. NOTICES OF MOTION - CONSERVATIVE MOTION (Agenda Item 8)

The motion was moved by Councillors David Simpson and Henry Nelles.

Three amendments were moved on the motion.

The Liberal Democrats' amendment as set out in item 19b was moved by Councillors Iain Dysart and Mary-Jane Jeanes.

The UKIP amendment as set out in item 19c was moved by Councillor Richard Hilton and Rodd Scott.

The Labour amendment as set out in item 19f was moved by Councillor Judy Saunders and Nick Draper.

The Mayor put each of the amendments in turn to the vote:

The Liberal Democrats' amendment was put to the vote and was lost – votes in favour 21, votes against 30.

The UKIP amendment was put to the vote and was lost – via a clear majority.

The Labour amendment was put to the vote and was carried – votes in favour 30, votes against 23.

The substantive resolution was agreed.

RESOLVED:

That Council notes that:

- * According to the latest Annual Residents' Survey, feeling safe in your local area is by far the most important factor for the health and wellbeing of residents in Merton;
- * Over half of residents (52%) feel that this could be improved;
- * Satisfaction with how the area looks is also an important factor for health and wellbeing with around one third of local people feeling this could be improved;

- * 44% of residents remain concerned about anti-social behaviour in the borough and 41% about people being drunk and rowdy; and
- * The majority (64%) of violent crime in the UK occurs in the evening or at night and one fifth of all violent incidents take place in or around a pub or club.

That Council recognises that Merton has a vibrant night time economy with a wide range of restaurants, theatres and bars, which attract many visitors to the borough as well as encouraging residents to support local businesses in town centres and local parades. Whilst the majority of licensed premises behave in a responsible manner and with due respect to their neighbours, there are however on going issues with anti-social behaviour, noise nuisance and littering, often connected to binge drinking and exacerbated by the proliferation of ever later licences permitted under the previous government's 24-hour licensing laws. Council notes with disappointment that the current government decided not to implement minimum alcohol pricing and have also not implemented the provision in the 2011 Police Reform and Social Responsibility Act which would have made public health an objective in licensing applications.

That Council believes that Merton's residents deserve to live in peace in their own homes; that residents and visitors all deserve a safe and clean environment, in which to enjoy an evening out in the borough; and that the Council has a responsibility, in conjunction with the police, to tackle the problem of alcohol fuelled crime and anti-social behaviour where it blights the lives of local communities.

That Council therefore welcomes the new powers introduced by the government as part of the Police Reform and Social Responsibility Act 2011 to enable local communities to tackle this antisocial behaviour by making it easier for the police and councils to deal with pubs, clubs and bars which contribute to the problems of late night drinking, but notes that the Licensing Committee considered early morning restriction orders (EMRO) and the late night levy at their meeting on 28 February 2013 and, based in part on advice from the police, agreed that they should not be introduced at the present time.

That Council believes that government should introduce further powers to combat the proliferation of betting shops which can lead to increased crime and higher levels of gambling addiction in often poorer communities, by allowing local authorities to clamp down on unsustainable levels of conversions to betting shops.

That Council particularly welcomes:

- * Merton's implementation of a borough-wide Controlled Drinking Zone in July 2013 in order to allow police to tackle alcohol related anti social behaviour
- * Cabinet's decision in January 2014 to implement a six month pilot of an all year round out of hours noise pollution service. The council looks forward to reviewing the evidence to assess whether the service provides value for money for our residents.
- * The Cabinet Member's decision to focus additional resources on litter enforcement by working with a specialist environmental crime enforcement organisation whose officers will work alongside our own enforcement team to tackle the behaviour of those dropping litter on our streets.

* The Leader's recent letter to the Secretary of State Eric Pickles in support of the London Borough of Hackney's proposal under the Sustainable Communities Act to allow local authorities the power to clamp down on the proliferation of betting offices by changing their planning use class.

That Council commits to continue delivering a better balance in future between the thriving night time economy in Merton and the need for all licensed premises to respect their neighbours by ensuring that alcohol-related problems, including anti-social behaviour, littering and noise, are properly addressed. As such, this Council resolves to call on the administration to:

A) Clamp down on any licensed premises which break the terms of their licences through firmer enforcement of the rules;

B) Ask the Licensing Committee if they would like to review their February 2013 decision relating to powers under the 2011 Police Reform and Social Responsibility Act, bearing in mind the advice from the police that Merton "would not profit from a late night levy"; that there are already two cumulative impact zones in place in Wimbledon; that the police "do not have the evidence from crime statistics in Wimbledon Town Centre to request an EMRO at the present time" and that the police believe an EMRO "would most likely have a detrimental effect on businesses in the Town Centre.";

C) Monitor the performance of the new litter enforcement regime in Merton which will deploy specialist environmental crime enforcers to catch and prosecute those who blight our communities, including late at night outside bars and clubs where required; and

D) Monitor the results of the pilot all year round out of hours noise pollution enforcement service introduced in January 2014 to provide reassurance and comfort to residents whose sleep is disturbed by inconsiderate neighbours.

10. NOTICE OF MOTION - LIBERAL DEMOCRATS' MOTION (Agenda Item 9)

The motion was moved by Councillors Iain Dysart and Mary-Jane Jeanes.

Two amendments were moved on the motion

The Labour amendment as set out in item 19f was moved by Councillor Judy Saunders and Nick Draper

The Conservative amendment as set out in item 19d was moved by Councillors Miles Windsor and Ray Tindell

The Labour amendment was put to the vote and was clearly carried.

The Conservative amendment then was put to the vote and was clearly carried.

The substantive resolution was agreed.

RESOLVED:

That Council notes that:

One planet living is a vision of a sustainable world in which people everywhere can enjoy a high quality of life within the productive capacity of the planet.

If everyone in the world lived as we do in the UK we would need three planets to support us.

We need to reduce our impact - our Ecological Footprint - by two thirds to a sustainable and globally fair level.

Merton Council's draft Climate Change Strategy and Action Plan (2014-2017) sets out how the council and the wider borough can take action on climate change and is to be adopted by full council pending the recommendations of the council's Scrutiny Review of Climate Change and the Green Deal.

This Council recognises that:

A local eco-organisation BioRegional has developed, with WWF, a One Planet Living framework to help individuals and organisations live and work within a fair share of our planet's resources, although there are costs involved in working with BioRegional.

This framework identifies ten guiding principles covering:

- Zero carbon
- Zero waste
- Sustainable transport
- Sustainable materials
- Local and sustainable food
- Sustainable water
- Land use and wildlife
- Culture and heritage
- Equity and local economy
- Health and happiness

However the costs and benefits of the programme are as yet unclear.

That Council recommends that we consider the costs and benefits to local residents of:

- Adopting the principle of One Planet Living in Merton
- Inviting BioRegional to work with us to develop a One Planet Merton framework to complement the recommendations, from the 2013-14 Scrutiny •Task Group Review on Climate Change and the Green Deal, which will be considered by Cabinet in June

- Monitoring the work of the Council against those principles
- Working with residents, our partners, the business community, and the voluntary and community sector to enable the principles to be rolled out across the borough as part of the updated Climate Change Strategy for 2014-17 due to be adopted later this year

That Council requests the Cabinet investigate this opportunity in conjunction with the recommendations from the Scrutiny Task Group Review on Climate Change and the Green Deal and report back to full Council by the end of 2014 on whether to progress towards One Planet Living in Merton and, if agreed, annually thereafter.

11. FREEDOM OF THE BOROUGH - PROPOSED CRITERIA AND PROCEDURES (Agenda Item 10)

RESOLVED:

That Council agrees to the adoption of criteria and procedures recommended by the General Purposes Committee in relation to nominations for the award of the freedom of the borough. (A copy of the agreed criteria and procedures are attached as Appendix A to these minutes)

12. SECTION 106 EDUCATION CONTRIBUTIONS (Agenda Item 11)

RESOLVED:

That the Council authorises the allocation of £1,134,483 of S.106 funding, outlined in Appendix A to the report being financial contribution received by the Council towards educational purposes, to the council's schools expansion programme.

13. TO CONFIRM ARTICLE 4 (NON-IMMEDIATE) TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR THE CONVERSION OF OFFICES TO RESIDENTIAL USES IN WIMBLEDON TOWN CENTRE AND MERTON'S INDUSTRIAL ESTATES. (Agenda Item 12)

RESOLVED:

That the Council:

A). adopts the Non-immediate Permanent Article 4 Direction to remove permitted development rights for the conversion of offices (B1a Use Class) to residential use (C3 Use Class) for Wimbledon town centre and the industrial estates at Willow Lane, Garth Road, South Wimbledon (Morden Road), Durnsford Road, Dundonald Road, Plough Lane and Prince George's Road (Colliers Wood).

B. notes that the Article 4 Direction, will come into force on 03 April 2015.

14. ADOPTION OF MERTON'S COMMUNITY INFRASTRUCTURE LEVY (CIL)
INITIAL STRATEGIC INFRASTRUCTURE LIST (Agenda Item 13)

RESOLVED:

That the Council adopts Merton's Community Infrastructure Levy initial Strategic Infrastructure List (Reg 123 List) in order to continue to secure developer contributions, once Merton's CIL is in place from 01 April 2014.

15. REVIEW OF POLLING PLACES (Agenda Item 14)

RESOLVED:

A). That the Council agrees the designation of St Barnabas Church as the polling place for polling district GB in Graveney Ward.

B). That the Council agrees the designation of the Scout Hall, Mitcham Park as the polling place for polling district ED in Cricket Green Ward.

C). That the Council agrees the designation of the Cricket Pavilion, John Innes Recreation Ground as the polling place for polling district RA in Merton Park Ward.

D). That the Council agrees the designation of Abbotsbury Primary School as the polling place for polling district BC in St Helier Ward.

16. CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS
(Agenda Item 16)

RESOLVED:

That the Council notes the changes to membership of committees approved under delegated powers since the last meeting of the Council.

17. PETITIONS (Agenda Item 17)

No petitions were presented.

18. BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 18)

RESOLVED: That the main theme for the next ordinary meeting of the Council to be held on 9 July 2014 shall be Sustainable Communities with a focus on street scene.

Freedom of the Borough Criteria and Procedure

Criteria

- Freedom of the Borough is a high honour which should only be awarded in exceptional circumstances where the prospective recipient is an individual or organisation of distinction and has rendered eminent services to the borough.
- Candidates should have a strong and continuing connection with and commitment to Merton or have made a major contribution to national life and in doing so have enhanced the reputation of the borough.
- Candidates should have made a substantial contribution to the borough in any area of activity, which could include:
 - artistic and cultural endeavours
 - business, economic growth and prosperity
 - charitable work
 - improvement to the built and natural environment
 - religious and spiritual life
 - sports activities
 - civic service
- The award may be granted posthumously.

Procedure

- Nominations for persons or organisations to be granted Freedom of the Borough, may be made by any serving Member of the Council to the Monitoring Officer on the appropriate form. The Member should first raise the matter for discussion within their political group.
- Once a nomination is received, the Monitoring Officer will check that sufficient information has been provided on the form and will pass it to the General Purposes Committee for consideration.
- The Monitoring Officer will write to all councillors at least once during the four yearly municipal cycle, preferably at or near the midpoint, to draw their attention to the opportunity to make nominations
- The General Purposes Committee may establish a small working group to informally assess nominations and the likelihood of meeting the 2/3 criteria. The working group would report back to the General Purposes Committee in regard to any nominee who it believed would meet the criteria and achieve sufficient support at Council.

- General Purposes Committee shall report to Council and, should Council accept the nomination, a Special Meeting of Council would then be called to pass the resolution as required by Section 248 of the Local Government Act 1972.