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COUNCIL
23 NOVEMBER 2016
(7.47 pm - 10.30 pm)

PRESENT The Mayor, Councillor Brenda Fraser
 The Deputy Mayor, Councillor Stan Anderson

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Mike Brunt, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, Daniel Holden, James Holmes, Janice Howard, Mary-Jane Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Edith Macauley, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors John Sargeant, Marsie Skeete and Jill West.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 14 September are agreed as an accurate record.

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

The Mayor provided a brief update on recent Mayoral duties and gave details of future events planned for the rest of the municipal year.

There were no announcements from the Leader or the Chief Executive.

The Mayor presented to the Mitcham Community Orchard and Gardens, the 2016 Mayor of London's Team Award in the Environment Category.

13 NOTICES OF MOTION - CROSS PARTY 1 (Agenda Item 13)

The Mayor altered the order of items on the agenda to take this cross-party motion before the rest of the business.

The motion was moved by Councillor Oonagh Moulton and seconded by Councillor Stephen Alambritis.

At the invitation of the Mayor, Councillor Southgate spoke in support of the motion and Councillor David Williams responded to the motion.

The motion was then put to the vote and was unanimously carried.

RESOLVED: That this Council places on record its thanks to Councillor David T Williams JP for his dedicated service as a councillor in the London Borough of Merton, which has now reached a cumulative period of 40 years since he was first elected in 1974 and has included time as Leader of the Council (2006-10), Mayor (2012-13) and Deputy Mayor (1981-2).

The Mayor then presented Councillor David Williams with a framed copy of the motion.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited each of the questioners in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

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

The responses to the written member ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

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

The responses to the written member strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be included in the document published on the website.

It was also noted that a copy of the member non priority questions and responses will be published after the meeting, in line with Constitutional requirements.

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

The Strategic Theme report on Corporate Capacity was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

Councillor Suzanne Grocott also spoke on the item.

RESOLVED: That the Strategic Theme report is agreed.

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

Prior to the debate on the strategic theme motions, the Monitoring Officer gave a short statement to advise members on their discussion of the Strategic Theme Motion, Conservative 1.

Strategic Theme Motion 1 (Conservative)

The motion was moved by Councillor Hamish Badenoch and seconded by Councillor Brian Lewis-Lavender.

The Labour amendment to the motion as set out in agenda item 23 was moved by Councillor Ross Garrod and seconded by Councillor Agatha Akyigyina.

The Labour amendment was put to the vote and was carried. Voting was as follows:

Votes in favour: 34

Votes against: 22

Not voting: 1.

The substantive motion (as amended) was agreed.

RESOLVED: That this Council notes that the best way to find out what local people want is on the door step and at the ballot box and further notes it has agreed to abide by the principles set out in the Community Engagement Strategy and that, according to the Council's website, "all our consultation and community engagement activities should meet the highest standards of inclusion and involvement".

This Council notes some of Merton Council's recent consultations, which include but are not limited to:

- Despite the acknowledged difficulty of consulting on commercially confidential contract negotiations, a pilot with residents on proposed changes to Merton's waste collection system, which trialled a wheeled bin option in Lavender Fields

in 2015, and which gave the council an opportunity to learn the views of residents, including that 89% of residents were satisfied with wheeled bins and 81% thought their streets were cleaner as a result, with these views feeding into the optimum solution proposed by the preferred contractor across South West London. In addition Sustainable Communities Scrutiny Panel undertook pre-decision scrutiny of the proposed contract and the Overview and Scrutiny Commission heard the call-in and agreed that Cabinet could proceed to the next stage in progressing contracts estimated to save £2m every year for the potential 24 year life of the contract after having listened to the views of residents.

- Again, despite the acknowledged difficulties of consulting on commercially confidential contract negotiations across four boroughs, engagement with Friends of Parks groups on the proposals and arrangements for the new maintenance contract for the borough's parks and open spaces.
- Perceived Confusion around the recent council tax consultation, any decision on which is of course a "political" issue and will be considered by Cabinet on 12 December in the context of six years of government cuts and the Conservative government's refusal to address the national crisis in adult social care.
- The consultation with residents undertaken by Harris Foundation prior to their being granted approval by government to open a new secondary school in Wimbledon, and, now that the commercially sensitive necessary site purchases have been completed, the work to be undertaken with High Path Community Resource Centre users and carers on shaping the plans for the replacement centre at Leyton Road which will be on a like for like basis with no loss of services.

This Council recognises the difficulties in trying to please all of the people all of the time especially when there are strongly held views on all sides, but recognises that council officers do their very best to deliver transparent Consultations and calls on the Leader of the Council to:

- a) ensure that the Council meets its commitments under the Community Engagement Strategy in the formulation of policy; and
- b) Bring a report to the Overview and Scrutiny Commission on Merton's approach to consultation so that the Commission can consider whether it would wish to make any recommendations.

Strategic Theme Motion 2 (Conservative)

The motion was moved by Councillor David Williams and seconded by Councillor Stephen Crowe.

Councillors James Holmes, Peter Southgate, Jerome Neil and Imran Uddin spoke on the motion.

The motion was put to the vote voting was as follows:

Votes in favour: 21
Votes against: 34
Not voting: 2

The motion was lost.

8 REPORT FROM WIMBLEDON COMMUNITY FORUM 21 SEPTEMBER
2016 (Agenda Item 8)

Councillor James Holmes presented the report which was received by the Council.

9 REPORT FROM RAYNES PARK COMMUNITY FORUM 29 SEPTEMBER
2016 (Agenda Item 9)

Councillor Stephen Crowe presented the report which was received by the Council.

10 REPORT FROM MITCHAM COMMUNITY FORUM 5 OCTOBER 2016
(Agenda Item 10)

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

11 REPORT FROM MORDEN COMMUNITY FORUM 6 OCTOBER 2016
(Agenda Item 11)

Councillor Philip Jones presented the report which was received by the Council.

12 REPORT FROM COLLIERS WOOD COMMUNITY FORUM 19 OCTOBER
2016 (Agenda Item 12)

Councillor John Dehaney presented the report which was received by the Council.

14 ESTATES LOCAL PLAN - SUBMISSION TO THE SECRETARY OF STATE
(Agenda Item 14)

The report was moved by Councillor Martin Whelton and seconded by Councillor Ian Munn.

Amendments to the recommendations in the report were moved by Councillor Najeeb Latif and seconded by Councillor John Bowcott.

Councillor Katy Neep spoke on the item.

The amended report was put to a vote and was unanimously agreed.

RESOLVED: In line with Cabinet's recommendations on 14 November 2016,

- A. To publish the Estates Local Plan and associated sustainability appraisal for comments followed by submission to the Secretary of State for Communities and Local Government

- B. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing to approve any amendments to the Estates Local Plan and sustainability appraisal that may arise from 24 November 2016 until the receipt of the Planning Inspector's final report, to approve consultation documents or officer's responses to comments received at the pre-submission consultation and during the examination process.
- C. To note the continued progress in the delivery of the borough's regeneration by this decision which moves forward the renewal of three of the borough's estates as a comprehensive programme to build new homes and enhance the housing available to residents
- D. To note the progress of financial negotiations regarding the Stock Transfer Agreement and associated documents with Circle Merton Priory Homes or any successor organisation
- E. To delegate variations to the Stock Transfer Agreement to the Directors of Environment & Regeneration, Community & Housing and Corporate Services in consultation with the Cabinet Member, and
- F. To note that there will be a further report to councillors in March 2017 confirming the anticipated viability of the overall project prior to the final submission to the Secretary of State.
- G. As resolved by the Borough Plan Advisory Committee and Cabinet, that the council has had regard to the Self Build Register when developing the Estates Local Plan and that the council should not allocate specific sites for self build and custom housebuilding in the Estates Local Plan in order to prioritise rehousing residents who are already living on the three estates in new homes built to modern standards and to progress a viable regeneration project.
- H. To ensure that it is clear that estates regeneration is only supported where all three estates go forward to benefit from full regeneration, and not otherwise, as resolved by the Borough Plan Advisory Committee.

15 COUNCIL TAX SUPPORT SCHEME 2017/18 (Agenda Item 15)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Jeff Hanna, Joan Henry,

Mary-Jean Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Peter Southgate, Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton. (38)

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, David Dean, Suzanne Grocott, Daniel Holden, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, David Williams. (18)

Not voting: Councillors James Holmes, John Sargeant, Marsie Skeete, Jill West. (4)

RESOLVED: That Council agrees to the uprating changes for the 2017/18 council tax support scheme detailed in this report in order to maintain low council tax charges for those on lower incomes and other vulnerable residents.

16 CAPITAL SCHEMES REQUIRED TO PROGRESS PHASE C OF THE SOUTH WEST LONDON PARTNERSHIP (Agenda Item 16)

The report was moved by Councillor Mark Allison and seconded by Councillor Ross Garrod. Councillor Daniel Holden spoke on the item.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Jeff Hanna, Joan Henry, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Peter Southgate, Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton. (37)

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, David Dean, Suzanne Grocott, Daniel Holden, James Holmes, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, David Williams (19)

Not voting: Councillors Mary-Jean Jeanes, John Sargeant, Marsie Skeete, Jill West (4)

RESOLVED: That Council approve the following new Capital Schemes for Phase C of the South London Waste Partnership:

Schemes	2017-18 £000s	2018/19 £000s	Total £000s	Useful Life
SLWP Vehicles *	1,286	2,670	3,956	8
SLWP IT	42	0	42	8
SLWP Depot	73	0	73	15
SLWP Wheelie Bins	0	2,674	2,674	15
Total **	1,401	5,344	6,745	

* to note that this expenditure will be required regardless of whether or not the Phase C of the Waste Partnership is progressed.

** This investment will significantly contribute towards the estimated £1.7 million of annual revenue savings (allowing for the debt charges of the scheme)

17 APPOINTMENT OF EXTERNAL AUDITORS (Agenda Item 17)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED: That this Council opts in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) for the appointment of external auditors.

18 APPOINTMENT OF AN INDEPENDENT PERSON (Agenda Item 18)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED:

1. That Council agrees to appoint Pam Donovan as an independent person for the purposes of Chapter 7 of the Localism Act. The independent person will be invited to attend meetings of the Standards and General Purposes Committee in that capacity
2. That the appointment is made for a period of three years from 24 November 2016

19 MEMBER DISPENSATIONS (Agenda Item 19)

The report was moved by Councillor Mark Allison and seconded by Councillor Stephen Alambritis.

RESOLVED: That Council

1. Grant the following dispensations to all members from Section 31(4) of the Localism Act 2011 on the basis that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business to impede the transaction of the business, such dispensations to be made in respect of members of the Council and take effect from 23 November 2016 for the period of four years:
 - i. housing, where the member is a tenant of the authority; provided that those functions do not relate particularly to that member's tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. an allowance, payment, pension or indemnity given to members;
 - iv. any ceremonial honour given to members; and
 - v. setting Council Tax or a precept under the Local Government Finance Act 1992.
2. Note that any appeals against the decision to grant or refuse a dispensation made by the Monitoring Officer will be considered by the Standards and General Purposes Committee.
3. Note that where the Monitoring Officer has used his delegated authority to grant a dispensation, a report on the authorisation be submitted to the next meeting of the Standards and General Purposes Committee.

20 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 20)

The report was moved by Councillor Stephen Alambritis and seconded by Councillor Mark Allison.

RESOLVED: That Council

1. Notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. Approves the updated terms of reference for the Standards and General Purposes Committee and subsequent update of Part 3B of the Constitution.

21 PETITIONS (Agenda Item 21)

The report was moved by Councillor Stephen Alambritis and seconded by Councillor Mark Allison.

RESOLVED: That Council

- A. Receives petitions submitted by Councillors Charlie Chirico, Oonagh Moulton, Suzanne Grocott, Katy Neep and Hamish Badenoch.
- B. Notes the response given by officers in respect of the petitions presented to the Council meeting held on 14 September 2016

22 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 22)

Councillor Stephen Alambritis announced that the Strategic Theme for the next ordinary meeting of the Council, being held on 1 February 2016, shall be Children's Services.