

# Agenda Item 3

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## COUNCIL

13 JULY 2016

(7.15 pm - 9.42 pm)

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

Councillors: Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Stephen Crowe, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, Jeff Hanna, Joan Henry, 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, John Sargeant, Judy Saunders, David Simpson, Marsie Skeete, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Jill West, Martin Whelton and David Williams

### 1     APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors David Dean and Daniel Holden.

### 2     DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No pecuniary declarations were made.

### 3     MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The Minutes of the meeting held on 18 May 2016 were agreed as a correct record.

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

The Mayor provided the Council with a brief update on his recent Mayoral duties including that she was honoured to have seen AFC Wimbledon at Wembley, win the Playoff to gain promotion to Football League Division One and also been on their celebratory open top bus parade.

## 10 NOTICE OF MOTION - CROSS PARTY 1 (Agenda Item 10)

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

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

### RESOLVED

“That this Council records its sincere appreciation of the able, dedicated and professional manner in which Richard Tracey JP has discharged the duties devolving upon him as a Member of the Greater London Assembly, representing the constituency of Merton and Wandsworth from May 2008 until May 2016.

That in particular, the Council notes his valuable service as the Mayor's Ambassador for River Transport, on the Assembly's Transport Committee (2008-2016), and his sterling work as Chairman of the London Waste and Recycling Board (2012-2016) and Deputy Leader of the Conservative Group on the Assembly (2010-2016). He also served as a member of the Assembly's Budget Committee (2008-2016), of the Metropolitan Police Authority (2008-2010) and as Vice Chairman of the London Fire and Emergency Planning Authority (2010-2012).

That the wording of this motion be conveyed to Richard Tracey JP with very best wishes for his retirement.”

The Mayor then presented Mr Richard Tracey JP with a framed copy of the motion. Mr Tracey addressed the Council stating he was honoured by the motion and thanks for the Council for his recognition.

## 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 supplementary question to the appropriate Cabinet Member. However no supplementary questions were asked.

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

The responses to the Members' ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of those Councillors in turn to ask (if they wished) a further supplementary question to the Cabinet Member.

A copy of the supplementary questions and the responses will be included within the 'Councillors' ordinary priority questions' to cabinet members published document.

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

The responses to the Members' strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of those Councillors in turn to ask (if they wished) a further supplementary question to the Cabinet Member.

A copy of the supplementary questions and the responses will be included within the 'Strategic theme: Councillors' questions to Cabinet Members' published document.

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

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

The Strategic Theme report on Older People with a focus on Adult Social Care was moved by Councillor Tobin Byers and seconded by Councillor Martin Whelton.

Councillor Suzanne Grocott also spoke on this item.

RESOLVED

That the Strategic Theme report is agreed.

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

The motion was moved by Councillor David Williams and seconded by Councillor Hamish Badenoch.

The Labour amendment, as set out in agenda item 19 was moved by Councillor Mark Allison and seconded by Councillor Mike Brunt.

The Labour amendment was then put to the vote and was carried – votes in favour 35, and votes against 22 with 1 abstention.

The amended substantive Motion was then put to the vote and was carried – votes in favour 35, and votes against 22 with 1 abstention.

RESOLVED

This Council notes that financial forecasts are by their very nature estimates but with local authorities required by law to set a balanced budget they are the only tool we have to ensure we comply with the law. Council acknowledges the intense effort officers put in to assessing likely demand and inflationary pressures, coupled with the

complications of uncertainty and in year cuts to government grants, and also acknowledges the in depth work the Financial Management task Group do in challenging some of these assumptions, although Councillors similarly can only estimate the likely pressures in any given year. With this in mind council notes:

- Merton's projected 2015-16 deficit at the time of the Budget Council meeting that took place on 2 March 2016 to agree the Medium Term Financial Strategy (MTFS) for 2016-20 was £2.605million.
- By contrast, the Council's actual overspend in the published draft accounts for 2015-16 (as presented to the Standards and General Purposes Committee on 30 June 2016) was £0.699million.
- General Fund balances have not in fact reduced by the amount of the overspend as was advised would happen during consideration of the Budget by councillors earlier in the year - by a margin of £1.906million – but this is because we reduced the Balancing the Budget Reserve as was always advised was one of the options.

Council congratulates officers on taking management action where necessary to bring in overspends in some areas and notes that the overall net position was helped by underspends/additional income in corporate provisions. However this cannot be relied upon in future years and the underlying overspends in some areas are a concern that need to be understood and addressed.

Given that the Council rejected increasing council tax for hard pressed residents, and earmarking the additional £1.35m for Adult Care Services which would have helped to mitigate the £5m savings required in 2016/17 as ASC's share of the £21.7m cuts the council was faced with at the start of the budget setting process, and instead established a £1.3m Savings Mitigation Fund to reduce the impact of the cuts on vulnerable residents, and given the on going demographic pressures facing those services coupled with the increasing number of older residents and people with more complex needs requiring access to services in Merton, this Council regrets the continued reduced levels of funding which have led to the council's difficult decision - as part of its recommended MTFS 2016-20 - to cut or cease completely funding for the following frontline council and local voluntary sector services:

- Support packages (personal budgets, homecare, direct payments)
- Mental health peer support (Imagine)
- Day care centre staffing
- Meals on Wheels
- Access and Assessment staffing
- Managing crisis support for older people

However council notes that due to continued reductions in our funding from central government, further cuts will be required over the next six years so that these savings, or similar, will need to be implemented whether or not residents are required to pay extra council tax.

In light of the above and taking into account the considerable variance between Merton's projected and actual overspends for 2015-16, this Council resolves to

review its financial monitoring processes in order to ensure that cuts are not made unnecessarily to services for older and vulnerable residents across the borough, or indeed to any council services, notwithstanding the need for further and deeper cuts in future years due to the government's continual reduction of local government funding.

#### 8 REPORT FROM RAYNES PARK COMMUNITY FORUM (Agenda Item 8)

Councillor Mary-Jane Jeanes presented the report, which was received by the Council.

#### 9 REPORT FROM WIMBLEDON COMMUNITY FORUM (Agenda Item 9)

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

#### 11 NOTICE OF MOTION - CROSS PARTY 2 (Agenda Item 11)

The Cross Party motion was moved by Councillor Edith Macauley and seconded by Councillor Oonagh Moulton.

Councillor Peter Southgate also spoke on this item.

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

#### RESOLVED

We are proud that Merton is a place where people from different backgrounds have lived and worked together harmoniously for many years. We have zero tolerance for hate crime and continue to work in partnership to maintain good community relations and enjoy the benefits of being a cohesive borough.

The council supports the Inter Faith Forum, Lesbian, Gay, Bi-Sexual and Transgender Forum and Joint Consultative Committee with Ethnic Minorities. This gives us the opportunity to work closely with community representatives from diverse backgrounds to ensure that everyone has a voice, to get a better understanding of community concerns and actively promote community cohesion.

We also work closely with the Police to promote community safety and encourage local residents to report hate crimes and get involved in Police engagement forums such as the Safer Neighbourhood Board.

The Council has issued a joint statement with the police to reassure the community that we will not tolerate any form of racist behaviour in Merton. We are also encouraging everyone to wear a safety pin as a symbol of solidarity against racism. This is part of a national campaign and is a very simple way to show support for all members of Merton's diverse community.

The Council resolves to continue its commitment to work together and demonstrate that with unity we can combat hate and extremism and continue to have a borough where residents peacefully coexist.

## 12 NOTICE OF MOTION - CONSERVATIVE 1 (Agenda Item 12)

The motion was moved by Councillor Charlie Chirico and seconded by Councillor James Holmes.

The Labour amendment, as set out in agenda item 20 was moved by Councillor Ross Garrod and seconded by Councillor Abigail Jones.

The Labour amendment was then put to the vote and was carried – votes in favour 35, and votes against 22 with 1 abstention.

The amended substantive Motion was then put to the vote and was carried – votes in favour 35, and votes against 22 with 1 abstention.

### RESOLVED

This Council notes that, as part of an affordable shared contract with three other south London boroughs of all political complexions, the administration is considering agreeing a joint contract that would see two new wheelie bins provided to Merton households, with both food waste and recycling collected on a weekly basis - paper and card recycling one week and plastics and bottles recycling the other - whilst residual waste will be collected on alternate weeks in recognition of an expected increase in recycling as part of major changes to the borough's waste collection service in order to achieve cleaner streets at an affordable cost, given the current problem of foxes ripping open black sacks.

Under proposals submitted by the proposed preferred bidder that has also been proposed by Sutton, Croydon and Kingston Councils, food waste will be collected weekly, residual waste will be collected fortnightly and recycling will be collected every week but in two streams, with residents' two recycling containers emptied on alternate weeks.

Each household will be provided with:

- One wheelie bin for non-recyclable household waste, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;
- One wheelie bin for paper and card, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;

Residents will continue to use:

- Their existing box or a reusable bag for plastics, glass and cans;
- Their existing food waste caddy

Households will continue to receive weekly collections, with two collections (food and recycling) one week and three collections (food, recycling and residual) on alternate weeks.

If residents wish to avail of the discretionary garden waste service they will continue to use their garden waste wheeled bin or bag. Such households will receive three collections every week, with food, recycling and garden one week and food, recycling and residual on alternate weeks.

This Council recognises that many residents would very much welcome wheelie bins, and this was borne out by the extremely high satisfaction rates in the Lavender ward wheelie bins pilot, and that the Sustainable Communities panel on 9 June 2016 agreed that Cabinet should use the period of 'Preferred Bidder Fine Tuning' to determine how many households would experience significant difficulty in storage and/or presentation of wheeled bins for regular emptying – Cabinet confirmed that it will work with the preferred bidder as part of the fine tuning and mobilisation process to identify households deemed not suitable for wheelie bins and would require a different system to suit their property. Issues raised included:

- The inconvenience of having to put household rubbish in five different containers, clogging up kitchens, front gardens and street fronts; however it was explained that the council's aim is to cut down on street litter from split black sacks and to increase recycling rates and that the collection would continue to be from just inside property boundaries so that pavements will not be affected.
- The need for a proper assessment of the impact that changes to bin collections will have on residents; especially the elderly, disabled and those living in smaller homes and flats; however it was explained that this work had already commenced and would continue as part of the fine tuning process once the preferred bidder is appointed.
- The need for more clarity regarding the financial savings these proposals might deliver for council taxpayers; although it was explained that the council is expecting to make in the region of £2m savings every year for the maximum 24 year (8+8+8) period of the contract, although these figures will only be fully clear once the fine tuning process has taken place and a contract is agreed, expected in December.
- The cost of purchasing new wheelie bins and new refuse collection vehicles; although it was explained that new refuse collection vehicles would have to be purchased whether or not the council moved to the new system as the current vehicles are now overdue for replacement and that the cost of new bins is significantly less than the expected savings from the new system, giving a net saving overall.
- The impact for existing Merton staff of transferring to the new contractor e.g. TUPE arrangements; although it was explained that the preferred contractor was fully aware of their responsibilities under TUPE.
- That the 2015 wheeled bin pilot conducted in Lavender Fields used a different system from the proposals now being put forward; although it was explained that residents were overwhelmingly satisfied with their new wheelie bins.

This Council notes that feelings on wheelie bins are often strong in either direction and resolves to communicate with residents across all parts of Merton about changes to their waste collection service and calls on the Cabinet to look at options to address the above concerns as part of the fine tuning process and to continue to protect the weekly bin collection, as per Merton Labour's 2014 manifesto promise, with weekly collections of food waste and recycling.

### 13 NOTICE OF MOTION - CONSERVATIVE 2 (Agenda Item 13)

The motion was moved by Councillor Suzanne Grocott and seconded by Councillor Gilli Lewis-Lavender.

The Labour amendment, as set out in agenda item 21 was moved by Councillor Tobin Byers and seconded by Councillor Sally Kenny.

The Labour amendment was then put to the vote and was carried – votes in favour 35, and votes against 18 with 5 abstention.

The amended substantive Motion was then put to the vote and was carried – votes in favour 35, and votes against 18 with 5 abstention.

### RESOLVED

This council acknowledges that successive governments have tried to downgrade services at St Helier hospital, including accident and emergency and maternity services, and acknowledges the work done by our residents, our local MP Siobhain McDonagh, this administration and many local Councillors to fight these attacks but notes that we must always remain alert to any re-emergence of proposals to close or downgrade our local hospital at St Helier.

Nonetheless, council notes that in recent months our local NHS has sought to work more closely with the council and to take into account the needs of local residents when considering the future shape of health services in the borough and this is very much to be welcomed and encouraged.

Notwithstanding this, should closure or downgrading proposals re-emerge, council reiterates its policy to vigorously oppose proposals to close accident and emergency and maternity services at St. Helier Hospital and its resolve to continue to do everything in its power to keep St. Helier Hospital's accident and emergency, maternity services and other related services open.

The Council acknowledges that St Helier Hospital is in urgent need of investment, to better serve the needs of Merton residents in its catchment area, since the £219m promised to the hospital under the previous Labour government was withdrawn by Conservative Chancellor George Osborne. The Council has been involved in discussions with the Trust on an action plan developed in conjunction with the Care Quality Commission following its report which found the hospital requiring

improvement, to ensure that significant improvements are made. Council will continue to monitor the implementation of this plan closely.

Council is fully aware of recent and proposed consultations, including the current Estates Review and the Sustainability and Transformation Plan (STP) on which the Council has sought to work closely with the Clinical Commissioning Group. Council has sought to be an active partner with the NHS in developing 21<sup>st</sup> century healthcare facilities right across the borough, whilst always making clear that we will not allow either the Estates Review or the STP to be used as a cover for the resurrection of proposals to close or downgrade St Helier Hospital.

Council notes that the Cabinet Member for Adult Social Care and Health:

- Has already met with the Chair and Chief Officer of Merton CCG to discuss the STP and will continue to meet both regularly alongside council officers in order to discuss the progress of the STP.
- Has given an indication to the draft STP that the council is likely to welcome an increased focus on community services, whilst making clear that while the Council wants to work in partnership with the local NHS, neither residents or the administration will allow the STP to be used as a cover for a further attack on St Helier hospital.
- Will shortly be meeting representatives from the NHS to discuss the next steps with regard to the STP.

Accordingly as part of efforts to help secure the high quality, modern health facilities at St Helier and across the borough that Merton residents deserve, this Council notes the Cabinet Member's work to date to address and deliver proactive engagement with the Epsom & St Helier University Hospitals NHS Trust. In particular this work has included and will continue to include:

1. Ensuring that we do everything in our power to retain a local hospital at St Helier with at least its current range of services
2. Shaping service delivery that meets the needs of Merton residents.
3. Through active engagement with the Trust and neighbouring Councils, marshalling lobbying opportunities on decision making authorities in the NHS and Government to identify and promote investment streams, including writing to George Osborne or his successor to again ask that the £219m promised to St Helier hospital is reinstated.
4. Informing the wider community in Merton about how the Council is working actively, as a champion of its residents, to improve their health and wellbeing, including via My Merton where regular articles on both our local hospital and wider health issues are a regular feature.
5. Working closely with the CCG on ensuring acute provision across the borough is provided to a high standard, not just at St Helier but also at St George's.

#### 14 OVERVIEW AND SCRUTINY ANNUAL REPORT 2015-16 (Agenda Item 14)

The report was moved by Councillor Peter Southgate and seconded by

Councillor Peter McCabe.

Councillor Oonagh Moulton also spoke on this item.

RESOLVED

That Council notes the Overview and Scrutiny Annual Report.

15 COURT OF APPEAL AMENDMENT TO SMALL SITES AFFORDABLE HOUSING EXEMPTION (Agenda Item 15)

Councillor Martin Whelton moved the updated report by, which was seconded by Councillor Stephen Alambritis.

Councillor Najeeb Latif also spoke on this item.

RESOLVED

That the council notes the recent Court of Appeal decision regarding the Written Ministerial Statement advising councils not to seek affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions.

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

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

RESOLVED

That Council

1. notes that, in respect of the Mayor of Merton's Charitable Trust, Councillors Agatha Akyigyina and Pauline Cowper have resigned with effect of 22 June 2016 and secondly that the Council note the appointment of the Mayor Councillor Brenda Fraser and Deputy Mayor Councillor Stan Anderson as trustees from 22 June 2016.
2. agrees the updated terms of reference of Standing Advisory Council On Religious Education (SACRE), as detailed in Appendix A to the report.
3. notes the changes to the membership of Committees that were approved under delegated powers since the last meeting of the Council.
4. following the changes of memberships, re-appoint Councillors Daniel Holden and Adam Bush as the Vice-Chair of Sustainable Communities Overview & Scrutiny Panel and the Pension Fund Advisory Committee respectively.

17 PETITIONS (Agenda Item 17)

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

RESOLVED

That Council

1. notes the update on the petition received at the last meeting,
2. accepts receipt of a petition presented by Councillor Suzanne Grocott called '(Objection to planning application 16/P1139)

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

That the Strategic Theme for the next ordinary meeting of the Council to be held on 14 September 2016 shall be Sustainable Communities with a focus on Housing.

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