

Agenda Item 3

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COUNCIL

14 SEPTEMBER 2016

(7.15 pm - 9.35 pm)

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

Councillors Agatha 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, 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, 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 for absence were received from Councillor David Dean.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 July 2016 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 detailed information about events planned for the rest of the municipal year.

There were no announcements from the Leader.

There were no announcements from the Chief Executive.

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 attendance to ask a further question to the Cabinet Member.

The supplementary questions and responses will be published on Merton's 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 a further question to the Cabinet Member.

The supplementary questions and responses will be published on Merton's website.

Having asked a supplementary question and received a response, Councillor David Williams raised a point of order, referring to the following parts of the Constitution:

- Part 5c Member officer protocol para 2.4
- Part 5c Member officer protocol para 3.2
- Part 4a Council procedure rules, notice of motion
- Part 4a Council procedure rules, para 11.9

In accordance with Part 4a, paragraph 11.9, Councillor David Williams moved that the issue of the council tax consultation be referred to the Overview and Scrutiny Commission for further scrutiny. The motion was seconded by Councillor Peter Southgate.

In response, the Monitoring Officer advised that Part 4a, paragraph 11.9 relates to questions from the public only, and there is no similar provision for member questions. However, he noted that the Chair of the Overview and Scrutiny Commission may request that an urgent report be brought to the meeting on 20 September 2016.

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.

The supplementary questions and responses will be published on Merton's website.

It was also noted that 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 Sustainable Communities with a focus on Housing was moved by Councillor Martin Whelton and seconded by the Leader of the Council.

Councillor Suzanne Grocott also spoke on the item.

RESOLVED: That the Strategic Theme report is agreed.

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

The motion was moved by Councillor Michael Bull and seconded by Councillor Najeeb Latif.

The Labour amendment, as set out in agenda item 14 was moved by Councillor Martin Whelton and seconded by Councillor Abigail Jones.

The amendment was put to the vote and unanimously carried.

The substantive motion (as amended) was put to the vote and was unanimously carried.

RESOLVED:

This Council notes the proposed merger of Circle Housing Group Limited with Affinity Sutton which was approved by the boards of both organisations in December 2015, with the legal merger likely to occur in November this year. This Council furthermore notes with concern the feeling of many Circle Housing Merton Priory ("CHMP") residents that the, now imminent, merger will result in the larger combined group being unaccountable to them and recognises the anxiety that many CHMP residents have regarding the Council's role, as established under the terms of the stock transfer agreed by Merton's previous Conservative administration, in being able properly to scrutinise the new Circle/Affinity Group.

Council notes that Group Operations Director of Affinity Sutton and Chief Operating Officer of Circle Housing Group appeared before the Sustainable Community Overview and Scrutiny panel on 7 September, making clear that the government decision to cut funding to housing associations was a key driver for the merger. Council commends the panel who raised a number of issues, in particular repairs, with Affinity and Circle confirming:

- the provision of a local and in-house maintenance and repairs service will be a key outcome of the merger
- the new organisation will have customer service at its core, undertaking 1,000 repairs a day
- All emergency repairs will be completed within 24 hours.

Council welcomes these commitments on repairs, a key issue for residents, and intends to hold the new organisation to account in this regard.

Whilst, in view of CHMP's consistent difficulties in offering a quality repairs service to residents, the merger with Affinity, who have a much higher quality in-house repairs service, may offer opportunities for improved services to residents, this Council requests that the Cabinet seek guarantees from the Board of Directors that:

- a. the merger occurs with appropriate transparency, and further consultation with those tenants, leaseholders and freeholders affected so that it is fully understood what this merger will mean for them;
 - b. the significant efficiencies which the new group hopes to realise will not be achieved by a worsening of service quality, particularly given residents' existing concerns about Circle's responsiveness with regard to repairs and maintenance and that Affinity's in-house repairs model is rolled out as soon as possible, replacing the current inadequate CHMP repairs service;
 - c. profits generated by the Merton Estates' regeneration will be reinvested in Merton, that LEAF monies are retained for the communities they were promised to, and that the new organisation honours in full the "10 Commitments" to residents on the three regeneration estates that the council successfully convinced CHMP to sign up to;
 - d. the new structure will be locally accountable to housing association tenants, leaseholders and freeholders and that such tenants, leaseholders and freeholders will have representation on the Board of the new association;
 - e. the policy regarding disposals of stock is clarified and publicised prior to the merger;
 - f. the current financial position of Affinity Sutton is clearly presented prior to the merger, and in particular the impact of any debts and liabilities on CHMP residents;
- and
- g. the democratic decision making process and the involvement of tenants, leaseholders and freeholders in CHMP's regeneration plans for the High Path, Ravensbury and Eastfields estates are not prejudiced by the merger.

8 NOTICE OF MOTION: CONSERVATIVE 1 (Agenda Item 8)

The motion was moved by Councillor Daniel Holden and seconded by Councillor Charlie Chirico.

The Labour amendment as set out in agenda item 15 was moved by Councillor Ross Garrod and seconded by Councillor Nick Draper.

Councillor Mary-Jane Jeanes and Councillor John Sargeant spoke on the item.

The Labour amendment was put to a vote and was carried. Voting was as follows: Votes in favour: 35, votes against: 23, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried. Voting was as follows: Votes in favour: 35, votes against: 0, abstentions: 24.

RESOLVED:

Whilst acknowledging the need to make savings in light of significant cuts to council funding by central government, this Council recognises the concerns expressed by some community groups and staff representatives who spoke at the Overview and Scrutiny Commission call in meeting on 2 August 2016 and the concerns expressed by many residents about the changes proposed to Merton's waste collection service and the maintenance of local parks and green spaces, whilst also recognising that many residents will welcome wheeled bins as a solution to the problem of split black sacks creating litter and debris on our pavements.

Council thanks both the Sustainable Communities Scrutiny Panel, who undertook pre-decision scrutiny of the proposed joint South West London contracts for waste services and greenspaces management, and the Overview and Scrutiny Commission who heard the call-in and, whilst making some very helpful suggestions, 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.

Despite the acknowledged difficulty of consulting on detailed contract negotiations which are often bound up with commercial confidentiality issues, Council notes that there has been regular feedback on negotiations to Scrutiny; that the potential introduction of wheeled bins has been looked at in detail by Scrutiny over a number of years; and that the administration carried out a wheeled bin pilot in Lavender ward with 89% of residents saying they were satisfied with the introduction of wheeled bins and 81% saying the streets were cleaner as a result. Council notes the administration's determination to continue with the 'fine tuning' process of contract negotiation before moving to a final decision on this issue in December and this Council calls on the Cabinet, as already planned as part of the 'fine tuning' process, to:

- 1) Provide details on what choices and flexibility will be available to residents given the Council's stated commitment not to impose a 'one size fits all' waste collection service;
- 2) Publish a clear timeline of the engagement planned with residents and businesses across Merton on the proposed changes to their waste collection service;
- 3) Deliver a comprehensive strategy for engaging with Friends of Parks groups, including clarifying how they will be involved in decision making on local parks and green spaces under the new contract; and

- 4) Report back to the Sustainable Communities Overview and Scrutiny panel on the outcomes of the 'fine tuning exercise', including more robust savings commitments where possible.

9 NOTICE OF MOTION: CONSERVATIVE 2 (Agenda Item 9)

The motion was moved by Councillor Gilli Lewis-Lavender and seconded by Councillor Michael Bull.

The Labour amendment as set out in agenda item 16 was moved by Councillor Fidelis Gadzama and seconded by Councillor Marsie Skeete.

The Labour amendment was put to a vote and was unanimously carried, save for Councillor Abigail Jones who was not present for the vote.

The substantive motion (as amended) was then put to a vote and was unanimously carried.

RESOLVED:

This Council congratulates Honorary Freeman of the Borough, Mr Andy Murray, on:

- winning a second Gentlemen's Singles title at the Wimbledon Championships held here in Merton during June and July 2016; and
- becoming the first male tennis player to win two gold medals in singles when, at the recent Olympic Games in Rio de Janeiro, he retained the Olympic singles title he won in London in 2012.

This Council therefore requests that the Mayor write to Andy Murray conveying the Council's congratulations on the impressive feats he has achieved this summer.

This council recognises the importance of acknowledging the achievements of our Paralympians and congratulates Merton resident Corinne Hall on successfully piloting Lora Turnham to their gold medal in the Tandem Pursuit cycling event in the Rio velodrome. Council therefore further requests that the Mayor write to Corinne to congratulate her on her achievement.

Furthermore, just as the borough marked local success at the London Olympic and Paralympic Games in 2012 with the introduction of the Sophie Hosking Challenge Cup, this Council asks the Standards and General Purposes Committee to consider at its next meeting how best to ensure Andy Murray's recent achievements are permanently remembered by future generations e.g. through the naming of a sporting facility or street after him, and to make subsequent recommendations to Full Council where appropriate.

10 MERTON'S LOCAL DEVELOPMENT SCHEME 2016-19 (Agenda Item 10)

The report was moved by Councillor Martin Whelton and seconded by Councillor Stephen Alambritis.

Councillor Najeeb Latif spoke on the item.

RESOLVED: That Council

- A. Approves the high level project plan for creating planning policy documents, known as Merton's Local Development Scheme (LDS) and for the Local Development Scheme to take effect, replacing the council's LDS 2014.
- B. Delegates any amendments to the Local Development Scheme and determination of the specific date on which it should take effect to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Environment and Housing, the chair and the vice chair of the Borough Plan Advisory Committee.

11 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 11)

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. Following the changes of membership, re-appoint Councillor Peter McCabe as the Vice-Chair of the Overview and Scrutiny Commission.
3. Agrees an amendment to Part 3-F of the Constitution.

12 PETITIONS (Agenda Item 12)

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

RESOLVED: That Council

- 1) receives the petition submitted by Councillor Mary-Jane Jeanes entitled 'Assurances for Merton's EU citizens' in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
- 2) notes the response given by officers in respect of the petitions presented to the Council meeting held on 13 July 2016.

13 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 13)

RESOLVED: That the Strategic Theme for the next ordinary meeting of the Council, being held on 23 November 2016, shall be Corporate Capacity.