

Agenda Item 3

COUNCIL
13 SEPTEMBER 2017

(7.15 pm - 9.32 pm)

PRESENT The Mayor, Councillor Marsie Skeete,
The Deputy Mayor Judy Saunders,

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Hamish Badenoch, John Bowcott, Kelly Braund, Mike Brunt, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, 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 MBE, Russell Makin, Peter McCabe, Oonagh Moulton, Ian Munn BSc, MRTPI(Rtd), Katy Neep, Jerome Neil, Dennis Pearce, John Sargeant, David Simpson CBE, Peter Southgate, Geraldine Stanford, Linda Taylor OBE, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean. Apologies for lateness were received from Councillors Caroline Cooper-Marbiah and Hamish Badenoch.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were made.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 12 July 2017 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 her activities and advised that she would be hosting a Peace and Memory Walk at Canons Leisure Centre on Sunday 17 September 2017, to which all were encouraged to attend.

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

The Mayor presented 8 awards. The first was to the 210 Squadron, 151 Regiment, to commemorate its 50th anniversary and in recognition of its strong links to local churches and other local organisations in the Borough.

The following 7 awards were to staff from the Children, Schools and Families Directorate, which had achieved 5 “good” and 2 “outstanding” awards in the Ofsted inspection which took place between 12 June and 6 July 2017.

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 ‘public questions to Cabinet Members’ published document.

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 ‘member ordinary priority questions to Cabinet Members’ published document.

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 ‘member strategic theme priority questions to Cabinet Members’ published document.

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 Sustainable Communities was moved by Councillor Martin Whelton and formally seconded by Councillor Stephen Alambritis.

Councillors Stephen Crowe and Mary Jane Jeanes 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 Daniel Holden and seconded by Councillor Suzanne Grocott.

The Labour amendment as set out in agenda item 13 was moved by Councillor Ross Garrod and seconded by Councillor Joan Henry.

The Labour amendment was put to a vote and was carried – votes in favour: 36, votes against: 22, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 36, votes against: 23, abstentions: 0.

RESOLVED: This Council recognises that street cleanliness and reliable weekly bin collections are important universal services greatly valued by residents. Indeed residents frequently tell their local councillors that they expect high standards for our street scene here in Merton and that, as a council, we should aim to make our borough a clean and tidy place to live. Keep Britain Tidy found that 50% of street litter in Merton is due to the current black sack and open box collection system and this is why Merton is replacing the current messy black sack collection with a wheeled bin solution that will reduce litter on our streets.

This Council understands that Merton's residents expect streets to be swept regularly; food waste and recycling bins to be reliably emptied on a weekly basis; fly-tipping cleared promptly and the perpetrators fined or prosecuted; seasonal leaf-fall cleared; weeds removed; and drains to be cleared pro-actively in order to reduce surface flooding. Council regrets that these expectations have sometimes not been met, such as when Merton was judged the dirtiest borough in London in 2009.

Since Veolia took over delivery of these services across south west London at a much lower cost than the council could offer on 1st April 2017, a business-like decision which was taken to protect services at risk from significant government cuts, this Council notes that some Councillors have seen an increased volume of complaints. To some extent this would be expected in any transfer of a contract of this size and the level of disruption to the service has been far lower than experienced by other authorities entering into new street cleaning and waste contracts. Nonetheless council is disappointed that some elements of the service have not yet been delivered to the standard agreed. In order to hold the contractor to account we have created a new Neighbourhood Client Team who undertake site inspections and work closely with the contractor's Area Managers to ensure that service standards are maintained. Senior officers also hold regular contract meetings, together with the South London Waste Partnership, with senior managers from Veolia to address any underperformance on the contract. Where permitted within the framework of the contract, the council applies financial penalties where performance has been below the required standard.

Furthermore, figures from the last Council meeting indicate that, owing to the complex nature of enforcing against fly-tipping where, in the absence of a witness, Enforcement Officers have to find evidence which is admissible in court, payment has so far been received on 43% of the 28 Fixed Penalty Notices (FPNs) issued in

Merton since the Government introduced new powers in May 2016 enabling councils to issue on the spot fines of up to £400 for fly tipping. This figure is expected to increase once these unpaid FPNs have been taken through the court system which is now in process. In addition, since April 2016 7.886 FPNs have been issued for littering with a high payment rate of 74%, which has been achieved because the evidential requirements are not as difficult to achieve.

To address the situation and meet residents' expectations for these important services, this Council demands that Cabinet continue to:

- Plan for the roll-out of a new wheeled bin service from October 2018 which will reduce street litter from split black sacks;
- Use our new Neighbourhood Client Team to proactively ensure Veolia do not miss bin collections, particularly where residents have notified them of a long running problem, and that they maintain the weekly collection schedule to which they are currently contractually committed;
- Emphasise to Veolia the need to clean residential roads further away from town centres, noting that the contractual standards for street cleaning reflect best practice from Defra's Code of Practice on Litter and Refuse and that the contract is based on an output specification requiring the contractor to maintain consistent standards across the entire borough. This is a move away from a frequency based approach where standards can fall between sweeps without any obligation on the contractor to resolve the issue;
- Improve the usability and ease of reporting street scene matters on the Council's website, including investigating the possibility of introducing a map feature where this is viable and can interface with Veolia's systems;
- Seek recovery of fines resulting from Fixed Penalty Notices issued for flytipping through the courts;
- Ensure that Veolia clears the weeds on the roads and pavements in a timely fashion and that the public litter bins are emptied regularly, especially in areas of high-footfall;
- Roll out further communications material to remind those that fly-tip in Merton that it is not acceptable and will attract £400 fines, which will be pursued through the courts; and
- Emphasise to the small minority who drop litter on our streets that this behaviour is not acceptable and they will be fined if caught.

In line with the forward plan for the Sustainable Communities Scrutiny panel, his Council also supports the publication in November of a comprehensive 6 month review of Veolia's performance over the first half year of the new contract, including any penalties that can legally be applied by Merton, for consideration in public by Scrutiny.

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

The motion was moved by Councillor Abdul Latif and seconded by Councillor Oonagh Moulton.

The Labour amendment as set out in agenda item 14 was moved by Councillor Abigail Jones and seconded by Councillor Brenda Fraser.

The Labour amendment was put to a vote and was carried – votes in favour: 39, votes against: 19, abstentions: 0.

The substantive motion (as amended) was agreed.

RESOLVED: This council notes the metropolitan police has already seen £600m of cuts as part of the government's austerity agenda and faces £400m more of cuts up to 2021 as the cost of policing the capital increases but government funding has been frozen. The Mayor of London Sadiq Khan has condemned this failure to properly resource policing in the capital, with the Met Police Commissioner Cressida Dick making clear that London's police service is particularly stretched in the light of terror attacks.

The Mayor's Office for Policing and Crime has proposed that, rather than make police officers redundant, a less harmful approach of closing and selling some police offices might achieve the level of savings the government's cuts to the police budget since 2010 require. However, this Council recognises the very considerable concern among residents in Merton about the Mayor's Office for Policing and Crime's proposal to close Wimbledon police station and sell the land and similar concern in Mitcham about previous proposals to close that station, which was downgraded from a 24/7 police office by the previous Mayor Boris Johnson.

This Council believes that Wimbledon police station is well located in Wimbledon town centre, which has a large night-time economy (the largest in the borough) and is a major South West London transport hub that needs policing. Mitcham police station is also well located and is in an area where the residents' survey showed residents are significantly less likely to feel safe after dark compared to other parts of the borough. This Council therefore resolves to:

- 1) Write to the Home Secretary making clear that the residents Merton expect our police services to be properly resourced and to demand that she allocate funding for the Metropolitan police to reflect the increased strain the capital is under; and
- 2) Write to the Mayor of London, Sadiq Khan, making clear the London Borough of Merton's complete opposition to any proposed police station closures in Merton and asking him to reconsider any plans to sell off Wimbledon or Mitcham's police station; and
- 3) Encourage as many residents, residents' associations and local community groups as possible to respond directly to the Mayor's consultation document before the deadline of 6 October 2017 and to write to the Home Secretary demanding adequate resources for the Metropolitan Police.

9 NOTICES OF MOTION - LABOUR MOTION (Agenda Item 9)

The motion was moved by Councillor Tobin Byers and seconded by Councillor Kelly Braund.

The Conservative amendment as set out in agenda item 15 was moved by Councillor Suzanne Grocott and seconded by Councillor Gilli Lewis-Lavender.

The Conservative amendment, with the wording originally proposed for the paragraph relating to the funding, was put to a vote and was unanimously carried.

The substantive motion (as amended) was agreed.

RESOLVED: This council notes that the future of St Helier hospital is again subject to debate with the Chief Executive of St Helier & Epsom NHS Trust having launched an "involvement document", *Providing high quality healthcare services: 2020 to 2030* over the summer months. This sets out possible options for the re-configuration of acute services in the area, including three options to be taken forward for further investigation, two of which would move critical services currently at St Helier hospital to Belmont or Epsom.

Council has a long-standing commitment to ensuring that the residents of Merton have access to a full range of NHS acute services on the St Helier Hospital site, including a blue light A&E and consultant-led maternity service. Any attempt to relocate acute services away from an area of relative deprivation in St Helier in favour of a more affluent area such as Belmont or the Royal Marsden site would be incompatible with the statutory duty on the Merton Clinical Commissioning Group (CCG) to have regard to the need to tackle health inequalities because it would make accessing acute health services significantly more difficult for those in our population who suffer the greatest level of inequality. Instead, council supports re-building St Helier hospital on its current site with its full range of services intact.

Council notes that:

- much of the engagement period fell over the school summer holidays whilst both parliament and the council were in recess, reducing the potential for democratic involvement;
- the Trust has not published criteria or weightings for their engagement process and the options they are asking the public to comment upon nor has it published the financial cost of this process;
- formal consultations regarding the future of hospital services are required by law to be carried out according to the Local Government and Public Involvement in Health Act 2007 as amended by the Health and Social Care Act 2012 and that this exercise may not conform to these legislative requirements;
- it is for Merton's Health and Wellbeing Board (HWB) to firstly identify the local health and social care services required in our area through a Joint Strategic

Needs Assessment and then to agree a joint Health and Wellbeing Strategy. Merton's CCG then needs to outline its commissioning priorities giving due regard to both of these documents.

Council notes that the engagement document moots a possible £400m new hospital for Surrey but there is currently no funding in the Treasury "red book" for this and it seems unlikely - in a time of continued austerity when hospitals are being earmarked for downgrade or closure elsewhere in London - that this would be forthcoming from government. Indeed, Chris Grayling, Conservative MP for Epsom & Ewell, recently stated in response to the current engagement exercise: *"Crucially there is no commitment from the NHS to the principle of funding a brand new hospital in SW London, where in recent years the push has been to reduce and not increase the number of hospital sites."* Nonetheless, if any such capital funding for a new hospital does come forward, this council would welcome such investment and would support spending it on rebuilding St Helier hospital on its current site.

Council notes the regrettable decision by the CCG to close the Wilson walk-in centre and the reported recent 20% increase in attendance at the St Helier A&E. We also note the potential consequences for other hospitals, for example, St Georges if the range of services at St Helier hospital were reduced.

Council notes that the Leader has written to the Chair of the Trust and the Chair of the CCG making clear the legal necessity of using the correct statutory processes when taking decisions on hospital services. Council therefore calls on the HWB to commission an independent health needs assessment for the population in Merton in relation to acute hospital services as soon as possible and further calls on the CCG to publish their commissioning intentions with due regard to this and to Merton's Health & Wellbeing Strategy so that any decisions about the future of St Helier hospital can be taken according to the processes set down in law, including that pertaining to reducing health inequalities.

Council notes that the Leader of the Council has asked the Chief Executive of the Trust to explain to the HWB meeting on 19 September how his engagement fits with the statutory consultation and decision making process. Council calls on the Trust to publish the cost of the current engagement process in addition to the criteria and weighting they intend to use in evaluating the results.

Council calls on residents to respond to the current engagement, making clear their support for the full range of services to continue at St Helier hospital, including a blue light A&E and consultant-led maternity, to ask that any decisions on the future of St Helier hospital comply with the statutory requirements based on a full needs assessment, and to support the rebuilding of St Helier as a new acute hospital on its current site.

10 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 10)

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

RESOLVED:

1. That the Council notes the changes to the memberships of committees that were approved under delegated authority since the last meeting of the Council.

2. That the Council notes that there are no changes proposed to the political composition of the Council's committees.

11 PETITIONS (Agenda Item 11)

The report was formally 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 the following petitions presented by
 - i. Councillor Suzanne Grocott on Wheelie Bins and residents' 5 point proposal
 - ii. Councillor Oonagh Moulton on Unauthorised traveller encampments on Cannon Hill Common.
 - iii. Councillor Abdul Latif on New development on the corner of Tennyson Road and Haydons Road.
 - iv. Councillor Janice Howard on Traffic calming in the Cromwell and Haydons Park area.

12 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL (Agenda Item 12)

Councillor Stephen Alambritis announced that the Strategic Theme for the next ordinary meeting of the Council, being held on 22 November 2017 shall be Corporate Capacity with a focus on Bridging the Gap.