

Agenda Item 3

COUNCIL
7 FEBRUARY 2018
(7.15 pm - 9.58 pm)

PRESENT The Deputy Mayor, Councillor Judy Saunders,

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, 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, David Dean, John Dehaney, Nick Draper, Edward Foley, Brenda Fraser, Ross Garrod, Suzanne Grocott, 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, Dennis Pearce, John Sargeant, David Simpson CBE, Peter Southgate, Geraldine Stanford, Linda Taylor OBE, Gregory Patrick Udeh, Jill West, Martin Whelton and David Williams

ELECTION OF A CHAIR OF THE MEETING

RESOLVED that the Deputy Mayor, Councillor Judy Saunders, be elected Chair of the meeting.

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Badenoch, Gadzama and the Mayor, Councillor Skeete.

Apologies for lateness were received from Councillor Bowcott.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Grocott declared a non-pecuniary interest in item 14 as a member of the Merton Community Panel.

Councillor Kenny raised a point of order regarding the motion relating to wheeled bins and sought clarification from the Monitoring Officer on whether Councillor Dean would be required to declare an interest if he intended to speak on the motion, due to his name appearing on the organisation's website as the registrant.

The Monitoring Officer advised that Councillor Dean was aware of his requirement to declare any interest he might have and offered further legal advice if needed. Councillor Dean clarified the nature of his involvement and therefore he did not feel

that he had an interest to declare. Councillor Dean also confirmed that he would not be speaking on the motion.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 22 November 2017 are agreed as an accurate record.

4 MINUTES OF THE SPECIAL MEETING OF THE COUNCIL (Agenda Item 4)

RESOLVED: That the minutes of the Special meeting held on 22 November 2017 are agreed as an accurate record.

5 ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE (Agenda Item 5)

The Chief Executive announced that Yvette Stanley, Director of Children Schools and Families would be leaving the Council and this would be her last Council meeting. The Leader of the Council invited Councillor Neep, Cabinet Member for Children's Services to pay tribute to her time with the Council. Councillor Moulton and Councillor Southgate also paid tribute to Yvette's hard work and dedication to the Borough.

The Deputy Mayor provided a brief update on the forthcoming Mayoral event, 'Mediterranean Night' on 23 February and encouraged all Members to attend.

6 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

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.

7 COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 7)

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.

8a STRATEGIC THEME: COUNCILLORS' QUESTIONS TO CABINET MEMBERS (Agenda Item 8a)

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 remaining Member questions and responses will be published after the meeting, in line with Constitutional requirements.

8b STRATEGIC THEME: MAIN REPORT (Agenda Item 8b)

The Strategic Theme report on Sustainable Communities with a focus on housing development and regeneration was moved by Councillor Whelton and formally seconded by Councillor Alambritis.

Councillors Dean, Chirico and Sargeant also spoke on the item.

RESOLVED: That the Strategic Theme report be agreed.

8c STRATEGIC THEME: MOTIONS (Agenda Item 8c)

Councillor Simpson raised a point of order in respect of the tabled amendment to the motion, seeking clarification from the Monitoring Officer in relation to its validity as it appeared to negate the original motion.

The Monitoring Officer advised that he had considered the amendment and in his view it did not negate the original motion and was therefore valid.

The motion was moved by Councillor Dean and seconded by Councillor Holden.

The Labour amendment as set out in agenda item 21 was moved by Councillor Whelton and seconded by Councillor Draper.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 0, abstentions: 23.

The substantive motion (as amended) was then agreed.

RESOLVED:

This Council is working with the Mayor of London on the Mayor's Transport Strategy and associated funding Local Implementation plans - and notes the following:

- cut funding of the Taxicard scheme (which has almost 2,000 users in Merton) by 13% in 2018/19 across London, though we are awaiting guidance on how it is applied to each borough
- cut Neighbourhoods/Local Transport funding for Merton by almost 15% in 2018-19 based on the adopted LIP formula (but partly offset by the reintroduction of the Local Transport Fund of £100,000);
- continued support but with a reduction for Merton's Major Schemes grant for highway design work on Morden town centre; and

- a pause to all Principal Road Maintenance funding for the next 2 years thereby depriving Merton's roads of some £455,000 a year for resurfacing and reconstruction works, although there will be continued funding for safety critical works.

The Council resolves to work closely with the Mayor of London to continue with plans to support the borough, especially in Morden through:

- The Housing Zone revenue Fund - £40,000 grant 2017-18 and 2018-19 to help bring forward Morden
- £191,500 LIP funding (2015-18) to help bring forward Morden redevelopment
- £600,00+ for the refurbishment of Morden Retail Gateway
- £9million allocated funding from TfL for the Morden Major Scheme bid

The Council therefore commits to work with the Mayor of London and TfL to bring plans forward, Cabinet Members continuing to represent Merton at London Councils meetings and pushing for the interests of the borough's residents.

9 MORDEN COMMUNITY FORUM (Agenda Item 9)

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

9a MITCHAM COMMUNITY FORUM (Agenda Item 9a)

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

10 RAYNES PARK COMMUNITY FORUM (Agenda Item 10)

Councillor Brian Lewis Lavender presented the report which was received by the Council.

11 WIMBLEDON COMMUNITY FORUM (Agenda Item 11)

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

11a WIMBLEDON COMMUNITY FORUM MOTION 1 (Agenda Item 11a)

The motion was moved by Councillor Holmes and seconded by Councillor Bull.

The Labour amendment as set out in agenda item 22 was moved by Councillor Whelton and seconded by Councillor Neep.

The Labour amendment was put to a vote and was carried – votes in favour: 33, votes against: 19, abstentions: 3.

The substantive motion (as amended) was then agreed.

RESOLVED:

The Council notes the following recommendations on redevelopment of the High Path Estate, agreed by the Wimbledon Community Forum at its most recent meeting on 5th December 2017:

1. Residents demand a longer and wider public consultation, over a period of weeks. The consultation should not just be online, but should have a physical presence too, in the form of exhibitions and a public meeting;
2. Until this extended consultation has taken place, any planning application for the High Path Estate must be delayed;
3. The site is inappropriate for a secondary school to be situated on.

And that, whilst the cabinet member will report back to the forum in writing, council notes the extensive consultation that has already taken place with residents over several years concerning the regeneration of High Path and the introduction of a new Academy. This has included direct engagement on the doorstep with affected residents, public exhibitions and numerous consultation events which have been arranged over the past four years. And therefore resolves that consideration of the outline planning application should not be delayed and it should be determined in accordance with planning policy in March. The council also agrees that the High Path site is suitable for a new secondary school and welcomes the provision of a Harris Academy in Wimbledon which will provide much needed new places from an outstanding provider.

11b WIMBLEDON, RAYNES PARK AND MITCHAM COMMUNITY FORA MOTION 2 (Agenda Item 11b)

The motion was moved by Councillor Holmes and seconded by Councillor Crowe.

The Labour amendment as set out in agenda item 23 was moved by Councillor Garrod and seconded by Councillor Braund.

The Labour amendment was put to a vote and was carried – votes in favour: 36, votes against: 19, abstentions: 0.

The substantive motion (as amended) was then agreed.

RESOLVED:

Council notes the following recommendations on Merton Council's provision of waste and recycling containers, which were agreed by the Wimbledon, Raynes Park and Mitcham Community Fora at their most recent meetings:

1. All Merton's future bins and recycling boxes should be one colour (brown)
2. All bins should be without a Merton Council logo
3. Stickers should be provided

Council further notes that the background for the change is largely financial, as a result of cuts to council funding from the government, and that deviating from the agreed plans could impact on savings to the council as savings are generated by economy of scale with other boroughs, and therefore having bespoke bins will reduce savings and mean alternative savings will have to be found. Council values residents feedback and that of community groups, the latter of whom have helped design our assisted collection policy ahead of the changes.

Council resolves to continue to listen to residents views as they have done by giving more options over bin sizes, and to work with Veolia to explore possibilities for those who already have wheeled bins and want to discard them when changes are introduced.

Council further resolves to continue to engage with residents and Veolia as the wheeled bins programme is rolled out across the borough in order to introduce a cost-effective and clean service that reduces litter caused by split bags and mitigates funding cuts from the government.

12 NOTICES OF MOTION - CONSERVATIVE MOTION (Agenda Item 12)

The motion was moved by Councillor Simpson and seconded by Councillor Bull.

The Labour amendment as set out in agenda item 24 was moved by Councillor Macauley and seconded by Councillor Abigail Jones.

Councillor Southgate spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 33, votes against: 19, abstentions: 3.

The substantive motion (as amended) was then agreed.

RESOLVED:

In light of the very considerable concern expressed by residents about the Mayor of London's decision to close Wimbledon police station and sell the land, forced on him as a result of the government's £1 billion cut in funding for the Metropolitan Police this Council notes that a letter was sent to the Home Secretary on 13th October 2017 expressing dismay at these funding cuts and calling on the government to rethink the resources required to keep us safe, but that a response has not been received. Council also notes that these government funding cuts have affected neighbourhood policing as well as ways of tackling the rise in terror threats. Council resolves to continue to campaign for the government to rethink these savage cuts in order to save this local police station from closure by writing to the Home Secretary and the Member of Parliament for Wimbledon to urge the Government to buy the site itself from City Hall and then seeking to lease it back to the Mayor's Office for Policing and Crime (MOPAC). By doing so, Council would not need to make further cuts to services in Merton by making provision in the Medium Term Financial Strategy for

both the capital acquisition of the police station and associated revenue implications of sharing the running costs equally with MOPAC.

13 ADOPTION OF MERTON'S ESTATES LOCAL PLAN (Agenda Item 13)

Councillor Whelton moved the report, which was formally seconded by Councillor Alambritis.

Councillor Najeeb Latif also spoke on this item.

RESOLVED:

1. That the Merton Estates Local Plan and associated Sustainability Appraisal be adopted, as part of Merton's statutory Local Plan and subsequent updating of Merton's statutory Policies Map to include the Estates Local Plan area, to which Estates Local Plan policies apply.
2. That authority be delegated to the Director of Environment and Regeneration to deal with all the necessary adoption documents and other consequential matters in accordance with the appropriate regulations.

14 DELIVERY OF CLARION'S ESTATE REGENERATION PROJECT (Agenda Item 14)

Councillor Whelton moved the report, which was formally seconded by Councillor Alambritis.

Councillors Grocott and Bull also spoke on this item.

RESOLVED:

1. That the considerable work already underway to support the regeneration of Eastfields, High Path and Ravensbury estates; attracting £1bn investment in Merton, creating much needed new homes and jobs be supported.
2. That the Council agrees in principle to exercise its compulsory purchase powers to support the delivery of the Merton Estates Regeneration Programme and the objectives of Merton's Estates Local Plan to acquire the land as required within the areas described in this report and shown edged red on the plans attached at Annex 1 of this report.
3. That Council Officers in conjunction with Clarion Housing Group (Clarion) begin preparatory work for the compulsory purchase which would include specific land interests to be acquired so that Clarion can deliver the regeneration of the Eastfields, High Path and Ravensbury Estates.
4. That Personna Associates land referencing agents are appointed by Clarion who will be responsible for the costs of that appointment and serve requisitions on landowners who will declare their land interests.

5. That Council Officers commence the preparation of all documents required to support the CPO process including preparation of the necessary statements of reasons and the requisite statutory notices.

6. That the Council and Clarion enter into a Compulsory Purchase Order Indemnity Agreement under which Clarion will indemnify the Council against all the costs and expenses involved in making the CPO including the acquisition costs of the properties and the compensation due to Landowners.

7. That a financial allocation may be required for the Council's Capital Programme from 2018-19 onwards deliver this approach. Any financial allocation would be considered by the Council's financial approval process nearer the time under the Council's Constitution and would be fully indemnified by Clarion Housing Group as set out in Recommendation 6.

8. That Officers agree the joint appointment of Leading Counsel with Clarion Housing Group and the appointment of Leading Counsel to provide advice to the Council, if necessary.

15 DOG CONTROL PUBLIC SPACE PROTECTION ORDERS (Agenda Item 15)

Councillor Draper moved the report, which was formally seconded by Councillor Alambritis.

Councillor Simpson also spoke on this item.

RESOLVED:

1. That the making of the following new dog control Public Spaces Protection Order for Merton's public spaces be approved:
 - i) The prohibition of dog fouling by ensuring that dog owners and walkers clear up after their dogs.
 - ii) The establishment of dog exclusion areas, predominantly children's playgrounds and enclosed play and sports facilities, such as tennis courts, multi-use games areas and bowling greens.
 - iii) Dogs to be put on a lead in public places when directed to do so by an authorised officer of the council, a police officer or a community support officer. (This proposal would apply within Morden Hall Park and on Mitcham Common, but not Wimbledon Common which has its own byelaws).
 - iv) The maximum number of dogs that can be walked by one person in all public open spaces (including Morden Hall Park and Mitcham Common, but excluding Wimbledon Common) at any one time is four.
2. That the amount of the fixed penalty payable under a Fixed Penalty Notice issued in respect of breaches of the Order be £80, payable within 14 days and with no discount for early payment, be agreed.

3. That the Director of Environment & Regeneration be authorised, in consultation with the Cabinet Member for Community & Culture, to finalise and make the Public Space Protection Order, to come into force on 5 March 2018 or as soon as possible thereafter.

16 APPROVAL OF PAY POLICY STATEMENT AND RE-ADOPTION OF THE MEMBERS ALLOWANCES SCHEME (Agenda Item 16)

Councillor Allison moved the report, which was formally seconded by Councillor Alambritis.

Councillor Moulton also spoke on this item.

RESOLVED:

1. The publication of the Pay Policy Statement for 2018/19 be approved.
2. That the Members' Allowance Scheme for 2018/19 be reconfirmed with effect from 1 April 2018.

17 CALENDAR OF MEETINGS 2018/19 (Agenda Item 17)

Councillor Allison moved the report, which was formally seconded by Councillor Alambritis.

Councillor Simpson also spoke on this item.

RESOLVED:

1. That the Calendar of meetings at Appendix A to the Council report be agreed.
2. That the dates for the Overview and Scrutiny Topic Workshops and Member Induction Workshops, included in Appendix A to the Council report be noted.
3. That the Council meetings for 2018 to 2022 at Appendix B to the Council report be agreed.

18 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 18)

The report was formally moved by Councillor Alambritis and formally seconded by Councillor Allison and Councillor Simpson spoke on the item.

RESOLVED that the changes to memberships of Committees approved under delegated authority since the last meeting of the Council be noted.

19 PETITIONS (Agenda Item 19)

The report was formally moved by Councillor Alambritis and seconded by Councillor Alison.

RESOLVED

That Council

1. Notes the update on the petitions received at the last meeting; and
2. Accepts receipt of a petition presented by Councillor Moulton on the street cleaning service.

20 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 20)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 4 July 2018, shall be Sustainable Communities: Culture and Leisure with a focus on Sport.