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## COUNCIL

11 SEPTEMBER 2013

(19.15 - 21.29)

PRESENT                    The Mayor, Councillor Krystal Miller (In the chair)

The Deputy Mayor, Councillor John Sargeant.

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Mark Betteridge, John Bowcott, Margaret Brierly, Richard Chelley, David Chung, Caroline Cooper-Marbiah, David Dean, John Dehaney, Nick Draper, Iain Dysart, Suzanne Evans, Karin Forbes, Samantha George, Suzanne Grocott, Maurice Groves, Jeff Hanna, Richard Hilton, James Holmes, Janice Howard, Mary-Jane Jeanes, Philip Jones, Andrew Judge, Linda Kirby, Lewis-Lavender, Logie Lohendran, Edith Macauley, Russell Makin, Maxi Martin, Peter McCabe, Krystal Miller, Diane Neil Mills, Oonagh Moulton, Ian Munn, Henry Nelles, Dennis Pearce, John Sargeant, Judy Saunders, Linda Scott, Rod Scott, Debbie Shears, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Sam Thomas, Ray Tindle, Gregory Udeh, Peter Walker, Martin Whelton, David Williams, Richard Williams, Miles Windsor and Simon Withey

At the start of the meeting all present stood for a minutes silence to mark the anniversary of the events of 11 September 2001

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

Apologies for absence were received from Councillors Chris Edge and Brenda Fraser.

Apologies for lateness were received from Councillor David Williams.

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

No declarations were made

### 3        MINUTES OF THE MEETING HELD ON 10 JULY 2013 (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 10 July 2013 are agreed as a correct record.

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

The Mayor welcomed Councillor Caroline Cooper-Marbiah to her first meeting of the Council.

The Mayor announced the recent deaths of former Councillors Barbara Bampton and Pat Searle.

The Leader of the Council announced changes to the Cabinet: Councillor Mark Betteridge was leaving the Cabinet and Councillor Judy Saunders would replace him as Cabinet member for Performance and Implementation. Councillor Mark Allison was appointed as Deputy Leader of the Council.

Councillor Mark Betteridge addressed the Council.

5 PUBLIC QUESTIONS TO CABINET MEMBERS AND REPLIES (Agenda Item 5)

The public questions and the replies given to these are available for inspection on the web page for this meeting.

6 COUNCILLORS QUESTIONS TO CABINET MEMBERS AND REPLIES (Agenda Item 6)

The priority councillor questions and the replies given to these are available for inspection on the web page for this meeting.

7 REPORT: SUSTAINABLE COMMUNITIES WITH A FOCUS ON TRANSPORT (Agenda Item 7)

The priority councillor questions and the replies given to these are available for inspection on the web page for this meeting.

The report was moved by Councillor Andrew Judge and seconded by Councillor Stephen Alambritis.

The report was agreed together with the the resolutions passed as set out below.

7(a) CONSERVATIVE MOTION 1 (Agenda Item 7a)

Motion 1 set out in the agenda was moved by Councillor Janice Howard and seconded by Councillor Simon Withey.

The Liberal Democrat amendment set out in the supplementary agenda was moved by Councillor Iain Dysart and seconded by Councillor Mary-Jane Jeanes.

The amendment was put to the meeting and was LOST with two members voting for the amendment.

The Labour amendment set out in the second supplementary agenda was moved by Councillor Mark Betteridge and seconded by Councillor John Dehaney

The amendment was put to the meeting.

VOTING FOR 30 AGAINST 25 - CARRIED

The motion as amended was put to the meeting and it was:

RESOLVED:

This Council recognises that parking is a key concern for many Merton residents, whether it is being able to park at their local parade of shops to pick up a newspaper or parking in one of the borough's town centres for a more varied shopping experience.

This council also recognises the importance in difficult financial times of keeping parking affordable, especially for residents living in Controlled Parking Zones, and welcomes this administration's decision to freeze the cost of resident parking permits for the last three years and to reduce the price of visitor parking permits.

This Council notes that:

- The recent town centre and neighbourhood parade parking surveys highlight the concerns expressed by residents and businesses about both the cost and availability of parking in Merton, and particularly in Wimbledon, Raynes Park and Wimbledon Village. The council undertook these surveys so that, instead of a "one size fits all" approach, we could ascertain the specific parking issues in all of our designated neighbourhood parking parades so that tailored solutions with the backing of both business and residents could be identified in each case.
- There continues to be low occupancy rates in some of the council's car parks whilst we see some pressure on the limited amount of on street parking available in many of the residential areas that abut our town centres. However, there is much variability in parking availability across the borough, with some car parks having high occupancy rates whilst others are less well used, often because residents are simply not aware they are there. Council therefore welcomes the administration's decision to work with the private sector to invest in electronic car park occupancy signs that will direct motorists to car parks where there are spaces.
- The local retention of business rates now means that councils have a direct financial incentive to support business and retail growth in town centres. Vibrant town centres will raise more money for Merton and its council taxpayers and so it makes financial as well as environmental sense to encourage the borough's residents to support local businesses as much as possible rather than travelling further afield. Therefore, this Council recognises the initiatives already taken to assist local businesses such as free parking for all visitors in council owned car parks for weekends and bank holidays in December 2012.

This Council believes that Merton's residents and businesses want to see a fair, coherent and consistently applied parking regime, which supports and encourages thriving town centres and shopping parades, rather than excessive parking charges and over-zealous enforcement, both of which are harmful to local high streets. This

Council welcomes the approach taken by the current administration to address such concerns, such as the establishment of a parking charter and the full publication of parking enforcement protocols, something that was never before made available to the public.

This Council therefore resolves to call on the Labour administration to:

- a) Continue with current enforcement practice which ensures the borough's traffic wardens and parking officers use sensible discretion when enforcing parking regulations, in line with the Government's proposed 'grace period' for motorists to allow them to stop outside shops for short periods of time;
- b) Where this is supported by the findings of the shopping parade survey, consider rolling out 20 minutes' free parking to those neighbourhood shopping parades across Merton where the survey responses and detailed analysis of the business and residential needs of the specific parade demonstrate there would be a benefit from such an arrangement, to help support our small local businesses; and
- c) Continue with the implementation of the Town Centre Parking Services Review report, including:
  - 1) Simplifying pay and display tariffs;
  - 2) Introducing cashless payments for Pay & Display parking;
  - 3) Setting up a Parking Forum;
  - 4) Installing signs directing motorists to town centre car parks and showing available spaces;
  - 5) Offering more free parking;
  - 6) Enforce 2 permit per business limit in Zone W2 (Wimbledon);

And in particular, as per 5) above, investigating any further affordable and practical approaches to allowing more free parking for Merton residents in any of the borough's council-run car parks thereby encouraging people to use our town centres more.

d) Continue with the policy of freezing the cost of resident parking permits for the fourth year running.

e) Maintain the reduction in the cost of visitor parking permits

#### 7(b) LIBERAL DEMOCRAT MOTION 2 (Agenda Item 7b)

Motion 2 set out in the supplementary agenda was moved by Councillor Mary-Jane Jeanes and seconded by Councillor Iain Dysart.

The Labour amendment set out in the second supplementary agenda was moved by Councillor Andrew Judge and seconded by Councillor Stephen Alambritis.

The amendment was put to the meeting

VOTING FOR 30 AGAINST 2.

CARRIED

The motion as amended was put to the meeting and it was:

RESOLVED:

"This Council seeks to encourage cycling and walking to improve residents' health and wellbeing. It acknowledges the excellent work done by officers in the preparation of Merton's Expression of Interest for the Mayor's "Cycling Mini-Hollands in Outer London" Fund. Council further notes that the draft bid submitted to the Mayor, and which has been shortlisted for the funding, already includes a commitment to "review our public rights of way network and allow cycle access where possible". Clearly such a review must also take into account the needs of other users such as pedestrians, those pushing buggies and using mobility scooters.

This Council notes that cyclists, users of mobility scooters and pedestrians with children in double buggies have complained about some of the chicane barriers on our Public Rights of Way. The complaints are that the barriers are so close together that bicycles and buggies have to be lifted over them and that those using mobility scooters cannot negotiate the chicanes, for example the chicane barrier between Fairway and Coppice Close in West Barnes.

This Council resolves to continue the programme of work in preparation for the mini-Holland bid which includes:-

- 1) an audit of all our Public Rights of Way to ascertain how many chicane and other barriers are preventing cyclists, mobility scooter users and those with buggies from using the Public Rights of Way and to ascertain the programme of works to allow access to cyclists in balance with the needs of other users;
- 2) applying for funds as part of the bid to alter all such over-restrictive barriers so that they can be used by all cyclists, mobility scooter users and pedestrians with small children;
- 3) Ask officers to ensure that any new barriers erected in the borough are installed to minimum dimensions to avoid repeating and perpetuating these problems".

7(c) CROSS PARTY MOTION 3 (Agenda Item 7c)

Motion 3 set out in the supplementary agenda was moved by Councillor Andrew Judge and seconded by Councillor Oonagh Moulton.

The motion was put to the meeting and it was:

RESOLVED:

This Council commends and supports our bid to become a mini Holland and welcomes the fact that the Mayor's Cycling Commissioner has shortlisted Merton's bid along with 7 other outer London Boroughs to compete for £100m proposed investment through this innovative scheme.

Council recognises the need for a well worked out bid, which will have a transformatory impact on cycling in the Borough: the objective being to make cycling a safe and convenient option for all residents capable of taking advantage of it. Council also recognises the need to achieve a balance with other sustainable modes such as walking and public transport, as well as with the use of private motor vehicles that for many individuals and families in the borough the car remains a crucial part of their everyday life. Council therefore resolves to continue to invest in all modes of transport so that our residents are fully empowered when making travel choices.

Council commends our staff for the work they have done to date in putting forward the initial “mini Holland” cycling bid and calls for a programme of further development and consultation to ensure that we present an excellent bid by 29<sup>th</sup> November with wide support across the community, which is both practical and also meets the Mayor’s vision for a “dramatic and transformational” approach to cycling in the capital.

Council invites wide involvement from all parts of the Merton community including all councillors to support the bid and contribute to its development to achieve the Mayor’s vision in Merton and revolutionise cycling.

## 8 NOTICES OF MOTION (Agenda Item 8)

### 8(a) MOTION 1 (CONSERVATIVE) (Agenda Item 8a)

Motion 1 set out in the agenda was moved by Councillor Henry Nelles and seconded by Councillor Diane Neil Mills.

The Liberal Democrat amendment set out in the supplementary agenda was moved by Councillor Iain Dysart and seconded by Councillor Mary Jane-Jeanes.

The amendment was put to the meeting.

VOTING FOR 27 AGAINST 30

LOST

The Labour amendment set out in the second supplementary agenda was moved by Councillor Mark Betteridge and seconded by Councillor John Dehaney

The amendment was put to the meeting.

VOTING FOR 30 AGAINST 27

CARRIED

The motion as amended was put to the meeting and it was:

RESOLVED:

This Council recognises that for too long vital local assets such as car parks, pubs and libraries have been lost without proper consideration being given to the effect on the community in Merton.

Recent efforts by residents to try and save Wimbledon Library, the P4 car park and Morden Tavern by having them listed as 'assets of community value' under the provisions of the 2011 Localism Act clearly demonstrate the willingness and determination of local people to protect the borough's assets for the benefit of future generations. However time and again, residents and community groups have come up against what can sometimes be perceived as council bureaucracy and a lack of transparency with regard to management of the council's assets. However Council acknowledges that the current system allows for decisions on applications for listing to be taken by a non-political group of officers, in consultation with the Cabinet member and local ward councillors, and that decisions are taken in line with the requirements of the Localism Act which outline the specific requirements for a nomination to be accepted; Council cannot operate outside of these legal requirements.

This Council believes that Merton should seek to help not hinder residents and community groups in their efforts and as such, in line with the clear provisions of the Localism Act, the Council already takes responsibility for holding the list of assets around the borough which local people would like to see protected and that comply with the requirements of the Act. This Council also notes that any unfunded capital projects over £500k that are not already in the approved budget need to be agreed by full Council. Council acknowledges that requiring Council approval of transactions of below this agreed amount would reduce the authority's financial agility and its ability to get the best value for council taxpayers' money and assets.

This Council therefore resolves:

- a) Actively to encourage and support Merton's residents, businesses and community groups to come forward with proposals for local sites to be included on the list of Merton's 'assets of community value'.
- b) To request Scrutiny to review the current decision making process and the Strategic Property Asset Group to ascertain whether this is the most appropriate approach to considering these proposed sites and to put forward recommendations for change if required. However, Council reiterates the principle that local ward members should continue to be included in any decisions on sites in their wards.
- c) As part of a move towards greater openness and transparency and improved forward planning, that any unfunded capital projects over £500k not already clearly stated in the budget approved in March each year, should continue to be brought to Full Council for decision by all Members.

#### 8(b) MOTION 2 (MERTON COALITION) (Agenda Item 8b)

Motion 2 set out in the agenda was moved by Councillor Suzanne Evans and seconded by Councillor Richard Hilton.

The Labour amendment set out in the second supplementary agenda was moved by Councillor Andrew Judge and seconded by Councillor Mark Betteridge.

The amendment was put to the meeting and agreed.

The motion as amended was put to the meeting and it was:

RESOLVED:

Council is aware that by 1st January 2015 all rubbish collections must comply with the European Waste Framework Directive and the Waste (England and Wales) Regulations 2011 and the Waste (England and Wales) (Amendment) Regulations 2012 which provide that there will be an obligation to collect waste paper, metal, plastic and glass separately where separate collection is:

- Necessary to ensure that waste undergoes recovery operations and to facilitate or improve recovery; and
- Technically, environmentally and economically practicable

However, it is DEFRA's view that the commingled collection of recyclables meets the expectations set out in the Framework in that the materials are collected separately from other waste streams. The Campaign for Real Recycling contested this interpretation and successfully applied for a Judicial Review. However, on 6 March 2013, Mr Justice Hickinbottom gave judgment that whether or not source segregated collection is practicable and necessary will depend on the particular local circumstances attributable to any local authority, the technology used and the methodology of collection.

Any local authority which has co-mingled waste collections should consider the particular circumstances of the locality and whether or not that collection is compliant now that the requirements for the Regulations have been clarified.

There is therefore no need to change the current collection methodology and introduce source segregated collections at the kerbside.

As a result there should be no impact on the frequency of waste collections as a result of the new regulations since Merton Council is able to satisfactorily deal with co-mingled recyclable waste.

The convenience of weekly bin collections and single, mixed-bin recycling collections are valued by residents in Merton and this Council therefore resolves to continue to: -

1. Maintain a weekly bin collection beyond 1st January 2015
2. Continue the practice of collecting recyclables by way of a single mixed-bin recycling system beyond 1st January 2015

8(c) MOTION 3 (LABOUR) (Agenda Item 8c)

Motion 3 set out in the agenda was moved by Councillor Russell Makin and seconded by Councillor Agatha Akigyina.

The Liberal Democrat amendment set out in the supplementary agenda was moved by Councillor Iain Dysart and seconded by Councillor Mary Jane-Jeanes.

The amendment was put to the meeting and was LOST.

The Conservative amendment set out in the second supplementary agenda was moved by Councillor James Holmes and seconded by Councillor Samantha George.

The Conservative amendment was accepted by the movers of the motion.

The motion as amended was put to the meeting and it was:

RESOLVED:

This Council agrees to support the Croydon, Merton and Sutton Credit Union by use of the following:

- a) Encouraging all Councillors and council employees to participate in the scheme
- b) Advertising as widely as possible to the residents of Merton the benefits of joining a credit union
- c) Discouraging “payday loan” companies from advertising on any of its properties and exploring ways of blocking access to such websites via its IT systems.
- d) Working with the borough’s schools to deliver improved financial literacy education in line with the Government’s recent proposals to make financial literacy a statutory part of the National Curriculum, following the submission of an e-petition signed by more than 118,000 people nationwide.

#### 9 CALL-IN AND URGENCY (Agenda Item 9)

RESOLVED: That the Council notes the taking of an urgent key decision requiring the waiving of the call-in procedure.

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

RESOLVED: That the Council notes the changes made under delegated powers since the last meeting of the Council and the nominations to seats from the Merton Coalition.

#### 11 PETITIONS (Agenda Item 11)

Petitions presented:

Councillor Mary-Jane Jeanes on behalf of residents of Rookwood Avenue

Councillor Andrew Judge on behalf of residents regarding 'Save Abbey Police Office'

RESOLVED: That the Council notes the advice given by officers in respect of petitions presented to the meeting of the Council held on 10 July 2013.

## 12 BUSINESS FOR THE NEXT ORDINARY MEETING (Agenda Item 12)

Councillor Stephen Alambritis advised the meeting that the main theme for the next meeting would be "Education with a focus on school expansions"