

Agenda Item 3

COUNCIL
18 SEPTEMBER 2019
(7.15 pm - 10.10 pm)

PRESENT The Mayor, Councillor Janice Howard
 The Deputy Mayor, Councillor Edward Foley

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey, Thomas Barlow, Nigel Benbow, Hina Bokhari, Kelly Braund, Mike Brunt, Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, David Dean, John Dehaney, Nick Draper, Anthony Fairclough, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Andrew Howard, Natasha Irons, Sally Kenny, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Edith Macauley MBE, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Peter Southgate, Geraldine Stanford, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson and David Williams MBE JP

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for lateness were received from Councillors Brunt, Crowe and Draper; and apologies for absence were received from Councillors Curtin and Skeete.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest made.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 10 July 2019 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 since the last meeting and encouraged Members to attend the forthcoming events for the Mayor's charities.

There were no announcements from the Leader or 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 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.

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

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.

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

The Strategic Theme report on Sustainable Communities with a focus on enforcement was moved by Councillor Whelton and formally seconded by Councillor Byers.

Councillors Andrew Howard and Quilliam also spoke on the item.

RESOLVED: That the Strategic Theme report is agreed.

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

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

The Liberal Democrat amendment as set out in agenda item 20 was moved by Councillor Quilliam and seconded by Councillor Gould.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 26, votes against: 30, abstentions: 0.

The Labour amendment as set out in agenda item 21 was moved by Councillor Cooper-Marbiah and seconded by Councillor Kenny.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 26, abstentions: 0.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 26, abstentions: 0.

RESOLVED:

Council notes that, since the parks service contract was negotiated by the Labour administration, the new provider has been able to enforce the pay to play system for the use of council owned tennis courts. This is helping to provide resources for local parks, which have been under financial pressure as a result of Government austerity cuts. Council further notes that these charges represent good value compared to local private tennis courts and are in line with charges applied by neighbouring councils.

Council also notes that the borough's park service contributes to making Merton a great place for families and continues to be highly valued by local residents, with the most recent annual residents' survey of 2019 showing 77% of residents think the borough's parks, playgrounds and open spaces are good, up 2% since 2017.

Council therefore requests Cabinet to:

- Provide use of all LBM owned courts for a small charge to enable the administration to maintain a parks service that most residents say is good;
- Instruct Merton Council Officers to prepare a report on establishing an annual pass scheme, similar to ones already operating successfully in other London boroughs, with a view to introducing a similar scheme in Merton in 12 months' time.

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

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

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

Councillor Fairclough spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 34, votes against: 23, abstentions: 0.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 34, votes against: 23, abstentions: 0.

RESOLVED:

This council recognises that there have been recent successes in enforcement, particularly the court injunction that has prevented Travellers from occupying council land in the borough.

However, this council recognises that Merton Council has failed to publicise the enforcement of the refuse collection and street cleaning contract with Veolia since April 2017.

Commenting on this issue Stephen Hammond MP said: “On a nearly daily basis I am contacted by constituents regarding Veolia’s performance. These complaints touch on all elements of the council and Veolia’s duty to deal with waste, and cover street litter, overflowing public bins, fly tipping, uncollected private bins and litter covering the streets after bin collection. Merton Council should be scrutinised for the poor procurement of this contract and the full costs of it be made transparent. The council has a history of poor contract management, this must improve, and a clear plan for such should be subject to scrutiny.”

Siobhan McDonagh MP recently stated to the Sustainable Communities Overview and Scrutiny Panel: “There has been a significant problem with refuse collection and street sweeping services in Mitcham. There are large numbers of sites which are fly tipped on a regular basis and there appears to be little management of the street sweeping service. The need for a reconsideration of the street sweeping element of the waste contract is clear. It is my understanding that streets are only swept if they are below a certain standard. It is completely unclear, however, what this standard is and how this standard is determined.”

Council notes that in procuring the contract with Veolia there were three broad objectives:

- to save money, helping to mitigate the significant reduction in funding the Council has received from central Government since 2010;
- to increase rates of recycling; and
- to improve street cleanliness.

Council notes that the contract has performed relatively well against the first two objectives; savings in excess of £1m a year are being realised, which can help reduce cuts to services, and the borough’s recycling rate has jumped from 37% to 45% since October 2018. However, council recognises that against the third performance has been disappointing, and although large parts of the borough receive a good service, there are some significant parts being let down by the level of service currently received, particularly on street cleansing in the east.

This council therefore:

- Recognises the comments made by the boroughs two MPs condemning the failure of Veolia to clean the streets, collect the refuse and clear up fly tips;
- Recognises the comments made by the Cabinet Member at the recent Sustainable Communities Overview and Scrutiny Panel where he acknowledged that the poor performance in parts of the borough was not acceptable;
- Recognises that Veolia has committed to the publication of an Improvement Plan to address some of these issues in recognition that its level of service is not good enough;
- Recognises that in some areas Veolia's performance has not improved, whilst in others it has (notably the number of missed collections and removal of fly tips);
- Notes that additional financial resources are being used to collect waste in recognition of the fact that in some parts of the borough the levels of participation in food waste and recycling is lower than in others, and asks the Cabinet Member to continue working with officers on a programme of education to help facilitate the desired behaviour change;
- Thanks members of the Sustainable Communities Overview and Scrutiny Panel for ensuring that both the Council and Veolia were properly scrutinised during a very extensive discussion at its September meeting;
- Requests that the Sustainable Communities Overview and Scrutiny Panel continues to scrutinise performance on a regular basis to
- Requests that the Cabinet member engages with all councillors on any suggestions for rapid improvements in the areas of the borough where Veolia is not currently meeting the contractual standard on street cleaning, fly tipping and refuse collection; and
- Requests the Cabinet Member to continue working with Officers to focus on educating residents to deal with their waste responsibly and enforce against those who do not, noting the recent publication of the draft Fly Tipping Strategy.

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

The motion was moved by Councillor Fairclough and seconded by Councillor McGrath.

Councillors Barlow and Byers spoke on the item.

The motion was then put to a vote and was carried unanimously.

RESOLVED:

This Council notes that:

·exhaust fumes contain a number of harmful gases including carbon dioxide, nitrogen dioxide, carbon monoxide and hydrocarbons linked to asthma and other lung diseases;

·the National Institute for Health and Clinical Excellence has made recommendations about improving road-traffic-related air pollution in which it urges local authorities to raise awareness of and crack down on idling;

·local authorities have the power to issue fixed penalties for emissions offences and stationary idling under the Road Traffic (Vehicle Emissions)(Fixed Penalty) (England) Regulations 2002, which may be imposed when a motorist refuses to switch their engine off when asked to do so by an authorised person;

·that an increasing number of councils have implemented No Idling Zones;

And welcomes Merton's participation in Idling Action London and the planned training on anti-idling campaigning for councillors.

This Council resolves to request that Cabinet:

·bring forward plans to introduce No Idling Zones across Merton borough, particularly near schools, including consideration of deploying our existing enforcement officers for this purpose, and the potential of including anti-idling within the scope of enforceable functions carried out by the Council's enforcement service provider;

·explore the potential for training volunteers to collect appropriate evidence to enforce anti-idling in key hotspots and the future designated No Idling zones across Merton; and

·work with relevant contractors (e.g. IDVerde, Veolia) and partners such as TfL to ensure their practice supports this action and publicly report back on this work at least annually.

8 REPORT OF THE RAYNES PARK COMMUNITY FORUM 13 JUNE 2019
(Agenda Item 8)

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

9 REPORT OF THE WIMBLEDON COMMUNITY FORUM 19 JUNE 2019
(Agenda Item 9)

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

10 NOTICE OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 10)

The motion was moved by Councillor Kohler and seconded by Councillor Gould.

Councillor Southgate spoke on the item.

The Conservative amendment as set out in agenda item 23 was moved by Councillor McLean and seconded by Councillor Simpson.

The Conservative amendment was put to a vote and fell – votes in favour: 16, votes against: 38, abstentions: 3.

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

In accordance with Council Procedure Rules, Councillor McLean made a Person Explanation relating to the number of new police officers to be allocated to the Metropolitan Police, as quoted at the Overview and Scrutiny Commission. The Mayor noted the point of clarification.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 23, abstentions: 3.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 16, abstentions: 10.

RESOLVED:

Council notes:

- According to evidence considered by the Overview and Scrutiny Commission, the merger of the Merton Borough Command Unit with those in Wandsworth, Kingston and Richmond, to create London's largest "Basic Command Unit" (BCU), resulted in a 19% decrease in police numbers across the 4 boroughs.
- At the same Overview and Scrutiny Commission meeting it was stated that the boroughs in the BCU have not used the MOPAC scheme to provide council funded police officers, and South West BCU Head Sally Benatar advised this is not an option and would be counterproductive because the council buying police officers would result in taking BCU officers from other teams.

Council believes:

1. due to higher crime rates in other parts of the enlarged BCU, the decrease in overall police numbers could have a disproportionate effect on police numbers across Merton.
2. the cost of policing should lie at the government's door, and that the reduced police number in Merton and in our community police presence is due to ongoing cuts in central Government funding to the Met.
3. making provision for any police costs in the council's financial strategy would further compromise our already stripped-back services

Council resolves:

To resist any further cuts to services in Merton that would result from making provision in the Medium Term Financial Strategy to pay for subsidised police officers through MOPAC's PartnershipPlus Scheme

To maintain pressure on the government to reverse Metropolitan police funding cuts of more than £1 billion.

To continue to work with the BCU Head to identify the areas of greatest need and to ensure the South West BCU receives some officers as part of the 20,000 new officers who the government has said may be deployed to offset the 20,000 officers that have been lost from the police service since 2010.

11 NOTICE OF MOTION: LABOUR MOTION (Agenda Item 11)

The motion was moved by Councillor Attawar and seconded by Councillor Mundy.

The Liberal Democrat amendment as set out in agenda item 25 was moved by Councillor Bailey and seconded by Councillor Quilliam.

Councillor McGrath spoke on the item.

The Liberal Democrat amendment was put to a vote and was carried – votes in favour: 41, votes against: 16, abstentions: 0.

The Conservative amendment as set out in agenda item 26 was moved by Councillor Ormrod and seconded by Councillor Moulton.

The Conservative amendment was put to a vote and was lost – votes in favour: 16, votes against: 31, abstentions: 10

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 41, votes against: 0, abstentions: 16.

RESOLVED:

This Council notes:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;

- That the role of a councillor should be open to all, regardless of their background, and that having a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.
- As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;

Council further notes:

- That Merton Council does offer full parental leave rights for councillors that mirrors those of council employees, but that this can be made much more explicit in the Constitution by adopting the LGA Labour Group's Women's taskforce parental leave policy
- That in order for councillors to be able to carry out their duties often they must claim for reimbursement of the dependent carers' allowance.

This Council resolves:

- To adopt the parental leave policy drafted by the LGA Labour Group's Women's Taskforce to give all councillors an entitlement to parental leave after giving birth or adopting, and to have the full range of rights in the policy reflected in the constitution when the members' allowances scheme is renewed in February 2020;
- To ensure that councillors with children and other caring commitments are supported as appropriate, and therefore raise the dependent carers allowance entitlement to the London Living Wage;
- To notify the LGA Labour Group that this council has passed a motion at full council to adopt the parental leave policy.
- To carry out a review into how to make being a councillor more accessible so Council is representative of the population of Merton.

The Mayor advised that the order of the agenda would be altered to consider item 15 first, then items 13, 14, 12 and then the remaining items in order. For ease of reference, the minutes appear in the order in which they appeared in the agenda.

12 APPROVAL OF MERTON'S LOCAL DEVELOPMENT SCHEME 2019-2022 (Agenda Item 12)

The report was moved by Councillor Whelton and seconded by Councillor Mundy and Councillor Latif spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

1. That, following advice from the Borough Plan Advisory Committee on 6th June 2019 and Cabinet on 15th July, the high level project plan for creating planning policy documents, known as Merton's Local Development Scheme (LDS) be approved.
2. That the project plan and timetable (Local Development Scheme) take effect on 19 September 2019, replacing the council's LDS 2016-19.
3. That Council delegates any amendments to the Local Development Scheme to the Director of Environment and Regeneration in consultation with the Cabinet Member for Regeneration, Housing and Transport; and the Chair and Vice Chair of the Borough Plan Advisory Committee.

13 CHILDREN AND YOUNG PEOPLE'S PLAN (Agenda Item 13)

The report was moved by Councillor Braund and seconded by Councillor Stringer and Councillors Ormrod and Gould spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

1. That the Merton's Children and Young People's Plan for 2019-23 be adopted.

14 DOCK-LESS BIKES BYE-LAW (Agenda Item 14)

The report was moved by Councillor Whelton and seconded by Councillor Alambritis and Councillor Holden spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

1. That the Council supports the making of a Greater London Dockless Vehicle Hire Byelaws.
2. That authority be granted to the London Councils' Transport and Environment Committee to exercise certain functions in connection with the making of byelaws under section 235 of the Local Government Act 1972 for the purpose of regulating dockless vehicles on the highway and/or public places as set out in the Appendix 1.
3. That the Director of Environment and Regeneration be authorised to sign the form of *Delegation* set out in Appendix 1 to the report, on behalf of the Council.

15 PREPARING THE COUNCIL FOR THE UNITED KINGDOM'S EXIT FROM THE EUROPEAN UNION (Agenda Item 15)

The report was moved by Councillor Allison and seconded by Councillor Alambritis and Councillors McLean and Kohler spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

1. That the Council notes the possible impact on the council, residents and businesses of the United Kingdom's departure from the European Union and the work that the council and its partners is doing to prepare for potential scenarios post departure.

16 APPOINTMENT OF MONITORING OFFICER (Agenda Item 16)

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

The report was put to a vote and was agreed.

RESOLVED:

1. That the Head of Shared Legal Services, Fiona Thomsen, be designated as Monitoring Officer from 7th October 2019 until a permanent appointment of the Assistant Director of Corporate Governance is made and the appointment of the new Monitoring Officer is confirmed by Council.

17 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 17)

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

The report was put to a vote and was agreed.

RESOLVED:

1. That the Council approves the appointment of Councillor Najeeb Latif as Vice-Chair of the Borough Plan Advisory Committee.
2. That the Council approves the appointment of Councillor Thomas Barlow as Vice-Chair of the Healthier Communities and Older People Overview and Scrutiny Panel; and a member of the South West London Joint Health Overview and Scrutiny Committee, following the resignation of Councillor Stephen Crowe.
3. That the Council notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.

18 PETITIONS (Agenda Item 18)

The report was moved by Councillor Alambritis and seconded by Councillor 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 Gretton on the reopening of the Wimbledon Park paddling pool.

19 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 19)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 20 November 2019, shall be Children, Schools and Families with a focus on Schools.