

Agenda Item 3

COUNCIL

3 FEBRUARY 2021

(7.15 pm - 10.28 pm)

PRESENT

The Mayor, Councillor Sally Kenny,
The Deputy Mayor, Councillor John Dehaney,

Councillors Agatha Mary Akyigyina OBE, Stephen Alambritis MBE, 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, Mary Curtin, David Dean, Nick Draper, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Andrew Howard, Janice Howard, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Edith Macauley MBE, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Marsie Skeete, 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 absence were received from Councillors Natasha Irons and Aidan Mundy.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 18 November 2018 are agreed as an accurate record.

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

The Leader commemorated the former Mayor's consort, Sally Draper, on the 10 year anniversary of her death. He also paid tribute to the Council and NHS staff working so hard on the Covid-19 response and commemorated the Merton residents who had lost their lives in the pandemic and urged Merton residents to continue following the Government's rules to reduce the infection rates.

The Chief Executive announced that he was retiring from the Council in July and that there was an item on the agenda to commence the recruitment process for his replacement.

The Mayor also thanked all the public sector workers in Merton working hard in the pandemic.

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 the questioners who had registered to speak 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 remaining Member 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 the focus on Merton's Climate Change Strategy and Action Plan was moved by Councillor Whelton and seconded by Councillor Cooper-Marbiah.

Councillors Barlow and Fairclough 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 Southgate and seconded by Councillor Foley.

Councillor Andrew Howard spoke on the item.

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

Councillor Fairclough spoke on the amendment.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 10, abstentions: 17.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 37*, votes against: 3, abstentions: 18.

*Councillor McGrath requested that his vote be recorded as in favour after selecting the ‘not voting’ button in error.

RESOLVED:

Merton’s Climate Strategy and Action Plan was adopted by Council in November 2020 with cross party support. The Plan aims to make the borough of Merton carbon neutral by 2050, with ambitions for the council to become a carbon neutral organisation by 2030.

Council notes:

- Merton has one of the largest extend of self-funded solar panels across council buildings and schools
- Retrofit measures in many council buildings has already taken place
- Merton has installed the most school streets in London
- Over 97% of carbon emissions in Merton are outside the council’s direct control
- Merton is one of the greenest boroughs in London, with 24% tree canopy cover, and trees, grass or other natural surfaces covering almost half of the borough’s land.
- In the past decade Merton has increased by 8 hectares the amount of publicly accessible green space in the borough.

Council further notes:

The Delivery Plan monitors progress towards these goals. In year 1 the Plan records good progress on most workstreams, but further advances depend on external funding for two workstreams which are rated “Red” (RAG):

- Retro fit of residential and non-residential building stock to decarbonise energy
- Decarbonisation of LBM estate and fleet management

The scale of investment required is beyond Merton's own resources, but central government has announced several initiatives to provide grants for projects aiming to achieve zero carbon:

- 10-point plan for a green industrial revolution (£12bn) includes green public transport, cycling and walking, but is existing government funding and is not allocated to be spent by Local Authorities.
- Public Sector Decarbonisation Scheme (£1bn in 2020 + £0.5bn in prospect for 2021) for which Merton has applied for £0.5 million (awaiting outcome)
- Social Housing Decarbonisation Fund (£3.8 bn) open to bids from LA led consortia, which the Council cannot access but is in discussion with social housing providers that can

All of these grants are subject to competitive bids which require extensive research and documentation, yet must be submitted to tight deadlines.

Merton's excellent but already stretched climate change team does not have the capacity to submit convincing bids for all the grants likely to be available in the future. Winning even a fraction of these could be transformational in realising the ambitions of Merton's Climate Action Plan.

Council therefore requests the Cabinet Member for Climate Change to work with senior officers across Future Merton, Facilities Management and Children, Schools and Families to optimise the resources available to submit winning bids for external funding. In this competition there are no prizes for coming second.

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

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

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

Councillor Holden spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 19, abstentions: 17.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 37, votes against: 1, abstentions: 19.

RESOLVED:

Council notes with concern:

1. the ever-growing plastic contamination of our oceans and the threat to life this wreaks; and

2. that at every step in its lifecycle, even long after it has been discarded, plastic creates greenhouse gas emissions that are contributing to the climate change emergency.

Council calls on Government to take action to reduce plastic use and find ways to stop our throwaway culture, and urges Government to fulfil its manifesto commitment to ban the practice of exporting unsorted plastic waste to developing countries, which the EU has banned since 1 January 2021.

In addition to necessary Government action, Council recognises that there is also a local leadership role to play in reducing plastic pollution across the borough.

Council notes:

- The work of the cross-party task group in drawing up a detailed action plan for reducing the use of single waste plastics by the Council and the council's partners
- The progress of the action plan including a successful bid to the GLA for refillable water stations across the borough, updating the Social Value Toolkit used by officers across the Council as part of the wider procurement toolkit to include guidance to its partners on the use of non-recyclable plastics

Council requests that Cabinet commits to:

1. Continue working with residents, businesses and organisations across Merton to help them go 'single-use plastic free,' sharing business support and practical advice to help the transition from single-use plastics to re-usable alternatives; and
2. Suggesting a cross-party task group to examine with the Sustainable Communities panel the single-use plastics element in the relevant Sustainable Consumption workstream 1 in the Climate Change Delivery Plan

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

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

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

Councillor Kohler spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 18, abstentions: 9.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 16, abstentions: 11.

RESOLVED:

Council recognises that since the cross party declaration of a climate emergency in July 2019 the Conservative opposition has repeatedly attempted to block the adoption of policies that has not take any meaningful action to reduce pollution in Merton.

Furthermore, council notes that:

- Anti-idling measures have been introduced including over 200 signs across the borough following consultation with all councillors, and the development of anti idling zones into School Streets;
- In February 2019 the Conservative opposition voted against a motion that was passed to introduce low emission bus zones in the town centres, since that date there have been several meetings with senior officers and TfL to assess a timetable for their implementation;
- Labour have ensured that Merton is one of the greenest boroughs in London, with 24% tree canopy cover, and trees, grass or other natural surfaces covering almost half of the borough's land, and that in the past decade Merton has increased by 8 hectares the amount of publicly accessible green space in the borough.;
- The Conservative opposition has failed to propose technology led solutions to combat the pollution crisis;
- There have been several bids made for available funding to improve the environment;
- Much of the pollution in Merton is caused by HGVs and busses as well as cars;
- The previous parking charges increase (after 10 years of no increase which essentially resulted in a decrease in real terms),, which affected car-owners the borough, was an innovative step in encouraging behaviour change in order to improve air quality, as is the proposed emissions based parking charges increase.

Therefore, council requests that cabinet:

- Work with officers to identify suitable opportunities for tree planting to ensure that the 10% increase in the borough's tree cover, as specified in the Climate Strategy and Action Plan, is met by the 2050 target;
- Champion the role of the first-ever cabinet member to have the climate emergency in their job title in their efforts to drive forward the greening of the borough;
- Continue to Implement anti-idling enforcement in key pollution hotspots near schools and shops;
- Continue to Meet with TfL to press for new clean energy buses in London;
- Assess the benefits of Increasing the number of air quality monitoring stations in the borough;
- Engage with local HGV companies and encourage a switch to clean powertrain technologies.

8 REPORT OF THE WIMBLEDON COMMUNITY FORUM, 1 DECEMBER 2020
(Agenda Item 8)

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

9 REPORT OF THE RAYNES PARK COMMUNITY FORUM, 3 DECEMBER 2020 (Agenda Item 9)

Councillor Adam Bush presented the report which was received by the Council.

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

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

The Conservative amendment as set out in agenda item 24 was moved by Councillor Gretton and seconded by Councillor Benbow.

The Conservative amendment was put to a vote and fell – votes in favour: 17, votes against: 38, abstentions: 2.

The Labour amendment as set out in agenda item 25 was moved by Councillor Whelton and seconded by Councillor Pritchard.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 9, abstentions: 18.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 37, votes against: 2, abstentions: 19.

RESOLVED:

Council notes:

1. The Government's inadequate response to the Grenfell tragedy has failed to address the legitimate health & safety concerns of occupiers in blocks of flats causing genuine stress and risking residents' mental health. Many owners, in buildings of all heights, have been left in limbo, unable to remortgage/mortgage, buy or sell (without an EWS1 form) and understandably concerned about the cost of remedial work.
2. Despite the Government's focus on blocks of flats above 18m, the Richmond House fire in Sutton demonstrates the need for residential developments below this height to be covered by legislation relating to fire safety risks.
3. The Government has largely adopted a 'hands-off' approach, insisting that making properties safe is the responsibility of building owners and failing to hold developers to account.
4. Members in parliament are calling on the Government to give long overdue support to residents who are stuck in homes that are still not safe four years on from the Grenfell tragedy, whose homes are now worthless.

Council commends Merton officers for undertaking an audit of all residential blocks in Merton above 18m.

Council requests that Cabinet:

1. Signs up to the End our Cladding Scandal Campaign, which makes the following 10 demands:
 - The government must lead an urgent national effort to remove all dangerous cladding from buildings by June 2022.
 - The Building Safety Fund must cover all buildings, regardless of height, and a range of internal and external fire safety defects, not just cladding.
 - The government should provide the money up front and then seek to recover it from any responsible parties or via a temporary levy on development.
 - Social housing providers must have full and equal access to the fund.
 - The government must compel building owners or managers to be honest with residents about fire safety defects.
 - The government should cover the cost of interim safety measures.
 - The government should act as an insurer of last resort and underwrite insurance where premiums have soared.
 - A fairer, faster process is needed to replace the EWS form and funding is necessary to ensure all buildings requiring a form are surveyed within 12 months.
 - Mental health support must be offered to affected residents.
 - Protecting residents from historic and future costs must be a key commitment of new building safety legislation.
2. Writes to the government requesting sufficient funding for Merton to recruit the necessary officers and enable those officers to:
 - include low rise blocks of flats under 18m in their audit.
 - Publish the audit to establish the scale of cladding issues in Merton, as part of the campaign calling for the Government to urgently establish the extent of dangerous cladding and prioritise buildings according to risk, as well as providing immediate funding and pursuing those responsible for costs.
 - Create an online 'hub' for residents, tenants and long leaseholders in both the private and social housing sectors to access relevant support to deal with issues including financial problems and mental health concerns, as well other useful relevant information (eg support concerning rogue landlords, ASB etc
3. Notes that such measures would go beyond what has been put in place by neighbouring boroughs, and can only be achieved with additional support from the government, which has let Merton's residents down by not acting to resolve the cladding scandal sooner, even though it is now 4 years since the Grenfell tragedy highlighted this.

11 NOTICES OF MOTION: CONSERVATIVE MOTION (Agenda Item 11)

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

The Liberal Democrat amendment as set out in agenda item 26 was moved by Councillor McGrath and seconded by Councillor Kohler.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 26, votes against: 30, abstentions: 1.

The Mayor proposed that the meeting be extended by 15 minutes to conclude the remaining business on the agenda. This was put to a vote and was carried – votes in favour: 50; votes against: 3; abstentions: 4.

The Labour amendment as set out in agenda item 27 was moved by Councillor Whelton and seconded by Councillor Draper.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 20*, abstentions: 7.

*Councillor Omar Bush requested that his vote be recorded as against after selecting the 'not voting' button in error.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 19, abstentions: 8.

RESOLVED:

This council recognises the impact of the government's failure to properly fund TfL for the full impact of Covid-19 on its finances on efforts to progress Morden regeneration. In 2008-2009 the public showed its support for Morden regeneration in the moreMorden consultation, and it remains a key objective for the Labour administration.

Council notes:

- Although Merton Council submitted bids to the Future High Streets Fund (which gave funding for regeneration projects to high streets with a high level of shop vacancies and other signs of long-term decline, such as Wandsworth and Sutton). Morden would not have qualified for the fund due to the criteria set by the government;
- The allocation of £300,000 from neighbourhood CIL towards Morden Town Centre Improvements at November's cabinet, which will help to revitalise the town centre with short term deliverable measures while the procurement of a development partner progresses
- Working with the Mayor of London and with the landowners of the shops and flats above, the council invested more than £650,000 in 2018 to improve shopfronts in Morden Court Parade which was the largest single investment in shopfront improvements in the borough and transformed the parade. It was also shortlisted for the Architects Journal award for urban renewal.
- the GLA Land fund offers deeply unfavourable interest rates and is available only to developers and not the Council ;

- The Labour administration attended the MIPIM conference in 2019 in order to raise the profile of regeneration sites across the borough which was also attended by the Conservative leader of Wandsworth Council, among others, and that the relationships developed there will serve both councils well.

Council therefore calls upon the cabinet to:

- Report progress made to the cross-party Morden Regeneration Steering Committee and to the Sustainable Communities Panel;
- Continue the dialogue with TfL and other stakeholders to plot a way forward;
- Create a role of Morden Champion to drive forward the regeneration programme.

12 APPROVAL OF PAY POLICY STATEMENT AND MEMBERS ALLOWANCES (Agenda Item 12)

The report was moved by Councillor Byers and seconded by Councillor Skeete and Councillor McLean spoke on the item.

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

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 26, votes against: 29, abstentions: 2.

The report was put to a vote and was and was carried – votes in favour: 44, votes against: 9, abstentions: 3.

RESOLVED:

1. That the Pay Policy Statement attached as Appendix A to the Council report for 2021/22 be approved and the Monitoring Officer be authorised to make any consequential changes needed to the Constitution.
2. That the Members' Allowance Scheme attached as Appendix D to the Council report for 2021/22 be approved, noting that there will be no increase in allowances in 21/22;
3. That it be noted that The Restriction of Public Sector Exit Payments Regulations 2020 are currently subject to legal challenge and that the Pay Policy Statement may need to be amended once the outcome of that challenge is known.

13 CALENDAR OF MEETINGS 2021/22 (Agenda Item 13)

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

The report was put to a vote and was agreed

RESOLVED:

That the Calendar of meetings for the 2021/22 municipal year, attached at Appendix A to the Council report, be agreed.

14 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS
(Agenda Item 14)

The report was moved by Councillor Allison and seconded by Councillor Stringer and Councillor Ormrod spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

1. That the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council be noted.

15 PETITIONS (Agenda Item 15)

The report was formally moved and seconded.

RESOLVED

That Council

1. Notes the update on the petition received at the last meeting; and
2. That any petitions submitted through the Mayor would be sent to relevant officers for a response to be reported to the next Council meeting.

16 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 16)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 22 April 2021, shall be Safer and Stronger Communities.

17 APPOINTMENT TO THE POST OF CHIEF EXECUTIVE (Agenda Item 17)

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

The report was put to a vote and was agreed.

RESOLVED:

1. That the commencement of the recruitment process for a replacement Chief Executive in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as the current post holder will be retiring in July 2021 be approved.

2. That the recruitment salary package of £181,332 to £201,741 per annum for the post of Chief Executive as required by the Council's pay policy statement be approved.

18 EXCLUSION OF THE PUBLIC (Agenda Item 18)

The Council noted the information contained in the exempt item and did not refer to it during consideration of item 17 and therefore the meeting remained in public.

19 APPOINTMENT TO THE POST OF CHIEF EXECUTIVE - EXEMPT APPENDIX (Agenda Item 19)

The Council noted the information contained in the exempt item and did not refer to it during consideration of item 17 and therefore the meeting remained in public. The minute is set out at item 17 above.