

Agenda Item 4

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

COUNCIL
8 JULY 2015
(19.15 - 21.44)

PRESENT

The Mayor of Merton, Councillor David Chung
The Deputy Mayor of Merton, Councillor Pauline Cowper

Councillors: Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Tobin Byers, Charlie Chirico, Caroline Cooper-Marbiah, Stephen Crowe, Mary Curtin, David Dean, 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, Russell Makin, Maxi Martin, Peter McCabe, Oonagh Moulton, Ian Munn, Katy Neep, Dennis Pearce, John Sargeant, Judy Saunders, David Simpson, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Peter Walker, Jill West, Martin Whelton and David Williams.

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Agatha Akyigyina and Marsie Skeete.

2 DECLARATIONS OF INTEREST (Agenda Item 2)

No pecuniary declarations of interests were made.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

That the Minutes of the meeting held on 13 May 2015 were agreed as a correct record.

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

The Mayor announced the sad news on the passing of Mr Charles Ocansey, last year's Mayor's consort, and husband of Councillor Agatha Akyigyina. The Mayor on behalf of the Council asked that their condolences be sent to Councillor Akyigyina.

The Mayor provided the Council with a brief update on his recent Mayoral duties including discussing that to date between him and the Deputy Mayor they had attended over 80 engagements within the Borough. He also informed that it was his intention to visit all the schools within the Borough during this term as the Mayor.

The Mayor invited Councillor Stephen Alambritis and Oonagh Moulton to say a few words on the death the former Councillor and Mayor Joyce Paton.

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 supplementary question to the appropriate Cabinet Member.

A copy of the supplementary questions and the responses will be included within the 'Public questions to Cabinet Members' published document.

6 COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

The responses to the Members' ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of those Councillors in turn to ask (if they wished) a further supplementary question to the Cabinet Member.

A copy of the supplementary questions and the responses will be included within the 'Councillors' ordinary priority questions' to cabinet members published document.

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

The responses to the Members' strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of those Councillors in turn to ask (if they wished) a further supplementary question to the Cabinet Member.

A copy of the supplementary questions and the responses will be included within the 'Strategic theme: Councillors' questions to Cabinet Members' published document.

8 STRATEGIC THEME: MAIN REPORT SUSTAINABLE COMMUNITIES WITH AN EMPHASIS ON LEISURE AND SPORT (Agenda Item 8)

The report was moved by Councillor Nick Draper and seconded by Councillor Stephen Alambritis

Councillor Charlie Chirico also spoke on this item

RESOLVED:

That the report is agreed

10 REPORTS FROM WIMBLEDON COMMUNITY FORUM (Agenda Item 10)

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

11 NOTICE OF MOTION - CONSERVATIVE 1 (Agenda Item 11)

The motion was moved by Councillor Michael Bull and seconded by Councillor Linda Taylor

The Labour amendment, as set out in item 23 was moved by Councillor Ross Garrod and seconded by Councillor Judy Saunders.

Councillor Mary Jane Jeanes also spoke on the item.

The Labour amendment was then put to the vote and was carried – votes in favour 33, and votes against 21 with 4 abstention.

The substantive resolution was agreed.

RESOLVED:

Council notes that under the previous Conservative administration official government data showed that Merton was the dirtiest borough in London. Since 2010 however, the government's figures show that litter and detritus on Merton's streets has reduced significantly due to a more targeted approach.

However, this Council recognises that whilst satisfaction with street cleaning is consistently high, people littering the borough's streets is clearly a top concern for some residents, according to the latest Annual Residents' Survey. With council tax now receding as a concern due to the council's five year council tax freeze, over a third of residents now cite litter and dirt in the streets as their primary concern, which is a 10% increase over the last 2 years and the highest level for a decade where council tax and crime were consistently the biggest concerns.

This Council therefore welcomes the Council's zero tolerance approach to litter and the Love Your Street campaign which is a comprehensive programme of initiatives and includes various clean up events arranged in the borough – both by the Council and other community organisations and representatives - including as part of the recent Community Clear Up Day 2015, and pays tribute to the on going efforts of local campaigning groups, including Sustainable Merton and Merton Matters, who – together with many other local residents – are working in partnership with the council in addressing the problem of people dropping litter in the borough.

This Council notes that:

- The Council's zero tolerance approach to litter has included using specialist environmental enforcement officers to fine people who drop litter and cigarette butts in our town centres. Whilst in 2009/10 just 139 fixed penalty notices for littering were issued by the council this has risen to over 4,000 fixed penalty notices issued in 2014/15 to people who drop litter in our streets, with the service extended to parks and green spaces during the busy summer months;
- The Council has invested in more productive and efficient street cleaning equipment including the new Glutton machines being operated across the borough and is introducing an improved approach to mechanical sweeping across the borough, particularly in cleansing hot spot areas;
- The budget for a Sunday street cleaning service in Merton's town centres has not been reduced despite the significant cuts to the council's funding from central government;
- The overall number of street cleaners employed in Merton has reduced from 112 in 2010 to 103 today, as a result of the council adopting a more efficient way of working as part of the LEAN approach to making our services more intelligence led. Over the same period there has been a significant increase in the number of traffic wardens employed due to an increase in residents who want controlled parking zones on their streets which the council is under a duty to enforce where this is the will of the majority of residents;
- As a result of the need to find savings of £32m due to government cuts to our funding, a further 7 street cleaning staff are due to be cut in 2016-17 as part of the Business Plan 2015-19, but, with the decision to work with our neighbouring South London boroughs in order to engage an external firm to deliver these services on our behalf in the future, it is expected that the council will be able to save at least £1m whilst continuing to deliver the same standard of service to our residents;
- Dog waste bins are also set to be removed from pavements in 2016-17 and with significantly more residents asked in the latest Annual Residents' Survey satisfied with the way in which Merton Council deals with dog fouling, we continue to improve this service by moving to a more efficient and effective "any bin will do" approach which has been supported by the Sustainable Communities Scrutiny Panel;
- According to a recent Freedom of Information request, 21,700 people felt it necessary to contact the Council about street scene and waste issues last year, and we welcome this and have expanded the ways in which residents can contact us, including using our new smartphone app, LoveCleanStreets ; and
- Concerns are consistently being raised with councillors as we rely on residents to be our eyes and ears to identify fly tips or where there is a build up of litter, and the Council's stated policy to 'sweep every road once a week, twice if

required' whilst 'town centres and main shopping parades should be swept daily Monday to Saturday' continues to be our policy, despite the significant increase in littering across the country as a whole which we need to respond to without any increase in funding and indeed with the opposite, a significant cut in our funding from central government. Nonetheless, whilst average levels of satisfaction with street cleaning for London have reduced, Merton's have increased..

Furthermore, this Council notes that the level of missed waste collections continues to stand at just 0.05%, but that nonetheless it is accepted that the refuse receptacles currently in use are not fit for purpose, with black sacks being torn apart by foxes and refuse in the recycling receptacles being blown about by the wind. The Tidy Britain Group's analysis of our street litter found that 50% is as a result of our black sack and box collection regimes. Council therefore warmly welcomes the wheeled bin pilot in parts of Lavender ward and looks forward to assessing the results, noting that preliminary results show a 20% improvement in street cleanliness.

This Council therefore resolves to call on Cabinet to:

- a) Look in detail at the results of the pilot and Scrutiny's deliberations into the potential benefits and/or disbenefits of a wheeled bin service, bearing in mind the need for any changes to offer value for money and cleaner streets;
- b) Continue to strenuously enforce fixed penalty notices for the minority of people who litter our streets;
- c) Continue to sweep the borough's streets according to the agreed policy in line with the resources allocated as part of successive Business Plans agreed by full council;
- d) Continue with the same level of Sunday street cleaning service in Merton's town centres as has been part of the agreed budget for a number of years;
- e) Seek to identify additional efficiency savings over the coming months in order to achieve the total £32m of cuts required across the council as a result of the reduction in our funding from central government and where possible and in line with the July principles to protect Merton's street cleaning service by achieving economies of scale by working with our neighbouring boroughs via the South London Waste Partnership environmental services procurement;
- f) Continue to regularly review the training and monitoring systems in place for frontline street cleaning staff to ensure that the Council's stated policies and agreed service levels continue to be delivered on the ground;
- g) Continue to work as part of the borough-wide, cross party anti-litter campaign Love your Street as proposed by the council and the Merton Matters campaign group in order to discourage people from littering our streets;

- h) Continue to strenuously enforce fixed penalty notices for the minority of people who litter our streets; and
- i) In line with the budget agreed, continue to ensure that road gutters/gullies, which residents frequently complain remain filled with litter and dead leaves, are cleared on a regular basis.

12 NOTICE OF MOTION - CONSERVATIVE 2 (Agenda Item 12)

The motion was moved by Councillor Michael Latif and seconded by Councillor Charlie Chirico

The Labour amendment, as set out in item 24 was moved by Councillor Tobin Byers and seconded by Councillor Katy Neep.

Councillor Mary Jane Jeanes also spoke on the item.

The Labour amendment was then put to the vote and was carried – votes in favour 37, and votes against 0 with 21 abstention.

The substantive resolution was agreed.

RESOLVED:

This Council shares public concern about travellers illegally occupying public green spaces and other public and private areas in the Borough.

Council thanks officers, the police and the courts on their recent work to move on travellers illegally camping on some of our parks and open spaces.

However, it is frequently the case that travellers evicted by the Council from one site then simply move on to occupy another site in the vicinity and current legislation means that the council's hands are often tied, unable to move people on without undertaking time consuming and costly welfare checks and legal processes. This has been going on for many months in and around Merton, usually at the expense of public funds where it is public land being occupied, although there have also been encroachments on private land where the landowner is responsible and the legal requirements for removal are less exacting.

The process of undertaking travellers' needs assessments and applying for court orders, as required by law, is not only costly and time consuming for the authorities concerned but also causes a good deal of inconvenience and anxiety to the local residents, although this is not something that can be avoided given the current legal framework.

Council congratulates officers on the speed and efficiency with which they have returned affected parks to cleanliness, but notes that subsequent cleaning up and cost effective and appropriate securing of the sites after the travellers' eviction is only

achieved by spending further tax payers' money and must be weighed up against the many other services the council is required to provide from an ever reducing funding pot.

The council has a statutory duty to assess the welfare needs of Travellers in its area, and in particular the welfare needs of Traveller children and young people. Evictions cannot be progressed until this process has been undertaken and any welfare needs assessed. However council notes that officers are carrying out a review of the welfare assessment procedure to identify whether there are ways of speeding up this process whilst continuing to abide by the legal requirements.

In addition, by their very nature, our parks and open spaces need to remain open and accessible to residents. Whilst the council uses a number of methods to seek to prevent illegal encampments on our parks and open spaces, this is difficult to achieve without stopping residents from accessing their local parks. The council therefore seeks to achieve a balance between actively discouraging illegal encampments and maintaining access for residents, in the knowledge that it is not possible to completely secure parks from those who are determined to set up illegal encampments without affecting residents' rights of access to their local parks and open spaces.

Council notes the strong partnership approach to illegal encampments on our parks and open spaces between the council and the police service in Merton. This has helped speed up the eviction process and we are dependent on the police service's ability to continue to support us in this way, with reductions in police resources a potential threat to this partnership working.

This Council therefore resolves that it should:

- Continue to take a proactive approach to secure public parks in the borough by working closely with Friends groups, councillors and local residents on cost effective, practical and innovative solutions that help prevent illegal encampments whilst maintaining access for residents where possible;
- Continue to adopt a strong stance in order permanently to prevent travellers from illegally occupying public parks and other public spaces in the future, bearing in mind the legal duties placed on the council to assess the welfare needs of Travellers and in particular Traveller children and young people;
- Continue to take full advantage of the summary recently published by the Government of the powers that public bodies, such as Merton, have to help them deal with unauthorised traveller encampments, bearing in mind that none of these powers are new, the appropriate powers are already in use by the council, and no new powers have been proposed by the government;
- With ward Councillors well placed to communicate directly with their residents at short notice, consider measures to improve communication with local residents when unauthorised encampments do occur, building on the clear and regular

communications some of our Councillors have distributed to residents where such issues have arisen in their wards; and

- Seek agreement with the police on changes to the protocol where efficiencies in the current system are identified through the review of the welfare assessment procedure being carried out by officers which is seeking to identify ways of speeding up the process whilst continuing to abide by all the legal requirements.

13 NOTICE OF MOTION - CONSERVATIVE 3 (Agenda Item 13)

The motion was moved by Councillor Janice Howard and seconded by Councillor Michael Bull

The Labour amendment, as set out in item 25 was moved by Councillor Abigail Jones and seconded by Councillor Imran Uddin.

Councillor Mary Jane Jeanes also spoke on the item.

The Labour amendment was then put to the vote and was carried – votes in favour 37, and votes against 0 with 21 abstentions.

The substantive resolution was agreed.

RESOLVED:

Council notes that Merton's housing stock was transferred to a Housing Association under the previous Conservative administration. Circle Housing Merton Priory (CHMP) are independent of the council and they have full ownership of 9,000 former council homes.

On taking over the properties, Circle made a series of promises to residents in terms of the service they would offer as a landlord.

Unlike the Homes and Communities Agency (HCA), the Council does not have any regulatory powers over CHMP. Under the terms of the stock transfer agreement, CHMP is formally accountable to the council solely in the specific area of whether they deliver on the promises in the offer document at the time of the transfer and whether they keep to their side of the transfer agreement.

Nonetheless, this council believes it has a moral duty to do all it in its power to stand up for CHMP tenants, leaseholders and freeholders, notwithstanding the limited powers the council has in this regard. This is why in September last year the council succeeded in ensuring CHMP signed up to the 10 Commitments. These commitments include: "Circle Housing Merton Priory will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service."

Council believes that stronger controls on Housing Associations are needed and that government should give local authorities robust powers to intervene where local Housing Associations are not performing or where they do not offer value for money for residents.

This Council notes with concern that it is now more than 9 months since an independent investigation was commissioned into the whistle blowing allegations of corruption and mismanagement within Circle Housing Merton Priory's (CHMP) repairs and maintenance service which looked at a sample of 25 properties.

Following pressure from residents, the Wimbledon Guardian and from local Councillors who called for an independent audit, Council welcomes CHMP's admission that their repairs contractor, Keepmoat Property Services, has been overcharging for works and their announcement that they are now undertaking a wider investigation to assess the scale of overcharging and to identify ways of improving the system to stop contractors from overcharging.

However, despite the severity of the allegations and the number of people potentially affected, the initial audit report of 25 properties is still yet to be released to residents and councillors and no firm timetable for publication has been forthcoming. There has been no update on when the full audit is expected to be completed and when it will be published.

This Council is disappointed with CHMP's continued inability to manage repairs and strongly believes that it is important to identify a way forward as Merton residents have had to put up with inadequate repairs for too long.

This Council takes seriously its legal responsibility, under the terms of the stock transfer agreement, to formally hold CHMP to account in the specific area of whether they deliver on the promises in the offer document at the time of the transfer and whether they keep to their side of the transfer agreement. However the council believes it also has a moral duty to hold CHMP to account on behalf of all tenants, leaseholders and freeholders and therefore has:

- Introduced regular liaison meetings with the Cabinet Member for Community and Culture, the Director of Community and Housing, CHMP Managing Director, Circle Regional Director of Property Services and the council's Housing Relationship manager;
- Ensured that CHMP attended the June meeting of the council's Sustainable Communities Scrutiny panel for an update from CHMP on the stock transfer commitments and repairs;
- Required CHMP to produce a separate quarterly performance report to be available to the Sustainable Communities panel;

- Ensured, as part of their regeneration proposals, that CHMP signed up to a set of 10 Commitments which included continuing to offer a high quality responsive repairs service during the regeneration process.

However despite the above, the council has been clear with CHMP that their repairs service continues to underperform and let residents down. Council therefore:

- (a) Calls on CHMP to take urgent steps to ensure the repair service is radically overhauled so that residents get the service they deserve and already pay for;
- (b) Notes the Leader has invited Sir Robin Young and Senior Officers of Circle Merton Priority to a meeting to review how they are performing against the 10 Commitments, in particular in relation to ensuring a high quality responsive repairs service, and calls on them to address the urgent and historic cases that remain unresolved;
- (c) Urges CHMP's senior officers to continue to attend the Sustainable Communities scrutiny panel as requested by the Chair to answer questions from councillors and residents on the issue of repairs;
- (d) Demands the immediate publication by CHMP of the initial independent audit report on alleged fraud and repeated overcharging of residents by its repairs contractor, Keepmoat Property Services, and a timetable for the completion and publication of the full investigation;
- (e) Requests that any other such investigations conducted in the future in relation to CHMP or any of its contractors, including by the Homes and Communities Agency (HCA), are published in a timely fashion to ensure full transparency and accountability; and
- (f) Will continue to utilise the limited legal powers available to the Council under the terms of the housing stock transfer agreement, and reiterates its commitment to safeguard the needs of residents on Merton's housing estates and hold CHMP to account on the quality of its repairs and maintenance service, particularly in light of the HCA Regulatory Notice served on Circle Anglia Limited in February 2015, and to continue to hold CHMP to account in relation to the promises they made to residents as part of the transfer agreement and the 10 Commitments they signed as part of the regeneration proposals, and asks Cabinet to look at the limited legal powers available to us as a local authority if CHMP fail to make changes and demonstrate real impact; and
- (g) Calls on the government to ensure that local authorities have stronger powers to intervene in cases where Housing Associations are demonstrably not delivering for local residents.

14 CAPITAL PROGRAMME 2015-19 (Agenda Item 14)

The report was moved by Councillor Andrew Judge and seconded by Councillor Mark Allison

Councillor Suzanne Grocott also spoke on this item.

RESOLVED

That Council approves a new Capital Scheme "Rediscover Mitcham" totalling £507,290 funded by Section 106 contributions as detailed below.

Rediscover Mitcham Section 106 Funding 2015/16

Bid approved 23rd May 2012

B639a	Fair Green (Originally £42,600)	32,372
-------	---------------------------------	--------

Approved bids as per cabinet report 24th Sept 2012

B657a	James Estate, Bond Rd (Smythe's Toys)	71,550
B657b	James Estate, Bond Rd (Smythe's Toys)	183,988
Total		<u>255,538</u>

Approved bids as per cabinet report 9th Dec 2013

B667a	Tooting & Mitcham Football Ground	5,000
B667b	Former Segas site, Western Rd	65,000
B667c	Former Segas site, Western Rd	36,000
B667d	Land Nwrest side of Batsworth Rd	7,000
B667e	Former Rowan School Site	15,000
B667f	Former Rowan School Site	45,688
B667g	Former Rowan School Site	45,688
Total		<u>219,375</u>

Total for Rediscover Mitcham	<u>507,285</u>
-------------------------------------	-----------------------

15 RECRUITMENT FOR DIRECTOR OF PUBLIC HEALTH (Agenda Item 15)

The report was moved by Councillor Caroline Cooper-Marbiah and seconded by Councillor Mark Allison.

Councillor Gilli Lewis- Lavender also spoke on this item.

RESOLVED

That Council:

1. agrees to commence a recruitment campaign for a new Director of Public Health as the current postholder is due to retire
2. approves an appointment to the post of Director of Public Health on a salary range that potentially will reach or exceed £100,000

16 OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-2015 (Agenda Item 16)

The report was moved by Councillor Peter Southgate and seconded by Councillor Peter McCabe.

Councillor Oonagh Moulton also spoke on this item.

RESOLVED

That Council notes the Overview and Scrutiny Annual Report.

17 MEMBERS' DECLARATIONS OF INTEREST (Agenda Item 17)

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

Councillor David Williams also spoke on this item.

RESOLVED

That Council

1. notes the Members' declaration of interest form and guidance.
2. agrees that the form and guidance, contained within the report, should be updated to include declaration of trade union membership.
3. agrees that the form and guidance should be updated to include declaration of third party organisations in the borough where a Councillor or Co-opted Member holds a position of management or control.
4. agrees to ensure all councillors be guided by the Monitoring Officer on the new requirements that come into effect on 1st September 2015.

18 APPOINTMENT OF INDEPENDENT PERSONS (Agenda Item 18)

The report was moved by Councillor Peter McCabe and seconded by Councillor Stephen Alambritis.

Councillor David Williams also spoke on this item.

RESOLVED

That Council

1. agrees to appoint Suresh Patel and Derek Prior as independent persons for the purposes of Chapter 7 of the Localism Act. The independent persons will be invited to attend meetings of the Standards Committee in that capacity
2. agrees that the appointments be made for a period of three years from 12 July 2015.

19 AMENDMENT TO STANDING ORDERS (Agenda Item 19)

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

Councillor David Williams also spoke on this item.

RESOLVED

That Council authorise the changes to the council's constitution (set out below) in order to comply with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Constitution – Part 4H Officer Employment Procedure Rules

Paragraph 7.1, replace:

“No disciplinary action may be taken in respect of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer except in accordance with a recommendation in a report made by a Designated Independent Person i.e. as set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2001”

With:

“No disciplinary action to dismiss may be taken in respect of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer except after having taken into account any advice, views or recommendations of a Panel, the conclusions of any investigation and any recommendations of the relevant officer i.e. as set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015”

20 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS
(Agenda Item 20)

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

RESOLVED

That Council

1. notes the changes to the membership of Committees that were approved under delegated powers since the last meeting of the Council.
2. notes that the Chair of the Overview and Scrutiny Commission rejected the request for the use of Special urgency (Rule 15) in relation to a delegated key decision.

21 PETITIONS (Agenda Item 21)

The report was 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 a petition presented by Councillor David Dean called 'a petition to ask officers for re-appraisal of Burstow Road/ Kingston Road/ Lower Downs Road/ Cycle track junction.'

22 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 22)

That the Strategic Theme for the next ordinary meeting of the Council to be held on 9 September 2015 shall be Children and Young People.