

Merton Council Council

6 July 2022

Supplementary Agenda 2

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Committee: Council

Date: 6 July 2022

Wards: All

Subject: Update on Motions and Amendments passed by Council 2021-22

Lead officer: Amy Dumitrescu, Democracy Services Manager

Lead member: Councillor Ross Garrod, Leader of the Council

Recommendations:

- A. That Council notes the updates within the report on motions and amendments passed at Council during the previous municipal year
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Council agreed a motion at its' meeting on 21 November 2021 with the following resolution:

- From this point forward, ask that parties endeavour only to submit motions and amendments which comply with SMART goal principles; and
- Agree to ask officers to table a report at the first business meeting after each Annual Council Meeting documenting the actions taken in response to the motions and amendments passed during the previous civic year.

- 1.2 This report therefore provides an update on actions taken by the Council resulting from motions agreed at Council during the previous municipal year.

2 DETAILS

- 2.1. Fifteen motions were passed at ordinary meetings of the Council during the municipal year 2021-22. An additional motion was agreed at an Extraordinary meeting of the Council in April 2021. The full wording of these motions as passed by Council can be found at Appendix A. The wording reflects the motions as passed, either in their substantive form or as amended as appropriate.

3 UPDATE ON MOTIONS

- 3.1. Motion 1 – Tenants' Champion

Councillor Nick Draper was appointed as the Tenants' Champion in July 2021 and remained in post until May 2022. At the Annual Council meeting in May 2022, Councillor Andrew Judge was appointed as the new Tenants' Champion.

An update was taken to the February 2022 meeting of the Sustainable Communities Overview and Scrutiny Panel, the full text of which can be found [here](#).

3.2. Motion 2 – Borough of Sanctuary

Council continues to endorse this decision and continue to be a member of the Lift the Ban Coalition.

3.3. Motion 3 – Armed Forces

As requested by the Motion, the Leader of the Council wrote to the Prime Minister, The Minister of State for Immigration, The Parliamentary Under-Secretary of State for Defence People and Veterans, and our two local MPs, outlining the Council's support for Commonwealth and Nepalese veterans, and asked them to press for a change in the legislation that affects those that have served our country so honourably.

3.4. Motion 4 – Speech and Language and SEND

At Council in November 2021 following a motion on Speech and Language Therapy, the following actions were agreed by Council:

- Continue to work with parents and schools to ensure that speech and language needs are identified as early as possible and that where children and young people have an Education Health and Care Plan, to ensure that communication and language development needs are central to these plans where relevant;
- Continue to share with schools opportunities to train school staff to improve their capability and capacity to identify and intervene with pupils with language needs;
- Continue to lobby and encourage Central Government to invest in more funding for the provision needed to support children with special educational needs, such as speech and language therapists by, for example, writing to the Secretary of State for Health and Social Care and the Secretary of State for Education.

Speech and Language Therapy in Merton schools is coordinated and led by the Language and Learning team. Therapists work directly with school staff to support the identification of needs and to ensure support is provided for children with speech and language needs. The team includes teachers (as well as therapists) who support children's wider learning needs.

In addition the team offers buy back support to help schools develop what is ordinarily available to all children or the targeted support required for children in receipt of SEND Support.

Where a need is identified and an Education, Health and Care Needs Assessment (EHCNA) is required, the team undertakes the Assessment. An EHCNA is the assessment required to investigate if an Education Health and Care Plan (EHCP) is needed for a child.

The team also provide the support to any child with an EHCP in a Merton School, where Speech and Language is specified as required within their EHCP.

The team have been piloting different ways to extend the support on offer to children prior to an EHCP. The team have been very lucky to support and run a project, grant funding from the Language and Communication Trust, in The Sherwood Primary School. As part of this project, the team have been providing Speech, Language and Communication (SLC) interventions at the universal level to Reception and Y1 children, having carried out initial assessments. They are now writing up the findings after the first year of the project, and the results are looking very positive. There is the strong expectation that the pilot will clearly identify and support the premise that early intervention and working at a universal and targeted level supports children's SLC development, so children can be supported effectively without the need for an EHCP.

A smaller two term project has also been managed at Harris Primary with children in Years 2 and 3, and the results identify that continued universal and targeted input improves the outcomes for children with a SLC need across all levels of ability. Both of these pilots are informing our practise as we move forward with service improvement and the safety valve plan.

The Collaborate Project – This is a council wide transformation plan and has been piloting an approach to support the parents of children with speech and language difficulties in the Early Years. This work will be led by the Early Years' Service and will focus on the use of evidence based programmes to support parents, in particular responding to the effect of the pandemic on children's speech and language development.

Training provided to schools this year has focused on improving their skills to identify needs. This has been delivered in seven primary schools, with a further eleven schools receiving training on a Progression Tool. This tool enables teaching staff to identify children who may be struggling to develop their speech, language and communication skills. The tool can also be used to track progression of these skills over time or following interventions.

The learning team has been delivering training on using strategies to support children with a dyslexic profile. This has already been delivered to eleven schools and is something that the team are looking to develop further.

Feedback from all training has been extremely positive and welcomed by those who have received it. In addition to this the team have run central training across schools on: TALC (Test of Abstract Language Comprehension); the 'Clever Communication' tool kit; and Lego therapy. The ELKLAN course has run twice this academic year, offering an intensive three day course in supporting verbal pupils with ASD (Autistic Spectrum Disorder). 33 schools in Merton have received ELKLAN training in enhanced school based support for speech and language this year.

The Safety Valve plan is helping us to create more special school places and additionally resources provision places in mainstream school in Merton, so children do not have to journey out of borough to independent schools. We have reviewed the offer of therapy in these schools and increased the funding and staffing to support this expansion. An extra £200,000 of therapy funding has been agreed from the High Needs Block of the DSG to fund an expansion of 4.7 posts. These posts are currently out to recruitment for September start.

3.5. Motion 5 – Dedicated Schools’ Grant

The DfE Safety Valve programme is one of a number of initiatives in response to the very significant pressures in the Dedicated Schools Grant (DSG) and the High Needs Block (HNB) in particular. The HNB is the part of the education grant used to support those with special educational needs and disabilities (SEND). Over 20 local authorities with very high deficits are, or soon will be, part of the Safety Valve programme. A further 54 authorities with significant deficits are in their Better Value Programme and there are more authorities also carrying deficits in their DSG funds.

The government has also launched a Green Paper on SEND, which proposes some significant changes to the way those with SEND are supported. The Schools Bill also includes provision to try to ensure that mainstream schools are inclusive of those with SEND. The combination of the Green Paper, the Schools Bill and the two programmes are an acknowledgement from government that the SEND system is broken. A failure in funding keeping pace with demand and costs have combined with policy changes (such as the extension in responsibility to age 25) to leave the majority of authorities in England with rising demand and increasing deficits. Merton in particular has faced a high level of EHCPs and the impact of having a significant amount of expensive independent sector provision in the area.

Merton was invited to join the second tranche of the Safety Valve process in July 2021. A cross departmental team, led by the Chief Executive, was pulled together. Significant external capacity was also brought in to develop the recovery plan. The negotiations took place over four formal and numerous informal meetings between July and December. Just before Christmas 2021 we submitted our final plan and a challenging request not only for £28.8m funding but also that it be front loaded and supported by £14.5m in capital grants plus the cost of land for a new school.

The agreement was signed off by the DfE in March 2022 and committed them to £28.8m deficit funding, of which £11.6m has been paid upfront. The remainder will be paid over five years subject to meeting the agreement conditions. The agreement sets out nine conditions to be met including supporting mainstream schools to be inclusive of SEN and to reduce escalation to Education Health & Care Plans (EHCPs), strengthening the SEN offer in mainstream schools, developing specialist provision in-borough, and strengthening the oversight and commissioning of independent sector settings.

Good progress has been made on the action to meet these conditions. The number of EHCPs has stabilised and we have received confirmation of capital funding from DfE to expand specialist provision in mainstream schools. We are working well with our schools on inclusive practice and reducing escalation. However, we are only two months into a five-year plan. The increased demand arising from COVID is a significant risk to the plan as is the high rate of general inflation.

3.6. Motion 6 – Pension Fund

The Merton Pension Fund has a fiduciary duty to act in the best interest of its members and the Fund is taking managed steps to be a fully sustainable investor. This will help us to meet our responsibility to our members in meeting present and future benefits and to have a stable employer contribution so it will not have an adverse impact on the Council and other employers' budgets

Fund also recognises the importance of managing Environmental, Social and Corporate Governance ("ESG") issues, including climate change, that are financially material to the Fund, both in terms of opportunities and risks. It is imperative that ESG considerations and active ownership are integrated throughout investment processes and that they are considered as part of funding and investment strategy setting.

Please see below the list of actions taken by the Fund in its journey to become to become a fully sustainable investor:

1. Carry out an annual Carbon footprint analysis of our investment portfolios and continue to reduce exposure since 2018. As of 31 March 2021, the fund's equity holdings have a Weighted Average Carbon Intensity ('WACI') of 87.4 tCO2/\$m Sales. This equates to 57% reduced WACI vs the composite Fund benchmark (201.6). Pleasingly, the carbon intensity has been on a downward trend since initial measurement in 2018, falling from c219 to c87 tCO2/\$m sales. We expect our carbon foot print to come further down as at March 2022 and the results will be published in Sept 2022.
2. All new investment decisions include carbon emission analysis and any investment falling within red or amber categories are avoided.
3. We have also made direct allocations to low carbon /Net zero strategies, sustainable investments and reduced our exposure to fossil fuel and continue to do so. Aim to move Paris aligned investment in July 2022 and this will show 45-50% of the fund assets are invested in line with Climate Emergency.

4. Our ESG commitments were made clear in our investment strategy statement which details our investments beliefs too. This can be found on our website and the link is [Investment Strategy Statement \(merton.gov.uk\)](https://www.merton.gov.uk/investment-strategy-statement)
5. We are a member of the Local Authority Pension Fund forum (LAPFF), which makes a collective voice to change organisations' ESG approach/views and holds them to account. This is part of exercising our shareholders rights to make positive changes
6. The Fund gives equal weight to Social and Governance too. It recently made a 5% allocation to a social impact investment fund to make a direct impact on the society in which we live.

3.7. Motion 7 – Flooding

Merton's flood risk officers meet regularly with Thames Water and are working collaboratively to flood risk reduction plans and strategies for the borough. Thames Water are responsible for clean water and sewer infrastructure (not highway drains). In addition, Merton's officers have also fed into the pan-London independent review of the summer 2021 flooding. We have requested that the Council receives details of Thames Water's cleansing programme for their sewers as part of this independent review. Merton is also producing formal flood risk investigation report under Section 19 of the Flood & Water Management Act 2010 into the summer floods. An online survey will be undertaken to feed into this to ensure that all flooding reports get captured.

We have produced a series of comms and social media messages to residents and businesses on this matter asking all residents to make sure they report flooding to Thames Water as well as the council, completing the "Thames Water flooding questionnaire" and reading the Thames Water sewer flooding guide which gives residents guidance on how to claim money off their Thames Water bill on the second last page. Both are available via the Thames Water flooding page [Flooding | Emergencies | Help | Thames Water](#)

In addition, following Council holding Thames Water to account on flooding issues including making it easier for residents to report flooding and claim damages, Thames Water held a roadshow in Raynes Park Town Centre on 12th January 2022.

The Council have instructed planning officers to ensure that flood prevention continues to be considered in planning decisions in line with National, Regional and Local Planning Policy. Furthermore, the Council have updated their policies in relation to flood risk management and Sustainable Drainage as part of the borough's New Local Plan.

Where planning permission is required, in line with National Policy, the Council promotes permeable surfaces and the wider use of Sustainable

Drainage (SuDS) in all developments including crossovers. This is in line with Merton's published SuDS SPD:

<https://www.merton.gov.uk/streets-parking-transport/streets-and-pavements/flooding/suds>

In terms of flood prevention, under the National Planning Policy Framework, when determining planning applications, local planning authority officers must ensure flood risk is not increased elsewhere. Merton's Strategic Flood Risk Assessment (SFRA) explicitly addresses how planning applications must approach flood risk. Development proposals must incorporate the recommendations of Merton's SFRA to ensure that the drainage on the site is improved and address the likelihood of fluvial flooding and the critical drainage area. Officers are required to protect the amenity of surrounding residents when considering development proposals.

With regard to permeable surfaces, the new Interim Head of Development Management and Building Control has started in post during June and is tasked with reviewing guidance with the Council's Flood Risk and Drainage Officer to seek to achieve these where possible in addition to the measures required by the main drainage policies.

The Development Management team includes an Interim Tree Officer who has a responsibility to promote tree planting. The Interim Head of Development Management and Building Control is proposing to reinforce this service by appointing a new Principal Tree and Landscape Officer under a staffing restructure. The Greenspaces team are to engage with the Planning Department to ensure Trees removed in development applications are replaced in the Borough using Planning Obligations (including a x3 replacement of young trees against loss of x1 mature tree if appropriate) .

Vehicle crossover applications are to include a replant obligation if a tree is removed (staked trees in place – deny the application) and surface permeability to remain or be improved .

New tree planting using Wetland tolerant species in areas of potential Summer storm flooding occurrences to withstand periodic ground waterlogging .

Ongoing maintenance of ditched areas with the potential of ' leaky dams ' installed in flood areas to slow flood water volumes .

3.8. Motion 8 – Planning Enforcement

In response to this motion, a separate report has been produced and will be considered and discussed elsewhere on the agenda for this Council meeting.

3.9. Motion 9 – Civility in Public Life

The Council continues to support this motion.

3.10. Motion 10 – Clarion Housing

3.11. Cabinet and Council officers continue to work with Clarion Housing.

3.12. Motion 11 – Climate

The following actions have been taken by the Council in response to the motion as follows:

- 1. To continue to support Merton’s communities including the Climate Action Group in their lead and delivery of projects across the borough, recognising that 97% of carbon emissions in Merton are outside Merton Council’s control.**

In order to promote carbon reduction across Merton, in January 2021 the Council launched [Merton’s Climate Action Group](#) a Council/ Community partnership to support the development of community-led carbon reduction projects across the borough to accelerate action on climate change that can’t be done by the Council alone, or by individuals alone. The group aims to do this by encouraging positive networks of people from all parts of the borough, whose combined resources, skills and expertise, can successfully develop and implement community-led projects which reduce carbon emissions.

In 2021, the Council allocated Neighbourhood CIL funding to support three Climate Action Group projects which are being delivered this year: Merton Garden Streets 2022 (neighbourhood planting), The Wheel (circular economy hub) and Energy Matters (training energy champions in pilot schools). In addition to these projects, the Climate Action Group is organising and taking part in local events (e.g. Canons Summer Fair on 18th June, Car Free Day events in September, etc.) to engage with stakeholders across the borough to showcase local climate initiatives and promote sustainable behaviours.

The council has also funded and is about to recruit two Retrofit Officers to help link up homeowners and property owners with funding and other assistance on retrofitting their private homes or other buildings. The Retrofit Officers will also work with National Grid on an energy masterplan to ensure there is adequate electricity supply across the borough to support increased Electric Vehicle charging, increased electricity demand for heating and lighting. The Retrofit Officers will be funded from £2million that the council has allocated and is being spent to deliver the Climate Strategy and Action Plan.

As part of this £2million funding and in order to increase climate action in Merton, the Council recruited a Climate Engagement Officer to lead on climate engagement with communities and the development of Merton’s Climate Action Engagement Strategy. This includes supporting Merton’s Climate Action Group, as well as engaging with schools, young residents and residents from BAME groups.

- 2. To continue to work with employers in the borough, including businesses, the third sector, charities and the public sector to encourage them to take steps to reduce their carbon emissions and operate in a more sustainable way, and learn from any best practice that they have already put in place.**

In March 2022, the Council recruited a Climate Engagement Officer to lead on climate engagement with communities and partners, including businesses and organisations operating in the borough. In July 2022, in partnership with Sustainable Merton, the Council will be relaunching the Environment sub-group of Merton's Sustainable Communities and Transport Partnership to engage with partner organisations across the four key themes of Merton's Climate Strategy & Action Plan: Buildings & Energy, Transport, Green Economy and Greening Merton.

Merton's Towards Employment team has been working with partners to develop a number of local training programmes and employment pathways to help develop green skills locally. The Council also works with local partners, to promote sustainable behaviours in local business through initiatives like Merton's Best Business Awards, and Merton's Business Network for Climate Action. As stated above, once recruited the Retrofit Officers will be able to help develop a Retrofit Strategy to help Merton's businesses and other property owners access advice and government funding for retrofitting the buildings they own.

In collaboration with the South London Partnership, the Council is also working to develop green skills and jobs in South London via the Mayor's Construction Academy for South London, the South London Knowledge Exchange Project, and the Green Jobs and Skills in London: cross-London report.

- 3. To work with the third sector, charities, businesses, and residents across the borough to continue to meet targets set in the Climate Action Plan.**

As above.

3.13. Motion 12 – Motions and Amendments

The Monitoring Officer assesses all Motions when received to ensure they adhere to the SMART principles. The updates on motions are contained within this report.

3.14. Motion 13 – AELTC

The Planning Application for this site will be considered by the Planning Committee in due course. Two petitions were submitted on this subject at the Council meeting in February 2022 and the responses to those petitions can be found in the relevant agenda item for this Council meeting on 6 July.

3.15. Motion 14 – Covid Regulations

The Leader (Mark Allison) wrote to Siobhain McDonagh MP and Stephen Hammond MP on 10 March 2022.

3.16. Motion 15 - Transport

3.17. The Secretary of State for Transport, Grant Shapps MP was written to on 10 March 2022.

3.18. Motion agreed at Extraordinary Council April 2021 - VAWG

An update was provided to Cabinet in March 2022; the full report can be read [here](#).

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. The original motion requesting to present this report to Council on an annual basis was agreed by Full Council by a unanimous vote in November 2021.

5 TIMETABLE

5.1. As agreed in November 2021, this report will be an annual report brought to the first meeting of the Council following the Annual Council meeting each year.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. Nothing specific for the purposes of this report

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Full wording of motions agreed at Council 2021-22

12 BACKGROUND PAPERS

12.1. None

APPENDIX A – Wording of Motions as passed at Council meetings 2021-22

Motion 1: July 2021 – Tenants' Champion

RESOLVED:

Council requests Cabinet establish a Tenants' Champion service, that would:

- Be similar to (the non-stock holding) Richmond Council's Tenants' Champion, a service that that has been in place for more than 10 years;
- Work to support both tenants and leaseholders who rent or lease their properties from a housing association and also private renters in the borough,
- Provide support by giving someone for residents to contact if they had long running, unresolved complaints with their landlord, and by providing relevant information to renters more generally;
- Be trialled for a year and report their work to the Sustainable Communities scrutiny panel.
- Include Councillor Nick Draper being appointed as Merton's inaugural Tenants Champion.

Motion 2: July 2021 – Borough of Sanctuary

RESOLVED:

Council notes:

(1) that in February 2020 Council passed a resolution to become a 'Borough of Sanctuary' and, also resolved to "challenge anti-refugee and anti-migrant attitudes wherever they are found";

(2) The decision passed by Cabinet on 22 June 2021 for LB Merton to join the Lift the Ban Coalition;

3) That the Leader has written to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

Council therefore resolves to:

1) Endorse the Cabinet decision to join the Lift the Ban Coalition; and congratulate the Leader for writing to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

Motion 3: July 2021 – Armed Forces

RESOLVED:

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Council notes, with pride, the many Merton residents whose families have served in our armed forces, and welcomes the borough's support for them at Armed Forces Day on 26 June 2021; recognises the incredible service of men and women from the Commonwealth and Nepal who have served and do serve in the UK Armed Forces, and also notes the unconscionable way so many of them and their families are being treated.

This council agrees with veterans who believe their right to stay in the UK should be awarded automatically on account of their service and notes that the recent government public consultation was insufficient in scope; with the only proposal being to offer a visa fee waiver after 12 years' service – an unduly high threshold that will alleviate costs for only a fraction of service personnel.

This council believes that only meaningful reform will deliver justice, and that means introducing a free and equitable route to citizenship that incorporates families, and – as we as a nation do not know how many have been affected by this injustice – believe that the government should establish a dedicated unit to assist veterans, similar to the Windrush Taskforce.

Council calls upon the Leader of the council to write to the Prime Minister, The Minister of State for Immigration, The Parliamentary Under-Secretary of State for Defence People and Veterans, and our two local MPs, outlining this council's support for Commonwealth and Nepalese veterans, and asking them to press for a change in the legislation that affects those that have served our country so honourably.

Motion 4: September 2021 – Speech and Language and SEND

RESOLVED:

This Council notes:

- Merton's Local Offer provides parents with a range of information on how to access provision for children with additional needs, including speech and language therapy, including on Dyslexia. However, improvements can always be made and the council regularly reviews it with local parents groups.
- Ofsted and CQC's inspection of Merton's SEND services noted that "Children under five with emerging speech, language or communication difficulties have good access to a range of activities tailored to their needs within children's centres. These sessions help to develop children's confidence and help parents to become more confident in supporting their child's development at home."
- Merton schools are well-placed to identify any speech and language needs, and provide their own support where they have the skills (for example, Nuffield Early

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Language Intervention) and refer children for additional specialist support where required.

-Despite this, some parents and schools experience difficulties in accessing appropriate levels of services for children and young people, in part due to shortages within the profession, exacerbated by shortfalls in funding from central government
This

Council therefore calls on Cabinet to:

- Continue to work with parents and schools to ensure that speech and language needs are identified as early as possible and that where children and young people have an Education Health and Care Plan, to ensure that communication and language development needs are central to these plans where relevant; and
- Continue to share with schools opportunities to train school staff to improve their capability and capacity to identify and intervene with pupils with language needs;
- Continue to lobby and encourage Central Government to invest in more funding for the provision needed to support children with special educational needs, such as speech and language therapists by, for example, writing to the Secretary of State for Health and Social Care and the Secretary of State for Education.

Motion 5: September 2021 – Dedicated Schools Grant

RESOLVED:

This council recognises that the Conservative Government has failed to fund local authorities across the country to manage the demands on their funding for education, while expanding their responsibilities. This has led to 90% of councils having an overspend in the Dedicated School Grant due to spending on children with special educational needs and disabilities. In Merton, this has built up over the previous four years with a current in year overspend of £12.2million.

Council notes:

1. That the administration had faced difficulties with the management of the Dedicated Schools Grant due to the Government's approach, but has made it a priority and has already taken a number of steps towards reduction of the annual overspend while maintaining services for children and young people.
2. Despite considerable efforts to respond to the Government's approach, financial management of the DSG by the Labour administration remains challenging, due to the lack of additional funding which has led to an increasing overspend of the DSG nationally, and lack of clarity about how the widespread overspends will be handled

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by the Government which has resulted in having to make provision for overspend, leading to council budget cuts

Therefore, council calls upon the cabinet to continue to implement its management plan and work with the Department for Education to agree a plan for managing the DSG to ensure that it is placed on a sustainable footing without affecting the outcomes of vulnerable learners.

Motion 6: September 2021 – Pension Fund

RESOLVED:

This Council notes that:

- A 'Climate Emergency' was declared by this Council in July 2019.
- Merton Council is a member of the Local Authority Pension Fund Forum which promotes the long-term investment interests of local authority pension funds, maximising our influence as shareholders to promote environmental, social and corporate governance (ESG) amongst the companies in which we invest, and holding us to account
- The Merton Pension Fund takes into account all three ESG factors, therefore it does not have a standalone policy on fossil fuels because it is also concerned with working conditions and human rights, for example
- As of June this year our measurable carbon footprint was 30% lower than it was the year before. The Fund's weighted average carbon intensity has reduced by 60% from 219 to 87 between 2018 and 2021. this is 115 lowers than the composite Fund benchmark 202.
- Burning fossil fuels poses a serious risk to the stability of the climate upon which our well-being and economy depend, and research demonstrates that up to 80% world's proven fossil fuel reserves will have to remain unburnt if we are to have a reasonable chance of keeping global warming to less than 2 degrees Celsius.
- Four London Borough local authority pension funds have committed to full divestment, including: London Borough of Waltham Forest in September 2016; London Borough of Southwark in December 2016; London Borough of Islington in September 2018; and, London Borough of Lambeth in December 2018.

This Council believes that:

- The Council should invest its pension funds in ways that support our Climate Emergency declaration by following its commitment to increase its allocation to sustainable and low carbon assets; and

The Council calls on Merton's Cross Party Pension Committee to continue to decarbonise its assets, and aspire to be at the forefront of responsible investment practice

Motion 7: September 2021 – Flooding

RESOLVED:

This council recognises the repeated failure of Thames Water to protect the borough from flooding. The Labour administration continues to ensure that Veolia is held to account regarding cleaning the drains and gullies of the borough that are in their remit, to reduce the effect of recent flooding in Merton caused by Thames Water failing to unblock and desilt their drains.

Council notes that at the Sustainable Communities Scrutiny Panel on 2nd September 2021, a report was presented providing an overview of the recent flooding incidents and actions that the Council is taking, as well as other risk management authorities such as Thames Water and the Environment Agency. The Council pro-actively mitigates flood risk through a programme of high-risk gully cleansing, gully sensors, annual maintenance of drains, implementation of SuDS such as raingardens and is working with Thames Water to unblock and de-silt their drains using CCTV investigations of the infrastructure. In addition, the Council has undertaken flood risk investigations under section 19 of the flood & water management act.

- Council notes that Merton became a lead local flood authority in 2010 and therefore officers are consulted on all flood-related matters in planning;

Therefore, council calls on cabinet to:

- Ensure that Thames Water, which has primary responsibility for the issues that have arisen in recent years, is held to account regarding their drain clearance programme
 - Promote publicity to ensure that residents and businesses are able to claim compensation from Thames Water in future, recognising that the process for reporting flooding and claiming damages has been improved following representations from council officers and cabinet
- Ensure that Veolia is held to the terms of the contract and ensures that all drains and gullies in their remit continue to be cleared;
- Ascertain the resources required for an increase the monitoring of drains and gullies from the current once every three years schedule, and consider invoking the step-in clauses in the contract with Veolia in future if this will ensure Merton has the best protection from flooding, or if in future Veolia fail to live up to their service level agreement;
- Instruct planning officers to ensure that flood prevention continues to be considered in planning decisions, and remains a priority for future developments;
- Instruct planning officers to investigate and report back on promoting permeable surfaces in future parking crossover applications; · Where applicable, increase tree

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planting or other mitigating measures where they are more appropriate to assist with flood prevention.

Motion 8: November 2021 – Planning Enforcement

RESOLVED:

Council recognises the importance of good town planning and understands that local residents want planning applications that are approved to be adhered to and properly enforced.

Council notes that the building development control function has had an improvement programme underway since 2020, but while many of the improvements have been implemented, some have been delayed due to recruitment issues which the trade magazine UK Construction Excellence describes as a “long-predicted shortfall” in the building control sector across the UK. This in turn has had an impact on the capacity for planning enforcement with the latest statistics showing that the number of planning enforcement cases closed each month are at 46% of their target.

Residents demand and expect that all development in Merton is in accordance with sound planning principles and planning law, and Council notes that the government has failed to prepare for this long-predicted shortfall in the sector, or to fund councils so that they can provide services to the level that residents and councillors would want.

Therefore, council requests that the Cabinet Member for Housing, Regeneration and the Climate emergency in conjunction with the Director of Environment and Regeneration lobby the government to put in place measures to improve planning enforcement, to prioritise the rolling out of the improvement programme, and seek to tackle the backlog in cases, and report on progress to council in 6 months’ time, and to one meeting of the Sustainable Communities Overview and Scrutiny Panel in 3 months’ time.

Council expects the following aspects to be included:

- The cost and viability of an online portal for planning enforcement cases which councillors and residents can see;
- Ways to improve reporting of planning breaches on the council website;
- Action plan to tackle the backlog in planning enforcement cases;
- Analysis of how well planning enforcement measures result in appropriate outcomes;
- Continued enforcement of existing planning laws against individuals and developers who break planning rules;

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- Using public communications to highlight enforcement breaches (including a continued emphasis on those who fell trees in contravention of planning rules);
- Continuing to review the outcome of development following completion to ensure that greening measures have been implemented, including tree planting (in line with the council's Tree Strategy);
- Continued strong protection of existing trees via powers under Tree Protection Orders.
- The importance of good communication between the Planning Dept and the public and councillors;
- A full costing of all the above measures and an outline of the cuts that would have to be made to other services, and the impact of these, if the cost has to be borne in whole by the council rather than from direct additional grant.

Motion 9: November 2021 – Civility in Public Life

RESOLVED:

Council notes the tragic and appalling murder of Sir David Amess MP that was carried out as he performed his public duties.

Council extends its condolences to the family and all Sir David's friends for their loss, and marks the enormous contribution that he has made to politics in this country.

Council calls on the authorities to take great care to protect the safety of public servants, and for everyone to respect the importance of civility in public life.

Motion 10: November 2021 – Clarion Housing

RESOLVED:

Council notes that in September 2014 the Labour administration and Circle Housing Merton Priory (the predecessor of Clarion Housing) agreed the 'ten commitments' that would guide the future regeneration work. The 'ten commitments' are:

1. Circle Housing Merton Priory will consult with residents, consider their interests at all times, and address concerns fairly;
2. Current home owners will be entitled to at least the market value of their homes should they wish to take up the option to sell their homes to Circle Housing Merton Priory;
3. Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in the household;
4. Existing Circle Housing Merton Priory tenants will keep all their rights and have the same tenancy agreement, including rent levels, in the new neighbourhood as they do now;

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5. All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills;
6. Circle Housing Merton Priory will keep disruption to a minimum, and will do all it can to ensure that residents only move once if it is necessary to house residents temporarily while their new home is being built;
7. Circle Housing Merton Priory will offer extra help and support for older people and/or disabled residents throughout the renovation works;
8. 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;
9. Any growth in the number of homes will be in accordance with the council's own Development Plan so that it is considered, responsible and suitable for the area;
10. As a not for profit organization, Circle Housing Merton Priory will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

Council commends the Labour administration for signing up to these commitments and for ensuring that the pledges have been predominantly implemented, notes the recent concerns about Clarion's repair service and the administration's determination for Clarion to maintain homes effectively as well as undertaking regeneration. It calls upon the cabinet to declare its commitment to these principles in working with what is now Clarion Housing, alongside continuing engagement with residents of the estates to develop policies that local people can have confidence in.

Council also supports the determination of the administration and Clarion to regenerate the three estates despite the scheme being in deficit due to economic factors, and welcomes the proposal to use up to £72million by reinvesting money which would be due to the Council from private sales which will enable the estates to be rebuilt, provide additional social homes, and help deal with overcrowding issues.

Motion 11: November 2021 – Climate

RESOLVED:

Council notes that:

- Approximately 230 councils have declared a Climate Emergency, including Merton Council in July 2019. As part of our Climate Emergency declaration, we pledged to support Merton to become a carbon neutral council by 2030.
- Local government is an indispensable partner in achieving net zero, because of our insight into our communities and local circumstances, our service delivery and regulatory functions, and our ability to join up emissions reductions with other pressing priorities, from public health, to inequality to economic development.
- Without direct financial support from the Government and an acknowledgement of the pivotal role they play in tackling climate change, local authorities will struggle to

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achieve these vital targets Council welcomes: The actions Merton Council has already taken to tackle the climate and biodiversity crisis including, by way of example:

- approving Merton's Climate Strategy and Action Plan, including the key actions required to become a carbon neutral council by 2030.
- setting up and supporting the volunteers in the Climate Action Group to develop community-led projects to reduce everyone's emissions, recognising that joint efforts are more effective than individuals' or the Council's alone.
- putting £2 million of reserves towards actions in the Climate Strategy and Action Plan so far
- supporting Merton Garden Streets, a volunteer-led initiative to make our streets greener, and holding Car Free Day events.
- installing 68 innovative Breathe London air quality and traffic sensors – more than any other London borough.
- installing low-energy LED lighting in our buildings and investing £2m in LED streetlights.
- putting in place over 50 PV panel systems on 44 Council buildings, generating 1,000,000 kWh every year, and 100% of the council's energy supply now coming from renewable sources.
- introducing more School Streets than any other London borough per capita, to lower pollution outside schools
- having over 200 electric vehicle charging points, 20 cycle hangars, 10 parklets, and 11 Sustainable Urban Drainage Systems.
- Drafting a Local Plan that sets ambitious targets for new development so that new development is net-zero by 2050.

Council resolves:

- To continue to support Merton's communities including the Climate Action Group in their lead and delivery of projects across the borough, recognising that 97% of carbon emissions in Merton are outside Merton Council's control.
- To continue to work with employers in the borough, including businesses, the third sector, charities and the public sector to encourage them to take steps to reduce their carbon emissions and operate in a more sustainable way, and learn from any best practice that they have already put in place.
- To work with the third sector, charities, businesses, and residents across the borough to continue to meet targets set in the Climate Action Plan.
- That the Leader will write to Secretary of State for Levelling Up, Housing and Communities Michael Gove MP to make the case for:
 - Acknowledging local government's pivotal role in tackling climate change, and to share examples of the work already done by Merton Council.
 - To call on the government to agree to a national framework and strategy with local government and business, that provides certainty of funding to enable local government to leverage its unique role and influence and maximize its potential in tackling climate change in the UK.

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Motion 12: November 2021 - Motions and Amendments

RESOLVED:

This Council recognises that the best way for ideas to turn into action for the benefit of the residents is to table motions in council that refrain from political point scoring and instead are focussed on viable, cost-effective initiatives. For motions to be 'business-like' this Council suggests that they are to be based on SMART goals; thereby making them specific, measurable, achievable, realistic and timely. In addition, despite the effort that does go into drafting motions and amendments, currently the Council lacks a mechanism to monitor the resulting outcomes. As a Council which prides itself on its transparency this Council believes in being openly held accountable for the decisions it makes on behalf of the residents we represent.

Therefore, this council resolves to:

- From this point forward, ask that parties endeavour only to submit motions and amendments which comply with SMART goal principles; and
- Agree to ask officers to table a report at the first business meeting after each Annual Council Meeting documenting the actions taken in response to the motions and amendments passed during the previous civic year.

Motion 13: February 2022 – AELTC

RESOLVED:

Council Notes:

The assurances given by the AELTC and Merton Council when the Freehold of the land occupied by the Wimbledon Golf Club was sold to the AELTC by Merton Council The statement in the Wimbledon Informer on 24 September 1993 by the then Leader of Merton Council that:

“The golf course land will be retained as open space. The whole stretch has been designated Metropolitan Open Land. We have declared it a conservation area and placed strong covenants on the sale.”

The statement in the Wimbledon Informer on 24 September 1993 by the Chairman of the All England Lawn Tennis Club that:

“We completely understand and support everyone’s determination to keep the land open and we have purchased the land on that basis.”

Council therefore reiterates that, while the land has in fact never been freely open to residents, covenants over this land held on behalf of the residents of Merton will need to be respected henceforth.

Council also notes that the covenant is a legal issue separate to the consideration of the AELTC Planning Application 21/P2900 and any future similar applications.

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Motion 14: February 2022 – Covid Regulations

RESOLVED:

Council Notes:

The sacrifices made by Merton residents to comply with the rules during the pandemic and help make everyone safer.

That in order to be effective, there needs to be a feeling that the rules – and penalties for breaking them – will be applied fairly.

Council believes

- Government at all levels, local and national, needs to provide leadership.
- That in Merton councillors and officers have worked together to help make our Borough safer.
- That the recent reported potential breaches of the rules undermine public confidence, especially when not investigated properly.
- That Sue Gray's findings that there were "failures of leadership and judgment" in No. 10 resulting in gatherings that "should not have been allowed to take place or develop in the way that they did" make the Prime Minister's position untenable.

Therefore Council calls on the Leader to write to the Borough's two MPs to ask them if they agree with this, and request that they call publicly for Boris Johnson to resign as Prime Minister.

Motion 15: February 2022 – Transport

RESOLVED:

Council recognises that since 2018 the Labour administration has considered a range of new parking charges that:

1. Encourage all residents to use more sustainable travel;
2. Highlight the role that car use has on climate change and air pollution;
3. Recognise that, though they are least likely to be car owners, price rises could hit those on low incomes the hardest at a time when they are also those hit hardest by the government's cost of living crisis;
4. Reflect that air pollution has a negative impact on children, families, the elderly and those who need care;

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5. Has not, on its own, led to a reduction in emission levels in Merton, but has contributed towards this, alongside measures such as school streets and additional walking and cycling infrastructure which has seen Merton achieve the second highest score of all Outer London boroughs on the Healthy Streets Scorecard.

Council is therefore deeply concerned about suggestions that due to the loss of income to TfL there will be proposals from the Mayor of London to:

6. Expand the ULEZ to all of Greater London;
7. Introduce a compulsory daily clean air charge for all petrol and diesel vehicles in Greater London;
8. Introduce a new boundary charge on vehicles travelling into Greater London.

Council recognises that as government is failing to fund TfL for the losses it has made during the pandemic as it has other transport providers, they are forcing TfL to consider new proposals which – without appropriate mitigation measures – will risk:

- Hitting the residents with the lowest incomes the hardest;
- Threatening Merton's economic recovery from the pandemic by unnecessarily harming businesses;

Council calls upon the Leader of the Council to write to the Department of Transport to request that the government abandons their approach to TfL funding that could lead to damaging new proposals to unnecessarily tax Merton residents and harm the borough's economic recovery.

Motion agreed at Extraordinary Council meeting April 2021 – Violence against Women and Girls

RESOLVED:

- A. That Council considered and noted the content of the report
- B. Recognising that misogyny is systemic, and acknowledging the hurt and anger expressed more recently by women and girls in response to the murder of Sarah Everard, which was in part calling for their lived experience to be listened to and real action taken to address their concerns, Council calls on Cabinet to:

- (1) develop safe and confidential opportunities for women and girls to share their experiences with the Council and other appropriate authorities to inform their work in changing male behaviour to reduce VAWG; and
- (2) to explore how restorative justice processes might be utilised to provide victims with an additional form of support and means of reducing VAWG.

Committee: Council

Date: 6 July 2022

Subject: Petitions

Lead officer: Louise Round, Managing Director South London Legal Partnership

Lead member: Leader of the Council, Councillor Ross Garrod

Contact officer: Amy Dumitrescu, Democracy Services Manager

Recommendation:

1. That Council receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
 2. That Council notes the responses provided to the petitions submitted at the meeting held on 2 February 2022.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report invites Council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.

2 DETAILS

- 2.1. At the meeting held on 2 February 2022, the four petitions listed below were submitted and the responses are set out below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.

Petition One

A petition was submitted by Councillor Kohler entitled Stop Wimbledon Park Development which stated "We the undersigned demand that Merton Council enforce the legal covenants agreed to by AELTC and call on both AELTC and Merton Council to keep their promises to the people of Wimbledon".

Officer Response

The Restrictive covenant was the subject of a motion at a council meeting in February 2022 where it was agreed as set out below.:

Council Notes:

The assurances given by the AELTC and Merton Council when the Freehold of the land occupied by the Wimbledon Golf Club was sold to the AELTC by Merton Council The statement in the Wimbledon Informer on 24 September 1993 by the then Leader of Merton Council that:

"The golf course land will be retained as open space. The whole stretch has been designated Metropolitan Open Land. We have declared it a conservation area and placed strong covenants on the sale."

The statement in the Wimbledon Informer on 24 September 1993 by the Chairman of the All England Lawn Tennis Club that:

“We completely understand and support everyone’s determination to keep the land open and we have purchased the land on that basis.”

Council therefore reiterates that, while the land has in fact never been freely open to residents, covenants over this land held on behalf of the residents of Merton will need to be respected henceforth.

Council also notes that the covenant is a legal issue separate to the consideration of the AELTC Planning Application 21/P2900 and any future similar applications.

The Council is wholly aware of the Restrictive Covenants attached to the land sold in 1993. At the present time there is no breach of these covenants. The land is subject to a Planning Application which has yet to be determined. The Council recently debated this matter in Full Council and agreed that the Covenant would be respected should there be any possible breach. That remains the position of the Council.

Petition Two

A petition was submitted by Councillor Gould entitled Increase Access to Electric Charging in Merton which stated “We request the Council urgently create a strategic plan, using evidence of what works from neighbouring boroughs, to make electric charging practical for all residents”.

Officer Response

The Council will be developing an EV charging strategy during the 2022/23 financial year that will incorporate guidance and best practice from TfL, the Government and other local authorities.

In 2021, the Council installed 90 lamp column chargers in residential areas including many in the South Wimbledon and Raynes Park areas (see [Zap Map](#) for existing chargepoints). The Council recently submitted a further bid to the Government’s On-Street Residential Chargepoint Scheme ([ORCS](#)) to install another 250 lamp column chargers in 2022/23, which will be located in areas of the borough that rely on on-street parking.

Petition Three

A petition was submitted by Councillor Benbow regarding Deen City Farm which stated “We the undersigned are calling upon Merton Labour to stop their unnecessary cut and think again. Deen City Farm is an important part of the local community and has a fantastic record of promoting the local environment and educating Merton children about rural issues.”

Officer Response

The local importance of Deen City Farm to the community is recognised by the Greenspaces team and we have met collaboratively to develop an alternative proposal that will meet the needed savings over a more sustainable period. Following feedback from the scrutiny process, in respect of saving ENV2022-23 03, regarding Deen City Farm, Cabinet have agreed that this saving should be phased over five years commencing in 2023/24. The savings proposal is proposed to be achieved through the reduction of the annual grant received by Deen City Farm by the annual reduction of the Council's provided grant over the next five (5) years, culminating to a reduction of 50% of the 2022/23 grant.

The following table details the grant reduction schedule over this period.

Year	Reduction of Grant	Annual Grant Provision
2022/23	£0	£84,900
2023/24	£8,490	£76,410
2024/25	£8,490	£67,920
2025/26	£8,490	£59,430
2026/27	£8,490	£50,940
2027/28	£8,490	£42,450

The Greenspaces team and Deen City Farm trustees will undertake work during the period of the alternative proposal to secure comparable funding and provide business support during this period. In addition, the Council's service will provide capital investment support for potential projects that enable alternative funding or cost reduction during this period. If additional secure alternative funding is secured in advance of the proposed Grant reduction Schedule, then, subject to agreement with the trustees of Deen City Farm as to how the alternative funding is defined as 'secured'. The additional value of secured funding will amend the schedule until the target of £42,450 is achieved to meet the needs for savings and contribute to the Council's MTFs.

Petition Four

A petition was submitted by Councillor Barlow regarding the AELTC Covenant which stated "We the undersigned therefore call upon Merton Council to uphold and enforce the legal covenant which protects this land."

Officer Response

The Restrictive covenant was the subject of a motion at a council meeting in February 2022 where it was agreed as set out below:.

Council Notes:

The assurances given by the AELTC and Merton Council when the Freehold of the land occupied by the Wimbledon Golf Club was sold to the AELTC by Merton Council The statement in the Wimbledon Informer on 24 September 1993 by the then Leader of Merton Council that:

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Council also notes that the covenant is a legal issue separate to the consideration of the AELTC Planning Application 21/P2900 and any future similar applications.

The Council is wholly aware of the Restrictive Covenants attached to the land sold in 1993. At the present time there is no breach of these covenants. The land is subject to a Planning Application which has yet to be determined. The Council recently debated this matter in Full Council and agreed that the Covenant would be respected should there be any possible breach. That remains the position of the Council.

- 2.6 Members are invited to present petitions at this meeting, and a response will be provided to the next ordinary Council meeting in September 2022.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purpose of this report.

5 TIMETABLE

- 5.1. None for the purpose of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purpose of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. This report complies with the constitutional requirements for dealing with petitions.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purpose of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11 APPENDICES

11.1. None

12 BACKGROUND PAPERS

12.1. None.

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