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COUNCIL

1 FEBRUARY 2017

(7.15 pm - 9.40 pm)

PRESENT The Mayor, Councillor Brenda Fraser
 The Deputy Mayor, Councillor Stan Anderson

Councillors Agatha Mary Akyigyina, Stephen Alambritis, Mark Allison, Laxmi Attawar, Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Mike Brunt, Tobin Byers, Charlie Chirico, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, John Dehaney, Nick Draper, Edward Foley, Fidelis Gadzama, Ross Garrod, Suzanne Grocott, 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, Peter McCabe, Oonagh Moulton, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, David Simpson, Marsie Skeete, Peter Southgate, Geraldine Stanford, Linda Taylor, Imran Uddin, Gregory Udeh, Jill West, Martin Whelton and David Williams

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors David Dean and Jeff Hanna.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were made.

3 MINUTES OF THE PREVIOUS MEETINGS (Agenda Item 3)

RESOLVED: That the minutes of the Special and Ordinary meetings held on 23 November 2016 are agreed as an accurate record.

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

The Mayor provided a brief update on recent Mayoral duties and gave details of upcoming events

The Leader gave a short announcement, advising that the message from Council ahead of this meeting is "Merton welcomes everyone". The joint message was delivered on behalf of all three party leaders following recent international events which have triggered unrest across the world.

There were no announcements from the Chief Executive.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting.

The Mayor then invited each of the questioners present in turn to ask (if they wished) a further question to the Cabinet Member.

A copy of the supplementary questions and responses will be published on Merton's website.

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 published on Merton's website.

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 published on Merton's website.

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

The Strategic Theme report on Children's Services was moved by Councillor Katy Neep and seconded by Councillor Stephen Alambritis.

Councillor Linda Taylor 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 James Holmes and seconded by Councillor Charlie Chirico.

The Labour amendment as set out in agenda item 20 was moved by Councillor Peter McCabe and seconded by Councillor Dennis Pearce.

Councillor Peter Southgate spoke on the motion.

The Labour amendment was put to a vote and was carried.

Votes in favour: 38, votes against: 19, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried.

Votes in favour: 38, votes against: 0, abstentions: 20.

RESOLVED: That this Council supports and promotes the most effective and robust scrutiny process possible for Children and Young People, particularly given the vulnerable groups involved, the Ofsted requirement for effective scrutiny and the recommendations from the 2006 Leach Review of Overview and Scrutiny in Merton and the 2009 follow up report by Professor Leach which found that there was “much to commend about the approach to overview and scrutiny in Merton”, with our performance comparing favourably to other authorities assessed.

Whilst respecting the independence of the scrutiny function and the panels’ responsibility for their own work programmes and ways of carrying this out most effectively, this Council resolves to ask if the Children and Young People O&S panel would like to consider any of the following suggestions, some of which they have considered previously or already incorporate in their work:

- 1) As it does at the start of each municipal year, consider whether it wishes to select one or more co-opted members with relevant professional experience outside the Borough;
 - 2) consider whether to ask the departments to provide more detailed recommendations to guide and focus debate, bearing in mind that this may have resource implications for already overstretched departmental officers managing frontline service delivery to residents;
 - 3) whether they wish to receive fuller executive summaries from departments to aid understanding, bearing in mind the caveat in 2, above;
 - 4) whether they wish to take greater advantage of already strong Scrutiny officer support in the form of recommended questions and areas of focus, an approach that is already working well; and
 - 5) as they already do when convening workshops, or undertaking task groups, consider whether they wish the opportunity to invite expert witnesses from outside the Borough for one or more meetings because they have a particular expertise in matters being scrutinised.
- 8 REPORT FROM RAYNES PARK COMMUNITY FORUM ON 30 NOVEMBER 2016 (Agenda Item 8)

Councillor Suzanne Grocott presented the report which was received by the Council.

9 REPORT FROM WIMBLEDON COMMUNITY FORUM ON 6 DECEMBER 2016 (Agenda Item 9)

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

10 NOTICE OF MOTION: LABOUR (Agenda Item 10)

The motion was moved by Councillor Sally Kenny and seconded by Councillor Jerome Neil.

Councillor Suzanne Grocott spoke on the item.

The motion was then put to a vote and was agreed.

Votes in favour: 37, votes against: 0, abstentions: 21.

RESOLVED: That this council notes the current crisis in the NHS as outlined by the President of the Royal College of Emergency Medicine, the President of the Royal College of Surgeons, the Conservative Chair of the Health Select Committee, the Nuffield Trust and the British Red Cross.

Rather than increase funding for the NHS or achieve efficiencies by integrating health and social care, government has instead asked the NHS in all 44 local “footprint” areas in England, including the South West London footprint which Merton is a part of, to create a local cost cutting “Sustainability and Transformation Plan” (STP) in order to bridge the budget gap of £20bn which is expected to have developed in the NHS by 2020.

In South West London proposals are currently being drawn up by the NHS. The council has engaged proactively with the local NHS where we can add value, in particular in relation to configuring community based services fit for the 21st century. However, in relation to acute hospitals, already it seems clear that the STP plans will be based on closing at least one of our local accident and emergency departments. Given repeated recent attempts to downgrade St Helier Hospital, local people will be justifiably concerned that the STP is simply another attempt to downgrade or close our much loved local hospital.

Whilst agreeing that government needs to find sustainable ways of addressing the £20bn funding gap it has allowed to develop in the NHS, this council reiterates its strong opposition to any plan that could result in the downgrading or closure of St Helier Hospital.

Whilst acknowledging the importance of improved community based services and the work to date the council has undertaken to feed into the NHS plans in this regard, Council calls on the Leader to ensure Merton Council proactively publicises the potential threat to our local acute hospital from the STP, the council’s absolute opposition to any closure or downgrading of St Helier Hospital, and the importance of residents making their voices heard in support of their hospital. Council also calls on local residents to attend the consultation event the NHS is holding in Merton, date to

be agreed, and to make clear to the government that we will not accept any downgrade of St Helier Hospital.

11 NOTICE OF MOTION: CONSERVATIVE (Agenda Item 11)

The motion was moved by Councillor David Williams and seconded by Councillor Hamish Badenoch.

The Labour amendment as set out in agenda item 21 was moved by Councillor Tobin Byers and seconded by Councillor Mike Brunt.

Councillor Abdul Latif spoke on the motion.

A recorded vote on the amendment to the motion was taken and the amendment was carried.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Joan Henry, Mary-Jean Jeanes, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Marsie Skeete Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton (36).

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, Suzanne Grocott, Daniel Holden, James Holmes, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, Jill West, David Williams (19).

Not voting: Councillors Edward Foley, John Sargeant, Peter Southgate (3).

The substantive motion (as amended) was agreed. The Conservative councillors abstained from the vote.

RESOLVED: That this Council:

1) Notes remarks made by Conservative MP Dr Sarah Wollaston, Chair of the Health Select Committee:

'The political response to a health and care system in severe distress, and more importantly to the people it serves, has been dismal. There has been a failure to grasp the scale of the financial challenge facing both health and social care and the consequences and inefficiency of their continuing separation.'

2) Notes remarks made by Lord Porter, Conservative Chair of the Local Government Association:

‘Social care faces a funding gap of at least £2.6bn by 2020. The government must recognise why social care matters and treat it as a national priority.’

And

‘Council tax rises will not be enough to prevent the need for continued cutbacks to social care services and very many other valued local services.’

And

‘There needs to be an urgent and fundamental review of social care and health before next year’s spring Budget. It also needs to include action to properly fund social care with genuinely new government money. This is now the only way to protect the services caring for our elderly and disabled people, which are at breaking point and ensure they can enjoy dignified, healthy and independent lives, live in their own community and stay out of hospital for longer.’

And

“The Government must recognise why social care matters and treat it as a national priority.”

3) Notes remarks made by the Leader of the Council during 2016 on the level of Council Tax levy in 2017/18 and to engage in a consultation with the public:

‘Now, if residents tell us they want to pay more council tax I am happy to go along with that.’

‘For me it is what the residents want that counts. I will be fully consulting residents on next year’s budget and if they tell me they want to pay more, in the light of demographic changes, then I will follow their lead.’

‘I was elected to serve local residents and that is what I will do’

(Leader’s Speech - Budget Council Meeting, 2 March 2016)

and

4) That in respect of the consultation process:

‘...we will consult residents and members handed it all over, in the way they should, at arm’s length to ensure unbiased consultation, in keeping with Cabinet Office criteria on consultation.’

‘That’s exactly what I have done.’

(Councillors’ Questions – Council Meeting, 14 September 2016)

and

5) With regard to his Administration:

'In Labour we believe in straight talking, honest politics. Some people think we should try and weasel our way out of it but that is not the new politics we practise here'

(Leader's Speech - Budget Council Meeting, 2 March 2016)

6) Notes the unanimous position of Merton's Overview and Scrutiny Commission at their meeting on 26 January 2017:

'1. The Commission recognises that Cabinet has acknowledged that the growing cost of adult social care is not temporary and is something for which the Council must make provision.

2. The Commission urges Cabinet to look at the budget situation beyond 2017/18 and asks Cabinet to consider a number of options including, but not limited to

a) an increase in council tax;

b) review earmarked reserves to see whether they meet the purpose for which they were originally intended and, where this is not the case, to release them for use to partially address the predicted budget gap

c) continue to focus on the savings that will still have to be made, and to bring forward savings where it has been identified that these could be achieved sooner;

d) recognise that this still won't be enough to meet the growing burden of adult social care, as set out in the following statement from the Local Government Association (12 January 2017):

"Council tax raising powers announced by government will not bring in enough money to fully protect the services which care for elderly and vulnerable people today and in the future.

Genuinely new government money is now the only way to protect the services caring for our elderly and disabled people and ensure they can enjoy dignified, healthy and independent lives, live in their own community and stay out of hospital for longer"

The Commission urges Cabinet to give its full support to the LGA and London Councils in their efforts to secure a properly funded settlement from government.'

In recognition of the national crisis this government has allowed to explode in adult social care, and its refusal to give councils a penny extra in real funding to look after older and disabled residents,

Cabinet on 16 January 2017 proposed an additional £9m growth in the adult social care budget. Clearly this growth cannot be funded by council tax increases alone, even if this were fair on our residents. In the complete absence of any additional resources from government, all options for funding growth including levying the government's adult social care precept will be assessed by Cabinet. Council notes that Cabinet will bring forward recommendations for its budget for 2017/18 and the MTFS for 2018/19 on 13 February in the usual manner, having also considered the feedback from the Scrutiny process and the results of the consultation on spending

and council tax levels, and these recommendations will form the basis of the Cabinet's recommendations when they are brought to its Budget setting meeting on 1 March 2017. In advance of this, council welcomes the administration's efforts to allay the fears of our vulnerable and elderly residents and re-assure them that the Council cares for their needs by maximising its available resources and proposing the allocation of additional funding for adult social care; and calls on the government to end its refusal to properly fund the nation's adult social care and end the social care crisis afflicting our country.

12 MERTON PRIORY HOMES GOVERNANCE (Agenda Item 12)

The report was moved by Councillor Martin Whelton and seconded by Councillor Stephen Alambritis.

The Conservative amendments to the recommendations within the report, detailed in agenda item 22, were moved by Councillor Suzanne Grocott and seconded by Councillor Michael Bull.

The amended report was put to the vote and was lost.

Votes in favour: 19, votes against: 39, not voting: 0.

The substantive report was put to the vote and was agreed.

Votes in favour: 39, votes against: 19, not voting: 0.

RESOLVED:

- A. That members note Circle Housing plans to collapse the group structure and consolidate the separate housing associations into one association.
- B. That members note the powers that the council has in order to affect and influence decision making.
- C. That members note the proposed Community Panel for Merton and that any changes to the panel's Terms of Reference will be with the council's consent.
- D. That members note how the Housing and Planning Act 2016, Section 93, impacts on the council's powers and those of the council's nominated board members to the Merton Priory Homes board.
- E. That members note the recent Homes and Community Agency regulatory notice issued against Clarion Housing Group (appendix 2).
- F. Subject to acceptable final terms for the variations to the Stock Transfer Agreement (STA), council supports these governance proposals and gives its consent to vary the STA and that the council will use its shareholder vote to agree to the proposed changes at shareholder meetings.
- G. That members delegate authority to the Director of Community and Housing to agree final terms of the variations to the STA which will include the Terms of Reference for the Community Panel.

13 APPROVAL OF PAY POLICY STATEMENT AND RE-ADOPTION OF THE

MEMBERS' ALLOWANCES SCHEME (Agenda Item 13)

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

RESOLVED: That Council

- A. Approve publication of the Pay Policy Statement for 2017/18;
- B. Reconfirm the Members' Allowances Scheme for 2017/18 with a minor change to the section on approved duties, with effect from 1 April 2017.

14 APPOINTMENT OF A DIRECTOR OF COMMUNITY AND HOUSING (Agenda Item 14)

The report was moved by Councillor Tobin Byers and seconded by Councillor Mark Allison.

Councillor Oonagh Moulton spoke on the item.

RESOLVED: That Council

- A. Agree to commence a recruitment campaign for the post of Director of Community and Housing in accordance with Section 6A (1) of the Local Authority Social Services Act 1970 as the current post holder will be retiring by end July 2017.
- B. Approve an appointment to the post of Director of Community and Housing within the current Merton Director salary range of £120,561 to £136,351. As the Directors' salaries exceed £100,000 per annum, under the Localism Act approval has to be sought from full Council.

15 CALENDAR OF MEETINGS 2017/18 (Agenda Item 15)

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

Councillor David Simpson spoke on the item.

RESOLVED: That Council agree the calendar of meetings for the municipal year 2017-18.

16 PROPORTIONALITY AND APPOINTMENTS TO COMMITTEES (Agenda Item 16)

The report was moved by Councillor Mark Allison, who presented the amendment to the recommendations, as detailed in agenda item 23. Councillor Mark Allison also corrected an error in the amended Appendix B, as follows:

Conservative Seats on Planning Applications Committee: 3
Non Aligned Seats on Planning Applications Committee: 0

The report was seconded by Councillor Stephen Alambritis.

Councillor David Simpson spoke on the item.

A recorded vote was taken and the recommendations were agreed.

Votes in favour: Councillors Agatha Akyigyina, Stephen Alambritis, Mark Allison, Stan Anderson, Laxmi Attawar, Michael Brunt, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Mary Curtin, John Dehaney, Nick Draper, Brenda Fraser, Fidelis Gadzama, Ross Garrod, Joan Henry, Abigail Jones, Philip Jones, Andrew Judge, Sally Kenny, Linda Kirby, Edith Macauley, Russell Makin, Peter McCabe, Ian Munn, Katy Neep, Jerome Neil, Dennis Pearce, Judy Saunders, Marsie Skeete, Geraldine Stanford, Imran Uddin, Gregory Udeh, Martin Whelton (35).

Votes against: Councillors Hamish Badenoch, John Bowcott, Michael Bull, Adam Bush, Charlie Chirico, Stephen Crowe, Suzanne Grocott, Daniel Holden, James Holmes, Janice Howard, Abdul Latif, Najeeb Latif, Brian Lewis-Lavender, Gilli Lewis-Lavender, Oonagh Moulton, David Simpson, Linda Taylor, Jill West, David Williams (19).

Not voting: Councillors Edward Foley, Mary-Jean Jeanes, John Sargeant, Peter Southgate (4).

RESOLVED: That Council

A. Approve the allocation of seats to political groups, as detailed in amended Appendix A to the report, noting:

- On 27 May 2016 the Evening Standard reported that a Putney resident had alleged Cllr David Dean told him on 3 May 2016 that if Sadiq Khan was elected Mayor of London, “as a white man ... you will be a pariah in your own town. He will treat you like dirt”. The paper stated that the comments had been recorded by a neighbour and went on to report a statement from the Conservative Party as follows: “As soon as we became aware of his comments he was immediately suspended from the party, pending an investigation.”
- On 17 January 2017, more than 8 months after the alleged comments were made, a spokesman for the Conservative Party told the Wimbledon Guardian: “He [Cllr David Dean] has been expelled from the party.” The Leader of Merton Conservative Group, Councillor Oonagh Moulton, told the paper: “I can confirm that Cllr Dean is no longer a member of the Conservative Group nor currently a member of the Conservative Party.”

- B. Due to the importance of the Planning Applications Committee and the standards required, approve the appointment of nominees to those seats as detailed in amended Appendix B to this report.

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

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

RESOLVED: That Council notes the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.

18 PETITIONS (Agenda Item 18)

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

No petitions were submitted by members.

RESOLVED: That Council notes the update on the petition received at the last meeting,

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

Councillor Oonagh Moulton announced that the Strategic Theme for the next ordinary meeting of the Council on 12 April 2017 shall be Sustainable Communities with a focus on Transport.