

COUNCIL
21 NOVEMBER 2018
(7.15 pm - 10.47 pm)

PRESENT The Mayor, Councillor Mary Curtin
 The Deputy Mayor, Councillor Geraldine Stanford

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

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Foley and Quilliam.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest made.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 12 September 2018 are agreed as an accurate record.

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

The Mayor provided a brief update on her mayoral activities since the last meeting, in particular thanking those involved for organising the remembrance weekend in November and highlighting the forthcoming Mayor's Charity Christmas meal, Christmas Carol Service and New Year Service all of which still had tickets available from the Mayor's Office.

The Leader announced that he would be inviting Councillor Moulton, Leader of the Opposition to make an announcement. Councillor Moulton announced that the

nomination for Mayor-elect for the 2019/20 municipal year would be Councillor Janice Howard.

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 in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'public questions to Cabinet Members' published document.

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

The responses to the written member ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member ordinary priority questions to Cabinet Members' published document.

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

The responses to the written member strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member strategic theme priority questions to Cabinet Members' published document.

It was also noted that a copy of the remaining Member questions and responses will be published after the meeting, in line with Constitutional requirements.

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

The Strategic Theme report on Children and Young People with a focus on Bridging the Gap was moved by Councillor Braund and seconded by Councillor Irons.

Councillors Bailey and Benbow 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 Moulton and seconded by Councillor Barlow.

The Labour amendment as set out in agenda item 29 was moved by Councillor Fraser and seconded by Councillor Alambritis.

The Labour amendment was put to a vote and was carried – votes in favour: 57, votes against: 0, abstentions: 0.

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

RESOLVED:

Council notes that as an employer:

We are committed to:

- promoting equality of opportunity and social inclusion
- eliminating unlawful discrimination
- promoting good relations between employees and communities of all backgrounds.

And we have made a commitment as a Disability Confident employer.

To further strengthen this work, this Council supports the Social Mobility Pledge and resolves to request the Cabinet to agree to its formal adoption

Partnership

We will build on the work we do partnering with schools or colleges to provide coaching through quality careers advice, enrichment experience and / or mentoring to people from disadvantaged backgrounds or circumstances.

Access

We will further provide structured work experience and / or apprenticeships opportunities to people from disadvantaged backgrounds or circumstances.

Recruitment

We will continue to assess employee recruitment practises to ensure they promote a level playing field for people from disadvantaged backgrounds or circumstances.

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

The motion was moved by Councillor Cooper-Marbiah and seconded by Councillor Sally Kenny.

The Liberal Democrat amendment as set out in agenda item 27 was moved by Councillor Fairclough and seconded by Councillor Bokhari.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 5, votes against: 52, abstentions: 0.

The Conservative amendment as set out in agenda item 28 was moved by Councillor Gretton and seconded by Councillor Omar Bush.

The Conservative amendment was put to a vote and fell – votes in favour: 17, votes against: 40, abstentions: 0.

The original motion was then put to a vote and was carried – votes in favour: 40, votes against: 17, abstentions: 0.

RESOLVED:

Merton Council notes that as a result of the ongoing cuts by the Government, Merton schools:

- Must bear the brunt of unfunded National Insurance increases
- Will suffer inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need

Despite this context of cuts, Council notes:

- That 91% of Merton's schools have been rated Good or Outstanding by Ofsted, and results continue to improve.

Council regards:

- The Chancellor's Budget announcement for £400 million for schools to spend on 'little extras' as insufficient compared to the £2.5 billion that has been cut since 2015. Furthermore, the £400 million is a one off payment so does not deal with the long term funding crisis in schools.

The Government's treatment of state education undermines the efforts of teachers, support staff, students and parents across the UK who work hard to maintain high standards. Therefore, Merton Council resolves:

- To join other councils in resisting the Government's ongoing cuts to school budgets and call for more funding to be invested in education
- To call on the Government to fully fund the pay increase for teachers that is independently recommended by the School Teachers' Review Body

8 REPORTS OF THE RAYNES PARK COMMUNITY FORUM 18 SEPTEMBER 2018 (Agenda Item 8)

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

9 REPORT OF THE WIMBLEDON COMMUNITY FORUM 27 SEPTEMBER 2018 (Agenda Item 9)

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

9a WIMBLEDON COMMUNITY FORUM MOTION (Agenda Item 9a)

The motion was moved by Councillor Holmes and seconded by Councillor Draper.

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

RESOLVED:

At the most recent meeting of the Wimbledon Community Forum on 27th September, residents expressed their concern at the lack of progress in transferring Morley Park from Berkeley Homes to Merton Council. Residents ask that the Cabinet Member for Regeneration, Housing and Transport report to the next Wimbledon Community Forum on how they propose to bring negotiations with Berkeley Homes over Morley Park to a rapid conclusion and open the park consistent with the planning consent.

10 REPORT OF THE COLLIERS WOOD AND NE MITCHAM COMMUNITY FORUM 4 OCTOBER 2018 (Agenda Item 10)

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

11 REPORT OF THE MORDEN COMMUNITY FORUM 11 OCTOBER 2018 (Agenda Item 11)

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

12 REPORT OF THE MITCHAM COMMUNITY FORUM 17 OCTOBER 2018 (Agenda Item 12)

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

13 NOTICES OF MOTION - LIBERAL DEMOCRAT MOTION (Agenda Item 13)

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

The Labour amendment as set out in agenda item 30 was moved by Councillor Whelton and seconded by Councillor Alambritis.

Councillor Latif spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 52, votes against: 0, abstentions: 5.

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

RESOLVED:

Council Notes:

- The welcome publication of the draft Wimbledon Masterplan;
- That there have been representations made to some elements of the Masterplan as part of the council engagement with local residents;
- The plan sets out a clear vision and way forward for the town centre which will support economic growth and be a better place for residents, visitors and businesses to enjoy

- The comment from the Leader of the Council on Twitter that “We must look to other innovative Councils like @yourcroydon as we forge ahead to deliver a new Wimbledon” which recognises that business growth and regeneration are key to development of South London town centres;
- That following the current consultation, which includes scrutiny by the cross-party Borough Plan Advisory Committee, the Masterplan will be put to the Cabinet for approval;
- That none of the Cabinet represent a Wimbledon ward, however, Wimbledon centre benefits the entire borough and is the main retail and business centre for Merton; and
- That the draft Local Plan is also out for consultation, and will be approved by the full Council
- The welcome extension of the consultation to 6th January 2019, allowing more people to respond in addition to the extensive engagement already undertaken by the council

Council believes:

- That Wimbledon town centre is a major shopping, commercial and leisure location for all our communities.
- That, following approval by the Cabinet, the decision on whether to approve the Wimbledon Masterplan should be taken by the full Council, in view of its strategic importance to the whole borough

14 NOTICES OF MOTION - CONSERVATIVE MOTION (Agenda Item 14)

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

Councillors Southgate and Allison spoke on the item.

Under Paragraph 8.13 of Part 4A of the Council’s Constitution, Councillor Williams made a Point of Personal Explanation in response to comments made in the debate which he felt had misunderstood the content of his earlier speech in respect of intention behind the motion.

The motion was put to a vote and fell – votes in favour: 22, votes against: 32, abstentions: 2.

15 NOTICES OF MOTION - LABOUR MOTION 1 (Agenda Item 15)

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

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

The Conservative amendment was put to a vote and fell – votes in favour: 24, votes against: 33, abstentions: 0.

The Liberal Democrat amendment as set out in agenda item 24 was moved by Councillor Bokhari and seconded by Councillor Fairclough.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 24, votes against: 33, abstentions: 0.

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

RESOLVED:

The council notes:

1. Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.
2. There were 3,805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.
3. Modern slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

The council believes:

- a. That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.
- b. That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- c. That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.
- d. An important step is adoption of the Co-operative Party's Charter Against Modern Slavery which states:

The council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.

8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.

The council calls on cabinet:

1. To adopt the Co-operative Party's Charter against modern slavery to ensure our procurement practices do not support slavery.
2. To consider the wider impact of modern slavery on the borough, and work to ensure that all forms of modern slavery are eliminated in Merton.

16 NOTICES OF MOTION - LABOUR MOTION 2 (Agenda Item 16)

The motion was moved by Councillor Macauley.

The Mayor advised the meeting that the 3 hour mark was approaching and that the Council would be asked to vote to extend the meeting to conclude the remaining business on the agenda; and that if the vote fell, the guillotine would come into effect at 10.15pm and the remaining items of business would be voted on in turn with no further discussion.

The motion was seconded by Councillor Skeete.

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

The Mayor advised the Council that the meeting had been extended and the business would continue.

The Conservative amendment as set out in agenda item 25 was moved by Councillor Holmes and seconded by Councillor Simpson.

The Conservative amendment was put to a vote and fell – votes in favour: 17, votes against: 40, abstentions: 0.

The original motion was then put to a vote and was carried – votes in favour: 40, votes against: 17, abstentions: 0.

RESOLVED:

Merton's migrant communities contribute a huge amount to the borough, and are the heart of the borough's cultural identity.

Merton Council expresses dismay at the 'hostile environment', and the financial and emotional impact this has had on the Windrush generation and their families, including children and grandchildren.

The council notes:

1. the work of organisations the JCWI, BME Lawyers 4 Justice, the Runnymede Trust, MPs and the All Parliamentary Group on Race who have been campaigning on these issues, and
2. the role the Caribbean High Commissions have played in lobbying the Government.

The council resolves to:

1. Write to the Prime Minister to call for an independent public enquiry into the Windrush scandal,
2. Demand the Government fully supports advice agencies in their work to achieve justice (and compensation for all losses, injury and damages to date where necessary) for all Merton residents of the Windrush generation,
3. Review our own policies and procedures to ensure we support those affected,
4. Support the call for fees for naturalisation to be waived for all those who have been affected, and
5. Oppose the criminalisation of Windrush families.

17 COUNCIL TAX SUPPORT SCHEME 2019/20 (Agenda Item 17)

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

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

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken.

The Conservative amendment was then put to a vote and fell –

Votes in favour: Councillors Barlow, Benbow, Adam Bush, Omar Bush, Crowe, Dean, Gretton, Holden, Holmes, Andrew Howard, Janice Howard, Latif, McLean, Moulton, Ormrod, Simpson and Williams.

Votes against: Councillors Akyigyina, Alambritis, Allison, Anderson, Attawar, Bailey, Bokhari, Braund, Brunt, Butler, Byers, Christie, Chung, Cooper-Marbiah, Cowper, Dehaney, Draper, Fairclough, Fraser, Henry, Irons, Mark Kenny, Sally Kenny, Kirby, Kohler, Lanning, Macauley, Makin, McCabe, McGrath, Mundy, Pearce, Pritchard, Skeete, Southgate, Stringer, Ward, Whelton, Wilkinson and Deputy Mayor Councillor Stanford.

Not voting: The Mayor, Councillor Curtin.

The Monitoring Officer advised that, in accordance with Part 4A, paragraph 10.4 of the Constitution, a recorded vote would be taken on the original motion.

The original recommendation was then put to a vote and was carried –

Votes in favour: Councillors Akyigyina, Alambritis, Allison, Anderson, Attawar, Bailey, Bokhari, Braund, Brunt, Butler, Byers, Christie, Chung, Cooper-Marbiah, Cowper, Dehaney, Draper, Fairclough, Fraser, Henry, Irons, Mark Kenny, Sally Kenny, Kirby, Kohler, Lanning, Macauley, Makin, McCabe, McGrath, Mundy, Pearce, Pritchard, Skeete, Southgate, Stringer, Ward, Whelton, Wilkinson, the Deputy Mayor Councillor Stanford and the Mayor, Councillor Curtin.

Votes against: Councillors Barlow, Benbow, Adam Bush, Omar Bush, Crowe, Dean, Gretton, Holden, Holmes, Andrew Howard, Janice Howard, Latif, McLean, Moulton, Ormrod, Simpson and Williams.

RESOLVED:

1. That the uprating changes for the 2019/20 council tax support scheme detailed in the report be agreed, in order to maintain low council tax charges for those on lower incomes and other vulnerable residents
2. That Council adopts the new 2019/20 scheme.
3. That Council agrees to implement the council tax technical reforms concerning the increased empty property premium from 1 April 2019 and subsequent years following the amendments to Section 11B of the Local Government Finance Act 1992.

18 ADOPTION OF THE COUNCIL'S NEW DRAFT STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (Agenda Item 18)

The report was moved by Councillor Draper seconded by Councillor Alambritis.

RESOLVED:

That the Council adopts the revised draft Statement of Principles under the Gambling Act 2005, as approved by Members of the Licensing Committee on 10 October 2018.

19 SOUTH WEST LONDON AND SURREY JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE (Agenda Item 19)

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

Councillor Fairclough also spoke on the item.

RESOLVED:

That the Council confirms that the power to refer to the Secretary of State under Regulation 23 of Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 is retained by the Council.

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

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

The report was put to a vote and was carried.

RESOLVED:

1. That the Council notes the changes to memberships of committees made under delegated authority since the last meeting of the Council.
2. That Council agrees to appoint Councillor Adam Bush as Vice-Chair of the Pension Fund Investment Advisory Panel.

21 PETITIONS (Agenda Item 21)

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

RESOLVED

That Council

1. Notes the update on the petition received at the last meeting; and
2. Accepts receipt of a petition presented by Councillor McLean on the application of a blanket injunction banning illegal traveller incursions.

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, being held on 6 February 2019, shall be Sustainable Communities with a focus on Air Quality.