

# Merton Council

## Council Annual Meeting

### Membership

**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, Edward Foley, 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, Carl Quilliam, David Simpson CBE, Marsie Skeete, Peter Southgate, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson and David Williams

**Date:** **Wednesday 15 May 2019**

**Time:** **7.15 pm**

**Venue:** **Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX**

Although this is a public meeting, a large proportion of the seats available in the public gallery will be reserved for the incoming and outgoing Mayor and Deputy Mayor, and their guests. There will be a small number of seats available for the public on a first come, first served basis. For further information, please contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone [020 8274 5272](tel:02082745272).

All Press contacts: [communications@merton.gov.uk](mailto:communications@merton.gov.uk), 020 8545 3181

# **Council Annual Meeting meeting**

## **15 May 2019**

- |   |  |        |
|---|--|--------|
| 1 | Apologies for absence                                |        |
| 2 | Declarations of Pecuniary Interest                   |        |
| 3 | Election of Mayor for the forthcoming municipal year |        |
| 4 | Mayor's appointment of the deputy mayor              |        |
| 5 | Vote of thanks to the retiring Mayor                 |        |
| 6 | Minutes of the previous meeting                      | 1 - 6  |
| 7 | Constitution of committees and other bodies          | 7 - 10 |

### **Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

## Public Information

### **Attendance at meetings**

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- Nearest train: Morden South, South Merton (First Capital Connect)
- Tramlink: Morden Road or Phipps Bridge (via Morden Hall Park)
- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

Further information can be found [here](#)

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# Agenda Item 6

COUNCIL

3 APRIL 2019

(7.15 pm - 10.15 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, Edward Foley, 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, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, 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 Councillor McCabe.

## 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 6 March 2019 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 engagements since the last meeting of the Council, particularly the opening of Morden Leisure Centre and congratulating all those involved in the project. She encouraged as many Members as possible to take part in the London Charity Walk taking place from the Canons Leisure Centre on 28 April 2019.

There were no announcements from the Leader or 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 Schools was moved by Councillor Cooper-Marbiah and seconded by Councillor Braund.

Councillors Omar Bush and Quilliam 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 Williams.

The Labour amendment as set out in agenda item 15 was moved by Councillor Irons and seconded by Councillor Fraser.

Councillor Kohler spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 38, votes against: 20, abstentions: 0.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 38, votes against: 20, abstentions: 0.

RESOLVED:

This council congratulates Merton Music Foundation and their students on their superb 'Music for Life' performance at the Royal Albert Hall on 20th March. Merton Music Foundation is a great credit to this borough, giving valuable music tuition to over 2,000 children in Merton every week. Council therefore regrets that government cuts in funding to schools has resulted in the loss of grants to groups like the Merton Music Foundation, and resolves to write to the borough's MPs to ask them to support the NEU campaign urging the government to end the schools funding crisis.

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

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

The Labour amendment as set out in agenda item 16 was moved by Councillor Allison and seconded by Councillor Pearce.

Councillor Gretton spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 3, abstentions: 23.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 38, votes against: 3, abstentions: 17.

RESOLVED:

This Council calls on Cabinet to look at ways in which a charitable fund could be established to manage revenue coming from an additional voluntary council tax from Band H properties, based on the models used by some other Councils. These monies could be used to establish a charitable fund, to help support the council and partnership's ambition of bridging the gap in the borough, to help mitigate some of the cuts in national education funding since 2010, subject to consultation.

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

The motion was moved by Councillor Ormrod and seconded by Councillor Gretton.

The Liberal Democrat amendment as set out in agenda item 17 was moved by Councillor McGrath and seconded by Councillor Bokhari.

The Liberal Democrat amendment was put to a vote and was lost – votes in favour: 26, votes against: 32, abstentions: 0.

The Labour amendment as set out in agenda item 18 was moved by Councillor Byers and seconded by Councillor Ward.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 17, abstentions: 9.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 38, votes against: 17, abstentions: 3.

RESOLVED:

In accordance with the Air Quality Action Plan, this council resolves to continue to support the rollout of the extensive NO2 & PM air quality monitoring for every school and their sports grounds or playing fields across Merton that are in areas of poor air quality, and that Cabinet works to ensure that:

- Schools close to busy roads are prioritised for monitoring and the air quality audit process;
- Anti-idling measures are expedited at all those locations;
- There is regular status and air quality reporting to scrutiny.

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

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

The Labour amendment as set out in agenda item 19 was moved by Councillor Whelton and seconded by Councillor Mark Kenny.

Councillor Fairclough also spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 32, votes against: 26, abstentions: 0.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 32, votes against: 26, abstentions: 0.

RESOLVED:

This council recognises the Whatley Avenue site has provided excellent educational use and welcomes the continued educational use to be transferred to a new site when the new Harris Wimbledon School relocates to its permanent home in South Wimbledon. Council also welcomes the consultation being undertaken as part of the Local Plan process, which has identified an urgent need for new housing provision. Council therefore calls upon Cabinet to:

- Ensure the Whatley Avenue site RP9 continues to be considered in the draft Local Plan as a potential site for development now that its educational use is being transferred;
- Allow sufficient sites for Merton's needs to remain in educational use and be open to a wide range of educational uses to cater for the increased need for SEN education and skills training, and ensure this need is being met by the expansion in excellent local provision at other sites in the borough.



8 REPORT OF THE MITCHAM COMMUNITY FORUM, 27 FEBRUARY 2019  
(Agenda Item 8)

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

9 REPORT OF THE MORDEN COMMUNITY FORUM, 28 FEBRUARY 2019  
(Agenda Item 9)

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

10 NOTICES OF MOTION - CROSS PARTY MOTION (Agenda Item 10)

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

Councillors Southgate and Bokhari also spoke on the motion.

The cross-party motion then agreed unanimously.

RESOLVED:

This Council condemns the horrific attack in Christchurch, New Zealand, on Friday 15<sup>th</sup> March 2019, and stands in solidarity with the people of New Zealand and the worldwide Muslim population. This terrorist hate crime was Islamophobic, and the Council extends its condolences to all the victims and their families. Donations to victim support can be made <https://givealittle.co.nz/cause/christchurch-shooting-victims-fund>.

This Council:

1. Reaffirms its commitment to the Hate Crime Strategy and its support for the borough's Muslim communities, who contribute so much to making Merton a great place to live and work
2. Will continue to work with all the borough's Muslim groups to identify concerns and reaffirm Merton's zero tolerance approach to Islamophobia in all its forms
3. Welcomes the work done by the APPG to combat Islamophobia by investigating the forms, manifestations and extent of prejudice, discrimination and hatred against Muslims in the UK, while reviewing legislation and policy, the recording and prosecution of hate crimes, the role of the media, and the use of social media platforms as a means for spreading hatred
4. Will write to the borough's MPs to urge them to work with the government to produce an internationally recognised definition of Islamophobia to be adopted by the government, which will then be formally adopted by this Council

11 NOTICES OF MOTION - LABOUR MOTION (Agenda Item 11)

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

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

Councillor Barlow also spoke on the motion.

The Liberal Democrat was put to a vote and was lost – votes in favour: 6, votes against: 32, abstentions: 20.

The original motion was then put to a vote and was carried – votes in favour: 40, votes against: 0, abstentions: 18.

RESOLVED:

This Council recognises the importance of a vibrant and ethical private rented sector and supports the Generation Rent campaign for an end to No Fault evictions under Section 21 of the Housing Act 1988.

#### 12 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 12)

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

The report was put to a vote and was agreed.

RESOLVED:

1. That the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. That Councillor Ed Gretton be appointed as Vice-Chair of the Children and Young People Overview and Scrutiny Panel.

#### 13 PETITIONS (Agenda Item 13)

There were no petitions submitted to the Mayor.

#### 14 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL (Agenda Item 14)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 10 July 2019, shall be Safer and Stronger Communities with a focus on Equalities and Diversity.

## **Committee: Annual Council**

**Date: 15 May 2019**

Wards: All

## **Subject: Constitution of Committees and Other Bodies**

Lead officer: Paul Evans, Assistant Director of Corporate Governance

Contact Officer: Louise Fleming, Senior Democratic Services Officer  
[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

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### **Recommendations:**

That the Council:

- A.
  - i) approves the constitution of committees, sub-committees and scrutiny bodies set out in Appendix A and;
  - ii) agrees the allocation of seats, chair and vice-chair positions and the appointment of members to those seats;
- B.
  - i) approves the constitution of consultative forums and other bodies set out in Appendix B and
  - ii) agrees the appointment of members to those seats;
- C. agrees the allocation of seats and appointment to the outside organisations as detailed in Appendix C.
- D. agrees the terms of reference of consultative and other bodies appointed by the Council, detailed in Appendix D (to follow)
- E. if known, notes the changes to the appointments to the Cabinet including their respective portfolios (Appendix E to follow if the detail is known);

N.B. the Leader's appointments will be reported to a subsequent Council meeting in the event that the Leader is not in a position to report to this meeting;

- F. agrees that the Council's Constitution be amended to incorporate any changes resulting from the approval of recommendations A to E.

### **1. Purpose of report and executive summary**

- 1.1 This report recommends that The Council establish committees, sub-committees, and scrutiny panels, together with other consultative bodies for the year 2017-18, allocates the seats on those bodies to political groups represented on the Council in accordance with the statutory proportionality rules and agrees to the appointment of the groups' nominees.
- 1.2 The report recommends that the Council agrees the allocation of seats on outside organisations and agrees to the appointment of the political groups' nominees.

## **2. Alternative options**

- 2.1 The Council must appoint at least one Overview and Scrutiny Committee, a Licensing Committee and a Health and Wellbeing Board. All other committees are constituted at the discretion of the Council.
- 2.2 The Council must allocate seats on the committees and sub-committees set out in Appendix B in accordance with statutory proportionality rules (with the exception of the Health and Wellbeing Board). All other seats may be allocated to groups at the Council's discretion.
- 2.3 The Council must establish a Standing Advisory Council on Religious Education and appoint members to it. The establishment of all other bodies set out in Appendix B is within the Council's discretion.
- 2.4 Participation in the outside organisations and allocation of seats set out in Appendix C is within the Council's discretion except where indicated as being within the executive leader's discretion.

## **3. Consultation undertaken or proposed**

- 3.1 Political groups have been invited to make their appointments to the seats allocated to them. The Council must agree to appoint members nominated by the political groups to the seats allocated to those groups. The complete list of nominations will be circulated at the earliest opportunity.

### **Timetable**

- 3.2 The constitution of the committees set out here is for the year 2019/20 and takes immediate effect. Unless otherwise indicated all of these bodies will be established until the next annual meeting of the Council. The Council may review the committees it has established at any time. The Council must review the allocation of seats to political groups when there is a change in the political balance of the Council.

## **4. Legal and statutory implications**

- 4.1 The Local Government Act 2000 makes provisions with respect to the function and procedures of local authorities. Merton's Constitution has been produced having regard to the provisions of the Act, Statutory Instruments and guidance from Central Government. The proposals within this report comply with the statutory requirements.
- 4.2 The Local Government Act 1972 contains provisions on the discharge of functions, meetings and proceedings of local authorities and access to information.
- 4.3 The Housing and Local Government Act 1989 contains provisions concerning the political balance on committees, the duty to allocate seats to political groups, and the duty to give effect to allocations.

- 4.4 The Licensing Act 2003 requires the Council to appoint a Licensing Committee.
- 4.5 The statutory requirement to have voting co-opted members on scrutiny has been met. There are two parent governors and a representative from both the Roman Catholic (currently vacant) and Church of England Diocese on the Overview and Scrutiny Commission and Children and Young People Panel.
- 4.5 The Council has a statutory duty to review the representation of different political groups on the Council at its annual meeting. The purpose of the legislation is to ensure that a 'political balance' is secured on council committees, sub-committees etc. so as to reflect the overall political composition of the Council.
- 4.6 Once the review has been completed there is a second statutory duty to make a determination as to political representation. This requirement to allocate seats must be made in accordance with the following statutory principles:
- a) All of the seats are not to be allocated to the same political group.
  - b) The majority of the seats go to the political group with a majority on full Council.
  - c) Subject to the above two principles, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to the proportion on full Council.
  - d) Subject to the above three principles, the number of seats on each ordinary committee of the Council allocated to each political group must bear the same proportion on the full Council.
- 5. Appendices – the following documents are to be published with this report and form part of the report**
- 5.1 Appendix A – Committees and sub-committees to be constituted and allocation of seats to political groups (to follow)
- 5.2 Appendix B – Consultative and other bodies to be constituted and allocation of seats to political groups (to follow)
- 5.3 Appendix C – Allocation of seats on outside organisations (to follow)
- 5.4 Appendix D – Terms of reference of Consultative and other bodies established by the Council (to follow)
- 5.5 Appendix E – Executive Leader's appointments to the Cabinet and their respective portfolios (to follow subject to availability)

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