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## COUNCIL

15 SEPTEMBER 2021

(7.33 pm - 10.30 pm)

PRESENT (in the Chair), Councillor Michael Brunt, Councillor Edith Macauley, Councillor John Dehaney, Councillor Agatha Mary Akyigyina, Councillor Stephen Alambritis, Councillor Mark Allison, Councillor Laxmi Attawar, Councillor Eloise Bailey, Councillor Thomas Barlow, Councillor Nigel Benbow, Councillor Hina Bokhari, Councillor Adam Bush, Councillor Omar Bush, Councillor Ben Butler, Councillor Tobin Byers, Councillor Billy Christie, Councillor Caroline Cooper-Marbiah, Councillor Pauline Cowper, Councillor Stephen Crowe, Councillor John Dehaney, Councillor David Dean, Councillor Nick Draper, Councillor Anthony Fairclough, Councillor Edward Foley, Councillor Brenda Fraser, Councillor Jenifer Gould, Councillor Edward Gretton, Councillor Joan Henry, Councillor Daniel Holden, Councillor James Holmes, Councillor Andrew Howard, Councillor Janice Howard, Councillor Natasha Irons, Councillor Sally Kenny, Councillor Linda Kirby, Councillor Paul Kohler, Councillor Rebecca Lanning, Councillor Najeeb Latif, Councillor Russell Makin, Councillor Peter McCabe, Councillor Simon McGrath, Councillor Nick McLean, Councillor Oonagh Moulton, Councillor Aidan Mundy, Councillor Hayley Ormrod, Councillor Dennis Pearce, Councillor Owen Pritchard, Councillor David Simpson, Councillor Peter Southgate, Councillor Geraldine Stanford, Councillor Eleanor Stringer, Councillor Dave Ward, Councillor Martin Whelton, Councillor Dickie Wilkinson, Councillor David Williams and Councillor Helena Dollimore

## ATTENDING

REMOTELY Councillor Stan Anderson, Councillor Mary Curtin and Councillor David Chung

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Marsie Skeete and Councillor Carl Quilliam.

Councillors Stan Anderson, Mary Curtin and David Chung attended remotely.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor Holmes advised that there would be a number of discussions including a school at which he was Chair of Governors.

Councillor Draper advised that he was Deputy Chair of Governors at that same school.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 7 July 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 past and upcoming Mayoral events.

There were no announcements from the Leader or 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: MAIN REPORT (Agenda Item 7a)

The Strategic Theme report on Children and Young People with a focus on the Dedicated Schools Grant (DSG) was moved by Councillor Stringer and seconded by Councillor Makin.

Councillor McLean also spoke on the item.

The Liberal Democrat Amendment was moved by Councillor Fairclough and seconded by Councillor Bokhari.

The Liberal Democrat amendment was put to the vote and fell- votes in favour: 26, votes against: 28, abstentions: 1.

The substantive report was then put to a vote and agreed.

RESOLVED: That the Strategic Theme report is agreed.

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

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.

7c STRATEGIC THEME: LIBERAL DEMOCRAT MOTION (Agenda Item 7c)

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

Councillor Omar Bush also spoke on the item.

The Labour amendment as set out in agenda item 17 was moved by Councillor Stringer and seconded by Councillor Draper.

The Labour amendment was put to a vote and was carried – votes in favour: 28 votes against: 6, abstentions: 21.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 28 votes against: 0, abstentions: 27.

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 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.

7d STRATEGIC THEME: CONSERVATIVE MOTION (Agenda Item 7d)

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

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

Councillor Kohler also spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 37 votes against: 17, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 37 votes against: 17, abstentions: 1.

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 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.

## 8 NOTICES OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 8)

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

Councillor Barlow also spoke on the item.

The Labour amendment as set out in agenda item 19 was moved by Councillor Attawar and seconded by Councillor Pritchard.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 6, abstentions: 18.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 0, abstentions: 24.

### 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 lower 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

## 9 NOTICE OF MOTION: CONSERVATIVE MOTION (Agenda Item 9)

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

Councillor Fairclough also spoke on the item.

The Labour amendment as set out in agenda item 20 was moved by Councillor Irons and seconded by Councillor Whelton.

The Labour amendment was put to a vote and was carried – votes in favour: 28, votes against: 6, abstentions: 21.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 28, votes against: 0, abstentions: 27.

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

#### 10 CLARION ESTATE REGENERATION PROGRAMME SUPPORT (Agenda Item 10)

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

Councillors Gretton and Crowe also spoke on the item.

The Liberal Democrat amendment was moved by Councillor McGrath and seconded by Councillor Kohler.

The amendment was put to the vote and fell. Votes in favour – 6, votes against: 45, abstentions: 4.

The substantive report was then put to the vote and was carried. Votes in favour – 28, votes against: 23, 4 abstentions.

#### RESOLVED:

That Council noted that Cabinet resolved the following recommendations at their meeting on 6th September 2021:

- To note that the programme-level viability deficit of identified by Clarion Housing Group (Clarion) in April 2020 in relation to their proposed regeneration of the High Path, Ravensbury and Eastfields estates represents a significant barrier to delivery;
- To agree that the Council remains supportive of Clarion's delivery of the Merton Estates Regeneration Programme (MERP) and the objectives of Merton's Estates Local Plan 2018 to improve the lives of existing residents and provide new homes;

- C. To agree to support the proposed adjustment of the Sales Clawback mechanism in the Stock Transfer Agreement to suspend the Council's eligibility to the 5% Sales Clawback mechanism so long as MERP is in the course of being delivered and remains in a deficit position at programme-level. The mechanism will be triggered only if MERP's financial performance reaches or exceeds a break-even position.
- D. To agree to support an amendment to the Stock Transfer Agreement to commit Clarion to delivering Decent Homes Standard upgrades linked to any failure to achieve regeneration delivery milestones to ensure these works are guaranteed to be delivered within a specified timeframe irrespective of the status of MERP;
- E. To agree to support an amendment to the Stock Transfer Agreement to specific partnership working arrangements between Clarion and the Council to include open book business plan progress updates and monitoring and regular identification, management and mitigation of risks to viability and deliverability with forums to be established at operational (Officer) and strategic (Senior Officer and Member) levels with Clarion counterparts. This approach is proposed to ensure proactive management and monitoring of future risks.
- F. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency, to conclude any documentation, including, without limitation, amendments to existing agreements between the Council and Clarion, necessary to implement the recommendations C-E above on the best terms which in their view are reasonably achievable .
- G. To agree that the 2010 Nominations Rights Deed will be preserved and that the council will continue to receive 100% nominations to true voids but that a protocol between Clarion Housing Group and the council be drawn up so as to assist Clarion in meeting its regeneration ambitions and ensuring that the council can continue to discharge its statutory housing duties and protect the public interest. Any such protocol will be jointly prepared between the council and Clarion Housing Group and be delegated to the Director of Community and Housing in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency.
- H. To ask officers to continue to consider options for a freehold asset to the Council that may reflect some value of the claw back suspension and, should a mutually agreeable asset transfer be agreed, to delegate authority to the Director of Environment and Regeneration, and the Director of Corporate Services to conclude that transfer in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency and the Cabinet Member for Finance.

## 11 OVERVIEW & SCRUTINY ANNUAL REPORT 2020-21 (Agenda Item 11)

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

Councillors McLean and Kohler also spoke on the item.

The report was put to a vote and agreed.

### RESOLVED:

- A. That Council received the 'Scrutiny in Merton' Overview and Scrutiny Annual Report



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

The report was moved by Councillor Allison and seconded by Councillor Pritchard and Councillor Barlow spoke on the item.

### RESOLVED:

1. That the Council noted the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. Agreed the appointment of members to seats on Committees and sub-committees in Appendix A
3. Agreed the appointment of members to seats on the consultative forums and other bodies set out in Appendix B
4. agreed the allocation of seats and appointments to the outside organisations as detailed in Appendix C.
5. Noted the changes to the appointments to the Cabinet including their respective portfolios (Appendix D);

## 13 PETITIONS (Agenda Item 13)

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

### RESOLVED

That Council

1. Notes the update on the petitions received at the last meeting,
2. Accepts receipt of a petition presented by Councillor Holden entitled Flooding and a petition presented by Councillor Fairclough entitled Graham Road Parking

## 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 17 November, shall be Sustainable Communities with a focus on Enforcement.