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## COUNCIL

21 SEPTEMBER 2022

(7.15 pm - 10.54 pm)

### PRESENT

(in the Chair), Councillor Joan Henry,  
Councillor Agatha Mary Akyigyina,  
Councillor Stephen Alambritis, Councillor Laxmi Attawar,  
Councillor Thomas Barlow, Councillor Hina Bokhari,  
Councillor Michael Brunt, Councillor Billy Christie,  
Councillor Caroline Cooper-Marbiah,  
Councillor Anthony Fairclough, Councillor Edward Foley,  
Councillor Brenda Fraser, Councillor Jenifer Gould,  
Councillor Daniel Holden, Councillor Andrew Howard,  
Councillor Natasha Irons, Councillor Sally Kenny,  
Councillor Linda Kirby, Councillor Paul Kohler,  
Councillor Edith Macauley, Councillor Peter McCabe,  
Councillor Simon McGrath, Councillor Nick McLean,  
Councillor Aidan Mundy, Councillor Dennis Pearce,  
Councillor Marsie Skeete, Councillor Eleanor Stringer,  
Councillor Martin Whelton, Councillor Helena Dollimore,  
Councillor James Williscroft, Councillor Sheri-Ann Bhim,  
Councillor John Braithwaite, Councillor Michael Butcher,  
Councillor Caroline Charles, Councillor Eleanor Cox,  
Councillor Klaar Dresselaers, Councillor Kirsten Galea,  
Councillor Ross Garrod, Councillor Jil Hall,  
Councillor Billy Hayes, Councillor Susie Hicks,  
Councillor Dan Johnston, Councillor Andrew Judge,  
Councillor Usaama Kaweesa, Councillor Samantha MacArthur,  
Councillor Gill Manly, Councillor Stuart Neaverson,  
Councillor John Oliver, Councillor Robert Page,  
Councillor Michael Paterson, Councillor Tony Reiss,  
Councillor Slawek Szczepanski, Councillor Matthew Willis,  
Councillor Max Austin and Councillor Victoria Wilson

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

At the start of the meeting, Councillors Garrod, Macauley, Kohler, McLean and Foley spoke following the death of Queen Elizabeth 2<sup>nd</sup>.

Apologies for absence were received from Councillors Flack and Mercer. Councillors Alambritis, Dollimore, Reiss and Skeete attended remotely.

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

There were no declarations of interest.

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

RESOLVED: That the minutes of the meeting held on 6 July 2022 are agreed as an accurate record.

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

The Leader provided an update on the situation at Galpins Road and thanked all those involved in the response.

There were no announcements from the Chief Executive.

The Mayor then provided a brief update on her recent and upcoming events and activities.

### 5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. No supplementary questions were received.

### 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 work to make Merton a fairer, more equal Borough and support those on lower incomes by tackling poverty and fighting for quality affordable housing was moved by Councillor Judge and seconded by Councillor Manly

.The Conservative Amendment to the Strategic Theme report was moved by Councillor Austin and seconded by Councillor Holden.

The Liberal Democrat Amendment was moved by Councillor Hicks and seconded by Councillor Page.

Councillors Fairclough, Oliver, Dresselaers, Reiss and Galea also spoke on the item.

The Conservative amendment was put to the vote and fell: Votes in Favour: 22, Votes against: 28, Abstentions: 1.

The Liberal Democrat Amendment was put to the vote and fell: Votes For: 22, Votes against: 27, Abstentions: 2.

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: MOTIONS (Agenda Item 7c)

No Strategic Theme motions were submitted.

8 REPORTS FROM THE RAYNES PARK COMMUNITY FORUM 30 JUNE 2022 (Agenda Item 8)

The report was noted by the Council.

9 NOTICE OF MOTION - CONSERVATIVE MOTION (Agenda Item 9)

The motion was moved by Councillor Cox and seconded by Councillor Paterson.

The Labour amendment as set out in agenda item 24 was moved by Councillor Stringer and seconded by Councillor Whelton.

Councillor Fairclough spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 42, votes against: 8, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 42, votes against: 8, abstentions: 1.

RESOLVED:

Council notes that on 4th March the Mayor of London announced his plan to expand the Ultra-Low Emission Zone (ULEZ) from its current boundary of the North and South Circulars to cover almost all of Greater London, including Merton. These plans could see the ULEZ expanded by 29th August 2023, subject to the current consultation which Merton Council has formally responded.

Council notes that although Merton enjoys high levels of transport connectivity, there are some lower income areas, particularly in the eastern edge of the Borough that are affected by poorer transport accessibility and do consequently have relatively higher levels of car ownership. TfL figures show that 64 per cent of Merton households own a car and ONS figures show that 60 per cent of London households earning between £23,192 and £29,546 own a vehicle.

Council notes that expanding the ULEZ to Merton will impact residents facing economic hardship, particularly low income residents in areas with poor public transport accessibility that are more dependent on a private vehicle.

Therefore, Council welcomes the response to the proposed extension of ULEZ submitted jointly by the Leader of the Council and by the Cabinet member for Transport where:

- The Council recognised the importance of tackling the challenges of toxic air pollution, the climate emergency, traffic congestion but thorough consideration should also be given to the cost-of-living crisis.
- The Council considered supporting measures including a more generous scrappage to mitigate the impact of switching to electric vehicles or retrofitting to become ULEZ compliant. An enhanced scrappage scheme should only be made available to residents in the expanded zone and not offering those in the existing ULEZ zone a second chance of funding.
- The Council noted that the proposals include considering a large-scale and targeted vehicle scrappage scheme to support Londoners, including, for example, those on low incomes, disabled people, charities and businesses. It is therefore disappointing that the consultation does not provide a firm commitment or adequate details to assess the adequacy of any scheme. The scrappage scheme has to go further and consider retrofit options to save embodied carbon and consideration given to extended measures such as annual travel cards and bike ownership for those who wish to scrap their car.
- The Council requested further details that demonstrated the adequacy of the proposed scrappage scheme and mitigating measures on mitigating the impact on all residents including those on low income and other vulnerable groups, particularly those in areas with poor public transport options. The Council also wanted TfL to go further and plan for active travel and public transport enhancements in low PTAL areas.
- As an employer, the Council also stated its concern about the negative impact identified in the IIA on employees working in social and health care, who rely on a vehicle for essential work journeys. The Council strongly urged TfL to give particular consideration to how the scrappage scheme and wider support measures could be extended to key workers such as nurses, doctors, teachers, police, ambulance and fire brigade workers, as well as those on low to modest incomes who require a vehicle to perform essential work duties or those working shifts at unsociable hours.
- The Council went on to state that the impact on small businesses requires deeper consideration and greater support needs to be offered to small businesses and the self-employed where cars or vehicles are an essential part of the trade and their jobs

can't be undertaken by bike or public transport; for example construction workers, tradespeople, delivery drivers.

Furthermore, the Council recognises that the administration is also working with TfL on a faster upgrade to a zero-emission bus fleet in Merton and on increasing the roll out of rapid charging points in the borough.

Given the need for measures to counter the cost-of-living impact on low-income households, small businesses, charities and disabled residents:

- Merton Council calls upon the Leader of the Council to write to central government to urge them to fund the most generous scrappage scheme to support residents transition to sustainable transport modes, should ULEZ be Page 4 expanded, to improve air quality and support residents through the cost-of-living emergency.

#### 10 NOTICE OF MOTION - CONSERVATIVE MOTION (Agenda Item 10)

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

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

Councillor Christie spoke on the item.

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 15, votes against: 35, abstentions: 1.

The substantive motion was then put to a vote and was lost – votes in favour: 22, votes against: 28, abstentions: 1.

#### 11 NOTICE OF MOTION - LIBERAL DEMOCRAT MOTION (Agenda Item 11)

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

The Labour amendment as set out in agenda item 24 was moved by Councillor Kenny and seconded by Councillor Butcher.

Councillor Barlow spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 27, votes against: 23, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 27, votes against: 23, abstentions: 1.

RESOLVED:

Council notes:

The deleterious effect of the Cost of Living emergency on the borough as a whole and welcomes the administration's response in establishing a £2million Cost of Living Emergency Fund, maintaining one of the country's most generous Council Tax Support schemes, continuing the provision of Free School meals to those eligible during school holidays, setting up a series of Cost of Living events across the borough and building on its status as a London Living Wage employer to ensure Merton becomes a London Living Wage accredited authority;

The failings of the Conservative-Liberal Democrat coalition Government that, according to research undertaken by Carbon Brief, has made energy bills in the UK nearly £2.5 billion higher than they would have been if climate policies had not been scrapped;

Since 2011 London Borough of Merton has invested nearly £2 million installing nearly 1.5MWP of solar panels at 29 of the borough's schools; and since 2013 the Council has worked with our schools to promote energy saving, including through loft insulation in 19 schools and upgrading to LED lighting at 4 high schools and a number of primary schools.

Schools across the UK are facing increased energy, staffing and maintenance costs;

The lack of Government support in helping schools address these cost increases;

The likelihood that, without additional funding from central Government, schools will have little choice but to deal with these additional costs by cutting back on teachers & support staff, teaching hours and/or other cuts that will adversely affect the education of children across the UK.

Council Requests :

The Leader of the Council to write to the new Secretary of State for Education to press them to immediately provide additional emergency funding for schools;

Relevant Cabinet members and Officers work with local schools to improve all schools' energy efficiency.

12 NOTICE OF MOTION - LABOUR MOTION (Agenda Item 12)

The Motion was moved by Councillor Irons and seconded by Councillor Neaverson.

Councillor Holden also spoke on the item.

The motion was agreed.

RESOLVED:

Council Notes:

The successful achievement by six of the borough's fantastic parks and open spaces in being re-awarded the prestigious Green Flag Award.

The annual Green Flag Award is an international mark of quality which recognises and rewards well managed parks and green spaces, and is the benchmark standard for the management of recreational outdoor spaces across the UK and around the world.

The success of Abbey Recreation Ground, Colliers Wood Recreation Ground, Dundonald Recreation Ground, John Innes Park, Sir Joseph Hood Memorial Playing Fields, and South Park Gardens is a huge testament to the Council's Parks and Green Spaces team and the friends' groups in the borough who work tirelessly year round to ensure these parks are attractive places that people love and enjoy visiting, that support their health and wellbeing, and support biodiversity and the environment. Our excellent parks and open spaces are a source of pride for the Council and for Merton residents.

This Council notes that Merton residents are no further than 250 metres from their nearest park or playing field and looks forward to more of our great parks and open spaces right across the borough achieving Green Flag Award recognition in years to come.

### 13 NOTICE OF MOTION - LABOUR MOTION (Agenda Item 13)

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 for a further 30 minutes to conclude the remaining business on the agenda.

The motion to extend was agreed and the Mayor advised the Council that the meeting had been extended for 30 minutes and the business would continue.

The Motion was moved by Councillor Kenny and seconded by Councillor Kirby.

Councillors Howard and Kohler also spoke on the item.

The motion was agreed.

RESOLVED:

Council Notes:

That this Council notes and congratulates all Merton students who have recently received A-Level, Applied General and Technical, GCSE, and vocational results. This Council also congratulates Merton's schools, colleges and teaching staff on their students' achievements.

This cohort of students were significantly affected by the pandemic so these results are an incredible achievement. Early figures show that 32% of students in Merton

schools received the top grade of A/A\* AND 61% at A\*-B. On Applied General courses, the average point score for students was 38.69, and above the national and Merton 2019 outcomes. For GCSE's, early figures show that 80% of students achieved at least a pass grade (4-9) in GCSE English and Maths, which is well above the very early national average of just over 70%.

Merton has some incredible schools and colleges and these results demonstrate their continued excellence, in spite of such hurdles. This Council believes education and lifelong learning have a crucial impact on the quality of people's lives. These results are a great milestone in the lives of these Morden residents

#### 14 AMENDMENTS TO THE CONSTITUTION (Agenda Item 14)

The report was moved by Councillor Christie and seconded by Councillor Garrod.

The Liberal Democrat Amendment to the report recommendations was moved by Councillor McGrath and seconded by Councillor Oliver.

Councillors McLean and Page also spoke on the item.

Councillor McGrath moved a procedural motion under Part 4A, Paragraph 8.10(f) of the Council's Constitution that the matter be referred back to the Standards and General Purposes Committee for further consideration. The motion was seconded by Councillor Fairclough.

The procedural motion was put to the vote and fell – votes in favour: 23, votes against: 27, abstentions: 1.

The Liberal Democrat Amendment to the report was put to the vote and fell – votes in favour: 23, votes against: 27, abstentions: 1.

The report was then put to the vote and agreed – votes in favour: 27, votes against: 23, abstentions: 1.

#### RESOLVED:

That Council authorise the following amendments to the Council's Constitution:

- A. Part 4B Para 17 and 18 (urgency procedures) as described in paragraph 2.2 of the report and detailed at Appendix A
- B. Rule 2.3h (Community Fora Motions) as described at paragraph 2.6 of the report
- C. Part 4A Para 21.5 (Remote Attendance) as described in paragraph 2.12 of the report and detailed at Appendix B
- D. (Use of Resources) Part 5E as described at paragraph 2.13 of the report
- E. Part 3D – Scheme of Delegation to Officers as described in Paragraph 2.9 to 2.10 of the report
- F. To agree the treatment of contract extension for decision making purposes, details of which are set out in 2.11 of the report



15 OVERVIEW & SCRUTINY ANNUAL REPORT 2021/22 (Agenda Item 15)

The report was moved by Councillor Foley and seconded by Councillor Brunt.

Councillor Kohler also spoke on the item.

The report was agreed.

RESOLVED:

That Council receives the Overview and Scrutiny Annual Report

16 STREET TRADING POLICY UNDER THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) (Agenda Item 16)

The Mayor advised that the 30 minute extension agreed to the meeting would be insufficient and therefore moved a further extension for a further period to allow all the business on the agenda to be considered.

This was agreed and the meeting was extended.

The report was moved by Councillor Macauley and seconded by Councillor Stringer.

The report was agreed.

RESOLVED:

That Council agreed to adopt the Council's Street Trading Policy for 2023-2028 under the London Authorities Act 1990 (as amended) as approved by Members of the Licensing Committee on 28th June 2022 to come into effect on the 1st January 2023

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

The report was formally moved by Councillor Garrod and formally seconded by Councillor Stringer.

RESOLVED:

That the Council:

1. 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)

Councillors were invited to bring forward any petitions to present.

RESOLVED

That Council

1. Accepts receipt of petitions presented by:
  - Councillor Williscroft entitled 22/PO440 Grand Drive
  - Councillor Galea entitled Match Day Parking
  - Councillor Foley entitled Better, brighter street lighting and identifying black spots where you feel unsafe in Merton Park

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

That the Strategic Theme for the next ordinary meeting of the Council, being held on 16 November 2022, shall be To promote a dynamic connected and inclusive community; an economy with safe vibrant high streets and jobs for our residents with a focus on supporting our diverse community by working with Merton's Voluntary and Community Sector.

## 20 SENIOR COUNCIL STRUCTURE (Agenda Item 20)

The report was formally moved by Councillor Garrod and formally seconded by Councillor Stringer.

Councillor Fairclough also spoke on the item.

The report was agreed.

RESOLVED:

A To note the outcome of the senior management review carried out by the Chief Executive and the creation of the following executive director roles;

- 1) Executive Director of Innovation and Change
- 2) Executive Director of Adult Social Care, Integrated Care and Public Health
- 3) Executive Director of Environment, Civic Pride and Climate
- 4) Executive Director of Housing and Sustainable Development
- 5) Executive Director of Finance and Digital

B To note the outline job descriptions for all of the roles attached as appendix two and that Appointments Committee agreed the approval of the final documents to the Chief Executive in consultation with the Chair of the Appointments Committee.

C To note that the Appointment Committee has agreed to engage an executive search agent for any recruitment campaigns based on their track record and

approach to attracting Black, Asian and Minority Ethnic candidates and has delegated to the Chief Executive the authority to appoint the executive search agent following soft market testing.

D To note that the Appointments Committee has agreed to establish a sub[1]committee for the purposes of agreeing a shortlist of candidates and to act as the interview panel for the final interview.

E To note that the Appointments Committee has approved the general recruitment process as outlined in paragraph 2 and has delegated the implementation of that process to the Interim Head of Human Resources in consultation with the Chair of the Appointments Committee.

F. To agree that the Council offer the current (2021) Director salary range of £110,192 - £127,716 for the roles together with such suitable market supplements as the Chief Executive, in light of the advice of the retained executive search agent, considers appropriate pending a wider review of pay.

## 21 EXCLUSION OF THE PUBLIC (Agenda Item 21)

RESOLVED: That the public were excluded from the meeting during consideration of the following report on the grounds that it is exempt from disclosure for the reasons stated in the report.

## 22 SENIOR COUNCIL STRUCTURE (EXEMPT REPORT) (Agenda Item 22)

RESOLVED:

That the recommendation within the exempt report was agreed.