

Agenda Item 3

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COUNCIL

7 JULY 2021

(7.15 pm - 10.13 pm)

PRESENT (in the Chair), Councillor Michael Brunt, Councillor Agatha Mary Akyigyina, Councillor Stephen Alambritis, Councillor Mark Allison, Councillor Thomas Barlow, Councillor Nigel Benbow, Councillor Hina Bokhari, Councillor Adam Bush, Councillor Ben Butler, Councillor Billy Christie, Councillor David Dean, Councillor John Dehaney, Councillor Anthony Fairclough, Councillor Edward Foley, Councillor Brenda Fraser, Councillor Edward Gretton, Councillor Joan Henry, Councillor Daniel Holden, Councillor James Holmes, Councillor Natasha Irons, Councillor Edith Macauley, Councillor Russell Makin, Councillor Simon McGrath, Councillor Owen Pritchard, Councillor Peter Southgate, Councillor Eleanor Stringer, Councillor Martin Whelton, Councillor David Williams and Councillor Helena Dollimore

ATTENDING REMOTELY Councillor Stan Anderson, Councillor Laxmi Attawar, Eloise Bailey, Omar Bush, Tobin Byers, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, Nick Draper, Jenifer Gould, Andrew Howard, Janice Howard, Natasha Irons, Sally Kenny, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Peter McCabe, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Carl Quilliam, David Simpson, Marsie Skeete, Geraldine Stanford, Dave Ward and Dickie Wilkinson

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

31 Councillors attended the meeting remotely and are listed within the minutes accordingly.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETINGS (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 April and the meetings held on 21 April are agreed as an accurate record.

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

The Mayor thanked everyone for the kind words and support he had received since becoming Mayor and gave an overview of the past and upcoming events.

There were no announcements from the Leader or the Chief Executive.

5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The Mayor announced that the agenda order would be amended, with Item 14, Appointment of Chief Executive taken first followed by item 5 onwards in the published agenda order.

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited the questioners who had registered to speak 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 Sustainable Communities with a focus on Housing and a special focus on decent homes and housing supply was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Mundy then seconded the motion.

Councillors Gretton and Bailey also spoke on the item.

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

The Liberal Democrat amendment was put to the vote and fell – votes in favour: 13, votes against: 15, abstentions: 1.

An indicative vote was also taken online for those members participating remotely (votes for 13, against 15, 0 abstentions).

The substantive report was then put to the vote and carried – votes in favour: 25, against: 3, abstentions: 1.

An indicative vote was also taken online for those members participating remotely (Votes for 25, against 4, 0 abstentions).

RESOLVED: That the Strategic Theme report is agreed.

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

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

Councillor Benbow also spoke on the item.

The Labour amendment as set out in agenda item 26 was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Draper then spoke to second the item.

The Labour amendment was put to a vote and was carried– votes in favour: 17, votes against: 0, abstentions: 12.

An indicative poll was also taken online, the results of which were votes in favour 17, 0 against, 12 abstentions.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 22, votes against: 0, abstentions: 9.

An indicative poll was taken online the results of which were: votes in favour 22, 0 against, 9 abstentions.

RESOLVED:

Council requests Cabinet establish a Tenants' Champion service, that would:

- Be similar to (the non-stock holding) Richmond Council's Tenants' Champion, a service that that has been in place for more than 10 years;
- Work to support both tenants and leaseholders who rent or lease their properties from a housing association and also private renters in the borough,

- Provide support by giving someone for residents to contact if they had long running, unresolved complaints with their landlord, and by providing relevant information to renters more generally;
- Be trialled for a year and report their work to the Sustainable Communities scrutiny panel.
- Include Councillor Nick Draper being appointed as Merton's inaugural Tenants Champion.

8 REPORT OF THE MORDEN COMMUNITY FORUM, 24 FEBRUARY 2021
(Agenda Item 8)

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

9 REPORT OF THE MITCHAM COMMUNITY FORUM, 25 FEBRUARY 2021
(Agenda Item 9)

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

10 REPORTS FROM THE WIMBLEDON COMMUNITY FORUM, 25 MARCH
2021 AND 16 JUNE 2021 (Agenda Item 10)

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

11 REPORTS FROM THE RAYNES PARK COMMUNITY FORUM, 30 MARCH
2021 AND 10 JUNE 2021 (Agenda Item 11)

Councillor Omar Bush presented the report which was received by the Council.

12 NOTICES OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 12)

The motion was moved by Councillor Bokhari and formally seconded by Councillor Fairclough. Councillor Gould then spoke to second the motion.

Councillor Barlow also spoke on the item.

The Labour amendment as set out in agenda item 27 was formally moved by Councillor Stringer and then Councillor Skeete spoke to move the amendment. The amendment was then seconded by Councillor Allison.

The Labour amendment was put to a vote and was carried – votes in favour: 17, votes against: 0, abstentions: 12.

An indicative poll was taken for members participating remotely the results of which were: votes in favour 17, 0 votes against, 13 abstentions.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 20, votes against: 0, abstentions: 9.

An indicative poll was taken for members participating remotely, the results of which were 21 votes in favour, 0 against and 10 abstentions.

RESOLVED:

Council notes:

(1) that in February [2020](#) Council passed a resolution to become a 'Borough of Sanctuary' and, also resolved to "challenge anti-refugee and anti-migrant attitudes wherever they are found";

(2) The decision passed by Cabinet on 22 June [2021](#) for LB Merton to join the Lift the Ban Coalition;

3) That the Leader has written to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

Council therefore resolves to:

1) Endorse the Cabinet decision to join the Lift the Ban Coalition; and congratulate the Leader for writing to both Stephen Hammond MP and Siobhain McDonagh MP, asking them to lobby the Home Secretary and Government to lift the ban and change the law allowing asylum seekers to work whilst awaiting decision on their asylum claim.

13 NOTICES OF MOTION: LABOUR MOTION (Agenda Item 13)

The motion was moved by Councillor Pritchard and seconded by Councillor Dollimore making her maiden speech.

Councillors McLean and Bokhari also spoke on the item.

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

RESOLVED:

Council notes, with pride, the many Merton residents whose families have served in our armed forces, and welcomes the borough's support for them at Armed Forces Day on 26 June 2021; recognises the incredible service of men and women from the Commonwealth and Nepal who have served and do serve in the UK Armed Forces, and also notes the unconscionable way so many of them and their families are being treated.

This council agrees with veterans who believe their right to stay in the UK should be awarded automatically on account of their service and notes that the recent government public consultation was insufficient in scope; with the only proposal being

to offer a visa fee waiver after 12 years' service – an unduly high threshold that will alleviate costs for only a fraction of service personnel.

This council believes that only meaningful reform will deliver justice, and that means introducing a free and equitable route to citizenship that incorporates families, and – as we as a nation do not know how many have been affected by this injustice – believe that the government should establish a dedicated unit to assist veterans, similar to the Windrush Taskforce.

Council calls upon the Leader of the council to write to the Prime Minister, The Minister of State for Immigration, The Parliamentary Under-Secretary of State for Defence People and Veterans, and our two local MPs, outlining this council's support for Commonwealth and Nepalese veterans, and asking them to press for a change in the legislation that affects those that have served our country so honourably.

14 APPOINTMENT OF CHIEF EXECUTIVE (Agenda Item 14)

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

The report was put to a vote and agreed.

RESOLVED:

That Council confirmed the appointment of Hannah Doody recommended candidate to the post of Chief Executive, as the Council's Head of Paid Service with effect from 8th July 2021.

Councillors Alambritis, McLean, Fairclough, Southgate and Williams then spoke to thank outgoing Chief Executive Ged Curran, who then responded.

15 LOCAL PLAN - SUBMISSION TO THE SECRETARY OF STATE (Agenda Item 15)

The report was moved by Councillor Whelton and formally seconded by Councillor Stringer. Councillor Quilliam then spoke to second the report.

The Liberal Democrat amendment to the report recommendations was moved by Councillor McGrath and seconded by Councillor Fairclough.

Councillors Crowe and Dean also spoke on the item.

The Liberal Democrat amendment was supported by those speaking and therefore a vote was taken on the substantive report (as amended) and was carried. Votes in favour: 20, against: 8, abstentions: 1.

An indicative online poll was taken of members attending remotely the result of which was votes for: 24, 6 against, 0 abstentions.

RESOLVED:

That, following consideration by Cabinet and the Borough Plan Advisory Committee, Council resolved to:

A. submit Merton's Local Plan and Policies Map to the Secretary of State for independent examination. This would be preceded by a statutory six-week consultation period between July and September 2021.

B. Agreed the timetable for production set out in section 5 of this report, which will amend Merton's Local Development Scheme.

C. delegated authority to the Director of Environment and Regeneration, Chris Lee, in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency Councillor Martin Whelton for changes to the documents between 23rd June 2021 and the receipt of the Planning Inspector's final report:

(i) to approve alterations to the plans for submission to the Secretary of State for independent examination and as necessary throughout the examination process arising from matters including responses to pre-submission public consultation, national or regional policy changes, additional relevant evidence and matters arising from the independent examination.

(ii) to consider and approve officers' response to comments received at the pre-submission public consultation, and associated alterations to the plans for their submission to the Planning Inspector via the Secretary of State

- That within the Local Plan: RAYNES PARK: POLICY N3.4(M) should be amended to read: "Ensuring new homes are of a high design quality and support housing choice by requiring development to comply with the most appropriate minimum space standards (particularly in the case of dwelling conversions), and that all development respects local character, heritage and amenity in surrounding residential neighbourhoods."

16 PLANWIMBLEDON'S APPLICATION TO BE A NEIGHBOURHOOD FORUM FOR THEIR PROPOSED NEIGHBOURHOOD AREA OF WIMBLEDON (Agenda Item 16)

At the start of the item the group whips declared that the following Councillors are members of PlanWimbledon:

Councillors Holden, Gretton, Simpson, Moulton, Andrew Howard, Janice Howard, Williams, Barlow, McGrath, Kohler, Fairclough, Southgate, Foley and Stringer.

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

Councillors Fairclough and Southgate also spoke on the item.

The Conservative amendment was moved by Councillor Holmes and seconded by Councillor Holden.

The amendment was put to the vote and fell. Votes in favour – 13, votes against: 15, abstentions: 1.

An indicative poll was also taken of members participating remotely the results of which were votes in favour: 13, votes against: 16, not voting:1.

The substantive report was then put to the vote and was carried. Votes in favour – 15, votes against: 13, 1 abstention.

An indicative poll was also taken of members participating remotely the results of which were votes in favour: 11, votes against: 14, 3 abstentions.

RESOLVED:

That, following consideration by Merton's Borough Plan Advisory Committee and Cabinet, council

A. Noted the consultation responses to the publication of the PlanWimbledon neighbourhood area and forum applications.

B. Refused PlanWimbledon's application as a neighbourhood forum.

C. Declined to determine PlanWimbledon's Neighbourhood Area application because, following the refusal of the neighbourhood forum application, there would be no organisation that is capable of being designated as a neighbourhood forum in relation to it.

D. Encouraged and supported further dialogue between PlanWimbledon and the business community towards resolving the issues identified in this report

17 CONSTITUTIONAL CHANGES (Agenda Item 17)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

A. That Council agreed to adopt the following amended parts of the Constitution attached as appendices A-J to this report*:

(i) Part 1 – Summary and explanation

(ii) Part 2 – Articles

(iii) Part 3A – Responsibility for Local Choice Functions

(iv) Part 3B – Responsibility for Non-Executive Council Functions

(v) Part 3C - – Responsibility for Executive Functions

(vi) Part 4A- Council Procedure Rules

(vii) Part 4B -Access to Information Procedure Rules

(viii) Part 4C – Budget and Policy Framework Procedure Rules

(iv) Part 4D - Cabinet Procedure Rules

(ix) Part 4E – Overview and Scrutiny Procedure Rules

*Tracked changes versions of the appendices are available from Democracy Services on request. A table setting out the substantive proposed changes is attached as appendix K.

- B. That Council adopted the Scheme of Delegation to Officers attached as appendix L to this report insofar as it relates to non-executive functions and to endorse it insofar as it relates to executive functions and to agree it will form Part 3E and replace existing parts 3E, 3F and 7B of the constitution;
- C. That Council agreed the arrangements for meetings set out in paragraphs 2.5.13 – 2.5.22 and the protocol attached as appendix M, subject to review in six months.
- D. That Council agreed that the changes shall come into effect on 8 July and to authorise the Monitoring Officer to make such consequential and minor drafting amendments as she considers reasonably necessary including, without limitation, to renumber the parts of the constitution as appropriate

18 MEMBER CODE OF CONDUCT (Agenda Item 18)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

- A. That Council adopted the revised Code of Conduct for Members attached as Appendix A with effect from 30 September 2021;
- B. That Council noted that the Monitoring Officer will arrange training sessions for councillors on the requirement of the revised Code of Conduct; and
- C. That Council agreed that the revised process for dealing with complaints that members have breached the Code of Conduct attached as Appendix B shall apply to all complaints made on or after 8 July 2021.

19 REVISIONS TO THE COUNCIL'S CONTRACT STANDING ORDERS 2020 (Agenda Item 19)

The report was formally moved by Councillor Stringer and Councillor Byers then spoke to move the report. The report was seconded by Councillor Christie.

Councillor Williams and Kohler also spoke on the item.

The report was put to a vote and was agreed.

RESOLVED:

- A. That Council adopted the proposed revisions made to the Council's Contract Standing Orders, effective from 8 July 2021 and for the Council's Constitution to be amended accordingly, as recommended by Standards and General Purpose Committee on 28 June 2021. Changes made are in response to the implementation of the impact the UK leaving the EU will have on the Public Contracts Regulations [The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020] (PPR 2020), greater reinforcement with regards to the Social Value Act 2012, reference to the

Council's commitment to the Climate Emergency; and to try to provide clarity in order to drive greater compliance overall with procurement governance and best practice B. That Council approved that the appendices to the CSOs may be updated by the Head of Commercial Services, with approval by Procurement Board, without the need to seek approval from SGPC and full Council, as recommended by Standards and General Purpose Committee on 28 June 2021. These are supplementary documents, templates and guidance notes that compliment but do not impact on the content of the main CSOs

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

The report was formally moved by Councillor Stringer and then Councillor Byers spoke to move the report. The report was formally seconded by Councillor Christie.

Councillors Williams and Kohler spoke on the item.

RESOLVED:

That the Council:

1. Approved the appointment of nominations to Committees and outside bodies as set out in Appendices A-C.
2. Noted the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council

21 PETITIONS (Agenda Item 21)

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

RESOLVED

That Council

1. Noted the update on the petition received at the last meeting,
2. Accepted receipt of the following petitions:
 - Petition presented by Councillor Macauley entitled Litter and Flytipping in Lavender Fields
 - Petition presented by Councillor Barlow entitled Wimbledon Village Farmers Market
 - Petition presented by Councillor McLean entitled West Barnes Rubbish

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 15 September, shall be Children and Young People with a focus on the DSG.

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