

Agenda Item 3

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COUNCIL

17 NOVEMBER 2021

(7.15 pm - 10.13 pm)

PRESENT

(in the Chair), Councillor Michael Brunt, Councillor Edith Macauley, Councillor Agatha Mary Akyigyina, Councillor Stephen Alambritis, Councillor Mark Allison, Councillor Stan Anderson, 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 Stephen Crowe, Councillor David Dean, Councillor John Dehaney, Councillor Nick Draper, Councillor Anthony Fairclough, Councillor Edward Foley, Councillor Brenda Fraser, Councillor Jenifer Gould, 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 Carl Quilliam, 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

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Gretton.

Councillors Chung, Cowper, Curtin 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 meetings held on 15 September 2021 are agreed as an accurate record, subject to the following amendment:

That the minutes be amended to correct the name of the Chair to Councillor Michael Brunt, from Councillor Sally Kenny as listed in the original minutes.

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

The Mayor announced the sad recent passing of Miranda Foley, wife of Councillor Foley and consort to the deputy mayor 2019/20. The Mayor expressed the thoughts and condolences of the whole Council to Councillor Foley, his children and family.

The Mayor then provided a brief update on upcoming activities and 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: 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 Enforcement was moved by Councillor Irons and seconded by Councillor Akyigyina.

Councillors Andrew Howard, Fraser and Bokhari also spoke on the item.

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

The Liberal Democrat amendment was put to the vote and fell – votes in favour: 22, votes against: 32, absentions: 0.

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

RESOLVED: That the Strategic Theme report is agreed.

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

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

The Labour amendment as set out in agenda item 25 was moved by Councillor Whelton and seconded by Councillor Byers.

Councillor Kohler spoke on the item.

The Labour amendment was put to a vote and was carried– votes in favour: 29, votes against: 19, abstentions: 6.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 29, votes against: 16, abstentions: 9.

RESOLVED:

Council recognises the importance of good town planning and understands that local residents want planning applications that are approved to be adhered to and properly enforced.

Council notes that the building development control function has had an improvement programme underway since 2020, but while many of the improvements have been implemented, some have been delayed due to recruitment issues which the trade magazine UK Construction Excellence describes as a “long-predicted shortfall” in the building control sector across the UK. This in turn has had an impact on the capacity for planning enforcement with the latest statistics showing that the number of planning enforcement cases closed each month are at 46% of their target.

Residents demand and expect that all development in Merton is in accordance with sound planning principles and planning law, and Council notes that the government has failed to prepare for this long-predicted shortfall in the sector, or to fund councils so that they can provide services to the level that residents and councillors would want.

Therefore, council requests that the Cabinet Member for Housing, Regeneration and the Climate emergency in conjunction with the Director of Environment and Regeneration lobby the government to put in place measures to improve planning enforcement, to prioritise the rolling out of the improvement programme, and seek to tackle the backlog in cases, and report on progress to council in 6 months' time, and to one meeting of the Sustainable Communities Overview and Scrutiny Panel in 3 months' time.

Council expects the following aspects to be included:

- The cost and viability of an online portal for planning enforcement cases which councillors and residents can see;
- Ways to improve reporting of planning breaches on the council website;
- Action plan to tackle the backlog in planning enforcement cases;
- Analysis of how well planning enforcement measures result in appropriate outcomes;
- Continued enforcement of existing planning laws against individuals and developers who break planning rules;
- Using public communications to highlight enforcement breaches (including a continued emphasis on those who fell trees in contravention of planning rules);
- Continuing to review the outcome of development following completion to ensure that greening measures have been implemented, including tree planting (in line with the council's Tree Strategy);
- Continued strong protection of existing trees via powers under Tree Protection Orders.
- The importance of good communication between the Planning Dept and the public and councillors;
- A full costing of all the above measures and an outline of the cuts that would have to be made to other services, and the impact of these, if the cost has to be borne in whole by the council rather than from direct additional grant.

8 REPORT OF THE RAYNES PARK COMMUNITY FORUM: 16 SEPTEMBER 2021 (Agenda Item 8)

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

9 REPORT OF THE WIMBLEDON COMMUNITY FORUM: 22 SEPTEMBER 2021 (Agenda Item 9)

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

10 REPORT OF THE MITCHAM COMMUNITY FORUM: 6 OCTOBER 2021 (Agenda Item 10)

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

11 REPORT OF THE MORDEN COMMUNITY FORUM: 13 OCTOBER 2021

(Agenda Item 11)

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

12 REPORT OF THE COLLIERS WOOD AND NE MITCHAM COMMUNITY FORUM: 20 OCTOBER 2021 (Agenda Item 12)

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

13 NOTICE OF MOTION: CROSS-PARTY MOTION (Agenda Item 13)

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

Councillor Fairclough spoke on the item.

The motion was put to the vote and agreed unanimously.

RESOLVED:

Council notes the tragic and appalling murder of Sir David Amess MP that was carried out as he performed his public duties.

Council extends its condolences to the family and all Sir David's friends for their loss, and marks the enormous contribution that he has made to politics in this country.

Council calls on the authorities to take great care to protect the safety of public servants, and for everyone to respect the importance of civility in public life.

14 NOTICE OF MOTION: CONSERVATIVE MOTION (Agenda Item 14)

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

The Labour amendment as set out in agenda item 26 was moved by Councillor Whelton and seconded by Councillor Draper.

Councillor McGrath spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 29, votes against: 25, abstentions: 0.

The substantive motion (as amended) was put to the vote and carried – votes in favour: 29, votes against: 24, abstentions: 1.

RESOLVED:

Council notes that in September 2014 the Labour administration and Circle Housing Merton Priory (the predecessor of Clarion Housing) agreed the 'ten commitments' that would guide the future regeneration work. The 'ten commitments' are:

1. Circle Housing Merton Priory will consult with residents, consider their interests at all times, and address concerns fairly;
2. Current home owners will be entitled to at least the market value of their homes should they wish to take up the option to sell their homes to Circle Housing Merton Priory;
3. Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in the household;
4. Existing Circle Housing Merton Priory tenants will keep all their rights and have the same tenancy agreement, including rent levels, in the new neighbourhood as they do now;
5. All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills;
6. Circle Housing Merton Priory will keep disruption to a minimum, and will do all it can to ensure that residents only move once if it is necessary to house residents temporarily while their new home is being built;
7. Circle Housing Merton Priory will offer extra help and support for older people and/or disabled residents throughout the renovation works;
8. Circle Housing Merton Priory will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service;
9. Any growth in the number of homes will be in accordance with the council's own Development Plan so that it is considered, responsible and suitable for the area;
10. As a not for profit organization, Circle Housing Merton Priory will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

Council commends the Labour administration for signing up to these commitments and for ensuring that the pledges have been predominantly implemented, notes the recent concerns about Clarion's repair service and the administration's determination for Clarion to maintain homes effectively as well as undertaking regeneration. It calls upon the cabinet to declare its commitment to these principles in working with what is now Clarion Housing, alongside continuing engagement with residents of the estates to develop policies that local people can have confidence in.

Council also supports the determination of the administration and Clarion to regenerate the three estates despite the scheme being in deficit due to economic factors, and welcomes the proposal to use up to £72million by reinvesting money which would be due to the Council from private sales which will enable the estates to be rebuilt, provide additional social homes, and help deal with overcrowding issues.

15 NOTICE OF MOTION: LABOUR MOTION (Agenda Item 15)

The motion was moved by Councillor Whelton and seconded by Councillor Lanning.

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

The Liberal Democrat amendment was put to a vote and fell – votes in favour: 9, votes against: 29, abstentions: 16.

The Conservative amendment as set out in agenda item 27 was moved by Councillor Holden and seconded by Councillor Dean.

The Conservative amendment was put to a vote and fell – votes in favour: 16, votes against: 38, abstentions: 0.

The substantive motion was put to the vote and carried – votes in favour: 31, votes against: 16, abstentions: 7

RESOLVED:

Council notes that:

- Approximately 230 councils have declared a Climate Emergency, including Merton Council in July 2019. As part of our Climate Emergency declaration, we pledged to support Merton to become a carbon neutral council by 2030.
- Local government is an indispensable partner in achieving net zero, because of our insight into our communities and local circumstances, our service delivery and regulatory functions, and our ability to join up emissions reductions with other pressing priorities, from public health, to inequality to economic development.
- Without direct financial support from the Government and an acknowledgement of the pivotal role they play in tackling climate change, local authorities will struggle to achieve these vital targets Council welcomes: The actions Merton Council has already taken to tackle the climate and biodiversity crisis including, by way of example:
 - approving Merton’s Climate Strategy and Action Plan, including the key actions required to become a carbon neutral council by 2030.
 - setting up and supporting the volunteers in the Climate Action Group to develop community led projects to reduce everyone’s emissions, recognising that joint efforts are more effective than individuals’ or the Council’s alone.
 - putting £2 million of reserves towards actions in the Climate Strategy and Action Plan so far
 - supporting Merton Garden Streets, a volunteer-led initiative to make our streets greener, and holding Car Free Day events.
 - installing 68 innovative Breathe London air quality and traffic sensors – more than any other London borough.
 - installing low-energy LED lighting in our buildings and investing £2m in LED streetlights.
 - putting in place over 50 PV panel systems on 44 Council buildings, generating 1,000,000 kWh every year, and 100% of the council’s energy supply now coming from renewable sources.
 - introducing more School Streets than any other London borough per capita, to lower pollution outside schools
 - having over 200 electric vehicle charging points, 20 cycle hangars, 10 parklets, and 11 Sustainable Urban Drainage Systems.
 - Drafting a Local Plan that sets ambitious targets for new development so that new development is net-zero by 2050.

Council resolves:

- To continue to support Merton’s communities including the Climate Action Group in their lead and delivery of projects across the borough, recognising that 97% of carbon emissions in Merton are outside Merton Council’s control.
- To continue to work with employers in the borough, including businesses, the third sector, charities and the public sector to encourage them to take steps to reduce their carbon emissions and operate in a more sustainable way, and learn from any best practice that they have already put in place.
- To work with the third sector, charities, businesses, and residents across the borough to continue to meet targets set in the Climate Action Plan.
- That the Leader will write to Secretary of State for Levelling Up, Housing and Communities Michael Gove MP to make the case for:
 - Acknowledging local government’s pivotal role in tackling climate change, and to share examples of the work already done by Merton Council.
 - To call on the government to agree to a national framework and strategy with local government and business, that provides certainty of funding to enable local government to leverage its unique role and influence and maximize its potential in tackling climate change in the UK.

16 NOTICE OF MOTION: MERTON PARK WARD INDEPENDENT RESIDENTS MOTION (Agenda Item 16)

The motion was moved by Councillor Wilkinson making his maiden speech and seconded by Councillor Southgate.

Councillors Fairclough, Ward and Barlow spoke on the item.

The motion was put to the vote and agreed unanimously.

RESOLVED:

This Council recognises that the best way for ideas to turn into action for the benefit of the residents is to table motions in council that refrain from political point scoring and instead are focussed on viable, cost-effective initiatives. For motions to be ‘business-like’ this Council suggests that they are to be based on SMART goals; thereby making them specific, measurable, achievable, realistic and timely. In addition, despite the effort that does go into drafting motions and amendments, currently the Council lacks a mechanism to monitor the resulting outcomes. As a Council which prides itself on its transparency this Council believes in being openly held accountable for the decisions it makes on behalf of the residents we represent.

Therefore, this council resolves to:

- From this point forward, ask that parties endeavour only to submit motions and amendments which comply with SMART goal principles; and
- Agree to ask officers to table a report at the first business meeting after each Annual Council Meeting documenting the actions taken in response to the motions and amendments passed during the previous civic year.

17 COUNCIL TAX SUPPORT SCHEME 2022/23 (Agenda Item 17)

The report was moved by Councillor Byers and seconded by Councillor Henry.

Councillors Adam Bush and Kohler spoke on the item.

The report was put to a vote and agreed.

RESOLVED:

1. That the uprating revisions for the 2022/23 council tax support scheme detailed in the report were agreed, in order to maintain low council tax charges for those on lower incomes and other vulnerable residents
2. That Council recommended the proposed revisions to the 2022/23 scheme.

18 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 (Agenda Item 18)

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

Councillors Simpson and Kohler spoke on the item.

The report was put to the vote and agreed.

RESOLVED:

- A. That Council adopted the Council's Statement of Principles 2022-2025 as required under Section 349 of the Gambling Act 2005 as approved by Members of the Licensing Committee on 14 October 2021 to come into effect on the 31st January 2022
- B. That Council resolved not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos, as approved by Members of the Licensing Committee on 14 October 2021, to come into effect on the 31st January 2022

19 ARRANGEMENTS FOR IN-PERSON COUNCIL AND COMMITTEE MEETINGS (Agenda Item 19)

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

Councillor McLean spoke on the item.

The report was put to a vote and agreed.

RESOLVED:

- A. That Council agreed the retention of the meeting arrangements as described in this report for a further period of 6 months
- B. That Council agreed the amendment to the constitution of the Council procedure rules as listed within Appendix A

20 APPOINTMENT OF AN INDEPENDENT PERSON (Agenda Item 20)

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

Councillor McLean spoke on the item.

The report was put to the vote and agreed.

RESOLVED:

- A. That Council agreed to appoint Clive Douglas for a further three year period as an Independent Person for the purposes of Chapter 7 of the Localism Act. The Independent Person will be invited to attend meetings of the Standards and General Purposes Committee in that capacity.
- B. That the appointment is made for a period of three years from 8 February 2022.

21 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 21)

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

Councillor Barlow spoke on the item.

The report was put to a vote and was carried.

RESOLVED:

That the Council:

1. Noted and endorsed the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. Noted and endorsed the appointment of councillors to the two substitute vacancies on the Overview and Scrutiny Commission.

22 PETITIONS (Agenda Item 22)

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 the receipt of the Petition presented by Councillor Gould entitled Cannon Hill Lane Zebra Crossing to Joseph Hood Recreation Ground.

23 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL
(Agenda Item 23)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 2 February 2022, shall be Health and Wellbeing.

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