

# Agenda Item 5

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COUNCIL

19 APRIL 2023

(7.15 pm - 10.36 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 Joan Henry, 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 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 Klaar Dresselaers,  
Councillor Chessie Flack, 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 Stephen Mercer,  
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)

Apologies for absence were received from Councillors Cox, Skeete and Pearce.

Councillors Flack and Willis 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 1 March 2023 are agreed as an accurate record.

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

The Leader provided updates on Galpins Road, the Coronation of King Charles III and that the Mayor-Elect for 2023/24 was Councillor Gill Manly.

There were no announcements from the Chief Executive.

The Mayor then provided an update on recent and upcoming Mayoral events.

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 Supporting Residents who are most in need and promote the safety and wellbeing of all our communities was moved by Councillor Stringer and seconded by Councillor McCabe.

Councillors Foley, Flack, Dresselaers and Hall also spoke on the item.

The Conservative amendment to the report was moved by Councillor Holden and seconded by Councillor Austin.

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

The Conservative amendment was put to a vote and fell: Votes for – 23, Against – 28, Not Voting – 1

The Liberal Democrat amendment was put to a vote and was carried.

RESOLVED: That the Strategic Theme report as amended is agreed.

RESOLVED:

A. That Council considered the content of the report

B. That further to paragraphs 4.54 and 4.57 of the Strategic Theme Report, Council requests Cabinet:

- a. Consistently and constructively challenge the Met to fully implement Baroness Casey's recommendations, working with the BCU Borough Commander, the South West London BCU and other BCU partners to develop ways to monitor and measure the effectiveness of reforms;
- b. Consider how to create opportunities for local representative groups to review and challenge policing practices constructively;
- c. Notes that the Review highlights the closure of 124 police stations across London between 2012 and 2022, and continues to campaign to maintain local police stations across the BCU, including the two existing stations in Merton – in addition to its stated commitment of being “supportive” of keeping both Merton's police stations open; and
- d. Ensures that the relevant Cabinet Member reports on the above to the Overview and Scrutiny Commission on an appropriate basis.

C. That Council further requests that the Overview and Scrutiny Commission considers how it can proactively work with our communities to hold the Met and the BCU to account for their progress against Baroness Casey's recommendations

#### 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 MacArthur and seconded by Councillor Bokhari.

The Conservative amendment as set out in agenda item 20 was moved by Councillor Barlow and seconded by Councillor Howard.

The Conservative amendment was put to the vote and fell: Votes in favour – 6, Against – 43, Not Voting – 3.

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

Councillor Flack also spoke on the item.

The Labour amendment was put to a vote and was carried: Votes in favour - 45, votes against- 0, abstentions- 7 .

The substantive motion as amended was then put to a vote and was carried.

RESOLVED:

Council understands that:

1. The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

Council notes that:

2. Care experienced people face significant barriers that impact them throughout their lives;
3. Despite the resilience of many care experienced people, society too often does not take their needs into account;
4. Care experienced people often face discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system;
5. As corporate parents, Councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority.

Council agrees that:

6. The work done to further strengthen the role of corporate parenting in Merton is helpful and that all corporate parents should consider acting as mentors, hearing the voices of looked after children and young people and to reflect their needs in any aspect of council work.
7. Councillors should be champions of our looked after children and challenge the negative attitudes and prejudice that exists in all aspects of society wherever and whenever possible.

Council therefore requests Cabinet:

8. Treats care experience as an additional local equality strand alongside the existing protected characteristics as set out in the Equality Act 2010;

9. To proactively seek out and listen to the voices of care experienced people when developing new policies based on their views and reflect these in Equality Impact Assessments;

10. To continue to build on the existing ringfenced apprenticeship opportunities for care experienced people by committing to an agreed appropriate number of apprenticeship places each year delivered through the Council's levy funding.

11. To support care experienced people into career opportunities available in the Council and borough more widely, including through Merton's own graduate development programme places.

#### 7d STRATEGIC THEME: LABOUR MOTION (Agenda Item 7d)

The motion was moved by Councillor Macauley and seconded by Councillor Bhim.

The Conservative amendment as set out in agenda item 20 was moved by Councillor McLean and seconded by Councillor Paterson.

Councillors Page and Stringer also spoke on the item.

The Conservative amendment was put to the vote and fell: Votes in favour – 6, Against – 45, Not Voting – 1.

The substantive motion was put to a vote and was carried: Votes in favour - 45, votes against- 6, abstentions- 1 .

#### RESOLVED:

#### Council notes:

- Merton residents and all Londoners expect and deserve a Police Service they can trust, not fear, which responds to the needs of the communities it serves and is accountable to the community for the decisions it makes.
- With deep concern the appalling findings of Baroness Casey's independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, including the findings of institutional racism, sexism, misogyny, and homophobia in the Met, and the failure to implement operational, cultural, and systemic change that is so desperately needed.
- That the deeply troubling failures highlighted in the Casey review are overwhelmingly due to a longstanding failure of culture within the force. However, the review also highlights that government cuts to funding for the Met have exacerbated some problems.
- And welcomes the commitment from the new Met Commissioner to major reform of the Metropolitan Police Service and to rebuilding trust amongst Londoners.
- The strong and positive working relationship that Merton Council and Merton Police maintain, which is focused on keeping our borough one of the safest anywhere in London.
- The administration's response to the Turnaround Plan which expresses our wish to work with the Police to develop and support the aims of the plan, and ensure our local priorities are achieved alongside the changes that need to be seen in the Met.

Council believes:

- That to see any progress towards rebuilding trust and confidence in the police, the Metropolitan Police must fully follow the recommendations of the Casey review and work with our communities in a genuine and meaningful way.
- That the example of effective relationships with police partners here in Merton demonstrates that there is a way forward for the Metropolitan Police Service.
- That a local, neighbourhood policing presence and effective engagement with local communities is essential to people being able to feel safe in their communities and to building trusting relationships with the Police Service.

Council resolves:

- To send a letter from the Leader of the Council to the Commissioner of the Metropolitan Police calling for the full implementation of all recommendations set out in Baroness Casey's review.
- For the Cabinet Member for Civic Pride to work with the Police and residents to ensure that voices of local people are included in the way that their community is policed.
- Campaign with other London Boroughs and the Mayor of London for the government to fully reverse their damaging cuts to our Police Service, and to keep our local Police Stations in Mitcham and Wimbledon open.

7e STRATEGIC THEME: LABOUR MOTION (Agenda Item 7e)

The motion was moved by Councillor Williscroft and seconded by Councillor Bhim.

Councillors Fairclough, McLean, Foley and McCabe also spoke on the item.

The motion was put to a vote and was carried: Votes in favour - 45, votes against- 6, abstentions- 1 .

RESOLVED:

Council notes:

- In 2020, a joint meeting of NHS Surrey Heartlands and NHS South West London Clinical Commissioning groups approved plans to close the emergency, maternity, and children's in-patient services at both Epsom and St Helier Hospitals and to build a new facility for the provision of these services in Belmont.
- That since this decision was taken, the health landscape has changed dramatically because of the Covid-19 pandemic, the increasing demand on health services, and the cumulative effects of underfunding of the NHS by successive governments since 2010.
- That Covid-19 has had a disproportionate impact on ethnic minority groups, those living in areas of deprivation, those with underlying health conditions, older people, and residents with a learning disability. And that hospitalisation and mortality rates during the pandemic have been disproportionately higher among Black, Black British, Asian, and Asian British communities.

Council further notes:

- That St George's Hospital in Tooting is struggling to cope with local demand, with the Integrated Care Board consistently describing the pressures on the hospital over the most recent winter period as unprecedented.
- With concern, that pressures are also being experienced at Epsom and St Helier's hospitals, where bed occupancy levels have continued to increase over the last year, and that reducing provision at St Helier will also impact St George's and neighbouring hospitals in South West London.
- The serious issues which exist at St Helier Hospital with disrepair and decline, and the backlog of much needed maintenance throughout parts of the site, which were highlighted in a recent report by ITV News.

Council believes:

- That decisions taken in 2020 on the proposed downgrading of St Helier Hospital need to be urgently reviewed so that they can be taken with a fuller understanding of the impact of the post-Covid-19 pandemic healthcare landscape.
- That the proposed downgrading of St Helier hospital will have a detrimental impact on the residents of Merton, taking services that the most vulnerable rely on further away from where they are needed.
- That our dedicated and hard-working healthcare staff deserve better, to be paid a decent wage, and to be able to work in appropriate environments which keep themselves, patients, and visitors safe.

Council resolves:

- To support the formal request of the Leader of the Council for a new Impact Assessment pursuant to the Public Sector Equality Duty is completed before any decision is taken to proceed with the planned downgrading of St Helier Hospital.
- To write to the Secretary of State for Health and Social Care to demand that the government provides the necessary capital funding to the address disrepair at the St Helier Hospital site.
- To write to the CEO of St George's and St Helier Trust and the CEO of the South West London Integrated Care Board to demand that they maintain all existing services on the St Helier site and outline their planned investment in the site over the next few years in light of the delay to the future hospital programme to ensure that the hospital provides an appropriate environment for local people.

8 REPORT FROM COMMUNITY FORUM: MITCHAM 21 FEBRUARY 2023  
(Agenda Item 8)

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

9 REPORT FROM COMMUNITY FORUM: MORDEN 22 FEBRUARY 2023  
(Agenda Item 9)

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

Councillor Foley spoke to amend the notes of the meeting, which was noted and agreed by Council.

10 REPORT FROM COMMUNITY FORUM: WIMBLEDON 22 MARCH 2023  
(Agenda Item 10)

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

11 NOTICES OF MOTION (Agenda Item 11)

No motions were submitted.

12 COUNCIL PLAN (Agenda Item 12)

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

Councillors Reiss, Oliver and Fairclough also spoke on the report.

RESOLVED:

- A. That Council adopted the Council Plan 'Building a Better Merton Together to form part of the Council's Constitutional policy framework as its key strategic plan for 2023-26 alongside the Business Plan.
- B. That Council noted the process for monitoring progress on delivery and the proposed approach for reviewing and updating the plan on an annual basis.
- C. That Council noted the accompanying Corporate Performance Framework 2023/24.

13 CONFIRMATION OF THE IMMEDIATE ARTICLE 4 DIRECTION IN 7  
WARDS - RESULTS OF CONSULTATION; AND UPDATE ON PROPOSED  
INTRODUCTION OF LANDLORD LICENSING AND EMPTY HOMES  
PROJECT (Agenda Item 13)

The report was moved by Councillor Judge and seconded by Councillor Bhim.

Councillor Willis also spoke on the report.

RESOLVED:

- A. After consideration of the consultation responses and advice from Cabinet and Borough Plan Advisory Committee, Confirm the Immediate Article 4 Direction for small HMOs for the following wards: Figge's Marsh; Graveney; Longthornton; Pollards Hill; Colliers Wood; Cricket Green and Lavender Fields.
- B. Note that there is an ongoing risk of compensation claims being submitted for any small HMOs (6 persons and under) that relied on the permitted development rights that have been removed in the 7 wards and note that claims are only valid if a planning application is submitted within 12 months from the introduction of the Immediate Article 4 (17th November 2022) and then subsequently refused; or if additional Planning Conditions are applied that reduce the development's value.
- C. Note also, that the Secretary of State (SoS) must be notified at both the introduction and confirmation of the Article 4 Direction. The SoS is considering



whether there was adequate evidence for the introduction of the Article 4 and whether it has been applied to the smallest geographical area. The SoS has the power to pause or stop the Article 4 at any time if it considers that either of these criteria have not been met.

D. Note the update on Landlord Licensing and Empty Homes, including the proposed charges and conditions appended, and note that once the full consultation report has been provided to the Council by ORS, a further report will be taken to Cabinet in June to agree the way forward for Landlord Licensing, following consideration of representations received. It will not be necessary for Council to confirm Selective and Additional Licensing as this falls within the remit of Cabinet.

#### 14 LOCAL GOVERNMENT ACT 1972, SECTION 85 (1): APPROVAL OF ABSENCE (Agenda Item 14)

The report was moved by Councillor Bhim and seconded by Councillor Dollimore.

Councillor Fairclough also spoke on the report.

RESOLVED:

That, in the event that Councillor Dennis Pearce is unable to attend a meeting of the authority before 13 September 2023, approval is given to the absence for reason of ill-health.

#### 15 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 15)

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

Councillor Fairclough also spoke on the item.

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

#### 16 PETITIONS (Agenda Item 16)

No petitions were received at the previous meeting and there was therefore no written report. The Mayor invited Councillors to present any petitions.

RESOLVED

That Council

1. Accepts receipt of a petition presented by Councillor Austin entitled Help Save Wimbledon Village Flower Stall.

**17 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL  
(Agenda Item 17)**

That the Strategic Theme for the next ordinary meeting of the Council, being held on 12 July 2023, shall be Building a Sustainable Future with a focus on Sustainable Development and Climate Action.