

LONDON BOROUGH OF SUTTON

MINUTES

**of the meeting of the Council
held on 22 July 2019
starting at 7.00 pm**

Members

The Worshipful the Mayor
Muhammad Sadiq

The Deputy Mayor
Annie Moral

Councillors:

Manuel Abellan
Eric Allen
Martina Allen
Ben Andrew
Lily Bande
Jenny Batt
Moiria Butt
Richard Clare
Richard Clifton
Elliot Colburn
Steve Cook
Jean Crossby
Tim Crowley
Ruth Dombey
Tom Drummond

Trish Fivey
Tim Foster
Vincent Galligan
Neil Garratt
Peter Geiringer
Martin Gonzalez
Sunita Gordon
Catherine Gray
Jillian Green
Amy Haldane
Drew Heffernan
Marlene Heron
David Hicks
Marian James
Edward Joyce

Nick Matthey
Jayne McCoy
James McDermott-Hill
Annie Moral
Jane Pascoe
Steve Penneck
Holly Ramsey
Muhammad Sadiq
Tony Shields
Jake Short
Ryan Stoneman
Sam Weatherlake
Jill Whitehead
Chris Williams
Hanna Zuchowska

ABSENT

Councillors David Bartolucci, Kevin Burke, Jed Dwight,
Ali Mirhashem, Nali Patel, Mo Saqib and Colin Stears

PART 'A'

7. MINUTES

The minutes of the meeting held on 20 May 2019 were agreed as a correct record and signed by the Mayor.

8. MAYOR'S ANNOUNCEMENTS

The Mayor announced that he had attended Council's own Take PRIDE staff awards and the relaunch of the Council's and its partners' commitment to the Armed Forces Covenant where he was joined by representatives from both main political parties in

Sutton, the Leader, the Chief Executive, the Borough Commanders from the Police and Fire Services, the London Regional Manager for the British Legion, The Chief Executive of Community Action and senior figures from the Army, the RAF and Sutton Sea Cadets.

The Mayor invited Peter McBride from Oaks Way Senior Centre and Jacqui Thomas from Sutton Vision, his chosen charities, to address the meeting.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. ANSWERS TO QUESTIONS

(a) Questions from Members of the Public

There were four questions from four members of the public; the supplementary questions and answers are set out at Appendix A to the minutes.

(b) Questions from Councillors

There were nine questions from eight Councillors, the supplementary questions and responses are set out at Appendix B to the minutes.

11. PETITIONS

(a) ePetition - Climate and Ecological Emergency

Mark Webb presented the petition.

Councillor Tim Crowley moved an amendment to the petition report which was seconded by Councillor Neil Garratt that the petition prayer be accepted in its entirety.

Following debate, a demand was made for a poll by at least eight members of the Council rising in their places. The amendment was put to the vote and carried:

Amendment (Amendment)	
Councillor Manuel Abellan	Against
Councillor Eric Allen	For
Councillor Martina Allen	For
Councillor Ben Andrew	Against
Councillor Lily Bande	For
Councillor Jenny Batt	Against
Councillor Moira Butt	For
Councillor Richard Clare	For
Councillor Richard Clifton	Against
Councillor Elliot Colburn	For
Councillor Steve Cook	Against

Councillor Jean Crossby	Against
Councillor Tim Crowley	For
Councillor Ruth Dombey	Against
Councillor Tom Drummond	For
Councillor Trish Fivey	Against
Councillor Tim Foster	For
Councillor Vincent Galligan	Against
Councillor Neil Garratt	For
Councillor Peter Geiringer	For
Councillor Martin Gonzalez	Against
Councillor Sunita Gordon	Against
Councillor Catherine Gray	For
Councillor Jillian Green	For
Councillor Amy Haldane	For
Councillor Drew Heffernan	Against
Councillor Marlene Heron	Against
Councillor David Hicks	For
Councillor Marian James	Against
Councillor Edward Joyce	Against
Councillor Nick Matthey	For
Councillor Jayne McCoy	Against
Councillor James McDermott-Hill	For
Councillor Annie Moral	Against
Councillor Jane Pascoe	For
Councillor Steve Penneck	Against
Councillor Holly Ramsey	For
Councillor Muhammad Sadiq	Abstain
Councillor Tony Shields	For
Councillor Jake Short	For
Councillor Ryan Stoneman	For
Councillor Sam Weatherlake	Against
Councillor Jill Whitehead	Abstain
Councillor Chris Williams	Abstain
Councillor Hanna Zuchowska	Against
Agreed	

The substantive motion was then put to the vote and carried.

RESOLVED: that Council:

Council
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Acknowledges the Intergovernmental Panel on Climate Change (IPCC)'s Special Report on Global Warming (October 2018).

Notes the London Assembly has declared a Climate Emergency, recognises the seriousness of the situation and welcomes further ambitious steps.

Acknowledges the action already taken by Bristol, Manchester and many other city councils around the UK and the world to declare and commit necessary resources to tackling a Climate Emergency.

Declares a Climate Emergency, supported by specific plans of action to make Sutton carbon neutral by 2030, and to call on government to give Sutton Borough Council the powers and funding to make this possible.

And its partners and representatives work together to report back to council and petitioners within 6 months with specific proposals.

12. COMMITTEE RECOMMENDATIONS AND NOTICES OF MOTION

(a) Motion 1 - Declaring a Climate Emergency

Councillor Hanna Zuchowska moved the motion which was seconded by Councillor Barry Lewis.

Following debate the motion was put to the vote and carried.

RESOLVED: that Council

Declares A 'Climate Emergency'.

Pledges to make Sutton carbon neutral by 2045.

Supports the delivery of the Environment Strategy targets on using less energy and tackling climate change.

Calls on the Government to provide the powers and resources necessary for Sutton to accelerate its work on becoming carbon neutral by 2045 and to implement best practice methods to limit global warming to 1.5C.

Will work with other local government authorities (both within the UK and internationally) to determine and implement best practice methods to limit global warming to less than 1.5°C.

Continues to work with partners in the private sector and civil society across the borough and London to deliver this new goal through all relevant strategies and plans.

Will report to the Environment & Neighbourhood Committee annually on progress with the delivery of the Environment Strategy and the actions the Council is taking, and will take, to address this climate emergency.

To investigate all possible sources of external funding and match funding to support this commitment.

(b) Motion 2 Housing quality and Sutton's special character

Councillor Neil Garratt moved the motion which was seconded by Councillor Elliot Colburn.

Councillor Jayne McCoy moved an amendment which was seconded by Councillor Jake Short

Following debate, and with the consent of his seconder, Councillor Neil Garratt altered the motion to incorporate the amendment.

RESOLVED: that

Sutton be noted as the lead council presenting a joint statement of case against the Mayor's Draft London Plan targets at the February 2019 Examination-in-Public on behalf of Sutton, Kingston, Merton and Richmond.

A cross-party working group be established, under the remit of the Housing, Economy and Business Committee, to investigate the potential for an Article 4 direction covering HMO conversions, either in specific areas or across the whole borough.

Actions the Council may take be investigated to mitigate the threat from the Mayor of London's proposed London Plan to existing family homes in Sutton, and also to ensure that we can in future build family homes in Sutton as needed.

The Government be lobbied to rethink its housing delivery test formula that would necessitate allowing high rise development across the borough making Sutton look more like inner London than a suburban area.

The Government be lobbied to withdraw Permitted Development Rights for office and retail conversions to residential and houses in multiple occupation that lead to substandard accommodation with no family housing provision.

It be ensured that planning policy now and in the future encourages new development which is attractive, in keeping with the local character, and enhances Sutton's built environment.

13. CLOSURE MOTION

Council
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Councillor Ruth Dombey moved the closure motion which was seconded by Councillor Jayne McCoy.

That, in accordance with Standing Order 12.8, all items remaining to be dealt with at this Council meeting be approved subject to the leaders of the opposition groups being able to express dissent on them.

The following items were adopted, without dissent:

- Appointment of an Independent Audit & Governance Committee Member
- Local Government Ethical Standards

The meeting ended at 10.25 pm

Mayor:

Date:

Appendix A

**LONDON BOROUGH OF SUTTON
QUESTIONS: STANDING ORDER 8.7****1. Question asked by Liz Tuffey to Councillor Marian James, Chair of the People Committee**

Are parents and teachers right to trust the council with decisions made about their children and pupils with special needs?

Reply by Councillor Marian James

Thank you Mr Mayor and thank you Liz. First of all I would just want to say that we are absolutely committed to supporting children and young people with special needs. As I've said previously, we are an improving authority, and that has been confirmed by the DfE and NHS England, who review our progress on a regular basis. As you know the SEND area inspection identifies some areas for improvement and I am pleased to say that our Written Statement of Action has been endorsed by the DfE and NHS England. Also I would just like to say that written statement of action has been to every single People Committee and was endorsed by all members of that committee, from both sides of the chamber, members from the opposition and members from the administration have endorsed that Written Statement of Action. I think it's also important to say that a whole range of people have been working on that improvement journey, parents involved in it and hopefully in future the Education Partnership with teachers in it, so I think it's fair to say that working with parents working with our health partners that yes you can trust the Council and you can trust those people that we are working with as well.

Reply by Liz Tuffey

Everyone has a story to tell and my son was recognised by the borough as being SEN when he was two and a half and he was diagnosed and statemented when he was three, and his statemented since he was seven. I have applied three times for him to be assessed and the school has twice. A year ago we started going to a tribunal stage and we are yet to find a suitable school for him for September. He's 13 and how can no one has stepped in to see how he is, how I am, I'm fine at the moment at least, but how does a child that has been statemented, is SEN already, being refused to be assessed for his needs that are now so much greater than they ever were before. That within one year an amazing EP because we have some amazing professionals in the borough I am never ever going to knock any of them. An amazing EP did a report on him last year and a year later he's regressed 4 years, he's 13 this is our future this is him going into GCSE and can't cope he's been referred up to CAMHS for hurting himself because he can't deal with things at school, he doesn't know how to deal with it. How does a child that has been aware to the borough for so long not be allowed to be assessed.

Reply by Councillor Marian James

Thanks for that, I am obviously I can't comment on individual cases, I haven't got the details. But what I will say to you having listened to what you're said I'm happy to meet with you and go through everything and I am quite happy to sit down with the Officers and try to find some answers and some resolutions.

Supplementary question by Councillor Pascoe

Thank you Mr Mayor. I would like to ask the member opposite following on from Ms Tuffy's question. Why does it have to get to the stage where even the EHCP Crisis group for this administration to take responsibility for the decisions they make to set up a spin out with all the statutory services in it and make that spin out completely unaccountable to anybody.

Reply by Councillor Marian James

Thank you Councillor Pascoe. I am not going to comment on what's happened in the past. Well to be quite honest with you, I am here to see the improvements on the SEN service I have taken on this role in the past year when we had the inspection, so I see my job in making sure we go forward and we improve and we ensure that we have a really good service for our children and young people and their families.

2. Question asked by Hayley Harding to Councillor Marian James, Chair of the People Committee

Following Sutton EHCP Crisis campaign groups petition to the Council asking for a full review of the EHCP process for SEN families, only Cognus's contribution is being reviewed. Why is this when it is the local authority that has the statutory obligation to these children and it has a major part to play in this too?

Reply by Councillor Marian James

Thank you Mr Mayor, and thank you Hayley. As I have said, at the People Committee on 4 July the acting Strategic Director for People at Sutton Council has been appointed as a non executive director to the board of Cognus. So he will now agree on a plan and how we will work more closely to direct the work of Cognus. I also made a statement saying that we will get an independent expert who will not only look at the practice of Cognus but will also look at how we the local authority work.

Supplementary question by Hayley Harding

So, as you know in that petition we also asked you to look at the previous decisions for EHCP assessments which we have shown you in meetings which were done using criteria over and above the law. My question to you is are you aware of the impact those decisions are having on children around Sutton? The reason I ask this is that in the audience today is Kate, she is a mum with a little girl and she contacted me two weeks ago to say that four

years ago her daughter was rejected twice in fact by Sutton EHCP the effect of that rejection and the time it took for her to get the help was so profound that her mental health was, it had an astronomical effect, so much in fact that a month ago that little girl who is now a teenager tried to commit suicide. This is the effect of you doing nothing, please can you stop blaming the teachers for having followed the guidance that you told them and you published and asked them to follow. Stop blaming the parents for having trusted you with the decisions you made and do something to help these children who you have so badly let down throughout the whole of Sutton.

Reply by Councillor Marian James

First of all, can I just say that I have never blamed any teachers and have never blamed any parent, and once again you have given me an individual story, I can't comment on those individual stories. I would say the same to you that I have said to Liz that if that parent wishes to contact me with all necessary information I am quite happy to sit down with them and with Officers to find a solution.

Supplementary question by Councillor Tim Crowley

Thank you Mr Mayor, and thank you to both Hayley and to Councillor James I would like to know Councillor James, why you won't review decisions taken before September 2018. When we know from our own written statement of action that improvements have had to be made, therefore, by that very definition, decisions taken before that might not be that sound. So will you now give an undertaking to the parents in the audience and to other parents across the borough that you will revisit those decisions to actually try and help these children.

Reply by Councillor Marian James

Thank you Mr Mayor, thank you Councillor Crowley.

Councillor Crowley you will be aware that a petition came to the People Committee to review those decisions and I have to say that including your colleagues there that petition was not approved. One of the reasons for that is the information is now out of date and I made it quite clear that if any of those parents felt that the decision that was made was the wrong decision then they can ask for re-assessment and all information will be there. But a lot of that information would now be out of date so it would be unfair to the young person it would be unfair to the parents.

3. Question asked by Dr Alan Courtney to Councillor Marian James, Chair the People Committee

Given that the national average EHCP refusal to assess rate is approximately 23%, and that Sutton's EHCP refusal to assess rate has been consistently at least twice as high, even above 60%, does the LA have significant concerns that its current procedures are not in the

interests of vulnerable SEND residents and their families and denying them what they are lawfully entitled to?

Reply by Councillor Marian James

Thank you Mr Mayor, thank you Alan

There is a high rate of request for EHCPs in Sutton but I have to say that the percentage of agreement was not identified by Ofsted as Ofsted has identified some boroughs, but for this borough Ofsted have not identified an issue. However, because we wanted to work proactively we chose to look at that issue and we have done a number of things. So just let me highlight some of the things that we have done. So we have delivered intensive training to SENCO's and other professionals. New EHCP forms have been developed and the feedback to date has been very positive about that. We've held planning meetings with the EHCP coordinators in all schools and we provided SENCO surgeries. So as I have said earlier on we are on an improvement journey, all those things have been done in the past year. It's not an area that's been identified by Ofsted.

Reply by Dr Alan Courtney

Following a freedom of information request Cognus provided me with the following tribunal assessment data. In January to December 2016, 10 applications to assess were taken to tribunal of these 6 needs assessment were carried out either before or after the paper hearing. In 2017, 12 applications to tribunal, 10 needs assessments carried out. 2018, 22 taken to tribunal eighteen needs assessments carried out. This shows an increase of number of incorrect decisions, on the back of that refusal rate have been made. This is denying children their education rights given the LA has repetitively been provided with evidence that decisions are still being made using unlawful criteria, as detailed in my son's very tribunal bundle from March 2019 that I provided with Councillor James and other Officers. Should Councillor James now consider her position and resign.

Reply by Councillor Marian James

Thank you Alan, I will consider my position, I won't be resigning, and the reason why I won't be resigning is I actually think that I am doing the right thing for children and young people, I want to see things improve and I am committed to doing that I don't think anything would be gained by me resigning.

Supplementary question by Councillor Neil Garratt

I know this is a hypothetical question, I just wonder given all that we have just heard how bad would it have to get before you consider resigning.

Reply by Councillor Marian James

That was a hypothetical question so I don't really need to answer it. But what I will say to you Councillor Garratt why don't you go and have a chat with Ofsted and CQC and see what they have to say.

4. Question asked by Michelle Hewson to Councillor Marian James, Chair of the People Committee

When will the updated guidance for those applying for EHCP Assessments be issued to SENCOs?

Reply by Councillor Marian James

Thank you Mr Mayor and thank you Michelle. London Borough of Sutton have developed some guidance of the Code of Practice for all professionals involved with SEND regarding their responsibilities. This has been shared via the Education Bulletin in February and again earlier this month. That goes out to over five hundred people, it's also available on the Local Offer Website. In addition to that Cognus has also developed guidance to SENCO's and come this Autumn Term they will be working with SENCO's on specific information. So the written information is in addition to all that training that I just outlined.

Reply by Michelle Hewson

My own son has just been turned down for a EHCP assessment. Yet his school is saying that they can't meet his needs and no other mainstream school would be able to meet his needs. So why despite everything that we've been telling you over the past three months there are children who need an assessment still being refused?

Reply by Councillor Marian James

Michelle what I can say to you is if he's being turned down for an assessment I don't know the reasons for that, but I am sure that you would have had a next steps meeting. I do know if a parent has been turned down we have mechanisms in place to look at what other support can be offered to young people. You've turned down that offer and decided to appeal and that is your right. That information is given out to parents

Supplementary question by Councillor Lily Bande

Thank you Mr Mayor. Given the delay in providing such a vital document wouldn't you say there is a need for joint working involving teachers and parents. There is research from Ofsted and CQC which actually found this as an area of weakness

Reply by Councillor Marian James

Thank you Councillor Bande. As I've already said Ofsted did identify the areas of weakness and we then had to provide a Written Statement of Action, and for the past year that Written Statement of Action has been worked on by a number of people and you as part of the People Committee have agreed and endorsed it.

**Council Questions 8.6
LONDON BOROUGH OF SUTTON**

1. Question asked by Councillor Tim Foster to Councillor Ruth Dombey, Leader of the Council

At the recent meeting of the Strategy & Resources Committee, in support of a proposal for the induction of an Independent Person, enormous detail was provided with regard to the structure of the Audit & Governance Committee and its foundation in fairness and balance in party representation. Why is that same balance not applied to, for example, the Scrutiny Committee that has an oversight on Council business?

Reply by Councillor Ruth Dombey

Thank you Mr Mayor and Councillor Foster thank you for your question.

I have to say I'm genuinely puzzled, it might be easier from now on if there are questions that regard the constitution it might be easier just to give me a ring, or come and say hello and we can sit down and talk it through. Because, I am puzzled what you're getting at I'm sure the supplementary will help. I went to look at the constitution of this Council, there are three full pages talking about the Scrutiny Committee and its role. It explains that Full Council appoints at its annual meeting in May a Scrutiny Committee which complies with proportionality as described by the law. It explains that the Scrutiny Committee holds main Committees to account and critical role demonstrating openness and accountability, and that the Committee can make recommendations to the relevant Committees on policies, budget and service delivery. So we've got three full pages here in the constitution so as I said I am not quite clear what your issue is? When we moved to the Committee system in 2012 we were actually within our rights to abolish the Scrutiny role is so far as every Committee that scrutinises the decisions we felt that was a mistake so we were very keen to continue with the scrutiny function and kept the scrutiny committee going, we've done so in the interest of openness and challenge and all the political groups as you know are represented on that Committee. If the point of your question is to say you want to change the composition of the Scrutiny Committee we can talk about that and there are procedure rules for it and we can pose such changes at the Council Meeting AGM each year.

Supplementary question by Councillor Tim Foster

Yes, I have read the constitution Councillor Dombey because I was part of the group reviewing constitution, and in section 1.3 it's got a section titled "The Purpose of the Constitution" which has eight bullet points, picking three of them to create a powerful and effective means of holding decision makers to account. Encourage the active involvement of citizens in the process of local authority decisions. Perhaps most importantly ensure that no one will review or scrutinise a decision which they were directly involved. So would you not agree that perhaps it's time for the Audit and Governance Committee to review the make up of the Scrutiny Committee, perhaps the Planning Committee, and with the same remit of

fulfilling the requirements of the constitution review the process of decision making Committees hearing resident petitions for example the recent petition presented by local residents on parking to the Environment and Neighbourhood Committee?

Reply by Councillor Ruth Dombey

Thank you as I expected we can get into a long discussion with Councillor Foster about the constitution. I think there are issues that we can go and have a look at. The Planning Committee is separate but it is quasi-judicial and as you know the Leader of the Council can't be on the Planning Committee, I don't think there are any other restrictions. The constitution of the Scrutiny Committee sets out quite clearly that no member of the Scrutiny Committee can scrutinise decisions made where they were a member of the committee. If you have any evidence that we have failed in that please let me know as I am unaware of it. I know that there are various discussions ongoing about the constitution review so if there are any issues you would like to bring up there I would be happy to take them forward. I am not aware of any member of the Scrutiny Committee has been asked to scrutinise a decision from a committee which they are a member.

2. Question asked by Councillor Jane Pascoe to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

Installing a Changing Places toilet is a practical step through which public bodies can demonstrate that they are taking positive action to promote equality of opportunity for disabled people, as outlined in the Disability Equality Duty. In the whole of Sutton, there is only one Changing Places toilet (at Sutton Station).

Will Sutton lead the way, and be proactive in ensuring that the forthcoming Changing Places legislation will be enshrined in our planning requirements at the earliest opportunity?

Reply by Councillor Jayne McCoy

Thank you, Councillor Pascoe for your question. Sutton has in fact two credited Changing Places facilities one at Sutton Station as you quite rightly point out and one in the former SCILL building which is accessible from outside using one of the Radar Keys and they are both on the Changing Places website. In addition Westcroft Leisure Centre currently has an accessible changing facilities and is currently being adapted to meet full Changing Places standard, and that is expected to be fully completed by this September, and also in the Phoenix Centre there is a room that is also being brought up to full Changing Places standard expected to be open to the public in August 2019. And I think the question comes in light of current government consultation about making it mandatory in building regulations to certain buildings to have these facilities and what we are hoping to commit having spoken to the Planning Team is that if the Government doesn't go ahead making it mandatory we will try and include in any revisions to the Local Council. So we're already setting a good example.

Supplementary question by Councillor Jane Pascoe

Well Councillor McCoy gets rewarded with one of my very rare smiles in the Council chamber. So thank you very much for that. I am very pleased to note about the Phoenix Centre, I did know about the one in the SCILL Centre. In terms of embedding this in our future Planning legislation in Sutton maybe that one will be reflected in the temporary school when Greenshaw is built as I imagine that will have a lot of community access . So I'm very pleased with that because I'm fed up with going out with my friend and changing a child, a twelve and a half stone child, on the floor of the leisure centre so I welcome that.

Reply by Councillor Jayne McCoy

I think all I can say is thank you for the point about other new facilities is sensible thank you.

3. Question asked by Councillor James McDermott - Hill to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

What progress has been made regarding the development of Victoria House?

Reply by Councillor Jayne McCoy

Thank you, Councillor McDermott- Hill for your question about the progress on the development of Victoria House. Towards the end of May following a petition to Strategy and Resources Committee we had a very constructive workshop between the ward members, representatives of the local Residents Associations, Planning Officers and Home Group the developers of the site also attended. At that meeting Home Group representatives outlined proposals for a revised development on site which members and residents were able to express views on and gave Councillors a steer on their preferences, and I know that Home Group are still working on the amended scheme and will be sharing this as soon as it's ready.

Supplementary question by Councillor James McDermott Hill

Thank you Councillor McCoy for that answer. Really why I was prompted to ask this question was that there was a flashback to January of this year which was six months ago and were now getting into a deja vu situation coming on here. I appreciate the update given but since this time as you mentioned we've had a petition to S & R regarding a CPO we've also had one other suggestion in what the Council could be doing just nudging this along a little bit quicker, can she give me a guarantee that in six months time which takes us to January 2020 that I won't be here standing possibly in this same hall asking this same question and receiving the same answer.

Reply by Councillor Jayne McCoy

I do appreciate your concerns and unfortunately, I can't give you a guarantee as I'm not the developer, so I don't own the site and I can't physically make that happen so I don't make promises I can't keep. But I very much share the wish and desire to see Victoria House demolished and some plans actually go through the Planning Committee. I think one of the things that the Residents Group's, when they brought the petition, were particularly

concerned about was that Home Group didn't have any concrete plans for the site and might just sell it on. I think at the workshop certainly feedback from the residents and Members that were at the meeting the feedback they got was that they were much more re-assured that they were serious about this, they were looking at it. And I think that them taking their time about it means that they are considering carefully the feedback from the residents and drafting plans and doing the viability. I am confident that they will come back with some concrete plans and demolition of Victoria House in the very near future

Supplementary question by Councillor Tom Drummond

Thank you, I was also at the workshop as you remember and there was a bit of a debate about early demolition which I wholeheartedly support and I am pleased you won't make promises that you can't keep. But I am slightly confused because, I think as Councillor Allen brought up, last time in 2014 you announced there was going to be demolition so that clearly wasn't a promise but it was a promise you do back early demolition and can I ask what are you going to do to push for the early demolition of Victoria House?

Reply by Councillor Jayne McCoy

Thank you. Saying that we're confident about demolition is the same promise as I said is not in my hands? Regarding the demolition we did have a discussion at the meeting and one of the points was the substation and the difficulty of moving it until they know where is was moving to and there was an agreement about the top floors and I know that, and Home Group have fed back to us that is what they are working on. The petitioners, when asked their ideal was for the demolition to take place early 2020 so we're still in 2019 we're still on track and they were reasonable. I want to see it down as much as you do if I could knock it down myself I would, I don't have that power.

4. Question asked by Councillor Tom Drummond to Councillor Marian James, Chair of the People Committee

On 4 July a report was submitted to the People Committee by Cognus however Cognus did not attend. When asked why, the chair replied "what I can say to you is Cognus were invited to this meeting" however no reason for their absence was forthcoming, could the chair please tell us the reason for Cognus' absence?

Reply by Councillor Marian James

Thank you Mr Mayor and thank you Councillor Drummond

The Managing Director of Cognus had originally been invited to attend the meeting of the People Committee on 4 July, but in light of the decisions that led to the announcement that I made it was felt that it was no longer necessary for her to attend.

Supplementary question by Councillor Tom Drummond

I'm exceptionally confused, so I asked why and you said "what I can say to you is that Cognus were invited to this meeting" there was no mention as to why the MD wasn't there. I do want to bring to your attention before you answer the code of conduct 1.2, Members should act and make decisions in an open and transparent manner. I am sorry Councillor James I don't think that was particularly open and transparent if you knew information which you weren't prepared to share with Councillors

Reply by Councillor Marian James

Councillor Drummond you will be aware of the statement that I made on that night, so just reflect on that yourself, and I had originally thought it would be useful to have the MD of Cognus at that meeting subsequently having had that statement and knowing I was going to read it out I decided it was not necessary for her to be there.

Supplementary question by Councillor Nick Matthey

Bearing in mind the considerable problems that Councillor James is obviously having being on top of her brief, could she possibly give us an assurance that she won't be trying to push forward to move Carew Manor into a small field in the middle of the Highview Estate and that she can concentrate on doing her own job a little bit better than you.

Reply by Councillor Marian James

Councillor Matthey I will say to you that I am on top of my game. I know you enjoy playing to gallery as you've got nothing else to do, absolutely, you don't do anything else to do anything except jeer and you know make an audience.

The decision about any school will be the decision of the Planning Committee.

5. Question asked by Councillor Peter Geiringer to Councillor Manuel Abellan, Chair of the Environment & Neighbourhood Committee

Does this Council have powers to fine/prosecute drivers for "vehicle idling " outside schools and elsewhere?

Reply by Councillor Manuel Abellan

Yes

Reply by Councillor Peter Geiringer

You bet I have, you bet I have. That's the shortest answer I have ever heard from Councillor Abellan. So if you are aware of these powers for which you can give out fines for £20.00 or £80.00 depending on which regulations you invoke. May I ask you how many fines and/or prosecutions you have issued for this offence in the past twelve months. And if none does this not show on this night of all nights that although you Liberal Democrats continually crackle out that you are greener than green we see in reality that you don't bother to practise

what you preach. So exactly when are you going to start using these powers properly which will greatly help protect the health of our children at school and others.

Reply by Councillor Manuel Abellan

Coming from the opposition who had a motion on air quality that was about 50 words long it's kind of funny. You made a mistake in your question it's the fine is like £20 and if you're late in paying its £40, so perhaps your google searches need to improve a bit. The reality is actually that the process of giving fines is a bit more complicated than that. To be able to give a fine and that's why the fines across London are very low I think Westminster is one of the boroughs that has given the most amount of fines and it's nineteen mostly to delivery drivers. The process that the Enforcement Officer needs to ask the relevant person that is idling to turn their engine off and they ought to drive off. Only if that doesn't happen that's when they are committing an offence and that is when you can give a fine. But in practice what we have been told by Officers across London is that makes it very, very difficult to give a fine, so one of the things we are doing and I am leading on this as member of Transport and Environment Committee at London Council's which is working together and this is something that both the other two parties including the Liberal Democrats believe in, that we need to get stronger powers, so what were asking from Government and there is a review nationally and I actually think there is a consensus around this at different levels of Government is that we need an immediate process I think that if someone is idling they should be given a fine straight away, just like if you were fly tipping or littering you would be given a fine straight away. We also need to have tougher penalties so we're trying to get at £20 is not proportionate, considering the damage to air quality, the fine should be much tougher.

Supplementary question by Councillor Ryan Stoneman

Can I just ask Councillor Abellan have the borough actually given any fines?

Reply by Councillor Manuel Abellan

I don't know the exact numbers but a simple Members Enquiry would give you the answer if you want.

6. Question asked by Councillor Nick Matthey to Councillor Jayne McCoy, Chair of Housing, Economy & Business Committee

Given the considerable number of fires that have broken at Viridor facilities over the last few years and months. Can the council say why the council did not specify that the buildings operated by Viridor at its incinerator facility were fitted with a sprinkler system?

Reply by Councillor Jayne McCoy

Thank you Councillor Matthey. I can confirm that Beddington ERF is fitted with fire suppression technology throughout the facility including smoke and heat sensors.

Reply by Councillor Nick Matthey

Thank you Mr Mayor, I do. It is my understanding that Viridor managed to clock up fourteen separate fires in their facilities over the last three years. I am told that the fire in this particular unit went out of control because it isn't fitted with a sprinkler system. What I want to know is how can the Council possibly describe a fire that rages from 10am in the morning to 7 o'clock at night as a minor fire when the plume of smoke is 200 feet into the air plus, and can be clearly seen from Wimbledon and Purley and why is the Council putting out Viridor's version of events rather than going to the Trade Press which described the fire as a serious one, thank you.

Reply by Councillor Jayne McCoy

Thank you Councillor Matthey. Very important to be clear the fire did not involve the ERF but a co-located Waste Transfer Station. So that isn't the same and didn't need the same fire suppression systems, and what we're doing is we're waiting for the Fire Investigation Report to determine if we need any further action from Viridor on that. I can't speak for facilities outside the borough because they are not our responsibility but we responded to the information facility owned by Viridor and also the Fire Service in terms of any descriptions of information passed down but we will be looking into this in response to Fire Investigation Report and making recommendations accordingly.

Supplementary question by Councillor Tony Shields

Way back long ago I used to be a member of Her Majesty's Fire Service, and when fires spread there is usually a reason. Poor storage for materials, poor husbandry of the site, insufficient sprinkler system, or insufficient flow from the systems. Now if fires break out the whole manner of reasons of what we have to do, bearing in mind that the storage of the materials I understand to be mattresses, items of a soft foam furniture they give out when they're burning a black smoke they give out a thing called Hydrogen Cyanide, which is against what the Council is saying there is no harm, there was no public safety issue. This Council put out that there was no public safety issue when clearly there was. So if the fire when it breaks out next time, then if the Press Department would like to give me a ring I would give them some tutoring on dangers of black smoke fires.

Reply by Councillor Jayne McCoy

I am surprised at your in depth knowledge of what actually happened on that site, because the Fire Brigade haven't actually fully completed their investigations and advised us on what was the cause of the fire. So it would be very wrong for the Council to make statements and assumptions other than the Fire Service, and if you've got inside information then we have to wait, as a public body we wait for the correct procedures to be gone through. However, one thing that I do know is that Viridor is responding is that they are going to be writing to all their people who supply their waste advising them in good practice to be careful what they are sending through and what they can't send through and that is seen as industry good practice. We will follow the Fire investigation recommendations they're the experts.

7. Question asked by Councillor Neil Garratt to Councillor Marian James, Chair of the People Committee

For September 2020 Sutton Council forecasts that for Year 7 entry to secondary school more than 300 Sutton children will not have a school place. That number will grow each year to 384 children without a place in September 2023. Councillor James stated this week that historically these forecasts have "proven very accurate". The proposed school at Rose Hill will provide only 240 of these places. The legal duty to plan school places rests with this Council, and the main obstacle to getting schools built has been this Council's failure to select sites in good time.

Conservatives have been warning of the pressing problem over school place planning in Sutton for 5 years, following a Council report in 2014 which stated that "the window is starting to close" to get the high school places we need built in time. In the end, the window did close and both schools are late, leaving hundreds of children starting their secondary school journey in temporary accommodation, while millions of pounds from school budgets is wasted building temporary schools which will later be demolished.

Is the Liberal Democrat administration satisfied that they have done all they can to ensure enough school places are available? Do you agree that the reason the schools are late is that this Liberal Democrat Council failed in its duty to select sites in time?

Reply by Councillor Marian James

Thank you Mr Mayor thank you Councillor Garratt. So just for the first part of your question, I can say to you that we will ensure that enough school places are available we have done in the past and will continue to do so. One the second part of the question, I don't agree that the Council failed in its duty to select the sites for schools on time. Both the former hospital site in Belmont and and the disused all weather pitch site in Rosehill were identified as possible sites for secondary schools way back in 2014. Then they were part of the Local Plan at the initial options stage in 2016 and then in 2018 as part of the adopted plan. As you know that when it comes to the delivery of schools, under the central free schools programme it's not actually Local Authority it's actually the Government. All those responsibilities that we take away with us we're just left with ensuring that we have sufficient school places. So we are working hard to deliver that. I can say that we are planning temporary accommodation at Robin Hood Lane as I think you already know for that school to open in September 2020. But obviously that decision rests with the DfE and Greenshaw Learning Trust and if for any reason the DfE and Greenshaw Learning Trust decide not to open it or there would be a delay in opening it then we as a Council will have contingency plans in place with existing secondary schools.

Reply by Councillor Neil Garratt

I do, that is an absolute pack of lies Mr Mayor. Several key pieces of information were missing from it. Firstly I will reiterate it and second, middle part of my question the report that went to the Children Family Education Committee said that the window is beginning to close to select the site. That task is the Council's job, not the Government's job. The Harris Academy that is being built in Belmont is being built by the Council and not by the DfE. And

the key piece of information that is missing from Councillor James's very selective timeline is in September 2015 when her predecessor Councillor Mathys destroyed a year's worth of work in the Planning Committee on Rosehill. She walked out of the door on Friday afternoon sent an email to Greenshaw and the Government saying we're no longer building this school. That's the reason this school is late, that's the reason this school is late. Why did you not mention that in your timeline of deceit.

Reply by Councillor Marian James

Well obviously Councillor Garratt, you have more information than I do. Can I just say to you I don't like being referred to as telling a pack of lies, so if you think that this information missing from what I've said tonight then I will get that information and we will have a meeting and discuss it further.

Supplementary question by Councillor Jane Pascoe

Thank you Mr Mayor. I do concur with Councillor Garratt that the debate in the Council Chamber September 2015. This side of the Council Chamber proposed that we dual track both the hospital site and the Rosehill site and you as a member of the Opposition voted this down, if you had gone along with it we wouldn't have had to waste a £1million on the Harris site and their temporary accommodation and probably £2million on converting the Rosehill site. It is public money that needn't have been wasted.

Reply by Councillor Marian James

Ok so site at Belmont is a brownfield site and that had to be used first before any. The Rosehill site was designated as Metropolitan Open Land.

8. Question asked by Councillor Catherine Gray to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

The planning application for the Harris Academy at Belmont was deemed not to require an Environmental Impact Assessment as part of its planning application, despite being in a largely residential area with poor transport infrastructure. The applicant was the council. However, when the applicant for the proposed new school at Rosehill sought a screening opinion from the council, it was deemed that an Environmental Impact Assessment was required, despite the site being former Metropolitan Open Land and not in use, but with vastly superior transport infrastructure. Given the current and clearly stated opposition of the Sutton North councillors to this planning application, can we be assured that different standards are not being imposed on certain planning applications where the administration has indicated opposition?

I note that the Secretary of State for Housing, Communities and Local Government has since overturned Sutton Council's inconsistent decision to request an Environmental Impact Assessment.

Reply by Councillor Jayne McCoy

Thank you Councillor Gray your question makes two significant assumptions, I'm afraid need correction. And the first is that the Council in its role as a Local Planning Authority is impartial in its treatment of Planning Applications. And the second is that Sutton North Councillors are opposed to plans to develop a school on the Rosehill Site also incorrect. So in response on the first assumption I can advise that in a Statutory Local Planning Authority the Planning Team are required to act independently of any other department of the Council it is not vetted by any other decision of the Council only by National, Regional and Local Planning policies. And therefore able to give an unqualified assurance the Planning Department has acted entirely impartially in considering this or any other application in irrespective of who submitted the application and members views on any plans, that is the basic standard of Local Planning Authorities. In respect of the second assumption the Sutton North Councillors have not expressed opposition to a school being built on the Rosehill Site, they've only expressed concern about the poor design of the proposed building. This does not meet the design standards set out in our Local Plan Policies nor does it offer a standard we would that we would want to see for our students. Thank you

Reply by Councillor Catherine Gray

Yes, I do thank you. So in light of your answer that question Councillor McCoy would you now say that Sutton Council are actually in support of the Rosehill School being built in order to meet our statutory requirements to school children. And you will do everything in your power to make sure that happens on time thank you.

Reply by Councillor Jayne McCoy

Thank you, I can quote directly from literature from the Sutton North Councillors that said " We understand and support the need for a new school, and understand that the proposed location whilst not ideal is the best that can be found" so yes they do support it we all support having a school on there we all agreed that we would allocate the site and designate it as Metropolitan Open Land in our Local Plan, all the Liberal Democrats at the time voted in favour of and the opposition abstained from. So yes we are supportive of it and we are supportive of going ahead with it. Key thing still got to meet our planning policies. One of our planning policies is very strong in good design because of its location in a park it's got to be to a particularly high standard.

Supplementary question by Councillor Tim Crowley

Thank you Mr Mayor, thank you Councillor McCoy. Just want to know I didn't hear in that a reason why the first part of the question why there does not have to be an environmental impact assessment for the Harris Academy when there did for Rosehill site, you did not cover that point could you do that please.

Reply by Councillor Jayne McCoy

Yes, sorry. So although they are both schools their locations are very different. In the case of the Belmont School which is located on previously developed brown field site, and as previous development was a hospital there was already transport movement around there with transport infrastructure. By contrast Rosehill school, is located in a park immediately

impacting on Metropolitan Open Land and it would be introducing an entirely new source of trip generation in an area not previously used in this way. It's also within a flood risk area, and there is such a criteria that Council has to check in order to decide whether environmental impact statement is required and to check with the Secretary of State. So all they did was to use to be sure make sure was to go to the Secretary of State just to say do we need one do we not need one and we were fortunate they said no we don't it's not complex and it's going to be covered by the normal supporting assessment under normal planning procedure there was complete difference there as one was in the park.

9. Question asked by Councillor James McDermott - Hill to Councillor Sunita Gordon, Lead Member for Resources

Does the Council have any interest in the purchase and demolition of the North Cheam Sports and Social Club?

Reply by Councillor Sunita Gordon

Thank you Mr Mayor and thank you Councillor McDermott-Hill. Answer to your question is no the Council does not have any interest in either the purchase or demolition of North Cheam Sports and Social Club thank you.

Supplementary question by Councillor James McDermott-Hill

Thank you Councillor Gordon, I do like a brief answer to a question. Could she perhaps, this became aware to my knowledge from a senior Council Officer and members might also be interested that it's the location of North Cheam and Worcester Park Local Area Committee. We will have to find somewhere else to have our local area meetings. Councillor Gordon may also be aware that there is a Fairlands Park which is located very near or adjacent to the site of the North Cheam Sports and Social Club, can she give a guarantee that in regards to any future development on that site. Will Fairlands Park not feature in any part of the plan for the Council to sell off that land.

Reply by Councillor Sunita Gordon

Thank you for that. There is no way I can give a guarantee, because if there is any change to a property it will have to come to Planning and the Council will know then. However the property is owned by TFL so if you wanted to take it up with them.

Supplementary question by Councillor Tony Shields

Thank you. Just a supplementary to Councillor McDermott- Hill's. The reason the Opposition needs to ask you questions about the property acquisition or dealings in property, is because the Members in charge are so shady and disreputable in their trading we have to use Public Questions to find out what you're up to in spending the public's money. It's not good enough when will you let us have a proper committee which discusses the holdings of every resident here has a stake and you're treating it like you own fiefdom, when will it stop.

Reply by Councillor Sunita Gordon

That Committee just now and the opposition is fairly represented on that.

LONDON BOROUGH OF SUTTON
QUESTIONS not Reached at Council Meeting 22 July 2019

10. Question asked by Councillor Jane Pascoe to Councillor Marian James, Chair of the People Committee

Why has it been necessary to place The Acting Strategic Director of People Services on the Board of Cognus?

Please supply the makeup of the Board, including the additional members referred to at the People Committee of 4 July.

Response from Councillor Marian James

There has been a lot of recent public discussion about SEND in the borough. It is all covered in detail in the reports of the People Committee meeting of 4 July, particularly the update on our Written Statement Of Action and the High Needs Block Review. I want to be clear that our service in Sutton is an improving service and not a failing service. I also want to be clear that we take every concern and every child seriously. We support almost 1,700 children in this borough with EHCPs, and many others benefit from informal support. In the interest of every one of those children, I am determined that we maintain the momentum of our improvement and the confidence of all our families and partners.

I am clear that our focus will continue to be on improvement and on moving faster.

I have asked officers to look directly at our relationship with our outsourced provider. To this end, Nick Ireland, Interim Strategic Director of People, will be taking on a new role as a non-executive director of Cognus. He will be supported by other council officers to lead a review into the relationship between the Council and Cognus.

Further, following our offer to parents of access to an independent expert, I have decided to take my own advice and have asked that an independent expert be sourced to answer the following three questions:

- Are our improvement plans progressing?
- Is practice in Cognus aligned with our statutory duties?
- Is the division of responsibilities between the Council and Cognus the best operating model to deliver education services?

These actions will bring Cognus in the short-term more directly under the control of the Council and allow us to ensure that in future the service will be seamless. They will support our existing programmes of change with the addition of independent expertise.

I encourage people to look at the reports of People Committee to learn more about our improvement programme.

The board currently comprises: Ian Comfort (Chair - A shareholder representative); Dean Clark (Non-Executive Director - A shareholder representative); Jenny Sims (Non-executive Director - B shareholder representative); and Krishna Yergol (Non-Executive Director - A shareholder representative).

My recent statement notes that I asked officers to look directly at our relationship with our outsourced provider and, to this end, Nick Ireland will be taking on a new role as a non-executive director of Cognus. He will be supported by other officers but at this time those officers have not been identified.

11. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhood Committee

Given Viridor's facilities proximity to local homes and schools, what discussions has the council had with Viridor over why these fires have occurred and what steps will the council be discussing with Viridor to prevent further fires occurring at the Beddington incinerator site in the future?

Response from Councillor Jayne McCoy

The Beddington Energy Recovery Facility is a state-of-the-art facility that uses the very latest technologies to ensure the health of local people is protected. This facility has enabled the Council to:

1. Reduce cost, saving £49m over the life of the contract.
2. Move waste up the waste hierarchy and away from landfill.
3. Generate electricity thereby avoiding the use of fossil fuels for power generation.
4. Provide the opportunity to provide heat through a district energy network.
5. Provide a net saving of 128.5 million tonnes of greenhouse gas emissions per year.

The technology used at ERFs is well established across Europe. Energy Recovery Facilities burn waste at high temperatures under carefully controlled conditions. The process is extremely efficient, robust and safe. Emissions are treated to meet required standards under the stringent European Industrial Emissions Directive, which is strictly enforced and monitored by the Environment Agency.

As part of the planning process, the safety and running of the site was examined. The facility requires an Environmental Permit in order to operate. This requires compliance with the requirements of all necessary standards protecting health and the environment. Viridor's compliance is regulated by the Environment Agency on a continual basis.

Any fire is a serious incident and we want to understand why it happened and how the potential for future incidents can be prevented. The Council will (via the South London Waste Partnership) receive reports from the site operator, as well as the outcome from the formal investigation into the cause of the fire. Once in possession of these, we will discuss with our partners appropriate recommendations.

12. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhood Committee

The council has said it wants Sutton to become zero carbon. Over the last five years what measures, have the council taken to reduce carbon dioxide emissions in the borough and what have been the reductions year on year in tonnes of carbon dioxide as a result of these measures ?

Response from Councillor Manuel Abellan

Our ambitious new Environment Strategy looks to continue the excellent work delivered over the last twelve years which has resulted in borough carbon emissions emissions per capita reducing from 4.6 to 2.8 tonnes between 2007 and 2017. Carbon emissions from the Council's own buildings and street lighting have reduced by 39.8% during the period 2010/11 - 17/18.

Past initiatives on reducing carbon have included:

- A range of improvements have been delivered across the Council's own estate to reduce CO₂ emissions. This has included energy saving and LED lighting upgrades, insulation, boiler replacements and solar panels. The Council continues to deliver an ongoing programme of LED street lighting installations across the borough.
- The Solar Together London scheme in 2018, where 75 Sutton residents installed solar panels on their roofs. The Council has installed solar panels on its own estate at the Civic Offices, Gibson Road Car Park and the Grange Youth Centre.
- The Sutton Local Plan has brought in new requirements for developers to achieve at least a 35% reduction in carbon emissions on site. The remaining carbon emissions must be offset to zero either by reductions being delivered elsewhere or paid into a carbon offset fund.
- Sutton Housing Partnership have undertaken a number of energy efficiency improvements at their properties. Between 2014/15 - 2016/17 they delivered 947 boiler replacements, upgraded windows at 1,017 properties and installed insulation at 924 properties. SHP are currently delivering a project to trial whole-house retrofit at six properties. Using a model known as 'energiesprong' the approach is being used to retrofit the properties to zero-carbon standards. This pilot project has been funded by the GLA with a view to developing a business case for implementation at a larger number of properties.
- The Council commissioned EcoLocal to deliver 13 energy roadshows during the period 2014/15 - 16/17. They engaged 1,272 people, providing them with tips and actions to reduce energy consumption and carbon emissions. The Council has also commissioned ambassadors to deliver environmental workshops which included energy actions and engaged over 500 residents.
- A borough school energy behaviour change project was also delivered during 2014/15 - 2016/17 which engaged schools, pupils and families in taking energy efficiency actions which will save an estimated 340 tonnes of CO₂ per annum.

Year-on-year reductions are available for the period 2014/15 - 17/18 (see table below). Data for 2018/19 is not yet available.

Year	Annual reduction in carbon emissions
2014/15	+2.06%
2015/16	-0.97%
2016/17	-17.73%
2017/18	-13.03%

In 2014-15 council energy usage reduced by 4 per cent from 2013-14 levels. However, due to an increase in the use of more CO₂ intensive fuels (such as coal) by the UK power grid, the amount of council CO₂ emissions increased slightly from the previous year.

13. Question asked by Councillor Nick Matthey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

The council has started an ambitious programme of building social housing that is affordable, why is nobody yet living in these homes? What has caused the delays?

Response from Councillor Jayne McCoy

The Liberal Democrat-run council has indeed set an ambitious programme of building new council homes which it is currently delivering.

The first 15 houses in the programme at Fellowes Road are already fully-occupied and were completed ahead of the original estimated forecast date.

The remaining 78 properties are at the final snagging and handover stage and the Council will be moving tenants in during August.

There were some delays to the construction of the Ludlow Lodge and Richmond Green sites due to inclement weather, build and construction challenges that emerged once contractors commenced work, and the addition of a sprinkler system at Ludlow Lodge in light of the Grenfell tragedy. These issues are not uncommon for development projects and the delay has been contained to a few months only.

14. Question asked by Councillor Nick Matthey to Councillor Sunita Gordon, Lead Member for Resources

Some councils have been buying up commercial high street property and letting them out rent free to big retailers and taking a percentage of the retailers turnover over a certain threshold. With the move to online retailing and the threat of transfer pricing meaning the

threshold is never or barely exceeded for long periods. What assurances can the council take that it will not operate such schemes?

Response from Councillor Sunita Gordon

The Council has two priorities when it buys commercial property: to support regeneration of the borough and to generate income to support the services we deliver. The policy that guides the operation of our investment property portfolio was approved by the Strategy & Resources Committee in October 2018.

Turnover rents are fairly common in the commercial property market, especially the retail sector, and the Council will continue to hold or consider acquiring properties rented in such a way, where appropriate, taking account of the risks and variables affecting performance. The Council has clear evaluation criteria governing its property acquisitions and these are applied to every acquisition it makes.

There is obviously a preference to avoid turnover rent arrangements where a threshold has to be reached before any payment becomes due, and the Council is not contemplating any such arrangement. However, any acquisition, especially one made primarily for regeneration purposes, must be judged on its merits with its attendant risks carefully considered and evaluated.

15. Question asked by Councillor Nick Matthey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

Sutton Council gave planning permission for 80 one bedroom and two bedroom flats to Barratts for its Felnax site, the council is committed to providing affordable housing. Despite this, the rental for these flats with free heat from SDEN is £575 and £725 a week respectively. What part do these flats play in the council's vision of making homes in Sutton affordable?

Response from Councillor Jayne McCoy

Cllr Matthey's question appears to be referring to the "provision of assisted living accommodation containing 80 units with ancillary accommodation and a medical facility within a five storey building" on the Felnax site. This is a private residential care scheme, with a C2 use class, where charges are made for accommodation and care, and is not part of the general needs housing provision on the development and therefore exempt from the calculation for a percentage of affordable provision.

There will be 137 affordable housing units provided on the Felnax site in total.

16. Question asked by Councillor Nick Matthey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

What measures are in place for the families in other 725 homes on the site if they find that the cost for heating provided by SDEN are too high and represent poor value for money?

Response from Councillor Jayne McCoy

It is very unlikely that residents at Felnex will find their heating costs poor value for money as SDEN's charges are set to be comparable with and, where possible, provide a saving against the cost of using a conventional system i.e. an individual boiler, which includes the cost of gas, and running, maintaining and replacing that boiler. These costs are checked against the Government's Heat Trust Calculator specifically designed to compare district heating costs with traditional boiler systems.

Those families at Felnex will have the additional benefit of reduced carbon emissions as a result of their energy being supplied by SDEN.

17. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhood Committee

A woman was knocked down on the crossing in Beddington Lane close to its junction with Guy Road, on the 9 July, ambulances attended. Previously following a fatal accident this crossing was made light controlled. The council then removed the lights and said the crossing did not need lights indicating it was safe to cross because the speed limit was 20mph and cameras were in place. There are no cameras and there are no measures to limit speed effectively to 20mph. What is the council going to do to reinstate safe crossing on this stretch of road and prevent a fatality?

Response from Councillor Manuel Abellan

We take highway safety seriously and were concerned from your question to hear that a woman was knocked down on the crossing. However, we were reassured by colleagues from the Police that your information was incorrect and although there was a road traffic accident on 9 July, no pedestrians were involved and there is no indication at this stage that the current road layout was the cause.

The replacement of the light-controlled crossing is only one element of a number of improvements being introduced along Hilliers Lane and Beddington Lane, through the village area, all of which have been designed to complement each other and create an area of highway that is appropriate for this predominantly residential environment. The road layout through the village has been revised, with road narrowings also to be installed to encourage vehicles to drive at a more appropriate speed along Hilliers Lane and Beddington Lane. In combination with these speed-reducing measures, a lorry ban is proposed between Hilliers Lane, near its junction with Croydon Road, and Beddington Lane, near its junction with Commerce Way. We have received a number of objections to this particular element of the overall project and officers are currently working through concerns from local businesses, which we are aiming to resolve allowing for a HGV-free village with no vehicles of 7.5 tonnes or above (except for access).

If the objections are resolved, this would be in place 24 hours a day, seven days a week and would be enforced by new CCTV camera technology. Once these improvements are in place, Hilliers Lane and Beddington Lane are expected to see an improvement in terms of lower vehicle speeds and a substantially lower number of heavy goods vehicles using this

section of road, giving the village a much improved feel and appearance. The effectiveness of all measures post-implementation will be monitored and if both roads have not seen the desired improvements, additional engineering initiatives can be considered.

18. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhood Committee

What evidence can the council provide to counter the suggestion that the removal of the light controlled crossing in Beddington Lane was purely a measure to increase traffic flow and reduce pollution, the danger posed to pedestrians was considered acceptable?

Response from Councillor Manuel Abellan

The recent work in the village, and further proposals, are part of a larger major project with the objective, amongst others, to reduce vehicle dominance conditions for both pedestrians and cyclists using the TfL 'Healthy Streets' approach as set out in the Mayor's Transport Strategy. The objectives of the project include: reducing vehicle dominance for residents; enhancing the heritage and character of the area; supporting the ambitions of local people; and creating a network of green spaces.

The replacement of the light-controlled crossings is only one element of a number of improvements being introduced along Hilliers Lane and Beddington Lane, through the village area, all of which have been designed to complement each other and create an area of highway that is appropriate for this predominantly residential environment. The road layout through the village has been revised, with road narrowings to be installed to encourage vehicles to drive at a more appropriate speed along Hilliers Lane and Beddington Lane.

In combination with these speed-reducing measures, a lorry ban is proposed between Hilliers Lane, at its junction with Croydon Road, and Beddington Lane at its junction with Commerce Way. We are currently working through concerns from local businesses, which we are working to resolve, allowing for a HGV-free village with no vehicles of 7.5 tonnes or above. This would be in place 24 hours a day/seven days a week, and be enforced by new CCTV camera technology. Once these improvements are in place, Hilliers Lane and Beddington Lane are expected to see an improvement in terms of lower vehicle speeds and a substantially lower number of heavy goods vehicles using this section of road, giving the village a much improved feel and appearance. I would like to reassure you that the effectiveness of all measures will be monitored and, if both roads have not seen the desired improvements, additional engineering initiatives will certainly be considered.

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**LONDON BOROUGH OF SUTTON
QUESTIONS: STANDING ORDER 8.13**

1. Question asked by Councillor Lily Bande to Councillor Marian James, Chair of the People Committee

In November 2018 at the Full Council Meeting, I asked a question:

Could you please explain in detail why for instance, a child with specific special needs would not have a school placement for 8 weeks (2 full months) without accessing any home schooling, (a pupil of school going age) and not accessing any form of education in a borough in England where there are statutory requirements to fulfil?

Cllr James response was 'This should not happen'. Cllr James, continued her response saying, "I'm pleased to say that recruitment to the leadership of the SEND team has now been completed and communication between partner agencies and services and professionals has been improved as a result. All services are working very hard and they're putting in place the systems that we need to hopefully increase the positive resolutions of individuals for the future.

Why is this continuing to happen, for example that a pupil with special needs is not in school for a full academic year? The Council is clearly not fulfilling its statutory duty in accordance with The Children and Families Act 2014, surely there is a "A lack of coherence and joint working between local area leaders, agencies and schools, which is resulting in poor communication, inconsistent opportunities for social inclusion and a high number of exclusions" as Ofsted Report clearly pointed out!

Response from Councillor Marian James

The Local Area, including Cognus, NHS and schools, is committed to ensuring children and young people's educational needs are met. Staff are working hard to ensure good outcomes for children. We are an improving authority and we remain committed to our improvement journey.

Councillor Bande, you have quoted from the Ofsted and CQC inspection of 2018 and I would like to remind you that the Written Statement of Action (WSOA) endorsed by you has addressed this area of concern and you have agreed actions that have shown improvement in this area.

The non-placement of children is not due to leadership issues, but to schools' ability and willingness to take children with SEND. If a child's parent or a young person makes a request for a particular education setting, the local authority must agree with this in the Education Health and Care Plan (EHCP) unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person; or:
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

As part of the statutory process, the SEN Service must consult with the preferred school(s). Although this is not often the case, schools in certain circumstances will then make a strong argument around the above two factors to indicate why they will not be able to admit a child. The SEN Service must consider these responses. Wherever possible, the SEN Service will then work with the school to support the reasonable adjustments that all schools are required to make and to provide the resources that would make the education of the child effective in the school. Once a school is then named in the Education Health and Care Plan (EHCP), the school has a duty to admit - but if the school is an academy and therefore not under local authority control, the local authority cannot *direct* it to take the child.

As a result, there are occasions where, despite ongoing discussions and liaison from the SEN Service, schools do not agree to admit the child. Also, when the school is an academy - as most of the schools in Sutton are - disputes over placements have to be escalated to the Secretary of State. This can take some months to resolve. In these cases, this results in a child being out of school for an extended amount of time and the Local Authority has to make alternative arrangements for the child's education.

Cognus, the SEN Service and the Local Authority continue to work with schools chosen by parents to support and encourage them to take children with SEND so that the situations described above do not arise.

2. Question asked by Councillor Lily Bande to Councillor Marian James, Chair of the People Committee

Why hasn't the Cognus SEND leadership team improved the situation to ensure that all pupils are in schools regardless of their needs?

Response from Councillor Marian James

Please refer to the answer provided in question 1.

3. Question asked by Councillor Tom Drummond to Councillor Marian James, Chair of the People Committee

The Chair will remember on the 4 July I called for a point of order under 12.2 of the constitution querying the presumption of absolute openness for item 6, my reasoning being not all Councillors had been supplied a copy of the "high needs block review" AKA "The Grey report", which was referenced multiple times in the officers report and presentation.

The very next day (5 July) along with other Councillors I received an email from a Council Officer with the High needs block review report in full as well as an executive summary.

What materially changed in less than 24 hours to prevent the report being distributed to Councillors and would the chair agree some councillors were unable to effectively hold the administration to account as they hadn't been able to read the report in full ?

Response from Councillor Marian James

Councillor Drummond, I am indeed familiar with 12.2 of the Council's constitution, which also references proportionality and the importance of taking advice.

A summary of the relevant points of Peter Gray's report were contained in the People Committee report - sufficient to allow councillors to make a reasonable decision. Key stakeholders who had been involved in the preparation of the report, including the Opposition Lead for the People Committee, had received the draft version of the report in advance.

The People Committee report para 1.3 stated:

"This review's initial findings and draft report were presented at Schools Forum and have subsequently been disseminated to representatives of key stakeholder groups. The final report will be published once individual details have been signed off by contributors. However these details are unlikely to affect the overall findings."

The amendments did not affect the overall findings. The report was distributed as above.

4. Question asked by Councillor Neil Garratt to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

In both a press release and a statement by the relevant lead councillor at a meeting of the full council, it was announced in November 2014 that two new secondary schools were needed in the borough by 2019, and that they would be built at the two sites which she identified: Rose Hill and Sutton Hospital (now Harris Academy).

In September 2015 via a letter to the Department for Education, the same lead councillor announced that the Rose Hill site would not now be able to proceed until after the Sutton Hospital site. Since the Rose Hill site was at that time further advanced, in practical terms this meant a delay to the school on the Rose Hill site. The explanation offered was that the Rose Hill site was Metropolitan Open Land (MOL) and the council could not develop on MOL while another site was available.

Relating to these events, could you explain:

1. What new legal or other advice was provided between November 2014 and September 2015 which caused progress on the Rose Hill site to be halted?

2. What efforts did the council make to explore whether it would have been legal to have parallel or overlapping development of the two sites? For example, an overlapping programme with the Rose Hill site scheduled to open one year after the Sutton Hospital site.

Response from Councillor McCoy

1. The decision to develop the Sutton Hospital site for secondary school provision was predicated on national planning policy which states that brownfield sites should be developed first before greenfield or metropolitan open land (MOL) sites are considered. Legal advice was not required as the council was adhering to national planning regulation as confirmed by the Examination in Public of the Local Plan.
2. The decision to develop the Sutton Hospital site first for school provision (led by the London Borough of Sutton), would not have prevented the development of the Rosehill site for the second school (led by the Department for Education). The Department for Education is responsible for the delivery of the proposed free school on the Rosehill site and it was for them to determine as and when they wished to bring forward a planning application for the development of the site in the context of negotiations they led on the lease of the site with GLL and LBS.

5. Question asked by Charlie Mansell to Councillor Sunita Gordon, Lead Member for Resources

The car park land at St Helier Hospital was at some point leased to the Epsom and St Helier Trust by the Council, and thus any subsequent freehold sale to the Trust of part of the land would have been from the Council to the Trust. Therefore can you set out the current ownership arrangements of the entire St Helier car park site in terms of leasing and freehold land sales from the Council (setting out any conditions attached to any freehold sale at the time) with a map showing which bits of land are referred to?

Response from Councillor Sunita Gordon

The ownership of land at St Helier Hospital is described below and the attached plan refers to the areas marked A, B and C.

For all the following, London County Council's involvement was as the original owner/developer of the St. Helier Estate. Surrey County Council led on the development of the hospital prior to the foundation of the NHS.

Area A

Originally owned partly by Carshalton Urban District Council and partly by Sutton & Cheam Borough Council. Acquired by Surrey County Council in two transactions in 1938 and 1939 subject to covenants against development. Epsom and St. Helier Hospital Trust eventually took over the freehold ownership. Sutton Council owns the benefit of the restrictive covenants.

Area B

Owned by Sutton Council subject to a 30-year lease to the Hospital Trust from 18 July 1995 and used for car parking.

Area C (Main hospital site)

Subject to a 999-year lease from 24 June 1933 originally granted by London County Council to Surrey County Council. Sutton Council took over the freehold ownership in common with the neighbouring St Helier Estate following local government reorganisation. Epsom & St. Helier Hospital Trust is now the tenant.

[Link to document](#)

6. Question asked by Councillor Neil Garratt to Councillor Marian James, Chair of the People Committee

Based on the Council's current projections for September 2020 Year 7 entry to secondary school, how many school places do we expect to need across Sutton; how many places do we expect to have available across Sutton; and what plans do we have to address any shortfall?

Response

Sutton has excellent schools, some of which are selective, which means that not only does our place-planning need to ensure that we have places for all of our residents, but we must also plan for a significant intake of pupils from other boroughs who aspire to places in Sutton schools every year.

Since 2007, LBS has delivered over 4,000 additional primary school places, increasing the capacity in our primary schools from 14,000 to over 18,000. Similarly, we have increased the capacity of our secondary schools from 13,200 to over 16,600, including the delivery of the new Harris Academy Sutton, which is due to reach practical completion this month as the first Passivhaus secondary school to open in the country.

We have done well to keep up with significant additional demand arising over the last ten years. However, while primary growth has plateaued, our projections, which have proved very accurate to date, are suggesting that further secondary provision will be needed in the future. We estimate that up to 240 additional Year 7 places will be required from next year.

Although local authorities have the responsibility to ensure sufficient school places, government policy no longer allows local authorities to open new LA-maintained schools, even where they would be willing to make a financial contribution - rather all new schools must be free schools or academies. To meet the expected demand in the borough, the DfE has approved a new secondary free school to open on the disused all-weather pitch and former metropolitan open land at Rosehill. The DfE and their contractor Wates submitted a planning application in June with the Local Planning Authority expecting to consider that application in the autumn.

Given that the DfE have only recently submitted their planning application, the new school will not be ready until January 2022 at the earliest. The local authority is therefore working with the Department for Education and Greenshaw Learning Trust to open a temporary school in September 2020 at 3 Robin Hood Lane in Sutton. This will meet the demand for secondary school places in September 2020 and 2021. While it is the Council that is preparing a planning application for the temporary school, the decision as to whether the temporary school will open in September 2020 is a decision for the Department for Education and the Greenshaw Learning Trust.

On this point, I would also make a final point that it is a strange set of circumstances where local authorities have the responsibility to ensure sufficient school places, but have had the majority of their powers to deliver additional places passed either to Government or Academies directly. I am sure Councillor Garratt will join me in encouraging the DfE and Wates to do everything they can to ensure that additional school places are delivered in the borough for the pupils that need them.

7. Question asked by Councillor Neil Garratt to Councillor Marian James, Chair of the People Committee

Based on the Council's current projections for September 2021 Year 7 entry to secondary school, how many school places do we expect to need across Sutton; how many places do we expect to have available across Sutton; and what plans do we have to address any shortfall?

Response: please refer to response to question 6

8. Question asked by Councillor Neil Garratt to Councillor Marian James, Chair of the People Committee

Based on the Council's current projections for September 2022 Year 7 entry to secondary school, how many school places do we expect to need across Sutton; how many places do we expect to have available across Sutton; and what plans do we have to address any shortfall?

Response: please refer to response to question 6

9. Question asked by Councillor Neil Garratt to Councillor Marian James, Chair of the People Committee

For September 2019 Year 7 entry to secondary school, how many children in Sutton still do not have a confirmed secondary school place?

Response:

All pupils have been offered a secondary school place for September 2019. There are 8 pupils who are currently 'unplaced' having refused the offers that were provided to them. We are liaising with those families to understand what their intentions are.

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