

**Appendix B to Council Minutes:
Councillors Questions
12 September 2016**

**London Borough of Sutton
Council: 12 September 2016
Questions from Councillors
Under Standing Order 8.6**

1. Question asked by Councillor Nick Matthey to Councillor Ruth Dombey, Leader of the Council

What steps will the council be taking in future to ensure that key members of the audit committee and the scrutiny committee are not allowed to become treasurers of charities in receipt of monies directly or indirectly from Sutton Council?

Reply by Councillor Ruth Dombey

Thank you Mr Mayor. The council's process for appointing members to council committees is clearly set out in the constitution, Councillor Matthey. It is a matter for political groups to nominate members to fill committee places and for Full Council to approve the nominations each year. The Council's public register of member interests is the mechanism which ensures there is transparency about what interests or roles members may have in external local organisations. And it's a matter of individual responsibility on all members to comply with requirements to declare such interests at any meetings where there may be business being transacted which involves those interests and where their ability to take decisions in the public interest may be compromised, or perceived to be compromised.

Supplementary Question asked by Councillor Nick Matthey

Thank you very much for your answer. What I'm talking about is not statutory declarations of interest _____ good practice and the avoidance of a conflict of interest. You see, the problem is as you probably realise, there are 44 Lib Dem councillors and they tend to dominate all the committees. My question is that it's patently absurd to allow a person to be a treasurer of two charities that are in receipt of money from the council when that person is also involved in scrutiny of the financial, the way that the council conducts itself relevant to finance. I mean, something has got to be done. Well, my question is, is this going to continue like this, this sort of lackadaisical approach or is the council going to get down and try and bring some confidence back to the people of Sutton about how money from charities is dealt with by this council?

Reply by Councillor Ruth Dombey

That's fine, no absolutely, there's a question in there Mr Mayor, I managed to pull it out. First of all I'm sure Councillor Matthey would agree with me that what he's saying applies to all 54 councillors, I know we'd all think that. You will be pleased

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to hear, Councillor Matthey, that a review of Council procedure rules has been initiated by the two group leaders and I'll ensure that arrangements for committee appointments and declarations of interest will be considered as part of that review. But I would like to take this opportunity to state that I think it's actually important that members of this council have an involvement in local voluntary and community organisations. As a general rule, and if members behave properly as they should, it should be a positive thing. Because it gives elective representatives an insight into community concerns and shows they are part of their communities. The actions of one individual, who quite rightly has been caught and punished for his criminal behaviour, shouldn't lead us, I believe, to any knee-jerk, blanket restriction on members' abilities to play an active role in supporting local communities. I'm a councillor, a governor in a local school Councillor Matthey, and I know there are many members of this chamber who are also school governors and maybe involved in other voluntary and community work. I think it's an important part of what we do and I hope we will continue to do so.

Supplementary Question asked by Councillor Mary Burstow

Is the leader really aware that the role of the Scrutiny Committee up until April, May of this year, was to scrutinise health, police and flooding and nothing else?

Reply by Councillor Ruth Dombey

Yes I am aware but I also think it's possible, I think it's important that behaviour should be scrutinised. The question quite rightly refers to the Audit Committee as well and while I'm pleased that the remit of the Scrutiny Committee has now been widened, I do think it's a valid question and I hope I've answered it properly.

2. Question asked by Councillor Jane Pascoe to Councillor Wendy Mathys, Chair of the Children, Family & Education Committee

Does the lead member agree with me that the KS4 GCSE results from all of our high performing secondary schools have once again been outstanding in contrary to national trends and all schools and pupils should be congratulated on such an achievement?

The Lead Member has frequently lamented the fact that all of our Grammar schools take more pupils from outside the Borough rather than giving priority to Sutton children under the banner of 'Sutton Schools for Sutton Children'.

Grammar schools are obviously very popular and are always heavily oversubscribed with applicants that meet the entrance criteria. Would she therefore agree with me that one way to alleviate Sutton's dire place planning pressures whilst giving parents choice over the type of school and education they would like

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for their children, would be to encourage our neighbouring boroughs to adopt a pro-active stance on encouraging an expansion of Grammar school provision?

Reply by Councillor Wendy Mathys

Thank you Mr Mayor, and thank you to Councillor Pascoe for your question. I do indeed share your view about the outstanding GCSE performances of all of Sutton's schools. And as the Mayor himself has pointed out there is much to celebrate this year, and it's not just GCSE results. At Key Stage 1, KS2, GCSE and A Level, Sutton's schools are amongst the highest performing in the country. So I would like to congratulate the staff, governors, parents and above all pupils at all of our schools on their outstanding achievements. Indeed, many school leavers from our secondary schools will be moving on to more success in further and higher education. Whilst recent work on our apprenticeship hub is now helping increase the range of options available to Sutton students when they leave secondary education.

But although our results are outstanding, we share our schools' focus on seeking to improve further. So I was delighted to see the schools themselves ask for a priority target in Sutton's new multi-agency Early Help Strategy to aim at reducing the attainment gaps between our more disadvantaged pupils and their peers and our officers are supporting schools with that work, which is overseen by the Children's Trust Board, which I chair and of course which Councillor Pascoe also attends.

We want all our young people to be educated in good or outstanding schools, as indeed they are in Sutton's secondary schools, where we know that pupils can receive an excellent education.

So our ambition remains to have enough places for Sutton students in our schools. And in the last two years we have worked with our partnership of schools to expand ten of our secondaries to ensure parental choice, these include two grammars and two faith schools, as well as both single sex and mixed community schools, whilst our plans for the two new secondary schools are progressing well.

Whilst the demand for places is always a challenge, I do not share Councillor Pascoe's pessimism about the sufficiency of our school places. On the contrary, in 2016, 87% of all school applicants were offered a place in a Sutton school, which is the highest since 2013. And a number going out of borough did so anyway due to family preference. In my view, far from this being a concern, it is in fact an example of outstanding joint work between Council education officers and our schools partnership on behalf of our residents.

Furthermore, it is not for us to tell other boroughs how to plan for their education provision. However, I would suggest that if Councillor Pascoe wishes to reduce the large numbers of out of borough applications to Sutton schools, she puts pressure

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on neighbouring education authorities such as Surrey County Council to persuade them to provide more outstanding schools to cater for all abilities which might then be attractive to more of their own local residents.

Supplementary Question asked by Councillor Jane Pascoe

Thank you Mr Mayor, I think you should definitely anticipate that especially as I didn't get an answer to this question. Well, it's obvious that parents outside Sutton want grammar schools or they wouldn't bother sending their children to Sutton. In the latest YouGov poll, even amongst Lib Dem voters, more want to open grammar schools than close them. Quick scroll through the member's comments in reply to Tim Farron's latest _____ backs up this conclusion. I'm sure if I were to ask the members opposite, or indeed the MP for Carshalton and Wallington if any of them teach or have taught in a grammar school or if any of them, or any of their children have been to a grammar school or a local fee paying secondary school there'd be a lot of do as I say not as I do squirming. Could she confirm that it remains her policy to oppose not only grammar schools but free school provision as well?

Reply by Councillor Wendy Mathys

Thank you Mr Mayor. Well I haven't ever said I either oppose either grammar schools or free schools so I don't quite know why that has been attributed to me.

Reply by Councillor Jane Pascoe

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Reply by Councillor Wendy Mathys

Well I'm sorry I don't accept that. But my concern about grammar schools which is clearly very topical is that, the first point I'd like to make is we still don't know exactly what is going to be proposed. There are various discussions about it and I await the white paper, green paper etc. with interest to see how the situation for those who are most disadvantaged and who are not in the top streams is going to be addressed. Because my concern, having been at a grammar school, is those who are stigmatised at 11 can end up being stigmatised for the rest of their lives and I think it's absolutely imperative that whatever is offered in the future that that does not happen again. There is no doubt from the research by the Sutton Trust that those who are on free school meals which is often taken as a point of those who are more disadvantaged do not do so well in the grammar schools. The difference is that about 3% of children on free school meals go to grammar schools as opposed to 18% in the non grammars. It may be that that's due to lack of aspiration by parents or carers, or it may be that they cannot afford the cost of additional tuition to help them through the 11-Plus which many parents do embark on both in Sutton and in other areas with grammar schools. So it's my view that we need to learn a lot more about details of the latest government plans about

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grammar schools and the important thing is to ensure that all children, Mr Mayor, whatever their ability, are given the maximum opportunity to do their very best in whatever school system we end up having. Thank you.

Supplementary Question asked by Councillor David Hicks

Thank you. From one of those who suffered from being stigmatised throughout his life, it's interesting that I missed out on grammar school because of the bulge burst after the Second World War. It was impossible to provide that level of education to all those who wanted it. The situation now is this borough has five, six grammar schools, five grammar schools and ten non selective schools. It would benefit many to have the best education available. Does this council have a policy on selective education, grammar schools, free schools and academies, or is it considering what it might be?

Reply by Councillor Wendy Mathys

Mr Mayor I think to have a debate on grammar schools could take us all evening and more. All I will say is that we have taken the decision to expand all of our schools proportionately. I've already mentioned the schools that have been expanded over the last two years and to give our residents that are parents the maximum choice at the moment and as I've said we'll await and see what this government decides to bring in before we make any further decisions. Thank you.

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

With a new London Mayor now in office, could we have an update on the plans to bring Tramlink to Sutton? Has anything around the project changed since May? What is Sutton likely to have to contribute to the deal, financially or otherwise? And what is the soonest that passengers might be able to ride a tram to Sutton and on to the former Sutton Hospital site?

Reply by Councillor Jayne McCoy

Thank you Mr Mayor. Thank you Councillor Garratt, I'm delighted to be able to have the opportunity to update on progress with Tramlink. Since we made, decided to begin a concerted effort to lobby TfL and City Hall as part of our Opportunity Sutton work. The prospect of the tram coming to Sutton is significantly closer than it's ever been before with Sutton now the clear frontrunner. However, the actual delivery of the extension falls entirely down to the political will of the London Mayor. Now, Boris Johnson made promises on leaving office that he obviously is not able to implement, so it's now down to the new mayor as you rightly say about whether he wishes to prioritise tram support infrastructure in the South London area.

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As a result of the work that Sutton and Merton have done collectively, we've demonstrated both local and political support for the tram and produced a firm and robust financial offer. The route's been safeguarded in our local plan and we've recently been working closely with TfL to refine those particular routes.

Our work since May has therefore been to try and convince the new mayor and his advisers both of the need and of the benefits of extending the tram through Merton to Sutton. And in response of timescales should the mayor agree to commit the balance of funding required, then a Tramlink extension to Sutton station could be operational by 2023 and a further extension to the London Cancer Hub in Belmont could be operational in 2025. I do hope that the members of the opposition that have expressed their support for the tram before and I hope they will continue to support our efforts with the new mayor. Thank you.

Supplementary Question asked by Councillor Neil Garratt

Thank you Councillor McCoy for the answer, it was quite thorough apart from just on one point was this question about what Sutton might have to contribute, because obviously that's a big question, everyone's in favour of something that is wonderful until you see the price tag, and so that's my question really. What price tag might there be for Sutton if this infrastructure is to happen?

Reply by Councillor Jayne McCoy

Well we worked up an offer that was based on things like percentage of business rates, accounting for the additional council tax that would be produced from housing and things like that. And we tried to make it a really realistic and robust offer. We didn't look at what TfL were asking, we looked at what we were able to deliver in real terms. Now, TfL were asking for 50% of the overall funding from the two boroughs, which is completely unprecedented in previous transport schemes elsewhere and we thought that this was a big ask, both because it's unprecedented and also because there are the investment in our infrastructure will benefit not just us but the wider South London area. So our offer is therefore lower. But as TfL have yet to make any financial commitment to the project, we can't say what our actual contribution will be and as you would understand in any negotiating process we don't want to open it up to much to the wider public and fetter our ability to negotiate. But it's, we really are keen to make sure that we don't sacrifice benefits for other things in Sutton, we don't want to sacrifice spending on other projects because Tramlink isn't the only deal in town, there's lots more infrastructure things we want to invest in, so that's been factored in to our offer, that we think is a good, fair and robust offer and I think it's being taken very seriously by TfL. They certainly haven't rejected it out of hand.

Supplementary Question asked by Councillor Graham Whitham

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Thank you Mr Mayor. I think Councillor McCoy was quite right to draw attention to the inconsistencies between mayoral rhetoric at election time in 2012 and 2016 and mayoral action in between and I do accept that the borough's had to continually push what is really not quite an open door at times. Bearing that in mind, would the lead member join with me in welcoming as an interim measure Mayor Khan's rapid redemption of his pledge to introduce one hour hopper tickets on London's busses.

Reply by Councillor Jayne McCoy

I would indeed. We were very pleased to see that introduced and I know that our assembly member Caroline Pidgeon takes a little bit of credit for having the idea in the first place. But I will give Sadiq all credit because it's a very popular move and we're hoping that he can take it even further. Thank you.

4. Question asked by Councillor Tim Crowley to Councillor Jill Whitehead, Chair of the Environment and Neighbourhood Committee

At the emergency council meeting in August this year Councillor Whitehead and Councillor Abellan stated that consultation on the introduction of fortnightly brown bin collection was impossible as it was a financial matter that could have compromised the whole SLWP procurement process for the new waste contract. However in confidential minutes inadvertently published on the Merton website from 2014 it can be seen that all members agreed that before the procurement process was entered into that meaningful consultation should take place in each borough so that the specification for the contract could be properly worked up. Why didn't this happen in this borough? Were the administration frightened of the answers that they may have receive?

Reply by Councillor Jill Whitehead

Since 2010 we've saved £5 million from a waste service whilst maintaining a high quality service. Unfortunately, due to the Conservative government's ideological determination to reduce public spending by divesting local government of its funding, councils across the country face a funding gap of £9.5 billion by 2019-20. But entering into the South London Waste Partnership, Sutton has taken a strategic approach to our waste street cleansing and parks and grounds maintenance services. We've ensured that through the partnership, Sutton will make savings of £10 million for the first eight years of the contact. The savings for the partnership as a whole will be £56 million, that's 20%.

But partnership working is complicated and I know it's hard for the opposition to understand. Councils all over London are joining together in this way, going it alone is no longer an option. Harmonisation of services across the region is the only way we can make the savings the government insist on. The contact will bring

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together four different models of waste collection where two are in house and two are contracted out, and where current contracts are running to different timetables. Because of this, it became clear that the best way of achieving the maximum environmental and financial benefits to all four boroughs was not to create an array of potential contract conditions, but instead to allow those specialist companies making the bids to use their expertise to let the four boroughs know what were the best solutions based on their experiences elsewhere. That's partnership working. Once the tendering process began and as explained before, the council could not consult on the proposals coming forward from bidders. The procurement route, taken by the partnership, has received of a particularly high standard. The new contracts will deliver high quality services, improved recycling performance across the four boroughs and deliver financial benefits. The views of local residents remain critically important and surveys and feedback will play an important role in future delivery service across the four boroughs and the winning bidder Veolia will be undertaking discussion with groups and with bodies across the borough to find out what the most important thing is over the next few months.

Supplementary Question asked by Councillor Tim Crowley

Thank you Mr Mayor, thank you Councillor Whitehead. I note you didn't answer the question yet again about why the consultation didn't happen pre the specification going out in 2014. Now, I know that these documents are an element of an inconvenient truth because what we've seen in those documents I'd like to ask why you've just said that we're not able to understand complicated things but what people in this borough, I think, are able to understand, Councillor Whitehead, is when you have a document that shows that legal fees are £2500 per day and Pricewaterhouse Coopers have been employed for £2500 per day to look at this contract. So why, my question is, still, when both Kingston and Merton both managed to undertake a pre consultation on the specification were we unable to do so? Was it because you were frightened of the outcome you might have received?

Reply by Councillor Jill Whitehead

It's noteworthy that the opposition has consistently confused council's current commercial contracts with a new South London Waste Partnership contract. Kingston was already in a contract with Veolia running up to 2022 and they will enter the South London Waste Partnership contract then. To achieve savings needed now in their current contract before they enter the South London Waste Partnership contract, they've consulted and made changes to their present arrangement. This is to their present contract not to the South London Waste Partnership contract. Merton also did a trial of wheelie bins because they wanted to introduce them in place of black bags before the South London Waste Partnership contract date. Again, that related to their present situation. Given we were simply signing up to the new contract we had nothing to consult on until we knew the detail and that was the procurement process.

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Supplementary Question asked by Councillor Nick Matthey

If I remember well, was it not the South London Waste Partnership that came up with the idea that burning 300,000 tonnes of rubbish a year in Beddington was good and that the benefit to the London Borough of Sutton might be after 21 years a heat network that could turn a profit? Bearing in mind the incompetence of Sutton in dealing with the South London Waste Partnership and the South London Waste Partnership. My question is, once you have been taken to the cleaners by a group of hapless individuals, is it really worth entrusting our waste network to them a second time? Thank you.

Reply by Councillor Jill Whitehead

Could I remind you as I did at the full council on the 1 August that we're talking about waste collection here and not waste disposal?

Reply by Councillor Nick Matthey

Are they not related at all?

5. Question asked by Councillor Nick Matthey to Councillor Jill Whitehead, Chair of the Environment and Neighbourhood Committee

With Reference to Sutton Theatres, why was a company chosen with no financial track record to run both theatres on a 15 month rent free basis, instead of trying them on just one venue to start with and insisting that they produce monthly management accounts for LBS?

Reply by Councillor Jill Whitehead

Could I refer to the statement I made earlier which I think says everything.

Supplementary Question asked by Councillor Nick Matthey

Well you didn't actually answer the question because the question is, why would anybody with any understanding of business give two theatres on a 15 month basis to a company that had very little money and had no prospects of getting any money. Isn't that entirely reckless? I mean it is. It's just unbelievable and to me just smacks of the councils desire to let the theatres die quietly and give themselves a 15 month breathing space. And my question is, has this all come about because we have a turkey which is known as the Life Centre which bleeds all the money which should be going to the arts and so the children can go to the Life Centre and learn all about sexually transmitted diseases and rock climbing rather than learning about the arts?

Reply by Councillor Jill Whitehead

Again I refer to the statement I made earlier. I did point out that we went through a proper procurement process for the theatres which took nearly six months and we undertook due diligence and we were happy at the time that the right organisation had been selected. And I'm as sorry as anyone else that it hasn't lasted as long as the ten years lease that we gave them.

Supplementary Question asked by Councillor Tim Crowley

Well I'm glad Councillor Whitehead brought up due diligence because due diligence seems to be at the heart of what's been going wrong recently with this council. Can I ask Councillor Whitehead when the Theatres Trust company came to see us and we went through due diligence, did you get yourself involved with due diligence? Did you sign it off? And if not, why not? You are the lead member for Environment and Neighbourhoods.

Reply by Councillor Jill Whitehead

The due diligence was undertaken by council officers on the financial side, on the asset management side and on the artistic side. The role of the councillors was at Environment and Neighbourhoods committee when the bidders were put forward and we considered the individual bids but the actual due diligence was undertaken by professional officers of the council as that's their job.

6. Question asked by Councillor Tim Crowley to Councillor Ruth Dombey, Leader of the Council

Did any Liberal Democrat member of this council have any direct or indirect dealings with Trustees or representatives of either Carshalton Friends of the Elderly or Sutton seniors Forum prior to the resignation of ex Liberal Democrat member of the council Alan Salter, and were any members aware of the nature of the financial discrepancies or other such issues such as governance at these charities?

Reply by Councillor Ruth Dombey

Thank you Mr Mayor. I became aware of rumours regarding Mr Salter's behaviour over spring bank holiday weekend, 29-30 May. At a meeting on the Tuesday 31 May he denied any wrongdoing and assured me that he would be able to resolve any misunderstanding. I now know of course that he was lying. On Monday 13 June, following accusations on Facebook from a resident about her own private affairs, he resigned as a councillor. He was subsequently arrested, charged, and has now pleaded guilty.

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Since his resignation Mr Salter has not represented the Liberal Democrats or Sutton Council. All council appointments were immediately forfeited and any others were held in a personal capacity. Since the council has learnt of his actions, it has contacted each organisation with which he was personally associated to see if there is any way in which the council can help. And may I say, I am appalled by Mr Salter's actions. Defrauding a charity that serves some of the most vulnerable people in our community is inexcusable, reprehensible and quite shameful.

Supplementary Question asked by Councillor Tim Crowley

Thank you Mr Mayor and if I may before I ask the question, I'd like to welcome Councillor Williams to his place in the council chamber because obviously the subsequent resignation of Councillor Salter has led to Councillor Williams coming in and I welcome you, Councillor Williams. I'm sorry about the circumstances in which you've had to come to this chamber.

One of the issues that has obviously come about from this is of yet again due diligence I suppose and it's very difficult, I knew Alan Salter as I'm sure many, all of us in this chamber did and we, a lot of us didn't see it coming, in fact I would say all of us probably didn't see it coming.

However, what happened at both of those charities was that in February of this year, I am asking a question Mr Mayor, happened in February of this year, both of the treasurers of those charities were changed. Were the council aware of the changes to the treasurers of both of these charities, and if so, did it not ring any alarm bells at all as to why this took place mid-year? Thank you.

Reply by Councillor Ruth Dombey

Thank you Councillor Crowley. Certainly I can answer for myself, I was not aware of any changes to treasurers, I'm not sure if this was communicated officially to the council or not, and I can ask the relevant officer to come back to you on that. Personally I was not aware of any change of treasurers to either of those two charities that have been mentioned.

Supplementary Question asked by Councillor Neil Garratt

Thank you. Following actually the theme of Councillor Crowley's question, part of the changes that are happening in the way that council services are delivered involves working more with the small, sometimes quite small local groups. And I just wonder how we can be confident that these often quite small, run by volunteer type organisations, we can really be confident that the money we're putting in, even though it may not be huge sums, is actually being well spent, firstly, effectively, and secondly, isn't being misused by the group?

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Reply by Councillor Ruth Dombey

Thank you Councillor Garratt and I'm sure that Councillor Wales can discuss this in more detail with you as the lead member for the voluntary sector. I know that SCVS take a prominent role in assisting and advising small charities and I know that as an organisation we do due diligence and we check on the grant making that we make. I believe, and Councillor Wales again I'm sure will be happy to speak to you in more detail about this, we're now using a commissioning framework, so any money that is given from this council is based very clearly on commissioning outcomes. And Mr Mayor, although I know it's slightly unorthodox, I would like to address the issue that Councillor Matthey raised out of order and is trying to insist in every possible forum that he can, just to be absolutely clear, and this is an official statement I'm making: I have always been quite clear with all my family members that any private business of this council should remain private and I do not discuss it with them, just as none of my family members discuss the private business of any of the organisations with which they are involved. This was true before I became Council Leader and is even more so now, it would be entirely inappropriate to act in any other way. If either of the organisations that are now being investigated have come to me for advice or to make any of these accusations known to me, I would advise them to go to the police, because when unlawful activity happens, that is the correct course of action.

Reply by Councillor Nick Matthey

Mr Mayor can I reply to that please?

Reply by the Mayor, Councillor Richard Clifton

Can I say then my time keeper's advised me that the 30 minutes have now passed so that concludes questions from councillors. Answers to those questions that have not been reached will be circulated as soon as is possible.