

# Agenda

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THE ROYAL BOROUGH OF  
**KINGSTON**  
UPON THAMES

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## Council

Date: Wednesday 24 April 2019

Time: 7:30 pm

Place: The Guildhall, Kingston upon Thames, KT1 1EU

### Opening of Meeting

The Mayor will invite his Assistant Chaplain to open the meeting.

### Emergency Evacuation Arrangements

On hearing the alarm which is a loud siren please leave the building by the nearest available fire exit and assemble by the triangle at the front of the Guildhall. Anyone requiring assistance to evacuate the building should proceed to the refuge areas which are situated outside Committee Room 1 and the Mayor's Parlour where you will be met by a member of the building management team and assisted from the building.

#### 1. Apologies

#### 2. Declarations of Interest

Members are invited to declare any disclosable pecuniary interests and any other non-pecuniary interests (personal interests) relevant to items on this agenda.

#### 3. Minutes

To confirm as a correct record the minutes of the meeting of Budget Council held on 26 February 2019

#### 4. Mayor's Announcements

## 5. Petitions

## Appendix A

5.1 To receive any petitions – members of the Council or a member of the public may present a petition to the Council on a matter in relation to which the Council has powers, duties or which affects the Royal Borough.

5.2 To debate the petitions referred to in the report at Appendix A of the agenda. [Under the Council's Petition Scheme, petitions with more than 500 signatures will be debated by the full Council - if possible, at the next ordinary Council meeting after submission.]

## 6. Motion

In accordance with Standing Order No 8(A)(5), the Council will debate a motion which has been submitted by Members of the Council.

This will alternate, from meeting to meeting, between a motion submitted on behalf of the Administration and a motion submitted on behalf of Opposition Members of the Council.

The following Motion has been received from the Conservative Group:

Proposed by Councillor David Cunningham

Seconded by Councillor Kevin Davis

"This Council notes that:

1. Air quality is a concern for residents and this Council;
2. The latest figures available demonstrate that on average there are 5 attributable deaths people per ward in the Borough from PM<sub>2.5</sub> pollution (NB this does not mean that this number die, but that this is the equivalent level of pollution total pollution-related deaths) Source: Air Quality Information for Public Health Professionals - Greater London Authority;
3. Since 2012 we have seen improvements in air quality in 24 of the 40 areas that we monitor;
4. There have been improvements in our two worst polluted areas of Cromwell Road and Tolworth roundabout, but that there have been significant increases in pollution on areas of the Kingston Relief Road and near the Cambridge Estate.

"This Council believes that:

Despite what has been done more action is required to tackle this public health problem and that it needs to be done quickly.

"This Council resolves that:

1. The Administration brings forward in 60 days a new air quality implementation plan that:
  - a. is discussed at the Environment and Sustainability Committee on 24 June 2019, and recommended to Full Council to debate and agree at the meeting of the 9 July 2019;
  - b. brings forward a costed plan to implement on-street electric charging on residential roads and prevent trailing cables littering the streets where owners have no driveways;

- c. consults on and introduces an anti-idling scheme and fines for taxis, mini-cabs and cars at stations and schools;
  - d. works with schools on main transport routes to bring forward a costed plan and timescale for implementation of defensive air quality measures on school boundaries;
  - e. designs and consults on changes to the relief road in Kingston;
  - f. creates a costed plan for “after GO cycle” to demonstrate the future ongoing commitment of this council to cycling and ensure that the Mayor’s GO Cycle money is good value through further council investment;
  - g. consults and costs a cycle hire scheme that works for all the Borough and not just transport nodes;
  - h. creates a plan for green screens, walls and algae tubes at major transport nodes, in particular at major bus stops.
2. Until such time as this new strategic implementation plan is brought forward, the Council will suspend any unilateral schemes that are perceived to improve air quality and are not targeted for implementation across the entire borough until such time as Full Council ratifies the implementation action plan on the 9 July 2019.
3. Agree that any schemes arising out of the new implementation plan must be subject to full public engagement and consultation with residents outside any formal statutory requirements.”

## 7. Motion: Declaration of Climate Emergency

In accordance with Standing Order No 8(A)(3) and (6), the following Motion has been submitted by the Administration – to be moved and seconded without comment and stand referred without discussion to the Environment and Sustainable Transport Committee.

Proposed by Councillor Hilary Gander

Seconded by Councillor Sam Foulder-Hughes

### Climate Emergency

“This Council notes:

- (i) the impacts of climate breakdown are already causing serious damage around the world;
- (ii) unfortunately, while current plans and actions locally are making a difference, they are not enough. The world is on track to overshoot the Paris Agreement’s 1.5°C limit before 2050;
- (iii) the ‘Special Report on Global Warming of 1.5°C’, published by the Intergovernmental Panel on Climate Change in October 2018:
  - (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise; and
  - (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.
- (iv) all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies;
- (v) strong policies to cut emissions also have associated health, wellbeing and economic benefits; and that recognising this;

- (vi) a growing number of UK local authorities have already passed 'Climate Emergency' motions; and
- (vii) individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc. to make low carbon living easier and the new norm.

“This Council resolves to:

- (i) declare a ‘Climate Emergency’ that requires urgent action;
- (ii) establish a new working group, with a remit to:
  - (a) draw together the work of the Council, already underway, to reduce the impacts of climate change, identify gaps and develop a plan that aims to set a challenging target date of 2038 for carbon neutrality and a baseline figure from which achievement will be measured;
- (iii) seek advice from experts to develop 5-year carbon budgets, across all the Council’s activities;
- (iv) consider the climate change impact of the Council’s activities to inform the action plan;
- (v) to assess the feasibility of requiring all risk and procurement assessments to include Carbon Emission Appraisals, including presenting alternative approaches which reduce emissions wherever possible;
- (vi) the working group will include council officers, partners and Members from across the Council;
- (vii) task a director-level officer with responsibility for reducing the carbon emissions resulting from the Council’s activities according to the plan;
- (viii) equip all our staff, particularly those involved with planning, buildings, energy and transport management and procurement of goods and services, with an awareness of the CO2 costs and impacts of everyday activities, and the ability and motivation to reduce emissions;
- (ix) report on the level of investment in the fossil fuel industry that our pensions plan and other investments have, and review the Council’s investment strategy to give due consideration to climate change impacts in the investment portfolio;
- (x) work towards involving the wider community, including local businesses and our young people, in shaping the future, through a workshops or Citizen's Assemblies; and
- (xi) call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.”

## **8. Community Motion under Standing Order 7A**

Under Standing Order 7(A), a minimum of 500 interested people may present a motion for debate relevant to an issue which affects the Royal Borough at any ordinary meeting of the Council. An interested person is defined as somebody who lives, works, studies or owns a property or business in the Borough. The Council shall consider the motion as soon as possible and, wherever practicable, at its next ordinary meeting.

At the meeting, a representative of the signatories will have a period of up to five minutes to address the meeting on the subject. A further period of up to ten minutes shall be allowed for questions and answers, following which there will be a maximum of 30 minutes in which members of the public present will be given the opportunity to address the

meeting for up to 3 minutes each. After this time, the Council will consider the motion and may accept, modify or reject it.

In accordance with the provisions of Standing Order 7A, a community motion, which has been accepted as valid, has been submitted as set out below. A briefing paper will be circulated prior to the Council meeting to assist Members to debate this Community Motion.

“Demanding Better on Resident Parking

"This Council notes:

- (i) the failure of the Liberal Democrat administration to meet their promises, set out in their 2018 local manifesto, to "", and instead pursue a regressive tax on residents living within CPZs;
- (ii) the huge public outcry in response to these changes, which has resulted in a petition of over 2000 signatures;
- (iii) the lack of openness and transparency in consultation carried out by the current administration and the feelings being expressed by residents that consultation is just a tick box exercise, that they are being ignored by RBK and that the Council is just doing whatever it wants to do; and
- (iv) the failure of the Liberal Democrat administration to meet their promise, set out in their 2018 local manifesto, to "", which further reinforces the feeling that RBK will just do whatever it wants to, regardless of the views of residents.

This Council believes:

- (i) the Liberal Democrat Council is not engaging with residents; that public consultation has been poor in general but particularly bad in regard to the proposed CPZ charges;
- (ii) it is important to find ways to drive behavioural change and improve air quality in the borough by discouraging unnecessary car journeys, encouraging the use of environmentally friendly forms of transport, through less regressive means;
- (iii) a regressive tax on older vehicles, whilst allowing newly purchased £100k cars to have free permits, will hit the financially vulnerable the most in our borough; and
- (iv) it is imperative that residents feel the Council is doing things with residents, not to residents, and, as such, does not consider consultations a 'tick-box' exercise.

This Council resolves to:

- (i) listen to and engage with our residents;
- (ii) be sure we have identified groups that need to be included in our consultations and communications;
- (iii) properly consult with our residents on issues that affect them;
- (iv) be accountable to our residents;
- (v) make sure senior Administration politicians are answerable to our residents for policy and that they do not stand behind Council officers who are employed to implement policy agreed by politicians; and
- (vi) in light of the thousands of residents who have displayed their opposition to the proposed CPZ charges, to immediately halt the rollout of changes to resident parking permits, and seek a better way forward."

## 9. Questions

In accordance with Standing Order 6 (1&2) replies will be given to questions of which notice has been given which may be addressed to the Mayor, the Leader of the Council, Portfolio Holders, the Leader of the Opposition, Chairs of the Standing and Neighbourhood Committees and Members representing the Council on Outside Bodies.

## 10. LGA Corporate Peer Review

**Appendix B**

To consider the report with recommendations at Appendix B of the agenda pack.

## 11. Cambridge Road Estate Redevelopment Joint Venture Contract Award

**Appendix C**

To consider the report with recommendations at Appendix C of the agenda pack.

## 12. Appointment of Monitoring Officer

A local authority is legally required to designate certain statutory officer posts, among which is the role of Monitoring Officer under the provisions of Section 5 of the Local Government and Housing Act 1989. The primary role of the Monitoring Officer is to ensure lawfulness and fairness of decision making. The Monitoring Officer contributes to the promotion and maintenance of high standards of conduct through the provision of support to the Audit, Governance and Standards Committee. The officer is also responsible for the maintenance of the Register of Members' Interests and the separate Register of Gifts and Hospitality and provides advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, and budget and policy framework issues to all Councillors.

In view of the forthcoming departure from the Council of the current Monitoring Officer (and Assistant Director, Governance and Law), Quentin Baker, it is therefore necessary to appoint a suitable replacement on a temporary basis pending a permanent appointment to this position.

Marie Rosenthal qualified as a solicitor in 1983 and has worked in senior positions in a number of local authorities including Hertfordshire CC, Swindon BC, and City of Cardiff Council.

It is **recommended** that Marie Rosenthal be designated as the Council's Monitoring Officer with immediate effect for the period until a new Assistant Director of Governance and Law is appointed.

## 13. Returning Officer and Electoral Registration Officer

The statutory functions of Returning Officer (RO) for Elections and Referenda, and Electoral Registration Officer (ERO) are currently undertaken by the Assistant Director of Governance and Law (who is designated as the Proper Officer for these functions within the Council's Constitution).

The Electoral Registration Officer is responsible for the preparation and maintenance of the registers of parliamentary electors for any parliamentary constituency (or part of a constituency) within its area, and of local government electors for its area. The Returning Officer holds personal statutory responsibility for the effective delivery of these elections.

In view of the forthcoming departure from the Council of the current Assistant Director of Governance and Law, Quentin Baker, it is necessary to designate a Returning Officer and Electoral Registration Officer.

**Recommended that:**

1. in accordance with the Representation of the People Act 1983 and all related legislation, Ian Thomas, the Chief Executive (Head of Paid Service) of the Council is appointed with immediate effect as:-
  - (a) Returning Officer, and designated the Proper Officer for the purposes of Elections and Referenda; and
  - (b) Electoral Registration Officer; and
2. the Monitoring Officer is authorised to make any consequential changes to the Constitution and Scheme of Delegations.

**14. Statutory and Proper Officer functions**

Following the establishment of the role of Corporate Head of Democratic and Electoral Services, it is **recommended** that the following Statutory and Proper Officer functions listed in Article 11.01(c) of the Constitution, which were allocated to the Democratic Services Team Leader, are now allocated to the Corporate Head of Democratic and Electoral Services:

Statutory Officer:

- Scrutiny Officer

Proper Office functions:

- Notice of political groups
- Certification of copies of minutes, byelaws or other documents

**15. Approval of Member absence**

The law provides that where a Council member fails throughout a period of six consecutive months from the date of their last attendance to attend any meetings of the authority then, subject to certain exceptions, they cease to be a member of the authority unless the failure was due to some reason approved before the expiry of that period.

The authority's approval if not limited in time (and most authorities in giving approval will specify both the reason to which the approval relates and the period for which it will run), lasts until it ceases to have effect because the councillor has resumed attendance, or the reason to which the approval relates no longer applies or the councillors' term of office has ended.

When ill-health is a reason for absence, it is not always possible to provide a definite time for resumption of attendance. Therefore the Council is initially requested to approve the absence, on health grounds, of Councillor Fiona Boulton until 10 July 2019, as it will potentially be the case that, by late May, Councillor Boulton will have been absent from meetings of the Council for six months, on the grounds of ill-health. (Should the request for a further leave of absence be required, this would be submitted to the Council meeting on 9 July 2019.)

## 16. Appointments to Committees, Panels and other bodies

The Council is **recommended** to make the following appointments to the **Health and Wellbeing Board**:

(1) Following the retirement of Siobhan Clarke as Managing Director of Your Healthcare CIC), it is **recommended** that Ed Montgomery, who is currently one of Ms Clarke's alternates on the Health and Wellbeing Board, and is to be appointed the interim Managing Director of Your Healthcare, be appointed as the (non-voting) advisory member representing Your Healthcare on the Health and Wellbeing Board, replacing Ms Clarke. Grant Henderson will continue as alternate Board member.

(2) It is **recommended** that Dr Annette Pautz be appointed as alternate for all three representatives from the Clinical Commissioning Group (Dr Naz Jivani, Dr Phil Moore and Dr Pete Smith) who are voting (non-elected) members of the Health and Wellbeing Board. (Dr Pautz has previously been appointed solely as Dr Jivani's alternate.)

## 17. Election of the Mayor for 2019/20

At the Council meeting on 20 March 2001 it was agreed that, other than in an Election Year, the Mayor should be elected at the Ordinary Council meeting immediately preceding the Annual Meeting. (In an Election Year the Mayoral election would take place at the Annual Meeting, as it did in 2018.)

Accordingly, the Council is asked to elect the Mayor for the Royal Borough for the Municipal Year 2019/20.

Nominations received will be circulated for the Council meeting.

The formal installation of the Mayor will take place at the Annual Meeting on 14 May 2019

## 18. Urgent Items authorised by the Mayor

To consider any items which, in the view of the Mayor, should be dealt with as a matter of urgency because of special circumstances in accordance with S100B(4) of the Local Government Act 1972.

## 19. Exclusion of the Press and Public

The following resolution is included **as a standard item which will only be relevant** if any exempt matter is to be considered at the meeting for which the Committee wish to resolve to exclude the press and public: To exclude the public from the meeting under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it is likely that exempt information, as defined in paragraph \*...of Part I of Schedule 12A to the Act, would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information. (\*relevant regulatory paragraph to be indicated)

**Background Papers** held by Democratic Support 020 8547 5023

- Relevant Committee Agendas