

Merton Council Council

17 November 2021

Supplementary Agenda 4

28 Councillor Non-Priority Questions and Replies

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From Councillor Edward Gretton to the Cabinet Member for Housing, Regeneration and the Climate Emergency:

Please provide an update on the new footbridge over the Wandle for pedestrians and cyclists at 12A Ravensbury Road, Wimbledon Park - this was negotiated by Wimbledon Park ward councillors in 2017 and funded with a s106 agreement, and a design and costing obtained. Four years have passed, why has the Cabinet member done nothing in that time to build the new bridge to link Merton into Earlsfield and its railway station?

Reply

Merton Council has secured £51,000 in Section 106 funding from 12A Ravensbury Terrace development granted pp ref 16/P3551 which must be used "towards the River Wandle pedestrian footbridge". This funding alone will not be sufficient to build a bridge.

We have also been in contact with Wandsworth Council who have secured section 106 from a development in Wandsworth. (Wandsworth hold £150k from The Collective, the developers of Garratt Mills, Earlsfield, to help deliver the Wandle Trail extension – missing link under the rail bridge, a separate construction to the Ravensbury Terrace bridge)

This is a complex project. Network Rail owns the railway bridge and embankment that lies between the Collective (in Wandsworth) and Ravensbury Terrace; the Environment Agency have responsibilities for the river Wandle's banks, ecology and flood risk matters and the developer at Haslemere and Ravensbury Terrace own the land adjacent the river. Merton Council is not a landowner adjacent to the river and the limit of our highway lands stops at the entrance to the Haslemere Estate.

A joint meeting was held in February 2021 between LBM, LBW and the Environment Agency setting out responsibilities and the challenges relating to land ownership and the impact on the river environment. The EA's concerns are significant with requests to avoid shadowing of the river – making any structure a challenge to deliver.

A fully designed, costed and deliverable proposal has not been presented to officers. Nor has one been commissioned yet due to staff capacity and other priorities.

At the meeting in February 2021, Merton Council re-stated its position that its priority was the delivery of Mitcham Bridge and this would be reviewed in Autumn 2021. Whilst Mitcham Bridge has opened, works will continue into December 2021. Due to the specialist nature of staff input (flooding, hydrology and structural engineering) The Council at present doesn't have the capacity to proceed. The same officer resources are working on the current flood alleviation works to Wimbledon Park Lake.

The Council have set up a further meeting with the developers of Garrat Mills and LBW for 30 November 2021 to agree a way forward.

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From Cllr Jenifer Gould to the Cabinet Member for Housing, Regeneration and Climate Emergency

Would the Cabinet Member commit to implementing a Tree Database, without which the long-awaited Tree Strategy will have no direction, to ensure the Council prioritises and invests in Nature Based Solutions as part of the climate emergency climate Action plan, avoiding further examples of recently witnessed Borough-wide disregard for our Nature - such as Morden Park damage to grassland and the shocking loss of trees?

Reply

The tree service utilises two tree databases for the management of schools and parks tree and, separately, for the management of street trees. As part of the commenced tree strategy, there will be a review and potential recommendation(s) on how the service can utilise and improve the use of IT systems to manage, including from a Nature-based Solutions (NbS) approach.

I would comment that the use of a tree database would not have been a material factor in mitigating damage to grassland which was due to unfavourable weather conditions in the run up to the event. As well, I would also note that the service has prioritised investing in tree planting, exceeding our tree planting target last year by 33%, planting over 325 trees across the borough.

From Councillor Omar Bush to the Cabinet Member for Children and Education

Can you please indicate pupil grade achievements across the borough comparing locality, gender and race origin?

Reply

Following the assessment of pupils' achievement using Teacher Assessed Grades in summer 2021, provisional outcomes for GCSE and post 16 outcomes have recently been published at LA level with some comparative data. These show that:

- At GCSE, Merton averages are above national averages in all key indicators. Girls outperform boys in all of these indicators, and there are differences in performance between the major ethnicity groups. Chinese pupils outperform all other groups; whilst black and mixed pupil groups do not perform as well as others.
- At A level, Merton averages are above London averages in all key indicators. Girls again outperform boys in most of these indicators. There is a mixed picture with regards to the performance of the major ethnicity groups, though Chinese pupils do tend to outperform their peers, whilst black and Asian groups do not perform as well.

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There is no data available at school or locality level. More detail will be considered in the School Standards Report, including how any areas where importance needs to be improved are being addressed. This report will come to the Children and Young People's Overview and Scrutiny Group in the spring, following national publication of validated data.

From Cllr Simon McGrath to the Cabinet Member for Housing, Regeneration and Climate Emergency

What action is the Council taking to stop the abuse of the drop off zone outside Wimbledon Station by delivery drivers and their motorbikes, frequently making it impossible for passengers to be dropped off?

Reply

The Council has met with the relevant delivery companies (in partnership with Love Wimbledon BID) to express our collective dissatisfaction with the volume of moped drivers 'bay-blocking' on the bridge as well as the instances of ASB displayed by some drivers.

The Council has offered to dedicate specific bays in Council owned Car Parks for the use of delivery services – alleviating pressure from Wimbledon Bridge. This solution requires an update to app algorithms by the relevant companies to ensure that riders can still pick-up jobs from the car parks. At present, riders need to be in the vicinity of the restaurants to obtain orders.

The Council has also undertaken enforcement action where possible. However, as riders are serving the local businesses, it's a challenge to enforce without a CEO being present at all times.

The Council has also established a Task and Finish Group to re-engage with the companies and determine if there are further enforcement, or highway traffic order changes that could alleviate the issue of overcrowding and bay-blocking.

Questions on the Strategic Theme

From Councillor Hayley Ormrod to the Cabinet Member for Local Environment and Green Spaces

Can the Council let us know how many deep street cleans they have done by ward across Merton over the last 3 years? This is where the Council requests residents to move cars in order to clean to roadside.

Reply

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Whilst we have the provision to undertake this type of cleansing operation outside the contract, when we have consulted on this approach with local residents in the past, the restrictions and inconvenience that this is perceived to cause have prevented this working in practice. In addition, the increased home presence of residents due to changes to working arrangements at home has increased requirement to leave cars parked outside of the household for extended periods.

Locally, if you would like to organise this type of cleansing operation in your Ward, the service team would be more than supportive to assist.

From Councillor Nick McLean to the Cabinet Member for Housing, Regeneration and the Climate Emergency

What was the total number of fines for parking in a restricted CPZ for each of the last four years before paper copy CPZ permits were discontinued and what has been the total number of fines per year since the paperless system came into force?

Reply

PCNs issued in CPZ from 2019 to date. We do not hold full year data from 2018.

Jan – Dec 2019 18,536

Jan – Dec 2020 16,771

Jan – Dec 2021 15,340. *(projected)*

Actual to date Jan – Nov 2021 14,062

Virtual permits were introduced in January 2020 and took a 12 month period to phase out paper permits.

From Councillor Thomas Barlow to the Cabinet Member for Finance

Can the Cabinet Member for Finance tell me the total amount of money raised since May 2018 from enforcement (planning, parking, council tax, traffic, fly tipping, speeding, building control, litter, etc.)?

Reply

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For Highways, this information is available in the Strategic Theme report presented to the same Council meeting on 17th November 2021. Please see section 9 of the report for the relevant enforcement (FPN) income for Highway enforcement.

Income from speed cameras and other speeding enforcement is not collected or retained by the local authority.

Cost Centre Desc.	Project Code Desc.	Nominal Description	Actual outturn 2018/19	Actual outturn 2019/20	Actual outturn 2020/21
On Street Parking	Project General	Penalty Charge Notices	(9,171,342)	(8,262,738)	(4,846,202)
Waste Enforcement	Project General	Waste Enforcement	(474,541)	(401,993)	(317,915)

*The figures for **bailiff-related enforcement** from April 18 to October 21 are:*

Council Tax £5.049 million

Parking PCN's £1.947 million (from the above figures)

From Councillor Stephen Crowe to the Cabinet Member for Housing, Regeneration and the Climate Emergency

For the three most recent years for which figures are available, please provide the total cost of the Council's planning enforcement team and the total amount of the Council's costs recovered from those in contravention of planning regulations. Kindly provide any explanations that would assist in understanding these figures.

Reply

The actual expenditure on Planning Enforcement, including salaries and all other costs was as follows:

- 2020-21 £204,599
- 2019-20 £204,507
- 2018-19 £162,445

We have not recovered any costs for some time and certainly not in the past 3 years. Planning enforcement is not a service where cost recovery is possible in the main. Most cases require either retrospective approval or amendment of the

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unauthorised development. Very few cases end in court proceedings which are expensive and costly for the Council. The only way planning enforcement can get close to covering any costs is using The Proceeds of Crime Act 2002 (POCA), through the courts. But this can only be considered during a second prosecution of the same offence. The team was successfully awarded £60,000 through POCA in 2011.

From Cllr Anthony Fairclough to the Cabinet Member for Housing, Regeneration and Climate Emergency

Please can the Cabinet member provide statistics and detail on the housing enforcement activities undertaken

- To support tenants in the private rented sector (separating out any action taken in relation to HMOs from those not in HMOs); and
- To support tenants in housing association properties

By month, since the beginning of 2021.

Reply

Please see below the list of housing enforcement service requests by month, since the start of 2021

Service Request	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
F&V - Filthy & Verminous		1									1	2
HDIS - Housing Disrepair	28	16	23	23	17	19	12	23	14	21	18	214
HMOA - HMO Advice	2	7	5	2	1	1	7	6	7	2	4	44
HMOG - General HMO	22	27	25	17	39	24	10	22	19	26	10	241
HOTH - Housing - Other	53	43	37	36	20	25	16	13	28	11	5	287
MEN - Members/ MP Enquiry	2	4	7	6	15	6	15	5	10	7	2	79
P001 - Rats	3	4	1	3	6	4	6	1	1	1	1	31
P002 - Mice	2	1	2	2	1	3	3	1	1	2	2	20
P003 - Cockroach Infestation						1		1				2
P008 - Pigeons			1	3			1		1			6
P009 - Squirrels		1										1

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P00B - Bedbug Infestation							2		1	1		4
PDRA - Drainage	2		3	2	2	1	1	2	6	3	3	25
REFU - Refuse/Rubbish	7	5	2	6	13	11	8	8	7	7	3	77
URGE - Urgent Housing Request	6	2	5	3	3	1	4	1	3	3		31
WID - Works in Default			1									1
Total	127	111	112	103	117	96	85	83	98	84	49	1065

Analysis of requests relating to Housing Disrepair (routine and urgent), Pests, Rubbish, Drains and Members enquiries totalled 490. These were split by 381 Private Sector and 109 Social Housing. When viewed in context of total rented dwellings, it amounts to approximately 1.6% of Private Sector tenants and 0.9% of Social Housing Tenants.

From Councillor Andrew Howard to the Cabinet Member for Housing, Regeneration and the Climate Emergency

For the three most recent years for which figures are available, please provide the number of breaches of planning control which were not pursued beyond an initial investigation because subsequent action was thought not to be expedient within the public's interest. Kindly provide some examples, to aid understanding of why subsequent action was not taken.

Reply

From November 2018 to November 2021, a total of 1,318 cases were created/opened.

Unfortunately, our data maintained on the M3 system is very limited, and I am unable to immediately give a breakdown of cases which were not pursued. Further work will be done to provide this information.

However, examples of where action has not been taken are:

Breaches reported where people have paved over their driveway through the use of Permitted Development. On inspection, correct drainage/materials found to be in place so no breach.

HMO's – This is a common one but is more a matter for licensing. No breach found as permitted development 6 residents or under.

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If we think a development that requires planning permission would be approved we would invite a retrospective planning application.

It could be that a rear extension is not built to the exact measurements, due to land levels or a genuine error. If it were pursued or not would depend on the harm being caused. We have to be mindful that if an appeal was made and we acted unreasonably we could leave the Council open to pay costs.

From Councillor Thomas Barlow to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Could the Cabinet Member provide details of any meetings that have taken place between Cabinet Members or Officers with the All England Lawn Tennis Club (AELTC) regarding its expansion plans?

Reply

The plans to expand the All England Lawn Tennis Club campus onto the former Wimbledon Park Golf Course have been subject to extensive pre-application discussions with the Council's planning service prior to the submission of the planning application.

Pre-Application meetings between officers of Planning and Future Merton and the applicant team were held, covering various topics such as; planning policy, design, landscape, trees, highways, ecology, heritage and sustainability: The meeting dates were:

- 16 February 2021
- 02 March 2021
- 16 March 2021
- 13 April 2021
- 27 April 2021
- 11 May 2021
- 25 May 2021
- 08 June 2021
- 18 June 2021
- 22 June 2021

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On 4 November 2021, a meeting was held between the Planning service and applicant team as part of the Planning Performance Agreement for the application.

I had the following meetings:

17 March – WPP Consultation 1

21 April – AELTC Wimbledon Park Project Consultation 2 briefing

12 July - AELTC WPP Consultation 3

From Councillor Nigel Benbow to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Merton Labour has endorsed Karen Buck MP's excellent "Homes fit for Human Habitation" that became law for all properties a few years ago. Can the Cabinet Member for Housing, Regeneration and the Climate Emergency confirm how his Council administration ensures this is enforced and assists residents in finding legal redress where necessary, considering the multiple failures by Clarion Housing?

Reply

The Homes (Fitness for Human Habitation) Act 2018 which came into force in March 2019 amended the Landlord and Tenant Act 1985 to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation. This is a power for tenants and does not alter the existing local housing authority powers. The Act allows the tenant to seek remedy and redress for any defects in the property. The role of the council is to give advice and guidance rather than enforcement , which includes links to government guidance.

From Councillor Adam Bush to the Cabinet Member for Local Environment and Green Spaces

Can the Cabinet Member for Local Environment and Green Spaces list the number of households who have been fined in the last four years for leaving an item or items on the pavement outside their home (a) under the provisions of the Environmental Protection Act and (b) under the provisions of the Highways Act? Is she satisfied that this approach has been enforced, and, if not, what measures does she propose to address the evident unfairness where households have been fined a more significant sum under the provisions of the Environmental Protection Act?

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Reply

We have adopted a zero tolerance to fly tipping as agreed in 2019 as part of our Fly-tipping Strategy which is supported by a life action plan which is regularly reviewed on a monthly basis.

It is important to note that a Fix penalty Notice (FPN) is an invitation for the offender to effectively discharge their liability to avoid formal prosecution through the Courts. This means that while this is not an admission of guilt, paying the FPN is an agreement that an offence has been committed and that no further action will be undertaken by the council for the offence committed. This method of dealing with offences not only saves the time involved in prosecuting cases at Court, but the cost associated with a Fixed Penalty Notice is likely to be substantially lower than any fine that can be imposed by the Courts.

The table below summarises the number of enforcement notices (FPNs) issued by our internal enforcement team over the last four years under the Environmental Enforcement Act.

- 2017/18 534
- 2018/19 336
- 2019/20 276
- 2020/21 234

Recent piloted work with our service provider has increased the capacity of the service to issue FPNs to tackle fly tipping. From October, this has resulted in an additional 55 FPNs being issued.

In terms of the inferred choice by officers within your question to tackle the depositing of waste on the Highway as either a fly tipping incident or as a Highway obstruction, I would point out that the Council has a requirement to record the illegal depositing of waste on the Highway (i.e. fly tipping) to Government using the fly tipping module on WasteDataFlow, operated by the Department of Environment, Food, & Rural Affairs (DEFRA). It is, therefore, important that proper enforcement action uses the correct legislative instruments as outlined within the Environmental Protection Act, rather than the Highways Act, when dealing with the illegal deposition of waste.