

# Merton Council Sustainable Communities Overview and Scrutiny Panel



Date: 2 September 2021  
Time: 7.15 pm  
Venue: Merton Civic Centre

## AGENDA

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## Sustainable Communities Overview and Scrutiny Panel Membership

### Councillors:

Aidan Mundy (Chair)  
Daniel Holden (Vice-Chair)  
Laxmi Attawar  
David Dean  
Nick Draper  
Anthony Fairclough  
Geraldine Stanford  
Dave Ward

### Substitute Members:

Ben Butler  
Nigel Benbow  
Eloise Bailey  
Pauline Cowper  
Edward Gretton

### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

### What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 4035 or by e-mail on [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk). Alternatively, visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

# Agenda Item 3

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## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL

24 JUNE 2021

(7.15 pm - 9.45 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),  
Councillor Daniel Holden, Councillor David Dean,  
Councillor Nick Draper, Councillor Anthony Fairclough,  
Councillor Geraldine Stanford and Councillor Sally Kenny

John Bosley (Assistant Director Public Space Contracts and Commissioning), Steve Langley (Head of Housing Needs and Strategy), Chris Lee (Director of Environment and Regeneration) and James McGinlay (Assistant Director for Sustainable Communities)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Dave Ward (Councillor Sally Kenny as sub) and Councillor Laxmi Attawar (Councillor Ben Butler as sub).

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the previous meeting were agreed.

### 4 ACTIONS LOG (Agenda Item 4)

The Chair explained the purpose of the action log is to pull together the Panel's recommendations and actions, seek updates and highlight any areas outstanding.

Officers provided some updates on the actions listed;

- The Emissions-Based Charging program is yet to hit the ground because we are finalizing the traffic management order.
- Roadworks and utilities - there's a huge amount of work that's been going on behind the scenes on those particular areas, particularly around carrying out further work to monitor numbers and emissions. We're about to invest in 68 air quality monitors around the borough which also capture vehicle volumes and vehicle types which will give us information about the source of air pollution in the borough.
- One stop shop solution - a proof of concept software solution has been identified called fix my street. This will provide some operational efficiencies for residents so they can identify locations on a map based system as well as

pinpoint locations where we can log issues with the service. Those issues being logged will be integrated with the office systems of our service providers to provide more immediacy in terms of resolving those issues and improved reporting and management. Provisional implementation date in November

- The review of the Design Review Panel will be available sometime in the autumn.

The Director of Environment and Regeneration confirmed officers will provide progress reports on the outstanding actions at the next meeting.

## 5 PERFORMANCE MONITORING (Agenda Item 5)

A Panel Member commented that the council has missed its recycling target for the 123<sup>rd</sup> month in a row which is in opposition to the Council's communications department which has been communicating for four years that a target of 50% will be hit.

The Director of Environment and Regeneration informed Members that the table doesn't reflect the amended target which is actually 40%. The new target will be reflected in next set of performance indicators. Whilst we're still ambitious and aiming for a higher target, we can't ignore the reality of the recycling levels that we're currently achieving in the borough. One area over the last 15 months that has affected the recycling performance is the fact that more people have been working from home, more waste has been generated and more non-recyclable waste has been generated and that's reflected London wide.

The Chair noted that in the forward plan for this panel we will be looking at how the borough can change its attitude and behaviours towards waste to help increase recycling and meet targets.

## 6 CLARION: REPAIRS & MAINTENANCE (Agenda Item 6)

The Chair played a short three minute video that was featured on ITV to set the background as to why this item was added to the agenda.

A number of issues and challenges on the Eastfields estate have been brought to public attention through social media since 21 May.

The Chair extended his gratitude to the Clarion Housing representatives for attending this meeting of the Panel. In attendance were Michelle Reynolds, John Ferman, Vicky Bonner and David Chisnall.

Michelle Reynolds, Chief Operating Officer, began by reiterating the apology that Vicky Bonner made recently on television. We recognize that the service some of our residents have received from us has not been of the standard that they should rightly expect. We are so sorry about that and I'd like to apologise myself on behalf of Clarion.

Moving forward we are focusing on the agreed action plan that we have put in place:

- We've written to all of the residents on the Eastfields estate and followed that up with a further communication and newsletter.
- Knocking on doors and holding estate days where staff will be out door knocking and meeting with every single resident on the estate.
- We've reopened the estate office on site so that residents can come down and speak to us.
- Set up a dedicated Eastfield repairs email address so that residents can report any outstanding repairs to us.
- Pest control and baiting were underway on the estate already but we have enhanced and extended that contract.
- Put in additional refuse collections twice weekly
- Added additional resources onto the estate in terms of repair operatives and clarion staff.
- More regular communication with Councillors, our key stakeholders and meeting our residents face to face.

In response to Panel Member questions, the Clarion team expanded further on the work and processes they have implemented;

- Renewed focus on the way we deal with member enquiries to try and improve the communication loop
- We have regular meetings now with the MP's office with regard those cases and enquiries raised.
- The working group, consisting of senior Clarion representatives and Councillors, is still meeting. So far there have been three walk rounds and two formal meetings. Outcomes of the previous meetings were a program of planned works in communal areas on Eastfields and resolving issues with refuse collections. Another group meeting is scheduled for July
- 
- We monitor our key performance indicators regularly - we've been meeting weekly to look at the progress on the backlog and we are happy to regularly share that performance.
- 
- In terms of the investment program for the borough, we're looking at spending £8.3 million within the borough and that is a mix of estate, block work as well as some component replacements in the SW postcode.
- 
- Clarion does have a central stock condition program that's informed by asset data and we have a Head of Asset Management who looks after that function. This informs the program in which our stock condition surveys happen on our estates.

The Panel moved on to discussing recommendations.

A motion was raised by Cllr David Dean that all council tenanted homes on the Eastfields estate are surveyed immediately and alternative accommodation be found for every resident that currently lives in a home that does not attain the government mandated decent home standard. This was seconded by Cllr Daniel Holden.

Following discussions on this recommendation, the Chair explained that he could not take the recommendation forward because as a Panel we do not have the jurisdiction to mandate this action from an external provider. However, we can take a recommendation forward for action from the Cabinet and the Executive and should be mindful that the purpose of this Panel is to create recommendations that can be delivered.

The Panel RESOLVED (eight votes for, none against) to send the following recommendations to Cabinet;

The Panel proposes that Merton's Housing Team lead on hosting a one-stop shop on Merton's council's website, in partnership with Clarion and with the support of the Council's Communications Team. The purpose of this page is to

- (a) Inform residents of their rights, responsibilities and signpost into the current repairs process. This may also include letters and replies sent by the Cabinet member;
- (b) provide single source of information on issues already identified through the publication and regular updating of KPIs for housing repair on Clarion's estates;
- (c) List as set out in precedent in the papers for Sustainable Communities paper of 24<sup>th</sup> June the current open repair cases for Clarion estate. New repairs should be included when they arise. Where possible common issues should be highlighted.

The goal of these measures is to restore resident and partner confidence in Clarion's management of their stock. The page should be implemented as a matter of urgency and remain until the Cabinet Member is satisfied confidence has been restored.

The Panel further request that Cabinet write to Clarion asking for detailed information on the conformity with the decent home standard of stock across the borough. The response to this request to be shared with the Sustainable Communities panel.

Additionally, the Panel RESOLVED to revisit this item at the next Sustainable Communities meeting 2 September 2021.

- 7      OUTSTANDING CLARION REPAIR WORKS - RECEIVED FROM THE OFFICE OF SIOBHAIN MCDONAGH MP (Agenda Item 7)



Taken with Item 6

8 HOUSING: ACCOMMODATION AND EVICTION BAN (Agenda Item 8)

The Chair proposed postponing this item until the next meeting

Panel agreed.

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Sustainable Communities Overview and Scrutiny Panel				
		Date added	Status (BRAG)	comment
IdVerde's contract for greenspaces	The Panel would like to undertake site visits to a sample of green spaces in Merton, with details of the reporting pro forma used by Client Officers when inspecting	01/09/20	Green	The Service would like to offer site visits to Colliers Wood Recreation Ground, Morden Park & Wimbledon Park during the week commencing the 4th October. Transport will be
	The Panel recommended that the Council's Tree Strategy is reviewed and updated to include how new trees are established and how all trees are maintained	01/09/20	Green	This will be considered and included when the tree strategy is being drafted .
	The Panel recommends that the Council create an overarching Green Spaces strategy in line with the Council's climate commitment and with a focus on community wellbeing.	01/09/20	Amber	This is under consideration. There are a number of Council strategies that touch upon parks and open spaces particularly Local Development Framework documents .
	To display signage in parks informing residents on how to report issues and express their views	01/09/20	Green	The Service is aware of this requirement and will proceed with improved signage after the implementation of the new web based reporting system.
	The Panel recommends to Cabinet that the Council should consider developing a 'One Stop Shop' web based reporting system to make it easier for our residents to report any issues relating to parks, waste and public spaces in one place and bring an update on this to the SC Panel	01/09/20	Green	Public Space is leading on the purchase and implementation of 'Fix My Street Pro' which should be operational by Autumn 2021. This will meet this requirement
	Both Idverde's Annual Report and the IMGSF Annual Report to be presented when signed off	01/09/20	Green	The internal review and approval of the Annual Review has been completed and is now available to be presented to the Committee.
	The Panel requested quarterly written updates from Officers providing information and feedback on how the recommendations are being met and evidence that the service is improving.	01/09/20	Green	The service will be able to provide an update to the next Committee meeting as directed.
Emission based charging	Request that Cabinet further expand upon their current reporting to show how the surplus money raised from parking revenue has been spent.	08/12/20	Black	Still awaiting implementation. Once implemented further information will be provided as per the schedule agreed.
	User feedback is collected and this feedback be made visible to the Sustainable Communities Panel at every meeting for a period of two years. Feedback should be provided at a high level with the ability to request further detail if needed.	08/12/20	Black	Still awaiting implementation. Once implemented further information will be provided as per the schedule agreed.
	The Panel calls on Cabinet to review the impact of Emissions Based Charging on air quality in the borough and that this policy also be reviewed after a two year period	08/12/20	Black	Still awaiting implementation. Once implemented further information will be provided as per the schedule agreed. Still awaiting implementation. Once implemented further information will be provided as per the schedule agreed.
Roadworks and Utilities	Enhanced information with regards to road and footpath maintenance and repair is added to the Merton website and advertised appropriately	19/01/21	Green	Weekly roadworks bulletin (inc utilities and LBM maintenance works) is circulated weekly and online at: <a href="https://www.merton.gov.uk/streets-parking-transport/roadworks/current-roadworks-and-traffic-disruptions">https://www.merton.gov.uk/streets-parking-transport/roadworks/current-roadworks-and-traffic-disruptions</a>  Members and the public can sign up for the weekly bulletin at: <a href="mailto:network.coordination@merton.gov.uk">network.coordination@merton.gov.uk</a>  All active roadworks are also mapped in real time on roadworks.org link on the LBM page.  Annual LBM Footway and Carriageway Capital Programme to be added online - date TBC.
HGVs	Carry out further work to monitor numbers and emissions, and with an increased focus on those areas outlined by residents as a concern, including Weir Road and Durnsford Road industrial site.	19/01/21	Green	SmartCity monitors are being installed for Air Quality - not possible to single out HGV emissions from other traffic.
	An information hub to support residents in dealing with complaints about problems with HGVs is created and added to the Merton website and advertised appropriately	19/01/21	Black	Info to be added with links to London Councils Lorry Control Scheme

Green	On track
Amber	Requires monitoring

<b>School Streets</b>	Comms Team to encourage resident feedback and explore expanding the scheme with the support of the schools.	19/01/21	<b>GREEN</b>	Reviews underway - no longer accepting comments. Decisions due Q3	<b>Red</b>	Not on track
<b>Design Review Panel</b>	Future Merton committed to bringing the DRP review back to scrutiny post consultation.	23/03/21	<b>Green</b>	On track - review on Scrutiny agenda Q4	<b>Black</b>	Not yet started

## E&R July 2021 performance Public Protection performance report

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
<b>Parking</b>											
Parking	CRP 044 Parking services estimated revenue	1,679,099	1,881,609				5,716,917	7,526,436			
Parking	SP 258 Sickness- No of days per FTE from snapshot report (parking) (Monthly)	1.01	0.66				6.65	2.64			
Parking	SP 509 % of Permits applied/processed online	97%	80%				96.75%	80%			
Parking	SP 510 % of PCN Appeals received online (Monthly)	82%	65%				82.5%	65%			
Parking	SP 511 Blue Badge Inspections - cumulative (Monthly)	0	40				0	40			
Parking	SP 512 Total cashless usage against cash payments at machines (Monthly)	76%	70%				75%	70%			
Parking	SP 513 Percentage of cases 'heard' and won at ETA	Measured quarterly					82%	75%			
Parking	SP 586 NEW FOR 2021-22 % of ANPR cameras remain working (Monthly)	98.64%	98%				98.73%	98%			
<b>Regulatory Services</b>											
Regulatory Services	CRP 120 / SP 562 % of Regulatory Services service requests with an initial response within the "defined timescale" (Quarterly)	Measured quarterly					82.99%	90%			
Regulatory Services	CRP 121 / SP 565 Number of monitoring stations that meet annual Particulate air quality objectives (Annual)	Annual measure					N/A	TBC	N/A	N/A	N/A
Regulatory Services	CRP 122 / SP 566 Number of monitoring stations measuring below the Nitrogen Dioxide air quality objectives	Annual measure					N/A	50	N/A	N/A	N/A
Regulatory Services	DATA 010 Safeguarding older people - number of cases investigated and intervene in cases of residents being targeted by financial scams and abuse	Measured quarterly					19	Data only			

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Regulatory Services	DATA 011 Number of new high risk massage and special treatment premises inspections carried out within 20 working days of the premises being ready to trade	Measured quarterly					100	Data only			
Regulatory Services	DATA 012 Number of Air Quality Audits (using GLA toolkit) of schools, prioritising those in the highest pollution areas	Measured quarterly					2	Data only			
Regulatory Services	SP 521 Total % compliance of non-road mobile machinery on major construction sites with GLA emissions standards	Annual measure					N/A	95%	N/A	N/A	N/A
Regulatory Services	SP 561 Percentage of alcohol and regulated entertainment licences issued within 10 working days of the conclusion of the 28 day consultaiton period, excluding those that are subject to a licensing hearing	Measured quarterly					76%	95%			
Regulatory Services	SP 564 High risk A & B and non-compliant C-rated food establishments due for inspection completed	Annual measure					N/A	100%	N/A	N/A	N/A

## E&R Public Spaces

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
<b>Waste Management</b>											
Waste Management & Cleansing	CRP 097 / SP 065 % Household waste recycled and composted (Monthly in arrears)	41.5%	45%				41.8%	48%			
Waste Management & Cleansing	CRP 103 / SP 454 % of fly-tips removed within 24 hours (Monthly)	97.8%	95%				98.08%	86%			
Waste Management & Cleansing	CRP 123 / SP 567 % of sites surveyed on local street inspections for litter that meet the required standard (Monthly) and quarterly in line with NI 195 reporting	88.02%	87%				88.58%	87%			
Waste Management & Cleansing	CRP 124 / SP 568 % of street reports rectified within the contract standard time frame (Monthly)	96%	90%				97.22%	90%			

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Waste Management & Cleansing	CRP 125 / SP 570 % of sites surveyed that meet the required standard for detritus (Quarterly)	Quarterly measure					81%	80%			
Waste Management & Cleansing	CRP 126 / SP 573 Number of refuse collections including recycling and kitchen waste (excluding garden waste) missed per 100,000 (Monthly)	94	65				86	65			
Waste Management & Cleansing	DATA 013 Number of street cleansing site inspections undertaken by Client team (target 868 per month, 10,416 per year) (Monthly)	917	Data only				4,598	Data only			
Waste Management & Cleansing	DATA 016 Number of Environmental Enforcement incidents formally (NOT formerly) processed (Monthly)	677	Data only				2,505	Data only			
Waste Management & Cleansing	SP 064 % Residents satisfied with refuse collection (Annual) (ARS)	Annual measure					N/A	73%	N/A	N/A	N/A
Waste Management & Cleansing	SP 066 Residual waste kg per household (Monthly in arrear)	44.83	39.5				44.83	39.5			
Waste Management & Cleansing	SP 067 % Municipal solid waste sent to landfill (waste management & commercial waste) (Monthly in arrear)	3%	6%				3%	6%			
Waste Management & Cleansing	SP 262 % Residents satisfied with recycling facilities (Annual) (ARS)	Annual measure					N/A	72%	N/A	N/A	N/A
Waste Management & Cleansing	SP 269 % Residents satisfied with street cleanliness (Annual) (ARS)	Annual measure					N/A	57%	N/A	N/A	N/A
Waste Management & Cleansing	SP 354 Total waste arising per households (KGs) (Monthly in arrear)	76.63	75				223.84	300			
Waste Management & Cleansing	SP 407 % FPN's issued that have been paid (Monthly)	70%	70%				70%	70%			
Waste Management & Cleansing	SP 485 No. of fly-tips in streets and parks recorded by Contractor (Monthly)	1,467	1,075				5,736	4,300			
Waste Management & Cleansing	SP 569 % of sites surveyed that meet the required standard for weeds (Quarterly)	Quarterly measure					92%	90%			

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Waste Management & Cleansing	SP 571 % of sites surveyed that meet the required standard for graffiti (Quarterly)	Quarterly measure					93.5%	95%			
Waste Management & Cleansing	SP 572 % of sites surveyed that meet the required standard for flyposting (Quarterly)	Quarterly measure					99.2%	97%			
Waste Management & Cleansing	SP 574 Resident satisfaction with the Household Re-use and recycling facility (Garth Road) (Annual)	Annual measure					N/A	75%	N/A	N/A	N/A
<b>Parks</b>											
Parks and Green Spaces	CRP 119 / SP 558 Average Performance Quality Score (Litter and Cleansing Standards) (Quarterly)	Quarterly measure					4.92	5			
Parks and Green Spaces	SP 026 % of residents who rate parks & green spaces as good or very good (Annual) (ARS)	Annual measure					N/A	78%	N/A	N/A	N/A
Parks and Green Spaces	SP 027 Young peoples % satisfaction with parks & green spaces (Annual) (ARS)	Annual measure					N/A	86%	N/A	N/A	N/A
Parks and Green Spaces	SP 032 No. of Green Flags (Annual)	Annual measure					N/A	7	N/A	N/A	N/A
Parks and Green Spaces	SP 318 No. of outdoor events in parks (Monthly)	13	48				20	116			
Parks and Green Spaces	SP 514 Income from outdoor events in parks (Annual)	Annual measure					N/A	£550,000	N/A	N/A	N/A
Parks and Green Spaces	SP 515 Average Performance Quality Score (Grounds Maintenance Standards) (Annual)	Annual measure					N/A	5	N/A	N/A	N/A
Parks and Green Spaces	SP 517 Number of street trees planted (Annual)	Annual measure					N/A	240	N/A	N/A	N/A
Parks and Green Spaces	SP 557 Average Performance Quality Score (Grass Verge Standards) (Quarterly)	Quarterly measure					4.95	5			
Parks and Green Spaces	SP 559 % of tree works commissions completed within SLA (30 days) (Quarterly)	Quarterly measure					94%	86%			
Parks and Green	SP 560 Number of friends and similar groups volunteering	Annual measure					N/A	41	N/A	N/A	N/A



Dept.	PI Code & Description	Jul 2021					2021/22					
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Spaces	within Merton's parks and open spaces (Annual)											
<b>Transport</b>												
Transport	SP 456 Days lost to sickness absence - Transport (cumulative) (Monthly)	4.23	0.75				13.79	3				
Transport	SP 136 Average % time passenger vehicles in use (transport passenger fleet) (Annual)	Annual measure					N/A	85%	N/A	N/A	N/A	
Transport	SP 137 % User satisfaction survey (transport passenger fleet) (Annual)	Annual measure					N/A	97%	N/A	N/A	N/A	
Transport	SP 271 In-house journey that meet timescales (transport passenger fleet) (Annual)	Annual measure					N/A	85%	N/A	N/A	N/A	
Transport	SP 526 % of Council fleet using diesel fuel (Annual)	Annual measure					N/A	80%	N/A	N/A	N/A	
<b>Leisure</b>												
Leisure	SP 251 Income from Watersports Centre (Monthly)	£119,802	£127,000				£188,112	£219,500				
Leisure	SP 349 14 to 25 year old fitness centre participation at leisure centres (Monthly)	7,822	7,727				26,014	29,820				
Leisure	SP 405 No. of Leisure Centre users (Monthly)	65,216	73,274				189,126	293,096				
Leisure	SP 406 No. of Polka Theatre users (cumulative) (Quarterly)	Quarterly measure					1,689	3,180				

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## E&R Sustainable Communities

Dept.	PI Code & Description	Jul 2021					2021/22					
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
<b>Development and Building Control</b>												
Development and	CRP 045 / SP 118 Income (Development and Building Control)	DNR	163,833	DNR	DNR	DNR	298,268	491,499				

Dept.	PI Code & Description	Jul 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Building Control	(Monthly)										
Development and Building Control	CRP 051 / SP 114 % Major applications processed within 13 weeks (Monthly)	DNR	80%	DNR	DNR	DNR	66.65%	80%			
Development and Building Control	CRP 052 / SP 115 % of minor planning applications determined within 8 weeks (Monthly)	DNR	72%	DNR	DNR	DNR	74.49%	71%			
Development and Building Control	CRP 053 / SP 116 % of 'other' planning applications determined within 8 weeks (Development Control) (Monthly)	DNR	83%	DNR	DNR	DNR	83.78%	82%			
Development and Building Control	DATA 007 /SP 414 Volume of planning applications (Monthly)	DNR	Data only	DNR	DNR	DNR	1,113	Data only			
Development and Building Control	SP 040 % Market share retained by LA (Building Control) (Monthly)	65%	54%				64.55%	54%			
Development and Building Control	SP 113 No. of planning enforcement cases closed (Monthly)	DNR	44	DNR	DNR	DNR	51	132			
Development and Building Control	SP 117 % appeals lost (Development & Building Control) (Quarterly)	Measured Quarterly					0%	35%			
Development and Building Control	SP 380 No. of backlog planning enforcement cases (Monthly)	DNR	490	DNR	DNR	DNR	531	490			
<b>Future Merton</b>											
Future Merton	CRP 096 / SP 020 New Homes (Annual)	Annual measure					N/A	918	N/A	N/A	N/A
Future Merton	CRP 101 / SP 389 Carriageway condition - unclassified roads, % not defective (annual)	Annual measure					N/A	75%	N/A	N/A	N/A
Future Merton	CRP 108 / SP 475 Number of publically available Electric Vehicles Charging Points available to Merton Residents (Annual)	Annual measure					N/A	200	N/A	N/A	N/A
Future Merton	DATA 008 Streetworks - number of utility works overrun incidents (FPN issued) (Monthly)	6	Data only				38	Data only			
Future Merton	DATA 009 £ fines from Streetworks FPNs (Monthly)	15,720	Data only				81,900	Data only			

Dept.	PI Code & Description	Jul 2021					2021/22					
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Future Merton	SP 327 % Emergency callouts attended within 2 hours (traffic & highways) (Monthly)	100%	98%				100%	98%				
Future Merton	SP 328 % Streetworks permitting determined (Monthly)	100%	98%				100%	98%				
Future Merton	SP 391 Average number of days taken to repair an out of light street light (Quarterly)	Measured Quarterly					1.08	3				
Future Merton	SP 476 Number of business premises improved (Annual)	Annual measure					N/A	10	N/A	N/A	N/A	
Future Merton	SP 508 Footway condition - (% not defective, unclassified road) (Annual)	Annual measure					N/A	75%	N/A	N/A	N/A	
<b>Property</b>												
Page 15	Property	SP 024 % Vacancy rate of property owned by the council (Quarterly)	Measured Quarterly					1%	3%			
	Property	SP 025 % Debt owed to LBM by tenants inc businesses (Quarterly)	Measured Quarterly					6.5%	7.5%			
	Property	SP 386 Property asset valuations (Annual)	Annual measure					N/A	150	N/A	N/A	N/A
	Property	SP 518 Number of completed Rent Reviews (Quarterly)	Measured Quarterly					1	4			

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## **Committee: Sustainable Communities Overview and Scrutiny Panel**

**Date: 2 September 2021**

### **Subject: Flooding update**

Lead officer: Director of Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Housing, Regeneration and the Climate Emergency, Councillor Martin Whelton

Contact officer: Senior flood risk engineers, Tom Sly and Selisa Fergus Fleary

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#### **Recommendations:**

A. That Members note the contents of this report.

#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report provides an overview and update on the recent flooding in the borough and explains our statutory duties, responsibilities and actions along with other Risk Management Authorities including Thames Water and the Environment Agency.

#### **2 DETAILS**

##### **Summary of recent flooding:**

- 2.1. Significant flooding occurred in Merton and in other parts of London throughout a number of dates in July 2021 due to heavy and high intensity thunderstorms resulting in flooding of roads and town centres and internal flooding of homes and businesses, mainly from surface water.
- 2.2. Met Office Weather Warnings and Flood Alerts were issued last month by the Environment Agency's Floodline service on 12th July, 20th July, 23rd July and 25th July 2021. The latter was escalated to a warning for the Beverley Brook at West Barnes and Motspur Park on the 26th July 2021.
- 2.3. Analysis shows that the 12th July 2021 was an extraordinary event with over a month's worth of rain falling in just one hour, in a significant part of west London.
- 2.4. Following the flood events in July 2021, the Leader of the Council wrote to Thames Water raising concerns about the flooding and particularly their assets and asking for their ongoing support for residents.
- 2.5. In a response letter to the Leader of the Council (Cllr Mark Allison) and the Chief Exec (Hannah Doody), on the 21st July, Thames Water stated that *'initial figures suggest that last week's storm was overall a 1 in 100-year event. However, due to the very localised nature of the rainfall, some areas saw a far more intense downpour, pushing that figure towards a 1 in 300-year event.'*

2.6. Within Merton we have had reports of up to 160 homes being flooded internally.

2.7. **Locations affected in Merton:**

2.8. The worst of the rainfall occurred in the west and south west of the borough.. Significant and internal flooding of properties occurred in Raynes Park, West Barnes, Lower Morden, Cannon Hill, Dundonald, Hillside and Wimbledon Park.

2.9. The sources of flooding experienced on these events were:

- sewer flooding on streets and within people’s homes from Thames Water’s sewer assets,
- surface water flooding on the highway from heavy rain leading to the drains being full of water and not being able to drain away fast enough
- river flooding from the Beverley Brook overtopping its banks.

**Who is responsible for managing flood risk in Merton?**

2.10. Section 7 of this report sets out the statutory framework and lists the responsibilities of the council, the utilities companies (in Merton, Thames Water and Sutton and East Surry Water), the Environment Agency and Transport for London.

2.11. In summary, and most relevant to the July 2021 rainfall, the responsibilities in Section 7 can be summarised as

2.11.1 Merton Council is responsible for ensuring that the gullies and drains in the road are kept clear so rainwater can drain away. As set out in Section 7 of this report, we also have responsibilities for emergency planning.

2.11.2 Thames Water are responsible for ensuring that the surface water sewers / pipes under the road that the council’s gullies run into are kept clear so water can drain away.

2.11.3 The Environment Agency are responsible for river flooding.

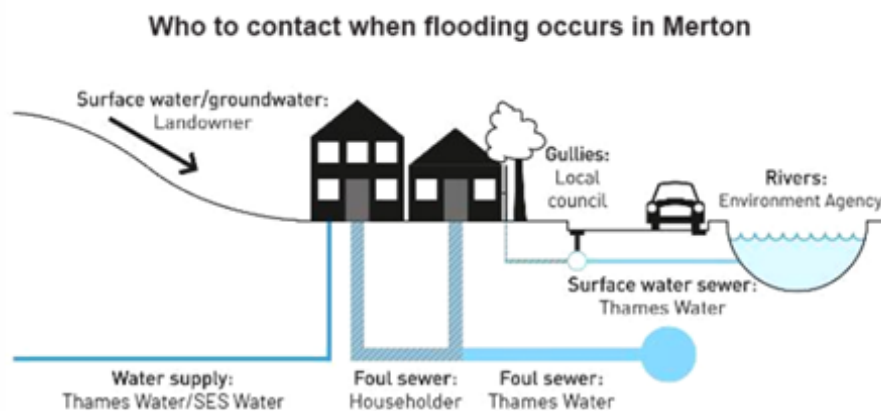


Illustration copyright © Hillingdon Council 2021. Used with permission.

2.12. **What has the council done?**

- 2.13. Parts of Merton, including Raynes Park town centre, have historic records of surface water flooding and the council has been working proactively to try and reduce flood risk from heavy rainfall.

#### **Increased gully cleaning and quality of data to predict future issues**

- 2.14. Merton's Gully cleaning service is managed by Publicspace and their term contractor Veolia. In addition to this, Highways term contractor FM Conway are used for High Risk Gully cleansing, highway drainage works and repairs to assets.
- 2.15. Merton's "high risk" gully cleaning focuses on about a third of the borough's 17,000 gullies each year. It takes a "smart cities" approach, using data gathered from the gullies. This includes
- Measuring the level of silt in the gully so we can understand how quickly particular roads or gullies are silting up and what might be causing problems in each area
  - Cleaning gullies ensuring they run free and fixing any damaged council gullies
  - Using GPS, updating the state of the gully online so we have real-time information as to what gullies are cleaned and the level of silt since the last cleanse
  - Using CCTV to ensure the gully and the associated Thames Water sewer is free draining
- 2.16. The council also runs an A-Z gully cleaning service across the whole borough which visits every gully across a three-year period. .

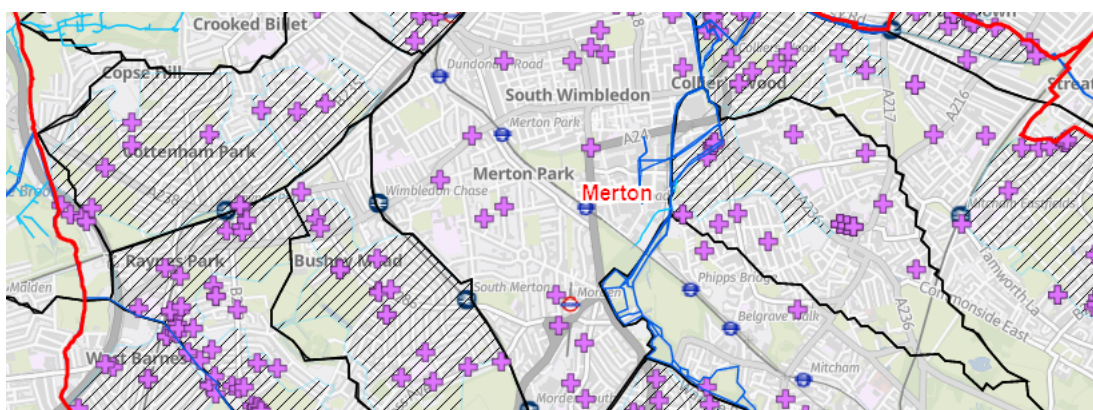
#### **Installed gully sensors**

- 2.17. We have also installed gully sensors across Merton, particularly in areas that are susceptible to surface water flooding such as Raynes Park and Wimbledon town centres. These sensors notify us in real time if the gully is blocked (for example, if someone pours building waste down it) so we target particular blockages and ensure that they are dealt with swiftly.

#### **Extensive CCTV of council highways and Thames Water surface water sewers and supporting Thames Water to repair their assets in Merton**

- 2.18. Council officers have been proactive in undertaking CCTVs not only of council pipework but also of Thames Water assets and reporting problems found to Thames Water. This work is often carried out with road closures and overnight to minimise disruption to residents.
- 2.19. In late 2020 the council undertook CCTV of council gullies and Thames Water surface water sewers in the Raynes Park area and found that the Thames Water sewers were partly blocked with silt.
- 2.20. Officers liaised with Thames Water and organised a night-time road closure in the Raynes Park area to allow Thames Water to come and remove 21 tonnes of silt from Thames Water's pipework in Raynes Park. Council officers have continued with this offer to arrange for night time road closures to enable Thames Water to clean or repair their assets.

- 2.21. Council officers also proactively participate in Thames Water’s drainage and asset management plans to try and ensure that Thames Water include records of historic surface water flooding at places like Raynes Park and other areas of Merton in deciding where to prioritise their repairs and resources.
- 2.22. Made it easier for all property owners and occupiers to find out if they are in or near an area of flood risk
- 2.23. As Lead Local Flood Authority, it is the council’s duty to consider flood risk from all sources, not only from rivers but surface water flooding from heavy rain and groundwater flooding. The council has prepared a Strategic Flood Risk Assessment with neighbouring boroughs of Wandsworth, Sutton and Croydon for flooding from all sources in south London
- 2.24. However many people focus on fluvial flood risk and don’t fully consider that other parts of south London, far away from rivers and streams, are also at risk of flooding. Therefore we have prepared Merton’s Strategic Flood Risk Assessment as a GIS Storymap, to make it as easy as possible for residents, businesses, utilities companies and others to find out what parts of Merton are at risk from flooding. It also includes some historic records of flood incidences and the British Geological Survey’s data on the underlying bedrock in Merton.
- 2.25. [Merton’s Strategic Flood Risk Assessment Storymap](#) is available on the council’s website. Below is an extract of areas at risk of surface water flooding in Merton together with historic flood incidences reported to the council.



- 2.26. Merton’s adopted and emerging planning policies require all development to consider and manage flood risk from all sources. The council has also provided specific planning guidance on Sustainable Drainage Systems and basement and subterranean developments to help development proposals manage flood risk.

**Thames Water**

- 2.27. As set out above, council officers have been working closely with Thames Water for a long time towards getting additional investment into TW assets in Merton and to solving problems identified in previous flood events.
- 2.28. Merton’s senior flood risk management engineer participated in all Thames Water’s workshops on their Drainage and Wastewater Management Plan to



try and ensure the conditions we are experiencing in Merton are reflected in TW's asset management plans for the future.

2.29. As well as the asset management above, council officers and Thames Water attended Raynes Park community forum in September 2019 to answer residents' questions on flood risk and ensure that everybody is aware to contact both Thames Water and the council to get help with flooding. Officers and Thames

2.30. In July 2021 the Leader of the Council wrote to Thames Water (see appendix A) raising concerns about the flooding and particularly their assets and asking for their ongoing support for residents.

2.31. Council officers are continuing to hold regular meetings with the head of operations of Thames Water, their asset managers and systems planners to ensure actions are being implemented by TW. These will continue indefinitely to ensure that blockages and problems with Thames Water assets do not continue to cause problems for Merton residents.

2.32. As a result, Thames Water have agreed to

- undertake CCTV surface water sewers that council officers have alerted them to, to repair their assets and remove silt, particularly around Raynes Park, West Barnes Lane, Wimbledon town centre, Garth Road and Wimbledon Park.
- seek internal approval to embark on hydraulic modelling within Raynes Park and other areas.
- Investigate why surface water is overloading their foul water network and causing sewage flooding on streets and in people's homes. In the Raynes Park catchment, Thames Water have a separate surface water (rainwater) and foul water (sewage) system, however in heavy rainfall rainwater is getting into Thames Water's foul water system somewhere, causing sewage overflows into people's properties and Thames Water do not know where this is happening.

2.33. As required by [Section 19 of the Flood and Water Management Act 2010](#) , the council will be undertaking investigations into the specific causes of flooding of people's properties where five or more properties were flooded in an area.

### **Reporting flooding**

2.34. It is extremely important that property owners and occupiers contact both the council **and** Thames Water when they experience flooding within their properties following heavy rainfall.

2.35. During periods of heavy rainfall, residents and businesses all over London are reporting flooding on roads and sometimes within properties. Thames Water will prioritise their resources on the basis of the number of calls. Images in the media, calls from councillors and council officers to Thames Water on behalf of property owners do not count towards prioritising Thames Water resources.

2.36. Following the 12<sup>th</sup> July 2021 flood events in Raynes Park and despite the extensive photo and video coverage on Sky News, BBC News and other

online media and phone calls from council officers, on 19<sup>th</sup> July 2021 Thames Water told council officers that they had no records of flooding on roads such as Abbots Avenue aside from calls from council officers. Thames Water explained that they had records of +100 calls from other areas in west London at the same time so prioritised the immediate action to those locations.

- 2.37. Thames Water's long-term investment plans are based on the number of reported incidents of flooding, so by not reporting flooding to Thames Water not only are residents not able to get immediate help, Thames water do not prioritise Merton for future investment.
- 2.38. Despite the messages on the council's website and both Thames Water and council officers attending Raynes Park Community Forum to promote the need to contact both parties, residents are still calling the council on all flood matters, including sewage. This may be because:
- The council is far easier to get hold of – during the July 2021 flood events council officers spent 2 hours per call trying to get through to Thames Water's flood line.
  - Thames Water's website states "*problems with flooded roads should be reported to your local council*" and does not explain that it should also be reported to Thames Water if there is any doubt about what might be causing the flooding such as blocked Thames Water sewers preventing the water from draining away.
  - Thames Water call centre options divert callers to call their Local Authority
  - Thames Water's website requires callers with sewer flooding within or outside their homes to download a PDF, complete it and post it to Thames Water to report sewer flooding. This is not practical while someone's property is flooded with sewage.
- 2.39. Council officers have raised these issues with Thames Water and asked Thames Water to amend their website and the advice being given from TW's call centre. Council officers have also asked Thames Water to make it easier for residents to report flooding, particularly sewage flooding and have asked Thames Water to distribute paper copies of their online guidance "[what to do if sewer flooding affects your home](#)" and the [Thames Water foul water flooding report](#) to affected parts of Merton.
- 2.40. Thames Water will help clean up sewage flooding inside and outside people's properties and bill payers are able to claim money back from their Thames Water bill (see the guide on the [Thames Water website](#)) but Merton residents may not be receiving this help unless they have contacted Thames Water directly to report their sewage flooding – reports from council officers and councillors do not count towards this..

### **Next steps**

- 2.41. The changing climate is leading to an increase in extreme weather globally and we are seeing an increase in heavy downpours and associated flash flooding in the summer months in London and the south east. The topography of south London means that some parts of Merton that are not

near rivers remain susceptible to flash flooding from heavy rain (e.g. Raynes Park, as it lies at the bottom of a hill). It will not be possible to entirely prevent future flood events.

2.42. Merton Council will

- Continue to encourage Thames Water to make it easier for residents and other property owners to contact them and get help, both during a flood event and afterwards.
- Ensure council gullies and assets are well maintained and clean; continuing the “smart cities” approach to get real-time data from increasing gulley sensors.
- Continue to work closely with Thames Water to ensure their assets are unblocked and repaired.
- Undertake Section 19 investigations where 5 or more properties have flooded.
- Review Merton’s gulley cleaning performance to ensure that both the high risk programme and the A-Z programme are performing at the optimum level.
- Ensure that flood risk management services feed into the council’s current review of its emergency planning.

### **3 ALTERNATIVE OPTIONS**

3.1. None for the purposes of this report

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. The council’s website has been updated to give residents as much clarity as possible on who to contact in the event of a flood

4.2. As stated on the council’s website and at community events such as the Raynes Park forum by both Thames Water and the council, it is very important that residents and businesses contact Thames Water directly in the event of a flood in their homes, particularly if sewage is present. This is because:

4.2.1 Thames Water will help clean foul water and sewage up from people’s properties and streets if they receive a direct report from a resident

4.2.2 Thames Water will prioritise their resources to help the parts of London where they receive the most calls

4.2.3 Thames Water bill payers may be able to claim up to half their wastewater bill back from Thames Water but only if they contact Thames Water themselves

4.3. While Thames Water acknowledges calls from council officers and councillors, these calls do not count towards getting the residents this help.

4.4. [Thames Water’s website](#) provides more details including:

- [What to do if sewer flooding affects your home?](#)
- [Thames Water - report sewer flooding](#)

## 5 TIMETABLE

5.1. None for the purposes of this report.

## 6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. The level of financial impact will be updated when required work is identified and assessed.

## 7 LEGAL AND STATUTORY IMPLICATIONS

7.1. As a Lead Local Flood Authority (LLFA), Merton Council's, responsibilities relate to 'local' flood risk from surface water, groundwater and small rivers, streams and ditches, known as ordinary watercourses.

7.2. Merton is a Lead Local Flood Authority as defined in section 6(7) of the Flood and Water Management Act 2010 and as such in the event of becoming aware of a flood in its area has a duty under section 19 of that Act, to the extent that it considers it necessary or appropriate, to investigate:

(a) which risk management authorities have relevant flood risk management functions, and

(b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.

7.3. 7.3 Where the Council carries out such an investigation it must publish the results of its investigation, and notify any relevant risk management authorities.

7.4. The following organisations are designated Risk Management Authorities and the Floods and Water Management Act 2010 have a number of legal responsibilities for managing flood risk in the London Borough of Merton:

- Merton Council as the Lead Local Flood Authority and Highways Authority,
- Environment Agency,
- Thames Water Utilities as the Sewerage Undertaker, and
- Transport for London as the Highways Authority.

7.5. All Risk Management Authorities have a duty to cooperate with the LLFA, and other Risk Management Authorities when exercising their flood risk management functions.

7.6. Merton Council is responsible for:

- The drainage of surface water from the Strategic Road Network (SRN) and Local Distributor Roads, including Local Access roads (such as the A298, A236 and residential streets excluding private roads).

- Maintaining the road drains on minor roads, including kerbs, road gullies, ditches and the pipe network which connects to the Thames Water sewers.
  - Developing and implementing an emergency plan, contingency plan and business continuity plan.
  - Ensuring flood risk is considered in the Local Plan.
  - Making decisions on planning applications which may be at risk of flooding or increase flooding elsewhere.
  - Agreeing any works to ordinary watercourses (i.e. streams, ditches) which may affect the flow or storage of water.
  - Maintaining Council owned assets, such as drainage ditches, gullies, trash screens/grills.
- 7.7. Merton Council as the Highways Authority:
- 7.8. The highway drainage system is integral in the management and behaviour of surface water during heavy rainfall events. As a Highways Authority, the Highways Act 1980 requires that Merton Council ensure that highways are drained of surface water and where necessary maintain the highway drainage system, up to the point of connection with the sewer network.
- 7.9. Merton Council is a Category 1 Responder under the Civil Contingencies Act 2004 and therefore has a responsibility, along with other organisations, for developing emergency plans, contingency plans and business continuity plans to help reduce, control or ease the effects of an emergency. The complex and diverse nature of flooding and the consequences that arise require a comprehensive and often sustained response from a wide range of organisations, and as such Merton Council has prepared a multi-agency flood plan<sup>18</sup> to allow all responding parties to work together on an agreed coordinated response to severe flooding.
- 7.10. The Environment Agency is responsible for:
- Managing flooding from main rivers (e.g. River Thames, the Beverley Brook, the Pyl Brook and River Wandle), reservoirs, estuaries and the sea.
  - Providing a strategic overview for all sources of flooding and coastal erosion.
  - Regulation of third party works on main rivers.
- 7.11. Thames Water are responsible for:
- The drainage of surface water from development via sewers adopted by Thames Water.
- Maintaining public sewers owned by Thames Water into which the vast majority of the highway drainage connects.
  - Maintaining and improving its water mains and other pipes to reduce the risk of leaking or burst pipes.

- Reporting its performance each year to Ofwat (The Water Services Regulation Authority), including in respect of internal sewer flooding of properties.

7.12. Transport for London are responsible for:

The drainage of surface water from TfL adopted roads and red routes (major Strategic Routes including A24, A217 and A3).

Maintaining the drains on TfL adopted roads and red routes, including kerbs, road gullies, ditches and the pipe network which connects to the Thames Water sewers.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None for the purposes of this report.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purposes of this report.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. As set out in the body of this report.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix A – Letter from the Leader of Merton Council to Thames Water 15<sup>th</sup> July 2021

## **12 BACKGROUND PAPERS**

12.1. [Merton's Strategic Flood Risk Assessment including online Storymap](#)

12.2. [Merton's Local Plan including flood risk policies](#)

12.3. [Merton's Sustainable Drainage Systems supplementary planning document](#)

12.4. [Merton's basement and subterranean development supplementary planning document.](#)

12.5. [Thames Water - What to do if sewer flooding affects your home?](#)

12.6. [Thames Water - report sewer flooding questionnaire](#)

**COUNCILLOR MARK ALLISON**  
**LEADER OF THE COUNCIL**  
(Labour, Lavender Fields Ward)



**London Borough of Merton**  
**Merton Civic Centre**  
**London Road**  
**Morden SM4 5DX**

Ms Bentley  
CEO Thames Water  
Clearwater Court  
Vastern Road  
Reading  
RG1 8DB

*Tel:* 020 8545 3424 (Civic Centre)  
*Email:* mark.allison@merton.gov.uk

*Date:* 15<sup>th</sup> July, 2021

Dear Ms Bentley,

I'm writing to request Thames Water's urgent response to tackling the severe flooding that continues to cause serious disruption and damage to homes, businesses and infrastructure in Merton.

Large parts of Raynes Park town centre were again under water on Monday evening, impacting hundreds of residents and businesses yet again.

In particular, Coombe Lane, Worple Road, Abbots Avenue and the railway underbridges at Approach Road and Lower Downs were completely inaccessible and both were closed by the police. Vehicles were left floating and abandoned. Water entered a large number of premises causing significant damages to homes and businesses trying to recover from the Pandemic. In some areas, such as Worple Road, residents again reported sewage coming up into their homes through toilets.

Merton has worked collaboratively with Thames Water since the previous flooding that occurred last year. However, the occurrences of flooding in Raynes Park have happened every summer for the past five years and now significant investment is required from Thames Water to upgrade assets which are not maintained regularly and are not fit for purpose.

We understand that most sewers are designed to accommodate rainfall for events up to the 1 in 30 years, but given the regular and repeated incidences of flooding on storms which are below this magnitude, it is clear that your infrastructure requires upsizing.

The Council has to date undertaken detailed section 19 flood investigations, including facilitating road closures, Traffic Management, full CCTV of the network and parts of your sewers. Furthermore, we identified that the sewers were completely silted which enabled you to remove 21 tonnes of silt under our road closures in part of Coombe Lane by the railway station but the problem remains. To ensure the highway drainage network operates effectively, we have installed 4G gully sensors which are remotely monitored and have increased frequency of gully cleansing regimes.

The Thames Water pumping station at Abbot Avenue has failed every year for the past five years and has resulted in sewage spills and manhole surcharging foul water across the entire road.

In addition, residents and businesses have again complained this week that they are unable to log sewer flooding complaints or issues via your website. They have had to endure call wait times in excess of an hour to get through to your call centre and have been dissatisfied with the level of service from your contractors. As a joint infrastructure provider, we have also not been able to get in contact with you and have to use your call centre in the same way as the public.

We understand that future asset investment is informed by number of reports of flooding to you. However, your sewer flooding questionnaire is inaccessible due to the requirement to print and scan or post a paper PDF form – not the easiest thing to do when your home is flooded.

It is now critical that Thames Water sets out how it intends to alleviate these issues before residents suffer any further disruption.

I am keen to hear your proposed approach to managing this issue.

Yours Sincerely,

Mark Allison

A handwritten signature in black ink, appearing to read 'M. Allison', with a stylized flourish at the end.

**Councillor Mark Allison**  
**Leader of the Council**

Copy to: Matt Richardson, Alice Keeping





David Avery, Chair

03 August 2021

Clare Miller, Chief Executive

Clarion Housing Group

By email only

Dear David and Clare

## Eastfields Estate

I write following the regulator's consideration of your referral in relation to conditions on the Eastfields Estate in LB Merton. My colleague, Angela Holden has written to you to confirm that, following our enquiries, we have concluded that we do not have evidence of a breach of the consumer standards. Angela has set out further information in relation to our conclusion.

I acknowledge the constructive engagement and openness in your dealings with the regulator, and the information you have provided. Nonetheless, I wanted to write to you separately and would be grateful if you could bring this letter to the attention of your Board.

Notwithstanding our conclusions, there is no denying the level of shock that the footage aired by ITV News (and previously BBC) has prompted, which has been widely expressed both within and beyond the sector. As regulator, we have found it disappointing to see the poor conditions for tenants that were highlighted. In line with the Governance and Financial Viability standard, registered providers are required to safeguard the reputation of the sector, and it is clear that this has been damaged by recent media coverage. In the case of Clarion, as the largest housing association in the country, that reputational responsibility is particularly acute.

While we have reached a conclusion of no breach, there are a number of actions we would propose, some of which I know Clarion are already considering.

1 I understand that Clarion are undertaking a lessons learned exercise. I would urge you, in the interests of transparency and in recognition of your role as leaders within the sector, to publish the outcome of that exercise, both for the benefit of tenants and in order to share the learning more widely.

2 During our enquiries we have been struck by the absence of cases referred, either by tenants themselves, or by their elected representatives to the Housing Ombudsman. I would urge you to write to all tenants to remind them of the process for raising complaints with Clarion in cases where they are dissatisfied with the service they receive. We are clear, and it is a requirement of our Tenant Involvement & Empowerment standard, that registered providers have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly. That is also a clear aim set out in the Social Housing White paper.

However, where individual service failures or complaints are not being resolved, as you know the Housing Ombudsman can play a role in resolving disputes or investigating complaints which may lead to an order

of redress. I would therefore urge you, in writing to all tenants, to provide information about the Housing Ombudsman service. This is a very important point. There may be instances of individual failure, and it is the role of the Ombudsman to consider redress in such circumstances. Individual tenants may receive a better, and swifter outcome as a result. Across the sector, it is incumbent on all stakeholders to promote, and build confidence in, the systems for resolving issues where they arise – starting with the landlords themselves, with access to the Housing Ombudsman where necessary.

More generally across the sector, it is important to ensure that the system and architecture for putting things right has the confidence of tenants and other stakeholders. This may reduce the need which tenants feel to approach the media or operate through no win no fee lawyers who can have the effect of taking money out of the system, as they perceive they are only listened to if they do so. This approach can divert organisational resources away from resolving the issues, and most importantly, can delay resolution for the individual tenants affected.

3 In terms of communications, I would urge the Board to consider how Clarion engages with the local authorities it operates in, both at executive and political level – whether that is local politicians or Members of Parliament.

As part of our recent and previous regulatory engagement we have seen evidence of Clarion seeking to build constructive relations with local authorities, including at political level. However, we also receive feedback that Clarion can be unresponsive to local authorities, particularly in London. That may not be fair, or it may be an out-of-date perception – but in reputation terms, perception matters. Ultimately, tenants will be better served through open, transparent and accountable relationships at a local level.

I consider there could be value in the Board reviewing the organisational approach to engagement to establish whether there are areas for improvement. In terms of building confidence and trust in Clarion, it is important to seek to build constructive, effective relationships with local and political stakeholders, as you know. Again, I also consider that Clarion has a role to play in that regard in sector leadership terms.

I would be grateful for your views on the suggestions above and I would be happy to discuss the contents of this letter more fully with you or your Board.

Yours sincerely



**Fiona MacGregor**  
**Chief Executive**

## Committee: Sustainable Communities Overview and Scrutiny Panel

**Date: 2 September 2021**

### **Subject: Housing update**

Lead officer: Steve Langley, Head of Housing Needs

Lead member: Martin Whelton, Cabinet Member for Housing, Regeneration and Climate Emergency.

Contact officer: Steve Langley, Head of Housing

#### **Recommendations:**

A. No decision will be required as the report is for information only

#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. The purpose of this report is to provide an update on some of the measures already in place to manage a possible increase in homelessness services following the lifting of the eviction ban on the 1<sup>st</sup> June 2021.

#### **2 DETAILS**

2.1. The Council continues to perform well in the management of homelessness. This is despite the additional requirements set out in the Homelessness Act 2017 and the Covid 19 pandemic.

2.2. The Council continues to maintain its position on having the lowest number of homeless households in temporary accommodation of any London borough (197 as at March 2021).

2.3. The Council has successfully prevented a significant increase of households in temporary accommodation by maintaining its focus on the prevention of homelessness and by working with private sector Landlords to increase housing supply.

2.4. Following the adoption of the “everyone in” principle in March 2020 the Council and its partners have reduced the number of known rough sleepers to one.

2.5. Table A sets out performance against homeless prevention.

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
<b>Preventions</b>	465	504	480	455

2.6. Table B sets out performance against increasing housing supply in the private rented sector.

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
<b>RDS Lettings</b>	70	45	41	71

2.7. Table C sets out performance against the number of households in temporary accommodation.

	2017/18	2018/19	2019/20	2020/21
<b>Temporary Accommodation</b>	165	174	199	197

2.8. Whilst temporary accommodation performance remains strong and is due to the ongoing focus on homeless prevention changes to housing law and the return to pre pandemic possession arrangements may see an increase in homelessness activity over the coming months.

2.9. Sadly it is not possible to accurately predict the number of homeless episodes that may arise due to evictions increasing as there are a number of unknown factors involved in the equation. This view is supported by the research from LSE London which in summary tells us that the position going forward is unclear, but likely to be undesirable. A summary of the research:

- One of the most obvious concerns arising from the COVID-19 crisis was the fear that there would be mass evictions in the face of rent arrears. The government responded with suspensions of notice and eviction which still continue. There is thus a backlog of people under threat.
- Around 6–7% of tenants appear to be in arrears– around twice the ‘normal’ proportion. Some 10% of private tenants are thought to be unemployed, about double the average rate.
- Given projections of unemployment and the relationship between unemployment and rent arrears, over 400,000 tenant households might be expected to be in significant arrears at the end of the year.
- In many cases landlords and tenants have found ways of coping. But the longer tenants remain in accommodation where they can’t pay the rent, the higher their future debts will be and the greater difficulties facing both tenant and landlord.
- Perhaps most importantly, the courts will face major difficulties in coping with any significant increase in landlord claims. As a result, the time taken to get an order, let alone to gain possession will almost certainly increase significantly - implying that most cases now entering the system will not be completed until well into 2022.
- What impact this will have on the private rented sector into the medium term is unclear – but almost certainly undesirable

2.10. We have no way of knowing how many Landlords (social and private) will evict their tenants. Grounds for possession are extensive and include rent

arrears, anti-social behaviour, domestic abuse, false statements, breach of immigration rules (i.e. Right to Rent) and Death of a tenant.

- 2.11 In addition, pre Covid 19, the biggest cause of homelessness in Merton was the ending of Assured Shorthold Tenancies (often referred to as no fault evictions). It's impossible to predict with any degree of accuracy how many no fault evictions will take place over the coming months and years.
- 2.12 During the period 19/20 and pre the covid 19 pandemic, the Council received 281 homeless applications because of the ending of Assured Shorthold tenancies. We may wish to assume that similar numbers will occur going forward, but this cannot be assured.
- 2.13 As well as demand from private sector tenants and evictions there could be pent up demand from those who have had to remain longer in accommodation and those likely to face eviction later. For example those living in overcrowded situations where family / friends have agreed for family / friends to live with them pending finding long term accommodation.

#### **2.14 What has changed in regarding evictions**

From the 1<sup>st</sup> June 2021 Landlords will have to give four months notice (England only). The eviction ban also came to an end on the 31<sup>st</sup> May 2021 meaning that the bailiffs can restart the enforcement of possession warrants.

The four month notice period is expected to remain in place until 30 September 2021, when this will drop to two months' notice in England only. There will be exceptions to this for the most serious of cases which includes anti-social behaviour, accumulated rent arrears, false statements, Domestic abuse, breach of immigration rules and Death of a tenant

It is important to mention however that bailiffs have been asked not to carry out an eviction if anyone living in the property has Covid 19 symptoms or is self isolating.

#### **2.15 Homeless Prevention Activities**

The Homelessness Reduction Act 2017 ("the 2017 Act") which was implemented on 03 April 2018, placed new duties on the council to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants and this duty extends to those who are not in priority need of housing under the Act.

The 2017 Act did not replace the earlier legislation, but it created several new duties and gave additional rights of review to housing applicants. In particular, the 2017 Act created a new prevention duty requiring the council to take reasonable steps to prevent homelessness for any eligible applicant at risk of becoming homeless within 56 days.

The 2017 Act also introduced a new "relief" duty which requires the council to take reasonable steps to help housing applicants to secure suitable accommodation. The new duties created by the 2017 Act remain unchanged and as such, the Council will continue to deal with any new homeless cases as before the Covid 19 pandemic and after the lifting of the eviction and as per the requirements of the 2017 Act.

Examples of Prevention Activity include:

- Providing Personalised Housing Plans
- Securing Alternative Accommodation in the Private Rented Sector
- Negotiating to keep people where they are pending an offer of accommodation from the Housing Register
- Providing advice on security of tenure and defending possession action
- Preventing illegal eviction
- Signposting to other agencies
- Advice on the government's Debt Respite Scheme

## **2.16 Temporary Accommodation and the relief of Homelessness**

The Councils duties' and the use of temporary accommodation are set out in the Housing Act 1996 Part 7, as amended by the Homelessness Reduction Act 2017 and the associated Homeless code of guidance. The Act places a duty on local housing authorities to secure permanent accommodation for unintentionally homeless people in priority need. Authorities do not have a duty to secure accommodation for all homeless people. If an applicant has become homeless unintentionally the authority must assess whether they, or a member of their household, falls into a 'priority need' category.

2.17 The Council has a homeless placement policy which takes regard of the judgement *Nzolameso vs Westminster City Council*. There is however a limited supply of suitable affordable accommodation within Merton, but the aim is to provide accommodation in Merton wherever reasonable and practicable. Sadly whilst this is not always achievable the policy seeks to prioritise placements for in borough rehousing.

2.18 The Council takes reasonable steps to ensure that the dwelling is suitable for occupation and this includes ensuring that the property has:

- Gas Safety Certificates
- Electrical Safety Certificates
- Smoke detectors
- CO2 detectors

Currently, visits to the accommodation are carried out either by Zoom or Skype and personal visits are also undertaken but this are currently only in exceptional circumstances and following Covid 19 risk assessments.

2.19 As highlighted elsewhere in the report, the council performs well in the administration of homeless services with 197 households in temporary accommodation at end of March 2021. This compares well with circa 60,000 London households in temporary accommodation at the present time.

## **3 ALTERNATIVE OPTIONS**

None for the purposes of this report

**4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purposes of this report

**5 TIMETABLE**

5.1. None for the purposes of this report

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purposes of this report as information only

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. None for the purposes of this report as information only

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None for the purposes of this report as information only

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purpose of this report

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None for the purposes of this report as information only

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

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**12 BACKGROUND PAPERS**

12.1. None

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## Sustainable Communities Work Programme 2021/22

This table sets out the draft Sustainable Communities Overview and Scrutiny Panel's Work Programme for 2021/22 following discussions at the topic workshop on 7 June 2021.

The work programme will be considered at every meeting of the Panel to enable it to respond to issues of concern or to request new pre-decision items ahead of their consideration by Cabinet/Council.

The work programme table shows items on a meeting by meeting basis, identifying the issue under review, the nature of the scrutiny (pre decision, policy development, issue specific, performance monitoring, partnership related) and the intended outcomes.

**Chair:** Cllr Aidan Mundy

**Vice-chair:** Cllr Daniel Holden

### Scrutiny Support

For further information on the work programme of the Sustainable Communities Scrutiny Panel please contact: -

Rosie McKeever, Scrutiny Officer

Tel: 020 8545 4035; Email: [rosie.mckeever@merton.gov.uk](mailto:rosie.mckeever@merton.gov.uk)

For more information about overview and scrutiny at LB Merton, please visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

**Meeting date:** 24 June 2021 (**Deadline for papers:** 12pm, 16 June 2021)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Holding the executive to account</b>	Clarion Housing: Repairs and Maintenance		Representatives from Clarion will be invited to attend the session and answer member questions.	Update on performance of the service
<b>Holding the executive to account</b>	Housing: Accommodation and Eviction Ban		Steve Langley, Head of Housing Needs	
<b>Holding the executive to account</b>	Actions Log	.	Chris Lee, Director of Environment and Regeneration	Implementation update prior to November Council
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration	To highlight any items of concern and/or request additional information
<b>Setting the work programme</b>	Work programme 2021/22	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme.

Meeting date: 2 September 2021 (*Deadline for papers: 5pm, 23 August 2021*)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Standing items</b>	Actions log Performance Monitoring* Work programme	Reports and verbal updates  *Include update on Public Space indicators	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
<b>Holding the executive to account</b>	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session; Steve Langley	Monitor progress of recommendations
<b>Holding the executive to account</b>	Support to deliver Clarion's estate regeneration programme including the Stock Transfer Agreement		James McGinlay, Assistant Director for Sustainable Communities	Update prior to Cabinet
<b>Holding the executive to account</b>	Housing: Accommodation and Eviction Ban	Report	Steve Langley, Head of Housing Needs	Carried over from 24 June meeting
<b>Holding the executive to account</b>	Flooding issues	Report	Tom Sly, Flood Management Officer	Requested by Chair

**Meeting date:** 1 November 2021 (*Deadline for papers: 5pm, 21 October 2020*)

<b>Scrutiny category</b>	<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
<b>Standing items</b>	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
<b>Holding the executive to account</b>	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session;	Monitor progress of recommendations
<b>Budget scrutiny</b>	Budget/business plan scrutiny (round 1)	Written report	Caroline Holland, Director of Corporate Services	To discuss and refer any comments to the O&S Commission
<b>Scrutiny review</b>	Waste and Recycling:  How can Merton's residents be encouraged to increase the proportion of waste recycled	Written report including details of the variation of recycling at the lowest level of analysis e.g. route?  What are the opportunities to reset the conversation on waste e.g. providing each house or collection route a carbon score they are collectively owners for	John Bosley, AD Public Spaces	What are the three actions ward Cllrs could do to support the council's fly tipping strategy, to encourage residents to recycle and how can the department enable them to do so?

**Meeting date:** 18 January 2022 (**Deadline for papers:** 5pm, 7 January 2022)

<b>Scrutiny category</b>	<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
<b>Standing items</b>	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
<b>Holding the executive to account</b>	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session;	Monitor progress of recommendations
<b>Budget scrutiny</b>	Budget and business planning (round 2)	Report	Caroline Holland, Director of Corporate Services	To comment on the budget and business plan proposals at phase 2 and make any recommendations to the Commission
<b>Holding the executive to account</b>	Allotments  How can our boroughs allotments be best utilised to promote thriving ecology and healthy living?	Written report including how they are allocated and managed.	Chris Lee, Director of Environment and Regeneration; John Bosley	

Meeting date: 22 February 2022 (**Deadline for papers: 5pm, 11 February 2022**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Standing items</b>	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
<b>Holding the executive to account</b>	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session;	Monitor progress of recommendations
<b>Holding the executive to account</b>	Design Review Panel	Written report	Paul McGarry, Head of futureMerton	
<b>Scrutiny review</b>	Smart Cities  What are the collective opportunities from all departments scrutinised by the panel to use data to embrace the top three opportunities in smart cities agenda, and what available funding sources are available to support?	Report including a short list of opportunities to use the data to improve services	Paul McGarry, Head of <i>futureMerton</i>	The sensors, datasets etc from the borough feeding into a central point, and operationalised visual management and made available to councillors?

**Meeting date:** 8 March 2022 (*Deadline for papers: 5pm, 28 February 2022*)

<b>Scrutiny category</b>	<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
<b>Standing items</b>	Actions log Performance Monitoring	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
<b>Holding the executive to account</b>	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session; Steve Langley	Monitor progress of recommendations
<b>External scrutiny</b>	Clarion Housing Group: regeneration	Presentation	Representatives from Clarion Housing Group will be invited to attend	This session will be used to focus on Clarion's estates regeneration.
<b>Holding the executive to account</b>	Panel review  How can the sustainable communities' panel continue to add value to the departments, officers and cabinet members it scrutinises?	Written report		Prioritised list of improvements and a timetable/plan for their implementation
<b>Setting the work programme</b>	Topic suggestions 2022/23	Written report	Rosie McKeever, Scrutiny Officer	To seek suggestions from the Panel to inform discussions about the

				Panel's 2022/23 work programme
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