

06: Non ST Questions

From Councillor Imran Uddin to the Cabinet Member for Adult Social Care

Could the cabinet member update me on the budgetary pressures his department is facing this year?

Reply

The significant budgetary pressures on adult social care come from three main sources:

- We are having to pay higher fees to providers to ensure that we can still commission care and support for our customers. The reason for this is partly because of cost pressures for providers themselves (for example the National Living Wage) and partly because we are looking for capacity in a shrinking market in some key areas such as dementia nursing care. The market is shrinking in real terms as self funders and the NHS are making more use of it.
- The amount of care we are commissioning has increased in two key areas. Firstly the volume of home care hours (and particularly 'double ups') has gone up due to the increased dependency levels of those we are supporting, partly due to the NHS discharging patients earlier and less rehabilitated. Secondly, as in every year, there are people with high levels of need coming through into adult services as young people.
- Some of the mitigating underspends officers were able to use in previous years are no longer available

It is well known that the pressures in the first two areas are being seen right across the country.

I have worked hard with the Cabinet Member for Finance and with key officers to understand these pressures and how long term these are likely to be, and as a result we are looking to take some difficult decisions in order to ensure that we continue to abide by our agreed July Principles and prioritise services for vulnerable people.

From Councillor Linda Taylor to the Cabinet Member for Street Cleanliness and Parking

Can the Cabinet Member explain why, in a congested street in the centre of Wimbledon Park which forms part of a CPZ, it is possible for a Spanish-registered car to park there every day since November, effectively free of charge, whilst residents who have paid for an official parking permit have to park in streets some distance away from their homes?

Reply

The issuing of Penalty Charge Notices (PCN) is a legislative process.

When a PCN is issued, if payment is not made, in order for the case to progress to the next stage, the legislation we work to requires us to apply to the DVLA for details of the vehicles keeper so we can serve them with subsequent statutory documents.

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Where a vehicle has a foreign registration, the DVLA do not hold records of the vehicle keeper. This means that we are unable to serve the subsequent statutory documents to the vehicle keeper, as required by the relevant legislation.

Because we are unable to serve the Notice to Owner, Charge Certificate and Order for Recovery to the address of the vehicles registered keeper, as we are legally required to do, we are unable to satisfy the legislative requirements of the act that allows us to undertake the civil enforcement of parking contraventions in England, and the PCN becomes un-enforceable.

Where a foreign vehicle is brought into the UK, there is no requirement for the vehicle to be registered with the DVLA until it has been in the country for 6 months. At this point, if the vehicle has not been registered, the DVLA have powers to seize the vehicle and fine the owner.

Regrettably, unless there are changes to the relevant legislation, or changes requiring vehicles with foreign registrations to be registered upon their entry to the UK, this is a problem that enforcing authorities will continue to experience.

From Councillor Pauline Cowper to the Cabinet Member for Environmental Regeneration and Housing

Can the Cabinet Member outline some of his priorities for town centre regeneration in the coming year?

Reply

Merton is progressing with a number of town centre regeneration schemes which collectively will accommodate additional homes and support economic growth in the borough.

My priorities for 2017 range from the completion of some projects and setting out the groundwork for future projects.

Colliers Wood

In 2016 we saw the completion of major public realm upgrades at Baltic Close, Wandle Park and the Wandle Riverside as part of the £3m Connecting Colliers Wood Scheme (in partnership with TFL)

In 2017, we will shortly see the completion of the new piazza at Colliers Wood Tower and the first residents moving into the newly refurbished (and vastly improved) tower later in the year. Our regeneration team are supporting local business in the area through our programme of shopfront improvement grants. Three shopping parades in Colliers Wood will benefit from new shopfronts in the next year. We will also see the completion of the new Colliers Wood Library.

Rediscover Mitcham

We have already delivered the new Market Square, re-paved Majestic Way, created the new Clock Tower Gardens and restored Mitcham's iconic clock tower with the Heritage Lottery Fund and vastly improved the landscape and water quality of Three

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Kings Pond. Five empty shop units have been brought back into use. This year's Christmas lights in Mitcham were a spectacular new addition to the Fair Green.

In 2017 our priority is to complete the Rediscover Mitcham works, which include rationalising many of the road junctions, improving traffic flow, creating segregated cycle routes and re-opening London Road for buses. We will also be exploring opportunities for new business space and creative pop-up ventures in Mitcham Town Centre once the major road works are complete.

Morden

In 2017 the Council's regeneration priority will be to select a development partner to deliver significant regeneration in Morden. Work is now well underway with TfL and the GLA to test the viability of Morden's regeneration plans as a pre-cursor to taking the project to the market. We are making good progress with concept designs for Morden's road layout, traffic flow and solutions to the overcrowded and unsightly bus station. We hope to engage residents and business further in these plans later in the year.

We have also invested in many of Morden's independent businesses through shopfront and lighting improvements on London Road and we hope to complete in March, the transformation of the Art Deco Morden Court Parade.

Our latest newsletter for Morden regeneration is available online at www.merton.gov.uk/moreMorden

Future Wimbledon

Wimbledon is our main town centre with half the borough's jobs and a significant amount of local interest in Wimbledon's future, in terms of how the council will manage growth, respond to design quality and heritage and integrate emerging proposals from Crossrail 2.

We have now started the community workshops to understand people's views, concerns and aspirations for the town centre. This is in preparation for our masterplan that will be prepared throughout 2017. We will also be engaging businesses and landowners as the project progresses.

From Councillor Najeeb Latif to the Cabinet Member for Community and Culture

There appears to be deep concern and mistrust by the local trades union representatives in relation to the procedures and awarding of the contract to *idVerde* for parks and green space maintenance. This council has a duty of care towards the employees being transferred across to this company. Will the Cabinet Member therefore give a categorical assurance that in negotiating this outsourcing the rights of all staff members have been protected under TUPE and can he detail in his answer precisely how this is so?

Reply

I am pleased to see Cllr Latif is taking an interest in protecting workers under TUPE, although I am disappointed he has not raised his concerns about government policy until now. I assume he is aware that his Conservative friends in government have purposely diluted TUPE rights, with employers now able to renegotiate conditions one year after the transfer of staff. Previous TUPE rules which protected staff from being forced to move to a new place of employment have also been removed by the Conservative government.

It is already becoming clear that TUPE is under further threat from the Conservatives under Brexit, with Conservative MEP Martin Callanan calling for the scrapping of the Working Time Directive, the Agency Workers' Directive and the Pregnant Workers' Directive and leading Conservative think tank Civitas stating: "Securing an opt-out from TUPE with respect to public services should be a key priority."

This attack on TUPE is part of a pattern of attacks on workers' rights by the Conservative government including:

- Hiking up employment tribunal fees so that this is now only an option for the well paid
- Reducing the amount of time employers need to consult on collective redundancies from 90 days to 45 days
- Removing legal aid for all employment cases except discrimination

The Conservatives also tried to make it easier to sack workers and wanted striking workers to wear special armbands and to give police 2 weeks' notice of their tweets.

The council has had to consider different ways of delivering services such as green spaces due to the Conservative government's 40% cut in funding to local councils. Such dramatic government cuts inevitably mean cuts to local services but in Merton we have been innovative and found a way of working with our neighbouring boroughs to retain a quality green spaces service at a much lower price.

The Council recognises that this new way of working has meant some significant changes for the Greenspaces team and appreciates that the staff, some of whom have worked for the Council for many years, have been apprehensive about this.

The Council has recognised its responsibilities throughout the procurement process and both local authorities concerned (Merton & Sutton) and the incoming contractor, *idverde*, are aware of the TUPE law, have practical experience of transferring staff to external contractors and consider that the requirements of TUPE have indeed been met.

There has been a regular series of meetings and newsletters to update staff on progress since the procurement was first announced in the autumn of 2014 and throughout the process. A number of meetings have taken place between the staff, unions and *idverde* since the summer of 2016, including two individual staff one-to-one meetings.

In detail:

- The obligation to inform and consult prior to a transfer arises under reg.13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246). The council has undertaken extensive meetings specifically focused on the Phase C procurement with members of its Departmental Consultative Committee (DCC) over the past year providing detail on the ongoing progress of the two contracts (Lot 1 and Lot 2) thereby complying with its duty to inform alongside communication's with employees as described previously (briefings, team meetings, FAQ's, newsletters)
- Once the contract was close to being awarded and at the end of Fine Tuning, the Council's HR Department requested on 8 November 2016, that *idverde* provide detail of any 'measures' they envisaged taking. While there is always an obligation to inform, the obligation to consult arises only if either the transferor or the transferee anticipates taking measures in relation to affected employees as a consequence of the transfer.
- The formal consultation commenced on 16 December 2016 after the council's recognised trade unions representatives were formally advised that a transfer would take place and were invited to a meeting, facilitated by the council, to enable *idverde* to present their initial measures envisaged. Unfortunately, the invitation was declined by the Trade Unions but they were provided with the information on the same day. The council invited the Trade Unions to make any representations regarding these measures.
- *Idverde*, with the Council's help, agreed to arrange one to one meetings with all employees affected by the transfer. Many attended these one to ones and some declined. However, *idverde* produced a further list of FAQs and answers as a result of the one to one's.
- The regular communication and newsletters provided employees with the opportunity to also request a one to one with London Borough of Merton officers, if they were best placed to provide answers. This communication channel also provided an ongoing dialogue between the council and its employees.
- Once *idverde* were provided with the Employee Liability Information (as required by TUPE legislation) they had further measures envisaged and then requested further meetings be facilitated so they could present these to Employee Representatives (Trade Unions) and then to employees this took place on 17 January 2017.
- The Council received a formal 'measures' letter incorporating all measures envisaged by *idverde* on 19 January 2017 which it provided to the Trade Unions on the same day and sent individually to all employees affected by the transfer.
- The Council facilitated further one to one consultation opportunities (18 and 19 January 2017) with *idverde* to enable those who could not attend the first time the opportunity to meet with them and also for further questions arising as a result of further information received and the measures envisaged.
- The Employee Representatives raised concerns following the detailed measures presentation and letter and a further consultation meeting was held on Monday 30 January 2017 that provided further clarification of the measures by *idverde*.

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The transfer of the relevant components of the parks and grounds maintenance service to *idverde* occurred on Wednesday 1st February 2017.

In relation to staff terms and conditions under TUPE, the employees of the outgoing employer automatically become employees of the incoming employer at the point of transfer. They carry with them their continuous service from the outgoing employer, and should continue to enjoy the same terms and conditions of employment with the incoming employer.

Following a transfer, employers often find they have employees with different terms and conditions working alongside each other and wish to change/harmonise terms and conditions. However, TUPE protects against change/harmonisation for an indefinite period if the sole or principal reason for the change is the transfer. Any such changes will be void.

Collective agreements in place at the time of the transfer also transfer to the incoming employer. These include terms and conditions of employment negotiated through collective bargaining as well as the wider employment relations arrangements. Examples include: the collective disputes procedure, time off facilities, training for union representatives, negotiated redundancy procedures or job security arrangements and flexible working arrangements. Terms and conditions from collective agreements may be renegotiated after one year provided that overall the contract is no less favourable to the employee.

Finally, whilst not a TUPE matter Pensions are protected as the contractor is taking 'Admitted Body' status and staff who are members of the LGPS will continue to enjoy the benefits of a Local Government Pension unchanged.

From Councillor Dennis Pearce to the Cabinet Member for Environmental Regeneration and Housing

Could the cabinet member update us on the provision of affordable housing in the borough?

Reply

Over the past 5 years Merton has strengthened its performance on the delivery of affordable homes. This is despite the reductions in government grant for affordable housing and substantial changes to national planning rules which mean that most offices and other commercial buildings converted into homes no longer have to provide any affordable housing as part of their new development. The table below sets out Merton's performance since 2010. The lower performance in the 2015-16 financial year is due in part to the changes in national planning rules for the conversion of offices and the high number of homes build in Merton last year.

Over the past five years we have also worked in partnership to deliver some exceptional and award winning affordable homes: Brenley Park in Mitcham, winner of 2013 Best Development in the Affordable Homes Sector and in 2015 the Richard Rogers designed Y-Cube nominated for RIBA's prestigious Stirling Prize. Looking to the future we are continuing to pursue greater affordability for our residents in taking

forward the recommendations of the cross-party Affordable Housing Task Group from 2016.

We report on Merton’s performance each year in our authority monitoring report: www.merton.gov.uk/annual_monitoring_report

Financial Year	Total number of homes built in Merton (private and affordable) –	Number of affordable homes built in Merton	% Affordable (against 40% target)
2010/11	357	112	31%
2011/12	453	162	36%
2012/13	478	141	29%
2013/14	440	163	37%
2014/15	459	186	41%
2015/16	678	68	10%
Total	2865	832	30%

From Councillor Peter Southgate to the Cabinet Member for Street Cleanliness and Parking

In view of the rising concern over pollution generated by exhaust vehicle emissions, has the Cabinet Member considered introducing spot fines for motorists who leave their engines running unnecessarily e.g. When parked?

Reply

The Council can adopt powers to enforce vehicle idling and this is one of the measures currently proposed as part of the Councils new Air Quality Action Plan. We anticipate this plan will be open to consultation in February 2017.

From Councillor Gilli Lewis-Lavender to the Cabinet Member for Finance

I am aware that the Customer Contact Programme is in the process of being implemented albeit considerably delayed and that the Council is encouraging residents to interact online/by email wherever possible. However for countless residents it remains a real challenge to get a response from certain parts of the Council. Many of my residents who need to use the phone – especially those without internet access or where relevant enquires are not yet automated – share my frustration at being pushed from pillar to post only to end up where I started, with no clear indication of when or even if I will get an answer. Does the Cabinet Member

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understand the significance of the problems I have outlined above and does he agree with me that, as part of the Customer Contact Programme work, it is vital that the Council addresses the difficulties residents and Members have in getting through to the right person and then getting appropriate action?

Reply

Merton's Customer Contact strategy sets out the council's intention to make services more accessible for customers and enable them to be delivered 'right first time, on time'. The Customer Contact Programme is the primary vehicle to deliver this ambition and has already redesigned over 400 of the council's business processes so that they are available for customers to complete online, without having to call or come into the council. These new processes are also available to our contact centre staff so that where a resident chooses to call the council, their query or service request can be resolved immediately during that initial call. It is important to note that there is no intention to remove the telephone as a point of access, only to ensure that as many queries as possible can be answered by the officer taking the call rather than residents having to speak to a number of people. As a result of this we have seen an increase from 10% to over 50% of customers using the website to complete transactions with us. It has also had the effect of encouraging residents who may not have used Council services before to do so, as for example our new on-line bulky waste collection service. Our new Customer Contact system records all interactions so resident can be assured that we understand the history and issues related to their inquiry or request. Given your indication that both residents and Members are having difficulty getting through to specific service areas, officers have contacted you seeking clarification and will respond as soon as their investigation of the issues is complete. Please let me know if you would like any further assistance from me.

From Councillor Russell Makin to the Cabinet Member for Environmental Regeneration and Housing

Can the cabinet member comment on whether he has raised the issue of Southern Rail and the levels of service our residents in Mitcham are having to endure?

Reply

I have written to Chris Grayling, the Secretary of State for Transport with fellow South London transport leads on 18 November calling for devolution of Southern trains services to Transport for London immediately, given the appalling unreliability, delays and overcrowding that are being suffered on a near daily basis for Merton commuters who use Southern rail. I am disappointed that the secretary of state has reneged on promises previously made by the government and is not prepared to take action to address the issues with Southern Rail which is causing economic hardship on a near daily basis to many hard working people in the borough who rely on Southern Rail.

From Councillor Daniel Holden to the Cabinet Member for Street Cleanliness and Parking

Does Merton Council still endeavour to clean residential streets once a week?

Reply

Subject to contract award, From April 2017 the operational responsibility for street cleaning will be undertaken by our preferred/ recommended contractor, Veolia.

Veolia propose to implement a Neighbourhood approach to deliver the street cleaning operations which will allow the needs of the local area to be understood and addressed directly by accountable area Environmental Managers. This allows the staff to be fully integrated as part of the local community which they are responsible for.

The proposal is to establish 3 Neighbourhoods aligned to ward boundaries to facilitate this integration and provide local Members with clear visibility of the resources and points of contact for their ward. The contractor will be required to ensure that on the completion of any cleaning activity i.e. manual sweeping, litter picking and mechanical sweeping the relevant area of land has been cleaned to a Grade 'A' standard as reported in line with the guidelines set as part of NI 195, (the National Indicators for local Authorities). In addition to this the frequency of cleaning needs to ensure that town and district centres and residential roads meet a Grade 'B' standard as a minimum.

The Output specification may require cleaning of streets more frequently than weekly in some instances but it will be the output standards that matter.

From Councillor Joan Henry to the Cabinet Member for Street Cleanliness and Parking

Can the cabinet member update us on progress on modernising our refuse and recycling collection services?

Reply

We are working in conjunction with our neighbouring boroughs as part of the South London waste Partnership and have concluded fine tuning. We are currently in the process of finalising all financial and legal documents ready to issue Alcatel (late January). We are on schedule to award the contract early February with contract starting on 1st April 2017. The changes in waste collection and the introduction of wheelie bins are scheduled for Oct 2018.

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