

From Councillor Stephen Alambritis to the Cabinet Member for Adult Social Care and Public Health

Following the welcome decision not to further increase parking charges, can the Cabinet Member reassure us that she is seeing a change in people's behaviour with regard car-use, and is the anti-idling message getting through?

Reply

Data from residential permit holders in Merton shows a shift towards cleaner, greener vehicles has been taking place in the last 18 months, since emissions-based charging was being considered by Cabinet. The number of Electric Vehicles registered in Merton has already increased from 482 in the first quarter of 2020 to 824 in the first quarter of 2021. There has been an overall shift of approximately 15% of residential permits into a lower emissions band, which is consistent across all areas of the borough and irrespective of the length of enforcement of any Controlled Parking Zone.

It therefore appears that the package of policies and measures already implemented by Merton, TfL and the Government may have had a greater influence than anticipated on accelerating the transition to lower emissions vehicles.

Merton has already implemented and will continue to deliver a wide range of measures to support sustainable travel choices and to tackle climate change and air quality. The full range of actions the Council is taking are set out in Transport Strategy (LIP3), Air Quality Action Plan, and the Climate Strategy and Action Plan.

With regard to idling, Parking Services Civil Enforcement Officers (CEOs) have received anti-idling refresher training in September 2021 and in principle are equipped to engage with Idling drivers as part of their day-to-day duties. The difficulty the CEOs encounter is that idling is usually the secondary offence, primarily drivers who idle are parked illegally and CEOs must first deal with the parking contravention. CEOs will be invited to high profile idling events such as the one scheduled in Colliers Wood on the 23rd November. Whilst we believe the anti-idling message is getting through, we have a lot more work to do and will be carrying out more campaigns and advice to motorists.

From Councillor Daniel Holden to Cabinet Member for Adult Social Care and Public Health

Can the cabinet member confirm that the introduction of the emissions based parking tax has been permanently cancelled rather than just temporarily stalled?

Reply

Yes. The Council is recommending to no longer proceed with the scheme because it is recognised that many residents are, and will continue, to suffer economically as a result of the COVID-19 pandemic and other cost of living increases more generally. Travel patterns which shifted during the pandemic – including a reluctance to return to public transport – have continued longer than anticipated, with uncertainty as to when or

whether they will return. Moreover, Merton has already observed a significant shift to cleaner, greener vehicles during the time emissions-based charging has been considered, potentially linked to London-wide policies such as the ULEZ charge, and borough initiatives implemented in Merton, including low traffic neighbourhoods and school safety zones, as well as the Air Quality Action Plan.

From Councillor Nick Draper to the Cabinet Member for Culture, Leisure and Skills

Can the Cabinet Member explain how breaches of licencing conditions of events in Morden Park are dealt with, and include any examples form the past year?

Reply

Officers from Merton's Licensing Service have not been notified of any breaches in licensing conditions of events in Morden Park. However, should any breaches occur, the Licensing Team would follow the Council's enforcement protocol to deal with this matter. Officers are obligated to take a proportionate approach to enforcement and in the first instance would investigate to understand why the breach might have occurred and meet with the licence holder/Designated Premises Supervisor to establish whether there is any basis to any allegations.

Officers would consider what action would be appropriate based on the nature and severity of the breach. Options include:

- No action, where the breach may be minor and has been rectified
- Working with the licence holder/Designated Premises Supervisor to devise and agree an action plan to rectify the issues and preventing them from breaching the conditions in future,
- Written warnings which set out potential future sanctions if there is a further breach of the licence
- Review of the premises licence
- Prosecution

Licensing officers would also assess the severity of the breach and look to engage other Responsible Authorities under the Licensing Act 2003 if necessary, such as the Police, Environmental Health, Trading Standards, Fire Service to carry out joint enforcement action. Premises licence reviews and prosecution are used in extreme cases.

It is worth noting that the Licensing Team carry out proactive and reactive licensing compliance visits to licensed premises to investigate complaints or if concerns are raised. These visits ensure licence holders are complying with their business operating schedule. Sometimes these visits are carried out jointly with responsible authorities e.g. Police, Trading Standards, Environmental Health Section and Fire Service. Some of the visits may include test purchases to ensure compliance.

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

Can the cabinet member tell me how many penalty notices have been issued since the introduction of the school streets prohibition scheme?

Reply

Merton has a higher proportion of Schools Streets than any other borough in London, as recognised by the London Boroughs Healthy Streets Scorecard, which has this year published data to show the health of each borough's streets according to nine indicators. Indeed, the 2021 Scorecard revealed that more than two in five of Merton's schools now have a School Street (41%). Since introducing these schemes to help children to be safe from traffic, and to reduce levels of air pollution, there have so far been 27,709 penalty notices. A higher volume of notices coincided with the initial introduction of the scheme, and therefore at the start of enforcement (for the first two weeks of operation), a notice was issued for a vehicle entering the street for the first time, but no further charge was issued to the same vehicle.

From Cllr Paul Kohler to the Cabinet Member for Housing, Regeneration and the Climate Emergency

Will the Cabinet member confirm, regardless of the outcome of the Planning Applications concerning the land in question, that the Council will enforce the restrictive covenants, to which the AELTC agreed, when Merton sold the freehold of the Wimbledon Golf Club land to them in 1993?

Reply

The Council as the land owner with the benefit of this restrictive covenant takes this matter extremely seriously. At present there is no requirement for the Council to take any enforcement action since there is no breach or immediate pending breach of any of the restrictive covenants that were placed on this land in 1993. The Council will ensure that appropriate legal consideration is given to this matter as and when necessary and will act appropriately.

From Councillor Laxmi Attawar to the Cabinet Member for Local Environment and Green Spaces

Can the Cabinet Member update us on the number of FPNs issued for fly tipping offences?

Reply

Over the last 12 months between October 2020 and Sept 2021 we have issued a total of 248 Fix penalty Notices (FPNS) for Fly tipping. Our Fly-tipping Strategy has the primary aim of aligning our approach in tackling fly-tipping, not just through efficient and targeted

enforcement but through wider engagement with service partners, community groups and stakeholders. The goal of the strategy is to provide an overall reduction in fly-tipping incidents and an improved satisfaction of our residents regarding the cleanliness of the streets within their communities

As part of our fly tipping action plan, the service has reinforced the Council's zero tolerance to fly tipping at identified target areas in which we have deployed additional resources in the issuing of FPNs for fly tipping. The primary focus in the short term is to address the dumping of rubbish on the streets such as furniture and black sacks. We know that the majority of residents do not do this but sadly, there is a small minority who think it is ok. To date, we have written to over 2,500 households within the pilot areas advising them of the correct way to dispose of their waste along with reminding them the discarding of waste outside of our collection schedule is a criminal offence.

To take action against these people and tackle their anti-social behavior, we have increased the number of enforcement officers patrolling this area. Anyone caught dumping rubbish will be issued with a Fixed Penalty Notice of up to £400 or prosecuted under the Environmental Protection Act 1990, which can result in fines, Court action and a potential criminal record. Since the pilot has commenced, the service has issued 55 additional FPNs.

From Councillor Hayley Ormrod to the Cabinet Member for Housing, Regeneration and the Climate Emergency:

How can the residents on the Eastfields, Ravensbury and High Path estates trust this administration to ensure Clarion delivers on its promises when the Labour administration allowed so many of the 'ten commitments' to be broken?

Reply

In September 2014, near the start of the project, the council jointly signed up to the following list of 10 commitments with Circle Housing Merton Priory, now the Clarion Housing Group to ensure residents get the best out of any regeneration proposals for the three estates:

1. Circle Housing Merton Priory will consult with residents, consider their interests at all times, and address concerns fairly.
2. Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to Circle Housing Merton Priory.
3. Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in the household.
4. Existing Circle Housing Merton Priory tenants will keep all their rights and have the same tenancy agreement, including rent levels, in the new neighbourhood as they do now.
5. All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.

6. Circle Housing Merton Priory will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built.
7. Circle Housing Merton Priory will offer extra help and support for older people and/or disabled residents throughout the regeneration works.
8. Circle Housing Merton Priory will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.
9. Any growth in the number of homes will be in accordance with the Council's Development Plan so that it is considered, responsible and suitable for the area.
10. As a not for profit organisation, Circle Housing Merton Priory will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

As Cabinet Member for Housing, Regeneration and the Climate Emergency I do not accept that the 10 commitments have been broken as the majority have been implemented in full. As cabinet member I continue to meet regularly with Clarion Housing to ensure that tenants receive the very best outcomes from the regeneration plans but also that they tackle the repairs issues both on the three estates and on other estates in the borough.

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

Can the Cabinet Member please inform us of any recent successful prosecutions of rogue landlords in the borough?

Reply

In September 2021 the Council successfully prosecuted a rogue landlord and his associated property agency for letting unsafe properties and operating in a completely unlicensed manner, securing fines and costs in excess of £33,000.

Lavender Hill Magistrates' Court heard the case against Pedro Reis Tenajas and London Corporate Relocation Ltd on Tuesday 21 September. Neither Mr Tenajas – who was fined £22,000 by Tower Hamlets in 2019 for issuing sham licenses – nor his co-defendant attended.

In their absence, the court heard from Merton's legal team how the defendants had failed to apply for the correct license to rent out 11 Braemar Avenue, Wimbledon Park as a house in multiple occupation (HMO).

Further charges were made that they had failed to legally act as landlords, had not provided information to the property's occupiers, and had now carried out the legally required safety measures for an HMO.

Magistrates found the case to be proven against Mr Tenajas and noted that the failings were extremely serious, and had potentially put lives at risk. They also said the company had been uncooperative and obstructive, and had provided no company accounts.

London Corporate Relocation was ordered to pay fines and costs amounting to £21,750 to be paid within 28 days, while Mr Tenajas was slapped with a total of £11,530 to pay in the same time span, with a collection order applied to him.

From Councillor Oonagh Moulton to the Cabinet Member for Local Environment and Green Spaces

What action is the cabinet member taking to enforce the contract with Veolia to ensure public litter bins are emptied?

Reply

Following the commissioning of the waste collection and street cleansing service to Veolia, we have established a new clienting team who are responsible for the day to day contract monitoring and compliance delivery of the contract at a borough level. The Neighbourhood Client Team undertake site inspections and work closely with the contractor's Area Managers to ensure that service standards are maintained and any rectifications are addressed in line with our contractual agreements.

In order to hold the contractor to account there are a series of 'Service Performance Indicators' (SPI) which are used to measure the level of performance against an agreed criteria and service standards. These include the rectification of overflowing litter bins in our Town Centres and residential areas. Over the last twelve month we have received 572 reports (average 48 per month) of overflowing litter bins of which an average of 84% were rectified within the required timeframe.

This is further supported by the South London Waste Partnership who monitor the contractor performance , specifically those issues necessary at pan-borough level.

From Cllr Hina Bokhari to the Cabinet Member for Local Environment and Green Spaces

Could the Cabinet member detail what measures the council has taken to prevent fly tipping next to bins in West Barnes? And how many successful prosecutions and FPNs against fly tippers there have been, by ward during the period 2020-2021?

Reply

Our Neighbourhood Client Team undertake regular street inspections on a daily basis and ensure that all wards are inspected each week. To date this year , I am pleased to report that regarding street cleansing and litter services, our client team have undertaken more than 6,100 street inspections. Findings from these inspections have shown that

West Barnes is maintained to a high standard and has one of the lowest levels of fly tipping incidents reported across the borough. In 2020/21 the service received on average 26 requests per month, less than one per day with a total of 313 for the year. This compares to a total borough average of 43 per day which equates to a total 15,857 incidents in the corresponding year

In 2020/21 the level of proactive environmental enforcement for fly tipping was greatly impacted due to COVID and the implementation of Government Guidance which prevented our officers from searching through black sacks for evidence. Our focus shifted during the pandemic to scheduling street inspections and ensuring appropriate crews were equipped with the required PPE / equipment to ensure the safe removal of fly tipping incidents.

Over the last 12 months between October 2020 and Sept 2021 we have issued a total of 248 Fix penalty Notices (FPNS) for Fly tipping.

From Councillor Najeeb Latif to the Cabinet Member for Housing, Regeneration and the Climate Emergency:

Does the cabinet member believe that the planning department is as efficient as it could be?

Reply

In line with most planning authorities, Merton has been experiencing a significant rise in both planning applications across the board, and related enforcement cases. We are doing our best to tackle these in a consistent manner whilst maintaining quality of decision. We do have a larger backlog of enforcement cases than we would like, but have recently appointed a new Enforcement Team Leader who will be joining us soon and tackling these. With regard to planning performance, our statistics show that despite the increase in workload, and the ongoing issues caused by the pandemic, we are managing to maintain an acceptable level of performance. As of end September, our year to date achievement on Planning statistics was above target:

	YTD Achieved	YTD Target
% Major Applications Processed within 13 weeks	86.68%	80%
% Minor Applications determined within 8 weeks	76.68%	71%
% Other Applications determined within 8 weeks	83.65%	82%
% Appeals Lost	17.5%	35%

The above figures fail to reflect the productivity and efficiency levels of the service since we have proportionately fewer planning officers than most other London Boroughs and our Planning officers carry a larger caseload resulting in greater efficiency.

We recognise that our enforcement statistics need to be improving, but as mentioned, we are soon to having a new Team Leader in post, and we will be focussing on improving this important area of work.

	YTD Achieved	YTD Target
No of planning enforcement cases closed	127	264
Backlog of planning enforcement cases	561	490

From Councillor Dennis Pearce to the Cabinet Member for Partnerships, Public Safety and Tackling Crime

How is the cabinet Member dealing with the alarming rise in reports of Anti Social behaviour?

Reply

Safer Merton continue to respond to the complaints of ASB reported to the council. In order to respond to the increase in demand the council has agreed funding to recruit two additional ASB Officers until March 2022 which will increase the resource from two ASB officers to four in order to meet the rising demand.