

Committee: Council

Date: 19 November 2014

Wards: All

Subject: **Additions to the Approved Capital Programme above £500,000**

Lead officer: Caroline Holland – Director of Corporate Services

Lead members: Mark Allison – Deputy Leader and Cabinet Member for Finance, Caroline Cooper-Marbiah - Cabinet Member for Adult Social Care and Health, Cllr Judy Saunders - Cabinet Member for Street Cleanliness and Parking

Contact officer: Zoe Church – Head of Business Planning
Telephone: - 0208 545 3451

RECOMMENDATION

That Council approves the following two schemes for inclusion in the Capital Programme:

<u>Scheme</u>	2014/15 £	2015/16 £
<u>Expenditure</u>		
The Gables Conversion*	577,300	0
Measures to tackle traffic congestion and road safety	0	1,300,000
<u>Funding</u>		
Mansell Capital Grant	(577,300)	0
Revenue Contribution to the Capital Programme	0	(1,300,000)

*subject to reviewing the need for legal charge/financial penalties and clarification of the financial benefit to the Authority.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 Following reports to Cabinet 10 November 2014 this report requests the addition of two new schemes to the Capital Programme in excess of £500,000, in accordance with the Authority's Financial Regulations new schemes in excess of £500,000 requiring Council Approval.

2. DETAILS

2.1 Following Cabinet approval two schemes need Council approval for inclusion in the Capital Programme:

2.2 **The Gables Conversion** - Attached as Appendix A is the business case submitted for this ringfenced funding. The scheme would convert The Gables in Mitcham from 12 supported housing units to a minimum of 4 units (plus two

respite units) for people with severe learning disabilities and challenging behaviour.

- 2.3 The estimated cost of the scheme is £577,300 which would be funded by grant. New schemes above £500,000 require Council Approval. Given the length of time it has taken to develop a suitable scheme it must be commissioned by 31 March 2015 or the funding will be lost. To meet this deadline it is essential that it is progressed to Council for approval in November 2014. Approval by Council in February 2015 will not allow sufficient time to progress the scheme sufficiently by financial year end.
- 2.4 Approval to this scheme is requested subject to:
- i) The Authority reviewing the need for the legal charge and financial penalties
 - ii) Clarification of the financial benefit to the Authority
- 2.5 **Measures to tackle Traffic Congestion in Merton** - Attached as Appendix B is report detailing the proposed approach to tackling traffic congestion in the borough. The request for capital funding of £1.3 million is for the easing of traffic congestion through the deployment of Automatic Number Plate Recognition [ANPR] cameras and the posts/poles that these cameras are attached to. As part of the tender process, in late January 2015, for the above cameras the specification will include the maintenance of the Traffic Enforcement Efficiency ANPR cameras along with the public realm CCTV cameras.
- 2.6 Resident surveys have listed traffic congestion as one of the top 3 concerns in the borough and it has increased as a concern in the recent past. Council has already agreed to the use of ANPR through budget setting in 2012/13 though the date of introduction was anticipated as being 2016/17 subject to clarification of capital investment . Following further investigation into the technology and the implementation timetable this is now possible sooner than anticipated providing investment is made sooner .
- 2.7 During summer 2014 surveys were carried out at different locations within the borough with the aim of identifying how efficient and effective the existing enforcement methods are for capturing moving traffic contraventions and testing the technology available. These surveys clearly showed that the current methods of enforcement are not as efficient as they should be. The survey was carried out in June 2014 at 24 locations (bus lanes and Moving Traffic Locations) for a period of 1 week at each location. The survey data showed that the installation of ANPR cameras at these locations would significantly improve compliance .
- 2.8 The earlier introduction of ANPR will greatly improve the Council's ability to manage traffic flows, congestion, and traffic pollution, improve the free flow of all vehicles including buses and emergency vehicles as well as ensuring increased safety for pedestrians, particularly around schools. Motorists who do not comply with the moving traffic regulations will be affected by the issue of a Penalty Charge Notice. Capital costs of an estimated £1.3m are required in 2015/16,

which will be funded from anticipated fines from moving traffic contraventions in the first year of operation.

3. CONSULTATION UNDERTAKEN OR PROPOSED

3.1 Sustainable Communities Overview and Scrutiny Panel 8 January 2015.

4. TIMETABLE

4.1 Once approved these amendments will be added to the programme for the October Financial Monitoring Report.

5. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

5.1 These are detailed in the report.

6. LEGAL AND STATUTORY IMPLICATIONS

6.1 The progression of both schemes will be in accordance with Contract Standing Orders.

7. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

7.1 There are no specific human rights, equalities or community cohesion implications.

8. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1 There are no specific risk management or health and safety implications in this report.

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

9.1 Appendix A: The Gables Grant Submission Business Case

9.2 Appendix B: Tackling Traffic Congestion in Merton

10. BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT

Relevant Files and Information held by officers.

MANSELL PROJECTS

NHS England Business Case

1. **Strategic context:**

The Mansell report was published in 1993 and later revised in 2007. It set out the principles for service development for people with learning disabilities and challenging behaviour or mental health needs.

The Mansell Report identified key principles which have been recognised nationally:

- People with learning disabilities, whose behaviour presents a challenge to services, need good quality, specialist support, close to their family homes. This includes both housing and meaningful daytime opportunities.
- Challenging behaviour can be better or worse depending on how well services support the person. Our goal is to support the individual in achieving as good a quality of life as possible *in spite of* their challenges. The Mansell report states that “It is not an appropriate or achievable goal that the risk of challenging behaviour be completely eliminated.”
- For most people supporting them in a home (their own home or a small shared placement) near their family and friends will be the right decision.
- We need to recognise housing rights, so that once people have a proper home they cannot just be moved from one place to another because services have difficulty providing the support they need.

The report recommended better use of investment to achieve two aims:

- to develop and expand the capacity of local services for people with learning disabilities to understand and respond to challenging behaviour, and
- to provide specialist services locally which can support good mainstream practice.

2. **Local context:**

The Tri-Borough Learning Disability Commissioners’ Group is a partnership between the London Boroughs of Croydon, Merton and Richmond-Upon-Thames. The findings and recommendations in the Mansell report heavily influenced the Group to set up the Mansell Project Group.

The group bid for capital funding through the Learning Disability Development Fund to commission “a Registered Social Landlord (RSL) to provide 12 specialist supported housing units for people with severe learning disability and challenging behaviour”, with each borough receiving an allocation of 4 units.

In May 2006 the South West London Strategic Health Authority approved Capital funding of £1.8m towards the cost of providing this locally based accommodation for 12 people, although it was not until March 2008 that the £1.8m capital grant was transferred to Croydon Council, who undertook to manage the project on behalf of the boroughs .

In April 2009 a procurement exercise was undertaken but this attracted a poor response because of the downturn in the economy and RSLs deciding to consolidate rather than take on building of new schemes. NHS SW London Capital and Estates Committee granted an extension of the use of the grant until March 2013.

In March 2013, in light of the difficulties in procuring the developments through a single procurement process, a Memorandum of Understanding was produced which requested permission to split the remaining grant monies equally between the three boroughs, to take forward their own respective service models separately.

In December 2013, Croydon Clinical Commissioning Group confirmed the agreement for the remaining £1,731,886.00 capital fund to be split between the 3 boroughs. Each borough will receive £577,295.00, as well as the interest earned on the £1.8m, to take forward its own respective service models. Each borough is currently waiting for the transfer to be made.

There are currently no supported housing units for people with learning disabilities and challenging behaviour in LB Merton.

3. **What is the opportunity to improve?**

Since 2006, LB Merton has identified a significant problem placing people with severe learning disabilities and challenging behaviours in suitable accommodation within the borough, due to lack of specialist capacity amongst local providers. As a result, LB Merton places clients with challenging behaviour outside their local area at significant cost, making regular contact between the Learning Disabilities team, family and partnership working with the provider of services difficult. This has led to people moving when placements have broken down .

Out-of-borough Residential LD challenging behaviour placements	
Minimum	£1343.00
Maximum	£5976.32

There is an agreed need for a supported living service to address the shortfall of provision within Merton. Furthermore there is potential to deliver a better value for money service by utilising accommodation which enables efficient and economic delivery of care and support. This presents an opportunity for LB

Merton to commission a new local service which will improve provision for people with learning disabilities and challenging behaviour.

4. Client group:

The Learning Disabilities and Complex Needs Team works with 211 LD Adults receiving day care, many of whom have challenging behaviour. Working alongside Merton's Learning Disabilities Team, there is a Transitions Team. There are currently 200 clients on the Transitions Team case load, 23 of whom have challenging behaviour.

Merton's Learning Disabilities Team has identified 4-6 transitions clients living in residential colleges who will require Supported Living accommodation in approximately 1 year's time and will benefit from being moved into a new in-borough service.

5. Options appraisal

The Mansell Project internal stakeholders group carried out an options appraisal to establish the best service model for the Mansell Project.

5.1 Option 1 - Do Nothing:

Do not use the Mansell capital funding to develop supported housing units in Merton but continue to place people with learning disabilities and challenging behaviour out of borough. This is not an option as it goes against the principles in the Mansell Report. Furthermore, LB Merton will continue to place clients with challenging behaviour outside their local area, making it difficult to find solutions when placements break down, causing a failure to meet the needs of clients and increasing LB Merton's spend on placements.

5.2 Option 2 - Partner with a registered provider to develop land or an existing site in Merton.

If an RSL had a site or land, it would be cost effective for the LB Merton to partner with them. The partner would manage the scheme because L B Merton is not a stock-owning Local Authority.

However, this is not an option as a market engagement exercise was undertaken with registered providers to establish whether the registered providers had site or land with which to develop supported housing units for people with learning disabilities and challenging behaviour. The response from 3 registered providers was that the size of the project was too small to resource from a development point of view and therefore they were not interested in engaging in this project. The registered providers were Moat, Viridian and Haig Housing.

The time and resources required to source a registered provider to develop the supported housing units could mean the project became delayed, the capital grant may not be spent in FY2014/15 and the units may not be ready to accommodate clients who need housing in 2015.

6. Option 3 - Preferred option- Refurbish The Gables, 112 Tamworth Lane, Mitcham, Greater London CR4 1DB.

LBM already uses this building for people with learning disabilities. The Mansell capital will be enough to redesign the building to accommodate between 4-6 supported living units and 2 respite units for people with challenging behaviour.

6.1 Refurbishment Design Specification

- 4-6 supported housing units
- 2 respite units
- day opportunities 'hub', including a quiet sensory room and an active sensory room
- a sensory garden

Currently The Gables consists of 15 self-contained supported living units for people with learning disabilities. The redesign of The Gables will be delivered in partnership with Grenfell Housing Association, to whom the council-owned building is let until 2031. Grenfell will not be surrendering their current interest and will retain their current lease. They are in agreement for this project to go ahead and will continue to work in partnership with LB Merton.

The Mansell Project Internal Stakeholders Group visited best practice supported living services for people with learning disabilities and challenging behaviour, such as to Oakwood care home, Coulsdon Road, Caterham, Surrey, CR3 5WP and Holly Lodge, Vines Lane, Hildenborough, Kent, TN11 9LT. Gaining an understanding of best practice design principles, features and technology available will inform the redesign spec at The Gables to ensure it is a best practice model itself. Furthermore, the stakeholders' deep understanding of The Gables site and its potential for development will enable the redesign offer optimum value and effectiveness.

The day opportunities hub and sensory rooms will provide an opportunity for income generation for the council, making the service more sustainable. It will enable the LB Merton to continue to pay the same rents per room to Grenfell Housing Association, ensuring that the reduced number of housing units does not have a negative financial impact.

The project will be managed by LB Merton's Facilities Management Major Projects Team. This team has a proven track record of developing sites in Merton and will ensure the project is delivered in full compliance with all statutory regulations health & safety, building control, planning and design requirements for the delivery support and treatment of vulnerable persons.

6.2 Cost

The Capital Requirement will be covered by the £577,295 capital grant.

The current rent per room per week is currently £255.11. Income generation from the day opportunities hub and the sensory rooms and the housing benefit paid towards the housing and respite units will ensure that Grenfell Housing

Association continue to receive the same level of income before and after the redesign of The Gables, therefore the project is sustainable.

6.2.1 Care and Support provision

This is to be provided either by LB Merton's in-house team or commissioned externally via a procurement process

6.3 Development programme

Please see the attached Project Programme and Budget Plan, developed by LB Merton's Facilities Management Team.

7. Valuation

A valuation of the property was carried out on 18.08.14. The opinion of Market Value of the Freehold interest subject to a lease as at 18.08.14 is £470,000 (Four hundred and seventy thousand pounds sterling).

8. Legal Charge:

The Local Authority is prepared, subject to legal agreement/contract, to accept the Legal Charges associated with the grant such that the value of the Charge will be returned to NHS England should the service for people with learning disabilities cease or the property be sold before ten years from the date of the Charge and providing that the percentage to be repaid by the Local Authority will never be greater than an amount that would represent a financial loss.

9. Planning Permission

A Planning submission will not be required for this scheme.

10. CCG Commissioner support

That the scheme will deliver suitable and compliant premises:

The Council's Facilities Management Major Projects Team will ensure the project is delivered in full compliance with all statutory regulations health & safety, building control, planning and design requirements for the delivery support and treatment of vulnerable persons.

That use of the Grant is value for money (VfM) to the NHS compared to the NHS directly using the grant resources:

The scheme will be designed by an in house multi-disciplinary project team to meet the design brief and requirements for operational delivery. Tender documents will be prepared and checked by legal and procurement colleagues within the London Borough of Merton prior to invitations being issued via the London Portal to suitable qualified and accredited contractors. The tenders will be evaluated and awarded under a criteria of 70% cost and 30% quality and the recommended award will be checked and signed off at Director level.

The Facilities Management Major Projects Team will then manage the construction process on site and check programming, quality and value for money to completion.

Tackling Traffic Congestion and Road Safety in Merton

1. THE CHALLENGE

- 1.1. Traffic congestion is a significant concern for Merton residents. The annual Merton Residents Survey has consistently identified congestion as a key concern for local people over a number of years, with the 2013 survey finding that it was the third most important issue of concern with 25% of residents mentioning it.
- 1.2. Concern about traffic congestion is a London wide issue but concern in Merton is above the London average.
- 1.3. Congestion costs London an estimated £2bn in lost economic productivity, adversely affects Londoners' quality of life, causes frustration to road users, contributes to the deterioration of air quality and leads to higher CO₂ emissions.
- 1.4. Poor reliability and predictability of journey times means those who use the road network have to allow significantly longer for their journeys to ensure that they reach their destination on time. Improving the reliability of journey times on the road network has significant benefits for all road users, including those using public transport.
- 1.5. A number of regional and borough-wide strategies seek to tackle traffic congestion, including the Mayor of London's Transport Strategy, Merton's Sustainable Transport Strategy and Local Implementation Plan (LIP2).
- 1.6. Effective enforcement of waiting and loading restrictions on the highway network can have a significant impact on congestion levels, particularly during peak periods. In particular, this relates to unauthorised parking and /or vehicle movements on the main carriageway and in bus lanes.
- 1.7. An example relates to bus lane enforcement. If bus lanes are free from unauthorised parking and traffic, bus travel will be easier, quicker and more reliable. In turn, improving passenger journey times will encourage more people to opt for public transport rather than the private car, reducing congestion.

2 MEASURES TAKEN TO DATE

- 2.1. Inconsiderate or dangerous driving can increase congestion by increasing accident rates and reducing traffic flow (e.g. blocking box junctions or turning right illegally). As such there are congestion reduction benefits in reducing the incidence of such driving.
- 2.2. Merton employs a comprehensive road safety education programme to encourage safe and sustainable travel behaviour, with a particular focus on children, cyclists, motorcyclists and pedestrians. Given the recent pattern of

increasing casualty rates across London, including Merton, the programmes are being tailored to target the most vulnerable groups. The education programme compliments the physical road safety schemes that are implemented in the borough on an ongoing basis, including junction improvements, traffic calming, new crossing facilities and 'homezone' style initiatives. Tackling congestion related issues is expected to have a positive contribution on the council's road safety programme.

- 2.3. The Council has been enforcing bus lanes since 2004, and at every location compliance has improved over time – for example when the Hartfield Road bus lane was first reintroduced 1,564 PCNs were issued in the first full month, which has now dropped to 58 PCNs issued in October 2014.
- 2.4. However, due to the setup of the CCTV room it is not possible to monitor all 11 bus lanes simultaneously and so more can be done to improve bus journey times.
- 2.5. Moving traffic directives (for example 'no right turn' or box junction restrictions) are intended to benefit traffic flow while maximising road safety. The London Local Authorities and Transport for London Act 2003 (LLA & TfL Act 2003) gives the power to a local authority to take on the civil enforcement of certain Moving Traffic Offences (MTO's) by decriminalisation. This in effect allows the transfer of the enforcement responsibility from the Police to the traffic authority for certain offences. These contraventions relate to traffic controls in the Highway Code which help reduce congestion and improve road safety. Most London boroughs have taken up this power.
- 2.6. In 2011 full council agreed to step up work to tackle traffic congestion by introducing a new zero tolerance approach to traffic congestion, with compliance encouraged by levying fines on motorists who contravene the highway code by stopping in yellow box junctions, thus slowing down traffic, and disrupting traffic flows by making banned turns.
- 2.7. Although this initiative has been successful in improving compliance in some areas the Council's current enforcement technology is labour-intensive and not capable of effectively monitoring the increasing number of locations. There are around 40 moving traffic contravention locations and the Council uses 5 mobile enforcement vehicles to monitor these locations as well as numerous parking locations around the borough.

3 PROPOSAL

- 3.1. In the last few years new technology has emerged that is capable of automating large sections of the enforcement process using ANPR (Automatic Number Plate Recognition) and bespoke back office systems designed specifically for traffic enforcement.
- 3.2. There are numerous benefits to these systems compared to our existing setup:
 - a) No human operator required – CEOs currently spend around 500hrs per month monitoring CCTV cameras. This time could be

spent out on-street, enforcing parking restrictions and responding to complaints.

- b) 24/7 monitoring – all locations will be monitored for the entire duration of the restrictions – currently enforcement ends at 11pm despite the fact that many restrictions are 24hr.
- c) No missed contraventions – every vehicle that triggers the cameras will be recorded – currently CEOs miss hundreds of contraventions each day as they are physically unable to monitor all locations simultaneously. This would be a fairer system with all motorists treated the same.
- d) Streamlined review process – all video clips are sent to a back-office reviewing system. It then takes a matter of seconds for a reviewing officer to approve or reject an evidence pack.
- e) Automatic PCN creation – once an evidence pack has been approved all details, including photographs and CCTV footage, are automatically imported into 3Sixty (the application used to issue PCNs). Currently this information has to be typed into the system by the reviewing officers and we estimate that we lose £20k p.a. just as a result of typing errors leading to case cancellations.
- f) Online evidence – the CCTV footage of every contravention will be available to view online. This will reduce the need for personal appointments to view the footage, saving further officer time.

- 3.3. In order to improve traffic flows and to tackle congestion in the borough, it is proposed to use this new technology in order to achieve a more efficient service which will free up enforcement officers to focus on congestion hot spots of most concern to residents.
- 3.4. It is also planned to particularly focus on contraventions outside schools. The new technology is considered more effective than using CCTV vehicles, which by necessity have to park at the side of the road to enforce, thus further reducing the amount of space available for parents to stop to drop off their children.
- 3.5. Improving the way we enforce outside schools will make those streets safer and reduce the risk of accidents occurring and pollution due to vehicles parked up with their engines running.
- 3.6. It may also contribute to parents finding alternative means to take their children to school, such as public transport or walking.
- 3.7. As the cameras are redeployable they can be moved between locations as compliance changes, ensuring that the cameras are always in use.
- 3.8. It should be noted, however, that although initially there will be an increase in contraventions recorded, this will be followed by a drop-off as motorists change their behaviour and start to comply with the restrictions.
- 3.9. The introduction of new technology to assist in tackling traffic congestion is part of the Target Operating Model for the Parking section.

4 CONCLUSION

- 4.1. Merton is already undertaking a full range of measures to tackle congestion and improve road safety. However, ensuring compliance with moving traffic directives through utilising new technology will significantly increase compliance and improve traffic flows in the borough. This new technology will also make the service more efficient and will free up enforcement officers to focus on hot spot areas of most concern to our residents.
- 4.2. All of the measures to smooth traffic flow and improve road safety described above will directly tackle the causes of congestion on Merton's road. This will not only benefit the car user, but increasing the attractiveness and reliability of public transport services will also encourage more people to opt for public transport as their preferred mode of travel. They are supported by measures to improve and promote mode shift towards public transport, walking and cycling.