

# **Merton Council Council**

**7 February 2018**

## **Supplementary agenda**

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and Answers

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From **Councillor Jeff Hanna** to the **Leader of the Council**

Further to my email to the Leader of the Council, dated 19 October 2017, as follows:

*"I gather from Joan that she has asked for your support in enabling me to attend the meeting convened through the email chain below, and that you have referred this to officers, to check the terms of reference of PHCC meetings.*

*My understanding is that, your having replaced me on PHCC with Brenda, I have no right to attend PHCC meetings as a participating member of the committee, not even as a substitute – although I am unclear as to whether PHCC meetings are 'public' meetings which members of the public can attend as observers. However the meeting in question has not been called as a meeting of PHCC. If you read the email convening the meeting you will see that it is to discuss PHCC and is not a meeting of PHCC as such.*

*That means that the terms of reference are irrelevant. It is Moat's meeting and Moat can invite who they want and exclude who they want. Moat are apparently attempting to appropriate the Community Initiative Fund, some £150k+ a year, for their own purposes. They have attempted to do this in the past, and they know that it was my efforts, supported by council officers, which required them to re-constitute PHCC and set aside the CIF for PHCC to allocate for the community. It is understandable that they do not want me involved in this further attempt to take over the CIF funds.*

*Moat made commitments as part of the current redevelopment for **additional** community support. The contractors were to contribute to community projects and it seems that Moat are seeking to save on the costs of the contract through this apparent attempted appropriation of CIF funds. In my view that is unacceptable.*

*Moat have already unilaterally sacked the PHCC Chair, who was an independent member of PHCC to help achieve this, stating that they are closing down PHCC, excluding residents from the decision making process and giving councillors a token amount to make a pretence of local decision making. All of these actions are in breach of the legal agreement with Merton.*

*I have emailed Moat expressing my concern and seeking clarification, given those legal commitments made with Merton, copying this to [Council Officer's name]. I am emailing this to you separately, I have had no acknowledgement from Moat or from [Council Officer's name]..."*

*"Moat are clearly seeking to take advantage of your having removed me from PHCC, for reasons of your own. My personal involvement as such is unimportant. What is important are the principles involved. May I suggest therefore that you instruct officers to advise Moat that they may not make unilateral changes to the legal agreement which established PHCC, must involve councillors and officers in any proposals to amend the arrangements,*

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*and must make no changes unless and until a new legal agreement has been formally signed off by due process.*

*“I would also ask that you insist that any meetings to which councillors are invited include all three Pollards Hill councillors, to ensure that residents’ interests are properly represented, failing which no councillors or officers should attend.”,*

further also to my forwarding to you dated 19 October 2017 the following emails, originally sent to Moat on 16 October 2017:

*“I am somewhat concerned, having read the email below which has been forwarded to me. The dissolving of PHCC would appear to be in breach of the legal agreement entered into by Moat and Merton, by which PHCC was established. I am not aware of any renegotiation of that agreement, and as a ward councillor, albeit no longer a member of PHCC, I would have expected to be informed of any proposal to amend the agreement.*

*“The proposal for the monies to be split as described in the email would require either the agreement of PHCC, or an amendment of the Terms of Reference for PHCC, the latter having been established as part of the legal agreement, and requiring agreement by both Moat and Merton. I am not aware of either of these having occurred.*

*“This would appear to be yet another attempt by Moat to take over funding intended for the community, in order to minimise its own expenditure, in the process excluding residents in particular from the decision making process regarding its allocation. The proposed ‘dissolving’ of PHCC also removes the mechanism by which Moat has been held accountable for its management of the estate, as set out in the terms of reference, again removing the formal process by which residents can raise general concerns.*

*“May I request urgent clarification as to what is taking place. In particular I would ask for*

*“i Confirmation that PHCC will continue to operate under its Terms of Reference until any proposed changes are properly discussed and agreed by both Moat and Merton, following due process.*

*“ii A clear statement from Moat, as distinct from Richard’s email, as to what its intentions are, with whom, in Merton, they have been discussed to date, and how they currently stand.*

*“I look forward to your reply, but in the meanwhile I am copying this email to Merton’s Legal Officer, with the request to him that he takes any necessary steps to ensure that the legal agreement is adhered to.*

*“Yours,*

*“Jeff Hanna*

*"Cllr., Pollards Hill*

*"*

*"*

*"-----Original Message-----*

*"From: Richard Tomkinson [email address and details of recipients omitted]*

*"I was advised by email yesterday evening that my role as Chair of PHCC has come to an end, that the PHCC is to be dissolved, and that the CIF funding will be structured in a 'more simple format' from March, 'in that two separate 'pots' of funding will be agreed.*

*"1) £20,000 community chest for small grant application – which the Ward Cllrs will steer.*

*"2) £150,000 to deliver projects in line with the new social regeneration action plan. A model for this will be agreed in the coming months between Moat and the LA.'*

*"I wanted to let you know that yesterday's email was the first information I had received about this and whilst there has clearly been discussions between Moat and the Local Authority, I was neither privy to them taking place nor was I invited to engage in them."*

and further to my email to the Chief Executive of the council dated 16 November 2017, as follows:

*"I refer to my email, below, to Cllr Alambritis, expressing concern that Moat is failing to adhere to the Terms of Reference for the Pollards Hill Community Committee, established by legal agreement with Merton.*

*I have received neither a reply, nor an acknowledgement, from Cllr Alambritis, for reasons that I can only surmise. I am also disappointed to have heard nothing from Paul, to whom I copied earlier concerns expressed directly to Moat, in the hope that he would look into the matter.*

*I understand from Cllr Joan Henry, that Cllr Alambritis made a commitment to her prior to my email, that he would refer the matter to officers, but am unaware as to whether she has received any update from him.*

*Having negotiated the Terms of Reference with Moat and Merton when Moat previously closed down the predecessor committee to PHCC and apparently attempted to re-appropriate the CIF monies for their own purposes, I am concerned that history is now repeating itself, immediately following my removal from PHCC by Cllr Alambritis at Annual Council this year.*

*Under the circumstances, may I look to you to establish what is happening, and what action your officers are taking, if any, to ensure that Moat meets the legal obligations entered into on transfer of the housing stock in Pollards Hill to them, as embodied in the Terms of Reference of PHCC."*

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and to my follow up reminder emails to the Chief Executive dated 24 November 2017, 6 December 2017, and 15 December 2017,

will the Leader of the Council please detail what action has been and will be taken by himself and by council officers to rectify the situation whereby Moat is in clear breach of the legal agreement with the Council to enable the Pollards Hill Community Committee to manage the Community Initiative Fund for the benefit of residents, having unilaterally dismissed the Chair of PHCC on 26 September 2017, and having held no meetings of the PHCC since that date,

including detailed explanations as to:

- i. Why the Leader of the Council failed to acknowledge let alone reply to my email of 19 October 2017 as above,
- ii. Whether there had been any discussions between Moat and any council officers prior to the Chair of PHCC being informed that he was being dismissed and that PHCC was being dissolved, and if so which officers, when, with what agreement if any being made, and by what authority.
- iii. Why Council Officers have yet to advise me that they have established the facts of the situation, let alone advise me as to what action is being taken, in spite of a senior officer having been copied in to my original expression of concern to Moat on 16 October 2017 with a request for action on his part, and the Chief Executive having been asked to intervene on 16 November 2017,
- iv. And why the Council does not appear to see the apparent appropriation of hundreds of thousands of pounds allocated for the benefit of residents of Pollards Hill to be a matter of importance.

## Reply

The Director of Community and Housing is currently in the process of establishing the relevant facts and contacting officers at Moat for an update on the grant and other arrangements. A full answer will be provided as soon as this information is available.

## From **Councillor Daniel Holden** to the **Cabinet Member for Finance**:

In early January Merton's Facebook page still contained sponsored adverts for the Airports Commission consultation that ended on the 19th December. Can the Cabinet Member tell me a) how much of the annual communications budget is used on social media postings; and b) why the council was still spending taxpayers' money on sponsored Facebook adverts at the start of this year when the consultation deadline had already passed?

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### Reply

- a) There isn't a specific budget for social media advertising. However the council spent £1156.90 on social media advertising in 2017.
- b) Council Tax money will not be spent on the Airports Commission consultation post. Facebook accidentally 'boosted' the consultation post instead of our successful food leftovers campaign which we were promoting at the time. Facebook have apologised and we expect to receive a refund this week.

### From **Councillor David Williams** to the **Leader of the Council**:

Would the Leader please list the meetings and correspondence he has had since the last ordinary meeting of the Council on 22<sup>nd</sup> November 2017 to save St Helier Hospital?

### Reply

The Leader has written as part of the South West London Boroughs Joint Response to the STP Refresh arguing the case for St Helier Hospital.

Following the publication of the Strategic Outline Case last year, the Leader has also been engaged in ongoing correspondence with the commissioners to ask what assessment of need will take place and how the commissioners will appraise the strategic outline case as part of the STP.

The Leader has also met with Sutton Council and TfL to discuss the Sutton Tram Extension and argued that the extension directly serves the hospital by making the case for the St Helier Hospital Loop.

### From **Councillor David Simpson** to the **Cabinet Member for Finance**:

Can the Cabinet Member tell me what rate of return Merton Council is currently getting on its investments?

### Reply

Merton Council is getting an average rate of 0.84% on its investments.

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

Given the collapse of Carillion and the recent profits warning from Capita, can the Cabinet Member update me on the financial status and future stability of Veolia and what precautions the council is taking should this company also face financial difficulties?

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### Reply

We have received no market indicators to suggest the financial status of Veolia is anything but stable.

The joint contract is between a number of London Boroughs and Veolia with Croydon as the lead Authority. In the event that Veolia should fail to deliver the contracted services the Council's business continuity arrangements would be enacted to ensure the service to the public is maintained with liaison with Croydon and the SLWP on remedies and recoveries.

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

I understand that idVerde are making significant staff cuts. Can the Cabinet Member advise how this will impact on the ability of idVerde to deliver on its green spaces contract here in Merton and how many former Merton employees who were TUPE'd across to the contractor are being affected by these staff cuts?

### Reply

The current restructure of the idverde front-line service was entirely anticipated and accepted in principle by the Council during the contract procurement and mobilisation phase and before the commencement of the contract on the 1st February 2017.

The performance of the contractor during their first year of operation has been, in overall terms, satisfactory and, generally, it has achieved the performance targets outlined within the contract specification - a considerable achievement given the complexity and diversity of the service delivered across two busy, metropolitan boroughs that were unfamiliar to the company

At the current time, 9 former employees (c.8 FTEs) of Merton Council who TUPE'd to idverde have left their employ as part of the current restructure, each of these has elected to leave the organisation by means of voluntary redundancy.

The current restructure will enable idverde to reconfigure some existing service teams to promote greater cross-borough working, for example, in order to better realise the efficiency opportunities presented by adjacent boroughs working together on this contract.

The departing staff represent a reduction in idverde's core establishment but, of course, the delivery demands of grounds maintenance services are highly seasonal. These changes should therefore be considered within that context and that some 48 FTE front-line staff (not including managerial, supervisory or administrative roles) are anticipated to be deployed on the Merton contract during the forthcoming summer season - as opposed to 36 FTEs during the winter period - offering reassurance that the required standards can be maintained in the future.

The contract is an output based contract, thus it is idverde's responsibility to deliver the standard and to assess the right level of resource at their risk.



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### Councillor questions under the strategic theme (Sustainable Communities)

#### From **Councillor Daniel Holden** to the **Cabinet Member for Regeneration, Environment and Housing**:

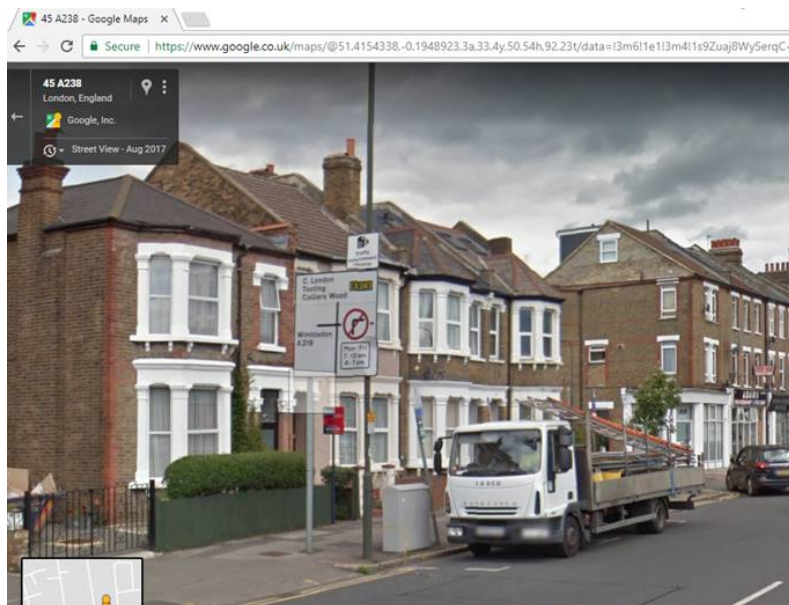
A recent Wimbledon Guardian article highlighted 12,445 Penalty Charge Notices issued at South Wimbledon junction, raising £519,089.30. Does the Cabinet Member agree with me that the signage and design of this junction is clearly inadequate and that therefore the council is unfairly punishing hard-working motorists rather than actually improving driving compliance at the junction?

#### Reply

The restrictions at this location are part time restriction at peak travel times (7 – 10am and 4pm – 7pm Monday – Friday) and were introduced in the 1980's for traffic safety reason.

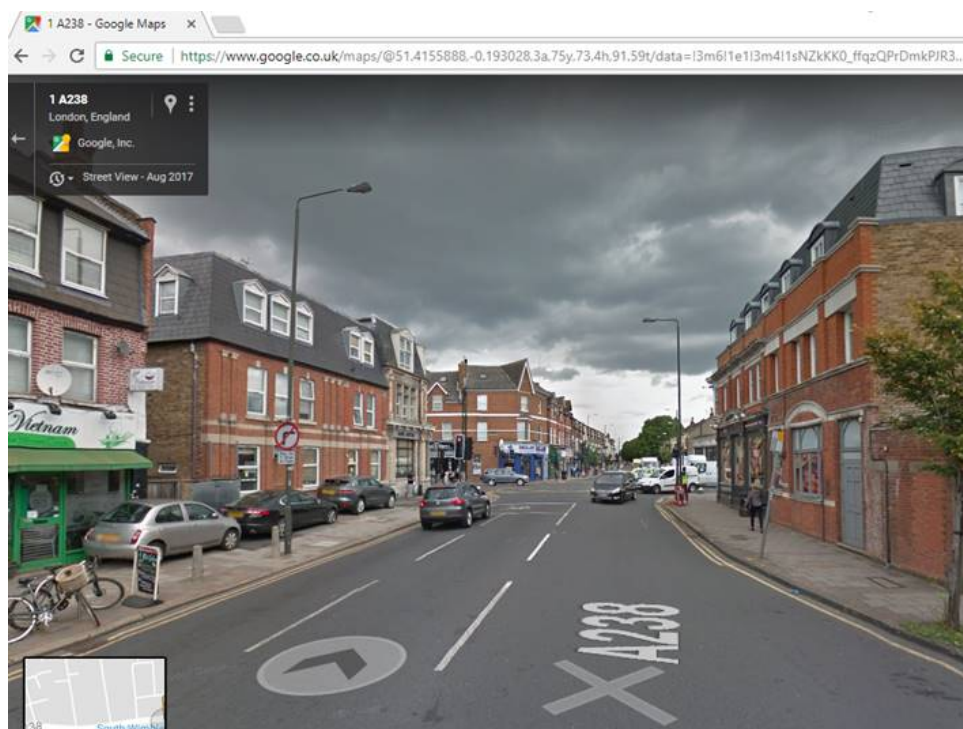
Because these restrictions are part-time, there is no legal requirement for any signage apart from the illuminated sections of the traffic lights which illuminate at the times the restrictions are in force, However in November 2016, permanent signage, advising of this part time restriction, was erected on the approach to this junction.

The following sign is located on Kingston Road, just prior to the junction with Cecil Road (the image is taken from Google Maps)



And the following sign is located just prior to the junction of Kingston Road and Morden Road.

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It should be noted that the initial Freedom of Information request we received that resulted in the publishing of the article in the Wimbledon, did not set a definitive period of time for which the information was requested, so the response we provided gave the number of PCNs issued at this location since we started enforcement in September 2016.

In the period 1 January 2017 – 31 December 2017, 8181 PCNs were issued to motorists for performing a prohibited right turn resulting in payments of £519,089.30.

When viewing the total number of PCNs issued in each of the financial years in which we have been enforcing at this location, the following can be seen;

- Between Sept 16 and end of March 2017 we issued 7,029 PCN's at an average of 1,004 PCNs per month.
- Between April 2017 and the end of December 2017 we issued 5,276 PCN's at an average of 586 PCNs per month

This clearly shows that compliance by the motorist has improved by nearly 50% and that our aim to reduce traffic congestion and pollution by enforcement of moving traffic contraventions is a valid tool in changing motorists' behaviour.

**From Councillor Charlie Chirico to the Cabinet Member for Regeneration, Environment and Housing:**

Many residents have complained to me about the speeding blackspot on South Park Road near Trinity road. Residents are asking for a 20mph limit to be introduced in the roads around South Park Gardens. Can the Cabinet Member tell me:

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- a) what he is doing to give this request serious consideration, putting road safety first for the residents that live in the area?
- b) what contact he has made with local police to discuss speed enforcement on South Park Road given his awareness of speeding complaints from residents living in this area?

## Reply

The Council takes safety very seriously and we have an annual local safety programme. Rat running, perceived danger and excessive speed / volume of traffic are problems in a number of residential roads throughout the borough.

Due to limited available resource and funding and the demand for action that outweigh the available funding, it is necessary to prioritise by giving first consideration to those areas with recorded personal injury accidents and areas outside schools. Engineering solutions are then considered to address accidents' contributory factors. According to our records over the past 3 years there has not been any speed related Personal Injury [PI] accidents along South Park Road which would make justifying any action extremely difficult. It should be noted that South Park Rd (between Trinity Road and Haydon's Rd) is already traffic calmed by means of road humps which are the most effective speed reducing features.

However road humps are unpopular due to associated noise and vibrations. Other traffic calming measures such as chicanes and build outs could be considered but these are likely to be met with strong objections from the residents given the volume of parking that would be lost and extent of traffic calming would be restricted given the number of crossovers.

According to our latest speed data, 85 percent of traffic travelled at 27mph or slower along South Park Rd (between Trinity Road and Queens Rd) and 25mph along South Park Rd (between Trinity Road and Haydon's Rd). Although these speeds are higher than one would like, some of the higher speed could be attributed to the Police as South Park Rd is their main access / egress.

Enforcement of speed falls under the jurisdiction of the police and the Council has no powers to enforce speed / dangerous driving. Speeding concerns are referred to the police for their attention and those who have concerns regarding speed need to contact the police directly.

For locations with speed related issues TfL, in partnership with the Metropolitan Police undertakes many other speed management initiatives, including Community Road Watch. Community Road Watch is a road safety initiative which aims to reduce speeding in residential areas, and gives local residents the opportunity to work side by side with their local police teams, and use speed detection equipment to identify speeding vehicles in their communities. Concerns from members of the public on speeding, and other road offences, can be sent to Roadsafe London. This portal is an information and intelligence gathering tool that can inform police activity. The following link shows the address for the Roadsafe London website - <http://content.met.police.uk/Site/roadsafelondon>

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These roads will be monitored along with all other roads in the Borough and the Council will take the appropriate action when necessary subject to available funding and other priorities.

### From **Councillor Daniel Holden** to the **Cabinet Member for Regeneration, Environment and Housing**:

Over recent years I have received lots of complaints from lots of *different* residents and groups on Woodside, in my ward, who are unhappy with many HGVs speeding down their road, instead of following the correct routing via Alexandra Road. Will the Cabinet Member tell me a) why he refuses to hear these concerns; b) what he will now do to alleviate the problem; and c) what the council's position is regarding HGVs transiting the borough?

### Reply

The area is subject to a 7.5T lorry ban but with permitted access which as a rule makes enforcement extremely difficult. In real terms enforcement cannot be carried out unless the vehicle is stopped to inspect their destination or via cameras throughout the area which is unrealistic given the number of lorry bans throughout the borough and lack of funding. We are aware that in general there is an increase in the number of HGVs on a number of our roads throughout the borough - this could be due to a number of reasons such as home improvements, developments, deliveries etc. in the area.

To reinforce the ban, there is a width restriction in place that should act as a deterrent. However, as with any width restriction there are those with larger vehicles who still attempt to make their way through width restrictions. This problem is not unique to Woodside. In fact contraventions are higher in other parts of the borough. Given the complaints received from other locations, in recent years, it has become evident that drivers either follow their sat-navs and do not pay attention to the local signage until it is too late; or those who are aware of the restrictions attempt to squeeze through regardless.

Regrettably this is a problem we have with almost all width restrictions particularly in areas where there are commercial units. It is considered that the Council has introduced sufficient measures to warn motorists of the width restriction and no further action is proposed at this time. A solution would be enforcement. However, we currently do not have the capacity to enforce the lorry ban or the width restriction itself. Parking Services, however, are looking into enforcing such contraventions.

Woodside as a whole has had a number of engineering interventions over the years and based on Council's other priorities, there are no plans to take any action at this time.

From **Councillor Suzanne Grocott** to the **Cabinet Member for Regeneration, Environment and Housing**:

Before Christmas I highlighted several new LED lights which were not working along Kingston Road. I understand that in fact 10% of the modified LED lights have been failing. Can the Cabinet Member explain how this has happened, reassure me that the issue has now been rectified and advise on what penalties, if any, have been levied on the contractor for this service failure?

Reply

Failures are thought to be due to a current imbalance on the Venture Westminster V-LED retrofit units with twin LED modules, which over time results in thermal damage to the LEDs, causing them to fail. The units were installed through 2015 and 2016 by the Council's previous Street Lighting contractor, Kier Integrated Services Ltd. The outages are not related to a service failing of either the previous or current Street Lighting contractor, but with a manufacturing flaw with the units themselves.

The retro-fit units have a 12 year manufacturer's guarantee and the manufacturer, Venture Lighting, has supplied replacement units for all units that have failed to date and have agreed to compensate for all costs involved in the replacement of the failed units. To date, those costs are approx. £15K. As a precaution, they have agreed to replace all remaining twin V-LED retrofit units that have been installed and not yet failed, approx. 800 units, with a replacement product, the V8B LED unit and to meet all the costs associated with the supply and installation of the replacement product. Works to replace the remaining 800 units are expected to take place during March 2018.

Council Officers are currently undertaking a weekly night scout of all streets where the twin V-LED units have been installed to identify failed units. Our current Street Lighting contractor, FM Conway, is working to replace any failed V-LED unit with replacement units as soon as deliveries of warranty replacement stock arrive from the manufacturer. All failed retro-fit units in Kingston Road have been repaired and at the moment there is only one out of light LC in Kingston Road (LC 043) which is due to a dead service on the electrical mains – this is with UK Power Networks for repair.

LED lighting has better colour rendering properties, more directional output, resulting in lower levels of light pollution and lower energy usage than the traditional SOX and SON lighting which it is replacing. The Authority has reduced its overall street lighting energy consumption by 19% over the past year as a result of the change over to LED lighting, saving approx. £80K per annum on energy costs.

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