

# **Merton Council Council**

**10 July 2019**

## **Supplementary Agenda 4**

24 Councillor Non-Priority Questions and Replies

1 - 12

This page is intentionally left blank

## Ordinary Council Questions

### **From Councillor Hayley Ormrod to the Cabinet Member for Schools and Adult Education:**

Can the Council please advise as to why schools are used as polling stations which causes disruption to parents, teachers and children?

### **Reply**

The council must designate a polling place for each polling district (the polling station is a room or area within the polling place where voting takes place). When assessing existing polling places, the council must consider a number of factors:

**Location:** Is it reasonably accessible within the polling district. Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc? Are there convenient transport links?

**Size:** Can it accommodate more than one polling station if required? If multiple polling stations are required, is the polling place capable of accommodating all voters going into and out of the polling stations, even where there is a high turnout?

**Availability:** Is the building readily available in the event of any unscheduled elections?

**Accessibility:** Is the building accessible to all those entitled to attend the polling place?

Ideally, there would be a choice of a range of suitable buildings, conveniently located for electors in the area within which to establish polling places. In practice however, there is often a lack of suitable buildings, and schools meet all of the above requirements, especially the need to ensure that the polling place is accessible to electors who are disabled.

For the purposes of taking the poll, schools are also free of charge to use if they are maintained or assisted by the local authority, or if they receive grants made out of moneys provided by parliament. This includes academies and free schools.

The council is sympathetic to the disruption caused to parents and children when a school is closed for polling, which means that schools are only used as polling stations when there are not any available suitable alternatives inside the relevant polling district. Schools are also asked to consider if they can remain open on polling day, but this depends on whether the area that is being used for voting can be separated from the rest of the school.

Electoral Services will be conducting a review of all polling districts and polling stations later this year where the issue of schools being used as polling stations will again be considered and the public will have an opportunity to comment. Polling district reviews occur every 5 years, and the last review took place in 2014. The

2019 review must be completed by February 2020. Once any changes are implemented they will be in force for the next scheduled elections in May 2020.

**From Councillor Hina Bokhari to the Cabinet Member for Adult Social Care, Health and the Environment**

Flytipping seems to be on the increase in West Barnes - there are now hotspots where we are constantly reporting issues on public and private land. Will the council consider bringing in cameras for key hotspots and increased use of enforcement officers?

**Reply**

Prevalence of fly-tipping is increasing nationally and Merton is no different in this trend, which is blighting our communities. Fly-tipping is a criminal offence, is anti-social and has a significant environmental and social impact. It is also costly for the council to clear up this waste which impacts on our ability to put our limited resources into other important services for the community.

Covert and overt public spaces cameras are already utilised effectively and aid successful prosecutions of fly-tipping. We shall continue to use all available powers and technology to assist in the battle against this crime. However, it needs to be recognised that the use of CCTV is only one solution to address the problems we are currently experiencing of fly tips.

To address this I am working closely with the Public Space team to create a fly-tipping strategy. The aim of this strategy is to work in partnership to improve intelligence led joint working between services, partners and the community to ensure that we will together deliver two key outcomes:

- 1) reduce the number of fly-tips; and
- 2) increase resident satisfaction with street cleaning and significantly reduce resident perception that fly-tipping is a problem in their neighbourhood.

Merton has a small Enforcement team of officers covering a number of environmental issues. These officers have the skills and knowledge required to effectively tackle fly-tipping. As part of our strategy and in conjunction with our external enforcement provider we will look to increase the number of officers we have to undertake enforcement activities and issuing fix penalty notices.

Following the publication of the strategy, I am keen to work with colleagues across the borough to visit their wards and understand where the particular hotspots are and look at how we might seek to address them.

**From Councillor Najeeb Latif to the Cabinet Member for Regeneration, Housing and Transport:**

When will the council finalise the Wimbledon Town Centre Masterplan, and will they do it before large scale applications are submitted that will adversely affect the character of Wimbledon for example the eastern Broadway YMCA site?

**Reply**

The council will finalise the Future Wimbledon masterplan in 2019 in consultation with the local community. The council will always encourage development to enhance its surroundings; the council hasn't received a planning application for the YMCA site.

**From Councillor Paul Kohler to the Cabinet Member for Regeneration, Housing and Transport:**

Will the Cabinet member review what guidance can be given to developers to encourage them to install Swift Boxes in new developments?

**Reply**

Detailed guidance on promoting biodiversity is set out at section 2.8 of the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction (2014).

The guidance recommends that new habitat provision should be provided as part of a development's urban greening measures. This can include ecologically sensitive landscaping, including water features or new habitat provided on buildings, such as in the form of green roofs and walls and roof gardens, ponds and wetlands potentially incorporated with SuDs and bird and bat boxes and insect habitats.

Planning officers would take advice from the Council's planning policy specialists on biodiversity matters.

Where necessary to make such provision for bird boxes the Council can attach planning conditions requiring a developer to mitigate against the impacts of a development.

Where planners consider it worthwhile to encourage such provision then an informative, which is advisory rather than mandatory, can be attached to a decision.

**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 3<sup>rd</sup> April 2019 to save St Helier Hospital?

**Reply**

Since the last ordinary meeting of the Council on 3<sup>rd</sup> April, the Leader has exchanged several letters with Professor Andrew George, the independent chair of the steering group overseeing the Integrated Impact Assessment (IIA). In these letters, the Leader has set out in detail the Council's concerns regarding the IIA. The Leader has also worked closely with the Cabinet Member for Adult Social Care, Health and the Environment and senior officers to ensure the Council's position has been reflected in the work of the steering group, which has included representation from Public Health.

**From Councillor David Simpson to the Cabinet Member for Adult Social Care, Health and the Environment:**

Can the council provide air quality statistics to show an improvement in air quality since diesel tax was introduced two years ago, and can he provide evidence that the proposed parking charges increase will improve air quality?

**Reply**

Diesel levy

A review of the diesel levy is currently taking place, the findings of which will be reported later in the year. The terms of reference for that review were approved by Cabinet in March 2019. They were discussed at the Sustainable Communities Scrutiny Panel meeting in February 2019, which made a reference to Cabinet. Whilst improved air quality is one of the outcomes we hope the diesel levy will lead to, the review will primarily focus on whether the levy has led to a reduction in the number of diesel permits issued in Merton in the past two years and how that compares to national trends.

Proposed parking charges

We know that over 9,000 Londoners die a premature death through poor air quality. This issue has risen significantly in prominence and importance, where hardly a day goes by without a new article or scheme being proposed. Councils up and down the land are seeking new and bold solutions to what is a huge challenge.

In common with much of London, the London Borough of Merton exceeds targets and its legal objectives for local air pollution, including Nitrogen Dioxide (NO<sub>2</sub>). The Government, local authorities and policy makers are being continuously challenged around delivering their responsibilities to reduce pollution and are often criticised for lack of action or being slow to respond.

Air quality has been identified as a priority both nationally and within London, where pollution levels continue to exceed both EU limit values and UK air quality standards. Pollution concentrations in Merton continue to breach the legally binding air quality limits for both Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The air quality-monitoring network, run by Merton, has shown that the UK annual mean NO<sub>2</sub> objective (40µg/m<sup>3</sup>) continues to be breached at a number of locations across the borough including Colliers Wood, Morden, Tooting and South Wimbledon. In some locations, the NO<sub>2</sub> concentration is also in excess of the UK 1-hour air quality objective, which indicates a risk not only to people living in that area but also for those working or visiting the area. Reducing vehicle numbers (car usage) and different types of vehicle has a direct and tangible benefit on air quality.

In Merton, an Air Quality Management Area (AQMA) has been declared for the whole borough with four locations identified as having high levels of pollution and human exposure. These are in the main centres of Mitcham, Morden, Raynes Park and Wimbledon.

Poor air quality in Merton comes from a number of sources, but our legal exceedances are almost entirely due to road transport. Road transport accounts for approximately 60% of emissions of NO<sub>2</sub> in our borough. Simply put, this is due to traffic including the nature of vehicles on our roads, the volume of vehicles and the number of trips that they take.

The scale of the problem set out in the paragraphs above clearly demonstrate that reducing car usage within the borough will lead to a direct benefit of improving air quality.

Increasing charges will directly stimulate the behaviour that supports this. The recent report to Scrutiny committee set out the following:

The basic law of demand and supply states that more will be demanded at a lower price than that of a higher price. Parking charges have long been used to manage and regulate kerbside activity and provision.

The Canadian Parking Association produced a paper in 2015 titled The Value of Parking that looked at examples from a number of countries. This covers a wide range of points relating to the elasticity of demand for parking and the impact of fees on parking behaviour. The paper is available to read online at <https://canadianparking.ca/the-value-of-parking/>

Key points from the paper include:

- The importance of parking is widely recognised, but car drivers are reluctant to pay even a small amount of money for parking.
- Parking fees are an efficient way of regulating parking. Offering free parking will lead to undesirable effects. The pivotal point in this is the low elasticity of parking demand. Even though parking demand in general is inelastic (meaning that the percentage change in parking demand will be smaller than the percentage change in parking fees) there is still an unequivocal link that increased charges will lead to a reduced demand, even if this is not proportional.
- Previous reports on price have tended to concentrate on commuter parking only, which has a higher rate of inelasticity. Only a minority of people who use commuter parking facilities would consider alternative forms of transport or not making the trip at all.

- The report goes on to explain that there is also a difference in price elasticity between short and long-term effects. Car owners can adapt their long-term behaviour more easily than changing their habits on short-term notice. Long-term effects then can be more elastic than short time effects.
- The report demonstrates that price elasticity for parking demand is strongly connected to the value that the car driver puts on certain types of trips (cross-elasticity). Highly valued trips will still take place, even when the price is high (low elasticity). When the value of a trip is considered lower, a driver may sooner skip the trip or find another solution (higher elasticity). Trips for dining out, recreation and unplanned shopping are likely to benefit from the nudge effect of stimulating drivers to change or amend their behaviours. Emergency trips, by their very nature, are unexpected and likely to account for a small number of overall trips made each day.

Further examples of where price affects behavioural change include:

Parking Fees an Economic Perspective – A further paper on the impact of parking charges and behaviour

<http://www.sciedu.ca/journal/index.php/ijba/article/viewFile/6626/3948> talks about the complementary relationship between vehicle parking, increases in parking fees and their proportionality in controlling vehicle growth rates and demand.

Key points include:

- Increased parking fees will lead to the desire to reduce private car travel, prompting people to choose alternative forms of travel
- If travellers expect higher parking fees they will change their route, or use other means of transport to reach their destinations.

A comprehensive 2018 policy report by London Councils 'Benefits of Parking Management in London August 2018' addressed many of these key principles. <https://www.londoncouncils.gov.uk/node/34485> The report stated that:

- Parking management is the only mechanism through which local authorities can ensure stationary vehicles are parked in an amenable and equitable manner, thus solidifying its importance and the benefit it delivers.
- There are many parking management benefits, which include reducing congestion, improving air quality, providing funding for parking and wider transport scheme improvements and ensuring good access and accessibility.
- Of particular significance is the fact that these benefits deliver benefit to everybody, from motorists themselves to the person sat at home, and all road users and non-road users in between.

**From Councillor Hayley Ormrod to the Cabinet Member for Regeneration, Housing and Transport:**

Can the Cabinet Member please explain why:

- An application for 1 York Rd did not go to planning committee on the 22<sup>nd</sup> March 2018?
- Why was unreasonable behaviour sited by the planning inspectorate and embellished for one of the reasons?
- How much will the award of costs will cost the council?
- What steps have been taken to ensure this does not reoccur again?

**Reply**

- An application for 1 York Rd did not go to planning committee on the 22<sup>nd</sup> March 2018?

The application was not called-in to Planning Committee by a Councillor and therefore it wasn't presented to planning committee as per the current policy and procedures.

- Why was unreasonable behaviour sited by the planning inspectorate and embellished for one of the reasons?

-

The Inspector disagreed with the Council that there were highway safety issues with the application. He cited that when this matter was considered under a previous application, it wasn't raised as an issue. He therefore found that the Council had acted unreasonably in refusing the application on grounds which had already been deemed to be acceptable under previous application.

- How much will the award of costs will cost the council?

I am unsure at this stage as I have not yet received the costs that the applicant are seeking.

- What steps have been taken to ensure this does not reoccur again?

A planning application is to be judged on its own merits. The application drew a high number of objections, which included issues with access and highway safety. Whilst the planning history is a material consideration, in this case and upon re-assessment, in consultation with our Transport colleagues, it was found to be safety issues which could not be overcome. Highway safety is a very important issue, as well as access for emergency services. Costs awarded happen on very rare occasions and Development Control Management have reviewed the decision and fed back to team members the reasons why the costs were awarded to ensure that the learning from this case is taken on board.

**From Councillor Ed Gretton to the Cabinet Member for Commerce, Leisure and Culture:**

The paddling pool in Wimbledon Park was meant to open this summer and is currently closed. Will the council commit to working with Wimbledon Park ward

councillors and idverde to ensure that a proper regime of proactive winter maintenance is put in place at the end of this summer to ensure that the paddling pool remains in good working order?

**Reply**

I can confirm that I have already been working with officers to improve next year's programme of commissioning prior to the start of the season. The council is working with idverde to ensure that enough time during the annual commissioning phase is afforded to address any mechanical faults that may arise during the period after the equipment is formally decommissioned and closed-down by industry specialists at the end of each summer.

Members will be aware that we benefit from 7 paddling pools/water facilities and some are in need of significant capital investment over coming year. The Department will be bringing forward proposals to fund this in the near future.

**From Councillor David Dean to the Cabinet Member for Finance:**

In light of the impending roll out of 5G can the Cabinet Member confirm whether there are any functioning 5G antennas on Merton Council buildings, what future plans does the council have with regard to placing 5G antennas in the public realm, what data and research has been used to verify the safety of 5G, and will the Cabinet Member commit to a public consultation before 5G is rolled out further?

**Reply**

Merton Council has had a contract in place with Arqiva (Virgin Media) since 2015 to enable the roll-out of wifi and 4G small cell transmitters. This allows Arqiva to pay to install equipment on Merton assets such as lamp posts. The contract also allows for 5G equipment to be installed however there are no immediate plans for this to be carried out on Merton assets.

The nationwide improvement to telecommunications, which includes the move to 5G, is led by the private sector and governed by national planning policy. Public Health England have indicated that there are no adverse health impacts.

The Council is not planning to consult locally on adopted National Government planning policy which is consistent with public health advice.

In addition, we are very anxious about those who are irresponsibly spreading misinformation about 5G by, for instance, recommending EMF blocking paint and scaremongering about health risks.

It is highly inappropriate for public figures to speculate with no scientific basis about the effects of introducing 5G, as the radio waves that deliver mobile phone signals are non-ionizing and are therefore unable to change cell structures, meaning there can be no impact on human health.

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

What plans does the council have to submit a response to the next stage of the Heathrow consultation, and will the council commit to informing and engaging with the public more widely than it did for the previous consultation?

**Reply**

I can confirm that officers from Merton have been and will continue to be active participants throughout every consultation phase. We aim to respond to the current consultation which ends in September.

Our main cause of concern relates to the future possibility of noise from aircraft, and the potential impact on residents and quiet spaces, such as our parks.

Although to date the consultation does not provide the necessary clarity for officers to provide a detailed response, the consultation process will be developing over a period of time and that more detailed information will emerge as the process matures.

We will strongly urge residents and businesses to play an active role in the consultation process and make their voices heard.

As information becomes clearer Merton will develop its stance to ensure that local residents and the borough is protected as far as possible.

**From Councillor Thomas Barlow to the Cabinet Member for Commerce, Leisure and Culture:**

Can the Cabinet Member give an update on the restrictions for professional dog walkers in the boroughs parks and open spaces, and comment on how successful their enforcement has been?

**Reply**

Council policy is that a maximum of four dogs per person can be walked in the borough's parks and open spaces. This is not a restriction that is specifically aimed at professional dog walkers as it applies equally to non-professionals.

Local dog controls have been applied within the borough since 2007 including both soft (advisory) enforcement interventions and penalties issued for such offences as dog walkers failing to clean up after their pets.

The implementation and enforcement of the "maximum number of dogs" control is currently a matter of discussion between the relevant front-line managers, specifically the transition from the initial soft enforcement measures to the issuing of fixed penalty notices to offenders.

At the point at which the soft or "educational" enforcement ends in October 2019 and fixed penalty notices are introduced for offences, we will have a more representative understanding of the impacts of the new policy and how successful it has been.

Council questions under the strategic theme (Safer and Stronger Communities with a focus on equalities and diversity)

**From Councillor Daniel Holden to the Cabinet Member for Voluntary Sector, Partnerships and Community Safety:**

What resources has the Cabinet Member committed to ensure that the boroughs ageing CCTV cameras are upgraded to ensure safety and security across the borough?

**Reply**

The council has a very comprehensive maintenance contract in place which ensures that the CCTV capacity and capability runs at the highest level. Performance of our 200 + camera network is reviewed quarterly and remains at a very high level – higher than 975 availability on average and in line with expectations. The council also has a number of deployable CCTV assets which can be used and directed to areas where there are no CCTV cameras in place ensuring that, for short periods of time, “blind spots” are covered. These are a reasonably new addition to the service having been purchased some 24 months ago.

Moving forward the service is developing a capital bid which, if successful, would see the network upgraded over coming years however this process of bidding has just commenced and as such no outcome is known.

**From Councillor Simon McGrath to the Cabinet Member for Finance**

Will the Council publish its policies on Parental leave on its website to encourage actual and potential parents to apply for work for Merton, when they may not wish to ask about it at interview?

**Reply**

We are keen to ensure that potential job applicants are aware of the full range of benefits of working for Merton. We list these benefits as bullet points on the “Working for Merton” page on our website. Parental leave was not included in this list of bullet points, but following this question it has now been added. We do not publish the associated policies, as this would be a long list of very technical documents.

**From Councillor Jennifer Gould to the Cabinet Member for Regeneration, Housing and Transport**

Last year the Council amended its rules on crossovers - and now allows only houses with 4.3m frontage, instead of 4m as previously, to have crossovers. There has been little flexibility for families who have disabled or elderly relatives, or young families.

Will the Cabinet Member consider reviewing the policy, specifically by looking at flexibility for those with exceptional circumstances, and implementing a clear appeals process?

## Reply

The crossover policy was revised following a Scrutiny Review Task group meeting held on the 13<sup>th</sup> November 2017 and agreed at Cabinet in May 2018. As part of this process, extensive research was undertaken to identify the average car length in the UK, please see attached Appendix C and C1 that form part of the Crossover policy report.

Therefore, with this evidence it was necessary to increase the short frontage agreement from 4.0m to 4.3m. This in turn will help against vehicles partially blocking the footpath and therefore causing an obstruction or a safety issue with regards to overhanging vehicles to pedestrians.

As the crossover policy has only recently been taken to both Scrutiny and Cabinet it is not felt necessary to review the policy again at this time. In addition, due to the clear crossover policy outlined on Merton Council Website <https://www.merton.gov.uk/assets/Documents/vehicle%20crossover%20information%20pack%20A%20-%202018%20-%20FINAL%20for%20web.pdf> it is felt that no appeal process is required as to be approved for a vehicle crossover all the criteria within the document needs to be met

The Council can consider installing an on street disabled parking space where residents have disabilities.



Appendix C.pdf



Appendix C1  
Vehicle Length Data

This page is intentionally left blank