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# **Merton Council**

## **Council**

**18 September 2019**

### **Supplementary Agenda 4**

27 Councillor Non-Priority Questions and Replies

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## Ordinary Council Questions

### **From Councillor Andrew Howard to the Cabinet Member for Finance**

Can the cabinet member tell me why LBM cannot take card payments from HSBC, Aqua, M and S, Debenhams and John Lewis MasterCard online and what is being done to resolve this issue?

### **Reply**

#### **Merton Customers**

- **History of the issue**  
In 2016 there was an issue between card issuer and the Civica Payment system and customer complained that they couldn't pay using above cards therefore this message was put up on the website. Since then few Civica updates took place and we haven't received any formal complaint from customer saying that they couldn't pay using these cards.
- **What we have done to resolve the issue**
  - After the recent Civica upgrade we tested with all those cards as outside customers and there was no issue for payments.
  - After checking with Complaints and web team we have removed the message from the website which used to say we can't take payments from HSBC, Aqua, M and S, Debenhams and John Lewis MasterCard on this page <https://www.merton.gov.uk/pay-a-bill/problems-with-online-payments>

#### **Merton staff using Merton network**

##### **Issue**

What we have also noticed is that when Merton staff use HSBC or John Lewis cards from **inside the Merton network** with Civica payment system **using Internet explorer**, they can't complete the transaction.

##### **Workaround**

**It works fine** if they use **Google chrome** or they use **their phone** to make the payment.

##### **What is being done**

This is **not the issue with Civica system or card issuer** but something in **Merton's internet access policy /setup that blocks 3D security validation for Internet explorer for these cards**, which is under investigation as Internet Explorer is the default browser and most staff members use it.

**From Councillor Carl Quilliam to the Cabinet Member for Adult Social Care, Health and the Environment**

Can the Cabinet Member provide an update on the merger of Merton CCG with others in South West London and what points he has raised with NHS leaders about the potential impact of the merger on services in Merton?

**Reply**

The six South West London CCGs have not yet submitted an application to dissolve and reform as a single SWL CCG. The dissolution of each CCG requires a vote of their membership, which is made up of GP practices. An update is expected to be provided at the next meeting of the Health and Wellbeing Board on Tuesday 8 October.

The NHS does not need the agreement of any of the six councils affected to do this, but have naturally engaged with us on what this might mean. The Council has been active and vocal in response. In its feedback, the Council has emphasised its role as place leader, the importance of borough based resources and protecting the Merton health pound in any changes.

Although the application has not been submitted nor approval given, the indications are that there will remain significant levels of people resource focussed on the health needs of Merton residents and that a high proportion of the current CCG Merton budget will be delegated to a borough level decision making body.

The Council will continue to be active in the discussions on the re-shaping of health commissioning arrangements.

I have also been liaising with the Chair of the Healthier Communities and Older People Scrutiny Panel to ensure that in addition to the Health and Wellbeing Board, members of the scrutiny panel have an opportunity to raise questions with the CCG.

**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 10<sup>th</sup> July 2019 to save St Helier Hospital?

**Reply**

A press release was issued on 31<sup>st</sup> July 2019 in response to submission of the latest Improving Healthcare Together document to NHS England. Coverage in Wimbledon Times and My Merton.

**From Councillor Jenifer Gould to the Cabinet Member for Adult Social Care, Health and the Environment**

Residents have been understandably anxious recently about the council's security measures surrounding Cannon Hill Common following the recent eviction of travellers. Could the Cabinet member please set out what measures the council is

taking to prevent similar concerns in the future, including timings for action and associated costs and who will bear these costs please?

### **Reply**

The common continues to be protected by a High Court injunction that enables the Council to take action immediately to remove any unauthorised occupiers provided there are no wellbeing issues that provide reason for delay. Costs for action involving bailiffs in enforcing the injunction will be met by the Council and will vary dependent upon the size of the individual occupation.

Improved physical measures to deter occupation are being considered. Various options have been discussed with Ward members and the local community in relation to Cannon Hill Common specifically in the recent past. The permanent altering of the natural landscape and accessibility impacts of such measures were, and continue to be key considerations. Any additional measures, additional to or as a replacement for large logs, for example, will be installed during the current financial year. The relevant costs of such works will be borne by the Council, as in previous years.

It is important to note that the injunction, as mentioned above, was pursued and secured in 2018 because barrier measures alone cannot fully protect our open spaces from traveller incursions.

### **From Cllr Oonagh Moulton to the Cabinet Member for Regeneration, Housing and Transport**

Road Safety is a major concern to residents in Wimbledon Park ward, 20mph limits are critical for pedestrian safety, so when will the cabinet member get round to introducing a 20mph limit across the whole of Wimbledon Park and what actions has he taken to help enforce the speed limit?

### **Reply**

Given the size of the borough and available resources, the borough wide 20mph is being introduced in several phases. Part of Wimbledon Park is already subject to 20mph speed limit. The remaining part of the borough that includes Wimbledon Park will form part of phase 6. The intention is to start the statutory consultation in Oct/Nov 2019. It is envisaged that the 20mph speed limit will be completed by end of December 2019 subject to the outcome of the statutory consultation.

With regards to enforcement, this is a matter for the police. As more boroughs are introducing 20mph speed limit, the police are actively enforcing the speed limit. The Council is also working with London Councils, the Police and TfL in reviewing the current criteria and use of speed cameras.

For locations with speed related issues TfL, in partnership with the Metropolitan Police Service undertakes many speed management initiatives, including Community Road Watch. Community Roadwatch 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 Roadsafelondon website - <http://content.met.police.uk/Site/roadsafelondon>

## Council questions under the strategic theme (Sustainable Communities with a focus on Enforcement)

### **From Councillor Thomas Barlow to the Cabinet Member for Regeneration, Housing and Transport**

What is the Council doing to encourage cycling in the Borough, and specifically to allow for two-way cycling in one-way streets?

#### **Reply**

The council receives limited funding in developing and introducing cycle facilities throughout the borough. This includes new and improved cycle lanes, cycle parking and safety. Given the limited available funding and resources, the Council has been concentrating in developing key routes and in areas that are considered a hostile environment and areas that are more likely to be popular. We have also been concentrating on public highway and through parks. With regards to developing 2-way cycling in one way roads, this would require safety auditing and consultation as part of any project. There are no immediate proposals for such schemes in our cycling programmes but this will be kept under review.

### **From Councillor Eloise Bailey to the Cabinet Member for Regeneration, Housing and Transport**

The Council's Planning enforcement team is, in their words, "inundated with requests for investigations". Despite their hard work - under extreme pressure and with staff shortages, planning officers have informed us that there are times when "no action is taken". The council is losing the trust of residents because of this. Can the Cabinet Member confirm that no enforcement case has been closed owing to staffing issues, despite a breach?

#### **Reply**

It is recognised that due to recruitment issues over the last 2 years, the Planning enforcement function has not been optimal. However, an Enforcement Improvement Plan has been implemented to run until April 2020. This includes the recruitment of the equivalent of 2 new temporary staff for the team. Investigations are already showing a marked improvement. In addition, older cases are being reviewed to ensure closures are justified. The improvement plan is also looking at other options for the team including improved IT, renewed enforcement policies and more organised 'Enforcement Days' where the entire Development Control Team carry out numerous investigations in the Borough in a single day.

No Planning enforcement cases are closed down without investigation and this is the reason for the backlog whilst capacity has been limited.

**From Councillor Hayley Ormrod to the Cabinet Member for Adult Social Care, Health and the Environment**

Rubbish and in particular fly tipping remains an issue across the borough. Whilst recognising that the Council has placed no fly-tipping signs in certain troublesome areas this has done little to deter persons from continuing to abandon their rubbish where they want. What measures are being taken to prosecute persons doing this activity? Haydons Rd continues to have a significant issue with rubbish as does Kingston Rd that I pass through regularly on the way to the Civic Centre. How many reports are there for these roads and how many prosecutions have taken place?

**Reply**

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 in Merton and across the country. 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.

Since March 2019, Haydon's Road has been subjected to 115 incidents of fly-tipping and Kingston Road has endured 60 reported incidents.

To address this, I am working closely with the Public Space division to create a Fly-tipping strategy. The aim of this strategy is to work in partnership with key stakeholders to improve intelligence led joint working between services, partners and the community to ensure the delivery of two key outcomes:

- Reducing the number of fly-tips
- Increase resident satisfaction with street cleaning and significantly reducing resident perception that fly-tipping is a problem in their neighbourhood

The enforcement of fly-tipping is reliant on a quality of evidence being available and to date the enforcement team have been able to successfully prosecute fly-tipping for one incident on Haydon's Road and four incidents on Kingston Road.

**From Councillor Hina Bokhari to the Cabinet Member for Regeneration, Housing and Transport**

West Barnes is currently undergoing a consultation for an extremely large housing development that could increase the population by a further 1,200 people. The £5 million in CIL money that Merton Council will receive from this development gets funnelled to the councils 'strategic' priorities and will not be guaranteed back into West Barnes. Should the application be successful there will be an increased strain on our infrastructure - traffic, pollution, demand on health services and dentists. What is being done to ensure that CIL money helps the areas of the borough who are facing large developments? And what is the cabinet member doing to ensure S106 agreements are being entered into to help mitigate specific developments?

## **Reply**

CIL money collected for Merton Council is identified and matched to infrastructure projects that have been identified as required to support developments in the borough. Allocations are agreed through the council committee process.

In addition 15% of all CIL monies are allocated to neighbourhood projects put forward by the Community and Councillors.

Merton Council secures S106 agreements towards measures necessary mitigate the impacts of major housing developments including funding towards enhanced bus capacity, public realm and sports and recreation facilities.

## **From Councillor Hayley Ormrod to the Cabinet Member for Adult Social Care, Health and the Environment**

It has been brought to my attention that tree inspections are not taking place within specified timeframes, most recently trees within South Park Gardens were not inspected for 5 years. Can the council please clarify the frequency of tree inspections? Can they also provide a breakdown of the legal maintenance period for all trees in Merton that the council cares for, and the statistics going back over the last five years when they were last maintained?

## **Reply**

The council regrets that South Park Gardens did not receive the arboriculture inputs that the service aspires to. This was due to a combination of temporary resourcing issues and a recent increase in the number of enquiries relating to trees received by the service.

To clarify the position, the current 5 year inspection target relates to a routine and comprehensive inspection of the entire tree stock at this location and this has now been completed. The park and its trees will have been visited on an ad hoc basis at other times during the period since 2014 in response to specific tree issues or concerns, for example, after a storm event or in relation to Oak processionary Moth survey. Naturally, these visits can and do identify other arboriculture issues, most especially in a small open space such as South Park Gardens, and these will generate interventions where necessary.

There is no prescribed legal maintenance period for trees, maintenance works are advised by professional assessment on a risk assessment basis and it's not the case that every inspection will necessarily generate works. Many trees will not require works across several inspection cycles and some, depending upon their location, may not require intervention over many decades. Statistics related to the number of tree works that have taken place as part of inspections are maintained in our back-office systems. Full statistics of inspected trees over the last 5 years can be made available but is too extensive to be summarised within this response.

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

For the year ended 31 March, can the Cabinet Member tell me;

- a) Number of planning enforcement cases opened?
- b) Number of planning enforcement cases closed?
- c) Number of enforcement cases that are live and open for over 6 months?
- d) Number of FTE staff employed to deal with planning enforcement in 2016, 2017, 2018, 2019?
- e) His plans to fix this service which residents hugely rely on?

**Reply**

- a) Number of planning enforcement cases opened? 615
- b) Number of planning enforcement cases closed? 646
- c) Number of enforcement cases that are live and open for over 6 months? The IT report on this issue is not working. This has been raised with the IT provider and I.T and figures to be provided when available. The figure when the report was run in August showed 775 cases were over 1 year old. This will have improved since the Enforcement Improvement Plan was enacted last month
- d) Number of FTE staff employed to deal with planning enforcement in 2016 - 4, 2017 - 3, 2018 - 3, 2019 + 2 temps since August. Due to recruitment difficulties the team was reduced to 2 FTE for part of 2017/18
- e) His plans to fix this service which residents hugely rely on? It is recognised that due to recruitment issues over the last 2 years, the Planning enforcement function has not been optimal. However, an Enforcement Improvement Plan has been implemented to run until April 2020. This includes the recruitment of the equivalent of 2 new temporary staff for the team. Investigations are already showing a marked improvement. In addition, older cases are being reviewed to ensure closures are justified. The improvement plan is also looking at other options for the team including improved IT, renewed enforcement policies and more organised 'Enforcement Days' where the entire Development Control Team carry out numerous investigations in the Borough in a single day.

No Planning enforcement cases are closed down without investigation and this is the reason for the backlog whilst capacity has been limited.

**From Councillor David Williams to the Cabinet Member for Commerce, Leisure and Culture**

The cycle race has caused many problems for my residents who are elderly or infirm especially during the recent warm weather. Will the Cabinet Member agree to rearrange the route for the 2020 race?

## **Reply**

Is regrettable that the event caused issues to your constituents, but unfortunately due to the complexities of this event which operates across London, it is not possible to rearrange the Ride London cycle route for 2020. It would be helpful under separate cover to have further information of the problems encountered from residents and their addresses so we can consider these in the planning of next year's event with a view of mitigating as many issues as possible. Closer to next year's event, your residents who may require any special assistance during the event can do so by contacting Ride London so that individual plans can be made to meet their specific needs.

## **From Councillor Stephen Crowe to the Cabinet Member for Regeneration, Housing and Transport**

If convicted by magistrates, fly tipping is punishable by a fine of up to £50,000 or 12 months imprisonment. In May 2018, there were 8 days of continuous fly tipping on the Car Wash site opposite the Waitrose in Raynes Park, which I am sure the Cabinet Member will agree was utterly unacceptable. Those responsible and their vehicles were videoed and these videos were published online. Please advise what how much it cost to clear the site, what prosecutions followed and what sentences were handed down?

## **Reply**

39 West Barnes Lane, London, SW20 0BL

The unauthorised encampment was on private land and one of our Enforcement officers has been assisting the Environment Agency with intelligence and formal identification of the persons involved. In addition to this, our Enforcement officer had facilitated interviews at the Civic Centre for several of the suspects, which resulted in 'no shows'.

At this point, the Agency are working on at least 4 cases in connection to this encampment.

Due to the untidy land, Planning Enforcement made several visits and identified that the land was jointly owned by two companies.

Planning Enforcement threatened the service of a s215 Notice (Untidy Land) under the Planning Acts, but land owners entered and cleared and secured the land themselves before the Notice was issued. This was confirmed by a visit made by Planning Enforcement on 27<sup>th</sup> September 2018.

## **From Councillor Nigel Benbow to the Cabinet Member for Regeneration, Housing and Transport**

Under this Labour administration the South Wimbledon area has missed out on the investment that the administration has showered on other parts of the borough, in particular the South Wimbledon junction which is in urgent needs of refurbishment

and traffic calming measures, when will the Cabinet Member make South Wimbledon a priority?

**Reply**

In previous years the Council did develop a number of proposals to improve South Wimbledon junction. However, the roads that run through this junction are Strategic Road Network, bus routes and primary emergency routes. All previous proposals were rejected by TfL at the time due to the unacceptable level of impact on buses and traffic / network. As a consequence, the Council concentrated on improving Merton High Street with new footways, new lighting, trees, cycle facilities and the parking / loading provisions for the local businesses. The working of the junction's signals was also reviewed and optimised by TfL.

The Council agrees that improvements are required but any proposal would require TfL approval and any proposal that would impact the capacity of the junction and network and the journey times of buses are highly likely to be rejected. Any impact on the strategic road network is also likely to have an adverse impact on surrounding residential roads that would be unacceptable to residents and the Council. To address all the various issues at South Wimbledon junction would require substantial amount of funding that is not currently identified as a priority in LBM's or TfL's business plan.

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