

Merton Council

Sustainable Communities Overview and Scrutiny Panel

21 March 2024

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Overview & Scrutiny Commission

Date: 21st March 2024

Call-in: Brickfield Road Traveller Site Annual Review of Weekly Licence Fee

Lead officer: Lucy Owen, Executive Director of Housing and Sustainable Development

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development

Contact officer: Steve Webb, Business Support and Relationship Manager

Recommendations:

- A. That the Panel review and consider the information provided in response to the call-in relating to the decision to increase the Brickfield Road Traveller Site Weekly Licence Fee.
 - B. That the Panel refer the decision back to the Executive Director of Housing and Sustainable Development for reconsideration, setting out the nature of the Panel's concerns; or
 - C. Decide not to refer the matter back to the Executive Director of Housing and Sustainable Development, in which case the original decision stands.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. On 4th March 2024, the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development, made the decision that the weekly licence fee for the rental of a pitch on the council's travellers' site be increased by 7.7% from 1st April 2024. (Appendix 1)
- 1.2. The decision was made in response to a report prepared by the Business Support and Relationship Manager, that set out the background and the reasons for the increase. (Appendix 2)
- 1.3. The decision was called-in on 8th March 2024 by Cllr Samantha MacArthur, Cllr Jil Hall and Cllr Paul Kohler.
- 1.4. The reasons for the call-in are:
 - respect for human rights and equalities
 - consideration and evaluation of alternatives

2 DETAILS

Background information relating to the annual review of the weekly licence fee

- 2.1. On 22nd March 2010, as part of a Large-Scale Voluntary Transfer, the council transferred its housing stock to Merton Priory Homes [MPH] (now Clarion Housing.)

- 2.2. The council retained ownership of the Brickfield Road Traveller Site and entered into a 30-year management agreement for MPH to manage the site on behalf of the council. The management agreement forms part of the legally binding Stock Transfer Agreement.
- 2.3. Under Sections 6 and 12 of the management agreement, it says
- 6.1 The Council will set a weekly licence fee to be payable by the occupants of the Site provided that such fee shall be **no less** than such amount as may be recommended by the Company [MPH] (acting reasonably) from time to time*
- 6.2 Subject to clause 6.1, the licence fee shall be reviewed at least annually by the Council and notified to the Company.*
- 12.1 The Company shall be entitled to collect and retain any charges payable by the occupants under their occupancy agreements including the licence fees and water charges.*
- 2.4. As part of the Stock Transfer offer, the council made a number of “promises” to its residents. One of these 91 promises was a 5-year promise to not increase rents by more than the standard Homes and Communities Agency (HCA) formula in use at the time: RPI + 0.5% + £2.08 per week. This promise was applied to the traveller site as well as the former council homes that transferred to MPH.
- 2.5. Once the 5-year limitation had expired, there was still a need for MPH/Clarion to continue to seek a review of the weekly licence fee. Accordingly, each year the current HCA/Government Regulator formula has been adopted. This included four years 2016 to 2019 where the rent setting formula at that time was a 1% decrease in the weekly rents.
- 2.6. In 2019 the Government changed the formula to be used from April 2020 to CPI+1.0%. This remained the formula for increases in April 2021 and April 2022. There was an exception for April 2023 due to the cost of living crisis, however CPI+1% has been reinstated for increases from April 2024.

Respect for human rights and equalities

- 2.7. The impact of the Government’s rent setting formula is national and is applied to all social rented tenants, including groups with protected characteristics.
- 2.8. The decision was accompanied by an Equalities Impact Assessment (EIA) and is attached as Appendix 3. This EIA was reviewed with Susan Botros, the Council’s Equalities and Community Cohesion Officer, and any recommendations made were incorporated.
- 2.9. On completion of the EIA, we assessed that there is a potential negative impact with regards to Age, Disability, Race and Socio-economic status
- (i) Romany Gypsies and Irish Travellers are protected against race discrimination. This is because Romany Gypsies and Irish Travellers are protected ethnic groups under the Equality Act. All households on the Traveller site are affected equally by this increase regardless of their ethnic group.

- (ii) Older residents of pension age could have a reduced income compared to working age neighbours
- (iii) Additionally, Disabled residents could be negatively affected as people with disabilities tend to face higher levels of unemployment.

2.10. The mitigating actions are:

- (i) Any households experiencing financial hardship can continue to apply for Housing Benefit / Universal Credit for the licence fee of their pitch and can seek support from Clarion Housing if they have difficulties. Clarion Tenancy Sustainment team have had no referrals from Brickfield Road.

2.11. The call-in paper makes the following observations:

- (i) The assertion in the Equalities Assessment that “All households on the Traveller site are affected equally by this increase regardless of their ethnic group” does not show that an assessment of the possibility of indirect discrimination has been completed (we would also query if the correct comparator is those at the site only or all Clarion tenants subject to the 7.7% increase, who are provided different services - which impacts the potential reasonableness of the increase).
- (ii) An equalities assessment comparing the impact of these changes on Romany Gypsies and Irish Travellers at Brickfield Road with other Merton residents beyond the Traveller site has not been completed.
- (iii) The Council’s Corporate Equality Scheme requires departments to consider other relevant groups or issues in their assessments such as looked after children, carers, gypsies and travellers, and community cohesion where appropriate.

2.12. These observations were reviewed with the Council’s Equalities and Community Cohesion Officer:

- (i) There does not appear to be indirect discrimination as the 7.7% is applied across the whole of the Clarion housing stock. The flat rate of 7.7% is not varied according to location or dwelling or ethnic group. This therefore does not indicate that there is indirect discrimination as all households are equally impacted. Additionally, all households are equally able to make use of the benefit system to assist with the payment of rent or licence fee.
- (ii) Whilst this may be a valid observation, to analyse the impact specifically on one ethnic group over any other would not take into account the potential impact on all other marginalised ethnic groups. A comparison with all other Merton residents would need to acknowledge all potentially marginalised and/or vulnerable groups. The mitigation of this would mostly still remain that households who have difficulty meeting the increase costs can apply for Housing Benefit or Universal Credit.

(iii) The EIA template which was completed is the current tool in place, until the new refreshed version is available. As such the relevant groups, as defined by the corporate template have been considered. The new EDI strategy adopted in February will require the EIA template to be updated, which is currently under review.

Consideration and evaluation of alternatives

- 2.13. As set out in 2.1 to 2.6 above, the council has entered into a legal contract with Clarion Housing whereby the weekly licence fee increase “shall be no less than such amount as may be recommended by Clarion Housing (acting reasonably) from time to time”.
- 2.14. Given that the increase implemented each year was in accordance with the Government’s rent setting formula (which was also one of the stock transfer promises), and this year the recommended increase is also in accordance with the Government’s rent setting formula, the recommendation is considered to be reasonable.
- 2.15. Households experiencing financial hardship continue to be entitled to claim Housing Benefit / Universal Credit, which will help mitigate any negative impact. The increased costs are therefore subsidised through the benefits system as are increases elsewhere in the social housing sector.
- 2.16. An increase lower than the 7.7% recommended by Clarion Housing would not be compliant with management agreement, so was not recommended.
- 2.17. An increase higher than 7% has not been requested by Clarion Housing and would not benefit the residents or the council.
- 2.18. With regards to determining if Clarion are “acting reasonably”, the call-in request says that the Councillors would expect a review of Clarion’s reasonableness to include evidence of
 - a) the services provided by Clarion to residents of Brickfield Road in 2022/23, with associated costs
 - b) estimated costs for services which will be provided in 2023/24
 - c) any poorly resolved or unresolved complaints logged by service users, stakeholders, and ward councillors to Clarion regarding their service provision in Brickfield Road
 - d) a comparison of the fees charged to Brickfield Road Travellers’ Site residents and Clarion’s other social housing residents

2.19. The data has been requested of Clarion and is set out below:

a)

	2022/23
Cost per Unit – Brickfield Road	
- Management Costs (£1,472per unit)	£22,080
- Maintenance Costs (£2,084 per unit)	£31,260
- Other costs (£286 per unit)	£4,290

Water	£4,670
Pest Control	£2,580
Rubbish Removal	£4,620
Fire Safety	£313
Electricity	£492
Total	£70,305

b)

	2023/24 Est
Cost per Unit – Brickfield Road	
- Management Costs (£1,529 per unit)	£22,936
- Maintenance Costs (£2,165.25 per unit)	£32,479
- Other costs (£297.15 per unit)	£4,457
Water	£4,815
Pest Control	£11,468
Rubbish Removal	£4,780
Fire Safety	£7,139
Electricity	£545
Total	£88,619

c) There were no formal complaints from Brickfield Road for 2022/23 and 2023/24

There were seven member enquiries, two in 2022/23 and five in 2023/24 (YTD)

d)

Charges Per Calendar Month	Brickfield Rd	1 Bedroom - average	2 Bedroom - average	3 Bedroom - average
2022/23	£443.34	£492.15	£523.53	£599.23
2023/24	£474.46	£529.19	£562.93	£644.34

2.20. Acknowledging the residents' dissatisfaction with the changes to fire safety equipment, a meeting was held between Merton's Head of Housing and Strategy, the Business Support and Relationship Manager and Clarion's Head of Housing. Concerns were expressed regarding the lack of reassurance and guidance to the residents from a fire safety professional. Following this meeting, feedback from Clarion Housing is that a fire safety professional will attend site to provide reassurance to residents on the reasons for the change and to explain the following points:

- The first action in the event of a fire should be to make sure your family and others are safe and raise the alarm / call the fire service.
 - The equipment is not designed for fires inside the caravans.
 - The Water Extinguisher is designed to put out small fires outside, no larger than a waste bin on items like Paper / Cardboard & Wood
 - The Foam Extinguisher is designed to put out small fires outside involving paper / card & wood BUT also fires outside involving oil / flammable liquids or Paint.
 - There is no expectation that the Residents will use the extinguishers in the event of a fire.
 - If Residents do use extinguishers this is at their own risk and Residents must not endanger themselves or others if using the extinguishers
- Clarion's fire safety team can provide guidance and awareness on what to do in the event of a fire.

2.21. Following a meeting between Clarion, Merton Waste Services and the Business Support and Relationship Manager, and discussing the issues on site, it was agreed to set out two main waste disposal options to the Brickfield Road residents and hold a ballot to see which option was most favourable choice. A draft letter and ballot paper was sent to Waste Services, and following some further negotiations with Veolia, it was agreed on 12/03/2024 that the ballot could proceed. It is intended that this will be sent by the Business Support and Relationship Manager week commencing 18/03/2024.

2.22. It is hoped that once the issues with the bins are resolved, the problems with the rats on site will diminish. Further action still to complete, as soon as possible, is to arrange a follow-up on-site inspection with Clarion Pest Control contractors, Clarion Housing Officers, Officers from Merton's Housing Needs and Strategy, plus representatives from the site neighbours in order assess any pest issues outside the site perimeter and agree any appropriate remedial actions where necessary.

3 ALTERNATIVE OPTIONS

3.1. The travellers' site management agreement states that the weekly licence fee "shall be no less than such amount as may be recommended by Clarion Housing (acting reasonably) from time to time". The proposed increase of 7.7% is considered to be reasonable as this is the same rate that will be applied to the tenants in Clarion Housing stock and it follows the Government's current rent setting formula.

3.2. Alternative licence fee increase of less than 7.7% was not considered to be in accordance with the management agreement as the management agreement says *The Council will set a weekly licence fee to be payable by the occupants of the Site provided that such fee shall be **no less** than such amount as may be recommended by the Company (acting reasonably) from time to time*

- 3.3. An increase above 7% would not be in accordance with the Government formula and would not benefit the residents or the council.
- 3.4. There was a Stock Transfer promise to only increase the licence fee by the Governments' formula for 5 years. After 5 years, Clarion continued to base their licence fee increase by recommending the Government formula prevalent each year. This was also the case for the 4 years where the formula was a 1% reduction. Accordingly, this approach has been considered to be reasonable.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The Council has consulted with Clarion Housing who have recommended the new licence fee increase of CPI+1%.
- 4.2. The consultation between Clarion and Merton Council consists of an exchange of emails seeking an update from Clarion to inform the Council of their recommended increase (Appendix 4).
- 4.3. Given that the annual increase has always been based on the implementation of the prescribed Government formula, initially set out by Merton Council as one of the transfer promises, there has never been any consultation with residents as it is a nationwide increase and not calculated locally.

5 TIMETABLE

- 5.1. The setting of the licence fee needs to be agreed before April 2024.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the council. The income from the weekly licence fee is collected and retained by Clarion Housing to cover the cost of meeting their obligations and commitments under the management agreement.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the management agreement, which forms part of the stock transfer agreement, the council has legal responsibility for reviewing and setting the weekly licence fee, based on the amount recommended by Clarion Housing (acting reasonably). The council will be in breach of the transfer agreement if it fails to fulfil this responsibility.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The impact has been considered as part of the EIA attached.
- 8.2. There is a potential negative impact with regards to Age Disability, Race and Socio-economic status.
- 8.3. Mitigating actions are:
Any households experiencing financial hardship can continue to apply for Housing Benefit / Universal Credit for the licence fee of their pitch and can seek support from Clarion Housing if they have difficulties. Clarion Tenancy Sustainment team have had no referrals from Brickfield Road

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. The level of weekly licence fee increase proposed will enable Clarion Housing to manage the site effectively, including carrying out routine repairs and maintenance and complying with Health & Safety regulations.

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

Appendix 1 - Original Non-Key Decision by the Executive Director for Housing and Sustainable Development

Appendix 2 – Original report to the Executive Director for Housing and Sustainable Development and Cabinet Member for Housing and Sustainable Development

Appendix 3 - Equality Impact Assessment

Appendix 4 - Consultation with Clarion Housing.

12 BACKGROUND PAPERS

12.1.

NON-KEY DECISION TAKEN BY AN OFFICER UNDER DELEGATED AUTHORITY

This form should be used to record and publish **non key delegated executive decisions**. Guidance is available on the intranet or from the democratic services team 0208 545 3616.

1. Subject

Travellers' site – review of weekly licence fee

2. Reason for exemption (if any)

3. Decision maker

Lucy Owen, Executive Director of Housing and Sustainable Development

4. Date of Decision

04/03/2024

5. Decision

That the weekly licence fee for the rental of a pitch on the council's travellers' site be increased by 7.7% from 1st April 2024

6. Reason for decision

Under the management agreement with Clarion Housing the council has an obligation to set the weekly licence fee and must review this at least annually, based on a recommendation from Clarion Housing. Clarion Housing recommends an increase of 7.7%, this being the standard increase for Clarion Housing homes generally and is in compliance with the government's formula for rent setting of CPI+1%

7. Alternative options considered and why rejected

Different levels of increase were rejected as not being in accordance with the management agreement and of no benefit to the council or the residents

8. Documents relied on

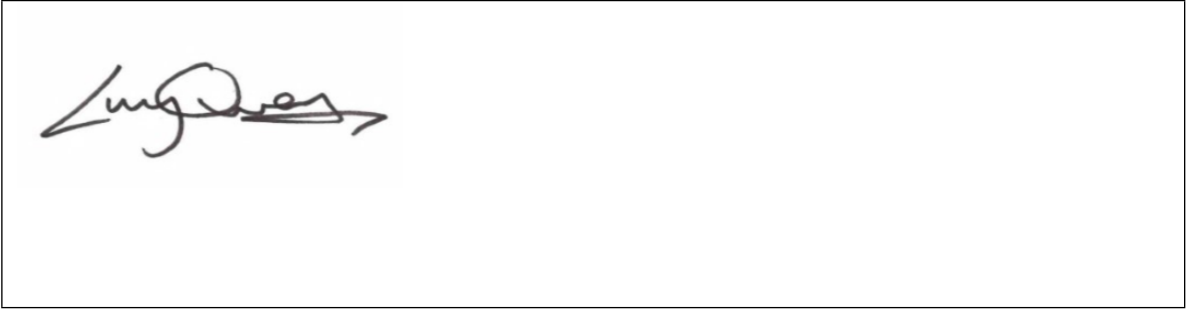
Report to Lucy Owen, Executive Director Housing and Sustainable Development dated 1st March 2024

9. Declarations of Interest

If the decision maker has an interest it must be declared. Not all interests will preclude the decision maker from proceeding but failing to declare an interest could be a breach of the Staff Code of Conduct. Check with the Monitoring Officer for further advice. (Constitution Part 5B paragraph 7)

None

10. Signature



11. Publication of this decision and call in provision

Send this form and any documents listed in section 8 to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.

IMPORTANT – this decision should not be implemented until the call-in period has elapsed.

Chief Officer: Executive Director of Housing and Sustainable Development

Date: 1st March 2024

Agenda item:

Wards: Wimbledon Park

Subject: Travellers' site – Annual review of weekly licence fee

Lead officer: Lucy Owen, Executive Director for Housing and Sustainable Development

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development

Forward Plan reference number:

Contact officer: Steve Webb, steve.webb@merton.gov.uk 020 8545 4709

Recommendations:

- A. That the weekly licence fee for the rental of a pitch on the council's travellers' site be increased by 7.7% from £109.49 to £117.92 on Monday 1st April 2024.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report seeks the decision of the Executive Director of Housing and Sustainable Development, in consultation with the Cabinet Member for Housing and Sustainable Development to increase the weekly licence fee for a pitch on the Council's travellers site by 7.7% from 1st April 2024, as recommended by the Council's Managing Agents, Clarion Housing.

2 DETAILS

- 2.1. Ownership of the travellers' site at Brickfield Road, SW19 was retained by the council at stock transfer in March 2010. The council entered into a 30-year management agreement for the site with Merton Priory Homes (now Clarion Housing) and this forms part of the legally binding Stock Transfer Agreement.

- 2.2. Under Sections 6 and 12 of the management agreement, it says:

6.1 The Council will set a weekly licence fee to be payable by the occupants of the Site provided that such fee shall be no less than such amount as may be recommended by the Company [Clarion Housing] (acting reasonably) from time to time.

6.2 Subject to clause 6.1, the licence fee shall be reviewed at least annually by the Council and notified to the Company.

12.1 The Company shall be entitled to collect and retain any charges payable by the occupants under their occupancy agreements including the licence fees and water charges.

- 2.3. Clarion Housing have recommended that the licence fee be increased by 7.7% from April 2024, increasing the weekly fee from £109.49 to £117.92. Service charges or water charges are not charged to the residents by Clarion Housing.
- 2.4. The 7.7% increase to be applied by Clarion Housing has been calculated in accordance with the Government's current rent setting formula (CPI + 1%, where CPI in September 2023 was 6.7%). Since stock transfer the standard increase (or reduction), as applicable to social housing, has been applied each year.
- 2.5. At the time of the stock transfer in March 2010 there was a 5-year promise made to not increase rents by more than the standard HCA formula in use at the time: RPI + 0.5% + £2.08 per week. The time limitations on this promise have expired however the formula continued to be applied until April 2019. Since 2020 the new Government formula/uplift has been applied.
- 2.6. Clarion Housing continue to increase the weekly licence fee in accordance with the Governments rent setting formula which meets the criteria to "act reasonably".

3 ALTERNATIVE OPTIONS

- 3.1. The travellers' site management agreement states that the weekly licence fee "shall be no less than such amount as may be recommended by the Company (acting reasonably) from time to time". The proposed increase of 7.7% is considered to be reasonable as this is the same rate that will be applied to the tenants in Clarion Housing stock and it follows the Government's current rent setting formula which has been applied every year since stock transfer.
- 3.2. Alternative licence fee increase of less than 7.7% would not be in accordance with the management agreement and so is not recommended.
- 3.3. An increase above 7.7% would not be in accordance with the Government formula and would not benefit the residents or the council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Clarion Housing have recommended the new licence fee and consulted the council on the level of the new licence fee and seeks the council's agreement.

5 TIMETABLE

- 5.1. The new level of licence fee will be applied from April 2024.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the council. The income from the weekly licence fee is collected and retained by Clarion Housing to cover the cost of meeting their obligations and commitments under the management agreement.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the management agreement, which forms part of the stock transfer management agreement, the council has legal responsibility for reviewing and setting the weekly licence fee, based on the amount recommended by Clarion Housing (acting reasonably). The council will be in breach of the transfer agreement if it fails to fulfil this responsibility.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. An Equality Impact Assessment can be found as appendix 1.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The level of weekly licence fee increase proposed will enable Clarion Housing to manage the site effectively, including carrying out routine repairs and maintenance and complying with any Health & Safety regulations.
- 10.2. During the last year Clarion Housing, with the support of council officers and ward councillors, have continued to address issues regarding fire safety, pests and refuse. This work is ongoing.

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

- 11.1 Appendix 1 – Equality Impact Assessment

12 BACKGROUND PAPERS

- 12.1. Travellers' Site Management Agreement (twenty-second schedule to the Housing Stock Transfer Agreement).

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Equality Analysis

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	Annual Increase to Traveller Site Licence Fee
Which Department/ Division has the responsibility for this?	Housing and Sustainable Development

Stage 1: Overview	
Name and job title of lead officer	Steve Webb – Business Support and Relationship Manager
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	A 7.7% increase in the Brickfield Road Traveller Site Licence Fee. This is in accordance with the government's social housing rent setting formula (CPI+1%), as recommended by the Council's managing agents, Clarion Housing.
2. How does this contribute to the council's corporate priorities?	<p>Ownership of the travellers' site at Brickfield Road, SW19 was retained by the council at stock transfer in March 2010. The council entered into a management agreement for the site with Merton Priory Homes (now Clarion Housing) and this forms part of the legal transfer agreement.</p> <p>The council aims to ensure every resident lives in well managed and good quality accommodation. The increase supports Clarion's ability to carry out the terms of the management agreement.</p> <p>This proposal ensures the Council's compliance with a legal contract.</p> <p>In order for the Council to comply with the management agreement, there needs to be an annual review of the Licence Fee.</p>
3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.	The 15 households at Brickfield Road Traveller Site.

4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?

The decision is shared with Clarion Housing.

Under the management agreement the weekly licence fee for renting a pitch on the site is to be set by the council and reviewed at least annually. The licence fee shall be no less than the level recommended by Clarion Housing (acting reasonably) from time to time.

Clarion Housing have recommended that the licence fee be increased by 7.7% from April 2024, increasing the weekly fee from £109.49 to £117.92.

The 7.7% increase to be applied by Clarion Housing has been calculated in accordance with the Government's current rent setting formula. Since stock transfer the standard increase (or reduction), as applicable to social housing, has been applied each year. The rent setting formula is $CPI + 1\%$, where $CPI = 6.7\%$ at September 2023.

Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

15 households are affected on site who receive housing management support from Clarion Housing.

We do not have data on employment rates.

The application of the rent increase is in accordance with national guidance.

Stage 3: Assessing impact and analysis

9. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age			X		Older residents of pension age could have a reduced income compared to working age neighbours.
Disability			X		Disabled residents could be negatively affected as people with disabilities tend to face higher levels of unemployment.
Gender Reassignment				X	
Marriage and Civil Partnership				X	
Pregnancy and Maternity				X	
Race			X		Some Gypsies and Travellers are protected against discrimination on the basis of their ethnic origins. These residents could have lower employment rates due to discrimination.
Religion/ belief				X	
Sex (Gender)				X	

Sexual orientation				x	
Socio-economic status			x		Some households claim Housing Benefit / Universal Credit

7. If you have identified a negative impact, how do you plan to mitigate it?

Romany Gypsies and Irish Travellers are protected against race discrimination. This is because Romany Gypsies and Irish Travellers are ethnic groups under the Equality Act. All households on the Traveller site are affected equally by this increase regardless of their ethnic group.

Older residents of pension age could have a reduced income compared to working age neighbours. Additionally, Disabled residents could be negatively affected as people with disabilities tend to face higher levels of unemployment.

Any households experiencing financial hardship, regardless of their ethnicity, age or disabled status, can apply for Housing Benefit or Universal credit for the licence fee of their pitch and can seek support from Clarion Housing if they have difficulties.

Stage 4: Conclusion of the Equality Analysis

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Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

- Outcome 1** – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**
- Outcome 2** – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**
- Outcome 3** – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have 'due regard' and you are advised to seek Legal Advice.**
- Outcome 4** – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

Stage 5: Improvement Action Pan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?
<p>Race, Age, Disability and Socio-economics. These households may have higher unemployment rates or reduced income.</p> <p>Page 20</p>	<p>Ensure households have access to the Housing Benefit or Universal Credit they are entitled to</p>	<p>Residents benefit from the use of Clarion’s Tenancy Sustainment Service.</p> <p>As part of the management agreement, Clarion Housing have a responsibility to monitor the conduct of the licences, including rent accounts and take-up of housing benefit and will take preventative actions to enable residents to stay in their homes.</p> <p>Clarion have reported that their tenancy sustainment team have had no referrals from Brickfield Road.</p>	<p>ongoing</p>	<p>Existing</p>	<p>Steve Webb</p>	<p>No</p>

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This Equality Analysis has resulted in an Outcome [2](#) Assessment

Some Gypsies and Travellers are protected against discrimination on the basis of their ethnic origins. The residents could have lower employment rates due to discrimination.

Additionally, older residents of pension age could have a reduced income compared to working age neighbours. Disabled residents could be negatively affected as people with disabilities tend to face higher levels of unemployment.

Some households claim Housing Benefit or Universal Credit and their eligibility will be unaffected by this increase.

Stage 7: Sign off by Director/ Head of Service

Assessment completed by	Steve Webb – Business Support and Relationship Manager	Signature: S Webb	Date: 01/03/24
Improvement action plan signed off by Director/ Head of Service	Elliot Brunton – Head of Housing Needs and Strategy	Signature: E Brunton	Date: 01/03/24

Steve Webb

Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

From: Haroon Bashir <Haroon.Bashir@clarionhg.com>
Sent: Monday, February 26, 2024 2:10 PM
To: Jacqueline Thomas <Jacqueline.Thomas@clarionhg.com>; Steve Webb <Steve.Webb@merton.gov.uk>
Cc: Elliot Brunton <Elliot.Brunton@merton.gov.uk>
Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

This Message Is From an External Sender

This message came from outside your organisation.

Hi Steve

I hope you're well.

I can confirm that the increase is 7.7% for the caravan sites.

Regards

Haroon Bashir – Head of Rents and Service Charges
Clarion Housing Group
6 More London Place
Tooley Street
London, SE1 2DA
M: [REDACTED]

IMPORTANT - PERSONAL

From: Jacqueline Thomas <Jacqueline.Thomas@clarionhg.com>
Sent: Monday, February 26, 2024 2:02 PM
To: Steve Webb <Steve.Webb@merton.gov.uk>; Haroon Bashir <Haroon.Bashir@clarionhg.com>
Cc: Elliot Brunton <Elliot.Brunton@merton.gov.uk>
Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

Hi Steve

Clarion have increased social housing rents by CPI plus 1% . Therefore, rents will be increased by 6.7% plus 1%. The CPI for the month of September is applied to set rent increases. The total increase of 7.7% is the industry norm in the sector for 24/25.

Service charges are not applied to this site and therefore Clarion are meeting the estate services costs which are not recharged to residents.

[@Haroon Bashir](#) can you confirm the rent increase as stated above is correct for the Brickfield Site SW19 8UJ.

Kind regards

Jacqueline Thomas - Head of Housing
Clarion Housing
Apollo House, 66 London Road , Morden, SM4 5BE
Mobile: [REDACTED]
Email: jacqueline.thomas@clarionhg.com
www.clarionhg.com
Follow us on Twitter: @Clarion_Group
Clarion Housing is part of Clarion Housing Group

From: Steve Webb <Steve.Webb@merton.gov.uk>
Sent: Monday, February 26, 2024 12:18 PM
To: Jacqueline Thomas <Jacqueline.Thomas@clarionhg.com>; Haroon Bashir <Haroon.Bashir@clarionhg.com>
Cc: Elliot Brunton <Elliot.Brunton@merton.gov.uk>
Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

Dear Jackie and Haroon,

We still need to get approval of the Brickfield Road rent increase. I need the amount and the formular used. This is getting quite urgent now.

Kind regards

Steve

IMPORTANT - PERSONAL

From: Jacqueline Thomas <Jacqueline.Thomas@clarionhg.com>
Sent: Thursday, January 4, 2024 8:01 AM
To: Steve Webb <Steve.Webb@merton.gov.uk>; Haroon Bashir <Haroon.Bashir@clarionhg.com>
Cc: Elliot Brunton <Elliot.Brunton@merton.gov.uk>
Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

Hi Steve

Clarion has not yet determined the rent increase to be applied for 24/25. Our Board is scheduled to meet this month to agree the rent increase to be applied and therefore once confirmed we will let you know.

Kind regards

Jacqueline Thomas - Head of Housing
Clarion Housing
Apollo House, 66 London Road , Morden, SM4 5BE
Mobile: [REDACTED]
Email: jacqueline.thomas@clarionhg.com
www.clarionhg.com
Follow us on Twitter: @Clarion_Group

IMPORTANT - PERSONAL

From: Steve Webb <Steve.Webb@merton.gov.uk>

Sent: Wednesday, January 3, 2024 3:21 PM

To: Haroon Bashir <Haroon.Bashir@clarionhg.com>; Jacqueline Thomas <Jacqueline.Thomas@clarionhg.com>

Cc: Elliot Brunton <Elliot.Brunton@merton.gov.uk>

Subject: RE: Newly published decision: Travellers' site - review of weekly licence fee -- URGENT

Hi Haroon,

I will need to make a start on the approval of the annual Brickfield Road Traveller Site licence fee increase.

Can you advise please what calculation you have used this year and the new weekly charge?

Many thanks and regards

Steve

Steve Webb

Business Support and Relationship Manager

Housing Needs and Strategy

Housing and Sustainable Development

London Borough of Merton

Civic Centre, London Road, Morden, SM4 5DX

www.merton.gov.uk



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Merton Council - call-in request form

1. Decision to be called in: (required)

Travellers' site – review of weekly licence fee

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	X
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	X
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

Section 7.1 of the decision sheet states, “the council has legal responsibility for reviewing and setting the weekly license fee, based on the amount recommended by Clarion Housing (acting reasonably).”

Section 3.2 of the decision sheet states, “Alternative licence fee increase of less than 7.7% would not be in accordance with the management agreement and so is not recommended.” But section 3.2 does not provide any evidence to show that Merton Council has attempted to ensure that Clarion have ‘acted reasonably’ in their setting of the fee. We do not, therefore, agree that alternatives have been properly considered and evaluated.

We would expect a review of Clarion’s reasonableness to include evidence of:

- (a) the services provided by Clarion to residents of Brickfield Road in 2022/23, with associated costs
- (b) estimated costs for services which will be provided in 2023/24
- (c) any poorly resolved or unresolved complaints logged by service users, stakeholders, and ward councillors to Clarion regarding their service provision in Brickfield Road
- (d) a comparison of the fees charged to Brickfield Road Travellers’ Site residents and Clarion’s other social housing residents

The decision merely accedes to Clarion’s recommendation as set out in the report – which is to increase fees by the maximum permitted amount – without properly reviewing and scrutinising the fees they have suggested.

There is no consultation with affected residents or their representatives and there is no detail of the consultation carried out by Clarion with Merton provided on the papers that would indicate that consideration of alternatives was carried out.

Service users in Brickfield Road are also still experiencing unresolved issues, including inadequate equipment and training for fire protection, rat infestations, and broken waste bins. There is no evidence of a review which shows that Clarion have been carrying out the service that they are contractually required to. If Clarion were carrying out those services and if the cost of providing those services were increasing due to inflationary pressures, then a 7.7% fee increase could be reasonable. But the assertion that Clarion has ‘acted reasonably’ cannot be made without the evidence of a proper review.

Due consideration of equalities

The assertion in the Equalities Assessment that “All households on the Traveller site are affected equally by this increase regardless of their ethnic group” does not show that an assessment of the possibility of indirect discrimination has been completed (we would also query if the correct comparator is those at the site only or all Clarion tenants subject to the 7.7% increase, who are provided different

services - which impacts the potential reasonableness of the increase).

An equalities assessment comparing the impact of these changes on Romany Gypsies and Irish Travellers at Brickfield Road with other Merton residents beyond the Traveller site has not been completed.

The Council's Corporate Equality Scheme requires departments to consider other relevant groups or issues in their assessments such as looked after children, carers, gypsies and travellers, and community cohesion where appropriate.

5. Documents requested

Details and correspondence between Merton and Clarion that comprises the consultation for the purpose of this decision.

6. Witnesses requested

Relevant officer

Any cabinet member who was consulted on the decision, and the cabinet member whose portfolio includes equalities

Relevant residents or their representatives

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864

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Committee: Sustainable Communities Overview and Scrutiny Committee

Date: 21st March 2024

Wards: All Wards

Subject: Fly-tipping Action Plan and Enforcement Update

Lead Director: Dan Jones, Executive Director of Environment, Civic Pride & Climate

Lead member: Councillor Natasha Irons, Cabinet Member for Local Environment, Greenspaces and Climate Change

Contact officer: James Cook, Senior Street Environment and Enforcement Manager

Recommendations:

- A. The Panel notes and comments on the Fly-tipping Action plan update.
 - B. The panel notes the timeline for the development of the revised Fly-tipping Strategy.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report introduces the fly-tipping action plan and provides members with the opportunity to comment and feedback on the content of the plan. There is growing concern surrounding fly-tipping incidents within the Borough and the associated negative impact that they have on the street environment.
- 1.2. The action plan aligns with the current fly-tipping strategy, which is in the process of being reviewed to align with Merton's corporate priorities. As part of the review, a public consultation is planned to seek the views of Merton citizens regarding fly-tipping in the Borough.
- 1.3. The fly-tipping strategy and corresponding action plan demonstrates the Authority's ongoing commitment to addressing illegal waste disposal through the employment of preventative measures, early intervention and targeted enforcement. An effective fly-tipping action plan is a key component in achieving the strategic objectives of nurturing civic pride and building a sustainable future.

2. DETAILS

- 2.1. The Fly Tipping Action Plan (FTAP), a critical initiative in addressing the persistent challenge of illegal waste disposal, was initially agreed upon in September 2019.

Since then, it has undergone regular reviews and updates, reflecting our commitment to evolving strategies and actions to tackle this issue effectively.

- 2.2. The plan encompasses various group themes and outputs, focusing on targeted enforcement, early intervention, and preventing reoccurrence of fly-tipping. The plan includes specific activities such as patrols in littering hotspots, anti-fly tipping campaigns, and innovative approaches like the use of smart cameras and "Merton Wall of Shame", supported by communications to highlight the importance of this matter and what we are doing to combat this anti-social and criminal activity.
- 2.3. The elements of the plan are measured and reviewed regularly to ensure their effectiveness. The FTAP's structured and strategic efforts in addressing the persistent issue of illegal waste disposal provides focus and direction to the environmental enforcement team's resources. During this year, as an example, the plan has improved our use of enhancing surveillance capabilities through the strategic placement of CCTV cameras in hotspots, training of enforcement officers, and public awareness campaigns to educate about the environmental and legal consequences of fly-tipping.
- 2.4. An example of the success of the team's deployable cameras is the improvement that has been achieved at Raleigh Gardens, Mitcham. This location had been plagued by fly-tipping at the beginning of the year and was often a location featured in the "Wall of Shame" episodes. The persistent use of the camera at this location has enable the team to develop innovative ways to reduce fly-tipping at the location, as described in 2.11.
- 2.5. Since its implementation, the FTAP has focused our internal teams and improved our communication external and with stakeholders with the aim of reducing fly-tipping incidents. The enhanced surveillance and stricter enforcement measures have led to a notable decrease in the number of reported cases. Public education campaigns have successfully raised awareness, as evidenced by the increased use of legal waste disposal methods and active local participation in reporting and preventing fly-tipping.
- 2.6. As part of the ongoing efforts to combat fly-tipping, the enforcement team has been proactively using images to identify and apprehend individuals responsible for dumping rubbish. The "Merton Wall of Shame," a key component of the "Keep It Clean Love Merton" campaign. This initiative involves the public display of video clips showing individuals engaging in fly-tipping. The public is encouraged to assist in identifying these individuals, contributing to the enforcement team's efforts. This initiative has been supplemented by social media campaigns, further broadening the reach and effectiveness of the program.



- 2.7. The overarching objectives of the Wall of Shame campaign include engaging both staff and the public in identifying unknown suspects and generating intelligence to apprehend those compromising community cleanliness. The enforcement policy outlines the roles and responsibilities of the internal LBM Enforcement Team, detailing the procedure for submitting images for inclusion on the website and posters, and the subsequent actions if a potential suspect is identified. [[Wall of Shame CCTV appeal: do you recognise these fly-tippers? | Merton Council](#)]
- 2.8. Additionally, the enforcement team has utilised this platform to develop an innovative and hyper-local enforcement approach using posters of offenders captured by local CCTV. The Wall of Shame posters, accompanied by relevant details of the offence and information on how to contact the enforcement team, are placed at the location where the image was obtained. These images are kept on the site for a period of four weeks, after which they are archived, unless identified and fined. This new technique has successfully been used in three separate enforcements.
- 2.9. The recent use of visual identification methods, informed by our targeted placement of CCTV, into the fly-tipping enforcement strategy has significantly enhanced the team's ability to enforce offenders, contributing to the overall effectiveness of the Fly Tipping Action Plan. This approach has been developed through the FTAP and by reviewing repetitive hotspot locations while producing the "Wall of Shame" episodes.
- 2.10. In our fight against fly-tipping, various measures have been implemented at key hotspot locations, including signage, pavement stencils, and cameras. However, persistent fly-tipping activities continued, notably at Raynes Park outside the Princess Alice Charity shop, despite comprehensive preventive strategies including signage requesting not to leave donations outside shop hours. SMART cameras have recorded ongoing unauthorised donations, especially during early mornings, under various weather conditions, classifying these acts as fly-tipping.
- 2.11. In response, we developed a new initiative at this location and two other chronic fly-tipping sites. This involved installing A1-sized noticeboards displaying CCTV images of individuals engaged in fly-tipping at these specific sites. This approach extends our existing "Wall Of Shame" campaign by localising it to the actual fly-tipping locations. It's important to note that this is not a naming and shaming tactic; rather, it's an appeal for identifying those responsible, in line with our ongoing campaign.
- 2.12. The noticeboards, under continuous CCTV surveillance, serve a dual purpose: deterring vandalism and ensuring that the displayed images are regularly updated.

This initiative aims to make a significant impact on reducing fly-tipping activities in these targeted locations.



2.13. As part of our progress to develop improved ways for residents to ‘do the right thing with waste’, we have successfully implemented the ‘Garth Road on the Road’ pilot project which offers a mobile recycling and waste disposal service. This hyper-local initiative provides a convenient option for residents, especially those who found it challenging to access the Garth Road site, to dispose of various materials including recyclables, garden waste, bulky items like furniture, and residual waste. These events, planned and executed by the waste service team and Veolia, have up to 100 visitors per event, with efficient traffic management ensuring minimal local disruption. A notable outcome was the collection of significant quantities of waste, particularly small electrical items and bulky waste, highlighting the project's effectiveness in promoting local and sustainable recycling. Importantly, post-event monitoring showed no instances of fly-tipping, demonstrating the event's success in responsibly managing waste disposal and setting a positive precedent for future waste management initiatives.

2.14. Both the success and importance of providing localised solutions for residents, especially those without cars, to manage their waste responsibly has led to this pilot being included in the future recycling and waste collection service contract from April 2025.

2.15. Table 1. Tonnage of materials collected from ‘Garth Road on the Road’

Waste Type	Pollards Hill	Chaucer Centre	South Gardens	Haydons Rec	Cottenham Park Road
WEEE	0.7t	0.780t	0.36t	0.3t	0.12t
Bulky waste	2.5t	3.3t	0.80t	1.29t	0.38t
Garden	0.56t	2.0t	0.68t	1.8t	0.18t
DMR	0.2t	1.24t	2.80t	1.9t	0.25t
Residual	3.14t	5.21t	3.44t	3.04t	1.5t
Total Waste	7.1t	12.53t	8.08t	8.33t	2.43t

- 2.16. Despite these successes, the challenge of fly-tipping continues to evolve, requiring ongoing efforts and adaptation of strategies. The Council is currently focusing on addressing the emergence of new fly-tipping patterns, particularly in areas where evidence of reported fly-tipping incidents has been secured. The enforcement team has put in place new ways of working to enhance data collection and analysis to better understand these trends and implement targeted actions. This has translated in new improvements that have been adopted in the environmental enforcement contract that requires weekly deployment plans and focused work on the areas hardest hit by fly-tipping. In addition, expanded and targeted use of our CCTV network and enforcement cameras, has improved the team's overall ability to respond to and investigate incidents.
- 2.17. Notably and provided through the new Enforcement Contract's social value offer, we have two deployable cameras that are 'smart' and can identify vehicles and patterns so they can smartly capture offences that occur. The team has had recent discussions with the contractor on developing the use of these cameras provided to the council to capture littering that occurs from vehicles. The smart camera solution would be able to identify and register the vehicles that throw litter out of their cars as it occurs, allowing the enforcement team to enforce the offence. This demonstrates another novel approach to being developed by the team to further support tackling those offenders who despoil our environment.
- 2.18. The use of smart cameras across the borough have identified eight (8) specific cases that have resulted in positive enforcement action. The evidence gained through the new camera technology has allowed enforcement team members to readily identify the keeper of the vehicle involved. Officers then review the footage and apply the most appropriate enforcement mechanism for the severity of the incident.
- 2.19. Where vehicles are not involved and personal identification of the offender is reliant on witness appeals, the team will utilise these images in the "Wall of Shame" process and, as outlined in 2.10, the team has now developed a process to use images locally at hotspot locations to appeal for information and deter further fly-tipping offences.
- 2.20. An integral part of the FTAP's success has been the establishment and strengthening of partnerships with various stakeholders. This includes working closely with environmental agencies, local businesses, community groups, and law enforcement. These collaborations have not only aided in effective enforcement but also in fostering a shared responsibility towards maintaining a clean and safe environment. The Council continues to explore new partnerships and collaborative opportunities to enhance the effectiveness of the FTAP.
- 2.21. Additionally, the Council plans to expand educational initiatives, focusing on schools and youth groups to instil a sense of responsibility towards the environment from a

young age. Continuous review and adaptation of the FTAP will ensure that it remains relevant and effective in addressing the dynamic nature of fly-tipping challenges.

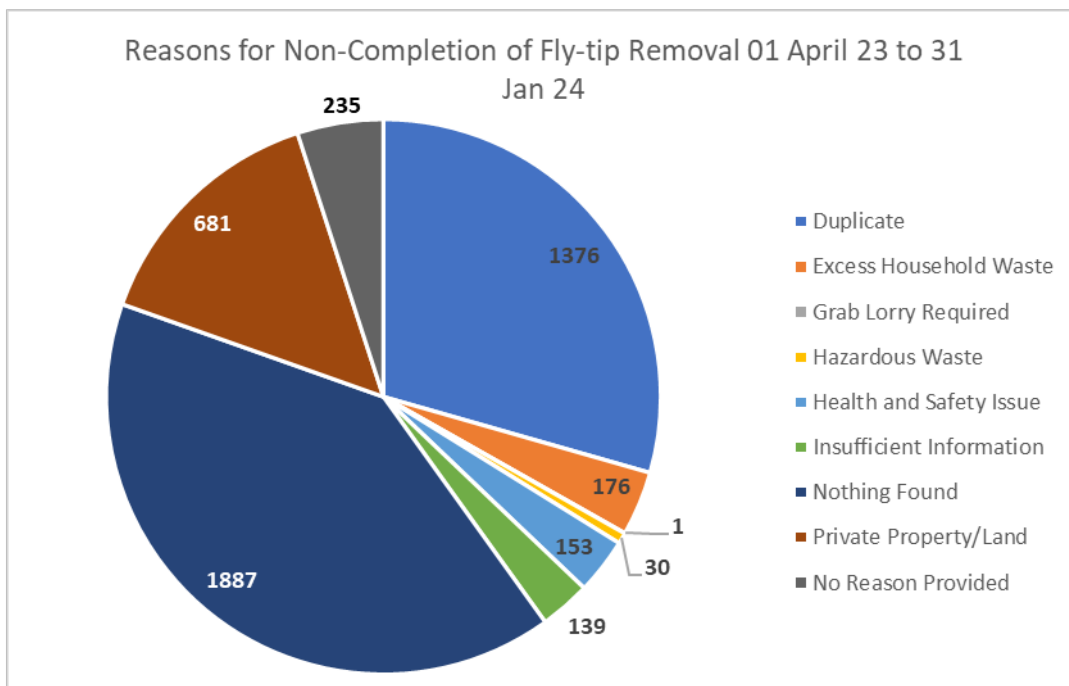
3. PERFORMANCE

3.1. The following summarises and provides insight into the incidents and management of fly-tipping over this financial year. Details focus within the enforcement and business support teams is on the integration of reporting systems and how these technologies can be improved to reduce duplicate reports and improve location reporting of cases to collection crews. Additionally, it details activity across different wards and the performance of the contractor in managing the collection of the reported incidents.

3.2. Between 01 April 2023 and 31 January 2024, there were 15,823 fly-tips reported across the Borough.

3.3. During this period, 70.44% of reports were removed and marked as completed on the system with 29.56% (4,678 reported fly-tips) being marked as not completed. Collection Crews and Supervisors are required to provide reasons for non-removal of fly-tips and the number of reasons provided for non-completion and percentage of total non-completed jobs are shown below.

3.4. Graph 1. Reasons for Non-Completions of Fly-tip Removal



3.5. It can be seen that the largest proportion of non-completion of fly-tip removal is “Nothing Found” with 1,887 fly-tip reports being marked as “Nothing Found” between 01 April 23 and 31 January 2024. It was identified that due to the way Veolia’s ECHO system segments roads, that a number of reports that were reported through Fix My Street, were inaccurate when the report was integrated into ECHO, leading crews to the wrong location which is why they were unable to locate fly-tips. A large piece of work was undertaken with the Merton IT team and Veolia to understand why this was happening and the intermediate integration system was removed so that Fix My Streets reports now go directly into ECHO, along with latitude and longitude information. This went live on 13 February 2024,

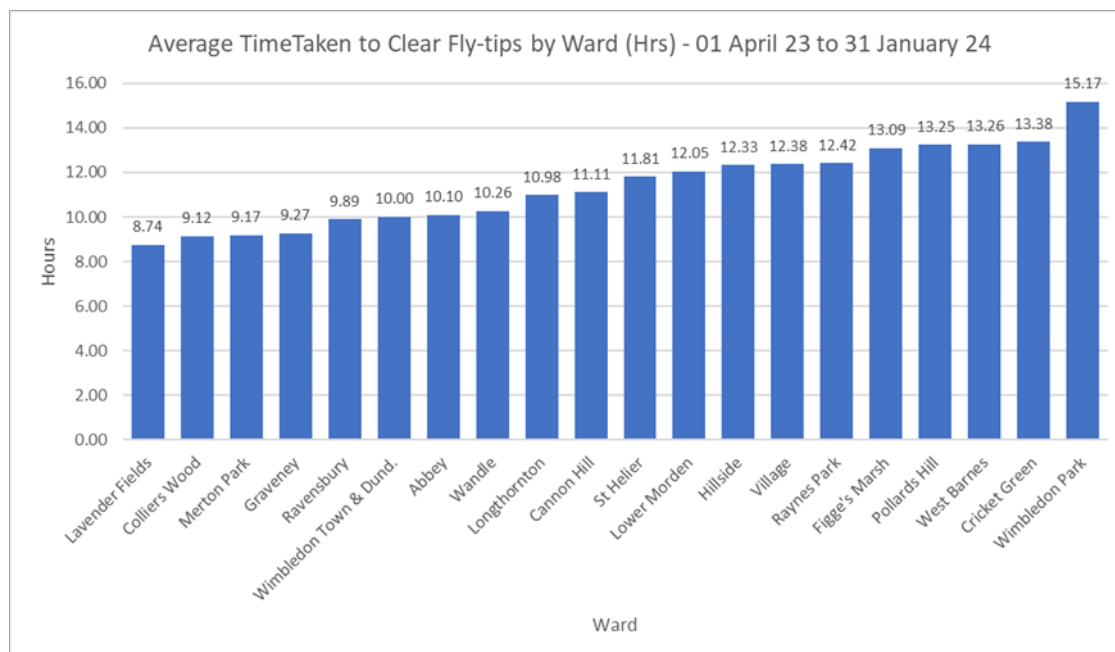
and this has already shown a large decrease in the number of reports being marked as “Nothing Found”.

- 3.6. Before the system was implemented an average of 38 fly-tipping reports made through Fix My Streets every week were marked as “Nothing Found”. in the first full week of implementation of the new integration solution zero reports made through Fix My Street were recorded as “Nothing Found”.
- 3.7. Due to the nature of fly-tipping, there will always be a small number of reports not found by the crews due to legitimate reasons, however the new IT solution will reduce the reports that identify the wrong segment of the street, reducing numbers of fly-tips left on the street as well as complaints to the Service.
- 3.8. Another quality improvement being investigated is based on 29% of all reported fly-tips being duplicate reports. A further piece of work is being undertaken with Fix My Street which will flag up fly-tip reports within a radius of where the customer is reporting from. This will offer the customer a choice to continue to report if the fly-tip has not already been reported or cancel their report if they can see that someone else has already reported it. This will reduce the number of duplicate reports received.
- 3.9. On a ward-by-ward basis, it can be seen that Graveney and Colliers Wood are the two most fly-tipped wards in the Borough, with Village and Hillside being the least fly-tipped wards. While 15% (a total of 681) of all reported fly-tips were on Private Land which the Council does not have responsibility to remove.
- 3.10. Table 2. Number of Fly-tips per Ward (01 April 23 to 31 January 24)

Ward	Total Fly-tips
Village	203
Hillside	260
Lower Morden	286
Cannon Hill	334
West Barnes	362
Wimbledon Park	378
Merton Park	430
Raynes Park	531
Pollards Hill	648
Ravensbury	687
Figge's Marsh	693
Abbey	766
Wimbledon Town & Dundonald	832
Longthornton	979
St Helier	1099
Cricket Green	1121
Lavender Fields	1166
Wandle	1190
Colliers Wood	1587
Graveney	2271
Grand Total	15823

3.11. The SLA for removal of fly-tips is 24 hours from receipt of report. Graph 2 shows the average time taken to remove fly-tips from each ward. It can be seen that on average, all wards have fly-tips removed within the SLA.

3.12. Graph 2. Average Time Taken to Remove Fly-tips by Ward.



3.13. Table 3. Overall KPI performance for Fly-tip Removal

STREETS KPI	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Fly-tips removed within SLA (23/24)	93.50%	92.90%	96.80%	98.70%	94.80%	91.90%	96.90%	97.30%	95.50%	94.90%

3.14. The KPI for the removal of fly-tips within the agreed SLAs, is 90%. It can be seen from table 3. that across the Borough, the Service Provider is performing in excess of the KPI target.

4. ENFORCEMENT

4.1. The Environmental Enforcement Team, supported by the Fly-Tipping Action Plan (FTAP), has shown significant activity in managing and responding to environmental issues. From April this year, they conducted 415 investigations into various incidents. A substantial number of warning letters, totalling 3,427, were issued, demonstrating a proactive approach to address and prevent fly-tipping. The team also implemented statutory notices on 15 occasions and carried out 33 Duty of Care inspections under Section 34 of the Environmental protection Act (1990).

Additionally, the team has dedicated 537 hours of surveillance through CCTV, demonstrating a commitment to monitoring and responding to local hot-spot concerns. In total, the team engaged in 3,979 activities, reflecting a multi-faceted approach to environmental enforcement.

4.2. During 2023, the enforcement efforts against fly-tipping in our area showed significant results, both in terms of actions taken and financial impact. Throughout the year, a total of 535 Fixed Penalty Notices (FPNs) were issued for £150

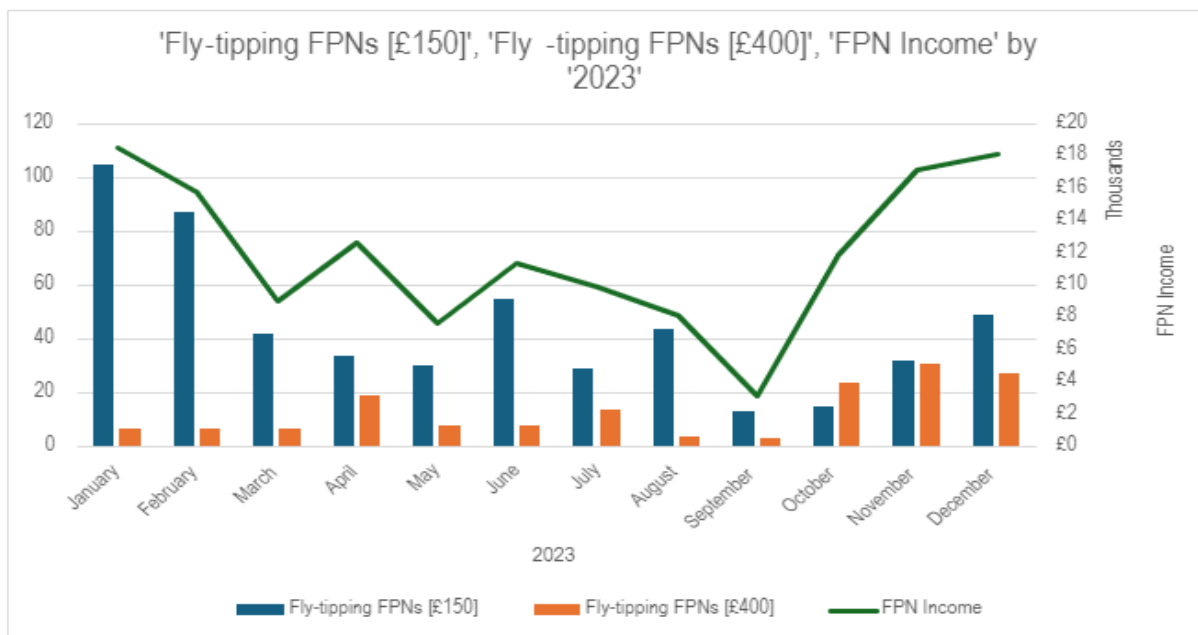
violations, while 159 FPNs were issued for the more severe £400 violations. This differentiation in penalty levels demonstrates a tailored approach to the severity of the incidents, reinforcing the robustness of our enforcement strategy.

4.3. The total income generated from these FPNs amounted to £143,850, a substantial figure that underscores the financial effectiveness of our enforcement actions.

4.4. These figures highlight the strength of our approach: a clear, consistent enforcement policy and the ability to adapt penalties based on the severity of the violation. Moving forward, the enforcement team is undertaking a review of the approach on how to best manage time-banded waste collection zones. The possible use of PCNs rather than FPNs as supported by the London Local Authority Act will allow for a more comprehensive enforcement of bags placed out on non-collection times and days by residents and businesses, improving the local street scene in these important areas.

4.5. Table 4. Total Fixed Penalty Notices issued for Fly-tipping in 2023.

2023	Fly-tipping FPNs [£150]	Fly-tipping FPNs [£400]	FPN Income	Fly-tipping FPNs [£150]	Fly-tipping FPNs [£400]
January	105	7	£18,550	£15,750	£2,800
February	87	7	£15,850	£13,050	£2,800
March	42	7	£9,100	£6,300	£2,800
April	34	19	£12,700	£5,100	£7,600
May	30	8	£7,700	£4,500	£3,200
June	55	8	£11,450	£8,250	£3,200
July	29	14	£9,950	£4,350	£5,600
August	44	4	£8,200	£6,600	£1,600
September	13	3	£3,150	£1,950	£1,200
October	15	24	£11,850	£2,250	£9,600
November	32	31	£17,200	£4,800	£12,400
December	49	27	£18,150	£7,350	£10,800



5. ALTERNATIVE OPTIONS

- 5.1. An alternative option to the current approach of the Fly Tipping Action Plan (FTAP) could be to scale down the size of the Environmental Enforcement Team and reduce the intensity of enforcement actions and interventions supported through the FTAP. However, this approach would likely be counterproductive.
- 5.2. A reduced enforcement presence and a decrease on the interventions and schemes supported through the FTAP could lead to increased incidents of fly-tipping, subsequently imposing additional burdens and costs on street cleansing and waste management services. This alternative, while cost saving in the short term, may result in higher long-term expenses and diminished community environmental standards.

6. CONSULTATION UNDERTAKEN OR PROPOSED

- 6.1. As part of the review, a public consultation will be initiated to seek the views of Merton citizens regarding fly-tipping in the Borough.

7. TIMETABLE

- 7.1. Table 5 below sets out the key milestones for the production of a draft revised Fly-tipping strategy

Action	Due Date
Public consultation on Fly-tipping	7 May 2024
Draft revised Fly-tipping Strategy	July 2024
Publication of new Fly-tipping Strategy	August 2024

8. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 8.1. The below table summarises the service budget for the waste enforcement team. The figures are based on period 9 returns for 2023/24 and do not show a complete financial year.
- 8.2. Table 6: Service Budget for Waste Enforcement team

Waste Enforcement as of December 2023			
Description	Current Budget	Actuals	Forecast
Salaries	293,140	70,729	93,079
Enforcement Services Cost	399,915	225,285	406,326
Waste Enforcement Income	(569,220)	(266,890)	(440,000)

9. LEGAL AND STATUTORY IMPLICATIONS

- 9.1. The investigations conducted by the Environmental Enforcement Team are governed by various laws and guidelines, including the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, and others. The team's approach includes conducting recorded interviews under caution in line with PACE, gathering diverse evidence ranging from computer records to expert reports, and employing covert information gathering compliant with the Regulatory Investigation Powers Act 2000.
- 9.2. The Council's enforcement policy integrates communication and promotion to encourage compliance, with possible actions ranging from informal advice to prosecution. Formal enforcement includes a wide array of sanctions, and for certain environmental offences, Fixed Penalty Notices (FPNs) may be issued as an alternative to prosecution, depending on the severity and frequency of the offence.
- 9.3. The environmental enforcement team utilises legislative instruments as outlined within the Environmental Protection Act 1990, the London Local Authorities Act, the Clean Neighbourhood and Environment Act 2005, the Environment Act 2021 and the several more waste regulations to enable the effective management of waste and to enforce breaches of these laws.

10. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 10.1. In Section 5.2 of the Council's Overarching Enforcement Policy, it is stated that the council's enforcement actions must take into consideration relevant legislation, codes, and policies that protect individual rights and guide enforcement activities. These include, but are not limited to, the Human Rights Act 1998, the Code for Crown Prosecutors, the Corporate Customer Services Strategy, and the Council's Equality and Diversity Policy. This approach ensures that the council's enforcement activities, particularly those carried out by the Environmental Enforcement Team,

are conducted with due respect for the legal rights of individuals and businesses, while also adhering to principles of equality and community cohesion.

11. CRIME AND DISORDER IMPLICATIONS

11.1. None for the purpose of this report.

12. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

12.1. None for the purpose of this report.

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

- Fly-tipping Action Plan (Reviewed – January 2024)

14. BACKGROUND PAPERS

- Council-wide Enforcement Policy - [Overarching Enforcement Policy.pdf](#) (merton.gov.uk)

Department Approval	Name of Officer	Date of Comments
Legal	Saima Khan	26/02/2024
Finance	Marsha Walker	22/02/2024
Executive Director	Dan Jones	14/03/2024
Cabinet Member	Cllr Natasha Irons	14/03/2024

Public Space | Enforcement Team - Fly Tipping Action Plan Jan. 2024

Number	Fly-tipping and Enforcement Working Group theme	Activity Description	Outputs	Target Completion Date	Progress Update	Lead Officer	Action Required	RAG Status of activity (Green - On Track, Amber - Slightly Off Track, Red - Off track, Blue - Complete)
1	Targeted Enforcement	Kingdom LAS targeted Enforcement Officer Patrols in Identified littering/fly tipping hotspots	Targeted patrols completed per week/month	Ongoing	Activity measured at bi weekly tasking meetings	Enforcement Manager	Activity measured at bi weekly tasking meetings. Compliance measured at Kingdom SOG meetings on a monthly basis - Currently 7 officers from 0700 to 2000 hrs (M-F) & 2 officers weekend.	Green
2	Targeted Enforcement	Time banded waste enforcement	Targeted patrols completed per week/month	Ongoing	Activity measured at bi weekly tasking meetings	Enforcement Manager	Activity measured at bi weekly tasking meetings. Top 5 roads/streets has now been implemented and measured at these meetings and completion of a spreadsheet. - Currently 1 officer 0800 to 1800 hrs M-Su	Green
3	Early Intervention	Comms anti fly tipping campaign	Campaign Objectives - principally reduced fly-tipping and increased satisfaction	Ongoing	Bi monthly meetings with Comms.	Comms - Tia/Abby	Merton Wall of shame ongoing. Agreement that images from the smart cameras will now be publicised at a localised level using Next Door. Advertise number of FPN's issued for fly tipping. Promoted through social media - e.g. 318 FPNs (Dec 2023) / £55k in fines	Green
4	Early Intervention	Fly tipping stencils	Implementation and installation at fly tipping hotspot areas.	01/07/2023	Stencils now deployed. Initial sizing was too small and A0/A1 now purchased.	Enforcement Manager	Installation at fly tipping hotspot areas. After their implementation some of the stencils are now washing off so may need to look at either using a different paint. Also looking at roller V aerosol.	Complete
5	Targeted Enforcement	SMART Cameras	Installation Complete	01/07/2023	SMART Cameras installed via Veolia trial	Mel Higgs	Capital Growth Bid submitted to keep beyond the initial year. Capital Growth bid of £27K submitted.	Complete
6	Targeted Enforcement	MOPAC operations	One every other month	Ongoing	Contact made with traffic garage based at Merton. Initial operation cancelled at short notice due to unavailability of Police	Enforcement Manager	Further contact to be made with TDV. Local SNT will not engage in joint operations unless fly tipping has been identified as a priority. Have engaged at SLT level within the Police, develop ideas to undertake an ANPR operation - target date Q2 2024/25	Red
7	Early Intervention	Training for Veolia crews on basic investigation of fly tips and evidential procedures.	Training session to be delivered	01/10/2023	Discussed at fly tipping meeting and awaiting a date to be set.	Enforcement Manager	Targeted date for training W/C 25th Sept. TRAINING provided 27th Sept 2023 TASK COMPLETED	Complete
8	Prevent Reoccurrence	Wilton Road fly tipping hotspot	Letters Sent, bin removed	01/06/2023	Complaint of fly tipping and food waste at location. Leaflet drop completed	Enforcement Manager	Leaflet drop completed. Bin has been removed.	Complete
9	Targeted Enforcement	Haydons Road	Additional patrols, inspections, camera installation	Ongoing	Discussed at fly tipping meeting in June. Area is now a specific Kingdom tasking. S34 Business checks carried out and notices given. Camera has been relocated.	Enforcement Manager	To remain a current Kingdom tasking for both fly tipping and time banded waste. SMART camera remain at location and monitored for 'hits'.	Green
10	Prevent Reoccurrence	Finborough Road fly tipping hotspot	Leaflet drop, signage	01/07/2023	Complaint of persistent fly tipping. Area visited and leaflet drop completed. Additional signage completed.	Enforcement Manager	Complaint of persistent fly tipping. Area visited and leaflet drop completed. Additional signage completed.	Complete
11	Targeted Enforcement	Undertake proactive monitoring/enforcement of businesses regarding whether they have appropriate arrangements for waste disposal (utilise this as part of Environmental Health/ Regulatory Services visits) and send out warning letters	Compliance Visits, S34 letters, Number of FPN's issued	Ongoing	This has been taking place at specific locations across Merton. Activity has taken place at Haydons Road and in Mitcham TC	Enforcement Manager	Compliance visits to continue. From Jan 2024, focus on Wimbledon Broadway and Mitcham Town centre	Green
12	Early Intervention	Include waste disposal considerations/ procedures/ licences as a 'must-have' for businesses i.e. if you are a business you must evidence you have appropriate disposal mechanisms in place for your business waste such as a contract for a commercial bin	Letters to be sent.	Ongoing	Need to speak with Planning to scope out this area of work	Planning	Need to speak with Planning to scope out this area of work. This is to include business rates for new businesses and identification of HMOs through the waste team registrations. New team members to progress in Q1-Q2 2024/25	Amber
13	Early Intervention	Investigate best practice and learn from Councils who've reduced fly-tipping in their area; understanding what schemes they have utilised and whether they would be suitable approaches within Merton.	Engagement with other LA's.	Ongoing	Review undertaken. Liaison with DEFRA and at Surrey Fly Tipping Action Group. Links already in place with Kingston and Croydon.	Enforcement Manager	Research in progress, part of training network that includes local authorities. We are developing novel approaches in-house to lead best practice - i.e. Wall of Shame poster situated on-site of incidents (see ID18)	Green

Number	Fly-tipping and Enforcement Working Group theme	Activity Description	Outputs	Target Completion Date	Progress Update	Lead Officer	Action Required	RAG Status of activity (Green - On Track, Amber - Slightly Off Track, Red - Off track, Blue - Complete)
14	Early Intervention	'Private Landlord Accreditation Scheme'	Letters/Meetings	Ongoing	Include 'effective waste disposal' as a criteria on the 'Private Landlord Accreditation Scheme'	Enforcement Manager	Scope out this scheme within LBM - this is being developed with waste colleagues through the HMO registration process	Green
15	Prevent Reoccurrence	Neighbourhood Recycling Centres	Reduction in/Removal of NRC's	Ongoing	Sites to be mapped. Private or authorised ones. This is likely to be a Cabinet Decision	Enforcement Manager	Removal of/reduction in NRC's - UPDATE : Draft paper being collated on benefit analysis of NRCs and using enforcement interventions to reduce incidents - e.g. Prince Georges NRC	Green
16	Early Intervention	Deliver an effective bulky waste collection service	Promote the bulky waste collection service. Promote bulky waste collection to landlords/property management		Comms to be consulted. Engagement with Housing providers/Landlords/Property management Companies.	Enforcement Manager/Comms	Promote the bulky waste collection service. Promote bulky waste collection to landlords/property management. Promote the council's bulky waste collection service within cost-of-living comms.	Green
17	Prevent Reoccurrence	Charity Shop Donations outside of normal hours	Letters/Meetings/Comms support	30/10/2023	Problematic locations to be mapped. Comms consulted with and Posters to be hand delivered to problematic locations.	Enforcement Manager	Problematic locations to be scoped out. Engagement with specific charity shops and in person visits to be carried out with request that signage is displayed discouraging donations outside of shop hours - warning of potential fines if identified. UPDATE - Posters now being distributed to charity shops in problematic areas by Enforcement Team	Green
18	Prevent Reoccurrence	Identification Noticeboards	Installation, images, comms	31/01/2024	Working with comms on locations to install outdoor noticeboards at 3 hotspot locations.	Enforcement Manager	Problematic locations to be scoped out. Work with comms to agree e branding and get permissions from shop location if required. To be presented to Cllr Irons on 8th Dec 2023 for initial agreement. Identify outdoor noticeboard supplier and installation method.	Green

DEFRA - Local authority fly-tipping enforcement league table data 2022-23

Published: 17th January 2024

Year	LA Name	Total Incidents	Total Actions	Total Fixed Penalty Notice Actions	Prosecution Actions	FPNs per incident	Rank FPN per incidents	Rank FPN
2022-23	City of London	2998	3212	5236	0	0.859206	6	1
2022-23	Southwark	18676	3006	5192	0	0.401795	10	2
2022-23	Merton	17914	6544	5096	44	0.925704	4	3
2022-23	Havering	3249	4716	3128	1	0.341485	12	4
2022-23	Hammersmith and Fulham	13504	10531	2863	0	0.212011	22	5
2022-23	Islington	1292	3644	2694	3	0.087647	48	6
2022-23	Hackney	27471	1453	2220	33	0.063738	56	8
2022-23	Bexley	3633	712	2004	7	0.405176	9	9
2022-23	Kensington and Chelsea	7263	7811	1781	0	1.378483	2	10
2022-23	Lambeth	5951	4454	1572	0	0.264157	17	13
2022-23	Hillingdon	5517	163	1515	1	0.062276	58	14
2022-23	Ealing	12922	10146	1311	0	0.059059	59	17
2022-23	Barnet	9763	10	1137	0	0.123292	33	20
2022-23	Enfield	5505	11580	1121	0	0.062577	57	21
2022-23	Croydon	22852	986	859	0	0.286524	14	25
2022-23	Sutton	4946	2789	804	6	0.045951	79	26
2022-23	Richmond upon Thames	3675	1216	800	3	0.042836	83	27
2022-23	Westminster	30737	20348	710	0	0.195431	25	28
2022-23	Barking and Dagenham	3845	96	659	21	0.098168	42	30
2022-23	Greenwich	9524	1061	654	2	0.201293	24	31
2022-23	Redbridge	6713	7435	610	0	0.083987	50	32
2022-23	Bromley	3626	258	585	0	0.036883	94	34
2022-23	Lewisham	24327	2846	462	0	0.014687	161	36
2022-23	Wandsworth	6094	18671	346	0	0.092986	45	45
2022-23	Tower Hamlets	15861	17891	278	0	0.01012	188	50
2022-23	Newham	17497	5794	160	1	0.0168	153	68
2022-23	Kingston upon Thames	3721	2439	110	0	0.029932	110	77
2022-23	Brent	34830	7192	96	0	0.024967	119	81
2022-23	Harrow	9222	2148	43	0	0.007794	199	114
2022-23	Hounslow	26135	1290	27	9	0.007446	203	143
2022-23	Waltham Forest	9160	5285	13	0	0.000497	264	188
2022-23	Camden	31457	32626	10	0	0.001024	256	200
2022-23	Haringey	22198	1593	10	4	0.000438	265	200

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