

**Merton Council**  
**Council**

**9 July 2014**

18. Councillors - Non Priority Questions & Answers

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## CHILDREN, SCHOOLS AND FAMILIES

### NON-PRIORITY QUESTIONS

#### 1. From Councillor Linda Taylor to the Cabinet Member for Children's Services

How many children do we currently have responsibility for that are placed in residential care both within and outside of Merton? Looking at the last five years, what is the average number of placements each child has been placed in and the average length of these placements for each child?

#### Reply

As at the 30 June 2014 there were 12 looked after children (LAC) placed in residential care, all of these placements located outside the borough.

We do not hold data on average number of placements or average length of placements. However, the department is required to provide a statutory return of data against two 'national' indicators which capture placement stability and placement length. Merton's position is presented below.

#### National Indicator 62: Looked After Children with 3 or more Placements

The percentage of Children Looked After at 31<sup>st</sup> March with three or more placements during the year ending 31<sup>st</sup> March

	2009 (31 <sup>st</sup> March)	2010 (31 <sup>st</sup> March)	2011 (31 <sup>st</sup> March)	2012 (31 <sup>st</sup> March)	2013 (31 <sup>st</sup> March)	2014* (31 <sup>st</sup> March)
Merton	15%	11%	15%	14%	16%	13%

Source: SSDA 903 \*2014 Submitted to DfE but not yet validated

#### National Indicator 63: Looked After Children Stability in their Placement

The percentage of Children Looked After aged under 16 at 31<sup>st</sup> March who had been looked after continuously for at least 2½ yrs, who were living in the same placement for at least 2 yrs, or are placed for adoption and their adoptive placement together with their previous placement last for at least 2 yrs.

	2009 (31 <sup>st</sup> March)	2010 (31 <sup>st</sup> March)	2011 (31 <sup>st</sup> March)	2012 (31 <sup>st</sup> March)	2013 (31 <sup>st</sup> March)	2014* (31 <sup>st</sup> March)
Merton	57%	54%	67%	68%	64%	58%

Source: SSDA 903 \*2014 Submitted to DfE but not yet validated

#### 2. From Councillor Linda Taylor to the Cabinet Member for Children's Services

How many children does the council have a care plan for? How aware are any such children of these plans and what contribution have they made to the plans?

**Reply**

There are currently 156 looked after children (LAC) with care plans (Monthly Monitoring Data 30 June 2014). All children of appropriate age and understanding are invited to participate in their LAC reviews where the plan is reviewed and agreed. This participation may take the form of attendance at the meeting, representation through an advocate, or completion of consultation paperwork. Following the LAC review it is the role of the Independent Reviewing Officer and Social Worker to ensure that the children have a good understanding of their care plan. All LAC young people aged 16 and 17 have a Pathway Plan, they are actively involved in the development of this plan which is reviewed at 6 monthly meetings chaired by an Independent Reviewing Officer.

**3. From Councillor Charlie Chirico to the Cabinet Member for Children's Services**

What protocols exist within the local authority and Merton schools for dealing with minor offences and behavioural incidents involving Looked After Children in Merton? How often have the police been involved in incidents over the past year?

**Reply**

Schools are responsible for dealing themselves with minor criminal or behavioural incidents which take place in school and involve their pupils. This applies to looked after children (LAC) as well as other pupils. However, Merton has a 'Virtual School' for LAC, staffed by a Headteacher and teachers, who are able to provide advice and assistance to schools themselves and also link schools to other supports eg Merton's Behaviour Service which works with schools on school level and pupil level behaviour strategies. Each LAC of school age has a Personal Education Plan reviewed regularly by social work, school and Virtual School staff which can include plans to address particular behavioural issues an individual young person may have.

To officers' knowledge there has been no police involvement in any incident involving a looked after child in Merton's schools in the past year.

## COMMUNITY AND HOUSING

### 4. From Councillor Oonagh Moulton to the Cabinet Member for Community and Culture

There have been several instances now of sites in Weir Road being occupied by unauthorised traveller encampments. What preventative action can be taken to stop further recurrences in the future and what plans does the council have for the existing travellers' site nearby?

#### Reply

There have been two instances recently of one site being occupied by unauthorised traveller encampments. They were both on a yard which is a communal area used by four industrial units and the travellers took advantage of the vacancy of one of those units to occupy the area in front of this vacant unit. There are two actions that are being progressed to prevent recurrence of occupation by travellers:

1. Let the vacant unit. Terms have been agreed with a new tenant and this unit is expected to be occupied shortly. This should prove a deterrent as it did previously.
2. We are investigating the installation of security gates which have been very effective elsewhere on the estate and have been discussed with the tenants who share the use of this yard

The travellers' site near Weir Road, known as the 'Brickfield Road Caravan Site', is an authorised site established in June 1972 and is owned by the council. It is a permanent site with 15 pitches for Gypsies & Travellers with a connection to Merton who require permanent accommodation, not a transit site for travellers who require temporary stopping places. The site has been managed by Circle (Merton Priory Homes) on behalf of the council since March 2010, when the council and MPH entered into a 25-year Site Management Agreement.

The council has no plan to change the use of this site. One of the conditions of a government grant awarded to the council to improve the site during the period 2008-2010 was that the site has to remain in use for at least 10 years. There is also demonstrable demand for permanent caravan pitches in Merton. The site has a waiting list, and an Accommodation Needs Assessment undertaken by the council in 2013 had identified the need for an additional 4 permanent pitches in Merton over the next 10 years.

In producing local planning policy to meet identified needs, local authorities are required to:

- Set pitch targets for Gypsies & Travellers to address the permanent site accommodation need
- Identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets

## COMMUNITY AND HOUSING

- Identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15

With regards to target setting and planning for future supply, Merton Council has concluded that the need for permanent pitches over the next 10 years can be met through re-lets of pitches at Brickfield Road. This is supported by findings of a consultation exercise with Brickfield Road residents (undertaken as part of the Assessment) which had identified 5 households who would prefer or consider moving to 'bricks and mortar' housing. Our Allocations Policy has subsequently been amended to assist Brickfield Road residents wishing to move into 'bricks and mortar' housing. This approach has been endorsed by a Planning Inspector following an Examination in Public of this issue in February 2014. The council is also required to undertake another Gypsies & Accommodation Needs Assessment in 2016, and will need to consider whether re-lets from the Brickfield Road site will be sufficient to meet any additional need identified.

### **5. From Councillor Brian Lewis-Lavender to the Cabinet Member for Community and Culture**

Can the Cabinet Member outline the council's plans next month to commemorate the anniversary of the start of the First World War in Merton?

#### **Reply**

Saturday 2nd August – A flag raising ceremony by the Mayor at the Civic Centre. Morden Park bandstand - A narrated piece highlighting the mood of Britain in Merton 2014

Monday 4th August – 10 - 11pm Lights Out – an invitation to everyone in the UK to turn off their lights for one hour leaving one single light or candle glowing.

Other activities and events throughout the 4 year commemoration will be advertised through press releases, My Merton and our website. All our residents, businesses, schools and community organisations are encouraged to commemorate with their own activities as well as joining in those organised by others.

I would like to thank my colleague Cllr Maxi Martin for her work in chairing and facilitating the all-party group who have organised the Council's plans.

### **6. From Councillor Oonagh Moulton to the Leader of the Council**

Congratulations to Oxford City Council on being named Best Achieving Council 2014 by the Municipal Journal. What impact does this have on Merton's use of the MJ logo going forward and what guidance has been provided to Merton on this by the MJ so that all councillors and staff are aware of the correct procedures?

#### **Reply**

Firstly many congratulations to Oxford City Council.

It is a great honour to be named the best council in the country and one which we celebrated with all those who contributed to this outstanding achievement - our staff, our partners and our residents.

The MJ has issued no guidance. We will always be the 2013 winners and therefore can continue to use the winners logo for as long as we feel it is useful to celebrate this great success story.

## **7. From Councillor Najeeb Latif to the Cabinet Member for Environmental Sustainability and Regeneration**

What percentage of retail floor space approved in Merton has been out of town since the introduction of the Government's "town centre first" planning policy?

### **Reply**

Government's "town centre first" planning policy was introduced nearly 10 years ago in 2005 by Planning Policy Statement 6 "Planning for town centres" and has been repeated in subsequent national policy such as the National Planning Policy Framework (NPPF) 2012. The NPPF 2012 states that out of centre retail developments can be approved as long as there is no significant adverse impact on nearby town centres.

There are approximately 122,000 square metres of retail floorspace in all of Merton's town centres combined. Since 2006 approximately 20,000 square metres or 20% of new retail floorspace has been approved outside Merton's town centres, mostly made up of corner shops and small supermarkets in neighbourhood parades scattered throughout the borough, B&Q in Shannon corner and Next Home in Raynes Park. In assessing large out of centre retail planning applications, the council commission's independent retail consultants to advise whether or not there may be an impact on nearby town centres

## **8. From Councillor Janice Howard to the Cabinet Member for Environmental Cleanliness and Parking**

Incidents of fly tipping in Wimbledon Park ward have been increasing over recent months. Can the Cabinet Member tell me what plans are being put in place to take a more rigorous approach to catch offenders?

### **Reply**

The level of fly tipping reported remains a challenge and already this year the first two months are higher than expected. This is a challenging area and our Enforcement team continue to take action where evidence is found. The Council does provide a free bookable bulky waste service for up to five items, including fridges and freezers, once every three months. Demand is high with over 10,000 requests received during 2013/14 and so far this year April and May we have received 2601 requests. Our enforcement teams are targeting fly tipping hotspot areas. The council can request the use of CCTV surveillance to catch those responsible but the decision in relation to this is one made by the Magistrates Court.

We are currently piloting the use of additional environmental enforcement capacity through Kingdom and will consider the use of this for fly tipping once we have had an opportunity to evaluate its effectiveness.



We are currently piloting the use of private environmental enforcement capacity through Kingdom Security and will consider the use of this for fly tipping once we have had an opportunity to evaluate its effectiveness.

#### **9. From Councillor Janice Howard to the Cabinet Member for Environmental Cleanliness and Parking**

With regard to street cleaning, in parts of Wimbledon Park Ward – notably Haydons Road area around the station - there is repeated littering in and around the station and shops. Whilst I appreciate the rubbish is cleared regularly, can the Cabinet Member let me know what preventative measures are being undertaken with shopkeepers and residents to encourage them to dispose of their rubbish?

#### **Reply**

The Enforcement team are carrying out a check on businesses in this area to ensure they have appropriate current waste disposal agreements and reminding them of their responsibilities. There are residents in the area on the Councils blue and purple bag scheme and we will also be writing to them with regard their responsibilities on correct presentation. We will continue monitoring the area with our street cleansing colleagues and penalise offenders if identified. We will also keep under review the provision of adequate litter bins in the area.

#### **10. From Councillor David Dean to the Cabinet Member for Environmental Sustainability and Regeneration**

From January 2015, all 2.5 micrometre particulate matter will be banned in the UK. Can the Cabinet Member provide full details of the air pollution measurements from the Rapid ReadyMix site? Can he also outline what other pollutants, other than cement, the council is measuring and will he confirm that the council is monitoring levels of 2.5 micrometre particulate matter both at the Rapid ReadyMix site and elsewhere in the borough?

#### **Reply**

The Environmental Health Service carries out air quality monitoring for the following pollutants, Nitrogen Dioxide (NO<sub>x</sub>) and Particulate Matter (PM<sub>10</sub>), as declared in its Air Quality Management Area (AQMA).

PM<sub>2.5</sub> is an important issue in the UK. It is currently recognised that exposure to particulate matter (PM) can give rise to significant health effects and to date there is no evidence of a safe level of exposure. Therefore PM<sub>2.5</sub>, the finer size fraction of PM, remains a priority issue for DEFRA.

There are many different sources both natural and man-made that contribute to PM<sub>2.5</sub> particles in the atmosphere. The main anthropogenic sources are mainly from industry and power stations, road transport, residential and shipping sources. Particles can be directly emitted, primary PM, or formed

indirectly through chemical and physical processes in the atmosphere, secondary PM.

In 2010, the national air quality target value of 25ug/m<sup>3</sup> for PM<sub>2.5</sub> came into force in the UK in 2010, and these will become limit values in 2015. PM<sub>2.5</sub> is not a pollutant which local authorities are required to monitor under the Government's current Air Quality Strategy, this is the responsibility of DEFRA. Air quality monitoring for PM<sub>2.5</sub> carried out by DEFRA indicates that the urban background levels for the UK is between 13-15 mg/m<sup>3</sup>.

The initial findings by Kings College regarding the Rapid Ready Mix site show there was no evidence of PM<sub>10</sub> from the cement batcher at the rear of Hayden Court. Mean PM<sub>10</sub> concentrations were slightly greater at Salcombe Road when compared with Haydon Court. Analysis of pollution concentrations by time of day and day of week did not identify a local source that was active during working hours. Analysis of PM<sub>10</sub> concentrations by wind speed and direction also failed to detect the cement batcher as an important local source of PM<sub>10</sub>. Analysis of differences in PM<sub>10</sub> concentrations between the two locations provides some evidence that the green area adjacent to Ply Brook may be having a beneficial influence on local PM<sub>10</sub> concentrations in the immediate neighbourhood.

Monitoring of PM<sub>2.5</sub> for the Rapid Ready Mix site was not required by Kings College as the dust particles generated from operations on the Rapid Ready Mix site would be predominantly PM<sub>10</sub>, as it is combustion activities that normally produces the smaller particles in the PM<sub>2.5</sub> range.

A final report from King College together with a presentation to local residents and councillors is expected in due course.

#### **11. From Councillor David Dean to the Cabinet Member for Environmental Sustainability and Regeneration**

Merton Council, through the South London Waste Partnership, has had its plans for an incinerator halted by a Judicial Review.

What reasons did the Judge give for granting the Judicial Review for the proposed incinerator at Beddington Lane which Merton council is contracted to use?

Furthermore, if the Judicial Review stops the building of this incinerator on Metropolitan Open Land, will Merton have to pay a penalty for breaking the contract with Viridor, the plant operator?

#### **Reply**

On 14th March 2014, the London Borough of Sutton granted planning permission for the development of the Beddington Lane Energy from Waste facility, ERF.

The process of reaching the decision to award planning permission is being challenged through the Judicial Review. Permission or 'leave' for judicial review was applied for on the 24th April 2014 and granted on the 13th June 2014.

Five grounds for a Judicial Review were set out in the original application of which four were allowed and therefore permission granted for a hearing to be held. These include:

1. The Local Planning Authority made a legal error in their interpretation of the development plan by assessing the development against WP3 instead of WP5
2. The Planning Authority failed to provide clear and cogent reasoning in justifying the 'very special circumstances' for development on Metropolitan Open Land.
3. Sutton Council fettered its discretion in making a decision on the planning application by virtue of the Council's contractual relationship with Viridor.
4. The Local Planning Authority failed to assess the environmental impacts of a pipeline route for CHP leading to salami slicing of the project and a failure to consider cumulative effects.

This does not mean, of course, that any of these grounds have been upheld, merely that there is an arguable case.

A fifth ground (legitimate expectation) was dismissed.

It is important to note that the Planning Application was submitted by the Applicant/ Developer, Viridor.

In the event that planning consent is overturned, there remain a number of options contained within the contract that could enable the current proposed solution to be revised and amended.

Failure to achieve planning consent for the current or any revised solution would not result in the Partnership breaking the contract with Viridor. The contract would be terminated on force majeure terms for planning failure. The Partnership as whole would be liable to a maximum of £1.5million under defined parameters, of which Merton would be liable for 25%.

## **12. From Councillor Daniel Holden to the Cabinet Member for Environmental Cleanliness and Parking**

There has been a trend in recent years towards more controlled parking zones, particularly in the west of the borough. At the same time there are an increasing number of planning applications being passed for flats and other accommodation with no or very little off street parking.

As a result, some residents in 'permit free' developments, who require a vehicle for professional or other purposes, find themselves increasingly trapped by the expansion of controlled parking zones since they can no longer

park nearby yet also find themselves ineligible for a parking permit, even though some local CPZs have free spaces, particularly during the day.

What does the Cabinet Member plan to do to help residents, including families in social rented accommodation, now trapped by these changed circumstances?

### **Reply**

In line with the Mayor of London's London Plan, the council can grant planning permission on condition that new residents do not receive an on-street parking permit from the council. New residents should be aware via their purchase or their lease that the property will not be eligible for a council parking permit.

One of the main reasons for permit free parking is to protect existing residents from excessive parking and congestion. If landowners chose not to provide parking on-site then it is important that the council takes some action to prevent established residential areas from excessive parking and the conflict this can cause.

The alternative is for the council to issue more parking permits than there are parking places. If permits were offered to properties that are currently permit-free, even if it was for parking zones further away that are currently perceived to have capacity, local residents in these further away areas would be disadvantaged by the added parked vehicles and local congestion this approach would bring.

Residents in permit free developments, needing car are encouraged to take advantage of car sharing schemes which are growing in number and popularity.