

# Merton Council

## Council

13 July 2016

### Supplementary agenda

5	Public Questions to Cabinet Members and the responses	1 - 6
6	Councillors' Ordinary Priority Questions to Cabinet members and the responses	7 - 14
7a	Strategic Theme: Councillors' questions to Cabinet Members and the responses	15 - 20
15	Court of Appeal amendment to small sites affordable housing exemption	21 - 26
19	Labour Amendment to Item 7c - Strategic Theme Motion Conservative 1	27 - 28
20	Labour Amendment to Item 12 - Notice of Motion Conservative 1	29 - 32
21	Labour Amendment to Item 13 - Notice of Motion Conservative 2	33 - 36

This page is intentionally left blank

## **PUBLIC QUESTIONS FOR COUNCIL ON 13 JULY 2016**

**From: Tom Bolger**  
**To the Cabinet Member for Finance**

What information does the Cabinet Member for Finance intend to include in the proposed consultation on the level of Council Tax to enable residents of the London Borough of Merton to respond on the basis of informed deliberation and what is the proposed timetable for the consultation?

### **Reply**

The detailed plans for the consultation are still being considered by senior officers and members of the Cabinet. It is likely that the consultation will take place during September and October to fit in with the timetable for the overall budget making process, whilst giving residents sufficient time to have their say.

**From: Sofia Parente**  
**To the Cabinet Member for Community and Culture**

In Summer I take my children to paddling pools and parks without drinking water points. Can you please install water points in Merton parks? Can you make sure ice-cream vans are not allowed to park near parks? Instead, can't you license vans or cafes selling healthy foods and drinks?

### **Reply**

We don't generally don't provide water drinking points in our parks and have no future plans to invest in such at the present time. The costs in terms of vandalism, abuse and water quality issues have proven prohibitive and as a consequence drinking fountains have progressively been decommissioned over a number of years as they have reached the end of their economic lifetime. I'm sad to say that many neighbouring boroughs have done and are doing the same. The only exception to this policy occurs at South Parks Gardens, where a heritage grant paid for the restoration of the historical drinking fountain there.

Under these prevailing circumstances, I would suggest that users who may require access to water should either bring water with them from home, or purchase bottled water from a local retail outlet.

Regrettably, it is not always possible to control the activities of all ice-cream vans owing to their mobile nature, but we do have formal arrangements with some reputable ice cream vendors and these are generally welcomed by parks users during the high summer period. We are always happy to consider proposals from other refreshment providers, but the short time-length and unpredictability of the summer season and relatively low footfall at some paddling pool venues rather limits the opportunities.

**From: Sara Sharp**  
**To the Cabinet Member for Regeneration, Environment and Housing**

Given the plethora of planning applications across Wimbledon, how can residents/retailers be sure that the Council's planning officers are considering applications in a strategic way?

**Reply**

All planning applications and associated information is available for viewing on the Council's web site to ensure the process is transparent to all those parties who are interested.

[www.merton.gov.uk/planning](http://www.merton.gov.uk/planning)

The council's strategic planning policies are set out in our adopted Local Plan.

Core Strategy [2011]: Policies CS.6, CS.7 and CS.12 are relevant to the strategic development of Wimbledon town centre, as well detailed planning policies in our Sites & Policies Plan [2014].

[www.merton.gov.uk/localplan](http://www.merton.gov.uk/localplan)

In addition, officers in both the Development Control and Future Merton teams have regular meetings to discuss and coordinate the larger applications or those with most potential impact, to ensure the strategic future of the Borough is safeguarded.

**From: Chris Edge**  
**To the Cabinet Member for Regeneration, Environment and Housing**

Will the Council take urgent steps to protect Raynes Park from further floods by:

- Checking that sewers have not collapsed.
- Adding additional drains under the railway tunnel
- Ensure roads, footways and crossovers are constructed with more consideration of gravity.
- Obtain additional vehicles to clean the drains regularly?

**Reply**

- **Checking that sewers have not collapsed.**

Both foul and surface water sewers are the responsibility of Thames Water. Across the borough, the majority of highway gullies discharge into the Thames Water sewer network. Our Highway Safety Inspectors undertake visual checks on our adopted highways and footways. Sometimes, it is possible to spot defects such as soft spots or voids which may indicate a collapsed sewer or mains burst underground. Any defects are reported to Thames Water for remedial action and repair. We are not permitted or responsible to CCTV

survey the sewer network as the sewers are not our assets to maintain or repair.

Merton Council is responsible for:

- The drainage of surface water from the Strategic Road Network (SRN) and Local Distributor Roads, including Local Access roads (such as the A298, A236 and residential streets excluding private roads).
- Maintaining the road drains on minor roads, including kerbs, road gullies, ditches and the pipe network which connects to the Thames Water sewers.
- Developing and implementing an emergency plan, contingency plan and business continuity plan.
- Ensuring flood risk is considered in the Local Plan.
- Making decisions on planning applications which may be at risk of flooding or increase flooding elsewhere.
- Agreeing any works to ordinary watercourses (i.e. streams, ditches) which may affect the flow or storage of water.
- Maintaining Council owned assets, such as drainage ditches, gullies, trash

Thames Water is responsible for:

- The drainage of surface water from development via sewers adopted by Thames Water.
- Maintaining public sewers owned by Thames Water into which much of the highway drainage connects.
- Maintaining and improving its water mains and other pipes to reduce the risk of leaking or burst pipes.
- Reporting its performance each year to Ofwat (The Water Services Regulation Authority), including in respect of internal sewer flooding of properties.

Merton as a Lead Local Flood Authority to formally 'investigate significant' flooding under section 19 of the Flood & Water Management Act. The criteria for significant is set out on page 35 of our Local Flood Risk Management Strategy and is when the threshold of two or more residential properties are flooded internally. This threshold is set out in page 35 of our adopted Local Flood Risk Management Strategy and includes thresholds for commercial property also. Please see this link to the strategy:

[http://www.merton.gov.uk/merton\\_lfrms\\_final\\_version\\_august\\_2014\\_v3.pdf](http://www.merton.gov.uk/merton_lfrms_final_version_august_2014_v3.pdf)

- **Adding additional drains under the railway tunnel:**

Raynes Park Bridge is a flooding hotspot as the road dips down under the bridge and creates a natural bowl for water, taking flow from Coombe Lane, Pepys Road and Kingston Road. New pumps and more road gullies were

installed at the underbridge, following the July 2007 extreme flooding. The pump in the Raynes Park bridge drains perform well under normal circumstances and has improved the situation. Residents will have seen in the media, and with various other railway under bridges including Wallington and New Malden suffering with even deeper flooding.

We experienced an exceptional amount of rainfall in an incredibly short period of time on the 23<sup>rd</sup> June and in most locations the drains and sewers simply aren't designed to take that much water in that short space of time. More road gullies would not have accommodated this rainfall, we are limited by the size of the receiving Thames Water sewer in Kingston Road which was exceeded.

Several areas of Raynes Park, including the town centre are shown to be at high risk of surface water flooding on the Environment Agency's surface water flood risk maps. This is due to the low lying nature and elevation of the area. A large proportion of surface water flow is received from the higher ground in and around Cottenham Park and Copse Hill.

- **Ensure roads, footways and crossovers are constructed with more consideration of gravity.**

As part of resurfacing we seek to use porous material where possible and design to levels, ensuring fall to gullies. On footways we design to a min of 1:40 crossfall into the carriageway, i.e. away from properties. It should be recognized that to a degree, we are fixed to existing road and footway levels and it is not always possible to adjust height due to existing constraints and the general streetscape.

Specific rules apply for householders wanting to pave over their front gardens. You will not need planning permission if a new or replacement driveway of any size uses permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rainwater is directed to a lawn or border to drain naturally. Planning permission is required for non-porous surfaces.

- **Obtain additional vehicles to clean the drains regularly?**

Merton Council has undertaken cleansing of gullies in identified 'higher risk' areas on an annual basis, where appropriate funding has made available – the higher risk areas are based on those roads that were reported as (i) flooding during the July 2007 surface water flooding event, (ii) identified as being at risk according to Environment Agency surface water modelling or (iii) to have previous recorded or reported drainage problems. Raynes Park is covered by the high risk gully cleansing programme, including Coombe Lane, Kingston Road, Pepys Road and Worple Road. In addition, Merton also undertakes reactive gully cleansing to specific locations or addresses throughout the year following reports by residents or businesses. Raynes Park town centre and various other roads including the apostles had a further proactive clean a few days prior to the flood event on the 23<sup>rd</sup> June.

On the 23<sup>rd</sup> June and 24<sup>th</sup> June, we were able to mobilise an additional emergency tanker which attended to several of the worst hit Raynes Park roads.

This winter 2015/2016, we have increased our total number of 'high risk' road gullies to be cleansed across the borough to 5450, from 4795 gullies in 2014/15 and 4450 in 2013/14. In a recent public consultation on our Local Flood Risk Management Strategy, residents and businesses responded to say that gully cleansing is considered to be 'the' No.1 priority action that the Council should undertake to reduce flood risk and this action has been taken.

This page is intentionally left blank



## **From Councillor John Dehaney to the Cabinet Member for Finance**

What consideration he has made of the implications of the EU Referendum result.

### **Reply**

I was disappointed with the result of the referendum, not only because I personally campaigned for a remain vote, but because I am deeply worried about the impact this decision will have on some of our residents who are most in need. Already we have seen the value of the pound drop, and with 40% of our food imported from the EU this is likely to result in increased prices, hitting our poorest residents hardest. It is still too early to assess what the long term impact on our residents will be but we will be watching developments as they (rapidly) unfold and factoring them in to our planning where we can have some degree of expectation. However in many cases we simply do not know what the impact will be.

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

The Wandle Meadow Nature Park has had little or no investment to improve the state of this valuable local asset. Why has the Council removed bins and therefore encouraged the dumping of rubbish; allowed pathways to become totally unusable by the disabled; and allowed the park to become generally overgrown thereby providing cover for anyone who is up to no good whilst putting law abiding residents in danger?

### **Reply**

Wandle Meadow Nature Park is a recognised site of nature conservation value and the management prescriptions for this site are designed to protect and enhance that biodiversity interest.

Over recent years, the spread of scrub and bramble has been controlled so that the area by the seasonal ponds and central parts of the site remain open. The grassland within the central area of the site is also cut in alternate years. Much of the remainder of the site is being allowed to mature into woodland with tree thinning anticipated from time to time as required.

With regard to disabled access, a major new pedestrian bridge has been installed at this location in recent times. This is compliant with the Disabled Discrimination Act and the ramped access to the rest of the site is also compliant with the Act too. The gravel surfaced paths across the site, whilst not an ideal surface for wheelchair users, are nevertheless appropriate for this type of site; similar surfaced paths are present in many other nature reserves throughout London.

Whereas the riverside path verges may become overgrown from time to time, particularly in high summer, this is cut back at intervals, most especially at these times of the year.

In the near future, the lighting at this site will be upgraded and a new path installed at across the reserve to nearby Garfield Recreation Ground as part of TfL's 'Quietways Programme'.

We are not aware that any bins - other than dog waste bins - have been removed from this site recently. On the rare occasions when this does occur it is typically a response to the fact that the litter bins in question are attracting waste items into open spaces sites unnecessarily from the local neighbourhood.

Neither are we aware of any particular issues of anti-social behaviour at this location above the background levels that typically occur in parks and open spaces, and despite its management as a more naturalistic environment.

### **From Councillor Marsie Skeete to the Leader of the Council**

What plans does he have in place to work with the newly elected Mayor of London?

### **Reply**

I am delighted that we finally have a London Mayor who will take both the opportunities and challenges the city presents seriously and will stand up for our diverse population. I have already spoken to Sadiq Khan about some of the issues we want him to focus on going forward and have specifically raised the issues of the AFC Wimbledon stadium application and the Crosrail2 proposals. I am optimistic that with a full-time Mayor now in place we will have a much more productive relationship with City Hall.

### **From Councillor Gilli Lewis-Lavender to the Cabinet Member for Street Cleanliness and Parking**

Following the recent implementation of the administration's decision to remove separate dog waste bins from across the borough, many residents – and particularly parents - are understandably concerned about dog owners now being expected to use the same bins as for general waste. This is due to the potential for contamination of the general waste bins which are often used by children in Merton's parks. What assessment of the impact of this policy change on the public health of residents in Merton has been conducted by the Council and what were the results?

### **Reply from the Cabinet Member for Community and Culture**

In comparison with neighbouring boroughs, Merton has been relatively late in adopting an "any bin will do" policy in respect of dog waste disposal. Park users who are also familiar with parks in, for example, Sutton borough should already be familiar with this practice.

The potential health risks associated with litter bins are not new, or very much altered in principle given that it has always been possible in practice for dog waste to be deposited in litter bins even when dedicated dog waste bins were provided; that in the past dog waste bins were commonly filled with general waste by users; and that,

furthermore, soiled nappies are often deposited in general waste bins too, typically those within children's playgrounds.

Both Waste Services and Greenspaces have reviewed and revised their relevant risk assessments in relation to litter bins in response to this policy change and have adopted relevant measures to mitigate those risks such as: implementing controls to ensure that bins are emptied more frequently; plans to roll-out additional hi-tec compactor bins that includes an access flap that isolates the waste from users; and to adopt plaza (lidded) bins as standard in parks henceforth.

The vast majority of dog waste deposits in parks bins are bagged-up, of course.

While answering the question, I'd like to add my plea that all Members encourage residents to take their general litter home with them from the park on those busy summer days when they're already full. It is common practice for parks across Britain and Europe to ask that of the public; and besides, it's common sense for us all to respect our parks and open spaces, rather than littering it and expecting other people to clear up after us.

#### **From Councillor Fidelis Gadzama to the Cabinet Member for Children's Services**

Could she outline how she intends to ensure she focuses on our safeguarding duties in her new role as Cabinet member for Children's Services?

#### **Reply**

I am absolutely clear that ensuring that council services and schools are safeguarding Merton's children effectively is one of the most important areas of my new portfolio. In broad terms I will be holding service leads to account in terms of performance but I will also be seeking to support practitioners and managers who undertake some of the most difficult and stressful work the council does. I also intend to use my role to influence how other agencies fulfil their safeguarding duties.

In specific terms I will be a standing member of Merton's statutory Safeguarding Children Board and will also meet regularly with the Board's Independent Chair. I will also be a standing member of the council's Corporate Parenting group, chaired by the Chief Executive. I will meet regularly with the Director of Children's Services and the Assistant Director for Children's Social Care and Youth Inclusion and intend to bring both support and challenge to those meetings. I will regularly receive data on performance in order to inform my conversations with senior managers. Furthermore, I will be attending the Children and Young People Scrutiny Panel at which I will expect challenge from colleague elected members. Finally, and importantly, I will have regular contact with young people to hear directly the safeguarding concerns they may have.

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

There has been no Annual Residents' Survey now since 2014. Can the Leader update me on what arrangements are being made to ensure that the Annual

Residents' Survey takes place again this year and how the Council plans to benchmark the results against other London councils going forward?

### **Reply**

We will shortly be inviting market research organisations to quote for the 2016 residents survey. Our expectation is that fieldwork will take place in the autumn with the results available in either late 2016 or early 2017. Part of this process will include exploring opportunities for benchmarking but with no London wide survey taking place any more it will not be possible to benchmark in the same way as in previous years.

### **From Councillor Abigail Jones to the Cabinet Member for Regeneration, Environment and Housing**

Could he update us on his plans for improving our transport infrastructure?

### **Reply**

Improvements to Merton's transport infrastructure are guided by the Mayor's Transport Strategy and Merton's Local Implementation Plan (LIP)

### **Our Transport Vision**

That in 2031 Merton is a place where people would chose to use sustainable transport modes. It will have a safe, accessible and sustainable public realm with reducing levels of traffic congestion.

### **Objectives**

- Mitigate against the negative impact of transport on climate change;
- Reduce road traffic casualties;
- Encourage active transport (walking and cycling);
- Reduce the impact of traffic congestion levels;
- Contribute to the improvement of all public transport and community transport services;
- Improve the general transport infrastructure, including arrangements for parking and loading;
- Improve accessibility and address the issue of social inclusion within the transport network; and
- Further develop Merton's relationship with strategic partners to support the regeneration and reinvigoration of the town centres in the borough

### **Key Challenges**

- Conversion of town centre one-way systems to two-way working;
- Road traffic casualty reduction;
- Public transport provision;
- Balancing the road space requirements for all transport modes with the need to reduce traffic congestion;
- The condition of footways and carriageways, street clutter and confusing signage; and

- Parking for all road users and freight access to local business centres

### **Funding**

The key funding source for the LIP programme comes from Transport for London (TfL). Merton also seeks to maximise other funding sources via developer contributions, CIL, central government, Mayor of London, public transport providers and partnerships with the business community and Merton Partnership.

### **Major Projects**

Merton's Major Scheme projects form an integral part of the borough's regeneration and investment programme. Following the successful delivery of Raynes Park Enhancement Plan in 2011 and Destination Wimbledon Major in 2012, focus has now shifted towards developing similar schemes in Merton's remaining town centres.

The approach and plans for each scheme has been individually shaped to address the specific strengths and problems of the area in partnership with the wider community, local businesses and other stakeholders.

The areas in order of priority are:

- Rediscover Mitcham
- Connecting Colliers Wood
- moreMorden

### **Rediscover Mitcham**

A major regeneration scheme for the transformation of the transport offer and public realm is progressing well in Mitcham Fair Green with the first phase recently completed including;

- New Market Square & feature lighting
- Refurbished Clock Tower and wild-flower gardens
- Majestic Way refurbishment and cycle lanes
- Introduction of short term parking around Fair Green
- Croydon Road segregated cycle lanes
- Bus stop accessibility enhancements, around Mitcham
- Restoration of Three Kings Pond with improved water quality and biodiversity.

The next phase of Rediscover Mitcham will start late July 2016 and run till December 2016 which will see the re-introduction of buses in London Road, increasing Mitcham's public transport accessibility levels and directing footfall towards businesses in the town centre.

### **Connecting Colliers Wood**

The area of Colliers Wood around the station has a rich history, is crossed by the River Wandle, is well served by open space, benefits from good transport links and has strong retail offer and Colliers Wood Tower's transformation continues apace. Yet despite its strengths the area presents visitors and residents with a poor impression of a low quality and disjointed public realm dominated by the busy A24.

Connecting Colliers Wood is transforming the town's public spaces. Due to complete in August 2016, Colliers Wood will have new paving, better lighting, CCTV and cycle parking around the station. Baltic Close is transformed into a pedestrian and cycle friendly home-zone with improved access to the Wandle Trail.

Further improvements to the riverside @ M&S-Sainsbury's include new paving, lighting and wider footpaths and riverside piers. The road system has been simplified to improve traffic flow and provide more convenient and shorter pedestrian crossing points.

The public realm design detail begins to reveal the area's rich heritage (Colliers Wood gets its name from the charcoal works in the area) emphasised with charred timber cobbles and lamp columns. Wandle Park gateways are made of metallic glazed brick reflecting the lustre-wear from William De Morgan's factory and the areas new benches are bespoke William Morris patterns, reflecting the large printing blocks that would have been found at Abbey Mills.

### **moreMorden**

At the heart of Morden town centre is the busy A24 London Road, which divides the town centre in two. The bus station outside the tube at Morden is convenient for commuters but presents an unwelcoming environment to visitors to Morden and suffers from poor air quality.

Overall, the design and quality of streets and public spaces for pedestrians, motorists, cyclists and public transport users in Morden is under-par and the council has spent the past 18 months preparing the evidence base and research that will support a £9m Major Scheme package of works by Merton Council and TfL to overhaul Morden's public realm. The first stage was approved in April 2016.

We are proposing to reduce the dominance of traffic, remove the gyratory, create new public spaces and achieve a step-change in the quality of Morden's High Street.

There's a lot of testing still to do and the council will consult on options in due course. The scheme would be implemented in 2018/19.

### **Crossrail 2**

Crossrail 2 is set to be a huge project which will have a significant impact on Wimbledon town centre. In the long-term, Crossrail 2 will bring opportunities to the area. We are a pro-growth borough and want the best for Merton.

All parties at Merton Council support Crossrail 2 in principle, but not at any cost. The council has a duty to represent current businesses and residents of the borough and has significant reservations about the proposals. As they stand at the moment, they will cause an unacceptable level of upheaval and disruption for businesses and residents. The council recognises its duty to represent the people living and working in Merton. The welfare and interests of those who would be directly affected by the works and the eventual development will continue to be its priority.

We are working closely with TFL to assess various options and the impact of Crossrail 2 in Merton.

**From Councillor Linda Taylor to the Cabinet Member for Community and Culture**

How much does the Council spend each year on grass cutting in the borough?

**Reply**

The cost of grass cutting in the borough is not a specific item in itself within the Greenspaces' financial accounts, owing to the manner in which the grounds maintenance service as a whole is delivered within Merton. The actual spend can only be estimated therefore.

The core grass cutting service within Greenspaces, covering parks, open spaces and highways verges is delivered by 6 full-time grass cutting staff (4 for parks & open spaces; 2 for highways) supported by 4 seasonal staff for the highways operation during the cutting season).

The core team equipment includes 2 tractors, 4 ride-on mowers, plus assorted smaller powered tools, including pedestrian mowers, strimmers and blowers.

Fuel, oil, sundry small parts and spares and regular equipment servicing and maintenance are all relevant costs.

The borough's conservation hay meadows are cut by specialist agricultural contractors annually at an additional cost.

Excluding the capital costs of the team's operational equipment and relevant management support costs, the front-line delivery costs of the grass cutting operations, including staff, fuel, servicing, etc. as outlined above, is estimated to be in the region of £225,000 per annum.

**From Councillor Peter McCabe to the Cabinet Member for Regeneration, Environment and Housing**

Does the Cabinet Member think the leaseholders of the Watermeads estate have been treated properly by Circle Housing Merton Priory over the cost of repairs and maintenance to their homes?

**Reply**

The Council has taken advice from Circle Housing Merton Priory and is assured that residents of Watermeads estate have been treated fairly and in accordance with Section 20 consultation, which commenced on the 7th October 2015. As part of this process the main issues and concerns coming from residents were failure to consult, unreasonable costs, unnecessary works and disruption. In order to deal with these matters Circle Housing Merton Priory commissioned independent reports on all areas of concern and Circle have now reached a decision to carry out remedial work in a number of areas rather than full replacement. This has resulted in a reduction in overall costs from £2.1 million to £1.2 million. Revised costs were sent to leaseholder in week commencing 6th June and they were invited

to a “meet the contractor” which occurred at the end of June. The work has now commenced and is expected to take 16 weeks.



## **From Councillor Sally Kenny to the Cabinet Member for Adult Social Care and Health**

Can he update us on the local NHS's Sustainability and Transformation Plan (STP) and how it might impact older people in the borough.

### **Reply**

The STP for Southwest London was submitted to NHS England on June 30 as required. The document is not currently in the public domain. Whilst the Council has been involved in discussions on the STP, it is principally an NHS document and has been led by the Clinical Commissioning Groups for Merton, Wandsworth, Croydon, Sutton, Richmond and Kingston. However what I can say is that Merton Council along with other local authorities has worked hard to seek to shape the plan, and as a result of this there is now a greater emphasis on prevention and on care in community settings. It is common knowledge that across the country too many older people are admitted to or stay in hospital when they don't need to, with all the consequences on their own ability to live independently and on NHS finances. Southwest London is no exception. It is therefore hoped that this plan will lead to more older people being able to receive the right treatment in the right place.

## **From Councillor Brian Lewis-Lavender to the Cabinet Member for Street Cleanliness and Parking**

Whilst we appreciate that the parking charges in Sir Joseph Hood Memorial Playing Fields are designed to deter commuters from parking there, is this fair to local residents using the park, many of whom have to drive to it because they are elderly or disabled or else have children as well as picnics and games to transport there?

### **Reply**

The proposal to introduce parking charges in parks was only taken with some reluctance, but it is undeniable that the currently free car park at Sir Joseph Hood MPF suffers from some abuses from commuters utilising Motspur Park train station and from local businesses to the detriment of parks users.

The proposed pay and display scheme attempts to strike an appropriate balance between discouraging commuter parking and not unduly penalising genuine parks users. Charges will not apply on Sundays or Bank Holidays, for example, nor in the evenings or early mornings and the proposed hourly rate will be minimal for most typical park users who might enjoy the park for, say, 1-2 hours per visit.

## **From Councillor Mike Brunt to the Cabinet Member for Street Cleanliness and Parking**

Could the Cabinet Member update me on how the proposed new joint South West London waste collection service will take into account the needs of our older residents?

## **Reply**

With the proposed introduction of wheelie bins, Waste Services will work closely with the preferred bidder during fine tuning to recommend / update the existing 'Assisted Collections Policy'.

The preferred bidder acknowledges that given the extra weight / size of the bin that there will be a need to review the assisted collection policy and ensure that all residents who meet the new criteria are provided with an assisted collection. Please note that those residents currently on the scheme will remain eligible for the assisted collection service.

Prior to the introduction of wheelie bins, we would welcome the opportunity to meet with relevant community groups, and I have already met with the Centre for Independent Living to discuss any additional support required for elderly and disabled residents.

## **From Councillor David Williams to the Cabinet Member for Adult Social Care and Health**

Can the Cabinet Member confirm a) the Council's projected deficit for 2015-16 as per the calculations/assumptions included in this year's Budget papers i.e. the amount by which the Council was expecting to overspend in the last financial year at the point at which the latest swathe of Adult Social Care cuts were agreed by Budget Council in March 2016; and b) the Council's actual deficit (or overspend) for 2015-16 as shown in Merton's recently published draft accounts?

## **Reply**

- a) When the Council agreed its council tax and expenditure and income levels for 2016/17 the latest available monitoring information was based on expenditure to 31<sup>st</sup> December 2015 and there was a projected overspend in 2015/16 of £2.605m at that time.
- b) The Council's unaudited draft accounts for 2015/16 showed a net overspend of £0.694m for 2015/16 outturn.

Savings for Adult Social Care have been agreed by Cabinet in 2013/14, 2014/15 and in 2015/16 for the years 2016/17 up to 2018/19, as has been the case for a number of years to assist with our long term financial planning.

A Savings Mitigation Fund Reserve of £1.3m was created in 2016/17 in response to the concerns raised at Scrutiny to reduce the impact of the savings in 2016/17 on vulnerable residents.

## **From Councillor Jerome Neil to the Cabinet Member for Community and Culture**

How does our leisure offer contribute to helping our older residents live active and fulfilled lives?

## Reply

The leisure centre contract with the operator GLL, requires them to provide for older people within their leisure offer

This year's development plan covers;

- Walking football at the Canons Multi use games area, this is being looked at with a view to holding competitions against other centres
- The current 55+ clubs at Canons and Wimbledon have a very health membership, various activities are played such as Badminton, indoor bowls. The group compete in the GLL 50 plus games each year at the Copper Box in the Olympic stadium
- Following feedback from members, there is a new group formed to organise social events
- GLL have a target to increase the older membership by 3%

In addition:

- Healthy walks are organised by the Council
- The Watersport centre has a 50 plus sailing group
- There are green gyms in various parks, these are free to all
- There are also bowls clubs based around the borough

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

Further to my recent question to the Cabinet Member Community and Culture about housing schemes for over 55s in Merton, what leverage is there within Merton's current planning policies to help deliver more housing that is both of high quality design and appropriate to the needs of older residents in the borough?

## Reply

Merton's Local Plan [Sites & Policies 2014] provides the planning policy provision for over 55s housing.

## **Policy DM H1 Supported care housing for vulnerable people or secure residential institutions for people housed as part of the criminal justice system**

Links to Core Planning Strategy policy CS 8 Housing Choice

### **Policy aim**

To provide a variety of accommodation with different levels of support or care, that is both appropriate to the needs of the potential residents and that is sensitive to the surrounding residential environment.

### **Policy**

a) The suitability of proposals for supported care housing will be assessed having regard to the following criteria:

- i. Demonstrable need;
- ii. The proximity of the site to public transport facilities;
- iii. The provision of a safe and secure environment;
- iv. The provision of an adequate level of amenity space which is safe and suitable;
- v. The provision of adequate parking facilities for residents, staff and visitors;
- vi. The convenience of the site's location in relation to local shops, services and community facilities;
- vii. The quality of accommodation complies with all relevant standards for that use.

b) Generally, proposals for supported care housing will be expected to provide affordable housing in accordance with Core Planning Strategy Policy CS8 Housing Choice, unless nominations for people in housing need can be made available through the council.

c) The council will resist development which results in the net loss of supported care housing for vulnerable people or secure residential institutions for people housed as part of the criminal justice system unless either:

- i. adequate replacement accommodation satisfies criteria DM H1 a (i) to (vii) inclusive above;
- or,
- ii. it can be demonstrated there is a surplus of the existing accommodation in the area; or,
- iii. it can be demonstrated that the existing accommodation is incapable of meeting relevant standards for accommodation of this type.

d) Where the council is satisfied that the requirements of criterion (c) of this policy have been met, the council will require that an equivalent amount of residential floorspace (Use Class C3) to be provided to help meet Merton's need for permanent homes. These proposals will be considered in respect to Core Planning Strategy Policy CS8.

The Council have recently approved a number of schemes in the borough for specialist housing including Circle Housing's new sheltered housing schemes at the Oaks in Lower Morden and Doliffe Close in Mitcham. As part of the Nelson Hospital redevelopment an assisted living residential scheme was provided by McCarthy & Stone.

**From Councillor Mary Curtin to the Cabinet Member for Adult Social Care and Health**

Could he update us on our Older People's Strategy and the approach he intends to take to this work going forward?

**Reply**

The Council is currently reviewing all of its strategies to ensure that they reflect the ambition of working in a more integrated way with health partners. This work will be undertaken in liaison with the Clinical Commissioning Group and will complement the

work being undertaken for the Sustainability and Transformation Plan, ensuring that the strategy for older people is properly joined up between health and social care. The strategy will also be developed in close liaison with all those who use our services and their carers.

**From Councillor Stephen Crowe to the Cabinet Member for Adult Social Care and Health**

How much does the Council spend each year on activities for older people in Merton?

**Reply**

In 2015/16 the Council spent a total of £2,004,743 on activities including Lunch Clubs, Day Services and similar activities. This figure includes transport. In addition to this, Public Health directly spends annually approx. £125,000 on older people (falls prevention related, befriending scheme), bringing the overall total to c£2.13m.

**From Councillor Dennis Pearce to the Cabinet Member for Adult Social Care and Health**

Could he outline how our Public Health service works with older people in the borough.

**Reply**

Public Health Merton approaches the health and wellbeing of all residents in Merton from a life-course perspective, from early years to older people. Working with and through our partners, this includes addressing the issues of older people to enable them to live independently for as long as possible and support their wellbeing through their advancing years.

Public Health prioritises tackling dementia, falls prevention, and loneliness and isolation in the borough in a number of different ways:

1. Dementia- completed a dementia health needs assessment recently, and this is informing the development of a five year dementia strategy for the borough through a multi-agency steering group; relaunching the Dementia Action Alliance in autumn, and the development of dementia friendly communities; evaluating the dementia hub.
2. Falls Prevention- developed a falls prevention strategy currently being implemented; fund the falls prevention service through the NHS Community Health Services (in partnership with the CCG); and have funded schemes for elderly at risk of falls.
3. Tackling loneliness and isolation- currently running a two-year pilot befriending scheme for older people through a consortium of voluntary sector organisations with AUM as the lead agency.

Additionally we are taking a systems approach in the development of the East Merton Model of Health and Wellbeing, and in the integration of health and social

care, including the development of resilient communities and activated citizens – taking into account our older and vulnerable residents.

All our work in the above areas is underpinned by the involvement and participation of older people through consultation and active engagement, to co-design and co-produce the future models of care.

## **Committee: Council**

**Date: 13 July 2016**

Wards: All

**Subject: Court of Appeal amendment to small sites affordable housing exemption**

Lead officer: Director of Environment and Regeneration, Chris Lee

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing

Contact officer: Tim Catley. S106/External Funding Officer (Extension: 3449)

### **Recommendations:**

1. That the council notes the recent Court of Appeal decision regarding the Written Ministerial Statement advising councils not to seek affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions.

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report has been brought before Council due to the reintroduction of government policy via the Court of Appeal which seeks to prevent affordable housing contributions being sought from planning applications on small sites (10 homes or less).
- 1.2. That the council notes that government's 2014 statements (advising councils not to seek affordable housing contributions from small sites) may have greater weight than the relevant part of Merton's 2011 Core Planning Strategy policy CS8 (d). In these cases Merton would currently stop seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less.
- 1.3. On 4 July 2016 Merton's Cabinet decided to support this recommendation to give greater weighting to the Government's statements advising councils to stop seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less within planning decisions.

## **2 DETAILS**

- 2.1. In **July 2011**, policy CS8(d) of Merton's Core Planning Strategy was adopted, requiring developments involving 1-9 new homes to provide contributions to affordable housing via a financial payment. The same policy requires sites of 10 units to provide these contributions via on-site provision of affordable housing units.
- 2.2. On **28 November 2014** the Government introduced a Ministerial Statement and updates to the National Planning Policy Guidance (PPG) providing a policy exemption from affordable housing contributions so that only sites of more than 1,000 square metres of residential floorspace or sites involving

11 or more new homes would have to contribute to affordable housing. Local authorities proceeded to apply this exemption as a matter of course from this date.

- 2.3. In **July 2015** West Berkshire District Council and Reading Borough Council secured a High Court judgement overturning the government’s policy, and authorities responded by reapplying their affordable housing policies for these small sites.
- 2.4. On **10 May 2016** the government was successful in securing the quashing of the aforementioned High Court decision by the Court of Appeal.
- 2.5. Since the Court of Appeal judgement in mid May, local authorities like Merton with small sites affordable housing policies have had to consider their options. Table 1 sets out the approaches/positions of affected London Boroughs.
- 2.6. It should be noted that not all boroughs have a small sites affordable housing policy.

**Table 1 Positions of other London Boroughs with small sites affordable housing policies.**

BOROUGH		COMMENTS
Islington	Applying policy	Applying policy - see below.
Enfield	Not applying policy	Acting on Counsel advice, have stopped applying their policy. Enfield have very similar evidence to Merton
Haringey	Not applying policy	The Planning Inspectorate confirmed to Haringey that their legal view was that the statement is back in force.
Lambeth	Applying policy but considering their position in light of appeal decisions	Lambeth has already seen five appeals against their 1-9 affordable housing policy.
Richmond	Applying policy	Different circumstances to Merton: very low affordable housing delivery from other sources.

- 2.7. LB Islington’s position is as follows:
  - 2.7.1 “The council [Islington] is aware of the recent West Berkshire Court of Appeal decision and the subsequent re-instatement of the PPG guidance on affordable housing contributions from small sites. The council’s [Islington] position is that it has an adopted development plan which has been through the examination process and is based on robust evidence. Whilst the Planning Practice Guidance (and Written Ministerial Statement which also still applies) are capable of being material considerations in the determination of an application, the council’s [Islington] adopted policies still carry significant weight and a small sites contribution is likely to be required.



- 2.7.2 I note that the Court of Appeal judgement was clear that the Written Ministerial Statement (and by association the Planning Practice Guidance) should not be applied in a blanket fashion in the determination of planning applications. For the purposes of s.38(6) of the 2004 Act and s.70(2) of the 1990 Act, the Planning Practice Guidance and Written Ministerial Statement are material considerations and no more; the weight given to the Planning Practice Guidance and Written Ministerial Statement is a matter for the decision taker on a case-by-case basis.
- 2.8. In Merton, officers have taken legal advice (see Section 7) and carefully studied the rationale and justification currently available for continuing to apply Merton's Core Planning Strategy policy CS8(d) on small sites. Officers are also concerned about the potential for costs awarded against the council on planning appeals, particularly given appeal decisions coming forward in other boroughs where the Planning Inspectorate is applying government's policy and not allowing contributions from small sites.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The council could continue applying its affordable housing policies to the relevant sites at the current time. This approach would require additional resources to update the council's evidence base and to support planning appeals. It is also considered that this approach would pose a financial risk to the council in terms of costs awarded in case of appeals against the council's decision to apply its policy as grounds for refusing planning permission.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. All London boroughs were contacted via the Association of London Borough Planning Officers and asked (a) whether they have an adopted planning policy collecting affordable housing from small sites and (b) whether they were still proposing to continue applying the policy. Contact was continued with the five boroughs who had an affordable housing small sites contributions policy.

### **5 TIMETABLE**

- 5.1. As specified within the body of this report.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. Under the government's policy exemption financial contributions for affordable housing on small sites cannot be sought. These contributions form the basis of grants to third party providers of affordable housing to help deliver more affordable housing in the borough.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. Under the Planning and Compulsory Purchase Act 2004 one of the core provisions for the purposes of development control is section 38(6), which provides that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan *unless material considerations indicate otherwise* (emphasis added).” Under section 1(2) of the 2004 Act the “development plan” is a local authority’s development plan documents and (in the case of London Boroughs) the London Plan, which must be in conformity with Government policies – section 1(2) of the 2004 Act. The italicised phrase means that conformity with the development plan is not an absolute requirement and in particular needs to read in conjunction with section 70(2) of the Town and Country Planning Act 1990, which enjoins local planning authorities in determining planning applications to “have regard to the provisions of the development plan, so far as material to the application, *and to any other material considerations.*(emphasis added)”
- 7.2. The Secretary of State’s statement and changes to Planning Practice Guidance are arguably not “policy”, in particular in the context of the Planning and Compulsory Purchase Act 2004. In the context of dealing with planning applications for small sites it is likely that a recent Government policy announcement, albeit not enshrined in the NPPF, would be regarded as a material consideration having considerable weight. It may well be that planning inspectors in the light of the recent Court of Appeal decision will normally regard it as overriding inconsistent policies in local authorities development plans.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None for the purposes of this report.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None for the purposes of this report.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None for the purposes of this report.

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

None

## **12 BACKGROUND PAPERS**

- 12.1. Planning Practice Guidance – paras 16, 17, 20 and 31:  
<http://planningguidance.communities.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

- 12.2. *R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441.  
[http://www.landmarkchambers.co.uk/userfiles/documents/R%20\(West%20Berkshire\)%20v%20%20SSCLG%20-%20transcript.pdf](http://www.landmarkchambers.co.uk/userfiles/documents/R%20(West%20Berkshire)%20v%20%20SSCLG%20-%20transcript.pdf)

This page is intentionally left blank

## ADULT SOCIAL CARE | Summary of Performance | May-16

Codes	Performance Measures	Apr	May	Target for the month	Target for the year	RAG Status	Trend Arrow
ASCOF 1C(1a), SP39, DASH	Adults in receipt of Long Term community-based services via SDS as a proportion of all customers receiving Long Term community-based services at end of the period (snapshot)	99.0%	98.9%	95.0%	95.0%	GREEN	↔
ASCOF 1C(1b)	Carers receiving either Direct Payment or managed Personal Budget as a proportion of Carers receiving carer-specific services in the year	99.0%	99.0%	95.0%	95.0%	GREEN	↔
ASCOF 1C(2a)	Adults in receipt of Long Term community-based services via Direct Payments as a proportion of all customers receiving Long Term services - at end of period (snapshot)	34.0%	33.6%	38.0%	38.0%	AMBER	↔
ASCOF 1C(2b)	Carers receiving Direct Payment as a proportion of Carers receiving carer-specific services in the year	92.0%	91.8%	80.0%	80.0%	BLUE	↔
AUTH	% of Service Agreement Authorisations completed with five days	93.0%	92.0%	90%	90%	GREEN	↓
SP274, DASH	Customers receiving community based services Long Term as a % of All customers receiving Long Term services	75%	77%	72%	72%	GREEN	↑
ASCOF 2C(1), SP275, DASH	Delayed Transfers of Care - all patient delays (NI131) <i>*Awaiting NHS England updated figures for April/ May.</i>	8.5	8.5	Less than 5	Less than 5	RED	↔
ASCOF 2C(2)	Delayed Transfers of Care - attributable to social care or jointly with the NHS <i>*Awaiting NHS England updated figures for April/ May.</i>	3.6	3.6	Less than 1.0	Less than 1.0	RED	↔
SP54, MP21, HWB, DASH	Carers receiving a service or information and advice during the year	211	275	245	996	GREEN	↑
ASCOF 2A(1), BCF	% of New placements to Permanent Care Homes 18-64	0 people 0.0	0 people 0.0	less than 2 people 1.5	less than 12 people 9.0	BLUE	↔
ASCOF 2A(2), BCF	% of New placements to Permanent Care Homes 65+	12 people 0.0	18 people 0.0	less than 17 people 63.2	less than 100 people 395.3	AMBER	↑
ASCOF 1G	Proportion of adults with a learning disability who live in their own home or with their family (ASCOF Definition: 18-64 LD clients who received long term support during the year)	71.3%	76.8%	71.0%	71.0%	BLUE	↑
ASCOF 1E	Proportion of adults with a learning disability are in paid employment (ASCOF Definition: 18-64 LD clients who received long term support during the year)	6.0%	6.2%	11.0%	11.0%	RED	↔
ASCOF 1F	Proportion of adults in contact with secondary mental health services in paid employment (PHOF 1.8, NHSOF 2.5, 1F)	11.8%	11.2%	12%	12%	RED	↓
ASCOF 1H	Proportion of adults in contact with secondary mental health services living independently, with of without support (PHOF 1.6, 1H)	89.4%	86.6%	75.0%	75%	BLUE	↓
BCF2, SP50, MP20, DASH	% People living at home after reablement (NI 125)	N/A	N/A	Annual Measure	85.7%	-	

ASCOF--Adult Social Care Outcomes Framework | SP--Service Plan | MP--Merton Partnership | HWB--Health & Wellbeing Board | DASH--Dashboard | BCF--Better Care Fund

BLUE more than 10%  
 GREEN target met  
 AMBER within 10%  
 RED under 10%

This page is intentionally left blank

**COUNCIL MEETING – WEDNESDAY 13 JULY 2016**  
**ITEM 12**  
**LABOUR AMENDMENT TO MOTION**

***Amend the motion as per the tracked changes below, with words underlined inserted and words struck through deleted:***

This Council notes that, as part of an affordable shared contract with three other south London boroughs of all political complexions, the administration is planning considering to roll out agreeing a joint contract that would see multiple two new wheelie bins provided to Merton households, with both food waste and recycling collected on a weekly basis - paper and card recycling one week and plastics and bottles recycling the other - whilst residual waste will be collected on alternate weeks in recognition of an expected increase in recycling and to end the weekly bin collection as part of major changes to the borough's waste collection service in order to achieve cleaner streets at an affordable cost, given the current problem of foxes ripping open black sacks.

Under ~~these~~ proposals submitted by the proposed preferred bidder that has also been proposed by Sutton, Croydon and Kingston Councils, household food waste will be collected weekly, -residual waste will only be collected fortnightly and recycling will be collected every week but in two streams, with residents' two recycling containers ~~will only be~~ emptied on alternate weeks.

~~Furthermore, e~~Each household will need to have be provided with:

- One ~~large~~-wheelie bin for non-recyclable household waste, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;
- One ~~large~~-wheelie bin for paper and card, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;

Residents will continue to use:

- ~~One~~ Their existing box or a reusable bag for plastics, glass and cans;
- ~~One~~ Their existing food waste caddy; ~~and~~  
~~One green waste wheelie bin (if residents opt to pay for this service)~~

Households will continue to receive weekly collections, with two collections (food and recycling) one week and three collections (food, recycling and residual) on alternate weeks.

If residents wish to avail of the discretionary garden waste service they will continue to use their garden waste wheeled bin or bag. Such households will receive three collections every week, with food, recycling and garden one week and food, recycling and residual on alternate weeks.

This Council recognises that many residents would very much welcome wheelie bins, and this was borne out by the extremely high satisfaction rates in the Lavender ward wheelie bins pilot, various concerns have been raised about the administration's plans, including and that at the Sustainable Communities panel on 9

June 2016 agreed that Cabinet should use the period of 'Preferred Bidder Fine Turning' to determine how many households would experience significant difficulty in storage and/or presentation of wheeled bins for regular emptying – Cabinet confirmed that it will work with the preferred bidder as part of the fine tuning and mobilisation process to identify households deemed not suitable for wheelie bins and would require a different system to suit their property. These Issues raised included:

- The inconvenience of having to put household rubbish in five different containers, clogging up kitchens, front gardens and street fronts; however it was explained that the council's aim is to cut down on street litter from split black sacks and to increase recycling rates and that the collection would continue to be from just inside property boundaries so that pavements will not be affected.
- ~~No~~ The need for a proper assessment of the impact that ~~ending weekly changes to~~ bin collections will have on residents; especially the elderly, disabled and those living in smaller homes and flats; however it was explained that this work had already commenced and would continue as part of the fine tuning process once the preferred bidder is appointed.
- ~~A lack of~~ The need for more clarity regarding the financial savings these proposals might deliver for council taxpayers; although it was explained that the council is expecting to make in the region of £2m savings every year for the maximum 24 year (8+8+8) period of the contract, although these figures will only be fully clear once the fine tuning process has taken place and a contract is agreed, expected in December.
- The ~~large~~ cost of purchasing new wheelie bins and new refuse collection vehicles; although it was explained that new refuse collection vehicles would have to be purchased whether or not the council moved to the new system as the current vehicles are now overdue for replacement and that the cost of new bins is significantly less than the expected savings from the new system, giving a net saving overall.
- The impact for existing Merton staff of transferring to the new contractor e.g. TUPE arrangements; although it was explained that the preferred contractor was fully aware of their responsibilities under TUPE.
- That the 2015 wheeled bin pilot conducted in Lavender Fields used a different system from the proposals now being put forward; although it was explained that residents were overwhelmingly satisfied with their new wheelie bins.

This Council notes that feelings on wheelie bins are often strong in either direction strongly regrets the lack of consultation that has been undertaken and resolves to communicate with residents across all parts of Merton about changes to their waste collection service and ~~therefore~~ calls on the Cabinet to look at alternatives options to address the above concerns as part of the fine tuning process and to continue to protect the weekly bin collection, as per Merton Labour's 2014 manifesto promise, with weekly collections of food waste and recycling.

#### **Motion now to read:**

This Council notes that, as part of an affordable shared contract with three other south London boroughs of all political complexions, the administration is considering agreeing a joint contract that would see two new wheelie bins provided to Merton



households, with both food waste and recycling collected on a weekly basis - paper and card recycling one week and plastics and bottles recycling the other - whilst residual waste will be collected on alternate weeks in recognition of an expected increase in recycling as part of major changes to the borough's waste collection service in order to achieve cleaner streets at an affordable cost, given the current problem of foxes ripping open black sacks.

Under proposals submitted by the proposed preferred bidder that has also been proposed by Sutton, Croydon and Kingston Councils, food waste will be collected weekly, residual waste will be collected fortnightly and recycling will be collected every week but in two streams, with residents' two recycling containers emptied on alternate weeks.

Each household will be provided with:

- One wheelie bin for non-recyclable household waste, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;
- One wheelie bin for paper and card, size to be determined but likely to be the option of requesting smaller or larger bins depending on family size;

Residents will continue to use:

- Their existing box or a reusable bag for plastics, glass and cans;
- Their existing food waste caddy

Households will continue to receive weekly collections, with two collections (food and recycling) one week and three collections (food, recycling and residual) on alternate weeks.

If residents wish to avail of the discretionary garden waste service they will continue to use their garden waste wheeled bin or bag. Such households will receive three collections every week, with food, recycling and garden one week and food, recycling and residual on alternate weeks.

This Council recognises that many residents would very much welcome wheelie bins, and this was borne out by the extremely high satisfaction rates in the Lavender ward wheelie bins pilot, and that the Sustainable Communities panel on 9 June 2016 agreed that Cabinet should use the period of 'Preferred Bidder Fine Tuning' to determine how many households would experience significant difficulty in storage and/or presentation of wheeled bins for regular emptying – Cabinet confirmed that it will work with the preferred bidder as part of the fine tuning and mobilisation process to identify households deemed not suitable for wheelie bins and would require a different system to suit their property. Issues raised included:

- The inconvenience of having to put household rubbish in five different containers, clogging up kitchens, front gardens and street fronts; however it was explained that the council's aim is to cut down on street litter from split black sacks and to increase recycling rates and that the collection would continue to be from just inside property boundaries so that pavements will not be affected.
- The need for a proper assessment of the impact that changes to bin collections will have on residents; especially the elderly, disabled and

those living in smaller homes and flats; however it was explained that this work had already commenced and would continue as part of the fine tuning process once the preferred bidder is appointed.

- The need for more clarity regarding the financial savings these proposals might deliver for council taxpayers; although it was explained that the council is expecting to make in the region of £2m savings every year for the maximum 24 year (8+8+8) period of the contract, although these figures will only be fully clear once the fine tuning process has taken place and a contract is agreed, expected in December.
- The cost of purchasing new wheelie bins and new refuse collection vehicles; although it was explained that new refuse collection vehicles would have to be purchased whether or not the council moved to the new system as the current vehicles are now overdue for replacement and that the cost of new bins is significantly less than the expected savings from the new system, giving a net saving overall.
- The impact for existing Merton staff of transferring to the new contractor e.g. TUPE arrangements; although it was explained that the preferred contractor was fully aware of their responsibilities under TUPE.
- That the 2015 wheeled bin pilot conducted in Lavender Fields used a different system from the proposals now being put forward; although it was explained that residents were overwhelmingly satisfied with their new wheelie bins.

This Council notes that feelings on wheelie bins are often strong in either direction and resolves to communicate with residents across all parts of Merton about changes to their waste collection service and calls on the Cabinet to look at options to address the above concerns as part of the fine tuning process and to continue to protect the weekly bin collection, as per Merton Labour's 2014 manifesto promise, with weekly collections of food waste and recycling.

COUNCIL MEETING - WEDNESDAY 13 JULY 2016  
ITEM 13  
LABOUR AMENDMENT TO MOTION

*Amend the motion as per the tracked changes below, with words underlined inserted and words struck through deleted:*

This council acknowledges that successive governments have tried to downgrade services at St Helier hospital, including accident and emergency and maternity services, and acknowledges the work done by our residents, our local MP Siobhain McDonagh, this administration and many local Councillors to fight these attacks but notes that we must always remain alert to any re-emergence of proposals to close or downgrade our local hospital at St Helier.

Nonetheless, council notes that in recent months our local NHS has sought to work more closely with the council and to take into account the needs of local residents when considering the future shape of health services in the borough and this is very much to be welcomed and encouraged.

Notwithstanding this, should closure or downgrading proposals re-emerge, council re-iterates its policy to vigorously oppose proposals to close accident and emergency and maternity services at St. Helier Hospital and its resolve to continue to do everything in its power to keep St. Helier Hospital's accident and emergency, maternity services and other related services open.

The Council acknowledges that St Helier Hospital is in urgent need of investment, to better serve the needs of Merton residents in its catchment area, since the £219m promised to the hospital under the previous Labour government was withdrawn by Conservative Chancellor George Osborne. The Council has been involved in discussions with the Trust on an action plan developed in conjunction with the Care Quality Commission following its report which found the hospital requiring improvement, to ensure that significant improvements are made. Council will continue to monitor the implementation of this plan closely.

Council is fully aware of recent and proposed consultations, including the current Estates Review and the Sustainability and Transformation Plan (STP) on which the Council has sought to work closely with the Clinical Commissioning Group, and would seek Council has sought to be an active partner with the NHS in developing 21<sup>st</sup> century healthcare facilities on-site right across the borough, whilst always making clear that we will not allow either the Estates Review or the STP to be used as a cover for the resurrection of proposals to close or downgrade St Helier Hospital.

Council notes that the Cabinet Member for Adult Social Care and Health:

- Has already met with the Chair and Chief Officer of Merton CCG to discuss the STP and will continue to meet both regularly alongside council officers in order to discuss the progress of the STP.
- Has given an indication to the draft STP that the council is likely to welcome an increased focus on community services, whilst making clear that while the Council wants to work in partnership with the local NHS, neither residents or

the administration will allow the STP to be used as a cover for a further attack on St Helier hospital.

- Will shortly be meeting representatives from the NHS to discuss the next steps with regard to the STP.

Accordingly as part of efforts to help secure the high quality, modern health facilities at St Helier and across the borough that Merton residents deserve, this Council ~~requests notes the Cabinet Member's work to date to bring forward a strategic plan to a future meeting of the Council (no later than November 2016)~~ to address and deliver proactive engagement with the Epsom & St Helier University Hospitals NHS Trust. In particular this ~~plan work has should included~~ and will continue to include:

1. Ensuring that we do everything in our power to retain a local hospital at St Helier with at least its current range of services
- ~~1.2.~~ Shaping service delivery that meets the needs of Merton residents.
- ~~2.3.~~ Through active engagement with the Trust and neighbouring Councils, marshalling lobbying opportunities on decision making authorities in the NHS and Government to identify and promote investment streams, including writing to George Osborne or his successor to again ask that the £219m promised to St Helier hospital is reinstated.
4. Informing the wider community in Merton about how the Council is working actively, as a champion of its residents, to improve their health and wellbeing, including via My Merton where regular articles on both our local hospital and wider health issues are a regular feature.
- ~~3.5.~~ Working closely with the CCG on ensuring acute provision across the borough is provided to a high standard, not just at St Helier but also at St George's.

**Motion now to read:**

This council acknowledges that successive governments have tried to downgrade services at St Helier hospital, including accident and emergency and maternity services, and acknowledges the work done by our residents, our local MP Siobhain McDonagh, this administration and many local Councillors to fight these attacks but notes that we must always remain alert to any re-emergence of proposals to close or downgrade our local hospital at St Helier.

Nonetheless, council notes that in recent months our local NHS has sought to work more closely with the council and to take into account the needs of local residents when considering the future shape of health services in the borough and this is very much to be welcomed and encouraged.

Notwithstanding this, should closure or downgrading proposals re-emerge, council re-iterates its policy to vigorously oppose proposals to close accident and emergency and maternity services at St. Helier Hospital and its resolve to continue to do everything in its power to keep St. Helier Hospital's accident and emergency, maternity services and other related services open.

The Council acknowledges that St Helier Hospital is in urgent need of investment, to better serve the needs of Merton residents in its catchment area, since the £219m promised to the hospital under the previous Labour government was withdrawn by Conservative Chancellor George Osborne. The Council has been involved in discussions with the Trust on an action plan developed in conjunction with the Care Quality Commission following its report which found the hospital requiring improvement, to ensure that significant improvements are made. Council will continue to monitor the implementation of this plan closely.

Council is fully aware of recent and proposed consultations, including the current Estates Review and the Sustainability and Transformation Plan (STP) on which the Council has sought to work closely with the Clinical Commissioning Group. Council has sought to be an active partner with the NHS in developing 21<sup>st</sup> century healthcare facilities right across the borough, whilst always making clear that we will not allow either the Estates Review or the STP to be used as a cover for the resurrection of proposals to close or downgrade St Helier Hospital.

Council notes that the Cabinet Member for Adult Social Care and Health:

- Has already met with the Chair and Chief Officer of Merton CCG to discuss the STP and will continue to meet both regularly alongside council officers in order to discuss the progress of the STP.
- Has given an indication to the draft STP that the council is likely to welcome an increased focus on community services, whilst making clear that while the Council wants to work in partnership with the local NHS, neither residents or the administration will allow the STP to be used as a cover for a further attack on St Helier hospital.
- Will shortly be meeting representatives from the NHS to discuss the next steps with regard to the STP.

Accordingly as part of efforts to help secure the high quality, modern health facilities at St Helier and across the borough that Merton residents deserve, this Council notes the Cabinet Member's work to date to address and deliver proactive engagement with the Epsom & St Helier University Hospitals NHS Trust. In particular this work has included and will continue to include:

1. Ensuring that we do everything in our power to retain a local hospital at St Helier with at least its current range of services
2. Shaping service delivery that meets the needs of Merton residents.
3. Through active engagement with the Trust and neighbouring Councils, marshalling lobbying opportunities on decision making authorities in the NHS and Government to identify and promote investment streams, including writing to George Osborne or his successor to again ask that the £219m promised to St Helier hospital is reinstated.
4. Informing the wider community in Merton about how the Council is working actively, as a champion of its residents, to improve their health and wellbeing, including via My Merton where regular articles on both our local hospital and wider health issues are a regular feature.
5. Working closely with the CCG on ensuring acute provision across the borough is provided to a high standard, not just at St Helier but also at St George's.

