

# Merton Council

## Sustainable Communities Overview and Scrutiny Panel



Date: 19 March 2019  
Time: 7.15 pm  
Venue: Committee Rooms C, D & E - Merton Civic Centre, London Road, Morden  
SM4 5DX

### AGENDA

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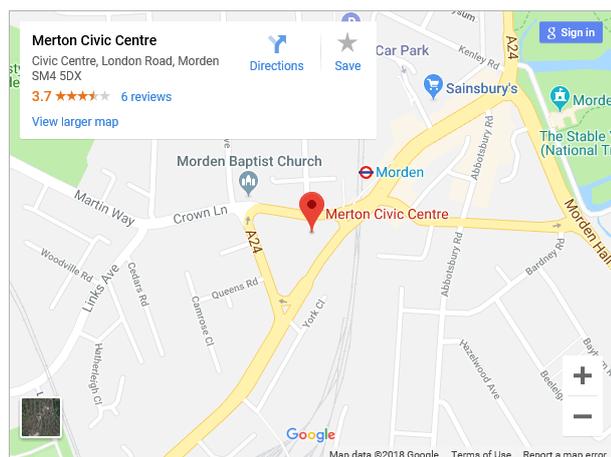
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## Sustainable Communities Overview and Scrutiny Panel Membership

### Councillors:

Laxmi Attawar (Chair)  
Daniel Holden (Vice-Chair)  
Stan Anderson  
Ben Butler  
Joan Henry  
Russell Makin  
Nick McLean  
Anthony Fairclough

### Substitute Members:

Nigel Benbow  
Mark Kenny  
Hina Bokhari  
David Dean  
Billy Christie

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### What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

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# Agenda Item 3

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## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL

26 FEBRUARY 2019

(7.15 pm - 10.00 pm)

PRESENT Councillors Councillor Laxmi Attawar (in the Chair),  
Councillor Daniel Holden, Councillor Stan Anderson,  
Councillor Ben Butler, Councillor Joan Henry,  
Councillor Russell Makin, Councillor Nick McLean and  
Councillor Anthony Fairclough

Jason Andrews (Environmental Health Pollution Manager),  
Charles Baker (Waste Strategy and Commissioning Manager),  
Anita Cacchioli, Cathryn James (Interim Assistant Director,  
Public Protection), Chris Lee (Director of Environment and  
Regeneration), Paul McGarry (FutureMerton Manager), James  
McGinlay (Assistant Director for Sustainable Communities) and  
Ben Stephens (Head of Parking Services)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies received

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the previous meeting were agreed.

### 4 WASTE, RECYCLING AND STREET CLEANING: PERFORMANCE UPDATE (Agenda Item 4)

At the invitation of the Chair, residents shared their experiences of the waste collection and street cleaning in the Merton borough.

Rudi Leoni: Transparency is needed. Merton have refused to publish the deductions and performance of Veolia. FOI exists to protect public funds. IT is still being used as an excuse. Deductions are still being negotiated. Missed collections are still being marked as complete.

Chris Larkman: Good news is streets are cleaner since the introduction of the wheelie bins. Bad news is the end of roads where there are flats, the rubbish is much worse.

Mark Gale: The system doesn't work. In October road sweepers were halved. The Merton website for reporting issues crashes constantly and Veolia claim not to have received many reports. Surgical needles were left for four days in St Helier.

Mike Nash: We have had to pay someone privately to deal with weeds that are over a meter high. What happened to the weed killers, we used to have them? I have filmed the dust cart driving down the road and then turning straight back around and sent this to my Councillor.

James Leek: I have already circulated fifteen to council officers. Larger households have overflowing bins. The waste is getting better but the streets are bad. Need more humans with brooms. Drains are blocked. Online reporting systems need to be improved.

Michael Marks: Toilet breaks for staff aren't adequate as crews often relieve themselves in the alleyway. Recycling boxes are too small. Bins are overflowing.

Tom Walsh: Sustainable Merton are looking forward to working with Merton. We employ fifty community champions. Last year we ran a plastic free Merton campaign. Subsequently a lot of companies changed their usage of single use plastics. Heading towards a zero waste society should be the Council's goal. The Council should double their effort to lobby government to address this. And a ban on single use plastics should be part of the licence granted for public events.

Marie Davinson: Millions of pounds of resident money to implement the new wheelie bin system, yet there has been no improvement with regards to the amount of litter and fly tips left on our streets. There are many issues: Fly tip hotspots need better monitoring, investigation and enforcement. Leaves blocking drains, confusion over collection days which is not helped when old signs displaying the former collection day are left up in streets months after the change of day, Street bins are not being emptied frequently enough. It seems that the only time action is taken is when a resident or councillor speak directly with a Veolia manager. Are Merton Council's own procedures the blockage in the system?

Frequently the same problem has to be reported numerous times. Do Veolia even receive these reports? They certainly don't appear to have access to location details from Merton's SRQ numbers.

Dan Goode: Shocking fall in street cleanliness, Keep Britain Tidy stresses that a littered environment encourages more litter. Residents endlessly report waste, there is tacit support from Councillors.

The Chair asked Scott Edgell (General Manager, Veolia) to respond to the points raised.

Scott Edgell commented;

- I agree there is a problem with flats and it is not uncommon. Though it is important to mention that there have been a number of issues with residents presenting their waste at the wrong time which has increased the problem.
- The use of the Bushey road alleyway as a toilet is completely unacceptable and I will be investigating.
- We will be inspecting the weeds. We have already increased the sprays from two to three and the whole service is under review, including whether the chemicals in use are effective enough.

The Chair reminded the Panel before we proceed to questions that the scrutiny of the contract is being performed by the Financial Monitoring Task Group.

Cabinet Member for Environment and Street Cleanliness, Mike Brunt, requested to introduce Scott Edgell formally to the Panel.

“I welcome the opportunity to bring this to Scrutiny. Last time we were here it was on the point of roll out. 68,000 households now have a new refuse service. Three quarters of those have a new collection day. There was a shortfall of delivery of containers and we failed in delivering on time. We addressed these issues swiftly in partnership with Veolia.

Each month over half a million containers are emptied. We have had a 58% increase in food waste recycling. A 20% increase in garden waste and an almost doubled amount of assisted collections. We are dealing with an unprecedented growth in fly tipping, which is an epidemic across the country. We have taken on additional inspectors to manage this and we are working on a better I.T system as we are aware residents would like feedback after reporting an issue.

Chris Lee concurred that the service isn't where we want it to be but the direction of travel is heading the right way. We have only published a limited amount of performance data so far, because we cannot publish financial deductions when they are unresolved as this is commercially sensitive. We are not satisfied with the online reporting system, but we expect it to improve over the coming months. We are working with Veolia re; enforcement and plan to focus our attention on those households that need extra attention

It isn't as simple as it may seem to catch the perpetrators of fly tipping and tracking down and bringing these people to law is beyond the capacity of other London boroughs also.

The Chair asked the panel members for any questions of clarification. In response to member questions, Scott Edgell clarified the following;

- A panel member asked how Veolia management train the front line staff? What feedback do staff give to management? Scott Edgell responded that training is important to Veolia. All employees are given a full induction on safety, manual handling, vehicles and the role and expectations. With regards to feedback, Echo is our main system. Frontline staff provide us with a lot of feedback. We also have two environmental managers who check on the standards of work.
- The relationship works well between the Environmental managers, Neighbourhood Client Officers and Contract Manager. They have a daily AM call and debrief at the end of the day. We don't offer incentives to staff to report issues. Staff are expected to do the job correctly and have a team ethic.
- We would like to have consistent crews on the same routes, but due to leave and training that is not always possible.
- I apologise to those residents who didn't receive their bins on time. We didn't do enough to manage expectations, but the roll out was not shambolic.
- A panel member asked when improvements in IT will materialise. Chris Lee answered that the integration of CRM to Echo is nearly complete.
- Agreed that bags left on the street encourages further fly tipping. We are asking managers to do ride-alongs with crews, we regularly review social media and we have designed new pick up points.

- A panel member asked whether the Council will review charging for bulky waste collections. Residents are expected to drive to Garth road, but at the same time, discouraged to drive. Mike Brunt explained that he has had conversations with other Local Authorities to analyse whether the charge has any effect on fly tipping. The boroughs have reported they have seen no reduction regardless of whether they have set a fee or not.
- There is a split responsibility between ID Verde and Veolia for street verges.
- We haven't changed the collection for communal properties, they have always received a weekly collection

## RESOLVED

Scott Edgell was thanked for his attendance and agreed to return in six months with an update.

## 5 DIESEL LEVY IMPLEMENTATION (Agenda Item 5)

Chris Lee, Director of Environment and Regeneration, summarised the report. There are no figures at present as this is the paper that triggers the evidence gathering. Broadly speaking the aims are policy objectives are fewer cars and fewer polluting cars. We intend to look at other Local Authorities and what they have done, what bringing in a new IT system would allow us to do, conduct desktop research, and ascertain whether our policies have had any impact on levels of diesel car ownership in comparison with the national change.

The chair invited questions from the Panel Members.

A Panel member queried cashless parking and the impact it would have on elderly groups who prefer to put cash in a meter. Will any meters have card facilities? Ben Stephens, Head of Parking Services, replied that technology is changing rapidly and we are constantly looking at different offers. We are aware some residents prefer using cash and in the high usage areas we may keep some meters as cash parking.

A panel member proposed a recommendation that the terms of reference be extended.

## RESOLVED

That the following reference be provided to Cabinet with regards to the Diesel Levy Implementation.

"The Panel recommends to Cabinet that they consider whether to extend/clarify the terms of reference for the diesel levy review and the review into emissions based charging in other councils to examine whether there is any evidence of the *type* of behavioral change that these schemes drive. I.e. there might not be a fall in overall applications for permits, but over time there might be a trend for permits e.g. for less polluting vehicles, even though overall permit numbers remain broadly the same".

## 6 AIR QUALITY UPDATE (Agenda Item 6)

Chris Lee introduced the report.

A panel member asked whether the mini ULEZ would still be introduced as it is not featured in the report. Jason Andrews, Environmental Health Manager, explained that we are still in the process of scoping the report and we are committed to looking at it from April 2019.

RESOLVED

The panel recommends that that the Air Quality Task Group returns in a year's time.

## 7 ELECTRIC CARS (Agenda Item 7)

Paul McGarry, Head of futureMerton, introduced the report and explained this work is part of the Air Quality Task Groups' action plan.

We are currently finalising the third Local Implementation Plan to deliver the Mayors Transport Strategy.

There are currently 70 publically available charging points across the borough. We will be rolling out another 31 next month. The charging points take 3-4 hours to fully charge a vehicle. TFL are also rolling out rapid charging points. These are more aimed at taxis as they charge in 20 minutes.

After hearing questions from the Panel, Paul McGarry clarified the following points;

- When deciding on the siting of the charging points, we chose high profile locations to get residents more aware of the facility. We also obtained data from the DVLA which showed the west of the borough have more electric vehicles. Feedback about resident support also helps decide where to place charging points.
- As part of the LIP3, we are investigating partnering up with an electric bike hire company but there is no date set for this as yet.
- Vehicles can stay charging overnight, though there is a limit and Source London would notice if a car was parked for days.

The Chair thanked officers for attending

## 8 PERFORMANCE MONITORING (Agenda Item 8)

Cllr Nick Mclean, performance monitoring lead for the Panel, made the following comments:

- Housing needs - The service has seen a 62% increase in cases as a result of the Housing Reduction Act but there has been no negative impact on performance.
- Library visitor figures (SP480) are below the target but numbers are up on last year.

Chris Lee highlighted the following items:

- Regulatory services – On target
- Score of 5 for parks quality management system. Quality of ID Verde parks maintenance.

A Panel member asked why CRP44 – Parking services is 1.6 million over target. Chris Lee clarified that it is only published on an annual basis and remains high due to drivers continuing to fail to comply with rules and regulations (stopping in yellow boxes, driving in bus lanes etc.).

A panel member requested clarification on SP067 Municipal - 5% of waste sent to landfill – where does the rest go? Chris Lee explained that the ash goes to landfill and the rest to the incinerator at Beddington Lane.

## 9 WORK PROGRAMME (Agenda Item 9)

The Panel noted the remainder of the work plan for the rest of the municipal year.

Members were reminded that the opening of the Morden Leisure Centre will be on the 30<sup>th</sup> March 2019 if anyone would like to attend.

## 10 HIGHWAYS AND MAINTENANCE CONTRACT (Agenda Item 10)

Meeting was held as part two.

Gary Marshall, Infrastructure Manager, answered the Panel Members questions of clarification.

## **Committee: Sustainable Communities Overview and Scrutiny**

**Date: March 2019**

Wards: All

### **Subject: Planning and Enforcement update**

Lead officer: Chris Lee, Director of Environment and Regeneration

Lead member: Councillor Martin Whelton

Contact officer: James McGinlay, Assistant Director of Sustainable Communities

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#### **Recommendations:**

- A. To note the performance and nature of the Development Control and Enforcement Service and comment as appropriate. Focus on operational capacity, performance and the challenges facing the service
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report sets out the performance of the Development Control Section (section 1) and the Planning Enforcement Team (section 2). The report sets out the nature of each service and details the performance of the service areas and the on-going work to improve the quality and efficiency of the Development Control and Planning Enforcement Teams

## **2 DETAILS**

### **2.1 DEVELOPMENT CONTROL**

- 2.2 This section of the report sets out the performance of Development Control in the context of the work undertaken by the service. Following high performance outcomes from 2013 to 2016 the team's performance for 'other' applications dropped during 2017, although the threshold for any direct intervention from Central Government was avoided. The government 'blends' minor and other application performance with a combined target of 70% to be decided on time. Merton avoided that figure during 2017 (71%). Major applications are defined as generally 10 residential units or more, Minor applications are generally 1-10 residential units and other applications are generally householder extension and other small applications
- 2.3 As set out in this report, the reasons for the decline were specific, were identified and a plan of action instigated to improve the team's performance. This plan has been successfully implemented and the performance of the team has now significantly improved during 2018 and is continuing.
- 2.4 The teams Target Operating Model highlights a number of key actions over the next 2 years to maintain high performance, including a new upgraded cloud based IT system with improved reporting, more flexible working, potential team

restructuring and a continued recruitment drive to replace temporary workers with permanent staff. It is also proposed to establish the optimal delivery of major's schemes in the borough.

- 2.5 The reason for the reduced performance in 2017 was fully recognised and measures were put in place to ensure it is avoided in the future. In summary, it was due to recruitment difficulties and staffing shortages especially at team leader level. Although nationally the performance was easily at an average level for that year the Borough had one of the worst performances within London. The significant improvement is demonstrated by the continued improved performance figures. This programme is considered to be sustainable in the medium term with current staffing levels.

## Performance

- 2.6 With significantly rising application numbers from 2011 to 2016 performance was relatively well maintained. Numbers have now stabilised at a relatively high level compared to historic numbers earlier in the decade

## APPLICATION NUMBERS

Year	Total number of applications (including trees and prior approvals)	Major (over 10 resi units or 1000m2 commercial)	Minor (1-9 resi units)	Others (including householders, LCD's , prior approvals excluding trees)
2012	<b>3215</b>	49	296	1562
2013	<b>3882</b>	26	314	1945
2014	<b>4361</b>	28	362	2243
2015	<b>4451</b>	30	375	2301
2016	<b>4530</b>	35	380	2380
2017	<b>4298</b>	36	378	2308
2018	<b>4245</b>	38	380	2350

## PERFORMANCE FIGURES

	% Majors in time	% minors in time (target 65%)	% others in time (target 80%)
2012	51 (50% target)	59	81
2013	<b>32</b> (50% target)	65	84
2014	<b>45</b> (50% target)	53	82
2015	51 (50% target)	61	85
2016	75 (60% target)	66	87
2017	71 (60% target)	67	<b>77</b>
2018	79 (60% target)	82	88
2019 (6-3-19)	100	84	92

(There were no Gov't penalties for failing to meet major's targets prior to 2015)

- 2.7 As the table above demonstrates, performance has been consistently maintained and improved with the exception of 'others' in 2017. This had a significant impact as others makes up the vast majority of all applications (around 85%) and the overall performance therefore fell that particular year. It is also recognised that other authorities have also improved overall performance in recent years resulting in performance tables being much more competitive. Application numbers dipped slightly in 2017 following record levels in 2016 and stabilised at that level in 2018. Numbers for 2019 so far look to be very slightly down on 2018 (5%) but this can change as it is very much economy dependant.
- 2.8 In the past, the Planning Advisory Service has established methods of comparing volumes, performance and efficiencies between Boroughs. However, there has been no such work undertaken in the last 3-4 years. This is because of the recognised overall improvement in performance and efficiency by all authorities. Although there is therefore no recent data, Merton came out very favourably when reviewed against Wandsworth, Sutton and Kingston as part of a shared service reviews (2014-16) both in terms of performance against national targets and efficient working methods.
- 2.9 It is also relevant that some authorities focus purely on performance statistics at the expense of quality outcomes and customer care. One method adopted is to simply refuse to negotiate and just refuse applications to keep performance high. However, in line with Government advice in the National Planning Policy Framework, Merton's Development Control team negotiates quality outcomes but does so in a pragmatic and efficient manner. This is demonstrated by our success rate in defending appeals. Over the last 4 years Merton has consistently met and exceeded the 65% success rate in defending appeals.
- 2.10 Merton has a robust method of monitoring performance in the planning team. Email reports are sent to team leaders on a weekly basis identifying when case deadlines are expiring. Officers also have expiry dates on the front of all files and team leaders generally meet weekly with staff to identify any issues that may arise both in terms of performance and also quality of outcome. The performance issue in 2017 was absolutely identified throughout the year and senior management informed directly. The main problem was not being able to get the relevant staff recruited to deal with it and this is one of the main reasons for introducing the more flexible Capita contract recently utilised. Capita provided a small officer resource to deal with householder applications.
- 2.11 It is acknowledged that there have been issues in recent years around customer care in terms of phone answering, rising customer's complaints and the processing of applications. The ombudsman has asked for improvements in 2 particular cases and improvements have been made with some retraining in the team. On-going work to improve customer service is underway.

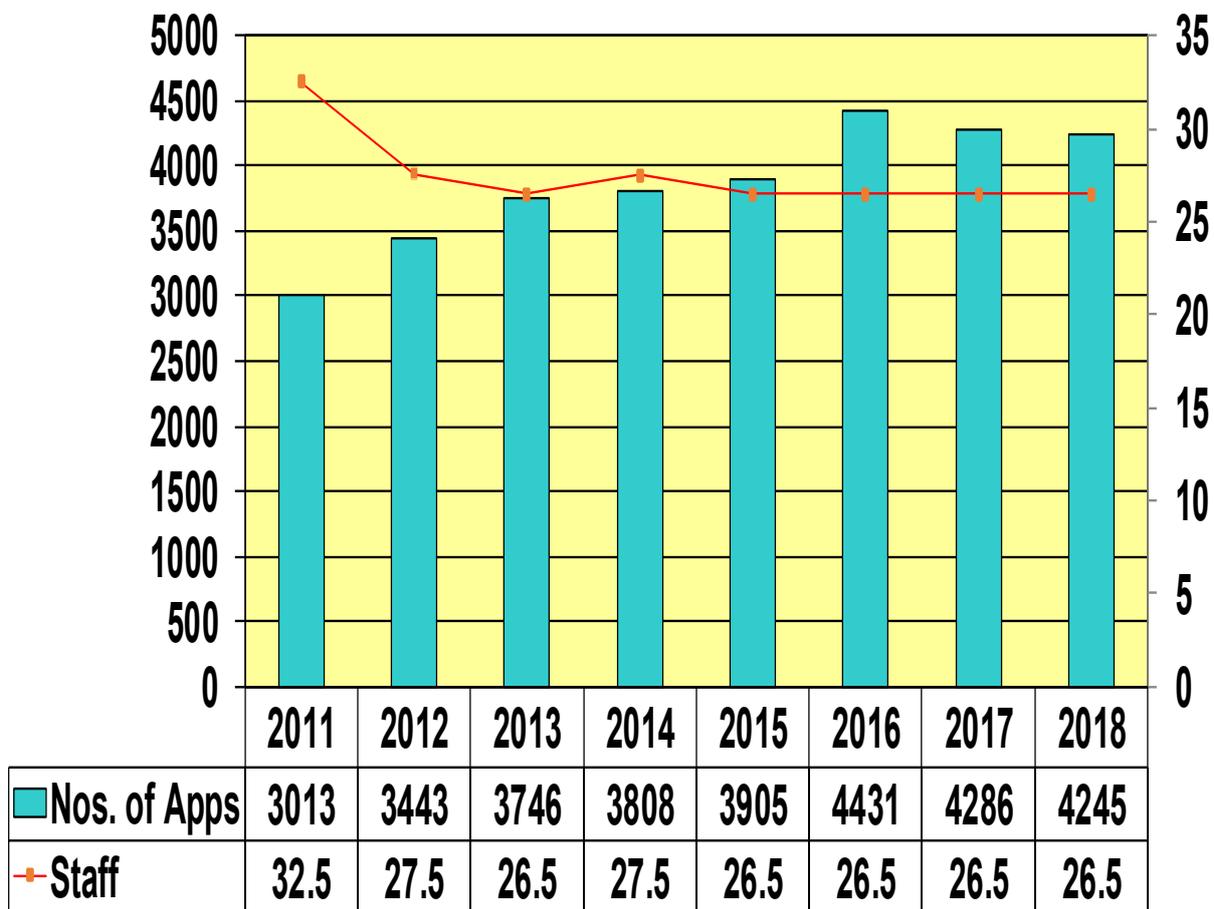
## **People**

- 2.12 Staff numbers have reduced over the last 10 years. This demonstrates a significant efficiency improvement for the team as there are now more

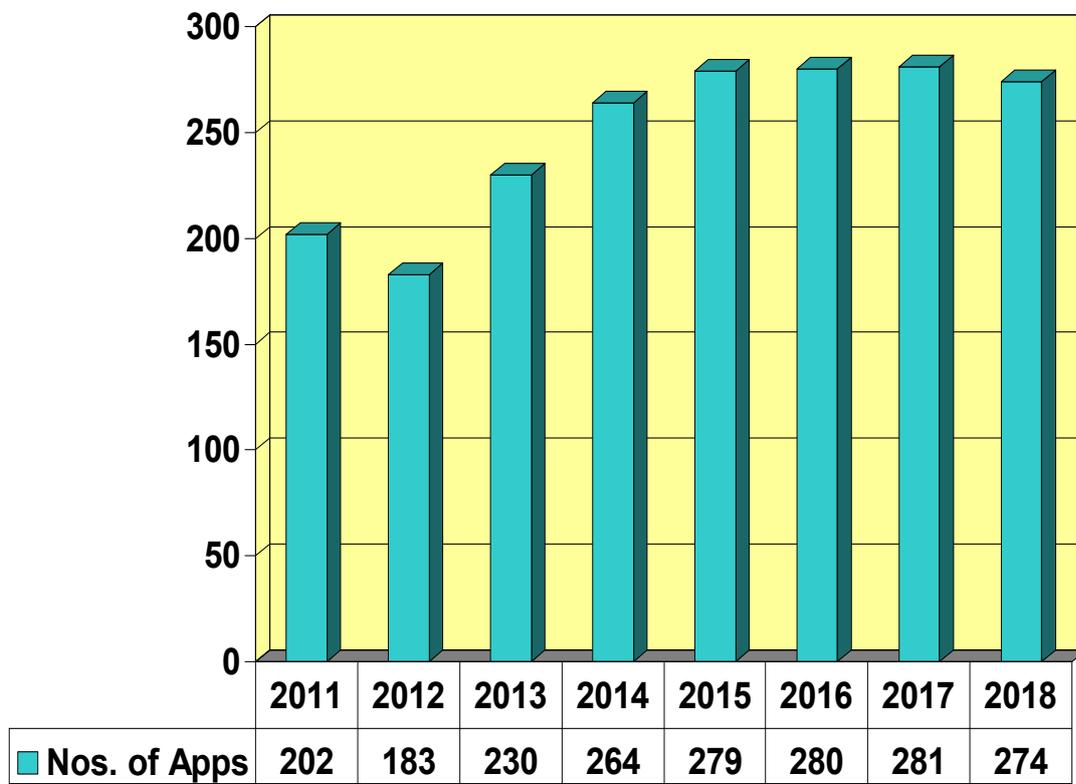
applications than in historic years. In recognition of the rising workloads, the team has had some additional resources allocated slightly above that reduced establishment in recent years. This has resulted in an elimination of admin backlogs, a significant impact on pre application response times and improvement of planning application performance along with improved contact ability.

2.13 Savings identified in very recent years have been reversed in recognition of the increases workloads in the team. It is also now accepted that the additional income successfully secured through Planning Performance Agreements must be reinvested in the team to deliver the promised timely outcomes for major planning applications which contribute to the regeneration of the Borough. At the same time, the government introduced a 20% rise in planning application fees in May 2018 with the stated requirement that the resource must be used to improve planning services. This increase has been applied to Merton's Planning fees.

### Planning applications and staffing



### Average Planning Applications per planning officer



2.14 During 2017 it is recognised that there was a specific set of circumstances which led to the dip in performance on 'other' applications. The legacy of continuous shared service reviews with Wandsworth and then Sutton/Kingston during 2014-16 resulted in an effective freeze on permanent recruitment. This resulted in almost 50% temps in the team with continuous turnover of temporary staff a real issue. This was recognised and is on the way to being resolved with only 20% temps now in the team. At the same time a contract with Capita was entered into to provide resilience in times of high demand.

2.15 At the start of 2017 the north team leader and enforcement manager resigned. During the majority of the year the team were without those 2 management posts. In addition there was no Admin Manager nor Building Control Manager. Whilst it was abundantly clear that recruitment at all levels was urgently needed the management capacity to do so was severely restricted. This, along with the reliance on temps impacted on performance. The process of improvement therefore took longer than anticipated but is now moving well towards resolution. 10 permanent posts were filled during 2017/18 to replace temps.

## **2.16 Service improvements/Challenges**

The TOM is the delivery mechanism for delivering improvements to the service.

- 2.17 The M3 Northgate system is a bespoke case management solution that needs constant supervision and administration. There have been significant successful upgrades to the servers and the system performance has been improved. The system is in the process of an upgrade at the moment. However, a much more significant upgrade to the cloud based 'Assure' M3 platform is expected during 2019 subject to the business case. This will allow more remote, mobile, electronic working solutions. Every opportunity will be taken to translate any efficiency savings into actual savings.
- 2.18 The same new upgraded system will improve the ease of establishing a suite of bespoke performance reports. Although the current reports are adequate for performance management purposes with all officers having advance warning of the expiry of applications, there will be opportunities to adjust requirements accordingly for the benefit of the team and others.
- 2.18 Challenges for the future revolve mainly around the IT improvements mentioned above which should facilitate a paperless office and more mobile/remote working. As always Central Government legislative changes can impact on the service and Development Control is adept at adapting accordingly. Similarly the section adjust its staffing accordingly in response to any economic changes which may impact on application numbers

## **3 ENFORCEMENT**

- 3.1 Planning laws are designed to control and manage the development and use of land, buildings and space in the public interest. Planning Enforcement is a vital (albeit non-statutory) part of the planning function and it is needed to ensure that the decisions and policies of the Council as the Local Planning Authority are complied with. Without this, unchecked unauthorised developments and change of use would result in a haphazard development that would damage the built environment.
- 3.1. Given this, the enforcement of planning control is a key area of priority for the Council and its stakeholders.
- 3.2. Parliament has given Councils, as Local Planning Authorities (LPAs), the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area since a private citizen cannot initiate planning enforcement action. Council's have a general discretion to take enforcement action, when they regard it as expedient.
- 3.3. In considering any enforcement action, the decisive issue for the Council should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest;
- 3.4. Enforcement action should always be commensurate with the breach of planning control to which it relates, as an example, it is usually inappropriate to take formal enforcement action against a minor or technical breach of control which causes no harm to amenity in the locality of the site.

- 3.5. Further investigating planning breaches is based on sound planning judgment and covers the entire investigation process, from correctly identifying whether there is a breach of control, to the decision as to what is the appropriate action to take in the context of “Good Practice” advice on enforcement matters.
- 3.6. The general current aim of the service is to ensure that:
1. All enforcement complaints will be treated in confidence and the source of the complaint will be kept confidential. Anonymous complaints cannot be accepted. Residents, who are reluctant or concerned about submitting their details, should contact their Local Councillor who can submit a complaint on their behalf. We will then be able to use the Councillor as the point of contact and they in turn can update the relevant complainant.
  2. All enquiries will be logged and acknowledged. The acknowledgement will include a reference number for that particular enquiry, the name and contact details of the investigating officer and time scale for carrying out an initial site visit.
  3. An initial investigation, including a site visit, will be undertaken within 3, 15 or 20 working days of logging a complaint, depending on the nature and priority of the alleged breach.
  4. The enquirer will be updated within 5 working days after the initial site visit and notified of the outcome of the investigation. If no further action is to be taken, this will be communicated to the customer and the reason for this will be explained.
  5. Some breaches of planning control will not be pursued beyond an initial investigation where subsequent action is found not to be expedient.
  6. Where enforcement action is necessary and expedient, the appropriate notice will be served and action taken.
- 3.7. A breach of planning control occurs when:
- a development or change of use that requires planning permission is undertaken without the required permission being granted - either because the planning application was refused or was never applied for,
- or
- a development that has been given permission subject to conditions breaks one or more of those conditions.
- Some examples include:
- building work, engineering operations, and material changes of use which are carried out without planning permission
  - non-compliance with conditions attached to planning consents
  - developments not carried out in accordance with approved plans
  - failure to comply with a legal agreement attached to a permission or consent.
  - unauthorised demolition within a conservation area
- 3.8. Breaches of planning control are generally not criminal offences, with the exception of:

- unauthorised works carried out to a listed building
- displaying unauthorised advertisements
- carrying out unauthorised works to protected trees or trees in conservation areas.

3.9. The following examples are not normally breaches of planning control and it is unlikely that enforcement action can be taken using planning powers:

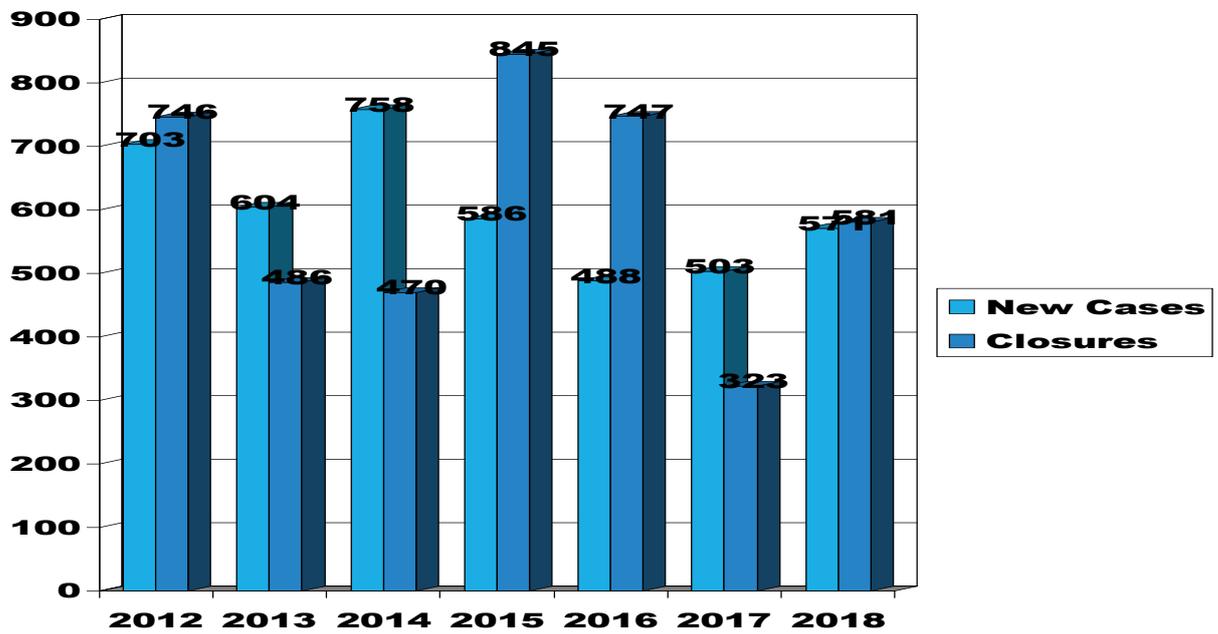
- street parking of commercial vehicles in residential areas
- sale of vehicles from the highway
- operating a business from home in certain cases
- clearing land of bushes and removing trees provided they are not subject to a Tree Preservation Order and are not within a Conservation Area.

3.10 Planning enforcement will not investigate the following:

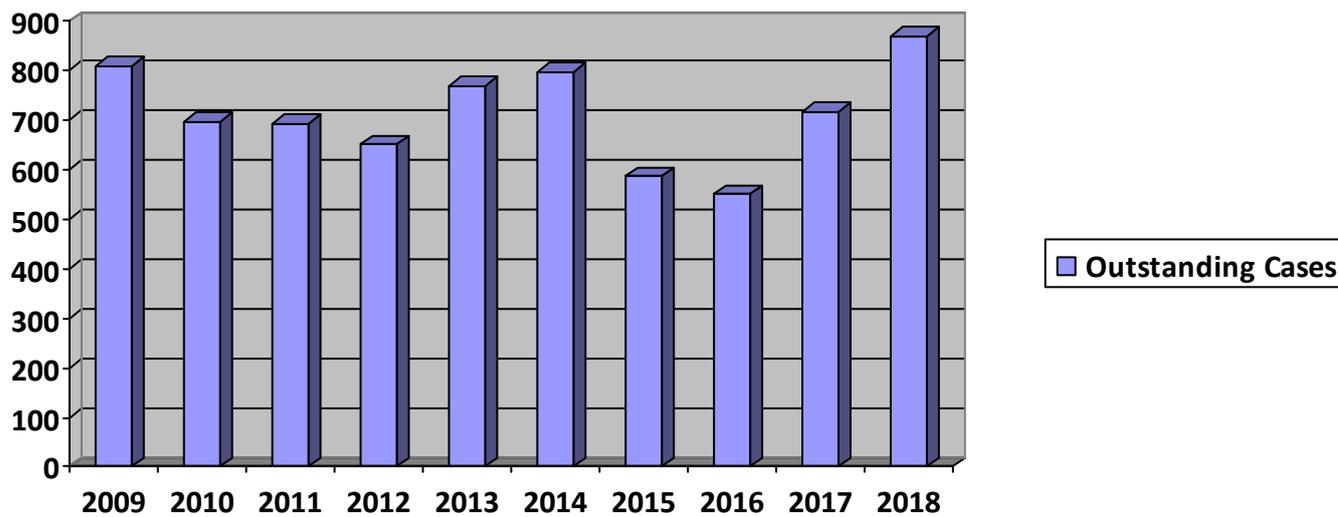
- Neighbour disputes – private not council matter (PNCM)
- Land boundary or ownership disputes - PNCM
- Work to party walls – PNCM. The Party Wall Act (1996) produced by the Government, gives relevant advice.
- Smell, noise and pollution (unless related to a breach of condition attached to a planning permission) as these issues are dealt with by Environmental Health
- Abandoned cars on the highway. These are dealt with by Street Management.
- Internal works to buildings. Internal works, which do not involve the conversion of premises into flats, would not normally require planning permission unless it affects a listed building. However, these works may need Building Regulations approval regarding matters of structural safety, drainage, and fire-safety.
- Obstruction of a private right of way is a civil matter quite separate from enforcement of planning control. It is not a Council matter and it may be necessary to obtain independent legal advice. However, if a new building or a new fence causes the obstruction, Planning Enforcement will need to check whether these structures require planning permission.
- Encroaching or trespassing – will not normally justify planning enforcement action, or any other action by the Council.
- Private Trees. Complaints or disputes about trees causing a nuisance to neighbours in private gardens will not be dealt with by Council.

### 3.11 Current performance of the Planning Enforcement Team

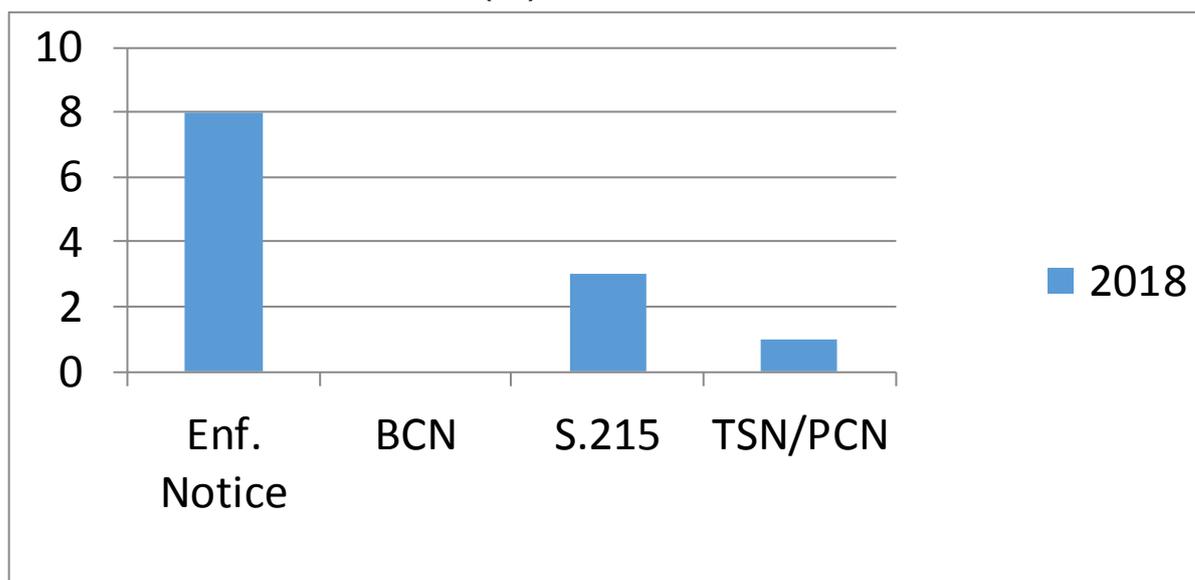
#### Number of new enforcement cases



#### Outstanding cases (current caseload)



## ENFORCEMENT NOTICES SERVED. (26)



(BCN= Breach of condition notice)

(TSN/PCN Temporary stop notice/planning contravention notice)

3.12 The team were successfully reducing the backlog of outstanding cases up until 2016, however, the position has worsened over the last 2 years. By opening more cases than those being closed, the deficit is now 868 at the end of 2018 compared to 716 in 2017. This effectively results in officers carrying an average of 289 cases in 2018 (3FTE) compared to 137 in 2016 (4 FTE). Cases closed per officer have improved from 108 per officer in 2017 to 193 per officer in 2018. However, it must be noted that a number of historic cases were closed in 2018 and this does skew the closure figures slightly, whereas in reality the performance will not be that much improved. It is still not possible to review how many cases are over 6 months old due to the IT system being operated although the IT supplier has been asked to create a bespoke report. This is being chased. Overall there are a number of factors as to why enforcement is a challenge at present:

- The team leader left in March 2017 and was not replaced as there was a saving of 1 post attributed to the team that year. The FTE was therefore reduced from 4 to 3.
- Although the deputy team leader tried to manage the backlogs in the section in 2017 there was little support available from the Development Control Manager for much of that year due to workloads and vacancies within the team. The North and Admin team leader posts have now been successfully filled and the Development Control Manager has had some capacity to become more involved in enforcement during 2018/19 in the absence of a team leader.
- The enforcement team were also down to 2 officers for a considerable period of 2017 due to another officer resignation and unsuccessful recruitment and this resulted in additional backlogs that have been very difficult to reverse. However, the team had 3 officers for most of 2018, hence the much improved performance

- In any event, when officers have such large caseloads it is difficult to close cases due to the pressure of work from the influx of new cases and the problem was compounded by officer turnover in the section.
- Within the last year there have been 2 separate job advertisements for an enforcement officer and there has been no successful candidate selected. The team therefore retains a temp as the third member of staff.
- As a method of trying to deal with the back log, a relatively low number of cases are now allocated to Capita via contract with them. This has certainly assisted but is being monitored to ensure they provide a suitable standard of caseload work.

### 3.13 Staffing structure

Deputy team leader: Ray Littlefield

Enforcement officer: Corral Henry

Enforcement officer; (Temp) Ross Parson

Capita: Brett Sinclair and Sade Olokodana (around 1 day per week each)

The Enforcement team also includes the tree officers who are generally not subject to this report but do occasionally become involved in unauthorised tree work issues:

Rose Stepanek , Tree officer

Nick Hammick, Tree officer (part time, shared with greenspaces)

- 3.14 The enforcement team (specifically planning enforcement officers) was reduced from 5.5 Officers to 4 FTE in 2009 and then to 3 FTE in 2017 and the tree officers reduced from 2 to 1.5 in 2011. Notwithstanding this reduction the team successfully improved performance and efficiency over recent years due to improved use of technology and increased efficiency. In 2017 there was a significant deterioration in the service for the reasons given earlier in this report, however, new working methods and utilising the Capita contract has improved general performance.

### 3.15 Analysis of current the caseload of complaints in Merton

Around 30% of all complaints result in the closure of the enforcement case in the 'no breach' classification. Unfortunately, it is not possible at this time to analyse and split other types of complaints numerically. However, in terms of potential reduced investigation requirements, the no breach type is clearly the most critical. Whilst it is acknowledged residents genuinely feel there has been a breach, it often transpires that there has not been. Clearly this is an aspect of the work load that requires targeted attention to try to reduce investigations. (See below) However, it is recognised that residents and Councillors alike are extremely reluctant to accept that investigations should not be undertaken in every case without any testing and filtering first.

### 3.16 Future service enhancements planned

- **Implement mobile working solutions:** The re-procurement of M3 is progressing and should provide a cloud based solution that will allow appropriate equipment to embed full mobile working for more efficient site visits.
- **Use of eforms;** there is a delay on implementation and further input is being provided by the business support team. They will be electronic form filled in by complainants which then pass directly onto the back office systems without the need to take telephone calls. They can also be used to 'filter' complaints to ensure efficient operation.
- **New Protocol/policy.** Its aim will be to reduce enforcement investigations. With around 30% of cases resulting in no breach, methods and procedures should be deployed to try and identify such cases earlier in the process by requiring complainants to properly justify why they consider why there is a breach. This will be through education in having more informative webpages and criteria checks on the complaints form before a complaint is accepted for processing. A new formal enforcement policy is being devised to securely establish the set criteria.
- **Shared Service** investigation with Kingston and Sutton 2015/6. The final report recommended that best practice can be shared through collaboration. Themes identified relevant to enforcement is the functioning of the website and also common recruitment collaboration. In reality there has been very limited collaboration due to pressure of work in all 3 boroughs. There will be opportunities for further collaboration towards potential shared service models in future years.
- **'Enforcement' day**

On 28 February 2019 the entire Development Control Team including planning and enforcement officers, spent a full day assisting with the enforcement backlog. Each officer was allocated 6-7 cases, with 115 site in total. Initial indications show that the day was a success with around a third of the cases likely to be closed. Those not closed will go back to the enforcement team for further investigation and whilst this adds to the direct workload it is the most immediate method of ensuring sites are visited within a reasonable time period. Once the results of the day are finalised a decision will be made to see if another should be arranged.

## 4 ALTERNATIVE OPTIONS/FUTURE CHALLENGES

### 4.1. Team Structure:

- 4.2. The reduction in staffing over recent years has resulted in an extremely challenging performance issue in the team. Planning enforcement is not a statutory service although is well perceived and received by Councillors and the public alike. The previous scrutiny report gave the option of the team being adjusted by removing either the Team leader or the deputy. The saving was taken and the team reduced from 4 to 3 and there is therefore no team leader. However, efficiencies through technology (mobile working) and readjusted investigation policies have yet to be fully realised.
- 4.3. The previous report concluded there would be extremely challenging issues with regard to enforcement investigations being undertaken in a timely manner by the

reduction in staff and this has been realised. Significant efficiency improvements will be required over and above those already implemented. Fully implemented Mobile and flexible working, including the necessary devices needed for investigation, are still being fully investigated with a view to implementation. In addition, the re-procured IT M3 system will be cloud based thereby facilitating better flexible/mobile working opportunities and efficiencies. Demonstrations with IT suppliers are still on-going. Response times to certain types of complaint still need to be reviewed and agreed and some more minor types of investigation, especially those where it can be demonstrated that there is likely to be no breach, may be dropped altogether.

#### **4.4. Cross Department working**

4.5. Planning Enforcement is part of the council's Enforcement Review Task Group now renamed the Locations Board. They work closely with Environmental Health, social services, the police and other emergency services when required. Examples of work include coordinated actions to secure an environmental clear up of a local estate. Joint working is also undertaken on prosecution techniques, the Proceeds of Crime Act and training on enforcement relevant cross team issues.

### **5 CONSULTATION UNDERTAKEN OR PROPOSED**

5.1. None

### **6 TIMETABLE**

6.1. None

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

7.1. None

### **8 LEGAL AND STATUTORY IMPLICATIONS**

8.1. Any further reduced enforcement investigation capability may result in more Ombudsman awards against the council.

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

9.1. None

### **10 CRIME AND DISORDER IMPLICATIONS**

10.1. Any reduction in service may reduce the ability to take legal action against breaches of planning control

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

11.1. None

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

None

### **13 BACKGROUND PAPERS**

13.1. None

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	STAKE HOLDE R	ACTION / PROGRESS	TIMELINE	STA TU S
<p><b>Recommendation 1</b> That Cabinet work with the private rented sector to encourage landlords to let properties to residents on the Housing Register and in receipt of Housing Benefit. (paragraph 6.16)</p>	Cabinet	<p>Officers continue to work with private landlords to meet housing need and to increase housing supply. During 2016-18 121 homes were procured through private sector Landlords . Additionally officers work closely with Landlords to sustain tenancies and prevent homelessness.</p> <p><i>During 2017/18 465 episodes of homelessness were prevented by officer interventions</i></p>	Recommendation achieved – homeless prevention activities and working with private sector landlords is part of the council’s core business	G
<p><b>Recommendation 2</b> That Cabinet explore the opportunity for providing temporary accommodation in house. This should include a review of both housing need and disruption to residents placed out of the borough as well as the potential financial benefits tot the Local Authority. This should also enable the council to meet requirements regarding tenure, in particular for larger units for families. (paragraph 6.28)</p>	Cabinet	<p>Officers continue to explore opportunities for alternative delivery models of temporary accommodation for homeless households. The council continues to maintain its position of having the lowest number of homeless households in temporary accommodation in London. Currently there are 170 households in temporary accommodation, and remains the lowest in London. The majority of these are placed in borough and at the end of February 2019 there was only one household placed outside London</p> <p>Officers are continuing to work with Housing Associations and other providers so as to identify</p>	Recommendation achieved - homeless prevention activities and working with private sector landlords is part of the council’s core business	G

		potential procurement of housing supply for households in acute housing need		
<p><b>Recommendation 3</b></p> <p>That a report is presented to the Sustainable Communities Scrutiny Panel in anticipation of the proposed Pay to Stay policy on how residents might be incentivised to move on to alternative forms of affordable housing, freeing up much needed social housing (paragraph 7.12)</p>	Cabinet	<p><i>Government are not proceeding with the “pay to Stay” policy</i></p> <p><i>(Deleted)</i></p>	<i>This recommendation is closed</i>	G
<p><b>Recommendation 4</b></p> <p>The Cabinet undertakes a review into the effectiveness of viability assessments and make recommendations on challenging developers to enable the provision of more affordable housing. (paragraph 8.12)</p>	Cabinet	<p>This recommendation is linked to Recommendations 5 and 6 below). On behalf of all London councils, the Mayor of London has undertaken a review, consulted on and published new London-wide planning guidance on affordable housing and viability (August 2017) This aims</p> <ul style="list-style-type: none"> <li>•to increase the amount of affordable housing delivered through the planning system</li> <li>•embed the requirement for affordable housing into land values</li> <li>•make the viability process more consistent and transparent. All London boroughs including Merton will now be able to use this SPG to support provision of more affordable housing.</li> </ul>	Recommendation achieved	G
<p><b>Recommendation 5</b></p> <p>That Cabinet agree to consider whether viability assessments can be made available for review to Councillors on the Planning Application Committee. (paragraph 8.12)</p>	Cabinet	<p>Since 2018 all developer viability assessments and the council’s independent reviews have been published online with the planning application information. In addition, the council now requires viability evidence to be submitted before the planning application can be validated</p>	Recommendation achieved	G

<p><b>Recommendation 6</b> That the planning department proactively considers using their right to review powers on developments that don't meet the 40% affordable housing target. (paragraph 8.12)</p>	Cabinet	Officers in the Development Control team deliver this approach and will continue to do so	Recommendation achieved	G
<p><b>Recommendation 7</b> That the Council encourages developers to engage with Registered Providers, at an earlier stage in the planning process, on the development of affordable housing. (paragraph 8.12)</p>	Cabinet	Officers in the Development Control team actively encourage this at all pre-application meetings with prospective applicants and will continue to do this as part of their everyday engagement with applicants	Recommendation achieved – part of council's core planning business	G
<p><b>Recommendation 8</b> The Cabinet consult with councillors and community groups on potential sites and land that present opportunities for the development of affordable housing (paragraph 8.13)</p>	Cabinet	This work will be part of the council's revision of the Local Plan 2017-2020 (programme agreed at September 2016 full council).	Merton's Local Plan is scheduled for adoption in late 2020	G
<p><b>Recommendation 9</b> That the Cabinet consider opportunities for gifting small to medium pockets of land in council ownership to Housing Associations in order to stimulate the creation of more affordable housing to meet demand. In doing so, Cabinet should submit a report to the Sustainable Communities Scrutiny Panel for review on the business case and council's ability to gift land and on what might be proposed to housing associations with this. As part of any agreement with Housing Associations on the use of council land/sites, the Council should receive</p>	Cabinet	The council is able to sell land suitable for housing to Registered Providers for best consideration and will continue to do so when the council is selling land suitable for housing. However the council is not in a position to gift land suitable for housing in return for 100% nomination rights when Registered Providers are required under the terms of their government grant funding to allocate a proportion of their homes to be accessed across London.	Recommendation achieved.	G

full nomination rights to all properties developed. (paragraph 8.19)				
<b>Recommendation 10</b> That Cabinet agree to consult with Registered Providers in revising the terms of reference of the MerHAG Group, to enable a more regular forum for proactive engagement with Housing Associations and Registered Providers on the opportunities for, and barriers to, the development of affordable housing in Merton. (paragraph 10.7)	Cabinet	Officers across the council meet Registered Providers on a regular basis on affordable housing matters, including grant funding, availability of sites and developments being carried out by or in association with the Registered Providers in Merton.	Recommendation achieved.	G
<b>Recommendation 11</b> That the Council effectively communicates its sites and policies plan to Registered Providers. (paragraph 10.7)	Cabinet	Officers in Sustainable Communities meet Registered Providers on a regular basis and communicate this to them.	Recommendation achieved	G
<b>Recommendation 12</b> That the Sustainable Communities Scrutiny Panel invites all Registered Providers in operation in the borough to a future meeting to gather information on their overcrowding strategies and to make any recommendations, as appropriate. The Panel should also engage other Local Authorities to look at good practice, including Richmond Council who the task group met with as part of this review. (paragraph 12.20)	Cabinet	<i>It was agreed that this action be removed</i>  <i>(Deleted)</i>		
<b>Recommendation 13</b>	Cabinet	Following Cabinet and Council resolution in April 2017, the council has established an arms length	Recommendation achieved	G

<p>That the Council consider the proposal for a Housing Development Company in Merton and ensure that it meets Council policy on affordable housing, encouraging where possible, given that it is a Council owned vehicle that it provides above and beyond the baseline of 40% affordable housing. (paragraph 13.16)</p>		<p>property development company, Merantun Development Limited, and the initial four sites are in the design and planning phase; planning applications are scheduled to be submitted later in 2019.</p>		
<p><b>Recommendation 14</b> That Cabinet explore effective policy enacted by other London Councils to unlock land banking and stalled development sites to ensure that affordable housing can be developed sooner. (paragraph 13.16)</p>	Cabinet	<p>This would be addressed through recommendation 8 above</p>	See Rec 8 above	G
<p><b>Recommendation 15</b> That Cabinet identify sites to commission the development of intermediate products, such as Pocket homes, in order to meet the needs of those trying to secure ownership of a property but unable to afford full market values. (paragraph 14.6)</p>	Cabinet	<p>This would be addressed through recommendation 8 above</p>	See Rec 8 above	G
<p><b>Recommendation 16</b> That Cabinet identify sites to commission the development of homes, such as those offered by YCube, in order to support residents to move out of temporary accommodation or social housing (paragraph 14.10)</p>	Cabinet	<p>This would be addressed through recommendation 8 above</p>	See Rec 8 above	G

<p><b>Recommendation 17</b> That the Council lobby the Sec. of State for Health to simplify structures regarding land ownership and responsibilities for selling off NHS land. (paragraph 14.20)</p>	<p>Cabinet</p>	<p>The council continues to work with the NHS Clinical Commissioning Group, NHS Property Services and other parts of the NHS on the redevelopment of Birches Close, Wilson Hospital and other NHS owned sites as part of the Local Plan 2020 (as per Recommendation 8 above) to provide healthcare and housing. The council continues to support the retention of any receipts from NHS land to be used for NHS services within Merton.</p>	<p>Recommendation achieved.</p>	<p>G</p>
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## **Sustainable Communities Overview & Scrutiny Panel**

**Date: 19<sup>th</sup> March 2019**

Agenda item:

**Subject: Housing Supply Task Group - Monitoring recommendations & Update on the Homelessness Reduction Act**

Lead officer: Steve Langley, Head of Housing Needs

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

Contact officer: Steve Langley, Head of Housing Needs

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### **Recommendations:**

A. No decision will be required as the report is for information only.

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

- 1.1. To provide a position statement following the implementation of the Homelessness Reduction Act 2017.
- 1.2. The report will provide information relating to the number of cases presenting as homeless since the introduction of the Act, the needs of our residents and how we are meeting those needs, including the needs of private sector tenants.
- 1.3. The report provides an update to the Housing Supply Task Group, as detailed in Appendix 1.

### **2 DETAILS**

- 2.1. The Homeless Reduction Bill received Royal Assent on the 27<sup>th</sup> April 2017. It came into force on 3<sup>rd</sup> April 2018 and placed new legal duties on English Councils to ensure that everyone who is homeless or threatened with homelessness and eligible for assistance has access to advice and assistance, irrespective of their priority need status. This has broadened the resident groups who are owed a duty and also introduced a legal duty to carry out prevention work to help residents remain in their current home.
- 2.2. Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, set out the duties owed by English Local Authorities to someone who is homeless or threatened with homelessness. The new Act extended the number of days that a household should be deemed as threatened with homelessness from 28 days to 56 days, to provide more time to carry out

prevention and relief work. In addition, people who have a valid notice under Section 21 of the Housing Act 1988 (generally this includes private sector tenants) will be treated as being threatened with homelessness.

2.3. The key requirements of the Act are:

- As part of the housing needs assessment, a Personal Housing Plan is prepared with the customer which is bespoke and personalised to the customer's individual circumstances. The Plan sets out steps that both the customer and the officer will have to take to retain or secure suitable accommodation and a copy is given to the customer.
- The Council must provide information and advice to a range of people with varying levels of housing need, on preventing homelessness and/or securing accommodation.
- A new referral duty means that specified public authorities must make a referral to the Council where they consider a person to be homeless or threatened with homelessness. This duty came into effect from 1<sup>st</sup> October 2018.
- The assessment duty means that all customers who are homeless or threatened with homelessness and are eligible for assistance, are offered an assessment of their housing circumstances and are notified of the assessment in writing. The initial assessment seeks to focus on the real issues that have created the housing/homelessness need. By understanding the real issues to solve, officers are able to offer personalised solutions to the problem much earlier on in the process and in turn prevent homelessness in the first place.
- The definition of "threatened with homelessness" has expanded under the Act, whereby a person is now threatened with homelessness if it is likely that they will become homeless within 56 days.
- The relief duty arises where the Council is satisfied that the Customer is homeless and eligible, and reasonable steps must be taken to help the resident secure accommodation with a "reasonable prospect" of the accommodation lasting for at least 6 months. The new Act legislates that the Council can discharge the relief duty by securing a 6 month assured shorthold tenancy within the Private Rented Sector.
- Failure to co-operate by a customer for assistance. This provision places a requirement of all customers to co-operate with the Council's attempt to comply with their prevention and/or relief duties. If the Council considered that a customer had "deliberately" and "unreasonably" refused to co-operate or take any of the steps set out in the Personalised Housing Plan, we can serve a notice on the applicant to notify them of our decision as long as the notice explains what the consequences of the decision are, and that they have a right to request a review of the decision.
- Final accommodation offer – one of the prescribed conditions is the ending of the duty if a final accommodation offer is accepted or refused. (A final accommodation offer is of an assured shorthold tenancy of at least 6 months term made by a private landlord).

- A final part 6 offer (i.e. an offer of a social housing tenancy under the Choice Based Lettings Scheme).

## 2.4 IMPLICATIONS REGARDING THE IMPLEMENTATION OF THE HOMELESSNESS REDUCTION ACT.

There have been challenges, issues and changes that have been needed to ensure that Housing Options Service was fit for purpose from April 2018.

- Demand with Housing Options has increased by 55%.
- There have been additional data and IT burdens placed upon the Council as a consequence of the introduction of the new Government HCLIC reporting mechanism.
- Support and training to support the delivery of Personal Housing Plans.
- New processes, paperwork and IT solutions were needed to deliver the Act.
- The day to day work and operations continue to evolve to provide more case management.

## 2.5 DEMAND TO DATE

The Act has been in effect since 3<sup>rd</sup> April 2018 and up to the end of February 2019 the service has seen 2507 households with a housing difficulty. 1322 cases have resulted in more detailed casework and prevention activities

The time taken to carry out the assessment and personal housing plan process varies depending on complexity. Generally speaking, a routine case will take in region of two hours, whereas a more complex case will take much longer.



The 1322 cases in total April 2018 to February 2019 is an increase of 55% compared to last year and averages at around 27.5 cases by week.

This is broken down by

48% for single/couples

52% for households with children

## **2.6 SUPPORT TO PRIVATE RENTERS**

We know that the main reason for homelessness is the ending of Assured Shorthold Tenancies. However, in many cases the service of a Section 21 Housing Act 1988 Notice is masking the real reasons for the landlord wanting to end the tenancy. In drilling down of a customer's housing experience it is clear that underlying issues of rent arrears, tenancy breaches, reduction in employment income, changes to benefit entitlement and changes to personal circumstances are some of the real reasons for the Landlord wanting the property back.

This information continues to be used to improve the advice and assistance to prevent homelessness to private tenants as part of the advice detailed in the Personal Housing Plans and includes

- Advice on security of tenure.
- Advice of the Housing Act 2004 and issues of disrepair.
- Advice on HMO legislation.
- Advice and Assistance of alleged harassment and unlawful eviction.
- Money management and rent rescue schemes
- Welfare benefit entitlement and advice on rent increases.
- Advice to tenants on their responsibilities in sustaining their tenancy

## **2.7 CASE OUTCOMES**

Since the introduction of the new Act, the Council has prevented 426 episodes of homelessness and by working with private landlords have increased housing supply by 41

The main challenge in relieving homelessness is the availability of suitable options for people who are homeless. Officers continue to look to seek increased access to the private sector or to increase housing association (registered providers) accommodation.

## **2.8 TEMPORARY ACCOMMODATION**

The Council continues to maintain the lowest levels of households in temporary accommodation than any other London Borough. As at the end February 2019, 170 households were in temporary accommodation.

By contrast on 30<sup>th</sup> June 2018 the total number of households placed in temporary accommodation by local authorities under homeless legislation was 82,310. In London the number of households in temporary accommodation was 56,560 which was 69% of the total England figure. Of this, at 30<sup>th</sup> June 2018, there were 172 households in temporary accommodation in Merton.

## **2.9 IT**

The IT programme focused on ensuring that we had the right equipment and software in place to support the Act's new way of working and the new government requirements. A new system ("Hope") was introduced, with funding from government. The IT solution is in place, and we continue to develop its functionality as we learn more of the detail of the Act.

## **2.10 AWARENESS AND TRAINING**

Training and awareness sessions were delivered to council officers and other stakeholders. In depth training for Housing Options staff was provided at various points throughout the year.

## **2.11 SUMMARY**

It was to be expected that demand for support would increase as the cohort who could approach was expanded. Whilst demand varies month to month there has been an overall 55% increase in the volume of cases).

Officers continue to encourage customers to consider and seek alternative accommodation within the private rented sector due to social housing stock not meeting the level of demand. Officers continue to encourage the market to engage with us and encourage private landlords to provide housing to our customers.

Whilst a desired outcome is to deliver effective homeless prevention and temporary accommodation reductions in future years it is still too early to say with any degree of certainty if that will be the outcome.

## **3 ALTERNATIVE OPTIONS**

3.1 Not applicable as report is for information only.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. Not applicable as report is for information only

**5 TIMETABLE**

5.1. Not applicable as report is for information only

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. Not for the purposes of this report.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. The Homelessness Reduction Act is the most significant change in the statutory approach to homelessness since the Housing (Homeless Persons) Act 1977 and commenced in April 2018. There are numerous additional duties placed upon the council under the Act with an increased focus on preventing homelessness. It is hoped that in the long term the levels of homelessness across the borough will reduce.

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

8.1. Not for the purposes of this report

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. Not applicable

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

10.1. None.

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

- Housing Supply Task group six-month update March 2019
- 

**12 BACKGROUND PAPERS**

12.1. None

## Sustainable Communities – January 2019

Dept.	PI Code & Description	Polarity	Jan 2019					YTD Result	Annual YTD Target	YTD Status
			Value	Target	Status	Short Trend	Long Trend			
Housing Needs & Enabling	CRP 061 / SP 036 No. of households in temporary accommodation (Monthly)	Low	171	230				171.7	230	
Housing Needs & Enabling	CRP 062 / SP 035 No. of homelessness preventions (Monthly)	High	387	375				387	375	
Housing Needs & Enabling	SP 037 Highest No. of families in Bed and Breakfast accommodation during the year (Monthly)	Low	2	10				1.2	10	
Housing Needs & Enabling	SP 038 Highest No. of adults in Bed and Breakfast accommodation (Monthly)	Low	11	10				8.7	10	
Page 33 Libraries	CRP 059 / SP 008 No. of people accessing the library by borrowing an item or using a peoples network terminal at least once in the previous 12 months (Monthly)	High	71,759	56,000				71,759	56,000	
Libraries	CRP 060 / SP 009 No. of visitors accessing the library service on line (Monthly)	High	196,048	182,912				196,048	182,912	
Libraries	SP 279 % Self-service usage for stock transactions (libraries) (Monthly)	High	98%	97%				98%	97%	
Libraries	SP 280 No. of active volunteers in libraries (Rolling 12 Month) (Monthly)	High	279	230				279	230	
Libraries	SP 287 Maintain Library Income (Monthly)	High	£332,669	£324,427				£332,669	£324,427	
Libraries	SP 480 Visitor figures - physical visits to Libraries (Monthly)	High	929,458	1,000,000				929,458	1,000,000	

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## Sustainable Communities Work Programme 2018/19

This table sets out the Sustainable Communities Panel Work Programme for 2018/19; the items listed were agreed by the Panel at its meeting on 4 June 2018. This Work Programme will be considered at every meeting of the Panel to enable it to respond to issues of concern and incorporate reviews or to comment upon pre-decision items ahead of their consideration by Cabinet/Council.

The work programme table shows items on a meeting-by-meeting basis, identifying the issue under review, the nature of the scrutiny (pre-decision, policy development, issue specific, performance monitoring, partnership related) and the intended outcomes.

**Chair:** Cllr Laxmi Attawar

**Vice-chair:** Cllr Daniel Holden

### Scrutiny Support

For further information on the work programme of the Sustainable Communities Scrutiny Panel please contact: -

Rosie McKeever, Scrutiny Officer

Tel: 020 8545 4035; Email: [rosie.mckeever@merton.gov.uk](mailto:rosie.mckeever@merton.gov.uk)

For more information about overview and scrutiny at LB Merton, please visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

Meeting date: 21 June 2018 (*Deadline for papers: 12pm, 13 June 2018*) **COMPLETE**

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Holding the executive to account</b>	Cabinet Member priorities	Verbal update	Cabinet Member for Community and Culture; Cabinet Member for Environment and Street Cleanliness; Cabinet Member for Regeneration, Housing and Transport	To allow members to understand current priorities and consider how these should inform the work programme.
<b>Holding the executive to account</b>	South London Waste Partnership – communication of the new service rollout	<ul style="list-style-type: none"> <li>• Written update report</li> <li>• Presentation</li> </ul>	Anita Cacchioli, Interim Assistant Director, Public Space, Contracting and Commissioning  Scott Edgel, CEO, Veolia	To understand how the new service rollout will be communicated to residents.
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration  Steve Langley, Head of Housing Needs	To highlight any items of concern and for the Panel to make any recommendations or to request additional information .
<b>Setting the work programme</b>	Sustainable Communities Overview and Scrutiny Panel work programme 2018/19	Written report	Annette Wiles, Scrutiny Officer	To agree the work programme and select a subject for task group review.

Meeting date: 4 September 2018 (**Deadline for papers: 12pm, 24 August 2018**) **COMPLETE**

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Holding the executive to account</b>	Highways and maintenance contract	Written report	James McGinlay, Assistant Director – Sustainable Communities	Pre-decision scrutiny - opportunity to comment on proposals prior to re-letting the contract.
<b>Holding the executive to account</b>	Parking update report	Written report	Cathryn James, Interim Assistant Director, Public Protection	Update to include Christmas parking, cashless parking, ANPR, parking in parks
<b>Holding the executive to account</b>	South London Waste Partnership – new service rollout	Written update report	Anita Cacchioli, Interim Assistant Director, Public Space, Contracting and Commissioning	Update to include numbers registering for assisted collections
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Councillor Nick McLean Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information
<b>Scrutiny reviews</b>	Crossovers task group – Cabinet response and action plan	Written report	Paul McGarry, head of <i>futureMerton</i>	To receive Cabinet response and action plan.
<b>Setting the work programme</b>	Work programme 2018/19	Written report	Annette Wiles, Scrutiny Officer	To review work programme and agree any changes

Meeting date: 1 November 2018 (**Deadline for papers: 12pm, 24 October 2018**) **COMPLETE**

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Budget scrutiny</b>	Budget/business plan scrutiny (round 1)	Written report	Caroline Holland, Director of Corporate Services	To discuss and refer any comments to the O&S Commission
<b>Holding the executive to account</b>	Morden re-development	Verbal update	Paul McGarry, Head of <i>futureMerton</i>	Pre-decision scrutiny prior to selection of a joint venture partner.
<b>Holding the executive to account</b>	Merantun	Presentation	Paul McGarry, Head of <i>futureMerton</i>	Update on progress.
<b>Holding the executive to account</b>	South London Waste Partnership – Lot 1 (grounds maintenance)	Written update report	Anita Cacchioli, Interim Assistant Director Representatives from idverde	Performance under the contract will be the main focus.
<b>Holding the executive to account</b>	Environmental enforcement	Written report	Anita Cacchioli, Interim Assistant Director	Opportunity to understand the team's remit in more detail.
<b>Holding the executive to account</b>	Public space protection orders	Written report	Doug Napier, Greenspaces Manager	Progress update
<b>Scrutiny reviews</b>	Single use plastics	Written report	Task group chair (TBC)	To agree task group's terms of reference
<b>Setting the work programme</b>	Work programme 2018/19	Written report	Stella Akintan, Scrutiny Officer	To review work programme and agree any changes

Meeting date: 9 January 2019 (**Deadline for papers: 12pm, 31December 2018**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
External scrutiny	Clarion Housing Group: regeneration	Responses to members' questions to be printed as part of the agenda	Representatives from Clarion Housing Group will be invited to attend the session and answer member questions.	This session will be used to focus on Clarion's estates regeneration.
Budget scrutiny	Budget and business planning (round 2)	Report	Chris Lee, Director of Environment and Regeneration. Hannah Doody, Director for Community and Housing Caroline Holland, Director of Corporate Services	To comment on the budget and business plan proposals at phase 2 and make any recommendations to the Commission to consider and co-ordinate a response to Cabinet.
Holding the executive to account	Vehicle emissions and parking charges	Report	Cathryn James, Interim Assistant Director of Public Protection	
Scrutiny review	Commercialisation task group – action plan review	Written report	Chris Lee, Director of Environment and Regeneration	To monitor the implementation of the task group's recommendations.
Setting the work programme	Work programme 2018/19	Written report	Rosie McKeever, Scrutiny Officer	Standing item

Meeting date: 26 February 2019 (**Deadline for papers: 12pm, 18 February 2019**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Holding the executive to account	Diesel levy implementation	Written report	Chris Lee, Director of Environment and Regeneration	Pre-decision scrutiny on review of the levy.
Holding the executive to account	Waste, recycling and street cleaning: performance update:	Written report	Charles Baker, Waste Strategy & Commissioning Manager Scott Edgel, CEO, Veolia	To monitor performance following the rollout of the new service and to seek resident feedback on the service.
Holding the executive to account	Highways and maintenance contract	Written report	Paul McGarry, Head of FutureMerton/James McGinlay?	As agreed by Panel in Sep 2018 - pre-decision scrutiny of contract specification and procurement process
Scrutiny review	Air quality task group – monitoring recommendations	Written report	Cathryn James, Interim Assistant Director, Public Protection	To monitor the implementation of the task group's recommendations.
Holding the executive to account	Air Quality Action Plan	Written report	Cathryn James, Interim Assistant Director, Public Protection	Update report
Holding the executive to account	Electric cars	Written report	James McGinlay	Briefing on progress
Performance management	Performance monitoring	Basket of indicators plus verbal report	Councillor Nick McLean Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information

**Plus** - Standing item on scrutiny work programme

Meeting date: 19 March 2019 (**Deadline for papers: 12pm, 11 March 2019**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Holding the executive to account</b>	Cabinet Member priorities	Verbal update	Cabinet Members for Community and Culture; Environment and Street Cleanliness; Regeneration, Housing and Transport	To understand current priorities in relation to Panel work programme. To include an update on the Regulatory Services Partnership.
<b>Holding the executive to account</b>	Development and planning control	Written report	James McGinlay Neil Milligan	Focus on operational capacity, performance and challenges facing the service.
<b>Scrutiny review</b>	Housing supply task group – monitoring recommendations	Written report	Steve Langley, Head of Housing Needs and Strategy	Final review – report to provide a summary of all impact.
<b>Holding the executive to account</b>	Update on the impact of the homelessness reduction act	Written report	Steve Langley, Head of Housing Needs and Strategy	Update report
<b>Holding the executive to account</b>	Town centre regeneration	Presentation	Paul McGarry, Head of <i>futureMerton</i>	Progress update
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Councillor Nick McLean Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information
<b>Setting the work programme</b>	Work programme 2018/19	Written report	Rosie McKeever, Scrutiny Officer	Standing item

Meeting date: 30 April 2019 (Deadline for papers: 12pm, 22 April 2019)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
External scrutiny	Accessibility of local stations			To respond to reference from Council
Holding the executive to account	Merton Adult Education	Written report	Anthony Hopkins, Head of Library, Heritage and Adult Education Service	Update on performance of the service
Holding the executive to account	Libraries and heritage annual report	Written report	Anthony Hopkins, Head of Library, Heritage and Adult Education Service	Annual report and information on any proposed future development of the service.
Holding the executive to account	London Borough of Culture	Written report	Christine Parsloe, Leisure and Culture Development Manager	Briefing on Merton's involvement in the London Borough of Culture initiative 2019.
Performance management	Performance monitoring	Basket of indicators plus verbal report	Councillor Nick McLean Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information
Setting the work programme	Topic suggestions 2019/20	Written report	Rosie McKeever, Scrutiny Officer	To seek suggestions from the Panel to inform discussions about the Panel's 2019/20 work programme
Scrutiny review	Single use plastics	Written report	Task group chair (TBC) Aidan Mundy	Draft report for approval by the Panel prior to progressing to Cabinet.

**Moved / Carry over**

Crossovers task group – monitoring recommendations	Moved from March to June due to a lack of data available.	Written report	Paul McGarry, Head of <i>futureMerton</i>	To monitor the implementation of the task group’s recs.
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