

If you are reading this electronically, the Council has saved **£6.55** on printing. For more information on the Modern.gov paperless app, contact Democratic Services

# Merton Council

## Council Meeting

### Membership

**The Mayor:** Councillor Michael Brunt

**The Deputy Mayor:** Councillor Edith Macauley MBE

**Councillors:** Sally Kenny, John Dehaney, Agatha Mary Akyigyina OBE, Stephen Alambritis MBE, Mark Allison, Stan Anderson, Laxmi Attawar, Eloise Bailey, Thomas Barlow, Nigel Benbow, Hina Bokhari, Adam Bush, Omar Bush, Ben Butler, Tobin Byers, Billy Christie, David Chung, Caroline Cooper-Marbiah, Pauline Cowper, Stephen Crowe, Mary Curtin, David Dean, John Dehaney, Helena Dollimore, Nick Draper, Anthony Fairclough, Edward Foley, Brenda Fraser, Jenifer Gould, Edward Gretton, Joan Henry, Daniel Holden, James Holmes, Andrew Howard, Janice Howard, Natasha Irons, Sally Kenny, Linda Kirby, Paul Kohler, Rebecca Lanning, Najeeb Latif, Russell Makin, Peter McCabe, Simon McGrath, Nick McLean, Oonagh Moulton, Aidan Mundy, Hayley Ormrod, Dennis Pearce, Owen Pritchard, Carl Quilliam, David Simpson CBE, Marsie Skeete, Peter Southgate, Geraldine Stanford, Eleanor Stringer, Dave Ward, Martin Whelton, Dickie Wilkinson and David Williams MBE JP

**Date: Wednesday 17 November 2021**

**Time: 7.15 pm**

**Venue: Merton Civic Centre, London Road, Morden SM4 5DX**

This is a public meeting and will be livestreamed on the Council's Youtube Channel <https://www.youtube.com/user/MertonCouncil>

For more information about the agenda please contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone [0208 545 3357](tel:02085453357).

All Press contacts: [communications@merton.gov.uk](mailto:communications@merton.gov.uk), 020 8545 3181

# Council meeting

## 17 November 2021

1	Apologies for absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meeting	1 - 16
4	Announcements by the Mayor, Leader of the Council and Chief Executive	
5	Public questions to cabinet members The questions and written responses will be circulated at the meeting.	
6	Councillors' ordinary priority questions to cabinet members The questions and written responses will be circulated at the meeting	17 - 18
7a	Strategic theme: Councillors' questions to cabinet members The questions and written responses will be circulated at the meeting.	
7b	Strategic theme: Main report	19 - 60
7c	Strategic theme: motions	
8	Report of the Raynes Park Community Forum: 16 September 2021	61 - 86
9	Report of the Wimbledon Community Forum: 22 September 2021	87 - 110
10	Report of the Mitcham Community Forum: 6 October 2021	111 - 124
11	Report of the Morden Community Forum: 13 October 2021	125 - 130
12	Report of the Colliers Wood and NE Mitcham Community Forum: 20 October 2021	131 - 136
13	Notice of motion: Cross-Party Motion	137 - 138
14	Notice of motion: Conservative Motion	139 - 140
15	Notice of motion: Labour Motion	141 -

		142
16	Notice of motion: Merton Park Ward Independent Residents Motion	143 - 144
17	Council Tax Support Scheme 2022/23	145 - 156
18	Statement of Principles under the Gambling Act 2005	157 - 214
19	Arrangements for in-person Council and Committee Meetings	215 - 224
20	Appointment of an Independent Person	225 - 226
21	Changes to membership of committees and related matters	227 - 228
22	Petitions	229 - 236
23	Business for the next ordinary meeting of the Council	

**Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

Partnership.

This page is intentionally left blank

# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## COUNCIL

15 SEPTEMBER 2021

(7.00 pm - 7.20 pm)

PRESENT (in the Chair), Councillor Sally Kenny, Councillor John Dehaney, Councillor Agatha Mary Akyigyina, Councillor Stephen Alambritis, Councillor Mark Allison, Councillor Laxmi Attawar, Councillor Eloise Bailey, Councillor Thomas Barlow, Councillor Nigel Benbow, Councillor Hina Bokhari, Councillor Michael Brunt, Councillor Adam Bush, Councillor Omar Bush, Councillor Ben Butler, Councillor Tobin Byers, Councillor Billy Christie, Councillor Caroline Cooper-Marbiah, Councillor Pauline Cowper, Councillor Stephen Crowe, Councillor Mary Curtin, Councillor David Dean, Councillor Nick Draper, Councillor Anthony Fairclough, Councillor Edward Foley, Councillor Brenda Fraser, Councillor Jenifer Gould, Councillor Edward Gretton, Councillor Joan Henry, Councillor Daniel Holden, Councillor James Holmes, Councillor Andrew Howard, Councillor Janice Howard, Councillor Natasha Irons, Councillor Linda Kirby, Councillor Paul Kohler, Councillor Rebecca Lanning, Councillor Najeeb Latif, Councillor Edith Macauley, Councillor Russell Makin, Councillor Peter McCabe, Councillor Simon McGrath, Councillor Nick McLean, Councillor Oonagh Moulton, Councillor Aidan Mundy, Councillor Hayley Ormrod, Councillor Dennis Pearce, Councillor Owen Pritchard, Councillor David Simpson, Councillor Peter Southgate, Councillor Geraldine Stanford, Councillor Eleanor Stringer, Councillor Dave Ward, Councillor Martin Whelton, Councillor Dickie Wilkinson, Councillor David Williams and Councillor Helena Dollimore

ATTENDING Councillor Stan Anderson, Councillor Mary Curtin and Councillor  
REMOTELY David Chung

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

Apologies for absence were received from Councillors Marsie Skeete and Carl Quilliam.

Councillors Stan Anderson, Mary Curtin and David Chung attended remotely.

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

There were no declarations of interest.

### 3 FREEDOM OF THE BOROUGH (Agenda Item 3)

The motion was moved by Councillor Allison, Leader of the Council and seconded by Councillor Nick McLean, Leader of the Opposition. Councillor Alambritis also spoke on the motion.

### **Councillor Mark Allison**

Thank you Mr Mayor. I just want to say what an honour it is for me, that the first Freedom of the Borough being given in Merton, in my time as Leader of the Council is to Dickie and how proud I am of helping to make it happen. As Stephen has said, Dickie is eminently well qualified for this honour and the whole community around Merton and AFC Wimbledon knows only too well what a great man he is. A great goalkeeper, but even more than that a great community man. But I also want to say that this honour will be shared, the sense of pride in it will be shared, by everyone associated with AFC Wimbledon.

Now, I was elected 20 years ago, nearly 20 years ago, and within weeks of my election the FA said Wimbledon FC could move to Buckinghamshire. They said it would not be in the wider interests of football for a new team run by Wimbledon fans to succeed. Well it is thanks to people like Dickie that we have well and truly put matters right. Now, I know that many fans cannot forget that long before I was elected the Council let them down by letting the club move out of Plough Lane. But, my goodness, thanks to this generation's Council and the hard work and commitment, more importantly of fans who are personified by Dickie, they are back at Plough Lane now and it is wonderful.

Dickie is used to saving penalties, but thanks to him and people like him, we have saved a football club and new generations of Merton residents can enjoy their football again. So thank you Dickie. This council salutes you and through you we salute everyone involved in AFC Wimbledon. Thank you for all you've done for your community, not just in football but in all your community work. We appreciate it and we wish you all the very best as you receive your Freedom of the Borough of Merton. Thank you.

### **Cllr Nick McLean**

Thank you Mr Mayor,

We are here tonight to confer the freedom of the borough on Dickie Guy; as has already been said Dickie has given a lifetime of service to our local community and especially to football here in Merton.

We all know of Dickie's fantastic save to stop Peter Lorimer's penalty in the famous FA cup run in 1975; and of course his years of work as AFC Wimbledon rose from the ashes to return to Plough Lane.

So I thought what lessons has Dickie shown us that can be used to inspire our next generation of Dons at the player development centre.

Well first of all, Dickie has always worked hard, he played in two hundred and seventy five consecutive games and only missed one match out of four hundred and forty nine in seven years.

Second, if you believe in yourself you can achieve great things. I'm sure many Burnley fans thought that a non-league team would be push overs; but not Dickie and

the Dons, who believed in themselves and became the first non-league team to beat a First Division team away from home in fifty four years!

And third, be proud of our community and where you come from; as Dickie and all those who worked so tirelessly to see AFC Wimbledon return to the borough and to Plough Lane showed, when we all work together we can achieve great things and improve our community.

Dickie the motto of Merton truly applies to you 'Stand fast in honour and strength'. The freedom of the London Borough of Merton is greatly deserved – congratulations! Mr Mayor – it is a privilege to second this motion tonight.

### **Cllr Stephen Alambritis**

#### **Mr Mayor,**

2021 has seen many people approaching me to put forward former Wimbledon FC goalkeeper, Mr Richard John Guy for Freedom of the Borough.

I was reminded that freedom of the borough is the highest award we can give and is an honour bestowed on few people.

It is awarded to people who have provided outstanding service in the borough.

So, to be sure Mr Mayor, I looked up the nomination form for freedom of the borough.

And there it was staring me in the face and it read:

“Candidates should have made a substantial contribution to the borough in any area of activity, which can include sports activities”

I knew then I was home and dry

But the first mention of such an award was made much earlier than this year

Many are aware of the famous FA Cup tie of 25/01/1975 when non-league Wimbledon were playing Leeds United at Elland Road.

There was a penalty. Lorimer (nicknamed “Lash” because of his hard shot) stepped up to take it and Guy saved it.

Keith Macklin of Yorkshire TV was the commentator and he famously said “Dick Guy can have the freedom of Wimbledon this weekend. They can make him the freeman of the borough”

And so 46 years later here we all are

#### **But Mr Mayor**

It is not just about that moment.

Dickie has stayed loyal to the club since that famous match and has an outstanding list of achievements in Merton

In his early years Dickie worked on the docks in East London before Millwall recognised his sporting talents between the sticks

In fact, Dickie was initially tried out as a centre forward but he quickly sussed out that being a striker involved far too much of that running about business

From Millwall Dickie went to Tooting & Mitcham in 1965 another club steeped in Merton and in 1967 he joined Wimbledon

He made nearly 600 first-team appearances in goal over the following 11 years.

At one point he played in 275 consecutive games - and only missed one game in a run of 449 matches between January 1970 and August 1977.

To this day, the Leeds cup tie remains one of the tournament's most-cherished moments.

In the previous round, Dickie also kept a clean sheet as The Dons beat First Division Burnley 1-0, becoming the first non-League team for 54 years to defeat a top-flight team away from home.

He was part of the Wimbledon team that won promotion into the Football League and continued playing at that level.

He eventually left the club but his heart and soul remained at Plough Lane.

He carried on supporting the club and stood shoulder to shoulder with fans when they launched AFC Wimbledon in 2002.

In recognition of his loyalty and service, Dickie was invited to become club president two years later in 2004.

In a recent interview in the club's official history, We Are Home, he said on being asked to be President: "I fell quiet for a few seconds; I honestly felt humbled to have been asked. It remains a deep honour for me to still be in the role."

He has been described by the fans as the Best Football Club President in the world

### **Now then Mr Mayor**

Presidents can either get in the way, rub people up the wrong way or use their position to allow good things to happen

and this is what Dickie has been doing as President since 2004 and more recently and during this awful pandemic

He has overseen the success of the Dons Local Action Group

That is:

1500 volunteers, 150,000 food boxes 1,850 laptops and tablets

He has also overseen the success of the AFC Wimbledon Foundation in working with local Merton Schools

**Mr Mayor** and on a personal note, Dickie is married to Josie

Last year they celebrated their Golden Wedding Anniversary

He has been through two heart attacks, three bouts of cancer of the larynx and speaks through a voice box and no one can shut him up when it comes to speaking up for AFC Wimbledon

And yes Mr Mayor, despite all those difficulties,

Dickie is still to this day President of the club

and joins other local sporting heroes including Andy Murray and Virginia Wade

In having the award of Freedom of the Borough bestowed on them here in Merton, Home to Plough Lane and now and in the wider interests of football home to AFC Wimbledon

The Mayor then called for a vote on the Motion and reminded the Council that under Section 249 of the Local Government Act 1972, it requires more than a two thirds majority of Members passing the motion for the Honorary Freeman to be bestowed.

The vote was carried, unanimously.

The substantive resolution was agreed.

RESOLVED:



That, by virtue of the power vested in it by Section 249 of the Local Government Act 1972, the Council does admit Richard John Guy as Freeman of the London Borough of Merton.

This honour is bestowed upon Richard John Guy in recognition of his sporting achievements and continuing work within the community.

This page is intentionally left blank

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## COUNCIL

15 SEPTEMBER 2021

(7.33 pm - 10.30 pm)

PRESENT (in the Chair), Councillor Sally Kenny, Councillor John Dehaney, Councillor Agatha Mary Akyigyina, Councillor Stephen Alambritis, Councillor Mark Allison, Councillor Laxmi Attawar, Councillor Eloise Bailey, Councillor Thomas Barlow, Councillor Nigel Benbow, Councillor Hina Bokhari, Councillor Michael Brunt, Councillor Adam Bush, Councillor Omar Bush, Councillor Ben Butler, Councillor Tobin Byers, Councillor Billy Christie, Councillor Caroline Cooper-Marbiah, Councillor Pauline Cowper, Councillor Stephen Crowe, Councillor David Dean, Councillor Nick Draper, Councillor Anthony Fairclough, Councillor Edward Foley, Councillor Brenda Fraser, Councillor Jenifer Gould, Councillor Edward Gretton, Councillor Joan Henry, Councillor Daniel Holden, Councillor James Holmes, Councillor Andrew Howard, Councillor Janice Howard, Councillor Natasha Irons, Councillor Linda Kirby, Councillor Paul Kohler, Councillor Rebecca Lanning, Councillor Najeeb Latif, Councillor Edith Macauley, Councillor Russell Makin, Councillor Peter McCabe, Councillor Simon McGrath, Councillor Nick McLean, Councillor Oonagh Moulton, Councillor Aidan Mundy, Councillor Hayley Ormrod, Councillor Dennis Pearce, Councillor Owen Pritchard, Councillor David Simpson, Councillor Peter Southgate, Councillor Geraldine Stanford, Councillor Eleanor Stringer, Councillor Dave Ward, Councillor Martin Whelton, Councillor Dickie Wilkinson, Councillor David Williams and Councillor Helena Dollimore

ATTENDING Councillor Stan Anderson, Councillor Mary Curtin and Councillor  
REMOTELY David Chung

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

Apologies for absence were received from Councillor Marsie Skeete and Councillor Carl Quilliam.

Councillors Stan Anderson, Mary Curtin and David Chung attended remotely.

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

There were no declarations of pecuniary interest.

Councillor Holmes advised that there would be a number of discussions including a school at which he was Chair of Governors.

Councillor Draper advised that he was Deputy Chair of Governors at that same school.

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

RESOLVED: That the minutes of the meeting held on 7 July are agreed as an accurate record.

### 4 ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE (Agenda Item 4)

The Mayor provided a brief update on past and upcoming Mayoral events.

There were no announcements from the Leader or Chief Executive.

### 5 PUBLIC QUESTIONS TO CABINET MEMBERS (Agenda Item 5)

The responses to the written public questions were circulated prior to the meeting. The Mayor then invited each of the questioners in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'public questions to Cabinet Members' published document.

### 6 COUNCILLORS' ORDINARY PRIORITY QUESTIONS TO CABINET MEMBERS (Agenda Item 6)

The responses to the written member ordinary priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member ordinary priority questions to Cabinet Members' published document.

### 7a STRATEGIC THEME: MAIN REPORT (Agenda Item 7a)

The Strategic Theme report on Children and Young People with a focus on the Dedicated Schools Grant (DSG) was moved by Councillor Stringer and seconded by Councillor Makin.

Councillor McLean also spoke on the item.

The Liberal Democrat Amendment was moved by Councillor Fairclough and seconded by Councillor Bokhari.

The Liberal Democrat amendment was put to the vote and fell- votes in favour: 26, votes against: 28, abstentions: 1.

The substantive report was then put to a vote and agreed.

RESOLVED: That the Strategic Theme report is agreed.

7b STRATEGIC THEME: COUNCILLORS' QUESTIONS TO CABINET MEMBERS (Agenda Item 7b)

The responses to the written member strategic theme priority questions were circulated prior to the meeting. The Mayor then invited each of the members in turn to ask (if they wished) a further question to the Cabinet Member. A copy of the supplementary questions and responses will be included in the 'member strategic theme priority questions to Cabinet Members' published document.

It was also noted that a copy of the remaining Member questions and responses will be published after the meeting, in line with Constitutional requirements.

7c STRATEGIC THEME: LIBERAL DEMOCRAT MOTION (Agenda Item 7c)

The motion was moved by Councillor Gould and seconded by Councillor Bokhari.

Councillor Omar Bush also spoke on the item.

The Labour amendment as set out in agenda item 17 was moved by Councillor Stringer and seconded by Councillor Draper.

The Labour amendment was put to a vote and was carried – votes in favour: 28 votes against: 6, abstentions: 21.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 28 votes against: 0, abstentions: 27.

RESOLVED:

This Council notes:

- Merton's Local Offer provides parents with a range of information on how to access provision for children with additional needs, including speech and language therapy, including on Dyslexia. However, improvements can always be made and the council regularly reviews it with local parents groups.
  - Ofsted and CQC's inspection of Merton's SEND services noted that "Children under five with emerging speech, language or communication difficulties have good access to a range of activities tailored to their needs within children's centres. These sessions help to develop children's confidence and help parents to become more confident in supporting their child's development at home."
  - Merton schools are well-placed to identify any speech and language needs, and provide their own support where they have the skills (for example, Nuffield Early Language Intervention) and refer children for additional specialist support where required.
  - Despite this, some parents and schools experience difficulties in accessing appropriate levels of services for children and young people, in part due to shortages within the profession, exacerbated by shortfalls in funding from central government
- This

Council therefore calls on Cabinet to:

- Continue to work with parents and schools to ensure that speech and language needs are identified as early as possible and that where children and young people have an Education Health and Care Plan, to ensure that communication and language development needs are central to these plans where relevant; and
- Continue to share with schools opportunities to train school staff to improve their capability and capacity to identify and intervene with pupils with language needs;
- Continue to lobby and encourage Central Government to invest in more funding for the provision needed to support children with special educational needs, such as speech and language therapists by, for example, writing to the Secretary of State for Health and Social Care and the Secretary of State for Education.

7d STRATEGIC THEME: CONSERVATIVE MOTION (Agenda Item 7d)

The motion was moved by Councillor Holmes and seconded by Councillor Ormrod.

The Labour amendment as set out in agenda item 18 was moved by Councillor Stringer and seconded by Councillor Kenny.

Councillor Kohler also spoke on the item.

The Labour amendment was put to a vote and was carried – votes in favour: 37 votes against: 17, abstentions: 1.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 37 votes against: 17, abstentions: 1.

RESOLVED:

This council recognises that the Conservative Government has failed to fund local authorities across the country to manage the demands on their funding for education, while expanding their responsibilities. This has led to 90% of councils having an overspend in the Dedicated School Grant due to spending on children with special educational needs and disabilities. In Merton, this has built up over the previous four years with a current in year overspend of £12.2million.

Council notes:

1. That the administration had faced difficulties with the management of the Dedicated Schools Grant due to the Government's approach, but has made it a priority and has already taken a number of steps towards reduction of the annual overspend while maintaining services for children and young people.
2. Despite considerable efforts to respond to the Government's approach, financial management of the DSG by the Labour administration remains challenging, due to

the lack of additional funding which has led to an increasing overspend of the DSG nationally, and lack of clarity about how the widespread overspends will be handled by the Government which has resulted in having to make provision for overspend, leading to council budget cuts

Therefore, council calls upon the cabinet to continue to implement its management plan and work with the Department for Education to agree a plan for managing the DSG to ensure that it is placed on a sustainable footing without affecting the outcomes of vulnerable learners.

## 8 NOTICES OF MOTION: LIBERAL DEMOCRAT MOTION (Agenda Item 8)

The motion was moved by Councillor McGrath and seconded by Councillor Gould.

Councillor Barlow also spoke on the item.

The Labour amendment as set out in agenda item 19 was moved by Councillor Attawar and seconded by Councillor Pritchard.

The Labour amendment was put to a vote and was carried – votes in favour: 31, votes against: 6, abstentions: 18.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 31, votes against: 0, abstentions: 24.

### RESOLVED:

This Council notes that:

- A 'Climate Emergency' was declared by this Council in July 2019.
- Merton Council is a member of the Local Authority Pension Fund Forum which promotes the long-term investment interests of local authority pension funds, maximising our influence as shareholders to promote environmental, social and corporate governance (ESG) amongst the companies in which we invest, and holding us to account
- The Merton Pension Fund takes into account all three ESG factors, therefore it does not have a standalone policy on fossil fuels because it is also concerned with working conditions and human rights, for example
- As of June this year our measurable carbon footprint was 30% lower than it was the year before. The Fund's weighted average carbon intensity has reduced by 60% from 219 to 87 between 2018 and 2021. this is 115 lower than the composite Fund benchmark 202.
- Burning fossil fuels poses a serious risk to the stability of the climate upon which our well-being and economy depend, and research demonstrates that up to 80% world's proven fossil fuel reserves will have to remain unburnt if we are to have a reasonable chance of keeping global warming to less than 2 degrees Celsius.
- Four London Borough local authority pension funds have committed to full divestment, including: London Borough of Waltham Forest in September 2016;

London Borough of Southwark in December 2016; London Borough of Islington in September 2018; and, London Borough of Lambeth in December 2018.

This Council believes that:

- The Council should invest its pension funds in ways that support our Climate Emergency declaration by following its commitment to increase its allocation to sustainable and low carbon assets; and

The Council calls on Merton's Cross Party Pension Committee to continue to decarbonise its assets, and aspire to be at the forefront of responsible investment practice

## 9 NOTICE OF MOTION: CONSERVATIVE MOTION (Agenda Item 9)

The motion was moved by Councillor Holden and seconded by Councillor Dean.

Councillor Fairclough also spoke on the item.

The Labour amendment as set out in agenda item 20 was moved by Councillor Irons and seconded by Councillor Whelton.

The Labour amendment was put to a vote and was carried – votes in favour: 28, votes against: 6, abstentions: 21.

The substantive motion (as amended) was then put to a vote and was carried – votes in favour: 28, votes against: 0, abstentions: 27.

### RESOLVED:

This council recognises the repeated failure of Thames Water to protect the borough from flooding. The Labour administration continues to ensure that Veolia is held to account regarding cleaning the drains and gullies of the borough that are in their remit, to reduce the effect of recent flooding in Merton caused by Thames Water failing to unblock and desilt their drains.

Council notes that at the Sustainable Communities Scrutiny Panel on 2nd September 2021, a report was presented providing an overview of the recent flooding incidents and actions that the Council is taking, as well as other risk management authorities such as Thames Water and the Environment Agency. The Council pro-actively mitigates flood risk through a programme of high-risk gully cleansing, gully sensors, annual maintenance of drains, implementation of SuDS such as raingardens and is working with Thames Water to unblock and de-silt their drains using CCTV investigations of the infrastructure. In addition, the Council has undertaken flood risk investigations under section 19 of the flood & water management act.

- Council notes that Merton became a lead local flood authority in 2010 and therefore officers are consulted on all flood-related matters in planning;

Therefore, council calls on cabinet to:



- Ensure that Thames Water, which has primary responsibility for the issues that have arisen in recent years, is held to account regarding their drain clearance programme
  - Promote publicity to ensure that residents and businesses are able to claim compensation from Thames Water in future, recognising that the process for reporting flooding and claiming damages has been improved following representations from council officers and cabinet
- Ensure that Veolia is held to the terms of the contract and ensures that all drains and gullies in their remit continue to be cleared;
- Ascertain the resources required for an increase the monitoring of drains and gullies from the current once every three years schedule, and consider invoking the step-in clauses in the contract with Veolia in future if this will ensure Merton has the best protection from flooding, or if in future Veolia fail to live up to their service level agreement;
- Instruct planning officers to ensure that flood prevention continues to be considered in planning decisions, and remains a priority for future developments;
- Instruct planning officers to investigate and report back on promoting permeable surfaces in future parking crossover applications; • Where applicable, increase tree planting or other mitigating measures where they are more appropriate to assist with flood prevention.

#### 10 CLARION ESTATE REGENERATION PROGRAMME SUPPORT (Agenda Item 10)

The report was moved by Councillor Whelton and seconded by Councillor Allison.

Councillors Gretton and Crowe also spoke on the item.

The Liberal Democrat amendment was moved by Councillor McGrath and seconded by Councillor Kohler.

The amendment was put to the vote and fell. Votes in favour – 6, votes against: 45, abstentions: 4.

The substantive report was then put to the vote and was carried. Votes in favour – 28, votes against: 23, 4 abstentions.

#### RESOLVED:

That Council noted that Cabinet resolved the following recommendations at their meeting on 6th September 2021:

- To note that the programme-level viability deficit of identified by Clarion Housing Group (Clarion) in April 2020 in relation to their proposed regeneration of the High Path, Ravensbury and Eastfields estates represents a significant barrier to delivery;
- To agree that the Council remains supportive of Clarion's delivery of the Merton Estates Regeneration Programme (MERP) and the objectives of Merton's Estates Local Plan 2018 to improve the lives of existing residents and provide new homes;

- C. To agree to support the proposed adjustment of the Sales Clawback mechanism in the Stock Transfer Agreement to suspend the Council's eligibility to the 5% Sales Clawback mechanism so long as MERP is in the course of being delivered and remains in a deficit position at programme-level. The mechanism will be triggered only if MERP's financial performance reaches or exceeds a break-even position.
- D. To agree to support an amendment to the Stock Transfer Agreement to commit Clarion to delivering Decent Homes Standard upgrades linked to any failure to achieve regeneration delivery milestones to ensure these works are guaranteed to be delivered within a specified timeframe irrespective of the status of MERP;
- E. To agree to support an amendment to the Stock Transfer Agreement to specific partnership working arrangements between Clarion and the Council to include open book business plan progress updates and monitoring and regular identification, management and mitigation of risks to viability and deliverability with forums to be established at operational (Officer) and strategic (Senior Officer and Member) levels with Clarion counterparts. This approach is proposed to ensure proactive management and monitoring of future risks.
- F. To delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency, to conclude any documentation, including, without limitation, amendments to existing agreements between the Council and Clarion, necessary to implement the recommendations C-E above on the best terms which in their view are reasonably achievable .
- G. To agree that the 2010 Nominations Rights Deed will be preserved and that the council will continue to receive 100% nominations to true voids but that a protocol between Clarion Housing Group and the council be drawn up so as to assist Clarion in meeting its regeneration ambitions and ensuring that the council can continue to discharge its statutory housing duties and protect the public interest. Any such protocol will be jointly prepared between the council and Clarion Housing Group and be delegated to the Director of Community and Housing in consultation with the Cabinet Member for Housing, Regeneration and the Climate Emergency.
- H. To ask officers to continue to consider options for a freehold asset to the Council that may reflect some value of the claw back suspension and, should a mutually agreeable asset transfer be agreed, to delegate authority to the Director of Environment and Regeneration, and the Director of Corporate Services to conclude that transfer in consultation with the Cabinet Member for Housing Regeneration, and the Climate Emergency and the Cabinet Member for Finance.

## 11 OVERVIEW & SCRUTINY ANNUAL REPORT 2020-21 (Agenda Item 11)

The report was moved by Councillor Southgate and seconded by Councillor McCabe.

Councillors McLean and Kohler also spoke on the item.

The report was put to a vote and agreed.

### RESOLVED:

- A. That Council received the 'Scrutiny in Merton' Overview and Scrutiny Annual Report

## 12 CHANGES TO MEMBERSHIP OF COMMITTEES AND RELATED MATTERS (Agenda Item 12)

The report was moved by Councillor Allison and seconded by Councillor Pritchard and Councillor Barlow spoke on the item.

### RESOLVED:

1. That the Council noted the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
2. Agreed the appointment of members to seats on Committees and sub-committees in Appendix A
3. Agreed the appointment of members to seats on the consultative forums and other bodies set out in Appendix B
4. agreed the allocation of seats and appointments to the outside organisations as detailed in Appendix C.
5. Noted the changes to the appointments to the Cabinet including their respective portfolios (Appendix D);

## 13 PETITIONS (Agenda Item 13)

The report was moved by Councillor Allison and seconded by Councillor Pritchard.

### RESOLVED

That Council

1. Notes the update on the petitions received at the last meeting,
2. Accepts receipt of a petition presented by Councillor Holden entitled Flooding and a petition presented by Councillor Fairclough entitled Graham Road Parking

## 14 BUSINESS FOR THE NEXT ORDINARY MEETING OF THE COUNCIL (Agenda Item 14)

That the Strategic Theme for the next ordinary meeting of the Council, being held on 17 November, shall be Sustainable Communities with a focus on Enforcement.

This page is intentionally left blank

## 6: Councillors' Ordinary Priority Questions to Cabinet Members

### **From Councillor Peter McCabe to the Cabinet Member for Adult Social Care and Public Health**

Is the Cabinet Member aware of reports of the soaring building costs of the proposed hospital at Belmont which threatens the economic viability of the whole scheme?

### **From Councillor David Dean to the Cabinet Member for Housing, Regeneration and the Climate Emergency:**

Given the recent fiasco and waste of public money on the Hartfield Walk project, what processes has the cabinet member put in place to ensure valuable CIL money is spent wisely, correctly and projects have the necessary planning & licensing permissions that may be applicable?

### **From Councillor Stephen Alambritis to the Cabinet Member for Finance**

Can the Cabinet Member provide an estimate of the number of Merton residents who have lost £20 per week as a result of the Government's decision to withdraw the extra Universal Credit paid during the pandemic, and what is the overall net loss after the Government's attempt to make amends through the Household Support Grant?

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

Can the cabinet member give an update on (a) drain cleaning by ward since August 2021 and (b) details of meetings he has personally attended with Thames Water and/or the Environment Agency on flooding during the period 2020-2021?

### **From Councillor Joan Henry to the Cabinet Member for Finance**

Can the Cabinet member reassure me that the Council will be make it a priority to look after some of our most vulnerable residents by continuing to offer one of the country's most generous Council Tax Support Schemes?

### **From Councillor Dickie Wilkinson to the Cabinet Member for Housing, Regeneration and the Climate Emergency**

At its meeting on 3<sup>rd</sup> February this year, council agreed to create the role of Morden Champion to drive forward the regeneration programme. Could the Cabinet member please update us on the progress made towards appointing the Morden Champion since then?

### **Councillor John Dehaney to the Cabinet Member for Local Environment and Green Spaces**

Would the Cabinet Member outline how she is improving the borough's streets and parks in the next few months?

## 6: Councillors' Ordinary Priority Questions to Cabinet Members

### **From Councillor Nigel Benbow to the Cabinet Member for Children and Education**

Funding growth is often requested to meet the increased demand for travel care and support services for children and young people. Can the Cabinet Member for Children and Education assure this has a neutral impact on those with protected characteristics to ensure the needs of children and young people are met to the same high standards of service provision in line with acceptable requirements?

### **From Councillor Sally Kenny to the Cabinet Member for Children and Education**

Can the Cabinet Member please update us on the continuing work of the Council in supporting disadvantaged pupils during school holidays?

## **Committee: Council**

**Date: 17 November 2021**

Wards: ALL

## **Subject: Strategic Theme Sustainable Communities - Enforcement**

**Lead officer:** Director of Environment and Regeneration, Chris Lee

**Lead member(s):** Cabinet Member for Local Environment and Green Spaces, Cllr Natasha Irons; Cabinet Member for Culture, Leisure and Skills, Cllr Brenda Fraser; Cabinet Member for Housing, Regeneration and the Climate Emergency, Cllr Martin Whelton; Cabinet Member for Partnerships, Public Safety and Tackling Crime, Cllr Agatha Akyigyina and the Cabinet Member for Adult Social Care and Public Health, Cllr Rebecca Lanning

**Contact officer:** Assistant Director of Public Space, John Bosley

---

### **Recommendations:**

A. The Council review and consider the content of the report.

---

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

- 1.1. The following report provides an overview of the current policy, practices and performance in the area of enforcement to support Sustainable Communities within the Council.
- 1.2. The portfolio holders are the Cabinet Member for Local Environment and Green Spaces, Cabinet Member for Culture, Leisure and Skills, Cabinet Member for Housing, Regeneration and the Climate Emergency, and the Cabinet Member for Partnerships, Public Safety and Tackling Crime. The Sustainable Communities Overview and Scrutiny Panel continues to exercise its statutory function in relation to environmental sustainability (including energy, waste management, parks and open spaces, air quality and the built environment), enterprise and skills (including regeneration, employment, adult education and libraries), housing and transport.
- 1.3. The Council has a number of service specific enforcement policies. These set out the principles and approach based on relevant objectives and legislation, this includes the principle that there is a presumption to enforce (in accordance with the principles of fairness, proportionality and the public interest test) for all breaches of council policy and that any enforcement action be undertaken in a timely way. This is supported by one overarching enforcement policy to enable consistency and transparency across enforcement activities carried out by the council. - [Overarching Enforcement Policy](#)
- 1.4. A new Officer group is being established to help better coordinate the intelligence and the response to enforcement needed particularly where there are hot spots in the borough.

## 2 DETAILS

- 2.1. The use of enforcement is a fundamental tool to enable and support the delivery of improvements in our local environment in order to deliver safe, clean and green local communities. However, the use of enforcement should be measured and delivered proportionately, often not being the first course of action. The principles of providing assistance, information to and engagement with service users and stakeholders prior to formal engagement is undertaken is outlined in the Enforcement Concordat which was adopted in April 2005 and follows best practice advice issued nationally.
- 2.2. Following these principles, enforcement is undertaken when the offence is serious in context of the legislation being enforced and / or the offence or contravention has occurred or continues to occur following advice, warnings or formal notice by the council. This approach is further detailed in the Council's Overarching Enforcement Policy, stating 'in most circumstances the council will enforce against or prosecute those who neglect or wilfully fail to comply with their legal obligations such as where there is a risk to individuals or the public, or where action is required to minimise adverse environmental impacts or against individuals who engage in benefit fraud.'
- 2.3. The management of Officer authorities to enforce on behalf of the council is managed through the department's scheme of management which allows a chief officer to clearly define the decision-making rights of those who exercise and have enforcement responsibilities for the council.
- 2.4. The concentration of work areas that have applicable enforcement powers conferred through legislation enables the service areas to protect the public, ensure the safe and fair use within the public realm, protect our environment and addresses ASB within our communities. The enforcement powers within the council also facilitate improved coordination with key stakeholders such as the Police and the LFB.
- 2.5. However, a primary focus for service areas is to work toward obsolescence as prevention is a key component of success and the advice and support provided to service users is a vital ingredient in achieving compliance. The Legislative and Regulatory Reform Act 2006 requires the council to have regard to the five Principles of Good Regulation when undertaking regulatory functions.
- 2.6. These include:
  - **Proportionate** – the level of enforcement should reflect the level of risk to the public and enforcement should reflect the seriousness of the offence.
  - **Accountable** – enforcement activities should be open to scrutiny and supported by agreed policies and procedures
  - **Consistent** – in both the information we provide and the support that is given, the council will use best endeavours to act in similar ways to other neighbouring authorities and under the guidance of best practice advice.
  - **Transparent** – the council shall ensure that those subject to regulation are able to understand what is expected to achieve compliance.
  - **Targeted** – our enforcement resources will be focussed on higher risk activities, reflecting both local need and our agreed priorities.



- 2.7. The past 18 months have significantly impacted on the issue of enforcement both in terms of the demands placed on services and in terms of the capacity available to deal with issues. Some demands have increased whilst some have reduced. Restaurants and pubs, for example, had altered or changed their business model to shift to off-sales, click & collect and online delivery models. This caused a challenge for enforcement officers who had to identify those businesses still trading and ensure it was done so in a safe & complaint manner. Vehicular movements across the borough have been reduced, whilst fly-tipping has increased significantly, both from a local and a national perspective. Capacity has also been stretched, with staff being redeployed to deal with other activities for periods of time to help with the response to the pandemic. Additional workloads were also presented during the pandemic such as compliance with the Covid-19 legislation and guidance which substantially increased workloads for frontline officers.

### **3 THE LEGAL FRAMEWORK TO ENFORCEMENT**

- 3.1. The legal frameworks that support the regulatory and enforcement functions undertaken by the council are extensive, nuanced and often complex. During the last review, there were 140 identified examples of Acts of Parliament and regulations that both place a duty on and empower the council to enforce.
- 3.2. It is by the sheer number and multi-faceted nature of these powers that council enforcement functions can become strained. In many service areas the enforcement function is not the primary business, but a tool which can be used to achieve compliance and minimise risks to our community and service users in pursuit of agreed outcomes.
- 3.3. Following the principles as outlined in the Council's Overarching Enforcement Policy; actions that are delivered by enforcement need to have sufficient supporting evidence to prove that there was a breach of legislation upon which enforcement action can be taken.
- 3.4. All investigations undertaken are required in accordance with the requirements set out in the following legislation, as amended, and any associated guidance or codes of practice applicable to the service area.
- Police and Criminal Evidence Act 1984 (PACE)
  - Criminal Procedure and Investigations Act 1996
  - Criminal Justice and Police Act 2001
  - Human Rights Act 1998
- 3.5. In gathering evidence, the Council may undertake recorded interviews under caution. These are carried out in accordance with PACE and associated Codes of Practice providing an alleged individual or business with the opportunity to explain the alleged offence and/or put their version of events as part of an ongoing investigation.
- 3.6. Where an investigation involves gathering information covertly, this must be undertaken complying with the procedures and protocols laid down within the Regulatory Investigation Powers Act 2000 (RIPA), as applicable.
- 3.7. During an investigation the type of evidence or intelligence gathered can be wide ranging and may include one or more of the following:

Computer Records and open source investigations including information from:

- Photographs
- Social media websites
- Communications data
- CCTV images including body camera footage
- Paper Records
- Samples (food, water, environmental, counterfeit goods)
- Equipment
- Plans or sketches made at the scene
- Noise recording records
- Invoices
- Witness Statements
- Expert reports
- Forensics (including forensic examination of electronic devices)
- Information from other agencies
- Interviews from residents and businesses

3.8. Where non-compliance is identified and in line with the Council's Overarching Enforcement Policy, we will seek compliance through a combination of approaches as outlined below.

3.9. Communication and promotion. This is typically service specific information and involves the dissemination of information to residents and businesses about particular legislative requirements/obligations through targeted campaigns, via our website or through direct communications to specific groups or residents.

3.10. The objective of such communication is to raise awareness of the compliance advice, guidance and support that is available and provide an opportunity for/encourage compliance to avoid more formal enforcement action. In some instances, the advice can be in the form of a warning letter, which is meant to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further action. The recording of these interactions ensures that if a similar failure is identified in the future, the appropriate follow up enforcement action can be deployed to secure compliance.

3.11. The types of possible enforcement actions, including warnings and formal actions, that maybe utilised by service areas dependant on the legislation involved are:

- Informal warning or advice
- Community Protection Warning or Community Protection Notice
- Service of a Fixed Penalty Notice for some contraventions where permitted by the legislation

- Formal Statutory Notice
  - Works in Default
  - Revocation / variation of a licence or authorisation
  - Prohibition of a premises, process or equipment
  - Civil penalties
  - Formal Caution
  - Prosecution in the Magistrates' Court, or Crown Court for more serious offences
  - Civil Injunctions
  - Enforcement Orders
  - Premise closure powers
- 3.12. Formal enforcement actions include a wide variety of sanctions including statutory (legal) notices, written undertakings, the refusal to grant or the revocation of an existing licence or registration, fixed penalty notices, powers of seizure and detention, cautions and prosecution.
- 3.13. Where formal enforcement action constitutes a criminal offence, the Council may, where the legislation permits, issue Fixed Penalty Notices (FPNs) as a means of dealing with an offending instead prosecuting. For example, certain environmental offences such as littering, dog fouling and small-scale fly-tipping (i.e. black refuse sack) are subject to FPNs. The offender may discharge their liability for the offence and avoid prosecution and a criminal record by paying the fixed penalty.
- 3.14. The Council will comply with any current relevant guidance on the use of FPNs whilst ensuring that sufficient evidence to give a realistic prospect of conviction in lieu of payment of the FPN is secured. The services will also consider the seriousness and frequency/prevalence of the offence in ascertaining the appropriateness of the serving of a FPN as compared to pursuing a prosecution.
- 3.15. Statutory (legal) notices are also utilised by services to ensure that offenders achieve compliance with legal requirements. A statutory notice will require a person, business or organisation to comply with specific requirements within a specified time period. The notice will identify the legislation contravened, the steps or action required to remedy the contravention to comply with the notice and the consequences of non-compliance. The notice will ordinarily also set out any statutory rights of appeal. In general, non-compliance is a criminal offence rendering the person served liable to prosecution.
- 3.16. The Council may also be empowered to undertake works in default to secure compliance and the necessary remedial action. Where the Council exercises its default work powers its reasonable expenses are recoverable from the person in default.
- 3.17. As an alternative to prosecution, and in appropriate circumstances, a simple caution may be considered as a means of formal enforcement action. A caution is not a criminal conviction but it will form part of an offenders' criminal record and may be referred to in any subsequent proceedings.

- 3.18. Proceeds of Crime- There are some cases where an application under the provisions of the Proceeds of Crime Act 2002 is considered appropriate. This seeks to confiscate assets from an offender in order to recover the financial benefit they have gained during the course of their criminal activities. Where this is considered appropriate to avoid the dissipation of the criminal benefit from the offending was the investigation/prosecution runs its course the Council may seek restraint order effectively freezing the alleged offender's assets.
- 3.19. The Council utilises a range of powers, which are civil in nature. Civil enforcement has a lower evidential test to prove the case – on the balance of probability as opposed higher criminal standard of beyond reasonable doubt. Breaches of these civil orders can become criminal offences or a contempt of court empowering the court to impose a custodial sentence and/or a fine and/or the sequestration (seizure) of assets.

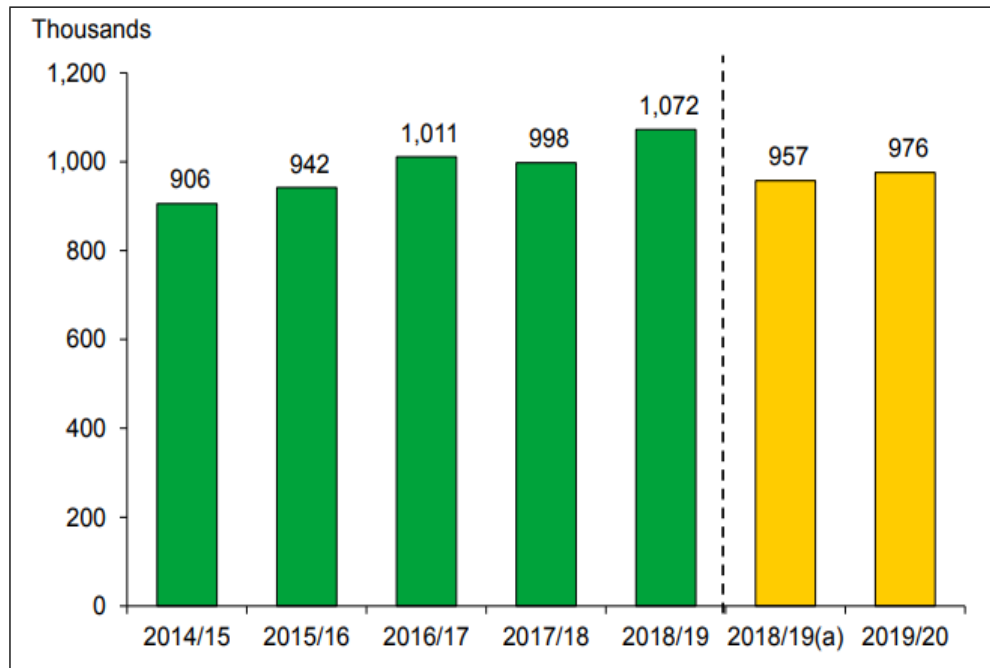
## **AREAS OF SERVICE WITH AN ENFORCEMENT FOCUS**

### **4 WASTE AND STREET ENVIRONMENT**

- 4.1. Waste within the public realm and, in a limited way, on private land is managed through the Waste Enforcement Team. The Council acts as both the Waste Collection Authority and the Waste Disposal Authority, which allows the control of how waste is managed, from containment, collection and even disposal to limit the impact on the local environment.
- 4.2. These powers are useful in tackling blighted areas within our communities that suffer from the improper storage of or a lack of a professional waste management service to dispose of waste generated from businesses and residential properties.
- 4.3. In addition, the service is exploring options to better utilise powers to address enforcement issues on private land. This requires collaborative working with Planning colleagues to utilise powers under the Town and Country Planning Act (TCPA, s.215). Most recently, this approach was used in Tamworth Lane to deal with deficiencies on private land that was impacting on the local amenity.
- 4.4. The two primary focus areas within enforcement that relate to the waste service involve fly-tipping and littering.
- 4.5. Fly-tipping is the common term used to describe waste illegally deposited on land without an environmental permit. The offence of fly-tipping and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990. Fly-tipping is a criminal offence that is punishable by up to 12 month's imprisonment and/or an unlimited fine if convicted in a Magistrates' Court. On conviction on indictment before the Crown Court a term of up to five year's imprisonment may be imposed, or an unlimited fine, or both. There are also additional sentencing powers enabling the Court to forfeit vehicles used in to commission of such offences.
- 4.6. Locally, the prevalence of fly-tipping incidents has been on the increase and is comparable to the national increase that has occurred over the last few

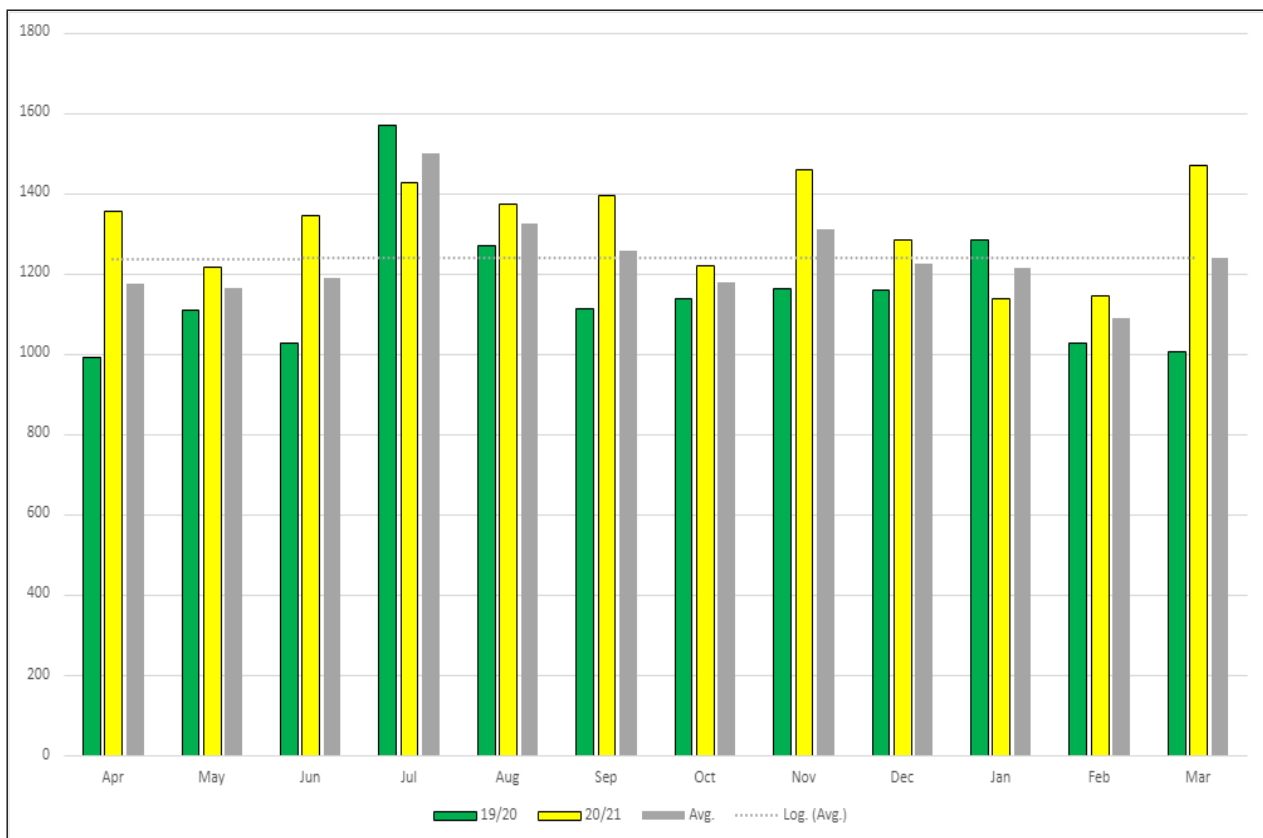
years. More recently during the pandemic, there has been a perceivable increase in fly-tipping, both regionally and nationally.

Fig. 1 – Fly-tipping incidents recorded Nationally (April 2014 to March 2020)



**Note:** the 2019/20 national totals for fly-tipping incidents are not comparable to earlier years due to methodological changes. These methodological changes have been applied to 2018/19.

Fig. 2 – Merton Fly-tipping incidents (last two full municipal years)



- 4.7. In 2019, the Council agreed a Fly-tipping Strategy with the primary aim of aligning our approach in tackling fly-tipping, not just through efficient and targeted enforcement but through wider engagement with service partners, community groups and stakeholders. The goal of the strategy is to provide an overall reduction in fly-tipping incidents and an improved satisfaction of our residents regarding the cleanliness of the streets within their communities. The main strands of focus within the Strategy to enable the delivery of improvements are -
- Early intervention – education, communication and engagement
  - Preventing reoccurrence – operational service and target hardening
  - Targeted enforcement – FPNs, prosecutions & vehicle stops
- 4.8. Littering is one of the most prevalent and significant environmental crimes that is affecting our community. There is no statutory definition of littering, but it is considered to include the improper discarding of waste materials, with the four most littered items being smoking items, confectionery packaging, drinks containers and fast food packaging. The effects of litter impact on people’s perceptions of safety and wellbeing as well as contributing negatively to the cleanliness of the public realm.
- 4.9. In Merton, the direct enforcement of these issues is delivered through a mixed solution of an ‘in house’ enforcement team and through the use of a service provider (Kingdom Security). This integrated approach allows the service the capacity and focus to both support a broad litter enforcement presence whilst retaining the knowledge and expertise to support waste engagement advice and support, formal investigations into fly-tipping incidents with a focus on prosecutions and allows for the delivery of multi-agency operations (e.g. vehicle stop and searches) to combat illegal transporting of waste. In a support capacity and being developed through the Strategy, the service is working with our partner service providers (i.e. Veolia) to assist in intelligence gathering, both in terms of the locations and modified operational methods that secure evidence that further supports potential prosecutions.
- 4.10. The Council’s waste enforcement team’s duties include not only the enforcement of littering and dog fouling, but the illegal deposit of controlled waste (fly-tipping), graffiti removal, waste 'Duty of Care' checks on commercial and domestic waste producers, investigation of inappropriate black bag placement, 'stop and search' waste carriers checks with police and trading standards, Waste and Dog Fouling awareness and education campaigns and the investigation of all other reported environmental crimes and projects.
- 4.11. In addition, the enforcement team undertake the removal of abandoned vehicles from the Highway and public land. Improvements in the use of the DVLA vehicle enquiry search function (<https://vehicleenquiry.service.gov.uk/>) has enabled residents to report vehicles that are untaxed to the enforcement team. The table below details the volume of reports that the enforcement team has managed during the current year. In addition, the team has scrapped 17 vehicles this year, removing the nuisance vehicles from the Highway.

#### ABANDONED VEHICLE CASE VOLUMES (2021/22)

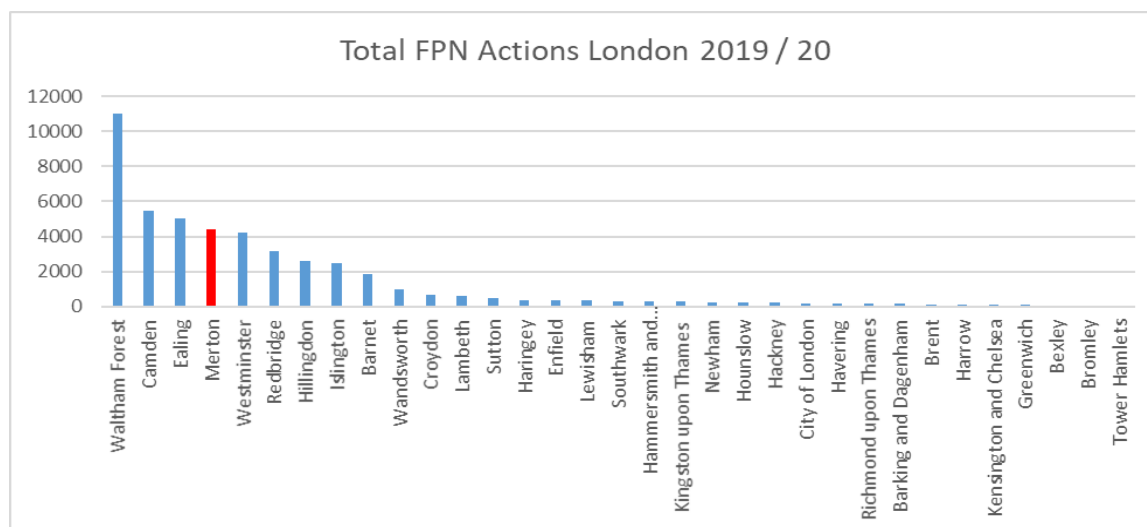
	April	May	June	July	Aug	Sept	Total
PUBLIC LAND	64	75	126	78/	73	71	487
PRIVATE LAND	28	22	28	25	20	27	150
NO DETAILS	33	24	0	37)	40	37	171
<b>TOTAL</b>	<b>125</b>	<b>121</b>	<b>154</b>	<b>140</b>	<b>133</b>	<b>135</b>	<b>808</b>

- 4.12. The role of the Council's enforcement service provider is to provide Environmental Enforcement Services through delegated authority under the Environmental Protection Act 1990, Anti-Social Behaviour Crime and Policing Act 2014 and Clean Neighbourhood and Environment Act 2005. The overall core business of this contract is the patrolling and issuing of FPNs for related environmental offences. The primary purpose of this developing procurement strategy for these services will be to change behaviour towards environmental crime and in particular littering, public urinating and dog fouling. In addition, it is proposed that scope of enforceable functions be increased to include other offences such as, graffiti, fly-posting, dog control offences in parks, abandoning a vehicle, unauthorised distribution of free literature on designated land along with evidence gathering from domestic fly-tipping (abandoned waste).
- 4.13. In March 2022, the environment enforcement contract with the current service provider ceases. We are currently preparing a revised specification for the new service contract as part of the procurement process. In order to drive further improvements and flexibility within the service, we will be working within the department to identify further business opportunities to provide further services within the borough that are focused on enforcement outcomes. One potential area that we are keen to develop is to have the service provider tackle the smaller fly-tipping incidents that are a scourge to our local environment. Utilising the receipts of any FPNs that may be issued, it may be possible to operate this as a contract element which is self-funding. This would provide the borough with further resource to tackle this issue.
- 4.14. As outlined above, the Waste Service team are currently undertaking a pilot programme of work in partnership with the current enforcement provider to commence a proactive communications campaign backed up with fly-tipping enforcement to address the scourge of waste bags that are deposited in local shopping precincts. The enforcement pilot has begun (October 2021) and is focusing on areas which historically have experienced high levels of discarded waste; namely in Graveney, Colliers Wood, Longthorton, Merton High Street and Kingston Road. At the beginning of October, we communicated directly to over 2,500 local household, reminding residents on how to correctly manage their waste along with the Council's zero tolerance approach to fly-tipping. Following this initial engagement with local

households, we have actively started issuing fix penalty notices (FPNs) for fly-tipping. In the first two weeks of the pilot, we have issued 25 FPNs.

- 4.15. The below graph demonstrates our performance within London as reported to the Department for Environment Food and Rural Affairs (DEFRA).

Fig. 3 – London Fixed Penalty Notes issued (Merton highlighted)



- 4.16. As outlined in Fig. 3, the council performs well within London in actively enforcing environmental crimes. It should be noted that use of CCTV in waste enforcement is often limited. The success of our enforcement is primarily driven through evidence gathering which is not reliant on CCTV. However, CCTV is helpful in cases where a motor vehicle is involved and its use can often act as a strong deterrent when used correctly. The service is currently looking at three (3) separate areas to install fixed CCTV cameras to tackle areas that are prone to commercial scale fly-tipping.

- 4.17. Moving forward we will be utilising additional CCTV smart cameras as part of the pilot along with deployable cameras managed by the Enforcement Team, targeting known hot spots. The aim of the pilot, in addition to enforcement when evidence is readily available, is to use images captured from these cameras and publicly highlight these findings on our website in order to seek further evidence from the public to identify CCTV captured fly-tippers.

- 4.18. The covert use of CCTV is strongly regulated through the Regulation of Investigatory Powers Act 2000 (RIPA) imposing strict procedural controls on its use. It is also important to note that past experience and as informed by neighbouring authorities, shows the use of covert CCTV to combat the majority of the lower volume fly-tips which plague our neighbourhoods is limited in its practical effectiveness. CCTV is often better suited for larger scale issues and to gain evidence on location based enforcement, such as the illegal movement or transfer of waste where vehicles are involved.

## 5 REGULATORY SERVICES PARTNERSHIP

- 5.1. The Regulatory Services Partnership (RSP) is a tri-borough partnership hosted by Merton and covering the boroughs of Merton, Richmond and Wandsworth, serving a population in excess of 750,000. The partnership seeks to protect residents, local businesses, workers and visitors to the



borough through delivering a variety of statutory regulatory functions including:

- Air Quality & Contaminated Land
- Food Hygiene, Food Standards and Health and Safety at work
- Licensing including Street Trading and Markets
- Noise & Nuisance
- Pest Control (Wandsworth only)
- Private Sector Housing (Richmond & Wandsworth only)
- Trading Standards

5.2. The enforcement activities undertaken across all of the RSP's functions are carried out in a proportionate and consistent manner through routine risk-based inspections, response to complaints, licensing regimes and reactive intelligence led interventions. Where breaches of legislation are identified, a graduated approach to enforcement is taken which is intended to:

- ensure that we enforce the law in a fair, equitable and consistent manner
- assist businesses and others in meeting legal obligations without unnecessary expense or time
- focus on prevention rather than cure
- take firm action against those who flout the law or act irresponsibly

5.3. The powers available to RSP Officers include:

5.4. **Informal Warnings** - Where breaches are relatively minor, advice will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. Failure to comply with an informal warning may result in further action being taken

5.5. **Community Protection Warnings & Notices** - A Community Protection Notice (CPN) can be issued to any individual over the age of 16, business, or organisation whose conduct is having a detrimental effect on the quality of life in the local community; persistent; and unreasonable.

5.6. A written 'Community Protection Warning' (CPW) must be issued before a CPN can be issued. CPNs and CPWs are a useful tool in dealing with anti-social behaviour which may not reach the threshold of being a Statutory Nuisance.

5.7. **Statutory Notices** - These are formal notices which specify a significant breach of legislation, what action must be taken to rectify it and a clear timescale for compliance. Failure to comply with a statutory notice is a criminal offence which may lead to prosecution.

5.8. **Prohibition Notices** - There may be circumstances where an imminent risk of injury exists which warrants the prohibition of a premises, activity or piece of equipment. The most common notices of this type are used for unsafe equipment or unhygienic food premises.

5.9. **Simple Cautions** - The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered

unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.

- 5.10. **Prosecution** - A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical well-being or the environment or environmental amenity is adversely affected.
- 5.11. **Injunctions** - Injunctive action is a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.
- 5.12. **Coronavirus (COVID-19) Activity**; the outbreak of coronavirus was an unprecedented and rapidly evolving challenge for The Regulatory Services Partnership. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into force on 26 March 2020. Officers from Food and Safety, Trading Standards, Noise Nuisance, Environmental Health and Licensing teams were authorised under the new Covid Regulations and undertook a significant number of advisory visits and inspections to ensure compliance with the Regulations, providing guidance and support to business and taking action where necessary.
- 5.13. The Regulations required business closures (with a few exceptions) of premises selling food or drink for consumption on the premises including cafes, restaurants, bars and pubs. Adjacent seating areas are to be treated as part of the premises. The provision of food and drink for consumption off the premises was permitted.
- 5.14. All types of non-food shops were required to close unless on an approved list or were able to fulfil orders by delivery or without allowing personal access to their premises. The Regulations set out a detailed list of non-food related businesses that must close entirely, including most sports venues, sports courts and gyms; indoor leisure facilities; nightclubs; personal care services such as beauty parlours, nail bars and hairdressers; cultural venues such as cinemas, theatres and museums; car showrooms; and all outdoor markets.
- 5.15. The approved list of business premises allowed to remain open included food retailers, supermarkets; hardware, homeware and convenience stores; off licences; banks, building societies and post offices; laundrettes and dry cleaners; medical centres, pharmacies; vets, pet shops; petrol stations; car repairs; bicycle shops; taxi and vehicle hire; funeral directors; storage facilities; building and agricultural suppliers; car parks and public toilets.
- 5.16. Most businesses complied with the Covid Regulations but unfortunately RSP officers were required to serve a number of Covid Prohibition Notices to shut businesses down and suppress Covid transmission. Examples of Prohibition Notices served included;
- Two barbershops one in Colliers Wood and the other in Morden who were carrying on hair dressing activities behind closed doors.
  - A vape shop in Colliers Wood High street that was allowing customers to enter the shop to purchase vape.

- An eyelash technician in Mitcham who was advertising treatments, carried out at her home, on social media.
  - A Morden Laptop repair shop that was allowing customers into the shop.
- 5.17. In liaison with the Director of Public Health a full direction Order was served under the Coronavirus Restriction (No3) Regulations to close down a Mitcham Shisha bar that was continuing to allow patrons from different households to mix, allowing patrons to share hookah pipes and allowing staff and customers to walk around without face coverings. RSP Food and Safety officers gathered evidence through a joint operation with Mitcham Safer Neighbourhood police officers.
- 5.18. Licensing Officers worked closely with the South West London Borough Command Unit to advise and where necessary enforce with respect to breaches of the Covid Regulations by Licenced Premises. The Licensing Manager arranged weekend duty rotas of Merton Licensing officers and SWLBCU Licensing Officers following significant numbers of complaints from local residents. The RSP served Fixed Penalty Notices on a number of Licensees who had allowed gatherings to take place directly outside their premises.
- 5.19. Officers within the Food and Safety team had relevant experience in investigating food poisoning outbreaks and were redeployed from inspection work to infection control advisory work within care homes and businesses. Officers investigated outbreaks of Covid in all settings including restaurants, food factories, building sites, bus depots and offices. This infection control work was vital to limit the spread of Coronavirus and to raise awareness of infection control measures including increasing ventilation and sanitisation.
- 5.20. **Contaminated Land** - Local Authorities have a duty to ensure that contaminated land within their borough is identified, and where necessary, removed or remediated. The contaminated land agenda has changed over the past 15 years with this function being mainly delivered through the Planning agenda where sites will be required to take action as a condition of the new development.
- 5.21. Officers will ensure that any relevant planning application is assessed and where necessary, request information of any historic land use, and requiring site survey where appropriate. In certain circumstances site cleaning or remediation is required.
- 5.22. The vast majority of sites in the borough have been cleaned over the last 2 decades, however there are still some areas that will require contaminants to be removed. These include some industrial and infrastructure sites. The role of the Council contaminated Land Officer is to oversee this remediation and ensure that with any future use, public health is protected.
- 5.23. This is a risk-based approach that considers the type of pollutant, its impact, and the potential pathway to contamination. Please note that with some sites the responsible authority is the Environment Agency.
- 5.24. **Air Quality** - Air Quality is currently considered as a Public Health priority. The responsibility for tackling air pollution and delivering clean air sits with Local, Regional and National Government.

5.25. Due to exceedances in Nitrogen Dioxide and Particulate Matter, the borough has been designated an Air Quality Management Area. As such the Council has a statutory duty to monitor and report on pollution in the borough and produce and implement an Air Quality Action Plan. As well as occupying a policy, consultancy and a strategic delivery role, the Air Quality Team carries certain regulatory and enforcement functions.



5.26. **The Regulation and Permitting of some Commercial Activities -** Pollution from industrial and commercial sources (installations) is controlled by the Environmental Permitting (England and Wales) Regulations 2010 (EPR) and its amendments. It is the responsibility of the Environment Agency (EA) and Local Authorities (LA) to enforce the Regulations. The EA regulates the most polluting industrial installations under Part A of EPR, and LAs regulate the less polluting installations under Part B and Part A(2) of the Regulations.

5.27. Merton has around 50 Permitted Premises under the council control. These are subject to inspections and a regulatory framework. Premises include petrol stations, dry cleaners and spray-painting facilities.

5.28. **Regulation of some construction activities -** Many large-scale developments are required to take action to protect the local environment, including air quality. This can include the monitoring and reporting of site-specific air pollution.

5.29. The Pollution Team plays an active role in regulating this pollution both as part of its statutory duties as well as the site conditions.

5.30. **Regulation of exhumations -** The Pollution Team are responsible for overseeing the exhumation of bodies. This role is an historic function of the Council and our role is to ensure that public health is protected and that the exhumation is carried out in a sensitive way. Merton have seen an increase in the number of exhumations over the past few years where bodies are being repatriated by families.



5.31. **Smoke Control Areas -** The whole of Merton has been declared a Smoke Control Area. This limits what people can burn within their homes as a source of fuel. In general terms the fuel will either need to be smokeless, or the device used considered an authorised appliance.

5.32. The regulation and complaint investigation into this activity sits with the Pollution Team. In 2021 we saw better regulation introduced around the types of fuel that can be sold.

5.33. **Cleaner Construction for London –** Merton's Regulatory Services Partnership is delivering the world's first Low Emission Zone for Construction on behalf of London boroughs and The Mayor of London.

5.34. This grant-funded project has been running throughout London since 2019 and is reshaping the type of equipment used on construction sites. It uses

the planning agenda to ensure that construction plant is as clean as possible, and has seen much-increased compliance throughout London, as well as significant real-world pollution reductions.

- 5.35. **Anti-idling** - Over 200 anti-idling signs have been installed in the borough at schools, level crossings and taxi ranks. Currently 50% of schools have anti-idling signage installed. Our approach to anti-idling is through education and awareness-raising. An anti-idling plan for Merton has been developed, and aims to hold at least one event per borough per month.



- 5.36. These regular 'anti-idling action days' involve officers and community volunteers going out to speak to motorists with the aim of raising awareness and changing idling behaviour. Locations targeted by idling events include; schools, level crossings, bus stands, taxi ranks, high streets.

- 5.37. Civil Enforcement Officers (CEOs) have been trained to engage with idling drivers during their daily duties, with a particular focus at schools during drop-off and pick-up times. Handheld devices have been programmed to record anti-idling interaction.

- 5.38. **Food hygiene, Food standards and Health and Safety** - The food and Safety Team run a programme of risk rated hygiene and standards inspections in all food premises to ensure compliance with the Food Safety and Hygiene (England) Regulations 2013 and relevant food standards regulations. These require:

- The manufacture and sale of safe food
- Suitable traceability, labelling and presentation of food
- Mechanisms for the withdrawal or recall of unsafe food
- Food and feed imported into, and exported from, the EU shall comply with food law.

- 5.39. **Enforcement Examples;**

#### Morden Court Parade

- A longstanding problem with rubbish and rodents along the entire stretch of Morden Court Parade resulted in the service of a two Prevention of Damage by Pests Act notices on a restaurant and grocers/convenience store. The notices in conjunction with collaborative working with waste enforcement, the problem at that time was addressed.

#### Colliers Wood Restaurant

- A restaurant in Colliers Wood agreed to close voluntarily following a complaint of poor hygiene standards and sighting of rodents in the dining area. Officers have been working with the business to secure compliance. This is ongoing as of October 2021.

#### Shisha Bar

- A referral was received from the Fire Officer who raised concerns about poor hygiene spotted during his visit to the premises. Follow up by a food officer uncovered a mouse infestation and the businesses voluntarily closed. This premise has since improved and have requested a food hygiene rating under the Food Standards Agency (FSA) Food Hygiene Rating Scheme. (FHRS)

#### Indian Restaurant, Raynes Park

- The food and safety team received a complaint alleging cockroach activity. When an officer followed up this complaint, she identified a severe infestation. The premises voluntarily closed to undertake remedial works. The business is now compliant and rated with an improved score according to the FSA FHRS scheme.

#### Counterfeit Wine

- We were concerned to receive a complaint from a member of the public who identified possible counterfeit wine bought in the borough. Such complaints are prioritised due to the risk of methanol poisoning and this particular wine had been the subject of an alert from the FSA. On follow up we discovered a number of other bottles, labelled under the same brand, which were analysed and found to be counterfeit. The wine was purchased by the shop from a cash and carry outside the borough. We worked with the FSA and agreed voluntary surrender of the products. The case was referred to HMRC.

5.40. **Health & Safety** - The main Health & Safety legislation covering health and safety in all workplaces is the Health and Safety at Work etc. Act 1974 (the 1974 Act) and regulations made under it. Officers within the Regulatory Services Partnership are responsible for promoting and enforcing health and safety standards within certain types of workplace premises and public venues such as:

Shops	Offices (except government offices)
Hotels	Restaurants
Leisure premises	Nurseries and playgroups
Pubs and clubs	Museums (privately owned)
Places of worship	Sheltered accommodation and care homes

5.41. Other typically higher-risk activities and premises are enforced by the Health & Safety Executive (HSE). The service also investigates notifications of accidents and dangerous occurrences under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). Officers provide advice for workers, businesses or members of the public regarding the following matters and will investigate if applicable:

- Asbestos removal advice
- Cooling towers and evaporative condensers

- Legionnaires disease investigations
  - Health and safety at work legislation
  - Public safety in licensed pubs and clubs
  - Skin piercing
  - Smoke-free compliance
  - Unsafe working conditions
  - Tanning salons & sun bed safety
- 5.42. The enforcement powers available to officers under health and safety legislation allow them to, amongst other things:
- Enter a premises or workplace at any reasonable time without the requirement to obtain a warrant
  - Serving Improvement or Prohibition Notices on duty holders
  - Issuing simple cautions
  - Prosecution
- 5.43. **Enforcement Examples;**
- 5.43.1 An Improvement notice served on a dangerous staircase, where the treads were not wide enough to place a foot at a Newsagent in Merton High Street.
- 5.43.2 A Prohibition Notice served to prohibit the use of tumble dryers in a Mitcham launderette where officers found a gas leak and incomplete combustion on the gas burners.
- 5.43.3 Gas safety issues discovered during a routine inspection in a small retail premises that necessitated the call out of the Gas Emergency Service.
- 5.43.4 A Prohibition notice served on a smoking boot cleaning machine being used at a golf club on Wimbledon Common.
- 5.43.5 Multiple Notices served on the owners of a Timber yard following a serious accident where an employee broke their pelvis after precariously stored stock fell on them. Formal improvement Notices served on the business to address the following issues;
- Unguarded cutting machines used within the workplace
  - Racking that had clearly been struck and damaged by Forklift trucks
  - Lack of exhaust ventilation
- 5.44. **Noise and Nuisance** - The Noise and Nuisance team respond to over 3,000 noise complaints across Merton ranging from construction site noise, domestic noise, barking dogs, plant and equipment noise to noise from Pubs and clubs. The team acts as a Statutory Consultee under the Town and Country Planning Act 1990 and is a Responsible Authority under the Licensing Act 2003, ensuring that due consideration is given to reducing the impact of noise. An “out of hours” noise service is also provided to residents who wish to complain about noise issues outside of normal office hours.

- 5.45. The powers for officers enforcing noise and nuisance complaints are provided by the Environmental Protection Act 1990 and the Anti-Social Behaviour, Crime and Policing Act 2014. In relation to noise, officers must consider if a complaint about noise can be considered be a Statutory Nuisance as defined by the 1990 Act and subsequent case law.
- 5.46. In general terms, for a noise issue to count as a statutory nuisance it must do one of the following:
- Unreasonably and substantially interfere with the use or enjoyment of a home or other premises
  - Injure health or be likely to injure health
- 5.47. If the officers determine that the criteria above are met, officers must serve an Abatement Notice. This requires the “person responsible”, also defined to stop or restrict the noise. The “person responsible” may include the owner or occupier of the premises.
- 5.48. **Licensing** - The Council’s Licensing Service sits within the Regulatory Services Partnership and is responsible for the Council’s statutory licensing obligations including:
- Animal Welfare including home boarding, kennels, catteries, dangerous wild animals and riding establishments
  - The sale of alcohol and regulated entertainment
  - Gambling establishments
  - Scrap metal dealers
  - Street trading and markets
  - Massage and special treatments
  - Sexual entertainment venues
- 5.49. The enforcement options available to licensing officers include:
- Oral advice and written warnings
  - Simple Caution for admitted offences and where action has been taken to by the licensee prevent a recurrence
  - Prosecution
- 5.50. The Licensing authority and the Police can prosecute for breaches of license conditions and other statutory offences. Where appropriate officers also have the powers to:
- Issue a licensed premises closure notice (for premises under the Licensing Act 2003)
  - Require a minor variation application to be made (for premises under the Licensing Act 2003)
  - Apply for the license to be renewed (for premises under the Licensing Act 2003 or Gambling Act 2005)



- Impose additional license conditions
  - Refuse to renew a license
  - Revoke a license
- 5.51. The service works in close partnership with the local Metropolitan Police licensing team and when necessary joint Police/Licensing Authority inspections of licensed premises are carried out.
- 5.52. The service is heavily involved in the regulation of large-scale events and the investigation of complaints regarding unlicensed activities and breaches of licensing conditions including at the recent event held at Morden Park.
- 5.53. In order to ensure a fair trading environment the Licensing service will initiate enforcement action against premises not paying the correct fee.
- 5.54. **Enforcement Examples;**
- 5.54.1 A series of late night visits identified a number of premises selling late night refreshments without the necessary license.
- 5.54.2 Investigation into licenses issued to massage and special treatment premises identified a number of unlicensed premises.
- 5.54.3 In all cases above, businesses were offered the opportunity to apply and pay for the correct license retrospectively.
- 5.54.4 Following a complaint, licensing officers identified a dog boarder who was operating without a license. The business owner followed advice with respect to registering their premises and the conditions expected. He now has a license and complies with Animal Welfare legislation.
- 5.55. **Trading Standards** - The Trading Standards Service operates an intelligence led approach to service delivery that focusses the team's work and limited resources efficiently to deal with key priorities for stakeholders.
- 5.56. This approach facilitates effective targeting of frontline services so that we can tackle the rogues and criminals that prey on vulnerable people within our community, and other traders who trade in an irresponsible or unlawful manner that adversely affect our stakeholders. This ensures that resources are allocated to the most significant areas of work that affect residents, businesses and the community as a whole.
- 5.57. We operate to a core service specification and our current priorities are:
- Rogue Traders and Doorstep Crime - e.g. rogue builders
  - Age Restricted Sales - e.g. the sale of alcohol, knives, tobacco etc. to young people
  - Financial Scams - e.g. fraudulent mass marketing schemes to obtain money
  - Intellectual Property - e.g. counterfeit goods
  - Product Safety - e.g. chargers, cosmetics, toys
  - Fair Trading - e.g. e-commerce, misleading prices and descriptions
  - Metrology (Weights and Measures)
  - Business support and advice, 'better regulation'

5.58. **Overview of Trading Standards Activity -**

5.59. Trading Standards Officers undertook 816 visits to businesses that were open to assess compliance with The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020.

Activity	2019/20	2020/21
Number of complaints and service requests	2,755	3,206
Number of business compliance visits	492	943

5.60. **Doorstep Crime** - Complaints about rogue builders and tradesmen from residents and concerned neighbours where unscrupulous traders offering to do work on their properties have targeted elderly and vulnerable residents are a significant part of our work. Typical jobs carried out tend to be roofing repairs, paving of driveways and general maintenance. The work is usually of a poor standard, if carried out at all. The service has saved residents large sums of money through intervention on doorstep contracting incidents or straightforward bogus selling.

5.61. Officers have also been involved in proactive work to improve working relationships with partners and to educate consumers on doorstep crime and bogus selling, through community talks and advice to those that work with the vulnerable members of our community. We have initiated intelligence and information sharing with partners such as Safer Merton to help identify high-risk areas.

5.62. The wellbeing of older residents and people living alone is a key priority in the Joint Strategic Needs Assessment and we continue to work closely with local banks and building societies to identify potential doorstep crime incidents at an early stage. As a priority area of work we provide a same day response to all reported doorstep crime incidents and work with victims to provide support and advice to resolve problems interceding where required.

5.63. In addition to the financial loss suffered by residents, this type of crime can have a significant impact on quality of life and future wellbeing. Victims often suffer a lack of confidence, trust and fear of being targeted again in the future. We work in partnership with Adult Safeguarding, Age Concern, families of victims and other agencies to provide support.

5.64. In 2019/20 we investigated and intervened where required in 98 cases in Merton and in 2020/21 122 cases. We have undertaken work to promote awareness of doorstep crime in the community through presentations to community groups delivered in person and online during the Coronavirus (COVID-19) pandemic.

**Enforcement Examples;**

5.64.1 A Merton resident was duped out of £52,400 by a group of individuals who provided false business details including an address in London, N13. The resident paid out this amount of money over 3 days in August following a knock at the door, the men said that they were working at nearby houses.

5.64.2 The doorstep incident started with an offer to clean gutters for £69 and soon it escalated to removing tiles and ridge tiles to ascertain if the roof was safe to stand on. Then the roof needed replacing, flat roof materials were

allegedly deteriorating, side walls needed 'joys' and a side door would soon collapse etc. There was a further demand for £93 to fix the side wall and at which point the resident became very concerned, questioning the exorbitant quotes. The leading man then became threatening and said they would not start any work until paid while promising that all the materials would be delivered by the end of the week.

5.64.3 Two workers were present at the property for a total of 5.5 hours. The roof was left damaged and at risk of rainwater coming through. Another company completed urgent repair work.

5.64.4 Trading Standards first became aware of the incident after the trader disappeared and was ignoring the resident's telephone calls. Enquiries are ongoing.

5.65. We continue to work with the Adult Safeguarding team in cases where doorstep crime stretches in financial abuse under the Care Act. We provide a fast/emergency response to reported incidents within normal office hours and aim to provide a same day response where achievable. Interventions have resulted in the prosecution of rogue traders in some cases we attend with the support of the police when the trader/s are still present on site. We also work with victims of doorstep crime to provide support and advice to resolve problems and acting on their behalf in some cases.

5.66. **Age Restricted Sales** - Statutory age restrictions apply to the sale of certain products including alcohol, tobacco, knives, films, video games and fireworks. Illegal sales can result in ASB that adversely affect our community. Young people who start smoking or drinking at an early age find it harder to give up and are more likely to suffer long term ill health.



5.67. Trading Standards regulation safeguards young people and contributes to better outcomes for local communities, residents and businesses through protecting young people from harm, keeping communities safe and supporting local business growth. We work in partnership with local businesses to prevent illegal sales by providing support and practical guidance to assist businesses with their legal obligations. Officers visit businesses and discuss best practice, provide practical advice, point of sale materials and refusal registers to facilitate effective compliance. This support is followed by targeted test purchasing of retailers where advice has previously been provided to test compliance. Advance notice is provided to the business with a specified period in which the test purchase will take place.

5.68. Businesses are encouraged to operate a Challenge 25 policy and request age verification identification from all customers who they believe to be Under 25. In 2019/20 and 2020/21, 100 test purchases were carried out by young people under the age of 18 and 25 closely supervised by Trading Standards.

5.69. **Case Example** - A 15 year old boy assisted officers on a test purchase exercise of alcohol and tobacco.

- Two Officer's entered the retail premises accompanied by the test purchaser. The boy selected a can of alcohol from the chiller cabinet and proceeded to a serving counter, where he also requested 20 cigarettes. The sales assistant directed the boy to another counter within the store. The boy asked a man, who it was subsequently ascertained was the owner of the business, for 20 cigarettes. The particular brand requested was unavailable however another type was selected.
- The owner subsequently stated that he asked his colleague, whether or not age identification had been proved. There appeared to be a communication error and he thought age identification had been checked however it had not. Both alcohol and tobacco were sold to the 15 year old.
- The owner and sales assistant have been interviewed and a report is in progress. Knife sales to young people remain a particular concern with an alarming increase in knife crime in London. The service contributes to the Violent Crime Reduction plan through providing advice and support to retailers, responsible retailer agreements and follow up test purchasing.

5.70. **Financial Scams** - A scam is a criminal scheme to con people out of their money. Each year mass marketing mail scams cause approximately £3.5 billion worth of detriment to UK consumers. Scam mail causes financial and mental suffering to millions of silent victims of fraud and many people are often too embarrassed to admit they have fallen victim to a scam. Typical examples include, "you've won a lottery, competition or sweepstake", "somebody has left you an inheritance" and "a fantastic money making opportunity just for you." Scammers send out catalogues selling food, pills, potions, jewellery, or items for your home and garden. They guarantee a prize to those who place an order but in every case recipients have to send money to claim the prize or take up the offer and prizes are never sent; just more offers and promises of prizes.

5.71. Trading Standards Officers work in partnership with the National Trading Standards Scams team to help tackle mass marketing scams. We provide practical advice and support to residents who have been targeted and are victims of mass marketing fraud, liaising with other agencies such as Adult Safeguarding.

5.72. **Case Example** - Mr. X had recently lost his wife of 50 years. Shortly after her funeral, he was contacted a clairvoyant a message for him from his beloved wife. The clairvoyant called each week to provide a new message at a cost of £75 per message or conversation.

- Mr. X now viewed Jill as a friend, his only link to his wife and was prioritising the cost of the message over other bills, meaning that he was not feeding himself properly or looking after his appearance. Officer spent several hours with Mr X and ultimately referred the case to Adult Social Services so he was able to receive the professional help he needed.
- This is only one type of scam that is targeted at the bereaved. Sadly, due to their vulnerability at such a distressing time, they are seen as an easy target. Acknowledging this, at the peak of the pandemic when sadly many more people were finding themselves in this situation, we produced an

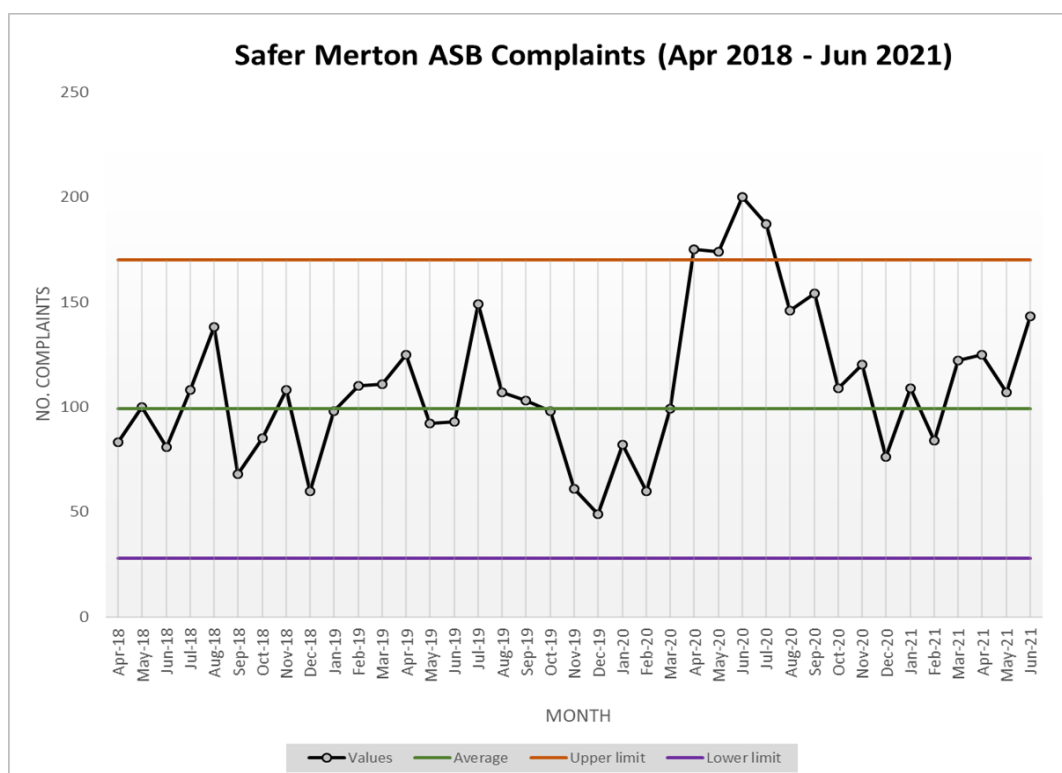
advice leaflet highlighting the common scams targeted at bereaved residents, giving advice on how to avoid them, and what to do if your loved one became a victim.

- When a resident becomes the victim of a scam, as well as the financial loss, the scam can have a significant impact on wellbeing and in many cases the scam causes far more problems than just financial loss. In order to promote awareness and support residents on how to avoid them, we have carried out a number of talks and presentations to community groups and organisations. These have been very well received and benefit not only the people who attend but also their friends and family through conversation.

## 6 SAFER MERTON

- 6.1. **Anti-Social behaviour** - Demand placed on Anti-Social Behaviour (ASB) services has continued to increase. In the 12 months up to March 2021, the Safer Merton Team has dealt with over 1500 ASB cases, up from around 1250 during 2018/19 and 874 during 2017/18.

Fig. 4 Anti-social Behaviour Complaints



- 6.2. While some of this increase is attributable to reports relating to the Covid-19 regulations during the months lockdown period, the rate of ASB reports has since remained elevated and well above the pre-pandemic levels: There were 126 ASB reports received during Q2 of 2021/22 which is 30% up on 2018/19 levels and 93% up on 2017/18 levels.
- 6.3. Safer Merton continues to lead on the co-ordination and delivery of the multi-agency response to ASB, supporting the commitment set out in the Community Plan, this includes:

- Implementing the Public Space Protection Order (PSPO) in relation to Alcohol Consumption in Public Places, ensuring that the PSPO is monitored and a balanced approach to enforcement and engagement is in place. Between 1st January 2021 and 31st October 2021, the Council has issued four (4) Fixed Penalty Notices to individuals for breach of the street drinking Public Space Protection Order. Additional details in relation to this PSPO are provided below (paragraphs 6.13-6.17)
- Delivering a targeted multi-agency response to locations in the borough subjected to persistent ASB. The Locality Board meets every two months and oversees this. The locations that are overseen currently by the Locality Board are Mitcham, Graveney, Wimbledon, Morden Town Centre, and Raynes Park.
- Investigating reports received by the council, supporting victims of ASB and resuming site visits post the lock down.
- The Community MARAC meets monthly to discuss high risk and persistent ASB cases. Since April 2021, the Community MARAC has discussed 30 cases.
- Working closely with the Rough Sleepers Group to ensure a coordinated response to rough sleeping (Merton's rough sleeping team has supported over 130 rough sleepers of which six are currently believed to be rough sleeping).
- Managing the partnership response to the Community Trigger. During 2020/21 Safer Merton received nine Community Trigger applications. During the first five months of 2021/22 (April – August) nine applications have been received - equating to an annualized rate of 21 per year.

6.4. **Use of CCTV** - During the last 12 months, CCTV operators recorded 3355 incidents. Of these 690 resulted in footage being downloaded for investigative or evidential purposes to support the Police, Council Enforcement team or other relevant agency.

6.5. The types of incidents, which have most commonly result in footage being captured to support investigation or enforcement, are: Fly tipping, Road Traffic Collisions, Robbery, Incident relating to a vulnerable person, Sexual Offence, and Assault. Together these types of incident account for 65% of all evidence captures by the Merton Public Spaces CCTV.

6.6. **Use of ECINS** - Introduced in May 2019, ECINS is a management system used by Merton Council and Safer Merton partnership agencies and organizations to record and share information relating to individuals, incidents and/or locations connected to anti-social behaviour. The purpose of the system is to provide the Safer Merton partnership with a means of timely, accurate and secure information sharing and coordination of interventions.

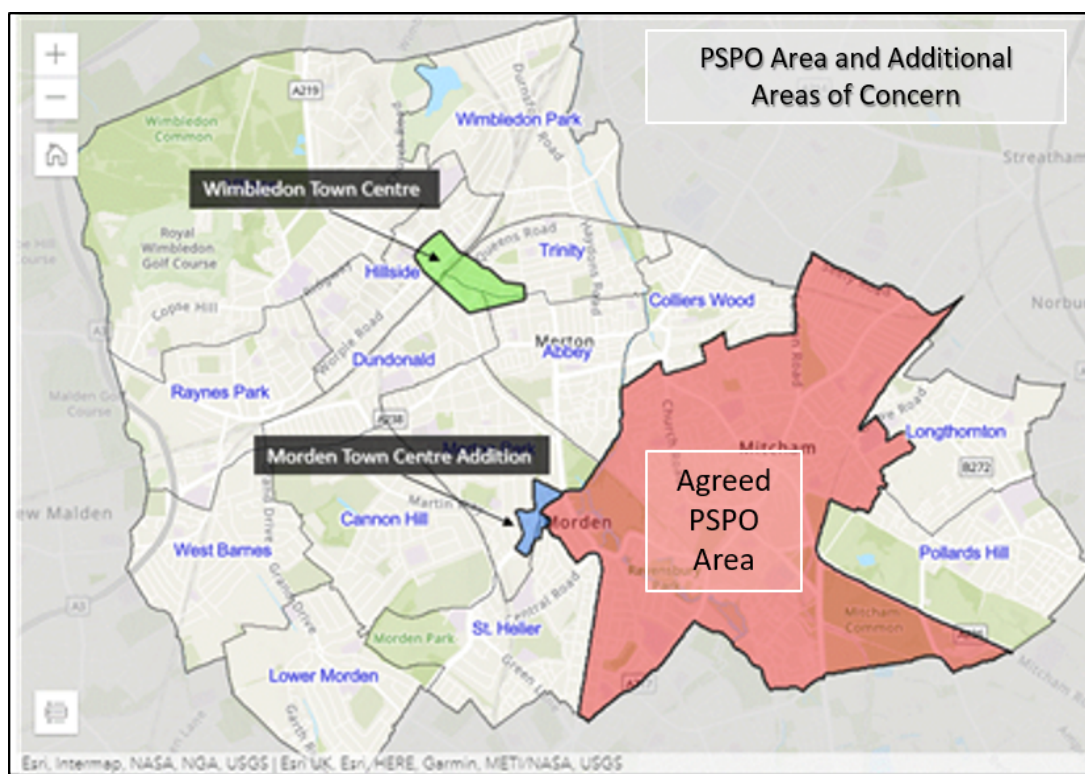
6.7. During last year (April 2020 - March 2021) over 1500 reports of anti-social behaviour have been recorded on the ECINS system by the Safer Merton Team. The ECINS system ensures that this information is readily accessible to the officers who need it, in a safe and secure manner. This supports

effective problem solving work through case management meetings as well as multi-agency panels such as the Community MARAC.

- 6.8. There is an ongoing program of work to expand the opportunities for teams to make use of the ECINS system across the partnership. This has included the delivery of a number of training sessions for staff in the use of the system and making use of the system to support the secure recording of Domestic Abuse MARAC related information. This work has been further bolstered by the recent news that ECINS has been selected by MOPAC as the system that will be used pan-London by Integrated Offender Management (IOM) Teams. Being able to interact in an integrated way with this data, by virtue of using the same platform should prove to be substantial benefit for Merton, which will avoid much duplication.
- 6.9. **Use of tools and powers of the ASB and Policing Act 2014 –**
- 6.10. **Case study 1:** Community Protection Notice Warnings (CPNW) and Community Protection Notices (CPN)
- 6.11. Community protection notices (CPNs) are designed to stop a person aged 16 or over, business or organization committing antisocial behaviour (ASB) which spoils the community's quality of life.
- 6.12. The Safer Merton Team had been receiving numerous reports about a household causing anti-social behaviour that was having a detrimental impact on the quality of life of other people living in the street. The issues had been ongoing for months and after a number of attempts to engage those involved failed to result in an end to the behaviour, the team issued a Community Protection Notice Warning. As the behaviour persisted, the team worked to compile a comprehensive set of evidence and Community Protection Notices were issued to each of the people involved. The notice included conditions requiring that the behaviour in question cease. Failing to comply with a CPN is a criminal offence. As a result of this intervention, the anti-social behaviour ended, bringing much needed relief to people living in the area.
- 6.13. **Case study 2:** Public Space Protection Order (PSPO)
- 6.14. Public Space Protection Orders (PSPOs) are a tool to address anti-social behaviour (ASB) and its impact on individuals and communities by prohibiting certain activities within a defined public area. Following an assessment of the available evidence, the results of the consultations with the public, police and community representatives and an equalities impact assessment, a Public Space Protection Order was put in place in October 2020. The purpose of this PSPO is to address alcohol-related ASB in the wards of Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury.
- 6.15. The PSPO gives authorized officers of the council and the police the power to:
- Require an individual to stop drinking alcohol (or anything reasonably believed to be alcohol) in public where the individual is causing or likely to cause nuisance or annoyance or
  - Confiscate alcohol (or anything reasonably believed to be alcohol).

- 6.16. As part of the Community Safety Strategic Assessment the Safer Merton team will review the impact and data relating to the use of the PSPO – it is expected that due to the impact of the pandemic and lockdown periods that enforcement activity in connection to the PSPO will have been far lower than might otherwise have been the case.
- 6.17. For additional information on the PSPO, please see: <https://www.merton.gov.uk/communities-and-neighbourhoods/crime-prevention-and-community-safety/public-space-protection-order>

Fig. 5 – PSPO area map



## 7 PARKING ENFORCEMENT & BLUE BADGE ENFORCEMENT

- 7.1. The Council’s Parking Strategy aims to reduce congestion on the road and public transport networks, improve air quality, improve safety for road users and provide affordable parking spaces in appropriate locations to promote and enhance the local economy. The structured use of car parking controls and associated enforcement thereof is essential in helping to balance competing demands for road space, restraining nonessential traffic, and encouraging a shift towards more sustainable modes of travel.
- 7.2. Our Parking enforcement policies are published on our web pages and provide additional information:  
<https://www.merton.gov.uk/streets-parking-transport/parking/enforcement>
- 7.3. Our Civil Enforcement Officers (CEOs) enforce throughout the day and into the evening when most parking restrictions apply. There are 4 teams of 8 operational on street and work on a shift/rota basis and 4 x CEO Team leaders who manage operational matters on a day to day basis. Up to date technology is used to issue Penalty Charge Notices (PCNs) and record photographic images of contraventions. CEOs use body worn video (BWV)



devices overtly to record the details of parking contraventions. The footage is invaluable in establishing training requirements for CEOs, which in turn, will improve communication with motorists and the general public. Parking enforcement by CEOs is carried out under the Traffic Management Act 2004 and the associated guidance

- 7.4. The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation, as amended:
- Road Traffic Regulation Act 1984 (the 1984 Act)
  - Road Traffic Offenders Act 1988
  - Road Traffic Act 1991
  - London Local Authorities Act 1996 (the 1996 Act)
  - The Road Traffic Offenders (Additional Offences and Prescribed Devices) Order 1997
  - London Local Authorities Act 2000
  - London Local Authorities and Transport for London Act 2003
  - Traffic Management Act 2004
  - The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- 7.5. Fixed CCTV cameras were introduced in February 2019 to enforce the yellow zig zag lines outside school entrances. This technology discourages drivers from parking dangerously and compromising the safety of children and pedestrians. The fixed cameras are deployed at each school for a short period during the first year of operation, but will then be used where high non-compliance is known to occur. A qualified officer reviews each recording and where it is determined that a contravention has occurred, a PCN is issued and sent by post to the registered keeper of the vehicle.
- 7.6. CCTV Automatic Number Plate Recognition (ANPR) has been used to enforce bus lane (the 1984 Act and the 1996 Act) and moving traffic contraventions such as box junction and no left/right hand turn restrictions throughout Merton for a number of years. This enforcement forms part of a wide range of measures aimed at improving reliability and punctuality of public transport, reducing congestion and pollution and allowing access for the delivery of goods. As with all fixed camera enforcement, a qualified officer reviews each recording and where it is determined that a contravention has occurred, a PCN is issued and sent by post to the registered keeper of the vehicle.
- 7.7. Merton has two CCTV cars which are also to capture parking contraventions. These are often used for school “zig-zag” enforcement. They are also now being used to assist with enforcement of Controlled Parking Zone enforcement areas through the use of ANPR technology linked to the geo data of zones through to the permit system.
- 7.8. A recent addition is the use of Mopeds for the speedy dispatch and delivery of service particular for enforcement requests from customers/residents, such as cars parked over an individual’s drive or in a dangerous place.

7.9. Charging levels for parking, bus lane and moving traffic contraventions in London Boroughs are set by London Councils' Transport and Environment Committee, subject to approval by the Mayor for London and Secretary of State. Higher penalties are imposed for bus lane contraventions and parking where it is generally not permitted, for example; yellow lines, school 'Keep Clear' markings, permit holders' bays and disabled bays without displaying the appropriate permit or badge. Lower penalties are imposed for contraventions such as; overstaying time paid for in a pay and display bay, or parking outside bay markings.

7.10. The current charges for PCNs issued within the London Borough of Merton are as follows;

	Full charge (£)	Discounted charge (£)
Parking (lower level)	60	30
Parking (higher level)	110	55
Bus Lane	130	65
Moving Traffic	130	65

7.11. The London Borough of Merton have recently applied to London Councils to move from Band B parking PCN charges to Band A parking PCN charges. If approved, the cost of PCNs will change as follows;

	Full charge (£)	Discounted charge (£)
Parking (lower level)	80	40
Parking (higher level)	130	65
Bus Lane	130	65
Moving Traffic	130	65

7.12. The total number of PCNs issued in the last 5 financial years is as follows;

	Parking lower level	Parking Higher level	Bus Lane	Moving Traffic	Total	Total Income
2016/17	41139	25170	21551	56220	144080	£7,864,247.00
2017/18	38598	28157	24119	67523	158397	£8,771,620.00
2018/19	40200	28325	21014	63132	152671	£9,181,237.00
2019/20	35003	23171	18167	53286	129627	£8,266,618.00
2020/21	20407	26330	9754	32585	89076	£4,538,545.50

- 7.13. As can be seen from the total numbers of PCNs issued in each year, the impact of COVID and lockdowns meant that there was a significant reduction in the number of journeys being made, resulting in a significant reduction in the number of PCNs being issued year on year. A point worth noting however is that while there was a reduction across the enforcement streams, the number of higher level parking PCNs issued remained comparable with previous years.
- 7.14. Members of the public who are inconvenienced by incorrectly parked vehicles can request parking enforcement through our established online service. Using a web-based tracking system, the position of the nearest CEO is identified for redirection to the location of the enforcement request. We endeavour to respond to all requests as quickly as possible and in circumstances where it is established that there is a continuing problem, the provision of more regular enforcement may be investigated. Residents who are often inconvenienced by vehicles parked in front of the dropped kerb outside their property (mainly around schools) can use our well-established online service to register their address which will better inform where CEOs patrol and enforce.
- 7.15. **Blue Badge Enforcement** - A Blue Badge is a parking permit for individuals who have severe mobility-impacted health conditions. Blue Badges will only be issued to individuals who have a permanent and substantial disability, or to an organisation which is involved in the care of physically disabled people. A Blue Badge enables the holder to access convenient on and off-street parking spaces either as a driver or passenger. A recent change to the Blue Badge eligibility is the inclusion of hidden disabilities and the impact is being considered and closely monitored.
- 7.16. Blue Badge misuse is a criminal offence and unfortunately it still lingers nationally and within Merton. A Department for Transport publication on Blue Badge misuse estimated that across England misuse costs local authorities around £45 million every year, placing considerable strain on the public purse. Some common examples of misuse include using a badge without the holder being a part of the journey, or using a lost, stolen or cancelled badge.
- 7.17. From the moment a CEO first sees a badge on display on a dashboard, they must ensure their BWV device is switched on. They must also ask relevant investigative questions at the scene, noting their surroundings, including the vehicle registration mark and who is in the vehicle.
- 7.18. In order to uphold the integrity of the Blue Badge scheme, Merton will increase the number of inspections are carried out by CEOs, who approach all vehicles with a Blue Badge on display and ask drivers specific questions in order to determine whether or not misuse is taking place. Where misuse is suspected, CEOs and authorised Council Officers are legally permitted to confiscate a Blue Badge and return it to the issuing Local Authority. We are able to confiscate the badge under the Disabled Person's Parking Badges Act 2013
- 7.19. Once a badge has been confiscated, council officers carry out a thorough investigation. This may include checking CCTV, watching the confiscation footage or examining a challenge received in response to the PCN. As part of an investigation, Parking Services may also contact other

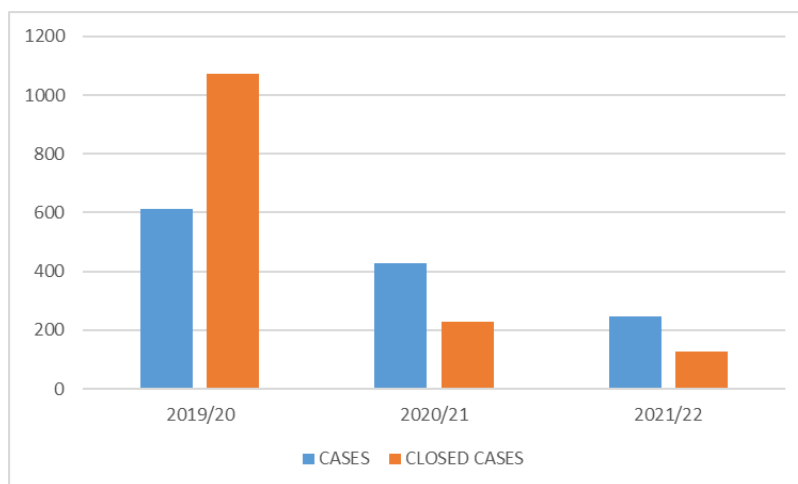
council departments, such as Registrars and Council Tax, as well as other local authorities, schools and private organisations/businesses. Any request for information is made under the Data Protection Act 1998, section 29(3) (prevention and detection of crime). After the evidence has been compiled by Parking Services the case is passed on to the SLLP for assessment and possible prosecution where appropriate.

## **8 PLANNING ENFORCEMENT**

- 8.1. Planning control is a key area of priority for the Council and its stakeholders as the laws within this area of work are designed to control and manage the development and use of land, buildings and space in the public interest. Planning Enforcement is a vital part of the planning function, being required to ensure that the decisions and policies of the Council are complied with as the Local Planning Authority (LPA).
- 8.2. It is important to note that the Government has vested the primary responsibility for initiating enforcement action at the local level, including determining what action is deemed appropriate and necessary. The Council has a general discretion to take enforcement action, when they regard it as within the public interest.
- 8.3. From a Sustainable Communities perspective, when the enforcement team consider any action, the decisive issue is whether the breach of control would unacceptably affect the public amenity or the existing use of land and buildings meriting protection through appropriate enforcement action, which should be commensurate with the breach that has occurred.
- 8.4. The general current aim of the service is to ensure that:
- All enforcement complaints will be treated in confidence, and anonymous complaints are not accepted. Residents, who are reluctant or concerned about submitting their details, may channel their concerns through the Ward Councillor.
  - All enquiries will be logged, allocated a reference number pertaining to the particular enquiry, and acknowledged.
  - An initial investigation, including a site visit, will be undertaken as soon as possible, depending upon the severity of the issue. For instance some cases require an immediate site inspection.
  - 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.
  - Some breaches of planning control will not be pursued beyond an initial investigation where subsequent action is found not to be expedient within the public's interest.
  - Where enforcement action is necessary, the appropriate notice will be served and action taken.
- 8.5. Breaches of planning control are generally not criminal offences, with the exception of:

- Unauthorised works to a listed building
  - Displaying unauthorised advertisements
  - Carrying out unauthorised works to protected trees or trees in conservation areas.
- 8.6. Around 30% of all complaints result in the closure of the enforcement case in the 'no breach' classification. The enforcement team continues to investigate breaches of planning control including unauthorised building works, hours of operation, adverts, works to listed buildings and uses. Outcomes of investigations include enforcement notices being served, prosecutions taken and direct action in default of compliance with a statutory notice to secure compliance.
- 8.7. There have been a number of significant successes and we continue to look for ways to communicate the no tolerance approach taken regarding planning enforcement.
- 8.8. The team have utilised enforcement days whereby the entire Development Control team 'Blitz' the Borough with visits to properties. The last one yielded 30 case closures following over 120 site visits in one single day.
- 8.9. Last year, the enforcement team began to undertake an improvement programme. This was being led by the Building & Development Control Manager (B&DC Manager) as the Enforcement Team Leader role had been vacant for some considerable time. As well as undertaking an improvement programme, the B&DC Manager also took on the role of leading the enforcement team. Unfortunately, following a period of sickness, the B&DC Manager left the Borough. Some improvements were put in place, prior to his leaving, but others have not yet been implemented. The outlined improvements are;
- Development of e-forms to enable improved customer accessibility to reporting directly onto the back office systems. The business logic can also be used to 'filter' complaints to ensure efficient operation - achieved
  - Improved education of our residents through improving the content and quality of the information available - achieved
  - A formal enforcement policy to better define for residents the intervention criteria used – draft policy produced but not yet implemented.
- 8.10. Last year, the enforcement team set an ambitious target to reduce the outstanding number of cases from nearly 1000 to 450 before the end of the financial year. Currently, the total number of open cases stands at 561. Since April 2021, 245 new cases have been received.

Fig. 6 – Planning Enforcement case management



*Note – 2021/22 represents April to September values*

- 8.11. Obviously, this is far higher than we would like but we currently have a new Interim Building & Development Control Manager who is assessing what needs to be done in the team and also have an Interim Enforcement Team Leader starting in December. This will enable significant improvements to be made to processes.
- 8.12. To date, we have experienced significant difficulties with recruitment across the team, both because of the pandemic and also because of the shortage of specialist professional roles in some areas. We also have problems with our tree service which falls within enforcement due to one tree officer (p/t) being on long term sick and the other tree officer having left the authority earlier in the year. We are actively recruiting for the tree officer post. Whilst we are unfortunately reliant on interims, recruitment for permanent staff to fill the roles is planned, although it is expected that the posts will take some time to fill.
- 8.13. Within Building & Development Control, we also enforce work being undertaken where we are aware of, or informed about, dangerous buildings and structures. In such situations, we serve Dangerous Service Notices under the London Buildings Acts (Amendment) Act 1939, requiring the owner of the building/site/structure the Notice is served on, to take urgent action to remedy the situation. We have recently had an instance where we were required to use our powers, and several officers from across the Borough worked as a team to provide advice and expertise to ensure that the situation was addressed. Such instances are often at great cost to the council as we sometimes need to take action such as appointing contractors to undertake work on our behalf which we then have to seek to recover from the parties who had the Notice served upon them.

## **9 HIGHWAYS ENFORCEMENT**

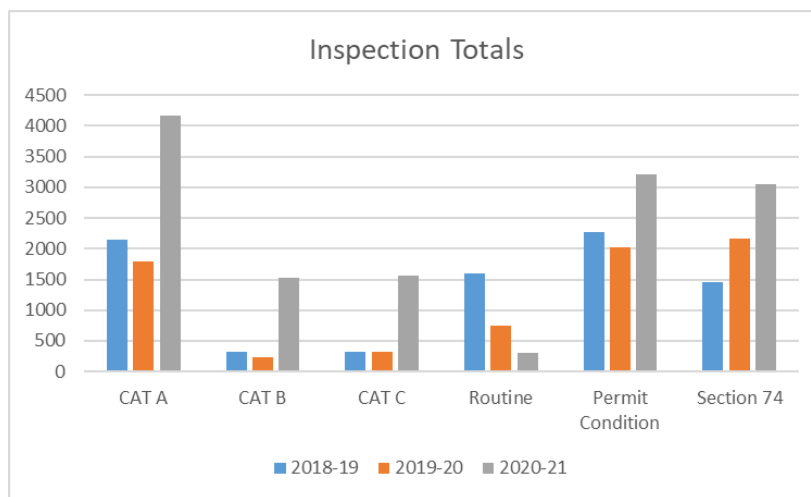
- 9.1. The Council's Highways Network Coordination Team usually manages around 14,000 utility permit applications per year. Merton's road network often experiences congestion, particularly at peak times. Traffic levels in general continue to grow nationally and this is exacerbated by increasing volumes of work and other activities on our roads.

- 9.2. The increase in works has been driven by a number of factors over the past 20 years including the failure of old water and gas mains and the roll out of new technology such as cable and broadband and the number of developments and new service demands. It is essential that effective measures are put in place to control and manage the degree of congestion to reduce the inconvenience and disruption that inevitably results. This will benefit residents, the travelling public, communities and businesses in the Borough
- 9.3. Prolonged periods of congestion, if not tackled, seriously restrict the economic growth and prosperity of the borough by:
- Undermining the competitiveness of existing local businesses,
  - Affecting deliveries and business travel,
  - Compromising the feasibility of some new developments,
  - Reducing the accessibility of sites and reducing their economic viability; and - lengthening the time taken for development to happen.
- 9.4. **Monitoring the safety of street and road works** - Merton's Network Coordination Team ensures compliance with the Safety at Street Works & Road Works Code of Practice (Safety Code) through continually monitoring a sample of highway authority and utility works in progress and increasing inspections on any companies who need to improve. In severe cases inspectors have the power to stop works if it is deemed that safe working practices are not being observed. Serious breaches of health and safety statutory legislation may be subject to legal proceedings, as is the case where the structural integrity of the highway is compromised by substandard reinstatement.
- 9.5. **Overrunning Works** - Where street or road works are unreasonably prolonged a charge will be levied under section 74 of the NRSWA. Income received through fixed penalty notices (FPNs), charges relating to unreasonable occupation of the highway (s74 charges) or other related revenue will firstly be used to support the costs of administering and improving the efficiency of the street works function.
- 9.6. **Monitoring the reinstatement of street works** - The Council has a duty to ensure that the Highway Network is fit for purpose, and the cost of maintaining the highway is considerable. However, any qualified utility company or sub-contractor can get permission to dig up the highway, provided that it is reinstated in a like-for-like manner.
- 9.7. The Network Coordination Team monitor street works whilst they are taking place (CAT A Inspections), aiming to inspect 10% of works in progress, 10% of works after 3-6 months (CAT B Inspections - to ensure reinstatement is up to standard), and 10% at the end of a 2-3 year guarantee period (CAT C). If findings are unsatisfactory, compromising the safety or structure of the highway, a contractor is asked to return and rectify the work to ensure that the Council doesn't end up carrying the cost of future repairs.
- 9.8. The Network Coordination Team also performs a number of other inspections associated with road and street works.
- Category A – In progress works sites

- Category B – Recently completed works sites (3-6 months)
- Category C – At the end of guarantee period
- Routine – Return inspections – defect monitoring – defect reinstatement
- Permit Condition – Performed to ascertain compliance with permitting conditions on site
- Section 74 (prolonged works) – Works completion inspection to ensure works are finished on time

	CAT A	CAT B	CAT C	Routine	Permit Condition	Section 74
2018-19	2140	321	315	1594	2265	1459
2019-20	1793	226	318	751	2018	2159
2020-21	4162	1519	1560	302	3211	3055

Fig. 7 – Highway Network Inspections



9.9. Highway licences which are currently managed by the Network Coordination Team include:

- Scaffolding
- Hoardings
- Mobile Cranes
- Builders Materials
- Temporary Traffic Regulation Orders – (TTRO)
- Section 171 Licence – Private Highway Works (Development Works)
- Section 50 Licence – Private Utility Works (Drainage Connections)

9.10. **Network Coordination Team (Income)** - Under permitting legislation, the operation and delivery of a permit scheme by a 'Highway Authority' must be deemed self-funding. The requirement to be self-funding is to ensure that councils operating permit schemes don't get burdened with additional costs associated the operation of the scheme. Yearly fees received by Merton Council for assessing utility permit applications cover the costs of operating

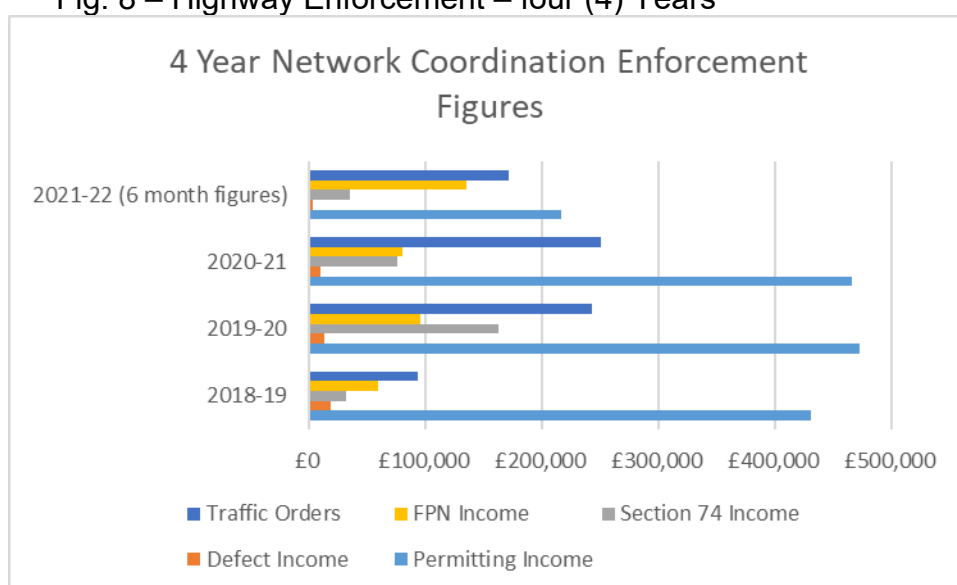


the team and all other incomes received through Street Works fines and enforcement are classed as profit.

9.11. Below is a table of the fees and charges related to permitting income, street works enforcement and temporary traffic regulation orders received by the Network Coordination Team over the past four financial years. Figures for 2020-21 are calculated from the first 6 months of the financial year.

	Permitting Income	Defect Income	Section 74 Income	FPN Income	Traffic Orders
2018-19	£430,522	£18,277	£31,450.00	£59,030.00	£92,635.00
2019-20	£471,911	£12,622	£162,250.00	£94,960.00	£242,414.00
2020-21	£466,016	£9,383.00	£75,025.00	£80,060.00	£250,431.00
2021-22 (6 month figures)	£216,299	£3,217.00	£34,547.50	£135,020.00	£171,493.85

Fig. 8 – Highway Enforcement – four (4) Years



9.12. **Network Coordination – Fixed Penalty Notices -** Merton’s Network Coordination Team issues FPN’s from permitting requirements failures to on-site condition failures. Having adopted the functionality in running an FPN Scheme, the benefits of issuing FPN’s include the following:

- Provision of accurate and timely data,
- Increase in confidence of notice/permit data,
- Increase in confidence within the street authority in its own ability to better co-ordinate works based upon this data,
- Improved performance in street works activities,
- A contribution to minimising disruption arising from road and street works,
- Improved working relationships,

- Standard reporting of data quality for all works promoters.

9.13. Merton Council through the use of the new Department for Transport (DfT) Street Manager system has spent a considerable amount of time on focussing on notification failures. Figures for FPN's are below for the last two financial year's enforcement activity.

MONTH (2021/2)	TOTAL PAID	No of FPN'S Issued	MONTH (2020/1)	TOTAL PAID	No of FPN'S Issued
Apr-21	£ 11,480.00	115	Apr-20	£ 6,580.00	46
May-21	£ 32,020.00	288	May-20	£ 4,020.00	38
Jun-21	£ 22,760.00	228	Jun-20	£ 4,400.00	29
Jul-21	£ 15,720.00	128	Jul-20	£ 2,340.00	22
Aug-21	£ 36,060.00	311	Aug-20	£ 7,240.00	56
Sep-21	£ 8,160.00	83	Sep-20	£ 5,280.00	47
Oct-21			Oct-20	£ 9,100.00	90
Nov-21			Nov-20	£ 7,080.00	61
Dec-21			Dec-20	£ 9,260.00	84
Jan-22			Jan-21	£ 5,800.00	55
Feb-22			Feb-21	£ 6,920.00	70
Mar-22			Mar-21	£ 12,040.00	119

9.14. **Scaffolding and Skips** - Between April 2020 and March 2021, 70 Scaffold Licences were issued and 10 sites were found to be illegal or non-licensed Scaffolds, subsequently turned into Licenced scaffolding sites.

9.15. The Council issued 482 Skip Licenses and investigated over 100 footway defects relating to skips with no license or badly positioned or no safety lights. Members may wish to consider how the number of approved skip licences relates to the number of skip lorries in residential streets which are often a source of complaint despite most skips being licenced.

9.16. For this year; April 2021 to October 2021;

- 68 Scaffold Licenses issued so far and 8 of these were found to be illegal or non-licensed.
- 418 Skip Licenses issues so far and again over 100 defects found relating to skips with no license or no lights or badly positioned.

9.17. **Overgrown Vegetation on the Highway** - Reports of overgrown trees and shrubs come in from a variety of methods, from the public on line report-it forms, from the phone, from emails, reported via the contact centre. We receive over 500 complaints per year, 385 of which received an enforcement notice, 120 approximately received a second enforcement letter and over 50 were cut back by the Council and re-charged to the property owners.

## 10 HOUSING ENFORCEMENT

10.1. The Housing Enforcement Team forms part of the Housing Service under the Community and Housing Directorate. Its role is to promote and enforce standards in residential properties and covers the following services and activities:

- a) Reactive Complaints (requests for service) about housing conditions and overcrowding private renters, social tenants and owner/occupiers.
- b) Emergency Reactive Complaints (requests for service) about housing conditions - private renters, social tenants and owner/occupiers.
- c) Public Health and Nuisance:
  - Accumulations of refuse on private land.
  - Harbourage for pests on land in in homes - private renters and owner/occupiers.
  - Drains and sewers in private ownership.
  - Pests in private rented accommodation.
  - Reports of housing related issues between dwellings, e.g. damp/leaks affecting neighbours - private renters, social tenants and owner/occupiers; and,
  - Filthy and Verminous property - private renters, social tenants and owner/occupiers.
- d) HMOs (private rented sector):
  - Reporting unlicensed HMOs.
  - The licensing of mandatorily licensable HMOs.
  - Enforcement in licensed HMOs.
  - Proactive identification of HMOs; and,
  - Maintaining Public Registers of HMOs and temporary exemptions from licensing.

- e) BABIE Inspections (Bed and Breakfast Information Exchange) – now known as STS (Setting the Standard). Inspections of properties used for temporary accommodation in the borough to ensure they meet standards.
- f) Working with government bodies regarding tall buildings (Over 18m)
- 10.2. With regard to tenants of Registered Providers (Housing Associations), these have their own internal complaints process and where their tenants are unsatisfied with this response, they have recourse to the Housing Ombudsman. It is our policy that we would expect tenants of Registered Providers to exhaust these processes before we will intervene. This allows the Council to target their limited resources on tackling the minority of landlords in the private sector who do not maintain their homes appropriately.
- 10.3. In June 2019, Cabinet approved a refreshed Housing Enforcement Policy (the Policy). The aim of the Policy is to promote efficient and effective approaches to inspection and enforcement. Moreover, it aims to ensure that enforcement action is:
- Targeted on risk- at properties and people that pose the greatest risk, including owners and landlords who evade licensing and regulation, and those whose properties cause a nuisance or put people’s health and safety at risk.
  - Proportionate - reflecting the nature, scale and seriousness of any breach or non-compliance.
  - Fair and objective - based on the individual circumstances of the case, taking all factors into account.
  - Transparent – Officer’s actions will be explained in plain language, with clear reasons given for any enforcement action taken and compliance. A clear distinction will be made between legal requirements and advice or guidance.
  - Consistent - taking a similar approach in similar circumstances to achieve similar ends. All factors such as the level of risk, the history of compliance and the attitude and actions of those involved will be considered
  - Accountable - undertaken in a responsible manner that has a clear purpose.
- 10.4. Where enforcement action is taken, the Officer will ensure that information about their rights of appeal are provided. Furthermore, service complaint details can be provided on request.
- 10.5. There are a range of enforcement options available to the Housing Team. The most commonly used legislation includes The Housing Act 2004, the Housing Act 1985 (as amended), Public Health Acts 1936 and 1961, Prevention of Damage by Pest Act 1949 and the Environmental Protection Act 1990.
- 10.6. Further to requests from Ministry of Housing and Local Government (MHCLG) regarding cladding and fire safety in high rise buildings (18m or higher and privately owned), officers from Housing Enforcement and Build-up Control have successfully worked together to 1) Survey and identify

affected blocks, 2) Liaise with owners, agents and other interested parties, 3) Update DELTA database (the MHCLG information portal) and 4) Issue s235 Housing Act notices so as to achieve a complete data set.

- 10.7. **Privately Rented Property** - Properties are inspected using the housing health and safety rating system (HHSRS) which links defects in properties with hazards to the health or safety of the occupants or visitors. Where properties have been assessed as having a high hazard rating, or there has been a failure to comply with legislation covering houses in multiple occupations, an assessment of risk will be undertaken to determine the appropriate course of action and to inform the decision on whether immediate enforcement action is necessary.
- 10.8. The Council takes a proactive approach to housing enforcement and officers target those landlords who deliberately or persistently break the law. Where poor conditions are identified in a privately rented property, action is taken to identify and inspect other properties owned or managed by the same individual or company. Officers seek to identify HMOs that require a mandatory licence and properties where Category 1 hazards exist.
- 10.9. Where there is a breach of a legal requirement and the Council considers that formal action is required officers may seek to prosecute the offender. Although each case (and our response) is considered on its merits, prosecution will generally be reserved for the most serious cases. These include failures to provide documentation on information requested to determine interested parties and the occupancy of premises. Any decision to prosecute will be taken in accordance with the Regulators 'Code, the Council's Housing Enforcement Policy and the Code for Crown Prosecutors.
- 10.10. The Council may as an alternative to prosecution, serve notices imposing civil penalties of up to a maximum of £30,000.
- 10.11. A rent repayment order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent. The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a HMO licence for a property that was required to be licensed as such. The Housing and Planning Act 2016 extended this power to now cover a much wider range of offences.
- 10.12. Where a statutory nuisance is found to be prejudicial to health, less than 21 days (the standard appeal period) may be given for completion of the works to abate the nuisance. Examples of situations which are regarded as being prejudicial to health, and for which a notice under section 80 of the Environmental Protection Act 1990 will be served, include:
- Extensive water penetration;
  - Defective boilers leaving the property without any means of providing either hot water and/or heating (dependent on the time of year and whether or not there are vulnerable occupants).
  - Dampness or condensation resulting in mould growth where there are occupants with respiratory problems.
- 10.13. Where Statutory Nuisance notices are not complied, as a way of enforcement, works in default are carried out and a charge is placed on the

property. This includes the cost of the remedial works and a surcharge for the Council's established costs.

- 10.14. **Licensing of Houses in Multiple Occupation (HMOs)** - All decisions in respect of HMO licensing are taken in accordance with the provisions of the Housing Act 2004 and regulations made under that Act. Since October 2018 the scope of mandatory licensing has been extended.
- 10.15. The new definition for Mandatory Licensing removes the 3-storey requirement. Houses in Multiple Occupation being five (5) or more occupiers living in two (2) or more households, regardless of the number of storeys, will need to be licensed. Note that there is no requirement for the building to be converted in any way, so a conventional house could fall within scope if it meets the occupancy requirements.
- 10.16. Flats in Multiple Occupation are rather more complex. Mandatory licensing will not apply to a purpose-built flat in a block with 3 or more self-contained flats. A purpose built flat is a flat that was constructed as a flat as opposed to a flat located in a converted house.
- 10.17. Most flats within large purpose-built blocks will therefore fall outside of the scope of mandatory licensing provided there are 3 or more flats in the block. However, purpose-built flats in smaller blocks with up to 2 self-contained flats will fall within mandatory licensing if the occupancy and household requirements are satisfied. This applies regardless of whether the flat is above or below commercial premises. Each individual HMO is required to be licensed and not the building within which the HMO is situated.
- 10.18. In recent years the council has taken a proactive approach to housing enforcement and the prosecution of rogue landlords. The most recent case was in September 2021 and brief synopsis of the case is as follows;
- Following a report of a suspected unlicensed HMO, two officers inspected a property in Wimbledon Park. On inspection they found that four households comprising of five individuals occupied the property. The property required a licence but records indicated that it was not, nor was there a pending application.
- Despite numerous attempts by the officers to engage with the landlord - a Director of a Limited Company - and persuade him to apply for a Licence, he failed to do so.
- During inspection, officers found that the landlord had failed to comply with Management of Houses in Multiple Occupation (England) Regulations 2006 and that tenants were at risk as there was lack of adequate means of escape from fire and other fire precautions.
- The Director also failed to comply with a Housing Act 2004, section 235 Notice. Due to severity of the situation, officers collated evidence and presented this to the courts for prosecution in September 2021
- 10.19. Officers were successful with this action and the landlord was found to be guilty of all offences, and the sentence was a fine totalling £33,280.
- 10.20. **A summary of prosecutions include:**

<b>Prosecutions since 2019</b>
--------------------------------

LBM v Landlord of Property in Graveney Ward (6th August 2019)	Unlicensed HMO and other offences under Housing Act 2004. Sentence - Fine - £1,965; Costs - £1,750; Victim Surcharge - £196 The total amount payable = £3,911.00
LBM v Landlord of property in Colliers Wood (25th October 2019)	Unlicensed HMO and other offences under Housing Act 2004 Sentence - Fine - £3, 844; Costs - £1,997.50; Victim Surcharge - £170. The total amount payable = £6011.50
LBM v Landlord of property in Figgs Marsh (5th November 2019)	Unlicensed HMO and other offences under Housing Act 2004 Sentence - Fine - £2694.00; Costs - £1,990.00; Victim Surcharge - £170 The total amount payable = £4854.00.
LBM v Landlord of property in Graveney (4th May 2021)	Unlicensed HMO and other offences under Housing Act 2004 Sentence - Fine -£13,800; Costs - £2,530.00; Victim Surcharge - £190 The total amount payable = £16,520.00
LBM v Landlord of property in Wimbledon Park (22nd September 2021)	Unlicensed HMO and other offences under Housing Act 2004 Sentence- Fine- £30,560, Victim Surcharge £380 prosecution costs £2340 The total Payable £33,280

10.21. Civil Penalty Notices (CPNs) are an alternative to prosecution for a variety of offences under the Housing Act 2004. Civil Penalties are fines issued by the council on the landlord as an alternative to bringing a prosecution against them. Civil penalties are available for offences such as;

- Failure to comply with an improvement notice
- Offences in relation to the licensing of a House in Multiple Occupation (HMO)
- Contravention of an overcrowding notice
- Failure to comply with management regulations for HMOs

<b>Civil Penalty Notices since 2019</b>	
LBM v Landlord of property in Graveney (20th March 2020)	Unlicensed HMO and other offences under Housing Act 2004 The amount of financial penalty was £12,000 reduced to

	£8,000.00
--	-----------

**11 CONSULTATION UNDERTAKEN OR PROPOSED**

11.1. None for the purposes of this report.

**12 TIMETABLE**

12.1. None for the purposes of this report.

**13 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

13.1. None for the purposes of this report.

**14 LEGAL AND STATUTORY IMPLICATIONS**

14.1. None for the purposes of this report. The report details a number of statutory provisions which imposed statutory controls governing various areas and which impose enforcement duties and obligations on the Council.

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

15.1. The Council’s Overarching Enforcement Policy states ‘Regard shall be given to the relevant legislation, codes and policies which protect the rights of the individual and guide enforcement action, (These include the Human Rights Act 1998, Code for Crown Prosecutors, Corporate Customer Services Strategy and the Council’s Equality and Diversity Policy).

**16 CRIME AND DISORDER IMPLICATIONS**

16.1. The policies and approaches to enforcement across the Council are outlined within the report.

**17 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

17.1. None for the purposes of this report.

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

None for the purposes of this report.

**19 BACKGROUND PAPERS**

19.1. COUNCIL WIDE ENFORCEMENT POLICY – [LINK TO DOCUMENT](#)

19.2. THE REGULATORY SERVICES PARTNERSHIP POLICY ON ENFORCEMENT – [LINK TO DOCUMENT](#)

19.3. SAFER MERTON AND ENFORCEMENT PRIVACY NOTICE - [LINK TO WEBPAGE](#)

19.4. PLANNING ENFORCEMENT REGISTER - [LINK TO WEBPAGE](#)

19.5. PARKING SERVICES ENFORCEMENT POLICY - [LINK TO DOCUMENT](#)

19.6. TRADING STANDARDS ENFORCEMENT POLICY - [LINK TO WEBPAGE](#)

19.7. HOUSING ENFORCEMENT POLICY 2019 – 2024 - [LINK TO DOCUMENT](#)

19.8. FLY-TIPPING STRATEGY (DRAFT) - [LINK TO DOCUMENT](#)



# Agenda Item 8

RAYNES PARK COMMUNITY FORUM  
16 SEPTEMBER 2021

(7.15 pm - 9.00 pm)

PRESENT Councillors David Dean (in the Chair),

## 1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor David Dean with Chris Edge from the Raynes Park Association (RPA). 30 residents and six councillors attended on Zoom with 115 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

## 2 POLICE UPDATE (Agenda Item 2)

Sgt Marcia Heritage and PC Doug Walter talked about the implications of the ward changes in 2022. The police will still look to align with local authority ward boundaries. The biggest change is the end of Dundonald ward as well as changes to most other wards. However, there will still be a Wimbledon town centre team and no change to the number of Safer Neighbourhood officers. Inspector Green has taken over operations in Merton from Inspector Whitehead and will be looking at what changes are needed to ward panels and chairs. Inspector Green will be in contact with panels to discuss details shortly. There will also need to be a changes to some police systems.

Cllr Crowe asked about the option of reorganising based more on local geography rather than wards. Sgt Heritage said it was made more sense to organise on local government wards and then coordinate across teams for town centres and on shared issues.

A resident asked about reports made on Nextdoor of burglars trying to get in to homes through the front door at night. PC Walter replied to say that most burglaries are in the daytime but there is the odd one at night. He has not seen any reports but happy to look at any. Lower number of burglaries in the area than usual recently. Burglary remains one of the SNT priorities including patrolling hotspots and offering prevention advice to residents. Residents can [report crimes online](#).

Cllr Omar Bush asked about theft of catalytic convertors prevalent in area. PC Walter said that garages can install prevention measures to help reduce thefts. Residents should not approach anyone they spot removing convertors from cars but please call 999.

### 3 RAILWAY, STATION, STREET MANAGEMENT & RP IMPROVEMENTS (Agenda Item 4)

Chris Larkman and Tony Edwards gave an update on local issues including a presentation on progress made at the south side of the skew arch. The presentation is included with this report. Hoardings and bins have been removed, the AstroTurf has been in place for three years and now a parklet has been added with seating and planting. In addition the tunnel has been painted with a view to a mural being added over October. Longer term options are still be explored but the temporary measures are a significant improvement.

Chris said that the land on the south side of the station should at last be transferred to Merton Council. Chris thanked Paul McGarry at Merton Council and Cllr Crowe for the persistence in chasing Network Rail.

Workspace who own the Rainbow estate have responsibility for enforcing parking restrictions on the kiss and ride, and have promised to come up with plans for parking enforcement.

A resident asked what would happen to the parklet after 12 months. Cllr Dean asked residents is they would support it remaining and there was general agreement that attendees would like it to stay. There was less support for the other new parklet outside Lyme and Thyme as it took up two parking spaces.

Cllr Dean thanked Chris and Tony for all their hard work.

### 4 FLOODING (Agenda Item 3)

Dominic Collyer, Ashley Book and Nishad Sowky from Thames Water and Tom Sly from Merton Council gave a presentation on flooding issues in Raynes Park. The presentation accompanies this report. The heavy rain on 12 July had widespread impact across London including in Raynes Park. The actions taken so far in Raynes Park have including installing 4G sensors to track blocked drains, a CCTV survey of 3km of drains, high pressure jet cleaning, gully clearance, removal of tree roots, reconstructed sewers and upgrading pumps. More than 20 tonnes of silt has been removed.

Future plans include surveying a further 3km of drains and modelling the case for additional capital investment in the area as well as changes to pump flows. Merton Council has bid to Thames Water for eight rain gardens that help slow the flow of water. In Cottenham Park Road a section of sewer had collapsed so is being replaced with a larger capacity sewer.

Thames Water has replaced the PDF sewer flooding questionnaire with a new [online form](#) to make reporting easier. It is vital residents report flooding to Thames Water, not just Merton Council, as the level of reporting helps inform the evidence for investment decisions. This includes reporting retrospectively, after the event. Thames Water have also increased the capacity of the call centre and improved the system.

A resident asked if the Council has the resources to enforce sustainable drainage systems (SuDs) that were required as part of planning consent. Tom said this would be looked at by either Building Control, which may or may not be done by Merton Council, or through Planning Enforcement.

A resident asked about rain gardens and was told that there is a drive to install them as a greener solution to storing water and they involved replacing hard landscaping with soft landscaping. Thames Water has a budget for rain gardens and Merton is waiting to hear if it will receive funding and for how many sites. Sites are likely to be upstream from problem areas to reduce the flow of water into priority sites.

A resident asked about the changes to the South London Waste Partnership contact which reduces the requirement on Veolia for gully clearance. Tom replied that Veolia is only one contractor for gully clearance and the contract with Conway has seen an overall increase in gully clearance, especially in high risk areas. Tom reminded residents to move their cars when gully clearing was scheduled.

A resident said the gully outside Lyme and Thyme has flooded and been reported. Tom explained that the positioning of the parklet was to allow access to the gully. A resident asked if planning requirements have been changed to allow for the climate emergency. Tom replied that requirements are reviewed annually to accommodate new needs.

A resident asked about the build-up of sediment in the sewer. Nishad said the sewers are cleaned either annually or every 6 months but are monitored and will be cleaned more frequently if needed. A resident asked about reports of insurance issues on the apostles. Tom explained that insurance companies use a wide range of sources to assess flood risk.

Councillor Dean thanked the officers for the presentation and asked that they return in the future to update the meeting.

## 5 MERTON COUNCIL LEADER UPDATE (Agenda Item 5)

Councillor Mark Allison, Leader of the Council, thanked the chair for the invitation and had been fascinated by the issues raised by residents. Mark has been a Cllr for 20 years, spent most of the time in more background roles. He was born locally in St Helier and grew up in St Helier area before moving to Mitcham. Mark said that

Merton is a great community but there are huge challenges. Mitcham is one of the more deprived areas and whilst huge progress has been made the COVID pandemic has undone some of that. Improving schools has been a vital element in improving life chances. As part of a mixed race family Mark said he is passionate about fairness, including appointing the most diverse cabinet in Merton's history. As Leader he plans to celebrate Merton's diversity.

Mark has been Leader since November so has only experienced the role during the COVID pandemic. Mark launched Merton Together to recognise how many in the community wanted to step up and help their neighbours and others. Mark thanked everyone in Raynes Park who got involved in responding to COVID. Merton Council has worked with the NHS and other partners to help keep people safe but of course many families have lost loved ones or had their circumstances changed. Supporting these households through this will need to be a priority.

The Your Merton engagement exercise was launched to listen to residents about what they value and what their ambitions are for the borough. We are still analysing the results but it is clear that residents value their community, their local open spaces, and were much more conscious of their local area, especially their local high streets. Mark said he is still in listening mode and wants to hear what people have to say. He knows that there are local issues that will need addressing and wants to work together, as we did during the pandemic, to tackle the challenges ahead. Mark said he was proud of Merton and Merton's community, and wants to build on residents priorities.

The Chairman of the RPA asked about the distribution of Community Infrastructure Levy funding and said this not getting fairly distributed and not coming to Raynes Park. If Raynes Park projects are not a priority then let residents know so they do not waste time in bidding. Cllr Allison said that while he did not know about the details of those bids the criteria for CIL bids is clearly set out in advance so bids have to meet these. There will be areas of need in Raynes Park so would be happy to see bids submitted to help these.

Cllr Crowe asked about Merton Council setting a strategy for land supply as the lack of a strategy had been cited in the successful appeal for the Development of the Tesco site. Cllr Allison said that the Housing target set by government, and is difficult to meet. Building more homes relies on the Planning Applications Committee approving schemes to meet the target to avoid applications going to appeal. Planning rules on viability mean the 40% affordable housing target is often not met and there are also reduced subsidies for many schemes.

6 PLANNING UPDATE (Agenda Item 6)

Kris Witherington, Merton Council provided an update on behalf of the Development Control team.

- 2 Amity Grove – block of flats- resolution by Planning Committee to grant planning permission subject to the completion of a planning legal agreement. The legal agreement signed off and permission issued on 2 September.
- 80 Bushey Road - Pre Application Advice had been provided for a demolition of the existing building and a mixed use scheme. No further progress/communication with the Development Control Team. File recently closed on the grounds of “no further action
- Manuplastics – Kingston Road - Two appeals for extra units over and above approved scheme for 99 flats (118 units and the other for 124 floor) are still outstanding although communication with Planning Inspectorate seems to suggest that they are working through their backlog and that it will not be long before a decision is issued. Meanwhile various details to discharge planning conditions attached to the consented scheme are being submitted, assessed and discharged.
- Wyke Road - 20/P0945 – Development of a block of flats alongside the railway embankment. Final details of S106 planning agreement being ironed out between the applicant and the Council solicitors and planning permission is likely to be issued very soon
- Burlington Road Tesco site – 19/P2387 - The appeal was allowed (29/06/21) for the major housing (456 flats) and commercial (499 sq.m offices) development by the planning inspector following last year’s public inquiry. Officers understand that a new house builder, no longer Redrow Homes, is in the frame to implement the development but for the moment no steps have been taken to start discharging the conditions that will be necessary before building work can commence
- The former medical centre at 9 Amity Grove - 21/P1990 - erection of external alterations including timber cladding, new glazing, a replacement canopy, refuse, buggy storage and landscaping. Application determined on 10 September and planning permission granted.

Tony Edwards said that the appeal on the Tesco site development highlighted that Merton Council did not have a five year land supply. Merton needs to do that to prevent future successful appeals.

A resident said that private representations were no longer posted on the website for others to see, Merton Council said new software was needed to ensure redactions would take place, and they would like to know when this will happen.

## 7 ANY OTHER BUSINESS (Agenda Item 7)

### **Dundonald Church**

Julian Plescia, Elder at the church gave an update on their building works. They were supposed to move into the new church in September but the building was flooded in July resulting in significant damage. The delay maybe up to four months and in the meantime they will continue to meeting a range of local venues. Residents can send any questions to [building@dundonald.org](mailto:building@dundonald.org)

## 8 DATE OF NEXT MEETING (Agenda Item 8)

Cllr Dean thanked everyone for attending and closed the meeting

Future meetings:

All at 7.15pm in Raynes Park Library, subject to COVID-19 restrictions:

- Thursday 2 December 2021
- Tuesday 22 March 2022

Any issues or questions can be emailed to [getinvolved@merton.gov.uk](mailto:getinvolved@merton.gov.uk)

The skew  
arch with  
hoardings,  
waste bins,  
unused cycle  
stands



Local councillor,  
residents and  
Universal  
flooring of  
Raynes Park  
laying the  
artificial turf  
obtained at no  
cost from  
Wimbledon  
Tennis Club





Completed skew arch area prior to seating installation

Page 89



Current view in September with grass cubes created by the RPA and supplemental seats and planters by Merton



View of the re-painted tunnel with graffiti removed



The mural as per the preference expressed in consultation



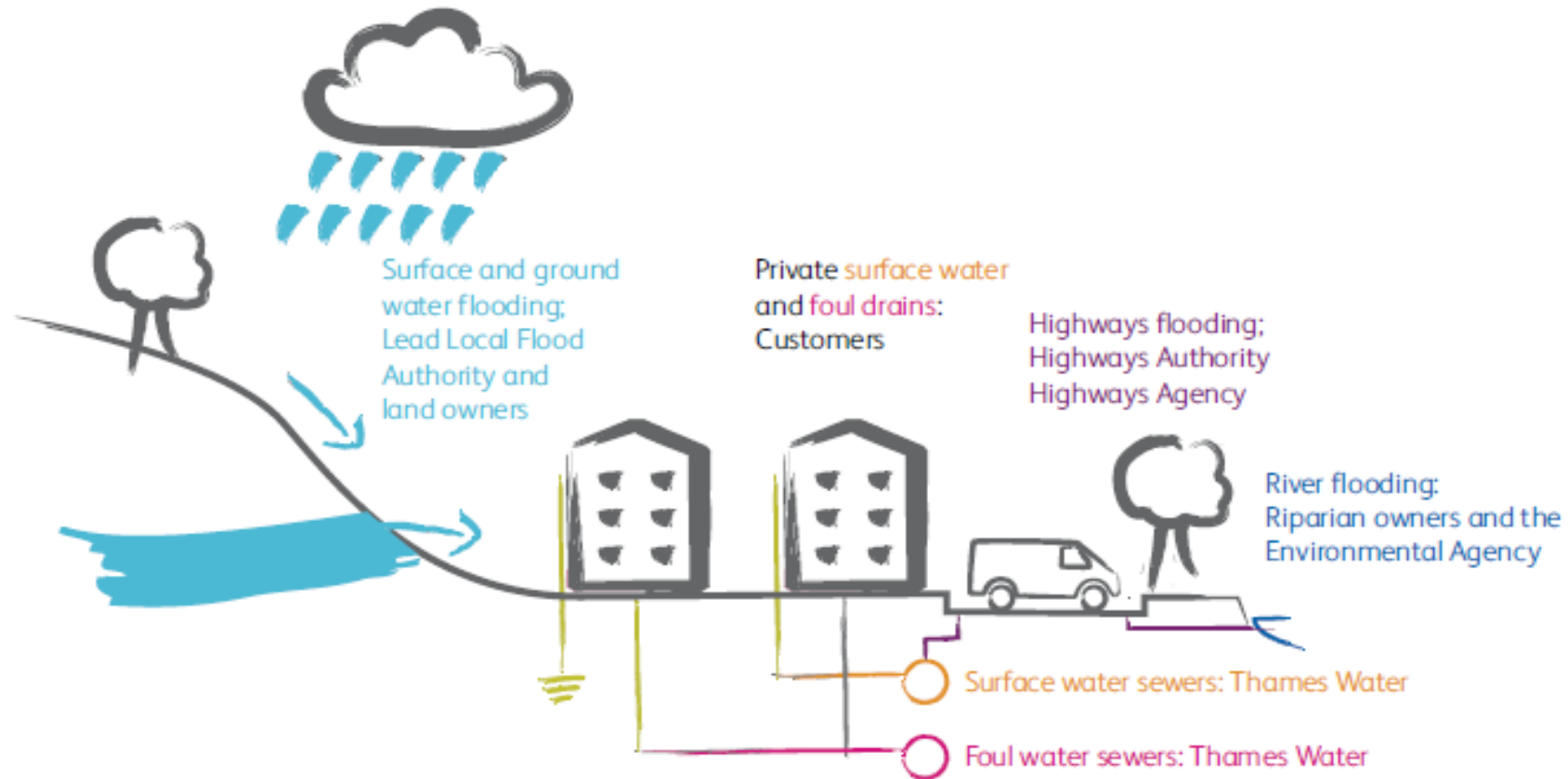
merton



# Raynes Park Forum

16<sup>th</sup> September

# Responsibilities for Drainage



## Managing flood risk: roles and responsibilities

- **Merton Council:**
- Lead Local Flood Authority (LLFA), dealing with flood risk investigations and flood alleviation schemes
- Statutory consultee on Major Planning Applications
- Highways Authority (such as dealing with blocked gullies) or surface water ponding on the highway

### Thames Water:

- Responsible for flow that escapes from the sewers - both foul and surface water sewers.
- Maintaining and managing sewerage systems to reduce the risk of flooding and pollutions
- Providing information to other stakeholders on how sewerage company assets impact on local flood risk
- Ensure new development does not cause flooding or pollution by investing in the sewer network

# Raynes Park

July 12<sup>th</sup>

- Due to the very localised nature of the rain, some areas saw a intense downpour. This storm event occurred across many London boroughs and flooding was widespread.
- Some areas saw over 1 months' worth of rainfall fell in under 2 hours of the event. In Merton, the western wards of Raynes Park, Lower Morden and West Barnes were worst affected.

Page 70

July 25<sup>th</sup> & 29<sup>th</sup>

- Lower intensity storms were recorded.
- No severe flooding reported at Raynes Park to Thames Water.

August 7<sup>th</sup>

- Lower intensity storm was recorded.
- No flooding reported flooding at Raynes Park to Thames Water.





# Collaborative working

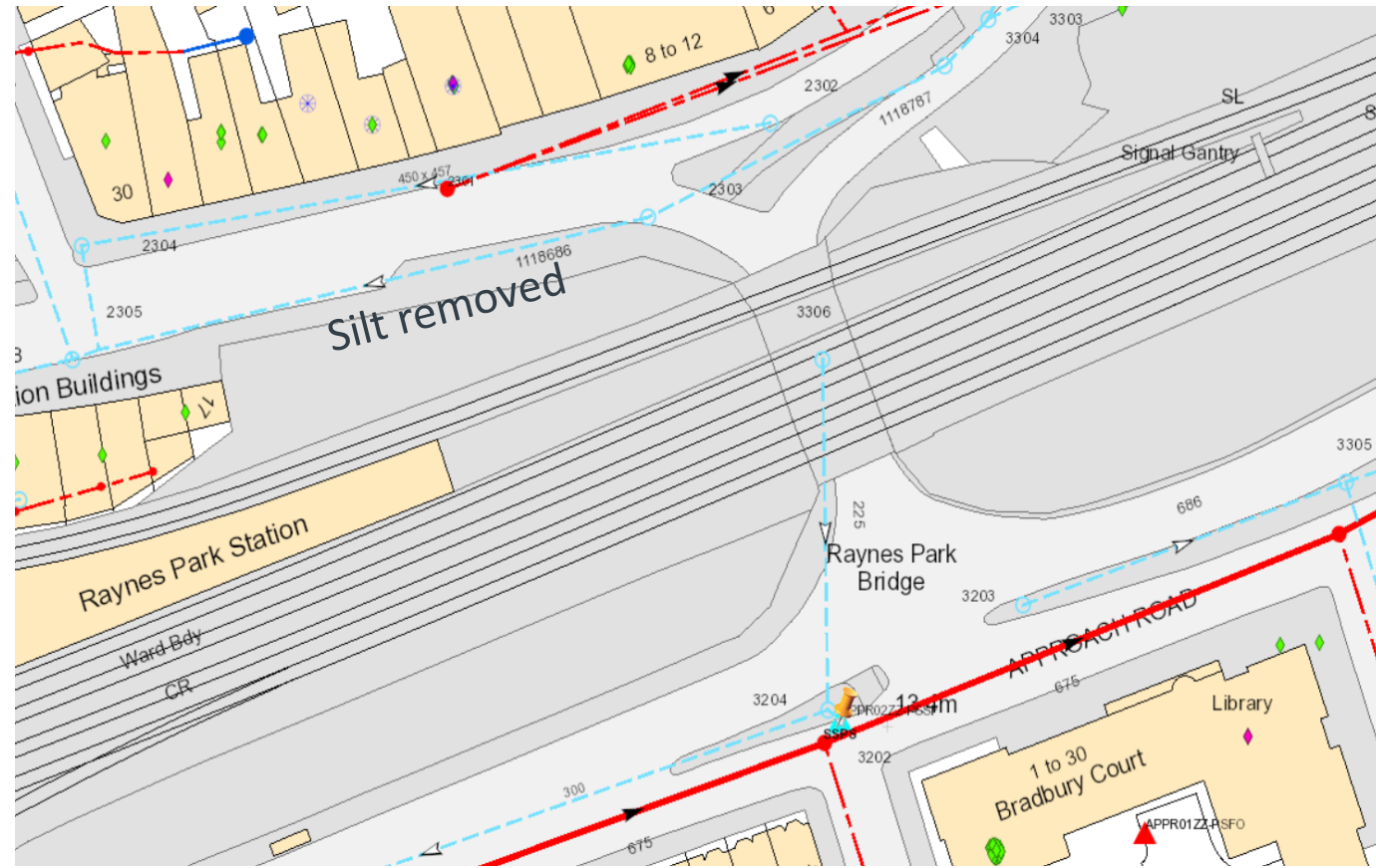
- Installation of 4G Gully Sensors in Raynes Park town
- CCTV surveys of over 3km of drainage assets including highway drainage and sewers.
- High pressure jet cleaning of drainage connections
- Increased gully cleaning attendance
- Removed tree root ingress
- Reconstructed sewers where defective
- Upgraded TW Pumps

# Investigations

## Raynes Park Town Centre

- Prior to the July storms we have:
  - removed **over 20 tonnes** of silt in SW sewers at Raynes Park Station
  - **refurbished SWPS** near the underpass
  - CCTV and cleaned over other areas impacting on Raynes Park
- Post July we have continued to
  - collaborate with LB Merton to CCTV over 3km of sewer to **confirm assets were performing as designed**.
  - investigating what additional resilience measures can be delivered.
  - support proposals to reduce flood risk through SUDs.

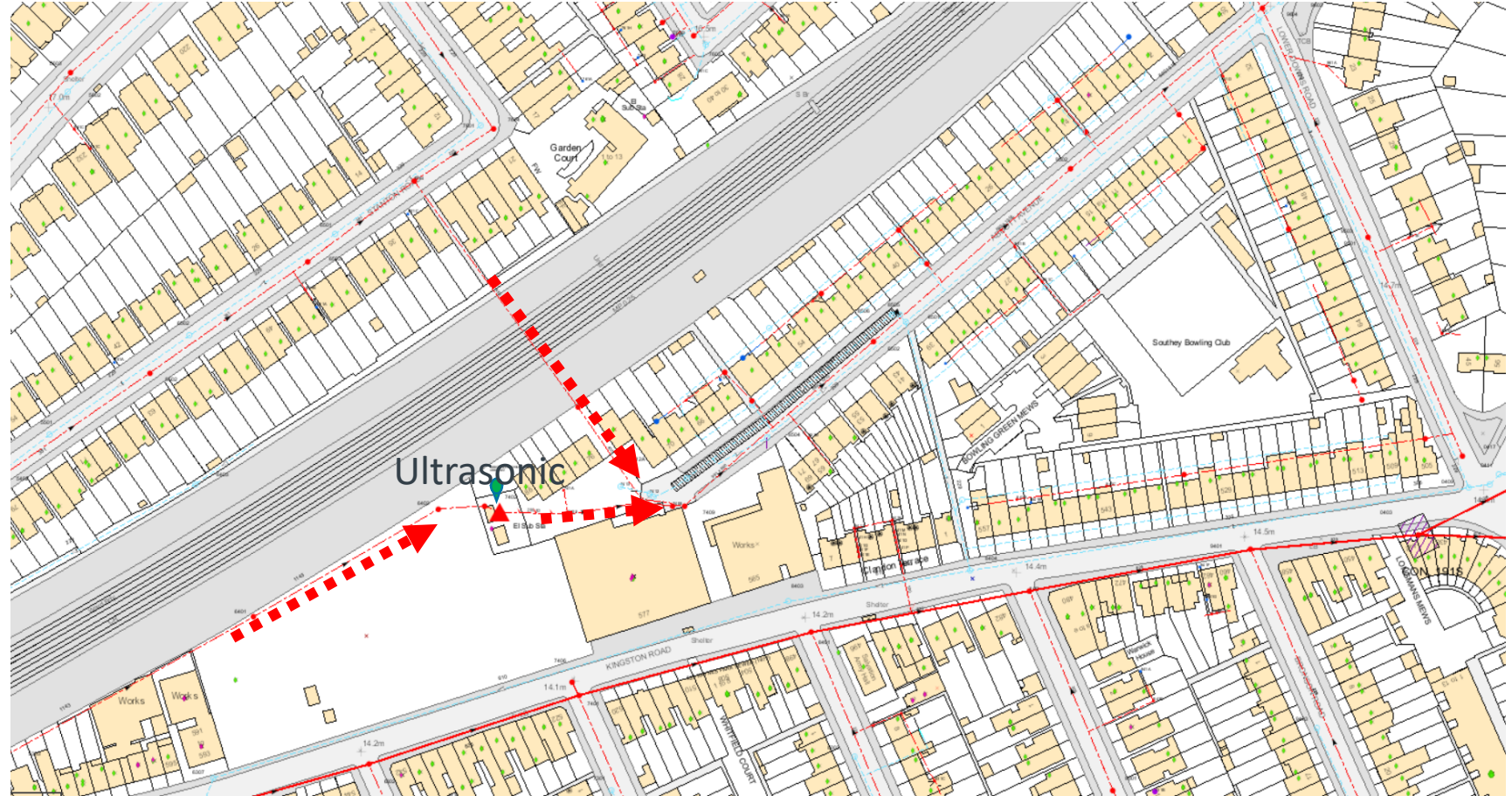
Page 78



# Investigations

## Abbot Avenue – Thames Water Pump Station

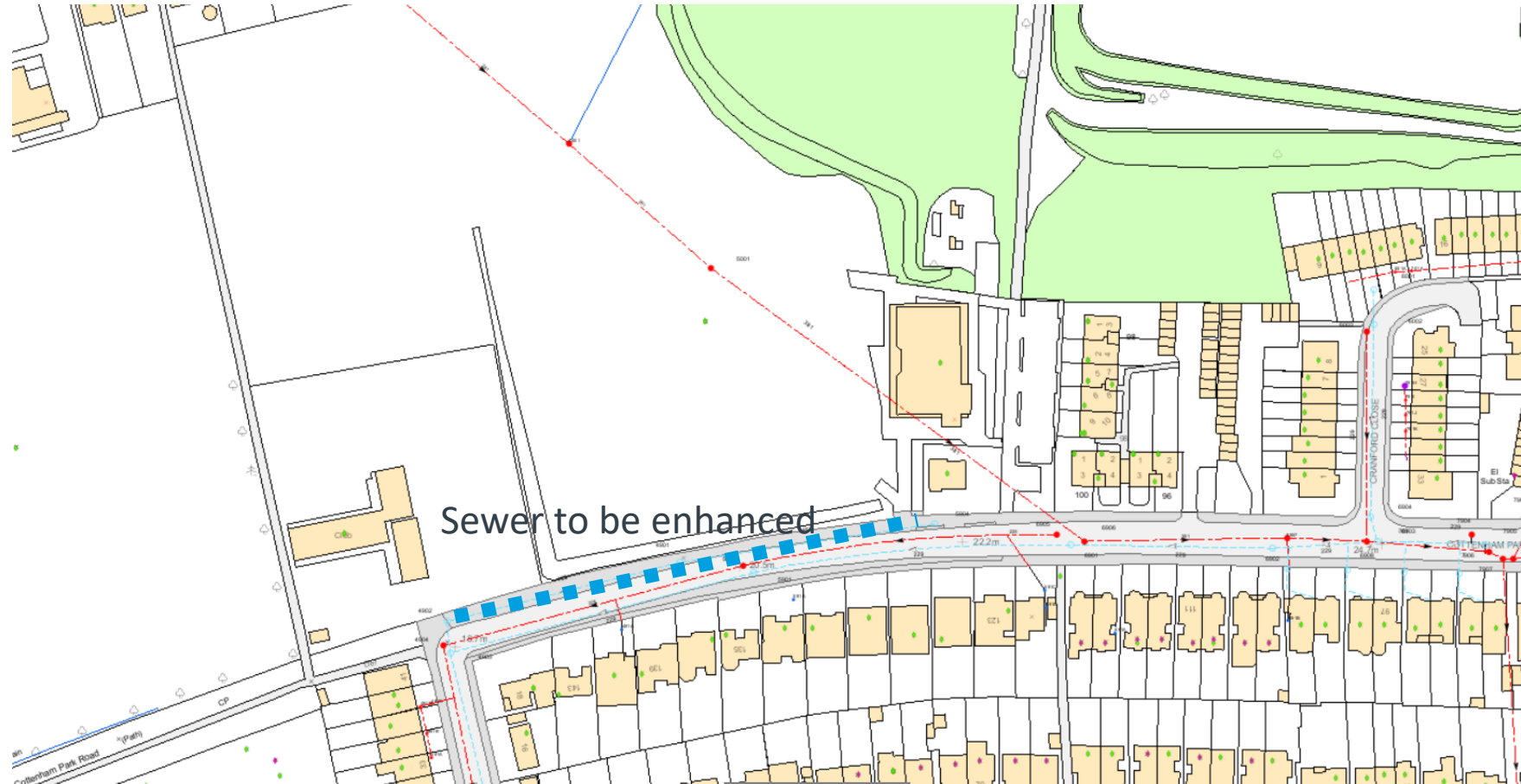
- Prior to the July storms we have:
  - assessed and found faults in the sewer and PS
  - modelled the impacts of storms
- Post July we have continued to
  - investigating what additional resilience measures can be delivered.
  - New development and SUDs, greenfield runoff rates



# Investigations

## Cottenham Park Rd

- Prior to the July storms we had:
  - planned activities to assess faults in sewers
- Post July we have:
  - identified a SW sewer that had collapsed near the redevelopment of Berkley Homes.
  - delivering additional resilience by installing a larger sewer.
  - survey other sewers to identify their condition.



# Sewer Flooding Questionnaire

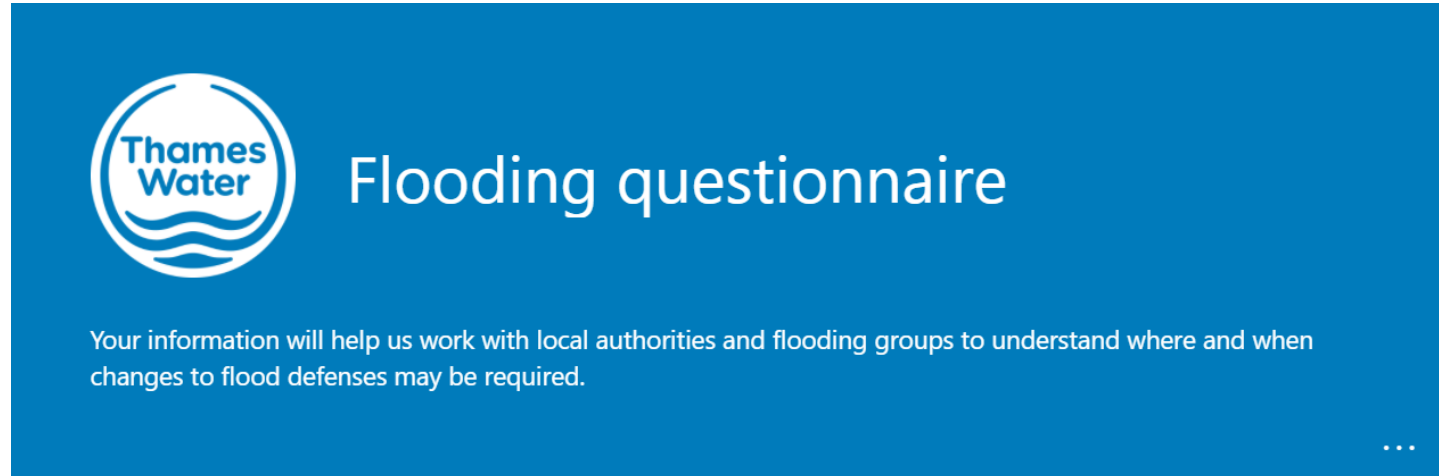
Following the July flooding and feedback we have:

- moved to a digital format for SFQ
- increased immediately the number of call centre staff

Page 85

in the process of installing a new telephony system which will mean call handlers can log a call much easier. This will significantly reduce waiting time

Strategic investment is linked to the number or properties at risk and frequency of flooding.



\* Required

1. Has the flooding cleared? \*

Yes

No

Next

Page 1 of 11

Never give out your password. [Report abuse](#)

# Who can help?

Flooding can be a complex issue and we sometimes won't be the best people to help. Here's who to contact if you're affected by the following issues:

- To report flooding from one of our sewers, please call Thames Water on 0800 316 9800.

[Flooding | Emergencies | Help | Thames Water](#)

Page 88

- To report flooding from roads, gullies or ditches, please report it to Merton Council.  
<https://www.merton.gov.uk/streets-parking-transport/street-cleaning/drain-and-sewer-problems>

(if in doubt please contact us both).

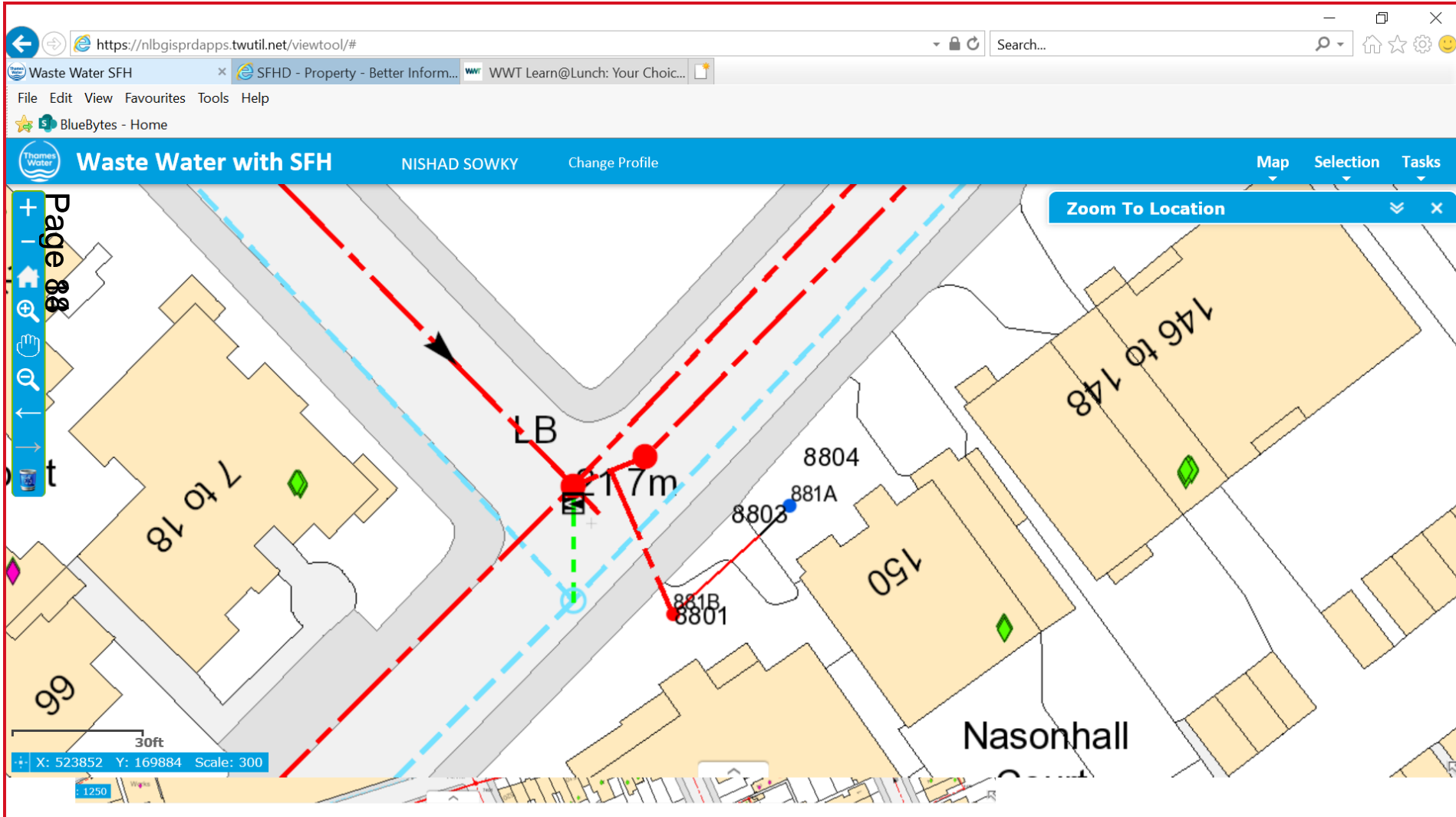
- If a river has burst its banks and it's affecting or worrying you, contact the Environment Agency on 0800 807 060.



# Questions

# Worple Road

Investigate properties that are at risk





# Lower Downs Road

CCTV under the railway confirm condition of assets

The screenshot displays a web browser window with the URL <https://nlbgisprdapps.twutil.net/viewtool/>. The browser tabs include 'Waste Water SFH', 'nine elms london - Bing Maps', 'BlueBytes - Home', and 'Who's Who'. The application interface features a blue header with the text 'Waste Water with SFH' and the user name 'NISHAD SOWKY'. A 'Sketch And Measure' tool is active, showing a red dashed line on a map of a residential area with a railway line. The map includes a scale bar (100ft) and coordinates (X: 524161, Y: 169618, Scale: 1250). The Windows taskbar at the bottom shows the date and time as '15 September 2021 Wednesday' and '14:16'.

This page is intentionally left blank

WIMBLEDON COMMUNITY FORUM  
22 SEPTEMBER 2021

(7.15 pm - 8.30 pm)

PRESENT Councillors Councillor James Holmes (in the Chair),

## 1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor James Holmes. Five residents and six councillors attended on Zoom with 58 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

## 2 MERTON COUNCIL UPDATE (Agenda Item 2)

Cllr Eleanor Stringer, Joint Deputy Leader and Cabinet Member for Children and Education, provided an update on behalf of the Leader of the Council, Cllr Mark Allison. Eleanor Became Deputy in November 2020 but has been attending Forum as a local Cllr for Abbey ward since 2018.

Merton has a great community but still has many challenges. Eleanor said she is passionate about lifting the life changes of disadvantaged residents through measures like improving schools, maintaining Council Tax support and progress on other services like libraries, new a leisure centre in Morden. However, the pandemic has made inequalities worse and emphasised existing issues like the need to address housing shortage.

Merton now has the most diverse cabinet in our history, and in response to the pandemic we launched Merton Together to help bring together communities. Eleanor thanked everyone who got involved in supporting the community including those working with the Foodbank and the Dons Local Action Group.

The Council has been working with NHS colleagues to keep people safe but there has seen been a huge impact on many people's lives. This has included people spending time at home in Merton rather than commuting so we wanted to listen to residents of experience of the pandemic, so we launched the Your Merton engagement exercise. We are still analysing the results but it is clear that residents in particular value parks and open spaces, and the sense of community. The Leader and Cabinet are still in listening mode which is why we have listened to concerns about the emissions based parking charges which were about to be introduced. The

context has changed since the initial proposals so we will not be going ahead with them.

A resident had asked about the latest information on the removal of trees by Trust Ford. Cllr Stringer said an update would be provided. Following the meeting officers confirmed that Merton Council is still exploring possible legal options and will announce any actions we take at an appropriate time.

Cllr McGrath asked if the PTAL Parking changes will also be reversed and if the Emissions proposals are now on hold how long will this be for. Cllr Stringer said the changes already made will stay, but nothing new will be coming through. Emissions charges plan will be halted.

A resident asked if Merton will build Council Housing. Cllr Stringer explained that Merton does not own any housing, but we are keen to build more social housing. We will be looking to deliver more as part of estates regeneration at Eastfields, High Path and Ravensbury

A resident said that the equipment in Dundonald Rec needs updated Cllr Stringer said she would be happy to look into what could be done.

Cllr Gretton asked about proposed changes to the contract with Clarion Housing. Cllr Stringer said there are ongoing issue with Clarion and getting repairs done but those estates need to be re-built and the Council is pleased to support the regeneration.

A resident asked why Merton Council's property company failed. Cllr Stringer said the company was trying to build more homes but the approach was not going to deliver as we wanted.

### 3 LOCAL CANCER SERVICES (Agenda Item 3)

Dr Navdeep Alg, South West London Clinical Commissioning Group cancer lead gave a presentation on cancer services in the area. The presentation can be found attached to this report. The pandemic has delayed care and diagnosis in some cancers and there is a need to catch up. This is particularly the case for breast, lung, and urological cancers, mainly due to less screening taking place during the pandemic.

South West London CCG is trying to raise awareness through social media, local press, TV, and non-digital advertising. They are working with an organisation called Community Links to target particular communities and offer information in community languages.

The CCG is also attending public engagement events to have face-to-face contacts. This includes a Cancer Awareness Day at Vestry Hall on 6 November. Dr Alg is happy to attend any community events and asked if anyone has any ideas for events he could attend to email [Steven.Nzekwue@swlondon.nhs.uk](mailto:Steven.Nzekwue@swlondon.nhs.uk). Dr Alg also asked attendees to help share the message that services are open and we want to see patients who have symptoms.

A resident asked how long it will take to catch up. Dr Alg said in some areas, cervical and urological cancers, they have nearly caught up already but for others, breast and lung cancer for example, this may take six months or even longer.

#### 4 PUBLIC HEALTH UPDATE (Agenda Item 4)

This update will be provided at the next meeting.

#### 5 OPEN FORUM (Agenda Item 5)

A resident asked about the condition of the playground in Dundonald Rec the bin situation. There have been some improvements but there are two bins near the playground are still regularly overflowing and need clearing. Cllr Stringer said more people are using parks and the key message is that if bins are full take your rubbish home.

#### **Health services:**

Sandra Ash from Keep Our St Helier Hospital (KOSHH) said as a result of the Health and Social Care Bill residents need to be aware of implications of new contracting arrangements for hospital services through Integrated Care System boards. The ICS will take over from CCG. The decision has been taken to downgrade St Helier and replace emergency services with smaller facilities on the Sutton Hospital site. There have been significant changes to the plans which means there should now be additional consultation. Changes include the original £511m grant award was now insufficient for the plans; there is a need for additional beds; the need to sell additional land; the need for additional car park spaces; a higher building at Sutton; a change to renal facilities moving to Royal Marsden; and increased sharing of services with Royal Marsden. The CEO of Epsom and St Helier has left and their roll merged with St Georges CEO the same will happen with the Chair of the Trust. The Department of Health has asked Trusts to submit plans for new build costing up to £400m. Sandra asked councillors and residents to support re-opening consultation and to keep services at Epsom and St Helier.

Cllr Stringer said Merton Council has raised concerns about the renal care changes and is using their powers to challenge this. Cllr Williams responded that changes to St Helier are less relevant to Wimbledon area than other parts of the borough. St Helier is not an ideal place to centre critical care services and the building is poor

condition. Cllr Gretton said the new facilities would hugely benefit Wimbledon residents and welcome the investment into local services. Dr Alg said works at St Helier and agreed it is not a great site for critical care and was excited by the idea of the new acute care facilities in Sutton.

6 DATE OF NEXT MEETING (Agenda Item 6)

Councillor James thanked everyone for attending and closed the meeting.

The date of next meeting is 7.15pm Wednesday 1 December, venue to be confirmed.

# Cancer care update

Page 91

Dr Navdeep Alg

CCG cancer lead (Merton)

Macmillan GP (Merton)

GP, The Grand Drive Surgery



Minute Item 3

# Outline

---

- South West London Cancer catch up-  
Pandemic
- Urological Cancers
- Lung Cancers
- Merton community events
- Primary Care Networks





# South West London- Covid Cancer catch up

## 31 day 1st Treatments: Q1-Q3 2019/20 vs 2020/21

### SWL

Tumour Type	Q1		Q2		Q3		Q1-Q3		
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	Difference
Urological	458	234	446	330	448	401	1,352	965	-387
Breast	348	187	382	232	383	322	1,113	741	-372
Lung	229	159	224	174	226	178	679	511	-168
Lower Gastrointestinal	187	136	201	187	186	191	574	514	-60
Skin	271	206	268	270	312	317	851	793	-58
Head & Neck	79	56	81	95	95	74	255	225	-30
Haematological	143	126	125	113	143	147	411	386	-25
Sarcoma	43	36	39	34	53	45	135	115	-20
Gynaecological	91	94	89	97	115	93	295	284	-11
Brain/Central Nervous System	25	15	15	42	46	26	86	83	-3
Other	31	27	24	36	34	35	89	98	+9
Upper Gastrointestinal	115	117	136	129	112	131	363	377	+14
Children's	30	42	26	26	21	34	77	102	+25
<b>Total</b>	<b>2,050</b>	<b>1,435</b>	<b>2,056</b>	<b>1,765</b>	<b>2,174</b>	<b>1,994</b>	<b>6,280</b>	<b>5,194</b>	<b>-1,086</b>

Women is major gap

Likely driven by screening

Covid risk

Graph showing numbers of patients treated from Q1 to Q3, comparing 2019/20 to 2020/21

2,400

Please note:



# 'Missing' 1<sup>st</sup> treatments

There are shortfalls in the number of people starting treatment for some tumour types compared to before the pandemic, this represents a clinical risk that people are not having cancer diagnosed and starting treatment.

**31% less people are starting treatment for Breast cancer in M&W:** Potentially explainable by the screening programme backlog, need to remind people to attend screening appointments and to get symptoms checked.

**8% less people starting treatment for Prostate/Bladder cancer in Merton and 22% less in Wandsworth. 6% and 49% less for Lung Merton and Wandsworth respectively:** Potentially driven by people overlooking symptoms for these cancers, an aversion or hesitancy to approach primary care, or confusion with covid symptoms (Lung).

PROSTATE & BLADDER				
	2019-20	20-21	Difference#	Difference%
NHS CROYDON	238	148	90	38%
NHS KINGSTON	115	77	38	33%
NHS MERTON	83	76	7	8%
NHS RICHMOND	92	75	17	18%
NHS SUTTON	118	77	41	35%
NHS WANDSWORTH	93	73	20	22%
<b>Grand Total</b>	<b>739</b>	<b>526</b>	<b>213</b>	<b>29%</b>

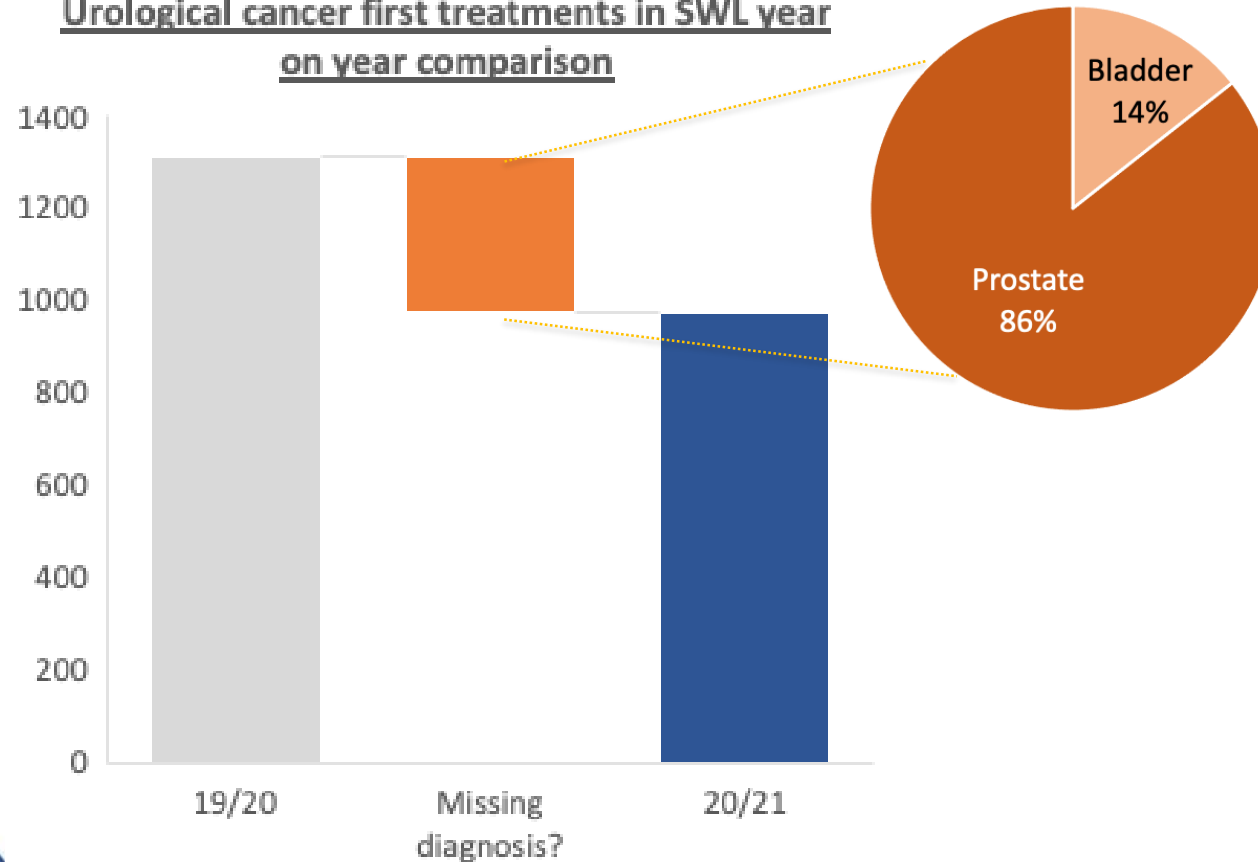
BREAST				
	2019-20	20-21	Difference#	Difference%
NHS CROYDON	205	145	69	29%
NHS KINGSTON	91	59	32	35%
NHS MERTON	80	55	25	31%
NHS RICHMOND	98	78	20	20%
NHS SUTTON	120	99	21	18%
NHS WANDSWORTH	127	87	40	31%
<b>Grand Total</b>	<b>721</b>	<b>523</b>	<b>198</b>	<b>27%</b>

LUNG				
	2019-20	20-21	Difference#	Difference%
NHS CROYDON	99	73	26	26%
NHS KINGSTON	48	30	18	38%
NHS MERTON	52	49	3	6%
NHS RICHMOND	42	40	2	5%
NHS SUTTON	81	72	9	11%
NHS WANDSWORTH	82	42	40	49%
<b>Grand Total</b>	<b>404</b>	<b>306</b>	<b>98</b>	<b>24%</b>



# Urological cancer and the pandemic

Urological cancer first treatments in SWL year  
on year comparison



**There were 300+ fewer patients starting treatment for Urological cancers in 20/21 across SWL (compared to the same period the previous year)**

## Possible explanations

- Remote triage - Reduction in urine dips
- Women repeated treated for UTI without dip/referral for cystoscopy
- Reduced opportunity for opportunistic PSAs
- Reduction in patients presenting for annual PSA tests on 'watch and wait'



# Lung Cancer catch up

---

- Significant reduction in cancer diagnosis
- Worse in Wandsworth
- Emphasise message
  - Persistent cough
  - Blood in sputum
  - Unexplained weight loss
  - Long term smoker



# SWL - CCG 31 Day Missing 1st Treatments

Fin Year	Quarter/Month	Urological	Breast	Skin	Lower Gastrointestinal	Lung	Haematological	Upper Gastrointestinal	Gynaecological	Head & Neck	Other	Brain/Central Nervous System	Sarcoma	Children's	Grand Total
2019/20	Q1	373	257	236	159	160	108	87	81	59	18	16	8	11	1573
	Q2	355	269	225	150	149	91	98	71	63	16	9	17	4	1517
	Q3	352	271	264	172	149	104	106	92	68	22	24	12	4	1640
	Q4	346	294	212	150	137	104	66	76	68	16	19	10	8	1506
<b>2019/20 Total</b>		<b>1426</b>	<b>1091</b>	<b>937</b>	<b>631</b>	<b>595</b>	<b>407</b>	<b>357</b>	<b>320</b>	<b>258</b>	<b>72</b>	<b>68</b>	<b>47</b>	<b>27</b>	<b>6236</b>
2020/21	Q1	203	127	175	118	112	101	84	72	51	17	9	13	25	1107
	Q2	254	176	237	156	121	99	110	64	72	23	28	8	9	1357
	Q3	325	244	256	161	141	110	92	70	55	22	12	8	12	1508
	Q4	262	219	249	158	133	120	99	88	85	19	23	12	9	1476
<b>2020/21 Total</b>		<b>1044</b>	<b>766</b>	<b>917</b>	<b>593</b>	<b>507</b>	<b>430</b>	<b>385</b>	<b>294</b>	<b>263</b>	<b>81</b>	<b>72</b>	<b>41</b>	<b>55</b>	<b>5448</b>
2021/22	Q1	335	270	279	170	143	110	112	79	74	23	19	16	6	1636
	Jul-21	144	101	86	56	62	41	22	33	27	16	4	7	5	604
<b>2021/22 Total</b>		<b>479</b>	<b>371</b>	<b>365</b>	<b>226</b>	<b>205</b>	<b>151</b>	<b>134</b>	<b>112</b>	<b>101</b>	<b>39</b>	<b>23</b>	<b>23</b>	<b>11</b>	<b>2240</b>
<b>Grand Total</b>		<b>2949</b>	<b>2228</b>	<b>2219</b>	<b>1450</b>	<b>1307</b>	<b>988</b>	<b>876</b>	<b>726</b>	<b>622</b>	<b>192</b>	<b>163</b>	<b>111</b>	<b>93</b>	<b>13924</b>

Page 7 of 11

	Urological	Breast	Skin	Lower Gastrointestinal	Lung	Haematological	Upper Gastrointestinal	Gynaecological	Head & Neck	Other	Brain/Central Nervous System	Sarcoma	Children's	Grand Total
2019/2020 Quarterly Treatment Average	357	273	234	158	149	102	89	80	65	18	17	12	7	1,559
Diff Between 2019/20 & 2020/21 Total Treatment Volumes	-382	-325	-20	-38	-88	23	28	-26	5	9	4	-6	28	-788
Rolling Deficit/Increase	-378	-318	33	-22	-81	38	43	-21	20	24	4	1	30	-627
2019/20 vs 2021/22 Quarterly Activity cf	-10%	5%	18%	7%	-11%	2%	29%	-2%	25%	28%	19%	100%	-45%	4%

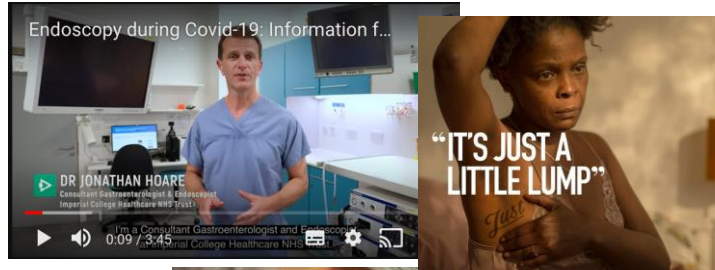
\*Rolling Deficit - (Gap between 2019/20 & 2020/21) + (Diff 19/20 Avg - 21/21 Actuals)

Source: CWT from NHS Digital

# Communications

**Cough, breathlessness not going away? Sore chest? Losing weight and your appetite?**

If you have a new or changed cough for more than a few weeks and you're worried about lung cancer, contact your GP for help.



NHS

JUST SPEAK TO YOUR GP

Clear as cancer help us help you

We have run **patient and public communications and social media campaigns** during Covid to **restore public confidence and encourage people** to continue to access Cancer Services with cancer symptoms to visit their GP.

In Dec 20-Jan 21, we ran cancer symptom awareness and breast awareness campaigns on radio, social media and “out of home” platforms. In May-June 21, further targeted campaigns have run on breast, lung, skin, prostate cancer and general cancer symptoms.

We are now broadening our approach to engaging with patients and the public within our local communities and working with community and voluntary sector leaders to further embed cancer awareness messages to support recovery.



NHS

JUST CONTACT YOUR GP PRACTICE



NHS

JUST SPEAK TO YOUR GP

Clear as cancer help us help you

**Worried about cancer?**

Don't delay getting checked, speak to your GP  
Help Us Help You

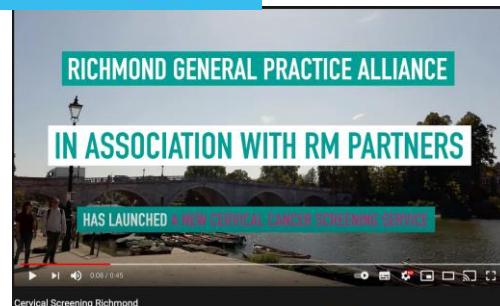


NHS

**Worried about breast cancer?**



NHS



Cervical Screening Richmond



# Actions to support

---

- Cancer Screening Services- have onboarded a service called 'Community Links' which provides multilingual support for patients who's first language is not English
- In addition to the general cancer communications, specific interventions are being developed to help tackle the inequalities that have been compounded by Covid. These include targeting 'rising' 60's, learning disabled, LGBTQ and extended access across the SWL Boroughs to support increase Cancer Screening uptake



# Actions to support

## Lung

### PUBLIC FACING

“Do it for yourself” public facing campaign – working with MSD pharmaceuticals to roll out on bill board, pharmacy bags etc in most deprived areas of SWL

### PRIMARY CARE FACING

Case finding project in Wandsworth – asking Practices of greatest deprivation to complete search of patients with recurrent lower respiratory tract infections. Practices are incentivised to undertake search, contact patient, request chest x-ray and have clinical review. Results expected early November to measure impact.



Help Us to help You  
social media campaign  
locally linking in with  
national campaign





# Actions to support. contd

---

## Prostate & Bladder

- Comms sent out to primary care teams on restarting PSA monitoring for patient at high risk of prostate cancer, and the importance of performing urine dip to check for blood where appropriate (linking with NWL RMP case finding work), including how to minimise impact from recent blood bottle shortage.
- Links in with public facing engagement work (as below)

## Breast

- RMP have worked with the breast screening Hub and South West London Breast Screening Service (SWLBSS) to commission a multi-lingual service to call those patients who have not responded to their Open Invitation.
- SWL ICS and RMP are working closely with NHS England cancer screening commissioners and the SWLBSS service to ensure sufficient capacity to recover the service by July 2022. A further recovery action plan is being agreed.



# Local community engagement messages

Event	Borough	Public	Location	Team		Date	Time	Requirement
		Audience		Owner	Point of contact			
African Caribbean Family Fun Day	Sutton	Public	Hill House Community Centre		Claire Coutts	31-Jul-21		In person stand
Patient participation group (PPG)	Richmond	Public	Online	ML	Rachel Swan	03-Aug-21	11:35	Short presentation
Patient and Public Involvement Reference Group	Wandsworth & Merton	Public	Online		Claire Coutts	04-Aug-21		Short presentation
Asian themed family day	Sutton	Public	Hill House Community Centre		Claire Coutts	08-Aug-21		In person stand
PCN health and wellbeing funday	Merton	Public	Pollards Hill	DW	Navdepp Alg	28-Aug-21	All day	In person stand
Whitton Fair	Kingston	Public	Whitton, Kingston		Rachel Swan	30-Aug-21		Provided materials to Rachael to leave on
Communications & Engagement meeting	Kingston & Richmond	N	Online		Rachel Swan	07-Sep-21	10:00-11:30	
Patient and public forum	Kingston	Public	Online		Rachel Swan	08-Sep-21	11:00-12:00	
Community involvement event	Richmond		Online		Rachel Swan	14-Sep-21		
Croydon BME Wellbeing Centre Prostate Event	Croydon	Public	Online - future in person events at Whitgift shopping centre		Andrew Brown	20-Oct-21		Need to contact andrew@bmeforum.org to discuss details. John
Residents association meetings	Wandsworth & Merton	Public	Merton Park Colliers Wood Raynes Park West Barnes		Claire Coutts		Various	
North Merton PCN PCN event	Merton	Public			Satnam Bains	06-Nov-21	14:00-18:00	
WCEN women from black and ethnic minority community event	Wandsworth	Public	Mushkil Aasaan		Anissa Daud	Sept and Jan (2 events)		Looking for femal HCP from South Asian (Sep) and Somali (Jan) background to talk about Breast cancer



# Engagement Strategy

Discuss cancer priorities with patient groups, partner organisations or community teams

Identify specific public events or networks that overlap with the cancer priorities

Take cancer warning signs and risk factors to specific public audiences



# North Merton Cancer awareness day

---

- 6<sup>th</sup> November



# Key Drivers on Missing 1st Treatments for all Tumour Groups

---

- PCN/Practice visits by Place (borough) cancer leads – excellent uptake of these
- RedWhale Primary Care education events recently commissioned and ensuring missing first treatment targeting is included in the training package (starts Nov 2021 tbc)
- Provision and roll out of non-site specific RDCs across SWL – St Georges Trust now accepting referrals to all SWL boroughs, Epsom and St Helier site also just opened, Kingston and Croydon in development, Wandsworth also have coverage from C&W ADOC. SWL webinar to Primary Care (planned October 2021) along with further comms to Primary Care teams highlighting the benefit of these clinics, so able to act on investigating vague symptoms suggestive of cancer, and highlight missing first treatment work.
- Promoting Business As Usual activity – covid effect, and more recently impact of blood bottle shortage. Linking with NHSE guidance, discussed with Place cancer clinical leads and SWL/RMP cancer team, comms to Practices on importance of continuing blood testing where suspicion of cancer, which may facilitate diagnosis. Development of local toolkit on how virtual consults can be utilised to improve cancer diagnosis, and round table event being organised to determine best practice (primary, secondary care and patient representation)
- Linking into other pathway groups, and CCG partners – such as recent presentations to Wandsworth Health and Care Board and Richmond Health Board. Promoting collaborative across pathways; to pick up cancers when not referred via a 2WR pathway.



# Primary Care Networks

---

- Primary care networks (PCNs) form a key building block to the [NHS long-term plan](#)
- 30–50,000 patients- Groups of GP practices
- Deliver key strategies for NHSE



# PCN- Early Cancer PCN DES

---

- NHS Long term Plan- 2028 75% of cancer diagnosis at stage 1 or 2 (currently 50%)
  - Increased 5 year survival, quality of life and treatment options
- Cross organisational work
  - RM Partners Cancer Alliance, SWL CCG, Macmillan, PCN, GP Federation



# Cancer DES Requirements

---

1. Review referral practice for suspected cancers, including recurrent cancers.
2. Contribute to improving local uptake of National Cancer Screening Programmes.
3. Establish a community of practice between practice-level clinical staff to support delivery of the requirements of the Network Contract DES Specification.





# Questions

---



This page is intentionally left blank

MITCHAM COMMUNITY FORUM  
6 OCTOBER 2021

(7.15 pm - 9.15 pm)

PRESENT Councillors Councillor David Chung (in the Chair),

## 1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor David Chung. Three residents and four councillors attended on Zoom with 81 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

## 2 LEADER OF THE COUNCIL UPDATE (Agenda Item 2)

Councillor Mark Allison, Leader of the Council, thanked the chair for the invitation. Mark has been a Cllr for nearly 20 years and is proud of his connection with the local area. He was born locally in St Helier and grew up in St Helier area before moving to Mitcham. Mark said that Merton is a great community but there are big challenges. Mitcham is one of the more disadvantaged areas and whilst huge progress has been made the COVID pandemic has undone some of the progress hitting areas like Mitcham and Pollards Hill particularly hard. Improving schools has been a vital element in improving life chances. Progress has also included a new leisure centre and new library.

As part of a mixed race family Mark said he is passionate about fairness and being inclusive, including appointing the most diverse cabinet in Merton's history. As Leader he plans to celebrate Merton's diversity.

Mark has been Leader since November so has only experienced the role during the COVID pandemic. Mark launched Merton Together to recognise how many in the community wanted to step up and help their neighbours. Mark thanked everyone in Mitcham who got involved in responding to COVID as their efforts have made a huge difference. Merton Council has worked with the NHS and other partners to help keep people safe but of course many families have lost love ones or had their circumstances changed and their lives may never be the same again. Supporting these households through this will be a major priority.

As a result of the major changes for many we launched the Your Merton engagement exercise to listen to residents about what they value and what their ambitions are for the borough. We are still analysing the results but it is clear that residents value their

community, their local open spaces, and were much more conscious of their local area, especially their local high streets. Mark said he is still in listening mode and wants to hear what people have to say. Three major things have come out of the listening exercise:

- Concerns about the cost of living – which is why we will not be raising parking charges
- The need for better homes – being isolated in poor housing has had a huge impact on some so the council will be investing in development of affordable homes
- People want to feel safe – although Merton is a low crime area people want to feel safe. £1m investment in CCTV coverage

Mark said he knows that there are other local issues that will need addressing and wants to work together, as we did during the pandemic, to tackle the challenges ahead. Mark said he was proud of Merton and Merton's community, and wants to build on residents priorities.

A resident said that open spaces includes non-parkland including closed graveyards and footpaths that are not well maintained and do not feel safe. They would like the council to think about the small neglected spaces that set the tone for an area. Cllr Allison agreed that it was not just about the big spaces, and use of the smaller areas has increased during pandemic. Cllr Allison said he was happy to look into the specific areas raised. Sometimes there are no easy answers to improving safety in some cases but will want to work with the community to address their concerns.

### 3 LONDON ASSEMBLY UPDATE (Agenda Item 3)

Leonie Cooper, Assembly Member for Merton and Wandsworth, provided an update on the work of the London Assembly. Leonie was in Mitcham today talking to local businesses on Willow Lane industrial estate and has been on a call about development in the area.

Assembly is still looking at COVID issues, a [new report](#) by Imperial College London commissioned by the Mayor of London showed strong links between air pollution and greater risk of COVID hospitalisation in addition to the previously established links to ethnicity and deprivation.

The Mayor and London boroughs have offered to help resettle refugees from Afghanistan. Mayor has offered Help to Buy Back fund to local council to source homes for refugees. They have also set up London Refugee Response to coordinate donations and have been overwhelmed by the response. The Mayor has committed a £400k fund to tackle hate and racism. The Mayor is setting up Creative Enterprise Zones to support Londoners who are unemployed or in low paid work including last

support from European Social Fund. There is also £5m for Academies Hub to address skills gaps in key sectors like construction.

The Assembly recently questioned Transport for London about the current funding deal which runs out in December, and TfL needs long term solution. The Ultra-Low Emission Zone (ULEZ) is being expanded to South Circular from 25 October. Current zone has reduced NO2 by 44% and we expect the expanded zone to have a similar impact on encouraging people to change their vehicle. The Assembly asked about keeping public transport COVID secure, including mask mandate. Elizabeth Line trials going well, after many delays, hoping to open in first half of 2022.

The Assembly has called for £20 uplift to Universal Credit to stay, for increased pay for police, solutions to supply issues, for support for HIV in London, restrictions on Freedom passes to be reduced. The Mayor of London has committed to funding social housing, up to 79,000 starts, that are environmentally sustainable.

Violent Crime Reduction unit working with 9 housing associations to reduce crime and divert young people.

If any residents have any issues for Leonie they can email to [leonie.cooper@london.gov.uk](mailto:leonie.cooper@london.gov.uk)

Cllr Agatha asked what is being done to tackle violence against women. Leonie said the Home Office announced an inquiry into police behaviour relating to Sarah Everards. Leonie has been meeting regularly with Borough Command Unit and discovered that unconscious bias training is voluntary and feels this should be compulsory for all officers. There has been a debate about the Commissioner, but neither Home Sec nor Mayor have asked her to leave and expect the Commissioner to stay. Misogyny should be designated a hate crime. Leonie expects this will be an ongoing issue at the Assembly and she will be meeting with the Deputy Mayor Sophie Linden to push for more actions.

Cllr Macauley asked about the cuts to the criminal justice system and the significant backlog in the courts, and if the Mayor has lobbied the government to invest in the system.

Leonie said that the Mayor doesn't have control of that area of the criminal justice system so is limited to lobbying, either publicly or privately. There is a widespread recognition that investment is needed to resolve the backlog. It can take up to five years for cases to come to trial. Lobbying is taking place as part of the Comprehensive Spending Review but Leonie was happy to follow up directly.

Cllr Fraser asked about police officer arresting someone when not in uniform. Leonie said it was really important to change the training to address these issues as well as

look at the culture within the organisation as it is clearly not just bad apples. This incident undermines confidence in the police making their job much harder.

#### 4 LOCAL CANCER SERVICES (Agenda Item 4)

Dr Navdeep Alg, South West London Clinical Commissioning Group cancer lead gave a presentation on cancer services in the area. The presentation can be found attached to this report. The pandemic has delayed care and diagnosis in some cancers and there is a need to catch up. This is particularly the case for breast, lung, and urological cancers, mainly due to less screening taking place during the pandemic.

South West London CCG is trying to raise awareness through social media, local press, TV, and non-digital advertising. They are working with an organisation called Community Links to target particular communities and offer information in community languages.

The CCG is also attending public engagement events to have face-to-face contacts. This includes a Cancer Awareness Day at Vestry Hall on 6 November. Dr Alg is happy to attend any community events and asked if anyone has any ideas for events he could attend to email [Steven.Nzekwue@swlondon.nhs.uk](mailto:Steven.Nzekwue@swlondon.nhs.uk). Dr Alg also asked attendees to help share the message that services are open and we want to see patients who have symptoms.

Cllr Fraser asked if there is any educational information for young men to encourage them to ask for help. Dr Alg said prostate cancer tends to be an older man's disease so have been prioritising those groups but would be happy to attend any event that target younger men as part of a longer term strategy.

Cllr Macauley asked for information about what services are available at Grand Drive Surgery. Dr Alg said there is different offers for different cancer pathways, for example calling patients to come in for smear tests to catch up with pre-pandemic levels. Grand Drive employs admin staff to follow up people who haven't taken up tests that are available. GPs are also reviewing their referral criteria to improve quality.

Cllr Agatha surprised that so many cancer patients were left behind during the pandemic and catching up is too late for those who may have died. Steven Nzekwue said that we have heard this point and have tried to adopt a multi-pronged approach to those who have been hard to reach including analysing data to target effectively. The NHS is having to manage the impact of Covid across a number of different areas.

Cllr Chung encouraged local community to make sure they access relevant screening services.

## 5 PUBLIC HEALTH COVID UPDATE (Agenda Item 5)

Barry Causer, Public Health Lead for COVID Resilience, gave a presentation on the latest situation with COVID in Merton. The presentation is attached to this report and covered the latest statistics, and key updates.

The numbers of new infections is 'hovering' but at high levels, mostly driven by schools returning, increased social activity and people returning to work after the summer break. Merton is in the middle of the pack of South West London boroughs, and we need to remain cautious. There are higher numbers of young people, especially secondary school age getting COVID, but there have been breakthrough infections into those people who have been double vaccinated, due to waning immunity levels.

There has been a limited impact of these infections on NHS Indicators, which is different to earlier stages of the pandemic e.g. admissions look stable and the death rate remains low, due to the success of the vaccination programme. The government has announced two plans:

- Plan A based on vaccinations, test, track and trace
- Plan B explain the increased risk, introduce COVID passes, more working from home and mandatory face coverings

The COVID vaccination programme, is our front line of defence and has four strands:

- Evergreen – 1<sup>st</sup> and 2<sup>nd</sup> dose vaccinations for those who have not had a vaccine yet
- Boosters – for those most vulnerable e.g. care home residents, those over 50, front-line health and care staff and those with underlying health conditions
- Third dose – for those immunosuppressed residents
- Single dose for 12-15 year olds in schools

It is important to get your annual flu jab if offered by the NHS and those who aren't eligible for a free flu jab can get a flu vaccine for a few pounds at Community Pharmacies across Merton.

Regular asymptomatic testing remains vital and Lateral Flow Tests are available from assisted test sites in Merton (Wilson Hospital and Centre Court shopping centre) and can be collected from libraries, and community pharmacists for home use.

Better Health Merton is an overarching brand for services that support residents to improve their overall health. To find out more you can sign-up for the [Council COVID newsletter](#), and if you would like to be more involved in supporting your community

you can still join the [COVID Champions](#). There is also financial support available to local community groups through [Merton Giving](#).

Cllr Macauley thanked Barry for the campaign to encourage vaccination, especially links with the voluntary sector like Mayors Silver Club. Barry said the voluntary sector has been a critical part of the Merton COVID response and will also be invaluable in supporting the recovery.

## 6 ROWAN COMMUNITY FACILITY UPDATE (Agenda Item 6)

### **Rowan Site**

James McGinlay, Head of Regeneration, gave an update from Merton Council and SW London CCG. The Rowan Park development including housing, park, community facility and health centre. Significant delay as community facility link to the health centre. Crest Nicholson were the developer but working with another partner, CSM, who will manage the community facility. Revised plans for the centre were agreed in 2020 but clashed with lockdown but Crest Nicholson furloughed staff until this summer. Some design issues for the health centre including noise insulation. Specification for construction has been submitted to CSM for agreement and then the CCG. If all agreed then could be starting on site early 2022.

### **Mitcham Bridge**

The bridge on Bishopford Road collapsed in 2019 due to a heavy weather event. The bridge had to be shored-up, then design and planning permission agreed. The bridge is now complete, with the completion of surface works taking place. This is the final stages, and the bridge will open soon along with works to a wider cycle lane, and replanting 27 trees. The bridge may open before all surrounding work are completed.

A resident asked if the bridge would open this side of Christmas. James said he expect it to, this has been a challenging build but all of the significant works are completed. A resident asked if planting block some of the noise that was previously blocked by the wall on the river side that has been removed. James said tree planting will act as an acoustic barrier. A resident asked if the special bus service has been withdrawn and James replied that he did not expect it to be withdrawn until the bridge is opened but will confirm.

Cllr Agatha asked if it was possible to improve lighting in the area. James said he will need to check what changes will be made. Any improvements needed to be suitable for the park and local wildlife.

## 7 OPEN FORUM (Agenda Item 7)

Cllr Agatha asked about Christmas lights and James confirmed Mitcham will have lights for Christmas.



Cllr Chung said we have tried to get an update on the plans for Wilson Health Centre and inequality in Mitcham but could not get anything for this meeting. We hope to have something soon.

8 DATE OF NEXT MEETING (Agenda Item 8)

Councillor Chung thanked residents for attending and closed the meeting.

The date of the next meetings is Wednesday February 2022 at 7.15pm, venue to be confirmed.

This page is intentionally left blank

# COVID-19 update

## Mitcham Community Forum

Page 219

Barry Causer  
Public Health Lead for COVID Resilience

6<sup>th</sup> October 2021

Minute Item 5



# COVID-19 UPDATE

- **7-day case rate** (all ages) 231.1 cases per 100,000 (up from 191.0 previous week), compared to 219.4 per 100,000 for London (23/9 to 29/9).
- **Autumn and Winter Plan** has been published, which aims to avoid rise in hospitalisations which puts unsustainable pressure on the NHS
  - Plan A – Vaccinations, Test Trace & Isolate, clear comms and manage risk at the borders
  - Plan B – Clear comms of change of risk, vaccination only COVID Pass, mandated face coverings in some settings and working at home
- **Vaccination** continues to be our first line of defense; access by calling 119, booking at [www.nhs.uk](http://www.nhs.uk) or attending a drop-in clinic
  - Evergreen offer – continuing to provide 1<sup>st</sup> and 2<sup>nd</sup> dose vaccinations; it's not too late
  - Booster dose to priority groups 1-9 e.g. those living in care homes, over 50s, front-line health and care staff, 16 to 49 with underlying health conditions
  - 3<sup>rd</sup> vaccine dose to over 12's with severely weakened immune systems
  - Universal offer of 1<sup>st</sup> dose (Pfizer) for 12 to 15 year olds
- Coronavirus remains a **serious health risk**. Everybody needs to stay cautious and help protect themselves and others
  - ✓ If you think you may have COVID-19 symptoms, stay at home and take a PCR test
  - ✓ Continue to take part in twice-weekly asymptomatic testing
  - ✓ If you are not well, try to stay at home
  - ✓ Meet up outside or if you're indoors open windows or doors
  - ✓ Wear face-coverings in crowded places to help protect others
  - ✓ Check in with the NHS COVID-19 app when you are out
  - ✓ Wash your hands regularly and for a least 20 seconds with soap
  - ✓ Fully vaccinated contacts do not need to isolate, but should be cautious and get a PCR test
- Better Health Merton – be a healthy weight, move more, stop smoking, reduce alcohol use, get a flu jab, manage LTCs and look after your mental wellbeing. [Better Health Merton: kick-start your health](#)

Page 120



**Better  
Health**

**LET'S  
DO THIS**



**NHS**

**South West London  
Clinical Commissioning Group**

# **BETTER HEALTH MERTON**

[merton.gov.uk/publichealth](https://merton.gov.uk/publichealth)





# OPPORTUNITIES FOR ACTION

- Join our network of **170** COVID-19 Community Champions or our YACC; a key part of our approach to preventing and managing outbreaks in Merton.
- Vaccination Q&A webinar - [12 to 15 year old vaccination webinar for parents Tickets, Thu 7 Oct 2021 at 19:00 | Eventbrite](#)
- CEV Shielding Forum – 18/10 at 12.30pm to 1.15pm and 6pm to 6.45pm
- Merton Giving grants, 6th December deadline- [Current Fund - Merton Giving](#)
- Sign up for the Merton COVID-19 newsletter – [www.merton.gov.uk/newsletter](http://www.merton.gov.uk/newsletter)

**my voice**  
Merton Adult

## When to take which test:

LFD LATERAL FLOW DEVICE TEST	PCR POLYMER CHAIN REACTION TEST
FOR THOSE <u>WITHOUT SYMPTOMS</u>	FOR THOSE <u>WITH SYMPTOMS</u>
	High temperature Continuous cough Loss of taste/smell
<p>I'm not displaying symptoms: I'll book an <u>LFD</u> test and go to Morden Assembly Hall or where directed for my test</p> 	<p>I've developed symptoms so I'll book a <u>PCR</u> test: <a href="http://www.gov.uk/get-coronavirus-test">www.gov.uk/get-coronavirus-test</a> (or call 119)</p> <p>Cough Cough</p> 
<u>ONCE SWAB IS TAKEN:</u> <u>RESULTS IN 30 MINUTES</u>	<u>ONCE SWAB IS SUBMITTED:</u> <u>RESULTS IN 24-48hrs</u>

For more information contact [public.health@merton.gov.uk](mailto:public.health@merton.gov.uk)

**ANY QUESTIONS?**

This page is intentionally left blank



MORDEN COMMUNITY FORUM

13 OCTOBER 2021

(7.15 pm - 8.30 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair),

## 1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor Nick Draper. Three residents and eight councillors attended on Zoom with 58 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

## 2 UPDATE FROM THE LEADER OF MERTON COUNCIL (Agenda Item 2)

Councillor Mark Allison, Leader of the Council, thanked the chair for the invitation. Mark has been a Cllr for nearly 20 years and is proud of his connection with the local area. He was born locally in St Helier Hospital and grew up in St Helier area before moving to Mitcham. Mark said that Merton is a great community but there are huge challenges. Morden is one of the more disadvantaged areas and over the last decade huge progress through improving schools, a vital element in improving life chances, a new leisure centre and maintaining council tax support. A lot of this progress has been undone by the impact of the COVID pandemic has hitting areas like Morden harder than other places.

As part of a mixed race family Mark said he is passionate about fairness and being inclusive, including appointing the most diverse cabinet in Merton's history. As Leader he plans to celebrate Merton's diversity, as with Black History Month currently.

Mark has been Leader since November so has only experienced the role during the COVID pandemic. Mark launched Merton Together to recognise how many in the community wanted to step up and help their neighbours. Mark thanked everyone who got involved in responding to COVID as their efforts have made a huge difference. Merton Council has worked with the NHS and other partners to help keep people safe but of course many families have lost love ones or had their circumstances changed and their lives may never be the same again. Supporting these households through this will be a major priority.

As a result of the major changes for many we launched the Your Merton engagement exercise to listen to residents about what they value and what their ambitions are for the borough. We are still analysing the results but it is clear that residents value their

community, their local open spaces, and were much more conscious of their local area, especially their local high streets. Mark said he is still in listening mode and wants to hear what people have to say. Three of the issues have come out of the listening exercise we have started to address:

- Concerns about the cost of living – which is why we will not be raising parking charges
- The need for better homes – being isolated in poor housing has had a huge impact on some so the council will be investing in development of affordable homes
- People want to feel safe – although Merton is a low crime area people want to feel safe. £1m upgrade in CCTV coverage

Mark said he knows that there are other local issues that will need addressing and wants to work together, as we did during the pandemic, to tackle the challenges ahead. Mark said he was proud of Merton and Merton's community, and wants to build on residents priorities.

A resident asked about the South London Waste Plan Public Hearing held at the Civic Centre on 2 September where it was reported that Merton did not have any air quality data for the waste plan sites, and the two inspectors were surprised. The Merton Environmental Health officer said that new sensors were being installed by the end of September and the data would be available live on the website. The resident wanted to know if the sensors have been installed, and if the data is published now. Mark did not know so offered to follow up. Mark said there was generally good story for Air Quality in Merton at the moment with more school streets introduced than any other boroughs.

FOLLOWING THE MEETING this update was provided by colleagues:

Merton are in the process of rolling out one of London's largest AQ monitoring networks. This is funded through an external grant and will include 68 Breathe London sensors and Vivacity traffic monitors. The Vivacity monitors are starting to come online and the Breathe London Monitors are currently being calibrated and we'll start to see these on lampposts at the beginning of November, following a delay caused by the worldwide lack of microchips.

The industrial estates across Merton, including Weir Road, were included in this monitoring. Data will be published live on Breathe London, with open access to the public, from about a week after they are installed. In addition and specifically around Weir Road we have secured funding to work with the waste transfer stations and how they monitor and react to exceedances. This project has just been through procurement and we have appointed a consultant to work with us, the Environment Agency and the businesses.

For the South London Waste Plan the next step in the independent examination process is for the four boroughs to carry out a 7-week public consultation on all the

proposed amendments arising from the independent planning inspector's examination. The Inspectors' will take the consultation responses into account for their final report. The dates for this public consultation are yet to be agreed; please check the [examination website](#) for updates and all other relevant documents.

### 3 LOCAL CANCER SERVICES (Agenda Item 3)

Dr Navdeep Alg, South West London Clinical Commissioning Group cancer lead gave a presentation on cancer services in the area. The presentation can be found attached to this report. The pandemic has delayed care and diagnosis in some cancers and there is a need to catch up. This is particularly the case for breast, lung, and urological cancers, mainly due to less screening taking place during the pandemic.

South West London CCG is trying to raise awareness through social media, local press, TV, and non-digital advertising. They are working with an organisation called Community Links to target particular communities and offer information in community languages.

The CCG is also attending public engagement events to have face-to-face contacts. This includes a Cancer Awareness Day at Vestry Hall on 6 November. Dr Alg is happy to attend any community events and asked if anyone has any ideas for events he could attend to email [Steven.Nzekwue@swlondon.nhs.uk](mailto:Steven.Nzekwue@swlondon.nhs.uk). Dr Alg also asked attendees to help share the message that services are open and we want to see patients who have symptoms.

### 4 COVID AND PUBLIC HEALTH UPDATE (Agenda Item 4)

Barry Causer, Public Health Lead for COVID Resilience, gave a presentation on the latest situation with COVID in Merton. The presentation is attached to this report and covered the latest statistics, and key updates.

The numbers of new infections is 'hovering' but at high levels, mostly driven by schools returning, increased social activity and people returning to work after the summer break. Merton is in the middle of the pack of South West London boroughs, and we need to remain cautious. There are higher numbers of young people, especially secondary school age getting COVID, but there have been breakthrough infections into those people who have been double vaccinated, due to waning immunity levels.

There has been a limited impact of these infections on NHS Indicators, which is different to earlier stages of the pandemic e.g. admissions look stable and the death rate remains low, due to the success of the vaccination programme. The government has announced two plans:

- Plan A based on vaccinations, test, track and trace
- Plan B explain the increased risk, introduce COVID passes, more working from home and mandatory face coverings

The COVID vaccination programme, is our front line of defence and has four strands:

- Evergreen – 1<sup>st</sup> and 2<sup>nd</sup> dose vaccinations for those who have not had a vaccine yet
- Boosters – for those most vulnerable e.g. care home residents, those over 50, front-line health and care staff and those with underlying health conditions
- Third dose – for those immunosuppressed residents
- Single dose for 12-15 year olds in schools

It is important to get your annual flu jab if offered by the NHS and those who aren't eligible for a free flu jab can get a flu vaccine for a few pounds at Community Pharmacies across Merton.

Regular asymptomatic testing remains vital and Lateral Flow Tests are available from assisted test sites in Merton (Wilson Hospital and Centre Court shopping centre) and can be collected from libraries, and community pharmacists for home use.

Better Health Merton is an overarching brand for services that support residents to improve their overall health. To find out more you can sign-up for the [Council COVID newsletter](#), and if you would like to be more involved in supporting your community you can still join the [COVID Champions](#). There is also financial support available to local community groups through [Merton Giving](#).

Cllr Draper asked about reports that there is an outbreak of colds that get confused for COVID. Barry said that protecting ourselves from COVID has had a knock on impact on immunity to other viruses like colds and flu. Residents should get a flu jab, stay at home if unwell and get a PCR just if not sure if symptoms are COVID or a cold.

Cllr Alambritis asked if it will be possible to get pneumonia jabs from GPs and Barry said will check.

## 5 OPEN FORUM (Agenda Item 5)

**Northern Line Closure** – from 15 January to May 2022 Transport for London will be carrying out improvement work at Bank station. As a result there will be no trains between Kennington and Mordred on the Bank branch of the Northern Line. All services from to and from Morden will use the Charing Cross branch and Transport for London expect services on this line to be busier than usual. More information is available at <https://tfl.gov.uk/travel-information/improvements-and-projects/bank-and-monument>

6 DATE OF NEXT MEETING (Agenda Item 6)

Councillor Draper thanked residents for attending and closed the meeting.

The next meeting is on Wednesday 23 February 2022 at 7.15pm, venue to be confirmed.

This page is intentionally left blank

COLLIERS WOOD AND NE MITCHAM COMMUNITY FORUM  
20 OCTOBER 2021

(7.15 pm - 8.30 pm)

PRESENT Councillors Councillor John Dehaney (in the Chair),

## 1 WELCOME AND INTRODUCTIONS (Agenda Item 1)

The meeting was held via Zoom, and chaired by Councillor John Dehaney. Eight residents and four councillors attended on Zoom with 45 additional views on YouTube. The Chair welcomed everyone to the meeting and explained how the meeting would work.

## 2 UPDATE FROM THE LEADER OF MERTON COUNCIL (Agenda Item 2)

Councillor Mark Allison gave the annual report he provides to all of the community forums. Councillor Mark Allison, Leader of the Council, thanked the chair for the invitation. Mark thanked the Council staff for their hard work in response to COVID. Mark has been a Cllr for nearly 20 years and is proud of his connection with the local area. He was born locally in St Helier Hospital and grew up in St Helier area before moving to Mitcham. Mark said that Merton is a great community but there are huge challenges. Mitcham and Colliers Wood are more disadvantaged areas within Merton and over the last decade huge progress through improving schools, a vital element in improving life chances, a new leisure centre and maintaining full council tax support. A lot of this progress has been undone by the impact of the COVID pandemic has hitting areas like Colliers Wood and Mitcham harder than other places.

As part of a mixed race family Mark said he is passionate about fairness and being inclusive, including appointing the most diverse cabinet in Merton's history. As Leader he plans to celebrate Merton's diversity, as with Black History Month currently.

Mark has been Leader since November so has only experienced the role during the COVID pandemic. Mark launched Merton Together to recognise how many in the community wanted to step up and help their neighbours. Mark thanked everyone who got involved in responding to COVID as their efforts have made a huge difference. Merton Council has worked with the NHS and other partners to help keep people safe but of course many families have lost love ones or had their circumstances changed and their lives may never be the same again. Supporting these households through this will be a major priority.

As a result of the major changes for many we launched the Your Merton engagement exercise to listen to residents about what they value and what their ambitions are for the borough. We are still analysing the results but it is clear that residents value their community, their local open spaces, and were much more conscious of their local area, especially their local high streets. Mark said he is still in listening mode and wants to hear what people have to say. Three of the issues have come out of the listening exercise we have started to address:

- Concerns about the cost of living – which is why we will not be raising parking charges as we had previously planned to.
- The need for better homes – being isolated in poor housing has had a huge impact on some so the council will be investing in development of affordable homes. This was reviewed by Overview and Scrutiny on 19 October and agreed to.
- People want to feel safe – although Merton is a low crime area people want to feel safe. £1m upgrade in CCTV coverage

Mark said he knows that there are other local issues that will need addressing and wants to work together, as we did during the pandemic, to tackle the challenges ahead. Mark said he was proud of Merton and Merton's community and how it has come together to support each other.

A resident asked about the progress on Air Quality. Mark replied that Merton has more school streets than any other London borough, and have introduced new Low Traffic Neighbourhoods. There have also been changes in car ownership with 15% going to lower emission vehicles. Pollution remains a significant issue in parts Colliers Wood.

### 3 LONDON ASSEMBLY UPDATE (Agenda Item 3)

Leonie Cooper, Assembly Member for Merton and Wandsworth gave an update on her work. Leonie said she is happy to attend local meetings on Zoom and can be contacted by [email](#).

The Assembly is still looking at COVID issues, and is worried about how difficult it is to get people to wear masks on public transport. Please encourage people to wear masks, especially on the Underground. It is also important to get booster and flu jabs if eligible.

A [new report](#) by Imperial College London commissioned by the Mayor of London showed strong links between air pollution and greater risk of COVID hospitalisation in addition to the previously established links to ethnicity and deprivation. The Ultra-Low Emission Zone is being expanded to South Circular on 25 October. The current zone has reduced NO<sub>2</sub> by 44% and we expect the expanded zone to have a similar impact



on encouraging people to change their vehicle. You can check if your vehicle is affected at [TfL's website](#).

The Mayor and London boroughs have offered to help resettle refugees from Afghanistan. Mayor has offered Help to Buy Back fund to LAS to source homes for refugees. Set up London Refugee Response to coordinate donations and have been overwhelmed by the response.

The Mayor has launched a £400k fund to tackle hate and racism going to community groups. Following the murder of Sir David Amess the Assembly is reviewing security at both the current assembly and the new building in Newham.

The Mayor is providing a package of £11m to support Londoners into work including Creative Enterprise Zones to support Londoners who are unemployed or in low paid work. This funding includes the last support from European Social Fund. There is also £5m for Academies Hub to address skills gaps in key sectors like construction.

The Assembly recently questioned the Mayor and TfL on the funding deal with Government, as the current funding deal runs out in December and TfL needs a long term solution. The Elizabeth Line trials are going well, so after many delays we hope it will open in first half of 2022.

The Assembly has recently passed motions for the £20 uplift to Universal Credit to stay; increased pay for police; solutions to supply issues; access for London to the national Clean Air Fund. The Mayor is funding social housing that will be environmentally sustainable and Cllr Allison has met with Deputy Mayor Tom Copley to look at opportunities for Merton.

Police and Crime Committee looking at issues created by unconscious bias in the police. There is a need to build trust in the police amongst black Londoners and Women.

A resident asked if it is possible to provide updates to the Colliers Wood Residents Association. Both Leonie and Cllr Allison said they were happy to do so.

A resident asked about enforcing mask wearing. Leonie said it is difficult but there is not enough enforcement. It would be easier if the wider context was that mask wearing was still normalised.

Cllr Cooper said skills fund is very important, and asked how quickly it will be available in Merton. Leonie said some strands of funding are available now, others are being delivered through partner organisations with details of the [skills funding](#) schemes available listed online.

#### 4 LOCAL CANCER SERVICES (Agenda Item 4)

Dr Navdeep Alg, South West London Clinical Commissioning Group cancer lead gave a presentation on cancer services in the area. The presentation can be found attached to this report. The pandemic has delayed care and diagnosis in some cancers and there is a need to catch up. This is particularly the case for breast, lung, and urological cancers, mainly due to less screening taking place during the pandemic.

South West London CCG is trying to raise awareness through social media, local press, TV, and non-digital advertising. They are working with an organisation called Community Links to target particular communities and offer information in community languages.

The CCG is also attending public engagement events to have face-to-face contacts. This includes a Cancer Awareness Day at Vestry Hall on 6 November. Dr Alg is happy to attend any community events and asked if anyone has any ideas for events he could attend to email [Steven.Nzekwue@swlondon.nhs.uk](mailto:Steven.Nzekwue@swlondon.nhs.uk). Dr Alg also asked attendees to help share the message that services are open and we want to see patients who have symptoms.

Cllr Cooper said the face to face campaign is vital to help residents understand the issues. Who can be contacted to book in an event, for example Black History Month? Dr Alg said he is happy to attend events please email [Navdeep](#) or [Steven](#). Dr Alg said it was important to focus on communities most at risk.

Cllr Kirby said she was happy to share across Graveney networks.

#### 5 COVID AND PUBLIC HEALTH UPDATE (Agenda Item 5)

Barry Causer, Public Health Lead for COVID Resilience, gave a presentation on the latest situation with COVID in Merton. The presentation is attached to this report and covered the latest statistics, and key updates.

The numbers of new infections is 'hovering' but at high levels, mostly driven by schools returning, increased social activity and people returning to work after the summer break. Merton is in the middle of the pack of South West London boroughs, and we need to remain cautious. There are higher numbers of young people, especially secondary school age getting COVID, but there have been breakthrough infections into those people who have been double vaccinated, due to waning immunity levels.

There has been a limited impact of these infections on NHS Indicators, which is different to earlier stages of the pandemic e.g. admissions look stable and the death

rate remains low, due to the success of the vaccination programme. The government has announced two plans:

- Plan A based on vaccinations, test, track and trace
- Plan B explain the increased risk, introduce COVID passes, more working from home and mandatory face coverings

The COVID vaccination programme, is our front line of defence and has four strands:

- Evergreen – 1<sup>st</sup> and 2<sup>nd</sup> dose vaccinations for those who have not had a vaccine yet
- Boosters – for those most vulnerable e.g. care home residents, those over 50, front-line health and care staff and those with underlying health conditions
- Third dose – for those immunosuppressed residents
- Single dose for 12-15 year olds in schools

It is important to get your annual flu jab if offered by the NHS and those who aren't eligible for a free flu jab can get a flu vaccine for a few pounds at Community Pharmacies across Merton.

Regular asymptomatic testing remains vital and Lateral Flow Tests are available from assisted test sites in Merton (Wilson Hospital and Centre Court shopping centre) and can be collected from libraries, and community pharmacists for home use.

Better Health Merton is an overarching brand for services that support residents to improve their overall health. To find out more you can sign-up for the [Council COVID newsletter](#), and if you would like to be more involved in supporting your community you can still join the [COVID Champions](#). There is also financial support available to local community groups through [Merton Giving](#).

Cllr Cooper asked about changes to collection to test packs. Barry said the national programme has added an additional stage where you need to apply for a code and then give the code to collect. However in Merton you do not need a code to collect from our libraries or some community pharmacies.

Cllr Allison said so much has happened in the last 12 months and said the Public Health team has been an amazing resource in Merton. Cllr Allison asked Barry to please pass on thanks from Cllrs to team.

## 6 OPEN FORUM (Agenda Item 6)

A resident asked what was the view of the councillors on the state of our streets in Colliers Wood and Mitcham and whether the council is delivering on clean streets and waste contract enforcement. Cllr Allison said that more spending time at home has increased volume of waste plus there has been an increase in fly tipping of 50% nationally. Merton has given out a significant number of fines but will continue to

increase education and enforcement. It would help to have additional powers and resources from central Government to tackle this issue.

**Northern Line Closure** – from 15 January to May 2022 Transport for London will be carrying out improvement work at Bank station. As a result there will be no trains between Kennington and Mordene on the Bank branch of the Northern Line. All services from to and from Morden will use the Charing Cross branch and Transport for London expect services on this line to be busier than usual. More information is available at <https://tfl.gov.uk/travel-information/improvements-and-projects/bank-and-monument>

A resident asked about fly tipping at the top of Caithness Rd and Park Avenue Mews largely from the flats that have no bins. When approached, some fly-tippers explain they have been told to leave their bins on the street by their landlord. What steps could be made to ensure the landlords either provide bins or arrange a separate chargeable collection service? The fines need to be increased for repeat offenders. Kris said he has raised this with the Public Spaces team and will get an update from them as soon as possible. Cllr Kirby said she had met with officers and the council had agreed to remove 6 street bins as they were attracting fly tipping and then write to all households. Kingdom will increase enforcement in the area.

Councillor Dehaney thanked everyone for attending and closed the meeting.

## Full Council – Wednesday 17<sup>th</sup> November 2021

Council notes the tragic and appalling murder of Sir David Amess MP that was carried out as he performed his public duties.

Council extends its condolences to the family and all Sir David's friends for their loss, and marks the enormous contribution that he has made to politics in this country.

Council calls on the authorities to take great care to protect the safety of public servants, and for everyone to respect the importance of civility in public life.

Cllr Mark Allison

Cllr Nick McLean

Cllr Anthony Fairclough

Cllr Peter Southgate

This page is intentionally left blank

## **17<sup>th</sup> November Council meeting**

### **Conservative non-strategic theme motion**

#### **Clarion Housing 'ten commitments'**

Council notes that in September 2014 the Labour administration and Circle Housing Merton Priory (the predecessor of Clarion Housing) agreed the 'ten commitments' that would guide the future regeneration work. The 'ten commitments' are:

1. Circle Housing Merton Priory will consult with residents, consider their interests at all times, and address concerns fairly;
2. Current home owners will be entitled to at least the market value of their homes should they wish to take up the option to sell their homes to Circle Housing Merton Priory;
3. Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in the household;
4. Existing Circle Housing Merton Priory tenants will keep all their rights and have the same tenancy agreement, including rent levels, in the new neighbourhood as they do now;
5. All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills;
6. Circle Housing Merton Priory will keep disruption to a minimum, and will do all it can to ensure that residents only move once if it is necessary to house residents temporarily while their new home is being built;
7. Circle Housing Merton Priory will offer extra help and support for older people and/or disabled residents throughout the renovation works;
8. Circle Housing Merton Priory will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service;
9. Any growth in the number of homes will be in accordance with the council's own Development Plan so that it is considered, responsible and suitable for the area;
10. As a not for profit organization, Circle Housing Merton Priory will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.

Council calls upon the cabinet to reaffirm its commitment to these 10 principles alongside engaging with residents of the estates to develop policies that local people can have confidence in.

Cllr Nick McLean

Cllr Nigel Benbow

Cllr Hayley Ormrod

This page is intentionally left blank



## Full Council – Wednesday 17<sup>th</sup> November 2021

### Council notes that:

- Approximately 230 councils have declared a Climate Emergency, including Merton Council in July 2019. As part of our Climate Emergency declaration, we pledged to support Merton to become a carbon neutral council by 2030.
- Local government is an indispensable partner in achieving net zero, because of our insight into our communities and local circumstances, our service delivery and regulatory functions, and our ability to join up emissions reductions with other pressing priorities, from public health, to inequality to economic development.
- Without direct financial support from the Government and an acknowledgement of the pivotal role they play in tackling climate change, local authorities will struggle to achieve these vital targets

### Council welcomes:

The actions Merton Council has already taken to tackle the climate and biodiversity crisis including, by way of example:

- approving Merton's Climate Strategy and Action Plan, including the key actions required to become a carbon neutral council by 2030.
- setting up and supporting the volunteers in the Climate Action Group to develop community-led projects to reduce everyone's emissions, recognising that joint efforts are more effective than individuals' or the Council's alone.
- putting £2 million of reserves towards actions in the Climate Strategy and Action Plan so far
- supporting Merton Garden Streets, a volunteer-led initiative to make our streets greener, and holding Car Free Day events.
- installing 68 innovative Breathe London air quality and traffic sensors – more than any other London borough.
- installing low-energy LED lighting in our buildings and investing £2m in LED streetlights.
- putting in place over 50 PV panel systems on 44 Council buildings, generating 1,000,000 kWh every year, and 100% of the council's energy supply now coming from renewable sources.
- introducing more School Streets than any other London borough per capita, to lower pollution outside schools
- having over 200 electric vehicle charging points, 20 cycle hangars, 10 parklets, and 11 Sustainable Urban Drainage Systems.
- Drafting a Local Plan that sets ambitious targets for new development so that new development is net-zero by 2050.

### Council resolves:

- To continue to support Merton's communities including the Climate Action Group in their lead and delivery of projects across the borough, recognising that 97% of carbon emissions in Merton are outside Merton Council's control.
- To continue to work with employers in the borough, including businesses, the third sector, charities and the public sector to encourage them to take steps to reduce their carbon emissions and operate in a more sustainable way, and learn from any best practice that they have already put in place.

- To work with the third sector, charities, businesses, and residents across the borough to continue to meet targets set in the Climate Action Plan.
- That the Leader will write to Secretary of State for Levelling Up, Housing and Communities Michael Gove MP to make the case for:
  - Acknowledging local government's pivotal role in tackling climate change, and to share examples of the work already done by Merton Council.
  - To call on the government to agree to a national framework and strategy with local government and business, that provides certainty of funding to enable local government to leverage its unique role and influence and maximize its potential in tackling climate change in the UK.

Cllr Martin Whelton

Cllr Rebecca Lanning

Cllr Mark Allison

## MPWIR NON-STRATEGIC MOTION TO COUNCIL 17 NOVEMBER 2021

This Council recognises that the best way for ideas to turn into action for the benefit of the residents is to table motions in council that refrain from political point scoring and instead are focussed on viable, cost-effective initiatives.

For motions to be 'business-like' this Council suggests that they are to be based on SMART goals; thereby making them specific, measurable, achievable, realistic and timely.

In addition, despite the effort that does go into drafting motions and amendments, currently the Council lacks a mechanism to monitor the resulting outcomes. As a Council which prides itself on its transparency this Council believes in being openly held accountable for the decisions it makes on behalf of the residents we represent.

Therefore, this council resolves to:

- From this point forward, ask that parties endeavour only to submit motions and amendments which comply with SMART goal principles; and
- Agree to ask officers to table a report at the first business meeting after each Annual Council Meeting documenting the actions taken in response to the motions and amendments passed during the previous civic year.

Cllr Dickie Wilkinson

Cllr Peter Southgate

Cllr Edward Foley

This page is intentionally left blank

## **Committee: Council**

### **Date:**

Wards: All

### **Subject: Council Tax Support Scheme 2022/23**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Tobin Byers

Contact officer: David Keppler, Head of Revenues and Benefits

#### **Recommendations:**

---

1. That the uprating revisions for the 2022/23 council tax support scheme detailed in the report be agreed, in order to maintain low council tax charges for those on lower incomes and other vulnerable residents
  2. That Council recommends the proposed revisions to the 2022/23 scheme.
- 

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

- 1.1. This report details the proposed revisions to Merton's adopted council tax support scheme to ensure that the level of support awarded stays in line with the old council tax benefit scheme had it continued and therefore residents are not worse off due to the new scheme.
- 1.2. That Council agrees to implement recommendation 1 and 2.

## **2 DETAILS**

- 2.1. **Council Tax Support Scheme 2022/23**
- 2.2. As part of the Spending Review 2010, the Government announced that it intended to localise council tax benefit (CTB) from 1 April 2013 with a 10% reduction in expenditure. These plans were included as part of the terms of reference for the Local Government Resource Review and the then Welfare Reform Bill contained provisions to abolish CTB.
- 2.3. Following a formal consultation exercise full Council agreed on the 21 November 2012 to absorb the funding reduction and adopt the prescribed default scheme in order to maintain low council tax charges for those on lower incomes and other vulnerable residents. CTB was formally abolished with effect from 1 April 2013
- 2.4. Council have subsequently agreed to continue with the same scheme, subject to revisions on an annual basis for 2014/15, 2015/16, 2016/17, 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22.
- 2.5. Each year the Government "uprate" the housing benefit scheme and the new council tax support scheme for pensioners. This is where state pensions and benefits are increased by a set percentage and the Government also increase the applicable amounts and personal allowances (elements that help identify how much income a family or individual requires each week before their housing benefit starts to be reduced) and also non dependant deductions (the

amount an adult who lives with the claimant is expected to contribute to the rent and/or council tax each week).

- 2.6. The Government have stated that under the new local council tax support scheme pensioners must not be worse off and that existing levels of support for them must remain and this protection will be achieved by keeping in place existing national rules, with eligibility and rates defined in Regulations broadly similar to those that previously existed. This is known as the Prescribed Pensioners scheme.
- 2.7. When full Council adopted the Government's default scheme in November 2012 it was not clear what would happen with regards to the uprating of the default scheme from April 2014 onwards. Advice received from the then Department of Communities and Local Government (DCLG) at the end of September 2013 stated that if a Council did not formally agree a revised scheme for the following financial year which would include any "uprating" then its local scheme for the previous year would automatically become its default scheme and as a consequence the "uprating" would not take place and many residents would face an increased council tax bill.
- 2.8. This means that if Merton wants to continue with its council tax support scheme which is broadly similar to the old council tax benefit scheme it would have to formally consult and agree on the revised "uprating" each year. Merton has subsequently agreed this approach in prior years and is now seeking agreement to the same for 2022/23.
- 2.9. It is estimated that if the uprating was not applied the expenditure of the scheme, if everything else remained constant, would be approximately cost neutral. Increases in payments for non-dependants living in households would not be applied and some residents receiving disability benefits or premiums could face higher council tax bills.
- 2.10. The Government will uprate the housing benefit scheme from the 1 April 2022 and the detail of this process is unlikely to be known until early December 2021. The Government will also uprate the prescribed pensioner scheme for council tax support from 1 April 2022, with the details announced in December 2021. Once the detailed information is known it is proposed to use the data from these to uprate the council tax support scheme.
- 2.11. In 2020/21, the Government introduced increases to disregarded earnings and grants and loans for the self-employed to support people during the COVID-19 pandemic. These resulted in increases to Universal Credit and other DWP benefits which reduced council tax support for our residents. The Council awarded the difference in the form of a hardship reduction as part of the Council Tax Hardship facility, however the Council was unable to amend the disregards set out in the Council Tax Support Scheme.
- 2.12. The rules of the scheme for 2021/22 were amended and agreed by full Council to permit any in year changes if the Government made any in year changes to disregards or elements of the Housing Benefit scheme or Prescribed Pensioners scheme that will benefit residents.
- 2.13. Any in year changes will be approved by the Section 151 officer of the Council. However, the Council's decision making process will be followed for any changes.

- 2.14. The uprating of the council tax support scheme will be effective from the 1 April 2022
- 2.15. A formal consultation exercise regarding the proposed revision of the scheme was undertaken between 9 August 2021 and 3 October 2021. Only 7 responses were received, 6 opted to apply the uprating and 1 opted not to apply the uprating. Of the responses 3 indicated that they were in receipt of council tax support.
- 2.16. The Council has also consulted with our major precepting authority, the Greater London Authority (GLA). The GLA have acknowledged the Council's proposal but as yet have not sent a formal response.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The only alternative option for the Council Tax Support Scheme based on the consultation undertaken would be not to revise it and not uprate the scheme and continue with the existing scheme. This would result in some of the poorest residents facing increased council tax bills from April 2022

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

- 4.1. A consultation exercise has been undertaken and the results of this are detailed in 2.15 and 2.17 above.

### **5 TIMETABLE**

- 5.1. The key milestones for council tax support scheme are detailed below:

Task	Deadline
Consultation with public and precepting authority on proposed change to the scheme	9 August 2021 to 3 October 2021
Report to full Council for agreement to proposed change to the scheme	17 November 2021
Detailed analysis of the housing benefit and prescribed pensioner schemes uprating to establish exact parameters to be applied for the uprating of the council tax support scheme	December 2021– or as soon as the information is available from the DWP
Deadline for agreement of amended scheme	11 March 2022
Testing of IT software for amended scheme	February 2022
Implement revised scheme	1 April 2022

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

- 6.1. Based on levels of council tax support as at October 2021, it is estimated that £14.058 million will be granted in council tax support for 2022/23 assuming a 2% increase in council tax from April 2022. This figure includes the Greater

London Authorities share of the scheme (£3 million), the cost for Merton is £11.058 million.

- 6.2. The council tax support expenditure for 2021/22 could further increase if there is an increase in claims when furlough ends. The current economic climate is volatile given the impact of increasing inflation, particularly in energy costs.
- 6.3. The council has recently submitted its Council Tax Base Return (CTB) to Government. This is based as at October 2021 and incorporates the latest information on council tax support and discounts and exemptions. This will be used to calculate the Council Tax Base for 2022/23 and the Medium Term Financial Statement 2022-2026 will be updated as appropriate during the budget process.
- 6.4. The impact of COVID-19 resulted in an increase in the level of council tax support. Whilst the level is still higher than in 2020/21, the level of reduction in Council Tax Base due to the Council Tax Support Scheme has reduced from last year. The adjustment for reduction in taxbase as a result of local council tax support since the scheme was introduced is summarised in the table below:-

	CTB Oct.2013	CTB Oct.2014	CTB Oct.2015	CTB Oct.2016	CTB Oct.2017	CTB Oct.2018	CTB Oct.2019	CTB Oct.2020	CTB Oct.2021
Reduction in Council Tax Base due to Local Council Tax Support Scheme	10,309.31	9,686.64	9,099.90	8,639.20	8,192.10	8,177.10	7,688.10	8,320.70	8,086.00
Change in CT Base		(622.67)	(586.74)	(460.70)	(447.10)	(15.00)	(489.00)	632.60	(234.70)
Yr..on Yr. % Change		-6.04%	-6.06%	-5.06%	-5.18%	-0.18%	-5.98%	8.23%	-2.82%

## 7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the Local Government Finance Act 1992, as amended by the Local Government Finance Act 2012, (“the Act”) every billing authority in England is required to make a Council Tax Reduction Scheme (CTRS). Merton refers to its CTRS as its Council Tax Support Scheme.
- 7.2. Each financial year every billing authority in England is required to consider whether to revise or replace its CTRS. The Act imposes certain procedural requirements which must be satisfied before a billing authority can make any revisions, including a requirement to consult persons who are likely to have an interest in the operation of their CTRS.
- 7.3. The statutory consultation is intended to ensure public participation in the decision-making process. In determining what revisions the Authority should make to its CTRS, if any, it must have regard to the requirements of the Act, including the outcome of the consultation and the public sector equality duty referred to below. The outcome of the consultation is considered elsewhere in this report.



- 7.4. If the Authority's CTRS is to be revised as proposed the decision to do so must be made by Full Council no later than 11 March 2022 to enable the revisions to come into force on 1 April 2022.
- 7.5. As with any public law decision of the Authority it may be challenged by way of an application for judicial review.
- 7.6. If the revised scheme is not agreed by 11 March 2022 then the scheme the Council administered for the previous year (2021/22) would become the default scheme for 2022/23.

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

- 8.1. A formal consultation exercise has been undertaken. The results of this are detailed in 2.15 and 2.17 above.
- 8.2. Any changes to the council tax scheme which results in reductions of support will mean some residents facing an increase in their council tax bills. Some of these residents, due to the yearly uprating undertaken by the DWP, would not have previously been faced with increased council tax bills. In the past it has sometimes proved difficult in collecting council tax from residents who are on limited income and or benefits.

In considering the proposed revisions to the Council Tax Support Scheme, upon which the Authority is required to consult, the Council must consider the Council's Public Sector Equality Duty under Section 149 of the Equalities Act 2010 and to have due regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation
- b) Advance equality of opportunity between persons who share a protected characteristic and persons who do not, and
- c) Foster good relations between people who share a protected characteristic and those who do not.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None for the purpose of this report.

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

- 10.1. The Council will need to continue to closely monitor the cost of the council tax support scheme to ensure it is affordable for future years. Although in previous years we have not seen an increase in caseload, it is possible that the full impact of the welfare reform could result in more families located in inner London moving into Merton which would result in an increase in council tax support expenditure

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

- 11.1 Appendix 1 Equalities Impact Assessment

## **12 BACKGROUND PAPERS**



# Equality Analysis



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

What are the proposals being assessed?	Council Tax Support Scheme for 2022/23
Which Department/ Division has the responsibility for this?	Corporate Services / Resources

Stage 1: Overview	
Name and job title of lead officer	David Keppler, Head of Revenues and Benefits
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	<p>Agree the Council Tax Support scheme for 2022/23.</p> <p>The national Council Tax Benefit (CTB) scheme ended on 1st April 2013 to be replaced by a locally determined system of Council Tax Support. The funding available for the new scheme will be cash limited and be determined by the Council.</p> <p>The aim of the council tax support scheme is to provide financial assistance to council taxpayers who have low incomes. Persons who are of state pension credit qualifying age (are protected under the scheme in that the calculation of the support they are to receive has been set by Central Government. For working age applicants however the support they receive is to be determined by the local authority.</p>
2. How does this contribute to the council's corporate priorities?	Ensures that residents on low income are supported by the Council with help with their council tax
3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.	<p>Working age local residents currently in receipt of council tax support, working age residents who will apply for council tax support within the year.</p> <p>Pension age residents receive support based on the Government scheme</p>
4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?	The Council collects a council tax precept for the Greater London Authority from all residents. The amount of council tax support granted affects the level of the precept collected for the Greater London Council

Page 151

## Stage 2: Collecting evidence/ data

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

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

The Council has continued to base its local council tax support scheme on the Governments previous Council tax benefit scheme. This has ensured that working age residents have not had to contribute more towards council tax since the localisation of the scheme.

This has ensured that the working age, disabled, families and the less well off all continue to receive up to 100% council tax support based on their circumstances and income.

## Stage 3: Assessing impact and analysis

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

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced - Neutral impact for pension age claimants as the Government has stipulated this group must have their claims assessed
Disability	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
Gender Reassignment	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
Marriage and Civil Partnership	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
Pregnancy and Maternity	Y	N			Positive impact for all working age claimants – the level of council tax support will not be reduced
Race	Y	N		N	Positive impact for all working age claimants – the level of council tax

					support will not be reduced
<b>Religion/ belief</b>	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
<b>Sex (Gender)</b>	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
<b>Sexual orientation</b>	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced
<b>Socio-economic status</b>	Y	N		N	Positive impact for all working age claimants – the level of council tax support will not be reduced

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

N/A

**Stage 4: Conclusion of the Equality Analysis**

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

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

**Outcome 1** – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. No changes are required.

**Outcome 2** – The EA has identified adjustments to remove negative impact or to better promote equality. Actions you propose to take to do this should be included in the Action Plan.

**Outcome 3** – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have 'due regard' and you are advised to seek Legal Advice.

**Outcome 4** – The EA shows actual or potential unlawful discrimination. Stop and rethink your proposals.

## Stage 5: Improvement Action Plan

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

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

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?

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

## Stage 6: Reporting outcomes

### 10. Summary of the equality analysis

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

This Equality Analysis has resulted in an Outcome 1 Assessment

There is potential negative impact on the SMEs that do not meet the Government criteria. Local equality data needs to be collected at the application stage to give a better picture of the types of businesses applying for the grant or may be ineligible for the grant.

**Stage 7: Sign off by Director/ Head of Service**

<b>Assessment completed by</b>	David Keppler – Head of Revenues and Benefits	<b>Signature:</b> D Keppler	<b>Date:</b> 15 October 21
<b>Improvement action plan signed off by Director/ Head of Service</b>	Roger Kershaw – Assistant Director Resources	<b>Signature:</b> R Kershaw	<b>Date:</b> 20 October 2021



**Meeting: Council**

**Date: 17 November 2021**

Wards: All

**Subject: Adoption of the Council’s Statement of Principles 2022-2025 as required under Section 349 of the Gambling Act 2005 including the re-adoption of the Council’s no casino policy.**

**Lead officer:** Chris Lee, Director of Environment and Regeneration.

**Lead member:** Councillor Nick Draper, Chair of the Licensing Committee

**Forward Plan reference number:** N/A

**Contact Officer:** Caroline Sharkey, Licensing Manager, London Boroughs of Merton, Richmond upon Thames and Wandsworth Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team.

**Recommendations:**

- A. To adopt the Council’s Statement of Principles 2022-2025 as required under Section 349 of the Gambling Act 2005 as approved by Members of the Licensing Committee on 14 October 2021 to come into effect on the 31<sup>st</sup> January 2022
- B To resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos, as approved by Members of the Licensing Committee on 14 October 2021, to come into effect on the 31<sup>st</sup> January 2022

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

- 1.1 There is a statutory requirement under section 349 of the Gambling Act 2005 for the Council to review and republish its Statement of Principles under the Gambling Act 2005 every three years.
- 1.2 In addition Section 166 of the Gambling Act 2005 allows a Licensing Authority to resolve not to issue a Casino Premises Licence or allow operators to make application for premises licences for casinos in its area. The decision must be taken by the authority as a whole and cannot be delegated to the Regulatory Committee. Where a resolution is passed it must be published by the Authority in its three year statement of principles.

**2. DETAILS**

- 2.1 This is the sixth Statement of Principles in respect of the Gambling Act; the fifth having been adopted by the Council in 2018.

- 2.2 The Council first approved a 'no casino' resolution at its meeting on 5<sup>th</sup> April 2006 and re-stated it in 2009, 2013, 2015 and 2018.
- 2.3 The Licensing Authority must carry out consultation with a prescribed list of consultees before determining its Statement of Principles under the Gambling Act 2005.
- 2.4 The public consultation on the draft Statement of Principles, including the 'no casino' policy, took place between 19 July 2021 and 27 September 2021.
- 2.5 An electronic copy of the draft document was published on the Council's website. All responsible authorities, a number of interested parties, residents associations and Ward Councillors were notified of the public consultation.
- 2.6 During the consultation period, the Licensing Authority received ten responses to the consultation through the on-line survey. In addition, four responses were received directly.
- 2.7 The majority of people responding to the consultation were supportive of the proposed Statement of Principles. All who commented supported the retention of the 'no casino policy'. There was no dissent.
- 2.8 Copies of the responses received were presented to Members of the Licensing Committee for their consideration at the meeting held on 14 October 2021.

### 3 **DECISION**

- 3.1 Members of the Licensing Committee decided to approve the draft Statement of Principles under the Gambling Act 2005 and the 'no casino' resolution attached at Appendix A with a recommendation for adoption by full Council.

### 4. **ALTERNATIVE OPTIONS**

- 4.1 None for the purposes of this report

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

- 5.1 A ten-week public consultation was undertaken on the proposed Statement of Principles and the proposed re-stating of the 'no casino' policy between 19 July 2021 and 27 September 2021

### 6. **TIMETABLE.**

- 6.1 Following adoption by full Council the Statement of Principles 2022-2025 made under the Gambling Act 2005 will be published at least 4 weeks before the 31<sup>st</sup> January 2022 on the authority's website and also be available for inspection by the public. At the same time a notice advertising the publication will be placed on the Council's website and on a public notice board in the Town Hall.
- 6.2 The Statement of Principles will take effect from the 31<sup>st</sup> January 2022

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

7.1 None for the purposes of this report.

8. **LEGAL AND STATUTORY IMPLICATIONS.**

8.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish as Statement of Licensing Policy every 3 years. The next Statement must come into effect by the 31<sup>st</sup> January 2022 when the previous policy expires.

8.2 Section 349(3) of the Gambling Act 2005 the lists the persons the Licensing Authority is required to consult in preparing its Statement

8.3 Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Statement of Licensing Policy risk assessment.

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

9.1 These are statutory functions and are applied globally.

10.0 **CRIME AND DISORDER IMPLICATIONS.**

10.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime and protecting children and other vulnerable persons from being harmed or exploited by gambling are two of the three licensing objectives as defined in the Gambling Act 2005 and form the main principles of the Council's Statement under the Gambling Act

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

11.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.

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

12.1 Appendix "A" Draft Statement of Principles under the Gambling Act 2005.

13. **BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT.**

13.1 The Gambling Act 2005  
[https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga\\_20050019\\_en.pdf](https://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf)

13.2 Gambling Commission Guidance to Licensing Authorities  
<https://www.gamblingcommission.gov.uk/for-licensing->

- 13.3 Existing Statement of Policy under the Gambling Act [GamblingPolicyNovember2018.pdf \(merton.gov.uk\)](#)
- 13.4 Consultation responses – directly received
- 13.5 On-line consultation responses

# **London Borough of Merton**



## **STATEMENT OF PRINCIPLES under the Gambling Act 2005**

**From January 2022 to January 2025**

## INDEX

Section	Title	Page No.
	Glossary of Terms	3
1	Introduction	5
2	Profile of the Borough	5
3	Licensing Objectives	6
4	Licensable Premises and Permits	7
5	General Principles	7
6	Consultation	9
7	Information Exchange	9
8	Duplication with other Regulatory Regimes	10
9	Decision Making	10
10	Responsible Authorities and Interested Parties	11
11	Enforcement	14
12	Premises Licences	15
13	Casinos	24
14	Travelling Fairs	24
15	Provisional Statements	24
16	Reviews	25
17	Complaints against Licensed Premises	26
18	Permits	26
19	Temporary Use Notices	30
20	Occasional Use Notices	30
21	Small Society Lotteries	30
	Further Information	31
Appendix A	Delegation of Licensing Functions	33
Appendix B	Risk Assessment Guidance	35
Appendix C	Local Area Profile Maps	39
Appendix D	Definitions	48
Appendix E	Responsible Authorities	53

## GLOSSARY OF TERMS

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives	<b>As defined in section 3.1 below</b>
Licensing Authority	<b>London Borough of Merton</b>
Licences	<b>As stated in section 4.1 below</b>
Applications	<b>Applications for licences and permits as defined in Section 4.1 below</b>
Notifications	<b>Means notification of temporary and occasional use notices</b>
Act	<b>The Gambling Act 2005 (as amended)</b>
Regulations	<b>Regulations made under the Gambling Act 2005</b>
Premises	<b>Any place, including a vehicle, vessel or moveable structure</b>
Code of Practice	<b>Means any relevant code of practice made under section 24 of the Gambling Act 2005</b>
Mandatory Condition	<b>Means a specified condition provided by regulations to be attached to a licence</b>
Default Condition	<b>Means a specified condition provided by regulations to be attached to a licence, unless excluded by the Council</b>
Provisional Statement	<b>Means an application made prior to construction or extensive building work is undertaken to ascertain whether the grant of a licence is likely.</b>
Responsible Authority	<p><b>For the purposes of this Act, the following are responsible authorities in relation to premises:</b></p> <ol style="list-style-type: none"> <li><b>1. The London Borough Of Merton;</b></li> <li><b>2. The Gambling Commission;</b></li> <li><b>3. Metropolitan Police</b></li> <li><b>4. Planning Department</b></li> <li><b>5. Environmental Protection</b> (the authority which has functions in relation to pollution of the environment or harm to human health)</li> </ol>

	<p><b>6. Merton Local Safeguarding Children Board (LSCB) &amp; LBM's Safeguarding Adults Service;</b></p> <p><b>7. HM Revenue and Customs;</b></p> <p><b>8. The London Fire Authority; and</b></p> <p><b>9. Any other person prescribed in regulations made by the Secretary of State</b></p>
Interested Party	<p><b>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, that person:</b></p> <p><b>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</b></p> <p><b>b) Has business interests that might be affected by the authorised activities;</b></p> <p><b>c) Represents persons who satisfy a) or b) above.</b></p>
Local Area Profile	<p><b>Operators of gambling premises are required to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. In order to assist operators in drawing up their risk assessments Licensing Authorities can provide information on the profile of their borough including location of e.g. schools, addiction rehabilitation centres, money lenders and pawn shops, gambling premises as well as deprivation indices and crime figures for the borough broken down by area. The Local Area Profile document is designed to assist operators when completing their risk assessments to allow them to address identified local risks.</b></p>



## STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

### 1. Introduction

- 1.1 The London Borough of Merton is the Licensing Authority under the Gambling Act 2005 (the “Act”), responsible for issuing premises licences, permits, lottery registrations and temporary and occasional use notices for Gambling activities within the Borough.
- 1.2 The Gambling Act 2005 requires the Licensing Authority to prepare and publish a “Statement of Principles” that sets out the principles that the Licensing Authority will apply when making decisions on applications made under the Act.
- 1.3 In producing its statement, this Licensing Authority declares that it has had regard to the licensing objectives under the Act, the guidance issued by the Gambling Commission (published 1 April 2021) and the responses from those consulted on the statement.
- 1.4 Once adopted, the Statement of Principles will be made available on Merton’s website at [www.merton.gov.uk](http://www.merton.gov.uk)
- 1.5 The first Statement of Principles was published in January 2007. This is the 6th Statement published by this Authority and is for the period 2022-2025. It came into effect on 31 January 2022. The Policy will be reviewed as necessary, and at least every three years from the date of its adoption.
- 1.6 A consultation on this policy took place between 19 July and 27 September 2021 (10 weeks).
- 1.7 Notwithstanding this statement of intent, each application received will be considered on its own merits, subject to the provisions of the Act, associated and subordinate legislation and common law.

### 2. Profile of the Borough

- 2.1 The London Borough of Merton is an outer London borough situated to the south west of central London, neighbouring the boroughs of Croydon, Kingston, Lambeth, Sutton and Wandsworth. Comprising of 20 wards, the borough of Merton covers an area of approximately 14.7 square miles and has a population, at 2018, of just over 209,000 residents, projected to increase to 222,717 by 2025 and 232,473 by 2030. Merton is well connected with both central London and neighbouring boroughs,
- 2.2 The Borough is predominantly a residential area. Its properties are both wide ranging in character and often of a high quality. The borough has five main commercial centres; Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon. The busiest of these areas is Wimbledon which has the highest density of leisure and entertainment venues in the Borough. Merton’s economy is heavily reliant on leisure and service industries which form almost 60% of total employment within the borough.

- 2.3 Merton is densely populated but also has one of the highest proportions of parks and open spaces within the London area, some one third of them being green field sites
- 2.4 At the time of writing this Statement of Principles there are no casinos or licensed bingo halls in the borough. There are 32 licensed betting shops and 1 adult gaming centre.



London Borough of Merton Ward Boundaries

### 3. Licensing Objectives

3.1 The Act requires the Licensing Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

- **preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **ensuring that gambling is conducted in a fair and open way;**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

3.2 Merton Council as Licensing Authority is aware that, as per Section 153 of the Act, in carrying out its licensing functions under the Act, particularly with regard to premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Policy and Principles.

3.3 The Licensing Authority is under a duty to act fairly and rationally but cannot grant an application that does not satisfy the requirements of the preceding paragraph. Where there is conflict, the Gambling Commission Code of Practice and Guidance take precedence.

3.4 Nothing in this Statement will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally nothing in the Statement will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so. However, any application received by the Licensing Authority for a casino premises licence shall be returned on the basis that the Licensing Authority has passed a resolution not to issue casino premises licences (subject to a new resolution being approved in 2021)

#### **4. Licensable Premises and Permits**

4.1 This document sets out the policies that this Authority will apply when making decisions upon applications or notifications made for:

- Premises licences (in respect of casinos, bingo premises, betting premises, tracks, adult gaming centres, family entertainment centres);
- Provisional Statements where premises are intended to provide gambling activities;
- Club Gaming permits and/or Club Machine Permits;
- Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Notifications for the use of gaming machines in alcohol licensed premises for the use of two or fewer gaming machines;
- Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registration of small society lotteries below prescribed thresholds;
- Prize Gaming Permits;
- Temporary Use Notices;
- Occasional Use Notices;

4.2 Local licensing authorities are not involved in licensing remote gambling (e.g. internet gambling). This will fall to the Gambling Commission. Neither are they involved in licensing the National Lottery nor in regulating spread betting.

#### **5. General Principles**

5.1 The starting point in determining applications will be to grant the application without conditions, other than the mandatory conditions or default conditions laid down by the Secretary of State, subject to the applicant having identified any risks and offering any suitable control measure required to address the Borough's Local Area Profile. Default conditions will only be amended and additional conditions added where they are needed to meet the requirements of the licensing

objectives, and any conditions applied will be proportionate. Conditions will be considered unnecessary if they are already adequately covered by other legislation or in the Default or Mandatory Conditions.

- 5.2 When determining an application to grant a Premises Licence or review a Premises Licence, the Licensing Authority will have regard to the proximity of the premises to schools, vulnerable adult centres and residential areas where there may be a high concentration of families with children or in areas of social deprivation or where there are high crime rates. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will be considered on its merits. This Authority would expect the applicant to effectively demonstrate how they might promote the licensing objectives, address any relevant guidance issued by the Gambling Commission under section 25 of the Act and be in accordance with any relevant code of practice issued under section 24 of the Act. We would therefore expect a premises risk assessment to take into consideration the locality where the premises are situated.
- 5.3 When considering any conditions to be attached to a licence, the Licensing Authority will primarily focus on the impact of the authorised activities taking place at licensed premises on interested parties and/or in the context of the Licensing Objectives.
- 5.4 In determining any application the Licensing Authority may not have regard to the expected demand for the facilities, which it is proposed that the premises intend to provide.
- 5.5 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from licensed premises that may give rise to objections including:
  1. Planning controls;
  2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
  3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
  4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.
- 5.6 Objectors will be required to relate their objection to one or more of the Licensing Objectives for Gambling, listed at 3.1 above, before the Licensing Authority will be able to consider it. An application for a review of a licence must be made on the prescribed form but must also relate to the three Licensing Objectives for Gambling, listed at 3.1 above.
- 5.7 The Licensing Authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups and to promote equality of opportunity for people with disabilities.

## 6. Consultation

6.1 Under the Act, the Licensing Authority is required to consult with the following parties on its proposed Statement of Principles

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

6.2 The Licensing Authority consulted:

- The Responsible Authorities namely:  
the Chief Officer of Police;  
the Gambling Commission;  
the London Fire Authority;  
the Local Planning Authority;  
Environmental Services in its capacity as the body responsible for the prevention of pollution to the environment and protection of public health;  
the Council's Children Services; and  
HM Revenue & Customs;
- The Council's Adult Social Care Services
- Trade associations
- Businesses or their representatives involved in gambling
- Ward Councillors and local Members of Parliament
- Faith groups
- Residents Associations
- Voluntary and Community Organisations working with children and vulnerable adults
- Wimbledon Civic Trust
- Advocacy Groups (e.g. Citizens Advice)
- Organisations working with people who are problem gamblers
- The Director of Public Health
- Community Safety Partnership

6.3 A copy of the draft statement was also be published on the Council's website

6.4 The consultation took place between 19 July 2021 and 27 September 2021 (10 weeks).

## 7. Information exchange

7.1 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies (like the Gambling Commission). In exchanging such information, the Licensing Authority will conform to the requirements of Data protection and Freedom of Information legislation in accordance with the Council's existing policies. The authority will act

in accordance with the relevant legislation and guidance from the Gambling Commission and will adopt the principles of better regulation.

- 7.2 Contact details, including email addresses (unless expressly asked otherwise), of those persons making representations and details of the representations will be made available to the applicant to allow for negotiation. In the event of a hearing being held the details will be provided to members of the Licensing Committee and, should an Appeal follow, the information will become a matter of public record. Applicants and interested parties, by providing their details, must be aware that those details will be shared as laid out above and may be made public
- 7.3 Information returns will be made to the Gambling Commission in accordance with current protocols and should any protocols be established regarding information exchange with other bodies then they will be made available. Premises Licence holders should be aware that their details may be shared with the Gambling Commission accordingly.

## **8. Duplication with other regulatory regimes**

- 8.1 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Licensing Authority will not consider whether a premises licence application is likely to be awarded planning permission or building regulations approval. It will though, listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should the situation arise.
- 8.2 When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account as these matters are dealt with under other legislation and do not form part of the consideration for a premises licence under the Act.
- 8.3 It should be note that a decision by the licensing authority under this Act shall not constrain any later decision by the authority under the law relating to planning or building control.

## **9. Decision Making**

- 9.1 Terms of Reference A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.
- 9.2 A clear statement of the reasons for the decision shall accompany every determination of a licensing decision by the Licensing Sub-Committee. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable in the form of a Notice of Determination.
- 9.3 The Council's Licensing Officers will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

- 9.4 Decisions as to whether representations are irrelevant, frivolous or will certainly not influence the Licensing Authority's determination of the application. will be made by Licensing Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee.
- 9.5 Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. The Gambling Act 2005 provides no right of appeal in these circumstances, although other avenues of legal challenge, for example Judicial Review, may be available.
- 9.6 Allocation of Decision Making Responsibilities The Licensing Authority has established a Licensing Committee to discharge all Licensing functions. The Licensing Committee shall consist of at least ten, but not more than fifteen members of the authority.
- 9.7 In order to provide a speedy, efficient and cost-effective service to all involved in the licensing process, the Licensing Committee has delegated certain decisions and functions to Sub-Committees.
- 9.8 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council officers.
- 9.10 Appendix A sets out a table showing the agreed delegation of functions and decisions in respect of the full Council, Licensing Committee, Sub-Committee and Officers.
- 9.11 Such delegation does not preclude officers from referring any application to the Licensing Sub-Committee if they consider it appropriate.

## **10. Responsible Authorities and Interested Parties**

- 10.1 Regulations have been made by the Secretary of State under Section 160 of the Act that will require applicants for premises licences to notify the 'Responsible Authorities' and 'Interested Parties'
- 10.2 The Responsible Authorities are:
- A Licensing Authority in whose area the premises wholly or partly lie;
  - the Gambling Commission;
  - the Metropolitan Police;
  - the London Fire Authority;
  - the Local Planning Authority;
  - the Authority which has functions in relation to pollution to the environment or harm to human health;
  - the competent person to advise about the protection of children from harm;
  - HM Revenue & Customs; and
  - any other person prescribed in regulations by the Secretary of State

- 10.3 It should be noted that in relation to a vessel, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. This would include:
- (a) the Environment Agency
  - (b) the British Waterways Board and
  - (c) the Secretary of State (in practice, the Secretary of State for Transport, who acts through the Maritime and Coastguard Agency)
- 10.4 The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The designated body must
- a) be responsible for an area covering the whole of the licensing authority's area; and
  - b) be answerable to democratically elected persons, rather than any particular vested interest group.
- 10.5 This authority designates Merton Local Safeguarding Children Board , but the Board may designate one of its members to be the person responsible for raising representations or applying for the review of an existing licence.
- 10.6 The Act contains no obligation on responsible authorities to respond to applications for premises licences if they do not wish to do so. The Gambling Commission will not normally comment on an application unless it has particular observations to make about the operator. In the absence of response from the Commission, this authority will not assume that the Commission has any view (whether supportive or otherwise) on the merits of the particular premises licence application. We will, of course, be aware of the Commission's views on generic issues as set out in guidance.
- 10.7 The contact details of all the Responsible Authorities under the Act are shown in Appendix E.
- 10.8 Interested parties can make representations about licence applications or apply for a review of an existing premises licence. An interested party, in accordance with s158 of the Act, is a person who in the opinion of the Licensing Authority:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
  - (b) has business interests that might be affected by the authorised activities, or (c) represents persons who satisfy (a) or (b)
- 10.9 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. This Authority will abide by the following principles:
- a) Persons living close to the premises  
Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. In determining what 'sufficiently close to the premises' means it will consider the examples of factors for considerations provided in the Gambling Commission's Guidance for local authorities namely:



- the size of the applicant's premises;
- the nature of the applicant's premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant (not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises e.g. whether an individual, a residential school for vulnerable children, a residential hostel for vulnerable adults).

b) Persons with business interests that could be affected.

It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. For example, an operator in a particular sector (be it casino, bingo, betting, etc) should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. This authority will need to be satisfied that the relevant business is likely to be affected. In this respect, we will bear in mind that the 'demand test' from the 1963 and 1968 Acts is not continued in the 2005 Act. Factors that are likely to be relevant include:

- the size of the applicant's premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit the premises);
- whether the person making the representation has business interests in that catchment area that might be affected.

This Authority will give the term 'has a business interest' the widest possible interpretation and will include charities, faith groups, medical practices and business improvement districts.

c) Persons representing those in the above categories

Interested parties can include trade associations and trade unions, and residents' and tenants' associations. However, these bodies will only be viewed as interested parties if they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

10.10 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person 'represents' someone, who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and, or has business interests that might be affected by the authorised activities. A letter or email from one of these persons requesting the representation will be sufficient.

10.11 Whilst the above bodies will have legitimate interests in aspects of the application, the Licensing Authority must ensure that it does not take into account concerns from these bodies if they are not relevant to the application for a premises licence under the Act.

10.12 Examples of representations from such bodies that may not be taken into account are as follows (but these examples are not exhaustive):

- There are already too many gambling premises in the locality
- The proposed premises are a fire risk
- The location of the premises is likely to lead to traffic congestion

## **11. Enforcement**

11.1 The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises be monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises. The Gambling Commission are the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

11.2 In carrying out its enforcement function this Authority will comply with the Regulators Code and will:

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those we regulate and hear their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
- Ensure that our approach to regulatory activities is transparent

11.3 This Authority will adopt a risk-based inspection programme having regard to statutory requirements, Primary Authority agreements and Gambling Commission Guidance. In general enforcement visits will be targeted as follows:

- To high risk premises;
- To premises where it is believed that trading is taking place without the necessary permissions or where conditions are not being observed;
- To premises where complaints have been received; and
- To premises where intelligence suggests that underage gambling is taking place or criminal or disorderly conduct has occurred.

11.4 When determining risk consideration will be given to:

- The nature of the gambling activities taking place on the premises;
- The location of the premises having regard to the Authority's risk profile;
- The procedures put in place by the management to meet the licensing objectives.

11.5 Enforcement action will be taken having regard to the Council's Environmental Services Enforcement Policy and the Code for Crown Prosecutors.

11.6 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

## 12. Premises Licences

- 12.1 Licensing Authorities are responsible for receiving, processing and deciding upon applications for premises licences under the Act, including the processing of review applications. Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated.
- 12.2 Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which Licensing Authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The Licensing Authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.
- 12.3 Premises licences will be subject to the processes set-out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. The Authority will exclude default conditions and also attach other conditions where it believes it to be appropriate.
- 12.4 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or, has made an application for an operating licence which has not yet been determined, or, in the case of an application for a track betting licence the applicant may not be required to have an operators licence.
- 12.5 The applicant may ask the Licensing Authority for advice as to the scope of information to be provided. The Licensing Authority may levy a charge where more in depth or complex advice and assistance is requested.
- 12.6 In accordance with s153 of the Act, in respect of premises licences the Licensing Authority's primary obligation is to aim to permit the use of premises for gambling in so far as it thinks to do so is:
- in accordance with relevant codes of practice issued by the Gambling Commission;
  - in accordance with guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the Licensing Authority's statement of licensing policy
- 12.7 Moral objections or demand for gambling are not valid reasons to reject applications for premises licences nor will unmet demand be used as a criterion for decision making.
- 12.8 Where an application is made to the Licensing Authority for a premises licence, an interested party or responsible authority may make representations in writing to the Licensing Authority.
- 12.9 The Licensing Authority must hold a hearing if:
- an interested party or responsible authority has made a representation, and not withdrawn it

- the Licensing Authority proposes to attach a condition to the licence or
- the Licensing Authority proposes to exclude a default condition that would otherwise be attached to the licence.

12.10 However, the Licensing Authority may determine an application for a premises licence without a hearing with the consent of the applicant and any interested parties or responsible authorities, or if the Licensing Authority thinks that the representations are vexatious, frivolous, or will certainly not influence the Licensing Authority's determination of the application.

12.11 On considering an application for a premises licence (whether at a hearing or not) the Licensing Authority shall either grant it or reject it. Conditions may be attached to premises licences. In so doing the Licensing Authority shall consider each individual application on its merits, to the extent that this is required by law.

12.12 Definition of "premises" Premises is defined in the Act as "any place" which also includes "a vessel" or "a vehicle". A premises can only hold one premises licence, consequently different premises licences cannot apply in respect of one premises at different times. However, it is possible for a single building to hold a number of premises licences if it contains a number of distinct premises within it. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

12.13 Whether different parts of a building can properly be regarded as being separate premises will be considered at the time of application and will depend on the individual circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or movable partitions, can properly be regarded as different premises.

12.14 In most cases the expectation is that a single building/plot will be the subject of an application for a licence. This Authority will pay particular attention in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority will consider the following matters:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Compatibility of the establishments.
- Whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

12.15 To assist this Authority in determining whether two or more proposed premises are truly separate, this Authority will ask the following questions:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

12.16 In addition to the matters laid out above this Authority, when considering the division of existing premises, would expect the partitioning between the two proposed units to be fixed and immovable in nature, full height and not transparent in any part. Where both units are on the same floor it would expect the premises to have separate postal addresses, separate entrance doors and separate trading names. There should be no internal doors allowing customers to move between the premises.

12.17 A licence to use premises for gambling which have still to be constructed or altered will only be issued where this Authority is satisfied:

- (i) that the premises ought to be permitted to be used for gambling; and
- (ii) that appropriate conditions can be put in place to cater for the fact that the premises are not yet in the state in which they ought to be before gambling can take place (e.g. a condition that trading shall not commence until the premises are completed in all respects in accordance with the scale plans that accompanied the application).

12.18 This Authority will expect that a new application will be made if the plans submitted at the time of the application are changed in any material respect during the construction and fitting out of the premises after the grant of the licence to preserve the rights of interested parties and responsible authorities to make representations.

12.19 Controlling where gaming machines may be played and Plans – The Act and associated regulations set out the regulatory framework for controlling gaming machines. By linking different machine entitlements to different types of premises the framework seeks to ensure the number of machines and levels of stakes and prizes of machines is proportionate to the premises. The Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. Thus, for example, a premises licensed for the purposes of providing facilities for bingo must operate as such and not merely be a vehicle to offer higher stake and prize gaming machines. Similarly, if an operator applies to divide an existing premises to provide two or more areas for gambling, it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises

12.20 In premises licensed for betting, substantive facilities for non-remote betting must be provided if gaming machines are to be made available. The facilities provided must include information that enables customers to access details of events on which bets can be made, make such bets, learn the outcome and collect any

winnings. Where betting facilities are provided only by machines the number of betting machines must exceed the number of gaming machines made available for use.

12.21 In order to ensure that a premises is properly providing the named non-remote activity of the operating licence this Authority will expect all new premises licence applications and all variation applications to be accompanied by a plan that not only complies with the requirements of the legislation but also clearly indicates the area used for the named non-remote gambling activity and any other gambling activity, including the number and position of all machines (both betting machines and gaming machines).

12.22 Where the number and/or position of machines are altered this Authority will expect a revised plan to be provided to the Licensing Authority. This revised plan will be held by the Authority but will not be substituted on the licence unless the licence is re-issued following a variation or change of circumstance application.

12.23 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. When considering an application, particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder.

12.24 This Authority will take specific note of whether an application relates to a premises that is:

- close to an educational establishment, including colleges and universities;
- close to a centre dealing with vulnerable people;
- situated in an area of high crime;
- situated in an area of deprivation;
- close to the location of services for children such as libraries and leisure centres;
- close to the location of businesses providing instant access to cash such as pay day loans, pawn shops;
- situated in a residential area where there is a high concentration of families with children.

12.25 Local Risk Assessments and Local Area Profiles With effect from the 6th April 2016 the Gambling Commission's social responsibility code within the Licensing Conditions and Codes of Practice (LCCP) requires operators to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. Following that date operators must review those assessments when certain triggers are met as laid out in paragraph 13.28 below. The social responsibility code provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

12.26 This Authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Each locality has its own challenges and in order to assist applicants this Authority has produced

- (i) a map of the borough indicating the location of existing gambling premises
- (ii) a map of the borough indicating the location of educational establishments and youth clubs
- (iii) a map of the borough indicating the location of community centres, libraries, leisure centres and places of worship
- (iv) a map of the location of money loan stores and money transfer services
- (v) a map showing the location of pawnbrokers
- (vi) a map showing deprivation indices in the borough 2019 by Lower Layer Super Output Area (LSOA) boundaries
- (vii) a map showing recorded incidents of anti-social behaviour in the borough between April 2019 and March 2020
- (viii) a table indicating deprivation indices by Ward
- (ix) a table showing the age profile of the borough by Ward

This information is attached as Appendix C to this Statement of Principles. The information will identify the areas deemed to be high, medium and low risk by this Authority and will be updated together with any review of this statement.

12.27 Applicants will also be expected to take note of the information published by GambleAware via its interactive maps on estimated gambling prevalence and treatment and support usage in the borough.

12.28 This Authority will expect applicants for a new licence to submit the completed assessment with their application. It must identify the risks and state what control mechanisms are to be employed at the premises to ensure that the licensing objectives are being met having regard to the local area profiles produced by this Authority. The assessment must consider at a minimum:

- The local area, including but not restricted to the types of premises and operation in the area surrounding the gambling premises; the character of the area, for example is it predominantly residential or commercial, is it a family orientated area; transport links; educational facilities; centres for vulnerable people; ethnicity, age, economic makeup of the local community; high crime area; high unemployment area; pawn broker/pay day loan businesses in the vicinity; other gambling premises in the vicinity
- The gambling operation, including but not restricted to what gambling products it provides in the premises; the staffing levels within the premises; the level and requirement for staff training; whether loyalty or account cards are used or not; the security and crime preventions arrangements it has in place; how it advertises locally and on the premises; the marketing material within the premises; the display and provision of information
- The design and layout of the premises, including but not restricted to whether the staff have obstructed views of gaming machines or entrances; whether the design is such that children can see gambling taking place.
- The control mechanisms to be put in place to mitigate the risks e.g. the use of CCTV cameras, the provision of magnetic door locks, employment of door supervisors, employing a challenge 25 scheme, increased number of trained staff.

12.29 Operators are required to review their local risk assessments if significant changes in local circumstances occur, when there are significant changes at a licensee's premises that may affect their mitigation of local risks and when applying for the variation of a licence. The following list sets out what is considered to be significant

changes in local circumstances;

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
- A new pay day loan or pawn broker opens in the local area
- Relevant significant changes are made to the provision, location and/or timings of public transport in the vicinity of the premises e.g. extension of London Underground Services or the re-location of a bus stop used by children
- An increase in educational facilities in the local area, e.g. the opening of new schools/colleges or the extension of an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises
- New gambling premises opens in the local area
- Any evidence from gaming trends that may reflect benefit payments or where underage testing has identified a problem.

12.30 An operator submitting a variation application to the Licensing Authority will be expected to provide a copy of the reviewed local risk assessment with the application.

12.31 This Authority will consider the local risk assessment when determining a new application or a variation application. Some control mechanisms identified in the assessment may be added to the licence as conditions to address any significant local concerns. To assist operators in formulating their risk assessments guidance is contained in Appendix B on the matters that this Authority would expect to be included in a risk assessment. This Authority is particularly concerned:

- To prevent the clustering of gambling premises in any one area of the borough; and
- To ensure that staffing levels are sufficient and that staff are trained and supported to identify and work with problem gamblers; and
- To ensure that measures are in place to prevent underage gambling.

12.32 The list is not exhaustive and every risk assessment should be based on the individual premises and the issues in the local area.

12.33 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

12.34 It is expected that the local risk assessment will be kept on the premises to which it relates (or be immediately accessible) in order to assist staff in carrying out their duties and to ensure that it is available during inspection by authorised officers.

12.35 Licensing Objectives Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below



**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

This Authority acknowledges that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. However, this Licensing Authority places considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. A high standard of control is expected to be exercised over licensed premises.

This Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and the local Police Licensing Officer on Police Station before making a formal application.

In considering licence applications, the Licensing Authority will particularly take into account the following: -

1. The design and layout of the premises
2. The training given to staff in crime prevention measures appropriate to those premises
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
4. Whether door supervisors or a higher staffing level is being provided having regard to the crime statistics in the neighbourhood where the premises are to be situated
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks
6. The likelihood of any violence, public order or policing problem if the licence is granted
7. The operators' draft or existing Local Area Risk Assessment and
8. The operators' compliance with the Council's Local Area Profile.

This Authority acknowledges that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. In making a distinction between disorder and nuisance the Licensing Committee will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in considering any contested application

**Ensuring that gambling is conducted in a fair and open way**

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). As the Gambling Commission grants Personal Licences and Operating Licences, enforcement of these matters is the responsibility of the Gambling Commission.

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

This objective is concerned with preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. 'Child' means an individual who is less than 16 years of age. 'Young person' means an individual who is not a child but who is less than 18 years of age.

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted. The Licensing Sub-committee will judge the merits of each individual application before deciding whether to impose conditions to protect children and vulnerable persons on particular categories of premises. This may include such requirements as: -

- Supervision of entrances
- Segregation of gambling areas frequented by children
- Supervision of gaming machines in licensed family entertainment centres.

This Licensing Authority will also ensure that where category A, B or C machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through an entrance designed for that purpose;
- access to the area where the machines are located is supervised to ensure that under-18s do not enter the area;
- the area where these machines are located is arranged so that all parts can be observed either by;
- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas; and
- at the entrance to any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 .

As regards the term 'vulnerable person' this Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will follow the Gambling Commission's assumption that for regulatory purposes, "vulnerable persons" include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

In addition to the responsible authorities and specifically with regard to the protection of vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will consult with Community Care Services via a joint arrangement with the Merton Local Safeguarding Children Board & Safeguarding Adults Service.

**12.36 Premises licence conditions.** Conditions may be attached to premises licences in the following ways:

- Automatically - having been set out on the face of the Act
- Mandatory conditions – as specified by the Secretary of State which must be attached to the premises licence
- Default conditions – as specified by the Secretary of State which will be attached to the premises licence unless excluded by the licensing authority. Default conditions will normally be applied to applications
- Conditions attached by the licensing authority.

12.37 The Licensing Authority notes that it is the Commission’s view that the conditions necessary for the general good conduct of gambling premises will be those set as default and mandatory conditions by the Secretary of State. The Licensing Authority may consider on a case-by-case basis attaching conditions where there are regulatory concerns of an exceptional nature and any additional licence conditions must relate to the licensing objectives. Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Licensing Authority may choose to attach individual conditions to address this and applications for premises licences should not be turned down where relevant objections can be dealt with through the use of conditions.

12.38 A condition attached to the licence by the Licensing Authority may apply in relation to the premises generally or only in relation to a specified part of the premises.

12.39 Any conditions attached to premises licences by the Licensing Authority should be proportionate and:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises and
- reasonable in all other respects

12.40 Decisions upon individual conditions will be made on a case-by-case basis, this will be in line with any general policy set out in the Guidance or within this Statement of Principles although there will be a number of measures this Licensing Authority will consider using should there be a perceived need, such as the use of door supervisors, appropriate signage for adult areas only etc. However, conditions relating to the need for door supervisors will only be required if there is clear evidence that the premises cannot be adequately supervised otherwise and that door supervision is necessary and proportionate.

12.41 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

12.42 Conditions that the Licensing Authority cannot attach to premises licences are:

- any condition on the premises licence that makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes

12.43 **Door Supervisors.** The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors having regard to the licensing objectives. It is noted though that in-house staff carrying out the function of a door supervisor at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). However, this Authority would expect that door supervisors working at bingo premises would have successfully completed a training course approved by the SIA prior to their employment as a door supervisor. This is in recognition of the nature of the work in terms of searching individuals, and dealing with potentially aggressive persons, etc. It should be noted that contract staff carrying out the function of a door supervisor do require to be licensed by the Security Industry Authority.

12.44 For premises other than casinos and bingo premises it may be decided either by the operator through their local risk assessment or by the Licensing Committee that supervision of entrances / machines is appropriate for particular cases and whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

### **13. Casinos**

13.1 This licensing authority is proposing to re-state its 'no casino' resolution which has been in place since 2006. Merton borough is predominantly residential in nature and a casino would be out of character to the area. In making its initial decision the Licensing Committee had regard to the consultation responses including the view of Members.

13.2 Potential licence applicants should note that a 'no-casino' resolution will mean that no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place

### **14. Travelling Fairs**

14.1 This Authority is responsible for deciding whether the provision of Category D machines and / or equal chance prize gaming without a permit available for use at a travelling fair amounts to no more than an ancillary amusement at that fair.

14.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

14.3 It has been noted that the 27 day statutory maximum for the land being used for a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses over boundaries is monitored so that the statutory limits are not exceeded.

## 15. Provisional Statements

- 15.1 Applicants may make an application for a provisional statement in respect of premises that they expect to be constructed, altered, or to acquire a right to occupy. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence. Those applying for a provisional statement do not have to have applied for or hold an operating licence, nor do they need to have the right to occupy the premises.
- 15.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a. which could not have been raised by objectors at the provisional licence stage;
  - b. which in the authority's opinion reflects a change in the operator's circumstances; or
  - c. where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this licensing authority will discuss any concerns we have with the applicant before making a decision.
- 15.3 With regard to provisional statements this authority has noted the Gambling Commission's Guidance that "a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law".

## 16. Reviews

- 16.1 The Licensing Authority will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the licensing objectives.
- 16.2 It is for the licensing authority to decide whether the review is to be carried out. In deciding whether to review the licence the Authority will consider whether it:
- is in accordance with any relevant code of practice issued by the Gambling Commission;
  - is in accordance with any relevant guidance issued by the Gambling Commission;
  - is reasonably consistent with the licensing objectives;
  - is in accordance with the authority's statement of licensing policy;
  - is frivolous or vexatious or substantially the same as previous representations or requests for review will certainly not cause the Authority to alter, revoke or suspend the licence.
- 16.3 Representations may include issues relating to the following:
1. Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;

2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised crime activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons being put at risk.

16.4 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **17. COMPLAINTS AGAINST LICENSED PREMISES**

17.1 The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

17.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

17.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

17.4 Due consideration will be given to all relevant representations.

## **18. Permits**

18.1 Permits are required when premises provide a gambling facility where either the stakes and prizes are very low or gambling is not the main function of the premises. Holders of permits for gambling need to comply with codes of practice, published by the Gambling Commission on the location and operating of machines.

It is the responsibility of the Licensing Authority to issue:

- Unlicensed Family Entertainment Centre gaming machine permits
- Club gaming permits and club machine permits
- Alcohol-licensed premises gaming machine permits
- Prize gaming permits

18.2 Unlicensed Family Entertainment Centre gaming machine permits Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).

18.3 This Authority will expect that a plan showing the layout of the premises with the locations of gaming machines highlighted will accompany the application.

An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. This Authority will expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centre;
- that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

18.4 In addition, this Authority will expect the applicant to have policies and procedures in place to protect children from harm in the widest context (not limited to only harm from gambling). This will include:

- measures to deal with suspected truant school children, including the establishment of close working relationships with local schools and the local education authority
- measures to deal with unsupervised very young children on the premises
- measures to deal with children causing perceived problems on or around the premises

This Authority understands that they may either grant or reject an application but cannot attach conditions to this type of permit

18.5 (Alcohol) Licensed premises gaming machine permits and automatic entitlement: 2 machines There is provision in the Act for alcohol licence holders to automatically have 2 gaming machines, of categories C and/or D for use in premises licensed to sell alcohol for consumption on the premises. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act. These are: that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

- 18.6 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance or Codes of Practice issued by the Gambling Commission and “such matters as they think relevant.” This Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include:
- the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
  - the provision of notices and/or signage.
  - the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous
- 18.7 An application for a permit for more than two machines will generally be granted if the operator is complying with the Gambling Commission Code of Practice unless there are particular and compelling reasons not to do so, for example if alcohol has been sold on the premises to persons under 18 or the premises has a history of crime and disorder.
- 18.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 18.9 This Authority recognises that it can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for but that conditions (other than these) cannot be attached.
- 18.10 Prize Gaming Permits The Licensing Authority is required under the Act to state the principles it will apply in exercising its functions in relation to prize gaming permits, in particular specify the matters that the Licensing Authority proposes to consider in determining the suitability of an applicant for a permit.
- 18.11 This Authority would expect an applicant to set out the types of gaming that is intended to be offered and be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law; and
  - suitable policies that outline the steps to be taken to protect children from harm.
- 18.12 Given that the premises will particularly appeal to children and young persons, this Authority will give particular weight to child protection issues. The Authority will also give due weight to representations from the police relevant to the licensing objectives. Relevant considerations include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder



18.13 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

18.14 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling

18.15 Club Gaming and Club Machines Permits Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Members Clubs and Miners Welfare Institutes and Commercial Clubs may apply for a club machine permit. A Club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

18.16 The Licensing Authority must satisfy itself that a club meets the requirement of the Act to obtain a club gaming permit. In doing so that it will take into account the matters as laid down in the Gambling Commission's Guidance namely that "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to Bridge or Whist. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

18.17 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

18.18 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are that:

- the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

18.19 There are statutory conditions on club gaming permits that no child use a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **19 Temporary Use Notices**

19.1 "Temporary Use Notices" allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling (for example, use by hotels, conference centres and sporting venues). It is a notice given by the holder of an operating licence that states his / her intention to carry on one or more specified prescribed activities.

19.2 A "set of premises" (section 218(8)) may not be the subject of temporary use notification for more than 21 days in a period of 12 months, but may be the subject of several notices providing that the total does not exceed 21 days.

19.3 Reference to "a set of premises" prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Licensing Authority will look at, amongst other things, the ownership/occupation, layout and control of the premises.

19.4 This authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

19.5 The Secretary of State has the power to determine what form of gambling can be authorised by a Temporary Use Notice. Currently, the regulations allows such a Notice to permit facilities for equal chance gaming, where the gaming is intended to produce a single winner, which typically, to date, means a poker tournament.

## **20. Occasional use notices**

20.1 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises

licence.

20.2 The Licensing Authority has no discretion in relation to these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **21. Small Society Lotteries**

21.1 The Licensing Authority is responsible for the registration of small scale society lotteries where the principal office is located within the borough. Such lotteries can only be promoted for charitable purposes, participation in or supporting sport, cultural activities or for other non-commercial purposes other than for private gain.

21.2 Applicants are reminded that their application is likely to be refused if:

- The application is not on behalf of a non-commercial society;
- A person connected with the lottery promotion has been convicted of a relevant offence;
- False or misleading information has been provided.

21.3 The Authority will, where necessary, invite applicants to provide evidence to support their application including articles of association, constitution, minutes of Annual General Meetings or Committee Meetings or other such documents that may assist with the application.

21.4 In considering whether to refuse an application where a bona fide application has been made or revoke an existing registration this Authority will first give an opportunity to the society to make representations.

21.5 The Commission has been made aware that some small society lotteries may be avoiding applying for a society lottery operating licence from the Commission by obtaining two or more registrations with the same or different local authorities. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11, Part 4 of the Act.

21.6 Where a society applies for more than one registration, care will be taken to ensure that the applicant societies have separate and different aims and objectives. Where a society applies for more than one registration, the aims and objectives of the applicant societies are the same and the combined proceeds are likely to exceed the threshold limits for small society lotteries, the applicant will be advised to apply to the Commission for a society lottery operating licence, instead of obtaining society lottery registrations with the local authority.

21.7 The providers of small society lotteries are required to submit a formal return to the Authority following each draw. The Authority may investigate providers of small society lotteries in the event of:-

- a late or missing statutory return;
- evidence or report of tickets being sold to children;
- any suspected misappropriation of funds; or

- the receipt of reports of lotteries being held without or in breach of a registration.

### **FURTHER INFORMATION**

Further information about the Gambling Act 2005, this Statement of Principles under the Gambling Act 2005 or the application process can be obtained from: -

Licensing Team  
London Borough of Merton  
Civic Centre  
London Road  
Morden  
SM4 5DX  
E-mail: [licensing@merton.gov.uk](mailto:licensing@merton.gov.uk)  
Web page [www.merton.gov.uk](http://www.merton.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**Appendix A**

**DELEGATION OF LICENSING FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	x			
Policy not to permit Casinos	x			
Application for premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to vary a premises licence			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to transfer a premises licence			If a representation has been received from the Commission	If no representations made
Application for a provisional statement			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Application to review a premises licence			x	
Application for club gaming/club machine permits			If a representation has been made and not withdrawn	If no representations made/representations have been withdrawn
Cancellation of club gaming/club machine permits			x	
Applications for other permits			If a representation has been made and not withdrawn	If no representations made
Cancellation of licensed premises gaming machine permits				x
Consideration of temporary use notices				x
Decision to give counter notice to a temporary use notice			x	
Determining validity of Applications or Representations				x
Representation by Licensing Authority as				X

Responsible Authority				
Procedure and conduct of hearings			x	
Determining relevance of information			x	X
Dispensing with Hearings			Where all parties agree at hearing. If all parties agree prior to hearing the decision will be taken by Democratic and Legal Services	
Extending Time Limits			X Where there is a need prior to hearing the decision will be taken by Democratic and Legal Services in consultation with Licensing Committee Chair	

The issuing of notices of hearing is carried out by Democratic Services

## APPENDIX B – Risk Assessment Guidance

### 1. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Training of staff to offer brief intervention when customers show signs of excessive gambling. Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### 2. (Licensed) Family Entertainment Centres

This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. There must be clear segregation between the category C and category D machines, so that children do not have access to category C machines. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous, the Samaritans and Child Line.
- Measures / training for staff on how to deal with suspected truant school children on the premises including the establishment of close working relationships with local schools and the local education authority.
- The requirement that children must be accompanied by an adult.
- Disclosure and Barring (DBS/CRB) checks for staff.

- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours and during school holidays.
- Measures/training for staff on child protection measures.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **3. Bingo premises**

This Authority notes that the Gambling Commission's Guidance states:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. This Authority will specifically have regard to the need to ensure that children do not participate in gambling and, in particular, that:

- all category B and/or C machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

As alcohol may be sold on the premises, this Authority will also have regard to the measures to be put in place to ensure that persons involved in gambling have not consumed excess alcohol.

Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Location of entry
- Measures/training for staff to ensure that persons engaged in gambling have not consumed an excess of alcohol
- Numbers of staff on duty at any one time

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **4. Betting premises**

This Authority will specifically have regard to the need to protect vulnerable persons from harm or being exploited by gambling and the need to ensure that the premises are not associated with crime or disorder. This Authority is also concerned to ensure that there is not clustering of betting premises in any one area of the Borough.



Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Think 21 scheme
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas, which should generally be a minimum of two persons on duty at any time.
- Notices / signage
- Minimum staffing levels
- The number of counter positions available for person to person transactions•Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Training of staff to offer brief intervention when customers show signs of excessive gambling
- Staff training on dealing with persons who wish to gamble who are intoxicated
- Measures to prevent disorder associated with customers congregating outside the premises to smoke or drink alcohol
- Training of staff to ensure that they can identify children and other vulnerable people and take appropriate action to ensure that they are not able to access the premises or are supported appropriately

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These betting machines are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. While this Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition such action will only be taken where there is clear evidence that such machines may have been or are likely to be used in breach of the licensing objectives. When considering whether to impose a condition to restrict the number of betting machines, their nature and the circumstances in which they are made available for use, this Authority will consider the following factors:

- size of the premises
- number of counter positions available for person-to-person transactions and
- ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer, and

Where there is such evidence, this authority will consider the control measures in the local risk assessment and, in particular, the ability of staff to monitor the use of such machines from the counter.

This authority will give due consideration to premises licence applications in respect of re-sites of a betting premises within the locality and to extensions where these replace and enhance the quality of the facility provided for the benefit of the betting public

## 5. Tracks

Currently this Authority has no track betting premises in its area. However, this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Tracks are distinguished from other betting premises licences under the Act because children and young persons are allowed to be present on the track while betting is taking place on those licensed premises. Therefore, in line with the Gambling Commission's Guidance, this Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided or from using betting machines. Operators will be expected to complete their own local risk assessments based on information provided in the local area profiles produced by this Authority but should include consideration of the following:

- Proof of age schemes
- Closed Circuit Television
- Permanent adequate staff supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, the NHS funded National Problem Gambling clinic, Gamblers Anonymous and the Samaritans
- Method for advertising rules in or near the betting areas or in another way to ensure that the public are informed.

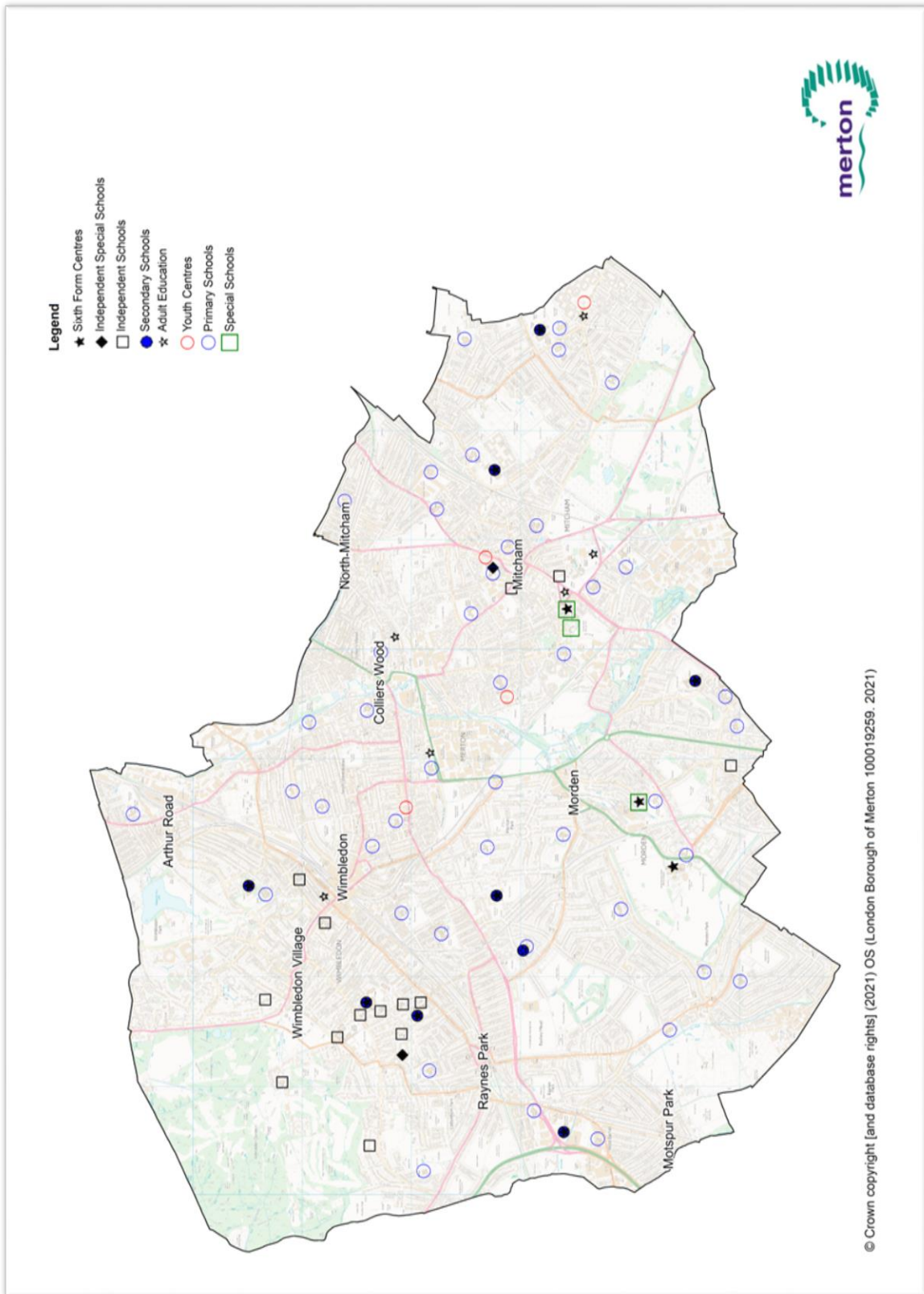
This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## APPENDIX C - Local Area Profile Maps

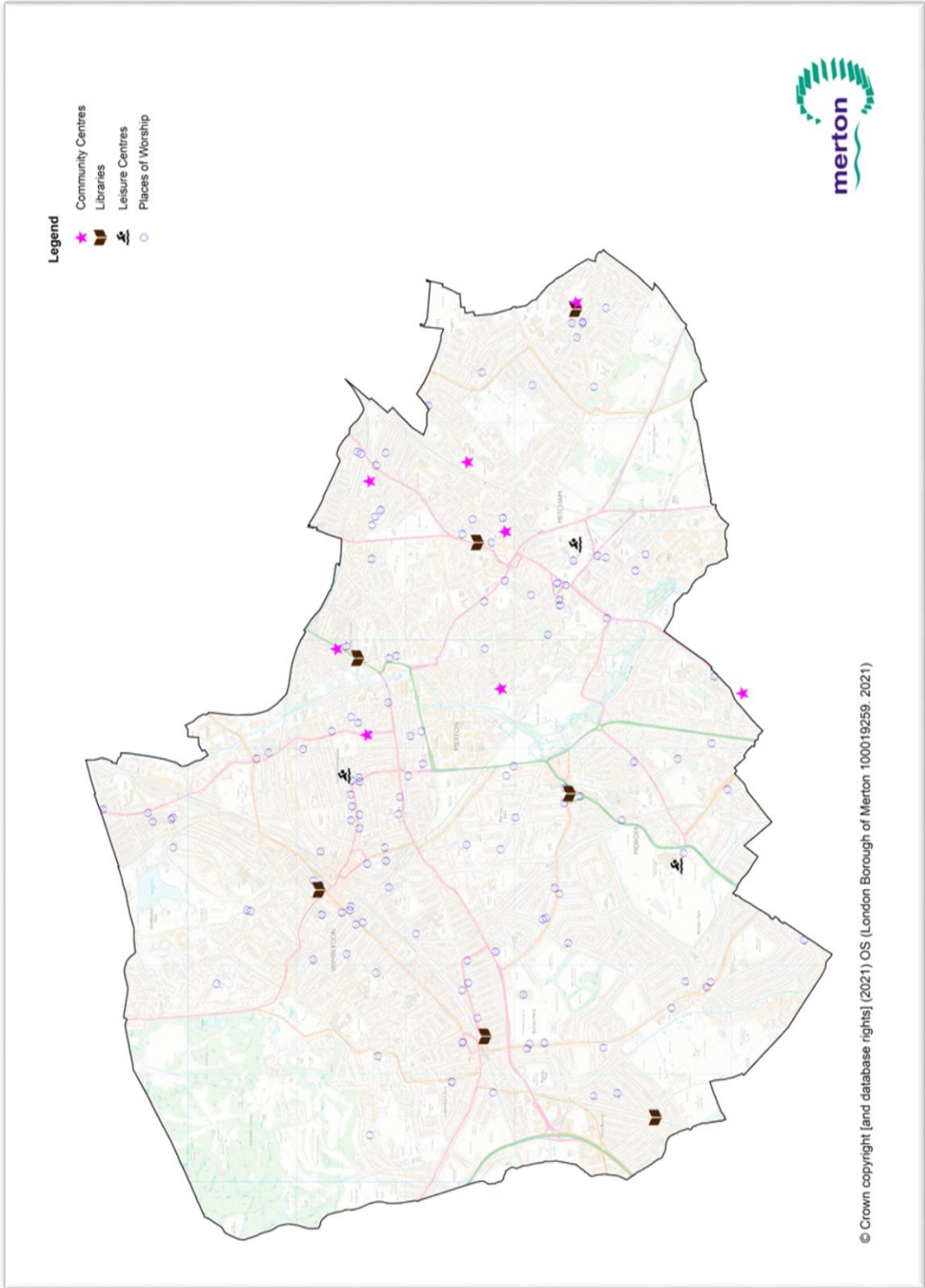
### (i) Location of licensed Gambling Premises



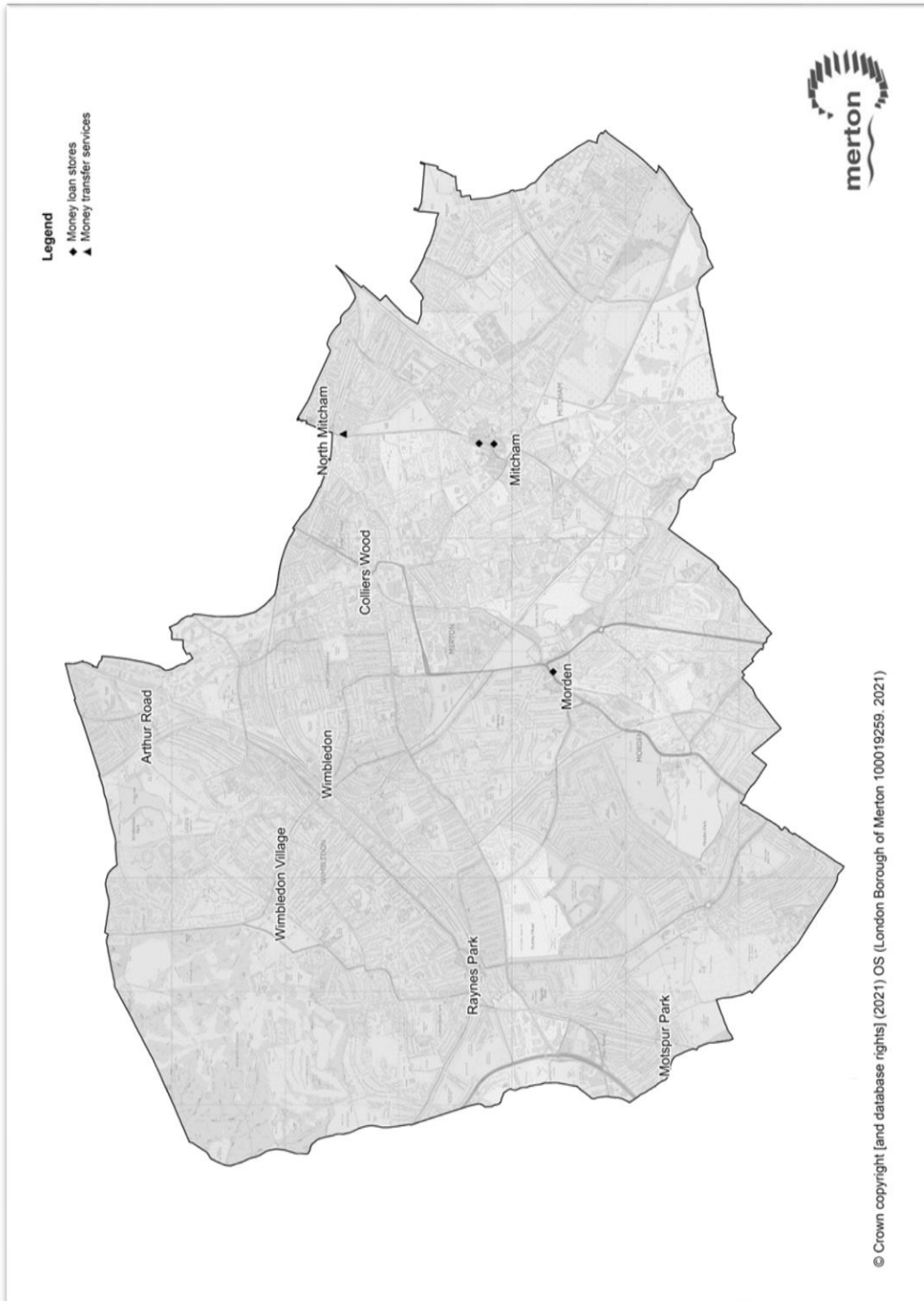
(ii) Location of schools, colleges and youth centres



**(iii) Location of community centres, libraries, leisure centres and places of worship**



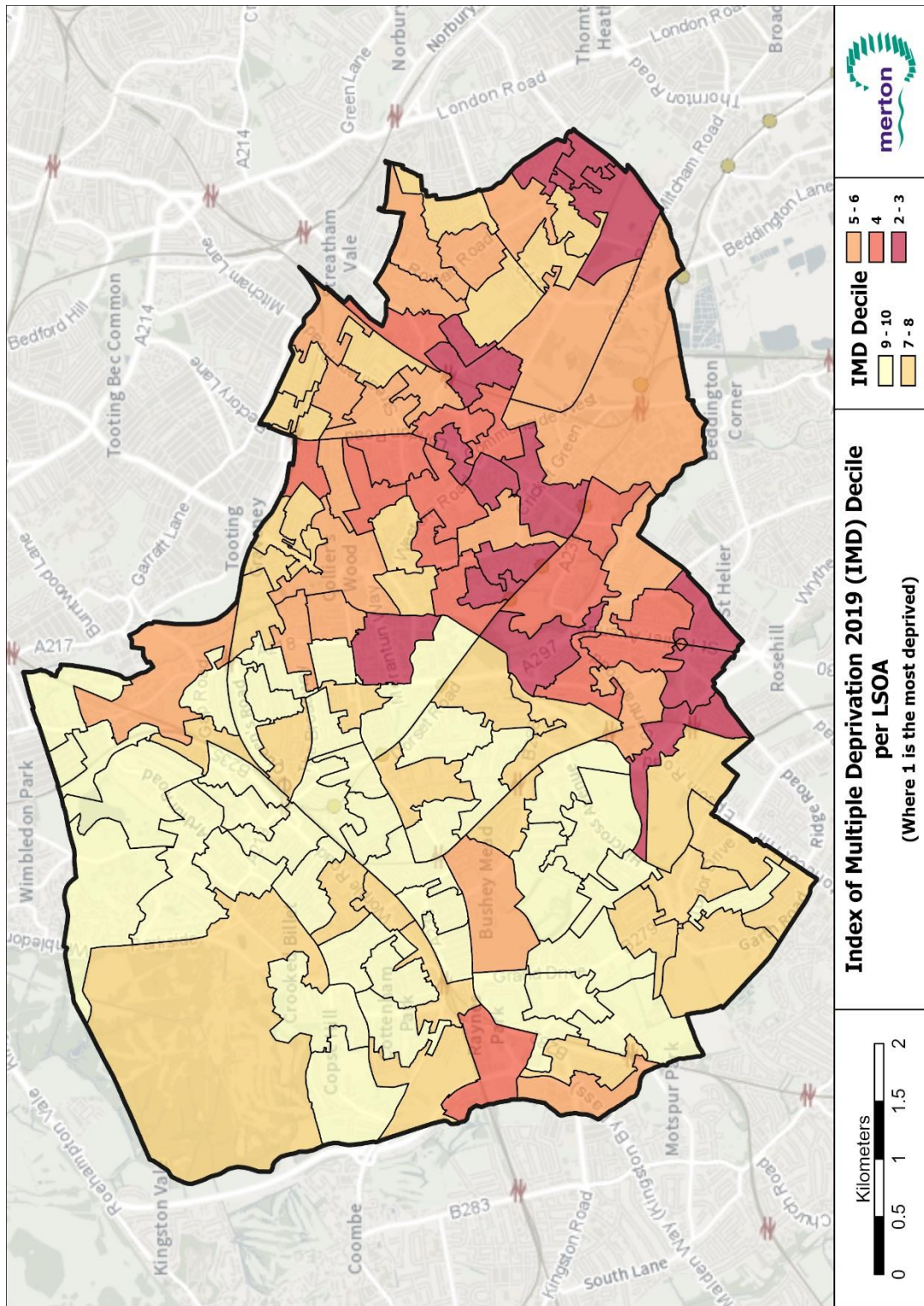
(iv) Location of money loan stores and money transfer services



(v) Location of pawnbrokers

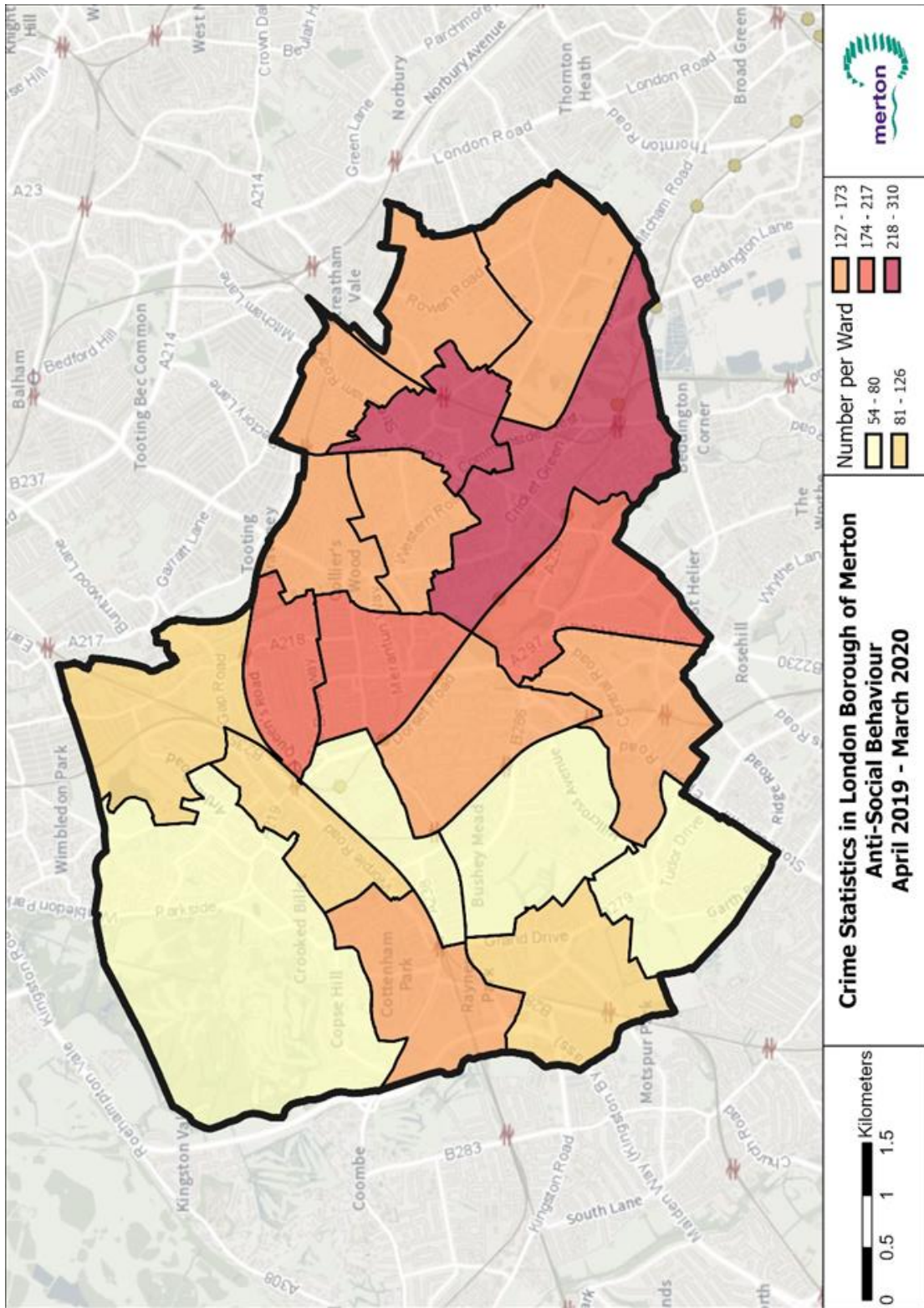


**(vi) Indices of Multiple deprivation**



**(vii) recorded incidents of anti-social behaviour in the borough between April 2019 and March 2020**





(viii) Deprivation indices by Ward

Ward	Deprivation Score (IMD 2019)*	Income Rank **	Employment Rank ***	Income Deprivation Affecting Children Index ****	Income Deprivation Affecting Older People Index(60+) rank:
Abbey	540	485	543	440	356
Cannons Hill	585	548	570	547	514
Colliers Wood	428	450	501	421	350
Cricket Green	187	107	124	142	238
Dundonald	621	627	630	623	556
Figge's Marsh	218	179	193	169	257
Graveney	457	451	483	482	400
Hillside	620	620	629	629	502
Lavender Fields	340	254	323	241	200
Longthornton	381	393	355	414	366
Lower Morden	578	582	551	565	587
Merton Park	602	587	604	588	570
Pollards Hill	287	181	190	129	417
Ravensbury	245	224	187	206	370
Raynes Park	576	558	564	556	534
St. Helier	269	253	198	277	316
Trinity	563	519	506	501	459
Village	631	628	631	627	614
West Barnes	604	564	583	566	553
Wimbledon Park	580	566	587	536	544

\* Indices of Multiple Deprivation (IMD 2019) across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\* Income Rank scores across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\*\* Employment Rank scores across Merton's Wards with 1 being the most deprived and 644 least deprived.

\*\*\*\* Income Deprivation Affecting Children Index (IDACI) - Score across Merton's wards, with 1 being the most deprived and 644 being the least deprived.

\*\*\*\*\* Income Deprivation Affecting Older People Index(60+) rank (IDAOP): Score across Merton's wards, with 1 being the most deprived and 644 being the least deprived)

**Cells highlighted in red indicate, respectively, the worst 3 wards in each category.**

**(ix) Age Profile**

Ward	Population (GLA <i>Housing-led population projections 2018</i> )	% of total borough population	Working age population (16-64) (GLA, Housing-led population projections 2018)	Child population (GLA, Housing-led population projections 2018)	65+ population (GLA, Housing-led population projections 2018)
Abbey	10770	5.3%	7631 (70.8%)	1916 (17.8%)	1252 (11.6%)
Cannon Hill	9370	4.5%	5628 (60.1%)	1710 (18.2%)	2088 (22.3%)
Colliers Wood	10910	5.3%	7872 (72.2%)	1640 (15%)	1374 (12.6%)
Cricket Green	12235	5.9%	7335 (59.9%)	2978 (24.3%)	1855 (15.2%)
Dundonald	9512	4.6%	6377 (67.0%)	1911 (20.1%)	1265 (13.3%)
Figge's Marsh	11809	5.7%	7384 (62.5%)	2806 (23.8%)	1601 (13.6%)
Graveney	10093	4.9%	6729 (66.7%)	1856 (18.4%)	1491 (14.8%)
Hillside	9115	4.4%	5975 (65.6%)	1501(16.5%)	1696 (18.6%)
Lavender Fields	10982	5.3%	7368 (67.1%)	2336 (21.3%)	1187 (10.8%)
Longthornton	10726	5.2%	6645 (62%)	2359 (22%)	1643 (15.3%)
Lower Morden	9136	4.4%	5305 (58.1%)	1794 (19.6%)	2017 (22.1%)
Merton Park	9710	4.7%	5809 (59.8%)	1904 (19.6%)	2034 (20.9%)
Pollards Hill	11039	5.4%	6670 (60.4%)	2621 (23.7%)	1674 (15.2%)
Ravensbury	10088	4.9%	6182 (61.3%)	2160 (21.4%)	1712 (17%)
Raynes Park	9962	4.8%	6130 (61.5%)	2020 (20.3%)	1868 (18.8%)
St. Helier	10856	5.3%	6607 (60.9%)	2420 (22.3%)	1785 (16.4%)
Trinity	10180	4.9%	7062 (69.4%)	1856 (18.2%)	1271(12.5%)
Village	8188	4.0%	4449 (54.3%)	1568 (19.1%)	2235 (27.3%)
West Barnes	10202	5.0%	6067 (59.5%)	2134 (20.9%)	1977 (19.4%)
Wimbledon Park	11082	5.4%	7059 (63.7%)	2633 (23.8%)	1409 (12.7%)
TOTAL	205965	100%			

## APPENDIX D – Definitions

### Gaming machines

Gaming machines' means 'a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes)' Regulations define four categories of gaming machine: categories A, B, C and D, with category B divided into a further five subcategories. The categories and sub-categories have been defined according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver as shown below.

There is a minimum age of 18 for all players of category A, B and C machines. There is no minimum age for players of category D machines.

Please note: This information is correct at the time of writing but for up to date information please go to The Gambling Commission website.

Category of machine	Maximum stake	Maximum prize
A-no category A gaming machines are currently permitted	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2 (Fixed Odd Betting Terminals)	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than crane grab machine)	30p	£8`
D – crane grab machine	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

### Casino

A 'casino' is an arrangement whereby people are given the opportunity to participate in one or more casino games. The permitted number of gaming machines in each category will depend on whether it is a large or small casino or a converted casino operating under preserved rights for operating prior to the 2005 Act

## **Bingo**

'Bingo' means 'any version of that game irrespective of by what name it is described'. The licence authorises a number of category B gaming machine not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at bingo premises are restricted to sub-category B3 and B4 machines but not B3A machines.

## **Adult Gaming Centre**

An 'adult gaming centre' (often called an amusement arcade) may make available for use a number of category B gaming machine not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines but not B3A machines

Adult gaming centre' s cannot admit those under 18.

## **Family entertainment centre**

A family entertainment centre means 'a premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use'.

A licensed family entertainment centre may make available for use an unlimited number of category C or D machines. Family entertainment centres can admit those under 18 years of age, but they must not play Category C machines.

A family entertainment centre with a gaming machine permit may make available for use any number of category D machines.

## **Betting premises**

The provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for making or accepting bets.

Betting means 'the making or accepting a bet on the outcome of a race, competition or other event or process, the likelihood of anything occurring or not occurring or whether anything is, or is not, true.'

The machines available for use at betting premises are gaming machines and betting machines. The licence authorises a maximum of 4 gaming machines in categories B2, B3, B4, C and D (but not B3A). A betting machine is designed to bet on a future event or on a live event as a substitute for placing a bet over the counter

Persons under 18 will not be able to enter betting premises, although special rules apply to tracks.

## **Tracks**

A 'track' means a 'horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place'.

Track operators do not need to have an operating licence (although they may have one), as the betting that is provided upon the tracks will not be provided by the track operator (a licence is required if the track operator wants to provide pool betting or general betting facilities himself). Individual operators who come onto the track on race days do not need

to hold a premises licence but will require the necessary operating licences. Where there is no operating licence, the premises licence will need to contain requirements on the premises licence holder about their responsibilities in relation to the proper conduct of betting.

If the track operator who holds a premises licence also has a pool betting operating licence then up to 4 gaming machines of categories B2 to D (but not B3A) may be sited on the track. Betting machines may also be provided. Some tracks will also hold an alcohol licence and as such they will be automatically entitled to two gaming machines of category C or D. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence).

Persons under the age of 18 are excluded from any areas where facilities for betting are provided and any area where there are gaming machines, other than category D machines. However, persons under the age of 18 are not excluded from such areas where facilities for betting are provided in relation to dog tracks and horse racing courses on race days only (the exclusion still applied to areas where there are gaming machines other than category D). There is no exclusion of race days in relation to gaming machines, although persons under the age of 18 are not prohibited from playing category D gaming machines on a track.

### **Travelling fair**

A 'fair' means 'fair consisting wholly or principally of the provision of amusements' and a fair held on a day in a calendar year is a travelling fair if provided 'wholly or principally by persons who travel from place to place for the purpose of providing fairs and at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year'. There is no limit on category D machines and persons under 18 may use those machines.

### **Alcohol licensed premises gaming machine permits**

Operators of premises with an on-premises alcohol licence have an automatic right to have 2 gaming machines of category C or D (following notification to the licensing authority). However, a permit is required if the applicant seeks to have more than two machines. A permit authorises the number of C or D machines. Persons under 18 may not play category C machines but may play category D machines.

### **Prize Gaming**

'Gaming is prize gaming if neither the nature nor the size of a prize played for is determined by reference to the number of persons playing or the amount paid for or raised by the gaming'. Persons under 18 may participate in equal chance prize gaming only. Gaming is equal chance gaming 'if it does not involve playing or staking against a bank and the chances are equally favourable to all participants'

### **Members Club**

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working men's' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations. Members' clubs may apply to their local licensing authority for club gaming permits and club machine permits.

### **Miners' welfare institutes**

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations. Miners' welfare institutes may also apply for club gaming permits and club machine permits.

### **Commercial Club**

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit. Commercial clubs may only apply for club machine permits.

### **Club gaming permit**

A club gaming permit is available to members' clubs or miners' welfare institutes, but not commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- games of chance (pontoon and chemin de fer only)
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A.

Restrictions on the gaming (at the time of writing this Statement) are:

- no limits on stakes and prizes, except bingo where there is a stakes and prizes limit of £2,000 in any seven day period
- limit on participation fees per person per day - £20 for bridge and or whist (if played on a day on which no facilities of any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day), £3 for other gaming (including poker) in any other circumstances

### **Club machine permit (CMP)**

A club machine permit is available to members' clubs, miners' welfare institutes, and commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

Restrictions on the gaming are (at the time of writing this Statement):

- limit on stakes and prizes for bingo is £2,000 in any seven day period
- limit on stakes for poker - £10 per person per game, within a premises limit of £250 in stakes per day and £1,000 per week
- limit on prizes for poker - £250 per game
- limit on participation fees per person per day - £18 for bridge/whist (if played on a day on which no facilities of any kind of gaming (other than bridge or whist) are provided by the relevant club on that day), £1 for other gaming (including poker), £3 where it's a commercial club.

### **Small Society Lotteries**

Small society lotteries do not require a licence but must be registered with the local authority in the area where the principal office of the society is located.

Society lotteries are promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted for:

- charitable purposes
- enabling participation in sport or a cultural activity (for example theatre)
- any non-commercial purpose other than that of private gain.

A small society lottery:

- does not have proceeds that exceed £20,000 for a single draw
- does not have aggregated proceeds in excess of £250,000 in a calendar year.



## APPENDIX E – Responsible Authorities

Authority	Contact Details
The Licensing Authority	Environmental Health (Licensing) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX <a href="mailto:licensing@merton.gov.uk">licensing@merton.gov.uk</a>
Metropolitan Police	The Licensing Officer, Wimbledon Police Station, 15 Queens Road, London, SW19 8NN <a href="mailto:southwestswmailbox-licensinggeneral@met.police.uk">southwestswmailbox-licensinggeneral@met.police.uk</a>
London Fire Authority	Fire Safety Regulation: South West Area 4, London Fire Brigade, 169 Union Street, London, SE1 0LL <a href="mailto:fsr-adminsupport@london-fire.gov.uk">fsr-adminsupport@london-fire.gov.uk</a>
The Local Planning Authority	Planning Manager, Merton Civic Centre, London Road, Morden, SM4 5DX
Responsible Authority for Noise and Environmental Pollution	Environmental Health (Pollution) Manager, Merton Civic Centre, London Road, Morden, SM4 5DX <a href="mailto:noiseandnuisance@merton.gov.uk">noiseandnuisance@merton.gov.uk</a>
Protection of Children from Harm	Merton Local Safeguarding Children Board, Merton Civic Centre, London Road, Morden, SM4 5DX
The Gambling Commission	Gambling Commission 4th Floor Victoria Square House Birmingham B2 4BP <a href="https://www.gamblingcommission.gov.uk/home.aspx">https://www.gamblingcommission.gov.uk/home.aspx</a>
HM Revenue and Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom email: <a href="mailto:NRUBetting&amp;Gaming@hmrc.gsi.gov.uk">NRUBetting&amp;Gaming@hmrc.gsi.gov.uk</a> <a href="https://www.gov.uk/government/organisations/hm-revenue-customs">https://www.gov.uk/government/organisations/hm-revenue-customs</a>

This page is intentionally left blank

## **Committee: Council**

**Date: 17 November 2021**

## **Subject: Review of Arrangements for in-person Council and Committee Meetings**

Lead officer: Andrew Robertson, Head of Democracy and Electoral Services, 0208 545 3409

Lead member: Councillor Tobin Byers, Cabinet Member for Finance

Contact officer: Amy Dumitrescu, Democracy Services Manager, 0208 545 3357

---

### **Recommendations:**

- A. That Council agrees the retention of the meeting arrangements as described in this report for a further period of 6 months
  - B. That Council agrees the amendment to the constitution of the Council procedure rules as listed within Appendix A
- 

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

- 1.1. As a result of the expiry of the emergency legislation enabling council and committee meetings to be held virtually, Council was required to facilitate the return of in person meetings at the Civic Offices. These meetings therefore resumed as of 21 June 2021.
- 1.2. A number of meetings have taken place in person since this date. At the meeting of the Standards and General Purposes Committee on 28 June where arrangements were agreed, the Committee requested that a review of these measures take place after six months.
- 1.3. This review took place at its' meeting on 4 November 2021 where the Committee agreed to the retention of the measures for a further period of 6 months.

## **2 PROPOSALS**

- 3.1 The following are therefore proposed:

- 3.2 **All Council and Committee meetings will be continue to be held in the Council Chamber:**

The Council Chamber is the largest available room within the Civic Offices and is the only room in the Civic Centre which can facilitate the livestreaming of meetings. It is therefore proposed that all meetings continue to be held within the Chamber.

- 3.3 **Full Council**

- 3.3.1 The usual attendance of Full Council is approximately 80 persons plus members of the public. It is still currently not possible for this to be accommodated safely within the Council Chamber if facilitating some form of social distancing.
- 3.3.2 Two meetings of Full Council have taken place since June 2021 – the July 2021 meeting took place with 29 members in attendance and the remaining members participating remotely via Zoom. The September 2021 meeting took place with 55 members in the Chamber and 3 participating via Zoom. This included seating a number of members within the Public Gallery and using a roving microphone when speaking.
- 3.3.3 It is currently proposed that approach of arranging the layout of meetings to accommodate councillors using the public gallery continues for the remaining meetings of the 2021/22 municipal year, whilst being reviewed prior to each Council meeting. In the event that social distancing could be reduced, members could return to all being seated within the main Chamber area, with the public gallery returning entirely to public use. This may be particularly beneficial for any potential councillor candidates wanting to attend meetings prior to the May 2022 election.
- 3.3.4 If this approach were adopted, members who did not attend the meeting in person would continue be able to participate by Zoom. This is discussed further in paragraph 3.11.2 below. However, their attendance would not count towards the quorum or towards their attendance for the purposes of section 85 of the Local Government Act 1972 (“the six month rule”), and they would not be able to vote on any item or move or second amendments.
- 3.4 **Licensing Sub-Committees:**
- Licensing Sub Committees would continue to be held virtually as these meetings are constituted under the Licensing Act 2003.
- 3.5 **Planning Applications Committee:**
- Planning Applications Committee would continue to be held in person, whilst allowing for remote contributions by the public and applicants.
- 3.6 **Scrutiny:**
- Scrutiny would continue to be held in person in the Council Chamber.
- 3.7 **Consultative committees and community forums**
- Consultative Committees and Community Forums would continue be held virtually during the Winter period. Community Forums may benefit from a hybrid approach going forward if this can be facilitated in the current external venues from the Spring/Summer 2022 depending on the levels of Covid19 infections at the time.
- 3.8 Meetings not precluded from meeting virtually such as Leaders Strategy Group, Joint Consultative Committee and Joint Cemetery Boards, would continue to meet virtually.

### **3.9 Meetings will continue to be livestreamed**

- 3.9.1 Members agreed at the previous meeting of Standards and General Purposes Committee that meetings should continue to be livestreamed. It is recommended that this continue indefinitely unless a specific decision is taken in future to curtail this practice.

### **3.10 Continue to retain remote attendance for some attendees**

- 3.10.1 Due to the reduced capacity of the Council Chamber when social distancing measures are in place, it is proposed that officers presenting reports, attending to observe or otherwise not specifically required to be present in the room continue to attend remotely where possible, with the exception of Directors and the Chief Executive who will attend in person.
- 3.10.2 Members of the public would be encouraged to continue to view meetings online and to attend remotely to speak or to ask questions; however, limited facilities will continue to be made available for those members of the public who wished to attend in person as legally required. Meetings would therefore continue to need to retain a small number of public gallery seating for members of the public to attend.

### **3.11 Members attending Remotely**

- 3.12 It is proposed that members who wish to attend the meeting to observe but who are not on the committee are able to continue to attend remotely, including those who wish to speak on a specific item. However, it should be noted that although their attendance would be recorded in the minutes it would not count towards the six month rule.
- 3.13 Consideration could also be given to allowing councillors who are members of the committee in question to attend remotely in certain circumstances, provided there were sufficient numbers physically present for the meeting to be quorate. They could ask questions and participate in discussions but would not be able to vote and, as above, could not count their attendance for the purposes of the six-month rule. This would not apply to the chair of any meeting. This option has been used by a number of members during the last six months and it is therefore recommended that this approach continue.
- 3.14 At its meeting on 7 July Full Council agreed some additional standing orders to allow such attendance but they did not specifically refer to meetings of full Council. Those standing orders are attached as Appendix A. Should the Committee choose to recommend that this practice should continue for a further six months then it is also recommended that the relevant standing order is amended to include reference to council meetings. It is suggested that participation in this way should include the right to ask questions under rule 12 of the Council procedure Rules. The proposed change is shown as a tracked changes on Appendix A.

3.15 Although such attendance would not count formally as attendance, a note is made within the minutes of such meetings, indicating that a member had participated remotely and a similar indication is also included on the attendance details on the website.

### **3.16 Meetings with large attendee numbers**

3.17 Meetings such as the Planning Applications Committee which attracted a large number of attendees for a particular item may pose a health and safety issue under the current guidelines. In person attendance would therefore need to be limited and a ticketing system could be setup for these purposes. In addition, for Planning Applications Committee, attendees could be held in a socially distanced waiting area outside the Council Chamber whilst other items were being considered and each group brought in only for their specific item. This approach has been used in the past for other large meetings. Attendees would continue to be encouraged to participate remotely where possible.

All current measures will be regularly reviewed depending on the Government guidance applicable at the time of the meeting.

### **3.18 Risk Mitigations in place for all meetings**

- Hand sanitiser and cleaning wipes would continue to be provided
- The Chamber and Committee Rooms would be ventilated.
- Masks are recommended during meetings unless attendees are exempt or are speaking.
- Attendees would be asked to take a lateral flow test before attending the meeting.
- Water is now provided at the entrance to the Council Chamber with attendees collecting their own water to reduce transmission risk. Attendees would continue to bring their own pens and copies of papers. Name plates would continue to not be provided to reduce transmission risk.
- The Council Chamber will be cleaned daily and all touchpoints as well as microphones will be cleaned each afternoon. In the event of a longer meeting (i.e. Planning Committee) Democratic Services staff are able to wipe down touchpoints, door handles etc. whilst councillors have a mid-meeting break.

3.19 The suggested protocol is attached at Appendix B of the report.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 The measures were previously agreed by the Standards and General Purposes Committee and the Full Council.

4.2 The retention of the measures for a further six months and suggested amendment to the Constitution was agreed by the Standards and General Purposes Committee on 4 November 2021

#### **4.3 TIMETABLE**

4.3.1 The proposed options and protocol if agreed would be implemented immediately.

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

4.4.1 Zoom licence and host costs would continue to allow for livestreaming and remote access.

#### **4.5 LEGAL AND STATUTORY IMPLICATIONS**

4.5.1 As stated above, the flexibility of meetings regulations which allowed virtual meetings to take place have expired and therefore in order for decisions to be taken lawfully at meetings, there must a physical quorum and the ability for members of the public to attend in person should they choose.

4.5.2 A number of councils are seeking solutions to allow continued remote attendance and participation by councillors even though such attendance would not count toward the calculation of a quorum or attendance records for the purposes of section 85 of the Local Government Act 1972. As they would in effect not be in attendance, they also cannot vote.

4.5.3 There is no express legislative provision allowing councillors to participate remotely in their capacity as councillor and there may be some risk of challenge on the basis that people not present at the meeting in accordance with the 1972 Act requirements should not be able to participate in debates on matters. However, as the Council's constitution allows councillors who are not members of bodies to attend and speak at their meetings, as well as members of the public, it would seem illogical to deny that opportunity to members of those bodies. Therefore, although the law has not been tested in this respect here would seem to be little risk in allowing this, particularly while Covid restrictions remain in place.

4.5.4 It would be prudent to keep the matter under review in light of Government guidance and the evolving position nationally.

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

4.6.1 None for the purposes of this report

#### **4.7 CRIME AND DISORDER IMPLICATIONS**

4.7.1 None for the purposes of this report

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

4.8.1 A risk assessment has been produced on the return to in person meetings with input from both Health and Safety and Public Health.

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

4.9.1 Appendix A – Extract from Council Procedure Rules agreed at Full Council on 7 July 2021

4.9.2 Appendix B – Current protocol for public Council and Committee meetings

**4.10 BACKGROUND PAPERS**

4.10.1 None for the purposes of this report



## **Appendix A**

Extract from Council Procedure Rules agreed at Full Council on 7 July 2021

### **21 REMOTE ATTENDANCE**

- 21.1 The Council has the ability to allow remote participation in its meetings by virtual means via Zoom or other similar technology and in respect of such attendance the following provisions apply to meetings where the relevant facilities exist.
- 21.2 Members of the public, wishing to speak or ask a question at any meeting shall be offered the opportunity of doing so remotely;
- 21.3 Representatives of partner bodies, including those giving evidence at the Overview and Scrutiny Commission or any of its panels may do so remotely
- 21.5 Any member appointed to a Committee or Sub-Committee, with the exception of its chair may participate in a formal meeting of that body remotely, but their presence would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting of that body is quorate and they shall not be entitled to vote on any matter under consideration.
- 21.6 A member may participate in a meeting of full Council remotely and shall have the right to ask questions pursuant to Rule 12. Such participation would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting is quorate and they shall not be entitled to vote on any matter under consideration.
- 21.7 A member who is entitled to attend a meeting of a committee, subcommittee or Cabinet but who is not a member of that body, may do so attend remotely.
- 21.8 Remote attendance by a member at a meeting under paragraph 21.5 or 21.6 above, shall not count as attendance for the purposes of S.85 of the Local Government Act 1972 (the 'six-month' attendance rule);
- 21.9 Paragraph 21.5 of this standing order does not apply to the Planning Applications Committee or the Licensing Committee or any of its subcommittees.

This page is intentionally left blank

**London Borough of Merton**  
**Guidance on attending meetings of the Council and Committees**  
**during Covid-19 Restrictions**

This guidance applies to all Council and Committee meetings held in public.

1. All meetings will be held within the Council Chamber where social distancing can be observed. The dates and times of meetings can be found on the Council's website.
2. Do not attend any meetings in person if you are experiencing Covid-19 symptoms: a high temperature, a new, continuous cough or a loss/change to your sense of smell or taste.
3. Attendees are requested to take a lateral flow test (LFT) 24-48 hours prior to attending a meeting. Lateral flow tests should be registered on the NHS app. If you have a positive LFT result, you should not come to the meeting. Please note that you are still requested to take a LFT even if you have been double vaccinated.
4. Whilst attendance at the meetings is permitted, members of the public and those not directly involved within decision-making are encouraged to continue to view meetings online via the Council's Youtube channel or to participate remotely via Zoom.
5. Hand sanitizing solution will be available at the entrance/exit of the Chamber and all attendees are requested to use this on their way in and out of the meeting.
6. Cleaning wipes will also be made available for use.
7. Windows will be kept open at all times to ensure ventilation. The number of windows open will be minimised during winter months and/or during extreme weather.
8. The Council Chamber will be cleaned before and after each meeting.
9. You will be requested to wear a mask (unless you are exempt) at all times whilst in the Council Chamber except when you are speaking during the meeting itself.
10. Please arrange to arrive into the meeting room no more than 15 minutes prior to the start of the meeting and leave promptly once it has finished to minimise contact.
11. Please socially distance from all others who are not a part of your household at all times. Depending on the capacity of the meeting, seats will be appropriately marked to indicate which seats cannot be used.
12. Water will be provided but please help yourself as you enter the room.
13. Enter and exit the meeting room via the one-way system

You can collect up to 2 boxes of 7 rapid tests to use twice a week at home from:

- [Merton libraries](#)
- Pharmacies: [find a pharmacy where you can collect rapid tests](#)
- NHS Test and Trace sites: [find a test site where you can collect rapid tests](#)

- Home delivery: If you can't use the other options, you can [order a box of tests online](#) or by calling 119

If testing at home, you will need to [register the results online](#) or by calling 119.

We recommend that you have a supervised test before you start testing yourself at home. [How to book a lateral flow test](#)

These measures will regularly be reviewed and updated depending on Government Guidance.

For any queries relating to this guidance please contact:

Democratic Services

[Democratic.services@merton.gov.uk](mailto:Democratic.services@merton.gov.uk)

0208 545 3357

## **Committee: Council**

**Date: 17 November 2021**

## **Subject: Appointment of Independent Person**

Lead officer: Louise Round, Monitoring Officer

Lead member: Councillor Peter McCabe, Chair, Standards and General Purposes Committee

Contact officer: Amy Dumitrescu, Democracy Services Manager, 0208 545 3357

---

### **Recommendations:**

- A. That Council agrees to appoint Clive Douglas for a further three year period as an Independent Person for the purposes of Chapter 7 of the Localism Act. The Independent Person will be invited to attend meetings of the Standards and General Purposes Committee in that capacity.
  - B. That the appointment is made for a period of three years from 8 February 2022.
- 

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

- 1.1. This report seeks the Council's approval of the appointment of one Independent Person which we are required to appoint under Chapter 7 of the 2011 Localism Act.
- 1.2. The appointment was agreed by the Standards and General Purposes Committee at its meeting on 4 November 2021.

## **2 DETAILS**

- 2.1. Independent Persons are appointed for a maximum of two terms of three years. Clive Douglas was appointed as an Independent Person in February 2019, with his term due to end on 7 February 2022.
- 2.2. Following confirmation from Mr Douglas in discussion with the Monitoring Officer that he wishes to serve for a further term, the recommendation to approve this appointment for another three years was agreed at the Standards and General Purposes Committee meeting on 4 November 2021.
- 2.3. The functions of the Independent Person, set out in the Council's constitution are:
  - The Independent Person must be consulted and views taken into account before the authority takes a decision on any allegation it has decided to investigate;
  - The Independent Person may be consulted by the authority in circumstances where the authority is not taking a decision whether to investigate the allegation;
  - The Independent Person may be consulted by a member of the authority against whom an allegation has been made.
- 2.4. The Independent Person will also be invited to attend meetings of the Standards and General Purposes Committee in that capacity.

**3 ALTERNATIVE OPTIONS**

3.1. The Council must appoint at least one Independent Person.

**4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None.

**5 TIMETABLE**

5.1. The appointment, if agreed, would be made by Council on 17 November 2021 and will take effect on 8 February 2022 when the current term ends for a period of three years, allowing the two terms to run concurrently.

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. Independent Persons are paid £100 per meeting. The recommendations in this report will not lead to any increase in the overall budget for allowances.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. See body of the report.

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

8.1. None specific to this report.

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. None specific to this report.

**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**

11.1. None.

**12 BACKGROUND PAPERS**

12.1. None.

## Committee: Council

Date: 17 November 2021

## Subject: Changes to Membership of Committees and related matters

Lead officer: Hannah Doody, Chief Executive

Contact officer: Amy Dumitrescu, Democracy Services Manager

Democratic Services 020 8545 3357 - [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

---

### Recommendations:

That the Council:

1. Notes and endorses the changes to the membership of Committees that were approved under delegated authority since the last meeting of the Council.
  2. Notes and endorses the appointment of councillors to the two substitute vacancies on the Overview and Scrutiny Commission
- 

## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks Council to note and endorse the changes made to committee memberships under delegated authority since the publication of the agenda for the last ordinary Council meeting on 15 September 2021.

## 2 DETAILS

- 2.1. The following membership changes have been made by the Chief Executive under their delegated authority in accordance with section 1.4 of part 3F of the Constitution:

2.2.

Committee	Member resigning	Replaced by	Date
Planning Applications Committee	Cllr Ben Butler – substitute	Cllr John Dehaney – substitute	21 October 2021
Standards and General Purposes Committee	Cllr Mary Curtin	Cllr Joan Henry	3 November 2021

- 2.3 On 20 October 2021, Councillor Joan Henry and Councillor Nick Draper were appointed to the Overview and Scrutiny Commission as substitutes, posts which were previously vacant.

## 3 CONSULTATION UNDERTAKEN OR PROPOSED

- 3.1 None for the purposes of this report.

## 4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1. None for the purposes of this report.

## 5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1. The information regarding membership changes in this report complies with legal and statutory requirements. Council is required to accept nominations made by political groups.
- 5.2. The Housing and Local Government Act 1989 contains provisions relating to the political balance on committees, the duty to allocate seats to political groups and the duty to give effect to allocations.
- 5.3. The Council has a statutory duty to review the representations of different political groups on the Council in order to ensure that a political balance is secured on council committees so as to reflect the overall political composition of the council.
- 5.4. Once the review has been completed there is a second statutory duty to make a determination as to political representation. The requirement to allocate seats must be made in accordance with the following statutory principles:
  - a) All of the seats are not to be allocated to the same political group.
  - b) The majority of the seats must be allocated to the political group with a majority on the Council.
  - c) Subject to the two principles listed above, the number of seats on the total of all the ordinary committees of the Council allocated to each political group must bear the same proportion to that on full Council.
  - d) Subject to the above three principles, the number of seats on each ordinary committee of the Council allocated to each political group must bear the same proportion to their proportion on the full Council.

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

- 6.1. None for the purposes of this report.

## **7 CRIME AND DISORDER IMPLICATIONS**

- 7.1. None for the purposes of this report.

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

- 8.1. N/A

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

- 9.1 None.

## **10 BACKGROUND PAPERS**

Documents from the authorised officer confirming approval of the membership changes agreed under delegated authority.



**Committee: Council**

**Date: 17 November 2021**

**Subject: Petitions**

Lead officer: Louise Round, Managing Director South London Legal Partnership

Lead member: Leader of the Council, Councillor Mark Allison

Contact officer: Democratic Services, democratic.services@merton.gov.uk

---

**Recommendation:**

1. That Council receive petitions (if any) in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.
  2. That Council notes the responses provided to the petitions submitted at the meeting held on 15 September 2021.
- 

**1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report invites Council to receive petitions in accordance with Part 4A, paragraph 18.1 of the Council's Constitution.

**2 DETAILS**

- 2.1. At the meeting held on 15 September 2021, the petitions listed below were submitted and the responses are set out below. Any petitions received by Council are referred to respective departments with responsible officers asked to advise the presenting member in each case of the way in which the petition is to be progressed.
- 2.2. Petition One: A petition was submitted by Councillor Holden on flooding. The petition text and the officer responses are set out below.

Petition Wording:

**Recent heavy thunderstorms have caused flooding (again) to Raynes Park and other areas across Merton. We are fed up being told these are '1 in 30-year' events when in fact it is every year. We think that Merton Council and Thames Water should take action to reduce flooding across Merton, if you think they should then please sign our petition so we can help force some action.**

**We the undersigned think Merton Council and Thames Water should:**

**Recognise there is a problem, and that heavy rainfall events are now regular occurring events**

Officer Response:

*Yes, we agree that summer storms and heavy downpours are more frequently occurring events due to the changes in the climate being felt in Merton, London-wide and globally. We have developed a strategic flood risk assessment including an online map to help identify places that are at risk from flooding from all sources, due to our changing climate and to mitigate those risks. The map uses the latest flood risk data available and includes allowances for climate change in line with the latest projections for our changing climate.*

Petition Wording:

**Build up better storm drainage capacity in the low-lying areas of Merton**

Officer Response

*The council is continuing to work closely with Thames Water to build up better drainage and sewer capacity in parts of Merton. This includes:*

- Undertaking feasibility schemes in Critical Drainage Areas such as in Wimbledon Park/Southfields in partnership with Wandsworth Council to identify solutions to reduce flood risk from various sources.*
- Construction of green Infrastructure solutions such as raingardens in a various locations across the borough to increase storage capacity and to divert water away from the sewer network.*
- Thames Water, the Environment Agency and Merton Council considering how to make more effective use of the existing flood risk assets, such as through improving the flood storage capacity of the Derwent flood storage area near the Beverley and Pyl Brooks off Grand Drive SW20.*
- Supporting Thames Water in relaying surface water sewers with larger capacity pipes where appropriate, such as in Cottenham Park.*
- Submitting bids to the Environment Agency and Thames Water for attenuation (increase water storage) and green infrastructure solutions.*
- Supporting Thames Water to facilitate inspection and cleaning their sewers in Raynes Park town centre.*
- Identification of solutions to help reduce the risk of foul sewer flooding from Thames Water's Abbott Avenue pump station to ensure that storage upstream of the pump station is maximised during heavy rainfall.*
- Supporting Thames Water's installation of a surface water pumping station at Elm Grove.*

Petition Wording

**Undertake a borough-wide deep clean of all drains and gutters, so they are freeflowing and not blocked.**

Officer Response

*All of Merton's drains and gullies are cleaned under several programmes of works, as set out below. We are now increasing the use of 4G smart sensors in the*

*Council's gullies, which tell us in real time if the gully is starting to become blocked or silted. This means we can prioritise attending site and cleaning gullies that are silted or blocked without having to send someone to check all 17,500 gullies in Merton. The gullies are cleaned by:*

- *The annual high risk gully cleaning programme, that focusses on the 10,000 out of 17,000 gullies in Merton that are susceptible to any form of flood risk based on extensive data such as frequency of recent flood events, measurement of silt before and after the previous cleaning, areas at risk of flooding from all sources as identified in Merton's online strategic flood risk assessment map or previously reported issues . As part of the high risk gully cleaning programme we measure the levels of silt in the gullies before cleaning to help inform future planned work.*
- *The ad hoc gully programme where anyone can report a gully they believe to be blocked on our website and the cleaning crew will attend site to fix it.*
- *The borough-wide cyclical gully cleaning programme which cleans all gullies in every public road in Merton.*

*Having a multi layered approach to gully cleaning means that gullies at most risk will be cleaned several times per year.*

Petition Wording

### **Invest in some flood abatement technology to help limit rapid rainwater runoff**

Officer Response

*As well as requiring new developments in Merton to incorporate SuDS (Sustainable Drainage) an to limit rainwater runoff to greenfield rates (see response below) we are introducing measures such as raingardens on the council's pavements and public spaces to reduce rainwater runoff, to provide storage, improve amenity, improve air quality and increase biodiversity.*

*We are utilising Internet of Things technology advances such as through remotely monitored rain gauges, telemetry on river trash screens and the 4G gully sensors to measure silt levels.*

Petition Wording

### **Increase tree and vegetation planting**

Officer Response

*As set out in Merton's Sustainable Drainage Design and Evaluation Guide 2018, the right planting in the right place can help to reduce surface water runoff and reduce flood risk. We are introducing raingardens in areas that are recognised as at risk of surface water flooding in Merton and we have applied to Thames Water for funding to support an extensive programme of sustainable drainage measures in the Raynes Park and Wimbledon Park catchment. We have also rolled out a number of parklets across the borough which have turned grey areas on the highway to green spaces for business use or the public.*

*The council also plants in its own parks, open spaces and highways and support initiatives such as Merton Garden Streets for additional planting on residential roads.*

*Through the planning system, we also require the installation of sustainable urban drainage systems (SuDS) such as planters, swales, green or blue roofs for example, to make space for water and to increase urban greening.*

Petition Wording

**Strengthen planning policy to ensure more water hold-up devices are installed in homes & businesses across Merton to limit rainwater runoff.**

*Merton's existing and emerging planning policies already require all new developments to be designed to ensure greenfield runoff rates (post development) and Merton's Sustainable Drainage Design and Evaluation Guide 2018 provides a wealth of advice on solutions to achieve this.*

*Depending on the nature of development, achieving this will include both passive design measures (such as green space and soft landscaping) and active design measures to reduce runoff such as grey water recycling, rainwater harvesting and in some cases, underground storage solutions.*

*We encourage residents and businesses that own buildings that do not already have ways of limiting rainwater runoff installed to consider retrofitting SuDS measures suitable to their premises. Merton's Sustainable Drainage Design and Evaluation Guide provides useful guidance on potential retrofit solutions.*

Create a special unit in the council to respond dynamically to flood events, for the benefit of residents and businesses.

*Merton has a local flood risk management strategy, which sets out our plans and priority actions for managing flood risk across the borough. It explains which organisations are responsible for different types of flooding across Merton and how partners, such as the Environment Agency and Thames Water, are working together to reduce flood risk. Merton's Local Flood Risk Management Strategy second objective is to "Work with Risk Management Authorities and stakeholders to identify ways of managing flood risk in those areas at greatest risk within the borough".*

*As well as taking proactive actions with Thames Water and the Environment Agency to reduce flood risk, the council and its partners also have risk management responsibilities in the event of major incidents.*

*In the event of a severe level of flooding, the council's major incident plan which is a requirement under the Civil Contingencies Act, will be activated. The Council's Local Authority Liaison Officer (LALO) may be called out and will update the council Silver, who will lead on the coordination of our response.*

*The Civil Contingencies Act requires all category 1 responders to prepare plans to deal with Emergencies within their remit. London has a number of frameworks and high level plans as well as the Resilience Standards for London, which lay out our response requirements at both the regional and local level. This requires the council to respond dynamically to flood events for the benefit of residents and businesses.*

*There is no requirement for a special unit to respond to flooding as the response requirements are outlined in the various Frameworks, Plans and standards and anything specific would require a multi-agency approach, training and exercising over and above what is already required and in place.*

*The definition of emergency in the Act focuses on the consequences of emergencies. It defines an emergency as:*

- an event or situation which threatens serious damage to human welfare;*
- an event or situation which threatens serious damage to the environment; or*
- war, or terrorism, which threatens serious damage to security.*

*The purpose of Part 1 of the Act is to establish a new statutory framework for civil protection at the local level. Local responders are the building block of resilience in the UK, and the Act will enhance existing arrangements by:*

- Establishing a clear set of roles and responsibilities for local responders;*
- Giving greater structure and consistency to local civil protection activity; and*
- Establishing a sound basis for performance management at a local level.*

*The Act divides local responders into two categories depending on the extent of their involvement in civil protection work, and places a proportionate set of duties on each. Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities). Category 1 responders are subject to the full set of civil protection duties.*

*They are required to:*

- Assess the risk of emergencies occurring and use this to inform contingency planning;*
- Put in place emergency plans;*
- Put in place Business Continuity Management arrangements;*
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;*
- Share information with other local responders to enhance co-ordination;*
- Co-operate with other local responders to enhance co-ordination and efficiency; and*
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).*

2.3 Petition Two: a Petition was submitted by Councillor Fairclough on Graham Road Parking. The text of the petition and the officer response are set out below:

#### Petition Wording

Parking for residents in Graham Road is already very difficult every day of the week. Additionally, on Sunday, which is a normal trading day, visitors come to shop and eat in Wimbledon Town Centre all day, while restricted parking operates solely between 2–6 pm. Mixed meter and resident bays are in operation from the low numbers end of the road up

to 33 odd and 16 even house numbers. Meter parking at this end of the road has a knock-on impact on parking along the whole length of the road. Parking far away from one's home with young children, very heavy shopping or in the evening, when it is dark is a matter of concern for residents.

These challenges will be exacerbated when the Travelodge begins operation since the hotel will not provide parking facilities for its guests. Hotel guests are likely to park in Graham Road. There are three public car parks in the near vicinity behind Morrisons, Centre Court and the Fridge which cater for people visiting Wimbledon by car.

In view of the increasing difficulties the **undersigned residents in Graham Road propose and request that Graham Road becomes a residents only (and their visitors) parking area throughout the entire length of the road.**

#### Officer Response

*We can confirm that the petition will be added to the Council's annual Parking Management Programme for assessment and a statutory consultation subject to Cabinet Member approval. Given the current available resource and workload, it is not possible to provide a time frame at this time, however we would look to schedule the changes to coincide with the re-opening of Graham Road (upon completion of the Travelodge Development).*

2.4 Members are invited to present petitions at this meeting, and a response will be provided to the next ordinary Council meeting in February 2022.

### **3 ALTERNATIVE OPTIONS**

3.1. None for the purposes of this report.

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

4.1. None for the purpose of this report.

### **5 TIMETABLE**

5.1. None for the purpose of this report.

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

6.1. None for the purpose of this report.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. None for the purpose of this report.

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

8.1. None for the purpose of this report.

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None for the purpose of this report.

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

**11 APPENDICES**

11.1. None

**12 BACKGROUND PAPERS**

12.1. None.

This page is intentionally left blank