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# Merton Council

## Sustainable Communities

### Overview and Scrutiny

### Panel



Date: 23 February 2021  
Time: 7.15 pm  
Venue: Committee Rooms CDE, Merton Civic Centre

#### AGENDA

		Page Number
1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 4
4	Clarion Housing Regeneration Presentation	
5	Design Review Panel Presentation	5 - 12
6	Morden Town Centre Redevelopment Presentation	
7	Performance Monitoring	13 - 20
8	Work Programme	21 - 28

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## Sustainable Communities Overview and Scrutiny Panel Membership

### Councillors:

Aidan Mundy (Chair)  
Daniel Holden (Vice-Chair)  
Laxmi Attawar  
Ben Butler  
David Dean  
Nick Draper  
Anthony Fairclough  
Geraldine Stanford

### Substitute Members:

Nigel Benbow  
Eloise Bailey  
Pauline Cowper  
Edward Gretton

### 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.

### What is Overview and Scrutiny?

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

Scrutiny's work falls into four broad areas:

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

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

For more information, please contact the Scrutiny Team on 020 8545 4035 or by e-mail on [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk). Alternatively, visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

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# Agenda Item 3

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## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL

19 JANUARY 2021

(7.15 pm - 10.10 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),  
Councillor Daniel Holden, Councillor Mike Brunt,  
Councillor David Dean, Councillor Nick Draper and  
Councillor Anthony Fairclough

John Bosley (Assistant Director Public Space Contracts and Commissioning), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Gary Marshall, Paul McGarry (FutureMerton Manager) and James McGinlay (Assistant Director for Sustainable Communities)

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

Apologies were received from Cllr Laxmi Attawar (with Cllr Ben Butler as sub) and Cllr Geraldine Stanford.

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

There were no declarations of pecuniary interest.

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

The minutes of the previous meeting were agreed as a true and accurate record.

Matters arising: The AD of Public Spaces gave a brief update to the Panel on waste management and the fly tipping strategy.

### 4 BUDGET AND BUSINESS PLAN 2021-25 (Agenda Item 4)

The Director of Corporate Services updated the Panel with information of the budget gap, efficiency savings and provided further information in response to questions raised.

The Panel moved to discuss recommendations.

Councillor Dean proposed a motion that "The Emissions Based Parking tax is based on increasing the cost of parking cars in areas with cleaner air and it should be suspended and replaced with something that will reduce pollution across the borough. This was seconded by Councillor Holden. There were three votes for and four against. Motion fell.

Following a vote of five votes for and two abstentions for both motions, the Panel RESOLVED to send the following recommendations to the Overview and Scrutiny Commission:

“This panel commends Merton’s Environment and Regeneration workers on their hard work, expertise and positive attitude during the Covid pandemic. Noting in particular that they have worked within current limited resources to deal with necessarily increased duties and expresses the hope they will be suitably rewarded as soon as conditions permit”.

“This panel welcomes the department’s efforts for digital innovation, particularly the use of a GIS system, and recommend, given increase in internet use, taking advantage of such innovation in full to support residents and service provision where resource and funding is available”.

#### 5 BUDGET AND BUSINESS PLAN 2021-25 SAVINGS INFORMATION PACK (Agenda Item 5)

Taken with Item 4

#### 6 ROADWORKS & UTILITIES (Agenda Item 6)

The Head of Future Merton outlined the report on roadworks and network co-ordination.

The Panel RESOLVED to send the following recommendations to Cabinet;

“The Panel recommends that enhanced information with regards to road and footpath maintenance and repair - especially with regards to the proactive work and how that is established - is added to the Merton website and advertised appropriately”.

The Chair suggested revisiting this item in the future work programme. The Panel were in agreement.

#### 7 HGV'S (Agenda Item 7)

The Head of Future Merton gave an introduction to the report on managing HGV's in the borough.

The Chair welcomed the public speakers to share their views:

Nicola Thompson, Haydon’s Road North community group, made three suggestions;

1. Count quantity of HGV traffic on key streets.
2. Make contact with businesses and encourage compliance. The Council holds power and influence.
3. Look at the locations – why are pollution generating sights still here? Why is there no long term plan to relocate them somewhere more appropriate? This has been done in Benedict Wharf.

Peter West, Wimbledon Park Residents Association, commented on the large number of HGV's carrying waste near Weir Road and Durnsford Road industrial site. These sites were permitted in the 2012 Waste Plan but there have been no checks or assessment of the pollution they generate. In the new Waste Plan no account has been taken of the high levels of air pollution in the local area - the nearest air quality focus area monitored was Wimbledon Broadway which is 1.5km away. We have surveyed the number of movements to and from Weir Road – Even during lockdown there have been around 650 every day (one a minute). As mentioned before, it's been done at Benedict Wharf

Susan Cusack, speaking on behalf of BERA and WEHRA, described the location of the Weir Road waste recycling centre as being the major issue. Merton's Local Development Scheme 2019-22 (re the SLWP) stated they would ensure that waste facilities would have the least impact on the environment, but this is not happening particularly with number of HGV's transiting the borough. Our ultimate suggestion is that this site is wound down and relocated. In order to reduce noise, nuisance and pollution we suggest;

- Replace old diesel vehicles with electric
- Fine companies ignoring correct route
- All skip lorries to have chain covers
- All keep to 20mph

The Chair thanked residents for their input and helpful comments.

Following discussion and further questions of clarification, the Panel RESOLVED to send the following recommendations to Cabinet;

“The Panel supports the work the Council has done so far on HGV's and would encourage further work in this area, particularly a wider emphasis across the borough on numbers and emissions, and with an increased focus on those areas outlined by residents as a concern, where the financial resource is available”.

“The Panel also recommends that an information hub to support residents in dealing with complaints about problems with HGVs is created and added to the Merton website and advertised appropriately”.

## 8 SUSTAINABLE TRAVEL / TRANSPORT STRATEGY UPDATE (Agenda Item 8)

The Head of Future Merton gave an update on the current funding situation. Unfortunately in March 2020, TfL scrapped all boroughs LIP allocation funding to deliver the Mayor's Transport Strategy. Some funding has since been reinstated hence the stop and start nature of initiatives and the quick turnaround to implement LTN's.

As requested by residents, we have secured funding for cycle hangers. From the summer we will roll out twenty of these.

The Panel RESOLVED to send the following recommendation to Cabinet;

“The Panel welcomes the decisive action from the Council on establishing the largest number of schools streets in London and request communications to encourage further resident feedback and explore expanding the scheme with the support of the schools”.

The Chair suggested revisiting this item in the future work programme. The Panel were in agreement.

#### 9 PERFORMANCE MONITORING (Agenda Item 9)

The Panel noted that the performance indicators have been impacted by Covid.

#### 10 WORK PROGRAMME (Agenda Item 10)

The work programme was agreed.





## **MERTON'S DESIGN REVIEW PANEL Submission to Sustainable Communities Overview and Scrutiny Panel February 2021**

1. Mitcham Cricket Green Community & Heritage takes an active interest in the future of the Cricket Green Conservation Area and its environs. We are the civic society for this part of Merton and part of the wider civic movement through membership of the national charity Civic Voice. We have been closely involved in the development of the Merton Local Plan, Borough Character Studies, the Conservation Area Appraisal and Management Plan and numerous development proposals in the area. Our approach to development and change in the area is established in the Cricket Green Charter which was refreshed in 2019 with the support of London Borough of Merton and local councillors (<https://mitchamcricketgreen.org.uk/cricket-green-charter/>). The Charter has been acknowledged in the Conservation Area Appraisal and Management Plan for Cricket Green. We have also contributed to production of the Merton Heritage Strategy as a member of the former Merton Heritage Forum. We are members of The Canons Steering Group delivering a £5m Lottery funded project and also undertake practical projects, organise walks and run Mitcham Heritage Day and Community on the Green.

2. We welcome the Panel's focus on the performance of the Design Review Panel (DRP). The DRP's effectiveness has a major influence on the quality of new development and we strongly support the contribution effective, independent design review can play to improving design quality. A DRP is most effective when it functions alongside other design management tools and processes as part of a concerted effort by a local planning authority to establish high design expectations and support their delivery. With a renewed focus on design in national policy and in the new London Plan and with a new Merton Local Plan in the pipeline it is an opportune time to refresh the approach to design review.

3. This note draws on our practical experience of working with the DRP for more than a decade and makes proposals for improving the way it works. From discussions with others involved with local planning issues we believe the matters raised go wider than the experience in and around Mitcham.

4. The DRP is currently not fit for purpose and needs significant change. Merton is unusual in not having signed up to the Mayor's [London Quality Review Charter](#) and its approach is not consistent with the approach set out in [Design Review Principles and Practice](#) (Design Council et al, 2013/19) which is recognised as the industry standard. Fundamentally, we believe the root cause of the DRP's problems stem from a deep seated culture that views the role of the DRP as a closed group of behind-the-scenes advisors that stands separate from normal standards of public scrutiny or engagement. This is evident in many of the behaviours we have seen when issues have previously been raised. This note identifies a series of practical issues with how the DRP operates, each of which needs to be addressed to overcome this fundamental problem and to achieve the changes that can make the DRP fit for purpose.

5. We identify the following issues for the Overview and Scrutiny Panel's consideration:

**General enquiries: [info@mitchamcricketgreen.org.uk](mailto:info@mitchamcricketgreen.org.uk)  
Web site: [www.mitchamcricketgreen.org.uk](http://www.mitchamcricketgreen.org.uk)  
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**Registered Office c/o MVSC, Vestry Hall, 336/338 London Road, Mitcham, Surrey, CR4 3UD  
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## Probity

6. Missing Terms of Reference – The DRP does not have any agreed Terms of Reference. We were provided with these [draft Terms of Reference](#) dating to 2006 in response to a FoI request. They are clearly inadequate, incomplete and do not address the reality of how the Panel operates (eg. Merton Council does not have a “Design Champion”, there are members whose term significantly exceeds 5 years, and the Panel does not “*maintain an overview of urban design and architecture issues and to make recommendations for action where appropriate*”).

7. Membership, recruitment and conflicts – The membership of the DRP is not published online. A FoI request for a list of members was refused. The names were only released following [Internal Review](#). The information provided in response to the FoI was just a list of names. It gives no information on which to judge the qualifications or range of skills and experience which DRP members provide. The membership of the DRP is still absent from Merton Council’s website. Publication of this basic information should be the norm, as here for [Lambeth](#). We have been unable to obtain a role profile for members. It is unclear whether or how members are openly recruited and the process of membership renewal is at best opaque. Some members of the DRP have served for at least 13 years with no evidence of any renewal process. A number of members of DRP have significant undeclared commercial interests with new development in Merton and the processes for managing these conflicts are unclear. There is no register of developments, proposals or plans in which DRP members or the organisations they work for have been involved in the past or which are ‘live’ in the borough.

8. Chairing – Merton is an extreme outlier in local government in having the Chair of its Planning Applications Committee as Chair of its DRP. This is unhealthy and unhelpful and creates the potential for reputational damage, conflicts of interest and even legal challenge. In considering whether it is appropriate to include councillors on DRP a recent GLA supported review of design review in London concluded “*Most felt that such practices should be avoided*” ([Reviewing Design Review in London](#), 2020). The situation is exacerbated by the internal rules governing potential conflicts at Planning Applications being more honoured in the breach than the observance – Part 5F of Merton’s [Constitution](#) is clear:

### **4.4 Members of the Design and Review Panel (D&RP) and the Planning Applications Committee (PAC)**

*4.4.1 It is acknowledged that some members of the PAC are also members of the above Panel and that on occasions as part of the consultation process the Design and Review Panel [sic] will consider and comment on the design aspects of a proposed application prior to the application being considered by PAC. These members may participate in the discussion at D&RP but shall not vote on any issues arising and shall formally disassociate themselves from any conclusion reached by and/or any recommendation made by the D&RP whether by vote or otherwise. This is because, as these members acknowledge when the item comes before PAC for its determination, their duty in law is to consider impartially and with an open mind all material considerations arising including those relating to design and conservation matters*

*4.4.2 These Members will be required to make a statement at the start of the meeting, acknowledging their obligations in these respects both at D&RP and PAC. These statements will be minuted.*

9. An abbreviated form of this advice is included in all Planning Applications Committee Agendas:

### **Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)**

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

10. Although practice has improved marginally recently it has been a regular feature of Planning Applications Committee meetings that despite these requirements DRP members have voted on applications and have not made minuted statements at the start of the meeting. The recent permission for the expansion of Melrose School illustrates the point:

- DRP 30 July 2020 - chaired by Linda Kirby
- Planning Applications Committee 22 September 2020 - chaired by Linda Kirby – no reference in minutes to her role on DRP and clear evidence (below) of her voting (in favour)



11. We note that chairing is also sometimes undertaken by the Head of Future Merton (e.g DRP 29/5/18). An officer chairing DRP also raises significant issues about independence and impartiality.

12. Secretariat – The DRP needs a new approach to support to avoid conflicts, provide independence and ensure administrative efficiency:

- *Conflicts and independence* – The DRP is supported by a Merton Council officer who is the only member of staff employed as an “urban designer” (Paul Garrett). In this role he selects the schemes to be considered by the DRP (possibly in discussion with the Chair) and writes the official record of the meeting. Observers of DRP meetings will also see that the lead officer influences the way decisions are taken, especially in relation to the decision as to whether to record a Red, Amber or Green score. The meeting notes have been regularly criticised for providing a partial record and putting undue emphasis on some views. The same officer also provides the only professional design advice on planning applications to planning case officers. This creates conflicts for planning officer when reaching planning decisions/recommendations as they are informed by views mediated and provided by the same officer acting in two different capacities.
- *Administrative efficiency* – The public face of DRP’s operations is notoriously unreliable. Even subscribers to Merton Council’s online notification service are frequently not informed of meetings or informed at very short notice. Accessing documents online is tortuous. Links have been found to be password protected or simply not working and documents are buried deep within Merton Council’s

website requiring multiple clicks to reach them. Schemes in Conservation Areas have been notified to DRP as not being in Conservation Areas and schemes affecting nationally listed buildings as not affecting them. Officers have illegally blocked the filming of meetings and had to be reminded of public filming rights by Democratic Services.

## Operations

13. Scheme selection – There is a lack of clarity over how schemes to be reviewed by DRP are selected. Some major proposals have not been reviewed, including hugely controversial plans to develop a block of flats on Metropolitan Open Land at Imperial Fields, described in excoriating terms as an “*office block in a car park*” by Merton’s design officer. We have welcomed the decision to review some schemes at our request and propose this approach is developed further. This move will be assisted if established local community groups are also notified of all pre-application discussion initiated with Merton Council. Support for greater pre-application discussion is strongly advocated in national planning policy.

14. Member selection – There are many more DRP members than attend any individual meeting. This can be a strength by allowing the experience of those attending to be tailored to address the key issues that relate to a particular scheme. There is, however, a lack of clarity over who makes the selection on who to invite and examples of important schemes where key capabilities in DRP members have not been present – e.g. DRP’s review of the proposals for a new Mitcham Bridge lacked any member with civil engineering experience despite the project being so significant as to be registered on the Infrastructure Projects Authority’s major schemes list for the country.

15. Meeting by e-mail – We were shocked to find the DRP conducting its business by email rather than Zoom following the introduction of social distancing restrictions in March 2020. The review of the development plans for the former KwikFit site on March 25 was undertaken by email. This prompted a [joint letter](#) from us and the architects for the development expressing concern that conducting design review by email works against the:

- opportunity for the applicant to explain their design thinking and answer any questions
- chance for a shared panel view to emerge through discussion
- ability to correct any misconceptions such as if the panel suggests something that has been explored and discounted
- transparency of applicants and officers hearing the panel’s view emerge during the meeting
- scope for the chair to moderate the discussion, especially if different views are expressed, or points are unclear
- process for arriving at a shared outcome (Red/Amber/Green) among independent members, leaving it to officers and members who are also responsible for advising on and determining the application
- ability of the public to observe and record proceedings in those instances where a planning application has been submitted.

16. We were reassured by the response from the Head of Future Merton that “*there was never any intention of a permanent change to e-mail reviews*” and that “*the Panel will be using Zoom to run Panel meetings in the future*”. Remarkably, despite this assurance, further email reviews have been undertaken including the plans for Mitcham Bridge. Securing access to these emails has only been possible through the use of FoI requests even where the meeting would have otherwise been held in public.

17. DRP sub-groups – The DRP’s consideration of the large scheme for 850 homes on Benedict Wharf spawned the creation of a sub-group. Details of this sub-group were not made public. It is unclear who chaired the meetings as the DRP chair was not present.

We have significant reservations about this approach which risks crossing the line between the DRP providing an independent critique and it offering coaching and support to prospective developers. If the DRP is to have different modus operandi then these should be clearly set out in the terms of reference and the same requirements for transparency and openness should apply.

18. Publication of reports – Officers have committed to providing copies of DRP reports on Planning Explorer when a planning application is submitted. This commitment is more honoured in the breach than adherence and such reports are provided only exceptionally. A number have been obtained only after FoI requests and some of these requests have been refused. The time taken to access documents via FoI also limits public access to these key documents during the period of public consultation on planning applications. It is not sufficient to rely on the applicant's interpretation of how they have responded to DRP reports when considering planning applications. All DRP reports should be published along with pre-application advice when a planning application is posted on Planning Explorer. The display materials used at DRP meeting should also be published.

19. Public attendance – We are aware that it is considered normal for DRP meetings reviewing pre-application schemes to be held in private. This is despite growing evidence of the value of early community engagement and this has strong Government support:

*"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."*

(National Planning Policy Framework, paragraph 128)

20. There is nothing to prevent Merton Council taking a lead and expecting developers to hold reviews of pre-application schemes in public and encouraging them to do this.

21. Officers have previously committed to all development being undertaken by Merton Council as the applicant being reviewed in public at pre-application stage. This is another commitment more honoured in the breach. Despite being reminded of this commitment the plans for Mitcham Bridge and the four Merantun schemes were all discussed behind closed doors.

22. Traffic lights – Merton Council is unusual in relying on a simplistic Red/Amber/Green traffic light rating to communicate the outcome of a DRP review. It is normal practice in other local authorities for Planning Application Committee members to receive the full DRP report as part of their consideration of planning applications.

23. We find the traffic light system is regularly distorted and the meeting notes frequently seek to blur the process, including describing schemes as *"almost a green"* and putting a veil over more critical comments. If a traffic light system is used then it should be used properly and schemes given only one of three ratings. No scheme is *"almost"* any of the three options.

24. In our experience are gaming the traffic light system, especially where a scheme is reviewed more than once. For example, an applicant may present their plans after receiving an Amber rating. The Panel will then give more advice and identify changes they want to see and in so doing provide a Green rating because they are of the view

that they are being listened to and changes will be made. In reality the applicant runs with the Green rating but doesn't make any changes as a result of the DRP's advice at the second meeting. The Green rating is what is seen by the Planning Applications Committee and permission is granted for an inadequate scheme.

25. Supporting measures – Design review works well as part of a package of measures intended to improve design quality. As Government policy says:

*"Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life."*

NPPF, paragraph 129

26. Merton is singularly lacking in these and makes very little use of masterplans, design statements and design codes. It also lacks any community review mechanism and does not take advantage of Building for Life.

## **Recommendations**

27. We recommend the following proposals to the Scrutiny Panel:

### Probity

- Sign up to the London Quality Review Charter
- Review and agree revised DRP Terms of Reference following public consultation and publish this at the DRP section of the council web site
- Publish details of DRP membership, including date of appointment and relevant employment, qualifications, skills and experience
- Publish a role profile for DRP members
- Undertake open recruitment for all new DRP members
- Maintain a public register of DRP members potential conflicts of interest
- Implement succession planning so that no member of DRP serves for more than five years without formal review and renewal
- Appoint an independent Chair and allow members of Planning Applications Committee to attend DRP meetings only as observers
- Provide the DRP's Secretariat from the Democratic Services Team
- Remove the dual function of an officer providing both professional design input on planning applications and servicing DRP
- Require all DRP meetings and papers to be included on Merton's email alert at least five working days before each meeting and make them accessible within three clicks
- Require all DRP reports to be signed off by an independent Chair

### Operations

- Enable all established local community groups formally to propose schemes to be reviewed by DRP, supported by their automatic notification of pre-application discussions
- Recommit to holding all pre-application reviews of Merton Council's own development in public
- Introduce a presumption that reviews of all pre-application schemes will be held in public with only exceptional departures
- Require all DRP meetings to be held online or in person and never by email
- End the practice of DRP sub-groups behind closed doors and set out the DRP's modus operandi in its Terms of Reference with common requirements for transparency and openness

- Require reports of all schemes reviewed at DRP to be published on Planning Explorer at the point any subsequent planning application is registered, including where schemes have been amended. Notes of pre-application meetings should also be posted
- Publish all display material used at DRP meetings alongside meeting notes
- If the traffic light system is retained require all schemes to be rated in only one of three ways - Red, Amber or Green
- Strengthen the complementary measures to improve design quality including regular use of community-led design codes and masterplans and by introducing Community Review mechanisms
- Review the potential for establishing design review arrangements supported by an independent secretariat with DRP members in receipt of a meeting fee

28. We conclude with an extract from *Reviewing Design Review in London* prepared for the GLA and others in 2020 which resonates with many of the issues faced by Merton's DRP:

#### *The need to be transparent and accessible*

The principles of design review encompassed in *Design Review, Principles and Practice*<sup>1</sup> state that design review should be: independent, expert, multidisciplinary, accountable, transparent, proportionate, timely, advisory, objective and accessible. These are reinforced in the *Mayor's Design Review Charter*.

The research showed, however, that the majority of panels are not 'transparent' or 'accessible'. Whilst there were often very good reasons for being more closed in style, it is clear that there was a cost to this in the reputation of panels and to the process at large. Given that some panel hearings are already far more open than others, without obvious damage to their processes, levels of engagement or reputation, a greater degree of transparency should be the norm.

If design review is to be demonstrably seen to be conducted in the public interest, then the closed nature of many panels needs to be reversed.

#### *The need for a learning culture*

There is also a need to be less secretive and better at sharing the experiences and practices of design review between panels and across the sector. Such a learning culture will benefit everyone involved in design review. This report represents a start to that process.

A learning culture should begin by establishing robust mechanisms for securing feedback on how local design review practices are operating. Currently this is a neglected aspect of most design review services. It might include:

- i) Feedback from service users to those managing design review on their experience
- ii) Feedback to the panel members on how their recommendations are being used and on the effectiveness of the service
- iii) Feedback to the public about design review services, about the role of design review and its impact.

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## E&R Public Protection performance report

PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
<b>Parking</b>										
CRP 044 Parking services estimated revenue (Monthly)	1,106,659	1,808,645				9,997,678	16,277,805			
SP 258 Sickness- No of days per FTE from snapshot report (parking)	2.29	0.67				11.99	5.99			
SP 509 % of Permits applied/processed online (Monthly)	97%	55%				97%	55%			
SP 510 % of PCN Appeals received online (Monthly)	87%	55%				82.78%	55%			
SP 511 Blue Badge Inspections - cumulative (Monthly)	0	72				0	72			
SP 512 Total cashless usage against cash payments at machines	72%	60%				71.67%	60%			
SP 513 Percentage of cases 'heard' and won at ETA	Quarterly measure					76.67%	73%			
<b>Regulatory Services</b>										
CRP 120 / SP 562 % of Regulatory Services service requests with an initial response within the "defined timescale" (Quarterly)	Quarterly measure					DNR	90%	DNR	N/A	N/A
CRP 121 / SP 565 Number of monitoring stations that meet annual Particulate air quality objectives (Annual)	Annual measure					N/A	A/W Target	N/A	N/A	N/A
CRP 122 / SP 566 Number of monitoring stations measuring below the Nitrogen Dioxide air quality objectives (Annual)	Annual measure					N/A	A/W Target	N/A	N/A	N/A
DATA 010 Safeguarding older people - number of cases investigated and intervene in cases of residents being targeted by financial scams and abuse (Quarterly)	Quarterly measure					55	Data only		N/A	N/A
DATA 011 Number of new high risk massage and special treatment premises inspections carried out within 20 working days of the premises being ready to trade	Quarterly measure					0	Data only		N/A	N/A
DATA 012 Number of Air Quality Audits (using GLA toolkit) of schools, prioritising those in the highest pollution areas	Quarterly measure					2	Data only		N/A	N/A

Page 13

Agenda Item 7






















PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
SP 521 Total % compliance of non-road mobile machinery on major construction sites with GLA emissions standards	Annual measure					N/A	85%	N/A	N/A	N/A
SP 561 NEW FOR 2020-21 Percentage of alcohol and regulated entertainment licences issued within 10 working days of the conclusion of the 28 day consultation period, excluding those that are subject to a licensing hearing	Quarterly measure					82.57%	95%		N/A	N/A
SP 563 NEW FOR 2020-21 Safeguarding young people - carry out age restricted sales physical interventions for knives, alcohol, fireworks, tobacco and e-cigarettes	Annual measure					N/A	A/W Target	N/A	N/A	N/A
SP 564 NEW FOR 2020-21 High risk A & B and non-compliant C-rated food establishments due for inspection completed (Annual)	Annual measure					N/A	100%	N/A	N/A	N/A

## PR Public Spaces

PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	YTD Value	Annual Target	Status	Short Trend	Long Trend
<b>Waste Management</b>										
CRP 097 / SP 065 % Household waste recycled and composted (Monthly in arrear)	40.88%	48%				40.71%	48%			
CRP 103 / SP 454 % of fly-tips removed within 24 hours (Monthly)	89%	95%				91.33%	95%			
CRP 123 / SP 567 NEW FOR 2020-21 % of sites surveyed on local street inspections for litter that meet the required standard (Monthly) and quarterly in line with NI 195 reporting	85.43%	87%				87.37%	87%		N/A	N/A
CRP 124 / SP 568 NEW for 2020-21 % of street reports rectified within the contract standard time frame (Monthly)	98.2%	90%				98.4%	90%		N/A	N/A
CRP 125 / SP 570 NEW FOR 2020-21 % of sites surveyed that meet the required standard for detritus (Quarterly)	Quarterly measure					80.5%	80%		N/A	N/A

PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	YTD Value	Annual Target	Status	Short Trend	Long Trend
CRP 126 / SP 573 NEW FOR 2020-21 Number of refuse collections including recycling and kitchen waste (excluding garden waste) missed per 100,000 (Monthly)	77	65				655	585		N/A	N/A
DATA 013 Number of street cleansing site inspections undertaken by Client team (target 868 per month, 10,416 per year) (Monthly)	1,697					31,392	N/A		N/A	N/A
DATA 014 Number of waste collection site inspections undertaken by Client team (Monthly)	0					3,734	N/A		N/A	N/A
DATA 015 Number of spot checks undertaken re Health & Safety compliance (Phase C Lot 1 Services) (Monthly)	0					0	N/A		N/A	N/A
DATA 016 Number of Environmental Enforcement incidents formally processed (Monthly)	81					672	N/A		N/A	N/A
SP 064 % Residents satisfied with refuse collection (Annual) (ARS)	Annual measure					N/A	73%	N/A	N/A	N/A
SP 066 Residual waste kg per household (Monthly in arrears)	44.59	39.5				44.59	39.5			
SP 067 % Municipal solid waste sent to landfill (waste management & commercial waste) (Monthly in arrears)	4%	10%				4%	10%			
SP 262 % Residents satisfied with recycling facilities (Annual) (ARS)	Annual measure					N/A	72%	N/A	N/A	N/A
SP 269 % Residents satisfied with street cleanliness (Annual) (ARS)	Annual measure					N/A	57%	N/A	N/A	N/A
SP 354 Total waste arising per households (KGs) (Monthly in arrears)	75.43	75				603.98	675			
SP 407 % FPN's issued that have been paid (Monthly)	70%	70%				70%	70%			
SP 485 No. of fly-tips in streets and parks recorded by Contractor	1,282	1,075				12,077	9,675			
SP 569 NEW for 2020-21 % of sites surveyed that meet the required standard for weeds (Quarterly)	Quarterly measure					91.33%	90%		N/A	N/A
SP 571 NEW FOR 2020-21 % of sites surveyed that meet the required standard for graffiti (Quarterly)	Quarterly measure					93.33%	98%		N/A	N/A
SP 572 NEW FOR 2020-21 % of sites surveyed that meet the required standard for flyposting (Quarterly)	Quarterly measure					99.2%	97%		N/A	N/A

PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	YTD Value	Annual Target	Status	Short Trend	Long Trend
SP 574 NEW FOR 2020-21 Resident satisfaction with the Household Re-use and recycling facility (Garth Road) (Annual)	Annual measure					N/A	75%	N/A	N/A	N/A
<b>Parks</b>										
CRP 119 / SP 558 NEW FOR 2020-21 Average Performance Quality Score (Litter and Cleansing Standards) (Quarterly)	Quarterly measure					4.98	5		N/A	N/A
SP 026 % of residents who rate parks & green spaces as good or very good (Annual) (ARS)	Annual measure					N/A	77%	N/A	N/A	N/A
SP 027 Young peoples % satisfaction with parks & green spaces	Annual measure					N/A	85%	N/A	N/A	N/A
SP 032 No. of Green Flags (Annual)	Annual measure					6	6	N/A	N/A	N/A
SP 318 No. of outdoor events in parks (Monthly)	0	0				5	136			
SP 514 Income from outdoor events in parks (Annual)	Annual measure					N/A	£540,000	N/A	N/A	N/A
SP 515 Average Performance Quality Score (Grounds Maintenance Standards) (Annual)	Annual measure					N/A	5	N/A	N/A	N/A
SP 517 Number of street trees planted (Annual)	Annual measure					N/A	235	N/A	N/A	N/A
SP 557 NEW FOR 2020-21 Average Performance Quality Score (Grass Verge Standards) (Quarterly)	Quarterly measure					4.48	5		N/A	N/A
SP 559 NEW FOR 2020-21 % of tree works commissions completed within SLA (30 days) (Quarterly)	Quarterly measure					100%	85%		N/A	N/A
SP 560 NEW FOR 2020-21 Number of friends and similar groups volunteering within Merton's parks and open spaces (Annual)	Annual measure					N/A	40	N/A	N/A	N/A
<b>Transport</b>										
SP 456 Average days lost to sickness absence - Transport (Monthly)	2.82	0.79				19.52	7.13			
SP 136 Average % time passenger vehicles in use	Annual measure					N/A	85%	N/A	N/A	N/A
SP 137 % User satisfaction survey (transport passenger fleet) (Annual)	Annual measure					N/A	97%	N/A	N/A	N/A

PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	YTD Value	Annual Target	Status	Short Trend	Long Trend
SP 271 In-house journey that meet timescales	Annual measure					N/A	85%	N/A	N/A	N/A
SP 526 % of Council fleet using diesel fuel (Annual)	Annual measure					N/A	80%	N/A	N/A	N/A
<b>Leisure</b>										
SP 251 Income from Watersports Centre (Monthly)	£462	£0				£81,633	£377,500			
SP 349 14 to 25 year old fitness centre participation at leisure centres	2,430	6,750				17,532	76,670			
SP 405 No. of Leisure Centre users (Monthly)	22,123	79,000				154,945	808,000			
SP 406 No. of Polka Theatre users (cumulative) (Quarterly)	Quarterly measure					2,570	20,000			

E&R Sustainable Communities PI Code & Description	Dec 2020					2020/21				
	Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
<b>Development and Building Control</b>										
CRP 045 / SP 118 Income (Development and Building Control) (Monthly)	216,534	157,166				1,265,201	1,428,872			
CRP 051 / SP 114 % Major applications processed within 13 weeks (Monthly)	100%	68%				88.25%	68%			
CRP 052 / SP 115 % of minor planning applications determined within 8 weeks	87.5%	71%				73.8%	71%			
CRP 053 / SP 116 % of 'other' planning applications determined within 8 weeks	69.07%	82%				76.2%	82%			
DATA 007 /SP 414 Volume of planning applications (Monthly)	340	N/A				2,807	N/A		N/A	N/A
SP 040 % Market share retained by LA (Building Control) (Monthly)	62.9%	54%				59.53%	54%			
SP 113 No. of planning enforcement cases closed (Monthly)	28	44				143	390			
SP 117 % appeals lost (Development & Building Control) (Quarterly)	<b>Quarterly measure</b>					21.67%	35%			
SP 380 No. of backlog planning enforcement cases (Monthly)	639	500				639	500			
<b>Future Merton</b>										
DATA 008 Streetworks - number of utility works overrun incidents (FPN issued)	12	N/A				110	N/A		N/A	N/A
DATA 009 £ fines from Streetworks FPNs (Monthly)	9,140	N/A				75,540	N/A		N/A	N/A
SP 327 % Emergency callouts attended within 2 hours (traffic & highways)	100%	98%				100%	98%			
SP 328 % Streetworks permitting determined (Monthly)	100%	98%				100%	98%			
SP 391 Average number of days taken to repair an out of light street light	<b>Quarterly measure</b>					1.14	3			
<b>Property</b>										
SP 024 % Vacancy rate of property owned by the council (Quarterly)	<b>Quarterly measure</b>					1%	3%			
SP 025 % Debt owed to LBM by tenants inc businesses (Quarterly)	<b>Quarterly measure</b>					4.13%	7.5%			

SP 518 Number of completed Rent Reviews (Quarterly)	<b>Quarterly measure</b>	6	16			
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## Sustainable Communities Work Programme 2020/21

This table sets out the Sustainable Communities Overview and Scrutiny Panel Work Programme for 2020/21 that was agreed by the Commission at its meeting on 24 June 2020.

This slimmed down work programme has been designed so that it can be regularly reviewed and adjusted during the pandemic. It will be considered at every meeting of the Commission to enable it to respond to issues of concern or to request new pre-decision items ahead of their consideration by Cabinet/Council.

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

**Chair:** Cllr Aidan Mundy

**Vice-chair:** Cllr Daniel Holden

### **Scrutiny Support**

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

Rosie McKeever, Scrutiny Officer

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

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

**Meeting date:** 1 September 2020 (~~**Deadline for papers:** 12pm, 21 August 2020~~)

Page 22

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Holding the executive to account</b>	Idverde	Written report	Representatives from Idverde will be invited to attend the session and answer member questions. Plus MIGSF and friends groups	Update on performance of the service
<b>Holding the executive to account</b>	Waste, recycling and street cleaning	Written update report:	John Bosley, Assistant Director, Public Space Scott Edgell, Veolia	To receive feedback on recommendations (plus include fly tipping strategy update).
<b>Holding the executive to account</b>	Bishopsford Road Bridge	Brief update	Chris Lee, Director of Environment and Regeneration	
<b>Holding the executive to account</b>	Climate Strategy and Action Plan	Brief update	Chris Lee, Director of Environment and Regeneration	
<b>Holding the executive to account</b>	Covid-19 Transport Strategy	Brief update on Merton's Active & Healthy Travel Response to Covid-19.	Chris Lee, Director of Environment and Regeneration	Implementation update prior to November Council
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration	To highlight any items of concern and/or request additional information
<b>Setting the work programme</b>	Work programme 2020/21	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme.

**Meeting date:** 2 November 2020 (**Deadline for papers:** 12pm, 23 October 2020)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
<b>Budget scrutiny</b>	Budget/business plan scrutiny (round 1)	Written report	Caroline Holland, Director of Corporate Services	To discuss and refer any comments to the O&S Commission
<b>External scrutiny</b>	Clarion Housing Group: repairs and maintenance	Verbal update, including feedback from the working group	Representatives from Clarion Housing Group will be invited to attend the session and answer member questions.	This session will be used to focus on repairs and maintenance work
<b>Holding the executive to account</b>	Housing Strategy	Written update report	Steve Langley, Head of Housing Needs and Strategy; James M	
<b>Scrutiny reviews</b>	Support for private renters	Written update report	Steve Langley, Head of Housing Needs and Strategy	
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration	To highlight any items of concern and/or request additional information
<b>Setting the work programme</b>	Work programme 2020/21	Written report	Rosie McKeever, Scrutiny Officer	Standing item

**Meeting date:** 8 December 2020 (**Deadline for papers:** 12pm, 30 November 2020)

<b>Scrutiny category</b>	<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
<b>Holding the executive to account</b>	Emissions Based Charging Consultation	Written report	Chris Lee, Director of Environment and Regeneration; Cathryn James, AD Public Protection	To comment on the proposals and make any recommendations to Cabinet
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information
<b>Setting the work programme</b>	Work programme 2020/21	Written report	Rosie McKeever, Scrutiny Officer	Standing item

**Meeting date:** 19 January 2021 (**Deadline for papers:** 12pm, 11 January 2021)

<b>Scrutiny category</b>	<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
<b>Budget scrutiny</b>	Budget and business planning (round 2)	Report	Caroline Holland, Director of Corporate Services	To comment on the budget and business plan proposals at phase 2 and make any recommendations to the Commission
<b>Holding the executive to account</b>	Roadworks/Utilities programme	Written report	Chris Lee, Director of Environment and Regeneration	
<b>Scrutiny review</b>	Lorries/HGV's	Written report	Chris Lee, Director of Environment and Regeneration	Potential rapporteur review?
<b>Scrutiny review</b>	Sustainable Travel / Transport Strategy update	Written report	Paul McGarry	
<b>Performance management</b>	Performance monitoring	Basket of indicators plus verbal report	Chris Lee, Director of Environment and Regeneration	To highlight any items of concern and/or request additional information
<b>Setting the work programme</b>	Work programme 2020/21	Written report	Rosie McKeever, Scrutiny Officer	Standing item

Meeting date: 23 February 2021 (**Deadline for papers: 12pm, 15 February 2021**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
External scrutiny	Clarion Housing Group: regeneration	Presentation	Representatives from Clarion Housing Group will be invited to attend the session and answer member questions.	This session will be used to focus on Clarion's estates regeneration.
Holding the executive to account	Design Review Panel	Written report	Paul McGarry, Head of <i>futureMerton</i>	
Holding the executive to account	Morden Town centre redevelopment	Presentation	Paul McGarry, Head of <i>futureMerton</i>	Progress update
Performance management	Performance monitoring	Basket of indicators plus verbal report	Councillor Ben Butler Chris Lee, Director of Environment and Regeneration	To highlight any items of concern, make recommendations and/or request additional information
Setting the work programme	Work programme 2020/21	Written report	Rosie McKeever, Scrutiny Officer	Standing item

Meeting date: 29 March 2021 (**Deadline for papers:** 12pm, 19 March 2021)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Holding the executive to account	Idverde	Written report	Representatives from Idverde will be invited to attend the session and answer member questions	To review progress against recommendations.
Holding the executive to account	Merton Adult Education	Written report	Anthony Hopkins, Head of Library, Heritage and Adult Education Service	Update on performance of the service
Holding the executive to account	Libraries and heritage annual report	Written report	Anthony Hopkins, Head of Library, Heritage and Adult Education Service	Update on performance of the service
Holding the executive to account	GLL Leisure	Written report	Christine Parsloe, Leisure and Culture Development Manager	Review of Covid-19 effect on service
Performance management	Parking	Written report	Cathryn James	Update on implementation of charges
Performance management	Performance monitoring	Basket of indicators plus verbal report	Chris Lee	To highlight any items of concern
Setting the work programme	Topic suggestions 2021/22	Written report	Rosie McKeever, Scrutiny Officer	To seek suggestions from the Panel to inform discussions about the Panel's 2021/22 work programme

