

Merton Council Sustainable Communities Overview and Scrutiny Panel



Date: 22 February 2022
Time: 7.15 pm
Venue: Merton Civic Centre

AGENDA

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The meeting room will be open to members of the public from 7.00 p.m.**

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Sustainable Communities Overview and Scrutiny Panel Membership

Councillors:

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

Substitute Members:

Ben Butler
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.

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Agenda Item 3

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SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL

18 JANUARY 2022

(7.15 pm - 9.30 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
Councillor Daniel Holden, Councillor Laxmi Attawar,
Councillor David Dean, Councillor Nick Draper,
Councillor Anthony Fairclough and Councillor Dave Ward

John Bosley (Assistant Director Public Space Contracts and Commissioning), Elliot Brunton, Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Paul McGarry (FutureMerton Manager), James McGinlay (Assistant Director for Sustainable Communities) and John Morgan (Interim Director, Community & Housing)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Cllr Mundy declared an interest for item 9 as a plot holder for the Eastfield's allotment.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the previous meeting were agreed as a fair and accurate account

4 ACTION LOG (Agenda Item 4)

Drawing attention to the amber items, the Chair asked if there were any questions or issues.

A Member commented that there appears to be confusion about the communication with blocks of flats request - It wasn't just a Clarion properties. It should include all genuine blocks of flats, both private and in public, as the problem is still ongoing.

Action: Chair to speak with Officers to amend where possible.

Roads and pavement resurfacing item has dropped off the action log.

Action: Chair to follow up with Officers and Cllr Fairclough offline to get further detail on whether action has been completed.

5 PERFORMANCE MONITORING (Agenda Item 5)

The Assistant Director of Public Space responded to Panel Members questions;

In terms of performance of the service, the current value reported in November being 104 missed collections per 100,000. Over the last eighteen months we have seen an improvement in this indicator. It's not ideal, but it is moving positively in the right direction. There have been two elements that have affected the service, both locally and regionally, which is COVID positive cases which require isolation, as well as a fundamental national driver shortage. Both have impacted on the deployment of frontline services and does contribute somewhat to less efficient services.

It is not Council policy to miss blocks of flats for waste collection. Within the industry, flats are one of the harder elements to collect due to staff needing to know locations, where the bin storage is, and using an agency workforce that maybe not educated on the structure and where those individual locations are may contribute to less reliability or efficiency within the service.

We have seen an increase in general activity within our parks during this period. More people visit our parks and therefore use our parks. Interestingly enough, London spends around £50 million a year collecting litter and clearing litter from people visiting our parks. And that's an area of focus where we want to try to have users of our parks take their litter and rubbish home with them. We can also look to inspect parks more frequently.

6 CALL IN: SCHOOL STREETS - ARAGON (Agenda Item 6)

The Chair invited Cllr McLean to speak to the call-in.

- The consultation began on the 19th September 2020 and concluded on the 31st of July 2021 and saw letters delivered to 157 properties. 73 responses were received with 58 of those responses from within the Aragon Road zone.
- I would like to highlight that of the 58 responses within the Aragon Road Zone there were 39 objections and only 19 responses in support. Plus 8 of the 19 that the Council labelled as 'in support' also stated objections to the scheme.
- The Council did not mention to residents in any of the literature that if they did not actively object, then they would be considered to not object to the scheme. Furthermore, when reporting the results, the Council does not distinguish between the people who actively supported the scheme and those who did not object. This therefore calls into question the validity of the results that have been reported.
- There appears to be an increasing level of misunderstanding amongst residents regarding the exemption process and the contraventions if the scheme becomes permanent. This scheme needs to be paused before becoming permanent with a fuller consultation conducted and concerns of the residents addressed.

Cllr Nick Mclean responded to questions of clarification from the Panel;

- There is an opportunity for the Council to demonstrate that it listens. What has been highlighted here is the residents have shown their concern and have asked for some flexibility. Other councils show flexibility with policy.
- We reviewed all the results of the consultations, and we felt that Aragon, in particular, really stood out with regards to results and the objections. We felt

that this particular school street, and the response from the consultation was out of kilter compared to the others.

The Chair invited Luke Mcarthy, Chair of Merton Residents Transport Group, to speak;

- The five key benefits of school streets are climate change, air pollution, safety and health and wellbeing (which includes both exercise and educational benefits)
- Over 50% of pupils live within 800 metres of the school as it has a very small catchment area, so it's actually very suitable for large numbers of pupils to walk or cycle to school. Also very accessible by those living beyond that 800 metre zone.
- A lack of understanding in terms of the eligibility criteria and how the exemption process works has contributed to the resident objections. These are things that the Council could have improved in the way the scheme was put in place and subsequently communicated to residents.

The Head of Future Merton elaborated in response to a question of clarification that throughout the consultation the exemptions policy has been edited and developed in response to comments and feedback from residents. Merton has one of the most generous exemption policies compared to other councils in London for school streets. We have received comments about Ringo's lack of usability and convenience and recognise this could be improved.

Parking services have been trying to get improvements to make it easier for people to get exemptions on school streets via the system.

Action: Head of Future Merton to get further detail on this from parking services.

The Cabinet Member for Housing, Regeneration and the Climate Emergency added; We've had a very large roll out of 28 school streets across the borough which is one of the highest numbers of any London borough. It has measurably changed the environment outside many schools, making it safer for children as well as encouraging them to walk, cycle and scoot. In terms of Aragon Road we have listened to the representations that have been made and we are reducing the hours of operation by fifteen minutes in the morning and fifteen minutes in the afternoon. And to echo previous comments, we do have a flexible exemption scheme.

The Panel moved to a vote on the recommendations listed in the report worded as follows - That the Sustainable Communities Overview and Scrutiny Panel consider the information provided in response to the call-in request and decide whether to:

- A. Refer the decision back to the Cabinet Member for reconsideration; or
- B. Decide not to refer the matter back to the Cabinet Member, in which case the decision shall take effect immediately

There were two votes in favour of recommendation A (Cllr David Dean and Cllr Daniel Holden), four votes in favour of option B and one abstention.

The Panel RESOLVED not to refer this decision back to the Cabinet Member, and therefore it will take immediate effect.

Following the vote, a motion was raised by a Panel Member to recommend that Cabinet review the following four items:

- its consultation processes where experimental traffic orders are used to implement school safety zones: to make clearer how proposals are adapted in the light of consultation responses; and to include the measurement of air pollution and relevant traffic levels before the permanent decision is made;
- signage to alert drivers about the zones;
- information provided on the operation of the zones; and
- on a regular basis, the criteria and operation of school safety zone permits”

The motion was seconded. There were three votes in favour, four against. Motion fell.

The Panel RESOLVED (seven votes in favour) to request officers produce, for the first session of the new scrutiny term, a lessons learned paper on the implementation of school streets.

7 BUSINESS PLAN UPDATE 2022-2026 (Agenda Item 7)

The Director of Corporate Services provided an update following on from the Panel meeting in November which scrutinised the first stages of the business plan.

The level of inflation is a concern, particularly for our contracts, so we are keeping that under review. Additional monies for utilities have also been added in because of this.

The position as at the end of December was a balanced budget for 2022/23 but still a gap of £12.8 million in 2023/24. We had at that stage built in the 2% Council Tax increase and the 1% Adult Social care precept.

There will be further updates on the Government settlement at Cabinet in February. Certainly overall, it was a good settlement. However, it was still only a one-year settlement, so that is disappointing.

DSG remains our biggest challenge - we expect to hear shortly from the DfE on the outcome of the safety valve discussions.

In response to questions, the Director of Corporate Services expanded upon keys areas of interest for the Panel;

A significant part of the unachieved E&R savings was the reversal of the Emissions Based Charging decision which is a shortfall on parking income of around £3.3 million. Further to this, income is significantly down right across Environment & Regeneration, not just in parking income but in leisure income, development control and regulatory services income.

We intend to explore a number of different avenues with Deen City farm to see how either through their own resources and imagination or through some use of CIL funding, we could support them to become more self-sustaining.

The Panel moved to discuss recommendations;

Cllr David Dean raised a motion with regards to ENV2022-23 03 that on the basis that the E&R budget this year is increasing by 1.8% to £69.8 million, I see no reason to cut Deen City Farms budget. It should be taken out of the equation and further consultation with Members and DCF should take place.

The motion was seconded.

There were three votes in favour, four against. Motion fell.

The Sustainable Communities Panel RESOLVED to send the following reference to the Overview and Scrutiny Commission;

The Panel RESOLVED (five votes in favour, two abstentions) to recommend Cabinet hold saving ENV2022-23 03, regarding Deen City Farm, on the basis that it is a saving to be made in 2023/24 and in anticipation of finding an alternative saving.

8 HOUSING AND ENVIRONMENTAL HEALTH UPDATE (Agenda Item 8)

The Chair welcomed Elliot Brunton, Interim Head of Housing Needs and Strategy, to the meeting to talk about the work of the housing enforcement team.

We have recently implemented a new database within the housing system and will need to investigate further on the report functionality available - Currently reports are driven by service requests.

There are 29 different hazards under the Housing Act 2004 that officers have to assess using the health and safety rating system. Overcrowding is one of the factors looked at, which would be termed as either natural growth or by someone moving into an overcrowded situation.

Inspection delays caused by social distancing - very difficult to investigate a property when you can't go into it.

We've been trying to get the Landlord Register scheme set up for a few years. The Council is currently looking at the evidential base for what they call selective and/or additional licencing. It's a very complex scheme which requires sign off from the Secretary of State.

The Chair requested the Interim Head of Housing Needs and Strategy returns to the Panel on the 8th March with details on the HMO picture. Look into whether Panel Members could attend an inspection or failing that, be provided with pictures to get an idea of what category one looks like etc.

9 ALLOTMENT SERVICE (Agenda Item 9)

The Assistant Director of Public Spaces gave a quick summary of the paper.

Currently the service is managing a waiting list of 209 residents. We have reduced the waiting list by 75% and seen a reduction in the number of vacant plots within this period of 50%.

In response to questions, the AD provided further information;

Two main elements to complaints;

One was the waiting list (which was significant) and it's an issue that we have tackled.

Two was related to water charging – you will see there is an increase in water charges per use.

What transpired in terms of water charging is that we weren't keeping pace with the cost of water. We had, in essence, been subsidising the service by subsidising water usage in the allotments and in, in some ways over watering. This has shed light on the fact that we need to provide more information and education on adaptive strategies i.e. mulching, capturing water in different ways, and therefore reducing people's reliance on that cost. There were significant complaints associated with.

New Head of Parks will be starting at the end of January.

I would say is that we have an oversubscription of sites. The plots are very sought after and in releasing any plots for communities, we would need to make sure that we have a robust business case in place for that to ensure that it has sustainability to deliver longer term.

10 WORK PROGRAMME (Agenda Item 10)

The work programme was agreed.

Sustainable Communities Overview and Scrutiny Panel									
	Officer	Date added	Status (BRAG)	Comment	Cabinet Approval	Implementation Timeline			
IdVerde's contract for greenspaces	The Panel would like to undertake site visits to a sample of green spaces in Merton, with details of the reporting pro forma used by Client Officers when inspecting	JB	01/09/2020	Green	The Service would like to offer site visits to Colliers Wood Recreation Ground, Morden Park & Wimbledon Park during the week commencing the 14th February (half-term). Transport will be provided from the Civic Centre.	09/11/2021	w/c 14/2/2022	Green	On track
	The Panel recommended that the Council's Tree Strategy is reviewed and updated to include how new trees are established and how all trees are maintained	JB	01/09/2020	Green	The tree strategy is currently being undertaken. The strategy will be delivered in two parts with the first phase concentrating on Council-owned assets, maintenance regimes and risk management. The second phase will take into context private tree assets, planning considerations and the wider urban forest. The first phase is to be delivered by May 2022.	09/11/2021	May-22	Amber	Requires monitoring
	The Panel recommends that the Council create an overarching Green Spaces strategy in line with the Council's climate commitment and with a focus on community wellbeing.	JB	01/09/2020	Amber	This is under consideration. There are a number of Council strategies that touch upon parks and open spaces particularly Local Development Framework documents. The outcome of the developing Tree Strategy and operational surveying of parks will need to be completed prior to commencing work on	09/11/2021	Mar-23	Red	Not on track
	To display signage in parks informing residents on how to report issues and express their views	JB	01/09/2020	Green	The Service is aware of this requirement and will proceed with improved signage after the implementation of the new web based reporting system.	09/11/2021	Jan-Mar 2022	Black	Not yet started
	Both Idverde's Annual Report and the IMGsf Annual Report to be presented when signed off	JB	01/09/2020	Green	The internal review and approval of the Annual Review has been completed and is now available to be presented to the Committee.	09/11/2021	Jun-22	Completed actions	5
	HGV's	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	JM	19/01/2021	Black	HGVs reported to Scrutiny Jan 2021. Further Info to be added online with links to London Councils Lorry Control Scheme. https://www.merton.gov.uk/streets-parking-transport/traffic-management/weight-limits-roads-and-highways	22/03/2021	30/01/22	Open actions
School Streets	Comms Team to encourage resident feedback and explore expanding the scheme with the support of the schools.	JM	19/01/2021	Green	On track - Consultations closed - Decisions being made Q3-4 2021/22	22/03/2021	31/03/22		
	The panel RESOLVED to request officers produce, for the first session of the new scrutiny term, a lessons learned paper on the implementation of school streets.	PM	18/01/2022	Green	To be scheduled for 23 June 2022	N/A	Jun-22		
Design Review Panel	Future Merton committed to bringing the DRP review back to scrutiny post consultation.	JM	23/03/2021	Green	On track - review on Scrutiny agenda Feb 2022	N/A	22/02/22		
Tenants Champion	Write a formal report for the Panel meeting in February 2022.	ND	22/02/2022	Green		N/A			
	Investigate Richmond Councils long running Tenants Champion, along with the Cabinet Member and Chair of the Panel, to see what has made the role successful and whether there is any learning to take on board.	ND	22/02/2022	Green		N/A			
Waste	Look at the feasibility of offering discounted access to our paid for waste services, to those residents on council tax support, in order to incentivize take up of these services and further increase the rate of recycling. This should include garden waste collection.	JB	06/12/2021	Green	In Progress - final recommendation and feasibility study including the financial impact are scheduled to be presented back to Scrutiny in June 2022. A project team will be established and progress will be monitored with the Lead Cabinet Member through the service's monthly Strategic Board meetings	12/06/2021	Jun-22		

Green	On track
Amber	Requires monitoring
Red	Not on track
Black	Not yet started
Completed actions	5
Open actions	17

Waste	As a Council we lobby the government to accept central responsibility for producing effective policy and legislation to deter and deal with fly tipping.	JB	06/12/2021	Green	To commence Q1 2022 - work to be undertaken along side our neighbouring boroughs in partnership with SLWP	12/06/2021	Ongoing
Waste	Over a six month time frame, proactively write to all those blocks of flats with communal recycling, with details on how to recycle correctly and avoid waste contamination	JB	06/12/2021	Green	On Going - all ways on communication approach has been adopted. Waste services have recently completed working on the new collection service with Moat Housing and communicated to all properties on the Pollards Hill estate. working with Clarion we have attended a resident drop in day for residents at the Watermeads estate and will look at implementing all lessons learned before extending this approach and communication style to the wider Clarion estates.	12/06/2021	Jun-22
Housing	The Chair requested the Interim Head of Housing Needs and Strategy returns to the Panel on the 8th March with details on the HMO picture. Look into whether Panel Members could attend an inspection or failing that, be provided with pictures to get an idea of what category one looks like etc.	EB	18/01/2022	Green	Scheduled for 8 March 2022.		
Scrutiny	Chairs actions: A Member commented that there appears to be confusion about the communication with blocks of flats request - It wasn't just a Clarion properties. It should include all genuine blocks of flats, both private and in public, as the problem is still ongoing. Action: Chair to speak with Officers to amend where possible.		18/01/2022	Green			
	Roads and pavement resurfacing item has dropped off the action log. Action: Chair to follow up with Officers and Cllr Fairclough offline to get further detail on whether action has been completed.		18/01/2022	Green			

Environment and Regeneration Public Protection performance report

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Parking											
Parking	CRP 044 Parking services estimated revenue (Monthly)	1,100,174	2,038,099				13,387,745	17,403,951			
Parking	SP 258 Sickness- No of days per FTE from snapshot report (parking) (Monthly)	1.74	0.67				14.7	5.99			
Parking	SP 509 % of Permits applied/processed online (Monthly)	98%	80%				96.78%	80%			
Parking	SP 510 % of PCN Appeals received online (Monthly)	78%	65%				80.89%	65%			
Parking	SP 511 Blue Badge Inspections - cumulative (Monthly)	0	90				0	90			
Parking	SP 512 Total cashless usage against cash payments at machines (Monthly)	78%	70%				75.89%	70%			
Parking	SP 513 Percentage of cases 'heard' and won at ETA	Quarterly					85.67%	75%			
Parking	SP 586 NEW FOR 2021-22 % of ANPR cameras remain working (Monthly)	99.4%	98%				96.61%	98%			
Regulatory Services											
Regulatory Services	CRP 120 / SP 562 % of Regulatory Services service requests with an initial response within the "defined timescale" (Quarterly)	Quarterly					84.13%	90%			
Regulatory Services	CRP 121 / SP 565 Number of monitoring stations that meet annual Particulate air quality objectives (Annual)	Annual					N/A	1	N/A	N/A	N/A
Regulatory Services	CRP 122 / SP 566 Number of monitoring stations measuring below the Nitrogen Dioxide air quality objectives (Annual)	Annual					N/A	50	N/A	N/A	N/A
Regulatory	DATA 010 Safeguarding older people - number of cases	Quarterly					63	Data			

Dept.	PI Code & Description	Dec 2021					2021/22					
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Services	investigated and intervene in cases of residents being targeted by financial scams and abuse (Quarterly)											
Regulatory Services	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			203	Data				
Regulatory Services	DATA 012 Number of Air Quality Audits (using GLA toolkit) of schools, prioritising those in the highest pollution areas			Quarterly			8	Data				
Regulatory Services	SP 521 Total % compliance of non-road mobile machinery on major construction sites with GLA emissions standards			Annual			N/A	95%	N/A	N/A	N/A	N/A
Regulatory Services	SP 561 Percentage of alcohol and regulated entertainment licences issued within 10 working days of the conclusion of the 28 day consultaiton period, excluding those that are subject to a licensing hearing (Quarterly)			Quarterly			92%	95%				
Regulatory Services	SP 564 High risk A & B and non-compliant C-rated food establishments due for inspection completed (Annual)			Annual			N/A	100%	N/A	N/A	N/A	N/A

E&R Public Spaces

Dept.	PI Code & Description	Dec 2021					2021/22					
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend	
Waste Services												
Waste Management & Cleansing	CRP 097 / SP 065 % Household waste recycled and composted (Monthly in arrears)	39.74%	45%				42.16%	45%				
Waste Management & Cleansing	CRP 103 / SP 454 % of fly-tips removed within 24 hours (Monthly)	81.8%	95%				91.06%	91%				

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Waste Management & Cleansing	CRP 123 / SP 567 % of sites surveyed on local street inspections for litter that meet the required standard (Monthly) and quarterly in line with NI 195 reporting	78%	87%				86.16%	87%			
Waste Management & Cleansing	CRP 124 / SP 568 % of street reports rectified within the contract standard time frame (Monthly)	39.2%	90%				73.06%	90%			
Waste Management & Cleansing	CRP 125 / SP 570 % of sites surveyed that meet the required standard for detritus (Quarterly)	Quarterly					83.83%	80%			
Waste Management & Cleansing	CRP 126 / SP 573 Number of refuse collections including recycling and kitchen waste (excluding garden waste) missed per 100,000 (Monthly)	120	65				101.78	65			
Waste Management & Cleansing	DATA 013 Number of street cleansing site inspections undertaken by Client team (target 868 per month, 10,416 per year) (Monthly)	893	Data only				8,865	Data only			
Waste Management & Cleansing	DATA 016 Number of Environmental Enforcement incidents formally (NOT formerly) processed (Monthly)	221	Data only				6,109	Data only			
Waste Management & Cleansing	SP 064 % Residents satisfied with refuse collection (Annual) (ARS)	Annual					62%	73%		N/A	N/A
Waste Management & Cleansing	SP 066 Residual waste kg per household (Monthly in arrears)	43.23	39.5				346.16	356			
Waste Management & Cleansing	SP 067 % Municipal solid waste sent to landfill (waste management & commercial waste) (Monthly in arrears)	4%	6%				4%	6%			
Waste Management & Cleansing	SP 262 % Residents satisfied with recycling facilities (Annual) (ARS)	Annual					56%	72%		N/A	N/A
Waste Management & Cleansing	SP 269 % Residents satisfied with street cleanliness (Annual) (ARS)	Annual					45%	57%		N/A	N/A
Waste Management & Cleansing	SP 354 Total waste arising per households (KGs) (Monthly in arrears)	71.73	75				598.43	675			

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Waste Management & Cleansing	SP 407 % FPN's issued that have been paid (Monthly)	70%	70%				68.63%	70%			
Waste Management & Cleansing	SP 485 No. of fly-tips in streets and parks recorded by Contractor (Monthly)	1,071	1,075				13,463	9,675			
Waste Management & Cleansing	SP 569 % of sites surveyed that meet the required standard for weeds (Quarterly)	Quarterly					92%	90%			
Waste Management & Cleansing	SP 571 % of sites surveyed that meet the required standard for graffiti (Quarterly)	Quarterly					94%	95%			
Waste Management & Cleansing	SP 572 % of sites surveyed that meet the required standard for flyposting (Quarterly)	Quarterly					99.03%	97%			
Waste Management & Cleansing	SP 574 Resident satisfaction with the Household Re-use and recycling facility (Garth Road) (Annual)	Annual					Not in survey	75%	Not in survey	N/A	N/A
Greenspaces											
Parks and Green Spaces	CRP 119 / SP 558 Average Performance Quality Score (Litter and Cleansing Standards) (Quarterly)	Quarterly					4.87	5			
Parks and Green Spaces	SP 026 % of residents who rate parks & green spaces as good or very good (Annual) (ARS)	Annual					73%	78%		N/A	N/A
Parks and Green Spaces	SP 027 Young peoples % satisfaction with parks & green spaces (Annual) (ARS)	Annual					90%	86%		N/A	N/A
Parks and Green Spaces	SP 032 No. of Green Flags (Annual)	Annual					N/A	7	N/A	N/A	N/A
Parks and Green Spaces	SP 318 No. of outdoor events in parks (Monthly)	96	0				695	188			
Parks and Green Spaces	SP 514 Income from outdoor events in parks (Annual)	Annual					N/A	£550,000.00	N/A	N/A	N/A
Parks and Green Spaces	SP 515 Average Performance Quality Score (Grounds Maintenance Standards) (Annual)	Annual					N/A	5	N/A	N/A	N/A
Parks and Green	SP 517 Number of street trees planted (Annual)	Annual					N/A	240	N/A	N/A	N/A

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Spaces											
Parks and Green Spaces	SP 557 Average Performance Quality Score (Grass Verge Standards) (Quarterly)			Quarterly			4.93	5			
Parks and Green Spaces	SP 559 % of tree works commissions completed within SLA (30 days) (Quarterly)			Quarterly			88%	86%			
Parks and Green Spaces	SP 560 Number of friends and similar groups volunteering within Merton's parks and open spaces			Annual			N/A	41	N/A	N/A	N/A
Transport											
Transport	SP 456 Days lost to sickness absence - Transport (cumulative) (Monthly)	3.93	0.75				31.34	6.75			
Transport	SP 136 Average % time passenger vehicles in use (transport passenger fleet) (Annual)			Annual			N/A	85%	N/A	N/A	N/A
Transport	SP 137 % User satisfaction survey (transport passenger fleet) (Annual)			Annual			N/A	97%	N/A	N/A	N/A
Transport	SP 271 In-house journey that meet timescales (transport passenger fleet) (Annual)			Annual			N/A	85%	N/A	N/A	N/A
Transport	SP 526 % of Council fleet using diesel fuel (Annual)			Annual			N/A	80%	N/A	N/A	N/A
Leisure											
Leisure	SP 251 Income from Watersports Centre (Monthly)	£696	£0				£327,044	£377,500			
Leisure	SP 349 14 to 25 year old fitness centre participation at leisure centres (Monthly)	7,513	5,513				67,880	62,621			
Leisure	SP 405 No. of Leisure Centre users (Monthly)	66,819	60,933				535,583	623,214			
Leisure	SP 406 No. of Polka Theatre users (cumulative) (Quarterly)			Quarterly			19,756	14,540			

E&R Sustainable Communities

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Development and Building Control											
Development and Building Control	CRP 045 / SP 118 Income (Development and Building Control) (Monthly)	154,141	163,833				1,354,191	1,474,497			
Development and Building Control	CRP 051 / SP 114 % Major applications processed within 13 weeks (Monthly)	0%	80%				82.37%	80%			
Development and Building Control	CRP 052 / SP 115 % of minor planning applications determined within 8 weeks (Monthly)	56.25%	72%				70.81%	72%			
Development and Building Control	CRP 053 / SP 116 % of 'other' planning applications determined within 8 weeks (Development Control) (Monthly)	84.4%	83%				83.21%	83%			
Development and Building Control	DATA 007 /SP 414 Volume of planning applications (Monthly)	285	Data				2,461	Data			
Development and Building Control	SP 040 % Market share retained by LA (Building Control) (Monthly)	43.16%	54%				37.2%	54%			
Development and Building Control	SP 113 No. of planning enforcement cases closed (Monthly)	26	44				211	396			
Development and Building Control	SP 117 % appeals lost (Development & Building Control) (Quarterly)	Quarterly					20%	35%			
Development and Building Control	SP 380 No. of backlog planning enforcement cases (Monthly)	590	490				590	490			
Future Merton											
Future Merton	CRP 096 / SP 020 New Homes (Annual)	Annual					N/A	918	N/A	N/A	N/A
Future Merton	CRP 101 / SP 389 Carriageway condition - unclassified roads, % not defective (annual)	Annual					N/A	75%	N/A	N/A	N/A

Dept.	PI Code & Description	Dec 2021					2021/22				
		Value	Target	Status	Short Trend	Long Trend	Value	Target	Status	Short Trend	Long Trend
Future Merton	CRP 108 / SP 475 Number of publically available Electric Vehicles Charging Points available to Merton Residents (Annual)	Annual					N/A	200	N/A	N/A	N/A
Future Merton	DATA 008 Streetworks - number of utility works overrun incidents (FPN issued) (Monthly)	7					72				
Future Merton	DATA 009 £ fines from Streetworks FPNs (Monthly)	12,600					161,240				
Future Merton	SP 327 % Emergency callouts attended within 2 hours (traffic & highways) (Monthly)	100%	98%				100%	98%			
Future Merton	SP 328 % Streetworks permitting determined (Monthly)	100%	98%				100%	98%			
Future Merton	SP 391 Average number of days taken to repair an out of light street light (Quarterly)	Quarterly					0.95	3			
Future Merton	SP 476 Number of business premises improved (Annual)	Annual					N/A	10	N/A	N/A	N/A
Future Merton	SP 508 Footway condition - (% not defective, unclassified road) (Annual)	Annual					N/A	75%	N/A	N/A	N/A
Property											
Property	SP 024 % Vacancy rate of property owned by the council (Quarterly)	Quarterly					0.67%	3%			
Property	SP 025 % Debt owed to LBM by tenants inc businesses (Quarterly)	Quarterly					6.83%	7.5%			
Property	SP 386 Property asset valuations (Annual)	Annual					N/A	150	N/A	N/A	N/A
Property	SP 518 Number of completed Rent Reviews (Quarterly)	Quarterly					6	32			

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Committee: Sustainable Communities Scrutiny Panel

Date: 22nd February, 2022

Wards: Borough Wide

Subject:

Lead officer: Chris Lee, Director, Environment & Regeneration

Lead member: Councillor Martin Whelton

Contact officer: Lesley Barakchizadeh, Interim Head of Development Management & Building Control

Recommendations:

A. That the report be noted

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 At the November 2021 meeting of Council, a Motion was passed regarding Planning Enforcement. The full wording is below:

‘Council recognises the importance of good town planning and understands that local residents want planning applications that are approved to be adhered to and properly enforced.

Council notes that the building development control function has had an improvement programme underway since 2020, but while many of the improvements have been implemented, some have been delayed due to recruitment issues which the trade magazine UK Construction Excellence describes as a “long-predicted shortfall” in the building control sector across the UK. This in turn has had an impact on the capacity for planning enforcement with the latest statistics showing that the number of planning enforcement cases closed each month are at 46% of their target.

Residents demand and expect that all development in Merton is in accordance with sound planning principles and planning law, and Council notes that the government has failed to prepare for this long-predicted shortfall in the sector, or to fund councils so that they can provide services to the level that residents and councillors would want.

Therefore, council requests that the Cabinet Member for Housing, Regeneration and the Climate emergency in conjunction with the Director of Environment and Regeneration lobby the government to put in place measures to improve planning enforcement, to prioritise the rolling out of the improvement programme, and seek to tackle the backlog in cases, and report on progress to council in 6 months’ time, and to one meeting of the Sustainable Communities Overview and Scrutiny Panel in 3 months’ time.

Council expects the following aspects to be included:

- The cost and viability of an online portal for planning enforcement cases which councillors and residents can see;

- Ways to improve reporting of planning breaches on the council website;
- Action plan to tackle the backlog in planning enforcement cases;
- Analysis of how well planning enforcement measures result in appropriate outcomes;
- Continued enforcement of existing planning laws against individuals and developers who break planning rules;
- Using public communications to highlight enforcement breaches (including a continued emphasis on those who fell trees in contravention of planning rules);
- Continuing to review the outcome of development following completion to ensure that greening measures have been implemented, including tree planting (in line with the council's Tree Strategy);
- Continued strong protection of existing trees via powers under Tree Protection Orders.
- The importance of good communication between the Planning Dept and the public and councillors;
- A full costing of all the above measures and an outline of the cuts that would have to be made to other services, and the impact of these, if the cost has to be borne in whole by the council rather than from direct additional grant.

1.2 This report provides information on our Planning Enforcement Action Plan and the other issues raised.

2. DETAILS OF ACTIONS BEING TAKEN

2.1 Planning Enforcement is an important and emotive service area and the Enforcement Team are faced with increasing numbers of complaints, some of which are found to be breaches, others which are a misunderstanding of what constitutes a breach.

2.2 We receive well over 400 cases each year, from a variety of sources. We also receive an average of 650 tree applications each year, which are dealt with by the same team. Despite the earlier roll out of the improvement programme, which tackled a number of issues including a focus on closing multiple cases, it is recognised that the backlog has continued to grow to an unacceptable level and a number of urgent actions are being taken to resolve this.

2.3 A Planning Enforcement Action Plan is attached as an Appendix. The Action Plan deals not only with the issue of the backlog, but other relevant issues to improve the enforcement service. Actions contained within the Action Plan are already underway.

2.4 As well as attaching the Action Plan, this report will comment on each of the bullet points in the Motion but it should be noted that some of these require significant work to be undertaken and as such, cannot be achieved quickly.

- 2.5 – Cost and Viability of an Online Portal: this has been discussed with the Business Systems Manager. Any such portal would need to link in to our existing Planning System M3, which in itself requires investment and further upgrades. This is the subject of ongoing discussion.
- 2.6 – Ways to improve reporting of Planning Breaches on the council website: currently, there is a perfectly adequate way to report planning breaches on the website. It is easy to locate by searching either ‘planning breaches’ or ‘enforcement’. Either of these will bring up an online form and advice. We are currently investigating if this could be further improved by making it possible to attach photographs and by including an ‘urgent response’ contact and advice for situations which require immediate attention such as the felling of a tree with a TPO/in a Conservation Area or unauthorised work on a listed building that is already underway.
- 2.7 – Action Plan to tackle the backlog of enforcement cases: this is attached as an Appendix. Additionally, we have appointed a temporary enforcement officer for a period of 6 months from the Your Merton Fund specifically to assist with the backlog.
- 2.8 – Analysis of how well planning enforcement measures result in appropriate outcomes: we have specifically looked at this point and are currently doing an exercise tracking cases from a period of time and identifying what the outcome was. There could be a number of outcomes including: ongoing; no action required as no breach; Temporary/Stop Notice issued; retrospective planning application; enforcement notice or breach of condition notice etc issued; remedial action e.g. planting of semi mature trees or putting a site back to how it was originally; prosecution, injunction to restrain actual or apprehended breach of planning control.
- 2.9 - Continued enforcement of existing planning laws against individuals and developers who break planning rules: this is ongoing on a daily basis with site visits and follow up action taken on the approximately 400 cases we receive annually. For instance we recently successfully took action at 7 Streatham Road resulting in costs being awarded to the Council of over £30,000. Another example is where we inspected a property following a complaint where the resident had paved over the front garden to use it for parking. Following our intervention, the front garden was reinstated to its original condition with grass and fencing. This month we also visited a site where a car wash was operating without consent and issued a temporary stop notice which we followed up. The car wash ceased business and is awaiting the outcome of a planning application.
- 2.10 - Using public communications to highlight enforcement breaches (including a continued emphasis on those who fell trees in contravention of planning rules): We currently use the Corporate Communications Team to publicise where we have successfully taken action on enforcement breaches and are intending to increase our activity in this area.
- 2.11 - Continuing to review the outcome of development following completion to ensure that greening measures have been implemented, including tree planting (in line with the council’s Tree Strategy). This is an area where improvements are needed and we are investigating how best to tackle this important area of work.

- 2.12 - Continued strong protection of existing trees via powers under Tree Protection Orders. This is ongoing. We receive approximately 650 tree applications pa and in addition have to input into landscaping plans/tree removal request on planning applications. In the past 2 months alone, our interim tree officer has closed 243 tree applications. We do take action where trees with TPOs or within Conservation Areas are felled or worked on without consent. The action taken is usually to remedy the situation by planting semi mature trees rather than punitive action such as prosecution. We inspect to ensure that trees have been planted as required.
- 2.13 - The importance of good communication between the Planning Dept and the public and councillors. It's obviously essential to have good communication between all concerned parties. It is important that enquiries/complaints come through the correct channels. So if a councillor is logging a complaint it is important that this is sent either through the Members system or at least copied to the Members system as well as the officer. We also need to direct the public to use the correct system for logging planning enforcement complaints, using the online form on Merton's website or channelling their complaint through a councillor. At the moment, we receive enforcement complaints through numerous sources and this can mean that there is an increased risk of them being lost. A key area for improvement is getting back either to councillors or the public once we have taken action or decided no action is necessary. Too often this is overlooked, resulting in people not knowing what has happened, if anything. This creates additional work for everybody.
- 2.14 - A full costing of all the above measures and an outline of the cuts that would have to be made to other services, and the impact of these, if the cost has to be borne in whole by the council rather than from direct additional grant: It has not been possible to ascertain the cost of all of the measures required as yet but work is underway on costing up what is required, including putting in place an adequate structure for the required workload.

3. TIMETABLE

- 3.1 Work on reducing the backlog is already underway as are other improvement actions. Some actions, particularly improvements/changes to our IT systems, will naturally take longer.

4. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1 There are no specific implications at this time although there will be financial implications once a restructuring exercise has taken place. Additionally, there will be financial implications for putting in place new IT systems such as an online portal but more work will have to be undertaken to identify the cost of these.

5. LEGAL AND STATUTORY IMPLICATIONS

- 5.1 No specific implications at this time

6. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1 No specific implications at this time

7. CRIME AND DISORDER IMPLICATIONS

7.1 No specific implications at this time

8. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

8.1 No specific implications at this time

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

- Planning Enforcement Action Plan

10. BACKGROUND PAPERS

10.1 None

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Planning Enforcement Action Plan 2022

Issue	Education	Promotion	Systems	People	Comment	Timescale
Need to have a clear Planning Enforcement Policy	A clear policy will help both Members and the public understand what the service can and cannot do	Once produced, this will need to be available on the Merton Website and could also be mentioned in the Merton Newsletter	The Policy will set out clearly what systems should be followed to report a breach		A draft policy was produced as part of the last improvement plan but was not finalised. This will now be undertaken.	30 th April 2022
The Backlog is excessive and needs to be reduced	<p>Some cases that are reported/ opened are not breaches and we cannot take enforcement action but still have to visit.</p> <p>Publicising this will help to reduce this type of case being reported.</p>	The number and type of cases we are tackling and closing could be reported to demonstrate the amount and level of work we are undertaking	Improvements in the way we allocate cases and also close cases are underway. We are also now monitoring cases allocated and closed by officer and this individual information can be used to assist performance management	We have taken on an additional agency Enforcement Officer for a period of 6 months, purely to target the backlog paid for by the Your Merton Fund	The backlog is being actively managed and the various actions we are taking should see it being reduced down to a manageable level	To reduce the backlog by 50% by: 31 st Dec 2022

The Team has been without a team leader for some time until recently. The need for a permanent post holder needs to be assessed	A Team Leader will hold weekly meetings and ensure that the Team are fully aware of backlogs; targets; and achievements		A Team Leader will assist in managing systems such as reporting; closing cases promptly and managing performance within the Team.	A restructure of the Enforcement Team is currently underway. This will establish what the makeup of the Team needs to be to undertake the required work.	There is a heavy reliance on agency staff currently which is both ineffective and costly	30 th May 2022
Currently, certain enforcement notices e.g. Stop Notices can only be signed off by the Director/Assistant Director			The Schemes of Delegation and/or Management need to be reviewed with regard to who can authorise certain notices		Enabling the Head of Service in conjunction with the Team Leader to sign off Notices will speed up the process in urgent situations	31 st August 2022
Planning Enforcement can attract negative press	Need to ensure that all enforcement officers are fully aware and up-to-date on policy	Need to liaise with the Communications Team if we anticipate there might be negative press about an issue	It is very important to ensure that we operate in a way above reproach and back up actions with evidence and policy	Full training should be provided to all staff within the Team as procedures can vary by Borough	Full audit trail of action taken is essential to aid enforcement action / prosecution and to demonstrate we have acted proportionally	Ongoing
IT systems require improvement		Should be easier to establish if action has been taken on a site or the reasons for action	Currently very difficult to extract statistics. Also need to make information more accessible to the public.		Currently in discussions as to how we can improve our IT systems. Dependent upon sorting out M3 first.	30 th April 2023

Need to ensure that we get back to complainants and councillors after site inspections and not just before			We need to ensure that we have systems in place that require officers to feedback at set stages of the complaint and record this		We have already improved on feeding back to complainants and councillors to let them know outcomes. Need to establish set procedures	31 st May 2022
Liaison with other teams			A set template for liaison is being introduced	To be successful we need to liaise with other colleagues in Licensing; Highways; Planning; the SLLP (Legal); Communications and others	We currently informally liaise with relevant colleagues. Making this a set procedure will overcome delays and ensure all relevant people are contracted in a timely manner	31 st May 2022

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Sustainable Communities Overview & Scrutiny Panel

22 February 2022

Wards: Borough-wide

Review of Merton's Design Review Panel

Lead officer: Chris Lee, Director for Environment & Regeneration

Lead member: Cllr Martin Whelton, Cabinet Member for Housing, Regeneration and the Climate Emergency

Contact officer: Paul Garrett, Urban Designer and DRP lead, Future Merton

Recommendations:

- A. That the Panel note the progress made on the review of DRP and the consultation undertaken with the panel members.
 - B. That the Panel agree the draft Code of Conduct for DRP – to be agreed subsequently by Cabinet.
 - C. That the Panel endorse the key changes and way forward for DRP set out in sections 2.13-2.41 of the report – to be agreed subsequently by Cabinet.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. On 23rd February 2021, officers presented to the plan, a summary of the planned review of Merton's Design Review Panel (DRP). Members of the Sustainable Communities Overview & Scrutiny Panel agreed that;
- 1.2. The review of DRP will provide a new code of conduct for all DRP members and would include key changes to the structure and operations of the panel.
- 1.3. The transition to virtual meetings has worked well and is preferred by officers, panel members and applicants. This has also allowed for recordings to be uploaded to the Council's You Tube channel (for non-pre-app items that are reviewed in public)
- 1.4. The review would also include an improved a method of recruitment and a recruitment pack which is along the lines of those produced by the private providers and other design review panels.
- 1.5. Officers in Future Merton committed to bringing the review back to scrutiny following consultation with DRP members. This report provides the panel with an update and direction of travel prior to any decision making on the future operations of Merton's DRP.

2 DETAILS

Background

- 2.1. Merton's Design Review Panel was set up in 2007 by the then Design Champion Councillor John Bowcott. At this time Panels were just emerging as a tool councils could use to help improve design quality. **Appendix 1** is the presentation given to the Sustainable Communities Overview & Scrutiny

Panel on 23 February 2021 and outlines much of this and the proposed way forward with the review of the Design Review Panel (DRP).

- 2.2. On 16 April 2021 officers first consulted Panel members on proposed changes to the operation of the DRP. The documents outlining the proposals which were sent to Panel members are at **Appendices 2, 3 and 4**. In February 2021 data on the Panel was only available until the end of 2019. This has now been updated.
- 2.3. The Merton DRP has been running continuously for 15 years. It has undertaken 302 reviews for 195 different sites. Proposals for 110 of these 195 sites (56%) have now been implemented, are under construction or have been adopted. Reviews give a RED, AMBER or GREEN verdict and the distribution of verdicts: is Red = 59 (21%), Amber = 151 (53%), Green = 74 (26%).

Policy Context for Design Reviews

- 2.4. The policy context has changed considerably since 2007. Instead of changing incrementally over the years, the Panel now needs to make more fundamental changes. The policy context is set out in the presentation at **Appendix 1**.
- 2.5. The key documents are the National Planning Policy Framework (NPPF) which requires access to design review; The London Plan 2021 which gives a more significant role for design review; The London Design Review Charter 2022 (formerly the London Quality Review Charter); Reviewing Design Review in London (research leading to the Charter); and from Design Council/CABE: Design Review Principles and Practice. Weblinks for these documents are included as background papers at the end of this report.
- 2.6. A summary of the key themes that have evolved as design review became established and enshrined in planning policy are that there is increased public interest and scrutiny in design review; private companies offer design review services, design review has become the norm for most London boroughs and it is accepted and generally valued by the development industry and councillors; design review has become more professional and well organised with most panels paying panellists and charging applicants for design review services

DRP Review 2021

- 2.7. When viewed against the current policy context, the Merton DRP needs reviewed in order for it to meet the principles and practice set out by Design Council/CABE and in the new London Design Review Charter. The Panel lacks a comprehensive terms of reference, has no written code of conduct and has no formalised recruitment process. It does not publish annual reviews of its work and does not say who its members are. Although the panel is considered by the council to operate effectively in its interaction with the planning applications process.
- 2.8. The objectives of the review are to amend the operation of the panel to ensure it operates in accordance with current policy context and guidance and can confidently adopt the London Design Review Charter. Appendices 2, 3 and 4 outline in more detail the proposals put forward for consultation. They are set out below, in summarised form, as detailed in Appendix 2.

Key Changes

- **Format, Charging and Payment.** The council will introduce charging for applicants and payment for reviewers and three review formats – Workshop, Full and Desktop.
- **Design Expert Chair.** The council will appoint a design expert chair and deputy chairs as set out in the approved recruitment process.
- **Membership & Review.** The council will refresh membership periodically in order to maintain a workable pool of members with an appropriate and relevant mix of expertise, and this will be undertaken by the Future Merton team and Panel Chair as set out in the approved recruitment process.
- **Recruitment.** The council will set out a process for recruitment and use it to re-appoint the whole DRP membership according to the newly agreed formal, code of Conduct and new Terms of Reference.
- **Terms of Reference & Code of Conduct.** The Council will produce a new, up to date Terms of Reference and Code of Conduct.

Operational Changes

- **Timing and number of reviews and reviewers.** Reviews will take place during the working day with a maximum of three reviews per meeting, and a reduction in the number of reviewers, to five plus the Chair.
- **Meeting format.** The meeting format for a full review will be changed so that reviews for each proposal will take one hour. This will consist of a five minute briefing by the case officer/panel administrator, a 15 minute presentation by the applicant, a 30 minute review session and a 10 minute summary and verdict administered by the chair. Workshop and chair's reviews will have their own formats and chair's reviews are likely to be shorter. The agenda and format for each item will be agreed beforehand by the chair and administrator based on the nature of the proposal.
- **Web-based meetings.** All full reviews will be held by electronic means using the Zoom application or similar. They will include the administrator and an additional staff member to manage the meeting. A separate protocol on how this will be done will be included in the terms of reference. The council will also use other means of holding meetings as and when considered suitable, including e-mail and face-to-face meetings. Workshop meetings will be held face-to-face when possible as this involved a smaller number of people and is more practical.
- **Notes of Meetings.** As set out in the proposed Code of Conduct, notes of Panel meetings will be written as a collective view of the Panel as a whole, which represents an objective summary of the review and is signed off by the Chair. This is in accordance with good practice, and how other independent companies such as Design SouthEast, DC CABE and Frame operate. It provides applicants with clear and unambiguous guidance, and guards against cherry picking by applicants and grandstanding by reviewers.

- **Permanent Members.** The practice of permanent reviewers who attend all meetings will be discontinued.
- **Verdict.** The current Red-Amber-Green verdict given at the end of DRP meetings will be changed to a four-stage verdict, namely Red – Amber (towards Red) – Amber (towards Green) – Green.
- **Scheme Identification.** A new more structured procedure will be set up to identify proposals suitable for review. All pre-applications, when they are received, will be marked as either suitable or not suitable for design review based on a set of agreed parameters.
- **Timing of reviews.** Proposals at application stage will not be reviewed unless they have previously been reviewed at pre-application stage. Proposals will not be reviewed until after a pre-application meeting has taken place.
- **Review as part of the Planning Process.** Panel members' comments should sit within the planning policy context. All internal officer comments – where they exist – will be included in the information pack for reviewers
- **Public Realm Schemes.** Major public realm and highways projects proposed and implemented by the council will be reviewed by the DRP at development stage in the workshop format. A schedule of planned projects will be produced and appropriate schemes selected for review.
- **Planning Policy Documents.** Design related planning policy documents produced by the council will be reviewed by the Design Review Panel at an appropriate time in their consultation process.
- **DRP Webpage.** The DRP Webpage will be updated. It will include downloadable copies of the new Code of Conduct, Terms of Reference and Member profiles and a fuller explanation of what the Panel is and does. It will be redesigned to automate and make more efficient the process for applicants submitting documentation for reviews. As the DRP is not a council committee, the DRP webpage will be the single point of contact for all DRP matters.
- **Review.** The working of the Panel will be reviewed annually in the form of a short annual report. To help in this, forms will be produced to aid presentations and provide feedback and for other purposes where deemed beneficial.

2.9. A draft Code of Conduct and Recruitment Process have also been prepared and were consulted on. These are detailed at Appendices 3 and 4 respectively

Consultation Response

- 2.10. The response rate from Panel members has been good. Out of 20 Panel members, 15 have provided a response. The responses ranged from a few sentences to several pages of views. The full responses are included at **Appendix 5**.
- 2.11. Generally speaking, a strong majority of Panel members were in support of the majority of the proposals. There was only one respondent whose views were markedly different and contrary to other responses. Whilst there were

many valid points made by this respondent, a number of the key views were contrary to good practice. However, some of the underlying reasoning was sound and has been taken on board in the proposals.

- 2.12. Rather than go into detailed analysis of the pros and cons of all respondents comments and attempt to summarise these, this report uses the structure of the consultation document and its headings to describe to readers how the proposals have changed or otherwise, based on respondents views. This is set out in the next section below.

The Proposals – the way forward

- 2.13. **Format, Charging and Payment.** The proposals to charge applicants and pay Panel members will remain. A suggested pricing arrangement is included at **Appendix 6**. This is based on a thorough survey of the arrangements in other London Boroughs. The remuneration for Panel members is nominal and very similar across London. The charging for applicants varies widely and the figures are set at the lower end of the range.
- 2.14. The Panel often reviews smaller proposals and this is seen by Panel members as a good thing. It has been suggested that smaller scale proposals should either not be charged or be charged less. This is considered a good idea and suitable amendments will be made to either lower prices for smaller schemes or set a quantitative threshold below which there will be no charge. This may have financial implications for the cost of the Panel, which are discussed in Section 6 below.
- 2.15. The three proposed review formats will remain. See below regarding use of online meetings in this respect.
- 2.16. **Design Expert Chair.** The majority of respondents supported this, and it is good practice for a range of reasons set out in Reviewing Design Review in London. It is also proposed that the Chair write the review notes. However a few points were raised regarding this. It was considered important that the Chair's views did not dominate the notes and that the role of the chair should ensure a rounded view of the comments of the Panel as a whole. This is a valid point and will be written in to the role of the Chair in the code of conduct and recruitment process. There was also a point about the awareness of the DRP by elected members so it is recommended that the role of the Chair will include guidance on their relationship with the Chair of the Planning Applications Committee.
- 2.17. **Membership & Review.** No changes are suggested to the proposals. They set out a more structured and formal approach which will need to be adhered to. A written plan with timetable for different types of membership reviews should be prepared as a reminder to officers.
- 2.18. **Recruitment.** Proposals for this were well supported with only a few comments for minor changes to qualifications. The proposals will be written up into a full recruitment pack similar to those used by private design review companies.
- 2.19. **Terms of Reference and Code of Conduct.** This was also well supported by respondents. Some comments have been made regarding some details

which will be added and the document clarified and simplified where possible.

- 2.20. **Timing and number of reviews and reviewers, and meeting format.** With the use of Zoom, meetings now take place during the day and this is supported by almost all respondents. Remuneration will help to maintain good attendance, which inevitably slips when the day job takes precedence. There was no objection to reducing the number of reviewers at meetings. However, many respondents expressed concern about the short amount of time given to reviews compared to other Panels, where there were usually conducted site visits and only one scheme was reviewed at a time.
- 2.21. As a result, some changes are suggested to the consulted proposals. Part of what is valued by Panel members is that smaller schemes are reviewed, and the Panel has worked very efficiently in undertaking over 300 reviews in 15 years, an average of 20 per year. Small development sites are the norm in Merton and it is these sites that the council is reliant on to achieve its housing targets. They are often on difficult sites and it is important that design quality and scrutiny is high. The recently adopted Small Sites Toolkit is evidence of the importance of these sites.
- 2.22. Meetings will take place during the day. The time available for each review will be extended to 1.5 hours with a maximum of 2 reviews per sitting. Case officers will be expected to attend and summarise the issues from a planning perspective. Organised site visits only really work well when only one scheme is reviewed per meeting, so an alternative is proposed. It is proposed that Panel members should visit the sites themselves independently and that the applicants should also present their own virtual site visit. This increases flexibility for panel members, applicants and takes less time out of the day.
- 2.23. The proposals did not fully address the scheduling of meetings. Bi-monthly meetings with pre-prepared attendance lists are not very responsive to applicant needs (especially when paying) and do not always ensure the right skill set for assessing specific schemes (though this is more difficult when meetings review more than one scheme). There needs to be more flexibility regarding this within the resources of the council. It is therefore recommended that the Panel will 'ghost schedule' one meeting per month and populate this with schemes as they become available for review.
- 2.24. Meeting attendees should also be decided suitable to the schemes being reviewed in terms of skill set, so it is proposed to decide attendees on a meeting by meeting basis. This is only likely to work well with a significantly larger Panel membership of approximately 30 members. This is similar to how many other panels work.
- 2.25. This approach will also be influenced by the proposal to have three different types of review and whether these are held online or in person. This is just another variable that makes the previous forward programming approach impossible to retain. An example might be that in one month there may be three schemes that each require a different format of review. These will need to be scheduled efficiently in terms of both officer time and applicant convenience. Other proposed changes to the DRP are therefore important

in making it more efficient to administer, not least more structure and automation through the DRP website.

- 2.26. **Web-Based meetings.** In general the respondents felt that the transition to web-based meetings via Zoom had worked well, but it was felt that there were also clear benefits to face to face meetings. It would also be difficult to organise workshop style meetings electronically. There were also clear benefits with Zoom including no need to find venues so meeting dates could be more responsive, the easy use of PowerPoint style presentations, panel attendance flexibility and the ability to record application reviews and post directly onto the council YouTube channel. It is recommended that for main reviews, Zoom would remain the main method of conducting a review. Workshops would need to be face to face, which is something that may now be possible with the gradual lifting of coronavirus restrictions. Chair's reviews could also remain on Zoom. However, it is proposed to keep this arrangement under review and move to live meetings where possible and if venues can easily be found.
- 2.27. **Notes of Meetings.** The proposals were generally viewed positively though there were some reservations about the current arrangements that could be addressed more effectively. These revolve around how the notes are prepared, who prepares them and how they are approved.
- 2.28. A council officer (historically the Panel Administrator) makes notes during the meeting and writes them up, distributing them to panel members for comment. Amendments are made at the discretion of the officer in consultation with the chair and distributed as final notes. If there are any conflicting comments or concerns about proposed changes, the officer consults the chair to arrive at the final version.
- 2.29. There is concern that is not wholly appropriate and that there is a conflict of interest when the officers involved in writing the notes also comment on the same proposals as the council's design officers. It is easy to address this if the chair is a design expert and panel member as proposed.
- 2.30. Rather than the chair just 'signing off' the notes, it is proposed that, in conjunction with a clear description of the role of the Chair, the Chair be responsible for preparing their own notes, writing the draft notes, consulting panel members on draft notes, deciding on what changes to make, finalising the notes and distributing them to the panel and applicants. The officers administering the panel will also write notes and give them to the Chair – much as a panel member currently summarised the review verbally for the administrator – in order to aid the chair, given that he/she/they will also be taking part in the review and managing the meeting. Written guidance will also be prepared on how notes are to be written and structured.
- 2.31. **Permanent members.** There were no objections to ending this practice. It has already ended, essentially by consent and there have been no calls for its return.
- 2.32. **Verdict.** There has been no clear call for removing the verdict rating, even though Merton is almost unique in London in using it and it is not seen as necessary for good practice. However, respondents have suggested changes and some have agreed with the proposal. What is clear is that

some respondents feel the current system needs refinement and there is some agreement that the amber rating needs changing. There was a suggestion for a points system. What is clear is that some change is needed and the system needs to be simple and easy to use. Therefore the proposed change is recommended to remain and be kept under review.

- 2.33. **Scheme identification, public realm and policy document reviews.** There were few comments on this, but it was recommended that the process and criteria for scheme selection needed to be written and clear. This will be done. There was support for the review of public realm and policy documents, however it needs to be made clear that the type of planning policy documents reviewed should be limited to only those that sit below and support the statutorily prepared Local Plan.
- 2.34. **Review as part of the planning process.** This was accepted by all respondents except one, who felt that the Panel ought to comment if they felt planning policy was wrong and needed changing. Whilst useful in terms of input into the preparation of a Local Plan, this is not considered appropriate practice for a DRP.
- 2.35. **DRP webpage.** There was little response on the proposals regarding the webpage. However, this section did include reference to the status of the DRP and how public it should be. Some members expressed concern about public attendance affecting what Panel members would say and about intrusion in general.
- 2.36. The proposals for the webpage itself are primarily to achieve more efficient management of the Panel so it can operate more effectively and introduce the proposed changes without becoming too time consuming and expensive to operate. They are also about using it more effectively to add more information about how it operates. This should demonstrate that it is operating appropriately according to the Nolan Principles and the Design Council/CABE guidance. The proposed changes have started but stalled. It is clear that to make the most effective use of the webpage, it will need to be redesigned significantly and this will have a particular cost implication.
- 2.37. **Panel Status.** Proposals regarding this are included in Appendix 2 under the *DRP Webpage* title and are reiterated here to better explain the proposals. Responses did not show opposition to the proposals, although there was an aspiration that the Panel notes be as available as possible. The proposals are reiterated and clarified here for members benefit.
- 2.38. There is confusion as to whether the Panel should operate as a council committee or not. It is clear from all the documentation and guidance provided on the operation of panels, that this is not the case. It is recommended that this is agreed by the council. Given this, the DRP webpage should be the single point of contact for all DRP matters. Given this, and the other proposed scheduling changes to meetings, DRP meetings should not be posted on the council calendar of meetings and the system of alerts on ModernGov stopped. When the DRP webpage is updated, alerts can be provided for this webpage.
- 2.39. A change to the proposals is that the DRP webpage and its administrators will be responsible for making notes publicly available when planning

applications are received. This will still require some internal administrative changes. It is felt that this will be more effective. The practice of pre-application notes confidential is proposed to remain.

- 2.40. The council has in the past advised on the recording of meetings, stating that there should be no objection to public attendance and recording of reviews for proposals at the planning application stage. It is proposed that this approach is modified. As the public and other interested bodies have no role in taking part in the review process, there is little reason for them to attend if they can view a recording of the meeting. This approach has been necessary since the coronavirus required online meetings. The practice now is that public observers can attend Zoom reviews with video and audio muted. Recording is done by the panel administrator and the footage uploaded to the council YouTube DRP page.
- 2.41. It is recommended that the procedure is changed for all meetings, whether web-based or in-person. The point of public accessibility is that the public can see how the review went and have a set of the notes. It is not therefore necessary for the public to attend any meeting if a recording of it is posted on YouTube. Therefore, responsibility for recording of in-person meetings for planning application stage reviews should be with the council and the panel administration.
- 2.42. **Next Steps**
- 2.43. Subject to the views of the Sustainable Communities Overview & Scrutiny Panel (and PAC) Officers shall seek Cabinet approval to endorse the relevant changes required to bring the Design Review Panel up to date and in line with the London Design Review Charter and relevant best practice as outlined in para.2.5 of this report.

3 ALTERNATIVE OPTIONS

- 3.1. Keep DRP in house – as is (free) but with new terms of reference etc. This is a possibility but it would not be in accordance with best practice and would hamper efforts to recruit quality reviewers and maintain a high level of attendance
- 3.2. To adopt only a selection of the proposed changes propose in this report, based on the committees preferences. This again would be a possibility. However the ability to successfully implement some changes will be hampered due to the fact that one change often relies on other changes. See point above regarding charging.
- 3.3. Not to provide a DRP service at all – its discretionary, but a much valued part of Merton's planning process and has been beneficial in raising the quality of planning proposals in the borough. The service is also welcomed by members of Planning Applications Committee. Technically it is discretionary but in practice the NPPF states LPAs must have access to design review services. Therefore one way or another, the needs to be some form of design review service available to the council.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Please see paragraph 2.2 and Appendices 2, 3 and 4 for details of the consultation undertaken and feedback received.

- 4.2. Public consultation is not envisaged as the recommendations and changes are an internal operational matter.

5 TIMETABLE

- 5.1. Subject to the views of the panel, a report will be presented to the next available Cabinet to approve the changes to DRP. This is now likely to be after the local elections in May 2022.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. In order to effect the changes there will be an increase in officer time, which will mean less time able to be spent on other tasks for the period taken to implement the changes.
- 6.2. There will be a financial cost if the proposed changes to the webpage are to be implemented effectively. Although initial work has started on this, it is recommended that a dedicated IT resource is needed to make these changes and this will be funded from existing Future Merton budgets.
- 6.3. Reducing charges and making some reviews free to applicants will have a financial implication. This is difficult to assess as there is no control over what suitable pre-applications come to the council. Any amendments to the proposed charging will aim to retain a surplus which will cover this and existing officer time in running the Panel.
- 6.4. **Appendix 6** is based on 3 reviews per meeting. However, a range of scenarios were tested. This set the fees such that even if there were only one item on the agenda, the income from the applicant would always exceed the costs of paying the reviewers. Fees are based on this and a detailed study of other boroughs fees and costs. Whilst some boroughs may set fees to provide a surplus to account for officer time in running the Panel, this has not been specifically accounted for in the proposed fees for Merton which are based on cost-recovery rather than profit.
- 6.5. Proposals to lower fees for smaller schemes or make some free will clearly have financial implications as it is not proposed to not pay panellists for some meetings and pay them for others. This can be investigated further, but the overall aim should be to have a clear, fair and easy to understand charging regime. The suggestion of lower fees is based on not wanting to have smaller developers refuse to go to review on cost grounds. The likelihood of this will be investigated before the fees are finally set.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The draft code of conduct will be reviewed by Legal services as part of the Cabinet papers.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purpose of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purpose of this report

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

- **Appendix 1:** Presentation given to Sustainable Communities Overview & Scrutiny Panel on 23rd February 2021.
- **Appendix 2:** List of Proposed Changes, as circulated to DRP members on 16 April 2021.
- **Appendix 3:** Proposed Code of Conduct, as circulated to DRP members on 16 April 2021.
- **Appendix 4:** Proposed Recruitment Process, as circulated to DRP members on 16 April 2021.
- **Appendix 5:** Responses to the Panel Member consultation started on 16 April 2021.
- **Appendix 6:** Proposed review formats and charging arrangements.

12 BACKGROUND PAPERS

- 12.1. 23 February 2021 presentation to Sustainable Communities Overview & Scrutiny Panel.
<https://democracy.merton.gov.uk/documents/s37502/DRP%20Review%20Scrutiny%2023022021%20FINAL.pdf>
- 12.2. National Planning Policy Framework, para. 129
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 12.3. New London Plan, Policy D4 <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>
- 12.4. The London Design Review Charter [The London Design Review Charter | London City Hall](#)
- 12.5. The London Quality Review Charter
[ggbd_london_quality_review_charter_web.pdf](#)
- 12.6. Reviewing Design Review in London 60. [Reviewing design review \(in London\) – Matthew Carmona \(matthew-carmona.com\)](#)
- 12.7. Design Review Principles and Practice [Design Review: principles and practice | Design Council](#)

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Wimbledon Bridge House

DESIGN REVIEW PANEL

REVIEW 2021

Sustainable Communities Overview and Scrutiny Panel
23 February 2021





Nelson Hospital

Hello

Paul McGarry Head of Future Merton

Paul Garrett Urban Design Officer, Future Merton

Presentation summary

- DRP's role
- Context
- Need for review
- Proposals
- Next steps





DRP: HISTORY

Merton DRP has been in operation since June 2007. Things were different back then:

- The first iPhone was launched in July
- Public funding for design review
- Design Champions initiative (2004-2006) beginning to wane with CABE
- Local Authority design review beginning to emerge
- Average London house price was £297,994, compared to £490,936 in 2020 (a 165% increase).





Pelham School

DRP: FACTS & FIGURES

Merton DRP has reviewed many proposals on numerous sites since June 2007:

- 2020 is the Panel's 14th continuous year of operation
- There have been a total of **285 reviews** for **189 different sites**
- A number of sites have been reviewed more than once, with two sites having been reviewed 5 times
- Of the sites reviewed, **74 have been completed and 13 are under construction**
- DRP have also reviewed Wimbledon and Mitcham public realm projects, Future Wimbledon SPD and emerging SPDs (small sites + character studies)
- Distribution of verdicts since 2007:
Red = 20%, Amber = 52%, Green = 28%





Mitcham Public Realm

DRP: ACHIEVEMENTS



Brenley Park



High Path (Phase 2)



Colliers Wood Library



Y-Cube



Raynes Park Health Centre



Atkinson Morley



DRP: ACHIEVEMENTS



Hollymount School



AELTC Covered Courts



Ravensbury Estate



Merton Hall/Elm Church



Kingston Road Quadrant



Harris Wimbledon





POLICY CONTEXT 2021

- National Planning Policy Framework
- London Plan 2021
 - London Quality Review Charter – 2018
 - Reviewing Design Review in London – 2017
 - Mayor’s Housing SPG 2020
- National Design Guide
- Merton Local Plan – 2021

SIGNIFICANT CHANGE – Much stronger and clearer guidance of how to do DRP





Mansel House

DRP CONTEXT 2021:

- Increased public interest and scrutiny
- Private companies offering design review services (Design Council, Frame, DSE)
- Most London boroughs now have design review of some kind
- Design Review is accepted and valued by the development industry and councillors
- Design review has become more professionalised
- Most Panels pay panellists and charge applicants
- Most Panels have independent chairs
- Design review is embedded in planning policy from the NPPF, through the London Plan to the London Quality Review Charter





Wimbledon Chase School

THE NEED FOR CHANGE

Q: How does Merton DRP fare in the 2021 context and compared to other council and private providers?

A: Merton DRP needs to “catch-up” – the context has changed and the DRP must reflect this

- Merton DRP is the same as it was in 2007
- Terms of reference are brief, and out of date
- No published code of conduct
- No public guidance on conflicts of interest
- No public information on panel members or how the panel operates
- No remuneration for panel members
- Currently a free to use service



What should the Merton DRP aim for in its review?

1. To be as good as, and as professional as private providers
2. Be in accordance with, and sign up to the London Quality Review Charter

How to do this?

1. Make changes based on good practice of other panels (public and private)
2. Implement changes based on the research Reviewing Design Review in London.
3. Ensure robust and transparent processes & procedures





Kings College Music School

The Proposals:

- A new **Code of Conduct** all DRP members will sign up to, but also covers all groups involved in the process
- Key changes to the structure and operation of the Panel, including daytime reviews, online, paying panellists and charging applicants.
- Council will be asked to approve the changes, subject to any amendments, and these will be incorporated into a new **Terms of Reference** document.
- Changes will be introduced as soon as possible thereafter.





Kings College Music School

Indicative Timetable 2021:

Launch Review	March
Consultation Period	April-May
Finalise proposals	May
Cabinet decisions	June
Implementation	July-Oct
New format DRP	October 2021+





Thank You

Questions from the Panel



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Merton Design Review Panel

Review 2021 Consultation

Proposed Changes to Operation

The key proposed changes are set out below. These have been informed by an analysis of how other London panels work, the London planning policy context, the London Quality Review Charter and the UCL research on London Panels informing it, the Nolan principles of public life and existing guidance on how to do design review by CABE and CABE Design Council.

The consultation material does not include a draft Terms of Reference (ToR). This is because the ToR will be based on the outcome of the consultation and member approval, and thus the eventual content is not fixed. Once approved the ToR will be written based on the documents approved by members. It will be a statement of how the Panel operates and will cover all aspects of the operation, similar to the content of the UCL research.

Key Changes

Format, Charging and Payment. Most panels offer the flexibility of different types of review. Monetising the process by charging applicants and paying reviewers creates a level of accountability and expectation of professionalism that adds legitimacy to a strong code of conduct and expectation of standards. Charging normally creates a surplus that can help fund staffing or projects.

The council will introduce charging for applicants and payment for reviewers and three review formats – Workshop, Full and Desktop.

Design Expert Chair. Merton is the only DRP that has direct councillor involvement as the Chair. This is a historical anomaly. It prevents the chair undertaking many of the critically important roles of a DRP chair as outlined in Reviewing Design Review in London. Appointing a design expert as chair will help the DRP be clearly more independent in the eyes of the public.

The council will appoint a design expert chair and deputy chairs as set out in the approved recruitment process.

Membership & Review. Most panels refresh membership periodically. This is encouraged by Reviewing Design Review in London to ensure panel members remain keen and that new people can come onto the DRP to ensure it remains fresh and relevant. Changes in members' professional and personal lives mean that the membership pool becomes depleted naturally over time and needs to be augmented. It is also important that this can be done efficiently.

The council will refresh membership periodically in order to maintain a workable pool of members with an appropriate and relevant mix of expertise, and this will be undertaken by the Future Merton team and Panel Chair as set out in the approved recruitment process.

Recruitment. Most panels, notably in the private sector, have a formal and clearly structured process for recruiting panel members. At inception the Merton panel appointed members for a three year period. Details of the method and process of appointment are unclear. The rotation method has become discontinued and new members have been appointed periodically when the membership pool became depleted. No formal process for appointment of new members has ever been established or agreed.

As part of this review the council will set out a process for recruitment and use it to re-appoint the whole DRP membership according to the newly agreed formal, code of Conduct and new Terms of Reference. This will be done by the FutureMerton team and approved by the cabinet member. A draft recruitment process has been prepared and will be circulated separately. Recruitment of the Chair and deputy chair will be undertaken first.

Terms of Reference & Code of Conduct. The current Terms of Reference (ToR) are brief and out of date. There is no actual Code of Conduct. These need writing/rewriting to ensure that panel members, the public and all others involved know how the DRP operates, and is part of the rules of governance of the DRP. This will include information on who the members are.

The Council will produce a new, up to date Terms of Reference and Code of Conduct.

Operational Changes

Timing and number of reviews and reviewers. Timekeeping is an ongoing problem and evening meetings make it difficult to attract a wide range of quality reviewers. Reducing the number of reviewers will enable a more free flowing discussion and daytime, paid meetings will attract a broader range of quality reviewers. Retention of reviewers is more difficult with evening meetings. Daytime paid reviews will be more compatible with busy modern lifestyles and travel patterns.

Reviews will take place during the working day with a maximum of three reviews per meeting, and a reduction in the number of reviewers, to five plus the Chair.

Meeting format. Timekeeping is also difficult due the short time given for reviews. This is because of the number of reviews and the time available at evening meetings. The proposed change will address this and allow a less rushed and better quality and depth of review.

The meeting format for a full review will be changed so that reviews for each proposal will take one hour. This will consist of a five minute briefing by the case officer/panel administrator, a 15 minute presentation by the applicant, a 30 minute review session and a 10 minute summary and verdict administered by the chair. Workshop and chair's reviews

will have their own formats and chair's reviews are likely to be shorter. The agenda and format for each item will be agreed beforehand by the chair and administrator based on the nature of the proposal.

Web-based meetings. Following the implementation of homeworking during 2020 due to coronavirus, the operation of the Panel has continued using electronic methods, namely using the Zoom application. This has proved very successful and more flexible due to there being no need to find a venue. This was the primary reason for not being able to be more flexible with dates in the past. Using Zoom has also helped with timekeeping, though good chair skills are still required. It has also aided in the structure of the meeting as pre-prepared presentations can form the basis of the discussion. It also allows the council to better manage attendees and any recording necessary. E-mail meetings have been proven to be less successful and responsive for a number of reasons. Whilst all forms of review meeting may not be suitable for electronic format, there is a strong case for them to become the norm.

All full reviews will be held by electronic means using the Zoom application or similar. They will include the administrator and an additional staff member to manage the meeting. A separate protocol on how this will be done will be included in the terms of reference. The council will also use other means of holding meetings as and when considered suitable, including e-mail and face-to-face meetings. Workshop meetings will be held face-to-face when possible as this involved a smaller number of people and is more practical.

Notes of Meetings.

The Panel operates as a single entity. Whilst members are appointed to the Panel as individuals based on their personal experience and expertise, the Panel is not a vehicle to promulgate personal agendas and views. Giving clear, good, sound and justifiable advice to the applicant is paramount. Therefore including individual or conflicting viewpoints in notes will work against this, be unhelpful to applicants and also enable any interested party to cherry pick what they feel is most important according to their own agenda. This will undermine the work of the Panel and bring its credibility and effectiveness into disrepute.

As set out in the proposed Code of Conduct, notes of Panel meetings will be written as a collective view of the Panel as a whole, which represents an objective summary of the review and is signed off by the Chair. This is in accordance with good practice, and how other independent companies such as Design SouthEast, DC CABE and Frame operate. It provides applicants with clear and unambiguous guidance, and guards against cherry picking by applicants and grandstanding by reviewers.

Permanent Members. This is partly a legacy of the transfer of the review role from the now defunct Conservation and Design Advisory Panel (CADAP), and a desire to provide some continuity for schemes returning for a second review. Other mechanisms exist to achieve this – and the appointment of a Design expert chair will improve this, as well as using more flexibility in setting the panel composition for each meeting.

The practice of permanent reviewers who attend all meetings will be discontinued.

Verdict. It is often too easy to give an Amber verdict for schemes in development and not always helpful to applicants. Reviewers also like to emphasise the ‘strength’ of the Amber. The verdict system is a good way of concentrating the minds of both reviewers and the applicants.

The current Red-Amber-Green verdict given at the end of DRP meetings will be changed to a four-stage verdict, namely Red – Amber (towards Red) – Amber (towards Green) – Green.

Scheme Identification. Currently there are no formal arrangements regarding scheme identification. This means that some proposals do not get reviewed that should be, or some come to review very late in the process. This is not helpful to applicants and reduces the effectiveness of the panel to influence design quality. All proposals that come to the Panel should have the opportunity of being reviewed at the pre-application stage.

A new more structured procedure will be set up to identify proposals suitable for review. All pre-applications, when they are received, will be marked by the relevant Development Management team leader as either suitable or not suitable for design review based on a set of parameters agreed with the future Merton team. From this, a list of pre-applications will be produced on a weekly basis containing this information. It will be sent to the FutureMerton Team and DRP management will agree, in discussion with the Development Control Team, which proposals will be invited to DRP. The Development Management Team will set up and agree procedures with the Future Merton Team to ensure this happens and keep under constant review to ensure all proposals that should be reviewed, are reviewed.

Timing of reviews. Design review is part of the planning process and must be embedded within it to ensure it is effective. To do so proposals must be reviewed at the right time in their development. This is usually at pre-application stage, where there is a coherent proposal to review, but where there remains real flexibility for changes that the Panel might suggest. Proposals at an earlier stage of development – particularly for larger developments – might be considered suitable for an initial workshop review. A first review at application stage is unlikely to enable the Panel to be effective and is not recommended.

Proposals at application stage will not be reviewed unless they have previously been reviewed at pre-application stage. Proposals will not be reviewed until after a pre-application meeting has taken place.

Review as part of the Planning Process. Design review is not an alternative to internal professional officer comments, as stated in the NPPF. The DRP is part of the planning process and embedded in the NPPF and London Plan, and it is important that the range of comments applicants receive are not wildly contradictory. This also applies to the comments made by Panel members. These should sit within the relevant planning policy context. It does not follow that this would compromise the independence of the panel’s reviews. There is plenty of scope within this broad context for Panel members to express independent views. Not doing this could give conflicting advice to applicants, making it more difficult for them to know what advice to follow, and could undermine the credibility

of the Panel. Comments made by other officers can also be informative and help give Panel members a wider understanding of the relevant issues.

Panel members' comments should sit within the planning policy context. All internal officer comments – where they exist – will be included in the information pack for reviewers. Panel members should familiarise themselves with the relevant planning policy context and keep up to date with good practice in relevant built environment professions.

Public Realm Schemes. Public realm projects have a significant impact on the quality and appearance of the borough and effectiveness of modes of transport and implementing transport policies. They also hugely impact on how people use the built environment and how well it works in a broader context. However, they sit outside the planning process and are not subject to any wider scrutiny like planning applications. It is appropriate that such schemes are reviewed at a multi-disciplinary level early in their development.

Public realm and highways projects proposed and implemented by the council will be reviewed by the DRP at development stage in the workshop format. A schedule of planned projects will be produced and appropriate schemes selected for review.

Planning Policy Documents. Planning policy documents such as Supplementary Planning Documents (SPD) that have a strong design theme will have a significant impact on the quality of future development in the borough and it is appropriate that they are reviewed by the Design Review Panel as part of their consultation process.

Design related planning policy documents produced by the council will be reviewed by the Design Review Panel at an appropriate time in their consultation process. Depending on their scale and scope, it may be appropriate to review these more than once.

DRP Webpage. The current DRP webpage is not fully utilised. Given the proposed changes, the content of the webpage needs to be improved and increased to give a better picture of what the panel is and what it does. This is an important vehicle for giving people the confidence that the panel is a force for good, is professionally and equitably run. On one hand, reviewers are appointed by a selection process and meetings are held without public access. This is often due to the pre-application nature of the proposals, but also because the general public do not take part in the review, so have no reason to be present.

On the other hand, it is important that the workings of the Panel are seen to be in accordance with the good practice and the Nolan principles of public life. The webpage and the other changes to the panel operation are important in achieving this. Unplanned or unorganised oversight by self-appointed interested parties or individuals would also not be appropriate. There is currently confusion as to where information on the DRP is to be found within the council website. This needs to be addressed.

As the DRP is not a council committee, the DRP webpage will be the single point of contact for all DRP matters. As the public do not take part in the reviews and most are pre-application, it is not necessary to give non-participants advance notice of meeting dates or agenda items. It is however, considered appropriate to publish the results of reviews as and

when they become public and a system will be set up to ensure that relevant DRP notes become available at the appropriate time. These will then be made public on the webpage.

A protocol will be established between the Development Management and Future Merton teams to ensure this happens. For interested groups and the public, a system of alerts will be established that can be signed up to when there is a change made to the webpage. The DRP Webpage will be updated. It will include downloadable copies of the new Code of Conduct, Terms of Reference and Member profiles and a fuller explanation of what the Panel is and does. It will also include downloadable copies of or links to relevant policy and advice documents. In order to protect impartiality of Panel members' and enable them to remain so, and to protect copyright of applicants, the members' area of the webpage will be redesigned in conjunction with the council's IT team as part of a full re-design of the DRP webpage. The webpage will also be redesigned to automate and make more efficient the process for applicants submitting documentation for reviews.

Review. Review of DRPs work, and demonstrating its benefits, is one area that is generally lacking across all Panels. Doing this will help ensure the Panel is effective and highlight any problems.

The working of the Panel will be reviewed annually in the form of a short annual report. To help in this, forms will be produced to aid presentations and provide feedback and for other purposes where deemed beneficial.

Merton Design Review Panel

CODE OF CONDUCT

INTRODUCTION

The Merton Design Review Panel is set-up, organised and managed by the London Borough of Merton, and reviews development proposals within the London Borough of Merton. As a group of independent experts, it is important that the Merton Design Review Panel provides independent and impartial advice according to principles of good practice in public life, and guidelines produced by relevant organisations. This includes Central Government, the Greater London Authority and Design Council CABE. This Code of Conduct applies principally to the conduct of Panel members, but also includes all those attending meetings and involved in the design review process. It also includes guidelines on what is and is not considered a conflict of interest and how this process is managed.

PANEL MEMBERS

Code of Conduct

Panel members are expected to conduct themselves to a high standard and in a professional manner, maintaining the integrity of the Panel, not bringing it into disrepute by their actions as part of their work on the panel, outside the panel or by association through other inappropriate behaviour. They are also expected to adhere to good practice in how they review schemes. Particularly, Panel members are expected to:

- Adhere to the seven Nolan Principles of Public Life¹, the CABE 10 Principles of Design Review², and the Mayor of London's London Quality Review Charter³,
- Behave in a professional, respectful and courteous manner to all during Panel meetings, including allowing one person to speak at a time and respecting one another's views,
- Understand and respect that all pre-application proposals are commercially confidential in line with LB Merton pre-application service, and not discuss or disseminate information on them to any third party,
- Give an informed and open-minded view of a scheme in its context, beyond narrow realms of expertise and not allowing strongly held personal preferences and predilections to dominate or inappropriately influence advice,
- To consider a scheme 'in the round' starting from the big issues, working to the detailed, and remaining focused on relevant design issues,

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

² <https://www.designcouncil.org.uk/resources/guide/design-review-principles-and-practice>

³ <https://www.london.gov.uk/what-we-do/regeneration/advice-and-guidance/about-good-growth-design/london-quality-review-charter>

- Give advice and criticism in a constructive, encouraging and non-adversarial manner with a view to encouraging applicants to willingly take comments on board,
- Have due regard to the planning process, current planning policy and standards within which the Design Review Panel operates and give appropriate comments within this context,
- Not engage in negotiating on behalf of the local authority, not recommend other designers and not attempt to design schemes themselves, or the projects being reviewed,
- Not attend Panel meetings as a reviewer in order to act on behalf of any person or client having their proposals reviewed at that meeting,
- Not engage in separate or independent discussions or give advice – paid or unpaid – with applicants who will be or have previously presented to the Design Review Panel, during the lifetime of the project,
- Following reviewing a scheme, not comment on the proposal in any other formal capacity, eg. through a public consultation exercise,
- Not engage with, or encourage any interested party in attempting to lobby them individually or to the Panel as a whole, or in any way attempting to influence their views, and report this immediately to Panel management as soon as it happens,
- Not bring the work of the Panel into disrepute by association, through actions and behaviours outside their work on the Panel,
- Familiarise themselves with the list of companies and employees involved in all schemes being reviewed as identified on the agenda and inform the Panel management of any actual or potential conflicts of interest. Attendance at meetings will be dependent on Panel management receiving confirmation from Members there is no known conflict of interest,
- Familiarise themselves with proposals sites and their context, either by visiting the sites themselves, or researching them on-line,
- Familiarise themselves with previous reviews for sites where they exist and with previous planning applications where indicated.
- Punctually attend all review meetings and other meetings they have been scheduled for. If members find they cannot attend, they should ideally give at least 7 days notice, although it is understood this may not always be practical. Continued inability to attend meetings may result in the member being removed from the panel.

Conflicts of Interest

To ensure the Design Review Panel operates in an independent and impartial manner, with high standards of probity, it is essential that conflicts of interest are not allowed. A proper process for ensuring this is also important in policing this and giving confidence that such conflicts do not take place. Firstly, it must be clear what constitute conflicts of interest and what is expected of Panel members in this regard. Panel members must:

- Provide Panel management with a list of interests to be held on a Register of Interests in order to aid assessment of conflicts of interest. This list should include interests such as development projects members are involved in in Merton, property they own in Merton, membership of local groups and societies, positions held in

companies such as directorships, financial stakes and investment interests in relevant companies and organisations, and active political work. Anything that is, or could be construed as a potential conflict of interest with the work of the Panel should be identified. This should include members places of residence and of work. Panel members must update panel management in a timely manner of any relevant changes to their circumstances in this respect. ***In some cases, such interests may bar Members from attending a review.***

- Declare to the Panel management relevant pecuniary and non-pecuniary interests they (or their family) have in relation to the operation of the panel in general, and they have in relation to any specific site, company, development team member in relation to any specific proposal being reviewed. Pecuniary and non-pecuniary interests are defined for councillors on the council website⁴ and should form the reference point for Panel members. ***Pecuniary interests will bar Members from attending a review and non-pecuniary interests will be assessed on a discretionary basis by Panel management and the Chair.***
- Identify to Panel management if they are involved, in any way, with sites that are adjoining, opposite, adjacent or in any other way affected or in close proximity to schemes being reviewed. ***In cases where such a site will be clearly affected by the proposal under review, this will bar Members from attending the review for that scheme.***
- Make the Panel management aware of any projects they are working on within the borough that are likely to come to the Design Review Panel. The Panel management will decide whether these schemes should be reviewed according to normal procedure. ***Where a Panel member has a scheme that comes to review, they must step down from their position on the Panel for the duration of the project – from the first submission for pre-application advice to the final discharge of conditions and signing of legal agreements.*** This is in order to ensure there are no blurred lines between the reviewing role and applicant role of Panel members. A clear distinction is essential to ensure the Panel is impartial and seen to be impartial.
- Not take part in a review where they, in the preceding 12 months, have been personally, professionally or informally involved with the proposal being reviewed, either paid or unpaid or in any other way giving advice on the proposal.
- Not become involved in sites personally, professionally or informally, that have been presented to a Panel review that they sat on, for a period of at least 24 months after the Council have determined the scheme.
- Not review any other schemes at a review meeting where they will be involved in any way with one or more of the schemes being reviewed (i.e. they will not be allowed to ‘cross the floor’ during a review meeting).
- State whether, in any other forum, they have objected to or otherwise commented on a proposal to be reviewed, including any other plans, policies or other factors affecting the proposal. ***Such a connection is likely to bar a member from attending the review for that scheme.***
- Not use their participation as a reviewer on the Panel to directly or indirectly promote their own business interests. Approaches should not be made to anyone involved in schemes being reviewed before, during or after a review in order to

⁴ <https://www.merton.gov.uk/council-and-local-democracy/councillors/declarations-of-interests>

actively or by default canvass for work. It is accepted that working for the panel, members are enhancing their reputations and public profiles, but the right balance needs to be struck in this regard. Panel members accept that this may affect their ability to conduct their professional business in the borough.

Mechanism for avoiding Conflicts of Interest

Panel members are required to state to Panel management, each time they receive an agenda for a meeting, that they have no known conflicts of interest. This is based on the companies and individuals identified by the applicants and in accordance with this Code of Conduct document. Access to review material will be dependent on this communication. This process may be made electronic in the future.

The above is not an exhaustive list and potential conflicts will be considered on a case by case basis at the discretion of the Panel management and Chair. Where the conflict may not be strong, the panel management may consult with the applicant team to establish whether they are content to proceed with the panel member in question.

Where a member experiences conflicts of interest to a degree that it adversely affects their ability to regularly attend or be chosen for meetings, it may be deemed by panel management that their continued membership of the panel is impractical (through no fault of their own), and that it is brought to an end.

PANEL MANAGEMENT

The role of Panel management is important in providing a clear and unbiased notes and aiding in the independence, credibility and professionalism of the Panel. To this end, the following procedures will be applied by the Panel management:

- The Design Review Panel administrator will take notes at meetings and provide a draft set of notes. These will then be distributed to Panel members for comment on the notes. The notes will be passed to the Chair for amendment based on members comments and production of a 'final' set of notes. The Chair will send out the notes to applicants (and other relevant parties), normally within one working week from the review.
- Notes will be written in prose form, synthesising individual comments into text that broadly comments from the larger scale and fundamental issues first, moving towards details. Notes should include a short introduction and conclusion culminating in the verdict. Notes should not be ambiguous, and indicate the strength of opinion of the Panel on issues where there is a clear and strong view.
- The notes of the panel will be based on a collective view of the panel as a whole, presenting a single point of view, and will provide a consistent, clear and concise report to be as useful a steer as possible to the applicant. They will not be based on individual members' preferences or any formal system of voting.
- Following this process, the notes are final and not subject to variation or negotiation either by Panel members, council officers, applicants, councillors or any other third party.

- Notes of the reviews will be based only on a record of what was said at the review meeting and no other subsequent commentary offered by panel members, council officers or others will be included. The traffic light verdict given at the end of meetings will not change in the final notes from that given at the review.
- The agenda and full set of plans and drawings will be made available to Panel members approximately one week prior to the review meeting to enable Members sufficient time to familiarise themselves with the proposals.
- The agenda/applicant documentation will include a list of companies and employees involved in all schemes being reviewed to aid Members in identifying potential conflicts of interest.
- Council officers will not take part in the review itself, but will play a role in fact-checking on points of planning policy for the purposes of clarity and accuracy.

COUNCILLORS

As elected representatives of the council it is currently considered appropriate that councillors are able to attend panel meetings as observers, whether applications or pre-applications. Councillors should, like others, conduct themselves appropriately.

- Councillors must abide by their own Code of Conduct as elected representatives as well as this code of conduct.
- Councillors are permitted to attend only where they have a relevant ward member or cabinet portfolio interest, do so as observers, and respect this in the same manner as members of the public.
- Councillors must also respect the confidentiality of pre-applications and not disseminate any information shown or discussed as part of the review, including the review notes, with any third party. This includes not taking photos of, recording or videoing the meeting or use of social media.

THE PUBLIC

The public, including representatives from local groups, societies and organisations, as well as representatives from other schemes under review, are currently allowed to be present at the review of schemes for which a planning application has been submitted. The basis on which this is allowed is that the application is in the public domain and the Panel's notes will also be so, therefore it is appropriate for the public to be present. Currently the public are allowed to listen to relevant meetings when using Zoom and/or a meeting recording of the relevant agenda item is posted on the DRP webpage (this may be subject to change).

The purpose of the Panel however, is for the independent design experts that constitute the panel, to review the proposals before them. It is not an open or public meeting or a constituted council committee. Therefore the public are allowed to be present on a discretionary basis solely as observers and are not allowed to take part. On this basis the Code of Conduct is applicable to the public as much as it is to other participants. Should the public in the future not be allowed to attend or listen to meetings (but recordings be made available after the meeting) some of the code of conduct below may become irrelevant or need re-wording.

The public (including representatives from local groups, societies and organisations) must:

- Adhere to this Code of Conduct and do not attempt to speak or otherwise influence the views of Panel members before, during or after meetings.
- Not engage in any other behaviour that is likely to disrupt or otherwise hinder the effective and impartial work of the Panel,
- Not unduly attempt to engage with applicants as they wait to enter the review meeting, nor attempt to record or film applicants without permission. If they wish to speak to the applicant, this should be done outside the design review process, as part of the applicants own consultation in accordance with the National Planning Policy Framework (NPPF).
- Recording by audio, video or any other means of Panel meetings is not permitted. Anyone found to be secretly filming or recording by any means will automatically be barred from attending any future Panel meetings. Recording will only be permitted by the council, whether meetings are held in person or electronically.
- Not engage in lobbying of panel members by communicating or attempting to communicate with them or, in any other way to attempt to influence their views and decisions on schemes, before, during or after review meetings.
- When attending, be willing to give their names to the panel management for accurate recording of the meeting attendees.

People attending as observers will only be allowed on this basis. Failure to do so may lead to them being excluded from attending public DRP meetings in the future, in person or electronically.

THE APPLICANT

The way the applicant presents their proposals and responds to the review can have an important impact on how productive and positive the review is for all, including keeping to time and extracting the maximum advice from the Panel. To this end, the applicant team are expected to:

- Be clear and honest in their presentation and do not attempt to mis-represent schemes,
- Not use the review as an opportunity for the client or architect/designer to directly advertise or promote their company, development or practice,
- Do their best to keep to time in their presentation and present a clear design-based narrative of their proposals,
- Understand that their primary role is to absorb the comments of the panel and not feel duty bound to respond to or defend all criticism,
- Feel free to identify any mis-interpretations or inaccuracies they feel arise in the review discussion,
- Not approach panel members to in any way become involved in projects that have been or are likely to be reviewed by the panel.

The applicant has a right to expect that Panel members have no conflict of interest when reviewing their proposals. However, it is considered inappropriate to give applicants the opportunity to choose or vet members to review their proposals as this equally could be open to abuse. It would also take away the role of Panel management in choosing the most suitable balance of expertise for the schemes on the agenda. To address this issue, this Code of Conduct has intentionally been made more comprehensive and robust than the original Terms of Reference. It is considered that this will adequately address concerns applicants may have in this regard.

THE PRESS

Whilst the Design Review Panel respects the confidentiality of pre-application stage proposals, it is not de-facto a confidential process. Therefore, for schemes that are at the public application stage, the press are also welcome to be present. They should also adhere to this Code of Conduct in the following way:

- Adhere to their own professional codes of conduct and ethics as set out by the Independent Press Standards Organisation (IPSO).
- Adhere to this Code of Conduct and do not attempt to speak or otherwise influence the views of Panel members.
- Recording by audio, video or any other means of Panel meetings is not permitted. Anyone found to be secretly filming or recording by any means will automatically be barred from attending any future Panel meetings.
- They must identify themselves as members of the press to the Panel administration if they are attending in that capacity. If they are attending in a personal capacity then they must adhere to this Code of Conduct as it applies to the public and not subsequently write an article in any publication in their capacity as a member of the press.
- Where they subsequently write a press article they should give the LB Merton communications team the opportunity to check the article for factual accuracy as it may be published before the formal meeting notes, and as a matter of courtesy.
- Be willing to give their name and employer details to the panel management for accurate recording of the meeting attendees.

Breaches of the Code of Conduct

For Panel members, an identified breach of this Code of Conduct will be verified by the panel management and a verbal warning given. Ongoing failure to comply with the Code of Conduct will be followed by a written warning. If the panel member still fails to comply with the code of conduct and cannot offer a satisfactory explanation for their behaviour, they will be dismissed from the Panel by agreement of the Panel Chair and management. Any Panel member should notify the Panel management if they become aware of a breach of the Code of Conduct.

For councillors, breaches can be reported to the council complaints department⁵ And they may be barred from attending future panel meetings. For members of the public, individuals may be barred from attending future panel meetings. For representatives of organisations, the chair of their organisation or the ombudsman may be informed.

Related Documents

1. Nolan 7 Principles of Public Life
2. Design Council/CABE, Design Review: Principles and Practice
3. London Quality Review Charter
4. LB Merton, Councillors declarations of Interest
5. LB Merton, Councillors Code of Conduct and complaints

⁵ <https://www.merton.gov.uk/council-and-local-democracy/councillors/code-of-conduct-and-complaints>

Merton Design Review Panel

Proposed Recruitment process for new Panel members

Proposed Statement of Agreement to ToR and CoC for Panel members

INTRODUCTION

Post-review

Following approval by Council of a range of changes to the structure and operation of the Merton Design Review Panel (DRP) a number of tasks will be required to implement these changes. Based on this, there is a logical order in which tasks need to be undertaken in relation to recruitment:

- Approval of Code of Conduct (with any amendments)
- Writing and approval (by Cabinet Member) of Terms of Reference
- Recruitment of Chair and two deputy chairs
- Recruitment of up to a maximum of 27 new panel members (to create a total pool of 30)

Following implementation of the review, the whole panel membership will be re-recruited as outlined below (see full refresh of membership). Existing Panel members will be welcome to re-apply to be a reviewer on the panel or apply to be the Chair or a deputy Chair

Appointment of the Chair and deputy chairs will be made by the Panel administrator, Head of Future Merton and the relevant Cabinet member.

Appointment of the remaining Panel members will be made by the Panel Administrator, Head of Future Merton and the Panel Chair.

Recruitment: full refresh of membership

Following the review, there will be a full refresh of the panel membership. A full refresh will also be appropriate after a long period of relatively stable membership. This is to ensure, more fully than periodic reviews, that the full range of external skills and talent are brought to the Panel, who might otherwise not be aware of the opportunity. In addition to ensuring the Panel remains vibrant, keen and able to add real value to the development process, this is also a tool to focus existing reviewers on their role on the panel. It is envisaged this type of review will only take place every 5-10 years.

Recruitment: periodic refresh

The purpose of the periodic refresh, or appointment of new Panel members is not intended to be a complete renewal of Panel membership. Its purpose is to do the following:

- To ensure the panel contains sufficient members to draw upon for reviews:
Panel members' professional and personal circumstances change and career developments mean that people sometimes can no longer commit to being on a panel, so over time a panel is likely to reduce in size.
- To ensure the skill base of Panel members remains relevant and up-to-date:
What constitutes good design evolves, and can include changing skill sets. The Panel must include a skill base that is both broad and has depth to ensure the right skills can be drawn upon when needed.
- To ensure the best possible expertise is available to review proposals:
New people arrive on the scene with relevant skills as their careers develop and new and innovative development, regeneration and public realm schemes are completed, so new expertise may actively be sought directly by the Panel management.

Therefore the membership will be continually reviewed informally by the Panel Management and new appointments may be made either individually or in small groups to ensure the Panel remains vibrant, keen and able to add real value to the development process. There will be no set timetable for this type of recruitment.

Recruitment: between refreshes

Design experts may become aware of the Panel and its work, and who are interested in becoming a reviewer. They are encouraged to express their interest and send in a CV. When the next group review takes place, they will be informed so they can apply if they wish. Therefore there is essentially an open invitation for people to express an interest in becoming a Panel member.

Panel Management

For the purposes of recruitment, the Panel management consists of:

- The Panel Administrator
- The Head of Future Merton
- The Panel Chair

For the purposes of making changes to the way the Panel operates (that does not require further approval by council committee), the Panel management consists of:

- The Panel Administrator
- The Head of Future Merton
- The Panel Chair
- The relevant Cabinet Member

RECRUITMENT PROCESS

1. Advertisement

- Advertisements will be placed in professional publications relevant to design review (to be decided) and/or their online journal/website.
- Advertisements will be placed on the jobs page of the Urban Design Group website and through Urban Design London.
- A flyer will be produced for the purpose of external advertisement with links to the DRP webpage and other relevant publications.
- The recruitment process will be advertised on the Merton Council website homepage with a link to the Design Review Panel webpage
- The Merton DRP webpage will contain an advertisement for the recruitment including the flyer and wider set of links to relevant documents and downloadable relevant documents.
- The webpage will include a recruitment pack for prospective applicants to download.
- There will be a deadline for responses and an indicative timetable for appointment.

2. Recruitment Pack

The recruitment pack will include the following information:

- A copy of the advertisement flyer.
- A brief introduction outlining the DRP and what it does.
- A brief introduction to the borough and its context, including links to the FutureMerton magazine and other promotional literature.
- A summary of the recent review and new Code of Conduct and Terms of Reference and a link to the full downloadable documents on the DRP webpage.
- A brief description of how the DRP operates following the recent review
- A description of the type of people and expertise the council is looking for and what they are expected to do.
- Terms and conditions of appointment with links to the Code of Conduct and Terms of Reference
- Information on the recruitment process and selection
- Information on how to apply to be a reviewer and what documentation is required
- A timetable for advertisement and recruitment.

3. Selection Criteria and Method of Selection

Assessment of applications for shortlisting, interview and desktop assessment will be based on the following criteria:

- A degree level qualification (or demonstrable equivalent) in a relevant built environment profession that clearly relates to design in the built environment.
- Experience 'in practice' in delivering (or clearly influencing) design quality, with a clear or clearly emerging track record (typically this will be private sector practice of

10 years or more, but flexibility will be applied based on profession type and particular project involvement).

- A demonstrable commitment to, and track record of improving and influencing the quality of the built environment, including buildings, neighbourhoods and the public realm and advocating good design.
- Skills in how to critically assess development proposals then clearly and understandably communicate often complex observations in a positive and helpful manner that facilitates change and scheme development.
- Ability to bring one's own individual skills and knowledge to reviews, but maintaining an objective viewpoint without allowing personal preferences to unduly colour design advice.
- An understanding, consideration and respect for other professions and the value of their input into the design review and development process.
- An understanding of the purpose of design review, ability to conduct oneself in a professional and respectful attitude to all involved in the process and willingness and ability to abide by the councils Terms of Reference and Code of Conduct for the design review panel.

Candidates wishing to apply to the position of Chair or Deputy chair, should be able to demonstrate the ability to undertake this role, notably as set out in the document "Reviewing Design Review in London" (UCL).

4. Application

Prospective reviewers will be asked to fill in an on-line application form.

This may be done independently through a company like SurveyMonkey, or through the council's own online jobs page. In addition to attaching a CV and submitting the usual personal information, applicants would be expected to provide the following:

- A statement of relevant experience (250 words)
- A statement of why the applicant wants to be on the Panel, what contribution they believe they can make and how well suited they are to be on the Panel (500 words)
- A short biography statement (approx. 75 words), that would be used – if appointed – in a list of DRP members to be put on the DRP website along with a photo (supplied later). This may be edited for style and grammar to read consistently with other members' statements.
- A list of interests and affiliations as required by the Code of Conduct
- A minimum of 2 references

5. Interview

Applicants for the positions of Chair and Deputy Chair will be shortlisted for interview by the Panel management, consisting of the Panel administrator, Head of Future Merton and relevant Cabinet Member.

Following appointment of the Chair and Deputy Chairs, appointment of Panel members will be undertaken by desktop assessment. This will be done by the Panel administrator, Panel Chair and Head of Future Merton.

Appointment by interview and desktop assessment will be undertaken according to the selection criteria outlined above.

STATEMENT OF AGREEMENT TO TOR & COC

On appointment, new Panel members will be asked to provide a photo for the webpage to go with the previously submitted biography statement. They will also be asked to sign a conduct form committing themselves to abide by rules and regulations of the Panel operation. This is essentially the Code of Conduct and Terms of Reference. The basic content of such a form is laid out below. Completion of this form could also be online. Alternatively, it may be decided that a more formal short contract is required, due to the fact that reviewers will now get paid.

Merton Design Review Panel

MEMBERSHIP ACCEPTANCE FORM

I am happy to accept the offer of a position as a reviewer on the Merton Design Review Panel according to the terms and conditions set out below:

Remuneration

Panel members are paid to attend review meetings. Reviewers are paid £300 per meeting and the Chair (or deputy when acting as chair) is paid £500 per meeting.

Term

Panel members are appointed for an initial term of 2 years with an option to be extended at the discretion of the Panel management according to the needs of the Panel.

Time Commitment

Panel members are expected to plan to attend up to six Panel meetings per year, with each meeting requiring a half day (daytime) attendance at the review session and approximately another half day in preparation – reading documentation and familiarisation with the application sites. Chairs (and acting deputies) will have additional duties as set out in the recruitment pack and Terms of Reference.

Employment Relationship

Panel members must have agreement from their employers that they are able to take the required time out of their normal working day in order to perform Panel duties. This is the basis of the financial remuneration. Whilst other commitments can sometimes take priority, poor attendance at Panel meetings may result in removal from the Panel.

Panel members are appointed as individuals on the basis of their individual suitability, and not as representatives of their company. Companies are not permitted to put staff forward for inclusion on the Merton Design Review Panel

Personal and work Details

My personal and professional details are as follows:

Name

Place of work.....	Home telephone*
Job title.....	Personal mobile*
Work telephone.....	Personal e-mail*
Work mobile.....	Home address
Work e-mail.....
Work postal address
.....
.....	
.....	

*Optional

Interests and Associations

I have read the Code of Conduct and consider that my relevant interests and associations are as follows:

.....
.....
.....
.....
.....
.....

Expertise

I consider my particular areas of expertise, based on my qualifications and experience, to be the following:

1

2

3

Specific Agreements

Specifically, I agree to:

- The Terms and Conditions as set out in the Recruitment Pack
- Abide by the Terms of Reference for the Merton Design Review Panel
- Abide by the Code of Conduct for the Merton Design Review Panel
- Provide and keep up to date a list of relevant interests and associations as set out in the Code of Conduct.
- Inform the Panel management of any actual or potential conflicts of interest that arise, as soon as I become aware of them, whether already included in the register of interests and associations, or additional to them, based on the information provided on companies and personnel involved in applications, or that arise at the time of the review meeting.
- Respect the confidentiality of the applicants and their proposals as set out in the Code of Conduct and Terms of Reference.
- Conduct myself in a professional and courteous manner in all matters relating to the Design Review Panel as set out in the Code of Conduct.
- Not bring the work or effectiveness of the Panel into disrepute by any of my actions outside my work for the Panel.

I have also provided a photo for the purposes of the public list of Panel members

Signed:

Name.....

Date.....

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Appendix 5: for Report to:

Sustainable Communities Overview & Scrutiny Panel, 22 February 2022

Design Review Panel Review, January 2022. Response from DRP Members during 2021. Altered to a common format (without changing the content) and anonymised.

RESPONDENT 1

Panel make up:

Specialisms: Panel members might fall into multiple categories and this could be useful. The suggestion that each panel member take on an aspect for the meeting could work, providing they have that particular specialism. The members would need to know this in advance, personally I have already jotted down the majority of my comments ahead of the actual review.

Panel review format:

An informal panel pre-meeting thoughts might be useful. Usually it is quickly apparent whether the design is of good quality or not. A dedicated non-panel member to take minutes so that panel members can then concentrate on the matter of reviewing projects. Local Authority View: This would have been particularly useful at the AELTC reviews.

'Differences of opinion should be discussed and a resolution sought'. Again at the AELTC, one person was against placing any building on the Golf Club site due to the protected and fragile nature of the land. In this instance perhaps a agreed resolution was called for. I suspect that had the council's policy been clarified it would have resolved the issue.

Site visits:

Wherever possible, but understand that this might be a lot to ask when the panel members have unpaid positions. I undertook a Design review Panel CPD course a few years ago and recall a site visit was the usual format.

Remuneration:

The panel should be remunerated, especially as pre-apps are chargeable. This would also help with commitment to site visits.

Marking system:

Red/orange/green format: My thoughts. I think the light system can be useful, even though most applications will be an amber verdict.

The Design Council guide to DRP says:

It should be clear in the first paragraph of the report whether the panel thinks:

- this is a good project that they support as it stands,
- this is a project that they could support provided improvements are made, or
- a fundamental re-think is required.

Rotation:

We should rotate the panel every few years. It might make sense to keep a pool of people who are available. This pool might be a useful resource to share with other boroughs, giving others an opportunity to sit on our board and vice versa?

RESPONDENT 2

Broadly speaking the changes shown here are very welcome; in particular the clearer and more transparent recruitment process. I also believe that a small goodwill fee for the panel members enable a better level of professionalism – i.e. specialists do come for the greater good (to make projects better for the public good – and so be critical) and not for networking (which can lead to a lack of critical judgment in the review – nearing to conflict of interest). Note that I couldn't see anything on diversity within the recruitment process – it is important to ensure that under-represented groups are part of the panel as this is a real issue within our industry.

RESPONDENT 3

Code of conduct

- Should there be any reference to code of conduct set out by the panel members' own institutes, such as RIBA.RICS etc.?
- It would help if the code was to be put in an order so that there are a number of main principles which would be expanded on as an appendix. The draft is very long. I guess they would be divided in any case as the notes are for the panel members, for the councillors, for the public , press ...etc

Listed of changes proposed

Overall it is quite positive. A few points/observations.

Size of projects: I have previously served as a member at Southwark and Islington. At the time I was at Southwark, the panel members were not paid for their work. I am not certain if the applicants were charged for the review or not. Islington Council paid the review panel members. In both cases, it seemed that mainly large projects were reviewed. One of the very positive points in relation to my experience with Merton has been in the fact that a lot of smaller projects are being reviewed.

I hope the changes do not stop the review of smaller projects. This, in principle, should raise the quality of the design and help smaller firms producing better design. Should the council be interested in continuing with smaller schemes review, the charging has to reflect the size so that it does not put the applicants off. One of the positive aspects of the system at Islington was the review of a few projects at the end of the year for the benefit of the members.

Information for review:

- It would be useful have a set of requirements in terms of what information is essential to be submitted by the project. I have come across some documents where the application does not really provide enough information regarding the position of the proposal in relation to the surrounding buildings. This, I believe is a must. The panel needs to be able to understand the sitting and scale of the design without having to guess or check other ways of getting the information. There could be something like what the planning departments require for submission. But of course appropriate for the pre-app stage.
- If the application has been through a pre-app. I believe it would be useful to have a brief report from the planning officer specially in relation to the relevant SPDs.

Web based meeting:

This is indeed a good way of continuing in most cases. However the networking of the members is a positive aspect of the meeting in person. Not sure how this could be maintained.

Chair:

I believe all DRPs do have a number of chairs, which is where Merton will be going. However, I actually quite liked the idea of councillors being chair. It seemed to work. It had the additional benefit of the councillors being more aware of what the panel members were engaged with and the points they considered important.

Verdict:

Useful to expand from 3 to 5. I sometimes feel that the project is in between two colours.

Recruitment

I think it would be beneficial for the Planning Department to select the candidates directly rather than subletting it to one of the companies such as SurveyMonkey to act on their behalf, should the council have enough time and expertise to select the candidates themselves.

RESPONDENT 4

In relation to the Merton DRP Code of Conduct , many panel members are also obliged to comply with the Codes of Conduct of the organisations to which they are professionally accredited eg The RIBA for architects and the Landscape Institute for Landscape Architects. The obligations of these professional codes cover similar considerations as the Merton DRP Code ie RIBA 2019 Principle 1. Integrity and LI Code of Conduct July 2020 (Draft) Rule 10 Conflicts of Interest.

Failure to adhere to the Merton Code of Conduct may therefore also be a breach of the DRP members professional Code of Conduct. If a panel member's actions give rise to a breach of the Merton Code, it should be noted that Merton may choose to refer any breach to the professional body of the DRP member. This may have serious professional consequences.

Compliance with Codes of Conduct may specifically be the case with the proposed Merton changes if DRP members are paid and, with other changes, a clearer contractual relationship is established between Merton and the panel member providing design review services.

List of Proposed Changes

- Ref Scheme Identification
- Timing of Review

In the Design Council advice on the DRP process it notes that it gives

“constructive advice which identifies and communicates: The strengths and weaknesses of the design

The next steps that should be taken to maximise the benefits that can be achieved through the development of its design”.

It is important to stress that a Design Review does not need to be a single review where a large quantity of detailed development work may be carried out but which may be rendered abortive if the fundamentals of the scheme remain to be reviewed and agreed in principle.

The DRP function may therefore be seen ideally as an impartial process to assist both the applicant and their design team, and the local authority planning department in reaching an optimum scheme proposal. A design review should not have the character of another hurdle to overcome in the planning process.

It is essential that public realm schemes are subject to the same scrutiny as private sector schemes recognising the importance of the public realm in placemaking and ensuring that design standards are established and maintained for all development.

Some associated guidance to applicants as to the minimum information required at the DRP stage would be beneficial such that the general form, massing and elevational treatments are proposed before large quantities of expensive detailed information and CGI views , is presented.

In the Government Planning for the future White Paper, Aug. 2020 it is proposed in para 2.39 that

“The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework.”

In this context and the Government’s intention to make planning more certain and quicker it would be useful to ensure that any information presented to a DRP has the following minimum information as an example:

1. All drawings to have levels and north points
2. Site sections show how and where changes in level are addressed
3. A site survey should show existing trees
4. The red line boundary of the site shown in its plan context such that elevations showing trees can be assessed to see if the tree planting shown is actually within the site and budget of the applicant or in the public realm and not within the applicant’s site and may therefore not be implemented
5. The height context of adjoining buildings

Also In the Government Planning for the Future White Paper it is proposed in para. 1.18 that every planning authority should

“Ensure that each local planning authority has a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development”

It is assumed the chief officer will still benefit from the skill set of a DRP as it may seem unlikely that all the skills available within a DRP panel could equally be found within a planning authority staffing. A design review panel also has the benefit of total impartiality whereas Council employees may still be seen as being influenced by Council senior staff and Council members.

As stated in para. 3.11 (underlined for emphasis)

“We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. Different models exist for how this could be taken forward - such as a new arms-length body reporting to Government, a new centre of expertise within Homes England, or reinforcing the existing network of architecture and design centres. Whatever model is adopted, we envisage that it would be able to draw on the expertise of recognised experts with a range of skills, drawn from across the built environment sector”

It therefore seems probable that design and planning advice will still potentially be sought from a wide spectrum such as DRPs and will not solely be provided by in-house staffing.

RESPONDENT 5

I have reviewed the documents and don't have any specific comments on the content, other than the idea of doing site visits for some sites, which we did with Wandsworth.

RESPONDENT 6

When discussing the setting up of a Design Review Panel (DRP) in 2007, I had an immediate concern. Would such a Panel compromise the formal role of the Council's planning officers, who after all are the skilled staff employed to advise the Council on all such matters, and on whom we all rely.

What would happen should the officers advise one course, but the Panel advise another? Such a situation in my view would be unworkable, and I could not be a part of it. And rather than rely on outside skills, why did not the Council employ its own skilled design officers?

However I was assured that the staff themselves had been involved in the discussions, and were in favour of setting up such a Panel. Indeed, with the limited in-house design skills said to be available, they would rely on the Panel's independence, particularly on major cases, or on projects where the Council itself had an interest.

So in setting up the Panel some basics were (in my view):

- Having a good range of skills in the various "building disciplines": not just the "usual suspects" of architects, urban designers, planners, but also engineers, transport, landscape and energy:
- Volunteering, and freely contributing specialist skills to serve the public interest:
- Independence from outside influences:
- Ability to work as part of a group:
- To advise and give a steer to the scheme architects:
- To advise the Council if a planning application had been submitted.

Organisationally, the Panel members would be invited to volunteer, and then some would be selected by the Council. Two Panel members would be classed as "permanent" to aid continuity. No Panel members would be paid. Crucially (in my view) the Panel would be chaired by a Councillor, not an officer nor a Panel member.

The selection of the Councillor (not something that I was involved in of course) was ideal, being:

- A member of the Council Committee that dealt with planning applications, so that a first-hand explanation of how the Panel had examined the application could be available at the point of decision:
- A member of one of the minority party groups, ie not linked to the majority party, to ensure that independence was evident:
- Acting as a Chair to “keep order”, yet being quite aloof from the formation of the Panel views.

Selecting projects for the Panel’s consideration was left to the Council officers.

After more than a dozen years of operation, whether the Public (the principal “client” of the planning system after all) or the applicants felt that the Panel’s work was beneficial, and delivered a better end product, these were never properly tested. Although there has been one very basic assessment of how the system works (by Panel members and officers), a more systematic questioning and review is now desirable.

Over recent years the “Design Review Industry” has expanded significantly. There are bodies that Councils can use to obtain reviews for a fee. It is to an extent outsourcing the work of assessing proposals away from the in-house Council staff who traditionally have done this.

This follows similar moves as in the Building Regulations, where compliance with standards is able to be outsourced, away from publicly elected bodies. Whether this serves the long term public interest is for others to consider.

So what questions should a review of the DRP address?

1. Should the DRP exist at all?

Basically no. Assessing planning applications is based on the principle of skilled appraisals by independent officers advising the Council, the body that acts in the public interest. The basic purpose is to ensure that the interests of the developer and the public are balanced or moderated. As Michael Heseltine has recently said, *“the market has no morality”*.

In the past, Councils were able to employ enough staff skilled in design, and had no need of outside advice, except perhaps for projects of national significance. The Royal Fine Art Commission (set up in 1924) was one such review body. It had no powers, but its advice was independent and skilled. DRP’s are the children of that body, and now exist at national (CABE), regional and local levels.

Currently, many Councils seem unable to attract/employ their own design-skilled staff, so have resorted to setting up DRP’s. The benefits include being able to draw on free-thinking outsiders, with a range of design skills few Councils can match, and a freedom to explore. Also, when a Council is itself the developer, planning officers may be inhibited (or pressured) when dealing with schemes.

Without the in-house design-skilled staff, utilising a DRP can improve the quality of schemes, and perhaps reduce the number of refusals and appeals. Unfortunately,

various governments have appeared to want to “externalise” some of the decisions made by Councils, by allowing approvals to be made by outside bodies. DRP type advice might eventually morph into “*decisions taken by outside experts*”, with implications for public accountability.

In my view the Council should only continue with the DRP until it can rely on its own design-skilled in-house staff, after which the DRP should be wound up.

2. What should be the role of the DRP?

For Pre-application schemes, still at the formative stage, the DRP should give advice to the scheme architect. Architects in their training are used to (sometimes feel subjected to!) critiques by their tutors, with the aim of encouraging different ways of “solving” a project. So architects are usually able to both give and receive such a cross flow of ideas, as long as there is respect and open-mindedness on both sides.

Whether this design advice is given by in-house skilled officers, or DRP “outsiders” may not matter. Additionally, although it is seldom admitted, a DRP can show to the developer/client (who often attends the meeting) that they have unreasonably pressured the architect, and that the scheme has to change. Supporting the scheme architect can be a valuable role for a DRP.

Post application, the DRP role should primarily be to advise the Council, although the advice can also help the architect to withdraw the application and make modifications.

3. What projects should come before the panel?

Schemes of some significance, or where the officers are unable to get across their advice, or where the Council itself is either a developer or an interested party, or where “internal disagreements” might exist between departments, or even within the planning teams.

Some past projects have been uncomfortable for the DRP. The dramatic expansion of primary schools seemed to be difficult for the DRP to get to grips with on “design”. Asking for advice and views on the emerging plan for Wimbledon Town Centre was another, and on the completed paving etc scheme in and around Wimbledon Broadway.

Selection of projects for DRP consideration has been the sole responsibility of the Council. But a case could be made for the public, or local organisations, or developers, or even for the DRP members themselves to suggest that a scheme or subject be considered.

4. Who decides what projects are examined?

This has been done by the Council officers. Whether the decision is ratified by the (currently a Councillor) Chair of the DRP or another Councillor is not known. It is also not clear whether scheme architects or developers have a “right” to request a DRP input to their scheme: or indeed whether officers are able to refuse such

requests, if they so decide. What happens if a developer does not wish to have their scheme go before the DRP?

It would therefore be helpful to clarify the criteria. Decisions on “which schemes” should remain with the Council, as the whole function of the DRP is to advise the Council: it should not aspire to have an independent existence, or be a separate body.

5. Who should the DRP members be?

These should be the “design professionals”. Architects and Landscape architects, because they through their training are versed in the concept of the critique, the developing of ideas. With the importance of Climate Change, energy and sustainability need to be at the heart of design, not slapped on as an afterthought. Transport and engineering has a part to play.

Should lay people be included? They have in my view a valuable part to play in the evolution of project design, but (see point 7 below) this should be channelled into the creative design process in other ways. The DRP therefore should be made up of independent design specialists.

6. Should the DRP meet in public?

Scheme architects may have spent much time on evolving a scheme, and may have had to defend it against other members of the development team, and faced a variety of views from discussions with Council officers. They may have been pressured by the client to “go for too much” despite their own misgivings. In this climate it is important to have discussions that are open and exploratory, yet are not another kind of public inquiry, where attitudes are frozen and defensive.

Also, were the public to be present at such discussions, there would be pressure on Panel members to “say the things that went down well with the listeners” (some would unkindly say that this was the world of the politicians), and there would be pressure on the architects to “defend” their scheme, rather than open up to ideas. Playing to the gallery should have no part in the DRP process. Also some Panel members might be inhibited in raising issues that may not be locally popular.

Accordingly, my view would be that DRP meetings on pre-app schemes should be as close to person-to-person as possible, and on no account should the public be present (But see point 7 below).

7. How and when should DRP minutes be made public?

Currently, DRP Minutes are only made public when the application has been made, and is included with the officers’ report, ie very close to the Committee date. The applicant’s submission sometimes includes a report giving a resume of the DRP points, together with a response – how the scheme has reflected the DRP views, or reasons why not etc.

So the general public is often not able to access the DRP minutes until after the formal public consultation period has expired. This cannot be right.

And this raises a wider point about how the Council treats pre-application discussions as “confidential”. Pre-app confidentiality is in many people’s views now not justified, and is being misused by the old-fashioned thinking by parts of the development industry, to ensure that everything is cut and dried before the public is shown the scheme as a set of application drawings.

A contrasting (and in my view very welcome) view is set out in the NPPF, which encourages

- *“effective engagement between applicants, communities and Local authorities”* (124).
- Also encouraged are *“early discussions between applicants, the local authority community and the local community”* (128).
- *“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 earlyengagement with the community should be looked on more favourably” (128).

The need for open government is important, as is the need to take account of the NPPF. My view is that the Council should now make clear that when it has pre-application meetings with developers, a record of the meeting will be posted on the Council website. In my experience, the so-called “confidentiality” is just a custom, and has no real justification.

This will give the public the opportunity to contribute its own thinking to the creative design process via the Council, as the NPPF says. Remembering the basic question: whose town is it anyway? Accordingly, it is suggested that the minutes of the DRP’s meeting on a pre-app scheme should be made public on the Council’s website, as soon as they have been sent to the developer.

If a developer does not wish to agree to this open-handed approach to the evolution of a scheme design, it should be open to the Council to decline access to the DRP process.

8. Should panel members or the council decide the minutes of meetings?

Panel members must have control over the detailed wording of the minutes of their meetings. Panel members should expect to take full responsibility for the advice that they are giving to the applicants, to the Council, remembering that these minutes are in the public domain.

It follows that the minutes must reflect their thinking, to their satisfaction, otherwise they would be put in the position of having to justify something that they had not said. The editing of the minutes by the Council, as has happened, should not be accepted. The only exception would be if the wording proposed by the Panel members was likely to cause legal or similar issues, when the Council should advise accordingly.

9. Should the range of panel views, or only the majority view, be reported?

Design is creative process, and shades of opinion, and alternative approaches are all a natural part of the design process. Quite often there is no clear “right or wrong” way of creating a design. Clear and unambiguous guidance may be the wish of administrators and developers, but scheme architects are perfectly able to appreciate a range of what are often quite subjective views.

For example, if Panel members voted 3-2 for a particular “verdict”, how sensible is it to report only the views of the 3? Eminent panels (eg Judges in the Supreme Court) often come up with minority reports, accepting that the majority vote will hold sway. Publishing these dissenting judgements is said to aid the development of the law.

Taking a planning example, Buchanan produced his minority report on the third London Airport Commission similarly. Would the alternative, publishing only the single view, be sensible? How could Buchanan sign such a report, and accept a view that he could not share?

Reports by Development Control (rightly and properly) assess the benefits and dis-benefits of an application before coming to a recommendation. Clearly this is both respectful of different views, and also aids the Planning Committee in coming to a decision. It also helps the applicant.

The current Council insistence that “only the majority view counts” does not do justice to the range of skills and views that the DRP enjoys. Nor does it reflect accepted practice elsewhere, see above.

Applicants, Council officers and the public would all gain from understanding the width of opinions that come from an expert Panel, and all such views should therefore be properly recorded, to the Panel members satisfaction. But the majority view always has precedence.

10. How independent do DRP members need to be?

The Council’s draft Code of Conduct (4/21) sets out the basic criteria. Panel members who “know the Borough” are very likely to have projects within the Borough, or have worked with other professional teams on projects elsewhere. Restricting DRP membership to “outsiders” who have no such links would mean that their knowledge of the Borough could be minimal.

The safeguards built into the Council’s Code, together with declarations of interests or recent contacts etc should act as the basis for professional probity. Some “outside” members could help. It is recognised that Panel members may know applicants not only professionally but personally. Often what matters is public perception, and if there is a doubt, Panel members should opt out.

11. How independent of council policy should the DRP be?

The DRP invariably considers development proposals on a specific site. In many cases it is perfectly possible to evaluate the ideas driving the project, and respond

accordingly. However, it may be that although a proposed scheme is in accord with an adopted policy of the Council, (for example, on energy, sustainability, building height, or daylighting standards) the Panel might feel that the policy itself is not appropriate (or inadequate or too onerous), and needs to change.

Accepting such a scheme creates an awkward situation for Panel members. In such cases, it is suggested that there needs to be the option for the two elements – the scheme and the policy – to be treated independently. Views on the scheme can be produced, but as a parallel note, the Panel can record that in their view the Council should look again at the policy. In that way, the Panel members' views are respected, whilst the applicant's scheme is given its review.

12. Design of the town v design of the building

In essence, it is the job of the planning system to plan and design the town. No-one else can do it. It is the job of the architect to plan and design the building: no-one else can do it. A design project, usually "a building on a site", is brought before the DRP for review. Coming to a view on the proposal in its immediate context is often straightforward. But sometimes there is a wider design issue. As an example, a building design may be acceptable in its own right in its immediate setting, but it may intrude on a major view, where the requirement is for the height to be restricted. In these cases the Panel may need to have the opportunity to express its view on the two aspects.

13. Should developers and their team attend, or just scheme architects?

The scheme architect has (in my view) to be seen as the main player, the person responsible for the creation of the scheme design. Panel members, particularly those who are architects, will aim to "talk that language" to the scheme architect. Other players, the other design professionals and the client/developer, invariably attend, and can offer detailed explanations if asked. Whether they gain from the experience others must advise.

My own view is that on balance the client/developer is likely to gain most, by being able to gauge the strength of feeling that underpins what is being said. They will see the difference between meetings with planning officers (which can unfortunately become "negotiations"), and the DRP meeting where views tend to be more direct. Accordingly, the Council should make clear to the scheme architects that they are seen by the DRP as the principal players, but that other team members etc can attend as they decide.

14. Should there be 3 types of review?

The DRP has up to now considered schemes in a formalised group discussion, sometimes more than once, as the particular scheme is evolving. It has required a pre-circulated "set of drawings" so that it can understand the nature of the design beforehand, and then get to grips with its appraisals. Before starting the design studies, the scheme architect needs a planning brief from the Council (to match the briefs from client etc). Sometimes the only brief is via the Local Plan documents.

Whether this brief should include an early input from the DRP would be a significant new move. It could be a parallel planning brief, but this could undermine the Council officers' input, which would be highly undesirable: we need to support them. Or it could be the Workshop with "a collaborative get-together around the blackboard or table". Or it could be each DRP member putting their individual Desk-top thoughts into the mix.

One of the advantages (some would say disadvantages) of the DRP face-to-face appraisals is that it is human. It contrasts with the more formalised discussions with officers, or with the dispassionate texts of Local Plans. To some extent it allows the scheme architect to experience at least some of the local colour (the role of the public input here is for another discussion).

My view would be to stay with the face-to-face DRP meetings, but leave the door open if in special cases another approach would be helpful. Were that to be done, then careful analysis of its operation should be done before repeating.

15. Should developers pay for DRP review?

No. The planning system has been created to operate as a public service. Its development control function is there to ensure that the developer's interest and the public's interest are in balance. Those applying for planning permission already pay planning fees (in most instances). They expect to get from the planning officers a basic steer or brief (or a set of Local Plan policies) so that they know what they need to take on board when creating their scheme design.

As soon as developers are asked to pay extra to get a faster decision, or some enhanced advice (eg DRP) then they will expect approvals as a return on their investment. Whether or not the project is good enough to be approved. It's called real life. Unfortunately Councils, eager to maximise any sources of income, will (as suggested in the Council's draft paper on page one) aim to make a profit out of this extra charging.

Whether other Councils charge should not be relevant: Merton should stay with its free DRP service. If the Council decides to charge, all funds should be independently administered. If more planning funds are needed, continue to press HMG to allow Councils to set their own ring-fenced fees for planning applications.

16. Should DRP members be paid?

No. Volunteering in the public interest is something to be cherished. Countless such individuals in Boroughs everywhere in this country contribute their skills, their time, their commitment in a whole range of fields. Mostly for little or no monetary reward, and often with little if any thanks. Monetising the DRP changes the dynamic. The applicant's architect would see the paid DRP members as professional fee earners. Now they see them with respect, giving their time and skill freely. The public would see another layer of paid specialists between them and the developer. That other Councils and other DRP's have taken the paid route should be ignored. Merton should keep alive the ethos of public service and volunteering.

17. Who should chair DRP meetings?

As set out in the first page, from the beginning the Chairing of the DRP by a Councillor from one of the minority parties, who was also on the Planning Applications Committee, was admirable in so many ways. With the task of keeping order, but not getting involved in the appraisal, this allowed the specialist members to do their work. It has been suggested that the Chairing should be done by a member of the DRP, one of the “Design Experts”. This raises a number of issues.

Chairing a meeting carries with it the responsibility of ensuring order, of allowing (sometimes encouraging) members of the group to speak, keeping discussion to the point and cutting off irrelevant side tracks, welcoming and respecting the scheme architects who should feel that they “have someone impartial on their side” in the proceedings.

To do this whilst at the same time contributing their own specialist views (which may be critical) is not really a sensible course. The Chair may also come over as the dominant player, and this goes against the ethos of all DRP members being “equal”. Being an equal motivates, being subservient does not.

An alternative would be to have a Councillor from the majority party as Chair. But the DRP has been set up to be as independent of the Council view as possible, and be seen by all to be quite apart from the decision-making process. On no account should this course be followed.

With the almost total concentration of Council decision-making in the hands of the majority party apparatus (in my view, far less desirable than a more Committee-based decision system) all perception of DRP independence would be lost. An alternative would be to have an independent ‘lay’ person, not a Councillor, nor a DRP member. The advantages of retaining the original minority party Chair are very persuasive and should be continued.

18. Personal group meeting or remote zoom type?

Inevitably, over the past year or so, circumstances have forced the DRP to operate remotely. Zoom type ‘meetings’ have the advantage of allowing participants to avoid personal contacts etc, but there is a risk of remoteness in an area where an understanding of personal feelings can be important. There would be a danger that individual DRP members would stay in their ‘silos’ and fail to interact to find a group view. The advantages of everyone meeting physically around the same table to evolve a design approach – something that is so personal for the scheme architect - are very valuable in my view, and should be the model of choice.

19. Should there be “permanent” members of the DRP?

Two of the DRP members were originally selected as permanent, to give a degree of continuity. If this is to be changed then, rather than each DRP meeting being filled on an ad hoc basis, it would be desirable to have “continuity members” who undertake say three or four meetings “on the trot”, doing this in turn.

20. Daytime or evening meetings?

This should be left for DRP members to vote on, as they find what is best for them. The Council could select a default position, suggested as evening meetings, but be flexible if the members for an individual meeting have a preference for the afternoon.

21. Should there be a grading system?

Since the formation of the DRP, a red/amber/green grade has been awarded, reflecting the majority view of the Panel members. These grades have not been formally defined. With the preponderance of “Amber” grading, indicating that the project was not good enough for Green, yet not bad enough for a Red, there is a need to make the grading more specific.

It is suggested that there be 4 grades, with their meaning as follows:

- **Green:** where the scheme is seen as admirable, no real room for improvement, approvable pretty much as it is:
- **Yellow:** to make the scheme acceptable, some clear changes are really needed: not approvable until some of them are done:
- **Orange:** this scheme has very significant issues to resolve: there is the basis of an approvable scheme but some major issues need first to be solved: not approvable until the major issues are resolved:
- **Red:** This is a scheme where no matter what is done to adjust the design, the basics are not up to the task: a clear refusal: the design process should re-start on a different basis.

22. What has been the standard of advice?

In order to test this there would need to be a structured survey of all the applicants – did they find it useful, how, did it help the whole project team not just the scheme architects? Sometimes the views will need to be “private” and not linked to a specific scheme, because perhaps the architect will have one view, the client another.

Also, what does the public feel about the projects that have been built (it is their town after all) – are the completed buildings seen as an asset, or if not why not, and should the DRP have picked up these issues? The Council officers put in a good deal of work to generate the output of the DRP – has this paid off? Are the DRP reviews helpful in the future dealings with the applicants and improving the project?

What are the DRP members’ own views on the completed projects – have the standards been set at the right level, have the scheme architects been able to achieve improvements, have issues been forgotten (eg energy) that really should have been taken up more seriously? What are the views of the owners of property around the completed project? Do they see their property being adversely affected by the new scheme?

What has not worked well? Has there been deference to “starchitects” or those we have worked with? There is some public sniping – why is this, how much does it matter, and what should be done to get to the cause of the problem if there is one?

Has the DRP concentrated too much on “how it looks” aspects of projects rather than the basics?

Has the DRP system been “gamed” by the development industry? It is surely essential now to have a more measured and independent assessment of the way in which the DRP has been performing. And we need to know whether it has made a difference.

RESPONDENT 7

1. Overall aims

Design Review should be: **independent, expert, multidisciplinary, accountable, transparent, proportionate, timely, advisory, objective** and **accessible** [Design Review Principles and Practice 2019].

1.1. My experience of DRPs as applicant and panellist includes:

- One design review in Bristol [2003], 6 in Oxford [2014-present] and about 10 in Merton as part of the Applicant team, About 60 in the Panel at Merton [2007-2021] and 4 at DRP Hounslow [2020-2021].
- I am used to working both sides of the counter, for example at Oxford currently advising OCC as heritage consultant for a heritage-led masterplan for the Covered Market. My comments are informed by this experience of how the different DRPs operate from the Applicant's as well as the Panellist's perspective.
- I am an examiner/lecturer in professional practice as University of Westminster and Cambridge and also teach on the Police Designing out Crime and Anti Terrorism training courses.

1.2. In 2007 when we set up the panel, the idea was relatively new. The only published guidance was CABE's 'How to do design review - creating and running a successful panel' [2006]. Over the last 14 years there is increasing body of experience and best practice upon which to draw. A key reference document, which I recommend that all consultees read in detail is: Design Review Principles and Practice 2019 [DRPP]

[https://www.designcouncil.org.uk/sites/default/files/asset/document/Design%20Review Principles%20and%20Practice_May2019.pdf](https://www.designcouncil.org.uk/sites/default/files/asset/document/Design%20Review%20Principles%20and%20Practice_May2019.pdf)

This is an updated version of a 2013 update of the 2006 original. It is carefully worded, drawing on experience from the Design Council, Landscape Institute, RTPI and RIBA. The Carmona review refers to this core document and there is a lot to be said for referencing it. The final local terms of reference may quote DRPP exactly rather than paraphrasing it, where appropriate.

2. List of changes

2.1. Charging for applicants and payment for reviewers. I agree that this has benefits for both Applicant, if they control timing, and for DRP effectiveness. The only downside is that it might make the panel less **accessible**. The charge should include for at least Panellists +2 or 3: the case officer and Urban Design officer, and if appropriate the Conservation Officer. Payment changes the balance of power, and this affects the timing of reviews. If paid for, the reviews should be programmed to suit the project design programme, so the DRP's work can be more **timely**.

The fee to the Council should not generate a 'surplus'. It would be unethical to charge an Applicant to subsidise the general work of the Council. The fee should include the cost of officers at an equal charge to Panellists, since their expertise is equally valuable, plus a realistic admin. fee, that can be supported if challenged.

In my experience of best practice, the council fields the case officer and a senior planner/urban design officer, sometimes also a conservation officer.

The officers:

- a) attend the walk round,
- b) give the panellists a carefully prepared, full, in depth briefing including key policy and history leading up to this point, as part of a 1/2 hour pre-review meeting
- c) speak thereafter only as requested by the panel chair, for professional clarification and advice on policy
- d) contribute to the post meeting review
- e) prepare the first draft of the letter of advice
- f) issue it once signed off by the expert chair.

2.2. Design Expert Chair. I agree there should be an **expert** chair. The Chair should take responsibility for the final letter of advice. I suggest that LBM should appoint two chairs, rather than chair and two vice-chairs, to allow flexible sitting [see comments on timing below]. These should be people with:

- *a record of achievement that commands the respect of design review clients and fellow panel members.*
- *strong critical and analytical abilities.*
- *the people skills required to chair a meeting politely yet authoritatively, so that participants feel they are being listened to and understood without being allowed to dominate the discussion.*
- *the ability to deal with panel members or clients who express strong – and sometime differing – opinions.*
- *the skill to synthesise and summarise disparate or conflicting views, and reach a consensus.*
- *the ability to write clear, understandable reports summarising the meetings' conclusions.*

[Design Review Principles and Practice 2019]

Finding the right people will be a key task for the Council. Also bringing on new talent within the existing pool where people show suitable leadership skills.

2.3. **Membership review.** Agree.

2.4. **Recruitment.** A formal process. Agree. It helps make the panel more **objective** and the section process more **accountable**.

2.5. **Terms of Reference and Code of Conduct.** Agree they should be updated, but suggest that they should be split into two documents. The Terms of Reference should be one document, the Code of Conduct another, each focussed and concise so that everybody actually reads, and perhaps even signs them.

2.6. **Meetings during the day.** Agree. Half day meetings or full day meetings depending on complexity/scale of review. Maximum three per review? It should be one per review. How do you arrange a site visit with three reviews?

2.7. **Meeting format.** 5 minute briefing by case officer and panel administrator'. 5 minutes is not enough. The pre-meeting should have a full, well-prepared and structured explanation from officers as to the principal issues and policies affecting the scheme, its relation to other consented schemes, appeals, emerging policies, etc. The panel can then discuss their initial impressions having reviewed the applicant's documents, and specific themes agreed. The chair will delegate individual panel members to speak about particular themes, usually in order of importance, which avoids, 'I agree with the comments made by my colleagues' and leads to a more focussed and structured discussion.

2.8. **Web based meetings.** I agree the format works well for the review itself, but what is missing at Merton is a site visit. It is really good to walk the site with panellists before the meeting. All best urban practice refers to 'place making'. 'Places' are not 2D. You actually have to be there to experience them. Being there together is even more important as a team.

2.9 **Notes of meetings.** What matters is the written letter of advice. Applicants and their planning consultants pore over a DRP's letter of advice in minute detail, looking at every noun and adjective. If this is written well, and robust/unchallengeable, it can have enormous effect. Whilst I have found every DRP useful from an Applicant's perspective, Oxford and Hounslow's letters of advice are more structured, focussed and precise than Merton's. At other DRPs I am much more aware of the planning and legal implications of our comments. They are expected to be challenged if necessary at appeal and are therefore written in a precise way, using the actual terms the panel uses rather than paraphrasing them. I think this will improve with expert chairs who can:

- a) lead the pre-meeting,
- b) help give a more structured discussion and
- c) take professional responsibility for, and sign, the letters of advice. This would assist in the panel being **objective** and **accountable**.

2.10. **Permanent members.** Agree this is not necessary now that the DRP is well established. I would add that I have been on the panel far too long. DRPP recommends a maximum term of 6 years for panellists, Merton's original terms of reference say 5, yet I have been attending 6 meetings a year for the last 14 years. I attempted to resign about 6 years ago but was persuaded to stay on.

2.11. **Verdict.** Although the traffic light system is crude, it is still effective for guiding both the Applicant and the Planning Application Committee. It's fine to have four 'verdicts' but it may be good to elaborate what they mean:

- Red Fundamental problems/rethink
- Red/amber Medium/minor problems
- Amber/green Minor problems with clear potential solutions/mitigations
- Green Acceptable.

2.12. **Scheme identification.** Set out the proposed criteria for selection. Applicants could then self select on the 'request a design review' page of the council's website. Criteria might be:

- Size/amount of change
- Sensitivity of the location
- Special significance

It would be better to have criteria than a bureaucratic process leading towards them. I am sure the Development Management team and Future Merton team have other things to do than form sub-committees. The Council should consult the panel on the proposed criteria as part of this DRP review.

2.13. **Timing of reviews.** I agree that the pre-application stage is the best time for reviews. The timing of the reviews, if they are to be paid for by the Applicant, should be to suit the Applicant and the project programme.

There is a big problem at Merton about the time the planning process takes. In our experience the pre-app process takes about 9 months, and when the application is made 60% of applications are delayed more than 100 days beyond the statutory decision period.

Few projects can take a 1.5-2 year planning process. It adds enormously to finance costs. A project which would previously have been viable becomes non-viable. Planning delays stifle the local economy. Over a few years this costs many millions. If the council is saying to Applicants:

- a) you are paying proper fee for this,
- b) you must submit at pre-application stage,
- c) you can only go the panel after a pre-application meeting has taken place,

it should also say:

- d) we will time this meeting to suit your programme requirements.

Put the Applicant's programme first, and let the planning process enable sustainable development, in a **timely** fashion.

2.14. Review as part of the Planning Process. The purpose of the planning process is to enable development which accords with a hierarchy of planning policies. The planning officers must be up to date with the latest local policies and precedents and should advise the panel in a complete and professional manner. The panel should be expected to know in detail the National Planning Policy Framework as it relates to their specialism. They should not be expected to know every detail of the local plan and any emerging updates. The officers should alert them to relevant local policies.

The DRP exists to give the council **independent, expert** advice on design including urban design, so that planning guidance and decisions can be more robust and effective. It is in the interpretation of policies, particularly where they apparently conflict, where the DRP can be most effective. I am troubled by the suggestion that all discussions have to be, in all cases, curated/moderated by the Council's Urban Design officer. The Panel should not be required, explicit or implied, to agree with the Council. This would remove the panel's **independence**.

Good decisions are not made by powerful individuals who surround themselves with yes-people.

'It is healthy for panels to reflect a range of different views and backgrounds. The members should be able to function as a group, but a panel where all the members agree with each other all the time is unlikely to be effective.'
[DRPP 2019 p17]

On one occasion, the King's College School Music building, the panel disagreed with the council's urban design officer, who is also the panel facilitator, on a specific matter. It was to do with the massing of the gatehouse and southern part of the scheme when approached by a secondary access route. The DRP said the building could be taller. This gave the architects [Hopkins] confidence to push for what they believed was right. The school had already lost one full academic year to their project programme due to delays at planning. Hopkins obtained planning permission for the taller building and the scheme as built is perfectly OK. Other panel members may be able to think of other occasions where the panel has disagreed with the Council's officers. This demonstrates **independence**.

2.15. Public realm schemes. Agree they should be reviewed. The Council should account for, and pay the required fee, just as for any other Applicant.

2.16 Planning Policy Documents. As above.

2.17 DRP webpage. No comment. Web pages can always be improved.

2.18. DRP review. Yes. The whole idea was that we would have regular reviews, but this has rarely happened. 'Forms will be produced' no doubt. Perhaps, as a minimum, there should be:

- a) an annual 1 page report from the officer running the panel, plus
- b) annual semi-social get together with the Planning Application Committee hosted by the leader of the council {this is useful in building confidence between the DRP and PAC}
- c) a 5 year review looking at statistical outcomes.

This would assist in making the DRP process more **objective** and **accountable**. Link up with Matthew Carmona at the Bartlett and see what would best suit his research if it is ongoing. I don't like the phrase 'deemed beneficial' - by whom? Try to avoid passive authority.

3. Code of Conduct

3.1. Members of the panel who are part of a professional body will be already committed to a professional code of conduct. I agree with referring to the Nolan principles. Whilst they are already implicit in professional codes of conduct, in today's Britain with the very public collapse in moral standards by some politicians and civil servants, it is good to be reminded that they still apply. The local code is most useful where it elaborates and explains how these ethical principles apply to being a member of Merton's rather than any other DRP.

3.2. I am charmed by the assumption in the code of conduct: *'It is accepted that working for the panel, members are enhancing their reputations and public profiles.'* This evidences a fundamental mis-understanding. The reputation and effectiveness of Merton's DRP is based on the quality of the DRP's advice, which in turn reflects the expertise and reputation of the panellists. It is LB Merton that benefits from the panellist's professional reputation, not the other way round.

3.3. As regards conflicts of interest, If you practice in the Borough and contribute to design review there are bound to be potential conflicts of interest. An eminent co-panellist has always maintained that if you give your expertise to the local community this is incompatible with working there.

3.4. The DRPP 2019 has this to say:

'All conflicts of interest, real or perceived, should be formally and rigorously dealt with and recorded well in advance of each meeting. A conflict arises if there is any suggestion that a panel member, either as an individual or a member of a group or organisation, might have a financial, commercial or professional interest in a project, its client or its site. The panel should draw up a standard policy for dealing with conflicts of interest. Design Council, local planning authorities and other panels can all be asked for advice on writing the policy. It should set out clearly how interests will be identified, recorded and managed, and it should be publicly accessible, ideally online. Conflicts of interest can be a particularly sensitive issue in local panels, where many panel members will work in the same area as the projects under review. In cases where panel members are associated with a planning authority, have a financial interest in a scheme, or have declared support for it at councillor level, it may be advisable to refer the project to an independent panel that operates with a wider remit outside the immediate locality.'

[DRPP 2019 p.14]

3.5. The detailed rules-based response proposed here is probably not the best but shows that the council understands there are potential conflicts. The proposed rules as set out effectively bar any person in a practice working in the Borough from being member of the panel.

It would be simpler to say that: Those who practice in the Borough, i.e have projects in the Borough or are in a framework agreement with the Borough must not participate in design review panel at Merton at all whilst these projects or frameworks are live. I think this is a reasonable conclusion. If we had a wide enough pool of panellists this would not be a problem.

DRP members would ideally be people who know the Borough well, i.e. live here, but practice elsewhere and have no commercial contacts with the Borough whatsoever, directly or indirectly.

3.6. The code of conduct contains notes for panellists, applicants and councillors, but none for officers. There should be a section setting out the code of conduct for officers.

3.7. The council might run the eventual text of the code of conduct past a real lawyer, in case they ever wanted to enforce them and they were challenged.

4. Terms of Reference

Terms of reference should be prepared, as a separate document, and should be concise.

5. Recruitment Process

The draft guidance recommends:

'A degree level qualification (or demonstrable equivalent) in a relevant built environment profession'

In my view that is not enough. We should normally expect professional qualification plus experience, that is:

- a degree
- a post degree diploma (or suitable experience equivalent to this)
- a professional qualification (or suitable experience equivalent to this) RTPI, RIBA, ICE, LI or equivalent
- relevant experience in practice post qualification.

RESPONDENT 8

Code of conduct

In the press section it would be better if the press can only refer to panel members and not their names, to avoid us being contacted, lobbied and even abused (thinking worst case scenario).

Proposed recruitment process

The Expertise is only 3 lines and should be more. It would also be better to provide a checklist of expertises to avoid people using different names and to help compile a spreadsheet to better match the people with the correct skills to each design review.

A broad point, is it would be very helpful to pull all your hard work together to define a revised DRP process. To provide a step by step process, and any parameters. This would crystallise the DRP process to provide much greater understanding.

I would be interested in reviewing your public realm schemes. I would also be interested in the role of deputy chair and possibly chair if it goes well. But I would like to find out more about if I would be considered and what is actually involved.

RESPONDENT 9

I have reviewed all the documents and the proposals all seem reasonable. I would suggest a tweak to the role description to ask for local knowledge – I do think this is helpful.

RESPONDENT 10

Its great – really comprehensive and I like the smaller group as it will mean less repetition and hopefully allow more time to comment. It's also good to see the split in amber – very helpful.

I do have one suggestion – on one of the other panels I am on, after the panel briefing the applicant gets an extra 5-10mins to give an overview of the site – a virtual site tour. Its really helpful as they can drive up roads leading up to the site and point out key views etc. I wonder if you are recruiting for a broader range of members, they may find it hard to visit site and so allowing time for a 'visit' might be really helpful? I do appreciate it may be too late in the day to add in though.

My only other comment is if there are in person meetings, the applicant should be encouraged to bring a model.

RESPONDENT 11

- Selection criteria: The involvement of emerging architects/designers as well as experienced big firms is very important. We need a range of different views and backgrounds that reflects London's diversity. However I believe

experience in practice is really important so I suggest a minimum 5 year of experience as a business in the market and 10 years of post-graduation experience for the individual.

- It is a good idea that panel is refreshed periodically but it shouldn't stop members getting reselected or continuing if a panel member is happy with it and/or the Council needs more panel members.
- Evaluation and verdict: Have you considered a points system rather than the colour system?
- Charging for applicants and payment for reviewers: I think the charges to the applicant should minimal. Panellists should do it voluntarily. Most panel are paid by their practices and attend during work time.
- I prefer reviewing one project at a time and ideally face-to-face meetings following to a site trip. Wandsworth council's approach to site trips with a case officer and project architect works very well. Panellists attend the site meeting and the architect gives the panellists a well prepared presentation on site or at a venue close to the site. The whole project review takes around 2 hours including the site trip. I think early morning meetings suit everyone better .
- Zoom meetings work very well as well but potentially mean that 2 time slots are required for one project. It would be easier if panellists visit the site individually if meetings are held online.
- Mid-week early morning meetings work better for me. It is easier to book 9:30-12:00 am in general and visit the site before at the beginning of the day.
- The role of the chair: It would be useful if there were guidance for the chairs and their role is clarified.
- The chair should not be a judge but more a facilitator. Chairs are not decision makers. Chairs normally introduce the presenters, keep the meeting on time and facilitate the Q&A and agenda. They manage the meeting.
- I think it would actually be useful if the chair is not a DRP member but a project manager if possible. We need a good facilitator to make the meeting more efficient without personal design expertise input. Ideally that person could also write the meeting notes.
- Sometimes the chairs in DRP meetings , especially at Wandsworth councils meetings, summarise their own views at the end of the meeting rather than summarising the panels general views. It ends up being chair's personal conclusion. Ideally the timing of the reviews should be before any pre-application meetings and submission. Our role works best when assisting the council in its decision. Review as part of the Planning Process could help Council to use the design panel as design experts and puts the Design Review Panel's role as design consultant to the Council.

RESPONDENT 12

I have no significant comments beyond echoing many of those of Respondents 7 and 6, in particular to second the usefulness of a post meeting review - something which has informally evolved over the past year and which I think many of the panellists found helpful and interesting.

I would furthermore emphasise my support for the appointment of an expert chair. I would consider that this could greatly assist in giving the reviews a more collaborative approach, with the potential for greater discussion between the panellists and applicants rather than the more rigid 'three minutes' of comment from panellists with no subsequent comment from the applicant.

The last year on the panel has suggested to me, as per Respondent 6's comments, that in many instances a greater length of time needs to be allocated for the process, particularly in the case of complex schemes. I would therefore second their comments on allowing for a greater length of briefing than five minutes, and the usefulness of having various panel members focus on particular aspects of the scheme in the subsequent discussions.

I very much support the revised recruitment process and the application of a structured code of conduct.

RESPONDENT 13

- I would appreciate some payment of our time.
 - Applicants should summarise changes made since the previous presentation (they often do)
 - Pre session briefing is very informative and constructive.
 - Do not like the rigid structure of equal time individual feedback because often discussions between panel members addresses the complexity of a problem (me and Respondent 7). However this is a personal view. The notes of the meeting do reflect the balance of the discussion with clarity of outcome.
 - The panel's comments should have priority on design issues on the planning committee / officer's recommendation.
 - The multidiscipline team is good.
 - Site visits are useful, however the panel has sufficient skill to access the applications based upon the presented information. Plus often one panel member is intimately familiar with the site.
 - BRING BACK RESPONDENT 6. His clarity of thought and summary is missed by the panel. i.e. experience if DRP is highly valued.
 - The recent use of a councillor as chair has formalised the meetings in a rational way, which is good. However the meeting lack the creative discussion that resulted in better feedback as a whole.
 - The panel should not be designing the applicants scheme.
 - Zoom meetings works well, I often use several screens of the application open for a detailed understanding of the schemes and discussions.
 - I feel very uncomfortable having an open honest discussion in front of the public in case, 'thoughts out loud for open discussion' are taken out of context by interested parties.
 - The constructive friendly recommendations of the Merton DRP is unique and should be maintained in the transition as we move forward.
 - The recommendations / future plans for the DRP that were issued are agreeable and well thought out.
-

RESPONDENT 14

General Comments:

I trust you have come across 'Frame Projects', I wonder if it might be a good idea to speak with them about their process and if you may have considered engaging with them to manage the process so that officer time is freed-up? This may of course have already been discussed and dismissed, but wanted to raise on the off-chance it hasn't.

As a DRP member, regarding receiving applicant information ahead of a DRP meeting, at the moment, an email with the information seems appropriate; rather than the need to login into the online portal (it just adds another step for panel member to get used to).

Review of Code of Conduct:

As the DRP members have a robust code of conduct; it feels fitting and fair that the applicants also have a robust code of conduct. At the moment, this seems minimal to the expectations placed on the panel members.

Review of Proposed Changes to Operation:

Format, Charging & Payment:

It is right that panel members are paid for their time and expertise in providing a response that will ultimately influence the quality of a submitted planning application. The time required, ahead of the DRP to prepare, research, and bring constructive feedback and direction is not insignificant and without payment, may reduce the level of importance placed on this. In effect, many DRP members will no doubt weigh-up the level of investment vs return. Where this does not seem balanced, DRP members are likely to commit less time to the process.

Additionally, the enhanced scheme following DRP review adds value (social & economic) to the final product, which is an uplift the developer benefits from. Whether that be through desirability of a development, increased sale values of units within that development, or an increased pace of sale of said property. These are benefits the DRP member have contributed to, but not been rewarded for.

Design Expert Chair:

It is right that a design expert is appointed as chair due to experience.

Membership & Review:

It is probably worth identifying a period for which members must be replaced. So a term could last between 2-4no. Years before a DRP member must be replaced / reapply for the position.

Recruitment:

It may be worth having a discussion with 'Frame Projects' to understand their recruitment process and see if there are synergies Merton can learn from.

Operational Changes:**Timing and number of review.**

Agree with DRP meetings occurring during the day. I believe the maximum no. Of reviews / session should be 2no. – otherwise this is a lot of work for a panel member to prepare for 3no. Completely different schemes and bring useful feedback for each. Should 3no. Be required in a day, perhaps 2no. In a morning session and 1no in an afternoon session; or the other way around.

Verdict:

It would be useful to understand what the applicants take from the RAG verdict and how this affects their design response. This, as opposed to just having comprehensive notes for review and reflection. While it is a useful marker in the meeting; it would be worth understanding how this practically applies to how the applicants review their work, or indeed how the final planning application is determined. In effect, other DRP's do not have a RAG list, and I'm curious as to if this RAG system helps the applicant and quality of the returning scheme.

Scheme Identification:

It might be worth enquiring with other boroughs on how they identify these. In many cases, it may simply be a case of all major developments above a certain number. I.e. greater than 30no. Dwellings.

RESPONDENT 15

Overall, I endorse the more in-depth review of the panel and most of the recommendations for change. I won't go into detail for all of them and only comment on those were I have some concern / strong support.

Design Expert Chair

I don't agree with the conclusion of having a Design Expert as a Chair. Having a councillor as a chair provides a stronger link to community representation and responsibility to act on behalf of Merton's community. It 'earths' a panel discussion to common sense. On the contrary, I have experienced many panels (as a presenter or subject matter expert), which entertained design discussions most people might find irrelevant. Furthermore, there is a risk that the chair pertains a specific school of thought on design matters, rather than presenting independency. While I would encourage to maintain a from the design profession independent chair, having a named spoke person for the panel might bring that extra level of quality into the reviews.

I endorse the periodic membership update and review, as well as presenting the notes as an amalgamated summary.

Verdict - changing to a 4 point scale is welcome.

Planning policy documents review - The remit of the review and selection of reviewers should be clearly set out, as well as finding the appropriate time for review. The SPD review I was asked to do was too late in the process and entirely generalist - not good use of time.

Review of the Review.

Could applicants be invited to fill out short surveys of what they found useful from the review process and anything they found unhelpful? Emphasising the collaborative nature of city building (and in most cases, professionals are speaking to professionals here), this could further help shaping the quality of the discussion on the art of the possible, rather than what might feel like a trip to the dentist: unpleasant but necessary.

It wasn't mentioned in the changes, but an area I would like to promote: at each panel, it would be helpful if panellists have an assigned area of expertise on which they comment on, and should be briefed on other members area of expertise. This could further help structuring the discussion, time keeping, as well as ensuring all priority subject areas are covered. The GLA have a booklet on the MDA. I found this really useful to understand the professional backgrounds of reviewers prior to going into a review.

Code of Conduct

Looks all fine in principle. It is really quite nuts and bolts. A trimmed down version will have a bigger chance of actually being read.

**Merton Design Review Panel
Fees & Charging – Analysis and Proposals**

A separate table has been produced setting out all other London boroughs available information on charging of applicants and fees payable to reviewers for design review services. This is based on publicly available information and contacting the councils directly.

This analysis uses these figures. This is backed up by the UCL study. This found that panel members were paid between £200 and £400, with an average of £300 across all panels and chairs being paid about 1/3 more.

A range of types of review are offered as well as initial and subsequent reviews, which attract different fees, and some boroughs produce tables. Based on this analysis, a similar arrangement is suggested for Merton.

It is important that the system of fees and charging remains cost neutral, so a ‘worst case scenario’ is envisaged in order to set the minimum fee. The types of review are set out in the table below.

	Full Review <i>(Chair +5 reviewers)</i>	Workshop/Early Review <i>(Chair + 3 reviewers)</i>	Desktop Review <i>(Chair + 1 reviewer)</i>
First Review	Maximum Fee Charged Cost = £2,000	Cost = £1,400	Not Available
Subsequent Reviews	Cost = £2,000	Not Available	Minimum Fee Charged Cost = £800

Note: a desktop review is only considered suitable for a scheme returning to the panel after a full review, so is not available as a first review. An informal workshop review is most appropriate for an early stage review so this is not considered appropriate for a subsequent review. Definitions could be linked to the RIBA work stages.

Work expected for reviewer fees

It should be noted that the costs, which are the fees paid to the reviewers are a single cost. This is irrespective of how many schemes are on the agenda.

The format proposed is that a review session takes place in the afternoon, with a maximum of three schemes reviewed in any one session. Each scheme would be allocated a maximum of 60 minutes on the agenda, though this could take less time depending on the size, complexity and how far advanced the design was.

Panel members would be expected to visit all the sites being reviewed. It is envisaged that, for the sake of flexibility, this does not need to be done collectively (though this could be

arranged). Therefore, the morning would be allocated for members to undertake their site visits. Thus, the time taken out of a reviewer’s day job would be a maximum of one day.

Currently members are expected to review the on-line plans and documents in their own time in the week preceding the panel meeting. This arrangement would remain. Panel members who don’t/cannot attend a meeting for any reason, will not get paid. There is also the option of charging applicants ‘no-show’ penalties (like non-returnable deposits), which is done by Haringey according to a sliding scale.

The new role of the Chair would include more work outside this in terms of co-ordination and discussion with the panel administrator, some duties outside the meetings as well as the management and running of the meeting itself. This is set out in the UCL review and is the reason why the chair’s fee is higher. Attendance at PAC by the chair is also considered a possibility and this would be remunerated separately.

Cost Scenarios

The fees outlined above are irrespective of the number of reviews. The ‘worst case’ scenario in terms of income would be for only one item to be on the agenda as a **Subsequent Review** in the form of a **Desktop Review**. The cost of this would be £800, so the lowest fee should be no lower than this.

The ‘best case’ scenario would be for there to be three items on the agenda as a **Full Review** at **First Review** stage. The cost of this would be £2,000, so the highest fee should be no lower than this.

Other things need to be factored into this. This includes a general ‘contingency’, catering costs (£25 per meeting currently – but not included in calculations below) and whether increased officer time should be taken into account. This includes not just the administrator but also case officer attendance, even though this would take place during the working day. There is also the opportunity to set fees to provide some level of subsidy to running the DRP service.

Out-sourced DRP services set fees to cover their overheads – including staff costs, which in-house services do not generally have. Private companies (as opposed to DC CABE), according to the UCL review team, make a healthy profit out of providing design review services.

Proposed Fees

Proposed fees are set out in the table below and include a nominal allowance for the ‘extras’ outlined above. It should be noted that these fees are lower than any other borough charges.

	Full Review <i>(Chair +5 reviewers)</i>	Workshop/Early Review <i>(Chair + 3 reviewers)</i>	Desktop Review <i>(Chair + 1 reviewer)</i>
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First Review	£3,000	£2,000	N.A.
Subsequent Reviews	£2,500	N.A.	£1,000

Income/Profit Scenarios

Six review meetings a year, all with three Full Review, First Review fees charged would produce an annual income of £54,000. After costs of members fees of £12,000, this would be a nominal 'profit' of £42,000. If this was increased to a panel meeting every month, the income would be £108,000 and the nominal profit would be £84,000. This is the best-case scenario.

The worst-case scenario is highly unlikely but this would be based on six review meetings a year at which only one item was on the agenda at the Subsequent Desktop stage. This would produce an income of £6,000 and a nominal profit of £1,200. If this was increased to 12 meetings a year, the income would be £12,000 with a nominal profit of £2,400.

The average between the best and worst scenarios for six meetings is £21,600. The average for 12 meetings is £43,200. The closest comparable DRP to Merton in terms of set-up and location is Wandsworth. The on-line information available states there is a single fee of £2,406, though this is likely to be a few years out of date. The UCL study found the average review fee to be £3,670.

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Sustainable Communities Overview & Scrutiny Panel

22 February 2022

Wards: Borough wide

Smart Cities

Lead officer: Chris Lee, Director for Environment & Regeneration

Lead members: Smart city projects span a number of Cabinet portfolios including;

- Cllr Owen Pritchard. Joint Deputy Leader and Cabinet Member for Performance, Recovery and the Local Economy
- Cllr Martin Whelton. Cabinet Member for Housing, Regeneration and the Climate Emergency
- Cllr Rebecca Lanning. Cabinet Member for Adult Social Care and Public Health

Contact officer: Paul McGarry, Head of Future Merton

Recommendations:

- A. That the Panel note the range of current smart city projects in Merton
- B. That the panel consider opportunities to use data to embrace the smart cities agenda to improve service delivery.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. As part of the Sustainable Communities Overview and Scrutiny Panel's annual work plan, the Panel requested an overview of smart city technology projects currently underway in Merton. This report provides details of a number of project enabled by the South London Partnership's [InnOvaTe project](#). (I.O.T being a range of Internet Of Things sensors)
- 1.2. The Panel are invited to note the range of initiatives underway and discuss opportunities for data to enhance the customer experience and service delivery.

2 DETAILS

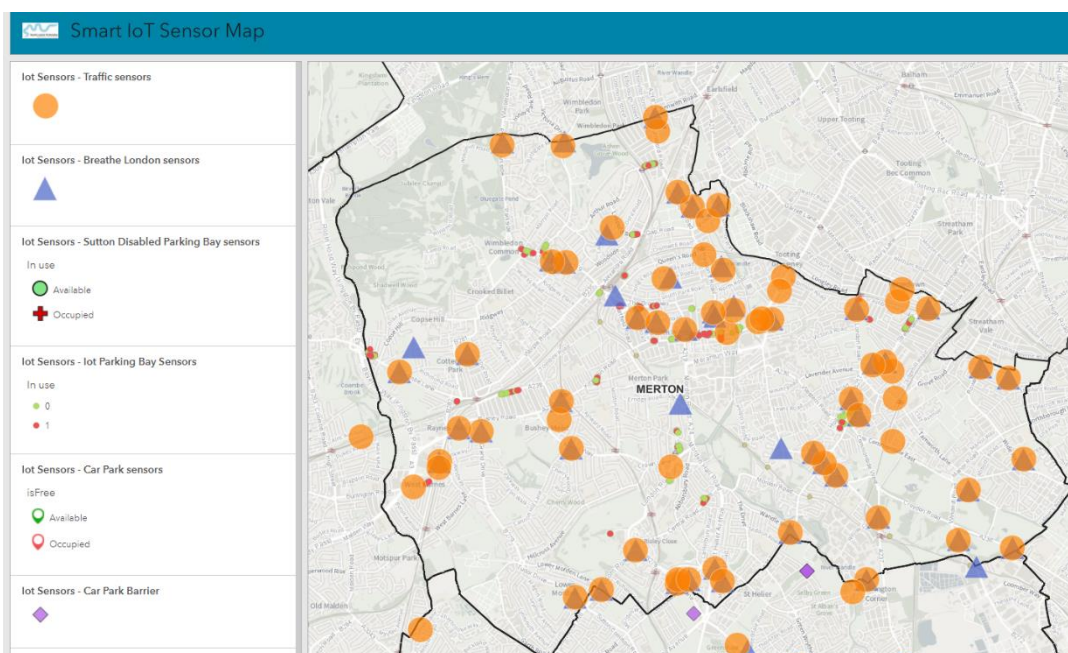
- 2.1. **Smart Cities**
- 2.2. 'Smart cities' is a term used to describe the use of smart technologies and data as the means to solve sustainability challenges in urban areas. Many towns and cities are in the process of making themselves smart, using data and technology to improve transport, energy use, health and air quality or to drive economic growth.
- 2.3. Internationally, other cities are being planned to be smart from the outset which is somewhat less relevant to Merton; however major projects such as Morden regeneration provide the opportunity to take a holistic approach to sustainability including net-zero carbon and embracing smart city principles.

- 2.4. An early example of smart city technology in London was the introduction of the TFL Oyster Card. Initially envisioned to improve the customer experience and mitigate queues at ticket barriers and boarding buses; the scheme now provides rich data on transport usage and service demands. The technology then went onto evolve into other sectors such as the introduction of contactless bank cards and payment by mobile device.
- 2.5. The point of embracing smart city technology is to increase resilience and improve the lives of residents and solve challenges we all face in urban life. For example in Merton, our network of gully sensors assists the Council in clearing blockages in advance of a flood event and minimising the impact.
- 2.6. For residents, other smart city technologies (outside of Council activities) that improve life include for examples, city-mapper for planning journeys on public transport, bus apps which provide real-time bus arrival times, sat-nav to optimise journey times for residents and businesses who need to drive. Technology is also improving parcel deliveries whereby customers can now track and get real-time delivery information via courier apps and SMS messages.
- 2.7. **Current activities**
- 2.8. The following sections of the report provide an update on current smart city technologies being rolled out in the borough including;
- Vivacity Traffic Sensors
 - Breathe London Air Quality Sensors
 - Highway Drainage Gully Sensors
 - Merton Local – E-commerce App
 - Electric Vehicle Charging
 - Parking Bay Sensors
 - Social Care Deployment
- 2.9. **About the InnOvaTe Project**
- 2.10. South London Partnership is working with London Councils to deliver an exciting and innovative “Internet of Things” (IoT) project across the five south London Councils of Croydon, Kingston upon Thames, Merton, Richmond upon Thames and Sutton.
- 2.11. This initiative is funded by the Strategic Investment Pot (SIP) as part of the London Councils Business Rates Retention scheme, which is administered by the City of London Corporation, and hopes to improve people’s lives through the delivery of a multi-purpose Internet of Things (IoT) platform, which will connect various sensors across borough boundaries.
- 2.12. An online map provides information on all sensor locations in Merton as well as data from each sensor (Air Quality, Traffic, and Parking Bay sensor locations) The map can be viewed at:

<https://rbk.maps.arcgis.com/apps/dashboards/46867efa3203492a93348ba04ea23f08>

2.13. **ViVaCity Traffic Sensors**

- 2.14. As part of the [InnOvaTe project](#), Merton Council has partnered with [Vivacity Labs](#) to install a range of traffic sensors around Merton to improve traffic and active travel insight; building up data and evidence to inform future projects around active travel, road safety and other highway interventions such as Low Traffic Neighbourhoods.
- 2.15. The sensors use Vivacity’s AI technology to provide anonymous data on different transport modes, road users and movement patterns in various locations.
- 2.16. Initially, the project has installed sensors at the borough entry points which, over time, will present a picture of traffic levels entering and leaving the borough. The sensors are also located in some high footfall areas and are able to provide data on the number of pedestrians, cyclists, cars, vans and HGVs passing through the sensor locations.
- 2.17. The sensor locations can be found at <https://rbk.maps.arcgis.com/apps/dashboards/46867efa3203492a93348ba04ea23f08>
- 2.18. The map below provides an overview of the sensor locations in Merton

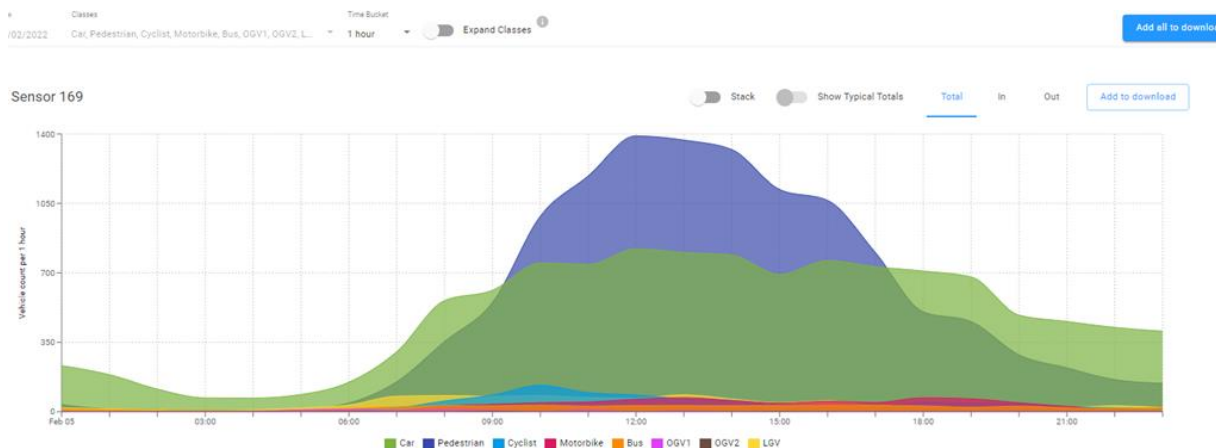


- 2.19.
- 2.20. The sites have been identified to provide good insight to cross-borough highway demands as well as footfall data in some high streets. The project will provide the council with an overview of traffic, cycling and footfall patterns across the network to enhance decision making on future investment in the public realm, active travel and traffic management.
- 2.21. The screenshot below provides an example of the type of data the Council can now access via the traffic sensors. The graphs provide a daily count of pedestrians, cyclists, cars, vans and HGVs which pass the sensors.

2.22. The images below show data from Wimbledon Village High Street on the weekend of 5-6th February 2022.

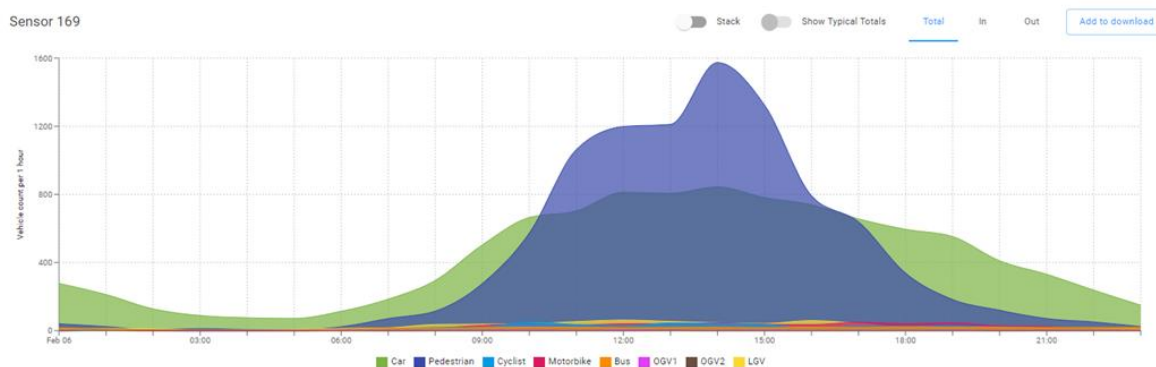
2.23. **Saturday 5th Feb**

Pedestrians (blue), about 1100 per hour, mid-day 1pm peak, 1400 pedestrians.
Cars (green), about 700 per hour



Sunday 6th Feb

Pedestrians (blue), about 1200 per hour 11am-4pm. 1pm-3pm peak of 1600 pedestrians per hour. Cars (green), about 800 per hour



2.24. **Breathe London Air Quality Monitoring Sensors**

2.25. Merton Council is installing 68 air quality sensors around priority locations around the borough

2.26. The 68 air quality sensors will be the highest number of Breathe London Network sensors across the capital. The Breathe London partnership between the GLA and Imperial College runs across London and raises awareness of toxic air pollution.

2.27. Along the air quality monitors, the council will combine 68 Vivacity digital traffic sensors to provide data, as part of the InnOvaTe project. This involves working with artificial intelligence (AI) company Vivacity Labs, using their systems and Internet of Things (IoT) technology.

2.28. The Breathe London air quality monitors and Vivacity traffic sensors will provide accurate data and better insights into pavement usage by pedestrians in town

centres, different transport methods including traffic and cyclist movement patterns and their impact on air quality.

- 2.29. The patterns can inform planning on how to improve the road network and the urban environment to make the borough smarter, safer and more sustainable. No personal data is collected and the technology cannot be used for enforcement purposes.
- 2.30. The localised data will help the council meet its air quality targets of being net-zero by 2030 and making Merton a net-zero borough by 2050.
- 2.31. With the borough moving into a new normal after the height of COVID-19, the sensors will show how residents have changed their habits and how they now move around their local areas.
- 2.32. The monitors will also help understanding the local health impact of air pollution and provide data for the most vulnerable in the community.

2.33. **4G Highway Drainage Gully Sensors**

- 2.34. Merton has implemented an IoT gully sensor system on our highway network, which remotely monitors the drainage network and pre-warns the Council of high silt levels within the road gully, of any defects and floods.
- 2.35. Merton's cyclical and reactive gully cleaning service is managed by the Public Space team and their term contractor Veolia. In addition to this, Highways term contractor FM Conway are used for the annual High Risk Gully cleansing, highway drainage works and civil repairs to existing assets.
- 2.36. Merton's "high risk" gully cleaning focuses on approximately a third of the borough's 17,000 gullies each year. It takes a "smart cities" approach, using smart data gathered from the gullies, pipework and sensors.

This includes:

- Measuring the level of silt in the gully so we can understand how quickly particular roads or gullies are silting up and what might be causing problems in each area.
 - Cleaning gullies ensuring they run free and fixing any damaged council gullies.
 - Using GPS and real time IoT data, updating the state of the gully online so we have real-time information as to what gullies are cleaned and the level of silt since the last cleanse.
 - Using CCTV to ensure the gully and the associated Thames Water sewer is free draining.
- 2.37. 100 4G gully sensors have been implemented right across the borough on the public highway in critical drainage locations and in areas that are susceptible to surface water flooding such as in Raynes Park, Wimbledon and Mitcham town centres.
 - 2.38. These sensors notify us in real time if the gully's silt level is reaching a threshold trigger level or if it is blocked (for example, if someone pours building waste or

concrete down it) so we target particular blockages and ensure that they are dealt with swiftly to reduce the risk of flooding.

- 2.39. The sensors not only notifies the end user of the condition of each individual gully, but it also gives an overview of the network's performance prior, during and after each weather event. This sort of data is invaluable when designing cleansing programmes or when drainage modelling is required.
- 2.40. The data collected from sensors is presented in real time via live feeds onto a web based portal called Map16, which has a dashboard showing map-views, cleansing and defect records, pre-warnings, alert levels, rainfall forecasting and an optimisation dashboard for big data modelling.
- 2.41. Ultimately, this IoT solution gives greater insight to creating a well-managed and maintained road network, while ensuring resources are focused in locations that require priority attendance.
- 2.42. **Merton Local: Digital High Street Shopping App**
- 2.43. The Future Merton team have commissioned [Bubltown](#) to develop an e-commerce app for local businesses called **Merton Local**. Primarily the app is about encouraging residents to shop local, stay local and encourage the circular economy, both business to consumer and business to business.
- 2.44. The Merton Local App will also enable promotion of the local leisure/tourism offer such as events and making the experience of staying local easier. For example parking space details can be linked on the app, details on what's open, what special offers are available to customers.
- 2.45. The council can use the App for comms/messaging out to residents. The App has the option for businesses to use an affordable local delivery service which will enable local businesses to offer same day delivery to compete with Amazon, Deliveroo, etc.
- 2.46. Merton Local has been designed so that it is not just retailers who can promote themselves, we hope all businesses will consider the benefits of joining the App for free. The USP is that the business will offer an online incentive to either purchase with a discount code attached or in person visit with the offer. There is a free helpdesk available to businesses and it is designed for the business to self-load details.
- 2.47. The Council are currently in the stages of design and development with support from Merton Communications Team. Following formalization, we will commence the messaging/promotion to our businesses with the intention of including at least 200 businesses to make it a meaningful offer for residents.
- 2.48. Once there are a significant number of offers and businesses onboard, we will begin the promotion of Merton Local to residents to download and use the App. We anticipate a launch date in March 2022 and will use social media and on-street advertising to raise awareness.

2.49. **Electric Vehicle Charging**

- 2.50. Merton has a network of public electric vehicle charge points. These include 6 rapid chargers operated by ESB and BP, 143 Source London charge points and 90 lamp column chargers operated by [Char.gy](#) and [Surecharge](#). There are additional publicly accessible chargepoints located on private land, such as the rapid charge points, operated by [Podpoint](#), available in most Lidl car parks in the borough.
- 2.51. The individual charge point operators have their own websites and apps which show the location and live availability of their chargers, but the number of different operators can make it difficult for residents to identify all the charge points that are available in their area.
- 2.52. [Zapmap](#) brings together information from all the main operators to provide the location of all EV charge points. Zapmap includes live data for some operators including Char.gy and ESB, which is updated every five minutes to show when the charger is in use. The integration of live availability data from all other operators onto the Zapmap platform is being progressed.
- 2.53. Merton's lamp column chargers do not have dedicated EV only bays. This can create further difficulties for EV users, as even if live data shows that the charge point is available, it may not be possible to access the charger as the parking bay may be ICE'd (i.e. occupied by a standard internal combustion engine vehicle). A potential solution to this that is being further explored with operators and other boroughs, is to use parking bay sensors, as set out in more detail below.

2.54. **Parking Bay Sensors**

- 2.55. Parking Services have also joined the innovate project to roll-out parking bay sensors. Partners in the trial also include Sutton (42 sensors) and Richmond and Wandsworth (150 sensors)
- 2.56. The installation of Merton's sensors is complete. The 12 month is expected to go live in March 2022. The Council will then have access to the back office system which will show us real time information such as:
- Space usage info
 - No of vehicles that park
 - Length of stay
 - Date and time of demand
- 2.57. Data will be gathered over a 12 month period and this can be used to better focus enforcement and for publication of real time space availability info for the public to access. Richer data will also allow the Council to and review parking restrictions.
- 2.58. The public app via [RinGo](#) can be particularly useful for disabled motorists to see where spaces are available and at what time if for example, they have a wheelchair and would not necessarily be able to use a standard sized space.
- 2.59. The project will deliver
- 500 individual bay sensors
 - 94 disabled bay spaces in off-street car parks

- All of Broadway (Wimbledon Theatre) car park with 70 bays, including 8 disabled bays.
- 336 time limited parking bays on-street

2.60. **Social Care deployment**

2.61. Merton’s Adult Social Care service linked up with the InnOvaTe project in June 2020. The devices used in Sutton and Richmond were made available to us. The in-home sensors monitor activity in a resident’s home, and will pass on information to a nominated carer or support worker. Should there be a drop in activity levels the resident can be contacted immediately to check on their wellbeing.

2.62. To date, we have deployed fifteen sensors across a Supported Living site which has people with a learning disability as tenants. We have placed six with customers of Mascot Telecare, and will roll this out further with a second tranche of Mascot customers. The sensors give an extra level of awareness to people providing support for vulnerable residents, and peace of mind to the householder, who is unaware of the device once it has been activated.

2.63. As well as being easy to install and inconspicuous, the sensors do not collect personal data or make any recordings, so can be a useful tool in persuading people who might be reluctant to have assistive technology installed. With some people this might be a useful first step in maintaining their independence before in time requiring or choosing to add further equipment in their home.

3 ALTERNATIVE OPTIONS

3.1.1 None for the purpose of this update report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1.1 None

5 TIMETABLE

5.1.1 None for the purpose of this update report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1.1 None for the purpose of this update report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1.1 None for the purpose of this update report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1.1 None for the purpose of this update report.

9 CRIME AND DISORDER IMPLICATIONS

9.1.1 None for the purpose of this update report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1.1 None for the purpose of this update report.

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

- None for the purpose of this update report.

12 BACKGROUND PAPERS

12.1. Web links are provided in the body of the report.

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Sustainable Communities Work Programme 2021/22

This table sets out the draft Sustainable Communities Overview and Scrutiny Panel's Work Programme for 2021/22 following discussions at the topic workshop on 7 June 2021.

The work programme will be considered at every meeting of the Panel 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

For more information about overview and scrutiny at LB Merton, please visit www.merton.gov.uk/scrutiny

Meeting date: 24 June 2021 (**Deadline for papers:** 12pm, 16 June 2021)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Holding the executive to account	Clarion Housing: Repairs and Maintenance		Representatives from Clarion will be invited to attend the session and answer member questions.	Update on performance of the service
Holding the executive to account	Housing: Accommodation and Eviction Ban		Steve Langley, Head of Housing Needs	
Holding the executive to account	Actions Log	.	Chris Lee, Director of Environment and Regeneration	Implementation update prior to November Council
Performance management	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
Setting the work programme	Work programme 2021/22	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme.

Meeting date: 2 September 2021 (~~**Deadline for papers:** 5pm, 23 August 2021~~)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Standing items	Actions log Performance Monitoring* Work programme	Reports and verbal updates *Include update on Public Space indicators	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
Holding the executive to account	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session; Steve Langley	Monitor progress of recommendations
Holding the executive to account	Support to deliver Clarion's estate regeneration programme including the Stock Transfer Agreement		James McGinlay, Assistant Director for Sustainable Communities	Update prior to Cabinet
Holding the executive to account	Housing: Accommodation and Eviction Ban	Report	Steve Langley, Head of Housing Needs	Carried over from 24 June meeting
Holding the executive to account	Flooding issues	Report	Tom Sly, Flood Management Officer	Requested by Chair

Meeting date: 1 November 2021 (~~**Deadline for papers:** 5pm, 21 October 2020~~)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Standing items	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
Holding the executive to account	Clarion performance update	Verbal update	Representatives from Clarion will be invited to attend the session;	Monitor progress of recommendations
Budget scrutiny	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
Scrutiny review	Waste and Recycling: How can Merton's residents be encouraged to increase the proportion of waste recycled	Written report including details of the variation of recycling at the lowest level of analysis e.g. route? What are the opportunities to reset the conversation on waste e.g. providing each house or collection route a carbon score they are collectively owners for	John Bosley, AD Public Spaces	What are the three actions ward Cllrs could do to support the council's fly tipping strategy, to encourage residents to recycle and how can the department enable them to do so?

Meeting date: 18 January 2022 (**Deadline for papers:** 5pm, 7 January 2022)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Standing items	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
Holding the executive to account	Housing and Environmental Health	Verbal update	Elliot Brunton, John Morgan	Understanding the issues, the flow of complaints received and the threshold before the EH team inspect
Budget scrutiny	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
Call in	School Streets - Aragon	Report	Paul McGarry	
Holding the executive to account	Allotments	Written report including how they are allocated and managed.	Chris Lee, Director of Environment and Regeneration; John Bosley	How can our boroughs allotments be best utilised to promote thriving ecology and healthy living?

Meeting date: 22 February 2022 (**Deadline for papers: 5pm, 11 February 2022**)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Standing items	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
Holding the executive to account	Clarion performance update Tenants Champion update	Verbal update	Representatives from Clarion will be invited to attend the session; Cllr Nick Draper	Monitor progress of recommendations
Holding the executive to account	Design Review Panel	Written report	Paul McGarry, Head of futureMerton	
Scrutiny review	Smart Cities	Report including a short list of opportunities to use the data to improve services	Paul McGarry, Head of <i>futureMerton</i>	

Meeting date: 8 March 2022 (*Deadline for papers: 5pm, 28 February 2022*)

Scrutiny category	Item/issue	How	Lead member and/or lead officer	Intended outcomes
Standing items	Actions log Performance Monitoring Work programme	Reports and verbal updates	Chair, Panel and Scrutiny Officer	To highlight any items of concern and monitor progress
Holding the executive to account	Clarion performance update Housing enforcement update	Verbal update	Representatives from Clarion will be invited to attend the session; Elliot Brunton	Monitor progress of recommendations
Call-in	Call- in: W2 Controlled Parking Zone (CPZ)		Paul McGarry	
Holding the executive to account	Planning enforcement	Written report	Cabinet member, James McGinlay, Lesley Barakchizadeh	As requested by November council
Setting the work programme	Topic suggestions 2022/23	Written report	Rosie McKeever, Scrutiny Officer	To seek suggestions from the Panel to inform discussions about the Panel's 2022/23 work programme

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