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SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY PANEL 8 MARCH 2022

(7.15 pm - 9.20 pm)

PRESENT Councillors Councillor Aidan Mundy (in the Chair),
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, Mitra Dubet (Future Merton Commissioning Manager), Cathryn James (Interim Assistant Director, Public Protection), James McGinlay (Assistant Director for Sustainable Communities) and John Morgan (Interim Director, Community & Housing)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Cllr Daniel Holden will be speaking on the call-in therefore Cllr Nigel Benbow is present as his substitute on the Panel.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes were agreed with one amendment on page 5 – Tenants Champion item. The votes were recorded incorrectly. Recommendations E and F are noted as not having passed, however all recommendations were passed, with various majorities, except for Recommendation D. The official record will be amended.

The Chair paid tribute to those colleagues who sadly won't be re-standing. They are Cllr Geraldine Stanford, Cllr Nick Draper, Cllr David Ward and substituting regularly on the panel Cllr Ben Butler.

4 ACTIONS LOG (Agenda Item 4)

One amber item outstanding relating to the Green Spaces strategy due by the end of the month.
Green items on the action log have been achieved.

5 PERFORMANCE MONITORING (Agenda Item 5)

- Public Space indicator CRP124 - percentage of street enquiries rectified within the specified time frame. The service itself issued a service improvement

notice to Veolia. We have received a response from Veolia and a supporting action plan which will hopefully improve that outcome.

- CRP097 percentage of household waste recycled – There has been a 2% increase from December to January which is a positive improvement
- Looking at leisure services SP405 – Seeing a higher activity within our leisure centres.
- Number of minor planning applications determined within eight weeks seems to be relatively low however the figures have been recorded incorrectly going back so far as April – The team are in the process of recalculating.

A Panel Member passed on the comments of a number of residents pleased at how well the Council cleaned up after the winds a couple weeks ago.

6 CALL- IN: W2 CONTROLLED PARKING ZONE (CPZ) (Agenda Item 6)

To begin, the Chair invited Cllr David Williams to speak to the call in.

The representations made to us from residents mirrored our own reservations that you can see in the report on page 30.

Both Alwyne and Compton Road residents approached us making different comments of disappointment and we've heard subsequently from Worcester Road where there was very little participation in any of the consultations.

The discussion tonight centres around 'clarity of aims and desired outcomes' and 'consideration and evaluation of alternatives' so members please keep in mind that originally both the 2017 and 2019 consultations were about extending the hours of operation of the CPZ to match roads in the town centre as residents find it hard to park close to their homes at night and at the weekends.

Will these additional parking bays help that? No

Will replacing single yellow lines with double yellow lines help? Also no, they'll actually make it worse.

Our role has been to try to facilitate an outcome that would satisfy a wider body of opinion. Several ideas agreed in a paper generated by the Wimbledon East Hillside Residents Association last summer still carry general support but officers seem to have plumped for an either or solution that few find fully attractive.

We have been seeking to see if there's a compromise, for example, a more gradual or incremental approach to implementation including a temporary traffic management order and we ask the Cabinet Member to look this decision again.

Cllr Daniel Holden expanded upon Cllr Williams points and explained that we need a solution that helps reach a more acceptable compromise with the residents as a whole.

The Council aims have not been met by this decision, the Council hasn't shown evidence for the increased demand in parking bays as a whole entity.

On page 91 you'll see a table of parking bays and we welcome that more existing shared use bays will become resident permit only but there are alternatives that are

missing. I ask you listen to the views expressed tonight by us and the public speakers and refer the decision back.

In response to a Panel Member question, Cllr Holden explained that last year the Ward Cllrs spoke to the residents about this proposed decision and suggested they create a working group. They did this and spent the summer and the early autumn putting together plans and ideas that would be acceptable. Their report was sent to officers to consider. This report had the consensus view of residents and all the roads affected but was dismissed by officers.

The Chair invited the Public Speakers to share their views and allowed two minutes each to speak:

Guy Halifax spoke in favour of the council's decision. I believe that the Panel should recommend that council proceed with this decision. This matter has been going on for five years with three consultations and numerous different options explored to improve the situation. I am speaking on behalf of the silent majority, the residents without off street parking and the residents that experience issues on a regular basis with the parking in the area. The council decision is, in our view, better than the current situation. It's worth noting that there are something like 720 households in the area but only a small minority are now speaking out in opposition to this decision. The Council's proposals give us most of what we want and by that I mean dedicated residents parking bays and additional residents parking bays. Compton Road, being the closest street to the town centre, is the parking street of choice for visitors to Wimbledon's night-time economy and it also acts as the overspill car park from other roads which do not have enough parking spaces. I would like to suggest the panel recommend that the council proceed with this decision

Leon Tong described how it was felt that at least two decision-making principles of the council's own constitution have been breached. They are namely 'clarity of aims and desired outcomes' and 'consideration and evaluation of alternatives' and this is why the decision should be referred back. Firstly what were the aims and what were the desired outcomes? Was the aim to encourage car use or discourage it? Was the aim to increase safety for road users or was the aim to increase access to Wimbledon town centre? Clear aims cannot be found in the consultation letter or in any document presented to the public.

Jason Evans Tovey stated that in terms of addressing the consideration and valuation of alternatives, the Cabinet Member has chosen instead to implement all mechanisms. This is somewhat surprising because of the 48 representations made, the vast majority were against all the proposals and indeed on my reckoning only two were in favour of all the proposed mechanisms. Plausible alternatives were simply not addressed or evaluated. There was no evaluation of whether one or a couple of mechanisms could be implemented. The cabinet member decided to implement all mechanisms and in evaluative terms, this was disproportionate.

The Chair thanked everyone for taking the time to speak so passionately about the issue at hand and invited the Cabinet Member, Cllr Martin Whelton, to input

This proposal is creating additional spaces and it is my view as Cabinet Member that both roads can accommodate these additional spaces. I am conscious that there are considerable parking pressures in the local area and not everybody has access to off street parking and I believe that this decision is the correct one to take.

With regards to questions about reviews, we used to have a process of reviewing CPZ's after three years but unfortunately because of funding and resources, a decision was made that we will review a zone only if the residents petition us for a change.

The Chair moved to discuss the recommendations and read out loud the options provided in the report:

“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”.

With 2 votes for recommendation A and five votes for recommendation B, the decision by this Panel is not to refer the matter back to the Cabinet Member therefore the decision will take immediate effect.

The Chair recommended a review is conducted in a 12 month period. Officers commented that one year is not enough time for embedding s and secondly reviews are resource intensive. There is a mechanism to do so if there is a forthcoming petition from residents.

7 PLANNING ENFORCEMENT - PRESENTATION (Agenda Item 7)

Lesley Barakchizadeh, Interim Head of Development Management and Building Control, spoke to the report and the accompanying action plan.

Members were reminded that planning enforcement is primarily about breaches of planning consent and is not a statutory service but purely at the discretion of the Council.

In response to further questions from Panel Members;

- We currently have a very small team with a heavy reliance on agency staff
- Our number one priority is to reduce the backlog by improving our procedures
- 400 to 450 cases received a year
- Three months ago, one additional officer was appointed to assist with the backlog and that officer so far been allocated 48 cases, 24 of which are ready for closure.

8 HOUSING ENFORCEMENT UPDATE (Agenda Item 8)

Elliot Brunton, Interim Head of Housing, updated the Panel on the work of the Housing Enforcement Team.

The Housing Health and Safety Rating System is a local authority tool which is set out in the Housing Act 2004. It is a risk-based approach to assessing issues that arise in the private sector. It is dependent on the households involved - for examples if you've got an open fire and one household with children and one without children, the risks are different.

In response to Panel Members questions, the Interim Head of Housing responded;

Investigations are often prompted by tenants and/or their advocates coming to the Council to report an issue.

Category one hazards have to be acted upon by the Local Authority so in the majority of cases we visit housing association properties and liaise with the housing associations very closely. We do find in some situations that the issue has not been reported to the housing association in the first instance.

On occasion we have had to serve notices but generally we maintain a collaborative approach with the housing associations in the Borough.

Some situations with private landlords require 'works in default' but that is a last resort because in these circumstances, the Council has to put a charge on the property. Prior to that we would serve a preliminary notice, which sets out category one and all category two hazards and the time scale with which to rectify the problem, which can then be followed up with a formal notice.

9 TOPIC SUGGESTION REQUESTS (Agenda Item 9)

Members were reminded to submit their topic suggestions to the Scrutiny Officers.