

## PUBLIC QUESTIONS RECEIVED FOR COUNCIL 6 APRIL 2016

**From: Matteo Baccaglini**  
**To the Cabinet Member for Finance**

**Question:** The Merton Youth Parliament aims to represent views of young people in Merton – one of the largest politically-unrepresented groups. It recently held elections and is looking to become a self-sufficient campaigning organisation; will the Council consider supplying it its own space within the Civic Centre for its operations?”

**Reply:** Council officers have already begun and are committed to continuing a dialogue with the task group from the youth parliament to clarify what their needs are and how the council might be able to meet them. Due to reductions in our funding from central government the council has had to maximise its use of office space, with staff from a number of outlying buildings being re-located to the Civic Centre in order to save money. Any un-used space is expected to bring in a commercial income to contribute to the council’s budget gap. However we are keen to look at solutions that might assist the youth parliament in reaching their potential as a campaigning organisation for all young people, not just those who are already politically active. We will continue discussions, bearing in mind both the limitations and possibilities available and I am hopeful that a solution can be reached.

**Supplementary Question:** I would like to ask the Council would they be willing to cooperate with the Merton’s Youth Parliament on some of its upcoming campaigns and meet with Youth Parliament regularly to help to make Merton one of the best Borough for Youths this side of the Thames?

**Reply:** Thank you for the question and of course we would be happy to work with the Parliament and Young people, as there is clearly a serious under representation of young people in politics, especially with many young people having been removed of the electoral roll recently. The Council is very limited financially on what it can do but obviously we on either side of the chamber support young people enter politics and having their voice heard.

**From: Diane Kathryn Neil Mills**  
**To the Cabinet Member for Environmental Sustainability and Regeneration**

**Question:** With regards to right of light, with whom does the responsibility lie in terms of assessing compliance with the council's policy on this matter?

**Reply:** There is often some confusion regarding the term ‘rights of light’. There is the civil matter of ‘rights of light’ between building owners and is not a matter governed by the Council. There is also the Town Planning assessment of the impacts of development on daylight and sunlight which is sometimes referred to as ‘rights of light’ but should not be confused with the civil version mentioned above. Planning officers are trained to assess such impacts and there is a tool officer’s use called the ‘aspect value test’ to consider mainly small scale relationships with neighbours. For larger schemes, developer will often commission an independent expert to submit an assessment (based on Building Research Establishment tests) which can aid officers who make conclusions based on consideration of the relative

impacts. Like most Local Plans, Merton's statutory development plan contains a policy addressing daylight and sunlight for all development: DM.D2 Design considerations in all development in Merton's Sites and Policies Plan 2014, (v) Ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens; [www.merton.gov.uk/merton\\_sites\\_and\\_policies\\_part\\_1\\_policies\\_jul14.pdf](http://www.merton.gov.uk/merton_sites_and_policies_part_1_policies_jul14.pdf)

**From: Sandra Vogel**

**To the Cabinet Member for Environmental Sustainability and Regeneration**

**Question:** Regarding the Mitcham Fair Green bus street - will Merton Council commit to a) start monitoring air quality at Fair Green asap and before the bus street is in place b) publish results at its web site in real time c) commit to taking mitigating action if air quality degrades.

**Reply:** The London Road bus lane is part of a wider strategic project across Mitcham. We do not, as a matter of course monitor air quality when new schemes are implemented.

To accurately monitor in 'real-time' air pollution requires very specialist and expensive equipment. This normally comprises of a fixed monitoring station. The Council only has two of these monitoring stations and these are currently situated in areas of strategic importance to the air quality network across the whole of the borough.

A more efficient alternative which the Council will consider will be the installation of chemical diffusion tubes to carry out monitoring of an area. It should be noted however that the data collected will be 'long term' and will need to be 'averaged' over a one year period.

This year Merton will be reviewing its air quality action plan (AQAP) which will cover the steps the Council intends taking to address poor air quality in the borough.

The Council will consider mitigating action if deemed appropriate.

**From: Giles Bailey**

**To the Cabinet Member for Environmental Sustainability and Regeneration**

**Question:** With pending CIL funds being released by developments in Raynes Park, will funds be used to provide proper cycle facilities and trees along Kingston Road from RP station to the pathway to Wimbledon at Lower Downs Road. This includes improved safety at the Kingston Road / Lower Downs Road junction.

**Reply:** Community Infrastructure Levy (CIL) can be used to fund a wide range of infrastructure across the borough including school places, health facilities, parks and open spaces, public realm improvements and cycle lanes. 15% of CIL funding is available to local communities to suggest projects that can be used in the five local areas of Colliers Wood, Mitcham, Morden, Raynes Park and Wimbledon but this depends on development starting in their neighbourhood. As CIL is relatively new and funding is only payable when development has started (not when planning permission is granted) only £4,000 CIL funding has been received to date for local

projects in Raynes Park. While we will be carrying out more consultation this year as to what this could be spent on, it is unlikely to cover infrastructure at present.

In 2013, driven from requests by local businesses and local ward councillors, sections of cycle lane on the south side of Kingston Road (between RP station and the junction with Lower Downs Road) were removed to accommodate half footway 'pay and display' bays to allow car parking outside local shops..

It was felt justified to removed sections of cycle lane on Kingston Road because there is a fully segregated cycle facility in the adjacent Bushy Road and a cycle lane on the north side of Kingston Road.

Unfortunately, whether or not more funding becomes available, it will not be possible to reinstate the sections of removed cycle lane on Kingston Road without removing the shoppers' car parking from outside the businesses. If removing the car parking and reinstating the cycle lane is raised by the local community as a priority for future CIL neighbourhood funding spending in Raynes Park, we will consider this again.

**From: Derek Manning**  
**To the Cabinet Member for Environmental Sustainability and Regeneration**

**Question:** Does the council agree the importance of local businesses behaving as responsible neighbours and respecting the rights of local residents to enjoy their homes in peace and quiet? If so, will it take enforcement action to ensure this will be the case with the Nelson Trading Estate in South Wimbledon?

**Reply:** The Council's Pollution Team has formal powers to regulate businesses and their impact on residents through the use of statutory nuisance legislation. A statutory nuisance is determined by a number of factors including the time of day, the frequency of noise, its duration and its impact.

I can confirm that pollution officers are currently investigating complaints from local residents about noise from late night vehicle deliveries and refuse collections and I understand that local councillors and residents have been kept up to date with developments by the investigating officer.

With regards to taking formal enforcement action, pollution officers can only take formal action if the noise is so bad that it amounts to a statutory nuisance. The current position is that officers take the view that they do not yet have sufficient evidence to take formal action and amongst other matters they are considering installing noise recording equipment in resident's properties to gather evidence.

The investigation of noise complaints is a complex matter and often circumstances change over a period of time i.e. complaints can be infrequent, noise can be intermittent and sound levels can go up and down. We are trying hard to resolve residents' complaints and negotiations are still continuing with local businesses. It is hoped that the matter can be resolved informally and to the mutual satisfaction of both the businesses and residents. If that does not happen and evidence is obtained that amounts to a continuing nuisance then I shall be pressing for enforcement action to be taken.

**Supplementary Question:** My supplementary question relates to the questions raised over the Nelson Trading Estate in South Wimbledon and how over the last 10 months residents in the area have been kept awake a night by refuse lorries, picking up and emptying bins etc. Residents have been alerting the council over this both officers in Environmental Health and Councillors including the ward Councillors.

My question is how long to residents have to wait before the Council starts to take their concerns seriously?

**Reply:** Thank you for the question and I am pleased to say we have three excellent ward Councillors in Abbey where this was taking place. I understand there is to be a meeting taking place in April to hear the issues and hopefully address them, by getting a balance for the residents and the businesses. We as councillors care about our wards and getting that balance is very important and tricky to ensure all that live and work in the borough are happy with their surroundings.

**From: Joan Keddie**  
**To the Cabinet Member for Environmental Cleanliness and Parking**

**Question:** Will Merton Council undertake a review of the visual impact on the street scene consequent upon Borough-wide installation of wheelie bins, with particular reference to Conservation Areas? Subsequently publishing the result together with an assessment of costs and benefits of alternative options.

**Reply:** At present no decision has been made regarding any changes to the current waste collection service. As part of the South London Waste Partnership, waste services are currently in the process of jointly procuring a range of environmental services including waste collection. Recommendations of preferred bidder are due to be presented to Cabinet for consideration in July 2016.

**From: Tony Burton**  
**To the Cabinet Member for Finance**

**Question:**

Please list for each of the last five years, by year (a) all issues reviewed by overview and scrutiny panels; (b) all the public suggestions submitted to the Scrutiny Team as issues to be reviewed and (c) the issues suggested by the public which were taken forward for review.

**Reply:** Overview and Scrutiny is independent of the council's Cabinet and sets its own work programme. Each year the scrutiny team undertake a campaign to gather suggestions for issues to scrutinise either as agenda items or task group reviews.

Overview and scrutiny cannot deal with individual complaints or look at issues dealt with by another council committee (for example Planning/Licensing), unless the issue deals with procedure.

The agenda papers for the first meeting of Panel and the Overview and Scrutiny Commission and each Panel in June/July each year contain the full description of suggestions plus a note from the workshop setting out the decision taken on each of

the suggestions. The Commission and each Panel review these and take a formal decision on their work programme for the year ahead.

The scrutiny team writes to all the people who sent in suggestions to inform them of the Commission or Panel's decision on the suggestion.

The lists below set out all issues reviewed by the Overview and Scrutiny Commission and Panels in the municipal year 2015/16, including information on who suggested the issue for scrutiny. At the end of the list there are details of suggestions for 2015/16 that were received by the public and not prioritised for inclusion in the work programme, including the reason why they were not prioritised.

As all the information that has been requested is already in the public domain, the lists prior to 2015/16 have not been produced in response to this question. The source information can be accessed through published agendas on the council's website: <http://democracy.merton.gov.uk/mgListCommittees.aspx?bcr=1&simple=1>

### Overview and scrutiny work programme for the 2015/16 municipal year

Panel/Commission and date	Suggested by:
<b>Children and Young People Overview and Scrutiny Panel</b>	
1 July 2015	
Elected Member & Departmental Portfolio Priorities	Scrutiny Panel
Agreeing the Work Programme 2015/16	Scrutiny Panel
Draft Final Report – Online Strategies in Schools Task Group	Scrutiny Panel
Performance Report	Management Team (DMT)
21 October 2015	
Looked after children and corporate parenting report	Panel & DMT
Annual report and business plan of Merton's Safeguarding Children Board	Panel & DMT
Update Report	Scrutiny Panel
Performance Report	Scrutiny Panel
Housing and employment offer for care leavers task group	DMT + Chair
Educational attainment of disabled children and young people task group	Merton CIL
3 November 2015	
CSF Budget Proposals (Round 1)	Constitution
Executive Response and Action Plan – Online Strategies in Schools Task Group	Scrutiny Panel
Performance Report	DMT
Transfer of public health functions to the local authority and broader engagement of health in service provision - task group	DMT
13 January 2016	
CSF Budget Proposals (Round 2)	Constitution
Transforming families	Scrutiny Panel
Merton youth justice service	Scrutiny Panel

Update Report	Scrutiny Panel
Performance Report	DMT
10 February 2015	
School Standards	Scrutiny Panel
Briefing- School Standards Committee	Scrutiny Panel
Progress Update - School leadership succession planning task group	Scrutiny Panel
Progress Update – online strategies in schools task group	Scrutiny Panel
Update Report	Scrutiny Panel
Performance Report	DMT
22 March 2016	
Looked after children and corporate parenting report	Merton CIL, Panel and DMT
Task group update – focus on vulnerable groups	Scrutiny Panel
Update Report	Scrutiny Panel
Performance Report	DMT
Topic Suggestions for 2016/17	Scrutiny Panel
<b>Healthier Communities and Older People Overview and Scrutiny Panel</b>	
2 July 2015	
Epsom and St Helier University NHS Trust – update on current priorities	Scrutiny Panel
Merton mental health step down accommodation	Local resident
Work Programme	
3 September 2015	
Healthy Child 0-5 Transfer	DMT
Preventing incontinence task group update report	Scrutiny Panel
Work Programme	
22 October 2015	
Adult Social Care Savings	Local residents/ Merton CIL
Use of Volunteers in day centres	Local resident
Preventing ill health	Scrutiny Panel
10 November 2015	
Update on the Care Act	Scrutiny Panel
Budget	Constitution
12 January 2015	
Budget	Constitution
9 February 2016	
St Georges report on substantial variation to a local Urogynaecology clinic.	Local resident
Physical activity for the fifty five plus	Scrutiny Panel
17 March 2016	
Update from Epsom and St Helier Hospital on Estates Strategy Community Consultation	Scrutiny Panel
Making Merton a Dementia Friendly Borough	Scrutiny Panel
Work Programme	
<b>Sustainable Communities Overview and Scrutiny Panel</b>	
11 June 2015	

Priorities for 2014/15 – Cabinet Member/Director presentation	Scrutiny Panel
Agreeing the 2014/15 work programme	Scrutiny Panel
Morden Leisure Centre Update	Scrutiny Panel
Circle Housing Merton Priory (Performance Monitoring)	Councillors
Performance Reporting(including focus on waste management and street scene)	Residents and Scrutiny Panel
2 September 2015	
Creating a Tourist Industry in Merton	Cabinet Member
Merton Adult Education	Resident
Draft Final Report – Housing Supply Task Group Report	Residents and Scrutiny Panel
Commercial Services - opportunities to maximise resources	DMT
Climate Change and Green Deal Task Group Progress Report	Scrutiny Panel
Performance Reporting(including focus on waste management and street scene)	Residents and Scrutiny Panel
11 November	
Budget/Business Plan Scrutiny (round 1)	Constitution
Results of the wheeled bin pilot	Residents and councillors
Morden Leisure Centre Verbal Update	Scrutiny Panel
Performance Reporting(including focus on waste management and street scene)	Residents and Scrutiny Panel
January 2016	
Budget and business plan scrutiny (round 2)	Constitution
Scoping Report – Commercial Services Task Group	DMT
Circle Housing Merton Priory – performance monitoring	Councillors
Executive Response and Action Plan – Housing Supply Task Group	Residents and Scrutiny Panel
Performance Reporting (including focus on waste management and street scene)	Residents and Scrutiny Panel
February 2016	
Morden Leisure Centre	Scrutiny Panel
Cycle Routes	Residents
Phase C Procurement programme (including parks, grounds, maintenance and waste)	Residents and DMT
Town Centre Regeneration Update (including updates on developments re: developing cycling provision)	Resident
Libraries Annual Report	Scrutiny Panel
Performance Reporting: environment and regeneration (including focus on waste management and street scene)	Residents and Scrutiny Panel
March 2016	
Morden Leisure Centre Verbal update	Scrutiny Panel
Climate Change and Green Deal Task Group	Wimbledon Society, Scrutiny Panel
Shared Services	DMT
Adult Skills and Employability Task Group – Progress on implementation of action plan	Scrutiny Panel

Cllr Holmes (Member Champion) To performance monitor delivery of the action plan resulting from the task groups review of adult skills and employability.	Scrutiny Panel
Commercialisation task group Update	DMT
Topic Suggestions 2016/17	Scrutiny Panel
<b>Overview and Scrutiny Commission</b>	
14 July 2015	
Borough Commander	Commission
Stop and Search	Councillor
Ensuring Council has positive impact on public health	Director Public Health
Report of the Immunisation Scrutiny Task Group	Healthier Communities O&S Panel
Report of the Shared Services Scrutiny Task Group	Commission
Analysis of Members' annual scrutiny survey 2015	Commission
Overview and Scrutiny Commission work programme 2015/16	Commission
Financial monitoring task group	Commission
15 September 2015	
Leader and Chief Executive – vision, key priorities & challenges for 2015/16	Commission
Customer contact programme	Commission
Overview of enforcement	Residents and councillor
Financial monitoring task group	Commission
24 November 2015	
Business Plan 2016/20 -information pertaining to round one of budget scrutiny	Constitution
Violence against women and girls	Commission
Travellers unauthorised encampment protocol	DMT
Financial monitoring task group	Commission
Health & Wellbeing Board response to recommendations of the Immunisation task group	Commission
28 January 2016	
Business Plan 2016/20	Constitution
Discussion of questions for the Borough Commander	Commission
23 March 2016	
Borough Commander	Commission
ASB Police and Crime Act	Resident and DMT
Volunteering	Commission
Funding the voluntary sector	MVSC
Financial monitoring task group	Commission
5 April 2016	
Scrutiny of the departmental savings weightings	Council
Monitoring the Council's equalities commitments	Commission
Customer contact programme	Commission
Overview and Scrutiny Annual Report	Commission
Review of arrangements for co-opted members	Commission



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Topic suggestions for 2015/16 municipal year from public that were not included in the work programme, with an explanation from the committee clerk where available:

### **Children and Young People Overview and Scrutiny Panel**

#### School Run and Travel Plans

Suggested by the Mitcham Cricket Green Community and Heritage. Scrutiny Panel decided to not take this forward for scrutiny due to the limited influence that scrutiny could have on traffic congestion via schools and parents.

#### Transition between child and adult social care and health services

Suggested by Merton Centre for Independent Living. Scrutiny Panel noted that this would be a big issue to scrutinise in full. Panel agreed to use the themed meeting on corporate parenting to examine issues around the transition of looked after children between child and adult social care and health services. It also agreed to use the themed meeting on improving health outcomes to consider transition between child and adult health services.

### **Sustainable Communities Overview and Scrutiny Panel**

#### Public Toilets

Suggested by a resident. Panel agreed to include it in the work programme but it was subsequently dropped.

#### 20 mph Zones/Limits

Suggested by a resident. Panel agreed to not include because it had previously considered this issue as part of its 2013/14 and 2014/15 work programmes.

#### Fox control

Suggested by residents. Panel decided not to scrutinise because it is the council's policy to not take any action on urban foxes. The council does not carry out a treatment or service for foxes. This policy has been in place for many years and is in line with neighbouring local authorities in that it follows the guidance laid out by central government.

#### Planning

A number of topic suggestions have been received in relation to planning processes and planning law. Further topic suggestions have also been received in relation to planning and enforcement.

The Panel was mindful that some of the issues raised fall within the remit of the Planning Committee and therefore it may not be appropriate for the Panel to undertake a Scrutiny Review in this area. It therefore agreed that the issues raised should be forwarded to the department to respond to.

#### Public Transport

A number of topic suggestions were received in relation to public transport. The panel agreed to refer these issues to the Public Transport Liaison Committee to respond to as they fall within the remit of that Committee and may be more effectively dealt with in this forum, in discussion with Transport for London.

### Basement conversions/dwellings

Suggested by members of the Wimbledon Society. Agreed not to scrutinise because this is a planning issue.

### Converting commercial buildings to residential properties

Suggested by members of the Wimbledon Society. The Panel agreed to not review this item again as any applications for conversion would be considered by officers and the Planning Committee, if appropriate

### Community Facilities

Suggested by members of the Wimbledon Society. The panel agreed that this was not a priority for inclusion in its work programme.

## **Overview and Scrutiny Commission**

### Equality Impact Assessments

Merton Centre for Independent Living raised concerns about a lack of consistency in the equality impact assessments that were provided as part of the budget process last year. The Commission asked the Head of Democracy Services and the Interim Head of Policy, Strategy and Partnerships to work together to review how equality impact assessments are prepared for the budget process and report to the Director of Corporate Services on proposals for improvement.

### Consultation – accessibility to disabled people

Merton Centre for Independent Living raised concerns about the accessibility of the council's consultations to disabled people. The Commission agreed to await the outcome of the Judicial Review and take no further action at present.

### Procurement

Suggested by Mitcham Cricket Green Community and Heritage. The Commission noted that the particular issue raised would be addressed through pre-decision scrutiny of such decisions in future and therefore agreed to not take forward for further scrutiny at that time.

## **Healthier Communities and Older People**

The Panel aimed to incorporate all the topic suggestions into the work programme. However a significant number of issues arose during the year that had to be considered as a matter of urgency. As a result the following items were not considered due to insufficient space on the agenda:

### Adult Safeguarding processes – Merton Centre for Independent Living

How do we support older people with physical and mental disabilities in the community – Suggested by Merton Centre for Independent Living.

**From Mike Circelli  
To the Cabinet Member for Environmental Sustainability and Regeneration**

**Question:** Why, over 10 months since the issue was first raised with the Council and site owners (Segro), are residents and children of The Path in Wimbledon being deprived of sleep on a nightly basis because of the poor management of noise and anti-social behaviour on the Nelson Trading Estate?

**Reply:** This relates to Question 4 and the ongoing case of noise from the Trading Estate.

The Council's Pollution Team has formal powers to regulate businesses and their impact on residents through the use of statutory nuisance legislation. A statutory nuisance is determined by a number of factors including the time of day, the frequency of noise, its duration and its impact.

I can confirm that pollution officers are currently investigating complaints from local residents about noise from late night vehicle deliveries and refuse collections and I understand that local councillors and residents have been kept up to date with developments by the investigating officer.

With regards to taking formal enforcement action, pollution officers can only take formal action if the noise is so bad that it amounts to a statutory nuisance. The current position is that officers take the view that they do not yet have sufficient evidence to take formal action and amongst other matters they are considering installing noise recording equipment in resident's properties to gather evidence.

The investigation of noise complaints is a complex matter and often circumstances change over a period of time i.e. complaints can be infrequent, noise can be intermittent and sound levels can go up and down. We are trying hard to resolve residents' complaints and negotiations are still continuing with local businesses. It is hoped that the matter can be resolved informally and to the mutual satisfaction of both the businesses and residents. If that does not happen and evidence is obtained that amounts to a continuing nuisance then I shall be pressing for enforcement action to be taken.

**From Andrew Boyce  
To Deputy Leader and Cabinet Member for Finance**

**Question:** Does Council agree the importance of ward councillors, Cabinet members and Council officers listening to residents' concerns and requests, and acting on those in a timely, meaningful and effective manner?

**Reply:** Without doubt, Merton's 60 elected ward councillors, its cabinet members who look after specific portfolios and council officers play a critical role in listening to residents' concerns and requests and in responding to the issues they raise in a timely manner. The council has already set out its commitment to doing this in its engagement strategy in which it acknowledges the importance of connecting decision makers at the council with the communities it serves. Engagement with residents increases the council's understanding of their needs and helps to better shape the decisions of councillors and officers.

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