

Council 14 September
06_Councillor Priority Questions

Councillor Marsie Skeete
To the Leader of the Council

Can the council outline how he will be making good on his promise to consult residents on the level of council tax?

Reply

As promised I have ensured residents have the opportunity to let the council know their feelings about the level of the council tax they pay in the light of our budget challenges. The current edition of My Merton, which is being distributed as we speak, includes a centre spread with a questionnaire on the budget and council tax. The text makes clear that we made a promise to residents on the level of council tax, however we are facing significant budget pressures with a £20m estimated budget gap over the next few years, an amount which could be reduced if council tax was increased, although significant cuts would still be required. Residents are asked to give their views by 4 November and our officers have ensured the questionnaire is unbiased and does not try to sway residents in terms of the level of council tax, trusting the people who pay the tax to make up their own minds. We have used My Merton so that every household in the borough has the chance to respond to the consultation, however an online version is also available. We want this to be as full a consultation as possible with the voices of the people who actually pay council tax being heard. We historically have a low response from the east of the borough to consultations such as this and I know Cllr Skeete will join me in trying to ensure that her residents respond to this consultation so that the people who actually pay council tax – and particularly those who struggle the most with it – get the opportunity to make their voices heard.

Supplementary

I understand that local NHS managers have threatened to reduce our funding which amounts to several million pounds per year if we cannot implement the government's policy of increased council tax by 2%. Irrespective of the arguments for or against increasing council tax, what does he think of this government's interference in council tax setting? Does he find this as appalling as I do?

Reply

Yes I agree with her, that I'm equally appalled at the interference of central government in the affairs of local government. I am equally appalled by the level of the government's swingeing cuts from the party opposite. It is a good job that Merton is Labour. It is one of the few councils that both freezes the council tax and provides and maintains support for families on low pay. We have protected adult social care, it's one of the few services that has been provided with growth. The July Principles mean that this department will continue to have less cuts than other services.

Can I say, Madam Mayor, that the party opposite has opposed all of these initiatives. When they are in Opposition they promise council tax cuts, but when they are in power, they swing them up.

**From Councillor Linda Taylor
To the Cabinet Member for Community and Culture**

What was the final cost - both in monetary terms and staff time - of cancelling the Live at Wimbledon Park event, and what was done in terms of research and marketing to assess how popular the acts, event and date chosen would be?

Reply

The estimated cost of cancelling the event is £30,000.

The event was part of the council's response to the significant cuts to our funding from central government since 2010. In order to try to reduce the impact of these government cuts on vital council services we have sought to increase our income where possible and we are constantly looking at entrepreneurial ways of developing new income streams. The event was a development of "Classics in the Park" held in 2015 and was informed by a very constructive marketing exercise conducted at that time and by the positive feedback and appetite for further outdoor musical events that emerged from that exercise.

The event was expanded in 2016 to cover a wider range of cultural audiences and musical genres, with some of the chosen performers already successful acts or shows in London's West End and/or with an established London fan-base.

Research suggested that the August Bank Holiday Weekend was a relatively good option, with relatively little competition in the outdoor events field in the relevant market in the South London area at that time, combined with a reasonable prospect of favourable weather at that time of year. Nonetheless advance ticket sales were disappointing and it was felt prudent to protect the council from further losses by cancelling the event. Our experience highlights how difficult it is for councils to plug the hole left by the government's withdrawal of funds for vital council services and the lack of easy solutions to the consequences of the government's relentless austerity programme.

Council should be aware that our small Green Spaces events team ran park events creating a surplus of over £250,000 this year, and that, in common with Boroughs all over London, they are always looking for new ways to make money. I would invite all Councillors with money-making ideas for their wards to contact me as my mind is always open.

Supplementary

Given what we know now, is the Cabinet Member concerned that Scrutiny members were misled about plans that had been made. What lessons have been learned from this whole experience? Will he be seeking to do something similar in 2017?

Reply

I don't believe that Scrutiny were misled whatsoever. We believed at the time that we were going to break even at that stage. It was very shortly after that we realised that the sales weren't going as well as they could have been, and I'm sure you'd have made the same decision in the same situation. Lessons I've learnt is that we need as a council to be entrepreneurial. We also need to know when to cut our losses. We need to give credit where it's due. We have a tiny events team, who have achieved extraordinary things and made about £1m per year for this Council. If we don't allow that team to make those decisions, then we'll eventually be shooting ourselves in the foot.

I don't think we'll do anything similar next year. I personally believe that going for a younger age group has more potential for raising money. I would ask you to watch this space and see what's going to happen. I believe we have a great future and will do great things.

Councillor Mike Brunt To the Cabinet Member for Education

Can she update us on the performance of our young people in this year's A Level and GCSE exams?

Reply

Merton can celebrate another excellent year for A-Level results. Although figures are not yet validated, some 86% of students in Merton maintained secondary schools achieved at least three A-Level passes, above last year's national average of 78.7% and Merton's own performance last year of 71.2%. The percentage of students passing at grades A* - C increased this year to 83.4% against a national average of 77.6%. More Merton students achieved top grades than in previous years, increasing their opportunities to access good quality higher education. Although we will not have detailed results until later in the year, Harris academy 6th Forms are also reporting some excellent results.

Our GCSE results have also been very pleasing, bucking national trends with Merton pupils achieving improved A*-C grades in English and maths from last year against a significant fall nationally. 81% of pupils achieved A* - C in English, 21% above the national average (60%) and 77% of pupils achieved A* -C in maths, 16% above the national average (61%). The old key performance indicator "Percentage of pupils achieving five GCSEs (A* to C) including English and Maths" is no longer calculated

nationally and has instead been replaced by a new accountability system at the end of Key Stage 4, namely Attainment 8 and Progress 8 - these KPIs will be published by the DfE in December/January. Again, although we will not have detailed results until later in the year, our academies are also reporting improved results with St Mark's and the Harris Academies in Merton and Morden all reporting improved results.

Supplementary

Given the excellent results of our young people, can she outline whether she thinks Merton will benefit from the introduction of grammar schools?

Reply

I offer congratulations to all our young people for the excellent results we've seen in Merton. My appreciation also goes to our hardworking headteachers, teachers and staff for the fantastic results. Also our appreciation goes to our hardworking officers and my predecessor, Councillor Whelton for his strong leadership.

I think grammar schools tend to be very selective. They tend to select the children from more affluent backgrounds whose parents can afford tuition for the 11 Plus. I have been told that 3% of kids in grammar schools are on free school meals. The Government have not thought this through properly. As an Administration we are not in favour of this. In fact, our Leader has written to Justine Greening to express our dissatisfaction about it.

From Councillor David Williams To the Leader of the Council

At the Budget Council Meeting in March and at the Overview and Scrutiny Commission in July you implied that Officers would arrange a public consultation on the level of Council Tax for 2017/18.

At the time of raising this question, information about the consultation is incomplete but it is apparent that the text was not discussed at Cabinet and that a decision to proceed has been made by Officers under delegated powers.

Can you therefore please tell me:

- Which members of the Cabinet were involved in deciding the scope of the questions?
- When the scope of the consultation was first discussed and which Officers and Members were involved in the sign off arrangements and when?
- What changes to the text were agreed after taking advice from Counsel on 18 August 2016?

Reply

The council carries out numerous consultations every year on issues as diverse as changes to services, regeneration proposals, the introduction of controlled parking zones, library satisfaction, priorities for community safety and the introduction of double yellow lines, to name just a few. It is not the council's practice to have the detail of consultation questionnaires agreed by Cabinet as this is not a key decision but is delegated to officers in our professional Consultation & Community Engagement team who are experienced in carrying out fair and un-biased consultations on which the council can base its decisions. The questionnaire was drafted by officers. There were no changes to the consultation questionnaire as a result of counsel's advice, however the text of the introductory article in My Merton was added to make clear the council was already using its reserves to bridge the budget gap and that we have also raised fees and charges where we can.

Supplementary

I did not ask the Leader if it was the Council's practice to agree consultation in Cabinet, but by who, what and when it was agreed.

In his answer he says that with reference to the reserves, counsel's opinion said that if there were a reference to use of reserves, the level of reserves should be included in the factual opening statement of the consultation and it has not been. The first draft of the consultation was sent to Jonathan Auburn, a specialist in public law, 11 Kings Bench Walk on 12 August.

My question is this. When did the Leader show the consultation document to his own group?

Reply

His estimation of what happened goes to the heart of this, which is the Leader said there would be a consultation on the level of the council tax, that we will consult residents and members handed it all over, in the way they should, at arm's length to ensure unbiased consultation, in keeping with Cabinet Office criteria on consultation. That's exactly what I have done. So I have said, it is written in My Merton. It's at huge odds to the way he consulted Cannon Hill residents on the future of Morden Park, when he said to them "get over it".

Councillor Jerome Neil

To the Cabinet Member for Adult Social Care and Health

Can he update us on progress with the local NHS's STP and what impact this might have on local hospital services?

Reply

STP and timelines

The draft South West London STP was submitted to NHS England by the five Clinical Commissioning Groups (CCGs) for South London who led its development for the 30th June deadline. I provided some comment on the draft and held discussions with Merton

CCG. Its narrative reflects a strong focus on prevention, self-care and integrated health and social care out of hospital. The question of how many future acute sites to plan for in the sub-region was flagged but not concluded. NHS England has now published a summary slide pack of the joint CCGs June submission on their website and given feedback on the draft plan. This includes the need for more details about closing the financial gap, an expectation to progress acute configuration plans, and a wish to see good engagement with local stakeholders.

By 21 October, a further draft of the STP will be required, with implementation plans. The final STP will be the vehicle for securing future NHS transformation funding and form the basis for 2 year operating plans between CCGs and NHS England. The NHS is seeking as much endorsement as possible from the six boroughs. However, as with the June submission, information will not be available for public consideration and hence there can be no formal borough response. At the time of writing I have not yet seen a draft but I will provide comments if given the opportunity.

Local acute hospital services

The two main providers of acute hospital care for local residents are St George's Hospital in Tooting and St. Helier's Hospital in Sutton. Both trusts have challenges with delivering good quality care. The recent CQC report (March 16) from the inspection of Epsom and St Helier's Hospital Trust gives an overall assessment of 'requires improvement', with the perennial threat of closure no doubt contributing to this, and a CQC inspection is currently underway at St Georges. In addition, St Georges is facing particularly severe financial challenges. There are significant issues at St Georges and St Helier about the quality of the built estate, and the £219m promised by the previous Labour government for St Helier was reneged on by the Conservative Chancellor.

Across South West London there are two other hospitals, Kingston Hospital and Croydon University Hospital. Croydon Hospital recently has been put in financial turnaround (together with Croydon CCG).

The specific problems of St George's and Croydon Hospitals, combined with growing financial pressures in most of the SWL CCGs and renewed central guidance on financial management and savings, and combined with a continuing wish within the NHS to achieve the London Quality Standards in acute care, are all contributing to the decision to review acute configuration. A review of specialist commissioning is underway across the whole of South London (SW and SE) to look at options for location of specialist services, together with an audit of the usage of acute beds earlier in the year, and this may potentially impact on bed numbers in SWL. Initial outputs of this work are expected in the autumn, with conclusions forming in December. This will be a key driver in terms of the STP process.

Supplementary

I was very worried to see the local NHS's summary of the STP recommends, and I quote, "make best of acute hospital staff in clinical networking and / or consolidating activity on a small number of sites. Is the Cabinet Member concerned that the Government is once again proposing the possibility of closing vital services at St Helier Hospital, like its Accident and Emergency Unit, and what should we do about it?

Reply

I know how important St Helier is to residents in his ward as well as my own. When I spoke on the STP at the last meeting of Council I said that there was much we should be welcoming, and there was much that we sought to achieve, which remains the case.

What I would say is that the STP will include recommendations on acute services and the next iteration of the STP, to be submitted to NHS England in October, is likely to include some specific proposals around acute configuration. I can assure him that in the feedback I provided to the first iteration, and in the regular meetings that the Leader and I have with the Chair and Chief Officer at the CCG, I have made absolutely clear that St Helier is a red line for this Administration, is something that we will fight hard to keep and I will continue to give this message when I meet with the CCG next week, and in my comments on the next iteration of the STP given the opportunity. I welcome his support and that of colleagues across the chamber, as well as our MP for Mitcham and Morden. We will do all we can to fight for St Helier for our residents.

From Councillor Peter Southgate To the Leader of the Council

Could the Leader please update council on his plans to consult with residents this autumn on the level of council tax in Merton?

Reply

As promised I have ensured residents have the opportunity to let the council know their feelings about the level of the council tax they pay in the light of our budget challenges. The current edition of My Merton, which is being distributed as we speak, includes a centre spread with a questionnaire on the budget and council tax. The text makes clear that we made a promise to residents on the level of council tax, however we are facing significant budget pressures with a £20m estimated budget gap over the next few years, an amount which could be reduced if council tax was increased, although significant cuts would still be required. Residents are asked to give their views by 4 November and our officers have ensured the questionnaire is unbiased and does not try to sway residents in terms of the level of council tax, trusting the people who pay the tax to make up their own minds. We have used My Merton so that every household in the borough has the chance to respond to the consultation, however an online version is also available. We want this to be as full a consultation as possible with the voices of the people who actually pay council tax being heard. I know that Cllr Southgate works very hard to ensure his residents' interests are listened to by this

council and I hope he will encourage Merton Park residents to respond to the consultation.

Supplementary

Given that a number of people expected to be informed of the consultation in advance but were not, how does he plan to rebuild confidence in this consultation amongst those who are most critically affected, such as those represented by groups such as the Centre for Independent Living?

Reply

Just to remind him that this consultation is for council tax payers. The council tax payers who have shown they have every confidence in us in 2010, 2014 and I'm sure they'll have every confidence in this consultation and in us in 2018.

From Councillor Daniel Holden To the Cabinet Member for Street Cleanliness and Parking

How does the percentage of enforcement cases (including fixed penalty notices) brought by the council against fly-tippers compare to the total number of fly tips reported?

Reply

The number of fly tips reported so far this year is approximately 1602 based on the first quarter figures. It is only possible to take enforcement action where there is evidence of the perpetrator, such as proof of name and address found in the dumped rubbish, or a witness statement. The number of enforcement cases so far this year brought by the Council (including fixed penalty notices) is 165, reflecting the difficulty of taking these cases.

In 2016 new legislation came into force which gave local authorities powers to issue fixed penalties up to £400 for smaller fly tips in order to give the offender the opportunity to pay an FPN rather than risk a court fine and a criminal record and reduce the costs to local authorities and the difficulties inherent in taking cases to court. From April 2016 to August 2016 we have issued 3 of these new FPNs.

We also have a number of cases for fly tipping currently being investigated with a view to commencing prosecution proceedings.

I should add that investigating fly tips is becoming even more difficult due to an increase in items being dumped such as builders' rubble/waste where no evidence of name and address can be obtained. Although we do encourage residents to report fly tips, particularly if they have witnessed the fly tip being placed, more often than not they are reluctant to involve themselves and provide witness statements for fear of reprisal.

We are utilising overt CCTV to obtain evidence where possible.

Supplementary

Given the new national policy that allows councils to issue fines of up to £400 for fly tipping since 9 May, does the Cabinet Member think that bringing three such enforcement cases in Merton is acceptable? Can he also explain why the council has failed to recoup over 50% of the fines it issued for fly-tipping in the year 2014-15 and why the number of people taken to court is just six per year?

Reply

I think Councillor Holden's supplementary question was missing a congratulations to this Administration for prosecuting a business in Figges Marsh for large scale fly-tipping and being awarded a £400 fine. As you will be aware, the government guidance on FPNs leaves it up to each individual council to decide what level they put them at and we make sure we put it at the highest level of £400. We will continue to punish those who make our streets untidy. If I may, we've got organisations such as Kingdom Security working for us, targeting those that drop litter in town centres, parks and areas of high footfall. Between January and July, 3000 FPNs were issued to individuals who litter our streets. We take it really seriously and will continue to do all in our power to fine those who don't treat our environment with the respect it deserves. As our residents will appreciate, we want to work together to keep a cleaner environment.

Councillor John Dehaney

To the Deputy Leader and Cabinet Member for Finance

Can he update us on the council's plans to balance the budget for future years given the level of government cuts and increasing demands we are facing?

Reply

The Council has for some years planned its finances on a multiyear basis. This is an approach that has served us well and one that we intend to continue. We will carry on seeking to maximise efficiency savings and protect frontline services. Given the scale of spending reductions that have already been made the council is going to face some tough choices about the level of service provision that can be afforded.

Supplementary

Can the Cabinet Member confirm that Council will be applying to the government for the new four year financial settlement which I understand is on offer?

Reply

We have taken an approach in this Administration which is a bit different from previous administrations. We plan ahead, years ahead in order to make the right decisions over the medium term rather than the short term. A very good effect on the approach that we've been able to take, we've been able to deliver six years of council tax freezes and protect services for our most vulnerable people and that is in contrast to the previous

administration. However, one of the biggest challenges that we have had to face in the medium term is that the government constantly changes the rules for, even more than we could have possibly predicted. That's happened recently with the cuts in government grants, and also where they've recalculated so they're effectively saying to councils, if you don't put up council tax by 3.5%, we will take away the equivalent of 3.5% from your funding and we know that's not fair. So, what we would like to do is to have more certainty over the medium term as to what we are going to get from the government. We are an efficient council, so they say they will allow us to have four year planning for efficient councils, that will be us, so we will be looking forward to applying for the four year funding.

From Councillor Gilli Lewis-Lavender
To the Cabinet Member for Street Cleanliness and Parking

In view of the recent national report on contaminated recyclables, could the Cabinet Member please tell me what percentage of the recyclable material currently collected in Merton is contaminated and can therefore not be recycled, and how this compares to each of the last 5 years?

Reply

The following figures relate to the percentage of waste collected and processed for recycling but subsequently rejected and sent for further processing or landfilled.

The main area of contamination continues to be wet paper. With the implementation of wheeled bins which will ensure paper is protected from rain it is expected that the amount of paper and card recyclates rejected is significantly reduced, saving council taxpayers money.

2011/12	1.7%
2012/13	3.1%
2013/14	2.5%
2014/15	3.4%
2015/16	7.0%

There has been a recent increase due to the Environmental Permitting (England and Wales) (Amendment) Regulations 2014 which apply the Materials Recycling Facility Code of Practice. This statutory code introduced new requirements which have required improved sorting technology that can result in equipment capturing more unacceptable items than under previously used technologies.

Supplementary

Given the figures he has provided, can the Cabinet Member explain why this Administration is abandoning co-mingling recyclable materials as part of various changes to Merton's waste collection. With up to five containers, the chances of recycling being contaminated will surely be considerably higher, plus if residents miss a collection, they will have to wait a whole month for it to be collected. Can you therefore

reassure me that the council communication and engagement strategy will include hands-on training for residents rather than just relying on the odd leaflet through the door.

Reply

In terms of the figures that she alludes to, I think it's been explained because of the current facilities we use for recycling it exposes some materials, particularly paper and card to rain and when it's wet, it becomes contaminated and cannot be recycled. With the introduction of wheelie bins for paper and card, the rain will not be able to get to it and we'll see a higher rate in terms of recycling.

As part of the roll-out, there will be full communications with residents and there will be a hands-on approach from the provider, Veolia. They will have in-house officers who will go out and visit residents if there is a reason for them not to recycle and dispose of their waste correctly. They will see what the issue is at the household and what's causing it.

Councillor Imran Uddin

To the Cabinet Member for Street Cleaning and Parking

Can he update us on the fine-tuning process with Veolia who have been confirmed as the new provider for the joint South London Waste Partnership contracts for waste services and parks management?

Reply

Following Cabinet approval Veolia has been appointed as preferred bidder for waste collection and street cleaning (LOT 1) and The Landscape Group has been appointed as preferred bidder for grounds maintenance (LOT 2).

Fine tuning started in September with both of the respective bidders and is focused on 3 main work streams: financial, legal and technical. We are on schedule to conclude fine tuning in November

Supplementary

I would like to ask the Cabinet Member to outline how we have included local residents in plans for new waste services.

Reply

I would like to thank Councillor Uddin for his hard work on the Sustainable Communities Panel, scrutinising the detail of this proposal which I think was done thoroughly, and judging by the outcome of that meeting, I am sure that the borough and the residents will be delighted when they start seeing wheelie bins. In terms of the consultation we ran an extensive consultation of 1000 properties in Lavender which showed overwhelming support for wheelie bins, a decrease in litter in residential roads. And of course, as we get to the crux of the fine tuning and the potential signing and award of the contract, that isn't something we can publicise because of commercial sensitivity, so

the consultation, we get criticisms when we don't consult and when we do, we get criticised again. As an authority we have consulted across all different households in Lavender Fields and I am confident that those residents are representative of the borough and they will be equally pleased when the new service comes in.