1. **Question asked by Councillor Tim Crowley to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

Last year the council made a provision of £1.2 million to repay tenants commissions taken by the council in relation to water charges. This money has still not been repaid. Could the council explain why this is still the case and when those affected can expect to be reimbursed?

**Reply by Councillor Jayne McCoy**

Thank you Mr Mayor. As Councillor Crowley has previously been advised on this matter, and as is set out in the Housing Economy and Business Committee Report of January 2017, this particular provision relates to a successful legal case against Southwark Council.

This case is currently under legal challenge by a number of local authorities working through the LGA Local Government Association and a test case has been listed for trial in October and the use of the provision will depend on the outcome of that case.

The case is under challenge because it rests on a legal technicality of whether the boroughs were acting as agents on behalf of the water companies. But we have been very clear in Sutton that tenants have paid no more for their water and sewerage than they would have done if they had been billed directly by the water companies and the provision is simply a prudent estimate in the event of a worse case scenario.

**Supplementary question asked by Councillor Tim Crowley**

Couple of things really, if the Council are that confident that it's just a prudent provision why did they make it in the first place if they're so confident in their own case? And secondly, with this 1.2 million which has been set aside now for around about 4 years, and if the Council are found to be having to pay this money back, will the people who have paid it in the first place get it with interest?

**Reply by Councillor Jayne McCoy**

Thank you, well a provision is in case of a worse case scenario. And also I'm sure that Southwark did not think they were going to get the case ruled against them because they were quite confident and because the LGA is actually acting on behalf of Councils they're
fairly confident that ... there is room for challenge but as I say Southwark probably thought they would win and they didn't and they had to pay out.

So we are just being prudent and putting that money aside, we don't know what the outcome will be it could go the same way as Southwark or it could be successfully challenged.

In terms of interest I think the interest charges are included in the provision, but one thing that's worth noting is actually if we do have to pay out, the tenants will be more negatively impacted because that money is going to be taken out of the HRA account which is money set aside for repairs and maintenance of the properties, so it actually depletes the HRA account - it's a bit of a shame but that's what we have to do we have to make a provision.

Supplementary question asked by Councillor Nick Mattey

First point, If you owe money to people because you've been overcharging them you do not take it back from them in another way because otherwise you haven't given them it back. That's the first point.

Let us go over what really happened... What happened was that in 2009 the Council produced a report that said there were sectors of housing, including SHP, where the people were suffering financially, so officers from SHP went along to the water company and they asked for the administrative fee to be increased and that money was going to be passed on to the people in SHP - it never happened.

So that money... my question is... when will the Council hand back the money? Because if you take money from companies saying you're going to give it back to people and you keep it yourself you are not acting legally or honestly, that's my question.

Reply by Councillor Jayne McCoy

Councillor Mattey - that's a complete misrepresentation of the situation. The situation originates back from when most Councils owned their own housing stock and it was an arrangement lots of boroughs made, or the water companies asked the boroughs to make, that they would collect the water charges and sewerage charges directly from residents because they were already collecting the rent and other charges so it was easiest basically for the Councils to collect alongside that and for the water companies to bill them directly.

In return for that, they received an admin fee. Now in Sutton, the admin fee that was charged doesn't actually cover the administration cost of recovering that, so it's just that because of the legal definition in the Southwark case, they were seen as an agent rather than just acting through responsibility, they determined that the admin fee was a discount but that's what the point is in case.

So there is no extra being paid by the tenants for their charges, I am just saying that a provision has to be made out of the HRA account because how the HRA account works is that it's a ring fenced account so that's the fact of the case.
2. Question asked by Councillor Tim Foster to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

It is now nearly 12 months since the last minuted meeting of the CAMC which means that there has been no oversight of activity by Viridor in the implementation of the Conservation Management Scheme and therefore no attempt by the London Borough of Sutton to enforce a clear breach of the terms of the Section 106 Agreement.

Why have the London Borough of Sutton not enforced these terms and when do they intend to re-establish the CAMC’s operational brief within the terms of its Constitution?

Reply by Councillor Jayne McCoy

Thank you. So this is about the Conservation and Access Management Committee and thank you Councillor Foster, for your question.

There does appear to be some confusion about the remit of the Conservation and Access Management Committee. The Section 106 Agreement requires that this committee is set up to oversee the conservation management activities and objectives contained in the Conservation and Management Scheme, and the Conservation and Management Scheme only comes into play after restoration of the landfill site, and as that restoration is not yet complete, the allegation of the new breach in respect of this matter is therefore incorrect.

Supplementary question asked by Councillor Tim Foster

There was a meeting in January, 8th January, and Viridor accepted that there had been delays in restoration but gave a firm commitment that steps would be taken to ensure restoration can be completed.

Viridor are considering other alternatives to the previous administration of the Conservation and Access Committee. You’re saying it didn't exist - it has its own constitution. We have... Viridor themselves tried to change the terms of that constitution. We will be in contact when we have Viridor's programme of work - so we don't even have Viridor's programme of work, there's been no member oversight of any of this process and no progress, and as lead member of planning why have you allowed this situation to come about?

Reply by Councillor Jayne McCoy

Thank you - again there still is a bit of confusion here. The restoration of the landfill site is one process, but that is not the remit of the CAMC to oversee that.

The remit of the CAMC is... the Conservation Management Scheme wants the management of the landfill site once it's been restored. So that part... It's not your responsibility to oversee the restoration of the site, and I know that there has been oversight of the restoration because I have been asking questions about it, and there has been some delays but then
the whole process has been delayed because the planning process was delayed but it is going on and there have been meetings with the Conservation Science Group and officers in respect of progress towards restoration, so that has been ongoing and has been reviewed and there are reasons for the delays.

The CAMC is in the process of being set up... you've been appointed Chair, but that's not to oversee the restoration it's the management of it once it's restored. As Chair of that committee it's down to you, you can make sure that everything is in place - you dictate what the constitution should be. Check the terms of reference according to the section 106 Agreement, it doesn't seem to matter what Viridor thinks - it's what you think is in the terms of reference in accordance to the Section 106 Agreement, so you've got the power to do that.

**Reply by Councillor Tim Foster**

Can I just come back on that Mr Mayor. Number One, I have not been appointed Chair because there hasn't been an AGM because it has been prevented from happening.

The CAMC has been running under the Chairmanship of previous Councillor Nighat Piracha. So if it didn't exist, the minutes of those meetings and its existence don't make any sense.

The Council has agreed for an extension of the landfill to the end of 2019, it's not up to me Councillor it's up to the Council, the Chief Executive and the Head of Planning to give us the tools to fulfill the constitutional requirements, and if you would like a copy of the constitution I'm quite happy to give it to you because you clearly haven't got a grasp of it.

**Reply by Councillor Jayne McCoy**

I didn't say it doesn't exist I'm saying the purpose of the CAMC is not quite what you're saying. The constitution of it and all that can go on and it's been set up and I'm aware it has been set up but the actual work it needs to do can't take place yet officially, that's the point I'm making so you know, once that kicks in then you can make sure that's the case. Yes that's it.

**3. Question asked by Councillor Lily Bande to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

The borders of the existing Landseer Road Conservation Area is of concern to the local residents in my ward. As you know, the gateway to conservation areas form an integral part of the overall quality of the vicinity. Can the council please put in place a process whereby the existing Landseer Conservation Area can be extended to include properties and carriageway up to the Grove Road railway bridge, to prevent the nature of this residential area being further eroded for future generations?

**Reply by Councillor Jayne McCoy**
Ok thank you Councillor Bande. Really pleased you raised this because the need for the review of conservation areas in the borough was raised during the preparation of the new local plan.

It was something that residents were very keen to see progressed, and the Council has therefore been working through a review of conservation areas in order of greatest priority, and at the Housing Economy a Business Committee we have already reviewed and agreed character appraisals for the Beddington Village Conservation area, the South Cheam Area of Special Local Character and we've got two more coming to the March committee which is for the Sutton Town Centre and Carshalton Village conservation areas.

I know that Planning Office have therefore be very happy to consider timescales for reviewing the Landseer Road conservation area as part of its programme of work. I would like to draw your attention... that we've had some excellent examples of working with the community and the Council to bring forward character appraisals in this work and that really has been helpful, and I would specifically reference the work of the Belmont and South Cheam Residents Association.

So I would invite you to ask your residents to get in touch with the Planning Department so that we can explore ways in which we can work together on the Landseer Road one. Thank you.

Supplementary question asked by Councillor Lily Bande

Thank you - I'm glad that the Council is actually looking at how to conserve areas that need to be conserved. I have a supplementary question - clearly from what you have said a lot has been done, I just want to know if you'll be having any models that your going to apply to protect the Landseer conservation area.

Reply by Councillor Jayne McCoy

The model that I suggested at the Belmont and South Cheam Residents Association - that is a model that I would suggest and there are some... yes, our Planning Officers can take you through - there's a way of doing it and also a way of getting the community involved, so yes we do have some models.

Supplementary question asked by Councillor David Hicks

Thank you Mr Mayor. I welcome your links to the Belmont South Cheam Residents Association but I think Councillor Bande's question was actually about an extension of a conservation area. The work being done in Belmont is not to do with a conservation area.

Reply by Councillor Jayne McCoy

We had a character appraisal from South Sutton and Belmont so that was a character appraisal which is part of the conservation area, but it's a way of working with the Council.
Its part of the neighbourhood Planning. It was an area of Special of Local Character sorry, it did say Special Area of Local Character but similar principles work but I know that there are actually some really lovely houses in Landseer Road that I'm sure are of risk of conversion, so I very much support your proposal to try and look at that and I say if we can work with officers to move on with that.

4. **Question asked by Councillor Tony Shields to Councillor Marian James, Chair of the People Committee**

Sutton Nightwatch is a brilliant Sutton local charity currently occupying the Secombe Theatre.

They provide food and mental sustenance for Sutton's homeless and rough sleepers, numbers of service users are growing yet there has been no forward planning to assist them in getting another suitable property once inevitably the time comes to sell or re-use the Secome.

Sutton should be grateful for such volunteers, how do we help this charity going forward?

**Reply by Councillor Marian James**

Thank you Mr Mayor, thank you Councillor Shields. Sutton Nightwatch does not provide a service that's commissioned by the Council, but as you know, the charity is using part of the Secombe Theatre for three nights a week and that's under a temporary arrangement.

But the Council's policy on how it supports voluntary organisations was set out in the Strategy & Resources Committee way back in 2013, so the most appropriate way for Sutton Nightwatch to make a request for permanent premises is to take it through that committee.

**Supplementary question asked by Councillor Tony Shields**

I thank Councillor James for her answer. But it's almost as if I've had a crystal ball which I considering what's gone on in the last 24 hours, was there ever more of a claxon call to wake up this administration to the horror of rough sleeping than the bucketing of a sleeping man caught on video outside Sutton Station it's now gone viral?

Will this authority wake up and actually work with Sutton Nightwatch to get them an empty building so they can carry on the good work in the most positive way?

When Councillor James concerns herself with the 2013 S&R Report, never was there a discount for EcoLocal in that report of 1 million pounds in that report so I think we can make an exception for Sutton Nightwatch and help these people instead of telling them to join the queue. We have a homeless problem and it's serious.

**Reply by Councillor Marian James**
Thank you Councillor Shields, you mentioned the incident that has happened today and I think along with everybody else in this room, what happened to that vulnerable person was an absolute disgrace and I do know that Tom Brake the MP has been in touch. So I am aware that the staff who carried out that terrible act have been suspended.

But just to say the Council already works in partnership with an organisation that delivers housing support services to people who are sleeping rough or at risk of sleeping rough in the borough and that is SPEAR - so that is the Single Persons Emergency Accommodation. It's been established for over 20 years. You might be aware that in April a newly commissioned contract will commence with St. Mungos and they are a very established charity that has been at the forefront of efforts to tackle homelessness for nearly 50 years and that service will provide housing support to vulnerable adults including those who are homeless or at risk of becoming homeless.

**Supplementary question asked by Councillor Tim Crowley**

Thank you Mr Mayor. I thank Councillor James for her response but obviously the MP for Sutton is Paul Scully and he did get involved and now the Secretary of State for MHCRG has also got involved today, I'm pleased to see, and is in conversations with this Council I gather.

I would also like to know why consistently, when Sutton Nightwatch have tried to contact the Council through their Asset Management Department, that our Asset Management Department has singularly failed and it isn't the first time our Asset Management Department has failed it's failed at Hackbridge School, it failed with the CPO at the road going up to the new Stanley Park School, and it's failed at Victoria House at achieving anything.

Therefore, the people at Sutton Nightwatch who haven't got access to the main whole collegiate way of working that SPEAR have, who are a small organisation, get pushed back.

Why are we not doing more to help them? It seems to me that you will only do stuff to help your friends - you won't do stuff with people who are out on the street day in and night out who are helping these vulnerable people. Please, please, help them - we had to plead with you 18 months ago to get the Secombe Centre and all they're asking for is some help with some land... some old land... We've got to ensure that they can put up modular units for the homeless, that is surely not too much to ask - please Councillor James will you help them?

**Reply by Councillor Marian James**

Thank you Councillor Crowley. I can say to you that Nightwatch have met with Council officers and they have put some ideas forward and there have been some reasons why it hasn't been able, you know, to go forward.

And what I will say to you, I've already said that Sutton Nightwatch is not a service that's commissioned by the Council and so I would encourage you to advise Sutton Nightwatch to...
contact Community Action Sutton who would be able to help them put a very valid business case forward and help them with funding and help them find accommodation.

5. Question asked by Councillor Holly Ramsey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

How many unresolved cases of planning enforcement are currently being undertaken? What is the average length of time these are taking and what are the figures for the last 4 years?

Reply by Councillor Jayne McCoy

Thank you Councillor Ramsey for your question which is about planning enforcement. Over the last calendar year, the Council has undertaken 395 cases of planning enforcement with 74 still remaining open as at the 31st December 2018, and the average number of days to resolve these cases is 47 days.

Unfortunately, we do not have accurate figures for previous years because of the replacement of our IT System and it's not something that we’re required to keep track of.

Supplementary question asked by Councillor Ramsey

Thank you Councillor McCoy, could you please give me a timeline of when these 74 cases might be resolved? Outstanding non-resolution planning matters are becoming a cause for concern and residents are losing faith in the Planning Department.

Reply by Councillor Jayne McCoy

I can't give you a timeline for those 74 because the problem with enforcement cases is they vary dramatically in their complexity. Some can be turned over within a week with just a visit from a Planning Officer to the site to explain to the people in question what they're doing wrong and what they need to do to put it right - it can be as simple as that.

Others are far more complex and need a lot more work - enforcement notices being served, time given and things like that, and also there’s a right of appeal to planning enforcement notices and what we’re finding at the moment is that the planning inspectorate can take as long as 12 months to decide some enforcement appeals. So you know those that are outstanding might be due to external sources so everyone varies.

But what I would do is, I would refer you to the Planning Enforcement Protocol - I think it's on the Council website under the Planning pages - and it tells you the steps that can be taken in response to breaches of planning rules. What I can say is this Council's actually got a very good reputation for its enforcement service.

Supplementary question asked by Councillor Neil Garrett
In terms of Planning Enforcement one of the big ones is everyone's favourite building on Beddington Lane - the incinerator - and the deal there was that Viridor get their incinerator and we the residents are supposed to get a wildlife reserve and public open space and local environment campaigners are distraught that ecosystem and local habit has been lost through apparent negligence. I am curious to understand why Viridor have been given such an easy ride in terms of us just allowing them to get away with not doing all the environment mitigation that they promised us?

Reply by Councillor Jayne McCoy

Thank you Councillor Garrett, as I said in response to the earlier question, that's not actually the case.

The time scales - there has been monitoring of them and they're doing things in time... slight delays for some slight reasons but they're doing things according to the proper... as they're required to do, and there has been no breach of that, so there is no enforcement case, there has been no breach.

The key thing is that the site cannot be restored until we stop using it for landfill. There are parts of it that are being restored... until the ERF is operational it's not going to be fully restored.

6. Question asked by Councillor Jed Dwight to Councillor Ruth Dombey, Leader of the Council

What discussions have Sutton Borough Council had with Merton Council in relation to the licence for the EElectrics Music Festival due to take place in Morden Park in 2019?

Reply by Councillor Ruth Dombey

Thank you Mr Mayor and thank you Councillor Dwight for your question. This clearly follows on from the question that Councillor Nandha asked a few months ago. I have to admit that I am not an expert on heavy metal rock concerts so I was very surprised, I'm sure you're surprised, but there you go - not my expertise! So I was very surprised when I went on their website because it looks suspiciously to me that the concert being planned for this August is very similar to what happened last year, and we're all aware of the negative impact it had, not just on the surrounding area but from properties quite some distance away.

As you know, at the time, a few months ago, I had a conversation with the leader of Merton Council who assured me that they would work closely with us, so I'm very disappointed to see that the licence application went ahead and they made no effort whatsoever to contact us. It's true they had no legal duty to do so but in the spirit of good neighbourliness you would have thought they would have made the effort.

So the licence application has gone through what has happened though, and this is the good news, is that Merton Council have set up a Safely Advisory Group and enforcement officers
from Sutton Council have asked to be part of that group, they have already had conversations with enforcement officers in Merton who share our concerns so we expect to have input into how the concert is going to be organised and hopefully will make sure that it doesn't have such a negative impact as happened last summer.

**Supplementary question asked by Councillor Jed Dwight**

Thank you for that Councillor Dombey. My issue really, obviously, was raised by residents as a real issue after it happened last summer. Councillor Nandha quite rightly brought it here to the Council, raised it with you, and I was just hoping - actually that it's great that you raised it with the leader of Merton Council, that's good - but I think also it would have been great if officers had put something in writing or something to try and get that moving along, because the first I knew about it was literally seeing a tweet to say that it had been given the licence by Merton Council and it will be going ahead again this summer.

It just doesn't give us any opportunity now really in real terms to try and support our residents and it's an issue for your residents just as much as it was an issue for mine. So I thank you for what you said - you know we do need to work together on it but I think officers really need to be involved and not just in this specific case but other cases in future with neighbouring Councils, I've known that Neighbouring Councils generally work quite well together on big events like this - which is going to be at Morden Park - and I just think we need to work more closely together, together with officers in future.

**Reply by Councillor Ruth Dombey**

And I agree we need to work together. As I said before Sutton Council officers are in contact with Merton and they've asked to be part of the Safely Advisory Group.

One of the things I'm really surprised, because I asked how many complaints were made by Merton residents, and discovered that all complaints were made to the organisers of the event rather than the Council which I think is very bad practice.

Sutton Council received 4 complaints but you and I know that actually it was far more serious than that and extended quite a wide distance. So it would be helpful if you would let residents know that if there are issues around noise they can report it online or via the Council out of hours telephone number. But the aim is to ensure that the concert isn't noisy - as bad as last year - so Sutton Council officers will be part of the Safely Advisory Group and our hope is their views will be listened to and as a result it won't have the negative impact that happened last summer.

*The following questions were not reached at the meeting and written responses were provided.*

7. **Question asked by Councillor Neil Garratt to Councillor Manuel Abellan, Chair of Environment & Neighbourhoods Committee**
The Government has released additional funds for pothole repairs and road resurfacing this winter, of which Sutton Council received almost half a million pounds. Without this extra money, how much would Sutton Council otherwise have spent on pothole and road resurfacing for this year, and what improvements should we expect this will make to Sutton’s roads?

Response

The Council received £474,000 additional funding and the table below contains the list of carriageways that will be resurfaced in March 2019 using the majority of this additional DfT money (£391,000). The remaining £83,000 will be used to bolster reactive road maintenance (£50,000) and repairs to a highway structure (£33,000). The carriageway works allow us to bring forward 2.3km of resurfacing into 2018/19 that was otherwise planned for next year.

<table>
<thead>
<tr>
<th>Sections of Milton Avenue</th>
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<tbody>
<tr>
<td>Middleton Road (from 273/275 to Shaftesbury Road)</td>
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<tr>
<td>Wandle Road (Elmwood Close to Birchwood Avenue)</td>
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<td>Birchwood Avenue</td>
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<td>Langley Avenue</td>
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<td>Collingwood Road (Crown Road to Bushey Road)</td>
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<td>Staplehurst Road (Harbury Road to Radcliffe Gardens)</td>
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<td>York Road (under bridge)</td>
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<tr>
<td>Stanley Park Road (Anglesey Court Road to Anglesey Gardens)</td>
</tr>
<tr>
<td>Culvers Avenue - Millside to Reynolds Close</td>
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</table>

The capital funding for carriageway resurfacing for 2018/19, excluding additional funding, is £718,000 and the budget for reactive carriageway repairs is £548,000 (again excluding the additional funding), although it should be noted that this includes road markings, street nameplates, surface dressing, etc, as well as pothole repairs.

8. **Question asked by Councillor James McDermott - Hill to Councillor Steve Penneck, Lead Member for Libraries, Arts, Heritage & Culture**

In June 2015 the Worcester Park Library Garden was created and subsequently let to the Friends of Worcester Park Library, despite there being no overall support expressed within the group for this to take place.

Does the Council regret this happening given that the garden has slipped into a serious state of disrepair?

Response
I thank Cllr McDermott-Hill for raising this issue.

No, I don't regret this community initiative, which came directly from the Friends of the Library, with the support of Waitrose. I hope it will continue to have support from the ward councillors.

I visited the garden recently and, far from being in a serious state of disrepair, I was pleasantly surprised by what the Friends have achieved, with the support of various grants. The garden seemed to me to be in good order, although in need of some weeding and garden maintenance.

Let me emphasise that from the start this project was a Friends initiative, in partnership with Waitrose. The Friends were supported by all parties at the Local Committee and at the Planning Committee.

The Library service ensured at the outset that the Friends fully understood that there was no council budget to maintain the garden and that responsibility for this would remain solely with the Friends.

I know that since the garden was completed, the Chair of the Friends Group has changed, as has much of the membership, and the manager of the Waitrose store has also moved on. I understand that the current Friends group members are aware of their responsibility for looking after the garden but are concerned about their ability to continue to do so.

There is always a risk when community groups take on projects, as membership of those groups is fluid. In supporting those projects, Local Committees have to take risks and have to be prepared to continue that support when there are problems.

It would be a great pity if this lovely garden were to be lost or allowed to become overgrown. Can I suggest that the councillor discusses with his colleague Cllr Drummond how the Local Committee might mobilise local volunteers? He might also want to look at other sources of help such as the recent government initiative to support communities in setting up and maintaining pocket parks – Pocket Parks Plus.

9. **Question asked by Councillor Catherine Gray to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

Could you please tell me how many shop units are currently vacant in the London Borough of Sutton?

**Response**

Based on business rates data as at 15 February 2019, there are 102 vacant retail properties in the London Borough of Sutton out of 1,831 units. This represents a vacancy rate of 5.5%.

10. **Question asked by Councillor Peter Geiringer to Councillor Manuel Abellan, Chair of the Environment & Neighbourhoods Committee**
Over the past 12 months, how much has it cost this Borough to remove fly tipping and in the
same period, how many fines for this were issued and for how much revenue—with how many people taken to court and successfully prosecuted?

Response

Veolia does not have a dedicated resource solely for fly tipping collections, so it is not possible to extract a specific cost for collection. Costs are contained with the total SLWP contract fee paid to Veolia Environmental Services.

Small amounts of fly tipped waste that can be linked back to a resident are treated as littering and incur fixed penalty notices of £80 (reduced to £50 for early payment) for these offences. In 2018, 25 notices were issued by the Environmental Enforcement Team.

Offenders who are identified as being responsible for larger or commercial waste fly tipping are issued with £400 fixed penalty notices (no discount for early payment). In 2018, seven such notices were issued by the Environmental Enforcement Team.

The total income arising from fixed penalty notices for fly tipping in 2018 was approximately £2,900.

The issue of a fixed penalty notice, when paid, provides immunity from prosecution for that offence. The Council has the option of prosecuting those who fail to pay the fixed penalty notice, however, each case is looked at on its own merits and for the majority of unpaid fixed penalties, it is usually not in the public interest to pursue. This decision is influenced by factors such as the vulnerability or mental health needs of alleged offenders, inability to trace those who notices were issued to and have subsequently moved, and also the cost of prosecution versus the severity of the offence. In extreme cases prosecution would be the preferred option rather than issuing a fixed penalty. While the published fine level from a successful prosecution is up to £50,000, the reality is the courts impose much lower fines. No prosecutions for fly tipping or non-payment of fees were commenced in 2018.

More could be done by the Government to revise the sentencing guidelines for fly tipping and also provide local government with additional resources to tackle the issue locally.

11. Question asked by Councillor Nick Mattey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

Sutton Council gave permission for an additional 80 flats to be built on the former Felnex site. Residents in this particular development will have exclusive rights to a gym and a bistro. When the council gave planning permission were any undertakings given by the developers that these apartments would be affordable and if not why not?

Response
The planning permission did not approve an additional 80 residential (Class C3) dwellings. The previous approvals (refs C2009/62175/OUT & C2014/68760/OUT) for the development included a Class C2 use, in the form of a residential care home. This element was removed from the most recent proposal and replaced with 80 self-contained assisted living units and these remain within Class C2 classification.

As these units do not fall within class C3 for residential dwellings, they are not subject to any affordable housing provision under national planning policy.

The remainder of the development provided 20% affordable housing across the 725 (C3 use class) dwellings that were approved.

12. Question asked by Councillor Lily Bande to Councillor Marian James, Chair of the People Committee

Could you please provide us with the frequency on updates to elected members, parents’ forum, and other stakeholders on the progress of Written Statement of Action; in regards to improving the quality of Education Health and Care (EHC) Plan and your review to the process?

Response

The implementation of the Local Area SEND Written Statement of Action (WSOA) is governed by the Children and Families Act (CFA) Executive Board, co-chaired by the Strategic Director of People Services and the Managing Director of Sutton’s Clinical Commissioning Group (CCG).

The CFA Executive Board takes place once a month and has representation from across the partnership and Sutton Parents’ Forum (SPF). The progress of the WSOA is also presented every quarter at the People Committee to members and the general public. There is also a standing item on the progress of the WSOA at every Sutton Disability and Transition Partnership Board (SDTPB). Moreover, information on progress has been presented at school head forums, governor forums, SPF termly coffee mornings and surgeries with parents. I receive regular briefings, as do members of the opposition. I also receive feedback from parent carers and recently met with representatives from the Parent Carer Forum. I have met with primary school heads and am planning to meet secondary school heads. In addition, the monthly education bulletin provides updates and is circulated to a wide group of partners. The last edition contained an invitation from Councillor Batt and me for us to visit schools and we would envisage that these visits will be an opportunity for teachers to feed back their views on the progress of Written Statement of Action.

Improving the quality of EHC Plans is one of the main areas of focus of the WSOA. As presented in previous reports to the People Committee, the process and templates for the EHC Needs Assessments have been reviewed, with the statutory timescales for completing the needs assessment improving from 42% to 62%. The plans are currently being monitored for quality and an action plan is being developed on required improvement.
13. **Question asked by Councillor Tony Shields to Councillor Manuel Abellan, Chair of the Environment & Neighbourhoods Committee**

'I understand that a response to the "cease and desist" letter has been sent to many hundreds of residents twice. Why?'

**Response**

The Council has checked with the support teams involved and it appears that, unfortunately, some names were entered on to the spreadsheet twice, due to an administrative error. With such a large volume of responses, the letters were printed and put into envelopes for posting without the duplication being spotted.

14. **Question asked by Councillor Peter Geiringer to Councillor Sunita Gordon, Lead Member for Resources**

One of the Lib Dem Council bright ideas was to purchase the Maplins business premises in Sutton High Street, though it was a well known fact that high streets (especially Sutton) were in decline.

Shortly after the purchase of the Maplins store the company went out of business. How long has the site been empty and how much vital revenue has been lost forever?

**Response**

The Council bought the retail development at 71/81 High Street in Summer 2017 before some of the more significant national business failures in the retail sector. The property consists of five retail units of which the one formerly occupied by Maplins is the only one vacant. The others have been occupied continuously since that time and a new tenant has now been identified for the vacant unit, subject to contract and planning consent.

In cash terms, the loss of rent since Maplins closed in June 2018 has been £67,500 based on their lease which had been due to come to an end in January 2022. The Council takes a prudent approach to its commercial property portfolio and our viability appraisal for the purchase of this property assumed void periods between lettings.

15. **Question asked by Councillor Nick Mattey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

Residents in the New Mill Quarter will be obliged to buy their heat from SDEN. Given that the heat will be coming partly from gas boilers on the site can the council say what percentage of the heat will come from hot water from the incinerator and what percentage will come from the gas boilers?
Response

Gas boilers are being used as a temporary heating solution until the SDEN pipework is fully installed. They will then be used as a back-up for when the ERF is offline and to top up supplies when there are peaks in demand. This provides better reliability compared to conventional heat suppliers. SDEN is therefore unable to state definitively the percentage of heat that will come from the Energy Recovery Facility or the gas boilers.

16. **Question asked by Councillor Lily Bande to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

How does the council monitor commissioning arrangements for the provision of housing; to ensure that residents with priority need status for accommodation, such as: care leavers, victims of domestic abuse, pregnant women, families with children, the elderly, people with mental health and physical disabilities, are not homeless or threatened with homelessness?

**Response**

Preventing homelessness is one of the statutory housing responsibilities delegated to Encompass, the Council’s local authority trading company (LATC). Under the contractual arrangement with Encompass, the LATC is overseen by a board of directors, the make-up of which includes senior council staff.

The performance of Encompass is routinely monitored by council client officers scrutinising the organisation’s performance using a suite of indicators. The indicators includes a number of performance indicators focusing on homelessness and homelessness prevention, linked to the new statutory duties under the Homelessness Reduction Act 2017.

In addition to Encompass’ activity, the Council also commissions housing support providers to play a key role in preventing homelessness. Last year the Council consolidated the commissioning of housing support for adults under a single contract, which was recently awarded to St Mungos, a charitable organisation with extensive experience and expertise in helping the most vulnerable members of society. Sutton Housing Partnership, as the Council’s housing management provider, also provides support to vulnerable tenants to help them maintain their tenancy and avoid becoming homeless, for example through rent arrears.

If prevention activities are unsuccessful then certain vulnerable groups are deemed to be in "priority need" and are prioritised in their access to social housing via the housing register. In regard to victims of domestic abuse specifically, the legislation around local authority housing responsibilities has recently been strengthened and this has resulted in a revised housing allocations policy, which will be taken to the Housing, Economy and Business Committee in March, for discussion and approval.

17. **Question asked by Councillor Nick Mattey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**
Given that the price of gas is around 4 pence per kWh and in most new developments a dwelling comes with a gas boiler with warranty. Why is that SDEN customers will be paying a £28 pounds a month standing charge and in excess of 5.3 pence per kWh to have their homes heated by a mixture of gas and incinerator hot water?

Response

As you have been informed before numerous times, it is incorrect to compare prices from properties with individual gas boilers to SDEN as they do not take into account the whole life cycle cost.

SDEN's pricing policy can be found here, it clearly states that:

“SDEN will operate a fair pricing policy where customers’ heat charges are set to offer price parity and where possible a cost saving against the alternative whole life cycle cost of heat that each customer would otherwise pay.”

18. Question asked by Councillor Nick Mattey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee

If New Mill Quarter residents feel that they are being overcharged by SDEN what steps can they take to cancel the contract and find an energy supplier that offers better value?

Response

SDEN has a pricing policy where customers’ heat charges are set to offer price parity and where possible a cost saving against the alternative whole life cycle costs of heat that they would otherwise pay.

When purchasing/moving into a property, customers are required to sign a Residential Supply Agreement (RSA). The customer’s rights to terminate this agreement are clearly set out in the RSA.

19. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhoods Committee

The council has spent £30 million buying land which it hopes one day will be used as the site of the building that will lead the fight against cancer. Now that Cancer Research UK has said that that PM10 and PM 2.5 particulates are carcinogenic. What steps are the council taking to monitor particulate levels in Hackbridge Wallington North and Beddington during times children are at school or going to or coming from school?

Response
Monitoring of $\text{PM}_{10}$ is carried out at four automatic monitoring stations around the borough. There are two monitoring stations located in Beddington, as well as ones in Wallington and Worcester Park. The monitoring data shows that there is compliance with the Air Quality Objectives for $\text{PM}_{10}$ for at least six years. The objectives are based on World Health Organisation recommendations and relate to hourly and annual exposure.

The Council also monitors $\text{PM}_{2.5}$ alongside one of its $\text{PM}_{10}$ monitors in Beddington Lane.

As a $\text{PM}_{10}$ monitor will capture all particles with a diameter of 10 microns or less, it will be capturing $\text{PM}_{2.5}$. The finer particles make up part of the value that is given for $\text{PM}_{10}$ (i.e. they are a subset of the total that is recorded). We know therefore that the concentrations of finer particles ($\text{PM}_{2.5}$) will always be equal to or lower than the values for $\text{PM}_{10}$.

The monitors are operating all day every day and the monitoring data is publicly available on the LondonAir website. The data can be interrogated to identify levels at specific dates and times.

20. **Question asked by Councillor Nick Mattey to Councillor Jayne McCoy, Chair of the Housing, Economy & Business Committee**

Will funds made available in section 106 money that came from Viridor’s Incinerator planning permission to allow residents concerned about air pollution to install air quality monitors?

**Response**

The wording of the section 106 agreement refers to sums of money “to be used by the Council towards the installation of an air quality monitoring station in the vicinity of the site”; “to be used by the Council as a contribution towards the running of the Beddington air quality monitoring station” and “to be used by the Council to carry out NO2 monitoring sampling via 3 different diffusion tubes”. The money is to be used for the purposes set out in the agreement only.

21. **Question asked by Councillor Nick Mattey to Councillor Marian James, Chair of the People Committee**

New builders are taking over at the New Hackbridge School, has the council any idea when the school is likely to be finished and have the builders been asked to put in air filtration equipment due to the school being only 850 metres from the incinerator?

**Response**

In order to measure the impacts from the school development against specific benchmarks, an Air Quality Neutral Assessment was carried out during the development control process which identified that mitigation measures to reduce the impacts from transport associated with the school could have a beneficial effect. Conditions were therefore recommended for
inclusion on any planning consent to ensure that these mitigation measures are implemented, including School Travel Plans and Electric Vehicle Charging points.

The assessment did not, however, identify that any impact requiring the use of filtration equipment was required for this development and, as such, this is not being provided at the school.

We are not yet in a position to confirm the completion date for the project. We have signed a letter of intent with Wilmott Dixon but we are not yet in contract. We are working with the contractor to agree the outstanding works including their value and should be in a better position to understand the likely programme in the coming weeks.

22. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhoods Committee

Currently large amounts of municipal solid waste are being dumped in the Viridor Landfill causing an awful stench and attracting ever increasing amounts of seagulls. It is suggested that this extended use was granted so that Viridor can ensure the maximum amount of rotting organic material is present. It is methane gas from its decomposition that powers the landfill engines that not only going to supply heat to SDEN but also generate lucrative subsidised electricity. Why has the council allowed this to happen and can the council not see that this is a blatant conflict of interest and a disregard of its obligations to support residents rather than its business partner in SDEN Viridor?

Response

The ERF is currently still in the commissioning phase while testing continues and there have been instances where both lines of the ERF have not been working. In line with the planning permission therefore, the landfill site has been used. An extension to the end-date for landfill operations has been granted to allow for the delay in making the ERF lines operational, whilst they are still in the commissioning phase. This deed of variation to the legal agreement ensures that landfill will cease at the end of December 2019.

23. Question asked by Councillor Nick Mattey to Councillor Manuel Abellan, Chair of the Environment & Neighbourhoods Committee

Residents in Beddington have claimed that since the traffic lights at the pedestrian crossing have been removed crossing the road has become more hazardous and that vehicle speeds have increased. What evidence can the council supply that this is not the case?

Response

The installation of new crossings is only one element of a number of improvements being introduced along Hilliers Lane and Beddington Lane through the village area. All the improvements have been designed to complement each other and create an area of highway that is appropriate for this predominantly residential environment. The road layout
through the village is in the process of being enhanced, with road narrowings to encourage vehicles to drive at a more appropriate speed along Hilliers Lane and Beddington Lane. In combination with these speed reduction measures, a lorry ban is proposed between Hilliers Lane (at its junction with Croydon Road) and Beddington Lane (at its junction with Derry Road). This will mean no vehicles of 7.5 tonnes or above, unless servicing the village, will be allowed to enter this area 24 hours a day/seven days a week, and this will be enforced by new CCTV camera technology.

Although we have no evidence of vehicle/pedestrian incidents, once these improvements are in place, Hilliers Lane and Beddington Lane are expected to see an improvement in terms of lower vehicle speeds and a substantially lower number of heavy goods vehicles using this section of road, giving the village a much-improved feel and appearance. I would like to reassure you that once these improvements have been installed, full post-construction monitoring will take place in terms of speed and volume of vehicles to measure the effectiveness of the initiatives.