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OVERVIEW AND SCRUTINY COMMISSION

20 SEPTEMBER 2016

(7.15 pm - 10.28 pm)

PRESENT: Councillors Peter Southgate (in the Chair), Hamish Badenoch, John Dehaney, Abigail Jones, Sally Kenny, Dennis Pearce, Oonagh Moulton, David Williams, Agatha Mary Akyigyina (substituting for Peter McCabe) and Joan Henry (substituting for Mike Brunt)

Co-opted Member Helen Forbes

ALSO PRESENT: Ged Curran (Chief Executive), Sophie Ellis (Assistant Director of Business Improvement), Paul Evans (Assistant Director of Corporate Governance), Neil Thurlow (Safer Merton Manager), Jim Marsh (Project Manager for Customer Contact) and Julia Regan (Head of Democracy Services)

Chief Superintendent Steve Wallace, Acting Borough Commander

Lyla Adwan-Kamara, CEO, Merton Centre for Independent Living

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Peter McCabe (substituted by Councillor Agatha Akyigyina), Councillor Mike Brunt (substituted by Councillor Joan Henry), and from co-opted members Geoffrey Newman and Colin Powell.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE MEETING HELD ON 7 JULY 2016 (Agenda Item 3)

The minutes were agreed as an accurate record of the meeting.

4 MINUTES OF CALL-IN MEETING ON 2 AUGUST 2016 (Agenda Item 4)

The minutes were agreed as an accurate record of the meeting, subject to a point being added under item 4 to make it clear that Councillor Draper had conceded that the consultation with Friends Groups had been inadequate.

5 PUBLIC MINUTES OF CALL-IN MEETING ON 4 AUGUST (Agenda Item 5)

The minutes were agreed as an accurate record of the meeting.

6 EXEMPT MINUTES OF CALL-IN MEETING 4 AUGUST 2016 (Agenda Item 6)

The minutes were agreed as an accurate record of the meeting. As a matter arising, Councillor Oonagh Moulton commented that she had met with the headteacher of the affected primary school and was pleased to hear that there had been positive discussions subsequent to the scrutiny meeting.

7 CRIME AND POLICING IN MERTON (Agenda Item 7)

Chief Superintendent Steve Wallace, Acting Borough Commander, announced that the new Borough Commander, Chief Superintendent Theresa Breen, would start around 17 October. He drew members' attention to recent developments, including a successful covert drug operation that resulted in 40 individuals being charged; the challenging nature of scooter crime; targeted work on burglary, seasonal anti-social behaviour and knife crime; and the fact that Merton is now able to access more resources from the Met to tackle gang violence.

Chief Superintendent Steve Wallace highlighted key trends in the crime figures set out in the appendix to the report – overall total notifiable offences are up 4%, mobile phone theft has decreased, car and moped theft has increased and rape and sexual offences have increased. He said that the robust partnership work on domestic abuse would continue to tackle offenders and support victims.

Chief Superintendent Steve Wallace provided an answer to each of the questions that had been sent to him in advance of the meeting (these questions are set out in the agenda):

- a) Reports of hate crime in Merton have doubled in the past two years. He receives a weekly report on hate crime and has seen a marked increase since the Brexit referendum, with an average of 7 cases per week, though in August this has reduced to 5 per week which is comparable to last August. Around 80% of hate crimes are racially motivated.
- b) The number of dedicated ward officers has not reduced. He asked whether a particular concern had prompted this question and then, in response to information given regarding policing of the Armed Forces Day Parade, he said he would use that to plan ahead for next year.
- c) The second dedicated PC in each ward, as announced by the Mayor of London, will not be additional officers but will be recruited from existing borough personnel. The first six will be in place shortly.
- d) There will still be flexibility locally and a call on other forces as at present as well as an expectation that Merton officers will assist other MPS operations as required.
- e) The work that would be required to compile data showing the number of officers deployed elsewhere would be considerable. The numbers vary from

- day to day. Merton benefits from being able to call on officers from other forces, particularly during Wimbledon Fortnight.
- f) Data is not held on home location of officers. Cost of accommodation and transport costs are an issue for officers.
 - g) He described some of the work that is being done in partnership locally to protect vulnerable girls and women from FGM, sexual exploitation and forced marriage.
 - h) No formal complaints have been received from Raynes Park residents in relation to speeding. If councillors pass these on they will be addressed.
 - i) Traffic speed enforcement is carried out proportionately, drawing on road traffic accident data to identify priority areas.
 - j) There are teams in the town centres. Social media, particular Twitter feeds, are being used by police officers to communicate successful action on local issues to residents.
 - k) The borough wide controlled drinking zone is enforced regularly. Interventions are not always recorded, especially when people are co-operative. Police also take enforcement action against selling premises as well as individuals. In Mitcham alone recently there have been 45 warnings and 13 community protection notices, and 4 convictions for breaches and hundreds of alcohol seizures.

The Acting Borough Commander welcomed positive feedback from a member of the Commission regarding Merton police's social media presence and provided further information in response to additional questions:

- The police are operationally independent and listens to the public and local councillors on local priorities as well as implementing the Mayor's police and crime plan.
- Officers are well experienced in dealing with mental health issues. There is an anticipation that the community MARAC will also increasingly work on these issues in future.

The Chair thanked the Acting Borough Commander for attending and answering the Commission's questions.

8 DISABILITY HATE CRIME (Agenda Item 8)

Lyla Adwan-Kamara, CEO of Merton Centre for Independent Living described the background to the report and highlighted the main findings:

- 500 disabled people in Merton experience hate crime every year
- serious case review findings show that escalating violence is typical
- the typical victim is someone who is already marginalised
- a high proportion of perpetrators are people in close relationships with the victim, such as family members or carers. Other features of disability hate crime are that there may be a group of perpetrators.

Lyla Adwan-Kamara explained how difficult it can be for disabled people to disclose that they have been a victim of hate crime, particularly when this is longstanding, accepted as an inevitable part of life and/or the perpetrator is their carer. She gave examples of other ways in which hate crimes may be categorised and dealt with, including through safeguarding, anti social behaviour or domestic violence work.

Members welcomed the report, noting the low reporting rate and the parallels with domestic violence. Chief Superintendent Steve Wallace, Acting Borough Commander, said that at present police officers don't always use the hate crime box on the crime report. He added that it was important to learn from experience of work on domestic violence in order to build up awareness and reporting.

In response to a question about what support Merton CIL was looking for on this work, Lyla Adwan-Kamara drew their attention to the recommendations for each organisation and said that they were also looking for support to gain a fuller understanding of the number of victims of crime who are disabled, involvement in the community MARAC or a meeting with the Anti-Social Behaviour team to discuss these issues. She added that Merton CIL had received some funding from MOPAC to trial some hate crime work but that they already had a full caseload.

Members suggested that dialogue with social workers and hate crime input into training for social workers and school governors might be helpful. Members also suggested that carers may need support to manage difficult and stressful situations. Lyla Adwan-Kamara said that it would be useful to differentiate between incidents caused by stress and those motivated by hatred. She added that organisations that support carers would receive a condensed version of the report through the INVOLVE network.

RESOLVED to receive a progress update to a future meeting to monitor implementation of recommendations aimed at the council.

Neil Thurlow, Safer Merton Manager said that the Safer and Stronger Partnership Board would be receiving the report next week and he would then be able to advise on timescale for reporting back to the Commission. The Acting Borough Commander said that he was already assessing how the police would implement the recommendations.

Lyla Adwan-Kamara said it would be helpful if the council could alert Circle Housing Merton Priory to the report and recommendations.

9 CUSTOMER CONTACT PROGRAMME (Agenda Item 9)

Sophie Ellis, Assistant Director of Business Improvement, introduced the customer contact programme manager, Jim Marsh, and highlighted the key points in the report. She said that there had been progress with the delivery of online services through the beta website since the last time she had reported to the Commission but that the number of services available online was still fewer than she had hoped for. She drew

members' attention to the challenges experienced by the provider, including recruitment difficulties, plus technical issues set out in the report.

Sophie Ellis reminded the Commission that the council has a robust contract with the provider and that the financial penalties that had been built into the contract had been activated appropriately while at the same time maintaining a constructive working relationship so that the project could continue to deliver a high quality product.

Members said they were pleased with the level of use of online services but disappointed that there had not been more progress. Sophie Ellis explained that the beta site has not been actively promoted in order to avoid raising expectations unrealistically and so the level of uptake to date is remarkable.

In response to a question, Jim Marsh said that overall the programme was four months behind the end delivery date. Sophie Ellis said that the Merton Improvement Board would review lessons learned from this contract and share these across the council. Sophie Ellis said that, in her view, a 2 to 3 month period of mobilisation subsequent to letting the contract would be helpful so that timescales, resources and constraints could be examined in detail.

RESOLVED: to receive a further update at the Commission's meeting on 7 March 2017.

10 WORK PROGRAMME 2016/17 (Agenda Item 10)

Members discussed potential subjects for a task group review.

RESOLVED: to keep a watching brief on social cohesion and to use the pre-decision scrutiny of the equality and community cohesion strategy at the Commission's meeting on 15 November as an opportunity to provide challenge on these issues and, if appropriate, agree to establish a task group.

11 MINUTES OF MEETING OF FINANCIAL MONITORING TASK GROUP 5 JULY AND 26 JULY 2016 (Agenda Item 11)

RESOLVED: to note the minutes of the financial monitoring task group meetings on 5 July and 26 July 2016.

12 COUNCIL TAX CONSULTATION (Agenda Item 12)

In accordance with Part 4A, paragraph 7(m) of the Constitution, it was unanimously RESOLVED to extend the duration of the meeting beyond three hours, to end by 10.30 PM.

The Chair explained that this urgent item had been added to the agenda in response to discussion at Council on 14 September. He invited Councillor David Williams to set out his reasons for asking the Commission to consider this matter.

Councillor David Williams said that he accepted counsel's advice that the current consultation on council tax and council spending is lawful. He said that the question to which he was seeking an answer is who made the final decision on the consultation questions and what the sign off arrangements had been. In particular, he was seeking information about the level of involvement of the Leader and Cabinet Members. Also, in his opinion, there were weaknesses in the consultation document regarding the options and it lacked some pertinent information, for example on the relationship to the level of reserves.

The Chair invited Councillor Jeff Hanna to speak. Councillor Jeff Hanna said that his comments were summarised in a document that he laid round at the meeting (this has been published with the minutes). He said that he supported the consultation but had some reservations about the content and the process by which it was put together. He questioned counsel's advice and said that, in his view, it would have been preferable for the document to be signed off by Cabinet, with an opportunity for scrutiny. He said that he found the consultation form overly complex for residents, that it lacked information on the reduction in government funding and that the order of the options might affect the outcome.

In response, Paul Evans, Assistant Director Corporate Governance, said that although it was unusual to seek counsel's opinion on a sensitive and political issue such as this, he had done so in order to provide a second opinion and to reassure members that the consultation process was appropriate and the consultation document complied with the code of conduct in being fair and unbiased. Counsel had provided reassurance on both counts. An additional point regarding the use of reserves had been included in response to counsel's reference to the Moseley v Haringey case.

Paul Evans explained that signing off consultation material in itself does not constitute a decision and that the Leader and Cabinet have considerable freedom on what to do to assist in the formation of ideas. He said that consideration of the consultation results will inform decision making by Cabinet, with the usual budget consultation with scrutiny, and subsequent recommendations from Cabinet to Council.

In response to questions about the signing off process, Paul Evans said that material for My Merton magazine is generally drafted by officers and that the final draft is provided to the Leader's Office. The Chief Executive, Ged Curran, added that policy development takes place in private and that there is consequently a differential level of involvement of members depending on their role. He urged the Commission to accept the advice given by counsel and by Paul Evans.

Several members then said that they accepted counsel's advice, that no criticism of officers was intended and that the role of expert officers is crucial because of the difficulty in satisfying everyone on the design of a questionnaire.

The Chair reminded members that the Commission, at its meeting on 23 March 2016, had requested an opportunity for pre-decision scrutiny of the proposals for public consultation on the budget. Some members expressed disappointment that this had

not happened and the Chair asked that the Commission be fully involved subsequent to the consultation.

Councillor David Williams moved and Councillor Oonagh Moulton seconded a motion to “advise the Cabinet that whereas the Commission recognise that it was right for officers to prepare a consultation document on council tax and spending under delegated powers, the subject matter is highly controversial. In consequence the Commission believes that the process would have gained greater credibility if the framing of the narrative and questions had been both more transparent and inclusive, for example on a cross party basis and in co-operation with interest groups”. 4 members voted in favour and 6 against. The motion fell.

Councillors David Williams, Oonagh Moulton, Hamish Badenoch and Peter Southgate asked for their vote in favour of the motion to be recorded.