

Merton Council Overview and Scrutiny Commission



Date: 20 September 2016
Time: 7.15 pm
Venue: Committee rooms C, D & E - Merton Civic Centre, London Road, Morden
SM4 5DX

AGENDA

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**This is a public meeting – members of the public are very welcome to attend.
The meeting room will be open to members of the public from 7.00 p.m.**

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Overview and Scrutiny Commission membership

Councillors:

Peter Southgate (Chair)
Peter McCabe
Hamish Badenoch
Mike Brunt
John Dehaney
Abigail Jones
Sally Kenny
Dennis Pearce
Oonagh Moulton
David Williams

Substitute Members:

Michael Bull
Agatha Mary Akyigyina
Suzanne Grocott
John Sargeant
Joan Henry

Co-opted Representatives

Helen Forbes, Parent Governor
Representative - Secondary and Special
Sector
Colin Powell, Church of England diocese
Geoffrey Newman (Co-opted member,
non-voting)

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 3864 or by e-mail on scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

OVERVIEW AND SCRUTINY COMMISSION

7 JULY 2016

(7.15 pm - 9.45 pm)

PRESENT: Councillors Peter Southgate (in the Chair), Peter McCabe, Hamish Badenoch, Mike Brunt, John Dehaney, Abigail Jones, Oonagh Moulton, Dennis Pearce and David Williams

Co-opted Members Helen Forbes, Denis Popovs and Geoffrey Newman

ALSO PRESENT: Councillor Stephen Alambritis (Leader of the Council)

Ged Curran (Chief Executive), John Dimmer (Head of Policy, Strategy and Partnership), Neil Thurlow, Community Safety Manager, Cassie Newman (London CRC), Adam Kerr (National Probation Service) and Julia Regan (Head of Democracy Services)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Sally Kenny (substituted by Councillor Agatha Akyigyina) and from co-opted member Colin Powell.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes were agreed as an accurate record of the meeting. There were no matters arising.

4 QUESTIONS TO THE LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE (Agenda Item 4)

The Leader of the Council, Councillor Stephen Alambritis, highlighted some of the achievements of the past year, in line with the July principles; including improvement in school standards, creation of new school places, expansion of the South London Legal Partnership, savings from the South London Waste Partnership and the establishment of a partnership with South Thames College and Groundwork to provide adult education services. Councillor Alambritis said that the council would respect the Brexit vote and would work with London Councils, the Local Government Association and the Mayor of London on this and other issues of mutual interest, including Crossrail2.

Councillor Alambritis praised the professionalism and dedication of staff. He outlined key projects for the year ahead, including the new leisure centre, planned improvements to a number of town centres, a range of celebratory events for residents, continued cross-party working to address race hate, the refugee crisis and Crossrail2 as well as supporting St Helier Hospital and bringing AFC Wimbledon back to Plough Lane. He said that he had asked officers to undertake a consultation with residents in the autumn on the level of council tax through My Merton and online on the council's website.

The Chief Executive, Ged Curran, drew the Commission's attention to the challenges ahead for the health sector and the pressures both for the NHS and the Council in relation to meeting the adult social care needs of residents; the pressure on temporary accommodation; outsourcing of a large section of waste and parks services; challenges posed by the transfer of business rates income to local government that would bring new responsibilities with it in order to be fiscally neutral.

In response to a question about the recommendation by Professor Steve Leach in 2006 that scrutiny chairs should be allocated in a politically proportionate way, the Chief Executive said that scrutiny best practice should be viewed in the wider context of holding the executive to account and ensuring that proper checks and balances were in place to give the opposition a voice and that how this is done is a decision for the administration. The Leader said that he is keen that the leader of the Merton Park Ward Independent Residents Group should continue to chair the Overview and Scrutiny Commission. He added that he is committed to engaging with the opposition and is in ongoing discussion with them on a range of issues.

The Leader and Chief Executive provided additional information in response to questions:

- There is no provision for a sports hall to be added to the new leisure centre at present. It may be possible to find sources of funding elsewhere in future.
- The Leader will be talking to the Mayor of London's advisor on the impact of Crossrail2 and will also be responding to Crossrail2's consultation on the issue.
- There are a number of strands of work on the London's Best Council initiative but it has been difficult to establish metrics as, following the abolition of the Audit Commission, there is no longer a set of comparative data to draw on
- The contract for waste services includes penalties for poor performance. The key to success will be establishing a positive working relationship with clear expectations plus praise for good performance and swift action for poor performance.
- Noted need to promote successful schools
- Leader will continue to take up issues of poor performance with Circle Housing Merton Priory

In response to a question about the council's efficiency programme, the Leader and Chief Executive assured Commission members that the policy and strategy was being led by Cabinet and that the target operating models would be signed off by the relevant Cabinet members.

The Chief Executive undertook to provide Commission members with an update on work being done locally to ensure that private rented properties are kept in good condition. ACTION: Chief Executive

5 MERTON PARTNERSHIP ANNUAL REPORT (Agenda Item 5)

John Dimmer, Head of Policy, Strategy & Partnerships, introduced the report. He and the Chief Executive, Ged Curran provided further information in response to questions and comments from members of the Commission:

- agreed that the information taken from the 2014/15 Annual Residents Survey (p13) is too out of date. In particular, will review the data given on concern over lack of jobs.
- there will be an Annual Residents Survey this autumn and results will be available in January or February.
- Bridging the gap remains a key ambition for the Merton Partnership
- The council's partner organisations are still committed to the Merton Partnership despite facing their own resource constraints. The focus is working together on shared priorities. The streamlining of the Partnership's structure has been helpful and the last conference was attended by 120 people.

John Dimmer undertook to provide the following information to members of the Commission:

- The number of affordable homes that have been provided
- What work is being done by the Merton Partnership in relation to the increase in reported incidents of race hate since the Referendum – the Chief Executive said that a joint statement had been issued and that the Cabinet Member for Community Safety, Engagement and Equalities was part of a joint task group with the Police.
- An update on the findings and outcome of the apprenticeship review

6 REHABILITATION STRATEGIES (Agenda Item 6)

Neil Thurlow, Community Safety Manager, introduced Cassie Newman, Head of Stakeholders and Partnerships London CRC and Adam Kerr, Head of Croydon, Merton, Sutton and Sex Offender Treatment Unit, National Probation Service.

Cassie Newman said that there were 21 Community Rehabilitation Companies (CRCs), including one for London. The London contract is held by MTC Novo which is a joint venture between MTC (an American company) and Amey (the facilities management company) and a number of third sector companies.

CRCs manage offenders at low or medium risk. The National Probation Service manages high risk offenders. CRCs work with an age and gender based cohort model on the basis of priority of need with the main aim to reduce reoffending. The London CRC is currently working with 482 cases in Merton. A more detailed profile of cases will be available from mid July.

In response to a question Cassie Newman reassured members that the changing number of breaches being brought to court was not caused by the financial penalty clauses in the contract but was rather the result of staff getting used to new ways of working plus new IT systems. Adam Kerr said that he anticipated that breaches would return to previous levels shortly and he undertook to provide members with Merton data on breaches. ACTION: Adam Kerr, National Probation Service

In response to further questions Cassie Newman explained that the RAG level for an individual offender would move from red to green before being removed from the scheme. In relation to vulnerable adults, she said that there were a number of pathways designed to divert them from entering the criminal justice system. Those who do enter the criminal justice system receive psychological interventions to support them.

Adam Kerr said that the National Probation Service was the public sector arm of the probation service. It has 7 divisions, of which one is London. There are 12 clusters within London – Merton is in a cluster with Sutton and Croydon. There are 207 high risk offenders in the cluster of which 25% are aged 30-39, 22% aged 18-24 and 9% are women. 82 offenders come under the Multi-agency Public Protection Arrangements (MAPPA) to manage the most difficult offenders. Merton's MAPPA arrangements have been rated as "good" by the National Probation Service.

Adam Kerr added that the National Probation Service had experienced a period of "churn" initially but is now settling down and is engaged in positive partnership working in Merton.

In response to a question Cassie Newman and Adam Kerr said that positive working relationships and local knowledge have overcome the logistical difficulties of working with organisations that have different geographical boundaries.

The Chair thanked the officers for their report and said that it would be helpful to have data in due course showing what progress has been made with offenders in Merton. ACTION: Community Safety Manager to advise when data is available

TASK GROUP (Agenda Item 7)

Members welcomed the report and RESOLVED to forward it to Cabinet for approval and implementation of the recommendations.

8 ANALYSIS OF THE ANNUAL SCRUTINY SURVEY 2016 (Agenda Item 8)

Members discussed the findings of the annual survey, agreed that an online survey would be helpful in future years and RESOLVED to agree the action points listed in the report and set out in Appendix 3.

9 OVERVIEW AND SCRUTINY COMMISSION WORK PROGRAMME 2016/17 (Agenda Item 9)

Members of the Commission:

- agreed the work programme for the 2016/17 municipal year as set out in Appendix 1
- appointed Councillors Hamish Badenoch, Mike Brunt, Jeff Hanna, Dennis Pearce, Peter Southgate and David Williams to the financial monitoring task group
- agreed that the meetings of the financial monitoring task group should start at 7.15pm in future
- agreed to defer discussion of suggestions for a task group review to the next meeting of the Commission
- noted that the Standards and General Purposes Committee has requested a report on member training at its next meeting.

10 DISCUSSION OF QUESTIONS TO ASK THE BOROUGH COMMANDER AT THE COMMISSION'S MEETING ON 20 SEPTEMBER 2016 (Agenda Item 10)

RESOLVED that members should send suggested questions to the Head of Democracy Services by email.

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Agenda Item 4

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OVERVIEW AND SCRUTINY COMMISSION

2 AUGUST 2016

(7.15 pm - 10.29 pm)

PRESENT: Councillors Peter Southgate (in the Chair), Hamish Badenoch, Abigail Jones, Oonagh Moulton, David Williams, Mike Brunt, John Dehaney, Sally Kenny, Dennis Pearce and Imran Uddin

Co-opted Member Helen Forbes

ALSO PRESENT: Councillors Suzanne Grocott, David Dean, Nick Draper (Cabinet member for Community and Culture), Ross Garrod (Cabinet Member for Street Cleanliness and Parking), Daniel Holden and Najeeb Latif

Charles Baker (Waste Strategy and Commissioning Manager), James McGinlay (Head of Sustainable Communities), Doug Napier (Leisure and Culture Greenspaces Manager), Cormac Stokes (Head of Street Scene and Waste) and Annie Baker (SLWP Strategic Partnership Manager)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from co-opted members Colin Powell and Geoffrey Newman.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 CALL IN: SOUTH LONDON WASTE PARTNERSHIP - PROCUREMENT OF WASTE COLLECTION AND RELATED ENVIRONMENTAL SERVICES (LOT 1 - WASTE COLLECTION) (Agenda Item 3)

The call-in was presented by the signatories.

Key points made by Councillor Holden:

- Concerned about the introduction of wheeled bins, fortnightly residual waste collections and the rush with which these are being introduced - will damage the local community notably Wimbledon;
- The administration has no mandate for the change as was not included in its 2014 manifesto;
- Task groups rejected wheeled bins in 2005 and 2011;
- The stated 10% saving to be achieved fails to account for the capital funding required for the rollout of wheeled bins and new bin lorries;

- There has been no consultation with residents and not enough done to consider the needs of disabled and elderly residents as well as staff and requirements around TUPE; and
- Cabinet needs to reconsider its decision based on providing residents with greater choice and consultation. The weekly residual waste collection should be retained and other savings considered.

Additional points made by Councillor Grocott:

- No evidence provided that the proposed waste collection solution will achieve the claimed changes in resident behaviour, increase the use of food caddies and/or lead to more recycling;
- Residents are not provided with any choice in the number and size of containers that will be needed for the proposed waste collection service. Advice is not provided on how these can be stored; and
- Residents will get half the service for a 10% saving.

Councillors Holden and Grocott answered questions from members:

- An additional £4m capital funding for vehicles and wheeled bins will be required which has not yet been approved;
- Requested to understand at what point the administration decided to change its policy and introduce wheeled bins;
- The focus on Wimbledon reflects the level of correspondence received from this part of the borough and the fact it has a large number of flats and smaller houses making wheeled bins difficult to accommodate;
- The focus on the shift to fortnightly residual waste collections reflects this that weekly collections are highly valued and the aspect of the current service most mentioned by residents; and
- The Lavender Fields pilot is considered inadequate because the waste collection service trialled was different from that now being proposed. It featured weekly residual waste collections, comingling of recycling and was based on a small and unrepresentative sample of Merton households.

The following additional comments were made:

- Councillor Southgate, as Chair of the Overview and Scrutiny Commission, agreed to look at the process of providing documents requested in the call-in form through the meeting agenda;
- Councillor Uddin noted new vehicles would have to be purchased in any event and are not necessitated by the LOT 1 contract. Also, that fewer replacement vehicles are needed because of the contract.

The Commission then heard from a series of requested witnesses and speakers.

Key points from Terry Downes, GMB representative:

- TUPE is not being applied during the competitive tendering process. This is open to legal challenge by the GMB;
- Nonsensical to outsource services if cost savings can be achieved by the in-house team;
- Outsourcing will lead to longer shifts and extended working hours;

- The specification still hasn't been provided making it impossible to compare on a like-for-like basis with the existing in-house service; and
- Wheeled bins did not reduce rates of staff sickness during the Lavender Fields pilot.

Key points Ruth Baber, trustee of Sustainable Merton:

- Wheeled bins are the wrong size; providing two of equal size potentially gives residents the message that it is okay to have as much residual rubbish as recycled paper and card. Spare capacity in both might lead to rubbish being placed in the wrong bin;
- Storage and access a problem for many not just disabled residents. Concern that many won't be able to cope with the complexity of the proposed solution;
- An education programme is needed to increase recycling and decrease use of landfill;
- Concerned about aesthetics; five containers will clutter streets; and
- Requested a street cleanliness performance measure.

In response to member questions, Ruth Barber added:

- Debatable if the Lavender Fields pilot showed the proposed solution will increase recycling because the bins used for this were smaller and recycling was comingled; and
- Consultation with residents needs to put further information in the public arena and give the reasons for recycling including how this decreases the costs of waste services.

Key points from Dan Goode, founder of Merton Matters:

- In 2010, Merton was named as the dirtiest borough in London with 49% of byways substandard. This should be tackled with a joined-up strategy;
- Wheeled bins are not the solution because the majority of street litter does not come from residual household waste. Typically this is alcohol and soft drink bottles, fast food packaging and cigarette waste;
- Litter breeds litter; cleanliness encourages the majority;
- A five container solution (some with no lids allowing spillage) will add to the clutter and disorder;
- Street litter bins are not being emptied regularly. Reported that Morden Hall Road has not been swept for five weeks but this was denied by the council when raised; and
- The proposed solution will not address the issue of street litter. Funding should be used to increase collections.

In response to member questions, Dan Goode added:

- Wheeled bins have not had an impact on street cleanliness in other boroughs because street litter is not the waste that goes into wheeled bins. This opinion is based on his own volunteering experience. This solution is not cost effective because it isn't treating the root cause. It is cheaper to work with residents. Cited the example of Sheffield Council working;
- Agreed some street waste comes from ripped bags due to foxes. However, this would be better addressed by use of food caddies; and

- Merton has an ingrained littering culture. This solution is taking money away from addressing the littering issue.

Key points from Paula Baily, operations manager, Age UK Merton:

- 95% of older residents she has spoken to over the last week don't know about the new waste scheme. Once explained, all objected. Highlighted the issues those with dementia and memory problems may have with the complexity of the scheme;
- 70% of those questioned don't want to participate in the new scheme. Consider the containers too large for their needs, irresponsible and an over provision;
- Aesthetics are important: no one wants all the containers in their front garden; and
- Containers are too difficult to move. This is informed by experience of the garden waste scheme which was much demanded but older residents have found the bin is too heavy to move. To put this into perspective there are 2,250 households in Merton with a resident aged 85+, 15,500 aged 65+ (of which 7,700 are single person households).

In response to member questions, Paula Bailey added:

- Consulted with approximately 40 older Merton residents to inform this evidence; and
- Not aware of the council's assisted collection scheme and does not know any individual using it.

Key points from Andrew Boyce, local resident:

- Proposed solution about saving money and not meeting needs;
- There has been no consultation across the borough and there is a lack of awareness of the scheme;
- Doesn't see how a five container solution can be more efficient; and
- Believes there will be difficulties collecting waste using wheeled bins because of parked cars.

In response to member questions, Andrew Boyce added:

- Has tried to address difficulties in getting his recycling collected by emailing the council and Councillors. Doesn't know why the collection hasn't happened.

Councillor Garrod, Cabinet Member for Cleanliness and Parking, responded to the call-in and evidence provided by witnesses and speakers by making the following key points:

- Most of the points raised have been addressed previously through pre-decision scrutiny and Full Council;
- Happy to provide reassurance to residents; providing an assisted collection service and the imposition of penalties on the contractor for scattered litter are explicitly part of the contract;
- Willing to extend direct dialogue to other groups including those speaking today;
- The information presented today has been skewed;
 - Food waste and recycling will be collected weekly;
 - Flats with Eurobins will have weekly collections and more frequently if necessary; and

- Flats over shops and others where impractical will not have wheeled bins. This includes any property with three or more steps.
- About to start a fine tuning exercise where issues will be addressed in detail;
- From the last resident survey, litter is the number one issue with 50% of all litter resulting from the existing waste service. This is the issue that the administration is acting to fix;
- Merton is one of the last remaining boroughs in London without wheeled bins;
- Residents have nothing to fear; Merton's streets will be cleaner, there will be a £2m saving and the capital spend on replacing bin lorries would be required whether or not the scheme was implemented;
- The contractor will be required to deliver a resident education programme including home visits with similar in Ealing resulting in requests for 7,000 additional food caddies; and
- This will bring Merton's waste services into the 21st century by using digital communication systems to make the service more efficient and allow workers to report faulty street lighting, the need for an assisted collection, fly tipping etc.

In response to member questions, Councillor Garrod added:

- Using a wheeled bin to collect and store paper and card will keep it dry and maintain its value for recycling;
- As only appointed to Cabinet during the last two weeks in May 2016, he cannot give the information requested about when Cabinet made the decision to support the adoption of wheeled bins;
- The pilot provided a sample of the borough and allowed information and knowledge to be developed;
- Flats were not included in the Lavender Fields pilot because such dwellings will not be getting wheeled bins under the scheme; and
- The pilot finding of 89% satisfaction with wheeled bins is relevant to the proposed scheme.

Cormac Stokes, the Head of Street Scene and Waste, added:

- The stated 10% saving cannot be guaranteed but is likely to be in excess of this;
- Conducted an open consultation with the market. The solution with the greatest saving is the also the most advantageous because it reduces the reliance on landfill whilst increasing recycling;
- All the costs of introducing the scheme have been factored in including the education programme and it is still geared to save £2m per annum after year 2. The capital spend will be £6m over the first eight years of the contract to buy wheeled bins and vehicles;
- Unsure of the number of residents benefitting from an assisted collection. However, only one person (0.1% of the sample) joined the scheme as a result of the Lavender Field pilot when assisted collections were heavily promoted. This indicates that the scheme is already well utilised;
- The contract stipulates that the application of the assisted collection scheme will be at a cost borne by the contractor even if this is subject to an increase in demand; and
- Additionally, the price of the contract cannot go up unless it has been based on false assumptions provided by the council. Highlighted that assumptions about

property types were made by the contractor and there is no risk to the council based on this variable.

The following additional comment was made:

Councillor Jones: the report on the Lavender Fields pilot came to the Sustainable Communities Overview and Scrutiny Panel. This noted that 89% of participants were happy with wheeled bins, 95% found them easier to use and 81% reported streets were cleaner than before the trial.

Members then discussed their response to the call-in:

- Councillor Moulton: not satisfied with the answers given to the main points of the call-in; no consultation, no proof of advantage, no evidence of proportionality or that equalities have been adequately addressed, there has been a lack of openness and there is no clarity on desired outcomes. Recommended referring the decision back to Cabinet;
- Councillor Williams: highlighted the lack of consultation. Stated he has no objection to wheeled bins but does have an objection to forcing these on uninformed residents. No clarity on when this decision was made. No information has been provided on the impact on the elderly. Requested an open and transparent consultation. Merit in asking Cabinet to look at this again and hold a better consultation;
- Councillor Badenoch: information needs to be provided on the impact of alternative approaches on savings. For example, what effect comingling of recycling will have on the savings so that a fully informed decision can be made; and
- Councillor Pearce; there is a duty on Councillors to safeguard the council's finances which is subject to ever more cuts. Recommended not referring back but moving forward as best as possible.

Councillor Williams seconded Councillor Moulton's recommendation to refer the decision back to Cabinet. A vote was taken by show of hands with three votes for and six against. The recommendation was not agreed.

Councillor Southgate suggested adding an informative to the decision which was agreed by members.

Councillors Uddin and Brunt applauded the work of Friends Groups and highlighted the need to work partnership to address littering in the longer term.

RESOLVED: Not refer the matter back to Cabinet meaning that Cabinet's decision on the LOT 1 of the South London Waste Partnership shall take effect immediately. Also to add the following informative:

- Cabinet to ensure all residents are informed of the forthcoming changes to waste services; and
- Cabinet continue to take appropriate steps to change the culture in Merton so all residents take pride in a litter free environment.

4 CALL IN: SOUTH LONDON WASTE PARTNERSHIP - PROCUREMENT OF WASTE COLLECTION AND RELATED ENVIRONMENTAL SERVICES (LOT 2 - PARKS MAINTENANCE) (Agenda Item 4)

The call-in was introduced by the signatories.

Key points made by Councillor Najeeb Latif:

- Does not believe contracting out is in the best interests of the staff, Merton's parks, Friends Groups or residents;
- There has been no consultation on the proposal;
- The experience of staff has failed to be considered as part of the new approach;
- Staff and Friends Groups will withdraw their good will as result of this new approach;
- Not possible to provide a better service than currently without diminishing the terms and conditions of staff; and
- Need for reassurances – that TUPE has and will continue to be applied, staff will be safeguarded and will be retained in posts in the longer term.

Councillor Dean asked the following questions:

- Why has there been no consultation with staff, Friends Groups and residents?
- Why was the Greenspaces staff team not allowed to bid?
- Why will the administration not guarantee the rights of staff?

The Commission then heard from a series of requested witnesses and speakers.

Key points from Terry Downes, GMB representative:

- The council has failed to observe and enforce TUPE. This could make any decision taken by the council irrelevant if legally challenged;
- Highlighted that the objectives of the contract could have been fulfilled in-house but that the in-house bid was ruled out of the bidding process on a technicality;
- The uncertainty means staff are already leaving (noted this applies to grave diggers and horticultural staff) with more departures anticipated;
- The desired economies of scale have not been defined – targets and cost savings are unknown; and
- The specification for the proposed service still hasn't been provided.

In response to member questions, Terry Downes added:

- Legal action could be taken on the basis that TUPE has not been adhered to during the competitive dialogue process. Under TUPE workers' terms and conditions should remain the same from the outset of this process until workers are transferred to the employment of the new provider under contract. The contractor then has a legal obligation to consult with workers on any proposed change to terms and conditions. The council's liability for not adhering to TUPE could be £1.1m.

Tina Picard, a Unison representative, asked for her key remarks to be made through the Chair. Tina highlighted that the TUPE process should be transparent and that there is concern about the stress this process is putting on staff.

Key points from Ruth Baber, trustee Sustainable Merton:

- Sustainable Merton and Friends Groups are unsure about the council's desire to develop a commercial environment for the management and oversight of green spaces – no information has been provided about how this will work;
- Merton has a lot of green spaces so a change in approach will have a big impact;
- There are lots of examples of how Friends Groups have worked in partnership with the council's Greenspaces team to benefit Merton's green spaces;
- Not sure that the value of the partnership with Friends Groups has been considered nor the feasibility of this continuing with a private, third party company running the service;
- One difficulty might be that many of these Friends Groups are informal and may not have insurance to work alongside this third party organisation;
- Raised the issue of having greater difficulty in engaging with a third party organisation on specific issues such as refraining from grass cutting if a meadow has been planted; and
- Worried that there will be a loss of internal expertise and questioned how the current standard in caring for Merton's green spaces will be maintained. Concern that mistakes made will be impossible to rectify.

In response to member questions, Ruth Baber added:

- Concerned that Merton's Friends Groups will have to begin again in building the relationship with the organisation managing the borough's green spaces; the existing relationship will be lost at a stroke.

Key points from Tony Burton, Independent Merton Green Spaces Forum representative:

- Difficult to exaggerate the fallout from this new approach to Merton's green spaces. These are important, loved and cared for with Friends Groups adding much value through their knowledge and practical support;
- However, Friends Groups have been left out in the cold. As a result, the Independent Merton Green Spaces Forum has been set-up to collectively ask questions on behalf of all groups;
- Have requested sight of the specification but this has been refused even when subject to a Freedom of Information request;
- Questioned what will happen to Friends Groups, how these will be involved under the new contract and what impact the inclusion of Mitcham Green has had on arrangements; and
- Highlighted that there is a real risk Friends Groups will withdraw their support for Merton's green spaces.

In response to member questions, Tony Burton added:

- The Independent Merton Greenspaces Forum has had two meetings with officers and the Cabinet Member but left these more confused; and
- Has made additional requests for sight of the specification but this hasn't been forthcoming and the rationale for declining access has changed.

Councillor Draper, Cabinet Member for Community and Culture and James McGinlay, Head of Sustainable Communities, responded to the call-in and evidence provided by witnesses and speakers. (During this part of the meeting, the Chair proposed and members agreed an extension by 15 minutes from 10:15pm to 10:30pm.)

Key points made by James McGinlay:

- TUPE has been adhered to with no negotiations about staff terms and conditions able to happen until the contract is approved. Existing employment rights will transfer at the outset of the contract. Staff will remain employed by Merton until 1 February 2017;
- The different views regarding the treatment of TUPE have resulted from a misunderstanding. The preferred contractor has put forward some suggestions but there has been no agreement from the council. This can only happen after the contract has been signed. These were simply propositions. The proposed savings are entirely based on retaining current staff terms and conditions. Savings will be made through reduction in management and procurement costs and by better use of buildings. The contract stipulates a guaranteed commercial income after which there is profit sharing agreement;
- There has been some modelling of changes to workforce arrangements based on the ages of current staff and the potential resulting turnover rates that allow for some changes in terms and conditions;
- Savings have been outlined as part of the budget setting process with the objective being to achieve at least as good a green spaces service compared to that currently provided with improvements where possible.
- The specification can be released when the preferred bidder is agreed. The call-in has delayed this process and is preventing the specification becoming available;
- A pause at this stage of the process will result in the council incurring a financial penalty as Sutton has incurred costs across LOTS 1 and 2; and
- In 2014, the Cabinet agreed that the target of a 10% + saving couldn't be achieved internally. However, the Greenspaces staff could have made a bid. This was anticipated but it didn't transpire. The pre-qualification questionnaire stage of the competitive tendering process was a completely open process allowing staff groups to participate. As a result of no bid being forthcoming, the council couldn't continue to provide further information to the staff group as this would have been a breach of procurement regulations.

Key points made by Councillor Draper:

- Desire to take a positive point of view of the contract;
- Confident that this is a good deal;
- Would have much preferred to have had more consultation with Friends Groups and meetings with the unions. However, the competitive dialogue process meant more meetings with Friends Groups would not have achieved anything given restrictions on the information that can be shared before the contract is agreed (based on legal advice);

- Sees staff as the parks professionals who love their jobs and who act as mentors to Friends Groups. Wants to see staff flourish and for the bond with Friends Groups to strengthen;
- Highlighted the example of Richmond Park where Friends Groups and other voluntary organisations are working alongside a third party;
- Called on Friends Groups to get involved and be part of the transformation of the management of Merton's green spaces;
- There is no advantage at this stage to holding up the process. Competitive dialogue prohibits the sharing of the specification until the contract is in place. Only moving forward will allow more information to be shared with Friends Groups; and
- The expected savings resulting from the contract are £640K in year 1 and £540K in year 2.

Members then discussed their response to the call-in:

- Councillor Williams: occasionally it is appropriate to pause. The decision needs to be returned to Cabinet for it to carry out an adequate consultation. There is also a need to adhere to TUPE and address the fact Croydon's staff have different terms and conditions. The preferred bidder is happy to allow other councils to opt-in after the commencement of the contract. Once the consultation is complete, Merton can then opt-in;
- Councillor Moulton: seconded the proposal from Councillor Williams;
- Councillor Brunt: highlighted that referring the decision back to Cabinet will prolong the uncertainty for staff and that the preferred bidder has a track record in engagement and delivery;
- Councillor Uddin: highlighted the financial implications of this decision and the need for the council to make savings. Encouraged a rational approach based on the company having both a track record and obligations through the contract. Residents will provide support to hold the contractor and the Cabinet Member to account. Encouraged optimism and opposed Councillor William's recommendation; and
- Councillor Pearce: highlighted that there is still time to refine the contract as only now entering the process of fine tuning.

A vote was taken by show of hands on the recommendation from Councillor Grocott with three votes for and six against. The recommendation was not agreed.

RESOLVED: Not to refer the matter back to Cabinet meaning that Cabinet's decision on the LOT 2 of the South London Waste Partnership shall take effect immediately.

Agenda Item 5

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

OVERVIEW AND SCRUTINY COMMISSION

4 AUGUST 2016

(7.15 pm - 10.05 pm)

PRESENT: Councillors Peter Southgate (in the Chair), Suzanne Grocott, Abigail Jones, Oonagh Moulton, Michael Bull, Agatha Mary Akyigyina, Mike Brunt, Joan Henry, Sally Kenny and Dennis Pearce

Co-opted Member Helen Forbes

ALSO PRESENT: Councillor Mark Allison (Deputy Leader and Cabinet Member for Finance), Adam Bush, Caroline Cooper-Marbiah (Cabinet Member for Education), James Holmes and Martin Whelton (Cabinet Member for Regeneration, Environment and Housing)

Paul Ballatt (Assistant Director Commissioning, Strategy and Performance, CSF), James McGinlay (Head of Sustainable Communities), Julia Regan (Head of Democracy Services), Yvette Stanley (Director, Children, Schools & Families Department) and Chris Randall, Director, New Developments, Harris Federation.

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from:

- Councillor John Dehaney, substituted by Councillor Joan Henry
- Councillor David Williams, substituted by Councillor Michael Bull
- Councillor Imran Uddin, substituted by Councillor Agatha Akyigyina
- Councillor Hamish Badenoch, substituted by Councillor Suzanne Grocott
- Co-opted members Geoffrey Newman and Colin Powell.

Apologies were also received from Posey Furnish, Chair of Governors at Joseph Hood School and from the Education Funding Agency.

The Chair expressed regret that the Education Funding Agency, a key partner, had been unable to attend.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest for the public part of the meeting.

3 CALL-IN OF HARRIS WIMBLEDON SECONDARY SCHOOL - REQUIRED SITE APPROVALS (Agenda Item 3)

The Chair announced that the meeting would have two parts – a public session (minuted here) and a private session (minuted in an exempt document).

The Chair invited Councillor James Holmes to explain why he had requested a call-in on this matter. Councillor Holmes said that although he recognised that there were no easy answers to finding an appropriate site, he had concerns over the small size of the proposed site and the implications this posed for delivery of a full curriculum including sports. He also had concerns for pupil safety because the proposed site is surrounded by busy roads.

Councillor Holmes questioned the grounds on which alternative sites had been rejected and said that the decision making process had not been as open as it should have been, particularly in terms of his own involvement as lead opposition councillor and consultation with parents and potential pupils. He stated that he had found some of the reports misleading.

The Chair drew members' attention to the letter submitted by Posey Furnish, Chair of Governors at Joseph Hood School, set out on page 205 of the agenda. The Chair said that, in summary, the letter expressed surprise that the councillors who had called-in in this matter had not been in contact with the Headteacher or chair of governors, that the plan (to site the new school temporarily in the old Adult Education building in Whatley Avenue adjacent to Joseph Hood Primary School) is not ideal but represents the best possible scenario for the school community and that they had had constructive meetings with senior council officers. Councillor Oonagh Moulton added that she had spoken to Posey Furnish and was aware of the concerns and issues that the school has regarding the site. Members noted the invitation to visit Joseph Hood School.

The Chair invited Peter Walker to address the meeting. Peter Walker laid round a written statement (published with these minutes). He asked the Commission to reject the proposed site in favour of expanding existing secondary schools, using split sites and through schools. He urged the council to open a new secondary school in the east of the borough. He said that the proposed location was in the wrong place, too small for sport and would not be ready in time to meet the rising demand for secondary school places.

In response to questions from members, Peter Walker said that when he was Cabinet Member for Education, Harris had been in the driving seat, that the findings of a cross party review of potential locations had been ignored and that, as far as he knew, headteachers had not been involved in the decision on the proposed site.

The Chair invited officers to respond to the points made by Councillor Holmes and Peter Walker.

Paul Ballatt, Assistant Director, Commissioning, Strategy and Performance, said that projection figures of school places change and were now lower than when Peter

Walker was Cabinet Member. This is due to a smaller proportion of Merton primary pupils taking up Merton secondary school places combined with a lower population increase than previously modelled. Paul Ballatt said that six new forms of secondary school entry would be required in the west of the borough by September 2018 to be delivered by the new school, initially requiring a temporary solution of using the former adult education building in Whatley Avenue. He said that expansion of existing secondary schools, split site provision and all through schools had all been examined and found to be not practicable.

Paul Ballatt explained that government policy in recent years had changed the options available to local authorities which is why this work is now being done in partnership with Harris Federation and the Education Funding Agency. He said that the cost to the council for a new secondary school on the proposed site in partnership with Harris Foundation and the Education Funding Agency would be in the region of £10m compared to the projected cost in 2013 of between £30m and £40m when the council was solely responsible for provision. He reported that the Education Funding Agency had carried out their own site search and had stated that the Merton site search had been very thorough.

At this point the Commission agreed that to further their discussion that they need to move into a closed session

RESOLVED: That the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s). The public part of the meeting closed at this point. Exempt minutes of the closed session have been published in a separate document.

At the end of the closed session, the Commission RESOLVED to decide not to refer the matter back to Cabinet. 7 members voted in favour of not referring back to Cabinet and 4 members abstained.

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Committee: Overview and Scrutiny Commission

Date: 20 September 2016

Subject: Crime and policing in Merton

Lead officer: Chief Superintendent Steve Wallace, Acting Borough Commander

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

Contact officer: Julia Regan, Head of Democracy Services,
julia.regan@merton.gov.uk, 0208 545 3864

Recommendations:

- A. That the Overview and Scrutiny Commission discuss and comment on the crime data provided by the Acting Borough Commander (see Appendix A) and ask other questions as appropriate.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Acting Borough Commander has been invited to attend the Overview and Scrutiny Commission meeting to give a brief overview of any changes since the previous Borough Commander attended the Commission in March 2016 and to address the questions identified by Commission members as set out in section 2 below.
- 1.2. He was also requested to provide crime data in the same format as that provided previously. This is set out in Appendix A.

2 DETAILS

- 2.1. The Acting Borough Commander has been asked to provide an overview of any changes since the last meeting and anything he wished to draw to the Commission's attention.
- 2.2. Commission members also identified a number of questions they would like to discuss with the Acting Borough Commander. These were emailed in advance of the meeting so that the Acting Borough Commander could prepare his answers
- 2.3. The questions are:
- a. What is the recorded incidence of hate crime for the most recent available period, compared to 12 months ago? Is there a discernible change following the referendum on EU membership?
 - b. As local residents have become aware, dedicated ward officers have reduced in number so would you agree that when there is a high profile event in any ward it would be good practice to have them on duty on that day/weekend and not off?
 - c. Given the recent announcement by Mayor of London, Sadiq Khan, that he is to introduce a 2nd dedicated PC in every ward, would the Acting

Borough Commander tell us where specifically these officers are coming from?

- d. What impact, if any, does he expect this to have on a) the flexibility of Merton's police force and b) staffing?
- e. What are the current abstraction rates from Merton to assist policing elsewhere in the capital?
- f. In a recent article in *The Times* newspaper it was suggested that few Metropolitan Police officers actually live within the 32 London Boroughs. How many of Merton's officers of all ranks live within Greater London and how many live in Merton itself?
- g. What is actively being done in the borough to protect vulnerable girls and women from FGM, sexual exploitation and forced marriage? Are there any successful prosecutions to report and, if so, how many?
- h. A number of Raynes Park residents have complained about the frequent drag racing and speeding by 'tuned-up' cars from the traffic lights at Grand Drive up the Bushey Road and over the railway bridge. What are the police doing to investigate this?
- i. Given that this is something residents repeatedly request, will the police be willing to do more traffic speed enforcement in the borough, especially on residential roads where people 'rat-run' much more now?
- j. Residents often complain to their local councillors about low level anti-social behaviour in Merton's town centres and that it would be helpful to see more police officers out patrolling these specific areas. Whilst resources are clearly limited, can the Acting Borough Commander tell us how Merton's police officers are seeking to make themselves more visible to the public in our town centres?
- k. On how many occasions in the past year has Merton's police force acted to enforce the borough-wide Controlled Drinking Zone? Councillors are still receiving complaints from residents about drinkers gathering together in town centres, particularly outside off-licences and supermarkets. They would appreciate reassurance that Merton's police officers will take seriously any notifications they receive and remain committed to enforcing the terms of the CDZ.

3 ALTERNATIVE OPTIONS

Commission members may choose to ask questions about other aspects of policing in Merton.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Not applicable.

5 TIMETABLE

5.1. Not applicable.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. There are no property or resource implications at this time.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purposes of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

None for the purpose of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix A – crime data for Merton and surrounding boroughs

12 BACKGROUND PAPERS

12.1. None

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Merton

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	857	816	-41	-4.8%	702	604	81.9%	74.0%
	TNO Victim Based	11738	12261	523	4.5%	1777	1846	15.1%	15.1%
	TNO UnKnown	67	80	13	19.4%	14	23	20.9%	28.8%
	TNO	12662	13157	495	3.9%	2493	2473	19.7%	18.8%
Burglary	Burglary in a Dwelling	988	971	-17	-1.7%	91	74	9.2%	7.6%
	Burglary in Other Buildings	607	532	-75	-12.4%	88	49	14.5%	9.2%
	Total Burglary	1595	1503	-92	-5.8%	179	123	11.2%	8.2%
Criminal Damage	Total Criminal Damage	1452	1404	-48	-3.3%	149	188	10.3%	13.4%
Robbery	Business Property	28	33	5	17.9%	15	10	53.6%	30.3%
	Personal Property	258	238	-20	-7.8%	43	26	16.7%	10.9%
	Total Robbery	286	271	-15	-5.2%	58	36	20.3%	13.3%
Robbery Mobile Phone	Robbery Mobile Phone	102	82	-20	-19.6%	19	11	18.6%	13.4%
Theft & Handling	Theft from MV	967	921	-46	-4.8%	14	26	1.4%	2.8%
	Theft Taking of MV	382	556	174	45.5%	32	41	8.4%	7.4%
	Total Theft Person	253	255	2	0.8%	3	4	1.2%	1.6%
	Other Theft & Handling	3074	3005	-69	-2.2%	488	441	15.9%	14.7%
	Total Theft & Handling	4676	4737	61	1.3%	537	512	11.5%	10.8%
Theft Person Mobile Phone	Theft Person Mobile Phone	152	114	-38	-25.0%	1	0	0.7%	0.0%
VWI	Non Domestic Abuse VWI	436	918	482	110.6%	221	240	50.7%	26.1%
	Domestic Abuse VWI	814	506	-308	-37.8%	190	195	23.3%	38.5%
	VWI	1250	1424	174	13.9%	411	435	32.9%	30.5%
Domestic Abuse	Domestic Abuse Hate Crime	1353	1443	90	6.7%	495	526	36.6%	36.5%
	Rape	84	114	30	35.7%	11	14	13.1%	12.3%
	Other Sexual	156	216	60	38.5%	44	43	28.2%	19.9%
	Total Sexual Offences	240	330	90	37.5%	55	57	22.9%	17.3%
	Sexual Offences	Gun Crime	39	29	-10	-25.6%	16	8	41.0%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	3	3	0	0.0%	0	0	0.0%	0.0%
Total knife Crime	Knife Crime	148	166	18	12.2%	37	39	25.0%	23.5%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	24	32	8	33.3%				

Merton

To 06/08/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	863	798	-65	-7.5%	714	597	81.9%	74.0%
	TNO Victim Based	11656	12190	534	4.6%	1785	1812	15.1%	15.1%
	TNO UnKnown	68	75	7	10.3%	16	21	20.9%	28.8%
	TNO	12587	13063	476	3.8%	2515	2430	19.7%	18.8%
Burglary	Burglary in a Dwelling	1012	961	-51	-5.0%	90	65	9.2%	7.6%
	Burglary in Other Buildings	622	524	-98	-15.8%	93	46	14.5%	9.2%
	Total Burglary	1634	1485	-149	-9.1%	183	111	11.2%	8.2%
Criminal Damage	Total Criminal Damage	1427	1404	-23	-1.6%	159	186	10.3%	13.4%
Robbery	Business Property	28	31	3	10.7%	15	9	53.6%	30.3%
	Personal Property	263	226	-37	-14.1%	44	27	16.7%	10.9%
	Total Robbery	291	257	-34	-11.7%	59	36	20.3%	13.3%
Robbery Mobile Phone	Robbery Mobile Phone	104	77	-27	-26.0%	19	11	18.6%	13.4%
Theft & Handling	Theft from MV	970	916	-54	-5.6%	11	25	1.4%	2.8%
	Theft Taking of MV	382	527	145	38.0%	31	39	8.4%	7.4%
	Total Theft Person	243	256	13	5.3%	3	4	1.2%	1.6%
	Other Theft & Handling	3073	2961	-112	-3.6%	493	438	15.9%	14.7%
	Total Theft & Handling	4668	4660	-8	-0.2%	538	506	11.5%	10.8%
Theft Person Mobile Phone	Theft Person Mobile Phone	144	118	-26	-18.1%	1	0	0.7%	0.0%
VWI	Non Domestic Abuse VWI	439	499	60	13.7%	220	241	50.7%	26.1%
	Domestic Abuse VWI	798	926	128	16.0%	195	190	23.3%	38.5%
	VWI	1237	1425	188	15.2%	415	431	32.9%	30.5%
Domestic Abuse	Domestic Abuse Hate Crime	1356	1446	90	6.6%	495	525	36.6%	36.5%
	Rape	77	116	39	50.6%	10	15	13.1%	12.3%
	Other Sexual	160	209	49	30.6%	46	41	28.2%	19.9%
	Total Sexual Offences	237	325	88	37.1%	56	56	22.9%	17.3%
Sexual Offences	Gun Crime	38	29	-9	-23.7%	16	8	41.0%	27.6%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	1	5	4	400.0%	0	0	0.0%	0.0%
Total knife Crime	Knife Crime	149	158	9	6.0%	38	37	25.0%	23.5%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	26	31	5	19.2%				

Merton

To 06/07/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	851	786	-65	-7.6%	708	613	81.9%	74.0%
	TNO Victim Based	11515	12135	620	5.4%	1795	1810	15.1%	15.1%
	TNO UnKnown	66	75	9	13.6%	14	23	20.9%	28.8%
	TNO	12432	12996	564	4.5%	2517	2446	19.7%	18.8%
Burglary	Burglary in a Dwelling	1042	940	-102	-9.8%	102	60	9.2%	7.6%
	Burglary in Other Buildings	629	528	-101	-16.1%	88	44	14.5%	9.2%
	Total Burglary	1671	1468	-203	-12.1%	190	104	11.2%	8.2%
Criminal Damage	Total Criminal Damage	1415	1381	-34	-2.4%	152	197	10.3%	13.4%
Robbery	Business Property	29	28	-1	-3.4%	14	9	53.6%	30.3%
	Personal Property	267	219	-48	-18.0%	42	27	16.7%	10.9%
	Total Robbery	296	247	-49	-16.6%	56	36	20.3%	13.3%
Robbery Mobile Phone	Robbery Mobile Phone	107	75	-32	-29.9%	20	12	18.6%	13.4%
Theft & Handling	Theft from MV	990	896	-94	-9.5%	13	24	1.4%	2.8%
	Theft Taking of MV	372	516	144	38.7%	30	32	8.4%	7.4%
	Total Theft Person	235	256	21	8.9%	3	4	1.2%	1.6%
	Other Theft & Handling	2993	3005	12	0.4%	496	448	15.9%	14.7%
	Total Theft & Handling	4590	4673	83	1.8%	542	508	11.5%	10.8%
Theft Person Mobile Phone	Theft Person Mobile Phone	136	125	-11	-8.1%	1	0	0.7%	0.0%
VWI	Non Domestic Abuse VWI	437	489	52	11.9%	234	233	50.7%	26.1%
	Domestic Abuse VWI	797	888	91	11.4%	191	191	23.3%	38.5%
	VWI	1234	1377	143	11.6%	425	424	32.9%	30.5%
Domestic Abuse	Domestic Abuse Hate Crime	1316	1474	158	12.0%	498	534	36.6%	36.5%
	Rape	70	117	47	67.1%	9	13	13.1%	12.3%
	Other Sexual	159	208	49	30.8%	46	42	28.2%	19.9%
	Total Sexual Offences	229	325	96	41.9%	55	55	22.9%	17.3%
Sexual Offences	Gun Crime	35	26	-9	-25.7%	14	8	41.0%	27.6%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	1	3	2	200.0%	0	0	0.0%	0.0%
Total knife Crime	Knife Crime	143	156	13	9.1%	35	38	25.0%	23.5%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	24	31	7	29.2%				

Richmond - Upon - Thames

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	715	680	-35	-4.9%	527	482	73.7%	70.9%
	TNO Victim Based	10100	10387	287	2.8%	1490	1506	14.8%	14.5%
	TNO UnKnown	50	58	8	16.0%	12	9	24.0%	15.5%
	TNO	10865	11125	260	2.4%	2029	1997	18.7%	18.0%
Burglary	Burglary in a Dwelling	788	708	-80	-10.2%	63	68	8.0%	9.6%
	Burglary in Other Buildings	787	577	-210	-26.7%	54	45	6.9%	7.8%
	Total Burglary	1575	1285	-290	-18.4%	117	113	7.4%	8.8%
Criminal Damage	Total Criminal Damage	1086	1132	46	4.2%	145	132	13.4%	11.7%
Robbery	Business Property	14	11	-3	-21.4%	1	3	7.1%	27.3%
	Personal Property	140	117	-23	-16.4%	25	26	17.9%	22.2%
	Total Robbery	154	128	-26	-16.9%	26	29	16.9%	22.7%
Robbery Mobile Phone	Robbery Mobile Phone	53	43	-10	-18.9%	13	15	24.5%	34.9%
Theft & Handling	Theft from MV	910	915	5	0.5%	22	12	2.4%	1.3%
	Theft Taking of MV	343	476	133	38.8%	23	31	6.7%	6.5%
	Total Theft Person	170	216	46	27.1%	4	5	2.4%	2.3%
	Other Theft & Handling	3021	2944	-77	-2.5%	427	399	14.1%	13.6%
	Total Theft & Handling	4444	4551	107	2.4%	476	447	10.7%	9.8%
Theft Person Mobile Phone	Theft Person Mobile Phone	84	87	3	3.6%	1	1	1.2%	1.1%
VWI	Non Domestic Abuse VWI	285	302	17	6.0%	192	179	67.4%	59.3%
	Domestic Abuse VWI	564	635	71	12.6%	123	133	21.8%	20.9%
	VWI	849	937	88	10.4%	315	312	37.1%	33.3%
Domestic Abuse	Domestic Abuse Hate Crime	988	1041	53	5.4%	391	405	39.6%	38.9%
	Rape	67	89	22	32.8%	8	11	11.9%	12.4%
	Other Sexual	168	174	6	3.6%	43	51	25.6%	29.3%
	Total Sexual Offences	235	263	28	11.9%	51	62	21.7%	23.6%
Sexual Offences	Gun Crime	21	10	-11	-52.4%	1	5	4.8%	50.0%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	1	1	0	0.0%	0	0	0.0%	0.0%
Total knife Crime	Knife Crime	74	82	8	10.8%	19	37	25.7%	45.1%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	5	11	6	120.0%				

Kingston - upon -Thames

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	1120	1114	-6	-0.5%	920	948	82.1%	85.1%
	TNO Victim Based	8951	9072	121	1.4%	1823	1551	20.4%	17.1%
	TNO UnKnown	65	47	-18	-27.7%	18	12	27.7%	25.5%
	TNO	10136	10233	97	1.0%	2761	2511	27.2%	24.5%
Burglary	Burglary in a Dwelling	583	524	-59	-10.1%	38	28	6.5%	5.3%
	Burglary in Other Buildings	372	366	-6	-1.6%	69	44	18.5%	12.0%
	Total Burglary	955	890	-65	-6.8%	107	72	11.2%	8.1%
Criminal Damage	Total Criminal Damage	1033	1041	8	0.8%	178	166	17.2%	15.9%
Robbery	Business Property	7	14	7	100.0%	3	4	42.9%	28.6%
	Personal Property	86	114	28	32.6%	14	23	16.3%	20.2%
	Total Robbery	93	128	35	37.6%	17	27	18.3%	21.1%
Robbery Mobile Phone	Robbery Mobile Phone	31	35	4	12.9%	5	7	16.1%	20.0%
Theft & Handling	Theft from MV	500	444	-56	-11.2%	10	7	2.0%	1.6%
	Theft Taking of MV	131	228	97	74.0%	14	21	10.7%	9.2%
	Total Theft Person	324	402	78	24.1%	5	7	1.5%	1.7%
	Other Theft & Handling	2852	2649	-203	-7.1%	659	478	23.1%	18.0%
	Total Theft & Handling	3807	3723	-84	-2.2%	688	513	18.1%	13.8%
Theft Person Mobile Phone	Theft Person Mobile Phone	145	172	27	18.6%	4	3	2.8%	1.7%
VWI	Non Domestic Abuse VWI	290	352	62	21.4%	268	234	92.4%	66.5%
	Domestic Abuse VWI	751	766	15	2.0%	153	168	20.4%	21.9%
	VWI	1041	1118	77	7.4%	421	402	40.4%	36.0%
Domestic Abuse	Domestic Abuse Hate Crime	999	1028	29	2.9%	416	404	41.6%	39.3%
	Rape	82	77	-5	-6.1%	7	7	8.5%	9.1%
	Other Sexual	158	165	7	4.4%	38	35	24.1%	21.2%
	Total Sexual Offences	240	242	2	0.8%	45	42	18.8%	17.4%
	Sexual Offences	Gun Crime	14	15	1	7.1%	5	2	35.7%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	0	1	1	#DIV/0!	0	0	#DIV/0!	0.0%
Total knife Crime	Knife Crime	46	63	17	37.0%	21	26	45.7%	41.3%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	8	13	5	62.5%				

Wandsworth

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	1431	1528	97	6.8%	1049	1071	73.3%	70.1%
	TNO Victim Based	21683	22236	553	2.6%	2871	2542	13.2%	11.4%
	TNO UnKnown	113	123	10	8.8%	30	19	26.5%	15.4%
	TNO	23227	23887	660	2.8%	3950	3632	17.0%	15.2%
Burglary	Burglary in a Dwelling	1304	1374	70	5.4%	58	58	4.4%	4.2%
	Burglary in Other Buildings	1179	1080	-99	-8.4%	100	101	8.5%	9.4%
	Total Burglary	2483	2454	-29	-1.2%	158	159	6.4%	6.5%
Criminal Damage	Total Criminal Damage	1932	1789	-143	-7.4%	278	223	14.4%	12.5%
Robbery	Business Property	50	71	21	42.0%	16	12	32.0%	16.9%
	Personal Property	409	512	103	25.2%	34	44	8.3%	8.6%
	Total Robbery	459	583	124	27.0%	50	56	10.9%	9.6%
Robbery Mobile Phone	Robbery Mobile Phone	136	148	12	8.8%	18	19	13.2%	12.8%
Theft & Handling	Theft from MV	1808	2011	203	11.2%	22	28	1.2%	1.4%
	Theft Taking of MV	1031	1107	76	7.4%	76	56	7.4%	5.1%
	Total Theft Person	709	698	-11	-1.6%	14	10	2.0%	1.4%
	Other Theft & Handling	6232	6231	-1	0.0%	754	651	12.1%	10.4%
	Total Theft & Handling	9780	10047	267	2.7%	866	745	8.9%	7.4%
Theft Person Mobile Phone	Theft Person Mobile Phone	355	309	-46	-13.0%	9	3	2.5%	1.0%
VWI	Non Domestic Abuse VWI	698	690	-8	-1.1%	456	442	65.3%	64.1%
	Domestic Abuse VWI	1538	1551	13	0.8%	251	217	16.3%	14.0%
	VWI	2236	2241	5	0.2%	707	659	31.6%	29.4%
Domestic Abuse	Domestic Abuse Hate Crime	2138	2150	12	0.6%	667	552	31.2%	25.7%
	Rape	170	199	29	17.1%	13	22	7.6%	11.1%
	Other Sexual	376	425	49	13.0%	54	73	14.4%	17.2%
	Total Sexual Offences	546	624	78	14.3%	67	95	12.3%	15.2%
Sexual Offences	Gun Crime	39	50	11	28.2%	10	11	25.6%	22.0%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	3	7	4	133.3%	2	2	66.7%	28.6%
Total knife Crime	Knife Crime	220	250	30	13.6%	66	53	30.0%	21.2%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	49	39	-10	-20.4%				

Croydon

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	2759	2282	-477	-17.3%	2096	1745	76.0%	76.5%
	TNO Victim Based	26775	26845	70	0.3%	3983	3603	14.9%	13.4%
	TNO UnKnown	211	249	38	18.0%	43	35	20.4%	14.1%
	TNO	29745	29376	-369	-1.2%	6122	5383	20.6%	18.3%
Burglary	Burglary in a Dwelling	1976	1827	-149	-7.5%	98	90	5.0%	4.9%
	Burglary in Other Buildings	1028	872	-156	-15.2%	130	103	12.6%	11.8%
	Total Burglary	3004	2699	-305	-10.2%	228	193	7.6%	7.2%
Criminal Damage	Total Criminal Damage	3119	3201	82	2.6%	490	384	15.7%	12.0%
Robbery	Business Property	100	83	-17	-17.0%	35	17	35.0%	20.5%
	Personal Property	655	825	170	26.0%	121	118	18.5%	14.3%
	Total Robbery	755	908	153	20.3%	156	135	20.7%	14.9%
Robbery Mobile Phone	Robbery Mobile Phone	237	284	47	19.8%	55	50	23.2%	17.6%
Theft & Handling	Theft from MV	2022	2000	-22	-1.1%	24	34	1.2%	1.7%
	Theft Taking of MV	919	1018	99	10.8%	74	83	8.1%	8.2%
	Total Theft Person	502	572	70	13.9%	15	19	3.0%	3.3%
	Other Theft & Handling	6442	5898	-544	-8.4%	961	689	14.9%	11.7%
	Total Theft & Handling	9885	9488	-397	-4.0%	1074	825	10.9%	8.7%
Theft Person Mobile Phone	Theft Person Mobile Phone	262	297	35	13.4%	9	15	3.4%	5.1%
VWI	Non Domestic Abuse VWI	1302	1227	-75	-5.8%	535	580	41.1%	47.3%
	Domestic Abuse VWI	2126	2274	148	7.0%	533	521	25.1%	22.9%
	VWI	3428	3501	73	2.1%	1068	1101	31.2%	31.4%
Domestic Abuse	Domestic Abuse Hate Crime	3848	3811	-37	-1.0%	1237	1077	32.1%	28.3%
	Rape	288	334	46	16.0%	48	60	16.7%	18.0%
	Other Sexual	415	466	51	12.3%	58	73	14.0%	15.7%
	Total Sexual Offences	703	800	97	13.8%	106	133	15.1%	16.6%
	Sexual Offences	Gun Crime	71	83	12	16.9%	24	20	33.8%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	8	8	0	0.0%	2	5	25.0%	62.5%
Total knife Crime	Knife Crime	343	435	92	26.8%	94	105	27.4%	24.1%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	55	78	23	41.8%				

Sutton

To 06/09/2016		Offences				SD volume		SD Rate	
		Last 12 M	This 12 M	+/- Vol	% Change	Last 12 M	This 12 M	Last 12 M	This 12 M
TNO	TNO State Based	748	874	126	16.8%	566	675	75.7%	77.2%
	TNO Victim Based	10360	9948	-412	-4.0%	1798	1660	17.4%	16.7%
	TNO UnKnown	82	76	-6	-7.3%	18	21	22.0%	27.6%
	TNO	11190	10898	-292	-2.6%	2382	2356	21.3%	21.6%
Burglary	Burglary in a Dwelling	665	710	45	6.8%	45	36	6.8%	5.1%
	Burglary in Other Buildings	756	493	-263	-34.8%	48	52	6.3%	10.5%
	Total Burglary	1421	1203	-218	-15.3%	93	88	6.5%	7.3%
Criminal Damage	Total Criminal Damage	1400	1321	-79	-5.6%	200	171	14.3%	12.9%
Robbery	Business Property	20	22	2	10.0%	6	3	30.0%	13.6%
	Personal Property	162	127	-35	-21.6%	26	19	16.0%	15.0%
	Total Robbery	182	149	-33	-18.1%	32	22	17.6%	14.8%
Robbery Mobile Phone	Robbery Mobile Phone	33	34	1	3.0%	5	9	15.2%	26.5%
Theft & Handling	Theft from MV	807	723	-84	-10.4%	13	14	1.6%	1.9%
	Theft Taking of MV	263	304	41	15.6%	32	24	12.2%	7.9%
	Total Theft Person	145	163	18	12.4%	4	3	2.8%	1.8%
	Other Theft & Handling	2425	2197	-228	-9.4%	511	457	21.1%	20.8%
	Total Theft & Handling	3640	3387	-253	-7.0%	560	498	15.4%	14.7%
Theft Person Mobile Phone	Theft Person Mobile Phone	58	60	2	3.4%	0	1	0.0%	1.7%
VWI	Non Domestic Abuse VWI	462	469	7	1.5%	244	250	52.8%	53.3%
	Domestic Abuse VWI	818	796	-22	-2.7%	197	197	24.1%	24.7%
	VWI	1280	1265	-15	-1.2%	441	447	34.5%	35.3%
Domestic Abuse	Domestic Abuse Hate Crime	1366	1341	-25	-1.8%	505	509	37.0%	38.0%
	Rape	95	105	10	10.5%	14	13	14.7%	12.4%
	Other Sexual	151	192	41	27.2%	28	33	18.5%	17.2%
	Total Sexual Offences	246	297	51	20.7%	42	46	17.1%	15.5%
Sexual Offences	Gun Crime	49	39	-10	-20.4%	13	9	26.5%	23.1%
Leathal-Barrelled Gun Discharges	Gun Crime Lethal Barrelled Discharged	2	2	0	0.0%	0	0	0.0%	0.0%
Total knife Crime	Knife Crime	150	104	-46	-30.7%	51	30	34.0%	28.8%
Knife Injury Victims (U25 Non DA)	Knife Crime Injury Victims Not DA 1-24	26	17	-9	-34.6%				

Committee: Overview and Scrutiny Commission

Date: 20 September 2016

Subject: Disability hate crime

Lead officer: Lyla Adwan-Kamara, CEO, Merton Centre for Independent Living

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

Contact officer: Julia Regan, Head of Democracy Services,
julia.regan@merton.gov.uk, 0208 545 3864

Recommendations:

- A. That the Overview and Scrutiny Commission discuss and comment on the report on “tackling hate crime amongst deaf and disabled people in Merton” provided by the Merton Centre for Independent Living (see Appendix A) and ask other questions as appropriate.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Commission, at its meeting on 7 July, agreed to ask Merton Centre for Independent Living to present its final report and to discuss with them the most effective way in which the Commission could support its work on disability hate crime. Members also agreed to ask Merton CIL to include information on the extent of under-reporting and reasons for this
- 1.2. An executive summary of the report from Merton Centre for Independent Living is provided in Appendix A.

2 DETAILS

- 2.1. Merton Centre for Independent Living (MCIL) have expressed concern that hate crimes against disabled people are under-reported and have therefore suggested this issue for scrutiny last year and again this year.
- 2.2. A hate crime is defined as a crime committed against someone because of their disability, gender-identity, race, religion or sexual orientation. It is perceived by the victim or any other person as being motivated by prejudice or hate.
- 2.3. A new Metropolitan Police initiative called Disability Hate Crime Matters has been launched to tackle the acknowledged under-reporting of disability hate crime. Many victims choose not to report it as they are fearful of retribution, lack confidence in police response or simply view hate crime as an inevitable occurrence in day to day life.
- 2.4. In 2014, 233 offences of all categories of hate crime (i.e. across all equality strands not just disability) were reported in Merton to the Metropolitan Police Service. This increased to 312 offences in 2015. In Merton, there are over 25,000 disabled people and extrapolation from the Crime Survey figures suggest that at least 125 people are estimated to have been a victim of a

disability hate crime. Comparison with the 6 recorded disability crimes in the 12 months to October shows the extent of under-reporting.

- 2.5. Merton Centre for Independent Living is working on hate crime against disabled people and have commissioned Stay Safe East to carry out research on hate crime in Merton, looking at disabled people's experiences and whether they report incidents, and how services respond to them, as well as the legal and policy background. The final report will look at how disabled people, the police and other services can work in partnership to ensure effective identification of hate crime against disabled people, and a positive response to victims so they get justice or resolution.
- 2.6. An executive summary of the final report is provided in Appendix A.

3 ALTERNATIVE OPTIONS

Commission members may choose to ask questions and to identify further scrutiny work on this issue.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Not applicable.

5 TIMETABLE

- 5.1. Not applicable.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are no property or resource implications at this time.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. None for the purposes of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

None for the purpose of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix A – Merton Centre for Independent Living report “tackling hate crime amongst deaf and disabled people in Merton”

12 BACKGROUND PAPERS

None



Making it Stop

Tackling Hate Crime against Deaf and Disabled people in Merton

Executive Summary

Stay Safe East on behalf of Merton Centre for Independent Living
August 2016

Making it Stop: Tackling hate crime against disabled people in Merton

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The research for this report was carried out by Ruth Bashall and by Christine O'Mahoney, an independent disability equality consultant. This report was written by Ruth Bashall, Director of Stay Safe East.

Thank you

Our thanks to the Deaf and disabled people who took part in the research focus groups or completed a questionnaire.

Our thanks to Lyla Adwan-Kamara and Colin Finch at Merton Centre for Independent Living for their assistance with this research.

Our thanks also to those who assisted us with gathering data (particularly Maria Gray at the Metropolitan Police) and to those who offered their expertise and comments, and in particular to those who attended the round table in early May 2016.

Thank you to London Borough of Merton who funded this work

We hope that this research marks the start of a positive partnership between disabled people, voluntary and statutory services on hate crime in Merton.

Ruth Bashall and Christine O'Mahoney

July 2016

Making it Stop: Tackling hate crime against disabled people in Merton

Executive Summary

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Foreword



I was very pleased to be asked to pen a foreword to this report. For far too long disability hate crime has not been recognised as a major issue by either the criminal justice or law enforcement agencies. This has led to disabled people having little faith in reporting incidents, even where they have the confidence and knowledge to do so.

At last thanks to funding from the London Borough of Merton and hard work by Stay Safe East, this research report can raise the profile of this important issue.

Moving forward, we intend to support disabled people to report disability hate crime and support them to deal with the affects of this crime. In this way the true scale of the problem in Merton can be assessed and responded to.

Roy Benjamin

A handwritten signature in black ink, appearing to read 'Roy Benjamin'.

**Chair
Merton CIL**

Executive Summary

Overview

This is the summary of a comprehensive piece of research on hate crime against disabled people which was carried out in 2016 by Stay Safe East on behalf of Merton Centre for Independent Living.

The research is about the impact of hate crime and harassment on disabled people from all communities and backgrounds, and what can be done to prevent these crimes and to support victims.

The report looks at the definition of hate crime, and the legal, national and London picture. The report then looks at the current situation in Merton, including levels of reported hate crime, where disabled people can report hate crime or harassment, how the Council, police and housing agencies deal with reports. The results of a survey of disabled people in Merton are set out in detail. The report makes a series of recommendations for the police, Merton Council, housing providers, the voluntary sector and Merton centre for Independent Living.

The full report can be found at

<http://www.mertoncil.org.uk/services/hate-crime/>

For this research we:

- conducted a literature review
- a desktop audit of local resources
- focus groups with local disabled people
- a survey with local disabled people
- interviews with regional and national organisations working to tackle hate crime

The executive summary consists of a summary of findings and a summary of recommendations. The full report follows this section, for readers who would like to read the detail behind these summaries

Summary of Findings

The context: crimes against disabled people

Disabled people are more likely to experience abuse or violent crime than non-disabled people. Violent crime generally is increasing for disabled people. A detailed analysis by Victim Support in 2016 of the Crime Survey for England and Wales shows that, although violent crime has fallen by almost half (48 per cent) for the non-disabled population over the past 10 years, over the same period the proportion of people with a limiting disability or illness who were victims of violence increased by 3.7 per cent. **Disabled people may be victims not only of disability hate crime but of other forms of hate crime such as racist or homophobic hate crime.**

Disability is the second most common factor in hate crime, after race

Based on combined data from the 2012/13 to 2014/15 Crime Surveys there were an estimated 222,000 hate crimes on average per year for the five monitored strands. The most commonly reported motivating factor in these hate crime incidents was race, with an average of 106,000 incidents a year. The second most common motivating factor was disability (70,000 incidents per year), but carries the lowest conviction rate of all the hate strands.

A key feature of Disability Hate Crime is one of escalating violence

A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic, specifically actual or perceived disability, gender identity, race, religion or faith and sexual orientation.

Disability hate crime is about targeting the individual because of who they are, it strikes at the victim's sense of self and therefore can have a greater impact than other types of crime.

Features of disability hate crime include:

- mocking aspects of someone's impairment, such as the way they walk or talk
- outing or threatening to out someone's impairment (or perceived impairment)
- verbal insults, often of a sexual nature
- damaging equipment or creating an obstruction which is particularly challenging for the disabled person
- malicious complaints
- Disability hate crime often looks different to racist and homophobic hate crime. Many perpetrators have a more intimate relationship with their victims, either as friends or carers.
- Incidents of disability hate crime often stem from low-level harassment; name-calling, intimidation and vandalism frequently escalate into more serious crimes, including murder

"I get a lot more creepy language used about me and my sexuality than my friends – much more sexually explicit, much more forceful, much more domineering. They expect me not to say 'no' ...there is a kind of fascination with what they see as vulnerability."

The typical victim profile is of someone who is already marginalised

Although any disabled person can experience hate crime, it is more likely to be experienced by a person who is:

- disabled
- poor
- socially isolated
- living in social housing
- a woman
- part of a minority group eg LGBT or BME

"I grew up hearing the N... word all the time and being spat on. It is a bit like terms about disabled people."

Typical perpetrators are motivated by contempt and hatred

[I was told] 'This is the problem with this country, but don't worry, we will soon get rid of you with this government'

Perpetrator profiles tend to reflect national crime profiles, ie they are most likely to be a white British male in their 20s. However, there are some differences:

- more likely to be close relatives or in an intimate relationship such as a partner, family member, or carer
- there are a higher than expected proportion of female perpetrators and disabled perpetrators
- group action is a feature of some disability hate crime

Protection against Disability Hate Crime is weaker than some other hate crimes

The law on hate crime is not equal, partly for historical reasons. The Crime and Disorder Act allows the police to charge someone with an 'aggravated offence' relating to for example a public order offence, common assault, GBH or ABH. This offence becomes an aggravated offence in its own right and will be tried in court as such, for example "racially aggravated assault". If the suspect is found guilty, the offence carries a heavier sentence. This provision only applies to racist or faith based hate crime. At present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability.

Section 146 of the Criminal Justice Act 2003 is the only statutory provision relating to disability hate crime. A suspect cannot be charged with an 'aggravated offence' as a crime in itself. However should the case go before a Court, the Court will be asked to consider increased sentencing on the grounds that the offence was motivated by disability (or other)

hostility. This feature is underused.

A second set of hate crime offences are the offences of “stirring up hatred”. These are contained in the Public Order Act 1986. They tackle the problem of stirring up hatred on grounds of *race, religion* or *sexual orientation*. At present, the ‘stirring up’ offences do not cover hatred on grounds of transgender identity or disability.

At present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability.

There is significant under-reporting of Disability Hate Crime

The difference between CSEW figures and Police Recorded Crime figures shows that hate crimes continue to be significantly under-reported.² The Crime Survey estimates that 70,000 people per year experienced disability hate crime in the two years 2013-2015. This is an increase on previous estimates of 65,000.

By contrast, there were 2,508 reports of disability hate crime to Police forces of England and Wales in 2014/15. There is no information about how many disabled people reported other forms of hate crime.

Whilst it would be expected that some incidents would not be reported, because they were one-offs and did not involve a crime, this very large gap between actual and reported hate crime shows the scale of the problem faced by disabled people’s organisations and their allies in tackling disability related hate crime.

Reporting is low due to systemic institutional discrimination

Disability hate crime is mostly unrecognised by the authorities, the media, and the general public

- Bullying of disabled children at school is widespread and frequently

² Action against Hate – the government’s plan for tackling hate crime. Home Office 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540700/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf

goes unchallenged. This lays the foundations for the harassment and disrespect that many disabled people experience in adult life.

- The language used to describe crimes against disabled people (e.g. 'abuse' instead of 'sexual assault', or 'bullying' instead of 'harassment') plays a big part in concealing the prevalence and impact of disability hate crime
- Hate crime is flagged by the police as 'vulnerable adult abuse' or hidden in reports of anti-social behaviour
- Repeat incidents are not linked and treated as a pattern of hate, so anti-social behaviour escalates into hate crime
- Adult protection policies and practices often prevent local statutory agencies taking appropriate action to stop disability hate crime and in some cases undermine disabled people's right to live independently in the community.
- Agencies do not communicate effectively with each other or take prompt and effective action
- Police officers are not trained to recognise hate crime against disabled people or to deal with disabled victims. Disabled people are routinely denied access to justice, either by not having the crimes committed against them recognised as hate crimes, or because they are dismissed as unreliable witnesses.
- Access, communication and information barriers prevent disabled people from reporting hate crime or from getting justice or resolution
- Preventing the harassment of disabled people requires more than organisational change. There is a need to transform the way disabled people are viewed, valued and included in society.

"When you are drunk and also paranoid you think 'I am alright' when you are clearly not alright. I would think 'Why am I in Springfield again?' I did not have any insight into my illness. I was clearly not alright and they saved me from being stabbed or raped.

"Some (of the police) were respectful, others were: 'Why are you wasting our time? You are a disgrace, why can't you pull yourself together? Just snap out of it.' A lot of people with mental health issues hear that but you are clinically depressed!"

Disabled people often see little point in reporting

Disabled people do not report harassment because they fear consequences; fear police and fear they will not be believed or taken seriously

- Disabled people don't have confidence that anything will happen
- Disabled people are worried about retaliation if they report hate crime
- Disabled victims don't necessarily want to report to the police, they may want to speak to an independent agency
- Reporting to the police is not always people's priority, they may want to put the incident behind them
- Many disabled people accept harassment as inevitable

Launch of Disability Hate Crime Matters means London-wide reporting has been increased

Disability Hate Crime matters is an initiative which came out of the Metropolitan Police Hate crime Diamond Group. This is a high level strategic working group which involves police and independent advisors, as well as key experts, including Inclusion London and Stay Safe East. In effect, it sets out a reminder of the process that should be used when dealing with disabled victims, and could in fact be used for any victim of hate crime.

DISABILITY HATE CRIME

- M** Must use Vulnerability Assessment Framework
- A** Ask the victim the right questions
- T** Think Disability Hate Crime & Flag VH (disability hate crime)
- T** Take Immediate Safeguarding Action
- E** Ensure corroborative evidence is obtained
- R** Record all DHC on CRIS Not Airspace
- S** Supervisor MUST be informed

In January and February 2015, there were 25 disability hate crimes reported to the Metropolitan Police. In January and February 2016, after the start of the Disability Hate Crime Matters training for officers, 177 disability hate crimes were reported. Between January 1st and 30th April

2016, 213 disability hate crimes had been reported to the Metropolitan Police – almost as many as in the whole of the previous year.

This substantial increase shows one of the reasons for the low number of reported disability hate crimes – the failure of the police to recognize and correctly 'flag' hate crimes where the victim is a disabled person.

The Equality Act Public Sector Duty³ includes responsibility for tackling hate crime

The Equality Act 2010 places a specific duty on public bodies (the Public Sector Equality duty) and requires them to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it. This involves tackling prejudice and promoting understanding.

This duty would include and responsibility for tackling hate crime and targeted harassment against disabled people. It is especially relevant to Merton Council, the Police and Housing providers but would also apply to health and other public bodies.

Failure to act can result in deaths

A number of reports following the death of disabled victims of hate crime have been produced over the years⁴. All follow the same pattern: lack of communication between agencies, procedures which either failed or did not exist, a victim who has in most cases told people what was happening

³ For further information, please see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf

⁴ These include: Serious Case Review: the death of Steven Hoskin

http://www.cornwall.gov.uk/media/3630284/a_e_SCR_Executive_Summary1_Dec_2007_.pdf

Serious case review: the murder of Gemma Hayter

<http://apps.warwickshire.gov.uk/api/documents/WCCC-779-97>

to them but no one listened or 'joined the dots', and a lack of access to support for disabled victims of hate crime.

Bijan Ebrahimi was an Iranian disabled man who had been the subject of continued harassment and hate by neighbours on his estate in Bristol.¹ He had repeatedly reported incidents to the police but was dismissed as a 'timewaster' by local officers. After taking pictures of the children and young people who were harassing him, he was accused of being a paedophile and was arrested. He returned to his home and was assaulted and beaten about the head and rendered unconscious. The perpetrators then dragged him outside, set fire to his body and burned it. In the 24 hours before his murder, Bijan had made 12 calls to the police.

Lee James was convicted of his murder and jailed for life. Subsequently three police officers were jailed for misconduct in public office and dismissed from the police for failing to assist Mr. Ebrahimi.

Disability in Merton is lower than the London average, but linked to deprivation

The wards with highest deprivation also have highest proportion of disabled people. Census data ⁵states that there are around 25,000 disabled people in Merton. Merton has a lower rate of long-term limiting illness than most London boroughs. Disabled people are from all communities, though there is a lower rate of impairment amongst Eastern European communities, who tend to be younger.

Disabled people are more likely to be worried about crime

The crime rate in Merton in 2013/14 was 5 per 1,000 people – the London average is 7.2 per 1,000. The main crimes were Anti-Social Behaviour and violence against the person.

⁵ <https://www.nomisweb.co.uk/census/2011/qs303ew>

The 2014 Merton residents' survey⁶ showed that 50% of Merton residents were worried about crime, 42% about anti-social behaviour. As also shown in national surveys, it is likely that disabled people are more worried than non-disabled people about crime. Significantly, only 29% of respondents to the survey said they felt fairly or well informed about tackling anti-social behaviour. Disabled people are less likely than non-disabled people to have confidence in the Council.

There is no separate data for disabled people, but national police surveys have shown that disabled people are less likely than other members of the public to have confidence in the police.

There has been little increase in reporting in Merton in 2016

There were 12 recorded disability hate crimes in the 12 months to April 2016⁷. Unlike a number of other London boroughs, Merton has seen no significant increase in the first half of 2016, in spite of the rolling-out of the Disability Hate Crime Matters initiative.

There were a total of 12,594 crimes in Merton in the 12 months to January 2016, a rise of 500 crimes from the previous year.

- How many of these crimes were targeted at disabled people and were in fact hate crimes?

There were 106 rapes and 180 other sexual offences, and 1,429 domestic violence crimes

- How many of the victims of sexual and domestic violence were disabled people? How many of these crimes included an element of disability hate?

There were 312 reported hate crimes in the 12 months to January 2016 across racist and religious, homophobic, anti-Semitic, and Islamophobic hate crime.⁸

- How many of the victims of these hate crimes were disabled people?

⁶ http://www.merton.gov.uk/presentation_charts_merton_residents_2014_.pdf

⁷ source: Community Safety Unit, Merton Police

⁸ Source: MOPAC briefing on crime in Merton

There were 405 reports of ASB to the police and 521 ASB incidents in 2015/16 reported to Circle Housing.

- How many of these ASB reports were in fact hate crimes, and how many were incidents which were part of a pattern of hate crime against disabled people?

There are an estimated 500 hate crimes against disabled people in Merton every year



"It's an everyday experience. Right now it's happening to someone."

Using data from the national crime survey, an estimated 500 hate crimes against disabled people should be recorded in Merton every year. This means that only 2% of incidents were reported to the Police in Merton.

Merton's disabled population is 25,000 people. Using the data from the Crime Survey for England and Wales, if 0.5% of disabled people in Merton have been victims of disability hate crime in the past year, this is around 125 people per year. This does not include disabled people who have been victims of other forms of hate crime.

Using the data from the government Life Opportunities survey, if 2% of disabled people in Merton have been victims of a hate crime in the past year, this is around 500 people per year.

It is likely that the true picture is around 500 people if other forms of hate crime are included. This means that only 2% of incidents were reported to the MPS.

Disability Hate Crime has fallen off the agenda in Merton

The researchers had some difficulty piecing together the approach to hate crime in Merton, particularly from the Council's perspective. It is clear that there is an urgent need to develop a strategy for hate crime as there is

currently no hate crime strategy in place.

Our research indicates that hate crime has slipped off the agenda in Merton, as in many other London boroughs, and that there are inadequate multi-agency processes for tackling anti-social behaviour, let alone hate crime. Nevertheless there is a commitment from the police, the Council, in housing and in the voluntary sector to make changes.

Merton is not unique in this regard; other London boroughs, in line with government and MOPAC priorities, shifted the focus from hate crime to anti-social behaviour and to the Prevent agenda focused on preventing extremist radicalization.

In Merton, the Anti-Social Behaviour Team hold case meetings about repeat and high risk cases, but there is no input from community partners or from other key departments. This poses a real risk to victims, particularly those who are disabled; the lack of multi-agency working was cited as the key failure in a number of cases involving the deaths or murders of disabled victims of hate crime, including Fiona Pilkington and her daughter Francessca.

Incidents involving disabled people who are 'adults at risk' are reported, usually by a third party, to the Council's Safeguarding Adults Team. These reports are seen by the police as they are recorded on a shared system known as MERLIN. The scrutiny process as part of the MPS Disability Hate Crime Matters initiative showed that a substantial number of adult safeguarding reports involved hate crime.

There are some Merton-specific barriers to reporting

Anyone can report a crime at a Police station. Wimbledon is now the only police station that is open 24 hours a day. The front counter is accessible to wheelchair users. Mitcham is open Monday to Friday 9am to 5pm but is not accessible, and Tooting is accessible but is only open only 3 hours a week

For disabled people who prefer to report a crime or incident face to face, and particularly for those in the east of the borough, the distance from a police station may be a considerable deterrent to making a report.

There is currently no established network of third party reporting centres in Merton and no process for reports to be passed on via a secure e-mail. Third Party reporting sites are independent organisations which provide a safe and confidential space for people to report hate crimes. Most offer ongoing support. Third party reporting sites are a key part of gaining community confidence. To cater effectively for disabled people, they must offer a good standard of accessibility.

In discussions with the local police at a round table meeting about this research, representatives of the local Police Community Safety Unit welcomed the idea of developing local third party reporting sites.

There is a dearth of useful information produced by statutory partners in Merton that would be of use to a victim of recent hate crime. Googling "report hate crime in Merton" led us to the general information on the central MPS website but gave us no explanation of what a hate crime is. The Merton police website does not include any information on hate crime- it would be simple to add some basic, easily understandable information and links to local independent reporting sites.

The Council website itself does appear to meet basic AAA accessibility standards but if a site visitor starts at the Council home page, information on disability hate crime is almost impossible to find. As with most local authority websites, there is no information in Easy Read or BSL. The language used is that of a local authority, not everyday language that people would understand easily. Many disabled people and people with English as a second language would find the information almost impossible to access online. For example, they use the term 'disphobic' and has a leaflet on ASB in 11 point print

No single local organisation provides information in easy read, large print or in BSL. Disabled people in particular tend to see their local area as their main point of reference. What information there is relies on people having Internet access and if they have it, being able to negotiate their way around quite complex websites. This is clearly contributing to the low reporting rates and lack of awareness, but could be easily remedied.

“People try to bully me, being disabled. I’m not overly susceptible to that – it tends to stop. They call me names, take the mickey. A lot of language that would annoy most people doesn’t annoy me. The stuff based in hate is generally the name calling, the ‘spastic’s, the ‘weirdo’s, the swearing. It’s not usually even a name, just a lot of swearing. I’ve never reported.”

From our research, there appears to have been little engagement in recent years with disabled people and their organisations, or for that matter with other sections of the community, on either Community Safety nor specifically on hate crime and harassment. If the MPS, the Council and partners are to ensure that disabled people are able to report hate crime and to get a positive and proportionate response, engagement with disabled people is essential.

A start has now been made, which could develop into a constructive partnership, and both the Council and the Police are to be commended for their openness to starting a dialogue.

Local disabled people want more support to recognise and report hate crime

The researchers conducted focus groups and a small scale survey. Both the focus groups and the survey showed variable levels of awareness of hate crime amongst the disabled people who responded, and a reluctance to report incidents, particularly those involving ‘only’ verbal or on-line abuse. However, half of those who responded to the survey have experienced being bullied or hurt in the last year with a third of those reporting it happening three or more times.

Disabled people who took part in the focus groups said they wanted to talk more about their experiences and understand what to do about hate crime. Do you want to add that you are not doing this e.g. as a result of the research, MCIL has set up a discussion and awareness-raising group for disabled people on hate crime.

Campaigns to raise awareness of hate crime amongst disabled people and the wider community were felt to be useful, and awareness-raising groups were suggested, where disabled people could talk about their experiences and increase their knowledge of hate crime and what to do.

There was a singular lack of confidence amongst respondents in the Police, with several people quoting instances of poor practice - inappropriate responses, being ignored or dismissed when they reported crimes, or being sectioned under the Mental Health Act. 90% of people said when reported to the police they didn't get any help and most were not happy with the way the police behaved.

Repeat incidents appear to have been poorly dealt with and allowed to escalate. Only one participant, who was a victim of a serious assault, had a wholly positive response from the Police. Participants stressed the importance of training for the police, provided by experienced disabled trainers, to address the lack of confidence and the poor responses by agencies to disabled victims of crime.

A number of respondents had been victims of other forms of hate crime – transphobic and racist hate crime were mentioned. Several disabled women who took part had experienced and were still experiencing misogynistic sexual harassment or threat of rape targeted at them because they were disabled women. Materials about hate crime need to recognise that disabled people experience other forms of hate crime as well as disability specific hate crime

Domestic violence, including 'carer' abuse were part of disabled women's and men's experience of abuse and hate crime. Yet there are no designated resources locally to specifically address domestic violence against disabled people.

There is clearly a need for a change in approach by partner agencies and a more positive response to disabled people who report harassment. There was positive support for setting up a Third Party reporting site at Merton CIL, as people felt that they must be able to speak to people who understood them, respected their experiences- and believed them. Over 60% of respondents said they would be more likely to report if they knew they could get help from a disabled people's organisation and if hate crime was taken more seriously.

Disabled people want the hate to stop and need ongoing support

Based on the responses from disabled people in Merton, evidence from the research quoted in Chapter 3, and the experiences of a range of organisations (including Stay Safe East) working with victims of hate crime, all victims of hate crime want one thing above all else – for the abuse to stop.

Whilst this may seem obvious, in 'real life' even intervention by police or a landlord does not mean that once reported, incidents stop – especially in housing situations. They also want

- To be safe
- To be listened to and believed
- To understand what their choices are
- To understand what will happen next
- To feel they are in control again
- To have support when they report a hate crime and in the follow up
- To get justice or resolution
- To be able to go about their daily life without fear

“If someone else told me what had happened I would be like 'Report it!'”

Reporting is only the first stage of supporting a victim of hate crime. On-going advocacy will help the client benefit from support at all stages of the process. Features of advocacy specifically for disabled victims of hate crime include:

- Giving victims time to speak out : Disabled people may need more than one meeting to disclose the details of what happened, and should always be seen by the advocate at least once on their own, without a family member or 'carer'/PA present (unless there are specific impairment reasons why this should not happen). Disabled people may minimise the extent of the hate incident or incidents because they don't want to upset family members, or because they are worried their independence may be restricted.
- Working with clients long-term: Hate crime advocacy usually involves working with a client for some period of time. The organisations interviewed for this research support the majority of their clients for

a period of over a year, in some cases up to 4 years: investigations take time, getting victims re-housed is a slow process. This does not mean that the advocate will work intensively with the client throughout this period, but that they remain in contact with them until the client feels safe.

- Dealing with trauma: The long timeframe is also necessary because victims may be traumatised, not only by the incident they have reported but by a lifetime of abuse. Spending time listening to the person and helping them make sense of their experiences is a key part of a hate crime advocate's role, as is empowering them. Disabled people who have been victims of hate crime have been targeted because of who they are, and may have very low self-esteem, depression or Post Traumatic Stress Disorder as a result and may need to be referred for counselling. Self-advocacy groups also help people feel positive about themselves as disabled people, as well as encouraging people to develop safety strategies.

Conclusion

The research showed that disabled people do experience hate crime, but rarely report. It also showed that hate crime against disabled people has slipped off the agenda of key agencies in Merton. There is clearly a need for a change in approach by partner agencies and a more positive response to disabled people who report harassment.

The report made a series of in-depth recommendations which are set out below.

SUMMARY OF RECOMMENDATIONS

Principle

Hate crime against disabled people can only be tackled by a partnership between disabled people, statutory and voluntary agencies working together. Disabled people and their organisations must be equal partners in this work.

Recommendations: all partners

1. Publish a joint “No Place for Hate in Merton” statement, with reference to recent hate crimes across the world including those against disabled people
2. Work together to develop an awareness campaign on hate crime and harassment, and obtain funding for materials to be developed in partnership with disabled people and other communities
3. Publicise all local agencies where hate crime or harassment can be reported
4. Police outreach and confidence building sessions, jointly with Merton CIL and other voluntary sector groups, to increase confidence in reporting hate crime and harassment against disabled people and other groups

Recommendations: Merton Council and partners

1. Revise information about hate crime generally, and hate crime against disabled people and other groups on the Merton Council and Merton Police websites, to include:
 - Plain English information about what hate crime is, how it affects people etc.
 - How to report hate crime
 - Links to local and other organisations supporting victims of hate crime, and to True Vision
 - A simple reporting form
 - An Easy-read version of the text with easy words and pictures

- Phone, SMS text and e-mail contacts
 - Information about agencies which support victims of domestic or sexual violence
2. Draw up a new Community Safety Strategy, including hate crime and harassment, in consultation with voluntary and statutory partners.
 3. Set up a Community MARAC to deal with high risk and repeat ASB and hate crimes cases and other cases involving adults at risk; the Community MARAC should involve key statutory partners (Police, Adult Safeguarding, Mental Health Services, Social Landlords etc.) and key voluntary sector partners including Merton CIL.
 4. Ensure that data about repeat and high risk cases is shared across statutory partners, and where relevant, voluntary sector partners – develop the necessary information sharing protocol
 5. Work with Merton CIL to review adult safeguarding cases over a fixed time frame (eg three months) to identify any hate crimes that may have been missed
 6. Provide training for front line call centre and other staff on how to recognise hate crime
 7. Review how domestic violence is dealt with where the victim is a disabled person, and of the accessibility of local support agencies, as well as police responses

Recommendations: Metropolitan Police

1. Initiate a Police-Disability Liaison Group involving disabled individuals, user-led organisations and selected organisations working with disabled people and other groups, to focus on key issues around policing and crime, including hate crime. The Liaison Group will need a budget for access and other costs.
2. Appoint a Hate Crime Liaison officer for Merton Police, in line with Metropolitan Police policy
3. Encourage more police officers or PCSOs to volunteer as Disability Liaison officers

4. Develop briefings for front line staff, including liaison officers, delivered jointly by MCIL and the police – either on hate crime against disabled people only, or on all/some hate crime strands
5. Invite applications from disabled people to join the Merton Police Independent Advisory Group
6. Develop a scrutiny process jointly with MCIL to review a sample of crime reports involving disabled people as well as cases already flagged as hate crime, to identify good practice and possible improvements
7. Develop a joint outreach programme between Police, MCIL and other community organisations concerned about hate crime, including the LGBT and BAME Forums and Victim Support
8. Train Safer Schools officers to work with young people in schools to inform them about hate crime

Recommendations: Social Housing providers

1. Update information on website to ensure that it is easy for tenants to find information about hate crime and how to report it
2. Include an article or information about hate crime and harassment against disabled people (and encouraging people to report incidents) in any newsletters sent to tenants and leaseholders – including contact for Merton CIL
3. Ensure that all reports of repeat anti-social behaviour against disabled people are scrutinised (where possible by a senior housing officer) in order to check if there is a disability hostility motivation.
4. Ensure repeat incidents are referred to the Community MARAC
5. Provide training for call centre staff, ASB officers and front line housing officers on identifying and understanding hate crime, and on supporting disabled victims

Recommendations: Merton Centre for Independent Living

1. Develop an accessible and safe third party reporting site for disabled people to report hate crime and harassment
2. Provide advocacy casework support to disabled victims of hate crime
3. Develop facilitated awareness raising groups or sessions for disabled people to talk about their experiences of hate crime and abuse.
4. Produce information leaflet and poster to promote the service and explain about hate crime
5. Develop a programme of engagement with disabled people in Merton
6. Develop support/awareness groups for victims and survivors
7. Hold workshops at events organised by other organisations
8. Raise the on-line profile of Merton CIL by intervening on local Facebook and Twitter sites, and challenging negative attitudes to disabled people
9. Develop briefings and training for Police officers and other agencies on Hate Crime and Disability, provided by experienced disabled trainers

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Overview and Scrutiny Commission Work Programme 2016/17



This table sets out the Overview and Scrutiny Commission's Work Programme for 2016/17 that was agreed by the Commission at its meeting on 7 July 2016. This work programme will be considered at every meeting of the Commission to enable it to respond to issues of concern and incorporate reviews or to comment upon pre-decision items ahead of their consideration by Cabinet/Council.

Commission task group review for 2016/17

At the last meeting of the Commission, members agreed to defer consideration of the subject for this year's task group review to the meeting on 20 September.

The scrutiny team has suggested that a task group could investigate and make recommendations on how best to support new communities to build resilience and to participate in the community and civic life of the borough. Issues to be discussed may include taking part in community forum meetings, becoming a school governor or councillor, recruitment of foster carers, reporting domestic violence and hate crime, access to council and health services.

Alternatively, the Commission may wish to agree to hold additional meetings of the financial monitoring task group so that it can carry out a programme of "deep dive" scrutiny into individual service areas. The task group conducted a pilot deepdive into the Greenspaces budget at its meeting on 26 July and agreed to consider a proposal for future deepdives at its meeting on 10 November.

Scrutiny Support

For further information on the work programme of the Overview and Scrutiny Commission please contact: -
Julia Regan, Head of Democracy Services, 0208 545 3864, Julia.regan@merton.gov.uk

Meeting date – 7 July 2016

Scrutiny category	Item/Issue	How	Lead Member/ Lead Officer	Intended Outcomes
Holding the executive to account	Leader and Chief Executive – vision, key priorities & challenges for 2016/17	Presentation	Leader of the Council Ged Curran, Chief Executive	Context for Commission’s work programme
	Merton Partnership annual report	Report	Chief Executive John Dimmer, Head of Policy, Strategy & Partnerships	Context for Commission’s work programme
Scrutiny of crime and disorder	Rehabilitation Strategies	Report	Neil Thurlow, Community Safety Manager	Progress report plus discussion with National Probation Service and MTC Novo
	Discussion of questions to ask Borough Commander at the next meeting			
Scrutiny reviews	Report of the Shared and Outsourced Services Scrutiny Task Group	Report	Cllr Peter Southgate Julia Regan	To agree final report and recommendations
	Analysis of Members’ annual scrutiny survey 2016	Report	Cllr Peter Southgate Julia Regan	Discuss findings and agree action plan for 2016/17
	Overview and Scrutiny Commission work programme 2016/17	Report	Cllr Peter Southgate Julia Regan	To agree work programme and task group reviews

Meeting date – 20 September 2016

Scrutiny category	Item/Issue	How	Lead Member/ Lead Officer	Intended Outcomes
Scrutiny of crime and disorder	Borough Commander	Report and in-depth discussion	Borough Commander	Update on policing issues
	Disability hate crime	Report from Merton CIL	Merton Centre for Independent Living	To identify how Commission can support work on hate crime
Holding the executive to account	Customer contact programme	Update Report	Sophie Ellis, Assistant Director of Business Improvement	Progress report for comment
Scrutiny reviews	Financial monitoring task group	Minutes of meetings on 5 and 26 July	Cllr Peter Southgate Julia Regan	Financial monitoring task group

Meeting date – 15 November 2016

Scrutiny category	Item/Issue	How	Lead Member/ Lead Officer	Intended Outcomes
Budget scrutiny	Business Plan 2017/21 - information pertaining to round one of budget scrutiny	Report	Cllr Mark Allison Caroline Holland, Director of Corporate Services	To send comments to Cabinet budget meeting 14 December
Pre decision scrutiny	Equality and Community Cohesion Strategy 2017-20	Draft report	Evereth Willis, Equality and Community Cohesion Officer	To comment on draft strategy
	Voluntary sector and volunteering strategy	Draft report	John Dimmer, Head of Policy, Strategy & Partnerships	To comment on draft strategy
Holding the executive to account	CCTV	Report	John Hill, Head of Public Protection	Progress report on new CCTV system
	Enforcement	Report to provide update on enforcement action taken, with focus on Planning	James McGinlay, Head of Sustainable Communities	To comment on enforcement issues & identify any further action for scrutiny

Meeting date – 26 January 2017 – scrutiny of the budget

Scrutiny category	Item/Issue	How	Lead Officer	Member/Lead	Intended Outcomes
Budget scrutiny	Business Plan 2017/21	Report – common pack for Panels and Commission	Cllr Mark Allison, Cabinet Member for Finance Caroline Holland, Director of Corporate Services		To report to Cabinet on budget scrutiny round 2
	Business Plan update - latest info from Cabinet 16 January (if any)	Report	Cllr Mark Allison, Cabinet Member for Finance Caroline Holland, Director of Corporate Services		To report to Cabinet on budget scrutiny round 2
Scrutiny reviews	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate Julia Regan		To note minutes of meeting held on 10.11.16

Meeting date – 7 March 2017

Scrutiny category	Item/Issue	How	Lead Member/Lead Officer	Intended Outcomes
Holding the executive to account	Customer contact programme	Update Report	Sophie Ellis, Assistant Director of Business Improvement	Progress report for comment
Scrutiny reviews	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate	To note minutes of meeting held on 23.02.16
	Immunisation scrutiny task group	Report – action plan	Dagmar Zeuner, Director of Public Health	To monitor implementation of recommendations
	Shared and outsourced services task group	Cabinet response and action plan	Sophie Ellis, Assistant Director of Business Improvement	To receive Cabinet response and action plan
	Review of arrangements for co-opted members	Report	Cllr Peter Southgate Julia Regan	To agree future arrangements for co-opted members
Scrutiny of crime and disorder	Discussion of questions for the Borough Commander	Discussion	Cllr Peter Southgate Julia Regan	Discussion to plan line of questioning for meeting on 28 March

Meeting date – 28 March 2017

Scrutiny category	Item/Issue	How	Lead Officer	Member/Lead	Intended Outcomes
Scrutiny of crime and disorder	Mayor of London's policing priorities	Report	London Assembly Member		To discuss and comment on policing priorities
	Borough Commander	Report and in-depth discussion	Borough Commander		Update on policing issues
Holding the executive to account	Violence against women and girls	Update report	John Hill, Head of Public Protection		To discuss and comment on progress
	Services for women and children in refuges	Report	John Hill, Head of Public Protection		To discuss and comment on policy and service delivery issues
	Anti-social behaviour	Report plus data	Neil Thurlow, Community Safety Manager		Update report
Performance management	Overview and Scrutiny Annual Report	Report	Cllr Peter Southgate Julia Regan		To approve and forward to Council

Forward plan items relating to remit of the Commission

Ravensbury Garages

The substance of the report is to confirm authority for the Director of Environment and Regeneration to use his delegated powers to authorise disposal of the freehold.

Decision due: 12 Oct 2016 by Cabinet

Council tax support scheme

To agree the council tax support scheme for April 2017

Decision due: 23 Nov 2016 by Council

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OVERVIEW AND SCRUTINY COMMISSION - FINANCIAL MONITORING TASK GROUP 5 JULY 2016

(7.00 pm - 8.30 pm)

PRESENT: Councillor Stephen Crowe, Councillor Suzanne Grocott, Councillor Peter McCabe and Councillor Dennis Pearce

ALSO PRESENT: Caroline Holland (Director of Corporate Services), Bindi Lakhani (Head of Accountancy), Howard Joy (Property Management and Review Manager), James McGinlay (Head of Sustainable Communities) and Julia Regan (Head of Democracy Services)

1 APOLOGIES FOR ABSENCE (Agenda Item)

Apologies were received from Councillors Hamish Badenoch (Chair), Adam Bush and Peter Southgate.

Members agreed that Councillor Peter McCabe would chair the meeting.

2 MINUTES OF MEETING HELD ON 23 FEBRUARY 2016 (Agenda Item 1)

Agreed.

3 2015-16 FINANCIAL OUTTURN REPORT (Agenda Item 2)

Caroline Holland, Director of Corporate Services, introduced the report. She drew the task group's attention to the draft revenue outturn position of £699,000 overspend; swings in forecasts during the year particularly for adult social care, parking and children's services; capital programme not fully spent but improved performance compared to previous years; use of reserve fund for the revenue overspend and increase in debt arrears shown in Appendix 4.

In response to questions about why the overspend in street scene and waste was higher than predicted Caroline Holland said that this was partly due to some unanticipated expenditure late in the year arising from the termination of a shared services contract that Kingston Council had now taken over the responsibility of from the contractor who had gone into liquidation. Members expressed concern at the element of surprise involved. Bindi Lakhani, Head of Accountancy, said that in relation to the South London Legal Partnership (where Merton is the host borough) the finance managers have responded by holding joint meetings with the other boroughs to improve communication and joint working.

Members asked a number of questions about arrears and debt management. Caroline Holland described the council's approach to debt collection and the role of the in-house bailiff service as well as the shared service with Sutton. She said that she anticipated an improvement in collection of overdue parking fines through the

automatic number plate recognition software now being used as this had been programmed to detect the relevant vehicle registration numbers.

Caroline Holland undertook to:

- check whether the level of debt has increased in proportion to increased amount of payments due. ACTION: Director of Corporate Services.
- confirm the arrangements for the collection of business rate debts

RESOLVED: to note the report.

4 ESTATE MANAGEMENT - SCHEDULE OF RENT REVIEWS AND ASSET VALUES (Agenda Item 3)

Howard Joy, Property Management and Review Manager, introduced the schedule that lists individual commercial properties owned by Merton together with details of the valuation and annual rent. He said that rent levels are mainly changed either at rent review dates specified in the lease or when the lease itself ends and is renewed. He explained the factors that are taken into account in relation to rent review, including market values and the terms of the rent review clause.

Members asked for more detail about the processes involved. Howard Joy said that officers run reports regularly from a database so that those due for lease renewal are identified 18 months prior to the due date because the council has to give a 6-12 month notice period to terminate a lease. He said that there is a shorter timeframe for rent reviews as there is no required notice period so reports are run six months in advance of the due date.

In response to questions about the profitability of renegotiating rents, Howard Joy said that the council had to strike a balance on this for the smaller units to take into account the social value of the use of the property, for example local shopping parades or building used by community groups.

James McGinlay, Head of Sustainable Communities, added that officers were about to embark on a major review, to conclude next spring, of all commercial property owned by the council to identify which properties to keep, invest in or sell and opportunities for generating more income either through capital receipts, revenue generation or property development.

Task group members welcomed the review, endorsed the aim of maximising value from the council's assets and urged officers to be creative. Task group members' suggestion that the schedule could be sub-divided into categories (such as retail, commercial, social, ground rent) to help with the review was agreed by James McGinlay and Howard Joy.

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OVERVIEW AND SCRUTINY COMMISSION - FINANCIAL MONITORING TASK GROUP

26 JULY 2016

(7.15 pm - 9.35 pm)

PRESENT: Councillor Hamish Badenoch (in the Chair),
Councillor Mike Brunt, Councillor Stephen Crowe,
Councillor Suzanne Grocott, Councillor Jeff Hanna,
Councillor Dennis Pearce, Councillor Peter Southgate and
Councillor David Williams

ALSO PRESENT: Councillors Nick Draper

Kim Brown (HR Lead), Zoe Church (Head of Business Planning),
Sophie Ellis (Assistant Director of Business Improvement),
Caroline Holland (Director of Corporate Services), Bindi Lakhani
(Head of Accountancy), James McGinlay (Head of Sustainable
Communities), Doug Napier (Leisure and Culture Greenspaces
Manager) and Julia Regan (Head of Democracy Services)

1 ELECTION OF CHAIR (Agenda Item 1)

Councillor Hamish Badenoch was elected as Chair.

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

There were no apologies for absence.

It was confirmed that Councillors Stephen Crowe and Suzanne Grocott had joined the task group.

3 MINUTES OF MEETING HELD ON 5 JULY 2016 (Agenda Item 3)

AGREED subject to addition of an action point at the end of the item on estate management, to read "ACTION: Task group requested an update report to a future meeting that would categorise assets as discussed and provide detail of yield".

4 2016/17 QUARTER 1 MONITORING REPORT (Agenda Item 4)

Caroline Holland, Director of Corporate Services, provided a brief overview of the report contents. She said that, as the report is still to be presented to Cabinet, there are some items (such as recommendation B) that are subject to Cabinet's approval at its meeting in September. Caroline Holland drew the task group's attention to the overspend that was forecast particularly in adult social care and children's social care.

Members expressed concern at the ongoing overspends in SEN transport and repeated the task group's request for a deepdive report on this service area.

ACTION: Report on SEN transport costs to be received at meeting on 10 November that will be of sufficient quality and detail to explain what is driving the ongoing overspends and what is being done to address this.

Members commented on the shortfall in the delivery of savings and asked why these savings were not being achieved. Caroline Holland said she was not happy with the current position and would continue to track delivery and follow this up with Directors. In response to a specific question about why the Community and Housing savings were not for a full year, Caroline Holland said this was due to the delay in submitting the business case for consultation with staff and the consequent knock-on impact on start date.

In response to a question about under-provision in the budget for unaccompanied asylum seeking children, Caroline Holland said that this was dependent on government funding and that the government was being lobbied to provide funding.

In response to a question about inflation assumptions, Caroline Holland said that some funds had already been released in relation to the corporate cleaning contract, that she had received other requests for release, that this was being reviewed on a monthly basis and that funds would be released at various points during the year.

ACTION: Caroline Holland undertook to provide information on whether the level of debt has increased in proportion to the increased amount of payments due.

ACTION: Members requested that the HR metrics in Appendix 12A be provided on A3 paper in future

5 CUSTOMER CONTACT PROGRAMME - ANALYSIS OF SAVINGS (Agenda Item 5)

Sophie Ellis, Assistant Director of Business Improvement, introduced the report, briefly explaining the purpose of the customer contact programme and outlining progress to date. She drew the task group's attention to the savings information set out in the appendix, as had been requested by the Overview and Scrutiny Commission.

Task group members asked a number of questions about the causes and consequences of the delay that had been experienced. Sophie Ellis said that the delay was chiefly related to technical challenges, difficulties and a degree of over-ambition by the supplier (General Dynamics IT). The impact on the council had been absorbed to date but would be more of a challenge if there were further delay as this may impact on services' ability to make savings and there may be an overspend on internal staff supporting the programme. Sophie Ellis assured the task group that the financial penalties that had been written into the contract had been activated appropriately whilst at the same time maintaining a constructive working relationship with the supplier.

Sophie Ellis said that the number of online transactions had increased since the introduction of the beta website and that feedback from users was being shared with the provider so that adjustments and improvements could be made.

The task group noted that the total of all savings set out in the appendix is round £600,000 and asked what proportion were dependent on delivery of the customer contact programme. Sophie Ellis said that they all had some level of dependency but that this varied - some relate to streamlining processes, others to efficiencies and different ways of working. She added that they are reported monthly to the Programme Board to monitor and to check the relationship to the customer contact programme.

AGREED to request a further update on savings associated with the customer contract programme, including indicative percentage figures showing dependency on the programme.

6 GREENSPACES - BUDGET DEEPDIVE (Agenda Item 6)

Doug Napier, Greenspaces Manager, introduced the report. Councillor Nick Draper, Cabinet Member for Community and Culture, and James McGinlay, Head of Sustainable Communities, were present to answer questions.

Doug Napier drew the task group's attention to the overspends of more than £200k relating to staff costs and service income in each of the last two financial years. He emphasised the seasonal and unpredictable nature of the work and the high proportion of the budget spent on staff. He said that total income from events was substantial and that cemeteries income, which had dipped last year, was increasing this year.

Members asked a number of questions about the benchmarking information that had been provided. Doug Napier said that no two boroughs have directly comparable services and that although he had done his best to adjust the data it was still an imperfect measurement. James McGinlay added that some of the additional expenditure in Merton compared to Sutton reflects income generation work in relation to sports and other events.

Members said that even though the benchmarking does not provide an exact comparison it raises questions about whether the service is providing value for money and whether some of the activities currently provided should continue. Councillor Nick Draper said that he genuinely believed that the service is value for money and that he would ask officers to work on the benchmarking data to provide more robust comparisons.

Members expressed concerns at differences between the 2016/17 budget and budget forecasts in the quarter 1 financial monitoring report. James McGinlay said that the overspend on overtime payments reflects unexpected additional work (for example that caused by rapidly growing grass verges following higher than average rainfall) that had not been included in the baseline budget. In relation to the underachievement of income, James McGinlay said that income fluctuates from year

to year and that the council is in competition with other providers. In response to a question, Doug Napier said that the report captures the main income streams but that there are many others.

James McGinlay said that the Classics in the Park event had made a loss last year and that ticket sales were being monitored against costs for this year's Live at Wimbledon Park event and would be reviewed so that the event would not go forward unless it would break even. Councillor Nick Draper said that he had taken a decision this week to not proceed with the event as he was not confident that it would break even. He said that it was right to be entrepreneurial and that he would be looking for alternative proposals.

Doug Napier said that there has been a decline in overall demand for provision of football pitches and other sport activities nationally as well as locally. He added that the Phase C procurement would enable assets to be sweated. Councillor Nick Draper said that the contract with Greenwich Leisure Limited was an example of what could be achieved.

Task group members discussed concerns that the data in this report and in the quarterly monitoring report do not support the assertion that the service is efficiently run and that, if there were efficiency savings to be made, this should ideally be done prior to outsourcing. In response, James McGinlay said that officers had received external expert support on pricing during the competitive dialogue phase to ensure that the council would get a good commercial deal; that safeguards in relation to profit share had been built into the contract; and that finetuning would take place before the final award of contract. Caroline Holland added that there may be further opportunity for savings when Kingston and Croydon join the contract.

AGREED to receive further report on Greenspaces budget at task group meeting on 10 November so that a clear understanding of the cost base and the benchmarking information could be achieved. The task group requested more detail of the service's revenue and commercialisation strategy.

7 BUDGET DEEPIVE REPORT BACK TO COMMISSION - DISCUSSION (Agenda Item 7)

Members agreed that the Greenspaces report and data had provided less detail than they would wish to have for "deepdive" purposes. Members wish to strike a balance so that the right level of detail is given to enable them to provide challenge but not so much detail to obscure the overall picture.

AGREED that Councillors Hamish Badenoch and Jeff Hanna would meet with Julia Regan and Caroline Holland to identify a template for use for future deepdive scrutiny of service budgets. Also agreed that deepdive template should include three years of budget data to provide a trendline.

8 DATES AND AGENDAS FOR FUTURE MEETINGS (Agenda Item 8)

AGREED the following agenda items for the meeting on 10 November:

- Quarter 2 monitoring report
- Late delivery of savings – report on causes of delay (with categories) and what is being done to address delivery failure.
- Greenspaces follow up report
- Deepdive on SEN transport
- Proposal for future deep dive scrutiny of service budgets

Members also expressed interest in scrutinising scope for additional savings and pre-decision scrutiny on public consultation on level of council tax.

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