

Merton Council Overview and Scrutiny Commission



Date: Thursday 31 January 2013
Time: 7.15 p.m.
Venue: Committee Rooms B and C,
Merton Civic Centre, London Road,
Morden SM4 5DX

AGENDA

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1.	Declarations of interest See note 1	-
2.	Apologies for absence	-
3.	Minutes of the meeting held on 8 January 2013	3
4.	Matters arising from the minutes	-
5.	Business Plan Update 2013-2017 Members are asked to bring their copy of this report which has been circulated separately.	-
6.	Business Plan Update 2013-17: supplementary information	7
7.	Scrutiny of the Business Plan 2013-17: comments and recommendations from the Overview and Scrutiny Panels	155
8.	Work Programme 2012/13	167

**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.**

For more information about the work of this and other overview and scrutiny panels, please contact Julia Regan, Democracy Services Manager, on 020 8545 3864 or e-mail julia.regan@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny

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Overview and Scrutiny Commission Membership

Full Members:

Councillor Peter Southgate (Chair)
Councillor Peter McCabe (Vice Chair)
Councillor Iain Dysart
Councillor Suzanne Evans
Councillor Suzanne Grocott
Councillor Jeff Hanna
Councillor Richard Hilton
Councillor Russell Makin
Councillor Diane Neil Mills
Councillor Judy Saunders

Substitute Members:

Councillor John Dehaney
Councillor Samantha George
Councillor Mary-Jane Jeanes
Councillor Ian Munn
Councillor Henry Nelles
Councillor John Sargeant

Co-opted Members

Amanda Stuart Fisher
Colin Powell
Vacancy
Dr Jo Sullivan-Lyons

Note 1

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) 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 Council's 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.

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 3390 or by e-mail on scrutiny@merton.gov.uk. Alternatively, visit www.merton.gov.uk/scrutiny .

OVERVIEW AND SCRUTINY COMMISSION

8 JANUARY 2013

(7.15pm – 9.00pm)

PRESENT: Councillors Peter Southgate (in the Chair), Peter McCabe (Vice Chair), John Dehaney (substitute for Jeff Hanna), Iain Dysart, Suzanne Evans, Suzanne Grocott, Richard Hilton, Russell Makin and Judy Saunders

Co-opted member – Dr Jo Sullivan Lyons (Parent Governor Representative – Secondary Schools)

ALSO PRESENT: Councillor Mark Betteridge, Deputy Leader and Cabinet Member for Performance and Implementation

Caroline Holland (Director of Corporate Services), Sophie Ellis (Assistant Director of Business Improvement), Rob Blanden (Interim Programme Manager – Customer Contact), John Hill (Head of Public Protection & Development), Marc Dubet (Environmental Health Manager – Pollution & Licensing), Julia Regan (Head of Democracy Services)

1 DECLARATIONS OF INTEREST (Agenda item 1)

None.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Diane Neil-Mills and Jeff Hanna.

3 MINUTES OF MEETING HELD ON 28 NOVEMBER 2012 (Agenda item 3)

RESOLVED : That the minutes be agreed, with the addition of a sentence in item 3 that the Borough Commander said that there are enough sergeants to manage the safer neighbourhood teams, that elsewhere sergeants manage 6 officers and savings could be made by moving from the 1,2,3 model.

4 MATTERS ARISING FROM THE MINUTES (Agenda item 4)

Julia Regan (Head of Democracy Services) said that the report on the Merton translation services review had not been brought forward to this meeting because the review was still underway. The report is due to be received at the Commission's meeting on 28 February.

Members commented on the inconsistent approach to minuting comments made at Overview and Scrutiny Panel and Commission meetings. Julia Regan (Head of Democracy Services) undertook to check and ensure consistency in future. Councillor Richard Hilton asked that the minutes record his disappointment that comments are not attributed to the people who make them. **ACTION:** Head of Democracy Services

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5 CONTROL OF NOISE NUISANCE (Agenda item 5)

John Hill (Head of Public Protection & Development) briefly introduced the report and drew attention to paragraph 2.5 which outlines a number of potential models for the delivery of the noise nuisance service, recommended by the Chartered Institute of Environmental Health Officers.

John Hill added that officers are currently exploring the feasibility of developing a shared environmental health service across the five south west London boroughs in order to give greater resilience and make savings. An options report is expected shortly. The Commission welcomed this approach and asked for an update to be provided in due course.

In response to questions about why there had been an increase in the number of noise complaints since 2009/10, John Hill and Marc Dubet (Environmental Health Manager – Pollution & Licensing) said that there was no one factor responsible and that contributing factors included:

- less tolerance of noise
- tendency to report rather than to speak to neighbours that the person doesn't know or is intimidated by
- poor sound insulation in older properties – particularly flat conversions
- impact of location of business premises alongside homes
- reporting can be done by phone, email or on-line so is easy to do

Most noise complaints are resolved within 28 days and closed. If there is a repeat shortly afterwards then the case is re-opened rather than starting a new case. If ten residents complain about the same incident, this is logged as 10 noise complaints.

Members noted the issues (set out in paragraph 2.2 of the report) that the service does not have powers to deal with and asked what alternative courses of action were available to deal with problems arising from poor sound insulation. John Hill said that these included asking the leaseholder or freeholder to enforce any covenants or lease stipulation relating to noise, asking environmental health to enforce powers in relation to noise hazards (rented flats only) or pursuing mediation (which the Council can offer) as these are civil matters.

The number of enforcement notices has reduced because officers try to resolve issues at an earlier stage, thus avoiding cost of legal proceedings. Any legal case relies on evidence from officers of noise nuisance that they have directly witnessed or have monitored with specialist equipment. In response to a question about the equipment currently used by the team, Marc Dubet said that it was at the low end of the market and is relatively old but is similar to that used in the other south west London boroughs.

Commission members said that they would be interested in exploring the role of councillors in supporting the service to get evidence of noise nuisance by

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encouraging residents to give officers access to their homes in order to monitor noise nuisance.

Commission members agreed that they would like to identify opportunities for lobbying for a change in legislation in order to make it easier for a range of enforcement action to be taken, not just on noise nuisance, for example by allowing video evidence gathered by residents to be admissible in court.

Members also agreed that, bearing in mind the financial constraints facing the service, they wished to do more to help local residents who are afflicted by noise nuisance and to enable the service to become a beacon of excellence. In particular, they wished to ask Cabinet explore options for providing a 24/7 service through an “invest to save” approach that would deal with complaints promptly and further reduce the need for court action as well as sending a message to residents that anti-social noisy behaviour will not be tolerated.

The Commission RESOLVED:

1. to request that the Head of Public Protection & Development compile a list of legislative changes and action that councillors could take that would make enforcement action easier across a wide range of issues, not just noise nuisance;
2. that the Commission would then ask the two local MPs and the Mayor of London to lobby government on a cross-party basis for those legislative changes;
3. to receive a further report in due course to provide an update on progress in assessing the feasibility of a shared environmental health service with the other four south west London boroughs;
4. to recommend to Cabinet that it explores options for providing a 24/7 service through an “invest to save” approach that would deal with complaints promptly and further reduce the need for court action as well as sending a message to residents that anti-social noisy behaviour will not be tolerated.

6 CUSTOMER CONTACT PROGRAMME UPDATE (Agenda item 6)

Sophie Ellis (Assistant Director of Business Improvement) introduced the report and drew attention to the key developments since the last report to the Commission – re-ordering of work so that business objectives and customer needs are clearly defined before open competitive tendering for the new IT systems and services takes place. A further update will be brought to the Commission’s meeting on 28 February.

Councillor Betteridge added that he valued the previous input that the Commission had made to the project and was keen to continue to fully involve the Commission.

Members were pleased that comments made by the Commission previously had been taken into account.

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Members asked for an explanation for the employment of interim managers for this project. Caroline Holland (Director of Corporate Services) said that following the departmental restructure in 2010, an Assistant Director of Business Improvement was appointed on an interim basis with the intention of subsequently recruiting a permanent post holder. Sophie Ellis has now been appointed to that post. Subsequently, a need was identified for additional resources to support the customer contact programme on a short term basis. An interim programme manager has been appointed and recruitment is currently underway for a fixed-term postholder.

In response to a question, Caroline Holland gave assurances that the Council had not employed staff unnecessarily nor wasted money on this programme.

In response to questions, Sophie Ellis provided more information about the project:

- the budget for the programme will remain the same but will be re-aligned to the project plan
- work on understanding customer need will be done at the same time as work with service managers to identify services that could be moved online and/or to the customer contact centre
- a culture change management plan will be drafted and this will include identifying departmental champions to lead the change across the Council
- consultation with customers will be integral to the programme, starting with those who use high-volume services
- the timescale for the whole customer contact programme is three years

Members expressed concern that the report contained a lot of jargon and was not in plain English. Sophie Ellis apologised and undertook to ensure that the next report would be more accessible.

RESOLVED:

That the Commission receive a further update at its meeting on 28 February and at other key points (to be determined) in the project, including a report to the Commission's meeting on 30 April.

7 WORK PROGRAMME 2012/13 (Agenda item 7)

RESOLVED:

1. That the Commission approve the work programme for 2012/13 as set out in the report, with the report of the volunteering task group deferred to the April meeting.
2. That the capital programme item on the agenda for 28 February be re-titled to "Scrutiny of the Business Plan 2013-17: remaining issues" to enable scrutiny of any remaining budget issues rather than just the capital programme.

ACTION: Head of Democracy Services