Merton Council
Overview and Scrutiny Commission

Date: 15 September 2015
Time: 7.15 pm
Venue: Committee rooms C, D & E - Merton Civic Centre, London Road, Morden SM4 5DX

AGENDA

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1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 6
4	Vision, key priorities and challenges for 2015/16 - presentation by the Leader of the Council and the Chief Executive	
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8	Financial monitoring task group - minutes of meeting on 22.07.15	51 - 54
9	Work programme 2015/16	55 - 62

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 (Vice-Chair)
Stan Anderson
Hamish Badenoch
Brenda Fraser
Suzanne Grocott
Jeff Hanna
Abigail Jones
Oonagh Moulton
Katy Neep

Substitute Members:
David Simpson CBE
John Dehaney
Russell Makin
John Sargeant
David Williams

Co-opted Representatives
Simon Bennett, Secondary and Special School Parent Governor Representative
Peter Connellan, Roman Catholic diocese
Denis Popovs, Primary School Parent Governor Representative
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 mater 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

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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
14 JULY 2015

(19.15 - 21.50)

PRESENT Councillor Peter Southgate (in the Chair), Councillor Peter McCabe, Councillor Stan Anderson, Councillor Hamish Badenoch, Councillor Brenda Fraser, Councillor Jeff Hanna, Councillor Abigail Jones, Councillor Brian Lewis-Lavender, Councillor Oonagh Moulton, Councillor Katy Neep, Denis Popovs and Geoffrey Newman

Dr Kay Eilbert (Director of Public Health), Amy Potter (Public Health Consultant), John Hill (Head of Public Protection and Development, Julia Regan (Head of Democracy Services), Chief Inspector Mark Lawrence and Chief Superintendent Stuart Macleod (Borough Commander))

1 DECLARATIONS OF PECUNIARY INTEREST - SEE NOTE OVERLEAF (Agenda Item 1)

None.

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

None.

3 MINUTES OF THE MEETING HELD ON 25 MARCH (Agenda Item 3)

The Commission agreed the minutes as a true record of the meeting.

4 POLICING IN MERTON - PRESENTATION BY BOROUGH COMMANDER (Agenda Item 4)

The Borough Commander, Chief Superintendent Stuart Macleod, introduced the report. He said that the crime statistics showed that Merton is on a par or better than most neighbouring boroughs and highlighted the achievement in reaching the MOPAC target of reducing overall crime by 20%. He also explained the approach that had been taken regarding the review of the deployment of police across the borough and the changes that he had put in place.

Commission members welcomed the report and were pleased with the level of detail and explanation as well as the approach taken to the deployment of officers in Merton.

The Borough Commander and Chief Inspector Mark Lawrence provided some additional information and clarification in response to questions:

- the increase in crimes of violence with injury is a Londonwide, and to some extent national, trend primarily caused by a more robust process for reporting such crimes rather than an actual increase in incidence
- the Borough Commander will continue to press for a two sector model but doesn't anticipate this being achieved in the near future due to financial pressures facing the Metropolitan Police. In the meantime, it is helpful to retain flexibility so that changing circumstances can be responded to in an appropriate manner
- crime statistics suggest that there is not a need for a town centre team in Morden at present but this will be kept under review
- the Police work closely with the Public Health team, especially on licensing issues and this has been helpful
- all police officers receive mandatory first aid training twice a year plus ad hoc training on issues such as mental illness.

RESOLVED: the Commission thanked the Borough Commander for providing such a thorough report and sending it in advance of the meeting. The Borough Commander and Chief Inspector Mark Lawrence were also thanked for answering questions comprehensively.

5 STOP AND SEARCH MONITORING DATA - PRESENTATION BY THE CHAIR OF MERTON'S STOP AND SEARCH MONITORING GROUP (Agenda Item 5)

Christine Matthews said that she had just stepped down as Chair of Merton Independent Stop and Search Monitoring Group after more than ten years in the role. She is still Chair of the Pan London Group.

Christine Matthews briefly introduced the report as well as providing information on the composition and remit of the monitoring group that holds the police to account for every aspect of the stop and search process. She said that the latest figures, for May 2015, showed that there were 136 searches in Merton and 26 arrests – an arrest rate of 19.9% which compares well to the MOPAC target of 20%.

Members said that the data that had been provided was helpful and noted the low numbers in Merton compared to other boroughs. Christine Matthews said that she had brought this to the attention of the Chief Inspector. Factors such as demographic composition, in particular a high proportion of school age residents, help to explain the data. Christine Matthews said that the data raises questions that require further detail and this is what the monitoring group does – for example, a piece of work carried out some years ago revealed that only 50% of those stopped were borough residents.

In response to questions about whether the police had got the balance right in terms of the number of stop and searches carried out, the Borough Commander said that that is a matter of opinion and a contentious subject. His view is that there are times when it is appropriate for searches to be carried out and that officers should not be shy of doing so. The powers relating to the circumstances under which stop and

search can be carried out have been reduced and there has been a sustained “Stop IT” campaign to reduce the numbers.

In response to a question about the ethnic profile of the police compared to the local community, the Borough Commander said that a lot is being done to encourage people from black and ethnic minority communities to join the police but change would take some time.

Christine Matthews said that they also monitor complaints but that the level is low and in her opinion this is because young people in particular find it difficult, or intimidating, to make complaints about the police and that it would be good to find a better mechanism.

In response to questions about working with young people, Christine Matthews said that it had been hard to get young people representatives on the monitoring group. She cited a recent football event that had been a successful way of raising young people’s knowledge of stop and search as well as being a fun activity for them. The Borough Commander added that there had been a lot of engagement through the school police officers too.

RESOLVED: to thank Christine Matthews for all the work and the valuable role she has carried out in holding the police to account whilst Chair of the Merton Independent Stop and Search Monitoring Group.

The Borough Commander formally added his thanks to Christine Matthews.

6 ENSURING THE COUNCIL HAS A POSITIVE IMPACT ON HEALTH - PRESENTATION BY THE DIRECTOR OF PUBLIC HEALTH (Agenda Item 6)

The Director of Public Health, Kay Eilbert, introduced the item and said that she welcomed the opportunity to ask the Commission for help in embedding public health work across the council.

Kay Eilbert set out how the council worked on many of the influences on health, which offers significant opportunities to ensure that all council work has a positive impact on health. She said that health outcomes in Merton are generally good but there are significant inequalities within the borough.

Kay Eilbert stressed that public health have taken a two pronged approach in recognising the part played by individual choice but also working to help people to choose the healthy option – the slide on page 41 shows that this is more difficult when individuals face barriers such as unemployment, poor housing or lack of education. She said that the Health and Wellbeing Strategy 2015-18 has built on this approach - copies were handed out at the meeting and the strategy has been published on the council’s website.

Kay Eilbert and her colleague Amy Potter, Consultant in Public Health, provided additional information and clarification in response to questions:

- discussions are taking place with service departments in order to progress the use of health impact assessments
- the council is constrained by licensing and planning policy but there are powers that have been used by other boroughs (such as restricting clusters of fast food outlets) that could be introduced in Merton
- work is being done to educate consumers and food outlets on using less fat, salt and sugar
- the public health team has a good relationship with the licensing team and has been making representations on individual licence applications as well as commenting on a draft statement of licensing policy that is currently out for consultation
- the community health champion scheme is another example of a successful approach

In response to questions about the Health and Wellbeing Strategy, Kay Eilbert said that progress reports would be taken to the Health and Wellbeing Board as the owner of this partnership strategy but reports could be provided to scrutiny too if required. Amy Potter added that some of the targets look modest because they relate to items with a worsening trajectory and the target has been set to stop this deterioration. Also a three year target period is a relatively short period of time against much longer term goals. Kay Eilbert said that every attempt has been made to model targets realistically.

The Chair suggested that more could be done by scrutiny to raise the profile of public health and that it would be useful to keep a watching brief on the work of the health and Wellbeing Board.

RESOLVED: the Commission requested that any subsequent reports to scrutiny should contain baseline data, targets and data setting out progress at key dates.

7 REPORT OF THE IMMUNISATION SCRUTINY TASK GROUP (Agenda Item 7)

Councillor Brenda Fraser, chair of the immunisation task group, introduced the report. She said that the task group had agreed to focus on 0-5 year olds and had worked with partners and with support from the public health team. She added that she is keen to ensure that implementation of the task group's recommendations is reviewed to ensure that there is an impact.

Members expressed concerns about the quality of the data on immunisation rates. The Director of Public Health, Kay Eilbert, explained the difficulties and said that the data has been much more accurate since it has been extracted from the information system where GPs record the immunisations and analysis therefore no longer needs to await a separate submission from GPs – this has increased the recorded uptake rates in Merton.

Denis Popovs, co-opted member, said that he had experienced difficulties in registering with GPs and in getting information about immunisation. Kay Eilbert undertook to raise this with the Clinical Commissioning Group.

RESOLVED:

1) That the Commission endorses the recommendations arising from the scrutiny review, with the addition of a recommendation that the public health team should take every care to ensure that the immunisation data received from Public Health England is accurate
2) That the Commission agrees to forward the review report, with the additional recommendation, to the Health and Wellbeing Board for approval and implementation of the recommendations by means of an action plan to be drawn up by officers and relevant partners working with the Cabinet Member
3) That the Commission would monitor the resulting action plan

8 REPORT OF THE SHARED SERVICES SCRUTINY TASK GROUP (Agenda Item 8)

Councillor Peter Southgate, chair of the task group, introduced the report. He said that this is the first in a series of task groups to review different models of service delivery. He informed the Commission that this is a fast moving area, for example, since the review completed, Cabinet has received a report on changes to the shared HR service and the establishment of a new shared service for audit.

RESOLVED to endorse the report and recommend that the task group should address the following issues in its future work on service delivery:

- To include a recommendation that the council should keep an eye on what is happening elsewhere and evaluate this with a view to establishing whether a similar approach would be beneficial to Merton
- To seek evidence on the approach to scoping out the options for different models of service delivery and advocate a more consistent and rigorous approach as appropriate

9 OVERVIEW AND SCRUTINY COMMISSION WORK PROGRAMME 2015/16 (Agenda Item 9)

RESOLVED:

1) To agree the Commission's work programme for the 2015/16 municipal year as set out in Appendix 1
2) To re-appoint Councillors Hamish Badenoch, Suzanne Grocott, Peter McCabe, Dennis Pearce and Peter Southgate to the financial monitoring task group
3) To appoint Councillors Hamish Badenoch, Suzanne Grocott, Russell Makin, Peter Southgate and Imran Uddin (subject to their agreement) to carry out a task group review of outsourced services, followed by a review of commissioned services. The Head of Democracy Services should email all non-executive councillors to see if they would like to join the task group.

10 MEMBER SURVEY 2015 - ANALYSIS (Agenda Item 10)

Councillor Peter Southgate introduced the report, drawing attention to the fall in the overall satisfaction level and the list of proposed actions on page 136.

Members discussed whether an independent review of the scrutiny function would be useful and agreed to implement the proposed actions and review progress next year. There was general agreement that, if an independent review was commissioned in future, it should include an assessment of the option to return to the committee system.

11 NOTE OF THE FINANCIAL MONITORING SCRUTINY TASK GROUP MEETING 1 JULY 2015 (Agenda Item 11)

Noted.

Committee: Overview and Scrutiny Commission

Date: 15 September 2015

Subject: Enforcement

Lead officers: Chris Lee, Director of Environment and Regeneration; John Hill, Head of Public Protection

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 presentation provided by the Director of Environment and Regeneration and the Head of Public Protection (see Appendix A) and ask other questions as appropriate.

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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. The Director of Environment and Regeneration has been invited to attend the Overview and Scrutiny Commission meeting to present an overview of current policy, practice and latest initiatives in enforcement within the Environment and Regeneration Directorate. The presentation slides are contained in Appendix A.

2 DETAILS

2.1. During the 2015 topic suggestion campaign, a councillors suggested that scrutiny should review enforcement to establish whether enforcement is happening, is consistently applied, is fair and is cost effective. Residents have also suggested that enforcement issues be scrutinised, specifically planning, parking and vehicle enforcement.

2.2. These suggestions were discussed at the topic workshop and members were reminded that an in-depth scrutiny review of enforcement took place in 2006 which made a number of recommendations including:

- that one overarching enforcement policy should be developed in order to promote consistency and transparency across enforcement activity carried out by the council.
- that an evaluation process should be established to evaluate the effectiveness of enforcement policies, including measuring the perception of members of the public with regard to how effective the council is in dealing with enforcement.
- that there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public interest test) for all breaches of council policy and that any enforcement action be undertaken in a timely way.

2.3. Detailed reports updated on progress made against the task group's recommendations were provided to the Commission for their consideration in 2009 and again in 2011/12.

2.4. In the light of this, the topic workshop and subsequently the Commission therefore agreed that the most appropriate way to address this issue would be through a presentation to provide an overview of current policy and practice in this area, focussing on new initiatives as well as an update on the shared regulatory service and its impact on enforcement activity. Key performance indicators will be provided where appropriate.

3 ALTERNATIVE OPTIONS

Commission members may choose to ask questions about any aspect arising from the presentation.

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 – presentation slides

Appendix B – council-wide enforcement policy

Appendix C – recommendations of the enforcement scrutiny task group review, 2006

Appendix D – corporate key performance indicators relating to E&R Enforcement (streetscene and waste, public protection, sustainable communities)

12 BACKGROUND PAPERS

12.1. None

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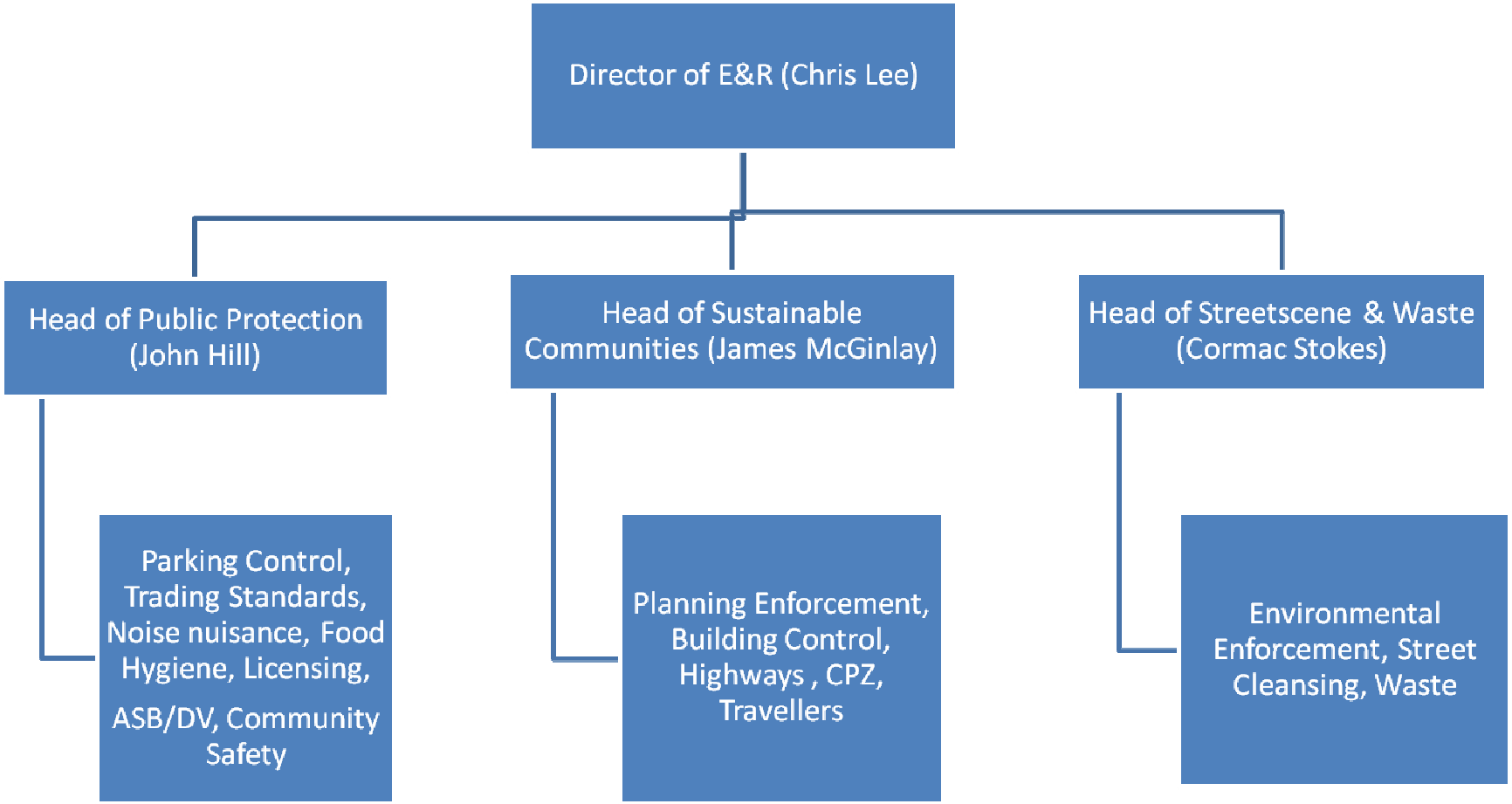
Appendix A
An Overview of E&R Enforcement

Report to Overview & Scrutiny Commission (September 15th, 2015)

Division of enforcement responsibilities in E&R



Brief chronology

- **July 2006** : Task group of Overview & Scrutiny Committee : review of Council enforcement policies, this resulted in a report consisting of 14 key recommendations (appendix C)
- **January 2007** : Recommendations adopted by O&S;
- **June 2009** – Adoption of Overarching Enforcement Policy by O&S (appendix B);
- **3rd September 2009** : Update on progress to O&S;
- **29th November 2010** : Update to LSG where it was agreed that 14 original recommendations had been delivered. Future reports to be updates on main issues/successes etc.
- **15th March 2011/24th April 2012** : Update Report to Sustainable Communities O&S Panel

Services with element of enforcement

- Planning;
- Building Control;
- Licensing;
- Environmental nuisance;
- Trading Standards/Food hygiene;
- Waste;
- Parking;
- ASB

What is enforcement meant to achieve?

- To contribute to ensuring a safe, clean and green environment in which to live and work;
- It is meant to complement and be used appropriately and proportionately;
- Should not always be first course of action to resolve issues;

Pan-Divisional approach to enforcement

- Overarching Enforcement policy framework;
- ERTG (Enforcement Review Task Group);
- LMAPS (Local Multi Agency approach to problems).

Key performance indicators

- Number of food hygiene inspections;
- Number of Planning enforcement cases closed;
- Success at various appeal fora;
- Local enforcement charters;

Key pressures on delivering enforcement

- Increasing volume of legislation/responsibilities – Issues are often complex – “Narrow & Deep”;
- Often just one part of an officer’s wider role;
- Resources vs. Caseloads;
- Consideration of cost of legal action;
- Competing priorities : Budgetary constraints and how these affect our ability to enforce;
- More reactive than proactive with greater reliance on local intelligence;

Key successes

- What does success actually mean?
- POCA (Proceeds of Crime Act);
- Successful prosecutions against fly-tipping;
- Marian Road – Planning Enforcement;
- Some of the joined up/Partnership working – eg. Dennison Road, Monarch Parade;
- Deer Park Road;
- Comms. action plan;
- Kingdom Security.

New approaches to enforcing

- Need to ensure that we have best delivery model – TOM effectiveness & VFM of any given approach;
- Shared Regulatory Service – resilience, increased skills base, pooling of expertise.
- Work being done across directorate to scope a more generic approach;
- Other opportunities - sharing discrete elements of a service as opposed to full blown shared service or the option to outsource certain enforcement functions;
- Greater use of local intelligence;
- Make it easier for public to report potential breach via self service;
- Training/workshops – for Residents/Business'/Members;

Appendix B

MERTON COUNCIL

COUNCIL WIDE ENFORCEMENT POLICY

1. INTRODUCTION

1.1 This document sets out Merton Council's policy to be applied when enforcing a range of legislation that aims to protect the interests and rights of residents and businesses in the borough. The policy defines the principles and sets out the guidance that will be applied by officers when taking enforcement decisions in order to ensure that decisions are consistent, fair and appropriate.

2. LEGAL STATUS OF THE ENFORCEMENT POLICY (Subject to Cabinet approval)

2.1 This overarching enforcement policy is intended to give guidance for officers, businesses, consumers and the public. It does not affect the discretion of the council to take legal proceedings where this is considered to be in the public interest. Guidance may also be provided from central government or other agencies and each team or service will have their own enforcement policies which have been drafted with their own area of enforcement in mind. This policy therefore does not try to capture all of this detailed complex and often changing information.

3. SCOPE AND MEANING OF "ENFORCEMENT"

3.1 This policy applies to all legislation enforced by the council. The term *"enforcement"* is used in this policy to mean "actions taken by council officers to prevent or rectify infringements of legislation" and includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law.

4. HOW TO OBTAIN A COPY OF THE POLICY OR MAKE COMMENTS

4.1 This policy is also available on the council's website:-

www.merton.gov.uk (to be assigned)

If you would like a paper copy of the policy and/or you would like to comment on the policy, please contact us by:

- Telephoning 020 8545 3897
- Emailing: Fiona.thomsen@merton.gov.uk
- Writing to: The Head of Civic & Legal Services, Merton Civic Centre, Morden SM4 5DX

On request this policy will be made available on tape, in Braille, large print or in a language other than English.

5. GENERAL PRINCIPLES

5.1 All matters relating to enforcement and regulation will be dealt with in a proportionate and timely manner. Progress reports will be provided to the complainant if appropriate as the investigation progresses and after the resolution of the case or following a decision to close the investigation.

5.2 Regard shall be given to the relevant legislation, codes and policies which protect the rights of the individual and guide enforcement action, (These include the Human Rights Act 1998, Code for Crown Prosecutors, Corporate Customer Services Strategy and the Council's Equality and Diversity Policy).

5.3 In most circumstances the council will enforce against or prosecute those who neglect or wilfully fail to comply with their legal obligations such as where there is a risk to individuals or the public, or where action is required to minimise adverse environmental impacts or against individuals who engage in benefit fraud. In doing this the council will act in accordance with the guidance and standards set out in this policy, and also in accordance with any additional departmental or team policies or guidance, some of which are listed in **appendix 1**.

5.4 In particular the council will work with individuals and businesses to assist them in complying with their legal duties and obligations;

a) Through education, publicity and appropriate advice;
b) Ensure its staff are appropriately trained and apply the policy and standards professionally and consistently;
c) Make information about the policy and the standards widely available to the public and businesses within the borough;
d) Monitor compliance with the policy and review it from time to time in consultation with parties subject to its application;

5.5 Where formal action is deemed necessary each case will be considered on its own merits. However, there are general principles that should apply to the way each case must be approached. These are set out below, based on the Regulators' Compliance Code and are meant to promote the following:

a) Openness – any person affected should understand what is expected of them, what they should expect from the council and reasons for any action;
b) Helpfulness – a courteous and efficient service that seeks to prevent the need for formal enforcement;
c) Proportionality – an enforcement response that is proportionate to the offence and seeks the best solution without excessive cost for all concerned;
d) Consistency – that the approach to enforcement achieves a fair and consistent outcome;

e) **Complaints about the service** – a well publicised, effective and timely complaints procedure easily accessible to all those subject to enforcement.
f) **Standards** – setting out the level of service and performance the public and businesses expect to receive.

For more information about the Regulators' Compliance Code see: **http://www.berr.gov.uk/files/file45019.pdf**

5.6 Officers will endeavour to provide advice in a clear and simple manner. Where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what time scale it is required. Where non-compliance may result in further enforcement action or prosecution the matter will normally be confirmed in writing within 10 working days.

6. AUTHORISATION OF OFFICERS

6.1 All enforcement officers are authorised to carry out enforcement duties at all times in accordance with the council's Constitution and are legally empowered to ask questions and collect evidence in relation to the alleged offence or breach they are investigating.

6.2 Authorised officers of the Council will abide by this policy when making enforcement decisions and all operational procedures and departmental policies will be written to accord with it. Departures from this policy must be exceptional, justifiable and fully considered before the decision is made, unless it is believed that a delay will result in significant risk to an individual or the public.

6.3 Where enforcement officers need to carry out covert surveillance or use informants during the course of an investigation, the council will comply with the Regulation of Investigatory Powers Act (RIPA) 2000 (or any succeeding legislation) which seeks to balance the individual's rights to privacy with the need for the council to undertake a criminal investigation.

7. NOTIFYING ALLEGED OFFENDERS

7.1 If information is received which may lead to enforcement action against a business or individual, that business or individual will be notified of any intended enforcement action as soon as is practicable, unless this could impede an investigation or pose a safety risk to those concerned or the general public.

7.2 During the progression of enforcement investigations/actions, confidentiality will be maintained and personal information about individuals will only be released when required and/or in accordance with the Data Protection Act 1998.

8. ASSESSING APPROPRIATE ACTION IN CASES OF INFRINGEMENT

LEVELS OF ENFORCEMENT ACTIONS:

8.2 Where the law has been contravened, there is a range of enforcement options available. Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions would be where there is a serious risk to public safety or the environment or the offences have been committed deliberately or negligently or involve deception, or where there is a significant economic detriment.

8.3 A number of factors are considered when determining what enforcement action to take. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:-

1. A decision to take no further action.
2. Informal action and advice – written or oral.
3. Fixed Penalty Notices or Penalty Charge Notice.
4. Formal Statutory Notices, including works in default.
5. Administrative Penalties (Adpens) as an alternative to prosecution
6. Seizure of goods/equipment, including vehicles, food, articles or records.
7. Injunctive actions.
8. Refusal/revocation of a licence.
9. Compulsory purchase of properties.
10. Simple caution –
11. Prosecution.

8.4 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

a) The seriousness of compliance failure;
b) The offender's past performance and its current practice;
c) The risks being controlled;
d) Legal, official or professional guidance;
e) Local priorities of the London Borough of Merton.

9. PROSECUTION OR SIMPLE CAUTION

9.1 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction. For a Simple Caution to be issued a number of criteria must be satisfied which include:

i) Sufficient evidence must be available to prove the case;
ii) The offender must admit the offence;
iii) It must be in the public interest to use a Simple Caution
iv) The offender must be 18 years or over.

Details of the Home Office guidance (Circular 30/2005) can be found at: http://www.homeoffice.gov.uk/police/powers/cautioning for further information.

9.2 The issuing and recording of Simple cautions will be carried out only by officers who are authorised to institute legal proceedings on behalf of the Council. If a Simple caution is not accepted by the defendant then a prosecution will follow (unless there are serious extenuating circumstances).

9.3 A record of the caution will be sent to the Office of Fair Trading, the Department of Works and Pensions (DWP) and the Local Authority Co-ordinating Body for Regulatory Services (LACORS) if appropriate and will be kept on file for two years. If the offender commits a further offence, the caution may influence the decision to prosecute. If during the time the caution is in force, the offender pleads guilty to, or is found guilty of committing another offence anywhere in England and Wales, the caution may be cited in court and this may influence the severity of the sentence that the court imposes.

9.4 Two tests are applied to determine whether prosecution or caution is an appropriate course of action. Since the decision to caution or prosecute an individual is a serious step it should only be taken after full consideration of the implications and consequences. To ensure that fair and consistent decisions about cautions and prosecutions are made the guidance set out in the Code for Crown Prosecutors is taken into account. There are two stages to the decision to either caution or prosecute – the evidential and public interest stages.

10. THE NEED FOR SUFFICIENT EVIDENCE (EVIDENTIAL STAGE)

10.1 A prosecution will not be commenced or continued unless the council is satisfied that there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction. If the case does not pass this evidential test a prosecution will not go ahead. If the case passes the evidential test, consideration must be given to the second stage in the decision to prosecute, which is whether a prosecution is in the public interest.

11. THE PUBLIC INTEREST STAGE

11.1 The Public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the offender. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

12. PUBLIC INTEREST FACTORS IN FAVOUR OF PROSECUTION

12.1 The more serious the offence, the more likely it is that a prosecution will be needed in the public interest. The council will consider the following factors in deciding whether or not to prosecute:-

1. Environmental effect of the offence
2. Intent of the offender
3. History of offending
4. Whether there are grounds for believing that the offence will be repeated
5. The offence, although not serious in itself, is widespread in the area where it was committed
6. The offence was committed against a person serving the public
7. The defendant was in a position of authority or trust
8. Attitude of the offender
9. Deterrent effect of a prosecution on the offender and others
10. A conviction is likely to result in a significant sentence
11. Personal circumstances of the offender.

13. WHO DECIDES WHAT ENFORCEMENT ACTION IS TAKEN

13.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the London Borough of Merton or Central Government.

13.2 Decisions about enforcement will be in accordance with the provisions of the council's Constitution and the Departmental Schemes of Management. It involves consultation between or approval from:-

- Investigating Officer(s)
- Issuing officers
- Senior Managers
- Head of Civic and Legal Services and his/her officers

14. PUBLICISING SUCCESSFUL PROSECUTIONS

14.1 Consideration will be given to publishing details of successful prosecution cases to inform people about the consequences of failing to comply with legal requirements and give reassurance to victims and the wider law abiding community that the Council is prepared to fully utilise available enforcement powers.

15. CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES

15.1 The council undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will,

where appropriate, be taken into account when making the enforcement decision.

16. PROTECTION OF HUMAN RIGHTS

16.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998.

17. POLICY IMPLEMENTATION & REVIEW

17.1 The policy will be reviewed as appropriate and the views of those people who may be affected by it will be sought.

APPENDIX 1

Team/Section	Contact telephone no.	

Internal Audit & Housing Benefit Investigation 0208 545 3903
http://intranet/lbm_debtors_manual.doc &

http://intranet/pdf-sundrydebtorsrecoverypolicy

Consumer and Business Protection Team, 2028 545 3947
(Commercial Environmental Health, Licensing and Trading Standards) web link

http://www.merton.gov.uk/council/departments/envandregen/consumer_and_business_protection.htm

Environmental Health 0208 545 3002

http://www.merton.gov.uk/living/environment/environmentalhealth.htm

Waste Service 0208 545 3104
www.merton.gov.uk/living/environment/recyclingwastemanagement/refuse/flytipping

Highways & Street works 0208 545 3133 and 0208 545 3215
http://www.merton.gov.uk/living/transport-streets.htm

Parking 0208 545 3904
www.merton.gov.uk/parking

Planning Enforcement 0208 545 3111
www.merton.gov.uk/living/planning/enforcement

Building Control 0208 545 3128
www.merton.gov.uk/buildingcontrol

Housing 0208 545 3903

www.merton.gov.uk/living/housing

Education 0208 545 3794

www.merton.gov.uk/learning/schools/changingschool/truancy

Appendix C

List of original 14 recommendations of the 2006 Enforcement Scrutiny Task Group Review

Recommendation 1
That one overarching enforcement policy should be developed in order to promote consistency and transparency across enforcement activity carried out by the council. The policy, which can be seen here http://www.merton.gov.uk/democratic_services/ds-agendas/dsfpreports/784.pdf was approved by Cabinet on 22 June 2009.

Recommendation 2
That Senior Officers and the responsible Cabinet Member accept that they are responsible for ensuring that enforcement policies are fit for purpose.

Recommendation 3
That an evaluation process should be established to evaluate the effectiveness of enforcement policies, including measuring the perception of members of the public with regard to how effective the council is in dealing with enforcement.

Recommendation 4
That there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public interest test) for all breaches of council policy and that any enforcement action be undertaken in a timely way.

Recommendation 5
That Cabinet consider the desired approach of the council with regard to enforcement and then assess whether the resources currently allocated to enforcement activity are sufficient to achieve this.

Recommendation 6
That resources should be increased within the planning enforcement team in order to ensure that the team has the capacity to proactively enforce planning decisions and to publicise the message that the council will robustly enforce its planning decisions.

Recommendation 7
That greater efforts are made to make businesses aware of their part in ensuring that members of the public are able to move freely and safely on pavements and that action is taken against businesses that continue to place obstructions on pavements.

Recommendation 8
That information should be provided to ensure that members of the public have the information they need to report possible breaches/offences for the council to investigate and take action.

Recommendation 9
That representatives from all of the enforcement teams meet regularly to share knowledge and good practice between the teams and learn from their collective experience and that enforcement staff are supported with training and development opportunities to enable them to build strong cases.

Recommendation 10
That opportunities for joint working between Building Control and Planning Enforcement should be explored.

Recommendation 11
That enforcement teams and Legal Services should develop a service level agreement to ensure clarity over lines of responsibility in taking forward prosecution action.

Recommendation 12
That education/awareness campaigns should be run and that improved information sources should be developed in order to increase public awareness of rules/regulations and the corresponding enforcement policies to be applied in the event of non-compliance. This needs to be coupled with reminders that enforcement action is to be proportionate so that expectations of complainants are not raised too high.

Recommendation 13
That a positive approach should be applied to publicising good enforcement outcomes in order to build public confidence in council enforcement

Recommendation 14
That the Member Development Plan should incorporate training to ensure that members understand the council 's scope for action on enforcement and to equip councillors with the information they need at their fingertips to advise constituents without referring to officers.

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E&R Streetscene performance

PI code and description	Jul-15					YTD result	Annual YTD Target	Current YTD status
	Value	Target	Status	Long Trend	Short Trend			
Waste Services								
SP 407 % of FPN's issued that have been paid	54.73%	65%				54.57%	65%	
Commercial waste								
Street Cleansing								
CRP 048 % of sites surveyed on local street inspections for litter that are below standard	10.05%	8%				7.31%	8%	
CRP 049 / SP 059 Number of fly tips reported in streets and parks	288	308				1,161	1,232	
SP 058 % of sites surveyed on local street inspections for litter that are below standard (KBT) (Quarterly)	Quarterly measure					9.34%	9.50%	
SP 062 % Sites surveyed below standard for graffiti (Quarterly)	Quarterly measure					5.53%	4.50%	
SP 063 % Sites surveyed below standard for flyposting (Quarterly)	Quarterly measure					1.05%	1%	
SP 139 % Sites surveyed below standard for weeds (Quarterly)	Quarterly measure					10.66%	13.50%	
SP 140 % Sites surveyed below standard for Detritus (Quarterly)	Quarterly measure					11.97%	15%	
SP 269 % Residents satisfied with street cleanliness (annual)	Annual measure					54%	60%	

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Public Protection

PI code and description	Jul-15					YTD result	Annual YTD Target	Current YTD status
	Value	Target	Status	Long Trend	Short Trend			
Parking								
SP 397 % of cases won at PATAS	67.65%	52%				52.96%	52%	
SP 398 % of cases lost at PATAS	29.41%	22%				26.09%	22%	
SP 399 % of cases where council does not contest at PATAS	2.94%	26%				20.95%	26%	
Regulatory Services								
SP 041 % of service requests replied to in 5 working days (EHTSL)	94.08%	90%				93.27%	90%	
SP 254 % Data capture from air pollution monitoring sites (Quarterly)	Quarterly measure					85%	90%	
SP 255 % licensing apps. processed within 21 days (Quarterly)	Quarterly measure					100%	96%	
SP 316 % of Inspection category A,B & C food premises (annual)	Annual measure					97	95	
SP 381 % of food premises rated 2* or above (Quarterly)	Quarterly measure					91%	94%	
Safer Merton								
SP 330 / MP 007 % perception of residents worried about drunk and rowdy behaviour (annual)	Annual measure					41%	41%	
SP 331 / MP 008 % perception of residents worried about crime (annual)	Annual measure					50%	50%	
SP 145 No. of cases discussed at Multi Agency Risk Assessment (domestic abuse)	9	12				9	12	
SP 150 % perception of residents worried about Anti Social Behaviour (annual)	Annual measure					42%	43%	
SP 247 % CCTV cameras operational	93.10%	95%				96.66%	95%	
SP 248 No of one stop shop sessions (Quarterly)	Quarterly measure					10	9	
SP 332 no. of local multi agency problem solving meetings (Quarterly)	Quarterly measure					6	6	

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Sustainable Communities

PI code and description	Jul-15					YTD result	Annual YTD Target	Current YTD status
	Value	Target	Status	Long Trend	Short Trend			
Development and Building Control								
SP 113 Number of enforcement cases closed	61	50				270	200	
SP 117 % appeals lost (Development & Building Control) (Quarterly)	Quarterly measure					29%	35%	
SP 380 Number of backlog enforcement cases	864	750				864	750	
Traffic and Highways								
SP 260 % Streetworks inspections completed (Quarterly)	Quarterly measure					47%	37%	
SP 327 % to Emergency callouts within 2 hours (traffic & highways)	100%	100%				100%	100%	
SP 350 Percentage of jobs completed where no Fixed Penalty Notice issued	91%	93%				94.16%	93%	

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Committee: OSC

Date: 15 September 2015

Agenda item: Customer Contact Programme Update

Wards: All

Subject:

Lead officer: Sophie Ellis, Assistant Director of Business Improvement

Lead member: Cllr Alison, Deputy Leader and Cabinet Member for Finance

Contact officer: Sophie Ellis, Assistant Director of Business Improvement

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Recommendations:

A. That the Commission discuss and comment upon the progress of the Customer Contact programme.

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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. The purpose of this report is to provide the Commission with a progress update on the Customer Contact programme.

2 BACKGROUND

2.1. The way in which Merton borough residents and service users want to access services is changing. People who routinely buy services and goods over the internet and by phone increasingly expect the same sort of flexibility when accessing public services. This is reflected in the results from Merton's residents' survey[1].

2.2. Merton's Customer Contact programme is aimed at meeting these changing needs; it supports delivery of the ambition set out in the council's Customer Contact Strategy. This strategy focuses on two key outcomes. Firstly, to improve service users' experience of accessing council services; and secondly to reduce the cost of those services by encouraging people to self-serve where possible and also by responding to as many customer queries as possible at the first point of contact (thus reducing avoidable and repeat contact).

2.3. The scope of the programme is to procure and implement the necessary technology to deliver these ambitions. This includes a refreshed website that increases the potential for customers to request and pay for services online; the ability for customers to have an 'account' that allows them to track their queries and interactions in a single place online; and a contact management solution that allows staff to manage and process queries and

[1] http://www.merton.gov.uk/presentation_charts_merton_residents_2014_.pdf

requests quickly and easily and which is integrated with the relevant back office systems.

2.4. In March 2015 the council awarded a contract to General Dynamics IT Ltd to deliver this technology and support the associated changes in business processes and practices.

3 ACTIVITY SINCE LAST UPDATE

3.1. Following the contract award in April 2015 an induction process was undertaken to familiarise GIDT operatives with the operating context of the council, its technical infrastructure and architecture, governance arrangements, stakeholders and other initiatives that would impact on the programme. This was an intensive period of information sharing that was necessary to ensure that GDIT were able to refine their proposals to best fit with Merton's unique technical and organisational environment.

3.2. This supported the subsequent phase of activity, which was for GDIT and council officers to work together to develop and agree a more detailed implementation plan. Through the procurement exercise all Bidders were required to put forward outline plans, but these needed to be developed in greater detail which required a fuller understanding of the council's operating context.

3.3. The detailed implementation plan was agreed by the programme board on 27 July 2015. The remainder of this section will provide an update on key deliverables, both in terms of key milestones and work to date.

3.4. **Technology**

3.4.1 This stream of work will implement the underlying hardware (servers etc.) and associated technology (connections to the council's existing systems and networks) to support the new systems being implemented. It also involves configuring the software itself to meet Merton's needs and accommodate our ambitious objectives. It will impact on the experience of both customers and staff as it provides the IT system that contact centre staff will use to record and deal with customer enquiries in person and over the telephone and also makes sure that this is connected to other council systems so that referral of requests can be automated. This is important as it allows us to increase the number of calls where we can deal with enquiries at the first point of contact.

3.4.2 This activity commenced immediately post contract award and is due to complete in April 2016 as it will continue to run in parallel with delivery of the elements of the solution.

3.4.3 The solution provided by GDIT will deliver a new primary dedicated network line into the Merton datacentre and a new secondary dedicated network line into the Wandsworth datacentre. GDIT have been working with the telecom providers to secure these new lines and to date have only been able to complete the connection to Wandsworth. They have experienced delays with the telecom provider in completing the connection to Merton. As a work-around considerations are being given as to temporarily routing the primary network through Wandsworth so as to not delay the progress of the

project. Once the network routing is in place work can commence on testing and planning for system integrations and data migration.

3.5. **Website**

3.5.1 This stream of work will design and implement a new council website that is both modern and attractive but, more importantly, encourages and allows visitors to resolve more of their queries and requests online.

3.5.2 The current website was designed in 2005 Like most local authority websites it was established before online functionality was an objective of the organisation and therefore was first and foremost a place people visited to obtain information, not conduct transactions. The SOCITM survey indicates that user satisfaction for the current website is relatively high; but the lack of a responsive design and online functionality leaves Merton behind in terms of its overall website rating in SOCITM research.

3.5.3 GDIT began their preparatory work in April and have undertaken benchmarking as well as analysis of how the current site is used. This research is being used to understand the types of customer journeys that will be most popular and therefore drive the functionality and design of the site. Experienced and professional designers are facilitating the process using a 'User Centred Design' methodology which means that rather than starting the design process with the structure of other local authority sites, the design of the Merton site will be led by resident demand. This increases the likelihood of the council achieving its goal of channel shift.

3.5.4 The key design principles that have been developed to underpin the new website are:

- It must be designed from the outset to be accessed via a smartphone – recent research by SOCITM shows that 42% of visits to Council websites are made using a smartphone. However customer's mobile experience of council websites tends to be around 25% worse than on a desktop device and Google rate just 51% of council websites as 'mobile friendly'.
- It must be integrated with back-office-systems so that customers can complete an entire transaction online without having to contact the council in a number of key service areas and therefore be more slick and functional. It thereby also avoids the need for council staff to re-key information.
- It must be easy for people with all levels of ability to use.
- It must be uncluttered and focused on transactions, designed to enable online visitors to quickly and easily conduct business with the council.
- Whilst it is accepted that there will be less of a focus on news stories and service information, the site must retain a sense of locality and allow users to identify with Merton the borough. This is important to the place- and community-shaping role of the council.

3.5.5 This workstream will continue to the delivery of the new website which is currently anticipated in January 2016. This timeline is subject to feedback following consultation with users throughout the process.

3.6. **Customer account**

3.6.1 This workstream will create the functionality that allows visitors to the website to create an online account. This will allow them to sign into a secure space within the website where they can see their history of interactions with the council, the status of any queries or requests they have raised as well as things like their Council Tax account balance or outstanding library books.

3.6.2 This is important because people are increasingly expecting public services to be delivered in an holistic way and that the council is proactive in interpreting their requirements and responding to them swiftly. When someone contacts the council they expect that there is a coherent and complete 'view' of them within the organisation – this is their experience of other organisations so why not the council? Customers do not want to speak to several different departments and service teams about the same issue, which means that services can no longer afford for their business systems and their relationships with customers to exist in isolation. For the sake of good customer experience, compliant with all aspects of data protection, and effective and efficient services, a single, comprehensive view of customers across the organisation is needed.

3.6.3 Work to design the account function and establish how it relates to, and is positioned within, the website is already underway. But the implementation of the account cannot proceed until the new website has been launched. For this reason, the account function is not anticipated to be launched before April 2016. This will allow time for the appropriate integration to be designed with other council systems (so that information can from a range of places can be drawn together and displayed in the customer account page). The account will also be linked to other existing council portals, such as in the Library service, and will provide users with the capability to sign in with a single password, presenting a unified website thereby eliminating the often irritating need to remember and use multiple passwords.

3.7. **Redesigned business processes**

3.7.1 A number of council services have been selected to undergo process re-design. These represent high volume, low complexity transactional services that are most likely to benefit from re-design and automation to produce an 'End to End' online service. These are: Waste, Highways, Parks and Green Spaces, Building Control, Property, Complaints and FoIs, and Mayor's Charitable Events. In addition existing council portals for Council Tax, Libraries, Planning, and Parking will be linked to the new customer account to allow customers to use a single password to access their information and services.

3.7.2 We will be able to provide a significant number of our services to customers through easy to find and use web forms, to the high standard expected from an online service provider. The new process will enable customers to receive information and updates in the way they prefer, perhaps by text message, and through the customer account to record and consolidate all their transactions in one place.

3.7.3 The Waste service processes are close to completion, to be followed by Parks and Green Spaces, with the remainder of the Pathfinder services implemented over the following 6 months. Highways services have been re-scheduled to align with the re-procurement of the council's asset management system in March 2016. The implementation of these changes within the services will be managed through the Target Operating Model (TOM) process, and will therefore monitor and control where the demand for services, and means of accessing them change.

4 ALTERNATIVE OPTIONS

4.1. Feasible and cost-effective alternatives for the technology have been explored as part of the competitive dialogue process, ensuring the council identified the solution which best meets its requirements in terms of cost and quality.

5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1. The governance arrangements for the programme are designed to ensure that services across the organisation are fully engaged in the development of the approach.

5.2. Governance for the programme consists of a Programme Board (management and control focus) chaired by Caroline Holland, Corporate Services Director (programme sponsor) and including representation from each of the departments. The programme also reports monthly to the Merton 2015 board which draws its membership from across the organisation.

5.3. A draft ownership and communication plan has been developed and service and customer groups will be engaged as part of the programme using a phased approach to ensure any necessary change is well planned, communicated and embedded.

5.4. It may be necessary to undertake formal consultation to reflect specific changes to how services are delivered via specific access channels as the programme progresses and the programme will provide periodic updates to the Commission.

5.5. A key area for wider consultation is the development of the website and customer account. It is inadvisable to draw customers into the initial design process as they are better engaged in testing concepts once they've been developed. To begin with, therefore, the design process has brought together a representative group of officers (who may also be residents of the borough) and asked them to take on customer personas and, later on, test the emerging design. At the point that a prototype is available customers and external focus groups will be engaged in the process of testing. We also have the opportunity to work with a neighbouring Council to user test the website as a 'critical friend'.

6 TIMETABLE

6.1. A programme timetable is presented in appendix A.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1. The Customer Contact programme is an important factor in the overarching transformation of the organisation as part of the Outstanding Council Programme. There is a clear commitment to a high standard of professionalism and the streamlining of work processes so that they are efficient and not unnecessarily bureaucratic. It is essential that officers are supported to make this transition and enabled to continue providing high quality services to customers in a constrained economic environment. It is also essential that the organisation is able to respond effectively to the changing needs of service users. Funds have already been earmarked through allocated reserves to facilitate the programme. This planned one-off investment is expected to achieve ongoing revenue savings that will benefit the council each year.

7.2. The programme is key to the achievement of planned savings through self-service and channel shift and the aspirations set out in a number of service target operating models (TOMs) are dependent on the technology the programme will introduce.

7.3. The initial programme budget of up to £2.3m was approved by Cabinet on 12th July 2012.

7.4. Any property implications are likely to come from the assessment of the provision of face-to-face services in specific locations across the borough. It is expected that any such implications will be managed and aligned with any existing property rationalisation plans, e.g. the flexible working programme.

8 LEGAL AND STATUTORY IMPLICATIONS

8.1. The South London Legal Partnership worked closely with the programme team in developing a suitable contract with the chosen supplier.

8.2. There may be some impact on the provision of some statutory services, e.g. regulatory services, but this will be established and managed through the engagement of the relevant services and will depend on whether specific processes can feasibly be delivered through different channels and by different means.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1. There are not expected to be any human rights issues from the programme.

9.2. An Equality Analysis has been completed for the programme and will be updated at suitable decision points.

9.3. Community and other key stakeholder groups will be engaged as part of the programme and any implications will be managed will the relevant officers in the Council.

10 CRIME AND DISORDER IMPLICATIONS

10.1. There are not expected to be any crime and disorder implications.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. All risks, assumptions, issues and dependencies are being actively managed as part of the programme.

11.2. There are not expected to be any Health and Safety implications.

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

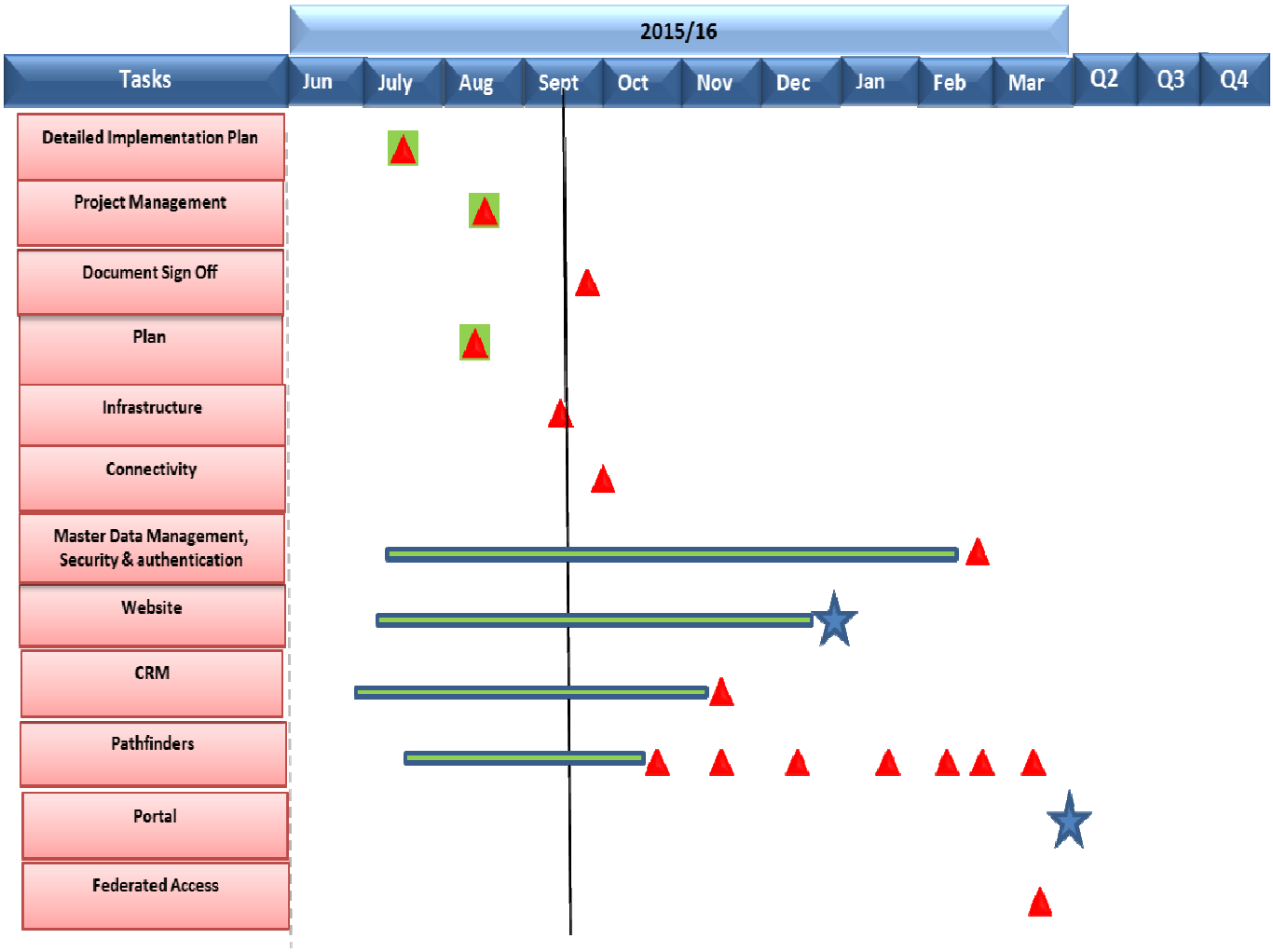
A. Programme Milestones

13 BACKGROUND PAPERS

13.1. Previous Cabinet Reports (for information only; not provided)

13.2. Customer Contact Strategy (for information only; not provided)

Appendix A – Programme Milestones



Committee: Overview and Scrutiny Commission

Date: 15 September 2015

Wards: All

Subject: Terms of reference for the outsourced services scrutiny task group

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Cllr Peter Southgate, Chair of the Overview and Scrutiny Commission

Contact officer: Julia Regan: Julia.regan@merton.gov.uk 020 8545 3864

Recommendations:

That members of the Overview and Scrutiny Commission consider and agree the revised terms of reference that have been suggested by the task group.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise the Commission of the discussion that took place at the first meeting of the task group and to seek the Commission's agreement to make changes to the task group's terms of reference.

2. Terms of reference agreed by Commission on 14 July 2015

2.1 At its meeting on 14 July 2015 the Commission agreed to establish a mini task group review of outsourced services to report back on 24 November 2015, followed by a mini task group review of commissioned services to report back on 23 March 2016. It also agreed that there would be a joint report to Cabinet of those two reviews plus the recently completed review of shared services.

2.2 The Commission agreed to the following terms of reference:

- to seek evidence on the approach to scoping out the options for different models of service delivery and advocate a more consistent and rigorous approach as appropriate
- to examine a range of examples of outsourced service provision in Merton and elsewhere;
- to identify the potential advantages and challenges of outsourced service provision for the council, its partners and local residents;
- to identify the best approach to scrutinising outsourced services to ensure that the council is receiving value for money and effective service provision

2.3 In its discussion of the report of the shared services task group review, the Commission agreed that a recommendation should be added – "that the council should keep an eye on what is happening elsewhere and evaluate this with a view to establishing whether a similar approach would be beneficial to Merton".

3. Proposals made by task group members

3.1 Three members of the task group met on 4 August 2015 to scope the review.

3.2 The task group members discussed the work of the shared services review and the recommendations arising from this. They felt that the approach had been rather passive and agreed that, rather than repeating this approach for outsourced services, there was an opportunity for scrutiny to contribute more substantially to policy development and budget savings. The task group members' aspiration is to develop tangible, clear and directive recommendations based on rigorous challenge rather than carrying out a policy review that would result in very little change.

3.3 Task group members have proposed that they investigate the hypothesis that Merton would benefit from a whole-council approach to outsourcing. The outsourcing model would be a broad one that could encompass council owned trading companies (such as CHAS), staff-led social enterprises/mutuals (such as GLL) as well as private and third sector organisations. The task group review would look at all the different ways in which services could be outsourced, assess whether these are feasible for Merton, take a view on what a whole-council outsourced model would look like for Merton and what would need to be put in place to make this work.

3.4 Members agreed that this should not amount to taking an ideological position such as advocating outsourcing for all services but would provide an expectation that alternatives to in-house delivery would be actively considered instead of continuing with ”salami-slicing” savings proposals.

4. Proposed revised terms of reference

4.1 Any change to the task group's terms of reference must be made by the Commission. The Commission is therefore asked to discuss and agree the following proposed new terms of reference:

- To examine a range of examples of outsourced service provision in Merton and elsewhere, taking a broad definition of outsourcing to encompass council owned trading companies, staff-led social enterprises or mutuals as well as contracts with private and third sector organisations
- To investigate and advise on the advantages and challenges that a whole-council approach to outsourcing would bring to Merton
- To make recommendations that would support a more rigorous approach to the evaluation of alternative models to in-house delivery of services

5. ALTERNATIVE OPTIONS

5.1 The Commission is invited to discuss the proposed terms of reference. The Commission may make changes to these or may reject them in favour of the terms of reference that it agreed at its meeting on 14 July 2015.

6. CONSULTATION UNDERTAKEN OR PROPOSED

6.1 None for the purposes of this report

7. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1 There are none specific to this report. Scrutiny work involves consideration of the financial, resource and property issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific financial, resource and property implications.

8. LEGAL AND STATUTORY IMPLICATIONS

8.1 Overview and scrutiny bodies operate within the provisions set out in the Local Government Act 2000, the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 2007.

8.2 Scrutiny work involves consideration of the legal and statutory issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific legal and statutory implications.

9. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1 It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. The reviews will involve work to consult local residents, community and voluntary sector groups, businesses, hard to reach groups, partner organisations etc and the views gathered will be fed into the review.

9.2 Scrutiny work involves consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

10. CRIME AND DISORDER IMPLICATIONS

10.1 In line with the requirements of the Crime and Disorder Act 1998 and the Police and Justice Act 2006, all Council departments must have regard to the impact of services on crime, including anti-social behaviour and drugs. Scrutiny review reports will therefore highlight any implications arising from the reviews relating to crime and disorder as necessary.

11. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1 There are none specific to this report. Scrutiny work involves consideration of the risk management and health and safety issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific risk management and health and safety implications.

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

12.1 None

13. BACKGROUND PAPERS

None

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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 - FINANCIAL MONITORING TASK GROUP
22 JULY 2015
(19.00 - 20.30)

PRESENT Councillors Hamish Badenoch (in the Chair), Adam Bush, Stephen Crowe, Dennis Pearce and Peter Southgate

Paul Dale (Assistant Director of Resources) and Julia Regan (Head of Democracy Services)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Suzanne Grocott and Peter McCabe.

Councillors Adam Bush and Stephen Crowe confirmed that they had joined the task group.

2 ELECTION OF CHAIR (Agenda Item 2)

Councillor Hamish Badenoch was elected as Chair.

3 MINUTES OF MEETING HELD ON 1 JULY 2015 (Agenda Item 3)

Agreed as an accurate record of the meeting.

Matters arising:

- Paul Dale, Assistant Director of Resources, confirmed that he had arranged to meet the Director and two Assistant Directors in Environment and Regeneration to address specific areas of overspend. He undertook to feedback to the next meeting of the task group. ACTION: Assistant Director of Resources
- The street parking appendix was received by Cabinet and so now publicly available on the website

4 FINANCIAL MONITORING REPORT - QUARTER 1 (Agenda Item 4)

Paul Dale, Assistant Director of Resources, provided a brief introduction to the report and drew attention to the increase in the underlying service overspend. He laid round an updated table setting out the summary position as at 30 June 2015 (paragraph 2) and a cash flow forecast. Both these documents will be published on the website alongside the meeting agenda.

In response to questions about the underlying service overspend, Paul Dale said that on a like for like basis compared to the previous month it would be £2.3m but it had

been reduced by transferring monies and the overall year end forecast is a net £0.5m underspend.

Environment and Regeneration

Paul Dale highlighted the overspend forecast for waste services. In response to a question, he said that the income target for commercial waste had been replaced by an alternative saving.

Task group members expressed concern that the income target for commercial waste had not been met and wondered if the target was realistic and whether there was more that could be done to optimise revenue, including through looking at what other boroughs are doing. Members identified this as an area for further scrutiny.

In response to a question about the operational cost of the waste transfer station, Paul Dale said that the energy from waste plan should provide a solution.

Task group members noted the continuing, though smaller, mismatch between the Greenspaces budget and service delivery.

Children, Schools and Families

Paul Dale alerted members to the high overspend in children's social care due to increased caseloads and rise in cost of placements. He said that the SEN transport budget had been increased in response to overspend in previous years, arising from increased demand.

Task group members requested further detail on SEN and adult social care transport costs, client numbers and forecasts for the future so that these could be scrutinised. This was identified as an area for further scrutiny at a future meeting.

Paul Dale undertook to find out whether Merton was part of a Londonwide scheme on the terms of engagement of social workers. ACTION: Assistant Director of Resources

In response to a question about the impact of redundancy costs on the General Fund, Paul Dale explained that as, well as redundancy payments, any loss to the Pension Fund had to be covered by the General Fund.

Community and Housing

Paul Dale said that the £2.2m of underachieved savings last year were unlikely to be delivered this year. He added that the department was more optimistic about delivering the 2015/16 savings.

Members agreed that they wish to monitor the delivery of savings in more detail at a future meeting in order to understand why some savings were not being delivered. This knowledge would be helpful for scrutiny of the budget process for future years.

In response to a question about the public health budgets, Paul Dale said that these had not been particularly well aligned to responsibilities when the funding was transferred to the council. The government may take some of this money back but it is not clear at present how much or when.

Capital programme

Paul Dale said that the capital spend for the first three months this year had been lower than in previous years and that the forecast for the year, with an underspend of £3.7m, was therefore optimistic. He explained that the structure of the capital budget had been improved in recent years and set out the main causes of slippage. He added that the corporate services budget included acquisitions and bidding funds that may not be needed but provided the council with flexibility as and when purchase or bidding opportunities arose.

Members requested a short briefing paper be provided to a future meeting to explain how the capital programme works and its relationship to the rest of the budget. Paul Dale undertook to provide a worked example and Julia Regan undertook to look at previous minutes for any text that would be of assistance. ACTION: Assistant Director of Resources and Head of Democracy Services

Delivery of savings for 2015/16

AGREED to defer discussion of this and have it as the first item of business at the task group's next meeting.

5 DATE AND AGENDA FOR NEXT MEETING (Agenda Item 5)

The task group will be meeting on 5 November 2015 and 23 February 2016. Members AGREED that the meetings would start at 7pm and ideally last a maximum of 90 minutes.

Agenda for meeting on 5 November 2015:

- Financial monitoring report – quarter 2. Agreed to have a brief discussion and focus on monitoring the delivery of savings
- Delivery of savings - wish to monitor this in more detail in order to understand why some savings had not been delivered. Key questions - were the wrong savings chosen? Are external cost pressures causing non-delivery of savings or are there other factors?
- HR metrics – brief update report
- Commercial waste – one page report on income generation, what has been done to maximise revenue, why targets could not be met plus comparative data from other boroughs
- Transport service - SEN and adult transport costs, client numbers and forecasts for the future. Key questions - Is the council getting value for money from service providers? Is the service run efficiently?
- One page briefing paper to explain how the capital programme works and its relationship to the rest of the budget, plus a worked example from Assistant Director of Resources

Agenda for meeting on 23 February 2016 to include item on estate management (delegated by Overview and Scrutiny Commission) as well as the quarter 3 financial monitoring report.

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Overview and Scrutiny Commission Work Programme 2015/16

This table sets out the Overview and Scrutiny Commission's Work Programme for 2015/16 that was agreed by the Commission at its meeting on 14 July 2015. 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.

The work programme table shows items on a meeting by meeting basis, identifying the issue under review, the nature of the scrutiny (pre decision, policy development, issue specific, performance monitoring, partnership related) and the intended outcomes. The last page provides information on items on the Council's Forward Plan that relate to the portfolio of the Overview and Scrutiny Commission so that these can be added to the work programme should the Commission wish to.

The Commission is asked to identify any work programme items that would be suitable for the use of an informal preparatory session (or other format) to develop lines of questioning (as recommended by the 2009 review of the scrutiny function).

The Overview and Scrutiny Commission has specific responsibilities regarding budget and financial performance scrutiny and performance monitoring which it has delegated to the financial monitoring task group – agendas and minutes are published on the Council's website.

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 – 14 July 2015

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
	Stop and Search	Presentation and report	Chair of Merton Independent Stop & Search Monitoring Group	Understanding of stop and search
Holding the executive to account	Ensuring Council has positive impact on public health	Presentation	Kay Eilbert, Director of Public Health	To identify where scrutiny can support public health
Scrutiny reviews	Report of the Immunisation Scrutiny Task Group	Report	Cllr Brenda Fraser Kay Eilbert, Director of Public Health	To agree final report and recommendations
	Report of the Shared Services Scrutiny Task Group	Report	Cllr Peter Southgate Julia Regan	To agree final report and recommendations
	Analysis of Members' annual scrutiny survey 2015	Report	Cllr Peter Southgate Julia Regan	Discuss findings and agree action plan for 2015/16
	Overview and Scrutiny Commission work programme 2015/16	Report	Cllr Peter Southgate Julia Regan	To agree work programme and task group reviews
	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate Julia Regan	To note minutes of meeting held on 01.07.14

Meeting date – 15 September 2015

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 2015/16	Presentation	Leader of the Council	Holding the executive to account
	Customer contact programme	Report	Sophie Ellis, Assistant Director of Business Improvement	Progress report for comment
	Overview of enforcement	Presentation	John Hill, Head of Public Protection	To receive overview of current policy & practice, focussing on new initiatives and the impact of moving to shared regulatory service
Scrutiny reviews	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate Julia Regan	Financial monitoring task group

Meeting date – 24 November 2015

Scrutiny category	Item/Issue	How	Lead Member/ Lead Officer	Intended Outcomes
Budget scrutiny	Business Plan 2016/20 - 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 7 December
Policy development	Violence against women and girls	Update report	Yvette Stanley, Director of Children Schools and Families	To discuss and comment on progress
	Funding the voluntary sector	Audit report plus discussion with CE of MVSC	Khadiru Mahdi, Chief Executive MVSC Evereth Willis, Interim Head of Policy, Strategy & Partnerships	To review and identify whether scrutiny action is needed
Holding the executive to account	Travellers unauthorised encampment protocol	Draft protocol plus information on position in neighbouring boroughs	James McGinlay, Head of Sustainable Communities	To comment on draft protocol
Scrutiny reviews	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate Julia Regan	To note minutes of meeting held on 05.11.15
	Health & Wellbeing Board response to recommendations of the Immunisation task group	Action plan	Cllr Caroline Cooper-Marbiah Director of Public Health	To monitor implementation of task group recommendations
	Outsourced services scrutiny task group	Report	Cllr Peter Southgate Julia Regan	To agree final report and recommendations

Meeting date – 28 January 2016 – scrutiny of the budget

Scrutiny category	Item/Issue	How	Lead Member/Lead Officer	Intended Outcomes
Budget scrutiny	Business Plan 2016/20	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 8 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 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 8 March

Meeting date – 8 March 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
	ASB Police and Crime Act	Report	John Hill, Head of Public Protection	Information on new legislation, volume of cases and breakdown of case type
	Rehabilitation Strategies	Report	Probation Service MTC Novo John Hill, Head of Public Protection	Progress report plus discussion with Probation Service and MTC Novo
Performance management	Review of arrangements for co-opted members	Report	Cllr Peter Southgate Julia Regan	To agree future arrangements for co-opted members
Scrutiny reviews	Financial monitoring task group	Minutes of meeting	Cllr Peter Southgate	To note minutes of meeting held on 23.02.16

Meeting date – 23 March 2016

Scrutiny category	Item/Issue	How	Lead Member/Lead Officer	Intended Outcomes
Policy review	Monitoring the Council's equalities commitments	Report	Yvette Stanley, Director, Children Schools and Families	To comment on annual action plan update
Holding the executive to account	Volunteering	Report	Simon Williams, Director of Community and Housing	Update on implementation of Merton Partnership Volunteering Strategy
	Customer contact programme	Report	Sophie Ellis, Assistant Director of Business Improvement	Progress report for comment
Performance management	Overview and Scrutiny Annual Report	Report	Cllr Peter Southgate Julia Regan	To approve and forward to Council
	Analysis of Members' annual scrutiny survey 2016	Report	Cllr Peter Southgate Julia Regan	Discuss findings and agree action plan for 2016/17
Scrutiny review	Review of different models of service delivery	Report on commissioned services review plus composite recommendations to cabinet	Cllr Peter Southgate Julia Regan	To agree report and recommendations for Cabinet

Forward plan items relating to remit of the Commission

Shared services
Details - To provide an update on work with neighbouring boroughs to develop and extend shared models of HR and legal services and to seek approval to proceed
Decision due: 19 October 2015 by Cabinet

Council tax support scheme
Agreement of the 2016/17 council tax support scheme
Decision due: 9 November 2015 by Cabinet

Award of Contract for Provision of Cleaning Services to LBM - Corporate Services Contract
The contract for Cleaning Services to Corporate Services buildings, including Merton Civic Centre has been retendered in accordance with EU rules and the Council's procurement procedures. The estimated maximum potential value of the retendered contract is £1.82m for the period 01.04.16 to 31.03.20 (inclusive of a possible one year extension period.) The report recommends that the Chief Executive and Chief Officer (DCS) provide their acceptance of the tender and authorise the Award of Contract to the successful company.
Decision due: 12 Jan 2016 by Chief Executive