

# Merton Council

## Overview and Scrutiny Commission Agenda

### Membership

#### Councillors:

Peter Southgate (Chair)  
Peter McCabe (Vice-Chair)  
John Dehaney  
Sally Kenny  
Paul Kohler  
Owen Pritchard  
Nick McLean  
Edward Gretton  
Joan Henry  
Natasha Irons  
Mansoor Ahmad (Co-opted member, voting)  
Emma Lemon (Co-opted member, voting)  
Colin Powell (Co-opted member, voting)

**Date:       Wednesday 15 July 2020**

**Time:       7.15 pm**

**Venue:     This meeting will be a virtual meeting and therefore will not take place in a physical location, in accordance with s78 of the Coronavirus Act 2020.**

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<https://www.youtube.com/user/MertonCouncil>.

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For more information about the agenda please contact [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk) or telephone [020 8545 3864](tel:02085453864).

All Press contacts: [communications@merton.gov.uk](mailto:communications@merton.gov.uk), 020 8545 3181

# Overview and Scrutiny Commission Agenda

## 15 July 2020

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### **Note on declarations of interest**

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



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# Agenda Item 3

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

## OVERVIEW AND SCRUTINY COMMISSION

24 JUNE 2020

(7.15 pm - 9.20 pm)

**PRESENT:** Councillors Peter Southgate (in the Chair), John Dehaney, Sally Kenny, Paul Kohler, Owen Pritchard, Nick McLean, Edward Gretton, Joan Henry and Natasha Irons

Co-opted Member Mansoor Ahmad

**ALSO PRESENT:** Councillors Tobin Byers (Cabinet Member for Adult Social Care, Health and the Environment), Eleanor Stringer (Cabinet Member for Schools and Adult Education) and Daniel Holden

Tom Walsh, Sustainable Merton

Rachael Wardell (Director, Children, Schools & Families Department), Chris Lee (Director of Environment and Regeneration), Katie Halter (Climate Change Manager), Dominique Hill (Climate Change Officer) and Julia Regan (Head of Democracy Services)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from co-opted members Emma Lemon and Colin Powell. Apologies were also received later in the meeting from Councillor Peter McCabe.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest from members of the Commission. In relation to agenda item 4, Councillor Eleanor Stringer (Cabinet Member for Schools and Adult Education) declared that she was employed by the Education Endowment Foundation.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

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

### 4 COVID 19 PANDEMIC IMPACT ON CHILDREN AND YOUNG PEOPLE (Agenda Item 4)

The Cabinet Member for Schools and Education, Councillor Eleanor Stringer, introduced the report, drawing members' attention to the impact that the pre-existing housing crisis had on families' ability to cope during the pandemic. Councillor Stringer said that staff in the council's Children Schools and Families department had worked hard to adapt and to implement new ways of working in order to protect services and that staff sickness levels had been lower than initially anticipated. Youth services were

adapted to provide remote and outdoor provision. Home learning opportunities have been provided throughout and the number of children in schools has been increasing and reached over 4,500 this week.

Councillor Stringer said that her main concerns now were an expected increase in the number of children eligible for free school meals and the consequent impact on educational outcomes; an expected increase in safeguarding referrals and the need to continue to deliver planned savings. She said that she was confident that the resilience of staff, partners and children and young people would enable them to rise to these challenges.

Councillor Stringer and the Director of Children, Schools and Families, Rachael Wardell, provided additional information in response to questions:

- Approximately 2,500 children are classed as vulnerable under the government's definition during the pandemic. Staff have made contact with each family to discuss the appropriateness of those children returning to school – many of those with Education Health and Care Plans have chosen to stay at home due to health concerns. Social workers have made home visits to those at high risk and have made virtual contact with others.
- There is a significant variation in the home environment that will impact on children and young people being able to access home learning. As children return to school the first priority will be to help them to settle in and to feel safe and ready to learn. Teachers will then assess and address pupils' learning needs. Teachers are used to providing differentiated learning within the classroom but this is likely to be more complex post-Covid.
- Once the detail of funding available from the National Tutoring programme is known, the council will support schools to access this fund and any other funding opportunities and to use these to the best possible effect.
- The council has been providing advice and guidance to assist all schools to open to as many pupils as possible by thinking imaginatively about how to use available space. Government regulations prevent schools from using other community buildings.
- Youth centres are still not permitted to provide face to face services so services have been redesigned around the detached youth worker model. Zoom and other software has been used for meetings of the Youth Parliament and other groups. The council will be reaching out to existing external funders to encourage them to continue supporting youth services.
- Around 300 school staff are self isolating or shielding, the vast majority of whom are working from home.
- Although there is not currently a shortage of foster carers in Merton, the council is always looking to recruit more and has used this period of time as an opportunity for a fresh campaign to encourage community-minded people to consider this as an option
- Prior to the introduction of the national voucher scheme for pupils on free school meals, schools took a variety of approaches. The national scheme proved difficult to access at first and some families experience difficulty in obtaining and using the vouchers. Although the scheme will continue to fund

families during the summer holiday period, the system is due to finish operation at the end of July so applications to cover the summer holidays must be made prior to that date.

- Other provision in the borough, such as the community fridge, has been extremely effective in providing food to families in need.
- Parents have been reluctant to take children to medical appointments due to the fear of catching Covid 19 and there are concerns that this will have an impact on children's health in the immediate and longer term. Communication to address this has been channelled through schools and other organisations.
- The council is undertaking a corporate piece of work to look at the disproportionate impact that Covid 19 has had on Black and Minority Ethnic (BAME) communities and how to mitigate this.

In response to a question about what support is provided to young people who were previously homeless and are now in temporary accommodation, Rachael Wardell undertook to contact the lead officer in the Communities and Housing Department to find out how many young people are affected and what the arrangements are.

ACTION: Director of Children Schools and Families and Head of Democracy Services

## 5 CLIMATE CHANGE STRATEGY AND ACTION PLAN (Agenda Item 5)

The Cabinet Member for Adult Social Care, Health and the Environment, Councillor Tobin Byers, welcomed the opportunity to bring this issue for pre-decision scrutiny prior to discussion by Cabinet on 13 July. He stressed his personal commitment to the urgency of addressing climate change and the importance of collective action by the council, partner organisations and residents to deliver the desired outcomes.

Tom Walsh, Sustainable Merton's representative on the Climate Emergency Working Group, said that the response to the Covid pandemic demonstrated how much could be achieved when there is a clear rationale, leadership and funding. He said that climate change is a more dangerous threat with the potential for a much greater loss of life and he stressed the importance of lobbying in order to access new sources of funding and redirect existing funding streams.

The Director of Environment and Regeneration, Chris Lee, introduced the report. He re-iterated the urgency of the issue and highlighted the need to ensure that the climate change strategy is linked to other council strategies.

Chris Lee said that the action plan would present a funding challenge for the council, currently costed at £88m but this is certain to change. The increase in remote working will reduce some of the costs of council and other buildings but there is a need to invest, particularly in school buildings, to deliver renewable energy solutions. Also, infrastructure is required across the country in order to deliver the scale of new technology that will provide heating systems for homes, businesses and schools. This is currently unaffordable for most householders.

Councillor Byers, Chris Lee, Katie Halter (Climate Change Manager) and Dominique Hill (Climate Change Officer) provided additional information in response to questions:

- The council's economic strategy is nascent, reflecting the financial situation of the council. The Director will look at how this could be addressed.
- The stakeholder group provided considerable professional expertise and assistance in developing the action plan. The implementation phase will need to reach out across the borough's diverse communities and engage with people for whom climate change is not a priority. Scrutiny of the implementation phase will sit with the Sustainable Communities Overview and Scrutiny Panel.
- The climate action plan workshop in February 2020 was attended by Clarion and some private housing developers. Local Plan policies are currently being reviewed to identify how these could embed mitigation measures and more ambitious standards, particularly for new buildings.
- Sustainable travel policies will focus on the promotion of active travel (walking and cycling) as these generate zero emissions and also have health benefits. Electric vehicles will be the preferred option for circumstances in which private vehicle use is essential but these are not carbon neutral when embodied carbon is taken into account.
- The council will apply for all relevant external funding opportunities it is able to as they arise.
- The council is working with London Councils and the London Environment Directors Network to develop a London wide green approach to recovery from the pandemic. The recent statement from the Chancellor of the Exchequer provides grounds for optimism about this.

The Chair read out a number of recommendations to assist Cabinet and Council in taking this important policy initiative forward and to ensure that progress is subject to scrutiny. These were all agreed, with the addition of a specific mention of the promotion of low car and no car environments for new housing developments.

The Overview and Scrutiny Commission therefore RESOLVED to recommend to Cabinet that:

- the Climate Change Strategy and Action Plan be embedded in all Merton's policies where relevant, just as the equalities policy is now;
- the Sustainable Communities Overview and Scrutiny Panel should be asked to monitor delivery of the Climate Change Strategy and Action Plan and successor plans for the next 30 years;
- delays in the adoption of the Local Plan be used to check that its policies reflect the ambitions of the Climate Change Strategy and Action Plan, including in relation to the promotion of low car and no car environments for new housing developments;
- the role of the voluntary and charity sector, including Sustainable Merton, in encouraging individual actions to mitigate climate change is recognised and supported by the Council.



6 SCRUTINY WORK PROGRAMME DURING THE COVID 19 PANDEMIC - A PROPOSAL FOR RESTARTING THE SCRUTINY PANELS (Agenda Item 6)

The Commission RESOLVED:

- 1 to restart the scrutiny panels, with indicative work programmes as set out in the report
- 2 to agree the work programme for the Commission subject to information being provided to Commission members by email on the progress made during 2019-20 on the Equality and Community Cohesion Strategy Action Plan so that members could take a view on whether this addresses issues highlighted by Black Lives Matter and, if not, whether an additional report could be received earlier than the scheduled April date.

ACTION: Head of Democracy Services

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## Committee: Overview and Scrutiny Commission

**Date: 15 July 2020**

Wards: All wards, but with a focus on Lavender Fields, Cricket Green, Figges Marsh, Graveney and Ravensbury

## **Subject: London Borough of Merton Public Space Protection Order**

Lead officer: Kiran Vagarwal (Head of Safer Merton)

Lead member: Cllr Edith Macauley

Contact officer: Kelly Marshall (Safer Merton Strategic Development Lead)

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### **Recommendations:**

- A. For the Overview and Scrutiny Commission to have the opportunity to comment on proposals for a new PSPO proposed for Merton
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### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. Public Space Protection Orders (PSPOs) are one of a range of measures introduced by the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 (the Act) to combat ASB.
- 1.2. A PSPO identifies a public space (the Restricted Area) and prohibits certain activities within that area and/or requires certain things to be done by persons engaging in certain activities within that area. PSPOs should focus on an identified problem behaviour rather than targeting specific individuals or properties. A breach of a PSPO is a criminal offence.
- 1.3. In 2013 the Council made the *Alcohol Consumption in Designated Public Places London Borough Merton Order 2013*, which created a borough wide "Controlled Drinking Zone". In 2017 this Order transitioned into a PSPO under the provisions of the Act. This Order will expire on 20 October 2020 unless extended before that date. The attached paper outlines our proposal to make a new PSPO to restrict the public consumption of alcohol but for a smaller geographical area to come into force as the existing Order lapses.
- 1.4. An Equalities Impact Assessment (EIA) is underway and on the 29 June 2020, a public consultation on the proposal was launched. A Multi-Agency Engagement and Enforcement plan will be in place to support the new PSPO if it is made.
- 1.5. The Council must ensure that the PSPO, including the restrictions it seeks to impose, is proportionate to the activities identified in the Restricted Area and the statutory Guidance is followed. A PSPO can be subject to a statutory challenge in accordance with the Act, or an application for Judicial Review.
- 1.6. The proposal is to take a final report to the September Cabinet meeting seeking a decision whether to make a new PSPO based on the evidence and feedback from the statutory and public consultation. The report will include the results of the consultation, the implementation and tactical plan and the completed Equalities Impact Assessment.

## 2 DETAILS

### Background

- 2.1. The Act introduced a set of streamlined tools to address ASB and the impact that such behaviour can have on individuals and communities. PSPOs are one of these tools. Through the provisions of the Act, Local Authorities are empowered to make PSPOs providing certain criteria and legal tests are met. PSPO's differ from other tools as they are council led and are designed to prohibit certain activities and/or can require that people do certain things when engaging in certain activities within a defined public area. They should focus on an identified problem behaviour rather than targeting specific individuals or properties. A breach of a PSPO is an offence, although as an alternative a Fixed Penalty Notice (FPN) may be issued.
- 2.2. In 2013 Merton made the *Alcohol Consumption in Designated Public Places London Borough Merton Order 2013*, which created a borough wide "Controlled Drinking Zone" (CDZ). The CDZ was designed to target alcohol related ASB across Merton. In 2017 this Order transitioned into a PSPO under the transitional arrangements in the Act and the restrictions on the public consumption of alcohol became under the PSPO regime. Therefore, since 2017, Merton has had one borough wide transitioned PSPO specially designed to address the associated ASB related to alcohol. This PSPO will expire on 20 October 2020, unless extended before that date.
- 2.3. In reviewing whether to extend the existing transitioned Order, or to make a new PSPO, restricted to a more geographically defined area, we have considered the statutory criteria for making a PSPO, and the appropriate scope of any Order to ensure that it is proportionate to the problem and the restrictions apply to the appropriate geographical area. We have also had to consider the impact that any PSPO may have. Our intention is to gather this information through the Public liaison with the police and other partners, statutory and public consultation and through the completion of an Equalities Impact Assessment. Finally, we have had to consider whether the proposed restrictions will meet the legal test.
- 2.4. Under section 59 of the Act, to make a PSPO a local authority must be satisfied that: -
  - The activities have had, or is likely to have, a detrimental effect on the quality of life of those in the locality; and
  - that the effect, or likely effect of the behaviour is, or is likely to be - (a) of a persistent or continuing in nature, is (b) such as to be unreasonable and justifies the restrictions being imposed.
- 2.5. The following analysis seeks to do this.

### Evidence led approach and proportionality

- 2.6. Robust evidence is essential when considering whether a PSPO is appropriate. The Council needs to be satisfied that the evidence demonstrates that the conditions in para 2.4 have been met. A detailed review of the available alcohol related data has taken place and the results of the public consultations will also be considered.

2.7. The quantitative analysis for the time period (where possible) 2018 and 2019 calendar years found the reports of ASB related to alcohol consumption to either the ASB Team or the Police were low. Whilst the CCTV data does show more logs in the Wimbledon area in 2018, this has moved to the Mitcham area in 2019 (closely followed by Wimbledon). The other available data does point to more of a problem in the Mitcham area, however the figures again are small. Enforcement action for breaches of the existing transitioned PSPO has not been significant, with only 19 FPN's issued in the last year.

Table 1: Summary of figures

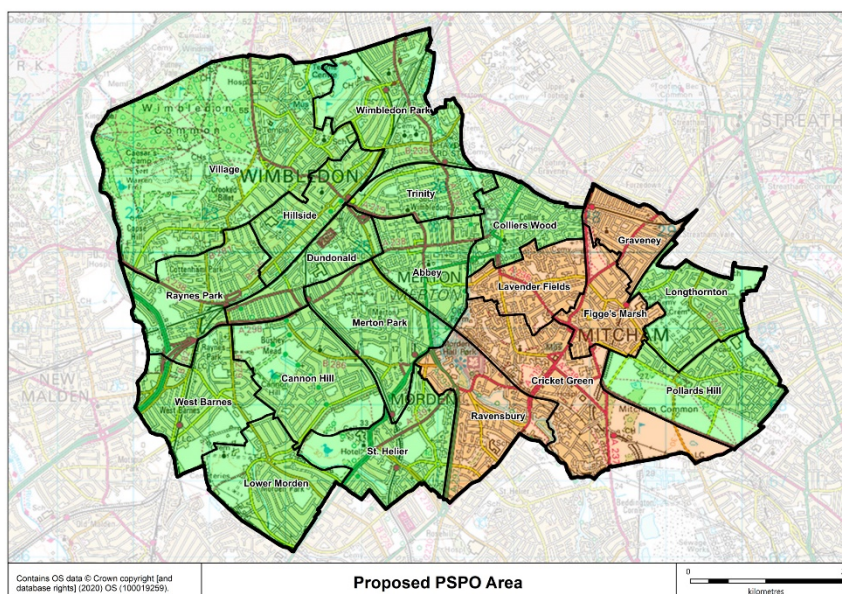
Data Source	2018	2019
ASB Complaints	61	84
CCTV Logs	271	255
PSPO FPN's Issued	24	19
Ambulance Callouts (Sep 17 – Aug 18 and Sep18 – Aug 19) via Safe Stats	1185	847
Street Drinking Police Calls	21	29

2.8. In addition to the quantitative data, it was also important to consider the views of the public; we therefore, considered the perception information from the surveys that have been conducted recently on the Borough. When looking at the results of the Borough's surveys:

- The Annual Resident's Survey (2019) indicated that concern about drunk and rowdy behaviour had reduced in comparison to the previous survey (2017).
- The Ward where people saw it as more of a problem was Graveney in the East of the Borough.
- The Safer Merton Strategic Assessment Survey, however showed that approximately 244 people felt that street drinking was a fairly or very big problem in the Borough. When assessing the data, particularly the public perception information, there is an indication of an impact on the quality of life of those particularly working and living in the Mitcham area.
- The Licensing Team are currently consulting on the Cumulative Impact Zones for the Borough. Based on their assessment of available data they are recommending that zone's be maintained in Mitcham Town Centre and Wimbledon Town Centre.

### Location

2.9. As mentioned earlier in the report, we need to ensure the PSPO is proportionate, so based on both the quantitative and qualitative data available, the proposal is for the PSPO to target a smaller geographical area of Lavender Fields, Graveney, Ravensbury, Figges Marsh and Cricket Green as shown on the map.



- 2.10. A risk to the proposal for a Mitcham area based PSPO is the notion of displacement. Displacement is a risk with a smaller geographically focused PSPO where the problem may simply move to another area within, or indeed outside, the Borough. This would need to be monitored and addressed should it arise. The option of additional PSPOs in the future is possible, providing there is sufficient evidence to support it and satisfy the statutory tests. Targeted intervention and enforcement with the more persistent individuals who continue their behaviour in other parts of the Borough will also need to be considered using Community Protection Warnings<sup>1</sup> and/or Notices.
- 2.11. The Mitcham area, in particular the town centre, has undergone significant re-development over the last few years. Mitcham has also been identified by the Safer Merton Partnership as a strategic priority for the last two years due to complex and multiple problems in the area. Activity in the area is regularly discussed and monitored via the Borough's Location Board (a partnership problem solving group). A number of joint patrols have been undertaken with the Police, Council Officers and Kingdom Security to address the problems in the area. CCTV Team regularly monitor activity and report incidents directly to the Police or other relevant partners when needed. We are also working with the Licensing Team in the Regulatory Services Partnership

<sup>1</sup> A CPN is a Community Protection Notice. The Council can issue a CPN to anyone who is 16 or over, or business, or organisation if satisfied, on reasonable grounds, that a person's conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable. Before issuing a CPN the Council must give a community protection warning (CPW) advising that a CPN may be issued unless the conduct having the detrimental effect does not cease within such period as is sufficient for him/her to address it.

For more information, see the government advice here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/823316/2019-08-05\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf)

around the implementation of the Cumulative Impact Zones to ensure that intelligence is shared.

### **Engagement and Enforcement**

- 2.12. The proposal is that if the PSPO is made and comes into force in October, signage will go up a week before it goes live and the Order will be publicised in accordance with the Act and the Guidance. During the first 3 weeks of the PSPO, we will focus on engagement and raising awareness of the restrictions, following which the enforcement will begin.
- 2.13. Enforcement is a key element of the PSPO and as such, ensuring the right restrictions is vital. As part of the public consultation, we are asking for views on the following proposed restriction:-
- Constables, police community support officers and persons authorised by the Council will be authorised to require a person consuming alcohol in the restricted area so as to cause or be likely to cause a nuisance or annoyance: -
    - a) To stop drinking and/or
  - To surrender any alcohol, or container for alcohol, and dispose of anything surrendered.
- 2.14. There are a number of enforcement options ranging from a Warning, and or issuing a FPN to prosecuting either where the fixed penalty is not paid or without first issuing a FPN. For more persistent breaches of the PSPO, consideration will be given to issuing CPWs, followed by CPNs, where appropriate, and Criminal Behaviour Orders.
- 2.15. We are currently in the process of working with partners to develop a co-ordinated Engagement and Enforcement Plan. The Plan will not only cover the direct enforcement of the PSPO, which we will look to do collaboratively with the Police and Kingdom Security, but will also seek to outline avenues for support, which might be needed to help those where alcohol has become a challenge.

### **Consultation**

- 2.16. We have already begun the process of engaging with partners to establish an Engagement and Enforcement Plan should the PSPO go live in October. The Plan will not only establish what partners are currently delivering in the area in terms of enforcement, compliance and engagement but also establish, with the assistance of the SLLP, the scenario for the use of each enforcement option listed above section 2.14.
- 2.17. The Council is required by the Act to consult with the Police, the Mayor's Office for Policing & Crime (MOPAC), Community Representatives community representatives and the owner and occupier of land within the restricted area. Whilst consultation with partners and groups has already begun, the wider public consultation over four weeks commenced on 29 June. The results will be analysed and presented in the final report which will be submitted to Cabinet in September.

2.18. The consultation can be accessed at the following link [www.merton.gov.uk/pspo](http://www.merton.gov.uk/pspo)

### 3 ALTERNATIVE OPTIONS

3.1. Alternative options considered were:

- Allow the existing transitioned PSPO to expire and not introduce a new more targeted PSPO. However, this would mean that the Council was not effectively using the power to make a PSPO to prevent, deter and reduce the impact alcohol related ASB is having on a specific location and community within the Borough. This option is therefore not recommended.
- To extend the duration of the existing borough wide transitioned PSPO or to make a new borough wide PSPO. This option is also not recommended as there is insufficient evidence to satisfy the statutory test in Section 59 of the Act. Any PSPO made without satisfying the test would be unlawful and susceptible to legal challenge. It would also raise community expectations of the Council's ability to enforce such a large PSPO.
- To implement a targeted PSPO, based on the evidence of ASB related to alcohol consumption. This is the recommended option since the Council will be able to demonstrate that the statutory test for making a PSPO to address the ASB within the restricted area has been satisfied and that the restrictions are proportionate to the ASB.

### 4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. See para.s 2.15 – 2.17 above. As part of the public consultation exercise in addition to the PSPO related questions, we are asking more general questions around feelings of safety in the area, as well as monitoring questions, to allow us to assess the representativeness of the responses. We have also taken on board resident feedback provided through other council surveys.

### 5 TIMETABLE

Milestone	Date to be completed
Initial outline report to CSP	May 2020 (Completed)
Launch Consultation	June 29 <sup>th</sup> for 4 Weeks
Present report to Scrutiny Commission	14 July 2020
Analysis of Consultation Results	5 August 2020
Equality Impact Assessment	5 August 2020
Engagement and Enforcement Plan agreed	5 August 2020
Paper to Cabinet Leaders Strategy Group	24 August 2020
Final report submitted to Cabinet requesting authorisation of PSPO	7 September 2020



Procure signage and decide where signage will be displayed	20 September 2020
Publication of PSPO	25 September 2020
Remove Signage for the borough wide PSPO	20 <sup>th</sup> October 2020
Ensure signage is displayed	21 <sup>st</sup> October 2020
<b>PSPO comes into force</b>	<b>21<sup>st</sup> October 2020</b>
Initial launch of the PSPO – communication and engagement	21 <sup>st</sup> October 2020 – 10 <sup>th</sup> November 2020
Start of Enforcement of the PSPO	11 <sup>th</sup> November 2020
Regular Monitoring of the PSPO	Proposed to be either through the Locations Board or the Community MARAC

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The preparation of the PSPO is being completed within existing officer's resources. In addition, there will be legal costs to draft the final order and ensure all due statutory processes are followed, and costs associated with the production and installation of signage in the area, should the PSPO be agreed. It is expected that these costs can be funded from existing resources.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

The power and requirements for making a PSPO are Part 4 of Chapter 2 of the Act, and is supplemented by the Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 and statutory guidance issued by the Secretary of State. The basic requirements for the making of a PSPO are set out in the body of this report.

Under Section 66 of the Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is an individual who lives in, or regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The validity of a PSPO can be challenged on two grounds only:

- (a) that the Council did not have power to make the order, or to include particular prohibitions or requirements imposed, or
- (b) that the procedural requirements for making the PSPO (for instance, consultation) were not complied with.

On any application to the High Court challenging the validity of an Order the Court may suspend its operation or any of the prohibitions or requirements imposed by it until the final determination of the proceedings. If the Court is satisfied the Council did not have the power to make the PSPO, or it did but

the Council failed to comply with the procedural requirements and, the applicant has been substantially prejudiced by that failure, it may quash the Order or any of the prohibitions or requirements imposed by it.

In deciding whether to make a PSPO and, if so, what restrictions should be included, by Section 72 of the Act the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”).

A PSPO may also be challenged by way of an application for judicial review which must be brought promptly and in any event not later than 3 months after the grounds to make the claim first arose.

At this preliminary stage the above is provided for information since the Council is not, at this point, deciding whether to actually make a PSPO but rather reporting on its proposals, which are subject to the output of the statutory and public consultations and an evaluation of the evidence of ASB etc. A further report will be brought to Cabinet for this decision.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. To ensure that we consider the rights of individuals who live, work and visit the area, we will ensure the proposed PSPO is proportionate to the needs in the area, as identified through the analysis and consultation.
- 8.2. As detailed in Section 7 above, in deciding whether to make a PSPO and, if so, what should be included the Council is required to have regard to the Convention and Articles 10 and 11 in particular.
- 8.3. We are also undertaking an Equalities Impact Assessment to ensure that all the evidence is available to present to Cabinet prior to a final decision.

## **9 CRIME AND DISORDER IMPLICATIONS**

The purpose of the proposed PSPO is to help tackle alcohol related ASB in the Mitcham area and to help improve the quality of life for those who live, work and visit the area with the aim of having a positive impact on the levels of crime and ASB in this locality.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. Whilst the focus of the PSPO is around enforcement, it is acknowledged that this may identify individuals for whom alcohol is particularly problematic. We will therefore be working closely with support services to ensure that such individuals can be offered the support they need, should they want it.
- 10.2. Officers enforcing the PSPO will take into consideration existing organisational policies and procedures for personal safety and risk management.

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

**12 BACKGROUND PAPERS**

- Data Report

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April 2020

PSPO Evidence

**Safer Merton**

*Working Together To Keep Merton Safe & Sound*

# Background

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Robust evidence is essential when considering the implementation of a PSPO. The council need to be satisfied that the evidence demonstrates that the conditions mentioned above, have been met.

Due to the imminent expiration of the PSPO in Merton, a scan of the available alcohol related data and results of relevant public consultations has been undertaken. The results were as follows.

## Quantitative Evidence

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Available intelligence has been examined to see what the potential requirement for the borough will be going forward. The evidence is not comprehensive; however, the information below seeks to provide some context as to how big the **reported** problem of alcohol related ASB is in the borough. The time periods we will look at, where possible, are calendar years 2018 and 2019.

### *Safer Merton Alcohol Related ASB Complaints*

The Safer Merton ASB Team log all complaints that come into their service. They log the type of incident and the location. Looking at the data supplied by the team for the period identified, there were 967 ASB complaints in 2018, of these 61 had an alcohol element. In comparison in 2019 there were 1198 total complaints, of which 84 had an alcohol element. The top locations in 2018 were Figges Marsh (23%), Graveney (13%) and Longthornton (10%) and in 2019 they were Merton Park (17%), Figges Marsh (16%) and Abbey and Graveney each with 12%. It's important to flag the relatively small numbers, however as the Strategic Assessment points out, the proportion of cases where alcohol is a contributory factor are thought to be much higher than the figures indicate.

### *FPN's issued for Street Drinking*

The Environment Enforcement Team (Kingdom) have been assisting the partnership with the enforcement of the current PSPO. In 2018 there were 24 FPN's issued, 18 of which were in Mitcham Town Centre. In 2019 there were 19 FPN's issued. The highest number was in Graveney with 7.

### *CCTV Alcohol Related Logs*

The CCTV team log any alcohol related concerns on their system as well as a brief description of events and associated behaviours where applicable. The location, time and date of logs are also captured.

In 2018, there were 271 alcohol related logs and the top locations were Wimbledon (48%), Mitcham (24%) and Morden (8%).

In 2019 there were 255 alcohol related logs and the top location was Mitcham (38%), Wimbledon (35%) and Morden (10%).

### **Police calls related to street drinking**

The only Police data that is specifically related to Street Drinking comes in the form of call data to the Police. There is no central collection point of data in relation to action undertaken in relation to the PSPO.

We undertook a search on the Police CAD System which registers the quantity and type of calls that come through to the Police. The search we undertook, with guidance from the Police, looked at the number of calls that came through to the Police with an opening code of Street Drinking (what the public have perceived the problem to be, this may be re-classified after investigation). In 2018 there were 21 calls to the Police with a higher proportion being from the Mitcham area (14). In 2019 there were 29 calls to the Police again with the highest proportion coming from the Mitcham area (16). Again, it is important to flag the low number of calls that were received.

### **London Ambulance Callouts for Alcohol**

As the Strategic Assessment identified through data supplied by SafeStats, the London Ambulance Service data is normally the most reliable dataset to use in relation to alcohol related issues on the borough, however like any data capture system it is reliant upon the flag/field being completed. The most recent 12-month data set available is from September 2018 to August 2019. Figue's Marsh and Ravensbury had the highest levels of calls. 847 alcohol related ambulance callouts were made in Merton a fall of 40% on last year's figures (338 calls). Within that total, only two were classified as directly attributed to some kind of assault and a further 11 related to a police incident.

### **Summary**

**The current information available to us around street drinking and associated behaviour is not comprehensive.**

The quantitative data around reports to either the ASB Team or the Police are low. Whilst the CCTV data does show more logs in the Wimbledon area in 2018, this has moved to the Mitcham area in 2019 (closely followed by Wimbledon). The other available data does point to more of a problem in the Mitcham area, however the figures again are small.

Enforcement figures for the PSPO have not been high with only 19 FPN's issued in the last year. This would need to be considered if a borough wide PSPO was to remain.

A summary of 2018 and 2019 figures are on the following page

### **Summary of figures**

Data Source	2018	2019
ASB Complaints	61	84
CCTV Logs	271	255
PSPO FPN's Issued	24	19
Ambulance Callouts (Sep 17 – Aug 18 and Sep18 – Aug 19)	1185	847
Street Drinking Police Calls	21	29

# Public Perception

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In addition to the quantitative data, we felt it was important to consider the views of the public we have therefore look at perception information from the surveys conducted recently on the borough.

## **London Borough of Merton Annual Residents Survey**

### **Adults Survey**

The 2019 Annual Residents Survey provides a representative sample of 1000 residents living in the borough of Merton. A number of community safety questions were included and some comparison to the 2017 survey was possible. There has been a reduction in those feeling that people being drunk or rowdy is a problem (17% in 2017 to 13% in 2019). Graveney had the highest percentage of residents who saw being drunk or rowdy (39%) as a problem. This was followed by Ravensbury (37%), Abbey (30%) and Figges Marsh (27%). Interestingly Ravensbury (45%) and Graveney (38%) wards were also in the top three wards for residents who felt Anti-Social Behaviour was a problem (alongside Lavender Fields – 41%).

### **Young People's Survey**

As part of the Annual Residents Survey, the council included young residents aged 11-17. The sample size was 271 young people. In the 2019 survey 10% of the young people surveyed stated that they were personally concerned about substance misuse including drugs and alcohol. This increased the older the young people were, with 23% of 16-17 years old being personally concerned. To put the figures into context, the top personal concerns for young people was bullying (28%) followed by crime (27%).

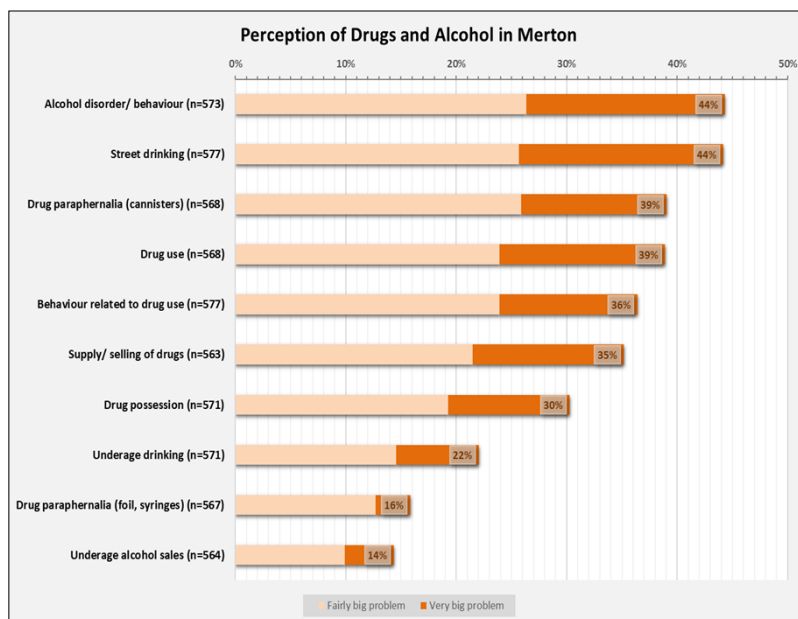
Young people were also asked to state the top three things that they were personally concerned about in their local area. 14% of young people stated that Anti-Social Behaviour and bad behaviour in public was a concern. This was an increase on the results from the 2017 survey which highlighted that 11% of young people were concerned.

## **Safer Merton Survey**

In mid-2019, the Safer and Stronger Executive Board agreed that a Community Safety Survey should be undertaken to help inform the Strategic Assessment process. The survey opened at the beginning of August and closed in mid-October. There were 634 responses. The survey aimed to ask residents about all aspects of community safety and as such there was a section around Anti-Social Behaviour and another around drugs and alcohol.



## Alcohol and Drugs



Residents thought alcohol disorder and street drinking were the biggest problem. 79% of people explained their score by saying they had experienced or seen it.

Residents were given the option to provide a qualitative response to specific ASB issues that they were concerned about. There were 311 free text responses provided. Of these, 51 (16%) were alcohol related and 34 specifically mentioned “drinking”. In relation to the 51 alcohol related responses, 17 comments made reference to a location. The top area was Mitcham with 11 comments.

Residents were then asked if there were any general comments they would like to feedback to the partnership. In total, there were 270 comments provided. Of these, 69 (26%) made reference to alcohol and of these 46 were specifically for “drinking”. In relation to the 69 alcohol related responses, 35 comments made reference to a location. The top area was Mitcham with 23 comments.

### Graveney Ward Survey

A survey was undertaken by Councillors in Graveney ward during January/ February 2020 which received 140 responses. The survey was designed to find out about any local concerns or improvements residents would like to see in the area. There were 20 comments from separate households which specifically spoke about alcohol disorder and street drinking in the area.

### Summary

When looking at the results of the borough’s surveys, the annual residents survey indicated that concern about drunk and rowdy behaviour had reduced based on the previous survey. The ward where people saw it as more of a problem was Graveney in the East of the borough. Our survey, however showed that approximately 244 people felt that street drinking was a fairly or very big problem in the borough.

When assessing the data, particularly the public perception information, there is **an indication of an impact on the quality of life of those particularly working and living in the Mitcham area.**

## Proposal for Merton

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Based on both the quantitative and qualitative data available, we would at this point recommend a smaller geographically focused PSPO in Cricket Green, Figges Marsh, Lavender Fields, Graveney and Ravensbury wards, with a supporting enforcement and engagement plan. We will continue to monitor the data and evidence and should the need arise amend existing and/or apply for additional PSPO's should the evidence suggest that they are required.

**We do not feel that there is sufficient evidence to suggest that the current borough wide PSPO remains.**

## **Committee:** Overview and Scrutiny Commission

**Date:** 15 July 2020

**Subject:** Draft Overview and Scrutiny Annual Report 2019/20

Lead officer: Julia Regan, Head of Democracy Services

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

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

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### **Recommendations:**

- A. That, subject to any changes agreed by the Commission at its meeting 15 July, the Commission approves the Annual Report to be presented to Council at its meeting on 16 September 2020.
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### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 Members are invited to consider and agree any changes it wishes to make to the draft Overview and Scrutiny Annual Report.

### **2. DETAILS**

- 2.1 The Overview and Scrutiny Commission is required to produce an Annual Report outlining the work of the Overview and Scrutiny function over the course of the municipal year.

- 2.2 The Overview and Scrutiny Commission is asked to consider the draft report, identify any changes it wishes to make and approve the Annual Report to be presented to Council at its meeting on 16 September 2020 in order to update all Members on the delivery and outcomes of the scrutiny annual work programme for 2019/20.

### **3. ALTERNATIVE OPTIONS**

- 3.1 The Overview and Scrutiny Commission is required to produce an annual report outlining the work of the Overview and Scrutiny function over the course of the municipal year to present to the full Council. The Commission would be in breach of the constitution if it did not do this.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1 The Chairs of each of the Overview and Scrutiny Panels have been consulted on the draft text relating to the work undertaken by that Panel.

### **5. TIMETABLE**

- 5.1 Any additions/amendments as agreed by the Commission at its meeting on 15 July 2020 will be included in the final version of the Annual Report to be presented to full Council at its meeting on 16 September 2020.

## **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 There are none specific to this report. Scrutiny work involves consideration of the financial, resource and property implications of any recommendations to Cabinet, including specific financial, resource and property implications.

## **7. LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 Overview and Scrutiny operates within the provisions of the Local Government Act 2000, Health and Social Care Act 2001 and Local Government and Public Involvement in Health Act 2007.
- 7.2 The Overview and Scrutiny Commission is required by the council's constitution to produce an Annual Report outlining the work of Overview and Scrutiny during the municipal year.

## **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1 It is a fundamental aim of Overview and Scrutiny to ensure that there is full and equal access to the democratic process through public involvement and engagement.
- 8.2 The reviews involve work to consult local residents, community and voluntary sector groups; businesses, hard to reach groups etc and the views and evidence gathered are fed into the review.
- 8.3 Scrutiny work involves the consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised. Scrutiny work also needs to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 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.

## **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1 Scrutiny work involves the consideration of the risk management and health and safety implications relating to the topic being scrutinised. Scrutiny work also needs to assess the implications of any recommendations made to Cabinet, including specific risk management and health and safety implications.

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

- 11.1 Appendix 1 - draft Overview and Scrutiny Annual Report 2019/20

## **12. BACKGROUND PAPERS**

- 12.1 None



# Overview and Scrutiny Annual Report 2019/20

London Borough of Merton

# Overview and Scrutiny Annual Report 2019/20

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## Foreword

This has turned out to be a year like no other – but we were not to know that when it started.

In July we invited the Centre for Public Scrutiny to undertake a review of scrutiny in Merton, our first for 10 years. Its findings were generally positive, but recommended changes to agenda planning and the conduct of meetings to achieve a clearer focus on objectives and outcomes. These have now been incorporated in the scrutiny improvement plan.

A busy year for the O&S Commission included three call-ins, two on parking charges. Call-ins are bound to be politically contentious, so it is credit to the evidence-based approach of members that one call-in was upheld solely on its merits, after careful examination.

The panels continued to hold partners to account through questioning “conducted in a healthy spirit of support as well as challenge”. (Rachael Wardell’s words, worth repeating because they strike the right balance scrutiny should aim for.)

Sustainable Communities held sessions with Veolia and Clarion that attracted resident participation, and asked Cabinet to review the impact of new parking charges on air quality, 6 – 12 months after implementation.

Healthier Communities maintained their support for disadvantaged Merton residents in making the case for the promised new acute hospital to be on the St Helier site. They also questioned the Medical Director of St George’s on the cardiac surgery service, and looked into local GP services, including retirement and succession planning for GP’s.

Children and Young People focussed on mental health and the SEND strategy as the costs of EHCP’s continued to spiral.

Then Covid-19 arrived in March, and changed everything. We had to cancel a number of panel meetings scheduled for the end of the civic year, but have now reinstated essential scrutiny channelled through the Commission in virtual monthly meetings, even as we plan for the return of scrutiny to the panels in the autumn.

Scrutiny will be relevant to the post Covid world in Merton as never before. The council faces a budget deficit of £35m, unemployment is expected to rise, children have been out of school since late March, and our older and more deprived residents have suffered higher morbidity rates from the pandemic. This will stretch us, but scrutiny can do a lot to help our residents find their way back and rebuild their lives.

This report marks the retirement of Julia Regan from Merton, after 11 years as head of scrutiny. We will miss her wise and calm guidance, and pay tribute to her achievement in building the best scrutiny team in London. She has set the highest standards for Stella Akintan and Rosie McKeever to emulate, but I know they are capable of it.

Thank you, Julia – you go with our best wishes.

**Councillor Peter Southgate**  
**Chair, Overview & Scrutiny Commission**

## What is overview and scrutiny?

Overview and Scrutiny was introduced by the Local Government Act 2000. Merton operates a Leader and Cabinet model, where the Cabinet makes the executive decisions of the authority on behalf of local residents.

Overview and Scrutiny's main roles are:

- holding the Cabinet to account
- improving and developing council policies
- examining decisions before they are implemented
- engaging with members of the public
- monitoring performance of the council and its partners

Scrutiny can look into services provided by other agencies and other matters of importance to the people of the borough. Scrutiny has legal powers to monitor and hold to account local health services (Health and Social Care Act 2001) and to scrutinise crime reduction and community safety issues (Police and Justice Act 2006).

### **Principles**

Overview and Scrutiny at Merton is:

- open to the public
- informed by methodically gathered evidence
- based on careful deliberation and discussion
- conducted in an appropriate manner

### **How Overview and Scrutiny works in Merton**

Merton Council has an Overview and Scrutiny Commission, which acts as a coordinating body supporting three Overview and Scrutiny Panels with individual areas of responsibility:

- Children and Young People
- Healthier Communities and Older People
- Sustainable Communities

Commission and Panel meetings take place throughout the year and members of the public are welcome to attend. Dates, agendas and minutes for these meetings can be found on the council website:

<https://democracy.merton.gov.uk/ieDocHome.aspx?bcr=1>

More information about Scrutiny at Merton can be found at

<https://www2.merton.gov.uk/council/decision-making/scrutiny.htm>

or by phoning the scrutiny team on 020 8545 3864 or emailing [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk).



## Scrutiny achievements 2019-2020

Scrutiny is a rewarding and influential role for councillors and has led to some real changes in policies, service provision and council budgets over the past year. The detail of scrutiny activity carried out by each of the scrutiny panels and the Commission is provided in the main body of this report. Some of the highlights are set out below.

### **Improvements to local services**

Over the last year scrutiny has made recommendations that have had a significant impact on services provided by the council, its partners and other external organisations. These include:

#### Preventing loneliness

As a result of recommendations made by scrutiny, the council has continued the Befriending Service, increased the number of lunch clubs and produced a 'Practical Guide to Healthy Ageing' resource that includes an agreed list of services and organisations that support older people. An article about loneliness also featured in the council's My Merton magazine.

#### Road safety

Following recommendations made by scrutiny, the council will be seeking additional support from Transport for London to facilitate work with schools on safer and sustainable travel plans. The council will also provide information to schools that they can use to encourage parents to walk and cycle to school rather than using cars; and will be rolling out a programme of temporary parking restrictions around schools at drop off and pick up times.

#### Children's mental health

The multiagency CAMHS Partnership will have oversight of an action plan that will include work to help children and young people understand mental health, development of an online directory of services and encouraging schools to develop a mental health policy.

### **Involving the public in scrutiny**

The involvement of local residents, community organisations and partners is an important part of the scrutiny process. The Commission and each of the panels have committed themselves to increasing public involvement this year and working to ensure that this is a meaningful and rewarding interaction for local residents.

A number of different approaches to public involvement have been used this year including:

- The Healthier Communities and Older People Overview and Scrutiny Panel has played a leading role in voicing the concerns of the public in regards to proposals which could affect the range of services at St Helier Hospital. Panel Members attended local public meetings where this has been discussed. And

have conveyed Merton's views to the multi-borough Joint Health Overview and Scrutiny Committee that will respond to NHS proposals for change.

- The Sustainable Communities Overview and Scrutiny Panel has used social media (Twitter) to promote upcoming items at scrutiny and to encourage resident involvement and attendance. This has been particularly successful for the meetings attended by Veolia, Clarion Housing and IdVerde.
- Six members of the Youth Parliament joined scrutiny councillors for an event to discuss and agree recommendations on actions that could be taken to help tackle the climate change emergency. Cabinet has responded positively to this and arrangements have been made for young people to participate in the council's climate change working group.
- One of the parents who was involved in last year's scrutiny review of transitions from children's to adult services for people with SEND review has been in touch to say how pleased she was that the recommendations from the review have been used to improve the services.

## **Overview and Scrutiny Commission**

The Overview and Scrutiny Commission is responsible for the scrutiny of cross cutting and strategic issues, crime and disorder and issues relating to the council's "corporate capacity". The Commission acts as a coordinating body in supporting the three Overview and Scrutiny Panels and has responsibility for developing and keeping scrutiny under review.

## **Scrutiny reviews**

### Road safety around local schools

The Commission has received an initial response from Cabinet with an action plan setting out how it would implement the recommendations. The Commission was satisfied with Cabinet's response and noted that a number of recommendations have already been implemented that will encourage safer and more sustainable forms of transport for the school run and discourage traffic congestion around schools. A further update on the action plan is due in autumn 2020.

### Commercialisation task group

The Commission has established a task group that will research new and innovative approaches to commercialisation, revenue generation and income maximisation being developed by other councils. It will discuss its findings with the council's corporate management team and take a view on whether there are aspects that Merton Council can learn from and/or seek to undertake.

### Review of overview and scrutiny in Merton

An independent review of the overview and scrutiny function was carried out in July 2019 by the Centre for Public Scrutiny (CfPS), funded by the Local Government Association. Overall CfPS found that that scrutiny in Merton is effective and well respected and that it has a positive, significant and sustained impact on policy and service development. CfPS made a number of recommendations on agenda planning, external scrutiny, support to new members and member behaviour that will be taken forward through an action plan to be considered by the Commission in July 2020.

## **Involving young people in scrutiny**

For the second year running, an event was run during Local Democracy Week to give young people some experience of and insight into the council's scrutiny processes. Six members of the Youth Parliament joined four councillors to carry out a joint scrutiny of the council's response to the climate emergency. The councillors were impressed by the dedication and passion shown by the young people and the

articulate way in which they put their views forward. The Commission remains committed to more active involvement of young people in scrutiny.

Cabinet has responded positively to the five scrutiny recommendations and arrangements have been made for young people to participate in the council's climate change working group.

### **Strategic issues and pre-decision scrutiny**

The Leader of the Council and the Chief Executive attended to set out their priorities for 2019/20 and to outline the extent of the financial difficulties facing the council. Other key challenges were the targets set for new and affordable housing as well as the need to improve air quality whilst balancing the concerns of residents and motorists. Members of the Commission asked questions about a wide range of issues including income targets, encouraging economic development in Mitcham, regeneration of Morden town centre and communication with residents.

The Commission received a draft of the Merton Partnership Annual Report, enabling its comments to be taken into account in the final version, This led to additional information being included in some sections, including more specific targets.

The Commission also received an early draft of the Community Plan and commented that would be helpful to have an explanatory preamble about how the eight themes had been chosen and developed. Members also suggested that the Community Forums should be involved in developing the direction of the Plan and recommended that councillors should be given ward level data on social capital and invited to provide further examples of similar projects that they are involved in.

Discussion of the results of the 2019 Residents Survey resulted in concerns over the performance of the street cleaning service being referred to the Sustainable Communities Overview and Scrutiny Panel.

At its meeting in January 2020 the Commission received a report and data setting out the demographic profile of the population of Merton and, for the first time, of councillors, council staff and senior managers. This information showed that young and disabled people are under-represented amongst councillors, council staff and senior managers and that black and minority ethnic groups are under-represented amongst senior managers. The Commission plans to continue to review these matters, starting with an update report in 2020/21.

## Scrutiny of crime and disorder

Merton is part of the south west London Basic Command Unit (BCU). The BCU Commander and the Head of Safer Merton provided reports to the Commission's meeting in September 2019. The BCU Commander provided the latest crime statistics and answered members' questions on a wide range of issues including knife crime, stop and search, resourcing levels and policing of the Eastern Electrics festival.

Safer Merton's update report provided detail, as requested, of work on anti-social behaviour, knife crime and street drinking. The Commission noted the public health approach that has been adopted nationally and regionally in respect of knife crime.

The Commission endorsed the planned community weapon sweeps and recommended that these be publicised to all ward councillors. The Commission also resolved to endorse and promote the Safer Merton Community Safety Consultation.

## Call-in

Three call-in requests were received by the Commission in 2019/20, two on a decision on parking charges and one on the feasibility and costs of a council tax voluntary scheme:

### A strategic approach to parking charges

The Commission upheld one of the two call-in requests on the grounds that insufficient attempts had been made to reach particular interest groups which would potentially be affected by the new charging regime. The decision was referred back to Cabinet with a specific recommendation that Cabinet complete the process of consultation with affected groups prior to reconsideration of its decision. Cabinet has now done so and has noted the three requests made by the Commission that there should be a review after 12 months after implementation of the new charges of the impact on air quality and numbers of parking permits issued; that the results of the diesel levy be reported to scrutiny as soon as practicable; and that other measures should be introduced to tackle air quality.

### Feasibility and costs of a council tax voluntary scheme

This call-in upheld cabinet's decision not to pursue a scheme whereby residents could opt to make additional payments to the council. The Commission agreed that the voluntary scheme was a risky approach financially, particularly given the lack of experience from other boroughs, and welcomed Cabinet's willingness to continue to look at options in the future.

## **Finance and performance monitoring**

The financial monitoring task group has continued to monitor quarterly financial management reports and the budget outturn report. It has also scrutinised a number of budget areas and related issues in depth – budget forecasting, level and use of reserves, questioned under and over spends on quarterly monitoring reports and on budget outturn, recruitment and offer to staff, debt management, lessons learned from the customer contact contract, allocation of grants through the voluntary sector strategic partners programme, shared services, social care charging and a deep dive review of the future capital programme.

The Commission examined the impact of Universal Credit on Merton residents – noting the various rule changes, in particular the shift of support with applications from the council to the Citizens Advice Bureau (CAB) and the role of the council in relation the provision of discretionary housing payments.

## **Scrutiny of the budget**

Budget scrutiny was undertaken in November and January to examine the draft business plan, medium term financial strategy and capital programme. There was also detailed scrutiny of the each of the proposed budget growth items and savings, alongside equality impact assessments for individual savings.

Members highlighted the need to use the capital programme to ensure that sustainable solutions could be found for heating and lighting of council buildings. They also noted that there may be a need to use some of the corporate capital contingency fund in 2023/24 for repairs to Bishopford Bridge, and commented that they, and residents, would expect the council to negotiate vigorously with the contractor.

The Commission made a recommendation to Cabinet in November 2019 noting the difficulties faced in setting a balanced budget and asking Cabinet to join the Local Government Association and London Councils in lobbying government for additional monies to meet cost pressures facing councils and to provide a multi-year funding settlement rather than the current year by year approach.

A further recommendation was made to Cabinet in February 2020 requesting that Cabinet keep the Commission informed about the outcome of each of the government's strategic reviews and provide a view on what impact these will have on the council's medium term financial strategy.

## Children and Young People Overview and Scrutiny Panel

**Areas of responsibility:** scrutiny of issues relating to children and young people. This includes education, children’s social care, child protection and youth services.

**Councillor Sally Kenny, Panel Chair:** “I consider it a privilege to chair the Children and Young People’s Scrutiny Panel for another year. I continue to be impressed with quality and depth of questioning from Panel Members and the responses from the presenters of documents and our Director of Children, Schools and Families. Merton is privileged to have such committed and caring people who work endlessly to provide a very good and positive, current and future for our young people. It is especially satisfying to see the continual move towards and the development of the involvement of young people in their future”.

**Rachael Wardell, Director of Children, Schools and Families:** “Children and Young People’s Scrutiny has gone from strength to strength this year. The Children, Schools and Families directorate has focused on ensuring that the Departmental Report provides a breadth of information about the work of the directorate, which supports members’ understanding of the work and enables them to identify priority areas for scrutiny. These areas have been subject to individual updates or more detailed reports and have benefitted from thorough questioning conducted in a healthy spirit of support as well as challenge. Done right, the scrutiny process can be an enjoyable one, bringing a diversity of insights to the work and encouraging Children, Schools and Families colleagues to raise our game.

I’m pleased and proud that we have continued the direct involvement of young people in our scrutiny arrangements, and that we are developing their own skills as scrutineers, as well as ensuring that members hear young people’s voices when they are considering the priority issues facing children and young people in the borough.

In the new municipal year, the scrutiny process will no doubt be affected by the impact of the coronavirus, but I am sure that we will be able to find ways to maintain our attention to detail, and our commitment to young people’s voice. A huge thank you to all those who enable the scrutiny process, from scrutiny officers who support the panel, to all those who provide the reports and attend for questioning, and of course to the members for their interest and their questions, and to the Chair for steering the discussions so skillfully”.

## Scrutiny reviews

### **Children’s Mental Health task group**

The Panel received the final report of the Children’s Mental Health Task Group in October 2019. The Chair of the Task Group attended to give an overview of the work of the task group and highlighted the recommendations.

The Panel were invited to comment on the recommendations prior to the report being sent to Cabinet for final agreement. Following a suggestion from a Panel Member at the meeting, it was decided that a 'champion' would be nominated from the task group, who would undertake ongoing liaison with officers in order to implement the recommendations going forward.

The action plan was brought to the March 2020 Panel with the Director of Children's, Schools and Families summarising the key points. The Panel considered the draft action plan and sought clarification on the recommendations and how they would be implemented. Panel Members queried whether it was realistic that recommendations 5 and 7 from the action plan could achieve their stated objectives of 'provision of training for anyone/every parent'. Therefore it was agreed the actions would be updated to read "further training will be scheduled based on need".

### **Digital Technology in the classroom task group**

In June 2019 this Panel commissioned a task group to consider 'Digital technology' in Merton schools. The review would consider the benefits of the rise in technology in the classroom, how it is being used in other Local Authorities and whether Merton can grow in this area. The terms of reference were agreed by the Panel with a number of school visits planned for the task group.

<b>Pre-decision scrutiny</b>
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### **Special Educational Needs and Disabilities Strategy 2019-23**

The Director of Children Schools and Families, along with the Assistant Director for Education, gave an overview of the report which provided members of the panel with information on the development of the Merton SEND Strategy 2020-23. Details of the timetable for next steps in the development of the strategy were discussed as was the consultation process. Members were reassured that the action plan to follow complements this strategy and will include the targets and measures of success.

Members were also very pleased to hear that the Neurodevelopmental Pathway (Diagnosis of Autism) will be recommissioned specifically in order to place support with families before a diagnosis is made.

### **Health and Wellbeing Strategy**

The Director of Public Health Group presented the Panel with an update on the Health & Wellbeing Strategy for 2019-2024. Members requested more information on how themes will be addressed and how the actions and outcomes will be measured. It was agreed that once a year the accountability plan will provide feedback on this.

<b>Performance monitoring</b>
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### **Performance monitoring data**

The Panel has continued to review progress against a basket of agreed key targets (Key Performance Indicators) with Councillor Hayley Ormrod taking the role of



performance monitoring lead for the Panel. This item has been discussed on the majority of agendas with time allocated to the scrutiny of the data and for key points and clarifications to then be discussed at the meeting.

### **School Standards annual report**

The Panel received its annual schools report looking at the performance of Merton's schools over the academic year September 2018 to August 2019.

The Head of School Improvement and the Social Inclusion Manager gave an overview of the report and pointed out areas of good performance, those requiring development and key priorities going forward.

The Panel were extremely pleased to learn that the proportion of schools judged to be good or better in Merton rose from 93% to 95% over the course of the academic year. This proportion is above the London and national averages

Members were keen to learn more about the rise in home schooling figures and how the Local Authority monitors these children. Further details were provided by Officers and it was further agreed by the Social Inclusion Manager that a broader report about home schooling would be brought to this panel later in the year once it has been produced.

### **Merton Safeguarding Children Board**

The Panel received the annual report of the Merton Safeguarding Children Board (MSCB) in February 2019. Members used the session to understand how the performance is monitored and how the board has continued its strong partnership working.

### **Financial monitoring**

Members used the two budget and business planning sessions this year to explore how the over spend in the high needs block is driving the deficit of the Dedicated Schools Grant. Members noted how the number of EHCP's has increased, as has the cost of placements, and how work has continued on addressing SEN School Transport. After discussing varying challenges and approaches for addressing this, the Director of Children, Schools and Families agreed to explore a Panel Member's suggestion of using Cricket Green School (for example) as an agency, by recruiting and employing teaching assistants to support mainstream schools with 1:1 and EHCP's, instead of using agency workers.

### **Call-in**

No call-in requests were received by the Panel in 2019/20.

## **Healthier Communities and Older People Overview and Scrutiny Panel**

This Panel has responsibility for the scrutiny of issues relating to health, public health and adult social care. This includes promoting good health and healthy lifestyles, mental health issues, and reducing health inequalities for people of all ages.

**Councillor Peter McCabe, Chair** said “I am pleased with the outcomes from our task group work over the last eighteen months. Recommendations have made a significant impact on the lives of local people. As a result of our work; a new Homeshare scheme has been established matching an older person requiring some basic support with a key worker who benefits from affordable accommodation. Our review on loneliness has raised the profile of this issue amongst key partners.”

### **Improving Healthcare Together 2020-2030**

The Improving Healthcare Together Programme completed its Public Consultation on the 1<sup>st</sup> April 2020. This Programme was established to consider the future of acute facilities across South West London. It proposes to consolidate services on one site at either Epsom, St Helier or a new facility in Belmont. The South West London Clinical Commissioning Groups identified the new hospital as the preferred option. Whilst the council welcomes financial investment into the region it is keen to ensure that all services are maintained at St Helier Hospital given the significant impact the change would have on Merton residents in the area who are already experiencing high levels of deprivation.

This Panel had an important role in considering the issue from a Merton perspective. The IHT Programme Directors attended the Panel to provide detail on the Merton Consultation. Panel members made a number of suggestions about the Merton events highlighting the importance of holding them in the most affected areas. The Panel were also keen that feedback from Merton residents should be reflected in the final outcome.

Councillor McCabe represents on the South West London and Surrey Joint Health Overview and Scrutiny Sub Committee which was set up to scrutinize the proposals and respond to the consultation.

### **Review of Primary Care Services**

Primary Care services have undergone significant investment in recent years. The Panel wanted to ensure it is leading to service improvements and specifically that people are able to get appointments to see their GP. The Panel were informed that Practices are working together to improve services for patients, there is increased availability of digital and weekend services. Following discussions with NHS colleagues, the Panel were satisfied that there are a number of initiatives in place to attract and retain new GPs to Merton and succession planning for GP's is a national challenge. The Panel asked how planning for GP retirement impacts upon health

inequalities in the more deprived east of the borough and were told that this is taken into consideration when making commissioning decisions.

### **St George's University Hospitals NHS Foundation Trust - Progress Report.**

The Medical Director from St George's attended the Panel to provide an update on their on-going plans to make improvements across the Trust, including within the cardiac surgery service where there had been some serious concerns. Panel members were pleased to hear that the Trust expected improved outcomes from a recent CQC inspection. The Medical Director was asked a number of searching questions in regards to improving standards within the Trust including efficient discharge times and improving the ear nose and throat out patient service.

### **Public Health Annual Report**

The Panel were pleased that diabetes remained a priority given that a task group considered this issue in 2016. The Director of Public Health highlighted the important role of the council in creating a healthy environment to tackle obesity and reduce the steady rise in diabetes. The Public Health team are leading on a number of initiatives including a sugar smart campaign to reduce levels across schools and our own caterers. Panel member recognised the important role they can play in working with local communities to improve lifestyles.

### **Budget updates**

The Panel considered the budget updates in November 2019 and February 2020. In November there was considerable uncertainty given the impending election and lack of clarity of the final Local Government settlement.

In January, Panel members asked for more details on proposed savings on passenger transport for adults with special educational needs and disability. The Director of Community and Housing indicated that a wide scale review is taking place to provide a service for those who need it as well as support those who can travel independently.

### **Merton Joint Sexual Health Strategy**

The Director of Public Health said there are around 30,000 attendances at sexual health clinics per year. It is a high volume service. There is a focus on vulnerable groups through outreach. Panel members queried if there are any services to support those who are frequent attenders at clinics. Also if there is support for those who face social and economic disadvantage. The Director of Public Health reported there are a number initiatives in place to support disadvantaged groups.

### **South West London Clinical Commissioning Group Merger Proposals.**

South West London Clinical Commissioning Groups developed merger proposals to respond to the need to increase efficiency. The Managing Director of Merton and

Wandsworth CCG's said the merger had been agreed with new structure in place from April 2020.

Panel Members asked what savings will be made as a result of the merger and were informed it will reduce both management and running costs. A Panel member stated they want to see improved joint working between the providers across South West London and recognition that residents travel between the four hospitals and not necessarily their nearest one. It was reported that the new proposals will strengthen links between the hospitals and co-ordinate the back office functions.

### **Substance Misuse Services**

The Panel saw a short film on service user's experiences of the substance misuse clinics alongside a report detailing the service provision. There are over 38,000 people in Merton who mis-use alcohol and at least 6,000 of those are in the higher harm category. The Service operates a partnership approach to tackle these issues involving the police, charities and mental health. The Panel sought to achieve a better understanding of how the service is working with prison services and homelessness organisations to support those most at risk.

### **Improving access to psychological therapies**

The Improving access to psychological therapies service was last reported to scrutiny in February 2019, when there were concerns about long waiting lists and difficulty accessing the service. The Panel were pleased to find the service is now operating well and achieving its targets. The importance of reaching all sections of the community was highlighted and the need to ensure the service is accessible to under- represented groups.

### **Adult Immunisations and Cancer Screening Programmes**

NHS England lead on cancer screening programmes working in partnership public health teams and clinical commissioning groups. Every year the Panel receives an update on the uptake of immunisations and cancer screening in Merton. The report highlighted that the number of people who are fully immunised continues to be a challenge in the borough. Therefore further work to consider what the council and its partners can do to respond will be included in the 2020-21 work programme.

### **Task group updates**

Preventing Loneliness in Merton

This update reassured the Panel that preventing loneliness is still a priority within the borough. The Cabinet Member reported the council will continue with the Befriending Service and have increased the number of lunch clubs over the winter period. Recent changes as a result of recommendations put forward by this task group have resulted in 'A Practical Guide to Healthy Ageing' resource that includes an agreed list of services and organisations that support older people. Preventing loneliness is deeply embedded within initiatives across the borough including social prescribing, the Wellbeing section of the Strategic Grants Programme, a special session was

held with GP Practice Managers. An article entitled *No need to go it alone*’ also featured in My Merton looking at the issue of loneliness.

**Transition from children’s to adults services for people with special educational need and disability.**

The final report and recommendations were considered by the Panel in June, it was an ambitious piece of work looking beyond the transfer between services and focusing on how to prepare these young people for adulthood. Recommendations included; making it easier for parents to navigate their way through the transitions process, appointing a social worker to support parents and young people to identify opportunities for their future, improve access to volunteering for young people with special educational needs. All the recommendations were accepted by the Cabinet. The Department have drawn up an action plan and will report to the Panel in twelve months time.

## Sustainable Communities Overview and Scrutiny Panel

**Areas of responsibility:** scrutiny of issues relating to housing, environmental sustainability, culture, enterprise and skills, libraries and transport.

**Councillor Natasha Irons, Panel Chair:** “We’ve had a busy and varied year on the Sustainable Communities Panel. As the panel’s Chair, I am proud of the collaborative way we have worked to address some of the key issues facing people in our Borough. We’ve dedicated two sessions to the scrutiny of Veolia’s performance, worked with Clarion to address issues of repairs and maintenance and scrutinized the council’s aim to link PTAL ratings to parking charges. With a tour of Clarion’s regeneration sites and a focus on resident participation, this year has seen a concerted effort to take the panel’s work beyond the committee room. This has given us a rounded view and greatly informed our recommendations to Cabinet.”

## Scrutiny reviews

### Single Use Plastics Task Group

Following the recommendations being agreed by Cabinet, officers continued this work by producing an action plan to reduce the use of plastic in council buildings. The action plan was presented to the Panel in October 2019 by the Assistant Director for Infrastructure and Technology.

Although progress had been made, some difficulties have arisen as the work sits across two directorates. After questioning from the Panel, the Assistant Director for Infrastructure and Technology agreed to return to scrutiny in the future with an updated plan detailing the objectives and measures of success.

## Pre-decision scrutiny

The Panel has undertaken pre-decision scrutiny on a range of strategic issues and Council priorities. These include:

### Fly Tipping Strategy

The Assistant Director of Public Space brought a report focused on delivering improvements, all of which are underpinned by an action plan, to the September meeting. The Panel heard about different options to address fly tipping in the borough and how other Local Authorities are tackling the rise in incidents with education and surveillance. Updates will be brought to Scrutiny during the development of the strategy.

### Public health and air quality - a review of parking charges

As agreed in the previous municipal year, the results of the planned public consultation were shared with the Sustainable Communities Overview and Scrutiny Panel in June 2019 prior to the report being received by Cabinet in July. Panel

Members had the opportunity to review the 3000 responses to the consultation and were assured the issues raised were reflected upon and influenced changes.

Residents shared their thoughts on the proposals at the meeting before Panel Members asked questions of clarification of the Director of Environment and Regeneration and key officers.

Panel resolved to make a reference to Cabinet contributing additional thoughts/issues for consideration prior to a final decision being made by Cabinet. Requests included additional evidence to demonstrate how public transport accessibility issues will be addressed and improvements achieved and encouragement of officers to investigate alternative options to improve air quality and take a more proactive approach in terms of sustainable travel

The Panel also welcomed the review planned 6-12 months after implementation of the new charges and recommends that the Sustainable Communities Overview and Scrutiny Panel has an opportunity to carry out pre-decision scrutiny of the findings of this review in the next municipal year.

### **Town Centre regeneration**

October 2019 saw another update presentation for the Panel on the plans for the redevelopment of Merton. The Panel were delighted to hear about upcoming shop front improvements in Merton High Street and welcomed any and all future updates.

## **Performance monitoring**

### **Performance monitoring data**

The Panel has continued to review progress of both the Environment and Regeneration and the Community and Housing Departments key performance indicators. This item has been discussed on every agenda. The lead member for performance monitoring this year was Councillor Ben Butler with time given at the meetings for the scrutiny of the data and for key points and clarifications to be discussed.

### **Waste, recycling and street cleaning**

Monitoring the performance of the waste, recycling and street cleaning contract has continued to be a key part of the Panel's work due to the high resident and member interest. The panels were used as an opportunity to discuss performance issues, hear resident feedback and receive updates on the service. Representatives from Veolia UK attended twice during the year,

The September 2019 meeting included a large amount of submissions, with the panel hearing from four residents, seven Residents Associations and two MP's about their experiences of Veolia.

The Panel resolved to make reference to Cabinet recommending that Merton's large estates each receive a review on how the new collection service is working. If required due to under performance in service delivery or when requested by local ward members, an action plan shall be prepared that includes a review of the service

delivered with recommended improvements, timelines for improvement implementation, resident engagement and a communication plan to support the any service modifications.

Representatives from Veolia were due to attend in March to feedback on progress but the meeting was cancelled due to the Covid-19 pandemic. This agenda item will be rescheduled into the 2020/21 work programme.

### **Clarion Housing – Repairs and Maintenance**

Residents were invited to speak at the February Scrutiny Panel and public attendance for this agenda item was the highest of the year. After thorough questioning from the Panel Members and at the suggestion of the Chair, Clarion made the undertaking to conduct site visits to those areas highlighted by residents at the meeting, along with a working group consisting of Clarion senior management and Councillor Irons and Councillor Stanford. Progress on this will be reported to the Panel in the 2020/21 work programme.

### **Clarion Housing – Regeneration**

The Director of Merton Regeneration for Clarion Housing was welcomed to the October meeting to present another update on the estate regeneration. The Panel was pleased that residents also took an active interest in this topic with a number speaking at the Panel. Prior to the meeting, Members of the Panel visited the three regeneration sites, facilitated by Clarion, which they found extremely useful and informative. Members were keen to maintain their interest in Clarion going forward.

### **Financial monitoring**

The Panel used the two sessions on budget and business planning to focus on new savings proposals and to question officers on the content of the service plans. Through a reference to Cabinet, the Panel requested that “the proposed saving of ENV1920-01 be accepted on the proviso that the key locations that give rise to PCN’s are checked and reviewed by the Highways inspectors to ensure that the appropriate signage, layout and road markings are clear and therefore not unfairly penalising residents”.

### **Call-in**

The Panel had no call-ins during this municipal year.



## Get involved

The involvement of local residents, community organisations and partners is an important part of the scrutiny process and councillors are committed to responding to the views and concerns of residents.

Getting involved in scrutiny is one of the best ways to influence decision making at the council, as councillors will hear your experiences first hand. There are a number of ways you can get involved in the work of scrutiny at the council:

### Suggesting an issue for scrutiny

The council's website contains an online form which can be used to make suggestions on issues and topics for future scrutiny:

<http://www.merton.gov.uk/council/scrutiny/scrutiny-getinvolved.htm>

Suggestions may also be made in writing, by email or by phone to the Scrutiny Team – contact details overleaf.

All suggestions received will be discussed by the relevant scrutiny Panel and the person who made the suggestion will be contacted to let them know what has happened to it.

### Attending meetings

All scrutiny meetings are open to the public except where confidential information has to be discussed. A list of meeting dates and agenda items can be found on the council's website. <http://www.merton.gov.uk/council/committee.htm>

If you would like to attend a meeting simply come along to the meeting venue or, if you want more information, contact the Scrutiny Team – details overleaf.

### Providing information and views

Members of the public can send in written views or speak on issues that are under discussion at the Overview and Scrutiny Commission or one of the Overview and Scrutiny Panels.

Information on current task group reviews and any deadlines for submission on information can be found on <http://www.merton.gov.uk/scrutiny> or by contacting the Scrutiny Team – details overleaf.

## Contact the Scrutiny Team

The Scrutiny Team provides independent and professional support and advice to the Members of the Overview and Scrutiny Commission and the three standing Overview and Scrutiny Panels.

You can contact the Scrutiny Team using one of the following methods: -

In writing:

Scrutiny Team  
Democracy Services  
Merton Civic Centre  
London Road  
Morden  
Surrey SM4 5DX

By emailing:

[scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk)

By phoning:

Stella Akintan –Scrutiny Officer  
020 8545 3390

Rosie McKeever – Scrutiny Officer  
020 8545 4035

Julia Regan – Head of Democracy Services (until 31 July 2020)  
020 8545 3864

John Dimmer – Head of Policy Strategy and Partnerships (from 1 August 2020)  
0208 545 3477

For further information about overview and scrutiny at Merton please access our web pages using the following address <http://www.merton.gov.uk/scrutiny>

## Committee: Overview and Scrutiny Commission

**Date: 15 July 2020**

Wards: All

### **Subject: Scrutiny improvement plan 2020-21**

Lead officer: Julia Regan, Head of Democracy Services

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

Contact officer: [Julia.regan@merton.gov.uk](mailto:Julia.regan@merton.gov.uk); 0208 545 3864

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#### **Recommendations:**

A. To discuss and agree the actions contained in the draft scrutiny improvement plan

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#### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The appendix to this report contains a draft scrutiny improvement plan that has been drawn up in line with recommendations made by the Centre for Public Scrutiny (CfPS) following its review of the scrutiny function in Merton last year. These have been agreed by a small member working group established by the Commission, and subsequently discussed and agreed by the Commission at its meeting in February 2020.
- 1.2. The draft improvement plan also takes into account recommendations made by the LGA Peer Review subsequent to the CfPS review, as requested by members of the Commission.

#### **2 DETAILS**

- 2.1. The member working group, comprising Councillors Ed Gretton, Sally Kenny, Paul Kohler and Peter Southgate, identified a number of potential actions arising from the Centre for Public Scrutiny's recommendations on agenda planning, external scrutiny, support to new members and member behaviour. These have been agreed by the Commission and included in the draft scrutiny improvement plan.
- 2.2. Annual Member Survey
- 2.3. In considering the draft scrutiny improvement plan, the Commission is asked to be mindful of the results of the 2020 Annual Member Survey. Only 17 responses were received this year, which is much lower than usual and probably because it was issued in the period immediately preceding lockdown. The small numbers mean that the results should be treated with caution. This is not to say they should be discounted and the comments made by members are of particular value.
- 2.4. The survey results were similar to last year's on most measures including:
  - Overall effectiveness of scrutiny (59% rated scrutiny either completely or somewhat effective), remains lower than pre 2019, so there is scope for improvement
  - Task group work still rated the most effective element of scrutiny

- Respondents expressed a wish to have more external experts at meetings and to be provided with more background policy guidance
- Satisfaction with the performance of the scrutiny team remains high

2.5. Key differences in results this year were:

- Increased satisfaction with call-in, though still rated the least effective aspect of scrutiny. This change probably due to impact of having a call-in on parking charges that resulted in a referral back to Cabinet and subsequent additional work undertaken by Cabinet as requested by the call-in.
- Increase in agreement that scrutiny has had an impact on Cabinet decision making, though still at a lower level than pre 2019
- Decrease in satisfaction with agenda length and quality of evidence given to scrutiny (these will be addressed through the scrutiny improvement plan)

2.6. LGA Peer Review

2.7. The work programme working group have requested that the recommendations of the LGA Peer Review be addressed within the scrutiny improvement plan.

2.8. The Peer Review received and endorsed the recommendations of the CfPS review and agreed that, overall, scrutiny functions effectively in Merton. They made some further recommendations for improvement:

- To create a more collaborative officer-member balance in the setting of agendas for scrutiny and enable councillors to be more involved in setting the content of scrutiny agendas
- To simplify and shorten officer reports to allow for more open debate and discussion of the policies and activities that they contain.
- To consider using external support such as peer mentoring to ensure the ongoing development of the scrutiny function.

2.9. These have been included and marked as LGA in the draft scrutiny improvement plan.

### **3 ALTERNATIVE OPTIONS**

3.1. The Commission has responsibility for keeping under review the effectiveness of the overview and scrutiny function and to recommend, where appropriate, changes in structure, processes or ways of working.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purposes of this report.

### **5 TIMETABLE**

5.1. The timetable for drawing up and implementing an action plan is at the discretion of the Commission.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purposes of this report.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. Set out in paragraph 3.1 above.

**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**

10.1. None for the purposes of this report.

**11 APPENDICES**

11.1. Draft scrutiny improvement plan

**12 BACKGROUND PAPERS – NONE**

## DRAFT SCRUTINY IMPROVEMENT PLAN

OBJECTIVE	ACTION	LEAD AND DATE
AGENDA PLANNING		
To create a more collaborative officer-member balance in the setting of agendas for scrutiny and enable councillors to be more involved in setting the content of scrutiny agendas. (LGA)	2020/21 work programmes agreed by member working group containing representative from each political group. 2021/22 work programmes to be agreed through member workshops	Scrutiny chairs and scrutiny officers
Each scrutiny committee to take an approach to agenda planning that best suits its style of working and the content of the agenda.	Work programme to be discussed at each meeting so can retain flexibility and use this as an opportunity to raise suggestions for future work programme items.	Scrutiny chairs and scrutiny officers June 2020 and ongoing
Order of the agenda - to focus attention on discussion items, these could be taken first on the agenda and information items at the end.	Scrutiny chair and scrutiny officer to discuss and agree order prior to publication of each agenda. Note – aim is to avoid/reduce number of information items.	Scrutiny chairs and scrutiny officers September 2020 and for each subsequent meeting
Each work programme item should have a clear purpose and outcome	Scrutiny members should be mindful, in advance of the meeting, of potential outcomes and recommendations arising from agenda items. Such recommendations might include the relevant cabinet member reporting back to a subsequent meeting on remedial action that could be taken in response to a concern raised by scrutiny	Scrutiny chairs and scrutiny officers September 2020 and for each subsequent meeting
To ensure that officer reports provide a useful basis for scrutiny.	Committee/Chair should give a steer on report content so that authors would be	Scrutiny chairs and scrutiny officers

	able to ensure they were fully addressing scrutiny members' concerns.	June 2020 and ongoing
To ensure that officer reports are shorter and simpler to provide a useful basis for scrutiny. (LGA)	Officers will be asked to simplify and shorten officer reports to allow for more open debate and discussion of the policies and activities that they contain.	Scrutiny officers June 2020 and ongoing
To improve the quality of scrutiny through the employment a wide range of scrutiny techniques	This would include inviting expert witnesses, service users and residents; and to experiment with having single issue meetings and adopting a task group approach for one or more item on the agenda	Scrutiny officers to advise as part of work programming process
To use meeting time effectively by agreeing lines of questioning in advance of the meeting, where appropriate. This should not preclude spontaneity at the meeting when an unforeseen but productive line of questioning emerges.	Lines of questioning could be agreed through discussion at the previous meeting, holding a pre-meeting or agenda planning session between chair, vice chair and departmental officers	Scrutiny chairs to check with Panel/Commission at preceding meeting as part of work programme discussion September 2020 onwards
EXTERNAL SCRUTINY		
To ensure that external partners have a clear understanding of how scrutiny operates and what their role is in relation to scrutiny	Head of Democracy Services should review and revise Merton's external scrutiny protocol to set out the respective roles in relation to the scrutiny of partner organisations  Draft revised protocol to be shared with scrutiny chairs and external partners.  Protocol to be signed off by Overview and Scrutiny Commission	Head of Democracy Services First draft by end July

To raise the profile of scrutiny, encourage greater involvement and improve external partner organisations' experience of scrutiny.	Scrutiny officers should brief partner organisations prior to attendance at meetings and should follow up afterwards on how the meeting went and any agreed actions.	Scrutiny officers July 2020 onwards
SUPPORT TO SCRUTINY MEMBERS		
To consider using external support such as peer mentoring for scrutiny members to ensure the ongoing development of the scrutiny function. (LGA)	This will be discussed with the Group Leaders in the lead up to the May 2022 council elections.	Group Leaders and lead scrutiny members March 2022
To identify a pool of experienced scrutiny members who could support new members following the 2022 local elections.	This will be discussed with the Group Leaders in the lead up to the May 2022 council elections.	Group Leaders and lead scrutiny members March 2022
MEMBER BEHAVIOUR		
To ensure that there is a respectful and non-party political culture at scrutiny meetings.	The working group agreed that Chairs and Group Leaders should take a lead in re-inforcing a respectful and non-party political culture at scrutiny meetings. How members behave at scrutiny meetings is crucial to establishing respect for the function and demonstrating the commitment of all political groups to scrutiny.	Chairs and Group Leaders All scrutiny members June 2020 onwards



# Overview and Scrutiny Commission Work Programme 2020/21



This table sets out the Overview and Scrutiny Commission's Work Programme for 2020/21 that was agreed by the Commission at its meeting on 24 June 2020.

This slimmed down work programme has been designed so that it can be regularly reviewed and adjusted during the pandemic. It will be considered at every meeting of the Commission to enable it to respond to issues of concern or to request new 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.

## **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](mailto:Julia.regan@merton.gov.uk)

**Meeting date – 15 July 2020**

<b>Scrutiny category</b>	<b>Item/Issue</b>	<b>How</b>	<b>Lead Member/ Lead Officer</b>	<b>Intended Outcomes</b>
Holding the executive to account	Merton's Public Space Protection Order	Report	Kiran Vagarwal, Community Safety Manager	Pre-decision scrutiny prior to consideration by Cabinet
Scrutiny of crime and disorder	Identify questions for the BCU Commander	Discussion	Cllr Peter Southgate, Chair of Overview & Scrutiny Commission Julia Regan, Head of Democracy Services	Plan lines of questioning for meeting on 9 September
Performance management	Scrutiny improvement plan	Report	Cllr Peter Southgate, Chair of Overview & Scrutiny Commission Julia Regan, Head of Democracy Services	Discuss and approve action plan for improvement of scrutiny function
	Overview and Scrutiny Annual Report	Report	Cllr Peter Southgate, Chair of Overview & Scrutiny Commission Julia Regan, Head of Democracy Services	To approve and forward to Council

Meeting date – 9 September 2020

Scrutiny category	Item/Issue	How	Lead Member/ Lead Officer	Intended Outcomes
Scrutiny of crime and disorder	BCU Commander – crime and policing in Merton	Report and in-depth discussion	BCU Commander	To hold BCU Commander to account on crime and disorder
	Safer Merton Update	Report	Kiran Vagarwal, Community Safety Manager	Progress report to focus on community resilience and domestic violence
Holding the executive to account	Covid 19 Update – to include information on communications	Report or verbal update	Matt Burrows, Interim Head of Customer Experience & Communications	To discuss and comment on the council's communication on Covid 19 to residents, businesses and voluntary sector
	Covid 19 Transport Plan	Report	Cllr Martin Whelton, Cabinet Member for Regeneration, Housing and Transport Chris Lee, Director of Environment and Regeneration	To scrutinise the transport plan once the outcome of the TfL funding bid is known

**Meeting date – 11 November 2020**

<b>Scrutiny category</b>	<b>Item/Issue</b>	<b>How</b>	<b>Lead Member/ Lead Officer</b>	<b>Intended Outcomes</b>
Holding the executive to account	Voluntary sector capacity	Report and discussion Invite CE of MVSC to speak at meeting	John Dimmer, Head of Policy, Strategy and Partnerships	To provide information on the financial impact of the pandemic on voluntary sector organisations
	Covid 19 update – to include information on impact on budget	Report	Caroline Holland, Director of Corporate Services	To understand impact of pandemic and to set context for budget scrutiny
Budget scrutiny	Business Plan 2021/25 - 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

**Meeting date – 20 January 20201**

<b>Scrutiny category</b>	<b>Item/Issue</b>	<b>How</b>	<b>Lead Officer</b>	<b>Member/Lead</b>	<b>Intended Outcomes</b>
Budget scrutiny	Business Plan Update 2021/25	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
	Scrutiny of the Business Plan 2021-2025: comments and recommendations from the overview and scrutiny panels	Report	Cllr Peter Southgate Scrutiny Officer lead tbc		To report to Cabinet on budget scrutiny round 2
Holding the executive to account	Covid 19 update – only take this if there is urgent business				
Scrutiny of crime and disorder	Identify questions for the Borough Commander	Discussion	Cllr Peter Southgate Scrutiny Officer lead tbc		Plan line of questioning for meeting on 17 March

**Meeting date – 17 March 2021**

<b>Scrutiny category</b>	<b>Item/Issue</b>	<b>How</b>	<b>Lead Member/Lead Officer</b>	<b>Intended Outcomes</b>
Scrutiny of crime and disorder	BCU Commander – crime and policing in Merton	Report and in-depth discussion	BCU Commander	To hold BCU Commander to account on crime and disorder
	Safer Merton Update	Report	Kiran Vagarwal, Community Safety Manager	Progress report to focus on ASB and serious violence
Holding the executive to account	Customer contact strategy	Report	Caroline Holland, Director of Corporate Services	To include information on the customer contact strategy and customer experience of accessing services through the council’s website.

Meeting date – 28 April 2021

Scrutiny category	Item/Issue	How	Lead Officer	Member/Lead	Intended Outcomes
Holding the executive to account	Universal Credit	Report  Invite the Citizens Advice Bureau and the Trussell Trust to speak at the meeting.	David Keppler, Head of Revenues and Benefits		To achieve a deeper understanding of the impact of Universal Credit on Merton residents.
	Equality and Community Cohesion Strategy 2017-20	Report	Evereth Willis, Equality and Community Cohesion Officer		To comment on progress made with action plan. Pre-decision scrutiny of the next plan, using learning from scrutinising Covid 19 and other items
	Demographic profile of councillors and senior council managers	Report	Liz Hammond, Interim Head of HR		Update to monitor changes since report last received in January 2020
Performance management	Overview and Scrutiny Annual Report	Report	Cllr Peter Southgate Julia Regan		To approve and forward to Council
	Member Survey Results (if available)	Report	Cllr Peter Southgate Scrutiny Officer lead tbc		To discuss results and agree action plan
	Planning the Commission's 2021/22 work programme	Report	Cllr Peter Southgate Scrutiny Officer lead tbc		To review 2019/20 and agree priorities for 2020/21

## **Forward plan items relating to the remit of the Overview and Scrutiny Commission**

### Merton's Public Space Protection Order Report

A report to outline the evidence and consultation results to inform Cabinet and to assist them in their task to consider the renewal and proposed amendment to the Public Space Protection Order on the borough.

Decision due: 7 Sep 2020 by Cabinet

### Extension of CCTV maintenance contract

Authorisation is requested for the modification of the CCTV maintenance contract, which is due to expire on 5 November 2020, to extend it for a further 12 months. The purpose of the extension is to allow the CCTV team sufficient time to scope and procure a new contract that will cover both maintenance and a significant programme of upgrades for which capital funding in 2021/22 and 2022/23 has been allocated.

Decision due: 15 Jun 2020 by Director of Corporate Services (with some exempt information)

### Award of Multi-Function Device Tender

This is to agree the award of the new Multi Function Device (MFD) tender. Report expected to contain some exempt information.

Decision due: 23 March 2020 by Cabinet - deferred

### Adoption of the Co-Operative Party Charter on Modern Day Slavery

To adopt the Charter as called for by Council in November 2018

Decision due: 27 Jan 2020 by Cabinet - deferred