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 20 May 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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All Press contacts: communications@merton.gov.uk, 020 8545 3181

Overview and Scrutiny Commission Agenda
20 May 2020

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4	Merton Council's response to the Covid 19 pandemic Verbal statement from the Leader of the Council and the Chief Executive	
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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 mater and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, .withdraw and not participate in consideration of the item. For further advice please speak with the Managing Director, South London Legal Partnership.

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OVERVIEW AND SCRUTINY COMMISSION
12 FEBRUARY 2020

(7.15 pm - 8.45 pm)

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

ALSO PRESENT: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Caroline Holland (Director of Corporate Services) 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.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 22 January 2020 were agreed as an accurate record.

4 YOUTH PARLIAMENT JOINT SCRUTINY OF THE CLIMATE EMERGENCY - CABINET RESPONSE (Agenda Item 4)

The Chair introduced the report and said that although two of the recommendations had only been partially accepted, that was understandable given that they had been aspirational recommendations. The Chair and two of the other councillors who had been at the meeting with the Youth Parliament representatives said that they had been impressed by the dedication and passion shown by the young people and the articulate way in which they put their views forward.

Members agreed that they wished to continue to involve the Youth Parliament in scrutiny during the next municipal year, with a gender balance if possible. In response to a question, the Head of Democracy Services (Julia Regan) advised that the Youth Parliament are included in the topic suggestion programme, that scrutiny work programmes are shared with them so that they contribute if they wish and that some of the task groups had attended Youth parliament meetings as part of their consultation activity. The Chair suggested that the model used in the 2018 scrutiny of

personal safety whereby the youth parliament representatives presented the findings of their consultation with young people had been particularly productive.

The Commission RESOLVED to:

1. welcome Cabinet's response to the recommendations arising from the joint scrutiny exercise with the youth parliament,
2. note the ongoing involvement of young people in the climate change working group, and
3. agree that it would not require a further update on the action plan.

5 BUSINESS PLAN UPDATE 2020/24 (Agenda Item 5)

Members agreed to take items 5 and 6 together.

The Director of Corporate Services, Caroline Holland, introduced the Business Plan Update report, outlining the content and highlighting the new information that Cabinet had received in January. She drew the Commission's attention to progress that had been made on balancing the budget and the gaps that remained for future years.

Caroline Holland provided additional information in response to questions about the Medium Term Financial Strategy:

- The Londonwide business rates pool had been beneficial and all the boroughs have signed up to continue next year
- Revenuisation provisions were made in response to a government change in the categorisation of capital expenditure
- The corporate provision for inflation is used to meet the costs of those supplies that increase above the predicted level of inflation
- Officers are looking at a range of options to increase SEND provision in the borough
- The increase in the pension contribution rate relates to the employer contribution.

<u>Savings proposals for Corporate Services</u>
Members asked questions and made comments about individual savings proposals:

Replacement savings	
Previously agreed saving: 2018-19 CS05 – Resources Division reduction in 1FTE Proposed replacement: CSREP 20201 (1) – savings in Insurance Fund top-up budget	Noted that the changes associated with the new banking system had been complex which is why the anticipated staffing saving has not proved possible to date and a replacement saving has been proposed from the Insurance Fund. Saving AGREED
Deferred savings	
2019-20 CS18 closure of Gifford House and relocation of SLLP to Civic Centre	Noted that there had been a number of bids for space in the Civic Centre. Also that the Local Development Plan lists

	Gifford House as an area for potential redevelopment. Saving AGREED.
2019-20 CS19 Closure of Chaucer Centre and relocation of operational teams to Civic Centre	Noted that the number of bookings had decreased and income now lower than budgeted for. Saving AGREED.
2019-20 CS15 Policy and Partnerships team, reduction 1FTE	Caroline Holland advised that the cost of these deferred savings would be included in the baseline budget each year until the savings were taken. Saving AGREED.

Capital programme

Caroline Holland said that there had been no major changes to the capital programme subsequent to the November report. She advised that there may be a need to use some of the corporate capital contingency fund in 2023/24 for repairs to Bishopford Bridge. Members said that they, and residents, would expect the council to negotiate vigorously with the contractor. Caroline Holland said that all avenues were being explored.

Service plans

Customers, Policy and Improvement – noted that income from Registrars' event was £655,491 in 2018/19.

Safer Merton – commented that the number of new actionable ASB cases is huge compared to anticipated demand. AGREED to ask the Head of Safer Merton about this when he brings an update report to the Commission's meeting on 2 April.

Reference to Cabinet

The Chair encouraged members to make a reference to Cabinet. He proposed that this should note that there had been a better settlement from government than for some years, join with London Councils in calling for a fair funding settlement that will give certainty for the term of the MTFS to 2023/24, note the need to make prudent provision for the "known unknowns", and, should there be a favourable outcome, to ask Cabinet to reconsider those savings classed as "high risk" on deliverability and reputation, and most likely to have an adverse impact on vulnerable service users.

There was no seconder for this proposal. Members noted that there were quite a number of potential funding streams and grants currently under review and said that they wished to take these in the round rather than making a recommendation based on partial information.

A motion was proposed by Councillor Owen Pritchard and seconded by Councillor Nick McLean to ask Cabinet to keep the Commission informed regarding the outcome of government reviews and decision on a number of funding streams that currently remain uncertain. This would include decisions on business rates, the fair funding review, financing of adult social care, addressing the deficit in the dedicated schools grant and the outcome of the comprehensive spending review. Members voted on the motion and it was passed – 8 members voted in favour and 2 abstained.

The Commission therefore RESOLVED to make the following reference to Cabinet:

“To note that central government is undertaking a number of strategic reviews that will have a direct impact on the funding of Merton Council and therefore asks that Cabinet keep the Commission informed upon the outcome of each one, as and when it arrives, with a view to its impact on the council’s medium term financial strategy.” It is anticipated that Cabinet would provide this information to the Commission through the quarterly financial monitoring reports.

6 BUSINESS PLAN 2020-24 SAVINGS INFORMATION PACK (Agenda Item 6)

7 SCRUTINY OF THE BUSINESS PLAN - COMMENTS AND RECOMMENDATIONS FROM THE SCRUTINY PANELS (Agenda Item 7)

Members discussed the content of the report from the Panels, noted that there had been lots of questions asked at the Panel meetings and RESOLVED to forward the comments and recommendations from the Panels to Cabinet.

The Commission also RESOLVED to ask the Children and Young People Overview and Scrutiny Panel to undertake some scrutiny in the next municipal year of how the uptake and quantity of SEND provision in the borough could be increased and how the costs of the service could be reduced. ACTION: Head of Democracy Services to email Chair of the Panel and Director of Children Schools and Families.

8 REVIEW OF THE OVERVIEW AND SCRUTINY FUNCTION - ACTION PLAN (Agenda Item 8)

Members discussed the report and noted one factual change in paragraph 2.18 to state that a majority of the working group had agreed on the value of giving some scrutiny leadership roles to the opposition but that this had not been unanimous.

With the exception of the section on sharing of scrutiny chairing roles, the Commission RESOLVED to agree the actions set out in the report and to ask the Head of Democracy Services to draft an action plan in consultation with the Chair. The Head of Democracy Services said that one of the first actions would be to develop a new approach to the topic workshops in order to assist members to prioritise work programme items that would have a clear purpose and outcome.

9 NOTE OF THE MEETING OF THE FINANCIAL MONITORING TASK GROUP, 14 JANUARY 2020 (Agenda Item 9)

Noted.

10 WORK PROGRAMME (Agenda Item 10)

The Commission RESOLVED to agree the work programme as set out in the report.

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Committee: Overview and Scrutiny Commission

Date: 20 May 2020

Wards: All

Subject: Scrutiny work programme during the Covid 19 pandemic

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; 0208 545 3864

Recommendation:

To discuss the proposed approach to scrutiny and agree a work programme for meetings of the Commission in June and July 2020

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. This report sets out proposals for the Overview and Scrutiny Commission to consider when determining its programme of work during the Covid 19 pandemic. The report proposes a continuance of robust member-led scrutiny, to be provided in a way that is proportionate and fits within the constrained resources that are available whilst the main focus is on the emergency response to Covid 19.

2 DETAILS

2.1. Background

2.2. There are vast uncertainties at present on how long the current Covid 19 lockdown will last, how we will start to move out of it and what will happen next. Through all three stages the Commission will wish to ensure that there is an active and effective scrutiny function. The primary aims of scrutiny at this time should be to hold the executive to account on Cabinet and delegated decision making and to add value to the activities of the council and its partners.

2.3. In considering the appropriate level of scrutiny activity during the lockdown period, the Commission is asked to be mindful of:

- the reduced capacity of Cabinet Members and senior managers to support and report to scrutiny while responding to Covid 19 (note this reduced capacity also applies to the NHS and other partners)
- the potential for an increased number of decisions being taken by directors under emergency powers/delegated decision making
- the need for appropriate visibility on executive decisions for non-executive councillors

- changes and challenges to the council's financial context and operational priorities
- the potential role of scrutiny in providing a conduit for views and experience of our residents, including the most vulnerable, as well as the impact on businesses

2.4. The Commission is asked to note that virtual meetings may operate in a very different way to those where everyone is sat round the table. They will of necessity be more planned, rather in the way that the Commission approaches lines of questioning for the Police BCU Commander at present. The council is currently at early stages in its use of Zoom professional software for committee meetings - Cabinet (27 April), Licensing sub (6 May) and Planning Committee (14 May) – and lessons will be shared as these proceed so that the council can adapt and adjust its approach to these meetings as appropriate.

2.5. Proposed interim model for scrutiny

2.6. This report proposes that the Overview and Scrutiny Commission would be the sole scrutiny body operating until the council begins to return to business as usual.

2.7. This model is in line with one proposed by the Centre for Public Scrutiny in its publication " Covid-19 support to councils: Approaches to scrutiny during the crisis", whereby a single scrutiny committee would meet every 3-4 weeks with one agenda item and an opportunity for public involvement.

2.8. The work programme should focus on a small range of critical business issues to provide oversight of the council and its partners' response to Covid 19 and provide an opportunity for local people to get involved. It is anticipated that one meeting would focus on financial issues, another on children and young people, another on older people and so on.

2.9. It is anticipated that input from Cabinet members, Directors and other departmental officers will be mainly verbal and that detailed written reports will not be provided so that scarce resources are not diverted from the emergency response.

2.10. Work programme

2.11. It is proposed that the Commission should have a further additional meeting on 23 June and then meet on the 15 July and 9 September dates that were already included in the corporate calendar.

2.12. The Commission will receive a verbal update from the Leader of the Council and the Chief Executive at its meeting on 20 May, setting out the council's emergency planning arrangements and response to Covid 19 and an overview of actions taken to date. This will enable Commission members to ask questions and to identify priority areas for in–depth scrutiny at future meetings.

2.13. The Commission is asked to identify a priority order for the themes for each of its meetings, to include the following and other issues that it agrees are of strategic importance at this time:

2.14. Finance – cost pressures arising from the emergency response, use of monies received in relation to Covid 19, overall impact on the council's medium term financial strategy

2.15. Adult social care and older people – assistance to shielded residents; impact on care homes and other services for vulnerable and older people, impact of hospital pressures on adult social care

2.16. Children and young people – impact on vulnerable children and their families (referrals to children's social care and to MASH); impact on Years 11 and 13; arrangements for re-opening schools; impact on looked after children and care leavers

2.17. Crime and disorder – impact on domestic violence and other crimes

2.18. Council's plan for recovery, that is returning to "business as usual" or a "new normal"

2.19. It is proposed that the Commission should review its work programme at each meeting and take a view on whether to continue with this or another interim model or to return to the pre-existing model of scrutiny.

2.20. Public involvement

2.21. Public involvement is one of the key elements of effective scrutiny. Hearing from a wide range of stakeholders, including local businesses, residents and voluntary organisations, is extremely valuable and brings different perspectives, experiences and solutions to scrutiny.

2.22. It is proposed to maintain the same access to scrutiny as previously so that members of the public or organisations anyone can make a request to the chair in advance of the meeting for permission to speak. The presumption is that permission will normally be granted as long as the issue relates to an item on the agenda.

2.23. The Commission may choose to invite written and or spoken contributions from organisations that represent groups of people that may have a particular interest in the issue under discussion at one of its meetings. This could include organisations representing businesses, young people, disabled people, people from black and minority ethnic communities and so on.

2.24. Statutory health scrutiny

2.25. The Improving Healthcare Together Programme is due to reach a final decision "early in the summer£. The Commission may be aware that this Programme was established to consider major changes to acute hospital services across South West London. Proposals include consolidating accident and emergency and other services on one site at either Epsom, St Helier or a new hospital. A new acute facility in Belmont Ward in Sutton, has been put forward as a preferred option. While the Healthier Communities and Older People Panel welcome investment into the region, there are grave concerns about losing accident and emergency and other services at St Helier Hospital which serves some of Merton's most deprived residents who already face barriers in accessing health services. Local people are likely to be further disadvantaged by the longer travel times to the new hospital.

2.26. Once the final decision has been published, it is important that the Healthier Communities and Older People Overview and Scrutiny Panel convenes to discuss the findings. The Panel will have an important role in accessing the decision in light of the council's position on protecting vulnerable residents. It will also be important to review if the Improving Healthcare Together Programme has taken the views of local residents into consideration. The Commission should also be aware that the Panel was due to meet to discuss this issue on the 25th March but the meeting was cancelled due to the COVID-19 lockdown.

2.27. The Panel also will also need to determine what further scrutiny should to be conducted in light of the decision taken. The Panel may also wish to make recommendations to Cabinet on how the council should respond to the proposals.

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.

3.2. Alternative options include:

3.3. Cessation of scrutiny during the lockdown period – this option is not recommended as it would not enable scrutiny to hold the executive to account or to add value or to involve the public.

3.4. Slimmed down business as usual - all scrutiny bodies would continue as usual with a re-focussed, slimmed-down work programme. Work programmes would be agreed via working groups that would comprise a representative from each of the four political groups, including the Chair and Vice Chair. Each formal meeting would have a shorter agenda than usual to allow for in-depth discussion on a few high priority areas. The work programme will be reviewed at each meeting to ensure that it is still appropriate and to allow for flexibility as circumstances change. This option runs the risk of overwhelming the organisation and diverting resources and focus from the response to Covid 19.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. The timetable for future meetings is at the discretion of the Commission.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. The proposals within this report can be carried out within existing budgets..

7 LEGAL AND STATUTORY IMPLICATIONS

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

7.2. Scrutiny has had specific powers relating to health services since 2001 and to crime and disorder since 2006.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. Scrutiny work involves consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised.

8.2. Scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

9 CRIME AND DISORDER IMPLICATIONS

10 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 activity will therefore identify any implications relating to crime and disorder where appropriate..

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. None for the purposes of this report.

12 APPENDICES – NONE

13 BACKGROUND PAPERS - NONE

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