

Merton Council

Cabinet Agenda

Membership

Councillors:

Ross Garrod (Chair)
Eleanor Stringer
Stephen Alambritis MBE
Billy Christie
Caroline Cooper-Marbiah
Brenda Fraser
Natasha Irons
Andrew Judge
Sally Kenny
Peter McCabe

Date: Thursday 22 September 2022

Time: 7.15 pm

Venue: Committee Rooms DE, Merton Civic Centre, London Road, Morden
SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
democratic.services@merton.gov.uk or telephone [020 8545 3357](tel:02085453357).

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

Cabinet Agenda

22 September 2022

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To RESOLVE that the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s). | |
| 16 | Item 10 - Exempt Appendices | |

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. 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.

CABINET

31 AUGUST 2022

(7.16 pm - 7.24 pm)

PRESENT Councillors Councillor Ross Garrod (in the Chair),
Councillor Eleanor Stringer, Councillor Stephen Alambritis,
Councillor Billy Christie, Councillor Caroline Cooper-Marbiah,
Councillor Brenda Fraser, Councillor Natasha Irons,
Councillor Andrew Judge, Councillor Sally Kenny and
Councillor Peter McCabe

ALSO PRESENT Councillor Paul Kohler

Hannah Doody (Chief Executive), Caroline Holland (Director
Corporate Services), Roger Kershaw (AD Resources), Richard
Ellis (Interim AD Strategy Commissioning and Transformation),
Louise Round (Managing Director South London Legal
Partnership), Paul McGarry (Head of Future Merton), Robert
Cayzer (Interim Head of Cabinet Office) and Amy Dumitrescu
(Democracy Services Manager)

PRESENT

REMOTELY Councillor Nick McLean

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

At the start of the meeting the Leader of the Council announced that Item 4 would not be required. The Leader then spoke on the recent events at Galpins Road, expressing that the thoughts of all at the Council remained with those affected.

No apologies for absence were received. Councillors Irons and Judge attended remotely.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 HOUSING DELIVERY (Agenda Item 3)

The Cabinet Member for Finance and Corporate Services presented the report, noting that four Council-owned sites were granted planning permission in 2020 however since permission was granted there had been various policy changes and updates to building regulations and therefore updates were required prior to development. The Cabinet Member gave an overview of the recommendations within the report and proposed the report.

The Cabinet Member for Housing and Sustainable Development addressed the meeting, noting more than 9,500 people were currently on the housing waiting list and the plan would enable 93 homes to be built on those four sites following the necessary architectural work being completed.

RESOLVED:

1. That Cabinet noted the options appraisal work currently underway to deliver genuinely affordable housing on council owned sites.
 2. That Cabinet agreed to transfer £300,000 from the corporate contingency to Environment and Regeneration to update the approved plans for four council owned sites; bringing them up to current building regulations and sustainability standards prior to development for affordable housing.
 3. That delegated authority be given to the Director of Environment and Regeneration, in consultation with the Cabinet Members for Finance and Corporate Services and Housing and Sustainable Development, to approve the award of contract post approval by Procurement Board.
-

4 EXCLUSION OF THE PUBLIC (Agenda Item 4)

The Cabinet meeting was conducted in public and this item was therefore not required.

Committee: Cabinet

Date: 19 September 2022

Wards: all

Subject: Merton's Civic Pride Fund – Investing in Neighbourhoods using Neighbourhood Community Infrastructure Levy funding

Lead officer: Adrian Ash, Interim Director of Environment and Regeneration

Lead member: Councillor Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride

Contact officer: Tim Catley, Planning Contributions Manager, Future Merton

Recommendations:

1. To approve to the replacement of the Neighbourhood Fund with a new funding regime called the “*Civic Pride Fund – Investing in Neighbourhoods*”
 2. To approve the council’s new overarching priority supported by the three principles set out in paragraph 2.5 as part of bid selection under the new Fund.
 3. To note the proposed timetable for bidding set out at paragraph 5
 4. To endorse the heads of terms and note the draft timetable for consideration of priorities and implementation for a new Ward Allocation Scheme set out at paragraphs 2.12 to 2.13 and 5.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report is being brought before members to approve the creation of a new funding regime called the “*Civic Pride Fund – Investing in Neighbourhoods*”, replacing the previous Neighbourhood Fund that distributed the Neighbourhood Community Infrastructure Levy Funding (NCIL).
- 1.2. The Investing in Neighbourhoods fund forms part of a broader funding portfolio of the council that is proposed to be called the “Civic Pride Fund”, which will also invest in the other aspects of Civic Pride, including supporting the voluntary and community sector (funding for which is being presented to this Cabinet meeting under a separate report).
- 1.3. Members are also being asked to approve the use of the council’s new overarching priority and supporting principles as part of selecting bids
- 1.4. Officers intend to hold bidding rounds once a year with the first during the autumn 2022 and Members are being asked to note the proposed timetable for bidding, assessments and decision making at paragraph 5
- 1.5. £750,000 Neighbourhood CIL funding is estimated to be available to allocate to bids in the Autumn. This is significantly less than amounts available to bidders in previous years due to fewer housing developments

starting on site and thus being required to pay CIL and because the balance of funding available last year was fully allocated to schemes.

- 1.6. Members are also being asked to endorse the heads of terms and note the draft timetable for a new Ward Allocation Scheme set out at paragraphs 2.12 to 2.13 and 5

2 DETAILS

- 2.1. Since 2014 the Council has been collecting Community Infrastructure Levy for Merton and on behalf of the Mayor of London. As at 30th June 2022 Merton has received £6.3 million to be spent on neighbourhood projects. To date £5.58 million of this funding has been approved/spent under the Neighbourhood Fund and the Ward Allocation Scheme.

- 2.2. Examples of projects previously benefitting from the council's Neighbourhood Fund include (see paragraph 12 for the full list of Neighbourhood Fund allocation Cabinet items):

- Neighbourhood Shopping Parade improvements
- The Library of Things
- The Community Fridge
- Towards Employment
- London Borough of Culture - A festival of films across the borough
- Play area enhancements at Colliers Wood and Durnsford Recreation Grounds
- Redevelopment of the Polka Theatre
- Community Champions Programmes
- Wimbledon Windmill Museum sustainable lighting and landscaping
- Community Arts Venue at Cricket Green School
- Deen City Farm – improvements to horse riding arena and landscaping

Civic Pride Fund – investing in neighbourhoods

- 2.3. It is proposed that decisions on allocating Neighbourhood CIL will be considered under the council's new overarching aim/strategic priority of rebuilding pride in Merton, supported by the following three guiding principles:

- Nurturing civic pride
- Building a sustainable future
- Creating a borough of sport

- 2.4. The objective of this approach is to embed decision-making in line with the vision that the administration has for the borough and the legacy of pride that they are committed to leave for our communities. Proposals would also still have to meet the technical Neighbourhood CIL assessment criteria (such as complying with government's CIL Regulations) .
- 2.5. To reflect this approach it is recommended to recast the Neighbourhood Fund regime as "*Civic Pride Fund – Investing in Neighbourhoods*" which will be within a new portfolio of investment opportunities called the "Civic Pride Fund".
- 2.6. In addition, under the CIL Regulations, Neighbourhood CIL must be spent on local projects to support the demands development places on areas and can be applied to both capital and revenue costs. Government guidance states that local authorities should engage local communities and agree with them how to best spend Neighbourhood CIL, and that administration should be proportionate to the level of receipts. The council carried out this necessary engagement in 2017 and the engagement results form part of the Fund's assessment criteria at criterion g.
- 2.7. Therefore, the recommended criteria for assessing proposals for funding under the new *Civic Pride Fund – Investing in Neighbourhoods* are:

Assessment criteria

- a. Spending Neighbourhood CIL would need to accord with the CIL Regulations and government guidance on CIL.
 - b. The proposal must comprise an appropriate use of use of the funds; consistent with government rules and Merton Council's overarching priority/aim of rebuilding pride in Merton, supported by three guiding principles namely:
 - i. Nurturing civic pride
 - ii. Building a sustainable future
 - iii. Creating a borough of sport.
 - c. Scheme should not have any unacceptable revenue or capital implications on the council or any other body.
 - d. Estimated cost of scheme should be over £20,000.
 - e. Scheme should be deliverable and capable of being started within the year ahead.
 - f. Proposal should have endorsement by at least one ward member.
 - g. Proposal should clearly demonstrate how it meets neighbourhood priorities. We will be looking for projects that clearly fall within one or more of the priorities favoured by the neighbourhood where the proposal would be located (or neighbourhood that would benefit most from the proposal) as demonstrated by the results of the Neighbourhood CIL public consultation (Nov 2016-Jan 2017).
- 2.8. The timetable for the first round of bidding under the *Civic Pride– investing in neighbourhoods* is set out at section 5 to this report.
 - 2.9. Another funding regime proposed to fall under the Civic Pride Fund is for voluntary sector strategic partner grants and called "*Merton Civic Pride Fund: Supporting the Voluntary and Community Sector 2023/26 - commissioning requirements*" which is the subject of a separate report to

Members. Merton also provides further funding for the voluntary and community sector through other funds, for example, grants for community centres and contracts for commissioned services.

Ward Allocation Scheme

- 2.10. On 19th January 2019 Cabinet allocated a portion of Neighbourhood CIL receipts to a scheme (separate to the Neighbourhood Fund) called the “Ward Allocation Scheme”, allowing each ward £15,000 to spend on specific small-scale public space projects. The Ward Allocation Scheme allowed ward councillors three years to submit proposals for approval prior to 31 March 2022, when this round of the Ward Allocation Scheme terminated.
- 2.11. Officers carried out a review of the operation of both schemes over the Spring 2021 and at the 22 June 2021 Cabinet meeting resolved for officers to undertake a further review in late 2022 following the end of the first round of the Ward Allocation Scheme.
- 2.12. It is recommended that Members endorse preparations to occur in the Autumn/Winter 2022-23 towards approving a new Ward Allocation Scheme.
- 2.13. The work over the autumn/winter is proposed to be as follows:
 - a. the review would pick up on the findings of the review carried out in the Spring 2021 referred to at paragraph 2.6 and consider reflections following the final 9 months of the Ward Allocation Scheme when a large proportion of activity occurred.
 - b. Work on the assumption that a new Ward Allocation Scheme will be implemented in the next three years, including allowing councillors more focussed time and more officer support to work up projects with their communities in the first year (for example, until April 2024) and having a second phase over two years for delivering these projects in each ward.

3 ALTERNATIVE OPTIONS

- 3.1. Decision makers may choose to not approve focussing decision making towards the new administration’s priorities. However this may restrict the scope for the council to invest Neighbourhood Community Infrastructure Levy towards its preferred proposals. Any investment decisions are subject to challenge on grounds of fairness and transparency and favouring one proposal over another without a justification based on policy or priorities formally adopted and published would pose a risk to the council thereof.
- 3.2. It is still recommended to retain the existing assessment criteria approved by Cabinet in September 2017 as those criteria have been introduced to ensure investment decisions comply with the CIL Regulations 2010 (as amended) and statutory government guidance.

- 3.3. The council could retain the Neighbourhood Fund name however the recasting of the funding regime within the Civic Pride banner highlights its position within a group of funding opportunities within the Civic Pride portfolio and helping the council to demonstrate to its communities that funding is being directed to its strategic priorities
- 3.4. The council could take a different path with respect to the Ward Allocation Scheme, however launching a new ward-based scheme of Neighbourhood CIL allocations without consideration of lessons learnt or deciding not to allocate funding on a ward basis will miss the opportunities to deliver a new and improved Ward Allocation Scheme in the current electoral period and what it offers in terms of sharing Neighbourhood CIL funding amongst all wards.
- 3.5. Launching a Ward Allocation Scheme for spending straight away would require a reduction of funding available to the Civic Pride Fund for bids in the Autumn 2022 (reducing the Neighbourhood Fund from +£700,000 to c£350,000, in order to fund the Ward Allocation Scheme. Considering the amount of Neighbourhood CIL funding is already low compared to previous years this would unacceptably impact upon the effectiveness of the new fund in its inaugural year.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Government guidance states that local authorities should engage local communities and agree with them how to best spend Neighbourhood CIL, and that administration of it should be proportionate to the level of receipts.
- 4.2. As part of the preparations for spending Merton Neighbourhood CIL funding public consultation was carried out over the winter 2016-17 when neighbourhoods were asked for their investment priorities in accordance with statutory government guidance. The findings of this consultation informed the assessment criteria approved by Cabinet in September 2017 that is used in the decision making on allocations. Respondents were supportive of investing in a wide range of project typologies across all areas of the borough, with no one typology standing out significantly.

Bids for the Civic Pride Fund – Investing in Neighbourhoods

- 4.3. Bids for the *Civic Pride – Investing in Neighbourhoods Fund* will be sought during autumn 2022.
- 4.4. It will be advertised in advance on the Council's website, via a press release and social media and via peer-to-peer publicity.
- 4.5. A dedicated email address/telephone number will be highlighted to bidders to help them through the bidding process.

5 TIMETABLE

- 5.1. *Civic Pride – Investing in Neighbourhoods*:
 - Open for bids – 5 weeks in Autumn 2022 (Target start date late September/early October).

- Bid collation/assessments – November/December 2022/January 2023
- decision making – February 2023 Cabinet
- Grant agreements and programming with successful bidders – from March 2023

5.2. Ward Allocation Scheme (draft timetable):

- review previous scheme and consider opportunities for new scheme- autumn/winter 2022-23
- seek Cabinet approval for new scheme launch – February 2023
- prioritisation and application phase - March 2023 to April 2024
- delivery of projects – to March 2026

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Community Infrastructure Levy, 15% of which is used for the Neighbourhood Fund, is payable when CIL-liable developments start to be built, not when planning permission is granted.
- 6.2. As at 30 June 2022 £732k of Neighbourhood CIL was available new bids following commitments/expenditure under the Neighbourhood Fund and Ward Allocation Scheme.
- 6.3. Forecasts based on planning permissions that attract Merton’s CIL mean that the council expects to receive circa £300,000 of Neighbourhood CIL income per annum, excluding from strategically significant developments. Further income is likely to increase the budget available for new allocations to c£850k by the end of Autumn 2022.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Under the CIL Regulations the majority of CIL must be spent on development by funding the provision, improvement, replacement, operation or maintenance of infrastructure (s.216(1) *Planning Act 2008* and *Regulation 59, CIL Regulations 2010*) with 15% of CIL receipts able to be spend on a wider range of measures that address the demands that development places on an area commonly referred to as “Neighbourhood CIL” (*Regulation 59F, CIL Regulations 2010 as amended*).
- 7.2. Government guidance states that local authorities should engage local communities and agree with them how to best spend Neighbourhood CIL, and that administration of it should be proportionate to the level of receipts. It will be important that the eligibility criteria for access to the fund are clear and that the decision making process is fair and transparent. The proposals set out in this report would appear to fulfil that requirement.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None for the purposes of this report. Projects will be selected against the criteria that Cabinet approved in September 2017 as amended with the new council's overarching priority/guiding principles, which include matters addressing equalities and community cohesion.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report. Projects will be selected against the criteria that Cabinet approved in September 2017 as amended with the new council's overarching priority/guiding principles, which include matters relating to minimising crime and disorder.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

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

- none

12 BACKGROUND & ASSOCIATED PAPERS

- Cabinet 19th September 2022: Merton Civic Pride Fund – Supporting the Voluntary and Community Sector 2023/26
- Cabinet meeting 18 September 2017: Minutes and Agenda Item 4 – Neighbourhood Fund
<https://mertonintranet.moderngov.co.uk/ieListDocuments.aspx?CId=146&MId=2773&Ver=4>
- Cabinet meeting 22 June 2021: Minutes and Agenda Item 8 – Neighbourhood Community Infrastructure Levy Review -
<https://democracy.merton.gov.uk/ieListDocuments.aspx?MId=3972>
- Neighbourhood Fund 2018 approvals – delegated approval pack -
<https://www.merton.gov.uk/assets/Documents/2018-04-06%20Neighbourhood%20Fund%20decision%20and%20call%20in%20pack.pdf>
- Neighbourhood Fund 2019 approvals – 15 July 2019 Cabinet Meeting (Item 12) -
<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=146&MId=3396&Ver=4>
- Neighbourhood Fund 2020 approvals – 7 September 2020 Cabinet Meeting (Item 6) -
<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=146&MId=3691&Ver=4>
- Neighbourhood Fund 2021 approvals – 8 November 2021 Cabinet Meeting (Item 9) -

<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=146&MId=3976&Ver=4>

Committee: Cabinet

Date: 19 September 2022

Wards: All

Subject: Merton Civic Pride Fund: Supporting the Voluntary and Community Sector 2023/26 - commissioning requirements

Lead officer: John Dimmer, Interim Head of Corporate Policy and Improvement, Corporate Services
Keith Burns, Interim Assistant Director, Commissioning, Community & Housing
Keith Shipman, Education Inclusion Manager, Children, Schools and Families

Lead member: Councillor Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride
Councillor Peter McCabe, Cabinet Member for Health and Social Care
Councillor Brenda Fraser, Cabinet Member for Children's Services

Contact officer: Amanda Roberts; Policy, Strategy and Partnerships Officer
(020 8545 4685 / amanda.roberts@merton.gov.uk)
Heather Begg, Commissioning Officer, Adult Social Care
(020 8545 4515 / heather.begg@merton.gov.uk)

Recommendations:

1. To approve the aligning of a range of information, advice and preventative support services into an expanded 'Supporting the Voluntary and Community Sector' programme which sits under the umbrella of the Civic Pride Fund (see section 1.2-1.5).
 2. To approve the Prospectus as the basis on which to fund these services (see section 3.11-3.15).
 3. To note the funding available for 2023-26 and to approve the proposed allocations against each of the programme themes (see section 7).
 4. To approve the scoring methodology and weighting to select providers (see section 3.19).
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides Members with details of work which has been undertaken to recommission the council's Strategic Partner Programme (SPP) and the process moving forward. This has involved extensive engagement with the voluntary and community sector (VCS); benchmarking and research into the national, regional and local context; and the aligning of related funding.

- 1.2 Civic Pride is one of the new administration's key priorities for Merton. It has been proposed that all core funding that goes to voluntary sector and the local area should come under the overarching umbrella of a Merton 'Civic Pride Fund' (CPF). This reflects our commitment to putting Civic Pride at the heart of our borough. We want Merton to be a place where people are proud to live, work and study: where everyone can thrive, and where we embrace the strength and diversity of our communities.
- 1.3 Under this umbrella fund, the current Strategic Partner Programme has been renamed the 'Supporting the Voluntary and Community Sector' fund to reflect our commitment to investing in the local VCS infrastructure to support our local communities.
- 1.4 Also included under this wider umbrella is a separate 'Investing in Neighbourhoods' fund (formally Neighbourhood Community Infrastructure Levy (CIL) fund). Proposals for this year's fund will also be submitted to Cabinet in September and we will look at opportunities for further alignment from next financial year.
- 1.5 We are proposing an expanded Civic Pride Fund: Supporting the Voluntary and Community Sector 2023-26 that has four pots of aligned funding, which are aligned with the council's 'Working Better With Communities' framework, as further outlined further at 2.8:
- Services that provide help
 - Services that grow strengths and capabilities
 - Active, supportive communities
 - An enabling system and place
- 1.6 The Supporting the Voluntary and Community Sector fund brings together multiple funding pots under one single grants process.
- 1.7 Despite the ongoing financial challenges facing councils, Merton Council have committed to invest in this refreshed programme, with an increase in overall funding for 2023-26.
- 1.8 We intend to invite bids for funding in October 2022 based on commissioning requirements set out in a funding prospectus which has been developed through a Collaborative Working Group. The draft funding prospectus is set out at Appendix 2. This report also sets out the process for awarding funding and the timetable.
- 1.9 The Working Better with Communities framework and the funding prospectus have both been co-designed with the sector.

2 BACKGROUND

- 2.1 Merton's current Strategic Partner Programme (SPP) 2019-23 aims to invest in and support Merton's local infrastructure. The programme has brought together information, advice and support services in the community which provide low level preventative interventions that strengthen Merton resident's physical, social, emotional, and economic resilience and contribute to reducing inequalities in Merton.
- 2.2 The current Strategic Partners and wider VCS have demonstrated their value in both their response to the pandemic and supporting residents most in need in challenging times. As part of the wider support offer, strategic partners have provided advice and support on the EU settlement scheme. The SPP plays a key role in the changing economic environment and supports the transition to living

safely and fairly with COVID-19 and would respond quickly to any surge response. As well as supporting VCS service delivery, the grants provide a partnership network that we can call on in times of need. For example, the current support to Ukrainian refugees and host families has been led within the VCS by the Polish Family Association and Commonsense Trust, working closely with the Merton Community Hub.

- 2.3 The pandemic has shone a light on existing inequalities, both in terms of the direct impact of infection but also the indirect economic and social impacts. The demand and level of complexity to information, advice and support services is rapidly increasing due to the rising cost of living. The VCS are currently working in partnership with the council to support Merton residents and are actively involved in the Food Poverty Action Plan and Fuel Poverty Sub Group. This report recommends that this support needs to be integral to the programme going forward and further investment of £600,000 from the council has been agreed over three years to help mitigate this. Further details of funding available are included in Section 7 of this report.
- 2.4 In Merton, there is significant correlation between socio-economic inequalities and geography, with the east of the borough being more deprived than the more affluent west. Tackling inequalities, especially health inequalities and ‘bridging the gap’ between the east and west of Merton, is at the heart of the prevention agenda and needs to be taken across the whole life course so that all Merton residents can start well, live well and age well.
- 2.5 The programme makes best use of Social Value by securing social, economic, and environmental benefits to the services provided. For example, using volunteers and community spaces. Strategic Partners are encouraged to seek additional external funding, although this is increasingly difficult to secure. In addition, the VCS organisations are struggling financially with inflationary pressures and the rising costs of energy. The increase will also acknowledge the inflationary pressures in the system alongside the demand pressures.
- 2.6 The proposed aims of the new 2023-26 Civic Pride Fund: Supporting the Voluntary and Community Sector are to:
- Invest in and support Merton’s local voluntary and community infrastructure.
 - Nurture a strong sense of community and reduce inequalities.
 - Bring together preventative services that provide information, advice and support in the community to strengthen Merton resident’s physical, social, emotional, and economic resilience.
- 2.7 In order to achieve these aims, the Fund is divided into four themes. These themes align with Merton Council’s new Working Better With Communities framework which was developed and agreed by the council’s Corporate Management Team as part of the cross-cutting corporate Transforming How We Work with Communities Project. The recommissioning of this funding provides a valuable opportunity to put this framework into practice. The themes are specifically focused around areas where people may find help and support in Merton. Organisations will be able to apply for funding against one or more theme:
1. **Services that provide help:** the services that provide emergency assistance to people in crisis and direct help to adults in need.
 2. **Services that grow strengths and capabilities:** the services that provide good quality information, support and non-accredited advice, accredited

advice and casework and specialist and/or legal representation where necessary.

3. **Active, supportive communities:** the services that co-design support and solutions with people and communities to help grow their relationships and connections and increase their level of activity. This will include low level preventative activities and Healthwatch Merton.
 4. **An enabling system and place:** the services that help to support an enabling system and place. This will include voluntary and community sector infrastructure support and the provision of small grants.
- 2.8 Officers have been working with a Collaborative Working Group of voluntary sector representatives and service commissioners to develop a set of commissioning requirements that form the basis of the draft Funding Prospectus that will be used to invite bids for funding from the voluntary sector. In addition, service commissioners from across the Merton Partnership have been discussing what funding could be either pooled or aligned with the programme.

3 ANALYSIS

Co-design and the process thus far

- 3.1 The recommissioning process was launched with an engagement event on 27 April 2022 which was attended by approximately 50 voluntary and public sector representatives. The outputs from the workshop have informed the development of the funding prospectus.
- 3.2 A task and finish 'Collaborative Working Group' drawn from attendees at the April engagement event was set up, with membership from 17 organisations. This was attended by representatives from across the council, Integrated Care Board (ICB): the local health commissioner, and voluntary sector, including those that are funded by the current programme and some who are not. The meeting was initially chaired between Keith Burns, Interim Assistant Director of Commissioning, Community & Housing and then following agreement by the working group to find an independent chair, the chairing role was taken over by Simon Breeze, Chief Executive of Sutton Community Action.
- 3.3 This Collaborative Working Group met on five occasions over a period of three months, and meetings were themed in order to use the time to best effect.
- 3.4 Discussions in this group helped to shape the draft funding prospectus which has now been developed. The outcomes identified by the group formed the basis of much of the funding prospectus.
- 3.5 This process of co-production facilitated through the Collaborative Working Group is clearly evident in the draft prospectus and has had a positive impact on the council's relationship with the voluntary sector.

Commissioning process and additional funding streams

- 3.6 Conversations have taken place between the core grants team and commissioning managers throughout the council and wider, to consider the possibility of pooling or aligning funding pots. Various commissioners from across the council and ICB have also been represented on the Collaborative Working Group.
- 3.7 As outlined at 1.4, proposals for this year's 'Investing in Neighbourhoods' fund (formally Neighbourhood CIL fund) will also be submitted to Cabinet in September, and we will consider opportunities for further alignment from next financial year.

- 3.8 Further opportunities to link the Supporting Families Programme with this fund will be explored for years two and three.
- 3.9 A review of Carers Services is currently taking place to confirm options for this support going forward and will not specifically be part of this programme.
- 3.10 Preventative services commissioned by Public Health will work closely with the strategic partners and future opportunities for further alignment will be explored.

The prospectus, consultation, and engagement

- 3.11 The prospectus can be found at Appendix 2 and sets out the key ways of working of the services we hope to fund. These services include those which have prevention at the heart of their offer, providing early intervention to ease the burden on more intensive, longer term, and costly measures down the line which are often provided by the council, in particular social care and housing.
- 3.12 A large online engagement event facilitated by Collaborate CIC took place on 27 April 2022, which helped to inform the early thinking around the prospectus. The Collaborative Working Group that was set up following this event further ensured the voice of the voluntary sector was reflected in the prospectus.
- 3.13 A formal consultation on the draft prospectus was launched on 21 July 2022.
- 3.14 The consultation process ended on 16 August 2022 and the prospectus has been updated in line with the feedback received from the voluntary sector over the consultation period.
- 3.15 A research review is also being finalised which considers the national, regional and local picture, including benchmarking with other local and comparator boroughs. The review takes into account the Your Merton findings, plus local impact reports as well as the latest Merton Connected State of the Sector report.

The application form and scoring methodology

- 3.16 The application form for these four funding pots will be standardised across the themes to ensure there is a simple and consistent process for the voluntary sector.
- 3.17 The funding panel will be drawn from the council and ICB representatives and there will also be an independent observer on the panel, drawn from the VCS.
- 3.18 The scoring methodology for the updated Civic Pride Fund: Supporting the Voluntary and Community Sector is set out below. This scoring system ranges from 0 to 5, with 0 being for a response which has not been given or one which is wholly inadequate, whilst a 5 is reserved for responses which are robust, evidenced, and go above and beyond what is asked. Where an application scores a one in any category or has more than one score of two, they will automatically be rejected.
- 3.19 The scoring criteria, weightings and scoring system is set out in the two tables below.

Criteria	Demonstrates	Weighting
Meets Requirements	Alignment with ways of working set out under each theme in the funding prospectus	40%
Value for Money	Evidence based methodology Outcomes, outputs and impact Prevents / delays public sector costs	20%

Track Record	Delivery / impact Fundraising / income generation Partnership and collaborative working/ constructive relationships	20%
Addressing Inequalities	Meets demonstrable needs Helps deliver LBM equalities duties Reaches priority customer group Involves customers in design	20%

Score	Meaning	Description
0	Inadequate	There was no response to the question / there is no supporting evidence demonstrated
1	Poor	There is a significant lack of evidence / it fails to meet the required standard / there are serious shortcomings
2	Weak	There is a lack of evidence / there are some shortcomings
3	Acceptable	The response is robust and there is an acceptable level of evidence / any concerns may be of a relatively minor nature
4	Excellent	A very well-evidenced response / very few if any shortcomings / demonstrates a full understanding of the required standard
5	Exceptional	Outstandingly well-evidenced / goes above and beyond what is required / very few if any shortcomings

- 3.20 Members are asked to review and approve the updated scoring methodology and weighting.
- 3.21 Learning from reports such as the State of the Sector Report and the BAME Impact Report, smaller organisations can struggle to compete with the larger local organisations when applying for funding. To support and develop Merton’s small, volunteer and community led organisations, including diversity-led groups, the Civic Pride Fund: Supporting the Voluntary and Community Sector, will allocate funding for smaller groups to build in opportunities and address challenges around infrastructure and capacity.
- 3.22 It is recommended that a small grants programme is incorporated within the wider fund to ensure that a fair and equal system of support is available to Merton’s communities, which can be aligned with the local needs of the voluntary and community sector.
- 3.23 Under the theme ‘enabling system and place’, this programme will provide funds to the Merton Giving Fund on an annual basis, totalling £150k. Merton Giving is a charitable initiative from Merton Connected in partnership with Merton’s Chamber of Commerce and Merton Council. The Fund is targeted at voluntary or community organisations with an annual income of less than £1m.
- 3.24 We have also actively been looking at other ways to ensure that we create a level playing field for smaller organisations and that they do not lose out on bidding as part of the wider fund. We are considering ways to support help with bid writing. It should also be noted that under this fund we are encouraging

partnership/collaborative bids. Evidence of partnership and collaborative working/constructive relationships is also included as part of the scoring criteria, as is reach among priority customer groups.

4 ALTERNATIVE OPTIONS

- 4.1 End SPP in March 2023. The current funding climate for local authorities, with reducing budgets and activity also reinforces the continuing need to stimulate and nurture social action. Current services would cease, potentially with current providers being financially unviable and increasing demand for council services. It is likely that we would be in breach of statutory duties and subject to legal challenge (see legal implications below). **Not recommended.**
- 4.2 Keep the format of the Merton Civic Pride Fund: Supporting the Voluntary and Community Sector exactly the same as for the SPP. Due to the extenuating circumstances from the previous two years and the continuing challenges for residents, we need to rethink how we can work to support families and communities in the current landscape to improve residents' physical, social and economic resilience and develop a model, which can support this. **Not recommended.**
- 4.3 Reduce the level of funding in the Merton Civic Pride Fund: Supporting the Voluntary and Community Sector. Due to the significantly increased level of demand and the added value that these local services offer for our residents, this report recommends that this is not an option. **Not recommended.**
- 4.4 We could move away from grant funding and procure the requirements instead, however for the 2019 fund it was decided by Cabinet to retain the grants whilst taking a commissioning approach. CMT also initially agreed this approach in May 2022. Following a 2019 Internal Audit review of the Voluntary Sector, we have reviewed our standard grants processes and updated the council's standard funding documentation, based on the processes followed for the Strategic Partner Programme. Were the programme to be procured as a contract, this would need to go back to Cabinet, and would fundamentally change the nature of the programme. **Not recommended.**

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 A number of engagement activities have informed the proposals for this fund:
- 5.2 Transforming How We Work with Communities project, and as part of this the listening and engagement work to shape the working better with communities framework.
- 5.3 Your Merton engagement and findings report.
- 5.4 VCS community response monthly steering group.
- 5.5 COVID-19 Impact reports for people with dementia and their carers, people with a learning disability and their carers, people from black and minority ethnic communities and young people.
- 5.6 Merton Connected 'State of the Sector' report.
- 5.7 The outcomes of the Big Conversation for people with a learning disability.
- 5.8 A large online engagement event facilitated by Collaborate CIC took place on the 27 April 2022 and has helped to determine the collaborative approach to shaping the programme. This was attended by over 50 people, with a good range of attendance from both smaller and larger VCS organisations. At the event, initial

ideas were sought on the principles underpinning the work, the process, the vision, and the proposed outcomes of the programme.

- 5.9 Delegates also were invited to put their names forward to join a future Collaborative Working Group. Consultation has taken place through this group, which has met a total of five times. Detailed feedback on the prospectus from this group has been captured in a feedback log.
- 5.10 The formal consultation on the prospectus was open from 21 July to 16 August. This was promoted by Merton Council and organisations across the voluntary sector. A total of five responses were received, with one further response received after the deadline.
- 5.11 Conversations with commissioners within the council and beyond have taken place throughout this process. The early proposals were taken to a commissioner's workshop on 24 May 2022.

6 TIMETABLE

- 6.1 The programme will be advertised to prospective bidders from 3rd October, subject to no 'call in' of the Cabinet decision.
- 6.2 The deadline for funding bids will be on 11th November 2022, after a six-week period.
- 6.3 The selection panel will meet after the closing date for applications and a report will be prepared for the Chief Executive with recommendations on organisations to be funded.
- 6.4 Applicants will be notified of a decision by 31 December 2022.
- 6.5 Funding agreements and monitoring arrangements will be finalised in March 2023 and funding will commence from April.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 Further details of current Strategic Partner Funding are set out at Appendix 1.
- 7.2 The table below details current funding to the Strategic Partner Programme and what current funding is included as part of the budget for the 2023-26 CPF programme:

Current SPP funding element	Current funding 2019-22	Notes for new CPF programme
Information and advice	£529,100 pa	All current funding included under Theme 2 of CPF programme
Infrastructure support	£185,000 pa	All current funding included under Theme 4 of CPF programme
Wellbeing services	£408,734 pa	This amount, plus additional Warm and Well and Fresh Start funding comes to £535,893, which is divided across Theme 2 and 3 of CPF programme
Carers services	£276,219 pa	Not part of CPF and business case will be presented to change carers services to a contract for discharge of statutory assessment duties

Healthwatch	£125,000 pa	All current funding included under Theme 3 of CPF programme This fund could increase slightly, although not confirmed as yet.
Total annual allocation	£1,524,053 pa	
Current total allocation for 3 years (2019-2022)	£4,572,159	

7.3 The following table details the confirmed funding available for four key themes in Civic Pride Fund (CPF): Supporting the Voluntary and Community Sector:

Civic Pride Fund: Supporting the Voluntary and Community Sector	Annual amount	3 years 2023-2026
Services that provide help		
Services that provide emergency assistance to people in crisis	£25,000	£75,000
Services that provide direct help to adults 18+ in need	£55,000	£165,000
Services that grow strengths and capabilities		
Telephone/digital/face to face information, advice, accredited advice, casework and specialist and legal representation	£964,993	£2,894,979 Of this funding, £1,232,679 is allocated specifically for adults in need and the remaining funding for all ages
Active, supportive communities		
Preventative activities for adults 18+ in need	£200,000	£600,000
Healthwatch	£125,000	£375,000
An enabling system and place		
Infrastructure support	£269,100	£807,300
Small grant supportprogramme	£50,000 (plus an additional 10% administration cost)	£150,000 (plus an additional 10% administration cost)
Total (New Allocation)	£1,689,093	£5,067,279

7.4 The budget for the Strategic Partner Programme for 2019-22 was £4,572,159. The grants were extended for an additional year (2022/23) at the same annual amount to allow time for the new Civic Pride Fund to be developed.

7.5 Some current grant money had been transferred from this grant programme for Carers Services, as detailed at 3.9 and there has also been investment in the new programme.

7.6 The tables above demonstrate that the total annual allocation has increased by £165,040 and over three years is £495,120. However, these figures exclude Carers Services to the value of £276,219 pa and £828,657 over three years. Therefore, there has actually been an overall increase in over £1.3m (£441,259 pa) for the three-year programme, which represents a 35 per cent increase on the 2019-22

budget. This includes a £600k additional investment, which has been equally distributed across each programme theme. In addition to the figures set out above, we will also provide funding of £5k pa to cover the 10 per cent administration costs for the small grant support programme via Merton Giving.

- 7.7 We are working to develop additional proposals to make every element of the fund for all ages. However, the adult social care contribution to the fund is specifically for preventative services for adults 18+, as outlined in the above table. It is currently proposed that this will be the subject of a separate bidding round for years two and three of the programme as further work is required to clearly define preventative services that would align with the fund.
- 7.8 We are also looking to align the 'Investing in Neighbourhoods' fund (formally Neighbourhood Community Infrastructure Levy (CIL) with this Fund from the next financial year. This funding will be open for applications very shortly (in the next 2 months). Proposals for this year's Investing in Neighbourhoods fund will also be submitted to Cabinet in September.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1 The council has legal duties to provide information and advice, in particular under the Care Act 2014 (Part 1 Section 4) and the Homelessness Reduction Act 2017 (Section 2). Furthermore, the council has the power under the Localism Act 2011 (known as the general power of competence) to do anything an individual may do, unless specifically prohibited. This includes the power to make grants and thus the Localism Act 2011 enables the council to provide the funding to cover the strategic themes that have been identified in the report.
- 8.2 In adopting an outcomes-focused commissioned grants approach, care must be taken to ensure that the outcomes identified are not such that a funding agreement is in reality a contract for the provision of services, which would be subject to the Public Contracts Regulations 2015 and the council's Contract Standing Orders.
- 8.3 Care should also be taken that the giving of a grant does not amount to a subsidy falling under the subsidy control regime. As such the council should ensure that prior to award of grant a declaration is made by the organisation.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1 An initial equality analysis has being undertaken for the redesigned programme and was presented to the Collaborative Working Group on 22nd August and is included at Appendix 4. This analysis will be reviewed and updated at the point that funding is recommended and the updated analysis will be included in the final recommendation report.
- 9.2 To mitigate any potential negative impact, we have undertaken consultation with the sector on the detail contained within the draft prospectus and this consultation was widely publicised. The application period will be six weeks, as in previous rounds. We will promote opportunities for groups to attend individual and larger drop-in advice sessions with officers after the application process opens in early October. This will allow groups the chance to ask clarification questions about the prospectus and application process. We will capture responses to questions in a Q&A document which will be published and shared with the sector.
- 9.3 We have also actively been looking at other ways to support smaller groups. We have introduced a dedicated small grants support programme as part of the wider fund, to support and develop Merton's small, volunteer and community led

organisations, including diversity-led groups. We are also currently identifying opportunities for additional ways to ensure a level playing field for smaller organisations to apply for the wider fund, such as supporting additional help with individual and partnership bid writing.

- 9.4 There will also be an independent observer on the funding panel, drawn from the VCS. In addition, when we assess applications received, we will make judgements on the spread geographically and on the basis of needs, as well as the potential for addressing inequalities in terms of outcomes between the east and west of the borough and between different communities.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1 The proposals in this report do not have a direct crime and disorder impact, however, they will contribute to an inclusive and cohesive society and improve the resilience of vulnerable residents. Overall, this should have a positive impact on the factors that contribute to crime and disorder and reduce the likelihood of vulnerable residents becoming victims of criminal behaviour.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1 Two of the council's key risks relate to equalities and to partnership working. The proposals set out in this report will mitigate risks in relation to both of these.

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

1. Background information - services currently commissioned 2022/23
2. Civic Pride Fund: Supporting the Voluntary and Community Sector draft funding prospectus
3. Consultation response table
4. Equality Assessment

13 BACKGROUND PAPERS

- 13.1 CMT report - Merton Civic Pride Fund: Supporting the Voluntary and Community Sector 2023/26 - commissioning requirements
- 13.2 CMT report - Strategic Partner Programme 2023-2026 12/05/2022
- 13.3 Key Decision Report - Strategic Partner Programme 2019/22 25/02/2019
<https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=714>
- 13.4 Key Decision Report - Strategic Partner Programme 2019/22 18/12/2018
<https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=687>
- 13.5 Cabinet report – Strategic Partner Programme 2019/22 – commissioning requirements 17/09/2018 -
<https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=629>
- 13.6 Cabinet report – Future Funding of the Strategic Partner Programme – 03/07/2017 -
<https://democracy.merton.gov.uk/ieDecisionDetails.aspx?ID=47>

Appendix 1 – Background Information – services currently commissioned 2022/23

Strategic Partner Programme

The Strategic Partner Grants programme currently funds the voluntary sector to provide information, advice and support services in the community which provide low level preventative interventions that strengthen Merton resident’s physical, social, emotional, and economic resilience. The annual cost of the current programme is £1,524,053. The current grants were extended for an additional year (2022/23) at the same annual amount to allow time for the new Civic Pride Fund to be developed.

The current breakdown of funding for Strategic Partners is:

Information and advice provision

Organisation	Summary of Service	Funding amount 2019-22
Citizens Advice Merton & Lambeth	Continue to provide a range of information, advice, casework and specialist support services to people across the borough relating to social welfare law. Additionally provide a Specialist Support Partnership Service and Merton Advice Forum.	£1,065,000
Association for Polish Family	Provide support for the Polish and EE communities in Merton mainly through the provision of information and signposting but also piloted skills development workshops.	£81,000
Commonside Trust	Outreach support provided by South West London Law Centres (SWLLC) to Commonside Trust service users. Provision will include qualified legal advice in the areas of debt and housing. Hosting of specialist adviser from SWLLC three times per month.	£24,300
deafPLUS	Provide a new Merton Deaf Advice Service. Delivery of a two or three day per week Social Welfare Advice Service to Deaf and Hard of Hearing residents of Merton.	£72,000
South West London Law Centres	Provide legal casework and representation services in social welfare law (debt, employment, immigration, asylum, community care, housing and welfare rights) and pro-bono clinics offering legal advice services	£168,000

Springfield Advice and Law Centre	Provide a legal advice service for mental health services users, offering advice and casework representation in debt and welfare benefit matters, including advice outreach sessions.	£177,000
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Voluntary sector infrastructure support

Organisation	Summary of Service	Funding amount 2019-22
Merton Connected (formally Merton Voluntary Service Council)	Continue to provide a one stop shop infrastructure, strategic representation and volunteering support service for the voluntary, community, faith and social enterprise sector and volunteers and potential volunteers in Merton.	£525,000
BAME Voice	Continue to provide support and voice for BAME organisations and communities in Merton. Introduction of a new peer mentoring and buddying scheme.	£30,000

Wellbeing Services

Organisation	Summary of Service	Funding amount 2019-22
Age UK Merton	Living Well service aims to provide support to older adults in Merton to enable them to continue to live independently. The service supports people to improve their independence, connection, health and wellbeing.	£265,350
Merton Mencap	My Life, My Community-provides the resources that people with a learning disability need to live full lives, connected and mainstream community life. Supported by a facilitator and 2 community hub sessions each week.	£145,707
Imagine Independence	Provide range of services and support in Peer Support, Inclusion and Health Living and Vocational support through 3 tiers: specialist, early intervention and universal.	£360,000
Wimbledon Guild	Develop 3 new activities: Ongoing emotional and practical support for people 60+ with complex needs, provision of a Sunday Lunch Service and	£291,000

Organisation	Summary of Service	Funding amount 2019-22
	expansion of emotional support groups for bereavement, older adults and continuity of concern for people with complex mental health needs.	
Merton Vision	Provide support and services to people who are newly visually impaired, to people who have lived with sight loss for some time. Outreach team promote independence to assist reduction in social care dependency.	£164,145

Carers Service

Organisation	Summary of Service	Funding amount 2019-22
Carers Support Merton and Merton Mencap	To continue to provide a one stop shop for unpaid Carers in Merton via the Carers Hub. The Hub will use a model of comprehensive, holistic carers support developed by the Carers Trust.	£828,657

Healthwatch Merton Service

Organisation	Summary of Service	Funding amount 2019-22
Merton Connected (formally Merton Voluntary Service Council)	To continue to provide a Healthwatch Merton, providing an effective voice for local people in Merton, influencing and shaping Health and Social Care services to meet the needs of children, young people and adults.	£375,000

Appendix 2 (on following page) – Draft Funding Prospectus

Appendix 3 – Consultation Response Table

Identity	Theme/Section	Feedback Suggested	Response or action taken
1	Services that provide help	'Provide help' is too vague, could the title for this section be updated to something along the lines of 'Services that provide Emergency Assistance and Direct Help'	This title currently reflects one of the four themes of the Working Better With Communities framework. We have instead included sub-headings which further explains what is included in this theme.
2		There is less information and detail provided for the first theme. It would also be useful to understand how this aligns with the £2m investment	Further detail and explanation for 'services that provide help' has been added to this theme since the original draft was sent out. The £2m investment is separate to this fund and will be discussed with partners once approved.
3		Without leading the applicants - some more specific examples of 'Services that provide help' could be helpful. Plus budget clarity.	Further detail and examples have been included in the 'services that provide help' section. Budgets for each theme will be included in the final prospectus.
4		The draft prospectus speaks of 'consortium' proposals. During the working group we spoke around changing this language to 'Partnership working' or 'Collaboration'.	The draft prospectus has been updated to include 'Collaborative bids', partnership working and all references to consortium proposals have been removed.
5		It was also discussed during the CWG that flexibility being built in from the start and adapting to delivery from new facilities as they arise. Understand the need for flexibility but there is also a need to define provision	The prospectus has been updated to include the need for flexibility and further detail has been provided on types of provision.

6		Central landing page' is discussed in the draft prospectus. It would be good to understand the idea behind this concept a little further.	All references to a 'central landing page' have been removed from the draft prospectus.
7		There is a point in the draft prospectus which talks about an organisation's focus not being to operate from its own premises - this might need to have further thought, many organisations operate services as part of a wider range of funded provisions. There is a balance related to capacity for outreach to be mindful of	The text has now been updated and refers to an organisation's focus not being <i>solely</i> to operate from own premises
8	Services that grow strengths and capabilities	A further point was also raised about organisations which have teams and services that sit across tiers and how to manage this through the application process in terms of bidding	The application process will be open for organisations to bid for more than one theme and will have specific questions related to client group and tiers.
9		It might be helpful to seek examples of where new ways of working/delivering services were developed to respond to the pandemic which show how future models of supporting residents could be further established	This is included in the prospectus
10		It may be clearer to use 'service user' rather than 'client'	We refer to the term customer in the prospectus, as this is Care Act 2014 compliant. However, we acknowledge that some services use the term service user or client.
11		Could the term "Video chat" be used rather than "Skype".	All references have been updated to refer to 'video chat e.g. Zoom/Skype'

Appendix 4

Draft Equality Analysis



What are the proposals being assessed?	The launch of the council's redesigned Civic Pride Fund: Supporting the Voluntary and Community Sector 2023-26, in October 2022.
Which Department/ Division has the responsibility for this?	Delivery leads: Corporate Services, Customers, Policy and Improvement Division and Community and Housing, Adult Social Care Division

Stage 1: Overview

Name and job title of lead officer	John Dimmer, Interim Head of Corporate Policy and Improvement
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	<p>The council will be launching the redesigned Civic Pride Fund: Supporting the Voluntary and Community Sector 2023-26 (formerly Strategic Partner Programme) in October 2022, with new voluntary and community sector strategic partners funded from April 2023. We are aligning a range of information, advice and preventative support services into an expanded 'Supporting the Voluntary and Community Sector' programme which sits under the umbrella of the Civic Pride Fund, with the aim of ensuring the most targeted use of the council's limited resources and to make it easier for organisations to seek and apply for funding. The Programme now comprises four separate elements: Services that provide help; Services that grow strengths and capabilities; Active, supportive communities; An enabling system and place. These themes align with Merton Council's new 'Working Better With Communities' framework.</p> <p>The proposed aims of the new 2023-26 Civic Pride Fund: Supporting the Voluntary and Community Sector are to: Invest in and support Merton's local voluntary and community infrastructure; Nurture a strong sense of community and reduce inequalities; Bring together preventative services that provide information, advice and support in the community to strengthen Merton resident's physical, social, emotional, and economic resilience.</p>
2. How does this contribute to the council's corporate priorities?	Civic Pride is one of the new administration's key priorities for Merton. It has been proposed that all core funding that goes to voluntary sector and the local area should come under the overarching umbrella of a Merton 'Civic Pride Fund' (CPF). This reflects our commitment to putting Civic Pride at the heart of our borough.

	<p>The proposed programme themes align with Merton Council's new 'Working Better With Communities' framework which was developed and agreed by the council's Corporate Management Team as part of the cross-cutting corporate Transforming How We Work with Communities Project. The themes are specifically focused around areas where people may find help and support in Merton.</p>
<p>3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.</p>	<p>Key identified customers: existing and potential voluntary and community sector service providers; existing and potential service users; other internal/external commissioners.</p> <p>Who will the proposal benefit: by aligning funding programmes it is intended that we will simplify the application process for the voluntary sector, prevent duplication, and that funding will ultimately have a greater impact. It has been identified that the goal of provision under this strand of the Civic Pride Fund should be to develop clients' resilience and enable them to see an improvement in their circumstances.</p> <p>How the proposal will benefit the council: The redesigned programme aims to ensure more targeted use of the council's limited resources. In the current financial climate, we will be looking to support services that prevent, reduce or delay the need for more expensive interventions.</p>
<p>4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?</p>	<p>Current responsibility for co-ordinating the engagement work, development of the funding prospectus and administration of the front end of the funding process sits within Corporate Services and Communities and Housing. Responsibility for the different themes of the programme also currently fall across Corporate Services and Communities and Housing. However, it should be noted that we are working to develop additional proposals relating to supporting children and families with the ambition to make every element of the fund all ages. Following discussion with CSF senior managers, it is envisaged that this expansion will be the subject of a separate bidding round for years two and three of the programme as further work is required to clearly define preventative services that would align with the fund.</p>

Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

Evidence gathered:

Listening and engagement work was undertaken as part of the Transforming How We Work With Communities project to help shape the working better with communities framework, which in turn has helped to shape the redesigned funding programme.

The recommissioning process was launched with large online engagement event facilitated by Collaborate CIC on 27 April 2022, which helped to inform the early thinking around the prospectus. This was attended by approximately 50 voluntary and public sector representatives.

A task and finish 'Collaborative Working Group' drawn from attendees at the April engagement event was set up, including representatives from across the council, ICB, and voluntary sector. The working group met five times and the meeting was initially chaired between Keith Burns, Interim Assistant Director of Commissioning, Community & Housing and then following agreement by the working group to find an independent chair, the chairing role was taken over by Simon Breeze, Chief Executive of Sutton Community Action. Outputs from the initial workshop helped to inform discussions in this group. Meetings were themed around different elements and feedback from this group helped to shape the draft funding prospectus.

Engagement has also happened via other forums, such as the Community Response Steering Group.

To support this work, the council also undertook a research review, which looked at the national, regional and local picture. Locally, this included the Your Merton engagement and findings report; Covid-19 Impact reports for people with dementia and their carers, people with a learning disability and their carers, people from black and minority ethnic communities and young people; Merton Connected 'State of the Sector' report 2021; outcomes of the Big Conversation for people with a learning disability. Benchmarking with other neighbouring and comparator boroughs was also undertaken as part of this review.

The formal consultation on the draft funding prospectus opened on 21 July and ended on 16 August. A total of five responses were received.

Conversations with commissioners within the council and beyond have taken place throughout the process. The early proposals were taken to a commissioner's workshop on 24 May 2022.

Impact of evidence on proposals:

Drawing on the findings from the consultation and research to date, the draft prospectus has been designed to ensure that the services which are commissioned will be equally accessible to all members of the community and can be targeted at those people and areas with the highest levels of need.

The Working Better with Communities Framework, which was informed by a range of listening and engagement, has provided a structure for this funding programme, which is specifically focused around areas where people may find help and support in Merton. Addressing inequalities was prioritised as an essential part of the approach developed and has been included as part of the 'ways of working' identified under the four funding themes.

The Covid impact reports produced have highlighted existing inequalities, both in terms of the direct impact of infection but also the indirect economic and social impacts. In Merton, there is significant correlation between socio-economic inequalities and geography, with the east of the

borough being more deprived than the more affluent west. Tackling inequalities, especially health inequalities and 'bridging the gap' between the east and west of Merton, is at the heart of the prevention agenda and needs to be taken across the whole life course so that all Merton residents can start well, live well and age well. The proposed level of investment in the programme aims to extend it across all residents no matter what someone's age. We are working to develop additional proposals relating to supporting children and families with the ambition to make every element of the fund all ages.

We are also aware the VCS are working in partnership to tackle the increasing pressures of the cost of living on Merton residents. In response to this, we have ensured that support for the community infrastructure that provides direct help and emergency assistance has been built into the three-year programme.

The detail of the prospectus has reflected discussions in the Collaborative Working Group. Feedback from working group members has also been captured in a feedback log and the draft prospectus has been updated on this basis, where appropriate.

Learning from reports including the State of the Sector Report and the BAME Impact Report has indicated that smaller organisations can struggle to compete with the larger local organisations when applying for funding. To support and develop Merton's small, volunteer and community led organisations, including diversity-led groups, the reconfigured fund includes a dedicated programme for smaller groups to build in opportunities and address challenges around infrastructure and capacity. It has been recommended that a small grant support programme is incorporated within the wider fund to ensure that a fair and equal system of support is available to Merton's communities, which can be aligned with the local needs of the voluntary and community sector.

The prospectus will also be updated in line with the feedback received from the voluntary sector over the consultation period.

No gaps in data have been identified, but it is acknowledged that there is potentially a negative impact for voluntary and community sector organisations who may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be. These services may tend to be smaller and are likely to support individuals with a range of protected characteristics.

Stage 3: Assessing impact and analysis

6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Disability	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Gender Reassignment	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Marriage and Civil Partnership	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Pregnancy and Maternity	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Race	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.

Religion/ belief	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Sex (Gender)	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Sexual orientation	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.
Socio-economic status	✓		✓		Generally a positive impact identified; however, there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.

7. If you have identified a negative impact, how do you plan to mitigate it?

The key benefit of the commissioning approach used is that our requirements have been co-produced with the voluntary sector and detailed thought has gone in to designing the key outcomes we want to achieve for Merton residents.

A potential negative impact is therefore that some voluntary and community sector organisations may not be able to meet the more detailed and specific criteria we will use to decide who our Strategic Partners will be. To mitigate this, we have undertaken consultation with the sector on the detail contained within the draft prospectus and have ensured that this consultation was widely publicised.

We also intend to offer individual and group advice sessions for the VCS to attend in October shortly after application process is launched in October. The application period will be six weeks, as in previous rounds.

We have also actively been looking at other ways to support smaller groups. We have introduced a dedicated small grants support programme as part of the wider fund, to support and develop Merton's small, volunteer and community led organisations, including diversity-led groups. We are also currently identifying opportunities for additional ways to ensure a level playing field for smaller organisations to apply for the wider fund, such as supporting additional help with individual and partnership bid writing. It should also be noted that under this fund we are also

encouraging partnership/collaborative bids. Evidence of partnership and collaborative working/ constructive relationships is also included as part of the scoring criteria, as is reach among priority client groups.

There will also be an independent observer on the funding panel, drawn from the VCS. In addition, as stated in the draft prospectus, when we assess applications received, we will make judgements on the spread geographically and on the basis of needs, as well as the potential for addressing inequalities in terms of outcomes between the east and west of the borough.

Stage 4: Conclusion of the Equality Analysis

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

- Outcome 1** – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed.
- Outcome 2** – The EA has identified adjustments to remove negative impact or to better promote equality.
- Outcome 3** – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully.
- Outcome 4** – The EA shows actual or potential unlawful discrimination. Stop and rethink your proposals.

Stage 5: Improvement Action Pan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?
Potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.	Undertake consultation with the sector on the detail contained in the draft prospectus. Ensure that this consultation is widely publicised.	A range of organisations submit applications for funding	Nov 2022	Existing	John Dimmer	Not required
Potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.	One to one and group advice sessions to answer queries from voluntary and community sector organisations on the draft funding prospectus	A range of organisations submit applications for funding	Oct 2022	Existing	John Dimmer	Not required
Potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be.	Specific funding available for smaller VCS organisations as part of the wider funding. Further consider ways to ensure a level playing field for smaller organisations, such as supporting help with bid writing.	In addition to bidding to the small grant support programme, a range of smaller organisations submit single or partnership applications for funding to the wider areas of the programme.	Nov 2022	Existing	John Dimmer	Not required

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This Equality Analysis has resulted in an Outcome 2 Assessment

1) Key impacts:

2) Positive: drawing on the findings from the consultation and research to date, the draft prospectus has been designed to ensure that the services which are commissioned will be equally accessible to all members of the community, and can be targeted at those people and areas with the highest levels of need.

Negative: there is potentially a negative impact for voluntary and community sector organisations that may not be able to meet the more detailed criteria we will use to decide who our Strategic Partners will be. These services are likely to be smaller organisations that support individuals with a range of protected characteristics. No particular equality groups have been identified that would be affected more than others.

To mitigate the negative impact, we are undertaking consultation with the sector on the detail contained within the draft prospectus and have ensured that this consultation is widely publicised. We will run a funding advice session for the VCS to attend in September.

In addition to introducing a dedicated small grants support programme, we have also actively been looking at other ways to ensure that we create a level playing field for smaller organisations and that they do not lose out on bidding as part of the wider fund. We are considering ways to support help with bid writing and will also be encouraging partnership/collaborative bids.

The application period will be six weeks, as in previous rounds. In addition, when we assess applications received, we will make judgements on the spread geographically and on the basis of needs, as well as the potential for addressing inequalities in terms of outcomes between the east and west of the borough.

Stage 7: Sign off by Director/ Head of Service

Assessment completed by	Amanda Roberts, Policy Strategy and Partnerships Officer.	Signature: Amanda Roberts	Date: 17/08/2022
Improvement action plan signed off by Director/ Head of Service	John Dimmer, Interim Head of Corporate Policy and Improvement	Signature:	Date:

Appendix 2



Merton Civic Pride Fund: Supporting the Voluntary and Community Sector 2023/26

Draft Prospectus



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EXECUTIVE SUMMARY

This funding prospectus is for Merton Council's Civic Pride Fund: Supporting the Voluntary and Community Sector 2023/26. From October the council will be seeking voluntary and community sector (VCS) organisations to work alongside us as strategic partners. Following an application process, grant funding will be provided to strategic partners and will begin from April 2023. This programme builds on the 2019/22 Strategic Partner Programme and aims to bring together wider funding opportunities to ensure that support is available for Merton residents.

Programme Aims

The aims of the programme are to:

- Invest in and support Merton's local voluntary and community infrastructure.
- Nurture a strong sense of community and reduce inequalities.
- Bring together preventative services that provide information, advice and support in the community to strengthen Merton resident's physical, social, emotional, and economic resilience.

Structure

In order to achieve these aims, the Civic Pride Fund: Supporting the Voluntary and Community Sector is divided into four themes. These themes align with Merton council's new 'Working Better With Communities' Framework (see Appendix 2). They are specifically focused around areas where people may find help and support in Merton. Organisations will be able to apply for funding against one or more theme. The four themes are aligned to the ways of working specified within the Framework.

Theme One: Services that provide help

The services that provide emergency assistance to people in crisis and direct help to adults in need.

Theme Two: Services that grow strengths and capabilities

The services that provide good quality information, support and non-accredited advice, accredited advice and casework and specialist and/or legal representation where necessary.

Theme Three: Active, supportive communities

The services that co-design support and solutions with people and communities to help grow their relationships and connections and increase their level of activity. This will include low level preventative activities and Healthwatch Merton.

Theme Four: An enabling system and place

The services that help to support an enabling system and place. This will include voluntary and community sector infrastructure support and the provision of small grants via Merton Giving¹.

Being a Strategic Partner

Being a strategic partner on the programme means working together to meet individual needs and tackle the wider strategic challenges facing our residents and communities. By drawing on the diverse knowledge, skills and experience of the strategic partners the Civic Pride Fund: Supporting the Voluntary and Community Sector will work constructively to deliver the best outcomes for Merton residents. The programme expects all partners to follow the values and principles of joint working. These include building and fostering trust, flexibility and adaptability, inclusivity, mutually supportive, evidence based, quality assurance, Compact working², and alignment with Merton's Strategic Priorities.³

Timeline

The Civic Pride Fund: Supporting the Voluntary and Community Sector will be advertised to prospective providers in October and a funding panel will be convened in November. All applicants will be notified of the outcome in December, with funding beginning in April 2023.

¹ [Merton Giving - Local Business Supporting The Community](#)

² [Merton Compact](#)

³ These priorities are set out in the introduction on page 5

INTRODUCTION TO THE CIVIC PRIDE FUND: SUPPORTING THE VOLUNTARY AND COMMUNITY SECTOR 2023/26

We are pleased to confirm that despite the ongoing financial challenges facing councils, Merton Council will continue to provide the same level of investment to this refreshed programme as to the previous Strategic Partner Programme, with an increase in overall funding for 2023/26. Through this extra investment we recognise the increasing impact of the rising cost of living on our residents and the services that are there to support them.

Building on the 2019-22 Strategic Partner Programme, this refreshed prospectus brings together a wider range of funding opportunities under one programme. This programme also sits alongside other council funding opportunities open to the sector, including the Neighbourhood Community Infrastructure Levy (CIL) Fund.

In Merton, there is significant correlation between socio-economic inequalities and geography, with the east of the borough being more deprived than the more affluent west. Tackling inequalities, especially health inequalities and 'bridging the gap' between the east and west of Merton, is at the heart of the prevention agenda and needs to be taken across the whole life course so that all Merton residents can start well, live well and age well.

The new programme title reflects our commitment to putting Civic Pride at the heart of our borough. We want Merton to be a place where people are proud to live, work and study: where everyone can thrive, and where we embrace the strength and diversity of our communities.

This commitment to nurturing civic pride forms part of a new set of council strategic priorities, which have been informed by the outcomes of the borough-wide Your Merton engagement. The new priorities are:

- Nurturing Civic Pride
- Building a sustainable future
- Creating a borough of sport

This funding programme comprises four separate themes aligned with Merton Council's new 'Working Better With Communities' Framework, which is detailed in Appendix 2. The prospectus sets the outcomes and strategic delivery models that we are seeking. More detail on each theme is set out in the relevant sections of the prospectus.

We are looking to use this fund to support our local voluntary and community sector. Funding is open to new and previously or currently funded services. It is very likely that the applications for funding we receive will be more than the funding that is available. The prospectus will form the basis of the criteria we use to decide who will be our strategic partners. We are looking for organisations that have a track record of delivery which they can evidence. We want to work with organisations that can work collaboratively and constructively with us and the other strategic partners. We will look for organisations who have a strong track record in generating resources from a diverse range of sources.

Any organisation applying for funding must not use their grant to pay for publicity that is for or against any political party. We will consider bids from faith-based bodies and religious organisations for projects that are relevant to specific themes in the prospectus, however funding cannot be used to promote any religious activities and all services for which grant funding is used must be delivered in a way that is fully inclusive. Please note that some funding in this prospectus is specifically designated for adults and is indicated within each of the relevant themes.

We will also make judgements on the spread geographically and on the basis of needs, as well as the potential for addressing inequalities in terms of outcomes between the east and west of the borough and between different communities. The council also reserves its right of discretion.

We are extremely grateful once again for the work of our refreshed Collaborative Working Group who helped us develop these requirements (see Appendix 1). This group of people, drawn from the council, voluntary sector, and partners, came together to discuss, research, challenge, and debate all aspects of the new Programme. The timescales were very tight, and people gave very generously of their time and experience.

1. SERVICES THAT PROVIDE HELP

Introduction

We are looking to commission services that provide direct help to people in need or crisis under the following key strands:

- Emergency Assistance
- Direct Help to support adults in need

Emergency Assistance

What service is this funding for?

The pandemic has shone a light on existing inequalities, both in terms of direct impact of infection but also the indirect economic and social impacts. We are also very aware of the increasing impact of the rising cost of living on our residents and the services that are there to support them. Again, this impact is likely to exacerbate existing inequalities.

The VCS are already working closely in partnership with the council to support residents with the increasing pressures of the cost of living in Merton. The rising cost of living and its impact locally has been a key theme of the partnership over the past few months.

This theme of Emergency Assistance aims to help people access support with basic needs at point of crisis. Emergency assistance in the form of a food parcel, voucher or cash grant is designed to provide short-term, emergency support during a crisis. The aim of emergency support is to relieve immediate pressure by providing practical immediate assistance such as food and provisions but also offering additional support, so people don't need to use the emergency support again in the future.

Consideration will be given to support the funding of infrastructure for services that provide emergency assistance in the form of vouchers, cash grants, provisions and practical support.

We are looking to fund the following types of support:

- Co-ordination, induction, training and support for volunteers
- Costs relating to transportation and storage of goods
- Supporting network of provision and assistance
- Administration of individual cash grants/vouchers

- Improving the connectivity between voluntary and community sector activity, family networks and formal early help activity

What funding is available?

Emergency Assistance: £75,000 over the course of the programme

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

Learn and Share Insights

The services that provide Emergency Assistance theme aims to support services that will learn together and share insights to continuously respond to the changing needs of residents due to the cost of living and the impact of the pandemic.

- The VCS are working in partnership to tackle the increasing pressures of the cost of living on Merton residents and are actively involved in Merton's Food Poverty Action Plan and Fuel Poverty Sub Group. This activity needs to be integral to the whole Civic Pride Fund going forward but in particular Emergency Assistance.
- Food poverty is defined as not having the resources or access to sufficient and/or appropriate nutritious food necessary for a healthy life. Food insecurity is not having access to sufficient food, or food of an adequate quality to meet basic needs; they are both closely linked with a wide range of other forms of disadvantage.
- Fuel poverty in England is measured using the Low-Income, Low Energy Efficiency (LILEE) indicator. Under this indicator, a household is considered to be fuel poor if: they are living in a property with a fuel poverty energy efficiency rating of band D or below and when they spend the required amount to heat their home, they are left with a residual income below the official poverty line.
- Organisations who apply for this funding will be expected to work in partnership with other strategic partners and services to help people with short term support such as managing money, support with debt, budgeting, accessing benefits or other grants people may be entitled to.
- It is vital that services are person centred and look to involve customers in the design, implementation and monitoring of services to ensure that they are meeting the outputs and outcomes of the local residents in need.

Address Inequalities

The Emergency Assistance theme aims to address inequalities by targeting resources and valuing community insight.

- Since the start of the pandemic, job or income losses, service closures and restrictions have led to increases in food poverty, food insecurity and fuel poverty. Now, with the cost of living increasing this has put significant pressure on some of our most vulnerable residents. Evidence suggests an over-representation of disabled people and carers are seeking this type of emergency assistance.
- This theme of Emergency Assistance aims to help people with the most need have access to basic needs at point of crisis. Services need to be accessible and make reasonable adjustments for anyone who may want to use them. Consideration should be given to opening times and the location of provision so that access can be improved.
- We recognise the disproportionate impact of the pandemic and the rising cost of living on Black Asian and Minority Ethnic (BAME) communities and therefore services need to ensure inclusivity and actively promote emergency assistance to the diverse communities in Merton.
- Tackling inequalities, especially health inequalities and 'bridging the gap' between the east and west of Merton is a key priority. Therefore, any emergency assistance service needs to be able to recognise and respond to these health and wellbeing inequalities and have a targeted approach to providing support in locations with the most need.

Collaborate and integrate support

Emergency Assistance services will need to invest time in relationships, collaborate across professions and join up support and solutions as early as possible.

- Services will be required to work closely with referral agencies and frontline professionals (such as doctors, teachers, health visitors and social workers) to identify people who need emergency assistance.
- Services will need to consider how they collaborate and work together in partnership to meet the needs of residents living in poverty or in crisis.
- It is important that any emergency assistance service connects with other health and wellbeing providers to make every contact count: an approach to behaviour change that has a positive effect on the health and wellbeing of individuals, communities and populations.
- Services will need to ensure that all those in need are provided with up-to-date information and advice on other support and help available.

Connect and grow relationships

The services that deliver emergency assistance will ensure people know where to get help by connecting to their local community and encouraging social action to support those in need.

- There are positive examples within Merton where the community responded to the needs of residents throughout the pandemic and beyond. Many communities mobilised together to support their neighbours and there was significant mutual aid. This theme intended to support the continued harnessing of this community effort and to maximise volunteering and social capital opportunities.
- Emergency Assistance services will encourage the redistribution of surplus or donated provisions where relevant. This could be through mobilising mutual aid with the use of social media and/or community collections.

Direct help to support adults in need

As a result of the Covid-19 pandemic, several local impact reports have been produced following engagement with Merton residents. This includes people with dementia and their carers, people with a learning disability and their carers and people from BAME communities. These reports highlight the significant impact of the pandemic on our residents, especially on mental health and wellbeing. For example, older people may be at greater risk of de-conditioning due to reduced physical activity and social isolation that can lead to loneliness. This has an impact on people's physical and mental wellbeing.

As the pandemic has been substantial for some of our more vulnerable and isolated residents, this theme of 'Services That Provide Help' will consider services that support adults in their own home and help to get them out and about where their needs are significant.

It is anticipated that these services will make best use of volunteers and wider social capital to support residents with significant needs. The VCS could support people with low level interventions such as:

- Help with shopping
- Help with correspondence
- Keeping in touch
- Help getting out and about in their local community, making best use of community assets including green spaces
- Activities that develop someone's confidence such as taking someone to an activity for the first time

- Helping someone develop better balance

Some people may need ongoing additional support in their home or out and about due to their disability, illness or impairment and staff and volunteers will need the relevant training and experience to support individuals.

The aim of direct help is to improve an individual's wellbeing, maximise independence and help people live their fullest life possible. The services will aim to prevent, reduce and delay the need for social care services that encompass interventions:

- Before any dependency is imminent
- At the point that someone is showing signs of ill-health
- To recover a person's functional capability
- After someone has already presented at hospital or social care to de-escalate the immediate crisis
- To reduce their dependency on long term care and support

The services will need to be person-centred and innovative, which draw on the collective strengths, knowledge and capabilities of the wider VCS. Services should enable people to develop confidence about their lives now and in the future and have access to what is available locally to support them.

Services could support people to regain independence after hospital admission and prevent re-admission and will need to work in collaboration with health and social care services through restorative support which enables people to regain independence and promote self-care.

*Personal Care, as defined by the Care Quality Commission, is excluded from our definition of direct help.

What funding is available?

Direct Help: £165,000 over the course of the programme

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

Learn and Share Insights

Services that provide Direct Help will learn together and share insights openly to continuously improve prevention, help and support in Merton

- It is imperative that the services provided have systems in place to measure outcomes achieved with customers. Quality assurance processes will need to demonstrate that services are fully utilised, are of a high standard and are

reaching, in an equitable way, the diverse population of Merton who need help to prevent, reduce and delay health and social care support.

- It is important to listen and learn from people who access the services. For example, through their stories, testimonials and case studies.
- Direct Help services will need to engage with customers in the design and delivery of the service. This could be in the form of surveys, questionnaires or focus groups, and services will need to demonstrate how they adapt their delivery models in response to learning from these engagements.
- Services will need to be able to share data and insights transparently (adhering to GDPR), so we can learn about any changes or key challenges where services may need to respond flexibly as context and circumstances change.
- Services that promote direct help need to be evidence-led on what works and responsive to national and local policy and trends. This may mean adapting services where appropriate.

Address Inequalities

We need to ensure that Services that provide direct help look for and address inequalities in and between communities, target resources and make support accessible and value community insight

- The aim of this theme is to develop appropriate services to respond to health and wellbeing inequalities, especially those exacerbated by the pandemic and cost of living crisis. Research by a number of agencies has highlighted the importance of eating well, reducing sedentary time and increasing physical activity to promote the mental and physical wellbeing of disabled people, older people and those with long term conditions. Physical activity can improve strength, balance, stamina and other elements of physical wellbeing and it can also have a significant impact on mental health, social connection and an ongoing commitment to self-care. It is important that direct help services promote healthy minds, reduce sedentary time and increase active lifestyles that builds on local evidence.
- We need to ensure that direct help is accessible, fun, welcoming, engaging and has a positive impact on a person's wellbeing.
- This way of working aims to target the barriers to resilience and the social determinant of health and wellbeing that come from structural inequalities and social conditions. Direct help services need to promote healthy minds and active lifestyles in a way that is tailored to the communities served.
- Organisations will also need to ensure that irrespective of where someone lives within the borough, there is equality of access to support and services. In addition, this theme aims to tackle the east-west divide in Merton and invest in accessible support with communities that don't traditionally access services.

Collaborate and integrate support

Direct Help services will need to invest time in relationships, collaborate across professions, silos and sectors and join up support and solutions as early as possible.

- By working in close partnership, direct help services can achieve a more integrated and co-ordinated approach to service delivery and achieve a seamless approach to supporting people.
- Organisations should consider how they deliver services to avoid duplication such as establishing partnership arrangements such as joint working or collaborative funding bids.
- Direct Help Services will align with the other Civic Pride Strategic Partners and the wider Merton prevention offer. Successful bidders will be expected to work in collaboration with the strategic partners, and other care navigation initiatives to ensure that these link closely together, creating clear referral pathways to support our residents with significant needs.
- A network will be established with all strategic partners to give an update on the services they provide, any issues faced and provide peer support to each other. Successful applicants would be encouraged to work collaboratively with social prescribers/care navigators to provide a co-ordinated approach that adds value for our residents and communities.

Strengths-based, person-centred support

Services that provide direct help need to provide information and help earlier in empowering, accessible and person-centred ways which build on the strengths of people and communities

- Support should promote an asset-based and person-centred approach in accordance with an adult's individual needs and circumstances. This can be achieved through facilitating people and communities to come together to achieve positive change using their own knowledge, skills and lived experience of the issues they encounter in their own lives.
- Services need to build on social capital which promotes volunteering, social infrastructure, trust, sociability and civic participation. This theme aims to empower organisations to provide direct help in a way that make sense to the individual so that they improve their wellbeing, activity, confidence, independence and resilience.
- Services should feel free to help in the best way they can and to solve problems alongside the person that needs direct help. This also may involve working in a way that is tried and tested and known to deliver positive outcomes for particular communities or designing new ways of responding to novel challenges.

Connect and grow relationships

Direct Help services aim to help people to connect and grow relationships in their community to enable them to find and offer support and know where to find help.

- Services should encourage social interaction and build connectedness through community and neighbourhood assets. This could be through helping people keep in touch with their local community and the people that matter to them.
- Services need to recognise that everyone can make a contribution and should promote volunteering activities that involve spending time, unpaid with residents.
- Services will need to be flexible and adapt according to any Government guidance so people can live safely and fairly.
- We know that many residents face digital exclusion, so any service needs to consider accessibility and by working with partners enable digital inclusion and connectivity.

DRAFT

2. SERVICES THAT GROW STRENGTHS AND CAPABILITIES

What service is this funding for?

We are looking to fund services that grow people's strengths and capabilities and enable them to live independent lives. These services are inherently asset based, they recognise and build on what matters to people and their interests and needs.

We are looking to commission a number of organisations in the provision of services that grow strengths and capabilities.

This provision should be a continuum of support across a tiered model: good quality information, advice, and support, non-accredited advice, support and casework, accredited advice and casework and specialist and/or legal representation where necessary. We would therefore welcome a collaborative partnership approach for information, advice and support services as we feel that this would offer the best model to meet the features we are seeking.

Some funding available within this theme is specifically to support adults with the aim to prevent, reduce and delay the need for social care services.

The outcomes being sought and the aspects of the provision model are set out below. Although provision can be viewed in these categories, a customer's⁴ journey will often not make the distinction between these levels and may require a number of different levels of assistance throughout their interaction with the voluntary sector. For example, a customer may initially approach an organisation asking for information, however the complexity of the case may require more specialist legal representation. A customer does not need to seek the first level of support before being able to access the other levels of provision. Support needs to be accessible at the appropriate level to the customers' needs / complexity of the issue.

Organisations also need to detail who their service will support including customer age group, whether this is targeted at a particular community, reach a specific area or have a borough-wide reach.

⁴ In this document we are referring to the term customer as this term is Care Act 2014 compliant, however we acknowledge that some organisations use the other terms such as client or service user.

Tiered model of information, advice and support



The tiers are explained in more detail below:

1. Telephone, digital or face to face information and advice

Fact-based provision of information and advice which may be delivered over the phone, digitally (e.g. video chat such as Zoom/Skype) or face-to-face. This tier will cater for those who need a steer on a topic and once supplied with the advice can take the matter forward on their own behalf. This provision will be fast, provide high quality advice, and will enable the customer to take further action to address the issue themselves.

2. Short term non accredited information, advice and support

This tier of information advice and support provision could be provided over the telephone, digitally (e.g. video chat such as Zoom/Skype) or face to face. There must be a place in the system for short-term information, advice, and support for people who need help on more than one issue. This preventative support might include holistic wellbeing assessments, person-centred plans, capacity building, mentoring, one to one peer support. Although this tier is focussed on short-term interventions, some support may take longer due to the level of need or complexity of issues and there will need to be a level of flexibility.

3. Accredited advice and casework

This tier of accredited advice and casework could be provided over the telephone, digitally (e.g. video chat such as Zoom/Skype) or face to face. This support is likely to be more ongoing due to the level of the person's needs and/or the complexity of the issue. The goal is still to enable customers to support themselves however in these cases it may require more comprehensive and longer-term wrap-around support.

Organisations providing this level of advice and/or casework will have reached a recognised organisation quality standard for legal advice services operating in the area of social welfare law, such as the Advice Quality Standard (AQS).⁵

4. **Specialist and/or legal representation**

The system must also include capacity for specialist knowledge and legal representation for those cases which require professional intervention or court appearances, such as formally appealing a benefits pay-out.

The purpose of providing high quality information, advice and support should be to prevent people, where possible, requiring more intensive services or support. All organisations should have this as a goal.

Through regular engagement with the VCS we know that the key areas of concern continue to be debt, benefits, housing, social care and now the cost of living crisis. Services will need to be able to respond to this.

Disabled people or those facing challenging life events e.g. through illness or impairment, may well require high quality and timely advice and support to promote their health and wellbeing, such as advice on what support, care and help is available.

With regards to housing, whilst any preventative service will be tenure neutral, priority will be to those individuals / households in the most acute housing need. The most acute form of housing need is homelessness or threat of homelessness. The main cause of homelessness in Merton is from private sector tenants and it follows therefore that priority will be given to this group.

Registered Provider (RP) tenants (Housing Associations) are not excluded but a recognition is made that these tenants benefit from a preventative support framework by their own landlords which private sector tenancies do not. It will be expected that providers will ensure that, where reasonable, RP tenants will have exhausted their own landlord's complaints and preventative services mechanisms in the first instance before embarking upon detailed casework and preventative work.

People will often approach those they know or feel comfortable around for assistance, and so there needs to be consideration for those who might present to their support networks. These less formal channels of assistance should be supported and enabled to correctly refer people in need who they encounter.

Often, those who have some of the most challenging needs will be those who are least inclined to approach an advice organisation, and so the provision of information, advice and support services needs to effectively target these people and provide

⁵ <https://asauk.org.uk/about-the-advice-quality-standard/>

services which are accessible and welcoming. This may include measures such as offering BSL, foreign language interpreters, digital advice sessions, or having easy-read information available.

All services should ensure that they adopt a 'Think Family' approach⁶ where relevant, to ensure that the information, advice and support provided by the programme is coordinated and takes account of how individual problems affect the whole family.

What funding is available?

£2,894,979 over three years 2023-26 (of this funding, £1,232,679 is allocated specifically for adults 18+ and the remaining funding for all ages)

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

Learn and share insights

The Services that Grow Strengths and Capabilities theme aims to learn together and share insights openly to continuously improve trust, relationships and the quality of information, advice and support services in Merton.

- The provision of information, advice and support needs to be adaptable to any changes to the landscape of need and demand and so an organisation should be able to demonstrate how its staff and volunteers are kept up to date with the latest information and training.
- The voluntary sector should be aware of upcoming changes to policy which might change the demand for information, advice and support services. Policy announcements or large-scale shifts can drastically change the demand for services. Merton Council will continue to work closely with strategic partners and the wider VCS to ensure any concerns or unmet need are addressed.
- Other national and local trends can also have implications for information, advice and support needs in the borough, such as the recent pandemic or the current rise in the cost of living, resulting in higher demand for relevant advice. There needs to be a proactive approach to identifying trends and reconfiguring services where appropriate.
- Partners should seek opportunities for delivering information, advice and support as vital services that wrap around related services (e.g. health) and

⁶ The Think Family initiative was introduced by the Department for Children, Schools and Families (DCSF) in 2008. The basis of the Think Family approach is to encourage services to deal with families as a whole, rather than responding to each problem, or person, separately.

deliver from any new facilities that may be developed over the lifetime of the grants programme.

- There must be a level of quality assurance built into the system to ensure that customers are not only getting timely advice on the appropriate topic, but also that the advice is of a high standard. This will involve regular training of staff, and access to appropriate materials and online tools for caseworkers.
- Those who are providing advice must be well trained in the appropriate field and be aware of shifts in funding and policy in order to best advise customers.
- There needs to be a consistency of advice. Customers should be able to receive the same high quality advice regardless of which organisation they approach.
- Organisations which provide advice should be properly regulated; for example, debt advice is regulated under the Financial Conduct Authority and immigration under the Office of the Immigration Services Commissioner or the Solicitors Regulation Authority.
- It is appropriate that those giving advice in tiers three and four operate under a recognised quality assurance scheme; the main schemes for this include Advice Quality Standard, Specialist Quality Mark, or Lexcel. Organisations that don't have these quality marks are encouraged to do so as the auditing process gives some assurances of standards and quality.

Address inequalities

The Services that Grow Strengths and Capabilities theme aims to support services that are accessible to all, as a required feature of any funding bid

- Service design needs to be accessible and make reasonable adjustments for anyone who may want to use them. Many advice-giving organisations report an over-representation of disabled people in seeking this kind of support.
- Consideration should be given to the accessibility of services, including opening times, location of provision and a blended approach to support. This accessibility might take the form of easy-read and translated documents, wheelchair-accessible facilities, interpreters, or the provision of digital sessions as well as regular telephone calls.
- The programme will need to ensure that all services identify informal carers, including young carers and ensure that they are supported in their role and referred to the appropriate agency where required.
- In order to promote people remaining independent in their own homes, some information, advice and support services will need to adopt a flexible and asset-based approach, making every contact count. This could be through the use of outcomes-based assessment tools. Some services will need to visit people in their own homes and other support services may be accessed via community hubs.

- Some person-centred information, advice and support interventions will be responsive on the presenting need, where others take a more holistic and longer-term approach to supporting individuals with other underlying needs and complex issues.
 - Short term interventions could include referrals to other agencies that can assist someone in their own home to promote independence, supporting people to access community-based activities, identifying assisted travel options, or help to complete forms and organise someone's life.
 - Longer term interventions support people to meet their personal aspirations so they can continue to live independently with confidence. This could include coaching and peer support programmes to support some to build their confidence and motivation, help to work through complex issues such as low-level hoarding, mental health or substance misuse issues, refer for counselling support, help to access training, work and volunteering initiatives.

Collaborate and integrate support

Under the Services that Grow Strengths and Capabilities theme, organisations are encouraged to consider collaborative partnership bids. The providers should assist one another as and when necessary and build strong relationships. Organisations are expected to ensure their services are clearly advertised and signposted.

- Organisations should think about creative ways in which they can work together and support one another, by sharing learning and support, understanding the needs of Merton (with sharing of data from the council); and the possibility of partnerships/collaborative working through joint funding bids to grow the information, advice and support offer in Merton. This could be through a dedicated Advice Forum or another mechanism with a focus on strengths and capabilities for all tiered levels of information, advice and support.
- The voluntary sector is strongest when it works together. With regards to funding, smaller organisations should consider joining with others to put forward more robust bids to any relevant funding authority. There should be a commitment and intention to cooperate with other organisations.
- Customers seeking advice, information or support need to receive the right help at the right time from the right people.
- Customers should be able to determine quickly and easily which organisation is the most relevant to approach. The organisation which someone initially approaches may not be the most appropriate to deal with their needs, and so effective referrals and handoffs are essential. This might involve a 'warm handoff' where introductions are made to the referral organisation by the referring agency to ensure a smooth transfer between providers.

- An organisation's focus should not solely be to operate from its own premises, but should be to have some form of outreach, such as home visits, or working in community spaces such as libraries, job centres, or GP surgeries. The provision of information, advice and support should be operated with an element of outreach embedded in the model. Organisations which are fixed in a certain premises rely on people approaching them and thus risk overlooking the most vulnerable residents who might require the most support.

Connect and grow relationships

The Services that Grow Strengths and Capabilities theme aims to support customers being enabled, wherever possible, to take further action themselves and to improve their own circumstances. Some customers may simply need a steer in the right direction whilst others may require longer term support to build their resilience.

- The goal of providing information and advice is to see an improvement in a customer's circumstances and, if possible, enable them to help themselves. In a majority of cases customers will simply need a steer in the right direction for them to take further action themselves. Where further intervention and casework is required the goal is similar, although there are more steps in achieving it.
- The voluntary sector must support people in building their resilience – the ability to bounce back from tough times and having the capacity to overcome issues.
- Customers should be empowered, giving them the authority or power to do something, supporting their options to make stronger and more confident decisions, and being in control of their life and claiming their rights.
- We would like people to be assisted to use technology to access information and advice through digital information hubs, learn new skills, access online community networks and purchasing aids, equipment and telecare to promote independence.

3. ACTIVE, SUPPORTIVE COMMUNITIES

Introduction

Under this theme, we are looking to co-design support and solutions with people and communities to help grow their relationships and connections and increase their level of activity.

We are looking to commission services that help to support active, supportive communities under the following key strands:

- Preventative activities
- Healthwatch Merton

Preventative Activities

What service is this funding for?

We are looking to commission a number of organisations to provide low level preventative activities. These services will help adults 18+ to socially connect, to develop and use their talents and passion. These services will aim to promote wellbeing and independence to prevent, reduce and delay the need for health and social care services. This could be through helping people keep in touch with their local community and the people that matter to them through:

- Eating together
- Going out and about together in their local community
- Sharing an interest or activity together
- Accessing local community activities (such as exercise classes, shopping, walking groups, adult learning, shared interest groups)
- Supporting to access leisure facilities (local leisure centres, libraries, local parks, cinemas, restaurants).

The Active, Supportive Communities Programme will support and empower adults who have no social care needs, although could be at risk of frailty and/or a long-term condition or have a disability/impairment or mental health condition, or be caring for someone who is ill, frail, disabled or has a mental health or substance misuse issue.

This programme aims to provide preventative activities that prevent, reduce and delay the need for health and social care services that encompass interventions:

- Before any dependency is imminent
- At the point that someone is showing signs of ill-health
- To recover a person's functional capability
- After someone has already presented at hospital or social care to de-escalate the immediate crisis
- To reduce their dependency on long term care and support

What funding is available?

£600,000 over the course of the programme

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

Learn and Share Insights

The Active, Supportive Communities theme promotes person centred, good quality services where partners, customers, carers and officers can learn together and share insights to continuously improve prevention, help and support in Merton.

- It is imperative that the services provided have systems in place to measure outcomes achieved with customers. Quality assurance processes will need to demonstrate that services are fully utilised and beneficial to the customers that access them.
- It is important to listen and learn from people who access the services. For example, through their stories, testimonials, case studies and customer satisfaction surveys.
- A system will be built into the grant monitoring to ensure that support and services are of high quality and are reaching the diverse population of Merton who need help to prevent, reduce and delay health and social care support.
- It is important to be able to sharing data and insights transparently, so we can learn about any changes or key challenges where services may need to respond flexibly as context and circumstances change.
- Activities that promote active and supportive communities need to be evidenced on what works. The programme will look to build on what we have already got within Merton, stretching and developing the best of our current offer and disinvesting where we cannot evidence gain.
- It is imperative that there is a level of flexibility with all bids so if the demand for services changes, organisations can adapt and respond to the needs of Merton residents who would benefit from preventative activities.

Address Inequalities

The Active, Supportive Communities theme aims to address inequalities in and between communities by targeting resources, make support accessible and value community insight.

- This way of working aims to target the barriers to resilience and the social determinant of health and wellbeing that come from structural inequalities and social conditions. Support and activities need to promote healthy minds and active lifestyles in a way that works for local communities.
- Better health and wellbeing is associated with building resilience and the ability to bounce back from adversity. Therefore, this theme aims to invest in social infrastructure in communities with the worst outcomes and co-designing accessible support with communities that don't traditionally access services.
- Research by a number of agencies has highlighted the importance of eating well, reducing sedentary time and increasing physical activity to promote the mental and physical wellbeing of disabled people, older people and those with long term conditions. Physical activity can improve strength, balance, stamina and other elements of physical wellbeing and it can also have a significant impact on mental health, social connection and an ongoing commitment to self-care. It is important to have a diverse range of activities that promote healthy minds, reduce sedentary time and increase active lifestyles that builds on local evidence.
- The Active, Supportive Communities theme aims to engage with people to improve their access to wellbeing and physical activities in their lives and increase participation whatever someone's circumstances.
- We need to ensure that activities are accessible, fun, welcoming, engaging and have a positive impact on a person's wellbeing.

Collaborate and Integrate Support

The Active, Supportive Communities theme aims to invest time in relationships, collaborate with across professions and sectors to join up support and solutions as early as possible

- By working in close partnership, communities can achieve a more integrated and co-ordinated approach to service delivery and achieve a seamless approach to supporting people.
- Organisations should consider how they deliver services to avoid duplication such as establishing partnership arrangements such as joint working or collaborative funding bids.
- People in need of support will present where they feel comfortable so we would require partners to be aware and understand the wider needs of the community. Organisations will also need to ensure that irrespective of where

someone lives within the borough, there is equality of access to support and services.

- Active, Supportive Community Services will align with the other Civic Pride strategic partners and the wider Merton prevention offer. Successful bidders will be expected to work in collaboration with the strategic partners, and other care navigation initiatives to ensure that these link closely together, creating clear pathways to support residents.
- Providers of the Active, Supportive Communities theme will seek opportunities to work in an integrated way with other services (e.g. primary care and social care) and deliver in part from any new facilities that may be developed over the lifetime of the grants programme, e.g. the Wilson Wellbeing Hub.
- A network will be established with all strategic partners to give an update on the services they provide, any issues faced and provide peer support to each other. Successful applicants would be encouraged to work collaboratively with social prescribers / care navigators to provide a co-ordinated approach across the borough.

Strengths-based person-centred support

The Active and Supportive Communities theme aims to promote services that offer a more person-centred approach to activities that recognise the whole person and their context, circumstances, needs and assets.

- This theme aims to trust services to deliver activities in a way that make sense to their local communities and work with individuals so that they improve their wellbeing, activity, independence and resilience.
- This approach may involve trying new things through prototypes and pilots to understand the impact of moving to a new way is working.
- Staff in services feel free to help in the best way they can and to solve problems alongside the person that needs help.
- It also may involve working in a way that is tried and tested and known to deliver positive outcomes for particular communities.
- By working closely in a co-produced way, relationships between partners, customers and carers will be strengthened.

Connect and Grow Relationships

Preventative activities aim to help people to connect and grow relationships in their community and to reduce isolation and loneliness

- Services should encourage social interaction and build connectedness through community and neighbourhood assets.
- People may need support to access activities for the first time as there may be a fear of going alone, or lack of confidence with getting to an activity. Some people may also need ongoing additional support due to their disability, illness or impairment.
- Some community activities provide accessible platforms for people to make new friends and receive peer support. This could be through a shared interest, shared culture or shared circumstances.
- For people who struggle to get out and about, we would look for activities that help people to feel comfortable, safe and less isolated such as online community networks.
- Support should promote an asset-based approach, which is an integral part of community development. This is achieved through facilitating people and communities to come together to achieve positive change using their own knowledge, skills and lived experience of the issues they encounter in their own lives.
- Services need to build on social capital which promote volunteering, social infrastructure, trust, sociability and civic participation.
- Services need to recognise that everyone can make a contribution. Services should promote volunteering activities that involve spending time, unpaid, doing something that aims to benefit groups other than (or in addition to) close relatives.
- Any activity or service needs to create places, opportunities and events where people connect. This includes face to face in buildings or green spaces, online activities, or a blended approach. Services will need to be flexible and adapt according to any Government guidance so people can live safely and fairly.
- We know that many residents face digital exclusion, so any service needs to consider accessibility and by working with partners enable digital inclusion and connectivity.

Healthwatch Merton

What service is this funding for?

The Health and Social Care Act 2012 replaced the previous public and patient engagement mechanism, Local Involvement Network (LiNK), with a new body called Local Healthwatch (LHW). The Act requires local authorities with adult social care responsibilities to commission a Local Healthwatch from 1 April 2013. This prospectus is for the continued provision from April 2023 of a local Healthwatch in the London Borough of Merton: hereinafter called Healthwatch Merton.

Healthwatch Merton has been provided since April 2013 and the provider from 2023 is expected to coordinate and build upon on all of the existing mechanisms for engaging users of health and social care services, both those established by Healthwatch Merton to date and the wider networks of user-led organisations. It will also be expected to maintain and develop the relationships that engage communities, patients, service users, and carers, bringing a strong voice to the Health and Wellbeing Board, which Healthwatch Merton is a member of.

Healthwatch Merton must continue to be accessible and accountable to all who wish to engage with it. We expect Healthwatch Merton to continue to be a robust and credible organisation by demonstrating that it has the appropriate level of skills and competencies required to deliver its functions to the highest possible level and to achieve the outcomes required.

Healthwatch Merton must also collaborate locally, regionally and nationally with other organisations including other local Healthwatch organisations and Healthwatch England. We will expect Healthwatch Merton to contribute to the wider network's engagement with the new Southwest London Integrated Care System (ICS).

Background

Healthwatch Activities⁷ -

The Health and Social Care Act 2012 sets out that local Healthwatch will:

- Provide information and advice to the public about accessing health and social care services and choice in relation to aspects of those services;
- Make the views and experiences of people known to Healthwatch England helping it to carry out its role as national champion;

⁷ DH publication gateway ref 17286 title: "Local Healthwatch: A strong voice for people – the policy explained" section 4. <http://healthandcare.dh.gov.uk/healthwatch-policy/>

- Make recommendations to Healthwatch England to advise the Care Quality Commission to carry out special reviews or investigations into areas of concern;
- Promote and support the involvement of people in the monitoring, commissioning and provision of local care services;
- Obtain the views of people about their needs for and experience of local care services and make those views known to those involved in the commissioning, provision and scrutiny of care services and
- Make reports and make recommendations about how those services could or should be improved

What funding is available?

£375,000 over the course of the programme

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

The expectations we have for Healthwatch Merton are based the “Quality Framework Guidance⁸” produced by Healthwatch England in 2019. These are divided in to six domains:

Leadership and Decision Making: This looks at the importance of having clear goals and a rationale for the work you prioritise. It also looks at the strength of your leadership and governance, both of which are key to successfully navigating a complex environment whilst maintaining independence and accountability.

People: This recognises the importance of staff and volunteers. It can help you understand whether your board, staff and volunteers have the right knowledge, skills and support to deliver an effective, consistent service.

Sustainability and Resilience: This focuses on a business model that enables you to plan and operate effectively, as well as adapting to the changing needs of communities.

Collaboration: This recognises the value of working in partnership, and of learning from other Healthwatch.

Engagement, Involvement and Reach: This focuses on our main statutory activities. It looks at how you go about reaching out to all sections of your community, gathering people’s views, providing advice and information, and involving people in your work.

⁸ <https://network.healthwatch.co.uk/guidance/2019-10-15/quality-framework>

Influence and Impact: This focuses on our purpose by looking at the difference you make by ensuring those in charge of health and care services hear and act on people's views.

Leadership and Decision Making

An effective Healthwatch Merton should be able to demonstrate it is a well-managed and well-lead organisation. This will include a clear vision, an understanding of strengths and weaknesses and have set strategic objectives for an appropriate timescale. A workplan and aligned budget should flow from published decision-making and prioritisation policy that involves local people, staff and volunteers. This workplan should also reflect a commitment to independence that operates at all levels of the organisation.

A clear governance process will need to oversee compliance with legal and regulatory requirements including safeguarding, data security and equalities duties.

You should set out how your Healthwatch Merton will address the following requirements:

1. What will be your approach to strategy and business planning?
2. What will be your approach to the decision-making process?
3. How will you demonstrate your independence and your ability to hold health and social care services to account?
4. How would you describe your governance processes?
5. How will a Board/Advisory group oversee your effectiveness and management of resources?
6. How will your Healthwatch approach safeguarding, confidentiality and data security?
7. What will be your approach to your equality duty?

People

The role of staff and volunteers is crucial to the success of Healthwatch Merton and at the core of its culture, values and behaviours. Roles, competencies, policies and procedures, lines of accountability and decision-making levels will need to be clearly outlined and understood throughout the organisation. Healthwatch must actively promote diversity and equality of opportunity, treat everyone with dignity and respect and be compliant with relevant legislation around employing staff and supporting volunteers.

You should set out how your Healthwatch Merton will address the following requirements:

1. How will you ensure staff and volunteers understand your approach and what people should expect from you?

2. How will you ensure people understand their roles and responsibilities in the organisation and feel supported and valued?
3. How will you recruit, induct, support and develop your staff?
4. How will you ensure volunteers feel supported, valued and involved in your work?

Sustainability and Resilience

An effective Healthwatch Merton will know how to deliver the outcomes of the contract and deliver value for money with the financial resources provided. This will include having good evaluation and reporting mechanisms in place to support contract monitoring. Healthwatch will need to provide a safe working environment for staff and volunteers.

Healthwatch Merton will have a clear policy in place for taking on additional funded work. This will include ensuring that this work will add value and does not conflict with or dilute the organisational objectives or compromise the independence of the organisation.

You should set out how your Healthwatch Merton will address the following requirements:

1. How will you understand and engage with the commissioning process?
2. How will you develop and sustain relationships with key individuals?
3. How will you monitor your finances?
4. How will you consider potential changes in relation to your sustainability?
5. How will you provide a suitable working environment for staff and volunteers?
6. If you generate additional income, how will you plan, manage and account for it?

Collaboration

Healthwatch Merton will need to develop relationships and collaborate with other organisations such as universities, Academic Health Science Network, voluntary and community groups, where this will lead to better outcomes. We expect Healthwatch Merton to be sought out by statutory and voluntary sector organisations for joint working and/or guidance and support.

Healthwatch Merton will need to collaborate with other local Healthwatch organisations and Healthwatch England. This may include joint working, sharing resources, sharing learning and sharing data where appropriate. We expect this to include working alongside other southwest London Healthwatch organisations to participate in Integrated Care System structures.

You should set out how your Healthwatch Merton will address the following requirements:

1. How do you prioritise and work with key local and regional partners?
2. How do you collaborate with other Healthwatch?
3. How do you work with Healthwatch England and CQC?

Engagement, Involvement and Reach

Healthwatch Merton will need to know our borough and its key demographics and health inequalities and know where it can make the biggest impact. Healthwatch's decisions must be informed by the views of local people and in particular Healthwatch will need to be effective at reaching and working with protected characteristic groups and other seldom heard sections of our community. Healthwatch will need to involve children and young people with appropriate safeguarding in place. All research should involve the use of a robust and ethical methodology. Healthwatch will need a clear plan for increasing its reach over the course of the contract.

You should set out how your Healthwatch Merton will address the following requirements:

1. How will you understand, prioritise and reach different sections of your community?
2. How will you gather the views of local people?
3. How will you involve local people in the work of Healthwatch and support partners to involve local people?
4. How will you provide local people with the Healthwatch statutory advice and information they need to navigate and access health and social care services?

Influence and Impact

We want local people to see Healthwatch as an organisation that represents their views and experiences to achieve positive change, and as a champion for patient/public voice. We also want local stakeholders including providers, commissioners and senior leaders to be clear about the role of Healthwatch and involve you appropriately and effectively in their decisions and their work

You should set out how your Healthwatch Merton will address the following requirements:

1. How will you ensure Healthwatch is known and trusted as a credible voice on behalf of local people?
2. How will you ensure stakeholders in the local health and care system recognise Healthwatch as a system leader and credible partner?
3. How will you help local people and stakeholders understand what Healthwatch does and the value you bring?
4. How will you know and measure whether you've had an impact?

Organisational Structure

Legislation requires a Local Healthwatch to be a not-for-profit organisation, which will be able to employ its own staff, involve volunteers and subcontract if it chooses to do so. Healthwatch Merton must also make it clear how individuals and organisations will be able to influence the decisions taken by Healthwatch.

Healthwatch Merton must comply with both the General Data Protection Regulations and the Freedom of Information Act 2000 and ensure that Healthwatch participants are aware of their responsibilities under both of these measures. It will also be subject to public sector duties such as the Equality Act 2012.

Healthwatch must be committed to safeguarding and promoting the welfare of adults, children and young people and expect all staff and volunteers to share this commitment, and to be effectively trained in all aspects of safeguarding legislation and practice. This will include provision for enhanced DBS checks for all staff and volunteers.

Healthwatch Merton will use the official branding provided by Healthwatch England under license from the council. This will include a website for which the organisation will be expected to make arrangements for design, hosting and maintenance.

4. AN ENABLING SYSTEM AND PLACE

Introduction

An 'enabling system and place' includes the physical and social infrastructure that enables listening, connection, collaboration, giving and neighbourliness. We are looking to commission services that help to support an enabling system and place under the following key strands:

- Voluntary and community sector infrastructure support
- Small grant support programme via Merton Giving (annual funding)

Voluntary and community sector infrastructure support

What service is this funding for?

We are looking to commission services which provide support to Merton's large and thriving voluntary sector. These services should meet the ways of working set out below and should act as a hub which supports the voluntary sector through training, advice, and capacity building.

A thriving voluntary sector is a key priority for local government given the role that the VCS increasingly plays in meeting demand as council services reduce or tighten eligibility criteria. It should be recognised that the funding available from Merton Council will not cover all the activities listed below, or the rest of the programme. The role of the support organisation is to work with the sector to grow and build capacity. The infrastructure service should provide a universal offer to the voluntary sector free-of-charge, while some additional services may be paid for.

We have identified three categories of support needs necessary to sustainably and effectively meet the needs of residents.

1. Support including provision of good quality advice and guidance to organisations on certain topics
2. Longer term assistance provided to voluntary sector organisations, including:
 - Ongoing training including specialist training e.g. safeguarding
 - Reaching accreditation
 - Capacity building support

There should be a resource available to 'health check' voluntary sector organisations and assist them in ensuring their governance structure is up to the required standard, including training. This is also the case for the organisations' wider systems, processes, and policies.

3. Crisis management. This category of required support might involve planned / managed closure of an organisation or could involve recovery through a closely managed process.

What funding is available?

£807,300 over three years 2023-26.

What time period will the funding run for?

2023/24 – 2025/26

What are the key ways of working for this theme?

Learn and share insights

The Enabling System and Place theme aims to learn together and share insights openly to continuously improve trust, relationships and the quality of voluntary and community sector services in Merton.

- Organisations will need advice and assistance to ensure the correct systems are in place to provide assurance of the quality of their services and processes and support to achieve external accreditation where relevant.
- The provider will need to support delivery of low-cost courses of general interest to volunteers and paid staff within the sector e.g. safeguarding, health and safety, volunteer management, quality assurance etc, and accredited training where relevant.

Invest in community support

Under the Enabling System and Place theme, we aim to invest in community support to create an environment for community help and volunteering to thrive. By investing in community infrastructure, the VCS can help us solve challenges we face in Merton and mobilise community action.

- Good governance needs to be in place for recourse to public funds, along with high quality trustees and board members. The support organisation will provide a support programme which could include advice, templates, governance reviews, organisational health checks, training programmes and mentoring.
- The support organisation should also provide access to up to date and relevant funding opportunities and ways of generating income, such as fundraising/crowdfunding, etc.
- The support organisation should work in partnership with the Chamber of Commerce to increase its work on community giving in the borough. This includes working in partnership with the Chamber of Commerce to manage community grants via Merton Giving. This will also involve engaging with Merton businesses and developing and implementing policy and strategy.
- The voluntary sector's enterprise acumen needs to be developed and supported to grow the social enterprise market. Organisations need to be supported in risk-taking and encouraging a business-like approach.

- Organisations, in particular smaller organisations, will require a range of support with bid writing, including help with demonstrating outputs and outcomes and preparing budgets for bids.
- Organisations will require a range of communications advice and support. This support could involve assisting with branding and social media presence which can aid in attracting and recruiting volunteers.
- In line with the third category of support provided to the voluntary sector, crisis management support should be provided. This crisis management could involve mediation or intervention, or support with planned closure.
- There may be particular sections within the sector that need development support. These needs will arise from time to time and may relate to a particular cohort of people, policy priority or a geographic area. We would be looking to the provider to support this type of development need as identified by the commissioner.

Inspire and mobilise

The Enabling System and Place theme is about organisational and strategic leadership that inspires the VCS to work together, and mobilising citizen and community efforts to improve services that support people.

- Voluntary sector organisations are passionate about their work, often forming because of a drive to make a difference. However, there needs to be caution for the sector not to replicate its work across multiple organisations, causing inefficiency and dividing much-needed funding between small groups. When a new organisation begins to form it should consider whether it has a different offer to the work currently being done by the sector.
- The infrastructure organisations should consider ways to facilitate the creation of collaborative partnerships, consortia, and mergers of voluntary sector organisations
- The support organisation should help to facilitate the development of partnerships. Forming a partnership or consortium to bid for funding can make larger funding opportunities more achievable to smaller organisations as it avoids duplication, provides economies of scale, and can provide wider reach.
- The sector's voice needs to be effectively represented on the various boards which discuss and decide on policy. The sector needs to be a part of the conversation which influences policy and strategies. The representatives on these boards should be regularly reviewed to ensure the most relevant person attends and is making the most of the opportunity. Attending all the relevant boards and meetings is a large undertaking, however they provide opportunity for networking, forming partnerships, and career development (be this informal, or through a formal qualification such as CPD).
- Merton has a large and diverse voluntary sector with over 700 individual organisations. Any infrastructure support organisation will need to demonstrate

how many of these organisations it is reaching, as this should be a universal offer to the sector.

- The infrastructure services should work to facilitate opportunities for voluntary sector leaders to network and provide peer-to-peer support. Additionally, this network could be useful if a particular organisation is lacking a resource or requires short-term assistance with a problem, with other parts of the sector lending a helping hand.
- There should be facilitation of a peer-to-peer scheme in which leaders of the voluntary sector can consult one another for advice.

Collaborate and integrate support

Under the Enabling System and Place theme, the infrastructure services should work to unite the borough's voluntary sector and facilitate strong networks.

Capacity to efficiently provide support services at a local level may be lacking and so there should be effective signposting between support services to guide an organisation to the most relevant or available resource for them to utilise.

A range of forums and networks are important for the voluntary sector to communicate and organise itself. The facilitation of these forums would form a crucial role for any infrastructure organisation receiving funding.

Connect and grow relationships

The Enabling System and Place theme aims to support recruitment, induction, ongoing training, development, recognition, and making clear what the expectations of the volunteers are. Volunteers also require support and space for reflective learning – a network of support.

- There should be a centralised resource for the recruitment of volunteers, which would be readily accessible by both potential volunteers and the organisations looking to hire them, via a brokerage system.
- The support organisation has a role in providing information, advice and resources to organisations for induction, training, development and supervision of volunteers.
- There is scope to create a support network for volunteers and volunteer co-ordinators across the borough which could provide a space for idea sharing and reflective learning. The possibility of a 'volunteer passport' could be considered, which credits a volunteer's time and helps them build their CV.
- The support organisation will have a key role in recognising the role of volunteers in Merton, in line with Merton's Voluntary Sector and Volunteering Strategy. This might be provided or facilitated by the council and/or the support organisation.

Small grant support programme (annual funding)

Learning from reports such as the State of the Sector Report and the BAME Impact Report, smaller organisations can struggle to compete with the larger local organisations when applying for funding. To support and develop Merton's small, volunteer and community led organisations, including diversity-led groups, the Civic Pride Fund: Supporting the Voluntary and Community Sector, will allocate funding for smaller groups to build in opportunities and address challenges around infrastructure and capacity.

Therefore, a small grants programme will be incorporated within the Civic Pride Fund, Supporting the Voluntary and Community Sector to ensure that a fair and equal system of support is available to Merton's communities which can be aligned with the local needs of the voluntary and community sector.

Under the theme 'enabling system and place', this programme will provide funds to the Merton Giving Fund on an annual basis. Merton Giving is a charitable initiative in partnership with Merton Connected, Merton's Chamber of Commerce and Merton Council. Through donations and fundraising activities from its supporters, Merton Giving awards grants to charitable organisations working locally to tackle inequality and change lives for the better in Merton.

The Merton Giving Fund is targeted at small charities. Under the remit of this fund, a 'small charity' is defined as voluntary or community organisations with an annual income of less than £1m.

Over the past couple of years, Merton Giving has gone from strength to strength, providing a platform for smaller grass roots and community organisations to access much needed funding. The small grants programme will ensure that a fair and equal system of support is available to Merton's communities which can be aligned with the local needs of the voluntary and community sector. The fund will aim to build capacity and resilience, address gaps in services and support available and support innovation and testing of new approaches.

The funding application process for this part of the Civic Pride Fund will be separate. VCS organisations will be informed when they are able to apply.

What funding is available?

£50,000 each year and £150,000 over the course of the programme

What time period will the funding run for?

2023/24 – 2025/26

VALUES AND PRINCIPLES OF JOINT WORKING

Joint working and collaboration

To meet individual needs or tackle a wider strategic issue we will need to work and think together, drawing on the diverse skills, knowledge and experience of the Strategic Partners. It means working constructively to deliver the best outcome for Merton residents and sometimes putting organisational interests to one side to consider what's best for all. This means good communication, taking responsibility, mutual respect and looking to how we can all contribute to the wider objectives of the Civic Pride Fund. It also means individual Strategic Partners stepping forward to take the lead on behalf of others. Collaboration between all Strategic Partners is encouraged and those taking part should feel comfortable to reach out/ receive invitation to work with each other in a joined-up way. Points of concern should be raised with the Merton Partnership in a timely and appropriate way, in line with the [council's formal escalation procedures](#).

Building and fostering trust

Working in ways that foster trust between Strategic Partners and within the wider Merton Partnership and that actively supports a collaborative working relationship. Similar to the ways of working following the pandemic, partners will be empowered to work as equals with the wider Merton Partnership, sharing knowledge and advice where suitable.

Flexibility and adaptability

We know that needs will change and that best practice in terms of what works is constantly evolving. The resources available to the public sector will likely continue to reduce year on year for the foreseeable future. The Programme and the Strategic Partners, within finite resources, must be prepared to adapt to best meet the needs of residents. The programme needs to be flexible to ensure all partners can engage equitably.

Inclusivity

Partners must recognise and respond to the needs of local communities within Merton ensuring services are relevant, responsive and accessible to local population. This would include a focus on co-production with communities and using existing data to inform services.

Mutually supportive

The situation our organisations face is increasingly complex and potentially stressful for our people – paid staff and volunteers. We need to be supportive of each other and the individuals who work in those services. This needs to be reflected in how we treat each other and how we look after our staff by giving them good quality training, opportunities for learning and to support them through difficult/stressful situations. Resources can differ between Strategic Partners and therefore partners will be encouraged to support each other when and where possible.

Evidence-based

The design, delivery and evaluation of services must be evidence based. We need to ensure that evaluating and demonstrating impact and delivering value for money is built into the fabric of the Civic Pride Fund itself. Where services cannot demonstrate impact or someone has a better way of delivering outcomes we must be prepared to change how and what we deliver.

Quality assurance

Quality assurance mechanisms need to be built into to service delivery to ensure the best standard of support is being consistently delivered. However, this approach should reflect the individual needs of each service in order to ensure the best outcomes for our residents.

Compact working

Working in ways that meet and support the principles enshrined within the [Merton Compact](#).

Merton's Strategic Priorities

Merton's new set of overall council strategic priorities are:

- Nurturing Civic Pride
- Building a sustainable future
- Creating a borough of sport

TIMELINE

September 2022

The prospectus will be taken to Cabinet on 19th September 2022, who will agree to the proposed framework and awarding process.

October 2022

The Civic Pride Fund: Supporting the Voluntary and Community Sector will be advertised to prospective providers from 3rd October.

November 2022

The deadline for funding bids will be 11th November after a six-week period. Merton Council will convene a funding panel which will meet after the 11th November.

December 2022

All applicants will be notified of the outcome by 31st December.

March 2023

Funding agreement and monitoring arrangements will be finalised between Merton Council and the chosen providers.

April 2023

The newly funded services will begin and Merton Council will publicly promote the new Strategic Partners.

APPENDIX 1 – COLLABORATIVE WORKING GROUP

We would like to thank those who have taken part in the Collaborative Working Group, providing insight into the voluntary sector and assisting in shaping this document. The group have been incredibly enthusiastic and have worked hard to ensure that what will be commissioned best reflects the needs of residents and maximises the opportunities for joint working. The group has shown how co-production can deliver a really positive set of outcomes and has set the benchmark for how the strategic partner programme is delivered on the ground. We would like to give a special thank you to the following individuals who have given their time and enthusiasm to this process to date:

Simon Breeze, Community Action Sutton (Chair)
Keith Burns, Merton Council
John Dimmer, Merton Council
Suzanne Hudson, Citizens Advice Merton and Lambeth
Stacey Edgar, South West London Law Centres
Wendy Pridmore, Wimbledon Guild
Stephanie Phillips, SMC
David Jenkins, Merton CIL
Sharon Ashby, Home-Start Merton
Gemma Dawson, Merton Health and Care Together
Barry Causer, Merton Council
Dave Curtis, Healthwatch
Annette Bunka, NHS South West London Integrated Care Board
Keni Thomas, Merton Council
Sarah Goad, Age UK Merton
Jen Goddard, Age UK Merton
Mark Connor, Merton Health and Care Together
Simon Shimmens, Merton Connected
Beau Fadahunsi, Merton Connected
Hannah Neale, BAME Voice
Jackie Watkins, Merton Youth Partnership
Sabitri Ray, Ethnic Minority Centre
Maureen Bailey, Inner Strength Network
Heather Begg, Merton Council
Amanda Roberts, Merton Council
Kris Witherington, Merton Council
Grace Aldis, Merton Council

APPENDIX 2 – THE WORKING BETTER WITH COMMUNITIES FRAMEWORK

The Vision

We want Merton to be a place to be proud of, where everyone can thrive, and where we embrace the strength and diversity of our communities and businesses.

By listening to and trusting each other, sharing resources and decisions, and empowering everyone to solve the challenges we face, together we can build a better Merton.

The Framework

To help us deliver our vision, we have developed the Working Better with Communities Framework which provides a set of principles and practical ways of working to help us all to think and act differently, to build trust and relationships, unlock resources and create better solutions.

Where can we work differently to create better outcomes?

We have identified four places - or domains - where people may find help and support in Merton.

Services that provide help: The services that provide direct help to people in need or crisis.

Services that grow strengths and capabilities: The services that provide advice and guidance, advocacy, capacity-building, community learning, peer-to-peer support, mentoring, buddying and coaching and employment support.

Active, supportive communities: The voluntary, community and faith organisations and businesses that glue communities together, provide services and help people do what matters to them and help others.

An enabling system and place: The physical and social infrastructure that enables listening, connection, collaboration, giving and neighbourliness.

How can we work differently with communities to create better outcomes?

We have pinpointed 8 ways of working that can help us work better with communities to help people thrive. Taken together, this is the Working Better with Communities approach.

We listen and learn

Listen without judgement and involve residents, staff and communities in co-designing support and solutions and shaping decisions which affect them

Learn together and share insights openly to continuously improve trust, relationships and help in Merton

We support communities

Look for and address inequalities in and between communities, target resources, make support accessible and value community insight

Invest in community support (volunteers, hubs, workers, activities) so that communities can develop and support people and places

We work together

Think holistically, ask for help and mobilise everybody you can in solving challenges

Invest time in relationships, collaborate with across professions, silos and sectors and join up support and solutions as early as possible

We empower people

Provide information and help earlier and in empowering, accessible and person-centred ways which build on the strengths of people and communities

Connect people into their community and enable them to find and offer peer support, and know where to find help

APPENDIX 3 – APPLICATION WEIGHTING

The following table represents the weighting given to each feature of the application:

Criteria	Demonstrates	Weighting
Meets Requirements	Alignment with ways of working set out under each theme in the funding prospectus	40%
Value for Money	Evidence based methodology Outcomes, outputs and impact Prevents / delays public sector costs	20%
Track Record	Delivery / impact Fundraising / income generation Partnership and collaborative working / constructive relationships	20%
Addressing Inequalities	Meets demonstrable needs Helps deliver LBM equalities duties Reaches priority customer group Involves customers in design	20%

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DRAFT

Committee: Cabinet

Date: 19 September 2022

Wards: ALL

Subject: Cost of Living Fund and Household Support Grant

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Cllr Billy Christie, Cabinet Member for Finance and Corporate Services

Contact officer: David Keppler x3727 david.keppler@merton.gov.uk / John Dimmer x3477 john.dimmer@merton.gov.uk

Recommendations:

- A. To agree the proposal to commit £630,000 of the Household Support fund to free school meal vouchers for the period October 2022 to March 2023 (including Easter holidays) as set out in para 2.6.
- B. To agree the proposal to commit £100,000 of the Household Support fund to be available for application based referrals from residents as set out in para 2.7
- C. To agree the proposal to commit £454,000 of the Household Support fund and £200,000 of the council's Cost of Living fund to direct grants with individual payments of £60 to residents in receipt of Council Tax Support by Post Office voucher as set out in para 2.8.
- D. To agree the proposal to allocate £400,000 to initiatives that reduce heating costs as set out in para 2.11.
- E. To agree the proposal to commit £100,000 to support arrangements in the voluntary and community sector as set out in para 2.16.
- F. To agree the proposal to commit £200,000 to fund two Debt Advisors for two years for Citizens Advice as set out in 2.15 and 2.17.
- G. To agree the proposal to commit £100,000 to Sustainable Merton to support the Community Fridge as set out in 2.18 and 2.19.
- H. To agree the proposal to keep back £1 million to enable a further review in January 2023 and to implement further initiatives as set out in 2.20

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The council has declared a Cost of Living Emergency and is supporting residents in several ways to alleviate the financial burden facing them as the cost of living continues to rise far faster than wages. The council has recently set up a Cost of Living Emergency Fund to target support to residents and voluntary and community organisations. This report sets out proposals for the use of Merton's £2 million Cost of Living Emergency Fund and the third tranche of Household Support Fund of £1.186 million for the period October 2022 to March 2023.
- 1.2 The conditions for the Household Support Grant are broadly similar to the first. As before, the purpose is to transfer the value to households to

offset increased household bills and it cannot be used to support information and advice services. The guidance stipulates that part of the fund has to be used for some form of application process that residents can access..

- 1.3 These proposals provide a balance between direct grant support to residents, emergency support delivered through the voluntary and community sector and initiatives that reduce heating costs.

2. DETAILS

The cost of living crisis in Merton

- 2.1 The council's overarching ambition is to nurture a strong sense of civic pride in our borough and that this ambition is central to everything we do to deliver on the priorities that matter to our residents as we emerge from the pandemic. Supporting residents through the Cost of Living crisis is one of the council's key strategic priorities.
- 2.2 There has been a rapid rise in the cost of living over the past year. Inflation is now at 10.1% and is forecast to rise nearer 13% in the Autumn. The energy cap increased by 54% in April, in cash terms a rise of around £693 per annum for a typical household. The regulator has recently announced a further increase in the cap coming into effect on 1 October that would see the annual cost for a typical family rise to £3,549. The next change in the cap is due on 1 January 2023, with Cornwall Insights forecasting a further increase to £5,387. At this rate the annual cost of heating an average home will have tripled over the past year. The cost of petrol has also increased significantly, though it has fallen in the last month. Overall, there has been a 43% increase in the cost of petrol at the forecourt over the past 12 months.
- 2.3 In June the council declared a 'Cost of Living Emergency' and set up a £2 million cost of living support fund. We have been running a series of free events in Morden, Mitcham and Wimbledon libraries offering support and advice to residents. As well as food vouchers, each event has had around 17 stalls staffed by council teams and our partners. All the events have proved extremely popular with around 800 people attending in total. Feedback from residents has been very positive with 93% of attendees saying the event was excellent / good.
- 2.4 Two more events are planned for the Autumn in Colliers Wood and Pollards Hill. We are working with the Chamber of Commerce to run an event for local businesses in September to discuss how we might collectively support residents and employees during these difficult times. We are hosting a cross-sector Cost of Living event early in November with a range of partners to share information and develop a system wide approach to supporting residents through these challenging times. A staff event or drop-in sessions will be delivered. A broader range of events will be developed with voluntary sector organisations to be delivered during the autumn and winter. These events enforce the civic pride priorities.

Grant proposals and support available

- 2.5 The Government has announced a third tranche of the Household Support Fund for the period October 2022 to March 2023. The guidance states that part of the fund must be used for an application based process for residents to access. Taken together with the Cost of Living support fund the council has £3.186m available in 2022/23 to support residents.
- 2.6 It is proposed to continue with the support of Free School Meal vouchers from October 2022 to March 2023 including the Easter holidays in 2023. It is proposed that the funding remains at £15 per child. This will cost approximately £630,000. The number of qualifying children has increased over the past six months, so the estimate includes further growth.
- 2.7 It is proposed to allocate £100,000 of the Household Support fund specifically for application based referrals from residents. This scheme will be administered and delivered by Wimbledon Guild. They will be allocated a small amount of funding for administration costs.
- 2.8 It is proposed to use Council Tax Support as the means to identify households in financial need. As of 1 September, there are 6,772 working age claimants and 3,350 pensioner age claimants. The balance of the Household Support fund £454,000 and £200,000 of the council's Cost of Living fund will be used to fund individual grant payments of £60 This will cost £607,000.
- 2.9 The payment would be by Post Office voucher to avoid having to seek applications and bank details. Any application-based approach is likely to have a lower take up and risk missing those most in need including those digitally excluded.
- 2.10 Whilst the £60 grant payment will support residents affected by the 'heating or eating' dilemma there are also other ways to reduce fuel bills. We therefore propose to allocate £400,000 towards initiatives that reduce fuel poverty by reducing heating costs.
- 2.11 The Council currently funds 'Thinking Works' to carry out home energy efficiency visits to low income households. From the £400,000, we could expand this programme and provide funding to expand the service delivery model to include partner organisations. This would include expanded training and mentoring from Thinking Works. The funding would allow additional visits funding for small adjustments/items that may help support a household to stay warm. This additional funding should have an element of simple means testing to ensure that it is allocated to those that most need it. The benefits of this approach are that it ties into longer term energy efficiency work, as these visits can also support a household to apply for GLA Grant Funding for energy efficiency works.
- 2.12 We could also look at using some of this £400,000 fund to give to community and voluntary sector partners expressly for providing items

- for helping people stay warm and provide energy efficiency saving directly to households that are in need.
- 2.13 Driven by the Cost of Living crisis, local voluntary and community sector (VCS) partners are seeing an increase in the demand for support and complexity of issues faced by residents. In addition, residents who have not previously needed support are seeking advice and help, putting further pressure on VCS organisations.
- 2.14 For example, 4,086 residents contacted the Citizens Advice Merton Adviceline in the four-month period to end of July 2022, compared to an already big jump to 3,943 in the same period for 2020 during the first lockdown. The average length of calls is now considerably longer now than in 2021 or 2020. This reflects the rising complexity of queries and a rise of callers in distress/crisis. There has also been a significant rise in on-the-day demand at their Mitcham and Morden offices.
- 2.15 The Citizens Advice Merton reported that debt being presented as a priority for Merton residents supported in the three months up to August 2022 rose by 30%. In August 2022 they recorded the highest number of debt issues being raised as the priority issue (this August was the busiest August the charity has ever experienced in their history).
- 2.16 We therefore propose allocating £100,000 to our existing Strategic Partners as well as groups who provide emergency assistance relating to the cost of living e.g. fuel vouchers, grants, foodbanks and organisations that offer sustainable targeted approach, or who can support any needs for longer-term assistance that are identified. Some of this proposed funding will be used to help alleviate the immediate pressure points leading up to the winter.
- 2.17 The council already funds one Debt Advisor for the Citizens Advice. We are proposing to fund a further two Debt Advisors for two years. These advisors will take the advice and service out into the community meeting residents in Merton libraries. The cost for this funding is £200,000.
- 2.18 Sustainable Merton are commissioned by Public Health to lead the borough's response to food poverty which involves the coordination and monitoring of the community fridge network (including food provision), coordination of the food poverty response group and refreshing of Merton's Food Poverty Action Plan.
- 2.19 To strengthen this work and continue to support Merton residents this winter, we propose allocating £100,000 of the Cost of Living funding. This money would be used to continue Sustainable Merton's operations, such as the community fridge network and provide ongoing support for the programme during a time when increased demand for the service is anticipated. Part of the funding will be ring fenced for grants/partnerships with local organisations to help develop their food response activities such as local food provision across the borough.
- 2.20 Of the council's Cost of Living fund £1 million will be held back until January 2023. This will give the council time to review the effectiveness of the initiatives detailed within the report.

- 2.21 The council will provide Warm Spaces at libraries throughout the winter and will engage with businesses within the borough to encourage them to offer similar to residents.
- 2.22 The council will commit to reviewing its energy use across all buildings.
- 2.23 The council will engage with Croydon, Merton and Sutton Credit Union to investigate the benefits of a partnership with the council and benefits for Merton residents.

3 ALTERNATIVE OPTIONS

- 3.1 There are other approaches, but all pose difficulties. An application-based approach is difficult and expensive to administer and would have a high risk of not utilising all the funds. Any unused funds from the Household Support Grant must be returned to the DWP.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 None yet undertaken as the timescales for implementing do not allow for it. The previous scheme was communicated to voluntary sector partners.

5 TIMETABLE

- 5.1 Household Support Grant is for use between October 2022 and March 2023. There are likely to be two reporting points and an action plan required to be submitted to the Department of Work and Pensions.
- 5.2 The direct support grant should be issued in November.
- 5.3 Some elements of the funding will be used into the next financial year.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The council will receive £1.186 million for the period October 2022 to March 2023 in Household Support Grant. The Cabinet agreed to set up a Cost of Living Support Fund of £2m at its meeting on the 27 June 2022. In total this provides a pot of £3.186m. Proposals in this report amount to £3.186m.
- 6.2 Authorities are likely to be required to provide two Management Information (MI) returns outlining their grant spend and the volume of awards as set out above.
- 6.3 Grant payments will be made to Authorities in arrears on receipt of fully completed and verified MI returns.

7 LEGAL AND STATUTORY IMPLICATIONS.

- 7.1 The grant determination letter has not been issued yet. It will detail the criteria for the Household Support Grant tranche 3.
- 7.2 The onward granting of the monies under the schemes will be of such value as they fall below the De Minimus threshold in respect of the

subsidy rules. The onward granting of the funds will need to be governed by grant agreements and be offered in a transparent and open manner in accordance with the public contracts regulations and the Councils own standing orders.

- 7.3 The Council is permitted to provide grants by virtue of the Local Government Act and the Localism Act.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 Part of the funding is provided by the government and along with the Council's fund are aimed to reduce the impact of rising costs of living for the most in need.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1 None specific.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 Household poverty is a significant concern for the council.
- 10.2 There is a risk that we will not be able to reclaim all the money distributed and would have to claw back from partners.
- 10.3 There is a risk that we do not identify all of those in need, but our partnership with the voluntary sector mitigates this.

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

- 11.1 None

12 BACKGROUND PAPERS

- 12.1 None

Committee: Cabinet

Date: 19 September 2022

Wards: All

Subject: Living Wage Employer Accreditation

Lead officer: Caroline Holland

Lead member: Cllr Billy Christie

Contact officer(s): Dawn Jolley (Head of Commercial Services) and Liz Hammond (Head of HR)

Recommendations:

- A. Cabinet notes what is required for the Council to achieve accreditation as a Living Wage Employer from the Living Wage Foundation; and
 - B. Cabinet notes the indicative cost implications of rolling out the Real Living Wage (RLW) and London Living Wage (LLW) across all Merton 'in-scope' contracts; and
 - C. Cabinet approves Merton seeking accreditation as a Living Wage Employer and agrees to introduce the Real Living Wage into Merton contracts - as and when the contracts come up for re-tendering (excluding Care Home contracts) – Phase I
 - D. Cabinet agrees that more work be undertaken to ascertain a more realistic cost for implementing the LLW across Merton's Care Home contracts and that this work is carried out after Merton has achieved its Living Wage Employer accreditation – Phase II.
 - E. Cabinet agrees the appointment of Cllr Billy Hayes as the Living Wage champion so that the Council may build on its status as a Living Wage Employer and become a Living Wage Borough.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Since 2013, the Council has adopted the London Living Wage for all staff and agency workers.
- 1.2. In July 2022, the new administration expressed an ambition to go further, and achieve accreditation from the Living Wage Foundation as a full Living Wage Employer. It also expressed its ambition to become a Living Wage Borough.
- 1.3. To achieve accreditation, the Council must:
 - (i) Pay the Real Living Wage (RLW) to all its directly employed staff
 - (ii) Have a plan to pay its contractors a Living Wage
 - (iii) Complete the application form.
- 1.4. The London Living Wage (LLW) is the higher rate of the Real Living Wage (RLW), applied where London weighting is applicable.
- 1.5. The Council operates a LLW guarantee so that should nationally determine pay rates for staff or agency workers fall below the LLW, the LLW will be applied until such time as the national pay rates meet or exceed it.

- 1.6. To pay its contractors the RLW, the Council would need to ensure all third-party contractors - who work regularly for 2 or more hours a week, for 8 or more consecutive weeks a year - on Merton specific contracts (including 'in-scope' concession contracts) - are paid either the RLW or the LLW (depending on where the service is carried out).
- 1.7. The RLW does not apply to contractors that supply the Council with products, for example, stationery suppliers. These are referred to as 'out of scope' contracts.
- 1.8. The accreditation is a signed licence between the Living Wage Foundation and the Council. To receive a licence and become accredited, the Council will need to fill in an enquiry form. Once received, the Living Wage Foundation will send the Council an online licence form and guide on how to implement the RLW. Once the Council has ensured it is able to satisfy the requirements, the Council's accreditation can be processed.
- 1.9. The indicative cost implication to the Council of implementing the RLW across all of its contracts, is in the region of £7.5m, excluding Care Home / residential care contracts.

2 DETAILS

Background

- 2.1. In 2013, Cabinet approved adoption of LLW for all directly employed staff and agency workers.
- 2.2. At that time, the report stated that it was not possible to accurately cost the adoption of a RLW as a requirement for all contractors.
- 2.3. Estimates prepared by other London authorities at the time, suggested increased costs of over £1m, with one quoting £8m - with significant increases in cost for externalised services such as cleaning and school meals.
- 2.4. Given that the impact on Merton was not easy to quantify, Cabinet resolved only that the recommendation of the Head of Paid Service to introduce a 'minimum earnings' guarantee for directly employed and agency staff based upon the LLW is agreed.
- 2.5. Subsequently, any decision to pay a RLW against any relevant contract, was taken on a case-by-case basis.
- 2.6. On 8 July 2020, Council resolved to work with existing contractors to get the data needed to understand the impact on the Council's finances of requiring the LLW for contractors' workers in any new procurement exercise.
- 2.7. On 13 July 2020, Cabinet resolved that the desire of the South London Waste Partnership boroughs to implement the payment of LLW starting on 1st April 2021 be supported. It was also noted, that in the event of a change of contract which gave some flexibility, the Council would seek to pay LLW where possible.
- 2.8. On 6 July 2022, the newly formed Merton Council administration noted that Merton is a LLW direct employer and expressed its desire to obtain accreditation from the Living Wage Foundation - thereby become a

recognised Living Wage Employer. It also expressed its ambition to become a Living Wage Borough and resolved to appoint a Living Wage Champion to drive forward this work.

2.9. To obtain accreditation, Cabinet will need to approve an increase to what the Council currently pays across several of its contracts.

2.10. The current hourly rates of pay (from 1 April 2022) are as follows:

Wage Band	Current Hourly Rate
London Living Wage (LLW)	£11.05
Real Living Wage (RLW)	£9.90
National Living Wage (NLW) (age 23 or over)	£9.50
National Minimum Wage (NMW) (age 21 to 22)	£9.18
Age 18 to 20	£6.83
Under 18	£4.81
Apprentice	£4.81

2.11. The new Living Wage rates will be announced on Thursday 22nd September 2022. Employers need to implement the rise as soon as possible and no later than the 14 May 2023.

Achieving Living Wage Employer Accreditation

2.12. On the 28 June 2022, the Head of HR and the Head of Commercial Services met with the Living Wage Foundation.

2.13. Next steps in the accreditation process were outlined as follows:

- 2.13.1 Secure buy-in at a senior level. The support of senior management and elected representatives is key to driving the initiative.
- 2.13.2 Assemble a small team of key people who can practically implement the Living Wage; the team should include representatives from for example HR, Communications, Procurement, Social Care Commissioner (where applicable) and Finance This internal working group should meet twice a year.
- 2.13.3 Review rates of pay for relevant contracted staff (those who work regularly – 2 hours or more a week for at least 8 consecutive weeks). Identify where contractors are not meeting Living Wage requirements. Calculate the financial implications of bringing contracted staff up to the Living Wage.
- 2.13.4 Work with the team at the Living Wage Foundation to develop a set of achievable milestones to ensure Living Wage is implemented across all 'in-scope' contracts as they come up for renewal.
- 2.13.5 Sign off on the accreditation licence document.
- 2.13.6 Promote our Living Wage Employer accreditation internally and externally.

Staff and Agency Workers

- 2.14. The Council operates a LLW guarantee. Should the nationally set pay rates for staff (including apprentices or agency workers), fall below the LLW rate, the LLW rate will be applied. This is until such time as the national pay rate either meets or exceeds the LLW rate.
- 2.15. The Council also ensures any local pay rates match the duties of the job, and that they will in any case meet or exceed LLW.
- 2.16. As such, the criteria for Living Wage Employer accreditation, in relation to staff and agency workers, are already met.
- 2.17. LLW increases for staff and agency workers are adopted on 1 April each year (in line with pay increments, pay awards and the financial year) following announcement of the increase typically in October the previous year. This is in line with Living Wage Foundation guidance, which sets out that the increase should be adopted within 6 months of the announcement of any increase.

The Council's Contracts

- 2.18. All Merton Council contracts are required to pay, as a minimum, the National Living Wage (NLW), or the National Minimum Wage (NMW) or the Apprentice Rate; whichever is applicable to the worker. This is a legal requirement, and these wage rates are set by Government. This is not necessarily specifically referenced in the Council's contracts as it is implicit.
- 2.19. Some Council providers are accredited by the Living Wage Foundation and as such already pay the RLW. Others pay above the RLW rate due to the nature of the industry they operate in.
- 2.20. To achieve Living Wage Foundation accreditation, Merton's 'in-scope' contracts would be required to pay all relevant staff the RLW. (Where the wage attracts a 'London Weighting', this is known as London Living Wage (LLW)).
- 2.21. Where this is not already occurring, Merton would need to ensure that a plan is in place for all 'in-scope' contractors' staff to be paid the RLW. This plan would need sign-off by the Living Wage Foundation.
- 2.22. When perusing accreditation, some Local Authorities choose to introduce the RLW into their contracts, as and when the contracts come up for re-tendering. Others have opted to re-negotiate all of their existing 'in-scope' contracts so that all these contracts pay the RLW as soon as possible.
- 2.23. There are also Local Authorities that have chosen not to pursue accreditation at all - rather they have chosen to adopt the RLW into their contracts on a case-by-case basis.
- 2.24. Commercial Services, working in conjunction with colleagues across the council, have reviewed all contracts that do not currently pay the RLW or above, and that are likely to have the largest staffing contingent. Figures from the original tender documentation have been compared alongside the current LLW rates.

- 2.25. The projected cost implication to Merton, of implementing LLW across these 'in-scope' contracts, is in the region of an additional £1.8m per annum in a full year. This however excludes Care Home / residential contracts.

Care Homes

- 2.26. Care Home contracts present an extremely complex challenge. The commissioning of care home placements is a demand driven activity with the choice of home driven by a combination of customer choice and availability of placements.
- 2.27. In many instances, Merton is the minority purchaser of placements in a care home and many care homes accommodate provision for several different boroughs and self-funders at any given time.
- 2.28. Staff working in care homes are typically paid on a weekly or monthly basis and it is not possible for the provider to distinguish when they are providing care to a resident in a placement commissioned by the Council as distinct from a self-funded resident for example.
- 2.29. The care home market consists of organisations ranging in size from large national organisations through to small local providers.
- 2.30. Initial desktop analysis indicates that the cost implication to Merton - for implementing LLW across just the care homes in the borough - could be more than £3.5m per annum.
- 2.31. The Implementation of LLW / RLW when placing outside of the borough, would be even more complex and would add further cost. Significant further work would need to be undertaken to develop an implementation plan and to determine a more realistic cost implication.
- 2.32. The Living Wage Foundation has confirmed that other local authorities have received accreditation as a Living Wage Employer, without first implementing LLW across their Care Home contracts. These contracts would fall into a 'future commitment to pay' plan.
- 2.33. In circumstances where the other local authorities using the same care home are not already, or in the process of becoming, LW accredited, the Living Wage Foundation would expect Merton to include in their milestones, opportunities to raise the Living Wage as a discussion point, with the aim of trying to influence those authorities to pay RLW.
- 2.34. Merton could also commit to continuing to encourage care home providers to pay LLW / RLW - and there may be opportunities to promote this as part of our work on implementing the national Fair Cost of Care policy. This will be reported to Cabinet in October 2022.

School Meals

- 2.35. Merton's school meals catering contract provides a school meals service on a discretionary 'buy back' basis. The centrally managed contract drives economies of scale as well as procurement and contract management

efficiencies. However, as budgets are delegated to schools, they are not obliged to make use of the contract.

- 2.36. Schools receive an allocation of funding for free school meals from within the Dedicated Schools Grant. For pupils not eligible for free school meals, parents or carers pay for the meal.
- 2.37. The council is therefore not responsible for payment of the costs of school meals (except in the event of a school failing to make payment).
- 2.38. A new contract was let in 2021, schools have the option of whether they want to pay LLW, however only one school has currently opted to pay the higher rate.
- 2.39. As with Home Care, the Living Wage Foundation would potentially expect Merton to include in their milestones, opportunities to raise the Living Wage as a discussion point.

Total cost implication

- 2.40. The total additional cost to the Council - for the life of contracts which do not currently cover LLW and excluding Care Homes - is in the region of £7.5m over the next five years. The Living Wage foundation reviews its rates each year. These rates are not in line with RPI and as such it is difficult to predict what the uplift will be year-on-year and the actual increased cost to the Council.

Contract	Financial Year					Total
	2022/23	2023/24	2024/25	2025/26	2026/27	
Corporate Catering	£33,288	£33,288	£33,288	£33,288	£33,288	£166,440
Corporate Cleaning	£70,888	£70,888	£70,888	£70,888	£70,888	£354,440
Corporate Security	£56,410	£56,410	£62,051	£62,051	£62,051	£298,973
School Catering	£155,324	£155,324	£155,324	£155,324	£155,324	£776,620
School Cleaning	£169,669	£254,504	£254,504	£254,504	£254,504	£1,187,685
Home Care	£744,123	£372,062	£1,200,000	£1,200,000	£1,200,000	£4,716,185
	£1,229,702	£942,476	£1,776,055	£1,776,055	£1,776,055	£7,500,343

Figures in red are based on new contracts that would include LLW. Those that show an increase in value take into account an anticipated increase in demand.

Some figures vary year-to-year due to contract start / end dates not aligning to full financial year

3 ALTERNATIVE OPTIONS

- 3.1. The Council could choose not to pursue accreditation from the Living Wage Foundation and continue to review contracts on a case-by-case basis with regards to the payment of the RLW and the LLW. This would go against the new administration's ambition and is therefore not recommended.
- 3.2. Rather than opting to introduce the RLW into Merton contracts as and when the contracts come up for re-tendering; the Council could opt to re-negotiate existing contracts so that all existing contracts pay the RLW as soon as possible. This would require a greater financial investment up front, as well as require considerable resource to re-negotiate all relevant contracts.

There is also no guarantee that existing contracts could be renegotiated to ensure all contractors meet the LLW. This option is not recommended.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. No consultation with Staff Side is required as the Living Wage has already been adopted for all staff, including apprentices and agency workers.
- 4.2. If Cabinet agrees to recommendations C and D above, officers with responsibility for procurement, commissioning and contract management will need to be informed of the requirement for RLW in all contracts. This will be communicated via Corporate Management Team (CMT), Departmental Management Teams (DMTs), Procurement Board, the departmental operational procurement groups as well as general wider internal communications via the Merton Hub.
- 4.3. The Council's website will require updating to inform bidders of Merton's expectations going forward.

5 TIMETABLE

- 5.1. The time taken to become accredited will vary according to the size of the organisation and the types of contracts they hold.
- 5.2. Merton will need to undertake a project of work to identify exactly which contracts are 'in-scope' and when the RLW can be brought in.
- 5.3. Indicative summary timetable:

MILESTONE	LEAD RESPONSIBILITY	TARGET DATE	COMMENTS
Make initial case for Living Wage Accreditation Leader/Councillors			16 July 2022, Council requested that Cabinet present a paper to them on the costs, implications and timescale for Merton being accredited by the Living Wage Foundation in recognition of its status as a Living Wage Employer.
Agreement from Leader/Councillors on commitment to Living Wage Accreditation	Head of Commercial Services	19/09/22	This paper
Living Wage to be included in forward financial planning including costs with third party contracts			Included in the MTFs for contracts previously notified
Develop implementation plan for directly employed staff (stage 2) & third party contracted staff (stage 3; phase I & II).	Head of HR (Stage 2) Head of Commercial Services (Stage 3)	N/A 03/10/22	No action necessary for directly employed staff. In 2013, Cabinet approved the adoption of a LLW for all staff and agency workers. (Stage 2) Once a resolution is provided by Cabinet, an action plan for stage 3 can be drafted.
Create working group to oversee implementation.	Head of Commercial Services	03/10/22	<i>Working group will report back milestone progress annually to the Living Wage Foundation.</i>
Final sign off on the LW implementation plan.	Head of Commercial Services & Head of HR	20/12/22	<i>Work with the team at the Living Wage Foundation to develop a set of achievable milestones to ensure Living Wage is implemented across all relevant contracts.</i>

MILESTONE	LEAD RESPONSIBILITY	TARGET DATE	COMMENTS
Council becomes an accredited Living Wage Employer	Head of Commercial Services & Head of HR	31/01/23	<i>Agree announcement timescales with the Living Wage Foundation.</i>

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The cost to the Council is estimated at circa. £1.8m pa in a full year. This excludes Care Homes contracts and the impact on Schools. Provision has been made in the MTFS but will be reviewed when the increase for April 2023 is announced later this month.
- 6.2. A risk exists with the school catering contract where the school acts as an agent for the provision of meals which the parents pay for. If there is a decline in school meal take-up as a result of cost increases this could affect the viability of the contract overall. This is not financially quantifiable at this point and will need to be monitored go forward. Any financial risk will fall to the General Fund not the Dedicated Schools Grant.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. There is no statutory or other legal obligation to adopt the RLW.
- 7.2. If the Council opts to apply to be an accredited Living Wage Employer and is successful, then this will need to be included as part of the tender documents that the Council uses for services that this would be applicable to when going out to procure.
- 7.3. A clause will be required in new contracts being entered into, though this will be relatively straight forward as SLLP have already drafted such a clause for the other councils who instruct SLLP and who have already gained the accreditation from the Foundation.
- 7.4. If it is decided that this will impact on existing contracts these will need to be varied to incorporate the new clause and there may need to be modifications to the contract in relation to the increase in the cost of the contract and any changes to the pricing which are contained in the document. This will result in extra legal costs for the Council though these should not be onerous.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The RLW is championed as a measure which assists the lowest earners and those below the poverty threshold. Proponents of the RLW argue that it can reduce dependency on benefits for low paid employees and also bring advantages to the local economy.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. Research by Machin and Meghir (2004) showed that crime rates can be directly linked to low incomes. Policies such as the introduction of the RLW

are therefore well-positioned to have a positive impact on the reduction of crime and disorder.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. N/A

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

- None.

12 BACKGROUND PAPERS

- Cabinet Report – 1st July 2013
- Council Report - 8 July 2020
- Cabinet Report - 13 July 2020
- Council Report - 6 July 2022

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Committee: Cabinet

Date: 19 September 2022

Wards: All

Subject: Reference from the Sustainable Communities Overview and Scrutiny Panel – Housing enforcement and the Tenants Champion role

Lead officer: Rosie Mckeever, Scrutiny Officer

Lead member at the time of meeting: Councillor Aidan Mundy

Lead member now: Councillor Stuart Neaverson, Chair of the Sustainable Communities Overview and Scrutiny Panel

Contact officer: Rosie Mckeever, Scrutiny Officer, 0208 545 4035

Recommendations:

-
1. The Sustainable Communities Overview and Scrutiny Panel requests that Cabinet note its reference set out in paragraphs 2.6 to 2.21 below.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. At its meeting on 22 February, the Sustainable Communities Overview and Scrutiny Panel received a feedback report from the then Tenants Champion, Cllr Nick Draper. The report detailed his experiences while undertaking the role and example case studies. Alongside this report, the Chair included a list of recommendations to support the ongoing work needed in this area. Please see Appendix A for the full report.

2 DETAILS

2.1. Scrutiny process

- 2.2. The Panel dedicated a large amount of their work programme to monitoring the performance of Clarion Housing's repairs and maintenance work. The panel welcomed regular attendance and engagement from Clarion's Senior Management Team, as well as the associated directorate and officers from Merton.
- 2.3. Cllr Draper described his work to follow the user journey and develop the complaints process with Clarion officers. In response to questions, Cllr Draper explained it was difficult to quantify the number of hours spent on the role, but he believed it to be a full-time job.

2.4. Scrutiny response

- 2.5. The Panel moved to a vote on the recommendations listed in the Chair's report
- 2.6. Recommendation A: Review full time equivalent support to the Housing Enforcement Team with the purpose of recruiting a minimum of one additional officer. This enacts the recommendation of our Tenant's Champion. To be completed by end of calendar year 2022.
- 2.7. There were six votes in favour of recommendation A.

- 2.8. Recommendation A was agreed by the Panel.
- 2.9. The Panel moved to a vote on an amended recommendation B worded as follows:
- 2.10. Recommendation B: Following confirmation from officers that the one-year trial and other conditions of the original full council motion have been met cabinet should decide to either resource or discontinue the tenants champion scheme
- 2.11. There were six votes in favour of recommendation B.
- 2.12. Recommendation B was agreed by the Panel.
- 2.13. Recommendation C: By end of 2022 review and update, as required, Merton's Housing Enforcement Policy 2019-2024 to enable clarity of scope, escalation and resolution for officer's responsibility to inspect and audit repairs reported by tenants of registered providers i.e., housing associations operating in the borough. (Note - This maybe through stronger dialogue or an audit of referred casework. A similar arrangement exists under Mitcham and Morden MP and Clarion Housing).
- 2.14. There were two votes in favour of recommendation C and two against, three abstentions.
- 2.15. Recommendation C was agreed with the Chair's casting vote.
- 2.16. Recommendation E: Identify and report back to scrutiny, options to engage local housing sector for the purposes of Merton's house building and housing enforcement policies e.g., MERHAG II
- 2.17. There were two votes in favour of recommendation E and five abstentions.
- 2.18. Recommendation E was agreed by the Panel
- 2.19. Recommendation F: Commission an internal and external communications strategy that will (i) promote the aims and objectives of Merton's Housing enforcement policy to both social and private tenants in an accessible and engaging format, (ii) streamline reporting of risks due to poor housing conditions (iii) targets and shares learnings with appropriate stakeholders to reduce common issues experienced by tenant's and increase confidence
- 2.20. There were two votes in favour of recommendation F and five abstentions.
- 2.21. Recommendation F was agreed by the Panel
- 2.22. Whilst there is a Recommendation D listed in the report, this item was not agreed by the Panel. However, it is included below for completeness.
- 2.23. Recommendation D: As part of the panels performance monitoring item report quarterly metrics on numbers of (i) private and social housing condition complaints (ii) inspections and category 1 vs category 2 hazards identified (iii) other metrics as appropriate to support the Housing Enforcement team convey the full scope of their work and responsibilities
- 2.24. There were two votes in favour of recommendation D, three votes against and two abstentions. Recommendation D was not agreed by the Panel

3 ALTERNATIVE OPTIONS

3.1. None – Cabinet is required under the council’s constitution to receive, consider and respond to references from overview and scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purpose of this report.

5 .FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

5.1. None for the purpose of this report.

6 LEGAL AND STATUTORY IMPLICATIONS

6.1. Cabinet is required under the council’s constitution to receive, consider and respond to references from overview and scrutiny. The Local Government and Public Involvement in Health Act 2007 requires Cabinet to respond to reports and recommendations made by scrutiny committees within two months of written notice being given.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

7.1. There are no human rights, equalities and community cohesion implications as a result of this report.

8 CRIME AND DISORDER IMPLICATIONS

8.1. These are no crime and disorder implications as a result of this report.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

9.1. There are no risk management and health and safety implications as a result of this report.

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

- Appendix A – Report presented to Sustainable Communities – 22 February 2022

11 BACKGROUND PAPERS

None

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Committee: Sustainable Communities Overview and Scrutiny Panel

Date: 22 February 2022

Wards: Borough wide

Subject: Supporting Merton residents living in social and private rented accommodation

Lead member: Cllr Aidan Mundy, Chair Sustainable Communities Panel

Contact officer: Rosie McKeever, Scrutiny Officer

Recommendations to Cabinet:

- A. Review full time equivalent support to the Housing Enforcement Team with the purpose of recruiting a minimum of one additional officer. This enacts the recommendation of our Tenant's Champion. To be completed by end of calendar year 2022.
- B. Retire the role of Merton Tenant's champion in May 2022 unless appropriate resource and support can be identified as recommended in concluding remarks of champions report
- C. By end of 2022 review and update as required Merton's Housing Enforcement Policy 2019-2024 to enable clarity of scope, escalation and resolution for officer's responsibility to inspect and audit repairs reported by tenants of registered providers i.e. housing associations operating in the borough.

Note: This maybe through stronger dialogue or an audit of referred casework. A similar arrangement exists under Mitcham and Morden MP and Clarion Housing.

- D. As part of the panels performance monitoring item report quarterly metrics on numbers of (i) private and social housing condition complaints (ii) inspections and category 1 vs category 2 hazards identified (iii) other metrics as appropriate to support the Housing Enforcement team convey the full scope of their work and responsibilities
 - E. Identify and report back to scrutiny options to engage local housing sector for the purposes of Merton's house building and housing enforcement policies e.g. MERHAG II
 - F. Commission an internal and external communications strategy that will (i) promote the aims and objectives of Merton's Housing enforcement policy to both social and private tenant's in an accessible and engaging format, (ii) streamline reporting of risks due to poor housing conditions (iii) targets and shares learnings with appropriate stakeholders to reduce common issues experienced by tenant's and increase confidence.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Merton Council's Sustainable Communities Overview Scrutiny panel has heard evidence from officers, regulators, housing associations in regards to the conditions social housing tenants are experiencing on the Eastfield's Estate and across the borough.
- 1.2. The panel has heard from Clarion Housing Association who informed members that the conditions on Eastfield estate were not representative of company best practice and that steps have been taken to improve current stock. The panel receives monthly reports updating on process and keeps the situation under review.
- 1.3. The panel has worked with the Cabinet member, Clarion Housing and Tenants associations to agree recommendations to improve residents reporting experience and reduce delays in delivering high quality social housing.
- 1.4. In July full council established Cllr Nick Draper as Merton's first tenants champion to provide additional oversight and public representation to tenants on issues of repair and equality of access to information.
- 1.5. Cllr Draper agreed to write a report on his experience as tenants champion to inform the next steps of that role. The report finds without significant investment in the role it is unclear how sustainable a tenant's champion is. The report also makes clear there is a need for increased enforcement and support for tenants in the borough. The full report is available in appendix a

2 DETAILS

- 2.1. On 21 May 2021 Kwajo Tweneboa tweeted pictures of his home on the Eastfield's estate. The images of disrepair were circulated in both print and broadcast media. A subsequent ITV documentary by journalist Daniel Hewitt identified persistent issues relating to living conditions and repair in the estate.
- 2.2. Prior to the documentary Clarion Housing were asked to attend the panel and answer questions on the condition's experiences by residents. Over four meetings of the panel we've heard recognition of failures and steps the housing association are putting in place to improve the quality of existing stock.
- 2.3. While regeneration of Eastfield's and estates like it are the long term solution there are steps that can be taken to address disrepair in the existing stock. In recognition of this Council appointed Cllr Nick Draper as Tenants Champion to pilot an approach similar to (the non-stock holding) Richmond Council's Tenants' Champion, a service that that has been in place for more than 10 years. Within the remit included:
 - (i) Work to support both tenants and leaseholders who rent or lease their properties from a housing association and also private renters in the borough,
 - (ii) Provide support by giving someone for residents to contact if they had long running, unresolved complaints with their landlord, and by providing relevant information to renters more generally;

- 2.4. Cllr Draper has reported back to the panel and identifies while the champions work has benefited residents limitations regulating from available resources and support means the role cannot grow. The paper outlined options for succession and advocates for strengthening the existing housing enforcement team through additional recruitment and building up relationships with the wider sector.
- 2.5. The three options outlined in the paper are:
- (i) A **single Councillor** appears at first to be the cheapest and most effective solution. An experienced Councillor, fully conversant with which Officers and other individuals to call on where needed, with a good grasp of the law, an open yet analytical mind, loyalty to the needs of the job rather than to Party advantage, and with a very thick skin, could perform adequately.
 - (ii) A **cross-party group** of Councillors acting in accord would in theory get past any accusation of partisanship: work could be shared, lead spokesperson rotated, experience pooled.
 - (iii) A **dedicated Officer**: recruited for the role for his/her existing skills, would in my opinion be the most effective response. The Officer would report to both the Head of Housing and to the Cabinet Member, with access to various Officer teams, in particular Legal, Adult Social Care and Environmental Health. I believe there would be sufficient work to keep such an Officer permanently employed in Merton, and that his/her proactive work might actually save the Council (and, incidentally, the Housing Associations) money in the longer term.
- 2.6. In response to the report this paper pulls together available information from the panels deliberations and recommends a way forward to improve the quality of housing through greater information for tenants and enforcement in social and private housing sectors.

3 ALTERNATIVE OPTIONS

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Extensive stakeholder deliberations in scrutiny. See list of meetings below. Further engagement with tenants and their experience is encouraged to successfully deliver the aims of these recommendations.

5 TIMETABLE

- 5.1. It is anticipated these recommendations will be rolled out and complete by end of calendar year 2022.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are implications on FTE and scaling of Merton Council's Housing enforcement unit. Additionally, there will be financial implications for putting in place new IT systems such as online reporting, automation or routine

submissions for support but more work will have to be undertaken to identify the cost of these. There will also be an additional pressure on our communications team.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Council will have increased capabilities available to enforce Housing Act across domestic social and private landlords.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Increased equity of information access and improve living conditions.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. No specific implications at this time

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. No specific implications at this time

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

- Cllr Nick Draper, Tenants Champion Feedback report

12 BACKGROUND PAPERS

- 12.1. Merton Council Sustainable Communities Panel

- (i) [24 June 2021](#)
- (ii) [2 September 2021](#)
- (iii) [1 November 2021](#)
- (iv) [18 January 2022](#)

- 12.2. Full Merton Council meeting

- (i) [7 July 2021](#)

Tenants Champion Feedback report

February 2022

Cllr. Nick Draper

This report deals with the first, experimental, Tenants Champion role. It offers suggestions as to how the role could proceed in the next Council.

Overview

I was asked to take on the role of Tenants Champion last summer (2021) and initially defined the role during the autumn. At that time the expectation was that most complaints would come from Clarion tenants. I worked with Clarion to restate and redefine their complaints process. The resultant brochure/leaflet was distributed throughout the Clarion Group's properties in October/November. The expectation was that results would be statistically significant by February. Where Clarion is concerned this has not proved to be the case.

Since Clarion's process was distributed I have had two complaints about their repairs passed to me, which I advised on. I have also had similar complaints from Wandle, L&Q and Moat tenants, in very low quantities, and in each case referring the tenant to their complaints processes proved successful.

I have however had a significant number of complaints from **private sector** tenants, and the worst disrepair cases have come from this sector. I have had varying success with these cases, as the sector is by its nature far less regulated than the Housing Association (HA) sector, and solutions have had to be found on a case-by-case basis. Eviction is occasionally used as a persuader in the sector, usually legally, as is rent increase. As often as not I have found myself offering limited legal advice on matters which deviated from the tight definition I gave myself.

Two factors which I included briefly in my initial definition have taken up a disproportionate amount of time: firstly, where tenants have been less than honest about their situation and second, far more seriously, where tenants have mental health problems that their complaint to me has uncovered.

Definition

At Scrutiny I defined the role as ONLY dealing with repair issues, thereby ruling out:

- Overcrowding
- Rent arrears
- Legal and other similar problems
- Dissatisfaction with the area or type of accommodation

I made it clear that I would attempt to pass these cases on to ward Councillors.

The object of the exercise was to encourage Clarion tenants in particular and HA tenants in general to use their reporting and complaints processes to get repairs done as quickly and effectively as possible: I was only to intervene where Clarion or other HAs could be shown to have failed to follow their own process.

In defining the above, I acknowledged that the private sector would bring its own problems, although it is clear that I underestimated the number and complexity of these.

An area which I have redefined over the past few months is that of mould (as opposed to damp), which has been a dominant cause of complaint. Mould can often lie dormant in a property that has become empty and reappear with a new tenant, particularly where curtains and soft furnishings have transferred from one tenant to the next; equally, tenants can bring the problem onto themselves by, for instance, not ventilating their property or by drying clothes in large quantities over time on radiators. Part of the role has therefore been to establish through careful questioning whether the mould is the tenant's or the landlord's responsibility.

The Champion role has been advertised on the Council's website. It has also been advertised through the CAB, from who I have received a number of referrals.

Sample Casework

Given the small number of referrals to date and their relative complexity and diversity, I believe it is better to give a couple of anonymized casework samples to illustrate the role.

Case 1. A single parent with three children and who speaks little English is living in a virtually uninhabitable privately owned flat (damp, electrical faults, dangerous ceilings). She has been bullied by her landlord who told her she had to leave and find her own accommodation, at her cost, while he made repairs to the flat, for which he incidentally receives £1,250 pcm. via the housing benefit scheme. I have worked with the acting Head of Housing and the tenant's ward Councillor: Environmental Health have visited the property, confirmed findings, and arrangements are being made at the time of writing.

Case 2. A Wandle tenant had a boiler with ongoing repeat faults and was without heating just before Christmas. Wandle referred her to their maintenance subcontractor, who in turn referred her to Wandle. I spoke to a regional Director and explained the problem: he amended Wandle's complaints practice, and a new boiler was fitted within the week

Case 3. A single unemployed tenant lives in a sought-after Clarion flat. Currently the flat is in a good state of repair, although the tenant told me vClarion needed to make repairs to the kitchen ceiling because of water penetration from the flat upstairs, to which the tenants (according to the tenant) refused entry. The tenant has also allegedly had parcels stolen by neighbours on one side, while the disabled son of the neighbours on the other side, who allegedly screams all night, has allegedly been deliberately moved to a bedroom next to the tenant's. The neighbours from across the road have allegedly begun rumours about the tenant and the police have allegedly cautioned him following this. I have begun work on moving the tenant to a place of safety, as have Clarion, but to date he has refused to fill in any paperwork (literacy is not a problem) or otherwise cooperate. I have contacted Clarion, who know him well, and his ward Councillor, who he has also approached with a similar – but not identical – scenario; and I have had communication with a third source, to who he gave another slightly different story. In short, the tenant displays mental health difficulties. I do not see an easy solution.

Case 4. A single, elderly tenant in upstairs Clarion flat in the west of the borough wants a ground floor flat because of genuine mobility problems. He contacted me and although this is technically beyond the scope of the Champion, I contacted his ward Councillor. It transpired that the tenant is well known to both Clarion and Housing. He has been offered a ground floor flat in Mitcham with, I believe, a small garden, and has refused it as he does not like the area.

Case 5. A private sector tenant's boiler broke down in the Christmas week and was replaced by the landlord within 3 days. The tenant wanted compensation for her time without hot water, and was simultaneously refusing a rent increase. It appeared, according to the landlord, his letting agent, and

my own knowledge of the law, that the tenant did not have a case: I advised her, after a fairly long correspondence, that a lawyer might help her but that the Tenant's Champion could not.

Future of the role

I believe that there is a genuine case for championing tenants, both for repairs and for some –not all – of the wider complaints that I have found myself dealing with. After a great deal of thought, I have come to the conclusion that this is not a role for an elected member.

As previously stated, the role came from concerns about Clarion's performance. Those concerns remain, although my experience is that they may have become ingrained into our political conscience by past shortcomings while we have ignored pressing problems elsewhere – in short, that we have aimed at an easy, constant target. This may be politically useful, but it doesn't help their tenants much.

Like most other Housing Associations throughout Britain, Clarion have suffered from a withdrawal of state funding over the last twelve years. They were not an effective organisation at the outset, and have found it difficult to adapt. Clarion deemed that a complete rebuilding and regeneration of three of their estates was necessary, and some would say that this was an underestimate. The solution to all of this, reclaiming possession of our housing, is in fact no solution at all: Merton is not in a position either to buy it back or to manage it. In my opinion the only hope we have of improving life for our tenants – and leaseholders – is to work cooperatively rather than aggressively with Clarion: repairs, and the Tenants Champion, form a small part of that cooperative work. I appreciate that this viewpoint may be politically unacceptable.

Part of the thinking behind the Tenants Champion was to copy the Richmond model. The model, which was introduced by Richmond Conservatives at the time of their stock transfer, has been adopted and adapted by the ruling Liberal Democrats with some success. It was however set up essentially to improve engagement between tenants and housing associations, and while that is a valid aim, I don't think it addresses the real (or perceived) hardships I described in the case studies. It certainly is of no help to tenants of private landlords. I believe that the approach I have taken is what is most needed for Merton. The following is a suggestion as to how this could be made practicable.

There are three options for who could take on the role of Champion:

- a) A Councillor
- b) A cross-party group of councillors
- c) A dedicated Officer, working with fellow Officers as necessary

A **single Councillor** appears at first to be the cheapest and most effective solution. An experienced Councillor, fully conversant with which Officers and other individuals to call on where needed, with a good grasp of the law, an open yet analytical mind, loyalty to the needs of the job rather than to Party advantage, and with a very thick skin, could perform adequately. Such a Councillor would however be in high demand for other roles as well and, short of constant delegation to other Councillors and to Officers, would quickly become overwhelmed. He/she would almost certainly need to come from the ruling Group and have the ear and approbation of the Cabinet Member. Succession would also present challenges. Long-term, this would not be the bargain it first appears to be.

A **cross-party group** of Councillors acting in accord would in theory get past any accusation of partisanship: work could be shared, lead spokesperson rotated, experience pooled. In my experience,

such an arrangement would be too fragile to survive, particularly if Members failed to share the work, and the occasional blame, equally. The risk of failure is too great.

A dedicated **Officer**, recruited for the role for his/her existing skills, would in my opinion be the most effective response. The Officer would report to both the Head of Housing and to the Cabinet Member, with access to various Officer teams, in particular Legal, Adult Social Care and Environmental Health. I believe there would be sufficient work to keep such an Officer permanently employed in Merton, and that his/her proactive work might actually save the Council (and, incidentally, the Housing Associations) money in the longer term. If, however, a case for a full-time Officer in just this Borough does not add up, there is scope for sharing with other boroughs, as we do our regulatory services team. The Officer could also be used to map out the case for a register of private landlords, assisting the ruling Group should they wish to pursue a clean-up of the private sector.

There is however also a case for abandoning the Champion project as over-complicated and insufficiently supported. Tenants' properties are their greatest asset and, when this is threatened, they may choose to sidestep a Champion system they may see as obstructive, and go instead for a sympathetic ward Councillor, or an Opposition Councillor, or any independent person who may support their cause. They may not enjoy the prospect of following a Housing Association's repairs and complaints procedure if what appears to be a quicker and easier solution presents itself. In coming months, for instance, we will see teams of canvassers knocking on Housing Association doors and asking tenants to report problems direct to us as politicians, and some will do so, assuring us that their complaints have fallen on deaf ears, and we will promise action. In doing so we will jeopardise the success of the Tenant's Champion, but I know that we will do it anyway. It's in our nature.

The decision to continue with or to abandon the Tenant's Champion won't be mine. Councillors may choose to adapt the model I chose or to adopt something completely different. In conclusion, though, I sincerely hope that some form of Champion system is retained, if only for private sector tenants, the least regulated and most vulnerable of all or many tenants.

Nick Draper
09/02/2022

Committee: Cabinet

Date: 19 September 2022

Wards: All

Subject: Reference from the Sustainable Communities Overview and Scrutiny Panel – Community Skips

Lead officer: Rosie Mckeever, Scrutiny Officer

Lead member: Councillor Stuart Neaverson, Chair of the Sustainable Communities Overview and Scrutiny Panel

Contact officer: Rosie Mckeever, Scrutiny Officer, 0208 545 4035

Recommendations:

1. The Sustainable Communities Overview and Scrutiny Panel requests that Cabinet note its reference set out in paragraph 2.7 below.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. During the 29 June 2022 meeting of the Sustainable Communities Overview and Scrutiny Panel, members received a presentation on the fly-tipping strategy and accompanying action plan. The Assistant Director for Public Space and the Cabinet Member for Local Environment, Green spaces and Climate answered questions and provided further detail where needed.

2 DETAILS

2.1. Scrutiny process

- 2.2. The Panel were reassured to hear that in the short term, officers will be focusing on the delivery of the action plan that was in response to the service improvement notice given to Veolia, and that there is a strong focus on the fly tipping strategy, particularly the treatment of flats above shops.
- 2.3. The Panel were reassured to hear officers are Members agreed that working to improve relationships with housing association providers across the borough and tackling the management of communal waste across the borough is a priority.
- 2.4. Following discussions about access to Garth Road recycling centre, bulky waste collections and the historic use of community skips, the Panel moved to discuss a cross-party recommendation.

2.5. Scrutiny response

- 2.6. The Panel RESOLVED (all ten members voted in favour) to send the following recommendation to Cabinet
- 2.7. Considering lack of access to disposal facilities is a driver, the Panel RESOLVED that “This panel requests Cabinet consider ways of bringing the collection of waste closer to the community i.e., community skips”.

3 ALTERNATIVE OPTIONS

- 3.1. None – Cabinet is required under the council’s constitution to receive, consider and respond to references from overview and scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purpose of this report.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. None for the purpose of this report.

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. Cabinet is required under the council’s constitution to receive, consider and respond to references from overview and scrutiny. The Local Government and Public Involvement in Health Act 2007 requires Cabinet to respond to reports and recommendations made by scrutiny committees within two months of written notice being given.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1. There are no human rights, equalities and community cohesion implications as a result of this report.

8 CRIME AND DISORDER IMPLICATIONS

- 8.1. These are no crime and disorder implications as a result of this report.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1. There are no risk management and health and safety implications as a result of this report.

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

- None

11 BACKGROUND PAPERS

None

Cabinet

Date: 19th September 2022

Wards: All

Subject: Update on the work of Safer Merton and Violence against Women and Girls (VAWG) and the new VAWG Strategy 2022-2025

Lead officers: Calvin McLean (Interim Assistant Director of Public Protection), Alun Goode QPM (Interim Head of Safer Merton), Zoe Gallen (Domestic Abuse and VAWG Lead), Katy Saunders (Interim Community Safety Team Manager)

Lead member: Councillor Eleanor Stringer, Cabinet Lead for Civic Pride

Contact officer: Zoe Gallen, Domestic Abuse and VAWG Lead

Recommendations:

- A. For Cabinet to note the update on the work on the VAWG agenda and agree the new VAWG Strategy 2022-2025 - *Merton's Ending Violence Against Women & Girls Strategy 2022–2025*.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. This report provides an update on the work of Safer Merton in delivering for Domestic Abuse and VAWG and sets out the new VAWG Strategy.

2 DETAILS

2.1. Safer Merton continues to co-ordinate the partnership approach to respond to VAWG.

2.2. This includes:

- The management of the VAWG Strategic Board (quarterly meetings).
- Developing and delivering the annual VAWG Action Plan.
- Developing a new VAWG Strategy.
- Running the monthly domestic violence MARAC¹ meetings.
- Continuing to raise awareness of Domestic Violence and Abuse (DVA) and VAWG across the Council, partnership, and community.
- Ensuring we meet policy and statutory requirements, specifically conducting Domestic Homicide Reviews (two active at present) and co-ordinating the implementation of the Domestic Abuse Act 2021.
- Responding to the member's motion on the Safety of Women and Girls following the murder of Sarah Everard in March 2021. Safer Merton has established a task group to consider how we develop safe and confidential opportunities for women and girls to share their experience with the Council and partners, providing insight and informing our work on reducing VAWG,

¹ Multi Agency Risk Assessment Conference for high risk domestic abuse cases.

<https://safelives.org.uk/sites/default/files/resources/MARAC%20FAQs%20General%20FINAL.pdf>

addressing male behaviour and exploring the use of restorative justice as part of our response to VAWG.

2.3. Commissioning and managing the delivery of front-line services for victims of Domestic Abuse:

- The Independent Domestic Violence Advocacy Service (IDVAs).
- Running the weekly One Stop Shop drop in advice surgeries.
- Joint commissioning of the Complex Needs IDVA Service with Wandsworth, Kingston and Richmond.
- Refuge provision – run by Hestia, 17 beds for women fleeing domestic abuse.

2.1. Following the murder of Sarah Everard in March 2021, there has been increased interest in the work undertaken to keep women and girls safe. Following a cross-party motion accepted by Merton's Full Council in April 2021, Safer Merton has established a Safety of Women and Girls task group, whose role includes considering how we develop safe and confidential opportunities for women and girls to share their experience with the Council and partners and addressing male behaviour.

2.2. The VAWG Strategy underpins the work we do in Merton to support victims and survivors of all forms of domestic abuse and VAWG.

2.3. The Strategy sets out our vision for ending violence against women and girls. This replaces the previous strategy from 2016-18 and was developed in consultation with VAWG partners across the borough. It has been further developed with feedback from the VAWG Board and Safer Stronger Executive Board.

2.4. If agreed by Cabinet, the Strategy's ambitious vision will be realised through a robust Action Plan.

2.5. We will work closely with residents, survivors, and multi-agency partners to develop this in order to address our five strategic objectives:

Partnership Objective 1: Raise awareness and coordinated partnership working

Partnership Objective 2: Prevent VAWG through early intervention

Partnership Objective 3: Support victims, survivors, and their children

Partnership Objective 4: Hold perpetrators to account

Partnership Objective 5: Improve the safety of women and girls

2.6. An action plan will be published later in the year setting out the steps to be taken. Initial conversations suggest that these actions will include:

- work with schools in a preventative capacity,
- projects helping to make our streets safe,
- focused work with survivors from minoritised backgrounds and those who experience multiple disadvantages,

- focused work on how to meaningfully engage with a diverse range of survivors including children and young people,
- work in changing abuser behaviour,
- and a focus on improving systems and referral pathways.

2.7. This work links with Merton's corporate priorities in terms of creating civic pride and a borough where residents feel safe to engage with the council and community services to receive the support they need. It also links to ensuring all equalities strands (sex, race, disability, sexual orientation, gender reassignment, pregnancy/ maternity, religion/ belief, age, marriage, and civil partnerships have equal access to our VAWG services.

2.8. **Update on other key pieces of work in tackling Violence Against Women and Girls:**

2.9. **Safer Streets Round 4 Funding:** Safer Merton has been successful in its joint bid with Wandsworth, Kingston, and Richmond for Round 4 of the Home Office's Safer Streets funding. Funding of £183,300 will be shared between the four boroughs on supporting interventions aimed at preventing violence against women and girls in public places and on engaging with men to change attitudes and behaviours. Work will begin on implementation of the bid in the autumn of 2022.

2.10. **White Ribbon Accreditation:** The Safety of Women and Girls Task Group is overseeing the work for Merton Council to achieve White Ribbon accreditation status. White Ribbon UK is a charity focused on engaging with men and boys to end violence against women and girls and is part of our work to develop a strategic approach to ensuring male accountability for ending violence against women and girls. This has previously been agreed by Cabinet. £3,000 in membership for three years will be covered under the Safer Merton budget.

2.11. **Merton 2030 and Mayor's Office for Policing and Crime (MOPAC) London Crime Prevention Fund (LCPF) funded work:** Additional work being delivered with Merton Council and MOPAC LCPF joint funding. The interventions delivered include investing in extra capacity for Street Pastors to be trained and deployed to busy night-time economy locations (£11,000 costs were funded by LCPF 2021-22 paid out last financial year and £15,000 funded by the Merton 2030 budget).

2.12. Merton has also signed up to the **Mayor of London's Night Safety Charter**². The charter has been created to make London a city where all women feel confident and welcome at night and is part of the Mayor's Tackling Violence Against Women and Girls Strategy and London's commitment to the UN Women Safe Cities and Safe Public Spaces global initiative. There are no direct costs in signing up to the Charter.

2.13. Continued communications via the Council's publicity channels to raise awareness of VAWG and promote the services available to victims in Merton. This includes working in partnership with the police and other partners on the annual **16 Days Against Domestic Violence and Abuse Campaign** which includes awareness

² <https://www.london.gov.uk/what-we-do/arts-and-culture/24-hour-london/womens-night-safety-charter#acc-i-57686>

raising, training and events to shine a spotlight on the different forms of VAWG and signpost to organisations which can provide support to victims. Funding secured under the Safer Streets bid (2.9) will contribute towards publicity campaigns and promotional materials.

3 ALTERNATIVE OPTIONS

3.1. There are no alternative options as this strategy covering 2022-25 is needed to inform our work.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. The draft strategy has been developed by the VAWG Board and shared with partners. Through the work we currently do we have feedback from victims and survivors which has been incorporated into the strategy.

5 TIMETABLE

Action	Date
<i>Safer Stronger Executive Board</i>	20 th July 2022
<i>Overview & Scrutiny Committee</i>	7 th September 2022
<i>Cabinet</i>	19 th September 2022
<i>Official launch of VAWG Strategy 2022-25 and annual action plan</i>	During 16 Days Against Domestic Violence & Abuse Campaign 25 th November - 10 th December 2022

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. Currently the domestic abuse service is funded by the Council and MOPAC. The women’s refuge is funded by the Council’s Housing Department. We will continue to look for additional funding to maintain and grow our services.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. The Domestic Abuse Act 2021 (the Act) received Royal Assent on 29/04/21 and is being brought into force in stages. The purpose of the Act is to raise awareness and understanding of domestic abuse and its impact on victims, to further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice, and to strengthen the support for victims of abuse and their children provided by other statutory agencies.

7.2. Part 4 of the Act, which came into force on 01/10/21, places new duties on the GLA and London Boroughs in respect of the provision of accommodation-based support to domestic abuse victims and their children in refuges and other safe accommodation. A copy of Part 4 of the Act is available under Appendix 2.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. Domestic violence and abuse can have major implications on community cohesion. With 1 in 20 residents affected by this crime, the partnership's work in supporting victims, taking action against perpetrators, and ensuring that our communities understand the work we are doing on this subject is vital in achieving our ambitions for more victims to report and for more friends, family and/ or neighbours to report matters of concern.

8.2. The United Kingdom ratifies the Istanbul Convention, and this will be a positive way forward supporting victims and survivors.

9 CRIME AND DISORDER IMPLICATIONS

9.1. As Safer Merton oversee the work as lead service, the team ensure that all crime, disorder, and safeguarding concerns are considered within this work.

9.2. The Domestic Abuse Act 2021 and subsequent guidance from the Home Office and MOPAC sets out the responsibilities for the local authority and the Community Safety Partnership.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. As a response to the ongoing concerns of the Covid pandemic and now living with Covid, the Safer Merton service and our partners have evolved our business continuity plans to cope with associated challenges.

10.2. Victim Support and Safer Merton have shared each other's plans and are working on a daily basis to understand one another's pressures and challenges as we work to ensure that the service is continued to be delivered to our victims.

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

- **Appendix 1 - Draft Merton VAWG Strategy 2022-2025 – Merton's Ending Violence Against Women & Girls Strategy 2022–2025**
- **Appendix 2 – Part 4 of the Domestic Abuse Act 2021.**

12 BACKGROUND PAPERS

12.1. None.

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Merton’s Ending Violence Against Women & Girls Strategy 2022 – 2025

DRAFT

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Foreword

Preventing and responding to violence against women and girls remains a priority for Merton's Safer Merton Partnership.



As more victims and survivors come forward to report domestic abuse and violence and VAWG, we need to ensure that they get the support they need. We also want our services reduce the impact on children and families who witness incidents.

This strategy sets out our partnership commitment to work together to prevent all forms of violence against women and girls (VAWG) including domestic abuse (DA) in Merton.

We want to see an increase in reporting as a result of raised community awareness and victim confidence, but this must go hand in hand with an increase in prosecution and convictions for what can still be hidden crimes.

We want to see early intervention and prevention, working with men and boys to tackle sexist and misogynistic attitudes, and building resilience in families.

We have committed to reviewing and developing our services so that fewer victims reach crisis point and that every victim is able to access co-ordinated support at the right time.

We will achieve these outcomes by raising awareness, providing early intervention, supporting victims and their families, and bringing perpetrators to justice.

Councillor Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride

The Way Forward: A Call to Action

This strategy sets out our vision for ending violence against women and girls. This is an ambitious vision which will be realised through a robust action plan.

We are working closely with residents, survivors, and multi-agency partners to develop this in order to address our five strategic objectives:

Partnership Objective 1: Raise awareness and coordinated partnership working

Partnership Objective 2: Prevent VAWG through early intervention

Partnership Objective 3: Support victims, survivors, and their children

Partnership Objective 4: Hold perpetrators to account

Partnership Objective 5: Improve the safety of women and girls

An action plan will be published later in the year setting out the steps to be taken. Initial conversations suggest that these actions will include:

- work with schools in a preventative capacity,
- projects helping to make our streets safe,
- focused work with survivors from minoritised backgrounds and those who experience multiple disadvantage,
- focused work on how to meaningfully engage with a diverse range of survivors including children and young people,
- work in changing abuser behaviour,
- and a focus on improving systems and referral pathways.

The emphasis of the action plan will be on our coordinated community response and the role we can all play in ending VAWG. The action plan will also build on best practice work that we have been delivering across the borough.

Conclusion

Together we can end violence against women and girls. We are determined to end violence against women and girls and believe that partnership working in a coordinated community response can help us achieve this.

This strategy sets out the role we can all play in responding to and ending VAWG.

We welcome professionals, residents, and survivors to join us in achieving our objectives.

Together, we can work to make our borough safer for anyone who is living, studying, working, visiting, and travelling in Merton.

Introduction

Violence against Women and Girls (VAWG) is a fundamental human rights violation, which harms the lives of millions.

It is recognised as a worldwide issue of epidemic proportions. Nationally we know that on average two women are killed every week by a current or former partner and one in five women have experienced some form of sexual violence since the age of 16. But VAWG is also something that is happening here in Merton, estimated to be affecting around one in 20 women and girls at some point in their lifetime.

In many instances VAWG remains hidden and under-reported, but it is not inevitable and collectively we can end it. This strategy sets out the role we can all play in ending VAWG as part of our coordinated community response.

Preventing violence against women and girls is everybody's business. We want to ensure that everyone can identify victims and can intervene early to prevent situations from escalating to crisis point. We also want to ensure that we understand the needs of victims and their families.

This strategy builds on the nationally recognised best practice work that has been happening across our borough.

Survivor is a nationally recognised term to describe someone who has been a victim of abuse but who has continued to live, it is a positive term of empowerment and therefore used throughout the strategy.

This strategy will be accompanied by a robust action plan which will outline the steps we will take as a partnership to achieve our objectives. Our approach will use this strong foundation to continue our priority to end VAWG.

Our strategy recognises many strategies including:

- The Government's 'Ending Violence Against Women and Girls Strategy 2021,
- Home Office's 'Violence Against Women and Girls National Statement of Expectations' (NSE) published in December 2016, which outlines the expected standards for local areas when commissioning services.
- Mayor of London – VAWG Strategy 2022
- CLCH
- Probation
- Met Police, Action plan on tackling VAWG
- Mental Health

We have developed five shared partnership objectives that we will all work towards.

Our approach is framed within a VAWG strategy because we know that these crimes are disproportionately gendered. However, we intend to benefit all victims of these crimes.

Men and boys can also be victims of violence and abuse and so supporting men's services will not be excluded from consideration in this strategy. Our strategy puts the victim at the centre of service delivery, has a clear focus on perpetrators, keeping victims safe, and acknowledges the need to raise local awareness of the issues.

In developing this strategy we have consulted with users, elected members and our local partners. Our strategy also acknowledges the gendered nature of VAWG.

Definition of Violence Against Women and Girls (VAWG)

Violence Against Women and Girls (VAWG) is the umbrella term used to describe a range of violent and abusive acts and behaviours, which are predominantly, but not exclusively, directed against women and girls. This term is used to describe abuse against all genders but highlights the disproportionate impact on women and girls.

Locally and nationally, we have adopted the United Nations definition of VAWG, which defines VAWG as:

"Any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

There are multiple forms of VAWG, whether physical, sexual, psychological, or economic. This can include violence in public places, such as sexual harassment, or within the private sphere such as intimate partner violence, which can often lead to homicide. Two women are killed every week by a partner or ex-partner in the UK. Some forms of violence are technology based, such as internet stalking, or driven by economic factors such as international trafficking of women and girls. Others are the result of harmful practices, such as Female Genital Mutilation, Forced Marriage, and virginity testing. These abuses can differ in how they are experienced, but all are the result of the misuse of power and control

Type of Abuse	What does this mean?
Domestic abuse (including coercive control)	This is when a partner or family member has power and control over their victims and uses abuse to maintain it. Abuse can be physical, emotional, economic, psychological and/or sexual.
Rape and sexual violence	Rape is sex without consent. This means that rape isn't just people being physically forced into a sexual act, it also includes pressure that makes someone feel like they have no choice but to have sex or perform/receive a sexual act.
Female genital mutilation	This is the partial or total removal of external female genitalia for non medical reasons.
Early and Forced marriage	This is where one or both people do not (or in cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so.
So called "honour" based violence	This is abuse and violence which is carried out in order to protect or defend perceived "honour" of the family and/or community. We are clear that there is no honour in honour-based violence.
Faith-based abuse	This is when someone uses religion or faith to justify the abuse of another person, usually a child or vulnerable adult. It could be caused by the perpetrator's belief in witchcraft, spirit or demonic

	possession, ritual, or satanic abuse. It is not caused by religion or faith.
Sexual harassment	This is unwanted behaviour of a sexual nature which violates someone's dignity, makes someone feel intimidated, degraded, or humiliated and/or creates a hostile or offensive environment.
Stalking	This is a pattern of persistent and unwanted attention that makes someone feel pestered, scared, anxious, or harassed.
Modern Slavery	This is an umbrella term for human trafficking and servitude. It is used when somebody is forced or controlled to do something, and another person gains from this.
Prostitution and Sexual exploitation	This is where someone is being coerced or forced into selling sex or performing sexual acts. Victim/survivors may also be trafficked into prostitution. Children, young people, and vulnerable adults may also be sexually exploited and coerced into receiving or performing sexual acts. Abuse of children and adults can include sharing pornographic images and the use of technology.

The Domestic Abuse Act 2021 definition:

Domestic abuse is behaviour between those aged over 16 years who are personally connected to each other that is they are or have been intimate partners or family members, even after separation. Regardless of age, gender identity or reassignment, religion, ethnicity, class, sexual orientation, marital status or background.

Behaviour is considered abusive when it consists of any of the following:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour, even after separation
- Economic abuse – means any behaviour that has a substantial adverse effect to acquire, use or maintain money or other property, or obtain goods or services
- Psychological, emotional, or other abuse

Includes so called 'honour-based' violence, female genital mutilation (FGM) and force marriage.

Controlling behaviour is a range of acts designed to make a person subordinate and/ or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts to assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

A child who sees, or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator is also regarded as a victim of domestic abuse in their own right.

What causes VAWG?

Many different reasons are given as to why VAWG happens. This includes blaming substances, mental ill health, anger issues, growing up in an abusive household, cultural practices, and stress. These issues might have an effect, but none of these issues CAUSE violence or abuse. Instead, evidence has shown that gender inequality is a key driver of VAWG.

The Council of Europe give three factors which lie at the root of the problem:

Cultural Factors	Legal Factors	Political Factors
Sexist views and the idea that men can have more power over women and children, results in abuse being used to maintain this power. Gender stereotypes reinforce this inequality and creates an acceptance of violence and abuse.	Although abuse is illegal, sadly we see many victims blamed for the abuse and low sentences for abusers. This results in low reporting and abuse being allowed to continue.	The under-representation of women and minority groups in power and politics means they have fewer opportunities to shape the discussion and to affect changes in policy, or to adopt measures to end VAWG
For example: Sexist attitudes like believing men must be tough, strong, and always in control can result in them exerting control over a partner or family member. These attitudes are harmful to all genders.	For example: Rape convictions remain low and have got worse in recent years, with only 1.6% nationally leading to conviction in 2020. Survivors have told us that this sends a terrible message that rapists can 'get away with it' and allows abuse to continue.	For example: Rape in marriage only became a criminal offence in 1991 and coercive control only became an offence in 2015. Both happened because of lobbying by women's groups

General Recommendation 19, Committee on the Elimination of Discrimination Against Women: UN, 1992.

<https://www.coe.int/en/web/gender-matters/what-causes-gender-based-violence>

We also know that experiences of racism, classism, ageism, homophobia, transphobia, and ableism can make people more vulnerable to abuse and they may face additional barriers in accessing support.

We know that disabled people including those with mental ill health,, are twice as likely to experience abuse and 80% of trans people have experienced emotional, sexual, or physical abuse from a partner or ex-partner. The Oxford dictionary defines Intersectionality as “the interconnected nature of social categorisations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage”. It can also give some people advantage and opportunities that others don't have access to. Our strategy recognises the need for an intersectional approach which understands the barriers people face and how these connect with each other and with their experiences of abuse

What are some of the common myths about VAWG?

<p>Myth: To stay safe, women should not go out late at night Women should not have to restrict their lives to be safe. We need to tell abusers to stop the abuse, not tell women to restrict their freedoms. Telling women this is victim blaming. It is important to note that staying at home doesn't necessarily mean women will be safe either. Statistically, women are more likely to be harmed in the home than on the street. Telling women to change behaviour does not address the root cause of abuse and will not result in change.</p>	<p>Myth: Violence against women and girls only affects certain groups of women Research has repeatedly shown violence can affect women from all social, economic, cultural, and family backgrounds. There is no evidence to suggest that violence is more prevalent in some communities than others. Instead, barriers to accessing support can increase vulnerability. Experiencing racism, ableism, or homophobia can influence someone reaching for support. This is why an intersectional approach is important</p>
<p>Myth: Leaving an abusive relationship means the abuse will end There can be many barriers to leaving an abusive relationship, and access to support and resources plays a role. Survivors should not be blamed if they do not leave, this is victim blaming. We also know that risk escalates when survivors leave so survivors must be supported to leave safely if they choose to. Even after leaving, survivors can still be at risk. Survivors recall abusers continuing to stalk them and even using institutions, such as the family courts, to continue abuse. Support for survivors must therefore always be long-term</p>	<p>Myth: Abuse is the result of an anger problem, use of substances or mental ill-health There is no research to support this. Abuse and violence are about power and control. Abusers often choose when they abuse, often where there are no witnesses. We know that substances or mental ill health do not cause abuse. Many people who use substances or have a mental health condition do not abuse. However, substance use or mental ill health can make existing abuse worse. It's important to offer abusers wider support, but there should be no excuse for abuse.</p>
<p>Myth: Abusers can still be good Parents Children are recognised as victim/survivors in the Domestic Abuse Act 2021 because where children are exposed to domestic abuse this is a form of psychological abuse. They do not have to witness the abuse to be affected by VAWG. However, many children do see and hear abuse taking place within the home and children may also be physically harmed by the abuser particularly if they are trying to defend the non-abusive parent. "An estimated 90% of children whose mothers are abused witness the abuse. The effects are traumatic and long-lasting.</p>	<p>Myth: VAWG is mainly about physical violence VAWG extends beyond just physical violence. Instead, VAWG is about the different ways that victims are controlled, intimidated, humiliated, or threatened. VAWG is about being denied human rights, to achieve this, abusers may use physical violence, but they also use methods such as psychological, emotional, and economic abuse. They may also use reproductive abuse whereby abusers prevent the survivor from making their own choices about pregnancy and having children. These types of abuse can be just as harmful as physical abuse.</p>

<p>When a child witnesses domestic abuse this is child abuse. Between 40% and 70% of these children are also direct victims of abuse". (Women's Aid) Where there are children the onus should not be put on the mother to protect her children, abusers must be held to account for their behaviour and challenged on their parenting responsibilities.</p>	<p>Abusers may use children to abuse the non-abusive parent making a partner or ex-partner feel guilty about their children, using the children to relay messages, using children to monitor and report on the survivor's movements, using contact arrangements to harass their partner, or threatening to take children away.</p>
<p>Myth: Sexual violence is more likely to be committed by a stranger At least two thirds of sexual assaults are committed by someone known to the survivor. According to some studies only 2% of abusers are complete strangers. 97% of women who contacted Rape Crisis said they knew the person who raped them</p>	<p>Myth: Women involved in prostitution cannot be raped or sexually assaulted Sexual violence is any sexual act that a person did not consent to or is forced into against their will. Women involved in prostitution do experience rape and sexual assault. Women involved in prostitution face discrimination and are often blamed for the abuse. This is not acceptable, and we believe everyone should be supported to access support.</p>
<p>Myth: Forced marriage only happens in South Asian communities Forced marriage affects a wide range of communities from different cultural backgrounds. It affects men and women all over the world, regardless of race, ethnicity, or religion. Labelling it as a problem for 'certain' communities creates harmful stereotypes and can create barriers for people accessing support.</p>	<p>Myth: If a young person accepts drink, drugs, or money for sex its their choice to do so This is a form of exploitation and usually the people supplying alcohol, money and gifts have the power in this relationship and will use this to their advantage. Often the victims may not recognise what they are experiencing as abuse and may have misplaced loyalty to the person abusing them.</p>

Strategic Context

National Strategic Context

Addressing VAWG is recognised as a priority area regionally, nationally and internationally. The UN Declaration (above) was adopted by the General Assembly in 1993. This was followed by a resolution of intensification of efforts to eliminate all forms of violence against women in 2009.

In 2022, the Mayor of London published **Tackling Violence Against Women & Girls (VAWG) Strategy for London** – a London-wide plan aimed at ending all forms of violence against women in London.

In March 2016, the Government published its **‘Ending Violence Against Women and Girls Strategy 2016 to 2020’** and in **2021 Tackling Violence against women and girls - The safety of women and girls across the country is our priority**– outlining a commitment to make tackling VAWG everyone’s business and outlining plans for increased support for service commissioners to assist women who have experienced violence.

[Tackling violence against women and girls strategy \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/562222/Ending_Violence_Against_Women_and_Girls_Strategy_2016_to_2020_accessible_version.pdf)

[Tackling Domestic Abuse Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/562222/Ending_Violence_Against_Women_and_Girls_Strategy_2016_to_2020_accessible_version.pdf)

[Mayor's Violence Against Women and Girls Strategy 2018-2021 | London City Hall](#) – due to be refreshed in May 2022

Supporting male victims of crimes considered violence against women and girls

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064154/Supporting_Male_Victims_2022.pdf

In 2021 the Met launched their **VAWG Action Plan**.

Tackling violence remains our top operational priority, including crimes that disproportionately affect women and girls, such as domestic abuse and sexual violence. Male violence against women and girls has a profound and long-lasting impact on those directly affected, shattering the lives of victims, their families and those closest to them. Such violence also affects local communities and impacts on the public’s confidence in the safety of their area, and in the effectiveness of their police service.

Make no mistake, we in the Met will work relentlessly both to tackle violence perpetrated by men against women and girls, and to rebuild trust in the highest professional standards that we expect in policing



MPS VAWG Plan
(002).pdf

Prevalence of violence against women and girls in Merton

It is widely acknowledged that all strands of VAWG are underreported, and that many victims/survivors do not come to the attention of services.

Over the next three years, a key priority for the partnership will be to increase this reporting.

1. Domestic violence and abuse (DVA) flagged offences account for 13.6% of all recorded crime in Merton. This equates to 8.5 offences/1000 population.
2. 80% of DVA flagged offences are classed as Violence Against the Person offences (VAP) which are sub classified as those in which a physical injury occurs and those that don't including stalking and harassment.
3. The proportion of Merton DV offences which result in any physical injury (classified as Violence with injury VWI) fell by 6% to 22.5%. The MPS average was down marginally at 24%.
4. Around 4% of all DV flagged offences result in a physical injury described as moderate or serious. This is unchanged from the last report
5. The correlation between the location of DVA offences and those areas with higher levels of social deprivation in the east of the borough remains unchanged from the last profile.
6. The Detection Rate in Merton for DV offences was up 0.2% to 14.6% in 2021.

Between April 2020 and December 2021

- Merton's IDVA service received 1169 referrals
- 55 referrals for our Merton refuge service,
- Cases were supported virtually for the One Stop Shop (closed March 2020 – November 2021, virtual service provided) and
- 1044 cases referred to DV Multi Agency Risk Assessment Conference (MARAC).

Other data sources

The lasting impact of violence against women and girls - Office for National Statistics

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thelastingimpactofviolenceagainstwomenandgirls/2021-11-24>

Violence against women and girls: Data landscape - Office for National Statistics

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/violenceagainstwomenandgirlsdatalandscape>

Forced Marriages

We have reported cases within Merton, even though the numbers are low we will continue to support our victims and survivors of forced marriage.

Victims Of Honour Based Violence (HBV or so called honour based violence)

We have reported cases within Merton, even though the numbers are low we will continue to support our victims and survivors of honour based violence.

Female Genital Mutilation (FGM)

We have reported cases within Merton even, though the numbers are low we will continue to support our victims and survivors of Female Genital Mutilation.

<https://digital.nhs.uk/data-and-information/publications/statistical/female-genital-mutilation>

Sexual Violence

Merton has the third lowest number of sexual offences of the 32 London boroughs in FY2021-22.

The overall proportion of sexual offences increased by 1% from the last report accounting for 3% of all reported crime in Merton.

84% of victims of sexual offences in Merton were female.

What did survivors with lived experience tell us?

Survivor is a nationally recognised term to describe someone who has been a victim of abuse but who has continued to live, it is a positive term of empowerment and therefore used throughout the strategy.

- Survivors told us that professionals need to be curious about abuse.
- Survivors should not be stereotyped as there is no 'type' of survivor.
- There needs to be long-term support, not just a response to crisis
- Support should be made available sooner, not when survivors reach crisis
- Services need to work together better so that survivors don't have to keep telling their story
- Schools and education settings need to be part of the coordinated community response to VAWG.

We need to make sure professionals, friends and family can identify abuse and understand how to ask and respond.

Abby's words:

I'd been controlled half my life. I'd been in the relationship with him since I was 13 or 14 years old.

When I was at hospital, when I gave birth, I couldn't tell anyone working there I was being abused. I had all his family there. Even when the midwives took me to a room to ask if I was okay, I would say "No, I'm fine".

The neighbours knew what had been going on, but I'd begged them not to tell anyone. I was scared of social services taking my kids away, and this had stopped me from coming forward sooner.

He manipulated me so much.

What is our approach to ending VAWG?

The Coordinated Community Response:

We recognise that real change in responding to and ending VAWG can only be achieved when all agencies, residents, and communities work effectively together.

On a survivor's journey, they are likely to encounter a number of services, organisations, and individuals. Each will hold vital information and can help build a picture of what support is needed so survivors do not have to navigate services to get the help they need. Ensuring everyone knows the role they play in responding to VAWG and how they work with each other is a process known as the Coordinated Community Response (CCR).

Our CCR approach ensures a whole system response to a whole person. The following diagram shows some of the different agencies and groups who may need to be involved in the response.



Partnership Objective 1: Raise awareness and coordinated partnership working

Ambition: Fostering and integrated and coordinated approach to tackling domestic abuse and VAWG (Coordinated partnership working)

We will create a culture change to address the issues that cause VAWG and develop services that meet the intersecting needs of survivors and their families.

An effective partnership will have robust ways of working to ensure it is meeting its objectives, has a shared understanding of what best practice looks like, has respect between agencies and is informed by the voice of survivors.

We will:

- have shared objectives, vision, joint responsibility, and equality between partners
- have clear structures and governance in place, with two way information flow, accountability and space for both strategic and operational input
- have a partnership strategy and action plan setting out who is doing what and when, and ensuring that outputs and outcomes are measurable
- have partnership and agency-specific policies, protocols and processes to ensure effective project delivery
- use data to measure and define success
- ensure the partnership has good representation from all agencies – including the voluntary sector
- there is clear co-ordination across the partnership – supported by the Community Safety Team
- there is continuous training and a commitment to effective change, awareness raising and skill development across the partnership workforce
- have specialist services to respond to VAWG
- our approach considers and meets the needs of Merton's diverse community victims and survivors will be consulted on all areas of the strategy and service provision
- work closely with housing departments and organisations to ensure that victim and survivors are safe.
- we will work towards achieving White Ribbon status

Partnership Objective 2: Prevent VAWG through early intervention

Ambition: Preventing domestic abuse, VAWG and intervening early when people have experienced or are at risk of domestic abuse or VAWG (Prevent VAWG & Early Intervention)

Prevention of VAWG must always be our first priority. In order to prevent VAWG we must address the root causes of the problem. As VAWG is the result of gender inequality and discrimination, we will work collaboratively with agencies and communities in tackling the harmful behaviours and attitudes that underpin abuse. This approach must include challenging sexist and misogynistic attitudes

Once patterns of violence are entrenched the harder it is to break the cycle of abuse, support victims to recovery and independence, and deter perpetrators. We recognise that abuse can happen at any stage of a person's life, this strategy will take a life course approach to ensure all victims – and their families – have access to the right support at the right time to help them live free from domestic violence and abuse

We will :

- We will make prevention and early intervention a core foundation of our approach to tackling VAWG.
- We will work with partners to identify domestic abuse and VAWG early.
- We will train professionals, so they understand the dynamics of VAWG.

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Partnership Objective 3: Support victims, survivors and their children

Ambition: Providing accessible, evidence based, holistic support to people who have experienced or are at risk of domestic abuse and VAWG (Supporting victims & survivors and their children, improve outcomes)

We understand that survivors not only need specialist support for the abuse they have experienced, but may also need support with housing, mental health, substance use, child care, immigration, and other support. We are determined to create a joined-up approach with services working together, so that survivors are provided the right support at the right time.

There will be a continued focus on improving outcomes for victims and their children – to ensure they can access the right support at the right time by the right service. We will ensure that the victim is at the centre of service delivery and will ensure that services are flexible and responsive to the victim's experience and voice.

We will:

- Provide an IDVA service for Victim and Survivors of domestic Abuse.
- We will provide a refuge for women fleeing to our borough.
- We will work with partners to ensure victim/ survivors and their children are safe.
- We will have a Multi-Agency Risk Assessment Conference (MARAC) to ensure high risk cases are known and discussed with our partners.
- We will have a One Stop Shop so victims and survivors can access support.
- We will offer victims and survivors local and national support services to support them.
- We will ensure that victims and survivors of VAWG have access to services.
- We will work in partnership with Children's services to ensure that victim/ survivor and children's safety is not just the responsibility of the victim/ survivor and the perpetrator is part of the safety planning ensuring the victim and children are safe.

Partnership Objective 4: Hold perpetrators to account

Ambition: Implementing effective systems and interventions for working with perpetrators or those at risk of becoming perpetrators (hold perpetrators to account)

Ending VAWG can only happen if perpetrators stop their abuse.

Where abuse does happen, perpetrators must be brought to justice. We will continue to ensure that effective sanctions are taken against perpetrators, and that they are prevented from influencing children and other vulnerable people from becoming perpetrators in turn.

We will:

- increase the number of perpetrators brought to justice for violence against women and girls.
- improve processes and victim care across the criminal justice system to reduce the number of cases failing.
- reduce repeat victimisation of women and girls.
- increase women's confidence in the police so as to improve the reporting of crimes which disproportionately affect women and girls within London.
- see an increase in reporting to police, but a decrease in women being abused, i.e. the proportion of women experiencing these crimes in each year (measured through reporting in the Crime Survey in England and Wales); and
- work in partnership, and with the wider Met, in the management of serial and dangerous perpetrators.
- Partnership working through MAPP (Multi Agency Public Protection Agency) will control and monitor perpetrators to reduce repeat victimisation.
- Use GPS tagging to control and monitor our highest risk Domestic Abuse offenders.

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Partnership Objective 5: Improve the safety of women and girls

Ambition: For women and girls to feel safer and be safer within the borough

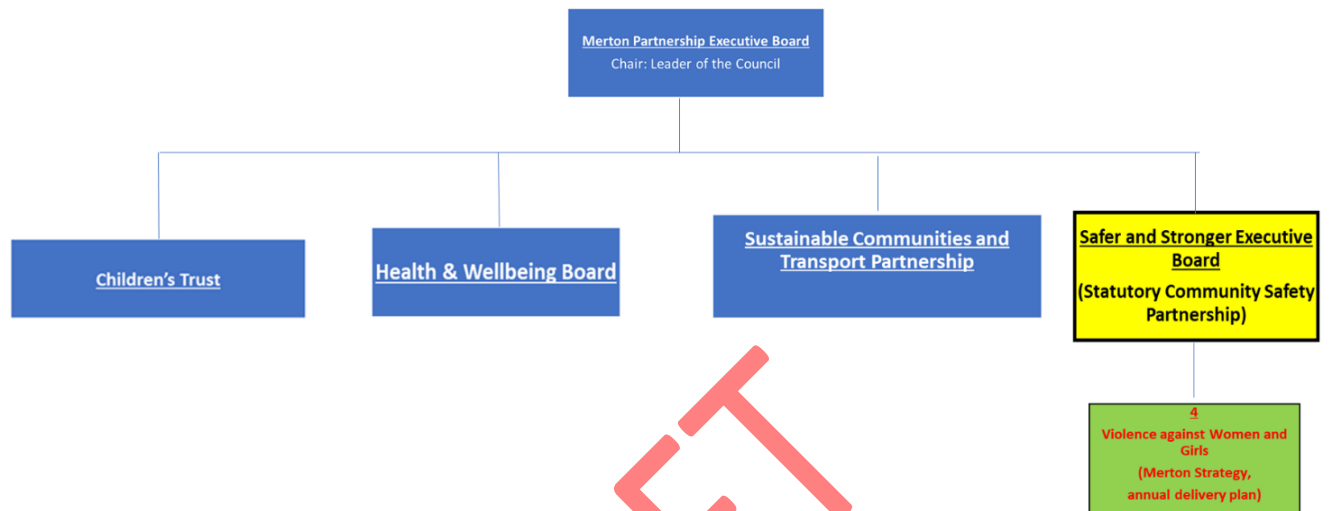
Working with partners, we aim to reassure women and girls in public spaces and protect them from victimisation. We will increase our understanding of key locations where women feel unsafe and work with partners to design-in safety, as well as increase police visibility and enforcement in these hotspots.

We will:

- We will review and look at improve our public spaces in the borough.
- We will work with licenced premises to ensure they are keeping women safe.
- We will provide a communication plan.
- We will expand the Ask for Angela campaign, working with Safer Sounds and bars, clubs and other night time-economy venues. This will build on the comprehensive Welfare and Vulnerability Engagement (WAVE) training to frontline officers that took place in venues across London in the summer.
- We will promote the Mayor's Women's Night Safety Charter and encourage businesses to sign up.
- have a violence against women and girls problem profile within the Police to drive problem solving.
- include violence against women and girls sector organisations in their key partnerships, known as a key individual network.
- work in partnership to tackle identified violence against women and girls concerns.
- work in partnership, and with the wider Met, in the management of serial and dangerous perpetrators.

Governance

This strategy will be overseen by Merton's VAWG Strategic Board – a sub group of Merton's Safer and Stronger Executive board (the statutory board overseeing delivery of Merton's Community Safety Partnership, which includes a priority on responding to and preventing violence against women and girls)



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Appendix 1: List of Services within Merton



Appendix 2: List of Abbreviations

ASB - Anti-Social Behaviour

SWLMHT - South West London Mental Health Trust

MSAB - Merton Safeguarding Adults Board

MSCB - Merton Safeguarding Children Board

CCG - Clinical Commissioning Group

CJS - Criminal Justice System

DA - Domestic Abuse

IDVA - Independent Domestic Violence Advisor

LGBT - Lesbian, gay, bisexual, and transgender

MARAC - Multi-Agency Risk Assessment Conference

MOPAC - Mayor's Office for Policing and Crime

MPS - Metropolitan Police Service

NHS - National Health Service

SSEB - Safer & Stronger Executive Board

VAWG - Violence Against Women and Girls

VCS - Voluntary and Community Sector

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Appendix 2 – Domestic Abuse Act 2021

Part 4: Local authority support

Section 57: Support provided by local authorities to victims of domestic abuse

Section 57 (1) of the Act places a duty on the Greater London Authority (GLA) to assess the need for "accommodation-based support" for victims and their children within its area, to prepare and publish a strategy for the delivery of the support within its area, and to monitor and evaluate the effectiveness of this strategy.

"Accommodation-based support" is defined as meaning support, in relation to domestic abuse, for victims and their children who live in "relevant accommodation". Such support may include:

- Overall management of services within safe accommodation – including, the management of staff, payroll, financial management of services and maintaining relationships with the local authority (such functions will often be undertaken by a service manager);
- Support with the day-to-day running of the service, for example scheduling times for counselling sessions, group activities etc.;
- Advocacy support – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers);
- Domestic abuse-prevention advice – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation;
- Specialist support for victims with relevant protected characteristics and / or complex needs, for example, translators and interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice;
- Children's support – including play therapy and child advocacy;
- Housing-related support – providing housing-related advice and support, for example, securing a permanent home and advice on how to live safely and independently; and
- Counselling and therapy for both adults and children.

What constitutes "relevant accommodation" for these purposes is specified in Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021 (SI 2021/991).

The GLA must, in carrying out its functions, give effect to the strategy.

Prior to publication of a strategy the GLA must consult the domestic abuse local partnership board, the London Boroughs and any other persons considered appropriate (for example, local providers of domestic abuse services).

The GPA must keep the strategy under review. It may make any changes to or replace the strategy, and must publish any revised or replacement strategy. The GLA must also keep under review any effect of that strategy on the provision of other local authority support for victims of domestic abuse or their children that is provided or funded by the authority.

The London Boroughs are required to co-operate with the GLA in any way that the GLA considers necessary for the purpose of discharging its functions under section 57, so far as is reasonably practicable, for example, through the provision of information.

The Secretary of State has made the Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021, (SI 2021/990), which make provision about the preparation and publication of domestic abuse support strategies.

Section 58 Domestic abuse local partnership boards

Section 58 places a duty on the GLA to appoint a domestic abuse local partnership board for the purposes of advising it authority on the exercise of its functions under section 57 and the provision of other local authority support in the GLA's area.

In addition to a representative from the GLA, is expected to chair the board, the membership must include at least one person representing the interests of London Boroughs; victims of domestic abuse; children of domestic abuse victims; charities and other voluntary organisations that work with victims of domestic abuse; persons who provide or have functions relating to health care services; and policing and criminal justice agencies.

Section 59: places a duty on the GLA to submit an annual report to the Secretary of State on the exercise of the functions under this Part 4 of the Act. This is to help the Government and others to monitor how the new duties on local authorities are working, understand where there may be challenges and how the funding is being used, and help identify and disseminate good practice.

Section 60: places a duty on the Secretary of State to issue guidance to local authorities relating to the exercise of their functions under Part 4 and Local authorities are under a duty to have regard to the guidance when exercising functions under Part 4.

Cabinet

Date: 19th September 2022

Wards: Cricket Green, Figge's Marsh, Graveney, Lavender Fields and Ravensbury

Subject: London Borough of Merton Public Spaces Protection Order (PSPO)

Lead officer: Calvin McLean, Interim Assistant Director Public Protection

Lead member: Councillor Eleanor Stringer, Cabinet Member for Civic Pride

Contact officer: Alun Goode QPM, Interim Head of Community Safety, Katy Saunders, Interim Community Safety Team Manager

Recommendations:

- A. For Cabinet to note the contents of the Evidence Report, the Public Consultation Findings and the Equalities Impact Assessment (Appendices 1-3).
 - B. For Cabinet to agree the proposal to extend the existing PSPO for alcohol related ASB for a further three years.
 - C. For Cabinet to agree conduct a further consultation, on whether to make Merton a responsible drinking borough and to making a borough wide PSPO for alcohol related ASB.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

Public Spaces 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.

- 1.1. 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 identified problem behaviour(s), rather than targeting specific individuals or properties. A breach of a PSPO is a criminal offence.
- 1.2. 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, the Order transitioned into a PSPO under the provisions of the Act. This Order expired in October 2020.
- 1.3. At Cabinet on 7th September 2020, a new more localised PSPO was approved covering five wards (*Lavender Fields, Graveney, Ravensbury, Figge's Marsh and Cricket Green*).
- 1.4. On 13th October 2020 th Council made the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 which came into force on 21st October 2020 and is due to expire on 20th October 2022 (the current PSPO).
- 1.5. This report outlines our recommendation (B) to extend the Current PSPO for a further three years.

- 1.6. It is important to note that the Current PSPO only applies to ASB related alcohol consumption. Officers will continue to only enforce this prohibition when people drinking alcohol are *currently or likely to cause ASB*.
- 1.7. An Equalities Impact Assessment (EIA), attached as Appendix 3, conducted in July 2022, concluded that extending the Current PSPO will not have a detrimental effect on any person with protected characteristics living, working, or visiting the area.
- 1.8. A multi-agency engagement and enforcement approach to support the extension of the PSPO is being agreed with partners, subject to the decision whether to extend the duration of the Current PSPO. The engagement and enforcement activity will be monitored through the Locations Board.
- 1.9. If Members agree to the extend the duration of the Current PSPO as proposed in this report, in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 (the Regulations), the Council will publish the full order as extended on the Council's website advising that it will not expire on 20th October 2022 but has been extended for a further three years, or whatever period the Cabinet decides.
- 1.10. Public notices which are currently erected to mark the boundaries of the PSPO will also be updated to reflect its extension for a further three years. A draft of the notice is attached as Appendix 4 of this report.

The Council may extend the period the Current PSPO has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

 - (a) occurrence or recurrence after the expiry of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- 1.11. In considering whether to extend the Current PSPO, and if so for how long, the Council must follow the requirements of the Act, the Regulations, and the Statutory Guidance – *Anti-social Behaviour, Crime and Policing Act 2014: ASB Powers Statutory guidance for frontline professionals (Revised June 22)*. The validity of a PSPO can be subject to a statutory challenge in accordance with the Act, or an application for Judicial Review.
- 1.12. On the 27th June 2022, a six week public consultation on the Current PSPO was launched. In total the Council received 186 responses via the online survey. In summary, 86% of respondents agreed with the renewal of the Current Order and 82% agreed with the renewal of the geographical area of the current prohibition. The full results of the consultation are attached as Appendix 1.
- 1.13. From gathering evidence from our partners and the results of the public consultation, we believe there is a case to extend operational area of the controls in the Current PSPO to other areas of the Borough.
- 1.14. Therefore, the further recommendation (C), if approved by Cabinet, is to begin work on making on a borough wide alcohol consumption PSPO in the autumn of 2022. This will aim to make Merton a responsible drinking

borough that does not prohibit the drinking of alcohol in public but reflects a decision to control ASB linked to alcohol consumption.

- 1.15. This work will include a broader consultation with residents which will take into account the increased of the geographical area of the proposed PSPO, across the whole of the Borough not just the five current wards. It will also provide an opportunity to include in the consultation on other ASB issues of concern having a detrimental effect on the quality of life of all those in the borough.
- 1.16. **Proposal for a borough wide PSPO**
- 1.17. Tackling ASB and the detrimental effect it has on quality of life is a strategic priority of the Community Safety Partnership. The recommendation to make Merton a responsible drinking borough under a borough wide PSPO will give the Police and Council enforcement officers additional powers to target those causing alcohol related ASB and offer them additional support.
- 1.18. It will provide reassurance to residents that something is being done to tackle these issues which can have a detrimental effect on communities.
- 1.19. This work links with Merton's corporate priorities in terms of creating civic pride and a borough where residents feel safe to enjoy our high streets and town centres. It also links to clean streets and the environment with regards to ensuring that our parks and open spaces are a place where residents can enjoy a safe environment free from anti-social behaviour.
- 1.20. In addition, a responsible drinking borough will aid the development of a safe and prosperous Night Time Economy and assist in preventing displacement of problematic drinkers from one area of the borough to another.
- 1.21. It also links with the Government's 10-year drugs strategy 'From harm to hope'¹ which focuses on tackling drug supply, reducing drug demand and improving drug and alcohol treatment and recovery services. The strategy states 'local partnerships should ensure that their plans sufficiently address alcohol dependence and wider alcohol-related harms.' Under this provision the Combatting Substance Misuse Partnership is being established, which will focus on a multi-agency approach to coordinating action to prevent and reduce drug and alcohol related harm in Merton.
- 1.22. We have briefed the boroughs whose borders surround Merton on the borough wide PSPO proposal. A borough wide PSPO is already in place in Wandsworth. Kingston and Sutton also have PSPOs in place for tackling alcohol related ASB. For Kingston this is very localised but for Sutton, 17 alcohol related ASB PSPOs have been made covering much, but not all of the Borough.

2 DETAILS

2.1. Background

- 2.2. 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

¹ [Guidance for local delivery partners \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

one of these tools. Through the provisions of the Act, local authorities are empowered to implement 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.

- 2.3. 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, the Order transitioned into a PSPO under the transitional arrangements in the Act and the restrictions on the public consumption of alcohol became subject to the PSPO regime. This transitioned order expired on 20th October 2020 and was replaced by a more localised PSPO which began on 21st October 2022 called the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (the Current Order). This covers five wards (*Lavender Fields, Graveney, Ravensbury, Figges Marsh and Cricket Green*).
- 2.4. The Current Order will expire on 20th October 2022 unless extended. The Council may extend the period it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
 - (a) occurrence or recurrence after the expiry of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- 2.5. Before extending the Current Order the Council must also carry out the consultation and publicity required by the Act, including publicising its proposal to extend. We have considered the impact the extension. We have gathered this information by consulting on the proposal with the Police, MOPAC, other partners, a public consultation and through the completion of an Equalities Impact Assessment. Finally, we have considered whether the proposed extension satisfies the legal test in paragraph 2.4 above, via consultation with our legal advisers.
- 2.6. **Evidence led approach and proportionality**
- 2.7. Robust evidence is essential when considering whether an extension to the Current Order is appropriate. The Council needs to be satisfied that the evidence demonstrates that the conditions in paragraph 2.4 have been met. A detailed review of the available alcohol related data has taken place and the results of the public consultations have been considered. The Evidence paper can be found in Appendix 2.
- 2.8. However the effectiveness of the PSPO should not solely be judged on the number of enforcements, as its benefits are broader, and the preventative effect of the controls should be noted. Officers using the PSPO powers to intervene at an early stage by asking individuals in the first instance to desist

from drinking alcohol is a good way to prevent unreasonable behaviour escalating. For example, occasions where Officers worked positively with individuals, asking them to stop drinking and encouraging them to access support, before it was necessary to escalate to the level of issuing an FPN. There is difficulty in recording these encounters.

- 2.9. The current PSPO covers the Mitcham area, in particular Mitcham town centre, where there has been a longstanding issue with ASB linked to street drinking. It should be taken into consideration that without the PSPO, the situation in this location could have escalated. Seeing officers patrolling the area and enforcing the PSPO enhances feelings of safety and also acts a deterrent, sending the message that this behaviour is not acceptable.
- 2.10. It should also be noted that following a review of the Community Safety Partnership’s Locations Board meeting, going forwards the engagement and enforcement of the PSPO will monitored via a standing agenda item on a monthly basis to ensure this is a key focus of the partnership.
- 2.11. The current number of street drinking reports to either the Council’s ASB team or Police is low. Enforcement figures for the Current Order are also low, with six Fixed Penalty Notices (FPNs) issued by Council Officers in the last year. Furthermore, conversations with the Police have highlighted the fact they do not have the facility to record action taken by Officers to support the PSPO, this is a common feature across London.
- 2.12. There were 14 calls from public to the Police classified as Street Drinking. The Police are supportive of the proposal to extend the Current Order and consulting on a proposal for a borough wide alcohol related ASB PSPO.

2.13. Table 1.1 summary of figures

Data Source	FY 2021-22
ASB Complaints related to alcohol	80
CCTV Logs	300
Alcohol Related Ambulance Callouts (time period) via Safe Stats	709
Street Drinking Police Calls	14
PSPO FPN’s Issued	6

- 2.14. In addition to the quantitative data, it is 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:
- 2.15. The Annual Resident’s Survey (2021)² indicated that concern about drunk and rowdy behaviour has increased compared to the previous survey in 2019. Concerns regarding drunk and rowdy behaviour are more concentrated in East Merton and Mitcham and South Merton and Morden.
- 2.16. The Safer Merton Strategic Assessment Survey (2021) showed that residents thought alcohol disorder and street drinking were the biggest

² [Performance : Residents’ surveys | Merton Council](#)

problem in their area, followed by drug paraphernalia (canisters) and drug use.

2.17. The Your Merton consultation showed that ASB and safety in public spaces were concerns for East Merton and Mitcham residents, with alcohol consumption often cited as an issue.

2.18. **Location**

2.19. The Current Order covering five wards expires on 20th October 2022. Recommendation B is to extend the Current Order for a further three years.

Since the Current Order was made, the London Borough of Merton Electoral Changes Order 2020³, has come into force. This Order makes changes to electoral arrangements for the Borough following recommendations made by the Local Government Boundary Commission for England. Whilst the area of the Borough remains unchanged, the Order abolishes all the existing electoral wards and replaces them with 20 new ones. It also establishes the names and areas of the new electoral wards. The 5 Wards identified in the Current Order as the restrict areas to which the controls apply have not been renamed but there have been slight adjustments of the former Ward boundaries. The Current Order identified the Restricted Areas by reference to the name of the Wards but also a plan so the extent of the areas subject to the alcohol related ASB controls remains clear and certain. Accordingly, if the Cabinet resolves to extend the duration of the Current Order it will operate in relation to the former ward boundaries, shown edged red on the Plans to the Current Order.

2.20. **Engagement and enforcement**

2.21. If Members agree to extend the Current Order it will come into force on 21st October 2022. Public signage will be updated a week before the go live date and the Order will be publicised in accordance with the Act and the Regulations. During the first three weeks the extended PSPO is in operation, we will focus on engagement and raising awareness of the controls, following which the enforcement will begin.

2.22. Enforcement is a key element of the PSPO and as such, ensuring the right controls is vital. The following restrictions area proposed for the PSPO:

- (i) 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
 - b) To surrender any alcohol, or container for alcohol, and dispose of anything surrendered.

2.23. There are a number of enforcement options ranging from a Warning, and or issuing an FPN, prosecution where the FPN is not paid or where it is not considered appropriate to issue an FPN. For more persistent breaches of

³ <https://www.legislation.gov.uk/ukxi/2020/1382/contents/made>

the extended PSPO, consideration will be given to issuing Community Protection Warnings (CPNW), followed by Community Protection Notices (CPN) and seeking Criminal Behaviour Orders (CBO), where appropriate⁴.

- 2.24. A draft of the PSPO signage can be found in Appendix 4. The signage outlines the area and controls which apply with the restricted area identified by the PSPO. It explains how any ASB can be reported and where people can go to find more information. Note the signage will be updated with the relevant date following approval of the extension of the PSPO.
- 2.25. It is important to add that whilst the Council may issue an FPN offering the opportunity to extinguish liability to prosecution on payment of £150, reduced to £100 on early payment,, the maximum fine to prosecution for breaching the PSPO is a level 2 fine on the standard scale, currently £500. The Council may prosecute if the fixed penalty is not paid or instead of issuing an FPN. Where a person believes to have breached the PSPO refuses to give his/ her name and address they may be prosecuted and on conviction fined up to level 3 fine on the standard scale, currently £1,000.
- 2.26. We are working with partners to deliver a co-ordinated Engagement and Enforcement Plan. The plan not only covers the direct enforcement of the PSPO, via the Police and Kingdom Security, but will outline pathways for accessing support, which might be needed to help those where alcohol has become a challenge, through our partnership with Public Health and Westminster Drugs Project (WDP), our commissioned adult substance misuse service.
- 2.27. As part of the Equalities Impact Assessment we will ensure that the PSPO signage is clear, and there is good engagement and publicity. Moreover, we will consider making the information available in different languages.

3 ALTERNATIVE OPTIONS

- 3.1. *Allow the Current Order to expire and not extend its duration.* This would mean that the Council was not effectively using the power to make a PSPO to prevent, deter and reduce the known impact alcohol related ASB is having on specific locations and communities within the Borough. It would leave the Borough with no operational PSPO until the time a borough wide PSPO is made, assuming the statutory tests for make such an order are satisfied. This option is therefore not recommended.

⁴ 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 ceases 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

- 3.2. *To extend the Current Order, targeted on the five former Wards for a further period of up to three years and not consider making a borough wide alcohol related ASB PSPO.* This would not take into account evidence gathered that such ASB is also an issue in other areas of the Borough which needs to be addressed and the benefits of making Merton a responsible drinking borough.
- 3.3. *To implement a new targeted PSPO in other specified areas of the Borough, based on the evidence of ASB related to alcohol consumption.* Due to the legal process required, such a PSPO could not be made before the expiration of the current PSPO. If the Current Order is extended any new PSPO could be made in addition to that Order, or a new PSPO could be made “absorbing” the existing restricted area, in which case the Current Order could then be discharged.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Before extending the duration of an existing PSPO a local authority is required to carry out *necessary consultation* and *necessary publicity* as specified by the Act. A six-week public consultation was launched on the 27th June 2022 and in total we received 186 responses to our online survey. To publicise the survey, it was circulated to members of Merton Neighbourhood Watch, Merton Safer Neighbourhood Board, members of the Council’s Equality Forums, Merton Connected, Merton Chamber of Commerce, the borough’s drug and alcohol service, Catch 22, the borough’s homelessness service, all Members and via the council’s social media channels on Facebook and twitter.
- 4.2. The public consultation asked respondents whether they supported the current prohibition, of which 86% did. The respondents were also asked whether they were in agreement with the renewal of the geographical area of the current prohibition, of which 82% did. The full results can be found in appendix 1.
- 4.3. We have also taken on board resident feedback provided through other council surveys including the Annual Residents Survey and the Your Merton consultation.
- 4.4. In addition we consulted with our partners including the Police, MOPAC, Public Health, WDP and Kingdom Security.

5 TIMETABLE

- 5.1. Next steps should the recommendations be approved by Cabinet

Milestone	Date to be completed
Report submitted to Overview and Scrutiny Committee	7 th September 2022
Final report submitted to Cabinet	19th September 2022
If Cabinet agrees the proposal to extend the Current Order for a further period of up to 3 years, make an extension Order	20th October 2022 at latest (Critical Date)

Publish the Current Order as extended	Once the extension comes into force 21st October 2022
Extension of current PSPO comes into force	21st October 2022
Regular Monitoring of the PSPO	Via the Locations Board
If agreed by Cabinet, preparation of legal process and further consultation for introduction of a borough wide PSPO begins	1 st November 2022

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The preparation of the extension of the Current Order is being completed within existing officer resources. There will be legal costs to draft the extension of the Order and ensure all due statutory processes are followed, and costs associated with the production and installation of updated signage, should the extension be agreed.
- 6.2. Should it be agreed that a further borough wide PSPO be obtained, there will be additional legal costs to draft the new order and ensure all due statutory processes are followed, subject to a further Cabinet report to decide whether a further PSPO should be made borough wide or for specific areas of the Borough. There will be costs associated with production and installation of signage borough wide.
- 6.3. It is expected that the costs outlined above can be funded from existing resources.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The power and requirements for making, extending, varying and charging 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 referred to at para 1.11 above. The basic requirements for the extending the duration of an existing PSPO are set out in the body of this report.
- 7.2. In deciding whether to extend the Current Order and if so, for how long, the Council must, by Section 72 of the Act, 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").
- 7.3. 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 vary, or to include particular prohibitions or requirements imposed, or
 - (b) that the procedural requirements for making, or varying, the PSPO (for instance, consultation) were not complied with.

- 7.4. 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.
- 7.5. The statutory challenge procedure in Section 66 of the Act does not appear to apply where an existing order is only extended and not also varied. The decision to extend the Current Order would however be susceptible to challenge 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.

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 extend the Current Order and, if so for how long, the Council is required to have regard to the Convention and Articles 10 and 11 in particular.
- 8.3. We have also undertaken an Equalities Impact Assessment which will be monitored to ensure that future intelligence and information which better informs our understanding and impact of the extended PSPO is considered.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The purpose of extending the Current Order is to help tackle alcohol related ASB in the Borough and to help improve the quality of life for those who live, work, and visit the Borough, with the aim of continuing to have a positive impact on the levels of crime and ASB within the restricted areas specified.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. The focus of the Current Order is around enforcement, but it is acknowledged that this may identify individuals for whom alcohol is particularly problematic. If the Current Order is extended we will continue to work 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, if it is extended 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

- Appendix 1 - Public Consultation Results
- Appendix 2 - Evidence Paper
- Appendix 3 - Equalities Impact Assessment
- Appendix 4 - Draft PSPO sign

12 BACKGROUND PAPERS

- 12.1. *The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020*
- 12.2. *ASB Crime and Policing Act 2014 ASB Powers Statutory guidance for frontline professionals (Rev's 06.22).*
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance-_FINAL.pdf

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August 2022

Public Spaces Protection Order (PSPO)
Public Consultation Results

Page 155

Methodology

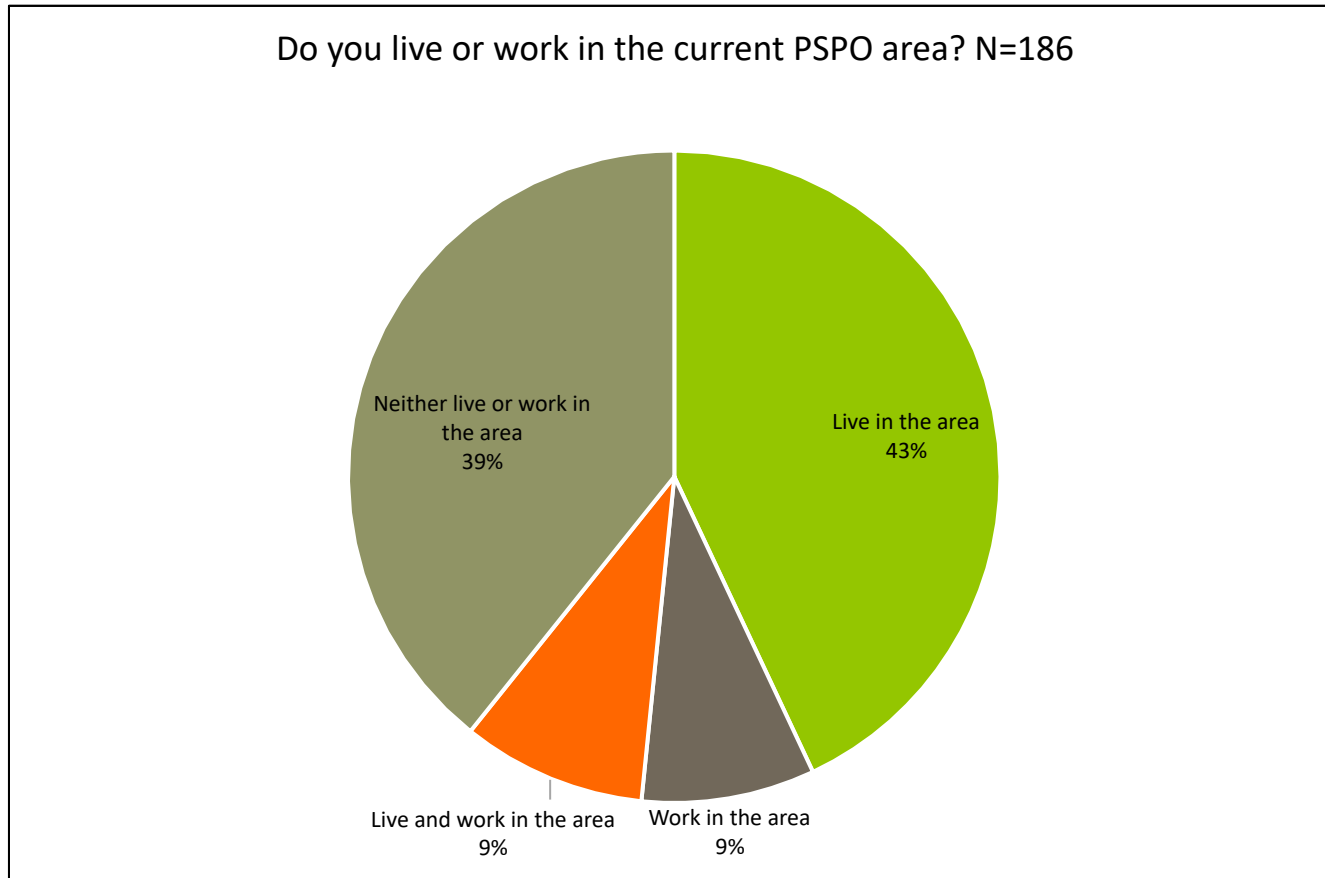
- The Public Spaces Protection Order (PSPO) consultation launched 27th June 2022 and closed on 1st August 2022.
 - The survey was widely circulated to many partner organisations, community groups via Merton's Safer Neighbourhood Board, Merton Connected, Merton Neighbourhood Watch, Members distribution lists and Community Safety Partnership and LBM forums. It was also publicised widely via the Council's social media and email channels.
- Partner organisations including Police, Public Health, Kingdom and WDP were also consulted.
- We received 186 responses via the online survey, which was live for six weeks. Not every respondent answered every question. The number of respondents (n=) is indicated on each slide.
 - We would like to thank everyone who participated in the consultation for their input.

Summary of consultation results

Below is a summary of the key points highlighted in the consultation

- 43% of respondents live in the PSPO area.
- People feel less safe in the area at night.
- 54% of respondents felt that street drinking was a fairly or very big problem.
- 53% had witnessed anti-social behaviour (ASB) in relation to street drinking in the current PSPO area.
- 38% stated that they had witnessed ASB related to street drinking in the current PSPO area more than 10 times in the last year.
- 86% support the renewal of the current prohibition.
- 82% support the renewal of the geographical area of the current prohibition.

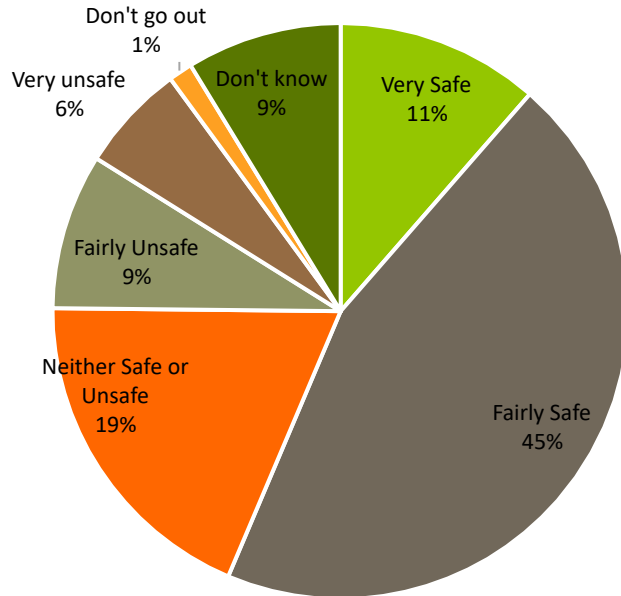
Do you live or work in the current PSPO area?



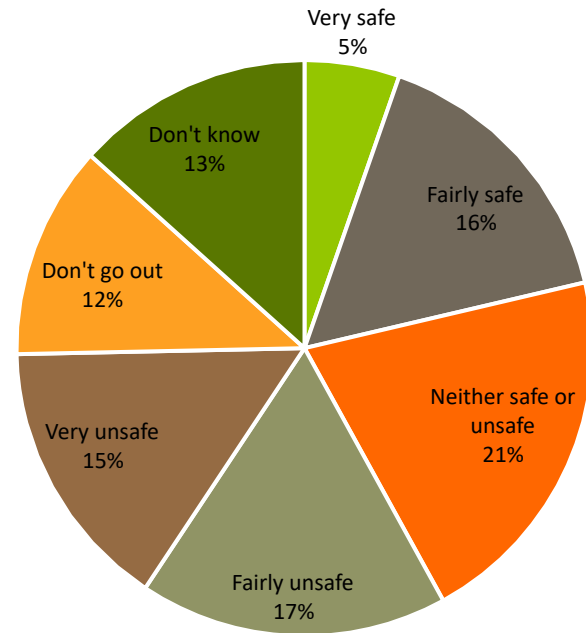
43% of respondents live in the current PSPO area. **39%** of people neither live or work in the area.

The most common frequency of those who don't live or work in the area, visiting the area, was **once in the last month (31%)**.

How safe do you feel when you are in the current PSPO area during the day? n=149



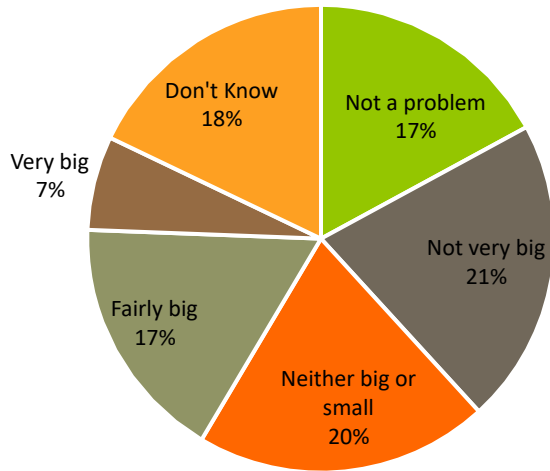
How safe do you feel in the current PSPO area at night? N=150



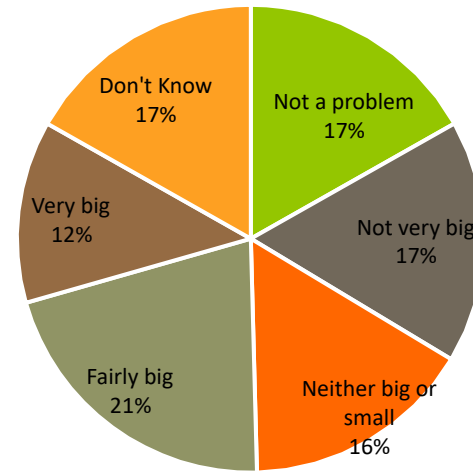
The majority of respondents (**45%**) felt **fairly safe** during the day.

21% of people felt neither safe or unsafe at night. **17%** felt fairly unsafe, **16%** fairly safe.

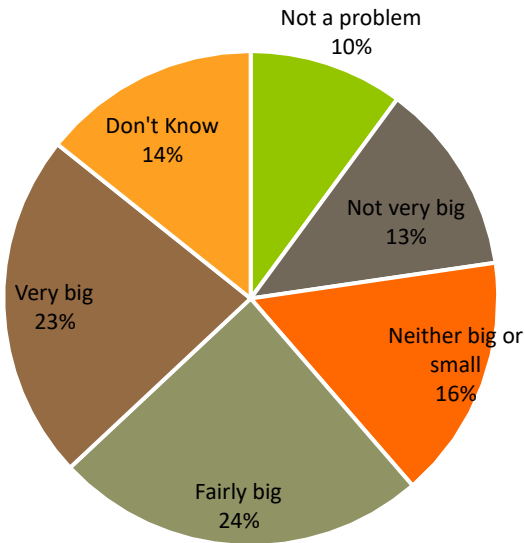
How big a problem do you feel **verbal abuse** is in the current PSPO area? N=123



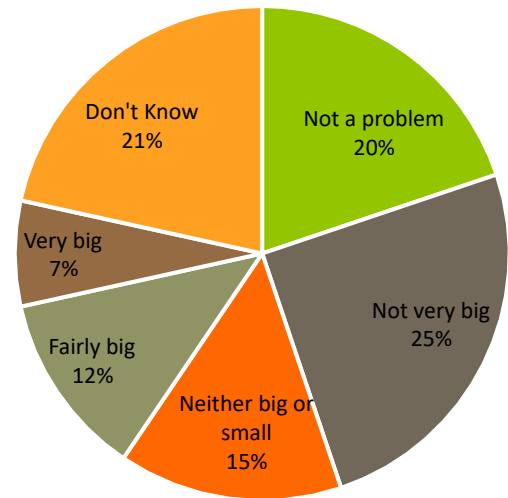
How big a problem do you feel **intimidation** is in the current PSPO area? N=119



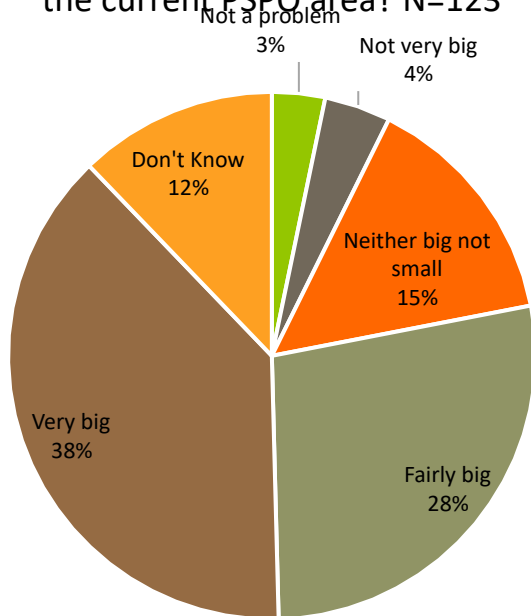
How big a problem do you feel **noise** is in the current PSPO area? N-119



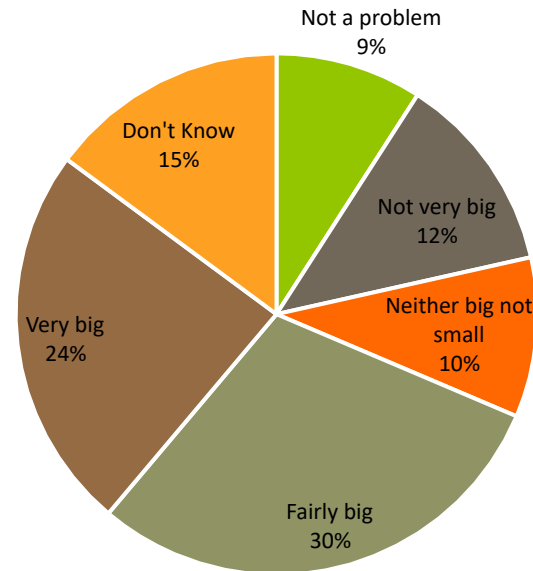
How big a problem do you feel **physical abuse** is in the current PSPO area?



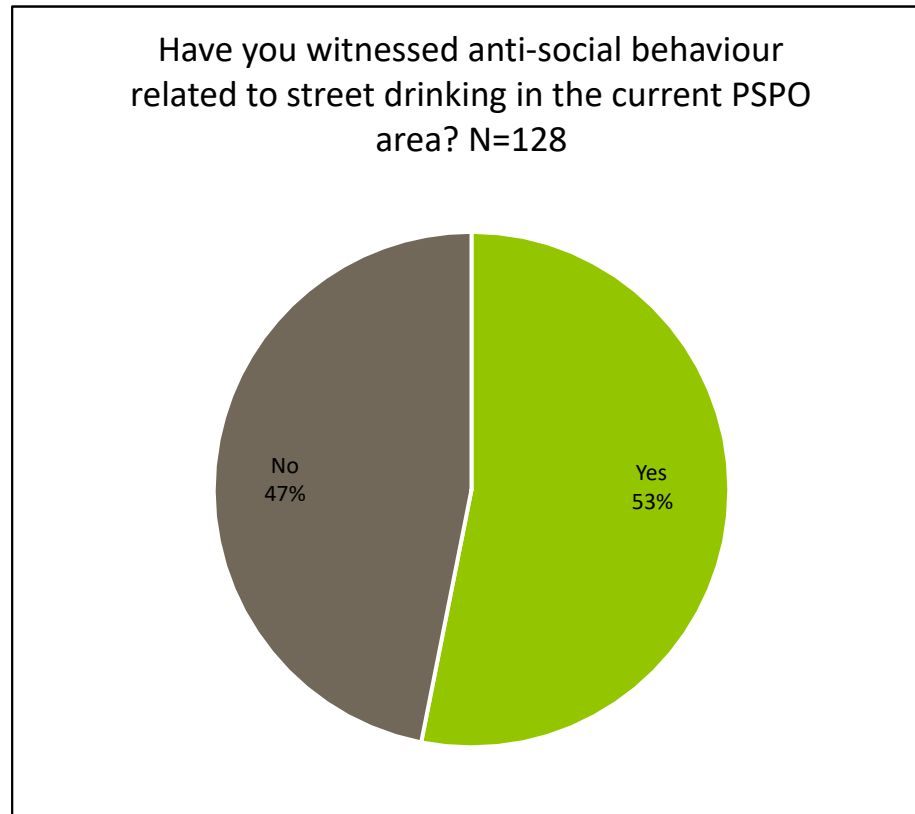
How big a problem do you feel **litter** is in the current PSPO area? N=123



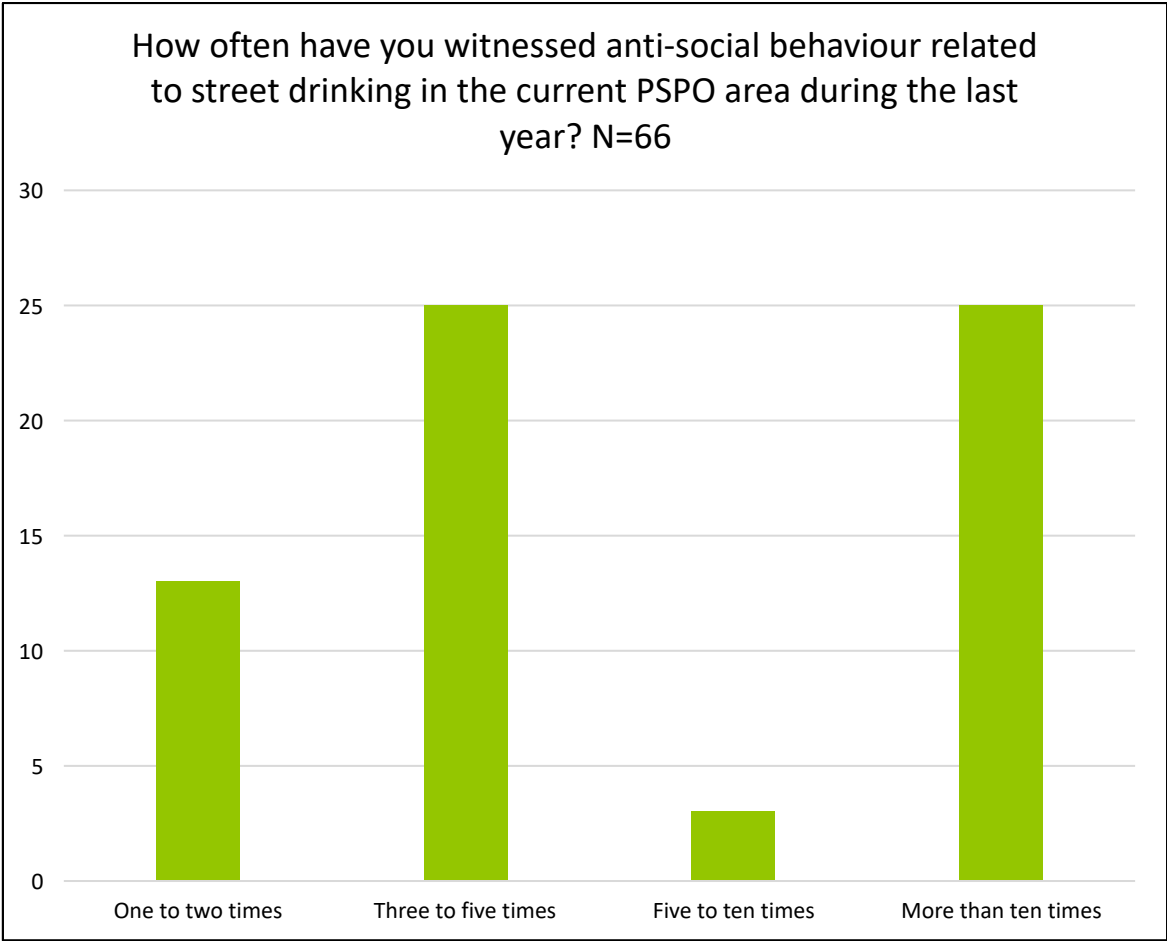
How big a problem do you feel **street drinking** is in the current PSPO area? N=121



30% of respondents felt **street drinking** in the current PSPO area was a fairly big problem, **24%** thought it was a very big problem.



53% of respondents had witnessed antisocial behaviour related to street drinking in the current PSPO area in the last year.

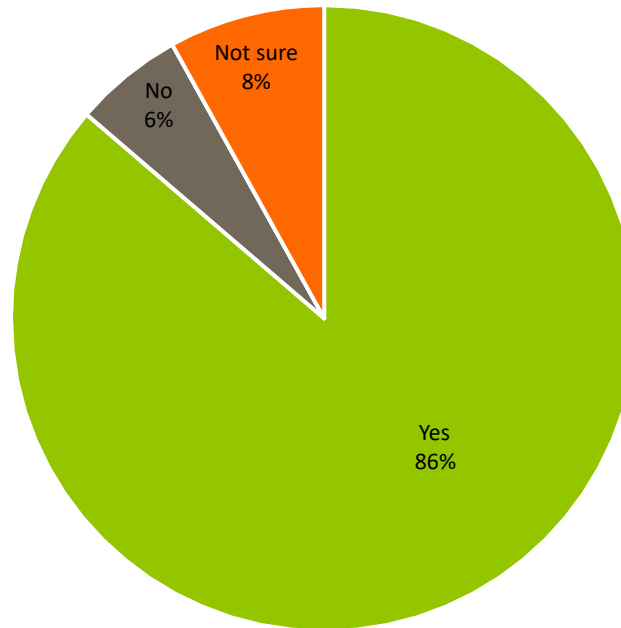


38% of respondents had witnessed antisocial behaviour related to street drinking in the current PSPO area in the last year three to five times, **38%** of respondents had witnessed it more than ten times.

Do you support the renewal of the current order?

Do you support the renewal of the Public Space Protection Order which allows the confiscation of alcohol from those who are or are likely to cause anti-social behaviour within the area outlined on the map?

N=124

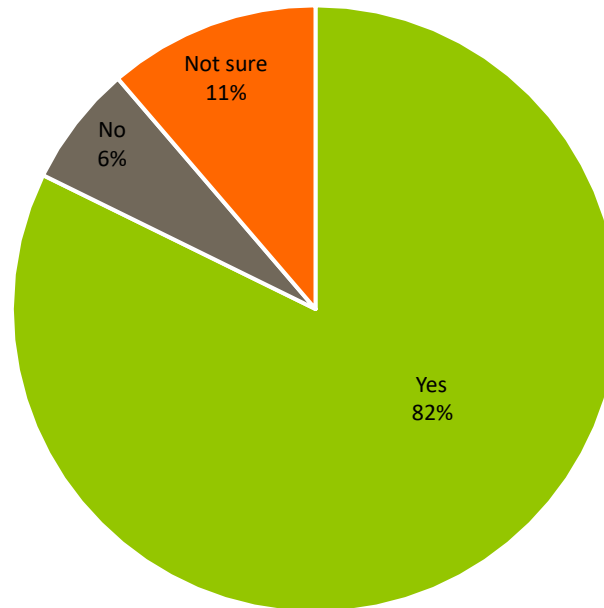


86% of respondents support the renewal of the current PSPO.

Do you support the location of the current order?

Do you support the renewal of the geographical area proposed for the Public Space Protection Order, as identified on the map?

N=124



82% of respondents support the renewal of the current geographical area of the PSPO.

Key themes identified:

- Need for more patrols from Police and Kingdom to enforce the PSPO.
- Ensure there is adequate support available for street drinkers as a complex issue.
- Parks and open spaces should be included.

Problem locations identified:

- Mitcham town centre.
- Parade of shops on Streatham Road.
- Wimbledon Village, close to the Common.

How the consultation results will be used

- The results will help provide some evidence of the current problem, which will be presented to Cabinet.
- As per the recommendations to Cabinet, if agreed, a further broader consultation will take place in the autumn with regards to the implementation of a borough wide PSPO.

August 2022

PSPO Evidence

Safer Merton

Working Together To Keep Merton Safe & Sound

Background

The existing five ward PSPO expires in October 2022 and we are considering extending that Order for a period of three years. A scan of the available alcohol related data and results of relevant public consultations has been undertaken. The results are as follows.

Quantitative Evidence

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 period we will look at, where possible, is the financial year (FY) 2021-2022. It should be noted that we have not undertaken a comparison of year on year figures since due to the unique circumstances of the Covid-19 pandemic and the effect this would have on skewering figures.

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 1,104 ASB complaints, of these 80 had an alcohol related element. The top locations were Graveney (24%), Figges Marsh (16%) and Pollards Hill (15%). It's important to flag the relatively small numbers because 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 the FY 2021-22 6 Fixed Penalty Notices (FPNs) were issued. The highest number was in Figges Marsh ward with 3 FPNs issued.

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. The two busiest locations when it comes to alcohol and drug related incidents are Mitcham town centre and Wimbledon town centre. Mitcham town centre has been the focal point of the current PSPO, with drinkers congregating around Mitcham Fair Green on a daily basis. There has been an increase in evening street parties happening on Friday and Saturday nights.

Wimbledon town centre is the main location for the night time economy in Merton. Most of the alcohol related incidents there are related to pubs and clubs however there has been an increase in alcohol related incidents, including rough sleepers and beggars.

Since 1st April 2021, CCTV has recorded more than 300 incidents involving alcohol and drug use however the true number of alcohol related incidents is most likely much higher.

There has been a number of ASB, domestic, rough sleeper, and traffic incidents recorded on the system, many of which are likely to have the added characteristic of being alcohol related but were not logged under 'alcohol related' incident type. The top locations were Mitcham (35%) and Wimbledon (28%).

The incidents logged by CCTV are restricted to the locations where there is camera coverage, mostly town centres. They do not include most of the domestic incidents and alcohol related incidents in residential areas without cameras.

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. The Police 'CAD' System registers the quantity and type of calls that comes through to the Police. A search was undertaken to look 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). It should be noted that the use of the Street Drinking code depends on operators using the correct code and applying all relevant codes. For instance, when callers report street drinkers they may be reporting something that would generate a different type of code (e.g.: fighting, causing noise). In FY 2021-22, 14 calls to the Police were classified as Street Drinking.

London Ambulance callouts for alcohol

SafeStats, the London Ambulance Service (LAS) 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. In the FY 2021-22, 709 alcohol related ambulance callouts were made in Merton. Within that total, only 4 were classified as directly attributed to some kind of assault and a further 16 related to a police incident. Figges Marsh and Colliers Wood had the highest levels of calls.

Summary of figures

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. Enforcement figures for the PSPO have not been high with only 6 FPNs issued in the last year.

Data Source	FY 2021-22
ASB Complaints	80
CCTV Logs	300
PSPO FPNs Issued	6
Alcohol Related Ambulance Callouts	709
Street Drinking Police Calls	14

Qualitative Evidence

In February 2022, Safer Merton put together a short survey to assess perceptions of the PSPO amongst partners and the Police Safer Neighbourhood teams. 14 responses were received. In general, partners felt that the PSPO was a useful tool to have, particularly for those working in the 5 wards where the PSPO applies. It was felt that fines for persistent drinkers may be an issue and it was that it would be good if there was an easier way to report breaches of the PSPO, for example through an app. Generally, partners felt that the prohibition was the right one, however other geographical areas that were suggested for consideration were: -

- Wimbledon Town Centre

- Colliers Wood
- Longthornton
- Pollards Hill
- Willow Lane Estate
- Merton Park and Morden Town Centre by Tube

CCTV Case Studies – Mitcham town centre

The main reason the PSPO was introduced in Mitcham was the constant presence of street drinkers around the Fair Green area. Merton CCTV has focused on monitoring the drinkers and reporting any incidents to the Police and Safer Merton ASB team. Two of the most prolific drinkers have been filmed on numerous occasions causing disturbance and fighting in Mitcham town centre. The two individuals were seen fighting in July 2022, which resulted in one being arrested.

Also in July 2022, a street drinker collapsed in Mitcham town centre, and LAS was called to resuscitate him as he was close to death.

Kingdom Security

We have come across multiple drinkers in the past regards to drinking alcohol in a public place, for example the most common wards I can say are Graveney/ Figges Marsh and Merton Park. Most recent intervention we have come across is a male drinking alcohol outside of a school in Wimbledon while children were walking out. Have approached male to discard/ dispose his alcohol in the bin. Compliant at that time, no FPN has been issued (Kingdom Team Leader).

Merton Street Pastors

At present we have the three patrol locations - Mitcham, Morden and Wimbledon. The Mitcham patrol focus around the centre. There are the two main pubs where we will have conversations with many of drinkers outside of the pub. Around by the clock tower we will have discussions with members of the community who may be homeless or have no fixed address. Drinking/ addiction seems much more of an issue. Mitcham tends to be an older crowd in general. A lot of our conversations will be with members of the public who are very familiar with our Street Pastors.

The Morden patrols tend to vary, I think this may well be that alongside the bars and restaurants around the station many drinkers will also be coming and going from either the station or the buses. Quite a mix in terms of ages and ethnicities from the Morden patrols. With both the Mitcham and Morden patrols we are out between 8pm-12 so we interact with many of the local businesses that are still open at that time. I've noticed from my own experiences that we tend to speak with more people on these patrols who have been drinking during the day.

The Wimbledon patrol is our busiest and liveliest of the patrols. Due to the number of bars and later opening hours our patrols there are from 10pm-2am. We tend to be interacting with a younger crowd but the feedback from the team is that Wimbledon High street has a very positive vibe during the night time economy (Merton Street Pastors Coordinator).

WDP (Adult Drug and Alcohol treatment service provider)

WDP Merton provide support for problematic use of alcohol or drugs to residents of Merton and those who are experiencing homelessness in Merton.

When the current PSPO launched, WDP contributed information for a leaflet that can signpost people who are drinking on the streets to fast-track assessment slots with WDP, to get support with their drinking and other drug use if relevant. WDP Merton also had two roles funded by a grant from Merton's Homeless Person's Unit (HPU) which has helped us to perform more outreach activities to engage into treatment those who are sleeping rough or at risk of homelessness and may also be street drinking, using an assertive case management approach alongside our colleagues from the HPU.

WDP understands that there are a wide range of reasons why people drink on the streets – which can include homelessness and unstable or unsuitable housing, but also as a way of coping with mental illness, as a means of connecting with others to reduce isolation or to socialise with people from the same culture or language group, or to escape temporarily from problems within the household (such as domestic violence and abuse or living with someone else with a mental illness).

Rather than being viewed as a punitive instrument, a PSPO can identify street drinkers who may be experiencing some or many of the above difficulties and using alcohol as one means of coping with them and then encourage them to access help from WDP. With WDP they will receive a comprehensive assessment of their holistic needs and be guided to work towards goals that will reduce the risk of their current drinking and support them in accessing other forms of professional help that can address other areas of challenge and complexity that they are experiencing.

Public Perception

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

London Borough of Merton Annual Residents Survey

Adults Survey

The 2021 Annual Residents Survey provides a representative sample of 1000 residents living in the Borough.

Feelings of safety in the local area have declined substantially compared to 2019, with just 63% saying that they feel safe going out after dark, compared to 84% in 2019.

There has been an increase in those feeling that ASB and people being drunk/ rowdy in public is a problem. 30% of respondents cited ASB as a 'fairly big' or 'very big' problem, an increase of 11% on 2019. 23% of respondents cited being drunk or rowdy in public as a 'fairly big' or 'very big' problem, an increase of 10% on 2019.

Concerns regarding drunk/ rowdy behaviour are more concentrated in specific areas, notably East Merton & Mitcham (42%) and South Merton & Morden (25%).

Young People's Survey

As part of the Annual Residents Survey, the Council included young residents aged 11-17. The sample size was 110 young people.

16% stated they were concerned about ASB/ bad behaviour, 16% about groups hanging around and 8% around people using/ dealing drugs. In terms of personal concerns, 38% had a personal concern about crime.

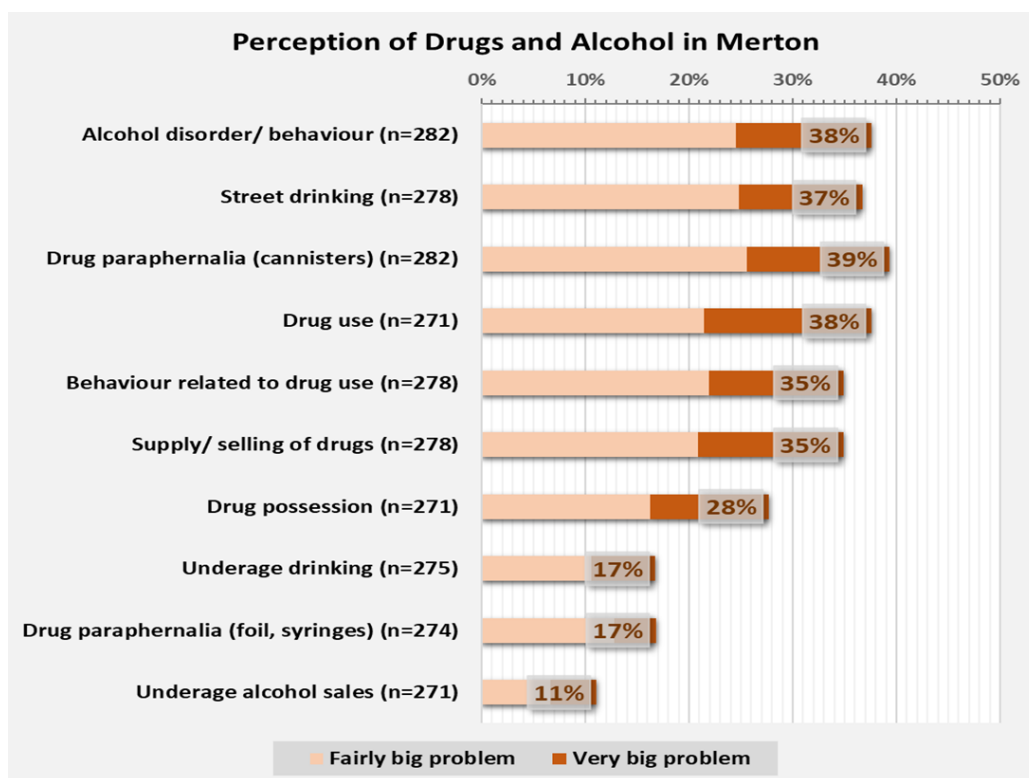
Your Merton Consultation

This work was carried out April – July 2021 in order to understand the views, experiences, and ambitions of local people. For East Merton and Mitcham residents, ASB and safety were higher concerns in public space. They often cited public alcohol consumption as an issue.

Safer Merton Strategic Assessment Survey

In 2021, a Community Safety Survey was undertaken to help inform the Strategic Assessment process. The survey opened at the beginning of July and closed in mid-October. There were 328 responses. The survey aimed to ask residents about all aspects of community safety and as such there was a section around ASB and drugs and alcohol.

Alcohol and Drugs



Residents thought alcohol disorder and street drinking were the biggest problem, followed by drug paraphernalia (canisters) and drug use. 80% of people explained their score by saying they had experienced or seen it. Quite a number of comments came back from residents who had seen people using, dealing drugs as well as seeing the associated litter with street drinking and drug taking.

Residents were given the option to provide a qualitative response to specific ASB issues that they were concerned about. There were 169 free text responses provided. Of these, 5

contained the word 'alcohol' and 9 specifically mentioned 'drinking'. Most locations were open spaces such as parks.

Residents were then asked if there were any general comments they would like to feedback to the partnership. In total, there were 141 comments provided. Of these, 18 were specifically for 'drinking' and 3 were for 'alcohol'.

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Equality Analysis



Please refer to the guidance for carrying out Equality Analysis (available on the intranet).
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	Merton Public Space Protection Order
Which Department/ Division has the responsibility for this?	Environment and Regeneration – Public Protection (Safer Merton)

Stage 1: Overview	
Name and job title of lead officer	Calvin McLean (Interim AD Public Protection) and Alun Goode (Interim Head of Community Safety)
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	<p>We are proposing to extend the current Public Spaces Protection Order (PSPO) for the borough. PSPO's are a tool set out in the Anti-Social Behaviour (ASB), Crime and Policing Act 2014. A PSPO is a local authority tool that is designed to prohibit certain activities or can require that people do certain things when engaging in certain activities within a defined public area. PSPO's should focus on an identified problem behaviour rather than targeting specific individuals or properties. A breach of a PSPO is an offence.</p> <p>In 2017 Merton's borough wide Controlled Drinking Zone transitioned into a borough wide PSPO due to a change in legislation. This expired in October 2020 and a new PSPO covering five wards was established. The current PSPO is due to expire in October 2022 and we propose to extend this for a further three years. Street drinking and the associated ASB can have a significant impact upon the quality of life for those who experience it, we therefore need to ensure that the appropriate tools are in place to proactively address the community impact. There will be one prohibition set as part of the order, which will give authorised officers the power to take and dispose of alcohol if they feel an individual is acting or is likely to act in an anti-social manner. If the individual does not comply, an FPN can be issued.</p> <p>The wards that will be affected by the extension of the order are Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury.</p>
2. How does this contribute to the council's corporate priorities?	<p>The purpose of the PSPO is to help tackle the alcohol related ASB in the Mitcham and Morden 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. This therefore contributes to the Council's corporate priorities of ensuring that the borough is a safe place to live, work and visit.</p> <p>Our intention is to use the tool to address street drinking and associated ASB which we have been told by residents, has a detrimental impact upon their quality of life. If the PSPO is agreed, we will work closely with</p>

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	our partners and monitor the impact closely.
<p>3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.</p>	<p>As mentioned, the PSPO will provide the Local Authority the powers to address certain behaviours on the borough. The prohibition set out in our draft order is that those with delegated authority will continue to be able to ask people to stop drinking within the boundary if they are or it is deemed likely to cause anti-social behaviour. If this request is not adhered to, the officer can confiscate the alcohol and a fixed penalty notice may be issued. The PSPO is designed in such a way so as to address the behaviour of those causing anti-social behaviour as a result of alcohol and not prohibit people from drinking responsibly in the area.</p> <p>The PSPO will therefore impact upon anyone who lives, works or visits the area, but we believe in a positive way. The PSPO may impact upon those who have a more problematic relationship with alcohol – but only when their behaviour begins to impact upon others. We are therefore working with WDP drug and alcohol service who are commissioned by Public Health to ensure that support and access to treatment is available and offered to those who need it. People who consistently breach the order will also be considered by the borough’s Community MARAC; a multi-agency group set up to work in partnership to address persistent perpetrators of ASB.</p> <p>Internally and externally, there will be some impact in terms of capacity upon the teams who will need to enforce the order. This will be Kingdom Security and the Police. We are working with partners to develop an engagement and enforcement plan to ensure that the work is co-ordinated and that there is a fair balance between enforcement, engagement, and support.</p> <p>We hope that the order will have a positive impact on the area and that this will benefit the local community.</p>
<p>4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?</p>	<p>The Local Authority via Safer Merton has the overall responsibility, but the enforcement of the order will also fall to other teams such as Kingdom Security and other organisations such as the Police.</p>

Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

The evidence for a PSPO

The purpose of a PSPO is to address an area-based issue and not to target individuals or communities based upon protected characteristics. The intended aim is to ensure that the PSPO will help to ensure that the quality of life for all residents is improved, particularly for those who are suffering from the detrimental effect of street drinking and the associated ASB. We have looked at available data to better understand the area as well as considering a range of datasets from ASB complaints, Police data for calls in relation Street Drinking, alcohol related ambulance callouts, CCTV evidence and survey information to help inform our decision-making process.

The survey-based information included the corporate Annual Residents Survey (ARS). The ARS provides a representative sample of 1000 residents, so concerns around alcohol and anti-social behavior as well as locations provided, were considered.

There has been an increase in those feeling that ASB and people being drunk/ rowdy in public is a problem. 30% of respondents cited ASB as a 'fairly big' or 'very big' problem, an increase of 11% on 2019. 23% of respondents cited being drunk or rowdy in public as a 'fairly big' or 'very big' problem, an increase of 10% on 2019. Concerns regarding drunk/ rowdy behaviour are more concentrated in specific areas, notably East Merton & Mitcham (42%) and South Merton & Morden (25%).

As part of the Annual Residents Survey, the council included young residents aged 11-17yrs. The sample size was 110 young people. 16% stated they were concerned about ASB/ bad behaviour, 16% about groups hanging around and 8% around people using/ dealing drugs.

The PSPO Locality

The PSPO that we are proposing, whilst not encompassing all wards (Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury), is very much focused in the East of the borough. A lot of work has been undertaken corporately around the disparity between the wards in the west of the borough and those in the East. The Merton Story compiled by the Public Health Team provides a comprehensive analysis of a range of local and national datasets. It highlights that wards in the east of the borough are likely to suffer from a lower life expectancy, are more ethnically diverse and have a younger population. The Merton Story also highlights that the wards in the east are more deprived as identified through the Indices of Multiple Deprivation Scores and often have a higher proportion of poorer housing conditions. Crime levels are also generally higher in the East of the borough according to data by the Met Police.

Individuals

We have considered the population that may be most affected by the order, and this is the population that are most likely to consume alcohol. According to the Merton Substance Misuse Profile 2018, the highest proportion drinking over the recommended amount of alcohol units are males in the 65-74 age group and females aged 55-64 years. Almost 1 in 6 adults in Merton binge drink, 1 in 20 adults are consuming alcohol at higher risk levels in Merton, 1 in 5 adults are consuming alcohol at increasing risk levels in Merton. Local profiles do not provide information around ethnicity however national data suggests that Asian ethnic groups have the highest proportion of abstaining individuals - with over 70% of females compared to 55% of males. Approximately 40% of people in black ethnic groups are likely to be abstinent. The lowest proportion of abstinence was found in people in white ethnic groups - less than 10% of men and 15% of women.

We have also had discussions with the local drug and alcohol services and we have consulted with Public Health and feedback we have received is that street drinkers are a complex and vulnerable group. There is no current detailed profile of street drinker's in Merton, however it is our intention to develop the intelligence around this cohort as the work progresses and work with Public health and our local drug and alcohol services to ensure the appropriate support interventions are in place.

Impact of the evidence

The Merton Story suggests that the east of the borough is a more ethnically mixed population, so we will ensure that literature and information around the prohibition is available in other languages.

The area also has a younger population, so we will engage with youth services to ensure we provide them with accessible information about the order to ensure young people are informed.

We are keen to ensure that all literature and signage that will need to be displayed in the area is clear and easy to understand, so that individuals do not feel that their rights and freedom to enjoy an alcoholic drink are not impinged. They will only be challenged when the behavior is such to impact upon others.

Stage 3: Assessing impact and analysis

6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Disability	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Gender Reassignment	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Marriage and Civil Partnership	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Pregnancy and Maternity	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Race	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Religion/ belief	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Sex (Gender)	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Sexual orientation	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Socio-economic status	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.

7. If you have identified a negative impact, how do you plan to mitigate it?

N/A

Stage 4: Conclusion of the Equality Analysis

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

Outcome 1 – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**

Outcome 2 – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**

Outcome 3 – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have ‘due regard’ and you are advised to seek Legal Advice.**

Outcome 4 – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

Stage 5: Improvement Action Plan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This Equality Analysis has resulted in an Outcome 1 Assessment
Overall we don't feel that the PSPO will have a negative effect upon anyone with protective characteristics. The PSPO is designed to help improve the quality of life for all that work, live and visit the area. We have made reference to individuals who street drink, however the order will only affect individuals if they are acting in an anti-social manner, refusing to understand the impact on the local community and accessing services to address the behaviour. It is our intention to monitor the PSPO and to develop our understanding of those who street drink in the borough.

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Stage 7: Sign off by Director/ Head of Service

Assessment completed by	Alun Goode, Interim Head of Community Safety Katy Saunders, Interim Community Safety Team Manager	Signature:	Date: 07/08/2020
Improvement action plan signed off by Director/ Head of Service	Add name/ job title	Signature:	Date:

Anti-Social Behaviour, Crime and Policing Act 2014

Public Space Protection Order

London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 has been extended

The Council has made the above Order to tackle alcohol-related anti-social behaviour. The Order imposes restrictions on the public consumption of alcohol in the wards of:



It is a criminal offence if you fail to stop drinking alcohol, refuse to surrender alcohol or anything that is reasonably believed to be alcohol or a container for alcohol, when asked to do so by an authorised person (police or council). **Maximum penalty £500 fine.**

It is a criminal offence if you refuse to give an authorised person your name and address or you give a false or inaccurate name or address. **Maximum penalty £1,000 fine.**

**To report anti-social behaviour, please call the Police on 101.
In an emergency, call 999.**

For further information and to view the PSPO, including plans showing the restricted area, go to:

merton.gov.uk/pspo

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LONDON BOROUGH OF MERTON

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**LONDON BOROUGH OF MERTON (ALCOHOL CONSUMPTION
IN PUBLIC PLACES) ORDER 2020**

RECITALS

- A. The London Borough of Merton (“the Council”) is satisfied that the requirements set out in Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) have been satisfied and that it is, in all the circumstances, appropriate to make this Order.
- B. The Council is satisfied that activities have been and will continue to be carried on in the public places within the Restricted Areas which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the consumption of alcohol in public places other than premises excluded from this Order, leading to anti-social behaviour.
- C. The Council, in making this Order, is satisfied on reasonable grounds that activities have been carried out in the Restricted Areas, and have had a detrimental effect on the quality of life of those in the locality and it is likely that those activities will be carried in the Restricted Areas and will have that effect.
- D. The Council is further satisfied that the effect, or likely effect, of the activities-
- a. is, or is likely to be of a persistent or continuing nature;
 - b. is, or is likely to be such as to make the activities unreasonable; and
 - c. justifies the restrictions imposed by this Order.
- E. The Council is satisfied that the prohibitions and requirements imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

- F. The Council has had regard to the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (“the Convention”). In particular, the Council has had regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the Convention and has concluded that, in so far as this Order imposes restrictions on such rights and freedoms, those restrictions are lawful, necessary and proportionate.
-

The Council of the London Borough of Merton (the Council) in exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 hereby makes the following Order:-

Citation

1. This Order may be cited as the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020.

Commencement and Duration

2. This Order shall come into force at 0001 hours on 21st October 2020 and will remain in force for 2 years thereafter, unless extended, or discharged before that date.

Interpretation

3. In this Order –
“the Act” means Anti-social Behaviour, Crime and Policing Act 2014;
“alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any state), but does not include alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply;
“Authorised Person” means a constable, police community support officer, or other person authorised for the purposes of this Order by the Council;
“the Council” means the London Borough of Merton;

“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“Restricted Areas” means the public places identified to in Article 4.

Public Space effected by this Order

4. This Order applies to the land described in Schedule 1 to this Order and shown edged red on the attached Plans (“the Restricted Areas”), being public places within the Council’s area where the public consumption of alcohol has been carried on which has had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will be carried on in those public places and that they will have such effect.

Prohibition on consumption of alcohol

5. (1) Subject to paragraph (2) no person shall consume alcohol within the Restricted Areas so as to cause, or be likely to cause nuisance or annoyance to any other person.

(2) The prohibition in paragraph (1) does not apply to the premises etc. within the Restricted Areas set out in Schedule 2 to this Order.

Imposition of Requirements

6. (1) Paragraph (2) applies where an authorised person reasonably believes that a person (P) —

(a) is or has been consuming alcohol in breach of in Article 5(1), or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of that Article.

(2) An authorised person may require P—

(a) not to consume, in breach of Article 5(1), alcohol or anything which the authorised person reasonably believes to be alcohol;

(b) to surrender anything in P’s possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) An authorised person who imposes a requirement under paragraph (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) If an authorised person reasonably believes that a person (P) has breached a requirement imposed under paragraph (2) he or she may require P to give his or her name and address to the authorised person.

(5) An authorised person who imposes a requirement under paragraph (4) must tell P that—

(a) failing to give his or her name and address when required to do so under paragraph (4), or

(b) giving a false or inaccurate name or address in response to a requirement under that paragraph is an offence.

(6) A requirement imposed under paragraphs (2) or (4), by an authorised person who is not a constable or police community support officer, is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(7) An authorised person may dispose of anything surrendered under paragraph (2)(b) in whatever way he or she thinks appropriate.

Failure to comply with the Order

Offence of failing to comply with the Order

7. By Section 67(4) of the Act it is not an offence to consume alcohol in breach of Article 5(1) but, by Section 63(6) of the Act, a person who fails without reasonable excuse to comply with a requirement imposed on him or her under Article 6(2) of this Order commits an offence and is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

8. By Section 67 of the Act, a person who fails without reasonable excuse to comply with a requirement imposed on him or her under Article 6(4) of this Order commits an offence and is liable on summary conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

Fixed Penalty Notices

9. An authorised person may issue a fixed penalty notice (FPN) to anyone he or she has reason to believe has committed an offence under Sections 63(6) or 67 of the Act. A person issued with a FPN must pay the fixed penalty of £100 within 14 days to discharge any liability to conviction for the offence.

SCHEDULE 1

Article 4

Land identified by Description

All those areas of the London Borough of Merton, comprising the wards set out in column 1 below and shown edged red on the corresponding attached Plan number shown in column 2.

Ward	Plan No.
Cricket Green	1
Figges Marsh	2
Graveney	3
Lavender Fields	4
Ravensbury	5

SCHEDULE 2

Article 5

Premises etc. to which Article 5(1) does not apply

- (1) The prohibition in Article 5(1) to this Order does not apply to—
- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
 - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) a place within the curtilage of premises within paragraph (a) or (b);

(d) premises which by virtue of Part 5 of the Licensing Act 2003 (Permitted temporary activities) may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under Section 115E of the Highways Act 1980 (highway-related uses).

(2) prohibition in Article 5(1) to this Order does not apply to licensed premises operated by the Council—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(3) In this paragraph—

“club premises certificate” has the meaning given by Section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by Section 11 of that Act;

“supply of alcohol” has the meaning given by Section 14 of that Act.

(4) For the purposes of this Article 5, licensed premises are operated by the Council if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by the Council, or

(b) the licence is held by another person but the premises are occupied by the Council or are managed by or on behalf of the Council.

Dated 13th day of October 2020

THE COMMON SEAL of THE MAYOR AND)
BURGESSES OF THE LONDON BOROUGH)
OF MERTON was hereunto affixed as a deed)
in the presence of :-)

Signature *Lucy Craig*

Name *LUCY CRAIG, Assistant Head of Law*
Authorised Signatory

Seal Register No. *34210*



Notes for Information

Challenging the validity of the Order

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in the restricted area, or who regularly works in or visits that area. This means that only those who are directly affected by the restrictions have the power to challenge it.

Interested persons can challenge the validity of this Order on two grounds: -

- (a) that the Council did not have power to make the order, or to include particular prohibitions or requirements; or
- (b) that a requirement of the Act has not been complied with.

Where such an application is made, the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality pending the final determination of the proceedings. The High Court may uphold the order, quash it, or vary it.

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

Section 59 – Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.

- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
- (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
 - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
 - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (7) A public spaces protection order must—
- (a) identify the activities referred to in subsection (2);
 - (b) explain the effect of section 63 (where it applies) and section 67;
 - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

Section 66 - Challenging the validity of orders

- (1) An interested person may apply to the High Court to question the validity of—
- (a) a public spaces protection order, or
 - (b) a variation of a public spaces protection order.
- “Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
- (2) The grounds on which an application under this section may be made are—
- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
 - (b) that a requirement under this Chapter was not complied with in relation to the order or variation.
- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.
- (5) If on an application under this section the High Court is satisfied that—
- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
 - (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

(6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—

(a) generally, or

(b) so far as necessary for the protection of the interests of the applicant.

(7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—

(a) under this section, or

(b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

Section 63 – Consumption of alcohol in breach of prohibition in order

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 67 – Offence of Failing Comply with order

(1) It is an offence for a person without reasonable excuse-

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

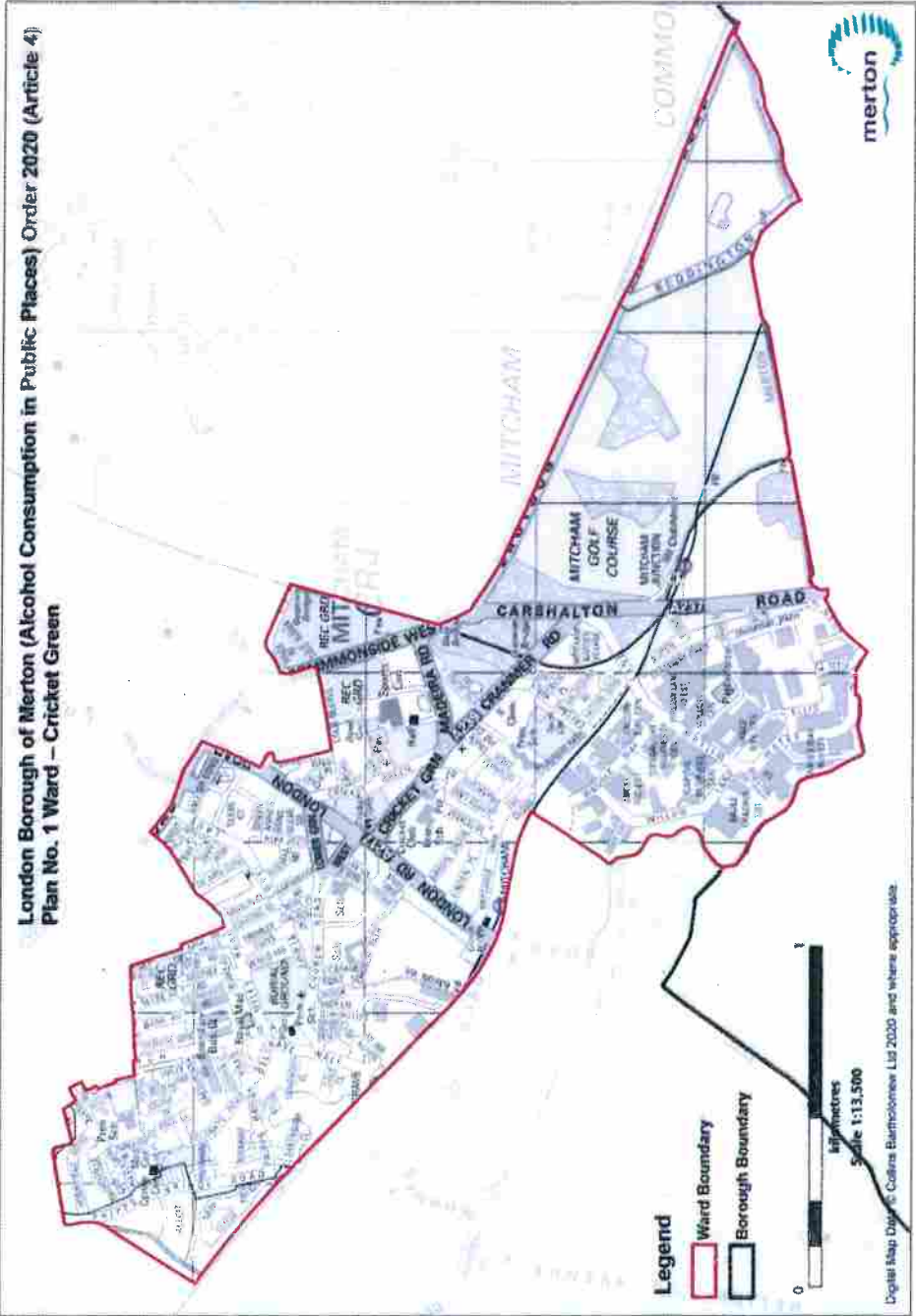
(b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

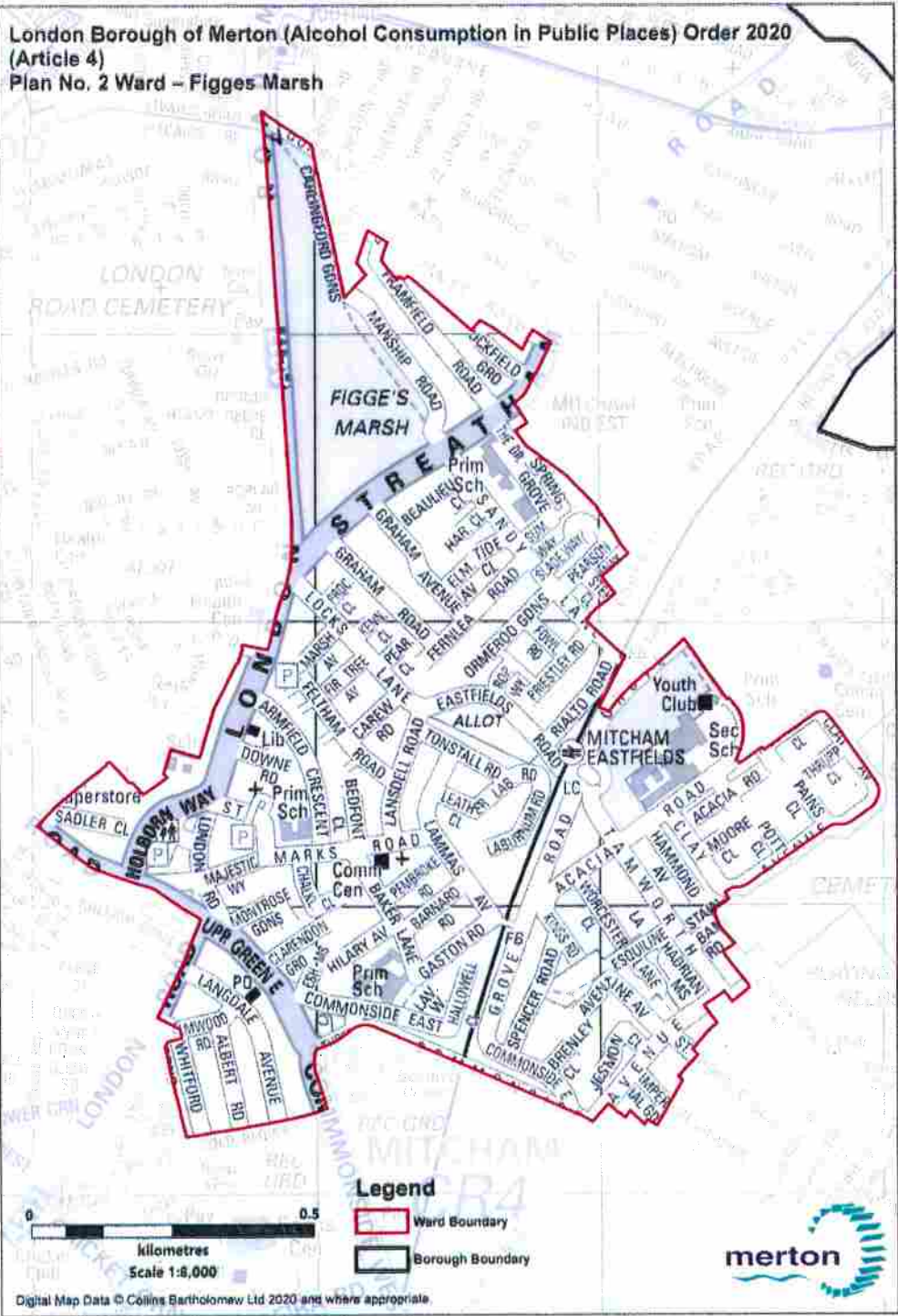
(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

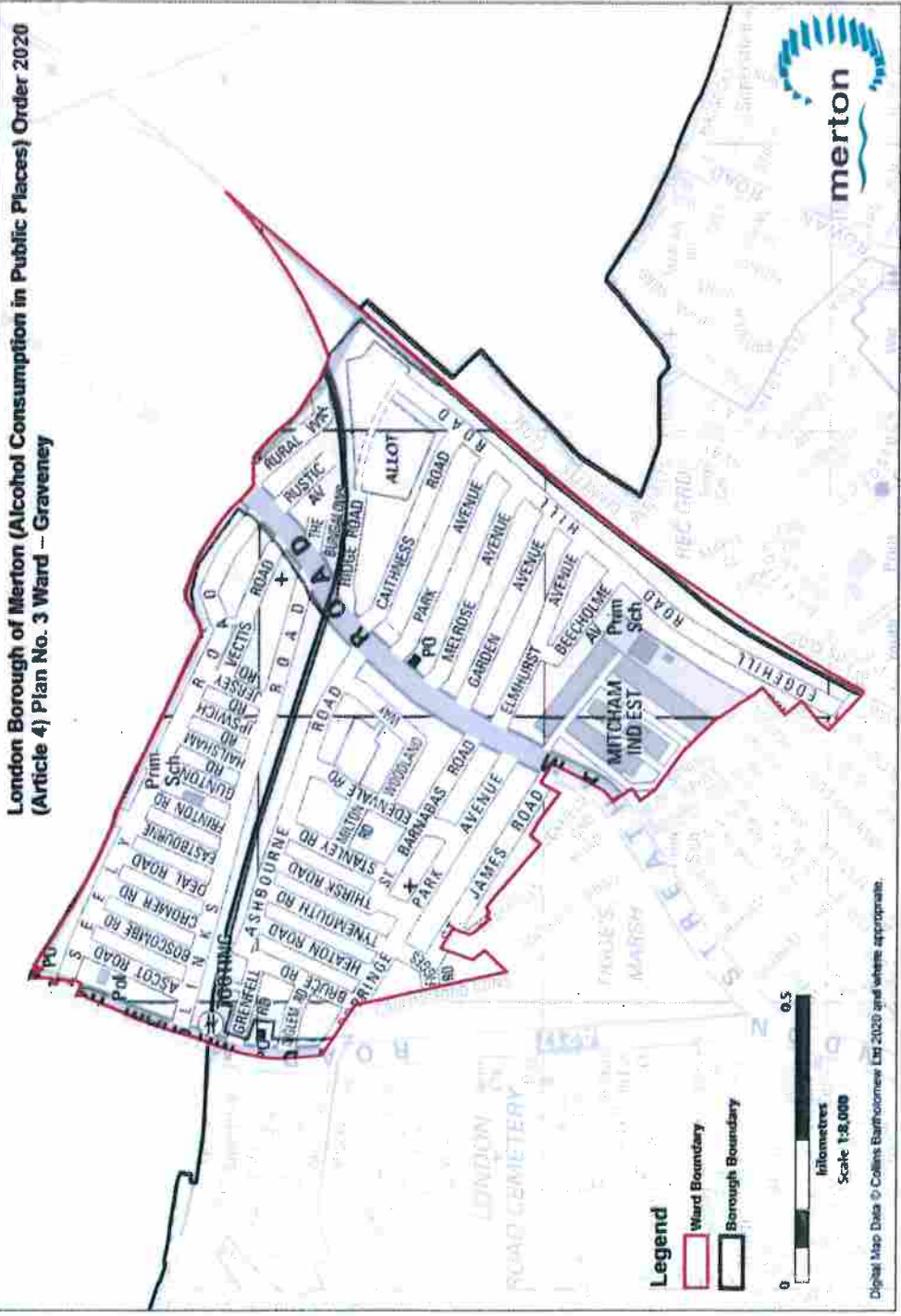
(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Article 4)
 Plan No. 1 Ward – Cricket Green

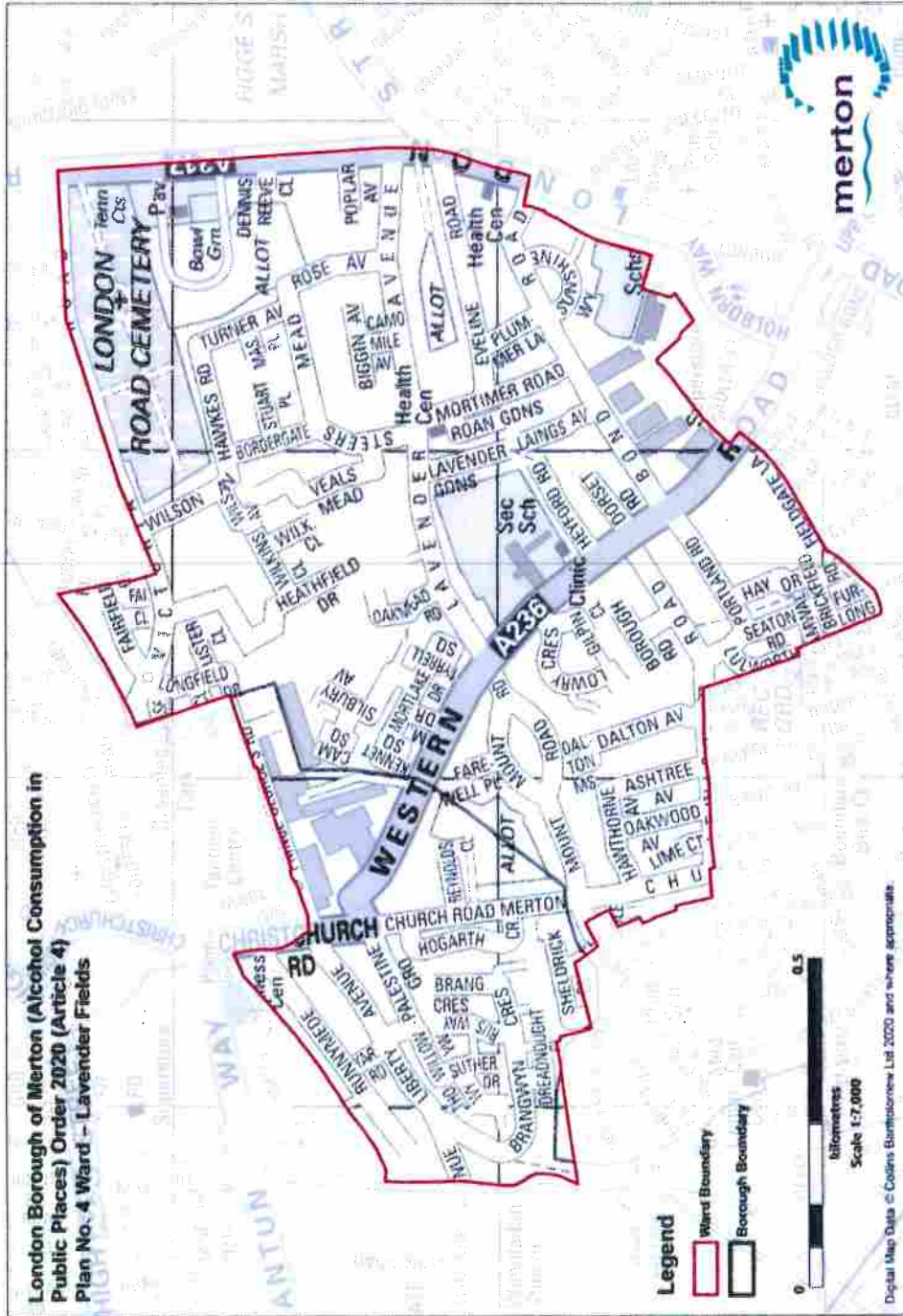


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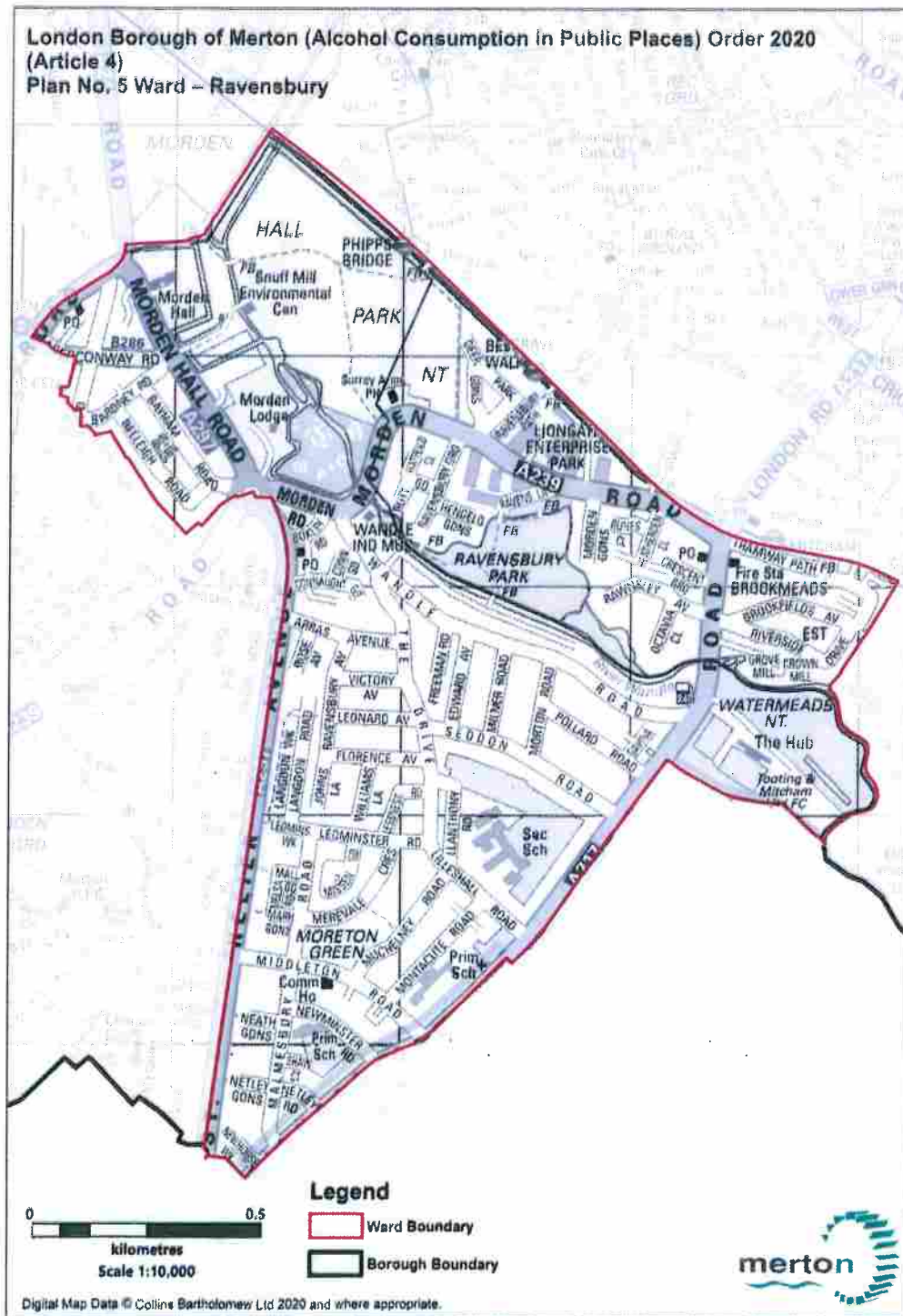




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 (Article 4)
 Plan No. 5 Ward – Ravensbury



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