

# Merton Council Overview and Scrutiny Commission



Date: 15 March 2023

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road, Morden SM4 5DX

## AGENDA

Page Number

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 4
4	Council Plan	5 - 48
5	BCU Commander - crime and policing in Merton To follow	
6	Public Spaces Protection Order (PSPO)	49 - 128
7	Work programme / Topic suggestions	129 - 134

---

**This is a public meeting – members of the public are very welcome to attend.  
The meeting room will be open to members of the public from 7.00 p.m.**

For more information about the work of this and other overview and scrutiny panels, please telephone 020 8545 3864 or e-mail [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk). Alternatively, visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

Press enquiries: [communications@merton.gov.uk](mailto:communications@merton.gov.uk) or telephone 020 8545 3483 or 4093

Email alerts: Get notified when agendas are published  
[www.merton.gov.uk/council/committee.htm?view=emailer](http://www.merton.gov.uk/council/committee.htm?view=emailer)

## Public Information

### Attendance at meetings

The public are welcome to attend meetings of the Council. Seating in the public gallery is limited and offered on a first come first served basis.

### Audio/Visual recording of meetings

The Council will film meetings held in the Council Chamber for publication on the website. If you would like to film or record any meeting of the Council held in public, please read the Council's policy [here](#) or contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) for more information.

### Mobile telephones

Please put your mobile telephone on silent whilst in the meeting.

### Access information for the Civic Centre



- Nearest Tube: Morden (Northern Line)
- Nearest train: Morden South, South Merton (First Capital Connect)
- Tramlink: Morden Road or Phipps Bridge (via Morden Hall Park)
- Bus routes: 80, 93, 118, 154, 157, 163, 164, 201, 293, 413, 470, K5

Further information can be found [here](#)

### Meeting access/special requirements

The Civic Centre is accessible to people with special access requirements. There are accessible toilets, lifts to meeting rooms, disabled parking bays and an induction loop system for people with hearing difficulties. For further information, please contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

### Fire alarm

If the fire alarm sounds, either intermittently or continuously, please leave the building immediately by the nearest available fire exit without stopping to collect belongings. Staff will direct you to the exits and fire assembly point. If you are unable to use the stairs, a member of staff will assist you. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### Electronic agendas, reports and minutes

Copies of agendas, reports and minutes for council meetings can also be found on our website. To access this, click <https://www.merton.gov.uk/council-and-local-democracy> and search for the relevant committee and meeting date.

Agendas can also be viewed online in the Borough's libraries and on the Mod.gov paperless app for iPads, Android and Windows devices.

## Overview and Scrutiny Commission membership

### Councillors:

Edward Foley (Chair)  
Mike Brunt (Vice-Chair)  
Agatha Mary Akyigyina OBE  
Billy Hayes  
Usaama Kaweesa  
Paul Kohler  
Gill Manly  
Nick McLean  
Stuart Neaverson  
Tony Reiss

### Substitute Members:

Stephen Mercer  
Thomas Barlow  
Martin Whelton  
Anthony Fairclough  
John Oliver  
Edith Macauley MBE

### Co-opted Representatives

Mansoor Ahmad, Parent Governor  
Representative - Secondary and Special  
Sectors  
Becky Cruise, Parent Governor  
Representative  
Dr Oona Stannard, Catholic Diocese  
Roz Cordner, Church of England Diocese

### 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.

### What is Overview and Scrutiny?

Overview and Scrutiny describes the way Merton's scrutiny councillors hold the Council's Executive (the Cabinet) to account to make sure that they take the right decisions for the Borough. Scrutiny panels also carry out reviews of Council services or issues to identify ways the Council can improve or develop new policy to meet the needs of local people. From May 2008, the Overview & Scrutiny Commission and Panels have been restructured and the Panels renamed to reflect the Local Area Agreement strategic themes.

Scrutiny's work falls into four broad areas:

- ⇒ **Call-in:** If three (non-executive) councillors feel that a decision made by the Cabinet is inappropriate they can 'call the decision in' after it has been made to prevent the decision taking immediate effect. They can then interview the Cabinet Member or Council Officers and make recommendations to the decision-maker suggesting improvements.
- ⇒ **Policy Reviews:** The panels carry out detailed, evidence-based assessments of Council services or issues that affect the lives of local people. At the end of the review the panels issue a report setting out their findings and recommendations for improvement and present it to Cabinet and other partner agencies. During the reviews, panels will gather information, evidence and opinions from Council officers, external bodies and organisations and members of the public to help them understand the key issues relating to the review topic.
- ⇒ **One-Off Reviews:** Panels often want to have a quick, one-off review of a topic and will ask Council officers to come and speak to them about a particular service or issue before making recommendations to the Cabinet.
- ⇒ **Scrutiny of Council Documents:** Panels also examine key Council documents, such as the budget, the Business Plan and the Best Value Performance Plan.

Scrutiny panels need the help of local people, partners and community groups to make sure that Merton delivers effective services. If you think there is something that scrutiny should look at, or have views on current reviews being carried out by scrutiny, let us know.

For more information, please contact the Scrutiny Team on 020 8545 3864 or by e-mail on [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk). Alternatively, visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

This page is intentionally left blank

# Agenda Item 3

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

## OVERVIEW AND SCRUTINY COMMISSION

25 JANUARY 2023

(7.15 pm - 9.00 pm)

PRESENT: Councillor Edward Foley (in the Chair), Councillor Michael Brunt, Councillor Agatha Mary Akyigyina, Councillor Usaama Kaweesa, Councillor Paul Kohler, Councillor Nick McLean, Councillor Stuart Neaverson, Co-opted Members: Mansoor Ahmad, Becky Cruise, Dr Stannard and Roz Cordner

ALSO PRESENT: Councillors Billy Christie, Peter McCabe, Eleanor Stringer, Caroline Cooper-Marbiah, Brenda Fraser, Ross Garrod.

John Bosley (Assistant Director Public Space Contracts and Commissioning), Hannah Doody (Chief Executive), Roger Kershaw (Interim Executive Director of Finance and Digital), Paul McGarry (FutureMerton Manager), Jane McSherry (Executive Director of Children, Lifelong Learning and Families), John Morgan (Executive Director, Adult Social Care, Integrated Care and Public Health) and Louise Round (Interim Executive Director of Innovation and Change)

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

Apologies were received from:

Cllr Gill Manly (with Cllr Edith Macauley as substitute)

Cllr Tony Reiss (with Cllr John Oliver as substitute)

Cllr Billy Hayes (with Cllr Martin Whelton as substitute)

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

There were no declarations of pecuniary interest.

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

The minutes were agreed with a few minor amendments.

Page 2 - Only a small number of employees are affected by the London Living Wage uplift, which will equate to an increase of around £16,000 on the Council's budget.

Page 3 - However the website is used for a multitude of different things and the emphasis now is on encouraging people to sign up to receive electronic communications.

#### 4 BUDGET AND BUSINESS PLAN (Agenda Item 4)

The Chair invited Cllr Billy Christie, Cabinet member for Finance and Corporate Services to introduce the report.

Cllr Christie thanked the Chair for the opportunity to introduce the business plan updates from the October, December, and January Cabinet meetings.

The Cabinet Member for Finance and Corporate Services also thanked officers for their hard work and expressed his confidence and pride that the budget updates, growth proposals and the savings proposals are robust, reasonable and sustainable and that the Council has been able to put forward a balanced budget for the next two financial years.

The Chair invited feedback and questions on the October and December Cabinet reports that were included in the Members information pack.

Responses were given by Directors and Cabinet Members.

Closing Eastways Day Centre - We have had extensive discussions with the Alzheimer's society, they support the proposal and they are looking forward to working with us on the new proposal.

With regards to respite care for carers – We will look at an individual assessment for every single person that's affected and alongside that we will look at carers assessments. All will be looked at on an individual basis.

We are seeing an increase in double up care and our proposal is to review the people that are currently having double handed care to see if we can find means to make them more independent, using new types of equipment etc using money from the Better Care Fund.

The Chair invited comments on the January Cabinet additional savings included within the supplementary agenda.

Duke of Edinburgh award - This saving is not until the following year to give us time to do the consultation. Most London boroughs use the London Team to coordinate the Duke of Edinburgh Awards and it's likely to be a lower cost for the coordination from the London team, so we don't see that there being an additional cost to schools. We do currently organise some of the trips but there are other providers that can organise and deliver those trips, but schools could also provide those trips themselves. Part of the consultation and preparation for this saving is to work with schools to ensure that smooth transition.

The £2m cost of living fund is money that Merton Council has put aside specifically to support residents during the cost-of-living emergency.

We are not stopping road safety training for children. We are repurposing it to see if it can be done with an outside body. Road safety for children is important and the

proposition is to re-provision it and it will continue. We also have an idea for using our Public Health to provide that service so there is no stopping the service that's an absolute commitment.

We will not charge licensed coaches offering free training or charitable organisations to use public tennis courts.

Brightwell Centre – The Director of Children, Schools and Families explained that with regards to this saving the Council will work with our service users and our parent care forum to ensure that when we draw up the specification for the procurement of that service to be commissioned elsewhere, that we're really clear what is needed. That information will go in the specification to ensure that we get a comparable, if not better, service which is what we're hoping to do through this saving.

Members chose not to send a reference to send onto Cabinet.

## 5 SCRUTINY OF THE BUSINESS PLAN; COMMENTS AND RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY PANELS (Agenda Item 5)

There was only one reference for discussion from the Healthier Communities Overview and Scrutiny Panel. The Cabinet Member for Health and Social Care explained that at the Healthier Communities Panel, we hadn't properly explained the position, more work was needed on the equality analysis, so the Cabinet Member undertook to go away and present the clarifications to the Commission.

The easiest way to provide the additional information requested was in the equality analysis which is part of the supplementary agenda.

We have a commitment to fund the £1.7million to voluntary sector over the next three years and £330k of that will be transferred to the public health budget. They will fund those specific projects around public health related themes.

The Adult Social Care budget has previously funded all the voluntary organisations. When the senior team in adult social care looked at this, they felt that so many of these grants were preventative and therefore entirely appropriate for funding from the public health budget. So, the money is coming from the public health budget to contribute to the preventative activities of the voluntary sector.

Examples of preventative activities are included in appendix one, all of which aim to support those in need, prevent, reduce, and delay the need for Health and Social care services, and which contribute to tackling health inequalities. Some of the organisations are:

- Wimbledon Guild providing one-to-one support for vulnerable isolated older people with limited connections in the community
- Age UK in Merton are providing advice and Living Well Services for older clients in Merton

- Merton Mencap are providing a Saturday hub for adults with a learning disability people with learning disabilities experience all sorts of exacerbated Health inequalities
- Common side Trust providing a drop-in Community Café, a range of activities for older and vulnerable residents living in Pollard's hill with a two-course hot meal Monday to Friday
- Merton Vision offering preventative activities including travel confidence

The Cabinet Member expressed that the voluntary sector is nimble, innovative and can make public money go further.

## 6 COMMUNITY ENGAGEMENT MODEL (Agenda Item 6)

Kris Witherington, Consultation & Community Engagement Manager, gave an overview of the report that sets out proposals for changing our community engagement models in three key areas:

- face-to-face engagement
- relationship with our Civic Society groups
- digital offer for residents

The recommendation is to establish a wider team. Funding for these additional posts will be from part of an existing budget (internal review fund).

Forums could be chaired by an independent facilitator/host – maybe someone from the local press or minor radio personalities that we have in the area.

Representative sample - a broad cross-section of the population i.e., including young mums, students etc.

The proposals will give the Council the resources and tools it needs to be able to tailor consultations and methods of engagement depending on the subject matter.

## 7 IDENTIFY QUESTIONS FOR THE BOROUGH COMMANDER (Agenda Item 7)

Please can questions be sent to the Scrutiny officer by 17 February.

## 8 WORK PROGRAMME (Agenda Item 8)

The work programme was agreed.



## Overview & Scrutiny Commission

**Date: 15 March 2023**

**Subject: Council Plan and Corporate Performance Framework 23/34**

Lead officer: Louise Round, Interim Executive Director, Innovation and Change

Lead member: Cllr Ross Garrod, Leader of the Council

Contact officer: Keith Burns [keith.burns@merton.gov.uk](mailto:keith.burns@merton.gov.uk), Catherine Dunn  
[Catherine.dunn@merton.gov.uk](mailto:Catherine.dunn@merton.gov.uk)

---

### Recommendations:

That the Overview and Scrutiny Commission:

- A. Reviews the proposed Council Plan 'Building a Better Merton Together' and Corporate Performance Framework 23/24 and make any comments for consideration by Cabinet, prior to the Plan being recommended to Council for adoption at its meeting on the 19th of April 2023.
  - B. Note the contents of the Cabinet report and consider the potential role of the overarching strategic objectives in shaping future scrutiny work programmes.
- 

## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The proposed new Council Plan 'Building a Better Merton Together' sets out the overarching strategic objectives to guide the work of the administration and council over the coming years to 2026.
  - Nurturing Civic Pride
  - Building Sustainable Future
  - Creating a Borough of Sport
- 1.2. The Overview and Scrutiny Commission is asked to review the Cabinet report and Council Plan in Appendices A and B and make any comments for consideration by Cabinet, prior to the Plan being recommended to Council for adoption at its meeting on the 19<sup>th</sup> of April 2023.
- 1.3. The Corporate Performance Framework has also been reviewed and redesigned to align closely with Building a Better Merton Together and to support effective delivery of the Plan. The proposed new list of corporate indicators for 2023/24 is included in Appendix C as an accompanying document for review and any comment by the Overview and Scrutiny Commission.

## 2 DETAILS

- 2.1. Full details are provided in the Cabinet report in Appendix A.
- 2.2. This sets out further context and outlines how we will communicate to staff, partners, and residents on 'Building a Better Merton Together', as well as

our approach to reviewing the plan and tracking progress on delivery across the three strategic objectives.

- 2.3. Members of the Commission will wish to note that as part of the process of introducing the proposed new Performance Framework officers will review and improve the ways in which performance is reported to the Commission and Overview and Scrutiny Panels.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The Overview and Scrutiny Commission could choose to recommend that further work be undertaken on priorities and / or the content of Building a Better Merton Together. Given the extensive evidence base underpinning the Plan, and the breadth of engagement through the development of the Plan this is not a recommended option.

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

- 4.1. Extensive internal consultation has been undertaken through Directorate Management Teams, the Corporate Management Team and Cabinet Member briefings. The development of the plan has also been informed by a resident engagement programme carried out over 2021 and collaborative engagement work with our voluntary sector and community groups.

### **5 TIMETABLE**

<b>Approval at Cabinet</b>	March 20th 2023
<b>Adoption at Full Council</b>	April 19th 2023
<b>Formal launch to staff, partners, and the public</b>	From April 20th 2023

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

- 1.1.1 The Medium-Term Financial Strategy and Business Plan agreed at full Council on the 1st of March 2023 includes the financial and other resources necessary for delivery of the Plan.

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

- 7.1. None directly arising from this report

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

- 8.1. The priorities set out in the Council Plan and the new approach to community engagement mentioned in the plan should have a positive impact on these considerations. Many of the priorities should reduce inequalities in particular building new affordable housing, improving housing conditions in

the private sector, becoming a London Living Wage employer and encouraging others to do so, ensuring equal access to health services, improving air quality and increasing civic participation through volunteering.

**9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. These are set out in the Nurturing Civic Pride section of the Council Plan 'Building a Better Merton Together' in Appendix B

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

- 10.1 None directly arising from this report.

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

- 11.1. Appendix A Cabinet 20<sup>th</sup> March – Council Plan and Corporate Performance Framework 23/24
- 11.2. Appendix B - Council Plan 'Building a Better Merton together'.
- 11.3. Appendix C – Corporate Performance Framework

**12 BACKGROUND PAPERS**

N/A

This page is intentionally left blank

## **Committee: Cabinet**

**Date: 20 March 2023**

Wards: All

### **Subject:**

Lead Director: Louise Round, Executive Director of Innovation and Change

Lead member: Councillor Ross Garrod, Leader of the Council

Contact officer: Keith Burns [keith.burns@merton.gov.uk](mailto:keith.burns@merton.gov.uk) Catherine Dunn  
Catherine.dunn@merton.gov.uk

---

### **Recommendations:**

That Cabinet

- A. Review and approve the draft Council Plan – Building A Better Merton Together for submission to Council for adoption at its meeting on the 19<sup>th</sup> of April 2023
- B. Note the proposed approach to internal and external communications to launch and communicate the plan with staff, residents and partners
- C. Review and approve the accompanying Corporate Performance Framework 2023/24

---

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

- 1.1. The proposed new Council Plan ‘Building a Better Merton Together’ sets out the overarching strategic objectives to guide the work of the administration and council over the coming years to 2026. It sets out a vision for how we can build a better Merton together with our partners, residents and wider communities, informed by feedback from residents through recent borough engagement.
- 1.2. ‘Building a Better Merton’ outlines the ambition of the administration and what residents can expect from the Council. Our priorities for delivery are set out across the three core strategic objectives. Cabinet is asked to review and approve the draft Plan included in Appendix A for submission to Council for adoption at its meeting on the 19<sup>th</sup> of April 2023.
- 1.3. A coordinated internal and external communications plan will accompany the launch of Building a Better Merton Together which is outlined in section 3 alongside the timetable.
- 1.4. The Corporate Performance Framework has been reviewed and redesigned to align closely with the Council Plan and support effective delivery. The proposed new list of corporate indicators is included in Appendix B as an accompanying document to the Council Plan for review and approval by Cabinet

## **2 BUILDING A BETTER MERTON – OVERVIEW**

- 2.1. The overarching ambition of the administration is to 'Build a Better Merton Together' with a focus on three strategic objectives:
  - **Nurturing Civic Pride;**
  - **Building a Sustainable Future;**
  - **Creating a Borough of Sport.**
- 2.2. 'Building a Better Merton Together' puts forward our plan for delivering against these three strategic objectives - what they mean to Merton and what we will be doing to deliver alongside our partners. It sets out our ambition for the borough and situates it within a wider context of the current challenges facing our communities, like the cost-of-living crisis, and the aspirations of our residents.
- 2.3. We have heard from residents that they are ambitious for the borough and want to feel proud about their local area, communities and town centres. The delivery outlined in Building a Better Merton Together has been informed by this feedback and shaped through detailed work carried out between the Leader, Cabinet Members, Chief Executive and Directors across each Cabinet Portfolio.
- 2.4. The delivery plan in Building a Better Merton Together focuses on what the council and partners will be doing in the coming financial year to achieve this ambition, with a longer-term view to what we hope to achieve by 2026. Some deliverables will be achieved within the coming financial year, others might be at an earlier stage in year one, such as scoping or consultation. The full plan is set out in Appendix B.
- 2.5. Sitting alongside the Business Plan 2023-26, the Council Plan 'Building a Better Merton Together' will inform the future workplan, resource allocation and performance management for the council, providing a clear and simple framework to focus delivery and communicate priorities across the organisation and with our partners and communities.
- 2.6. We will review and refresh the Council Plan on an annual basis to allow for emerging new priorities and deliverables and to keep the council accountable for progress. To monitor progress and impact, we will produce an annual State of the Borough report to give a snapshot of where Merton stands in key areas, drawing on a set of key indicators for each strategic objective as set out in the draft plan. We have also reviewed our corporate performance framework to align with the new strategic objectives and ensure the Council is delivering effectively.

### **3 COMMUNICATING TO STAFF, RESIDENTS AND PARTNERS**

- 3.1. Following adoption by the Council, Building a Better Merton Together will be launched and made available to staff, residents and partners with content, design and communication channels adjusted to reflect the different audiences. A dedicated section of the website and intranet will be set up to make the details of the plan widely available to the wider public, partners and Merton Council staff.
- 3.2. A coordinated internal and external communications plan will support the publication of the plan so that residents, partners, and Merton Council staff are

engaged on our new strategic priorities and how we will deliver for the borough. It is anticipated that Executive Directors for the new directorates will be key to driving the communication and delivery of the new plan internally into their respective service areas across the council.

3.3. Timetable for approval and publication:

<b>Approval at Cabinet</b>	March 20th 2023
<b>Adoption at Full Council</b>	April 19th 2023
<b>Formal launch to staff, partners, and the public</b>	From April 20th 2023

#### **4 CORPORATE PERFORMANCE FRAMEWORK 2023-24**

- 4.1. With the introduction of the Council Plan, the Corporate Performance Framework has been reviewed and redesigned to support the delivery of the Building a Better Merton Together. The proposed new corporate indicator list is included in Appendix B and, following approval, would come into effect from Q1 2023-24.
- 4.2. A more streamlined set of metrics has been selected and structured to align with the new strategic objectives, enabling the council to track progress against the Council Plan priorities. We will also continue to monitor our performance on areas critical to our core statutory duties, financial sustainability, and organisational health ('Core Service Areas').
- 4.3. As noted above in 2.6, the Council Plan itself sets out a wider basket of indicators which will be used to track our progress through an annual State of the Borough report. The Corporate Performance Framework, however, contains only those key performance indicators where the council is in direct control of performance.
- 4.4. Further work is underway to improve our approach to our corporate performance monitoring and reporting, including how we can make better use of technology and analytical tools to improve our insights.

#### **5 ALTERNATIVE OPTIONS**

- 5.1. Cabinet could choose to require that further work be undertaken on priorities and / or Plan content. Given the extensive evidence base underpinning the Plan, and the breadth of engagement through the development of the Plan this is not a recommended option.

#### **6 CONSULTATION UNDERTAKEN OR PROPOSED**

- 6.1. Extensive internal consultation has been undertaken through Directorate Management Teams, the Corporate Management Team and Cabinet Member briefings. The development of the plan has also been informed by a resident

engagement programme carried out over 2021 and collaborative engagement work with our voluntary sector and community groups.

## **7 TIMETABLE**

7.1. The proposed timetable is set out above.

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

8.1. The Medium-Term Financial Strategy and Business Plan agreed at Cabinet on the 1st of March 2023 includes the financial and other resources necessary for delivery of the Plan

## **9 LEGAL AND STATUTORY IMPLICATIONS**

9.1. None directly arising from this report

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

10.1. The priorities set out in the Council Plan and the new approach to community engagement mentioned in the plan should have a positive impact on these considerations. Many of the priorities should reduce inequalities in particular building new affordable housing, improving housing conditions in the private sector, becoming a London Living Wage employer and encouraging others to do so, ensuring equal access to health services, improving air quality and increasing civic participation through volunteering.

## **11 CRIME AND DISORDER IMPLICATIONS**

11.1. These are set out in the Nurturing Civic Pride section of the Council Plan.

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

12.1. None directly arising from this report.

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

12.2 Appendix A– Council Plan – ‘Building a Better Merton together’.

12.3 Appendix B – Corporate Performance Framework

## **14 BACKGROUND PAPERS**

14.1. Report to LSG ‘Developing a Corporate Plan’ 21 November 2022.



## Appendix C – Corporate Performance Framework 2023/24 – DRAFT

The Corporate Performance Framework is how the Corporate Management Team manages and monitors the performance and effectiveness of the Council as a whole. The Corporate Performance Framework for 2023/24 has been reviewed and redesigned to support delivery of our ambitions in the Council Plan.

The revised indicator set has been selected and structured to align with the new strategic objectives. This will enable the Council to track its own progress on priority areas of delivery - such as keeping our streets clean, building new housing and increasing participation in sports and leisure – but also flag any emerging issues in key service areas.

We will continue to monitor performance in those areas which are critical to our core statutory duties and functions, as well as our financial sustainability and organisational health ('Core Service Areas'). Further work will be carried out with departments to refine indicators, profile targets, and develop an improved approach to corporate performance reporting.

<b>Core Service Areas (13 indicators)</b>				
<i>- Core metrics covering critical areas for the Council to monitor such as safeguarding, homelessness, financial sustainability and workforce.</i>				
	<b>Indicator</b>	<b>Frequency</b>	<b>Council Plan deliverable</b>	<b>Directorate</b>
	CRP 018/SP 154 % Council tax collected	Monthly	N/A - Core service area	Finance and Digital
	CRP 036/SP 155 % Business rates collected	Monthly	N/A - Core service area	Finance and Digital
	CRP 105/SP 469 Delivery against current year MTFS savings targets	Quarterly	N/A - Core service area	Finance and Digital
	CRP 098/SP 193 % complaints dealt with in time	Monthly	N/A - Core service area	Innovation and Change
	CRP 086/SP 411 Number of processing days for new housing benefit claims	Monthly	N/A - Core service area	Innovation and Change
	CRP 109/SP 477 Voluntary turnover rate (rate of resignations)	Quarterly	N/A - Core service area	Innovation and Change
	CRP 099/SP 226 First time fix rate for IT Service Desk	Monthly	N/A - Core service area	Finance and Digital
	CRP 080/SP 413 No. Of working days per FTE lost to sickness absence excluding schools	Quarterly	N/A - Core service area	Innovation and Change

CRP 044 Parking services estimated revenue	Monthly	N/A - Core service area	Environment, Civic Pride, & Climate
CRP 061/SP 036 No. Of households in temporary accommodation	Monthly	N/A - Core service area	Housing & Sustainable Development
CRP 062/SP 035 No. Of homelessness preventions	Monthly	N/A - Core service area	Housing & Sustainable Development
CRP 64/SP 075/MP 030 % children who become subject of a Child Protection Plan for a second or subsequent time... (Child Safeguarding)	Monthly	N/A - Core service area	Children, Lifelong Learning, and Families
CRP 057/SP 274 % people receiving "long-term" community services within their homes (Adult Social Care)	Monthly	N/A - Core service area	Adult Social Care, Integrated Care, and Public Health

### **Nurturing Civic Pride (17 indicators)**

*- Priorities include waste services, customer services, high streets and community safety, support for children and education*

<b>Indicator</b>	<b>Frequency</b>	<b>Council Plan deliverable</b>	<b>Directorate</b>
CRP 097/SP 065 % Household waste recycled and composted	Monthly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate
CRP 103/SP 454 % fly-tips removed within 24 hours	Monthly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate
CRP 124/SP 568 % of street reports rectified within the contract standard time frame	Monthly	Residents, businesses and visitors will enjoy clean, safe and	Environment, Civic Pride, & Climate

		welcoming places across the borough	
CRP 126/SP 573 Number of refuse collections including recycling and kitchen waste (excluding garden waste) missed per 100,000	Monthly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate
Average no. Of stalls in Mitcham Market/no. Of events in Mitcham ( <i>Not existing indicators</i> )	Quarterly	Town centres will attract more footfall, events and investment, becoming better places to visit, do business and live	Environment, Civic Pride, & Climate
CRP 101/SP 389 Carriageway condition – unclassified roads, % not defective	Annual	Town centres will attract more footfall, events and investment, becoming better places to visit, do business and live	Environment, Civic Pride, & Climate
CRP 107/SP 474/MP 003 No. Of volunteers recruited through MVSC	Quarterly	Merton will be a thriving place for voluntary and community organisations where giving back is valued and encouraged	Innovation and Change
CRP 041/SP 192 % FOI requests dealt with in time	Monthly	We will put residents at the heart of everything we do, and be responsive and resident-centric in our approach to customer service, communication and engagement	Innovation and Change

CRP 083/SP 428 % Ombudsman complaints partially or fully upheld	Quarterly	We will put residents at the heart of everything we do, and be responsive and resident-centric in our approach to customer service, communication and engagement	Innovation and Change
CRP 115/SP 535/MP 50 % of total 0-5 year population from areas of deprivation whose families have access to children's centres	Quarterly	1.6. Giving children in Merton the best start in life and a Good or Outstanding education for all, including lifelong learning	Children, Lifelong Learning, and Families
CRP 69/SP 078/MP 052 % outcome of Ofsted Inspection schools rated Good or Outstanding	Annual	Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed	Children, Lifelong Learning, and Families
CRP 113/SP 528 % of fostered children living in in-house provision	Monthly	Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed	Children, Lifelong Learning, and Families

CRP 114/SP 531 % of children in our care placed more than 20 miles away	Monthly	Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed	Children, Lifelong Learning, and Families
CRP 88/SP 404/MP 053 New EHCP requests completed within 20 weeks	Quarterly	Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed	Children, Lifelong Learning, and Families
SP 523 % of repeat MARAC cases (domestic abuse) by volume	Monthly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate
% of CCTV Cameras Upgraded (Not existing indicator)	Quarterly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate
CRP 111/SP 497 % of ASB cases acknowledged within service timescales	Quarterly	Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough	Environment, Civic Pride, & Climate

## Building a Sustainable Future (13 indicators)

- *Priorities include housing supply and standards, climate change, air quality, libraries and health services*

Indicator	Frequency	Council Plan deliverable	Directorate
New homes completed/started ( <i>to check against Local Plan Annual Monitoring</i> )	Annual	New developments deliver more affordable housing and exhibit design excellence	Housing & Sustainable Development
CRP 133/SP 360 Annual No. Of enforcement/improvement notices issued (Housing) ( <i>Being reviewed by Housing Needs</i> )	Annual	A borough where residents can live in good quality housing	Housing & Sustainable Development
CRP 108/SP 475 Number of publicly available Electric Vehicles Charging Points available to Merton residents	Annual	Take-up of alternative and sustainable modes of transport increases	Housing & Sustainable Development
CRP 016/SP 401 to reduce CO2 emissions annually across the Council's operational portfolio of buildings	Annual	The Council will aim to reach net zero by 2030	Environment, Civic Pride, & Climate
CRP 122/SP 566 Number of monitoring stations measuring below the Nitrogen Dioxide air quality objectives	Annual	Air quality will improve across the borough	Environment, Civic Pride, & Climate
CRP 051/SP 114 % Major applications processed within 13 weeks or within agreed timescales	Monthly	New developments deliver more affordable housing and exhibit design excellence	Housing & Sustainable Development

CRP 052/SP 115 % of minor planning applications determined within 8 weeks or within agreed timescales	Monthly	New developments deliver more affordable housing and exhibit design excellence	Housing & Sustainable Development
CRP 131/SP 439 No. Of apprenticeship starts excluding schools	Quarterly	More residents will be able to access secure and well-paid employment in a local economy that is fairer and more inclusive	Innovation and Change
CRP 110/SP 484 % of care leavers (aged 19-21) in suitable accommodation	Monthly	A borough where residents can live in good quality housing	Children, Lifelong Learning, and Families
CRP 059/SP 008 No. Of people accessing the library by borrowing an item or using a peoples' network terminal	Tbc	We will put residents at the heart of everything we do, and be responsive and resident-centric in our approach to customer service, communication and engagement	Environment, Civic Pride, & Climate
NEW Number of trees on public land ( <i>To be confirmed</i> )	Tbc	Our environment and parks will be protected, restored, and well managed	Environment, Civic Pride, & Climate
CRP 130/SP 504 % young people (under 19) leaving treatment where substance misuse has reduced or client has become drug free	Quarterly	Equal access to local health services in Merton	Children, Lifelong Learning, and Families

	SP 503 Proportion of all in treatment, who successfully completed treatment and did not represent within 6 months	Quarterly	Equal access to local health services in Merton	
<b>Creating a Borough of Sport (4 indicators)</b>				
<i>- Priorities include participation in sport and activity, healthy active lives and improvements to sporting and leisure infrastructure</i>				
	<b>Indicators</b>	<b>Frequency</b>	<b>Council Plan Deliverable</b>	<b>Department</b>
	SP 405 No. Of Leisure Centre users	Monthly	More residents will take part in sport and physical activities	Environment, Civic Pride, & Climate
	SP 349 14 to 25 year old fitness participation at leisure centres	Monthly	All 4- to 16-year-olds and over 65s will have access to weekly sporting and wellbeing activities	Environment, Civic Pride, & Climate
	CRP 119 / SP 558 Average Performance Quality Score (Litter and Cleansing Standards - Parks)	Quarterly	Investment in sporting infrastructure and promoting healthy activities	Environment, Civic Pride, & Climate
	NEW Public Health Activity Indicator via Actively Merton ( <i>TBC, expected to take 6 months to design</i> )	TBC	More residents will take part in sport and physical activities	Adult Social Care, Integrated Care, and Public Health



**DRAFT**

Building a Better Merton Together

London Borough of Merton  
Council Plan 2023-26

## Purpose of this Document

This plan outlines our ambition to ‘Build a Better Merton Together’ and what we will do over the next four years to achieve this. It is based on extensive engagement with residents, voluntary groups and businesses and details key Council priorities, actions and how we will measure our progress. The Council Plan also sets out principles and values that describe how we will work to achieve our ambition, particularly the importance of developing and maintaining partnerships to achieve common goals. It describes a new relationship between the Council and our residents, where we will work with communities to identify what needs to change and work together to improve their neighbourhoods. The Council Plan will inform all strategic delivery plans and will explain how we will turn priorities into delivery on the ground so that residents will see and feel the difference.

# Contents

Forewords

The Council and What We Do

Quick Facts about Merton

Merton Council 2023-26

Senior Officers

Borough Context

Community Ambition

Building a Better Merton Together – our Council Plan

    Nurturing Civic Pride

    Building a Sustainable Future

    Creating a Borough of Sport

Our Principles and Values

Next Steps

## **Forewords**

Message from the Leader of the Council

*To follow*

Message from the Chief Executive

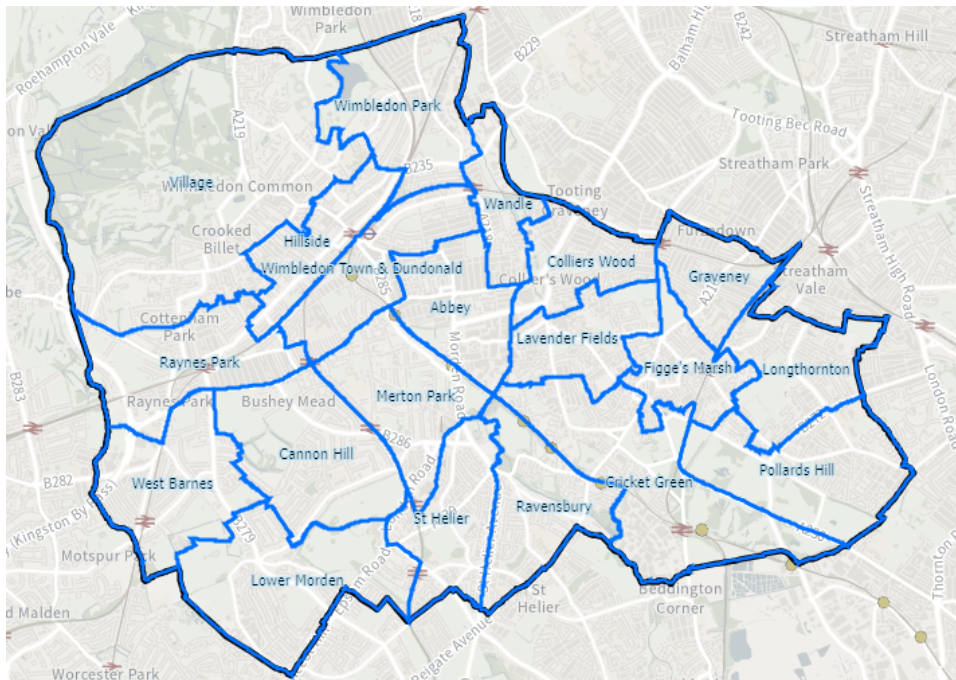
*To follow*

## The Council and What We Do

Local authorities provide a comprehensive range of services to residents and businesses through a combination of direct delivery, partnerships and contracted services. Broadly, these services fall into two main categories.

- Firstly, there are services related to the physical environment – things you can see, feel, smell and touch. These include services such as parks, highways, street cleansing, waste collection and recycling, parking, libraries, leisure centres, community centres, affordable housing and private sector housing conditions, air quality and many others.
- Secondly, there are services that relate to people – supporting those who need help and protecting vulnerable residents from harm. These include services such as adult and children’s social care, schools, special educational needs provision, public health, early years provision, lifelong learning and welfare benefits.

The London Borough of Merton also has an important place-shaping role to play as a local authority given its vast array of services, relationships and democratic mandate. This means listening to communities about what they want from their borough, developing a vision with them, and then working with a range of different stakeholders to achieve this vision.



## Quick Facts about Merton

### Population and demographics

**Residents:** 215, 187 (Census 2021)

**Population by age:**

Age 0-15: 23%

Age 16-64: 65.3%

Age 65+: 11.8%

**Born in the UK:** 59% (Census 2021)

**Main language other than English:** 21.45% (Census 2021)

**Ethnic group (Census 2021):**

Asian, Asian British or Asian Welsh: 18.6%

Black, Black British, Black Welsh, Caribbean or African: 10.6%

Mixed or Multiple ethnic groups: 5.9%

White: 60.2%

Other ethnic group: 4.6%

### Education and Qualifications

**60.6%** of adults with a degree or equivalent:

**2.3%** of adults with no qualification: (APS 2021)

**24.2%** of pupils eligible for free school meals (DFE, 2021/22 academic)

**12.8%** of Primary school pupils getting SEN support:

**14.8%** of secondary school pupils getting SEN support: (DfE 2022)

### Economy and Environment

**£6,299 million** GDP in Merton at current market prices: in 2020 (ONS, 2022)

**13,305** Businesses in Merton : (Inter-Departmental Business Register – IDBR, 2020)

**80.9%** Employment rate: (Annual Population Survey – APS, June 2022):

**18,454** Universal Credit recipients (*DWP Claimant Count, September 2022*)

### Built and Natural Environment

**2.7 tonnes** CO2 emissions per capita (Department for Business, Energy and Industrial Strategy – BEIS, 2020)

**79,871 tonnes** Total waste collected: (DEFRA, 2020-21)

**10.5%** Fuel poverty rate: (BEIS fuel poverty sub-regional statistics, 2020)

**28%** Canopy cover as of 2020: (Merton Climate Delivery Plan Year 2, 2022)

### Health and Wellbeing

**78.6 years Male 83.5 Female** Life expectancy (ONS, 2020)

**7.7 years** for males and **5 years** for females– gap in life expectancy between the 10 % most and least deprived (Merton Story 2022)

**53.3%** of adults getting five-a-day (Sport England, 2019/20)

**67%** of adults getting enough physical activity: (Merton Data, 2020/21)

**10%** of residents aged over 65 live with frailty (Merton Story 2022)

### Social & Cultural Environment

**86%** People who feel a sense of community cohesion: (Merton Residents' Survey, 2021)

**5.5** Crime rate per 1,000 people: (MPS data, August 2022)

**63%** People who feel safe during the night: (Merton Residents' Survey, 2021)

**204** Charities based in Merton: (Merton Connected, 2021)

**17,945** Volunteers involved in local charities: (Merton Connected, 2021)

## Merton Council 2023-26

The current Council was elected in May 2022 and will serve for four years. Merton has 57 councillors elected by 20 wards from the following political parties:

- 31 Labour
- 17 Liberal Democrats
- 7 Conservative
- 2 Merton Park Independent Residents

The Council is run by a Leader and Cabinet which is proposed by the majority group and confirmed at Full Council. The Cabinet take all major policy, service and financial decisions collectively and they are supported in delivering their goals and priorities by a senior executive team, led by the Chief Executive. The work of the Council is overseen and supported by an Overview and Scrutiny Process formed from all political groups.



From left to right:

- Cllr. Stephen Alambritis MBE, Cabinet Member for Transport
- Cllr. Brenda Fraser, Cabinet Member for Children's Services
- Cllr. Peter McCabe, Cabinet Member for Health and Social Care
- Cllr. Natasha Irons, Cabinet Member for Local Environment, Green Spaces and Climate Change
- Cllr. Ross Garrod, Leader of the Council
- Cllr. Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride
- Cllr. Caroline Cooper-Marbiah, Cabinet Member for Sport and Heritage
- Cllr. Andrew Judge, Cabinet Member for Housing and Sustainable Development
- Cllr. Sally Kenny, Cabinet Member for Education and Lifelong Learning
- Cllr. Billy Christie, Cabinet Member for Finance and Corporate Services

# Senior Officers [to be amended]



**Hannah Doody**  
Chief Executive



**Jane McSherry**  
Executive Director  
Children LifeLong  
Learning and  
Families

Responsible for:  
Children Social  
Care, Education,  
Skills and Child  
Protection



**John Morgan**  
Executive Director  
Adult Social Care,  
Integrated Care  
and Public Health

Responsible for:  
Adult Social  
Care, Public  
health and Adult  
Safeguarding



**Adrian Ash**  
Executive Director  
Environment,  
Civic Pride and  
Climate

Responsible for:  
Waste and street  
cleansing, Parks,  
Climate,  
Libraries, Sport  
and Heritage



**Louise Round**  
Executive Director  
Innovation and  
Change

Responsible for:  
Communications  
and Media, Policy,  
HR, Monitoring  
officer duties and  
Legal



**Roger Kershaw**  
Executive Director  
Finance and  
Digital

Responsible for:  
Finance and  
investment,  
Section 151 and  
digital services



**Unfilled**  
Executive Director  
Housing and  
Sustainability

Responsible for:  
Planning,  
regeneration,  
Housing delivery  
and  
homelessness



## **Borough Context**

Merton as a borough has a huge amount to offer those who live, work or visit here. It is one of the greenest boroughs in London and has plenty of parks, green spaces and rivers offering easy access to nature. It is extremely well connected to central London, as well as neighbouring boroughs and the Surrey Hills. Each year, 500,000 visitors come to our borough to enjoy the Wimbledon Championships, which have been held since 1877 at the All-England Club. Merton is also proud to be the home once more of AFC Wimbledon in the Plough Lane stadium.

We are a growing and diverse borough – Merton is home to 215,187 people, an increase of 7% over the last 10 years, and the population is made up of a broad range of ethnicities. One third of residents were born outside the UK and the most common languages spoken after English are Polish, Gujarati and Urdu, which reflects the Polish, Eastern European and Asian communities across Merton.

We have always strived for Merton to be a great place to raise a family. There is excellent support for children and young people and all our secondary schools are rated either good or outstanding. We are the third-safest borough in London, and we have worked hard to prevent homelessness and maintain the lowest number of households in temporary accommodation of all London's boroughs. However, we know there is more to do to meet the expectations of our residents and make Merton a better place to live for everyone.

If we want to achieve the goal of building pride in Merton, this must be truly felt and experienced by all communities across the borough. Parts of Merton have higher levels of overcrowding, poorer health, deprivation and poverty and a greater proportion of lower-income households that are more affected by the cost-of-living crisis. We will target our delivery to address these disparities and make sure that investment, support, and action goes to the right places and makes a difference.

## **Community Ambition**

### **Our communities' aspirations**

We carried out an extensive engagement programme across Merton during the Covid-19 pandemic to hear what mattered most to our residents, businesses, and wider communities<sup>1</sup>. They told us what they enjoyed most about their local area, what they wanted to see improved, and their ambitions in the long term.

People said how much their local parks and green spaces helped with their physical and mental wellbeing. They wanted to see a borough that is cleaner, greener, and less congested, along with improved high streets that they could take pride in. Young people wanted more things to do in their local area and a greater say in decisions about the future.

Community spirit and connection also matter to residents in Merton. People valued the diverse communities, wanted to foster greater community spirit, and have more places in their local area where people can come together. Most importantly, the overall message is that residents want to be included in the decisions that affect their communities.

---

1

We held extensive conversations with community groups and the voluntary sector to understand the impact of the pandemic and explore a new approach to working with communities. While there is a strong track record of collaboration and positive examples of engagement with communities, there are missed opportunities to help those who are vulnerable or disadvantaged.

### **Our community ambitions**

Our ambition for Merton has been shaped by this feedback from our communities and their aspirations for the borough. In summary, this is how residents felt the borough should look and feel like in future:

- Residents across the borough feel proud of where they live – this means clean streets, vibrant high streets, good schools, and safe neighbourhoods.
- An excellent education and skills programme gives all residents opportunities to access well-paid jobs.
- Town centres are busier, visibly cleaner and destinations in their own right, with regular cultural events taking place. Local businesses, entrepreneurs and start-ups are supported so they can provide employment opportunities for local people.
- Residents enjoy a greener borough with less congestion and improved air quality. Everywhere is well connected by walking and cycling routes so that people can choose healthier and lower-carbon ways of getting around.
- Residents of all ages lead healthy, active lives and more people are involved in sport and exercise. Communities across the borough make the most of the parks and green spaces for leisure, play, sports and enjoying nature.
- Merton becomes a fairer, more equal and inclusive place.
- Residents feel like they have a say in decisions that affect their community and get more involved in local initiatives.

## Building A Better Merton Together – Our Council Plan

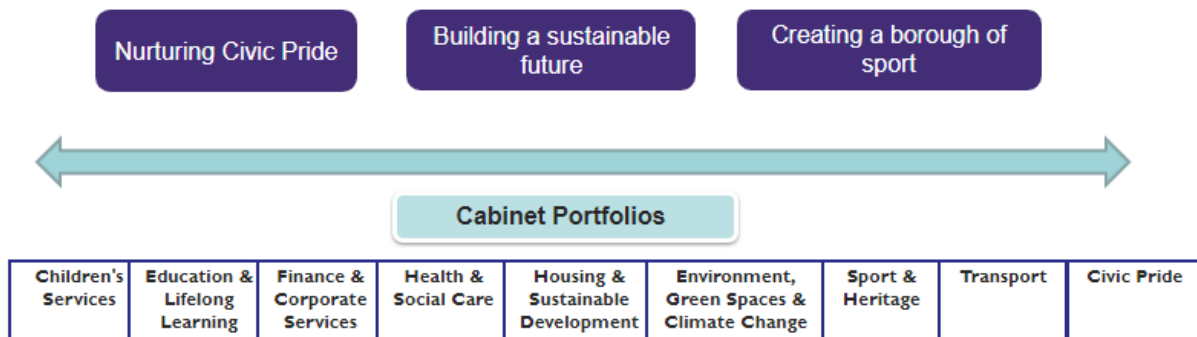
'Building a Better Merton Together' is our Council Plan for 2023-26. It sets out our ambition for rebuilding pride in Merton over the next four years and explains what we will be doing to achieve this over the coming years.

We want people to feel proud to live, work and visit Merton – rebuilding a sense of pride from the ground up through cleaner streets, more affordable housing, improved town centres and opportunities to be involved in this great sporting borough.

These three strategic objectives will guide our actions as a borough:

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

Our plan for each strategic objective is outlined in more detail below in terms of what you can expect in the coming year and what difference you will see. We have identified the major initiatives for each objective and the role of the Council and partners in delivering these. The work of all Cabinet Members will feed into delivery, spanning all parts of the Council and our work with partners (Fig 1).



### How we will measure progress

We will closely monitor delivery over the course of each year and review progress through an Annual Review. As part of this review, we will measure our progress against key indicators for each strategic objective. An annual State of the Borough report will provide a snapshot of our position as a borough in key areas and allow us to see how we are progressing on our big priorities. A redesigned Corporate Performance Framework will align with these objectives to make sure that our services are supporting delivery of our priorities.



## 1. Nurturing Civic Pride

Civic pride is about the relationship that people and communities have with a place – not only their physical surroundings but also their feelings of identity and belonging. By nurturing civic pride, we want people to be proud of their local area, feel more connected to their community, and get more involved in making Merton a great place to live, work and visit. That means getting the basics right so that all residents across the borough can benefit from cleaner streets, vibrant high streets, good schools, and safe neighbourhoods. It is also about everyone taking pride in their borough, which means becoming a fairer, more equal and inclusive place.

### What you can expect from us over the next four years:

We will put residents at the heart of everything we do, and be responsive and resident-centric in our approach to customer service, communication and engagement

Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough

Existing businesses will be supported, and new businesses, talent and investment will be attracted to the borough

More residents will be able to access secure and well-paid employment in a local economy that is fairer and more inclusive

Town centres will attract more footfall, events and investment, becoming better places to visit, do business and live

Merton is a thriving place for voluntary and community organisations where giving back is valued and encouraged

Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed

Residents across Merton will be supported through the cost-of-living emergency

We will continue to embrace diversity across the borough

### How we will measure our progress

Indicator	Desired trend
Resident satisfaction with the council	Increase
Number of customer complaints	Decrease
Fly tips removed within 24 hours	Increase
Street cleanliness meeting expected standards	Increase
Footfall in our main town centres	Increase
Number of businesses	Increase

Percentage of economically active residents	Increase
Number of London-living wage accredited employers	Increase
Number of people volunteering in Merton	Increase
Crime rate and volume	Decrease
Number of schools rated Good or Outstanding	Increase
Number of residents requiring hardship payments and emergency food provision	Decrease

### Nurturing Civic Pride: Major initiatives

Priorities	Initiatives	Council's role
<b>We will put residents at the heart of everything we do, and be responsive and resident-centric in our approach to customer service, communication, and engagement</b>	Develop a new Customer Strategy with a focus on the customer experience	Deliver
	Launch a new Communications and Engagement Strategy to reshape our approach to how we engage with our communities	Deliver
	Establish key libraries as community hubs on the high street	Deliver
<b>Residents, businesses and visitors will enjoy clean, safe and welcoming places across the borough</b>	Hold our commissioned providers Veolia to the delivery of their Service Improvement Plan so that they provide a better service to Merton residents	Deliver
	Develop and introduce a new waste and street cleansing service contract from 2025	Deliver
	Launch a new Violence Against Women and Girls (VAWG) Strategy – including street safety, White Ribbon Accreditation, awareness campaigns and a new initiative for young women	Deliver
	Roll out a £1 million upgrade to CCTV to further enhance our provision and keep streets safe and monitored	Deliver

	Look at implementing a borough-wide Public Space Protection Order to reduce antisocial behaviour and crime	Deliver
<b>Existing businesses are supported, and new businesses, talent and investment will be attracted to the borough</b>	Build closer relationships with local businesses working with Chamber of Commerce and our Business Improvement Districts	Partners
	Deliver placemaking measures for Morden Town Centre which make improvements to the physical surroundings	Deliver
	Undertake feasibility studies to facilitate the regeneration of Morden Town Centre and attract external funding to develop longer-term proposals	Deliver Partner
	Develop our support for Black businesses, including introducing a new Best Black Business Award in the Merton Business Awards	Deliver Advocate
<b>More residents will be able to access secure and well-paid employment in a local economy that is fairer and more inclusive</b>	Take steps to ensure that all our new contracts include a commitment to the London Living Wage	Deliver
	Seek accreditation as a Council for London Living Wage status and work with care homes and other employers towards becoming a London Living Wage borough	Deliver Partner
	Strengthen the application of the Social Value Measurement Charter in our procurement procedures	Deliver
	Introduce a Social Value portal to help monitor social value in contracts following mobilisation	Deliver
	Develop our apprenticeship scheme to increase opportunities with a focus on disadvantaged young people	Deliver Partner
<b>Town centres will attract more footfall, events and investment, becoming better places to visit, do business and live</b>	Engage with event companies to attract cultural events to the borough	Partner Advocate
	Deliver a programme of shopfront improvements across key high streets	Deliver

	Increase the retail, hospitality and entertainment outlets in Mitcham Town Centre by encouraging key stakeholders to redevelop sites in the town and surrounding area	Partner
<b>Merton will be a thriving place for voluntary and community organisations where giving back is valued and encouraged</b>	Establish and deliver a major new Civic Pride Fund to support neighbourhoods and local groups in Merton	Deliver Partner
	Deliver a new volunteering portal through Merton Connected and target key groups for recruitment	Deliver
	Increase the number of young volunteers working in community programmes through the Children’s Trust Board	Deliver
	Introduce the Civic Pride Recognition Awards	Deliver
<b>Fantastic educational provision and support gives children the best start and equips residents of all ages with the skills and qualifications to succeed</b>	Enhance support for families through Children’s Centres and Family Hubs	Deliver
	Maintain and build on the Council’s ‘outstanding’ Children’s Social Care rating, ensuring children and young people get help and protection at the right time and place.	Deliver
	Build a new special school in Merton and increase local special educational needs and disabilities places as part of the Dedicated Schools Grant Safety Valve Agreement	Deliver
	Continued school improvement to help all primary and secondary schools become ‘good’ or ‘outstanding’	Deliver
	Develop our Adult Education commissioning offer to support learning and skills for the future with focus on the east of the borough.	Deliver
	Deliver new health and wellbeing zones to support digital skills and resident wellbeing	Deliver
	Improve pathways to employment through our Adult Education programme	Partner



	Deliver new courses in numeracy, literacy and English for Speakers of Other Languages through Adult Education	Deliver
<b>Residents across Merton will be supported through the cost-of-living emergency</b>	Develop a coordinated cross-council response to the cost-of-living crisis through the Merton Partnership	Deliver Partner
	Deliver a £2 million cost-of-living emergency fund to ensure support gets to those who need it most	Deliver
<b>We will continue to embrace diversity across the borough</b>	Launch and deliver on a new Equality, Diversity, and Inclusion Strategy	Deliver
	Work with our communities to relaunch the LGBTQ+ forum	Partner
	Celebrate the 75 <sup>th</sup> Windrush anniversary in partnership with local groups and communities.	Partner

## 2. Building a Sustainable Future

Working towards a greener, more sustainable, and resilient future for the borough means better housing, action on climate change, and support for the health and wellbeing of our communities. Accelerating the supply of affordable and sustainable homes is a top priority for the Council. Alongside this priority, we will push for better standards in private and social housing and work with Integrated Care partners to make sure that local health provision meets the needs of communities across Merton.

### What you can expect from us over the next four years:

New developments deliver more affordable housing and exhibit design excellence

A borough where residents can live in good-quality housing

Our environment and parks will be protected, restored and well managed

Merton Council will aim to reach net zero by 2030

Increased take-up of alternative and sustainable modes of transport

Improved air quality across the borough

Equal access to local health services in Merton

### How we will measure progress

Indicator	Desired trend
New starts of affordable homes	Increase
Empty homes brought back into use	Increase
Private rented homes brought up to standard	Increase
Number of housing enforcement or improvement notices	Decrease
Energy efficiency improvements of private sector homes	Increase
Number of trees on public land	Increase
Number of parks with Green Flag status	Increase
Number of EV (electric vehicles) charging points	Increase
Number of vehicles registered in the borough	Decrease
Proportion of active travel journeys being made	Increase
CO2 emissions across Merton Council's operational buildings	Decrease
Number of monitoring stations meeting nitrogen dioxide air-quality objectives	Increase

## Building a Sustainable Future: Major initiatives

Priorities	Initiatives	Council's role
<b>New developments deliver more affordable housing and exhibit design excellence</b>	Work in partnership with registered providers to encourage greater provision of affordable housing and work with private developers on large sites to meet the Council's affordable housing target.	Partner
	Deliver 400 new affordable homes on Council land over the next four years	Deliver
	Establish a new Registered Provider/Developer Forum to strengthen working relationships with key partners in the housing sector	Deliver Partner
	Implement ambitious climate policies in a new Local Plan following approval by the Secretary of State	Deliver
<b>A borough where residents can live in good quality housing</b>	Introduce Article 4 and a Selective Licensing Scheme to improve standards in multiple-occupancy homes in key wards	Deliver
	Introduce an Empty Homes Strategy to make empty properties suitable for accommodation	Deliver
	Strengthen housing enforcement with an emphasis on standards and safety in privately rented accommodation	Deliver
	Develop a Registered Provider Charter and make the Tenants Champion a permanent position	Deliver
	Develop a borough-wide retrofit strategy and energy masterplan to improve energy efficiency for homeowners and the private sector	Deliver
	Provide strong oversight of Clarion in their delivery of the Merton Estate Regeneration Plan	Partner

<b>Our environment and parks will be protected, restored, and well managed</b>	Development and delivery of phase two of our Tree Strategy	Deliver
	Target tree-planting opportunities at wards with low canopy cover	Deliver
	Work with 'Friends of' parks groups to increase the number of Green Flag Award sites in Merton from six to nine	Partner
	Develop a Parks and Open Spaces Strategy and deliver a programme of improvement to our parks	Deliver
<b>The Council will aim to reach net zero by 2030</b>	Develop and deliver Year 3 of the Climate Delivery Plan for 2023, building on the success of Year 1 and Year 2	Deliver
	Increase the involvement of young people in climate action and green spaces as part of delivering the Youth Survey's recommendations	Deliver
<b>Take-up of alternative and sustainable modes of transport increases</b>	Develop a new electric vehicle charging strategy to support increased use of electric vehicles across the borough	Deliver
	Deliver 200 new electric vehicle lamp column charging points to improve the borough's charging infrastructure.	Deliver
	Work towards establishing three electric vehicle forecourt hubs and having 100% electric vehicle car clubs in the borough	Partner
	Roll out a borough-wide bike-hire scheme to increase cycling as a mode of transport	Deliver
	Develop a walking and cycling strategy to encourage active travel, focusing on areas with high car ownership and low Public Transport Accessibility Levels (PTAL)	Deliver
	Introduce e-scooters in areas with high car ownership and low Public Transport Accessibility Levels (PTAL) in line with the introduction of the Ultra-Low Emission Zone	Deliver

	Deliver a programme of segregated cycleways in areas with high car ownership and low Public Transport Accessibility Levels (PTAL)	Deliver
	Support greater public transport connectivity to and within Merton, such as the ongoing development of Crossrail 2	Partner
<b>Air quality across the borough will improve</b>	Develop and deliver a new air-quality action plan to reduce emissions and air pollution in the borough	Delivery
	Introduce additional school streets schemes to reduce car usage near schools and build on Merton's success of having the highest proportion in London	Deliver
<b>Equal access to local health services in Merton</b>	Move forward with the NHS on the development of East Merton Health Centre with GP provision and Colliers Wood GP Practice	Partner
	Develop a strategy to support the borough's ambition to retain all services at St Helier Hospital and lobby the government for refurbishment funding	Deliver Partner
	Work with the NHS to ensure that residents of Mitcham and Morden have access to a Nelson-equivalent health facility	Partner
	Develop our approach to the One Public Estate with the NHS to ensure that any proposed services on the NHS estate meet the needs of residents	Partner

### 3. Creating a Borough of Sport

As the home of the Wimbledon Tennis Championships, AFC Wimbledon, the oldest cricket club in the world, and a rugby club that was one of the founding members of the RFU, our borough has a great sporting heritage on which to build. Today, we have an array of parks, tennis courts, sports pitches, leisure centres and a wealth of grassroots clubs and sporting organisations.

We are perfectly placed to establish Merton as a borough of sport and promote healthy, active lives for all our residents. Increasing participation in sport and exercise not only supports better health and wellbeing but can also bring wider social benefits such as greater connectedness and engage young people. By supporting residents of all ages to be active and incorporate more movement into their lives, we can help people to lead more healthier lives and become more independent, particularly those who are older or disabled.

#### What you can expect from us over the next four years:

National recognition of Merton's sporting heritage

All 4- to 16-year-olds and over 65s will have access to weekly sporting and wellbeing activities

More residents take part in sport and physical activities

Investment in sporting infrastructure and promoting healthy activities

#### How we will monitor progress

Indicator	Desired trend
Participation in sport and exercise	Increase
Improvements to sporting infrastructure	Increase
Number of leisure centre users	Increase
Proportion of children aged 4 to 5 and 10 to 11 classified as overweight or obese	Decrease
Fitness participation at leisure centres for those aged 14 to 25	Increase
Number of children and young people who agree that participation in a culture or sports project, activity or event has helped them feel healthier, stronger, fitter, or happier	Increase

## Creating a Borough of Sport - Major Initiatives

Priorities	Initiatives	Council's role
<b>Merton's sporting heritage will receive national recognition</b>	Set up a Merton Sports partnership to promote sport in our borough	Partner
	We will market and promote Merton as the Borough of Sport following the outcome of the Sport London Strategy	Deliver
<b>All 4- to 16-year-olds and over 65s will have access to weekly sporting and wellbeing activities</b>	Extend delivery of the Kids Swim for a Quid initiative	Deliver
	Work in partnership with Merton's sporting organisations to increase the provision of activities for these age groups	Deliver Partner
<b>More residents will take part in sport and physical activities</b>	Establish a Sports Fund to support grassroots sport and activity in the borough	Deliver
	Develop an Actively Merton Programme through the Health and Wellbeing Board	Deliver Partner
	Produce an annual events planner to increase awareness of sport and leisure opportunities and events across the borough	Deliver
	Develop a blueprint with London Sport to increase participation and leverage external funding	Deliver Partner
<b>Investment in sporting infrastructure and promoting healthy activities</b>	Deliver improvements to key Multi-Use Sports Areas to encourage sports and exercise in our parks and recreation grounds	Deliver
	Deliver a programme of sports-pitch improvements to increase the quality of our facilities	Deliver
	Refurbish tennis courts across the borough	Deliver

## Our Principles and Values

Our principles and values will guide how we work across the Council and the borough to build a better Merton together. We are committed to delivering the best for our communities and putting the needs of residents at the heart of everything we do.

You can expect us to be:

- Responsive to the needs of our residents
- Embedded in our local communities
- Innovative in our approach to tackling the challenges we face as a borough
- Striving to deliver excellent services for all

We are working on a new People and Culture Plan will set out our values as an organisation and how we will support our workforce so that they can work to their best:

**My Health & Wellbeing** - We will support the health and wellbeing of our workforce by expanding employee benefits, new health and wellbeing training and increasing staff engagement and communication.

**Equality, Diversity & Inclusion** - We will embed equality and inclusion in our culture through new training priorities, external relationships with partners, and listening to the needs of our staff.

**Smarter Working** - We will enable more flexible and agile working practices through smart working and remote-working technologies

**Leadership & Management** – We will improve leadership and management at all levels of the Council with new training, more development opportunities for upcoming and existing leaders, and collaboration between leaders to help deliver our priorities.



## Next Steps

Delivering the ambition in this plan will require collaborative working, not only with our residents and businesses but also with a range of partners at local and regional level. This section sets out how we will work together with residents, community groups and partners to achieve our goals.

### How we will engage residents

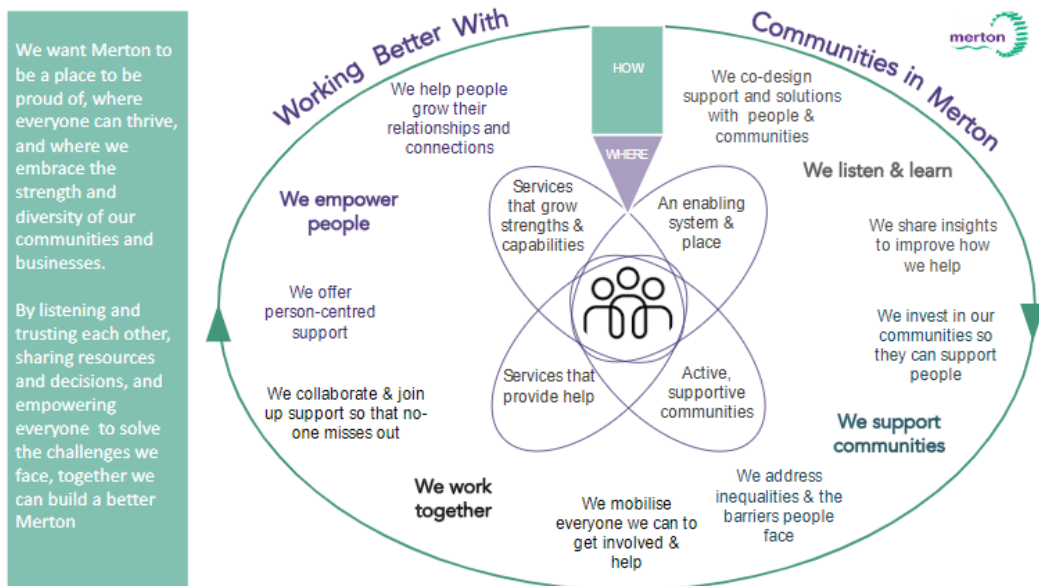
Residents have told us they want to be involved in decisions that affect the things that matter most to them, such as their high streets, parks and local services. They want to maintain and build on the community spirit that saw us through the pandemic where thousands of residents, businesses and local organisations helped support some of our most vulnerable residents. We want to harness this collaborative spirit to work with residents, businesses and local organisations and build a better Merton together.

Our new Community Engagement strategy will change our approach to engaging with residents and enable us to engage more directly. We will be expanding the use of new and existing digital channels to engage with residents on a regular basis and seek their views on a range of topics. We will also bring in new ways for residents to talk with us and each other, including an annual Question Time for the Leader and Cabinet in each town centre and more support for community groups that hold consultations with residents.

### How we will work collaboratively with communities

We have co-designed a methodology with our partners to improve how we work with our local communities and use local, Council and partner assets and resources. This work was undertaken with Collaborate CIC, one of the leaders in the field of collaboratively designed public services and produced 'Working Better with Communities' framework. This model takes what we learned from how we worked differently with partners during the pandemic, feedback from community groups and best practice from Merton and elsewhere to offer a guide to how we can work differently with communities.

The commissioning of our new multi-million-pound Civic Pride Fund: Supporting the Voluntary and Community Sector has provided a valuable opportunity to put this framework into practice. The fund invests in social infrastructure at a neighbourhood level and supports our voluntary groups.



## How we will work in partnership

We cannot deliver this plan on our own. We will work with a range of partners to find common purpose and combine our efforts. This means working with the Mayor of London on structural issues like transport and regeneration where the interests of London as a whole and Merton as a borough intersect.

We will be an active member of the South London Partnership so that we can achieve better outcomes for Merton's residents and businesses where activity is best coordinated at a sub-regional level such as economic growth and training.

We will continue to build on our successful track record of working through the Merton Partnership. The Merton Partnership brings together community leaders, business leaders and leaders from public services such as the Council, NHS, police, fire brigade and educational settings.

## How we will pay for it

'Building a Better Merton Together' will inform how we allocate our resources to deliver our priorities while balancing our duty to keep our finances on a sustainable footing. Local governments face a difficult financial situation with high inflation, rising costs and a worsening national economic context. Reductions in funding from central government will result in some tough decisions at local level but we will prioritise those who are most vulnerable and focus our delivery on what matters most to residents.

The Business Plan 2023-26 sets out the resources and financial details behind this plan and gives further context on how we will fund our strategic priorities through our Medium-Term Financial Strategy. Developing a new investment strategy, we will explore new avenues for external investment while working with our partners to maximise the funds at our disposal.

## Other key strategies and plans

This Council Plan is our overarching strategic plan. However, the Council has more key strategies and plans that will guide how we deliver specific priorities, including how we are governed and our finances. The main strategies and plans are:

- Business Plan
- Community Plan
- Equality and Community Cohesion Strategy
- Housing Strategy
- Homelessness and Rough Sleeping Strategy
- Health and Wellbeing Strategy
- Local Plan
- Children and Young People's Plan
- Climate Change Strategy

These are available to view online [here](#).

These strategies are informed by Merton Data, a council-run website that acts as a directory for a wide range of data in Merton. This includes population profiles, health and wellbeing statistics, house prices, employment statistics and more. It holds data for the whole borough, as well as for the individual wards, and can generate data profiles for each.

You can find Merton Data [here](#).

This page is intentionally left blank

## Cabinet

**Date: 20<sup>th</sup> March 2023**

Wards: All Wards

### **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 officers: Megan Hatton, Head of Community Safety, Katy Saunders, Community Safety Team Manager, Anthony Cole, ASB Team Manager, Kelly Marshall, Strategic Development Lead.

---

#### **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 make a borough wide PSPO for alcohol related ASB and make Merton a responsible drinking borough.
- 

#### **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. On 7 September 2020, Cabinet resolved to make a new more localised PSPO related to alcohol consumption covering five wards (*Lavender Fields, Graveney, Ravensbury, Figge's Marsh and Cricket Green*) where issues ASB related to alcohol were prevalent.
- 1.4. On 13 October 2020 the Council made the *London Borough of Merton (Alcohol Consumption in Public Places) Order 2020* which came into force on 21 October 2020. That order lasted two years but its duration was extended in October 2022 for a period of 3 years. The Current Order, as extended, will remain in force until October 2025, subject to renewal or discharge before that date.

- 1.5. This report outlines a recommendation to discharge the current PSPO and simultaneously make a new PSPO having effect borough wide. A copy of the proposed Order is attached as Appendix 5.
- 1.6. It is important to note that the Current PSPO only applies to ASB related alcohol consumption. Officers will continue to only enforce the controls where a person or persons are consuming alcohol *so as to cause or be likely to cause nuisance or annoyance to any other person*.
- 1.7. An Equalities Impact Assessment (EIA), attached as Appendix 3, conducted in March 2023, concluded that creating a borough wide 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, intervention and enforcement approach to support a borough wide PSPO is being agreed with partners, subject to the decision on making a borough wide PSPO by Cabinet. The engagement and enforcement activity will be monitored through the monthly Partnership Tasking Meeting coordinated by Safer Merton.
- 1.9. If Cabinet resolves to discharge the Current Order and make a new borough wide PSPO as proposed in this report, the required publicity will be given 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 new order on its website and erect notices across the Borough advising of the new Order and its effect. The new Order includes provision for the discharge the Current Order and the required publicity of the discharge will also be given. If Cabinet decides not to make a borough wide order then the Current Order will continue in force until October 2025 subject to any further order in the meantime.
- 1.10. The notices which are displayed to bring the Current PSPO to the attention of the public are shown at Appendix 4. The form of these notices will be revised to reflect the borough wide application of the new order if Cabinet resolves to make it.
- 1.11. In considering whether to make a borough wide 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 by way of an application for Judicial Review.
- 1.12. On 19 December 2022, a 10 week public consultation on the proposed borough wide PSPO was launched. In total the Council received 303 responses via the online survey. In summary, 79% of respondents agreed with the proposal to discharge the Current Order and make a new PSPO controlling the public consumption of alcohol borough wide. The full results of the consultation are attached as Appendix 1.
- 1.13. After considering evidence from our partners and reviewing the results of the public consultation, it is considered the two pre-conditions to making a PSPO under Section 59 of the Act are satisfied and the proposed borough wide PSPO should be made to control the public consumption of alcohol given its detrimental effect on the quality of life for those in the borough.

- 1.14. If approved by Cabinet, work will begin to make a borough wide alcohol consumption PSPO and providing the required publicity with a view to it coming into force in the Spring of 2023 when there is likely to be an increase in street drinking with warmer weather conditions. 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 anti-social behaviour (ASB) linked to the public consumption of alcohol
- 1.15. **Proposal for a borough wide PSPO**
- 1.16. 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 consuming alcohol in public in a way which causes or is likely to cause nuisance or annoyance to any other person and to offer them additional support.
- 1.17. It will provide reassurance to residents that action is being taken to tackle these issues, which can have a detrimental effect on communities.
- 1.18. 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 links to clean streets and the environment, ensuring that our parks and open spaces are a place where residents can enjoy a safe public space free from anti-social behaviour.
- 1.19. 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.
- 1.20. It also links with the Government's 10-year drugs strategy '*From Harm to Hope*<sup>1</sup>' 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 has been established, which focuses on a multi-agency approach to co-ordinating action to prevent and reduce drug and alcohol related harm in Merton.
- 1.21. We have briefed the boroughs whose borders neighbour 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 public consumption of alcohol PSPOs have been made covering all parks and open spaces.
- 1.22. Should Cabinet agree the proposal to make a borough wide PSPO, a plan will be developed with partners to support engagement, intervention, and enforcement of the PSPO.
- 1.23. This work is already underway with regards to the current PSPO and includes monitoring at the monthly Partnership Tasking Meeting, coordinated

---

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

by Safer Merton, increased patrols by Kingdom Officers (Merton Council's Environmental Protection Service) and the formation of a Street Drinking Task and Finish Group.

- 1.24. The Task and Finish Group has membership from Safer Merton, Public Health, Homelessness Team, the commissioned alcohol treatment service WDP (the commissioned adult substance misuse treatment service), Police and NHS. Key outcomes thus far include work focusing on the area around St Mark's Primary School in Mitcham town centre and the area around Tesco's in Wimbledon town centre. A specific working group was also established in February 2023 to look at the top 20 most prolific street drinkers across the Borough, through management of risk via collaborative working around the support of these vulnerable people, and enforcement if required.
- 1.25. Via Public Health, 'Blue Light' and 'Alcohol Identification and Brief Advice' training has been offered to Kingdom Officers, Police, and front-line staff. This aims to improve quality of conversations when engaging with street drinkers, raising knowledge of alcohol, and developing confidence in responding to alcohol related needs.
- 1.26. The Council recognises that due to their complex needs, it may be difficult for street drinkers to refer themselves into treatment services, therefore Assertive Outreach is being explored; a post assigned to this via WDP and the Homelessness Team is currently being recruited to. This will ensure that proactive support can be offered to street drinkers in their own environment and when they require it most.
- 1.27. There is also an aim to improve information sharing between the Council's ASB Team, Homelessness Team and WDP via use of the E-Cins information sharing system, a pilot for which is currently underway.
- 1.28. Advisory leaflets offered to street drinkers by Kingdom Officers, detailing information on the current PSPO and routes to refer in for treatment and support have been produced in English and Polish languages. If a borough wide Order is made the Council will look at what additional alternative languages are required and a redesign of the leaflets in an effort to make them more accessible.
- 1.29. A comprehensive communications plan will be in place to reinforce the message to residents that Officers will continue to only enforce the prohibition where people consuming alcohol in public *so as to cause or be likely to cause nuisance or annoyance to any other person*. Those wishing to enjoy alcohol in a public place sensibly without causing ASB can continue to do so.

## **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 one of these tools. Through the provisions of the Act, local authorities are empowered to make PSPOs, providing certain criteria and legal tests are



met. PSPOs differ from other tools as they are council-led and may prohibit certain activities and/ or require specified things to be done by persons carrying on specified 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 lapsed on 20 October 2020. The Council replaced it with *the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020* (the Current Order). This is more localised PSPO came into force on 21 October 2022 and has effect across the five wards of *Lavender Fields, Graveney, Ravensbury, Figges Marsh and Cricket Green*.
- 2.4. The Current Order was extended for a further 3 years by the *London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Extension) Order 2022*. It will therefore continue in force until October 2025 unless further extended or discharged.
- 2.5. In considering whether to extend controls on the public consumption of alcohol borough wide by making a new PSPO, we have considered the statutory criteria for making a PSPO, and the appropriate scope of any order to ensure that it is proportionate to the problem and that the restrictions apply to the appropriate geographical area. We have considered the impact that any PSPO may have. We have gathered this information by consulting with the Police, other partners, and public consultation and through the completion of an Equalities Impact Assessment. Finally, we have considered whether the proposed restrictions will meet the legal test in consultation with our legal advisers the SLLP.
- 2.6. Under Section 59 of the Act, to make a PSPO a local authority must be satisfied that, on reasonable grounds, that two conditions are met: -
  1. That the activities carried on in a public place within the authority's area have had, or is likely to have, a detrimental effect on the quality of life of those in the locality; and
  2. 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 order.
- 2.7. **Evidence led approach and proportionality**
- 2.8. Robust evidence is essential when considering whether a borough wide Order is appropriate. The Council needs to be satisfied that the evidence

demonstrates that the conditions in paragraph 2.6 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.

- 2.9. 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 a Fixed Penalty Notice (FPN), where the Order has been contravened.
- 2.10. There is difficulty in recording these encounters however in Mitcham town centre, where the Current Order operates, between August – December 2022 there were 244 engagements between Kingdom Officers and street drinkers and members of the public, where advice, signposting and support was offered.
- 2.11. There has been a longstanding issue with ASB linked to street drinking in the Mitcham town centre area. It should be taken into consideration that without the Current Order, the situation in this location could have escalated. Officers patrolling the area and enforcing the Current Order enhances feelings of safety and acts a deterrent, reinforcing that this behaviour is not acceptable.
- 2.12. The current number of street drinking reports to either the Council’s ASB Team or Police are low. Enforcement figures for the Current Order are also low, with 6 FPNs issued by Council Officers in the FY 2021-2022. 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, which unfortunately is a common feature across London.
- 2.13. Due to the recording system, Police data on calls from the public is available for the past 12 months. From February 2022 – January 2023 there were 43 complaints relating to ASB involving alcohol and 9 specific calls regarding street drinking.
- 2.14. The Police and Safer Transport are supportive of the proposal for a borough PSPO governing the public consumption of alcohol.
- 2.15. Table 1.1 summary of other data

Data Source	Year 1	Year 2
	Nov 2020 – Oct 2021	Nov 2021 – Oct 2022
ASB Complaints	57	81
CCTV Logs	129	150
Ambulance Callouts (Sep 17 – Aug 18 and Sep18 – Aug 19)	732	648

- 2.16. 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:
- 2.17. The Annual Resident's Survey (2021)<sup>2</sup> 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, Mitcham, South Merton and Morden.
- 2.18. The Safer Merton Strategic Assessment Survey (2021) showed that residents thought alcohol disorder and street drinking were the biggest problem in their area, followed by drug paraphernalia (canisters) and drug use.
- 2.19. 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.
- 2.20. **Location**
- 2.21. The Current Order covering five wards was extended in duration in October 2022 and will remain in force until October 2025 unless further extended or discharged.

Since the Current Order was made, the London Borough of Merton Electoral Changes Order 2020<sup>3</sup>, 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. In the event Cabinet decides to make a borough wide order its will remove this anomaly.

See Appendix 6 for a map of the borough wide PSPO area.

### **Engagement and enforcement**

- 2.22. If Cabinet agrees with the proposal to make a borough wide PSPO, its duration, up to 3 years, and when it will come into force. 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. If the proposed order is made, during the first three weeks of its operation, it is intended to focus on engagement and raising awareness of the controls, following which the enforcement will begin.

---

<sup>2</sup> [Performance : Residents' surveys | Merton Council](#)

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

- 2.23. Enforcement is a key element of the PSPO and as such, ensuring the right controls is vital. The following restrictions are proposed for the new PSPO and mirror those in the Current Order:
- (i) Constables, police community support officers and persons authorised by the Council (Kingdom Officers) 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.
- 2.24. There are a number of enforcement options ranging from a Warning, and/or issuing an FPN, to prosecution where the FPN is not paid or it is not considered appropriate to issue an FPN. For more persistent breaches of the Proposed Order, consideration will be given to issuing Community Protection Warnings (CPNW), followed by Community Protection Notices (CPN) and seeking Criminal Behaviour Orders (CBO), where appropriate<sup>4</sup>.
- 2.25. A copy of the signage displayed for the Current Order can be found in Appendix 4. The signage outlines the area and controls which apply within 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 a revised sign will be produced if the proposed Order is made given the required publicity under the Act and Regulations.
- 2.26. It is important to add that whilst the Council may issue a 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.
- 2.27. We are working with partners to deliver a co-ordinated engagement, intervention 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 WDP.

---

<sup>4</sup> A CPN is a Community Protection Notice. The Council can issue a CPN to anyone who is 16 or over, or business, or organisation if satisfied, on reasonable grounds, that a person's conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable. Before issuing a CPN the Council must give a community protection warning (CPW) advising that a CPN may be issued unless the conduct having the detrimental effect does not cease within such period as is sufficient for him/her to address it.

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

- 2.28. 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. *Do not make a borough wide alcohol related PSPO and allow the Current Order to continue, targeted on the five wards until its expiration in October 2025 or earlier discharge.* This would not take into consideration evidence gathered, and the views expressed by the consultees that the public consumption of alcohol in other areas of the Borough is causing and is likely to cause nuisance or annoyance to others which needs to be addressed and the benefits of making Merton a responsible drinking borough.
- 3.2. *To implement a new targeted PSPO in other specified areas of the Borough, based on the evidence of ASB related to alcohol consumption.* A new PSPO could be made in addition to the Current Order, or a new PSPO could be made discharging the Current Order and bringing the controls into effect over a wider area, but less than borough wide. It is however considered undesirable to have multiple PSPOs given the potential for confusion in relation to operational areas, making enforcement more problematic.

### **4 CONSULTATION UNDERTAKEN**

- 4.1. Before making the proposed Order and discharging the Current Order a local authority is required to carry out *necessary consultation* and *necessary publicity* as specified by the Act.
- 4.2. A 10 week public consultation was launched on the 19 December 2022 and in total we received 303 responses to our online survey. To publicise the consultation, it was circulated on multiple occasions 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, via the Council's email newsletter to residents. It was also publicised via the Council's social media channels on Facebook and Twitter.
- 4.3. The public consultation asked respondents whether they supported a borough wide PSPO, of which 79% did. The full results can be found in Appendix 1.
- 4.4. We have also taken on board resident feedback provided through other Council surveys including the Annual Residents Survey and the Your Merton consultation.
- 4.5. In addition, we consulted with our partners including the Police, MOPAC, Public Health, WDP and Kingdom Security.

### **5 TIMETABLE**

- 5.1. The next steps should Cabinet resolve to make the proposed borough wide PSPO and set out in the table below: -

Milestone	Date to be completed
Report submitted to Overview and Scrutiny Committee	15 <sup>th</sup> March 2023
Final report submitted to Cabinet	20 <sup>th</sup> March 2023
If Cabinet agrees the proposal to make a borough wide Order, make the Order and specify a commencement date	(Date to agreed once required publicity organised)
Publish the borough wide Order	(Date to be confirmed in advance of the date the Order comes into force)
<b>Borough wide PSPO comes into force</b>	<b>(Date to be confirmed)</b>
Regular Monitoring of the PSPO	Via the monthly Partnership Tasking Meeting

## 6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The preparation of proposal to make the proposed Order is being completed within existing officer resources. There will be legal costs to finalise the Order and ensure all due statutory processes are followed, and costs associated with the production and installation of updated signage across the whole borough, should they be agreed by Cabinet. There will also be costs associated to redesigning and printing the leaflets offered to signpost street drinkers to support.
- 6.2. 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 discharging a PSPO are set out in Part 4 of Chapter 2 of the Act and is supplemented by the Regulations and Statutory Guidance issued by the Secretary of State referred to at para 1.11 above. The basic requirements for the making a new borough wide PSPO are set out in the body of this report.
- 7.2. In deciding whether to make the proposed order which provides for the discharge 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 (the Borough). 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 decision to make the proposed order would 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. We consider the proposed PSPO is proportionate to the needs of the area, as identified through the analysis and consultation and we have considered the rights of individuals who live, work and visit the area,.
- 8.2. As detailed in section 7 above, in deciding whether to make the proposed PSPO and, if so for how long, the Council is required to have regard to the Convention and Articles 10 and 11 in particular.

Members must also consider the Public Sector Equality Duty under section 149 of the Equality Act 2010 (2010 Act). This requires the Council when exercising its functions, have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' under the 2010 Act and those who do not share a protected characteristic. A 'protected characteristic' is defined in the 2010 Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination.

Members must consider how the decision will contribute to meeting these duties in light of other relevant circumstances such as economic and practical considerations.

In order to have proper regard to the Public Sector Equality Duty (PSED) a full Equalities Impact Assessment (EQIA) (Appendix 3) has been carried out and should be considered alongside this Report.

- 8.3. Having carefully considered the EQIA it is considered the impact of the proposed PSPO is consistent with the Council's PSED and does not disproportionately affect any part of the community. The EQIA will be monitored to ensure that future intelligence and information which better informs our understanding and impact of the PSPO is considered.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1 Section 17 of the Crime and Disorder Act 1998 places a duty on all local authorities to have due regard to the likely effect its exercising of functions will have on crime and disorder in its area, including anti-social behaviour and other behaviour adversely affecting the local environment. Although the current PSPO covering five wards is proving effective, there is evidence it is displacing alcohol-related anti-social behaviour into other areas. Moreover, the evidence shows that the public consumption of alcohol in other parts of the Borough is or is likely to cause nuisance and annoyance. An extension of the existing controls borough wide will allow officers and practitioners to apply a consistent approach and improve community safety across the Borough.

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

- 10.1. A focus of the proposed borough wide Order is around enforcement, but it is acknowledged that this may identify individuals for whom alcohol is particularly problematic. If the proposed borough wide Order is approved, 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 borough wide PSPO will, if it is approved, 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 – Current PSPO sign
- Appendix 5 – Draft Borough Wide PSPO Order 2023
- Appendix 6 - Map of the PSPO area

## **12 BACKGROUND PAPERS**

- 12.1. *The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020*
- 12.2. *The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Extension) Order 2022*
- 12.3. *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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088750/2022_Updated_ASB_Statutory_Guidance_FINAL.pdf)



March 2023

Public Space Protection Order  
Consultation Results

Page 61

# Methodology

---

- Public Space Protection Order (PSPO) Consultation launched 19<sup>th</sup> December 2022, closed on 27<sup>th</sup> February 2023 to consider the proposal of a boroughwide PSPO in Merton.
- The survey was widely circulated to many partner organisations, community groups It was also publicised widely via social media and newsletters. It was discussed regularly at the Safer and Stronger Executive Board, Locations Board, Merton Taking Group and Safer Neighbourhood Board.
- Partners were also consulted on the PSPO.
- We received 303 responses via the online survey, which was live for ten weeks.
- We would like to thank everyone who participated in the consultation and to Councillors and partners for their comments and input.

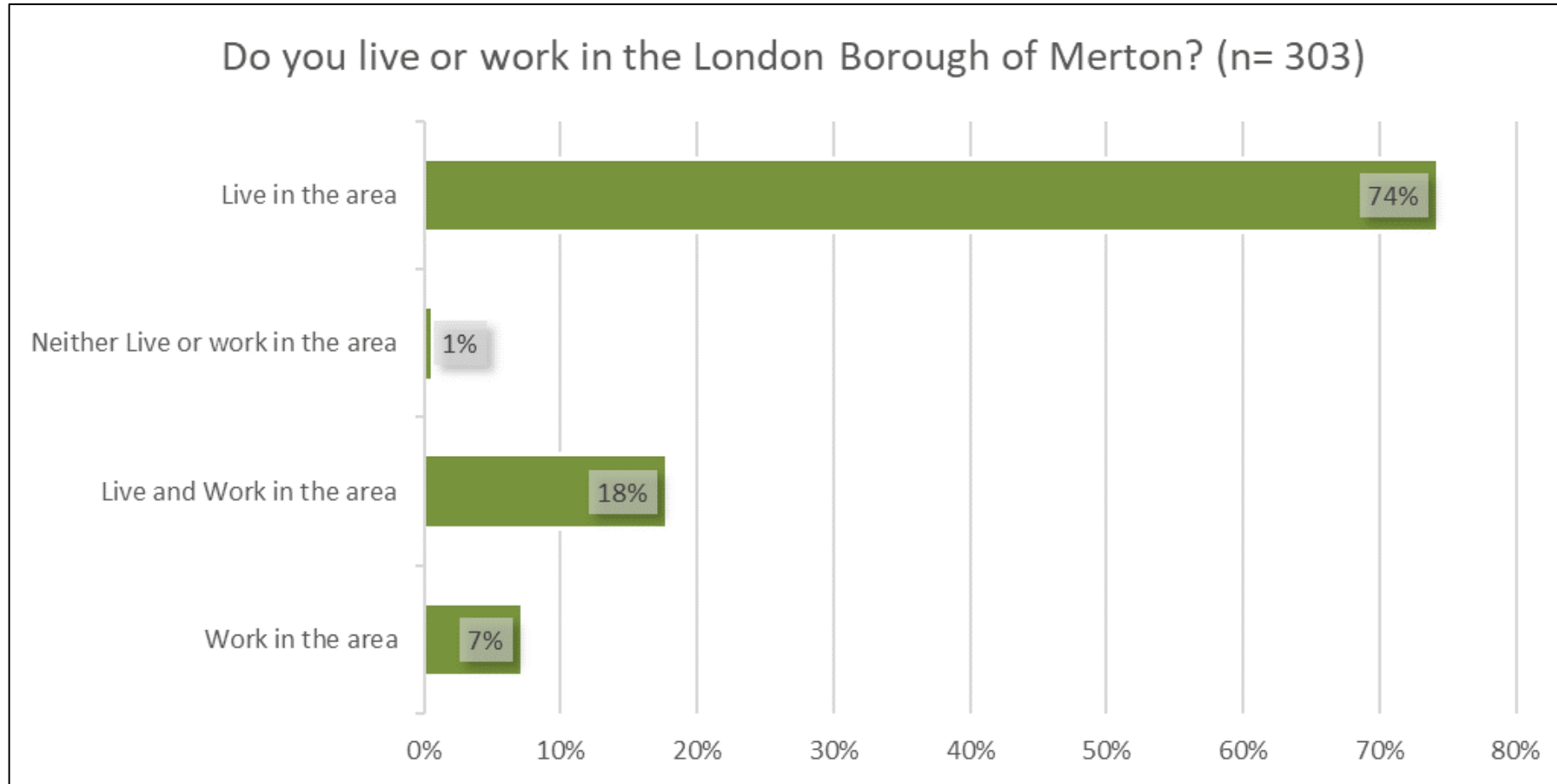
# Summary of consultation results

---

- 92% of respondents live in Merton
- People feel less safe in Merton at night
- 47% of respondents felt that street drinking was a fairly or very big problem. 75% felt litter was a problem.
- 76% had witnessed ASB related to street drinking in Merton in the last year. 18% stated that they had witnessed ASB related to street drinking more than 10 times in the last year.
- Many respondents said that alcohol related ASB affected their quality of life.
- 79% support the PSPO proposed

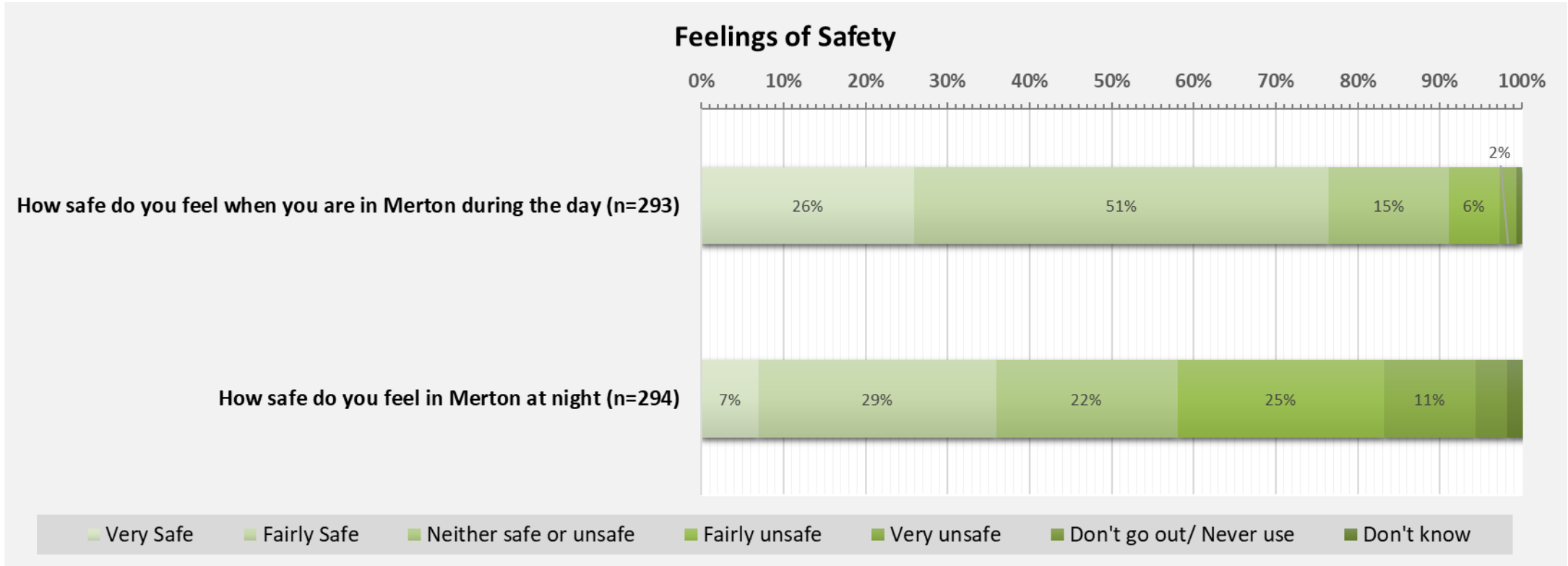
## Consultation Results

# Do you live in Merton?



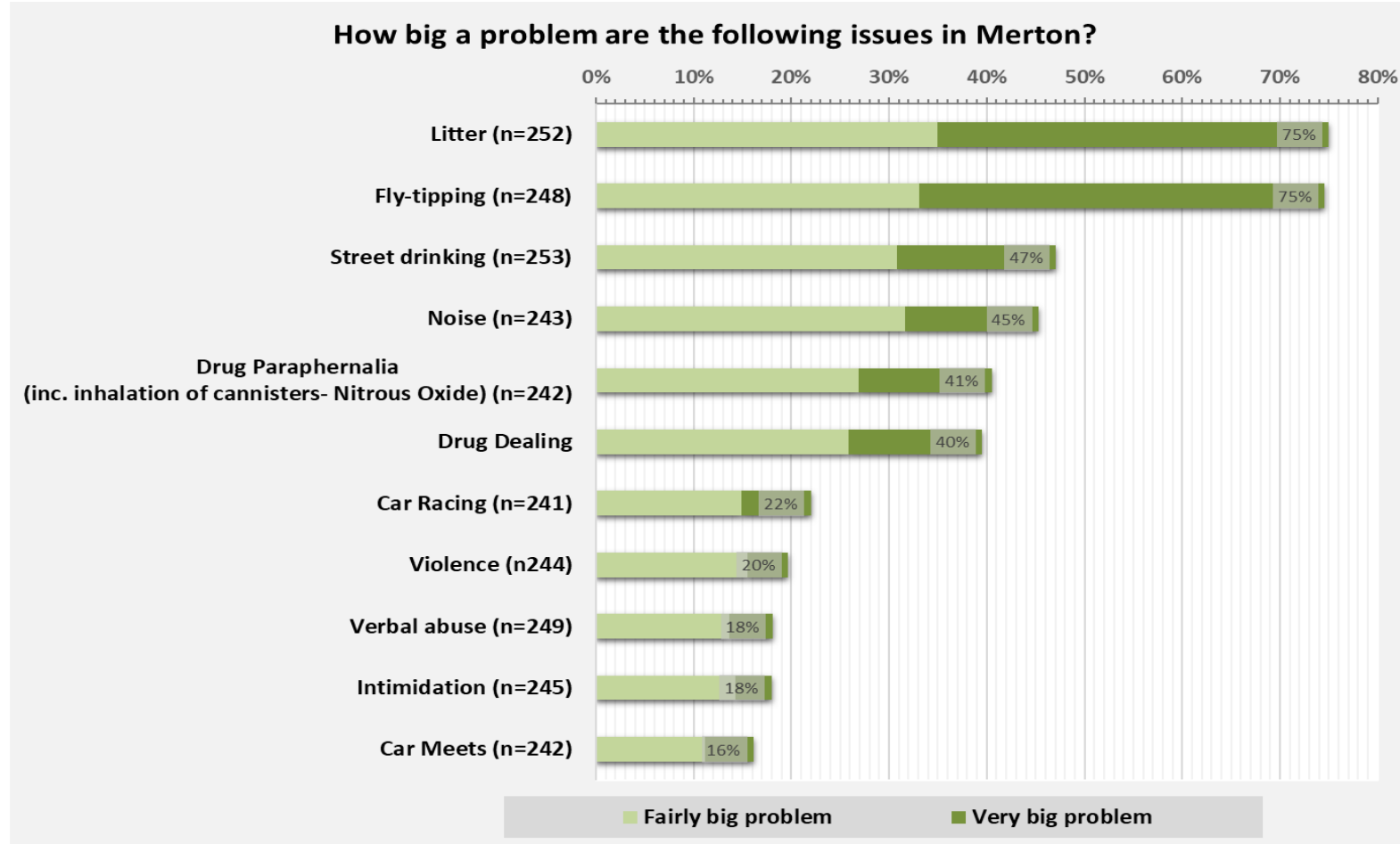
**92%** of respondents live in the proposed PSPO area. **1%** of people neither live or work in the area.

# How safe do you feel in Merton?



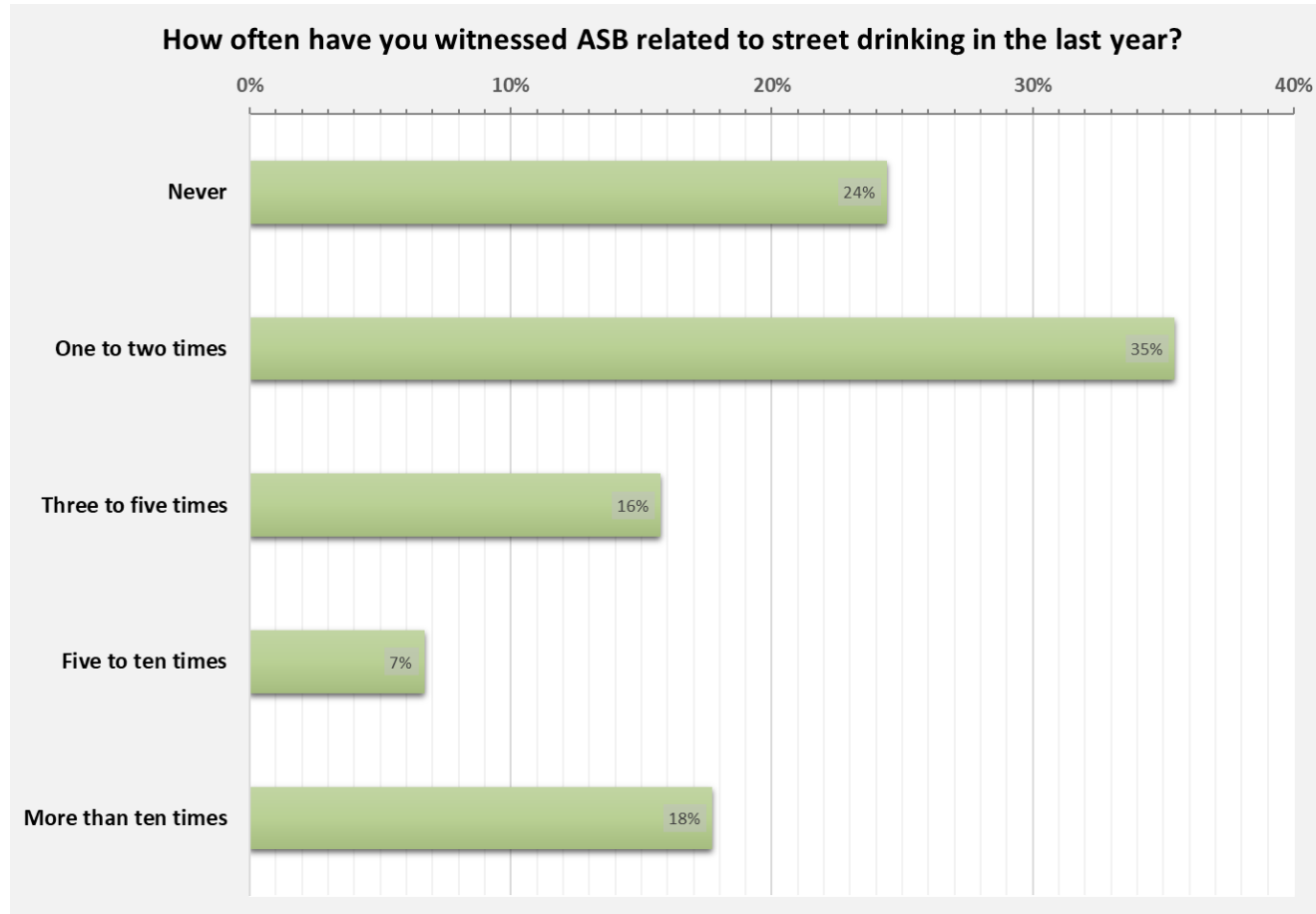
People feel less safe in the area at night. **36%** feel very or fairly unsafe during the night compared to **8%** during the day.

# How big a problem are the following issues?



The top issues identified from the list provided to respondents was litter (**75%**) and fly-tipping (**75%**) followed by street drinking (**47%**).

# How often have you witnessed ASB related to street drinking?



**76%** of respondents had witnessed antisocial behaviour related to street drinking.



# Are there specific locations where street drinking is a problem?

Throughout the qualitative responses, we noted the key areas referred to by residents specifically mentioned in relation to alcohol.

- Mitcham Town Centre
- Morden Hall Park
- Wimbledon Town Centre and the Broadway
- Wandle Trail
- Morden Town Centre and underground station
- Parks and open spaces in Longthornton ward
- Wimbledon Park ward near Plough Lane.
- Outside shops where alcohol is sold.
- Raynes Park
- Parks in the borough
- Lavender Fields ward
- Collierswood Station
- Lower Morden
- Abbey ward
- Mitcham Eastfield's
- West Barnes
- Cemetery Gap Road
- Dundonald Park
- Pollards Hill
- Motspur Park
- Phipps Bridge
- Figges Marsh
- Graveney
- Wimbledon Common

# How does street drinking affect your quality of life?

Respondents were asked how street drinking affects their quality of life. 180 responses were noted to this question and below are the key themes and emotions. (n=180)

- Causes anxiety when out in the borough
- Upset
- Feel threatened and intimidated
- Fearful and worried for children or elderly relatives
- Fearful of own safety as a female
- Avoid going out or seek alternative routes
- Feel unsafe
- Cautious
- Careful about where go out alone
- Avoid parks and open spaces at night
- Unpredictable behaviour of people drinking
- Stressful
- Angry and annoyed
- It doesn't

Page 70

## Alcohol specific issues identified

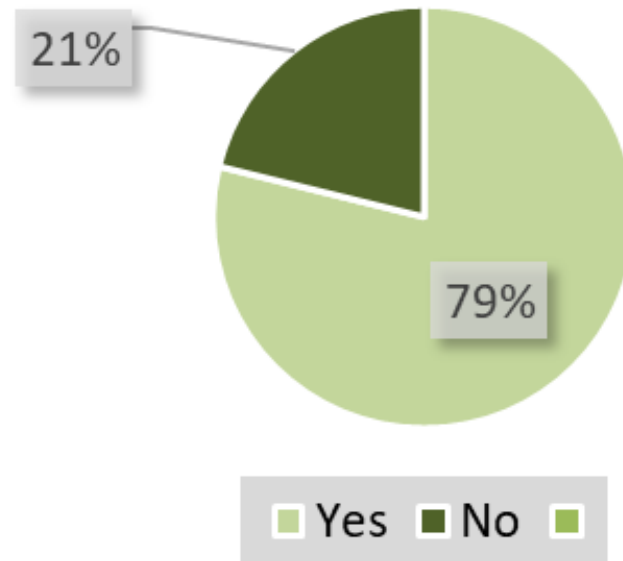
- Late alcohol sales and underage sales
- Alcohol on trains and at stations
- Drunk teenagers
- Groups in flat stairwells drinking
- Children witnessing excessive drinking and drug taking
- Drunk people being loud
- Drinking during Wimbledon Tennis
- Alcohol related litter
- Urination

# Are there any other issues in the area?

We assessed the responses to all of the open text questions and the following themes were mentioned:

- Litter, rubbish and fly-tipping
- Dog Fouling and dogs not on leads
- Speeding and car meets
- Drug dealing and use
- Noise
- Dangerous driving, including Mopeds
- Violent crime including robbery
- Public urination
- Illegal fishing
- Rough Sleepers
- Pollution
- Late alcohol sales
- Congestion at bus stops poses crime risk
- Fireworks
- Green spaces lost
- HMO's
- Safety of Women and Girls at night
- Bicycles on pavements
- Overgrown hedges and maintaining verges.
- Quality of street lighting – too dim
- Lack of public facilities
- Increase visibility of Police

Are you in favour of extending the area covered by a PSPO to borough wide? This will prohibit the public consumption of alcohol which causes, or is likely to cause, nuisance and annoyance to others (n=241)



**79%** of respondents support the extension of the geographical area of the PSPO

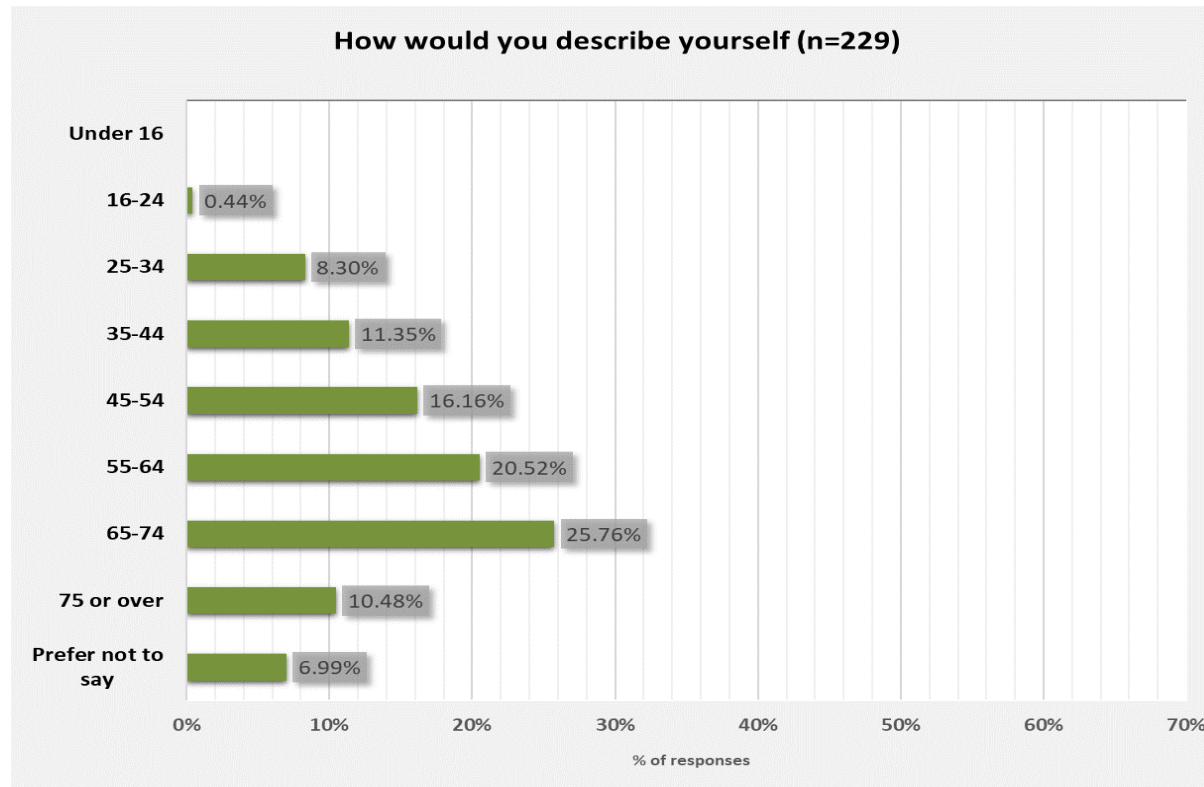
## Key questions from the consultation

- Will the PSPO prohibit those having a picnic in the local parks and open spaces, from consuming alcohol?
- How it will be policed and enforced?
- Will it dilute the impact of the work in the 5 wards where the PSPO currently is?
- What impact will expanding the PSPO have on both Police and Council resources?
- Is a boroughwide PSPO proportionate?

## How would you describe yourself?

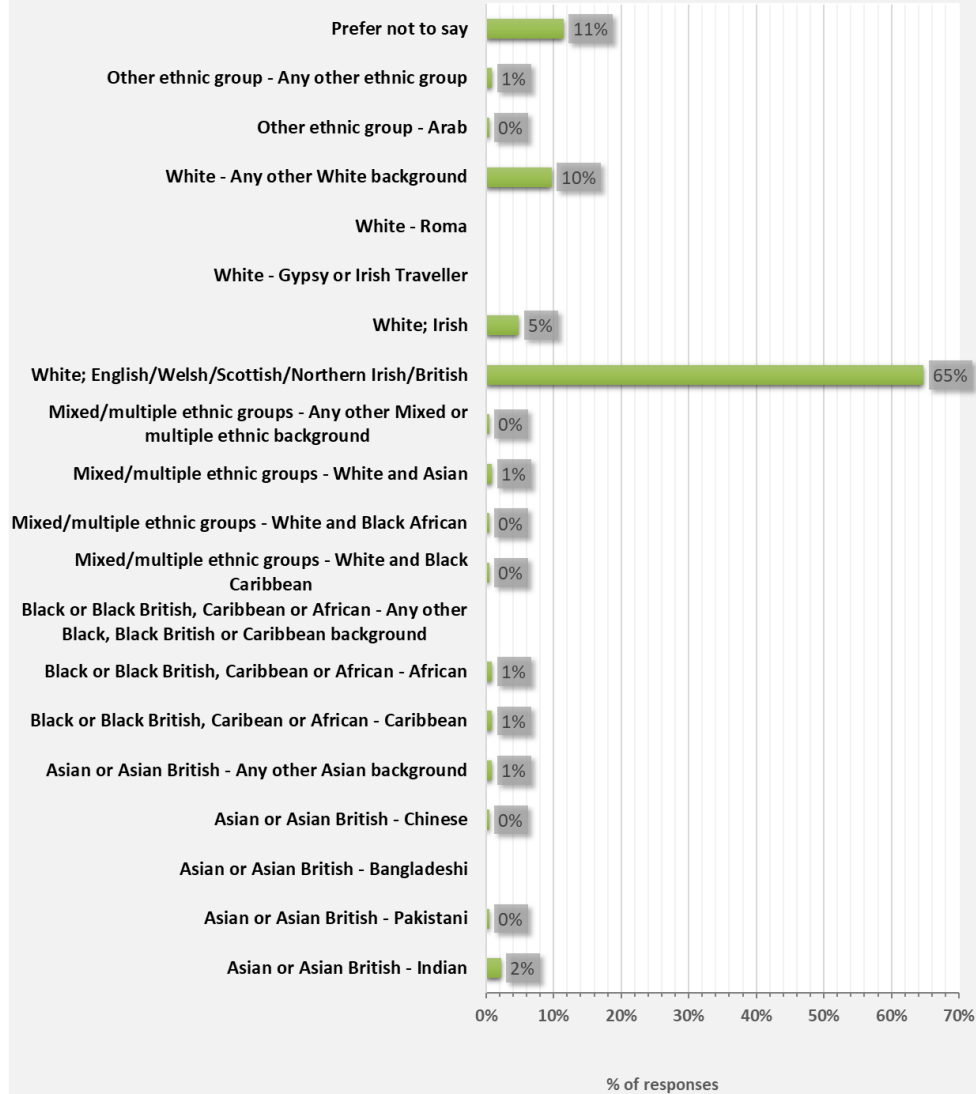
**Gender Identity...** The largest proportion of respondents described themselves female 50%, followed by 45% as male. The remainder either preferred not to say, or self identified (N=233).

94.4% identified with the gender the same as their sex identified at birth. The remainder preferred not to say

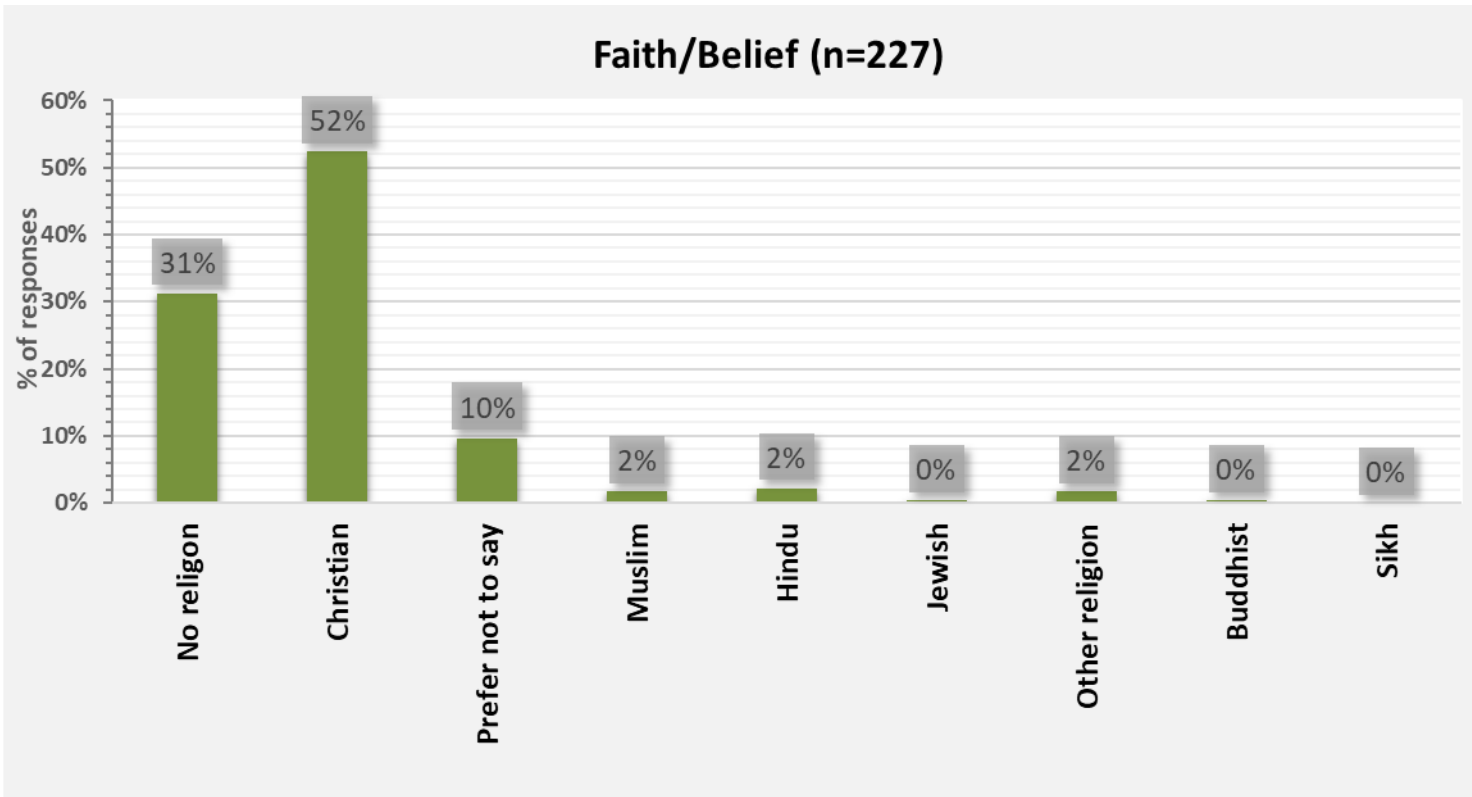


**Age...** The largest proportion of respondents were in the **65-74 age group**, followed by those in the **55-64 age group**.

How would you describe yourself (n=227)



**Ethnicity...** The sample size was fairly small so difficult to make comparisons to national data on the ethnic makeup of the borough. The highest proportion of responses was from those of a white background at 65%



Faith/ Belief... Responses were the highest for Christian religion at 52%.

**Sexuality...** 81% of respondents described themselves as heterosexual/straight, 13% preferred not to say, 3% described themselves as Gay or Lesbian, 2% Bisexual and 2% other. (N= 229)

**Disability...** 11% of respondents described themselves as having a disability, 82% stated that they didn't and the remainder chose not to answer the question. (N= 230)



- The results will help provide some evidence of the problem, which will be presented to Cabinet.
- We will ensure tasking and engagement in the areas highlighted by the consultation
- We will ensure that communication messages go out around the outcome from Cabinet and if approved, will ensure that implications of the PSPO are communicated back to residents.
- We have noted the broader issues raised about crime and ASB and these will be shared with our ASB team and where applicable taken forward to the Borough Tasking Group (a location based problem solving group).

This page is intentionally left blank

March 2023

PSPO Evidence

**Safer Merton**

*Working Together To Keep Merton Safe & Sound*

## Background

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

Following the recent renewal of the current PSPO on the borough in the 5 wards of Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury wards, it was requested at Cabinet that the Community Safety Partnership consider the evidence to see if a borough wide PSPO would help support the ambition to be a responsible drinking borough.

## 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 periods we will look at, where possible, is the period of the last PSPO November 2020 to October 2021 (Year 1) and November 2021 to October 2022 (Year 2).

### ***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 57 cases that had an alcohol element in year 1. In comparison in year 2 there were 81 cases that had an alcohol element.

The top locations in year 1 were Graveney (25%) and Figges Marsh (23%). There was at least one complaint of alcohol related ASB in 15 of the borough's wards over the year.

In year 2, the top wards were Figges Marsh (18.5%), and Graveney and Longthornton each with 12%. There was at least 1 alcohol related complaint in 16 of the borough's wards.

It's important to flag the relatively small numbers, however as the Strategic Assessment points out, the proportion of cases where alcohol is a contributory factor are thought to be much higher than the figures indicate.

In addition, the team have received 14 direct complaints and MP enquiries with an alcohol element since July 2022.

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

In the financial year 2021-22 there were 6 FPN's issued by Council Officers for Street Drinking.

### ***CCTV Alcohol Related Logs***

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

In year 1, there were 129 alcohol related logs, and the top locations were Mitcham (40.3%), Wimbledon (21.7%) and Morden (10.9%). In year 1 there were 12 different locations mentioned from across the borough, but these were based on where there is CCTV coverage.

In year 2 there were 150 alcohol related logs, and the top location was Mitcham (39.3%), Wimbledon (27.3%) and Morden (11.1%). In year 2 there were 13 different locations mentioned from across the borough however again these were based on where there is CCTV coverage.

	CCTV Year 1		CCTV Year 2	
	Fig	%	Fig	%
Mitcham	52	40.3	59	39.3
Wimbledon	28	21.7	41	27.3
Morden	14	10.9	17	11.3
Colliers Wood	9	7.0	7	4.7
Wimbledon Village	5	3.9	2	1.3
All Areas	2	1.6	0	0.0
Phipps Bridge	2	1.6	2	1.3
Raynes Park	1	0.8	3	2.0
St Helier	1	0.8	0	0.0
Pollards Hill	1	0.8	3	2.0
High Path	1	0.8	0	0.0
Weir Road	1	0.8	1	0.7
Missing Location	12	9.3	8	5.3
South Wimbledon	0	0.0	4	2.7
Civic Centre	0	0.0	1	0.7
Morden Park House	0	0.0	1	0.7
Sadlers Close	0	0.0	1	0.7
<b>TOTAL</b>	<b>129</b>		<b>150</b>	

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

Due to the Police reporting system, data was only available for the 12-month period February 2022 to January 2023. In this period there were 43 complaints of ASB with an alcohol flag and 9 calls in relation to street drinking.

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

As the Strategic Assessment identified through data supplied by SafeStats, the London Ambulance Service data is normally the most reliable dataset to use in relation to alcohol related issues on the borough

For the two years under review, there were at least 10 callouts per year in every ward (based on the old wards) of the borough. In year 1 there were 732 alcohol related callouts and the top wards were

Figges Marsh (13%), Abbey (10%) and Colliers Wood (8%). In year 2 there 648 alcohol related callouts (an 11.5% decrease from year 1) and the top wards were Colliers Wood (9%), Abbey (9% and Figges Marsh (9%).

**Summary of figures**

Data Source	Year 1	Year 2
ASB Complaints	57	81
CCTV Logs	129	150
Ambulance Callouts (Sep 17 – Aug 18 and Sep18 – Aug 19)	732	648

**Summary**

The current information available to us around street drinking and associated behaviour is not comprehensive. We have therefore gone on to look at perception based information and have sought statements from key partner organisations to let us know about their experience.

**Survey Information**

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

**London Borough of Merton Annual Residents Survey 2021**

**Adults Survey**

The 2021 survey provides a representative sample of 1005 residents living in the borough of Merton. There has been an increase in those feeling that people being drunk or rowdy is a problem (13% in 2019 to 23% in 2021). East Merton and Mitcham cluster had the highest percentage of residents who saw being drunk or rowdy (42%) as a problem. This was followed North East Merton (27%).

**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. In the 2019 survey 13% of the young people surveyed stated that they were personally concerned about substance misuse. This was an increase on the 10% in the 2019 survey.

Young people were also asked to state the top ten things that they were locally concerned about in their local area. 16% of young people stated that Anti-Social Behaviour and bad behaviour in public was a concern.

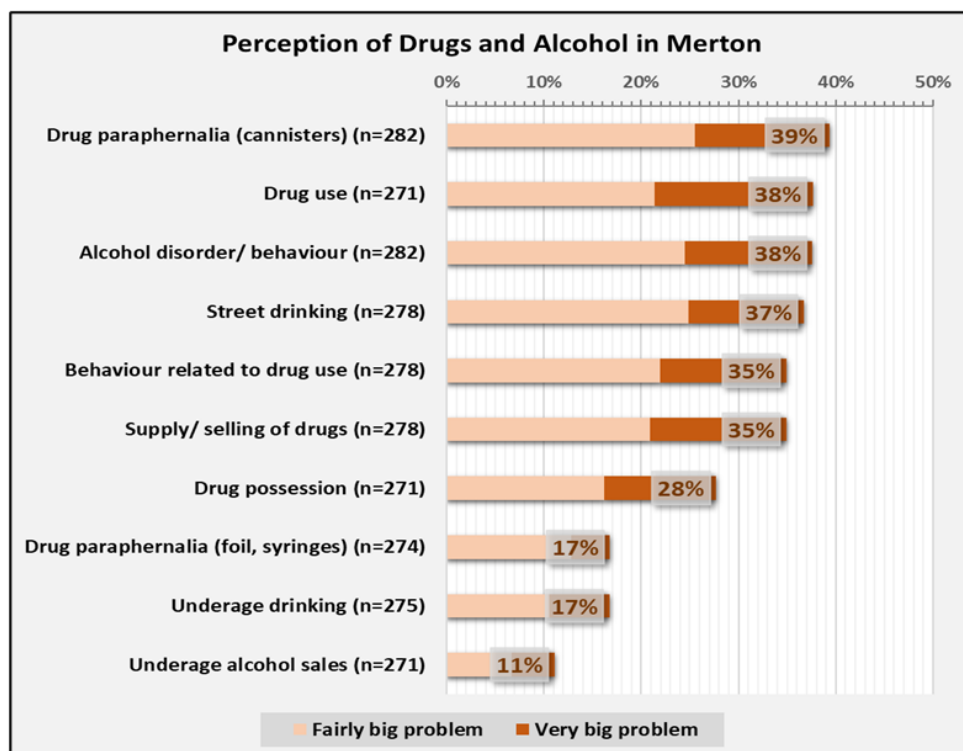
**Safer Merton Survey**

In 2021, a Community Safety Survey was undertaken. The survey opened in 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 Anti-Social Behaviour and another around drugs and alcohol.

Whilst not the top concern, residents thought alcohol disorder and street drinking were a problem. 80% of people explained their score by saying they had experienced or seen it.

Residents were given the option to provide a qualitative response to specific ASB issues that they were concerned about. There were 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”.



### Stakeholders Survey (February 2022)

Safer Merton put together a short survey to assess perceptions of the PSPO amongst partners and the local Police Teams. In total we received 14 responses.

In general, the partners felt that the PSPO was a useful tool to have, particularly for those working the current PSPO area.

It was felt that fines for persistent drinkers may be an issue and it was felt 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

### Stakeholder Survey (November 2022)

Safer Merton put together a short survey to gather views of partners around the possible expansion of the PSPO to being borough wide. 8 responses were received. Locations identified were

- Town Centres
- Wimbledon Town Centre
- Colliers Wood - Wandle Park
- Lyvedon Road footbridge

There was a sense that engagement was important alongside enforcement. One respondent stating that enforcement alone will not solve the problem. Often those who are street drinking have complex, multiple issues.

The types of ASB that were identified was intimidating behaviour, littering, defecation, aggression, and escalation to other crimes.

Other points raised were the need to consider the perceptions if a boroughwide PSPO is implemented and are there other tools that could be used to address the problem.

Some of the benefits of having a PSPO included additional legislation, will make Merton safer, be a deterrent, allow issues to be dealt with quickly and help to tackle ASB.

### Partner Statements of Support

As part of the consultation process in December 2022, we approached the wider partnership to gather views on the proposed boroughwide PSPO. In total we received 11 statements of support from organisations and teams. Partners raised the following points:

- A boroughwide PSPO will reduce the issue of displacement
- Consider impact of policing a boroughwide PSPO
- A boroughwide PSPO will provide more opportunity for engagement to support to those identified with alcohol problems.
- The powers will not affect those going about their activities but will help to prevent ASB.
- Surveys have shown that alcohol issues are a problem for residents.
- PSPO will support patrols in problem locations.
- Alcohol related harm can affect all areas of the borough.
- PSPO can promote reasonable drinking.
- Opportunity for education.



- Create a cohesive approach to promoting the responsible sale of alcohol and potentially minimising the effect on anti-social behaviour, crime and disorder associated with street drinking

(Note: Partner statements were received from The Police, London Fire Brigade, Merton Council Children's Services, Public Health, Merton Council Environment Enforcement, Merton Council Parks, Clarion Housing, Westminster Drugs Project, Merton Council Licensing, Safer Transport, Merton Council Homelessness Team).

This page is intentionally left blank

# 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?	<a href="#">Merton Public Space Protection Order</a>
Which Department/ Division has the responsibility for this?	<a href="#">Environment and Regeneration – Public Protection (Safer Merton)</a>

## Stage 1: Overview

Name and job title of lead officer	Calvin McLean (Interim AD Public Protection) and Megan Hatton (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 a new Public Space 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. In 2020 a new more localised PSPO was approved covering five wards. This current PSPO was renewed on the 20<sup>th</sup> October 2022.</p> <p>Our proposal is to establish a new borough wide PSPO to tackle street drinking and the associated ASB. 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>As mentioned, we would like the proposed PSPO to cover the whole borough. This will ensure Merton can be promoted as a responsible drinking borough, which offers clear pathways of support to those whose drinking is problematic. It will also help to prevent the displacement of those causing alcohol related ASB from one area of the borough to another.</p>
2. How does this contribute to the council's corporate priorities?	The purpose of the PSPO is to help tackle alcohol related ASB 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

Page 87

	<p>ASB. 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 our partners and monitor the impact closely.</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>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 be able to ask people to stop drinking if they are or it is deemed likely they will cause ASB. 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 ASB 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 Merton 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 approximately 1000 residents, so concerns around alcohol and anti-social behavior as well as locations provided, were considered.

The 2021 survey provides a representative sample of 1005 residents living in the borough of Merton. There has been an increase in those feeling that people being drunk or rowdy is a problem (13% in 2019 to 23% in 2021). East Merton and Mitcham cluster had the highest percentage of residents who saw being drunk or rowdy (42%) as a problem. This was followed North East Merton (27%).

As part of the Annual Residents Survey, the council included young residents aged 11-17. The sample size was 110 young people. In the 2019 survey 13% of the young people surveyed stated that they were personally concerned about substance misuse. This was an increase on the 10% in the 2019 survey. Young people were also asked to state the top ten things that they were locally concerned about in their local area. 16% of young people stated that Anti-Social Behaviour and bad behaviour in public was a concern.

#### The PSPO Locality

The PSPO we are proposing will cover the whole borough. By ensuring the PSPO applies to all areas, this will ensure that across the borough, the Police and Council enforcement officers will have the relevant powers to target the minority of people who cause alcohol related ASB. It will ensure all those who require additional support around their alcohol usage can be offered it. This will provide reassurance to our residents that we are tackling these issues which can have a negative impact on communities and quality of life. It will also help to prevent displacement of problematic drinkers from one area of the borough to another.

#### 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 drinkers 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 in this area.

We will also engage with youth services to ensure we provide young people with accessible information about the order to ensure they are informed.

We are keen to ensure that all literature and signage 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.

Page 90

**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.

<b>Marriage and Civil Partnership</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Pregnancy and Maternity</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Race</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Religion/ belief</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Sex (Gender)</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Sexual orientation</b>	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
<b>Socio-economic status</b>	√			√	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.**

Page 92

**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.

Page 93

## 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.

<b>Stage 7: Sign off by Director/ Head of Service</b>			
<b>Assessment completed by</b>	Katy Saunders, Community Safety Team Manager Kelly Marshall. Strategic Development Lead	<b>Signature:</b>	<b>Date: 03/03/2023</b>
<b>Improvement action plan signed off by Director/ Head of Service</b>	Megan Hatton, Head of Community Safety	<b>Signature:</b>	<b>Date: 03/03/2023</b>

Anti-Social Behaviour, Crime and Policing Act 2014

# Public Space Protection Order

The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 has been extended to 21 October 2025.

Merton Council 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 the police or a person authorised by the council. **Maximum penalty £500 fine.**

It is a criminal offence if you refuse to give the police or a person authorised by the council your name and address or if 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, or the Order extending the duration of the PSPO, go to: [merton.gov.uk/pspo](https://merton.gov.uk/pspo)

This page is intentionally left blank

## **LONDON BOROUGH OF MERTON**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

### **LONDON BOROUGH OF MERTON (ALCOHOL CONSUMPTION IN PUBLIC PLACES) ORDER 2023**

#### **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 Area 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 Area, 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 Area 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 Sections 59 and 61 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 2023.

### **Commencement and Duration**

2. This Order shall come into force at 0001 hours on *[date to be fixed]* 2023 and will remain in force for 3 years thereafter, unless 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 Area” means the area identified in Article 4.

### **Public Space effected by this Order**

4. This Order applies in any public place within the administrative area of the Council (the Restricted Area).

### **Prohibition on consumption of alcohol**

5. (1) Subject to paragraph (2) no person shall consume alcohol within the Restricted Area 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 Area set out in Schedule 1 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.

#### **Discharge and Saving**

10. (1) The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Extension) Order 2022 is discharged from the date this order comes into force, subject to paragraph (2).

(2) The discharge by paragraph (1) does not —

- (a) affect the previous operation of the Order or anything duly done or suffered under it;
- (b) affect any right, obligation or liability acquired, or incurred under it;
- (c) affect any penalty, or punishment incurred in respect of any offence committed under it;
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, obligation, liability, penalty, or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, or punishment may be imposed, as if the Order had not been discharged.

**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



## 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.

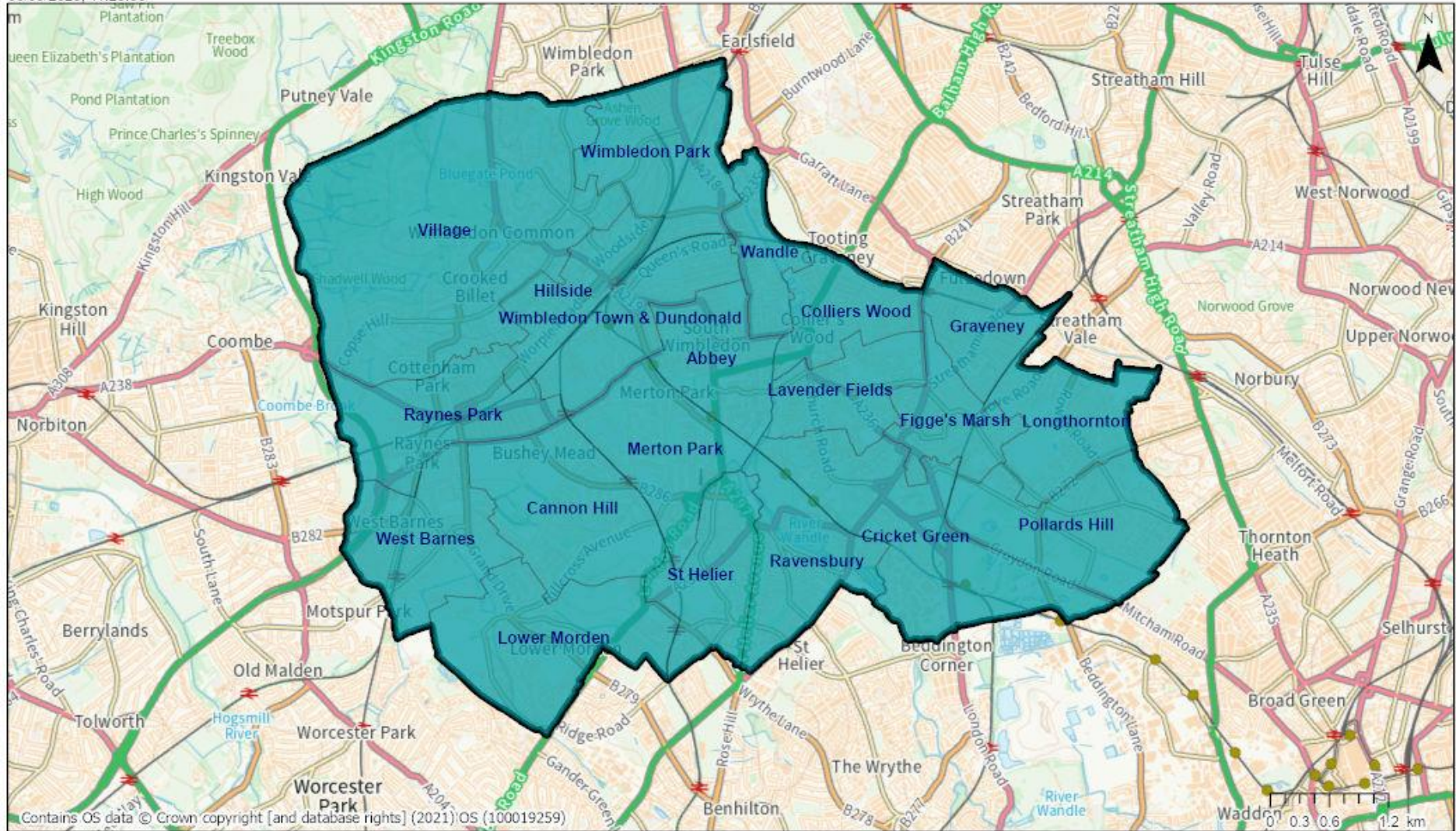
(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

This page is intentionally left blank



# Appendix 6 - London Borough of Merton

06/03/2023, 11:25:50



Contains OS data © Crown copyright [and database rights] (2021) OS (100019259)

Scale: 1:52,913

**Legend**

-  Merton Ward Boundaries
-  Merton Borough Boundary



This page is intentionally left blank

**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.

<b>Ward</b>	<b>Plan No.</b>
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 13<sup>th</sup> 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

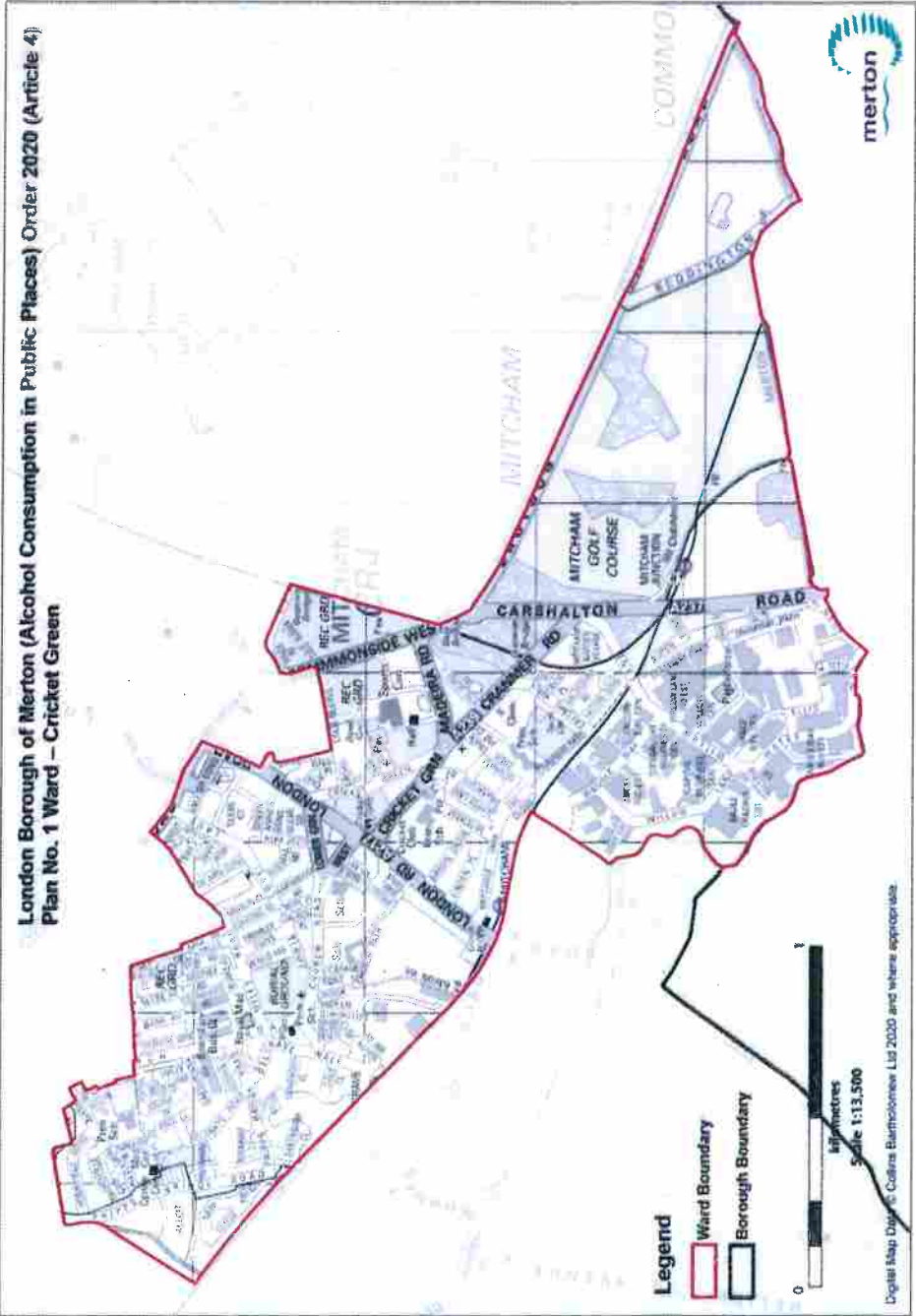
(b) to fail to comply with a requirement to which a person is subject under a public spaces protection order.

(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.

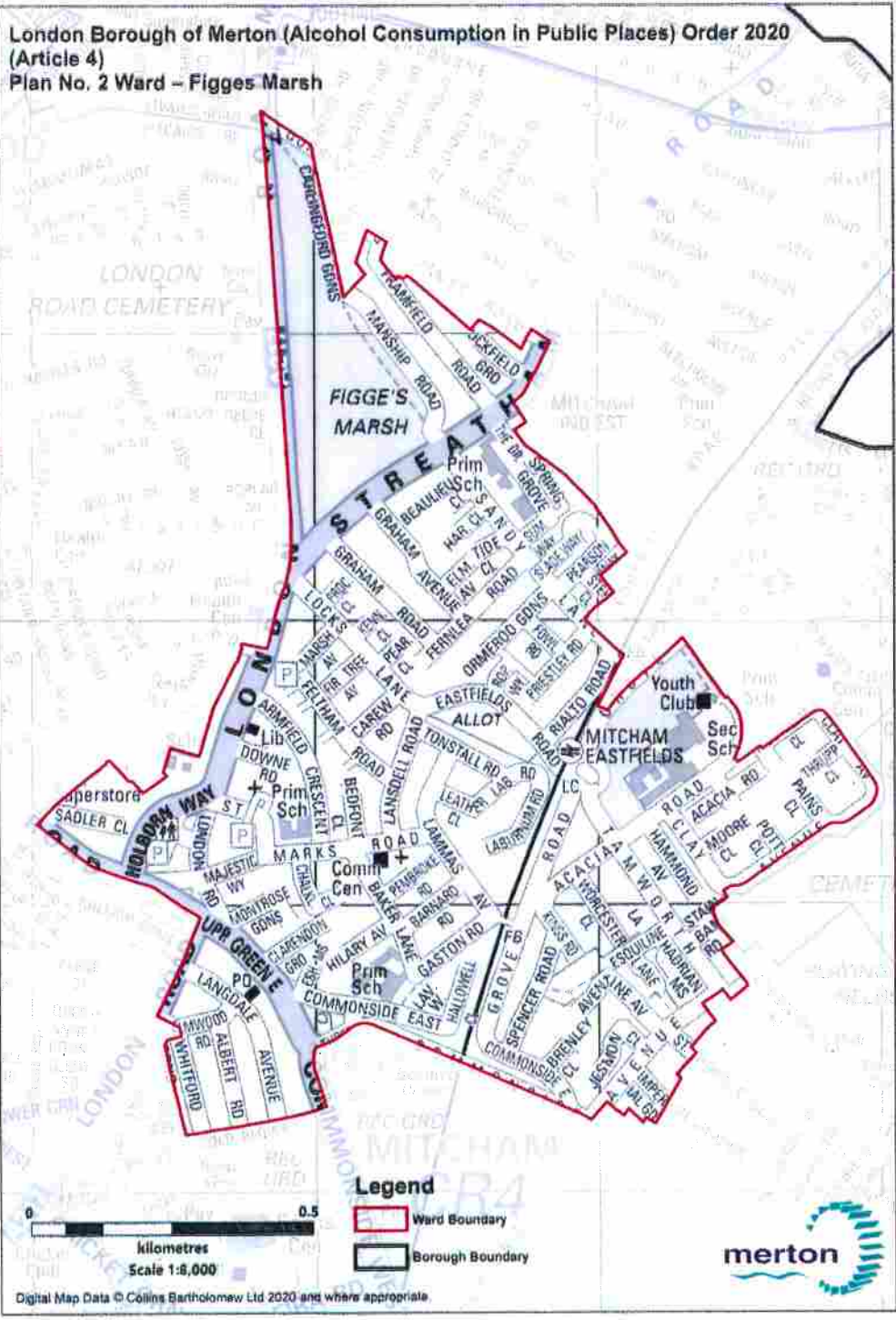
(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

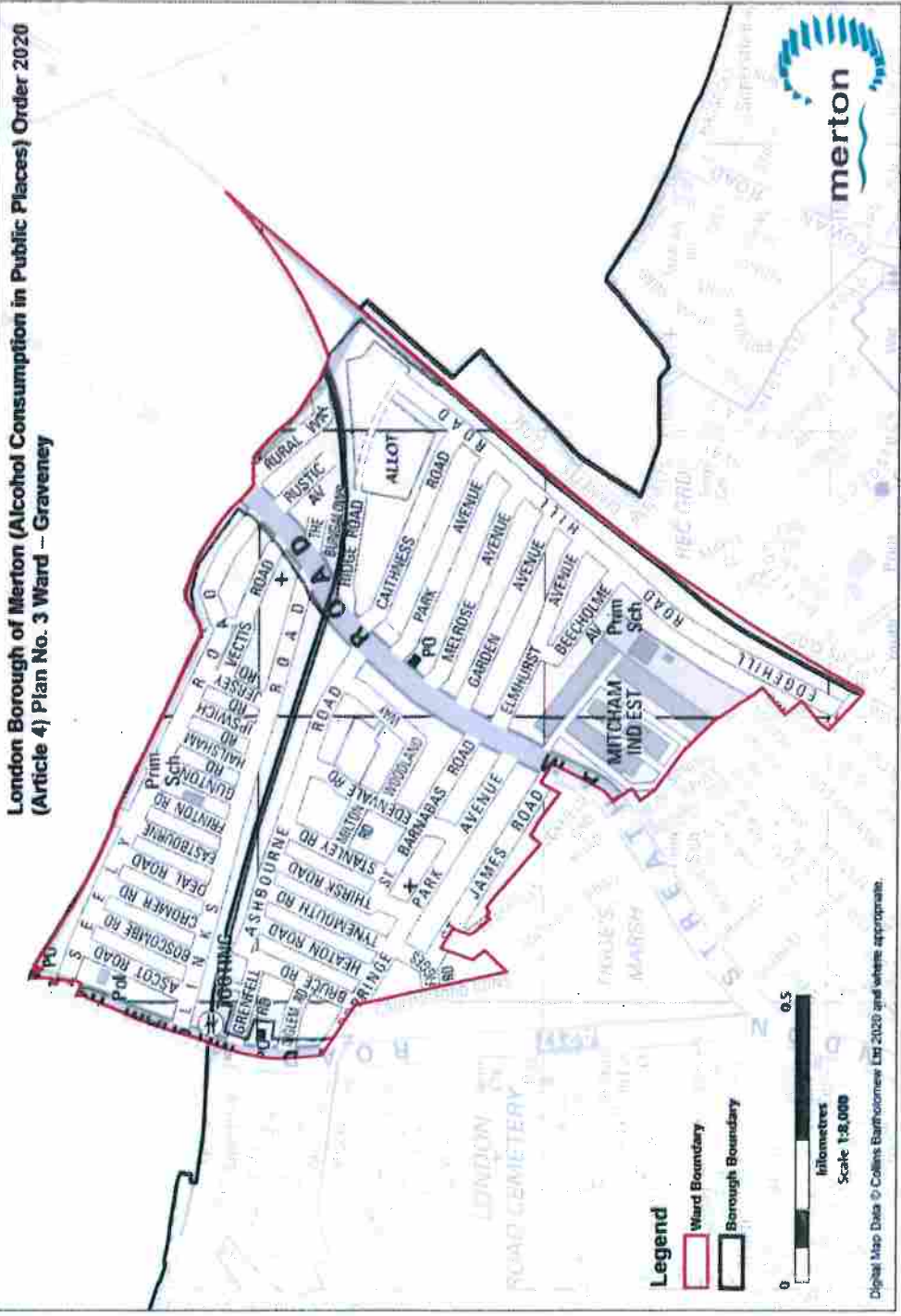
London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 (Article 4)  
 Plan No. 1 Ward – Cricket Green



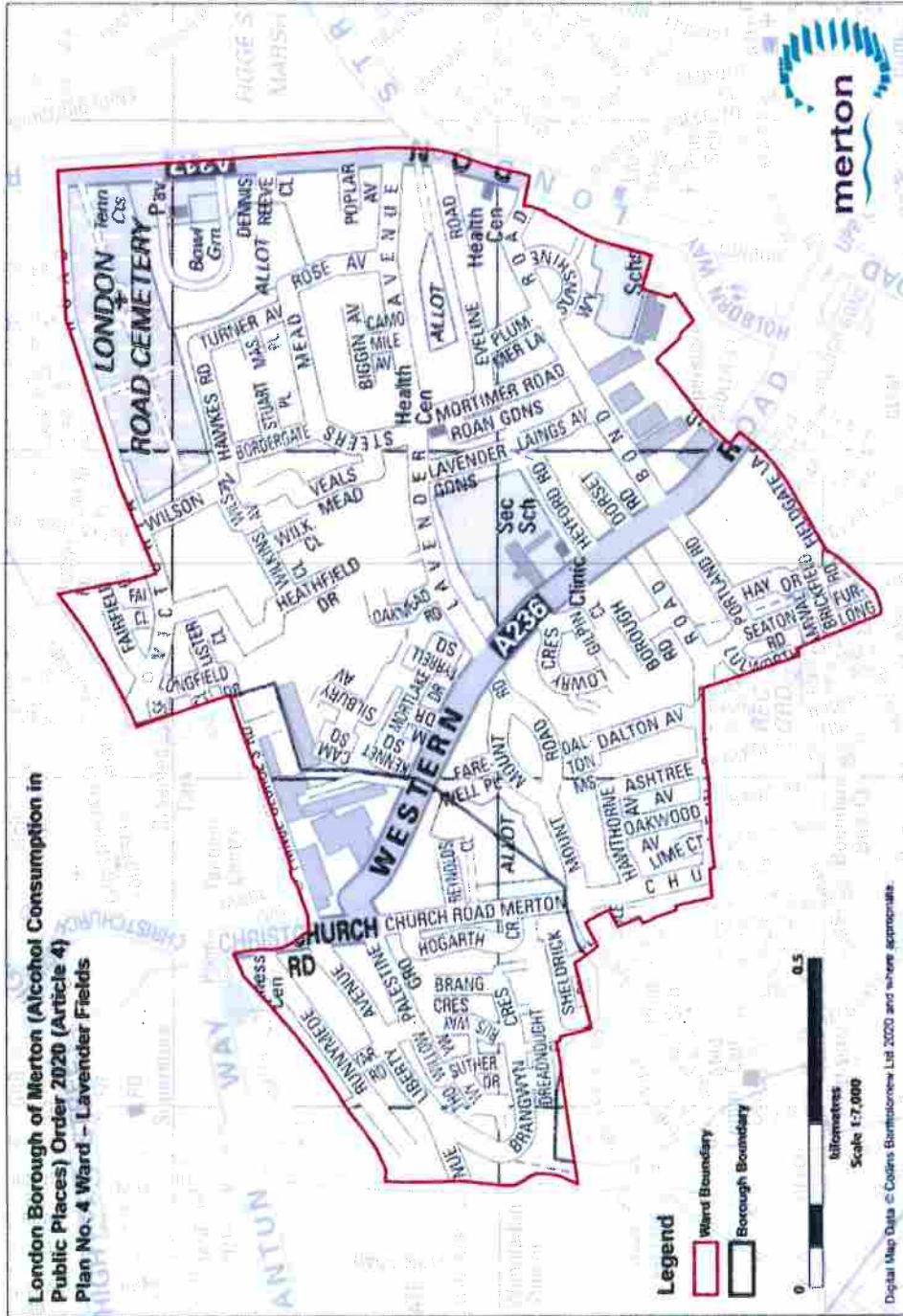
*Handwritten signature*





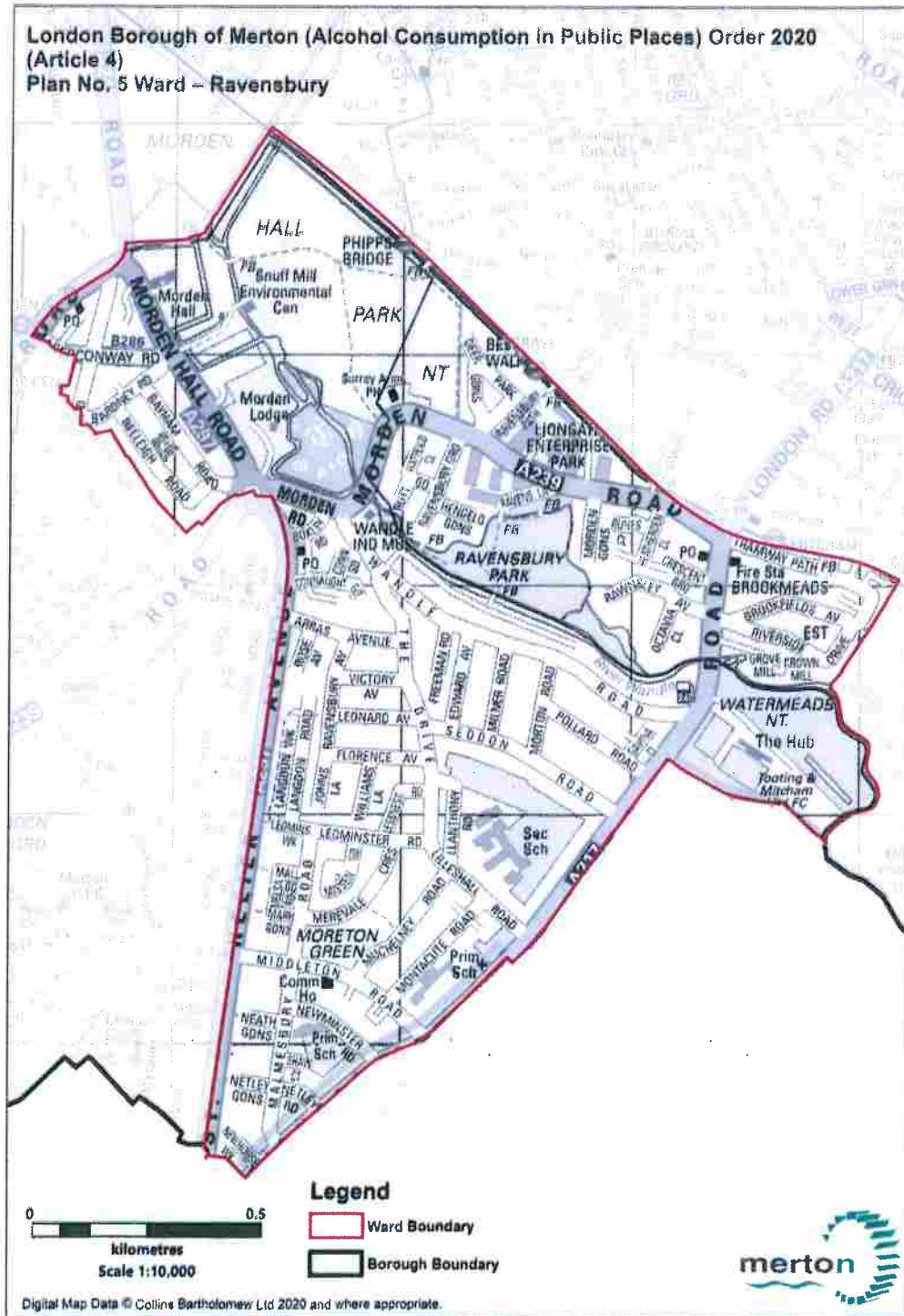


*Leung*





London Borough of Merton (Alcohol Consumption in Public Places) Order 2020  
 (Article 4)  
 Plan No. 5 Ward – Ravensbury



*Scrag*



## LONDON BOROUGH OF MERTON

### LONDON BOROUGH OF MERTON (ALCOHOL CONSUMPTION IN PUBLIC PLACES) ORDER 2020 (EXTENSION) ORDER 2020

The Council of the London Borough of Merton in exercise of the powers conferred on it by Section 60 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 (Extension) Order 2022.

#### Extension of period of the London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 has effect and duration

2. The London Borough of Merton (Alcohol Consumption in Public Places) Order 2020 shall be extended from 0001 hours on 22<sup>nd</sup> October 2022 and shall remain in force and have effect for the period of 3 years thereafter, unless further extended, or discharged before expiry.

Dated 27<sup>th</sup> day of September 2022

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

Authorised Signatory

Seal Register No. 524583



This page is intentionally left blank

# Overview and Scrutiny Commission Work Programme 2022/23



This table sets out the draft Overview and Scrutiny Commission's Work Programme for 2022/23 following discussions at the topic workshop on 7 June 2022.

The work programme will be considered at every meeting of the Commission to enable it to respond to issues of concern or to request new pre-decision items ahead of their consideration by Cabinet/Council.

**Chair:** Cllr Ed Foley

**Vice-chair:** Cllr Mike Brunt

## Scrutiny Support

For further information on the work programme of the Overview and Scrutiny Commission please contact: -

Rosie McKeever, Scrutiny Officer

Tel: 020 8545 4035; Email: [rosie.mckeever@merton.gov.uk](mailto:rosie.mckeever@merton.gov.uk)

For more information about overview and scrutiny at LB Merton, please visit [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

**Meeting date:** 13 July 2022 (**Deadline for papers:** 12pm, 5 July 2022)

Item/issue	How	Lead member and/or lead officer	Intended outcomes
Questions to the Leader of the Council and the Chief Executive - priorities and challenges for 2022/23	Verbal update with Q&A	Cllr Ross Garrod, Leader of the Council; Hannah Doody, Chief Executive	
CHAS Proposals	Report	Louise Round, Managing Director, South London Legal Partnership	Confidential paper
Identify questions for the Borough Commander	Discussion	Cllr Ed Foley, Chair of Overview & Scrutiny Commission	Plan line of questioning for 7 September meeting
Overview and Scrutiny Commission work programme 22/23	Report	Cllr Ed Foley Chair of Overview & Scrutiny Commission	Discuss and approve work programme and re-establishment of the FMTG

**Meeting date:** 7 September 2022 (~~Deadline for papers: 5pm, 29 August 2022~~)

Item/issue	How	Lead member and/or lead officer	Intended outcomes
BCU Commander – crime and policing in Merton	Report and in-depth discussion	BCU Commander	To hold BCU Commander to account on crime and disorder
Safer Merton – VAWG Strategy	Report	Zoe Gallen, Domestic Abuse & VAWG Lead	Report to focus on safety of women and girls in Merton
Public Space Protection Orders	Report	Kelly Marshall, Strategic Development Lead	
Scrutiny Annual Report 21/22	Report	Cllr Ed Foley Chair of Overview & Scrutiny Commission	Agree content before presentation at Council
Member Survey	Report	Cllr Ed Foley Chair of Overview & Scrutiny Commission	
OSC Working Group (CHAS)	Report	Louise Round, Managing Director, South London Legal Partnership	Feedback from the group on their findings and recommendations
Work programme 2022/23	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme.

**Meeting date:** 9 November 2022 (**Deadline for papers:** 5pm, 1 November 2022)

Item/issue	How	Lead member and/or lead officer	Intended outcomes
Business Plan - budget update	Report	Roger Kershaw	
Council website	Report	Sean Cunniffe, Head of Customer Contact;	Focus on resident experience, resident survey feedback (if available)
Work programme 2022/23	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme



**Meeting date:** 25 January 2023 (**Deadline for papers:** 5pm, 17 January 2023)

<b>Item/issue</b>	<b>How</b>	<b>Lead member and/or lead officer</b>	<b>Intended outcomes</b>
Business Plan Update – budget scrutiny	Report – common pack for Panels and Commission	Roger Kershaw	To report to Cabinet (20 Feb) on budget scrutiny
Scrutiny of the Business Plan; comments and recommendations from the overview and scrutiny panels	Report	Cllr Ed Foley Scrutiny Officer	To send comments and recommendations from the overview and scrutiny panels to Cabinet on 20 Feb
Community Engagement Model	Report	Kris Witherington, Engagement and Consultation Manager	Pre-decision scrutiny
Identify questions for the Borough Commander	Discussion	Cllr Ed Foley Chair of Overview & Scrutiny Commission	Plan line of questioning for meeting on 15 March
Work programme 2022/23	Written report	Rosie McKeever, Scrutiny Officer	To agree the work programme.

**Meeting date:** 15 March 2023 (**Deadline for papers:** 5pm, 6 March 2023)

Item/issue	How	Lead member and/or lead officer	Intended outcomes
BCU Commander – crime and policing in Merton	Report and in-depth discussion	BCU Commander	To hold BCU Commander to account on crime and disorder
PSPO		Calvin McLean, Katy Saunders	
Council Plan	Report	Louise Round	
Planning the Commission's 2023/24 work programme	Report	Cllr Ed Foley Chair of Overview & Scrutiny Commission	To review 2022/23 and suggest ideas for 2023/24

Page 134

**Potential subjects to carry over to next year**

Merton as an employer/ People and Culture Plan	<i>Delayed until LSG reschedule</i>	Peter Little, Head of Organisational Development	Update on Workforce Strategy (renamed as People & Culture)
Voluntary Sector	<i>Delay until Merton Connected have a Chief Exec.</i>	John Dimmer, Head of PSP; Merton Connected	Grants and infrastructure support
Equality Diversity and Inclusion (EDI) strategy	<i>Chief Exec requested further work be completed on the action plan</i>	Evereth Willis	