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OVERVIEW AND SCRUTINY COMMISSION

10 MARCH 2015

(19.15 - 22.05)

PRESENT: Councillor Peter Southgate (in the Chair),
Councillor Peter McCabe, Councillor Hamish Badenoch,
Councillor John Dehaney, Councillor Brenda Fraser,
Councillor Suzanne Grocott, Councillor Jeff Hanna,
Councillor Russell Makin, Councillor Oonagh Moulton,
Councillor Dennis Pearce and co-opted member Denis Popovs

ALSO PRESENT: Councillors James Holmes, Andrew Judge and Martin Whelton

Paul Dale (Assistant Director of Resources), Sophie Ellis (Assistant Director of Business Improvement), Yvette Stanley (Director, Children, Schools & Families Department), Simon Williams (Director, Community & Housing Department) and Gareth Young (Business Partner Community and Housing), Yvonne Tomlin-Miller (Head of Community Education), Julia Regan (Head of Democracy Services), John Cremins (Customer Contact Procurement Lead), Evereth Willis (Interim Head of Policy, Strategy and Partnerships)

Khadiru Mahdi, Chief Executive, Ellie Germaine, Acting Head of Volunteering, Merton Voluntary Service Council

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

There were no declarations of pecuniary interest. Councillor Brenda Fraser declared a non-pecuniary interest as a governor at South Thames College.

2 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from co-opted members Simon Bennett, Peter Connellan and Colin Powell.

3 MINUTES OF THE MEETING HELD ON 29 JANUARY 2015 (Agenda Item 3)

Minutes were agreed as an accurate record of the meeting. There were no matters arising.

4 CALL IN - ADULT EDUCATION IN MERTON - EVIDENCE AND OPTIONS FOR ACHIEVING A VALUE FOR MONEY SERVICE (Agenda Item 4)

The Chair reminded all present that the purpose of the call-in was to determine whether Cabinet's decision on 16 February was flawed in relation to the council's principles of decision making and, if so, to demonstrate where it fell short. He invited Councillor James Holmes to speak as a signatory to the call-in request.

Councillor James Holmes said that, whilst he welcomed Cabinet's pledges in relation to the commissioning principles, he believed that the Cabinet's decision had been flawed in relation to the consultation process and to consideration of the current site at Whatley Avenue. He said that the questionnaire had not given respondents an opportunity to support continuation of current provision at the current site. A large number of respondents said they wanted the service to remain at Whatley Avenue and Councillor Holmes queried the extent to which this was considered by Cabinet.

Councillor Holmes said that Joseph Hood Primary School had not been consulted as fully as it should have been and that Cabinet had not taken into account the implications for the school of potential future uses of the Whatley Avenue site.

The Chair invited the registered speakers to address the Panel:

Posey Furnish, Chair, Governing Body, Joseph Hood Primary School

Posey Furnish said that the school is in close proximity to the Whatley Avenue and that both councillors and council officers have failed to take that into account in their decision making to date, despite promises to consult the school. She said that she had heard that the Council had approached Harris Academy regarding use of Whatley Avenue rather than vice versa as she had previously been told. She said that although there had been a survey of the site during half term, she was still being told that no decision had been taken regarding the site and it was therefore difficult to know what to believe. She urged the council to protect the interests of the school, staff and pupils and to keep them informed about what is planned.

Isabelle McGrath, staffside representative

Isabelle McGrath said that staff did not feel they had been listened to and that they had concerns regarding the transparency of decision making, fragmentation of adult education provision, processes for listening to students and the safeguarding of vulnerable learners. She said that the surveying of both sites and the announcement the previous day regarding free schools had created mistrust. She said that staff were worried about job losses and the council's capacity to handle that number of redundancies. She questioned the meaningfulness of a TUPE transfer for staff who are on zero hour contracts and their position in relation to entitlement to redundancy

payments. She urged the Overview and Scrutiny Commission to refer the decision back to Cabinet.

Gay Bennett Powell, Save Merton Adult Education

Gay Bennett Powell said that the commissioning model would lead to a serious reduction in services, especially for vulnerable learners who feel secure at the Whatley Avenue site. She also asked for assurance that lifelong learning will continue so that older people would also benefit from adult education services. She feared that the community spirit amongst learners, developed over many years, would be lost.

She questioned the purpose of the decision to move to a commissioning model, wondering if profiting from real estate was the key driver, and said that, although MAE had been told there would be no decision on the Whatley Avenue site until other decisions had been taken, Harris Academy had expressed interest in the site and surveyors had been in to measure up the site.

The Chair invited the Cabinet Members to respond to points made by the speakers.

Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration, said that he has responsibility for asset management so would have to consider all possible uses for the site should it become available. He said that no Cabinet decision had been taken regarding the site, nor had there been an assessment of options for future use as a school or housing. He added that such a decision was some way in the future.

Councillor Martin Whelton, Cabinet Member for Education thanked the speakers for their contributions and said that it had been a difficult decision to take but one that had to be made to put the adult education service onto a financially viable and sustainable footing. He said that the commissioning principles had been endorsed by the Sustainable Communities Overview and Scrutiny Panel and by Council. He added that there had been discussion of potential sites for new secondary schools two years ago and that Whatley Avenue had been identified as a possibility but no final decision had been taken.

Councillor Whelton said that he had visited and met with Joseph Hood School during the consultation process. He confirmed that the school would be part of the consultation process on future options for the Whatley Avenue site.

Simon Williams, Director of Community and Housing, made a number of points in response to questions from members of the Commission:

- consultation results were shared with the Sustainable Communities Overview and Scrutiny Panel on 3 February
- the service has made good progress in making costs more variable but there is a high ratio of non-direct teaching costs to teaching costs and we are approaching the limits for reducing the former due to the relatively small size of the service
- the service does not generate a surplus and there has been an overspend in 4 of the last 5 years. If this were to continue, it would expose the council to increased financial risk
- the consultation was not intended to lead to a preferred outcome and results show that the majority supported the status quo. A decision was taken to include the status quo as an option and to take views on how it could work better than it does at present.
- the consultation sought to go beyond views on options for provision to explore what aspects people really value about the service and this has been helpful
- officers took a lot of trouble to summarise the consultation results in an impartial way to fairly represent what respondents said
- whilst Cabinet had taken the decision to go with the option for which it had originally expressed a preference, this did not mean that consultation had had no impact, and there were three examples of where it had (commissioning principles, time scales for implementation, and community learning provision).

In response to a question about the apparent discrepancy between the Cabinet Members and what discussions had been held with whom on the future of the Whatley Avenue site, Councillor Andrew Judge confirmed that there had been no comprehensive review of options and that the status quo would continue for some time. Councillor Martin Whelton said that he had been transparent regarding Harris Academy's interest in the site and that he had a duty in regard to providing sufficient school places.

One member commented that a siloed approach seemed to have been taken and urged a whole council approach in future, including the treatment of fixed costs.

Commission members discussed the evidence received and varying views were expressed about whether the decision was flawed in relation to the principles of the presumption in favour of openness and clarity of aims and desired outcomes.

The Commission then voted on a motion to reject Cabinet's decision. 3 members voted in favour and 6 against. The motion fell, therefore Cabinet's decision was upheld.

The Commission then agreed, at the suggestion of the Chair, to send a reference to Cabinet:

RESOLVED: to ask Cabinet to ensure that Joseph Hood Primary School is kept fully informed of the decision making regarding any plans for the future use of the Whatley Avenue site. Cabinet is also asked to take account of the views of staff working for the adult education service, as set out in the consultation results and expressed at the Commission's meeting, and to work with staff in a positive and constructive way to address these following the HR procedures of the council.

5 MERTON PARTNERSHIP VOLUNTEERING AND COMMUNITY ACTION STRATEGY - UPDATE (Agenda Item 5)

Simon Williams, Director of Community and Housing, briefly introduced the report and said that he and Khadiru Mahdi, Chief Executive of Merton Voluntary Service Council (MVSC) and Ellie Germaine, Acting Head of Volunteering at MVSC would be happy to respond to questions. He said that the scrutiny task group's recommendations had been helpful, that action taken was set out in the appendix and that the volunteer strategy would be refreshed this year.

In response to a question about how realistic it was to try to increase the proportion of people who volunteer, Simon Williams and Khadiru Mahdi said that they are seeking to promote different forms of volunteering that would be suitable for busy people, such as befriending schemes and micro volunteering.

A member asked whether the actual percentage might be higher as perhaps people didn't realise that some of the things they do, such as helping at school fetes, would count as volunteering. Ellie Germaine agreed that the percentage would probably be higher due to lots of informal volunteering that would not necessarily be counted.

In response to a question about whether enough is being done to encourage young people to volunteer, Ellie Germaine said that MVSC had a youth project for that purpose, part funded by the council. Also, there is a pilot that is developing a quality mark for organisations that has been approved by and for work with young people. She said that there were fewer volunteering opportunities for young people than previously as organisations tend not to take under 18's due to capacity difficulties in terms of providing support.

Several members commented on volunteering awareness raising events they had attended as well as various volunteering experiences they have had and that these had been rewarding and enjoyable. They highlighted communication of opportunities as crucial and suggested the use of My Merton to help with this.

6 PROGRESS REPORT ON IMPLEMENTATION OF THE EQUALITY STRATEGY 2013-17 (Agenda Item 6)

Evereth Willis, Interim Head of Policy, Strategy and Partnerships, introduced the report and highlighted some of the examples of progress made over the past year:

- continued improvement on educational attainment of pupils from target groups
- development of an offer (under the Children and Families Act) for families with special educational need and disabilities
- consultation with disability groups and audits to shape transport services delivery
- embedding of equality impact assessments in to budget savings proposals
- council officers received training on mental health awareness

Evereth Willis said that priorities for the coming year were:

- to ensure the equality impact assessments were robust and transparent in their impact on budget decisions
- to strengthen the black and ethnic minority voice in the borough, working in partnership with MVSC and other local organisations
- to re-invigorate the lesbian gay bisexual and transgender forum
- to encourage council officers to submit equalities data
- to provide staff briefing sessions to raise awareness of diversity issues

Evereth Willis and Yvette Stanley, Director of Children Schools and Families, answered questions on some of the detail in the action plan and undertook to provide an explanation of the tariff differences referred to in action 1.2.11 (page 285).

ACTION: Interim Head of Policy, Strategy and Partnerships

In response to a comment about lack of consistency in some of the equality impact assessments and whether there was any oversight of this, Evereth Willis said that she wasn't sent all of them but had seen a number and been able to provide challenge on them.

In response to a question about succession planning in schools, Yvette Stanley said that the action plan from last year's scrutiny review was being implemented and that, although some progress was being made, there were still areas of under-representation of black and ethnic minority staff amongst middle and senior management in schools.

7 SCRUTINY REVIEW OF PUBLIC SECTOR MODELS - REVISED SCOPE AND TERMS OF REFERENCE (Agenda Item 7)

RESOLVED:

1. To set up a series of task group reviews, starting with one focussing on shared services, with terms of reference as set out in the report. The task group should start by mapping out all the shared services that the council has and look at examples from other local authorities.
2. To appoint Councillors Suzanne Grocott, Russell Makin and Peter Southgate to the task group. The first meeting will be in late March.

8 DISCUSSION OF QUESTIONS TO ASK THE BOROUGH COMMANDER AT COMMISSION MEETING ON 25 MARCH 2015 (Agenda Item 8)

RESOLVED:

1. to ask the Borough Commander to provide the latest crime and performance data each time he attends, using the format provided last time
2. to ask the Borough Commander to answer the following questions in relation to the motion of Full Council on 19 November 2014:
 - whether a review of the deployment of officers has been carried out and, if so, what was its nature
 - what are the current levels of crime in the three sectors
 - what is the current deployment of officers in each of the three sectors and the rationale for this
 - The Commission understands that of the 300 officers on the borough, 200 are dedicated to specific areas and 100 are retained for flexible deployment. How are these 100 being deployed at present?

Councillor Southgate said that Chief Superintendent David Palmer would be attending to represent the Borough Commander on 25 March and that the Borough Commander would be invited to attend on 14 July to set out his vision for the year ahead.

9 MINUTES OF FINANCIAL MONITORING TASK GROUP, 26 FEBRUARY 2015 (Agenda Item 9)

The minutes of the meeting held on 5 November were included in the agenda pack by mistake so the minutes of the meeting held on 26 February were laid round at the meeting and have been published on the website.

Councillor Suzanne Grocott, Chair of the task group, said that it had been a very useful meeting and thanked participants.

RESOLVED: to note the minutes of the financial monitoring task group meeting of 26 February 2015.

10 WORK PROGRAMME 2014/15 (Agenda Item 10)

The Commission noted the work programme.

11 CUSTOMER CONTACT PROGRAMME UPDATE (Agenda Item 11)

RESOLVED: That the public are excluded from the meeting during consideration of this agenda item on the grounds that it is exempt from disclosure for the reasons stated in the report.

Sophie Ellis, Assistant Director of Business Improvement, said that Cabinet had approved the award of the contract to Organisation A as set out in the report. She drew members' attention to the scoring and evaluation information set out in Appendix C.

Sophie Ellis tabled additional information about Organisation A (published with these minutes - exempt document) and expanded on the reasons for selecting organisation A. She said that the tender expressed ambition in relation to product development, a good fit with the council's business needs, and enthusiasm for working with the council. Paul Dale, Assistant Director of Resources, added that both the quality and value for money aspects of the decision had been clear cut as shown in the evaluation scores.

In response to questions, Sophie Ellis said that savings that the customer contact programme would underpin and enable had already been built into the council's medium term financial strategy but that there would be more in future as implementation was rolled out to specific service areas. She confirmed that the risk of not delivering savings sits with the council and not the contractor.

John Cremins, Customer Contact Procurement Lead, conformed that a credit ratings check had been run on organisation A at an early stage in the process and repeated two weeks ago. He said they have a parent company guarantee and a strong credit rating.

RESOLVED: The Commission will continue to receive progress updates on the implementation of the customer contact programme.