

Committee: Overview and Scrutiny Commission

Date: 14 July 2015

Wards: All

Subject: Overview and Scrutiny Commission Work Programme 2015/16

Lead officer: Julia Regan, Head of Democracy Services

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

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Recommendations:

That members of the Overview and Scrutiny Commission

- i) Consider their work programme for the 2015/16 municipal year, and agree issues and items for inclusion (see draft in Appendix 1);
 - ii) Appoint members to the financial monitoring task group, to meet on 22 July, 5 November, 23 February and a later date to be determined by the task group;
 - iii) Agree to establish a mini task group review of outsourced services to report back to the Commission on 24 November 2015, followed by a mini task group review of commissioned services to report back to the Commission on 23 March 2016;
 - iv) Appoint members to the task group review of outsourced services;
 - v) Consider whether they wish to make visits to local sites; and
 - vi) Identify any training and support needs.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to support and advise Members to determine their work programme for the 2015/16 municipal year.
- 1.2 This report sets out the following information to assist Members in this process:
 - a) The principles of effective scrutiny and the criteria against which work programme items should be considered;
 - b) The roles and responsibilities of the Overview and Scrutiny Commission;
 - c) The findings of the consultation programme undertaken with councillors and co-opted members, senior management, voluntary and community sector organisations, partner organisations and Merton residents;
 - d) A summary of discussion by councillors and co-opted members at a topic selection workshop held on 20 May 2015; and
 - e) Support available to the Overview and Scrutiny Commission to determine, develop and deliver its 2015/16 work programme.

2. Determining the Overview and Scrutiny Commission Annual Work Programme

- 2.1 Members are required to determine their work programme for the 2015/16 municipal year to give focus and structure to scrutiny activity to ensure that it effectively and efficiently supports and challenges the decision-making processes of the Council, and partner organisations, for the benefit of the people of Merton.
- 2.2 The Overview and Scrutiny Commission has specific roles relating to budget and business plan scrutiny and to performance monitoring that should automatically be built into their work programmes.
- 2.3 Since 2012/13, the Commission has agreed each year to establish a financial monitoring task group to lead on the scrutiny of financial monitoring information on behalf of the Commission, with the following terms of reference:
- To carry out scrutiny of the Council's financial monitoring information on behalf of the Overview and Scrutiny Commission;
 - To advise on other agenda items as requested by the Overview and Scrutiny Commission;
 - To report minutes of its meetings back to the Overview and Scrutiny Commission;
 - To send via the Commission any recommendations or references to Cabinet, Council or other decision making bodies.
- 2.4 At the scrutiny topic workshop on 20 May 2015, members recommended that the Commission re-establish this task group. The Commission is therefore requested to appoint members to the group. It is proposed that the task group will meet four times during 2015/16 to enable the financial monitoring information to be examined on a quarterly basis. The meetings will be held in public and the agenda and minutes will be published on the Council's website, alongside those of the Commission.
- 2.5 The Overview and Scrutiny Commission may choose to scrutinise a range of issues through a combination of pre-decision scrutiny items, policy development, performance monitoring, information updates and follow up to previous scrutiny work. Any call-in work will be programmed into the provisional call-in dates identified in the corporate calendar as required.
- 2.6 The Overview and Scrutiny Commission has six scheduled meetings over the course of 2015/16, including the scheduled budget meeting (representing a maximum of 18 hours of scrutiny per year – assuming 3 hours per meeting). Members will therefore need to be selective in their choice of items for the work programme.

Principles guiding the development of the scrutiny work programme

- 2.7 The following key principles of effective scrutiny should be considered when the Commission determines its work programme:
- **Be selective** – There is a need to prioritise so that high priority issues are scrutinised given the limited number of scheduled meetings and time available. Members should consider what can realistically and properly be reviewed at each meeting, taking into account the time needed to scrutinise each item and what the session is intended to achieve.

- **Add value with scrutiny** – Items should have the potential to ‘add value’ to the work of the council and its partners. If it is not clear what the intended outcomes or impact of a review will be then Members should consider if there are issues of a higher priority that could be scrutinised instead.
- **Be ambitious** – The Commission should not shy away from carrying out scrutiny of issues that are of local concern, whether or not they are the primary responsibility of the council. The Local Government Act 2000 gave local authorities the power to do anything to promote economic, social and environmental well being of local communities. Subsequent Acts have conferred specific powers to scrutinise health services, crime and disorder issues and to hold partner organisations to account.
- **Be flexible** – Members are reminded that there needs to be a degree of flexibility in their work programme to respond to unforeseen issues/items for consideration/comment during the year and accommodate any developmental or additional work that falls within the remit of this Commission. For example Members may wish to questions officers regarding the declining performance of a service or may choose to respond to a Councillor Call for Action request.
- **Think about the timing** – Members should ensure that the scrutiny activity is timely and that, where appropriate, their findings and recommendations inform wider corporate developments or policy development cycles at a time when they can have most impact. Members should seek to avoid duplication of work carried out elsewhere.

Models for carrying out scrutiny work

2.8 There are a number of means by which the Overview and Scrutiny Commission can deliver its work programme. Members should consider which of the following options is most appropriate to undertake each of the items they have selected for inclusion in the work programme:

Item on a scheduled meeting agenda/ hold an extra meeting of the Commission	<ul style="list-style-type: none"> ■ The Commission can agree to add an item to the agenda for a meeting and call Cabinet Members/ Officers/Partners to the meeting to respond to questioning on the matter ■ A variation of this model could be a one-day seminar-scrutiny of issues that, although important, do not merit setting up a ‘task-and-finish’ group.
Task Group	<ul style="list-style-type: none"> ■ A small group of Members meet outside of the scheduled meetings to gather information on the subject area, visit other local authorities/sites, speak to service users, expert witnesses and/or Officers/Partners. The Task Group can then report back to the Commission with their findings to endorse the submission of their recommendations to Cabinet/Council ■ This is the method usually used to carry out policy reviews
Commission asks for a report then takes a view on action	<ul style="list-style-type: none"> ■ The Commission may need more information before taking a view on whether to carry out a full review so asks for a report – either from the service department or from the Scrutiny Team – to give them more details.

Meeting with service Officer/Partners	<ul style="list-style-type: none"> ■ A Member (or small group of Members) has a meeting with service officers/Partners to discuss concerns or raise queries. ■ If the Member is not satisfied with the outcome or believes that the Commission needs to have a more in-depth review of the matter s/he takes it back to the Commission for discussion
Individual Members doing some initial research	<ul style="list-style-type: none"> ■ A member with a specific concern carries out some research to gain more information on the matter and then brings his/her findings to the attention of the Commission if s/he still has concerns.

2.9 Note that, in order to keep agendas to a manageable size, and to focus on items to which the Commission can make a direct contribution, the Commission may choose to take some “information only” items outside of Commission meetings, for example by email.

Support available for scrutiny activity

2.10 The Overview and Scrutiny function has dedicated scrutiny support from the Scrutiny Team to:

- Work with the Chair and Vice-Chair of the Commission to manage the work programme and coordinate the agenda, including advising officers and partner organisations on information required and guidance for witnesses submitting evidence to a scrutiny review;
- Provide support for scrutiny members through briefing papers, background material, training and development seminars, etc;
- Facilitate and manage the work of the task and finish groups, including research, arranging site visits, inviting and briefing witnesses and drafting review reports on behalf on the Chair; and
- Promote the scrutiny function across the organisation and externally.

2.11 The Overview and Scrutiny Commission will need to assess how they can best utilise the available support from the Scrutiny Team to deliver their work programme for 2015/16.

2.12 The Commission is also invited to comment upon any briefing, training and support that is needed to enable Members to undertake their work programme. Members may also wish to undertake visits to local services in order to familiarise themselves with these. Such visits should be made with the knowledge of the Chair and will be organised by the Scrutiny Team.

2.13 The Scrutiny Team will take the Overview and Scrutiny Commission’s views on board in developing the support that is provided.

3. Selecting items for the Scrutiny Work Programme

3.1 The Overview and Scrutiny Commission sets its own agenda within the scope of its terms of reference. The Overview and Scrutiny Commission undertakes a coordinating role to ensure that any gaps or overlap in the scrutiny work programme are dealt with in a joined-up way.

The Overview and Scrutiny Commission has the following remit: -

- Formal crime & disorder scrutiny

- Safer communities: the role of the Crime and Disorder Reduction Partnership, safer neighbourhood teams, anti-social behaviour, drugs & alcohol treatment, domestic violence and road safety
- Stronger communities: community leadership, voluntary & community sector, public involvement & consultation; community cohesion, service delivery diversity & equalities
- Cross-cutting & strategic matters, inc. scrutiny of the budget & business plan and the approach to partnership arrangements
- Corporate capacity issues – communications, legal, human resources, IT, customer service
- The performance monitoring framework
- Financial monitoring
- Responsibility for keeping scrutiny under review

3.1 The Scrutiny Team has undertaken a campaign to gather suggestions for issues to scrutinise either as agenda items or task group reviews. Suggestions have been received from members of the public, councillors and partner organisations including the police, NHS and Merton Voluntary Service Council. Other issues of public concern have been identified through the Annual Residents Survey. Issues that have been raised repeatedly at Community Forums have also been included. The Scrutiny Team has consulted departmental management teams in order to identify forthcoming issues on which the Commission could contribute to the policymaking process.

3.2 A description of all the suggestions received is set out in Appendix 2.

3.3 The councillors who attended a “topic selection” workshop on 20 May 2015 discussed these suggestions. Suggestions were prioritised at the workshop using the criteria listed in Appendix 3. In particular, participants sought to identify issues that related to the Council’s strategic priorities or where there was underperformance; issues of public interest or concern and issues where scrutiny could make a difference.

3.4 A note of the workshop discussion relating to the remit of the Commission is set out in Appendix 4.

3.5 Appendix 1 contains a draft work programme that has been drawn up, taking the workshop discussion into account, for the consideration of the Commission. The Commission is requested to discuss this draft and agree any changes that it wishes to make.

4. Task group reviews

4.1 The Commission has previously acknowledged that members will increasingly be scrutinising services that have been provided or commissioned through a wide range of different mechanisms, as well as proposals to move to alternative delivery arrangements. In order to carry out effective scrutiny, the Commission resolved to undertake a series of mini task group reviews that will help scrutiny members to understand the different models of service provision and to identify the best approach to scrutinising each model.

4.2 The first of these mini task group reviews was on shared services, which has reported back to the Commission elsewhere on this agenda. At the topic workshop, members requested definitions of other models of delivery so that the Commission could decide which to do next. These definitions are set out in Appendix 5.

- 4.3 It is suggested that the Commission agree to establish a mini task group review of outsourced services to report back on 24 November 2015, followed by a mini task group review of commissioned services to report back on 23 March 2016.
- 4.4 The Commission may choose to select other models to scrutinise instead.
- 4.5 Suggested terms of reference for a review of outsourced services, based on the terms of reference for the shared services review, are:
- to examine a range of examples of outsourced service provision in Merton and elsewhere;
 - to identify the potential advantages and challenges of outsourced service provision for the council, its partners and local residents;
 - to identify the best approach to scrutinising outsourced services to ensure that the council is receiving value for money and effective service provision

4.6

5. Public involvement

- 5.1 Scrutiny provides extensive opportunities for community involvement and democratic accountability. Engagement with service users and with the general public can help to improve the quality, legitimacy and long-term viability of recommendations made by the Commission.
- 5.2 Service users and the public bring different perspectives, experiences and solutions to scrutiny, particularly if “seldom heard” groups such as young people, disabled people, people from black and minority ethnic communities and people from lesbian gay bisexual and transgender communities are included.
- 5.3 This engagement will help the Commission to understand the service user’s perspective on individual services and on co-ordination between services. Views can be heard directly through written or oral evidence or heard indirectly through making use of existing sources of information, for example from surveys. From time to time the Commission/Task Group may wish to carry out engagement activities of its own, by holding discussion groups or sending questionnaires on particular issues of interest.
- 5.4 Much can be learnt from best practice already developed in Merton and elsewhere. The Scrutiny Team will be able to help the Commission to identify the range of stakeholders from which it may wish to seek views and the best way to engage with particular groups within the community.

6. Training and visits

Training

- 6.1 The annual member survey asked what scrutiny related training and development opportunities councillors and co-opted members would like to have provided in the coming year.
- 6.2 At least ten respondents agreed that there was a need for training and development opportunities in each of the core areas specified in the questionnaire:
- chairing and agenda management (12 respondents)
 - questioning skills (12)
 - how to monitor performance and interpret data (13)

- finance/budget scrutiny (17)

6.3 A Cabinet Member suggested that it may be helpful to have regular in-depth presentations outside of scrutiny meetings on discrete subject areas by the specialist officers (such as the seminar given last year by the Head of Revenues in Benefits on forthcoming changes to housing benefit regulations) and comparative studies of work in other councils.

6.4 The report of the annual member survey, elsewhere on this agenda, contains two recommendations on training:

- That the Head of Democracy Services will, in discussion with HR (who have responsibility for member development and training) ensure that appropriate training sessions are offered on all the areas identified by the survey.
- That HR liaises with group offices throughout the year to promote awareness of upcoming training opportunities.

6.5 The Commission is asked to consider whether there are other training needs and to provide comments on how the training needs identified by the annual member survey could be met.

Visits

6.6 Commission members are asked to identify any visits that they would find helpful to provide a context for scrutinising service delivery or policy changes.

7. ALTERNATIVE OPTIONS

7.1 A number of issues highlighted in this report recommend that Commission members take into account certain considerations when setting their work programme for 2015/16. The Overview and Scrutiny Commission is free to determine its work programme as it sees fit. Members may therefore choose to identify a work programme that does not take into account these considerations. This is not advised as ignoring the issues raised would either conflict with good practice and/or principles endorsed in the Review of Scrutiny, or could mean that adequate support would not be available to carry out the work identified for the work programme.

7.2 A range of suggestions from the public, partner organisations, officers and Members for inclusion in the scrutiny work programme are set out in the appendices, together with a suggested approach to determining which to include in the work programme. Members may choose to respond differently. However, in doing so, Members should be clear about expected outcomes, how realistic expectations are and the impact of their decision on their wider work programme and support time. Members are also free to incorporate into their work programme any other issues they think should be subject to scrutiny over the course of the year, with the same considerations in mind.

8. CONSULTATION UNDERTAKEN OR PROPOSED

8.1 To assist Members to identify priorities for inclusion in the Commission's work programme, the Scrutiny Team has undertaken a campaign to gather suggestions for possible scrutiny reviews from a number of sources:

- a. Members of the public have been approached using the following tools: articles in the local press, My Merton and Merton Together, request for suggestions from all councillors and co-opted members, letter to partner organisations and to a range of local voluntary and community organisations, including those involved in the Inter-Faith Forum and members of the Lesbian Gay and Transgender Forum;

- b. Councillors have put forward suggestions by raising issues in scrutiny meetings, via the Overview and Scrutiny Member Survey 2015, and by contacting the Scrutiny Team direct; and
- c. Officers have been consulted via discussion at departmental management team meetings.

9. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 9.1 There are none specific to this report. Scrutiny work involves consideration of the financial, resource and property issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific financial, resource and property implications.

10. LEGAL AND STATUTORY IMPLICATIONS

- 10.1 Overview and scrutiny bodies operate within the provisions set out in the Local Government Act 2000, the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 2007.
- 10.2 Scrutiny work involves consideration of the legal and statutory issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific legal and statutory implications.

11. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 11.1 It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement. The reviews will involve work to consult local residents, community and voluntary sector groups, businesses, hard to reach groups, partner organisations etc and the views gathered will be fed into the review.
- 11.2 Scrutiny work involves consideration of the human rights, equalities and community cohesion issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific human rights, equalities and community cohesion implications.

12. CRIME AND DISORDER IMPLICATIONS

- 12.1 In line with the requirements of the Crime and Disorder Act 1998 and the Police and Justice Act 2006, all Council departments must have regard to the impact of services on crime, including anti-social behaviour and drugs. Scrutiny review reports will therefore highlight any implications arising from the reviews relating to crime and disorder as necessary.

13. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 13.1 There are none specific to this report. Scrutiny work involves consideration of the risk management and health and safety issues relating to the topic being scrutinised. Furthermore, scrutiny work will also need to assess the implications of any recommendations made to Cabinet, including specific risk management and health and safety implications.

- 14. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- 14.1 Appendix I – Overview and Scrutiny Commission draft work programme 2015/16
- 14.2 Appendix 2 – Summary of topics relating to the Overview & Scrutiny Commission’s remit suggested for inclusion in the scrutiny work programme
- 14.3 Appendix 3 – Selecting a Scrutiny Topic – criteria used at the workshop on 20 May 2015
- 14.4 Appendix 4 – Notes from discussion of topics relating to the remit of the Overview and Scrutiny Commission, Scrutiny Topic Selection Workshop on 20 May 2015
- 15. BACKGROUND PAPERS**
- 15.1 None

Draft work programme 2015/16**Meeting date – 14 July 2015**

Item/Issue
Borough Commander – policing in Merton
Stop and Search Monitoring Group
Director of Public Health – ensuring the council has a positive impact on health

Meeting date – 15 September 2015

Leader and Chief Executive – vision, key priorities & challenges for 2015/6
Customer contact programme - update
Presentation – overview of enforcement
Travellers unauthorised encampment protocol

Meeting date – 24 November 2015

Budget scrutiny round 1
Violence Against Women and Girls – progress report
Funding the voluntary sector

Meeting date 28 January 2016 – scrutiny of the budget

Plus discussion of questions for the Borough Commander

Meeting date 8 March 2016

Borough Commander – policing in Merton
ASB Police and Crime Act
Rehabilitation Strategies
Review of recruitment of co-opted members

Meeting date 23 March 2016

Customer contact programme update
Volunteering update – invite Chief Executive of Merton Voluntary Services Council
Monitoring the Council's equalities commitments
Analysis of annual members' scrutiny survey
Overview and scrutiny annual report

Description of topic suggestions received in relation to the remit of the Overview and Scrutiny Commission 2015/16

The following topics were suggested by residents, local groups, Members and officers, for consideration by the Overview and Scrutiny Commission, for their 2015/16 work programme.

POLICING IN MERTON

Who suggested this issue?

In previous years the Commission has received regular updates on crime and policing from the borough commander as a standing item.

Summary of the issue:

In 2014/15, the Commission has examined crime data and was pleased that crime rates have remained low in Merton. It has questioned the Chief Superintendent on two occasions regarding local policing issues (such as the controlled drinking zone, CCTV and drug dealing) and the deployment of police officers within the borough.

What could Scrutiny do?

The Commission has already asked the Borough Commander to attend its meeting on 14 July 2015. He has been asked to provide a written report in advance of the meeting, to include:

- Information about the review that has taken place of the allocation of officers to the three sectors in Merton
- Outcome of the consultation with MOPAC about the proposed move from 3 to 2 sectors in the borough
- Crime data in same format as for 25 March meeting
- Formal response to the questions sent previously in relation to the motion of Full Council on 19 November 2014

DISABILITY HATE CRIME

Who suggested this issue?

The Merton Centre for Independent Living has suggested that it would be helpful to have a review of disability hate crime in the borough that would draw evidence from disabled people, police and housing associations.

Summary of the issue:

If someone commits a crime that is motivated by hostility, or prejudice, because the victim is a disabled person, or is perceived as a disabled person then the crime will be categorised as a disability hate crime.

Home Office statistics reveal police recorded 1,841 reports of disability hate crime in 2012-13, with 810 incidents going to court.

The Council has a Hate Crime Strategy 2009-2011, developed through the Safer Merton Partnership, that includes a commitment to record disability hate crime in future. Merton CIL say that disability hate crime is still not recorded as a distinct category in Merton.

What could Scrutiny do?

The Commission could set up a task group review as suggested by Merton CIL and/or it could question the Borough Commander at its next meeting about why disability hate crime is not recorded as a distinct category and ask when this will be addressed.

STOP AND SEARCHES OF YOUNG PEOPLE

Who suggested this issue?

A councillor has suggested that the Commission:

- scrutinise the operation of stop and search of young people in the borough (under 25s);
- examine monitoring data broken down by age, gender and ethnicity to check any over-representation and then to find out what action is being taken to address this;
- find out what the roles of the police, council and schools are in relation to stop and search, including information about people's rights.

Merton Centre for Independent Living has suggested that any scrutiny of this issue should also consider monitoring disability as this is not currently recorded and there is a specific issue, particularly for people with autism where the situation can escalate if the police are not aware of the condition.

Summary of the issue:

The civil unrest task group (in 2011) discussed the use of stop and search with police officers (both strategic and operational) and with the Chair of Merton's Stop and Search Monitoring Group. The task group were informed that a recent change in the use of stop and search powers would result in a more targeted, intelligence-led approach and a higher arrest rate.

The task group recommended that the police continue to review how the way in which stop and search is carried out locally and the information that is provided to people at the time. A review was conducted under the Commissioner's "Stop It" project and there was subsequently a reduced number of searches locally and an improved ratio of arrests.

The task group also recommended there be a discussion at the headteachers group, to which the police are invited, on whether it would be helpful to ask the school based police officers (or another police officer) to talk to pupils about stop and search. In response, the police discussed with head teachers and a new SLA was drawn up between MOPAC and Merton secondary schools to maintain school based police officers. Merton schools signed up to a programme that included information about stop and search. The Safer Schools Partnership has continued to meet and to respond innovatively to this issue. A Home Office peer review commended the Partnership for their work, which they felt included good practice.

The Commission, at its meeting in November 2013, were satisfied with the implementation of task group recommendations and agreed that no further updates were required.

What could Scrutiny do?

The Commission could invite the Chair of Merton's Stop and Search Monitoring Group to one of its meetings in order to present the latest monitoring data and to answer questions. If the Commission decides to do this, it would be useful to have the item at a meeting that is attended by the Borough Commander.

VIOLENCE AGAINST WOMEN AND GIRLS

Who suggested this issue?

The Commission received a report at its meeting in November 2014 on the findings of the independent review of domestic violence and Merton's response to its recommendations.

The Commission noted the development of a strategy to address domestic violence and other violence against women and girls and the establishment of a new governance board (Violence Against Women and Girls Board) to lead on implementation.

What could Scrutiny do?

The Commission requested that an implementation update report be provided in 2015/16.

REHABILITATION STRATEGIES

Who suggested this issue?

The Commission received a report at its meeting on 25 March that set out how offender management and rehabilitation would change under the 2014 Offender Rehabilitation Act.

The Commission noted the uncertainty regarding the number of offenders that the council would be working with and agreed to invite the Probation Service and MTC Novo (the company who were awarded the rehabilitation contract for London) to a future meeting.

What could Scrutiny do?

The Commission could receive a progress report at a future meeting to which the Probation Service and MTC Novo is also invited to join in discussion and answer questions. As new working practices have only been recently introduced, it is suggested that a report be received at a meeting early in 2016.

ANTISOCIAL BEHAVIOUR POLICE AND CRIME ACT

Who suggested this issue?

The Environment and Regeneration Departmental Management Team suggested the Commission could examine how the Act is being implemented in Merton.

A resident has raised concerns about public drinking and spitting as a potential topic for scrutiny.

Summary of the issue:

Anti-Social Behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that makes many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours.

The Anti-Social Behaviour, Police and Crime Act 2014 provides the council with new duties and responsibilities to tackle ASB, working co-operatively with the police, social landlords and other agencies.

It has also introduced a 'Community Trigger' that gives the victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met. It brings agencies, termed relevant bodies, together to take a joined up problem-solving approach to find a solution. The relevant bodies include the council, the police, the clinical commissioning group and registered providers of social housing.

Information on the community trigger and how victims can report ASB in Merton is set out on the council's website:

http://www.merton.gov.uk/community-living/communitysafety/safermertonantisocialbehaviour/community_trigger.htm

The Merton Annual Residents' Survey indicates that the level of public concern with anti-social behaviour has decreased in recent years – in 2014 42% of people surveyed stated that they were either very worried or fairly worried about ASB, compared with 44% in 2013, 45% in 2012 and 51% in 2011.

There are variations across the borough – in 2014, residents living in Lavender Fields/ Pollards Hill/ Figges Marsh indicated that they were more concerned about ASB than the average across Merton (54% compared to 42% borough average).

What could Scrutiny do?

The Commission could ask for a report summarising what is being done to tackle anti-social behaviour, outlining successes, future work and challenges, and any data that is available. The report should also contain information on how many community triggers have been activated to date and what action was taken in response. On receipt of this report, the Commission would determine any areas for future detailed scrutiny.

TRAVELLERS UNAUTHORISED ENCAMPMENT PROTOCOL

Who suggested this issue?

The Environment & Regeneration Departmental Management team suggested that scrutiny could participate in a review of the existing protocol and make recommendations for change.

Summary of the issue:

A joint protocol agreement was agreed between the Police and the Council in 2010 and is published on the council's website:

The protocol outlines the policy and operational response to unlawful encampments within the borough. It acknowledges the status and rights of Romany Gypsies and Irish Travellers as distinct ethnic groups and the Council's duty under the Race Relations Amendment Act to positively promote good race relations. The protocol complies with the Human Rights Act, the Disability Discrimination Act and the Children's Act.

Each case of unauthorised encampment is individually considered on its merits, before any decision on police response is made. This includes an evaluation of the impact any decisions may have upon any children or young people present and what action needs to be taken to promote their welfare.

The Commission last looked at this issue in 2009/10 in response to concerns raised by a ward councillor relating to an unauthorised encampment in 2009. Much of the discussion, and the recommendations, related to communication with residents – one of councillors' principal concerns was the way in which the council had communicated with local people while the encampment was in place. The meeting resulted in specific recommendations being made to strengthen the protocol for multi-agency working and a commitment to review a redrafted protocol.

The Commission then discussed the draft protocol in March 2010, recommended a number of changes to be incorporated, recommended that funding is made available for security measures

at vulnerable sites; and requested that further reviews of the protocol (expected annually) be sent to members of the Commission for their individual comments. No reviews have been circulated to Commission members

What could Scrutiny do?

The Commission could receive the draft protocol once it has been reviewed so that its comments could be taken in to account in finalising the protocol. It would also be helpful for the Commission to receive information at the same time on what neighbouring borough's do.

CCTV

Who suggested this issue?

The Environment & Regeneration Departmental Management team suggested the Commission consider progress in delivering the CCTV Action Plan and strategy as well as opportunities for efficiencies in this service area including the advantages and disadvantages of staffing the CCTV control centre less than 24/7. This sits as part of an overall CCTV Action Plan which has been reviewed by the O&S Commission.

Summary of the issue:

CCTV in Merton is a staffed service run by Safer Merton within the Department of Environment and Regeneration, led from a secure control room. The cameras are run solely by the council, but often the council will work with partner organisations such as the police to provide footage of criminal activity.

In 2014/15 the Commission examined findings of an independent review and received an update on measures taken to improve management of the service, procure new equipment and review existing contracts

What could Scrutiny do?

The Commission could review the action plan and progress on a regular basis. It could also look at any proposals for operational efficiencies or delegate consideration of potential budget savings in the CCTV service to the financial monitoring task group and receive a report back setting out the task group's findings and recommendations.

ENFORCEMENT

Who suggested this issue?

A councillor has suggested that scrutiny should review the whole topic of "enforcement", i.e. in relation to planning applications, traffic and parking offences, anti social behaviour, licensing, littering etc etc. Questions to address are - Is enforcement happening? Is it consistently applied? Is it fair? Is it cost effective?

Residents have also suggested that enforcement issues be scrutinised, specifically planning enforcement and parking and vehicle enforcement.

Summary of the issue

There was an in depth scrutiny review of enforcement in 2006 and a number of recommendations made including:

- That one overarching enforcement policy should be developed in order to promote consistency and transparency across enforcement activity carried out by the council.

- That an evaluation process should be established to evaluate the effectiveness of enforcement policies, including measuring the perception of members of the public with regard to how effective the council is in dealing with enforcement.
- That there should be a presumption to enforce (in accordance with the principles of fairness, proportionality and the public interest test) for all breaches of council policy and that any enforcement action be undertaken in a timely way.

Note that the way that parking enforcement is carried out formed part of a recent town centres and shopping parades parking survey, from which officers are now implementing a series of recommendations.

What could scrutiny do?

The Commission could request a presentation to provide an overview of current policy in this area, specifically addressing the questions raised by the councillor who suggested this issue. This should include trend figures on reported cases and the time taken to resolve them.

CUSTOMER CONTACT PROGRAMME

Summary of the issue:

The Commission has scrutinised the development and implementation of this important programme over a number of years. The programme's key objective is to improve the way the council interacts with its customers, in line with the Customer Contact Strategy agreed in 2013, to improve customers' experiences as well as increase efficiency.

In 2014/15, the Commission has scrutinised the customer contact programme at each stage of the competitive dialogue process and examined the contract award decision in detail.

What could scrutiny do?

It is suggested that the Commission should continue to receive regular progress updates in 2015/16.

MONITORING THE COUNCIL'S EQUALITIES COMMITMENTS

Summary of the issue:

This has been a standing item whereby the Commission receives an annual update on implementation of the Council's Equality Strategy Action Plan.

In 2014/15 the Commission examined the 2013/17 strategy and action plan and priorities for the coming year.

What could scrutiny do?

The Commission could receive an annual update at its March 2016 meeting.

EQUALITY IMPACT ASSESSMENTS

Who suggested this issue?

Merton Centre for Independent Living has raised concerns about a lack of consistency in the equality impact assessments that were provided as part of the budget process last year. Merton CIL has suggested that the process and mechanisms should be evaluated to check that they are fit for purpose.

What could scrutiny do?

The Commission could ask the Head of Democracy Services and the Interim Head of Policy, Strategy and Partnerships to work together to review how equality impact assessments are prepared for the budget process and report to the Director of Corporate Services on proposals for improvement.

CONSULTATION – ACCESSIBILITY TO DISABLED PEOPLE

Who suggested this issue?

Merton Centre for Independent Living has raised concerns that the majority of the council's consultations are not accessible to disabled people even though disabled people are interested in a wide range of issues and services. Merton CIL have also said that the "easy read" documents produced by the council do not always meet the standards set by People First.

A resident has raised concerns about the processes followed for consultation on adult social care and adult education savings proposals.

Summary of the issue

The Merton Partnership Executive Board has adopted a community engagement strategy (2014-2017) that sets out how partners will work together to improve the way in which local communities are involved in the decisions that affect their lives. This includes a commitment to making engagement activities accessible to all.

The Strategy is supported by a framework that provides guidance for officers on how to plan, deliver and evaluate consultation and engagement activities.

What could scrutiny do?

The Commission could receive a report from the Council's Consultation and Community Engagement Manager on what the current practice is, where there are difficulties in reaching disabled people and what could be done to improve. The Commission could also write to community groups that represent disabled people to seek their views and experiences so that these could be used to inform the Commission's discussion with the Consultation and Community Engagement Manager.

Commission members are asked to note that the consultation on the adult social care service review that took place in January / February is currently being challenged through Judicial Review. Therefore, depending on the timings of the process, officers might not be able to questions or speak publicly on that issue due to legal advice. Scrutiny of the wider consultation process and principles could still take place but without hearing officer views on that specific consultation.

WEBCASTING

Who suggested this issue?

A councillor has suggested that scrutiny review and challenge the ending of the webcasting of council meetings in February 2016, in the belief that this will lead to a lack of transparency and create is a communication/democracy shortfall.

What could scrutiny do?

The savings proposal was scrutinised during the budget scrutiny meetings in January/February 2015.

VOLUNTEERING

Summary of the issue

The Commission has continued to monitor and is now satisfied that all recommendations of the volunteering task group have been implemented. It agreed to receive an annual update on volunteering and praised the extensive progress made, discussed ways of encouraging more people to volunteer and work being done to support employers who take on young volunteers.

What could scrutiny do?

The Commission could receive a further annual update at its March 2016 meeting.

FUNDING THE VOLUNTARY SECTOR

Who suggested the issue?

The Chief Executive of Merton Voluntary Services Council suggested that scrutiny examine the current policy and balance between grant making to and commissioning of services from the voluntary sector as this is changing. He would be willing to attend a Commission meeting to discuss any report on this issue.

What could scrutiny do?

The council's internal audit team is currently investigating this issue and is due to report shortly.

It is suggested that the Commission await the outcome of this report before deciding whether to scrutinise this issue.

ESTATE MANAGEMENT

Who suggested this issue?

The financial monitoring task scrutiny group has prioritised estate management as an issue for scrutiny in 2015/16. Task group members agreed that they would like to scrutinise the council's use of its real estate assets – who manages these, how, what is the size and yield of the assets and how does Merton compare to other councils in terms of yield.

Summary of the issue:

The Council's Asset Management Plan 2011-15 sets out the decision making processes, management protocols and policies for corporate asset management:

http://www.merton.gov.uk/corporate_asset_management_plan_2011-2015.pdf

What could scrutiny do?

The Commission could delegate detailed scrutiny of the council's estate management to the financial monitoring task group.

PROCUREMENT

Who suggested this issue?

The Corporate Services Departmental Management Team has suggested that scrutiny could take a role in understanding the current position.

Mitcham Cricket Green Community and Heritage has suggested that scrutiny examine how decisions to contract out key services are made, including the consideration of other options and community involvement in the decision. The resident cited the recent decision on green space maintenance as an example of lack of transparency.

Summary of the issue

The Council's Procurement Strategy 2013-16 aims to ensure that ensure that procurement activities are undertaken efficiently and economically whilst contributing to the realisation of the economic, social and environmental benefits for the borough. It is based on development of the principles and good practice established through the National Procurement Strategy for Local Government.

http://www.merton.gov.uk/merton_2015_ps_procurement_strategy_final.pdf

The Strategy is supported by the Council's Contract Standing Orders (Part 4G of the Council's Constitution) which set out the regulations to be followed by council employees when engaged in procurement activities on behalf of the council:

<http://democracy.merton.gov.uk/documents/s2592/Part%204G.pdf>

What could scrutiny do?

The Commission could receive an information report on the council's current position on procurement. Alternatively, consideration of how procurement operates could be included in the terms of reference for a future task group on different models of service provision (see topic suggestion below on shared services task group review).

SHARED SERVICES TASK GROUP REVIEW

The Commission established a task group review of shared services in March 2015 to report back in July so that its findings can inform the Commission's work programme for 2015/16.

This task group is intended to be the first in a series of task group reviews that will help scrutiny members to understand the different models of service provision and to identify the best approach to scrutinising each model.

The terms of reference are:

- to examine a range of examples of shared service provision in Merton and elsewhere;
- to identify the potential advantages and challenges of shared service provision for the council, its partners and local residents;
- to identify the best approach to scrutinising shared services to ensure that the council is receiving value for money and effective service provision

An initial work planning meeting was held prior to the pre-election period to scope the review. The next meeting will be on 27 May.

What could scrutiny do?

The Commission, at its meeting on 14 July could agree to set up the second in the series of task groups to examine different models of service provision. The focus could be one of the following models:

- commissioning from private or voluntary/community sector
- joint commissioning with other public bodies
- joint venture companies
- transfer to social enterprises or trusts
- arms-length trading companies

More detail on each of these models will be provided to the Commission on 14 July to help in selecting the focus of the next task group review.

FINANCIAL MONITORING:

Summary of this issue

In previous years the Commission has delegated this work to a financial monitoring task group with the following terms of reference:

- To carry out scrutiny of the Council's financial monitoring information on behalf of the Overview and Scrutiny Commission
- To advise on other agenda items as requested by the Overview and Scrutiny Commission
- To report minutes of its meetings back to the Overview and Scrutiny Commission
- To send via the Commission any recommendations or references to Cabinet, Council or other decision making bodies

In 2014/15 the task group continued to monitor quarterly reports. In particular, it has scrutinised the forecast overspend, capital programme and lack of progress on achieving savings in some service areas. It has also identified areas of concern to be prioritised for scrutiny in 2015/16:

- capital programme (on agenda for task group meeting 1 July)
- community transport (included in Sustainable Communities topic list)
- commercial waste (included in Sustainable Communities topic list - waste management item and Phase C procurement)
- HR metrics (on agenda for task group meeting 1 July)
- estate management (included in topic suggestion list for Commission)

What could scrutiny do?

It is recommended that the Commission continue to delegate its financial monitoring work and re-establish the task group in 2015/16.

A councillor has suggested that the task group could also follow up on some previous savings items in order to monitor the impact of the saving.

BUDGET SCRUTINY:

The Overview and Scrutiny Commission has a constitutional duty to coordinate the scrutiny responses on the business plan and budget formulation.

It is suggested that, as in previous years, the Commission should put aside some time in its meeting in November and prepare to devote the whole of its January meeting to budget scrutiny.

A Cabinet member has suggested that scrutiny discusses the "masterplanning" of the entire budget.

ANNUAL REPORTS RECEIVED BY THE COMMISSION IN PAST YEARS:

- Analysis of Members' survey – an annual survey of all councillors and co-opted members to collect views about how scrutiny is working and how it can be improved. The survey also evaluates satisfaction with the scrutiny function as a whole and with the different workstreams that make up overview and scrutiny.

- Overview and Scrutiny annual report – the council’s constitution requires the Commission to submit to Council an annual report outlining the work of the overview and scrutiny function over the course of the municipal year. This report is drafted by the scrutiny team in conjunction with the scrutiny chairs and is brought to the Commission for approval prior to submission to Council.

REVIEW OF NON VOTING CO-OPTED MEMBERS

A new non voting co-opted member, Geoffrey Newman, was co-opted to the Commission for a period of twelve months from May 2015. It is suggested that the Commission review the skills and experience required from co-opted members prior to making further decisions on recruitment of new co-opted members in 2015/16.

IMMUNISATION REVIEW

In 2014/15 the scrutiny function received support from the Centre for Public Scrutiny to conduct a review on improving the uptake of immunisations. The task group focussed on immunisations from birth to five years as this was the age group with the lowest rates. The task group gathered evidence from a wide range of sources including NHS England, Merton Clinical Commissioning Group, Sutton and Merton Clinical Commissioning Group and Public Health Merton. Recommendations are around improving local co-ordination and raising the profile of immunisations locally.

It is suggested that the task group review report should be received by the Commission at its July 2015 meeting rather than Healthier Communities and Older People Panel because of its cross cutting nature.

AGENDA ITEMS FOR COMMISSION’S MEETING ON 14 JULY 2015

The Commission, at its meeting on 25 March, agreed to invite the Borough Commander to the July meeting and the Leader and Chief Executive to the September meeting to set out their priorities and challenges for the year ahead.

Selecting a Scrutiny Topic – criteria used at the workshop on 20 May 2015

The purpose of the workshop is to identify priority issues for consideration as agenda items or in-depth reviews by the Scrutiny Commission. The final decision on this will then be made by the Commission at their first meeting.

All the issues that have been suggested to date by councillors, officers, partner organisations and residents are outlined in the supporting papers.

Further suggestions may emerge from discussion at the workshop.

Points to consider when selecting a topic:

- Is the issue strategic, significant and specific?
- Is it an area of underperformance?
- Will the scrutiny activity add value to the Council's and/or its partners' overall performance?
- Is it likely to lead to effective, tangible outcomes?
- Is it an issue of community concern and will it engage the public?
- Does this issue have a potential impact for one or more section(s) of the population?
- Will this work duplicate other work already underway, planned or done recently?
- Is it an issue of concern to partners and stakeholders?
- Are there adequate resources available to do the activity well?

Note of the Overview and Scrutiny Commission topic selection meeting on 20 May 2015

Attendees:

Councillors Peter Southgate (Chair), Stan Anderson, John Dehaney, Brenda Fraser, Abigail Jones and Katy Neep.

Councillor Edith Macauley, Cabinet Member for Community Safety, Engagement and Equalities.

Co-opted members Geoffrey Newman and Denis Popovs

Chris Lee, Director of Environment and Regeneration

Caroline Holland, Director of Corporate Services

Paul Dale, Assistant Director of Resources

Julia Regan, Head of Democracy Services (note taker)

Apologies:

Councillors Hamish Badenoch, Jeff Hanna and Oonagh Moulton

Councillor Peter Southgate welcomed all present and introduced Geoffrey Newman, the Commission's newest co-opted member, to the meeting.

Public health

AGREED to invite the Director of Public Health to the Commission's meeting on 14 July to make a presentation on ensuring the council has a positive impact on health, with examples of current initiatives.

Policing in Merton

Noted that the Borough Commander has been invited to the Commission's meeting on 14 July. Requested that he continue to be sent questions in advance so that he can be well prepared at the meeting. Also asked that he address how well the neighbourhood watch scheme is working in Merton.

AGREED to continue to invite the Borough Commander to attend twice yearly.

Disability hate crime

AGREED to include on the Commission's agenda for 14 July a copy of the crime report received by the Joint Consultative Committee with a breakdown of hate crime so that members can ask the Borough Commander about this at the meeting.

Stop and searches of young people

AGREED that it would be timely to look at this issue again as it was last considered in 2011. The Chair of Merton's Stop and Search Monitoring Group will be invited to the 14 July meeting to present the latest monitoring data (including breakdown by ward or sector) and answer questions.

Violence against women and girls

AGREED to receive an implementation update report during 2015/16.

Rehabilitation strategies

AGREED to receive a progress report at a future meeting to which the Probation Service and MTC Novo would be invited to join in the discussion and answer questions.

Antisocial Behaviour Police and Crime Act

AGREED to receive a report to outline the new legislation, volume of cases and breakdown of types of cases dealt with.

Chris Lee said that it would not be possible to assess the effectiveness of the new legislation until the 2016/17 municipal year.

Travellers Unauthorised Encampment Protocol

Noted that this is an issue of resident concern.

AGREED to receive the draft protocol plus information on the positions taken by neighbouring boroughs.

CCTV

Noted that there had been recent scrutiny of the CCTV Action Plan and AGREED to let this bed in without further scrutiny at this time.

AGREED to scrutinise any savings proposal in relation to the CCTV service operating hours at an early stage if such a proposal is brought forward for budget scrutiny.

Enforcement

Noted that this is an area of public concern and that there has been previous scrutiny of these issues.

AGREED to receive a presentation to provide an overview of current policy and practice in this area, focussing on new initiatives and the impact of moving to a shared regulatory service.

Customer contact programme

AGREED that the Commission should continue to receive regular progress updates in 2015/16.

Monitoring the Council's equalities commitments

AGREED that the Commission would receive an annual update at one of its meeting in March 2016.

Equality impact assessments

Noted that this work is already in hand in relation to budget scrutiny. Caroline Holland added that the business partners were working with the Interim Head of Policy Strategy and Partnerships to improve consistency.

AGREED that no further action is required by scrutiny at this time.

Consultation – accessibility to disabled people

AGREED to await the outcome of the Judicial Review and take no further action at present.

Webcasting

Noted that the savings proposal was scrutinised during the budget scrutiny meetings in January/February 2015 and AGREED to take no further action.

Volunteering

AGREED to receive a further annual update at one of the Commission's meetings in March 2016.

Funding the voluntary sector

AGREED to receive the audit report on this issue with a view to identifying whether scrutiny action is needed. Noted that the Chief Executive of MVSC is carrying out a review of voluntary organisations at present.

Estate management

AGREED to delegate detailed scrutiny of the council's estate management to the financial monitoring task group.

Procurement

Noted that the issue raised by the Mitcham Cricket Green Community and Heritage would be addressed through pre-decision scrutiny of such decisions in future.

AGREED to not take forward for further scrutiny.

Shared services task group review

AGREED that, at its meeting on 14 July, the Commission would set up a second task group to examine another model of service provision.

Financial monitoring

AGREED to continue to delegate the financial monitoring work and therefore to re-establish the financial monitoring task group.

Budget scrutiny

Caroline Holland advised that the two rounds of budget scrutiny would take a similar pattern this year to last unless there was an unexpected announcement s part of the budget statement on 8 July. The first round would be primarily the capital programme and monitoring existing savings. The second round would be on proposed new savings.

Councillor Southgate said that he and the vice chair would meet the Cabinet Member and Director in September to discuss the provision of budget information to scrutiny.

AGREED to continue to set some time aside at the Commission's 24 November meeting and to devote the whole of the 28 January meeting to budget scrutiny.

Annual reports

AGREED to continue to receive the analysis of the members' survey and the overview and scrutiny annual report.

Review of non voting co-opted members

AGREED to keep recruitment of non-voting co-opted members under review.

Immunisation review

Noted that the Centre for Public Scrutiny has invited Merton to showcase this review at its annual conference this year.

AGREED to receive the review report at the Commission's meeting on 14 July.

Agenda items for Commission's meeting on 15 September

Noted that the Commission had already agree to invite the Leader and Chief Executive to its meeting on 15 September to set out their priorities and challenges for the year ahead.

Definitions of models of provision (other than in-house provision)

Shared service

Essentially a shared service involves two or more organisations agreeing to join forces to provide or commission a service jointly rather than separately.

CIPFA has provided an all encompassing definition: “working together across organisational boundaries to achieve together what would be more difficult alone” (CIPFA 2010).

Commissioning

Commissioning involves firstly a strategic process to identify needs and outcomes to meet those needs and secondly a procurement process to find the best provider.

Services may be commissioned from the private or voluntary/community sector

Commissioning may be carried out by one authority or jointly with one or more other authorities or with another public body such as the NHS.

Outsourcing

This involves the transfer of services to the private (or voluntary) sector via a contract, whereby a third party provider takes full responsibility for managing and operating services on behalf of the public sector organisation.

Areas commonly outsourced are housing repairs, waste collection, leisure services and back office functions.

Joint venture companies

These are companies that are set up to provide services previously provided by the local authority, with an element of profit share with the private sector. Some joint venture vehicles are set up to secure some form of economic regeneration, often including other public sector partners.

Public- private partnership

Typically a medium to long term arrangement whereby some of the service obligations of public sector organisations are provided by one or more private sector companies. A possible example of this is the tri borough partnership with BT on back office functions.