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Merton Council

Standards and General Purposes Committee Agenda

Membership

Councillors:

Peter McCabe (Chair)
Adam Bush (Vice-Chair)
Agatha Mary Akyigyina OBE
Ben Butler
John Dehaney
Brenda Fraser
Dickie Wilkinson
David Williams MBE JP
Hina Bokhari
Mary Curtin
Thomas Barlow
Pauline Cowper

Substitute Members:

Peter Southgate
Omar Bush
Stan Anderson
Sally Kenny
Nick McLean
Jenifer Gould

Date: Thursday 7 November 2019

Time: 7.15 pm

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

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

Standards and General Purposes Committee Agenda

7 November 2019

1	Apologies for Absence	
1	Apologies for Absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meeting	1 - 4
4	External Audit Annual Letter	5 - 26
5	Internal Audit Progress Report	27 - 34
6	Fraud Update	35 - 46
7	Annual Complaints report	47 - 84
8	Review of Polling Places	85 - 124
9	Environmental Enforcements Update	125 - 132
10	Risk Management	133 - 160
11	Amendments to the Constitution	161 - 166
12	Annual Gifts and Hospitality report (members)	167 - 188
13	Annual Gifts and Hospitality report (officers)	189 - 196
14	Complaints against Members	
	<i>A verbal update to be provided at the meeting</i>	
15	Member Training Session Update	
	<i>A verbal update to be provided at the meeting</i>	
16	Work Programme	197 - 198
17	Exclusion of the Press and Public	
	To RESOLVE that the public are excluded from the meeting during consideration of the following report on the grounds that it is exempt from disclosure for the reasons stated in the report.	
18	Temporary and Contract Staff update	199 - 208

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. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

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Agenda Item 3

STANDARDS AND GENERAL PURPOSES COMMITTEE 9 SEPTEMBER 2019

(7.15 pm - 7.56 pm)

PRESENT Councillors Councillor Peter McCabe (in the Chair),
Councillor Adam Bush, Councillor Agatha Mary Akyigyina,
Councillor John Dehaney, Councillor Dickie Wilkinson,
Councillor Hina Bokhari, Councillor Mary Curtin, Councillor Stan
Anderson, Councillor Omar Bush, Councillor Nick McLean and
Councillor Pauline Cowper

ALSO

PRESENT Clive Douglas – Independent Person

Caroline Holland (Director of Corporate Services), Paul Evans
(Assistant Director Corporate Governance), Margaret Culleton
(Head of Internal Audit) and Amy Dumitrescu (Democratic
Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors David Williams, Thomas Barlow, Ben Butler and Brenda Fraser. Councillors Nick McLean, Omar Bush and Stan Anderson attended as substitutes.

Apologies were received from Independent Person Pam Donovan.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 25 July 2019 were agreed as a correct record.

4 ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY REVIEW (Agenda Item 4)

The Head of Internal Audit presented the report which refreshed the strategy following the last update in July 2018 and aimed to review the strategy and update it to bring further consistency across the five Boroughs covered by the SWLFP (South West London Fraud Partnership).

Following questions from members, officers confirmed that as part of the whistleblowing policy and under the Public Disclosure Act, whistle-blowers are entitled to protection of their identity. Officers also clarified that all prosecutions undertaken by the Council are private prosecutions, however these investigations can also be passed on to the Police where appropriate. In relation to the level at

which these acts are classed as “minor”, indicators were listed in the report and the CPS code is followed when decisions to investigate are made.

RESOLVED: That the Committee approved the revised Anti-Fraud and Anti-Corruption Strategy.

5 LOCAL GOVERNMENT ETHICAL STANDARDS - A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (Agenda Item 5)

The Monitoring Officer presented the report and gave an overview of the recommended actions. The Monitoring Officer advised that the Code of Conduct is currently based on the LGA model and it is likely that an updated model code will be issued. It was therefore recommended that the Merton Code of Conduct should be reviewed annually until the new LGA model code was published. Prior to the code being reviewed, there would be an opportunity for members of the public to comment on the proposed code.

In relation to separate bodies, this was now included as part of the Annual Governance Statement which was approved by the Committee in July 2019 and therefore this recommendation now complied.

In response to members questions, officers undertook to investigate the most appropriate ways to reach members of the public wishing to contribute to the consultation who did not have internet access. Any proposal for the approach to the consultation would be brought to the Committee in July 2020 for members to agree.

RESOLVED: That the Committee agreed the best practice actions described in paragraphs 3.5 and 3.6, 4.3, 5.2 and 6.3(b) to be recommended for adoption by Council.

6 REGULATION OF INVESTIGATORY POWERS ACT AUTHORISATIONS (Agenda Item 6)

The Monitoring Officer presented the report and informed the Committee that in addition the Council had also completed 139 littering prosecutions and currently had 38 fresh cases, however there had been no further waste cases at present. It was noted in response to member questions that there had been an article in the Summer 2019 edition of MyMerton regarding enforcement for litter and fly-tipping offences.

Members requested that a regular item be brought to the Committee giving an update on completed prosecutions relating to fly-tipping. Members felt strongly that further work should be undertaken as a deterrent to publicise when prosecutions took place and to name offenders.

RESOLVED: That members noted the purposes for which investigations have been authorised under the Regulation of Investigatory Powers Act (RIPA) 2000.

7 COMPLAINTS AGAINST MEMBERS (Agenda Item 7)

The Committee noted a verbal update from the Monitoring officer, advising that there had been no new complaints since the previous meeting and noting that the level of complaints received at Merton is low.

The Monitoring Officer referred to the minutes of the last meeting which advised a previous complaint escalated to the Ombudsman was awaiting independent reconsideration. The Monitoring Officer advised the Committee that the view of the Independent Investigator was that the complaint should not be formally investigated. This view had been forwarded to the Ombudsman to consider if any further action was required.

The Monitoring Officer introduced Clive Douglas who had been recruited as Independent Person earlier in the year.

8 WORK PROGRAMME (Agenda Item 8)

The Work Programme was noted and agreed.

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London Borough of Merton

Annual Audit Letter for the year
ended 31 March 2019

September 2019

Page 5

The EY logo consists of the letters 'EY' in a bold, white, sans-serif font. A yellow triangle is positioned above the 'Y', pointing downwards towards the letters.

Building a better
working world

Agenda Item 4

Contents

01

Executive Summary



03

Financial Statement Audit



05

Other Reporting Issues



07

Audit Fees



02

Purpose and Responsibilities



04

Value for Money



06

Focused on your future



Page 6

Public Sector Audit Appointments Ltd (PSAA) have issued a 'Statement of responsibilities of auditors and audited bodies'. It is available from the Chief Executive of each audited body and via the PSAA website (www.psaa.co.uk).

This Statement of responsibilities serves as the formal terms of engagement between appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The 'Terms of Appointment (updated April 2018)' issued by PSAA set out additional requirements that auditors must comply with, over and above those set out in the National Audit Office Code of Audit Practice (the Code) and statute, and covers matters of practice and procedure which are of a recurring nature.

This Annual Audit Letter is prepared in the context of the Statement of responsibilities and Terms of Appointment. It is addressed to the Members of the audited body, and is prepared for their sole use. We, as appointed auditor, take no responsibility to any third party.

Our Complaints Procedure - If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with your usual partner or director contact. If you prefer an alternative route, please contact Steve Varley, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.



01

Executive Summary

Executive Summary

We are required to issue an annual audit letter to the London Borough of Merton (the Council) following completion of our audit procedures for the year ended 31 March 2019.

Below are the results and conclusions on the significant areas of the audit process.

Area of Work	Conclusion
Opinion on the Council and Pension Fund's:	Unqualified - the financial statements give a true and fair view of the financial position of the Council and Pension Fund as at 31 March 2019 and of its expenditure and income for the year then ended.
▶ Financial statements	
▶ Consistency of other information published with the financial statements	Other information published with the financial statements was consistent with the Annual Accounts.
Concluding on the Council's arrangements for securing economy, efficiency and effectiveness	We concluded that you have put in place proper arrangements to secure value for money in your use of resources.

Area of Work	Conclusion
Reports by exception:	
▶ Consistency of Governance Statement	The Governance Statement was consistent with our understanding of the Council.
▶ Public interest report	We had no matters to report in the public interest.
▶ Written recommendations to the Council, which should be copied to the Secretary of State	We had no matters to report.
▶ Other actions taken in relation to our responsibilities under the Local Audit and Accountability Act 2014	We had no matters to report.

Area of Work	Conclusion
Reporting to the National Audit Office (NAO) on our review of the Council's Whole of Government Accounts return (WGA).	We had no matters to report.



Executive Summary (cont'd)

As a result of the above we have also:

Area of Work	Conclusion
Issued a report to those charged with governance of the Council communicating significant findings resulting from our audit.	We issued our Audit Results Report for the main Council on 22 July 2019 and the Pension Fund report on 9 July 2019.
Issued a certificate that we have completed the audit in accordance with the requirements of the Local Audit and Accountability Act 2014 and the National Audit Office's 2015 Code of Audit Practice.	We issued our certificate on 30 August 2019.

Page 9

We would like to take this opportunity to thank the Council and Pension Fund's staff for their assistance during the course of our work.

Suresh Patel

Associate Partner

For and on behalf of Ernst & Young LLP



02

Purpose and Responsibilities

Purpose and Responsibilities

The Purpose of this Letter

The purpose of this annual audit letter is to communicate to Members and external stakeholders, including members of the public, the key issues arising from our work, which we consider should be brought to the attention of the Council.

We have already reported the detailed findings from our audit work in our 2018/19 Audit Results Report to the 25 July 2019 Standards and General Purposes Committee, representing those charged with governance. We do not repeat those detailed findings in this letter. The matters reported here are the most significant for the Council.

Responsibilities of the Appointed Auditor

Our 2018/19 audit work has been undertaken in accordance with the Audit Plans that we issued on 14 March 2019 for both the main Council and Pension Fund and is conducted in accordance with the National Audit Office's 2015 Code of Audit Practice, International Standards on Auditing (UK), and other guidance issued by the National Audit Office. As auditors we are responsible for:

Expressing an opinion:

- ▶ On the 2018/19 financial statements, including the pension fund; and
- ▶ On the consistency of other information published with the financial statements.

Forming a conclusion on the arrangements the Council has to secure economy, efficiency and effectiveness in its use of resources.

Reporting by exception:

- ▶ If the annual governance statement is misleading or not consistent with our understanding of the Council;
- ▶ Any significant matters that are in the public interest;
- ▶ Any written recommendations to the Council, which should be copied to the Secretary of State; and
- ▶ If we have discharged our duties and responsibilities as established by the Local Audit and Accountability Act 2014 and Code of Audit Practice.

Alongside our work on the financial statements, we also review and report to the National Audit Office (NAO) on your Whole of Government Accounts return.

Responsibilities of the Council

The Council is responsible for preparing and publishing its statement of accounts accompanied by an Annual Governance Statement (AGS). In the AGS, the Council reports publicly each year on how far it complies with its own code of governance, including how it has monitored and evaluated the effectiveness of its governance arrangements in year, and any changes planned in the coming period.

The Council is also responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.



03

Financial Statement Audit

Financial Statement Audit

Key Issues

The Council's Statement of Accounts is an important tool for it to show how it has used public money and how it can demonstrate its financial management and financial health. We audited the Council's Statement of Accounts in line with the NAO's 2015 Code of Audit Practice, International Standards on Auditing (UK), and other guidance issued by the NAO and issued a qualified audit report on 31 July 2019.

Our detailed findings were reported to the 25 July 2019 Standards and General Purposes Committee.

The key issues identified as part of our audit of the Council were as follows:

Significant Risk	Our focus	Conclusion
Misstatements due to fraud or error	Testing key areas that are susceptible to management bias, for example, areas of the accounts subject to estimation.	We have not identified any instances of inappropriate judgements being applied.
Misstatements due to fraud or error Inappropriate capitalisation of revenue	Testing capital additions and Revenue Expenditure Financed from Capital Under Statute (REFCUS) to a higher level of risk to ensure that the expenditure incurred and capitalised is clearly capital in nature. We also sought to identify and understand the basis for any significant journals transferring expenditure from revenue to capital codes on the general ledger at the end of the year.	We did not identify instances of the inappropriate capitalisation of revenue expenditure.
Property, Plant & Equipment (PPE) Asset Valuation	The reasonableness of the methodologies adopted by the valuer in undertaking their valuations in 2018/19 and of the key assumptions input into these valuations.	As a result of the Authority's ongoing work to improve PPE valuation processes and asset management records it made further amendments to asset valuations at 31 March 2018, reflected in the 2018/19 draft financial statements presented for audit. We found the Council's valuation methodologies and assumptions reasonable.
Pension Fund Risk of Management Override: Year end investment journals	We reviewed the year end manual journals in relation to the valuation of investments and the recognition of investment income.	We did not identify any misstatements or issues.

Financial Statement Audit (cont'd)

Our application of materiality

When establishing our overall audit strategy, we determined a magnitude of uncorrected misstatements that we judged would be material for the financial statements as a whole.

Item	Thresholds applied
Planning materiality	<p>For the main Council we determined planning materiality to be £9.9m for the single entity financial statements and £10m for the group, which are 1.8% of gross revenue expenditure reported in the accounts. We consider the gross spending of the Council and Group to be one of the principal considerations for stakeholders in assessing the financial performance of the Council.</p> <p>For the Pension Fund we determined planning materiality to be £7.2m, which is 1% of net assets reported in the accounts. We consider the net assets of the Pension Fund to be one of the principal considerations for stakeholders in assessing the financial performance of the Fund.</p>
Reporting threshold	<p>We agreed with the Standards and General Purposes Committee that we would report to the Committee all audit differences in excess of £495,000 for the single entity Council accounts and £501,000 for the group.</p> <p>We also agreed a reporting threshold of £360,000 for the Pension Fund financial statements.</p>

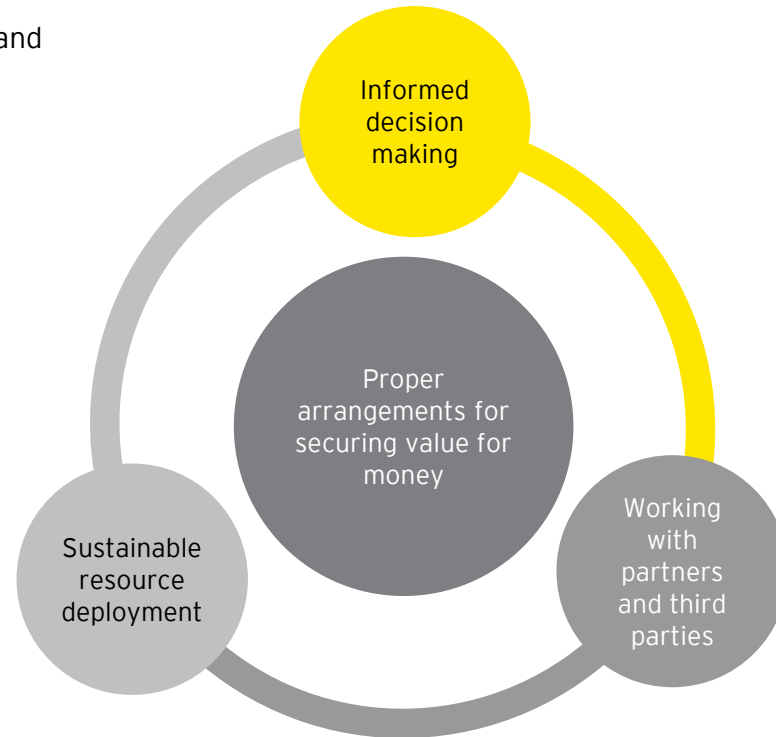


04 Value for Money

We are required to consider whether the Authority has put in place 'proper arrangements' to secure economy, efficiency and effectiveness in its use of resources. This is known as our value for money conclusion.

Proper arrangements are defined by statutory guidance issued by the National Audit Office. They comprise your arrangements to:

- ▶ Take informed decisions;
- ▶ Deploy resources in a sustainable manner; and
- ▶ Work with partners and other third parties.



We identified one significant risk in relation to challenging financial outlook the Council faces and its arrangements for deploying resources in a sustainable way.

We have performed the procedures outlined in our audit plan and we included details of our findings in the Audit Results Report. We did not identify any significant weaknesses in the Authority's arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

We therefore had no matters to include in the auditor's report on the value for money conclusion.



05

Other Reporting Issues



Other Reporting Issues

Whole of Government Accounts

We are required to perform the procedures specified by the National Audit Office on the accuracy of the consolidation pack prepared by the **Authority** for Whole of Government Accounts purposes.

We have completed our work in this area and have no issues to report.

Annual Governance Statement

We are required to consider the completeness of disclosures in the Authority's annual governance statement, identify any inconsistencies with the other information of which we are aware from our work, and consider whether it is misleading.

We completed this work and did not identify any areas of concern.

Report in the Public Interest

We have a duty under the Local Audit and Accountability Act 2014 to consider whether, in the public interest, to report on any matter that comes to our attention in the course of the audit in order for it to be considered by the **Authority** or brought to the attention of the public.

We did not identify any issues which required us to issue a report in the public interest.

Written Recommendations

We have a duty under the Local Audit and Accountability Act 2014 to designate any audit recommendation as one that requires the Council to consider it at a public meeting and to decide what action to take in response.

We did not identify any issues which required us to issue a written recommendation.

Objections Received

We did not receive any objections to the 2018/19 financial statements from members of the public.

Other Powers and Duties

We identified no issues during our audit that required us to use our additional powers under the Local Audit and Accountability Act 2014.

Other Reporting Issues (cont'd)

Independence

We communicated our assessment of independence in our Audit Results Report to the Audit Committee on 19 July 2019. In our professional judgement the firm is independent and the objectivity of the audit engagement partner and audit staff has not been compromised within the meaning regulatory and professional requirements.

Control Themes and Observations

As part of our work, we obtained an understanding of internal control sufficient to plan our audit and determine the nature, timing and extent of testing performed. Although our audit was not designed to express an opinion on the effectiveness of internal control, we are required to communicate to you significant deficiencies in internal control identified during our audit.

We have adopted a fully substantive audit approach and have therefore not tested the operation of controls.

Our audit did not identify any significant deficiencies in internal control. However we did identify some areas for improvement as a result of our 2018/19 IFM procedures:

- Although there is a positive direction of travel further work is required to continue to improve the completeness of the Authority's corporate contract register and consistency of its procurement and contract management arrangements more generally.
- The Authority should seek to fully address the priority 1 recommendations raised by Internal Audit relating to its CM2000 electronic care monitoring system.
- The ongoing review of controls in the E5 General Ledger and associated systems should be fully completed.



06

Focused on your future



Focused on your future

The Code of Practice on Local Authority Accounting in the United Kingdom introduces the application of new accounting standards in future years. The impact on the Council is summarised in the table below.

Standard	Issue	Impact
IFRS 16 Leases	<p>It is currently proposed that IFRS 16 will be applicable for local authority accounts from the 2020/21 financial year.</p> <p>Whilst the definition of a lease remains similar to the current leasing standard; IAS 17, for local authorities who lease a large number of assets the new standard will have a significant impact, with nearly all current leases being included on the balance sheet.</p> <p>There are transitional arrangements within the standard and although the 2020/21 Accounting Code of Practice for Local Authorities has yet to be issued, CIPFA have issued some limited provisional information which begins to clarify what the impact on local authority accounting will be. Whether any accounting statutory overrides will be introduced to mitigate any impact remains an outstanding issue.</p>	<p>Until the 2020/21 Accounting Code is issued and any statutory overrides are confirmed there remains some uncertainty in this area.</p> <p>However, what is clear is that the Council will need to undertake a detailed exercise to identify all of its leases and capture the relevant information for them. The Council must therefore ensure that all lease arrangements are fully documented.</p>
IASB Conceptual Framework	<p>The revised IASB Conceptual Framework for Financial Reporting (Conceptual Framework) will be applicable for local authority accounts from the 2019/20 financial year.</p> <p>This introduces;</p> <ul style="list-style-type: none"> - new definitions of assets, liabilities, income and expenses - updates for the inclusion of the recognition process and criteria and new provisions on derecognition - enhanced guidance on accounting measurement bases - enhanced objectives for financial reporting and the qualitative aspects of financial information. <p>The conceptual frameworks is not in itself an accounting standard and as such it cannot be used to override or disapply the requirements of any applicable accounting standards.</p> <p>However, an understanding of concepts and principles can be helpful to preparers of local authority financial statements when considering the treatment of transactions or events where standards do not provide specific guidance, or where a choice of accounting policies is available.</p>	<p>It is not anticipated that this change to the Code will have a material impact on Local Authority financial statements.</p> <p>However, Authorities will need to undertake a review to determine whether current classifications and accounting remains valid under the revised definitions.</p>



07

Audit Fees

Audit Fees

Main Council

For the main Council our proposed fee for 2018/19 reported in our Audit Results Results Report. We have agreed the additional fees with the Corporate Director Resources.

	Final Fee 2018/19 (£)	Planned fee 2018/19 (£)	Final Fee 2017/18 (£)
Scale Fee - Code work	110,493	110,493	143,498
Additional fees			
- Additional work on PPE	14,560	5,000-15,000*	20,000
- MRP review	-	-	4,500
- Letter from member of the public	-	-	9,000
- Additional work arising from change in materiality and clearance audit queries	23,500	15,000-25,000*	52,000
- Additional work arising from McCloud issue	850	-	-
Total audit	149,403	130,493-150,493	228,998
Non-audit services - Housing Benefits		40,000	51,227
Non-audit services - Teachers' Pensions limited assurance	TBC	TBC	8,500
Total other non-audit services	TBC	TBC	59,727
Total fees	TBC	TBC	288,725

Notes:

* We included a range of additional fees to reflect the additional work we estimated we needed to undertake in respect of the risks we reported in our plan. We have agreed the actual final additional fees with the Council and are seeking agreement with Public Sector Audit Appointments Limited (PSAA).

All fees exclude VAT

Audit Fees

Pension Fund

For the Pension Fund our proposed fee for 2018/19 reported in our Audit Results Results Report.

	Final Fee 2018/19 £	Planned Fee 2018/19 £	Scale Fee 2018/19 £	Final Fee 2017/18 £
Total Audit Fee - Code work	18,170*	16,170	16,170	21,000

* Includes a proposed fee of £2,000 for additional work arising from the significant changes made to the Fund's investment holdings during the year, movement of funds into LCIV and the resulting in changes in fund manager and custodian arrangements. We have agreed the additional fee with management but it remains subject to approval by PSAA.

All fees exclude VAT

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Page 25



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Committee: Standards and General Purposes

Date: 7 November 2019

Agenda item:

Wards:

Subject: Internal Audit Progress Report

Lead officer: Caroline Holland – Director of Corporate Services

Lead member: Peter McCabe Chair of the standards/GP Committee

Forward Plan reference number:

Contact officer: Margaret Culleton Head of Internal Audit

Tel. 020 8545 3149 margaret.culleton@merton.gov.uk

Recommendation:

That Members note the report and comment upon matters arising from the Internal Audit Progress Report

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report summarises the work carried out by Internal Audit up to October 2019 and the key areas of activity planned for the remainder of the year.
- 1.2 Internal Audit seeks to ensure that Merton's financial and other systems adhere to recognised standards and that public accountability can be demonstrated and is transparent.
- 1.3 Internal Audit is responsible for conducting an independent appraisal of all the Council's activities, financial and otherwise. It provides a service to the whole Council, including Members and all levels of management. It is not an extension of, nor a substitute for, good management. The Internal Audit Service is responsible for giving assurance on all control arrangements to the General Purposes Committee and the Director of Corporate Services (also known as the Section 151 Officer); it also assists management by evaluating and reporting to them the effectiveness of the controls for which they are responsible.

2. Details

- 2.1 Since April 2019, we have finalised 15 audit reviews and have 9 reports at draft stage.
- 2.2 In order to contribute to the Annual Governance Statement all Internal Audit reports give an audit assurance as follows:
 - a) Full Assurance
 - b) Substantial Assurance

- c) Limited Assurance
- d) No assurance

2.3 In addition each recommendation is given a high, medium or low risk priority. All recommendations are followed up by Internal Audit to ensure that they have been implemented.

3 Progress against the Plan

3.1 Progress against the 2019/20 plan as at 14 October 2019 is as follows

	Audits	Days
Number of audits in the plan	48	
Audit Days delivered*		366
Number of audits finalised	15	
Number of audits at draft report stage	9	
Number of audits in progress	16	
Number of audits booked to start	8	

* audit plan days is 765

3.2 At the time of this report, approximately 48% of the plan has been completed on the basis of number of days delivered. The plan days are expected to be delivered by year end.

Planned Audit Reviews

3.3 Since April, 80% of audit assurance reports issued (final and draft) have provided Substantial Assurance.

- 12 final assurance reports, 11 Substantial Assurance and 1 Limited Assurance (2 grant claims and 1 advisory).
- 8 draft assurance reports, 5 Substantial Assurance and 3 Limited Assurance (1 advisory). Further details of these will be provided once the reports are finalised.

3.4 Internal Audit follow-up audit actions to seek assurance that the weaknesses in controls have been strengthened.

Additional audit reviews

3.5 Internal audit attends Department Management Teams a number of times throughout the year to discuss progress against the plan and to review the audits which are still to be undertaken to ensure they are still relevant and timely. Additional requests for work are also received from managers and reviews are undertaken in areas where fraud has occurred to ensure that controls are sufficient.

3.6 Internal Audit has undertaken two additional advisory review this year voluntary

sector and compliance with the transparency agenda.

Procurement/contract

- 3.7 There are eight contract audits on the plan for this year, to date one audit has been finalised;
- Contract Monitoring of Commissioned Services - Limited assurance (previously reported to committee in July 2019)
- 3.8 The following contract audits are in progress;
- Adult learning contract,
 - Block and Extra Care contracts
 - South London Waste Partnership (Waste Collection)
 - South London Waste Partnership (Parks)
- 3.9 The other audit reviews due to be undertaken are;
- Corporate Procurement-follow up (previous Limited Assurance)
 - Procurement compliance
 - Public Health

IT systems

- 3.10 There are 3 IT audits are the audit plan, these cover:
- iTrent IT application controls (joint service led by Kingston and Sutton) – Draft report -Substantial assurance.
 - Payment Card Industry Data Security Standard- Draft- Limited
 - IT Disaster Recovery – due to start

Financial systems

- 3.11 The following key financial systems progress on the audit plan is as follows:-
- Treasury Management -Final - Substantial assurance
 - Payroll – Draft - Substantial assurance
 - Pension Administration (joint service) -Substantial assurance
 - Accounts Receivable – In progress
 - Council Tax – In progress
 - Cash & Bank – due to start
 - Capital programme – due to start
- 3.12 Other financial audit progress:
- Petty Cash Imprests -Final -Substantial assurance
 - BACS/CHAPS – Draft- Limited assurance.

Schools

- 3.13 The number of schools audited each year has reduced and is undertaken on a risk based approach. We currently have 48 schools on the audit plan and aim to complete audits in six schools each year. The schools selected for audit will be a mixture of those not audited for several years and those with potential budgetary or other concerns.
- 3.14 To date we have finalised three school audit reports with Substantial assurance, one draft with Substantial Assurance and one school audit in progress.
- 3.15 Where schools have received a Limited Assurance report, a copy is sent to the Chair of Governors and to the finance team supporting schools so that they can offer additional support.

Service Specific

- 3.16 Other audits undertaken have been grouped into 'service specific' type audits. To date, 4 reviews have been finalised with Substantial assurance, 2 are at draft stage, 1 with a Limited Assurance (Tree Maintenance).

Governance

- 3.17 We have 3 governance reviews on the plan, one has been finalised (GDPR) with Substantial Assurance, an advisory report on compliance with the Transparency agenda and one at draft with a Substantial assurance- FOI/Subject Access Requests.
- 3.18 We are also following up implementation of audit actions on Declaration of Interests (officers), a Limited Assurance review finalised in January 2019.

4. Following up on the Implementation of Agreed Actions

- 4.1. The agreed actions for audits completed have been followed up. At the time of this report there were:-
- 7 actions (3%) outstanding from 2018/19 with implementation dates due end of November 2019. (Total actions this year 252).
 - 37 audit actions (23%) are due to be implemented from the 2019/20 audit plan (Total actions 162). 7 of these actions are for schools.
- 4.2 Follow up reminders are sent out monthly to officers responsible for implementing the agreed actions when the due date is reached, to ascertain whether the actions have been implemented.
- 4.3 If the actions have not been implemented by the following month reminders are escalated to Heads of Service/ Assistant Director Level. Once they reach 3 months overdue a report is then sent to Directors for those actions.

- 4.4 As at the 14 October there were no audit actions overdue by more than 3 months.
- 4.5 Where there are overdue actions Internal Audit contacts the manager to seek explanations for the delays in implementing these recommendations. If an action remains outstanding, these audit areas are considered for a follow up audit review.

5. ALTERNATIVE OPTIONS

- 5.1 None for the purposes of this report.

6 CONSULTATION UNDERTAKEN OR PROPOSED

- 6.1 The Internal Audit Plan has been agreed with Chief Officers who have consulted with their Management Teams. Service Level Agreements are in place. The Head of Internal Audit has periodic meetings with the Directors to report upon progress against the Plan.
- 6.2 All audit reports are discussed with the relevant manager prior to issuing as a draft, further meetings are held if required and comments from the Manager and Head of Service/Assistant Directors are included in the final report.

7 TIMETABLE

- 7.1. None for the purposes of this report.

8 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 8.1 The planned work and unplanned work is undertaken within the budget allocated.

9 LEGAL AND STATUTORY IMPLICATIONS

- 9.1 This report sets out a framework for Internal Audit to provide a summary of internal audit work for 2019/20. Section 151 of the Local Government Act 1972 (and subsequent legislation) requires the proper administration of all financial affairs within the Council. The provision of an Internal Audit service is integral to the financial management at Merton and assists in the discharge of these statutory duties.

10. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 10.1 Effective and timely auditing and advice enables Departments, Voluntary Organisations and Schools to provide quality services to their clients. These client groups are often vulnerable members of the community, e.g. elderly people, disabled people, asylum seekers, members of staff and voluntary organisations. The audit service helps to identify weak financial management and sometimes reflects weaknesses in other operational systems such as quality and ethnic monitoring. Audit, therefore, has a crucial role in ensuring that Council resources are used to enable a fair access to quality services.

11 CRIME AND DISORDER IMPLICATIONS

- 11.1 There are no specific crime and disorder implications arising from this report.
- 11.2 The report does however include brief details of potential fraud investigations in progress.

12 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 12.1. The Audit Plan has a risk assessment formula built into the process. This takes such aspects as expenditure, income, and previous audit findings into account and calculates priorities and the frequency of the audit.
- 12.2. In addition to the audit risk assessment formula the Corporate Risk Register is consulted during the production of the Internal Audit Plan.
- 12.3. The audit brief at the beginning of the audit, and the internal audit reports at the end of the audit also identify risks. Audit Recommendations are categorised high, medium or low priority in relation to the level of risk involved.

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

- Appendix A – Audit reports issued since April 2019.

BACKGROUND PAPERS

- i. Documents held in Internal Audit Files

Audits since April 2019

Appendix A

Audit Title	type of audit	Dept	Final Report Date	Assurance
Pensions Administration Shared services	Financial	CS	18/04/2019	Substantial
Reviews of Care Plans	Service specific	CH	24/04/2019	Substantial
Contract Monitoring of Commissioned Services	Contract	CH	29/04/2019	Limited
Monitoring of School Returns	Service specific	CS	09/07/2019	Substantial
Treasury Management	Financial	CS	06/06/2019	Substantial
Petty Cash Imprests	Financial	CS	25/04/2019	Substantial
GDPR	Governance	CS	22/08/2019	Substantial
Interim staff	Service specific	CS	11/06/2019	Substantial
Abbotsbury Primary School	School	CSF	13/05/2019	Substantial
Voluntary organisation review	Service specific	CH	23/04/2019	advisory
Singlegate Primary School	School	CSF	11/04/2019	Substantial
Garfield Primary School	School	CSF	04/04/2019	Substantial
Unaccompanied Asylum Seeking Children	Service specific	CSF	03/10/2019	substantial
Merton & Sutton Joint Cemetery Board 2019-20	Accounts	CS	11/06/2019	n/a
Mayors Office (Charitable Trust) 2019-20	Accounts	CS	09/10/2019	n/a
Deprivation of liberty safeguards assessments	Service specific	CH	Draft	substantial
Transparency agenda	Governance	All	Draft	advisory
Payroll	Financial	CS	Draft	Substantial
iTrent Application	IT	CS	Draft	Substantial
Tree Maintenance	Service specific	ER	Draft	Limited

BACS-CHAPS	Financial	CS	Draft	Limited
Bond Primary School	School	CSF	Draft	Substantial
Foi's and Subject Access Requests	Governance	CS	Draft	Substantial
Payment Card Industry Data Security Standard compliance	IT	CS	Draft	Limited
Troubled Families Grant	grant	CSF		in progress
Duplicate Payment check	Financial	CS		in progress
Accounts Receivable	Financial	CS		in progress
Valuations	Service specific	ER		in progress
Pre Paid Cards	Financial	CS		in progress
Planning Application	Service specific	ER		in progress
Penalty Charge Notices (PNC)	Service specific	ER		in progress
Corelogic Mosaic	Financial	CH/CSF		in progress
Council Tax	Financial	CS		in progress
SLWP - refuse contract	Contract	ER		in progress
SLWP - parks contract	Contract	ER		in progress
Block and Extra care Contracts	Contract	CH		in progress
Adult Learning Contract	Contract	CH		in progress
Direct Payments	Service specific	CH		in progress
Purchasing Cards Expenditure	Financial	CS		in progress
Perseid School	School	CSF		in progress

Committee: Standards and General Purposes

Date: 7 November 2019

Wards:

Subject: Fraud Update

Lead officer: Caroline Holland – Director of Corporate Services

Lead member: Councillor Peter McCabe Chair

Contact officer: Kevin Holland – Head of Shared Fraud Partnership

Tel.-020 8871 6451

kevin.holland@richmondandwandsworth.gov.uk

Recommendation:

-
- 1. That members note the Fraud Progress report and comment on the matters arising from it**
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 One of the responsibilities of the Committee is to monitor the Council's arrangements to protect the Council from fraud and corruption, including the Anti-Fraud & Anti-Corruption Policy and the Whistle Blowing Policy.

1.2 This report is provided to the Committee to provide assurance over the arrangements for protecting the Council against fraud and corruption. Merton Council entered into a shared fraud investigation service, known as the South West London Fraud Partnership (SWLFP), with Kingston, Richmond, Sutton & Wandsworth Councils from 1 April 2015 to ensure that an effective fraud investigation and prevention service would be maintained following the transfer of benefit fraud investigation to the Department for Work and Pensions (DWP).

1.3 The bringing together of retained knowledge and expertise under a single team strengthens resilience for individual authorities, enabling a collaborative approach to fraud investigations and introduces the ability to undertake regional proactive counter fraud exercises. Individual partner authorities retain responsibility for ensuring that its affairs are managed in accordance with proper standards of financial conduct and for preventing and detecting fraud and corruption.

2 DETAILS

2.1 For 2019/20 the SWLFP investigation team comprises 14.5 posts, with a mixture of expertise from both within and outside local government. 12 officers hold relevant Accredited Counter Fraud Specialist qualifications. The SWLFP has the ability to deploy flexible resources with knowledge and experience to provide coverage across a range of counter-fraud activities.

2.2 Priority areas of coverage for individual partner Councils are agreed through consultation with the Shared Services Board and the Heads of Audit. The SWLFP continues to work closely with the Social Housing Providers in relation to concerns over tenancy fraud and abuse and facilitate the Social Housing Investigation Partnership (SHIP), a forum that is accessible to social housing providers who have property within at least one of the fraud partnership authorities. Partnership working provides a sound framework to help identify and respond to tenancy fraud and abuse resulting in the recovery of misused tenancies which can be assigned to those in genuine eligible need thus reducing the call upon temporary housing provided by local authorities.

3 Summary of Fraud Investigations and Performance Results

3.1 The Tables below summarise the fraud work undertaken for Merton Council, with Table1 summarising progress, to the end of August 2019, against the key fraud performance targets. In total, 187 fraud cases have been worked on (112 new cases, with 75 cases c/f from 2018/19) as a result of either referrals received or concerns highlighted through pro-active fraud drives since April 2019.

Table 1: Performance against key objectives and targets 2019/20

Activity	Performance Indicator	Target	Actual
Work with Housing Associations and Housing teams to establish and deliver a programme of proactive fraud checks including illegal subletting	Properties brought back into Housing Associations/ Council control following identification of fraud	9 properties	6 (a further 10 cases are with legal for recovery action)
Develop joint working with Housing teams to proactively identify housing fraud	Housing applications withdrawn as a result of fraud work	20 applications withdrawn	75
Delivery of the Fraud Plan	100% of the Fraud Plan	100% of the Fraud Plan	49.4% to end Aug (significant time is been spent on a number of internal/ employee referrals which will impact upon the resource available for the remainder of the year)

- 3.2 Tables 2 and 3 provide a breakdown of the fraud/abuse referrals that have been investigated and a summary of the value of fraud/overpayments and notional savings identified as a result of the fraud work undertaken, with comparisons to previous years.

Table 2: Summary of fraud referrals

	2019/20 to 31/08/19	2018/19	2017/18
Referral accepted in period for investigation by type:			
- Tenancy fraud/abuse	60	81	79
- Housing Applications	77	161	20
- Right to Buy	9	18	72
- Permit Fraud	7	12	18
- Internal- Employee	14	18	16
- External - CTR & SPD	4	12	25
- Other, e.g. admissions	16	13	n/a
Total referrals in period	187	315	230
Closed in period			
- Closed no fraud	27	56	106
- Closed with sanction	89	184	54
Referrals still under investigation	71	75	70

- 3.3 The number of referrals received are a reflection of the effectiveness of the implementation of the Council's Anti-Fraud and Anti-Corruption Strategy. This indicates a reasonable level of general fraud awareness by officers across all the Council's departments.
- 3.4 A summary of closed investigations into fraud and financial irregularity in 2019/20 up to 31 August is attached at Appendix A.

Table 3: Summary of Overpayments and Notional savings

(* notional savings figures as per Audit Commission estimates)	2019/20 To 31/08/19 £	2018/19 £	2017/18 £
Social Housing (notional @ £18k per property recovered*)	108,000 (4 prop)	162,000 (9 prop)	144,000 (8 prop)
Housing Applications Rejected (notional £6k per application cancelled)	450,000 (75 apps)	936,000 (156 apps)	108,000 (18 apps)
Right to buy (notional @ £100k discount)	400,000 (4 apps)	800,000 (8 apps)	1,400,000 (14 apps #)
Blue Badges & Parking Permit (notional @ £500 per case*)	500	1,000	2,500
Council Tax (identified overpayments and administrative penalties)	134	4,782	151
Other	10,000	36,000	12,133
Total actual and notional savings	968,634	1,939,782	1,666,784

Increased sanctions achieved in 2017/18 as a result of a targeted pro-active fraud drive.

4 Developments in Fraud Detection and Prevention

- 4.1 **Data Analytics LCFH:** The principles for maximising collaborative and smarter working through data sharing are behind the development of the LCFH. This hub is intended to provide a powerful fraud detection solution, combining advanced data matching with intelligent analytics and local government counter fraud expertise. Unlike the NFI it will not have a statutory basis that requires all authorities to provide their data so requires a decision from each Council.
- 4.2 Whilst having passed the initial proof of concept stage with the involvement of four pilot authorities, challenges have been raised over the cost and payment method resulting in a proposed change in payment method from a payment by results to a subscription-based model. Prior to any roll out to London Councils, the proposed change in payment model has required the lead authority to obtain further legal advice which is still awaited.

- 4.3 **National Fraud Initiative (NFI) 2018:** The NFI, which started in 1996, continues to prove an effective tool for detecting and preventing fraud and error across the UK. Analysis of the financial outcomes from the most recent NFI 2016/17 data matching exercise shows that the NFI exceeded its highest level of fraud, error and overpayments achieved in any two-year reporting period since it began in 1996. Cumulatively the NFI has now enabled participants to prevent and detect fraud and overpayments totalling £1.69 billion.
- 4.4 Participation is mandatory with all local authorities providing datasets for the NFI, Part 6 of the Local Audit and Accountability Act (LAAA) 2014. The SWLFP coordinate the submission of the required datasets, during October and November, and distributing matches to front line service teams. Where fraud is suspected cases are referred back to the SWLFP for investigation.
- 4.5 **On-line Fraud Awareness Training:** An on-line fraud awareness training package, aligned to Merton's policies and procedures, has been made available for all officers to increase awareness and understanding of how and to who suspicions of fraud or irregularity should be reported. With continual changes in staffing and staff roles regular reminders on fraud awareness helps support and robustly maintain the Council's Anti-Fraud and Anti-Corruption Strategy and Culture.

5 Local Government Transparency Code.

- 5.1 Under the code the Council is required to publish the following data regarding its Fraud Investigation activity. Listed below are 2018/19 figures to 30 September (with 2017/18 comparative figures shown within brackets)

Accredited number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers	19/20 [to 31/08/19]	(18/19)
Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014	3	14
The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	0	3
Total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud	Absolute	FTE
Fraud Investigation - SWLFP #	15	14.5
Total number (absolute and full time equivalent) of professionally accredited counter fraud specialists		
PINS trained Fraud Specialist	7 (6)	7.0 (6.0)
CIPFA Certificate in Investigative Practices	1 (2)	1.0 (2.0)

CIPFA Accredited Counter Fraud Specialist	4 (4)	4.0 (4.0)
Total amount spent by the authority on the investigation and prosecution of fraud	19/20 [forecast as at 31/08/19]	(18/19)
Other Fraud Investigation	£123.3k	£121.4k
Total number of fraud cases investigated.	[to 31/08/19]	18/19
Housing/Tenancy related Investigations	60	81
Housing Applications	77	161
Right to Buy	9	18
Permit Fraud Investigation	7	12
Other Investigations	34	43
TOTAL	187	315

5.2 To ensure that sufficient knowledge and capability for fraud investigation Merton Council entered into a partnership with four neighbouring boroughs, the SWLFP. The Council has access to the pool of trained fraud investigation officers dependent upon the demands of any individual fraud referral. # Merton's funding contribution for 2019/20 equates to 2.0 FTE Investigators.

6 Conclusion

6.1 The use of technology and ongoing improvements to accessing key systems, intelligence sources and records for fraud detection and prevention means that the fraud response capability has been able to manage and address the number of fraud referrals and promote fraud awareness.

6.2 Members should be assured that the systems are in place for the identification and investigation of allegations of fraud. The majority of referrals are received from in-house teams which is a good indication that a reasonable level of fraud awareness exists across all Council staff supported by the Council's Anti-Fraud and Anti-Corruption Strategy and culture.

6.3 The Council has made suitable provision for the investigation and prevention of fraud and corruption.

6.4 ALTERNATIVE OPTIONS

6.4.1 None for the purposes of this report.

6.5 CONSULTATION UNDERTAKEN OR PROPOSED

6.5.1 None for the purposes of this report.

6.6 TIMETABLE

6.6.1 Fraud Plan update 2019/20

6.7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.7.1 The investigation work is undertaken within the budget allocated

6.8 LEGAL AND STATUTORY IMPLICATIONS

6.8.1 NFI participation -Local Audit and Accountability Act (LAAA) 2014

6.9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

6.9.1 Human Rights implications are considered in the conduct of all investigations. For example if directed surveillance is felt necessary this will be carried out in accordance with the Regulation of Investigatory Powers Act 2000.

6.9.2 Investigations will take into consideration Equality and Diversity implications. Investigations may reveal weaknesses in financial management and other monitoring systems, e.g. ethnic monitoring. Ensuring action is then taken in respect of these weaknesses plays a role in ensuring that Council Resources are used to enable fair access to quality services.

6.10 CRIME AND DISORDER IMPLICATIONS

6.10.1 Not applicable

6.11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

6.11.1 Each allegation is considered on a risk basis as to the amount of resources that should be employed in the investigation.

6.11.2. Some allegations involve Health and Safety matters and these are referred to the appropriate Council Section for investigation

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

- Appendix A closed cases

6.12 BACKGROUND PAPERS

6.12.1 Held by the South West London Fraud Partnership.

GLOSSARY

CIPFA	Chartered Institute of Public Finance and Accountancy
CTR	Council Tax Reduction
DWP	Department for Work and Pensions
FTE	Full Time Equivalent
LAAA	Local Audit and Accountability Act
LCFH	London Counter Fraud Hub
NFI	National Fraud Initiative
PINS	Professionalism IN Security
SHIP	Social Housing Investigation Partnership
SPD	Single Person Discount
SWLFP	South West London Fraud Partnership

FRAUD, CORRUPTION AND FINANCIAL IRREGULARITIES – RESULTS OF CASES CLOSED 01/04/19 to 31/08/19

Offence/irregularity, sanctions and redress	Key outstanding actions
<p><u>Housing Fraud:</u></p> <p>1. (3206) Suspected Abandonment: Referral from Clarion following several unsuccessful visits to contact tenant. Investigation identified tenant's links to Doncaster. Utilities checks confirmed minimal usage and repossession action with the issue of notices commenced. Tenant's response was to surrender possession on expiry of these notices.</p>	None
<p>2. (4572) Suspected Subletting: Referral from Clarion following forced entry to the property by police. Investigation confirmed that property showed signs of occupation and post, including Companies House documents addressed to individuals other than the tenant. The tenant was served with notices and following a Court hearing, possession was awarded, and an eviction was carried out. Further details from suspected sub-tenants were not forthcoming so it was not possible to take any further action for alleged sub-letting.</p>	None
<p>3. (5383) Suspected Subletting: Referral from Clarion following unknown female being found at the property. Investigation commenced and further contact attempts found an unknown male at the address who claimed to be just visiting. Credit search identified that the tenant had no financial links at the property and additional enquiries showed the tenant was no longer the recorded liable party for utilities. Notices served resulting in the tenant returning the keys. Further details from suspected sub-tenants were not forthcoming so it was not possible to take any further action for alleged sub-letting.</p>	None
<p>4. (3864) Suspected abandonment: Referral from Clarion due to the tenant not being seen at the property for some time. The estate officer had only ever spoken with the tenant's daughter via phone as part of support plan checks. Intel checks revealed that the tenant had been in the Philippines for the last 4 years. Notices issued and possession was awarded at a Court hearing and an eviction was carried out.</p>	None
<p>5. (4019) Suspected Subletting: Referral from Clarion following receipt of suspected false Right To Buy application. Intel checks identified that the tenant has been in Morocco for substantial periods whilst their adult son had remained in residence. Notices served and possession was awarded at a Court hearing and an eviction carried out.</p>	None
<p>6. (4534) Suspected Abandonment: Referral from Clarion due to gas access failure. Further joint visits conducted proved unsuccessful and a court order for a forced entry to carry out the gas safety inspection was obtained. Intel checks on the tenant failed to return current links with this tenancy or alternative address links. Notices served and following expiry possession was awarded at a Court hearing and an eviction carried out.</p>	None

Offence/irregularity, sanctions and redress	Key outstanding actions
<p><u>Right to Buy:</u></p> <p>7. Since 01/04/19 the SWLFP have reviewed 9 applications. Priority is given to applications where the tenants are receiving Housing Benefit. Home visits are arranged to confirm funding source for purchase, at which point some applicants withdraw their application. After an offer is made the applicants are requested to provide evidence of the financing. Following intervention, including visits, 2 referrals have been closed with no further action required and 4 referrals have been closed with the applicants withdrawing their application (2586, 3294, 3396, 4019). A further 3 referrals are still being examined, with applicants' details being cross-checked with other Council systems and visits being arranged where needed.</p>	<p>The SWLFP continues to review right to buy applications referred and carry out visits or interviews with applicants to help validate their application.</p>
<p><u>Council Tax Reduction:</u></p> <p>8. (4966) CTR, Undisclosed Capital: Referral received as part of an Kingston Right to Buy application in which the Merton residents had written a letter declaring that they were gifting the Kingston tenants a large amount of money to fund their purchase. The Merton residents were found to be in receipt of CTR and had not declared the Capital. The claimants did not respond to requests to interview and an overpayment of £134.44 was created.</p>	<p>None</p>
<p><u>Permit Fraud:</u></p> <p>9. (5366) Suspected Blue Badge Misuse: Anonymous referral that a Blue Badge had been seen in use and the badge holder was known to be deceased. The vehicle was seen parked outside an address as reported but the badge was not on display. The household occupants were questioned about the whereabouts of the badge. The badge was eventually returned to the officer and seized and having confirmed that the badge holder was deceased the badge was cancelled. As no offence had been observed no further action could be taken</p>	<p>None</p>
<p><u>Employee Fraud:</u></p> <p>10. (3497) Suspected Forged or Falsified Documents: Referred by in-house parking team as representations had been received regarding a PCN from a member of staff at Merton Council. Investigations showed that the employee's father had requested that she look into a PCN and that some documents emails had been fabricated by the employee in order to void the PCN. Interview arranged but officer failed to attend. The officer resigned ahead of any formal disciplinary process.</p>	<p>None</p>

Offence/irregularity, sanctions and redress	Key outstanding actions
<p>11. (5195) Suspected Misuse of Work Time: Referred by Manager who found out that one of his team who was to be undertaking two positions at Merton and suspected that there might be some duplication in hours being claimed. When interviewed the employee claimed that all the necessary paperwork was in place for this arrangement and it had been agreed with his previous manager. There was no record to substantiate these claims. The investigation also identified that the employee had been undertaking his secondary role whilst reporting as unfit to work and being signed off sick from his primary role. Formal disciplinary process commenced but during the process the employee resigned.</p>	None

Glossary

CTR	Council Tax Reduction
PCN	Penalty Charge Notice
SWLFP	South West London Fraud Partnership

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Standards and General Purposes Committee

Date: 7 November 2019

Subject: Complaints & Member Enquiries 2018/19

Lead officer: Monica Coleman, Complaints Team Manager

Lead member: Councillor Mark Allison

Contact officer: Monica Coleman, Complaints Team Manager x3573

Recommendations:

This report is for information only.

1. Executive summary

- 1.1 This report gives an overview of the performance of the council during 2018/19 in responding to complaints and member enquiries.
- 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
- 1.3 The number of complaints and member enquiries received by the council continues to increase year on year.

2. Details

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) enquiries and member enquiries are monitored by the Complaints team, who provide a single point of contact for complaints by phone, email or letter.
- 2.2 Performance for the number of complaints dealt with in time; the number of complaints escalated to Stage 2; and LGSCO enquiries answered in time, are corporate performance indicators.
- 2.3 The council's complaints response timescales (excluding social care complaints) are as follows:
 - Stage 1 within 20 working days; and
 - Stage 2 within 25 working days.
- 2.4 Social Care complaints are subject to statutory procedures. Adult Social Care complaints have a one stage process with a response deadline of 25 working days, which can be extended to a maximum of 65 working days. A separate

report is included on performance in relation to Adult Social care complaints, see Appendix A. In Children's Social Care, the timescales are:

- Stage 1 within 10 (up to 20) working days;
- Stage 2 within 25 (up to 65) working days; and
- Stage 3 within 30 working days.

3. Complaints

3.1 The overall total shows a 7% increase for complaints received (Stage 1, 2 and policy, including social care complaints) from 1,765 in 2017/18.

	Stage 1	Stage 1 social care	Policy	Stage 2	Totals
Children, Schools and Families	43	14	0	9	66
Community and Housing	30	47	0	1	78
Corporate Services	204		1	22	227
Environment and Regeneration	1,313		58	152	1,523
Totals	1,590	61	59	184	1,894

3.2 In 2018/19 1,590 non-social care Stage 1 complaints were received. A slight decrease of 0.75% from 2017/18 of 1,602. However, it must be noted that the year before of 2016/17 had a 93% increase in Stage 1 complaints.

Stage 1 Non-Social Care Complaints	2016/17	2017/18	2018/19	% change from 2017/18	% of borough complaining*
Children, Schools & Families	47	47	43	-9%	0.05%
Community & Housing	77	41	30	-27%	0.03%
Corporate Services	166	153	204	+33%	0.24%
Environment & Regeneration	540	874	1,313	+50%	1.56%
Total	830	1,602 inc. CRM	1,590	-0.75% increase	1.89%

*Based on 83,950 properties in the borough

Due to the way in which the CRM system recorded complaints for part of 2017/18 only, there were a number of complaints that were logged but not allocated to a service therefore the percentage increase in statistics for departments may not be accurate.

- 3.3 A total of 184 complaints were escalated to Stage 2 across all departments in 2018/19. A 67% increase on 2017/18 representing 11% of all Stage 1 complaints being escalated, against a target of no more than 9%. This is also a 229% increase in Stage 2 complaints from 2016/17.

Stage 2	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	1	7	9	+29%
Community & Housing	1	1	1	0%
Corporate Services	12	15	22	+47%
Environment & Regeneration	42	67	152	+127%
Total	56	90	184	+104%
Total including CRM figures		110*		+67%

* CRM data so may not be accurate

- 3.4 In 2018/19, 42 Stage 1 social care complaints were received.

Stage 1 Social Care	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	14	12	14	+17%
Community & Housing	21	30	47	+57%
Total	35	42	61	+45%

- 3.5 One Stage 2 Social Care complaint was received in 2018/19 but was withdrawn as it was discovered that it did not meet the criteria to be investigated under the Social Care regulations. No Stage 3 Social Care complaints were received.

- 3.6 In-time complaints responses (including social care) decreased at both Stage 1 and Stage 2 from 2017/18 with a 20% drop in performance at Stage 1 and 33% drop in performance at Stage 2.

	% responses on time			
Stage 1 Complaints – see 3.2 for numbers received	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	57%	57%	42%	-15%
Community & Housing	69%	56%	65%	+9%
Corporate Services	96%	89%	81%	-8%
Environment & Regeneration	88%	50%	42%	-8%
Total	86%	67%	47%	

	% responses on time			
Stage 2 Complaints – see 3.3 for numbers received	2016/17	2017/18	2018/19	% change from 2017/18
Children, Schools & Families	0%	71%	33%	-38%
Community & Housing	100%	0%	100%	+100%
Corporate Services	100%	53%	41%	-12%
Environment & Regeneration	83%	57%	54%	-3%
Total	86%	86%	53%	

- 3.7 Complaints being upheld or partially upheld has increased at stage one as services are more readily accepting fault where it has occurred. The local offer of compensation totals £1,105 compared to £384 offered in 2017/18.

All Complaints	2016/17 upheld	Part upheld	2017/18 Upheld	Part upheld	2018/19 Upheld	Part upheld
Children, Schools & Families	18%	29%	9%	30%	30%	54%
Community & Housing	1%	26%	18%	24%	26%	32%
Corporate Services	22%	35%	16%	18%	19%	19.3%
Environment & Regeneration	55%	18%	51%	11%	68%	16%
Total	41%	23%	30%*	10%*	58%	14%
Total complaints upheld or part upheld	64%		59%*		72%	

* CRM data so may not be accurate

- 3.8 The Complaints team have been working closely with service areas to identify trends or areas that need to be addressed.
- 3.9 The services that customers complained about most frequently at Stage 1 are shown in the table below.

Service	2017/18	2018/19
Waste (Refuse)	245	380
Waste (Wheelie Bins)	N/A	238*
Waste (Garden)	126	160
Waste (Recycling)	79	144
Revenues	61	98
Waste (Street Cleaning)	78	78
Waste (Food)	92	75
Waste (other)	54	60
Planning	39	41
Waste (bulky)	0	29*
Benefits	39	23

*Policy change

4. Compliments

- 4.1 Compliments received by departments and logged by the Complaints team have increased by 161%. Some teams receive compliments directly so unless they are forwarded on to the Complaints team they are not logged.

Compliments	2016/17	2017/18	2018/19
Children's Schools & Families	31	20	42
Community & Housing	36	27	103*
Corporate Services	28	17	38
Environment & Regeneration	57	21	45
Total	152	85	222

*98 were for Adult Social Care

5. Policy Complaints

- 5.1 Policy complaints are defined as 'expressions of dissatisfaction with the council's policy in a specific service area', as opposed to dissatisfaction with or failure of a service to meet standards. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are made aware of the impact of their decisions. Policy

complaints cannot be escalated without an appeal. No requests for policy complaints to be escalated were received in 2018/19.

- 5.2 The Complaints team have worked to ensure that when a complaint is classed a policy complaint, that the service user is signposted to the relevant policy.
- 5.3 59 policy complaints were received in 2018/19. This is a 181% increase from the 21 received in 2017/18.

Policy Complaints	2016/17	2017/18	2018/19
Children, Schools and Families	1	0	0
Community and Housing	1	0	0
Corporate Services	2	0	1
Environment and Regeneration	17	21	58
Total	21	21	59*

* 51 complaints in relation to the new waste policy

6. Local Government and Social Care Ombudsman (LGSCO) Enquiries

- 5.1 The Annual Review letter from the LGSCO (published on the Ombudsman’s website) and local report has previously been presented to CMT and are attached as Appendix B and C.
- 5.2 The LGSCO received 106 enquiries about complaints against the council in 2018/19, a 13% increase from 94 in 2017/18.
- 5.3 The council received 52 ‘Decisions’ in 2018/19, however some of these decisions are made without any council input i.e. outside of jurisdiction.
- 5.4 The figures given by the LGSCO are 31 detailed investigations, with 22 decisions upheld in the same period (noting that some investigations may have commenced in the previous year and some may have not yet had a response) which gives a 71% upheld rate. It is common across the country to have a different number of detailed investigations from the LGSCO due to the way in which they record contact.
- 5.5 A total of £4,745 compensation or as a remedy was paid to complainants from service budgets, an increase of 41% from £3,375 the previous year. This was made up of £3,850 paid to complainants for time and trouble, distress or uncertainty following LGSCO decisions and £895 for either missed service provision or repayment of service charges.

5.6 A detailed breakdown of each payment can be seen as Appendix C with the breakdown by service as follows.

Service area	Amount of compensation ordered by LGSCO	
	2017/18	2018/19
Planning	£150	£0
Traffic and Highways	£0	£100
Council Tax Recovery	£150	£545
Education (SEN)	£1,900	£1,150
Children's Social Care	£0	£1,350
Housing	£200	£1,250
Greenspaces	£75	£0
Adult Social Care	£900	£350
Total	£3,375	£4,745

5.7 In 2018/19, the LGSCO introduced an additional requirement for councils to provide evidence of how they had carried out their recommendations.

5.8 In the Annual Letter for 2018/19 the LGSCO has stated that the council's handling of their enquiries was similar to the previous year 2017/18 with the same issues occurring; that the council was slow to implement the recommendations made; took too long to respond; and responses have not addressed matters fully. The LGSCO explains that such delays erode the confidence of complainants that their concerns are being taken seriously and has asked the council to take the necessary steps to address their concerns and review the council's complaint handling.

5.9 The response rate for LGSCO enquiries is 67% in time against the target of 90%.

Department	Received	In time	
Children, Schools and Families	3	2	67%
Community and Housing	13	7	54%
Corporate Services	9	7	78%
Environment and Regeneration	11	8	73%
Total	36	24	67%

5.10 The LGSCO has published some trend analysis of complaints it has investigated at <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

- 5.11 The table below shows the number of enquiries* received by the LGSCO by neighbouring authorities.

Authority Name	Total
London Borough of Bromley	139
London Borough of Croydon	213
London Borough of Merton	117
London Borough of Sutton	72
Royal Borough of Kingston upon Thames	61

*numbers may not be accurate due to the way in which the LGSCO / council records enquiries and some may not have ever been to the council.

7. Benchmarking

- 7.1 The Complaints team attends London wide complaints forums considering best practice issues and it contributes to the London Complaints Managers Group, which works with the LGSCO and other agencies.
- 7.2 This group are developing benchmarking statistics across all services, which Merton have already contributed to.

8. Member and MP Enquiries

- 8.1 During 2018/19 4,614 Member and MP enquires were received, a 56% increase from 2017/18.
- 8.2 Enquiries from the two Merton MPs make up around 56% of all enquiries. The figure is not a reflection of all member activity, as it does not include enquiries made by members directly to officers, which are dealt with as business as usual. Members are strongly encouraged to use the member enquiry service to ensure their enquiry is logged and performance can be reported and enable trends to be identified.

Department & Service Area with majority of enquiries	2016/17	2017/18	2018/19	% change from 2017/18
Children Schools & Families / Schools admissions & social work	124	128	190	+48%
Community and Housing / Housing Needs	1,049	849	1,104	+30%
Corporate Services / Revenues & Benefits	304	295	337	+14%
Environment & Regeneration / Traffic & Highways & Waste Services	1,495	1,677	2,983	+78%
Total	2,972	2,949	4,614	+56%

9. Service improvements and learning from complaints

- 9.1 There has been a continuing focus by the Complaints team on working with service managers to use complaints as useful feedback on customer concerns which help them to identify and prioritise service improvements.
- 9.2 It can be difficult to show that service improvements are a direct result of complaints, however, consideration of common complaints has influenced priorities in publishing information, i.e. policy documents / statements on the website.
- 9.3 Where complaints investigations have identified issues around professional practice, processes or individual performance, these have been taken up with the relevant service managers.
- 9.4 The Complaints Team Manager attends departmental management teams to maintain the profile of complaint handling by service managers and to discuss areas where performance needs to be addressed.
- 9.5 Members of the Complaints team attend service meetings on a regular basis to discuss particular complaints and how best to manage their progress.

10. Next Steps

- 10.1 The Complaints Team Manager is working with the Ombudsman to try to mitigate complaints escalating and reducing the number of cases where fault is found against the council by working to improve the investigation of the complaints and remedies offered.
- 10.2 There is an increased focus on responding to LGSCO enquiries promptly; ensuring all matters raised in the enquiry are addressed fully; and any recommendations are implemented in line with the LGSCO timescales.
- 10.3 The Ombudsman offers a number of training courses for service specific areas e.g. Planning and children's social care and also a more general course on effective complaint handling, which the council will be providing for relevant officers.
- 10.4 The Complaints team will be reviewing the feedback sent to the departmental management teams, to ensure it meets their needs.
- 10.5 The Complaints team has asked that they are informed of any planned changes to any services, so they can work with the service areas to develop standard responses in advance.
- 10.6 Information from member enquiries and freedom of information requests is being used to inform the publication of frequently requested data sets.
- 10.7 Benchmarking against other councils is planned in relation to LGSCO enquiries.

10.8 Managers have been reminded to send compliments to the Complaints team so they can be logged.

10.9 The biennial review is planned of the Complaints Policy.

11. Alternative options

11.1 Not produce or publish this report.

12. Consultation undertaken or proposed

12.1 The Complaints Officers and the Corporate Management team were consulted on this report.

13. Timetable

13.1 The LGSCO annual letter was received on 26 July 2019.

14. Financial, resource and property implications

14.1 Compensation at service level was £1,105 and compensation awarded by the Ombudsman was £4,475, totalling £5,580.

Service area	Total amount of compensation paid 2018/19
Waste	£175 (1x£100, 1x£25 and 1x£50)
SEN	£150 (1 payment)
Bailiffs (council tax)	£450 (1x£300,1x£150)
CSF (data breach)	£30 (1 payment)
Revenues (deferred payment scheme)	£300
Total	£1,105

15. Legal and statutory implications

15.1 The council has a number of legal and statutory obligations in relation to Adults and Children's social care complaints.

15.2 There is no statutory requirement to publish this report, however the council chooses to publish to demonstrate transparency.

16. Human rights, equalities and community cohesion implications

- 16.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.
- 16.2 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer. There were two in 2018/19 that required review. One was in relation to transphobia and was not upheld. The other was in relation to disability and was upheld as Waste Services did not make reasonable adjustments for the service user in a reasonable amount of time.

17. Risk management and health and safety implications

- 17.1 Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.
- 17.2 There is a risk that the Local Government and Social Care Ombudsman will report against the council which means the report is published outlining the council's failures.

18. Appendices – the following documents are to be published with this report and form part of the report

- 18.1 A. Adult Social Care Complaints Annual Review
- 18.2 B. LGSCO Annual Review Letter
- 18.3 C. LGSCO report 2018/19.

19. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 19.1 None

20. Report author

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Department: Community and Housing

Date: October 2019

Subject: Adult Social Care Complaints Annual Review

1. Report & executive summary

- 1.1 It is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, to produce an annual report about complaints made by, or on behalf of, people who receive support or services from Adult Social Care. This annual report also provides a mechanism by which the council can monitor the quality and effectiveness of services and of its complaints procedure.
 - 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
 - 1.3 This report provides an overview and analysis of all complaints received during the reporting period 1 April 2018 to 31 March 2019, including a summary of identified issues, examples of service improvement and details of future objectives for 2019/20. The report shows a slight jump in the number of complaints received this year compared to previous years.
 - 1.4 The report will be published on the council's website, and made available on request, to managers and staff, elected members, residents and inspection bodies.
-

2. Details

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) complaints are monitored by the Complaints team. Performance for the number of complaints dealt with in time, the number of complaints escalated to Stage 2 and LGSCO complaints answered in time are corporate performance indicators.
- 2.2 In line with the Local Authority Social Services and NHS Complaints Regulations 2009, the council has a one stage process for Adult Social Care complaints. The timescale for responding is 25 working days, which can be extended by 40 working days to a maximum of 65 working days.
- 2.3 The council will provide advice and support and work with complainants and social care providers to find an effective and swift resolution to complaints.

3. Stage One Complaints received

- 3.1 The total number of stage one Adult Social Care complaints received in 2018/19 was 47, a 57% increase from the number received in 2017/18 of 30. The previous year of 2016/17 was 31 received.

Stage 1	2016/17	2017/18	2018/19
Access and Assessment*	21	22	42
Commissioning	7	4	4
Direct Provision	1	0	1
Split between teams	2	4	0
Total	31	30	47

*Access & Assessment is the service's social work function

- 3.2 Complaints broken down by section for 2018/19 are as follows, with only 70% of all Adult Social Care complaints responded to in time against the target of 90%.

Team	% responded in time
Access and Assessment	74%
Commissioning	25%
Direct Provision	100%
Overall Total	70%

- 3.3 The types of complaints received are as follows:-

Access and Assessment

- Level of care.
- Care charges / funding.
- Delays in responding / lack of contact.
- Staff attitude.
- Not following procedures.
- Safeguarding issues.
- Direct Payments.

Commissioning

- Level of care.
- Safeguarding issue.
- Delays in dealing with Direct Payments.

Direct Provision

- Level of care.

3.4 These can be put into the below themes:-

- **Policy and Decision** – usually relates to an outcome of an assessment or a service request that has not been agreed
- **Staff Attitude** – primarily around customer service issues, or where a worker said they would do something; but did not
- **Poor Quality** – mainly about the quality of reports and administration of case management
- **No Provision** – where a service was agreed but not provided
- **Level of Provision** – a marked increase in complaints about the level of care / care package
- **Communication** – usually about calls, messages, emails, etc. not being responded to in a timely manner
- **Delay** – where a formal or informal deadline is set to provide a service; but is missed and provided much later

3.5 Of the 47 complaints received in 2018/19, 17 of these were upheld and 17 were partially upheld totalling 72% of all complaints received. An increase of the previous year 2017/18 where 67% were partially upheld or upheld and comparable to 70% in 2016/17.

Team	Upheld	Partially Upheld	Not Upheld	Total
Access and Assessment	15	15	12	42
Commissioning	2	1	1	4
Direct Provision	0	1	0	1
Total	17	17	13	47

3.4 Reasons why complaints were upheld or partially upheld are as follows:-

Access and Assessment

- Poor / delayed communication
- Poor record keeping
- Delay / confusion about referral pathways
- Delays in assessment
- Incorrect reduction in care package
- Safeguarding process / reviews

Commissioning

- Poor communication
- Level of care from carers

Outcomes

3.5 Where complaints are being upheld or partially upheld, it is required that the response will state the outcome and what actions will be taken to rectify the matter. Examples of the remedies Adult Social Care have put in place are as follows:-

- Apologies given and face to face meetings offered.
- Missing service given.
Review of case with relevant managers to establish what went wrong and to avoid a repeat.
- Support plan and assessment to be reviewed and amended as necessary.
- Documentation to be forwarded in a timely manner and this monitored.
- Reviewing our processes and protocols to ensure that we are consistent and fair, despite our limited resources.
- Refresher training regarding 'ordinary residence' and relocation in particular.
- Improving communication between organisations and with vulnerable people and their families.
- Compensation given.

4. Local Government and Social Care Ombudsman (LGSCO) Enquiries

4.1 In 2018/19, the LGSCO contacted the council about nine different Adult Social Care complaints, 25% of the total number received by the council which is an increase on previous years.

4.2 The LGSCO may contact the council with a 'Final Decision' without investigation on cases that upon initial review are outside the LGSCO's jurisdiction.

4.3 Seven out of nine or 78% Final Decisions were 'Upheld' in some way, this shows us that we need to do more work on resolving complaints locally.

4.4 Where fault has been found the council has worked to correct, remedy and change its procedures to ensure it does not happen again.

4.5

Ref.	In time	Decision	Remedy	Compensation
17005795	No	Upheld: maladministration and injustice.	Provide an apology for the above faults and distress.	N/A
17015623	Yes	Not upheld: No maladministration	N/A	N/A
18001124	Yes	Upheld: maladministration and injustice.	Review all service users who have received	The Council should pay Mr X £100 for avoidable time and distress caused for

Ref.	In time	Decision	Remedy	Compensation
			reablement or intermediary care to identify whether they have been incorrectly invoiced for care. Ensure relevant staff are aware of the statutory guidance on charging for reablement and intermediate care.	incorrectly invoicing him for his care.
17 007 480	Yes	Upheld: maladministration and injustice.	Produce guidance on reasonable adjustments for adult social care staff involved in needs assessments and reviews. After it publishes this guidance, that it provides some training for staff in its implementation.	N/A
18 008 986	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council.	N/A
17 019 042	No	Upheld: maladministration and injustice.	Apologise to for not responding to her December 2017 complaint [children to action]	N/A
17020074	Yes	Upheld: maladministration and injustice.	Send a corrected invoice for Mr Y's care.	N/A
18007788	No	Upheld: maladministration and injustice.	Apologise and ensure that financial information is provided to service-users in a more timely manner so all parties are aware of the	Pay her £250 in recognition of the uncertainty and distress caused.

Ref.	In time	Decision	Remedy	Compensation
			implications of the options available.	
17 008 006	Yes	Upheld: maladministration and injustice.	Apologise for the distress and the time and trouble caused by the faults identified. It should also backdate the increase in the personal budget and carry out an assessment to establish if day time care support, including general housework and cleaning duties, can be completed within ten hours of 'active' support.	N/A
18 008 986	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council.	N/A

5. Next steps

- 5.1 Learning from complaints, needs to be more rigorous and evidenced in the response and in our revised procedures.
- 5.2 A refresh on the information available on how to complain on the council's website will be undertaken, to ensure it is accessible to all.
- 5.3 We are seeing a trend of complaints with ASC complaints where decisions made at the funding forum are not acceptable to the service user or their carers/families. The issues being raised within are;
 - Not being able to attend the panel meeting and provide more info
 - Not being given a written record of the meeting to challenge it
 - Provide independent info supporting their view
 - Not being able to appeal against decisions reached.

This has been raised with service managers and a way forward being worked on.

24 July 2019

By email

Ged Curran
Chief Executive
London Borough of Merton

Dear Mr Curran

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

Last year I set out my concerns with your Council's complaint handling. Unfortunately, the last 12 months have provided further examples of similar issues. My investigators have found that your Council has been slow to implement the recommendations we made in some cases. There have also been cases where it has taken too long to respond to our enquiries or where your responses have not addressed matters fully. Such delays erode the confidence of complainants that their concerns are being taken seriously. I would ask you to take the necessary steps to address my concerns and review your Council's complaint handling.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: London Borough of Merton
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
15	19	1	8	36	18	12	7	1	117

Page 68

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
5	1	41	28	9	22	71	106

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
22	20	2	0	Number
	100%		-	Compliance rate**
<p>Notes:</p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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In 2017/18 the Local Government and Social care Ombudsman (LGSCO) set out the concerns it had with the council as follows:-

- A number of cases we have investigated about your Council have been affected by delays in your Council responding to our enquiries. It is essential for my investigators to get the information they need to progress investigations in a timely way. This is vital if we are not to see complainants' confidence in the complaints process erode. To that end I was pleased when you told me of the recent changes your council has made to your complaints handling procedures. The extra resources and new methods of working you have put in place will hopefully lead to the desired improvements.

In the Annual Letter 2018/19 the LGSCO has explained that the council's handling of their enquiries has experienced similar issues. The council has been:-

- Slow to implement the recommendations we made in some cases.
- There have also been cases where it has taken too long to respond to our enquiries
- Responses have not addressed matters fully.

The LGSCO explains that such delays erode the confidence of complainants that their concerns are being taken seriously. Asking the council to take the necessary steps to address their concerns and review the council's complaint handling.

Please note that the statistics provided by the LSGCO does not align with that of the council's, this is common across the country because the LGSCO does not count complaints in financial year, their numbers include enquiries from people they signpost back to the council who may never then contact us and their classification may not match the council's departments.

- The council received 52 'Decisions' in the 2018/19 financial year. However some of these decisions happen before they come to the council.
- There were 36 detailed investigations in 2018/19 i.e. those that required a detailed response from the council. There were 22 decisions upheld in the same period (noting that some investigations may have commenced in the previous year and some may have not yet had a response) which is a 61% upheld rate as opposed to the 71% given by the council with 31 detailed investigations.
- The LGSCO received 106 enquiries about the council in 2018/19, an increase from 94 in 2017/18.

Children, Schools and Families

Children, Schools and Families (CSF) received 5 decisions in 2018/19

- 4 / 80% of the number received for CSF were upheld
- In each case upheld a financial remedy was recommended totalling £2,500
- 1 decision was reported to Ofsted
- 2 cases were late a 60% in time response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
1	17 009 698	SEN	No	Upheld: Maladministration and Injustice	Apologise to for the failure to ensure child received speech and language therapy in accordance with his statement; Send a memo to officers dealing with EHCPs reminding them of the need to ensure they follow timescales set down in Government guidance. Officers should be reminded where the timescales cannot be met they should tell the parent the reasons for that and keep them up to date with progress.	No – apology was not sent in time.	£750 to reflect the lost provision and time and trouble
2	17 007 200	SEN	No	Upheld: Maladministration and Injustice	Apologise for the delays and further failings identified in the way it communicated with them and the impact this had on them; Remind SEN staff of the requirement to inform and consult young people and parents when considering ceasing an EHCP.	No – apology and reminder not issued in time and Ombudsman not sent info.	£200 each (£400) to recognise the unnecessary anxiety and distress caused

3	18 005 479	Social Care	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
4	17 016 619	Social Care: Child Protection	Yes	Fault leading to personal injustice.	Apologise for its failure to tell CAFCASS about the MARAC, its failure to ask for a written report from the GP in advance of the first child protection conference, its failure to seek consent for a student's presence in a meeting, sending minutes of core group meetings late and its failure to thoroughly investigate her complaints. Review its complaints handling to ensure: <ul style="list-style-type: none"> • it thoroughly investigates all aspects of the complaint; • properly explains its reasons for concluding whether each part of a complaint is upheld or not; and • shows it has considered whether a remedy (other than an apology) is needed and explains this in its decision letter to complainants. 	Yes	Pay £350 for the avoidable distress caused by these failings and the additional time and trouble of making a complaint to the Ombudsman.
5	18 000 574	Split with social care children's and adults – Transitions	Yes	Upheld: maladministration and injustice.	Take action to improve its procedures around transition planning. The Council will remind its senior managers and officers of the requirements of the Care Act. The Council could do so either through staff training, or producing a clear process map/procedure for its officers to follow when planning for the transition of a service user into adult social care. The Council will provide evidence to the Ombudsman of the actions it has taken.	Yes	£500 in recognition of the family's avoidable distress and time and trouble; £500 in recognition of the distress caused by the missed term time Provision.

Community and Housing

Community and Housing received 12 decisions in 2018/19.

- 9 of 12 decisions / 75% of the number received for CH were upheld
- £1600 in compensation was paid in 4 cases
- 5 cases were late meaning only 42% were in time

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
6	17005795	Adult Social Care: SAR	No	Upheld: maladministration and injustice.	Council should, within four weeks of the decision, provide an apology for the above faults and distress these caused	Yes	N/A
7	16019305	Housing: DFG	No	Fault leading to injustice	Apologise for the time taken to complete the work to her home; offer to resolve the issue of access to the garden tap; within the next eight weeks reviews the way it deals with DFGs with a view to ensuring: its processes do not delay the receipt of applications; it deals with applications and works more promptly; there is clear sign off for the agreed works and what they are expected to deliver.	Yes	Pays £750 for the trouble she has been caused
8	17015623	Housing: Housing application	Yes	Not upheld: No maladministration	N/A		N/A
9	18001124	Adult Social Care: Reablement	Yes	Upheld: maladministration and injustice.	a) review all service users who have received reablement or intermediary care through a commissioned service from 1 January 2017 to identify whether they have been incorrectly invoiced for care.	Yes	The Council should pay Mr X £100 for avoidable time and distress caused for

					<p>b) ensure relevant staff are aware of the statutory guidance on charging for reablement and intermediate care.</p> <p>The Council should provide the Ombudsman with proof that it has carried out our recommendations and the actions specified.</p>		incorrectly invoicing him for his care.
10	17 007 480	Adult Social Care: Mental health	Yes	Upheld: maladministration and injustice.	<p>Produce guidance on reasonable adjustments for adult social care staff involved in needs assessments and reviews. And that this include guidance about capturing information about reasonable adjustments and making/recording decisions about what reasonable adjustments the Council will make;</p> <ul style="list-style-type: none"> • after it publishes this guidance, that it provides some training for staff in its implementation. <p>I also recommended it reminded complaints officers that they need to keep ownership of any responses they ask its contractors to provide. In response to my draft decision, the Council advised it has now established greater liaison with the Trust. It also says it is has provided training to all staff who respond to complaints.</p> <p>This included keeping track of the investigation and deadlines. It was also revising templates to include signposting to the Local Government and Social Care Ombudsman.</p>	No – officers did not produce guidance in time.	N/A

11	18 008 986	Adult Social Care: Commissioning	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council. The Ombudsman does not investigate disputes about contractual obligations between Care Providers and Councils. 8. The complaint is now discontinued and will be closed.	N/A	N/A
12	17 019 042	Split with social care children's and adults – Transitions	No	Upheld: maladministration and injustice.	The Council has agreed to, within a month of my final decision, apologise to Ms J for not responding to her December 2017 complaint [children to action]	No – CSF did not apologise in time.	N/A
13	17020074	Adult Social Care: Invoicing	Yes	Upheld: maladministration and injustice.	I uphold part a of the complaint because I find the Council has not sent a corrected invoice for Mr Y's care. This is fault. I do not uphold parts b to g of the complaint. This is because there is no evidence of fault in the Council's actions.	No – corrected invoices not sent in time.	N/A
14	18007788	Adult Social Care: Funding arrangements	No	Upheld: maladministration and injustice.	Apologise to Mrs B and ensure that financial information is provided to service-users in a more timely manner so all parties are aware of the implications of the options available.	Yes – but late notification to Ombudsman, information not shared in time.	Pay her £250 in recognition of the uncertainty and distress caused.
15	17 008 006	Adult Social Care: Financial Assessment	Yes	Upheld: maladministration and injustice.	Apologise to Ms C for the distress and the time and trouble caused by the faults identified. It should also backdate the increase in Ms C's personal budget and carry out an assessment to establish if Ms C's day time care support, including general housework and cleaning	Yes	N/A

					duties, can be completed within ten hours of 'active' support.		
16	18 007 593	Housing: Homelessness	No	Upheld: maladministration and injustice.	Apologise for the delay in sending its decision letter; <ul style="list-style-type: none"> its failure to offer interim accommodation while it made enquiries and a decision on his homelessness application; and its failure to explain Mr X could apply to its housing register and that it could assist with a deposit. The Council will review its processes to ensure that it gives all relevant information to those who are homelessness or threatened with homelessness, including information about applying to its housing register and information about financial support it can offer those seeking private rented accommodation; and review its processes to ensure that where there is some doubt about vulnerability which means further enquiries are needed, it should consider offering interim accommodation.	Yes	The Council will pay Mr X £350 for failing to provide interim accommodation for just over a month while it made enquiries about the application. In addition, it should pay Mr X £150 for the uncertainty caused by the failure to provide adequate advice about his housing situation.
17	18 008 986	Adult Social Care: Commissioning	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council. The Ombudsman does not investigate disputes about contractual obligations between Care Providers and Councils.	N/A	N/A

Corporate Services

Corporate Services (CS) received 16 decisions in 2018/19.

- 2 / 12.5% of the number received for CS were upheld
- No compensation was offered but £545 in enforcement fees were refused to put things back in the position that the complainant would have been had the error not taken place.
- 1 case was late giving a 92% response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
18	17 011 640	CT & Bailiffs	Yes	Upheld: maladministration and Injustice.	Refund £235 to Mr B's council tax account and to remind staff of its expectation in terms of dealing with arrears over multiple years.	Yes	Refund £235 fees.
19	17 020 183	Web team	Yes	Not upheld: no Maladministration.	N/A	N/A	N/A
20	18 004 327	Council tax	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
21	18 006 522	Housing benefit	N/A	Closed after initial enquiries - out of Jurisdiction.	N/A	N/A	N/A
22	18 006 195	Housing benefit	N/A	Closed after initial enquiries - out of Jurisdiction.	N/A	N/A	N/A
23	18 006 599	Bailiffs	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
24	18 009 131	Split – School admission Appeals/ Education	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
25	18 000 430	Debt Recovery	Yes	Upheld: no further action	The Council has confirmed it will review its processes to ensure future cases do not progress in the same way. The	Yes	Refund the additional compliance £75

					Council has also confirmed it is willing to remove the case from its agents and refund the 2017 compliance and enforcement fees from Mrs C's account.		and enforcement costs £235
26	18 008 905	Concessionary Travel	N/A	closed after initial enquiries - out of jurisdiction	N/A	N/A	N/A
27	18 009 866	Council Tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
28	18 006 437	Council Tax liability	Yes	Not upheld: no maladministration	N/A	N/A	N/A
29	18 010 904	Council tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
30	18008104	Business rates debt recovery	No	Not upheld: no maladministration	N/A	N/A	N/A
31	18 006 216	Council tax payments	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
32	17 018 955	Council tax recovery	Yes	Not upheld: no maladministration.	N/A	N/A	N/A
33	18 012 382	Council tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A

Environment and Regeneration

Environment and Regeneration (ER) received 19 decisions in 2018/19.

- 7 / 37% of the number received for ER were upheld
- £100 in compensation was offered for time and trouble
- 3 cases were late giving a 84% response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
34	17006665	Planning	No	Upheld: maladministration and injustice.	Provide a written apology to Mr C for its failure to respond to his 2017 report and complaint within one month of the date of my final decision; Arrange to revisit the development site and check the development as built is in accordance with the approved plans including measuring the depth of the projection within six weeks of the date of my final decision; c) write to Mr C with the outcome of the above visit including any proposed action or reasons for no further action; d) review its procedures to ensure it keeps an adequate record of site visits and decisions relating to planning enforcement investigations and provides a written outcome to complainants within three months of the date of my final decision; and e) review its procedures to ensure complaints are responded to within the Council's published timescales within three months of the date of my final decision.	Yes	N/A
35	17 015 317	Planning	Yes	Upheld: maladministration	Within 3 months the council should review its planning procedures to ensure they are fit	Yes	N/A

				and injustice.	for purpose in terms of notifying neighbours and ensuring it considers all representations before determining a planning application. It should also look at what information is retained on planning files.		
36	17 008 767	Traffic & Highways	No	Upheld: maladministration and injustice.	The Council has confirmed it has changed its policy. It now carries out a parking stress calculation for every application it receives for a dropped kerb.	No – payment was not made in time.	To put matters right for Mr X within one month of my final decision the Council will apologise to Mr X and pay him £100 for his unnecessary time and trouble.
37	17 007 931	Greenspaces	Yes	No fault	There was no fault by the Allotment Association, acting on behalf of the Council, when it decided not to allow Mr B to be put on the waiting list for a vacant plot.	N/A	N/A
38	18 006 342	Waste	N/A	Closed after initial enquiries - no further action.	My view is that the Ombudsman should not investigate this complaint. This is because the injustice is not significant enough to justify the cost of the Ombudsman's involvement.	N/A	N/A
39	18 003 676	Traffic & Highways	Yes	Not upheld: No maladministration.	I have completed my investigation into this complaint as I am unable to find fault causing injustice in the actions of the Council towards Mr B.	N/A	N/A
40	18 005 039	Waste	Yes	Upheld: maladministration and injustice.	Write and apologise to Mrs X. Ensure Mrs X is kept updated about relevant developments – such as the introduction of a parking management scheme. Write to the Ombudsman in three months with details of any missed collections during the time the Assured Collection Service is in place.	No – updates not provided in time. Link officer wrote apology to ensure it was in time.	N/A

41	18 000 396	Planning	Yes	Upheld: maladministration and injustice.	I recommended that the Council should provide complaint handling training to the teams involved and it should feedback to the Ombudsman how it intended to do this. In response to the draft decision, the Council provided evidence to the Ombudsman of its intended complaint handling training for managers. Therefore, I have removed this recommendation because it has been actioned. In addition to the above and in recognition for the fault identified above the Council has agreed, within four weeks of my final decision, to apologise to Mr X for failing to respond to his correspondence and complaints and the time, trouble and frustration this caused him.	Yes	N/A
42	18 005 685	Waste	Yes	Upheld: maladministration and injustice.	Apologise to Mr X for the missed collections, the failure to provide sufficient information about making reports about missed collections, and the failure to ensure its operator returned to collect waste within 24 hours of the report in May 2018. The Council will, within three months of the date of the final decision, review its information on reporting missed collections to make it clear to service users that it does not accept reports before 4 p.m. It should also clarify the time period in which it accepts reports about missed collections. It should also remind staff to check whether an apparently late report actually relates to a failure to return to collect waste after an earlier report.	Yes	N/A
43	18 011 481	Cleansing: Litter	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A

44	18 012 678	Traffic & Highways: Vehicle crossover	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
45	17 010 314	Planning: Community Hall	No	Not upheld: no maladministration.	N/A	N/A	N/A
46	18 011 932	Parking & CCTV	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
47	18 014 298	Cleansing	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A
48	18 009 395	Greenspaces	Yes	Upheld: maladministration and injustice.	Decide how it will remove the bamboo plant and communicate its decision to Ms B by letter within one month of the date of this final decision. In its letter, it will outline the reasons for its decision and provide Ms B with a timetable of any work to be undertaken. Similarly, it will provide her with updates if there are any delays. Apologise to Ms B in writing for the faults identified in this statement, within one month of the date of this final decision. Despite Ms B's request, I have not stipulated what action or treatment the Council should undertake. This is because it is not in the Ombudsman's remit to dictate what decision a council may take; rather, we focus on whether a council took a decision and if so, whether there was any fault in the process that led to its decision. If there was, we can make recommendations to remedy these faults to ensure the process is carried out correctly, but we cannot say what the final decision should be as we are not an appeal body.	Yes	N/A

					<p>The Council has also agreed to make the following service improvements within two months of the date of this final decision:</p> <ul style="list-style-type: none"> • Send a copy of the Ombudsman's final decision statement to the Greenspaces Manager and Councillor C so they can learn from the faults that have been identified. • Remind those officers that deal with complaints of the need to tell complainants: <ul style="list-style-type: none"> - Whether the Council will handle their complaint as a member enquiry or a stage one complaint, if this is relevant. - How they can escalate their complaint at stage one if the matter was dealt with as a complaint and they are unhappy with the outcome. - Whether the Council will escalate their complaint to stage one or two if the matter was dealt with as a member enquiry and they are unhappy with the outcome. - If there are any delays when providing a complaint response. 		
49	18 014 233	Waste	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
50	18 014 781	Parking & CCTV	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A
51	18 007 585	Parking & CCTV	N/A	Not upheld: no further action	N/A	N/A	N/A
52	18 016 926	Parking & CCTV	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A

Committee: Standards and General Purposes Committee

Date: 7th November 2019

Wards: All

Subject: Review of Polling Districts and Polling Places

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison

Contact officer: Andrew Robertson, Head of Electoral Services

Recommendations:

1. That the Standards and General Purposes Committee agrees the polling districts and polling places set out in the Acting Returning Officers Submission
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is part of the process of reviewing all parliamentary polling districts and polling places in the borough. All London boroughs, district councils and unitary authorities are required to undertake a full review within 16 months of 1st October 2013. The previous full review was completed in November 2014. Further changes to polling stations were agreed by the council in November 2015, March 2016, November 2017 and March 2018. The Committee is requested to consider the proposals.

2 DETAILS

- 2.1 **Context** ; the Electoral Registration and Administration Act 2013 substituted sections 18(1) to (3) into the Representation of the People Act 1983 (RPA83) in place of the previous section 18C. This required each relevant local authority to complete a review of the parliamentary polling districts and polling places within its area within a period of 16 months beginning on 1st October 2013. Further reviews must then take place every fifth year after that in the period beginning 1st October, therefore the next compulsory review must be completed by 31 January 2020.
- 2.2 **Timing**; the last full review took place in Merton in 2014 in accordance with the previous statutory arrangements. There were further reviews in Cannon Hill, Longthornton, Pollards Hill, Village and Raynes Park wards (2015), Dundonald ward (2016) Cannon Hill, Dundonald, Figges Marsh, and Longthornton wards (2017), and Abbey and Cannon Hill wards (2018).
- 2.3 **Review process**; the current review was begun when a public notice was issued on 12th July 2019. This invited all residents, particularly disabled residents, to comment on the existing arrangements or any other matters. Persons or bodies making representations were asked, if possible, to give alternative places that could be used as polling places. Details of the existing arrangements including maps were available on the council's website and in paper from Electoral Services. An on-line consultation was launched on the

website to facilitate the submission of responses. The consultation period ran from 12th July until 9th September, a period of two months. Details of the consultation process are set out in paragraph 4 below and responses are incorporated into the appendix.

- 2.4 **Definitions;** a ***polling district*** is a geographical area created by the sub-division of a UK parliamentary constituency for the purposes of a UK Parliamentary election. A ***polling place*** is the building or area in which polling stations are selected by the (Acting) Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district. A ***polling station*** is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the council, polling stations are chosen by the relevant Returning Officer.
- 2.5 **Scope;** polling districts and polling places for other elections are not automatically part of the compulsory review. However, as polling districts and polling places for other elections are based on UK Parliamentary polling arrangements, the requirements of any other elections held within the area have been taken into consideration.
- 2.6. **Legislative requirements;** local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:
- the council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances;
 - the council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled;
 - the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors
 - the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district)
 - the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station
- 2.7 **Guidance;** other guidelines are recognised good practice, but may not always be possible:
- natural, well-defined boundaries are preferred;

- all properties in a minor road or estate should be in the same polling district (unless the ward or constituency boundary makes this impossible);
- there should be an even spread of polling places;
- the polling district should be the 'catchment area' for the polling place and no elector should have to pass another polling place to get to their own;
- the polling places that voters are familiar with are not changed unless there is a strong need to do so.
- no polling station should be allocated more than 2,500 electors. This excludes postal voters and those not eligible to vote. Where a polling district has been allocated more than 2,500 electors, the electorate is split between two polling stations in the same venue. This is known as a double polling station.

2.8 Use of schools as polling places: The Acting Returning Officer notes that the use of schools as Polling Places can cause significant disruption to pupils, teachers and parents. During this review the Acting Returning Officer has attempted, where possible, to find alternative venues to schools that are used as polling stations that are required to close on polling day.

2.9 The Impact of the 2019-20 Ward Boundary Review: The Local Government Boundary Commission (LGBCE) are currently undertaking a review of the ward names and boundaries in Merton. The changes to ward boundaries as a result of this review will come into force at the next local elections in 2022. Merton Council, led by the Returning Officer, will undertake an additional review of polling districts and places prior to the new ward boundaries coming into force. This is vital to ensure that the council has correct and accessible polling arrangements for the 2022 elections. The Returning Officer takes the view that the new warding arrangements may necessitate extensive changes, therefore to minimise voter confusion and inconvenience changes to polling district boundaries have been deferred until the new warding patterns are settled.

3 ALTERNATIVE OPTIONS

3.1. This is a statutory review so there was no alternative to carrying it out. The outcome of the review (see appendix) has produced suitable options in some wards so members will need to judge which would be the most appropriate location for a polling place.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. To allow electors and others to submit views as easily as possible an on-line consultation was posted on the council's website in early July and all consultees were encouraged to submit views in this way. A paper alternative was available for consultees who were not comfortable with electronic communication. By the close of the consultation period on 9th September 68 responses had been

received. Only one of the existing polling places, Hillcross Primary School, was the subject of significant dissatisfaction accounting for 22% of all responses. These respondents objected that its use as a polling place meant that the school had to close harming the education of the pupils and in some cases creating childcare problems for parents. These responses, those relating to other polling places and how they should be addressed are set out in the appendix.

- 4.2. At the beginning of the process in early July the MPs for Mitcham & Morden and Wimbledon, agents for the political parties, and all members of the council were formally advised that the review was taking place and invited to submit views. Views received from members of the council are set out in the appendix. No other views have been received from the political sphere.
- 4.3. In conducting such a review it is particularly important to consult those who have experience of assessing access for persons with different disabilities. Details of the ARO's proposals have therefore been sent to Merton Centre for Independent Living (MCiL), Merton Mencap, Merton Vision and Carers Support Merton to engage these organisations in the review. Details of the review have also been sent to the five Community Forums. All organisations were asked to circulate information to constituent bodies and members via their newsletters and to encourage them to participate in the review.

5 TIMETABLE

- 5.1 The revised register of electors to be published on 1st December will be amended to reflect any changes to polling districts. A further review must be completed within a period of 16 months beginning on 1st October 2024. However, in practice, another full review will need to be undertaken during 2020-21 after the LGBCE's electoral review of Merton is completed in May 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 Current electoral registration budgets are covering the costs of this statutory review. Future budgets will need to cover the next full review, which will be due in 2020-21 after the LGBCE's electoral review of Merton is completed. It is estimated that the proposals will add around £3,000 to the cost of holding the election in 2022 (and every four years thereafter, assuming no by-elections). This will consist of additional accommodation costs.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The Council has a duty under the Representation of the People Act 1983 (RPA 1983) to divide its area into polling districts for parliamentary elections, to designate a polling place for each polling district, and to keep these under review. The Local Authorities (Functions and Responsibilities) (England)

Regulations 2000¹ list section 18 of the RPA1983 as one of the functions that are not to be the responsibility of an authority's executive. This function has not been specifically delegated by the Council.

- 7.2 The statutory requirements on the conduct of the review, and on any challenge, are set out in sections 18A to 18E and Schedule A1 of RPA 1983, as amended. Following the completion of a review, the Council must publish all correspondence, representations and minutes of meetings in connection with the review, and the details of the designation of polling districts and polling places as a result of the review (RPA 1983, Schedule A1), and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006².
- 7.3 The Electoral Registration Officer is required to make the necessary adaptations to their registers of electors and to publish a notice stating that the adaptations to polling districts have been made (RPA, section 18A).
- 7.4 Following the conclusion of a review certain persons have the right to make representations in writing to the Electoral Commission who may if they find that the review did not meet the reasonable requirements of the electors or did not take sufficient account of disability issues direct the council to make alterations to the polling places.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 Under section 149 of the Equality Act 2010 it is the duty of a public authority in the exercise of its functions to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.2 In providing services and access to them the Council is required by law to make reasonable adjustments in order to avoid discriminating against disabled persons. When considering what adjustments should be considered as reasonable the council is required to have regard to the relevant code of

¹ SI 2000/2853

² SI 2006/2965

practice. The following are some of the factors to be taken into account when considering what is reasonable:

- Whether taking any particular steps would be effective in overcoming the substantial disadvantage that disabled people face in accessing the services in question;
- The extent to which it is practicable for the service provider to take the steps;
- The financial and other costs of making the adjustment;
- The extent of any disruption which taking the steps would cause;
- The extent of the service provider's financial and other resources;
- The amount of any resources already spent on making adjustments; and
- The availability of financial and other assistance.

8.3 The right to free elections forms part of Article 3 of Protocol 1 of the Human Rights Act 1998. Any resident is entitled to vote, if qualified by age and nationality, and if not subject to any other legal incapacity.

8.4 As indicated above, the principles have been followed of seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances, and seeking to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. There is a commitment to ensure that all polling places are accessible.

8.5 The aim of enhancing community cohesion and engagement would be expected to be achieved by the principles in 8.1 and 8.2 through promoting democratic engagement by seeking to make voting in person as easy as possible for residents of all communities.

9 CRIME AND DISORDER IMPLICATIONS

9.1 Integrity plans are maintained for elections. These involve working closely with Merton Police on operational matters, together with liaising with the Metropolitan Police Service officer specifically delegated with responsibility for potential election offences.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 The authority must complete the review by the end of January 2020. Any challenge to the Electoral Commission would impact on the arrangements being made for the GLA elections in May 2020.

10.2 In reviewing polling places, the reasonable facilities for staff at polling stations during elections have been considered. The physical fabric of possible polling places has also been considered to reflect the need for members of the public to visit their polling station.

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

11.1 Details of existing and proposed arrangements, submissions and comments, and maps of Abbey, Cannon Hill, Cricket Green, Dundonald, Graveney, St Helier, Trinity, and Village wards.

12 BACKGROUND PAPERS

- (a) The ARO's submission
- (b) Detailed responses to consultation.

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REVIEW OF POLLING DISTRICTS & POLLING PLACES – ACTING RETURNING OFFICER’S SUBMISSION

The London Borough of Merton has been conducting a review of polling districts and polling places in accordance with the provisions of the Electoral Registration and Administration Act 2013. The Acting Returning Officer (ARO) for the parliamentary constituencies of Mitcham & Morden and Wimbledon makes the following proposals regarding existing polling stations and polling stations likely to be used based on proposed polling places.

BACKGROUND

The last review of polling districts and polling places was conducted in 2014. In order to satisfy the requirements of the Electoral Registration and Administration Act 2013, the authority was required to complete a full statutory review of all polling districts and polling places within a 16 month period from 1 October 2013. Reviews are required to be held within the period of 16 months that starts on 1 October of every 5th year after 1 October 2013, therefore the next compulsory review must be completed by 31 January 2020.

In conducting the review, the authority must seek to ensure that all electors have reasonable facilities for voting as are practicable in the circumstances, and have regard to the needs of electors who are disabled.

THE ACTING RETURNING OFFICERS SUBMISSION

The following pages provide existing and/or proposed polling scheme details for every ward. All proposed changes are highlighted and accompanied by a clear explanation for the reasons for the change. For some wards there are no proposed changes.

This review covers the polling districts and places to be used for all types of elections and referendums within the London Borough of Merton; therefore local electorate figures (as the higher electorate figure) have been used rather than Parliamentary electorate figures. The local electorate figures used in this review are from the latest update to the electoral register on 2 September 2019.

ISSUES AFFECTING THE REVIEW

Use of schools as polling stations: The Acting Returning Officer notes that the use of schools as Polling Places can cause significant disruption to pupils, teachers

and parents. During this review the Acting Returning Officer is attempting to find alternative venues to schools that are used as polling stations that are required to close on polling day.

The Impact of the 2019-20 Ward Boundary Review: The Local Government Boundary Commission (LGBC) are currently undertaking a review of the ward names and boundaries in Merton.

The changes to ward boundaries as a result of this review will not come into force until the next local elections in 2022.

Merton Council, led by the Returning Officer, will undertake an additional review of polling districts and places prior to the new ward boundaries coming into force. This is vital to ensure that the council has correct and accessible polling arrangements for the 2022 elections.

The Returning Officer takes the view that the new warding arrangements may necessitate extensive changes, therefore to minimise voter confusion and inconvenience changes to polling district boundaries have been deferred until the new warding patterns are settled.

Key

 Denotes a change of polling station

Lower Morden (A)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
AA (1)	1536	St. Martin's Church, Camborne Road, Morden, SM4 4JL (in church hall)	permanent ramp
AB (2&3)	3052	Morden Assembly Hall, Tudor Drive, Morden, SM4 4PG (in assembly hall)	permanent ramp
AC (4&5)	2493	Emmanuel Church Hall, Dudley Drive, Morden, SM4 4QG (in church hall)	permanent ramp
Representations received			
3 representations were received via the online consultation. All respondents were satisfied with the current polling arrangements.			
ARO submission			
No change, the existing arrangements are acceptable.			

St Helier (B)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
BA (7&8)	2282	Morden Primary School, London Road, Morden, SM4 5PX (in school hall)	level
BB (8)	2014	Congregational Church Hall, Green Lane, Morden, SM4 6SR (in church hall)	level

BC (9)	2262	Abbotsbury Primary School, Abbotsbury Road, Morden, SM4 5JS (in school hall)	level
BD (10)	1587	Abbotsbury Primary School, Abbotsbury Road, Morden, SM4 5JS (in school hall)	level

Proposed arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
BA (7&8)	2282	Lawrence Weaver Institute, Green Lane, Morden (in main hall)	permanent ramp
BB (8)	2014	Congregational Church Hall, Green Lane, Morden, SM4 6SR (in church hall)	level
BC (9)	2262	St Georges Church Hall, Central Road, Morden, SM4 5RJ (in church hall)	level
BD (10)	1587	St Georges Church Hall, Central Road, Morden, SM4 5RJ (in church hall)	level

Representations received

Two representations were received via the online consultation, both concerned with the use of Abbotsbury Primary School as a polling station. One respondent was in favour of the school being used, and the other was against. The respondent against using the school suggested the Farm Road Pavilion as an alternative option. This respondent also suggested the St Lawrence Church on Epsom Road as an alternative location for Morden Primary School.

ARO submission

To avoid closing Morden Primary School, the ARO proposes using the Lawrence Weaver Institute on Green Lane, which is centrally located within polling district BA. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a double polling station. The St Lawrence Church was also considered but was rejected due to the fact that all electors from polling district BA would have to cross the busy A24 road in order to reach the venue. To avoid closing Abbotsbury Primary School, the ARO proposes using the St Georges Church Hall on Central Road. The Church Hall is centrally located between polling districts BC and BD. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a double polling station. The Farm Road Pavilion was also considered but was ruled out due to its general poor condition. Ward Councillors have been consulted on the proposed changes and are in favour of using the new venues.

Colliers Wood (C)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
CA (11&12)	2040	Colliers Wood Community Centre, 66-72 High Street, Colliers Wood, SW19 2BY (in hall)	level

CB (13)	1917	St. Joseph's Church Hall, 63 High Street, Colliers Wood, SW19 2JF (in church hall)	permanent ramp
CC (14)	1676	Christ Church Hall, Christchurch Road SW19 2NW (in church hall)	temporary ramp
CD (15)	1223	Former Safer Neighbourhoods Office, 16-18 Wilson Avenue, Mitcham, CR4 3JL (in communal area)	level
CE (16)	1458	Abbey Orchard Community Room, Singleton Close SW17 9JZ (in community room)	level

Proposed arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
CA (11&12)	2040	Colliers Wood Community Centre, 66-72 High Street, Colliers Wood, SW19 2BY (in hall)	level
CB (13)	1917	St. Joseph's Church Hall, 63 High Street, Colliers Wood, SW19 2JF (in church hall)	permanent ramp
CC (14)	1676	Christ Church Hall, Christchurch Road SW19 2NW (in church hall)	temporary ramp
CD (15)	1223	Positive Network Centre, Taylor Road, Mitcham, CR4 3JR (in communal area)	level
CE (16)	1458	Abbey Orchard Community Room, Singleton Close SW17 9JZ (in community room)	level

Representations received

None

ARO submission

The former safer neighbourhoods office in Wilson Avenue was used as a polling station for the unscheduled European Parliamentary elections in 2019 after the Positive Network Centre was unavailable. The ARO proposes that the polling station for polling district CD reverts to its original venue (the Positive Network Centre) for future elections.

Lavender Fields (D)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
DA (17&18)	2603	South Mitcham Community Centre, Haslemere Avenue, Mitcham, CR4 3PR (in hall)	level
DB (19&20)	3371	Lavender Park Pavilion, Steers Mead, Mitcham, CR4 3HL (in hall)	level
DC (21)	1926	Bond Primary School, Bond Road, Mitcham, CR4 3HG (in school hall)	temporary ramp

Representations received

One representation was received regarding the South Mitcham Community Centre, the respondent was very satisfied with the venue.

ARO submission

No change. Unfortunately no alternative has yet been found for Bond Primary School, which is required to close on polling day. The polling place will be re-evaluated after the ward boundary review is completed in 2020.

Cricket Green (E)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
EA (22&23)	2552	South Mitcham Community Centre, Haslemere Avenue, Mitcham, CR4 3PR (in hall)	level
EB (24)	2092	Benedict Primary School, Benedict Road, Mitcham, CR4 3BE (in school hall)	permanent ramp
EC (25)	1576	Age UK Merton, 277 London Road, Mitcham, CR4 3NT (in ground floor meeting room)	permanent ramp
ED (26)	1585	11th Mitcham Scout & Guide Headquarters, Mitcham Park, Mitcham, CR4 4EN (in scout hall)	temporary ramp
EE (27)	648	Mitcham Garden Village, Mitcham, CR4 4HE (in marquee)	level

Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
EA (22&23)	2552	South Mitcham Community Centre, Haslemere Avenue, Mitcham, CR4 3PR (in hall)	level
EB (24)	2092	Mitcham Parish Church, Church Road, Mitcham, CR4 3BE	level
EC (25)	1576	Age UK Merton, 277 London Road, Mitcham, CR4 3NT (in ground floor meeting room)	permanent ramp
ED (26)	1585	11th Mitcham Scout & Guide Headquarters, Mitcham Park, Mitcham, CR4 4EN (in scout hall)	temporary ramp
EE (27)	648	Mitcham Garden Village, Mitcham, CR4 4HE (in marquee)	level

Representations received

One representation was received regarding the South Mitcham Community Centre, the respondent was very satisfied with the venue. Another representation was received regarding the Benedict Primary School, which suggested using the Mitcham Parish Centre, on Church Path, as an alternative venue.

ARO submission

To avoid closing Benedict Primary School, the ARO proposes using the Mitcham Parish Church on Church Road, which is located nearby to the school within polling district EB. The Mitcham Parish Centre was originally considered as the alternative venue, however the PCC were reluctant to cancel original bookings and

suggested that the Church be used instead. The Church has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue.

Ravensbury (F)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
FA (28)	763	Ravensbury Club Room, Ravensbury Grove, Mitcham, CR4 4DL (in the club room)	permanent ramp
FB (29)	1526	Communal Tenants' Rooms, 90 Rawnsley Avenue, Mitcham, CR4 4BX (in the tenants' rooms)	level
FC (30)	1515	Portacabin, Gifford House, 67C St. Helier Avenue, Morden, SM4 6HY (in former office)	permanent ramp
FD (31)	1939	Malmesbury Primary School, Malmesbury Road, Morden, SM4 6HG (in school hall)	permanent ramp
FE (32)	803	Merton & Morden Guild, 34A Aberconway Road, Morden, SM4 5LF (in the hall)	level
FF (33)	1103	St Theresa's Church Hall, 250 Bishopsford Road, Morden, SM4 6BZ	level

Representations Received

One representation was received regarding the Portacabin at Gifford House, which highlighted the fact that the land has been earmarked for residential development. Four representations were received regarding the Malmesbury Primary School, with two suggesting the old British Legion Hall as an alternative location.

ARO submission

No change. The Portacabin at Gifford House will continue to be used as a polling station. Gifford House has been added as a housing allocation site on the new local plan, but if residential development does progress, works are not expected to commence for at least 3 years. Therefore this polling place will be re-evaluated during the next polling district review in 2020-2021, after the LGBCE's electoral review of Merton has been completed. The British Legion Hall on Newminster Road was considered as an alternative to Malmesbury Primary School, but was judged as unsuitable for use as a polling station after a site visit by Electoral Services. The hall contains several permanent structures which cannot be removed for a temporary hire. The Newminster Children's Centre next door to the school was also considered but the majority of the internal space is leased to health visitors and midwifery tenants, so this venue is also unsuitable for a polling station of the size required by polling district FD. Therefore the Malmesbury Primary School will continue to be used but the school will consider the option of staying open on polling day. The polling place will be re-evaluated after the ward boundary review is completed in 2020.

Graveney (G)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
GA (34&35)	2398	Links Primary School, Frinton Road ,SW17 9EH (in school hall)	permanent ramp
GB (36&37)	2880	St. Barnabas Church, Thirsk Road, Mitcham, CR4 2BD (in the rear of the church)	level
GC (38&39)	1995	Beecholme Primary School, Edgehill Road, Mitcham, CR4 2HZ (in school hall)	level

Proposed arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
GA (34&35)	2398	Church of the Assumption, 282 Links Road, Tooting, SW17 9ER	level
GB (36&37)	2880	St. Barnabas Church, Thirsk Road, Mitcham, CR4 2BD (in the rear of the church)	level
GC (38&39)	1995	Beecholme Primary School, Edgehill Road, Mitcham, CR4 2HZ (in school hall)	level

Representations received

One representation was received regarding Links Primary School. The respondent was unhappy that the school was used as a polling station. One representation was received regarding St Barnabas Church. The respondent was satisfied with the polling station. One representation was received regarding Gorringe Park Primary School. The respondent was happy with the polling station, particularly the location.

ARO submission

To avoid closing Links Primary School, the ARO proposes using the Church of the Assumption, which is also located on Links Road within polling district GA. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue. Unfortunately no alternative has yet been found for Beecholme Primary School, which is required to close on polling day. The polling place will be re-evaluated after the ward boundary review is completed in 2020.

Figge's Marsh (H)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
HA (40)	635	Age UK Merton, 277 London Road, Mitcham, CR4 3NT (in ground floor meeting room)	permanent ramp
HB (41&42)	2365	Gorringe Park Primary School, Sandy Lane, Mitcham, CR4 2YA (in part of the school hall)	permanent ramp
HC (43&44)	3247	St. Mark's Church Hall, St Mark's Road, Mitcham, CR4 2LF (in the church hall)	permanent ramp
HD (45)	2107	Acacia Centre, 230 Grove Road, Mitcham, CR4 1SD (in the hall)	level

Representations received

One representation was received regarding St Mark's Church Hall. The respondent was satisfied with the venue.

ARO submission

No change, the existing arrangements are acceptable. Gorrington Park Primary School is not required to close on polling day.

Longthornton (I)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
IA (46)	1604	Streatham Vale Baptist Hall, Leonard Road, SW16 5SY (in the church hall)	permanent ramp
IB (47)	1096	Elmwood Tennis Club, Rear of 337 Tamworth Lane, Mitcham, CR4 1DL (in the main space)	temporary ramp
IC (48)	1610	Stanford Primary School, Chilmark Road, SW16 5HB (in the school hall)	level
ID (49&50)	2590	St. Olave's Church, Church Walk, SW16 5JH (in the church hall)	permanent ramp
IE (51)	1028	Acacia Centre, 230 Grove Road, Mitcham, CR4 1SD (in the hall)	level

Representations Received

None

ARO submission

No change, the existing arrangements are acceptable. Stanford Primary School is not required to close on polling day.

Pollards Hill (J)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
JA (52&53)	2878	New Horizon Centre, South Lodge Avenue, Mitcham, CR4 1LT (in the hall)	level
JB (54)	856	Elmwood Tennis Club, Rear of 337 Tamworth Lane, Mitcham, CR4 1DL (in main space)	temporary ramp
JC (55&56)	2781	Sherwood Primary School, Abbots Road, Mitcham, CR4 1JP (in the school hall)	permanent ramp
JD (57)	1548	Moat Housing Office, 50 Montgomery Close, Mitcham, CR4 1XT (room on ground floor of office)	permanent ramp

Representations received

One representation was received regarding the New Horizon Centre. The respondent was satisfied with the polling station. One representation was received regarding the Moat Housing Office. The respondent was satisfied with the polling station.

ARO submission

No change, the existing arrangements are acceptable. Sherwood Primary School is not required to close on polling day.

Village (K)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
KA (58)	1687	St. Mary's Garden Hall, 30 St Mary's Road, SW19 7BP (in the garden hall)	level
KB (59)	1494	Christ Church Hall, 2 Cottenham Park Road, SW20 0RZ (in the church hall)	temporary ramp
KC (60 & 61)	2194	Lecture Hall, Lingfield Road, SW19 4QD (in the lecture hall)	separate level entrance
KD (62)	929	St. Matthew's (CoE) Primary School, Cottenham Park Road, SW20 0SX (in the school hall)	level

Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
KA (58)	1687	St. Mary's Garden Hall, 30 St Mary's Road, SW19 7BP (in the garden hall)	level
KB (59)	1494	Christ Church Hall, 2 Cottenham Park Road, SW20 0RZ (in the church hall)	temporary ramp
KC (60 & 61)	2194	Lecture Hall, Lingfield Road, SW19 4QD (in the lecture hall)	separate level entrance
KD (62)	929	19th Wimbledon Scout Group, 106 Cottenham Park Road, Wimbledon, SW20 0SX (in main hall)	level

Representations Received

One representation was received regarding St Matthew's primary School. The respondent was satisfied with the venue.

ARO submission

To avoid closing St Matthew's Primary School, the ARO proposes using the 19th Wimbledon Scout Group, which is also located on Cottenham Park Road within polling district KD. Electors from polling district KD will be able to access the building through a well-lit pathway that runs from the school to the Scout Group. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue.

Raynes Park (L)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>

LA (63)	864	Christ Church Hall, 2 Cottenham Park Road, SW20 0RZ (in the church hall)	temporary ramp
LB (64 & 65)	2995	Raynes Park Methodist Church Hall, Worple Road, SW20 8RA (in the church hall)	temporary ramp
LC (66)	1781	Cottenham Park Recreation Ground Pavilion, Melbury Gardens, SW20 0DH (in the meeting room)	temporary ramp
LD (67)	1692	Raynes Park Sports Ground, Taunton Avenue, SW20 0BH (in the main hall)	permanent ramp

Representations received

One representation was received regarding Cottenham Park Recreation Ground Pavilion, the respondent was satisfied with the venue. Two representations were received regarding the Raynes Park Sports Ground. Both were satisfied with the polling station but one respondent stated that better directional signage was needed from Taunton Avenue.

ARO submission

No change, the existing arrangements are acceptable. Comments regarding signage at Raynes Park Sports Ground will be taken into account at future elections.

Hillside (M)

Existing arrangements

polling district	electors	polling place (polling station)	disabled access
MA (68 & 69)	2770	Sacred Heart Parish Hall, Edge Hill, SW19 4LP (in the parish hall)	temporary ramp
MB (70 & 71)	2028	St. Mark's Hall, Compton Road, SW19 7QD (in the church hall)	level access
MC (72)	1710	Drake House, 44 St. George's Road, SW19 4ED (in the main hall)	permanent ramp

Representations received

One representation was received regarding Sacred Heart Parish Hall. The respondent was satisfied with the venue.

ARO submission

No change, the existing arrangements are acceptable.

Wimbledon Park (N)

Existing arrangements

polling district	electors	polling place (polling station)	disabled access
NA (73)	1938	Wimbledon Park Primary School, Havana Road, SW19 8EJ (in the school nursery)	level access
NB (74 & 75)	3114	Christ The King Church Hall, The Crescent, SW19 8AW (in the church hall)	temporary ramp
NC (76 & 77)	2406	Bethel United Church Hall, Kohat Road, SW19 8LD (in the church hall)	permanent ramp

ND (78)	840	Marchard Hall, Rear of Coronation Hall, Ashcombe Road, SW19 8JR (in the hall)	level access
Representations received			
One representation was received regarding Bethel United Church Hall. The respondent was satisfied with the venue.			
ARO submission			
No change, the existing arrangements are acceptable. Wimbledon Park Primary School is not required to close on polling day.			

Trinity (O)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
OA (79)	1044	Holy Trinity Church Hall, The Broadway, SW19 1RY (in the church hall)	level
OB (80)	1333	Everyday Church, 28-30 Queen's Road, SW19 8LR (in the church hall)	level
OC (81 & 82)	2179	Holy Trinity (CoE) Primary School, Effra Road, SW19 8PW 9in the school hall)	level
OD (83 & 84)	2785	Garfield Primary School, Garfield Road, SW19 8SB (in the school hall)	level

Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
OA (79)	1044	Holy Trinity Church Hall, The Broadway, SW19 1RY (in the church hall)	level
OB (80)	1333	Everyday Church, 28-30 Queen's Road, SW19 8LR (in the church hall)	level
OC (81 & 82)	2179	Shree Ghanapathy Temple, 125-133 Effra Rd, Wimbledon, SW19 8PU (in entrance hall)	level
OD (83 & 84)	2785	Garfield Primary School, Garfield Road, SW19 8SB (in the school hall)	level

Representations received			
Two representations were received for Holy Trinity Primary School. Both respondents were satisfied with the venue, however one respondent did suggest the Polka Theatre as an alternative venue. To avoid using Garfield Primary School as a polling station, Cllr Ormrod suggested using the All Saints Centre on All Saints Road, the Garden Shed Pub, or putting a portacabin on the site of the old Virgin Active gym.			
ARO submission			
To avoid closing Holy Trinity Primary School, the ARO proposes using the Shree Ghanapathy Temple, which is also located on Effra Road within polling district OC. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. The Temple will remain open on polling day so a partition will need to be erected to separate the polling station from the rest of the building. Various alternatives have been proposed for Garfield Primary School (which is required to close on polling day). The All Saints Centre is located slightly outside of the ward, and would be a			

long way to walk for electors in North Road, Kipling Drive etc, in the east of the polling district and in Caxton Road in the north of the polling district. The Garden Shed pub does not have an area that can be separated off from the rest of the building, and has some of the same issues regarding location, being near the south of the polling district. At the time of writing, installing a portacabin on the site of the old Virgin Active gym may be the most viable alternative to the school. However, the projected cost may be prohibitive. Hiring and delivery costs for a portacabin and chemical toilets is around £5500. There would also be additional cost for a generator, plus an electrician to fit, remove and maintain it. A temporary ramp would also need to be purchased and fitted. To prevent squatters occupying the site, the entrance is currently sealed off with a gate and stone bund, which would need to be removed prior to polling day and then replaced afterwards. Therefore security would probably be required to watch over the cabin and generator for around 24 hours before polling begins. Having not implemented a solution such as this before, there are risks around using a portacabin for a snap general election, particularly with regards to timescales. Therefore the ARO recommends that Garfield Primary school remains as the default polling place for the purposes of this review. The polling place will be re-evaluated after the ward boundary review is completed in 2020.

Dundonald (P)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
PA (85 & 86)	2106	Dundonald Recreation Ground Pavilion, Dundonald Road, SW19 3QH (in the main hall)	level
PB (87)	1819	St. Andrew's Hall, Herbert Road, SW19 3SH (in the hall)	level
PC (88 & 89)	2994	Dundonald Church, 577 Kingston Road, SW20 8SA (in the church hall)	level

Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
PA (85 & 86)	2106	Dundonald Recreation Ground Pavilion, Dundonald Road, SW19 3QH (in the main hall)	level
PB (87)	1819	St. Andrew's Hall, Herbert Road, SW19 3SH (in the hall)	level
PC (88 & 89)	2994	Raynes Park Library, 21 Approach Road, SW20 8BA (inside separate hall)	level

Representations received

One representation was received regarding Dundonald Church, the response highlighted the fact that the Church is about to be redeveloped and will not be available for future elections. One representation was received from the Merton Liberal Democrat Group regarding Dundonald Recreation Ground Pavilion, who would appreciate a review of signage at the site.

ARO submission

As stated above, the Dundonald Church, which is currently the polling station for polling district PC, is being redeveloped from September 2019 and will be unavailable for 2 years. The ARO therefore proposes using the Raynes Park Library, which is also located within polling district PC. The library is fully accessible, and has a hall that can be used as a polling station. The library itself would be able to stay open on the day as the hall can be separated from the rest of the building. As a council owned building, the ARO is also entitled to hire the premises for no charge. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue. Comments regarding signage at Dundonald Recreation Ground Pavilion will be taken into account at future elections.

Abbey (Q)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
QA (90 & 91)	2223	Salvation Army Hall, 109 Kingston Road, London, SW19 1LT (in the main hall)	level
QB (92 & 93)	2239	All Saints Church Hall, Norman Road, London, SW19 1BT (in the church hall)	level
QC (94)	1436	St John's Ambulance Hall, 122-124 Kingston Road, London, SW19 1LY (in the main hall)	level
QD (95)	1937	Merton Abbey Primary School, 63 High Path, SW19 2JY (in communal area)	level

Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
QA (90 & 91)	2223	Salvation Army Hall, 109 Kingston Road, SW19 1LT (in the main hall)	level
QB (92 & 93)	2239	All Saints Church Hall, Norman Road SW19 1BT (in the church hall)	level
QC (94)	1436	St John's Ambulance Hall, 122-124 Kingston Road, SW19 1LY (in the main hall)	level
QD (95)	1937	St John the Divine Church Hall, High Path, SW19 2JY (in main hall)	Temporary ramp

Representations received

One representation was received regarding All Saints Church Hall. The respondent was satisfied with the polling station.

ARO submission

After the closure of the High Path Community Resource Centre, the Merton Abbey Primary School was used as a polling station for the unscheduled European Parliamentary elections in May 2019. To avoid using the school for future elections, the ARO proposes using the St John the Divine Church Hall, which is located opposite the school on High Path within polling district QD. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. A temporary ramp

will need to be installed for polling day. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue.

Merton Park (R)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place</i>	<i>disabled access</i>
RA (96)	722	Cricket Pavilion, John Innes Recreation Ground, Hill Lane, London, SW20 9ES (in the main room of the pavilion)	level except slight lip at entrance
RB (97 & 98)	3275	St. Mary's Church Hall, Church Path, London, SW19 3HJ (in the church hall)	permanent ramp
RC (99 & 100)	3194	Morden Baptist Church Hall, 36 Crown Lane, Morden, SM4 5BL (in the church hall)	level
Representations received			
<p>One representation was received from the Merton Park Ward Independents, who are satisfied with the access arrangements at each of the polling stations that are currently used for the RA, RB and RC polling districts. One representation was received regarding the Cricket Pavilion at John Innes Recreation Ground. The respondent was satisfied with the venue. Three representations were received for St Mary's Church Hall, all respondents were satisfied with the venue. Three representations were also received for Morden Baptist Church Hall, all respondents were satisfied with the polling station.</p>			
ARO submission			
No change, the existing arrangements are acceptable			

Cannon Hill (S)

Existing arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
SA (101)	1388	Merton Park Baptist Church, Bushey Road, London, SW20 8TE (in main hall)	level
SB (102)	1710	Endeavour Club, 190 Martin Way, Morden, SM4 4AJ (in the hall)	level
SC (103 & 104)	2015	Eastway Day Centre, 44 Eastway, Morden, SM4 4HW (in the hall)	level
SD (105 & 106)	2085	Hillcross Primary School, Ashridge Way, Morden, SM4 4EE (in the school hall)	permanent ramp
Proposed arrangements			
<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
SA (101)	1388	Merton Park Baptist Church, Bushey Road, London, SW20 8TE (in main hall)	level
SB (102)	1710	Endeavour Club, 190 Martin Way, Morden, SM4 4AJ (in the hall)	level

SC (103 & 104)	2015	Eastway Day Centre, 44 Eastway, Morden, SM4 4HW (in the hall)	level
SD (105 & 106)	2085	Central Ward Residents Club, Between 55-57 Ashridge Way, Morden, SM4 4ED (in the function room)	permanent ramp

Representations received

Three representations were received regarding the Endeavour Club. All three respondents were satisfied with the venue, however one respondent did mention that the entrance is quite narrow for wheelchair users. Three representations were received for Eastway Day Centre. All respondents were again satisfied with the polling station. Twenty responses were received regarding Hillcross Primary School. Four respondents were satisfied with the school being used as a polling station, and sixteen were dissatisfied with the school being used. Eight of those who were dissatisfied with the school suggested the Central Ward Residents Club as an alternative venue.

ARO submission

To avoid closing Hillcross Primary School, the ARO proposes using the Central Ward Residents Club, which is located nearby to the school on Ashridge Way within polling district SD. The building has been visited by Electoral Services during the course of the review and has been assessed as meeting the requirements of a polling station. Temporary lighting will need to be installed on polling day along with a disabled ramp. Access for voters will be through the front of the club, who have agreed to close the front bar for the duration of the hire. Ward Councillors have been consulted on the proposed change of polling station and are in favour of using the new venue.

West Barnes (T)

Existing arrangements

<i>polling district</i>	<i>electors</i>	<i>polling place (polling station)</i>	<i>disabled access</i>
TA (107 & 108)	2365	Sacred Heart (RC) Primary School, Burlington Road, New Malden, KT3 4ND (in the school hall)	permanent ramp
TB (109 & 110)	3097	St. Saviour's Hall, Church Walk, London, SW20 9DL (in the church hall)	level
TC (111 & 112)	2108	Holy Cross Church Hall, Adela Avenue, New Malden, KT3 6HT (in the church hall)	permanent ramp

Representations received

Three representations were received regarding the Holy Cross Church Hall, all respondents were satisfied with the venue. Cllr Bailey suggested the Earl Beatty pub on West Barnes Lane or the Scout Hall on Arthur Road as alternatives for Sacred Heart Primary School.

ARO Submission

No change. Unfortunately no alternative has yet been found for Sacred Heart Primary School, which is required to close on polling day. The Earl Beatty pub and the Scout Hall were considered as alternatives to the school, but were ruled out because of their location, both being in polling district TC. Both venues are also on the other side of the railway line which separates polling district TA from polling district TC. Residents from polling district TA would be required to cross the railway line in order to visit either of these buildings. The polling place will be re-evaluated after the ward boundary review is completed in 2020.

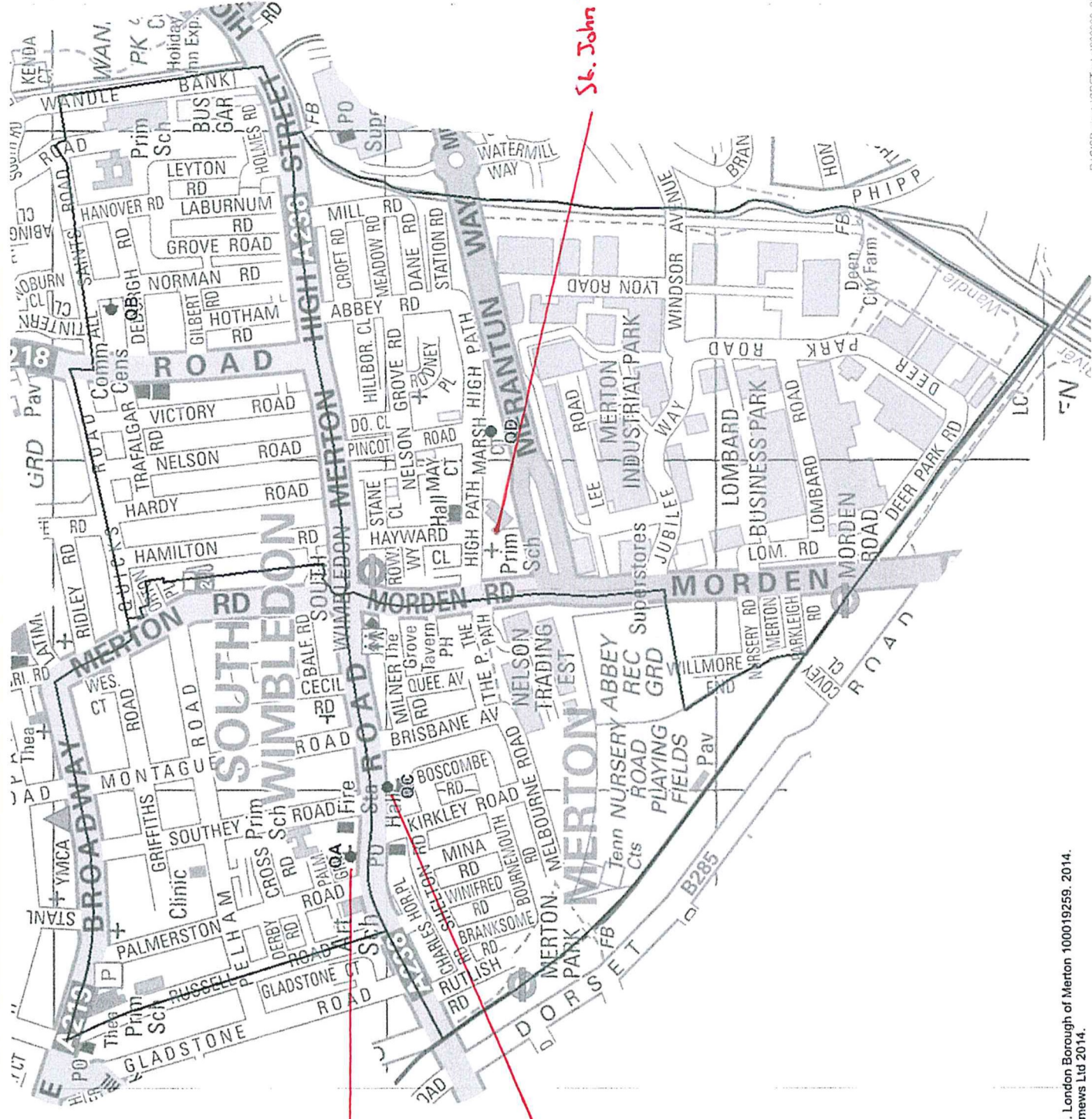


Ged Curran
Acting Returning Officer

Civic Centre
London Road
Morden
SM4 5DX

1 October 2019

Abbey Ward
Scale 1:6,000



Salvation
Army
Hall

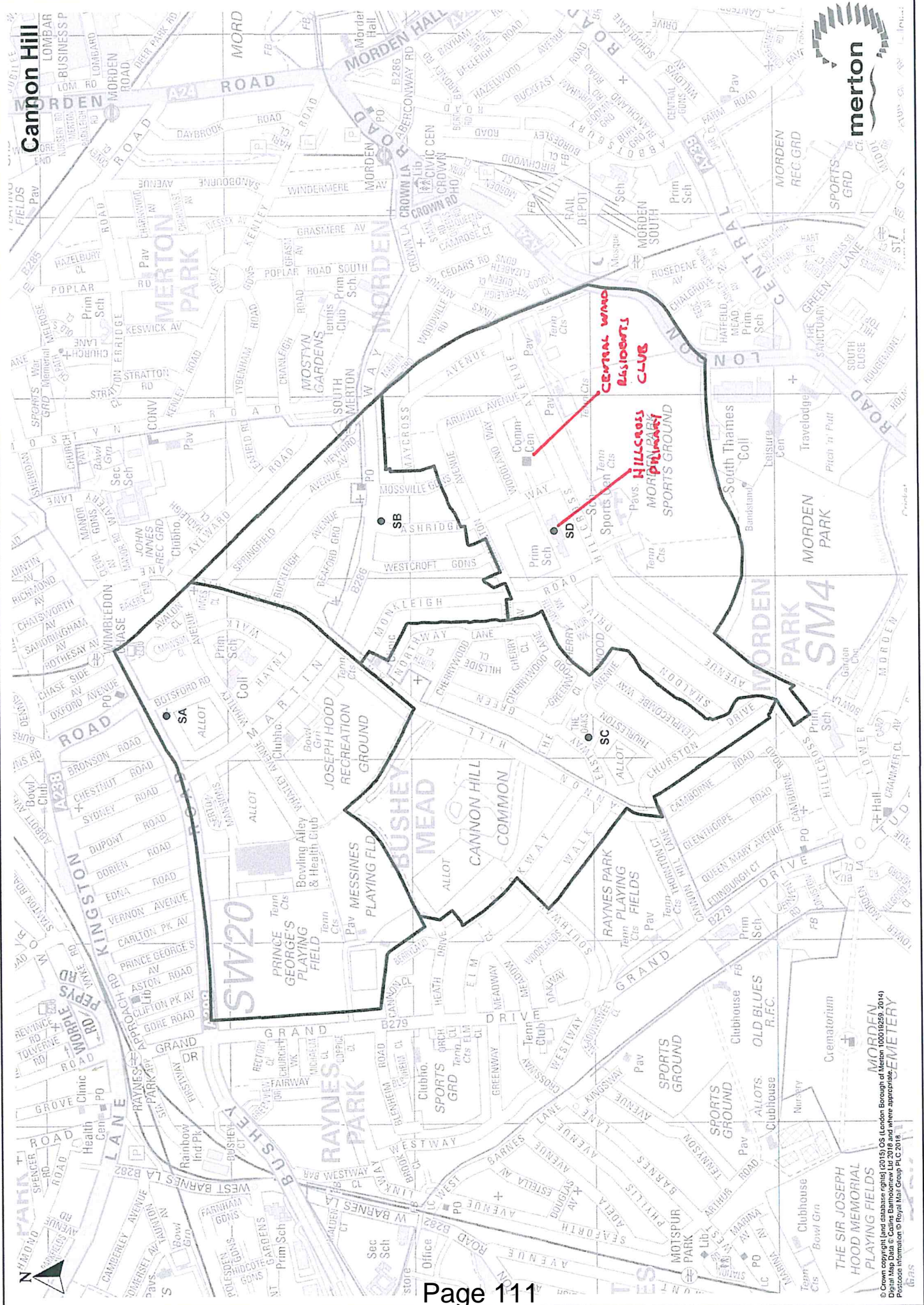
Merton Hall

St. John The Divine



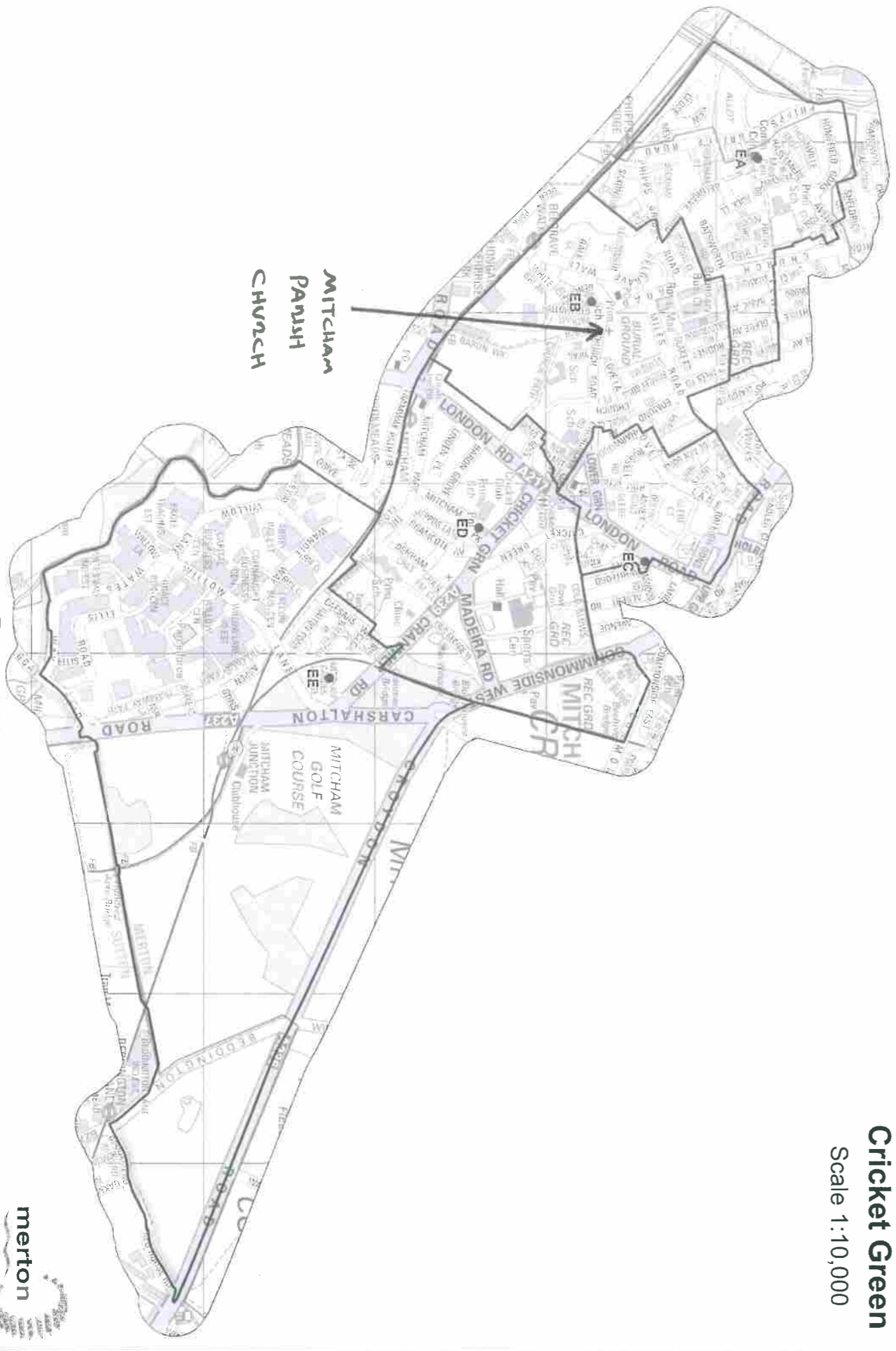
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Cannon Hill



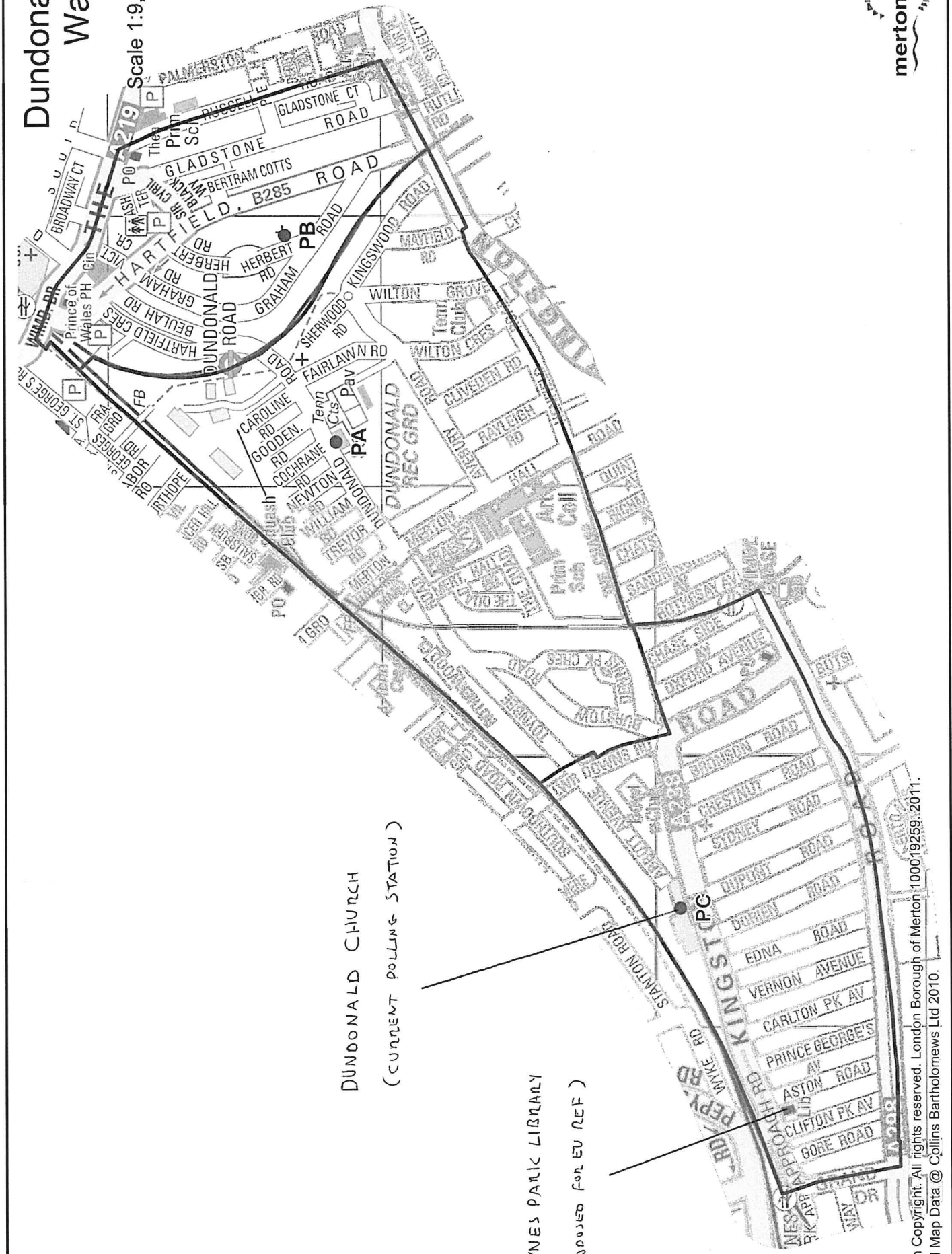
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Position information © Royal Mail Group PLC 2011

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Dundonald Ward

Scale 1:9,000



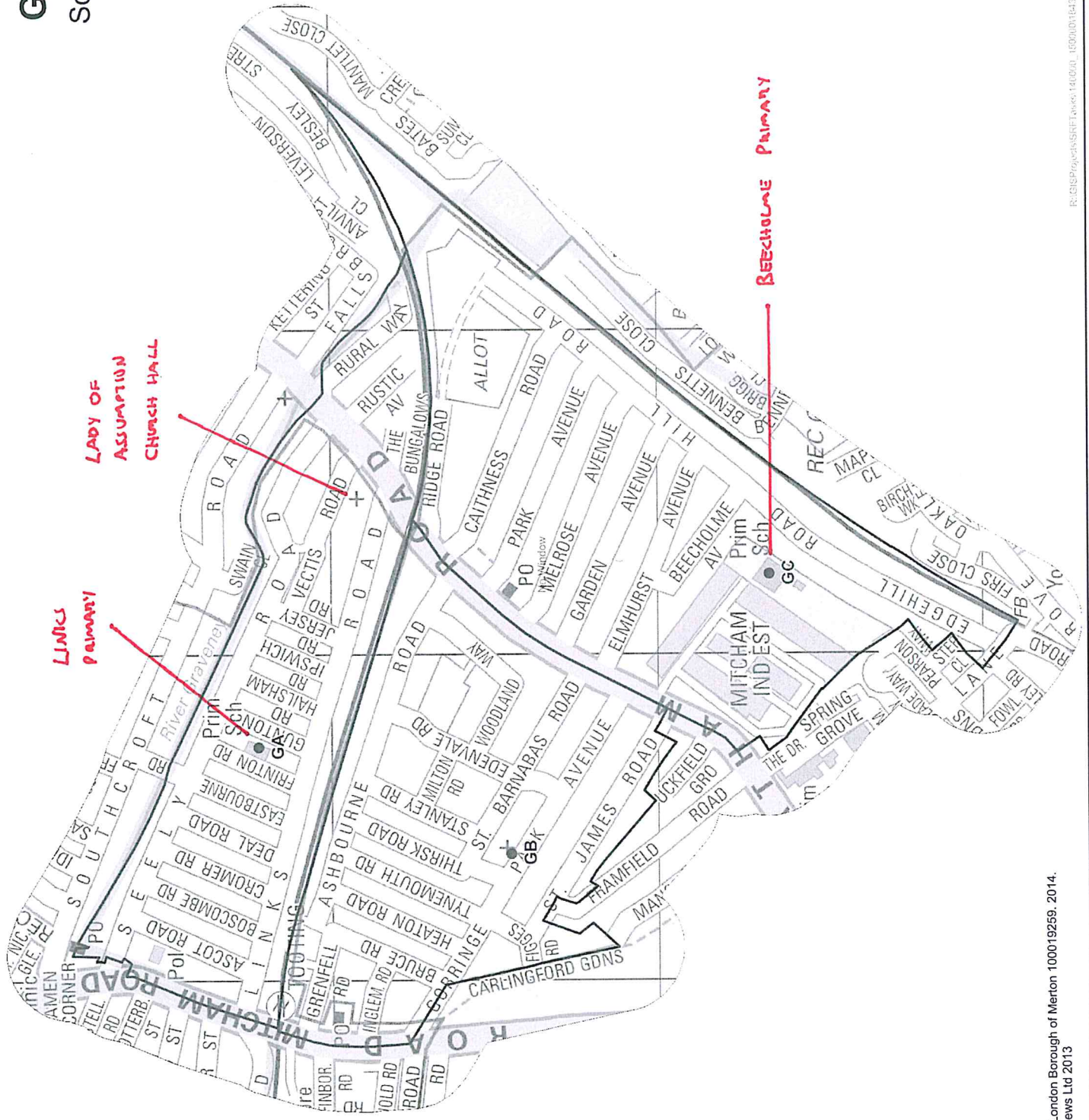
DUNDONALD CHURCH
(CURRENT POLLING STATION)

RAYNES PARK LIBRARY
(PROPOSED FOR EU REF)

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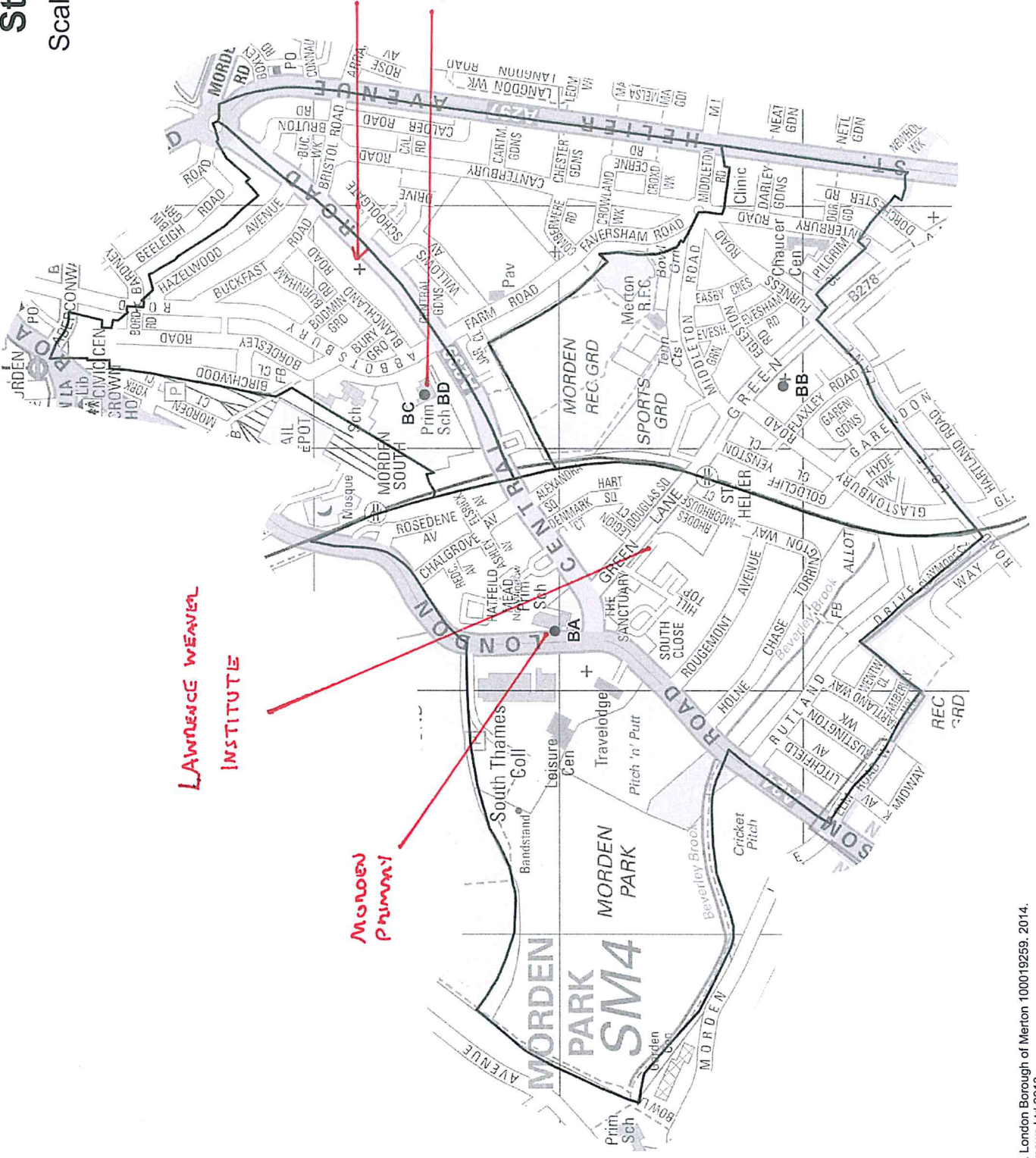
Graveney

Scale 1:6,000



St. Helier

Scale 1:8,000



LAWRENCE WEAVER
INSTITUTE

Morden
Primary

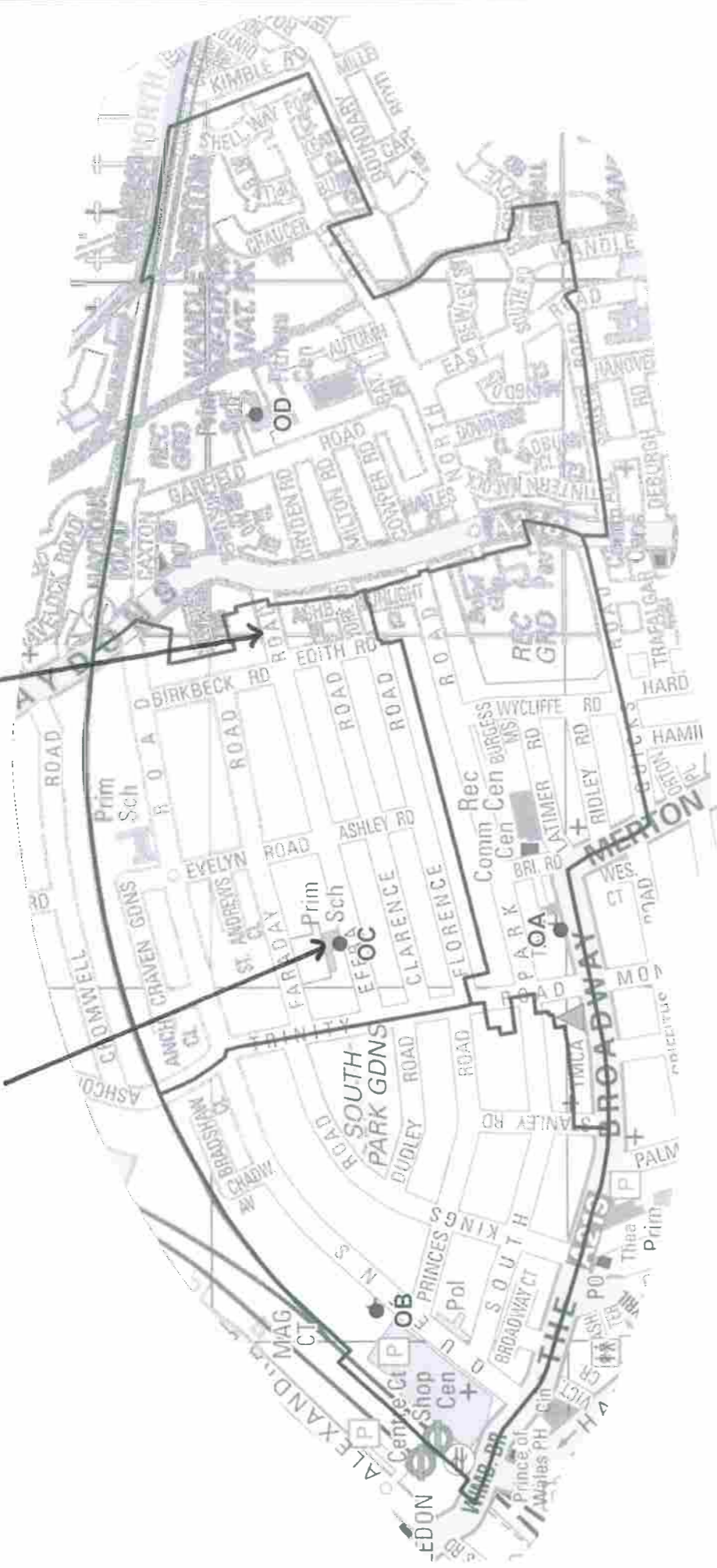
ST GEORGE'S
CHURCH HALL

Abbotsbury
Primary

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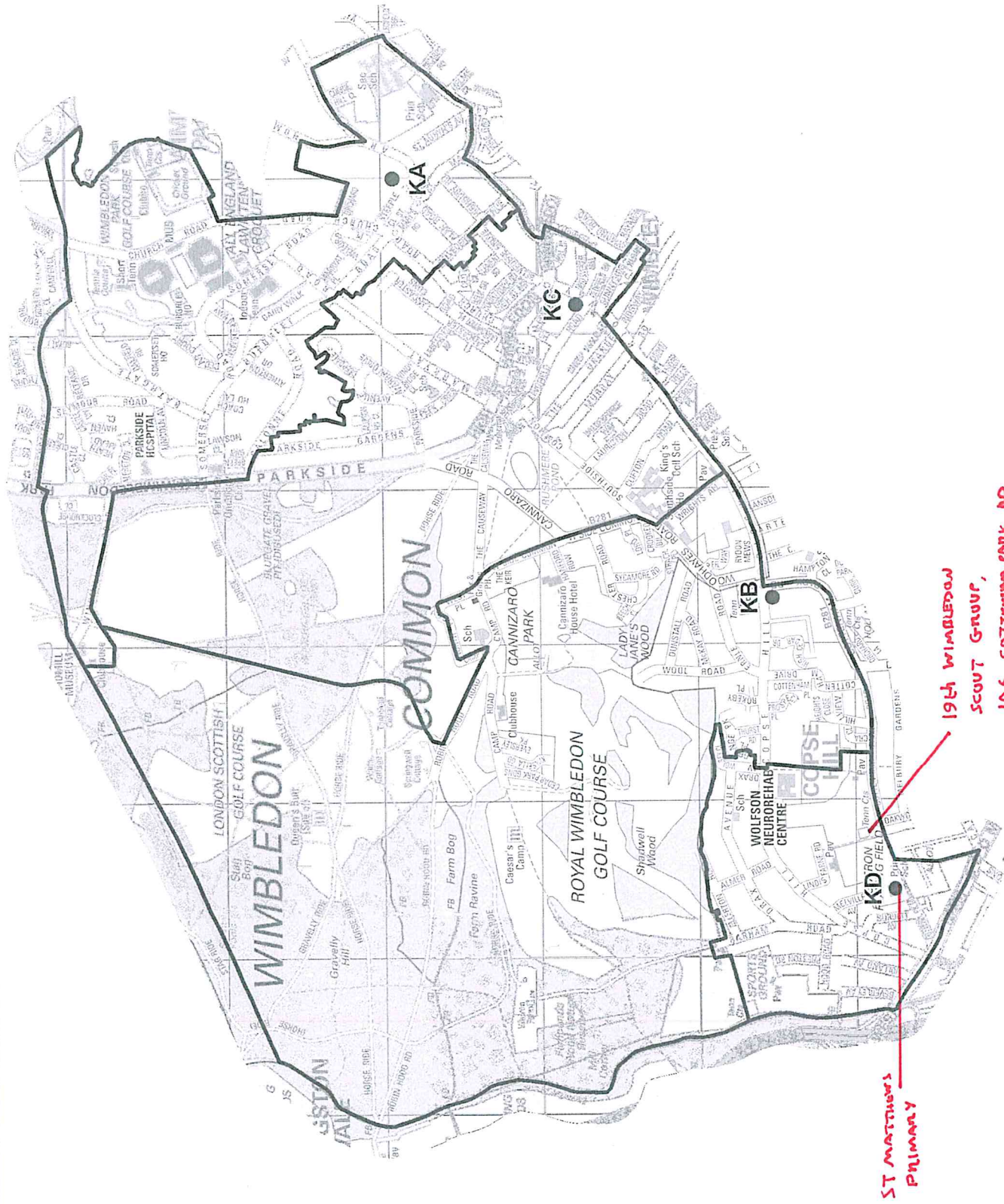
Holy Trinity Primary School

Shree Ghanapathy Temple



Village Ward

Scale 1:17,500



ST MATTHEWS
PRIMARY

19th WIMBLEDON
SCOUT GROUP,
106 COTTENHAM PARK RD

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Committee: Standards and General Purposes Committee

Date: 7 November 2019

Subject: Environmental Enforcements update

Lead officer: John Bosley, Assistant Director of Public Space

Lead member: Councillor Tobin Byers, Cabinet Member for Adult Social Care, Health and the Environment

Contact officer: Charles Baker, Waste Strategy and Commissioning Manager,
charles.baker@merton.gov.uk

Recommendations:

To review and comment on the current status of environmental prosecutions as outlined in the report

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Committee, on the meeting of the 9th September 2019, has requested a regular update is provided on the outcomes of environmental enforcements, namely the progress made in prosecuting fly-tipping occurrences within the borough.
- 1.2. It was also noted that further work could be made and prove to be beneficial in publicising and naming persons that have been proven guilty of committing environmental offences.
- 1.3. The management and delivery of enforcement investigations and preparing enforcement actions is managed through the Waste Enforcement Team and prosecutions of cases is managed in partnership with the South London Legal Partnership.
- 1.4. In addition to fly-tipping incidents, the team also manage the successful environmental enforcement contract delivered through the service provider, Kingdom Security. The collective management of both littering offences through the environmental enforcement contract and the in-house investigations of fly-tipping incidents comprises environmental enforcements that are managed within the Public Space enforcement team.
- 1.5. Strategically and supported by the Cabinet Member, the enforcement team has recently developed a borough Fly-tipping Strategy to aid in underpinning a sustained focus on improving enforcement outcomes and raising awareness across the borough of this issue.

2 SCOPE OF ENFORCEMENT POWERS

- 2.1. Waste within the public realm and, in a limited way, on private land is managed by the control of how waste is managed, from containment, collection and even disposal to limit the impact on the local environment.
- 2.2. These powers are useful in tackling blighted areas within our communities that suffer from the improper storage of, or a lack of, a professional waste management service to dispose of wastes that are generated from businesses and residential properties.

- 2.3. Fly-tipping is the common term used to describe waste illegally deposited on land without an environmental permit. The offence of fly-tipping and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990. Fly-tipping is a criminal offence that is punishable by an unlimited fine or 12 months' imprisonment or both if convicted in a Magistrates' Court. The offence can also attract an unlimited fine and up to five year's imprisonment or both if convicted in a Crown Court.
- 2.4. Locally, the prevalence of fly-tipping incidents has been on the increase and is comparable to the national increase that has occurred over the last few years.

Fig 1. National Increase in Fly-tipping

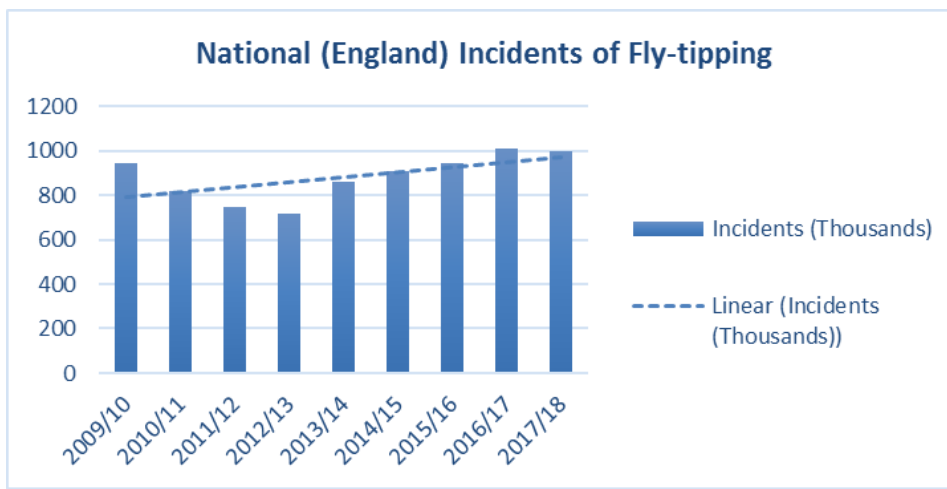
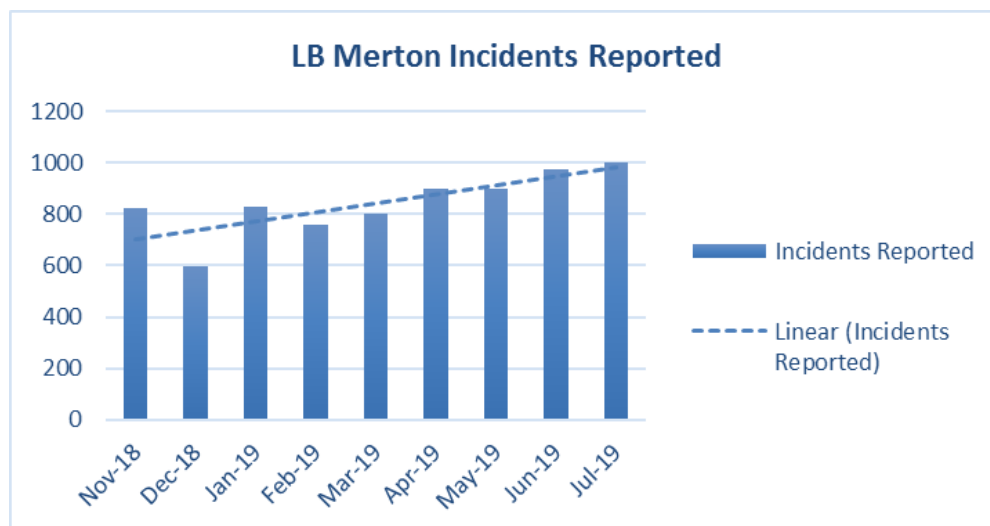


Fig 2. Local Increase in Fly-tipping



- 2.5. It is also important to note that the amount of potential evidence being observed by the enforcement team within illegally dumped waste has been on the decline. It is typically observed locally that only 1 out of 25 incidents may have sufficient evidence that can aid in formal prosecution.
- 2.6. For example, addressed mail has been a traditional form of evidence with smaller scale fly-tipping incidents, but the increase of paperless systems (i.e. billings systems and emails) have seen a combined decline in addressed post of 22% since 2013.

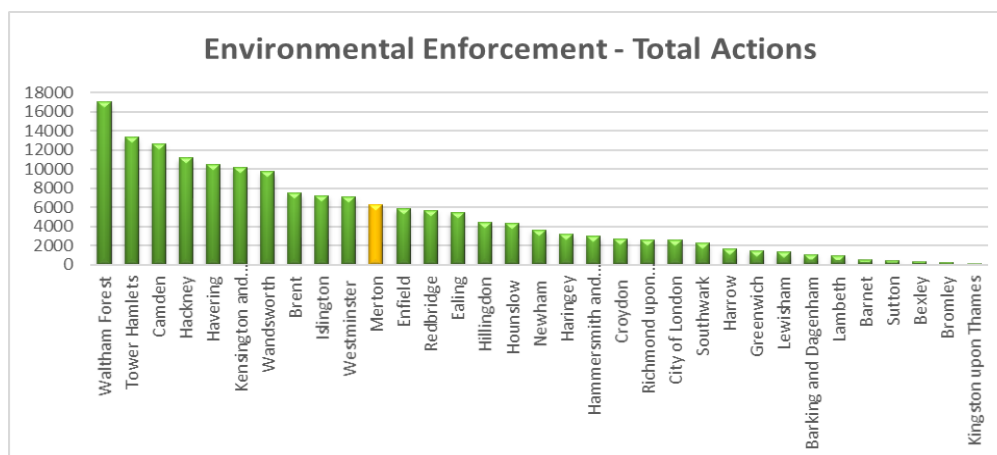
- 2.7. In order to combat the increases in fly-tipping and improve our public spaces, the integrated enforcement approach deployed allows the service the capacity and focus to both deliver a broad litter enforcement presence whilst retaining the knowledge and expertise to support waste engagement advice and support, formal investigations into fly-tipping incidents with a focus on prosecutions and multi-agency operations (e.g. vehicle stop and searches) to combat illegal transporting of waste. In a support capacity and being developed through the emerging draft Fly-tipping Strategy, the service is working with our partner service providers (i.e. Veolia) to assist in intelligence gathering, both in terms of the locations and modified operational methods that secure evidence from illegal waste deposits to further support potential prosecutions.
- 2.8. The role of the Council's enforcement service provider is to provide enforcement services through delegated authority under the Environmental Protection Act 1990, Anti-Social Behaviour Act Crime and Policing Act 2014 and Clean Neighbourhood & Environment Act 2005. The overall core business of this contract is the patrolling and issuing of Fixed Penalty Notices (FPN's) for related environmental offences. Looking forward, we are currently developing a procurement strategy to re-procure these services due to the current contract reaching the end of its term. The revised procurement strategy proposes a broadening of the scope of enforceable functions be to include other offences such as, graffiti, fly-posting, dog control offences, alarm noise (no nominated key-holder), Noise Act offences, nuisance parking, abandoning a vehicle, unauthorised distribution of free literature on designated land along with evidence gathering from domestic fly-tipping (abandoned waste).
- 2.9. As part of an increased service offer and to ensure that we maximise the benefits of an external resource it is proposed that we also include areas of work which can be delivered through a schedule of rates. This will include but not limited to:
- Enforcement of Merton's Public Space Protection Orders (PSPOs) with and without police/wider LBM support
 - Issuing of Community Protection Warnings and Community Protection Notices for issues matters where a FPN cannot be used
 - The collation and provision of intelligence to the Safer Merton and wider Community Safety Partnership including the provision of photos, witness statements and other evidential requirements
 - Working with Safer Merton officers and representatives of the Police force in tackling knife crime and inspecting known locations for the storage of illegal weapons.
 - Providing enforcement and security resource for medium to large scale events held in the borough such as music festivals and sporting events.

Current Performance

- 2.10. Our enforcement service performs well within London in actively enforcing environmental crimes. In figure three, the Council's regional position demonstrates our sustained approach to enforcing environmental offences. In figure four which demonstrates the use of FPNs by boroughs across

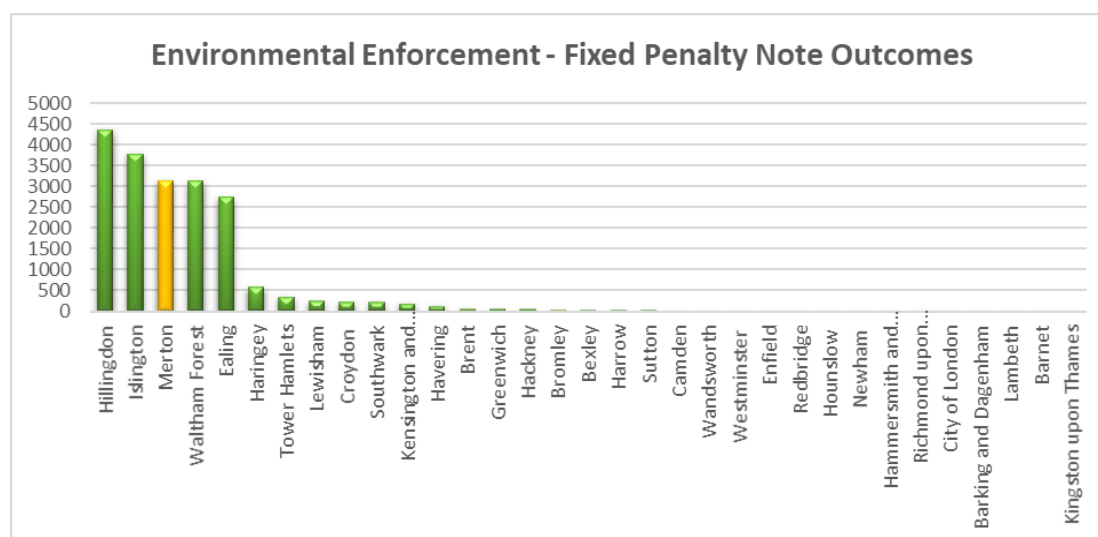
London, it is even more evident that the service is robust in enforcing either through formal prosecutions supported by the issuing of FPNs rather than being reliant on sending and recording warning letters as a deterrent.

Fig.3 DEFRA recognised enforcement actions



Source: DEFRA 2018/19

Fig. 4 Fixed Penalty Notice enforcement actions



Source: DEFRA 2018/19

- 2.11. It should be noted that within the enforcement service, the use of body-worn cameras is often limited, but essential in providing evidence and security to our Service Provider when issuing FPNs for littering offences. The success of our enforcement is primarily driven through evidence gathering and not being reliant on the sole use of CCTV. However, CCTV is helpful in cases where a motor vehicle is involved and its use can often act as a strong deterrent when used correctly. The covert use of CCTV is strongly regulated through the Regulation of Investigatory Powers Act 2000 (RIPA) which requires a strong burden of evidence on the effectiveness and public worth of using directed surveillance.
- 2.12. In 2018 / 19 our service provider issued in excess of 6,600 Fixed Penalty Notices (FPNs) for littering offences and we have benefitted from a high payment rate of 72%.

- 2.13. In order to maintain our high payment rate of 72%, the service provider prepares a case file of alleged offenders who have not discharged their liability and paid the notice fee. These cases are escalated through the Single Justice Procedure (SJP) to conclude the formal procedure. However, there are some that are 'written off' as personal details provided and / or address information had been erroneously supplied by the alleged offender.
- 2.14. On average 40 cases per month are reviewed by the management team under the deed of delegation and a legal pack is produced for the magistrate's consideration.
- 2.15. The court normally determines a case 4 weeks after the papers are issued. The outcome does vary depending on individual circumstances however on average the court would normally recommend a £220 fine, a victim surcharge of £30 and award cost of an additional £150. Totalling £400 per case.
- 2.16. Between April 2018 to July 2019, 340 prosecutions for littering offences have been processed through the SJP. The outcome of these cases have been published on the Council's website along with supporting articles in the Councils Magazine My Merton where offenders have been named and shamed.
- 2.17. Between April 2018 and July 2019 there were 5 successful prosecutions for fly-tipping. The total amount of fines imposed on conviction for these cases was £3053, and costs awards made to the Council totalling £3248.
- 2.18. The table below is a summary of the enforcement actions taken by the Council's team with a focus on fly-tipping. It is important to note that within this year, a further three prosecution cases are pending, 17 cases are being evaluated for potential prosecutions and five fly-tipping FPNs are in process.

	Financial Year 2017/18	Financial Year 2018/19	Financial Year 2019/20 (to date)
Prosecution Cases	2	8	3
FPNs issued (Fly-tipping)	33	35	19
Vehicle Seizures	1	1	5

Publication and Promotion of Prosecutions

- 2.19. The Council's website currently has an information page of previously successful prosecutions which informs the Public on the number of FPNs and prosecutions undertaken, including those related to littering. The content of this webpage is being reviewed and updated. Please find this page - [link here](#).
- 2.20. As part of the development of a wider awareness of fly-tipping across the borough, the enforcement team has been working with the internal communications team to explore enhancements of our communication of environmental enforcements and is examining the possible development of a video page where CCTV footage is made available displaying possible environmental crimes in order to appeal for information on who the alleged

offender may be.

A working example of this is operated by Barking & Dagenham Council and can be found at https://www.youtube.com/watch?v=FUE_quGwcac

- 2.21. It should also be noted that the above would require extensive consideration from a data protection perspective and through consideration of any legal issues, but we would work with Council's that operate similar schemes to ensure best practice is applied.

3 ALTERNATIVE OPTIONS

- 3.1. None for the purposes of this report

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this report

5 TIMETABLE

- 5.1. To reissue updated progress of environmental enforcement activity to the Committee as determined.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Our service provider's business model has been designed to be effectively cost neutral for the Council. The model works on the basis that the full operation cost of the service is covered by the contractor. All money received from the issuing of FPN is collected on our behalf by the contractor and transferred to the Council, however within the model Kingdom Security are paid a fix percentage for the issuing of FPN.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The legal frameworks that support the regulatory and enforcement functions undertaken by the Council are extensive, nuanced and often times complex.
- 7.2. Following the principles as outlined in the Council's Overarching Enforcement Policy; actions that are delivered by enforcement need to have sufficient supporting evidence to prove that there was a breach of legislation upon which enforcement action can be taken.
- 7.3. All investigations that are carried out are required to have regard to the following legislation and in accordance with any associated guidance or codes of practice^{3.4} applicable to the service area.
- Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigations Act 1996
 - Criminal Justice and Police Act 2001
 - Human Rights Act 1998

- 7.4. The Environmental Protection Act 1990 provides the Council with the power to take enforcement action regarding fly-tipping and littering. Fly tipping is the illegal dumping of liquid or solid waste on land or in water. The waste is usually dumped to avoid disposal costs. There is no comprehensive definition of litter but it does include cigarette ends and chewing gum. It will also include small miscellaneous items of waste that does not constitute fly-tipping. There is no clear distinction between fly-tipping and littering and each case will be judged on its own merits and appropriate enforcement action can then be taken.
- 7.5. Enforcement options include the power to offer fixed penalty notices an alternative to prosecution, or to prosecute for offences under the Environmental Protection Act 1990. The matters set out in this report are in accordance with the statutory provisions that apply.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The Council's Overarching Enforcement Policy as per section 7.2 states 'Regard shall be given to the relevant legislation, codes and policies which protect the rights of the individual and guide enforcement action, (These include the Human Rights Act 1998, Data Protection Act 2018, Code for Crown Prosecutors, Corporate Customer Services Strategy and the Council's Equality and Diversity Policy).

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. The policies and approaches to enforcement across the Council are outlined within the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

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

12 BACKGROUND PAPERS

- 12.1. The Council wide enforcement policy can be found - [link here](#).
- 12.2. The Council's draft fly-tipping strategy can be found - [link here](#).

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Committee: Standards and General Purposes Committee

Date: 9th November 2019

Wards:

Subject: Progress Report on Risk Management

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison, Deputy Leader of the Council and Cabinet Member for Finance

Contact officer: Zoe Church, Head of Business Planning, 020 8545 3451

Recommendations:

- A. That the Standards and General Purposes Committee reviews the adequacy of the risk management framework and the associated control environment
 - B. To consider the Key Strategic Risks and Issues faced by the council, and determine whether these are being actively managed
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide a progress report on risk management within Merton, including details of the Key Strategic Risks (KSRs) faced by the council.
- 1.2 The risk management strategy was reviewed and updated by the Business Planning Team in January 2019 with CMT agreeing the revised strategy on 29 January 2019.
The updates included refining our definition of “financial risk impact” and, in response to the events at Northampton County Council during 2018, the content relating to financial risk management was strengthened.
The strategy was then approved by Cabinet on 18 February 2019 and approved by Council on 6 March 2019 as part of the 2019/23 Business Plan.

The current Risk Management Strategy is at Appendix I.
- 1.3 All departments review their risks each quarter at their respective DMTs, followed by a review of all risks by the Corporate Risk Management Group (CRMG). The final report in the quarterly cycle is presented to CMT to review the risks that are on the Key Strategic Risk Register (KSRR); these are significant risks, which may have a strategic impact on the council as a whole.
- 1.4 Strategic oversight is provided annually by Cabinet, and the Standards and General Purposes Committee.

2 DETAILS

- 2.1. Our risk management strategy emphasises the benefits and importance of having effective risk management and provides a concise and structured approach for managing our risks.

It includes clear guidance for defining the likelihood and impact of risks, in order to ensure a consistency in risk scores across the council. Our risks are scored using a Red, Amber or Green status, with scores ranging from one (Green) to a maximum of 24 (Red)

The strategy also includes the process for identifying and raising new risks, the removing of risks from our registers and for escalating any risks, which might affect the Council as a whole, onto the KSRR.

Guidance in relation to financial risk management, particularly in the context of budget setting and monitoring, is detailed in the strategy.

- 2.2. Departmental risks are reviewed quarterly by the relevant risk champions and DMTs, to ensure that they have been assessed accurately and in a manner consistent with risk assessment across the organisation and that effective Control Actions to mitigate the risk are in place and updated.
- 2.3. CRMG meets quarterly, within two weeks of the DMT risk review meetings, and subjects the departmental risk registers, the KSRR and risk registers for Pensions, Merton & Sutton Joint Cemetery Board and CHAS, to a thorough scrutiny and challenge.

This includes reducing or increasing risk scores, where applicable and ensuring that Control Actions are effective and current. CRMG also agrees the removal of any existing risks once they are no longer deemed to be a risk and the introduction of any new risks.

- 2.4. After each CRMG meeting details of all our Key Strategic Risks, including proposed amendments such as increased or reduced scores and the addition of new or deletion of risks, are reported to CMT. Any urgent decisions regarding KSRs outside of this quarterly cycle can be escalated to CMT via the monthly finance and performance report.
- 2.5. In accordance with the risk reporting cycle, the most recent quarterly review of departmental risks was undertaken by DMTs during September 2019, following which all risks were scrutinised at CRMG on 2 October 2019.

A report on the final Quarter Two status of the KSRR was subsequently presented to CMT on 22 October 2019.

2.6. There are currently 13 Key Strategic Risks and five Key Strategic Issues on the KSRR.

- A Risk is defined as an event which might occur in the future
- An Issue is something which is happening now.

Of these Risks and Issues seven are scored as red:

- One red issue is scored at 24 - Likelihood Very High (6) / Impact Very Serious (4)
 - CSF06 / KSR56: CSF Funding & Statutory Services
- One red risk is scored at 16 - Likelihood Significant (4) / Impact Very Serious (4)
 - ER154 / KSR 82 Bishopford Road Bridge
- Five red risks / issues are scored at 15 - Likelihood High (5) / Impact Serious (3)
 - IT24 / KSR21: Public Contract Regulations / Standing Orders (Risk)
 - RE02 / KSR49 Corporate Business Plan & balanced budget (Risk)
 - CSF04 / KSR55: Demographic Changes (Issue)
 - RE16 / KSR61: Annual Savings Programme (Risk)
 - ER132 / KSR81: Waste Services Contractor (Risk)

2.7. The latest KSRR, containing full details of all strategic risks and issues together with their associated Control Actions, can be found at Appendix II.

2.8. CRMG also reviews the level of insurance claims against the council on a quarterly basis. At its meeting on 2 October 2019, CRMG noted that a major issue continues to be that of the high level of claims still being received for damage caused by trees; the amount of claims currently outstanding being £511,000.

Cross-departmental efforts continue to try to resolve this issue and an audit of our tree management arrangements is currently underway.

2.9. At present Internal Audit are reviewing the councils risk management arrangements to ensure that strategic and operational risks are effectively managed so that the councils risk exposure is reduced to an acceptable level. This includes reviewing the strategy and procedures to ensure responsibilities for risk management are clearly defined and fully documented and there are adequate processes for the identification of new risks, evaluation of risks and identification of mitigating controls.

This audit will also compare the risk management arrangements and processes of four other boroughs (Kingston, Richmond, Sutton and Wandsworth) with a view to identifying best practices.

2.10. The next quarterly review of the departmental risk registers will be undertaken throughout December 2019, and the results will be scrutinised by CRMG in early January 2020 and included in the 2020/24 Business Plan for approval by Cabinet and Council.

2.11. Cabinet receives reports on the risk management strategy in order to determine whether corporate risks are being actively managed. Cabinet is also responsible for agreeing the risk management strategy on an annual basis. The Standards and General Purposes Committee provides an annual independent oversight of the adequacy of the risk management framework and the associated control environment; and must be satisfied that the council's strategic risks are being actively managed.

- 2.12. The risk management strategy is included within the dedicated risk management pages on the Merton Hub, and informs and underpins all risk management processes. This includes a wide range of areas, including project management, procurement and savings delivery. The risk management pages on the intranet have been reviewed and all information is up to date. All departmental risk registers and the KSRR are published on the Merton Hub intranet, along with guidance and information to assist officers who are responsible for managing and monitoring risks.
- 2.13. All internal audit report recommendations are reviewed by the departmental risk champions to ensure all relevant risk issues are addressed, supporting the internal control process.

3 ALTERNATIVE OPTIONS

- 3.1. Not applicable.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. CRMG contributed to consultations for the revision of the Risk Management Strategy which is attached at Appendix I. CRMG and CMT will also be consulted on the annual revision of the Risk Management Strategy to be undertaken in January 2020.

5 TIMETABLE

- 5.1. Not applicable.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Merton, along with all other local authorities are facing continued financial pressure from reductions in central government funding and increased demand from vulnerable people and children. The harsh reality of this situation is that more and more local authorities are now showing signs of financial stress such as overspending on services coupled with depleting reserves.

Merton closely monitors its financial position providing regular updates to CMT, Cabinet, Scrutiny and Council.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Risk management is a requirement of regulation 4(a) (iii) of the Accounts and Audit Regulations 2015.
- 7.2. Responses to FOI and other statutory enquiries relating to the Council's risks are based upon the published Key Strategic Risk Register within the Council's annual Business Plan. Should departmental risk registers form the subject of FOIs, these will be redacted as and where appropriate.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

There is one specific Key Strategic Issue around equalities:

- ASC21 / KSR77 - Increase in number of DoLS and Community DoL.: We may not be able to manage the rise in Deprivation of Liberty Safeguards (DOLS) and Community DOL effectively.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no Key Strategic Risks which focus on specific crime and disorder implications.

10 HEALTH AND SAFETY IMPLICATIONS

- 10.1. There is one specific Key Strategic Risk with Health and Safety implications:
- KSR35/CSF01: Safeguarding children

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

- Appendix I – Risk Management Strategy (January 2019)
- Appendix II - Key Strategic Risk Register (Status as at Q2, 2019/20)

12 BACKGROUND PAPERS

- 12.1. Relevant papers held within the Resources Division

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London Borough of Merton

Risk Management Strategy

Revised January 2019
(Agreed CMT 29 January 2019)

Merton's policy is to manage our risks by identifying, assessing and controlling them, with the aim of eliminating or reducing them to acceptable levels whilst being mindful that some risks will always exist and will never be eliminated.

The council recognises its responsibility to risk management by supporting a structured, systematic and focussed approach to risk management through the approval of our risk management strategy.

The effective management of risk is at the core of our approach to delivering cost effective and efficient services as well as sound corporate governance and is a continuous and evolving process, running through our strategies and service delivery arrangements. As risk is very much concerned with our objectives, the management of it will be closely linked to the creation of our strategic, service, project and partnership objectives and plans.

Our risk management process will be continuous and will support internal and external change. The risk management process will be fully integrated with the normal business management processes across the authority.

Merton's aims and objectives in relation to risk management are to:

- Establish and maintain a robust framework and procedures for the identification, analysis, assessment and management of risk, including reporting and recording.
- Minimise the council's exposure to unacceptable levels of risk, minimise injury, damage, loss and inconvenience to staff, residents and service users.
- Integrate risk management into the day to day activities of staff and the culture of the organisation, raising awareness of the importance and need for risk management.
- Assign clear roles and responsibilities for councillors and officers responsible for risk management
- Ensure consistent application of our methodology across all of our activities, including partnerships and projects.
- Effectively manage the total cost of risk.

We will achieve this by:

- Having a clear and concise risk management strategy which underpins our approach and responsibilities to risk
- Incorporating risk management into business planning, project management and service delivery
- Monitoring risk on a regular basis through the Corporate Risk Management Group (CRMG)
- Reporting on risk on a regular basis to the Corporate Management Team (CMT), Cabinet and General Purposes Committee

Risk Management Strategy

The process of identifying and evaluating risks is known as risk assessment. By understanding the risks we face, we are better able to actively recognise where uncertainty surrounding events or outcomes exists, and identify measures which can be taken to protect the council, its staff, residents, customers and assets from these risks.

This strategy provides a structured approach to identifying emerging risks as well as assessing and managing current risks. It also incorporates a process for regularly reviewing and updating identified risks.

This strategy will be reviewed on an annual basis, and updated where required.

What is risk?

Risk is the threat that an event or action may adversely affect an organisation's ability to achieve its objectives and successfully execute its strategies. A risk can be a threat, obstacle, barrier, concern, problem or event that may prevent us fulfilling our objectives.

Our risk management processes also include the assessment of Issues. Issues are current problems, questions, outstanding items, tasks or a request that exists in the immediate present. There is a strong element of fact surrounding it. An issue becomes a risk when the issue cannot be addressed and could continue or get worse.

Definition of Risk Management

Organisations exist to achieve their ambitions, aims and objectives. Risk Management is the process by which organisations methodically address and identify the risks that may prevent them from achieving these ambitions, aims and objectives. The intention is to achieve sustained benefit within each of their activities, and across the portfolio of all their activities.

Ultimately, risk management is about creating a better understanding of the most important problems facing organisations.

Risk is also implicit in the decisions all organisations take; how those decisions are taken will affect how successful they are in achieving their objectives. Decision making is, in turn, an integral part of the day to day existence and is particularly significant in times of change. Risk management therefore is a key component in the management of change and helps to support effective decision making.

We endeavour to identify all risks facing the council and to monitor, manage and mitigate (where possible) all those risks which are deemed to be high (scored Amber or Red). Risks are monitored via Departmental Risk Registers, and key crosscutting risks to the council are also placed on the Key Strategic Risk Register (KSRR).

The benefits of risk management

In addition to the business and service benefits of our approach, we are required to undertake risk management because it forms part of the Annual Governance Statement. We must, therefore, demonstrate that we have a systematic strategy, framework and process for managing risk.

However, the council recognises that the benefits of risk management far outweigh the requirement to undertake the activity and such benefits include:

- Stronger ability to achieve our ambitions, aims and objectives as key risks are managed.
- Better decision making as we are more aware of risk.
- Ability to take advantage of opportunities because we understand the risks attached to them.
- Better governance and the ability to demonstrate it to our stakeholders.
- Reduction in failure, loss, damage and injury caused by risk
- Improvement in our ability to adapt to change
- Improvement in our corporate governance
- Compliance with statutory and regulatory requirements

Organisational awareness of risk and risk management

Ensuring that there is a strong organisational awareness of risk management will be achieved through training sessions, reviews, departmental meetings, briefings and staff bulletins which will take place on a regular basis. Each department has an assigned Risk Champion who will offer guidance to staff where required. The [risk management intranet page](#) will be regularly reviewed and staff will be signposted to the information they need to pro-actively identify and manage risk ie the Risk Management Toolkit and other guidance.

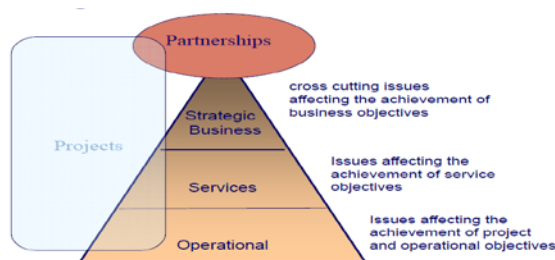
Risk Appetite

The council recognises that its risk appetite to achieve the corporate priorities identified within its business plan could be described in general as an “informed and cautious” approach. Where significant risk arises, we will take effective control action to reduce these risks to an acceptable level.

It is also recognised that a higher level of risk may need to be accepted, for example to support innovation in service delivery. To offset this there are areas where the council will maintain a very cautious approach for example in matters of compliance with the law, and public confidence in the council, supporting the overall “informed and cautious” position on risk.

How does risk management integrate with other policies?

Risk management links closely with Health and Safety, Business Continuity, Emergency Planning and Insurance; by ensuring close links we can enhance our resilience. Generally, a single issue or risk will fall into only one of these categories; however some may fall into two or more. As Business Continuity is a way of mitigating risk, its link with risk management is key to ensuring the continuous delivery of services which are important to the community.



Risk management in projects

Risk management is a key part of the ongoing management of projects and partnerships and is clearly defined in [Merton's Approach to Projects \(MAP\)](#).

Risk management in partnerships

The council is involved in a wide range of partnerships to achieve our ambitions, aims and objectives. It is vital we assess the risks to achievement within our key partnerships, and ensure that they are monitored regularly.

Our methodology for assessing and monitoring risks has been adopted by our key partnerships in order to ensure consistent scoring, and effective integration into our risk management system.

Financial Risk Management

Local government has faced unprecedented financial challenges in recent years that are likely to remain well into the next decade. The harsh financial economy faced by local authorities has led Central Government and the public sector accounting body CIPFA to start to consider how best to minimise the chance of further Section 114 notices being released and providing early warnings of authorities being unable to balance their budgets. Within Merton the following activity is already undertaken:

Budget Setting

- Financial pressures caused by demographic pressures in Special Educational Needs, Placements and Adult Social Care have been monitored closely – ongoing demands have received some additional funding
- Financial modelling within the Medium Term Financial Strategy and Capital has been developed
- Horizon spotting is used to improve response times to changes in Central Government funding.
- Financial Risk thresholds have been reviewed and reduced appropriately

Budget Monitoring:

- All budgets are monitored monthly, and reviewed with outturn, current spend and commitments
- Monthly review of progress on delivery of savings with management action
- Monitoring resources are targeted at high risk areas

Year End Accounting

- Reviewing closing issues to minimise the chance of the issues occurring again
- A greater emphasis on quality control of working papers
- More emphasis on reconciliation work within the financial year.

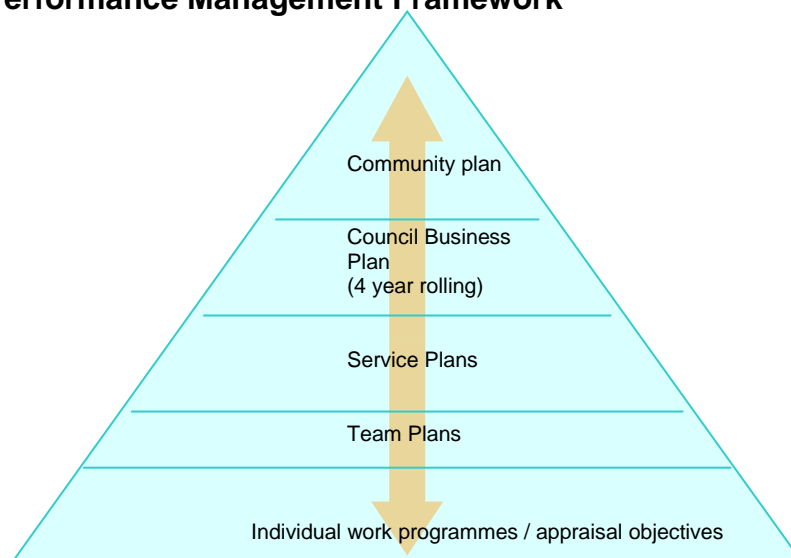
There is also a financial impact element to the authorities risk matrix which has been recently reviewed and simplified. Officers will continue to review activity and adopt best practice etc. where appropriate.

Corporate approach to risk management

In order to formalise and structure risk management, it is recognised there is an obvious and clear link with the business planning process and therefore risk management sits within the Business Planning team.

The overall council Business Plan, incorporating the individual service plans, sets out what a team, division, department, or the council as a whole, want to achieve within a specific time frame, as shown below.

Merton Performance Management Framework



- CMT is ultimately accountable for delivering the council’s Business Plan therefore they are responsible for monitoring and reviewing the KSRR.
- DMTs are responsible for their own services’ risk registers.
- Divisions or teams are responsible for their own risk registers, if applicable.

It is important that risks identified and assessed at an operational level can be escalated to a departmental or corporate level. However, because a risk may have a great impact on a team it does not necessarily follow that it may have the same impact on the department, or the organisation as a whole.

Ultimately, it is the respective management team which decides if a risk is an appropriate inclusion on its risk register.

Scoring Risk

When determining a score for service level risks, definitions of likelihood and impact of risk should be used in conjunction with the matrix below. Therefore, if the likelihood of a risk is 4, significant, (occurs or likely to occur more than 25%, and up to 50% of the time) and the impact is 3, serious, (service provision - service suspended short term) – then the risk rating will be 12 (4x3) which is amber.

Definition of the Likelihood of Risk

Classification	Definition
6 - Very High	Occurs or likely to occur more than 90% of the time
5 - High	Occurs or likely to occur over 50% of the time
4 - Significant	Occurs or likely to occur over a 25% of the time
3 - Possible	Occurs or likely to occur less than a 25% of the time
2 - Low	Occurs or likely to occur less than 5% of the time
1 - Almost Impossible	Occurs or likely to occur less than 1% of the time

Definition of the Impact of Risk

Categories	1 - Marginal	2 – Moderate	3 - Serious	4 - Very serious
Financial Impact – FI	£100k - £500k per annum	£500k - £1m per annum	£1m - £5m per annum	Over £5m per annum
Service Provision - SP	Reduced service	Significant reduction	Service suspended short term	Service suspended long term / statutory duties not delivered
Health and Safety - HS	Broken bones / illness	Major illness / threat not life threatening	Loss of life / major illness	Major loss of life / large scale illness (pandemic)
Objectives - O	Objectives of one service area not met	Departmental objectives not met	Corporate objectives not met	Statutory objectives not met
Reputation - R	Adverse local media lead story short term	Adverse local media story long term. Adverse national publicity short term.	Adverse national publicity longer term	Remembered for years

Risk Matrix

Likelihood	6	6	12	18	24	Likelihood 6. Very high 5. High 4. Significant 3. Possible 2. Low 1. Almost impossible	Impact 4. Very Serious 3. Serious 2. Moderate 1. Marginal
	5	5	10	15	20		
	4	4	8	12	16		
	3	3	6	9	12		
	2	2	4	6	8		
	1	1	2	3	4		
	1	2	3	4			
							Impact

Reporting and escalating risks

All risks on individual service risk registers are reviewed at Departmental Managers Team (DMT) meetings with particular attention given to red or increasing amber risks.

Risks are also checked for any cross cutting implications. If the risk is high scoring and/or could have an impact across the organisation, then it must be included in Key Strategic Risk Register, which contains risks which could have a detrimental impact across the whole organisation should they occur.

Monitoring and Managing

During the year, new risks will arise that have not previously been considered and there may be changes to existing risks. Therefore the risk registers need to be regularly managed, with risk owners re-assessing their risks, re-scoring them if appropriate, and providing sufficient narrative in respect of the Control Measures they have in place (ie the actions which they are taking to mitigate against the risk). The reviews of risk registers should be managed by exception. The reporting cycle as detailed below, takes place during April, July, October and January.

1 st week	2 nd week	4 th week
DMT – review operational service risks and propose KSRs as per the definitions of likelihood and impact for crosscutting risks	Corporate Risk Management Group (CRMG) – review service risks and proposed KSRs	CMT – identify and review KSRs

All risks are reviewed according to the quarterly cycle shown above, with a particular focus upon red risks, and also upon amber risks which have increased their risk score since the previous quarterly review.

Removal of any risks from the registers must be approved by DMTs and CRMG prior to being presented to CMT. CRMG will only approve removal of a risk if it is scored green for a minimum of two consecutive reporting cycles (i.e. two quarters). There are otherwise no rigid guidelines for dropping risks from the registers because clear parameters are not always possible. A decision is sometimes taken to keep a low-scoring risk in view on the basis that its status might change over a short period, or so those with an assurance role can be confident mitigation against a risk can be sustained.

A flowchart showing how service, departmental, corporate and partnership risks are escalated and reported is shown on the final page of this Strategy.

Roles, Responsibilities and Governance

Councillors

Elected councillors are responsible for governing the delivery of services to the local community. Councillors have a responsibility to understand the key risks the council faces and will be made aware of how these risks are being managed through the annual business planning process. All Councillors will have a responsibility to consider the risks associated with the decisions they undertake and will be informed of these risks in the plans and reports submitted to them.

Chief Executive and CMT

The Chief Executive and CMT are ultimately accountable in ensuring that risk management is fully embedded in the council's business planning and monitoring processes as well as having overall accountability and responsibility for leading the delivery of the council's Risk Management Strategy and Framework. CMT will take a leading role in the risk management process, ensuring that risk management is communicated, understood and implemented by Councillors, managers and staff. CMT will also play an important role in establishing a supportive culture.

CMT will submit an annual report on risk to the Standards and General Purposes Committee and Cabinet.

Directors

Each Director is accountable for proper monitoring of their departmental risk register, action plans and the embedding of risk management into the business planning process of their directorate. They will need to be actively involved in the risk management process within their department and CMT, including nominating an appropriate Risk Champion for their department. Directors are also accountable and responsible for leading the delivery of the council's Risk Management Framework in their respective Directorate.

Section 151 Officer / Internal Audit

The Section 151 officer and Internal Audit will be responsible for carrying out independent reviews of the risk management strategy and processes. They will provide assurance and give an independent and objective opinion to the council on the adequacy of its risk management strategy, control procedures and governance.

An annual Audit Plan, based on a reasonable evaluation of risk, will be carried out and an annual assurance statement will be provided to the council based upon work undertaken in the previous year. The section 151 officer will chair the CRMG group.

Risk Champions

Risk champions will work with their Director, Heads of Service, Managers and Team Leaders to ensure the RM Strategy and Framework is embedded in the Directorate and departmental planning, performance, project and partnership management, offering support and challenge. They will also represent their directorate at CRMG meetings.

Risk Champions will ensure that risks are identified, assessed and scored correctly by the Risk Owners, offering advice and guidance where appropriate. They will also challenge risk scores where they do not appear to be reasonable, or where they contradict the Control Measures narrative or the corporate Risk Scoring Guidance.

All Risk Champions will receive appropriate training to ensure that they can perform their role effectively. Training needs will be regularly evaluated.

Service Managers

Managers have a responsibility not only for the risks for which they are the risk owner, but are also accountable for those risks, within their service, which are owned / managed by others.

They are required to maintain an awareness of risk and ensure that any risks they identify are captured by the risk management process, understanding and responding to the key risks which could significantly impact on the achievement of their service and/or team objectives. Managers should encourage staff to be open about risk so that appropriate mitigation actions and control measures can be agreed.

Risk Owners

Risk owners are responsible for identifying and implementing appropriate actions which will mitigate against risks they own and reduce these risks to an level acceptable to the organisation. They are required to regularly review the effectiveness of their control measures and provide a formal update to DMTs and CRMG on a quarterly basis as part of the risk review cycle.

Individual Employees

Individual employees need to have an understanding of risks and consider risk management as part of their everyday activities, identifying risks deriving from their everyday work, processes and environment. Risks which could impact on service delivery, the achievement of objectives, or their own or others' wellbeing must be identified and actively managed, with mitigating actions in place where appropriate.

Business Planning team

The business planning team is responsible for ensuring that risk management is embedded throughout the council, as well facilitating and supporting the risk management process and supporting risk owners.

The team will ensure risk management documentation and intranet pages remain up to date and relevant, as well as updating the KSRR with emerging risks, new risks and updating existing risks.

In addition the Business Planning team will ensure risk is part of the annual service planning process, facilitate the CRMG meetings, and submit strategic updates and reports on risk management to CMT, Cabinet, Audit and Assurance Committee etc. as required.

Corporate Risk Management Group

The Corporate Risk Management Group will provide strategic direction and leadership to ensure our risk strategy is maintained and updated and that risks are appropriately identified and managed within the organisation. It will provide a forum for the detailed discussion and monitoring of organisational risks for the benefit of the council, its staff and the wider community.

CRMG will strive to ensure that the risk management framework is embedded within the council's overall strategic and operational policies, practices and processes in a consistent and standardised manner.

In addition it will provide assurance that all risk systems and processes are operating effectively to minimise the Council's overall exposure to risk. The headline departmental risks and planned mitigation activity reported by each department will be discussed by CRMG on a quarterly basis. CRMG will then report its conclusions and recommendations for discussion at CMT.

Cabinet

Cabinet will receive reports on the risk management strategy to determine whether corporate risks are being actively managed. They are responsible for agreeing the strategy on an annual basis, or when significant changes are made, and to report to full Council on the adequacy of the risk management framework.

Standards and General Purposes Committee

To provide an independent oversight of the adequacy of the risk management framework and the associated control environment. The committee will receive an annual review of internal controls and be satisfied it properly reflects the risk environment and any actions required to improve it. Reports will also be provided regarding the KSRR in order that the committee can determine whether strategic risks are being actively managed.

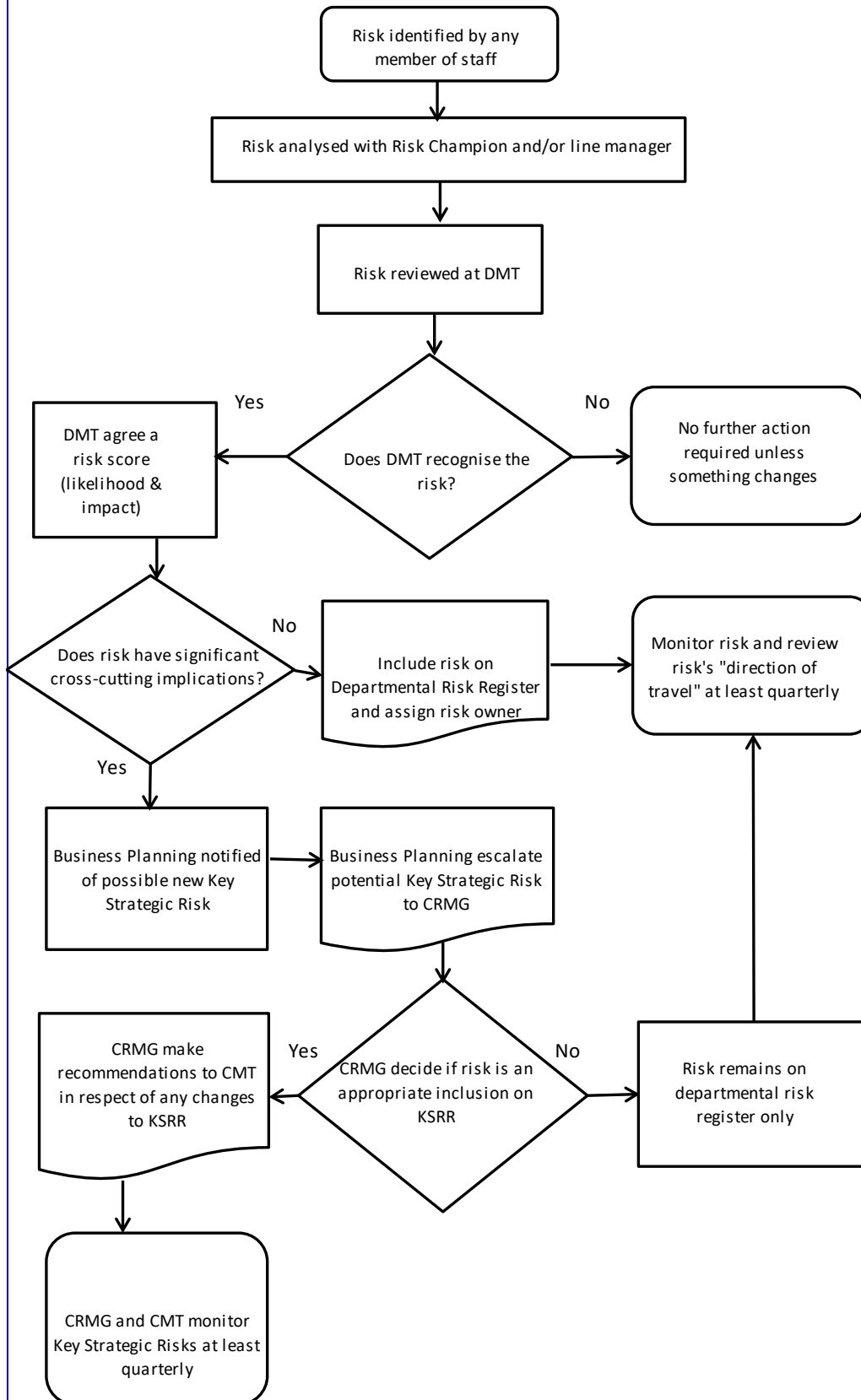
On an annual basis, the committee will review and recommend the adoption of the risk management strategy to cabinet, or if significant changes are identified, to request a revision.

Risk management in committee reports

When a report is submitted to a committee the author is required to complete a section on Risk Management and Health and Safety Implications. The committee should be informed of any significant risks involved in taking a recommended course of action, or if it decides not to follow the recommended course of action. The risk assessment should follow the corporate risk management procedures and be scored using the risk matrix. The report should also give details of any control measures (either proposed or existing) to manage any significant risks identified. Where appropriate, reference should be made to any existing risk(s).

Report authors are advised to consult with the Business Planning team or their departmental Risk Champion, for further advice and to propose any risks to be considered for inclusion in the departmental or KSRR.

London Borough of Merton Risk Management Process



Risk Register ~ Key Strategic Risks ~ Quarter 2 2019

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
John Morgan	ASC06 / KSR78 Legal challenge ASC Placements	Key Strategic Risk	Some of our Adult Social Care placements might result in legal challenges	- shortage of suitable placements in Merton - budgetary constraints - people placed further from their support networks.	- increased costs of placements - prevention of other developments - increased staff time - additional legal costs - damage to reputation	R		9 18-Sep-2019	See Below	26 Jun 2019
								9 26-Jun-2019		
								9 02-Apr-2019		
								9 09-Jan-2019		
Control Actions: - We are targeting the market to fill the gap in complex placements- we try to utilise homes within the borough but at times due to the lack of availability of suitable placements within Merton we have to look further. - All decisions regarding appropriateness and sufficiency of support are taken through the ASC outcomes forum. - The learning disability offer review within the Strategy and Improvement programme will review market capacity and shape the markets appropriately for the future. This will include reviewing the cost model and fees structures. We continue to assess a cross section of placements to assess value for money.										
Lorraine Henry	ASC21 / KSR77 Increase in number of DoLS and Community DoL	Key Strategic Risk	We may not be able to manage the rise in Deprivation of Liberty Safeguards (DOLS) and Community DOL effectively	- A court ruling in 2014 known as 'Cheshire West' widened the criteria for people that can be subject to a DoLS or Community DoLS (CDoLS) - The Government has not made any additional resources available	- Existing backlog of assessments awaiting completion - Cost pressure in relation to DoLS assessments which need to be undertaken - Potential of legal challenge if DoLS authorisation requests are not completed	FI		9 18-Sep-2019	See Below	18 Sep 2019
								9 25-Jun-2019		
								9 01-Apr-2019		
								9 03-Jan-2019		
Control Actions: - Following a paper to DMT/ CMT in 2018 a robust system is now in place to manage current Dols and historic cases. This is being monitored at DMT level. - The backlog has reduced from 500 in Sept 17 to 220 in September 2019. - The reason for the increase since March is that we receive 40- 50 authorisation requests on average each month. In the last few months we have seen an increased amount come in and a reduction of DoLS completed due to multiple factors such as reduction in use of external BIA's, staff holiday and additional training needs. - Community DoL- A system is in place to screen and prioritise Community DoL and this will also be reported to DMT. - Training is being organised, and a RAG system is being developed to identify clients that pose the most risk to the Local Authority. Community DOL training currently being procured.										

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Fiona Thomsen	CG25 / KSR79 GDPR	Key Strategic Risk	LB Merton may not be compliant with the General Data Protection Regulation (GDPR) or Data Protection Act 2018 that came into effect on 25th May 2018	<ul style="list-style-type: none"> - insufficient time or resources to fully comply - Weaknesses in some existing and legacy IT systems - technical barriers to compliance - reliance on external suppliers 	<ul style="list-style-type: none"> - LB Merton is fined by the Information Commissioner's Office - reputational damage - key stakeholders lose confidence & may not share information / work with the Council. 	FI		16 04-Oct-2019	See Below	04 Oct 2019
								12 04-Sep-2019		
								12 04-Jun-2019		
								12 04-Mar-2019		

Control Actions:

Work is on-going in all BAU areas i.e. advising staff DPA issues e.g. Information Sharing Agreements and dealing with data security issues. Still some outstanding actions from original action plan to be completed. Likelihood score increased from 3 to 4 at 2 October CRMG in view of potential 'no deal' brexit.

Page 152 Kris Witherington	CPI39 / KSR74 Inadequate consultation	Key Strategic Risk	We may fail to adequately consult over changes to Council services and policies, and/or the design and implementation of projects (formerly CS17/KSR74)	<ul style="list-style-type: none"> - inadequate consultation - not meeting expected standards - insufficient training 	<ul style="list-style-type: none"> - increasingly robust scrutiny and challenge - possibility of Judicial Reviews 	R, FI		8 04-Sep-2019	See Below	04 Sep 2019
								8 03-Jun-2019		
								8 11-Dec-2018		
								8 17-Oct-2018		

Control Actions:

- The standards expected for consultation are described in the Community Engagement Strategy ("Get Involved") which was agreed by the Merton Partnership in 2010 and refreshed in 2014. All Council consultations should be listed on the Council's online consultation database, having been approved by the Consultation and Community Engagement Team. Support for services is available including training around the need for consultation, design, and legal obligations.

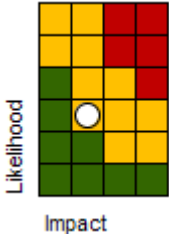




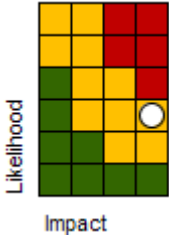




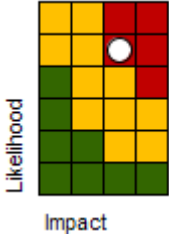




- A recent exercise showed the need for the coordination of our overall stakeholder management, which has been addressed.

Rachael Wardell	CSF01 / KSR35 Safeguarding children	Key Strategic Risk	We may fail to adequately safeguard children	Because of: <ul style="list-style-type: none"> - Less effective inter-agency working - Changing expectations & updated regulatory framework - Ongoing budget pressures across all agencies 	Resulting in: <ul style="list-style-type: none"> - Child protection & safeguarding consequences including possible child death or serious harm. - increasing costs of "high cost" interventions - undermining of the Merton Model 	R		12 24-Sep-2019	See Below	18 Jul 2019
								12 01-Jul-2019		
								12 18-Mar-2019		
								12 23-Jan-2019		

Control Actions:

- Strengthened MSCB governance and development of new partnership arrangements. Refreshed the Merton CYP and Family Wellbeing Model. Ongoing rigour in conversations with partner agencies and third sector to improve understanding and responsibility of safeguarding. Launched consultation on CSC Practice Model. Signs of Safety and Think Family approaches being rolled-out. Post-Ofsted action plan fully implemented.

- Permanent appointments made to key senior positions in Children's Social Care and Education Divisions.

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Charles Baker; John Bosley	ER112 / KSR73 Waste disposal budget (Viridor)	Key Strategic Risk	We may be unable to meet financial budget for waste disposal	<ul style="list-style-type: none"> - Waste may not be adequately disposed of - Delays in moving over to ERF - Increase in waste forecasted - Reduction in recycling - Insufficient budget to cover disposal costs 	<ul style="list-style-type: none"> - increased costs for waste disposal - operational difficulties - performance may be affected (more landfill, less recycling and more missed bins) - political and reputational impact 	FI/R/O		6  23-Sep-2019	See Below	23 Sep 2019
								6  20-Jun-2019		
								6  25-Mar-2019		
								8  25-Sep-2018		
Control Actions: <ul style="list-style-type: none"> - Following the roll out of the new collection service in Oct 2018 our waste horizons continue to reduce. In line with our forecast a budget saving of £250k has been taken this financial year (2019/20) We continue to undertake monthly monitor our waste volume and amend our budget projections accordingly. - Due to growth in Food waste and Garden waste these budget areas are under pressure. This will be offset by the 14% reduction in general waste. 										
Bill McGarry; James McGinlay	ER118 / KSR75 Crossrail 2	Key Strategic Risk	We may fail to minimise the negative impact of Crossrail2 on the Council's income and/or commercial activity in Wimbledon Town Centre and Weir Road	<ul style="list-style-type: none"> - inadequate preparation and planning on our part 	<ul style="list-style-type: none"> - financial impact on council and services - economic impact on Wimbledon Town Centre and the borough (potential loss of businesses and jobs) - Council reputation 	FI		12  17-Sep-2019	See Below	07 Oct 2019
								12  20-Jun-2019		
								12  25-Mar-2019		
								12  02-Jan-2019		
Control Actions: <ul style="list-style-type: none"> - Ongoing engagement with CR2 to identify alternative options to minimise land-take in Wimbledon town centre. - New phased proposals illustrated in LBM Future Wimbledon Masterplan. - CR2 awaiting government approval to progress with safeguarding land south of Wimbledon. - No further update until Gov Spending Review post-Brexit 										
Charles Baker; John Bosley	ER132 / KSR 81 Waste services contractor	Key Strategic Risk	Veolia may fail to deliver the street cleaning and/or waste collection services to the standard required by their contract	<ul style="list-style-type: none"> - insufficient capacity (Veolia) - disputed areas of responsibility - financial impact of recycling market changes which adversely affect Veolia - lack of ICT integration and real time information - poor management by Veolia 	<ul style="list-style-type: none"> - reputational damage to the Council - negative environmental impacts - negative public health impacts 	R		15  23-Sep-2019	Review of internal resources and client structure to be undertaken to build greater resilience within the service.	23 Sep 2019
								15  20-Jun-2019		
								15  25-Mar-2019		
								15  06-Feb-2019		

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Caroline Holland; Mark Humphries	IT24 / KSR21 Public Contract Regulations / Contract Standing Orders	Key Strategic Risk	We might breach Public Contract Regulations 2015 and Contract Standing Orders (previously risk RE03)	- incorrect procurement (despite this being a tightly regulated area of council activity) - Lack of staff awareness - insufficient training and guidance	- procurement exercises impacting on strategy and time - adverse budget and service implications if not carried out correctly - legal challenges - slower identification, capture and delivery of savings - reputational risk.	R		15 06-Sep-2019	See Below	05 Feb 2019
								15 04-Jun-2019		
								15 13-Mar-2019		
								15 04-Dec-2018		

Control Actions:

- An online procurement 'toolkit' was formally launched in September 2018. This will be supported by staff training sessions in order to promote use of the Councils procurement portal and the suite of new documents and templates. This will promote and embed good practice across the organisation and significantly reduce the risk of a legal challenge due to a failure to meet the requirements of the Public Contract Regulation or Contract Standing Orders.

The Operational Procurement Groups (Within each Department) are responsible for providing Governance, appropriate challenge, assurance and management of key activities within the procurement process, and work in conjunction with the Council's Procurement Board to ensure adherence to Public Contract Regulations & Contract Standing Orders

The Church; Caroline Holland	RE02 / KSR49 Corporate Business Plan & balanced budget	Key Strategic Risk	We may fail to develop a corporate Business Plan & set a balanced budget for 19/23 & beyond	- Reduction in Government Grant - challenges of making accurate projections of Business Rate Retention due to lack of clarity over future of London Pilot Pool	- negative impact on service provision - damage to council reputation - negative impact on staff morale - dissatisfaction of internal & external customers	FI		15 12-Sep-2019	See Below	12 Sep 2019
								15 05-Jul-2019		
								12 17-Jun-2019		
								12 04-Mar-2019		

Control Actions:

- The MTFS has been rolled forward a year and updated for the 2018/19 outturn position.

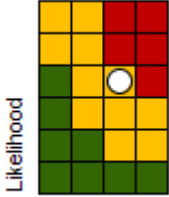




- Officers are currently revising the financial implications of the Spending Round 2019 and awaiting further information of future allocations of schools funding.

- There is also uncertainty arising from the implications of Brexit which are unknown but could have a significant impact.

Caroline Holland; Bindi Lakhani	RE16 / KSR61 Annual Savings Programme	Key Strategic Risk	We might fail to deliver the savings of £15.7m which have been agreed for the period 2019/20 to 2022/23 (the period of budget decisions required by this council)	- we are unable to achieve planned and/or anticipated savings - projected outturns do not match actuality	- adverse impact on the authorities ability to balance its budget in the medium to long term - gap is larger than the contingency - we are required to reinstate reserves	FI		15 10-Sep-2019	See Below	10 Sep 2019
								15 17-Jun-2019		
								15 04-Mar-2019		
								15 04-Dec-2018		

Control Actions:

The monthly monitoring report is forecasting a shortfall in savings in 2019/20 of £1.5 million (21%). In 2018/19 savings of £1.5 million were underachieved and £0.5 million are an ongoing pressure and not expected to be achieved in 2019/20. Delivery of savings continues to be carefully monitored and reported in 2019/20 as they are critical to balance the budget.

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Corporate Management Team	RE24 / KSR80 Impact of Brexit	Key Strategic Risk	We might be unable to respond effectively to the changes brought about by Brexit	<ul style="list-style-type: none"> - A challenging withdrawal process - Changes to procurement frameworks - Other regulatory/statutory changes - Loss of regional aid funding - Changing eligibility of EU nationals to live &/or work in UK - potential impact on staff recruitment and retention - security of supplier network - short to medium term impact on LBM's pension investments - community cohesion 	<ul style="list-style-type: none"> - Financial uncertainty - Impact on local economy, investment & growth - Employment & skills gaps - Strain on resources - Impact on services esp. social care - Difficulty complying with statutory requirements - inability to capitalise on post-Brexit opportunities <p>The risk profile assumes a Brexit deal. If no deal, the risk profile will significantly increase as a consequence of the uncertainty created.</p>	FI, SP, O		<ul style="list-style-type: none"> 12  02-Sep-2019 12  03-Jun-2019 12  04-Mar-2019 12  05-Dec-2018 	See Below	02 Sep 2019

Page 5 of 6

Control Actions:

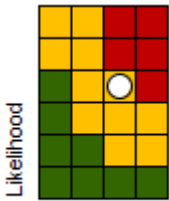




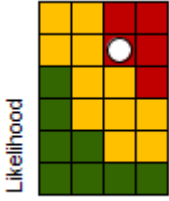




Officers closely monitor developments on the Brexit negotiations and the potential impact for the council, citizens and businesses. This includes reviewing the Technical Notices, guidance from the LGA and other sector related assessments of possible implications. A session has been held with Collective DMT to identify risks. This has been reviewed by CMT and a task group of officers from across the council meets regularly to monitor developments and how the Council responds.

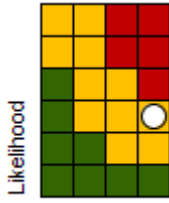




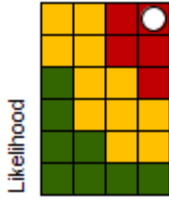




- Cabinet considered the implications of Brexit at their November 2018 meeting and the Overview and Scrutiny Commission are reviewing the implications for citizens. One outcome of the Cabinet meeting was to establish a corporate task group headed by the CS Director to review the implications of Brexit in detail and direct appropriate actions as required.

New Key Strategic Risk

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Paul McGarry	ER154 / KSR 82 NEW RISK Bishopsford Road Bridge	Key Strategic Risk	Structural risk to the damaged bridge structure and Financial risk re. repair or replacement of the bridge	<ol style="list-style-type: none"> Continued adverse weather. Another flood event TBC, if the current bridge cannot be saved. TBC. Whether fault is the flood, a contractor liability or employer liability. Lack of comms or visible action on-site. Ongoing disruption to motorists and public transport users. 	<ol style="list-style-type: none"> Flood risk to properties Structural risk to the damaged bridge structure Financial risk re. repair or replacement of the bridge Litigation – risk of contractual disputes. Reputational risk on LBM Traffic & Transport and safety of pedestrians on the remaining footbridge. 	FI, R		16 08-Oct-2019	See Below	07 Oct 2019
<p>Control Actions:</p> <ol style="list-style-type: none"> Webcam installed under the bridge to monitor water flow and identify potential blockages in heavy rain events. Regular flood alerts being monitored. Stabilisation of the structure is now complete and the riverbed 'scour' has now been backfilled. The bridge is now stable; awaiting structural reports on next steps. Independent study commissioned to assess what led to the collapse. A second Independent study is being procured to set out costed structural and logistic options for repairing or replacing the bridge. FMC will also be asked to provide their assessment for options going forward to repair the bridge. LBM have set up a web-page for information, attended local meetings and hosted a resident information day on the bridge and will attend Community Forum. Information leaflets are being prepared for letterbox distribution. Councillors are being updated weekly. Business rate relief being offered to affected businesses. Bus diversions in place and advanced traffic diversion signs from Sutton-Mitcham are in place. LBM are seeking an additional shuttle bus service to Morden (TBC mid-Oct). Pedestrian safety has been improved with new lights in Ravensbury Park path; Anti-moped barriers and signs installed. ANPR cameras installed and vegetation cut back and being monitored. Additional litter-picks arranged. 										

Issues Register ~ Key Strategic Issues ~ Quarter 2 2019

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
John Dimmer; Rachael Wardell	CPI41 / KSR53 Equalities duties	Key Strategic Issue	We may be in breach of Equalities legislation regarding new policy development, designing services and decision making (formerly RE11)	- insufficient evidence to demonstrate how equalities implications have been considered	- reputational impact for council - risk of judicial review & litigation - negative impact on service users - loss of savings.	R		12  11-Sep-2019		07 Oct 2019
								12  17-Jun-2019		
								12  17-Jun-2019		
								12  17-Dec-2018		
Control Actions The key concerns still relate to service changes as a result of austerity. We continue to need to reduce or reconfigure services which could impact on vulnerable people. We have updated the equalities guidance to managers and a managers bulletin will go out in early October. The recent changes to parking charges was called in and further consultation was undertaken. It is important that managers understand the need for good quality engagement with those affected by potential changes to services. Following the additional consultation Cabinet have approved the parking changes.										
Page 157 Rachael Wardell	CSF04 / KSR55 Demographic changes	Key Strategic Issue	We may fail to respond adequately to increasing children's social care demands	Due to changing borough demographics including: - an increase in the total population in the borough - a particular increase in families with young children - a change in the mix of the population with respect to ethnicity, disability & deprivation - an increase in children with special educational needs and disabilities. Growth in demand taking place in context of pressures on budgets - specifically savings targets of £2.8m for 19/20.	This will lead to: - Additional demand for services for children with special educational needs & disabilities - pressure for growth in children's social care & child protection interventions - increasing level of support for families with no recourse to public funds. - Budget pressures	SP		15  24-Sep-2019		14 Oct 2019
								15  01-Jul-2019		
								12  18-Mar-2019		
								12  23-Jan-2019		
Control Actions Right size budgets in areas with demand pressure that cannot be met. (NB: This mitigating action has not taken place). UASC numbers have reached their limit under the National Transfer Scheme (although care leaver numbers will keep rising). CSF Service Plans identify current control measures, including: reviewing and strengthening the eligibility criteria; step up step down process; and consistently managing demand. A project is in train to try to improve prediction of future demand. Review of Early Help Services taking place now (and will go live early 2020) with the aim of identifying and meeting need earlier and therefore preventing the need for late and potentially high-cost interventions. CSF is in the process of developing a growth bid as a means to meet rising numbers of EHCP plans.										

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided
Jane McSherry	CSF05 / KSR34 Insufficient school places	Key Strategic Issue	Risk that there are insufficient special school places in the borough to meet need.	This is because: - EHCP numbers are increasing significantly and we are reaching the limits on our in-borough capacity in ARPs and special schools	Insufficient special school places provided will result in: - inability to meet statutory duty to children with additional needs through local provision and more children needing to travel out of borough for their education - increased costs in independent sector special school places - increase transport costs to placements outside the borough - increased scrutiny - reputational damage	R		12  24-Sep-2019	Work in hand to deliver expansion of places at Cricket Green School. Proposals to the capital programme to increase places for SEMH and ASD through ARP and new special school places. We are working to ensure that as many children's needs are met effectively at SEND support with the aim of preventing escalation of need.	18 Jul 2019
								12  01-Jul-2019		
9  18-Mar-2019										
6  23-Jan-2019										
Children, Schools & Families	CSF06 / KSR56 CSF funding & statutory services	Key Strategic Issue	CSF funding changes, budget savings & resource management may impact on our ability to provide statutory services, and this is exacerbated by the overspend on the DSG.	Causes include: - Right sizing of budgets has not taken place. Savings for 20/21 have not yet been found. - Move to national funding formula for DSG and implications for overspends - continued uncertainty regarding changes to funding regimes & external grants - concurrent additional statutory duties - demographic pressures - the impact of maintained schools becoming academies - Insufficient funding for new burdens: C&F Act; NRPF; Leaving Care and housing for care leavers.	Leading to: - DSG overspend would impact on council general fund budget - Negative impact on our ability to provide statutory services - undermining of the Merton Model, causing additional spend pressures in targeted services. - Low staff morale - Difficulties in managing the impact of the Workforce Management Strategy - Time & effort required to manage change & meet expectations of members & central government may lead to failures in the management of ongoing operational	FI		24  24-Sep-2019	Assessment of likely impact of changes through Government funding proposals. Additional burdens reported on monthly and demographic pressures identified. Feeds into the MTFs, TOM, Service Planning work and relevant strategies to deliver the required savings without adversely impacting on performance. Early help and prevention a key theme of our TOM coupled with our continued focus on our statutory services. Right sizing of budgets to enable unfunded service demands to be met. (NB: This has not been implemented).	18 Jul 2019
								24  01-Jul-2019		
								20  18-Mar-2019		
								16  23-Jan-2019		

Risk Owner	Code & Name	Risk or Issue	Risk Description	Cause(s)	Consequence(s)	Impact code	Matrix	Current Score & Review History	Control Actions	Date provided												
				<ul style="list-style-type: none"> - Requirement to make significant savings over the next 3-4 years - Need to balance competing & increasing demands at a time of contracting resources & extensive change. - High needs funding is not keeping track with demand and changes to rules on DSG overspend increase potential impact. 	<ul style="list-style-type: none"> - High Needs Block national funding formula allocated £5.5m through the funding floor factor for 2018/19 which means that Merton will not receive the required growth as EHCP numbers increase 				Lobbying of central government by London Councils, Society of London Treasurers and National Audit Office around insufficient funding. CSF contribution to Cipfa and Children's Commissioner lobbying work. .Independent review of CSF finances has been undertaken by Impower, and presented to CMT. Current DSG recovery plan shows that position cannot be recovered within 3 years.													
<p>Page 159</p> <p>Rachael Wardell</p>	CSF09 / KSR62 Intervention/ prevention commissioning	Key Strategic Issue	We may fail to re-commission appropriate intervention and prevention services	<p>Due to:</p> <ul style="list-style-type: none"> - reduction in contracting with local third sector - change in delivery reports of CSF 	<p>Resulting in:</p> <ul style="list-style-type: none"> - Destabilisation of the Local Strategic Partnership & Children's Trust Board partnership arrangements - reduced service delivery - an increase in reactive, rather than pro-active, services - adverse reputational impact - political impact 	R		<table border="1"> <tr> <td>12</td> <td></td> <td>24-Sep-2019</td> </tr> <tr> <td>15</td> <td></td> <td>01-Jul-2019</td> </tr> <tr> <td>15</td> <td></td> <td>18-Mar-2019</td> </tr> <tr> <td>15</td> <td></td> <td>23-Jan-2019</td> </tr> </table>	12		24-Sep-2019	15		01-Jul-2019	15		18-Mar-2019	15		23-Jan-2019	<p>The integrated commissioning group is working well and re-commissioning activity is well underway.</p> <p>The integration of existing council services as part of the review of Early Help in Merton will enable us to commission more effectively.</p>	24 Sep 2019
12		24-Sep-2019																				
15		01-Jul-2019																				
15		18-Mar-2019																				
15		23-Jan-2019																				

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Committee: Standards and General Purposes Committee

Date: 7 November 2019

Wards: n/a

Subject: Amendments to the Constitution

Lead officer: Fiona Thomsen, Interim Assistant Director Corporate Governance and Monitoring Officer

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Louise Fleming, Senior Democratic Services Officer

Recommendations:

To recommend to Council that the following amendments to the Council's Constitution be authorised:

1. Part 5F (Planning Protocol) as described at paragraph 2.2 below and set out in Appendix 1, in response to advice received from the Local Government Ombudsman; and
 2. Part 2, Article 4 paragraph 4.2a (Policy Framework) as set out in paragraph 2.7 below.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To consider changes to the Constitution following advice received from the Local Government Ombudsman; and a review of the Council's Budget and Policy Framework.

2 DETAILS

2.1. Planning Protocol

- 2.2. Following consideration of a complaint made to the Local Government Ombudsman, the Monitoring Officer wrote to all Planning Applications Committee Members on 12 July 2019 reminding them of the requirements of the Council's Planning Protocol in respect of site visits by individual Members. The letter advised that the Planning Protocol would be revised to strengthen the advice and emphasise that site visits by individual Members should be limited to a public vantage point, and they should not visit an applicant's property to avoid a perception of bias. The proposed revisions are set out in Appendix 1 to this report.

2.3. Budget and Policy Framework

- 2.4. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, there are specified plans and strategies where adoption or approval by the local authority must be made by Full Council. The Regulations also provide that a local authority can choose that certain other plans or strategies (statutory or non-statutory) can be added to the policy framework.

2.5. Merton's Policy Framework, set out in Part 2, Article 4, Paragraph 4.2a of the Constitution, currently comprises the 12 plans and strategies listed below:

- Business Plan
- Community Plan
- Corporate Equality Scheme (now Equality and Community Cohesion Strategy)
- Housing Strategy
- Local Development Plans (now Local Plan)
- Children and Young People's Plan
- Local Transport Plan (now part of the Local Plan)
- Civil Contingencies Plan (now Strategic Business Continuity Plan)
- Equal Opportunity and Diversity (now Equalities Strategy)
- Procurement Strategy
- East Merton and Mitcham Neighbourhood Renewal Strategy (now Neighbourhood Renewal Strategy)
- Climate Change Strategy

2.6. The Corporate Management Team have reviewed the list and recommended that this list should be updated so that it reflects the changes that have been made to the titles and to include the Wimbledon Town Centre Master Plan, as agreed by Council at its meeting on 21 November 2018.

2.7. The updated list would therefore comprise 11 plans and strategies:

- Business Plan
- Community Plan
- Equality and Community Cohesion Strategy
- Housing Strategy
- Local Plan
- Children and Young People's Plan
- Strategic Business Continuity Plan
- Procurement Strategy
- Neighbourhood Renewal Strategy
- Climate Change Strategy
- Wimbledon Town Centre Master Plan

3 ALTERNATIVE OPTIONS

3.1. The Council is advised to make these changes in light of advice received from the Local Government Ombudsman and the need to periodically review the Council's Budget and Policy Framework to ensure it is compliant with current legislation and best practice. The alternative option would be to do nothing, which is not recommended.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. The recommendations of the Standards and General Purposes Committee will be considered at the Council meeting on 20 November 2018.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. *The Constitution provides that proposed changes to the Council's constitution be reported to this Committee for approval prior to being considered at Council. (Article 15)*

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

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

- Appendix 1 – Revised Planning Protocol (extract)

12 BACKGROUND PAPERS

12.1. None

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4.9.4 You should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

4.10 Site Visits

4.10.1 Site Visits by PAC

It is not general practice to arrange site visits for the Committee. Such site visits will only be considered where the expected benefit is substantial.

4.10.2 You should not request a site visit unless you feel it is strictly necessary because:

-) The impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
-) There is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or by verbal presentation at the Committee meeting.

Site Visits by individual members of PAC

4.10.3 Many members will already be familiar with sites which are the subject of applications but not in all cases. It is normal and proper for members in these circumstances to visit a site themselves before the Committee meeting. Where individual members of the Committee wish to undertake their own site inspection prior to the Committee meeting, these should be conducted unannounced and limited to from a public vantage point. **Members of the Committee should not visit an applicant's property to avoid the perception of bias.** Members of the Committee should not arrange to meet applicants/agents or third parties for the purpose of a site inspection.

4.10.4 If a Committee member is approached on site by any applicant/agent, objector or other third party interest they should seek to avoid discussion of the application and should ensure they do not give any indication of their views or the likely decision of the Committee.

4.11 Conduct at Meetings

4.11.1 You should not allow members of the public to communicate with you during the Committee's proceedings other than through the scheme for public speaking, as this may give the appearance of bias. You should avoid communicating privately with applicants and objectors during the Committee meeting.

4.11.2 Avoid speaking to other members whilst the applicant or objectors are making representations to PAC. It may give the impression you are not taking into

consideration their views.

4.11.3 Be aware of public perception. You should be paying attention to the discussion

Committee: Standards and General Purpose

Date: 7th November 2019

Wards: All

Subject: Gifts and Hospitality – Members

Lead officer: Fiona Thomsen Interim Assistant Director Corporate Governance and Monitoring Officer

Contact officer: Fiona Thomsen, 0208 545 3338, Fiona.thomsen@merton.gov.uk

Recommendations:

- A. That the Committee notes the report.
 - B. That members are reminded of their responsibility to complete declarations of gifts and hospitality including reasons for acceptance.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Council's Code of Conduct for Councillors incorporates the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members". Members are required to ensure that gifts and hospitality that may be offered are recorded in a register that the Council publishes on line.
- 1.2. This report provides information on gifts and hospitality recorded in the hospitality registers for the review in the year since the last consideration of the register on 8 November 2018.

2 DETAILS

- 2.1. The Council's requirements are set out in the "Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members" which is attached at appendix 1 for ease of reference.
- 2.2. The protocol provides that members must:-
 - a) "You must register *every* individual gift or item of hospitality received that is over £25 in value.
 - b) Your registration must be made *within 28 days of the date you received it*, by completing and sending the attached form to the Council's Monitoring Officer (Fiona Thomsen , Interim Assistant Director of Corporate Governance and Joint Head of Legal Services).
 - c) You must declare the *value* and details of the gift or hospitality received on the form, as well as whether the donor of the gift has or has had in the past or likely to have in the future, dealings with the Council and also if the gift or hospitality has been accepted the reason for that acceptance. You must sign the form *personally*; they should not be signed by support staff for you. Forms will be checked and returned if not completed properly.

- d) Even if all members, or a large number of them, received the same gift or are invited to the same event, they must each make *individual* notifications.
- e) Failure to comply with these rules is a breach of the Members' Code of Conduct.
- f) Breaches of the Code render members liable to a complaint being reported to the Monitoring Officer, who can decide whether there should be an investigation into the allegation."
- g) The Protocol gives the following guidance.

2.4 Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them in the first place.

- a) Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement then the matter should be reported in accordance with established procedures.
- b) The Bribery Act 2010, which came into force on 1 July 2011, creates offences of "bribing another person" (active bribery) and of "being bribed" (passive bribery). The offences consist of "promising, offering or giving" or "requesting, agreeing to receive or accepting an advantage (financial or otherwise)" in circumstances involving the improper performance of a relevant function or activity. In the context of the council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or in a particular way by a person performing it in a position of trust. There is a maximum penalty of 10 years imprisonment or an unlimited fine for these offences.
- c) In considering whether to accept gifts or hospitality Members should have regard to the following general principles:
- d) Never accept a gift or hospitality as an inducement or reward for anything which you do as a Member;
- e) Only accept a gift if there is a commensurate benefit to the Council;
- f) Never accept a gift or hospitality which might be open to misinterpretation;
- g) Never accept a gift or hospitality which puts you under an improper obligation; and
- h) Never solicit a gift or hospitality.

- 2.5 Decisions on declarations must be made by individual members. The Standards and General Purposes Committee has however agreed that in appropriate circumstances members may choose to accept gifts and hospitality in the following circumstances:
- a) City hospitality provided by another authority;
 - b) Modest refreshments received in the ordinary course of duties as a member e.g. at formal meetings or when in contact with constituents;
 - c) Tickets for sporting, cultural events which are sponsored or supported by the Council;
 - d) Small gifts of low intrinsic value i.e. below £25 which are branded with the name of the company or organisation making the gift (e.g. diaries, calendars etc);
 - e) Modest souvenir gifts with a value below £25 from another public body given on the occasion of a visit by or to that body;
 - f) Hospitality received in the course of an external visit or meeting which has been authorised by the Council. In such cases the arrangements should be made by officers rather than the members who will be benefiting and hospitality should be commensurate with the nature of the visit; and
 - g) Other unsolicited gifts where it is impracticable to return them or where refusal would in the circumstances cause offence. In such cases, you may wish to pass the gift to the Mayor's charitable fund.

2.6 Receipt of gifts and hospitality of this type is still subject to the requirements of the protocol regarding the notification to the Monitoring Officer of gifts and hospitality of greater than £25 in value. The appropriateness of acceptance should always be considered beforehand. It should also be noted that the mere fact that a gift or hospitality does not have to be notified under the protocol does not necessarily mean that it is appropriate to accept it.

3 REVIEW OF THE REGISTERS

- 3.1. Entries made in the register since the last review are attached at appendix 2.
- 3.2. The registers show that declarations were made on 54 occasions by 23 Councillors
- 3.3. The declarations can be summarised in the following categories
 - Events such as dinners to meet organisations and network – 12
 - Wimbledon tennis tickets by invitation or ballot – 16
 - Sporting events – 4

- Mayors charity events – 9
- Borough events – 5
- Invitations to attend theatres and events of cultural organisations connected to the borough - 8

- 3.4. The review of the registers indicates that members are aware of their responsibilities. The declarations were received from across the Council's member groups. In the previous years review, declarations were received from 42 members on 25 occasions. There is a consistent level of declaration across a variety of councillors and indicates that group offices and councillors understand their obligations.
- 3.5. The nature of the gifts and hospitality referred to is consistent with what may be expected for a Council and there do not appear to be any entries which are outside of what could be considered in the normal course of Council business and the various roles councillors have.
- 3.6. It is proposed that following this review a reminder of the obligations is cascaded to members and group officers to ensure the system continues to operate in a satisfactory way.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None

5 TIMETABLE

- 5.1. The review of gifts and hospitality takes place on an annual basis.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Members are required by the Code of Conduct to report offers of gifts, and hospitality. Failure to report may be a breach of the Code of Conduct.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council is conducting its activities has proper regard to issues relating to human rights and equalities and fair treatment of all people is a significant component of ethical governance.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None

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

- Appendix 1- Protocol on the declaration of gifts and hospitality
- Appendix 2 – extract from the register of declarations of gifts and hospitality.

12 BACKGROUND PAPERS

12.1. None

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Name	Details	Date	Value
Agatha Mary Akyigyina OBE	None		
Stephen Alambritis	Guest at press evening for 'Three Under the Banyan Tree' at Polka Theatre - value unknown but in excess of £25. Offered by Polka Theatre	03.10.18	£25.00 +
	Two tickets for Fulham vs Arsenal in Chairman's Box at Fulham FC. Value unknown but in excess of £25. Offered by Fulham FC.	07.10.18	£25.00 +
	Dinner at Le Pont de la Tour hosted by Willmot Dixon and offered by Willmot Dixon, value unknown but over £25 offered by Willmot Dixon	16.10.18	£25.00 +
	2 x tickets for Morden Park Fireworks event. Value unknown but over £25 offered by Environment and Regeneration Dept.	05.11.18	£25.00 +
	Two tickets to Mayor Gala Night Panto at New Wimbledon Theatre. Value unknown but in excess of £25.00	11.12.18	£25.00 +
	1 ticket to Fulham FC vs Huddersfield provided by Fulham FC. Value unknown but in excess of £25 offered by Fulham FC	29.12.18	£25.00 +
	Dinner offered by Taylor Wimpey PLC at MIPIM Conference. Value unknown but over £25 offered by Taylor Wimpey PLC	12.03.19	£25.00 +
	Dinner offered by Cratus at MIPIM Conference. Value unknown but over £25 offered by Cratus	14.03.19	£25.00 +
	Lunch offered by Patel Taylor Architects at MIPIM Conference. Value unknown	14.03.19	£25.00 +

Name	Details	Date	Value
	but over £25 offered by Patel Taylor Architects		
	Two tickets to Fulham vs Liverpool in the Chairman's Box offered by Fulham FC. Value unknown but in excess of £25.00.	17.03.19	£25.00 +
	Box offered to Music is for Life show by Merton Music Foundation. Offered by Brian Kingham. Value unknown but in excess of £25.00	20.03.19	£25.00 +
	1 ticket for AFC Wimbledon final home match vs Wycombe in the home Director's box to include lunch. Offered by AFC Wimbledon. Value unknown but in excess of £25.00.	27.04.19	£25.00 +
	Theatre ticket to In the Willows at New Wimbledon Theatre. Value unknown but over £25 offered by Metta Theatre and the National Deaf Children's Society	10.05.19	£25.00 +
	2 x tickets to No 1. Court celebrations offered by AELTC. Value unknown but in excess of £25 offered by AELTC	19.05.19	£25.00 +
	Guest of AELTC at Wimbledon Tennis Championships in Royal Box x2 tickets. Value unknown, in excess of £25.	04.07.19	£25.00 +
Mark Allison	None		
Stan Anderson	None		
Laxmi Attawar	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis championship tickets. Through the ballot I received 2 tickets for which I paid £190.	05.07.19	£25.00 +

Name	Details	Date	Value
Elosie Bailey	None		
Thomas Barlow	Entry for three people (including myself) to the bonfire and firework display in Wimbledon Park. offered by London Borough of Merton; Accepted in capacity as a local councillor ; Value £30	25.11.18	£25.00 +
	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets. Through the ballot I received two tickets for 6 July 2019 for which I paid £216. offered by The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon	20.05.19	£25.00 +
Nigel Benbow	None		
Hina Bokhari	None		
Kelly Braund	None		
Mike Brunt	None		
Adam Bush	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets. Through the ballot I received two tickets for 1 July 2019 for which I paid £112. offered by The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon	17.05.19	£25.00 +
Ben Butler	None		
Tobin Byers	Dinner invitation with Prof Sir Chris Ham, Chief Exec of	14.12.18	£25.00 +

Name	Details	Date	Value
	The King's Fund, South Place Hotel London EC 2. Value unknown but over £25		
	1 Pair of complimentary tickets to Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theater. Value unknown , in excess of £25	11.12.18	£25.00 +
Billy Christine	None		
David Chung	Complimentary ticket to the Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theatre. Value unknown, in excess	11.12.18	£25.00 +
	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £220.	08.07.19	£25.00 +
Caroline Cooper-Marbiah	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £260	09.07.19	£25.00 +
Pauline Cowper	The opportunity to participate in a ballot which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £370.	13.07.19	£25.00 +
Stephen Crowe	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets. Through the ballot I received two tickets for 10 July 2019 for which I paid £270. offered by The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon	17.07.19	£25.00 +

Name	Details	Date	Value
Marty Curton	None		
David Dean	None		
John Dehaney	None		
Nick Draper	1 Pair of complimentary tickets to Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theatre. Value unknown, but in excess of £25.	11.12.18	£25.00 +
	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £370.	12.07.19	£25.00 +
Anthony Fairclough	Purchase of ticket to attend the 2019 Merton Business Awards offered by Merton Liberal Democrats ; Value £150	26.09.19	£25.00 +
Edward Foley	None		
Brenda Fraser	None		
Jennifer Gould	None		
Edward Gretton	Two tickets to Wimbledon tennis championship offered by Mayor of Merton. Value unknown but in excess of £25 offered by Mayor of Merton/AELTC; The tennis championships are a key part of our borough's identity and the ward I represent.	13.12.19	£25.00 +
Joan Henry	None		
Daniel Holden	None		
James Holmes	None		
Andrew Howard	Ticket to Amelie at the New Wimbledon Theatre, value not known. Accepted in capacity as consort to incoming Mayor -- not a mayoral event offered by	25.05.19	£25.00 +

Name	Details	Date	Value
	Manager, New Wimbledon Theatre		
Janice Howard	Ticket to Amelie at the New Wimbledon Theatre, value not known. Accepted in capacity as incoming Mayor -- not a mayoral event	25.05.19	£25.00 +
Natasha Irons	Three tickets to the Morden Park fireworks. offered by Merton Council; Accepted because all councillors were made the same offer ; Value £24	03.11.18	£24.00
Sally Kennedy	None		
Linda Kirby	Hospitality: 2 x tickets for Morden Park Fireworks event. Value unknown but over £25 offered by LB of Merton	03.11.18	£25.00 +
	1 complimentary ticket to Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theatre. Value unknown, but in excess of £25	11.12.18	£25.00 +
Paul Kohler	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets. Through the ballot I received 2 tickets for 2 July 2019 for which I paid £126. offered by The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon	02.07.19	£25.00 +
Rebecca Lanning	None		
Najeeb Latif	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets. Through the ballot I received two tickets for 14 July 2019 for which I paid £450. offered by The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon	23.05.19	£25.00 +

Name	Details	Date	Value
Edith Macauley MBE	1 pair complimentary tickets for Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theater. Value unknown, in excess of £25	11.12.18	£25.00 +
Russell Makin	None		
Peter McCabe	None		
Simon McGrath	None		
Nick McLean	One pantomime ticket given by Mayor of Merton. Accepted because offered to senior councillors. Value above £25. offered by Mayor of Merton	11.12.18	£25.00 +
	Ticket to Merton Music Foundation Concert offered by Merton Music Foundation ; Value £37	20.03.18	£25.00 +
Oonaugh Moulton	Dinner offered to London borough Conservative Group Leaders, other London politicians and business leaders by the Corporation of London. Held at Birmingham Town Hall during the Conservative Party Conference. Value unknown - over £25 offered by City of London Corporation and UK Finance	01.10.18	£25.00 +
	Pair of tickets to special performance of Three Sat Under the Banyan Tree and reception after . Offered by the Polka Theatre and Tara Arts in celebration of their partnership for this production. Value unknown - possibly over £25 offered by Polka Theatre, The Broadway, Wimbledon	03.10.18	£25.00 +
	Two tickets to the Mayor of Merton's Panto Gala Night at the New Wimbledon Theatre, value unknown but in excess of £25.. Justification for acceptance - offered to senior councillors and accepted in my capacity as Leader of the	11.12.18	£25.00 +

Name	Details	Date	Value
	Conservative Group offered by Mayor of Merton		
	1 ticket to Merton Music Foundation "music is for life" performance at the Royal Albert Hall. Value unknown - over £25 offered by Trustees of Merton Music Foundation, Harris Academy Morden	20.03.19	£25.00 +
	Two tickets to the Wimbledon Tennis Championship offered by the Mayor of Merton on behalf of the AELTC for the first day of the Championship as ward councillor. Value unknown, in excess of £25 offered by Mayor of Merton	01.07.19	£25.00 +
Aidan Munday	None		
Hayley Ormrod	None		
Dennis Pearce	None		
Owen Pritchard	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £144.0	3.07.19	£25.00 +
Carl Quilliam	None		
David Simpson CBE	None		
Marsie Skeete	None		
Peter Southgate	None		
Geraldine Stanford	None		
Eleanor Stringer	None		
Dave Ward	None		
	Housing dinner hosted by Pocketliving with fellow housing and regeneration leads in London. Value £25	29.10.18	£25.00 +

Name	Details	Date	Value
Martin Whelton	1 Pair of complimentary tickets to Mayor's Charity and Press Night of 'Aladdin' at New Wimbledon Theatre. Value unknown, but in excess of £25. offered by New Wimbledon Theatre	11.12.18	£25.00 +
	Dinner offered by Taylor Wimpey PLC at MIPIM Conference. Value unknown but over £25 offered by Taylor Wimpey PLC	12.03.19	£25.00 +
	Dinner offered by Countryside Properties at MIPIM Conference to discuss regeneration opportunities in Merton. Value unknown but over £25 offered by Countryside Properties	13.03.19	£25.00 +
	Dinner offered by Cratus at MIPIM Conference. Value unknown but over £25. offered by Cratus	14.03.19	£25.00 +
	Lunch offered by Patel Taylor Architects at MIPIM Conference. Value unknown but over £25 offered by Patel Taylor Architects	14.03.19	£25.00 +
	Dinner with fellow Labour Housing lead members offered and hosted by HTA Design at their London offices. Value £15 offered by HTA Design	02.04.19	£15.00
	The opportunity to participate in a ballot which is not open to the general public for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for which I paid £320.	11.07.19	£25.00 +
Dickie Wilkinson	None		
David Williams MBE JP	None		

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Protocol on the offer, acceptance and declaration of the receipt of gifts and hospitality by elected and co-opted members

Introduction

This protocol has been approved by the Standards Committee of the London Borough of Merton and sets out members' obligations to declare gifts and hospitality received in their capacity as members of the Council and to provide guidance on those obligations.

A breach of this protocol amounts to a breach of the Council's Code of Conduct and a complaint can be reported to the Monitoring Officer and dealt with in accordance with the Members' Complaints Procedure.

What are the rules?

- You must register *every* individual gift or item of hospitality received that is over £25 in value.
- Your registration must be made *within 28 days of the date you received it*, by completing and sending the attached form to the Council's Monitoring Officer (Paul Evans, Assistant Director of Corporate Governance and Joint Head of Legal Services).
- You must declare the *value* and details of the gift or hospitality received on the form, as well as whether the donor of the gift has or has had in the past or likely to have in the future, dealings with the Council and also if the gift or hospitality has been accepted the reason for that acceptance. The form must be signed by you *personally*; they should not be signed by support staff for you. Forms will be checked and returned if not completed properly.
- Even if all members, or a large number of them, received the same gift or were invited to the same event, they must each make *individual* notifications.
- Failure to comply with these rules is a breach of the Members' Code of Conduct.
- Breaches of the Code render members liable to a complaint being reported to the Monitoring Officer, who can decide whether there should be an investigation into the allegation.
- The press and public have the right to inspect your gift and hospitality declaration forms. The Register is also public via the Council's web site at www.merton.gov.uk. (follow link to 'Councillors' page). Councillors and officers may also gain access through the council's intranet. (You should have this in mind when completing declaration forms, as we cannot edit your comments.)

Should I accept gifts and hospitality?

Registering gifts or hospitality received under the Code does not automatically mean it is appropriate or sensible to accept them in the first place.

Particular care should be taken in relation to gifts and hospitality offered by current or potential contractors for the Council. In certain cases the acceptance of a gift or hospitality from these sources could constitute a criminal offence, even if declared. If there is any suspicion that any offer is intended as an inducement then the matter should be reported in accordance with established procedures.

The Bribery Act 2010, which came into force on 1 July 2011, creates offences of “bribing another person” (active bribery) and of “being bribed” (passive bribery). The offences consist of “promising, offering or giving” or “requesting, agreeing to receive or accepting an advantage (financial or otherwise)” in circumstances involving the improper performance of a relevant function or activity. In the context of the council the relevant function or activity means a public activity which a reasonable person would expect to be performed in good faith, impartially or in a particular way by a person performing it in a position of trust. There is a maximum penalty of 10 years imprisonment or an unlimited fine for these offences.

In considering whether to accept gifts or hospitality Members should have regard to the following general principles:

- Never accept a gift or hospitality as an inducement or reward for anything which you do as a Member;
- Only accept a gift if there is a commensurate benefit to the Council;
- Never accept a gift or hospitality which might be open to misinterpretation;
- Never accept a gift or hospitality which puts you under an improper obligation; and
- Never solicit a gift or hospitality.

Must I register all gifts and hospitality which I receive or am offered?

- You must register any gifts or hospitality worth over £25 that you receive in connection with your official duties as a Member.
- Where the value of any gift or hospitality is under £25 you may wish to declare receiving it.
- You should register any offer of gift and/or hospitality over £25 which you have declined, since this protects both your position and that of the Council.

Only gifts and hospitality offered to you in your official capacity must be registered. Gifts and hospitality offered to you in your private capacity, of whatever value, should not be registered at all. You do not need to register gifts and hospitality which are not related to your role as a Member.

However, you should always consider whether any gifts or hospitality could be seen as being connected with your public role as a Member.

What is the value of the gift/ hospitality?

You may have to estimate how much a gift or some hospitality is worth. The form requires you to give an estimate of the value. It is suggested that you take a common sense approach, and consider how much you reasonably think it would cost a member of the public to buy the gift, or provide the hospitality in question. If as a result you estimate that the value is greater than £25, then you should declare receipt.

Where hospitality is concerned, you can disregard catering on-costs and other overheads, e.g. staff and room hire. If the sandwiches or your meal, including drinks and alcohol, would cost £25 in a comparable establishment providing food of comparable quality, register it.

If you are not certain whether the value is under £25, the safest course is to register it and give an approximate value.

What about gifts of low value?

There is no requirement to declare gifts of a value of less than £25. However, in order to be transparent, if you receive a series of related gifts in connection with your role as a Member which are all under £25, but together total above £25, then you should register them if they are from the same person. If the small gifts received from different persons are connected in some way, it is *good practice* to register them.

How do I register gifts and hospitality I receive?

You must give the Group Office Managers (working on behalf of the Monitoring Officer) written details about the gifts and hospitality you are offered. The Standards Committee endorses the use of a standard form for this purpose, which is available on the Council's website.

The best advice is to get into the habit of registering things as soon as possible, and if in doubt, register receipt. The appropriate form is available on the Council's website..

Which organisation do I make declarations to?

As mentioned, anything received in your private capacity is not declarable. However, what is your "*official capacity*"? So far as the Council is concerned it is when you do any of the following -

- You conduct the Council's business; or
- You conduct the business of the office of Councillor; or
- You act as a formal representative of the Council on another body.

To deal with the issue of when things are received in different capacities or where there are overlapping roles:

- Only use the Council's gifts and hospitality registration declaration form for things received in your capacity as a Merton councillor, and send it to the Council's Monitoring Officer.
- If you receive things in another capacity, i.e. arising from holding another public office, register in accordance with whatever code is in place for that other body. If a particular body does not actually require you to register anything (e.g. a community association), then you do not need to do anything in respect of the receipt of a gift or hospitality directly attributed to your role within that organisation.
- If you cannot decide what capacity you received something in, e.g. you were invited as both a Councillor and a health trust member, provided you declare the gift/ hospitality *at least once* with the body that appears to be the most appropriate, you will have fulfilled your duties. The overriding purpose is public transparency.

What happens if I do not register a gift or hospitality?

Failure to notify the Monitoring Officer of the receipt of a gift or hospitality is a breach of this protocol and consequently also a breach of the Code of Conduct. An alleged breach of the Code can be the subject of a complaint to the Monitoring Officer which could result in the matter becoming the subject of the investigation.

Gifts which are more likely to be considered acceptable by the Standards Committee

Decisions on declarations must be made by individual members. The Standards Committee has however agreed that in appropriate circumstances members may choose to accept gifts and hospitality in the following circumstances:

- Civic hospitality provided by another authority;
- modest refreshments received in the ordinary course of duties as a member e.g. at formal meetings or when in contact with constituents;
- Tickets for sporting, cultural events which are sponsored or supported by the Council;
- Small gifts of low intrinsic value i.e. below £25 which are branded with the name of the company or organisation making the gift (e.g. diaries, calendars etc);
- Modest souvenir gifts with a value below £25 from another public body given on the occasion of a visit by or to that body;
- Hospitality received in the course of an external visit or meeting which has been authorised by the Council. In such cases the arrangements should be made by officers rather than the members who will be benefiting and hospitality should be commensurate with the nature of the visit; and
- Other unsolicited gifts where it is impracticable to return them or where refusal would in the circumstances cause offence. In such cases you may wish to pass the gift to the Mayor's charitable fund.

Receipt of gifts and hospitality of this type is still subject to the requirements of the protocol regarding the notification to the Monitoring Officer of gifts and hospitality of greater than £25 in value. The appropriateness of acceptance should always be considered beforehand. It should also be noted that the mere fact that a gift or hospitality does not have to be notified under the protocol does not necessarily mean that it is appropriate to accept it.

Guidance on particular gifts and hospitality

Tickets to events

The evidence of the Register indicates that the most common benefits accepted by Merton Councillors from time to time, are tickets to functions, notably theatrical performances in the Borough. If a Member considers it appropriate to accept such tickets, then the value must be assessed and if greater than £25 they should be declared as gifts.

All England Lawn Tennis Championships

Where, as in the case of the All England Lawn Tennis Championships, tickets are allocated by lottery and then purchased, the mere fact of payment should not necessarily mean that a notification should not be made under the Code. If participation in a lottery enables a member as a result of his or her office, the opportunity to purchase tickets which would not be available to the public at large then a benefit has been enjoyed by the member. The Standards Committee considers that even though the value of this benefit is difficult to quantify the interests of probity and transparency require the notification of such tickets whether purchased or not. A specific form with standardised wording is available on the Council's website for these circumstances.

Civic Ceremonial

The Standards Committee does not consider that the attendance of the Mayor, the Deputy Mayor or any other Councillor as an accredited representative of the Council needs to be notified to the Monitoring Officer under the Protocol. However should any personal gift be offered in such circumstances the approach to be adopted in relation to acceptance must be considered in accordance with this protocol and this guidance.

Ceremonial Gifts

Ceremonial gifts greater than £25 in value offered by visiting delegations from British or overseas public authorities may be accepted on the basis that the gift is made to the Council rather than the individual Councillor. Arrangements should be made for any such gifts which are received to be displayed or kept corporately.

Will the register be open to the public?

Yes, the register is available to the public in the same way as the register of disclosable pecuniary interests. It is open for inspection and also available on the internet and the Council's intranet.

The Monitoring Officer produces regular updates of declarations, which are reported to the Standards Committee once a year, and available for public inspection.

Further assistance

It is each Member's own individual responsibility to observe this protocol, but the Monitoring Officer and his staff will help where possible. If you have any questions at all please contact the Group Officer Managers, the Monitoring Officer or Deputy Monitoring Officer for advice and assistance.

Paul Evans
Monitoring Officer
London Borough of Merton

26 February 2013

Committee: Standards and General Purpose

Date: 7th November 2019

Wards: All

Subject: Gifts and Hospitality – Officers

Lead officer: Fiona Thomsen, Interim Assistant Director Corporate Governance and Monitoring Officer

Lead member: Councillor Peter McCabe, Chair, Standards and General Purposes Committee

Contact officer: Fiona Thomsen (Tel:0208 545 3338 email address: Fiona.thomsen@merton.gov.uk)

Recommendations:

- A. That the Committee notes the report.
 - B. Managers remind staff about their responsibilities under the Employee's Code of Conduct to complete declarations, including reasons for acceptance.
 - C. Managers be reminded about donating any gifts received to the Mayor's Charity.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To report entries made to the Register of Gifts and Hospitality for officers since the last consideration of the register on 8 November 2018.

2 DETAILS

- 2.1 The Code of Conduct for Employees requires that:

- all offers of gifts must be reported to managers;
- significant gifts (over £25) must be registered on the departmental register.
- acceptance of gifts should only occur in very limited circumstances and approved in advance by the manager;
- all offers of hospitality must be reported to managers;
- the hospitality (no minimum value) must be registered on the departmental register;
- there are limited circumstances where acceptance of hospitality may be acceptable
- hospitality received in the course of business meetings and at free training does not need to be registered, but managerial approval is required.

- 2.2 The inspection by the Monitoring Officer of the register shows that:

- The departmental registers continue to be maintained electronically in the adopted corporate manner in all departments.

- Notifications and registrations have taken place in the departments as follows:

Registrations

Chief Executive's	3
Children Schools and Families	3
Community and Housing	1
Corporate Services	3
Environment & Regeneration	5

- The previous register for the period 1 November 2017 to the 30 September 2018 contained 13 entries. For the current period 1 November 2018 to 30 September 2019, the register contains 15 entries.
- The entries no longer include tennis tickets from the AELTC managed under the staff ballot.
- The declarations are in accordance with requirements and are made up of entries where the gifts and hospitality accepted were for officers networking or representing the Council or, where low value gifts were received, from the public or in the case of Children Schools and Families from two external organisations.

2.2.1 These continuing low figures may be a result of a genuine decline in gifts and hospitality being offered, or it may be due to officers failing to enter these onto the register. In order to ensure that it is not the latter, managers should ensure that officers are aware of their responsibilities under the Code of Conduct for Employees to complete declarations and to give reasons, if gifts and hospitality are being recorded as having been accepted. It is noted that in this year's entries there is 1 declaration (in Community & Housing) where no reason has been given for accepting a gift and this highlights the need to ensure all officers are aware it is not sufficient to declare having accepted the gift but provide reasons for doing so. This was followed up with the manager concerned stressing the importance of a reason for acceptance to be given. A reason for acceptance has subsequently been given and recorded.

2.2.2 As can be seen above the highest number of entries is for Environment & Regeneration, followed by the Chief Executive's, Children, Schools and Family and Corporate Services, all of which have 3 entries.

2.2.3 With regards Environment & Regeneration, an offer of hospitality was declined and gifts were donated to the Mayor's charity. The offers of hospitality that were accepted, related to organisations that have close local links to the Borough, one of which has an international profile, and it is inevitable that there will be networking and representation of the Council. The same is for the offers of hospitality to the Chief Executive's office, which appear on the register for the period covered by this review.

- 2.2.4 In relation to Children, Schools and Families, there was an acceptance of hospitality which was related to representing the Council. The other two declarations, were gift baskets from companies and these were distributed amongst particular teams. It may be prudent to suggest to managers in Children Schools and Families that officers should consider whether it would be appropriate to donate gifts to the Mayor's Charity in these circumstances. It is noted that for Environment & Regeneration and Corporate Services, donations of similar types of gifts were made to the Mayor's Charity. It is recommended that there should be consistency across all of the departments with regards food hampers, gift baskets, money and gift vouchers, in that such gifts should be donated to Mayor's Charity.
- 2.2.5 It should also be noted that in previous reviews Community & Housing had zero entries save for the last review where they had two. This year's review shows one entry. Historically Community & Housing have consistently had a low number of entries on the register. Managers in this department should be vigilant in reminding their staff of their obligations. This is also the case for all managers throughout the Council, especially in relation to new staff who are entering the organisation.
- 2.2.6 In last year's review there was an entry under Environment & Regeneration in relation to CHAS 2013 Ltd, which is a council owned company operating in a commercial market. The absence of any entries relating to either of the Council owned companies may be due to that no offers of gifts or hospitality have been offered in the period covered by this review. However, it may be prudent for these companies to consider how they provide assurance to the Council that their staff are considering whether to accept the receipt of gifts and hospitality.

3 ALTERNATIVE OPTIONS

- 3.1. None – it is for the Standards and General Purposes Committee to decide not to have this information reported to it, though this would not be compatible with its role as the proactive promoter and monitor of ethical standards.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None

5 TIMETABLE

- 5.1. The next annual report will be due in October 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1.1 The receipt or gift of any reward or advantage for an act or omission that suggests favour to any person in their official capacity may constitute a criminal offence under the Bribery Act 2010.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council is conducting its activities has proper regard to issues relating to human rights and equalities and fair treatment of all people is a significant component of ethical governance.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 Failure by officers to address their responsibilities under the Code of Conduct could result in disciplinary action by the Council. Failure of the Council to monitor and promote the observance of the Code could result in an unnoticed lack of compliance by managers, which might result in complaints, damage to the reputation of the Council, possible adverse impacts upon the quality of the Council's decision making processes and legal challenges to Council actions.

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

Appendix 1

12 BACKGROUND PAPERS

- 12.1. None

London Borough of Merton

Gifts and Hospitality Register (Staff)

01.10.18 -30.09.19

15 Entries

97 Wimbledon tickets

Chief Executives Department = 3

Date	Name and Post	Donor & Details	Accept	if Yes reason
11.12.18	Senior Officer	New Wimbledon Theatre – x 2 tickets to the pantomime	Yes	Civic Event
01.07.19	Senior Officer	AELTC X 2 tickets to the tennis	Yes	Civic Duty
19.05.19	Senior Officer	AELTC X 2 tickets to the number 1 court celebration	Yes	Civic Duty

Children Schools and Families = 3

Date	Name and Post	Donor & Details	Accept	if Yes reason
10.10.18	Senior Officer	Guardian and Hays Executive Invitation to the Guardian and Hays fireside chat and dinner on 14 November	Yes	Part of NCASC 'fringe'. Professional discussion re 50th anniversary of Seebohm Report is linked to this dinner
01.12.19	Officer	Netpex Ltd. Gift basket of food and sweets addressed to Placement Team, not an individual	Yes	Received by another staff member when called to reception; no placement team member present; gift was shared with whole ART team
01.12.19	Officer	Associated Care Services Gift basket of varied food and sweets	Yes	An admin or other staff was called to reception to receive - Placement team not present at time. Shared with full team

Community and Housing = 1

Date	Name and Post	Donor & Details	Accept	if Yes reason
31.07.19	Officer	Resident Bunch of Flowers	Yes	Not supplied

Corporate Services = 3

Date	Name and Post	Donor & Details	Accept	if Yes reason
13.12.18	Officer	Resident - £10.00	Yes	Donated to Mayors Charities
13.12.18	Officer	Resident - £10.00	Yes	Donated to Mayors Charities
26.07.19	Senior Officer	Morgan Law Raffle prize of hamper from conference	Yes	Donated to Mayors Charities

Environment and Regeneration = 5

Date	Name and Post	Donor & Details	Accept	if Yes reason
16.11.18	Officer	Lawn Tennis Association Meal and tickets to attend tennis event	Yes	Integral to liaison/briefing session with the donor
16.11.18	Senior Officer	Pantomime tickets x 2	Yes	Integral to liaison/ briefing session with Donor
18.12.18	Officer	South East Leasehold Food hamper	Yes	Donated to Mayors Charities
02.01.19	Officer	City & Urban Hygiene Services £25 Sainsbury's gift card	Yes	Donated to Mayors Charities
11.07.19	Senior Officer	Invitation to KaraKusevic Architects summer party	No	

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Standards and General Purposes Committee **Forward work plan 2019-2020**

March 2020

- External Audit Certification of Claims report
- External Audit progress report
- External Audit Plans for Council and Pension Fund accounts
- Internal Audit Plan
- Internal Audit progress report
- Update on RIPA authorisations (March and September)
- Complaints against Members
- Work programme

Add as required:

- Polling Places
- Constitutional amendments
- Review of members' interests
- Independent / co-opted members
- Reports on dispensations issued by Monitoring Officer
- Report on payment exceeding £1000 as a result of maladministration as directed by the LGO.

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Committee: Standards and General Purposes Committee

Date: Sept 2019

Subject: Report on the use of temporary workers and consultants

Lead officer: Liz Hammond, HR Lead

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Liz Hammond, HR Lead, 0208 545 3152

Recommendations:

- A. To note progress made to monitor and control the use of temporary workers and consultants
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1. Purpose of report and executive summary

- 1.1. The Committee has received regular progress reports in relation to the number of interim appointments in the council and the mechanisms in place to monitor the use of such workers.

2. Details

- 2.1 The central monitoring database consists of all types of interim/temporary placement (over £30 pounds per hour).
- 2.2 The database is updated on a monthly basis and double-checked with departmental management teams (DMTs) for accuracy, with quarterly reports as at the end of June, September, December and March being reported to this committee.
- 2.3 As at the end of September 2019, the Council employed 140 interim/temporary workers at £30 per hour (or more) compared to 132 in September 18, which is an increase of 8 workers. Appendix 1 refers to the detail and composition of the interim workforce. Where possible, corporate contracts are used as they provide better value for the Council.
- 2.4 The committee on 30th July 2018 requested additional information for interims/temporary worker placements (as defined in para 2.1):
- the costs and numbers over a three year period

- the number of temporary workers who have converted to permanent roles with the Council also known as 'temp to perm'.
- 2.5 The engaging of most interim workers is via Comensura or the LGRP, which is a London wide contract for interim appointments. Even within the aforesaid existing contracts the Council has sought to get the best 'price' and in doing so have attracted high quality interims at 10% of the mark-up price. There have been instances due to market supply issues, although very few, when the Council has not used either of these contracts and has had to go 'off contract'. There are robust processes in place to manage this process, which requires a business case and financial checks to ensure there is a budget to pay for the assignment, as well as sign off by the Director of Corporate Services.
 - 2.6 The Council is currently exploring a framework agreement with a designated supplier for the provision of Professional services for project related work. Each project will be evaluated on an individual basis to determine its needs, establish key milestones and deliverables upon which payments will be made on successfully meeting these targets. Adopting this approach to managing projects would generate greater Value for Money and deliver on project objectives. It is recognised that this is a skill set that we do not have sufficient resources of in the organisation because of the technical skills required.
 - 2.7 The previously reported situation continues with by far the largest group of temporary workers being "on contract" agency and temporary staff appointed through the Council's corporate contract with Comensura for the supply of agency staff. Whilst there is an increase in the costs of interims via Comensura this represents a reduction in appointments, which are off contract or through LGRP. Interims are engaged with the involvement and oversight of the HR function by way of a database that supplies monthly spend and usage reports to Council managers, DMTs and the Corporate Management Team.
 - 2.8 The Council has different delivery models to ensure services are able to realise efficiencies, become more resilient and effective by sharing services with other London Boroughs. In October 2016, the Legal shared services expanded to include Wandsworth and a year later Regulatory Services followed. As a result of the expansions a number of interims with pay rates over £30 per an hour transferred to Merton – the costs of these appointments are shared across the service and rechargeable to partner boroughs.
 - 2.9 The Council introduced a temp to perm procedure to reduce the reliance on agency workers and allowed conversions from agency to permanent staff when certain conditions were met. Ninety six (96) agency workers have transferred to permanent employment from September 2017 to September 2019. From January 19 to September 19 we have transferred thirty six (36)
 - 2.10 Within the services career pathways are being developed through the creation of apprenticeships schemes (where standards are available) and ensuring that that the apprenticeship levy is used to meet the development element.

2.11 The total spend for interim and temporary workers from 2016 to date are listed below: interims via Comensura Graph 1 and Table 1, LGRP and off contract Graph 2 and Table 2

Graph 1 – List totals for 16/17, 17/18, 18/19 and year to date for interim and temporary workers – Comensura

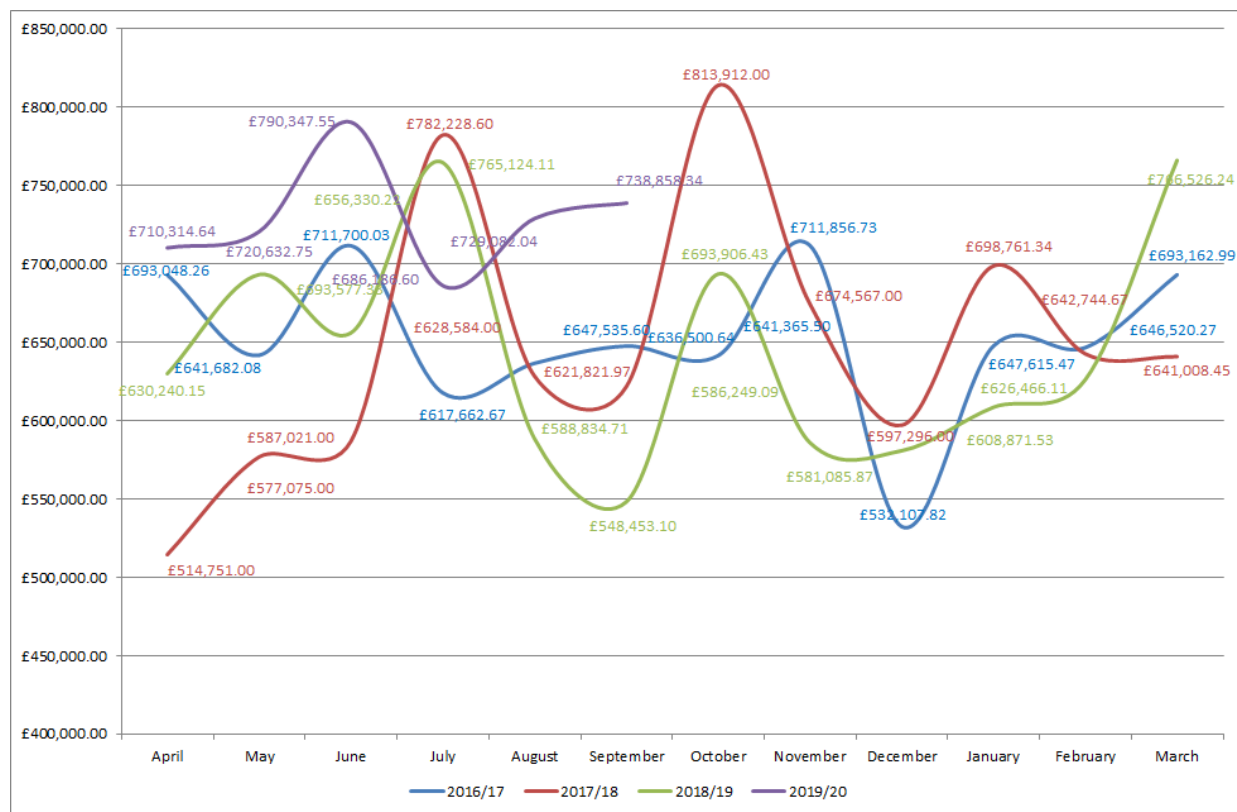


Table 1 - List totals for 16/17, 17/18, 18/19 and year to date for Interim and temporary workers – Comensura

	2016/17	2017/18	2018/19	2019/20
April	£693,048.26	£514,751.00	£630,240.15	£710,314.64
May	£641,682.08	£577,075.00	£693,577.33	£720,632.75
June	£711,700.03	£587,021.00	£656,330.22	£790,347.55
July	£617,662.67	£782,228.60	£765,124.11	£686,186.60
August	£636,500.64	£628,584.00	£588,834.71	£729,082.04
September	£647,535.60	£621,821.97	£548,453.10	£738,858.34
October	£641,365.50	£813,912.00	£693,906.43	
November	£711,856.73	£674,567.00	£586,249.09	
December	£532,107.82	£597,296.00	£581,085.87	
January	£647,615.47	£698,761.34	£608,871.53	
February	£646,520.27	£642,744.67	£626,466.11	
March	£693,162.99	£641,008.45	£766,526.24	
Total	£7,820,758.06	£7,779,771.03	£7,745,664.88	£4,375,421.92

Graph 2 - Total of LGRP and Off Contract assignments over £30 for each financial year

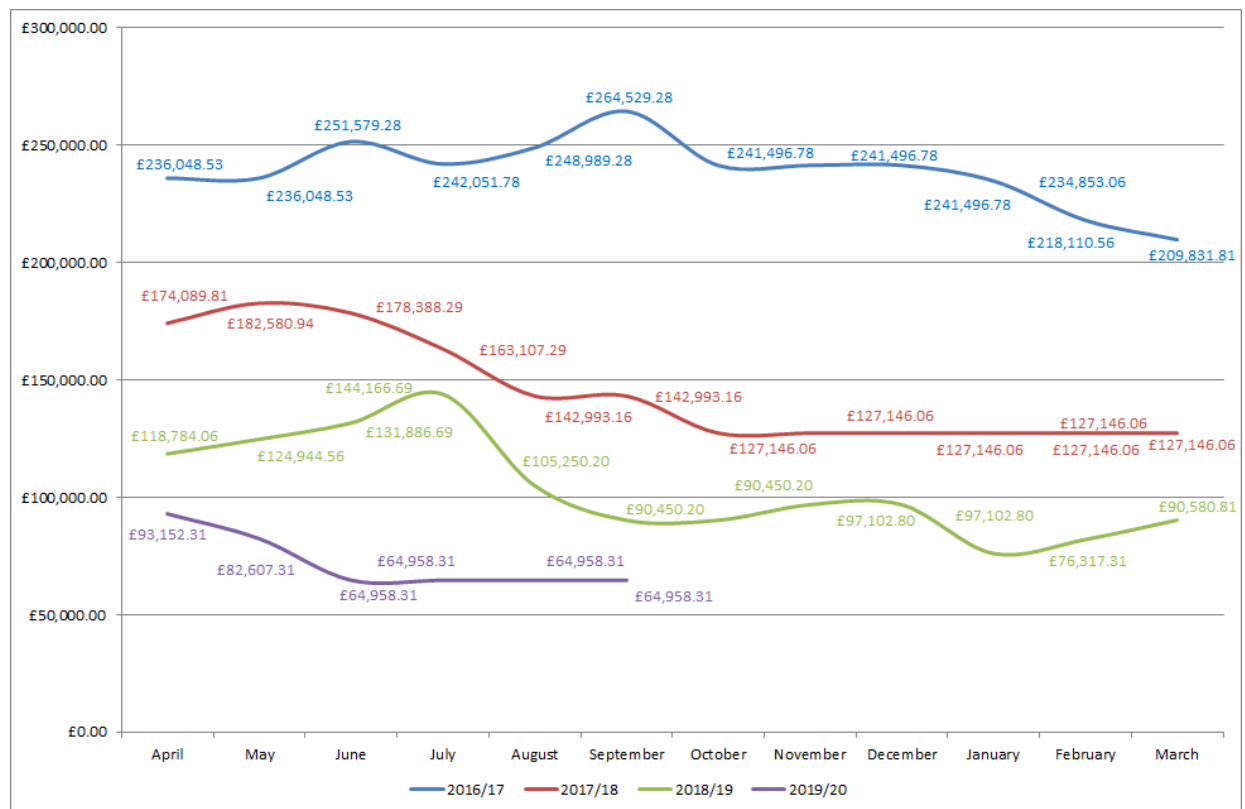


Table 2 - Total of LGRP and Off Contract assignments over £30 for each financial year

2016/17				2017/18			
	LGRP	Off Contract	Total		LGRP	Off Contract	Total
Apr-16	£60,027.88	£176,020.66	£236,048.53	Apr-17	£60,869.63	£113,220.19	£174,089.81
May-16	£60,027.88	£176,020.66	£236,048.53	May-17	£80,368.26	£102,212.69	£182,580.94
Jun-16	£82,551.63	£169,027.66	£251,579.28	Jun-17	£83,205.60	£95,182.69	£178,388.29
Jul-16	£82,551.63	£159,500.16	£242,051.78	Jul-17	£67,924.60	£95,182.69	£163,107.29
Aug-16	£93,559.13	£155,430.16	£248,989.28	Aug-17	£58,170.48	£84,822.69	£142,993.16
Sep-16	£81,349.13	£183,180.16	£264,529.28	Sep-17	£58,170.48	£84,822.69	£142,993.16
Oct-16	£70,526.63	£170,970.16	£241,496.78	Oct-17	£42,323.38	£84,822.69	£127,146.06
Nov-16	£70,526.63	£170,970.16	£241,496.78	Nov-17	£42,323.38	£84,822.69	£127,146.06
Dec-16	£70,526.63	£170,970.16	£241,496.78	Dec-17	£42,323.38	£84,822.69	£127,146.06
Jan-17	£70,526.63	£164,326.44	£234,853.06	Jan-18	£42,323.38	£84,822.69	£127,146.06
Feb-17	£70,526.63	£147,583.94	£218,110.56	Feb-18	£42,323.38	£84,822.69	£127,146.06
Mar-17	£70,526.63	£139,305.19	£209,831.81	Mar-18	£42,323.38	£84,822.69	£127,146.06
2018/19				2019/20			
	LGRP	Off Contract	Total		LGRP	Off Contract	Total
Apr-18	£33,961.38	£84,822.69	£118,784.06	Apr-19	£83,902.31	£9,250.00	£93,152.31
May-18	£49,371.88	£75,572.69	£124,944.56	May-19	£75,577.31	£7,030.00	£82,607.31
Jun-18	£56,314.00	£75,572.69	£131,886.69	Jun-19	£57,928.31	£7,030.00	£64,958.31
Jul-18	£72,594.00	£75,572.69	£144,166.69	Jul-19	£57,928.31	£7,030.00	£64,958.31
Aug-18	£71,950.20	£33,300.00	£105,250.20	Aug-19	£57,928.31	£7,030.00	£64,958.31
Sep-18	£71,950.20	£18,500.00	£90,450.20	Sep-19	£57,928.31	£7,030.00	£64,958.31
Oct-18	£71,950.20	£18,500.00	£90,450.20	Oct-19			
Nov-18	£78,602.80	£18,500.00	£97,102.80	Nov-19			
Dec-18	£78,602.80	£18,500.00	£97,102.80	Dec-19			
Jan-19	£67,067.31	£9,250.00	£76,317.31	Jan-20			
Feb-19	£73,005.81	£9,250.00	£82,255.81	Feb-20			
Mar-19	£81,330.81	£9,250.00	£90,580.81	Mar-20			

2.12 From January 19 to September 19 we have increased the number of staff paid £30 per hour and above (Graph 3 / Table 3) by 18, from September 18 to September 19 we have increased year on year by 8

Graph 3 - Total no. of interim workers over £30 in each financial year

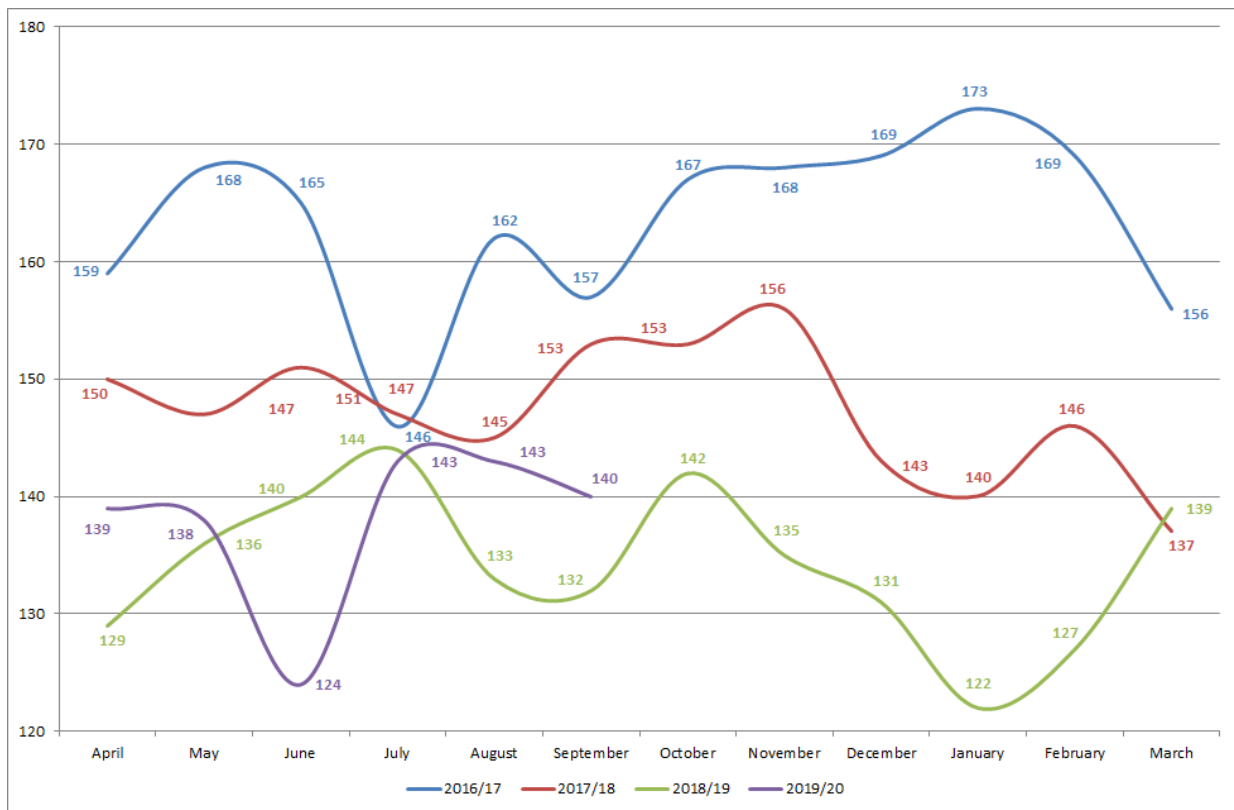


Table 3 - Total no. of interim workers over £30 in each financial year

No. of workers over £30/hr					No. of workers over £30/hr				
Month	Comensura	LGRP	Off Contract	Total	Month	Comensura	LGRP	Off Contract	Total
Apr-16	125	8	26	159	Apr-17	124	8	18	150
May-16	134	8	26	168	May-17	123	8	16	147
Jun-16	129	8	28	165	Jun-17	128	7	16	151
Jul-16	108	8	30	146	Jul-17	126	5	16	147
Aug-16	124	9	29	162	Aug-17	124	5	16	145
Sep-16	119	9	29	157	Sep-17	131	6	16	153
Oct-16	131	7	29	167	Oct-17	132	5	16	153
Nov-16	132	7	29	168	Nov-17	135	5	16	156
Dec-16	133	7	29	169	Dec-17	122	5	16	143
Jan-17	138	7	28	173	Jan-18	120	4	16	140
Feb-17	135	7	27	169	Feb-18	127	4	15	146
Mar-17	128	7	21	156	Mar-18	118	4	15	137
No. of workers over £30/hr					No. of workers over £30/hr				
Month	Comensura	LGRP	Off Contract	Total	Month	Comensura	LGRP	Off Contract	Total
Apr-18	112	2	15	129	Apr-19	127	7	5	139
May-18	119	3	14	136	May-19	128	7	3	138
Jun-18	122	4	14	140	Jun-19	118	5	1	124
Jul-18	129	5	10	144	Jul-19	137	5	1	143
Aug-18	117	7	9	133	Aug-19	137	5	1	143
Sep-18	120	7	5	132	Sep-19	134	5	1	140
Oct-18	130	7	5	142	Oct-19				
Nov-18	122	8	5	135	Nov-19				
Dec-18	118	8	5	131	Dec-19				
Jan-19	112	6	4	122	Jan-20				
Feb-19	115	7	5	127	Feb-20				
Mar-19	127	8	4	139	Mar-20				

- 2.13 Directors have been invited to provide short overall summary comments on agency/consultant usage and action being taken in their area and these are:

Children, Schools and Families

CSF currently have 2 agency workers via Comensura, which have been here over 24 months and 1 consultant (Direct Payroll)

Positive action continues to be taken to reduce the CSF reliance on agency workers and agency costs continue to be relatively low for this service. CSF actively recruits to permanent roles, reducing the use and duration of agency workers. In particular, the use of consultants has decreased significantly since this time last year.

In all but a few exceptions, the CSF agency workers and consultant are covering management and frontline posts discharging statutory functions which require a qualified social worker. To safely and effectively discharge the Council's statutory duties social worker's must have appropriate management supervision and manageable caseloads. This requires interim agency social worker cover for vacancies pending permanent recruitment. As at 30 September 2019 15.13% of social work posts in CSF were covered by agency workers.

The others are for specialist posts such as speech and language therapy which is also a statutory requirement as part of children's Education, Health and Care Plans.

HR works closely with the social care leadership team to review vacancies and use of agency social workers. This financial year, we have been successful in transferring agency social workers and senior social work managers onto permanent contracts. Our involvement in regional programmes to offer student and newly qualified social workers training placements has continued providing a pipeline of newly qualified social workers seeking permanent contracts with Merton.

A contract with the national Guardian online for recruitment advertising is now in place to raise Merton's profile and awareness of social work opportunities. A stand at a national social work event, Community Care Live, was hosted by HR colleagues and social workers on 15 and 16 October to promote permanent social worker opportunities in Merton. Retention packages continue as part of the recruitment strategy, to retain existing permanent social workers and to provide continuity of service to some of our most vulnerable clients.

Community and Housing

C&H currently have 3 agency workers via Comensura, which have been here over 24 months

Within Community and Housing, use of agency staff is predominantly within adult social care and in specialist, hard to recruit to posts. Targeted recruitment is in progress and this is outlined in detail in the appendix. A principal social worker post is now in post. Her role will focus on recruiting new staff, retention and developing new opportunities for career development

We have reviewed and amended payments for Approved Mental Health Social Workers (AMHPS) to bring it into line with south west London. This is a particularly hard to recruit to statutory function. The aim is to increase the number of permanent AMPHS and reduce the use of agency staff. We are also reviewing access to AMHP training for existing staff.

Social Work posts are difficult to recruit too across London and nationally. The Department of Health & Social Care and Skills for Care have launched a national recruitment campaign for roles across social care. (<http://www.everydayisdifferent.com/home>)

Corporate Services

CS currently have 12 agency workers via Comensura, which have been here over 24 months.

Of the 12 agency workers, 10 are lawyers in the Shared Legal Service (SLLP) paid for by the five participatory boroughs; mainly in the property and procurement team where we compete with the private sector. We have an ongoing recruitment campaign but still have limited success in attracting permanent staff. We are looking at further temp to perm within SLLP and there is one in the pipeline. For one of the other agency workers, the work is demand based on the schools capital programme and for the final one, they are now a permanent member of staff from the 14th October.

Environment and Regeneration

E&R currently have 8 agency workers via Comensura, which have been here over 24 months

Usage is relatively low in E&R and reducing. A number of workers are covering positions, which are subject to a service review in particular the Regulatory Service Partnership where a new management structure came into effect on 1st November 2018. This has temporarily increased the number of agency staff whilst the consultation and reorganisation was concluded. Further work will be undertaken to review the non-management staff over the coming months and this again may temporarily increase agency staff use

Others are providing specialist skills or are covering [often short term] externally funded roles including capital schemes. There are a number of professional areas where there is an extremely competitive market in which all London

boroughs are struggling to recruit and retain permanent staff. This includes Traffic engineers, Planning officers and Building control surveyors where the emergence of a strong interim market as well as private sector competition [in building control particularly] has changed employment patterns and our ability to recruit and retain staff.

E&R DMT reviews this matter on a regular basis in order to manage risk including the financial impact.

- 2.14 There has been a reduction in the use of off contract appointments due to monitoring and the introduction of IR35 tax legislation in April 2017. IR35 is tax legislation designed to combat tax avoidance by workers supplying their services to clients via an intermediary, such as a limited company, but who would be an employee if the intermediary was not used.
- 2.15 The purpose of IR35 is to prevent contractors, consultants and freelancers from trading via their own limited company in order to pay less tax and national insurance contributions (NIC) than if they were employed directly by their end client or agency. This has only been rolled out to the Public sector; the rollout to the private has been scheduled for 1st April 2020.
- 2.16 HR monitors suppliers and contractors to ensure they are IR35 compliant and the IR35 process for off payroll workers was recently audited and received a substantial assurance.

3 Timetable

- 3.1 Regular monthly reports of all interim/temporary placements are sent to departments and suitable “challenge” meetings are held with DMTs on a monthly basis. Agency spend and number of agency staff forming part of the workforce are reported to CMT on a monthly basis as part of the HR Metrics.
- 3.2 Quarterly updates will be provided to this committee. September information (Quarter 2) is being reported to 8th November meeting, with December (Quarter 3) being reported to the 12 March 2020 meeting.

4 Financial, resource and property implications

- 4.1 The aim is to challenge hiring managers’ interim/temporary placements and reduce overall costs associated with interim workers where possible, noting that in many cases the Council has to cover statutory functions.

5 Legal and statutory implications

- 5.1 There are no specific legal implications arising from the report

6 Human rights, equalities and community cohesion implications

6.1 The amendments that have been made to the Council's HR policies and processes will improve confidence in the Council's HR recruitment procedure and the maintenance of the interim position database to provide the means to ensure compliance with Members' requirements.

7 Crime and Disorder implications

7.1 None

8 Risk management and health and safety implications

8.1 These are detailed in the Ernst and Young report of 12 March 2014 and subsequent reports.

9 Appendices – the following documents are to be published with this report and form part of the report

9.1 None

10 Background papers

10.1 None

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