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OVERVIEW AND SCRUTINY COMMISSION

22 JANUARY 2020

(7.15 pm - 9.30 pm)

PRESENT: Councillor Peter Southgate (in the Chair),
Councillor John Dehaney, Councillor Sally Kenny,
Councillor Paul Kohler, Councillor Owen Pritchard,
Councillor Nick McLean, Councillor Edward Gretton,
Councillor Joan Henry, Councillor Natasha Irons and
Councillor Ben Butler

ALSO PRESENT: Councillor Mark Allison (Deputy Leader and Cabinet Member for
Finance) and Laxmi Attawar (Cabinet Member for Women and
Equalities)

Caroline Holland (Director of Corporate Services), Liz Hammond
(Interim Head of HR), David Keppler (Head of Revenues and
Benefits) and Julia Regan (Head of Democracy Services)

Dr Emma Wiley, Muslim Women of Merton

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Peter McCabe (substituted by Councillor Ben Butler). Apologies were also received from co-opted members Emma Lemon and Colin Powell.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 13 November 2019 were agreed as an accurate record.

4 DEMOGRAPHIC PROFILE OF COUNCILLORS AND SENIOR OFFICERS (Agenda Item 4)

The Chair explained that the report had been produced in response to a topic suggestion received from the Muslim Women of Merton who had expressed concerns about the lack of representation of Muslim women in local politics and senior leadership at the council. He reminded the Commission that members had agreed to expand the scope to include the wider BAME group and other protected characteristics.

The Chair invited Dr Emma Wiley to speak on behalf of the Muslim Women of Merton. Dr Wiley said that the Muslim Women of Merton was a voluntary organisation, established in 2015 in order to give Muslim women a voice and a “seat at the table”. Dr Wiley said that more needed to be done to create inclusive political environments that would enable people from all backgrounds to get involved and to feel able to speak freely. She welcomed the election of Merton’s first female Muslim councillor in May 2018 but drew the Commission’s attention to the Citizens UK report “Missing Muslims”, published in 2017, which reported an under involvement of Muslim people in public life, due largely to a combination of discrimination and lack of awareness.

Dr Wiley welcomed the Commission’s report as a good start to addressing the issues, despite the gaps in the data. She reminded members that the council’s equality strategy includes an objective to “encourage recruitment from all sections of the community, actively promote staff development and career progression opportunities and embed equalities across the organisation”. She challenged the council to address and action the under-representation identified by the data, to produce such data more frequently and to work with community groups to improve engagement in public life.

The Cabinet Member for Women and Equalities, Councillor Laxmi Attawar, thanked the Muslim Women of Merton for raising the issue and said that she welcomed the opportunity to look at this more closely. She expressed disappointment with the low response from councillors, resulting in data from just 39 of the 60, and said that in future this data would be collected immediately following local elections. She highlighted the under-representation of women and BAME staff in senior roles at the council, drew attention to the importance of training and mentoring in addition to recruitment action and undertook to review the situation on a regular basis.

In discussion, members of the Commission commented that the political parties had a larger role than the council in encouraging a more diverse group of candidates to come forward. Dr Wiley suggested that a diversity shadowing scheme, to include young people, would help them to get a more diverse range of people involved in council meetings.

Members welcomed the suggestion that demographic profile data should be collected as part of the induction process for new councillors and that this should include an explanation as to why this information is required. Dr Wiley added that the General Medical Council and the British Medical Association had found a lower response rate for information on sexuality, disability and faith due to anxiety about stigma. She therefore agreed that explanatory text would be beneficial.

A member suggested that the council should hold an event to demystify local government as part of the drive to attract under-represented groups to become councillors and to work for the council. The Director of Corporate Services, Caroline Holland, said that school student work experience placements and apprenticeships contributed to encouraging local people from all backgrounds to consider working for the council.

In response to a question about what work was being done on career pathways with a view to increasing the diversity of senior managers, the Interim Head of HR, Liz Hammond, said that work was at an early stage to identify career pathways for each specialism, with information on what would be required for career progression. In response to a specific question, she assured members that a career break, for example to care for young children, would not be a barrier to employment with the council if the person was the most suitable candidate. Caroline Holland added that term time working was an option for some staff.

A member suggested that a BAME candidate should be interviewed for every senior position. Caroline Holland undertook to look at whether this might be possible within existing recruitment procedures. ACTION: Director of Corporate Services/Head of HR

The Commission RESOLVED to receive an update report in 12 months' time. The Commission requested that officers investigate the approach being taken by the Civil Service to collect data on family background, wealth and class with a view to applying this to Merton data if possible.

The Chair thanked Dr Wiley for taking the time to contribute to the Commission's discussion.

5 CALL IN - THE FEASIBILITY AND COSTS OF A COUNCIL TAX VOLUNTARY SCHEME (Agenda Item 5)

The Chair reminded all present that the purpose of the call-in was to determine whether Cabinet's decision on 11 November 2019 was flawed in relation to the council's principles of decision making.

The Chair invited Councillor Anthony Fairclough to speak as a signatory to the call-in request. Councillor Fairclough said that he believed that Cabinet's decision had been flawed in relation to two of the principles of decision making – D "a presumption in favour of openness" and F "consideration and evaluation of alternatives".

Councillor Fairclough said that the Cabinet report was light on evidence and should have included some of the information that was set out in the officer response to the call-in as this would have been available at the time and would have been of assistance to Cabinet in making its decision. He said that Cabinet had only spent 4 minutes discussing the report and had not considered alternatives such as writing to residents to see if they would be willing to contribute. Although the Council motion referred just to Band H, he would expect Cabinet to have included consideration of expanding beyond Band H when making its decision. He called on Cabinet to be bold and innovative in taking action on Council's motion.

Councillor Fairclough posed three questions to the Head of Revenues and Benefits, David Keppler:

- What briefing was given to officers prior to the November cabinet meeting?
- When was the bulk of the cabinet report written?

- Did David Keppler consider providing additional information from the Westminster workshop and was this discussed with the Cabinet Member?

In response to a question, Councillor Fairclough said that the content of the officer response (particularly the slides from the Westminster workshop and information from Kensington and Chelsea) indicated that this information was available prior to the meeting of Cabinet and this gave the impression that Cabinet had already made a decision on the issue.

The Chair invited David Keppler to set out the timeline. David Keppler said that the slides from the Westminster workshop had not been available prior to the Cabinet meeting and that all of the information in Appendix C had been collected subsequently in response to the call-in request. He and the Head of Democracy Services, Julia Regan, had followed up with authorities who had been present at the workshop and had indicated that they were considering a voluntary contribution scheme. The Director of Corporate Services, Caroline Holland, said that only Westminster had fully implemented the scheme, Kensington and Chelsea had still not put a scheme in place and were therefore not included in the report to Cabinet.

Councillor Fairclough said that the minutes of Council indicate that there may have been some pre-determination as the Cabinet Member stated that a voluntary donation scheme should not be used to fund important or strategic services. A member of the Commission replied that the minutes of the subsequent Cabinet meeting show that the Cabinet Member had an open mind on the issue as he thanked the Council for raising the matter and, as an alternative to a council tax voluntary scheme, encouraged residents to support the voluntary sector organisations in the borough by making charitable donations.

Cabinet Member response

The Chair asked the Deputy Leader and Cabinet Member for Finance, Councillor Mark Allison, to respond to the points made by Councillor Fairclough.

Councillor Allison said that he believed that Cabinet had been open and transparent in its approach to consideration of this issue and had based its decision on the evidence that was available at the time. The only authority with an operational voluntary scheme at the time was Westminster and this was therefore the only one for which information was provided. Cabinet had limited its consideration to a scheme for Band H properties as that was what the Council motion had specified.

Councillor Allison added that a four minute discussion was typical at meetings of Cabinet for a straightforward decision such as this one had been given that there was overwhelming evidence that take up numbers would be low and that the council would not recoup its costs. Cabinet could therefore not support Council's motion. He said that he continued to have an open mind on the issue and would give it further consideration once evidence has been gathered from operational schemes in other boroughs.

Councillor Allison made additional points in response to questions:

- Consideration of a scheme that went beyond Band H properties would be a matter for debate at Council to consider whether it wished to rescind the earlier Motion.
- The first line of decision making is to assess whether the model is financially viable. If viable, the second line would be how to set up the scheme and what to spend the money on.
- Agreed that it is important to take some risks but that, in this instance, the financial risk would be too high
- Officers will continue to monitor the establishment and operation of similar schemes elsewhere

Discussion by the Commission

The Chair directed the Commission to limit its discussion to the evidence received in relation to whether the principles of decision making had been followed by Cabinet.

A majority of members agreed that Cabinet had followed the council's principles of decision making and welcomed Cabinet's willingness to continue to look at options in the future. They expressed agreement with Cabinet's decision that the voluntary scheme was a risky approach financially, particularly given the lack of experience from other boroughs.

Two members stated that they were opposed to idea of a lottery scheme, as evidence showed that this would be paid for disproportionately by poorer residents.

Councillor Paul Kohler said that the information set out in Appendix C showed that there was additional evidence that should have been made available to Cabinet at the time. He proposed a motion to refer the matter back to Cabinet but there was no seconder so the motion was not taken forward.

The Commission then RESOLVED to decide not to refer the matter back to Cabinet, in which case the decision of Cabinet shall take effect immediately.

6 IMPACT OF UNIVERSAL CREDIT ON MERTON RESIDENTS (Agenda Item 6)

The report was introduced by the Head of Revenues and Benefits, David Keppler. He highlighted the various rule changes, in particular the shift of support with applications from the council to the Citizens Advice Bureau (CAB); the role of the council in relation the provision of discretionary housing payments; the data within the main body of the report and the information from CAB in the appendix.

David Keppler provided additional information in response to questions:

- council officers have continued to assist with initial claims where appropriate but the majority are handled by CAB as per the government contract
- it is not clear whether the increased use of the Trussell Trust foodbank is directly correlated to the increased number of claimants who have been moved to Universal Credit.

- the council still provides some crisis payments as well as an annual; donation of £10k to the Trussell Trust
- Universal Credit and Housing Benefit are payable to people in employment who are on a low income as well as to those who are unemployed
- The increase in the number claimants transferred to CAB would be expected to result in an increased number of referrals to CAB for assistance with an initial claim, it is not clear whether this is a disproportionate increase
- There is flexibility to agree payment arrangements for debts incurred for overpayment and debt for council tax. The claimant should make contact to discuss this at an early stage.

David Keppler explained that the calculation of Universal Credit is computed monthly for each claimant, which has an impact on the calculation of council tax support. The Revenues and Benefits team therefore have to rebill for council tax each time there is a change in the council tax support claimant's Universal Credit payment, which causes additional work for the team and is not easy for the claimant either. In response to a question about how this position could be ameliorated, David Keppler said that the council could review the administration of the council tax support scheme – this is a matter for Council and requires a lengthy consultation process so would not be a quick fix.

In response to a question, David Keppler undertook to find out the current level of the Housing Benefit cap. ACTION: Head of Revenues and Benefits.

Members expressed interest in inviting the CAB and Trussell Trust to a future meeting to provide information on their services and to hear from service users too if possible to do this in a discreet and appropriate way. ACTION: Head of Democracy Services to add this to the 2020/21 work programme.

7 WORK PROGRAMME (Agenda Item 7)

The work programme was agreed with the following changes:

- Access to services through the council's website – deferred from 18 March to meeting in September 2020
- Road safety around schools action plan update – deferred from 2 April to September/November 2020