

Meeting of the Corporate Scrutiny Committee

Thursday, 17th September, 2020 at 6.00pm

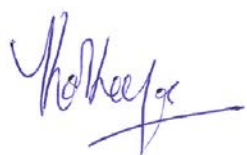
On Microsoft Teams

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Agenda - Public Session (Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 1st July, 2020 as a correct record.
5. Corporate Quarterly Performance Report 2020/21 – Quarter 1 (Pages 1 – 19)
 - (i) Supplementary Report – Planning Services – Public Consultation (Pages 20 – 30)
6. Annual Scrutiny Programme 2020/21
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).





Chief Executive

Dated: 9th September, 2020

Distribution:

Councillor T Crumpton (Chair)

Councillor E Lawrence (Vice-Chair)

Councillors C Barnett, I Bevan, J Cooper, B Cotterill, S Craigie, P Drake, B Gentle, S Greenaway and P Lee.

Cc: Councillor S Clark (Cabinet Member Finance and Legal Services)

Councillor S Phipps (Cabinet Member Procurement, Transformation and Commercialisation)



Please note the following:

- This meeting will be held virtually by using Microsoft Teams. The meeting will be held live via the Internet link.
- This is a formal Council Committee and it will assist the conduct of business if participants speak only when invited by the Chair.
- The Chair reserves the right to adjourn the meeting, as necessary, if there is any disruption or technical issues.
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Minutes of the Corporate Scrutiny Committee
Wednesday 1st July, 2020 at 6.00 pm
Microsoft Teams

Present:

Councillor T Crumpton (Chair)
Councillor E Lawrence (Vice-Chair)
Councillors C Barnett, I Bevan, B Cotterill, S Craigie, P Drake, B Gentle, S Greenaway and P Lee.

Officers:

K O'Keefe – Chief Executive, M Williams – Director of Public Realm – Acting Deputy Chief Executive, J Branch - Head Of Human Resources and Organisational Development and K Jesson – Strategic Business Partner (Chief Executive's Directorate); R Younger – Director of Commercial and Customer Services and J Catley – Head of Customer Services (Directorate of Commercial and Customer Services); I Newman – Director of Finance and Legal Services, S Griffiths – Democratic Services Manager and K Taylor – Democratic Services Officer (All Directorate of Finance and Legal).

Also in Attendance:

Councillor S Phipps – observing in his capacity as Cabinet Member Procurement, Transformation and Commercialisation
Councillor J Foster

1 **Apology for Absence**

An apology for absence was received on behalf of Councillor J Cooper.

2 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

3 **Minutes**

Resolved

That the minutes of the meeting held on 23rd January, 2020, be approved as a correct record and signed.

4 **Public Forum**

There were no issues raised under this agenda item.

5 **Corporate Quarterly Performance Report - Quarter 4 (1st April, 2019 to 31st March, 2020)**

The Committee considered the Quarter 4 Corporate Quarterly Performance report covering the period 1st April, 2019 to 31st March, 2020.

In presenting the report, the Strategic Business Partner made particular reference to the eleven performance indicators that were below target, as outlined in Appendix 2 of the report submitted. Prior to the meeting it was requested that specific focus be given to the performance indicator relating to identifying and delivering procurement savings, together with headline information on the challenges presented to staff during the Covid-19 Pandemic lockdown. Relevant officers were in attendance to respond to questions asked by the Committee.

Performance Indicator 2061 (Identify and Deliver Procurement Savings)

The Director of Commercial and Customer Services stated that the performance had been as a result of the contracting cycle and subsequent reduction in the number of contracts let in the period. It should also be noted that there was an over achievement in the previous quarter. Because of the COVID-19 pandemic, the Director made a decision for procurement officers cease all normal procurement activity and focus on the urgent procurement of Personal Protective Equipment (PPE) to support care homes, domiciliary care workers and Council employees.

It was also considered that the Performance Indicator should be monitored annually rather than quarterly due to the contracting cycle.

Members asked questions, made comments and responses were given where appropriate as follows:-

- A Member raised a question in relation to the future viability of the performance indicator as it was anticipated that additional resources including PPE would need to be procured by the Local Authority. The possibility of lowering standards in order to achieve future savings was mentioned however it was considered vital that contractors prioritised the health and wellbeing of employees and instilled workers' rights.

- The Director of Commercial and Customer Services commented on the potential long term requirement for supplying PPE, however there was no clarity from national sources regarding procurement of PPE in the future. It was noted that a Group had been established comprising West Midlands Heads of Procurement, with each area leading on specific areas including PPE, thus reducing the workload but increasing the volume and therefore customer leverage.
- Procurement Policy Notes had been issued allowing Local Authorities to continue paying suppliers that had been identified at being at risk and to support economy and wages. A review would be undertaken, following a recent Policy Note requesting Local Authorities to review contracts and consider whether they was still viable or required changes.
- The need to review Dudley's Social Value Criteria was outlined, and it was noted that existing contracts were evaluated on a number of categories, including price, quality and social value criteria. Percentages awarded to contracts were allocated and reviewed by the Procurement Management Group, and consideration was given to price variants of local and non-local businesses, taking into account social value. The development of a local algorithm was needed for future use and support required for the local economy in the Dudley Borough.
- In responding to a question raised by the Chair, the Director of Commercial and Customer Services confirmed that the Government had implemented a Social Value Act, that provided guidance to those in commissioning, policy-making or operational roles that needed to procure a service on behalf of public bodies. Following discussions at the Scrutiny Working Group, training in relation to procurement had been developed by Officers, and it was suggested and welcomed by the Committee that the training be adapted for Members and piloted at a future meeting.
- In responding to a question by a Member, it was confirmed that a local business namely, Thomas Dudley, had been producing visors for the Local Authority, Dudley Clinical Commissioning Group and local National Health Services. The difficulties in manufacturing gloves and masks in the United Kingdom was referred to and further discussions had been held with Black Country Chamber of Commerce to develop a local supply chain for sustainable PPE.
- In responding to a question by a Member, it was confirmed that invoices from local suppliers were processed within ten days upon receipt with a caveat that the appropriate information was on the invoice.

The Cabinet Member Procurement, Transformation and Commercialisation referred to previous discussions undertaken at the Scrutiny Committee Development Working Group on Procurement, and the need to target local businesses to increase added social value within the procurement process. It was noted that procurement policies and bidding processes had been reformed to allow local businesses apply for contracts, and further work was ongoing in order to promote opportunities available.

The Cabinet Member Procurement, Transformation and Commercialisation further stated that Social Value percentages were subscribed to tenders should businesses demonstrate investment in the local area and specific areas including providing jobs and apprenticeships to improve local economy. It was suggested that social value, as governed and set by national rules, could be reviewed by the Scrutiny Committee at a future meeting.

The Chair suggested that an item be included on the Annual Scrutiny Programme for 2020/21 to consider practices to deliver better value that was hoped to be achieved in order to identify and deliver savings, together with a training session for Members of the Committee on procurement.

The Head Of Human Resources and Organisational Development gave a background of her role and confirmed that she was in attendance at the Committee to provide headline information on the impact of COVID-19 pandemic on the workforce, including the outcomes of an Employee survey, sickness levels during lockdown and workforce related matters, which was outlined in an infographic.

2,074 employees had responded to the survey, sharing their experience of working differently and views on future needs, with feedback generally positive, and the majority of staff considered they had been treated fairly, supported and proud of the work undertaken. It was noted that 90% of staff were working remotely, and the value of working together followed by determination and accountability was considered highly by employees.

During the lockdown period, staff embraced new ways of working and considered that communication with line managers had improved, and statistics identified that 60% of managers had changed their view in relation to remote working. The responses to the survey included 4,500 suggestions and comments on areas including support required for future working.

Members asked questions, made comments and responses were given where appropriate as follows:-

- The Chair commented on the excellent work presented in particular that the collection of data provided opportunity to consider future working practices, and the benefits to employees working remotely.



- A Member, although acknowledging comments made, raised concerns of the potential impact to local businesses in town centres as a result of an increase of people working from home, and subsequent reduction in footfall.
- The potential long term mental health effects of employees including isolation was raised, and the possibility of employees working in Council buildings that were within close proximity to their homes rather than a permanent base was suggested.
- It was noted that 24% of the workforce continued to work on site during the lockdown, and that a small number of employees who were unable to work remotely had been re-deployed, such as catering and leisure staff , however they were now slowly returning to work as functions resumed.
- The continued delivery of payroll, recruitment and processing Disclosure and Barring Service (DBS) checks was outlined together with the production of a Digital Recruitment Guide for Managers to be utilised for recruitment in the absence of face to face interaction. Apprenticeships continued with only twelve paused and support mechanisms developed and provided to schools and staff.
- In responding to emerging public health evidence that identified a higher health risk to COVID-19 to Black, Asian and Minority Ethnic (BAME) communities, engagement sessions had been implemented for BAME staff to assist the Council's understanding of the concerns and issues from an individual perspective that could contribute to and shape plans going forward. Coaching and remote learning sessions had also been implemented.
- It was confirmed that there had been 139 COVID related sickness absences between the period of 23rd March, 2020 and 30th April, 2020, and that there had been a significant decrease in the number of days lost to sickness, compared to previous years, in particular in Directorates on Regeneration and Children's Services. It was sad fully confirmed that one employee had deceased from complications relating to COVID-19.

The Chair commented positively on the update provided and queried whether the figures identified attributed to restrictions implemented that reduced the need for employees to physically engage in complex and challenging situations that had previously been a predominant factor in work related stress absences. The monitoring for potential increase in mental health issues by employees returning to work under normal practices was essential.

Following comments made, the Head of Human Resources and Organisational Development gave assurances that the health and wellbeing of staff was paramount, and acknowledged the difficulties experienced by employees during this period including home-schooling, bereavement and isolation. Targeted support mechanisms to assist employees returning to work was being explored.



The Acting Deputy Chief Executive then provided an overview of the latest developments on people returning back to work, in particular that a Task and Finish Group had been implemented to consider and build foundations for future working and a safe return for people back to the workplace. It was suggested that the Group could be phased out and replaced with a Future Council Group with established Director leads for each work stream.

It was evident that employees were working effectively and efficiently at home, however it was recognised that the Council needed to develop a strategy to enable staff to return to work safely, including the implementation of a RAG (Red, Amber, Green) rating system to assess individual service areas under the following categories and timescales for return to work:

- **Red** – Employees and services that were unable to work remotely effectively (end of July, 2020);
- **Amber** – Employees able to work at home effectively, but required to attend the workplace on an ad-hoc basis due to the nature of work (end of July to end of September, 2020);
- **Green** – Employees and services that were working remotely effectively, however adequate home working equipment, and individual needs should be reviewed.

The possibility of staff, who reside in neighbouring authorities, sharing local council office space, if they do not have suitable working arrangements at home, was suggested.

Risk assessments to determine the order in which buildings could be re-opened, together with prioritising essential services and the operation of workplaces, would be undertaken in line with advice from Public Health, Corporate Landlords, Health and Safety and Human Resources and Organisational Development. It was stated that individual risk assessments may be required for vulnerable employees including, BAME and shielding groups.

A COVID Safety Charter had been developed for Managers on safeguarding team members and provisions for safe working including hand sanitisers, floor markings and signage in line with social distancing requirements.

It was confirmed that 71 Council buildings had been categorised accordingly, with a small number considered as 'Red Plus' that continued to be in operation during lockdown. Retrospective checks were being undertaken to ensure compliancy, and the opportunity to consider lease arrangements on buildings that were due to be renewed and whether those sites would be required in the future was suggested.

Further work was needed to maintain the culture change in the future, however it was recognised that the response to remote working was achieved in a short period of time.



Members asked questions, made comments and responses were given where appropriate as follows:-

- A Member considered that an increase of people working remotely could significantly reduce levels of traffic congestion and toxic fumes.
- It was recognised that some employees that were shielded or unable to leave their homes may wish to return to the workplace, and individual assessments should be considered given the impact to health and wellbeing following isolation. It was also suggested that the steps taken by Dudley Council with regard to health and wellbeing and working practices for employees, could be shared as an example for other businesses.
- The flexibility of remote working was considered beneficial in providing opportunities for people that lived further away to apply for job vacancies, and for employees with disabilities that experienced challenges in travelling to a specific building.
- A Member raised a question as to whether additional Information Technology (IT) equipment was required and how the lockdown had affected digital transformation, and suggested that feedback from IT could be valuable at a future meeting.

In responding, the Acting Deputy Chief Executive acknowledged the excellent work undertaken by the Information and Communications Team in providing employees with the correct software to work remotely within a short period of time. It was confirmed that 250 laptops had been resourced, and that the Government had allocated additional funding to Local Authorities in recognition of the requirement for supplementary resources.

- The Acting Deputy Chief Executive stated that Dudley Council Plus employees had been working from home effectively, however it was recognised that further work and support was needed for customers who were not confident with technology and unable to access Council services.

The Chair thanked Officers for their attendance and information submitted and the positive discussions undertaken at the meeting, and the work undertaken by all employees. It was requested that further updates be provided to a future meeting.

With regard to a question raised by a Member following a recent news article in relation to recycling waste, the Acting Deputy Chief Executive provided an overview of the Council's recycling distribution, including local areas, and gave assurances that all recyclate was undertaken in line with European legislation in reputable places. The Acting Deputy Chief Executive undertook to provide up to date information as requested.

Resolved



- (1) That the Quarter 4 Corporate Quarterly Performance report covering the period 1st April, 2019 to 31st March, 2020, be noted.
 - (2) That Procurement, including identifying and delivering savings, be considered for inclusion on the Annual Scrutiny Programme for 2020/21.
 - (3) That a training session on Procurement be piloted at a future Scrutiny Committee meeting.
 - (4) That the Acting Deputy Chief Executive be requested to provide detailed information on the distribution of Dudley's Recycling Waste.
 - (5) That a further update be provided to a future meeting on the challenges presented to staff during the Covid-19 Pandemic lockdown.
-

6 Annual Scrutiny Programme 2020/21

A report of the Lead for Law and Governance was submitted on the Scrutiny Committee's annual report for 2019/20, and items to be included in the Annual Scrutiny Programme for detailed consideration during 2020/21.

A proposed calendar of meetings for the 2020/21 municipal year, together with Scrutiny Committee annual reports, will be considered by the Council on 23rd July, 2020, consultation will then be undertaken with the Chair, Vice-Chair and Officers to confirm the programme of scrutiny business for the remainder of the municipal year.

The Chair requested Members to suggest any items for consideration to be included on the future work programme incorporating updates on COVID-19, Digital Transformation and the Chief Executive's corporate view on Council matters.

Resolved

- (1) That, subject to any necessary amendments, the annual report, as set out in Appendix A to the report, be submitted to the Council on 23rd July, 2020.
- (2) That, following consultation with the Chair, Vice-Chair and Officers, the Lead for Law and Governance be authorised to confirm the programme of scrutiny business for this Committee following the meeting of the Council on 23rd July, 2020.
- (3) That the arrangements for a scrutiny review of the Dudley MBC and partner response to the Coronavirus Pandemic, as set out in paragraphs 9 to 13, be noted.

The meeting ended at 7.20pm

CHAIR



Corporate Scrutiny Committee – 17th September 2020

Report of the Chief Executive

Corporate Performance Planning for 2020/21 and Corporate Quarterly Performance Report – Quarter 1 (1st April 2020 to 30th June 2020)

Purpose

1. To advise of revisions to Corporate Performance Management including a review of Future Council 2030, to propose a different approach to reviewing performance outturns at the committee and to present the Quarter 1 Corporate Quarterly Performance report covering the period 1st April to 30th June 2020.

Recommendations

2. It is recommended that the Corporate Scrutiny Committee:
 - Endorse the revisions to Corporate Performance Management for 2020/21 (points 4-5)
 - Endorse proposals to review Future Council 2030 to ensure it is fit for purpose (point 6)
 - Approve the proposed approach to reviewing quarterly performance outturns at Corporate Scrutiny (point 7)
 - Consider additional items to include on the Corporate Scrutiny Forward Plan (point 8)
 - Review the Quarter 1 performance outturn and refer any issues to the relevant service (appendix 1)

Background

3. Resources

It was recognised that there was a need for greater governance around Performance Management in the Council with a more coordinated approach.

Corporate Performance Management and Monitoring (x1 FTE) previously sat within HR & Organisational Development, however as of 13th July 2020 this resource and responsibility transferred to Chief Executives, Corporate Operations to strengthen the approach.

4. Corporate Performance Indicators

For 2020/21 it was agreed that a light touch would be undertaken for the corporate indicators and that any substantial changes would take place alongside the council plan refresh in 2021.

Directors reviewed their services plans for this financial year, as a result, the quarterly measures have increased from 32 in 2019-20 to 35 for 2020-21. In addition, there are 11 annual PI's, these will be reported in Quarter 4 (1st January to 31st March 2021).

5. Council Plan 2019/22 – 3-year delivery plan and the Borough Vision 2030

The Council Plan is refreshed every 3 years and should map our journey to achieving the aspirations of the Borough Vision 2030, however it is recognised that there needs to be greater synergy between these when the Council Plan is revised in 2021 ready for launch in April 2022.

This will also include streamlining the priorities to be more outcome focused and removing the silo directorate approach currently adopted.

6. Future Council 2030 – A Vision for the Council

Five themes have been developed with Directors and Members to shape the future direction of the council and include Future Communities, Economy, Workforce, Technology and Facilities. Each theme is led by a Director and a Member Champion.

There is a need to revisit these themes to ensure they are still relevant as many of the priorities and actions are already being delivered due to Covid related service changes including the aspiration to be a smaller more agile workforce requiring less office accommodation in the Future Facilities theme.

A separate piece of work will be undertaken to review these themes with members and officers.

7. **Scrutiny Process**

The Corporate Performance lead will replace the HR Strategic Business Partner and attend corporate scrutiny to provide a summary of the corporate performance outturn position for that quarter and will meet with the chair and vice chair during the agenda setting meeting to discuss the draft report in advance of the formal scrutiny committee.

Where indicators are behind target, Directors and performance leads are asked to provide additional context before the committee for inclusion in the final report and relevant directors and/or officers can be asked to attend if required.

Service Delivery Summary:

To streamline reporting and provide greater governance and oversight of service delivery it is suggested that a service area is reviewed at each committee where the corporate performance report is being presented.

A template will be developed for service areas to complete in advance of the committee and will provide an overview of service delivery, performance against targets, learning from any complaints received, best practice examples and key deliverables and achievements during the quarter. Any other areas that members would like further details on would also be included in the template.

This option provides an opportunity for members to go into greater detail on overall delivery for that service area and provide a better understanding of the service.

8. **Corporate Scrutiny Forward Plan**

The current programme includes the following items plus additional call in items:

- Quarterly Performance Management reports
- Medium Term Financial Strategy
- Council Tax Reduction Scheme
- Annual Review of the Constitution

Additional items for consideration that could be included in the forward plan include:

- Dudley Borough Vision outcomes
- Future Council 2030 programme delivery
- LGA Corporate Peer Review outcomes and learning
- Equality & Diversity
- Risk Management
- Impact of Covid19

9. Performance Management System

Spectrum is the Councils in house performance management system that is currently used to monitor performance indicators and actions. It is also used to monitor Risk Management and more recently Audit Management.

The system is managed by the performance lead and performance champions and officers across the council have been trained in the usage of the system.

It has been agreed that the system will be refreshed and relaunched alongside a new programme of training for relevant officers.

10. Performance Management Framework

An internal Audit on performance management was carried out in 2019. The Audit highlighted the need for a consistent approach towards performance management and reporting processes across the council. The recommendation in the report was for a performance management framework to be developed and to include:

- The definition of performance management.
- The types of performance measures and target setting (including input, output, process, outcome and impact measures).
- Performance management cycle (e.g. plan, do, review approach).
- Performance management reporting and scrutiny of performance

A framework is currently being developed and will be brought back to a future corporate scrutiny committee for review as part of the implementation to ensure a structured and effective performance management culture is embedded across the council.

11. Quarter 1 Corporate Quarterly Performance Report

The Quarter 1 Corporate Quarterly Performance report highlights performance for the period 1st April 2020 to 30th June 2020 and focuses on the priorities contained within the Council Plan. The report also provides a detailed review of progress, using a balanced scorecard model of the quarterly corporate key performance indicators (KPI's) indicating where change or improvement is required.

Of the 35 KPI's monitored in Quarter 1, 20 are on target, 4 are within tolerance and 11 are below target.

The 11 indicators currently under performing are outlined in Section 2 of the Performance Report (Appendix 1) with a more detailed account as to why they are below target detailed in the Briefing Summary in Appendix 2. The report also provides last year's trend data along with benchmarking comparator data, where available, for each PI.

Finance

12. There are no direct financial implications in receiving this report.

Law

13. Any proposed changes to the scrutiny programme are subject to the approval of scrutiny chairs.

Equality Impact

14. There are no direct equality impacts to be considered at this stage of the report other than the outcomes from any performance reporting.

Human Resources/Organisational Development

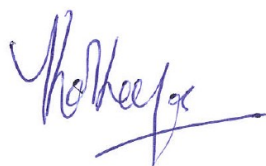
15. There are no specific direct human resource issues in receiving this report. In terms of the Council's sickness level's and the management of attendance, the HR and OD team continues to work with Directors and Heads of Service to assist and provide support in tackling those areas identified as having high levels of sickness.

Commercial/Procurement

16. There are no direct commercial or procurement impacts to be considered at this stage of the report other than the outcomes from any performance reporting.

Health, Wellbeing and Safety

17. Reports to Scrutiny Committee will consider the impact on the health, wellbeing and safety of the Borough's citizens. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.



Kevin O'Keefe
Chief Executive

Contact Officer:
Ajaib Paul, Corporate Operations Manager

Appendices:

- Appendix – Q1 2020/21 Corporate Performance Report
Appendix – Q1 2020/21 Briefing Summary

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Performance Report

Corporate Quarterly Performance Report 2020-21

Quarter 1 (1st April 2020 to 30th June 2020)

Produced: August 2020

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Section 1: Introduction

This Quarterly Corporate Performance Management Report highlights performance for the period April 1st 2020 to June 30th 2020. It provides specific information detailed in the Council Plan 2019-22, relating to performance indicators and key actions. Enabling us to monitor progress towards our vision;

“Dudley Borough – Forging a Future for All”

We have a ‘One Council’ ethos to build an effective and dynamic organisation aligned to our three core priorities to:

- Grow the economy and create jobs
- Create a cleaner and greener place
- Support stronger and safer communities

The main body of the report focuses on the four priorities contained in the Council Action Plan and provides a detailed review of the progress of the key performance indicators within the plan.

The scorecards show performance for the;

- Reporting Quarter
- The score symbol status denotes performance against set targets.
- The trend symbol status compares latest performance against previous reporting frequency.

The score status symbol employed for performance indicators as follows;

- ★ Where performance exceeds the target tolerance
- 🟡 Where performance is on target and in the upper half tolerance
- ⚠ Where performance is below the target tolerance

Short term trend status symbol employed as follows;

- ↗ Performance is improved against previous reporting frequency
- Performance is consistent against previous reporting frequency
- ↘ Performance is worse against previous reporting frequency

Section 2: Performance Summary

2.1 Trend and Score Summaries

There are a total of 35 KPI's which monitor the progress of delivery of the Council Plan 2019-22. The table below summaries performance against targets and trends, comparing Quarter 1 2019-20 against Quarter 1 2020-21.

| Performance Is... | On Target | Tolerant | Below Target | Total |
|-------------------|-----------|----------|--------------|-----------|
| Improving | 8 | - | 4 | 12 |
| Consistent | 2 | - | - | 2 |
| Worsening | 4 | 4 | 7 | 15 |
| New KPI | 5 | - | - | 5 |
| Delayed data | 1 | - | - | 1 |
| Total | 20 | 4 | 11 | 35 |

2.2 KPI's Below Target

The following table contains the performance indicators where the score status is below target by Council Plan priority. For more detail see their respective scorecards in Section 3.

| Scorecard | Performance Indicator |
|--|--|
| One Council building an effective and dynamic organisation | PI.2079 Number of Corporate Complaints received (Replaces PI 46 from Qtr.1) |
| | PI.2061 Identify and deliver procurement savings |
| | PI.2036 Number of new customers onto the revolution traded services portal |
| Cleaner greener place to live | PI.1899 FP02 Rent loss- % of potential rent receipts lost (Dwellings) (HouseMark CP & Strategic PI) |
| Stronger and safer communities | PI 432 Number of children looked after per 10,000 of the population |
| | PI 433 Number of children subject to child protection plan per 10,000 of the child population |
| | PI 1447 % of agency social workers |
| | PI 1798 Percentage of eligible people receiving a health check (coverage) |
| Growing the Economy and Creating Jobs | PI.120 16 to 18 year olds who are not in education, employment or training (NEET) |
| | PI.1705 Number of adults 19+ participating in learning (3500) |
| | PI.1709 Number of employers supported with ACL funding streams |

Section 3.1: One Council, Building an Effective and Dynamic Organisation

Summary Status




★ 4
Exceeds Target

🟡 1
On target upper tolerance

🔴 3
Below target

| Performance Indicator | 2019-2020 | | | | 2020-21 | | | | |
|---|------------------|-----------------|-----------------|-----------------|------------------|-------------------|-------|--|--|
| | Qtr.1 Actual | Qtr.2 Actual | Qtr.3 Actual | Qtr.4 Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmarking Comparator Data |
| PI.352 Working days/shifts lost per FTE due to sickness absence (excluding schools) – Cumulative Calculation | 2.87 Days | 5.89 Days | 9.16 Days | 12.19 Days | 2.06 Days | 2.625 Days | ★ | | 2.315 Days West Midlands Employees 2017/18 Qtr. 1 2.72 Days English Met 2017/18 Qtr. 1 |
| Sickness as a % of FTE Days | 5.17% | 5.3% | 5.5% | 5.49% | 3.72% | | | | |
| PI.370 Long-term sickness absence per FTE (excluding schools) - Cumulative calculation | 2.01 Days | 4.37 Days | 6.77 Days | 8.9 Days | 1.65 Days | 1.875 Days | ★ | | 1.68 Days English Met 2017/18 Qtr.1 |
| Long-term sickness as a % FTE Days | 3.62% | 3.94% | 4.07% | 4.01% | 2.98% | | | | |
| PI.371 Short-term sickness absence per FTE - Cumulative calculation | 0.86 Days | 1.52 Days | 2.39 Days | 3.29 Days | 0.41 Days | 0.75 Days | ★ | | 1.04 Days English Met 2017/18 Qtr. 1 |
| Short-term sickness as a % FTE Days | 1.55% | 1.36% | 1.44% | 1.48% | 0.74% | | | | |
| PI.47 % of Corporate Complaints given a full response within 20 working days | 67% | 71% | 64% | 64% | 80% | 85% | 🟡 | | Local Measure based on trend data |
| PI.2078 Number of Customer Compliments received Replaces PI 45 from Qtr.1 | 204 | 299 | 292 | 236 | 324 | 150 | ★ | | Local Measure based on trend data |

Section 3.1: One Council, Building an Effective and Dynamic Organisation - continued

| Performance Indicator | 2019-20 | | | | 2020-21 | | | | |
|---|-------------|--------|--------|--------|------------|------------|---|--|-----------------------------------|
| | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | | | | | |
| | Actual | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmarking Comparator Data |
| PI.2079 Number of Corporate Complaints received | 320 | 327 | 282 | 295 | 289 | 275 |  | | Local Measure based on trend data |
| Exception Report PI2079: Total number of complaints is just over target, however, only 18% of those received were closed with an "upheld" status. | | | | | | | | | |
| PI.2061 Identify and deliver procurement savings | 0.26 | 0 | 5.19% | 0% | 0% | 1% |  | | Local Measure |
| Exception Report PI2061: There were no savings to report for Q1 due to business as normal procurement work ceasing so we could concentrate on the COVID-19 response. | | | | | | | | | |
| PI.2036 Number of new customers onto the revolution traded services portal | 16 | 3 | 9 | 9 | 0 | 2 |  | | Local Measure based on trend data |
| Exception Report PI2036: No new providers were created in quarter 1 due to COVID-19 and schools not working to full capacity. | | | | | | | | | |

Section 3.2: A cleaner greener place to live

Summary Status



3
Exceeds Target



1
On target upper tolerance



1
Below target

| | 2019-2020 | | | | 2020-21 | | | | |
|---|-----------|--------|--------|--------|---------|--------|-------|--|------------------------------|
| Performance Indicator | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | Qtr.1 | | | | |
| | Actual | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmarking Comparator Data |
| PI.2027 Satisfaction with way your anti-social behaviour complaint was handled? (ASB) Star-T Tasb5 (CP) [C] <i>previously PI.1399</i> | 84.5% | 85.1% | 80.9% | 81.9% | 84.1% | 85% | | | 80.6% HouseMark Median |
| PI 1319 Current tenant arrears as a percentage of the annual rent due - Housemark Dwellings (Strategic PI) | 1.98% | 2.15% | 1.34% | 1.53% | 1.94% | 2.5% | | | 2.83% HouseMark Median |
| PI 1323 Former tenant arrears at the end of the year as a % of rent due | 2.79% | 2.85% | 3.01% | 1.84% | 1.87% | 2.8% | | | 1.14% HouseMark Median |
| PI.1396 ST10 Overall, satisfaction with the repairs service?(various Responsive Repairs)Star-T HMark (Strategic PI) | 94.2% | 97.9% | 98.1% | 97.6% | 98.1% | 98% | | | 92.6% HouseMark Median |
| PI.1899 FP02 Rent loss- % of potential rent receipts lost (Dwellings) (HouseMark CP & Strategic PI) | 2.39% | 2.23% | 2.15 | 1.6% | 1.9% | 1.5% | | | 0.91% HouseMark Median |
| <p>Exception Report PI 1899: The increase from 1.6% to 1.9% is due to the reduction in lettings due to Covid19. (Following consultation with Housemark we are now excluding properties with a void status of not in management, property closed, and illegally occupied). Other reasons for rent loss in the Q1 period are:</p> <ul style="list-style-type: none"> • Properties awaiting disposal = 1 property / £1,244.75 rent loss • Investment in sheltered housing = 65 units / £65,251.94 rent loss. • Tanhouse scheme (works pending or held for future decant) = 9 properties / £8,308.95 rent loss • Being used for decant = 18 properties/ £16,779.49 rent loss • Stock Investment decision 24 Properties / £21,551.04 rent loss | | | | | | | | | |






Section 3.2: A cleaner greener place to live – continued

There is a time lag for the following KPI's due to the nature of their collection and validation from the Waste Data flow. (Quarter 4 2019 – 20 is latest data). Waste Data Flow is the national database for municipal waste data reporting by UK local authorities to government therefore will be reported as actual 3 months in arrears i.e. Quarter 1 data presented in Quarter 2 following WDF validation.

| Summary Status | | ★ 2 Exceeds Target | | 🟡 0 On target upper tolerance | | 🔴 0 Below target | | |
|---|---|------------------------|-------------------|----------------------------------|--------|---------------------|-----------------|---|
| | | 2019-20 | | | | | | |
| Performance Indicator | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | | | | |
| | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend | Benchmarking Comparator Data |
| PI.1498 Percentage of household waste sent for reuse, recycling and composting (NI 192) | 46.5% 15,687.2 1 | 46.6% 16,565.6 7 | 42.3% 8,960.99 | 38.9% 7,021.88 | 35% | ★ | 📈 Improving | 41.1% CIPFA Family Group Average (Quarter 4) |
| | Measured in tonnes - quarter actual tonnage shown to highlight fluctuations | | | Measured in tonnes | | | | |
| PI.1499 Percentage of municipal waste land filled (NI 193) | 3.5% 1,316.38 | 2.31% 454.67 | 1.9% 306.28 | 1.66% 224.25 | 4.5% | ★ | 📉 Worsening | 7.03% CIPFA Family Group Average (Quarter 4) |
| | Measured in tones - quarter actual tonnage shown to highlight fluctuations | | | Measured in tonnes | | | | |

Section 3.3: Stronger and Safer Communities

Summary Status  6 Exceeds Target  2 On target upper tolerance  4 Below target 1 delayed data

| Performance Indicator | 2019-2020 | | | | 2020-21 | | | | |
|---|--------------|--------|--------|--------|--------------|------------|---|--|--|
| | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | Qtr.1 | | | | |
| | Actual | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmark Comparator Data |
| PI 1466 Number of early help assessments started | 634 | 536 | 600 | 617 | 609 | 600 |  | | Local Measure |
| PI 432 Number of children looked after per 10,000 of the population | 92.4 | 90.7 | 88.9 | 90.1 | 90.3 | 85 |  | | 85.4 (Statistical Neighbours 18/19) |
| Exception Report: Numbers of Looked After Children in Dudley have historically been high and we have seen a closing of the gap with our statistical neighbours and England average since 2016, which is a continued overall trend. However, we have now set ourselves the target of reducing numbers of looked after children to be in line with our statistical neighbours, so this trend needs to continue. | | | | | | | | | |
| PI.426 Timeliness of Single Assessments - % Completed Within 45 Working Days (Assessment service only) | 96.9% | 84.6% | 96% | 97% | 93% | 95% |  | | Local Measure |
| PI 433 Number of children subject to child protection plan per 10,000 of the child population | 47 | 44.6 | 47.2 | 50.4 | 58 | 50 |  | | 55.1 Statistical neighbours (18/19) |
| Exception Report: The number of children subject to a child protection plan is higher than our statistical neighbour comparators and has risen steadily since October 2019. Regular monitoring is in place to review plans and ensure that these are appropriate and that children are not subject to a child protection plan for longer than necessary. | | | | | | | | | |
| PI 1447 % of agency social workers | 35.9% | 32.3% | 27.4% | 26.7% | 17.3% | 10% |  | | 14.4% Statistical neighbours (18/19) |
| Exception Report PI 1447: Target is to reach 12% agency by March 2021. COVID has impacted on recruitment and data shows less people applying for posts and subsequently a reduction in successful applicants. Current rate of agency staff has reduced and is now 14%. At that rate the target for March 2021 will be achieved. Based on the latest available data nationally which relates to 2018/19, our rate of agency staff is better than national (15.8%) and west midlands (16%) averages. | | | | | | | | | |

Section 3.3: Stronger and Safer Communities - Continued

| | 2019-20 | | | | 2020-21 | | | | |
|---|-------------|--------|--------|--------|-----------------|--------|-------|--|--------------------------------|
| Performance Indicator | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | Qtr.1 | | | | |
| | Actual | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmark Comparator Data |
| PI 501 ASCOF2B (P1) - Prop of 65+ at home 91 days after discharge from hospital into reablement services | 89% | 87% | 88% | 89% | 84% | 83% | ★ | | 82.4% (All England 2018/19) |
| PI.2129 % of eligible children who take up a 'Time for Two's' place in the Dudley Borough | New Measure | | | | 85.4% | 75% | ★ | | Local Measure |
| PI.2131 % of Delayed transfers of care as percentage of occupied beds | New Measure | | | | Delay with data | 3.7% | | | 4.9% (Feb 2020) |
| Exception Report PI 2131: Due to the coronavirus illness (COVID-19) and the need to release capacity across the NHS to support the response, we are pausing the collection and publication of these and some of our official statistics". Quarter 1 data will be reported in Quarter 2. | | | | | | | | | |
| PI.2132 % of contacts to adult social care with an outcome of information and advice/signposting | New Measure | | | | 11.4% | 11% | ★ | | Local Measure |
| PI 2133 Proportion of working age service users (18-64) with a primary support reason of learning disability support, who are living on their own or with their family | New Measure | | | | 65% | 60% | ★ | | 77.4% England 18/19 |
| PI.2134 % of the conversion of safeguarding concerns to enquiry | New Measure | | | | 11% | 20% | ★ | | 39% England 18/19 |
| PI.2074 Proportion of premises in the borough that are compliant with food hygiene law | New Measure | | | | 86.7% | 90% | 🟡 | | |
| PI 1798 Percentage of eligible people receiving a health check (coverage) | 77 | 53.6 | 41.3 | 53.4 | 0.0% | 33% | ⚠️ | | |
| Exception Report PI 1798: For safety reasons non-essential visits to primary care were suspended by the NHS in March. In Dudley this included a temporary suspension of NHS health checks, in line with practice across the country. A very small number of health checks have been undertaken in Quarter 1, if for example a patient was visiting their GP practice for other essential reasons and a health check could be completed as part of their consultation. | | | | | | | | | |

Section 3.4: Growing the Economy and Creating Jobs

Summary Status ★ 3 Exceeds Target 🟡 1 On target upper tolerance 🔴 3 Below target

| | 2019-20 | | | | 2020-21 | | | | |
|--|---------|--------|--------|--------|---------|--------|-------|--|---|
| | Qtr.1 | Qtr.2 | Qtr.3 | Qtr.4 | Qtr.1 | | | | |
| Performance Indicator | Actual | Actual | Actual | Actual | Actual | Target | Score | Quarterly Trend (available at Qtr. 2) | Benchmark Comparator Data |
| PI.120 16 to 18 year olds who are not in education, employment or training (NEET) | 2.7% | 2.3% | 2.1% | 2.7% | 3.3% | 2.8% | 🔴 | | W Mids. region data |
| Exception Report PI 120: Figures for young people Not in Education, Employment or Training have risen above our target since April. There has been a national trend of increase in these figures from January to March this year, which we also saw in Dudley. The latest increase and long-term impacts of COVID-19 are not yet fully understood and this should continue to be monitored. | | | | | | | | | |
| PI.863 Proportion of children and young people who attend a good or outstanding school | 77.0% | 77.2% | 74.38% | 75.67% | 76.4% | 78% | 🟡 | | DFE Monthly management information |
| PI.1691 % of Major applications determined within 13 weeks | 100% | 100% | 100% | 100% | 100% | 60% | ★ | | 1 st DCLG Ranking (December 2018) |
| PI.1692 % of Minor Applications determined within 8 weeks | 100% | 100% | 100% | 100% | 100% | 65% | ★ | | 16 th DCLG Ranking (December 2018) |
| PI.1693 % of other applications determined within 8 weeks | 100% | 99.57% | 100% | 99.48% | 99.43% | 80% | ★ | | 16 th DCLG Ranking (December 2018) |
| PI.1705 Number of adults 19+ participating in learning (3500) | 564 | 1395 | 1396 | 1948 | 112 | 150 | 🔴 | | 93% against 88.3% target 17/18 Overall |
| Exception Report PI1705: Due to Covid-19 online delivery only and lower enrolments that expected. | | | | | | | | | |
| PI.1709 Number of employers supported with ACL funding streams | 12 | 24 | 7 | 19 | 40 | 15 | 🔴 | | Unavailable |
| Exception Report PI1709: More employers seeking support because of Covid-19. | | | | | | | | | |

For further information reference the corporate quarterly performance report, please contact:

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Corporate Performance Management

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For additional performance data please visit: <http://appsrvr4/spectrum#>

BRIEFING SUMMARY – CORPORATE QUARTERLY PERFORMANCE REPORT 2020-21 - QUARTER 1 (PERIOD 1st APRIL TO 30th JUNE 2020)

Directors reviewed their services plans for this financial year, as a result, the quarterly measures have increased from 32 in 2019-20 to 35 for 2020-21. In addition, there are 11 annual PI's, these will be reported in Quarter 4 (1st Jan to 31st Mar 2021).

Of the 35 KPI's to be monitored in Quarter 1, 20 are on target, 4 are within tolerance and 11 are below target.

The 11 indicators currently under performing are outlined in Section 2 of the Performance Report – page X with a more detailed account as to why they are below target detailed in the Briefing Summary on this page. The report also provides last year's trend data along with benchmarking comparator data, where available, for each PI.

Key performance Indicators below target including exception report

1. PI.2079 Number of Corporate Complaints received (Section 3.1 – pg. 10)

Total number of complaints is just over target, however, only 18% of those received were closed with an "upheld" status.

2. PI.2061 Identify and deliver procurement savings (Section 3.1 – pg. 11)

There were no savings to report for Q1 due to business as normal procurement work ceasing so we could concentrate on the COVID-19 response.

3. PI.2036 Number of new customers onto the revolution traded services portal (Section 3.1 - pg. 11) No new providers were created in Qtr. 1 due to COVID-19 and schools not working to full capacity.

4. PI.1899 FP02 Rent loss- % of potential rent receipts lost (Dwellings) (HouseMark CP & Strategic PI) (Section 3.2 – pg.12)

The increase from 1.6% to 1.9% is due to the reduction in lettings due to Covid19. (Following consultation with Housemark we are now excluding properties with a void status of not in management, property closed, and illegally occupied). Other reasons for rent loss in the Q1 period are:

- Properties awaiting disposal = 1 property / £1,244.75 rent loss
- Investment in sheltered housing = 65 units / £65,251.94 rent loss.
- Tanhouse scheme (works pending or held for future decant) = 9 properties / £8,308.95 rent loss
- Being used for decant = 18 properties/ £16,779.49 rent loss
- Stock Investment decision 24 Properties / £21,551.04 rent loss

5. PI 432 Number of children looked after per 10,000 of the population (Section 3.3 – pg.14)

Numbers of Looked After Children in Dudley have historically been high and we have seen a closing of the gap with our statistical neighbours and England average since 2016, which is a continued overall trend. However, we have now set ourselves the target of reducing numbers of looked after children to be in line with our statistical neighbours, so this trend needs to continue.

6. PI 433 Number of children subject to child protection plan per 10,000 of the child population (Section 3.3 – pg.14)

The number of children subject to a child protection plan is higher than our statistical neighbour comparators and has risen steadily since October 2019. Regular monitoring is in place to review plans and ensure that these are appropriate and that children are not subject to a child protection plan for longer than necessary.

7. PI 1447 % of agency social workers (Section 3.3 – pg.14)

Target is to reach 12% agency by March 2021. COVID has impacted on recruitment and data shows less people applying for posts and subsequently a reduction in successful applicants. Current rate of agency staff has reduced and is now 14%. At that rate the target for March 2021 will be achieved. Based on the latest available data nationally which relates to 2018/19, our rate of agency staff is better than national (15.8%) and west midlands (16%) averages.

8. PI 1798 Percentage of eligible people receiving a health check (coverage) (Section 3.3 – pg.15)

For safety reasons non-essential visits to primary care were suspended by the NHS in March. In Dudley this included a temporary suspension of NHS health checks, in line with practice across the country. A very small number of health checks have been undertaken in Quarter 1, if for example a patient was visiting their GP practice for other essential reasons and a health check could be completed as part of their consultation.

9. PI.120 16 to 18 year olds who are not in education, employment or training (NEET) (Section 3.4 –pg.16)

Figures for young people Not in Education, Employment or Training have risen above our target since April. There has been a national trend of increase in these figures from January to March this year, which we also saw in Dudley. The latest increase and long-term impacts of COVID-19 are not yet fully understood and this should continue to be monitored.

10. PI.1705 Number of adults 19+ participating in learning (3500) (Section 3.4 – pg.16)

Due to Covid-19 online delivery only and lower enrolments that expected.

11. PI.1709 Number of employers supported with ACL funding streams (Section 3.4 – pg.16)

More employers seeking support because of Covid-19.

Corporate Scrutiny Committee – 17th September 2020

Report of the Director of Regeneration and Enterprise

Planning Services – Public Consultation

Purpose

1. To clarify the processes and procedures in place for the Planning Service in respect of public consultation and involvement in the planning process.

Recommendation

2. To endorse the processes in place and advise on any suggested improvements in respect of public consultation/engagement.

Background

3. The Planning Service is responsible for all planning related matters within the borough. This includes the formation of local and regional Policy; providing general planning advice; determining planning applications; all matters in respect of protected trees and investigating and actioning enforcement matters.
4. This report focusses on the Development Management aspect of the service.
5. A number of the above functions involve extensive public consultation and interaction. This report intends to summarise those consultations in order that Members are aware of the various avenues of support and can advise on the suitability of the existing measures.
6. It is important to note that many of the functions that are undertaken are statutory and are tightly regulated. Consequently, the Council's planning service has little discretion on some of the procedures it must follow.

Planning Support

7. The role of planning support is varied but in essence the team undertakes the following functions:
 - validation of all newly received applications;
 - contact with applicants and agents to rectify any issues with submissions;
 - calculate the appropriate fees and receipt all payments;
 - send out all consultation paperwork including neighbour notifications, statutory consultations and site notices;
 - arrange publication of newspaper notices;
 - receipt, and where appropriate acknowledge, all application responses;
 - prepare decision notices;
 - prepare the Development Control Committee agenda and papers;
 - log and process all planning appeals, including liaison with the Planning Inspectorate;
 - act as the first line of response to all customers to the service and provide a similar service for Building Control, Enforcement, Policy and Property Services.
8. In order to provide some context on the extent of this workload, between 1st April and 31st July 2020 the team have logged 249 pre-application enquiries; registered 848 planning applications; responded to 2,920 email requests, and taken 13,100 external telephone calls. During the period they also received 21 formal compliments. As members will appreciate this 4 month period was during a national lockdown and subsequent working restrictions, thus undertaken largely via remote working.

The Planning Application Process

9. At present there are 36 planning application types split into 3 categories Major, Minor and Other, each application requires differing levels of information in order to be determined and have different determination dates ranging from 28 days to 13 weeks.
10. When following the legislative requirements 23 application types require no customer consultation to determine the application (certain applications may require statutory professional advice). Of the applications that do require consultation, over the past few years the government requirement has reduced and in many cases only neighbours that touch the boundary of the proposed development are required to be notified. Large developments or any application next to open land or the highway will also require a site notice and applications within the Major category also require a notice to be published in the local press. In addition, certain application types require statutory consultations from industry professionals such as Highways, Environmental Health, Conservation or the Emergency services.

11. During the 4 month period 1st April to 31st July 2020 the service sent out 32,064 customer consultations and printed and displayed 144 site notices. 694 responses were received to these customer consultations. This equates to approximately 2% response rate.
12. Also during this period 7,958 statutory consultations were sent out. 111 new enforcement cases were logged and acknowledged; and 249 pre-application applications were logged and acknowledged. Pre-applications are confidential between the authority and the applicant therefore no consultations are carried out.
13. Customer consultations are geographically selected from within the planning system, officers can add additional consultees if required. If a customer has submitted an objection or support for a planning application all details of the submission are published to the Council's website and the information will be used by the planning officer when determining the application. If a customer has supported or objected to an application to be determined by the Development Control Committee each customer is re-contacted to inform them of the process and give them the opportunity speak at the committee meeting. If an application is subject to an appeal once again any customer who made a representation on the application will be contacted to notify them of the appeals process.

Additional Consultation Tools

14. All planning applications are published on the Council's website and are available to search or view free of charge. In addition, a weekly list of newly registered and determined applications is available from the website.
15. On the home page of the website is an option to sign up to "my alerts". Once registered residents can enter their postcode and can select items from a list including planning and building control applications. The user can then set a radial boundary from 100 yards to miles (if required). Once preferences have been determined the customer will be alerted by email when an application in their area is validated, the link will take them directly to the planning/building control application pages. Anyone can then submit a representation on an application provided it is still to be determined. All such representations will be considered as part of the assessment process.
16. A Planning/Building Control ChatBot was recently introduced to the website (during the COVID-19 lockdown period). It is available to all website users and assists users who can ask it a question either by typing in the question or by using Alexa, Cortana or other voice activation and the system will search for and display the answer.
17. All members received automated emails via our Query Build programme. These emails include attachments which detail all new, determined or appealed applications within their wards. These reports can also be extended to show new enforcement applications if required.

Role of Planning Officers

18. In addition to all of the above points of contact planning officers visit every site which is the subject of a planning application and respond to each and every telephone or email query on these applications. This is considered to be an essential part of the assessment process.
19. In addition Dudley's planning service is one of the few services who offer a duty officer service from 9am-5pm Monday to Friday. Most other Local Planning Authorities either offer a much reduced period or no service at all. The duty officer post is manned by a planning officer at all times. Prior to the Covid-19 pandemic this service also assisted customers at the reception at 4, Ednam Road.
20. As one might expect, most customer contacts in respect of planning applications are objections. Whilst officers will always consider the extent and reason(s) for the objections, their role is to balance those objections against all other representations received and against national and local policies and guidance. As a consequence regardless of the number of objections to a scheme it may still be approved. Only objections which are considered to be "material" in planning terms can be considered. A list, although not exhaustive, of what may be considered to be material and matters that would not be considered material is included at the back of the Development Control Committee agenda. For information that list is attached as an appendix to this report.
21. Where planning applications receive significant representations which conflict with the recommendation of the planning officer, the decision will usually be made by the Development Control Committee.
22. As well as assessing formal applications and providing general advice as detailed above, all planning officers work collectively on providing advice to applicants in respect of informal pre-application submissions. This process is intended to assist applicants by advising them on the likelihood of an application being supported if it were submitted as a formal application. Officers use their experience and expertise, and the policies and guidance in place to recommend any alterations to schemes increasing the likelihood of approval being granted. It is not always possible to find the necessary amendments to make a scheme acceptable. In such instances the applicant is provided with an honest appraisal and is entitled to still make an application and await the outcome. If necessary they also have the appeal process to utilise.
23. Finally, there may be a perception that officers support applicants over local residents and businesses. Whilst it is true that the vast majority of applications are approved, this is understandable given the context of the above explanation. Many schemes are improved during the informal stages and thus are more likely to be approved when formally submitted. Also, there is an abundance of advice on the website and provided by the means described in this report which allows applicants to design their schemes so as to comply with the various requirements.

24. The most important factor which needs to be understood is the “presumption in favour of development”. This is a fundamental principle of the planning system. It essentially means that if the Local Planning Authority wishes to refuse an application that it **must** have significant and demonstrable reasons to do so. It must also be satisfied that those concerns cannot be overcome by the imposition of conditions.
25. When the applicant feels that the Council’s refusal is unwarranted they have the right to appeal to the Planning Inspectorate who will independently assess the proposal and may overturn the Council’s decision and approve the application. The Inspector may also award costs against the Council if he/she feels that the decision was “unreasonable”.
26. In this context the perception is that residents’ views are not given the importance they deserve is understandable, however the limitations of the planning process and the overall intent to support sustainable development explains why most applications are approved.
27. Not to dismiss residents’ concerns, officers will always respond to complaints or queries following decisions and endeavour to explain decisions made. The corporate complaints procedure can also be used.
28. If members are unhappy with the service being provided or require clarity on decisions being made, the first port of call should be the Planning Manager, Carl Mellor, who will ensure that the necessary attention is given to those concerns and a response provided.

Best Practice

29. The Planning Service is always looking to adapt to changes in legislation and the needs of our customers. Striving for continual improvement is imbedded. This is demonstrated by our attempts to liaise with and learn from other authorities who lead in specific areas. We liaise with colleagues across the country to learn from their experiences and determine whether they would work in Dudley.
30. It should also be noted that we are regularly contacted by others who consider us to lead in a number of areas ourselves. The Planning Support team has frequently hosted other authorities to look at our processes and procedures. This includes how we efficiently validate and register applications and how we use workflow principles and processes to improve the speed and efficiency of the planning process. This accounts for our excellent performance statistics which are amongst the best in the country.
31. We have a strong relationship with the Planning Advisory Service (PAS) who work closely with the Ministry for Housing, Communities and Local Government (MHCLG). We are considered a “Friend of PAS”. As a consequence, we are

invited to events and discussion groups around best practice and improvement techniques.

32. We have also been cited as MHCLG as best practice nationally for Householder Local Development Order (LDO). That procedure gives residents extended rights to do works to their homes without the necessity to go through the formal planning process, provided they adhere to our design standards.

Government Consultation on Changes

33. On 6th August 2020 the government published a White Paper entitled “Planning for the Future”. This is at consultation stage and all responses must be received by 29th October 2020.

The paper is extensive and if the measures proposed are adopted will have a significant impact on the planning process for years to come. The suggested changes which relate to the Development Management aspects of planning are summarised as follows:

Extension of the Permission in Principle (PIP)

It is proposed to extend this scarcely used provision which allows the granting of Permission in Principle to certain developments. The extension proposes for this to apply to all housing-led development (with some exceptions). The consequences would be that there would be no requirement for a planning application and consequently no public consultation on the principle of that development. An application would still be needed to determine the details of the scheme but at that stage the principle would have been agreed.

Increasing the threshold for affordable housing contributions

The current threshold is 10 units. This would be increased to 40 or 50 units. The consequence would be that no contribution or provision of affordable housing would be required until meeting this higher threshold. As the vast majority of sites in Dudley are smaller in size then this would mean a significant reduction in the provision of affordable housing for residents.

Removal of Section 106 agreements and/or Community Infrastructure Levy (CIL) and replacement with an Infrastructure Levy

The Infrastructure Levy would only need to be paid once a development has been completed and occupied. This means that any infrastructure required to support development would have to be funded via other means. It may mean that local authorities have to borrow money to put the infrastructure in place before the developments are completed and the money is recouped. The present system requires payment on commencement which assists with infrastructure delivery to minimise impact on existing infrastructure and communities.

Removal of Development Management Policies from Plans

These local policies would be replaced by national standard versions. Whilst it is not clear how this will be implemented there would be concerns that the ability of local authorities to dictate the way in which their areas develop would be significantly reduced.

It is proposed to place the 8 and 13 week determination periods on a statutory footing and to incentivise determination within those periods; two proposals included are an automatic refund of the application fee and deemed granting of an application for failure to determine within statutory timescales. This will increase pressure on planning services to make speedy decisions and may be at the cost of public consultation.

More Digital Engagement

Greater digitisation of the planning application process, including shorter and more standardised planning applications, and standardisation of technical supporting information and national planning application registers.

New digital engagement processes to improve the user experience and engagement for example to enable users to submit comments and visualise emerging proposals whilst on-the-go on a smart phone.

34. Proposed actions

Officers would value Members suggestions on improvements to the way in which the service liaises with its customers and stakeholders. It is suggested that a working group may be convened to consider improvements. Some suggestions include:

- a) Better use of the Council's Communications and Public Affairs Team (CAPA) to inform users of the role of the planning service and how they can access and influence it;
- b) Provide a formal response to "Planning for the Future" White Paper (potentially as part of a joint response with Black Country colleagues);
- c) Promote member contact with the Planning Manager to address specific operational issues when they arise.

Finance

35. Due to the regulatory nature of the planning process, the methods of consultation are standard and any consultation over and above that required in the legislation will have an impact on cost and resources.

Law

36. The over arching legislation which underpins the planning process is the Town and Country Planning Act 1990 (as amended). There are numerous other pieces of legislation and guidance which details how Local Planning Authorities must administer the planning application process.
37. Local planning authorities are required to undertake a formal period of public consultation, prior to determining a planning application. This is prescribed in Article 15 of the Development Management Procedure Order (as amended). There are separate arrangements for applications for permission in principle which are set out in Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).
38. Applications for prior approval for development which is subject to Permitted Development Rights which are set out in Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Equality Impact

39. The proposals take into account the Council's Policy on Equality and Diversity. As a part of all consultations all reasonable efforts will be made to ensure that anyone can access the information required and make any representations they wish.

Human Resources/Organisational Development

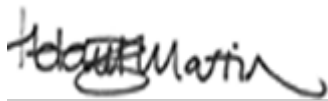
40. It is considered that by providing the range of sources and methods of communication that the service continues demonstrates a commitment to improving service development.

Commercial Implications.

41. There are not considered to be any commercial implications as a result of this report.

Health, Wellbeing and Safety

42. This report relates to the whole of Dudley borough and is intended to positively involve and engage with all residents, businesses and visitors. The objective is to ensure that communities are fully involved in the shaping of the borough and on decisions that affect their neighbourhood.



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List of Background Papers

List of Material and Non-Material planning considerations

| Material considerations | Non Material considerations |
|--|---|
| Layout: Does it reflect the character of the area? Does it protect existing residents' amenity? Does it provide sufficient amenity space? And does it protect businesses/future residents from noise/odour/dust complaints? | Market competition: competition with centre in terms of the requirement for a sequential approach to town centre development is material, but general competition with local shops or businesses is not. |
| Design and appearance: materials, scale, massing, style of development in terms of proportions, vertical or horizontal emphasis, heights. Appropriate to host building, immediate neighbours and wider street scene. | Loss of view: unless you own all of the land between you and the view, you have no right to it. |
| Landscaping: Is this appropriate, sufficient, particularly if forming a screen or providing some form of mitigation? | Loss of property value |
| Highway safety: Can safe access and egress be made? Is there sufficient car parking? Can the site be serviced by fire engines, bin lorries and delivery vehicles? | Matters covered by other legislation |
| Impact on heritage assets/nature conservation: Does the development have a positive, neutral or negative impact on heritage assets? Can the impact be mitigated through the provision of enhancements elsewhere? | Matters that can be adequately controlled by the imposition of a suitably worded condition |
| Planning history: Has a similar scheme been approved/refused before? Is there appeal history. | The fact the application is for a retrospective development . Development without consent is not unlawful (with a few exceptions). It only becomes an offence once formal |

| | |
|--|---|
| | enforcement action is taken and the recipient of a notice fails to comply. |
| | The fact that the application is a repeat application (repeat non-amended applications can, in exceptional circumstances, be refused to be registered but once registered they must be considered on their merits. |
| | The fact that the developer/applicant has a history of non-compliance with conditions/consents. Non-compliance is dealt with through the planning enforcement process, not through the decision making process. |
| | What may or may not happen as a result of the decision in the future. |