

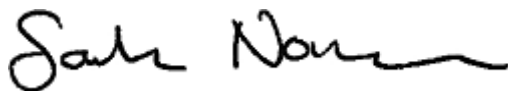
## **Meeting of the Overview and Scrutiny Management Board**

**Tuesday, 27th March, 2018 at 6.00pm  
In Committee Room 3 at the Council House, Priory Road, Dudley**

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

1. Apologies for absence.
2. To report on the appointment of any substitute members for this meeting.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. Public Forum.
5. [Corporate Quarterly Performance Report \(Pages 1 – 15\)](#)
6. [House of Commons Communities and Local Government Committee – Review of the Effectiveness of Local Authority Overview and Scrutiny Committees \(Pages 16 – 29\)](#)
7. [Annual Report of the Overview and Scrutiny Management Board 2017/18 \(Pages 30 – 36\)](#)
8. [Forward Plan of Key Decisions \(Pages 37 – 41\)](#)
9. 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: 19th March, 2018.**

**Distribution:**

Councillor D Perks (Chair)

Councillor S Phipps (Vice-Chair)

Councillors A Aston, R Body, J Hill, K Jordan, M Rogers, R Scott-Dow, E Taylor, S Tyler and S Waltho.

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**Overview and Scrutiny Management Board – 27<sup>th</sup> March, 2018**

**Report of the Chief Executive**

**Corporate Quarterly Performance Report**

**Purpose**

1. To present the Corporate Quarterly Performance Report for 2017/18, containing performance information for the period 1<sup>st</sup> October to 31<sup>st</sup> December, 2017.

**Recommendation**

2. That the Overview and Scrutiny Management Board review and comment on the content of this report.

**Background**

3. The overriding purpose of the Corporate Quarterly Performance Report is to provide a regular update on the management of services and performance levels being achieved within the Council, across the priorities detailed in the Council Plan.

The report contains the following sections:

**Section 1:** a brief introduction.

**Section 2:** a performance summary of corporate quarterly performance indicators.

**Section 3:** more detailed progress on the corporate quarterly performance indicators presented on a performance scorecard.

The Corporate Quarterly Performance report is published on the Internet via the Committee Management Information System. A copy is sent to all Members of the Board with the agenda. Copies can also be sent to any other Member of the Council on request to Democratic Services.

**Finance**

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

**Law**

5. The Council may do anything which is incidental to conducive to or which facilitates the discharge of its functions under Section 111 of the Local Government Act, 1972.


### **Equality Impact**

6. There are no special considerations to be made with regard to equality and diversity in noting and receiving this report.

The Corporate Quarterly Performance Report includes details of the performance of the Council Plan strategic objectives and priorities for children and young people.

### **Human Resources/Transformation**

7. The Performance report contains information in relation to human resources under the section on building an effective and dynamic organisation.



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**Sarah Norman**  
**Chief Executive**

Contact Officer:

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### **Background Documents**

Corporate Quarterly Performance Report (Attached)

# Performance Report



## **Corporate Quarterly Performance Report 2017-18**

Quarter 3 (1<sup>st</sup> October 2017 to 31<sup>st</sup> December 2017)

February 2018

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## Section 1: Introduction

The performance framework has been revised for 2017-18 with additional performance Indicators included to each of the scorecards and future targets set. This is about being clear at the beginning of the new financial year about what we are aiming to achieve and then monitoring it on a quarterly schedule to see how we are doing.

This Quarterly Corporate Performance Report highlights performance for the period **October 1<sup>st</sup> to December 31<sup>st</sup> 2017**. The report focuses on the priorities contained in the Council Plan and provides a detailed review of the progress of the quarterly corporate key performance indicators on a balanced scorecard model. These Performance Indicators and parameters aid early indication of change; these are sufficiently in our control to effectively be actionable to promote improvement. The indicators in this category are either business critical to the Council meeting its core priorities or are areas of particular concern to Corporate Board / Cabinet at the present time where change / improvement are required.

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 quarter.

The score status symbol employed for performance indicators as follows;

- ★ Where performance is **On target** and or exceeds the target tolerance
- 🟡 Where performance is **Tolerant**, on target in the lower half tolerance
- 🔴 Where performance is **Below** the target tolerance

**Trend status symbol employed as follows;**

- ➡ Performance is improved against previous quarter
- ➡ Performance is consistent against previous quarter
- ↘ Performance is worse against previous quarter

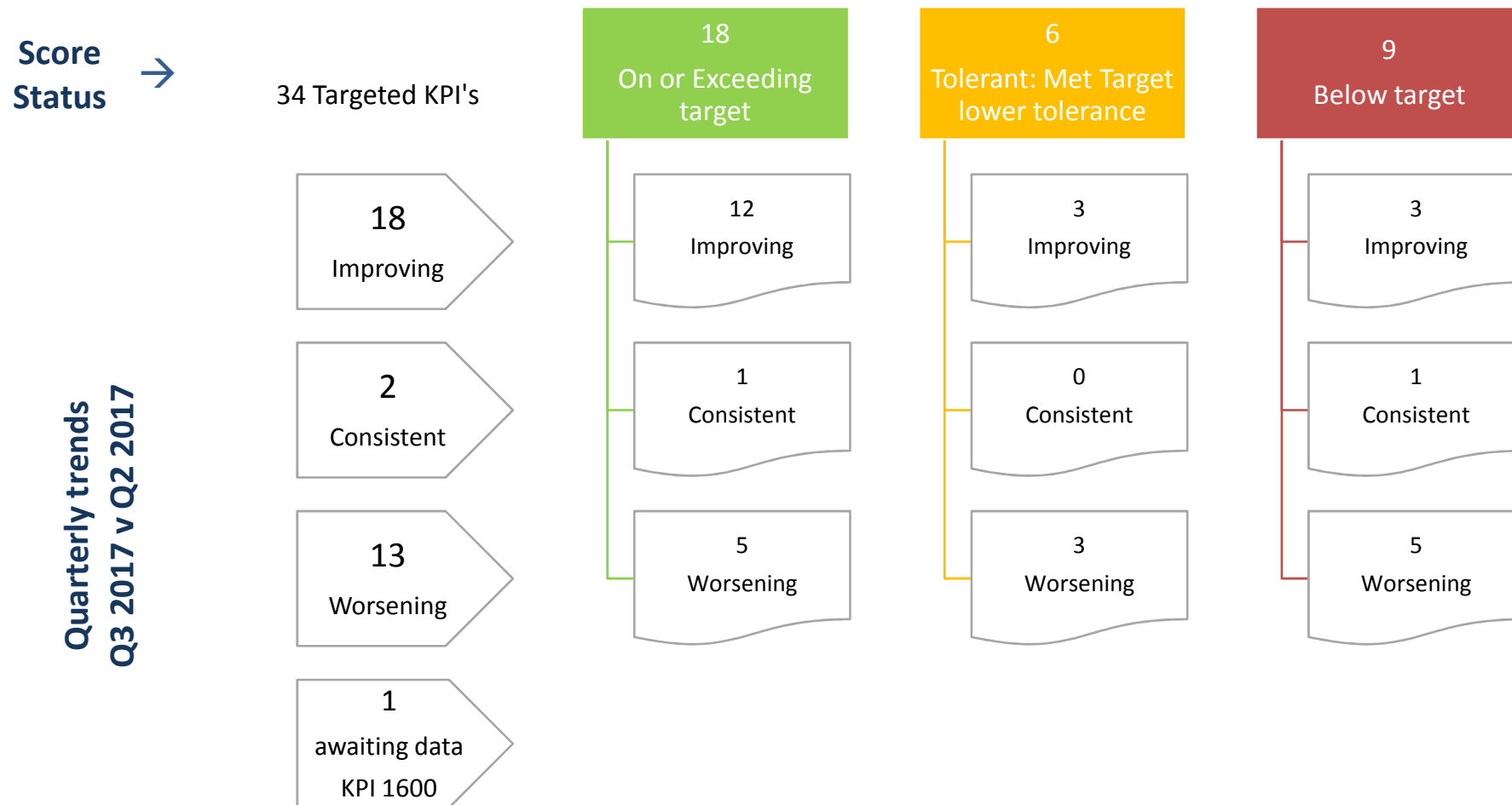


## Section 2: Performance Indicator Target & Trends Summary

For quarter 3 there are a total of **34** Key Performance Indicators, which monitor the progress of the delivery of the Council Plan.

Each KPI has its own specific target for the year and are represented in the five individual scorecards.

Quarter 3 summary of performance to date is;













## Summary continued

The following table contains the performance indicators where the score status is below target for the reporting period.

Key Performance Indicator	Quarterly trend	Scorecard
PI.676 % of children on Child Protection Plan whose latest 2 weekly minimum visit was within timescales	 worsening	<b>Stronger and safer communities</b> (page 8)
PI.426 Timeliness of Single Assessments - % Completed Within 45 Working Days	 improving	
PI.154 Care leavers in education, employment or training	 worsening	<b>Growing the economy and creating jobs</b> (page 10)
PI.863 Proportion of children and young people who attend a good or outstanding school	 consistent	
PI.739 Rent loss- % of potential rent receipts lost (Dwellings)	 improving	
PI.47 % of Corporate Complaints given a full response within 20 working days	 worsening	<b>Customer Feedback</b> (page 11)
PI.1398 Satisfaction with the final outcome of your anti-social behaviour?	 worsening	
PI.1399 Satisfaction with the way your anti-social behaviour complaint was handled	 worsening	
PI.939 Satisfaction with the letting process? (New Tenancy)	 improving	

## Section 3: Performance Scorecard





### 3.1: One council, building an effective and dynamic organisation

Reporting Periods →	2016-17				2017-18					
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			Quarterly Trend
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	
<b>PI.352</b> Working days/shifts lost per FTE due to sickness absence (excluding schools)	2.67 days	5.35 days cumulative +2.68 days	8.24 days cumulative +2.89 days	10.99 days cumulative +2.75 days	2.45 days	5.14 days cumulative +2.69 days	7.74 days cumulative +2.6 days	7.875 days		 improving
Sickness as a % of FTE Days	4.8%	4.82%	4.95%	4.95%	4.42%	4.63%	4.65%			
<b>PI.370</b> Long-term sickness absence per FTE (excluding schools)	1.85 days	3.9 days cumulative +2.07 days	5.88 days cumulative +1.98 days	7.77 days cumulative +1.89 days	1.78 days	3.9 days cumulative +2.12 days	5.76 days cumulative +1.86 days	5.625 days		 improving
Long-term sickness as a % FTE Days	3.34%	3.51%	3.53%	3.5%	3.21%	3.51%	3.46%			
<b>PI.371</b> Short-term sickness absence per FTE	0.81 days	1.45 days cumulative +0.64 days	2.37 days cumulative +0.92 days	3.22 days cumulative +0.85 days	0.67 days	1.25 days cumulative +0.58 days	1.98 days cumulative +0.73 days	2.25 days		 worsening
Short-term sickness as a % FTE Days	1.47%	1.31%	1.42%	1.45%	1.21%	1.12%	1.19%			
<b>PI.1274</b> Collection - Income as a percentage of debit - dwellings - BVPI 66a methodology	New corporate KPI 2017-18				96.54%	96.48%	95.86%	97.5%		 worsening

















### 3.2: A cleaner greener place

These Performance indicators report data from the previous quarter. There is a time lag for these PI's due to the nature of its collection and validation from the Waste Data flow. (Quarter 1 2017-18 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 2 data presented in Quarter 3 following WDF validation.

Reporting Periods →	2016-17				2017-18				
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2			Quarterly Trend
	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	
<b>PI.1498</b> Percentage of household waste sent for reuse, recycling and composting (NI 192)	44.75% 16,541 tonnes	43.82% 15,124 tonnes	39.58% 6,008 tonnes	38.52% 10,357 tonnes	44.6% 16,279 tonnes	<b>42.5%</b> 13,498.9 tonnes	<b>40%</b>		 worsening
Waste Data flow level 30: Cumulative 29,778.42 tonnes recycled out of a total of 70,112.45 tonnes of household waste collected									
<b>PI.1499</b> Percentage of municipal waste land filled (NI 193)	3.91% 1,557 tonnes	3.43% 1,137 tonnes	3.17% 690 tonnes	3.11% 942 tonnes	<b>4.2%</b> 1,712 tonnes	<b>3.7%</b> 1,137.16 tonnes	<b>4%</b>		 improving
Waste Data Flow: 2,849.19 tonnes sent to landfill out of a total 77,875.50 tonnes of municipal waste collected.									

### 3.3: Stronger and safer communities

Reporting Periods →	2016-17				2017-18					
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			Quarterly Trend
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	
<b>PI.676</b> % of children on Child Protection Plan whose latest 2 weekly minimum visit was within timescales	64.3%	85.6%	86.9%	98.2%	93.6%	86.1%	<b>82.7%</b>	<b>95%</b>		
There were challenges faced within Children's Services over the MUL/ bank holiday period and on days lost/ limited accessibility through inclement weather. Performance for Child Protection visits within 2 weeks has been steady throughout the year but fell from 91.2% in November to 60.3% in December (refreshed 30/01/18). If visits due during MUL period and snow days were discounted this figure would be 91.5%. Performance of the team therefore remains consistent and strong performance will resume through the next quarter.										
<b>PI.426</b> Timeliness of Single Assessments - % Completed Within 45 Working Days	65.6%	53.9%	60.2%	71%	92.62	67.48	<b>75.41</b>	<b>90%</b>		 improving
The timeliness of Single Assessments within 45 days has improved from Q2 where there were specific capability issues with a team manager, there have been steady improvements from August to November but performance fell in December due mostly to one of the assessment teams. The recruitment and retention for good quality staff remains an ongoing challenge; the paper transforming children's delivery was endorsed through cabinet in December which sets out the strategic intention to address these challenges through delivering a minor sustainable workforce. In the meantime we weekly performance meetings track closely the progress of assessments and we are confident that with this most recent capability issue addressed, good performance will resume.										
<b>PI.434</b> Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)	204 days	187 days	227 days	213 days	164 days	194 days	<b>157 days</b>	<b>210 days</b>		 improving
<b>PI.1466</b> Number of early help assessments undertaken	New corporate KPI 2017-18				312	413	<b>425</b>	<b>300</b>		 improving
<b>PI.501</b> ASCOF2B (P1) - Prop of 65+ at home 91 days after discharge from hospital into reablement services	85.9%	87.1%	89.2%	86.3%	90.1%	86.1%	<b>84.4%</b>	<b>87%</b>		 worsening
<b>PI.479</b> ASCOF1C (P1) - Proportion of people using social care who receive SDS and those receiving DPs	85.6%	86.4%	86.1%	86.8%	86.6%	86.5%	<b>87.4%</b>	<b>87%</b>		 improving
<b>PI.1763</b> Average level of hospital discharges per week	New corporate KPI 2017-18				36	40	<b>48</b>	<b>36</b>		 improving
<b>PI.1764</b> LGA ranking (quartiles) for daily average of all delayed days (quartiles - 1 low 4 high)	New corporate KPI 2017-18				2 <sup>nd</sup> quartile	1 <sup>st</sup> Quartile	<b>2<sup>nd</sup> quartile</b>	<b>2<sup>nd</sup> quartile</b>		 improving

### 3.3: Stronger and safer communities continued

Reporting Periods →	2016-17				2017-18					
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	Quarterly Trend
<b>PI.1798</b> % of eligible people receiving a health check (coverage)	New corporate KPI 2017-18				55.1%	57.7%	<b>59.7%</b>	<b>62%</b>	🟡	📈 improving
<b>PI.190</b> Homelessness Preventions – Homelessness Team (CP Strategic PI)	New corporate KPI 2017-18				177	357 cumulative +180	<b>569</b> cumulative +212	<b>515</b>	🟢	📈 improving
<b>PI.1673</b> Percentage of tenancies with a Home Check completed within the last five years (CP Strategic PI)	New corporate KPI 2017-18				94.62%	92.78%	<b>92.96%</b>	<b>95%</b>	🟡	📈 improving





### 3.4: Growing the economy and creating jobs

Reporting Periods →	2016-17				2017-18					
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			Quarterly Trend
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	
<b>PI.154</b> Care leavers in education, employment or training	58.8%	58.3%	67.9%	64%	69.9%	62.3%	<b>61.4%</b>	<b>67%</b>		worsening
The measure for Care Leavers in Education, Employment and Training is calculated based on the status of an individual on their 19 <sup>th</sup> birthday and is not updated after this point. The measure is also calculated as a year-to-date figure; performance dropped by several percentage points in Q2 but remains similar in Q3. There are a number of initiatives underway to support care leavers – Black country impact has a dedicated resource set aside for Dudley care leavers and this is further supplemented by a dedicated PA from the connexions service. Care leavers are in receipt of string support and advice to support them to reach education, employment and training.										
<b>PI.120</b> 16 to 18 year olds who are not in education, employment or training (NEET)	4.1%	4.1%	2.5%	3.3%	3.3%	3%	<b>3.2%</b>	<b>3.2%</b>		worsening
<b>PI.863</b> Proportion of children and young people who attend a good or outstanding school	83.3%	84.1%	83.7%	81%	79.1%	79.1%	<b>79.1%</b>	<b>85%</b>		consistent
The percentage of pupils attending a good or outstanding school at the end of December 2017 had fallen since the strategy was introduced from 83.1% to 79.1%. This figure has remained static at 79.1% throughout this financial year following a drop towards the end of Quarter 1 as a result of two schools moving from Good to Requires Improvement, however subsequent to the inspections schools have seen improved KS2 outcomes.										
<b>PI.280</b> Number of working age people claiming Job Seekers Allowance (at quarter end)	4,225	3,990	3,786	3,962	3,957	3,473	<b>2,910</b>	<b>4,340</b>		improving
<b>PI.79</b> % of working age people claiming Job Seeker's Allowance (at quarter end)	2.2%	2.1%	2%	2.1%	2.1%	1.8%	<b>1.5%</b>	<b>2.3%</b>		improving
<b>PI.739</b> Rent loss- % of potential rent receipts lost (Dwellings)	New corporate KPI 2017-18				2.94%	2.92%	<b>2.87%</b>	<b>2.6%</b>		improving
As reported last quarter, the stock sustainability work we are doing has found there is no or low demand for around 12% of our properties, which is a significant business risk that we have now begun to address through a programme of both investment (e.g. in low demand sheltered schemes) and disinvestment (e.g. clearing four high rise blocks for demolition, and disposing of some individual properties at auction). The current rent loss target was set before these decisions were made, and by the year end we should be able to forecast more accurately how our stock remodelling programme will play out, and set targets that are challenging but achievable. In Q3, there has been a slight improvement in our direction of travel from 2.92% to 2.87%. Overall, at the end of Q3, we had 342 voids in the process of repair/re-let, and 312 that were “development voids”. This indicates that the successful completion of our current disposal/demolition/improvement programmes should bring our “true” voids down to around 1.5% of our stock and (although there is not an exact correlation) a similar % rent loss. Turnaround times are also improving, and will be key to ensuring that we have sufficient headroom to continue our sustainability work whilst containing rent loss.										
<b>PI.1691</b> % of Major applications determined within 13 weeks	New corporate KPI 2017-18				100%	100%	<b>100%</b>	<b>90%</b>		consistent
<b>PI.1692</b> % of Minor Applications determined within 8 weeks	New corporate KPI 2017-18				98.3%	96.38%	<b>96.92%</b>	<b>90%</b>		improving
<b>PI.1693</b> % of other applications determined within 8 weeks	New corporate KPI 2017-18				98.97%	99.06%	<b>99.04%</b>	<b>90%</b>		worsening

### 3.5: Customer feedback

Reporting Periods →		2016-17				2017-18				
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	Quarterly Trend
PI.46 Customer Feedback: Number of Corporate Complaints received	315	609 <i>cumulative</i> (+294)	836 <i>cumulative</i> (+227)	1119 <i>cumulative</i> (+283)	230	490 <i>cumulative</i> (+260)	739 <i>cumulative</i> (+249)	825	★	↗ improving
PI.47 % of Corporate Complaints given a full response within 20 working days	87%	87%	93%	75%	79.56%	81.15%	71%	85%	⚠	↘ worsening
Summary: 176 achieved within 20 working days. Status to date: <b>0-20</b> Working days: 176 <b>21-25</b> Working days: 17 <b>26-30</b> Working days: 9 <b>Greater than 31</b> Working days: 19 and 28 complaints still under investigation.										
PI.45 Customer Feedback: Number of Customer Compliments received	166	314 <i>cumulative</i> (+148)	425 <i>cumulative</i> (+111)	550 <i>cumulative</i> (+125)	113	224 <i>cumulative</i> (+111)	328 <i>cumulative</i> (+104)	255	★	↘ worsening
PI.1600 Overall percentage of residents satisfied with Council Services (Reputation Tracker Satisfaction Survey)	new	93.2%	69.8%	86%	88%	75.8%	To be run 12/02/18	75%		
PI.1396 Overall, satisfaction with the repairs service? (various Responsive Repairs)	New corporate KPI 2017-18				97.5%	98.5%	94.2%	98%	🟡	↘ worsening
Cumulative result for Qtr1,2 & 3 = 96.9%: 523 calls made with 172 surveys completed = 32.9% return. This quarterly result is based on 3 of our “responsive repairs” surveys (i.e. Responsive works (Quick Response now including Electrical Repairs), Gas Responsive (Gas Call Out) and Social Alarm Repairs)										
PI.1398 Satisfaction with the final outcome of your anti-social behaviour?	New corporate KPI 2017-18				84.8%	87.2%	70%	85%	⚠	↘ worsening
Cumulative result for Qtr1, 2 & 3 = 80.8% 103 surveys were carried out with 51 completed = return rate of 49.5%. Note: Closure letters ask complainants to complete an online survey or contact the ASB team to complete a survey over the phone. A chase up exercise to boost return levels is carried out by email and telephone. The cause for a significant drop in satisfaction levels is somewhat unclear. From the initial results provided on 24/01/18, there are only four comments which relate to a negative satisfaction level which is around the same amount as usual. There has been an increase in the response rate of just under 50% and therefore, we have gathered feedback from more complainants. The team has been through a significant period of uncertainty due to the implementation of the restructure so there may have been a drop in morale but ultimately, further analysis is needed to establish which respondents provided a negative response and why.										

### 3.5: Customer feedback continued

Reporting Periods →	2016-17				2017-18					
Performance Indicator	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3			Quarterly Trend
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Score	
PI.1399 Satisfaction with the way your anti-social behaviour complaint was handled	New corporate KPI 2017-18				87%	87.3%	74%	88%		 worsening
<p>Cumulative result for Qtr1, 2 &amp; 3 = 82.7%</p> <p>103 surveys were carried out with 51 completed = return rate of 49.5%.</p> <p>Note: Closure letters ask complainants to complete an online survey or contact the ASB team to complete a survey over the phone. A chase up exercise to boost return levels is carried out by email and telephone</p> <p>The cause for a significant drop in satisfaction levels is somewhat unclear. From the initial results provided on 24/01/18, there are only four comments which relate to a negative satisfaction level which is around the same amount as usual. There has been an increase in the response rate of just under 50% and therefore, we have gathered feedback from more complainants.</p> <p>The team has been through a significant period of uncertainty due to the implementation of the restructure so there may have been a drop in morale but ultimately, further analysis is needed to establish which respondents provided a negative response and why.</p>										
PI.939 Satisfaction with the letting process? (New Tenancy)	New corporate KPI 2017-18				94.7%	77.2%	85.2%	98%		 improving
<p>Cumulative result for Qtr1, 2 &amp; 3 = 85.3%</p> <p>As noted in previous quarters, we have recognised that the very low response rates to this survey produce erratic and unreliable outturns. Considerable effort has been made this quarter, with some limited success – the return rate improved from 5.1% in Q2 (22 of 433) to 12.2% in Q3 (55 of 449).</p> <p>As a result, the cumulative satisfaction rate is running at 85.3% which would generally be regarded as good performance. However, the unreliable result last year was 98%, and we have been comparing with this rather than setting a target. In future years, we may wish to set a target rather than attempting to determine a direction of travel, and the forthcoming externally commissioned Star survey will produce a wider and more statistically robust outturn.</p> <p>Revised Star-T survey commenced 1.4.17</p> <p>449 signups for this quarter with 55 completed, return rate being 12.2%.</p> <p>This survey is given at the tenancy sign-up within the pack to be completed and returned to us by post or given to the housing manager at the new tenancy visit. Chase up via email enclosing the online survey commenced from Oct 17 to boost return levels. 18 hardcopy surveys received. 214 chase-up emails sent with 37 returns and 11 refusals.</p>										



For further information reference the corporate quarterly performance report please contact;

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814737



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For additional performance data please visit;

<http://appsrvr4/spectrum#>

For additional performance reports please visit:

<http://www.dudley.gov.uk/council-democracy/performance-matters-in-dudley/performance-reporting/>

Corporate quarterly performance report

2017-18

**Overview and Scrutiny Management Board – 27<sup>th</sup> March, 2018**

**Report of the Lead for Law and Governance and the Scrutiny Officer**

**Report of the House of Commons Communities and Local Government Committee - Review of the Effectiveness of Local Authority Overview and Scrutiny Committees**

**Purpose**

1. To report on the conclusions and recommendations of the House of Commons Communities and Local Government (CLG) Committee on a review of the effectiveness of local authority overview and scrutiny committees. The Government has now published a response to specific recommendations and these are also summarised below.

**Recommendations**

2. That the conclusions and recommendations of the House of Commons Communities and Local Government Committee, as set out in the Appendix, be noted.
3. That the Government's response to the specific recommendations, as outlined in this report, be noted.
4. That the Overview and Scrutiny Management Board consider the issues summarised in this report and identify any key points to be included in a future review of the Council's overview and scrutiny arrangements.

**Background**

5. The House of Commons Inquiry on the effectiveness of local authority overview and scrutiny committees was initially launched in 2017, prior to the dissolution of Parliament and the General Election in June 2017. Following the General Election, the reconstituted Communities and Local Government Committee continued the Inquiry and its report was published on 15<sup>th</sup> December, 2017. The full [report of the Communities and Local Government Committee](#) is available on the Parliament Website.
6. A summary of the conclusions and recommendations of the Communities and Local Government Committee is set out in the Appendix. The [Government response to the CLG Committee](#) report was published in early March 2018. In general, the Government has expressed the view that every Council is best placed to decide scrutiny arrangements to suit individual circumstances and to have flexibility to put those arrangements into place.

7. Set out below are observations on how the CLG Committee recommendations and the Government's response relate to the overview and scrutiny arrangements operated by Dudley MBC. The Board is invited to comment on any issues that it would recommend for inclusion in a future review of this Council's overview and scrutiny arrangements.
8. ***CLG Committee Recommendation – We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role as follows:***
- (a) That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.***
  - (b) That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.***
  - (c) That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.***
  - (d) That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.***
  - (e) That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.***

#### Government Response

Government guidance was last issued in 2006 and will be updated to:

- Provide for Scrutiny Committees to report direct to the full Council
- Clarify that Cabinet Members should not participate in scrutiny other than as witnesses
- Confirm that requests for access to documents should be considered on their merits
- Ensure that scrutiny support officers should operate independently and give impartial advice
- Encourage active public participation in Scrutiny Committees.

#### Dudley MBC Position

- (a) The minutes of all overview and scrutiny committees are submitted to full Council in the White Book with provision for the Chairs to be asked questions under Council Procedure Rule 11. Specific scrutiny recommendations are usually submitted to the Cabinet either as part of individual reports or under the standing item on the Cabinet agenda for 'Issues arising from Scrutiny Committees.' The Constitution does, however, provide for reports/recommendations from Scrutiny Committees to go to full Council in

appropriate circumstances. The Constitution would need to be reviewed in line with any future guidance, including the requirement for the Cabinet to submit its response to full Council in an appropriate timescale (2 months).

- (b) There is a clear distinction between Cabinet (executive) and scrutiny functions. Cabinet Members may not serve on any Scrutiny Committees. Cabinet Members only attend Scrutiny Committees as 'witnesses' or by invitation. Some Cabinet Members choose to attend meetings as observers, however, it is clear that Scrutiny Committees retain the discretion in terms of allowing participation in any discussions.
- (c) Providing information to Scrutiny Committees is dealt with under paragraph 11 below. There is an automatic presumption that Committees have access to any financial and performance data held by an authority that is necessary for them to undertake their duties and responsibilities. We acknowledge that access to information should not be restricted for reasons of commercial sensitivity. However, under the Code of Conduct, Members are required to respect the confidentiality of any information received by not disclosing confidential information to third parties unless required by law or where there is a clear and over-riding public interest in doing so.
- (d) Scrutiny Committees are supported by Lead Officers and relevant scrutiny meetings are attended by the Chief Executive, Strategic Directors, Chief and other senior officers depending on the items of business. During 2016/17 the Council attempted to recruit two Scrutiny Officers. However, in the light of experience, it has now been decided to establish a [Policy and Transformation Graduate Development Programme](#) to provide additional support to overview and scrutiny and corporate transformation activity.
- (e) All Scrutiny Committees have a 'Public Forum' agenda item to encourage public participation generally and on specific agenda items. Whilst public attendance is variable, there are examples where there has been effective public participation in scrutiny reviews (eg: Land at Hall Street, Dudley Museum, School Crossing Patrols, Travellers site, Anti Social Behaviour and the Black Country Core Strategy).

9. ***CLG Committee Recommendation - We call on the Local Government Association (LGA) to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach.***

#### Dudley MBC Position

The Council has developed its Overview and Scrutiny functions over the past 15 years by undertaking annual reviews of how scrutiny operates, learning from experience and implementing recognised best practice. The Council has regularly participated in the West Midlands Regional Scrutiny Network. Representatives of this Network visited Parliament in 2015 and met with representatives of the Communities and Local Government Committee at that time. The Council has implemented a clear process to adopt, monitor and review the Annual Scrutiny Programme. There is now a far greater emphasis on involving Scrutiny Committee members in constructive pre-decision scrutiny

through the Scrutiny Development Working Groups. The Council remains committed to strengthening all aspects of its governance arrangements and will continue to learn from experience, innovation and best practice across the sector.

10. ***CLG Committee Recommendation - We recommend that DCLG works with the LGA and Centre for Public Scrutiny to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.***

#### Government Response

The Government will give further consideration to this recommendation. It is not convinced that pilot schemes are the best way to achieve this objective. The Government will discuss the issue further with the sector including the Local Government Association and the Centre for Public Scrutiny before publishing updated guidance.

#### Dudley MBC Position

This recommendation relates to the need for Scrutiny Chairs to maintain 'legitimacy and independence' from the executive decision making process. In particular the CLG Committee is concerned that the way in which Chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weaken the legitimacy of the scrutiny process. An insufficient distance between executive and scrutiny can create a perception of impropriety.

The election of Scrutiny Chairs and Vice-Chairs is a matter for the Council to determine. In Dudley, the election of Chairs and Vice-Chairs takes place at the Annual Council meeting. All 72 members have a vote in the event that any Chairs/Vice-Chair positions are contested. It is also a matter for the Council's discretion to decide as to how Chair/Vice-Chair positions are allocated to the various political groups. The CLG Committee has acknowledged that it is wary of Government imposing requirements on local authorities.

11. ***CLG Committee Recommendation - Current legislation effectively requires scrutiny councillors to establish that they have a 'need to know' in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.***

#### Dudley MBC Position

Although revised guidance is welcomed, this has not been a significant issue for Dudley MBC. The automatic presumption is that elected members are entitled to any information held by the local authority that is necessary to enable them to carry out their duties and functions. Whilst recognising certain legal restrictions, Members should not be required to seek recourse to the Freedom of Information Act to enable them to carry out legitimate scrutiny activity. Scrutiny Committees should not be denied performance or any other information based on 'commercial sensitivity' or similar grounds provided that the information is required for the Committee to undertake its work.

Scrutiny Development Working Groups provide an opportunity for members to undertake discussions outside the formal committee setting. Formal Scrutiny Committee meetings also reserve the right to consider issues in private session if there is a possibility that confidential or exempt information may be disclosed. In practice, however, it is rare for formal meetings of Scrutiny Committees to consider business in private session due to the need for openness and transparency to maintain public confidence in the way the Council operates.

12. ***CLG Committee Recommendation - We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny.***

#### Dudley MBC Position

Provision already exists for Scrutiny Committees to engage external support and witnesses in appropriate circumstances.

13. ***CLG Committee Recommendation - We call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience.***

#### Government Response

The Government does not accept this recommendation. It is a matter for each Council to decide how to support scrutiny.

#### Dudley MBC Position

The Council services its overview and scrutiny functions internally by allocating Lead Officers to the various Scrutiny Committees. Lead Officers do not have managerial responsibilities for the functions of the Scrutiny Committees to which they are allocated. Reports to Scrutiny Committees are produced and presented to meetings by the Lead Officers, the relevant Directorates and with support from Democratic Services. The attendance of the Chief Executive, Strategic Directors, Chief Officers and other senior Officers depends on the level of attendance requested by the Scrutiny Committee and/or the nature of the business items. There is clear corporate recognition of the importance of overview and scrutiny functions and Officers recognise their duty to attend any meetings to give evidence or advice to scrutiny meetings as and when required.

The current restrictions on local authority finances is, however, a very significant issue for all local authorities when considering the resourcing of overview and scrutiny functions alongside other corporate priorities and statutory obligations.

14. ***CLG Committee Recommendation - We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.***

Government Response

The Government does not accept this recommendation. It is a matter for each Council to decide its arrangements.

Dudley MBC Position

This Council has a statutory obligation to designate a Scrutiny Officer under Section 9FB of the Local Government Act 2000. On 19<sup>th</sup> May, 2016, the Council formally resolved that Steve Griffiths, Democratic Services Manager, be designated as its statutory Scrutiny Officer.

The Scrutiny Officer currently serves as the Lead Officer to the Overview and Scrutiny Management Board. This involves supporting the Board in developing, monitoring and implementing the Annual Scrutiny Programme and presenting an annual report to full Council. The role also involves monitoring the operation of overview and scrutiny functions generally and making any necessary recommendations via the annual report and/or the review of the Constitution, which is undertaken annually by the Monitoring Officer.

15. ***CLG Committee Recommendation - In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees.***

Government Response

The Government does not accept this recommendation. Local authorities are independent bodies and it is up to each Council to ensure effective arrangements. The Government will review the 2018/19 memorandum of understanding with the Local Government Association to ensure training remains relevant and effective.

Dudley MBC Position

The Council has a Member Development Steering Group that oversees the Member Development Programme. The Council has engaged with the LGA regarding training and development on overview and scrutiny and further sessions are planned in 2018. A particular focus was given to training for the Children's Services Scrutiny Committee in the light of past Ofsted recommendations. The LGA is also involved in more generic training such as the chairing of meetings and have supported Dudley in running workshops to develop

our Member/Officer working protocols following the Peer Review in 2017.

All aspects of training and development require ongoing monitoring to ensure that the needs of Members are being addressed. Any future feedback will be taken into account in relation to the Member Development Programme and reported to the Member Development Steering Group at the appropriate time.

16. ***CLG Committee Recommendation - The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also needs to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector.***

#### Dudley MBC Position

As referred to above, all Scrutiny Committees have a 'Public Forum' on their agenda and there are many positive examples where members of the public have been engaged in individual scrutiny items. In the culture of openness and transparency, the promotion of public involvement in the work of Scrutiny Committees is supported and encouraged. There are, however, resource implications associated with undertaking more proactive publicity. This would also have practical implications for the management of Scrutiny Committee meetings and the need for clear communication with the public regarding the role of Scrutiny Committees in terms of making recommendations rather than decisions.

The Council encourages public participation through the 10 Community Forums, which are clearly focussed on issues raised by local residents. The promotion of public involvement in overview and scrutiny should not seek to duplicate the role of the Community Forums. A way of increasing public participation is to issue proactive 'calls for evidence' on specific items of business through media releases and electronic communications. The Council has been involved in innovative digital engagement, in particular the 'Facebook Community Forums' and consideration will be given to how digital engagement can be extended to future scrutiny activity within the resources available.

17. ***CLG Committee Recommendation - Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the Centre for Public Scrutiny proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services.***

#### Government Response

The guidance will be updated but it is ultimately a matter for each Council to decide how to hold organisations to account.



### Dudley MBC Position

There are numerous examples where Dudley Council's overview and scrutiny committees have issued invitations to external and partner organisations to participate in meetings to give evidence or to present information on specific proposals or aspects of their work. The Health and Adult Social Care Scrutiny Committee has a statutory role to scrutinise external organisations and they can, if necessary, require those organisations to attend. Our practical experience is that external organisations and partners have engaged proactively with Scrutiny Committees and have answered questions, provided information and any advice that is required by Members. However, it is recognised that this positive working culture is not replicated in all areas and the DCLG may take steps to strengthen guidance.

18. ***CLG Committee Recommendation - In light of our concerns regarding public oversight of Local Enterprise Partnerships (LEPs), we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.***

### Government Response

The Government accepts the importance of clear and transparent oversight of LEPs. A ministerial review in relation to LEPs is ongoing and an update will be given to the CLG Committee in due course.

### Dudley MBC Position

Guidance on the role of scrutiny in relation to LEPs would be welcomed. This would clarify the responsibilities of individual local authorities in conducting scrutiny to avoid any duplication with the work undertaken by the Combined Authority. At the Corporate Scrutiny Committee on 4<sup>th</sup> July, 2017, members raised the possibility of extending an invitation to the Black Country Local Enterprise Partnership to give an overview of issues relating to the Dudley Borough. This could be pursued in the Annual Scrutiny Programme 2018/19.

19. ***CLG Committee Recommendation - We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.***

### Government Response

The Government accepts this recommendation. Resources have been allocated by the Government to Mayoral Combined Authorities. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Regulations 2017 set out rules to hold combined authorities and elected mayors to account.

## Dudley MBC Position

For the past two municipal years, the Annual Scrutiny Programme has included an item on West Midlands Combined Authority for consideration by the Corporate Scrutiny Committee. The main purpose of this is to increase Member awareness of emerging developments and any significant implications for the Dudley Borough.

West Midlands Combined Authority has an Overview and Scrutiny Committee, details of which can be viewed on the [WMCA website](#). The Committee includes representatives from the 7 constituent West Midlands local authorities. This allows for scrutiny of the Mayoral Combined Authority's functions, including the budget, devolution deals and the work of the various commissions. We concur with the view that, in order to be effective, scrutiny must be adequately supported and resourced. There is also a need to ensure that there is no duplication between scrutiny work undertaken by WMCA and the constituent local authorities.

## **Finance**

20. The CLG Committee's report acknowledges that, in order to be effective, scrutiny must be adequately supported and resourced. The costs of operating the Council's scrutiny arrangements are met within existing budgetary allocations. The Council's ongoing budget reductions have an impact on the levels of Directorate and Democratic Services support that is available for the scrutiny process. The allocation of resources to scrutiny work has to be viewed alongside other statutory and corporate priorities together with the availability of corporate and Directorate resources to service and support working groups, meetings and various levels of scrutiny activity.

## **Law**

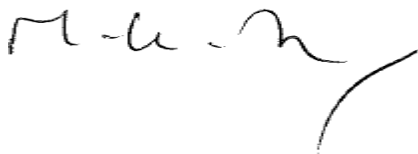
21. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance.

## **Equality Impact**

22. Provision exists within the Council's scrutiny arrangements for overview and scrutiny to be undertaken of the Council's policies on equality and diversity.

## **Human Resources/Transformation**

23. There are no direct human resources or transformation issues arising from this report. The Council's overview and scrutiny arrangements are subject to ongoing review to ensure that we fulfill our statutory obligations, the requirements of the Constitution and that we continue to apply recognised best practice to meet local requirements.



**Mohammed Farooq**  
**Lead for Law and Governance**



**Steve Griffiths**  
**Scrutiny Officer**

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### **List of Background Papers**

[Report of the House of Commons Communities and Local Government Committee - Review of the Effectiveness of Local Authority Overview and Scrutiny Committees](#)

[Government Response to the CLG Committee Report on the Effectiveness of Local Authority Overview and Scrutiny Committees](#)

## Conclusions and recommendations

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### The role of scrutiny

1. *We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role. (Paragraph 12)*
2. *We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach. (Paragraph 13)*

### Party politics and organisational culture

3. However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham. (Paragraph 19)
4. *To reflect scrutiny's independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months. (Paragraph 23)*
5. We believe that executive members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. Any greater involvement by the executive, especially sitting at the committee table with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. *We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive. (Paragraph 25)*
6. It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage. (Paragraph 27)
7. We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety. (Paragraph 30)
8. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government.

*We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.* (Paragraph 35)

## Accessing information

9. Scrutiny committees that are seeking information should never need to be 'determined' to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive. (Paragraph 37)
10. Councils should be reminded that there should always be an assumption of transparency wherever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority. (Paragraph 41)
11. We do not believe that there should be any restrictions on scrutiny members' access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees' ability to identify issues that might warrant further investigation in future, and reinforces scrutiny's subservience to the executive. *Current legislation effectively requires scrutiny councillors to establish that they have a 'need to know' in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.* (Paragraph 42)
12. *We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny.* (Paragraph 45)
13. We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users. (Paragraph 47)

## Resources

14. We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny's role is more important than ever. (Paragraph 61)

15. *We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience. (Paragraph 62)*
16. *We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them. (Paragraph 65)*

### Member training and skills

17. *It is incumbent upon councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines. In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees. (Paragraph 76)*

### The role of the public

18. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector. (Paragraph 82)*

### Scrutinising public services provided by external bodies

19. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by*

*commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to ‘follow the council pound’ and have the power to oversee all taxpayer-funded services. (Paragraph 90)*

20. *In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required. (Paragraph 96)*

### Scrutiny in combined authorities

21. *We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported. (Paragraph 104)*

**Overview and Scrutiny Management Board – 27th March, 2018**

**Joint Report of the Lead for Law and Governance and the Statutory Scrutiny Officer**

**Annual Report of the Overview and Scrutiny Management Board 2017/18**

**Purpose**

1. To consider the annual report of the Overview and Scrutiny Management Board for 2017/18.

**Recommendations**

2. That the annual report of the Overview and Scrutiny Management Board for 2017/18 be referred to the Council at its meeting on 9th April, 2018.
3. That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make any necessary amendments to update the annual report prior to its submission to Council.
4. That the Board identify any provisional items to be considered for inclusion in the draft Annual Scrutiny Programme for 2018/19.

**Background**

5. The terms of reference of the Overview and Scrutiny Management Board, as set out in the Constitution, require an annual report to be submitted to the Council. It is a function of the Board to make reports and recommendations to the Council and/or the Cabinet in connection with the discharge of overview and scrutiny functions.
6. The Board is responsible for approving work programmes and any additional topics that might arise during the year for Scrutiny Committees. In carrying out their individual work programmes, Scrutiny Chairs and Vice Chairs have the freedom to adapt their approaches to carry out the scrutiny reviews allocated to them. Examples have been informal meetings, visits and working groups.
7. The Council has recognised the importance of retaining an annual review process. This is to ensure that the arrangements continue to align themselves to the needs of the Council and that the scrutiny arrangements remain adaptable and flexible to changes in circumstances.



## **Key Scrutiny Activities in 2017/18**

8. Attached in Appendix 1 is a summary of the items considered by Scrutiny Committees during the 2017/18 municipal year. Minutes and outcomes of those meetings can be accessed online via the [Committee Management Information System](#)
9. The Council's Overview and Scrutiny arrangements will continue to be monitored, with a focus on a review taking place during the 2018/19 municipal year.

## **Draft Annual Scrutiny Programme 2018/19**

10. Work has already commenced to develop the draft Annual Scrutiny Programme for 2018/19. This is to ensure continuity. Members and Officers are, however, mindful of the need for flexibility given potential changes to memberships arising from the annual meeting of the Council. All Scrutiny Committee Chairs/Vice-Chairs and Lead Officers will be invited to make a contribution to the development of the 2018/19 Annual Scrutiny Programme.
11. The views of the Board are invited on any items that need to be 'rolled forward' to the next municipal year or any new items they would like to suggest at this stage for inclusion in the draft Annual Scrutiny Programme for 2018/19. The Programme will be finalised by the Overview and Scrutiny Management Board in June, 2018.

## **Finance**

12. The costs of operating the Council's scrutiny arrangements are being contained within existing budgetary allocations.

## **Law**

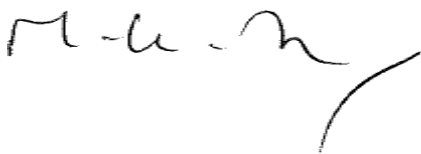
13. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance.
14. Scrutiny powers relating to health are included in the Health and Social Care Acts 2001 and 2012, and associated Regulations and statutory guidance. The Police and Justice Act 2006 gives the Council powers to scrutinise the work of the Crime and Disorder Reduction Partnership, and the Local Government and Public Involvement in Health Act 2007 enables local authorities to scrutinise other partners. Much of this legislation is consolidated in the Localism Act 2011.
15. The Council's scrutiny arrangements are set out in Article 6 of the Constitution (Scrutiny Committees) and the associated Scrutiny Procedure Rules and Protocols.

## **Equality Impact**

16. Provision exists within the scrutiny arrangements for overview and scrutiny to be undertaken of the Council's policies on equality and diversity.

## **Human Resources/Transformation**

17. The human resources/transformation issues are referred to in individual reports on the items concerned.



.....  
**Mohammed Farooq**  
**Lead for Law and Governance**



.....  
**Steve Griffiths**  
**Statutory Scrutiny Officer**

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## **List of Background Papers**

The Council's Constitution – Article 6, Scrutiny Procedure Rules and Protocols

Reports and Minutes of the Overview and Scrutiny Management Board

Minutes of Scrutiny Committees

**Annual Scrutiny Programme 2017/18**

<b>Overview and Scrutiny Management Board</b>	
Chair – Councillor D Perks; Vice-Chair – Councillor S Phipps Lead Officer – Democratic Services Manager (Statutory Scrutiny Officer)	
Quarterly Performance Management Reports	<b>June and November, 2017 March, 2018</b>
Scrutiny Review of Anti Social Behaviour	<b>June and September , 2017</b>
Review of Council Procedure Rule 11 – Questions by Members	<b>September, 2017 March, 2018</b>
Overview of the Work of Safe and Sound (Dudley's Community Safety Partnership)	<b>January, 2018</b>
Medium Term Financial Strategy – Overview	<b>November, 2017</b>
Black Country Core Strategy Review/Consultation	<b>January, 2018</b>
Annual Report of the Overview and Scrutiny Management Board	<b>March, 2018</b>
Report of the House of Commons Communities and Local Government Committee Effectiveness of local authority Overview and Scrutiny Committees.	<b>March, 2018</b>
Leisure Centre Options	<b>March, 2018</b>
Dudley Hippodrome (Call In)	<b>March, 2018</b>
Annual Scrutiny Programme 2017/18	<b>Standing Item</b>
Forward Plan of Key Decisions	<b>Standing Item</b>

## Corporate Scrutiny Committee

Chair – Councillor E Lawrence (for part of the year) and Councillor J Hill (for part of the year).

Vice Chair – Councillor J Hill (for part of the year ) and Councillor M Evans (for part of the year)

Lead Officer – Acting Strategic Director People

Customer Services / Dudley Council Plus	<b>July, 2017</b>
Annual Scrutiny Programme 2017/18	<b>July, 2017</b>
West Midlands Combined Authority	<b>July, 2017</b>
Digital Transformation	<b>September, 2017 and March, 2018</b>
Redundancy and Re-engagement	<b>September, 2017</b>
Localised Council Tax Reduction Scheme 2018/19	<b>September, 2017</b>
Consultation and Electoral Arrangements	<b>September 2017</b>
Medium Term Financial Strategy	<b>November, 2017</b>
Annual Review of the Constitution	<b>February, 2018</b>
Conferral of Business Rates Supplement Power – Mayor of the West Midlands Combined Authority	<b>February, 2018</b>
West Midlands Combined Authority – A Second Devolution Deal	<b>February, 2018</b>

## Children's Services Scrutiny Committee

Chair – Councillor A Lees; Vice-Chair – Councillor N Richards

Lead Officer – Chief Officer Environmental Services

Annual Scrutiny Programme 2017/18	<b>July, 2017</b>
Children's Services Improvement Plan	<b>July, September, November, 2017 January and March, 2018</b> (Standing Item)
School Improvement Report 2016/17	<b>July, 2017</b>

Education Landscape Policy (Academisation, and Multi Academy Trusts) including School Improvement Alliance Plans	<b>September, 2017</b>
Dudley Safeguarding Children's Annual Report 2016-2017	<b>November, 2017</b>
Designation of Member Champions	<b>November, 2017</b>
Ofsted	<b>Regular updates incorporated into other reports</b>
Corporate Parenting Board Annual Report and Corporate Parenting Strategy	<b>November, 2017</b>
Medium Term Financial Strategy	<b>November, 2017</b>
Child Sexual Exploitation Update	<b>January, 2018</b>
Education Standards	<b>January, 2018</b>
<b>Health and Adult Social Care Scrutiny Committee</b>	
Chair – Councillor R Buttery; Councillor L Taylor (for part of the year) Vice-Chair – Councillor L Johnson; Councillor R Buttery (for part of the year)	
Development of Healthy Ageing Programme – Progress to Date	<b>July, 2017</b>
Consultation on the Proposed Closure of Birch Day Hospital	<b>July, 2017</b>
Dudley & Walsall Mental Health Partnership NHS Trust Re-Inspection	<b>July, 2017</b>
Proposed Closure of Birch Day Hospital – Update	<b>September, 2017</b>
West Midlands Mental Health Commission – Progress Report	<b>September, 2017</b>
Collaborative Commissioning in the Black Country and West Birmingham – Progress Report	<b>September, 2017</b>
Dudley Safeguarding Adults Board Annual Report 2016/17 and the Deprivation of Liberty Safeguards	<b>September, 2017</b>

Refreshing Dudley's Health and Wellbeing Strategy 2017-2022	<b>September, 2017</b>
Black Country Sustainability Transformation Plan (STP)	<b>November, 2017</b>
Delivery of Disabled Facilities Grants	<b>November, 2017</b>
Voluntary Sector Innovation	<b>November, 2017</b>
Medium Term Financial Strategy	<b>November, 2017</b>
Immunisation in Dudley	<b>January, 2018</b>
Clinical Commissioning Group Operational Planning 2018/19	<b>January, 2018</b>
General Practice Closure and Mergers	<b>January, 2018</b>
Delayed Transfers of Care	<b>April, 2018</b>
NHS Quality Accounts	<b>April, 2018</b>
<b>Place Scrutiny Committee</b>	
Chair – Councillor M Rogers; Vice-Chair – Councillor R Scott-Dow Lead Officer – Chief Officer Finance and Legal Services	
Walking to School/Active Travel to School/Review of School Crossing Patrol Service	<b>July, 2017 , November, 2017 and March, 2018</b>
North Priory Community Centre – Project Evaluation	<b>July 2017</b>
Earth Bonding in Council Owned Homes	<b>September, 2017</b>
Review of Housing Finance	<b>November, 2017</b>
Green Care Service	<b>November, 2017</b>
Medium Term Financial Strategy	<b>November, 2017</b>
Provision of Temporary Travellers Site	<b>December, 2017</b>
Reinstatement of the level of Maintenance previously provided for Bowling Greens	<b>December, 2017</b>
Value for Money and Efficiency Savings in Housing Service	<b>March, 2018</b>

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**Overview and Scrutiny Management Board – 27th March, 2018**

**Report of the Lead for Law and Governance**

**Forward Plan of Key Decisions**

**Purpose**

1. To present the Forward Plan of Key Decisions for the four-month period commencing 1st April, 2018.

**Recommendations**

2. That the Forward Plan of Key Decisions be noted.

**Background**

3. The Access to Information Procedure Rules set out in Part 4 of the Constitution include a requirement for a Forward Plan to be prepared. This covers a period of four months.
4. Attached as an Appendix is the Forward Plan covering the four-month period from 1st April, 2018. The Forward Plan sets out information on key decisions that are likely to be taken by the Council, Cabinet, a Cabinet Member or Chief Officers in the period covered by the Plan.
5. The Forward Plan is available on the Internet via the Committee Management Information System (CMIS).
6. The Forward Plan is reported to the Overview and Scrutiny Management Board to assist the process of overview and scrutiny of key decisions.

**Finance**

7. The financial implications associated with individual key decisions will be included in reports submitted on each individual item.

A key decision is defined as an executive decision which is likely:-

(a) to result in the Council incurring expenditure, or the making of savings, which are £250,000 or more (revenue or capital); or

(b) to be significant in terms of its effects on communities living or working in two or more wards in the Borough.

## **Law**

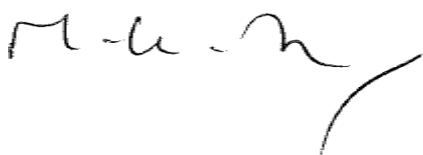
8. The requirement to produce a forward plan is set out under the Access to Information Procedure Rules in Part 4 of the Constitution.
9. The Constitution is adopted by the Council pursuant to the requirements of the Local Government Act 2000.

## **Equality Impact**

10. The equality impact of specific key decisions will be referred to in individual reports on the items concerned.

## **Human Resources/Transformation**

11. The human resources/transformation issues will be referred to in individual reports on the items concerned.



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### **Lead for Law and Governance**

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Email: [kim.buckle@dudley.gov.uk](mailto:kim.buckle@dudley.gov.uk)

### **List of Background Papers** The Council's Constitution



## Forward Plan of Key Decisions

*Decisions due to be made during the four month period from 01 Apr 2018*

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
<b>0684</b> Chief Executive	Capital Programme Monitoring	To consider issues which have a significant impact upon the Capital Expenditure and/or Income of the Council including those issues arising from the monitoring, review and implementation of the approved Capital Programme. [This is a standing item at each Cabinet meeting and the Decision Taker will be the Cabinet and then the Council, or individual members/officers in accordance with relevant delegations].	December 2017 - December 2018	Periodic and ad-hoc reports	Consultation appropriate to individual proposals.	Cabinet; Full Council	John Everson Technical Accountant (Phone: 01384-814806)
<b>0698</b> Place Directorate	Black Country Executive Joint Committee	Decisions to be taken by the Black Country Executive Joint Committee in its capacity as the lead decision-making forum for the Black Country City Deal and Growth Deal.  The Black Country Executive Joint Committee comprises the Leaders of the four Black Country Councils (voting members) together with the Chair of the Black Country Local Enterprise Partnership (non-voting members).  The joint Committee also has an Advisory Board which forms part of the recommendation and decision-making process. Walsall MBC acts as Secretary to the Committee and full information, including the Forward Plan of the Black Country Executive Joint Committee can be found on the Walsall Council website.	April 2017 - December 2018	Walsall Council	Consultation on individual key decisions to be taken by the Black Country Executive Joint Committee can be found on Walsall Councils website.	BC Executive Joint Committee	Alan Lunt Strategic Director Place (Phone: 01384 814150)
<b>0723</b> Place Directorate	Land and Property Matters	The determination of applications for the disposal or acquisition of land and property.	June 2017 - May 2018		Consultation to be undertaken with interested parties and stakeholders as necessary	Alan Lunt	Alan Lunt Strategic Director Place (Phone: 01384 814150)

## Forward Plan of Key Decisions

*Decisions due to be made during the four month period from 01 Apr 2018*

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
<b>0731</b> Chief Executive	Revenue Outturn and Medium Term Financial Strategy	To report the provisional revenue outturn position for 2017/18.  To propose necessary amendments to the 2018/19 revenue budget.	July 2017 - July 2018	Services; Report(s) of Chief Executive and Chief Officer Finance and Legal	Consultation appropriate to individual proposals.	Full Council; Cabinet	Iain Newman Chief Officer Finance and Legal Services (Phone: 01384-814802)
<b>0746</b> Chief Executive	West Midlands Combined Authority - Governance Issues	To consider and make any necessary decisions associated with Governance arrangements of West Midlands Combined Authority, including the second Devolution Deal, the Devolution of the Adult Education budget and West Midlands Fire Service Governance.	March 2018 - July 2018		Public and other associated consultation with internal and external stakeholders as required.	Cabinet; Full Council	Mohammed Farooq Monitoring Officer/Lead for Law and Governance (Phone: 01384 815301); Steve Griffiths Democratic Services Manager (Phone: 01384 815235)
<b>0748</b> Chief Executive	Review of Housing Finance	To approve the revised HRA budget for 2018/19, draft HRA budget for 2019/20 and updates to the 30 year HRA Business Plan, plus any other financial updates relating to the HRA. To approve the amendments to the Public Sector Housing Capital Programme for 2017/18 to 2020/21.	June 2018 - December 2019	Report of the Strategic Director Place and the Chief Officer Finance; and Legal Services	Corporate Board Place DMT Place Scrutiny Committee Housing Board - reports to meetings Dudley Federation of Tenants and Residents Associations - reports to Board meetings	Full Council; Cabinet	Catherine Ludwig Housing Finance Manager (Phone: 01384 815075)
<b>0750</b> Chief Executive	Revenue Outturn and Medium Term Financial Strategy	To report the provisional revenue outturn position for 2018/19.  To propose necessary amendments to the 2019/20 revenue budget.	June 2018 - June 2019	Reprot(s) of the Chief Executive and the Chief Officer Finance; and Legal Services	Consultation appropriate to individual proposals.	Full Council; Cabinet	Iain Newman Chief Officer Finance and Legal Services (Phone: 01384-814802)
<b>0751</b> Place Directorate	Leisure Centre Provision in Dudley	That subject to the recommendations of Overview and Scrutiny Management Board, Cabinet;  i. Confirms that the proposed future strategy for Leisure Centre provision in Dudley, namely, the provision of a replacement facility in	Cabinet March 2018; Full Council Meeting April 2018	Report of Overview and Scrutiny - 14th March 2018		Full Council	Alan Lunt Strategic Director Place (Phone: 01384 814150)

## Forward Plan of Key Decisions

*Decisions due to be made during the four month period from 01 Apr 2018*

Decision No Directorate	Project Name	Key Decision	Decision Period Meeting Date	Reports, Appendices & Background Papers	Consultation Details	Decision Taker	Contact Name
		<p>Dudley Town Centre and the refurbishment of the existing Halesowen and Crystal Leisure Centres, be approved;</p> <p>ii. Recommends to Council that the project is approved and included within the Capital Programme</p> <p>Requests that the Strategic Director, Place bring further reports to Cabinet when detailed plans and delivery programme are formulated</p>					