TO:- Overview & Scrutiny Committee

Councillor Mike Davies , Councillor Val Chapman , Councillor Andrew Adams , Councillor Helen Adams , Councillor Penny Allen , Councillor Jeff Ashley , Councillor Meg Barrow , Councillor Barry Bond MBE , Councillor John Brindle , Councillor Gary Burnett , Councillor Bob Cope , Councillor Philip Davis , Councillor Steph Dufty , Councillor Robert Duncan , Councillor Sue Duncan , Councillor Christopher Evans , Councillor Mark Evans , Councillor Warren Fisher , Councillor Sam Harper-Wallis , Councillor Dr Paul Harrison MBE , Councillor Diane Holmes , Councillor Fiona Hopkins , Councillor Matthew Jackson , Councillor Victor Kelly , Councillor Dan Kinsey BEM , Councillor Vincent Merrick , Councillor John Michell , Councillor Rob Nelson , Councillor Martin Perry , Councillor Ray Perry , Councillor Gregory Spruce , Councillor Christopher Steel , Councillor Wendy Sutton , Councillor Sue Szalapski , Councillor Bernard Williams , Councillor David Williams , Councillor Kath Williams

Notice is hereby given that a meeting of the Overview and Scrutiny Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 28 May 2024
Time: 18:30
Venue: Council Chamber, Council Offices, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX

D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

1	Minutes To approve the minutes of the Overview and Scrutiny committee meeting of 17 April 2024.	**1 - 2**
2	Apologies To receive any apologies for non-attendance.	
3	Declarations of Interest To receive any declarations of interest.	
4	Council Plan 2020-2024 Outturn Report Report of the Corporate Director, Chief Operating Officer	**3 - 12**

<u>**RECORDING**</u>
Please note that this meeting will be recorded.

<u>PUBLIC ACCESS TO AGENDA AND REPORTS</u>

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Overview & Scrutiny Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Wednesday, 17 April 2024 at 18:30

Present:-

Councillor Andrew Adams, Councillor Penny Allen, Councillor Jeff Ashley, Councillor Meg Barrow, Councillor John Brindle, Councillor Mike Davies, Councillor Philip Davis, Councillor Robert Duncan, Councillor Sue Duncan, Councillor Christopher Evans, Councillor Sam Harper-Wallis, Councillor Dr Paul Harrison , Councillor Diane Holmes, Councillor Fiona Hopkins, Councillor Dan Kinsey, Councillor Vincent Merrick, Councillor Rob Nelson, Councillor Martin Perry, Councillor Ray Perry, Councillor Sue Szalapski, Councillor Bernard Williams

41 **MINUTES**

RESOLVED: that the Minutes of the meeting of the Overview and Scrutiny Committee held on 12 March 2024 be approved and signed by the Chairman.

42 **APOLOGIES**

Apologies for non-attendance were submitted on behalf of Councillors B Bond, V Chapman, G Burnett, S Dufty, M Evans, M Jackson, G Spruce, K Williams, V Kelly, and D Williams.

43 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

44 **REVIEW OF THE COUNCILS TEMPORARY ACCOMMODATION OPTIONS**

RESOLVED: That the Overview and Scrutiny Committee considered the proposed Key Decision for the review of the Council's Temporary Accommodation options.

The Meeting ended at: 19:17

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024

COUNCIL PLAN 2020-2024 OUTTURN

REPORT OF THE CORPORATE DIRECTOR, CHIEF OPERATING OFFICER

LEAD CABINET MEMBER - COUNCILLOR ROGER LEES BEM, LEADER OF THE COUNCIL

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   This is the final year of the current Council Plan 2020-24 and Appendix 1 highlights some of the achievements over the life of the Plan.

2.   RECOMMENDATIONS

2.1   It is recommended that Members review and note this report.

3.   SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	It reports progress against Council Plan targets.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	This report does not impact on equality issues
SCRUTINY POWERS APPLICABLE	The Outturn position of the Council Plan is presented to Overview and Scrutiny Quarter 4.	
KEY DECISION	No	
TARGET DATE	Performance reports are prepared quarterly.	
FINANCIAL IMPACT	Yes	The report provides a summary of the financial position over the 4 years of the council plan.
LEGAL ISSUES	Yes	Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	All Wards

4. COUNCIL PLAN 2020 -2024 - EXECUTIVE SUMMARY

4.1   The council plan 2020 – 2024, formally concluded in March 2024.

4.2   The council plan was produced following consultation with our communities, our first Place Narrative was created, the Locality Profile and data sets informed the priorities in the plan.

4.3   One of the key features of the 2020/24 Council Plan was the introduction of Five Delivery Arms:
- Financial Stability
- Create a Business and Community Hub
- Working with our Communities
- Embracing Technology
- Flexible and Skilled Council

4.4   During the life of the plan, there have been several challenges including the pandemic, Brexit, global wars and the impact of the cost-of living crisis.

4.5   Appendix 1 outlines the significant progress that has been made against each of the delivery arms and highlights a snapshot of the key outcomes that have been achieved.

4.6   The outcome of the Council plan objectives have been measured through resident surveys, staff surveys, performance against key indicators and our peers, the council has been recognised through awards during the life of the plan and in 2022 achieving IESE Council of the Year.

4.7   The development of the Council plan 2024-2028 has been influenced by the achievements in the 2020-2024 outcomes.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Not applicable

6. PREVIOUS MINUTES

Not applicable

7. BACKGROUND PAPERS

- Appendix 1 – Council Plan 2020 -2024 outturn

Report prepared by
Clodagh Peterson, Assistant Director Partnerships

South Staffordshire Council Plan 2020-2024

The Council Plan 2020-24 was produced following consultation with our communities. Prior to developing the plan, our first Place Narrative was created, and used our Locality Profile and data sets to inform the priorities of the plan.

One of the key features of the 2020/24 Council Plan was the introduction of the Five Delivery Arms, which were integral to the delivery of the priorities, supported by a suite of performance measures which have been regularly reported on through the Integrated Performance Management report.

The Five delivery arms:

Financial Stability
Create a Business and Community Hub
Working with our Communities
Embracing Technology
Flexible and Skilled Council

When we went live with the 2020/24 Council plan, the pandemic struck our communities and we went into lockdown, however this didn't stop us delivering on our priorities. It reaffirmed our ability to be flexible and adapt to the environment.

Whilst the first two years of the plan were disrupted, we delivered on our priorities, pushing ahead with the delivery arms, alongside the pandemic there has been further challenges of Brexit, global wars, and the ongoing cost-of-living. This report summaries some of the key aspects of delivery against the five delivery arms.

Strong Finances · Strong Communities · Strong Council

Financially self-sufficient   **Service - Locality focused**   **Agile and adaptable**

Financial Stability

At the time that the Council Plan for 2020-24 was approved, the 2020/21 Medium Term Financial Strategy (MTFS) predicted that the Council's General Fund reserves would be £3.029m by the end of 2023/24. The provisional outturn position for 2023/24 is now **£8.116m**, an increase of approximately **£5.000m**.

There are several reasons for this increase, but it is worth understanding some of the issues that the Council has had to deal with over this period of time. The first is the global COVID pandemic which occurred as the Council Plan was approved. Central Government provided additional funding to local authorities which was sufficient to cover costs resulting from the pandemic. However, additional work was also required such as the distribution of grants to businesses to support them through this period and support for the local community. The Council successfully took on all the additional tasks required of them.

The Council has worked with 1-year financial settlements over the Council Plan period, and there has also been Brexit and the Cost-of-Living crisis which added to the existing uncertainty around local government funding. This uncertainty is one of the main reasons for the increase in General Fund reserves. For several years, Central Government has proposed implementing a funding reform and a Business Rates Reset which would mean a reduction in the Business Rates income the Council is able to retain (the most significant funding source for the Council). As a significant risk this reduction has been built into the MTFS each year resulting in a forecast reduction in General Fund reserves, but the reform/reset has not materialised.

Other Council-led initiatives that have contributed towards the increase in General Fund reserves were the introduction of charging for green waste collection and the decision to borrow to fund the Capital Programme at a time when borrowing costs were at their lowest. Whilst the Cost-of-Living crisis has increased inflationary pressures across the Council, it has also meant that income from treasury investments has been greater than budgeted due to interest rates remaining high.

Key drivers of the Council plan were operating in a more commercial and transformational way. This has included the purchasing of commercial properties to lease out, changes in the way customer services are provided and greater digitalisation. This has enabled additional income to be generated and savings to be realised to cover budget pressures without the need to reduce service provision.

A significant change in funding for the Council is the additional Section 31 grants that are received to fund Business Rates reliefs provided by Central Government. Since COVID, these reliefs have increased significantly and now represent a much higher proportion of the Council's Business Rates income than previously budgeted.

The improved position of General Fund reserves for the Council will help to mitigate the risk arising from the ongoing uncertainty around local government funding along with providing a more stable footing for the delivery of the new Council Plan priorities for 2024-28. The table below shows the expected General Fund reserves position per the 2020/21 MTFS and the actual position:

2020/21	2021/22	2022/23	2023/24
7,815	6,340	4,552	3,029
7,894	9,295	8,672	8,116

Key Outcomes

The council's commercial portfolio has delivered its income target of £2m in rental income per annum, money used to help deliver core services and helping provide financial stability.

We have made payments of £454,680 in Discretionary Housing Payments to those struggling to manage shortfalls in rent or requiring rent in advance to move to more suitable accommodation.

Energy rebate - Paid **35,460** council tax energy rebates, the total value of the rebates was £5.3m.

Another ambitious development project is the partial retail-led redevelopment of Wombourne Enterprise Park, a large 1930s factory building and three more modern blocks. Investing £7.6m in the demolition and redevelopment of the site, having secured Lidl as an anchor tenant, with an additional large retail unit and small commercial block. The development is due for completion later in 2024. It will support job creation, economic wellbeing for residents, and the financial resilience of the local authority.

The performance of the councils' cemeteries has also evolved and improved with a renewed focus on the revenue driven from the sale of plots. This was driven through several marketing campaigns designed to increase residents' awareness of the services available. A re-alignment of charges, in line with the local market was carried out to further drive the financial performance of the service. For the first time the ability to pre-purchase plots with several payment options was offered by the council.

Street Scene continue to look for ways to innovate and secure income generating opportunities and in 2020 launched a commercially driven arboricultural service. The service undertakes private work in the district and surrounding areas as well as undertaking work on the Council's own tree stock. This approach means the service is generating revenue whilst also reducing the Council costs of using external contractors to maintain its own trees.

The team completed a major construction project, expanding Four Ashes Enterprise Centre attracting businesses into the 32 new units, providing a space for economic growth and circa £80k per annum to the MTFS.

2021 also saw the completion of a £1.45m 1,200 sqm extension to our largest single unit on Four Ashes Industrial Estate to enable our existing tenants to expand their business and generating additional income.

Business Grants
Distributed 7,699 grants in total to support business through the COVID-19 pandemic. The total value of the grants was £35.2m and all were paid in a timely manner.

We have made payments of £23m in Council Tax support to those on low incomes.

Since the launch of the garden waste collection service in 2020 the service has provided on average a net contribution to service overheads of **£390,000 per annum**.

DFG's - We manage a budget of £1.2m per year to people to stay in their own homes by making essential renovations. We have supported 388 residents to remain safely in their homes.

Circa £3.4 million investment into the council's four leisure centres, to support our community's health and wellbeing.

Create a Business and Community Hub

The Codsall Community Hub project involved investment in the council's outdated 1970s headquarters including: a major refurbishment, extension, increased car parking, improved environmental performance, installation of electric vehicle charging points, and transforming the way services are delivered, enhancing the value of the asset, and generated a significant income stream (£670k PA). Throughout the pandemic, the council held its nerve and reviewed the business case, taking the decision to proceed. Taking a commercial approach, the project was cost-neutral to the taxpayer with new revenue income offsetting the £10 million construction cost. The Hub is now a building the community can be proud of, hosting a hive of activity - from the café to the library, nursery, and GP surgery - plus a plethora of voluntary sector organisations and businesses. The council and its partners across public, private, community, and NHS sectors are now integrated into a modern, energy-efficient working environment.

Through the Business Place Partnership (BPP) we have created Locality Partnership Hubs across the district. Some of the hubs focus on a particular sector (hospitality, manufacturing), and are differing in their needs and relationships with us. We have fostered relationships with ambassadors for each Locality Partnership hub, and with them, developed an offer to support their hub and sector. The hubs provide a gateway 'open door' to business support services.

Food premises are maintaining a high rate of compliance (regularly over **90%** of our food premises are 3, 4 or 5 rated at inspection). Over **400** interventions undertaken at food businesses across the district.

2023 saw the launch of 'Enterprise In South Staffs' programmes, funded by UKSPF, which has radically changed our approach to the delivery of business support. We've created a variety of programmes supporting businesses in different phases of their life cycles from start-up support to innovation programmes to green solutions, with a corresponding grants programme to provide businesses with practical support, and financial resources, for them to develop and grow and bring further economic prosperity to the district.

We've also been working with key partners to develop employment & skills plans with the developers on our key strategic employment sites to maximise the job opportunities available for our residents. On the i54 South Staffordshire development, over 50% of the thousands of jobs with the different employers on that site, come within a 10-mile radius, many of them in the district.

As other key employment sites start to develop out at West Midlands Interchange and Logic54, there will be thousands of further new jobs that we are working to ensure that our residents have access to by ensuring we have the commitment with the developers to support employment and skills plans at the outset of their developments.

Key Outcomes

Codsall Community Hub opened in 2022 officially by Staffordshire's Lord Lieutenant and coincided with a visit from the Queens baton relay for the commonwealth games over its tour of 72 nations. The building won Gold at the IESE public sector transformation awards and has since firmly bedded itself into a thriving community venue benefitting a whole host of organisations and visitors.

Partnership working – working with social prescribers, Local Support Teams to provide support through Creating Brighter Futures.

Businesses are supported to run safe and successful events. Event numbers are increasing - last year over **130,000** people enjoyed events across the district.

200+ businesses are now members of the South Staffordshire Business Partnership, which was set up in 2021 to provide a better understanding of the issues faced by local businesses, both for different sectors and localities, and an opportunity for businesses to better engage with the Council.

We've hosted **15 networking events** based around key issues such as inspiring tomorrow's workforce, climate change, corporate social responsibility and business support. The Partnership also has a further 22 strategic partners who work with the businesses providing a range of different options covering a wide range of support from exporting to skills for example.

SOUTH STAFFORDSHIRE BUSINESS PARTNERSHIP

SOUTH STAFFORDSHIRE BUSINESS PARTNERSHIP AMBASSADORS

We have established the **South Staffordshire Business Ambassadors Group** made up of 8 local business people from locally important differing business sectors, business sizes and geographies to help shape and steer the business partnership, support and challenge delivery of the partnership pledges, champion their own sector, locality and the district, and providing peer support for local businesses. The group wanted to focus on education and skills; to better link schools and business to meet the current and future skills needs of our businesses.

Working with our Communities

We began our Locality working in 2008, and in 2020, in line with the Council Plan we rebranded our working arrangements to Localites+ and enhanced the package of support available to the three tier of members, our communities and businesses. Prior to the onset of the pandemic we had created 6 Locality Enabler roles, all officers who held substantive roles within the Council, who took on additional responsibilities and who would effectively become the 'eyes and ears' of their assigned locality.

Throughout the timeframe of the plan the Localities+ agenda was enhanced as we introduced 3 tier virtual member forums focusing on strategic as well as local issues, providing a platform for local members concerns. In the early days of the pandemic the Locality Enablers took on a key role assisting their communities in responding to the challenges they were facing from the pandemic, including the high street recovery programme and corporate resilience work.

In 2023- 2024 there were **11,389 walker attendances** (an increase of 534 from 2022-23).

Since 2020, there has been some tremendous success which included developing strong relationships with the Police, DVLA, housing association and neighbouring local authorities to support community safety initiatives.

There is a regular programme of walks taking place across the district, currently **67 volunteer walk leaders** and walks are organised in the following localities.

Locality 1	Penkridge
Locality 2	Coven
Locality 3	Cheslyn Hay, Great Wyrley, Essington
Locality 4	Perton, Bilbrook, Codsall
Locality 5	Baggeridge, Kinver, Highgate Common, Wombourne

The Place Narrative and Locality Data Profile have been refreshed to include Census 2021 data.

Introduction of Wildflower Meadows and Bee friendly areas across the district in direct consultation with residents and members, enhancing biodiversity and empowering communities to decide how highway verges are maintained.

Home visits – average of 400 a year, supporting those who are unable to get into the office to discuss their claims, access support, or to apply for housing benefit/Council Tax Support online.

As part of a joint working pilot agreement involving the Council and County Council our Street Scene Team undertook several environmental projects on behalf of and funded by County Highways. A total of 40 sites throughout the district were highlighted and attended to as part of this pilot where it was thought they would make a difference to the community and would be clearly seen. Sites included footway clearance, splitter islands, gateway improvements and hedge overgrowth cutting back, before and after pictures were taken and shared on social media.

Key Outcomes

Penkridge Leisure Centre and Wolgarston High school were successful in bidding for Capital funding Swimming Pool Support Fund – Phase II, adding Photo Voltaic (PV) panels to site to reduce costs.

4th August 2020 saw the official opening of the new play area at Baggeridge Country Park and the park continues to maintain its green flag status (25 years).

Everyone Health - Service level agreement in place for their weight management programme. This provide good synergy between signposting to our leisure and health offer. Everyone Health also offer health checks to residents and have supported many Council and Community events to showcase their services and carry out health checks.

Provided support around the cost-of-living impacts - Attending warm hubs and other local events - have attended village fairs, community engagement events, drop-in sessions including Locality 3 projects and jobs fair.

Building Better Opportunities – worked with **1,322 residents** of Stafford and South Staffs, supporting 716 who were economically inactive when joining the programme, 243 of whom moved into employment. 944 of those on the programme reported fewer barriers into employment as a result of the support they received.

Wombourne Parking Pilot, working with local members regarding parking issues in Wombourne, the Council, Police and County Council are working together on a scheme to monitor cars parked in the village and assess whether the parking is inconsiderate and if intervention is required.

Creating Brighter Futures – currently working with over **130 residents** to improve their career prospects through training and volunteering.

We enable our residents to access £14m of Housing Benefit per year - working with our communities

The service also engaged further with Parish Council's to assist highlighting residents' duty of care in employing someone to dispose of waste on their behalf – to reduce fly tipping and illegal waste carriers.

Good relationships have been built with Housing Plus Group with reductions in reported damp and mould cases and the time taken for defects to be repaired.

We have introduced two new Locality Enabler role to focus on Community Engagement and Digital.

Supported **184** homeless households in 2023 up from 118 households in 2022.

Virtual ward walks with Local Members, CLT and Locality Enablers — leading to the additional environmental team pilot to focus on members local priorities.

Embracing Technology

The Council Plan has witnessed a seismic transformation in the council's ways of working as well as the way council services are accessed and consumed by South Staffordshire residents and the wider community. This transformation has been underpinned by embracing technology and supported by the continued development of the council's skilled and innovative workforce.

Technological advancements have enabled enhancements to both voice and digital communications, providing greater opportunities for residents to self-serve where and when they wish to but also retaining the ability for them to meet with staff in person when preferred; digital by choice not by default has increased customer contact channels.

During the period of the Council Plan, threats aimed at disrupting the efficient and effective working of the council and the provision of services to residents have grown exponentially; many of these threats being targeted at the same enabling technologies that have supported the council's digital transformation. Protecting the availability of council services, for both residents and staff, has been a key consideration and priority, contributing to the overall financial stability of the council.

Embracing technology has been at the heart of Business Transformation and Digital Services contribution to the Council Plan, with the adoption of technology being an enabler of the other Council Plan priorities.

Innovation and transformation, the continued adoption of Cloud technologies and cyber security and resilience will continue to be enabling priorities for the new Council Plan.

Enhancing the council's protection from new and emerging cyber threats, being the first UK council to adopt a novel military grade cyber defence.

Supporting the transformation of the Community Hub through the removal of telephone handsets, reducing printers and printing, introducing digital signage, installing audio visual and video conferencing facilities in meeting rooms.

Advancing the council's resilience and business continuity arrangements through the adoption of cloud technologies and services, with payroll, HR, all telephony, committee management (CMIS), website, online forms, email, SharePoint, Teams and data backups all becoming Cloud hosted.

Key Outcomes

The number of residents signing up online for the Garden waste collection service has increased to **90%** = circa 28,000 sign ups online per annum.

Implementation of Leisure Hub allowing leisure members to book classes and session via digital channels.

Enabling agile and hybrid working practices through the introduction of laptops, Office 365, Teams, mobile phones and remote support capability.

Establishing any time, any location, any device access to council digital services by improving the website and web content, providing intuitive online forms for frequently requested services, promoting digital inclusion by improving online accessibility and providing accessibility tools for those with neurodiverse needs.

The grounds maintenance function has continued to evolve and improve. Further work using Routesmart software to detail cutting routes around the district has been utilised to exploit further efficiencies. This has resulted in freed up time that has been 'cashed' to undertake further income generating work.

KEEPING OUR COMMUNITIES SAFE is everyone's responsibility

South Staffordshire Community Safety Partnership

WORKING TOGETHER TO MAKE SOUTH STAFFORDSHIRE SAFE

A monthly digital **Community Safety Newsletter** introduced with over 2,000 residents signed up.

Flexible and Skilled Council

Our workforce development strategy has aligned our culture, working arrangements and people strategy with the transformation of our Community Hub and digital working technology, supporting our employer of choice ambitions and the council's wider community leadership role in facilitating local employment and skills.

This has been in the context of post-pandemic recovery challenges, including a changed and more challenging recruitment market, a fragile economy, and a cost-of-living crisis impacting on our communities and workforce.

2023 employee engagement survey

- **96.25% Would recommend the council as a place to work.**
- **8.8* Good relationship with my manager**
- **8.7* Satisfaction with leadership**
- **8.8* Inclusive organisation**
- **8.8* Happy and safe with my work environment**
- **8.2* The council cares about my wellbeing and supports me in balancing my work and personal commitments.**

* average rate out of 10

Coordinated efforts since 2020 have seen South Staffordshire Council buck national trends and reduce instances of fly-tipping year on year.

Since our website launch, the diversity of our workforce has improved, for example: 22 employees have declared they are from ethnic minority backgrounds compared to 14 the previous year; 18% of our workforce are aged 25 or under - a 4% improvement on the year before; and our mean gender pay gap was 4.87% (previous year was 6.53%).

We have seen a four-fold increase in enquiries from work experience students and maintained our level of apprentices, with five securing permanent employment with us. 20 work experience placements in 2023.

Retention rate has improved by **4%** since 2022, now 88% - bucking the national trend.

We have successfully recruited in key skills shortage areas including Finance, Environmental Health, Planning and Elections — where there are recruitment challenges within local government.

Key Outcomes

In 2020 following an internal review Street Scene became responsible for tackling the strategic and operational approach to tackling environment crime across the district. The service had traditionally been the operational solution for dealing with instances of fly tipping, littering, removal of graffiti etc.

Since 2022, our candidate reach has expanded to new areas as far away as Gloucestershire, Leicestershire, Wales, and London, helping us compete for talent in the toughest skills shortage areas.

We have redesigned jobs with upskilling and diversity — using our talent management programme as a platform to support rising stars, we have tracked individuals and continued to support their development and career progression. Approximately a third of delegates benefiting from career progression or further educational attainment.

50% of our appointments have been internal candidate, reflecting our investment in our workforce and upskilling.

Agile working, adaptable and flexible — meeting customers in the community at venues close to them

Service has invested in training to ensure that staff are suitably qualified and gain the skills they need to provide a quality service. 3 staff have completed IRRV Apprenticeships. Team Manager has completed IRRV Honors qualification. Housing Manager has passed level 3 Housing Management qualification and moving on to level 4.

2020-2024

Demonstrating our success

Our residents will tell us – 89% would recommend South Staffordshire as a place to live.

Our Staff will tell us – 96.25% recommend the council as a place to work.

Our performance tells us – Consistently meeting our Council Plan targets.

Our peers tell us - LGA Peer Review, national awards/recognition.

In 2023, we have maintained resident satisfaction levels at around 90% since 2022, and our staff satisfaction has increased by 2.75%.

Awards and recognition as a council:	
iESE:	IESE Council of Year 2022. Certificate of Excellence in 2023: Employer of Choice Strategy. Gold award for the Council's Senior Leadership Team in 2020. Gold award Localities + Programme 2022. Gold award Codsall Community Hub in 2022 and shortlisted for Local Government Chronicle award. Achievement of Excellence Certificates for our Local Plan Consultation and our Employee Wellbeing Programme during Covid 2022.
Royal Town Planning Institute:	Named Planning Authority of the Year – West Midlands in 2023. Chair's Special Award in 2023 for the way our planning team has worked to develop and nurture staff talent. Shortlisted for National Planning Authority of the Year 2023.
Green Flag Awards 2023:	Baggeridge Country Park – 25th consecutive year. Wom Brook Walk – 14th consecutive year.
Health at Work:	Workplace Wellbeing Charter in 2023.
APSE:	Street Scene team named Service Team of the Year: Street Cleansing and Street Scene Service (Public Realm) in 2023.
Municipal Journal:	Highly Commended Senior Leadership Team 2020.

SOUTH STAFFORDSHIRE COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024

INTEGRATED PERFORMANCE MANAGEMENT (IPM) REPORT – 2023/24 QUARTER 4 / YEAR END

REPORT OF THE CORPORATE DIRECTOR, CHIEF OPERATING OFFICER

LEAD CABINET MEMBER - COUNCILLOR ROGER LEES BEM, LEADER OF THE COUNCIL

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   This report provides the year end and quarter 4 information on performance, finance, and risk as of 31st March 2024. This includes results against performance targets set to monitor delivery of the Council Plan 2020 – 2024.

1.2   This is the final year of the current Council Plan 2020-24.

2.   RECOMMENDATIONS

2.1   It is recommended that Members review and note this report.

3.   SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	It reports progress against Council Plan targets.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	This report does not impact on equality issues
SCRUTINY POWERS APPLICABLE	The IPM report is presented to O&S at Quarter 2 and 4.	
KEY DECISION	No	
TARGET DATE	Performance reports are prepared quarterly.	
FINANCIAL IMPACT	Yes	The report details the provisional financial position as at the end of Quarter 4 2023/2024.
LEGAL ISSUES	Yes	Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	This report includes all Council strategic risks and a summary position statement on operational risks.
IMPACT ON SPECIFIC WARDS	No	All Wards

4. INTEGRATED PERFORMANCE MANAGEMENT - EXECUTIVE SUMMARY

4.1 Finance

REVENUE

Net Revenue Budget 2023/24 £m	Provisional expenditure at Q4 2023/24 £m
£19.061	£18.194
Provisional Variance 2023/24 £m	Percentage Variance from Budget 2023/24
£0.866	4.5%

CAPITAL

Capital Budget 2023/24 £m	Capital Spend to Date Q4 2023/24 £m
£18.642	£6.195

4.2 Performance

Current Position	G	A	R	N/A
21 Council Plan Targets at Q4	17	0	4	
Revenue Budget - Service (Net) Expenditure	4	2	0	
Revenue Budget - Other Expenditure	2	0	0	
Revenue Budget - External Funding	6	0	0	
Overall Revenue Budget - Appropriations to Reserves				
Capital Programme	10	0	0	

4.3 Strategic and Operational risks

Strategic Risks	7
Operational Risks	75

5.   IPM Narrative Report

5.1   Review of the Quarter/year end

5.1.1   There has been strong performance across the Council in Quarter 4 with 17 of the 21 Council Plan targets being achieved with four measures receiving a RAG rating of Red. Of the 17 green, Welfare services performance was particularily strong in processing changes to circumstances, the team are processing in an average of 2.5 days against a target of 6 days; 95% of food businesses are rated broadly compliant for food hygiene against a 80% target.

5.1.2   The four indicators which are rated red, performance remained strong, however slightly below the year end target.
- Online payments were just over 500 transactions short of the target of 43,607.
- Business Rates collection was 97.7% against a target of 98%, this relates to a recent large rateable value increase which increased collectable debit. We attempted to collect this before the end of March, but the amount will be paid instead in April 2024. The council tax collection was above target at 98.1%.
- Improved business continuity and resilience, 2 of the 3 systems approaches were implemented by April 2024, however the Civica (revenue and benefit system) was delayed until later in 2024 for implementation due to annual billing taking place in the early part of 2024.
- Processing housing benefit claims has remained at 17 days against the target of 15 days; however, the national average is 21 days.

5.2   Long term successes/measures which were underperforming but are now on target

5.2.1   The continued success of all waste management measures have not only ensured a postive RAG rating across all 4 waste measures but have also decreased the delivery of waste and recycling service risk from 20 to 15. Savings have been achieved in the waste and recycling budgets due to increase sale of recycled materials, vacancies and a lower than budgeted level of inflation.

5.2.2   Against a target for investigating 80% of planning enforcement complaints within 12 weeks, by Q4 this was over 95% a continued improvement over the year, as in Q3 this had already improved to over 83%.

5.2.3   Cumulatively, 302 businesses received support in 2023-24, 201% of the yearly target, due to events, drop-in sessions and delivery of the Strive For Success business growth programme. At quarter 3 only 67% of the yearly target had been achieved. To mitigate and increase business support by year end the Council launched the "Start in South Staffs" start-up programme in mid-December 2023. This support is fully funded by the UK Shared Prosperity Fund which is due to end in March 2025.

5.3   Measures below target

5.3.1   **Welfare**

5.3.2   At the end of Quarter 4, new benefit claims were still being processed in an average of 17 days against a target of 15 days. The above target number was due to other pressures of work within the team which diverted attention to more pressing matters. Furthermore, there were delays from the customer providing information, which are out of the team's control. The risk of cost-of-living impacting residents whose benefit claims take longer to process is a major concern and could increase as volumes of claims grow. Investment has been made in additional staffing in the Welfare team to deal with additional demand, which has reduced the potential impact on processing time. As expected, the annual billing processing in the final quarter of 2023/2024 meant that 15-day target was not met.

5.3.3   For 2024/2025 the team are working on streamlining the process to request further information and introducing more digital transactional forms. This should help reduce delays in the team waiting for customer information. There is an emerging pressure within Benefits Services relating to a reduction in the number of overpayments that are received back to the council though the Housing Benefit Subsidy. This is resulting in a projected budget pressure which will be covered by General Fund reserves. This is being addressed as part of budget setting for 2024/25 onwards.

5.3.4   Although we are underperforming against our council target (17 days against 15-day target) current performance is close to the mean for CIPFA nearest neighbours (16 days for the featured quarter – South Staffordshire at 17 days). The table below highlights South Staffordshire's performance relative to other similar councils – this the latest available is for Quarter 3.

Time taken to process housing benefit new claims - Quarterly (2023/24 Q3) for South Staffordshire

Period	Time taken to process housing benefit new claims - Quarterly			
	Mean			
	South Staffordshire	Minimum for South Staffordshire CIPFA nearest neighbours	Mean for South Staffordshire CIPFA nearest neighbours	Maximum for South Staffordshire CIPFA nearest neighbours
2023/24 Q3	17	10	16	27

Source:
Department for Work and Pensions
Powered by LG Inform

5.4   **Financial Performance**

5.4.1   Total online payments received in Quarter 4 were 4,261. This brings the total for the year 43,099 against a target of 43,607. There has been a decrease in online payments each quarter. This should not impact the Medium-Term Financial Strategy. Continual promotion of e-billing and the My Login system should help and increase the ability for residents to make online payments.

5.4.2   Council Tax and Business Rates collection rates – achieved 98.1% collection rate and Business Rates collection was 97.7% against a target of 98%.

5.4.3   All Council tax service revenue budgets are on target and without any significant variances to report.

5.4.4   When comparing to all CIPFA nearest neighbours South Staffordshire Council Tax collection is slightly above the mean. Differences between CIPFA nearest neighbours is generally minimal. This data is the most recent available benchmarking data.

Council tax collected as a percentage of council tax due (2022/23) for South Staffordshire

| Period | Council tax collection rate | | | |
| | % | | | |
	South Staffordshire	Minimum for South Staffordshire CIPFA nearest neighbours	Mean for South Staffordshire CIPFA nearest neighbours	Maximum for South Staffordshire CIPFA nearest neighbours
2022/23	97.96	96.70	97.94	98.87

Source:
Department for Levelling Up, Housing & Communities
Powered by LG Inform

5.5   Office for Local Government (OFLOG) indicators

5.5.1   Appendix 4 provides an overview from LG Inform of the OFLOG indicators being measured against the council. The timeframe for these measures varies from each indicator. Each indicator is compared against our CIPFA neighbours. OFLOG is a new performance body for local government, which will provide authoritative and accessible data and analysis about the performance of local government and support its improvement. OFLOG indicators alongside the council's performance framework will help provide a clear analysis of Council performance and areas of improvement.

5.6   Risk Management

5.6.1   The Council is currently reviewing its risk management processes. This will involve assessing the Council's current risk appetite and updating the Strategic Risk Register and Policy to ensure that they remain robust and relevant. The revised processes will also make clear who the owner is for each strategic risk. All updates will be designed to align to the new Council Plan and Integrated Performance Management.

6.   IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Not applicable

7.   PREVIOUS MINUTES

Not applicable

8.   BACKGROUND PAPERS

- •   Appendix 1 – Quarter 4 Performance Scorecard
- •   Appendix 2 – Quarter 4 Finance Scorecard
- •   Appendix 3 – Quarter 4 Strategic Risk Register
- •   Appendix 4 – OFLOG indicators – LG Inform

Report prepared by

Jackie Smith, Corporate Director, Chief Operating Officer

Quarter 4- 2023/2024

The measures in the scorecard have been rated using a Red, Amber and Green (RAG) system

RED	Not on target and / or the level of risk (of not meeting target) is high and needs urgent remedial action
AMBER	Not fully on target but not significantly off target and / or the level of risk (of not meeting target) is manageable but requires close monitoring
GREEN	On target and / or the risk (of not meeting target) is low and under control

	Council Plan Measures	Q1	Q2	Q3	Q4	Update Please provide a Q4 cumulative update.
	Planning					
1	Submit the plan by June 2025 in line with new Government timescales.					Members agreed at a special Council meeting on 2nd April 2024 to consult on an updated Regulation 19 Local Plan, with member approval to submit the plan after the consultation, subject to there being no Main Modifications identified. The consultation will take place from 18th April – 30th May 2024. Submission is anticipated to be January 2025.
2	a) 60% of major development decisions made within the relevant time frame (or with an agreed extension of time). b) 70% of minor development made within the relevant time frame (or with an agreed extension of time).					A) 7 major decisions were determined in this quarter, 100% of which were in time or within an EOT. B) 46 minor decisions were determined in this quarter, of which 97.8% were in time or within an EOT.
3	No more than 10% of applications overturned through the appeals process (major and non-major development)					A total of 143 decisions were issued in Q4, and 3 applications allowed on appeal = 0.02% Over the rolling 24 month period, as per DHLUC/OFLOG reporting, 1296 decisions have been issued, and 12 appeals have been allowed over the same period – 0.009%
4	Investigated 80% of planning enforcement complaints within 12 weeks.					Investigated 95.51% of planning enforcement complaints within 12 weeks

Month	Cases received	Cases closed	Notices Served	Total
January 2024	25	35	1	156
February 2024	25	32	1	160
March 2024	23	15	0	174

	Council Plan Measures	Q1	Q2	Q3	Q4	Update
	Business support/Council Assets					
5	Business Support: 150 businesses supported.					100 businesses received support in Quarter 4 75 businesses received support in Quarter 3 72 businesses received support in Quarter 2 55 businesses received support in Quarter 1 Cumulatively, 302 businesses received support in 2023-24, 201% of the yearly target, due to events, drop-in sessions and delivery of the Strive For Success business growth programme.
6	30 Businesses accessing Start-Up Support provided by the Council.					48 businesses received support to access business start-up advice in Quarter 4 following the commencement of Start in South Staffordshire business support programme at the end of Quarter 3. 11 businesses contacted the Council for Start-Up support in Quarter 1. 4 businesses contacted the Council for start-up support in quarter 2 5 businesses contacted the Council for start-up support in quarter 3 Cumulatively, 68 businesses have been supported in 2023-24, 226% of the yearly target.
7	Ensuring 97.5% occupancy across assets					Occupancy at the end of Quarter 1 was 96% Occupancy at the end of Quarter 2 was 98.7% Occupancy at the end of Quarter 3 was 98% Occupancy at the end of Quarter 4 was 99%

	Council Plan Measures	Q1	Q2	Q3	Q4	Update **Please provide a Q4 cumulative update.**
8	To ensure delivery of income no more than 2% of debt written off with outstanding debt decreasing year on year.					We have not processed any considerable debt write-offs at Quarter 3 Quarter 2 or Quarter 1. We have written off £92,151.55 of debts this year in relation to Sundry Debts. We raised £5,842,132 net of VAT in Sundry Debts in 2023/24. The amount written off therefore equates to 1.6%
9	80% of food businesses are rated broadly compliant for food hygiene.					The Broadly Compliant rate or the proportion of businesses achieving a Food Hygiene Rating of 3 or above in Quarter 1 was 95%. The Broadly Compliant rate or the proportion of businesses achieving a Food Hygiene Rating of 3 or above in Quarter 2 was 92%. The Broadly Compliant rate or the proportion of businesses achieving a Food Hygiene Rating of 3 or above in Quarter 3 was 94%. The Broadly Compliant rate or the proportion of businesses achieving a Food Hygiene Rating of 3 or above in Quarter 4 was 95%. The food hygiene rating reflects the hygiene standards found at the time the business is inspected by a food safety officer. 5 - hygiene standards are very good 4 – hygiene standards are good 3 – hygiene standards are generally satisfactory 2 – some improvement is necessary 1 – major improvement is necessary 0 – urgent improvement is required
10	Improve Business Continuity and Resilience of at least 3 Council systems by April 2024: • Customer Contact Management • Online forms • Civica This is a measure tracked across the 4 years of the Council plan.					A series of online forms have been introduced, a new Customer Contact Management telephony system has been procured and successfully implemented. Scoping for the Civica Migration is on going , ready to move to Cloud in April/May following annual billing. Legal system Iken will also be moved to a cloud based system. Scoping work is taking place now.
	Waste					
11	Collect 99% of waste containers on the scheduled collection date.					99.8% of bins were collected on their scheduled collection day during quarter 1. 99.4% of bins were collected on their scheduled collection day during quarter 2. 99.8% of bins were collected on their scheduled collection day during quarter 3. 99.7% of bins were collected on their scheduled collection day during quarter 4. Cumulative 99.7%
12	Achieve 68% of resident take up for the charge for green waste.					Quarter 1 sign-up rate was 62% Quarter 2 sign-up rate was 68% Quarter 3 sign-up rate was 69% Quarter 4 sign-up rate was 69%
13	Reuse, recycle and compost at least 42% of household waste.					Quarter 1 50.9% Quarter 2 48.5% Quarter 3 recycling rate estimated at 41.2% (subject to final verification and validation) Quarter 4 recycling rate estimated at 40.2% (subject to receipt of all data, verification and validation) Cumulative estimated at 45.5%
14	Investigate 100% of fly tipping reports and agreed actions to resolve the problem within two working days of the report.					100% of fly tips investigated with agreed actions in place within two working days of report for Quarter 4, Quarter 3, Quarter 2 and Quarter1.
	Leisure					

	Council Plan Measures	Q1	Q2	Q3	Q4	Update Please provide a Q4 cumulative update.
15	Maintain a base level of 3,500 members across our four leisure facilities by Q4	🟩	🟩	🟩	🟩	Quarter 1 membership was 3,847 (110% of target) Quarter 2 membership is 3,823 (109% of target) Quarter 3 membership is 3,775 (107% of target) Quarter 4 membership is 3,974 (112% of target) Total memberships stand at 112% of the target and represent a rise of 513 members from the beginning of the financial year The new pay as you go membership (Leisure Advantage Card) was introduced on 1st April 2024 Price review for 2023/24 is complete and new prices agreed to commence from 1st April 2024 Summer Shape Up campaign is currently active. Sales are currently 58% of the target at 14/04/24
16	Maintain over 85% income % of operating costs for our four leisure centres by Q4	🟧	🟩	🟩	🟩	Quarter 1 84.1% (within 1% of target) Quarter 2 89.64% (4.64% above target) Quarter 3 87.76% (2.76% above target – now reflects pay award) Quarter 4 87.17% (2.17% above target including pay award (Figures are based on March draft monitoring. This is pre- final joint use finances, there is a risk JU costs will rise at CLC due to rising utility costs). Swim Academy total income 23/24: £541,246 Cheslyn Hay Leisure Centre: £122,007 Codsall Leisure Centre: £182,254 Penkridge Leisure Centre: £88,755 Wombourne Leisure Centre : £148,230
	Financial performance					
17	Achieve 43,607+ online financial transactions by end of March 2024	🟩	🟩	🟧	🟥	Quarter 1 online payments 25,667 Quarter 2 online payments 8,521 Quarter 3 online payments 4,650 Quater 4 online payments 4,261 Total online payments for 2023-2024: 43,099 just missing the target by 508.
18	Achieve 98% collection rate (minimum) at year end for a) Council Tax b) Business Rates.	🟩	🟧	🟧	🟥	At Quarter 4 Council Tax collection rate is 97.7%, down 0.3% on last year At Quarter 4 Business Rates collection rate is 98.1%, down 0.7% on last year
19	Process new Housing Benefit/Council Tax Support claims in an average of 15 days	🟧	🟧	🟥	🟥	Quarter 1 claims were processed in an average of 16 days. Quarter 2 claims were processed in an average of 17 days. Quarter 3 claims were processed in an average of 17 days Quarter 4 claims were processed in an average of 17 days We are slightly out of target on these due to other pressures of work within the team and delays from the customer, which are out of our control, however we remain below the national average of 21 days.
20	Process changes in circumstances an average of six days.	🟩	🟩	🟩	🟩	Quarter 1 change in circumstances were processed in an average of 2.3 days. Quarter 2 change in circumstances were processed in an average of 4.1 days. Quarter 3 change in circumstances were processed in an average of 4.2 days. Quarter 4 change in circumstances were processed in an average of 2.5 days.
	Climate Change					
21	Preparation of climate change action plan and preparation of baseline activity report with decreasing carbon impact/use.	🟩	🟩	🟩	🟩	Climate change action plan and refresh of climate strategy worked through with members working group during Q4. Baseline activity report and carbon usage 22/23 reported to members through Overview and Scrutiny in October 2023. Update on progress on carbon usage for 23/24 will be reported via overview and scrutiny expected late summer 2024.

2023/24: Quarter 4 – Provisional Outturn

Budget Heading	Annual Budget	Provisional Outturn	Provisional Variation	Earmarked Reserve Impact	General Fund Impact	RAG
	£'000	£'000	£'000	£'000	£'000	
Business Enterprise & Community Infrastructure	1,441	896	545	50	495	🟩
Community Services	5,233	5,019	215	(173)	388	🟩
Corporate Services	4,129	4,254	(125)	(31)	(94)	🟩
Digital Transformation & Estate Management	1,760	1,803	(43)	57	(101)	🟧
Regulatory Services	845	783	62	8	54	🟩
Welfare Services	1,296	1,505	(209)	(42)	(168)	🟧
Total Service Expenditure	**14,704**	**14,259**	**444**	**(130)**	**575**	🟩
Enterprise Zone	5,028	6,282	(1,254)	(1,254)	0	🟩
Capital Financing and Treasury	(672)	(1,201)	529	238	291	🟩
Unit 4e – Rebuild and Financing post fire	0	645	(645)	(645)	0	🟩
Total Expenditure	**19,060**	**19,985**	**(926)**	**(1,791)**	**866**	🟩
Enterprise Zone	(5,028)	(6,282)	1,254	1,254	0	🟩
Retained Business Rates & RSG	(5,150)	(8,889)	3,739	3,389	350	🟩
Council Tax	(5,361)	(5,530)	169	169	0	🟩
Services Grant	(90)	(95)	5	5	0	🟩
New Homes Bonus	(660)	(659)	(1)	(1)	0	🟩
Use of Collection Fund Reserve	(1,000)	(1,000)	0	0	0	🟩
Total Funding	**(17,289)**	**(22,455)**	**5,166**	**4,816**	**350**	🟩
(Surplus)/Deficit	**(1,771)**	**(2,470)**	**4,241**	**3,025**	**1,216**	🟩

RED	Not on target and / or the level of risk (of not meeting target) is high and needs urgent remedial action
AMBER	Not fully on target but not significantly off target and / or the level of risk (of not meeting target) is manageable but requires close monitoring
GREEN	On target and / or the risk (of not meeting target) is low and under control

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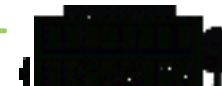# 2023/24 Quarter 4 – Provisional Outturn - Executive Summary

- This appendix sets out a **provisional** outturn position and is subject to change, particularly with regard to transfers to and from reserves.
- The total projected position for the Council is a positive variance of £4.241m. The main area of variance is within total funding and this largely relates to additional Business Rates income/Collection Fund surplus from previous years. Closing down of the Collection Fund is still in process and this may impact on the final Business Rates income position.
- There is a positive variation of £0.444m against Service Area expenditure before the use of Earmarked Reserves. After the use of Earmarked Reserves, there is a saving of £0.575m. Increased interest rates have also continued in quarter 4 resulting in additional treasury income of £0.529m compared to the annual budget.
- Significant Variations within service areas include:

  £308k pressures - Estates and Assets - one-off revenue costs associated with Wombourne & 4E redevelopment.

  £455k surplus - relating to planning income, additional PPA agreements and part year staffing of new posts agreed via RPP. This was amplified by the receipt of significant planning Application fees towards the end of the year.

  £529k surplus – Investment Income due to higher than budgeted interest rates

  £380k surplus - Refuse Collection - Inflation added to contract less than budget leading to in-year betterment and delay in purchase of additional vehicle leading to significant savings. An Earmarked Reserve has been approved to assist in resourcing additional staffing requirements ahead of the future tender.

- Additional detail is provided within the specific sections for individual service areas below.

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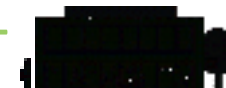
2023/24: Quarter 4 – Provisional Outturn Digital Transformation & Estate Management

	Annual Budget	Forecast Outturn	Forecast Variance	Impact on ER	Impact on GF	RAG
	£'000	£'000	£'000	£'000	£'000	
Community Hub	533	468	64	31	33	🟩
Customer Interaction	364	306	57	(7)	64	🟩
Digital Services	1,950	1,845	105	(4)	109	🟩
Estates & Assets	(1,087)	(817)	(270)	37	(308)	🟧
Total Digital Technology and Service	**1,760**	**1,803**	**(43)**	**57**	**(101)**	🟩

Revenue Budget	RAG	Comments
Community Hub	🟩	Additional rental incomes offset pressures against utility budgets
Customer Interaction	🟩	Projected underspend against budget arising due to combination of staffing vacancies and additional income from room hire and hire of premise for filming.
Digital Services	🟩	Underspend relates to vacancies against establishment. The adverse forecast variation reported relates entirely to planned expenditures which will be fully funded by Earmarked Reserves for the purposes intended.
Estates & Assets	🟧	Delays to construction projects at 4E and Wombourne have incurred some revenue costs. Reduced revenue income due to sale of Heathmill (£29k) is offset corporately by the benefit of a capital receipt of £425k. Repair budgets have also impacted adversely on the budget. Occupancy levels are currently holding but economic challenges may have impact and this area will continue to be closely monitored.

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Integrated Performance Management

2023/24: Quarter 4 – Provisional Outturn Community Services

	Annual Budget £'000	Forecast Outturn £'000	Forecast Variance £'000	Impact on ER £'000	Impact on GF £'000	RAG
Baggeridge Country Park	115	125	(10)	0	(10)	🟧
Leisure Services	815	848	(33)	(215)	181	🟩
Landscape & Bereavement	(247)	(149)	(98)	0	(98)	🟧
Street Scene	1,272	1,331	(59)	(51)	(8)	🟩
Recycling	(131)	(310)	179	0	179	🟩
Refuse Collection	3,360	3,126	234	92	142	🟩
Climate Change	49	47	2	0	2	🟩
Total Community Services	**5,233**	**5,019**	**215**	**(173)**	**388**	

Revenue Budget	RAG	Comments
Baggeridge Country Park	🟧	Variance within employee related costs is due to the pay award and premises variance is largely due to an increase in utility costs.
Leisure Services	🟩	The cost of the pay award has been greater than the 5% budgeted for Leisure, but the service has mitigated this with vacancies and secondment of staff. Membership numbers are performing well and overall income targets are being met. Joint Use recharges from schools for use of Leisure Centres have increased but this cost is covered by Earmarked Reserves.
Landscape & Bereavement	🟧	Crematoria Income (Essington) will be received later than previously budgeted. Pre-purchase burial plots performing well and are currently forecast to offset part of this pressure.
Street Scene	🟩	Unfunded adverse variation relates to impact of inflation award on pay net of vacancies. The Earmarked Reserve funded element relates to the cost of employing a tree inspector.
Recycling	🟩	Savings of £234k are due to increased income from sale of recycled materials, bulky waste collections & reduced gate fees. Offset by reduced benefit of recycling credits £113k as MRF tonnage has been less than budgeted.

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Refuse Collection		Inflation added to contract less than budget leading to in-year betterment. (12% budgeted, actual 9%), delay in purchase of additional vehicle and salary savings (£80k) are more than offsetting other pressures in relation to latest projections of BIFFA charges and unachievable income targets in relation to bin changes.
Climate Change		No significant variations to report.

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Localities+
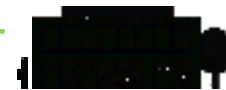
2023/24: Quarter 3 – Corporate Services

	Annual Budget	Forecast Outturn	Forecast Variance	Impact on ER	Impact on GF	RAG
	£'000	£'000	£'000	£'000	£'000	
Accountancy & Financial Services	632	625	8	(9)	16	
Pay & pensions	592	816	(224)	0	(224)	
Corporate Finance	479	466	13	(21)	33	
Corporate Leadership Team	686	672	14	8	6	
Communications	163	130	33	(2)	35	
Community Safety	98	82	16	16	0	
Elections	360	374	(13)	(19)	6	
Human Resources	439	429	10	6	4	
Policy	113	105	8	(2)	10	
Member Support	567	555	11	(9)	20	
Total Corporate	**4,129**	**4,254**	**(125)**	**(31)**	**(94)**	

Revenue Budget	RAG	Commentary
Accountancy and Financial Services		No significant variations to report. Additional staffing costs incurred funded through an Earmarked Reserve to alleviate Transactional Services pressures.
Pay & Pensions		No significant variations to report – current variation relates to vacancy management adjustment with anticipated salary savings being achieved across the Council.
Corporate Finance		Earmarked Reserve relating to Redmond Fund released to Revenue.
Corporate Leadership Team		Saving relates to recruitment gap between S151 officers.

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Revenue Budget	RAG	Commentary
Communications		£33k underspend on Review magazine due to move to digital. This more than offsets additional spend on Apprentice and costs of pay award.
Community Safety		Net underspends primarily relate to delays in acquiring CCTV. Earmarked Reserve will be set aside to fund expenditure as it is occurred.
Elections		Earmarked Reserve being used to fund additional staffing resources. Other one-off costs in relation to the purchase of polling booths in readiness for future elections can be claimed back against those elections as and when they occur.
Human Resources		Net variations against HR budgets, primarily due to contractual costs of Midland HR and apprentice costs can be funded via Earmarked Reserve.
Policy		No significant variations to report
Member Support		Vacancy gap saving.

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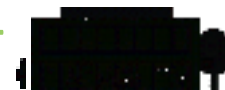
2023/24: Quarter 4 (Provisional Outturn) – Business Enterprise & Community Infrastructure

	Annual Budget	Forecast Outturn	Forecast Variance	Impact on ER	Impact on GF	RAG
	£'000	£'000	£'000	£'000	£'000	
Building Control	36	35	1	0	1	
Land Charges	(9)	(8)	(1)	0	(1)	
Development Control	255	(418)	673	240	432	
Planning Enforcement	209	223	(14)	(15)	0	
Local Plan	494	469	25	30	(5)	
Economic Development	278	262	16	(3)	19	
Localities	178	149	29	(19)	48	
UKSPF	0	184	(184)	(184)	(0)	
Total Business Enterprise and Community Infrastructure	**1,441**	**896**	**545**	**50**	**495**	

Revenue Budget	RAG	Commentary
Building Control		No significant variations to report
Land Charges		No significant variations to report
Development Control		Extremely strong performance in the third and fourth quarters have seen a significant boost to both planning application income levels and pre-planning application income levels contributing an additional £530k over and above budgetary expectations. Mid-year recruitment to approved new posts has also contributed to projected year-end saving against budget.

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Planning Enforcement		Maternity cover and specialist consultancy funded from Earmarked Reserves.
Local Plan		Maternity and vacancy savings contributing to projected savings against budget.
Economic Development		Savings arising due to vacancies
Localities		Un-committed budget for consultancy costs
UKSPF		No significant variations to report – all spend is fully grant funded

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Integrated Performance Management
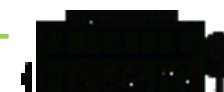
2023/24: Quarter 4 (Provisional Outturn) – Regulatory Services

	Annual Budget	Forecast Outturn	Forecast Variance	Impact on ER	Impact on GF	RAG
	£'000	£'000	£'000	£'000	£'000	
Emergency Planning	48	47	1	(1)	1	
Environmental Health	540	503	37	10	28	
Internal Audit	96	82	13	0	13	
Legal Shared Service	161	150	11	(1)	12	
Total Regulatory Services	**845**	**783**	**62**	**8**	**54**	

Revenue Budget	RAG	Commentary
Emergency Planning		No variations to report
Environmental Health		Notwithstanding the additional costs incurred for planned, Earmarked Reserve funded posts, there have been significant increases in licensing income receipts in year, especially with regards liquor licenses.
Internal Audit		No variations to report
Legal Shared Service		No variations to report

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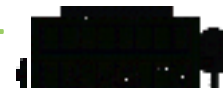
2023/24: Quarter 4 (Provisional Outturn) – Welfare Services

	Annual Budget	Forecast Outturn	Forecast Variance	Impact on ER	Impact on GF	RAG
	£'000	£'000	£'000	£'000	£'000	
Revenue Services	368	443	(75)	(150)	74	
Benefit Services	741	1,038	(297)	(50)	(247)	
Homelessness	0	(173)	173	165	8	
Housing Operations	187	197	(11)	(8)	(3)	
Total Welfare Services	**1,296**	**1,505**	**(209)**	**(42)**	**(168)**	

Revenue Budget	RAG	Commentary
Revenue Services		Staffing vacancies leading to small projected saving in-year. Costs incurred from Analyse Local as commission for investigating businesses underpaying business rates can be funded through the Fairer Funding Reserve (as ultimately it is the funding element of the budget that will benefit)
Benefit Services		The value of housing benefit overpayments has reduced due to the volume of benefit payments reducing as a result of Universal Credit migration and improved data sharing with DWP. This means less subsidy is received from central government resulting in a pressure to the budget. However, the overall debt level is reducing each month.
Homelessness		Projected saving is represented by unspent grant receipts for Homelessness and Prevention of Domestic Abuse. These will be carried forward into 2024/25 as per grant conditions.
Housing Operations		New posts created from vacancies in Revenue and Benefit budgets.

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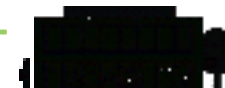
2023/24: Quarter 4 (Provisional Outturn) – Capital Budget

Capital Scheme	2023/24 Budget £'000	Spend to date £'000	Commentary	RAG
Corporate Services Commercial Asset Strategy	14,776	4,875	Budget includes:- • Wombourne EP development – completion Spring 24 • Restoration of Unit 4E Four Ashes following fire damage (funded via insurance claim) – completion Spring 24 • Landywood EP decarbonisation improvements – completion Spring 24 • Hub driveway upgrade – Completion Autumn 23 • Contingency for existing projects £250k	
Itrent Upgrade	20	0	Budget has been assigned to the Itrent HR/Payroll system	
Digital Technology and Service Transformation Digital Technology and Service Transformation	370	95	Budget includes; workstation replacement for Agile working, purchase of Civica licenses and other Digital Services requirements including vSan switches and hosts	
Welfare Services Disabled Facilities Grant	1,935	724	Better Care Fund allocations to fund necessary adaptations	
Community Services Street Scene Fleet	166	76	Budget includes; street cleansing vehicle and slippage due to delay on procurement of grounds maintenance vehicle	
Waste Bags	10	0	Budget for purchase of recycling bags as required	

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Capital Scheme	2023/24 Budget £'000	Spend to date £'000	Commentary	RAG
Leisure Centre Equipment Renewal Programme	179	333	Budget for replacement of cardiovascular, resistance and indoor cycling equipment. Purchase of equipment at Wombourne Leisure Centre has been made. Purchase of indoor cycles at Penkridge Leisure Centre currently outstanding.	
Leisure Centre Investment Scheme	1,030	(4)	Budget includes; leisure centre investment across all centres. Currently works at Codsall Leisure Centre are outstanding. The spend to date figure allows for retention monies that will become due following a period of review of the works for suitability and quality.	
Leisure Centre Air Conditioning	28	16	Budget is for air conditioning replacement across centres. Timing of expenditure can be linked to the leisure investment fund works.	
Business Enterprise and Community Infrastructure Regional Housing Board	127	5	South Staffordshire Council contribution to South Staffordshire Warmer Homes project.	
S106 Payments – Affordable Housing	0	75	This relates to S106 Lime Tree Road, Bilbrook final tranche 25% £75k (total grant £300k), fully funded from S106 developer contributions.	
	18,642	6,195		

Other Notes

Moved financial year as part of MTFS	2024/25 Budget £'000		
Refuse Vehicles new contract	3,046		New contract was due to start 1st April 2025. Hence budget was moved to 2024/25 to allow for any vehicles to be supplied in advance of the contract. Accounting standards dictate that embedded leases (vehicles supplied as part of overall contract) must be capitalised.
Waste Bins	790		New contract due to start 1.4.25
	3,836		

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South Staffordshire Council

Strategic Risk Register

Quarter 4 - 2023/24 Update

Our Risk Management Objectives

We have six key objectives that guide our approach to Risk Management

1. Adopt a strategic approach to risk management in order to make well informed decisions.

2. Integrate risk management into how we run council services and deliver key projects.

3. Support a culture of well measured risk taking throughout the council including setting risk ownership and accountabilities.

4. Accept that even with good risk management and our best endeavours, things can go wrong. We will learn lessons where this happens.

5. Ensure that the council continues to meet all statutory and best practice requirements in relation to risk management.

6. Ensure that risk management continues to be a key and effective element of our Corporate Governance.

Benefits of Effective Risk Management

Improved Strategic Management
- Greater ability to deliver against our corporate objectives and targets.
- Improved decision making, planning and prioritisation.

Improved Operational Management
- Plans in place to response to incidents when they occur.
- Better service delivery.

Improved Financial Management
- Better informed financial decision making.
- Greater financial control.
- Minimising waste and improving value for money.

Improved Customer Service
- Service disruption to customer minimized.

Our Risk Management Process

Identification of risks, deciding what action to take to minimise the risk and assessing how successfully we did it is an activity that we are all doing constantly in our personal lives. The same approach is applied by the council in assessing risks to our priorities and services.

To do this we follow a five step approach:

5 Intergrate learning

1 Identify and record Risks

Risk Management Process

2 Analyse and assess the Risk

4 Monitor and report

3 Respond to the Risk

Our Risk Management Scoring

Likelihood		Chances of occurring	
1. Rare	Unlikely to occur under normal circumstances	0-10%	Very unlikely this will ever happen *e.g. Once in 100 years*
2. Unlikely	Potential to occur however likelihood remains low	10-25%	Not expected to happen, but is possible *e.g. Once in 25 years*
3. Possible	Possible – Could occur	25- 50%	May happen occasionally *e.g. Once in 10 years*
4. Likely	Likely – Most likely will occur	50-80%	Will probably happen, but not a persistent issue *e.g. Once in 3 years. Has happened in the past.*
5. Almost Certain	Almost certainly will occur	80-100%	Will undoubtedly happen, possibly frequently *e.g. Annually or more frequently. Imminent/near miss.*

Likelihood

How possible is it that the risk will occur?

Impact

If the risk does occur, what is the impact?
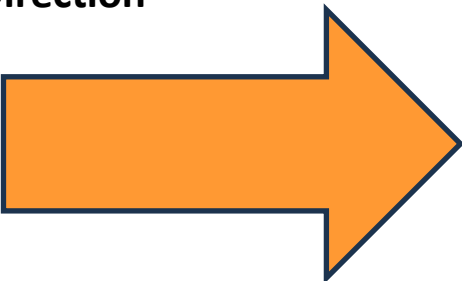
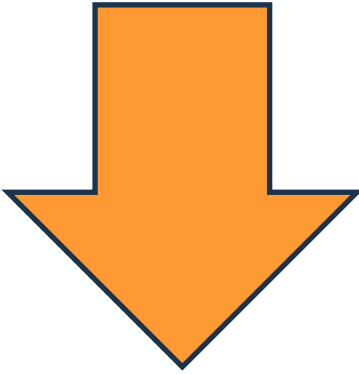|	Impact Category					
	Financial	**Service Quality**	**Reputation**	**Legal/Regulatory**	**Health and Safety**	**Morale/Staffing**
1. Insignificant Impact	Financial loss of less than £10k	Drop in performance or delays to a process or temporary loss of an access route to a service	Limited local interest, single story	Not reportable to regulator/ Ombudsman, simple fix	Minor first aid required	Isolated staff dissatisfaction
2. Minor Risk	Financial loss of between £10k & £100k	Drop in performance or delays to a service area or sustained loss of access routes for services	Local or 'industry' interest, single story over multiple news outlets	Reportable to regulator/ Ombudsman, no or little follow up needed	Minor injuries to employees or third parties	Pockets of staff morale problems and increased turnover
3. Moderate Risk	Financial loss of between £100k & £500k	Drop in performance or delays to a service area or sustained loss of access routes for services	Short-term negative media exposure	Regulator/Ombudsman report with immediate correction to be implemented, or risk of prosecution	Simple 'medical professional' type care for employees or third parties, e.g. GP visit, minor injuries unit visit	General staff morale problems and increased turnover
4. Major Risk	Financial loss of between £500k & £1M	Major drop in performance or inability to deliver discretionary services	Sustained negative media coverage or 'affected industry' publication explosure	Regulator/Ombudsman report requiring major project to correct or prosecution with fines, etc.	Limited hospital care required for employees or third parties	Widespread morale problems and high turnover. Not perceived as employer of choice
5. Catastrophic	Financial loss of over £1M	Major drop in performance or inability to deliver mandatory services	Long-term negative media coverage, or national media exposure	Significant prosecution or fines, incarceration of directors	Significant injuries or fatalities to employees or third parties	Some senior leaders leave / high turnover of experienced staff, insufficient staff to complete statutory functions

To calculate the overall risk score, we multiply the likelihood by the highest impact category score.

Our Risk Management Treatment

Impact

	1 Rare	**2** Unlikely	**3** Possible	**4** Likely	**5** Almost Certain
5 Catastrophic					*Must be managed down urgently*
4 Major				*Seek to influence short to medium term reduction*	
3 Moderate			*Monitor & Manage to influence a reduction*		
2 Minor		*Accept continue to monitor*			
1 Insignificant	*Close as a Strategic Risk*				

Likelihood

Must be managed down urgently
These risks will be the subject to regular monitoring and action by Lead Members and the Senior Leadership Team. Significant Management action is required.

Influence down in medium-term
These will be regularly monitored by the relevant Director and Assistant Director with plans developed to reduce the risk in the medium-term.

Monitor and manage
These will be monitored by Assistant Directors and plans developed to reduce the risk and prevent escalation.

Accept
These will be monitored however on the whole the risk level is deemed acceptable with normal managing of the activity.

Adherence to Medium Term Financial Strategy	Overall Scoring

What is the risk?

Failure to sustain a robust on-going medium term financial strategy with adequate reserves to meet unforeseen circumstances. This may be due to increased cost pressures and / or reduced income; council decisions; changes in Government policy with regard to business rates or additional requirements on service provision without funding to support.

Failure to meet savings plans or deliver increased income as detailed within the medium term financial strategy

Risk Score (Current)

12

What could cause the risk to occur?

Reduction in Government grant, increasing demand for services and other cost pressures and increased risks associated with business rate and council tax collection.

Additionally, income from commercial activities may not materialise or may be reduced, e.g. a reduction in sales fees and charges income. The amount of income received can be adversely affected by a fall in collection rates due to economic downturn and other factors such as the bankruptcy/liquidation of large ratepayers or any sizeable rateable value reductions achieved by business rated properties in the area.

Risk Score History

Risk Scoring

Likelihood of risk occurring		3 (Possible)
Impact	Financial	4 (Major)
	Service Quality	4 (Major)
	Reputation	4 (Major)
	Legal/Regulatory	4 (Major)
	Health and Safety	1 (Insignificant)
	Morale/Staffing	2 (Minor)

What are we doing to reduce the risk?

1. Robust horizon scanning to monitor changes in Government policy. CLT awareness of the risks, cautious approach to budgeting and robust systems of financial control.

2. CLT actively participate in Government consultations, MP discussions and keep aware of changes ensuring where appropriate the learning from this is incorporated into strategic plans.

3. CLT and Members engaged in the development of the MTFS to ensure robust appraisal of any plans put forward.

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Current Update

The Council has approved its Medium Term Financial Strategy for the period covering 2024/25 to 2028/29. The budget presents a balanced budget for a three-year period to 2026/27 achieved with the use of reserves.

The budget takes a prudent view of income and expenditure given the continued uncertainty about the level of local government funding for 2026/27 and beyond. Aligned to the MTFS, the Councils Capital, Treasury and Asset Strategies all support the medium term planning.

The Council's accounts for 2022/23 have been audited and given an unqualified opinion.

As at 31 March 2023, the Council has £15.666 million in General and Earmarked Reserves.

The budget planning process for 2025/26 will begin shortly and continued focus will be on ensuring that the use of reserves is sustainable along with identifying alternative options that can be implemented if funding reform has a detrimental impact on the Council's funding.

Risk Direction

Business Continuity

Overall Scoring

What is the risk?	The risk is that we do not develop and keep maintained robust processes to ensure business continuity in the event of a signific ant event occurring, e.g. Failure to ensure the continuous availability of critical IT systems leading to inability to deliver key council services. Increased risk of successful cyber attacks on main Council systems or on partner organisations **Identified Risks within BCP's:** Risk to internal (on premise) IT Systems ,Flooding Risks , Pandemics, COMAH Site, Inclement weather **New risks identified working with CCU:** Electricity Supply disruption - Fuel Pipeline incursion - Industrial Action - Concurrent Incidents - Railway incident - Light Air Craft incident

Risk Score (Current)

15

What could cause the risk to occur?	Developing and maintaining robust Business Continuity Plans requires significant and sustained focus. Following Covid 19, the Councils risk profile has changed as we have relied much heavier on working in different ways (for example more staff working from home the majority of time) and with significant pressures being placed on some of our key delivery partners/ contractors. Work is required to update our BCP 's to the changing environment that we are operating in. Increased and targeted cyber threats, changing weather patterns and ongoing political, social and economic unrest increase the risk of a business continuity event triggering. Multiple or concurrent incidents may overwhelm the ability to respond to incidents through to recovery without intervention from senior management directing staff away from current day roles , Lack of training for those who are responders in the event of an incident/multiple concurrent incidents occurring at all levels

Risk Score History

15

Risk Scoring

Likelihood of risk occurring		3 (Possible)
Impact	**Financial**	5 (Catastrophic)
	Service Quality	5 (Catastrophic)
	Reputation	4 (Major)
	Legal/Regulatory	2 (Minor)
	Health and Safety	3 (Moderate)
	Morale/Staffing	3 (Moderate)

What are we doing to reduce the risk?

1. Migration to off premise back up of key digital applications and continued move to cloud hosted solutions

2. Agile working further reduces reliance on office buildings.

3. Locality workers can be despatched more easily to ensure resident and business engagement can be maintained during any incident.

4. Business Continuity plans have been updated and are regularly tested with key partner organisation support

Current Update	Continued membership of the Local Resilience Forum . Exercise and Training Hub to provide appropriate training to all roles , BCPS for all services to be reviewed24/25 Maintaining a modern and stable IT estate, applying both functional and security updates on a regular basis, and regularly testing the cloud backup and restore processes. Continued migration of IT applications to being hosted in the cloud. Provision of a cloud disaster recovery service by April 2025 to temporarily host the remaining on-premise systems in the cloud in the event of a complete network outage. Refinement and testing of a Cyber Incident Response Plan, including associated playbooks containing scenarios that simulate an actual attack. Progress has also been made in updating our Business Continuity and recovery plan for our IT service.

Risk Direction

Delivery of Waste and Recycling Service

Overall Scoring

What is the risk?	a) To deliver the services to the specified standard and within agreed contractual values.

What is the risk?

a) To deliver the services to the specified standard and within agreed contractual values.
b) The maintenance of green waste collection revenue
c) The timescale of forthcoming legislative changes not aligning with the necessary timescales to integrate into service design for post-March 2025
d) Changes to funding landscape for waste and recycling services (e.g. EPR, DRS and new burdens)
e) Lack of market interest in contracts for waste collection, and materials processing post-March 2025
g) Further reduction in recycling credits (dry) placing additional pressures on service budget
h) Loss of disposal points and/or fleet
i) Failure to achieve recycling rate target
j) Service assessed as 'ineffective' and/or 'inefficient' under EPR

Risk Score (Current)

15

What could cause the risk to occur?

a) Inadequate resourcing; digital systems; fuel shortages; material market; inaccurate bid; poor contract /service/budget management; inflation
b) Cost of living pressures; poor service standards; inaccessibility of sign-up process; government mandate free of charge collections
c) Lack of government clarity; delays to the outcomes; procurement timeframes for new collection and disposal services
d) Short, fixed timeframes for implementation will result in saturation of the markets for consultants, procurement, vehicles, waste containers etc.
e) Funding design; poor data and evidence use; new burdens limitations
f) Disposal points proximity an_{negotiate}d capacity; core material ambiguity; material quality, quantity and value; value of material collected; availability of depot/land
g) Dry credit agreement being , green credit agreement will result in value tracking contract cost only from 2024 until 2027 when the contract expires.
h) Emergency events; hazardous waste in kerbside bins; local incident obstructing access; lack of suitable contingency provision
i) Not implementing minimum standards; failure to deliver an effective and efficient service; social demographics; communication/participation rates fall
j) Service is deemed to be underperforming and placed on an improvement plan

Risk Score History

20

Risk Scoring

Likelihood of risk occurring		3 (Possible)
	Financial	5 (Catastrophic)
	Service Quality	5 (Catastrophic)
	Reputation	5 (Catastrophic)
Impact	Legal/Regulatory	4 (Major Risk)
	Health and Safety	4(Major Risk)
	Morale/Staffing	4 (Major Risk)

What are we doing to reduce the risk?

1. Continued engagement with the existing contractor to ensure performance is maintained
2. Developing a comprehensive communication plan to better engage with residents
3. Developed risk assessment and business continuity plans for the delivery of services
4. Reviewing contract management practices including audit schedules; contract manual development; and developing how data and evidence is used as contractual intelligence
5. Improved budget monitoring practices to keep a 'real time' record of projected end of year, and current spend against target
6. Soft market testing process for post-March 2026 service to glean market interest
7. Charges for replacement/additional bins; bins for new developments; review charges for garden waste collections price increase to £45.50 from May 24; review of services we could charge/make savings from

Current Update

Regular contract meetings are held to manage the arrangement and issues escalated to the Corporate Leadership Team where required.
Introduced increased charges for bulky waste collections to realign charge with our increased costs over the last decade. Increased charges for CGW implemented from May 2024. Charges for bins for developers and resident damage approved, and to be embedded into service delivery.
Data led resourcing plan for customer services during green waste sign up period; improved digital service offer for online sign ups, communications and operational delivery plan based on data, intelligence and lessons learned from previous years.
Maintenance of membership of key groups including LARAC and NAWDO for regular updates; attendance of DEFRA workshops and webinars for updates; contributing to design and development of new systems and processes including through providing data and intelligence to government bodies
Recycling credits a fixed item on SWOG agenda, and discussed at a partnership level, and Board level at Staffordshire Sustainability Board. Dry credit proposal developed by

Risk Direction

Cost of Living Pressures	Overall Scoring

What is the risk?	The risk is that the significant increase in the cost- of- living results in many more residents requiring urgent support to meet their basic needs and to keep on top of their essential bills. The increase in residents requiring support will put pressure on Council services particularly Housing, Revenues and Benefits as well as for some of our key partners such as Citizens Advice. Additionally, as residents have less disposable income, we are likely to see an impact on discretionary spend services and businesses across the district. We could also see a rise in homelessness applications due to residents getting into debt and being unable to pay their rent or mortgage and landlords not being able to meet mortgage payments are increasing rents significantly.

Risk Score (Current)

15

What could cause the risk to occur?	There has been a marked increase in the cost of living, largely driven by an increase in energy bills. Inflation has hit a 40 year high in recent months and interest rates are continuing to rise. This will lead to a reduction in the living standards of many residents within the District. Rents and mortgages are increasing along with other household bills, food and fuel. Although wages for some have increased this has not matched the rate of inflation. For those in receipt of benefits their income has increased significantly less in comparison including Local Housing Allowance Rates compared with rental charges.

Risk Score History

15

Risk Scoring				**What are we doing to reduce the risk?**
	Likelihood of risk occurring		**5 (Almost Certain)**	1. We have taken steps to quickly progress payments through the government Council Tax energy rebate scheme and launched a discretionary scheme for those households not eligible for the main scheme 2. Invested in the Welfare Team to ensure applications for support including housing are dealt with within expected timescales 3. Established emergency funding 'Community is the Best Medicine' to support groups to set up warm spaces or other suitable community support. 4. Cost of Living Checklist which is reviewed monthly by CLT and Cabinet and has reflected in the 2023/24 MTFS
	Impact	**Financial**	3 (Moderate)	
		Service Quality	3 (Moderate)	
		Reputation	3 (Moderate)	
		Legal/Regulatory	3 (Moderate)	
		Health and Safety	2 (Minor)	
		Morale/Staffing	3 (Moderate)	

Current Update	Additional grant funding received through the homelessness prevention grant to be used to lease additional temporary supported accommodation. Staff vacancies now filled. 23/24 - Processed 1,570 new benefit claims in average of 20 days Creating Brighter Futures scheme – supporting people to become financially resilient, moving closer to work, into work and training/qualifications for those in low paid and unskilled jobs. At end of Q4 we have 130 people receiving support of which 77 are economically inactive and 8 people have moved into work. Community is the Best Medicine – with the launch of the combined on-line application form we are starting to see more applications for community support.

Risk Direction

Workforce

Overall Scoring

What is the risk?	The risk is that the Council fails to recruit or retain appropriately skilled, experienced and trained staff to deliver our services. Which in turn could result in us being unable to fulfil statutory responsibilities and/or provide services of an appropriate quality standard to our residents, communities and businesses.
What could cause the risk to occur?	• Wider economic pressures, cost of living will encourage staff to look for alternative employment • Skills shortages drive up market pay • Failing to have the right culture , values and working environment will make it less likely that we are considered to be an employer of choice • Inadequate workforce and staff training

Risk Score (Current)

12

Risk Scoring

Likelihood of risk occurring	3 (Possible)
Financial	2 (Minor)
Service Quality	4 (Moderate)
Reputation	3 (Moderate)
Legal/Regulatory	3 (Moderate)
Health and Safety	3 (Moderate)
Morale/Staffing	4 (Moderate)

What are we doing to reduce the risk?

The Councils Workforce Strategy includes a range of targeted interventions to prevent and mitigate against this risk including:

I. Market pay benchmarking/reviews
II. Vivup employee benefits scheme
III. Range of actions to support inclusive positive leadership culture, flexible ways of working and excellent staff wellbeing support.
I. New recruitment landing site and enhanced marketing of our employer of choice brand
II. RPP and regular ELT reviews which identify appropriate investment and deployment of resources across services.
III. New Talent Attraction and Retention policy approved in March 2024

Risk Score History

12

Current Update

- 2023/2024 vacancy, internal promotion are strong. Retention rate was 88%.
- Our 2023/2024 staff engagement survey confirmed that 96.5% of staff recommend us as a place to work with many commenting that we are a fair, flexible and supportive employer.
- We will be carrying out promotional work on our new Talent Attraction and Retention Policy.

Risk Direction

Stable

Housing, Infrastructure and Growth

		Overall Scoring

What is the risk?	Lack of an up to date Local Plan in place could lead to unplanned ad hoc developments being consented across the district that are not in the appropriate locations, and delivered without a strategic overarching review of what additional infrastructure may be needed (both financial developer contributions as well as delivery of new facilities), therefore burdening existing infrastructure further.

Risk Score (Current)

12

What could cause the risk to occur?	The recent government proposals to change the NPPF and the planning system have created a great deal of uncertainty around what our Local Plan should deliver. In the light of this uncertainty, Members may fail to reach agreement on the Local Plan. Without an up to date plan in place quickly, the Council may soon fail to demonstrate a 5 year housing land supply (5YHLS), which will lead to the 'presumption in favour of sustainable development' being engaged, and then lead to an increase in applications for housing on non Green belt sites. The increase in planning applications in the absence of a 5YHLS will also be compounded by the delay to Biodiversity Net Gain recently announced, and landowners desire to gain consent and avoid needing to deliver such requirements.

Risk Score History

Risk Scoring

Likelihood of risk occurring		3 (possible)
Impact	Financial	3 (moderate)
	Service Quality	4 (major)
	Reputation	4 (major)
	Legal/Regulatory	3 moderate)
	Health and Safety	1 (insignificant)
	Morale/Staffing	3 (moderate)

What are we doing to reduce the risk?

1. We have taken steps to quickly progress Member engagement on Planning, particularly the Local Plan, post elections. We aim to get a clear steer from Members in July, with a view to making our position public and restarting the Local Plan.
2. Invested in the Planning Team to ensure both the Local Plan can be prepared swifty and correctly, as well as fully staff Development Management to effective manage planning applications in a timely manner.
3. Support our non-statutory paid planning functions to ensure that pre-application advice can be given to prospective applications, to ensure infrastructure is given full consideration on a case-by-case basis. On larger sites, continue to work under paid Planning Performance Agreements (PPAs) to ensure sites can deliver necessary onsite infrastructure.
4. Maintain good relations with service and infrastructure providers to respond swiftly to ad hoc applications.

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Current Update	Members have now approved we consult on an updated Reg 19 (Publication Plan) and the consultation will run from 18.4.24 - 31.5.24. A variety opportunities for the public to engage in the consultation have been set during that time, both face to face and digitally. Following the consultation officers will then be working towards a submission to the Sec of State before the June 2025 deadline Parish Council Forum has been arranged for 13th May 24. The session will provide Parish Members and Clerks the opportunity to engage with us on the Local Plan, Development Management and Enforcement. WE are also continuing to engage with colleagues on DLUHC as we progress the LP.

Risk Direction

UK Shared Prosperity Fund	Overall Scoring

What is the risk?	Poor financial performance (underspend or overspend), Poor performance and failure to achieve expected outputs and outcomes, weak governance, reputational damage through poor financial performance, poor delivery and weak governance. Missed opportunities to make a difference to our communities, residents and businesses, internal capacity to deliver projects and programme management, potential for fraud from recipients of funding, correct procurement guidelines followed. No further funding available after March 25	**Risk Score (Current)**

What could cause the risk to occur?

- Weak governance
- Inadequate monitoring of financial performance
- Inadequate monitoring of delivery
- Lack of grant funding qualifying criteria and evaluation
- Lack of due diligence checks on grant recipients
- Poor comms and branding
- Failure to adhere to UKSPF & Council procurement guidelines
- Failure to engage with partners
- Failure to plan or having no continuity plans in place post march 25

Risk Scoring

Risk Score History

Likelihood of risk occurring		3 (moderate)
Impact	**Financial**	3 (moderate)
	Service Quality	3 (moderate)
	Reputation	3 (moderate)
	Legal/Regulatory	3 moderate)
	Health and Safety	1 (insignificant)
	Morale/Staffing	2 (minor)

What are we doing to reduce the risk?

- Agreed governance in place with regular monitoring at officer board, CLT, Cabinet, Overview & Scrutiny & to DLUHC.
- Programme Officer appointed on F/T contract
- Robust funding guidelines and evaluation process
- Grant funding evaluation panels in place with mixture of internal & external colleagues
- Robust due diligence of bids & funding agreements in place prior to receiving any funding
- Comms opportunities considered by project leads & officer's board.
- DLUHC branding requirements are a condition of grant funding
- Regular consultation & updates to South Staffordshire Partnership & some partners on evaluation panels.
- Internal reviews & working with partners to look at alternative funding should UKSPF cease in March 25.

Current Update

People & Skills (Creating Brighter Futures) – Overall performance is strong with some of the indicators for the end of the programme already achieved. For those RAG rated red they are being reviewed and action plans being put in place to address performance. Also looking at more quantitative measures to better demonstrate the difference the programme is bringing to our residents.

Supporting Local Business – All programmes have commenced take up has been broadly strong, although applications for individual business grants has been lower than expected. Looking at tweaks to eligibility to improve take up. 'Ascendent' software programme being used as a clear and auditable system of applying for, approving & distributing grants. High St/Village Centre appraisal is close to be finalised and will be presented to Members in near future.

Community & Place – Landywood Enterprise Park decarbonisation works now largely complete. Partnering with SCC to combine Warmer Homes funding & activity to broaden eligibility criteria, now live. Bulk of C & P is in y3 but working up and procuring projects including active travel and green space enhancements, and tourism activities.

Y1 & 2 allocation is circa £1.39m & provisional total spend at 31.3.24 is £960k (70%)

Rural England Prosperity Funding – Total grant = £489k & £225k allocated with continuing strong interest in applying

Risk Direction

Oflog Dashboard Report for South Staffordshire Council

This is a report which demonstrates the Oflog dashboard data using LG Inform, the Local Government Association's data benchmarking tool.

Household waste recycling rate

In 2022/23, the percentage of household waste sent for reuse, recycling and composting for South Staffordshire was 43.90%, which was below the South Staffordshire CIPFA nearest neighbours median percentage of 49.35%.

Percentage of household waste sent for reuse, recycling and composting (2022/23) for South Staffordshire CIPFA nearest neighbours
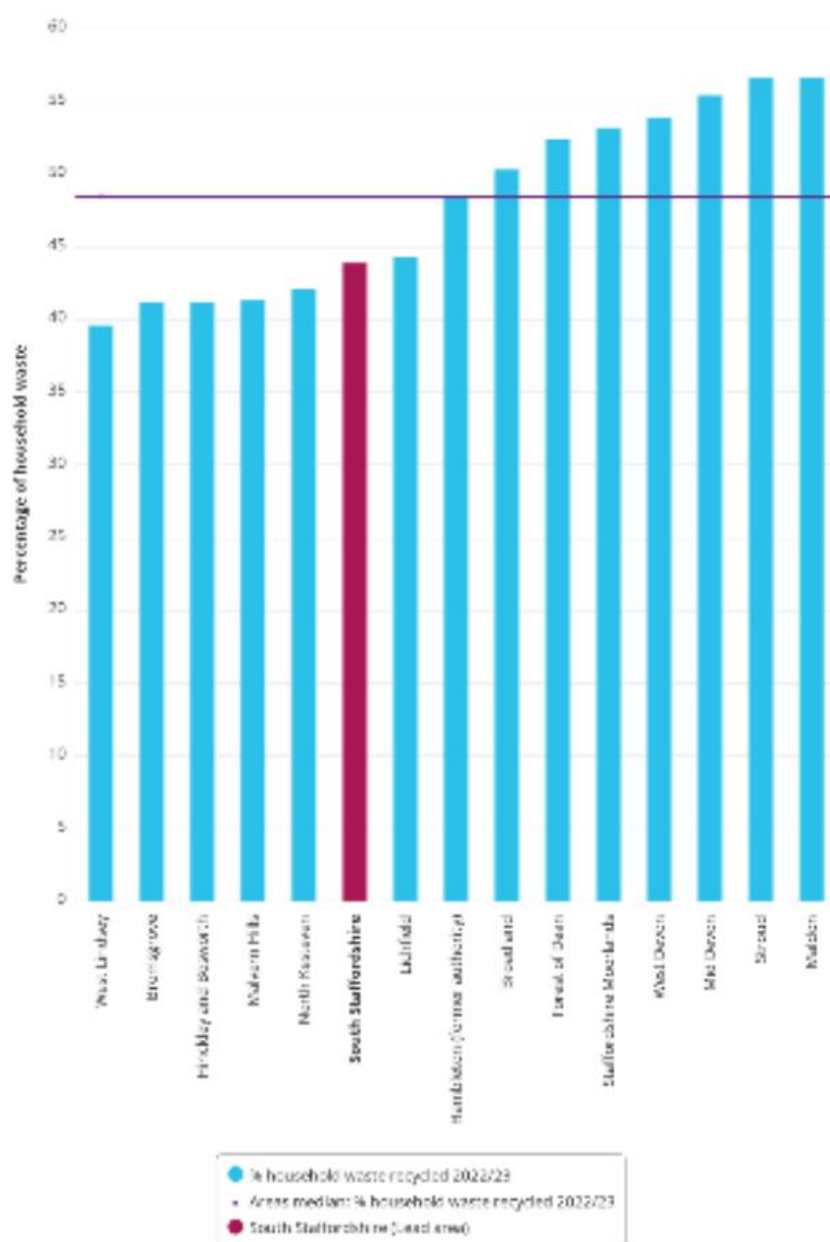
Source: DEFRA, Local authority collected waste management, Percentage of household waste sent for reuse, recycling and composting (annual) , **Data updated:** 20 Mar 2024

LG Inform

LGA Research
Local Government Association

Amount of residual household waste

In 2022/23, the amount of residual household waste collected per household for South Staffordshire was 468.60 kilograms, which was above the South Staffordshire CIPFA nearest neighbours median amount of 396.60 kilograms per household.

Residual household waste per household (annual) (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
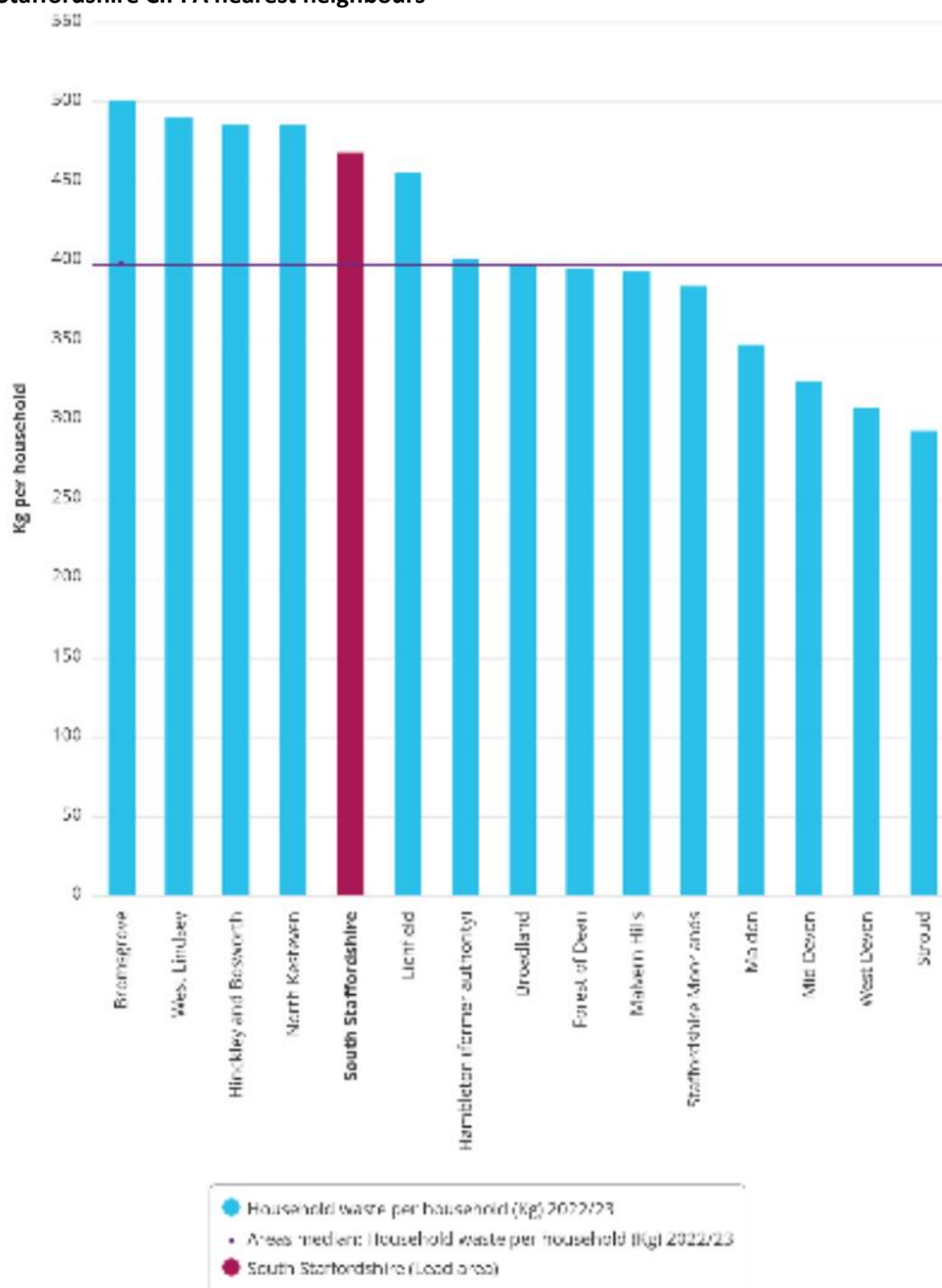

Source:Department for Environment, Food and Rural Affairs, Local authority collected waste management, Residual household waste per household (annual) , Data updated: 20 Mar 2024

Household recycling contamination rate

In 2022/23, the proportion of household waste contaminated/rejected for South Staffordshire was 1.50%, which was below the South Staffordshire CIPFA nearest neighbours median proportion of 5.26%.

Proportion of household waste contaminated/rejected (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
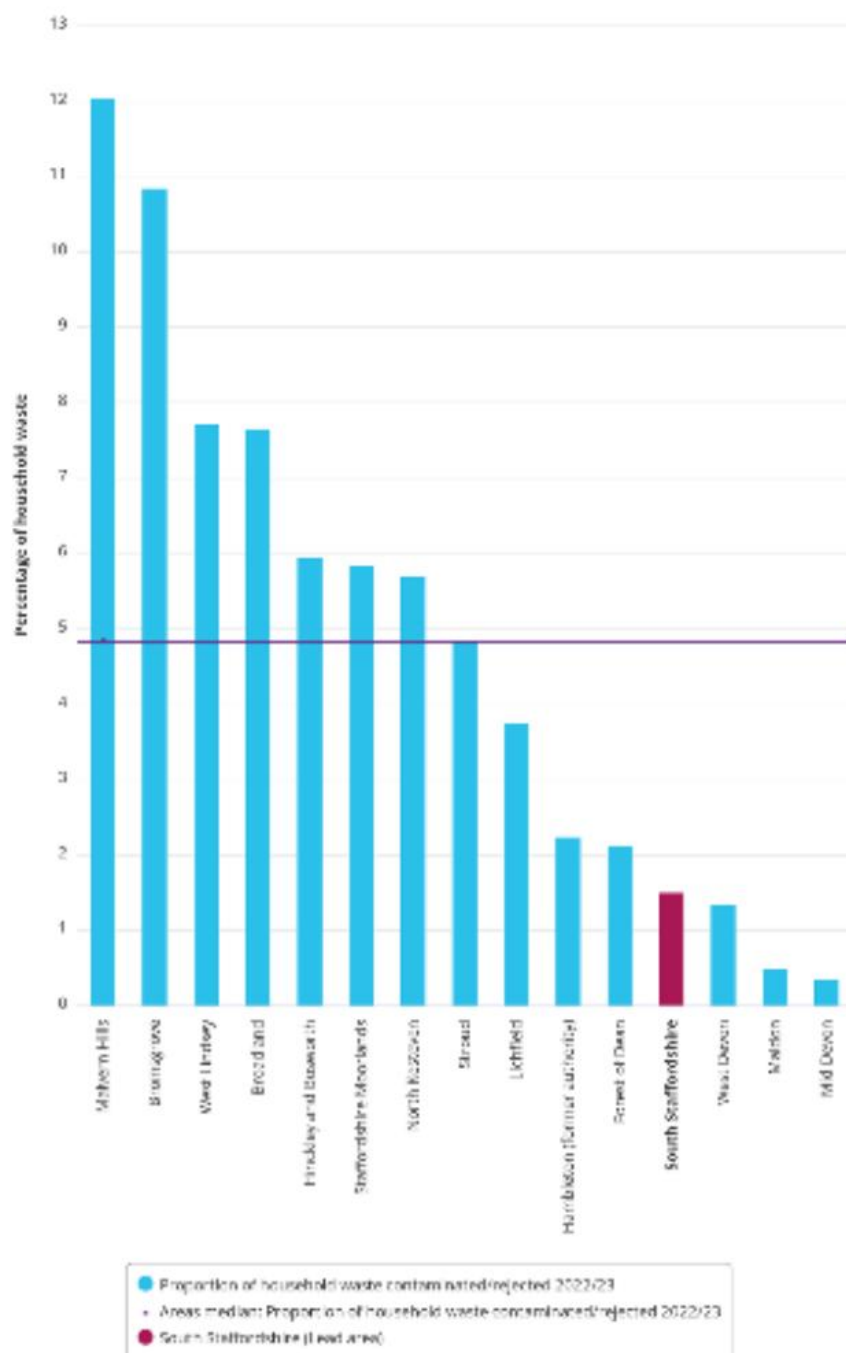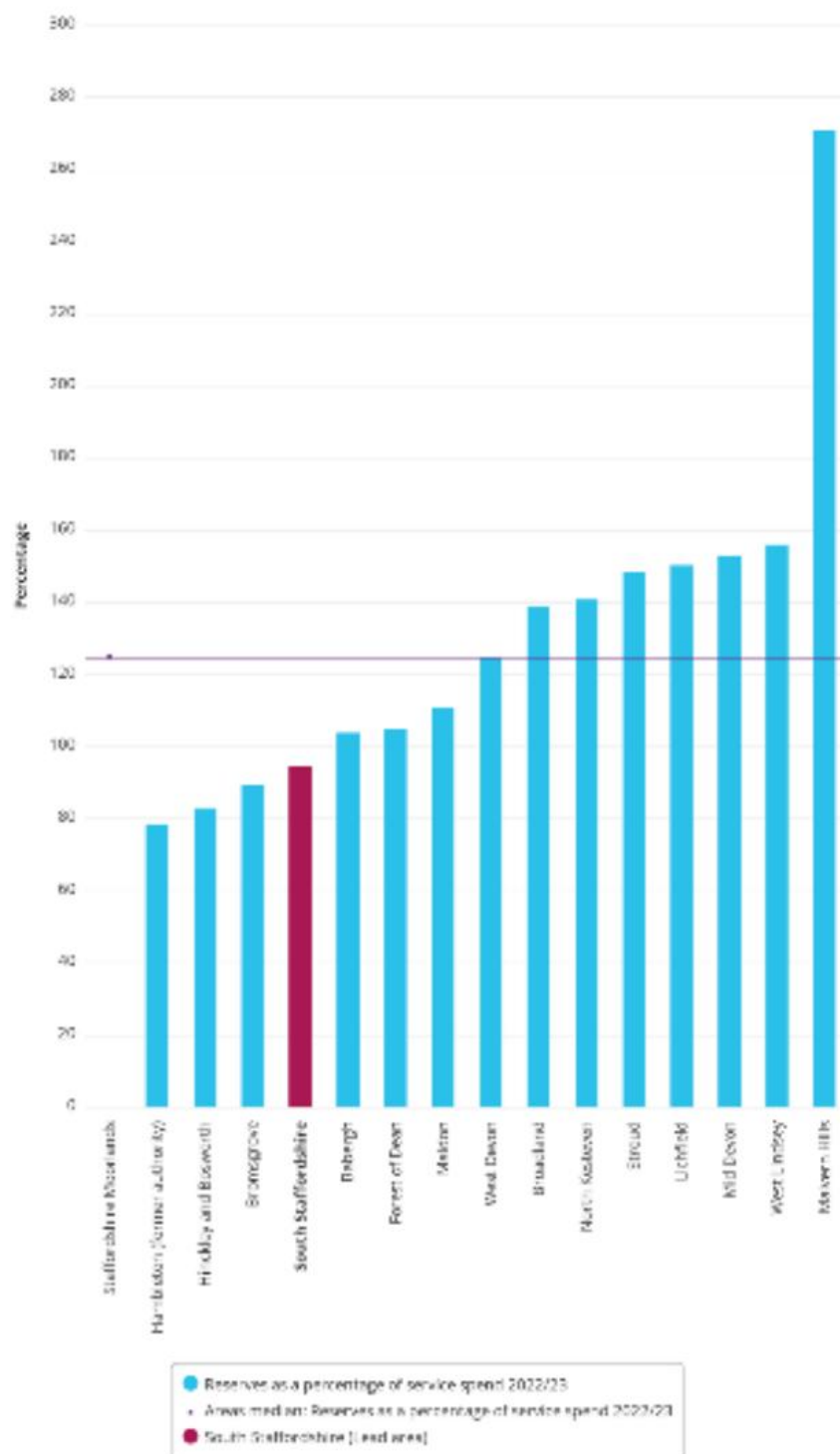

Source: Calculated by LG Inform, N/A, Proportion of household waste contaminated/rejected, **Data updated:** 07 Feb 2024

Finance Metrics

Reserves as a proportion of service expenditure

In 2022/23, the reserves as a proportion of 'service expenditure' for South Staffordshire was 94.7%, which was below the South Staffordshire CIPFA nearest neighbours median proportion of 131.9%.

Reserves as a percentage of service spend (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
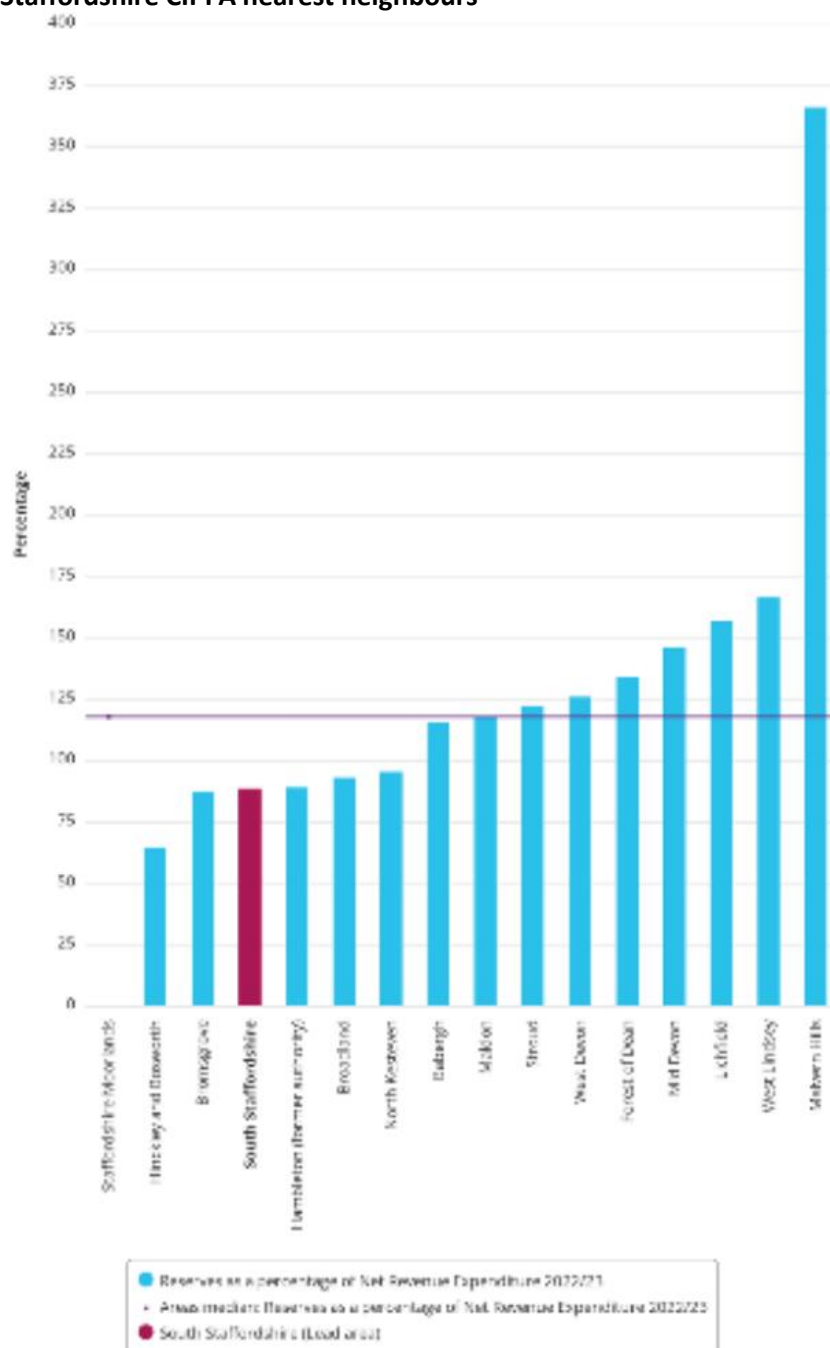

Source: Calculated by LG Inform, N/A

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Reserves as a proportion of net revenue expenditure

In 2022/23, the total reserves as a proportion of 'net revenue expenditure' for South Staffordshire was 88.8%, which was below the South Staffordshire CIPFA nearest neighbours median proportion of 120.2%.

Reserves as a percentage of Net Revenue Expenditure (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours


Source: Calculated by LG Inform, N/A, Reserves as a percentage of Net Revenue Expenditure , **Data updated:** 31 Jan 2024

Total core spending power per dwelling

In 2022/23, the total core spending power per dwelling for South Staffordshire was £178.03, which was below the South Staffordshire CIPFA nearest neighbours median of £252.34.

Total Core Spending Power Per Dwelling (Actual) (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
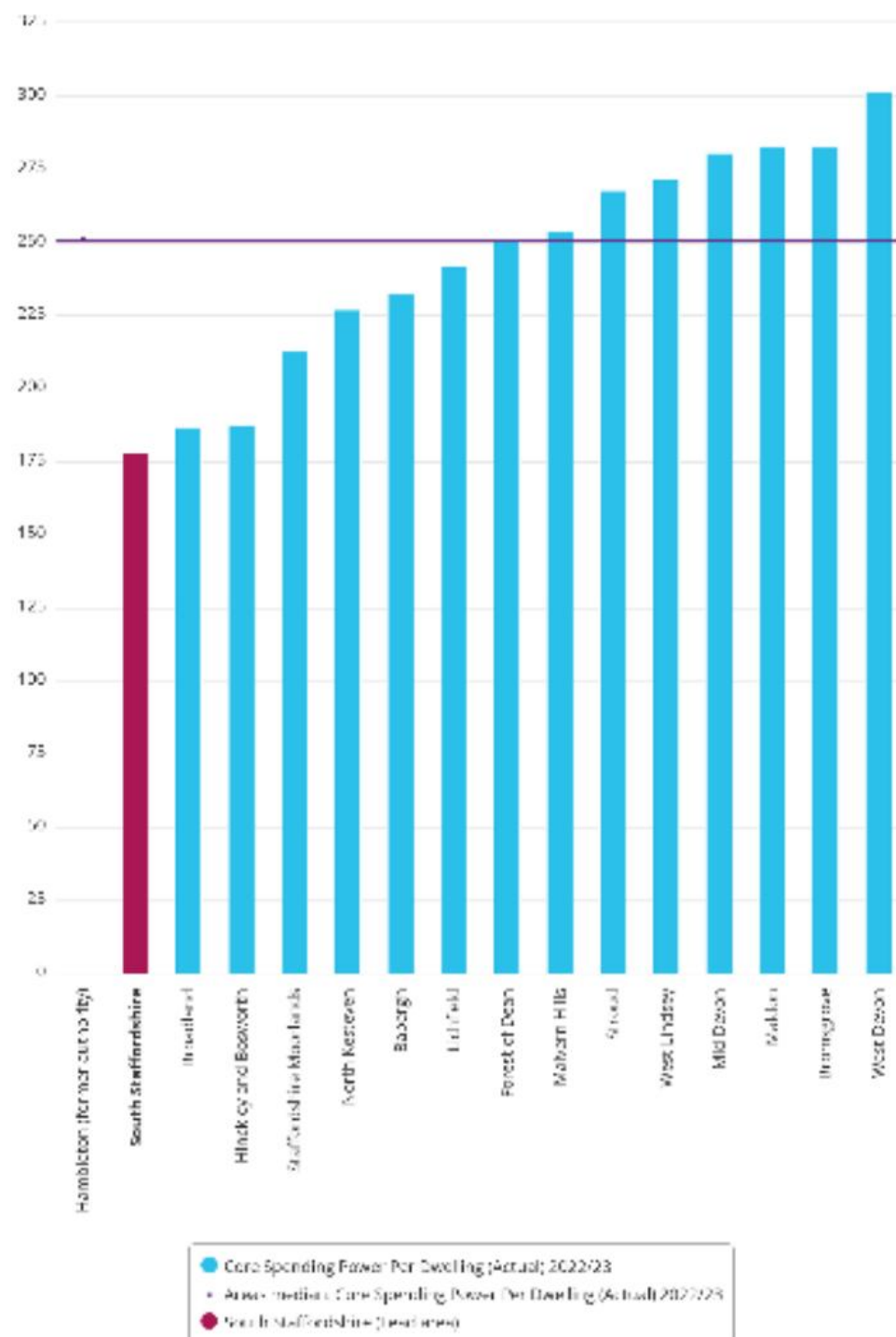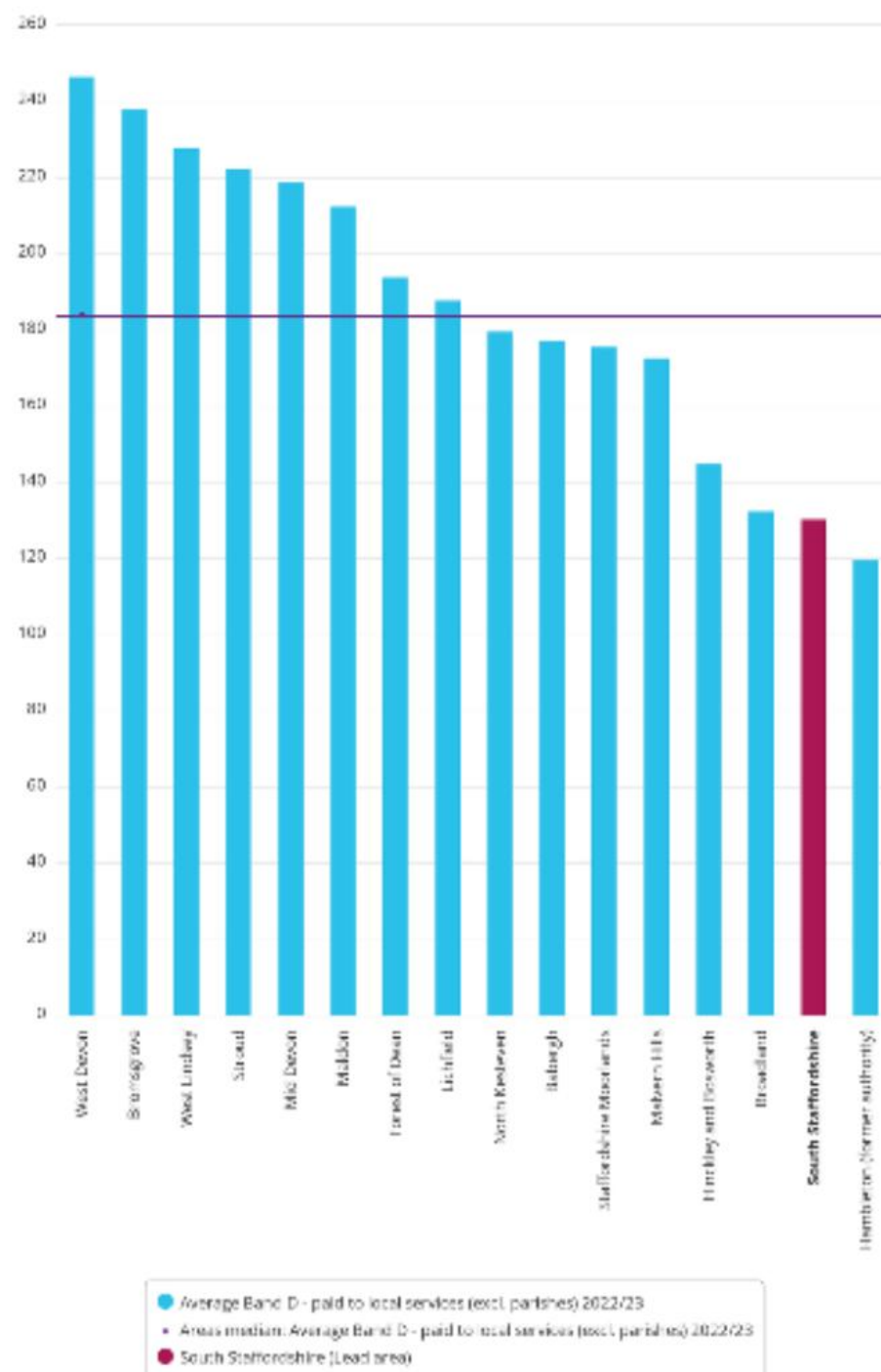

Source: Department for Levelling Up, Housing & Communities, Core spending power, Total Core Spending Power Per Dwelling (Actual) , **Data updated:** 14 Feb 2024

LG Inform

Level of Band D Council Tax rates

In 2022/23, the average council tax Band D bill for South Staffordshire was £130.34, which was below the South Staffordshire CIPFA nearest neighbours median bill of £187.85.

Council tax average Band D tax bill - amount paid to local services (excl. parishes) (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
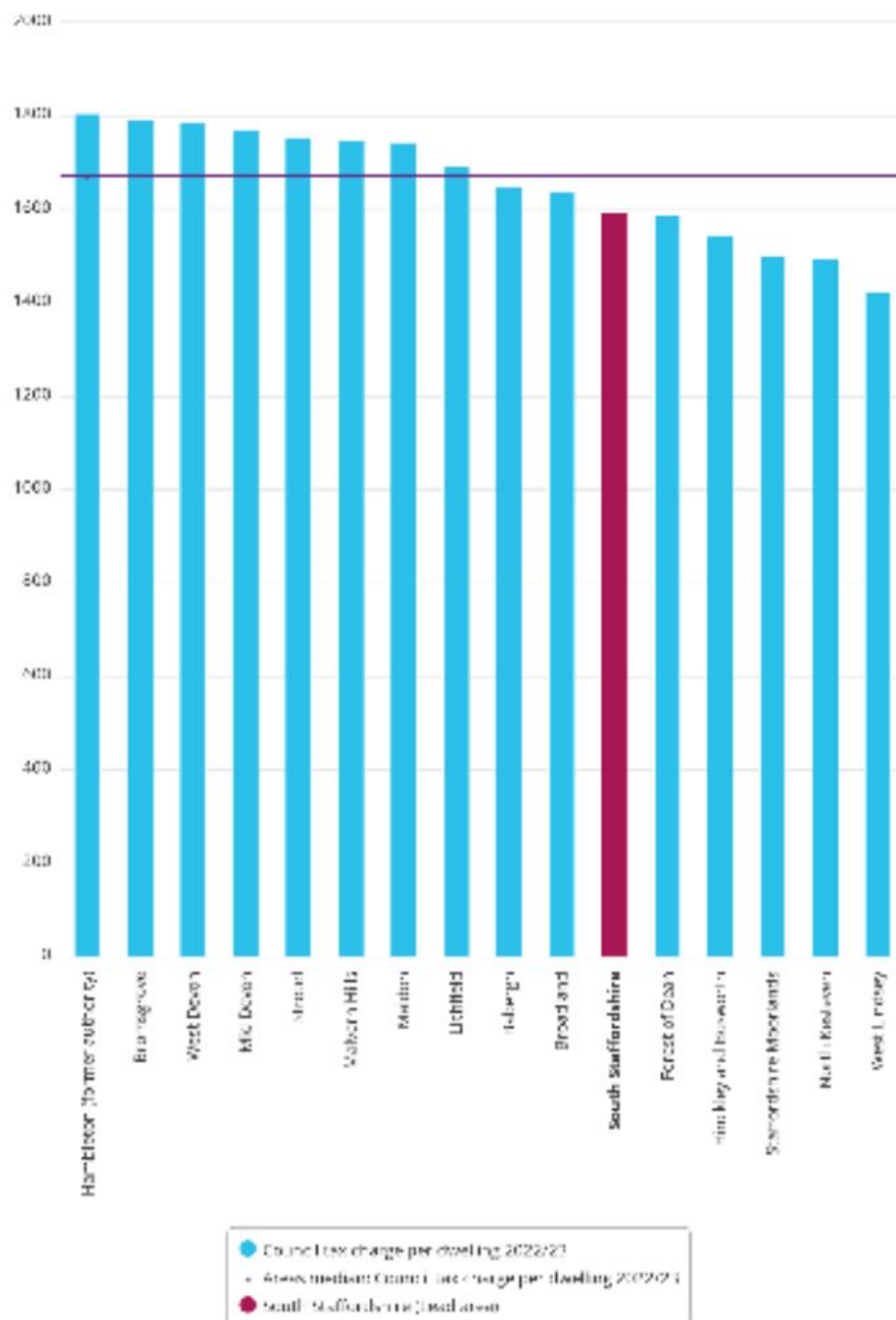

Source: Department for Levelling Up, Housing & Communities, Council Tax levels set by local authorities, Council tax average Band D tax bill - amount paid to local services (excl. parishes) , **Data updated:** 28 Mar 2024

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Council Tax revenue per dwelling

In 2022/23, the average council tax a resident pays, before local discounts and council tax support, for South Staffordshire was £1,592.72, which was below the South Staffordshire CIPFA nearest neighbours median of £1,692.34.

Council tax, average charge per chargeable dwelling (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours


Source: Department for Levelling Up, Housing & Communities, Council tax, Council tax, average charge per chargeable dwelling , **Data updated:** 28 Mar 2024

LG Inform

Debt servicing as percentage of core spending power

In 2022/23, the level of debt servicing as a percentage of Core Spending Power for South Staffordshire was 7.4%, which was below the South Staffordshire CIPFA nearest neighbours median of 8.4%.

Debt servicing as % of Core Spending Power (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
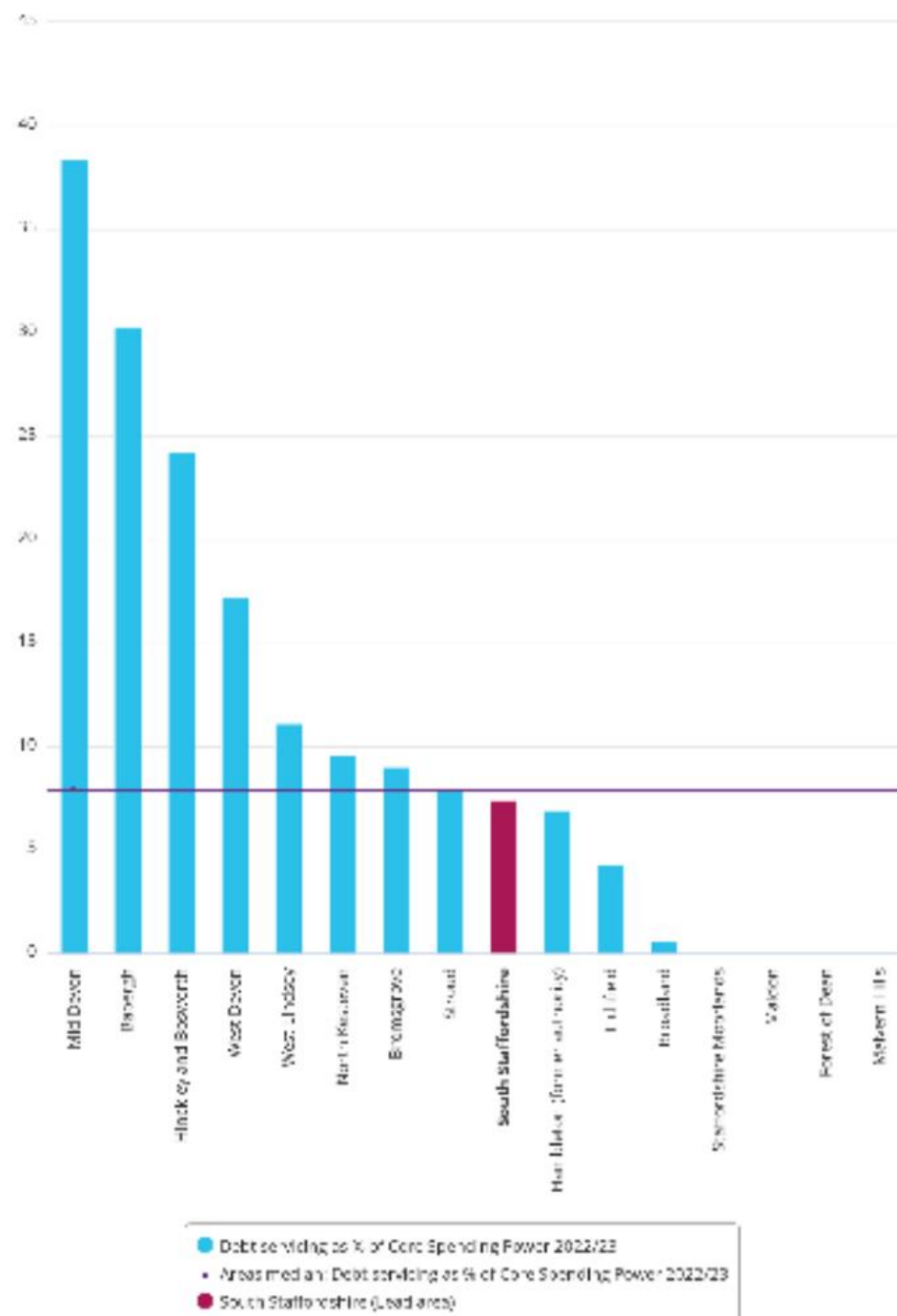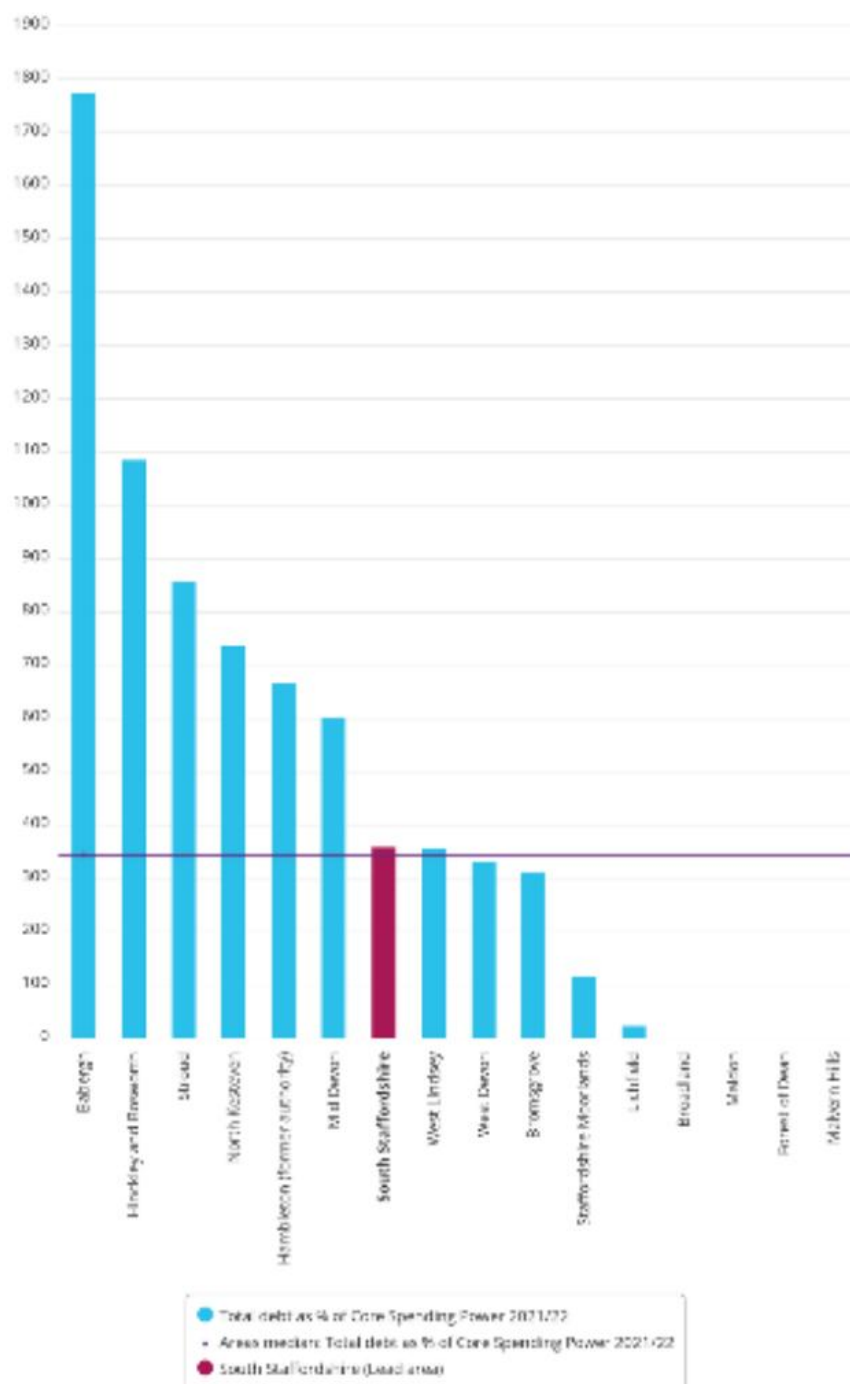

Source: Calculated by LG Inform, N/A, Debt servicing as % of Core Spending Power , **Data updated:** 14 Feb 2024

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Local Government Association

Total debt as percentage of core spending power

In 2021/22, the total debt as a percentage of Core Spending Power for South Staffordshire was 359.1%, which was below the South Staffordshire CIPFA nearest neighbours median percentage of 329.4%.

Total debt as % of Core Spending Power (2021/22) for South Staffordshire & South Staffordshire CIPFA nearest neighbours


Source: Calculated by LG Inform, N/A, Total debt as % of Core Spending Power , Data updated: 14 Feb 2024

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Local Government Association

Planning Metrics

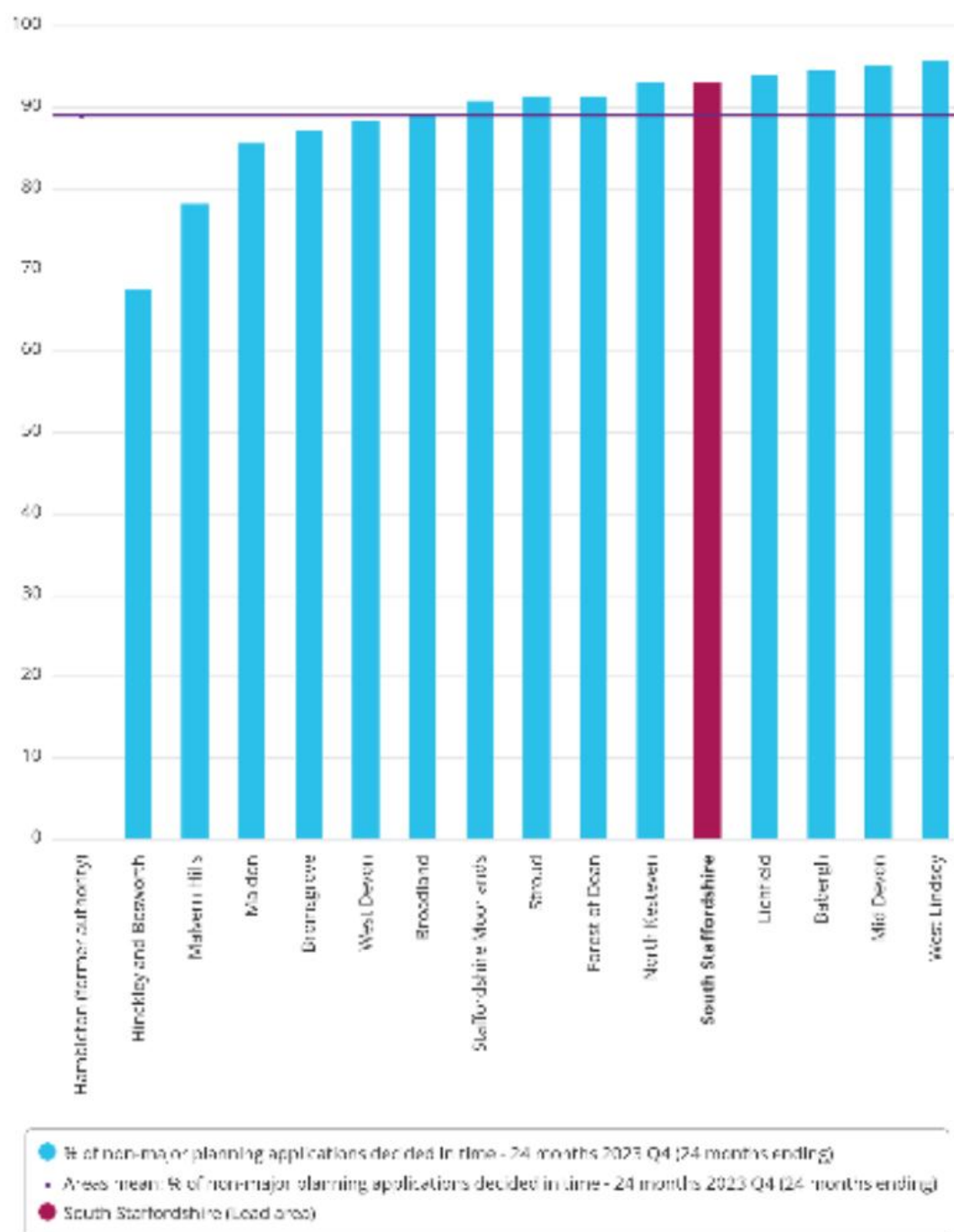**Major planning applications decided on time (district matters)**

Percentage of all major development planning applications decided within 13 weeks or agreed time - 24 months (2023 Q4 (24 months ending)) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
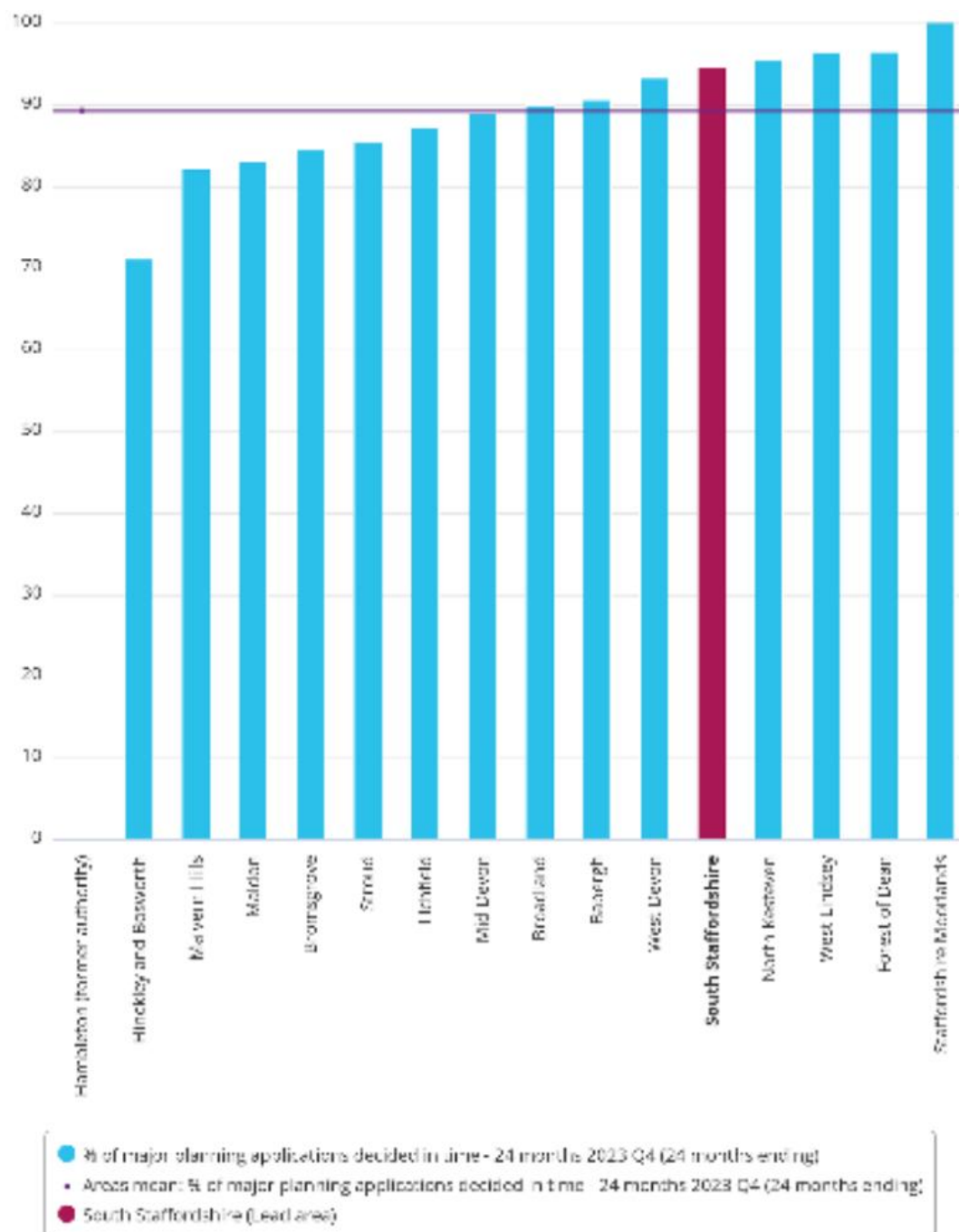
Source: Department for Levelling Up, Housing & Communities, Development Control statistics, Percentage of all major development planning applications decided within 13 weeks or agreed time - 24 months , **Data updated:** 12 Mar 2024

LG Inform

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Local Government Association

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Non-major development planning applications decided on time (district matters)

Percentage of all non-major development planning applications decided within 8 weeks or agreed time - 24 months (2023 Q4 (24 months ending)) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
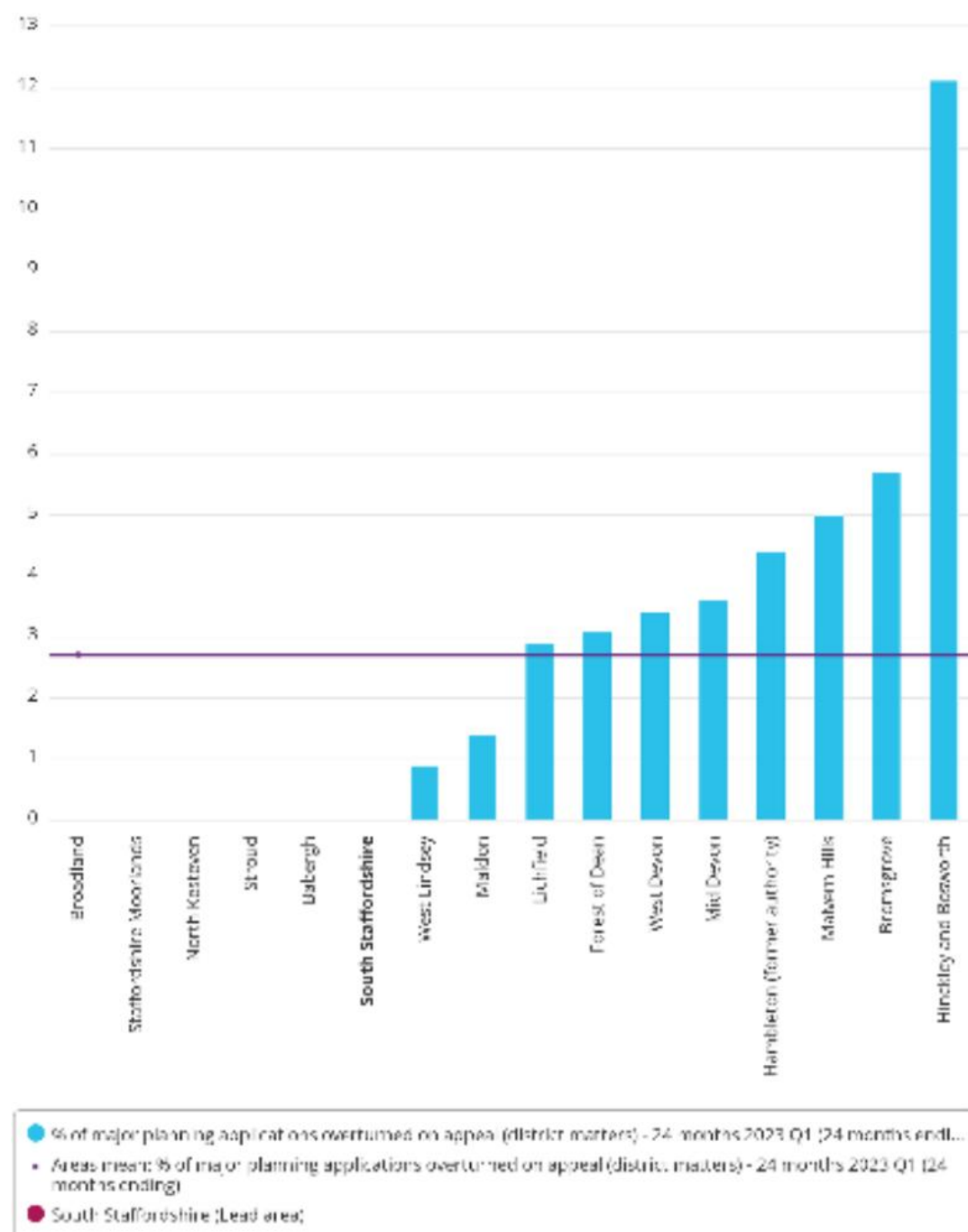

Source:
Department for Levelling Up, Housing & Communities, Development Control statistics, Percentage of all non-major development planning applications decided within 8 weeks or agreed time - 24 months , **Data updated:** 11 Mar 2024

Major planning applications overturned on appeal (district matters)

Percentage of major planning applications overturned on appeal (district matters) - 24 months (2023 Q1 (24 months ending)) for South Staffordshire & South Staffordshire CIPFA nearest neighbours

Source:
Department for Levelling Up, Housing & Communities, Planning Statistics - Quality of decisions, Percentage of major planning applications overturned on appeal (district matters) - 24 months , **Data updated:** 11 Mar 2024

LGA Research
Local Government Association

Non-major planning applications overturned on appeal (district matters)

Percentage of non-major planning applications overturned on appeal (district matters) - 24 months (2023 Q1 (24 months ending)) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
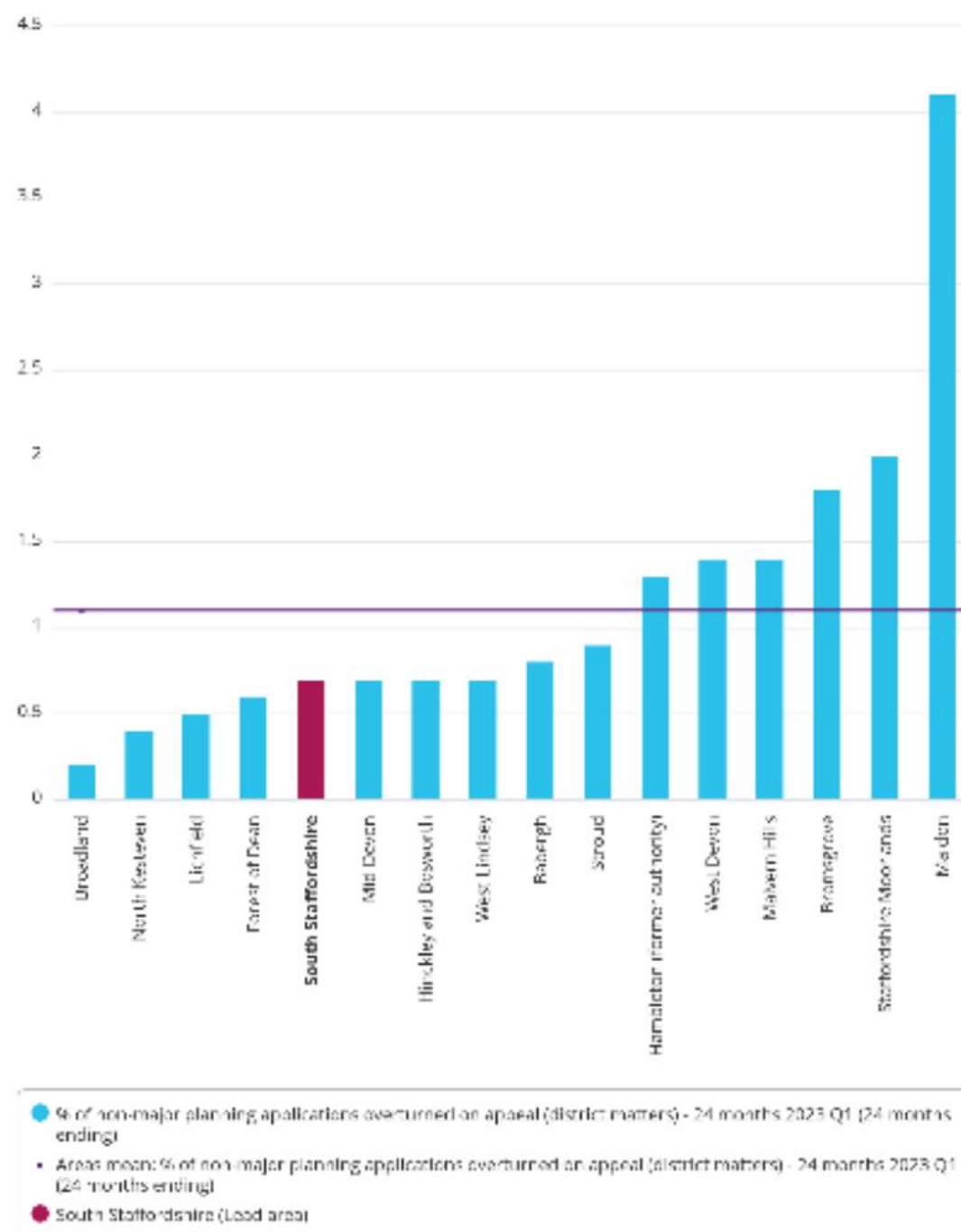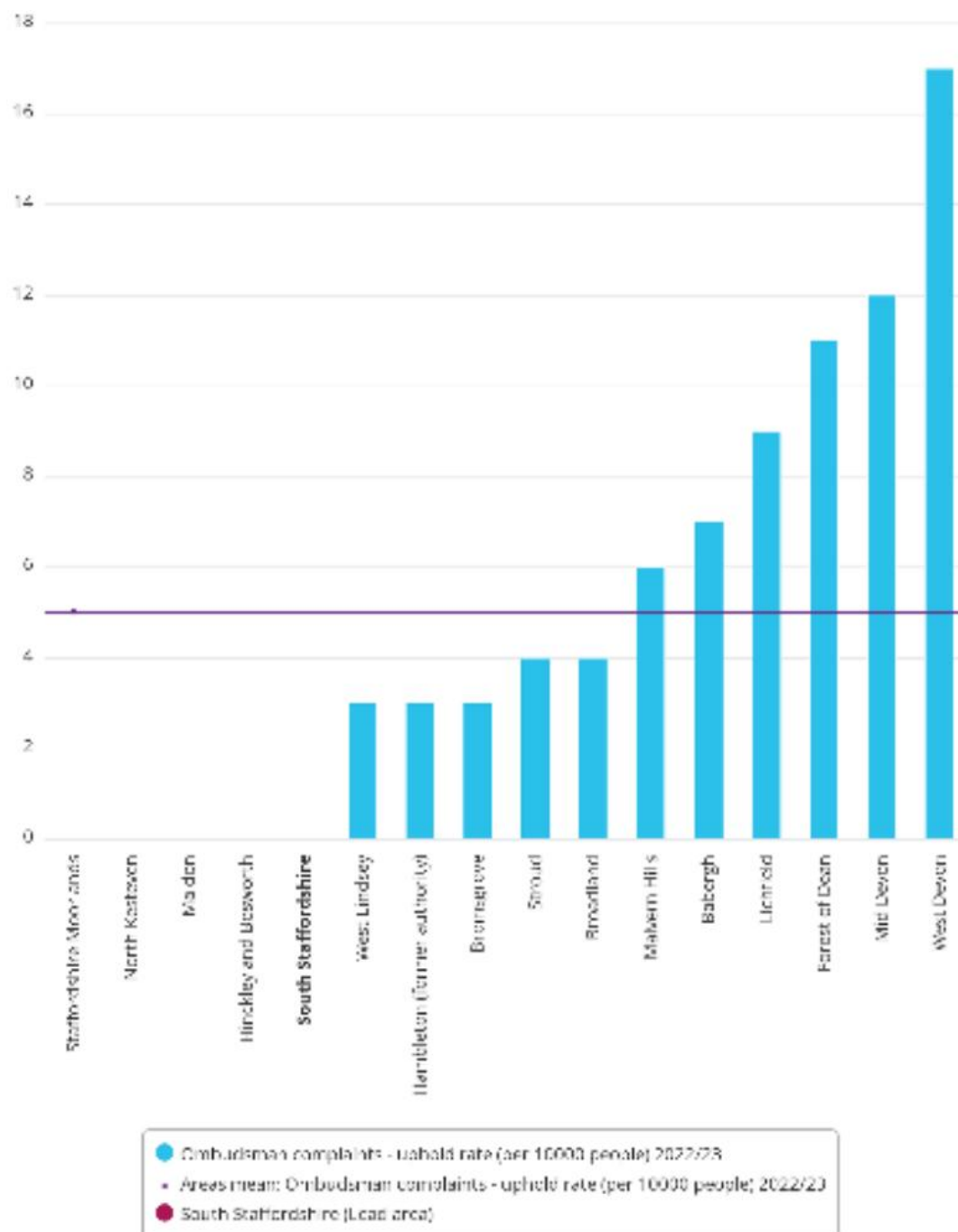

Source:
Department for Levelling Up, Housing & Communities, Planning Statistics - Quality of decisions,
Percentage of non-major planning applications overturned on appeal (district matters) - 24 months ,
Data updated: 11 Mar 2024

LG Inform

Corporate and Finance Metrics

Upheld Ombudsman complaints

Number of upheld Ombudsman complaints per 10,000 people (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours

Source:
Calculated by LG Inform, N/A, Ombudsman complaints - uphold rate (per 10000 people) , **Data updated:** 22 Mar 2024

Council tax collection rates

Council tax collection rate (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
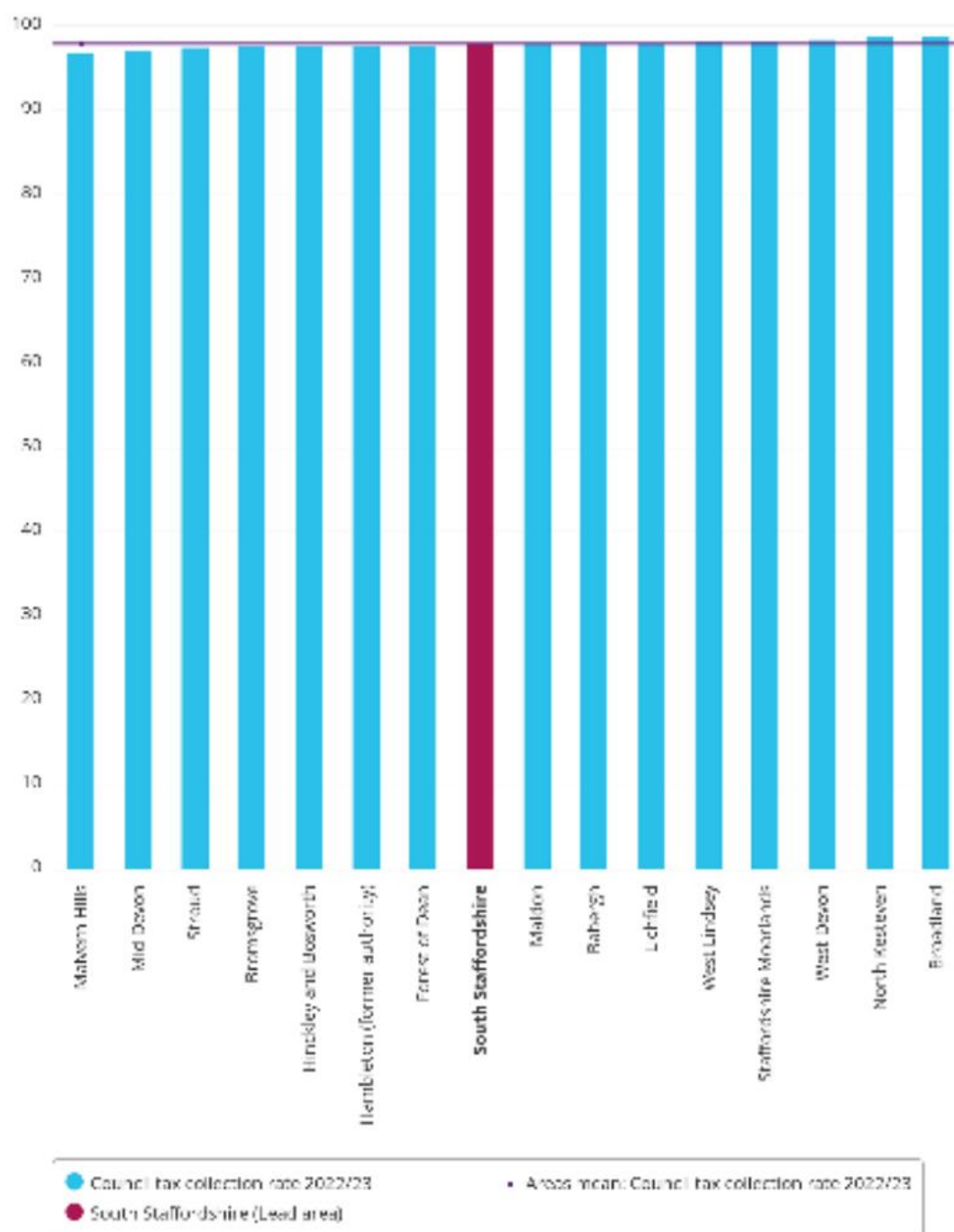
Source:
Department for Levelling Up, Housing & Communities, Council tax collection rates, Council tax collected as a percentage of council tax due , **Data updated:** 22 Jun 2023

LG Inform

LGA Research
Local Government Association

Non-domestic collection rates

Non-domestic collection rate (2022/23) for South Staffordshire & South Staffordshire CIPFA nearest neighbours
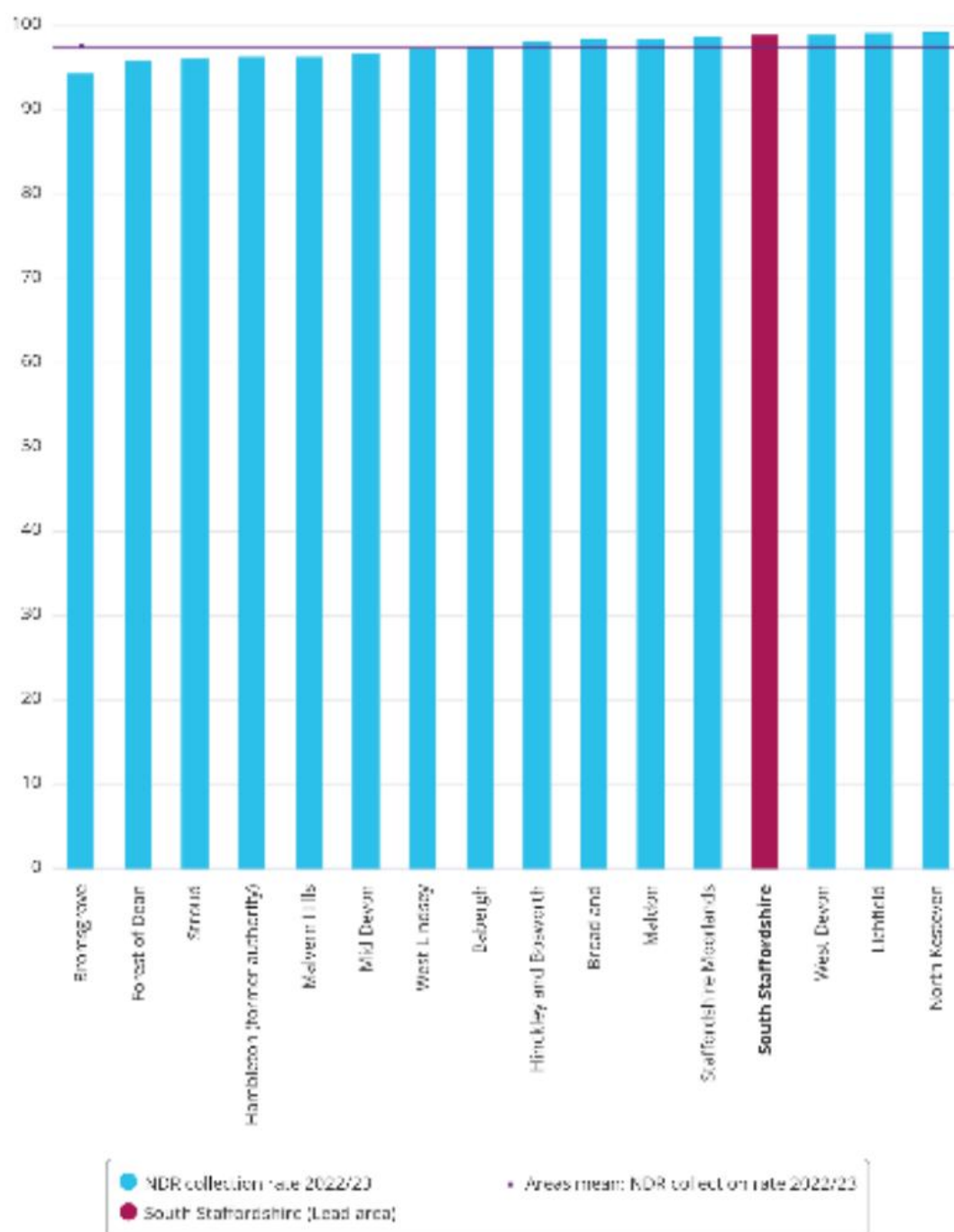
Source:

Department for Levelling Up, Housing & Communities, Council tax collection rates, Non-domestic rates collected as percentage non-domestic rates due , **Data updated:** 22 Jun 2023

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   This report explores options available to prevent car cruising on the A449, A460 and surrounding roads in South Staffordshire. (**See Appendix 1 for the SWOT analysis of enforcement options**).

1.2   This report recommends the preferred joint option of the Council and Staffordshire Police which is a Public Spaces Protection Order alongside Section 59 of the Police and Reform Act 2002.

1.3   This report seeks approval for the commencement of the preferred option including the collection of data from Staffordshire Police, the preparation of the documentation for the Public Spaces Protection Order and the installation of signage for the Section 59 enforcement.

2.   SUMMARY IMPACT ASSESSMENT

	Do these proposals contribute to specific Council Plan objectives?	
POLICY/COMMUNITY IMPACT	Yes	One of the priority outcomes in the Community Safety Partnership Plan is to reduce anti-social behaviour which encompasses car cruising causing alarm and distress to residents due to noise, crowds of people gathering and vehicles travelling at high speeds. Another priority is to reassure residents that South Staffordshire is a safe place to be when out and about during the day and after dark. Measures which will deter and/or prevent car cruising will provide South Staffordshire Council with the legislative power to fine drivers or to take individuals who breach the measures to court and face large fines or custodial sentences. This contributes to the Council Plan's aim of continuing to make our district safe and residents feel safe.

		Has an Equality Impact Assessment (Equal) been completed?
	Yes	The EqIA for an enforcement proposal to stop car cruising has been completed in draft form, but once the measure has been approved, the EqIA can be finalised and scrutinised by the Equality and Diversity Group. **(See Appendix 2)**
		Has a Data Protection Impact Assessment been completed?
	No	People's personal information will only be gathered if they don't comply with the law, and this will depend on the measure to be implemented to stop car cruising. Data may vary depending on enforcement measure used.
SCRUTINY POWERS APPLICABLE	Yes	The Constitution and associated protocol provides that front line Councillors, the Monitoring Officer and the Section 151 Officer will have five clear working days following dispatch of a notification of a proposed decision in which to call in for scrutiny, decisions proposed by the Cabinet or its members. In accordance with the provisions of the Constitution and associated protocol, any two or more members wishing to request that this proposed decision should be called in for scrutiny should do so by giving notice to the Corporate Director of Governance either by e-mail or in writing before the end of the fifth day specifying the reason or reasons therefore. The Corporate Director of Governance will then call in the proposed decision and arrange for it to be considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to the Lead Cabinet Member either by email or in writing by the end of the fifth day. This proposed decision will be confirmed and implemented or, where appropriate, referred to the Council for consideration at its next meeting, on or after the date to be notified upon circulation of the minutes of the meeting of the Cabinet, unless called in for scrutiny by that date.
KEY DECISION	Yes	The enforcement will cover 2 or more wards.
DECISION ROUTE/TIMELINE	OVERVIEW AND SCRUTINY: May 28th 2024	

TARGET COMPLETION/ DELIVERY DATE	Details: July 2024	
FINANCIAL IMPACT	Yes	The Locality Deal Fund, which is administered by the Office of the Police Fire & Crime Commissioner, is aligned to the Community Safety Plan. It's proposed the finances to meet the costs of the application for the High Court Injunction; the consultation for the Public Spaces Protection Orders; the publicity and raising awareness of the enforcement; the signage and the costs of prosecution at court will be available through this route.
LEGAL ISSUES	Yes	There are a number of legal routes that could be adopted to seek to deter/stop car cruising in the district. The potential legal risks and challenges are identified in the SWOT analysis at appendix 1.
STRATEGIC RISK	Yes	If an enforcement measure is not put into place, then car cruising will continue unabated causing a nuisance and danger to those who take part, observe or live close to the meet.
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable		The Community Safety Partnership is working with partners to make South Staffordshire safer. This includes increasing reassurance levels of residents, especially after dark.
IMPACT ON SPECIFIC WARDS	Yes	Localities 2 and 3 are where the stretches of road are located.

PART B – ADDITIONAL INFORMATION

2. BACKGROUND TO THE CAR CRUISING IN SOUTH STAFFORDSHIRE

3.1   Car cruising on the A449 and A460 has increased over the last 18 months and there has been an increase in reports to Staffordshire Police. The route for car cruising includes A449 from the M54 island to the Coven Islands and along the M54 link and New Road, Featherstone to the A460 and then along to the M6 junction 11. There is easy access to these locations and a quick getaway along the main roads and motorway networks **(See map at Appendix 3).** Recently these locations have been discussed at the Police led Problem Solving Group meeting as one of the top locations for calls to Staffordshire Police.

3.2   The West Midlands Police Car Cruising Team lead officer was consulted by Staffordshire Police and South Staffordshire Council in early 2023 for an initial discussion about enforcement options and both the High Court Injunction and Public

Spaces Protection Orders were highlighted as enforcement options for the issue in South Staffordshire.

3.3   During 2023 partnership campaigns along these routes have been happening in South Staffordshire with the Staffordshire Police - Operation Bormas Team, Central Motorway Policing Group, the force Road Safety Team and neighbouring police forces which has resulted in the seizure of vehicles, arrests of drivers and the temporary displacement of car cruisers from the affected areas.

3.4   Over the past 6 months South Staffordshire Local Policing Team Designated Lead for car cruising, PC Wayne Green, has been engaging with residents who live on the affected roads and with residents in the surrounding vicinity too, to collect statements from those who can hear the vehicles, witness the high speeds, and see the congregation of spectators on these main roads. He will be providing an impact statement from Staffordshire Police for evidence required for the enforcement action to be implemented.

3.5   A meeting has been held recently on January 12th, 2024, with other Staffordshire authorities (Lichfield, Tamworth, Cannock, Stafford), Staffordshire Police, West Midlands Police, West Mercia Police to discuss how they are tackling car cruising. Cannock Chase Council has had an Injunction in place for several years but has recently reviewed it and are now investigating alternative approaches.

3.6   The Black Country Consortium Interim Injunction was allowed to continue following the hearing at the High Court on Wednesday 20 December 2023, Her Honour Judge Kelly ordered that a final hearing will take place on Tuesday and Wednesday 27 and 28 February 2024, in the High Court of Justice, Birmingham.

3.7   South Staffordshire Local Policing Team is currently using Section 59 of the Police Reform Act 2002 **(see Appendix 4)** which gives Police the power to seize vehicles being used in a manner which causes alarm, distress or annoyance. The signs have been removed in several locations and in absence of the signage enforcement can't take place plus the process of ensuring drivers are aware of the enforcement action prior to the seizure of their vehicles needs to be robust.

3.8   Further information is outlined in this report about the different enforcement options available to South Staffordshire Council and partners to stop car cruising in a specific area of the district.

3.   **OPTIONS TO STOP CAR CRUISING**

4.1   Section 59 signage has been installed on the A449, A460 and New Road to alert drivers of the legislation.

4.2   Staffordshire Police has raised awareness via the following post to residents on Facebook and X (formerly Twitter).

"The signs warn motorists that a Section 59 notice is in force. This gives our officers authority to seize vehicles being driven in an anti-social manner in the area. They are located from the A449/M54 junction to the island junction with Brewood Road, on the north and southbound carriageways".

4.3   The process is that signage is installed in a specific area. A driver/rider causing nuisance, alarm or distress is either stopped by a police officer or a letter sent to the registered keeper from the police to inform them that they were within a Section 59 area.

4.4   If that same driver/rider or registered keeper is in the area for a second time, causing nuisance, alarm or distress and stopped by a police officer their vehicle can be seized and confiscated for a period of 28 days. If the vehicle is not claimed by the 28th day from seizure it will be disposed of.

4.5   Unfortunately, out of the several locations only one set of signs remain. Although vehicles can be seized and impounded the process needs to be robust and drivers made aware of the legislation in place along the stretch of road prior to seizure as the enforcement can be legally challenged. Although quick to put into place it's not a quick fix in terms of the enforcement.

4.6   A High Court Injunction will forbid anyone who is a driver, rider or passenger in or on a motor vehicle to participate in gatherings within specified locations in South Staffordshire where some of those present engage in motor racing or motor stunts or other dangerous or obstructive driving.

4.7   The Injunction has a Power of Arrest attached to it which gives the police the power to arrest anyone who breaches it. Breach of an injunction is a contempt of court and if proved the court has the power to impose a sentence of imprisonment, a fine, or an order seizing a person's assets.

4.8   Staffordshire Police has a Single Point of Contact, PC Wayne Green, who has been engaging with residents. Several residents have asked to instigate the ASB Case Review process, but following engagement by PC Green these residents were happy to provide a statement which will form part of the evidence to support the enforcement measure application.

4.9   Engagement and communication with the public is important to inform residents and to obtain feedback. All community engagement, community awareness and feedback to the engagement will be included in the application to the court.

4.10   Although the power of arrest gives police the power to arrest and bring offenders before the court in 24 hours, should there be multiple arrests the police suggest this is unworkable due to the number of officers required. If there are multiple offenders taking them to court will be resource intensive to the Council's Solicitor and cost approximately £1000 per visit. The initial application costs will be between £10,000 – 15,000 and signage costs will be significant too. The length of time the Injunction is in place for is up to 3 years and decided by the court.

4.11   The Anti-social Behaviour Crime and Policing Act 2014 provided a new range of tools and powers for local authorities and the Police to tackle anti-social behaviour. The Act introduced wider discretionary powers to address any particular nuisance or problem that is detrimental to the local community's quality of life and one of these powers is the authority to create Public Space Protection Orders (PSPOs).

4.12   A PSPO is designed to address anti-social behaviour in local areas and is adaptable to meet local need. It allows prohibitions or requirements to be made at a local level, in response to complaints from a range of sources including the public, businesses, Parish Councils and local Councillors. The breach of a Public Spaces Protection Order, the prohibitions or requirements outlined within the order, becomes a criminal offence and offenders are then liable to a Fixed Penalty Notice or prosecution through the Magistrates court with a fine of up to £1000.

4.13   The process is to consult with landowners, neighbouring authorities, businesses, parishes, councillors, partners and residents to ask for their feedback or any objections to a Public Space Protection Order on land on which anti-social behaviour is occurring and is having a detrimental effect on their quality of life.

4.14   Publicity about the Public Spaces Protection Order is provided in the local press, on local social media and through parish councils to the wider community for any feedback to be taken into consideration by the District Council.

4.15   The Chief Executive of the District Council signs off the Public Spaces Protection Order which is in force for up to 3 years.

4.16   Although there is a risk of legal challenge to making the Public Spaces Protection Order once served by the Council it is in place for up to 3 years. Enforcement is immediate due to signage explaining the unacceptable behaviour with a Fixed Penalty Notice of £100. If unpaid or if the driver is caught in the location again, then the offender is prosecuted with a fine of up to £1,000. Although this is the Council Solicitor's time (if taken to prosecution) it is envisaged that the Fixed Penalty is a deterrent. Also, it is resource intensive during the consultation with residents and the local community, it does mean that all interested parties have been contacted, are reassured that enforcement is in place and know the conditions of the Public Spaces Protection Order.

4.17   A Community Protection Notice is another tool and power within the Anti-social Behaviour Crime and Policing Act 2014 for local authorities and the Police to tackle anti-social behaviour. It deals with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life.

4.18   The process is to serve a Community Protection Warning on the person causing the nuisance behaviour, which is any individual over the age of 16, who is a in or on a vehicle which is causing alarm and distress. The Community Protection Warning outlines the behaviour and asks the person responsible to take reasonable steps to ensure that it does not occur again. If it does occur again, then a Community

Protection Notice is served including a requirement to stop doing something, to start doing something, and/or to take reasonable steps to avoid further anti-social behaviour.

4.19 Any person may appeal this notice by application to the magistrates' court within 21 days.

4.20 If a Community Protection Notice is breached it then becomes criminal offence which will result in the local authority issuing a Fixed Penalty Notice of £100 or the option to prosecute through the court. The court can fine up to £2,500 if convicted.

4.21 Although the initial cost of implementing the Community Protection Notice is low, there isn't a public consultation required and residents for added reassurance. Other road users are not aware of any enforcement in place.

5.   IMPLICATIONS IF NOTHING IS DONE.

5.1 South Staffordshire residents have been contacting Staffordshire Police for over 18 months to report car cruising on the A449 and A460. Residents will not feel safe and will continue to request a review of anti-social behaviour by the Community Safety Partnership.

5.2 South Staffordshire Community Safety Partnership Plan outcomes include a reduction of 2% in anti-social behaviour and reassurance to residents that South Staffordshire is a safe place. This has been measured through engagement with residents through the residents' survey and local surveys who record that 88% of residents felt safe in their local area in the day and 67% felt safe after dark (responses to the 2022 residents' survey).

5.3 Without the implementation of enforcement legislation there will not be a legislative power for South Staffordshire Council, Staffordshire Police and partners to deter car cruising and address the issue.

6.   CONCLUSION:

6.1 Whilst each option has a range of strengths and weaknesses, opportunities and threats, in consultation with Staffordshire Police and other Police Forces (Greater Manchester Police), the preferred option is to progress the Public Spaces Protection Order.

6.2 Staffordshire Police agree that the Section 59 of the Police and Reform Act 2002 will assist in providing a deterrent due to seizure of vehicles and help in behaviour change.

6.3 The Community Safety Partnership are in support of the Public Spaces Protection Order as impacts of car cruising are felt by partners too.

7.   IMPACT ASSESSMENT – ADDITIONAL INFORMATION

7.1   The draft EqIA is attached at Appendix 2.

8.   PREVIOUS MINUTES

8.1   None

9.   BACKGROUND PAPERS

9.1   None

10.   APPENDICES

Appendix 1 – SWOT analysis of enforcement options
Appendix 2 – Draft Car Cruising EqIA 2024
Appendix 3 – Map of enforcement area for car cruising in South Staffordshire
Appendix 4– Section 59 of the Police Reform Act 2002 information

11. RECOMMENDATIONS
11.1   This report seeks approval for the Community Wellbeing and Partnership Officer in conjunction with Staffordshire Police to commence the preparation of the documentation for the preferred option of the Public Spaces Protection Order including the collection of data from Staffordshire Police, appropriate public consultation and written communications to residents and the installation of signage for the Section 59 enforcement.

Report prepared by: Maggie Quinn, Community Wellbeing and Partnership Officer

SWOT analysis of the enforcement options for car cruising

Strengths	Weaknesses
High Court Injunction • Power of arrest gives police the power to arrest suspects and bring them before the court within 24 hours. • Penalties ranging from a fine to imprisonment or an order to have their assets seized. • The injunction will include a driver, rider or passenger in or on a motor vehicle. • Three-year legislation. • Save lives.	**High Court Injunction** • Logistics for the police if there are multiple arrests. • Very detailed court bundle and initially there are multiple visits to court, for reviews, before it's granted. Initial costs to secure injunction estimated in the region of £10- 15,000 if dealt with in-house, more if externalised. • Risk of legal challenge to the making of the order • A large proportion of South Staffordshire Council Solicitor's time – resource implications for the Council. • Breach of injunction will be resource intensive and costly to enforce (requiring barrister to attend court at approx £800 to £1200 per visit) • Costs of signage will be significant.
Public Spaces Protection Order • Immediate issue of a Fixed Penalty Notice (FPN) of £100. (In the upcoming changes from the Criminal Justice Bill Criminal Justice Bill: Anti-social behaviour - GOV.UK (www.gov.uk) the FPN is proposed to increase to £500). • Prosecution with a fine of up to £1000. • Served by the Local Authority (In the upcoming changes from the Criminal Justice Bill Criminal Justice Bill: Anti-social behaviour - GOV.UK (www.gov.uk) powers will be extended to the Police to serve Public Spaces Protection Orders too). • The PSPO will include a driver, rider or passenger in or on a motor vehicle. • Three Year legislation. • Save lives.	**Public Spaces Protection Order** • Risk of legal challenge to the making of the order • Resource intensive consultation required before making the order • Timescales through the Magistrates Court. • South Staffordshire Council's Solicitor's time should any go to prosecution. • Costs of signage will be high.
Community Protection Notice • Immediate Community Protection Warning (CPW) letter sent to anyone in or on a vehicle that is causing harassment, alarm or distress whether they are the driver, rider or passenger. • Immediate escalation to a Community Protection Notice (CPN) if the CPW is breached.	**Community Protection Notice** • Officer time in relation to the consultations • South Staffordshire Council's Solicitor's time should any go to prosecution. • Notice can be appealed to Magistrates Court involving further officer time.

• Fixed Penalty Notice (FPN) issued on breach of a CPN. • Prosecution following a FPN • CPNs are in place for 12 months • Save lives. **Section 59 of the Police Reform Act 2002** • Vehicles will be seized and impounded. • Fine of £100. • Time limited to reclaim vehicle. • Inconvenience to drivers/riders. • A person cannot appeal a Section 59. (A formal complaint can be made to the Chief Constable about the officer and ask them to consider possibly overturning the warning).	**Section 59 of the Police Reform Act 2002** • Signage costs will be high. • Spectators are not included in this enforcement
Opportunities	**Threats**
High Court Injunction • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Engage with as many people as possible to inform them of the impending High Court Injunction and publicise the scheme to any interested parties. • The Injunction includes spectators too.	**High Court Injunction** • Relationship with neighbouring authorities and police forces due to displacement of car cruisers. • High court costs to apply for injunction. • Costs of taking individuals to court for breach of injunction. • A person may be able to make an appeal about the decision if they think there's been a serious mistake. They will have to get permission to make the appeal and there's usually a fee.
Public Spaces Protection Order • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Engage and consult with residents, landowners, partners, neighbouring authorities and police forces and any other interested parties for feedback. • • The PSPO behaviour can include spectators too.	**Public Spaces Protection Order** • High Court challenge. • An "interested person" (who lives in the restricted area or regularly works in or visits it) may apply to the High Court to question the validity of the PSPO within 6 weeks of the date the PSPO is made or varied. This also includes an interested person who has been charged with failing to comply with a PSPO, but alleges that the Council did not have the power to include a particular prohibition or requirement in a PSPO.
Community Protection Notice • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district. • Community Protection Warning letters and Community Protection Notices can be served on spectators too.	**Community Protection Notice** • Appeals from individuals against the Notice can be made through the Magistrate's Court within 21 days of the notice being served.

Section 59 of the Police Reform Act 2002	Section 59 of the Police Reform Act 2002
• It's a quick implementation with the installation of signage. • Make the residents feel safer and reduce their experience and perception of anti-social behaviour as being an issue in the district.	Potential challenge at High Court.

Map of locations within the car cruising enforcement area

South Staffordshire Council
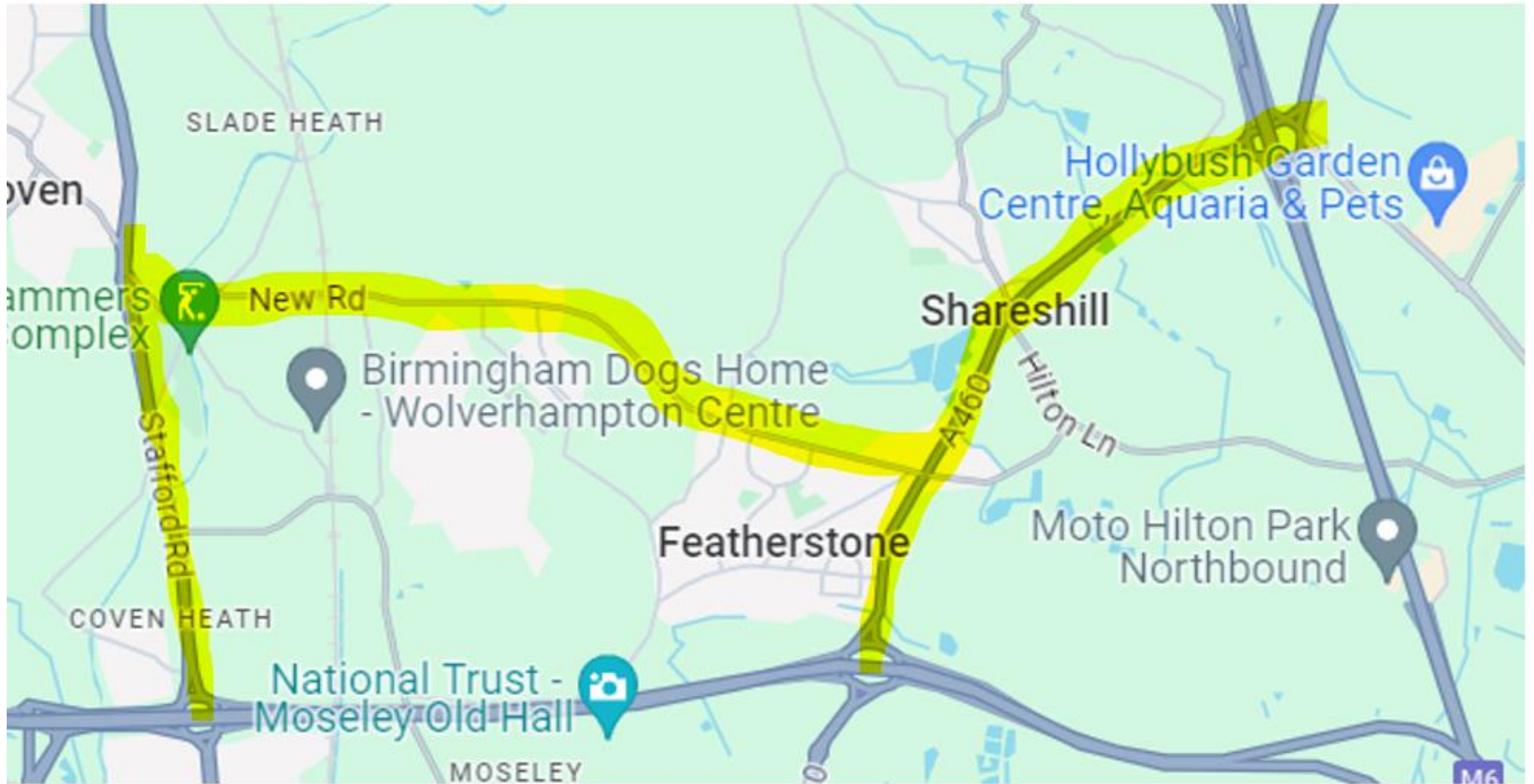
Service:	Person responsible for the assessment:	Date EqIA completed:
Welfare Services	Maggie Quinn	14 March 2023

PART A - Identification

1	Title or name of proposal	Community Safety Partnership Plan 2023-2026
2	The commencement date of the proposal and approval e.g., CLT, Cabinet, Committee, Council	April 2023 Individual Decision made.
3	What are the aims, objectives, and purpose of the proposal? **SMART Targets of the Community Safety Partnership for 2023-2024:** **To reduce all recorded crime by 2% (from 3958 crimes)** **To reduce vehicle crime by 2% (from 463 crimes)** **To increase the number of repeat victims of domestic abuse accessing services by 20% (from 29 high risk victims)** **To reduce serious violence, including domestic abuse and violence against women and girls by 2% (from 818 crimes and incidents)** **To reduce anti-social behaviour by 3% (from 1498 incidents)** **To maintain the high level of feeling of safety during the day (88%) and improve the feeling of safety after dark (67%)**	**Aims: To reduce Crime, Disorder and ASB in South Staffordshire** **Objectives: To achieve targets set in relation to identified priorities** **Purpose: To make South Staffordshire a safe place to live work and visit and ensure the Plan encompasses all people within South Staffordshire.**

4	Status of the proposal	**New proposal**/Existing proposal	Date Last Reviewed:
5	Are there any other functions, policies or services which might be linked with this one for the purposes of this exercise?	Policies: Prevent Action Plan South Staffordshire Council Plan Staffordshire Commissioner's Priorities Policing Plan South Staffordshire Strategic Assessment South Staffordshire Residents' Survey Localities+ Services: Street Scene Team - Enviro-crime Environmental Protection Community Services Welfare Services Planning Enforcement	
6	Who is it intended to affect or benefit (the target population):	This is aimed at all people who live in, work in and visit South Staffordshire	

PART B - Evidence, Research and Stakeholder Engagement

7	List relevant examples of data (qualitative and quantitative) or any consultation information available that will enable the impact assessment to be undertaken	South Staffordshire Strategic Assessment 2021-2022 Police Data Consultation/Engagement Data - Residents' Survey Consultation with public in various locations – see below. Further consultations were held with partners (SCC; FARS; Housing Provider; Probation; Police) on 9 March 2023: - Health and Wellbeing focus to include whole life disability and neurodiversity - Refer to ASB policies from Housing providers as ASB to be separated from noise police and pest policy. - Housing providers required to report on perceptions of local area, this to be referred to in the Plan. - Governance arrangements should be referenced in the Plan - Ensure Serious Violence Act is referenced The CSP Plan reflected these changes. Consultation with Members on 14 March 2023: - Locality Forum feedback from Members who wanted further clarification of perception v reality and going forwards throughout the plan explaining further what this means. Community engagement with residents (including young people) undertaken throughout March 2023 via Police engagement in various locations including Perton, Codsall, Penkridge, Wombourne, Kinver, Great Wyrley, Coven (all localities are represented). - Young people's activities, potholes and more visible policing were the suggestions put forward for the CSP to have as another focus. The CSP Plan will consider these points in Year 1 and as required make amendments to the actions in Year 2 and 3. - No negative feedback was recorded.
8	Evidence from the data from Question 7 of any feedback or complaints against the service/policy/procedure on grounds of potential or perceived discrimination	No negative feedback received

9	Does your proposal link with other proposals to have a cumulative negative affect on particular equality groups?	**Yes/ No**	**If yes, give details**
		No	

PART C - Assessment and Differential Impacts

Within this table, state whether the policy or function will have a positive or negative impact across the protected characteristics and provide any comments, reason, and evidence to support this.

What is the effect of the change on each characteristic – tick one				Reason		Action* Required
	Positive impact	Negative impact*	Neutral	Explanation of impact analysis	Is this likely to be unlawful?	Yes / No
Age	✓			Through the SPACE scheme young people are provided activities and support throughout holiday periods. Working with SCVYS to offer activities to young people and volunteering opportunities for young people too. Young adults and older residents are considered in the mailout of campaign materials and the recommendation of security products	No	No
Disability	✓			Vulnerable residents are supported through multi-agency working and residents with disabilities are supported by the Disability Learning Team. People most vulnerable are discussed and supported through the Multi-Agency Vulnerability Hub. Working with Leaning Disability Group and Dementia organisations for a greater understanding of this challenge.	No	No
Gender reassignment			✓	Information about residents who have undertaken gender reassignment is not currently reflected in the Community safety Partnership Plan. A referral pathway is available into USAH which can be self-referral or a referral from any agency supporting a resident. There is a voluntary sector organisation offering support to the LGBTQ+ residents.	No	No
Marriage & Civil Partnership			✓	Vulnerable residents are supported through multi-agency working and signposting is offered to the Seisdson Wellbeing Team who offer relationship support and counselling.	No	No

Pregnancy and Maternity			✓	The Community Safety Partnership does not have any employee related responsibilities in relation to pregnancy and maternity. A referral pathway is available into USAH which can be self-referral or a referral from any agency supporting a resident.	No	No
Race	✓			Community Cohesion links to the Community Safety Partnership Plan and addresses integration and support for asylum seekers as well as educating and informing the local community to welcome the various races into communities. Crime trends, including hate crimes, are monitored for the implementation of targeted campaigns, which include publicity to educate along with activities.	No	No
Religion or Belief			✓	A multi-faith network is not currently active in South Staffordshire. Vulnerable residents are supported through multi-agency working, including some faith support networks outside of the district, and a commissioned victim support service	No	No
Sex	✓			Violence Against Women and Girls is a targeted government initiative supported locally through the Community Safety Partnership Plan and the local Police Priorities. Partnership working to reduce serious violence, including domestic violence.	No	No
Sexual Orientation			✓	There is a voluntary sector organisation offering support to the LGBTQ+ residents. A referral pathway is available into USAH which can be self-referral or a referral from any agency supporting a resident.	No	No
Other	✓			The Community Safety Plan is a partnership action plan to reduce crime and anti-social behaviour in the district.	No	No

| | | | | The plan aims to reduce the fear of crime and reassure everyone who is living, working, or visiting the district.

Crime trends are monitored for the implementation of targeted campaigns and the Locality+ initiative is supporting local need.

Vulnerable residents are supported through multi-agency working and a commissioned victim support service. | | |
|---|---|---|---|---|---|---|

PART D – Outcomes, Action, and Public Reporting

What Justifiable Action Does the Evidence, Engagement and Consultation Suggest You Take?

	Description	Yes / No
A	**No Major Change Required** When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken.	No change
B	**Adjustments needed to remove barriers or to better promote equality** Are you satisfied that the proposed adjustments would remove the barriers identified? Gather information on residents to further understand the makeup of the district including information on gender reassignment, civil partnerships, and sexual orientation. Recognition of the changing diversity in certain local communities through surveys and local networks. Community safety messages can be made available in languages applicable to the changing makeup of the newly housed refugees / those seeking or granted asylum. Explore the links to multi-faith groups both within Staffordshire and neighbouring local authority areas.	Yes
C	**Continue despite possible adverse impact** For important relevant proposals, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.	No
D	**Stop and rethink your proposal** Actual or potential unlawful discrimination is identified; the proposal will need reviewing immediately.	No

PART E – Monitor Evaluate and Review

Action and Monitoring Plan - where the assessment in Part C & D indicates a potential negative impact, how will this be reduced or mitigated to reduce impact moving forwards?

Conclusions Reached About Potential Impact		
Possible Impact	**Group(s) Affected**	**Evidence**
Reduce the likelihood of residents becoming a victim of hate crime	Refugees or those seeking asylum Residents perceived to be from a different race or culture Residents who are from the LGBTQ+ community	Although hate crime is low in South Staffordshire it still occurs with race and disability being the highest type of hate crime in the district (USAH)
Impact Identified	**Action**	**Responsibility**
	Identify groups for those affected for signposting and support	Community Safety partnership
Timescale	**Expected Outcomes**	**Review Date**
2023 - 2026	Minority groups feel supported if they have been a victim of hate crime	Every year end of plan: March 2024 March 2025 March 2026

PART F – To be completed by Equality Service Group

Date Reviewed	Name of Representatives involved in Review (min of 2-3)

28 February 2022	Steve Gallis, Kevin Hubery, Karen Riley

General Comments

Q **It would be useful to review then plan itself to get a feel for what the EqIA is assessing**

A I've copied the plan to you but have attached it again for your information.

Q **Do we need to outline the objectives and ensure they are SMART? Also, who will be responsible for evidencing these objectives when the review of the program is in progress and complete? As there is a partnership do we need to have these roles identified in the impact assessment as accountable?**

A The SMART outcomes are now explained in the EqIA. These will be evaluated through the Community Safety Partnership Responsible Authorities Group twice a year. Each organisation plays a role through their own strategies/policies to achieve reductions in their field i.e., risk of fire; reduce reoffending; reduce neighbour ASB; reduce crime, ASB, disorder; reduce substance misuse; improve health; reduce fear of crime and fear of becoming a victim.

Q **Section 8 – it would be useful to have more detail about the consultation and engagement activity that has taken place on the Plan.**

A Consultations have taken place with partners, Members and residents. This is reflected in the EqIA.

Q **In Part C:**

The column Explanation of Impact Analysis simply repeats the same statement against every equality dimension – there is no specific evidence presented

A I have amended the Impact Analysis in Part C of the EqIA.

Q **Review of the plan makes this clearer now although agree with Kevin that more reference to the consultation that has happened would be useful even as a pointer.**

A Following the community engagement this has been completed in the EqIA.

Recommendations	
Publish Results **Carry Out Further Impact Assessment**	**Specific Recommendations to Consider:**

12. PART G: Corporate Director/Assistant Director Approval

- I am satisfied with the results of this EqIA.

- I have seen the Councils Equality Schemes or Equality Action Plan and am satisfied with the contribution it can make.

- I agree to review the Action Plan after 12 Months with the Service representative named on this document.

Approved by Corporate Director/Assistant Director: Assistant Director Community Services, Mark Jenkinson

Date: 10/04/24

When you have completed this assessment, retain a copy, attach it to the report and send a copy to the Performance and Customer

Insight Officer. Where the EqIA relates to a Member report the EqIA should be sent to Lindsay Beddows to ensure it is on the CMIS system prior to the Cabinet/Committee/Council meeting.

Section 59 Police Reform Act 2002

Vehicles used in manner causing alarm, distress or annoyance

(1)Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

>   (a)contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and

>   (b)is causing, or is likely to cause, alarm, distress or annoyance to members of the public,he shall have the powers set out in subsection (3).

(2)A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

(3)Those powers are—

>   (a)power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;

>   (b)power to seize and remove the motor vehicle;

>   (c)power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;

>   (d)power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).

(4)A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—

>   (a)he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and

>   (b)it appears to him that the use has continued or been repeated after the the warning.

(5)Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—

>   (a)the circumstances make it impracticable for him to give the warning;

>   (b)the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

>   (c)the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or

(d)the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

(6)A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7)Subsection (3)(c) does not authorise entry into a private dwelling house.

(8)The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9)In this section—

"driving" has the same meaning as in the Road Traffic Act 1988 (c. 52);

"motor vehicle" means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and

"private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

SOUTH STAFFORDSHIRE COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024
OUTCOME REPORT ON 2023/24 MEMBER WORKING GROUPS
REPORT OF THE MEMBER WORKING GROUP CHAIRMEN AND VICE CHAIRMEN

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   South Staffordshire Council operates informal scrutiny via Member Working Groups. Every member of the Council is offered a place on a Working Group. This report gives an overview of the outcomes from the three Member Working Groups that operated in 2023/24.

2.   SUMMARY IMPACT ASSESSMENT

<table>
<tr><td rowspan="4">POLICY/COMMUNITY IMPACT</td><td colspan="2">Do these proposals contribute to specific Council Plan objectives?</td></tr>
<tr><td>Yes</td><td>The Member Working Groups Action Plans contribute to the overall progress of the Council Plan.</td></tr>
<tr><td colspan="2">Has an Equality Impact Assessment (EqIA) been completed?</td></tr>
<tr><td>No</td><td>The proposed decision is not considered to have any adverse implications and is considered to comply with the Council's equal opportunities and diversity policies.</td></tr>
<tr><td>SCRUTINY POWERS APPLICABLE</td><td colspan="2">Report to Overview and Scrutiny Committee</td></tr>
<tr><td>KEY DECISION</td><td colspan="2">No</td></tr>
<tr><td>TARGET COMPLETION/ DELIVERY DATE</td><td colspan="2">N/A</td></tr>
<tr><td>FINANCIAL IMPACT</td><td>No</td><td>Any financial implications arising from the recommendations of the Member Working Groups will be incorporated into individual budget proposals as appropriate.</td></tr>
<tr><td>LEGAL ISSUES</td><td>None</td><td></td></tr>
<tr><td>OTHER IMPACTS, RISKS & OPPORTUNITIES</td><td>None</td><td></td></tr>
<tr><td>IMPACT ON SPECIFIC WARDS</td><td>No</td><td></td></tr>
</table>

PART B – ADDITIONAL INFORMATION

3.   INFORMATION

3.1   <u>Background</u>

The Member Working Groups report to the Overview & Scrutiny Committee and this report seeks to provide a conclusion in respect of the work being undertaken by the three Member Working Groups that concluded earlier this year.

3.2   Member Working Groups 2023-24

Your Community Member Working Group

The Your Community Member Working Group looked at community engagement; looking to build on examples of good practice, defining the value and benefits of community engagement, looking at what works well for members and considering the community engagement toolkit proposed by the Council's Aspire team. Councillor A Adams was Chairman and Councillor C Evans was Vice-Chairman. The agreed outcomes arising from the work of this group can be seen at Appendix 1.

Your Council Member Working Group

The Your Council Member Working Group looked at the new Council Plan 2024-2028; agreeing the residents survey and contributing to the design and development of the Council Plan. Councillor M Perry was Chairman of the Group with Councillor B Cope as Vice-Chairman. A one page summary of the Council Plan can be seen at Appendix 2 and the full Council Plan can be seen here.

Your Place Member Working Group

The Your Place Member Working Group looked at climate change; understanding the context of the Council's carbon usage, considering opportunities to reduce carbon usage/mitigation and ensuring an effective strategy for carbon reduction was in place. Councillor D Kinsey was Chairman of this Group with Councillor G Burnett as Vice-Chairman. The agreed outcomes from this group can be seen at Appendix 3. The members of this group would like to continue to meet as it was considered the matter was a long-term one rather than a task and finish.

4.   IMPACT ASSESSMENT – ADDITIONAL INFORMATION

       Not applicable.

5.   PREVIOUS MINUTES

6.   BACKGROUND PAPERS

       None.

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7.   RECOMMENDATIONS

7.1 To note the outcomes of the Member Working Groups.

Report prepared by Lorraine Fowkes, Corporate Director of Governance

May 2024

Community Engagement – Members working group – Recommendations.

Background

Five meetings have taken place of the Members working group with a focus on Community Engagement. The meetings have been led by Councillor Andy Adams – Chairman, and Councillor Christopher Evans – Vice Chairman. The meetings have focused on examples of good practice, defining value and benefits of community engagement, what works well for members in the locality (included guest speakers where appropriate) and the community engagement toolkit and platform developed by the Council's talent programme (Aspire) cohort for 2023.

Some outcomes of the review include:

- Communication is key to effective community engagement.
- Continuing to build on the success of events such as the Parish summit and continue to use these as the platform to bring community issues and external partners together.
- Continue to promote the role Locality Enablers have in supporting members with work in their respective wards.
- Agreeing a collective definition of "Community Engagement" and what that means in South Staffordshire.

A number of general points have arisen from the member working group:

- Officer presentations are useful at Parish level to address burning topics.
- Members identified local groups such as mother and baby groups – which provides an opportunity to utilise existing groups to engage with who may not traditionally respond to surveys.

Recommendations

Recommendation	Proposed Action
Using commercial publications such as the Connect/villager magazine to engage with residents.	Officers to explore costs of publishing through village magazines, used alongside information online.
Guidance/FAQ of standard questions Members may be asked by their constituents to identify the team/service area.	Action for the Members development group.
Using Facebook more and improve how we communicate to residents how they should report a crime.	Establish which parishes have Facebook pages: Action for Locality Enablers Annette Roberts /Clodagh Peterson to discuss at meeting with Parish Clerks.

1

Community Engagement Toolkit – developed by Aspire group – share with Elected Members	Access to Members to be provided.
Include prize draw or incentives to encourage people to complete the survey.	Aspire cohort 2023 to consider.
Consider the possibility of a Youth Organisation Day.	Action – For Officers to explore as an option.
Could utilisation be made from letters that will be going out to all members of the district such as council tax letters.	Action - For next year add QR codes for next year's billing if appropriate.
Alternative social media channels such as Instagram could be used.	Action for the Communications Manager to explore.
Scope for the Parish Summits to be rotated through different times of the day to allow for different representation from the parishes.	Action: Officers to explore with parishes.
Definition of Community Engagement "Community Engagement is a way of working with our communities to ensure we achieve a shared goal."	Members to consider adopting the definition.

2

Council Plan vision

Vision: A place of vibrant communities

» **A place where people want and aspire to live**

» **Preserving our natural environment**

» **Providing an appropriate mix and affordability of housing**

» **Supporting the general health and wellbeing of our population**

Council Plan priorities

The council's vision as a place of vibrant communities will be delivered by four over-arching priorities, which will frame how services will be designed and delivered.

| Financial stability | Economic growth | Sustainable environment | Empowering our communities |

Climate Change – Member Working Group – Recommendations.

Background

Five meetings have taken place of the Members working group with a focus on Climate Change. The meetings have been led by Councillor Dan Kinsey– Chairman, and Councillor Gary Burnett – Vice Chairman. The meetings have focused on defining and shaping the reviewed Council's strategy for Climate Change, the opportunities that exist to deliver carbon saving initiatives within our own estate and the potential to engage wider communities in carbon saving.

Some outcomes of the review include:

- There are some key decisions that will need to be taken to deliver sustained and impactful climate change but as yet detail is unknown.
- Audit of all functions and operations needed to deliver costed options for carbon reduction.
- Communication and information sharing is important.
- Tangible grass roots local projects are key to engaging community.
- Revised waste contract will be key in ensuring that the carbon reduction is witnessed

Recommendations

Recommendation	Proposed Action
Member working group is not a short-term task and finish group and should continue	Continue to meet to steer on a regular basis.
Audit needed of operational functions with detail costs	Procure audit
Estates and Assets are principal focus of energy saving and carbon reduction	Work with individual assets within the Council to reduce including enterprise estates.
Community Grass roots projects are key to engaging local community	Revisit previous winners of the Climate prize and publicise
Council can act as a conduit for information	Consider web based portal to share info and projects
Simpler Recycling will impact all households within the district and presents an opportunity to increase waste reduction.	Climate working group to consider carbon/climate impacts of Simper Recycling implementation.

1

Reduce the carbon footprint of the council's vehicle fleet.	Work towards utilising alternative fuel sources across the councils own and contracted vehicle fleet .
Facilitate green / active travel opportunities	- Deliver green corridor initiatives. - Link to helath and wellbeing opportunities for staff and communities. - Planning facilitating / encouraging active travel design to support and increase active travel participation
The council continues to engage in the Staffordshire Sustainability Board and work in partnership to achieve collective benefits across Staffordshire.	Support and work towards County wide targets incorporating these into our own climate strategy and actions.

2

SOUTH STAFFORDSHIRE COUNCIL **OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024** **STATUTORY SCRUTINY GUIDANCE** **REPORT OF THE CORPORATE DIRECTOR OF GOVERNANCE** **LEAD CABINET MEMBER – COUNCILLOR ROGER LEES BEM, LEADER OF THE COUNCIL**		

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   The Government has recently issued revised statutory guidance for scrutiny in local authorities. This report brings this guidance to the attention of members and gives assurance as to compliance with the requirements of the guidance.

2.   SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Effective scrutiny is critical to the operation of the Council and thus the delivery of the Council Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	No new policy or change to current procedure is required and therefore there is no need for an EqIA.
	Has a Data Protection Impact Assessment been completed?	
	No	The report does not propose any changes to the handling of personal data by the Council.
SCRUTINY POWERS APPLICABLE	No	Report to Overview and Scrutiny Committee
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	May 2024	
FINANCIAL IMPACT	No	There are no financial implications arising from this report.
LEGAL ISSUES	No	The guidance issued has statutory status and therefore should be followed. Current procedures are in accordance with the guidance.
STRATEGIC RISK	No	No direct link to a strategic risk.

OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	No other impacts are foreseen.	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

3.   INFORMATION

3.1   On 22 April 2024 the Department for Levelling Up, Housing and Communities (DLUHC) published updated Statutory Guidance on overview and scrutiny for councils (Appendix 1). The statutory guidance was first published in May 2019 and has been updated to take account of deeper devolution and the creation of combined county authorities through the Levelling Up and Regeneration Act 2023. The guidance sets out policies and practices authorities should adopt, or consider adopting, when deciding how to carry out their overview and scrutiny functions.

3.2   The core principles of the guidance remain and the arrangements for scrutiny at South Staffordshire Council have been reviewed in light of the guidance. The arrangements are reflective of the guidance and no changes to current practices are proposed.

3.3   For example, the guidance makes reference to scrutiny having a clear focus with a work plan suggested to give clarity. As members will be aware, a work plan for the committee has been in place for a number of years and this is approved by the committee on an annual basis.

3.4   The guidance also makes reference to the culture of the council being key to effective scrutiny. At South Staffordshire Council the positive culture means that executive decisions, which may otherwise be subject to call-in, are voluntarily referred to committee to enable all members to input into the decision-making process, without waiting for a call-in to be made.

3.5   Regular reporting of the work of scrutiny to council is also mentioned. At each council meeting a report from each of the scrutiny committees is put before members. In addition, the Member Working Groups regularly report on progress and report final outcomes to Overview and Scrutiny Committee, ensuring good visibility of the work undertaken.

3.6   For clarity, the requirement in the guidance for an independent chair, only applies to combined authorities.

4.   IMPACT ASSESSMENT – ADDITIONAL INFORMATION

4.1   N/A

5.   PREVIOUS MINUTES

5.1   N/A

6.   BACKGROUND PAPERS

DLUHC Statutory Scrutiny Guidance

7.   APPENDICES

Statutory Scrutiny Guidance – Appendix 1 - DLUHC Statutory Scrutiny Guidance May 2024

8.   RECOMMENDATIONS

8.1   That Members note the Statutory Scrutiny Guidance and the Council's compliance with the requirements therein.

Report prepared by: Lorraine Fowkes – Corporate Director of Governance

<u>Department for Levelling Up, Housing & Communities</u>

Statutory guidance

Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities

Published 22 April 2024

Applies to England

Contents

Ministerial foreword

About this guidance

1. Introduction and context

2. Culture

3. Resourcing

Ministerial foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account remains fundamentally important to the functioning of local democracy. Effective local authority decision-making is crucial for sector sustainability, and this updated guidance reinforces the role that overview and scrutiny has in making such decisions.

Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils, combined authorities and combined county authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

Authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

This guidance reflects new developments such as the further devolution of powers and funding to local areas and the establishment of combined authorities and combined county authorities. Just as the principles in this statutory guidance apply to the good scrutiny function of councils, they are equally fundamental to that of English institutions with devolved powers. The accountability of these institutions is core to the success of areas with devolution agreements, and they should use this guidance alongside that in the English Devolution Accountability Framework and the Scrutiny Protocol.

Government recognises that all authorities have democratic mandates, are ultimately accountable to local people and that authorities themselves are best placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I strongly urge all councils, combined authorities and combined county authorities to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

Simon Hoare MP
Minister for Local Government

About this guidance

Who the guidance is for

This document is aimed at councils, combined authorities and combined county authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, scrutiny officers and any officers with a role in supporting scrutiny committees.

Aim of the guidance

This guidance seeks to ensure councils, combined authorities and combined county authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices all authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Department for Levelling Up, Housing and Communities. Overview and scrutiny committees of local authorities, combined

authorities and combined county authorities must have regard to it when exercising, or deciding whether to exercise, any of their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 (https://www.legislation.gov.uk/ukpga/2000/22/section/9Q) and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 (https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A) and under paragraph 2(9) of Schedule 1 to the Levelling-up and Regeneration Act 2023 (https://www.legislation.gov.uk/ukpga/2023/55/schedule/1/paragraph/2/enacted), which require authorities to have regard to this guidance.

In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Governance and Scrutiny, when exercising their overview and scrutiny functions. Areas with a devolution deal should further consider the Scrutiny Protocol issued by government on 22 November 2023 (see paragraph 7).

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny[footnote 1]. Where the term 'authority' is used, it refers to councils, combined authorities and combined county authorities. Where the term 'Council' is used, it means a county council in England, a district council or a London borough council, this definition includes unitary authorities[footnote 2].

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to functions conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority

members including non-constituent members and associate members as well as constituent council members.

For authorities operating committee rather than executive arrangements, references to the 'executive' or 'cabinet' should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance was published on 22 April 2024 and replaces guidance published on 7 May 2019.

This guidance will be kept under review and updated as necessary.

1. Introduction and context

Legislative context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of a local authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

2. The requirement for councils in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 (https://www.legislation.gov.uk/ukpga/2000/22/part/1A/chapter/2/crossheading/overview-and-scrutiny-committees) as amended by the Localism Act 2011. The Localism Act amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been updated since 2000.

3. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 (https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A)[footnote 3] and those for

combined county authorities are set out in Schedule 1 to the Levelling-up and Regeneration Act 2023[footnote 4].

What overview and scrutiny committees do

4. Overview and scrutiny committees have statutory powers[footnote 5] to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Combined authority and combined county authority overview and scrutiny committees also have powers to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general (i.e. non-PCC) functions. Overview and scrutiny committees may make reports or recommendations to the authority or mayor about the discharge of their respective functions, and also on matters that affect the authority's area or the inhabitants of the area. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- provide constructive 'critical friend' challenge
- amplify the voices and concerns of the public
- be led by independent[footnote 6] people who take responsibility for their role
- drive improvement in public services and strategic decision-making

5. Current overview and scrutiny legislation recognises that authorities are locally accountable[footnote 7]. Authorities themselves are best placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the government fully recognises these authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities and combined county authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

7. The ongoing deeper devolution of powers and funding to local areas brings the requirement and provision for greater accountability. It is crucial that the local scrutiny of institutions with devolved powers sets robust standards to hold them to account for delivery, as well as playing a critical role in policy and strategy

development. This is particularly important when scrutinising devolved powers. To strengthen the scrutiny for those English institutions with devolved powers, government has published the Scrutiny Protocol guidance (https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-devolved-powers/scrutiny-protocol) which can be considered a supplement to this advice for those institutions.

2. Culture

8. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

9. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, including any directly elected mayor, given their role in setting and maintaining the culture of an authority.

10. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for, and engagement with, the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

11. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports[footnote 8]. Failures in scrutiny can therefore help to create a negative public image of an authority as a whole.

How to establish a strong organisational culture

12. Authorities can establish a strong organisational culture by:

(a) Recognising scrutiny's legal and democratic legitimacy

All members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all councils

operating executive arrangements and for all combined authorities and combined county authorities.

Scrutiny committee members have a unique legitimacy derived from their being democratically elected councillors in the first instance. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

(b) Identifying a clear role and focus

Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly add value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. See further guidance on whistleblowing (https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers).

(c) Ensuring early and regular engagement between the executive and scrutiny

Authorities should ensure early and regular discussion takes place between the scrutiny function, the executive and any directly elected mayor, especially regarding the executive's or directly elected mayor's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive or mayor should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself

should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and

- The chair of the scrutiny committee should determine the nature and extent of an executive member's or mayor's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

(d) Managing disagreement

Effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive or mayor will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive (including any directly elected mayor) and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way an authority can achieve this is by setting its own 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the parties and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often, the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis to demonstrate the impact of scrutiny and seek ongoing improvement of scrutiny functions.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive or mayor to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

(e) Providing the necessary support

While the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

(f) Ensuring impartial advice from officers

Authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

(g) Communicating scrutiny's role and purpose to the wider authority

The scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

(h) Maintaining the interest of full Council in the work of the scrutiny committee

Part of communicating scrutiny's role and purpose to the wider authority should, in a local authority, happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the combined authority or combined county authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the combined authority or combined county authority board, and the committee should consider also reporting to the chairs of the relevant scrutiny committees of constituent and non-constituent councils, including councils which nominate non-constituent members.

At those chairs' discretion, particular combined authority or combined county authority scrutiny outcomes, and what they might mean for each individual area,

could be either discussed by scrutiny in committee or referred to full Council of the constituent councils and councils which nominate non-constituent members.

(i) Communicating scrutiny's role to the public

Authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).

(j) Ensuring scrutiny members are supported in having an independent mindset

Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers. Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 26).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly elected mayoral systems

13. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

14. Authorities with a directly elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:

- rights of access to documents by the press, public and authority members
- transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups
- delegated decisions by the Mayor
- whistleblowing protections for both staff and councillors

- powers of Full Council, where applicable, to question and review

15. Authorities with a directly elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 45). In combined authorities and combined county authorities, mayors typically exercise specified functions; scrutiny functions in such mayoral authorities should consider how best to ensure that both the authority and the mayor are held accountable for the exercise of their respective functions. For example, should there be different committees for each?

3. Resourcing

16. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

17. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

18. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- scrutiny's legal powers and responsibilities
- the particular role and remit scrutiny will play in the authority
- the training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations
- the need for ad hoc external support where expertise does not exist in the authority
- effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people

- effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions

Statutory scrutiny officers

19. Combined authorities, combined county authorities and upper and single tier authorities are required to designate a statutory scrutiny officer[footnote 9], someone whose role is to:

- promote the role of the authority's scrutiny committee
- provide support to the scrutiny committee and its members
- provide support and guidance to members (including any mayor) and officers relating to the functions of the scrutiny committee

20. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

21. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- committee – officers are drawn from specific policy or service areas
- integrated – officers are drawn from the corporate centre and also service the executive and/or mayor
- specialist – officers are dedicated to scrutiny

22. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

23. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting committee members

24. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

25. While there are political proportionality requirements that must be met[footnote 10], the selection of the chair and other committee members is for each authority to decide for itself. In a combined authority or combined county authority, the chair must be either an independent person or an appropriate person – both terms are defined in legislation.[footnote 11]

Members invariably have different skill sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

26. Local authorities are reminded that members of the executive cannot be members of a scrutiny committee[footnote 12]. Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Local authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 32), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

27. Members or substitute members of a combined authority or combined county authority must not be members of its overview and scrutiny committee(s)[footnote 13]. This includes any mayor and any non-constituent members and associate members of the authority. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's or combined county authority's overview and scrutiny committee.

Selecting individual committee members

28. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve. Combined authorities and combined county authorities may also want to consider the balance of committee members drawn from each constituent council.

29. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 25).

Selecting a chair

30. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

31. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 28 and 29) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

32. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of the decisions made by close friends or relatives[footnote 14]. Combined authorities and combined county authorities should note the legal requirements that apply to them where the Chair is an "independent person"[footnote 15].

33. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined authorities and combined county authorities whose chair is an "appropriate person" should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair[footnote 16].

Training for committee members

34. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

35. When deciding on training requirements for committee members, authorities should consider talking to other similar authorities to share learning and expertise as well as taking advantage of opportunities offered by their sector membership bodies and external providers.

Co-option and technical advice

36. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

37. There are two principal ways to procure this:

- co-option – formal co-option is provided for in legislation[footnote 17]. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees
- technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2)

5. Power to access information

38. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

39. This need is recognised in law, with members of scrutiny committees enjoying powers to access information[footnote 18]. In particular, legislation gives enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for members to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

40. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.

41. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

42. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

> While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

43. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision[footnote 19]. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

> Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

44. Legislation stipulates a timeframe for executives to comply with requests from a scrutiny member[footnote 20]. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request
- ensure the information is supplied in a format appropriate to the recipient's needs

45. Scrutiny committees should be aware of their legal power to require members of the executive, including any directly elected mayor and deputy mayor, and officers to attend before them to answer questions[footnote 21]. It is the duty of members and officers to comply with such requests[footnote 22].

Seeking information from external organisations

46. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources and should note in particular their statutory powers to invite other persons to attend meetings of the committee and to access information from certain external organisations.

47. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

(a) The need to explain the purpose of scrutiny

The organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request.

(b) The benefits of an informal approach

Individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted.

(c) How to encourage compliance with the request

Scrutiny committees will want to frame their approach on a case-by-case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting.

(d) Who to approach

A committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

Following 'the tax-payer pound'

Scrutiny committees will often have a keen interest in 'following the tax-payer pound', i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the authority has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a requirement for them to supply information to or appear before scrutiny committees.

6. Planning work

48. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

49. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

50. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

51. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.

52. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

53. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

54. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

The public

It is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

The authority's partners

Relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:

- public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers)
- voluntary sector partners
- contractors and commissioning partners (including partners in joint ventures and authority-owned companies)
- in parished areas, town and parish councils

- in combined authority and combined county authority areas, constituent councils
- in combined county authority areas, councils which nominate non-constituent members
- neighbouring principal councils (both in two-tier and unitary areas)
- cross-authority bodies and organisations, such as Local Enterprise Partnerships[footnote 23]

The executive

A principal partner in discussions on the work programme should be the executive, including any directly elected mayor (and senior officers). The executive should not direct scrutiny's work (see chapter 2, but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

55. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- performance information from across the authority and its partners
- finance and risk information from across the authority and its partners
- corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries
- business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny
- reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see guidance on Open and accountable local government (https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide)).

56. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

57. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

58. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

59. Selected topics can be scrutinised in several ways, including:

(a) As a single item on a committee agenda

This often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue.

(b) At a single meeting

Which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a given subject, or to have a meeting at which evidence is taken from a number of witnesses.

(c) At a task and finish review of two or three meetings

Short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less.

(d) Via a longer-term task and finish review

The 'traditional' task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters.

(e) By establishing a 'standing panel'

This falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence sessions

60. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

> Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

61. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

> Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

62. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

63. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

64. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

65. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by committee members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

66. The drafting of reports is usually, but not always, carried out by officers, directed by members.

67. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

ii. the development of those findings, which will set out some areas on which recommendations might be made; and

iii. the drafting of the full report.

68. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

69. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

> Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative scenario – creating an executive-scrutiny protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective. English institutions with devolved powers should consider the advice in the Scrutiny Protocol (https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-

to further inform development of their own protocol.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed).
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members.
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings.
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings.
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative scenario – engaging independent technical advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative scenario – approaching an external organisation to appear before a committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives. At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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1. A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

2. As defined in section 9R of the Local Government Act 2000.

3. Added by section 8 of and Schedule 3 to the Cities and Local Government Devolution Act 2016 and further amended by section 70 of the Levelling-up and Regeneration Act 2023.

4. Further provision for combined authority and combined county authority scrutiny is set out in The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (S.I. 2017/ 68). Note this SI has been amended by S.I.2024/430.

5. Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; and paragraph 1 of Schedule 1 to the Levelling-up and Regeneration Act 2023.

6. Combined authority and combined county authority overview and scrutiny committees must have a chair who is either an "independent person" or an

"appropriate person" – both terms are defined in legislation.

7. Combined authorities and combined county authorities may have directly elected mayors and their constituent council members are elected members of those councils appointed to the authority.

8. See Part 1 of the Local Government Act 1999.

9. Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

10. See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

11. "Appropriate person" is defined at para 3(5) of schedule 1 to the 2023 Act and art.5(6) of S.I. 2017/68 for combined county authorities and at para 3(5) of schedule 5A to the 2009 Act and art.5(6) of S.I. 2017/68 for combined authorities. "Independent person" is defined at art.5(2) of S.I. 2017/68 for both combined authorities and combined county authorities.

12. Section 9FA(3) of the Local Government Act 2000.

13. Paragraph 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 2(3) of Schedule 1 to the Levelling-up and Regeneration Act 2023.

14. A definition of 'relative' can be found at section 28(10) of the Localism Act 2011 and article 2(2) of The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

15. See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

16. Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

17. Section 9FA(4) Local Government Act 2000.

18. Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

19. Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

20. Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

21. Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; paragraph 2(6) of Schedule 1 to the Levelling-up and Regeneration Act 2023.

22. Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; paragraph 2(7) of Schedule 1 to the Levelling-up and Regeneration Act 2023.

23. Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

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SOUTH STAFFORDSHIRE COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE – 28 MAY 2024

WORK PROGRAMME 2024/25

REPORT OF CORPORATE DIRECTOR OF GOVERNANCE

PART A – SUMMARY REPORT

1.   SUMMARY OF PROPOSALS

1.1   This report seeks approval of the work programme for the Committee for the Municipal Year 2024/25.

2.   SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT		Do these proposals contribute to specific Council Plan objectives?
	Yes	Scrutiny is key to the effective and efficient operation of the Council to enable delivery against the Council Plan
		Has an Equality Impact Assessment (EqIA) been completed?
	No	No – not needed as any equality issues would be addressed individually rather than as part of the programme setting
SCRUTINY POWERS APPLICABLE		No – this report goes to Overview and Scrutiny Committee
KEY DECISION		No
TARGET COMPLETION/ DELIVERY DATE		2024/25 Municipal Year
FINANCIAL IMPACT	No	This is within existing budgets
LEGAL ISSUES	No	No specific legal issues from this report
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	None at this stage as setting the programme of work rather than considering individual items
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

3.   INFORMATION

3.1   The Committee is asked to discuss and agree a work programme for the 2024/25 Municipal Year.

3.2   In addition to the programmed work there will, from time to time, be a number of additional items coming to the Committee including:

- Councillor call for action
- Councillor "call ins"
- Key decision reports

This may require additional meetings to be programmed in depending on when the issues arise.

3.3   Any suggestions for additions to the work programme should be referred to the Chairman in the first instance.

3.4   <u>Work Programme 2024/25</u>

28 May 2024

- Setting of work programme (on agenda)
- Member Working Groups 2023/24 Outcomes Report (on agenda)
- Q4 IPM and Year-end Report (on agenda)
- Council Plan 2020-2024 performance report (on agenda)
- Car cruising mitigation on A449/A460 – Key Decision (on agenda)
- Statutory Scrutiny Guidance (on agenda)

23 July 2024

- UKSPF Update Report
- Member Working Groups – Topic Selection
- DFGs Update Report
- Commercial Asset Programme
- Council Plan 2024-2028 – Performance – New Indicators
- Local Transport Plan – Staffordshire County Council
- Work Programme Report

8 October 2024

- Work programme update
- Climate Change Action Plan Update
- Green Innovation Corridor

- Enterprise Delivery
- Waste Contract

26 November 2024

- Work programme update
- Member Working Groups Update
- Integrated Performance Management Report Q2
- Customer Engagement/Experience
- Engagement with the Communities

21 January 2025

- Work programme update
- Budget meeting
- Member Working Groups Update
- Business Partnership

11 March 2025

- Work programme update
- UKSPF Update Report
- DFGs Update Report
- Review of Ward Grounds Maintenance Programme – Year 1

4.   IMPACT ASSESSMENT – ADDITIONAL INFORMATION
     N/A

5.   PREVIOUS MINUTES
     None

6.   BACKGROUND PAPERS
     None

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7.   RECOMMENDATIONS

7.1   That Members agree the work programme for the 2024/25 municipal year.

Report prepared by: Lorraine Fowkes – Corporate Director of Governance