

## **BEST VALUE PROGRAMME BOARD**

<b>TITLE</b>	<b>AUTHOR</b>	<b>ITEM NO</b>	<b>BEST VALUE PROGRAMME BOARD DATE</b>
Best Value Plan Update	Kevin Kewin, Interim Service Head, Corporate Strategy and Equality		19 <sup>th</sup> April 2016

### **1. INTRODUCTION**

- 1.1 This report is an update on the Council's Best Value Action Plans which respond to the Secretary of State's Directions. It provides the second 6-month progress update submitted to the Secretary of State on 17th March 2016 (Annex A) and the response of the Secretary of State's Commissioners (Annex B).

### **2. FOR THE BOARD TO CONSIDER**

The Board is asked to:

1. Consider the Council's submission to the Secretary of State (annex A) and the Commissioners' response (annex B).

### **3. BACKGROUND**

- 3.1 The second 6-monthly update on the Council's progress in delivering its Best Value Plan was submitted by the Mayor to the Secretary of State last month. In his covering letter, included within annex A, the Mayor highlighted the considerable progress made in addressing both the specific failings identified by the Best Value Inspection and organisational culture that allowed them to happen.
- 3.2 The Commissioners responded to the Council's submission and their letter is attached at annex B to this report. The Commissioners' letter makes clear that, in their view, progress over the total period of the Directions (i.e. since December 2014) has fallen short of what they would have expected. However, more positively, their letter also recognises the recent improvements that have been made, including that, "it is now possible to see and evidence tangible signs of progress".

- 3.3 The Council will continue to deliver on the agreed Best Value Action Plan and address the issues underlying the Government's intervention. Performance will continue to be overseen by the Best Value Programme Board, which meets monthly. The progress made in recent months provides a firm foundation for further improvements to be evidenced and embedded prior to the Council's third update to the Secretary of State in September.

4. **COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The Best Value Action Plan is a priority for the Council, and requisite resources have been identified within the budget in order to deliver the outcomes.

5. **LEGAL COMMENTS**

- 5.1 The Council is a best value authority within the meaning of Part 1 of the Local Government Act 1999. As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" (the best value duty).
- 5.2 Where the Secretary of State is satisfied that an authority is not meeting its best value duty, the Secretary of State may: (1) direct the authority to take action to bring itself into compliance with that duty; (2) direct that specified functions be carried out by the Secretary of State or a nominee and that the authority follow the Secretary of State's instructions and provide such assistance as may be required (Local Government Act 1999). In accordance with this power the Secretary of State gave directions to the Council on 17 December 2014, 29 April 2015 and 6 May 2015.
- 5.3 The directions are enforceable by the Secretary of State, who may seek an order in the High Court requiring the Council to remedy any breach. In the circumstances, it is appropriate for the Council to take steps to comply with the directions and to monitor its compliance with the directions.
- 5.4 When taking action in response to the directions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the

need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Compliance with this duty has been a feature, to the extent relevant, of the Council's action in response to the directions.

Annex A: Council's second 6-month submission to the Secretary of State

- Cover letter
- Appendix 1: Briefing from the Borough Returning Officer
- Appendix 2: Communications Progress Summary
- Appendix 3: CE's presentation on Organisational Culture
- Appendix 4: Best Value Action Plan Progress Update

Annex B: Commissioners' response to the Council's submission