

**OVERVIEW AND SCRUTINY COMMISSION  
20 NOVEMBER 2008**

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**RESPONSE TO 'COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER  
IMPROVING LOCAL ACCOUNTABILITY' CONSULTATION BY THE DEPARTMENT  
FOR COMMUNITIES AND LOCAL GOVERNMENT**

**1 INTRODUCTION**

- 1.1 This report invites the Overview and Scrutiny Commission (O&SC) to note the response by the O&SC to the 'Communities in control: real people, real power improving local accountability' consultation by the Department for Communities and Local Government (DCLG).

**2 SUGGESTED ACTION**

- 2.1 **That the Overview and Scrutiny Commission notes the response to the DCLG consultation.**

**3 SUPPORTING INFORMATION**

- 3.1 At its meeting on 11 September 2008, the O&SC decided to make a response to the consultation by the DCLG on 'Communities in control: real people, real power improving local accountability' as it contained proposals affecting Overview and Scrutiny. O&SC Members subsequently provided their input to the response, which was agreed with the Corporate Management Team. The attached response was approved by the Chairman of the Commission and issued on 13 October 2008.

Contact for further information

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Date: 13/10/2008

Dear Sir/Madam

**BRACKNELL FOREST COUNCIL'S RESPONSE TO 'COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER IMPROVING LOCAL ACCOUNTABILITY' CONSULTATION**

I attach the response of the Overview and Scrutiny Commission of Bracknell Forest Council to the CLG's consultation 'Communities in control: real people, real power improving local accountability'.

Yours sincerely

**Councillor Bob Edger OBE**  
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Cc: Councillor Paul Bettison, Leader  
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Enc: Bracknell Forest Council's Response

## **BRACKNELL FOREST COUNCIL'S RESPONSE TO 'COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER IMPROVING LOCAL ACCOUNTABILITY' CONSULTATION BY THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT**

The Overview and Scrutiny (O&S) Commission of Bracknell Forest Council, in consultation with the Council's Corporate Management Team, is pleased to respond to this consultation, as follows.

### **General**

Bracknell Forest Council is committed to, and has an active and value-added Overview and Scrutiny function. This has cross-party support and a comprehensive work programme. The Council's Corporate Assessment by the Audit Commission in February 2008 commented very positively on the Council's Overview and Scrutiny function, including "The Councils overview and scrutiny function provides good challenge to the Council Executive and this has been used effectively to review and maintain focus on priority areas." The Council is therefore fully supportive of the Government's aim to raise the visibility of, and strengthen, the scrutiny function.

In relation to the Local Area Agreement (LAA), O&S made a detailed input to the selection of the LAA's improvement themes, and the O&S Commission has recently undertaken a preliminary review of scrutiny arrangements for the LAA. This has led to a clearer understanding of how O&S might undertake scrutiny of the Local Strategic Partnership and themed partnerships. A good working relationship exists between all the partners, who recognise that positive and constructive scrutiny by the Council would be of benefit to the partnership. The Commission is keen to support and encourage better such scrutiny.

So as not to undermine the commitment and enthusiasm of partner organisations – which we are fortunate to have in the Bracknell Forest Partnership – any development of the O&S of partnerships must be sensitive to the respective roles and statutory duties of each partner organisation; the emphasis must be on using O&S as a constructive, partnership-oriented tool to assist improvement of the partnership as a whole for the delivery of excellent services to residents.

### **Responses to consultation questions**

#### **Chapter 2: Developing and strengthening overview and scrutiny Implementing the Local Government and Public Involvement in Health Act 2007 provisions**

Question 1      Do you agree with our proposed approach in relation to overview and scrutiny committees requiring information from partner authorities?

Q1 Response    Yes. In practice, Bracknell Forest Council's Overview and Scrutiny Commission have had no difficulties in obtaining information from partners, neither would we want the strong partnership spirit which exists here to be spoilt by over-regulation, so we support the proposal for limited regulations on these matters.

Question 2      Do you agree with the proposal to apply the provisions in relation to

exempt and confidential information without modification to local authority executives?

Q2 Response Yes. Within the confines of necessary and appropriate confidentiality, the Commission agrees that the provisions in relation to exempt and confidential information need to be applied without modification to local authority Executives. It is essential to have transparency in local government decision-making.

Question 3 Do you agree with the proposed approach towards joint overview and scrutiny committees? Are there specific issues that should be considered as part of the approach?

Q3 Response Yes. Bracknell Forest Borough Council is a unitary authority and, as a consequence, this question does not apply to us. On the second question, one specific issue to address is that any new arrangements should be consistent with existing statutory requirements concerning Joint Health Scrutiny Committees.

Question 4 Do you agree with the proposed approach to enable district scrutiny committees to review the delivery of LAA targets?

Q4 Response Yes. This does not apply to Bracknell Forest Borough Council as a unitary authority.

Question 5 Do you agree with the proposal to apply these new powers in councils operating alternative arrangements? Are there any specific implications that should be taken into account in doing so?

Q5 Response Yes. This does not apply to Bracknell Forest Borough Council as a unitary authority.

### **Taking forward the 2008 White Paper commitments**

Question 6 What issues should be considered as part of any new power to establish area scrutiny committees?

Q6 Response An area scrutiny committee's powers should be similar to, and no greater than, those of scrutiny committees in Unitary Authorities, and represent political balance.

Question 7 How might the requirement for dedicated scrutiny resource be put into practice?

Q7 Response Bracknell Forest would agree to a similar provision to that in the Local Government and Housing Act concerning Monitoring Officers, however if there were to be any prescription on the monetary budget to be applied to O&S (either payroll or non-payroll costs), this amount should be a specific grant separately funded by central government in addition to the local government finance settlement. Failure to do this will potentially

undermine the scrutiny function.

**Question 8**     Do you agree that appeals about a local authority's response to a petition should be considered by the overview and scrutiny committee? What practical issues might arise?

**Q8 Response**     We have a well tried and tested system of dealing with petitions that is transparent and understood by our residents. Whilst the submission of petitions is rare here, when they have been presented these have been dealt with seriously and efficiently; we have not had an appeal so far.

We would not want these arrangements tampered with.

However, in the cause of transparency we would support the consideration of an appeal through our O&S systems, that are generally accepted to be robust and efficient, rather than it, the appeal, being sent directly to the Local Government Ombudsman.

But it should be recognised that the practical issues arising from these proposed changes might be:

(a) in some authorities the volume of petitions possibly impacting on resources and services;

(b) Councillors being members of both O&S and the Planning or other committees with consequent problem issues over interests.

### **Chapter 3: Increasing the visibility and accountability of local public officers**

**Question 9**     Do you agree with this approach that those responsible for the job descriptions should determine the precise arrangements by which the chair or chief executive will attend regular public meetings?

**Q9 Response**     Bracknell Forest Council agrees that those responsible for the job descriptions should determine the precise arrangements by which the Chair or Chief Executive will attend public meetings. However, we think that it is unduly prescriptive to require such meetings to be held every three or four months, or that it should always be the Chair or Chief Executive to attend such meetings. We believe that it would be preferable to require public meetings to be held at least once annually, with the body concerned deciding to hold them more frequently should the need arise. Not every public body has a designated Chair or Chief Executive position and each organisation should be free to determine their appropriate representatives.

Furthermore, adequate resourcing is essential, and there would be a cost implication of holding additional public meetings. Consequently, this new government requirement should attract a specific grant separately funded by central government in addition to the local government finance settlement.

Question 10     Do you agree with our proposals to require the local authority with its strategic partners to agree a local scheme for petitions to hold officers to account? What practical issues might arise?

Q10 Response No. Whilst it is essential to provide a conduit for members of the public to lobby their elected representatives and to submit petitions, Bracknell Forest Council considers that a partner-oriented approach to receiving and considering petitions would be inappropriate. Each partner organisation has its own constitutional arrangements for dealing with such matters, along with established – in many cases statutory – recourse/right of appeal to other bodies such as the Local Government Ombudsman. This proposal would cut across the individual governance arrangements adopted by and appropriate for each partner organisation, and it would be invidious to require Councils to lead this process; we believe this would undermine the spirit of partnership which we have achieved over a long period of time with our partners, and which is very valuable to us all.

Question 11     Should the Government provide some minimum standards for local schemes to hold officers to account? What should they be? Which, if any, local service providers and agencies must, or must not be in any scheme?

Q11 Response No. For the same reasons given in the response to Question 10, Bracknell Forest Council believes that further regulation in this area would be unnecessary and unhelpful. Best practice guidance on the matters referred to in paragraph 3.8 of the paper would be welcome, but we maintain that each individual organisation is best placed to devise detailed arrangements best suited to their circumstances. Most LAA partner organisations are, of course, subject to External Audit and Inspection, so any inadequacies in those arrangements would be subject to appropriate challenge.

Question 12     Do you agree that the scope of the scheme should be agreed locally subject to any statutory minimum standards and whether this would be an effective means of empowering communities?

Q12 Response The most appropriate place to agree the scope of the scheme is locally, which will further empower communities. Minimum standards should reflect best local practice and guidance, which is adequate, rather than creating further mandatory standards imposed centrally.

#### **Chapter 4: Facilitating the work of councillors**

Question 13     Do you agree with the proposed approach?

Q13 Response Bracknell Forest Council notes that the proposed legislation does not appear to extend to it as a Unitary Authority. However, it is important that when any matter is being considered the decision is seen to be taken by those who have been physically present at the time that evidence has been put forward and representations made. We would argue that a

remote voter in these circumstances denigrates empowerment. Although measures to facilitate improved democratic participation are welcome in principle, we firmly believe that any legislation should be enabling rather than prescriptive, and any changes developed through local best practice, carrying communities with it, rather than through structures imposed from above. Otherwise, it could easily have the opposite effect of disempowering local communities. In this sense we doubt that these legislative proposals will improve the business of local authorities and the communities they serve.