

**OVERVIEW AND SCRUTINY COMMISSION
24 SEPTEMBER 2009**

GOVERNMENT CONSULTATION ON 'STRENGTHENING LOCAL DEMOCRACY'

CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMISSION

1 INTRODUCTION

This report seeks the Overview and Scrutiny Commission's views on the proposals in the consultation by the Department for Communities and Local Government 'Strengthening Local Democracy'.

2 SUGGESTED ACTION

2.1 That the Overview and Scrutiny Commission:

- a) **considers its response to the main themes of the consultation document affecting Overview and Scrutiny**
- b) **delegates to the Chairman of the O&S Commission the input to the Council's overall response to the consultation and the specific questions affecting O&S.**

3 SUPPORTING INFORMATION

- 3.1 The Department for Communities and Local Government's (DCLG) consultation paper on 'Strengthening Local Democracy'¹ was issued on 23 July with a response deadline of 2 October. The document was circulated to Members of the Commission on 2 September.
- 3.2 The consultation document states that it is 'focused on promoting local democratic renewal by strengthening the capacity of local government to serve citizens'. It contains a number of proposals and questions relating to Overview and Scrutiny (O&S), together with others concerning local authorities' powers and their role in tackling climate change, sub-regional working, and the relationship between central and local government. The Corporate Management Team are considering making a response to the consultation document and wish to incorporate in that response the views of the O&S Commission on the proposals concerning O&S.
- 3.3 The questions in the consultation document concerning O&S are reproduced in Appendix 1, along with the relevant extracts from the consultation document. The main themes arising from the proposals, together with consequential issues not mentioned in the document are:

¹ The CLG consultation document can be found at
<http://www.communities.gov.uk/documents/localgovernment/pdf/1290537.pdf>

- a) Should O&S be extended to all the public services provided by partner organisations in the local strategic partnership, also to sub-regional partnerships?
- b) Should O&S be extended to the provision of wider public services such as public transport and utility companies?
- c) Should any extension of O&S attract the same powers as apply currently?
- d) How could such an expansion of O&S activity be managed so as to complement and not conflict with the roles of the statutory regulators?
- e) Should any agreement to extend the role of O&S be conditional on the provision by government of additional resources to meet the increased workload?
- f) Is the status and resourcing of O&S sufficient?
- g) How can public engagement in O&S be improved?

Background Papers

Consultation document 'Strengthening local democracy', DCLG, July 2009

Contact for further information

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‘STRENGTHENING LOCAL DEMOCRACY’ CONSULTATION BY THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Consultation questions relating to Overview and Scrutiny

CHAPTER 1: LOCAL GOVERNMENT AT THE CENTRE OF DECISION MAKING	
<u>Question 1</u>	Do you agree that we should extend scrutiny powers in relation to Local Area Agreement (LAA) partners to cover the range of their activities in an area, not just those limited to specific LAA targets?
<u>Extract from Consultation document</u>	<p><i>'61. We want to examine whether the scope of scrutiny powers should be increased so that they cover all of the issues that matter to the local community. Other than for health, and crime and disorder matters, formal scrutiny powers are currently limited to those bodies that are under a duty to co-operate with a local authority in setting and delivering the priorities established in the Local Area Agreement (LAA). Other than on crime and disorder, and on health, scrutiny committees can only use these powers when the issue at hand falls under the scope of priorities set out in the LAA.</i></p> <p><i>62. But the issues which matter to local people often go beyond the scope of LAAs. And they relate to many other organisations than just those who are responsible for delivering the priorities set out in this agreement. Although in some places, other local service providers who have not formally signed up to the LAA – for example utility companies – voluntarily co-operate with council scrutiny reviews, this is not always the case.'</i></p>
<u>Question 2</u>	Do we need to make scrutiny powers more explicit in relation to local councils' role in scrutinising expenditure on delivery of local public services in an area? If so, what is the best way of achieving this?
<u>Extract from Consultation document</u>	<p><i>'63. If they are to act effectively on citizen's behalf, on all the issues which matter to them, we need to further strengthen the scrutiny powers which councils have. This would mean:</i></p> <ul style="list-style-type: none"> • <i>broadening</i> the number of bodies which can be subject to scrutiny committees: not limited to those responsible for health, crime and disorder or council functions, nor just those responsible for priority targets set out in the LAA <p><i>enabling</i> scrutiny committees to make reports and recommendations to a wider range of bodies for their consideration, and these bodies could be required to have regard to the recommendations and formally respond to scrutiny committees'</p>

<u>Question 3</u>	Do you agree that we should bring all or some of the local public services as set out in this chapter fully under the local authority scrutiny regime? Are there other bodies who would benefit from scrutiny from local government?
<u>Extract from Consultation document</u>	'64 <i>Subject to views, we propose to offer councils greater scrutiny over: ...police strategies in local authority areas... fire and rescue authorities... local authorities' delivery of high-quality educational provision... probation authorities... provision of public transport and transport infrastructure... Jobcentre Plus...utility companies... young people's education and skills issues'</i>
<u>Question 4</u>	How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?
<u>Extract from Consultation document</u>	'63. <i>If they are to act effectively on citizen's behalf, on all the issues which matter to them, we need to further strengthen the scrutiny powers which councils have. This would mean enhancing the powers which these committees have. Officers and board members could be required to appear in front of the committee'</i>
<u>Question 5</u>	What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?
<u>Extract from Consultation document</u>	<p>'65. <i>Those scrutiny committees which are really effective are those which are well supported by their local authority. We are already requiring lead councils to designate an officer to support the scrutiny committee, which will help raise the profile and visibility of scrutiny.</i></p> <p>66. <i>The proposals in this consultation will further increase the status of scrutiny as one of the council's central roles. As the democratically accountable leaders of their areas, it will be a priority for every council leader to ensure that their council's scrutiny activities are effective. This will involve leaders and council executives considering carefully the resources that are devoted to scrutiny and the status accorded to those leading the scrutiny work.</i></p> <p>67. <i>One option is to place a duty on council chief executives to ensure that committees have adequate resources to carry out their work. While recognising the importance of scrutiny, this would also mean that final decisions on how best to organise resources are left with those who are best-placed to make them.</i></p> <p>68. <i>We also believe that scrutiny should take greater visibility and recognition as befits its vital role. A visible commitment by a local authority to the importance of overview of scrutiny would be ranking the position of chair of certain overview and scrutiny committees in the authority on a par with a cabinet post. This might include the special responsibility allowance for this post being equal to that of a cabinet member in the authority.</i></p>

<u>Question 6</u>	How can council leaders ensure that scrutiny is a core function of how their organisations do business and have a full and proper role in scrutinising the full range of local public services?
<u>Extract from Consultation document</u>	
<u>Question 7</u>	What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example citizens as expert advisers to committees?
<u>Extract from Consultation document</u>	<i>74. We have a duty to citizens to ensure that bodies spending public money and delivering public services in local areas are open to appropriate, proper challenge and effective scrutiny by the democratically elected councillors for that area. We are also clear that local scrutiny must keep to those issues which affect local service delivery.</i>
CHAPTER 4: SUB-REGIONAL WORKING	
<u>Question 17</u>	Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?
<u>Extract from Consultation document</u>	<p><i>'146. As sub-regional structures grow in power and influence, it is important that greater power is matched by clear, democratic and accountable leadership</i></p> <p><i>149. As these partnerships of authorities have developed it has become more difficult for citizens to understand who is doing what on their behalf. It is vital that local people and organisations understand how these partnerships work, and how they can influence what takes place at this higher level.</i></p> <p><i>150. We want to ensure that existing and planned mechanisms for joint working between authorities at the sub-regional or city-regional level are as accessible, transparent and accountable as possible.</i></p> <p><i>161. In the first instance there is a strong case for strengthening existing and planned structures through requiring the activity of sub-regional partnerships to be subject to scrutiny arrangements.'</i></p>
<u>Question 18</u>	Should councils' joint overview and scrutiny committees be able to require sub-regional bodies to provide them with information on the full range of their activities and to consider their recommendations on sub-regional matters?
<u>Extract from Consultation document</u>	<i>158. There are various mechanisms in place or planned for holding these formal sub-regional bodies, referred to above, to account and to allow local people to get involved in their activities. These include an intention to enable local authorities to establish joint overview and scrutiny arrangements to allow them to examine any matter that is of relevance to the area. Authorities could use this mechanism to establish a committee that would be able to scrutinise the activity of local authorities working together at the sub-regional</i>

level.

161. In the first instance there is a strong case for strengthening existing and planned structures through enabling joint overview and scrutiny committees to require sub-regional structures, and their partners, to provide them with a broader range of information and to consider their recommendations on sub-regional matters.'