

OVERVIEW AND SCRUTINY BOARD

22 SEPTEMBER 2009

STRENGTHENING LOCAL DEMOCRACY - CONSULTATION

PURPOSE OF REPORT

1. To provide the Board with information on the Department of Communities and Local Government Consultation: *Strengthening Local Democracy*.

BACKGROUND INFORMATION

2. The Consultation explores whether local government has the powers it needs to meet today's challenges. It sets out a range of measures to promote democratic renewal and strengthen the power and responsibility of local government.
3. The Consultation requests that the public, local authorities, public and private sector organisations, voluntary and third sector organisations respond to the recommended proposals.
4. Building on the current arrangements in place, the Consultation Paper proposes to strengthen the existing scrutiny powers as follows:
 - Making the description of scrutiny powers more explicit about local councils' role in scrutinising expenditure on delivery of local public services in an area.
 - Bringing a range of local public services fully under the scrutiny powers of local authorities with a focus on what matters for local people and local communities.
 - Extending scrutiny powers in relation to LAA partners by removing the current limitations to scrutiny of specific LAA targets, and extending scrutiny powers more generally to a wider range of bodies whose activities may be crucial to the development of the area.
 - Extending scrutiny powers to enable committees to require attendance by officers or board members from partner bodies to give evidence at scrutiny hearings (similar to the powers already in existence for health and police).
5. A summary of the relationship between current and potential future local government scrutiny powers is included in Appendix A.

6. The Consultation questions can be viewed at Appendix B.
7. The Consultation period ends on 2 October 2009.
8. A copy of the Consultation document can be found at the link below:

<http://www.communities.gov.uk/publications/localgovernment/localdemocracyconsultation>

Chapter One, Local government at the centre of decision-making, focuses on extending Scrutiny powers.

RECOMMENDATION

9. That the Board considers and provides views on the information presented, both in the report and the appendices.
10. Once Members views have been sought, a response will be compiled and submitted to the Department of Communities and Local Government.

BACKGROUND PAPERS

11. *Strengthening Local Democracy – Consultation* and associated appendices

Contact Officer: - Peter Clark, Senior Scrutiny Officer – (01642) 729708
Georgina Brown, Assistant Scrutiny Officer – (01642) 729705

LOCAL GOVERNMENT SCRUTINY COMMITTEE POWERS

Current powers	Potential future powers
<p>Information can be required from:</p> <ul style="list-style-type: none"> • officers of the council • members of the council executive • local NHS bodies in relation to planning, provision and operation of health services in the area • police forces, Police authorities, fire and rescue authorities, probation authorities and parish councils in relation to crime and disorder functions • LAA partner authorities where the information relates to an LAA target that the partner authority has signed up to (pending regulations)* 	<p>Enabling scrutiny committees to use their powers to require LAA partner authorities to provide information on issues not directly related to LAA targets** and</p> <p>Extend the power to require information from a wider range of authorities and bodies that carry out public services locally, for example to utility companies, and to sub-regional partnerships.</p>
<p>Attendance before the scrutiny committee can be required from:</p> <ul style="list-style-type: none"> • members of the council executive • officers of the council • officers of local NHS bodies • officers or employees of police forces, police authorities, fire and rescue authorities, probation authorities and parish councils in relation to crime and disorder functions 	<p>Extend the power to require attendance to a wider range of authorities and bodies carrying out public services locally and to sub-regional partnerships.</p>
<p>Reports and recommendations can be made to:</p> <ul style="list-style-type: none"> • the council • local NHS bodies and their relevant council • police forces, police authorities, fire and rescue authorities, probation authorities and parish councils • reports and recommendations can be copied to LAA partner authorities <p>The current arrangements on receipt of scrutiny reports and recommendations vary. For example, LAA partners are required to 'have regard' to recommendations, but not required to respond formally, unlike the council, local NHS bodies or police forces etc.</p>	<p>Extend the power for scrutiny committees to make reports and recommendations to a wider range of authorities and bodies carrying out public services locally and to sub-regional partnerships.</p> <p>Extend the current arrangements to require a wider range of authorities and bodies carrying out public services locally to consider and formally respond to scrutiny reports and recommendations and to sub-regional partnerships.</p>

* Appropriate measures will be put in place, to ensure the protection of sensitive information, if these proposals on information provision are to be taken forward.

** The duty to co-operate in regard to LAAs applies to: unitary and county authorities, district authorities, Environment Agency, Natural England, fire and rescue authorities, JobCentre Plus, Health and Safety Executive, Broads Authority, national park authorities, youth offending teams, police authorities, probation trusts and other providers of probation services, Transport for London Chief Officer of Police, joint waste authorities, primary care trusts, NHS trusts, NHS foundation trusts, regional development agencies, Learning and Skills Council, Sport England, English Heritage, Arts Council, Museum and Libraries Archives Council, Highways Agency, metropolitan passenger transport authorities, Homes and Communities Agency, any other organisations added by an order under section 104(7) of the Local Government and Public Involvement in Health Act 2007.

Summary of consultation questions

CHAPTER 1: LOCAL GOVERNMENT AT THE CENTRE OF DECISION MAKING

- 1. 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?**
- 2. 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?**
- 3. 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?**
- 4. 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?**
- 5. 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?**
- 6. 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?**
- 7. 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?**