

Consultation on Improving Local Accountability – A Summary

Introduction:

This is the first in a series of **Communities in Control** (Real people, real power) consultations flowing from the recent **white paper** (July 2008). The consultation also covers implementation of the overview and scrutiny provisions in the **Local Government and Public Involvement in Health Act 2007**. It seeks views on how to develop overview and scrutiny powers to hold local officers to account and how to facilitate the work of councillors.

Chapter 1: The consultation and how to respond

This is a public consultation on a set of questions (Annex A). Responses are welcomed from local authorities, overview and scrutiny members and officers, national representative bodies, trade unions and local government partners; Responses must be received by 30 October 2008 by email: localaccountability@communities.gsi.gov.uk

or post to:

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Chapter 2: Developing and strengthening overview and scrutiny

- Through implementing the provisions of the 2007 Act – enhancing councils' scrutiny powers in relation to scrutiny of Local Area Agreement partners and their delivery of LAA improvement targets,
- O&S committees requiring information from partner authorities (Appendix B)
- Publication of scrutiny reports, recommendations and responses
- The establishment of joint county and district O&S committees and enhancement of their powers
- Raising the visibility of, and to strengthen, the scrutiny function as laid out in the Communities in Control White Paper.
- Scrutiny in small district councils operating a streamline committee system

Chapter 3:

Increasing the visibility and accountability of local public officers

- So that they are all open to public scrutiny and questioning from local communities through chairs and chief executives of local public bodies attending regular public hearings
- A new right for local people to petition to hold officers to account

Chapter 4

Facilitating the work of councillors- by modernising the way they do business to enable them to use **information and communications technology** to participate in meetings and vote remotely.

Recommendations –

The consultation gives the opportunity to **influence** future guidance and legislation. The Government will take account of the responses received before introducing **primary and secondary** legislation on the particular topics discussed in this paper. Therefore, it is suggested that a response is submitted by Overview and Scrutiny along with any response from Cabinet and/or the Corporate Management team.

Appendix A - Improving Local Accountability Consultation

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

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

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?
- 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?
- 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?
- 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?

Chapter 4: Facilitating the work of councillors

- Question 13 Do you agree with the proposed approach?

List of partner authorities as defined in the 2007 Act

The partner authorities required to co-operate with overview and scrutiny committees are:

Arts Council of England
Broads Authority
District councils in two-tier areas
English Sports Council
Environment Agency
Fire and Rescue Authorities
Health and Safety Executive
Historic Buildings and Monuments Commission
Joint Waste Authorities
Learning and Skills Council for England
Local Probation Boards
Metropolitan County Passenger Transport Authorities
Museums, Libraries and Archives Council
National Park Authorities
Natural England
NHS Trusts
NHS Foundation Trusts
Primary Care Trusts
Regional Development Agencies
Transport for London
Waste Disposal Authorities
Youth Offending Teams

Empowerment White Paper “Communities in Control”

July 2008

White Paper Key Proposals

The duty to promote democracy - The document recognises councils' position as the “hub” of local democracy. The duty will draw on the best examples from councils and will encourage a range of actions which could include better information for residents, engaging young people, and giving practical support to councillors.

Petition Power will be strengthened - There will be a new duty for councils to respond to petitions and any petition signed by 5% of residents will be required to be debated in a full council meeting. Councils will also act as “community advocates” in responding to petitions that deal with issues outside of their direct control eg: GP surgery opening hours.

Powers of overview and scrutiny are to be updated and made more visible to the public. Local senior public officers (i.e.: not just council officers) may be required to face public scrutiny as the result of residents' petitions – this is to be consulted upon. Chief Executives and Chairs will face a regular public hearing with the intention that such public officers will become more visible locally.

Chapter Summaries

Chapter 1: The Case for Empowerment and the Duty to Promote Democracy

- The new duty to promote democracy will involve a list of possible methods of promotion drawn from council best practice and at this stage it does not appear that it will be prescriptive.
- This will include the duty to promote understanding of and participation in lay governance roles such as school governance.
- The Duty to Involve will also be extended to bodies including the Arts Council, JobCentre Plus and the Regional Development Agencies.
- Councils will be encouraged to promote and increase voting turnout through campaigning and recognition schemes (e.g.: “I've Voted” badges).
- An “Empowering the Frontline Taskforce” will run until 2010 and will work on ensuring that frontline council staff are able to respond to a more empowered public.

Chapter 2: Volunteering

- A Community Builders fund (previously Community Anchors) of £70million will be created. The Government will be looking for a national partner to distribute these funds.
- A match-funded Grassroots Grant announced for volunteering projects which have volunteer time as their main resource. These will be funded from a £80 million allocation from 2008-2011.
- Support for programmes developing leadership skills for local community leaders including through a new Empowerment Fund (of at least £7.5million) (subject to separate consultation).

Chapter 3: Access to Information

- Information needs to be available to the public at local and neighbourhood level.
- CLG will be working with the LGA to identify best practice in information dissemination.
- Neighbourhood Policing Teams will be held to account for achieving neighbourhood objectives through a new "Policing Pledge". The details of this will are set out in the Policing Green Paper.

Chapter 4: Having an Influence

- There will be a new duty for councils to respond to petitions.
- 5% of residents signing a petition will require a debate in full council.
- Councils will be required to respond to petitions on subjects outside of their direct sphere of influence eg: GP surgery opening hours.
- Residents will be able to appeal to the Secretary of State if their application to create a Parish Council is denied by a council.
- Improvements to the Community Payback scheme are being considered, and CLG will be working with the Ministry Of Justice, LGA and Association of Chief Police Officers to determine the best way of ensuring there is greater local influence on justice issues.

Chapter 5: Challenge

- Public sector officers to become more publicly visible.
- Chairs and Chief Executives to face a regular public hearing.
- The power of scrutiny overview and committees will be enhanced to allow them to require information from partners on a broader range of issues.
- The requirement for detailed scrutiny resource in county and unitary councils.
- A new right to require by petition that senior officers in local public services should attend a public hearing– this will go to consultation.
- A consultation will be opened into on-line petitioning for establishing an elected mayor, and also to look at lowering the percentage of residents required to trigger a referendum on having an elected mayor from 5% to 2, 3 or 4%. The amount of time allowed between referenda in the event of an unsuccessful bid for an elected mayor will fall from 10 years to 4 years.
- Elected mayors will be expected to chair LSPs and be the community crime and policing representative.
- More details on crime and local accountability are in the Policing Green Paper.

Chapter 6: Redress

- The CLG are conducting a concise review on issues of redress which will be published at the beginning of 2009 and will consider if and when financial compensation for residents might be relevant.

Chapter 7: Standing for Office

- The Government has published its response to the Councillors Commission Report which reinforces the central role of councillors in local democracy and importance of encouraging people to stand for office.

- The Government will relax the “Widdicombe rules”, which prevent officers from standing for political office, for all except the most senior officers.
- Discretionary ward budgeting will be further encouraged.
- Councils will be given the power to modernise their business practices to include remote attendance and voting, balanced with measures to preserve accountability and transparency.

Chapter 8 – Asset Management

- A new Asset Transfers Unit will be set up to disseminate best practice and offer advice on the transfer of assets to community groups and the third sector.
- The CLG will be working with the LGA and the Audit Commission to determine how this should be managed and to identify methods of best practice currently operated by councils.
- A new Social Enterprise Unit will be set up to deliver CLG objectives in this field.