

'Communities in Control: Real People, Real Power: Improving Local Accountability' - Response to consultation document (S Sharma)

Introduction:

- 1.0 This paper brings together points raised by the Scrutiny Development Steering group on the 15th of September 2008 on the recent Local Accountability consultation. This document is for the Overview and Scrutiny Committee to note and to add any relevant comment before a draft response is written

Main comments

- 2.0 Overall enhancement of the visibility and powers of overview and scrutiny are to be welcomed particularly the opportunity to hold partners to account on Local Area Agreement targets and on wider issues which is important to the place-shaping role of local councils, through local Overview and Scrutiny.

As research shows that some of the key barriers to greater participation include lack of interest or understanding about local governance; these provisions should go some way to ensure that people have the opportunity to play an active role. However, the guidelines on for example, petitioning need to be clear and workable and ensure that petitioning is used effectively to raise real issues of concern rather than a means for "repetitive" or unreasonable requests.

The ability to hold local public officers, service providers and agencies to account via for example, public meetings allows for public accountability and the ability to utilise current structures such as overview and scrutiny enhances this function. These proposals will need a strong focus on working with partners to develop protocols for engagement with the council and communities.

The section on facilitating the work of councillors warrants closer examination. There are likely to be concerns relating particularly to remote voting by members and the security of such votes. While the idea of remote meetings and voting was a recommendation of the Councillors Commission, local authorities may want to consider the implications of this further.

Finally, does the provision for "Councillor Call for action" fit in with these proposals. This needs to be positioned so that the mechanism is clearly defined and complements the provisions.

Summary of questions and comments

3.0 Table 1

Question	Background	Issues to consider/points to note
<p>Question 1</p> <p>Do you agree with our proposed approach in relation to overview and scrutiny committees requiring information from partner authorities?</p>	<p>Other than Police and local health services, which are covered in the Police and Justice Act 2006 and the National Health Service Act 2006, it is proposed that LAA partners should provide information requested by the authority's overview and scrutiny committee which</p> <ul style="list-style-type: none"> • allows them to examine progress on LAA targets for which the partner has a role • provide information on local issues linked to the LAA target as well or • information which facilitates the committee's work more generally. 	<p>It is important that requests for information need to be focused and relevant; ensure that they are not duplicative or unduly burdensome.</p> <p>Perhaps that a mechanism for information requests is agreed with Partners at the outset.</p> <p>Does the list of Partners given include scope to include local partners?</p>
<p>Question 2</p> <p>Do you agree with the proposal to apply the provisions in relation to exempt and confidential information without modification to local authority executives?</p>	<p>The Government proposes to set out types of information which partners can withhold including:</p> <ul style="list-style-type: none"> • -some personal data • -where commercial confidentiality applies • -and where the information is already publicly available. <p>This section proposes to extend to overview and scrutiny committees and local authorities only provisions for exempt and confidential information and further proposes to extend these provisions without modification to local authority executives where they publish or provide copies of such documents.</p>	<p><i>The Government does not propose time limits or formats for partner or associated authority responses to requests from overview and scrutiny committees.</i></p> <p>Having time limits and agreed formats may help ensure that Partners comply with requests. Although some degree of flexibility and effective engagement may be lost with this approach.</p> <p>Does the provision of Part 11 of the constitution already allow for confidential agenda items to be addressed after the main items?.</p>

<p>Question 3</p> <p>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?</p>	<ul style="list-style-type: none"> - This allows for the establishment of a joint (county and district council) overview and scrutiny committee to make reports and recommendations collaboratively in relation to LAA targets for the local area. - The proposal suggests that these joint committees should have similar powers to those of responsible authority's overview and scrutiny committees along with similar provisions in terms of partners. 	<p>Again, perhaps the need to avoid burdensome requests for partners should be adhered to.</p> <p>Being a unitary authority, this provision does not affect SBC specifically.</p>
<p>Question 4</p> <p>Do you agree with the proposed approach to enable district scrutiny committees to review the delivery of LAA targets?</p>	<p>It is proposed that powers for district council overview and scrutiny should be similar to those of lead councils</p>	<p>N/A</p>
<p>Question 5</p> <p>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?</p>	<p>Where small districts are operating a streamlined committee system, or alternative arrangements, the Government proposes to apply the enhanced overview and scrutiny powers for districts as outlined above to these district councils. These district councils could also form part of a joint overview and scrutiny committee within the county council area.</p>	<p>N/A</p>

<p>Question 6</p> <p>What issues should be considered as part of any new power to establish area scrutiny committees?</p>	<p>The proposal to introduce a power for county and district councils to combine their respective scrutiny resources in area scrutiny committees where they wish to do so. Such area committees would operate within the county area, combining existing district and county resource in a powerful partnership</p>	<p>N/A</p>
<p>Question 7</p> <p>How might the requirement for dedicated scrutiny resource be put into practice?</p>	<p>This is the intention to require some dedicated scrutiny resource in county, unitary and London borough councils across England. This will ensure that every area in England is covered by dedicated scrutiny resource to support the overview and scrutiny function in local government. One way this may be achieved is through making similar provision to that for monitoring officers and their resources as set out in the Local Government and Housing Act 1989.</p>	<p>As well as having a dedicated resource, resources could be pooled so that this function is bolstered.</p> <p>Average number of Scrutiny officers for a Unitary authority is 3.2 Full time equivalents.</p>
<p>Question 8</p> <p>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?</p>	<p>Councils will be subject to a new duty to respond to petitions. Petitions may enable local people to force an issue onto a council's agenda.</p>	<ul style="list-style-type: none"> • This function could potentially strengthen the role of O&S; however issues as diverse as bin collections to state of local parks could be raised. Do O&S have the range and expertise? • Is additional training required to perform this role? • How will the appeals function manifest itself? • A procedure/process will be required. • The authority's Legal and Committee departments will need to be consulted.

<p>Question 9</p> <p>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?</p>	<p>It is proposed that Chairs and Chief Executives of local public bodies - such as Councils will face regular public hearings as part of plans to increase accountability. More visible 'local question times' will give the public a chance to question officials about how they are improving public services and demand better results if they believe local services are falling short of expectations.</p> <p>It will also give CEOs an opportunity to describe the hard choices and trade-offs involved in decision making.</p> <p>It is proposed that the requirement to attend such meetings should be included in the job descriptions of the chair or chief executive and that those responsible for these job descriptions should determine the arrangements by which these requirements will be covered.</p>	<p>It would be sensible for those responsible for job descriptions to determine frequency and feasibility of public meetings.</p> <p>Attendance at public hearings by local public officers gives them an opportunity to hear local views and concerns and allows them to explain their actions and decisions. The public would have the opportunity at these hearings to ask questions and raise issues.</p> <p>The Government could specify certain minimum standards for elements of the scheme. It is proposed that the this would only apply to senior officers and offers an option of defining who this would apply to as statutory and/or non-statutory officers. It also suggests that the public hearing could be in the form of an existing meeting, such as that of an overview and scrutiny committee. While subject to any statutory minimum standards, it is proposed that it is for local authorities and its partners to agree to whom the scheme applies,</p>
<p>Question 10</p> <p>Do you agree with our proposals to require the local authority with its strategic partners to agree a local</p>	<p>Where enough people serviced by a local provider or agency sign a local petition, senior officers working form the local public body which is the subject of the petition should be required to attend a public meeting. The Government proposes that in each LAA area, the lead council and its partners, including local service providers and agencies should</p>	<p>A local scheme will allow for local circumstances to be taken into account and the existing process to be agreed with partners.</p>

<p>scheme for petitions to hold officers to account? What practical issues might arise?</p>	<p>agree and publish a scheme, as complement to other local petition arrangements, setting out how the public can petition to hold local officers to account:</p>	<p>However, compliance may be compromised if only a local scheme is in place.</p> <p>With regards to petitioning to hold local public officers to account, local authorities may want to consider how these proposals work alongside the more general development of petitions and:</p> <ul style="list-style-type: none"> • the officers or type of officers to whom the scheme applies locally • any relevant petition criteria such as format, agreed signature thresholds, etc. • which local service providers or agencies are covered by the scheme and how they will respond to such petitions • arrangements for the hearing. <p>How would People 1st fit in within such arrangements?</p>
<p>Question 11</p> <p>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?</p>		<p>Minimum standards will again allow for structure, consistency and a degree of flexibility to take into account local circumstances.</p>

<p>Question 12</p> <p>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</p>		<p>As above</p>
<p>Question 13</p> <p>Do you agree with the proposed approach?</p>	<p>This question is about facilitating the work of councillors and considers approaches to remote attendance and voting and legislation and standing orders.</p> <p>It is suggested that an authority would decide how much or how little they wanted to use remote attendance and voting, in essence they would "opt-in" to this process, having due consideration to security and propriety.</p> <p>The Document suggests that meeting and votes would take place similarly to current practice, including the ability for the public to witness proceedings. The proposal makes certain basic requirements:</p> <ul style="list-style-type: none"> • at least one member must be physically present at the meeting • the person(s) attending the meeting must be in audio contact with any member attending remotely, with or without a video link • members of the public physically attending the meeting must be able to witness proceedings, at least through audio contact • where the public can participate in the meeting, remote attendees must be able to hear the contributions 	<p>According to the document, the Government does not consider that authorities adopting remote attendance or voting would incur additional costs as " it would involve the use of existing facilities in a more flexible way." They suggest that cuts in travel expenses for example, could result in cost saving to the authority.</p> <p>The "opt in" facility allows the authority to consider this approach in line with other E improvements without it being compulsory.</p> <p>There are questions regarding:</p> <ul style="list-style-type: none"> -establishing and maintaining quorum at meetings -Councils may want to consider which meetings would warrant remote participation. -It could be that they would not allow this for full council meetings given the nature of the debate and the importance of items subject to the vote. <p>Implementation of such practices would most certainly require changes to standing orders and</p>

		<p>council constitutions.</p> <p>Councils will need to have regard to how remote meetings and voting might impact upon public engagement, particularly if only one member is required to be physically present and thus quorum is based on physical absence.</p> <p>Councils may also wish to consider potential cost implications with regards to technology, despite the Government's view that there would not be a negative monetary cost.</p>
--	--	--

References:

Communities in control: Real people, real power Improving local accountability Consultation