

Full Council

22 January 2009

Report of The Head of Civic, Democratic & Legal Services

Allocation of Local Choice Function – Approval of Local Area Agreement

1 Summary

- 1.2 The existing constitutional arrangements at City of York Council regarding the approval of the Local Area Agreement (LAA) allocate that function to Full Council. The function is a 'local choice' function which means that it can be allocated, by Full Council, to be undertaken by the Executive.
- 1.3 It is the view of officers engaged in the LAA process that allocating the function to the Executive will make the process of approval of whole revisions or refreshes of the LAA, easier to manage. Consequently this report recommends that the function be allocated to the Executive. However, the report also sets out the option of council retaining the functions but delegating them to a committee which would also achieve the objectives identified by officers.

2 Background

- 2.2 A The Local Government and Public Involvement in Health Bill received royal assent in October 2007. This introduced a statutory duty for all top tier local authorities to produce a Local Area Agreement (LAA) and to move the existing LAA (period 2007/08 – to 2009/10) to a 'new' LAA, or LAA2, (period 2008/09 – to 2010/11).
- 2.3 It was specified that the revised LAA would include up to 35 indicators from a new national indicator set of 198 and 17 statutory indicators on educational attainment (which are included in the new national set). In addition, the 'new' LAA could also include local indicators (selected from the new national set or otherwise) to reflect local priorities. There is now no other way of setting targets with central government and there is a statutory duty for specified partners to cooperate in the delivery of the LAA.
- 2.4 The functions relating to the LAA such as agreeing the content and approving the draft for signature have been designated as "local choice" functions which means that they may be undertaken by the Executive or by Full Council. However, it is a matter for Full Council as to how the functions are allocated.

2.5 Central Government have requested that a 'refreshed' LAA should be submitted by the end of March 2009 that finalises any outstanding issues in respect of data and, if necessary, updates baselines and targets. The refresh process will require areas to submit a revised LAA (whether there are any revisions or not) by end of March 2009. All of the previous requirements relating to sign off by a Council in respect of the 'local choice' functions will continue to apply.

2.6 The process for seeking approval and amendment of the LAA is more cumbersome where it is undertaken by full council partly due to the fact that the regularity of meetings is significantly less and partly the fact that full council, as a forum, does not lend itself to the consideration and development of this type of document. It is therefore recommended that Full Council allocate this function to the Executive to make the management of the LAA refresh process more manageable and proportionate.

3 Options

3.2 The process of developing and signing off the LAA could be retained as a full council function and if this were the case Full Council may wish to delegate these functions to a committee.

4 Implications

4.2 **Legal:-** The Local Government Act 2000 introduced a system of categorising the functions undertaken by local authorities into those that could only be undertaken by Full Council, those that could only be undertaken by the Executive, those that could only be undertaken jointly by Full Council and the Executive and lastly, those functions that could be undertaken by either Full Council or the Executive. This last category are known the 'Local Choice' functions and they may be allocated to the Executive by decision of Full Council. In the absence of such a decision the default position is that they remain Full Council functions.

4.3 The various functions involved in the development and approval of the LAA are included in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and, as such, are 'Local Choice' functions which Full Council may allocate.

4.4 **HR:-** There are no HR implications arising from this decision if implemented.

4.5 **Finance:-** There are no financial implications arising from this decision if implemented.

5 Recommendations:-

5.2 That full council allocate to the Executive the functions relating to the LAA, as listed in para 22 Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

5.3 The Monitoring Officer is authorised to make the necessary amendments to the constitution to give effect to this recommendation.

Author:
Author's name:
Quentin Baker
Title: Head of Civic Legal and Democratic Services

Chief Officer Responsible for the report:
Chief Officer's name: Quentin Baker
Title: Monitoring Officer

Tel No.01904 551004

Specialist Implications Officer(s)

Legal:- Quentin Baker

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report