
Scrutiny Management Committee

28 September 2009

Report of the Democratic Services Manager

Strengthening Local Democracy – Consultation Paper

Summary

1. The Government has released a consultation document in relation to 'strengthening local democracy' as part of a paper on 'Building Britain's Future'. The Consultation was announced on 21 July and responses are due by 2 October 2009. As a result, the Chair of this Committee has agreed to take this report as an urgent item to enable the Committee to endorse the Council's response to the Consultation and formally submit its views within the stated deadline on scrutiny elements of the Consultation.

Background

2. There have been a number of recent legislative changes and developments relating to the scrutiny function, since the introduction of the 2000 Local Government Act. Most recently, the Local Democracy, Economic Development & Construction Bill (LDEDC) is introducing new working requirements upon local authorities regarding petitions. Audit & Governance Committee considered a report on introducing e-petitions at its meeting on 21 September 2009. As an extension to that, LDEDC may well go on to give petitioners the right to ask scrutiny to consider their petition if they feel that the authority has not dealt with their petition satisfactorily.
3. In addition, in April 2009, the Councillor Call for Action (CcfA) provision was introduced further to the Local Government Public Involvement in Health Act. This provision gives local ward councillors the right to invoke a CcfA and ask scrutiny to investigate ongoing problems/issues in the area if they have not been able to be resolved by any other means. In York, two CcfAs have been registered to date.
4. As a part of its proposals in the Consultation document for 'strengthening local democracy', including a potential 'duty' upon local authorities to promote local democracy, the Government is consulting upon a number of issues relating to scrutiny powers and promoting scrutiny. A policy briefing is attached at Annex A setting out the key issues for consideration/comment by this Committee in relation to scrutiny. The full Consultation document is available at 'Strengthening Local Democracy: Consultation – Local Government – Communities and Local Government'.

Consultation

5. Council Management Team (CMT) have considered the Consultation in general and comments/views are being collated on relevant parts across the Authority. The views of this Committee are formally sought in relation to the questions set out in the Consultation document regarding scrutiny powers. Those comments will then be fed into the overall formal response on the Consultation document. Any responses from local authorities on the consultation are required by 2 October 2009.

Options

6. Members can:
 - (i) Endorse the proposed response in relation to scrutiny powers set out in this report in full; or
 - (ii) Amend the proposed response and endorse it for submission, as revised.

Analysis

7. The Consultation considers how councillors and councils can be placed at the centre of decision-making by local service providers and one area considered is through strengthening overview and scrutiny. The consultation proposes that councils have greater scrutiny powers and oversight of the totality of local spending in the area. The proposals would broaden and extend local authority scrutiny powers so they can better influence local decision-making. This goes beyond just monitoring spending but is also about challenging others to improve. Local authorities are also seen as having a role in representing the interests of local organisations.
8. Specifically, the Consultation sets out the possibility of extending the scope of scrutiny to enable:
 - scrutiny committees to cover all the issues that matter to the local community, and not be limited to issues that fall within the LAA priorities;
 - a wider range of bodies to be included, beyond the range of organisations responsible for contributing to the LAA targets.
 - Scrutiny committees to require officers and board members from external organisations to appear before them.
 - External organisations to have regard to and formally respond to the reports and recommendations of scrutiny committees.
9. Although earlier legislation has empowered local authority scrutiny committees to require information directly from partner organisations in relation to health and more recently, crime and disorder, it appears there may be further statutory guidance on this in a White Paper in the Autumn, to provide greater opportunities for the scrutiny of health/crime & disorder to make a real impact.

10. This Consultation further suggests proposals for 'strengthening' scrutiny directly within local authorities. Measures such as the following are put forward:
 - Steps to ensure leadership support;
 - A potential duty imposed on Chief Executives to ensure scrutiny committees are provided with adequate resources;
 - Chairs of Scrutiny Committees to be placed on a par with Cabinet/Executive Members and perhaps receiving comparable special responsibility allowances (SRAs)

11. The Consultation asks the following resulting questions of local authorities regarding the powers and promotion of scrutiny, at the centre of decision making:
 - Do you agree that we should extend scrutiny powers in relation to LAA partners to cover the range of their activities in an area, not just those limited to specific LAA targets?
 - Do we need to make scrutiny powers more explicit in relation to local councils' role in scrutinising expenditure on delivery of the local public services in an area? If so what is the best way of achieving this?
 - Do you agree that we should bring all or some of the local public services as set out in this cheaper fully under local authority scrutiny regime / Are there other bodies who would benefit from scrutiny by Local Government
 - 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?
 - 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?
 - How can council leaders ensure that scrutiny is a core function of how these organisations do business and have a full and proper role in scrutinising the full range of local public services?
 - 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?

12. A proposed draft formal response to those questions are set out in Annex B to this report, for Members' consideration.

13. This Consultation raises a number of other key issues in relation to local authorities operating in local interest, tackling climate change and regarding sub-regional working. Summary details are set out in Annex A, for information. There are already sub-regional scrutiny arrangements in place but the consultation proposes further joint overview & scrutiny arrangements to enable the examination of sub-regional partnerships. In terms of joint overview and scrutiny with other local authorities, Members of SMC will recall that this Council has an agreed joint 'working protocol' for any joint scrutiny reviews which may arise. Health Scrutiny Committee has also signed up to a

joint 'working protocol' with other local authorities in relation to any potential joint health reviews affecting York.

Corporate Strategy

14. The proposals contained within this Consultation and behind the overall purpose of 'strengthening' scrutiny, should help contribute to the Council's aim of becoming an 'Effective Organisation', being modern and delivering high standards in all that it does. Improving upon scrutiny powers, should, also, help the Council be more inclusive, scrutinising the way in which it and its partners deliver services, ensuring it and others do their best for all citizens, regardless of race, age, disability, sexual orientation, faith or gender.

Implications

15. There are no direct financial, human resource, crime & disorder, IT&T, property or other implications arising from this report. There are clear legal implications which may emerge from any future Bill or further resulting legislation, which will be reported to Members as the Consultation progresses into Parliament.

Risk Management

16. There are no direct risks for the Council to manage associated with this report, which asks Members to respond to a Consultation document at this stage.

Recommendations

Members are asked to note the proposals contained in the Consultation and approve the proposed draft response at Annex B, as amended or otherwise, for inclusion in the Council's formal response to the Government by 2 October 2009.

Reason: To enable the Council to respond formally within the consultation period.

Contact Details

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Report Approved



Date

25 September
2009

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A : Policy Briefing: Strengthening Local Democracy Consultation

Annex B : Proposed Draft Response