



St Edmundsbury
BOROUGH COUNCIL

A197

Democratic Renewal Panel 10 September 2009

Strengthening Local Democracy: Consultation Response

REPORT

1. The Department for Communities and Local Government (DCLG) is currently consulting on the promotion of local democratic renewal by strengthening the capacity of local government to serve citizens, via the above consultation paper. The paper can be found on the DCLG website at the following link:

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

2. Officers have put together a suggested response to the consultation for consideration by the Panel. The closing date for responses is 2 October 2009.

PURPOSE OF THE REPORT

The Panel is asked to consider the suggested response to the above consultation paper, attached as Appendix A to this report, and to recommend its submission to the DCLG as St Edmundsbury Borough Council's response to the consultation.

Contacts

Chairman

Paul Farmer

(01284) 768777

paul.farmer@stedsbc.gov.uk

Scrutiny Manager

Adriana Stapleton

(01284) 757613

adriana.stapleton@stedsbc.gov.uk

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION PAPER – STRENGTHENING LOCAL DEMOCRACY

RESPONSE FROM ST EDMUNDSBURY BOROUGH COUNCIL

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?

Any extension of scrutiny powers is to be welcomed if it helps to secure better outcomes for local people. It is recognised that there is unlikely to be provision of extra resource to back up any new powers. Existing capacity has already had to accommodate the coming into force of Councillor Call for Action (CCfA). Without any additional resources it has to be recognised that there is unlikely to be any more scrutiny going on than before. However an extension of powers would allow those conducting the scrutiny to consider issues in their wider context and not limit themselves to activity to deliver LAA targets. Any extension of powers should apply to District level councils, and not just Unitary and County. However in exercising any extension of powers we would expect districts to work closely with neighbouring authorities to avoid duplicating calls to partners to attend scrutiny meetings and to investigate opportunities for shared scrutiny.

Extension of powers would make it easier to engage with partners, and if we continue to focus only on the LAA we potentially miss out on other important issues across the whole of the National Indicator set.

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?

Yes. Powers could be made similar to those which apply to health scrutiny by upper tier authorities, allowing them to scrutinise all bodies providing public services in their area. The comments at 1 in relation to the need for close working with other authorities and well-focussed scrutiny would also apply.

Without explicit powers there will be a lot of variation in practice, and in some areas this scrutiny will not happen at all. To extend that to second tier authorities would be desirable, but will raise resource implications. Currently the average level of dedicated scrutiny resource in councils is 2 full time equivalent officers, plus a budget of £10,000 (source: Centre for Public Scrutiny Annual Report 2008). Clearly, as this is the average for all sizes of authority, the resource in small district councils is much less than that.

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?

As far as public services are concerned, those which appear to be “missing”, and indeed are most missed by the public, are the utilities, and we are pleased to see these included in the list of issues over which councils may be offered greater scrutiny on pages 19 and 20 of the consultation document. Bringing utilities under the local authority scrutiny regime would make the accountability of these bodies more visible, and may even re-invigorate the public interest in scrutiny. The same could be said for private transport providers, which are often

the subject of consensual scrutiny reviews. Other bodies which might benefit from scrutiny might be school/college governing bodies, and regional government agencies.

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?

At present, attendance at scrutiny hearings by most external organisations is purely voluntary, and therefore tends to be very polite, with each side not wishing to upset the other, and hence not the strongest possible scrutiny. Requirement to, at least, provide responses to questions, if not actually attend in person, would greatly strengthen that scrutiny. But as for questions 1 and 2, this requirement must apply to District level councils, as well as County and Unitary. Requirement to attend in person would further strengthen the scrutiny possible, and make it more visible. However, as there will still be no requirement for external organisations to explain why they do not intend to follow a scrutiny committee's evidence-based recommendations, then the only sanction open to committees will be media statements, which could damage existing good relations.

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?

Provide resources. Whilst provision of resources to scrutiny is for each individual council to consider, it is nevertheless linked to the general and overall economic climate that councils and the Government face. Scrutiny powers are slowly increasing, eg with CCfA, but in the main this is having to be done within existing resources. Whilst welcoming the potential opportunity to conduct more external scrutiny, authorities will need to give careful thought to how they focus their scrutiny work to best achieve improved outcomes for local people within the resources available.

The requirement to have a dedicated scrutiny resource should be extended to District level councils. Consideration should also be given to defining the status of that role as has been done for positions such as the Monitoring Officer or Section 151 Officer, at least in upper tier authorities.

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?

When the Government issues guidance, for example on what it is looking for in inspections, it should explicitly say what it is looking for with regard to scrutiny. At the very least, scrutiny should be adequately resourced.

No topic need be "out of bounds" to a council's scrutiny process. The Leadership should welcome strong scrutiny as a means of ensuring good decision making. More scrutiny commissioned by the Cabinet would help ensure the work programme addresses Council priorities. Provision of a dedicated budget and sufficient officer resource are essential.

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?

The public only become interested in scrutiny if it involves a controversial topic, or affects them personally. Where the topics are not perceived as controversial it is harder to engage representatives of the local community and tangible benefits, such as a financial incentive to act as a committee advisor, may be required. However the position will vary depending on the topic being scrutinised.

Councillors are also sometimes an under-used resource. They have a direct link to the community, and should be supported to make themselves more visible to their constituents, and thus potentially become local ambassadors for scrutiny.

CHAPTER 2: STRONG LOCAL GOVERNMENT OPERATING IN THE LOCAL INTEREST

8. How best should any reduction in numbers of LAA targets ensure that services are responsive to the most important local needs and priorities as well as national entitlements?

This question starts from the premise that LAA targets are the only way of measuring the responsiveness of services. This may well be the case at a national level. However, at a more local level, councils use other ways to measure responsiveness such as feedback, community engagement and the knowledge of ward councillors.

The consultation paper acknowledges (on page 49) that 'local government should have the powers and responsibilities to provide leadership for its area'. Good local government does just that and does not necessarily rely on the achievement of LAA targets to measure its success in delivering local needs and priorities. Indeed, some LAA partnerships have set challenging and long-term targets. Failure to achieve these targets does not necessarily equate to public services being unresponsive.

A reduction in LAA targets, and the associated negotiation and monitoring that accompanies them, may well free up public services to deliver what's locally important. Less time spent on lengthy negotiations with individual government departments and regional offices could allow LAA partnerships to focus on what matters to people living in their area and to enable swifter reactions to changing needs. For instance, in the current economic climate, LAAs negotiated in 2009 would likely look very different to those negotiated in 2008.

9. Should councils have a power to engage in mutual insurance arrangements?

Yes. Given the continuing drive for efficiencies and the need for Councils to explore all savings opportunities, we would welcome the power to engage in mutual insurance arrangements.

10. Are there other powers need to cover engagement in further complex arrangements of a possibly speculative nature outside of existing powers?

We have no suggestions to make regarding this question.

11. Do you agree that greater powers should be premised on demonstration of local confidence? How should this be demonstrated? How can councils best reverse the decline in confidence?

The consultation paper refers to a 'decline in confidence shown by recent surveys'. These surveys are not referenced in the consultation paper so it is unclear on what basis this statement is made. Undoubtedly, overall satisfaction with councils has fallen when comparing results from the User Satisfaction Survey in 2006/07 with the Place Survey results in 2008. However, these surveys measure satisfaction with, and not confidence in, councils. Whilst overall satisfaction with councils has declined, people's opinions of council services remain fairly high.

Survey results should only be used with caution and as part of a larger package of evidence as to how a council is performing. For instance, survey responses are not always representative of the public. Written surveys in particular exclude large sectors in the community and weighting data does not always compensate for these exclusions. Furthermore, in order to fulfil their place shaping role, councils sometimes have to make difficult decisions which can be controversial and attract opposition but yet which have a long-term local and national benefit. As a result satisfaction levels can be affected.

It is, therefore, important that surveys about subjective issues such as satisfaction and confidence, are considered carefully. Whilst these surveys have their place, they should not be used as a basis against which to award additional powers to councils. We do not, therefore, agree that greater powers should be premised on demonstration of local confidence.

12. Are there core issues that should have greater council control which councils believe they are currently prevented from undertaking? If so what are they and what is the case for councils to take on these roles?

We are not aware of any areas where councils are currently prevented from taking greater control. The consultation paper makes no reference to the Sustainable Communities Act 2007. However, this Act provides an opportunity for councils to ask central government to take action to enable them to improve the economic, social or environmental well-being of their area. This can include a proposal to transfer the functions of one public body to another. The first round of submissions under this Act has recently closed and it would be useful to identify what issues and/or changes to legislation have been proposed by councils. In our view, the Sustainable Communities Act, along with the general power of well-being, offer sufficient opportunity for councils to make a case for increasing control in a particular area.

13. Do you agree that there should be a review of the structure of local partnerships with a view to identifying unhelpful overlap and duplication? Are there particular issues on which such a review should focus?

In our view effective partnership working is crucial to delivering quality, cost effective and complex services. However, in recent years there has been a huge increase in the number of partnership operating, predominately, across the public sector.

St Edmundsbury has experience of successful partnership working in the form of the West Suffolk Local Strategic Partnership, which is effective in bringing together all the tiers of local government, police, health, the voluntary sector, business representatives and the local college of further education. Out of this partnership have come many successful projects. These range from "Sloppy Slippers", a project providing older people with new slippers,

advice on avoiding falls and wider health related preventative advice, to a guide to local services for migrant workers, from a festival or culture to hard hitting projects dealing with the effects of alcohol, including a scheme for the young carers of people who abuse alcohol. None of these projects would have been possible without effective partnership working. However we also know that some partnership do not result in improved outcomes for local people.

We therefore agree that there should be a review of the structure of local partnerships. We believe that such a review should focus, in particular, on the following:

- role of regional and sub-regional organisations/partnerships;
- how partnerships are funded and test whether resources are spread too thinly across too many partnerships;
- purpose and outcomes of partnerships;
- types of organisations involved, are they the 'usual suspects'?; and
- the cost of the national structure needed to support these partnerships, eg government departments and inspectors;
- how effective are current arrangements for scrutiny of these partnerships/how can real accountability be secured without creating additional bureaucracy?

CHAPTER 3: LOCAL AUTHORITIES TACKLING CLIMATE CHANGE

14. How is the current national indicator system working to incentivise local authorities to take action on climate change? Should Government take new steps to enable local authorities to play a greater role in this agenda?

The current National Indicator system has raised the profile in local government of climate change in the last two years. With regard to climate mitigation through carbon reduction it has been widely reported that National Indicator NI186 poses challenges to local authorities which have adopted it within their Local Area Agreement because of the way that the indicator measures performance based on historical, nationally assimilated data sets.

Furthermore, central government policy implemented either at national or local level will be the dominant factor driving per capita CO₂ emissions rather than local authority activity alone. Notwithstanding, external factors such as business activity as in the case of the current economic downturn will also have a major effect on emissions which may mask the effect of local initiatives.

As a consequence, it is difficult to link current levels and effectiveness of local authority activity with the performance measured by this NI. Given that the principal mechanism for allocating new resources to undertake climate change work is respectively based on performance through Local Area Agreements, it is difficult to predict with certainty the level or effectiveness of funding. This makes strategic planning difficult. A further point is that funding for this area of work is currently piecemeal with councils relying on bid-based funding in the main.

Although the Climate Change Act gives a clear framework at national level, there is currently no direct local equivalent with councils relying on a suite of statutory and non-statutory measures, some of which appear to operate in conflict.

On this basis, it is this Council's view that the level of funding should be increased dramatically and the way that funding is allocated be made simpler, for example through the Revenue Support Grant, and more timely, that is in advance of any planned work or linked to

performance data over which the Council has more influence in the short term. It is also proposed that a clearer statutory framework operating at local level is developed giving councils powers as well as duties to tackle climate change within their sphere of influence.

15. Where can local authorities add most value in meeting climate change aims, and what should Government do to help them do so, giving consideration to the proposals set out in this chapter?

Councils are the most appropriate tier of government to influence local community and businesses by providing support and involvement in initiatives to tackle climate change. One challenge is in providing householders, communities and local business a single route to authoritative information, advice and support to tackle climate change. Coupled to this is the need for advisory services to have relevance and local context particularly where there are locally delivered initiatives in operation.

In Suffolk for example, as the Suffolk Climate Change Partnership the District and County Council have acted innovatively by developing projects in partnership to get communities and small businesses in a better position to respond both to a changing climate and also improve their energy security. This work can be easily monitored to determine its effectiveness. This compares favourably with national awareness schemes which prove difficult to measure and lack a local fit.

It is this Council's view that national schemes, such as the Act on CO₂ initiative, should be designed in such a way as to allow tailoring to a local context. Although this is likely to cost more in the short term, it will extend the life and provide additional value by joining up national and local working.

16. How do we ensure that national policies reinforce local efforts – for example, around transport, renewable energy, and energy efficiency?

It is this Council's view that local authorities need to be given appropriate, clearly defined statutory powers and adequate support funding to play their part to deliver national policies at local level.

CHAPTER 4: SUB-REGIONAL WORKING

17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?

Sub-regional partnerships should be subject to greater scrutiny arrangements. Some of the partnerships make major decisions regarding strategy and policy, and although some areas of their work are scrutinised, often this is by perhaps only one of the partners. We have scrutinised some of the sub-regional housing working in the past at St Edmundsbury, eg Sub-regional Housing Strategy; Home-link Choice Based Lettings scheme review; development of the Choice Based Lettings Policy; but these may have benefitted more from a joint scrutiny with all the partners involved in the scrutiny.

As with many areas of scrutiny, there would need to be safeguards to ensure that we are not all looking at the same partnerships, in the same way as we are having to work together on the scrutiny of Community Safety Partnerships.

18. Should councils' joint overview and scrutiny committees be able to require sub-regional bodies to provide them with information on the full range of their activities and to consider their recommendations on sub-regional matters?

Although there should be greater scrutiny, we would be concerned about creating a huge bureaucracy and duplication of individual councils' scrutiny functions. The joint scrutiny committees should have access to whatever areas they wish to scrutinise, but careful co-ordination of their workplan would be necessary to avoid duplication of districts' scrutiny work plans. It would require careful planning to make sure the wide range of partners involved in the partnerships were represented and accountable.

Additionally, whilst the formation of a joint scrutiny committee at such a level would be a more streamlined method to ensure scrutiny of those bodies without duplication, experience with other joint committees, at County level, shows that such committees require significant resource in terms of both finance and officer time, hence probably making such new committees unworkable in practice without additional finance from central government.

This council would, generally, support the proposed Economic Prosperity Boards, but would ask that consideration be given to the interface with the Regional Development Agencies.

19. Should the duty to respond to petitions be extended to sub-regional bodies?

This would ensure sub-regional structures were truly accountable to residents. There would be a need to make sure this was not overly bureaucratic however, which could lead to delays in responding to petitions. Structures would need to be in place to enable quick responses when necessary.

20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?

Election of members onto sub-regional bodies may need to be considered, which would give people more influence in who is involved in the decision making. More importantly communication of decisions made needs to be more transparent and accessible, so residents are aware of what bodies make what decisions. The election of a single leader could be helpful in providing a focus, additional visibility and a contact point for the partnership. However any elections to this type of body would come at a cost and would also require the voters to have an understanding of the role and functions of the sub-regional body in order to make an informed choice. Otherwise, the current models do give people a clear voice in decisions that are made sub-regionally because the sub-regional bodies have to gain the approval of all the partners for their major decisions.

21. How could we go further to make existing and planned city- and sub-regional structures more accountable, in addition to the suggestions in this document?

See above re election of members to sit on sub-regional bodies. Annual scrutiny (similar to that of Community Safety Partnerships) would lead to more accountability from partners. In particular, if sub-regional bodies like the Greater Cambridge Partnership (GCP)* were given more powers and responsibility, then it might be appropriate to consider accountability mechanisms, but with the limited level of power and responsibility it has at the moment, it may create a bureaucratic burden to strengthen them.

(*The Greater Cambridge Partnership (GCP) is the sub-regional economic partnership (SREP) covering a 25-mile radius around Cambridge, with 750,000 people, 27,500 businesses and an annual economy worth over £12 billion.

The GCP brings together the public, business and community sectors in a shared vision to realise the potential of Greater Cambridge as a world-class economic area.)

22. Should we give more powers and responsibilities to city- and sub-regions? If so, what powers or responsibilities should be made available?

We would support giving more powers and responsibilities to sub-regions, provided that this is delegated down from the region rather than taken away from local bodies. We suggest that the first task should be to remove the barriers to sub-regional working. Our experience is of the GCP which is focused upon Cambridge (see Q21 above). Most of the member authorities are in Cambridgeshire, however, Forest Heath and St Edmundsbury are in Suffolk. Being in a different county creates great difficulties for joint working as, for example, we cannot join the rest of the GCP in a LABGI consortium because Cambridgeshire is financially penalised if it includes districts outside the county. Should more responsibilities be considered for city regions and sub-regions, then more performance monitoring responsibilities should be included.

23. Is there a need for direct democratic accountability at the sub-regional level? What would be the best means of achieving this, giving consideration to the options set out above?

The Community Safety Partnership model works well, ie an executive group where elected members are part of the decision making process, and monitoring performance of the partnership. They give the steer on strategic direction and make funding decisions. The partnership is scrutinised annually.

CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT

24. Should central and local government's roles be more formally established?

We are not convinced of the need to formalise central and local government roles. Given the complex nature of service delivery and the plethora of partnerships which jointly procure, commission and deliver services, we do not believe that a set of 'roles and responsibilities' could be written which would encompass everything that local government does. We believe that the Central-Local Concordat signed in 2007 provides a more flexible and fluid mechanism for setting respective roles.

25. What are your views on the draft principles set out above as away of achieving this ambition?

We agree with the sentiment of the draft principles and believe that good local authorities are already compliant with these and use them to underpin good governance. Whilst we do not see benefit to formalising these principles in legislation, as it would likely stifle innovation and flexible working between local and central government, we can see the value in having the contributing bodies on partnerships sign up to these, in particular the Seven Principles of Public Life.

26. Do you agree that an ombudsman-style arrangement and a joint select committee of both Houses of Parliament are the correct approaches to oversee and enforce these principles, if adopted?

We are concerned that this may duplicate the role of the Standards Board. Other mechanisms exist for ensuring the principles are adhered to, such as CCfA and complaints procedures, and we feel the proposal as existing may take away some local accountability.

W:\Democratic WP Services\Committee\Reports\Democratic Renewal Panel\2009\09.09.10\Strengthening Local Democracy - Consultation Response Appendix A.doc