



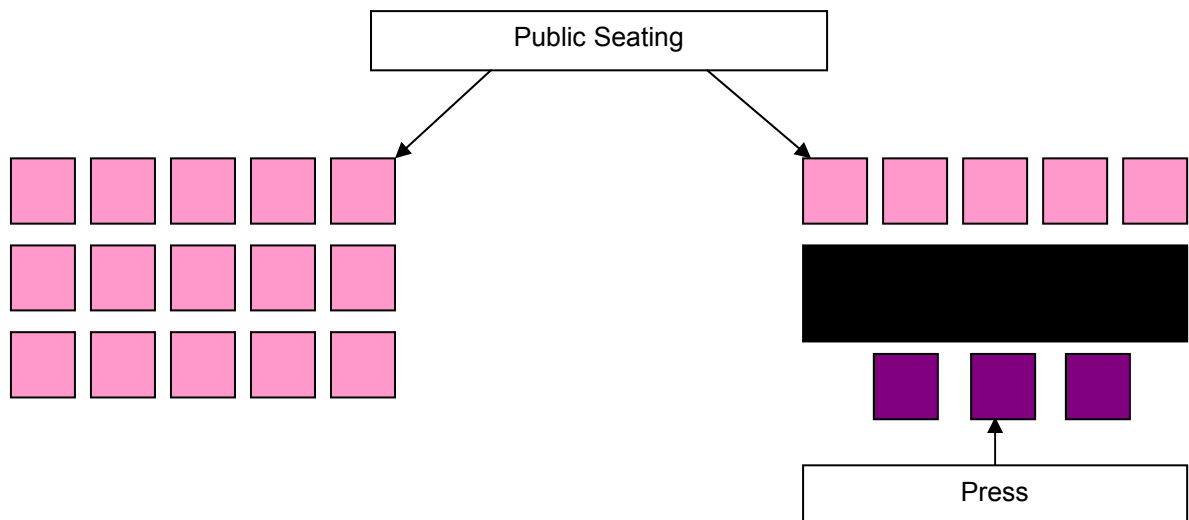
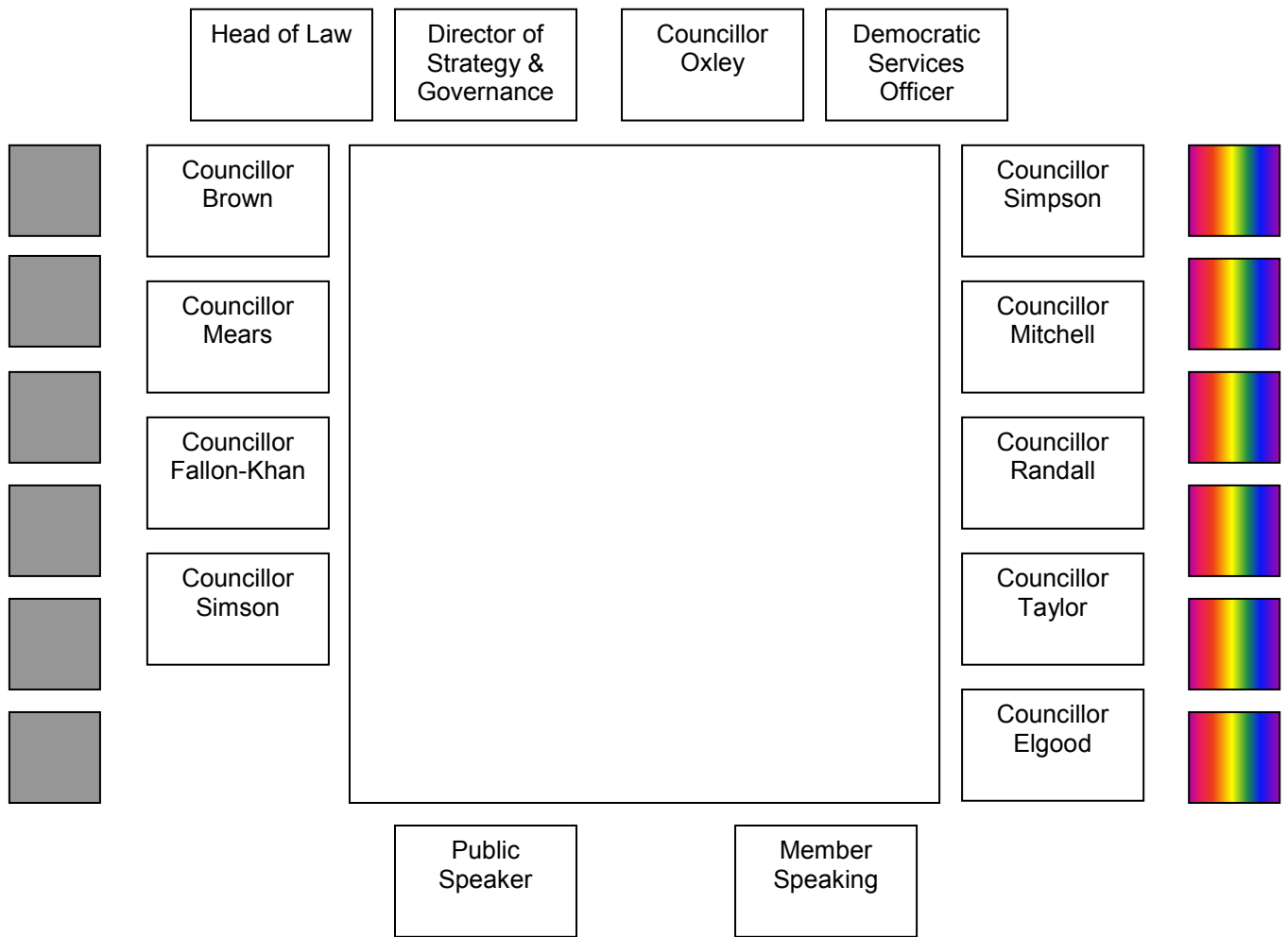
**Brighton & Hove  
City Council**

# Governance Committee

Title:	<b>Governance Committee</b>
Date:	<b>22 September 2009</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor
Contact:	<b>Rowan Sky</b> Democratic Services Officer 01273 29-1058 rowan.sky@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

# Democratic Services: Meeting Layout



**AGENDA**

**17. PROCEDURAL BUSINESS**

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**18. MINUTES OF THE PREVIOUS MEETING**

**1 - 6**

Minutes of the meeting held on 7 July 2009 (copy attached).

**19. CHAIRMAN'S COMMUNICATIONS**

**20. CALLOVER**

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

**21. PETITIONS**

To receive any petitions presented at the meeting.

**22. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 Noon on 15 September 2009).

No public questions received by date of publication.

## GOVERNANCE COMMITTEE

### 23. DEPUTATIONS

(The closing date for receipt of deputations is 12 Noon on 15 September 2009).

No deputations received by date of publication.

### 24. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

No written questions, letters or Notices of Motion were submitted by Councillors for the meeting.

### 25. PATCHAM WARD AND STANFORD WARD - CHANGE OF NAME 7 - 10

Report of the Acting Chief Executive (copy attached).

Contact Officer: Paul Holloway Tel: 29-2005  
Ward Affected: Patcham; Stanford;

### 26. RESPONSE TO CLG 'STRENGTHENING LOCAL DEMOCRACY' CONSULTATION PAPER 11 - 80

Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Emma McDermott Tel: 29-3944  
Ward Affected: All Wards;

### 27. 'GET INVOLVED' CAMPAIGN 81 - 90

Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Emma McDermott Tel: 29-3944  
Mark Wall Tel: 29-1006  
Ward Affected: All Wards;

### 28. E-PETITIONS 91 - 100

Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Caroline Banfield Tel: 29-1126  
Elizabeth Culbert Tel: 29-1515  
Ward Affected: All Wards;

### 29. MEMBERS' WEB PAGES - REVIEW OF GUIDANCE 101 - 104

(a) Extract from the proceedings of the Standards Committee held on 8 September 2009 (copy to follow).

(b) Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Caroline Banfield Tel: 29-1126  
Elizabeth Culbert Tel: 29-1515  
Ward Affected: All Wards;

## GOVERNANCE COMMITTEE

### 30. MEMBERS' SECRETARIAL & IT SUPPORT 105 - 108

Report of the Acting Director of Strategy & Governance (copy attached).

*Contact Officer:* Mark Wall *Tel:* 29-1006  
*Ward Affected:* All Wards;

### 31. ANNUAL GOVERNANCE STATEMENT 2008/2009 109 - 126

(a) Extract from the proceedings of the Audit Committee held on 30 June 2009 (copy attached).

(b) Report of the Interim Director of Finance & Resources (copy attached).

*Contact Officer:* Ian Withers *Tel:* 29-1323  
*Ward Affected:* All Wards;

### 32. EFFECTIVE USE OF THE COUNCIL'S CONSTITUTION

Verbal report from the Head of Law.

*Contact Officer:* Elizabeth Culbert *Tel:* 29-1515  
*Ward Affected:* All Wards;

### 33. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION BILL - UPDATE ON IMPLEMENTATION

Verbal update from Oliver Dixon, Council Lawyer.

*Contact Officer:* Oliver Dixon *Tel:* 29-1512  
*Ward Affected:* All Wards;

## PART TWO

### 34. EQUAL PAY UPDATE - EXEMPT CATEGORIES 4 & 5

Verbal update from the Acting Director of Strategy & Governance.

*Contact Officer:* Anthony Zacharzewski *Tel:* 29-6855  
*Ward Affected:* All Wards;

### 35. PART TWO ITEMS

To consider whether or not the above item and the decisions thereon should remain exempt from disclosure to the press and public.

## GOVERNANCE COMMITTEE

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Rowan Sky, (01273 29-1058, email [rowan.sky@brighton-hove.gov.uk](mailto:rowan.sky@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 14 September 2009

# GOVERNANCE COMMITTEE

## Draft Governance Committee Work Plan – 2009-10

	Agenda Item	Lead Officer
	<b>Meeting Tuesday 17<sup>th</sup> November 2009</b>	
	Chairman's Communications	
1	Improving the Civic Offer	Angela Dymott
2	12 month review of the Constitution outcome and recommendations	Elizabeth Culbert
3	Review of scrutiny arrangements	Tom Hook
4	Review of guidance on confidentiality	Abraham Ghebre-Ghiorghis / Liz Woodley
5	"The Place" report	Richard Tuset
6	Saltdean residents' request for a change to the administrative boundary	Oliver Dixon
	<b>Meeting Tuesday 12<sup>th</sup> January 2010</b>	
	Chairman's Communications	
1	HR Functions of the Governance Committee	Abraham Ghebre-Ghiorghis
2	Bye laws – update on current position at BHCC and impact of new provisions under Local Government and Public involvement in Health Act 2007	Oliver Dixon
	<b>Meeting Tuesday 9<sup>th</sup> March 2010</b>	
	Chairman's Communications	
1	Independent Remuneration Panel Report on Members' Allowances	Mark Wall
2	Review of ePetitions	Caroline Banfield/ Elizabeth Culbert
	<b>Meeting Tuesday 27<sup>th</sup> April 2010</b>	
	Chairman's Communications	
1	Counter Fraud Strategy - Update	Ian Withers
2	Code of Corporate Governance - Update	Ian Withers





### BRIGHTON & HOVE CITY COUNCIL

#### GOVERNANCE COMMITTEE

4.00PM 7 JULY 2009

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Mears, Mitchell, Randall, Simson and Watkins

#### PART ONE

#### 1. PROCEDURAL BUSINESS

##### 1a Declaration of Substitutes

1a.1 Councillor Watkins declared that he was attending the meeting as a substitute for Councillor Elgood.

##### 1b Declarations of Interest

1b.1 There were none.

##### 1c Exclusion of Press and Public

1c.1 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

1c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 15 onwards.

#### 2. MINUTES OF THE PREVIOUS MEETING

2.1 The Chairman apologised for the omission of the minutes from the agenda. The minutes had been circulated and Members given time to consider them.

2.2 **RESOLVED** - That the minutes of the meeting held on 28 April 2009 be approved as a correct record.

**3. CHAIRMAN'S COMMUNICATIONS**

- 3.1 The Chairman thanked the Leaders of all Groups for engaging with him on the important issues that would influence the forthcoming work of the committee.
- 3.2 The Chairman explained the importance of civic history and made a commitment to improving the council's 'civic offer' through consultation and with cross-party support.
- 3.3 The Chairman reported that he intended to bring forward proposals to enable members to make better use of the opportunities available within the council's Constitution for Members to raise issues of local concern as well as strategic city-wide matters.
- 3.4 The Chairman explained the role of Cabinet Member Meetings and Scrutiny Panels in decision-making and pledged work with both the Executive and Scrutiny Members to ensure that all parts of the process worked well.

**4. CALLOVER**

- 4.1 **RESOLVED** - That all the items be reserved for discussion.

**5. PETITIONS**

- 5.1 There were none.

**6. PUBLIC QUESTIONS**

- 6.1 There were none.

**7. DEPUTATIONS**

- 7.1 There were none.

**8. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS**

- 8.1 There were none.

**9. DRAFT GOVERNANCE COMMITTEE WORK PLAN**

- 9.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning draft work programme for the Committee (for copy see minute book).
- 9.2 Councillor Simpson welcomed the work programme, which could be further developed throughout the year. With reference to the work programme, she queried the absence of the report on 'Change of Ward Names' from the agenda.
- 9.3 The Head of Law explained that due to the European Elections and the upcoming by-election, officers had been unable to complete the work, but that the proposed

names had been considered at the Leaders' Group and the report would come to the Committee in September.

9.4 The Head of Law added that the work programme was meant to be indicative and that 'Future Business' would be a standing item on future agendas.

9.5 Councillor Watkins supported the idea of standing item as it would serve to inform Members of upcoming business in good time.

9.6 **RESOLVED –**

(1) That the Committee approves the draft work programme.

(2) That the Committee requests the Acting Director of Strategy and Governance to keep the work plan updated to reflect new items as they are identified.

## **10. METHODOLOGY FOR 12 MONTH REVIEW OF THE CONSTITUTION**

10.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning the proposed approach and timescale for the 12 month review of the council's Constitution (for copy see minute book).

10.2 Councillor Mitchell praised the six month review and hoped that the 12 month review would be similarly thorough.

10.3 In response to queries from Councillor Randall regarding the six month review, the Chairman offered to provide him with a copy of the report and accompanying information detailing the process and outcomes.

10.4 Councillor Mears commented that the review process was very important; it allowed the council to stay on track and make the way forward clear.

10.5 **RESOLVED** - That the Committee approves the steps and timescale for the 12 month review of the constitution set out at paragraph 3.5 and 3.6 of the report.

## **11. UPDATE ON IMPLEMENTATION OF THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

11.1 The Committee considered a report of the Acting Director of Strategy & Governance updating Members on latest situation regarding implementation of the Local Government and Public Involvement in Health Act 2007 ('the LGPIH Act') (for copy see minute book).

11.2 Councillor Watkins commented that the provisions relating to the new procedure for making byelaws would generate a lot of interest locally when there were implemented, as some work had already been done on this by Residents Associations and officers.

11.3 Councillor Simpson queried whether it would give the council the opportunity to legislate regarding bonfires.

- 11.4 The Head of Law explained that there was the opportunity for a wide interpretation in some areas, but that it was important to be selective and be mindful of resource implications.
- 11.5 Councillor Mears suggested that a review of the byelaws be initiated, in order for the council to focus on the relevant ones.
- 11.6 Councillor Mitchell echoed the need for a review and added that the council would need to look at the inconsistencies between Brighton byelaws and Hove byelaws.
- 11.7 The Head of Law reported that an ad-hoc review had been undertaken at some point, but it had not been comprehensive. He suggested bringing a report to the Committee in September or November to provide Members with a snapshot of the current situation. A thorough review could follow once the powers were implemented.
- 11.8 **RESOLVED -**
- (1) That the latest situation as regards the implementation of key governance provisions in the LGPIH Act be noted.
- (2) That officers be instructed to keep the Governance Committee informed about the implementation of any outstanding provisions in the Act relevant to the council.

## **12. REVIEW OF WEBCASTING**

- 12.1 The Committee considered a report of the Acting Director of Strategy & Governance requesting Members to consider the continued provision of web casting selected council meetings following the conclusion of the pilot project (for copy see minute book).
- 12.2 Councillor Brown and Randall welcomed the proposal to fund an apprenticeship to resource the continued provision of web casting.
- 12.3 **RESOLVED –**
- (1) That the Committee approves the continued provision of web casting based on the options outlined in paragraph 3.15 of the report
- (2) That the Committee approves the revised web casting Protocol attached at Appendix 2.

## **13. MEMBERSHIP OF SOUTH EAST ENGLAND COUNCILS (SEEC)**

- 13.1 The Committee considered a report of the Acting Director of Strategy & Governance recommending that Brighton & Hove City Council joins the new regional body South East England Councils (SEEC) following the discontinuation of the South East England Regional Assembly (SEERA) at the end of March 2009. The Committee's approval was sought to appoint Councillor Mary Mears as Brighton & Hove City

Council's representative, subject to Cabinet approval to join SEEC (for copy see minute book).

- 13.2 The Chairman explained that the report had come to the Committee to approve a representative prior to obtaining the approval of Cabinet to join SEEC; this was due to the timetabling of the meetings, with Cabinet taking place two days later.
- 13.3 Councillor Mitchell welcomed the recommendations and was supportive of the focus on regeneration monitoring and reporting at local level.
- 13.4 In response to a query from Councillor Randall regarding the absence of sustainability issues from the draft work programme the Acting Director of Strategy & Governance explained that this and other issues could be raised when SEEC meets.
- 13.5 In response to a query from Councillor Watkins the Acting Director of Strategy & Governance confirmed that the reference to the impact of a General Election had been included because officers needed to be aware of the potential for changes in policy that may result.
- 13.6 Councillor Mears made a commitment to ensure that regular updates on SEEC activities were reported to the Committee.
- 13.7 **RESOLVED** - That the Governance Committee approve Councillor Mary Mears as the representative for Brighton & Hove City Council, subject to the Cabinet giving approval to join SEEC.

#### **14. ITEMS TO GO FORWARD TO COUNCIL**

- 14.1 The Committee considered whether any items should be submitted to the 16 July Council meeting for information.
- 14.2 **RESOLVED** – That Members inform officers following the meeting of any items they wish to be referred to Council.

#### **PART TWO SUMMARY**

##### **15. FUTURE PAY**

- 15.1 The Committee considered a report of the Acting Director of Strategy & Governance concerning future pay (copy circulated to members only).
- 15.2 **RESOLVED** – That the recommendations be agreed as amended.

##### **16. PART TWO ITEMS**

- 16.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.
- 16.2 **RESOLVED** – That item 15, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of

<b>Subject:</b>	<b>Patcham Ward and Stanford Ward – Change of Name</b>		
<b>Date of Meeting:</b>	<b>22 September 2009</b>		
<b>Report of:</b>	<b>Chief Executive</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Paul Holloway</b>	<b>Tel:</b> 29-2005
	<b>E-mail:</b>	<b>paul.holloway@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>Patcham Ward and Stanford Ward</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Governance Committee is being asked to support a consultation exercise for changing the name of two council wards:
  - (i) the current Patcham Ward to become Patcham and Hollingbury Ward.
  - (ii) the current Stanford Ward to become Hove Park Ward
- 1.2 The proposal to change the name of the current Patcham Ward arose following the change of name in the Hollingdean and Stanmer Ward in November 2008.
- 1.3 The proposal to change the name of the current Stanford Ward arose when a petition signed by 21 residents was presented to Council on 4 December 2008.

#### 2. RECOMMENDATION:

- 2.1 It is recommended that the Governance Committee agrees the consultation exercise regarding the proposed electoral area name changes to the current Patcham and Stanford wards.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 In November 2008 the Council approved the change of name for Hollingbury and Stanmer, to Hollingdean and Stanmer Ward. The loss of reference to Hollingbury resulted in local residents raising the need to continue to recognise Hollingbury as a district.
- 3.2 It is therefore proposed to put forward a change of Ward name as Patcham and Hollingbury, for consultation. This change should accurately reflect there is no significant change to the current Patcham Ward, and also recognises Patcham forms the greater part of the geographical area of the ward

- 3.3 The proposal to re-name Stanford Ward to Hove Park Ward was put forward in a petition signed by 21 residents, to Council on 4 December 2008.
- 3.4 Any resolution to agree the proposed ward name changes must be passed at a specially convened meeting, where two thirds of members voting need to support the proposal

#### **4. CONSULTATION**

- 4.1 By law, a local authority may not pass a resolution to change the name of a ward unless it has taken reasonable steps to consult with such persons as it considers appropriate on the proposed new name(s).
- 4.2 Patcham and Stanford ward councillors, the council's main political groups, local community groups and organisations within the wards, together with the affected electorate, will be consulted on these proposals.
- 4.3 The timetable for consulting with all of the above will commence on Monday 28 September 2009. The period of consultation will last for 4 weeks, ending on Sunday 25 October 2009
- 4.4 At the conclusion of the consultation process a report will go to the Governance Committee on 17 November 2009 detailing responses and making a relevant recommendation.
- 4.5 If the Governance Committee accepts the recommendation, Members will be asked to make a decision on the ward name changes at a specially convened meeting of Full Council on 10 December 2009.
- 4.6 The Council's Leaders Group fully support the proposed consultation exercise. The relevant ward councillors have been briefed on the proposed consultation process.
- 4.7 The Council is at this stage in a neutral position, and neither supports or opposes the proposed changes. It is simply proposing to ask the affected electorate to indicate their support or opposition to the proposals.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications

- 5.1 Cost for carrying out the consultation will be £2,000. Should the result of the consultation be in favour of a name change then the advertising costs for the public notice will be in the region of £2,000 and will be included in within the Targeted Budget Management forecast . All electronic changes will be carried out within the existing resources

*Finance Officer Consulted: Alasdair Ridley*

*Date: 26/08/09*



### Legal Implications

- 5.2 The legal powers to change the name of an electoral area, and the statutory procedure for doing so are provided for under section 59 of the Local Government and Public Involvement Act 2007.

*Lawyer Consulted: Oliver Dixon Date: 27 August 2009*

### Equalities Implications

- 5.5 As this is just a change of name, which does not impact directly on any individual, an Equalities Impact Assessment has not been carried out.

### Sustainability Implications

- 5.6 There are no implications.

### Crime & Disorder Implications

- 5.7 There are no implications.

### Risk and Opportunity Management Implications

- 5.8 There are no implications.

### Corporate / Citywide Implications

- 5.9 The recommendations are in line with council priorities, specifically for open and effective city leadership.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms:**

None

### **Background Documents:**

None



<b>Subject:</b>	<b>Response to CLG ‘<i>Strengthening Local Democracy</i>’ Consultation Paper</b>		
<b>Date of Meeting:</b>	<b>22 September 2009</b>		
<b>Report of:</b>	<b>Interim Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma McDermott</b>	<b>Tel:</b> 29-3944
	<b>E-mail:</b>	<b>emma.mcdermott@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report brings to the Committee’s attention a recent consultation paper, “Strengthening Local Democracy’ issued by the Department of Communities and Local Government. The consultation paper follows the government paper ‘*Building Britain’s Future*’ published in June 2009 and explores whether local government has the powers it needs to meet today’s challenges.

#### 2. RECOMMENDATIONS:

- (1) That members agree the draft response to the consultation questions attached at appendix 2.
- (2) That Members consider including the comments from Overview and Scrutiny Commission on the consultation regarding scrutiny as detailed in appendix 3.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The consultation paper, which was published on 22 July 2009, is attached as Appendix 1 to the report. The deadline for responding to the paper is 2 October 2009.
- 3.2 The following paragraphs provide a précis of each chapter:
- 3.3 **Chapter 1 Local government at the centre of decision-making**  
This chapter sets out proposals for new scrutiny powers for councils. These would provide powers for scrutiny of a wider range of public services than at present, extending beyond the scrutiny of specific targets in Local Area Agreements, and with a likely duty on those bodies to take part in scrutiny meetings. A list of organisations to which scrutiny could be extended is given, including utilities and public transport. This is linked to the analysis of public spending which was piloted in the Counting Cumbria project and which is being taken forward by the Total Place pilots. The chapter proposes a power

to scrutinise this spending, which would not give councils any leverage over spending other than to express views through scrutiny reports. The current Local Democracy, Economic Development and Construction Bill creates a requirement for councils to have a statutory scrutiny officer; the chapter discusses whether there could be additional requirements for support.

#### **3.4 Chapter 2 - Strong local government operating the local interest**

This chapter discusses the powers of local government and the emphasis set out in *Building Britain's Future* of defining individual service entitlements. It raises the possibility that the development of service entitlements might provide a context to reduce the number of central government targets, for example in Local Area Agreements.

It discusses the power of well-being (Local Government Act 2000) and specifically the restrictions on the use of this power which have been highlighted by the recent LAML court case on the joint action by London boroughs to provide insurance in partnership, which has ruled that making more efficient use of public money was not within the scope of this power. It proposes a specific power to enable councils to engage in mutual insurance arrangements. The chapter also discusses partnership working and raises the question whether there should be a rationalisation of the partnerships which are required.

#### **3.5 Chapter 3 - Local authorities tackling climate change**

The chapter discusses the role of councils in tackling climate change. It recognises that 97% of Local Area Agreements include climate change targets, just one illustration of the commitment of councils to this issue. It asks how the local role can be taken further, and sets out proposals on carbon budgets.

#### **3.6 Chapter 4 - Sub-regional working**

The chapter discusses recent developments on Multi-Area Agreements and sub-regional working, reviewing the measures already contained in the Local Democracy, Economic Development and Construction Bill. It puts forward options on the accountability of sub-regional arrangements, such as scrutiny and a duty to respond to petitions. It sets out options for stronger sub-regional democracy, such as elected bodies or mayors, but without advocating them. It makes no proposals for powers to be devolved to sub-regional bodies.

#### **3.7 Chapter 5 - Clear relationships with local government**

This chapter discusses the mechanisms by which central/local relations are managed. In the context of the government's current interest in constitutional reform, for example via the Constitutional Reform Bill published also July 2009, and a possible written constitution, this is important. The chapter refers to the government's ratification of the European Charter on Local Self Government, in 1998. The chapter advocates an ombudsman style arrangement which could adjudicate on central local relations. It also endorses the proposal for a joint Select Committee of both Houses of Parliament, to have oversight of central local relations.

#### **4. CONSULTATION**

4.1 No consultation.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 There are no direct financial implications arising from the recommendations of the report. However any extra costs arising from an increased scrutiny function, such as printing costs and officer time, would need to be met within existing resources.

*Finance Officer Consulted: Peter Francis*

*Date: 9 September 2009*

##### Legal Implications:

5.2 The proposed enhancement to local authority scrutiny powers is part of a general trend towards a more robust form of holding local public bodies to account, first given effect under Part 5 of the Local Government and Public Involvement in Health Act 2007 and subsequently supported by Part 2 of the Local Democracy Bill.

As stated in paragraph 3.4 above, Chapter 2 of the consultation gives notice of the Government's intention to introduce a specific power to enable councils to engage in mutual insurance arrangements. Subject to consultation responses, they intend to do this "at the first legislative opportunity possible." This may take the form of a late amendment to the Local Democracy, Economic Development and Construction Bill, or by making an Order under Part 1 of the Local Government Act 2000.

It should be noted that, due to limited parliamentary time before a general election is called, it is not expected that any other measures in the 'Strengthening Local Democracy' paper will be given legislative effect before June 2010. Were there to be a change of administration in Westminster following the election, some or all of the consultation proposals may change or not be implemented at all.

*Lawyer Consulted: Oliver Dixon  
2009*

*Date: 10 September*

##### Equalities Implications:

5.3 No implications

##### Sustainability Implications:

5.4 See response to consultation questions on local authorities tackling climate change.

Crime & Disorder Implications:

5.5 No implications

Risk and Opportunity Management Implications:

5.6 No implications

Corporate / Citywide Implications:

5.7 No direct implications from the report. However, consultation on changes to scrutiny and sub-regional working if enacted would have implications for city partners and the council respectively.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. CLG 'Strengthening Local Democracy' consultation paper (July 2009)
2. Proposed BHCC response to the consultation
3. Comments from BHCC Overview & Scrutiny Commission on the consultation questions on scrutiny

## Strengthening local democracy

### **Consultation**

July 2009



Strengthening local democracy

**Consultation**

July 2009



Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 020 7944 4400  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

© Crown Copyright, 2009

*Copyright in the typographical arrangement rests with the Crown.*

*This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.*

Any other use of the contents of this publication would require a copyright licence. Please apply for a Click-Use Licence for core material at [www.opsi.gov.uk/click-use/system/online/pLogin.asp](http://www.opsi.gov.uk/click-use/system/online/pLogin.asp), or by writing to the Office of Public Sector Information, Information Policy Team, Kew, Richmond, Surrey TW9 4DU

e-mail: [licensing@opsi.gov.uk](mailto:licensing@opsi.gov.uk)

If you require this publication in an alternative format please email [alternativeformats@communities.gsi.gov.uk](mailto:alternativeformats@communities.gsi.gov.uk)

Communities and Local Government Publications  
Tel: 0300 123 1124  
Fax: 0300 123 1125  
Email: [products@communities.gsi.gov.uk](mailto:products@communities.gsi.gov.uk)  
Online via the Communities and Local Government website: [www.communities.gov.uk](http://www.communities.gov.uk)

**75% recycled**  
This is printed on  
75% recycled paper

July 2009

Product Code: 09LGSR06042

ISBN: 978-1-4098-1710-9

## Scope of the consultation

<b>Topic of this consultation:</b>	This consultation is focused on promoting local democratic renewal by strengthening the capacity of local government to serve citizens. This forms part of the wider constitutional reform package and builds upon a number of the themes that were presented in <i>Building Britain's Future</i> .
<b>Scope of this consultation:</b>	This consultation explores whether local government has the powers it needs to meet today's challenges, as part of the Government's drive to renew Britain's democracy and build trust in the political system at all levels. It seeks views from interested parties on the proposals being made.
<b>Geographical scope:</b>	This consultation applies to England only.
<b>Impact assessment:</b>	An impact assessment is in the process of being prepared for this consultation which will be published shortly.

## Basic Information

<b>To:</b>	The public, local authorities, public and private sector organisations, voluntary and third sector organisations.
<b>Body/bodies responsible for the consultation:</b>	Local Government Policy and Performance Directorate – Communities and Local Government
<b>Duration:</b>	21 July 2009 – 2 October 2009
<b>Enquiries:</b>	Via e-mail: <a href="mailto:localdemocracyconsul@communities.gsi.gov.uk">localdemocracyconsul@communities.gsi.gov.uk</a> Or by post to: Local Democratic Renewal Consultation Zone 4/G6 Department for Communities and Local Government Eland House Bressenden Place London SW1E 5DU

<b>How to respond:</b>	Via e-mail: <a href="mailto:localdemocracyconsul@communities.gsi.gov.uk">localdemocracyconsul@communities.gsi.gov.uk</a> Or by post to: Local Democratic Renewal Consultation Zone 4/G6 Department for Communities and Local Government Eland House Bressenden Place London SW1E 5DU
<b>Additional ways to become involved:</b>	Hard copies of the consultation can be made available by writing to the address above. The consultation will be a written exercise.
<b>After the consultation:</b>	A response to the consultation setting out proposed next steps will be published in Winter 2009.
<b>Compliance with the Code of Practice on Consultation:</b>	This consultation document and consultation process have been planned to adhere to the Government code of practice on consultation issued by the then Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria. The period of consultation will be 10.5 weeks. This is shorter than the standard 12 week period so as to maximise time for the possibility of taking forward proposals following the consultation.

## Background

<b>Getting to this stage:</b>	Local Democratic Renewal policy and the associated consultation build upon the developments from the <i>Building Britain's Future</i> programme.
<b>Previous engagement:</b>	The Communities and Local Government Select Committee has recently issued its report into the balance of power between central and local government. Parliament has debated similar issues recently as well as the overall role of local government. There has not been any consultation on this issue previously, although key stakeholders such as the Local Government Association, local authorities and other government departments have been closely involved in the co-design of associated local government policy.

## Contents

<b>Chapter 1</b>	<b>Local government at the centre of decision making</b>	<b>13</b>
<b>Chapter 2</b>	<b>Strong local government operating in the local interest</b>	<b>23</b>
<b>Chapter 3</b>	<b>Local authorities tackling climate change</b>	<b>33</b>
<b>Chapter 4</b>	<b>Sub-regional working</b>	<b>38</b>
<b>Chapter 5</b>	<b>Clear relationships with local government</b>	<b>45</b>
<b>Chapter 6</b>	<b>Consultation arrangements</b>	<b>50</b>
<b>Annex A</b>	<b>Local government scrutiny committee powers</b>	<b>54</b>

## Strengthening local democracy

1. *Building Britain's Future*<sup>1</sup> set out how government wants to work with the people of this country to reform our democracy, overcome the recession and build the next generation of public services. It makes clear that this will involve a radical dispersal of power both to the citizen and to their local elected representatives.
2. The founding principle of local government is that citizens have the right to influence the decisions that affect their lives and their communities. Sometimes they may exercise this right through personalised services and sometimes by influencing local services – for example, by having a direct say over how their neighbourhood is policed. And sometimes it will be through lobbying their council.
3. **But a key way in which local citizens are able to exercise that right is their ability to elect a strong local council which can lead and shape their area.**
4. There is a large and untapped pool of people who would like more say in what happens in their area. It is right that both central and local government do more to give them greater direct control over the decisions that affect their lives and their community and councils are doing much to help them explore the opportunities available to engage and participate. But we must also recognise that in today's time poor society, citizens only have limited time to give.
5. That is why the role of councillors and councils, with their unique democratic mandate is critical to making sure that local services are responsive to the needs of their local communities. Citizens have a right to have their voices heard, and to expect those delivering services to care what they think.
6. **So councils must be fully equipped with the powers they need to act decisively and effectively on behalf of their citizens: the powers and ability to scrutinise, influence and shape other services. This is a much stronger role for local government, placing it firmly at the centre of decision making in their community.**
7. There are other imperatives driving the need for stronger local government.
  - First, **strengthening democracy**. Councils are unique among public service providers in being directly elected, but also in the range of services which they directly provide or indirectly secure, their role in leading and contributing to local partnerships, and their oversight of the well-being of their citizens and communities. That means they are best placed to provide local leadership and make sure that public services are being fairly and effectively delivered.

<sup>1</sup> <http://www.hmg.gov.uk/buildingbritainsfuture.aspx>

- Second, **promoting greater value for money**. Since 2004, councils have saved £4.5bn through efficiency measures – a significant achievement. The recent work by Sir Michael Bichard<sup>2</sup> shows that there is scope to go further: not simply achieving value for money in councils own spending, but by giving councils greater oversight of all the money being spent in their area. This will reduce overlap and duplication, making sure that all money is being spent effectively and efficiently: fostering innovation and improvement and driving up standards of service.
  - Third, **promoting economic development**. The current economic situation has reinforced the crucial role that councils can play in supporting their communities. The best have taken active steps to mitigate the worst impacts of the downturn through, for example, offering debt services, supporting new apprenticeships, or looking to create new jobs through the Future Jobs Fund. Councils are uniquely positioned not just to work with other partners, but to lead them, in preparing for recovery and future growth.
  - Fourth, **delivering personalised services**. As the drive continues to deliver personalised services and enforceable entitlements it will become ever more important to ensure that local services are delivered flexibly and in response to local needs.
8. Finally, as *Building Britain's Future* makes clear, there are major global and national challenges facing this country, including rising expectations of public services; the need to restore public trust in politics and democracy; the need to promote economic recovery; and the need to adapt to the threat of climate change. Local government has a crucial part to play in addressing these challenges as their citizens' elected representative. We want citizens to have a real say in how these challenges are tackled, and on what happens in their communities<sup>3</sup>. This could include getting involved in local budgeting decisions, having a say in how local public services are run, taking part in petitions, or by taking over facilities for their community. Local government is the point at which citizens can get involved in the decisions which affect them and a way of reconnecting citizens to the public domain by empowering them to influence decisions that affect them.
9. As a result of recent decisions we have taken, councils have greater financial stability, greater powers and more responsibilities. The three year finance settlement offers councils much greater financial certainty and the prudential system for borrowing and investments removed the need for local authorities to get central government consent to borrow for capital purposes. They also have powers to promote the economic, social, and environmental wellbeing of their area. Councils also now have some powers of scrutiny to challenge other service providers and hold them to account. In short, they now have a much greater capacity to make a difference.

<sup>2</sup> [http://www.hm-treasury.gov.uk/vfm\\_operational\\_efficiency.htm](http://www.hm-treasury.gov.uk/vfm_operational_efficiency.htm)

<sup>3</sup> These issues are set out in *Communities in control: real people, real power*, Communities and Local Government, July 2008

10. We now need to go further, making sure that local government has the powers it needs to respond to these emerging challenges and act decisively on behalf of their citizens to drive improvements in local public services.
11. We envision a powerful new role for local authorities where they:
  - play a central role for citizens in delivering their entitlements, and have flexibility and autonomy in meeting local needs
  - take on the responsibility for responding to emerging local challenges – particularly climate change and housing
  - take greater responsibility for scrutinising and oversight of public money spent on local service delivery in an area, in order to drive improvements in services and increase value for money.
12. The combination of the new measures proposed in this consultation, together with recent reforms, amounts to the biggest transfer of power to elected councillors for a generation. But it is not designed to strengthen councils for their own sake – rather to strengthen the rights of citizens through their elected representatives.

## Scope of consultation

13. This consultation sets out a range of measures to promote democratic renewal and strengthen the power and responsibility of local government by:
  - strengthening councils' ability to lead and coordinate services in their area. We propose to give councils more scope to scrutinise the spending and decisions of local service providers
  - exploring whether there are barriers to using existing powers and whether there are other powers which councils should have
  - ensuring councils have the powers and responsibilities they need to tackle climate change
  - exploring how the powers and responsibilities of sub-regional structures should be matched by clear and accountable leadership
  - exploring how to articulate, develop and support the relationship between central and local government so that our respective functions are clear and transparent to citizens.
14. Given the range and depth of recent debate – notably in the context of the Lyons Inquiry – we are not consulting on the local government finance system here. We keep this system constantly under review and will continue to introduce reforms where appropriate. For example, we have given councils a new power to raise

a local business rate supplement. We have recently published a green paper on reform of the care and support system<sup>4</sup>, which could have important implications for local government. We have also stated in the Budget that we would explore with interested partners how to accelerate new development through innovative financing arrangements.

## Local government at the centre of decision making

15. Local government already plays a crucial role in improving their citizens' lives and their areas' prospects. Councillors are recognised and respected as community leaders. Councils are directly responsible for a broad range of services: both directly delivering some, and commissioning organisations to deliver others. They also have an important role in shaping and monitoring services in their area, for example in relation to local environmental standards. And they are a major player in local strategic partnerships and other groupings which bring service providers together.
16. As such, councils are best placed to understand and respond to issue of local concern, and to bring all agencies – public, private, third sector – to tackle cross-cutting issues which affect their residents and their community.
17. We propose to strengthen their capacity to do this: specifically by giving them greater powers to scrutinise other services and how they spend their money. When they go to vote, citizens should be electing someone who can act on their behalf in relation to every aspect of local public service spending in their area. Our aspiration is that councillors should become a local point of accountability: the place where citizens can go to question how public money is being spent, how decisions are being made and how services are being delivered. This will be particularly important as public services and local councils begin to introduce entitlements to public services as set out in *Building Britain's Future*.
18. This would complement, but not replace, the direct relationships individuals already have with a range of service providers. It would mean that citizens have an easy way to make sure their voice is heard in local decision-making. Elected councillors would have a clear remit to sort out general problems and failures, maximise the value for money of local services, and reduce the burden on the concerned resident who is trying to raise concerns.
19. Councils already have powers to coordinate and scrutinise some local services. But we need to make sure those powers are being properly used, and extend them much more widely. We do not propose to introduce new powers to benefit councils and councillors themselves: but to increase their capacity to act more decisively, over a broader range of local issues and services, in the interests of their residents. This is a natural extension of their existing leadership role.

<sup>4</sup> *Shaping the Future of Care Together green paper*, HM Government 2009



20. In practice this should mean that:
- the council takes greater responsibility for co-ordinating service delivery, making sure that services are properly joined up and respond to local need
  - councillors are able to scrutinise and hold other services to account: other service providers would need to explain and justify their policies and spending.
21. The importance of putting the customer first and providing joined-up, more effective and efficient services, lies behind the 'Total Place' initiative announced in Budget 2009. This is designed to analyse where public money is spent and how services are delivered across a whole area, in order to see how this can be improved. The idea is that public services work together, rather than individually, in the next phase of reform, delivering better services, and reducing costs.
22. This initiative will help public services reduce complexity, bureaucracy and duplication by bringing together the evidence on customer needs, and on what is being spent, by which agencies, and on what services, to address those needs. Each of the pilots will pick at least one particular theme, such as early years, ageing or offenders to explore in more detail how the money flows and how the delivery system can be made more effective and efficient. These pilots can help identify how all areas should develop in the future, and the role that the local authority should play in driving change.

## Strong local government operating in the local interest

23. *Building Britain's Future* described how Government will be introducing entitlements for citizens. Wherever they live, citizens must have confidence that key public services will deliver a certain level of service. Local authorities will have greater autonomy to decide how to deliver those entitlements, in turn offering greater freedom to innovate.
24. So a future question being posed for consultation is whether councils have the right powers to address the challenges their areas face today and deliver improved and more efficient services for citizens; or whether there are areas in which they need greater control or influence.
25. We also ask whether there is further scope to reduce the burden of inspection on local authorities.
26. We also need to consider how best to support councils to reverse the decline in satisfaction shown by recent surveys<sup>5</sup>, despite increasing performance on key public

<sup>5</sup> The latest Citizenship Survey (April to September 2008) results show that 81 per cent of the population are satisfied with their areas as a place to live; the 2008 Place Survey shows that only 45 per cent of the population are very or fairly satisfied with the way their council runs things. <http://www.communities.gov.uk/publications/corporate/statistics/placesurvey2008>; <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq2200809>

services<sup>6</sup>. We ask whether granting further powers to local councils should depend on rising public confidence in the local council.

## Local authorities tackling climate change

27. A number of councils are already at the forefront of action to tackle climate change. This consultation asks how we can help them to take the next natural step, and contribute to meeting national carbon emissions targets perhaps through developing their own local carbon budgets.

## Sub-regional working

28. Partnership working is vital to tackle those problems which cross local authority boundaries – especially to promote economic growth across a wider area. Some of these partnerships formalised these relationships through Multi-Area Agreements (MAAs). The Government has also announced two city-region pilots. These will test how greater freedom and responsibilities for the partnerships in these areas can help them to deliver greater economic prosperity. This consultation document asks how the powers of city- and sub-regions could be further strengthened.
29. But we also need to ensure that greater powers and responsibilities are matched by clear, democratic and accountable leadership, so that citizens are aware of, and can influence, their decision-making.

## Clear relationships with local government

30. All these developments raise the question of the nature of the relationship between central and local government. We ask whether and how we should articulate that relationship in order to make these respective roles and responsibilities clearer to citizens. We suggest a series of principles on which central-local relations should operate in the future.
31. We need to consider how this could work in practice: specifically, how to monitor how each of us is fulfilling our responsibilities without overstepping the boundary. This may include scrutiny from a joint Parliamentary select committee with a standing mandate to regularly review the state of central-local relations, as proposed by the Communities and Local Government Select Committee and/or an ombudsman style body. In time, more effective local scrutiny by councils, coupled with entitlements for citizens, could reduce the volume of central prescription and inspection by central Government.

<sup>6</sup> For example, the number of single-tier and county authorities rated as top performers by comprehensive performance assessment in 2002 was 22; by 2008 this had risen to 62

## Notes

32. Some of the changes proposed in this paper could be achieved rapidly but it also sets the parameters for the debate over the next five to ten years.
33. The Impact Assessment relating to proposals in this consultation paper and their potential impact across a range of sectors is expected to be issued within two weeks and will be published on the Communities and Local Government website alongside this consultation paper.<sup>7</sup> An equality impact assessment initial screening has been completed and full assessment will follow. Some of the options mentioned in this consultation would require new primary legislation.
34. The proposals set out in this paper will impose costs on local authorities and will also deliver significant savings. In line with the Government's new burdens doctrine, any net additional cost to local authorities will be fully and properly funded by the Department for Communities and Local Government so that no additional pressure is placed on council tax bills.

<sup>7</sup> The Impact Assessment will be linked to from: [www.communities.gov.uk/publications/localgovernment/localdemocracyconsultation](http://www.communities.gov.uk/publications/localgovernment/localdemocracyconsultation)

# Chapter 1

## Local government at the centre of decision making

35. Local government plays a crucial role in delivering better outcomes for their citizens and in shaping the local area. They are themselves responsible for a broad range of services – either directly or through commissioning and for monitoring how services are delivered. They lead or act as one of the major players in many partnerships. They also regulate issues such as environmental health.
36. Beyond this, however, councillors are community leaders – taking a broad view of the well-being of local people and communities in a way which is not expected of other public service providers. So they are best placed to understand and respond to local concerns, bringing all the relevant agencies together – public, private, third sector – to tackle cross-cutting issues.
37. In each local authority area, billions of pounds are spent every year by a wide range of service providers, including the National Health Service, the local police service and the local authority itself. For example, a recent analysis in Cumbria demonstrated that £7.1bn of public money was spent in the county in 2008.<sup>8</sup>
38. This consultation proposes that councils should have greater scrutiny and oversight of this spending. This will give citizens, working with their councillors, greater influence over how public money is spent. We propose to broaden local authority scrutiny powers and extend them to a wider range of organisations, so that they can better influence local decision making.
39. This would go beyond simply monitoring spending by other bodies and put councils at the centre of local decision making, challenging other services to improve. This stronger role for councils acting on behalf of citizens should be part of their contribution to coordinating frontline delivery across service providers.

### The challenge

40. Local residents should be able to influence the shape of their area and the services they receive. We want citizens to have a real say in how these challenges are tackled, and on what happens in their communities. This could include getting involved in local budgeting decisions, having a say in how local public services are run, taking part in petitions, or by taking over facilities for their community.<sup>9</sup>

<sup>8</sup> Nuclear decommissioning, a national benefit with a large local impact, accounts for a quarter of total expenditure in Cumbria

<sup>9</sup> These issues are set out in *Communities in control: real people, real power*, Communities & Local Government, July 2008

41. However, most people only have limited time or opportunity to become directly involved in decisions which affect them. So alongside the right to directly shape and influence services must go the right to elect a local authority with real power to champion the needs of their local area – one that is clear about its responsibilities to local citizens. Citizens also need to be confident that when decisions are made about things that affect them, it is informed by their concerns and not just by the interests of those running the service. That is why we believe that elected councillors, selected by voters to represent their interests, should have greater influence over unelected service providers.
42. Our aspiration is for councils to become a local point of accountability for services across their area. The clearest and most effective way to do that is to give councillors greater oversight and responsibility for public spending in their area. Councillors, on behalf of their citizens, should be able to scrutinise public spending provision, influence decision making and hold other service providers to account. Councils also represent the interests of local organisations, including business and third sector.
43. This has the potential to better deliver the personalised services people want and expect, while at the same time ensuring that every taxpayer's pound is used to maximum effect. By giving councils the capacity to look more coherently at public money spent delivering local public services in an area; people will be able to see more clearly how and by whom their money is being spent. Understanding and overseeing expenditure on local service delivery will be a priority for the whole council – its leaders and all members.
44. The Calling and Counting Cumbria project<sup>10</sup> which inspired the current Total Place initiative showed that £7.1bn of public money was spent in 2008 in the county. £1.9bn was controlled or directed by local bodies of which:
  - forty-two per cent was from the county council
  - thirty-seven per cent from NHS bodies and
  - fourteen per cent from district councils
  - six per cent from the police authority.
45. The sums involved show how important it is to have one body monitoring this spending to make sure it is being used to best effect. It is clear this role should fall to councils, with their direct mandate to act on behalf of citizens.
46. Expenditure – while hugely important – is not the only issue on which councils should be able to call other agencies and services to account. We see councils as central to delivery of the minimum entitlements set out in *Building Britain's Future* which citizens must expect. So councils should:

<sup>10</sup> <http://www.cumbria.gov.uk/communications/countingcumbria.asp>

- be able to make other service providers explain and justify their policies, in order to make sure they are properly responding to local need
  - co-ordinate front-line service delivery, so that citizens receive the properly joined-up, personalised services that they are entitled to.
47. The best way to support councils take on this stronger role is to increase their powers of scrutiny. Councils do currently have some well-established powers of scrutiny over health and police services. But these have not yet had the impact which we believe is necessary. We therefore set out proposals to:
- broaden the scope of powers which councils can use to carry out their scrutiny function
  - widen the range of organisations over which these powers can be used
  - ensure that local people and their needs are the driving force behind these enhanced powers.

## The current picture

### Local expenditure

48. A great deal of work has gone into making public money in local areas go as far as possible, and making sure it is used to best effect. Since 2004 councils have achieved £4.5bn of efficiency savings – a significant achievement.
49. The Total Place initiative will show what more it is possible to achieve. In pilot areas, all public spending is being assessed, in order to make sure that it is best, and most efficiently, used to deliver what the local communities need. We have also consulted on how to develop local spending reports further and will be publishing an account of responses shortly. We will make decisions on how best to take forward these reports in the light of the total place pilots.

### Total Place

Big efficiency savings have already been delivered while services have improved. But more services can and should be designed around the needs of individuals, rather than around the convenience of institutions. This should both improve the standard of service people receive, and encourage the innovation and efficiency, that are vital to delivering the high standards and value for money that people quite rightly demand from their services. This means finding new ways of doing things, sharing best practice and acting jointly for the common good.

To deliver the improvements needed in public services, we need a deeper understanding of the needs of the community, space for local responsiveness and innovation, and effective co-operation – between public services locally and between central and local government. The Total Place pilots aim to demonstrate the clear benefits of service providers working together effectively to improve services by removing inefficiency and duplication between organisations and putting the needs of users first. They will seek to highlight where central Government can remove unintended barriers which prevent services working effectively together, so creating stronger incentives for co-operation and joint improvement.

### How does scrutiny currently work?

50. Scrutiny powers are a potentially powerful tool which enables councillors to represent the views of citizens on services which the council is not directly responsible for. Councils use scrutiny committees in a similar way to select committees in Parliament. These committees of non-executive councillors are able to challenge the council leadership on the issues they are responsible for. They also carry out reviews into local issues of importance and make reports and recommendations for change to those taking the decisions.
51. Overview and scrutiny has a different scope for different services – with health, and crime and disorder being the most advanced. For other bodies, the requirements relate to the LAA targets. The bodies that are currently required to engage in overview and scrutiny in relation to LAA targets include Environment Agency, Fire and Rescue Authorities, JobCentre Plus, Youth Offending Teams, Police Authorities, Primary Care Trusts, Regional Development Agencies, Learning and Skills Council, and the Homes and Communities Agency<sup>11</sup>.
52. There are, however, no formal limits on what local government scrutiny can look at – committees can examine any issue of importance to the community. Many committees look at the work of a range of public and private service providers and they can request information from these bodies. They work in partnership with

<sup>11</sup> A full list of duty to co-operate bodies is included at Annex A.

health bodies and police forces to scrutinise local health and crime and disorder issues, meaning that elected members can already have a voice over how these services are delivered. This autumn we will publish statutory guidance for local authorities, people working in the NHS and interested people that will set out how overview and scrutiny can be improved in the health services.

53. We are also strengthening the scrutiny function<sup>12</sup> so that:
- councils will also be able to scrutinise other public bodies working with the council on the priority targets set out in the local area agreement
  - councils will be required to designate a dedicated scrutiny officer
  - residents will be able to appeal to the scrutiny committee if they are not satisfied with their council's response to a public petition.

### Scope of scrutiny arrangements

54. Scrutiny powers have come a long way since their introduction in the constitutional changes brought into force in 2000. However, scrutiny too often relies on the voluntary cooperation of service providers.
55. For scrutiny to really punch its weight, there needs to be a strong connection between scrutiny committees and local people. In many authorities, members of the public can, and do already get involved in scrutiny in a range of ways, including suggesting topics for review, or by being a co-opted member of a committee. There are good examples of this working in practice – for example, when Tower Hamlets carried out a review of young people's participation in sports leading up to the Olympics, an extensive consultation informed by the views of around 300 young people helped to shape the recommendations made by the scrutiny committee. However, as yet this level of involvement remains relatively limited<sup>13</sup>.
56. The duty on councils to promote democracy, requiring them to explain the opportunities for people to influence decisions affecting public services and how they can get involved, should go some way to address this. But we are seeking views on how we could go further still and make sure that citizens have a stronger connection to their scrutiny committees.
57. We know that democracy is stronger when it is fully representative, and as such, we have been working to increase diversity amongst councillors. This will help to ensure that both executive and scrutiny functions of local authorities are fully representative and able to take proper account of the diverse communities that they serve. There are, also, wider related issues around councillor recognition and conduct, however, these do not form part of this consultation.

<sup>12</sup> Including through provisions in the Local Democracy, Economic Development and Construction Bill currently before Parliament.

<sup>13</sup> A recent survey by Centre for Public Scrutiny for example showed that public engagement in scrutiny is low with 51 per cent of authorities reporting that they had not received any suggestions from the public for scrutiny reviews in 2007.



## Future options

58. Increasing the power and range of scrutiny is absolutely central to our vision of independent, strong and effective local government. It is a major route through which the voice and interests of local people, through their elected representatives, can be brought to bear on the national and local institutions which provide the local services which are vital to all of our lives. Of course, councils are not the only point of accountability, since people will still have a direct relationship with individual services, but they are an important place where residents can raise their concerns and expect that their elected representative will take appropriate action. In addition, services have other points of accountability, such as the national or regional level.
59. We should not expect people to have a detailed knowledge about the intricacies of local service provision – funding streams, management structures or spheres of responsibility – in order to raise a concern or complaint. Nor should they be expected to do so at the administrative convenience of those bodies. And co-operation between these bodies should not be left to chance. Scrutiny committees have a vital role to play in making sure that these services work as effectively as possible.
60. The extensions of scrutiny proposed in this document may raise issues of relevance to policing. It is intended that where consultation responses relate to this important local service they will be considered through the White Paper on policing which is planned for the autumn<sup>14</sup>. For practical reasons Regional Development Agencies are not considered to be part of this consultation in relation to proposed extensions to scrutiny, beyond current arrangements and those in the Local Democracy, Economic Development and Construction Bill currently before Parliament.

### Extending the scope of formal scrutiny arrangements

61. We want to examine whether the scope of scrutiny powers should be increased so that they cover all of the issues that matter to the local community. Other than for health, and crime and disorder matters<sup>15</sup>, formal scrutiny powers are currently limited to those bodies that are under a duty to co-operate with a local authority in setting and delivering the priorities established in the Local Area Agreement (LAA)<sup>16</sup>. Other than on crime and disorder, and on health, scrutiny committees can only use these powers when the issue at hand falls under the scope of priorities set out in the LAA.
62. But the issues which matter to local people often go beyond the scope of LAAs. And they relate to many other organisations than just those who are responsible for delivering the priorities set out in this agreement. Although in some places, other

<sup>14</sup> The recent report *A People's Police Force: Police Accountability in the Modern Era*, Rt Hon David Blunkett MP, 2009 will also be an important piece of work to consider in thinking about the accountability of local bodies going forward, including the police.

<sup>15</sup> Separate provision is made for the scrutiny of health and crime and disorder matters through the NHS Act 2006, and Police & Justice Act 2006.

<sup>16</sup> The duty to co-operate applies to named public sector agencies working in partnership with local authorities through local area agreements. A list of these agencies appears at Annex A.

local service providers who have not formally signed up to the LAA – for example utility companies – voluntarily co-operate with council scrutiny reviews, this is not always the case. Whilst they each have their own accountability arrangements and standards to uphold (for example Ofgem’s role for gas and electricity companies), there are currently no requirements to respond to issues raised by council scrutiny committees despite the impact that the activities of these bodies can sometimes have on the local area. In too many cases, in order to address issues of concern, scrutiny committees have to come up with ways to persuade or shame other agencies into attending their meetings or co-operating with reviews. In some cases, their requests are flatly refused.

63. If they are to act effectively on citizen’s behalf, on all the issues which matter to them, we need to further strengthen the scrutiny powers which councils have. This would mean:
- **broadening** the number of bodies which can be subject to scrutiny committees: not limited to those responsible for health, crime and disorder or council functions, nor just those responsible for priority targets set out in the LAA
  - **enhancing** the powers which these committees have. Officers and board members could be required to appear in front of the committee
  - **enabling** scrutiny committees to make reports and recommendations to a wider range of bodies for their consideration, and these bodies could be required to have regard to the recommendations and formally respond to scrutiny committees
64. This consultation will seek views on the issues which should be subject to this enhanced scrutiny.<sup>17</sup> Subject to views, we propose to offer councils greater scrutiny over:
- **police strategies in local authority areas**, plans for which will be developed for consultation by the Home Office in the autumn
  - **fire and rescue authorities**, to make sure their plans<sup>18</sup> fully reflect the right balance of protection, prevention and response for different communities; and to examine performance of individual fire and rescue authorities against their published equality and diversity plans
  - **local authorities’ delivery of high-quality educational provision** to meet local demands and aspirations as well as for supporting and challenging schools

<sup>17</sup> These proposals build on the issues considered in the ‘Improving Local Accountability Consultation’ (published 7 August 2008) which sought views on the approach to the legislative framework underpinning the extension of council scrutiny powers to LAA partner authorities in the *Local Government and Public Involvement in Health Act, 2007* and the further proposals for strengthening scrutiny announced in the *Communities in Control White Paper, 2008*.

<sup>18</sup> Each fire and rescue authority is required to consult and publish its integrated risk management planning (IRMP). IRMP is about improving public safety, reducing the number of fire incidents and saving lives. Integrated risk management has shifted the focus in planning to put people first, looking at the risks arising from all fires and other emergency incidents, and at the options for reducing and managing them.

to improve. These issues as set out in the Department for Children, Schools and Families' White Paper on 21st Century Schools would ensure further support to these issues that are of great importance to parents and more widely to local communities

- **probation authorities** over issues such as release of ex-offenders into an area, or making sure that they have timely access to local services that may be critical to prevent further offending. Councillors could also have a role in scrutinising the other partners involved in supporting reducing offending
- **provision of public transport and transport infrastructure**
- **Jobcentre Plus** and other employment related services in the local area
- **utility companies:** for example, where repairs which are badly organised and co-ordinated, causing unreasonable inconvenience, the overview and scrutiny committee would be able to look into the matter and make recommendations which the utility company would be required to have regard to, on future improvement programmes
- **young people's education and skills issues,** while recognising the independence of colleges and other learning providers. These services have a high degree of relevance for local communities, as shown by 84% of areas having at least one of the skills indicators in their Local Area Agreement and this has been recognised by the Government's decision to transfer funding to local authorities for education and training for 16–18-year-olds, supported by the creation of the Young Person's Learning Agency. Ensuring that these broader scrutiny powers apply to this issue and the range of partners involved will enable the ambition to put the young learner at the heart of a system to be fully realised. The Learning and Skills Council and its adult skills successor body, the Skills Funding Agency, will continue to be subject to the duty to co-operate through the LAA process.

### Making scrutiny work more effectively for citizens

65. Those scrutiny committees which are really effective are those which are well supported by their local authority. We are already requiring lead councils to designate an officer to support the scrutiny committee, which will help raise the profile and visibility of scrutiny.
66. The proposals in this consultation will further increase the status of scrutiny as one of the council's central roles. As the democratically accountable leaders of their areas, it will be a priority for every council leader to ensure that their council's scrutiny activities are effective. This will involve leaders and council executives considering carefully the resources that are devoted to scrutiny and the status accorded to those leading the scrutiny work.

67. One option is to place a duty on council chief executives to ensure that committees have adequate resources to carry out their work. While recognising the importance of scrutiny, this would also mean that final decisions on how best to organise resources are left with those who are best-placed to make them.
68. We also believe that scrutiny should take greater visibility and recognition as befits its vital role. A visible commitment by a local authority to the importance of overview of scrutiny would be ranking the position of chair of certain overview and scrutiny committees in the authority on a par with a cabinet post. This might include the special responsibility allowance for this post being equal to that of a cabinet member in the authority.
69. There is also the question of whether, and how, in extending scrutiny, executive members could be further involved in these activities in relation to the full range of local public services. This would have to be consistent with the need to avoid conflicts of interest between the executive's decision making role and the ability of the non-executive councillors to scrutinise those decisions.
70. There are also more open questions about the support that councils and those individuals charged with carrying out this function may need. As well as fully understanding how their council operates, councillors will need to fully appreciate the complexities of partnership working, and the context and legal framework in which those partners operate. They may well benefit from
- expert advice from citizens or interest groups
  - more training and support
  - wider opportunities for sharing best practice
71. **This consultation asks how best, in addition to any statutory measures, the local government scrutiny function can best be supported, possibly through measures identified above.**

### Summary

72. Building on the current arrangements in place, we propose to strengthen the existing scrutiny powers as follows (a summary of the relationship between current and potential future local government scrutiny powers is included at Annex A including a list of duty to co-operate bodies):
- making the description of scrutiny powers more explicit about local councils' role in scrutinising expenditure on delivery of local public services in an area
  - bringing a range of local public services fully under the scrutiny powers of local authorities with a focus on what matters for local people and local communities

- extending scrutiny powers in relation to LAA partners by removing the current limitations to scrutiny of specific LAA targets, and extending scrutiny powers more generally to a wider range of bodies whose activities may be crucial to the development of the area
  - extending scrutiny powers to enable committees to require attendance by officers or board members from partner bodies to give evidence at scrutiny hearings (similar to the powers already in existence for health and police)
73. At their most developed, the proposals in this consultation paper could mean a total of almost £250 billion public money would be subject to council scrutiny. This includes councils' own spending plus potentially more than £100 billion of public money a year spent on key local public services that were delivered locally but not by local government<sup>19</sup>.
74. In all these proposals it will be important to strike the right balance to ensure that the operational independence of external bodies is not compromised. These proposals are not about scrutinising the day to day actions of police officers, or clinical decisions, for example, but rather to enable councils to scrutinise the way in which services are delivered. We have a duty to citizens to ensure that bodies spending public money and delivering public services in local areas are open to appropriate, proper challenge and effective scrutiny by the democratically elected councillors for that area. We are also clear that local scrutiny must keep to those issues which affect local service delivery.
75. These proposals are not intended to add additional layers of bureaucratic process. On the contrary, they are intended to simplify the existing arrangements by removing certain limitations and restrictions that exist within the current legislative framework. Nor do we see these proposals leading to a free for all investigation of external bodies, or multiple requests for information from individual councillors. Many scrutiny committees will continue to operate as they do now; investigating issues of concern to local people as part of an agreed programme of work for the year and most of those issues are likely to relate to priorities already identified in the local area agreement. For those issues that do not, scrutiny committees would be able to use their enhanced powers in order to fully investigate on behalf of local people. In using their powers, scrutiny committees would be expected to consider the potential burdens of their requests on external bodies (in the same way as they will for LAA scrutiny under the current arrangements). This is an important issue, generally, but is more so when a body that will be scrutinised has a relationship with a number of individual councils. In these instances we would expect the individual councils to consider the impact of this 'many to one' situation in when and how they approach other bodies, for instance in issues of common interests joining up of requests with others. We will consider how best manage this issue In taking forward any proposals from this consultation.

<sup>19</sup> Estimated cost of public services delivered locally but not by local government in 2007-08 is based on a subjective analysis of Table 10.1 from Public Expenditure Statistical Analyses 2009, Cm 7630, published by HM Treasury.

### **Consultation questions**

- 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?**
- 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?**
- 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 by Local Government?**
- 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?**
- 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?**
- 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?**
- 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?**

# Chapter 2

## Strong local government operating in the local interest

76. A critical question for this consultation is whether councils have the right powers to (a) address the challenges their communities face today and (b) to deliver improved and more efficient services for citizens.
77. This is particularly important given the introduction of entitlements as set out in *Building Britain's Future*. As local authorities start to respond, and as they become responsible for greater scrutiny and oversight, it is right that we ask whether they have the capacity they need to deliver for their local citizens.
78. The Government also wants to reduce bureaucracy and the burdens associated with inspection. This consultation considers how we can build upon the introduction of the new system of comprehensive area assessment.

### The challenge

79. Councils have a clear and direct mandate from local people to govern their areas. Councils, therefore, need to have the necessary power and responsibility to meet the legitimate expectations of local people. This is at the heart of strong local government.
80. There are three important issues under consideration here.
  - **First, do councils require strategic functions to meet the needs of local people?** If so, do they need additional powers to do so? For example, some authorities – or even groups of authorities – wish to have a more visible, active, and tangible role in dealing with climate change (this is addressed later in this consultation). There are likely, however, to be other similar areas where local authorities could play a bigger role.
  - **Second, are there barriers to councils exercising the powers they already have?**

- **Third, can we lighten the central Government inspection regime?**

Government has already done much to free councils from unnecessary performance management. However, the introduction of entitlements and the effective use of scrutiny may allow councils to identify and resolve performance issues earlier, and therefore reduce the need for central government intervention. This is not to say that intervention will never happen. It is right that Government should intervene where there is critical or sustained underperformance, especially in the case of services that safeguard the most vulnerable. However the aim is for such underperformance to be rarer, and as a consequence for intervention to be limited to the most serious concerns.

81. These changes would need to be matched by growing public confidence in local authorities' ability to shape services or their area. As such, the continuing transfer of power depends on citizens' demonstrable and growing confidence in councils.
82. Councils need governance models that readily deliver (a) strategic leadership, (b) sharp accountability, and (c) effective and efficient decision taking. It is recognised that this can be achieved through a range of models, including with a mayor. The Local Government and Public Involvement in Health Act 2007 builds on the experience of the 12 English local authorities who adopted directly elected mayoral forms of governance, and relaxed the procedure for changing council governance arrangements. Where a council wishes to move to the mayoral model it can either hold a referendum or, following consultation and the drawing up of proposals for change, to resolve to make the move to a directed elected mayor. Government believes this is the right approach for the current time.
83. Government is looking at issues on councillor recognition and conduct separately and they do not form part of this consultation.

## The current picture

### Current levels of devolution

84. Since 1997 local authorities have gained significant powers, responsibilities and financial freedoms from central government. This has included the three year finance settlement, a new prudential borrowing regime, and powers to promote the economic, social, and environmental well-being of their area. Through Local Area Agreements (LAAs), councils work with their partners to target local priorities and meet local needs.
85. Local councils have also taken a direct leadership role in supporting their communities through difficult times. Many have been offering practical help to those experiencing trouble with debt or at risk of repossession; others have been supporting new apprenticeships or looking to create new jobs through the Future Jobs Fund.



86. Parliament has recently agreed to give a discretionary power for councils to raise and retain a supplement on the national business rate and to use those funds to support additional projects aimed at the economic development of their local area.
87. Following the Review of Council Housing Finance, the Minister for Housing has announced a consultation on plans to dismantle the housing revenue account subsidy system and replace it with a devolved system of responsibility and funding for local authorities – self-financing. This will allow local authorities to keep the receipts from the sale and rent of council homes to reinvest in new housing. We are also passing the leadership of over £0.5 billion of skills spending, dedicated to English for Speakers of Other Languages and informal adult learning is currently being passed from the Learning and Skills Council to local authorities.
88. **The measures proposed in this consultation, together with recent reforms, represent the most substantial and radical transfer of power to councils for a generation.**

### Entitlements

89. *Building Britain's Future* sets out the Government's programme for further reform of public services, based on moving from a system based primarily on targets and central direction to one where individuals have enforceable entitlements over the service they receive. Wherever they live, citizens will be able to have confidence that public services will deliver a certain level of service.
90. For local authorities, this will bring greater autonomy to decide how these entitlements will be met and generate greater freedom to innovate.
91. The Government's green paper on Rights and Responsibilities<sup>20</sup> recognises that a broad range of related entitlements are already embedded in UK legislation and reflected in the institutions which oversee their implementation. Many of these entitlements are enforceable, either because mechanisms to ensure their delivery (such as tribunals) are explicitly provided for in legislation or because they are susceptible to judicial review by the courts. Legally enforceable entitlements to a variety of social and economic welfare provisions are not a new concept in the UK. But in considering ways to set out new entitlements, including in relation to local government, there is a range of possible options which lie across a continuum. As explored in the green paper the options range from a set of legally enforceable provisions, to duties and responsibilities placed on public authorities, to statements of principle which would not be justiciable in the courts but would be enforceable through non legal means. Some of these issues are explored further in chapter 5 on clear relationships with local government.

<sup>20</sup> *Rights and responsibilities: delivering our constitutional framework*, Ministry of Justice, 2009

### Current powers

92. Councils already enjoy wide ranging powers – most significantly, the ‘well-being power’ introduced in the Local Government Act 2000, which gives councils a general power of first resort to promote and improve the economic, social and environmental well-being of their areas.
93. Councils have used this to adopt a number of innovations. One local authority has taken quick and effective action to purchase houses on an estate in rapid decline with anti-social behaviour and drug-related problems. A London borough used the well-being power to support involvement in a new form of partnership arrangement with the primary care trust, purchasing a holding in the company that will be the basis of future partnership arrangements. This has given the council an ongoing stake in the activities of the company, even though it involves interests beyond the council’s boundaries<sup>21</sup>.
94. However, evidence suggests that this power is not as widely used as it might be<sup>22</sup>, there is an on-going debate about the need for a general power of competence and a recent court case<sup>23</sup> has established that the well-being power is not available to enable councils to set up a mutual insurance company. These issues are addressed later in this chapter.

### Wide-ranging local government responsibilities

95. Through LAAs, councils and other local agencies are working in partnership to identify and focus their efforts on the things that matter most to local people and which will make the most difference to the quality of life in their area.
96. This focus on local need and ambition drives innovation in other areas. Partners are increasingly recognising the links between their work – for example, planning policy has been influenced by the recognition that a well-designed built environment can promote health and well-being and help develop sustainable communities, providing opportunities for people to build physical activity into their lives. Planning also helps ensure the provision of high-quality health and social care facilities.
97. A growing number of primary care trusts and local authorities are working closely together to deliver their commitments to health and social care in the local area. This has been encouraged by the joint approach to issues set out in the joint strategic needs assessment and includes pooling/aligning of budgets, joint appointments and shared oversight.

<sup>21</sup> See *Practical Use of the Well-Being Power*, Communities and Local Government 2008, for details of these and further examples

<sup>22</sup> The 2006 survey of English Local Strategic Partnerships (LSPs) found that 92 per cent of responding LSPs were aware of the well-being power and 19 per cent had considered using it, but only 8 per cent had actually done so.

<sup>23</sup> *Brent London Borough Council; Risk Management Partners Limited; London Authorities Mutual Limited & Harrow London Borough Council: 2009 EWCA Civ 490*

## Reducing bureaucracy and inspection

98. Effective performance is an important part of building trust between citizens and local government. Central government is committed to safeguarding citizens' interests whilst reducing the burden of bureaucracy and inspection. As a result, since 2003-04 we have reduced the cost of public service inspection by a third.
99. Government has improved and refined the system of inspection for councils and has agreed an improvement and efficiency strategy published jointly with the Local Government Association<sup>24</sup> which deals with the issue of when government should intervene. These reforms should further reduce inspection and bureaucracy for local councils. With these changes comes responsibility for councils to ensure that they exercise all their functions transparently, fairly, efficiently and in the best interests of the people they serve.
100. Through the new comprehensive area assessment (CAA), Government has committed to proportionate, integrated assessment of local public service. All councils will be assessed, but stronger performers can expect to be inspected less often. CAA will bring together assessments of performance across each local area and focus more on the delivery of outcomes, on citizens' experiences and perspectives, and on places and partnerships rather than just individual institutions. This new system will also be much more open and visible for citizens – for example, the inspectorates are developing a user friendly web-based reporting tool for their assessments which are due to be published by the end of the year.
101. The six inspectorates of local services are working together more closely than ever before. Inspectorates are working along 'Collect Once, Use Numerous Times' (COUNT) principles. And we are committed to further reducing the burden of inspection by making best use of local performance management arrangements and existing data to inform judgements, rather than requiring further evidence.
102. The effect of CAA will mean that inspection is targeted where it can have the greatest impact or where the risks of failure are most significant. Over time, we expect that other performance frameworks will become closely aligned with CAA so that it becomes the main assessment of public services. We will monitor progress to make sure that CAA brings the expected benefits.
103. Even in well run organisations, things will go wrong from time to time. When they do it is essential the council puts things right quickly and wrongs are righted. Elected councillors have a crucial part to play in ensuring this happens – that high standards are set and maintained and that services are responsive to the needs of their residents.
104. But in some cases specialist support will be needed from outside the authority. The improvement and efficiency strategy makes it clear that this support should come first from others working in local government.

<sup>24</sup> *National Improvement and Efficiency Strategy*, Communities and Local Government/Local Government Association, 2008

105. Central government retains the ability to intervene where there is critical or sustained underperformance, for example where entitlements are not met. In such instances, the required action by government may range from: an improvement notice (issued by the appropriate Secretary of State); use of statutory powers to direct the organisation to take specific action to secure recovery or improvement; or in the most serious cases, the relevant Secretary of State may appoint a nominee to exercise certain specified functions of the authority.

## Future options

106. A strong, revitalised local democracy needs the appropriate powers and freedoms to drive forward results for local people. In addressing the challenges facing our country there are important questions about the nature of local government's role. This is given separate consideration in chapter 3 with relation to local authorities' role tackling climate change.

## Entitlements

107. *Building Britain's Future* advanced a new agenda for our public services and local government. It outlined how the next stage of public service reform will be characterised by moving from a system based primarily on targets and central direction to one where individuals and communities will have enforceable entitlements over the services they receive.
108. **The introduction of new entitlements will require public services to ensure that residents' rights to these are met. Local government will have a key role in ensuring these entitlements are delivered and the proposals for enhanced scrutiny in this document will help councillors deliver this.**
109. As entitlements to public services are introduced we shall review the possibility of reducing the number of LAA targets agreed with government. This builds on the recommendation in the Treasury's report on the Operational Efficiency Programme<sup>25</sup> and will give local areas and services greater autonomy in delivering improved outcomes. However, as the experience of LAAs has demonstrated, there is great value in important local needs and priorities being formally recognised between central government and local agencies. We will, therefore, consider how a reduction in LAA targets may work in practice, for example by being accompanied by proposals to ensure that public services in an area pledge to meet the most important priorities of their citizens.

## Formal powers

110. The well-being power is vital for local authorities to act in the interest of their local communities and we want to support local authorities to make use of it.

<sup>25</sup> *Operational Efficiency Programme*, HM Treasury, 2009

111. However, the recent court case on mutual insurance has dented confidence in the ability of councils to use this power to take forward complex arrangements.
112. Changing the well-being power or introducing another form of general power would not be certain to ensure local authorities could engage in mutual insurance arrangements.
113. **Government is not opposed to local authorities developing this and similar types of arrangement. Subject to this consultation we are therefore proposing to introduce, at the first legislative opportunity possible, a specific power to enable councils to engage in mutual insurance arrangements.**
114. We also ask whether there are other similar arrangements – beyond mutual insurance – which councils believe could be beneficial but which are potentially out of scope of existing powers. We will use the evidence gathered here to decide whether further action should be taken.

### Building confidence in councils

115. As established above, a continuing transfer of power needs to be clearly linked to citizens' demonstrable and growing confidence in councils. A key issue is therefore how councils can build confidence amongst local people in their ability to deliver for the area. This is important to begin to reverse the decline in confidence shown by recent surveys.
116. We are asking how that can best be achieved, including how central government can support local government in their efforts to rebuild declining confidence.

### Health and social care functions

117. There are already many strong links between local government and Primary Care Trusts, reflecting the importance of joint working in this area and reflecting the community leadership role of local government.
118. This can be seen in relation to:
  - issues of public health – such as teenage pregnancy and obesity – where local government already plays a direct role
  - recognising the links between a good local environment, local service provision and general good health and
  - an increasing sense that local primary care health services play an important community role – whether supporting people back into work or enabling people to access broader ranges of advice and support beyond direct health intervention.

This is reflected in:

- the importance of health indicators in LAAs
- government's further commitments to allow commissioning and provision for health to be locally led
- strengthening the overview and scrutiny function of local authorities so that they can make a pro-active contribution to local decision making across the NHS.

119. Many Primary Care Trusts and local authorities are already working together on joint appointments with the ambition to improve joint working between health and local government. Joint appointments are being explored in a number of local areas around: joint commissioning managers of children's services; joint heads for integrated commissioning for adult services; older people commissioners and mental health services.
120. Local authorities are also responsible for provision of social care for their communities. Again, there has been concern to ensure strong links between health, social care and wider services to enable high quality services for local people.
121. Within the current statutory framework, our approach is permissive not prescriptive. Our aim is to give local organisations the space to innovate, not to impose organisational change upon them. In the NHS we maintain there will be no top down reorganisation of Primary Care Trusts or Strategic Health Authorities. We believe that there are considerable benefits to be gained from developing further closer relationships between local authorities and Primary Care Trusts. We would support local initiatives to share staff and to further develop joint accountability and scrutiny arrangements.

### Ensuring effective integrated transport

122. The Local Transport Act 2008 allows cities and other places to make proposals to improve the way transport is planned and delivered in their area. Integrated Transport Authorities, with powers specifically tailored to the place in question, can then be created through secondary legislation. The Local Democracy, Economic Development and Construction Bill, currently before Parliament, would pave the way for a similar arrangement covering wider functions as well, such as like land-use planning and economic development.
123. The developments of scrutiny proposed in this document will support good local engagement within cities, as elsewhere. It will be important to ensure that whilst city-wide bodies are responsive to the needs of local communities, they act in the best interests of the city as a whole, as discussed later in this document.

124. However, there remain questions of what more can be done to ensure ITAs and councils support each other in developing effective transport for local communities and also whether ITAs, that cross council boundaries, have sufficient powers, incentives and levers to meet their ambition. These are issues that this consultation would welcome comment on.

### Reducing bureaucracy and inspection

125. The improvement and efficiency strategy<sup>26</sup> published jointly with the Local Government Association sets out the Government's approach to intervention. The principles set out in chapter 5 may offer scope to increase the weight to this established position, making it more explicit that local government should be free to exercise its functions in the interests of their citizens without unnecessary direction or control from central government or other agencies. This principle reflects the current Government position on intervention.

126. We will also discuss the results of the recent Local Government Association/Improvement and Development Agency consultation on sector-led support<sup>27</sup> to establish an agreed joint approach to tackling failure and underperformance, including the roles and responsibilities of elected councillors and ministers.

127. There is a powerful case for the next stage of development to be one where effective local scrutiny, coupled with entitlements, leads to reductions in the volume of central prescription and inspection. This will not be an immediate change, and relies on local government delivering on the use of powers and responsibility given, but responses to this consultation should bear this long-term ambition in mind.

### Partnerships

128. Strong local partnerships are needed to deliver the high quality public services that citizens expect and democratically elected leaders and councillors are getting involved in partnerships to good effect. The first assessments of the Audit Commission and other inspectorates under the comprehensive area assessment are looking at the delivery of outcomes delivered in partnership.

129. But we cannot take effective partnership working for granted. Effective partnerships generally share a number of strong characteristics that seek to actively empower and engage with their partners and communities. Research into Local Strategic Partnerships and Beacon councils has identified that partners need:

- informal as well as formal ways of working
- developed trust and understanding
- strong connections to the democratic processes

<sup>26</sup> *National Improvement and Efficiency Strategy*, Communities and Local Government/Local Government Association, 2008

<sup>27</sup> *Setting the Pace: Developing a framework for sector-led help*, Local Government Association/Improvement and Development Agency, 2009

- mechanisms for scrutiny and holding partners to account
- to raise aspirations and are ambitious and challenging
- to keep things simple
- transparency on what partners contribute
- space to innovate – to look for new solutions
- good information systems.

130. **Whilst much partnership working is useful and effective, we also need to ask whether all the partnerships are needed or whether they could be streamlined. We need to make sure that each is essential, with a clear purpose and remit, with easily understood responsibilities.**

#### *Consultation questions*

- 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?*
- 9. Should councils have a power to engage in mutual insurance arrangements?*
- 10. Are there other powers needed to cover engagement in further complex arrangements of a possibly speculative nature outside of existing powers?*
- 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?*
- 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?*
- 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?*



# Chapter 3

## Local authorities tackling climate change

131. Climate change is the greatest long-term threat facing the world today. The potential costs of climate change are huge, estimated as being up to 20 per cent of global Gross Domestic Product. Mitigating these effects will require decisive international, national and local action. So a critical question for this consultation is whether councils have the right powers and responsibilities to help address climate change.
132. This consultation invites views on proposals to give local authorities a greater role in tackling climate change perhaps through local carbon budgets or other mechanisms. This step change in local councils' broader strategic functions will not only support the future of our nation but has the potential to engage local citizens in action to fight climate change in a way that is meaningful for them.

### The challenge

133. As *Building Britain's Future* outlined there are a number of global and national challenges facing this country and local government has an important part to play in meeting these. One of the most pressing is climate change. The recent *UK Low Carbon Transition Plan* sets out how the UK will make the shift towards becoming a low carbon country<sup>28</sup>. We want to see councils increasingly active in reducing carbon, taking a key role in meeting UK carbon targets and adapting to the consequences of climate change.
134. Local authorities are already responsible for planning, building control, and management of waste. But they can also develop entirely new roles and services. We want the decisions that local authorities make in this area, and their performance, to drive for local engagement and renewal.

### The current picture

135. Almost all (97%) of Local Strategic Partnerships chose to include one of the three carbon indicators in their Local Area Agreements (LAAs), and a significant number also chose the adapting to climate change indicator for their LAA. This demonstrates the commitment that exists in local areas for tackling new challenges beyond their traditional remit. But using the direct mandate they have from local people to lead and inspire local responses to issues like climate change is exactly what strong local government should be doing.

<sup>28</sup> *The UK Low Carbon Transition Plan*, HM Government, 2009

### Climate change at a local level

To tackle climate change, Government has committed to reducing carbon emissions by at least 80 per cent by 2050, and to set and meet carbon budgets to keep us on track. This will mean huge changes in the way that we generate and use energy in every form, at home, at work, and at leisure, how we travel, and how land is managed.

As a society, we will face choices about how to make the changes that we need. Some choices will be best made nationally. But many will be better made – or can only be made – locally. Often decisions made nationally – such as on energy policy – will have profound effects at a local level or can only be delivered by local bodies and with the consent they can build.

In setting out its carbon budgets, and policies and proposals to meet them, the Government is presenting a national routemap for the changes we need to make. For this to take root, it will need to be driven in every community across the country. We believe that people should increasingly be able to look to their local authority not only to provide established services, but also to co-ordinate, tailor and drive the development of a low carbon economy in their area, and in a way that suits their preferences. The consent built through a strong and vibrant local debate of the choices we face will be essential to make the change a success. And in setting out their ambitions for carbon, where there are clear local plans with local support, the Government would support the goal of going beyond national targets on carbon.

## Future options

136. The fact that almost all local authorities have included carbon indicators in their LAAs demonstrates local government's commitment to help fight climate change. Innovative authorities are leading and inspiring local responses, including Kirklees, Southampton, Woking, Barnsley, Barking & Dagenham, Reigate & Banstead. The Carbon Reduction Commitment, which we are introducing next year, will provide a further incentive to action.
137. There is scope for councils, working with their partners including the third sector, to go further. This would build on – but not be limited to – their existing responsibilities for planning, transport, building control, and management of waste. The decisions that local authorities make in this area, and measures of their performance, should:
  - make it easier for individuals to judge the choices that their local authority is making – both on the extent and nature of their actions – and whether that meets their expectations and preferences, reinforcing local accountability

- encourage the development of locally tailored responses and innovation to deliver the changes needed in a way that commands local support and
  - ensure fairness between areas, but supporting those who take an active approach.
138. Government has now set out its proposals for managing carbon budgets at the national level. We will explore the role that local government could take in meeting the UK carbon budgets, and how this might work at a local level. There is already a strong tradition of cooperative working between national and local government on fighting climate change. This includes reviewing the operation of the climate change planning policy statement, building carbon into the ‘single conversation’ that the Homes and Communities Agency conducts, and encouraging schemes that bring together initiatives at the local level.
139. There is also an economic role for local authorities in ensuring that communities benefit from low carbon economic development, working with Regional Development Agencies and others. Where relevant, this will include playing a key part in the establishment and successful operation of low carbon economic areas as announced in the *Low Carbon Industrial Strategy*<sup>29</sup>.
140. Such new roles and new activity could have profound effects – changing our expectations of what local government is and what it does for people. To unlock this potential, we must carefully consider what powers and resources local government needs, and the conditions under which they can be exercised.
141. Set out below are the issues which need to be addressed and possible ways in which these might be taken forward.<sup>30</sup> Views are sought on these, which will then be used to shape specific policy options, in partnership with the sector. These are:
- The role of local authorities in coordinating funding streams to support low carbon activity in local areas. This might include working with energy suppliers on targeting work to improve energy efficiency, and to make best use of new support for renewable electricity and heat. We will consider the case for greater local influence over the supplier obligation.
  - Supporting authorities who wish to offer innovative financing for energy efficiency and renewable energy, and perhaps even green mortgages. Authorities should be able to play a full role in developing local energy markets, acting as investor where they wish to.
  - Empowering authorities to deliver cost effective and publicly supported infrastructure plans. We will examine the degree of public support that would be needed to establish the case for such schemes. Local authorities may also need the ability to require existing, as well as new, developments to connect to heating schemes.

<sup>29</sup> *The UK Low Carbon Industrial Strategy*, HM Government, 2009

<sup>30</sup> Government will ensure that any schemes which fall within the definition of business support are Solutions for Business compliant

- Encouraging authorities to consider using their new powers under the Business Rates Supplements Act 2009 to raise funds to support emissions reductions projects, provided the link to economic development can be established.
  - Encouraging authorities, using existing powers, to ensure minimum energy efficiency standards for housing. Following the Rugg Review, we are consulting on proposals for a national register of private landlords to increase the professionalisation of the sector and help improve the quality of the worst stock especially where category 1 hazards under the Health and Safety Rating System are found. The register may also be a valuable tool in making landlords more aware of the reasons to improve the energy performance of their properties, and measures which are available to help them.
  - Moving planning authorities forward in their thinking about how to tackle climate change, and to encourage more community engagement to develop locally owned low carbon energy solutions. The Climate Change Planning Policy Statement sets out how planning should contribute to reducing emissions and stabilising climate change. Much has changed since this was published in 2007 and planning authorities and other stakeholders have an opportunity to shape a new Planning Policy Statement to deliver innovative approaches to low carbon communities.
  - Helping, and challenging local authorities make the contribution we are asking from them in delivering the low carbon transport strategy, including supporting a shift to new technologies and promoting lower carbon transport.
142. We will examine how a range of possible incentives might be used to reward areas that make progress, and explore the case for developing mechanisms that will allow local authorities wishing to make faster progress than our national plans can do so, with support from less ambitious authorities. Some authorities have experimented with voluntary carbon trading, as part of a Local Government Information Unit research project looking forward to the introduction next year of the carbon reduction commitment. We are interested in learning from these authorities' experience, in particular identifying what we can draw on to support the ideas we have set out here.
143. **Some authorities may choose to put their efforts into a broad spread of activities; others may want to focus on more narrowly defined schemes. The common thread is that new freedoms and responsibilities will be delegated to councils which put in place plans that add value to our national policy, and that command local support.**
144. Not all local authorities will have the capacity to be at the forefront of this issue or wish to pursue these opportunities. The aim is to support and encourage those who do, and to unlock the local potential and positive intent we know is there.

### **Consultation questions**

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

# Chapter 4

## Sub-regional working

145. Many local authorities have come together to form partnerships across city-regions and other kinds of sub-region. Some of these partnerships have entered into Multi-Area Agreements with central government and other partners, and the Government has also announced two city-region pilots. We know that this joint working is the right way to drive forward the economies of local areas.
146. As sub-regional structures grow in power and influence, it is important that greater power is matched by clear, democratic and accountable leadership. The form of democratic accountability that should exist will need to be considered as partnerships move forward and this chapter sets out the issues and options to be considered.

### The challenge

147. People rightly expect councils to be the centre of decision making for their local area. However the challenges that they face often do not fit neatly into current administrative boundaries. Councils increasingly need to work together to tackle difficult issues and improve outcomes for citizens. This is particularly the case on economic challenges, as the area across which local economies function is often significantly larger than the area covered by any one local authority. Councils and other agencies have started to come together in voluntary partnerships to drive economic growth in their areas and to take joint decisions about important issues such as housing, regeneration, employment and skills.
148. The Government believes that joint working between authorities is the best way to deliver improvements in economic outcomes and has been encouraging councils to cooperate more closely through mechanisms such as Multi-Area Agreements (MAAs). This has led to a growth in sub-regional working to address issues which cross council boundaries but are not so large as to need a regional approach.
149. As these partnerships of authorities have developed it has become more difficult for citizens to understand who is doing what on their behalf. It is vital that local people and organisations understand how these partnerships work, and how they can influence what takes place at this higher level.

150. **We want to ensure that existing and planned mechanisms for joint working between authorities at the sub-regional or city-regional level are as accessible, transparent and accountable as possible.**
151. We also want to look ahead to the longer term. In *Building Britain's Future*, the Government committed to a debate about the powers that should be devolved to the city-regional level. If city- and sub-regional structures are to assume greater responsibilities, it is all the more critical that they are fully accountable to local residents.
152. The acid tests for ensuring the accountability of mechanisms for city- and sub-regional working have to be:
- Are citizens clear about how those arrangements work and what they do?
  - Do people know who is making the decisions?
  - How can citizens hold them to account through the local democratic process – and what does this mean for getting the right form of democratic accountability at that level?

## The current picture

### Multi-Area Agreements

153. MAAs are voluntary agreements between a group of local authorities, other local partners and the Government to deliver particular improvements for an area. MAAs derive their democratic legitimacy and political accountability from both the local and national level as they are agreed through negotiations between a partnership of local authorities and central government. They also have specific local accountability arrangements, tailored to individual partnerships – for example, joint governing boards made up of local authority leaders with delegated authority to oversee partnership activity.

### MAAs and city-region pilots

There are currently ten multi-area agreements (MAAs) with a further six agreements in prospect. When these agreements are signed, MAA partnerships will cover 70 top-tier authorities and 37 per cent of the English population.

Common themes across most MAAs are employment, skills, transport and housing. Beyond the powers already available to the member local authorities, MAA partnerships do not have formal powers. However, the Government has agreed through MAAs to provide certain freedoms and flexibilities to partnerships to help them accelerate local growth and improve services to the public.

The Local Democracy, Economic Development and Construction (LDEDC) Bill will give groups of authorities the option of creating an MAA with statutory duties. This will mean that authorities and their partners will be under a formal duty to co-operate in agreeing and delivering the MAA's targets, and places such MAAs on a similar statutory footing to LAAs. However, creating an MAA with duties will not in and of itself lead to greater powers or flexibilities.

Two of the existing MAA partnerships – Greater Manchester and Leeds City Region – have been announced as City Region pilots. They will benefit from increased flexibilities than those currently available to MAAs, including the stronger integration of planning, housing, transport, regeneration, employment and skills programmes, which are intended to increase their ability to drive sustainable growth.

### Formal sub-regional structures

154. Other, more formal, sub-regional structures are available to groups of local authorities to help them address specific issues. These include joint waste authorities and integrated transport authorities.
155. Further sub-regional structures are planned to allow for formal joint working between authorities on economic development and regeneration. These new structures will be known as 'Economic Prosperity Boards' (EPBs). Our intention is to also allow councils to create 'combined authorities', so that the economic development and regeneration functions of an Economic Prosperity Board can be brought together with the transport functions of Integrated Transport Authorities into a single body. These developments take the MAA approach further by allowing those local authorities who wish to, to create legally recognised, corporate bodies that can take on economic development responsibilities across their combined area.



156. All of these existing and planned sub-regional structures derive democratic legitimacy through elected councillors from their member local authorities controlling their activities.

### Regional developments

157. The Local Democracy Economic Development and Construction Bill provides for the establishment in each region of a Leaders' Board, made up of local authority leaders from the region, which will work in partnership with the Regional Development Agency to prepare a regional strategy. Local authorities in each region will need to prepare a scheme for the establishment and operation of a Leaders' Board. Before approving a scheme, the Secretary of State will need to be satisfied that the scheme adequately addresses a number of issues. These include how the Leaders' Board will be held to account by local authorities, how it will be representative of all significant political parties and how it will engage with the Regional Development Agency, in particular the process by which joint decisions will be made. The planned guidance on Leaders' Boards will cover these issues and set out how the Secretary of State will take them into account in approving the schemes put forward by the local authorities.

### Accountability

158. There are various mechanisms in place or planned for holding these formal sub-regional bodies, referred to above, to account and to allow local people to get involved in their activities. These include:

- a planned requirement on new structures for their board and committee meetings to be open to the public, and papers and minutes available for inspection, as is already the case for existing structures
- an intention for the 'duty to involve' to apply to Integrated Transport Authorities, Economic Prosperity Boards and combined authorities, meaning that they will need to take steps to ensure local people are consulted and can get involved
- a planned requirement on principal local authorities to promote understanding of their sub-regional arrangements, including any formal structures that they are engaged in
- an intention to enable local authorities to establish joint overview and scrutiny arrangements to allow them to examine any matter that is of relevance to the area. Authorities could use this mechanism to establish a committee that would be able to scrutinise the activity of local authorities working together at the sub-regional level

## Future options

159. Good progress has been made in developing mechanisms for joint working between local authorities. This is delivering valuable results for local people by ensuring that councils and other key organisations in an area are working towards common goals.
160. Over the long term, we want to see an even stronger role, with greater responsibility, for city- and sub-regional level working as this provides the best fit for real local economies. Given this, it is the right time to look at how the accountability and the transparency of these structures can be strengthened, so that any greater powers for the sub-regional tier go hand-in-hand with strengthened accountability.
161. In the first instance there is a strong case for strengthening existing and planned structures through:
- requiring the activity of sub-regional partnerships to be subject to scrutiny arrangements
  - enabling joint overview and scrutiny committees to require sub-regional structures, and their partners, to provide them with a broader range of information and to consider their recommendations on sub-regional matters and
  - applying a duty to respond to petitions to apply to Integrated Transport Authorities, Economic Prosperity Boards and combined authorities<sup>31</sup>.
162. These options would give individual councils greater ability to hold sub-regional structures to account, on behalf of local citizens. Applying a duty to respond to petitions would also make these structures more directly responsive to citizens.
163. This raises the question of whether sub-regional structures are sufficiently visible and accountable to citizens. If they are to be granted significant powers and responsibilities, it is vital that local people are able to understand and be involved in the arrangements that are in place to manage activity and make decisions at this level.
164. Any new proposals will need to fit with the ideas set out in the first chapter of this consultation of local residents understanding of where they can hold local services in an area to account. We also wish to raise the question of whether citizens should be more directly involved in electing representatives to structures at this level, if significant additional powers, as was the case with London, are to be granted. Any reforms in this area would of course require public support. Whilst the government's policy on mayoral governance at local authority level remains as outlined early in chapter 2, we are interested to hear views on other possible options including:

<sup>31</sup> Using powers under clause 20 of Local Democracy Economic Development and Construction Bill

- establishing 'city-region leaders' – existing sub-regional partnerships could elect, from among their members, a single leader who would be a figurehead for the partnership. This would not lead to more powers but would provide greater visibility for the work of the partnership to citizens
- creating new sub-regional local authorities – rather than current and planned sub-regional bodies, which are limited to specific issues such as economic development and transport, new sub-regional local authorities could be established with a much wider range of powers. Any direct elections to these authorities would lead to greater engagement with the sub-regional level but there would need to be a clear division of responsibilities between the new and existing tiers, and scrutiny could be complex
- mayors for city- and sub-regions – executive mayors with powers over strategic issues could be created for city- or other sub-regional areas and be directly elected by the population. This would provide strong accountability but there would again need to be a clear division of responsibilities. The role of existing local authorities would be reduced, although they could scrutinise the activity of the mayor
- a combination of a directly elected executive mayor and directly elected sub-regional scrutiny body – this is similar to the model of the mayor and assembly established in London. The mayor would have executive power, potentially over a wide range of issues, and would be held to account by a body of people directly elected by citizens for that purpose.

**Consultation questions:**

- 17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?**
- 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?**
- 19. Should the duty to respond to petitions be extended to sub-regional bodies?**
- 20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?**
- 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?**
- 22. Should we give more powers and responsibilities to city- and sub-regions? If so, what powers or responsibilities should be made available?**
- 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?**

# Chapter 5

## Clear relationships with local government

165. This section explores whether we can – and should – find a way of better articulating the relationship between central and local government to support the aims of stronger local democracy and stronger local government.
166. This would clearly demonstrate the degree of power, and therefore responsibility, that local councils have to act on the behalf of their local citizens. It will also help show where accountability does – and should continue to – lie with central government.
167. The key proposals cover consideration of a series of principles on which central-local relations should operate as a framework for future policy; and possible mechanisms to support such principles such as a Parliamentary select committee or ombudsman style arrangement.

### The challenge

168. Citizens are entitled to clarity about what their council can do for them and about how they themselves can be involved in their council's affairs. They also need to know when and how central government influences those affairs and intervenes in such services. The quality and clarity of relationships between central government, local government, and citizens is at the heart of any well-functioning local democracy.
169. Every council has its own legitimacy derived from election by its citizens. That direct mandate is the reason why councils need clear space to operate in, respected by central government and its agencies. To serve our citizens best, the relationship between central and local government should be one of trust, challenge and meaningful engagement. Our challenge now is to look at this relationship, and consider whether we would work together better if we did so within a more formal framework.

## Current picture

170. The tradition of democratic local government is long standing in our country, extending back to the mid 19th century and to a limited extent far earlier. It has underpinned a succession of Local Government Acts and other legislation.
171. This Government has consistently recognised the need to give proper acknowledgement to local government and has supported councils in becoming more effective, efficient and responsive leaders of their communities. In 1998, the Government ratified the European Charter on local self government, which sets out certain standards and principles that are essential to any well-functioning system of democratic local government. These have been accepted by 44 member states of the Council of Europe. This gave public and formal recognition to the role of local government.
172. Current legislation is fully compliant with those standards and principles. The way in which we engage with local government and the initiatives we have developed are informed by our recognition of councils independent legitimacy.
173. To promote this relationship further, in 1998 we worked with the Local Government Association to establish the central-local partnership as a means for on-going dialogue between representatives of central and local government. In December 2007, this was further strengthened by the signing of the *Central-Local Concordat*<sup>32</sup>, following the *Governance of Britain* green paper published in 2007. This set out, for the first time, an agreed framework for how central and local government should work together to serve the public. This represented an important milestone in central-local relations and has also laid the foundations for continuing consideration of how best to make it clear for citizens – as well as institutions – the role and the rights and responsibilities of local government in relation to their communities and in relation to central government.
174. The discussion of how best to articulate and regulate the relationship between central and local government, in order to enhance local democracy and strengthen local government, can also be seen in the context of good administration and good governance, as explored in the Government's green paper on *Rights and Responsibilities*.<sup>33</sup>

<sup>32</sup> <http://www.communities.gov.uk/publications/localgovernment/centrallocalconcordat>

<sup>33</sup> *Rights and responsibilities: delivering our constitutional framework*, Ministry of Justice, 2009

## Future options

175. There is a rich debate about how best to frame central and local relations. This was set out recently in the Communities and Local Government Select Committee's report the balance of power. This raised the issue of a constitutional settlement to provide a stable framework in which local government can operate. The report also raised the question of a greater role for Parliamentary scrutiny of central-local relations. This issue has greater resonance in the context of the proposed written Constitution for the UK. The Government are now seeking views on whether principles underpinning the role of local government should be formally articulated, and, if so, what form they should take, and how best to ensure the accountability of other central and local government for their commitment in practice to such principles.
176. A set of principles designed to articulate the most effective role of local government as argued in this consultation document might take the form set out below. These principles are designed with a focus on local government but they also establish core aspects of the relationship with central government and – crucially – with citizens:
- A local government comprises councils, composed of members democratically elected by the citizens of a local area, and having powers and duties which Parliament grants, including the power to promote and improve the economic, social and environmental well-being of citizens in their area
  - B local government enables democratic local decision making and action by, and on behalf of, communities
  - C local government should be free to exercise its functions in the interests of their citizens without unnecessary direction or control from central government or other agencies, while recognising that central government should intervene where there is critical or sustained underperformance
  - D local government must exercise its functions fairly and openly, and to seek to ensure that all local citizens are aware of their rights and responsibilities in relation to those functions
  - E local government must seek to ensure that people are informed about what the council is doing, and can participate in the affairs of councils, both in accordance with electoral law through local elections, and through a wide range of formal and informal other means; these might include local polls, referendums, the 'councillor call for action', petitions, neighbourhood engagement, community planning, consultations, public meetings and engaging with their local councillor
  - F all those participating in local public life should act in accordance with the *Seven Principles of Public Life* promulgated by the Committee on Standards in Public Life, and in line with accepted standards of financial management and efficiency. Those elected as members of councils have the responsibility to maintain the

trust of their electorate and to act in accordance with their council's statutory *Code of Conduct for Members*

- G local government should have the powers and the responsibility to provide leadership for its area, being responsive to its communities and having an understanding of their needs and priorities, so as to develop in partnership with local public sector partners, business, and third sectors a vision for the prosperity and well-being of the area which they will work together to deliver
- H local government should exercise a challenge role in relation to the services provided for its citizens by other local and regional public service providers

177. Government complies already with these principles, however, there may be advantages to adopting these principles more formally. A government commitment to the principles would give them weight and significance in any case, but there is an important question of whether we could go further and put them in legislation. This would create new requirements and obligations on all parties concerned – every council as well as central government. Legislation would of course be subject to Parliament in the normal way.

178. The downside of this approach is that principles made in legislation could prove inflexible and limit the room for manoeuvre by councils and government in the future. For this reason this consultation is not proposing such an approach, but is seeking views on a more flexible approach which would still provide robust oversight arrangements to secure compliance with the principles. **We propose an ombudsman style arrangement and, at a national level, if Parliament were to consent, a joint select committee of both Houses of Parliament as recently recommended by the Communities and Local Government Select Committee.**

- The Local Government's Ombudsman role in terms of redress allows citizens to raise their concerns with an independent arbiter directly if they are unhappy with a local authority service. An ombudsman style arrangement could operate on a similar basis to cover the principles set out above. This would mean that individual citizens would be able to raise issues and concerns about their breach, rather than limiting the relevance of the principles to central and local government. It would be the case that recommendations from such a body would be non-binding as is the position for the Local Government's Ombudsman.
- A joint Parliamentary select committee could scrutinise broad adherence to the principles and make strategic recommendations for future policy. There is a strong case for a Parliamentary select committee of both Houses as set out by the Communities and Local Government Select Committee in their report on the balance of power. We do not envisage that such a committee, were it to be established, would scrutinise the position in individual local authorities. Of course, if the consultation supported the introduction of a committee on these lines, it would be a matter for Parliament to decide.



**Consultation questions:**

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

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

**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?**

# Chapter 6

## Consultation arrangements

### About this consultation

179. This consultation document and consultation process have been planned to adhere to the *Code of Practice on Consultation* issued by the Department for Business, Innovation and Skills and is in line with the seven consultation criteria, which are:
1. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
  2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
  3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
  4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
  5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
  6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
  7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.
180. Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
181. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

182. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.
183. The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.
184. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.
185. Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact

CLG Consultation Co-ordinator  
Zone 6/H10  
Eland House  
London SW1E 5 DU

or by e-mail to: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)

## Summary of consultation questions

### 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?
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?
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?

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?
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?
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?
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?

## **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?
9. Should councils have a 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?
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?
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?
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?

## **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?

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

#### **CHAPTER 4: SUB-REGIONAL WORKING**

17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?
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?
19. Should the duty to respond to petitions be extended to sub-regional bodies?
20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?
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?
22. Should we give more powers and responsibilities to city- and sub-regions? If so, what powers or responsibilities should be made available?
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?

#### **CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT**

24. Should central and local government's roles be more formally established?
25. What are your views on the draft principles set out above as a way of achieving this ambition?
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?

# Annex A

## Local government scrutiny committee powers

Current powers	Potential future powers
<p>Information can be required from:</p> <ul style="list-style-type: none"> <li>• officers of the council</li> <li>• members of the council executive</li> <li>• local NHS bodies in relation to planning, provision and operation of health services in the area</li> <li>• police forces, Police authorities, fire and rescue authorities, probation authorities and parish councils in relation to crime and disorder functions</li> <li>• LAA partner authorities where the information relates to an LAA target that the partner authority has signed up to (pending regulations)*</li> </ul>	<p>Enabling scrutiny committees to use their powers to require LAA partner authorities to provide information on issues not directly related to LAA targets* * and Extend the power to require information from a wider range of authorities and bodies that carry out public services locally, for example to utility companies, and to sub-regional partnerships.</p>
<p>Attendance before the scrutiny committee can be required from:</p> <ul style="list-style-type: none"> <li>• members of the council executive</li> <li>• officers of the council</li> <li>• officers of local NHS bodies</li> <li>• officers or employees of police forces, police authorities, fire and rescue authorities, probation authorities and parish councils in relation to crime and disorder functions</li> </ul>	<p>Extend the power to require attendance to a wider range of authorities and bodies carrying out public services locally and to sub-regional partnerships.</p>

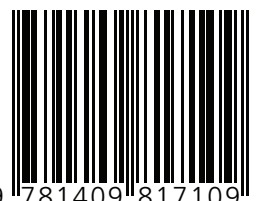
Current powers	Potential future powers
<p>Reports and recommendations can be made to:</p> <ul style="list-style-type: none"> <li>• the council</li> <li>• local NHS bodies and their relevant council</li> <li>• police forces, police authorities, fire and rescue authorities, probation authorities and parish councils</li> <li>• reports and recommendations can be copied to LAA partner authorities</li> </ul> <p>The current arrangements on receipt of scrutiny reports and recommendations vary. For example, LAA partners are required to 'have regard' to recommendations, but not required to respond formally, unlike the council, local NHS bodies or police forces etc.</p>	<p>Extend the power for scrutiny committees to make reports and recommendations to a wider range of authorities and bodies carrying out public services locally and to sub-regional partnerships.</p> <p>Extend the current arrangements to require a wider range of authorities and bodies carrying out public services locally to consider and formally respond to scrutiny reports and recommendations and to sub-regional partnerships.</p>

\*The duty to co-operate in regard to LAAs applies to: unitary and county authorities, district authorities, Environment Agency, Natural England, fire and rescue authorities, JobCentre Plus, Health and Safety Executive, Broads Authority, national park authorities, youth offending teams, police authorities, probation trusts and other providers of probation services, Transport for London Chief Officer of Police, joint waste authorities, primary care trusts, NHS trusts, NHS foundation trusts, regional development agencies, Learning and Skills Council, Sport England, English Heritage, Arts Council, Museum and Libraries Archives Council, Highways Agency, metropolitan passenger transport authorities, Homes and Communities Agency, any other organisations added by an order under section 104(7) of the Local Government and Public Involvement in Health Act 2007.

\*\*Appropriate measures will be put in place, to ensure the protection of sensitive information, if these proposals on information provision are to be taken forward.

**ISBN: 978-1-4098-1710-9**

ISBN 978-1-4098-1710-9



9 781409 817109



**Draft response to:  
Strengthening Local Democracy, July 2009, CLG consultation  
paper**

**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?

Yes.

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.

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 which would benefit from scrutiny from local government?

Yes, for example utility companies, transport operators.

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?

Strongly agree.

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?

Whilst supportive of developments to ensure that scrutiny is a meaningful and effective function that supports better outcomes for local citizens, national government is reminded that under current fiscal constraints new activities/duties placed on scrutiny will have to be funded from within existing budgets. We urge the Government to demonstrate its support for the scrutiny function by including adequate recourses for a fully effective scrutiny function in councils annual grant allowance.

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?

Most council leaders already seek to ensure scrutiny has a full and proper role in how councils do business, for example, ensuring timely information is

provide to committees, offering meetings between committee chairs, relevant cabinet member and directors to ensure continued dialogue between the executive and cabinet function and providing full and considered responses to scrutiny recommendations.

Regarding the specific reference to allowances for certain scrutiny chairs we would see this as a task for the IRP.

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?

Greater clarity is required from Government regarding this question. Our scrutiny function already has the ability and does so regularly, to make use of local people's experiences, expert advisors and co-opted members.

## **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?

Whilst, we support the notion of reducing LAA targets and introducing new entitlements we are concerned that it may potentially generate another additional bureaucratic monitoring and reporting system. It is not clear from the consultation how this will be avoided. LAA targets are and should continue to be linked directly to the Sustainable Community Strategy. The strategy identifies and prioritises the most important local needs and this along with our corporate plan is our pledge to meet the most important priorities for local citizens. As the delivery of the sustainable community strategy is a fundamental plank of the CAA assessment it is assumed that this will be sufficient inspection/monitoring.

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

Yes although the consultation document is silent about whether government intends to clarify or re-issue its 2001 guidance on the scope of the well-being powers. This is concerning in light of the recent LAML court case.

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

Yes a general power of competence based on the assumption that, unless Parliament specifically wanted a task doing by Central Government or a quango alone, local government should have the power to do it.

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?

We believe that Government is asking the wrong question here. The question should be how to demonstrate competence and not confidence. How should councils present their 'business case' for having greater powers. We would be concerned if greater powers were premised on demonstration of local confidence that was measured by perception surveys. All too often residents' confidence in the council is affected by actions of our partners and beyond our control, or by singular incidents which overshadow other good work. Councils could best reverse the decline in confidence by having greater influence with partners, greater autonomy from central government and reduction in interference from regional quangos.

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?

As noted in response to question 10 unless Parliament specifically wanted a task done by Central Government or a quango alone, local government should have the power to do it. There should be greater clarity from Government about which functions and decisions it retains control over and those that it devolves to local government. In particular there should be far less interference from un-elected quangos on key issues such as housing and planning.

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?

We review our partnership regularly and do not see the need for a formal national or regional review of local partnership structures. The formation and review of local partnership structures should be at the discretion of local public, private and third sector stakeholders. In addition, Government should not impose requirements for new/additional partnerships where councils can demonstrate that there is in existence and effective partnership body available to deal with the relevant issue. This would avoid duplication, unnecessary bureaucracy and cost, and ensure relevance to existing local partners, arrangements and communities.

### **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?

NI 188 is working well and is a good process indicator.

NI 185 whilst useful in areas where less progress has been made on reducing CO<sub>2</sub> emissions, for councils like ours that have been proactive on the issue the indicator has generated an additional administrative burden. This is because it requires a different carbon footprint calculation from the Carbon Trust (which we use for our Local Authority Carbon Management Programme) and different again from that for the Carbon Reduction Commitment.

NI 186 is proving problematic due in particular to the long data lag (2 years) making it difficult to demonstrate a direct correlation between target achievement and action.

We would urge the Government to shift its focus from the limited action of requiring councils to include climate change targets in their Local Area Agreements to how it can implement the recommendations of the LGA Climate Change Commission especially the recommendations in the new LGA campaign “From Kyoto to Kettering, Copenhagen to Croydon”: local government’s manifesto for building low-carbon communities.

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?

Local authorities do and should continue to provide clear, consistent, practical and money saving information; and funding to local citizens and communities to take local action.

We are currently undertaking a scrutiny review into adapting to climate change and we would encourage other local authorities to consider the roles of scrutiny especially with augmented powers to call in private companies, ie utilities.

We would support the notion of localised funding including up front funding for capital initiatives such as district heating schemes. This echoes the LGA’s proposals for the establishment of Local Community Energy Funds.

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

We would strongly encourage Government to use and learn from the best practice being carried out by local authorities and their partners around the country when developing national policies which seek to reinforce local effort. In particular we urge Government to recognise, through the opportunity of flexibilities or freedoms those local authorities that are considered leaders in tackling climate change.

#### **CHAPTER 4: SUB-REGIONAL WORKING**

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

Yes

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?

Yes

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

Yes

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

The possible introduction of new sub-regional authorities, sub-regional executive mayors and a directly elected sub-regional scrutiny body would only serve to add a further layer of bureaucracy causing confusion for the electorate about which decision were made where by whom. It would undoubtedly have an impact on people's confidence in local authorities as it would directly reduce councils' role and remit over key issues such as planning, transport as we have previously experienced.

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?

Sub-regional structures are already accountable through the direct election of local councillors to the various boards/committees etc. Further options will add confusion to the electorates understanding about the role and remit of sub-regional bodies' particularly in relation to local councils. It should be for the local authorities within an area to decide on the appropriate form and function for their sub-regional arrangement and for Government to provide the opportunity for reaching an agreement on the arrangement and the powers to be devolved. Currently, few powers are truly devolved from central government.

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

The opportunity for devolved powers should be available to sub-regional partnership and should include power over housing and planning, employment and skills, economic growth and transport. However, we remain unconvinced about the likelihood of this being progressed having heard this many times before from Government.

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?

We do not support the concept of democratically elected bodies at sub-regional or regional level. It adds unnecessary costly bureaucracy not only in terms of the administration of elections which would undoubtedly fall to local authorities but the cost of running yet another layer of government. Councils already work in sub-regional partnerships sharing responsibilities for governance, financial accountability etc. between them. Imposing a new structure is both needless and uncalled for.

## **CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT**

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

This would seem like a welcome move however clarity would be required between this new set of principles and the Central-Local Concordat agreed in 2007.

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

Whilst, the draft principles would seem to help achieve this ambition we remain sceptical about the Government's commitment to the principles without evidence of greater and genuine devolution of power to local councils, which this consultation makes little head way with. The robustness of the arrangement would only be evident on the outcome of any challenges put before the ombudsman style arrangement and/or the joint select committee.

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?

This would seem the most practical way of enforcing these principles.

**Comments by BHCC Overview & Scrutiny Commission on:  
*Strengthening Local Democracy*, July 2009, CLG consultation  
paper**

**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?

Yes. This would prevent problems of definition and simplify matters significantly.

For scrutiny to enjoy an increased role in 'place shaping' it needs powers to look at all of the actions of agencies delivering services in a locality not just the limited number that relate to LAA targets.

Any new powers/guidance should however ensure that scrutiny focuses on specific issues rather than the running of individual agencies. Scrutiny, whilst local government based, should be seen as having a significant role within the LSP.

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. There should be a power for committees to scrutinise any bodies delivering central and local government services in an area, whether directly or under contract.

It seems odd that scrutiny enjoys different powers in relation to health organisations than to other service providers. There should be standardisation across all sectors.

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 which would benefit from scrutiny from local government?

Yes. Local authority scrutiny functions should be given very broad powers to look at any organisation contributing to the wellbeing of an area. This should include local/regional offices of Government departments and agencies; privatised utilities and transport operators, governing bodies of schools, universities and colleges.

If scrutiny is to be able to really 'place-shape' then private companies e.g. transport/utilities should be under a duty to cooperate. There is also an argument for placing such a duty on large companies whose actions will have a significant impact on local communities, for example supermarkets, large local employers, and developers.

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?

To be effective scrutiny powers need to include the ability to require information and attendance from senior officers. It would seem sensible to extend the requirement to attend to all senior officers in all organisations that scrutiny enjoys a remit with.

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?

The precise funding arrangements for council's scrutiny functions should be left for local consideration.

However government should make clear it's expectation of the role of scrutiny; this can be done by increasing the remit and power of local authority scrutiny functions government as well as adequately recognising the cost of an effective scrutiny in local authorities annual settlement.

A scrutiny function that has the power to look in a meaningful way at the actions of other local organisations and really support a council in its partnerships is far more likely to be well resourced than if it's powers are primarily internally focused.

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?

There is a slight paradox evident in the question in that part of scrutiny's role is to hold the council leader to account; charging the council leader therefore with ensuring the effectiveness of scrutiny is questionable. This is surely the role of Full Council, Chief Executive or Monitoring Officer.

Scrutiny can be supported by ensuring it has sufficient resources to undertake an appropriate number of detailed policy reviews that its recommendations are seen to be seriously considered and it enjoys parity of esteem with the executive function.

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?

Scrutiny already enjoys flexibility in its use of expert advisors and co-opted members. Government could usefully explore direct public requests for scrutiny of a topic and area based scrutiny to support elected members ward roles.



<b>Subject:</b>	<b>'Get Involved' Campaign</b>		
<b>Date of Meeting:</b>	<b>22 September 2009</b>		
<b>Report of:</b>	<b>Acting Director of Strategy and Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma McDermott</b>	<b>Tel: 29-3944</b>
		<b>Mark Wall</b>	<b>29-1006</b>
	<b>E-mail:</b>	<b>emma.mcdermott@brighton-hove.gov.uk</b>	
		<b>mark.wall@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report summarises proposals for a 9 month Get Involved local democracy and citizenship campaign, beginning with a launch day on Saturday 21st November 2009 at Hove Town Hall.
- 1.2 Two new legal requirements provide a legislative driver to this campaign; the duty to involve (see paragraph 3.6) and the duty to promote local democracy (see paragraph 3.7).
- 1.3 This report has relevance to the Governance Committee report (also on the agenda of the 22 September meeting) on the Strengthening Local Democracy consultation currently being undertaken by the department for Communities and Local Government (CLG).

#### 2. RECOMMENDATIONS:

- 2.1 To endorse the need for a Get Involved campaign and the approach outlined in this report.
- 2.2 To suggest any additional activities that could be explored that are either existing planned events or new activities.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council has several key drivers for executing this Get Involved campaign which range from changes in national legislation to developments in local policy. A principal local driver is the Community Engagement Framework (CEF) which the city council signed up to as a member of the Local Strategic Partnership in 2008. The CEF establishes three fundamental principles for improving community engagement, these are:

- To enhance the lives of people and their communities
- To ensure opportunity for all
- To drive up the quality of services and make better use of resources.

Underpinning these principles is a range of actions which include running an annual 'Get Involved' campaign culminating in a celebration of active citizenship.

- 3.2 In addition to this local policy driver, the council is also one of 18 local authorities with community empowerment champion status and is participating in a network of empowering authorities. The champions are working with other areas of the country to showcase empowerment in practice, share the lessons they have learned and help others to revive their local democracy through peer learning.
- 3.3 The city has also recently received the findings from the new Place Survey 2008. The survey reported that only 28% of respondents feel that they are able to influence decisions in their local area. However, those wishing to be more involved in local decision making have increased (from 34% in 2006) to 38%, particularly in relation to specific issues. 56% of respondents would like to be involved in local decision making depending upon the issue.
- 3.4 Nevertheless, the city is broadly in line with the national and regional findings regarding the percentage of people who have been involved in decisions that affect the local area in the past 12 months – 14.2% regionally, 14% nationally and 14.5% in the city; and broadly in line with the regional and national findings in terms of the percentage of people who agree that they can influence decisions in their local area which is 28% regionally, 29% nationally and 28% locally.
- 3.5 Community engagement has also risen rapidly up the agenda due to recent changes to national legislation principally the introduction of the duty to involve and the impending duty to promote local democracy.
- 3.6 The duty to involve came into force on 1 April 2009 and is set out in the Local Government and Public Involvement in Health Act 2007. The new duty means that local authorities need to consider, as a matter of course, the provision of information, consultation and involvement opportunities they provide across all authority functions.
- 3.7 The duty to promote local democracy derives from the Local Democracy, Economic Development and Construction Bill currently before Parliament. It sets out requirements for local authorities to promote an understanding of its functions, its democratic arrangements and how to take part in those arrangements. It also sets out requirements for local authorities to promote understanding of public bodies connected with it, such as health bodies.
- 3.8 Local Democracy Week has also become an annual fixture of the Local Government calendar. Democratic Services have successfully run a number of local democracy events over the past three years, particularly aimed at

improving democratic involvement amongst young people, and the Get Involved campaign is an opportunity to expand and build on these.

- 3.9 In addition to legislative changes, the recent change in local government inspection regime from the Comprehensive Performance Assessment (CPA) to the Comprehensive Area Assessment (CAA) has also increased the significance of community engagement. The Audit Commission has stated that it, “expects local services to be effective at giving a voice to people who are vulnerable or at greater risk of disadvantage and inequality as well as judging authorities on how well they and their partners know and engage with their communities” (CAA Framework, April 2009).
- 3.10 The campaign will also contribute to the following Local Area Agreement (LAA) indicators:
- NI 4: % of people who feel they can influence decisions in their locality
  - NI 6: Participation in regular volunteering
- 3.11 The campaign will contribute to the following council priorities:
- Reducing inequality by increasing opportunity: a wider cross section of constituents will be aware of council services available to them, how to vote and how to participate in decision making.
  - Open and effective city leadership: this event provides an ideal opportunity for councillors to explain their roles in an informal setting and for them to listen and respond to their residents’ feedback
- 3.12 The campaign will link to other activity within the city to increase participation, in particular Take Part and the Festival of Learning. However, beyond these, a much wider spectrum of activity exists within the community that the Get Involved campaign is naturally suited to support, such as the Community and Voluntary Sector Forum (CVSF) ‘Your Space’ events, a celebration of volunteering proposed by the Volunteer Centre and a separate “Get Involved” project planned by the Federation of Disabled people.

### Campaign Objectives

- 3.13 Objectives are being developed that will form the rationale for activity encompassed within the Get Involved campaign and be promoted through a corresponding marketing strategy. These are:
- **Get involved – Let’s talk politics**  
Promote opportunities to get involved in local democracy including the role of elected Members, with a view to encouraging more people to come forward to be councillors. Publicise existing e-government facilities at the council and the launch of the e-petitions facility via the council’s website

- **Get involved – Your vote counts**  
Electoral campaign to encourage more residents to register to vote and to use their vote in local, national and European elections, specifically targeting message to young voters
- **Get involved – Your opinion counts**  
To obtain residents’ feedback on issues in the city important to them, combining with (and not duplicating) current consultation exercises or focuses on other areas for feedback
- **Get involved – In your community**  
To encourage more people to get involved in neighbourhood and citywide decision making, especially those who currently feel less able to do so

### Project Management

- 3.14 An officer working group is meeting regularly to oversee management and delivery of the campaign, including staff from Central Policy Development, Corporate Communications, Communities Team, Democratic Services, Equalities & Inclusion and Scrutiny.
- 3.15 Departmental Management Teams are being consulted as to their involvement in the campaign including activity on the launch day.
- 3.16 A number of third sector organisations within the city have planned activity to increase community engagement and participation within the timeframe of the Get Involved campaign. The campaign presents an excellent opportunity for organisations to work together to maximise resources that exist across the city.
- 3.17 As statutory providers, Sussex Police, East Sussex Fire and Rescue and NHS Brighton and Hove (the PCT) have also been approached and are keen to be involved in the launch day and the wider campaign. Details of their involvement are being worked up.
- 3.18 The existing criteria for Discretionary Grant funding complements the objectives of the Get Involved campaign. Therefore groups will be able to use the campaign as additional evidence of need for their project application where applicable. This opens up the potential for third sector involvement in the Get Involved campaign.
- 3.19 The council is currently waiting to hear whether a bid to the department for Communities and Local Government (CLG) to fund activity that will support delivery of LAA indicator NI 4 (% of people who feel they can influence decisions in their locality), which includes a significant amount to support delivery of the Get Involved Campaign, is successful.
- 3.20 All Elected Members will be invited to be in attendance at the Get Involved launch event.

### Launch Event

- 3.21 An event to launch the campaign is planned for Saturday 21 November 2009 at Hove Town Hall. This would avoid the need for young people to be released from school and would also maximise access for working as well as non-working adults. The date will avoid back-to-school and half-term periods and is early enough to avoid the Christmas period and does not clash with other religious celebrations. Of the council's two democratic venues Hove Town Hall is more suitable for a large scale event.
- 3.22 A list of proposed activity for the launch event is contained in Appendix One. Exhibition space will be available for all council departments, and involvement is being sought from other public sector bodies in the city and key third sector organisations.

### The Campaign

- 3.23 The launch day kick-starts a nine month campaign of activity and events with the aim of generating continued publicity, interest and participation in local democracy, in order to deliver the objectives, set out at paragraph 3.13, throughout the year.
- 3.24 Activity within the city that aims to increase local democracy, whether it is planned by the council or by our partners, will be invited under the umbrella of the Get Involved campaign to ensure that a consistent message is delivered.
- 3.25 Feedback and evaluation of the launch event will be planned to determine both the success of the event and the focus of specific follow-up activities. Some initial ideas for the rest of the campaign are set out in Appendix Two.

## **4. CONSULTATION**

- 4.1 The Cabinet Members for Central Services and for Community Affairs, Inclusion & Internal Relations as well as the Chair of the Governance Committee are supportive of the proposal for the campaign and associated activities.
- 4.2 Members of the Get Involved working group are meeting with council Departmental Management Teams to seek further ideas for the campaign and to promote the opportunity for services to take part. The intention is for the campaign to be fully corporate and cross departmental, capturing the good work already undertaken by other directorates.
- 4.3 A special meeting of members of the Stronger Communities Partnership (SCP), the Change Up consortium and the Stronger Neighbourhoods Group (SNG) was held on 21 August to discuss initial ideas for a Get Involved campaign. The meeting demonstrated the enthusiasm that exists for this work among partners and the potential for collaboration to make both the launch event and subsequent activity a success.
- 4.4 A report on the Get Involved campaign was taken to the meeting of Cabinet/TMT on 2 September 2009 who were supportive of the proposals.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The Director of Culture and Enterprise has agreed to make an in-kind contribution to the launch of the Get Involved campaign, by not charging for venue hire on the day. It is also expected that officer time and equipment costs for the launch day and through the subsequent campaign will be met within existing resources or via external funding bids.

*Finance Officer Consulted: Peter Francis Date: 26/08/09*

### Legal Implications:

- 5.2 The duty to involve (referred to in 1.2 and 3.6) stems from section 138 of the Local Government and Public Involvement in Health Act 2007 and now appears in statute as section 3A of the Local Government Act 1999.

In deciding how to fulfil its functions under this duty, the council must have regard to guidance issued by the Communities and Local Government Secretary on July 2008.

The duty to promote local democracy features in Part 1 of the Local Democracy, Economic Development and Construction Bill, which cleared the House of Commons committee stage shortly before the parliamentary summer recess in July. The Bill is expected to gain royal assent this autumn, with the duty to promote local democracy likely to come into effect in spring 2010.

*Lawyer Consulted: Oliver Dixon Date: 26/08/09*

### Equalities Implications:

- 5.3 The Get Involved campaign is being planned to ensure that it is inclusive of all residents in Brighton & Hove, particularly those groups who are underrepresented in local democracy issues and people who experience barriers to participation. To ensure that this is the case an Equalities Impact Assessment is being carried out and is a standing item at each meeting of the Get Involved working group.

### Sustainability Implications:

- 5.4 Environmental sustainability issues will be considered throughout the campaign, in particular with regards to marketing. The project is seeking to maximise channels such as electronic social media and existing communication routes.

Crime & Disorder Implications:

- 5.5 Sussex Police will be directly involved in the Get Involved campaign and seek to raise confidence in community policing and to promote the role of residents in setting local priorities for crime and disorder. There is an opportunity for the Police and the council to work together on this to reflect the shared responsibility for crime and disorder within the city.

Risk & Opportunity Management Implications:

- 5.6 The Get Involved campaign presents an opportunity for all council departments, along with partners in the city, to promote services that allow residents to participate in decision making or influence the provision and nature of services.

Hove Town Hall is currently the distribution centre for Swine Flu medication in Brighton & Hove. Whilst this does not pose a direct health risk (those collecting medicine are 'buddies' rather than those who are ill) the centre is currently occupying the Council Chamber, one of the rooms planned to be used for the launch day. This should no longer be the case by 21 November, but the East Wing of the Brighton Centre is held on the same day as a contingency, the fee for which has also been waived.

Corporate / Citywide Implications:

- 5.7 As detailed throughout the report the Get Involved campaign offers an opportunity for the entire organisation, with partners, to engage with and involve citizens and communities alike.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix One – Proposed Activities for the Get Involved Launch Event
2. Appendix Two – Proposed Activities for the Get Involved Campaign

## **Appendix One**

### **Proposed Activities for the Get Involved Launch Event – 21 November 2009**

#### **“Your Council, Your Emergency Services, Your Health Service ...”**

Interactive displays/activities on different council directorates and other public services and demonstrations of web enabled communication with those services. Launch of e-petitions, webcasts and revamped web pages.

#### **“Have your say” pod / roaming campervan to record views**

Prior to the launch event the public are invited to record their own video entry in response to predetermined questions (similar to a Big Brother Diary Room set up) at various locations within the city. A film is screened at the launch event.

#### **Young People’s Question Time (11-18 year olds)**

Continuing the success of this event over the last 2 years, a panel of elected Members and representatives from the police and the health service will be chaired by a youth councillor and will take questions from the floor.

#### **Youth Council/Cabinet workshops/event (targets 11-18 year olds)**

Space to be given for the youth council to run a workshop of their choice.

#### **“Speed Meet” Your Councillor**

Similar to ‘speed dating’ 12 pupils from secondary schools/colleges are invited to meet Cabinet Members, the Chairman of the Governance Committee and representatives from each of the other Groups on a one to one basis, with the Councillors rotating at 3 minute intervals.

#### **Older People’s Council workshop/event**

Space to be given for the Older People’s Council to run a workshop of their choice.

#### **Free Learning**

Bite sized workshops that support active citizenship by increasing both skills and knowledge (e.g. confident public speaking, confidence online etc) provided by Take Part.

#### **In my Community**

Space and time will be provided to show the range of ways in which residents can get involved in their neighbourhood, including engaging directly with the council, statutory and third sector organisations.

#### **Mock Polling Station & Ballot**

Electoral services will conduct a mock polling station to enable people to learn how to vote in an informal surrounding, run in a way that will encourage young people in particular to engage with the process.



## **Appendix Two**

### **Proposed Activities for the Get Involved Campaign – December 2009 to July 2010**

#### **Councillor Surgeries**

Increase participation by the public in Councillor Surgeries by looking into new ways of promotion and considering the use of alternative venues.

#### **Visits to schools**

Workshops facilitated jointly by democratic services and councillors to explain what the council does, how it impacts on young people's lives and how to get involved.

#### **Cabinet bus tour/road show**

A Cabinet tour of the city in a distinctive bus, dropping in to visit selected people/places and/or holding cabinet meetings.

#### **Inclusion event**

Explore new or alternative engagement approaches where this is better than using the usual or more formal routes.

#### **Volunteering event**

Event to showcase opportunities to get involved in a full range of volunteering opportunities, possibly including follow-up training sessions building on the tasters offered at the launch event.

#### **Ask the Executives**

Trial holding an annual 'Ask the Executives' meeting where citizens can come and ask the Chief Executives of the Council, Police and Primary Care Trust questions.



<b>Subject:</b>	<b>E Petitions</b>		
<b>Date of Meeting:</b>	<b>22 September 2009</b>		
<b>Report of:</b>	<b>Director of Strategy and Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Elizabeth Culbert</b>	<b>Tel: 29-1515</b>
		<b>Caroline Banfield</b>	<b>Tel: 29-1126</b>
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out proposals for Brighton & Hove City Council to commence an e-petitions facility.

#### 2. RECOMMENDATIONS:

That the Governance Committee recommends that Full Council:

- 2.1 Approves the launch of an e-petitions facility with effect from 21<sup>st</sup> November 2009 for Brighton & Hove City Council for a trial period and requests a further report on the outcome of the pilot is brought to Governance Committee on 9<sup>th</sup> March 2010;
- 2.2 Notes that the pilot period will be shorter if the provisions relating to e-petitions in the Local Democracy Economic Development and Construction Bill come into force prior to the review date;
- 2.3 Agrees the e-petitions guidance attached at Appendix One;
- 2.4 Authorises the Head of Law to take all steps necessary to implement the e-petitions facility, including making any necessary amendments to the Council's Constitution;

That the Governance Committee:

- 2.5 Notes the provisions of the Local Democracy Economic Development and Construction Bill in relation to e-petitions and requests officers to bring a further report back to Committee when the commencement date is known.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In Brighton & Hove members of the public are encouraged to bring forward their issues on matters relating to the work of the Council in a number of

ways. They can bring deputations, ask questions at public meetings and submit a petition to a full council meeting through a ward councillor or directly at other public meetings.

- 3.2 The Council wishes to increase the opportunities for direct engagement with the public and one way of doing this is to make access to the Council and its decision makers easier. Rather than requiring a petition to go through a ward Councillor it is possible to enable members of the public to directly submit their own petitions and enable this to happen on-line. It is a modern approach to engaging the community and reflects the desire of the Council to increase public involvement in its work.
- 3.3 In 2008, Democratic Services purchased software that enabled the team to produce standardised paperwork for council meetings and to publish them to the council's website. This software also allows Democratic Services to launch and administer an e-petitions system at no additional cost. There would be a requirement for the team to moderate any petitions received and it is proposed that existing staff would do so for the duration of the six month trial period. At the end of the trial, the level of demand for e-petitions and the consequent demands on staff time and cost implications of this will need to be reviewed.

#### **How would e-petitions work?**

- 3.4 The Council would set up and monitor an online facility for members of the public to register their petition. This would be available on the Council's website for others to view and add their name to. At the close of the petition, the petition would be considered at the relevant meeting and the petitioner invited to attend. The online petition facility would not replace the ability of ward councillors or members of the public to submit a paper petition should they wish to do so.
- 3.5 A guidance setting out the procedure would be available – a draft of which is attached at Appendix One. The key elements of the guidance are:-
- **Who can sign an e-petition?**  
Any person who lives, works or studies in Brighton & Hove. They would be asked to provide a few basic details for verification purposes. In line with current arrangements, a Ward Councillor would not be eligible to sign a petition.
  - **Who can submit an e-petition?**  
Any person who lives, works or studies in Brighton & Hove. In addition they would need to register as a user giving certain information for verification and contact purposes.
  - **What issues can the e petition relate to?**  
Any issue in respect of which the Council has powers or duties or shared delivery responsibilities.

- **Rejection of petitions**  
The guidance sets out the circumstances in which a petition may be rejected, for example if it is vexatious, abusive, discriminatory or otherwise offensive.

### **The proposed new legislative framework**

- 3.6 There is currently no requirement to provide a petition facility, online or otherwise. However, the Local Democracy, Economic Development and Construction Bill contains provisions requiring Councils to have a facility for the public to present petitions in electronic form. The Bill has already been through the Lords and is set to be considered in the Commons in October 2009. The requirements in the Bill in relation to e-petitions are detailed and prescriptive. They include:-
- A requirement for a facility for electronic petitions;
  - A published scheme to govern dealing with valid petitions;
  - An acknowledgement to the petition organiser including information on action taken;
  - One or more specific steps on receiving a petition to be made available. The steps include:- holding an inquiry; holding a public meeting; commissioning research; giving a written response; referring the petition to Overview and Scrutiny; considering the petition at a meeting of the Council;
  - Petitions signed by a certain number of people (to be defined by the Council taking into account Statutory Guidance) will be able to request that they are considered at a meeting of the Council
  - Further, petitions will be able to “require an officer to be called to account” at a public meeting. Such petitions will need the support of a specified number of people as defined by the Council for this purpose and taking into account Statutory Guidance. The officers who can be called to account are Chief Officers and the Chief Executive.
  - A petition organiser will be able to request that Overview & Scrutiny review the steps taken in response to the petition and the Council must publish the result of the review.
- 3.7 It is possible that these provisions will be in force by late 2009 or, more likely, early 2010. If we have a scheme in place already it will enable officers and Members to become acquainted with online petitions and address any early concerns before the more stringent requirements are enacted.

### **Taking forward e petitions in Brighton and Hove**

- 3.8 If Members agree the proposal, the new e petitions facility could be launched on 21st November 2009 as part of the “Get involved” programme which is planned to promote the council, local democracy and active citizenship in a year-long campaign. A separate report with full details of the programme appears on the Committee agenda. The launch event for the programme is scheduled for Saturday 21 November 2009 and it is proposed that e-petitions will be launched to members of the public who attend that event. In order to ensure that the e-petition system works effectively and efficiently, democratic

services propose to soft launch e-petitions in mid October to undertake user testing on a live system.

- 3.9 It is suggested that officers should bring back a report after six months of operating the scheme in order to review its success and to determine whether to continue with it.
- 3.10 If the provisions of the Local Democracy Bill are enacted prior to the end of the six month period, a report will be presented to Governance Committee and Council earlier setting out the additional features required by the new legislation and a draft amended scheme.

#### **4. CONSULTATION**

- 4.1 Consultation has taken place internally with the Communications Team, Policy Team, ICT and with the Environment Directorate.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### **5.1 Financial Implications:**

There are no financial implications as the Modern.Gov system is already in place and there are no additional IT costs to support e-petitions. The proposal for the 6 month pilot is to moderate and support the system using existing staff resources and a review of this arrangement will be necessary at the end of the pilot period when a further report will come back to Governance Committee.

Finance Officer Consulted:

##### **5.2 Legal Implications:**

As set out in the body of the report, there is currently no legal requirement for the Council to provide an e-petitions facility. The Local Democracy, Economic Development and Construction Bill includes proposals to create a duty for Councils to have an e-petitions facility. The proposals are summarised at paragraph 3.6 of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 21<sup>st</sup> August 2009

##### **5.3 Equalities Implications:**

The proposals will increase accessibility to Council decision makers through creating an additional means of submitting petitions directly and online. The existing means of submitting petitions through ward Councillors will still be available so that anyone without IT access will continue to be able to submit a petition.

5.4 Sustainability Implications:

The use of an online e-petitions facility is likely to decrease the amount of paper petitions that are submitted.

5.5 Crime & Disorder Implications:

There are no Crime and Disorder implications arising from this report.

5.6 Risk and Opportunity Management Implications:

The risks involved are that the demand for e-petitions is so high that our Modern.Gov system is not able to cope with the volume or that the number of petitions being brought to Council meetings becomes unmanageable. Modern.Gov is hosting e-petitions elsewhere and have been able to manage issues regarding demand. The report and guidance proposes the option of a petitioner choosing to receive a direct response for the relevant Director which would assist in managing high number of petitions at meetings.

5.7 Corporate / Citywide Implications:

The initiative supports the “Get Involved” programme which is seeking to promote the Council, local democracy and active citizenship.

**SUPPORTING DOCUMENTATION**

**Background Documents**

## **APPENDIX ONE**

### **DRAFT**

## **E-Petitions Guidance**

### **Who can sign an e-petition?**

An e-petition can be signed by a person (other than an elected Councillor) of any age who lives, works or studies in Brighton & Hove. You do not have to be a registered user to sign all e-petitions but you will need to provide a few basic details, including a valid email address, for verification purposes. Details of all signatories will be passed to the lead petitioner on the completion of the e-petition.

You can only sign an e-petition once. The list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

### **Who can submit an e-petition?**

An e-petition can be submitted by a person of any age who lives, works or studies in Brighton & Hove. To submit an e-petition you will need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-petition. From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

### **How do I start an e-petition?**

On the e-petitions homepage, select the 'Submit a new e-petition' option. You will be prompted to enter a title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently. There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council's [Forward Plan](#) which details all of the key decisions to be taken by the Council in the coming months. You will then need to fill in the online form. This will be submitted to the Democratic Services team who may contact you to discuss your e-petition before it goes live.

### **What issues can my e-petition relate to?**

Your e-petition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.



Your e-petition may be rejected if the Head of Democratic Services considers it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.
- Is too similar to another petition submitted within the past six months..
- Discloses confidential or exempt information, including information protected by a court order or government department.
- Discloses material which is otherwise commercially sensitive.
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations.
- Contains advertising statements.
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to the Council's Planning or Licensing functions as there are separate statutory processes in place for dealing with these matters.
  - Does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the [Number 10 website](#). Advice on the admissibility of e-petitions can be obtained from Democratic Services (contact details below).

### **Privacy policy**

The details you give us are needed to validate your support but will not be published on the website. This is the same information required for a paper petition. On the completion of an e-petition, your details will be passed on to the principal petitioner. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the e-petition.

## **What information should my e-petition contain?**

Your e-petition will need to include:

- A title.
- A statement explicitly setting out what action you would like the Council to take (a “call for action”).
- Any information which you feel is relevant to the e-petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date for when your e-petition will go live on the website. It may take Democratic Services a couple of days to check your e-petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-petition to go live.
- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted prior to a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to 4 months but would expect most to be shorter in length than this.

As lead petitioner, your name will be displayed with your e-petition on the website.

If you are having trouble submitting an e-petition or would like further advice and information then please contact Democratic Services and Scrutiny (details below) and we will be happy to assist you.

## **Promoting your e-petition**

Whilst the Council will host e-petitions on its website, it will not generally promote individual e-petitions. It is therefore down to the lead petitioner to spread the word about their e-petition in order to get as many people as possible to sign up. If this is not done then your e-petition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. All it takes is to give people a brief explanation of the issue and then direct them to the site at [www.brighton-hove.gov.uk/epetitions](http://www.brighton-hove.gov.uk/epetitions) to sign up.

## **What happens when the e-petition is complete?**

When the e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and you will be contacted regarding the submission of the completed e-petition.

### **What will happen to the e-petition once it is submitted?**

Once the e-petition has been submitted, you will be offered the choice as to whether you wish the petition to be referred to the appropriate

Council meeting for response or wish to receive a response directly from the relevant Director. The relevant Council meeting could be Full Council, Cabinet, Cabinet Member Meeting, Committee or Sub Committee depending on the issue.

If you wish to refer the petition to a Council meeting, you will be invited to attend the meeting and will be offered the opportunity to present the petition which will involve spending up to three minutes summarising what the petition is about and how many signatories you have. A response will also be sent to you within 15 working days of the Council meeting and will be posted on the Council's website.

If you wish to receive a written response directly from the relevant Director this will be sent to you within 21 days of the close of the petition and a copy will be posted on the Council's website.

### **What can e-petitions achieve?**

When you submit an e-petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

### **Can I still submit a paper petition?**

Yes, you can still submit paper petitions.

A petition may also gather names and addresses in both forms - you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

### **Contact Details**

For more information and advice, or to discuss a potential e-petition, please contact:

Mark Wall

Head of Democratic Services

[mark.wall@brighton-hove.gov.uk](mailto:mark.wall@brighton-hove.gov.uk)

01273 291006

**Alternative formats and languages**

If you would like information published by Brighton & Hove Council in large print, braille, audio tape, in pictures and symbols, or in a community language please call.

Brighton & Hove Council reserves the right to vary these guidelines as and when necessary. However, any changes will not be applied retrospectively.

# GOVERNANCE COMMITTEE

## Agenda Item 29b

Brighton & Hove City Council

**Subject:** **Members' Web Pages – Review of Guidance**

**Date of Meeting:** **8 September 2009**      **Standards Committee**  
**22 September 2009**      **Governance Committee**

**Report of:** **Director of Strategy and Governance**

**Contact Officer: Name:** **Elizabeth Culbert**      **Tel: 29-1515**  
**Caroline Banfield**      **29-1126**

**Wards Affected: All**

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following two recent complaints, the Standards Committee has asked for some revisions to the existing Members' Web Page Policy, to clarify the guidance given on certain issues. This report sets out a revised Members' Web Page Policy which is in line with the Standards Committee's recommendations.

#### 2. RECOMMENDATIONS:

2.1 That the **Standards Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy, subject to the approval of Governance Committee.
- (b) Refers the revised policy to Governance Committee for approval on 22 September 2009.

2.2 That the **Governance Committee:**

- (a) Notes and approves the content of the revised Members' Web Page Policy having taken into consideration comments received from Standards Committee.
- (b) Requires all Members who have pages published on the Members' Web Pages to sign the revised Web Page Policy as a condition of remaining published on the site and that any Members wishing to join the site in the future should be granted access to it on condition that they first sign a copy of the revised Members' Web Page Policy.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Members' Web Pages were launched in July 2006 in order to benefit both councillors and residents by:

- Providing information on the local area and councillor activities
  - Facilitating increased communication and feedback between councillors and constituents
  - Promoting understanding of the role of councillors and of the local democratic process
- 3.2 Prior to the launch, an Acceptable Use Policy was drafted to emphasise a number of legal issues that could potentially affect website authors. The policy was approved by the Member Development Working Group and subsequently by Standards Committee at its meeting of 14 July 2006. Any member who wished to publish content on the Members' Web pages was asked to sign his/her acceptance to be bound by the policy as a prerequisite to being supplied with logon details.
- 3.3 On 12 September 2006, Standards Committee approved a revised version of the Acceptable Use Policy, and renamed it the Members' Web Page Policy (copy attached as Appendix One). The revised version contained further information on web page content that could be construed as "political" and also highlighted councillors' duty to promote race equality. All councillors who were live on the site were asked to sign this revised document to indicate their agreement to be bound by it and any new entrants to the site were also asked to sign it.
- 3.4 Since July 2006, the council's complaints team has received two formal complaints regarding content on the Members' web pages. A Standards hearing panel met to consider the complaints in mid June 2009. The substance of the complaints included concern that the Web Page Policy had been breached through inappropriately publicised political events.
- 3.5 The Standards hearing panel concluded that the Web Pages Policy had not been breached but that the complaint had highlighted a need for further guidance to be issued to all members. The panel stated that it would be helpful for the Policy to be reviewed in order to "set more clearly defined boundaries on what matters can properly be communicated using council resources, with particular reference to support for political events and information about visiting politicians."
- 3.6 The hearing panel also called for the Policy to state clearly whether members may use web pages to refer to national events and issues as well as local events and issues.
- 3.7 In response to the recommendations of the Standards hearing panel, paragraph 9 of the Web Pages Policy has been redrafted. The changes from the original text are shown in italics and underlined text in the document at Appendix One.
- 3.8 An additional paragraph has also been added to the Policy (paragraph 6) to remind members of the position when linking to external websites from their Members' web pages.

#### **4. CONSULTATION**

- 4.1 Changes to the Members' Web Page Policy have been requested by a Standards hearing panel and approved changes will be referred to Standards Committee for information.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no financial implications arising from the report. On-going support will continue to be met from existing Democratic Services budgets.

*Finance Officer Consulted: Peter Francis*

*Date: 21/08/09*

##### Legal Implications:

- 5.2 Members are required to use the Member Web Pages in accordance with the Web Page Policy. The policy addresses the key legal issues for Members to have regard to. They are: (a) avoid inclusion of any defamatory material, (b) avoid inclusion of any political promotion or political campaigning material. (c) comply with data protection confidentiality requirements, (d) comply with the council's Code of Conduct for Members, (e) avoid copyright infringement, (f) observe the terms and conditions of the Members Web Page Policy

*Lawyer Consulted: Elizabeth Culbert*

*Date: 19/08/09*

##### Equalities Implications:

- 5.3 The website meets accessibility standards. All members are offered this facility.

##### Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report.

##### Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

##### Risk and Opportunity Management Implications:

- 5.6 The main risks associated with use of the site are that individual members could be found to have breached the code of conduct and/or to be legally liable for any of the other issues outlined in 5.2 above. The main risk for the council is that it could be found to have acted unlawfully in allowing its resources to be used for political purposes, contrary to the Local Government Act 1986. The opportunities associated with the use of this site are that it will improve community engagement and raise the profile of members and the council.

Corporate / Citywide Implications:

5.7 There are none.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Members' Web Page Policy
2. Extract from the proceedings of the Standards Committee meeting held on 8 September 2009 (to follow)

**Documents in Members' Rooms**

None

**Background Documents**

None



**Subject:** Members Secretarial & IT Support  
**Date of Meeting:** 22 September 2009  
**Report of:** Acting Director of Strategy & Governance  
**Contact Officer:** Name: Mark Wall Tel: 29-1006  
E-mail: mark.wall@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report provides Members with an update on the secretarial and IT support provided by and through Democratic Services and outlines the proposals to improve the resources available to Members.

#### 2. RECOMMENDATIONS:

- 2.1 That the Committee notes the information in the report;
- 2.2 That the Committee approves the establishment of a working group of Members to take forward the development of a casework software programme to enable Members to manage their own casework more effectively; and
- 2.3 That a report is brought back to the next meeting on the outcome of the development of the casework programme, whether it should be purchased and the funding provision.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### Secretarial Support

- 3.1 The Democratic Services team provide secretarial support to Members and copy type or take dictation through tapes, from the dedicated dictation line on1216 or through Winscribe. Further training for Members could enable them to dictate directly from their blackberry on the Winscribe system.
- 3.2 Additional support in respect of the following is also provided:
- Ward newsletters
  - Ward cards
  - Mail merges
  - General research
  - Register of Interests

- Allowances and expenses and guidance on related issues
- Equipment supplies and stationery (business cards, headed paper and compliments slips)
- Provision and maintenance of the Council diary

### **IT Support**

- 3.3 Working in conjunction with the ICT Support Analyst, Members are provided with home pc's & printers, as well as having access to pc's in their respective offices/group rooms.
- 3.4 As part of an ongoing replacement and improvement programme and recognising the imposition of having pc's in the home environment, Members are now being provided with laptops & screens. The benefit of the laptops being that Members can take them out of their homes and use them with wireless connections elsewhere.
- 3.5 It is hoped that Members will also be able to shortly use a program called Citrix which will provide them with the ability to access data held on the council's servers such as draft agendas and reports.
- 3.6 Members are fully supported by the ICT Support Analyst with any queries or difficulties with their IT equipment and/or blackberries and during working hours by staff within Democratic Services.

### **Casework Software**

- 3.7 Following a request from Members, investigations have been made into the provision of casework software to enable councillors to manage their casework more effectively.
- 3.8 Officers have undertaken a review of what is provided by other authorities and investigated the main providers that are being used as well as an internal option. To date whilst there are 3 leading providers, discussions with other authorities using the packages have identified various pros and cons with each package:
- Different Aspect  
 Tagish (also known as I-Caseworker)  
 Porism (also known as E-Caseworker)
- 3.9 The cost of these packages varies from between £6,000 and £10,000 per annum dependant on the number of licences that are obtained.
- 3.10 As a result of the investigations, discussions with the providers of Votewise have led to the idea of developing a web-based solution for Members' casework, which would be known as Wardlink. Votewise is a locally based provider of a web-based system enabling prospective candidates to register and have on-line discussions with their respective electorate.

- 3.11 Having gone through the aims for a casework programme, it is intended to establish a Member working group to feed into the development of the package and test the process. The benefits being that the package can be written to meet Members' needs; work with the council's IT system, be both Microsoft and Mac compatible and provide a web-based model which will enable Members to manage their casework and detail those elements they wish to do so publically. This will enable direct interaction with residents so that a specific issue can be seen and the action being taken updated e.g. the loss of a street light might be raised by a resident and by listing the matter on their site, the councillor will enable other residents to see the matter has been raised and what action is being taken to resolve it.
- 3.12 It is proposed that a further report be brought back to the committee in November detailing the findings of the working group. The financial costs for the package are outlined in paragraph 5.1 and it is assumed that the Mayor would not be undertaking casework during their year, hence the costings are based on a maximum of 53 licences.

#### 4. CONSULTATION

- 4.1 Members who had previously expressed an interest in the provision of casework software have been kept informed of progress and discussions have been held with officers in IT with regard to the programmes available and IT compatibility requirements.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 5.1 Should the development of the Wardlink package prove successful, the cost would be dependant on the number of councillors wishing to make use of the system for example:

Part year November to March 2010	Full Year
10 licences would cost £500	10 licences = £1,200
25 licences would cost £1,250	25 licences = £3,000
53 licences would cost £2,650	53 licences = £6,360

- 5.2 It is anticipated that the cost of providing the casework solution for the remainder of the current financial year could be found from within existing resources. For context, the Executive Support budget for 2009/10 is £529k, of which £487k is staff related. In future years however, extra resources would need to be identified.

Finance officer consulted: Anne Silley

4 September 2009

##### Legal Implications:

- 5.4 There are no legal implications associated with the report and appropriate guidance to Members would be issued should a casework programme be approved for use.

Lawyer consulted: Abraham Ghebre-Ghiorghis 4 September 2009

Equalities Implications:

- 5.5 There are no equalities implications arising from the report; however the provision of a casework programme does enable greater control of their casework for all Members and could provide greater access and engagement for residents in respect of specific issues affecting their local areas.

Sustainability Implications:

- 5.6 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.7 There are no crime & disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.8 The provision of casework software does enable Members to effectively manage their casework. However, any computer package is reliant on its ease of use and its security and will need to be evaluated to ensure it meets needs and can remain secure.

Corporate / Citywide Implications:

- 5.11 The introduction of a casework programme for Members could result in a greater level of engagement with citizens and information of issues being accessible to a wider audience. This could lead to increased demand on staff time in responding to councillors and initiating action to resolve issues that have been raised.

**SUPPORTING DOCUMENTATION**

**Appendices:**

**Background Documents**

None

### EXTRACT FROM THE PROCEEDINGS OF THE AUDIT COMMITTEE MEETING HELD ON THE 30 JUNE 2009

**Subject:** Annual Governance Statement 2008/2009  
**Date of Meeting:** 22 September 2009  
**Report of:** Acting Director of Strategy & Governance  
**Contact Officer: Name:** Jane Clarke **Tel:** 29-1064  
**E-mail:** jane.clarke@brighton-hove.gov.uk  
**Wards Affected:** All

#### FOR GENERAL RELEASE

#### AUDIT COMMITTEE

4.00PM 22 JUNE 2009  
COMMITTEE ROOM 1  
HOVE TOWN HALL

#### DRAFT MINUTES

**Present:** Councillors Hamilton (Chairman), Watkins (Deputy Chairman), Mrs Cobb, Fryer, Kitcat, Oxley, Pidgeon, Simpson and Smith

#### 14 ANNUAL GOVERNANCE STATEMENT 2008/2009

- 14.1 The Committee considered a report from the Interim Director of Finance & Resources regarding the Annual Governance Statement 2008/09 (for copy see minute book).
- 14.2 The Head of Audit & Business Risk began by stating that this was the second year that the Annual Governance Statement was presented in its current format, and that this was standard for this type of Statement. It followed a review of governance arrangements and he noted that although there were no significant issues arising, there are a number of actions for improvement. An updated action plan would be submitted to the Committee at a future point. The Annual Governance Statement would be signed by the Leader and the Chief Executive once adopted.
- 14.3 The Head of Audit & Business Risk referred to an Annual Report from the Audit Committee to Full Council. This is seen as good practice and carried out by a large number of Councils.
- 14.4 The Head of Audit and Business Risk stated that a self assessment toolkit to evaluate the effectiveness of the Audit Committee is available from CIPFA and

it would be beneficial to use this for a review especially as the Audit Committee has been operating now for over a year.

14.5 **RESOLVED** – That the Audit Committee approves the Annual Governance Statement and that:

1. The Leader of the Council and Chief Executive are recommended to sign the approved Annual Governance Statement; and
2. The actions arising from the review are noted.

**Subject:** Annual Governance Statement 2008/09  
**Date of Meeting:** 22 September 2009  
**Report of:** Director of Finance & Resources  
**Contact Officer:** Name: Ian Withers Tel: 29-1323  
E-mail: [ian.withers@brighton-hove.gov.uk](mailto:ian.withers@brighton-hove.gov.uk)  
**Wards Affected:** All

### FOR GENERAL RELEASE

The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Rule 5 and Section 100B(4) of the Local Government Act 1972 as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) are due to officer's consultations and a very tight deadline.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to present the council's Annual Governance Statement 2008/09 for consideration and approval.

#### 2. RECOMMENDATIONS:

Review and approve the Annual Governance Statement and recommend its signing by the Leader and Chief Executive.

Note the council's continuing strengthening of its governance arrangements including the actions arising from the review.

#### 3. BACKGROUND INFORMATION:

- 3.1 Good governance arrangements are essential for the sound management of Brighton & Hove City Council and public confidence.
- 3.2 The Accounts and Audit Regulations 2003 (amended in 2006) requires the council to undertake a review at least once a year of the effectiveness of its governance arrangements and to publish the results in a Annual Governance Statement.
- 3.3 The Annual Governance Statement must be prepared in accordance with the Accounts & Audit Regulations and the CIPFA/SOLACE framework *Delivering Good Governance in Local Government*.

#### **4. REVIEW OF GOVERNANCE ARRANGEMENTS:**

The council conducts a continuous process of review of its governance arrangements through its ongoing management processes, internal audit and other reviews and inspections.

The council also has an Officer's Governance Group comprising the Director of Strategy & Governance, Director of Finance & Resources, Head of Organisational Development, Head of Legal Services, Head of Audit & Business Risk and Risk & Opportunity Manager. Other senior managers attend meetings as required. The role of the group is to keep the council's governance arrangements under review, to promote best practice and maintenance of the highest standards.

#### **5. ANNUAL GOVERNANCE STATEMENT (DRAFT):**

The draft Annual Governance Statement for 2008/09 is shown at Appendix 1. It has been prepared generally in line with the CIPFA/SOLACE guidance and comprises the following sections:

- Section 1 – Standards of Governance
- Section 2 – Scope of Responsibility
- Section 3 – The Purpose of the Governance Framework
- Section 4 - The Council's Governance Framework, i.e. description of the systems and processes that the council has in place to ensure good governance
- Section 5 – Review of Effectiveness, i.e. the results/outcomes of the council's review processes
- Section 6 – Significant Governance Issues, i.e. details of any significant areas and/or other actions planned to further strengthen governance arrangements

The Annual Governance Statement reflects the organisational changes and governance improvements actioned in 2008/09. It has been reviewed by members of the Officer's Governance Board and comments received have been reflected in the draft.

There are considered to be no 'significant governance issues' to be highlighted in section 5 of the Annual Governance Statement. However there are actions included to further strengthen the governance arrangements during 2009/10. The section also includes actions which are still in progress of being implemented. Members will be familiar with these issues from monitoring reports.

Implementation of actions will be monitored by Audit & Business Risk and reported back the Officer's Governance Board and Audit Committee.



The Annual Governance Statement will be formally signed by the Leader and Chief Executive following consideration and approval by the Audit Committee.

## **6. CONSULTATION:**

- 6.1 Internal consultation has been carried out with relevant officers and in particular the Officers Governance Board.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications:**

Sound corporate governance and proper systems of internal control are essential to the financial health and reputation of the council. The actions outlined to strengthen the governance arrangements, can be delivered within existing financial resources.

Finance Officer Consulted: *Patrick Rice*                      *Date: 24<sup>th</sup> June 2009*  
*Head of Financial Services - Corporate & Environment*

### **7.2 Legal Implications:**

The production of the statement meets the requirements of the Accounts and Audit Regulations 2003 (Amended 2006).

*Lawyer Consulted: Oliver Dixon*                                      *Date: 14<sup>th</sup> May 2009*

### **7.3 Equalities Implications:**

There are no direct equalities implications arising directly from this report

### **7.4 Sustainability Implications:**

There are no direct sustainability implications arising from this report.

### **7.5 Crime & Disorder Implications:**

There no direct implications for the prevention of crime and disorder arising from this report.

## 7.6 Risk and Opportunity Management Implications:

The preparation of the Annual Governance Statement has been explicitly linked to the risk management framework of the City Council. One of three principles of good governance is “taking informed, transparent decisions and managing risk”.

## 7.7 Corporate / Citywide Implications:

Robust corporate governance arrangements are essential to the sound management of the City Council and the achievement of its objectives as set out in the Corporate Plan.

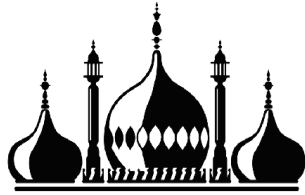
# **SUPPORTING DOCUMENTATION**

## **Appendices:**

1. Annual Governance Statement 2007/08

## **Background Documents**

1. Brighton & Hove City Council’s Code of Corporate Governance
2. CIPFA/SOLACE Delivering Good Governance in Local Government – (Framework 2007)
3. Delivering Good Governance in Local Government – Guidance notes for English Authorities (CIPFA/SOLACE 2007)
4. Accounts & Audit Regulations 2003 (Amended 2006)
5. The Annual Governance Statement (CIPFA Finance Advisory Network)



**Brighton & Hove  
City Council**

**ANNUAL GOVERNANCE STATEMENT  
2008/09**

# Annual Governance Statement 2008/09

## 1. Standards of Governance

Brighton and Hove City Council (the council) expects all of its members, officers and contractors to adhere to the highest standards of public service with particular reference to the formally adopted Constitution, Codes of Conduct and policies of the council as well as the applicable statutory requirements.

The council has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE framework *Delivering Good Governance in Local Government*. A copy of the code is available on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk).

This statement explains how the council has complied with the code and also meets the requirements of regulation 4(2) of the Accounts & Audit Regulations 2003 as amended by the Accounts and Audit Regulations 2006 (Amendment) (England) in relation to the publication of a statement on internal control.

## 2. Scope of Responsibility

The council is responsible for ensuring that its business is conducted in accordance with the law and proper practice standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

The council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of efficiency, effectiveness and economy.

In discharging this accountability, the council is responsible for putting in place and maintaining, proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, including arrangements for the management of risk.

The council continues to review its arrangements against best practice and implement changes to improve its governance arrangements.

## 3. The Purpose of the Governance Framework

The governance framework comprises the systems and processes, and culture and values by which the council is directed and controlled and its activities through which it is accountable to, engages with, and leads the community. It enables the council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

#### **4. The Council's Governance Framework**

The governance framework has been in place at the council for the year ended 31<sup>st</sup> March 2009 and, up to the date of approval of the Statement of Accounts and accords with proper practice.

The key elements of the systems and processes that comprise the council's governance arrangements are shown below along with explanations of how they are embedded.

##### **Identifying and communicating the council's vision**

The council played a leading role in the creation and development of the 2020 Community Partnership, and has developed, together with our partners, a Sustainable Community Strategy for the City, "Creating a City of Opportunities".

*The vision of Brighton & Hove is one of a dynamic city that improves and protects the environment, meets social needs and promotes sustainable economic success in an inclusive, just and harmonious way.*

The strategy sets the direction and policies which other plans should help to deliver and has been agreed by the council and Local Strategic Partnership in consultation with other stakeholders who have an interest in effective public services in the City. It is used as a basis for both corporate and service planning and integrated with the Local

Area Agreement, a three year multi-agency delivery plan for the City's priorities.

The Community Strategy and Corporate Plan are published on the council's website and copies are available at certain key access points across the City (e.g. libraries).

### **Reviewing the council's vision and its governance implications**

Since the publication of the Sustainable Community Strategy in 2006, the council's governance arrangements have been subject to ongoing review to meet the changing needs of the council.

Following the introduction of the new constitution early in the last year, a review was carried out after six months inviting responses from the public, partner organisations, officers and members. The responses provided views on the new constitution and recommendations were made for improvements.

The council's Code of Corporate Governance was reviewed and updated in the past year to ensure compliance with the principles and requirements for good governance.

### **Measuring the council's performance and quality of services ensuring they represent the best use of resources**

The council uses a variety of mechanisms within its overall approach to performance management and service improvement to measure quality of service to users, ensuring service delivery is in accordance with its objectives, and for ensuring the best use of resources. These include national and local performance indicators, customer feedback, process analysis and re-engineering, service reviews, integrated financial management, benchmarking and independent audit and inspection.

Performance management processes are embedded throughout the council and regularly reported in accordance with agreed timescales. The performance management framework is based on a hierarchy of indicators, both national and local. Performance data for all national and local indicators is collected and reported to the Chief Officers Management Team (TMT) and the Executive on a quarterly basis.

The council's Corporate Plan includes clear performance targets for the next three years. The council's Performance Plan shows the council's performance against targets for the past three years and is available on its website.

At a directorate level, directorate plans form the basis of monitoring. This ensures that performance, budget, risk and project delivery issues are all managed and reported.

### **Defining roles and responsibilities, delegation and arrangements for effective communication of these**

The council has agreed a constitution which sets out how the council operates, member and officers roles, how decisions are made and the processes which are followed to ensure these are efficient, transparent and accountable to the community. Many of these processes are required by statute, while the council has determined others locally. The Constitution is divided into seventeen articles that set out the basic rules governing the council business.

Under the Constitution the Leader and Cabinet form the decision making Executive. Decisions must be in line with the council's overall policy and budgetary framework approved by the full council for delivering its priorities. Any decisions the Executive wishes to take outside of the framework must be referred to the full council to decide.

There is also an Overview and Scrutiny Commission and five scrutiny committees that support the work of the Executive, through scrutinising decisions made by the Executive and through examining services provided by the council.

The Constitution describes the roles of statutory officers: the Head of Paid Service (Chief Executive), the Monitoring Officer (Director of Strategy & Governance) and Section 151 Officer (Director of Finance & Resources). It also includes the Member and Officer Protocol, which sets out the principles and procedures to guide officers and members.

There is effective corporate and departmental support to members in policy and decision making, with report templates to help ensure members are presented with appropriate information to make decisions including key implications, for example finance, legal, equalities and risk.

### **Developing, communicating and embedding codes of conduct, defining the standards of behaviour for members and officers**

The council has adopted a number of codes and protocols that govern the standards of behaviour expected of members and officers. These are communicated as part of the induction process, ongoing

awareness training and made available via the council's intranet. These include codes of conduct covering conflicts of interest and gifts and hospitality.

The Standards Committee role is to promote high standards of conduct and ethical governance as well as investigating complaints regarding members. It considers reports and advice from the Standards Board for England and considers reports from the Monitoring Officer.

### **Reviewing and updating control framework documentaion which clearly define how decisions are taken and the processes and controls required to manage risks**

The council's high-level policies and procedures are updated and regularly communicated to officers and members. There are corporate policies on key topics including Business Planning, Information Security, Freedom of Information Act, Environmental Sustainability, Counter Fraud & Corruption, Equalities & Diversity and Health & Safety.

The Director of Strategy & Governance (the Monitoring Officer) reviews and updates the Constitution which includes standing orders and the scheme of delegation.

The Director of Finance & Resources (the Section 151 Officer) likewise reviews and updates financial regulations and contract standing orders, which form part of the Constitution.

Risk and opportunity management is embedded throughout the council and its partnership working arrangements. The council's Risk and Opportunity Management Strategy was updated during the past year. The strategy explains how the council will manage its risks, and is supported by training and guidance. It is overseen by the Officer's Governance Board and approved by the Executive.

### **Undertaking the core functions of an audit committee, as identified in CIPFA's Audit Committees - Practical Guidance for Local Authorities**

The Audit Committee (previously Audit Panel) has been in operation since May 2008 and is now embedded as part of the council's overall governance framework. Its terms of reference incorporate the core functions as identified in the CIPFA guidance. It is responsible for issues relating to the councils system of internal control, risk management, financial reporting and counter fraud as well as providing a forum for reporting and discussion of issues raised by internal and external audit.



## **Ensuring compliance with established policies, procedures, laws and regulations**

All officers have a responsibility to ensure compliance with established policies, procedures, laws and regulations. Training and awareness sessions are provided to officers as necessary and appropriate induction sessions are carried out for new staff.

The Director of Strategy & Governance (the Monitoring Officer) has overall responsibility for ensuring the council acts within its statutory powers, ensuring the lawfulness and fairness of council decision making, compliance with codes and protocols and promoting good governance and high ethical standards.

The Director of Finance & Resources (Section 151 Officer) is responsible for the effective administration of the council's financial affairs, preparing the council's Statement of Accounts in accordance with proper practices, maintaining accounting records and taking reasonable steps to prevent and detect fraud.

This is supported by a framework of management documents, including financial regulations, contract rules and a scheme of delegation to officers, which collectively control and co-ordinate the financial affairs of the council. These are all in place and available to staff on the Intranet and in paper format. Induction and ongoing awareness training is provided to staff.

Audit & Business Risk are responsible for conducting audits, using a risk based approach to provide assurance on compliance with council policy, procedures, legal rules and regulations.

## **Whistleblowing and receiving complaints from the public**

The council is committed to the highest possible standards of openness, probity and accountability. The council's Whistleblowing Policy aims to encourage officers, contractors and agency workers to report any instances of unlawful conduct, health and safety risks, damage to the environment, possible fraud and irregularities and unauthorised use of council funds. The Policy is widely published on posters, internal newsletters the councils internet and website, and provides the mechanisms to raise concerns and receive appropriate feedback without the fear of victimisation. All concerns raised under the Whistleblowing Policy are recorded by the Director of Strategy & Governance.

To ensure that concerns or complaints from the public can be raised, the council has a corporate complaints policy which sets out how complaints can be made, what should be expected and how to appeal. The application of the policy is overseen by the council's Standards Committee.

### **Developing the needs of members and senior officers in relation to their strategic roles**

The council achieved the Investors in People (IIP) accreditation (corporate) during the past year and is committed to developing the capacity of its officers and members. The council's Performance Planning and Development Scheme aims to identify the learning and development needs of officers and this is supported by the council.

A complete programme of learning and development is available to officers and members from the Learning and Development Team. Where applicable, officers are also expected to undertake continuing professional development (CPD) of their professions. There are corporate induction processes for both members and officers starting with the council.

The council has a generic programme of training and development for members based in part on a self-assessment of needs against the Improvement and Development Agency (IDeA) Political Skills Framework. There is further more specific training for those with lead roles in for example the Executive and Scrutiny functions. The council achieved the South East Employer Charter for Elected Member Development during the past year.

### **Establishing clear channels of communication with the community and other stakeholders**

Clear channels of communication have been established with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation. The council's publication City News is distributed to all residents as well being available on the council's website and at key access points across the City. It includes news and features about the council and its partners that assists in consulting residents on issues facing the city. In addition, the Council Tax leaflet, containing details of the council's budget, is distributed annually with Council Tax bills.

There are a wide range of access channels and opportunities for all parts of the community and key stakeholders to engage in dialogue

and consultation. This includes tenants and residents forums through consultation events and surveys.

The councils Corporate Plan, Annual Statement of Accounts and Annual Report are again made available via the council's website and distributed to certain key access points across the City, ensuring that residents have numerous access channels.

All meeting agendas and reports for consideration by members are published on the council's website in advance of meetings, which are held in public unless there are good reasons for confidentiality.

### **Incorporating good governance arrangements in respect of partnerships and reflecting these in the authority's overall governance arrangements**

The governance arrangements in respect of partnerships and other group working as identified by the Audit Commission's report *Governing Partnerships: Bridging the Accountability Gap (2005)*, are defined in the council's Financial Regulations. The council is currently working with significant partnerships for example the Children and Young People's Trust, in terms of helping to achieve its objectives through ensuring appropriate agreements and robust governance arrangement are in place. Regular audit reviews are carried out on the overall governance arrangement within the council's key partnerships.

The City's Local Strategic Partnership (LSP) is managed by a board. The council is the lead agency for the LSP. During the past year a "2020 Community Member Pack" was developed and distributed to LSP board members that included governance responsibilities.

## **5. Review of Effectiveness**

The council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The Officer's Governance Board oversees the review of effectiveness including monitoring actions arising.

The process that has been applied in maintaining and reviewing the effectiveness of the governance framework includes the following:

- Review and maintenance of the Constitution by the Monitoring Officer.

- An assessment of the corporate governance arrangements against the CIPFA/SOLACE Framework for Good Governance, which helped develop the council's Code of Corporate Governance.
- The council's internal audit coverage which is planned using a risk based approach and flexible enough to include emerging issues and risks. The Annual Internal Audit Report by the Head of Audit & Business Risk provides an overall opinion on the adequacy of the council's internal control environment and areas of weakness to be addressed
- The assurance of senior managers through the development of corporate and directorate risk registers.
- Findings and comments made by the External Auditors and other review agencies and inspectorates such as the Care Quality Commission and Ofsted.
- The review of performance management and financial reporting.

## **6. Significant Governance Issues**

The council's governance framework is constantly evolving due to service and regulatory developments. There are not considered to be any significant governance issues arising from the review although there are a number of actions to further strengthen the governance framework. These are summarised as follows and include actions in progress from the previous year's review.

### **Actions in Progress**

- Financial Skills Training - to improve service support delivery through the council's Intranet and further development of Financial Information System training.
- Human Resources Management Systems – implementation of new system and improvements to processes and control for the effective management of the council's workforce.

### **Actions for Improvement to the Governance Framework**

- Value for Money - The ongoing transformation of the council through the Value for Money Programme Part 2, not just to

reduce costs but where appropriate the redesign of services for improved delivery and meeting customer's expectations.

- Medium Term Financial Strategy – review and update of strategy to respond to the financial pressures on the council.
- Partnership Risk – Review of risks in relation to the Local Area Agreement in particular achievement of targets.
- Section 75 Agreement - A revised Section 75 agreement with the Sussex Partnership Trust.
- International Financial Reporting Standards (IFRS) – a programme is in place to ensure the council meets the deadlines for producing accounts that are compliant with the IFRS.
- Whistleblowing Policy and Process – updating to enhance the effectiveness of the policy, in particular awareness and confidential reporting arrangements.
- Audit Committee – to make an annual report to full council to provide independent assurance on the adequacy of the council's governance arrangements, including the risk management framework and the associated control environment.
- Audit Committee - to undertake a self assessment review of its role and effectiveness in meeting standards expected.
- Overview and Scrutiny – continuing to build the role of the Overview and Scrutiny Commission and Scrutiny Committees

We propose over the coming year to take steps to address the above matters to further enhance governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

**Signed**

**Signed**

**Alex Bailey**  
**Acting Chief Executive**  
**Dated:**

**Councillor Mary Mears**  
**Leader of the COUNCIL**  
**Dated:**