

Subject:	Response to scrutiny related elements of the CLG ‘Strengthening Local Democracy’ consultation paper		
Date of Meeting:	8th September 2009		
Report of:	Interim Director of Strategy & Governance		
Contact Officer:	Name:	Tom Hook	Tel: 29-1110
	E-mail:	Tom.hook@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report brings to the Commission’s attention a recent consultation paper, ‘Strengthening Local Democracy’ issued by the Department of Communities and Local Government. The consultation paper explores whether local government has the powers it needs to meet today’s challenges.
- 1.2 This report focuses on those elements of the paper relating to the overview and scrutiny function. The Commission’s comments will be fed into the Council’s Governance Committee which is considering a response to the full consultation at its meeting on the 22nd September.

2. RECOMMENDATIONS:

- (1) That members agree the draft response to the consultation questions attached at appendix 2.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Chapter 1 of the consultation paper, which deals with overview and scrutiny issues, is attached as Appendix 1 to the report. The consultation was published on 22 July 2009 and the deadline for responding is 2 October 2009.
- 3.2 Chapter 1 of the Consultation 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.

- 3.4 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.
- 3.5 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.
- 3.6 The Local Democracy, Economic Development and Construction Bill, as currently drafted, creates a requirement for councils to have a statutory scrutiny officer; the chapter discusses whether there could be additional requirements for support.

4. CONSULTATION

- 4.1 No consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications are a result of this draft consultation response at this stage. Any resource implications arising from any agreed changes in policy or procedure will need to be identified in future budget strategies.

Finance Officer Consulted: Anne Silley

Date: 26 August 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.

It should be noted that, due to limited parliamentary time ahead of the next general election, it is not expected that any of the 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

Date: 26 August 2009

Equalities Implications:

- 5.3 There are no direct equality implications arising from this report.

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no direct risk and opportunity management implications arising from this report.

Corporate / Citywide Implications:

- 5.7 No direct implications from the report. However, consultation on changes to scrutiny 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 scrutiny elements of the consultation

