

**BHCC 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. 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, utility companies and 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, 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?

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.

Nevertheless, 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.

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.

Government could usefully explore direct public requests for scrutiny of a topic and area based scrutiny to support elected members ward roles.

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 should be asking two questions here. These should be how to demonstrate competence and 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.

It makes sense to award greater powers to those councils that are seen to have the confidence of their residents. One way of measuring this would be to look at the participation of local people in becoming involved in council supported neighbourhood schemes and the numbers that take advantage of the opportunity to use the avenues available for contact with decision-makers via a council's constitution.

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 CO₂ 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.

In addition to requiring councils to include climate change targets in their Local Area Agreements, the Government should also take into account the recommendations of the LGA Climate Change Commission and campaigns.

The Government should regularly review all areas where local government is able to play a greater role in respect to action on climate change. It should enable greater flexibility in terms of Local Development Frameworks where local policy requirements can demonstrate their effectiveness on issues such as renewable energy and energy efficiency. Percentage requirements for renewable energy should be able to be set locally and similarly requirements for retrofitting of these and other energy efficiency measures should be able to be part of local policy making.

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.

Local Authorities should lead by example not only in terms of reducing their own carbon footprint but via the implementation of their own local policies such as local transport plans and local waste strategies.

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.

Ultimately it is national government that has to take the lead on this issue. It must work strongly with local councils to set the pace and provide them with the incentives, the backing and flexibilities that they need.

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.

Structures can only be accountable if people can understand them and how to call them to account. Any new structure should reflect these principals and be

tailored to a particular sub-regional area. Multi Area Agreements are doing this and are a good model to follow.

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.

