

Centre for Public Scrutiny – SE

JOHANNA KNOTTLEY: LOCAL GOVERNANCE

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- **Communities in Control: Real People, Real Power**
Improving local accountability consultation
 - Overview and scrutiny
 - Holding local officials to account
 - Implementation of the 2007 Act powers

Communities in Control: Real People, Real Power

- Empowering ordinary people
- Passing power into the hands of local communities – more influence and say over issues which affect them
- Looked at different aspects to empowerment (i.e. active citizen/ volunteering, access to information, having an influence)
- Challenge: How do I hold to account the people who exercise power in my locality?

Improving local accountability consultation: Overview and scrutiny

- New proposals from the *Communities in Control* white paper & how to implement the 2007 Act overview and scrutiny powers
- Raising the visibility of O & S (new approaches)
- Strengthening capacity & providing a more robust legal platform
- New proposals for overview and scrutiny:
 - Statutory scrutiny officer for the area
 - Area committees
 - Enhanced powers to look at a broader range of issues important to the area

Improving local accountability consultation: holding officers to account

- Transparent decision making so that those affected by them can:
 - Challenge
 - Inform/ influence
 - Understand
- To achieve that - increase the visibility & accountability of local officers:
 - Chairs and chief executives of local public bodies attending regular public hearings
 - Petition scheme – enable public to petition to hold local public officers to account

- Strengthening scrutiny powers in the context of Local Area Agreements:
 - Requiring a response from the LA/ executive
 - Requiring information from partner authorities & requiring that they have regard to reports and recommendations
 - Enhancing powers of District Councils
 - Joint Committees in two tier areas

Consultation on implementation of the 2007 Powers

- Focused on the 5 sets of regulations which will underpin primary legislation
- Sets out initial proposals which have been informed by representative from local government and other partners – all views very welcome
- Want to achieve the right balance: light touch regulatory framework with more detail in guidance

Requiring information from Partners

- Information which **must** and **must not** be provided by partners
- Proposal:
 - Information relating to any LAA target which relates to that partner
 - Relates to the agenda item of O&S committee concerned
 - Has been requested by that O&S committee
 - No time limits – room for local flexibility
- Set out the information that, and circumstances in which information may be withheld – based on existing exemptions i.e. DPA 1998, but also where information is already in the public domain
- Districts: Broadly similar provision. Lead council or any partner in LAA should make available information relevant to a target connected to that council's area and functions.

- Guidance:
 - Useful – setting out examples and circumstances in which requests may be made i.e. progress of LAA/ studies connected to the LAA
 - Expectations – ensuring requests are necessary, focused, thought through
 - Burdens – important that requests for information (particularly in two tier areas) are co-ordinated and that duplication is avoided. Working Joint Committees where they exist

- 2007 Act strengthened existing powers, greater transparency –O&S can require a local authority or the executive to publish response
- In publishing O&S documents must comply with 21D.
- 21D makes provision to exclude relevant exempt information & must exclude confidential information
- Need to regulate to extend these exclusions to responses made by the executive (only apply at the moment to the LA).
- We propose that the same exclusions apply to the executive

- Provides an effective means for districts and counties to coordinate their efforts on issues of shared interest
- Propose that they have broadly the same powers as LA O&S committees
 - Appt committees & sub-committees
 - Similar provisions in respect of partners
 - Can issue reports/ recommendations to those Las/ executives for which the joint committee has been established
- Expectation that where joint committees exist multiple requests for information be made once through the joint committee arrangement with single set of recommendations

- Want to enable districts to play an active role in scrutinising the delivery of LAA targets connected to the district council area.
- Within that remit, propose that:
 - District O&S may make reports & recommendations to on matters relating to a local improvement target to the relevant County Council or the County Council Executive
 - County Council/ Executive required to respond within 2 months (mirroring existing provision in 21B)
 - Associated authorities required to have regard to reports/ recommendation made by district O&S committees

- Important that scrutiny work by county/ any joint committee taken into account – duplication.
- Propose to specify that requirements on county council to respond & partner authorities to have regard to district reports/ recommendations on LAA matters will apply in relation to matters on which a joint committee O&S committee have not already considered & reported

- 2007 Act powers only currently apply to local authorities operating executive arrangements.
- Previously applied O&S arrangements to districts operating 'alternative arrangements' (streamlined committee system).
- Proposing to apply the same arrangements which districts have to those operating alternative arrangements

- Consultation concludes 30 October. You can respond to localaccountability@communities.gsi.gov.uk & access the consultation paper at: <http://www.communities.gov.uk/publications/localgovernment/localaccountability>
- Thorough analysis of consultation responses
- Aim to get the main elements of the framework in place on the 2007 powers in place by the end of the year
- Working with CfPS on Best Practice Guidance
- Take forward new legislation where necessary on new proposals emerging from *Communities in Control: Real People, Real Power*