

Recommended response to the consultation questions

This response to the consultation document on 'Strengthening Local Democracy' is sent from Luton Borough Council, a Unitary Council in Bedfordshire. Luton Borough Council is disappointed that the Government has not given councils much opportunity to consult partners on these important issues and feels that to consult over the summer recess is not in the spirit of the consultation principles as outlined in the agreed national approach to consultation.

That said and turning to the proposals, Luton Borough Council considers that the aspirations outlined in the consultation document are the right ones. The proposals clearly recognise that councillors and councils should lead all public services in an area to ensure that the needs and aspirations of residents are met. The proposals recognise the unique democratic mandate that councillors have and that they should have the power to act on behalf of residents. We therefore support the Local Government Information Unit statement that:

"The starting point of this consultation is the right one: the recognition that councillors and councils should lead communities, and shape all the local public services, because they have a 'unique democratic mandate.'"

(Statement from Andy Sawford, Chief Executive of the LGiU 21/07/2009)

We welcome the proposals to strengthen the role of scrutiny in holding to account on behalf of citizens, but would note from our experience scrutiny is often at its most effective when closely linking with partners to develop services and policies. We also welcome the proposals to strengthen the leadership role of councils in tackling climate change.

However, Luton Borough Council agrees with the Local Government Association (LGA) view that the:

"...proposals are not 'the biggest transfer of power to elected councillors for a generation'"

(Policy response in the LGA briefing on Strengthening local democracy consultation paper, 22nd July.)

We also agree with the LGA that it is hard to identify any proposals for genuine transfer of powers or new opportunities to respond to the views of local citizens.

Luton Borough Council's response to the twenty two questions is as follows:

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?**

It is a welcomed development that the Government is seeking to remove the confusion caused by scrutiny having different sets of scrutiny powers for different partners. Local communities do not always recognise the boundaries between different organisations, and nor should they be expected to do so. These proposals should make it easier for communities to be able to get a response, using the Council as a 'one stop shop'.

- 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?**

Scrutiny should be given the formal power to scrutinise and assist in the development of all local public sector budget strategies. This would no doubt help to ensure that partner resources are being focused on delivery of the Sustainable Community Strategy and the Local Area Agreement. Scrutiny in Luton has also decided to keep an oversight of the Total Place budget work, with Luton being a pilot area.

- 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?**

Where scrutiny arrangements cover a range of partners, this will allow for clearer coordination, and will be able to draw on the expertise of a broader constituency.

Scrutiny arrangements should be extended further to include scrutiny of the business sector and the community and voluntary sector bodies that are involved in the provision of public services. This is in recognition of the fact that they have a significant role in the life of a local area and therefore should be engaged with the scrutiny process.

- 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?**

It is hoped that partners, with sufficient notice will attend scrutiny committee

meetings. Indeed experience in Luton and elsewhere shows that council partner representatives are keen to support the effective operation of scrutiny.

Luton Borough Council also runs an effective system of locally based scrutiny of services. Public sector service providers are held to account via our area committees and we would wish to use the proposed extension of powers to strengthen this work.

Luton Borough does, however, support the granting of additional powers to require people to attend, as there have been examples in some parts of the country of Local Area Agreement partners refusing to attend scrutiny committee meetings, for example the Highways Agency.

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 Council fully supports the Government's commitment to ensure that any additional costs created are financed by Government. However, the current Revenue Support Grant system is not capable of allocating additional grant to authorities in a proportionate way, and therefore if funds are to be provided in an identifiable way, it would have to be by specific grant.

This additional money should be identifiable, with clear instructions from government to councils that they need to spend it to support the development and work of scrutiny.

Luton Borough Council has initially identified the following additional cost estimates as a result of these proposals:

- Overview and Scrutiny involvement and communication work - £15,000 per annum.

Holding community-based Overview and Scrutiny events and to develop communications materials to encourage the public to become involved with the work of Overview and Scrutiny.

- Member, officer and partner representative training and development - £15,000 per annum.

Resources required to train a wider audience on the effective operation of Overview and Scrutiny and additional mentoring and coaching support required for members on their developing Overview and Scrutiny skills.

- Additional evidence gathering and research - £20,000 per annum.

Overview and Scrutiny having a wider range of issues to review and investigate and due to the need to ensure access to independent expert advice and expert research support to elected members.

Partners should also be placed under a duty to ensure they adequately resource the work required within their organisations to effectively support scrutiny carry out its work. This will help ensure that scrutiny receives level of support within partner organisations that it requires to be effective.

The consultation does not consider issues relating to the capacity of elected members. This issue needs to be considered by government as members' capacity is significantly overstretched already and it will be challenging for elected members to take on these additional responsibilities without anything being done to address capacity issues.

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?

The responsibility for ensuring that scrutiny is a core function of how the Council does business and having a full and proper role in scrutinising the full range of local public services should fall to the Council as a whole, just like decisions relating to the role, purpose and support for select committees falls to Parliament. This would ensure that scrutiny remains free of executive control, as an independent but integral part of the Council's and its partners' governance arrangements.

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?

Luton Borough Council is of the view that an effective scrutiny function engages with local communities to ensure that they get the services they require to address their needs and support their aspirations. We do not feel that national government should specify how this should be done: this should be a local matter for scrutiny committees. The Government needs to support this by providing additional resources to assist scrutiny committees in making this happen.

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?

The selection of 35 key targets for inclusion in the LAA was a challenge reflecting local, national and regional priorities. A reduction in the number of LAA targets would be welcomed if it could focus on locally agreed priorities for partnership working.

The current consultation on the national indicator set should identify that some indicators are of limited use as they are reported some considerable time after the year to which they refer. The national indicator set needs to be focussed on those indicators that can provide accurate, timely and relevant information.

Acknowledgement is needed of the fact that indicators are designed to show progress towards specific, locally-defined priorities and are not ends in themselves.

Local priorities can be perceived as leading to a 'postcode lottery' when comparisons are made. Clearer understanding may be needed of 'enforceable entitlements' in relation to locally agreed priorities that may go beyond the entitlement. 'Local pledges' may be designed to capture this issue, but further consideration may be needed about the implications at a national level.

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

Yes, this is an effective way that Councils can use to minimise costs to the council taxpayer.

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

In general we believe that the key to strengthening local democracy lies within the influence that elected councillors can exert across all a range of public and private agencies rather than in the extension of formal 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?

There may be occasions where councils need greater powers in order to gain confidence, so it is not simply a question of greater powers following an increase in confidence.

Councils could start to reverse the decline in confidence, by ensuring that they are responsive to local people's needs, that they are making a positive difference to their lives and communicating successes in manner that could be clearly and easily be understood by all.

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?

Decisions on the ability of local authorities to be engaged in skills issues on the 16-19 agenda are useful. However, the link across to adult skills should be strengthened. The ability of local authorities to influence the Skills Funding Agency to respond to local demands has not yet been outlined.

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?

The review of partnerships should be part of the general governance arrangements review. Partnerships in which Luton Borough Council participates are already part of regular reviews. The proposed scrutiny arrangements will also assist in holding partners to account. There should be an ongoing process of review, reflecting the fact that partnerships evolve and so may change significantly. A one-off review can deal only with a snapshot, whereas partnerships need to take account of the structures on a regular basis.

The consultation document recognises some key issues for partnerships at paragraph 129. This is a complex area – for example, statutory arrangements are in place for community safety, and for children and young people, and will be in place for health. Other issues are not covered by statute, and this can lead to a sense of some issues being seen as more important than others.

The role of scrutiny in partnerships is important. Scrutiny needs to be seen as not just 'holding to account', but more as supporting the whole area of partnership working. This needs to include supporting policy development across the full spectrum of organisations. Leadership is a significant factor,

for the Council as 'place shaper', and scrutiny should have a role in ensuring the effectiveness of this. The scrutiny role needs to be very strongly based on supporting partnerships as a whole, rather than simply supporting the Council in its partnership working.

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?

Much work has been undertaken to address the requirements of the climate related indicators by many authorities, the main incentive being 'it's something that has to be done to meet the requirements of the indicator and the auditors'. Although, this was not the reason that the indicators were introduced, it has provided an opportunity for many working within climate change and local government with a starting point to more fully engage the whole authority within this much wider agenda. From a local authority point of view the national indicators have been successful. What has been less successful has been the involvement and work with other statutory partners (NHS, police and others). We have had limited success in working with them on climate change, even though we consider them as important as us in this work.

The Government should be encouraging our partners to become more fully involved in climate change by creating new or reinforcing existing powers around partnership working.

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?

- *Coordinating funding streams to support low carbon activity in local areas.*

Local authorities are well placed and will have existing mechanisms in place to successfully complete this, if funding is provided many who are not currently engaged in the low carbon agenda are more likely to see a benefit as they are likely to see the regeneration potential more so than any climate related benefits.

- *Financing for energy efficiency and renewable energy, and perhaps even green mortgages.*

Local authorities, already invest resources in energy efficiency and renewable energy. Any new funding would be beneficial. A better option would be to have funding currently held by third party agencies brought together.

- *Cost effective and publicly supported infrastructure plans.*

All local authorities would support such schemes, and many are already doing so with community heating schemes.

- *Encouraging authorities, using existing powers, to ensure minimum energy efficiency standards for housing.*

All authorities are already fully implementing current building standards and renewable energy targets. What is needed is an increase in the minimum building standards much like the manner called for by Uttlesford District Council in their consultation response to the revisions to Part L of the Building Regulations.

- *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.*

Many planning authorities are happy to support such thinking, but can only make it happen if they are given the right tools by regional or national planning policy. For example, there still is no national 'Merton' style rule on renewable energy.

- *Helping, and challenging local authorities to 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.*

Any help or support would be welcomed. All authorities are looking to pull together funding to establish 'real' low carbon industries within their area.

- *Incentives and voluntary carbon trading.*

Any incentives to support climate change activity within local authorities would be helpful: using existing powers through the LAA funding would be ideal.

Voluntary carbon trading – The Carbon Reduction Commitment which will be introduced April 2010, covers most of the work which was undertaken by those authorities involved in the scheme.

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

Using the existing national indicators set has been a good starting point. A debate and focus on what local authorities have to do to support national policy has started, but more specific guidance on what individual services have to deliver upon to support climate change activity is now vital.

CHAPTER 4: SUB-REGIONAL WORKING

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

Where sub-regional partnerships have developed roles in delivering local services there should be scrutiny arrangements. If Luton were to be part of a multi-area agreement it would only be proper that such arrangements should be subject to scrutiny arrangements. Where a regional organisation has a sub-regional office this should also be considered as the subject of scrutiny arrangements. For example both East of England Development Agency and East of England HCA are proposing to have sub-regional (Bedfordshire and Hertfordshire) offices.

New sub-regional partnerships such as on the 14-19 agenda may also need to be included.

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?

In principle this is appropriate. However, consideration would need to be given to the capacity of such overview and scrutiny arrangements to consider the range and complexity of sub-regional working.

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

Where sub-regional bodies are formally constituted with staff resources this may be appropriate.

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

The Joint Planning and Transport Committee which deals with planning policy for Luton and parts of South Bedfordshire is a formally constituted committee. Committee reports are dealt with in the same way as any other committee with open meetings and reports. Where sub-regional working is being delivered through the establishment of a private limited company this is

more of an issue. A local democratic mandate is maintained by member representation on the board. The activity of the company is shown on a website.

Local joint working undertaken by organisations such as Job Centre Plus and successor Learning and Skills Council bodies are not currently open and consideration may need to be given to this matter.

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?

Locally elected members are the most appropriate way of ensuring democratic accountability.

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

Yes. Luton made a submission on city-region status requesting responsibilities and powers in relation to:

- A single flexible funding pot to allow delivery of broad economic regeneration objectives.
- Local commissioning of skills.
- Local commissioning of business support activity.
- Memorandums of understanding with key infrastructure providers such as Highways Agency and Network Rail to agree programme.

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?

Elected members need to participate in sub-regional partnerships and this can be achieved within existing arrangements.

CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT

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

Yes.

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

The draft principles deal with the role of local government in detail but do not deal with the role of central and regional government. The principle set out that local government should be free to deliver what the area has responsibility for, but not how it can influence and hold to account delivery by regional and national agencies.

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?

No.