



OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Committee Report

Public

Date of Meeting: 17th April 2008

Title: FUTURE ARRANGEMENTS FOR JOINT SCRUTINY OF THE
LOCAL AREA AGREEMENT

Report of: Scrutiny Managers

Report reference: OS 03/08

Summary:

This report details the proposal of the County Joint Overview Scrutiny Group to establish a joint overview scrutiny committee to undertake strategic scrutiny of the Cumbria Local Area Agreement and co-ordinate joint scrutiny across the County.

Questions for / input required from Scrutiny:

Do members think the proposal provides an appropriate way for improving scrutiny of the Local Area Agreement?

Are members content with the detail of the proposal?

What would be the most appropriate mechanism for selecting the authority's two representatives on the Joint Committee?

Recommendations:

That the Committee supports the proposal of the County Joint Overview Scrutiny Group.
That the Committee refers the proposal to the Leader and Chief Executive to take to the Cumbria Local Authorities Strategic Board to consider funding the initiative jointly from all Cumbrian local authorities.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. Background

The County Joint Overview Scrutiny Group considered a report outlining the proposal to establish a joint scrutiny committee at their meeting on 19th March 2008 (Appendix 1). Specific details of the remit of the joint scrutiny committee are given in section 7.9 of the report.

The Group agreed to:

- Support the establishment of a joint overview and scrutiny committee to undertake strategic scrutiny of the Cumbria Local Area Agreement and co-ordinate joint scrutiny across the County. It was recognised that the final terms of reference of the committee would be subject to guidance on the Local Government Involvement in Public Health Act and Police & Justice Act, expected in Autumn 2008.
- Amend 7.9 (a) to read, *“Provide strategic scrutiny challenge of the Local Area Agreement and the mechanisms in place to lead and deliver it, including Cumbria Strategic Partnership, associated bodies and partner authorities”*.
- Appoint two representatives to the Committee from each local authority, with a total membership of fourteen. It is proposed that a District Council member would chair the Committee for a period of one year.
- Refer the proposal to their respective Councils and approach Cumbria Local Authorities Strategic Board (CLASB) to consider funding the initiative jointly from all Cumbrian local authorities.

2. Way forward

This Committee is asked to support the proposal and refer it to the Leader and Chief Executive to take to CLASB. CLASB will be asked to consider jointly funding the initiative using their partnership funding protocol. Once funding agreement is secured, a report would be made to the Council's Executive to confirm the proposal and funding support required.

Effective Scrutiny in Light of the LAA

A report to the County Joint Overview Scrutiny Group

“If councils want to achieve a good or excellent rating in a Comprehensive Area Assessment, they will need to demonstrate the presence of effective ongoing scrutiny processes”

(Andrew Coulson, Institute of Local Government Studies)

1. Summary

- 1.1 This paper sets out a business case for a strategic and co-ordinated approach to joint scrutiny working in Cumbria. It is a considered response to new overview and scrutiny powers and responsibilities as identified in the *Police and Justice Act 2006* and *Local Government and Public Involvement in Health Act 2007*.
- 1.2 Under the provisions of the LGPIH Act, this paper proposes the establishment of a new, enhanced joint overview scrutiny committee which will provide a strategic monitoring and management overview of the Cumbria Local Area Agreement (LAA).
- 1.3 It is proposed that this new formal arrangement will replace the current County Joint Overview and Scrutiny Group.
- 1.4 In recognising the important role non executive members will have within the new corporate governance arrangements for the County (as shaped by the Sustainable Community Strategy and LAA), this paper also makes the case for an appropriate level of resource to underpin and support the new joint arrangements, and in line with the additional responsibility that the new legislation gives scrutiny.

2. Recommendations

- 2.1 Members of the Joint Overview Scrutiny Group are asked to consider the proposals as outlined in this paper with a view to taking the recommendations back to their respective councils for approval and final implementation through the Cumbria Local Authorities Strategic Board (CLASB).
- 2.2 It is further recommended that the member authorities of CLASB be asked to consider jointly funding this initiative using the CLASB partnership funding protocol.

3. Background

- 3.1 The *Police and Justice Act 2006* and *Local Government and Public Involvement in Health Act 2007* (LGPIH) set out the government’s vision for a new model of local governance based on the principles of increased community empowerment, enhanced partnership working and greater public accountability.
- 3.2 The Cumbria Strategic Partnership (CSP) is the countywide partnership which (through the Local Strategic Partnerships – LSPs) bring together organisations representing the

public, private and third sector partners in Cumbria. It is responsible on behalf of the County Council for developing a *Sustainable Community Strategy*. This sets out a vision and priorities for more accountable and effective partnership working in the delivery of public services in the future.

- 3.3 The Local Area Agreement, which comes into effect from June 2008, will bring new delegated funding arrangements which will have some impact on the way in which local authorities work. A set of 35 newly negotiated performance indicators will be delivered through partnership working, steered by thematic partnerships of partner authorities.
- 3.4 These key areas of attention will relate to the government's national targets which it requires local public services to help it achieve. By working together and pooling resources the government intends that better outcomes will be achieved for the local people. (*CfPS*)

4. What additional powers does the LGPIH Act give Scrutiny?

- 4.1 It enables the Secretary of State to give Scrutiny the powers (in subsequent regulations) to:
 - a) Access information from 'partner authorities' signed up to the LAA targets (as defined in the Local Area Agreement), although some information will be exempt. *Guidance is expected to define this.*
 - b) Require named 'partner authorities' in the Act to have a 'duty to co-operate' and to have regard to a report or recommendation from County or Joint Overview & Scrutiny with respect to Local Improvement Targets.
 - c) Enable District Scrutiny to make reports and recommendations relating to 'partner authorities' to the County Council's cabinet with respect to Local Improvement Targets.
 - d) District Councils will also have powers to look at associated bodies under the new Act
 - e) Require 'partner authorities*' to provide scrutiny with information, but further regulations will define at what level it will be provided to County Scrutiny, Joint Scrutiny and District Scrutiny. * *Within the Police & Justice Act 2006 arrangements to call on these partners already exists.*
 - f) Enable District Councillors to put a Councillor Call for Action (CCfA) on a County scrutiny agenda and vice versa.
 - g) Require the Executive to formally respond in writing within two months to a report of Overview & Scrutiny.
 - h) Enable a scrutiny committee to publish its reports but with regard to partner authorities, must not publish confidential material but a summary thereof. If a report is published then a reply also needs to be published.

- i) Enable the appointment of a joint committee in two-tier areas, to scrutinise the LAA and/or crime and disorder matters.

5. A Joint Approach to Scrutiny

- 5.1 'Joint scrutiny' has voiced some considerable concern over the past two years at the lack of public accountability of the CSP, LSPs and LAA – a sentiment which is now being echoed by members at a local level. The concern is particularly that the Cumbria Strategic Partnership is not a democratically-elected body and the perception is that there is a democratic deficit in the current arrangements.
- 5.2 It has become increasingly apparent that the only voice the majority of members will have with respect to the development and delivery of the Local Area Agreement will be through scrutiny.
- 5.3 It is envisaged that local scrutiny issues will continue to be dealt with at a County and District (locality) level as is currently the case, representing the area-based scrutiny advocated in the Local Government White Paper.
- 5.4 The joint Health and Well-being Scrutiny Committee has recently agreed a protocol with district-based scrutiny to delegate health issues of local concern by mutual agreement where it is appropriate to do so, further enhancing area-based scrutiny.
- 5.4 In 2003 a county Joint Overview Scrutiny Group was established with non-executive members drawn from each local authority in the County. Meeting on a six monthly basis the Group considers issues of cross-district or countywide interest and commissions Task & Finish group work when appropriate.
- 5.5 This Group has achieved some success in addressing key countywide topics, e.g. Waste, Parking Policies but could be far more effective in taking a strategic overview, particularly in the light of the local area agreement. Experience has shown that when it works well, it achieves good outcomes, but the lack of dedicated resources has constrained the group's ability to achieve more and adds extra resource pressure onto the stretched resource of the individual councils involved.
- 5.6 In September 2007 the Joint Overview Scrutiny Group gave a mandate to the Scrutiny Practitioner's Network (joint scrutiny officers' support group) to consider proposals for a draft framework within which joint scrutiny can play an effective and value-added role in support of the CSP/LAA governance arrangements for the County.

6. The Role of Scrutiny

“To be successful, the new Local Area Agreements must be a means to make democratic community leadership a reality Scrutiny is a tool to ensure this is member-led” (Jo Dungey, Senior Policy Officer, Local Government Association)

- 6.1 Under new legislation scrutiny committees at a local and strategic level will have an opportunity to ensure the LAA is delivering on what councils as a whole want to achieve.

Under new provisions, an extensive list of named 'partner authorities' will have a duty to co-operate with scrutiny committees.

- 6.2 As lead authority, the County Council has ultimate responsibility to government for the achievement of targets within the LAA. In an amendment to the LGIH Act, the Secretary of State has enabled county councils in two-tier areas to establish a joint scrutiny committee (with one or more districts in its area) which would have the equivalent powers to a County Council Committee in relation to measures surrounding LAA targets.
- 6.3 Joint scrutiny in a two-tier authority can be particularly effective as has been demonstrated by the County's (joint) Health & Well-Being Scrutiny Committee. This committee has successfully developed strong working relationships with key health partners and stakeholders in the private, public and voluntary sectors.
- 6.4 Scrutiny can enhance democratic accountability and openness locally in relation to non-council services. It can contribute to performance monitoring and strategy development (ensuring councillors have an input into shaping LAA priorities).
- 6.5 Over the past seven years scrutiny committees in all local authorities in Cumbria have gained valuable experience, bringing members together in dialogue with partners and service users to tackle complicated issues.
- 6.6 Through the role of 'critical friend' and effective, evidence-based review work, scrutiny has helped to inform and shape executive policy and decision-making.
- 6.7 In addition to local authority and partner authorities having regard to the LAA and local improvement targets in carrying out their functions, elected members will also be responsive in relation to issues in the community. *Councillor Call for Action (CCfA)* will provide all elected members with a mechanism to raise specific issues through scrutiny if all other actions fail.
- 6.8 Whilst recognising much of the CCfA scrutiny support process exists, this additional responsibility on scrutiny is likely to further add to County and District scrutiny workloads and clearly there is a case for adopting a joint and consistent approach across all authorities which might be monitored at a strategic level.
- 6.9 The Joint Committee will provide an identifiable focus for scrutiny of the LAA and will meet Audit requirements to ensure the arrangements are in place for effective scrutiny of the LAA.
- 6.10 The use of a sustainable Joint Committee will not only improve efficiency but lead to overall savings as there will only be one body rather than each council doing the same work. Clearly there will be a need to establish a suitable reporting and information sharing system between the constituent councils.

7. Proposals

- 7.7 From joint member feedback and preliminary discussions with corporate officers and in consideration of the proposals as set out in the *Police and Justice Act 2006* and *LGIH Act 2007*, scrutiny officers propose that a new, refocused strategic County Joint Overview Scrutiny Committee is formed to replace the existing joint arrangements.

- 7.8 Under the LGIH Act, provision has been made for the (formal) establishment of a joint scrutiny panel to address LAA matters. This would be clearly positioned within the CSP/LAA corporate governance framework and be established along similar lines to the County's (joint) Health & Well-Being Scrutiny Committee.
- 7.9 It is proposed the remit for the Committee would be to :
- a) Provide strategic scrutiny challenge of the Local Area Agreement and the mechanisms in place to lead and deliver it.
 - b) To receive performance monitoring data for the LAA, by linking into the CSP performance reporting cycle and identifying issues for joint review or alerting Districts to local pockets of under-performance.
 - c) To monitor *Councillor Call for Actions* at each authority and/or identify joint pieces of scrutiny work arising from the CCfA process.
 - d) To continue to consider the management and co-ordination of 'joint' scrutiny across the County.
 - e) To receive 'concerns' from any of the authorities' scrutiny committees on areas of under-performance locally.
 - f) To provide a co-ordination forum for reports on the LAA (responding to the new powers of Districts to submit reports to the County on LAA matters). This would avoid the risk of duplication of scrutiny work between authorities. (*It is proposed that the support officer would take an active role in identifying such matters*).
- 7.10 Experience has shown that joint-working is productive and can achieve valuable outcomes. In particular, it has a strong role to play in avoiding duplication and taking a strategic view, an essential part to partnership-working, and in the case of the Local Area Agreement, addressing the democratic deficit. It also has a valuable role to play in Member development, with Members learning from each other. Experience has also shown, however, that support for joint-working has nearly always been at the expense of area-based scrutiny, there being scant dedicated resources in most authorities to support scrutiny. The new LAA challenge and responsibilities with regard to locality based *Councillor Call for Action*, is likely to stretch scrutiny resources further.
- 7.11 Accordingly, it is proposed that the new joint scrutiny committee is properly resourced and managed by a full-time dedicated officer and (part-time) administrative support. The new committee should be modelled on the current joint Cumbria Health & Well-Being Scrutiny Committee, incorporating similar protocols and working arrangements with the Districts.
- 7.12 Membership for the Committee could follow the current Health & Well-Being model, alternatively, joint representation could be in the form of 2 members from each authority or a model which includes co-opted, non voting members or similar.
- 7.13 It is further suggested the new joint scrutiny framework is 'road tested' pending final government guidance on the LGIH Act 2007 and Police & Justice Act 2006 which is expected in the Autumn of 2008.

- 7.14 It is envisaged that the new post would be jointly managed and led in partnership by all of the authorities. With the County Council being the ultimate accountable body for the LAA, however, it might make sense to have the post co-located within the County's scrutiny unit and therefore readily accessible to the CSP support unit.
- 7.15 Given that government is making provision for a joint County/District scrutiny committee, with equivalent powers to a County Council Committee, it is further suggested that the new joint committee could be chaired by a District representative.
- 7.16 In order to prepare for the new LAA governance arrangements it is further proposed that a strong member development programme is drawn up to support members (and officers) in the transition of their new role of monitoring and influencing as well as representing their communities.

8. Resources

- 8.1 In order to develop and support a sustainable and effective County Joint Overview Scrutiny Committee an appropriate level of dedicated resource will need to be identified either from within existing budget arrangements or new sources.
- 8.2 The total cost of a full-time dedicated officer and (part-time) administrative support has been calculated at £55k. This is based on current Scale points 35 -38 (Senior Scrutiny Officer - FT); points 1-2 (Admin Assistant - PT).
- 8.3 It is recommended that the member authorities of CLASB be asked to consider providing funding for this joint initiative, using the CLASB partnership funding protocol.

5.03.08

Scrutiny Practitioner's Network