

REPORT TO CABINET

Title: **RBWM'S RESPONSE TO THE STRENGTHENING LOCAL DEMOCRACY CONSULTATION**

Date: 24 September 2009

Member Reporting: Councillor Burbage, Leader of the Council

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Wards affected: All

1. SUMMARY

1.1.1 The Department of Communities and Local Government (DCLG) recently released a consultation paper entitled Strengthening Local Democracy. This explores whether local government has the powers that it needs to meet today's challenges. A key theme of the consultation is that local government should be at the centre of decision-making and must be fully equipped with the powers to act decisively and effectively on behalf of its residents. Part of the consultation examines the ability of local authorities to scrutinise, influence and shape other local services. The closure date for the consultation exercise is the 2nd October 2009.

1.1.2 The attached report details RBWM's response to the five chapters that make up the report. The council broadly welcomes the consultation but does not agree with the expressed view that the proposals are "the biggest transfer of power to elected councils for a generation". RBWM's belief is that the government could have been bolder in terms of proposing a genuine transfer of power and/or in developing new opportunities to respond to the views of local citizens.

2. **RECOMMENDATION: That the overall comments that are included in this report in response to the CLG's consultation paper be endorsed, and these comments are forwarded to the CLG by the 2nd October 2009.**

What will be different for residents as a result of this decision?

RBWM's comments regarding the consultation are deliberately designed to ensure that resident's powers to influence and control local services are maximised.

3. SUPPORTING INFORMATION

3.1 Background – Strengthening Local Democracy Consultation document

3.1.1 The Consultation document is separated into five specific chapters. These include:

Chapter 1 - Local government at the centre of decision-making

This chapter outlines the proposition that residents should be able to influence the shape of their area and the services they receive. Specifically it sets out proposals for new scrutiny powers for councils. These would represent an extension of existing scrutiny roles and would enable local councillors to scrutinise a wider range of public services – including such organisations as utilities and public transport - than at present. The consultation paper proposes a power to scrutinise the spending of these services but not to have any leverage over this finance.

RBWM view: The council supports the extension of scrutiny powers but does not believe it goes far enough. Specifically the power of councils to question and comment on public spending in their locality in regard to other providers is not a radical decentralisation of control but merely an extension of the ability to ask questions around these areas. If councils are to utilise limited time effectively and genuinely champion the interests of their residents, a further real devolution of powers would be necessary. This should include the ability to have scrutiny powers similar to those of a Parliamentary select committee to have effective oversight of other public services.

There is also a need to ensure that residents are able to direct councillors to the specific topics that they would wish to be scrutinised if this function is to be meaningful and appreciated. This could be done through a number of popular ways including use of modern technology or public sessions in prominent places, such as the High Street. A commitment to this type of consultation should be built into the proposals.

The ability of local authorities to take greater devolved powers in decision-making in other areas of local public service delivery is to be encouraged.

Chapter 2 – Strong local government relating in the local interest

This chapter outlines the need to reduce bureaucracy and inspection and suggests that this process has already started with the introduction of the Comprehensive Area Assessment (CAA). The chapter also discusses the desire of government to move from a system based primarily on targets and central direction to one where individuals and communities are given entitlements over the services they receive. These entitlements, it is suggested, revolve around the idea that public services in an area pledge to meet the priorities of their citizens.

RBWM view: Any reduction in the number of targets would be welcomed particularly if those targets are determined nationally. The majority of targets that a council commits to measuring should be locally determined and concerned with specific issues if they are to be of benefit to local people.

Clarifying entitlements to public services is good management practice and has been something that councils have been engaged in for many years. RBWM believes that central apparatus that exists in setting targets specifications could be reduced, particularly at a time of recession, as it is likely to free up resources to further invest in local priorities.

Finally it is important that any central inspectorate has a consistent approach to benchmarking service performance so that effective performance management can take place both within individual authorities and by comparison with other authorities; when ever-changing targets and indicators are imposed from the centre it is hard to maintain a coherent view of a council's performance.

Chapter 3 – Local authorities tackling climate change

This chapter recognises that 97% of Local Area Agreements include climate change targets. It argues that local authorities are central in providing co-ordination in the drive to develop a low carbon economy in their area. The chapter asks how the local role can be taken further and sets out proposals for a carbon budget.

RBWM view: The council believes that the current approach to sustainability, particularly its reliance on taxation, is flawed. Local taxation on issues such as land-fill tax or the Carbon Reduction Commitment (CRC) should be invested back into the local area as an incentive. If the regional tax take on land fill-tax and the CRC is then invested in local renewable energy or practical energy reduction projects, local people could see the benefits of their council's actions coming back to them. In addition, the council believes that the government should be supporting the ability of local authorities in raising (and enforcing) the standards for sustainable build and design if carbon reduction emissions are to be met.

Chapter 4 – Sub-regional working

This chapter concentrates on partnerships across city regions and other types of sub-region. In particular the chapter discusses Multi Area Agreements (MAAs). It poses the notion that it is difficult for citizens to understand who is doing what on their behalf in this type of arrangement and that it is vital that local people and organisations understand how these partnerships work and how they can influence what takes place at this higher level.

RBWM view: The development of MAAs and other sub-regional partnerships appears at face value, to be counter intuitive in terms of strengthening local democracy. The council is aware that some have called for a bottom-up approach by local partners themselves in developing these partnerships to

ensure that local priorities are reflected. However, the council's position is that regional and sub-regional government organisations should be scrapped and the savings given to local authorities who are best represented to reflect local and regional priorities.

Chapter 5 – Clear relationships with local government

This chapter concentrates on the relationship between central and local government. Key to this chapter is the issue of impossible constitutional settlement to provide a stable framework in which local government can operate. In addition the issue is raised of whether there is a greater role for parliament regarding scrutiny of central/local relations.

RBWM view: The council welcomes further development of this debate. However, it believes that the key issue here is not a constitutional determination of the relationship between central government, but rather the recognition that the operating model that local councils have to abide by is extensively post-war and has been in existence for well over fifty years. The duties that are placed upon local government by central government, the changing expectations of residents, new developments in technology and the increasingly stringent economic climate that local councils find themselves operating in means that this operating model is out of date. The council therefore believes that central government should be less prescriptive and more realistic in its approach to local authorities. Sponsorship, advertising, business functions, profitable services should be the norm not the exception or an illegal act for local councils.

The council also believes that constricting factors that stop councils moving to a new operating model need to be addressed by central government. This should include allowing councils the power of general competence. Councils need to be able to get on doing what local people want without undue restriction. This would enable councils to continue to deliver services that are relevant and meaningful to local residents and particularly to ensure that the local tax burden remains minimal, maximising opportunities for an overall reduction in terms of the total tax take.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	To agree the recommendations contained within the report and to submit these to the CLG as part of the consultation process.	The council is a keen component of local democracy and has been actively pursuing the Sustainable Communities Act	None arising from this report.

		as an example of this.	
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4.2 Risk Assessment

4.2.1 There is a risk that if some of the suggestions within the consultation document are included without being amended, they will increase the time that councillors spend regarding scrutinising reports without giving local representatives the ability to determine local spending priorities. Therefore, rather than freeing up local authorities they will add to the bureaucratic burden being placed upon them by central government.

5. CONSULTATIONS CARRIED OUT

5.1.1 Consultation is viewed as essential in determining local priorities and the council engages in a number of regular consultation mechanisms to ensure that it understands resident's concerns and needs in regard to the area. Consultation is viewed as particularly important in regard to the potential extension of the local scrutiny process if councillors are to scrutinise effectively - but also to ensure that there is some engagement and therefore potential interest by residents in terms of what their local representatives are scrutinising.

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

6.1.1 This paper has been circulated to Overview and Scrutiny Panel members prior to coming to the cabinet for their comments in order to meet the consultation deadline set by the DCLG.

7. IMPLICATIONS

7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
N/A	N/A	N/A	N/A	N/A	N/A

Background papers:

Full consultation document can be found at:
<http://www.communities.gov.uk/documents/localgovernment/pdf/1290537.pdf>