



Communities in control: Real people, real power

Improving local accountability

Consultation 7 August 2008 – 30 October 2008

Improving local accountability consultation is the first in a series of Communities in Control consultations flowing from the White Paper of July 2008. This consultation covers the implementation of the overview and scrutiny provisions in the Local Government and Public Involvement in Health Act 2007. It seeks views on how to develop overview and scrutiny powers to hold local officers to account and how to facilitate the work of councillors.

Consultation Questions

Developing and strengthening overview and scrutiny

Implementing the Local Government and Public Involvement in Health Act 2007 provisions

Question 1

Do you agree with our proposed approach in relation to overview and scrutiny committees requiring information from partner authorities?

ANSWER 1

"Partner authorities", for the purpose of this question are defined in para 2.14 as those of the "lead council for the LAA concerned". It would probably be true to say that most members of the general public are unaware that LAA stands for [Local Area Agreement](#) or that, in our case in Royal Tunbridge Wells, the relevant agreement is a document known as "The Kent Agreement 2" (further info: www.kentpartnership.org.uk).

If the lead council, in our case the Kent County Council, and "partners" include bodies such as the Highway Agency and the Kent and Medway Fire Authority, then it seems sensible that these bodies should provide information to the Borough Council's Overview & Scrutiny Committees in relevant cases.

Question 2

Do you agree with the proposal to apply the provisions in relation to exempt and confidential information without modification to local authority executives?

ANSWER 2

We believe that items should only be exempt and confidential in relatively rare cases, where there are genuine and sound reasons in the public interest.

Question 3

Do you agree with the proposed approach towards joint overview and scrutiny committees? Are there specific issues that should be considered as part of the approach?

ANSWER 3

There could well be a good case for having joint Overview & Scrutiny Committees in appropriate cases.

- In Royal Tunbridge Wells, e.g. some street lights are in the responsibility of the Kent County Council, while others are the responsibility of the Tunbridge Wells Borough Council. Specific issues such as that could, clearly be better considered by a joint approach than by separate ones.

Question 4

Do you agree with the proposed approach to enable district scrutiny committees to review the delivery of LAA targets?

ANSWER 4

We agree, generally, with the approach of giving District scrutiny committees in two-tier authorities, such as our own, strengthened powers. However, a requirement to *"have regard to report and recommendations"* does not seem particularly strong. Proposals to the Overview & Scrutiny Committees should be followed up according to priorities which are agreed with partners and their preferences should not be decided by scrutiny officers.

Question 5

Do you agree with the proposal to apply these new powers in councils operating alternative arrangements?

Are there any specific implications that should be taken into account in doing so?

ANSWER 5

The arrangements should apply to all councils.

Taking forward the 2008 White Paper commitments

Question 6

What issues should be considered as part of any new power to establish area scrutiny committees?

ANSWER 6

An area scrutiny committee could be particularly useful in cases where local issues involve responsibilities on the part of both the county and the District Councils. Not to burden too long the administration of councils these area scrutiny committees could be set up as a temporary measure, thus combining working groups with all parties involved. - In Royal Tunbridge Wells, for instance an issue involving the Library and the Museum, which share the same building, might be a case in point. Other such cases might include proposals involving highways, where both the County and the Borough Councils have certain responsibilities.

Question 7

How might the requirement for dedicated scrutiny resource be put into practice?

ANSWER 7

It may be that *"monitoring officers"*, as mentioned in paragraph 2.33, themselves could need to be monitored, in order to ensure that they are fully up to the mark. This might, where necessary, perhaps be effected through Regional Government Offices and local Members of Parliament. The perceived tendency to defend officers' judgment by all means and consequently burden council resources should be discouraged. It would sometimes be more rewarding for all parties involved if the same efforts were put into finding solutions rather than defending mistakes. By human nature there is a presumption that officers exchange information, sometimes based on prejudices about the criticising third parties (councillors, colleagues, residents, developers); this presumed secret information exchange should be strongly discouraged. How could one effectively monitor the code of conduct under a culture of secrecy?

Question 8

Do you agree that appeals about a local authority's response to a petition should be considered by the overview and scrutiny committee?

What practical issues might arise?

ANSWER 8

We are anxious that local authorities should always take petitions from their citizens seriously. The practical issues which concerns us is that of ensuring that a response really is "adequate", and not simply an official brush-off. This is not always easily achieved with a Local Authority. An Overview & Scrutiny Committee may be the best mechanism currently available, although it is unlikely to prove ideal in all cases. There is a risk that officers become judges (without the due qualifications); scrutiny officers should rather function as a filter for collating local issues.

Increasing the visibility and accountability of local public officers

Question 9

Do you agree with this approach that those responsible for the job descriptions should determine the precise arrangements by which the chair or chief executive will attend regular public meetings?

ANSWER 9

We read Chapter 3 *"Increasing the visibility and accountability of local public officers"* as a key element in the White Paper's concern about *"passing power into the hand of local communities"* as set out in para 1.1.

We agree, too, with the opening statement in para 3.1. that *"The ability to hold to account those who hold power locally is central to any real empowerment of local communities"*.

We feel concerns about the apparent present lack of visibility and accountability of local public officers, and particularly so where the County council is concerned.

- In Royal Tunbridge Wells, we have, e.g. viewed with dismay the County Highways Department's recent action in taking up areas of traditional brick paving in the main street, Mount Pleasant Road, and replacing these with large patches of black tarmac. We feel strongly that whichever officer decided upon such action should be made visible to the public that has to live with the consequences of his or her actions, and should be held to account for those actions to interested bodies such as our Royal Tunbridge Wells Town Forum.

However, we are not happy with the approach envisaged in question 9.

While it may indeed be useful for chairs or chief executives to attend regular public meetings, the mechanism for this needs to be laid down more firmly by Central Government, and not simply left to the whims of those writing job descriptions. Also, the need will often be for lower rank officials to be held to account, rather than senior figures who have not been directly involved in the case concerned.

Decisions, for instance, on matters such as provisions in the Local Development Framework (LDF), or cases on which enforcement action may be taken, often rest with officials well below chief officers level who are then at odds to defend the decisions of junior officers as the decisions would reflect badly on their leadership.

Question 10

Do you agree with our proposals to require the local authority with its strategic partners to agree a local scheme for petitions to hold officers to account?

What practical issues might arise?

ANSWER 10

While Local authorities vary, they often tend not to take kindly to any suggestion of criticism and some officers come across as complacent or even arrogant. These are the type of officers that particularly need to be held to account. Many local government officials are especially good at protecting their own backs and we are not comfortable with the idea of local authorities agreeing their own schemes for holding officers to account.

The practical issue most likely to arise is that of such a local scheme being designed to protect officers, regardless of the rights or wrongs of the case, and to neutralise criticism.

See as well answer 7: By human nature there is a presumption that officers exchange information, sometimes based on prejudices about the criticising third parties (councillors, colleagues, residents, developers); this presumed secret information exchange should be strongly discouraged.

We would suggest the possibility of a public enquiry into the behaviour of officers when necessary; - a procedure requested in RTW by a local resident association several years ago and denied by the council as it would compromise the local authority and raise the issue of blame of certain officers.

Question 11

Should the Government provide some minimum standards for local schemes to hold officers to account? What should they be?

Which, if any, local service providers and agencies must, or must not be in any scheme?

ANSWER 11

In the light of the answer to Q 10, minimum standards need to be laid down centrally, holding officers of any level in any local service provider or agency to account. Those officers becoming involved in masterminding the orchestration of local issues/feelings should bear consequences of their actions and behaviour and be (financially) responsible for their actions.

Question 12

Do you agree that the scope of the scheme should be agreed locally subject to any statutory minimum standards and whether this would be an effective means of empowering communities?

ANSWER 12

As explained in Answers to Questions 10 & 11, statutory minimum standards are likely to be essential, if schemes are really to be an effective means of empowering communities.

Facilitating the work of councillors

Question 13

Do you agree with the proposed approach?

ANSWER 13

We do not feel comfortable with the idea of Councillors not being physically present to interact with fellow Councillors, officers, applicants and Members of the Public and to study in proper detail any illustrative material that may be relevant to the matters under consideration.

- In Royal Tunbridge Wells we often witness that material to be considered at committees was available only shortly before meetings. Declaration of interest by Councillors might often appear as ridiculous as e.g. in the Borough of Tunbridge Wells an all over party ruling (whip) would apply.

Councillors should always represent their constituents and not leave the impression that their judgment is clouded and appear as being manipulated.

20 October 2008

Organisation: Royal Tunbridge Wells Town Forum (www.townforum.org.uk)

(Royal Tunbridge Wells Town Forum was formed by the Local Authority in view of the lack of a Town/Parish Council to bring Ward Councillors and Residents' Representatives together to address local issues of the town Royal Tunbridge Wells.)

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