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Appendix A

SCRUTINY AND DEMOCRATIC SERVICES MANAGER
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Local Accountability Consultation
Communities and Local Government
Zone 5/A2
Eland House
Bressenden Place
London SW1E 5DU

DX 7055 Hastings

Dear Sir/Madam

Communities in Control: Improving Local Accountability Consultation

I am replying formally on behalf of Hastings Borough Council. We are a Borough Council in a two tier arrangement with East Sussex County Council and operate the Leader, Cabinet, and Overview and Scrutiny (O&S) method of governance.

The proposals presented in the document were discussed by elected lead members and senior officers of the council.

- Question 1: Requiring Partner Authorities to Provide Information to O&S.

While we agree with the proposal to regulate the requirement for partner authorities to provide O&S Committees with information, our view is that the proposals do not go far enough.

Commercial organisations now deliver a range of key public services, either under contract to local authorities, the government or its agencies, or independently in the case of the utilities companies.

We would argue that for local authorities O&S Committees to be properly strengthened and enabled, the requirement on partner authorities to provide information should be widened to include all commercial organisations, including public transport providers and the utilities companies, delivering public services in their area.

- Question 2: Applying the Exempt and Confidential Information Provisions to O&S

We support the proposal to apply the exempt and confidential information provisions to O&S.

- Question 3: Establishing Joint O&S Arrangements in Two Tier Areas and;

- Question 6: What Issues Should be Considered as Part of Any Power to Establish Area O&S Committees

We considered these two questions together and concluded that whilst agreeing that the delivery of LAA targets requires proper scrutiny, we do not support the proposal to set up another tier of O&S to perform this role. It would add complexity and bureaucracy as a permanent addition to existing structures, require additional time and resource from elected members and officers, and it would not deliver any practical benefit to the public.

The issues surrounding the delivery of any particular county wide target, in for example a authority in an urban area, would be different to those in a rural authority and a joint scrutiny committee as proposed would invariably focus on the general top line issues leaving the underlying issues untouched.

What we would support is the area scrutiny approach along the lines of those proposed in the consultation paper, though in line with our comments above, we would not want this to be introduced with a requirement to have a new additional permanent tier of O&S.

What we would advocate is a practical approach where borough and district authorities in a county area, including the lead authority, are encouraged to complement existing structures and activities by actively working together. This would including copying O&S work programmes, scrutiny reviews and minutes to each other to monitor the delivery of all county wide issues including LAA targets.

We would also support the setting up of joint committees between authorities to deal with specific issues impacting on a county area of part of it including particular LAA targets. The proviso is that they are project based and are dismantled when their work is completed. Membership would be flexible depending on the issue being looked at, with a combination of council's, including if necessary the lead tier council, rather than all council's in a county area involved unless the issue was of direct interest to all.

This will enable each authority to focus their attention and resources on scrutinising particular targets and issues applicable to their local areas, while maintaining the oversight of the county wide targets through working together on particular projects and complementing each other.

- Question 4: Enabling District Scrutiny Committees to Review the Delivery of LAA Targets

We agree with the proposals to enhance the powers of District O&S Committees to enable them to properly scrutinise the delivery of LAA targets, including requiring County Council's to respond to district scrutiny committee reports and recommendations within two months.

- Question 5: Scrutiny in Districts Retaining Committee Systems

We do not operate this form of governance and leave it to colleagues who do to comment on these proposals.

- Question 7: The Requirement for Dedicated Scrutiny Resources

We support this proposal with the proviso's that council's retain the ability to determine how this resource is organised and the acceptance by government that not all authorities will have the resources to allocate officers exclusively to O&S.

- Question 8 :O&S Considering Appeals About the Local Authorities' Response to Petitions

We strongly oppose this proposal.

An elected council and its executive are in place to take decisions and administer legislation. The checks and balances applied are already comprehensive through assessments by the Audit Commission and other statutory body's and internally by the councils Monitoring Officer. In addition O&S already has a statutory role in the process through its scrutiny of council performance including monitoring the implementation of decisions taken by the executive.

Petitions are considered at formal meetings. These are public meetings where petitioners are invited to attend to present their case to the committee of elected members considering the petition, listen to the debate and hear the outcome. We do not see how introducing an appeals process will provide residents or the council with any benefit.

It would also detrimentally impact on O&S. It would add to its workload and therefore reduce its ability to properly perform its scrutiny functions and where petitions are politically inspired, appeals on these petitions would impact on the non political role of O&S.

Ultimately, residents who remain dissatisfied can register their views through the electoral process.

- Questions 9,10,11,12: Increasing the Visibility and Accountability of Local Public Officers

From the perspective of a council with the Leader, Cabinet and Overview and O&S structure of governance, we see the proposals as cutting right across the established lines of democratic accountability and therefore strongly oppose them.

Officers are already held to account through the O&S performance monitoring process, their day to day working arrangements with the elected Leader of the Council and other lead and elected members. Senior officers are fully visible at meetings of Full Council, Cabinet, O&S and other formal public meetings and their decisions are taken within the policy framework set by the elected executive and council and by applying any legislative requirements.

While these proposals may or may not be appropriate for other public bodies, and we leave them to respond accordingly, we do not consider them at all appropriate for local council's with elected leaderships.

- Question 13: Remote Attendance and Voting by Elected Members

We consider this an interesting concept and will monitor its development to see what measures we could usefully apply. We would highlight that there are considerable constitutional and procedural working arrangements changes required and that it will require a significant investment in technology that the government should be prepared to fully fund.

Yours Faithfully

Graham Belchamber

Scrutiny and Democratic Services Manager

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