

## Appendix 2

### List of consultation questions

#### **Chapter 2: 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?  
*There needs to be a time limit set for partner authorities to respond, similar to FOI or some phrase such as to use 'best endeavours' to meet that timescale, otherwise the scrutiny process could be unnecessarily delayed, however a case by case approach on timescales should be adopted.*
- 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?  
*The proposal is supported, however commercial sensitivities could be a hindrance to the genuine exploration of partnership arrangements if applied too widely. The definition is set out in current legislation.*
- 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?  
*The approach is welcomed although there will be a resource implication both at County and district level and work must not be duplicated. It may require districts with cross border LAA targets to be grouped together with the County in a joint committee. Each authority should be equally involved in developing proposals and associated administrative processes. Legislation would need to determine who was able to call for a joint committee (i.e any of the authorities concerned). Each authority should have the same level of representation on a joint committees. There should be some provision for districts to work with unitaries on MAAs.*
- Question 4 Do you agree with the proposed approach to enable district scrutiny committees to review the delivery of LAA targets?  
*The proposal is acceptable and could be used to inform future LAA targets. To avoid duplication district councils ought to be able to form joint committees where they share the same LAA targets, not necessarily involving the lead authority.*
- 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?

*Not applicable to BBC but the proposal would allow these councils to participate in joint working.*

### **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?

*The resources implications need to be considered and there needs to be a review of other area, neighbourhood, parish and County forums to rationalise the number of area meetings. A county wide basis is a massive undertaking and there will be a need to consider responsibility for coordinating the processes involved. Would the need for agreement on Joint Area Scrutiny Committees to be made at Full Council meetings? There needs to be some provision to deal with MAAs.*

Question 7 How might the requirement for dedicated scrutiny resource be put into practice?

*This applies only to county, unitary and the London Boroughs but it might also be required at a district level. There is a concern that local government is being dictated to by central government when the Head of Paid Service is already responsible for resourcing the Council's functions.*

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?

*Most local authorities already have clear processes for dealing with petitions and additional mechanisms are not required. There is Council, call-in and right to speak. We need to be able to filter out frivolous and vexatious complaints. There might be a need to create a separate scrutiny committee for consistency and expertise in dealing with appeals should this become widely used. Issues of conflicts of interest could arise which would preclude scrutiny from carrying out this function.*

### **Chapter 3: 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?

*The Chief Executive and Leader already regularly attend public meetings but if this requirement was extended proposals would need to be clearly laid out and a mechanism established to know how this would operate in practice. It should not be too prescriptive. There should be provision for some senior officers to attend in the place of the Chief Executive..*

- 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?  
*This seems a heavy handed approach and not in the spirit of partnership working. Given the size and diversity of the County Council it would not be appropriate and a District Councils should be left to develop its own more local arrangements. If a such a scheme is warranted then a flexible approach should be adopted.*
- 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?  
*There should be some minimum standards set so as to prevent the risk of well organised groups influencing local decisions. It should be for the local authority and its partners to agree who the scheme should apply to, subject to any minimum standards set. There should be a means to prevent officers being called too frequently and bodies must be required to establish why an officer has been called and set out the main issues for discussion in advance.*
- 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?  
*It should be for a local authority and its partners to set the scheme.*

#### **Chapter 4: Facilitating the work of councillors**

- Question 13 Do you agree with the proposed approach?  
*Each Local Authority should be able to decide whether this approach is required. There would be budgetary issues which have not been considered. This is contradictory to the main thrust of the consultation for making decision makers accountable to local people and undermines a lot of the democratic rights of the electorate, access to meetings as well as locally agreed arrangements like right to speak. It could undermine the credibility of councillors.*