

NOTTINGHAMSHIRE LOCAL STRATEGIC PARTNERSHIP BOARD

17 November 2008

Report of the Chair of County Overview and Scrutiny

PROPOSED ARRANGEMENTS FOR LAA SCRUTINY

Purpose

1. This report summarises the proposed approach to scrutinising the LAA which has been developed through discussions between members involved in scrutiny at county and district level.
2. The attached paper summarises the outcomes of a facilitated workshop held in October.

Background

3. Under the Local Government and Public Involvement in Health Act 2007, local authorities have powers to scrutinise the LAA. Partners are under an obligation to take part in scrutiny of relevant improvement targets and to have regard to any recommendations from scrutiny.
4. The Department for Communities and Local Government is currently considering responses to its consultation on implementing the proposals to enhance scrutiny in respect of LAAs. The Department's proposals include:
 - a) Regulations to enable county councils to establish joint overview and scrutiny committees with one or more district councils to provide a framework through which the councils can co-ordinate their efforts with relevant partners on the scrutiny of LAA targets.
 - b) Regulations to give district councils powers which broadly mirror the lead council's powers and would enable them to play an active role in scrutinising the delivery of LAA targets connected to the district council's area
 - c) Guidance to reflect the expectation that partners will provide information to the council(s) for the purposes both of examining progress on any LAA target with which the partner is concerned and of undertaking studies of local issues connected to LAA targets

The Proposal

5. In anticipation of these regulations the members at the workshop agreed in principle to establish a joint overview and scrutiny committee to take a strategic overview of the LAA and co-ordinate scrutiny activities around the LAA. The detailed proposals are set out in the Appendix.
6. The benefits of this approach are seen in that it:
 - a) Brings a wide range of experience and knowledge to bear on the scrutiny of the LAA and makes best use of existing resources
 - b) Enables scrutiny of the LAA to focus at the appropriate geographical and demographic level
 - c) Achieves an effective degree of scrutiny of the LAA while minimising the scope for duplication and without adding an excessive overhead to the LAA processes and partners.
 - d) Complements the existing scrutiny arrangements and does not diminish the scrutiny function in individual councils.
7. Operational arrangements will need developing to ensure that these benefits are achieved and to ensure effective co-ordination of LAA scrutiny at county-wide or district levels.
8. Those at the workshop agreed to take the proposal through their individual council's processes for approval.
9. Recommendation
 - a) That the proposal for joint scrutiny of the LAA be supported
 - b) A further report be brought to the Board on progress after all councils have considered the proposal.

County Councillor Edward Llewellyn-Jones
Chair of Overview and Scrutiny

PROPOSED ARRANGEMENTS FOR SCRUTINISING THE LAA

1. Introduction

- 1.1 The Local Government and Public Involvement in Health Act 2007 creates a duty for a range of partners to cooperate in respect of:
 - a) Negotiating LAA targets
 - b) Having regard to improvement targets which relate to the LAA
 - c) Taking part in council scrutiny in relation to relevant improvement targets
- 1.2 The Act also gives the responsible council powers to scrutinise local improvement targets; require information from partner organisations signed up to particular LAA targets; and to expect partners to have regard to scrutiny recommendations concerning targets to which they are signed up.
- 1.3 Guidance and regulations are still expected from the Communities and Local Government Department. However, in advance of this an informal meeting was convened by the Chair of the County Council's Overview and Scrutiny Committee to consider moving forward. The meeting involved lead scrutiny members from all the district and borough councils, supported by relevant officers.
- 1.4 The meeting agreed in principle to recommend the establishment of a Joint Committee to oversee the scrutiny of the LAA. This paper summarises the main issues identified.

2. Background Considerations

- 2.1 Nothing in the guidance, or these proposals, is intended to diminish the role of the scrutiny function in individual councils. Indeed, the 2007 Act is intended to enhance the overview and scrutiny function.
- 2.2 It is acknowledged that two-tier areas add a degree of complexity to the local strategic partnership infrastructure and management of the LAA,. The proposed approach to scrutiny is designed to achieve effective scrutiny without adding an excessive overhead to the LAA processes.
- 2.3 Under the Act, the County Council is the responsible authority in two tier areas and has the overall responsibility for scrutiny of the LAA. District councils can require county engagement in scrutiny of LAA targets as they affect that district.
- 2.4 Scrutiny of the LAA should be a positive experience, through
 - a) Open and transparent scrutiny arrangements and processes

- b) An emphasis on problem solving and collaboration – ie engaging members and partners in addressing complex issues
 - c) Enabling members to bring their democratic and community leadership perspective to the LAA
- 2.5 A wide range of partner organisations are required to co-operate with local authorities both in developing the LAA and subsequently in scrutiny and in having regard to any recommendations from scrutiny. In addition to the statutory partners, there is a range of non-statutory partners who still have a key role to play in delivering targets under the LAA. These partners should be subject to an appropriate level of scrutiny. It is important that the LAA scrutiny arrangements are clear and coherent for partners and that scrutiny is proportionate and avoids duplication.
- 2.6 The Department for Communities and Local Government is currently consulting on improving local accountability following the white paper *Communities in Control; Real people, real power*. The consultation includes strengthening overview and scrutiny of the LAA. The Government proposes to encourage joint committees in two-tier areas with broadly the same powers as existing overview and scrutiny committees eg to establish sub-committees, co-opt members, and to make reports to the local authorities (or their executives) for which it has been established.
- 2.7 Although the Nottinghamshire Partnership has responsibility for monitoring the LAA performance, this does not replace the duty for elected members to scrutinise it.

3. **Proposal and issues**

- 3.1 In the light of these underlying considerations it is proposed to establish a Joint Overview and Scrutiny Committee between the County Council and borough and district councils to scrutinise the LAA. It is envisaged that a joint committee will have the following advantages:
- a) It will bring a wider range of experience and knowledge to bear on the scrutiny of the LAA.
 - b) It will enable a focus at an appropriate level, whether this is county-wide, or across several districts.
- 3.2 The role of the Committee is envisaged as:
- a) Taking an overview of the progress and performance of the LAA
 - b) Scrutinising particular aspects of the LAA
 - c) Commissioning a programme of task and finish committees as it considers appropriate.

This role will complement the existing and established scrutiny arrangements at county and district/borough levels.

- 3.3 It is envisaged that the Joint Committee will have a strategic role and will also serve to co-ordinate scrutiny activities in respect of the LAA. This will probably mean a programme of meetings for the main committee up to four times a year.
- 3.4 It is proposed that the membership will be:
 - a) Seven members from borough and district councils (one member from each)
 - b) Seven members from the County Council (on a politically proportionate basis).
- 3.5 Across the joint committee this should achieve a reasonable degree of political and geographical balance.
- 3.6 At any time when the joint committee is considering education issues it will be necessary to co-opt the statutory consultees (two church and two parent representatives) with voting rights.
- 3.7 It is proposed that any task and finish groups established by the Joint Committee should involve non-executive members who are not on the joint committee but who have an interest in the area under scrutiny. This will enable a wider degree of knowledge to be brought to bear. It is envisaged that the chairs and vice-chairs of task and finish groups should normally be members of the joint committee.
- 3.8 The County Council will provide secretarial support to the Joint Committee. Support for any scrutiny work undertaken by the Joint Committee or task and finish groups will have to be provided from within existing resources. It is proposed that the lead scrutiny officers from all the local authorities should organise the Committee's business and develop a programme of work, including co-ordinating related scrutiny activities that individual councils may be undertaking. Appropriate information flows need developing.
- 3.9 The programme of work may reflect LAA issues, or improvement targets, that affect the county as a whole or which are of particular relevance to one or more district areas. It is proposed to develop the programme of work flexibly to reflect either or both of these levels of interest.
- 3.10 The early days of the Joint Committee will be a learning process for members and officers. It is envisaged that the focus will be on understanding the LAA, identifying issues, and beginning to address them. It is recognised that as a new area of activity it is one which will evolve and develop in the light of experience.

4. **Conclusion**

- 4.1 The members at the meeting agreed in principle to support the proposals set out in this paper. There are two further steps:
- a) Advise the Nottinghamshire Strategic Partnership Board of this proposal.
 - b) For each authority to seek agreement through its individual processes.
- 4.2 It was agreed to come together again on 15th December 2008 to review progress.