

Scrutiny of partner organisations

Report by the Chief Executive

1.0 Recommendation

1.1 That the committee consider:

(a) how it and the Scrutiny Committees should best go about discharging the Council's functions in the scrutiny of partner organisations, taking into account existing legislation and the Secretary of State's thinking as set out in the 2009 consultation paper; and

(b) in particular whether there are any LAA partners and/or targets which should be examined prior to the end of 2009/10 or whether the picture for the whole year should be awaited.

2.0 Reason for reporting

2.1 At its meeting on 29 September 2009, the Committee included in its work programme a report on how scrutiny of partners' contributions to shared objectives under the Local Area Agreement might be tackled.

3.0 Background

3.1 Local authority scrutiny appears increasingly to be seen by central government as a fix for the democratic deficits built into many areas of public service provision. Legislation has widened scrutiny's scope while leaving its capacity essentially unchanged — more topics to choose from but no more time nor resources to investigate them.

3.4 The committee was briefed on the workings of the CAA regime at its meeting on 9 October 2009 (Minute 18 refers) and among the points discussed at the time were:

- how poor performance by partners might affect judgements and ratings;
- the extent to which the performance of NHS bodies would be taken into account in the Area Assessment;
- the importance of maintaining oversight of the Council's own performance in the wider CAA context;
- assessing the findings of the area assessment process to see what issues might usefully be addressed in scrutiny work programmes;
- scrutiny reviews as a source of evidence for inspectors;
- providing a 'critical friend' challenge to any self evaluation undertaken by the LSP in advance of the inspection;
- engaging in dialogue with the CAA lead official to provide a scrutiny and frontline councillor perspective on partnership working in the area.

3.3 After legislating in 2007 for more scrutiny of LAA partner authorities, the Government consulted in 2009 about taking the idea even further by:

- removing the current restriction limiting scrutiny of partners to their particular LAA targets;

- extending scrutiny powers to cover a range of bodies “whose activities may be crucial to the development of the area”;
- enabling scrutiny committees to require the attendance of officers or board members of partner bodies (at present only information can be called for).

3.4 At sub-regional level, last summer’s consultation suggested that “in the first instance there is a strong case for strengthening existing and planned structures” by:

- requiring the activity of sub-regional partnerships to be subject to scrutiny arrangements;
- enabling joint overview and scrutiny committees to require sub-regional structures, and their partners, to provide them with a broader range of information and to consider their recommendations on sub-regional matters.

4.0 Possible approaches

4.1 Fundamental to this work will be developing an understanding of factors including:

- what partnerships the Council is in;
- with whom;
- to what end;
- the costs, commitments and risks;
- how is the achievement of objectives evaluated;
- when will the partnership conclude its work;
- is this information readily accessible to members, officers, the public? (e.g. is it or could it be combined into a single resource on the web?)

4.2 At the moment the partner bodies listed at Appendix A can be scrutinised in relation to their contribution to the Local Area Agreement targets they have signed up to. The Agreement itself runs to 46 pages and can be found online at

<http://www.devonsp.org.uk/sustainablecommunitystrategy/outcomes/devonlaa0811.pdf>

while the designated targets for 2010/11 are set out in Appendix B to this report.

4.3 Members may be interested to see that Staffordshire County Council operates a “partnership approval and evaluation form” covering proposed arrangements and the performance of existing ones (see Appendix C) and has a Partnership Scrutiny Panel which includes district representatives and is responsible for scrutinising the LAA and high-risk partnerships.

4.4 The 2009 Act enables the Secretary of State to make Regulations permitting the formation of joint scrutiny committees with other local authorities, something currently only possible when scrutinising health services. He has not yet done this but the facility could — if not over prescriptive — be useful for the effective scrutiny of partner organisations.

4.5 Whilst the nature of the LAA and CAA regimes may alter in the medium term there is no sign that any future government would not see delivery through local partnerships as an important element of the overall performance framework.

5.0 Conclusions

5.1 Members need to come to a view on the most effective means of discharging their new scrutiny powers in relation to:

- the County Council's own contribution towards realisation of the Sustainable Community Strategy and Local area Agreement Targets;
- the contribution of partner agencies to those same targets;
- whether to exercise those powers as a single council operating alone or to establish a joint approach with the District Councils (and if the latter, how the work and costs would be shared among the participating authorities);
- establishing a clear scrutiny role in relation to the role of the Locality (County) Committees and a closer relationship between these and the Overview/Scrutiny Committees.¹

Electoral Divisions: All
Cabinet Member: All

Local Government Act 1972 List of Background Papers		
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Background Paper	Date	File Reference
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¹ All the Locality (County) Committees are receiving a report on current scrutiny work plans which also explains how they can contribute to them either through giving evidence or suggesting topics for future review.

Appendix A

Section 104 of the Act lists the following as “partner authorities”:

- a district council in a two-tier area;
- a fire and rescue authority;
- a National Park authority;
- a police authority;
- a chief officer of police;
- a joint waste authority;
- a waste disposal authority established under Section 10 of the Local Government Act 1985;
- a Primary Care Trust;
- a National Health Service trust or NHS foundation trust (including any person who provides services at or from a hospital or other establishment or facility which falls within the County Council’s area);
- a development agency;
- a local probation board;
- a youth offending team;
- the Arts Council of England;
- the English Sports Council;
- the Environment Agency;
- the Health and Safety Executive;
- the Historic Buildings and Monuments Commission;
- the Learning and Skills Council for England;
- the Museums, Libraries and Archives Council;
- Natural England;
- the Secretary of State in relation to a few specified functions under the Employment and Training Act 1973; (ii) functions which he has as highway authority by virtue of section 1 of the Highways Act 1980; and functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984.

A few other bodies are listed, such as Transport for London, which are unlikely to be of interest to the County Council.