

## Local Area Agreements: new scrutiny powers introduced

### Summary

The report informs the Board about the commencement of new scrutiny powers in relation to LAAs. It summarises work to be done by LGA staff, with the Centre for Public Scrutiny and IDeA, to support the effective implementation of the new powers.

### Recommendations

The Board is asked to:

- note the commencement of new powers supporting scrutiny of LAAs, but the further delay to regulations needed for some aspects of the new powers;
- support concerns being expressed to Ministers on behalf of the Improvement Board on the delay and the impact this has on effective member involvement;
- note the proposals for the LGA to work with the Centre for Public Scrutiny to support the effective implementation of these new powers, and make any additional proposals.

### Action

LGA staff to implement the proposals detailed in the report

## Scrutiny of Local Area Agreements: new powers introduced

### Background

1. The new powers in the Local Government and Public Involvement in Health Act 2007 for scrutiny of Local Area Agreements (LAAs) will enable council scrutiny committees or panels to: scrutinise local improvement targets (LAA targets); require information from partner organisations signed up to LAA targets; require these organisations to have regard to scrutiny recommendations which relate to a relevant LAA target. These powers (Clauses 121, 122, 123, 124) were commenced on 1 April 2009.
2. However, some aspects of the legal framework will only come into effect via Regulations, which have not yet been finalised. These will cover: access to information, two tier arrangements, and district council powers including 'fourth option' district councils. These have already been the subject of consultation with councils, including events organised by LGA. The Department for Communities and Local Government has informed the LGA that the Regulations on access to information and district council issues are unlikely to be finalised before the summer. The Regulations for two tier/joint committees will be delayed beyond this.

### The implications of the delay to Regulations

3. In the period before Regulations are finalised there are some limitations on what councils can do, and the powers on which they can draw. These primarily affect two-tier areas. In summary:

**Access to information:** There is no legal definition yet of the information which partner organisations must provide to scrutiny enquiries. Information can be requested on a voluntary basis or using the Freedom of Information Act.

**Unitary councils:** Apart from lacking a definition of access to information powers, unitary councils have full scope to use the new legal powers to scrutinise LAA partners.

**Two-tier areas:** In two tier areas, county scrutiny committees can operate with the same scope as unitary councils. Regulations should provide for joint, two-tier committees to be created. In the absence of these Regulations, there are limited options. Counties could use co-option powers to involve district councillors in county scrutiny committees. District and county councillors could work together in informal task and finish groups to carry out joint scrutiny reviews; these would need to report to a properly constituted county scrutiny committee to be able to use the provision that partner organisations should have regard to scrutiny recommendations.

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**District councils:** District council scrutiny committees, including fourth option councils, can look at any LAA issue which affects their area, but without currently having specific legal powers in relation to partners.

**Police and crime targets:** The scrutiny powers in the Police and Justice Act 2006, which commenced from 30 April 2009, can be used to underpin scrutiny of LAA targets on police and crime, (as well as supporting other scrutiny of these issues).

The delay to the regulations serves to undermine effective member involvement in LAAs, particularly in two-tier areas. **Members are asked to agree to write to John Healey MP to express concern at this.**

## Role of scrutiny in LAAs and CAAs

4. Overview and scrutiny of LAAs has a vital democratic role to play in improving the area and effective partnership working to deliver LAAs. This then feeds into the Comprehensive Area Assessment process. Through overview and scrutiny, councillors can:
  - Contribute to the strategies, such as the Sustainable Community Strategy
  - Provide challenge to the council and LSP partners on performance,
  - Investigate and propose new approaches to tackling the local problems
  - Ensure greater openness and public accountability of public services
  - Where one is undertaken, contribute to the LSP's self-assessment
  - Draw on the CAA report to identify issues for further investigation

## Supporting implementation of the new powers

5. LGA staff produced immediate information about commencement including web information and a question and answer briefing to clarify what councils, particularly in two tier areas, can do in the period before the Regulations are introduced. Planned events include a session on scrutiny of LAAs at the LGA Group annual conference, backed up by a short publication; a seminar for partner organisations on scrutiny, aiming to promote a positive view of the potential of LAA scrutiny; and a one day LGA conference on external scrutiny in October.
6. CfPS have been commissioned by CLG to produce good practice guidance on: scrutiny models, structures and protocols, joint committees in two tier areas, district involvement, and information for partner organisations. This will be finalised and published when the work can take account of the Regulations. The CfPS annual conference on 9-10 June will focus on partnership issues and LGA will contribute to this. CfPS are also running a Leadership Academy for IDeA on partnership scrutiny. IDeA has worked with CFPS to develop guidance for overview and scrutiny members with a particular focus on their role in developing and challenging the locality self evaluation. (This was previously reported to the Improvement Board regarding support in the context of CAA).

## **Financial Implications**

7. There are no financial implications for the LGA in this report.

## **Implications for Wales**

8. Local Area Agreements have been introduced in England only.