

Appendix A: Consultation questions and draft responses

This response to the Strengthening Local Democracy consultation is a joint response on behalf of; Cambridgeshire County Council, Fenland District Council, South Cambridgeshire District Council, East Cambridgeshire District Council and Huntingdonshire District Council. The County Council's Cabinet has considered this response. It is also the individual response for Cambridgeshire County Council.

Introductory Comments:

Cambridgeshire is largely rural area and represents a good example of effective multi-tier local government and public service delivery through partnership working. The general tone and style of this consultation is considered to give insufficient regard to the opportunities and benefits that such multi-tier partnership can create and is also inadequate in giving sufficient regard for the needs of predominantly rural shire counties. Cambridgeshire County Council and its partners urge Central Government to give appropriate regard for such issues in all future consultations.

Technical comment in on the consultation document:

Paragraph 64 states "local authority delivery of high-quality educational provision" – in fact, local authorities ensure that high quality education is delivered.

CHAPTER 1: LOCAL GOVERNMENT AT THE CENTRE OF DECISION MAKING

1. Do you agree that we should extend scrutiny powers in relation to Local Area Agreement (LAA) partners to cover the range of their activities in an area, not just those limited to specific LAA targets?

Yes, providing this increases the effectiveness of scrutiny functions rather than cutting across existing arrangements. We would not necessarily want this to be legislated by central government but to leave local partners to develop protocols based on what is most appropriate to their place. In multi-tier areas this is more complicated. In Cambridgeshire we have developed a protocol that is working well for partners. We urge Government to recognise that such complexity can be well managed in multi-tier parts of local government.

2. Do we need to make scrutiny powers more explicit in relation to local councils' role in scrutinising expenditure on delivery of local public services in an area? If so, what is the best way of achieving this?

It is questionable whether extra powers beyond those discussed in response 1 (above) would be required to develop scrutiny of public expenditure.

Scrutiny committees already benefit from any quality data pertaining to their local areas. This should await the outcomes of the 'Total Place' Pilots, and parallel initiatives such as our initiative Making Cambridgeshire Count, to quantify and collate the full range of public expenditure.

The ability to hold organisations to account for the full range of their activities, combined with collated expenditure figures generated by a fully implemented 'Total Place' should be sufficient to allow effective scrutiny of local public finances.

The aim of the Cambridgeshire LAA Joint Accountability Committee has already been articulated as ensuring "that the LAA is delivering effective public services, using the money channelled through it as efficiently as possible and achieving outcomes greater than would be possible if the LAA was not in place." It is appropriate for local partnerships to establish the terms of reference for local scrutiny arrangements rather than having them dictated centrally.

3. Do you agree that we should bring all or some of the local public services as set out in this chapter fully under the local authority scrutiny regime? Are there other bodies who would benefit from scrutiny by Local Government?

We agree that all local public services (including those commissioned from private firms) should be within the scope of local authority scrutiny if elected members are to act effectively as community leaders. A multitude of services provided by a range of bodies impact on the quality of life in localities. There needs to be greater clarity as to what constitutes a local public service, does it extend to mobile phone providers for example? The public would not recognise partnership or organisational boundaries as legitimate barriers to their representatives' scrutiny on their behalf.

We would encourage this remit to be widened to include all central Government departments operating in the local area, for example JobCentre Plus.

4. How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?

We consider that to ensure scrutiny of public services operating in the locality it is beneficial for representatives of external organisations to give evidence at scrutiny organisations. However, we do not necessarily feel it would be appropriate to formally extend local authorities' scrutiny powers to cover this, and hope that local partners could develop their own protocols to address it. Any such powers should be considered as a 'last resort' and used only after negotiation has failed. Partnership working is essentially about building strong and effective relationships and requiring the use of legislation would tend to indicate a failure of local partnership and scrutiny collaboration.

Scrutiny powers of this type may risk raising public expectations that local authorities are able to exercise control over private sector companies to change policies for example, when they are not.

5. What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?

We feel that local authorities are best placed to make decisions around resourcing their scrutiny function. There are many different scrutiny models and local authorities and their partners are best placed to develop a protocol which will work in their area - in Cambridgeshire, we are increasing levels of joint working and collaboration between scrutiny officers, including hosting joint scrutiny work programme conferences to align planning.

6. How can council leaders ensure that scrutiny is a core function of how their organisations do business and have a full and proper role in scrutinising the full range of local public services?

This will depend on the appropriate scrutiny model selected by local authorities and their partners. Comprehensive Area Assessment has the capacity to test for this and provide councils with feedback to test the role of their scrutiny function.

The role, resourcing, and focus of scrutiny is a matter for local decision, based on what matters in the area and the approach decided by Leaders and their councils.

7. What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example, citizens as expert advisers to committees?

A range of examples exist of councils and other organisations using expert advisers and engaging with the public through scrutiny. The Improvement and Development Agency (IDeA) promotes such examples and should continue to do so.

The onus is on scrutiny committees to connect more effectively with local communities. It is uncertain whether any new powers or promotion will lead directly to greater public engagement, if that is the intention. Any initiatives to secure greater public involvement should be locally conceived and not centrally imposed.

CHAPTER 2: STRONG LOCAL GOVERNMENT OPERATING IN THE LOCAL INTEREST

8. How best should any reduction in numbers of LAA targets ensure that services are responsive to the most important local needs and priorities as well as national entitlements?

We consider that the focus should not be in terms of reductions in LAA targets but that LAAs should continue their current direction of travel. Determining targets should remain a local role; Central Government's role should be to work with all local partners to develop appropriate agreements in each place. In Cambridgeshire we are fortunate to have a pragmatic, strong and positive relationship with GO East, and the refresh of our Local Area Agreement was a positive experience for our partnership. We would not want to see a significant deviation from current working arrangements, but would, instead, commend this approach to other parts of the country.

9. Should councils have a power to engage in mutual insurance arrangements?

Whilst mutual insurance arrangements are noted as the issue for consultation, a clarification on the application of the 'wellbeing' powers and opportunities for authorities to deliver services in innovative ways are strongly supported by Cambridgeshire.

10. Are there other powers needed to cover engagement in further complex arrangements of a possibly speculative nature outside of existing powers?

There are several measures of local confidence in existence, including the Comprehensive Area Assessment and the Place Survey. We would welcome a further debate on how local authorities can exercise power at the most local level appropriate, for example by ensuring that local authorities that demonstrate high performance are granted greater freedoms and flexibilities. We recognise that decline in local confidence in public services varies nationally, and as a result, any new powers or initiatives should be locally-based.

11. Do you agree that greater powers should be premised on demonstration of local confidence? How should this be demonstrated? How can councils best reverse the decline in confidence?

No. It could be the lack of powers that hinder those areas that need to do most to increase local confidence. Reversing declines in confidence should only be achieved by working towards the needs and aspirations of local people – and success in this work is assessed by CAA. Increases in powers should not be seen as a reward for fulfilling these responsibilities but should be given in order to improve the range of ways that local need can be met effectively and efficiently.

12. Are there core issues that should have greater council control which councils believe they are currently prevented from undertaking? If so what are they and what is the case for councils to take on these roles?

No proposals for a response have been received. Cambridgeshire is currently more concerned that this consultation does not reduce local control.

13. Do you agree that there should be a review of the structure of local partnerships with a view to identifying unhelpful overlap and duplication? Are there particular issues on which such a review should focus?

Cambridgeshire Together has already completed a review of local partnerships as part of the work to refine and improve the local partnership structures. This is work that any responsible partnership board will be carrying out. As such, we do not see the need for a prescriptive review led by central government. However, work carried out by the IDeA on sharing good practice in partnerships is welcomed and should continue.

CHAPTER 3: LOCAL AUTHORITIES TACKLING CLIMATE CHANGE

We are confused of the relevance of tackling climate change to the issue of strengthening local democracy. However, we do have some concerns around climate change which are detailed below.

14. How is the current national indicator system working to incentivise local authorities to take action on climate change? Should Government take new steps to enable local authorities to play a greater role in this agenda?

The three new climate change indicators have raised the profile of climate change issues, and ensured more focused activity on adaptation and mitigation. However the NIs themselves are considered to be ill-defined and will not bear close comparison authority by authority as each will have made different assumptions. There have also been issues over the relevance of the data which these NIs are reliant on.

The two Local Authority focused NIs: 185 and 188 have been most effective in ensuring the Council has a more comprehensive understanding of its own carbon emissions. However, for larger authorities the biggest single driver for reducing waste to landfill, and reducing CO2 footprint, have been fiscal - the Landfill Allowance Trading System and the Carbon Reduction Commitment respectively, because of the actual potential for financial penalty. If all local authorities were included in a trading mechanism like this, there might be a more consistent approach to LA carbon management.

15. Where can local authorities add most value in meeting climate change aims, and what should Government do to help them do so, giving consideration to the proposals set out in this chapter?

NI 186 is the most problematic of the climate change indicators. Work done by the AEA energy and climate change consultancy suggests that around only 25% of emissions in Cambridgeshire can be influenced through local level activity. An alternative or additional performance measure should perhaps be considered as part of the National Indicator set focusing on the CO2 outcome of local level activity – whether or not local carbon budgets/targets are further considered.

The National Indicator set for Waste Management is logical and effective for the delivery of the current core goal - diversion of waste from landfill, through increased recycling and reduced residual waste arising. Reduced waste to landfill means reduced production of greenhouse gases and therefore CO2 footprint. However, there is no target and therefore no incentive to reduce total waste arising, just a focus on maximising the recycling of what is produced. The addition of a total waste per capita NI might be useful, encouraging reduction in waste produced.

16. How do we ensure that national policies reinforce local efforts – for example, around transport, renewable energy, and energy efficiency?

Cambridgeshire has included commitments to climate change and climate change targets in the LAA, but there is a balance of resources to be achieved between competing priorities, and, in Cambridgeshire, there is not always consistency across all partners in the area. We consider that such challenges would equally be present in other multi-tier areas.

For adaptation there is a clear role for local authorities to ensure they are prepared for climate changes in the delivery of their own services, and can influence and advise partners to do the same, working together where possible.

For climate change mitigation however, activity needs to happen at a number of different levels. For all areas where LA's can make the most difference, there are important differences in remit between county and district authorities in two tier areas.

Regarding transport, national transport policy does not regulate for emissions in the way that building regulations are with the introduction of carbon zero for new homes from 2016. This means that a much stronger focus on behaviour change is required in the transport arena. Local authorities are well placed to lead on this, taking account of local circumstances. Further support for skills development and technical advice from Government would be helpful.

CHAPTER 4: SUB-REGIONAL WORKING

It is important to note that in Cambridgeshire the sub-region is the whole county. We feel that any discussion of sub-regional working should not focus just on the economic sphere but also on issues including migration, community cohesion and crime. We note that this consultation hasn't included

a broader debate on regional bodies, only sub-regional working. We would welcome further debate on the role of regional bodies.

It is also an important point to note that sub-regional working should, to an extent, be determined locally; based on the needs of each particular area.

17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?

Yes, this approach would be welcomed. However, it would have to be enacted within the context of increasing financial restrictions.

18. Should councils' joint overview and scrutiny committees be able to require sub-regional bodies to provide them with information on the full range of their activities and to consider their recommendations on sub-regional matters?

Yes. This would be in line with the scrutiny need for access to all relevant information. Scrutiny does need access to sub-regional bodies.

19. Should the duty to respond to petitions be extended to sub-regional bodies?

No comment

20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?

It can be difficult for local people and community groups to identify where responsibilities lie with the growth of partnership working and for them to exercise any form of voice in decision making at that level.

However, we would want to continue with currently effective local arrangements. Engagement activity is a bottom-up approach and we do not feel it is necessary for Government to legislate further in addition to recent powers including the Duty to Involve, which we feel are working effectively. There are a number of effective, local methods of community engagement, such as neighbourhood panels, that challenge partners to join up and engage with their communities to ensure that local residents have a voice. The existing legislative framework is effective in enabling local organisations to do this.

It is important that all local partnerships represent the views of local people, from their vision to service delivery. We would argue that there is already an appropriate mechanism for channelling local issues to a county level (in Cambridgeshire, this is our sub-region) up to a regional level. The democratic accountability of local members makes the local council the appropriate body for residents to raise local issues.

21. How could we go further to make existing and planned city- and sub-regional structures more accountable, in addition to the suggestions in this document?

We do not consider that any additional accountability would be helpful.

22. Should we give more powers and responsibilities to city- and sub-regions? If so, what powers or responsibilities should be made available?

No. Any increase in powers needs to be available to councils through their key partnerships rather than concentrating on cities and sub-regions. This is a further indication to Cambridgeshire that Government policy is unduly skewed towards those parts of the country and not sufficiently inclusive of shire county areas.

23. Is there a need for direct democratic accountability at the sub-regional level? What would be the best means of achieving this, giving consideration to the options set out above?

No. This would be adding unnecessary complication to democratic accountability. It is already part of the role of elected members to engage at sub-regional level and we consider that, in Cambridgeshire, elected members discharge these responsibilities well.

CHAPTER 5: CLEAR RELATIONSHIPS WITH LOCAL GOVERNMENT

24. Should central and local government's roles be more formally established?

Yes – and this needs to include the regional government responsibilities as well. We feel this should be further defined and subject to further and more detailed consultation.

25. What are your views on the draft principles set out above as away of achieving this ambition? (see page 48 of the consultation)

Local government already adheres to these principles, although this may not be stated in any formal governance or strategic documents. It is not considered necessary to formalise this further.

26. Do you agree that an ombudsman-style arrangement and a joint select committee of both Houses of Parliament are the correct approaches to oversee and enforce these principles, if adopted?

We do not see the need for further governance to be put in place. Councils are already tested and held to account in a variety of ways, not least by the opinion of local people. The proposal could only distract councils from the business of serving local people and community need effectively.

With the cut in budget for the Ombudsman Service, and the likely increase in complaints from the public, as a result of Local Government budget cuts, its capacity is likely to be stretched and therefore it may not be able to satisfy those requirements fully.