

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE

ITEM No 18

8 MAY 2001

REVIEW OF PUBLIC BODIES - CONSULTATION

JOINT REPORT BY THE CHIEF EXECUTIVE, DIRECTOR OF FINANCE
AND DIRECTOR OF LAW AND ADMINISTRATION**ABSTRACT**

The Report sets out further proposals which have been made by the Scottish Executive regarding the Review of Public Bodies together with a draft response by the Council which has been sent in accordance with the submission deadline of 12 April 2001.

1. RECOMMENDATIONS

It is recommended that the Committee:

- i. notes the attached short discussion paper from the Scottish Executive which is appended to this Report;
- ii. homologates the decision to submit Appendix 2 as the Council's response to the consultation on the Review of Public Bodies Discussion Paper January 2001.

2. BACKGROUND

Members will recall the consultation paper on Appointments to Public Bodies in Scotland – Modernising the System which was considered by the Policy and Resources Committee on 9 May 2000. At that meeting the Committee approved a response to the consultation paper which has been duly considered by the Scottish Executive. As a result of that consultation exercise the Executive have now issued a further consultation document titled "A Review of Public Bodies" which sets out various principles which the Executive anticipate adopting in looking at all Scottish public bodies and the role they play in delivering Ministers' policies.

A copy of the Scottish Executive's short Discussion Paper is appended to this report, a copy of the complete Discussion Paper has been placed in the Members' Lounge and the suggested comments have been prepared in consultation with the Convener of this Committee. As responses were required by 12 April these comments have already been sent to the Scottish Executive but it has been made clear that further, or amended comments, may be submitted following this meeting.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising from this report.

A.B. WATSON
Chief Executive

DAVID S. SAWERS
Director of Finance

C. COULL
Director of Law and Administration

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

[Home](#) | [Press](#) | [Publications](#) | [What We Do](#) | [Who We Are](#) | [Search](#) | [Site Map](#) | [Contacts](#) | [Links](#)



SCOTTISH EXECUTIVE
Publications

▣ Consultations ▣ Government



< [Previous](#) | [Contents](#) | [Next](#) >

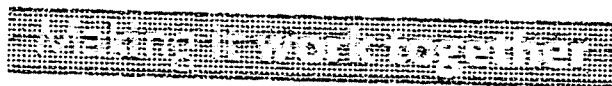
Introduction

1. A 'quango' or non-departmental public body (NDPB) is a body which has a role in the processes of national government, but is not a government Department or part of one and which accordingly operates to a greater or lesser extent at arm's length from Ministers. More simply, this means a national or regional public body, operating independently of Ministers, but for which Ministers are ultimately responsible.
2. There are two main types of NDPB: Executive NDPBs, which carry out administrative, regulatory, executive or commercial functions; and Advisory NDPBs, which provide independent, expert advice to Ministers and officials. In total, the Scottish Ministers are responsible for 38 Executive and 53 Advisory NDPBs covering most areas of devolved public life. Total spending by these bodies amounts to around £2bn per annum. The Executive is also responsible for NHS bodies (total spending around £4.5bn per annum), and a number of Tribunals and Public Corporations/Nationalised Industries.
3. In total around 3500 appointments to these bodies are made by Scottish Ministers, including around 2000 appointments to Children's Panels. A full list of all the public bodies for which the Executive is currently responsible, showing the number of appointments to each body, is attached at Annex A.

< [Previous](#) | [Contents](#) | [Next](#) >

The information contained on this WWW site is Crown Copyright but may be reproduced without formal permission or charge for personal or in-house use. Privacy and Content Disclaimer.

For general enquiries about this web site email ceu@scotland.gov.uk or fill out our online questionnaire.



INVESTOR IN PEOPLE

[Home](#) | [Press](#) | [Publications](#) | [What We Do](#) | [Who We Are](#) | [Search](#) | [Site Map](#) | [Contacts](#) | [Links](#)



SCOTTISH EXECUTIVE

Publications

[Consultations](#) [Government](#)



[< Previous](#) | [Contents](#) | [Next >](#)

Set of Principles

4. It could be argued that the infrastructure of devolved government has not yet caught up with the profound changes in the political climate in Scotland that devolution has wrought. Over the last year the Executive has asked some fundamental questions about the future of Scottish public bodies in the new Scotland, notably in the consultation paper on modernising public appointments referred to earlier and in *Our National Health: A Plan for action, a plan for change* that was published in December (a copy can be found at www.scotland.gov.uk/publications). The latter has triggered a radical review of NHS bodies in Scotland.

5. The Executive is now going further and looking at all Scottish public bodies and the role that they play in delivering Ministers' policies. The background to and objectives of the review are set out in the text of the statement delivered in Parliament by Mr Angus MacKay MSP, Minister for Finance and Local Government, on 18 January 2001. A copy is attached at Annex B. The overall aim is to modernise the infrastructure both by reducing the number of bodies and by putting in place fit for purpose and appropriate systems for ensuring that suitable people are appointed to public bodies and that public bodies operate efficiently and effectively and are properly accountable to Ministers and Parliament.

6. One of the objectives of the review is to devise a set of principles that takes account of the fundamental changes brought about by devolution, and to use these principles to test whether existing public bodies should be abolished and to test any future proposals for new public bodies. The radical questions that the Executive will be asking as it draws up a set of principles are set out in Annex C. All of these questions will be asked in respect of each body.

7. Some of the questions will need to be followed through in more depth for some bodies than for others, and other more detailed questions asked, depending on the nature of each body being tested and the functions it carries out. But in every case the overriding question is whether the function carried out by the body in question is absolutely necessary and, if so, whether the body has a role to play in the devolved Scotland, bearing in mind the new, more democratic political context and thus the requirement for bodies to be more accountable.

8. The Executive would welcome any comments you may have on the approach being taken by it to devising a set of principles.

[< Previous](#) | [Contents](#) | [Next >](#)

The information contained on this WWW site is Crown Copyright but may be reproduced without formal permission or charge for personal or in-house use. [Privacy and Content Disclaimer](#).

[Home](#) | [Press](#) | [Publications](#) | [What We Do](#) | [Who We Are](#) | [Search](#) | [Site Map](#) | [Contacts](#) | [Links](#)



SCOTTISH EXECUTIVE

Publications



[Consultations](#) [Government](#)

[< Previous](#) | [Contents](#)

Conclusion

9. Ministers expect to be able to make a further statement around the end of May. They will announce then, in the light of the review and the public debate, which public bodies they propose to abolish, and why, and how they intend to do so. The announcement will be followed by a period of consultation in relation to each of the bodies that have been designated as candidates for abolition before final decisions are announced.

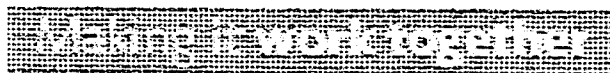
10. Ministers also plan to announce in May what steps they intend to take, and over what timescale, to modernise the systems for ensuring that suitably qualified people are appointed to public bodies and for ensuring that public bodies operate efficiently and effectively and are properly accountable to Ministers and Parliament.

11. This initial review of public bodies is the next stage in the process of modernising the structures of government in Scotland following devolution. Huge changes have already taken place or are in progress. Ministers want the changes that they make to the framework within which public bodies operate to yield lasting benefits and to command widespread support. This initial review will not be the last word. The process of dialogue and consultation will continue well beyond May. And every public body that remains will be subject to a modernised, focused rolling review process.

[< Previous](#) | [Contents](#)

The information contained on this WWW site is Crown Copyright but may be reproduced without formal permission or charge for personal or in-house use. [Privacy and Content Disclaimer](#).

For general enquiries about this web site email ceu@scotland.gov.uk or fill out our online questionnaire.



INVESTOR IN PEOPLE

**CONSULTATION PAPER
REVIEW OF PUBLIC BODIES**

1. Angus Council welcomes the opportunity to submit comments on this consultation document. The Council agrees with the Minister of Finance's view that the number of public bodies should be reduced and of the need to ensure that their functions are necessary and that they cannot be carried out more effectively and accountably by other means.

2. The Council does not consider it is appropriate for the present number of functions to be carried out by bodies which are outwith direct democratic control. The Council would urge that all quangos should be brought into a democratically elected organisation except where there are overwhelming reasons for functions to be carried out as a public body.

The Council are disappointed in the post devolution Scotland, where much has been said about a genuine partnership between national and local government, that the principal aim of the review is to ensure that public bodies are properly accountable to Ministers and Parliament and no prominence is given to the value of local democratic control.

We would ask the Minister to bear in mind the report of the McIntosh Commission and in particular Para 62 which indicates that the option of transfer to Local Government should always be considered in any review of other bodies delivering public services.

Whilst it is accepted that one of the principles against which public bodies should be tested is "whether the function could be put under local democratic control" it is disappointing that prominence is given to the arguments against this.

The Council would suggest a presumption in favour of public services being carried out locally by Councils unless there are good reasons for the function to be administered on a national basis.

It does not necessarily accept that the economies of scale argument is totally relevant but would suggest where Ministers feel that it is important for the discharge of functions to be organised, on a national basis, that partnership arrangements should be entered into with local authorities as part of the community planning process for the provision of services to the public and that the accountability issue should be incorporated into the process. This would have the benefit of ensuring openness and accountability which underly the review and the enhancement of democratic control.

3. The review of public bodies creates a clear opportunity to think about how local and central government might deliver public services in the medium term.

The government wants local government to modernise and to regain centre stage in local community life. Local government can only become community leaders if they are seen as central to the delivery of public services in their areas. The development of better partnership working between local and central government will be enhanced if there is a greater openness about the purposes of public bodies and commitment, to reduce substantially, the number of non-departmental public bodies and also ensure that the remaining non-departmental public bodies are accountable for their strategies and policies both on national and local basis.

4. The Council welcomes the Executive's commitment to continue the process of dialogue and consultation beyond May and that every public body that remains will be subject to a modernised focused rolling review process. From the Council's point of view it would be useful if this commitment could be extended to embrace tailoring service delivery to reflect the needs and aspirations of local communities and developing new ways of delivering services.

The key will be embracing a flexible approach to ensure that when change occurs services remain relevant and effective.

5. It is noted that one of the aims of the review is to put in place appropriate systems for ensuring that suitable people are appointed to public bodies. It is considered that the most important objective is that the procedure should enjoy public confidence through being fair, open and transparent and that all potential candidates would be able to register an interest and to apply for any vacancies. The Minister's desire to look at imaginative ways to ensure that appointments to boards should reflect all of Scottish society is therefore supported providing the principles of fairness, openness and transparency are embraced in the appointments process.

DSS/AD
28 March 2001