
Scrutiny Management Committee

22 January 2007

Report of the Head of Civic, Democratic & Legal Services

Strong & Prosperous Communities: the Local Government White Paper and its implications for the scrutiny function

Summary

1. This report provides members' with information on how Scrutiny Services intends meeting the requirements of the above Local Government White Paper.

Background

2. In December 2006 SMC considered a report which detailed the background to the recently published White Paper on Local Government. This set out the proposals on new accountability and leadership arrangements for elected members, community empowerment initiatives and a new performance framework. More specifically, the White Paper also includes proposals for extending the role of scrutiny in local authorities.
3. At the last SMC meeting in December 2006, Members requested that a further report be presented which set out how Scrutiny Services in York might provide this extended scrutiny function and how it could be managed and resourced.

Consultation

4. Scrutiny officers have looked at the following White Paper proposals when considering the new requirements:
 - a. Community Call for Action - Local residents with concerns about their neighbourhood or who want to influence policy can raise these matters with their local councillor. The councillor will then deal with the issue informally by discussions with the executive and local service providers or by referring the issue to scrutiny. Exempt issues are: Planning, licensing, council tax and non-domestic rates because these have a statutory appeals process. Also exempt are crime and disorder issues as these are covered by a similar process under the Police and Justice Act 2006.
 - b. Extended scrutiny powers over services external to the council – Specified partners to be legally required to take part in council scrutiny and to have regard to scrutiny recommendations. (Specified partners include: the Police Authority, Primary Care Trust, NHS Health Trust,

Analysis

Community Call for Action (CCfA)

5. In response to this, Councillors will from their knowledge of their area and its people, be able to identify issues which are of significant concern to their communities. Ward meetings / advice surgeries will also allow members of the public to raise local and neighbourhood matters with their ward councillors. Under this provision, Councillors will in effect be encouraged to play a gate keeping role in deciding how to resolve matters of concern. Where informal approaches do not appear to be working and after due consideration of the public concerns, Councillors may deem it appropriate to refer the issue to scrutiny by registering the topic for review. Under CCfA such referrals will be a local Councillor's decision with SMC constitutionally being responsible for considering how to handle that referral.
6. New working practices have recently been introduced in Scrutiny, designed to help the scrutiny process but which will also provide the mechanism for responding to CCfA – see flow chart at Annex A. The revised topic registration form assists Members to provide all the necessary information, thus allowing a thorough feasibility study to be produced with a suggested remit for the review. This, in turn should assist SMC in fully understanding the issue and in considering the ways in which it could be reviewed. If a decision is taken to carry out a review, a timeframe for the review will be set and a scoping report will be produced to clarify the methods of investigation and consultation. At the end of the review, the committee set up to deal with it will make recommendations to address the public concerns raised through the local Councillor.
7. Work is ongoing to enable Members to register topics on line through the new Committee Management System. It is also intended to introduce a Scrutiny Forward Plan. Councillors and members of the public will be able to access this online to see what topics are scheduled for review in the future and the deadlines for carrying out those reviews. It is recognised that more could be done to advertise and inform the public of their rights in regard to raising issues, so public awareness will have to be addressed as these proposals move forward. For example, more information could be included on the council website in relation to scrutiny and the role it plays.

Extended scrutiny powers over services external to the council

8. There may be issues that are not only the responsibility of the Council, but those where the council works in partnership with others. Scrutiny committees will be able to hold to account service providers, including some outside the council. These bodies will be required to appear before the committee or provide information to the committee within 20 working days (in line with the freedom of Information Act deadline). One option available to SMC would be to recommend the Council establish a new Scrutiny Committee to deal specifically with issues involving external service providers. Consideration would need to be given to this as the White Paper progresses through its legislative phases. Alternatively, the delegated functions of existing scrutiny

committees could be revised to reflect these new powers with the expectation that relevant committees or sub-committees would pick up any reviews resulting from this power.

9. Furthermore, under this provision, a relevant public body must be informed of any recommendations made by a scrutiny committee and they will be required to respond to them. Their responses will be publicised and they will have a duty to co-operate and give due regard to the recommendations when exercising their functions. As with all recommendations made by scrutiny, these will be reviewed to ensure compliance.
10. Those public service providers covered by the duty to co-operate are:

Chief Officer of Police	Fire & Rescue Authorities
Police Authority	Metropolitan Passenger Transport Authorities
Local Probation Boards	The Highways Agency
Youth Offending Teams	The Environment Agency
Primary Care Trusts	Natural England
NHS Foundation Trusts	Regional Development Agencies
NHS Health Trusts	National Park Authorities
The Learning Skills Council in England	The Broads Authority
Jobcentre Plus	Joint Waste Disposal Authorities
Health and Safety Executive	
11. There are also new powers contained in the Police and Justice Bill which will allow scrutiny of community safety issues, the work of local Crime and Disorder Reduction Partnerships, and the Police.

Options

12. At this stage there are no options available to the Committee other than making comments on the proposals relating to scrutiny, to enable these to be addressed as part of a corporate response to the White Paper.
13. Work is currently ongoing on a corporate response to the White Paper. Initially, an officer group is coordinating the main issues for consideration in a report to the Council Management Team (currently scheduled for 24 January 2007). It is important that any views Members have on proposals for scrutiny contained in the White Paper, in response to this report, are fed into that process.

Corporate Priorities

14. Fundamentally, the White Paper proposals on scrutiny should help to improve our overall organisational effectiveness by actively encouraging our partners and the public to engage with the scrutiny function. In specific reviews, individual corporate priorities will be met dependent on the subject of the topic under scrutiny.

Implications

15. There are no known Financial, Equalities or ITT implications at this stage.

- **Human Resources (HR)**

It is expected that through wider public understanding of the White Paper proposals and the ensuing Act the number of topics registered for review may well increase. This will put some strain on the Scrutiny Services team to ensure each topic is dealt with in a thorough and timely manner. There is a vacant but frozen post within the Scrutiny Services structure which could be filled if a case could be proven that these new legislative powers were having a resource impact. Although, more registered topics does not necessarily mean more reviews, more process and consultative work will be required and the likelihood is that there will be some externally generated reviews.

Equally, of course, more work for officers means more work and areas of 'specialism' for Members. This is particularly significant for scrutiny Members given that the nature of scrutiny is such that reviews are Member led and the work ranges from familiarisation with new topics, partners/services to being involved in a wide range of information and learning gathering processes, as well as producing reports. As a part of the corporate response and reaction to the White Paper proposals, Members will, no doubt, wish to comment upon the impact on and role of scrutiny members.

- **Crime and Disorder**

The effects of the Police and Justice Bill in relation to scrutinising crime and disorder issues is not known at this stage. But it is expected that this could also affect the number of topics registered for review.

- **Legal**

Given that the proposals will require legislation, it is understood that the CCfA will, most likely, be introduced from Spring 2008.

Risk Management

15. There are no risks associated with the recommendation made below.

Recommendations

16. Members are asked to note and comment on the contents of the report.

Reason: To assist in the provision of a corporate response to the White Paper.

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Wards Affected: All

For further information please contact the author of the report

Background Papers:

Strong and Prosperous Communities – The local Government White Paper

Annexes

Annex A – Flow chart showing how recently adopted working practices in Scrutiny Could be adapted to cover CCfA

Community Calls For Action

