

Report of	Meeting	Date
Corporate Director of Governance	Overview and Scrutiny Committee	28 September 2009

## NEW SCRUTINY POWERS

### PURPOSE OF REPORT

- To advise Members of new powers available to the Council as result of the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 coming into force.

### RECOMMENDATION(S)

- To note the report.
- To ask Council to enable the new powers to be exercised by the Overview and Scrutiny Committee.

### REASONS FOR RECOMMENDATION(S)

#### (If the recommendations are accepted)

- The new powers, although limited, provide a valuable extension to those currently available to the Council and will support the Overview and Scrutiny Committee in its externally focused work.

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region	√	Develop local solutions to climate change.	√
Improving equality of opportunity and life chances	√	Develop the Character and feel of Chorley as a good place to live	√
Involving people in their communities	√	Ensure Chorley Borough Council is a performing organization	√

### BACKGROUND

- As Members will be aware, the Lancashire Local Area Agreement is prepared by the County Council after consultation with partner authorities, including this Council. The Agreement contains local improvement targets for Lancashire.
- Back in May the Committee considered a report detailing new legislation affecting Scrutiny. That report highlighted new provisions enabling the County Council to seek information from, scrutinise and report to partner authorities in relation to the local improvement targets. At that time it was reported that a regulation making power existed which could give District Councils similar powers but regulations had not been made.

## LOCAL AUTHORTIES (OVERVIEW AND SCRUTINY COMMITTEES) REGULATIONS

8. In August the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 came into force.
9. These regulations give the Council power to allow its Overview and Scrutiny Committee to make and publish reports and recommendations to the County Council on LAA matters where the Borough Council has a role in delivering a target. On receiving a report the County Council is obliged to respond within two months indicating what action (if any) it intends to take.
10. In addition to providing the report or recommendation to the County Council the Committee may also send a copy to any other partner to which the target relates and require it to have regard to the report or recommendation in the exercise of its functions. Health bodies are though excluded from this provision.
11. In order to assist the Committee in examining local improvement targets new powers have been given to request information from partner authorities. Partners are obliged to respond to any reasonable request for information in support of the Committee's functions relating to local improvement targets. There are exceptions to this duty. For example only anonymised personal information need be provided and partners do not have to disclose information which would allow them to be sued for breaching confidentiality or which would prejudice their functions or legitimate interests (or those of a third party). In addition the powers do not apply to health or crime and disorder information where alternative rights to obtain information exist.
12. The new powers only extend to those partner organisations named in the 2007 Act which includes local authorities, the regional development agency, probation, the Environment Agency, Sports England and others. However, some key partners are not included such as housing associations, colleges and the voluntary sector. They may, of course, work with scrutiny on a voluntary basis.
13. Clearly with thirteen local authorities in Lancashire having the power to scrutinise the LAA, there is the possibility for duplication of effort and unreasonable demands being placed on partners. It is hoped that by sharing work programmers at an early stage, such problems can be avoided.
14. It is anticipated that the Centre for Public Scrutiny will issue guidance on how these powers should be used.

## IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

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There are no background papers to this report.

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