

Report of	Meeting	Date
Corporate Director (Governance)	Overview and Scrutiny Committee	29 September 2008

COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER – PROPOSALS RELATING TO OVERVIEW AND SCRUTINY

PURPOSE OF REPORT

- To consider the proposals relating to changes to the Overview and Scrutiny function within Local Authorities, contained within the Governments White Paper entitled “Communities in Control: Real People, Real Power”.

RECOMMENDATION

- That the proposals for Scrutiny contained with the White Paper, “Communities in Control: Real People, Real Power” be noted; and
 - The Committee receive a report on any future legislation or regulation which changes as a result of the consultation.

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

- Communities in Control: Real People, Real Power: Improving local accountability” is the first in a series of consultations flowing from the recent White Paper issued in July 2008. The consultation covers the implementation of the Overview and Scrutiny provisions in the Local Government and Public Involvement in Health Act 2007. The proposals cover developing and strengthening Overview and Scrutiny, new powers to hold local officers to account and facilitating the work of Councillors.

The full consultation document can be viewed on:

<http://www.communities.gov.uk/publications/localgovernment/localaccountability>

THE PROPOSALS FOR SCRUTINY

5. On the face of it the White Paper proposals on scrutiny are relatively limited; however, as with the previous White Paper and the Local Government and Involvement in Health Act 2007, depending on the detail of what finally emerges in legislation and regulation, there could be some positive developments for scrutiny.

5.1 The main proposals specifically relating to scrutiny are in Chapter 5 of the White Paper on Challenge. The government wants to raise the visibility of the scrutiny function by encouraging councils to consider "new approaches to scrutiny".

These include:

- encouraging more creative involvement of the public, for example through holding deliberative events along the lines of 'America Speaks' (large scale citizen engagement forums involving up to 5,000 people)
- moving committee meetings and hearings out of the town hall and into the community, and considering webcasting
- greater public involvement in suggesting and selecting topics for review
- making information more readily available and accessible on websites and at council offices
- councillor calls for action at overview and scrutiny committees
- taking petitions seriously with appeals against petitions being considered by overview and scrutiny committees

5.2 In paragraph 5.4 of the White Paper further changes to the scrutiny function are set out:

- further enhancing the powers of overview and scrutiny committees in local authorities to require information from partners on a broader range of issues
- if necessary providing councils in areas with district and county councils with a power to combine resources in 'area' scrutiny committees
- requiring some dedicated scrutiny resource in county and unitary councils

5.3 Further paragraphs from 5.5 - 5.7 of the consultation paper talk about ways to increase the visibility of local public officers so that they are open to public scrutiny and questioning from local communities. The White Paper suggests that:

"A key part of the role of chairs or chief executives of a local public body should be that they face a regular public hearing. It should be expressed in their job objectives and could be introduced as part of strengthened overview and scrutiny procedures."

5.4 This could be via a petition to require senior officers working for a local public body to attend a public hearing such as overview and scrutiny, and the government proposes to consult on a new right to petition to hold local officers to account. However the White Paper then goes on to suggest that this public meeting "should... be chaired by the local mayor or council leader" suggesting that it may not be an overview and scrutiny-led function.

TIMESCALES AND IMPLEMENTATION ISSUES

6. The government has already announced a Community Empowerment, Housing and Economic Regeneration Bill which will be introduced in the autumn, and the proposals on scrutiny and petitions will be included in this Bill. Civil servants want to ensure that the forthcoming guidance and regulations for the 2007 Local Government and Public Involvement in Health Act are developed in such a way that when the proposed provisions from this new Bill have passed through Parliament (assuming they go through) they will be able to slot seamlessly into the same framework.

6.1 The recommendations on “new approaches to scrutiny” in para 5.3 of the White Paper are not really new approaches at all for many authorities. Many authorities now routinely hold meetings away from Town and County Hall and some increasingly use webcasting for a range of meetings, not just scrutiny. However, resourcing issues will play a part in how far it is feasible for scrutiny functions to do this routinely and in a genuinely engaging and user-friendly way.

Involving the public in selecting topics for scrutiny reviews is something which only a few authorities do in a systematic way. Chorley Council has had a provision on its website for the public to suggest scrutiny topics since the introduction of the Overview and Scrutiny function.

6.2 Whether the proposals in paragraph 5.4 of the White Paper have real meaning and implications for scrutiny's development will depend greatly on the detail of what is meant by the information in the White Paper. The Department for Communities and Local Government officials have said that there is no list currently of further organisations whom it is intended to bring under a duty to respond to scrutiny, but it is understood that this does mean enabling scrutiny to examine the work of a range of external bodies and requiring them to provide information to scrutiny committees on subjects wider than purely the Local Area Agreement. It may be useful for this new list to include the key agencies such as local housing associations, the utilities, local transport companies and the Post Office.

6.3 The proposed power to combine resources is somewhat oblique but it is understood to mean the ability to form formal joint committees. However, it is specifically set in the context of two-tier areas. Increasingly, developments such as shared services between authorities and Multi Area Agreements will require joint scrutiny with the full range of powers between all types of authority, not purely in two-tier areas.

6.4 The reference to require a dedicated scrutiny resource refers only to upper tier and unitary Councils. CLG are apparently also contemplating creating as part of this dedicated resource provision, a statutory role of "Scrutiny Officer", similar to the "Monitoring Officer" role, with specific powers, duties and statutory protection. This will perhaps provide some protection against the vulnerability which some scrutiny officers can feel in supporting members to challenge their colleagues in directorates elsewhere in the council.

IMPLICATIONS OF REPORT

7. 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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Background papers

DCLG Consultation papers – Communities in control: real people, real power : improving local accountability

Centre for Public Scrutiny – guidance on the new White Paper

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Carol Russell	5196	18 September 2008	CR/1809