

Report of	Meeting	Date
Corporate Director (Governance)	Overview & Scrutiny Committee	21/05/09

## NEWLY IMPLEMENTED LEGISLATION AFFECTING SCRUTINY

### PURPOSE OF REPORT

- To advise the Committee on recent legislation which impacts on the role of scrutiny.

### RECOMMENDATION(S)

- That Members views be invited on:
  - A policy to deal with any items referred under the Community call for action provision;
  - Whether the Overview and Scrutiny Committee should include the role of scrutinising the crime and disorder function in its terms of reference.

### 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	4

### BACKGROUND

- The Government has recently brought into force sections of the:
  - Local Government and Public Involvement in Health Act 2007**
  - Police and Justice Act 2006**

which impact on scrutiny. Further Regulations and Guidance are anticipated.

### INDIVIDUAL MEMBER DECISION MAKING

- Provisions are now in force allowing for the Council to delegate some decision making to any individual member. This power only applies to decisions which relate to the member's own ward. The decision must be made formally, recorded in writing and retained by the Council in compliance with Regulations.

6. There is provision for overview and scrutiny committees to scrutinise decisions made under these arrangements.

### **COUNCILLOR CALL FOR ACTION**

7. This provision started out as the “Community call for action” and was watered down in Parliament to the “Councillor call for action”. There is now a requirement for the Constitution to include a provision that any member of the Overview and Scrutiny Committee may refer to the Committee any matter which is relevant to the functions of the Committee. Any other Member can refer a “local government matter” to the Committee. In practice it is difficult to see any significant difference is in these powers.
8. Certain matters are excluded including planning and licensing decisions but also any matter: “*which is vexatious, discriminatory or not reasonable to be included in the agenda*”.
9. In Chorley, Councillors have had similar rights for years and our arrangements also include a form of “community call for action” in that members of the public can both put forward subjects for scrutiny and request the call in of executive decisions.
10. There is a need to revise the Constitution to deal with this without reducing existing powers. There is a decision to be made as to whether the Council needs a policy on how to decide whether to exclude any matters referred.

### **CRIME AND DISORDER OVERVIEW & SCRUTINY COMMITTEE**

11. The Council now needs to make provision for the scrutiny of crime and disorder matters by establishing a Crime and Disorder Overview and Scrutiny Committee. The Committee will have a duty to meet at least once a year to: “review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions”. The responsible authorities are the County and District Councils, the police, the fire service and the PCT.
12. One option would be to add these functions to those of the existing Overview & Scrutiny Committee rather than establishing new arrangements. Members views are requested.

### **SCRUTINY OF LOCAL IMPROVEMENT TARGETS**

13. New provisions are in place which enable the County Council to seek information from, scrutinise and report to partner authorities (including ourselves) in relation to local improvement targets. A regulation making power which could give District Councils similar powers is in force but no regulations have been made as yet. It is expected though that they will be made in the Summer and national guidance is also expected on the use of these powers.

### **IMPLICATIONS OF REPORT**

14. 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	4	No significant implications in this area	

### **ANDREW DOCHERTY CORPORATE DIRECTOR (GOVERNANCE)**

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