

APPENDIX H

WAVERLEY BOROUGH COUNCIL

COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE 9 NOVEMBER 2009

Title:

Implementation of New Powers for Overview and Scrutiny Committees

**[Portfolio Holder: ALL]
[Wards Affected: ALL]**

Summary and purpose:

At its meeting in June this year the Committee received a report on recent changes in legislation that provide new powers for overview and scrutiny committees. This report - which is being presented in a slightly modified form to the Council's other two overview and scrutiny committees – provides Members with further information on these new powers, both in relation to the scrutiny of the Surrey Local Area Agreement and the scrutiny of the work of Waverley's Crime and Reduction Partnership.

The report also updates members on work that is currently being undertaken by the Surrey Overview and Scrutiny Officers Group to develop a framework for local authorities in Surrey to work together to carry out scrutiny of these and other strategic and county-wide issues of common concern.

How this report relates to the Council's Corporate Priorities:

The new powers for overview and scrutiny committees are relevant to all of the Council's corporate priorities.

Equality and Diversity Implications:

The new powers will enable overview and scrutiny committees to provide a forum for community debate and to champion the interests of local people from all backgrounds across a range of social issues.

Resource/Value for Money implications:

There are no resource implications associated with this report other than the officer time involved in preparing for the adoption of the new powers

Legal Implications:

The report identifies a number of areas where a change to the Council's Constitution will be required.

Scrutiny of Local Area Agreements

1. The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 came into force on 12 August 2009. The purpose of these regulations is to implement arrangements for the overview and scrutiny of Local Area Agreements (LAAs) provided by the Local Government and Public Involvement in Health Act 2007.
2. The effect of these Regulations is to enable district councils in areas where there is also a county council, to widen the role of their overview and scrutiny committees in respect of the scrutiny of Local Area Agreements. The regulations give all overview and scrutiny committees the power to obtain information from LAA partners, provided that the request is made in writing and relates to a local improvement target. The regulations also require the partners to have regard to any overview and scrutiny committees' reports and recommendations which relate to a relevant LAA target.
3. As Members will know, the LAA for Surrey is prepared by Surrey County Council in consultation with other partner authorities, including the district and borough councils, the police, primary care trust, fire and rescue authority, and similar organisations. The Agreement sets out the priorities and targets for improvements in the area, and clarifies responsibility for delivery of those targets.
4. While Waverley makes a significant contribution to the attainment of some of the improvement targets in the Surrey LAA, in practice the majority of the targets are aimed at seeking improvements to services that cut across individual providers and authorities. Not all of the data for the LAA indicators are available by district or borough. Some are only reported at the County level which makes it difficult for Waverley and other Surrey authorities to carry out an effective scrutiny of performance in relation to a particular target. Furthermore, if a number of authorities in Surrey decided to scrutinise the same target, this could lead to possibly unmanageable demands being placed on partner organisations in terms of providing information and attending meetings etc.
5. Attached at Annexe 1 for the background information of members is a table of the Surrey LAA indicators, showing those indicators for which data is likely to be available at district/borough level.
6. The Surrey Overview and Scrutiny Officers Group has been discussing the challenges posed by the new legislation, and their proposals are set out later in this report.
7. However, in due course it is possible that Waverley's overview and scrutiny committees may wish to review a local improvement target to consider whether there is any aspect of this target that requires scrutiny, and it is therefore proposed that the functions and terms of reference of Waverley's

three overview and scrutiny committees should be updated to take account of these new powers.

Scrutiny of Crime and Reduction Partnerships

8. As Members will be aware from previous reports, the Police and Justice Act 2006 requires each district and county council to designate an overview and scrutiny committee as the crime and Disorder Committee of that authority. It is not a requirement that a new committee should be set up to carry out this function as the Act allows for an existing committee to be designated the 'Crime and Disorder Committee'. At its meeting in July this year, the Executive agreed that Waverley's 'Crime and Disorder Committee' should be the Community Overview and Scrutiny Committee, and the Committee's terms of reference have been amended to take account of this new responsibility.
9. The Crime and Disorder (Overview and Scrutiny) (England) Regulations 2009 set out the detailed operational arrangements that need to be put in place. These are as follows:

Co-opting members – The Committee may co-opt additional members, although co-opted members cannot vote on any particular matter unless the committee so decides. Co-opted members must either be an employee, officer or member of a responsible authority or of a co-operating person or body,¹ must not be a member of the Executive of the committee's local authority, cannot vote on any particular matter unless the committee so determines and may have their membership withdrawn at any time by the committee.

Frequency of meetings – The Committee can meet to review or scrutinise decisions made, or other action taken by the local CDRP as frequently as considered appropriate, but must meet no less than once in every twelve months.

Information provision – The responsible authorities must provide any information requested by the 'Crime and Disorder Committee' (subject to provisions).

Attendance at meetings – The Crime and Disorder Committee can require the attendance of a representative of a responsible authority in order to answer questions.

Reports and recommendations – Where the Crime and Disorder Committee has made a report or recommendation to the responsible authorities, the responsible authorities must respond in writing within 28 days (or as soon as reasonably possible thereafter).

¹ Responsible bodies are the Police, local authority, Police Authority, Fire and Rescue and Primary Care Trust (plus Probation from April 2010). Co-operating bodies are currently Probation, NHS Trusts, Parish Councils, Schools and Further Education bodies.

10. The Home Office has produced guidance on the implementation of the new regulations which emphasises that reviews of the CDRP should be kept at a strategic level, with the focus being on the partnership rather than individual partners. The aim is constructive challenge at the strategic level rather than fault-finding at operational level. In two-tier areas, the guidance encourages both tiers to work together. It also suggests that boroughs, districts and counties should consider developing a joint approach for looking at community safety issues that cut across organisational boundaries. However, it is stressed that any joint approach should be in addition to, not instead of, scrutiny by individual local authorities.
11. Discussions have yet to take place with members of the Safer Waverley Partnership on how best to implement the new regulations, and in particular how the Police Authority might be involved in any scrutiny of any reviews of community safety matters carried out locally. The Home Office guidance recommends that, where appropriate, the Police Authority have a direct input into the delivery of task and finish reviews that involve the police. In the case of district/borough councils the guidance suggests that either a member of the Police Authority has a standing invitation to attend meetings of the Community Overview and Scrutiny Committee as an expert witness, or a Police Authority Member is co-opted onto the committee whenever community safety matters are discussed.
12. Members are invited to consider which of these two approaches they would support, bearing in mind that the Police Authority could potentially receive requests for a similar level of representation from the other Surrey districts and borough. Members are also asked for their views on how best to incorporate the scrutiny of community safety matters within the Committee's work programme. One way of proceeding would be to include a review of the work of the Waverley CDRP on the agenda for the first meeting of the Committee following the start of the new Council year.

Proposal for joint scrutiny arrangements in Surrey

13. As reported to the Committee earlier this year, a Surrey Overview and Scrutiny Officers Group has been looking at ways in which local authorities in Surrey could work together to carry out scrutiny of the Surrey LAA, crime and disorder matters and indeed other strategic and county-wide issues. By working collaboratively in this way, it is believed that it should be possible to improve efficiency, avoid duplication and make the best use of reducing resources – both for those carrying out the scrutiny work and those being scrutinised.
14. The Officer Group has already had discussions with the Surrey Strategic Partnership (SSP) Development Group on the feasibility of establishing some form of joint scrutiny arrangement, and attached as Annexe 2 is a draft framework which, it is hoped will be endorsed by both the SSP, the various partner organisations, and eventually all Surrey local authorities. Attached as Annexe 3 is a draft implementation timetable.

15. As will be seen from the draft framework, it is proposed that an informal partnership arrangement be established across Surrey, led by the County Council, to be used primarily for the scrutiny of the SSP and its thematic partnerships, the LAA improvement targets and strategic crime and disorder matters. The draft framework does not seek to replace individual local authority overview and scrutiny arrangements, but rather to provide an enhancement of existing arrangements which, it is believed, will eventually lead to improved outcomes in terms of the quality of life for all residents in Surrey. It is suggested that the framework would operate as an 'opt-in' arrangement, with individual councils being able to choose the extent to which they would like to be involved in the process. It is envisaged that the process would be overseen jointly by all Surrey local authorities through a Surrey Scrutiny Coordination Group.
16. In putting forward this proposal, the Officers Group is very conscious that there are no new resources for this work. The proposed framework is an attempt to provide a practical solution to the challenges of scrutinising county-wide issues in a two tier system of local government using existing resources.
17. Members are asked to consider whether they wish to make any comments on the proposed framework.

Recommendation

It is recommended that the Committee:

- (i) Notes the information provided on the implementation of the new powers for overview and scrutiny committees.
- (ii) Considers how best to incorporate the scrutiny of community safety matters in its work programme and how the police authority should be represented on the Committee
- (iii) Considers whether it wishes to pass any observations to the Executive regarding the proposed framework for collaborative scrutiny working between local authorities in Surrey.

Background Papers (CEX)

Guidance for the Scrutiny of Crime and Disorder Matters – England: Implementing Sections 19 and 20 of the Police and Justice Act 2006

Contact Officers

Name: Sue Petzold

Robin Pellow

Telephone: 01483 523202

Email: sue.petzold@Waverley.gov.uk

Telephone: 01483 523222

Email: robin.pellow@waverley.gov.uk