

SCRUTINY LEADERSHIP BOARD

26th MARCH 2009

Update on Legislation

This briefing note provides an update on the progress of legislation that will impact upon the scrutiny function at Telford & Wrekin Council.

Councillor Call for Action (CCfA)

Legislation: a) Local Government and Public Involvement in Health Act 2007
Commencement: 1st April 2009 for relevant sections
Guidance was released in February 2009

b) Police & Justice Act 2006
Commencement: 1st April 2009 for relevant sections
Guidance likely to be released on 30th April 2009

Councillor Call for Action has been introduced to support elected members in achieving improvements for their local areas. It is envisaged that it would help those ward councillors who have been unable to resolve problems in their particular wards by talking to the local authority and its partners, by allowing the ward councillor to refer the matter to the Scrutiny Leadership Board for consideration. CCfA covers both issues of community safety (under the Police & Justice Act) and all matters of the Council, including where services are delivered with partners (Local Government and Public Involvement in health Act)

- CCfA will be a means of “last resort”; with issues being raised with the Scrutiny Leadership Board after all other avenues have been exhausted.
- CCfA can only be used in matters affecting a particular ward area.
- It is a technique for helping to resolve issues, but it is not a panacea. Simply bringing issues to scrutiny through the CCfA process will not automatically produce a solution.

Scrutiny Services are currently working on guidance to members on how CCfA will work at Telford & Wrekin. We are also creating a process for dealing with CCfA at Scrutiny Leadership Board which has been identified in the Constitution, as the Scrutiny body which will hear CCfA.

Scrutiny of Local Area Agreements (LAA)

Legislation: Local Government and Public Involvement in Health Act 2007
Commencement: 1st April 2009 for relevant sections
There is no date for issuing of guidance yet.

Scrutiny of Local Area Agreements introduces an extension of scrutiny the remit to cover the following service providers:

Upper tier or unitary councils	District councils
Health and Safety Executive	Chief Officer of the Police
Police Authorities	Fire and Rescue Authorities
Metropolitan Passenger Transport Authorities	The Highways Agency
The Environment Agency	Natural England
Regional Development Agencies	National Park Authorities
The Broads Authority	Local Probation Boards
Youth offending teams	Primary Care Trusts
NHS Foundation Trusts	NHS Health Trusts
The Learning and Skills Council in England	Jobcentre Plus
Joint Waste Disposal Authorities	Social care

Each of these service providers apart from the Police who will be subject to requirements in the Police and Justice Act 2006, will have a duty to co-operate on issues that relate to service delivery connected with the authority; they can be required either to appear before the committee or provide information to the committee within 20 working days (corresponding to the Freedom of Information Act deadline). These organisations must also “have regard to” scrutiny reports and recommendations.

This is a function of the Scrutiny Leadership Board, part of which has been delegated to the Value for Money Group to scrutinise performance of the Local Area Agreement.

Scrutiny of Crime and Disorder Matters

Legislation: Police & Justice Act 2006

Commencement: 30th April 2009

There is no date for issuing of guidance yet as the Regulations have not been produced.

The Act inserts a new section 21A into the Local Government Act 2000 to extend the remit of scrutiny committees to incorporate the scrutiny of their local Crime and Disorder Reduction Partnership (CDRP).

The Act includes:

- Crime & Disorder (C&D) scrutiny committee may co-opt additional members, although this should not be more than the number of permanent members;
- C&D scrutiny committee to review Police Authority (PA) decisions/performance at least twice a year.
- C&D scrutiny committee may request information, and the responsible partners must provide information no later than the date requested unless it is unreasonable to do so. The PA/other bodies are able to edit the information where it relates to an individual or ongoing operational police matter.

- C&D scrutiny committee can require attendees from partner organisations at a meeting and must give at least two weeks notice (unless they agree it can be shorter). Partners must send someone to committee unless they have a "reasonable excuse".
- PA/other bodies must respond to C&D scrutiny committee recommendations made within 1 month after they are made, in writing.

Under the new scrutiny structure this was agreed as a function of the Scrutiny Leadership Board, however the Constitution will need to be changed to designate SLB as the Scrutiny Committee that will scrutinise the local Crime and Disorder Reduction Partnership under this legislation.

Recommendation: Scrutiny Leadership Board is asked to agree that the Constitution is amended to designate the Scrutiny Leadership Board as the Scrutiny Committee for Crime and Disorder issues.

Petitions

Legislation: Local Democracy, Economic Regeneration and Construction Bill
Possibly commencement in "Summer 2009", however this may slip beyond Parliament's summer recess.
Guidance unlikely to be available before October 2009

The Act requires:

- Council must make, comply with and publish a scheme for handling petitions
- The subject of the petition must relate to the functions of the authority or other public services for which the authority has shared delivery responsibilities (the subject matter excludes planning which is covered by existing processes)
- Council will decide who to recognise as signatories, but at a minimum would be to respond to petitions for those who live, study or work within the boundary
- It will not be necessary to respond to frivolous, vexatious or discriminatory petitions, nor to one that is the same or substantially similar to one that has been made to the authority within a period of six months
- If requested by the petitioner, the authority must review the adequacy of the steps taken in response and publish the results its website
- Petitioners will be able to appeal to an overview and scrutiny panel if not satisfied with the response they receive to their petition to review the adequacy of the steps taken by the authority in response to a petition.

Democratic Services is currently looking at options for dealing with petitions.