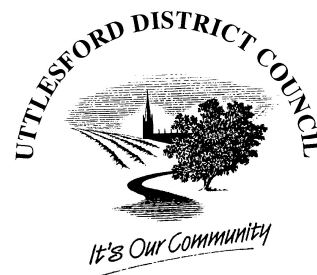


Scrutiny Committee

**8 July 2008
ITEM 4**



Uttlesford District Council Scrutiny Handbook 2008

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1. Introduction

The purpose of this handbook is to provide information and guidance on Uttlesford's scrutiny arrangements. The handbook contains practical guidance for members, officers and others who are involved in the scrutiny process.

Scrutiny helps ensure that the council delivers its objectives, by creating an open, transparent mechanism for members to shape, question, evaluate and challenge its policies, decisions and performance. It can offer evidence-based recommendations and practical solutions. Scrutiny's role is distinct from the role of a policy committee, but not in opposition to it. Rather, the role is that of a critical friend. It is open to members of the public to seek scrutiny through their ward councillor.

2. What is Scrutiny?

What it is:

- Scrutiny is about challenge and constructive criticism
- It complements the decision making powers of the council
- It is a constructive, commonsense approach to reviewing decisions and policies and considering whether they are right for the local authority, helping to ensure effective service delivery that meets the needs and aspirations of the local community
- The scrutiny process provides an opportunity for members, and, in some cases, external representatives, to examine various functions of the council, to ask questions about how decisions have been made and to consider whether service improvements can be put in place
- It provides an opportunity for members to champion issues of public concern and to participate in the development of new policies
- It facilitates debate about the council's purpose, priorities and budget
- It reinforces the council's leadership role in promoting the wellbeing of the community by reviewing services provided by other organisations.

What it is not:

- Scrutiny is not a process for dealing with individual complaints or concerns. Uttlesford has a separate corporate complaints procedure as well as systems within the service delivery sections to deal with concerns about individual cases
- Scrutiny is not simply a forum for officers to submit reports for information or to consult members about issues they are working on. Directors are welcome to offer information on reports they think members should be aware of, or to suggest topics they believe would benefit from scrutiny
- Whilst scrutiny committee should challenge and question decisions and make constructive criticism, it should not be a source of unnecessary conflict and confrontation.

3. Legislative Framework

The powers of scrutiny are set out in the Section 21 of the Local Government Act 2000 and Sections 119-128 of the Local Government and Public Involvement in Health Act 2007 (see Appendix A).

- Section 21 brought in new arrangements that clearly defined a scrutiny role for members in holding the executive to account, and in scrutinising the work of other agencies providing local services. (It should be noted that Uttlesford is a fourth option council and operates 'alternative arrangements', rather than executive arrangements, and accordingly this handbook refers to full council and/or the policy committees, in place of 'the executive').
- Sections 119-128 further clarified the powers of scrutiny in respect of questioning members of the authority; requesting information from partner authorities; reports and recommendations; and reference of crime and disorder matters.

There is a clear distinction between the council's role in proposing and implementing policies, and the role of members in reviewing and scrutinising decisions. Local authority scrutiny committees have the power to summon members of the policy committees and officers of the authority before it to answer questions, and are able to invite other persons to attend meetings to give their views or submit evidence.

4. Scrutiny in a Fourth Option Council

The role of scrutiny in fourth option councils such as Uttlesford can be summarised as:

- Reviewing policy and assisting in policy development
- Scrutinising decisions and decision-making for any council function except regulatory functions such as planning and licensing
- Investigating other matters of local concern
- Assisting the council in fulfilling duties relating to Best Value
- Ensuring procedures are in place for councillors to feed in community views to policy development and decision making.

Scrutiny has a vital role in helping to achieve some of the key aims of the Local Government Act 2000: greater efficiency, transparency, accountability, consistency, public involvement and responsiveness to the public.

The Centre for Public Scrutiny (CfPS) has identified four principles of good scrutiny:

- Provide 'critical friend' challenge to executives as well as external authorities and agencies
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services.

And identified a number of specific issues for fourth option councils:

- Finding a distinct role and agenda, gaining credibility and the respect of the rest of the council. In the cabinet system, scrutiny is more clearly seen as a counter-balance to the executive. In fourth option authorities, decision-making is not so concentrated and the complementary roles of the executive (policy committees/council) and scrutiny are not perceived as quite so clear-cut. There can be confusion over the respective role of policy-making and scrutiny committees. Scrutiny chairs and other members in fourth option authorities need to think carefully about the best way of carrying out the scrutiny role in their authority, in order to add value to the decision-making process
- Explaining the role of scrutiny and developing a scrutiny culture both for the public and for members and officers within the council. If there is a lack of clarity about the role, it will be difficult to convince others of the value of scrutiny either within or outside the council
- Holding decision makers to account; and call-in. Challenging decisions and using call-in within a fourth option system is sometimes seen by scrutiny members and officers as ‘the few criticising the many’. Call-in by a minority group may be seen as simply political; and call-in by the majority group may be seen as ‘letting the side down’. However, challenge to decision-makers is crucial to the scrutiny process and can be done in a variety of ways which are constructive and helpful to decision making, rather than negative and party political
- Lack of resources. This includes insufficient officer support; lack of funding to buy in expert help, provide training or carry out consultation; and constraints on elected members’ time.

5. Scrutiny at Uttlesford District Council

The way that scrutiny committee operates within Uttlesford District Council is set out in the council’s constitution.

Scrutiny committee is responsible for monitoring decisions of the policy committees. It can call-in a decision which has been made by a policy committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the policy committee or full council reconsider the decision. It is also responsible for the scrutiny of outside bodies and may receive public petitions or councillor calls for action.

The key roles are:

i. Holding the policy committees to account

This role involves scrutinising decisions at a number of different stages of the decision-making process: before decisions are made; before they are implemented; and after they are implemented. Activities which fall into the category of ‘holding to account’ include:

- Examining minutes, agendas and any forward plans regularly, to ensure decisions have been properly taken and that the right kinds of issues are being discussed

- Attending policy committee meetings, to observe proceedings and get a wider view of the issues on the agenda
- Where necessary calling policy committee chairs or other members, or senior officers, as witnesses or to present progress reports, so that they can be questioned about policy and performance issues in their areas of responsibility
- Officer briefings, in order to ensure that the committees are kept up to date
- Regular meetings with the council leader and other senior members, in order to discuss informally policy and performance issues
- Using call-in procedures. Call-in presents an opportunity to have important issues more widely debated and, if presented in this way, could be seen as less divisive and more constructive. The mechanism for call-in should be clear and simple, so that it can be easily used when necessary.

ii. Policy development and review

The function is to assist policy committees on all issues including the development of new policies and the review of existing policies and services, and making recommendations accordingly; and to assist the council in development of its budget and policy framework. Policy reviews can take a number of different forms: 'big picture' reviews, e.g. reviewing recycling policy within an authority; or more focused reviews, e.g. reviewing energy saving measures for the council's public buildings. The key factors in successful policy development and review are:

- Selecting significant review topics where scrutiny is necessary and can add value i.e. cross-cutting issues; issues of public concern; issues where there are statutory requirements not being met; or issues with significant financial implications
- Rigorous project planning with careful scoping of terms of reference; key issues and objectives; information required; methods to be adopted; resources required, including external expertise; and reporting mechanisms
- Range of investigative methods, ensuring that a range of experiences and views is represented. Methods can include the formal 'select committee' approach of witnesses appearing before the committee; focus groups; public meetings; site visits to meet members of the public and see the service in situ; mystery shopping; and measures to obtain the views of people who have not traditionally become involved in council consultations, for example, young people, or people from black and minority ethnic groups
- Ensuring reviews are carried out in a transparent and robust manner
- Presenting final reports which review the evidence, summarise the main points and make clear recommendations for service innovation and development, based on the evidence
- Follow up of recommendations, to ensure that action is taken and the review leads to service improvement. This can be done through such means as follow-up reports and surveys; or the requirement for the appropriate committee chair or senior officer to produce an action plan to implement the recommendations.

iii. External scrutiny

Scrutinising the work and impact of external organisations in the district where necessary, including authorities responsible for crime and disorder strategy. Scrutiny of external organisations is a very distinctive and crucial role which only scrutiny committees can play. The approach to reviews should be the same as for internal policy development and review, in terms of

- Choosing a necessary topic; planning and managing the review; using a variety of investigative methods
- Involving the public and other partners; producing a robust and evidence based report and following up recommendations.

External scrutiny is important in responding to issues of public concern and demonstrating community leadership. External reviews can promote partnership working, for example by looking at cross-cutting issues and looking at how the council works in partnership with others.

iv. Health scrutiny

The *Health and Social Care Act 2001* gives powers to local authorities with social services responsibilities to carry out scrutiny of local health services. Whilst health scrutiny is not a specific function of district councils, county councils can delegate health scrutiny functions to districts

v. Councillor Call for Action

This enables any member of the council to refer to scrutiny committee a “local government matter” which falls within the committee’s remit. This can be done regardless of whether that member is on the committee or not. A referral made in this way will ensure that the matter is included in the agenda and discussed at the committee.

If the scrutiny committee receives a referral from a member who is not on the committee, it can choose to do any of the things that it might normally do with a new item. These include: reviewing and scrutinising decisions and actions; and making reports and recommendations. If the committee decides not to take the matter up it must explain the reasons why to the member. However, if the committee chooses to conduct some work on the issue, it must make sure that the member has a copy of any reports or recommendations that it makes in relation to it.

6. Conducting Scrutiny Reviews

As noted above there are various methods for scrutinising the council.

i. Questioning policy committees and officers; questioning external bodies

Asking searching questions is one of the basic and most direct tools available to scrutiny committee in their work. The committee may require the attendance of any member of the policy committees, the chief executive and/or any senior officer at a committee meeting to provide oral evidence. In any event, it is good practice regularly to invite the chair of the policy committees, and senior officers, to committee

meetings to outline their priorities, and report on issues and challenges facing services.

ii. Contributing to the development of policies

Policy committees, directorates and external agencies may approach scrutiny committee and ask to consult them as part of their policy development procedure. It is up to the scrutiny committee to decide whether they wish to consider the matter or not. Scrutiny committee may also take the initiative in developing new policies.

iii. Scrutinising proposed decisions

Scrutinising decisions is one of the ways in which scrutiny committee holds the policy committees to account. Scrutiny committee should regularly review the policy committees' forward plans in order to decide if there are any key decisions coming up that they would like to examine or comment on. They may question officers and policy committee members about planned decisions and seek the views of local people or other interested parties. Officers may also be asked to explain and justify the advice they have given to members of the policy committees prior to decisions being taken. They may refer recommendations or comments to the policy committees to be considered when the proposed decision is discussed.

iv. Scrutinising decisions which have been made and 'call-in'

As well as scrutinising proposed decisions, scrutiny committee can also review decisions which have been made:

- The call-in procedure can be used to prevent decisions being implemented until they have been discussed by the scrutiny committee, which can then refer the decision back for reconsideration if it finds that the decision is flawed in some way
- They can review decisions to see if there are lessons to be learned. This can lead to recommendations which might help to improve the decision making process.

v. Conducting scrutiny studies or reviews

Scrutiny committee may wish to conduct a study when they need to explore an issue in more detail than is practical in their regular meetings. The selection of the topics for study can be in response to poor performance or the challenges presented by new legislation, to develop new policy or to review existing policy or service areas. Equally, the policy committees or full council may have suggested the study topic.

vi. Responding to new legislation

Scrutiny committee may play a role in considering the council's response to new legislation and make recommendations to the policy committees about the impact of new legislation on council services. They may also ask directorates to provide progress reports on the action the council has taken in response to new legislation, and may comment on or monitor that work.

vii. Engaging with the public and outside bodies

The scrutiny process is about openness, transparency and learning. Scrutiny committee should seek to:

- Engage with the public, including: consultation on the work programme and selecting topics for investigation; consultation in reviews; and public attendance at meetings
- Keep the public and partners informed: through a scrutiny page on the council's web-site; council magazine; using the media; presentations and newsletters for partner organisations.
- Involve the media: the media can be a powerful means of promoting scrutiny if they can be persuaded to take a constructive interest in the work of the committee. Useful methods include: regular meetings between the chair and local editors; press/media releases before every meeting
- Learn from experts and other authorities: bringing in experts to advise on reviews of technical topics; visits to other councils to learn from best practice; hosting visits from other councils; joining scrutiny networks; making use of resources such as Centre for Public Scrutiny website

7. Managing Scrutiny Work

i. Developing a work programme and forward plan

The scrutiny committee has responsibility for setting its annual work programme, which should take account of the timing of meetings of the policy committees in order to permit papers relating to those committees to be scrutinised or decisions subject to call-in where appropriate. When resources are limited, it is important to be realistic: not taking on too much; starting small and doing a good job with the resources available and building up from there.

Having a forward plan helps with agenda planning, ensuring adequate time for discussion. For non-scrutiny members and officers, it gives plenty of notice of attendance at scrutiny meetings and helps to maintain good relationships with non-scrutiny officers and members.

ii. Importance of leadership and chairing

Scrutiny is a member-led activity. The way in which it is chaired and led is critical in making it work effectively. Key factors in successful leadership and chairing include:

- Setting the tone: the chair of the scrutiny committee has a crucial role in establishing from the outset that the committee is undertaking a role not suited to traditional approaches and gaining acceptance for a new approach, which is:
 - Transparent and accessible
 - Deliberative and evidence based
 - Collaborative and non-partisan
 - Respectful and non-contentious

- Political independence: effective scrutiny requires objectivity and setting aside of party politics. Preferably, scrutiny chairs should not be from the majority party. In any event, the chair should ensure a non-partisan approach, for example: ruling out party political comments and an adversarial approach at meetings; working with the leadership of the council and with political groups to discourage formal party whipping and agreeing a party line at pre-meetings
- Conduct of meetings: welcoming the public at meetings and explaining the purpose, procedures and roles; promoting member involvement in discussions and a consensual approach to committee conclusions and recommendations; clear summing up; thanking everyone for their contributions
- Robust and deliberative, evidence-based approach: ensuring that evidence is gathered in a range of ways and receives full consideration at committee; and that conclusions and recommendations are soundly based on the evidence considered
- Terms of reference, protocols and values: recognition of the specific role and independence of scrutiny can be assisted by the development of clear terms of reference, protocols and an explicit set of values for scrutiny, made clear to all who attend. Values might include such things as: independence, courtesy, constructive criticism and commitment to equality
- Effective preparation for scrutiny members before meetings, for example: officer briefings with the chair, pre-meetings with the whole committee, at which members can talk through the issues and consider together their lines of questioning and the way the meeting should be handled. This helps members to make best use of the limited time available at committee meetings
- Promoting positive, challenging and constructive relationships with the council leadership. Regular meetings and workshops between scrutiny chairs, policy and service committee chairs and the council leader and deputy leader are helpful in identifying ways in which scrutiny can assist with policy development in the council
- Developing a positive 'critical friend' relationship with senior officers, promoting scrutiny as a helpful process in driving improvement
- Promoting scrutiny within the council, for example through presentations and news items in internal newsletters.

8. Support for Scrutiny

i. Officer support and funding

Good officer support is crucial to effective scrutiny. Dedicated scrutiny officers perform an important support and facilitating role, ensuring that scrutiny committee is kept well-informed and independently advised; carrying out research; drafting reports; and ensuring follow up of recommendations. Funding is also needed to support the scrutiny process. Lack of resources is identified as one of the key issues faced by fourth option councils and only a small number have specialist staff or a scrutiny budget.

ii. Training and development in scrutiny skills

Training and development may be needed for members and supporting officers, for example in interviewing skills, investigative techniques; assessing evidence; chairing skills; and communication skills. Awareness training should be provided for those not involved in scrutiny to help with an understanding of its role.

iii. Report writing

A different approach is needed in writing overview and scrutiny reports. Review reports need to summarise evidence and set out clearly facts, issues and points that are required for discussion, rather than making recommendations.

Appendix

i. Local Government Act 2000, Section 21

(1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).

(2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them) -

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

(3) The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes the power -

- to recommend that the decision be reconsidered by the person who made it, or
- to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.

(4) Subject to subsection (5), an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section.

(5) If or to the extent that a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their overview and scrutiny committee (or any of their overview and scrutiny committees) to conduct such a review.

(6) An overview and scrutiny committee of a local authority –

(a) may appoint one or more sub-committees, and

(b) may arrange for the discharge of any of its functions by any such sub-committee.

(7) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).

(8) Executive arrangements by a local authority must include provision which enables—

(a) any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee, and

(b) any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.

(9) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.

(10) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.

(11) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated –

- as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), and
- as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

(12) Subsections (2) and (5) of section 102 of the Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.

(13) An overview and scrutiny committee of a local authority or a sub-committee of such a committee –

(a) may require members of the executive, and officers of the authority, to attend before it to answer questions, and

(b) may invite other persons to attend meetings of the committee.

(14) It is the duty of any member or officer mentioned in subsection (13)(a) to comply with any requirement so mentioned.

(15) A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

ii. Local Government and Public Involvement in Health Act 2007, Sections 119-127

119 Reference of matter by councillor to overview and scrutiny committee

After section 21 of the Local Government Act 2000 (c. 22) insert— “**21A Reference of matters to overview and scrutiny committee etc**

- (1) Executive arrangements by a local authority must include provision which—
- (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
 - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
 - (c) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which he has by virtue of subsection (1)(c) in any case, a member of an authority must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) Subsections (6) to (8) apply where a local government matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to subsection (1)(c).
- (6) In considering whether or not to exercise any of its powers under section 21(2) in relation to the matter, the committee may have regard to—
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under section 21(2) in relation to the matter.
- (7) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—
- (a) its decision, and
 - (b) the reasons for it.

(8) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under section 21(2) in relation to the matter.

(9) Subsection (8) is subject to section 21D.

(10) In this section “local government matter”, in relation to a member of a local authority, means a matter which—

- (a) relates to the discharge of any function of the authority,
- (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
- (c) is not an excluded matter.

(11) In subsection (10)(c), “excluded matter” means any matter which is—

- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or
- (b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.”

120 Power of overview and scrutiny committee to question members of authority

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (13), before “and” immediately following paragraph (a) insert—“(aa) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England),”.

(2) In subsection (14) of that section, for the words following “mentioned in” substitute “paragraph (a) or (aa) of subsection (13) to comply with any requirement mentioned in that paragraph”.

121 Powers to require information from partner authorities

After section 22 of the Local Government Act 2000 insert—“**22A Overview and scrutiny committees of certain authorities in England: provision of information etc by certain partner authorities**

(1) The Secretary of State may by regulations make provision, in relation to a relevant committee—

- (a) as to information which relevant partner authorities must provide to the relevant committee, and
- (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.

(2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—

(a) section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters), or

(b) section 244(2)(d) or (e) of the National Health Service Act 2006 (functions of overview and scrutiny committees).

(3) For the purposes of subsection (1), “relevant committee” and “relevant partner authority” have the meanings given by section 21C.

(4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—

(a) as to information which associated authorities must provide to the relevant district council committee, and

(b) as to information which may not be disclosed by an associated authority to the relevant district council committee.

(5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).

(6) For the purposes of subsection (4)—“relevant district council committee” means—

(a) an overview and scrutiny committee of a district council which is not a responsible local authority (“the district council”), or

(b) a sub-committee of such a committee; “associated authority”, in relation to a relevant district council committee, means—

(a) the county council which is the responsible local authority in relation to the district council, or

(b) any person (other than the district council) which is a partner authority in relation to that county council, other than—

(i) a police authority, or

(ii) a chief officer of police;

and for this purpose, “responsible local authority” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.

(7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.

(8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).”(2) In section 20 of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters), after subsection (6) insert—“(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—

(a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or

(b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.”

(3) In subsection (7) of that section, for “and “co-operating persons and bodies” substitute “, “co-operating persons and bodies”, “crime and disorder functions” and “local crime and disorder matters””.(4) In section 244 of the National Health Service Act 2006 (c. 41) (functions of overview and scrutiny committees), after subsection (2) insert—“(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority’s area.”

122 Overview and scrutiny committees: reports and recommendations

After section 21A of the Local Government Act 2000 (c. 22) (inserted by section 119) insert—“**21B Duty of authority or executive to respond to overview and scrutiny committee**

(1) This section applies where an overview and scrutiny committee of a local authority in England makes a report or recommendations to the authority or the executive, otherwise than—

(a) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(b) by virtue of subsection (3)(a) of that section.

(2) The overview and scrutiny committee may publish the report or recommendations.

(3) The overview and scrutiny committee must by notice in writing require the authority or executive—

(a) to consider the report or recommendations,

(b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the executive proposes, to take,

(c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response,

(d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under section 21A(8), to provide the member with a copy of the response, and to do so within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

(4) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.

(5) Subsections (2) and (4) are subject to section 21D and to any provision made under section 22(12A).

(6) In this section—

(a) references to an overview and scrutiny committee include references to a sub-committee of such a committee; and

(b) references to “the authority” or “the executive”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

21C Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

(1) This section applies where—

(a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—

(i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters), or

(ii) by virtue of subsection (3)(a) of that section, and

(b) the report or any of the recommendations relates to a local improvement target which—

(i) relates to a relevant partner authority, and

(ii) is specified in a local area agreement of the authority.

(2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions.

(3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.

(4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.

(5) Subsection (2) does not apply if—

(a) the relevant partner authority is a health service body, and

(b) by virtue of section 244 of the National Health Service Act 2006, the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).

(6) In subsection (5), “health service body” means—

(a) a National Health Service trust,

(b) an NHS foundation trust, or

(c) a Primary Care Trust.

(7) Subsections (2) and (3) are subject to section 21D.

(8) In this section—“the authority”, in relation to a relevant committee, means—

(a) in the case of an overview and scrutiny committee, the local authority by which it is established, and

(b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,

“the executive”, in relation to a relevant committee, means the executive of the authority, “local improvement target” and “local area agreement” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (local area agreements), “relevant committee” means—

(a) any overview and scrutiny committee of—

(i) a county council in England,

(ii) a district council in England, other than a council for a district in a county for which there is a county council, or

(iii) a London borough council, or

(b) a sub-committee of an overview and scrutiny committee within paragraph (a), and “relevant partner authority”, in relation to a relevant committee, means any person who is a partner authority in relation to the authority for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, other than—

(a) a police authority, or

(b) a chief officer of police;

and references to a target relating to a relevant partner authority are to be construed in accordance with section 105(3) of the Local Government and Public Involvement in Health Act 2007.

21D Publication etc of reports, recommendations and responses: confidential and exempt information

(1) This section applies to—

(a) the publication under section 21B of any document comprising—

(i) a report or recommendations of an overview and scrutiny committee, or

(ii) a response of a local authority to any such report or recommendations, and

(b) the provision of a copy of such a document—

(i) to a member of a local authority under section 21A(8) or section 21B, or

(ii) to a relevant partner authority under section 21C, by an overview and scrutiny committee or a local authority.

(2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—

(a) must exclude any confidential information, and

(b) may exclude any relevant exempt information.

(3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.

(4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—

(a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and

(b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.

(5) If by virtue of subsection (2), (3) or (4) an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—

(a) excludes information, or

(b) replaces part of the report or recommendations with a summary, it is nevertheless to be taken for the purposes of section 21B(3)(c) or (d) to have published or provided a copy of the report or recommendations.

(6) In this section— “confidential information” has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils), “exempt information” has the meaning given by section 100I of that Act, and, in relation to—

(a) any report or recommendations of an overview and scrutiny committee which has functions under section 21(2)(f), or

(b) any response to such a report or recommendations, also includes information which is exempt information under section 246 of the National Health Service Act 2006, “relevant exempt information” means—

(a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and

(b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered, and “relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 21C, has the same meaning as in that section.

(7) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.”(2) In section 22 of that Act (access to information etc), after subsection (12) insert— “(12A) The Secretary of State may by regulations make provision, in relation to—

(a) the publication by executives of local authorities in England under section 21B, or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B, of

responses to reports or recommendations of overview and scrutiny committees and sub-committees of such committees, or

(b) the provision by such executives under that section of copies of such responses, which applies or reproduces (with or without modifications) any provisions of section 21D.”

123 Joint overview and scrutiny committees: local improvement targets

(1) For the purposes of this section, “group of partner authorities” means—

(a) a county council in England; and

(b) one or more district councils which are partner authorities of it.

(2) The Secretary of State may by regulations make provision under which a group of partner authorities may—

(a) appoint a joint committee (a “joint overview and scrutiny committee”); and

(b) arrange for any functions of making reports and recommendations falling within subsection (3) to be exercisable by the committee.

(3) A report or recommendation falls within this subsection if—

(a) it concerns a matter which—

(i) relates to the attainment of any local improvement target specified for the time being in a relevant local area agreement; and

(ii) is not an excluded matter; and

(b) it is made to—

(i) the county council, or

(ii) the county council and one or more district councils, in the group of partner authorities.

(4) In subsection (3)—

(a) “excluded matter” means any matter with respect to which a crime and disorder committee could make a report or recommendations—

(i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (c. 48) (local authority scrutiny crime and disorder matters); or

(ii) by virtue of subsection (3)(a) of that section;

(b) the reference to a report or recommendations being made to a county council or district council is, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22), to be read as a reference to a report or recommendations being made to the local authority or its executive.

(5) Regulations under subsection (2) may in particular—

(a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified by the regulations;

(b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—

(i) section 21(4) and (6) to (12) of the Local Government Act 2000 (c. 22),

(ii) sections 21A to 21D of that Act, or

(iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006 (c. 41), with or without modifications;

(c) make provision—

(i) as to relevant information which associated authorities must provide to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of subcommittees of such a committee, to such a sub-committee); and

(ii) as to information which may not be disclosed by an associated authority to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of subcommittees of such a committee, to such a sub-committee).

(6) For the purposes of subsection (5)(c), in relation to a joint overview and scrutiny committee— “associated authority” means—

(a) the county council in the group of partner authorities which appointed the joint overview and scrutiny committee; or

(b) any person which is a partner authority in relation to that council other than—

(i) a police authority; or

(ii) a chief officer of police; “relevant information”, in relation to an associated authority, means information which is relevant to a local improvement target in a relevant local area agreement which relates to the associated authority; and section 105(2) or (3) applies for the purpose of determining whether a local improvement target relates to an associated authority.

(7) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters).

(8) In this section—

(a) “relevant local area agreement”, in relation to a joint overview and scrutiny committee, means a local area agreement of the county council in the group of partner authorities which appointed the committee; and

(b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of this Part.

(9) Any group of partner authorities and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any functions conferred on it by or by virtue of regulations under this section, have regard to any guidance issued by the Secretary of State.

124 Overview and scrutiny committees of district councils: local improvement targets

After section 21D of the Local Government Act 2000 (c. 22) (inserted by section 122) insert—“**21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities**

(1) This section applies to any district council which is a partner authority in relation to a county council (“the related county council”).

(2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council’s executive, which relate to any local improvement target which—

(a) relates to a relevant partner authority, and

(b) is specified in a local area agreement of the county council.

(3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).

(4) For the purposes of this section—

(a) “relevant partner authority”, in relation to a district council, means—

(i) the related county council, or

(ii) any other authority which are a partner authority in relation to that county council, other than—

(a) a police authority, or

(b) a chief officer of police,

(b) “local area agreement”, “local improvement target” and “partner authority” have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007, and

(c) section 105(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority.”

125 Guidance

In section 21 of the Local Government Act 2000 (overview and scrutiny committees: authorities operating executive arrangements), at the end insert— “(16) In exercising, or deciding whether to exercise, any of its functions—

(a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and

(b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.

(17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.”

126 Reference of local crime and disorder matters to crime and disorder committees etc

(1) The Police and Justice Act 2006 (c. 48) is amended as follows.

(2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute— “(3) A local authority must—

(a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.

(5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).

(6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.

(7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—

(a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and

(b) provide a copy of the report or recommendations to such of—

(i) the responsible authorities, and

(ii) the co-operating persons and bodies, as it thinks appropriate. (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—

(a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or

(b) provides a copy of a report or recommendations under subsection (2) or (8)(b). (8B) Where this subsection applies—

(a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and

(b) the authority, body or person must—

(i) consider the report or recommendations;

(ii) respond to the committee indicating what (if any) action it proposes to take;

(iii) have regard to the report or recommendations in exercising its functions.”

(3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.

(4) In subsection (11)— (a) after the definition of “crime and disorder functions” insert— “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and (b) for the definition of “local crime and disorder matter” substitute— “local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—

(a) crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment), or

(b) the misuse of drugs, alcohol and other substances, which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”

(5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.

(6) In subsections (1) and (2), after “under” insert “or by virtue of”.

(7) In subsection (5), omit—

(a) paragraph (f); and

(b) sub-paragraphs (i) to (iii) of paragraph (g).

(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—

(a) in subsection (2), after “their overview and scrutiny committees” insert “, and any joint overview and scrutiny committees.”;

(b) after that subsection insert— “(2A) In subsection (2), “joint overview and scrutiny committee”, in relation to a local authority (“the authority concerned”), means—

(a) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 245 of the National Health Service Act 2006 appointed by the authority concerned and one or more other local authorities,

(b) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section,

(c) a joint overview and scrutiny committee within the meaning given in subsection (2)(a) of section 185 of the National Health Service (Wales) Act 2006 appointed by the authority concerned and one or more other local authorities,

(d) an overview and scrutiny committee of another local authority exercising relevant functions (within the meaning given in subsection (1) of that section) of the authority concerned by virtue of arrangements made under regulations under subsection (2)(b) of that section, or

(e) a joint overview and scrutiny committee within the meaning of section 123 of the Local Government and Public Involvement in Health Act 2007 (joint overview and scrutiny committees: local improvement targets) appointed by a group of partner authorities (within the meaning of that section) which includes the authority concerned.”; (c) in subsection (4)—

(i) after “this section” insert “, sections 21A to 21C”; and

(ii) at the end insert “or any functions which may be conferred on it by virtue of regulations under section 21E”; and

(d) omit subsection (8).

(2) For section 32(3) of that Act (alternative arrangements) substitute— “(3) Regulations under this section may make provision with respect to committees or sub-committees falling within subsection (1)(b), including—

(a) in the case of regulations made by the Secretary of State, provision which applies or reproduces (with or without modifications)—

(i) any provision of sections 21 to 21D or paragraphs 7 and 9 to 11 of Schedule 1,

(ii) any provision made under section 21E or 22A,

(iii) any provision of section 246 of, or Schedule 17 to, the National Health Service Act 2006, or

(iv) any provision made under section 244 of that Act, and

(b) in the case of regulations made by the Welsh Ministers, provision which applies or reproduces (with or without modifications)—

(i) any provision of section 21 or 21A(1)(a) or (b) or (2) or paragraphs 8 to 11 of Schedule 1,

(ii) any provision of Schedule 17 to the National Health Service Act 2006,

(iii) any provision of section 186 of, or Schedule 11 to, the National Health Service (Wales) Act 2006, or

(iv) any provision made under section 184 of that Act.”.

(3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for “(15)” substitute “(17)”; and

(b) after that sub-paragraph insert— “(ia) sections 21A to 21D of that Act, (ib) section 22A of that Act,”.

(4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for “(15)” substitute “(17)”; and

(b) after that sub-paragraph insert— “(ia) section 21A(1)(a) or (b) or (2) of that Act,”.

iii. Police and Justice Act 2006, Sections 19-21

19 Local authority scrutiny of crime and disorder matters

(1) Every local authority shall ensure that it has a committee (the "crime and disorder committee") with power-

- (a) 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;
- (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.

"The responsible authorities" means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies) in relation to the local authority's area.

(2) Where by virtue of subsection (1)(b) the crime and disorder committee makes a report or recommendations it shall provide a copy-

- (a) to each of the responsible authorities, and
- (b) to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 ("the co-operating persons and bodies").

(3) Where a member of a local authority ("the councillor") is asked to consider a local crime and disorder matter by a person who lives or works in the area that the councillor represents-

- (a) the councillor shall consider the matter and respond to the person who asked him to consider it, indicating what (if any) action he proposes to take;
- (b) the councillor may refer the matter to the crime and disorder committee.

In this subsection and subsections (4) to (6) "local authority" does not include the county council for an area for which there are district councils.

(4) Where a member of a local authority operating executive arrangements declines to refer a matter to the crime and disorder committee under subsection (3)(b), the person who asked him to consider it may refer the matter to the executive of that authority.

(5) Where a matter is referred under subsection (4) to the executive of a local authority-

- (a) the executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action it proposes to take;
- (b) the executive may refer the matter to the crime and disorder committee.

(6) The crime and disorder committee shall consider any local crime and disorder matter-

(a) referred to it by a member of the local authority in question (whether under subsection (3)(b) or not), or

(b) referred to it under subsection (5), and may make a report or recommendations to the local authority with respect to it.

(7) Where the crime and disorder committee makes a report or recommendations under subsection (6) it shall provide a copy to such of the responsible authorities and to such of the co-operating persons and bodies as it thinks appropriate.

(8) An authority, person or body to which a copy of a report or recommendations is provided under subsection (2) or (7) shall-

(a) consider the report or recommendations;

(b) respond to the crime and disorder committee indicating what (if any) action it proposes to take;

(c) have regard to the report or recommendations in exercising its functions.

(9) In the case of a local authority operating executive arrangements-

(a) the crime and disorder committee is to be an overview and scrutiny committee of the authority (within the meaning of Part 2 of the Local Government Act 2000 (c. 22));

(b) a reference in subsection (1)(b) or (6) to making a report or recommendations to the local authority is to be read as a reference to making a report or recommendations to the local authority or the executive.

(10) Schedule 8 (which makes further provision about the crime and disorder committees of local authorities not operating executive arrangements, made up of provision corresponding to that made by section 21 of the Local Government Act 2000 and particular provision for the City of London) has effect.

(11) In this section-"crime and disorder functions" means functions conferred by or under section 6 of the Crime and Disorder Act 1998 (c. 37) (formulation and implementation of crime and disorder strategies); "executive arrangements" means executive arrangements under Part 2 of the Local Government Act 2000; "local authority" means-

(a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council or a county borough council;

"local crime and disorder matter", in relation to a member of a local authority, means a matter concerning-

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) in the area represented by the member, or

(b) the misuse of drugs, alcohol and other substances in that area.

20 Guidance and regulations regarding crime and disorder matters

- (1) The Secretary of State may issue guidance to-
 - (a) local authorities in England,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities, with regard to the exercise of their functions under section 19.

- (2) The National Assembly for Wales, after consulting the Secretary of State, may issue guidance to-
 - (a) local authorities in Wales,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities, with regard to the exercise of their functions under section 19.

- (3) The Secretary of State may by regulations make provision supplementing that made by section 19 in relation to local authorities in England.

- (4) The Secretary of State, after consulting the National Assembly for Wales, may by regulations make provision supplementing that made by section 19 in relation to local authorities in Wales.

- (5) Regulations under subsection (3) or (4) may in particular make provision-
 - (a) as to the co-opting of additional members to serve on the crime and disorder committee of a local authority;
 - (b) as to the frequency with which the power mentioned in section 19(1)(a) is to be exercised;
 - (c) requiring information to be provided to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (d) imposing restrictions on the provision of information to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (e) requiring officers or employees of the responsible authorities and the co-operating persons and bodies to attend before the crime and disorder committee to answer questions;
 - (f) specifying how a person is to refer a matter to a member of a local authority, or to the executive of a local authority, under section 19(3) or (4);
 - (g) specifying the periods within which-
 - (i) a member of a local authority is to deal with a request under section 19(3);
 - (ii) the executive of a local authority is to deal with a matter referred under section 19(4);
 - (iii) the crime and disorder committee is to deal with a matter referred as mentioned in section 19((iv) the responsible authorities and the co-operating persons and bodies are to consider and respond to a report or recommendations made under or by virtue of section 19.6);

(6) Regulations made by virtue of subsection (5)(a) may provide for a person co-opted to serve as a member of a crime and disorder committee to have the same entitlement to vote as any other member.

(7) In this section "local authority", "crime and disorder committee", "responsible authorities" and "co-operating persons and bodies" have the same meaning as in section 19.

21 Joint crime and disorder committees

In section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), after subsection (1B) there is inserted-"(1C) An order under subsection (1A) above-

(a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the "joint crime and disorder committee") and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those councils to be exercisable by that committee;

(b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)- "crime and disorder scrutiny functions", in relation to a council, means functions that are, or, but for an order under subsection (1A) above, would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); "the relevant provisions" means-

(a) section 19 of the Police and Justice Act 2006;

(b) section 20 of that Act and any regulations made under that section;

(c) Schedule 8 to that Act;

(d) section 21 of the Local Government Act 2000."