

Committee: Scrutiny
Date: 8 December 2009
Title: Scrutiny Landscape

Agenda Item

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Summary

- 1 This report contains information on the widening remit of Scrutiny Committees and sets out this Council's position to date.

Recommendations

- 2 Members note the report.

Background Papers

- 3 The Council's Constitution, the Local Government Act 2000, the Health & Social Care Act 2001, the Police and Criminal Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007.

Impact

Communication/Consultation	None
Community Safety	Provision for crime and disorder scrutiny
Equalities	None
Finance	None
Human Rights	None
Legal implications	The powers granted to councils are set out in the above legislation
Sustainability	None
Ward-specific impacts	All
Workforce/Workplace	None

Situation

- 4 In accordance with the Council's Constitution the Scrutiny Committee is appointed to discharge the following scrutiny functions:
 - a) Review and scrutinise decisions made by and the performance of committees and council officers.
 - b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance and or particular service areas.
 - c) Question members of committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
 - d) Make recommendations to the appropriate committee and or Council arising from the outcome of the scrutiny process.

- e) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
 - f) Question and gather evidence from any person (with their consent).
 - g) Exercise the right to call-in for reconsideration decisions made but not yet implemented by any policy committee.
- 5 In addition to the above, the Health and Social Care Act 2001 gave councils the responsibility for scrutinising local NHS trusts, including the Primary Care Trust. Specific powers have been granted to:
- a) Review and scrutinise the operation of the health service in its area, and to make reports and recommendations to NHS bodies.
 - b) The right to refer to the Secretary of State any substantial variations of NHS services that are not in the interests of local people, or where the consultation has been inadequate.
 - c) The right to establish joint health scrutiny committees to consider issues of concern to two or more existing health scrutiny committees.
- 6 The provisions for crime and disorder scrutiny in the Police and Justice Act 2006 also came into force in England at the end of April 2009. As a result, all English authorities now have to set up a crime and disorder overview and scrutiny committee, or designate a scrutiny committee as having this role. Powers have been granted to:
- a) Scrutinise how crime and disorder partnership members are discharging their crime and disorder functions.
 - b) Require information to be provided by partners, and require attendance at meetings.
 - c) Require partners to respond to reports and “have regard” to recommendations.
- 7 The new powers in the Local Government and Public Involvement in Health Act 2007 for scrutiny of Local Area Agreements (LAA) also enable council scrutiny committees to:
- a) Scrutinise local improvement targets.
 - b) Require information from partner organisations signed up to LAA targets.
 - c) Require these organisations to “have regard” to scrutiny recommendations which relate to relevant LAA targets.
- 8 There is also a mechanism for enabling elected members to bring matters of concern in their Ward to the attention of the Council, via the scrutiny process, once they have exhausted all other means of resolving the issue. This is called the “Councillor Call for Action” (CCfA).
- 9 In response to the above agenda, officers have sought to avoid duplicating scrutiny of some other public bodies by exploring joint working arrangements with other Councils in Essex. These discussions are continuing and Members

will receive feedback in due course. In the meantime the Scrutiny Committee Workplan continues to evolve, in particular developing the capacity to undertake in-depth scrutiny reviews, which in turn are influencing policy, procedure and practice, and to challenge performance. Notwithstanding progress to date, there is recognition of the need to build on this by supplementing Member development and training, and building scrutiny capacity amongst officers.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Ineffective scrutiny	1 The scrutiny workplan continues to evolve and the Council is self aware of the widening remit	2	Article 7 of the Constitution sets out terms of reference and specific functions
Joint working arrangements are not developed and duplication occurs	2 Requires cross county cooperation	2	Discussions are continuing at a county level

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.