

Chapter summaries

Chapter 2

Developing and strengthening overview and scrutiny

This chapter outlines what overview and scrutiny is and then contains proposals for implementing the provisions in Local Government and Public Involvement in Health Act 2007.

The consultation document contains proposals for

(1) Enhancing council's scrutiny powers in relation to the scrutiny of Local Area Agreement partners and their delivery of LAA improvement targets;

- Overview and Scrutiny Committees requiring information from partner authorities;
 - (i) LAA partners (other than police and local health services for which separate provision is made) should provide information requested by a lead authority's overview and scrutiny committee for the purposes of examining progress on LAA targets with which the partner is concerned and of undertaking studies of local issues relating to those targets;
 - (ii) In two tier areas the lead council or LAA partners (referred to in the document as 'associated authorities') should make available to the district councils' overview and scrutiny committee information relevant to a target connected to that council's area and functions, including its legitimate concerns about the well being of the area;
 - (iii) Partner authorities must also provide information where it relates to an agenda item of the overview and scrutiny committee where it has been requested by the overview and scrutiny committee;
 - (iv) The types of information that may be withheld will be set out by the Government, this would include personal data covered by the Data Protection Act 1998 and information subject to commercial sensitivity
 - (v) The Government does not intend to specify any time limits for, or the format of, responses by partner or associated authorities
- Publication of scrutiny reports, recommendations and responses the proposals is to extend to overview and scrutiny committees and local authorities only, provisions for exempt and confidential information when publishing overview and scrutiny reports, recommendations and responses. Regulations will also be made to extend these provisions without modification to local authority executives where they publish or provide copies of such documents
- Establishing joint county and district overview and scrutiny committees,
 - (i) The proposal is to allow for the establishment of a joint overview and scrutiny committee of a county council and one or more districts within the county area to make reports and

recommendations collaboratively in relation to LAA targets for the local area. The proposals suggest that these joint committees should have similar powers to those held by the overview and scrutiny committees of the local authorities. There will be similar provision for joint committees in respect of partners. It is recognised that there will be a need to avoid burdensome requests on partners.

- (ii) A joint overview and scrutiny committee may make reports and recommendations to the local authorities and local authority executives within the county area who would then have to respond within two months.

- Enhancing the powers of district overview and scrutiny committees
 - (i) the proposal is that the powers for district overview and scrutiny committees will be similar to those available to lead councils, so district council overview and scrutiny committees may make reports and recommendations to the relevant county council or county council executive on matters relating to a local improvement target;
 - (ii) the county council will be required to respond to the district overview and scrutiny committee within two months
 - (iii) associated authorities will be required to have regard to reports and recommendations from the district overview and scrutiny committee
 - (iv) When setting their work programmes district overview and scrutiny committees will need to bear in mind any planned scrutiny work being carried out by other overview and scrutiny committees (by lead councils and joint scrutiny committees) to avoid duplication
 - (v) To minimise duplication the requirements to respond to a district overview and scrutiny committee on LAA matters will not apply if the joint overview and scrutiny committee has already considered and reported on the matter in question.

- Scrutiny in small district councils operating a streamlined committee system

N/A to Burnley BC

(2) Taking forward the 2008 Communities in Control White Paper

This part of the consultation document indicates the Government's intention to further strengthen the scrutiny function by -

- extending the power to require information from partner authorities ties to matters outside LAA targets to respond to the greater public interest
- introducing a power for county and district councils to combine their respective scrutiny resources in 'area scrutiny committees' where they wish to do so
- requiring some dedicated scrutiny resource in county, unitary and London Borough Councils (**N/A to BBC**)

- requiring that overview and scrutiny committees should hear appeals in relation to petitions that are submitted in connection with local petition arrangements and Councillor Calls for Action.

Chapter 3

Increasing the visibility and accountability of local public officers

This chapter deals with holding local public officers to account so that they are open to public scrutiny and questioning from local communities.

The proposals are

- (1) Chairs and chief executives of local public bodies to attend regular public hearings, the requirement to attend such meetings should be included in the job descriptions of the chair or chief executive and that those responsible for job descriptions should determine the arrangements by which the chair or chief executive will attend regular meetings
- (2) Petitions to hold public officers to account – if enough people served by a local service or agency sign a local petition (a threshold will be specified), senior officers working for the local public body which is the subject of the petition should be required to attend a public meeting. The consultation document proposes that in each LAA the lead council and its partners, including local service providers and agencies should agree and publish an appropriate scheme which is complementary to other local petition arrangements that are in place. The scheme should include the officers (or category of officers), relevant petition criteria (thresholds, who can sign, the format), the local service providers and agencies covered by the scheme and how they will respond to the petitions, and arrangements for hearings (this could be a meeting of the local overview and scrutiny committee). The Government could specify certain minimum standards for various elements of the scheme.
- (3) The local authority and its partners, including service providers and agencies to agree which of them the scheme should apply to, subject to a minimum standard

Chapter 4

Facilitating the work of councillors

This chapter concentrates on modernising the way councillors do business to Enable them to use information and communications technology to participate in meetings and vote remotely.

By using teleconferencing and video conferencing the barriers of time, circumstance and distance that might discourage members from participating in meetings would be overcome. Councillors could vote remotely. This would need to be balanced with measures to preserve accountability and transparency. The Government is proposing to legislate to allow authorities to modify their

attendance and voting procedures through standing orders to allow remote voting. There would be some basic requirements such as that at least one person must be physically present at the meeting and that person must be in audio contact with any member attending remotely, with or without a video link. Members of the public physically present at the meeting must be able to witness what is happening, at least through audio contact. Remote attendees must be able to hear any public representation. If a member is unable to sustain communication, they will be deemed to be not present. Legislation would contain safeguards and will allow authorities to establish procedures for protocols should contact with a remote attendee be lost.