

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny Sub-Group/ Scrutiny and Overview Committee 22 November 2006
AUTHOR/S: Chief Executive / Senior Democratic Services Officer / *with additions by Cllr Hall in red italics*

IMPLICATIONS OF GOVERNMENT WHITE PAPER FOR THE SCRUTINY FUNCTION

Purpose

1. To inform the Committee of the implications of the Government's White Paper "Strong and Prosperous Communities" for the scrutiny function.

Background

2. On 26 October 2006 the Government published a White Paper for local government entitled "Strong and Prosperous Communities", which contained plans for a strengthening of the scrutiny function to counter the enhancement of the powers of the executive.
3. *The Bill will be published before the end of 2006, with 'guidance' published in draft by the summer of 2007 (with stakeholders having been fully involved in this!) and Royal Assent in November 2007 and implementation in early 2008.*
4. *The Bill is seen as a follow up to the 2001 Local Government Act which set up the Scrutiny function. So far, scrutiny has been seen as 'good at reviewing service outcomes and involving external stakeholders, but weak at reconciling community opinion or providing a forum for community debate'*

'O&S can be drawn into service detail – the need to prioritise and focus on the outcomes is what really matters.'
5. *I was left with the impression that the 'strengthening of the scrutiny function to counter the enhancement of the powers of the executive' was constantly reiterated.*

Considerations

6. Proposals in White Papers are subject to amendments before they become law. The Committee has two matters to consider
 - a) How to prepare for the likely implication of the imminent Local Government Act.
 - b) To consider lobbying the Government on what aspects of the White Paper should be included in the Act.
7. It should be noted that the 2000 Local Government Act was the product of over 1,000 amendments, many of them introduced by the Government itself. So what is seen in the White Paper is not necessarily what we'll get.
8. After the Act is passed it is likely that much of the important information (from the perspective of anyone actually trying to put the "vision" into effect) will be in the Regulations and Statutory Guidance which will appear some time later.

Working in partnership with other authorities

9. The White Paper recommends that committees will be able to consider specific matters regarding the action of local public service providers and the actions of key public bodies operating in a local authority area. According to section 3.35 of volume 1 of the White Paper, representatives from other authorities 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), insofar as their actions relate to functions or service delivery connected with the authority. The word “connected” may be open to different interpretations.
10. *This means that the County Council cannot prevent their officers or members accepting an ‘invitation’ to appear before a Scrutiny and Overview Committee.*
11. *Some of the most effective Scrutiny reviews have been on ‘external’ factors over which the Council has no direct control, such as, in the case of District Councils, bus services, water, sewerage, rural post offices, and so on.*
12. *The White Paper also envisages designated Scrutiny Officers. These can be ‘part time’ (as we have at the moment) or shared with other authorities.*

Scrutinising partnership bodies

13. It should be noted that the Police and Justice Bill provides overview and scrutiny committees with the power to hold local Crime and Disorder Reduction Partnerships to account and respond to “community calls for action”.
14. Volume 1, Chapter 5 of the White Paper states that the future role of Local Strategic Partnerships (LSP) needs to be responsive to the needs of local citizens and communities and therefore Government will ensure that they are accountable to local people by strengthening the involvement of elected members in both executive and scrutiny roles.
15. *‘Community Call for Action’ is nothing new. When a ‘community’ or Parish Council ‘calls for action’, the ward councillor can either attend to it or pass it on, if necessary to the Executive. The Executive can then pass it on to the Scrutiny and Overview Committee. Although S&OC are not decision-making bodies, they will have to investigate the issue, respond and pass on any recommendations, publicising them if necessary. The buck stops with Scrutiny!*

Area Scrutiny Committees

16. The White Paper recommends that Councils be encouraged to set up “area” overview and scrutiny committees, comprising local councillors and other members of the community by making use of the existing powers to co-opt non-councillors onto committees. Such committees would be able to review the impact of actions of the council and other bodies on the immediate area.
17. *Effectively, this is a function which Parish Councils carry out.*
18. The White Paper also recommends that Committees maintain a strategic focus and there is a danger that the setting up of Area Scrutiny Committees could detract from this. The Committee would also have to ensure that Area Scrutiny Committees did not encroach on the reserves of the parish councils.

Strategic focus

19. The White Paper recommends that Committees focus on strategic issues such as the priorities agreed as part of the Sustainable Community Strategies on Local Area Agreements and other strategic plans.
20. The White Paper also recommends that overview and scrutiny committees have a stronger role in policy development, allowing local councillors to advise the executive and ensuring local perspectives influence decisions.

Resources

21. The White Paper recommends that all councils will be encouraged to dedicate appropriate resources to scrutiny, as best practice suggests that the key to successful overview and scrutiny is adequate resourcing and support. The word 'appropriate' is open to different interpretations.

The Executive

22. The White Paper recommends that Council Leaders be elected for 4 years and all executive powers will be vested in the leader who will have responsibility for deciding how these powers should be discharged. This will indirectly impact on the Scrutiny Committee's task of holding the leader to account. It will also make the election of leader a far more important event. The Government may need to clarify if this rule change will apply to Councils which are either No Overall Control or elect their Members by thirds.

23. *Although this was not specifically spelt out, it may mean that the chairman of Scrutiny is elected for four years.*

Implications

24.	Financial	If, as the White Paper recommends, more resources are allocated to the Scrutiny function, this will have financial implications for the Committee
	Legal	The Council will have to comply with the terms of the new Act.
	Staffing	Depends on how the Council decides to strengthen the scrutiny function.
	Risk Management	
	Equal Opportunities	

Consultations

25. None yet. The Council could consult its residents and parish councils on the proposed changes.

Effect on Annual Priorities and Corporate Objectives

26.	Affordable Homes Customer Service Northstowe and other growth areas Quality, Accessible Services	The white paper will have an effect on all of the Council's corporate objectives and annual priorities and will influence its delivery and achievement of them. The white paper also has a significant impact in terms of the various partnerships with which the Council is involved.
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Village Life	
Sustainability	
Partnership	

Conclusions/Summary

27. The White Paper is a consultation exercise being carried out by the Government on what should be included in the forthcoming Local Government Act. The Cabinet considered this issue on 14 December, their report is attached as **appendix a** and the resulting minute is attached as **appendix b**.

Recommendations

28. That the Committee evaluates the White Paper and considers making the Government aware of its views.

Background Papers: the following background papers were used in the preparation of this report: Government White Paper: "Strong and Prosperous Communities"

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