

Committee: **Governance Committee**

Date: **4 September 2009**

Report By: **Director of Law and Personnel**

Title of Report: **Amendments to Scrutiny powers**

Purpose of Report: **To consider recent changes to legislation that provide for local authorities to scrutinise law and disorder matters, councillor call for action and for the scrutiny of Local Area Agreement targets.**

**RECOMMENDATION:**

To recommend the County Council to:

1. agree that the power to scrutinise crime and disorder matters be included within the terms of reference of the Community Services Scrutiny Committee;
2. agree that the Sussex Police Authority be invited to nominate a co-opted member to sit on the Community Services Scrutiny Committee and that the co-opted member be given voting rights on all matters relating to crime and disorder;
3. agree that all East Sussex scrutiny committees be given the power to scrutinise LAA targets as defined in paragraph 3;
4. revise article 6 of the Constitution to include the powers for Councillor Call for Action; and
5. authorise the Director of Law and Personnel to amend the Constitution to reflect the above recommendations accordingly.

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**1. Financial Appraisal**

- 1.1 There are no direct financial implications as a result of this proposal.

**2. Scrutiny of Crime and Disorder matters**

2.1 The Police and Justice Act 2006 introduced the requirement for crime and disorder overview and scrutiny committees. Further provisions came into force on 30 April 2009 setting out a framework for issues such as co-option and frequency of meetings. This report addresses these latest provisions.

2.2 The provisions mean that every local authority will have power to review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

2.3 It is recommended that the crime and disorder scrutiny function is undertaken by the Community Services Scrutiny Committee.

2.4 The terms of reference for the Community Services Scrutiny Committee in the Constitution already address community safety and there is a specific additional remit 'to scrutinise the East Sussex Safer Communities Steering Group'. It is proposed to add specific reference to the crime and disorder scrutiny provisions in the Act adding 'To undertake the crime and disorder scrutiny functions outlined in sections 19 and 20 of the Police and Justice Act 2006'.

2.5 There is also a requirement in the Act for a co-opted member from Sussex Police Authority to attend when crime and disorder matters are being discussed. The guidance suggests that this co-opted member could have voting rights (although this is not required). Voting rights have been provided to co-opted members on the Children's Services Scrutiny Committee and Community Services Scrutiny Committee where matters relate to Education, and also on the Health Overview and Scrutiny Committee. If the co-opted members are to have voting rights, the guidance says that this must comply with any local scheme in place under schedule 1 of the Local Government Act 2000. It is proposed to invite the Sussex Police Authority to nominate one co-opted member as recommended by the guidance on the new scrutiny arrangements and that that member be given voting rights on any matter relating to crime and disorder.

2.6 The powers of the Community Services Scrutiny Committee will be extended to enable it to:

- scrutinise how partnership members are discharging their crime and disorder functions
- require information to be provided by partners and require attendance at meetings
- require partners to respond to reports, and 'have regard' to recommendations.

### **3. Scrutiny of Local Area Agreement (LAA) targets**

3.1 A new power in the Local Government and Public Involvement in Health Act 2007 for scrutiny of LAAs now enables scrutiny to:

- scrutinise local improvement targets (LAA targets)
- require information from partner organisations signed up to LAA targets
- require these organisations to have regard to scrutiny recommendations which relate to a relevant LAA target.

3.2 The provisions apply to organisations named in the Act. Given that some LAA targets fall within the remit of each scrutiny committee, it is recommended that all East Sussex scrutiny committees be given this power.

### **4. Councillor Call for Action**

4.1 The Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006 provide new powers for Councillors to help them tackle local problems on behalf of their constituents. This means that Councillors will have the ability to call for debate and discussion a topic of neighbourhood concern. The powers are limited to issues affecting single electoral divisions. Within the current remit of the Scrutiny Committees, Councillors already have the ability to raise any issue although there is a need to be explicit about the new powers within the Constitution. The Governance Committee is asked to recommend that the Constitution be updated to incorporate these new powers within the functions of the Scrutiny Committees (Article 6 – Overview and Scrutiny Committees).

ANDREW OGDEN

Director of Law and Personnel

Contact Officers: Mary Clarke  
Head of Democratic Services  
mary.clarke@eastsussex.gov.uk  
(01273) 481587

Paul Dean  
Scrutiny Manager  
[Paul.dean@eastsussex.gov.uk](mailto:Paul.dean@eastsussex.gov.uk)  
(01273) 481751

Local Members: All

BACKGROUND DOCUMENTS – The Police and Justice Act 2006 and the Local Government and Public involvement in Health Act 2007