

National Overview and Scrutiny Forum

**Wednesday 28 January 2009 at The Old Sessions House, Clerkenwell Green,
London commencing at 12.15pm**

Present: Mark Lowe – Centre for Public Scrutiny (in the Chair)
Councillor Joe Armstrong (North East Network), Tom Bolton (North East Network),
Councillor Margaret Bruff (Yorkshire and Humber Network), Tim Buckle (Welsh Local
Government Association), Daryl Davies (West Midlands Regional Assembly), Matthew
Garrard (East Midlands Network), Ed Hammond (Centre for Public Scrutiny), Jane
Harman (South East Network), Alan Maher (Yorkshire and Humber Network), Rodger
Mann (West Midlands Network), Sunita Sharma (London Scrutiny Network)

Apologies: Councillor Sean Bambrick (East Midlands Network), Howard Boots (North
West Network), David Bowater (South West Regional Assembly), Joanne Heron (North
West Network), Councillor Peter O'Neill (West Midlands Network), Steve Richards
(Cumbria Network), Alison Smith (West Midlands Network), Councillor Bob Smytherman
(South East Network) and Jodie Townsend (South West Network).

Also Present: Professor Steve Leach (De Montfort University) and Jessica Crowe
(Centre for Public Scrutiny)

1. Welcome and Introductions

Those present were welcomed to the meeting and introduced themselves.

2. Minutes of the Last meeting

**It was agreed that the minutes of the previous meeting of the Forum held on 29
October 2008 should be agreed as a correct record.**

Matters arising

Councillor Joe Armstrong reported that meetings had been held in the North East
Region to discuss how the regional scrutiny networks should be developed in the light of
local government reorganization in that region.

The Forum agreed that the matter could be discussed later on the agenda as the item
was already included as an item.

3. Party Politics and Scrutiny in Local Government

Professor Steve Leach of De Montfort University attended the Forum to present the findings of his draft research report on 'Party Politics and Scrutiny in Local Government'. The Forum was requested to consider the contents and add any comments. The Forum was advised that the final report would be disseminated and made available to scrutiny practitioners as a Centre for Public Scrutiny publication in the near future.

The Forum was advised that the research report had been set into three different sections:-

Section 1 – The Roots of the Problem

Section 2 – Political Strategies for dealing with Scrutiny; and

Section 3 – Towards a more productive involvement of Party Politics in Scrutiny

The idea of the research report was to contribute to the momentum of change and relaxation of the traditional features of party group behaviour which had in the past hindered effective scrutiny. Change had been patchy and there remained too many authorities where the impact of overview was still all too limited. The report was also useful in view of the implementation of the new scrutiny powers under the Local Government and Public Involvement in Health Act 2007 which meant that the nature of overview and scrutiny was changing with an increased greater emphasis on partnership scrutiny.

The report contained a number of recommendations for improving overview and scrutiny systems.

The Forum made a number of observations on the report which Professor Leach agreed to incorporate within the final draft.

Professor Leach was thanked for his very informative presentation and draft report which was noted.

4. Implementing the Scrutiny Provisions of the Local Government and Public Involvement in Health Act 2007 – Proposals for Sector led Good Practice Guidance

Jessica Crowe explained the progress which was being made on implementing the sector led good practice guidance to accompany the scrutiny provisions of the Local Government and Public Involvement in Health Act 2007.

The Forum was advised that the scrutiny provisions in the 2007 Act centred around wider scrutiny powers to include those under a duty to agree targets for the Local Area Agreement. The new Act also included power to require information from partners in relation to Local Area Agreements. Powers to set up Joint Overview and Scrutiny Committees and new powers for Districts in scrutinizing LAA targets also would apply.

The Centre for Public Scrutiny was working on producing the key guidance areas in a modular form on four key areas:-

- Joint Committees in two tier areas
- Information from partners
- The role of District Councils
- Models and structures – Options for Overview and Scrutiny functions.

It was anticipated that the Guidance would be launched in April 2009 alongside the relevant Regulations.

The Forum was asked for its views on which topics were priority for the Guidance and the issues to be included in each module. Also what was missing, how could CfPS best support scrutiny functions to take forward the new agenda and also how could regional networks support scrutiny locally to take the matter forward.

With regard to the information from partners, the Forum considered that there should be clear timescales for responses from partners if possible and that guidance should not be too prescriptive. It was also considered that the Guidance should make it clear that partners have the right to attend Scrutiny Committees and it would be beneficial for them to attend when requested.

The Forum considered that the guidance regarding Joint Overview and Scrutiny Committees should emphasise that Joint Committees should be fit for purpose. There was also discussion on whether or not they should be encouraged at all.

The Forum also considered that it was important for the Guidance to encourage Joint Committees to consider other issues, not just LAA scrutiny matters

With regard to the role of the District Councils in LAA scrutiny, it was noted that there might be capacity issues for those Councils and the Guidance should be developed in a way to help those Authorities benefit from the enhanced scrutiny powers. It was also noted that in some areas there were still 4th option Councils that operated different practices. The Forum agreed that the Guidance would need to address those issues.

The Forum also considered that it was important to use evidence of good practice in the Guidance to help illustrate good scrutiny already taking place. All of the Networks were encouraged to consider the Guidance issues at their meetings prior to April 2009 and let CfPS have examples of any good practice of LAA scrutiny. Ed Hammond or Mark Lowe were also available to attend Network meetings to discuss the Guidance and the issues which could be included in it.

5. Implementation of the Councillor Call for Action Proposals

Ed Hammond updated the Forum on the progress with implementation of the Councillor Call for Action (CCfA) provisions.

The Forum was advised that the Statutory Instrument relating to the exclusions for CCfA had been effectively 'called-in' and was now subject to a debate in the House of Commons. Despite the proposed debate it was unlikely that there would be any change in the proposed Regulations but the debate meant that the production of the good

practice guidance which the Centre for Public Scrutiny had drafted on behalf of the Idea, would be delayed. It was now likely that an electronic version of the Guidance would be sent out to all Councils on 13 February with a paper version being sent out a week later although the timescales were still subject to agreement with the Department for Communities and Local Government. A series of regional awareness raising events were also planned to be held in March.

It was also anticipated that Local Authorities would be given time to work out how they wished to implement the provisions. The Guidance was expected to illustrate that CCfA should be a long stop which should address whole Council issues and not just be a scrutiny matter. The new powers under Section 236 relating to the delegation of functions to Councillors would also be covered in the Guidance as was the new powers of CCfA relating to crime and disorder.

The Forum was also informed that the crime and disorder scrutiny provisions as contained in the Police and Justice Act 2006 had not yet been implemented but the Home Office had been in contact with the Centre for Public Scrutiny to discuss timescales for implementation and it was hoped that those provisions could be implemented soon. The Forum would be updated as soon as further information was available.

6. Regional Accountability and Structures for supporting Regional Scrutiny Networks

Tom Bolton reported that the North East Network were working with North East Councils to develop a model for regional accountability. It was likely that there would be more scrutiny and more overview.

Daryl Davies from the West Midlands Regional Assembly reported that there was an appetite for there to be some form of scrutiny to continue but funding was the key and resource problems would be an issue.

Alan Maher referred to the need to have a regional network for the Yorkshire and Humber area. Jessica Crowe/Ed Hammond suggested that the Centre for Public Scrutiny would arrange a meeting to discuss having a Network for Yorkshire and Humber.

7. Young People – Views on Overview and Scrutiny

Tom Bolton reported on a project undertaken in Durham County to gauge the views of young people on Overview and Scrutiny. The Forum was also shown a very amusing video which illustrated the views of young people towards Overview and Scrutiny.

8. **Launch of the new CfPS Website and E Newsletters**

The Forum was advised that with effect from early February 2009, the new CfPS website would be launched. Members of the Forum were encouraged to sign up to the new parts of the website and sign up forms were circulated.

9. **Date of Next Meeting**

The next meeting of the Forum would be held on **Wednesday 6 May 2009 commencing at 11am at Swindon Borough Council Offices, Swindon, Wiltshire.**

The meeting ended at 2.55pm