



## COMMUNITY COUNCIL JOINT LIAISON COMMITTEE – 20TH MAY 2009

**SUBJECT: SCRUTINY COMMITTEES**

**REPORT BY: SCRUTINY AND MEMBERS SERVICES MANAGER**

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### 1. PURPOSE OF REPORT

- 1.1 To give an overview of how town and community councils can refer items to scrutiny committees for consideration.

### 2. SUMMARY

- 2.1 This report explains the council guidance on consultation with Town and Community Councils and how community councils can refer matters to scrutiny committees for consideration.
- 2.2 The report also gives information on future developments planned by the Welsh Assembly Government that will impact on referring issues to scrutiny.

### 3. LINKS TO STRATEGY

- 3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.

### 4. THE REPORT

#### Consultation

- 4.1 The Council sets out its guidance on consultation in section 4 of its constitution. It provides that:

*“The level of consultation required will be appropriate to the nature of the matter under consideration. Officers must consult in any event with the appropriate Cabinet member, ward members and appropriate officers and either incorporate their comments into the report or (if not accepted by the author of the report) the comments must be included in the report.”*

- 4.2 The Council has agreed a charter with Community Councils on exchanging information, liaison and consultation on specific subjects. Appendix 1 sets out the consultation subjects contained in that protocol. This system of consultation is designed to ensure that community councils are consulted on important issues. Following consultation with external stakeholders scrutiny committees act as a final consultee before cabinet is asked to make key decisions. Therefore, in practice a scrutiny committee will be made aware of any concerns that a community council may have before cabinet is asked to make a decision.
- 4.3 Whilst there are no formal arrangements for Community Councils to have the right to refer matters to scrutiny committees for consideration, there are a number of opportunities for community

councils to engage with the scrutiny process. These can be summarised as follows:

- In many instances Community Councillors are also County Borough Councillors and can bring issues of concern to the attention of scrutiny committees in their capacity as a local member.
- Community Councils can contact their local member(s) or relevant chair to request that an issue is considered by a scrutiny committee.
- Community Councils can also request that a scrutiny committee consider an issue or, alternatively speak at a scrutiny committee meeting.

4.4 Although scrutiny committees would want to be informed of any views held by a town and community council on an issue under consideration, it would be possible to give other organisations the right to place items on a scrutiny committees' agenda. Scrutiny committees are already facing capacity issues and the future policy drive of the WAG will further increase the pressure on committees' agendas.

4.5 In accordance with best practice, the appropriate director and committee members determine agenda items. Managing the agenda of a scrutiny committee is challenging in terms of ensuring that the forward work programme does not exceed the committee's capacity. Members have the right to request reports to be considered by a scrutiny committee, however, they are encouraged to seek reports which are strategic in nature or focus on a subject that has effect across the county borough. Whenever possible members are asked to take up local ward issues with officers in preference to requesting reports for scrutiny.

4.6 Looking to the future, it is expected that managing work programmes will become more difficult and that scrutiny committees will have to be far more strict in terms of planning their forward work programmes. The Welsh Assembly Government Minister with responsibility for local government recently agreed to implement the Police and Justice Act 2006 with effect from October 2009. This will introduce a requirement for local authorities to scrutinise crime and disorder, including the power to require certain public bodies to attend committee meetings, submit evidence and information and respond to recommendations made by the committee. The new powers will also introduce 'Councillor Calls for Action' (CCfA) which empowers a local councillor to act together with their local community to make representations on a crime and disorder problem facing their area. A CCfA can be thought of as a structured petition procedure where a problem must be considered by the scrutiny committee and a response given. There are concerns that the demand to consider CCfAs may be so great that other pieces of work may not be able to be undertaken.

4.7 The Welsh Assembly Government are also seeking the necessary legislative powers to increase the responsibilities of scrutiny committees to include the power to scrutinise public service providers that operate within the Council's boundaries. This will be a step change for scrutiny committees as they will be expected to scrutinise the performance of a wide range of external organisations including the emergency services, utility companies, public transport providers and government departments etc.

## **5. FINANCIAL IMPLICATIONS**

5.1 There are no specific financial implications arising as a result of this report.

## **6. PERSONNEL IMPLICATIONS**

6.1 There are no specific personnel implications arising as a result of this report.

## **7. CONSULTATIONS**

7.1 There are no consultation responses, which have not been incorporated into the report.

## **8. RECOMMENDATIONS**

8.1 The community council joint liaison committee are asked to note the contents of this report.

## **9. REASONS FOR THE RECOMMENDATIONS**

9.1 To improve the operation of scrutiny.

## **10. STATUTORY POWER**

10.1 The Local Government Act 2000.

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Appendices:

Appendix 1 Subjects for Consultation Town and Community Councils