

**OVERVIEW AND SCRUTINY COMMISSION
19 JULY 2007**

**OVERVIEW AND SCRUTINY OF BRACKNELL FOREST PARTNERSHIP
ORGANISATIONS – THE REQUIREMENT TO FORM A CRIME AND DISORDER
OVERVIEW AND SCRUTINY COMMITTEE
(Head of Performance and Scrutiny)**

1 INTRODUCTION

- 1.1 This paper updates the Overview and Scrutiny (O&S) Commission on new and prospective legislation, also on changing Government and Council policy affecting Overview and Scrutiny of partner organisations, and invites the Commission to decide in principle how they want to apportion these new, emerging responsibilities.

2 SUGGESTED ACTION

It is suggested that the Overview and Scrutiny Commission:

- a) Note the new legislation and changing Government and Council policy affecting Overview and Scrutiny of partner organisations;
- b) Determine in principle how the new responsibilities for the Council's Overview and Scrutiny function should be allocated between the Commission and Panels; and in particular
- c) Determine where the new responsibility to operate a Crime and Disorder Scrutiny Committee should reside;
- d) Note that any changes to the terms of reference for the O&S Commission or Panels should await enactment of the legislation and the issuing of government guidance, and will require Council approval to an amendment to the Constitution, on the advice of the Constitution Review Group.

3 SUPPORTING INFORMATION

- 3.1 At the meeting of the O&S Commission on 15 March 2007, the minutes record:

Scrutiny of External Public Service Bodies

The Head of Performance and Scrutiny presented a report which detailed the principal public bodies external to the Council for the Commission to consider how it and the Scrutiny Panels might extend their scrutiny function to cover. As well as arising from a previously expressed interest in extending scrutiny to public services, by the Commission, the Local Government Bill currently before Parliament would be likely to expand the role for local authority Overview and Scrutiny in relation to other public service providers. Members were advised that it therefore seemed likely that the scrutiny of some public bodies would become a statutory requirement and others may be included via locally agreed governance protocols.

In discussion, Members raised the following issues:

- i) *Resources – concerns were expressed that this expanded remit would not be achievable without the commitment of additional resources to Overview and Scrutiny;*
- ii) *Focussing Work – the increased need for Overview and Scrutiny to clearly identify and focus its work upon specific issues was acknowledged; and*
- iii) *Internal Issues – the need to ensure that scrutiny of external bodies was not done at the expense of important internal issues such as transport, was regarded as essential.*

3.2 The principal changes are as follows.

- a) The Bracknell Forest Partnership - A new role in relation to the Bracknell Forest (Local Strategic) Partnership, as required by the Partnership's Governance Protocol, which states: *'The Council shall facilitate the scrutiny of the work of the Partnership through its Overview and Scrutiny process. The process shall include scrutiny of the membership of the Partnership and how organisations and individuals are selected for representation'*.
- b) The Police and Justice Act 2006 requires every local authority to have a Crime and Disorder Committee empowered to review and scrutinise, and make reports or recommendations, regarding the functioning of the 'responsible authorities' (the local authority, Police, Police Authority, Primary Care Trust, and the Fire Service) of the local Crime and Disorder Reduction Partnership (CDRP) and Community Safety Partnership. The legislation does not require that this should be a separate, dedicated committee. The relevant Commencement Order for the Police and Justice Act 2006 has not yet been issued, and further guidance is awaited from Government.
- c) Subject to legislation, a larger role for Overview and Scrutiny flowing from the Local Government and Public Involvement in Health Bill (e.g. the 'Community Call for Action'; and greater powers in relation to other public sector service providers). Consultation documents and detailed arrangements are awaited from Government.
- d) Further changes to scrutiny arrangements may well derive from likely developments to Local Strategic Partnership governance arrangements. On 19 February 2007, Communities and Local Government published a document *'Developing the Future Arrangement for Local Area Agreements'*. This document follows the Local Government Bill in envisaging a much enhanced role for LSP's and LAA's and sets out the current thinking on how the new LAA arrangements might be implemented. Operational guidance should follow later in 2007, at which point the actual impact should be clearer.

3.3 Pending enactment of the legislation and the issuing by the Government of detailed guidance, there are three broad options to accommodate the extra work:

1. Retain the existing O&S Commission and Panel structure and allocate the new functions to the appropriate Panel/Commission
2. Put as much health scrutiny work as possible into the domain of the Joint East Berkshire Health O&S Committee, freeing up the Health O&S Panel to cover all external public services.
3. Put the Health Scrutiny work back into the Adult Social Care and Housing O&S Panel, freeing up the former Health O&S Panel to cover all external public services except health.

At the meeting of the Bracknell Forest Partnership Board meeting on 19 April, the Board's views were sought on how they would like to see O&S organised from their perspective, and they expressed a preference for option 2 above.

Background Papers

Minutes of the meeting of the O&S Commission on 15 March 2007

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Alluse/O&S/2007-08/O&S Partner Organisations