

**EXTENSION OF OVERVIEW AND SCRUTINY POWERS
(Report by the Head of Head of Democratic and Central Services)**

1. INTRODUCTION

- 1.1 This report contains details of new powers that extend the scope of overview and scrutiny, which have recently been introduced.

2. LEGISLATIVE CHANGE

- 2.1 The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 came into force on 12th August 2009. Although the Panel previously has been advised that these changes were planned, it is only now that they have been brought into effect. The following paragraphs outline these changes.
- 2.2 The effect of the Regulations is to enable district councils, in areas such as Huntingdonshire where there is also a county council, to widen the role of their overview and scrutiny committees through scrutiny of local area agreements ("LAAs"), and to give overview and scrutiny committees the power to obtain information from LAA partners.
- 2.3 The Regulations give the District Council's overview and scrutiny committees the power to make reports and recommendations to the County Council on LAA matters. They also create a requirement for partners to the LAA to have regard to such reports and recommendations. Reports and recommendations may be made publicly available.
- 2.4 Where an LAA target that is the subject of a report relates to the district council, depending on the nature of the findings, the overview and scrutiny committee must give either District Council's Cabinet or the County Council notice in writing specifying the steps which it expects either to take within two months of receiving the report or recommendations or by a specified later date. These steps include responding to the report or recommendations and, if these documents have been published by the overview and scrutiny committee, publishing the response. The overview and scrutiny committee may also send a copy to any other partner authority to which a target that is subject of the report or recommendation relates and require it to have regard to the report or recommendations in the exercise of its functions.
- 2.5 An overview and scrutiny committee can require a partner to the LAA to provide it with information which relates to that partner authority as long as it concerns a local improvement target. The request must be in writing.
- 2.6 Officers from the local authorities in Cambridgeshire will be co-ordinating work programmes in order to minimise overlap in their work programmes.
- 2.7 Generally, exempt and confidential information must not be published when using any of the powers outlined above. More specifically a partner organisation must not provide an overview and scrutiny with —

- (a) information that was obtained from any other person where the provision of that information would constitute a breach of confidence actionable by any person;
- (b) information the disclosure of which would, or would be likely to, prejudice the exercise of the functions of the authority or the legitimate interests of any person (including the authority holding it);
- (c) personal information within the meaning of the Data Protection Act 1998(b), unless the disclosure is permitted by or under that Act; or
- (d) other information the disclosure of which is prohibited by or under any enactment.

2.8 Crime and disorder and health related information are specifically excluded from the Regulations because separate arrangements for the scrutiny of such matters is provided for by the Police and Justice Act 2006 and the National Health Service Act 2006.

3. CONCLUSION

The Panel is

RECOMMENDED

to note the contents of the report.

BACKGROUND PAPERS

Statutory Instrument 2009 No. 1919 Local Government, England - The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009

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