

MEETING: 22nd FEBRUARY 2010

**SUBJECT: CO-OPTION OF FIRE AUTHORITY MEMBERS TO LOCAL
AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES**

**REPORT OF THE CHIEF FIRE OFFICER AND CLERK TO THE
AUTHORITY**

1 INTRODUCTION

- 1.1 This report sets out for the consideration of Members the outcome of correspondence with the 5 Local Authorities in Tyne and Wear, following a request from Newcastle City Council for TWFRAs to provide a co-opted member to its Community Safety Scrutiny Committee, in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- 1.2 Members are asked to consider the findings of this exercise and decide an approach which allows a response to be made to Newcastle City Council in the first instance, and puts in place guiding principles for responding to any future requests.

2 BACKGROUND

- 2.1 The Authority meeting of 23 November 2009 considered a request from Newcastle City Council to provide a co-opted member to its Community Safety Scrutiny Committee, which is the committee designated to scrutinise community safety matters.
- 2.2 It was agreed to defer a decision in order to gather further information on the views of each of the constituent local authorities on this matter, with a view to developing a co-ordinated and consistent approach to the Authority's relationship with Scrutiny committees across Tyne and Wear.
- 2.3 The new regulations give councillors the power to scrutinise the work of Crime and Disorder Reduction Partnerships (CDRPs), to enable greater democratic accountability. CDRPs are statutory partnerships established to bring about a coordinated response to community safety issues in an area. Scrutiny roles in relation to CDRPs may include input to policy and strategy development; holding partnerships to account; and performance management.

- 2.4 Guidance¹ associated with the new regulations sets out the benefits of good scrutiny based on four key principles:
- a) It provides ‘critical friend’ challenge to executive policy-makers and decision makers;
 - b) It enables the voice and concerns of the public and its communities to be heard;
 - c) It is carried out by ‘independent minded governors’ who lead and own the scrutiny process;
 - d) It drives improvement in public services.
- 2.3 Fire and Rescue Services are Responsible Authorities in CDRPs, along with local authorities, police services and others. The guidance includes reference to the role of FRS in CDRPs which is included as Appendix A. TWFRS is an active partner in all 5 CDRPs in our area.
- 2.4 Among the detailed guidance is provision for Crime and Disorder committees to co-opt additional members to serve on the committee. *“These co-optees can be specialists in particular areas and can bring great value and expertise to the committee’s work”.*
- 2.5 Guidance around co-option makes the following provision:
- Members can be co-opted provided that they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority;
 - The committee can decide whether they should have the right to vote;
 - Membership can be limited to membership in respect of certain issues only;
 - The council should take care to clarify the role of such a co-optee, *who may be expected, as part of the committee, to hold his or her own organisation to account.*

¹ *National Support Framework Delivering Safer and Confident Communities: Guidance for the Scrutiny of Crime and Disorder Matters – England.* Implementing Sections 19 and 20 of the Police and Justice Act 2006. HMSO 2009.

3 LOCAL AUTHORITY RESPONSES

3.1 Newcastle City Council's proposal was that:

- The Fire Authority is invited to appoint one of its Members to sit as a co-opted member of Newcastle City Council's Communities Overview and Scrutiny Panel;
- The Authority's representative receives copies of agendas for all panel meetings, but with an expectation that attendance is only requested when issues concerning community safety are discussed;
- The Authority's representative attend as a non-voting member (reflecting arrangements elsewhere in scrutiny);
- The January meeting of the Communities Overview and Scrutiny Panel provides space on its agenda for the Authority to bring issues it considers appropriate to assist in the formulation/refresh of its three year Corporate Plan;
- Co-option to be reviewed, by all parties, with recommendations timely for the start of 2010/11.

3.2 Heads of Overview and Scrutiny of each of the five Local Authorities were contacted to ascertain:

- Existing approaches toward co-optees on community and safer scrutiny committees;
- Whether the authority would be interested in co-opting in the future;
- Whether such co-option should be member or officer;
- The remit and role of the co-optee – e.g. voting rights/attendance.

3.3 Responses were received from all 5 Local Authorities although the timescale of the exercise had not allowed our letter to be formally put to Members. Instead the responses were based upon the policy direction already in place regarding co-option, in the light of the new regulations. It should be noted that due to the fairly recent nature of the regulations, Councils are at various points in implementation although all have designated a Committee to handle the scrutiny of community safety.

3.4 The responses are summarised below.

Council	Designated Scrutiny committee	Current position on co-option or involvement of partners	Would the authority be interested in co-option in future?
Newcastle	Communities Overview and Scrutiny	<p>A representative has been co-opted from Northumbria Police and the Authority seeks to co-opt from TWFR</p> <p>Consideration may also be given to a public representative in light of recent Policing White Paper</p> <p>The authority sees co-option as a general policy direction for the future, part of a process of working together better to deliver shared ambitions</p>	<ul style="list-style-type: none"> • Would support the cooption of a Member rather than an officer as others round the table are Members and this assists in holding officers to account for delivering policies/priorities • No detail on remit, voting rights etc- they see co-option as the start of the process
North Tyneside	Communities Sub Committee		<ul style="list-style-type: none"> • The sub committee has received a report (16/9/09) setting out the option to co-opt representatives from the responsible authorities, but as yet has not decided to do so
South Tyneside	<p>Overview and Scrutiny Committee</p> <p>(Select Committees can be asked to undertake work where appropriate)</p>	Advisory representatives are invited to attend the Committee	<ul style="list-style-type: none"> • In line with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, there is no reason why we would not be interested in co-opting in the future • We really need to consult Members on this in terms of any new arrangements (timescale has not allowed so far). We will be looking at co-optee provision in the New Year • We would not be able to confirm at present whether this would be Member or Officer

Council	Designated Scrutiny committee	Current position on co-option or involvement of partners	Would the authority be interested in co-option in future?
Sunderland	Community and Safer City Scrutiny Committee	In October 2009, the Council's Scrutiny Committees agreed a revised protocol for the appointment of co-opted members.	<ul style="list-style-type: none"> No decision has yet been made regarding the use of co-option on the Community and Safer City Committee. In the lead up to the new municipal year 2010/11, the Committee will be considering the appropriate use of co-optees guided by the new protocol and the emerging work programme.
Gateshead	Not specified	<p>There is no formal co-option of partners onto any Overview and Scrutiny committee</p> <p>However a range of protocols is in place setting out how partners and others can be involved in Scrutiny including assisting in setting the work programme (the relevant District Manager has been invited to a workshop to discuss this in January 2010)</p>	<ul style="list-style-type: none"> Whilst aware of the provision of the Crime and Disorder (Overview and Scrutiny) regulations there is no current intention to co-opt Responsible Authorities to the relevant Committee However the Council would be willing to consider any representations TWFA wished to make regarding formal co-option if we consider this would give additional benefits beyond the informal processes in place

3.5 Based on this it appears that only Newcastle has a specific policy decision to co-opt statutory partners to Scrutiny of community safety; North Tyneside and Gateshead appear to have considered the matter and decided upon other approaches for the time being; and Sunderland and South Tyneside will be considering the co-option issue shortly. Gateshead is willing to consider a proactive approach from ourselves if we feel it adds value to the current processes in place for that area.

3.6 Newcastle has been clear about its preference for an elected Member on the basis that other members of the Committee are all Members. Whilst the guidance notes the potential for co-optees to have to hold their own organizations to account, in practice this could be dealt with through normal processes of declaring an interest where necessary.

4 CONCLUSION

- 4.1 Clearly the decision to co-opt partners lies with the individual Authorities and is linked to their overall approach to engaging partners. The options open to us would therefore seem to be to deal only with the specific request put forward by Newcastle City Council, but in such a way that principles are established for any future approaches; or to make a decision not to become engaged in this formal way in the scrutiny of community safety.
- 4.2 If we choose to accept Newcastle's invitation to nominate a co-optee, this would mean putting forward an elected member in line with their preferred approach unless we feel there is a powerful argument for not doing so. The desirability of a Newcastle Member versus a Member from another part of Tyne and Wear would need to be considered, along with any political balance issues.
- 4.3 A decision to put forward a Member co-optee to Newcastle's community safety scrutiny committee would establish principles upon which to base any future co-options. A decision not to agree to the co-option would similarly establish principles for the future.
- 4.4 Not agreeing to a co-option does not preclude Members or officers from being involved in Scrutiny processes on an ad hoc basis at the request of the local authorities, as has always been possible.
- 4.5 Members have the option of actively seeking TWFA co-option to these Scrutiny committees at any time in the future if this is felt to enhance the engagement of the Authority in the work of the five Councils.

5 RISK MANAGEMENT IMPLICATIONS

- 5.1 Co-opting a Fire Authority Member to a Scrutiny committee carries a potential risk of the Member being asked to scrutinise his or her own decisions (conflict of interest), as recognised in the guidance. The use of normal political governance processes would mitigate this risk.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications in respect of this report.

7 EQUALITY AND FAIRNESS IMPLICATIONS

- 7.1 There are no equality and fairness implications in respect of this report.

8 HEALTH AND SAFETY IMPLICATIONS

8.1 There are no health and safety implications in respect of this report.

9 RECOMMENDATIONS

9.1 The Authority is recommended to consider:

- i) Whether to co-opt a Member of the Authority to Newcastle City Council's Communities Overview and Scrutiny Committee on the basis of the proposal set out in 3.1;
- ii) What principles of representation should apply when serving as a co-opted member of the relevant Council's Scrutiny Committee.

BACKGROUND PAPERS

- Notification received from Newcastle City Council – Request: Co-option to Newcastle Scrutiny Committee
- Letter to Council heads of Overview and Scrutiny December 2009
- Responses from each of the 5 Councils

