

**BROMSGROVE DISTRICT COUNCIL**

**JOINT OVERVIEW & SCRUTINY BOARD**

**TUESDAY 1ST DECEMBER 2009**

**SCRUTINY OF CRIME AND DISORDER**

Responsible Portfolio Holder	Cllr G. N. Denaro
Responsible Head of Service For Overview and Scrutiny	Mrs. C. Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

**1. SUMMARY**

- 1.1 This report is to brief Members of the Joint Overview and Scrutiny Board on the statutory provisions for the scrutiny of crime and disorder.

**2. RECOMMENDATIONS**

- 2.1. That Members note the requirements and role for the scrutiny of crime and disorder and comment on how they would like to see this taken forward.
- 2.2. That the Chairman of the Joint Overview and Scrutiny Board be requested to meet with the Portfolio Holder for Community and Customer Engagement and Community Safety and relevant officers, including a representative from the Community Safety Partnership, to discuss the approach and timetable for the scrutiny of crime and disorder in line with statutory requirements.
- 2.3. That any proposed protocol resulting from the outcome of the meeting referred to in 2.2 above be submitted to the Joint Overview and Scrutiny Board and the Community Safety Partnership for formal approval.
- 2.4. That a special meeting of the Joint Overview and Scrutiny Board be convened in the spring of 2010 to consider crime and disorder scrutiny matters.

**3. BACKGROUND**

- 3.1 Sections 19 – 21 Police and Justice Act 2006 (effective as from 30<sup>th</sup> April 2009) and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 refer to the requirement to introduce procedures for the scrutiny of the Crime and Disorder Reduction Partnerships (CDRPs), including the introduction or designation of a scrutiny committee for this purpose. In Bromsgrove the Joint Overview and Scrutiny Board (JOSB) has been designated as the committee responsible for scrutiny of the CDRP.

- 3.2. The statutory powers a crime and disorder scrutiny committee has are:
- To scrutinise how the CDRP partnership members are discharging their crime and disorder functions,
  - To require information to be provided by partners, and require attendance at meetings, and
  - To require partners to respond to reports and 'have regard' to recommendations.
- 3.3. Legislation requires the members of the local CDRP to take part in the Overview and Scrutiny process. This includes the main CDRP partners ('responsible authorities'): the Council, the police authority and police force, the primary care trust, the fire and rescue authority, plus the 'co-operating bodies': probation, parish councils, NHS trusts, proprietors of independent schools, further education institutions.
- 3.4. In Bromsgrove, the JOSB has been designated as the crime and disorder scrutiny committee. At its meeting on Wednesday 29th April 2009, the Council made amendments to the Overview and Scrutiny functions and resolved:
- ~ "(a) that a Joint Overview and Scrutiny Board be created to enable the Council to discharge the following functions: Councillor Calls for Action, Crime and Disorder Calls for Action, Petitions, scrutiny of the budget; and that it be designated as the Crime and Disorder Committee in accordance with the Police and Justice Act 2006".

#### **4. CRIME AND DISORDER REDUCTION PARTNERSHIPS**

- 4.1. Crime and Disorder Reduction Partnerships (CDRPs) are partnership bodies made up of the key statutory organisations involved in tackling and preventing crime and disorder in the local area. In Bromsgrove the CDRP is known as the Community Safety Partnership.
- 4.2. The 1998 Crime and Disorder Act established partnerships between the police, local authorities, probation service, health authorities, the voluntary sector, and local residents and businesses. According to the Home Office, "these partnerships are working to reduce crime and disorder in their area by:
- ~ Establishing the levels of crime and disorder problems in their area, and consulting widely with the population of that area to make sure that the partnership's perception matches that of local people, especially minority groups, such as gay men and lesbians, or members of ethnic minorities.
  - ~ Devising a strategy containing measures to tackle those priority problems. This is to include targets, and target owners for each of the priority areas. The strategy will last for three years, but must be kept under review by the partnership". (Home Office)
- 4.3. In Bromsgrove the Community Safety Partnership includes: Bromsgrove District Council (including the Portfolio Holder for Community Safety and

The Head of Street Scene & Community, the Community Safety team, Neighbourhood Wardens and Local Strategic Partnership Officer ), West Mercia Police, the West Mercia Police Authority, the West Mercia Probation Trust, Worcestershire County Council, Redditch Borough Council, Bromsgrove District Housing Trust, Worcestershire PCT and Worcestershire Drug Alcohol Abuse Team (DAAT).

## **5. FREQUENCY OF MEETINGS**

- 5.1. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 4, "A crime disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period".
- 5.2. It is currently envisaged that the JOSB will continue to act as the crime and disorder scrutiny committee and will meet around 4 times a year to consider crime and disorder matters. The JOSB would also be able to establish Task Group reviews to consider specific crime and disorder issues in depth and report back to the main committee, in accordance with current constitutional arrangements.
- 5.3. It is recommended that a further meeting of the JOSB be convened in the Spring of 2010 in order to consider crime and disorder scrutiny matters and the performance of the CDRP. Key stakeholders from the CDRP could also be invited to attend this meeting. It is proposed that the timetable for the future pattern of crime and disorder scrutiny meetings be finally agreed after the proposed discussions between the Chairman of the JOSB and the Portfolio Holder for Community and Customer Engagement and Community Safety.

## **6. ATTENDANCE AT COMMITTEE MEETINGS**

- 6.1. In discharging its scrutiny of crime and disorder functions, the JOSB will require the attendance before it of relevant officers, employees or members of a responsible crime and disorder body or partner organisation to answer questions or otherwise provide information. In such a case, representatives will be requested to attend in the normal way (see the Overview and Scrutiny Guidance published by Bromsgrove District Council). It is envisaged that this process be clarified in a crime and disorder protocol or guidance agreed between the JOSB and the Community Safety Partnership.
- 6.2. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 6(2), "the crime and disorder committee must give the person whose attendance it requires... at least two weeks' notice of the date on which that person is required to attend, unless the person agrees to a shorter period of notice" and at (3), "a person whose attendance is

required... shall attend on the specified date, unless the person has a reasonable excuse”.

## **7. REQUESTS FOR INFORMATION**

- 7.1. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 5(1), where a crime and disorder committee makes a request for information relevant to the exercise of its functions to the responsible authorities or the co-operating persons or bodies, the authorities must provide such information. Such information “must be provided no later than the date indicated in the request or, if some or all of the information cannot be reasonably be provided on such date, as soon as reasonably possible”. It is envisaged that this process be clarified in a crime and disorder protocol or guidance agreed between the JOSB and the Community Safety Partnership.

## **8. SCRUTINY REPORTS AND RECOMMENDATIONS**

- 8.1. Overview and scrutiny committees may decide, upon consideration of a matter, to make a report and recommendations to the responsible authority and decision maker(s), in accordance with the usual Overview and Scrutiny process (as set out in the Overview and Scrutiny Guidance published by Bromsgrove District Council).
- 8.2. Overview and scrutiny committees cannot make any executive decisions, but they may make recommendations to any statutory partner or organisation that affects the well being of local residents, including members of the Community Safety Partnership (or CDRP). Scrutiny reports usually aim to set out the context and findings of a scrutiny investigation and set out any recommendations, along with the evidence to support those recommendations.

## **9. THE EXECUTIVE RESPONSE**

- 9.1. When scrutiny recommendations are put forward to any organisation or partnerships, overview and scrutiny committees usually request an Executive Response. In the case of recommendations to Bromsgrove District Council, the Executive Response is usually requested from the Cabinet. In the case of other organisations, an Executive Response may be requested to the decision making body of the agencies to which recommendations have been addressed.
- 9.2. An Executive Response usually outlines the broad response to the report and recommendations put forward by the scrutiny committee along with an Executive Decision for each of the individual recommendations for which it has authority. An Executive Decision may either agree, reject or amend a scrutiny recommendation. An Executive Response may also include an action plan and timetable for the implementation of agreed scrutiny recommendations.

- 9.3. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 7 (1), “where a crime and disorder committee makes a report or recommendations to a responsible authority or to a co-operating person or body.... The responses to such report or recommendations of each relevant authority, body or person shall be-
- ~ In writing; and
  - ~ Submitted to the crime and disorder committee with a period of 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter”.
- 9.4. It is envisaged that this process be clarified in a crime and disorder protocol or guidance agreed between the JOSB and the Community Safety Partnership.

## **10. MONITORING AND REVIEW**

- 10.1. The Overview and Scrutiny Boards at Bromsgrove District Council, like most other local authority scrutiny committees, routinely monitor and review the implementation of agreed scrutiny recommendations. This enables all parties to check on the implementation status of agreed recommendations and helps to monitor the effectiveness of the scrutiny process.
- 10.2. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 7 (2), “the crime and disorder committee shall review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers”.
- 10.3. In order to do this, the responsible agencies will be requested to provide a periodic update on the implementation of agreed scrutiny recommendations, until all of the agreed recommendations have been fully implemented. Where the responsible agencies have provided an action plan as a part of their Executive Response, this can be used as a tool to effectively monitor implementation. It is envisaged that this process be clarified in a crime and disorder protocol or guidance agreed between the JOSB and the Community Safety Partnership.

## **11. SCRUTINY OF CRIME AND DISORDER PROTOCOL OR GUIDANCE**

- 11.1. In order to ensure that there is a clear process for discharging the scrutiny of crime and disorder function, there is a need to establish appropriate procedures, protocols or guidance for how it should be carried out. There may also be a need to amend the Council Constitution to reflect this.
- 11.2. It is therefore recommended that the Chairman of the JOSB meet with the Portfolio Holder for Community and Customer Engagement and Community Safety and appropriate officers to discuss possible options for establishing a process to effectively scrutinise crime and disorder matters.

11.3. According to the Home Office Guidance for the Scrutiny of Crime and Disorder Matters – England, Implementing Sections 19 and 20 of the Police and Justice Act 2006, local authorities and CDRP partners should “consider developing a short, flexible and meaningful protocol which lays the mutual expectations of scrutiny members and partners of the community safety members and partners of the community safety scrutiny process”. (Scrutiny of Crime and Disorder Matters – England p.25).

11.4. Attached at Appendix 1 is a prototype protocol by way of example of what may be included in an agreed protocol or guidance. This is intended to establish and agree outline procedures and clarify expectations on how the scrutiny of crime and disorder will work. It is not envisaged as a straight jacket to the practical working of the process. It is advised that the Chairman of the JOSB discuss the protocol or guidance at the proposed meeting with the Portfolio Holder for Community and Customer Engagement and Community Safety.

## **12. INVOLVEMENT OF THE WEST MERCIA POLICE AUTHORITY**

12.1. According to the Home Office Guidance for the Scrutiny of Crime and Disorder Matters – England, Implementing Sections 19 and 20 of the Police and Justice Act 2006, “local authorities should, in all instances, presume that the police authority should play an active part at committee when community safety matters are being discussed” (p.29). It goes on to outline different options that may be followed to involve police authorities in the process, including the cooption of a member of the police authority or the appointment of a member of the police authority as an advisor to the crime and disorder scrutiny committee. The latter option is given in the guidance as the probable preference for most district authorities and it is envisaged at this stage that the West Mercia Police Authority will be requested to nominate a representative as advisor to the JOSB on crime and disorder matters, with a standing invitation to attend when crime and disorder issues are being discussed and requested to attend when expert advice is envisaged to be required.

12.2. It is advised that consideration of this option is considered at the proposed meeting between the Chairman and the Portfolio Holder for Community and Customer Engagement and Community Safety.

## **13. FINANCIAL IMPLICATIONS**

13.1 There are no financial implications envisaged for the purposed of this report.

## **14. LEGAL IMPLICATIONS**

14.1 The following legislation, regulations and Government Guidance is relevant to the discharge of the scrutiny of crime and disorder function, as outlined in this report:

- ~ The 1998 Crime and Disorder Act.
- ~ Police and Justice Act 2006 Sections 19 – 21.
- ~ The Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- ~ The National Support Framework, Delivering Safer and Confident Communities, guidance for the scrutiny of crime and disorder matters – England.

## **15. COUNCIL OBJECTIVES**

- 15.1 The scrutiny of crime and disorder links to the Council Objective Three: Sense of Community and Well Being.

## **16. RISK MANAGEMENT**

- 16.1. If the Council fails to adopt a policy and procedure for the scrutiny of crime and disorder matters, this could result in a failure to comply with a legislative requirement; the loss of an opportunity to improve or achieve an outcome for local communities with regards to crime and disorder issues; and it would affect the Council's reputation.
- 16.2. These risks are being managed through the designation of a crime and disorder scrutiny committee, through the proposals to establish an agreed approach and protocol between the Joint Overview and Scrutiny Board and the Community Safety Partnership.

## **17. CUSTOMER IMPLICATIONS**

- 17.1. The recommendations contained in this report will involve engagement with statutory and non-statutory partner organisations which may be involved in the Overview and Scrutiny process and specifically in the scrutiny of the crime and disorder partnerships. This will help to inform and engage with Council partners in a constructive process.
- 17.2. Council partner organisations may, as part of the Overview and Scrutiny process, be invited to attend Overview and Scrutiny meetings to give evidence as part of a scrutiny inquiry, they may be requested to provide written evidence to a scrutiny committee, or they may be asked to respond to Overview and Scrutiny recommendations on their area of service provision. All of these things are already possible under previous legislative arrangements, but the proposals set out in this report will reinforce this role and provide more formalised arrangements for the scrutiny of crime and disorder partnerships.
- 17.3. Implications for local residents may include future local public inquiries into crime and disorder matters, which may result in the consideration of crime and disorder issues of public concern being raised within a local democratic and public forum, with the view of tackling these issues to improve community well being.

## **18. EQUALITIES AND DIVERSITY IMPLICATIONS**

18.1 The consideration of crime and disorder issues by Bromsgrove Overview and Scrutiny Committees will routinely give extra consideration of the equality and diversity implications of matters under consideration, including identification of particular issues for minority groups and access to services by all sections of the community.

## **19. VALUE FOR MONEY IMPLICATIONS**

19.1 There are no value for money implications for the purpose of this report.

## **20. CLIMATE CHANGE AND CARBON IMPLICATIONS**

20.1 There are no climate change and carbon implications for the purposes of this report.

## **21. OTHER IMPLICATIONS**

Procurement Issues <b>None</b>
Personnel Implications <b>None</b>
Governance/Performance Management <b>The proposals set out in this report will further develop the governance arrangements for Overview and Scrutiny through the scrutiny of crime and disorder partnerships.</b>
Community Safety including Section 17 of Crime and Disorder Act 1998 <b>The proposals set out in this report will further develop the provisions for the scrutiny of crime and disorder partnerships.</b>
Policy <b>None</b>
Environmental <b>None</b>

## **22. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No



Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**23. WARDS AFFECTED**

All Wards.

**24. APPENDICES**

Appendix 1 The Scrutiny of Crime and Disorder Partnerships Protocol – Draft.

Appendix 2 Crimewatch, effective scrutiny of police and crime – Local Government Association

**25. BACKGROUND PAPERS**

- ~ The Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- ~ The National Support Framework, Delivering Safer and Confident Communities, guidance for the scrutiny of crime and disorder matters – England.

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# The Scrutiny of Crime and Disorder Partnerships Protocol - DRAFT

## 1. Introduction

The purpose of this protocol is to describe the roles and relationships of the bodies involved in the scrutiny of crime and disorder partnerships and to outline the process for how this will work, in order to help build the relationships between the crime and disorder partnership bodies and the Overview and Scrutiny committees at (Local Authority Name) Council. It is not intended to provide a ridged standard and should be interpreted flexibly where necessary to accommodate the partner agencies involved through mutual agreement.

## 2. Roles and Responsibilities

### **The Crime and Disorder Reduction Partnership**

The (Local Authority Name) Crime and Disorder Reduction Partnership (CDRP) xx (find their definition of what they do).

### **The Crime and Disorder Scrutiny Committee**

In (Local Authority Name) the crime and disorder scrutiny committee has been designated as the **(scrutiny committee name)**. This committee may delegate crime and disorder scrutiny to subcommittees, as required.

The role of the crime and disorder scrutiny committee is to examine how the CDRP members are discharging their crime and disorder functions and where appropriate, to make reports and recommendations to the CDRP partners.

## 3. Crime and Disorder Scrutiny Committee Meetings

The Crime and Disorder Scrutiny Committee meets at least 4 times a year. Each meeting shall include a consideration of crime and disorder matters as a standing item.

Subcommittees and/or Task Groups may be established by the committee that report back to the main committee and additional meetings may be convened for this purpose.

### **Representation of the (name) Metropolitan Police Association**

The (name) Metropolitan Police Association (XXMPA) will be invited to nominate a Crime and Disorder Advisor to the Crime and Disorder Scrutiny Committee, who will have a standing invitation to attend meetings of the committee and any subcommittees.

## 4. The Overview and Scrutiny Work Programme

The CDRP should be requested annually to report to the Crime and Disorder Scrutiny Committee on the key crime and disorder issues in (Local Authority Name) and key targets for the CDRP – (The (Local Authority Name) Community Safety Strategy???)?. This should help to identify the key issues where the Crime and Disorder Scrutiny Committee can make a constructive and useful contribution to the work of the CDRP.

The Crime and Disorder Scrutiny Committee should, in consultation with the CDRP, decide which key issues of crime and disorder to consider during the year and these topics should be added to the Overview and Scrutiny Work Programme as a part of the normal Overview and Scrutiny work planning process.

Additional topics for consideration may arise during the year. These could either be brought up by the Crime and Disorder Scrutiny Committee or referred to the scrutiny committee by the CDRP. Crime and disorder issues for consideration by the committee may also arise from a Councillor Call for Action, referral from the Council or from the Leader and Cabinet or from a proposal submitted by a member of the public.

## 5. Attendance Requests

The Crime and Disorder Scrutiny Committee or subcommittees may request the attendance of a representative of the CDRP or a member body of the partnership. This should be made in writing, giving at least one month notice and outline the reasons for the request.

## 6. Requests for Information

The Crime and Disorder Scrutiny Committee and subcommittees may request written information from the CDRP or a member body of the partnership, eg a report on a particular crime and disorder issue. The request should be made in writing, giving at least one month notice, describing precisely what information is requested and outlining the reasons for the request. If it is not possible for the information to be provided within the timescale required, the CDRP body should write back giving the reasons for this and giving a time when the information will become available and any alternative information available instead.

## 7. Reviewing CDRP Performance

The Crime and Disorder Scrutiny Committee should request the CDRP to report on its performance annually. This should include performance against its key targets and performance indicators.

## 8. Scrutiny Reports and Recommendations

The Crime and Disorder Scrutiny Committee may make recommendations and/or a report to the CDRP or a member body. Recommendations should be recorded in the minutes of the Crime and Disorder Scrutiny Committee and referred to the CDRP (and where appropriate, specific board members), **within 5 working days**. Recommendations may be accompanied by a report where an issue has been considered in depth.

Recommendations should be made to the lead agencies responsible for making the executive decisions, identifying the lead agency and referencing other partner agencies involved.

## 9. The Executive Response

The CDRP and other executive decision makers identified in the scrutiny recommendations should respond **within 6 weeks** with an Executive Response and Executive Decisions.

The Executive Response should briefly outline the response of the CDRP and/or the other executive decision makers identified and the Executive Decisions should either **agree, amend** or **reject** each recommendation.

## 10. The Scrutiny Implementation Plan

The CDRP and other executive decision makers identified should also provide, long with the Executive Response or **within 3 months**, a Scrutiny Implementation Plan outlining the specific actions they intend to take for each agreed or amended recommendation and identify the completion date for each.

## 11. Implementation Tracking

The Crime and Disorder Scrutiny Committee should ask representatives of the CDRP and other executive decision makers identified to report back on the implementation of the agreed or amended recommendations when all of the recommendations are due to be implemented.

Where implementation spans over a long period of time, the Crime and Disorder Scrutiny Committee may request an interim progress report.

The Crime and Disorder Scrutiny Committee should determine whether or not the recommendations are fully implemented and where recommendations are not implemented seek agreement on a new implementation date and reconsider the issue some time after this new date.

If it should be impossible to implement the recommendation, the decision maker should be asked to provide an explanation for this and what action they decide to take instead.