

BROMSGROVE DISTRICT COUNCIL

JOINT OVERVIEW & SCRUTINY BOARD

5th October 2010

SCRUTINY OF CRIME AND DISORDER - PROTOCOL

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 and agree a protocol between the Community Safety Partnership and the Board.

2. RECOMMENDATIONS

2.1. That Members note the requirements and role for the scrutiny of crime and disorder.

2.2. That the Scrutiny of Crime and Disorder Protocol (attached at Appendix One) be agreed.

2.3. That the protocol be submitted to the Community Safety Partnership for formal agreement.

3. BACKGROUND

3.1 Sections 19 – 21 Police and Justice Act 2006 (effective as from 30th 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.

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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 **Bromsgrove 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,

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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 and 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 as the committee considers appropriate but no less than once 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. Extra meetings of the JOSB have been scheduled during 2010-2011 in order to carry out the scrutiny of crime and disorder function.

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). This process is clarified in the crime and disorder protocol Section 5.
- 6.2. According to the Crime and Disorder (Overview and Scrutiny) Regulations 2009, section 6(1), "a crime and disorder committee may require the attendance before it of an officer or employee of a co-operating person or body in order to answer questions" and at (2) "the crime and disorder committee may not require a person to attend... unless reasonable notice of the intended date of attendance has been given to that person".

7. REQUESTS FOR INFORMATION

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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 save that if some or all of the information cannot be reasonably be provided on such date, that information must be provided as soon as reasonably possible”. The information provided to scrutiny committees must be depersonalised first. This process is clarified in the crime and disorder protocol Section 6.

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 other organisations, 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

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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:
- a. in writing; and
 - b. submitted to the crime and disorder committee with a period of 28 days from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter”.
- 9.4. This process is clarified in the crime and disorder protocol Section 9. The template for (Cabinet) Executive Response is included at Appendix Two.

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. This process is clarified in the crime and disorder protocol Section 11.

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.

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11.2. 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).

11.3. Attached at Appendix 1 is a draft protocol for agreement by the Board and by the CSP. 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.

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 an advisor to the JOSB on crime and disorder matters has been identified. A standing invitation to attend JOSB when crime and disorder issues are being discussed will be made and requested to attend when expert advice is envisaged to be required.

12.2. The appointment of a crime and disorder advisor to the JOSB will be considered by the JOSB on 5th October 2010.

13. KEY ISSUES

13.1 The agreement of a protocol.

14. FINANCIAL IMPLICATIONS

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

15. LEGAL IMPLICATIONS

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15.1 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.

16. POLICY IMPLICATIONS

There are no policy implications arising from this report.

17. COUNCIL OBJECTIVES

17.1 The scrutiny of crime and disorder links to the Council Objective Three: One Community.

18. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

18.1 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.

18.1. These risks are being managed through the designation of a crime and disorder scrutiny committee and through the proposals to establish an agreed approach and protocol between the Joint Overview and Scrutiny Board and the Community Safety Partnership.

19. CUSTOMER IMPLICATIONS

19.1. 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 to reduce crime and disorder

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19.2. 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.

19.3. Implications for local residents may include 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.

20. EQUALITIES AND DIVERSITY IMPLICATIONS

20.1 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.

21. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

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

22. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

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

23. HUMAN RESOURCES IMPLICATIONS

There are no human resources implications arising from this report.

24. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

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.

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25. COMMUNITY SAFETY INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

The protocol will help facilitate the process of scrutiny of crime and disorder partnerships and thereby help to reduce crime and disorder in the District.

26. HEALTH INEQUALITIES IMPLICATIONS

There are no health inequalities implications arising from this report.

27. LESSONS LEARNT

None for the purposes of this report.

28. COMMUNITY AND STAKEHOLDER ENGAGEMENT

The protocol will help facilitate stakeholder engagement through the Overview and Scrutiny process in the scrutiny of crime and disorder partnerships.

29. OTHERS CONSULTED ON THIS 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

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30. WARDS AFFECTED

All Wards.

31. APPENDICES

Appendix 1 Draft Scrutiny of Crime and Disorder Partnerships Protocol
Appendix 2 Executive response Template
Appendix 3 Overview and scrutiny Recommendations Action Plan
template

32. 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.

CONTACT OFFICER

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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 rigid standard and should be interpreted flexibly where necessary to accommodate the partner agencies involved through mutual agreement.

2. Roles and Responsibilities

The Bromsgrove Community Safety Partnership

The Crime and Disorder Reduction Partnership (CDRP) known as the Bromsgrove Community Safety Partnership was established in accordance with the Crime and Disorder Act 1998 to deliver a sustainable reduction in crime and fear of crime within local communities. It brings together five responsible authorities and a range of co-operating organisations to meet the requirements of the Act and achieve the partnership vision of making Bromsgrove a safe place to live, work and visit*.

The Crime and Disorder Scrutiny Committee

At Bromsgrove District Council the crime and disorder scrutiny committee has been designated as the **Joint Overview and Scrutiny Board (JOSB)**. This Board may also establish crime and disorder scrutiny to subcommittees or Task Groups, as required, examine particular issues in detail.

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

3. Crime and Disorder Scrutiny Committee Meetings

The JOSB meets at least 4 times a year. 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.

* The Bromsgrove Community Safety Partnership Plan 2008 – 2011.

Representation of the West Mercia Metropolitan Police Association

The West Mercia Metropolitan Police Association (WPMPA) 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 Bromsgrove Community Safety Partnership should be requested annually to report to the JOSB on the key crime and disorder issues in the Bromsgrove District and key targets for the Bromsgrove Community Safety Partnership. 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 Bromsgrove Community Safety Partnership.

The JOSB should, in consultation with the Bromsgrove Community Safety Partnership, 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 JOSB or referred to the scrutiny committee by the Bromsgrove Community Safety Partnership. Crime and disorder issues for consideration by the Board 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 JOSB, subcommittees or Task Groups may request the attendance of a representative of the Bromsgrove Community Safety Partnership 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 JOSB, subcommittees or Task Groups may request written information from the Bromsgrove Community Safety Partnership 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 Bromsgrove Community Safety Partnership 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 Community Safety Partnership Performance

The JOSB should request the Bromsgrove Community Safety Partnership to report on its performance annually. This should include performance against its key targets and performance indicators.

8. Scrutiny Reports and Recommendations

The JOSB may make recommendations and/or a report to the Bromsgrove Community Safety Partnership or a member body. Recommendations should be recorded in the minutes of the JOSB and referred to the Bromsgrove Community Safety Partnership (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.

Overview and Scrutiny Recommendations are made through the Bromsgrove District Council Cabinet. 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 Bromsgrove Community Safety Partnership 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 Bromsgrove Community Safety Partnership and/or the other executive decision makers identified and the Executive Decisions should either **agree, amend or reject** each recommendation.

10. The Overview and Scrutiny Action Plan

The Bromsgrove Community Safety Partnership and other executive decision makers identified should also provide a long with the Executive Response or **within 3 months**, an Action Plan outlining the specific actions they intend to take for each agreed or amended recommendation and identify the completion date for each. An Action Plan template is provided at Appendix Three.

11. Implementation Tracking

The JOSB should ask representatives of the Bromsgrove Community Safety Partnership 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.

The relevant Bromsgrove Community Safety Partnership partners should provide a summary of the key actions taken and outcomes achieved in relation to the agreed recommendations. Where implementation spans over a long period of time, the JOSB 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.

Bromsgrove District Council

_____ **Board**

DATE

Executive Response to the _____ Report/Recommendations

From (*name of body or person*)

Introduction

{Brief introduction/summary of the views of the Executive in relation to scrutiny work carried out.}

Response to recommendations

Please find below responses to the recommendations contained within the scrutiny report:

Recommendation 1 – {State the recommendation}

AGREED/REJECTED/AMENDED {delete as appropriate}

{Comments on the recommendation from decision maker i.e. state whether it was agreed, amended or rejected. If amended, the amended text should be detailed here. Agreed or amended recommendations are Executive Decisions. Full reasons for the decision should be included even if the recommendation was approved. However, it is particularly important to state reasons why a recommendation was rejected or rejected.}

Recommendation 2 – {State the recommendation}

{Same as above. Continue until comments have been made for all recommendations}

AGREED/REJECTED/AMENDED

Recommendation 3 – {State the recommendation}

{Same as above. Continue until comments have been made for all recommendations}

AGREED/REJECTED/AMENDED

Other comments

(This section is for any other comments the decision maker wishes to make which are not included elsewhere in the report. Could include what will happen next if recommendations have been approved.)

{Name of authorized person}
Title/position

Title

ACTION PLAN

Executive Decision	Key Actions	Who?	When?	
			from	to
<u>Recommendation One</u> Title description				
<u>Recommendation Two</u> Title description				
<u>Recommendation Three</u> Title description				
<u>Recommendation Four</u> Title description				