
OVERVIEW & SCRUTINY – ADDITIONAL POWERS IN RELATION TO CRIME AND DISORDER MATTERS

To: **Constitutional Review Working Party – 7 October 2009**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **All**

Summary: This Report outlines a new requirement for every local authority to scrutinise the work of the Crime and Disorder Reduction Partnership (CDRP) and recommends an addition to the Terms of Reference of the Overview and Scrutiny Panel.

For Decision

1.0 Introduction and Background

1.1 Under Section 19 of the Police and Justice Act 2006, every local authority is required to scrutinise the work of the Crime and Disorder Reduction Partnership (CDRP).

2.0 Role of the Crime and Disorder Partnership (CDRP)

2.1 Crime and Disorder Reduction Partnerships (CDRPs) were created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder. They exist to ensure that “responsible authorities” work together to jointly agree and deliver community safety priorities. Currently, those “responsible authorities” are:

- The local authority
- The police force
- The police authority
- The fire and rescue authority
- The primary care trust.

2.2 It is possible for other partners to sit on a CDRP, but the above core membership is the same for every partnership.

2.3 All CDRPs in England are now part of a new performance framework, which means that they are not subject to any central targets or funding streams apart from that negotiated through the Local Area Agreement (LAA).

2.4 In order to identify and deliver on the priorities that matter most to local communities, CDRPs are required to carry out a number of main tasks, including:

- Preparing an annual strategic assessment, identifying the crime and community safety priorities in the area, through analysis of information provided by partner agencies and the community;
- Producing a partnership plan, setting out an approach for addressing those priorities;
- Undertaking community consultation and engagement on crime and disorder issues; and
- Sharing information among the responsible authorities within the CDRP.

3.0 New statutory scrutiny function in relation to crime and disorder matters

3.1 Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power 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.

3.2 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under Section 19 of the Police and Justice Act 2006.

3.3 Members might wish to refer, for purposes of background information, to the Home Office publication, "Guidance for the Scrutiny of Crime and Disorder Matters – England Implementing Sections 19 and 20 of the Police and Justice Act 2006", which can be accessed via

<http://www.crimereduction.homeoffice.gov.uk/regions/regions021guidance.pdf>

3.4 The Guidance points out (*on page 10*) that the performance landscape for CDRPs is changing, and that:

"the most significant recent change for both the police and partnerships is in a new approach to dealing with community confidence. All other targets on crime have been abolished except for one, which is a public perception indicator measured through the British Crime Survey. The question they ask members of the public is whether they agree with this statement

'The police and local council are dealing with the anti-social behaviour and crime issues that matter in this area'."

3.5 In representing the community, the Guidance points out that scrutiny has the potential to make a real contribution to understanding "confidence" and increasing it.

3.6 The Act and Regulations do not require Councils to alter existing committee structures, but there must be a formal place where crime and disorder scrutiny matters can be discussed.

3.7 For example, where a council has only one or two scrutiny committees, one of those committees could establish task and finish groups (effectively sub-committees) to scrutinise one or more specific crime and disorder issues, whilst the main committee retains ultimate responsibility for the scrutiny of crime and disorder matters.

3.8 In this model, it is only really necessary to add the statutory powers to the terms of reference of the sole (or relevant) scrutiny committee, because that committee would have the power to establish any task and finish sub-committees it feels it needs.

3.9 Alternatively, where a Council has a number of scrutiny committees, each addressing specific service areas or themes, it would be possible for a scrutiny committee to be established with the specific role of scrutinising crime and disorder matters.

3.10 In this model, the constitution would need to be altered to create the new committee and define its specific remit (as well as the general statutory powers).

4.0 Options

4.1 The Council is statutorily required under Sections 19 & 20 of the Police and Justice Act 2006, to empower the Overview & Scrutiny Panel to scrutinise the work of the CDRP. The Council's Overview and Scrutiny Panel has delegated authority to the Panel's Chairman and Vice-Chairman to inform this Working Party of the Panel's preferred method of doing so.

- 4.2 Their suggestion is that, in accordance with Guidance issued by the Home Office, the Terms of Reference of the Panel be amended in the Constitution of Thanet District Council to include its new role in relation to CDRP, as follows:

“To scrutinise the work of the crime and disorder partnership and the partners who comprise it, insofar as their activities relate to the partnership itself”.

- 4.3 Revised Terms of Reference of Overview & Scrutiny, incorporating the above wording, are attached (*Annex 1*).
- 4.4 Note that the recommendation is to add these powers to the terms of reference of the main Panel, and for that Panel to establish any task and finish sub-committees as it deems necessary.
- 4.5 Note also that when the Overview and Scrutiny Panel meets on 1 October, it will be informed of the Chairman’s and Vice-Chairman’s recommendations to this Working Party. It will also be asked to establish a crime and disorder working party under the powers it has under the Local Government Act 2000, to promote the economic, environmental and social well-being of the area and its inhabitants. That proposal does not predetermine the decision of this Working Party; because that Working Party will not possess any statutory powers in relation to the CDRP unless and until this Working Party makes its recommendations to Council on amendments to the Panel’s terms of reference.

5.0 Corporate Implications

5.1 Financial

- 5.1.1 There are no direct implications, but inclusion of a new scrutiny role may have financial and resource implications depending upon the volume of work undertaken and recommendation generated.

5.2 Legal

- 5.2.1 Sections 19 & 20 of the Police and Justice Act 2006 require the Council to enable Overview & Scrutiny to fulfil a new scrutiny function in relation to crime and disorder matters. Not to enable the Overview & Scrutiny Panel to scrutinise the work of the CDRP would be in contravention of the Act.

5.3 Corporate

- 5.3.1 As stated in the Home Office Guidance referred to above, “scrutiny done well can always add value. Public services can be improved by an independent eye providing balanced, researched and constructive ideas”. The new scrutiny function should impact on public services relating to safety in the community and thereby primarily help meet the objectives of the “Safe Neighbourhoods” Theme of the Council’s Corporate Plan. As the new role will involve working with members of other partnerships, it should also meet the objective in relation to “Involving People” (Modern Council Theme).

5.4 Equity and Equalities

- 5.4.1 There are no direct implications; however, the new scrutiny function could help eliminate discrimination and enhance community cohesion.

6.0 Recommendation(s)

- 6.1 That the Constitutional Review Working Party:

- 6.1.2 Approves the amendment of the Terms of Reference of the Overview and Scrutiny Panel as set out in the Constitution of Thanet District Council, so as to include the new statutory scrutiny function in relation to the work of the Crime and Disorder Reduction Partnership (CDRP), by the addition of the following wording:

To scrutinise the work of the crime and disorder partnership and the partners who comprise it, insofar as their activities relate to the partnership itself”.

6.1.3 Recommends that the Terms of Reference of Overview & Scrutiny as amended above (*Annex 1*) be passed to Council for approval.

7.0 Decision Making Process

7.1 The amendment of the Overview and Scrutiny Panel’s Terms of Reference so as to include the new CDR related function is a Council decision. Normally, the Constitutional Review Working Party would refer such amendments to Council via the Standards Committee.

7.2 However, no scheduled meeting of the Standards Committee is due to take place between this Working Party and Council on 15 October. It is unlikely that an extraordinary meeting of the Standards Committee could be arranged given the timescales involved.

7.3 There is a statutory requirement to amend the terms of reference of the Overview and Scrutiny Panel and the views of that Panel are reflected in this report. Accordingly, it is proposed (as reflected in the above recommendations) that by exception, the Working Party refers its recommendations directly to Council on 15 October.

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Annex List

<i>Annex 1</i>	<i>Revised Terms of Reference of Overview and Scrutiny Panel</i>
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Background Papers

Title	Details of where to access copy
Home Office: “Guidance for the Scrutiny of Crime and Disorder Matters”	http://www.crimereduction.homeoffice.gov.uk/regions/regions021guidance.pdf

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Harvey Patterson, Head of Legal & Democratic Services