

Report of the Chief Executive to the Chair and Members of the Operational Policing Panel 2009

Presenting Officer: Joanne Hodgkinson

Status: For information

Crime and Disorder Scrutiny Committees

1. Purpose

- 1.1 To provide Police Authority Members with an overview of National Framework for the Scrutiny of Crime and Disorder matters.

2. Recommendations

- 2.1 That Members note these regulations. Cleveland Police Authority's response will be decided once Local Authorities have made arrangements for establishing Crime and Disorder Committees.

3 Reasons

- 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 in connection with the discharge of duties by responsible authorities¹ with reference to their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 augment the provisions under section 19.
- 3.2 It will be the responsibility of each local authority together with its partners to decide on the most appropriate way to put these new procedures in place. The Act doesn't require local authorities to alter existing committee structures, however there must be a formal place where community safety matters can be discussed.
- 3.3 Role of the Committee
- 3.4 The role of the committee should be as a 'critical friend' of the partnership providing constructive challenge at a strategic rather than operational level.

¹ Police Force, Police Authority, Local Authority, Fire and Rescue Authority and Primary Care Trust and (new) NOMS.

- 3.5 The committee should do the following:
- To consider Community Calls for Action².
 - To consider actions undertaken by the responsible authorities on the Community Safety Partnership (CDRP).
 - To make reports or recommendations to the local authority with regard to those functions.
- 3.6 The committee should in its work programme have a list of issues which it needs to cover during the year in consultation with relevant partners. The regulations leave the frequency of meetings to local discretion; however there is a minimum requirement to meet at least once per year.
- 3.7 Key areas for scrutiny:
- Policy development
 - Contribution to the development of strategies
 - Holding to account at formal hearings
 - Performance Management
- 3.8 Co-option
- 3.9 The regulations allow crime and disorder committees to co-opt additional members to serve on the committee. This can include police authority members, provided they are not members of the executive of the local authority. The committee can decide whether they have the right to vote.
- 3.10 It is important to consider whether members co-opted onto the committees have sufficient knowledge and experience of police authority policy and strategy to reduce the risk of potential conflict with local partnership policies and strategies.
- 3.11 The guidance emphasises the importance of scrutiny bodies and police authorities working closely together to ensure activities complement one another. Police Authorities have a unique position within the community safety landscape given the statutory role to hold the chief constable to account. Local Authorities have been advised to ensure police authorities play an active role at committee when community safety matters are being discussed and particularly when the police are present.
- 3.12 Three options have been put forward for police authority member involvement. Option 1, one member of the crime and disorder committee should be a member of the police authority. Option 2, where it is not possible to have one member present, the police authority is issued a standing invitation to attend as an 'expert adviser.' Option 3, the committee co-opts a police authority member onto the committee when policing matters are being considered. It would be the responsibility of the police authority in this instance to decide on the most appropriate member to appoint.

² The Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 put in place Community Calls for Action (CCfA) provisions for Community Safety and other Local Government Matters. CCfA came into effect in April 2009, giving councillors a new right to raise matters of local concern. Overview and Scrutiny Committees can investigate the issue.

4 Implications

4.1 Financial

There are no financial implications arising from this report.

4.2 Diversity and Equal Opportunities

There are no diversity or equal opportunities implications arising from this report.

4.3 Human Rights Act Implications

There are no human rights act implications arising from this report.

4.4 Sustainability

There are no sustainability implications arising from this report.

4.5 Risk

Clear protocols need to be established to ensure members co-opted onto community safety committees are not unwittingly drawn into political debates, or commit the Police Authority to undertake a course of action without agreement/authority. Where issues arise which relate specifically to Cleveland Police, it may be appropriate to refer such issues to the Police Authority.

5 Conclusions

The proposals for local scrutiny of community safety issues have been outlined in this report. No further action is required until Local Authorities establish how they will discharge scrutiny requirements for community safety.

Joe McCarthy
Chief Executive