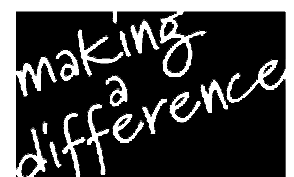


# Crime and Disorder Scrutiny Panel

Mon 8 Mar  
2010  
6.30 pm

Committee Room 2  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
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- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:  
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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact**

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Overview and Scrutiny Support**

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**Minicom: 595528**



# Crime and Disorder Scrutiny Panel

Monday, 8 March 2010

6.30 pm

Committee Room 2 Town Hall

## Agenda

### Membership:

Cllrs: G Chance (Chair) W King  
A Clayton J Pearce  
M Hall

<b>1. Apologies and Named Substitutes</b>	To receive apologies for absence and details of any Councillor (or co-optee substitute) nominated to attend this meeting in place of a member of this panel
<b>2. Declarations of interest and of Party Whip</b>	To invite Councillors to declare any interest they may have in items on the agenda and any Party Whip
<b>3. Terms of reference</b> (Pages 1 - 2)	To consider and note the terms of reference for the Crime and Disorder Scrutiny Panel.  (Report attached)  <b>(No Specific Ward Relevance)</b>
<b>4. Co-opted membership</b>	To consider and approve any co-opted members of the panel.  (Oral Report)  <b>(No Specific Ward Relevance)</b>
<b>5. Protocol</b> (Pages 3 - 52)	To consider and propose items for inclusion in a working protocol for the Redditch Crime and Disorder Scrutiny Panel.  (Reports attached)  <b>(No Specific Ward Relevance)</b>
<b>6. Work Programme</b> (Pages 53 - 54)	To consider and approve standard items for the meetings of the Crime and Disorder Scrutiny Panel.  (Report attached)  <b>(No Specific Ward Relevance)</b>

**CRIME AND DISORDER  
SCRUTINY PANEL**  
Committee

Monday, 8 March 2010

**Council**

All Wards

26th October 2009

## **Crime and Disorder Scrutiny Panel** **Terms of Reference**

### CONSTITUTION

The Panel will operate as a formal 'Sub-Committee' of the Overview and Scrutiny Committee and will be Redditch Borough Council's designated Crime and Disorder Scrutiny Committee in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel shall comprise 5 elected non-Executive Members (2+2+1 if to be politically proportionate) of the Council. These will be appointed by the Overview and Scrutiny Committee or else at the Annual Meeting of the Council. The Chair of the Panel will be a member of a political group not forming part of the ruling administration. The Chair will also be a member of the parent Overview and Scrutiny Committee.

The Panel will have the power to commission specific policy reviews relating to the work of the Community Safety Partnership. These could be undertaken as Task and Finish Groups. Each Task and Finish Group established by the Crime and Disorder Scrutiny Panel will be led by an identified member of the Crime and Disorder Scrutiny Panel.

For the purposes of continuity, substitute membership on Task and Finish Groups is discouraged and allowed only at the Chair's discretion.

### RULES OF OPERATION

The Panel has power to discuss, but no power to make decisions on, matters listed in the Terms of Reference below.

It shall meet as often as necessary, though it shall have at least 4 scheduled meetings per year.

Meetings shall normally take place early evening.

The Panel shall advise and make recommendations to the Overview and Scrutiny Committee. The Chair of the Scrutiny Panel will report on the work of the Panel at meetings of the Overview and Scrutiny Committee.

For the purpose of accountability, adequate notes shall be taken of business transacted, which shall be available for inspection by other Members of the Council, subject to proper control, in accordance with the Code of Conduct, of information deemed by the Proper Officer to be exempt.

# Council

26th October 2009

## TERMS OF REFERENCE

The Crime and Disorder Scrutiny Panel will be Redditch Borough Council's designated Crime and Disorder Scrutiny Panel in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel will carry out the following functions:

- a) to hold the Redditch Community Safety Partnership to account for its decision making;
- b) to scrutinise the performance of the Redditch Community Safety Partnership;
- c) to undertake policy reviews of specific crime and disorder issues;
- d) to highlight and challenge people's perceptions of crime and disorder in the local area;
- e) to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and
- f) to promote the positive work of the Redditch Community Safety Partnership.

## OFFICER SUPPORT

The work of the Crime and Disorder Scrutiny Panel will be supported by the Overview and Scrutiny Support Officers.

**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.

**CONTACT OFFICER**

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Tel: 01527 881407

# 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.

## Merton External Scrutiny Protocol

### Introduction

1. Under Merton Council's constitution, the role of Overview and Scrutiny is to hold the Executive to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community. Since the original legislation in 2000 that introduced overview and scrutiny to local authorities, councils have been granted additional powers under the Health and Social Care Act 2001 in order to scrutinise the provision of health services.
2. New legislation (the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007) now grants similar powers to local authorities to enable them to scrutinise effectively both crime and disorder matters and the work of Local Strategic Partnerships (LSPs)<sup>1</sup>. The Councillor Call for Action provision of the Local Government and Public Involvement in Health Act 2007 also provides a 'last resort' mechanism for overview and scrutiny to try to resolve persistent local service delivery issues of genuine community concern, where all efforts by a local councillor to find a solution through local action and discussion have been unsuccessful.
3. These powers are all intended to enable the overview and scrutiny function to hold service providers<sup>2</sup> to account for their performance, including their work with a local authority to meet specific local targets.
4. These are positive developments: if there is to be further devolution of public service delivery to enable residents' needs to be met more effectively, local government needs to strengthen its structures and processes of local accountability.
5. In order for the exercise of these new scrutiny powers to be effective, it is vital that all partners and stakeholders are engaged in the process and share a common understanding of Overview and Scrutiny's aims. This protocol has therefore been developed to embody that understanding and set out the rights and responsibilities that relate to the parties concerned.
6. Scrutiny of other organisations external to the Council – whether in the public, private or voluntary and community sector – is also a key element of Overview and Scrutiny's work and likely to increase in importance as councils and councillors develop their community leadership and place shaping role. For Overview and Scrutiny, this includes:
  - involving local people and community organisations in scrutiny activity;
  - developing a dialogue with service providers and other stakeholders outside the council;

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<sup>1</sup> In Merton, this involves the work of two partnerships: Safer Merton (the Crime and Disorder Reduction Partnership) and the Merton Partnership (the LSP).

<sup>2</sup> For the purposes of this protocol, the term 'service providers' refers to all local agencies or organisations whose activity affects the people who live, work or learn in the borough of Merton

- taking up issues of concern to local people;
  - reviewing whether goals are being achieved; and
  - examining what can be done to solve problems and enhance performance and achievement.
7. This protocol is based on good practice principles for scrutiny and the standards set out below are intended to be applicable to all scrutiny activities involving organisations external to the Council.
  8. A list of documents underpinning this protocol is set out at the end of this document.

### **Aims of Scrutiny**

9. The overall aims of scrutiny in Merton are:
  - To scrutinise the impact of the Council's own services and those of key partnerships and other service providers on those who live and work in or visit Merton, with a view to improving their well-being, improving services and helping to deliver the aims of Merton's Community Strategy 2006-15.
  - To undertake the above work in accordance with the relevant legislation governing the operation of overview and scrutiny and with regard to best practice.

### **Underlying Principles of Scrutiny**

10. The following underlying principles of scrutiny have been proved, in Merton and elsewhere, to assist in securing effective outcomes and adding value:

#### Collaboration

- Improvement in service delivery can best be achieved through partnerships between the Council and other service providers. This shared responsibility should be acknowledged in any scrutiny activity undertaken.
- Increasingly services are provided jointly or as the result of partnerships between the local authority and other public sector organisations or other partners. Scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit.
- While scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect and good faith.
- Although collaboration is an underlying principle, Merton's Overview and Scrutiny Commission is independent of other service providers and partners.

## Added Value

- It is vital that scrutiny brings something new to reviews of local service provision and does not duplicate the many other forms of performance management and inspection that exist for public service providers.
- Scrutiny activities should make a distinct and positive impact and only be carried out where objective review by elected lay representatives will help progress to be made.
- Scrutiny activities should have a clear purpose. There should be a focus on improving services for and improving the well-being of those who live and work in Merton.
- The scrutiny process should be proactive in seeking out issues to examine that will add most value.
- Scrutiny should be prepared to examine issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, while being mindful of their potential implications for external organisations.
- Scrutiny should aim to develop feasible recommendations providing value for money by securing benefits that outweigh the costs of implementation.

## Clarity

- Scrutiny should be a transparent process and encourage open and honest discussion.
- Scrutiny activities should be well planned and timely.
- Scrutiny of particular issues should be time-limited.
- Processes and reports should be clear and accessible to the public.

## Knowledge

- Scrutiny reports must be evidence-based in order to provide credible conclusions and recommendations.
- Although members of scrutiny reviews will want to be informed, and training should be provided where appropriate, the scrutiny process is not meant to be an “expert” review.
- The scrutiny process should also be impartial, in the sense that it should be driven by the evidence rather than by a particular standpoint.

## Accessibility

- It is a fundamental role for the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.
- The views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review

are all valuable in effective scrutiny. Scrutiny should involve all stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach.

- Constructive engagement and clear lines of communication should enable a two-way flow of information between scrutiny and all those involved, including feedback of results.

### **Providing information to scrutiny**

11. Overview and scrutiny will respect the requirements and provisions of the Data Protection Act 1998. The provision of information to scrutiny will be governed by relevant legislation<sup>3</sup> and established protocols for the sharing of data.
12. Requests for information from scrutiny will clearly identify why the information is needed and what it is to be used for to enable the request recipient(s) to identify the appropriate information to be provided.
13. To facilitate the scrutiny process, relevant information will be pro-actively provided and requests for information promptly dealt with.
14. Where information requested is readily available and routinely collected, it will be provided within two weeks of receipt of the request.

### **Notice of required attendance at scrutiny meetings and/or submission of written reports**

15. Forward planning of Overview and Scrutiny Commission and its Scrutiny Panels' work programmes will normally ensure the provision of reasonable notice of requests for information/ the submission of written reports and/or required attendance of partners' personnel at meetings.
16. All requests will contain a clear explanation setting out what is required and will be accompanied by information about the purpose and nature of the scrutiny. Advice from participating organisations will be taken by the Overview and Scrutiny Commission and Scrutiny Panels as to who is best placed to attend on their behalf in view of the issue to be scrutinised.
17. While some organisations (such as local NHS bodies under the Health & Social Care Act 2001 and the bodies deemed to be 'responsible authorities' under the Police and Justice Act 2006) are required by legislation to attend scrutiny meetings if summoned, it is hoped that other organisations not under such obligation will be willing to engage constructively with scrutiny and attend when requested to do so.

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<sup>3</sup> For example, under the Police and Justice Act 2006 (c. 48), Schedule 9 Amendments to the Crime and Disorder Act 1998, 5 (4), the provision to overview and scrutiny panels of personal data (within the meaning of the Data Protection Act 1998) is excluded; and under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No.3048 (2002), so is the provision of confidential information which relates to and identifies a living individual.

### **Format, sign-off and final deadlines for written reports**

18. Merton Council's standard scrutiny report format should be used for all written reports to the Overview and Scrutiny Commission and Scrutiny Panels. An electronic copy of the scrutiny report format, including advice to report authors, will be provided by a Democratic Services officer whenever a report is being requested.
19. All reports to the Overview and Scrutiny Commission/ Scrutiny Panels must be submitted, in the first instance, to the relevant Scrutiny Officer by the deadline stated in the timetable provided by the Democratic Services Officer to meet the requirements of Access to Information legislation.
20. Once received, the Scrutiny Officer will arrange internal sign-off of the covering report. This may include the addition of information on any legal, financial or other significant implications of the report for Merton Council.

### **Availability of meeting papers**

21. Papers for meetings of the Overview and Scrutiny Commission and Scrutiny Panels will be sent by the Democratic Services Officer to the appropriate partner scrutiny lead and also to those who are providing reports and/or making presentations at each particular meeting. Papers are dispatched so as to allow at least 5 full working days between dispatch and the scrutiny meeting, in order to meet the requirements of Access to Information legislation and enable interested parties to read the documents.
22. Arrangements will be made with partnerships to ensure that participating organisations/member bodies receive agendas and relevant papers. Any other organisations wishing to receive papers on a regular basis can ask the Democratic Services Officer to add them to the distribution list.
23. Meeting papers can also be viewed on the Council's website at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee)

### **Style and conduct of meetings**

24. Where external organisations are invited to attend scrutiny meetings, the meetings will be conducted in accordance with the principles and procedures set out in the Scrutiny Procedure Rules and Access to Information Procedure Rules of Merton Council's Constitution. In particular:
  - those attending scrutiny meetings will be given an indication of the likely time they will be asked to participate and the duration of their involvement in the meeting: as far as possible, all members of the panel will ensure that this is honoured;
  - those assisting a scrutiny panel by giving evidence will be treated with respect and courtesy;
  - meetings will be conducted fairly and non-aggressively and in a manner that seeks out information, rather than placing blame;

- all members of the panel will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - attendees are expected to maintain a positive and objective style of discussion and answer questions honestly and openly;
  - everyone who attends meetings is expected to use jargon-free language as far as possible; and
  - every person who attends a meeting to give evidence or answer questions shall identify themselves, state the capacity in which they attend and their authority to speak on behalf of any body or organisation and if required declare any personal interest in the business of the meeting.
25. Most overview and scrutiny panel meetings are 'open' and held in public in order to be as transparent as possible. But there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972).<sup>4</sup> Advice is available from the Scrutiny Team if all or some of evidence to be submitted to a panel might fall into either of these categories.

### **The involvement of other organisations/groups and members of the public**

26. The input of other organisations and groups is recognised as being essential to the success of scrutiny.
27. Where organisations or groups are formally invited, in advance of the relevant Panel meeting, to make a presentation to - or ask questions at - the Panel on a scrutiny matter, the appropriate partner lead(s) will normally be notified at the earliest opportunity. In any event, formal presentations should normally be indicated on the agenda.
28. Organisations/groups and any other members of the public attending meetings (as either representatives of organisations/groups or as individuals) will not be required to provide their questions in advance of the meeting.
29. Where scrutiny seeks to engage with the third sector (voluntary and community groups), it will respect the principles of the Merton Compact.<sup>5</sup>

### **Reports and recommendations**

30. Where the Overview and Scrutiny Commission or a Scrutiny Panel makes a written report, including any recommendations, to a partner organisation, the report shall include:
- an explanation of the matter reviewed or scrutinised;
  - a summary of the evidence considered;
  - a list of the participants involved in the review or scrutiny exercise; and

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<sup>4</sup> More details can be found in the Council's constitution, Part 4B, 'Access to information procedure rules', paragraphs 10.1-10.5.

<sup>5</sup> [http://www.merton.gov.uk/mertoncompact\\_bookletv3.pdf](http://www.merton.gov.uk/mertoncompact_bookletv3.pdf)



- any recommendations on the matter reviewed or scrutinised, including an indication of the costs associated with implementing the recommendations.
31. The written report provided to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information (as defined in the Local Government Act 1972). The Overview and Scrutiny Commission or Scrutiny Panel may replace so much of the document as discloses the information with a summary which does not disclose that information. The Overview and Scrutiny Commission or Scrutiny Panel must do so if, in consequence of excluding the information, the published document or the copy provided to the partner authority would be misleading or not reasonably comprehensible.
  32. Where appropriate and possible, draft reports will be circulated to the relevant body/bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy.
  33. Final reports and recommendations may also be forwarded to other Council committees, organisations and to the media, as the Overview and Scrutiny Commission/Scrutiny Panel may determine.
  34. Partner organisations receiving reports and recommendations from the Overview and Scrutiny Commission/Scrutiny Panels are expected to respond within a period of two months (except for statutory health bodies which are obliged by legislation to respond within four weeks). Arrangements will be made to ensure that relevant bodies receive copies of such reports or recommendations directly, in advance of their appearing on the next available partnership agenda.

### **How partners will 'have regard to' and/or consider and respond to Overview and Scrutiny reports and recommendations**

35. The Local Government and Public Involvement in Health Act 2007 gives the Council's overview and scrutiny function specific new powers to require relevant partners to have regard to a scrutiny report or any of its recommendations that relate to a local improvement target which a) is specified in Merton's Local Area Agreement; and b) relates to a relevant partner authority. These powers are in addition to powers (under the Health and Social Care Act 2001 and the Police and Justice Act 2006) that already exist requiring consideration of reports and recommendations and a response from health service bodies and the authorities responsible for crime and disorder strategies.
36. However, it is expected that all organisations will, in support of the aims of scrutiny and in the spirit of the principles set out in paragraph 10, consider and respond to all Overview and Scrutiny reports and recommendations addressed to them, irrespective of whether they are legally obliged to do so.

### **Resolving disputes about the protocol**

37. If a partner or external organisation believes that this protocol is not being adhered to, the issue should be referred to the Overview and Scrutiny Commission for consideration and decision.

### **Review of protocol**

38. This protocol will be reviewed jointly on an annual basis or more frequently if experience and circumstances highlight that amendments may need to be made.

### **Availability of support**

39. Further advice or information on any aspect of this protocol or on overview and scrutiny at Merton Council is available from the Scrutiny Team, Chief Executive's Department, Merton Civic Centre, London Road, Morden SM4 5DX

Telephone: 020 8545 3857

E-mail: [scrutiny@merton.gov.uk](mailto:scrutiny@merton.gov.uk)

Website: [www.merton.gov.uk/scrutiny](http://www.merton.gov.uk/scrutiny)

### **Background documents**

40. The following documents underpin this protocol:

- Local Government Act 2000
- Health and Social Care Act 2001
- Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, Statutory Instrument No.3048 (2002)
- Health and Social Care Act 2001 – Directions to Local Authorities (Overview and Scrutiny Committees, Health Scrutiny Functions) (2003)
- Local Government Act 2003
- Police and Justice Act 2006
- Local Government and Public Involvement in Health Act 2007
- Overview and Scrutiny of Health – Guidance (2003)
- Merton Council's Constitution
- Overview and Scrutiny Handbook, London Borough of Merton
- Data Protection Act 1998

## **A Protocol for Scrutiny of Crime and Disorder Draft Version 3.1**

### **1.0 Purpose**

- 1.1 To establish a protocol between Milton Keynes Council and SaferMK (Community Safety Partnership) for overview of decisions or other actions taken by the Responsible Authorities Group of SaferMK (Community Safety Partnership) in respect of its crime and disorder functions, councillor call for action and resulting reports and recommendations.

### **2.0 What are the requirements for scrutinising crime and disorder?**

- 2.1 New legislation (The Police and Justice Act 2006, the Local Government & Public Involvement in Health Act 2007, The Crime and Disorder Overview and Scrutiny Regulations 2009 and statutory guidance) grants local authorities new powers for the scrutiny of crime and disorder and Councillor Call for Action (CCfA).
- 2.2 The legislation has widened the provisions of Overview and Scrutiny and defines those crime and disorder functions or matters that may be considered by Overview and Scrutiny Committees and those that are considered 'excluded matters'.
- 2.3 These new powers are intended to enable the Overview and Scrutiny process at Milton Keynes Council to "hold to account" and challenge the performance of responsible authorities engaged in community safety in Milton Keynes<sup>1</sup>
- 2.4 The context for the scrutiny of crime and disorder can be found within the appendices of this protocol:

*Appendix A*      The terms of reference of Milton Keynes Safer & Stronger Communities Select Committee (crime and disorder functions)

*Appendix B*      Milton Keynes Council Overview & Scrutiny Procedure Rules

*Appendix C*      Milton Keynes Councillor Call for Action guidance

In addition the following appendices are attached for information:

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<sup>1</sup> For the purpose of this protocol the "responsible authorities" referred to here are; Buckinghamshire and Milton Keynes Fire Authority, Milton Keynes Council, Thames Valley Police, Thames Valley Police Authority and Milton Keynes Primary Care Trust.

*Appendix D* The Community Safety Partnership terms of reference

*Appendix E* The Responsible Authorities terms of reference

### **3.0 Definitions and principles in relation to the scrutiny of crime and disorder**

3.1 Crime and disorder matters are those which affect Milton Keynes or any person who lives or works in Milton Keynes and include:

- Crime and disorder (including forms of crime and disorder, involving Anti-Social Behaviour or other behaviour adversely affecting the local environment); or
- Misuse of drugs and alcohol or other substances.

3.2 Crime and disorder functions are those conferred by Section 6 of the Crime and Disorder Act 1998 (formulation and implementation of crime and disorder strategies).

3.3 The four fundamental roles that will underpin good scrutiny in Milton Keynes are:

3.3.1 Provide a 'critical friend' challenge to executive policy-makers and decision-makers;

3.3.2 Enable the voice and concerns of the public and its communities to be heard;

3.3.3 Ensure scrutiny is carried out by 'independent minded governors' who lead and own the scrutiny process; and

3.3.4 Drive improvement in public services

### **4.0 What is the role of Overview and Scrutiny?**

4.1 The legislation requires every local authority to ensure it has a committee (the "crime and disorder committee") with power to:

- a) review or scrutinise decisions made, or other actions taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- b) make reports or recommendations to the local authority with respect to the discharge of those functions.

4.2 In Milton Keynes the Safer and Stronger Communities Select Committee has been designated with the responsibility for carrying out those roles above.

### **5.0 Providing Information to Overview and Scrutiny Select Committee(s)**

5.1 Overview and Scrutiny will respect the requirements and provisions of the Data Protection Act (1998) and will not be able to access information which is classified as 'confidential' and relates to an

individual. All information provided to Overview and Scrutiny should be de-personalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers. There should not however be any information included that may prejudice legal proceedings or current or future operations of the responsible authorities.

- 5.2 When Overview and Scrutiny makes requests for information to the Responsible Authorities or the Co-operating Persons or Bodies, requests should be made in writing and be copied to the Safer MK Manager. All requests for information should clearly identify why the information is required and what the information will be used for. If possible it should also indicate a *reasonable* date by which the information is required. Where the information requested is readily available it should be provided as far as possible within the time period indicated in the request.
- 5.3 Where the information is not readily available the bodies requested to supply the information should inform, in writing, the person(s) who have requested it why they are unable to supply the information within the time period requested and should supply the information as soon as reasonably possible.

## **6.0 Availability of Meeting Papers**

- 6.1 All meeting papers and agendas will be available from the Overview and Scrutiny team no later than 5 working days before the meeting. Arrangements will be made with any appropriate partners to ensure they are supplied with relevant papers in advance of the meeting. Any other authority or co-operating partner who wishes to receive papers on a regular basis can ask a member of the Overview and Scrutiny team to be added to the distribution list.
- 6.2 Meeting agendas and papers will also be available on the Council's website at:  
<http://cmis.milton-keynes.gov.uk/cmiswebpublic/>

## **7.0 Forward Planning and Attendance at Overview and Scrutiny Meetings**

- 7.1 The Overview and Scrutiny Management Committee at Milton Keynes Council carries out regular forward planning and coordination of meeting agendas, which should normally ensure that reasonable notice can be provided to authorities of all requests to attend meetings or provide information at meetings.
- 7.2 Any Overview and Scrutiny Select Committee may, with reasonable notice of the intended date of attendance, require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

**8.0 How will Councillor Call for Action apply to matters or functions of Crime and Disorder?**

8.1 Legislation requires that all local authorities have a process for Councillors to raise issues of local concern at any one of the Council's scrutiny bodies. This process is called the Councillor Call for Action (CCfA).

Under the CCfA process any Member will be able ultimately to refer any crime and disorder matter to the Overview and Scrutiny Management Committee and request that the matter is included in the Safer and Stronger Communities agenda and discussed at a meeting of the Committee.

8.3 In considering whether to make a report or recommendation to the local authority in relation to the matter, the Select Committee may have regard to, any powers which the Member may exercise in relation to the matter and any representations made by the Member as to why it would be appropriate for the Committee to exercise the power that it has in relation to the matter.

**9.0 How will reports and/ or recommendations be circulated to other bodies?**

9.1 Where the Select Committee makes recommendation(s) or provide reports to a Responsible Authority, a written copy will be provided to any Member who referred the matter in question to the Select Committee; and to the Responsible Authorities, co-operating bodies or persons as the Committee thinks appropriate

9.2 Where appropriate and possible, draft reports and recommendations will be circulated to the relevant bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy.

**10.0 How will the Community Safety Partnership respond to recommendations or reports of the Select Committee(s)?**

10.1 Where reports or recommendations have been provided to a responsible authority or co-operating person or body, in the spirit of the fundamental roles set out at 3.3 that person or body must:

- a) Consider the report or recommendations
- b) Respond to the Select Committee indicating what (if any) action it proposes to take in writing and within 28 days or if not reasonably possible as soon as possible thereafter.
- c) Have regard to the report or recommendation in exercising its functions.

**11.0 How will Members be co-opted to Overview and Scrutiny Select Committee(s) when considering crime and disorder?**

- 11.1 The Safer and Stronger Communities Select Committee may request the Overview and Scrutiny Management Committee to co-opt additional members to serve on the Committee when matters or functions relating to crime and disorder are being considered. Any person co-opted to serve on the Select Committee will not be entitled to vote unless so determined by the Council. A co-opted person's membership may be limited to the exercise of the Committee's powers in relation to the particular matter or type of matter.
- 11.2 In the event that a requirement to co-opt a person in relation to crime and disorder issues is identified, the regulations state that only a person who is an employee, officer or member of a responsible authority or of a co-operating person or body may be co-opted and who is not a member of the executive of the Committee's local authority. The membership of a person co-opted to serve may be withdrawn at any time by the Committee.
- 11.3 The statutory guidance states that in all instances there will be a presumption that the police authority will play an active part in scrutiny when community safety matters are being discussed. It gives three options for police authority involvement including full membership, standing invitation for a police authority member to attend as an expert adviser or for a member to be co-opted when policing matters are being discussed. The guidance also envisages a police authority involvement in any appropriate 'review groups'. It will be a matter for Thames Valley Police Authority to consider their most appropriate representative.

**12.0 Frequency of meetings**

- 12.1 The regulation state that a crime and disorder committee (Safer and Stronger Communities Select 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 not less than once in every twelve month period.

**Contact:**

For any further information on this protocol or on Overview and Scrutiny at Milton Keynes Council, please contact:

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Website: [www.milton-keynes.gov.uk/scrutiny](http://www.milton-keynes.gov.uk/scrutiny)



## Staffordshire Community Safety (Crime and Disorder) Scrutiny Protocol

### 1. Introduction

- 1.1 Scrutiny provides a positive opportunity for non Executive Councillors to influence the crime and disorder reduction priorities locally for the benefit of local communities. The Police and Justice Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007) requires every local authority to have a crime and disorder committee with the power to scrutinise the local Crime and Disorder Reduction Partnership (CDRP<sup>1</sup>), as a whole, in terms of how they are tackling crime and disorder for the benefit of local communities. These requirements were enacted by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that came into force for local authorities in England on 30 April 2009 and their implementation is covered by Home Office Guidance for the Scrutiny of Crime and Disorder Matters - England.
- 1.2 Staffordshire County Council's Communities Scrutiny Committee (in addition to its other responsibilities which include scrutiny of community safety) is the Council's designated crime and disorder committee. The county level partnership is the Safer and Stronger Communities Strategy Group.
- 1.3 As suggested in the Guidance, the County Council's scrutiny function and the Staffordshire community safety partners have developed this protocol to lay down the mutual expectations of partners and scrutiny members of the community safety scrutiny process. This is to help make sure that this scrutiny is constructive and this power is used effectively alongside the other powers of council overview and scrutiny committees (in particular scrutiny of Local Area Agreement local improvement targets).

### 2. Principles

- 2.1 Community safety is understood to mean people going about their daily lives in safety. Improving community safety is about tackling crime and disorder, but more widely about local partners working together, with local communities, to keep everyone safer. This includes: promotion; prevention; early intervention; enforcement; reducing reoffending; and tackling key drivers of crime such as alcohol/drug misuse and social exclusion.
- 2.2 The role of scrutiny is to provide an effective challenge to community safety partners and one way for the voices and concerns of Staffordshire communities to be heard in their work. There are opportunities for:

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<sup>1</sup> In Staffordshire, the term community safety partnership tends to be used (rather than CDRP).

- Enhanced dialogue with the partnership
- Non Executive Councillors to contribute to and influence community safety priorities locally
- Enhanced democratic accountability in respect of community safety initiatives delivered in partnership
- Councillors, partners and the wider community to investigate local concerns around community safety and innovative ways of addressing these
- Reviewing delivery against agreed priorities and performance targets (taking into account and contributing to other assessment i.e. Comprehensive Area Assessment).

2.3 By making recommendations for improvement, scrutiny may make a contribution to achieving the shared aim of increasing community safety (reducing crime and disorder) in Staffordshire. It may assist in areas such as:

- Integration of community safety with other strategies
- Policy development e.g. criminal justice
- Overseeing and reviewing the delivery of joint responses on community safety
- Creating a clearer link between partner agencies and the public on community safety
- Understanding and increasing community confidence e.g. fear of crime or antisocial behaviour
- Neighbourhood management.

2.4 Scrutiny is most likely to be successful in this role, and lead to outcomes that have a positive impact for local communities, if all parties to the community safety scrutiny process work co-operatively, from the basis provided by this protocol, treating one another (and any occasional participants) with respect and courtesy. This co-operation involves a willingness to share knowledge, information and views and to develop mutual understanding about community safety as well as to carry out such duties as can reasonably be expected.

2.5 Staffordshire also has eight CDRPs, one for each of the county's Districts/Boroughs. The District/Borough councils are also required to have a crime and disorder committee with the power to scrutinise their local CDRP. Whilst recognising that the relationship between the council scrutiny function and the community safety partnership in each District/Borough is for them to develop, the County Council's scrutiny function and the Staffordshire community safety partners will promote a co-ordinated approach to the scrutiny of community safety across Staffordshire.

### **3. Scrutiny Arrangements**

#### **3.1 Requirements**

3.1.1 Staffordshire County Council's Communities Scrutiny Committee will meet in its capacity as the crime and disorder committee as often as the Committee considers appropriate (but no less than once in every twelve month period) to:

- review or scrutinise the exercise of crime and disorder functions by responsible authorities;
- review or scrutinise referred crime and disorder Councillor Calls for Action<sup>2</sup>; and
- make reports or recommendations to a responsible authority or to a co-operating person or body as appropriate.

3.1.2 (At least) one Member of the crime and disorder committee will be a Councillor Member of the Police Authority.

3.1.3 In its capacity as the crime and disorder committee, the Committee remains subject to the requirements of the County Council's Constitution including the Members' Code of Conduct and Scrutiny Procedure Rules.

#### **3.2 Work programme planning**

3.2.1 The Communities Scrutiny Committee (as do all County Council scrutiny committees) undertakes work programme planning at the beginning of each municipal year. In doing so, Members are encouraged to prioritise for inclusion matters which relate to an identified priority, inequality or concern for the County Council, partners or local communities. They are also encouraged to consider the purpose and value of the proposed scrutiny activity, its timing and whether there is capacity to undertake it. The Committee draw information from a range of sources in order to determine their work programme. In the case of community safety matters, their inclusion in the work programme (and the scope of the subsequent scrutiny review) will be determined in consultation with the Safer and Stronger Communities Strategy Group and reflect (the information available about) local community need. The Committee review the work programme from time to time and may change it - if something comes up during the year that they think they should review as a priority.

3.2.2 The Committee will exclude any matter which should be dealt with by a statutory process such as a complaint, although information from such processes may inform their work.

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<sup>2</sup> Any Staffordshire County Councillor Call for Action with a crime and disorder element.

3.2.3 In prioritising matters for the work programme (and determining when they will be scrutinised), the Communities Scrutiny Committee will have regard to the fit with other review processes such as:

- the work of the Police Authority/Fire Authority/Primary Care Trust Board/Probation Board in holding the respective chief officers to account;
- regulatory and audit activity; and
- other scrutiny – in particular, information will be sought from and shared with the county's District/Borough Councils in order to avoid inappropriate duplication of scrutiny work and to promote/take the opportunity to undertake joint scrutiny of matters of common interest.

3.2.4 The Safer and Stronger Communities Strategy Group will contribute information (to include Comprehensive Area Assessment, Local Area Agreement and other performance information) to assist the Communities Scrutiny Committee to determine whether and when to include any community safety matters in their work programme and to determine the scope of the consequent scrutiny reviews. The partnership is encouraged to suggest matters for scrutiny to feed into the work programme planning process. In their relationship with the County/District CDRPs, the partnership will promote a co-ordinated approach to the community safety scrutiny process.

3.2.5 The Chairman of the Communities Scrutiny Committee and the Head of Scrutiny and Support are the first points of contact in regard to the crime and disorder scrutiny process. They will nominate a main contact person for each scrutiny review.

3.2.6 The partnership will nominate a link Member and officer to be the first points of contact for the scrutiny function. The partnership will nominate a main contact person for each scrutiny review.

### **3.3 Co-option of Members**

3.3.1 When meeting as the crime and disorder committee, the Communities Scrutiny Committee may co-opt additional members who are:

- an employee, officer or member of a responsible authority or a co-operating person or of a co-operating body; and
- not an Executive Member.

3.3.2 Unless the Committee decides otherwise, any such co-opted person shall not be entitled to vote. The Committee may limit such a co-opted person's membership to the exercise of its powers in this capacity in relation to a particular matter or type of matter.

- 3.3.3 The Committee will consider co-option in regard to scrutiny of crime and disorder matters alongside co-option in regard to scrutiny of other matters within their remit.
- 3.3.4 The scrutiny function will ensure that the expectations of co-opted Members are communicated to (and discussed with) them, with regard to how best to do this. To the extent that an individual is acting in this capacity, they can expect the same level of support from the County Council's scrutiny function as afforded to other Members, including access to training, advice and briefing as appropriate.
- 3.3.5 The community safety partners will respond to any requests from the Committee for advice about and nomination of co-opted members. Where applicable, the relevant partner will ensure that the co-opted member has the appropriate support from their organisation.
- 3.4 Provision of information - requests (Committee) and responses (Crime and Disorder Reduction Partnership) including timescales**
- 3.4.1 Information is most likely to be requested from the Safer and Stronger Communities Strategy Group in respect of scrutiny: work programme planning; matters under review; the preliminary consideration of Councillor Calls for Action; consideration of Councillor Calls for Action; and questions from Committee Members. The scrutiny function's process of work programme planning and the co-ordination of meetings should normally ensure that reasonable notice (a minimum of 15 working days) can be given to the partnership to provide information. However, in the case of the preliminary consideration of Councillor Calls for Action, a minimum of information may be requested at short notice. The scrutiny function will ensure that requests for information are focused and well thought through, in terms of relevance to their work, and that the date by which information is needed (and, if appropriate, the format in which it is needed) is communicated with the request in writing (which is taken to include e-mail).
- 3.4.2 So that the Committee can undertake its scrutiny role, the Safer and Stronger Communities Strategy Group will provide relevant information when requested to do so and by the date given (and, where specified, in the format needed) whenever this is reasonable. If the request or deadline (or format) cannot be met then the partnership should explain the reason/s for this, before the given date, to the Head of Scrutiny and Support and both parties should agree alternative arrangements. The partnership acknowledges the need to respond to requests for a minimum of information at short notice in the case of the preliminary consideration of Councillor Calls for Action.
- 3.4.3 Scrutiny will respect the requirements and provisions of the Data Protection Act (1998) and will not be able to access information which is confidential in law. The Safer and Stronger Communities Strategy Group will depersonalise information provided unless the identification

of an individual is necessary or appropriate to enable the Committee to exercise its powers properly. Information will not be included which may prejudice legal proceedings or current or future operations of the community safety partners. Section 12A (as amended) of the Local Government Act 1972 will not be used to bypass the requirement to depersonalise information.

### **3.5 Attendance at committee including notice and purpose**

- 3.5.1 The scrutiny function's process of work programme planning and the co-ordination of meetings should normally ensure that reasonable notice (a minimum of 15 days) can be given to the Safer and Stronger Communities Strategy Group to require the attendance before the Committee of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions. The Committee may request the attendance of members of the partnership at their meetings. Requests for (both information and) attendance may extend to input to the planning and delivery of scrutiny reviews including joint work. Dates, times, venues, agenda, papers and minutes will be shared with the Safer and Stronger Communities Strategy Group nominated link member and officer. Arrangements for scrutiny reviews will be shared with the main contact person.
- 3.5.2 The reasons for the request and the expectations of the attendee will be communicated to the partnership and the person concerned, with regard to how best to do this. Where applicable, the relevant partner will ensure that the person concerned has the appropriate support from their organisation.
- 3.5.3 The Safer and Stronger Communities Strategy Group will meet their obligation to ensure an appropriate representative attends, unless reasonable notice has not been given.
- 3.5.4 The Safer and Stronger Communities Strategy Group may alert the scrutiny function to any concerns about multiple requests for information or attendance on the same matter.

### **3.6 Making and responding to recommendations including timescales (Section 19 (8) of the Police and Justice Act 2006) including how reports and/ or recommendations will be circulated to other bodies**

- 3.6.1 Where the Committee makes a report or recommendation(s), draft reports and recommendations will normally be circulated in writing to the relevant bodies with an invitation to comment, in writing and to a deadline, on the report's factual accuracy and to clarify to whom recommendations will be addressed.
- 3.6.2 A written copy of any final reports and recommendations will be provided, with a covering letter, to the Safer and Stronger Communities

Strategy Group and individual responsible authorities and/or co-operating people or bodies, as the Committee thinks appropriate. In the case of reports or recommendations relating to Councillor Calls for Action, a written copy will be provided to any Member who referred the matter.

- 3.6.3 Where reports or recommendations have been provided, the community safety partners will acknowledge receipt, consider and respond to them and have regard to them in exercising their functions. The response to such reports and recommendations by each relevant authority, body or person shall be in writing and submitted to the Committee within 28 days from the date of (receiving) the report or, if this is not possible, as soon as reasonable possible thereafter. In the event that a response is required from more than one authority body or person, the Safer and Stronger Communities Strategy Group may choose to co-ordinate the response.
- 3.6.4 The response will be included on the next agenda for the Communities Scrutiny Committee. The Committee will make arrangements to monitor the implementation of any recommendations with the relevant authority, body or person. Again, the Safer and Stronger Communities Strategy Group may wish to co-ordinate the provision of information to support this.

### **3.7 Methods of engagement and involvement**

- 3.7.1 In the selection of community safety matters for inclusion in the work programme and in scrutinising or reviewing community safety matters, the Communities Scrutiny Committee will seek to facilitate the contribution of the greatest number of interested parties and maximise the engagement and involvement of local communities. They will pursue as a line of inquiry in all community safety scrutiny reviews, how the Safer and Stronger Communities Strategy Group does likewise.
- 3.7.2 The Committee's work programme, agenda, scrutiny review final reports and responses are published on the County Council's website. The scrutiny function and Safer and Stronger Communities Strategy Group may liaise over any communications activity associated with the scrutiny of community safety matters.

## **4. Review**

- 4.1 This protocol will be reviewed annually and if a change in the environment in which it operates makes this necessary.





## **Crime and Disorder Scrutiny Protocol – Tameside Council**

(Information obtained from Tameside Council's website at:  
<http://www.tameside.gov.uk/scrutiny/resources/cdrp/protocol> ).

### **Scrutiny Protocols**

#### ***Scrutiny of the Crime and Disorder Reduction Partnership***

##### **1) Introduction**

- a) In accordance with Part 3 of the Police and Justice Act 2006, local authorities have the power to scrutinise the Crime and Disorder Reduction Partnership in their area and make reports and recommendations to the Local Authority and the partnership. In Tameside, this is undertaken by the Resources and Sustainable Communities Scrutiny Panel, which has been designated the "Crime and Disorder Committee" under Paragraph 1, Section 19 of Part 3 of the Act.
- b) This Protocol has been produced between Tameside Metropolitan Borough Council, Resources and Sustainable Communities Scrutiny Panel and the respective partners comprising the Tameside Crime and Disorder Reduction Partnership, see attached schedule, to provide framework for that scrutiny to take place. The publication of Regulations and good working practice has shaped this Protocol which may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.

##### **2) Principles Of Scrutiny Operation**

- a) Scrutiny in Tameside is positive, objective and constructive. It acknowledges good practice and recommends improvements where it feels that these would be of benefit. Scrutiny concentrates on service outcomes and seeks to add value to each service that it considers.
- b) Community safety and freedom from crime and disorder for the people of Tameside is dependant upon many factors including the services provided in partnership by partners in the Crime and Disorder Reduction Partnership. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.
- c) Scrutiny of the reduction of crime and disorder will only be truly successful if key organisations work and co-operate together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.
- d) The key organisations involved in scrutiny of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in Tameside and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.
- e) At all times both officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public will be treated

with respect and courtesy. Matters of confidentiality will be treated with respect.

- f) Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the scrutiny panel in accordance with the Code of Conduct relating to standards of conduct and ethics.
- g) The Tameside Resources and Sustainable Communities Scrutiny Panel, whilst working in partnership, is independent of the respective partners comprising the Tameside Crime and Disorder Reduction Partnership.
- h) Scrutiny of Crime and Disorder will try to maximise the involvement of the community and will work with other agencies representing the public.
- i) Scrutiny of Crime and Disorder will be focused on improving services and service provision for the people of Tameside and will concentrate on outputs that are intended to help improve community safety and reduce the fear of crime in Tameside.

### **3) The Tameside Resources And Sustainable Communities Scrutiny Panel**

- a) All dates and times of meetings of the Scrutiny Panel, agendas, minutes and reports will be circulated to members and the Tameside Crime and Disorder Reduction Partnership in accordance with the Local Government Act 2000 or subsequent legislation.
- b) The Tameside Crime and Disorder Reduction Partnership will be consulted on Annual Work Programmes and informed in advance of scrutiny exercises that the Scrutiny Panel is intending to undertake. They will also be informed of the scope of all scrutiny exercises and will be given adequate notice of invitations to attend meetings of Scrutiny Panels and any required information.
- c) The Tameside Crime and Disorder Reduction Partnership will be consulted on any draft reports before they are published. Final reports will be presented to Tameside Council, the Tameside Crime and Disorder Reduction Partnership, be published on the Council's website and circulated in accordance with the regulations on scrutiny of crime and disorder.
- d) Crime and disorder scrutiny is not to be used as a complaints procedure. Case studies may however be used as part of supporting information for scrutiny exercises.
- e) The Tameside Crime and Disorder Reduction Partnership will be informed of any press releases relating to crime and disorder scrutiny although the Scrutiny Support Unit may speak to the press in advance of meeting to brief them about forthcoming Scrutiny Panel meetings.
- f) The Resources and Sustainable Communities Scrutiny Panel will at all times comply with the Constitution of Tameside Metropolitan Borough Council.

#### **4) Thameside Crime And Disorder Reduction Partnership**

- a) The Thameside Crime and Disorder Reduction Partnership will work in partnership with the Resources and Sustainable Communities Scrutiny Panel to provide objective and effective scrutiny of crime and disorder in Thameside.
- b) The Crime and Disorder Reduction Partnership will provide information relating to the planning and operation of crime and disorder reduction activities and strategies that is required by the Scrutiny Panel so that it can undertake its required scrutiny reviews. This will not however, include confidential information that might impinge upon actual police operations or individuals, unless an individual gives consent for such information to be released.
- c) The Crime and Disorder Reduction Partners will provide the Scrutiny Panel with such information within 15 working days of the receipt of the request.
- d) The Thameside Crime and Disorder Reduction Partnership will respond to crime and disorder scrutiny reviews within 28 days of receipt. A copy of such a response will be sent to The Thameside Cabinet Deputy (Co-ordination Services), individuals who have contributed to reviews, local MPs, appropriate voluntary organisations, Thameside libraries and customer information centres.
- e) A separate protocol and procedure will be agreed to cover references to the Scrutiny Panel from the elected members via the Councillor Call for Action.
- f) The Thameside Crime and Disorder Reduction Partnership will be consulted by the Scrutiny Panel to compile annual work programmes for crime and disorder scrutiny.
- g) The Thameside Crime and Disorder Reduction Partnership will nominate a main contact person for each crime and disorder scrutiny exercise and maintain regular contact with the Scrutiny Panel, attending in person when invited.
- h) The Thameside Crime and Disorder Reduction Partnership will ensure that officers attending Scrutiny Panel meetings are able to answer questions openly and are given appropriate support by their line managers.



## **BRIEFING NOTE**

**TO: COMMUNITY SERVICES SCRUTINY AND PERFORMANCE PANEL**  
**DATE: 26 NOVEMBER 2009**

**RE: CRIME & DISORDER SCRUTINY**

### **Purpose**

To seek endorsement of the draft protocol for the scrutiny of crime and disorder between the Panel and Safer Walsall Partnership and conclude the process on whether or not the Panel co-opts crime and disorder representation.

### **Background**

At the request of the Panel from its meeting that took place on 8 and 17 June 2009 this protocol has been developed in line with Home Office guidance to lay down the mutual expectations of the Community Services Scrutiny and Performance Panel and Safer Walsall Partnership. A copy of a draft protocol is attached at Appendix 1 to this report.

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. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under section 19.

It is important to note that the terms of reference of the Panel are to scrutinise the work of Safer Walsall Partnership and the partners who comprise it, insofar as their activities relate to the partnership itself rather than operational activities of each partner organisation.

The role of the Panel should be as a 'critical friend' of Safer Walsall Partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.

For this reason, it is important to emphasise that the scrutiny of Safer Walsall Partnership and community safety issues is not a stand-alone exercise. It should always be seen in this wider context. Scrutiny will have a role to play in linking up partners working across the spectrum of local policy-making – not just those working in community safety.

### **Next Steps**

Following agreement of the draft protocol by the Panel it is proposed to take it to Safer Walsall Partnership Board for their comments and approval. Once the Panel and the Partnership have agreed a final protocol it will become operational.

### **Co-option**

Members will recall resolving to appoint two crime and disorder related co-opted members to the Panel from West Midlands Police and West Midlands Police Authority.

At the request of the Panel the two local Chief Superintendents were invited to become West Midlands Police co-opted members. Since the invitation policing arrangements in Walsall have been restructured meaning that there is now only one Chief Superintendent for the Walsall area. The new Chief Superintendent for the area, Kevin Bullas, was invited to join the Panel but has turned down the Panels invitation on the basis that he felt it inappropriate to be a part of a Panel that could be scrutinising his own organisation and that when such matters were being considered it would be favourable for him, or a representative of West Midlands Police to attend the meeting as a witness to be held to account.

West Midlands Police Authority have advised that they are happy to comply with the Panels request to co-opt a Member of the Police Authority. The nomination is expected to be confirmed before the meeting on 26 November. If the Panel are happy with the nomination Members will be required to make a recommendation for the appointment to go to Council as the body responsible for appointments to all Council Committees.

### **Recommendations**

**That:**

- 1. subject to any comments Members may wish to make, the draft crime and disorder scrutiny protocol be approved, and;**
- 2. consider making recommendations to Council regarding the appointment of a co-opted member from West Midlands Police Authority.**

### **Author**

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Acting Principal Scrutiny Officer

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## **Crime and Disorder Scrutiny Protocol**

### **Purpose**

From the 1st April 2009, and in accordance with the Police and Justice Act 2006, local authorities now have the power to scrutinise the Crime and Disorder Reduction Partnership in their area.

In order that this scrutiny process operates effectively, this protocol defines the expectations of Walsall Councils Crime and Disorder Overview and Scrutiny Committee (the Community Services Scrutiny and Performance Panel) and Safer Walsall Partnership (SWP). Safer Walsall Partnership is the Crime and Disorder Reduction Partnership for the borough of Walsall

### **Introduction**

This protocol has been developed between Safer Walsall Partnership and the Community Services Scrutiny and Performance Panel. The publication of Regulations and good working practice has shaped this protocol, which may be revised by agreement between all interested parties to continually improve the scrutiny process.

Community safety partners in Walsall have a long history of working together and getting results. The introduction of crime and disorder scrutiny committees enhances existing partnership arrangements by developing a clear structure for overseeing and reviewing the delivery of joint responses on community safety and by creating a clearer link between partner agencies and the public on community safety.

Scrutiny and Performance Panels are conducted in a manner of openness where members and partners work together to discuss issues of a common interest for the public good. Scrutiny and Performance Panel meetings are open to the public to attend and participate in, except in certain prescribed circumstances.

Scrutiny and Performance Panels are constructive forums where issues will be discussed and debated in order to seek improvements to services. They also act as a 'critical friend' to the council and its partners and will seek to offer constructive challenge at a strategic level rather than adversarial fault finding at an operational level.

### **Crime and Disorder Reduction Partnerships**

Crime and Disorder Partnerships were created by Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder. They exist to ensure that a number of prescribed 'responsible authorities' work together and jointly agree the delivery of community safety priorities. The responsible authorities are:

- **The Local Authority**
- **The Police Force**
- **The Police Authority**
- **The Fire and Rescue Authority**
- **The Primary Care Trust**

The responsible authorities have a duty to work in cooperation with the 'cooperating bodies' that include probation, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools, governing bodies of an institution within the further education sector and social landlords.

In addition other partners can also be requested to sit on the CDRP. In Walsall the CDRP is represented by the SWP Board.

### **Role of Panel**

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. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under section 19.

Regulations also state that both responsible authorities and co operating persons or bodies must provide information requested of them by the crime and disorder committee, subject to the provisions in that regulation.

**Scrutiny and Performance Panels are non-decision making bodies who will make reports and recommendations to decision makers.**

In Walsall, the Community Services Scrutiny and Performance Panel will perform the overview and scrutiny role in respect of crime and community safety matters. In accordance with the regulations the panel will also be the point of referral for Councillor Calls for Action (CCfA) that relate to community safety.

The terms of reference of the panel are to scrutinise the work of the community safety partnership and the partners who comprise it, insofar as their activities relate to the partnership itself. In order to achieve this, it may at times, be necessary to receive reports, ask questions and make recommendations to an individual or group of Safer Walsall Partnership member organisations. This will however in all cases relate to partnership activity and not the broader functions of the agencies that make up SWP.

### **Frequency of meetings**

The Community Services Scrutiny and Performance Panel meets approximately nine times a year and it is recommended will consider crime and disorder issues no less than twice in every 12 month period. There is no restriction to the number of meetings a Panel may hold or the number of times the Panel can consider crime and disorder related issues.

### **Work Programme**

The Community Services Scrutiny and Performance Panel sets its work programme for the year, prior to its first meeting after annual Council each year. It is proposed that Safer Walsall Partnership will be consulted prior to this meeting for the purpose of gaining suggestions for items to be included in the Panels work programme.



## Co-opted Members

The Community Services Scrutiny and Performance Panel can recommend the appointment of co-opted members from the responsible authorities and co-operating bodies in the local area. Recommendations for appointments of co-opted members will be agreed by the panel and recommended to Council for appointment.

## Commitments to each other

### *Information*

SWP will nominate a lead contact officer for all scrutiny related activity. The lead contact officer may also if required nominate other suitable contact officers within the partnership for specific topics.

When the Community Services Scrutiny and Performance Panel requests information from Safer Walsall Partnership the information will usually be provided within **10 working days** of the information request.

The Community Services Scrutiny and Performance Panel commits to not normally making requests for information without allowing at least **10 working days** for a response to be received.

Where applicable information will be exchanged in line with the agreed SWP information sharing protocol.

### *Attendance at meetings*

When requiring the attendance of an officer or employee of Safer Walsall Partnership the Community Services Scrutiny and Performance Panel will provide at least **10 working days** notice.

The officer or employee of Safer Walsall Partnership or their representative will normally respond to the request within **2 working days**. If the requested officer or employee cannot attend the meeting then they will where possible arrange a suitable substitute to attend the meeting in their place and provide notice of this substitution in advance of the meeting.

### *Making and Communication of Recommendations*

Recommendations made by the Community Services Scrutiny and Performance Panel relating to community safety will be brought to the attention of the nominated officer at Safer Walsall Partnership. The nominated officer will then be responsible for communicating the recommendations to the relevant partner organisations for consideration.

### *Working Groups*

When the Community Services Scrutiny and Performance Panel undertakes detailed investigations into crime and disorder topics through a working group the draft report and recommendations will be circulated to Safer Walsall Partnership Board Members for comments prior to publication.

The Community Services Scrutiny and Performance Panel will consider all comments received but they are not bound to include any amendments and/or produce a revised draft.

#### *Responding to recommendations*

The responsible authorities and co-operating bodies within Safer Walsall Partnership have 28 days to respond to recommendations made by the Community Services Scrutiny and Performance Panel. This response must be made in writing. If it is not possible to provide the information within the 28 day time limit a representative of Safer Walsall Partnership will inform the Chair of the Community Services Scrutiny and Performance Panel of the reasons for the delay and agree a new date by which the information will be provided.

The 28 days response period starts on the day that the recommendations are submitted to the nominated Safer Walsall Partnership officer. The nominated Safer Walsall Partnership officer will be notified of any crime and disorder recommendations as soon as practicable, but no longer than five working days, after meetings of the Community Services Scrutiny and Performance Panel.

Once notified of the recommendations the nominated Safer Walsall Partnership officer will communicate the recommendations to those crime and disorder partners affected as soon as is practicable.

Crime and Disorder Partners will supply their responses to recommendations to the nominated officer at Safer Walsall Partnership who will in turn inform the Chair of the Panel of the response to the recommendations within the 28 day deadline.

The Chair of the Panel will decide the most appropriate way to communicate the response to the recommendations to the remaining members of the Panel.

SWP will be consulted on any official press or media releases made by the Community Services Scrutiny & Performance Panel relating to the scrutiny of any area of SWP activity. Consultation should take place prior to the initial contact with the media, or in the case where the media make initial contact, prior to any release being made.

#### **Councillor Call for Action**

All Councillors now have the power to raise a 'councillor call for action' on crime and disorder matters to the Community Services Scrutiny and Performance Panel.

By using their powers of 'councillor call for action' Councillors will be able to place issues which affect all or part of their local ward or any person who lives or works in that area onto the agenda of the Community Services Scrutiny and Performance Panel on the following issues:

- a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment),  
or
- b) The misuse of drugs, alcohol and other substances.

Councillors have committed to using 'councillor call for action' as a means of last resort, in line with the protocol that was approved by Council, after all other avenues for resolving the matter have been exhausted.

In order to help avoid the need for Councillors to raise a 'councillor call for action' Crime and Disorder Partners commit to continue to assist Councillors to expeditiously resolve the issues they raise and to supply necessary information subject to appropriate data protection and information sharing protocols.

In the event of a 'councillor call for action' being raised the Performance and Scrutiny Team will notify the nominated Safer Walsall Partnership officer of the 'councillor call for action'. An agreement will then be reached as to what action needs to be taken to form a response to the 'councillor call for action' for reporting to the Community Services Scrutiny and Performance Panel.

Safer Walsall Partnership commits to assisting in the production of the formal response to the 'councillor call for action' and attending meetings of the Community Services Scrutiny and Performance Panel when a 'councillor call for action' affects an area that they have responsibility for (minimum notice period as identified above).



# Scrutiny Protocol

## Scrutiny of the Crime and Disorder Reduction Partnership

### 1. Introduction

1. Waltham Forest Council has determined that its Community Safety and Housing Scrutiny Sub-Committee shall be the Council's Crime and Disorder Committee as required under Paragraph 1, Section 19 of the Police & Justice Act 2006.
2. The Community Safety and Housing Scrutiny Sub-Committee will, therefore, exercise the powers given to local authorities under Part 3 of the Act to scrutinise the Crime and Disorder Reduction Partnership in their area and make reports and recommendations to the Local Authority and the partnership.
3. This Protocol has been produced between Waltham Forest Council Community Safety and Housing Scrutiny Sub-Committee and the respective partners comprising the Waltham Forest Crime and Disorder Reduction Partnership (SafetyNet), see attached schedule, to provide a framework for such scrutiny to take place.
4. This protocol conforms with the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and follows Home Office guidance on the implementation of Sections 19 and 20 of the Act. Whilst continuing to observe these requirements, the Protocol may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.

### 2. Principles of Scrutiny Operation

1. Scrutiny in Waltham Forest is positive, objective and constructive. It acknowledges good practice and recommends improvements where it feels that these would be of benefit. Scrutiny concentrates on service outcomes and seeks to add value to each service that it considers.
2. Community safety and freedom from crime and disorder for the people of Waltham Forest is dependent upon many factors including the services provided in partnership by partners in SafetNet. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.
3. Scrutiny of the reduction of crime and disorder will be successful if all parties work together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.
4. Organisations involved in scrutiny of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in Waltham Forest and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.
5. At all times both officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will be treated as such.

6. Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the scrutiny Sub-Committee in accordance with the Code of Conduct relating to standards of conduct and ethics.
7. The scrutiny of Crime and Disorder will seek to improve services and service provision for the people of Waltham Forest in order to increase community safety and reduce crime and the fear of crime in Waltham Forest.
8. The scrutiny of Crime and Disorder matters will be conducted so as to allow the involvement of the public and local community groups in as relevant and practical a way as possible.
9. Crime and Disorder scrutiny shall not be used as a complaints procedure. Case studies may, however, be used as part of supporting information for scrutiny exercises.
10. The function of Crime and Disorder scrutiny is independent of the respective partners comprising SafetyNet.

### **3. The Waltham Forest Community Safety and Housing Scrutiny Sub-Committee**

1. All dates, times of meetings, agendas and reports, and subsequent minutes, of the Community Safety and Housing Scrutiny Sub-Committee will be published to meet at least the minimum statutorily required. All such information will be circulated to elected Members and the members of the SafetyNet at least to the minimum so required.
2. The Community Safety and Housing Scrutiny Sub-Committee will advise the SafetyNet in advance of any programme of work or other scrutiny exercise that the Waltham Forest Scrutiny Sub-Committee is intending to undertake.
3. The Community Safety and Housing Scrutiny Sub-Committee will consult with the SafetyNet on any draft reports prepared by Sub-Committee before they are published.
4. Final reports will be presented to Waltham Forest Council, the SafetyNet, be published on the Council's website and circulated in accordance with the regulations on scrutiny of crime and disorder.
5. The Community Safety and Housing Scrutiny Sub-Committee will inform SafetyNet in advance of any press releases relating to crime and disorder scrutiny although the Scrutiny Support Unit may speak to the press in advance of meeting to brief them about forthcoming Scrutiny Sub-Committee meetings.
6. The Community Safety and Housing Scrutiny Sub-Committee will at all times comply with the Constitution of Waltham Forest Council.

### **4. SafetyNet – The Waltham Forest Crime and Disorder Partnership**

1. SafetyNet and respective partners shall recognise and assist the Community Safety and Housing Scrutiny Sub-Committee in fulfilling its role to provide objective and effective scrutiny of crime and disorder in Waltham Forest.

2. SafetyNet and respective partners shall provide information relating to the planning and operation of crime and disorder reduction activities and strategies requested and required by the Community Safety and Housing Scrutiny Sub-Committee. This will not, however, include confidential information that might impinge upon actual police operations or individuals, unless an individual gives consent for such information to be released.
3. SafetyNet and its respective partners shall provide the Community Safety and Housing Scrutiny Sub-Committee with the information requested within 15 working days of the receipt of the request.
4. SafetyNet will respond to crime and disorder scrutiny review final reports and, or, recommendations within 28 days of receipt. A copy of such a response will be sent to the Waltham Forest Cabinet Member responsible for Community Safety, to individuals who have contributed to the review, and to other relevant parties.
5. A separate protocol and procedure will be agreed to cover references to the Scrutiny Sub-Committee from the elected members via the Councillor Call for Action.
6. SafetyNet will nominate a main contact person for each crime and disorder scrutiny exercise and maintain regular contact with the Scrutiny Sub-Committee, attending in person when invited.
7. SafetyNet will ensure that officers attending Scrutiny Sub-Committee meetings are able to answer questions openly and are given appropriate support by their line managers.

The underlines indicate some areas for further attention or thought.





# Crime and Disorder Scrutiny

No Direct Ward Relevance

Panel

8th March 2010

## 6. WORK PROGRAMME

(Report of the Chief Executive)

Date of Meeting	Subject Matter	Officer(s) Responsible for report
ALL MEETINGS	REGULAR ITEMS	(CHIEF EXECUTIVE)
8th March 2010		
15th April 2010		
15th July 2010		
21st October 2010		
20th January 2010		
14th April 2011		

