

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 Keynes¹
- 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:

¹ 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:

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