

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 (CDRP¹), 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:

¹ 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 Action²; 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.

² 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.

