

Agenda Item 11

Overview and Scrutiny Co-ordinating Committee

18 November 2009

DSO/DM



Crime and Disorder (Overview and Scrutiny) Regulations 2009

Summary

The Overview and Scrutiny Co-ordinating Committee is the Council's designated Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006. The provisions of sections 19, 20 and 21 of the Police and Justice Act 2006 came into force on 30 April 2009.

The Scrutiny Committee recommended in May 2009 that a regular report from the Community Safety and Anti-Social Behaviour Co-ordinator for East Devon be made to the Overview and Scrutiny Coordinating Committee, to inform that Committee of the work undertaken and to consider any areas for further review or scrutiny.

Community Safety is overseen by the East and Mid Devon Community Safety Partnership, with a joint plan covering both Districts and Local Action Groups to undertake actions at a local level.

This report covers the implications of the new Regulations in terms of the powers of scrutinising Community Safety issues, and how East and Mid Devon propose to work together with a joint scrutiny process to avoid duplication and enhance the existing partnership between the two authorities.

Recommendation

1. That localised issues requiring review by the Overview and Scrutiny Co-ordinating Committee continue to be presented to that Committee through regular report from the Community Safety and Anti-Social Behaviour Co-ordinator; and by Ward Members as permitted under the Police and Justice Act 2006;
2. That the Overview and Scrutiny Co-ordinating Committee propose to Council two non-Executive members to sit, along with the Chairman, on a joint East and Mid Devon Scrutiny on Community Safety Group.

a) Reasons for Recommendation

The legislative requirements set out the need for a designated Committee to act as the "Crime and Disorder Committee"; the recommendation set out will achieve this in practical terms in conjunction with the existing East and Mid Devon Community Safety Partnership.

b) Alternative Options

Matters related to crime and disorder could be reported on an ad-hoc basis but this would not give a clear basis for the Committee to operate as the "Crime and Disorder Committee".

c) Risk Considerations

If no mechanism of joint working is in place between the Scrutiny functions of East and Mid Devon, recommendations made by the Committee may impact on Mid Devon District Council

as part of the East and Mid Devon Community Safety Partnership, or duplication of work may occur.

d) Policy and Budgetary Considerations

None.

e) Date for Review of Decision

November 2010

1 Background

1.1 The Crime and Disorder Act 1998

The Crime and Disorder Act 1998 states that local authorities and bodies are required “to work together to reduce crime, disorder and fear of crime locally, in order to improve the quality of life and to create a safer living and working environment”.

Crime and Disorder Partnerships, consisting of representatives from local authorities, the Police and Police Authority, Fire and Rescue, Probation Service and Heath Trusts, were set up across the country when the Act came into force. For East Devon, the East and Mid Devon Community Safety Partnership is now in operation, which includes statutory and voluntary organisations, and representation from the business sector.

Members of the Partnership Steering Group include:

- Chief Executive of East Devon District Council.
- Director of Community Services, Mid Devon District Council.
- Police Commander for East and Mid Devon.
- Devon County Council's Partnership Officer for East and Mid Devon.
- Head of Health Improvement, Exeter, East & Mid Devon Area, Devon Primary Care Trust.

Each main town in East & Mid Devon has a geographically based Local Action Group (LAG). These were set up some years ago to tackle crime, disorder and anti-social behaviour. The LAGs are also responsible for the rural areas surrounding each town. In addition, there are thematic Action Groups tackling Domestic Violence, Drug & Alcohol and Diversity issues.

1.2 Police and Justice Act 2006

Sections 19, 20 and 21 of the Police and Justice Act 2006 set out the requirement for local authority scrutiny of crime and disorder matters, summarised as follows:

- The “Crime and Disorder Committee” is to be an overview and/or scrutiny committee of the authority;
- It has power to make recommendations to the Executive Board in respect of Crime and Disorder matters;
- The “Crime and Disorder Committee” can review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- Where a report or recommendation results from the review, a copy must be sent to the responsible authorities and other persons or bodies deemed appropriate. The recipients of the report or recommendations must give consideration, respond to the committee indicating what (if any) action it proposes to take, and have regard to the report or recommendations in exercising its functions.
- Arrangements made to enable a Member who is not a member of the “Crime and Disorder Committee” to refer a local crime and disorder matter to the committee. Local crime and disorder matters are those affecting the Members’ Ward including anti-social behaviour and alcohol and substance misuse;

- If the committee decides not to make a report or recommendations in relation to a matter raised by a Ward Member, the committee must make clear the reasons why.

2 New Legislation

2.1 Crime and Disorder (Overview and Scrutiny) Regulations 2009

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 set out when the sections of the Police and Justice Act 2006 come into force along with some clarification on how the “Crime and Disorder Committee” will operate, such as:

- The choice of co-opting additional members from those persons and bodies who are responsible authorities under the Crime and Disorder Act 1998; who may have voting rights on crime and disorder matters if the Committee decides this. The Committee may co-opt either employees or non-executive members of a responsible authority;
- Minimum of one meeting per calendar year on crime and disorder;
- Responsible authorities must provide information requested of them by the Crime and Disorder Committee. The Committee may require an officer of a responsible authority or a co-operating body to attend a meeting, on reasonable notice;
- Responses to any reports or recommendations made must be in writing within one month from the date of the report/recommendation, or, if this is not reasonably possible, as soon as possible, back to the Crime and Disorder Committee;
- The Committee shall review such responses and monitor the action (if any) taken.

Home Office guidance has been issued on how this could be carried out, but no specific guidance has been issued on how to scrutinise issues where a joint Community Safety Partnership exists, although it is acknowledged that such partnerships are in operation and arrangements should be made.

3. Practical application

The East and Mid Devon Community Safety Partnership, formerly the East Devon Community Safety Partnership, has been in operation for some time, working closely with its local action groups to find local solutions to local problems, as well as looking at wider issues like domestic violence and diversity awareness. There is a danger that work could be duplicated; handled both by the Community Safety Partnership (which is a requirement under the Crime and Disorder Act 1998) and by issues being brought directly to the Committee by Ward Members using their right under section 19 of the Police and Justice Act 2006.

A practical means of meeting the requirements of sections 19, 20 and 21 of the Police and Justice Act 2006 is suggested below:

- Regular reporting from the Community Safety and Anti-Social Behaviour Co-Ordinator for East Devon, which can provide detail on the work carried out by the Community Safety Partnership and points of interest from the local action groups;
- From these regular reports, the Committee can decide which matters may require further review or scrutiny and invite representatives from the Community Safety Partnership to help undertake such a review;
- Ward Members with local crime and disorder issues may prefer to contact the Community Safety and Anti-Social Behaviour Co-Ordinator in the first instance, so that the appropriate steps can be evaluated for the most expedient outcome.

Wider Issues

To avoid duplication of scrutiny work, and to ensure no negative impact on Mid Devon District Council, the Chairmen of the respective Scrutiny Committees and officers met on 28 October 2009 to discuss practical means of scrutinising as a joint operation across East and Mid Devon:

- Minutes from the East and Mid Devon Community Safety Partnership are sent to each Chairman for information, allowing a watching brief on issues being discussed;
- Regular contact between the Chairmen on Community Safety issues;
- A joint East and Mid Devon Scrutiny on Community Safety Group, comprising of the Chairman of Overview and Scrutiny Co-ordinating Committee, with two other Members from that Committee, along with the Chairman of Mid Devon District Council Scrutiny Committee and two other Members from that Committee.
- A protocol to be agreed at the first meeting of that group, which would be likely to contain:
 - Meeting twice a year to coincide with the meetings of the East and Mid Devon Community Safety Partnership;
 - Invitation to expand the Group with representatives of other agencies when reviewing an issue;
 - Bringing back recommendations to the respective Scrutiny Committees for approval and processing back through each Councils decision procedure;
 - Shared resource in arranging, hosting and minuting Group meetings.

If adopted, these means can be regularly reviewed to ensure that the Committee is satisfied that it is meeting the legal requirements, as well as providing a transparent and accountable review where necessary.

Legal Implications

Under the Police and Justice Act 2006, a local authority must—

(a) ensure that its crime and disorder committee has power to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(a) is carried out by the Co-ordinating Committee reporting to the Executive and/or Council as necessary, and (b) by enabling councillors not on the Co-ordinating Committee to refer matters to it.

These requirements are set out in the Council's Constitution.

Financial Implications

None.

Consultation on Reports to the Executive

Not applicable

Background Papers

- The Constitution updated May 2009
- The Crime and Disorder Act 1998
- Police and Justice Act 2006
- Crime and Disorder (Overview and Scrutiny) Regulations 2009

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Overview and Scrutiny Co-ordinating Committee
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