

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 8

Brighton & Hove City Council

Subject: Scrutiny of crime and disorder matters
Date of Meeting: 22 June 2009
Report of: Acting Director, Strategy & Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

Under new legislation that came into force in April 2009, all local authorities must establish a crime and disorder committee (CDC) to scrutinise the Crime and Disorder Reduction Partnership (CDRP) and to consider relevant Councillor Calls for Action.

On 28 April the Governance Committee proposed that the Environment and Community Safety Overview & Scrutiny Committee (ECSOSC) be designated the council's statutory CDC; Full Council endorsed the proposal on 30 April.

This report invites ECSOSC to consider how best to implement the arrangements approved by Council, in light of Home Office guidance.

2. RECOMMENDATIONS:

It is recommended that ECSOSC:

- (1) Notes the report on establishing a CDC, considered and approved by Council on 30 April 2009 (see Appendix 1); and
- (2) Agrees how the council's CDC should function, having regard to Home Office guidance (see extract at Appendix 2)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 30 April, Council approved a protocol setting out the separate roles of (i) the Brighton & Hove Community Safety Forum and (ii) ECSOSC, with regard to scrutinising the CDRP. The protocol is a framework intended to guide Members as to which aspects of scrutiny each of those bodies should undertake and how their functions inter-relate.
- 3.2 Home Office guidance on the scrutiny of crime and disorder matters, published in May 2009, contains a chapter (section 3) offering advice on the actual running of a CDC and is reproduced at Appendix 2. Whilst the protocol agreed by Council is fully compatible with that part of the guidance, Members are invited to consider Home Office advice on particular issues, with a view to implementation locally. These issues are as follows:

- 3.2.1 The role of the CDC is to scrutinise the work of the CDRP and the partners who comprise it, insofar as their activities relate to the partnership itself. The committee's scrutiny activity should therefore be framed by the partnership's community safety priorities, set centrally through national Public Service Agreements and locally through the Local Area Agreement.
- 3.2.2 Scrutiny is more effective when it focuses on a policy issue rather than on a single organisation. The purpose of the new legislation is to enable scrutiny not of individual partners but of the partnership as a whole, thus supporting a focus based on policy and finding solutions.

A protocol agreed between the CDC and the CDRP might be helpful for defining how scrutiny would work in practice. This would cover the overall scrutiny of the partnership whereas the protocol referred to in 3.2.3 would be specific to the CDC and the police authority.

- 3.2.3 Clear and sustained engagement between the CDC and the police authority, as the body that holds the police to account, is vital to make sure their roles complement each other. The parties may wish to agree a protocol detailing how they intend to work together on scrutiny of police matters.
- 3.2.4 The CDC should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the CDRP and reflect local community need.
- 3.2.5 The CDC may co-opt additional members to serve on the committee, bringing with them specialism and expertise. Co-optees –
- (i) must be an employee, officer or member of a responsible authority or co-operating person/body;
 - (ii) may not be a member of the executive of the local authority
- 3.2.6 Given the role of the police authority in holding the police to account, the CDC should consider involving them in the work of the committee by one of the following means:
- (i) co-opting a member of the police authority onto the CDC although, for the reason given at 3.2.5 (ii), this may not be a cabinet member of the city council

(ii) issuing a member of the police authority with a standing invitation to attend the committee as an expert adviser. He/she would not be a member of the committee but participate in committee discussion as an expert witness.

- 3.3 Other parts of the Home Office Guidance offer an introduction to community safety (priorities, stakeholders, performance frameworks); and what good scrutiny of crime and disorder would look like, which includes a description of the different techniques a scrutiny body can use to maximise its effectiveness. A full copy of the guidance can be found at <http://www.crimereduction.homeoffice.gov.uk/regions/regions021guidance.pdf>

4. FINANCIAL & OTHER IMPLICATIONS:

4.1 Financial Implications:

The work of the Environment and Community Safety Overview & Scrutiny Committee may increase slightly as a result of undertaking functions required of the Crime and Disorder Committee, which may require a small amount of additional support and administration from the Overview and Scrutiny team. However it is anticipated that this will be managed within the existing resources of the team.

Finance Officer Consulted: Peter Francis

Date: 11 June 2009

4.2 Legal Implications:

Legislation providing for crime and disorder committees comprises section 19-20 of the Police & Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (SI 2009/942), both in force 30 April 2009.

The decision as to how the CDC should be established locally was considered by the Governance Committee on 28 April 2009, and their recommendation was approved by Council two days later.

Lawyer Consulted: Oliver Dixon

Date: 9 June 2009

4.3 Equalities Implications:

The development of working mechanisms to implement CDC powers needs to ensure that equality issues are addressed.

4.4 Sustainability Implications:

There are no direct sustainability implications arising from this report.

4.5 Crime & Disorder Implications:

Effective scrutiny of CDRP should translate into improved performance in relation to crime and safety matters as measured by Public Service Agreements, the Local Area Agreement, Comprehensive Area Assessment and the Place Based Survey

4.6 Risk and Opportunity Management Implications:

There is a risk of duplication of effort, or of a lack of accountability if the roles of the CDC and the CSF are not clearly understood and articulated. The development of the protocol within these papers should help overcome this risk .

4.7 Corporate / Citywide Implications:

Home Office guidance emphasises the fact that scrutiny is focused on improvements, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership. Scrutiny undertaken in this way should help to cement the council's relations with its strategic partners

SUPPORTING DOCUMENTATION

Appendices:

1. Report to Council, 30 April 2009, on the establishment of a crime and disorder committee
2. Section 3 of 'Guidance for the scrutiny of crime and disorder matters' published by the Home Office, May 2009