

OVERVIEW AND SCRUTINY COMMISSION (CRIME AND DISORDER COMMITTEE)
16 July 2009

HOME OFFICE GUIDANCE ON SCRUTINY OF CRIME AND DISORDER MATTERS
Assistant Chief Executive

1 INTRODUCTION

- 1.1 This report invites the Commission, in its capacity as the Council's statutory Crime and Disorder Committee, to note the new statutory guidance issued by the Home Office on the Scrutiny of Crime and Disorder Matters, and to decide on the changes necessary to the Committee's approach.

2 SUGGESTED ACTION

That the O&S Commission, meeting as the Crime and Disorder Committee

- 2.1 **Notes the new statutory guidance issued by the Home Office on the Scrutiny of Crime and Disorder Matters; and**
- 2.2 **In relation to the specific proposals in the Home Office guidance, as set out in paragraph 3.4:**
- (i) Cooperates with other Crime and Disorder Committees in the Thames Valley Police area by providing the published papers and minutes of Bracknell Forest's Crime and Disorder Committee to those other councils, for information;**
 - (ii) Defers co-opting community representatives onto the Committee, and holding public meetings;**
 - (iii) Determines not to initiate a protocol which lays down the mutual expectations of scrutiny and community safety partners;**
 - (iv) Involves the Thames Valley Police Authority in work undertaken by the Crime and Disorder Committee, by co-opting a Police Authority member onto the Committee when policing matters are being considered.**

3 SUPPORTING INFORMATION

- 3.1 The Home Office's Guidance for the Scrutiny of Crime and Disorder Matters, attached, was issued in May 2009. The guidance covers: the history and nature of community safety; the role of scrutiny, and detailed guidance on Sections 19 and 20 of the Police and Justice Act 2006 (as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007).
- 3.2 The guidance specifies the role of the Crime and Disorder Committee in Section 3.2 (page 24) with reference to the legislation. The guidance states this gives 'powers to scrutinise the Crime and Disorder Reduction Partnership (CDRP), rather than the partners – this supports a focus based on policy and finding solutions. Focusing on policy :

- gives the partners the reassurance that the crime and disorder scrutiny committee is there to ensure that the community safety partnership is accountable and its performance is improved, rather than just 'having a go' at the partners;
- emphasises the fact that scrutiny is focused on improvement, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership; and
- means that there is wider scope for the committee, or group of members, to cut across organisational boundaries over the course of their investigation.'

The guidance also stipulates that, 'the role of the committee in whichever form it is applied should be as a 'critical friend' of the community safety partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.'

3.3 The Home Office guidance also states that the role of the Crime and Disorder Committee should include:

- to consider Councillor Calls for Action;
- to consider actions undertaken by the responsible authorities on the community safety partnership; and
- make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well.

3.4 The current approach by the O&S Commission acting as the Crime and Disorder Committee is consistent with the main principles of the Home Office Guidance. However, the guidance contains some particular issues for Members' consideration:

- (i) On cooperation with other Crime and Disorder Committees in neighbouring boroughs, Section 2.2 of the guidance (page 16) encourages working closely with neighbouring unitary authorities when a police authority area spans more than one borough. This would apply to Bracknell Forest, as it forms a part of the Thames Valley Police area. That area covers two county councils, nine district councils and 7 unitary authorities. It would be a major and time consuming undertaking to agree a coordinated approach to scrutiny of crime and disorder matters between those councils. Consequently, it is suggested that the Committee's cooperation comprises providing the published papers and minutes of Bracknell Forest's Crime and Disorder Committee to those other councils, for information. At a later stage, Members may wish to consider exploring more active cooperation with the Crime and Disorder Committees of other local authorities in the Thames Valley.
- (ii) The guidance points to innovative approaches to the scrutiny of crime and disorder issues taken by some councils' overview and scrutiny committees, for example in co-opting community representatives onto committees, and in holding public meetings (page 19 of the guidance). The Council's experience is that it can be difficult to secure the co-option of community representatives, and public meetings need to be properly resourced, planned and have clear objectives if they are to be worthwhile. Consequently, it is suggested that it would be premature to embark on these innovative approaches at this early stage in the Committee's existence.

- (iii) The guidance suggests that 'partners and the scrutiny function at the local authority (or local authorities) might want to consider developing a short, flexible and meaningful protocol which lays down the mutual expectations of scrutiny members and partners of the community safety scrutiny process' (page 25). It is suggested that, as the Overview and Scrutiny Commission and Panels have had good co-operation from the Council's community safety partners, such that a protocol would be unnecessary.

- (iv) The guidance states (page 29) that, 'Police authorities occupy a unique position within the landscape of community safety partnerships. They have a clear, statutory role to hold to account the police. In this context, it is vital that local authorities' community safety scrutiny complements this role. 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 – and particularly when the police are to be present.' The guidance specifies that Local authorities should take one of three options to involve police authorities in work undertaken by the Crime and Disorder Committee. The first option does not apply in Bracknell Forest Council's case, as the Council's representative on the Thames Valley Police Authority is a member of the Executive. Option 2 is that 'a member of the police authority should be issued with a standing invitation to attend the committee as an "expert adviser"'. Option 3 is for the Committee to co-opt 'a police authority member onto the committee when policing matters are being considered, and it would be for the police authority to decide the most appropriate member to appoint.' As the O&S Commission meet infrequently as the Crime and Disorder Committee, it would not be a good use of Police Authority time to have a standing invitation to the Commission's meetings. Option 3 appears to be the most suitable, allowing the Police Authority to attend meetings when appropriate and to determine their most appropriate representative on each occasion.

Contact for further information

Richard Beaumont – 01344 352283
e-mail: Richard.beaumont@bracknell-forest.gov.uk