

GUIDANCE NOTE - SCRUTINY OF CRIME AND DISORDER – PUTTING IT INTO PRACTICE

Role of Crime and Disorder Scrutiny

The role of scrutiny is to scrutinise the Crime and Disorder Reduction Partnership (CDRP) as a whole. It is an opportunity to get underneath high-level information and think about how well the partnership understands the area.

Understanding the Crime and Disorder Reduction Partnership

CDRPs have a relatively long history, which means relationships may be well established and partners cautious about how they may be affected by new scrutiny activity. The focus for scrutiny is looking at joint responses on community safety and on a policy issue, rather than on a single organisation. If issues arise which relate specifically to a particular partner organisation, it may be appropriate to refer such issues to the governing bodies of that organisation for action.

Key duties of the Scrutiny Panel

At a basic level, the role of the Committee or Panel is to -

- To consider actions undertaken by the responsible authorities on the community safety partnership.
 - To make reports or recommendations to the local authority with regard to those functions.
 - To consider Councillor Calls for Action
- i) **To consider actions undertaken by the responsible authorities on the partnership**

The Panel should in its work programme have a list of issues which it would like to cover during the year in consultation with relevant partners. The regulations leave the frequency of meetings to local discretion; however there is a minimum requirement to meet at least once per year.

The role of the panel should be as a 'critical friend' of the partnership providing constructive challenge at a strategic rather than operational level.

Requests for Information

As part of the crime and disorder scrutiny process, the panel will from time to time request further information from the CDRP such as performance information.

The Partnership will be under a duty to provide this information. There is no specific timescale for this, but a response should be provided as soon as reasonably possible.

Information requests and Data Protection

The information provided by responsible authorities and co-operating bodies must be depersonalised, unless the identification of an individual is necessary or appropriate in order for the Panel to properly exercise its powers.

The information should also not include information that may prejudice legal proceedings or current or future operations of the responsible authority or co-operating body. In practice, it is unlikely that the Panel will need to receive reports relating to specific individuals, or where specific individuals are mentioned in respect of crime and disorder matters.

The guidance states that Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised into Part II of a committee agenda, as an item to be heard without the press or public present.

ii) **To make reports or recommendations to the local authority with regard to those functions.**

If the Panel drafts a report or recommendations which have an impact on community safety issues, the following should occur:

- Copies of the reports and recommendations should be sent to the responsible authorities or co-operating bodies as are affected by the report or recommendations;
- The relevant partner (or partners) should submit a response within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter); and
- Following the receipt of the response, the Committee or Panel will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

From time to time, the Committee or Panel may request the attendance of a representative of the Partnership.

iii) **Councillor Call for Action (CCfA)**

The Councillor Call for Action (CCfA) is a statutory power for Ward councillors to call for debate and discussion a topic of neighbourhood concern. It is a mechanism which enables any Member of the Council to refer to scrutiny a local government matter or crime and disorder matter which affects their ward. Scrutiny committees or the relevant Panel can then decide whether to use their powers to investigate the issue.

There are a range of options available to Committees and Panels in considering how to respond. They could

- Instigate a review of policy,
- Call members and officers to attend a meeting and answer questions
- Make recommendations to the Cabinet.
- Request Cabinet to review a decision that it has made.

Councillors will continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to raise the issue via Scrutiny and take the matter further.

The crime and disorder CCfA will be an important tool for community safety partnerships to work together to resolve crime and disorder problems, in a forum which is open to the public. It should therefore boost public confidence that police and local authorities are acting on crime and anti-social behaviour issues.

More information on CCfA can be found in the IDeA and CfPS Best Practice Guide <http://www.idea.gov.uk/idk/core/page.do?pagelId=9410176>

1.3 Co-option

The regulations allow Scrutiny Panels to co-opt additional members to serve on the Committee. This can include police authority¹ members, provided they are not members of the Cabinet of the local authority. Various options are given for co-option although it is acknowledged that it may be more appropriate to simply have a standing invitation to a representative of the Police Authority to attend the meetings at which CDRP matters will be scrutinised.

The guidance emphasises the importance of scrutiny bodies and police authorities working closely together to ensure activities complement one another. Local authorities have been advised to ensure police authorities play an active role at scrutiny meetings when community safety matters are being discussed and particularly when the police are present.

1.4 Community engagement and Confidence

Public perception at both national and local levels is a crucial factor in contributing to the fear of crime and levels of confidence. Scrutiny has the potential to make a real contribution to understanding confidence and increasing it.

As well as being a shared responsibility across the two organisations, it is also an area that councillors should have a unique perspective on and be able to draw on their community knowledge. Scrutiny gives an opportunity to uncover and understand issues that contribute to low levels of confidence such as drug and alcohol use, prostitution and anti-social behaviour.

¹Police Authority

The role of the authority is to set the strategic direction for the police force. All police officers and staff are accountable to the Chief Constable, and the Chief Constable to the police authority.

References

The guidance notes are taken from the official Home Office guidance and legislation:
National Support Framework – Delivering Safer and Confident Communities
Guidance for the Scrutiny of Crime and Disorder Matters – England
Implementing Sections 19 and 20 of the Police and Justice Act 2006.