

ITEM 6



DERBY CITY COUNCIL

SCRUTINY MANAGEMENT COMMISSION 28 SEPTEMBER 2009

Report of the Director of Corporate and Adult Services

Crime and Disorder Committee – Membership and Work Plan

RECOMMENDATION

- 1.1 To note the points covered in the report.
- 1.2 That the Crime and Disorder Committee should now:
 1. Agree its work plan for the coming year and the frequency with which it wishes to meet
 2. Decide whether it wishes to develop a protocol for the community safety scrutiny process
 3. Decide whether it wishes to co-opt any representatives of the responsible authorities
 4. Co-opt one of the Council's Derbyshire Police Authority members onto the Committee
 5. Define the role of any persons that it agrees to co-opt and decide whether those co-optees should have the right to vote.

SUPPORTING INFORMATION

- 2.1 The Home Office guidance states that at a basic level the role of the Crime and Disorder Committee is to:
 1. Consider Councillor Calls for Action that arise through the Council's CCfA process.
 2. Consider the actions undertaken by the responsible authorities on the Community Safety Partnership
 3. 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 some recommendations will be made directly to the responsible local authorities.
- 2.2 The guidance recommends that in its work programme the Committee should include a list of the issues which it needs to cover during the

year, that this list should be agreed in consultation with local authority partners and that it should reflect local community needs.

- 2.3 The guidance also suggests that the local authority and its partners might wish 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.'
- 2.4 As the Scrutiny Management Commission is to continue as the Crime and Disorder Committee, the membership of SMC will become the membership of the Crime and Disorder Committee. However the guidance states that additional members can be co-opted to the Crime and Disorder Committee in accordance with the Regulations. These allow the Crime and Disorder Committee to co-opt additional persons providing they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority. An extract from the Home Office Guidance, which covers co-options to Crime and Disorder Committees is contained in Appendix 2
- 2.5 The Explanatory Note to the Crime and Disorder (Overview and Scrutiny) Regulations 2009 states that the responsible authorities are defined in Section 5 of the Crime and Disorder Act 1998 and comprise:
- The Council for an area
 - Every chief officer of police and every police authority whose respective areas are within that area
 - Every fire and rescue authority within that area
 - In England, every Primary Care Trust and in Wales, every Local Health Board in that area.
- It is understood that there are plans to add the Probation Service to the list of responsible authorities.
- 2.6 It is suggested that the Crime and Disorder Committee should now:
1. Agree its work plan for the coming year and the frequency with which it wishes to meet
 2. Decide whether it wishes to develop a protocol for the community safety scrutiny process
 3. Decide whether at this stage the Committee wishes to co-opt any representatives of the responsible authorities and should this be agreed to ask those responsible authorities to nominate a person who will become that authority's co-opted member of the Crime and Disorder Committee.
- 2.7 The Home Office guidance envisages that one member of the Crime and Disorder Committee will be a member of the police authority and to comply with this requirement the Crime and Disorder Committee will need to co-opt one of the Council's police authority members, currently

Councillors Hickson and Winter.

- 2.8 The Crime and Disorder Committee will also need to define the role of the co-opted members and decide whether they should have the right to vote.

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Background papers:	Appendix 1 – Implications
List of appendices:	Appendix 2 – Extract on Co-option from the Home Office Guidance for the Scrutiny of Crime and Disorder matters - England

Appendix 1

IMPLICATIONS

Financial

1. None arising directly from this report. There will be costs associated with the operation of the Crime and Disorder Committee and these will be contained within Democratic Services Division budgets

Legal

2. Section 19 of the Police and Justice Act 2006 requires every local authority to have a Crime and Disorder Committee with the power to review and scrutinise and make reports and recommendations regarding the functioning of the responsible authorities.

Personnel

3. None arising from this report

Equalities impact

4. The Crime and Disorder Committee has the potential to benefit all Derby people.

Corporate Objectives

5. This report has the potential to link with the following of the Council's Corporate Objectives:
 - Giving you excellent services and value for money.

Extract from the Home Office Guidance for the Scrutiny of Crime and Disorder Matters – England

Section 3.4 Co-option

The regulations allow Crime and Disorder Committees to co-opt additional members to serve on the Committee. These co-optees can be specialists in particular areas and can bring great value and expertise to the Committee's work.

Members can be co-opted in accordance with the Regulations which allow a committee to co-opt additional persons provided that they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority. The Committee can decide whether they should have the right to vote. However the decision to allow them the right to vote should be taken in accordance with any scheme in place under Schedule 1 of the Local Government Act 2000. Membership can be limited to membership in respect of certain issues only. The Council should take care to clarify the role of such a co-optee who may be expected as part of the committee to hold his or her organisation to account.

There is also a general power to include additional non voting members under section 21(10) of the Local Government Act 2000 and paragraph 5 of Schedule 8 to the Police and Justice Act.

Under Schedule 1 of the Local Government Act 2000, Councils can put in place a formal scheme (similar to the Council's scheme of delegations) to allow a co-opted member to have full voting rights.

If the Council already has such a scheme its co-option plans for community safety must comply with it. Local authorities may prefer to ask people to contribute informally to small task and finish groups or to participate as non-voting members rather than as full voting members of Committees in order to ensure that the co-optee's work and contribution is focussed on areas where they can add most value. A Council may therefore agree that although co-option to its Committee might be appropriate the co-optee should not have full voting rights.

Co-option and Police authorities

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.

Local authorities should take the following steps to involve police authorities in work undertaken by their Committees and for most unitary authorities it is envisaged that one member of the Crime and Disorder Committee should be a member of the Police Authority.

DRR 26 August 2009.