



SCRUTINY MANAGEMENT COMMISSION 28 APRIL 2009

Report of the Director of Corporate and Adult Services

Scrutiny of Crime and Disorder Issues

RECOMMENDATION

- 1.1 To consider the report.
- 1.2 To make recommendations to the Annual Meeting of the Council on the way in which the Council might best discharge its new duties in respect of the scrutiny of matters concerning crime and disorder

SUPPORTING INFORMATION

- 2.1 At its meeting on 10 April 2007 the Scrutiny Management Commission (SMC) was informed about provisions contained in the Police and Justice Act 2006 that would introduce a general power to conduct scrutiny reviews about crime and disorder. The Police and Justice Act also introduced the concept of a 'crime and disorder committee' that would conduct the reviews. Subsequent legislation outlined the responsibilities and powers of local authorities in respect of the scrutiny of matters concerning crime and disorder.
- 2.2 Last year, in anticipation of the commencement of the legislation relating to crime and disorder, the SMC was designated as the Council's crime and disorder committee and this function was included in SMC's portfolio for 2008/09. This was done because SMC scrutinises the Portfolio of the Leader of the Council which includes crime and disorder.
- 2.3 Part of the legislation relating to the scrutiny of crime and disorder came into force in December 2008 and local authorities have been notified it is the Home Office's intention that the Crime and Disorder (Overview and Scrutiny) Regulations 2009 will come into effect on 30 April 2009.
- 2.4 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 cover:

- a) **The co-option of addition members to crime and disorder.**
Crime and Disorder committees may co-opt additional members to serve on the committee where it is considered that this is appropriate for the exercise of its functions.

Co-optees have the same voting rights as any other committee member but a co-optee's membership may be limited to the exercise of the committee's powers in relation to a particular matter or type of matter. The committee cannot co-opt anyone to serve on it where the committee is exercising its powers in respect of an issue in which that person was in any way directly involved.

Committees are required to consult the relevant responsible authorities to determine the most relevant person they should co-opt. The number of co-opted members of a crime and disorder committee cannot be greater than the number of permanent members of the committee and the co-optee's membership of the committee can be withdrawn at any time.

- b) **The frequency of meetings.** Crime and disorder committees must meet no less than twice in each 12 month period.
- c) **The nature of information that must be provided in response to requests for information made by crime and disorder committees.** There is a requirement upon responsible bodies to respond to requests for information made by committees. The information must be provided no later than the date indicated in the request or if this is not possible, as soon as is reasonably practicable.
- d) **The attendance of witnesses at crime and disorder committee meetings.** Committees can require the attendance at their meetings of officers or employees of responsible authorities. Committees must give witnesses at least two weeks notice of meetings at which they are required to attend and witnesses must attend on the specified date unless they have a 'reasonable' excuse.
- e) **The way in responsible authorities and relevant bodies shall respond to the findings of crime and disorder committees.** Where a crime and disorder committee makes a report or recommendations to a responsible authority, that body is required to respond to the committee in writing and within a period one month, or if that is not reasonably practicable as soon as possible thereafter.

2.5 Scrutiny Management Commission is now asked to consider how best the Council might discharge its new duties in respect of the scrutiny of matters concerning crime and disorder. If members agree, the

Commission's recommendations can be reported to the Annual Meeting of the Council on 20 May 2009. Some possible options have been provided for the consideration of the Commission and these are contained in Appendix 2 of this report.

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Background papers:	Appendix 1 – Implications
List of appendices:	Appendix 2 – Options – Crime and Disorder Committees.

IMPLICATIONS

Financial

1. None arising from this report. There will be financial implications associated with some of the options in Appendix 3

Legal

2. The Police and Justice Act 2006 requires local authorities to have a 'crime and disorder committee'

Personnel

3. None arising from this report.

Equalities impact

4. Effective and responsive scrutiny benefits all Derby people.

Corporate Objectives

5. The new crime and disorder scrutiny function links directly with the Corporate Priority 'Making us proud of our neighbourhoods'.

Options – Crime and Disorder Committees

The main points for consideration by the Commission are:

1. The form that the Crime and Disorder Commission (Committee) should take, where it should be located and how it will be supported
2. The membership of the Crime and Disorder Committee
3. The frequency of meetings of the Crime and Disorder Committee. The legislation requires that the committee meet at least twice per year

Some options in respect of these points are considered below:

In 2008 the SMC was designated the Council's 'Crime and Disorder Committee'. This was an interim measure pending the commencement of the legislation. Now that the legislation will imminently come into effect a decision needs to be made about where the Council's crime and disorder function will be located and how it will be supported.

There appear to be three main options for the scrutiny of crime and disorder matters. These are:

1. To continue to designate one of the Council's Overview and Scrutiny Commissions as the Crime and Disorder Committee and simply to separate the agenda for Commission meetings into sections relating to normal Commission business and crime and disorder matters.

Advantages

- Simple to arrange
- No requirement for extra meetings
- No extra cost involved
- No requirement for an additional Commission
- Would not involve any additional meetings as crime and disorder matters would where necessary be considered at the scheduled meetings of the designated Commission
- Would provide a convenient starting point from which it would be easy to move away if circumstances so dictated

Disadvantages

- Co-optees to either the main Commission or the Crime and Disorder Commission could only attend for their part of the meeting
- The membership of the Crime and Disorder Commission would be restricted to membership of the main Commission. There would be no opportunity for members of other Commissions to engage in the scrutiny of crime and disorder matters.
- As part of another Commission the Crime and Disorder Commission would have a relatively low profile.

- The addition of crime and disorder matters to the main Commission agenda could result in long agendas and long meetings and at times special crime and disorder meetings might be needed.
2. For one of the existing Overview and Scrutiny Commission to set up a Sub-Commission which would act as the Council's Crime and Disorder Commission.

Advantages

- Simple to arrange – no change to the Constitution
- No extra cost involved
- No requirement for an additional Commission
- Would provide a convenient starting point from which it would be easy to move to a full Commission if circumstances so dictated
- Would provide a separate body for crime and disorder scrutiny
- Any co-optees to the Sub Commission would only deal with crime and disorder matters

Disadvantages

- Would necessitate a minimum of two extra meetings in each 12 month period
- The additional Sub Commission meetings would require officer support
- Unless specific arrangements were made the membership of the Crime and Disorder Commission would be restricted to membership of the main Commission.
- A Sub Commission might be seen as having a lower status than a full Commission.

3. For the Council to set up a separate Crime and Disorder Overview and Scrutiny Commission

Advantages

- Would provide a separate highly visible and high status body for crime and disorder scrutiny
- Any co-optees to the Commission would only deal with crime and disorder matters
- Membership of the Commission would be open to all the Council's scrutiny members

Disadvantages

- Unless the new Commission replaced one of the existing Overview and Scrutiny Commission this option would:
 - involve extra cost
 - necessitate a minimum of two additional meetings in each 12 month period
 - require additional officer support

- There might be insufficient crime and disorder work to justify the setting up of a separate Crime and Disorder Commission

The membership and frequency of meetings will depend to a large extent on which option is chosen. The officer support will be co-ordinated by the Overview and Scrutiny Co-ordination team with significant input from the Community Safety Partnership and constituent partners.

DRR 15 April 2009.