

## CRIME AND DISORDER COMMITTEE

### Background to Draft protocol for the operation of this function

3. (1) The attached draft protocol is based on the requirements of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and the Home Office Guidance for the Scrutiny of Crime and Disorder matters.

(2) The following provisions in the Regulations are reflected in the protocol:

(a) *Meetings*

(i) The Committee is required to meet at least once every twelve months. It is suggested that there be two programmed meetings a year. The responsible authorities are in agreement with this proposal.

*Setting the agenda*

(ii) A suggested way of developing the agenda for the Crime and Disorder Committee is that the County Strategy Group, on which all of the responsible authorities are represented and which in effect is the County's Crime and Disorder Reduction Partnership, should have an item on its agenda asking partners to suggest crime and disorder issues that they would like the Committee to consider. The Chairman of the County Strategy Group would be invited to the cross party agenda meeting to put forward this suggestion; it would be for the Chairman, Vice Chairman and the Liberal Democratic Spokesman to agree the agenda for the meeting.

(b) *Co-option*

(i) The Regulations allow for representatives of responsible authorities to be co-opted onto the POC. There is an expectation in the Guidance that the Police Authority *will* be represented on the committee, as an acknowledgment of their scrutiny role.

(ii) It is intended that the Council will ensure that the membership of the POC will include at least one County Councillor who is a member of the Police Authority. Currently, Mr Wickham and Mr Chittenden are both Members of the Police Authority and the POC. There are also County Council representatives of the Fire and Rescue Authority on the POC (currently Mr Chell, Mr Craske, Mr Hirst and Mr Wells). Responsible authorities are happy with this arrangement. The importance of ensuring that there is clarity around their joint role is acknowledged.

(iii) The Committee will also reserve the right to co-opt a representative from a responsible authority when a specific matter is discussed.

(c) *Requirement to attend meetings*

(i) There is a requirement for representatives of a responsible authority to attend a meeting of the Committee, if requested to do so, in order to answer questions.

(ii) Responsible authorities are in agreement that at least 28 days would constitute reasonable notice for attendance, whilst acknowledging that this may need to be a shorter period in exceptional circumstances (this ties in with the 28 days specified in the Regulations for responding to recommendation (e)(i) below).

(d) *Requesting Information*

(i) The Committee may make a written request for written information, which must be provided by the responsible authority subject to the information being depersonalised and not prejudicial to legal proceedings or operational matters.

(ii) Again responsible authorities are in agreement that at least 28 days would constitute reasonable notice for requesting written information, whilst acknowledging that this may need to be a shorter period in exceptional circumstances (this ties in with the 28 days specified in the Regulations for responding to recommendations (e)(i) below).

(e) *Reports and recommendations*

(i) When the Committee makes a recommendation or produces a report to a responsible authority, that authority is required to respond in writing to the Committee within 28 days. If there are reasons why this is not possible then the responsible authority should inform the Committee within the 28 day period and seek an extension of time.

(ii) It was suggested to the responsible authorities that an informal meeting should be held with the relevant responsible authorities prior to the recommendations/report being agreed by the Committee and submitted to the responsible authorities for response. This is similar to the practice KCC uses for finalising Select Committee reports, where the Directorate, Cabinet Members and partners are given the opportunity to comment on the draft report prior to it being finalised by the Select Committee. This allows an opportunity to deal with any factual errors and amendments to be made at this stage before the recommendations are published. It would also make a time scale of a response within 28 days more practical for responsible authorities.

(iii) This suggestion was put to the responsible authorities who all agreed that it was a constructive way to work.

# **Protocol for the operation of the Kent Council Council's (KCC's) Crime and Disorder committee functions**

## **Contents**

1. Introduction
2. Scope
3. Frequency of meetings/agenda setting
4. Co-option of Members
5. Requirement to attend meetings
6. Requirement to provide information
7. Meeting protocol
8. Responses to Crime and Disorder reports

## **1. Introduction**

(1) Section 19 of the Police and Justice Act 2006 (which came into force on 30 April 2009) requires all local authorities to identify a Crime and Disorder Committee.

(2) At the meeting of the County Council on 30 April 2009 KCC identified the Communities POC as its Crime and Disorder Committee.

## **2. Scope of the Committee**

(1) The Crime and Disorder Committee has the power to:

- Review and scrutinise decisions made, or other action taken, in connection with the discharge by the authorities responsible for crime and disorder strategies of their crime and disorder functions and make recommendations.
- Consider a Councillor Call for Action relating to crime and disorder matters

(2) The role of the Committee is as a “critical friend” of the community safety partnership, providing it with constructive challenge at a strategic level. Its role is not fault finding at an operational level.

(3) The Committee's remit is to review and scrutinise the decisions and actions of the partnership as a whole and not individual organisations within it.

Note: the authorities responsible for Crime and Disorder strategies are: Kent Police Authority, Kent Police, Kent & Medway Fire and Rescue Authority, Primary Care Trusts and District/County Councils (plus Kent Probation Service from April 2010)

### **3. Frequency of meetings/agenda setting**

(1) Meetings of the Communities POC (meeting as the Crime and Disorder Committee) will be programmed to be held at least twice a year).

(2) An informal meeting will be held at least six weeks before each Committee meeting (and if possible much earlier) where the Chairman, Vice Chairman and Liberal Democrat Spokesman will consider items for the next meeting and agree the agenda.

(3) It is intended that items for the Committee will be suggested by the County Strategy Group and that the Chairman of this Group will attend the agenda setting meeting to put forward these items.

(4) As soon as the agenda has been agreed relevant responsible partners will be informed of any information, attendance or co-optees required for that meeting.

### **4. Co-option of additional Members**

(1) The Kent Police Authority and Kent & Medway Fire and Rescue Authority shall be represented on the Committee by members of the Committee who are also members of the Kent Police Authority/Kent & Medway Fire and Rescue Authority.

(2) The Committee has the right to co-opt representatives from responsible authorities onto the Committee when a specific matter is being considered that may lead to recommendations for that authority.

### **5. Requirement to attend meetings**

(1) The Committee may require an officer of a responsible authority or of a co-operating body to attend before it in order to answer questions.

(2) A minimum of 28 days notice will be given of the requirement to attend, except in the case of urgent items when the notice period may be shorter.

## **6. Requirement to provide information to the Committee**

- (1) Information requested by the Committee from responsible authorities which is relevant to the exercise of the Committee's functions must be provided
- (2) The Committee will give at least 28 days notice of information that it requires, except in the case of urgent items when the notice period may be shorter but this will be the exception.

## **7. Meeting protocol**

- (1) Committee members should not request detailed information from representatives of a community safety partner or another local authority at meetings of the Committee, unless they have given prior notice through the Democratic Services Officer. If, in the course of a question-and-answer session at a Committee meeting, it becomes apparent that further information would be useful, the representative being questioned may be required to submit it in writing to members of the Committee.
- (2) In the course of questioning at meetings, representatives of a community safety partner or another local authority may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to a more senior officer or Member.
- (3) Representatives of a community safety partner or another local authority may decline to give information on the grounds that the answer might disclose information which may not be disclosed under the Local Government (Access to Information Act) 1985 or the Data Protection Act 1998 (in this event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session).
- (4) During the course of the meeting, the Committee, and its members, may not criticise or adversely comment by name any individual officer of another local authority or of a community safety partner organisation.

## **8. Responses to Crime and Disorder Committee reports**

- (1) If the Committee intends to make a recommendation or a report to a responsible authority it will do so in draft form and give the relevant responsible authority the opportunity to comment on the factual accuracy of it before it makes a formal recommendation or produces a report.
- (2) Once a formal recommendation or report is made to a responsible authority, the authority is required to respond in writing to the Committee within 28 days. If there are extenuating circumstances which make this timescale unreasonable, the Committee should be made aware of them in writing as soon as possible and before the end of the 28 day period.