

By: Mr A K King –Deputy Leader
Mr P M Hill – Cabinet Member for Community Services
Mr P Sass – Head of Democratic Services and Local Leadership

To: County Council – 30 April 2009

Subject: Scrutiny of Crime and Disorder matters

Classification: Unrestricted

Summary: To identify a Committee to undertake the County Councils responsibility for Crime and Disorder scrutiny

Crime and Disorder Committee

1. Section 19 of the Police and Justice 2006, which is due to come into force on 30 April 2009, requires every local authority to have a Committee (referred to as the “Crime and Disorder Committee”, which has the power to:-

Review and scrutinise decisions made, or other action taken, in connection the discharge by the authorities responsible for Crime and Disorder strategies of their Crime and Disorder functions and to make reports or recommendations to the local authority on the discharge of those functions.

2. It would appear that most Authorities are planning to add this to the remit of an existing overview and scrutiny committee rather than set up a separate Crime and Disorder Committee.

3. (1) It is suggested that the Communities Policy Overview Committee (POC), as the Overview Committee which has the remit for Community Safety, is designated as KCC’s Crime And Disorder Committee with the following wording being added to the terms of reference in the constitution:-

“.....and discharge the function of the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with Section 19 of the Police and Justice Act 2006.”

(2) It will need to be clear when the POC is meeting specifically to carry out its Crime and Disorder function as there are specific procedural requirements under the regulations (paragraph 4 below refers).

(3) Currently Communities POC tends to finish its business by 1.00pm. If this continued to be the case then at least twice a year it might be possible for it to meet at 2.00pm to carry out its Crime and Disorder scrutiny responsibilities, or it could meet on a separate date if that was more convenient. The POC would also have the option to set up a Sub Committee to carry out their Crime and Disorder scrutiny function. The practicalities can be the subject of a further report to the POC when it meets in July 2009.

Crime and Disorder (Overview and Scrutiny) Regulations 2009

4. On 13 March the above draft regulations were published which are due to come into force on 30 April 2009. The regulations supplement the provisions of Section 19 by setting out the framework for the operation of Crime and Disorder Committees.

5. The regulations make the following provisions:-

Co-option of additional Members

- The Crime and Disorder Committee may (but is not required to) co-opt additional members from bodies responsible for Crime and Disorder strategies to serve on the committee where it considers it appropriate.
- Any co-optee has the same voting rights as other Committee members.
- The number of co-optees must be less than the number of permanent Committee Members.
- It is possible to co-opt just for consideration of a specific matter eg if the committee were considering a matter relating to policing then a representative of the Police Authority could be co-opted for the meeting(s) where this item is considered.
- A co-optee cannot be someone who has been directly involved in or wholly or partly responsible for the decision or action being scrutinised.

Frequency of meetings

- A Crime and Disorder Committee must meet at least twice a year.

Requesting Information

- The Crime and Disorder can request relevant information from the bodies responsible for crime and disorder strategies which must be provided no later than the date specified or as soon as reasonably possible.
- The information will be redacted to prevent the identification of an individual and will not include information that would prejudice current or future operations of the responsible authority.

Attendance at Committee meetings

- Attendees from partner organisations are to be given at least two weeks notice to attend meeting (unless they agree it can be shorter).
- Partners must send someone to the Committee unless they have a "reasonable excuse".

Reports and recommendations

- The responses to a report or recommendations which relate to a responsible body shall be in writing and submitted to the Crime and Disorder Committee within a month from the date of the report or recommendations, unless this is not reasonably possible
- The Crime and Disorder Committee will review responses and monitor any action taken.

Protocol for the operation of the Crime and Disorder Committee

6. Although the draft regulations are available, further guidance is expected on the operation of Crime and Disorder Committees.

8. In order that our partners can be clear about how we intend to work with them in the operation of the Crime and Disorder Committee, it is intended to draft a protocol which will be shared with them and will be submitted to Communities Policy Overview Committee and the Policy Overview Co-ordinating Committee for initial consideration. At an appropriate stage thereafter, the draft protocol will be submitted to the County Council for approval and inclusion in the Constitution.

Recommendation

9. (1) The County Council is requested to designate the Communities Policy Overview Committee as KCC's Crime and Disorder Committee.

(2) The terms of reference for the Communities POC (Appendix 2: Part 2 paragraph 1.5) are to be amended by the addition of the following:-

“.....to discharge the function of the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with Section 19 of the Police and Justice Act 2006.”

(3) It be noted that a protocol for the operation of the Crime and Disorder responsibilities of the Communities Policy Overview Committee will be submitted to the Communities Policy Overview Committee and Policy Overview Co-ordinating Committee for initial consideration prior to a further report to the County Council later in the year.

Mr A J King
Deputy Leader

Mr P M Hill
Cabinet Member for Community
Services

*Enquiries: Peter Sass
Head of Democratic Services and Local Leadership
Ext: 4002*

Background documents: Nil