

## Guidance for the Scrutiny of Crime & Disorder Matters

### Background

All Councillors are aware of the partnership landscape that connects so much of the work of local public services. But the history of partnerships has been a story of evolution more than design. Partnerships on safety are one of the oldest and most prescribed parts of the Local Strategic Partnership family (LSP).

Crime and Disorder Reduction Partnerships (CDRPs) were created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder (although they are not called CDRPs in the statute). In Wales, they are known as Community Safety Partnerships (CSPs). They exist to ensure that a number of prescribed 'responsible authorities' work together to jointly agree and delivery community safety priorities. The **responsible authorities** are:

- The local authority
- The police force
- The police authority
- The fire and rescue authority
- The primary care trust

The responsible authorities have a duty to work in co-operation with the 'co-operating bodies' who are probation, parish councils, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector. It is likely that from April 2010, probation authorities will become responsible authorities and the duties of CDRPs will be expanded to include reducing re-offending.<sup>1</sup>

Other partners can also sit on the CDRP, meaning that membership can vary widely across the country. However, the above core membership is the same for every partnership.

Since 1998, CDRPs have become an integral part of the work of police forces and local authorities in particular, though a wide range of partners may also be involved, tackling a range of local issues to do with safety.

Unlike most elements of local strategic partnerships, CDRPs have been subject in the past to a very significant amount of direction, legislation, and targets from the centre. A review of the Crime and Disorder Act concluded in 2006 and subsequent amendments to legislation were made through the Police and Justice Act 2006. This resulted in regulations<sup>2</sup> and guidance that further evolved the work of CDRPs.

---

<sup>1</sup> Provisions included in the Policing and Crime Bill

<sup>2</sup> The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 and The Crime and Disorder (Prescribed Information) Regulations 2007

It should be recognised that these CDRPs have a relatively long history, which means relationships may be well established and partners cautious about how the dynamic may be affected by new overview & scrutiny activity. They may also be used to working within a tightly defined framework, and may only recently have begun to adapt to an approach which is more flexible and allows more local discretion.

## **Community Safety Priorities**

All CDRPs in England are now part of a new performance framework. What this means is that CDRPs should not be subject to any central targets or funding streams apart from those negotiated through the Local Area Agreement. There are four main elements to the performance framework:

- National Public Service Agreements (PSAs) as measured through the National Indicator Set (NIS)
- the Local Area Agreement (LAA)
- Comprehensive Area Assessment (CAA)
- The Place Based Survey

Government identifies its priorities for reducing crime through PSAs, whereas LAAs reflect local priorities. PSAs and LAAs change periodically; it is important to emphasise that these will reflect, at local level, changes in the community safety landscape in the area, and, at national level, changes in national priorities reflected in government policy.

In order to identify and deliver on the priorities that matter most to local communities, CDRPs are required to carry out a number of main tasks. These include:

- preparing an annual strategic assessment - this is a document identifying the crime and community safety priorities in the area, through analysis of information provided by partner agencies and the community.
- producing a partnership plan, laying out the approach for addressing those priorities;
- undertaking community consultation and engagement on crime and disorder issues;
- sharing information among the responsible authorities within the CDRP.

These key tasks have been affected by the changes put in place relating to the CDRP performance regime - see section below on 'Performance Monitoring for Crime & Policing'.

The power to scrutinise LAAs was given to Councils as part of the Local Government and Public Involvement in Health Act 2007, although it is recognised that it may not provide best use of scrutiny resources to focus too much time on performance information. However, a more strategic assessment provides a chance to get underneath high-level information and think about how well the partnership understands the area and its mapping need. For example, some areas may have

access to quite sophisticated crime and anti-social behaviour mapping technology, that Councillors may be unaware of and find insightful.

## **Delivering Community Safety**

The 'Independent Review of Policing' carried out by Sir Ronnie Flanagan, published in early 2008, stated that, "policing is far too important to be left to the police alone". This is even more relevant when it comes to community safety and was behind the introduction of the Crime and Disorder Act 1998.

Community safety is not just about the police. Like every challenging outcome that local authorities and their partners deliver for their communities, community safety needs a wide range of people and organisations to be involved and contributing to address crime and its causes. This theme was expanded upon by the Policing Green Paper - 'From the Neighbourhood to the National: Policing our communities together', published in July 2008, which emphasised the role both of CDRPs, other partnerships and of local communities in improving community safety. The public policy imperative for close joint working, across a wide range of organisations and sectors, is consequently very clear.

### Looking More Widely at Partnerships

A good illustration of how effective community safety needs to be creative and draw in the widest group of agencies was provided in a practical guide called 'Tackling Gangs'. While gangs and gang violence may seem like a serious problem for the police to deal with, the guidance showed how real impact could only be achieved with a much wider approach, and recommended creating a multi-agency partnership to include:

- Police
- Local authority: community safety, anti-social behaviour team, children and young people's services, housing
- Crown Prosecution Service
- Further education colleges
- Prison Service
- Probation Service
- Youth Offending Team

Whilst these would provide leadership, there might also be other organisations whose involvement might really make a difference:

- the business community – they have an interest in reducing crime and can provide job training, voluntary opportunities and sponsorship for projects;
- the voluntary and community sector – they can create vital links to hard to reach parts of the community, providing both trusted services and valuable information;
- Department for Work and Pensions and Driver and Vehicle Licensing Agency – they can help crack down on gang members committing benefit fraud or licensing offences
- Revenue and Customs – they can help tackle illegal import of weapons and drugs

- Primary Care Trusts – gang members will often report to A&E when injured, but not report to the police
- TV licensing – can go into gang members homes and be part of a campaign to put pressure on gang members

## Responsible Authorities

While the role of overview & scrutiny is to **scrutinise the partnership as a whole**, good scrutiny is based on relationships and mutual understanding. This section explains the individual roles within the partnership in more detail.

### Local Authority

Most local authorities have staff dedicated to community safety, though resources in smaller districts may be limited. But community safety needs the support of a wide range of people throughout the council to be effective. The council has a legal duty under section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with due regard to the need to prevent crime and disorder in its area. This duty is likely to be extended to include reducing re-offending from April 2010<sup>3</sup>.

Public policy makers in local authorities and other sectors have grappled for some time with issues relating to the links between crime and services provided by the council and its partners. The relationships between specific services such as child welfare, education and training, health (including mental health), and crime and disorder priorities are complex.

A common priority is tackling anti-social behaviour - in order to successfully tackle anti-social behaviour you first need to understand it – therefore information exchange and analysis of the problem including those involved, is the first stage.

The solution to an anti-social behaviour problem does not lie with one service or partner agency alone. Therefore, co-ordinating services including youth support, drug and alcohol action, policing and park management is important given their links to those involved in anti-social behaviour.

The importance of giving people a good start in life is obvious – this is why local authority functions such as Children’s Trusts and Youth Offending Teams are important contributors to community safety. Youth Offending teams sit within the local authority but bring together multi-agency partnerships around education, health and social services, overseen nationally by the Youth Justice Board.

If people have jobs, relationships, houses and good mental health they are far less likely to commit crime or re-commit crime even if they have been convicted in the past. Other important partners are:

- Drug and Alcohol Action Teams – another local authority team that leads a multi-agency partnership and links into the community safety partnership.

---

<sup>3</sup> Provisions included in the Policing and Crime Bill

- Housing services - either in-house, arms length or from social housing providers, are an important partner, both in getting people settled but also in tackling problems such as estates whose design encourages crime.
- Adult Social Services have a role to play in working with people with chaotic lives and mental health needs in particular

### Police

No one person is in overall control of policing in England and Wales. The current governance arrangement which involves chief officers of police, police authorities and the Home Secretary - known as the 'tripartite arrangement' – has evolved over time, based on the broad principles of political impartiality of the police, policing by consent of the public, the Government's overall responsibility for ensuring a safe society in which to live, and the need for the expenditure of public money to be properly accounted for.

There are 43 police forces in England and Wales, as against the 381 local authorities, which means that many police forces deal with several local authorities at once. For some areas this is more problematic than others. For example, in London there is only one police force - the Metropolitan Police, for all 32 borough councils. However, London is divided into 34 Basic Command Units (BCUs) which are coterminous with each borough, with two separate BCUs for Heathrow and the Royal Parks.

Chief Constables have discretion to organise their force anyway they see fit, and may use a variety of different terms for the sub-units within the force, including BCU, Division, District or Borough. For example, in Thames Valley Police there are only five BCUs, but these are subdivided into “Local Policing Areas” that are coterminous with local authorities. Below the BCU level there are Safer Neighbourhood Teams. These have been rolled out throughout England and Wales as an important part of partnership working, and the latest focus is on joining up Neighbourhood Policing with Neighbourhood Management.

### Police Authority

The role of the police authority is to secure an efficient and effective police force for the area. This is done by setting the strategic direction for the police in the area for which the authority is responsible, and by holding the Chief Constable to account. All police officers and staff are accountable to the Chief Constable, and the Chief Constable to the police authority.

In order to do this, police authorities have an officer structure that supports a committee made up of local Councillors and independent members, with Councillors holding a majority of one. Councillors are drawn from top-tier authorities using a formula to give political balance. At least one of the independent members must be a magistrate. Most police authorities have between 17 and 25 members, though 17 is typical.

The police authority sets the strategic direction for the force by, amongst other things, deciding how much council tax should be used for policing (allocated by the use of

precepts) and putting in place local police priorities. In doing so, police authorities also have a statutory duty to consult communities.

In holding the Chief Constable to account, police authorities carry out functions similar to those which the overview & scrutiny committee might seek to exercise. It is important to emphasise that scrutiny bodies and police authorities should work closely together to ensure that their activities are complementary.

### Fire & Rescue

Fire and rescue services have a relatively focused remit, but are often committed and enthusiastic members of community safety partnerships. Fire and rescue is structured into 50 services across England and Wales with accountability provided through the fire authority.

The fire authority is a committee of Councillors. How this committee is made up depends on the boundaries of the fire service. Where boundaries are co-terminous (which is the case for counties) the fire authority is a committee of the council. Where the fire service covers more than one authority (as in the case of York), there is an external committee that is made up of Councillors from each of the local authorities in the area.

The fire and rescue service may make the following contributions to community safety:

- fire safety education, focusing on children in schools and groups in the community who may be particularly vulnerable;
- road safety - reducing collisions and accidental deaths;
- planning for, and reacting to emergencies such as floods;
- being a positive mentor and role model for young people

### Primary Care Trust

Health is a statutory partner in CDRPs through legislation. Its role is often problematic and historically they have been the most difficult partner to engage in CDRPs. Areas where health has a role in community safety include:

- tackling the misuse of alcohol, drugs and other substances, commissioning and providing appropriate drug and alcohol services;
- arranging for the provision of health advice or treatment for people who put themselves or others at risk through their use of drugs or alcohol;
- helping to support the victims of domestic violence; and
- working with other local partners to help prevent problems occurring in the first place, for example by alerting the police to licensed premises where a lot of alcohol-related injuries occur.

### Probation

Legislative changes likely to take effect from April 2010 will require each provider of probation services in an area to become a responsible authority. Probation authorities will then have an equal role in CDRPs alongside the other five responsible authorities. Some probation areas already have effective relationships and a clear role within local

partnerships, although the duty placed on partnerships to address re-offending and on probation to be a full responsible authority will enhance this relationship in the future.

Probation is part of the National Offender Management Service (NOMS), which also runs prisons and therefore has an important role in the criminal justice system. The changes planned through developments in NOMS will bring about Probation Trusts who will both commission and provide court and offender management services.

Some examples of probation's role include:

- preparing pre-sentence reports to help magistrates make sentencing decisions;
- supervising community orders, including 'Community Payback';
- helping offenders develop life skills so they can get back into education or employment;
- collaborating on programmes to tackle issues like drugs, drink driving and domestic violence;
- supporting Multi-Agency Public Protection Programmes (MAPPA) which assess and control high risk offenders on release

## **Performance Monitoring for Crime & Policing**

The performance landscape for community safety, and CDRPs, is changing. Scrutiny should be aware that police and community safety partnerships are adjusting to significant changes in planning, monitoring and assessment. The changes brought about in the Policing Green Paper should make it easier for the police to work even more collaboratively at the local level, but there may be a period of adjustment and learning, which could even create opportunities for overview & scrutiny to contribute constructively through challenge, and help with policy development. Some of the changes are:

- introduction of the Policing Pledge;
- greater focus on rigorous scrutiny of performance of the police force by the police authority;
- external monitoring to move from the Home Office to Her Majesty's Inspectorate of Constabulary (HMIC);
- crime maps and neighbourhood-level information now available for all 43 forces (since December 2008);
- much more public information – surveys, website with quarterly information, public reporting of police authority inspections, letters from HMIC to chief constable and chair setting out performance issues and requiring an action plan; greater focus on self improvement and peer support. Regional Improvement and Efficiency Partnerships will have responsibility for supporting CDRPs.

## **Community Confidence**

The most significant recent change for both the police and partnerships is in a new approach to dealing with community confidence. All other targets on crime have been

abolished except for one, which is a public perception indicator measured through the British Crime Survey. The question they ask members of the public is whether they agree with this statement:

*The police and local council are dealing with the anti-social behaviour and crime issues that matter in this area.*

Confidence presents a significant opportunity for overview & scrutiny. For example, the most significant factor in the Metropolitan Police Service's approach to confidence, is community engagement. In representing the community, overview & scrutiny has the potential to make a real contribution to understanding confidence and increasing it.

## **Overview & Scrutiny and Community Safety – working together**

Community safety partners have a long history of working together and getting results. The introduction of an overview & scrutiny committee with responsibility for crime & disorder, enhances existing partnership arrangements by developing a clear structure for overseeing and reviewing the delivery of joint responses on community safety and by creating a clearer link between partner agencies and the public on community safety.

Because the role of overview & scrutiny should be focused on the partnership as a whole, 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.

Overview & Scrutiny, done well, can always add value. Public services can be improved by an independent eye providing balanced, researched and constructive ideas. Part of that success, however, depends on choosing the right topic and understanding the landscape. Here are some suggestions about how the scrutiny of crime and disorder matters could add value and focus on issues that matter to the public:

**Neighbourhoods** – Neighbourhoods are very important for both community safety and Councillors, but understanding how to make the most of this connection may need some careful investigation – there is no national direction on what neighbourhoods should look like, so they are different everywhere. But every part of England and Wales has a neighbourhood policing team, and many local authorities have linked this with their own neighbourhood management and with ward Councillors.

**Confidence** – The new confidence agenda for councils and the police presents real opportunities for overview & scrutiny. As well as being a shared responsibility across the two organisations, it's also an area that Councillors should have a unique perspective on. As the police and partners develop an increased focus on communicating and engaging with the public, overview & scrutiny may be able to provide practical help and suggestions. This might draw on community knowledge, or help link the police with the experience of other services in the area that have been successful at building a connection with local people. Police authorities are tasked to

hold the Chief Constable to account for performance against the confidence measure, so this might also be a fruitful area for joint scrutiny with the police authority.

**Criminal Justice** – The Policing and Crime Bill contains measures to add reducing re-offending to the core areas of focus for CDRPs, as well as increasing the responsibilities of probation. These changes, along with a clear focus on integrated offender management will mean that there will be a period of change. The Ministry of Justice is also encouraging magistrates to become more involved in engaging with the community. Partnerships might benefit from the support of overview & scrutiny to help them manage these transitions successfully, and get the most from better engagement with the criminal justice community.

**Territory & Hierarchy** – Partnership working is complex, particularly in areas with complex geography such as two-tier areas. There can be tensions between the county's LAA – which will have community safety targets - and district CDRPs – because in most cases CDRPs exist at district council boundaries although there is a requirement for county co-ordinating arrangements to add value and bring together district community safety activity. For overview & scrutiny to be successful, Councillors need to develop an understanding of what the local crime and disorder structures are, the dynamics that exist at different layers of partnership activity and of any tensions that might exist. Scrutiny provides an invaluable tool in offering an independent voice to challenge whilst still respecting local flexibilities and sensitivities.

## **Identifying a Community Safety Topic**

In order to develop an annual work programme, some councils have chosen to carry out a formal public consultation process which included direct mail to partner organisations, advertisements in the local media and parish council newsletters, and discussions with the directly elected mayor, Councillors and a citizen's panel.

This process for identifying topics was adopted by Bedford Borough Council and proved effective in helping them work in closer partnership with the police. For example, on one occasion the police responded to the consultation by requesting a review of local "cop shops" and Police Community Support Officers (PCSOs). This created a context that was followed up by collaboration throughout the process. When a public forum was held in a local school to gather scrutiny evidence, it carried both the council and police logos and attracted a good audience. Members got 'their hands dirty' by spending half a day on the beat with PCSOs. PCSOs completed confidential questionnaires which also went to the council's own street and park rangers.

At the end of the process, the police and community safety teams remained involved, participating in both the review of the evidence and the informal meeting to consider what recommendations to include in the review final report. As a result of this collaborative approach, the report was accepted and police implemented the majority of the recommendations, twice reporting back to the overview & scrutiny committee on progress. More widely, the review developed and cemented relationships and demonstrated the value scrutiny can add to partners' own priorities.

## Structural Issues in English Unitary Areas

The boundaries of unitary areas in England (areas where a single local authority is responsible for a given geographical area), rarely match the boundaries of a police area, or the operational area of another partner (this is often called co-terminosity). Often, a single community safety partner might have to deal with a number of different authorities operating in neighbouring areas. This can have the effect of stretching resources, and duplicating scrutiny activity undertaken in different authorities resulting in a particular challenge for police authorities.

Because of the problem of co-terminosity, partners and those scrutinising their actions should be careful both to ensure that the demands that they make on each other are not unreasonable, and that neighbouring unitaries work closely with one another by aligning their work programmes to minimise duplication where possible.

As a member of an overview & scrutiny committee dealing with crime & disorder issues, you should:

- work with the other councils in the county area to see if you can develop a joint approach to the scrutiny of community safety issues. A number of counties have already started developing joint scrutiny across the board in a county. For example in Cumbria and Cambridgeshire, councils have come together to carry out overview & scrutiny work which cuts across a number of different authorities in a two-tier area. This could take the form of a standing arrangement, or a more ad hoc approach, whereby you could consider whether other councils in your area are likely to have an interest in the topic you are considering for scrutiny, and, if so, seek ways of working collaboratively.
- work with other councils in developing your work programme. By so doing, you can identify areas where more than one authority is planning to carry out a piece of work on a given subject over the course of a municipal year. The evidence-gathering process can be planned so as to ensure that multiple pieces of work complement each other. There may be a possibility for carrying out such work jointly, as described above. This will minimise the risk that partnerships will be expected to contribute to a large number of reviews on a similar subject at the same time.

## Use of Different Techniques

Overview & Scrutiny can take a variety of different approaches to scrutinising community safety issues. While the focus of sections 19 and 20 and the regulations, is on committees, a lot of scrutiny work is likely to be undertaken in different ways.

- **Policy development** – scrutiny committees may carry out in-depth scrutiny reviews focused on a specific topic relevant locally. Often this is done by means of a task and finish group, which will examine evidence from a wide variety of sources before producing a report and recommendations, to which partners

and/or the council's executive will have to respond. These pieces of work arguably have the most impact on local policy making, and we will provide you with some examples of them below.

- **Contribution to the development of strategies** – if the community safety partnership is putting together a strategy, plan, or policy, it may be useful to build in a process for scrutiny at draft stage. Councillors can provide valuable evidence to support the drafting process – especially intelligence from the local community.
- **Holding to account at formal hearings** – bringing in representatives of the partnership and questioning them about their roles, responsibilities, and activities. This is the simplest method for scrutiny to “hold the partnership to account”, though this has limitations in terms of constructive outcomes and should be a small part of interaction between scrutiny and the partnership.
- **Performance management** – examination of the performance of the partnership, often using high-level scorecards or, where appropriate, more detailed data. The best scrutiny functions will use this as an opportunity to look at performance “by exception” (which will highlight both particularly good, and particularly poor, performance), as part of their existing processes for monitoring performance across the Local Area Agreement. This could involve the committee looking at particularly good performance, to see what lessons can be learned, thus sharing good practice across all public and third sector organisations operating in the local area.

## **CAA and Overview & Scrutiny**

CAA is about providing for the public a rounded view of the performance of local public bodies and how they deliver in partnership. Judgements are based on the evidence that public bodies generate through their ordinary working, and therefore high-quality evidence from overview & scrutiny will appropriately influence the Audit Commission in making those judgements.

Generally speaking, scrutiny has two important roles to play within the assessment process:

- Looking at the results of assessments, and using this data to decide which areas of crime and disorder/community safety activity should be the subject of scrutiny work.
- Carrying out scrutiny investigations which feed into the assessment process. In particular, scrutiny may want to focus on identifying areas of exceptionally good performance that merit 'green flags.'

## **Particular strengths of Overview & Scrutiny**

Scrutiny can, by using the different techniques above, apply itself to a number of different policy areas. There are a number of particular strengths of scrutiny – engagement and involvement of local people, analysis of issues of local concern, and promotion of joint working – and provide a number of examples of successful reviews demonstrating these.

### Engagement & Involvement of Local People

Detailed scrutiny work can help the community safety partners to involve local people more in the work they carry out. This can be difficult for partners to do on their own, and the experience, knowledge and community intelligence which Councillors can bring to the process is invaluable. For example:

- Rugby was one of the first councils to pilot the operation of community safety scrutiny. To involve the community in the work they undertook, they decided to co-opt a number of community representatives onto the committee that looked at community safety issues.

If a more flexible approach is required, an authority may choose to co-opt local people onto an informal 'task and finish' group instead of onto the formal committee. Public meetings can also be worthwhile in gathering valuable evidence which can be used to influence future policy-making. For example:

- In Waltham Forest a public meeting about knife crime was held, focusing on children and young people, which heard emotive evidence from victims and relatives on the devastating effect of such crime on the community, as well as positive and constructive ideas on how the problem could be solved.

### Analysis of Issues of Local Concern

The fear of crime is a significant issue for many people. This can cause problems for partners, who find it difficult to reconcile this perception with the reality, in many areas, of falling crime levels. This can be interpreted by local people as an unwillingness to respond to problems which they know exist in the local community, irrespective of the evidence which has been gathered by sources such as the council and the police. Scrutiny can play, and has played, a vital role in resolving this impasse and setting out a way forward for local people and professionals. For example:

- In Harrow, particular concerns arose when it became apparent that the fear of crime was rising, and was a key issue for residents as identified through the Quality of Life survey. Members decided to conduct a review on the subject which culminated in a conference bringing together local people, a wide range of community safety, and other partners in the local community. This led to a keener understanding amongst partners and the council of how the issues around perception of crime had arisen, and a commitment to tackling these issues. Recommendations were made which contributed to a significant reduction in the fear of crime the following year.

- In Middlesbrough, Members carried out work into the perceived problem of “teenagers hanging around”. Again, this was an issue of perception. By taking evidence from young people and those who felt threatened by their behaviour, members were able to build an understanding between the different groups involved, and present a report on the matter which informed local partners’ responses to the fear of crime (and encouraged joint working between community safety partners and others).

Anti-social behaviour is another issue which is often high on the local political agenda, connected to the more general fear of crime as covered above. Here again, scrutiny can help to cut through perceptions and provide clear evidence to back up given policy recommendations. For example:

- In Stoke, in response to concerns about the rise in violent alcohol-related crime in its city centre, a review of the issue was carried out involving community safety partners, and others more widely involved in business and regeneration. Recommendations included the need to highlight to the council and partners the good work already being undertaken and joint working between transport providers, the licensing authority, businesses and community safety partners to improve the night-time environment.
- In Redbridge, the scrutiny function carried out an in-depth piece of work into CCTV. This resulted in the council and a number of partners – not just CDRP partners – putting together a strategy for the more effective deployment and use of CCTV cameras. This included the placement of re-locatable cameras, and the requirement that the likely effectiveness of new installations would have to be demonstrated, with agreement being reached across the partnership.

## **Partnership Working**

The scrutiny of community safety issues is just one part of a wider agenda in local policy-making for partnership working. There is a significant opportunity for overview & scrutiny to contribute to this agenda, and in a number of ways:

- through providing evidence to influence judgements as part of the Comprehensive Area Assessment;
- through monitoring the delivery of partnerships against the negotiated targets in the Local Area Agreement; and
- through an understanding of the wider implications of community safety issues, informed by section 17 of the Crime and Disorder Act.

For this reason, it is important to emphasise that the scrutiny of community safety partners and community safety issues is not a stand-alone exercise. It should always be seen in this wider context. Scrutiny will have a role to play in linking up partners working across the spectrum of local policy-making – not just those working in community safety.

Councils should develop ways to integrate the scrutiny of community safety issues within a cohesive and coherent strategy for the scrutiny of other partners and the services they deliver.

#### General Benefits of Joint Working

Meaningful partnership working that can go beyond high-level agreement and over strategy into sustained collaboration on operational issues, is particularly valuable. For example:

- Members in Middlesbrough have recently been carrying out work on the responses of the criminal justice system to the needs of victims of crime. This work involved a large number of local partners, including Youth Offending Teams and the Probation Service. It looked at the difficult issues around the differences between victims and perpetrators of crimes, and the chain of events that can lead one to the other. It evaluated the services provided to such people by a whole range of partners and identified gaps where joint working needed to be improved.
- In Oxfordshire, the county's Community Safety Scrutiny Committee carried out a review to answer the question, "How can Oxfordshire County Council and county Councillors best engage with the county's Neighbourhood Action Groups (NAGs)?" These groups were set up to work with the police's small ward-level community policing teams. Recommendations were made which included the enhancement of information sharing between NAGs and other community safety partners – thus improving the extent to which community intelligence found its way into more strategic policy-making – and an increase in resources, both from the police and the council, to ensure that NAGs could be of maximum effectiveness.

## **Guidance on Sections 19 and 20 of the Act & the Regulations**

### Committee Structures

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 or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under section 19 – see Appendix C.

All authorities – including fourth option authorities - will need to create, or designate, a crime and disorder committee to deal with crime and disorder scrutiny (see section 2, above, for more detail on executive arrangements).

The terms of reference of the committee are to scrutinise the work of the community safety partnership (i.e. in York's case, the 'Safer York Partnership') and the partners who comprise it, **insofar as their activities relate to the partnership itself**. These partners (responsible Authorities) are listed in 'Background' section above. It will be up to each authority – along with its partners - to decide on the best way to put procedures in place for these new scrutiny powers.

The Act and the Regulations do not require councils to alter existing committee structures. There must however, be a formal place where community safety matters can be discussed – in York this will be the Community Safety Overview & Scrutiny Committee.

#### The Role of the Community Safety Overview & Scrutiny Committee in York

Scrutiny work is more likely to be effective where it focuses on a policy issue, rather than on a single organisation. The legislation therefore gives powers to scrutinise the CDRP, rather than the partners – this supports a focus based on policy and finding solutions.

Focusing on policy :

- gives the partners the reassurance that the crime and disorder scrutiny committee is there to ensure that the community safety partnership is accountable and its performance is improved, rather than just 'having a go' at the partners;
- emphasises the fact that scrutiny is focused on improvement, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership;
- means that there is wider scope for the committee, or group of members, to cut across organisational boundaries over the course of their investigation.

The role of the committee should be as a 'critical friend' of the Safer York Partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level. At a basic level, the role of the committee is to do the following:

- to consider Councillor Calls for Action that arise through the council's existing CCfA process (see detailed guidance on CCfA previously approved by Scrutiny Management Committee) 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.
- to consider actions undertaken by the responsible authorities on the Safer York Partnership;
- 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 recommendations will be directly for responsible partners as well – see 'Making & Responding to Recommendations' section below.

The committee should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the Safer York Partnership and reflect local community need.

## Protocols

It is suggested that partners and the scrutiny function at the local authority develop a short, flexible and meaningful protocol which lays down the mutual expectations of scrutiny members and partners of the community safety scrutiny process. This should enable the Community Safety Overview & Scrutiny Committee to embed its work programme more effectively within its core purpose. Certainly, getting the work programme right will be crucial to the success of the scrutiny process for community safety.

Developing a protocol should also be a means to an end – a method of improving the relationship between the scrutiny function and its partners. It is not a legal document setting down minimum standards or something to be “complied” with. For example:

- the London Borough of Haringey has been doing in-depth reviews of community safety for many years, and has a strong relationship with community safety partners. For them, building that relationship was all about people. Firstly, the council community safety team sat across the corridor, and they built informal relationships as officers. Secondly, the Executive Member for community safety was once a scrutiny chair, and she acted as an advocate for scrutiny, suggesting ways that they could get involved and support what partners were doing. Thirdly, the police seconded an officer to work in the council for several years so the scrutiny function was able to build relationships with a familiar face.

These opportunities enabled the scrutiny function to build a reputation for being an independent voice. Partnerships can have their own tensions, and partners in Haringey learned that scrutiny could moderate between different views and carry out genuinely useful work that partners valued, supporting policy formulation and facilitating a community response. Their workstreams included:

- Anti-social behaviour – this was successful because it was deliberately timed to fit with a strategy the partnership was writing and could therefore feed into the strategy directly;
- CCTV – the partnership requested the scrutiny functions help as part of a wider review of CCTV, and even provided funding to engage Leicester University for expert advice;
- street prostitution – this review used a well-known criminologist, and it was so well regarded that Haringey’s scrutiny function was later called as a witness by the London Assembly during their own review of the topic across London

## Frequency of Meetings

The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year. If a local authority decides to undertake ‘set piece’ community safety scrutiny only once a year, this annual meeting could be in the form of an event looking at crime and disorder matters and discussing which crime and disorder matters should be considered in the next municipal year as matters of local concern.

Alternatively, the scrutiny function could consider community safety issues more consistently throughout the year, just as it would with any other subject matter. Although it is difficult to suggest an arbitrary figure for an 'ideal' number of meetings, scrutiny functions and partners should work together to come up with local solutions, which might form a combination of formal meetings, informal "task and finish" groups, or other methods of evidence gathering and public involvement.

As part of the accountability role of the committee, it might be useful to request the attendance of senior members of the partnership at key meetings through the year. This might include the chair of the partnership, the Executive Member with community safety responsibilities, or senior members of partner organisations, such as the local police commander.

In York it has already been agreed that each Overview & Scrutiny Committee will receive an annual report from the relevant local strategic partners. It is envisaged that this report would identify the partner's targets and priorities for the forthcoming year in order that the committee can consider these when agreeing its own annual work programme for that period to enable co-ordination.

#### Joint Crime & Disorder Committees

Section 21 of the Police and Justice Act 2006 amended section 5 of the Crime and Disorder Act to enable the Secretary of State to make an order requiring councils to appoint a joint committee to carry out crime and disorder scrutiny functions. This will be used where CDRP mergers have taken place, so that responsible authorities and co-operating bodies are not required to answer to two or more separate crime and disorder committees. Otherwise, committees may find it beneficial to work together informally.

A number of local authorities have already taken this joint approach and because of the link with the LAA and community safety, one possibility would be that community safety issues could form part of the work of a joint overview and scrutiny committee. Two examples of this are :

- Councils in Cumbria have created a Joint Committee which aims to take a strategic overview of the performance and delivery of the community strategy as co-ordinated through the Cumbria Strategic Partnership.
- Staffordshire County Council have set up a Partnerships, Scrutiny and Performance Panel to examine the performance of the Local Area Agreement which includes the delivery of the community safety agenda.

While a joint approach to crime and disorder scrutiny is beneficial, it should not be undertaken instead of scrutiny by individual local authorities at a district or county level, but should be used to complement that form of scrutiny. It should also be emphasised that it is quite possible to take advantage of many of the benefits of joint working merely through enhanced communication between neighbouring authorities and their relevant partners. For many authorities and their partners, joint arrangements may not be appropriate or desirable at present.

### 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 to vote should be taken in accordance with any scheme in place under Schedule 1 to 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 own organisation to account.

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

### Co-option and Schedule 1 to the Local Government Act 2000

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.

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, to ensure that co-optees' work and contribution is focused on areas where they can add most value.

### 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.

There are a number of options available for a local authority to involve police authorities in work undertaken by their Community Safety Overview & Scrutiny Committee:

**Option 1** - One member of the crime and disorder committee could be a member of the police authority (as is currently the case in York). It is envisaged that this approach will be adopted by most counties and unitaries. However, there are a number of circumstances where this will not be possible. In many authorities (unitaries, counties and districts alike) there may be no member appropriate to sit on the committee in this capacity. The principal reasons would be:

- If the relevant local authority representative on the police authority is a member of the Executive; or
- If the local authority has no direct member representation on the police authority. There are many areas for which this will be the case, given that most police authorities cover large areas but only have 9 local Councillor members.

**Option 2** - The second option is for all other circumstances – covering most districts, and those counties and unitaries where having a police authority member on the committee will not be possible.

In these circumstances, a member of the police authority should be issued with a standing invitation to attend the committee as an “expert adviser”. Ideally this would be a police authority member, but subject to local agreement there may be some circumstances, and meetings, where a police authority officer would be more appropriate. For example, care will need to be taken when inviting police authority members to attend when they are also Councillors.

Such an advisor would not be a formal member of the committee, but would be able to participate in committee discussion as an expert witness. Steps should be taken to ensure that, where appropriate, the police authority have a direct input into the delivery of task and finish reviews that involve the police. The level of involvement in such work that is appropriate, can be decided between the police authority and the local authority, i.e. the authorities delivering the work.

Agreement over these issues should form part of a protocol between the local authority and its partners. This will allow for local differences, and for agreement over further methods of engagement and involvement – the sharing of work programmes and delivery of joint work pertaining to the police, for example. The vital thing to remember is that clear and sustained engagement between the police authority and the local authority, **as equals**, will be necessary to make sure that their roles complement each other. This goes beyond attendance at committee, which should be treated as only one element of this engagement.

These arrangements, and the unique relationship which is necessary between councils and police authorities, should not divert overview & scrutiny committees or their partners from the fact that the scrutiny of community safety is about much more than the police force and their activities, as made clear in earlier sections.

**Option 3** - The third option would be for committees to consider co-opting a police authority member onto the committee when policing matters are being considered, and it would be for the police authority to decide the most appropriate member to appoint – this can be an independent or Councillor member. This would provide a more direct link between the police authority, and the overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing.

### Information Requests

As part of the crime and disorder scrutiny process, the relevant overview & scrutiny committee will from time to time request further information from the community safety partnership – performance information, for example. When asked, the partnership will be under a duty to provide this information. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible.

### Timescales

Community safety partnerships will be obliged to respond to requests from committees within a reasonable time. The committee and the partnership may want to agree a certain timescale locally. Partnerships should bear in mind the need for the information to be relevant to the committee's purposes. There is obviously little purpose in burying Councillors beneath a morass of reports filled with technical jargon. This may provide an opportunity to reappraise how internal reports could be drafted in a more accessible style and made more widely publicly available. A partner organisation may choose to assign a named link officer to liaise with the overview & scrutiny committee, to ensure that communication is swift and effective, and that requests for information can be dealt with smoothly.

Councillors should ensure that requests for information are well focused and thought through. Requests should avoid duplication (with requests made quite recently, or requests being made by neighbouring councils which might impact on the same partner organisations).

### 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 committee to properly exercise its powers. The information should also not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority or co-operating body. In practice, it is unlikely that the committee will need to receive reports relating to specific individuals, or where specific individuals need to be mentioned in respect of crime and disorder matters.

Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by making reports (or parts thereof) exempt i.e. on a committee agenda, i.e. an item to be heard without the press or public present.

### Attending Committee Meetings

From time to time, the committee may request the attendance of a representative of the partnership. It is common practice in local authority overview and scrutiny work for people to attend to give evidence to scrutiny enquiries. It is often good practice for those attending to receive details of why they are attending such meetings.

Community safety partners should be given reasonable notice of the intended date for the meeting. Without this, they are not obliged to attend. What is meant by 'reasonable notice' is not clarified in the regulations or legislation and is something

which could be defined in a local protocol on crime and disorder scrutiny as agreed by the committee and local partners. Such an invitation should not be considered a threat. Instead, it is an opportunity for crime and disorder partners and the committee to discuss issues of mutual concern or to highlight positive work to help reduce crime and disorder.

The attendance of officers/employees can also help support local public scrutiny. It will generally be more appropriate for more senior employees/officers to attend, mainly because they are likely to have the general expertise to enable them to answer policy questions at the meeting itself. Likewise, a Councillor should not consider the power to invite representatives of the partnership to attend to discuss community safety issues as a power they can exercise without regard to the capacity constraints of the partners they are inviting, or the value they are likely to be able to add to a committee discussion.

#### Making & Responding to Recommendations

If a committee 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 relevant responsible authorities or co-operating bodies as are affected by the report or recommendations, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 2006;
- 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);
- Following the receipt of the response, the committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

As already suggested, a protocol might be helpful to define how these arrangements will work in practice. Such a protocol could well make provision for the scrutiny function to consult the partnership informally on a report, or recommendations, before the report is formally submitted. This consultation will make it more likely that recommendations, when they are formally made, are relevant and realistic.

With this provision there is a clear link between the Police and Justice Act and the Local Government and Public Involvement in Health Act, which also requires partners to respond to requests for information, and to respond to reports and recommendations made by an authority's scrutiny function. Section 19 of the Police and Justice Act complements these existing powers.

### Glossary

Here are some terms you may come across that have not been mentioned elsewhere in this document:

- **Activity Based Costing (ABC)** –an approach taken in the police which tries to measure how police time is spent, in order to improve efficiency. It is being scaled back for being too bureaucratic, but will still be used in a more limited way.
- **Assessment of Policing and Community Safety (APACs)** – is the assessment framework for the police and community safety, and has been designed to link with Comprehensive Area Assessment. It replaces the Policing Performance Assessment Framework (PPAF).
- **Justice Reinvestment** – is a concept from America that aims to reduce re-offending by moving resources down to the local level. There is a pilot currently being run to test this idea in London called “Diamond Districts”.
- **Local Criminal Justice Board (LCJB)** – is the partnership board that oversees criminal justice. Though it is called “local” it usually operates at a higher level than the local authority.
- **National Intelligence Model (NIM)** – is a business model for policing that uses intelligence about crime patterns to inform how resources, including across partnerships, are deployed.
- **Prolific and other Priority Offender scheme (PPO)** – is a scheme run by all CDRPs to provide a focus on offenders who have been identified as posing the highest risk to communities.
- **Restorative Justice** – is an approach used alongside criminal justice to help victims gain a sense of closure, help offenders recognise the impact of their crime and reduce the chance they will re-offend.
- **Regulation of Investigatory Powers Act (RIPA)** – is legislation that gives local bodies powers to use covert techniques such as surveillance.
- **Serious and Organised Crime Agency (SOCA)** – is the national agency with responsibility for tackling crimes such as drug trafficking, money laundering and major fraud.

- **National Policing Improvement Agency (NPIA)** – is the policing equivalent of the Improvement and Development Agency (IDeA), producing guidance, learning and development, and providing some national infrastructure.
- **Her Majesty's Inspectorate of Constabulary (HMIC)** – is the inspectorate for policing which works alongside the Audit Commission on Comprehensive Area Assessment, and delivers APACs (see above).
- **Association of Chief Police Officers (ACPO)** – is the national body representing Chief Constables, but has a wider role in developing policy than most professional associations.

### First Step Resources

**Crime Reduction Website** - [www.crimereduction.homeoffice.gov.uk](http://www.crimereduction.homeoffice.gov.uk)

This website is the Home Office's one stop shop for information on crime reduction. There are some interesting sources of information – for example, at [www.crimereduction.homeoffice.gov.uk/toolkits](http://www.crimereduction.homeoffice.gov.uk/toolkits), topics cover a range of areas which might arise in a scrutiny review, such as Fear of Crime or Alcohol Related Crime. The toolkits include facts and figures and policy context for each topic, which could be a useful shortcut for desk based research. There is also a collection of research on a wide range of topics, from Neighbourhood Watch, to Street Sex Work to Taxi Robberies.

The research tab also has a page providing direction to all the latest sources of crime statistics.

#### ***Delivering Community Safety: A guide to effective partnership working (2007)***

This is the official guidance for Crime and Disorder Reduction Partnerships. It sets out statutory requirements, suggested practice, potential barriers and possible solutions and implementation checklists. If scrutiny function is looking to test a partnership against the standard for good practice, this resource is the best place to start.

#### ***Flanagan Review Final Report (2008)***

In 2007 the Home Office announced an independent review of policing by Sir Ronnie Flanagan to look at neighbourhood policing, bureaucracy, accountability and managing resources. Flanagan was then Chief Inspector of Constabulary and is well respected in the policing community. His review was widely welcomed though he explicitly refused to make any positive recommendations about changes to structural accountability in the police. This is a readable report and is a useful insight into concerns and priorities in the policing community.

#### ***Engaging Communities in Fighting Crime (2008)***

This independent review was led by Louise Casey, the former 'Respect Tsar.' with a reputation for toughness and plain speaking. The review focuses on why communities have lost confidence in criminal justice, and why they don't take a more active role in fighting crime. It is a useful read for those involved in scrutiny because it focuses on public perceptions, is written in a conversational style and makes practical and interesting recommendations, including for local authorities.

***From the Neighbourhood to the National: policing our communities together (2008)***

This is the latest Policing Green Paper, which paved the way for the Policing and Crime Bill. It provides the most recent expression of the current Government's perspective and intentions on policing and community safety. Readers should be aware, however, that the expressed intention to legislate for new Crime and Policing Representatives will not come to pass, as it was dropped from the Bill shortly before publication. Instead an internal Labour party review was set up under David Blunkett to look again at the difficult issue of local accountability of the police.

**Integration Neighbourhood Policing and Management**

There is no publication to support this, but information about the project is available on the IDeA website. The IDeA and National Policing Improvement Agency are co-ordinating a group of 'exemplar sites' to help progress the integration neighbourhood policing with neighbourhood management – one of the key recommendations of the Flanagan Review.

**Tackling Anti-social Behaviour Website - [www.respect.gov.uk](http://www.respect.gov.uk)**

Anti-social behaviour is a key issue, and one that has particular importance for members of the public, and therefore for Councillors. This website is a one-stop resource on everything to do with tackling anti-social behaviour. One resource that is particularly practical and interesting is the collection of step-by-step guides to tackling a range of very specific problems, from graffiti to mini-motos to fireworks. Scrutiny committees doing themed reviews may find resources here to help them assess performance and identify positive recommendations.

***National Community Safety Plan 2008-11***  
***Cutting Crime: A new partnership 2008-11***

These two documents were published together – one is the overarching strategy on crime, the other is a more focused document on community safety which replaces an earlier plan. The Community Safety Plan reflects the general drive across government to reduce the central burdens on local delivery, though Councillors will note there is still a significant focus on national priorities, which partnerships will be reacting to. These documents may not be as user-friendly for Councillors as some other resources.

STATUTORY INSTRUMENTS

2009 No. 942

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Disorder (Overview and Scrutiny)  
Regulations 2009

*Made*

*6th April 2009*

*Laid before Parliament*

*8th April 2009*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(3) and (4) of the Police and Justice Act 2006.

In accordance with section 20(4) of that Act, the Secretary of State has consulted with the Welsh Ministers regarding the provisions in relation to local authorities in Wales.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

(2) These Regulations shall come into force in respect of local authorities in England on 30th April 2009 and in respect of local authorities in Wales on 1st October 2009.

**Interpretation**

2. In these Regulations—

“2006 Act” means the Police and Justice Act 2006;

“depersonalised information” means information which does not constitute personal data within the meaning of the Data Protection Act 1998(3).

**Co-opting of additional members**

3.—(1) The crime and disorder committee of a local authority may co-opt additional members to serve on the committee subject to paragraphs (2), (3), (4) and (5).

(2) A person co-opted to serve on a crime and disorder committee shall not be entitled to vote on any particular matter, unless the committee so determines.

(3) A co-opted person’s membership may be limited to the exercise of the committee’s powers in relation to a particular matter or type of matter.

(4) A crime and disorder committee shall only co-opt a person to serve on the committee who—

(a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and

(b) is not a member of the executive of the committee’s local authority (or authorities).

(5) The membership of a person co-opted to serve on a crime and disorder committee may be withdrawn at any time by the committee.

#### **Frequency of meetings**

4. A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

#### **Information**

5.—(1) Where a crime and disorder committee makes a request in writing for information, as defined in section 20(6A) of the 2006 Act(4), to the responsible authorities or the co-operating persons or bodies, the authorities, or persons or bodies (as applicable) must provide such information in accordance with paragraphs (2) and (3).

(2) The information referred to in paragraph (1) must be provided no later than the date indicated in the request save that if some or all of the information cannot reasonably be provided on such date, that information must be provided as soon as reasonably possible.

(3) The information referred to in paragraph (1)—

- (a) shall be depersonalised information, unless (subject to sub-paragraph (b)) the identification of an individual is necessary or appropriate in order to enable the crime and disorder committee to properly exercise its powers; and
- (b) shall not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the cooperating persons or bodies.

#### **Attendance at committee meetings**

6.—(1) Subject to paragraph (2), a crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

(2) The crime and disorder committee may not require a person to attend in accordance with paragraph (1) unless reasonable notice of the intended date of attendance has been given to that person.

#### **Reports and recommendations**

7. Where a crime and disorder committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the 2006 Act, the responses to such report or recommendations of each relevant authority, body or person shall be—

(a) in writing; and

(b) submitted to the crime and disorder committee within a period of 28 days from the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

*Vernon Coaker*  
Minister of State

Home Office  
6th April 2009

#### **EXPLANATORY NOTE** *(This note is not part of the Regulations)*

These Regulations are made under section 20(3) (in respect of local authorities in England) and 20(4) (in respect of local authorities in Wales) of the Police and Justice Act 2006. The Regulations supplement the provisions in section 19 of that Act by making provision for the exercise of powers by crime and disorder committees of local authorities.

Regulation 3 provides that crime and disorder committees may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation.

Regulation 4 provides that a crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than once in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information as is requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Regulation 6 provides that a crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

Regulation 7 provides that where a crime and disorder committee makes a report or recommendations to responsible authorities or co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and within 28 days of the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

(1)  
2006, c. 48. Section 20 has been amended by section 121 and has been prospectively amended by sections 126 and 241, and part 6 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28). Back [1]

(2)  
The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). Back [2]

(3)  
2008 c.29. Back [3]

(4)  
Section 20(6A) was inserted by section 121(2) of the Local Government and Public Involvement in Health Act 2007 (c. 28). Back [4]

### Local Government Involvement in Public Health Act 2007 - Extract

#### Section 126

##### 126 Reference of local crime and disorder matters to crime and disorder committees etc

(1) The Police and Justice Act 2006 (c. 48) is amended as follows.

(2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—

“(3) A local authority must—

(a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.

(5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).

(6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.

(7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—

(a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and

(b) provide a copy of the report or recommendations to such of—

(i) the responsible authorities, and

(ii) the co-operating persons and bodies,

as it thinks appropriate.

(8A) Subsection (8B) applies where the crime and disorder committee of a local authority—

- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
- (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).

(8B) Where this subsection applies—

(a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and

(b) the authority, body or person must—

- (i) consider the report or recommendations;
- (ii) respond to the committee indicating what (if any) action it proposes to take;
- (iii) have regard to the report or recommendations in exercising its functions.”

(3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.

(4) In subsection (11)—

(a) after the definition of “crime and disorder functions” insert—

“electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and

(b) for the definition of “local crime and disorder matter” substitute—

“local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or

(b) the misuse of drugs, alcohol and other substances,

“which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”

(5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.

(6) In subsections (1) and (2), after “under” insert “or by virtue of”.

(7) In subsection (5), omit—

(a) paragraph (f); and

(b) sub-paragraphs (i) to (iii) of paragraph (g).