



**Notice of meeting of  
Community Safety Overview & Scrutiny Committee**

**To:** Councillors King (Chair), Healey (Vice-Chair), Barnes,  
Burton, Fitzpatrick, Galvin and Orrell

**Date:** Monday, 27 June 2011

**Time:** 5.30 pm

**Venue:** The Guildhall, York

**AGENDA**

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

**2. Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting of the committee held on 1 March 2011.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the committee's remit can do so. The deadline for registering is **Friday 24 June 2011 at 5.00pm.**

**4. Arrangements for Overview and Scrutiny** (Pages 9 - 18)  
**in York**

This report highlights this Council's current structure for the provision of the Overview and Scrutiny function and the resources available to support it. It also details the agreed terms of reference for the individual Overview and Scrutiny Committees.

**5. Guidance for the Scrutiny of Crime and Disorder Matters** (Pages 19 - 54)

The Community Safety Overview & Scrutiny Committee is responsible for the discharge of the functions conferred on the Council by sections 19 and 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (Safer York Partnership). This report presents guidance for that role based on national guidance produced in partnership by the Centre for Public Scrutiny (CfPS) and the Local Government Information Unit (LgiU).

**6. Presentation on Safer York Partnership**

Jane Mowatt will give a presentation on the Safer York Partnership.

**7. Presentation on Ongoing Work within Directorates and Future Planned Work**

Senior officers will deliver a presentation on the ongoing work within their directorates and inform committee members of future planned work.

**8. Attendance of Cabinet Members**

The following Cabinet Members will be in attendance to discuss their priorities and challenges for this municipal year:

- Councillor Looker – Cabinet Member for Communities & Neighbourhood Services
- Councillor Fraser – Cabinet Member for Crime & Community Safety

**9. Draft Work Plan for 2011/2012** (Pages 55 - 62)

This report presents the Committee's draft work plan for the forthcoming year and asks Members to consider any additions and/or amendments they may wish to make to it.

**10. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

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Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Jayne Carr, Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE
DATE	1 MARCH 2011
PRESENT	COUNCILLORS FRASER (CHAIR), GILLIES (VICE-CHAIR), ORRELL, WAUDBY, VASSIE, KING AND B WATSON

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**30. DECLARATIONS OF INTEREST**

Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**31. MINUTES**

RESOLVED: That the minutes of the last meeting of the committee held on 18 January 2011 be confirmed and signed by the Chair as a correct record.

**32. PUBLIC PARTICIPATION**

There were no registrations to speak under the council's Public Participation Scheme.

**33. PROBATION SERVICE PRESENTATION ON "CONTRIBUTION TO SAFER YORK"**

The Director of LDU York – York and North Yorkshire Probation Trust gave a presentation on "Contribution to Safer York". A copy of the presentation is included in the agenda papers for the meeting.

Members asked how the reoffending rate in York compared to other areas. They were informed that the situation had improved since the introduction of Integrated Offender Management and that York was now about average when comparisons were made with other areas.

Clarification was sought as to whether members of the public were included in the membership of the Community Engagement Group. Members were informed that they were not but that they were represented by community leaders on the group. Although the Probation Trust did engage with the public, difficulties had previously arisen when this had taken the form of public meetings.

Discussion took place as to the value of community pay back and the forms that this could take. It was noted that the council was a key beneficiary in terms of schemes such as graffiti removal, litter picking and cycle path clearance.

**34. 2010/11 QUARTER 3 PERFORMANCE REPORT**

Members considered a report that presented an overview of performance at Q3 2010/11 for environmental and regulatory services managed from within the Communities and Neighbourhoods Directorate.

Members noted that the significant exceptions related to waste management (NI192, 193) and fly-tipping targets (NI196). In respect of fly-tipping, although the third quarter had been more positive, the annual figure was a projected 13% rise. The current forecasts based on Q3 data indicated that recycling and landfill levels were improving but this year's targets of 48.1% for recycling and 51.1% for landfill would not be achieved. Officers were asked why there had been a reduction in the green waste levels collected. Officers explained that the service had been suspended for a period, but even before that time the levels had reduced. The adverse weather conditions were likely to have been a factor.

Officers stated that the budget for the portfolio indicated a forecast overspend of £393k. The main areas causing the overspend were a projected shortfall in income from Commercial Waste activities, along with a forecast increase in the cost of winter maintenance following the period of severe weather during December. Work was being carried out to address the current overspend position in order to outturn within budget by the end of the financial year.

Members requested that information be provided on enforcement activity, particularly in respect of the number of fixed penalty notices that had been issued.<sup>1</sup>

RESOLVED: That the financial and performance position of the portfolio be noted.

REASON: In accordance with budgetary and performance monitoring procedures.

Action Required

1. Provide committee with information

SB

**35. SAFER YORK PARTNERSHIP PERFORMANCE REPORT**

Members received a report from Safer York Partnership that detailed performance on the Community Safety Plan.

Members noted that the overall end-year figure for cycle theft was still a cause for concern. There had only been 39 cycle thefts in December but this had mainly been due to the snow, as many people had chosen not to



cycle. Details were given of the strategies that had been implemented to seek to reduce cycle theft. A suggestion was put forward that, as well as looking at how other cities in Britain tackled this issue, consideration should be given as to the strategies that had been implemented by other European cities. It was noted that arrest rates remained low. Reference was made to the scrutiny review of cycle policy and provision of facilities that had taken place in 2003-4. One of the recommendations of the review had been that there should be high security cycle parking.

It was noted that, in respect of hate crime, the figures had increased but that this may be as a result of people being less reluctant to report hate crime incidents. The police had actively engaged with communities and encouraged them to report such incidents.

Members sought clarification regarding the statistics on gun crime. Officers explained that the incidents mainly related to ball-bearing guns being used in an anti-social manner.

RESOLVED: That the report be noted.

REASON: To ensure that the committee is informed of performance in implementing the Community Safety Plan.

### **36. NORTH YORKSHIRE POLICE PERFORMANCE REPORT**

Members received a report that reported on the performance of North Yorkshire Police.

Members requested that they receive further clarification in respect of the figures on the percentage of victims given updates without asking, as the figures appeared to show a decline whilst the trend was identified as "improving".<sup>1</sup>

It was noted that the report on the restructure of the North Yorkshire Police that was due to have been considered at this meeting, had been deferred to the next meeting. This decision had been taken in view of the number of items on the agenda. The deferral of this item would also better enable the impact of the recent restructure to be assessed.

RESOLVED: That the report be noted.

REASON: To ensure that the committee is kept informed of the performance of North Yorkshire Police.

#### Action Required

1. Provide clarification to committee

MC

**37. FINAL REPORT FROM THE TAXI LICENSING REVIEW**

Members considered the final report of the Taxi Licensing Review. Copies of written representation that had been received from two members of York Hackney Carriage Drivers Association were tabled.

Councillor Watt, Chair of the Task Group, gave details of their key recommendations.

Discussion took place regarding the recommendation that, for a 12-month trial period, the rank at Duncombe Place be made available for use on a full-time basis. Whilst most Members supported the recommendation and believed that there was public demand for a full-time rank at this site, some concerns were raised regarding the impact that this arrangement could have on local residents and residents at the nearby hotel. Officers explained the difficulties that they were facing in enforcing the existing arrangements.

Members asked if consideration had been given to requiring all hackney carriages to have black livery with the crest. Councillor Watt explained that the Task Group supported the council's policy but, in view of the outcome of the legal challenge that had been lodged on this issue, had deemed that this could only be advisory as it was not enforceable.

Discussion took place as to the recommendations in respect of improvements to air quality. In respect of the introduction of vehicle charging points, it was noted that taxis did not necessarily only travel within the city and hence this would need to be taken into account.

**RESOLVED:** That the Taxi Licensing Final Report and recommendations be approved.

**REASON:** To conclude the review and enable the presentation of the final report to the Licensing and Regulatory Committee for consideration.

**38. UPDATE ON POSSIBLE REVIEW OF CCTV**

Members received a report that presented a brief history of the proposed topic on CCTV in York.

As agreed at the previous meeting, Councillors Gillies, Vassie and Alexander had met to discuss the possibility of amalgamating the two topic registration forms. Councillor Vassie updated Members on the outcome of the meeting:

- It had been agreed that it would be appropriate for the two registration forms to be combined.
- It had been noted that a report was to be prepared on the issue of shared services and this was due to be completed by June. The scrutiny officer had been asked to contact the consultants who were preparing the report to request that they meet with Members as soon as possible. It was important that they were made aware of

Members' concerns and that Members' views were fed into the report. There were significant issues to be addressed if data in York was to be shared with other regions.

- It was recommended that, after the report was published in June, a decision should be taken by the committee as to whether or not to proceed with a review.
- It was noted that work was taking place at central government level regarding CCTV and hence this also needed to be taken into account.

RESOLVED: That the suggested action proposed by Councillors Alexander, Gillies and Vassie be endorsed.

REASON: To progress the work of this committee in line with scrutiny procedures and protocols.

### **39. CURRENT WORKPLAN AND DRAFT WORKPLAN FOR 2011-12**

Consideration was given to the current workplan and the draft workplan for 2011-12.

RESOLVED: That the workplans be approved.

REASON: To progress the work of this Overview and Scrutiny Committee, in line with scrutiny procedures and protocols.

Councillor Fraser, Chair

[The meeting started at 5.00 pm and finished at 6.40 pm].

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## Community Safety Overview & Scrutiny Committee

27 June 2011

Report of the Assistant Director, Governance & ITT

### Arrangements for Overview & Scrutiny in York

#### Summary

1. This report highlights this Council's current structure for the provision of the Overview and Scrutiny function and the resources available to support it. It also details the agreed terms of reference for the individual Overview & Scrutiny Committees.

#### Background

2. At Full Council in April 2009 Members revised the Overview & Scrutiny function in York which resulted in the formation of the following Overview & Scrutiny Committees:
  - Scrutiny Management Committee
  - Effective Organisation
  - Economic & City Development
  - Learning & Culture
  - Community Safety
  - Health

#### Consultation

3. This report is for information only. No specific consultation has taken place on this report, it simply sets out the existing structure and support for scrutiny in York.

#### Terms of Reference & Common Functions

##### Scrutiny Management Committee (SMC)

4. This Committee oversees and co-ordinates the Overview & Scrutiny function, including:
  - Allocating responsibility for issues which fall between more than one Overview & Scrutiny Committee
  - Periodically reviewing the Overview and Scrutiny procedures to ensure that the function is operating effectively and recommending any constitutional changes, to Council
  - Providing an annual report to Full Council
  - Recommending to the Cabinet a budget for scrutiny and thereafter exercising overall responsibility for the finance made available to scrutiny.

5. In Addition, SMC can:

- Advise the Cabinet on the development of the Sustainable Corporate Strategy and monitoring its overall delivery
- Receive bi-annual feedback through reports or otherwise as appropriate, from the Overview & Scrutiny Committees on progress against their workplans
- Receive periodical progress reports, as appropriate, on particular scrutiny reviews.
- Consider and comment on any final reports arising from completed reviews produced by the Scrutiny Committees, prior to their submission to the Cabinet
- Consider any decision “called in” for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Part 4 of the Council’s Constitution.
- Exercise the powers of an Overview & Scrutiny Committee under section 21 of the Local Government Act 2000

### **Standing Overview & Scrutiny Committees**

6. Each of the five standing Overview & Scrutiny Committees has its own individual remit (as detailed below), and in carrying out their remit each must ensure their work promotes inclusiveness and sustainability.

7. Effective Organisation Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following Council service plan areas through regular performance monitoring reports:

- |                              |                                   |
|------------------------------|-----------------------------------|
| • Audit & Risk Management    | • Human Resources & Directorate   |
| • Strategic Finance          | • HR Services                     |
| • IT&T                       | • Performance & Improvements      |
| • Public Services            | • Resources & Business            |
| • Property Services          | • Management                      |
| • Policy & Development       | • Business Support Services       |
| • Civic Democratic & Legal   | • Corporate Services              |
| • Services                   | • Directorate Financial Services  |
| • Marketing & Communications | • Management Information Services |

8. This Committee is also responsible for promoting a culture of continuous improvement in all services, and monitoring efficiency across organisational / service boundaries to promote a seamless approach to service delivery, with the user as a central focus.

9. Economic & City Development Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:

- |                                |                              |
|--------------------------------|------------------------------|
| • Economic Development         | • Housing Landlord & Housing |
| • Planning                     | • General                    |
| • City Development & Transport |                              |

10. Learning & Culture Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports

- Early Years
- Schools & Communities
- Education Development Services
- School Governance Service
- Special Educational Needs
- Adult Education
- Access
- Education Planning & Resources
- Young People's Service
- Arts & Cultural Services
- Libraries & Heritage Services
- Parks & Open Spaces
- Sports & Active Leisure

11. Community Safety Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:

- Safer City
- Waste Management Strategy (Client)
- Environmental Health & Trading Standards
- Street Scene
- Cleansing Services
- Licensing & Regulation
- Waste Collection Services
- Building Cleaning Services
- Highways Maintenance Services
- Street Environment
- Bereavement Services
- Youth Offending Team

12. In addition, the Community Safety Overview & Scrutiny Committee is also responsible for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (CDRP) made up of the following community safety partners:

- The Local Authority
- The Police Force
- The Police Authority
- The Fire and Rescue Authority
- The Primary Care Trust

13. Health Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports

- Adults i.e. older people and adults with Physical Disabilities & Sensory Impairments
- Adults Mental Health
- Adults Learning Disability

14. In addition, the Health Overview & Scrutiny Committee is also responsible for:

- (a) The discharge of the health and scrutiny functions conferred on the Council by the Local Government Act 2000
- (b) Undertaking all of the Council's statutory functions in accordance with section 7 of the Health and Social Care Act 2001, NHS Reformed & Health Care Professional Act 2002, and section 244 of the National Health Service Act 2006

and associated regulations, including appointing members, from within the membership of the Committee, to any joint Overview and Scrutiny Committees with other local authorities, as directed under the National Health Service Act 2006.

- (c) Reviewing and scrutinising the impact of the services and policies of key partners on the health of the City's population
- (d) Reviewing arrangements made by the Council and local NHS bodies for public health within the City
- (e) Making reports and recommendations to the local NHS body or other local providers of services and to evaluate and review the effectiveness of its reports and recommendations
- (f) Delegating functions of Overview and Scrutiny of health to another Local Authority Committee
- (g) Reporting to the Secretary of State of Health when:
  - i. Concerned that consultation on substantial variation or development of service has been inadequate
  - ii. It considers that the proposals are not in the interests of the health service

### **Standing Overview & Scrutiny Committees - Common Functions**

15. In exercising the powers of an Overview and Scrutiny Committee under section 21 of the Local Government Act 2000, the five Overview & Scrutiny Committees shown above have the following common functions:
- Maintain an annual work programme and ensure the efficient use of resources
  - Report to the SMC on a bi-annual basis on their contribution to their work programme.
  - Review any issue that it considers appropriate or any matter referred to it by the Cabinet, SMC or Council and report back to the body that referred the matter.
  - Identify aspects of the Council's operation and delivery of services, and/or those of the relevant Council's statutory partners, suitable for an efficiency review (a full list of statutory partners is shown at Annex A)
  - Carry out efficiency reviews or set up a Task Group from within their membership to conduct a review on their behalf.
  - Scrutinise issues identified from the Cabinet's Forward Plan, prior to a decision being made.
  - Receive Cabinet Member reports relating to their portfolio, associated priorities & service performance.
  - Scrutinise the services provided to residents of York by other service providers, as appropriate.
  - Comment on the annual budget proposals and elements of the Corporate Strategy.
  - Make final or interim recommendations to the Cabinet and/or Council
  - Report any final or interim recommendations to SMC, if requested
  - Monitor the Council's financial performance during the year.
  - Monitor progress on the relevant Council Priorities and advise on potential future priorities.



- Initiate, develop and review relevant policies and advise the Cabinet about the proposed Policy Framework as it relates to their service plan areas
- Support the achievement of the relevant 'Local Area Agreement' priority targets

## **Roles Within Overview & Scrutiny Committees**

16. Members of the Overview & Scrutiny Committees can:

- Meet on a regular basis
- Prepare for meetings and visits by reading briefing papers and preparing any questions for witnesses
- Formulate and agree an annual work plan for their Committee, in consultation with the relevant Scrutiny Officer
- Discuss and decide on the remit and scope of each scrutiny review they undertake
- Contribute to discussions as community representatives but without a political agenda
- Develop each review through constructive debate
- Participate as fully in Scrutiny reviews as their time commitments will allow – e.g. by attending site visits and taking part in smaller task groups
- Make recommendations based on their deliberations and information received
- Take ownership of their final reports and any recommendations, and work with the Scrutiny Officer on their production
- Monitor Scrutiny recommendations approved by the Cabinet to see how they are being implemented
- Identify items on Cabinet Forward Plan for potential consideration by the Committee
- Treat officers, witnesses and other members with respect and consideration

17. Chairs of Overview & Scrutiny Committees - in addition to their member role, each Chair is responsible for:

- Providing leadership and direction
- Working with the Scrutiny Officer to decide how each meeting will be run and agree the agenda
- Working with the Scrutiny Officer and senior officers to ensure an effective exchange of information
- Ensuring an appropriate timescale is agreed for a review, taking into account the Scrutiny team's workload
- Ensuring everyone gets the opportunity to contribute and that they are heard and considered
- Ensuring that officers and witnesses are introduced to the Committee and that they are always treated with respect and consideration
- Working with the Scrutiny Officer on the production of any final reports
- Presenting the final report and recommendations to the Cabinet

18. Vice Chairs perform the Chair's role in their absence. They are also invited to attend Chair's briefing sessions.

19. Statutory & Non-statutory Co-optees:

Statutory

- Required for the Learning & Culture Scrutiny Committee, to represent parents and religious groups
- Participate fully within the Scrutiny work as a member of the Committee (see member's role) and vote on issues within the remit of a review
- Provide advice and information to the Committee based on their specific skill, knowledge or expertise

Non-statutory

- Invited by a Committee to provide advice and information based on their specific skill, knowledge or expertise, either on a permanent basis or for the duration of a review.
- Participate as a member of the Committee would do, but cannot take part in a vote if one is held during a meeting

**Officer Roles Supporting Overview & Scrutiny**

20. The work of the Overview & Scrutiny Committees is supported by officers in a number of ways:

21. The Scrutiny Services Team

- Facilitate and support SMC and the Overview & Scrutiny Committees, and organise events and meetings
- Support the SMC in reviewing and improving the Overview & Scrutiny function
- Work with individual Committees to develop their annual work plans, and with SMC to co-ordinate the overall scrutiny function
- Provide independent and impartial advice to Councillors
- Carry out research and gather information as directed by the Committees
- Provide a link between the Committees, senior officers of the council and external witnesses, inviting them to meetings and supporting them throughout the scrutiny process to ensure an effective exchange of information
- Liaise and consult with residents, partnerships and other external parties on behalf of the Committees
- Draft final reports in close consultation with the Chairs of the Committees
- Forward reports and agenda items to the appropriate Democracy Officer on time so these can be published
- Stay up to date with new developments in Scrutiny legislation and implement changes as necessary

22. Lead Officers

- Provide support and expertise to an Overview & Scrutiny Committee
- Assist in developing the Committee's work plan and assist in identification of appropriate review topics
- Ensure resources are made available to the Committee and Scrutiny Officer
- Attend chair's briefings and scrutiny meetings as required
- Comment upon the feasibility of scrutinising requested topics
- Assist Chairs/Scrutiny Officers in the presentation of final reports to Cabinet
- Champion the role of Scrutiny within their Directorate Management Teams (DMTs) and also will Cabinet Members

- Provide a link with Directorates ensuring the work of Overview & Scrutiny is supported

23. Directors/Assistant Directors

- Work with the Scrutiny Officer, Chair and senior officers to consider the requirements of a scrutiny review
- Provide written and/or verbal information to a Committee relevant to a topic under review
- Work with the scrutiny officer and Technical Officers to ensure an effective exchange of information
- Attend Scrutiny meetings to offer evidence as a witness when requested

24. Democracy Officers

- Provide constitutional advice at scrutiny meetings or to Scrutiny Officers and councillors when required
- Timetable meetings in consultation with Committee members
- Book meeting rooms and cancel bookings when necessary
- Receive reports and compile agenda for meetings, publish and circulate within the legal deadlines
- Write Minutes of overview & scrutiny meetings, consult with Scrutiny Officer afterwards and get Minutes signed off by the Chair of the Committee
- Provide a registration facility for members of the public wishing to speak at scrutiny meetings

## **Work Planning**

25. Each of the five Overview & Scrutiny Committees will produce and maintain an annual work plan. This will appear on the agenda for each meeting, and will show the different stages of any ongoing reviews and the scheduled dates for receiving the following:

- Performance and Finance Monitoring Reports
- Reports from Local Strategic Partners
- Updates from Cabinet Members
- Updates on the implementation of recommendations arising from previous scrutiny reviews.

## **Corporate Strategy 2009/2012**

26. The Council's Corporate Strategy was revised for 2009-12, to align it with the Local Area Agreement (LAA). The new Overview & Scrutiny Committees are designed to be cross-cutting across Directorates and each is based on an individual LAA theme i.e.

Effective Organisation – to be a modern Council with high standards and values and a great place to work

Thriving City – to support York's successful economy to make sure employment rates stay high and that local people benefit from new job opportunities

Safer City – for York to have low crime rates and be recognised for its safety record

City of Culture & Learning City – to inspire residents and visitors to free their creative talents and make York the most active city in the country, and that local people have access to world-class education, training facilities and provision

Healthy City – for residents to enjoy long, healthy and independent lives

27. In addition, each of the above named Overview & Scrutiny Committees is responsible for ensuring their work promotes inclusiveness and sustainability which are the final two themes of the Corporate Strategy

### Implications

28. There are no known Legal, HR, Finance, Equalities, Crime & Disorder, Property or Other implications associated with the recommendation in this report.

### Risk Management

29. There are no known risks, associated with the recommendation in this report.

### Recommendations

30. Members are asked to note the contents of this report

Reason: To inform Members of scrutiny arrangements

### Contact Details

**Author:**  
Melanie Carr  
Scrutiny Officer  
Ext. 2063

**Chief Officer Responsible for the report:**  
Andrew Docherty  
Assistant Director, Governance & ITT  
Ext 1004

**Report Approved**  **Date**

9 March 2011

**Wards Affected:**

All

**For further information please contact the author of the report**

**Background Papers:** N/A

**Annex A** – List of the Council's Statutory Partners

## **Statutory Partners of the Council**

The public service providers covered by the duty to co-operate with the Council's Overview & Scrutiny Committees are:

Chief Officer of Police  
Police Authority  
Local Probation Boards  
Youth Offending Teams  
Primary Care Trusts  
NHS Foundation Trusts  
NHS Health Trusts  
The Learning Skills Council in England  
Jobcentre Plus  
Health and Safety Executive  
Fire & Rescue Authorities  
Metropolitan Passenger Transport Authorities  
The Highways Agency  
The Environment Agency  
Natural England  
Regional Development Agencies  
National Park Authorities  
The Broads Authority  
Joint Waste Disposal Authorities

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**Community Safety Overview & Scrutiny Committee**

27 June 2011

Report of the Assistant Director, Governance &amp; ITT

**Guidance for the Scrutiny of Crime & Disorder Matters****Summary**

1. The Community Safety Overview & Scrutiny Committee is responsible for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (Safer York Partnership). This report presents guidance for that role based on national guidance produced in partnership by Centre for Public Scrutiny (CfPS) & the Local Government Information Unit (LgiU).

**Background**

2. Crime is consistently one of the top concerns for communities everywhere, and therefore working to keep the areas we live in safe and harmonious is an ongoing priority for politicians and public servants alike. But, safety depends on far more than the action of the few professionals for whom it is their dedicated occupation. It needs a creative and cooperative approach that draws in other services – from licensing, to activities for teenagers, to planning – but also engages the community at large: businesses; faith groups; local charities; community groups; and individual members of the public.
3. Crime and Disorder Reduction Partnerships (CDRPs) have made significant progress over the past ten years, but further evolution is always required. The guidance attached at Annex A details a number of changes made as the result of recent reforms i.e. reductions in bureaucracy, devolving responsibilities to the local level, streamlining of processes. The powers now given to enable Councillors to scrutinise CDRPs are integral to this new landscape.
4. The new provisions are designed to enable Councillors to bring their unique perspective to bear on how CDRPs are tackling crime and disorder in the local area in order to benefit their community.
5. These powers are given to local authorities' scrutiny functions by sections 19 and 20 of the Police and Justice Act 2006 ('the Act') – as amended by section 126 of the Local Government and Public Involvement in Health Act 2007. There have also been regulations passed under section 20 of the Police and Justice Act. These provisions provide local authorities with a framework for the development of an ongoing relationship between CDRPs and scrutiny bodies. In addition to the aforementioned acts The Local Government act section 12

has been amended to name the Chief Constable and the proposed post of Police and Crime Commissioner as bodies that should be held to account by Overview & Scrutiny, to ensure local accountability does take place in services delivered by the police.

## **Analysis**

6. Since the committee took on the responsibility of scrutinising crime and disorder issues in York, it has received quarterly performance reports from the city's Safer York Partnership (SYP) which detailed particularly good performance and areas of concern. They have also received presentations from some of the Safer York partners to highlight their contribution to the partnership and to discuss possible crime and disorder issues for inclusion in the Committee's work programme, as follows:
  - North Yorkshire Fire & Rescue Service January 2010
  - North Yorkshire Police June 2010
  - The Probation Service Mar 2011
7. The Police Authority already play an active part in the Committee by providing regular performance update reports on the work of North Yorkshire Police, and by attending meetings when community safety matters are being discussed, and particularly when the police are to be present. The Council has two Councillor representatives on the Police Authority and the guidance suggests that one member of this Overview & Scrutiny Committee should be one of those Councillors in order that they may feed back to the committee issues concerning the Police authority.
8. NHS North Yorkshire & York (The Primary Care Trust) has yet to present to the Committee. Members may wish to consider inviting them to attend a future meeting this year, and how soon it would be appropriate to meet again with the other partners.

## **Options**

9. Having considered the information contained within Appendix A and its associated appendices, Members may choose to
  - i. request further information specific to the local area, on any of the issues raised within the guidance
  - ii. agree a future timetable for meeting with the 'Safer York' partners, for inclusion in the committee's workplan

## **Corporate Strategy**

10. The work of this Committee directly supports the third theme of the Corporate Strategy - 'We want York to be a safer city with low crime rates and high opinions of the city's safety record'.



### Implications

11. There are no known Legal, HR, Equalities, Finance, Crime and Disorder, ITT, Property & Other implications associated with the recommendation within this report.

### Risk Management

12. There are no known risks associated with the recommendation in this report.

### Recommendations

13. Members are asked to:
  - i. note the contents of the report and Appendix
  - ii. identify any issues raised within the guidance, for which further information is required
  - iii. agree a future timetable for meeting with the 'Safer York' partners

Reason: in order to progress the work of this Committee

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Report Approved  Date 9 April 2011

**Wards Affected:**

All

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**Background Papers:** N/A

**Appendix A – Guidance for the Scrutiny of Crime & Disorder Matters**

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## 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). 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 probation service

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 CSP's will be expanded to include reducing re-offending.<sup>1</sup>

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

Since 1998, CSP's 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, CSP's 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

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

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 CSP's.

### **What does this mean for me?**

It should be recognised that these CSP's 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**

In order to identify and deliver on the priorities that matter most to local communities, CSP's 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 performance measures 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. That said the current coalition

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

government have amended the local Government Act 200 section 12 in order for Overview & Scrutiny to specifically hold the Police to account.

It is recognised 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 CSP's, 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 part of 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.
- 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

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

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. It is noted the Police Authority will be abolished in May 2012 to be replaced with the Officer of the

Commissioner (Police and Crime Commissioner), this office will not form part of the statutory responsible body group on CSP's.

### 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 CSP's through legislation. Its role is often problematic and historically they have been the most difficult partner to engage in CSP's. 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.

It is noted that PCT's will be abolished in May 2012.

### Probation

Legislative changes were made in April 2010 which required each provider of probation services in an area to become a responsible authority. Probation authorities have an equal role in CSP's alongside the other five responsible authorities. Some probation areas already had 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 has enhanced this relationship.



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 CSP's, 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 Service Standards;
- 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 April 2011);
- Much more of a central government onus on the City Council holding the police to account via its new legislative authority

## **Community Confidence**

The most significant recent change for the police and partners is the abolition of all performance measure replaced by one statement from the Home Secretary which was she wished to see "a reduction in crime". Amongst the abolition of performance measures was the removal of the Policing pledge a ten point service pledge between the public and the police. In the City of York and North Yorkshire community confidence continues to be a priority therefore elements of the pledge have been retained under the service standards document.

## **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 CSP's, 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 CSP's – because in most cases CSP's 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 chose 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 of 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, of co-operating persons or bodies, a member of the public, or a representative of a community / voluntary sector group. They cannot be 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 CSP’s 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).





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## Community Safety Overview & Scrutiny Committee

27 June 2011

Report of the Assistant Director, Governance & ITT

### Report – Draft Work Plan for 2011/2012

#### Summary

1. This report presents the Committee's draft work plan for the forthcoming year and asks Members to consider any additions and/or amendments they may wish to make to it. The draft work plan is attached at Annex A to this report.

#### Background

2. At the beginning of each municipal year, each Overview & Scrutiny Committee is asked to formulate its workplan for the coming year. The work plan is an ongoing and fluid document that the Committee can amend throughout the year to allow for the inclusion of and pertinent issues arising relevant to the committee's specific remit. It also contains a number of items that are provided on a regular cycle. This ongoing work is briefly explained in the paragraphs below:

#### Ongoing Work

3. Year End Outturn Reports and Quarterly Monitoring Reports  
These regular reports allow Members to monitor the financial performance of the Council throughout the year and can be used to identify potential areas for review.
4. Reports from the Leader and Cabinet Members  
Once/twice a year the relevant Executive Members and/or Leader are invited to attend a meeting of the Overview & Scrutiny Committee to discuss their priorities and challenges for the year ahead. This usually takes the form of a verbal report but some Executive Members may choose to submit a written report. The Committee can choose to invite the Executive Member to attend more frequently should they wish to do so.
5. Recommendations Arising from Previous Scrutiny Reviews  
Once a scrutiny review is complete the final report is presented to the Cabinet and they are asked to approve the arising recommendations. They will instruct officers to implement all of the approved recommendations as soon as possible. Scrutiny Committees monitor their implementation, usually on a six-month rolling basis and sign off the recommendations once they have been adequately achieved.

### **Identifying Suitable Topics for Future Scrutiny Review**

6. In order to highlight to this Committee possible suitable topics for scrutiny review in this coming municipal year, the relevant Executive Members have been invited to attend this meeting to discuss their priorities for the year. At this meeting you will also have heard from Senior Officers about ongoing and planned work within Directorates (relevant to the remit of this Committee).
7. In addition, following a recent Joint Strategic Needs Assessment (JSNA) the recommendations arising which fall within the remit of this Committee, have been provided at Annex B for your information. The JSNA is a process that identifies current and future health and well being needs of a local population, informing the priorities and targets and leading to shared commissioning priorities aimed at improving outcomes and reducing health inequalities.
8. Finally, the Scrutiny Services Team have been informed of a number of possible topics which Councillors are considering submitting. Once received, any relevant to the remit of this committee will need to be considered alongside the information provided by the Executive Members and/or senior officers, when agreeing priorities for this year's annual workplan.
9. Outside of this forward planning other pertinent issues received throughout the year will need to be considered as and when they arise, and where appropriate the Committee may be asked to revise their workplan accordingly.

### **Consultation**

10. The Scrutiny Officer will be in attendance at the meeting and will be happy to answer any questions Members may have on any of the items currently shown on the draft workplan. Members will also have the opportunity, to discuss potential items for the work plan and potential topics for review with those senior officers present at this meeting, the Lead Officer allocated to this Committee and the Scrutiny Officer.

### **Analysis**

11. At this stage, to progress the population of the workplan, the Committee are asked only to identify a number of broad subjects for possible scrutiny review. The scrutiny officer together with relevant officers, will then carry out some research, and gather evidence in order to provide detailed information on each topic at a future meeting. The Committee will then be asked to identify resulting specific problems and issues, or areas of associated policy development which they would like to focus any scrutiny review on, and to prioritise their work on any agreed topics. These informed choices for reviews will then be programmed into the draft workplan.

### **Options**

12. Members are asked to consider the draft work plan and make any amendments/additions they feel necessary. They may also choose at this stage to identify any possible topics for in depth consideration at a future meeting, in order to agree the committee's workplan for 2011/2012.

### Corporate Strategy

13. The work of this Committee relates to the 'Safer City' theme of the Corporate Strategy 2009/2012.

### Implications

14. There are no known financial, human resources, legal or other implications associated with the recommendations within this report. Any implications arising from reviews will be addressed within reports associated with the individual review.

### Risk Management

15. In compliance with the Council's risk management strategy there are no known risks associated with the recommendations within this report.

### Recommendations

16. Members are requested to consider the draft work plan for 2011/2012 and identify any broad topics they would like to detailed information on.

Reason: In order to provide the Committee with a work programme for future meetings.

### Contact Details

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Report Approved  Date 8 June 2011

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

For further information please contact the author of the report

**Background Papers:**

None

**Annexes:**

**Annex A** Work plan

**Annex B** Recommendations arising from the most recent JSNA

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## Community Safety Overview & Scrutiny Committee – Draft Work Plan 2011-12

Provisional Meeting Dates	Work Programme
27 June 2011	<ol style="list-style-type: none"> <li>1. Introduction to Committee Remit &amp; Terms of Reference</li> <li>2. Report introducing the Committee's legislative responsibilities in regard to Crime &amp; Disorder</li> <li>3. Presentation on Safer York Partnership</li> <li>4. Presentation by Assistant Directors on relevant ongoing work &amp; future planned work</li> <li>5. Attendance of Executive Members to discuss their priorities and challenges for this municipal year</li> <li>6. Report on Draft Workplan for 2011-12</li> </ol>
4 July 2011 @ 5:30 pm	<ol style="list-style-type: none"> <li>1. Safer York Partnership Board Performance Report</li> <li>2. 2010/11 Year End Outturn Report</li> <li>3. North Yorkshire Police Performance Report</li> <li>4. Report on Restructure of North Yorkshire Police</li> <li>5. Update Report On Proposed CCTV Review</li> <li>6. Workplan</li> </ol>
20 Sept 2011 @ 5pm	<ol style="list-style-type: none"> <li>1. North Yorkshire Police Performance Report</li> <li>2. SYP Performance Report</li> <li>3. First Quarter Monitoring Report</li> <li>4. Workplan</li> </ol>
29 Nov 2011 @ 5pm	<ol style="list-style-type: none"> <li>1. North Yorkshire Police Performance Report</li> <li>2. Safer York Partnership Performance Report</li> <li>3. CYC Second Quarter Monitoring Report</li> <li>4. Workplan</li> </ol>
17 Jan 2012 @ 5pm	<ol style="list-style-type: none"> <li>1. Workplan</li> </ol>
7 Mar 2012 @ 5pm	<ol style="list-style-type: none"> <li>1. North Yorkshire Police Performance Report</li> <li>2. Safer York Partnership Performance Report</li> <li>3. CYC Third Quarter Monitoring Report</li> <li>4. Workplan</li> </ol>

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## **Community Safety – JSNA Recommendations**

Following the presentation of the 2010 JSNA to the Health Overview and Scrutiny Committee in January 2011 it was agreed that key recommendations would be highlighted to other relevant OSCs for consideration. The following summarises the recommendations that may relate to community safety:

### **Demography**

- Plan at individual service level to explicitly include likely changes to the affected population to ensure that services are robust and sustainable.
- Commissioning plans should ensure that prevention, treatment and support services are accessible to all, regardless of ethnic background.
- All health and social care agencies should review their data collection and service processes as they relate to ethnic minority groups to ensure they can meet the needs of the increasingly diverse population.

### **Social and Environmental Context**

- Implement the Inclusive City recommendations of the Place Survey Focus Group Report 2010.
- Work across all partners in the city to implement the Inclusive York's One City Strategy which aims to increase participation, engagement, cohesion, fairness and inclusion.
- Use the lessons from successful work to target areas of higher deprivation such as the Kingsway project to reduce inequalities within the city.
- Target all areas of high deprivation as identified by the developing Child Poverty Strategy, to ensure the right services are targeted in the worse areas of deprivation within York
- Use local research into the health impact of the recession to inform policy and work with Thriving City partners to minimise the impact on individuals and communities.

### **Lifestyle and Risk Factors**

- Promote sensible drinking across all sections of the community.
- Work in partnership to reduce the harm caused by alcohol and provide services to support harmful and hazardous drinkers.
- Continue to prioritise prevention and treatment of drug misuse as an area for joint planning and commissioning, through the development of a York specific Drug Action Team.

### **Burden of Ill-Health**

- Build on initiatives such as the 'Made You Look' campaign to maintain recent improvements in the number of casualties on the road.
- Develop programmes to prevent falls, particularly in older people.

- Work in partnership to reduce the level and impact of violence, including in a domestic setting.
- Promote a safer city through the delivery of outstanding, integrated services by: embedding new ways of working, especially the Common Assessment Framework and the YorOK Child Index.