

ITEM

ITEM

Scrutiny – 2 July 2009

CRIME AND DISORDER (OVERVIEW AND SCRUTINY) REGULATIONS 2009

Report of Member Support Officer

Statutory Powers: Police and Justice Act 2006 – Sections 19–21 (Regulations 20(3) and 20(4))

Financial Implications: None at this stage.

Purpose

To inform Members of the new Regulations under the Police and Justice Act 2006, which require the Council to have in place provision to review or scrutinise decisions made by Crime and Disorder Reduction Partnerships (CDRPs)

This report is linked to Council Corporate Priority 5: 'Working with others to improve access to key services.'

RECOMMENDATION

That the Scrutiny Group RECOMMEND to Council that:-

- (1) the additional requirement to scrutinise the South Devon and Dartmoor Crime and Disorder Reduction Partnership be noted;**
- (2) amendments be made to the Terms of Reference in the Constitution (Part 2, Article 6 refers) to enable the Scrutiny Group to discharge the functions of a Crime and Disorder Overview and Scrutiny Committee; and**
- (3) a report be presented back to a future Group meeting outlining how these functions will be discharged.**

Background

1. Provisions contained within Sections 19 – 21 of the Police and Justice Act 2006 require every local authority to have in place provision 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. This provision includes the ability to make reports and recommendations on the functioning of the responsible authorities of the local CDRP.

2. These regulations came into force in England on 30 April 2009. However, since the final guidelines were only released by the Home Office at the end of April, few authorities have been able to appropriately prepare for the implementation date.
3. The Act and the Regulations do not require councils to alter existing committee structures. However, there must be a formal place where community safety matters can be discussed.
4. To meet the statutory requirements, it is necessary that amendments are made to the Council's Constitution to allow a Committee of the Council to discharge this newly required function. On balance, and following a debate at the Programming Panel, it is felt that Crime and Disorder matters would sit most comfortably within the remit of the Scrutiny Group.

The Regulations

5. The regulations allow crime and disorder committees to co-opt additional members to serve on the committee, where it considers this appropriate for the exercise of its functions.
6. As part of the crime and disorder scrutiny process, the relevant overview and scrutiny committee will from time to time make requests for further information from the CDRP (e.g. performance information). When asked, the CDRP will be under a duty to provide this information, unless it would identify individuals or prejudice operational matters. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible.
7. The relevant overview and scrutiny committee may also make recommendations, which should be responded to within one month, or as soon as possible thereafter. The Committee shall 'review such responses and monitor the action (if any) taken by the relevant responsible authority.'
8. The committee can also require the attendance of any officer from any responsible authority or co-operating body.

South Devon and Dartmoor CDRP

9. Teignbridge District Council, South Hams District Council and West Devon Borough Council are all partner authorities in the 'merged' South Devon and Dartmoor CDRP. Clearly, it is not desirable or efficient for the CDRP to be scrutinised by three separate committees on three separate occasions. This would not only create the risk of duplicating areas of scrutiny, (not least the CDRP's Annual Report and Strategy), but would also place an unacceptable burden on the CDRP.

Way Forward

10. At present, there is unfortunately contradictory guidance in circulation in respect of a number of factors relating to the regulations, which has made it difficult to propose a clear way forward. These factors include:-

- whether it is possible to enable the three partner districts to appoint a Joint Committee to administer these functions;
- the role of the County Council;
- whether these crime and disorder functions have to be considered at a specially designated and convened meeting of the Group; and
- the link with the Councillor Call for Action legislation.

Risk Assessment

11. The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
To use the exercise of creating a Crime and Disorder Overview and Scrutiny Committee as a catalyst for planning for the future widening scrutiny agenda of external partners and partnerships, and community engagement.	The need to meet statutory requirements. Conflicting guidance regarding the ability to administer this function.	A way to integrate the scrutiny of partners and delivery of partnerships into a coherent strategy. Improvements in the perception and awareness of crime and disorder related issues.
To have a significant role in understanding and enhancing public confidence and all other aspects of crime and disorder matters.	Limited resources to support the expanding work of Overview and Scrutiny.	

Conclusion

12. Whilst amending the Constitution will be a straightforward matter and enable the Council to comply with the statutory requirements, the practicalities of discharging the statutory function have been made somewhat more complicated by a number of factors (e.g. the local structure of the merged CDRP across three districts).

13. Once further information is published to supplement these new statutory requirements and provide greater clarity to local authorities, it is felt appropriate to then present a further report back to the Group which outlines a suitable way forward.

Jo Doney
Member Support Officer

Scrutiny
2 July 2009

Darryl White
Member Support Services Manager

Background Documents:

Crime and Disorder (Overview and Scrutiny) Regulations 2009
Council Constitution