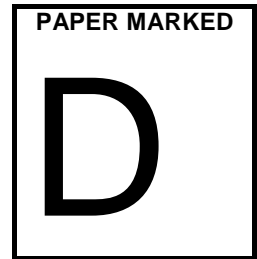


LEICESTERSHIRE POLICE AUTHORITY



Meeting **CONSULTATION AND COMMUNICATIONS COMMITTEE**

Date **THURSDAY 2 JULY 2009 – 2.00 PM**

Report of **CHIEF EXECUTIVE**

Subject **CRIME AND DISORDER COMMITTEES**

Purpose of Report

1. This report alerts Members to provisions coming into force for local authorities to institute crime and disorder committees to oversee the work of crime and disorder reduction partnerships (CDRP).

Commentary

2. The Chief Executive reported to the full authority on 25 January 2007 the main provisions of the Police and Justice Act 2006. This included provisions in sections 19 to 22 of that Act regarding the introduction of crime and disorder committees.
3. At last the provisions of crime and disorder committees have been brought into force, albeit following substantial amendment by the Local Government and Public Involvement in Health Act 2007. Statutory guidance has also been published. This runs to 48 pages and can be found on the web at <http://www.crimereduction.homeoffice.gov.uk/regions/regions022.htm>
4. The statutory provisions now require every local authority (i.e. district and upper-tier councils) to have a committee with the power to
 - review or scrutinise decisions made or action taken in connection with crime and disorder functions by the crime and disorder reduction partnership; and
 - make reports to the local authority about the discharge of those functions.
5. In effect, therefore, this provides overview and scrutiny committee functions of the CDRP's actions. Local authorities do not need to set up a separate committee for this but they will need at the very least to allocate functions to an existing overview and scrutiny committee. Such a committee must meet at least once in every twelve months.
6. As the provisions apply to upper-tier authorities as well as districts there is room for duplication and the guidance suggests that county and districts might seek to address this in a protocol.

7. The guidance also suggests that the work of the crime and disorder committees could be used to compliment the community call for action power that has also come into existence recently. The community call for action provides for a person living or working in an area to ask a local councillor to look into a crime and disorder matter and if that councillor cannot deal with it he or she can refer the issue to the crime and disorder committee.
8. The guidance also provides some interesting advice relating to police authorities. It suggests that as police authorities occupy a unique position within the landscape of community safety partnerships they should have some presence at crime and disorder committees. The guidance then lists three options as to how this may take place. A copy of this passage from the guidance is found as an Appendix to this report. The guidance seems to envisage that a councillor who is on the police authority will sit on the council's crime and disorder committee. However this does not sit well with our arrangements. Normally an overview or scrutiny function needs a degree of independence. However where our councillors are involved in crime and disorder reduction partnerships it is normally on their own patch. Therefore we may need to have authority members who are not connected to the relevant CDRP to contribute to the crime and disorder committee for that area.
9. All of this was catered for in the report to the Authority in 2007 when delegated authority was granted to the Chief Executive to take any steps under sections 19 to 22 of the Police and Justice Act 2006 in consultation with the Chief Constable and relevant CDRP authority member. This delegation still holds good.
10. It should be noted the guidance also refers to the possibility of police authority officers sitting on crime and disorder committees, perhaps as an advisor.
11. Members may therefore find reports coming to their CDRPs regarding this new provision. The Chief Executive has received no communications yet from any district or upper-tier authorities within this police area asking for nominations to crime and disorder committees. Subject to the discussion on 2 July it is intended to approach each of the relevant committees to clarify the position regarding any nominations that may be necessary.

Recommendation

12. The Committee is recommended to note the report

Implications

Financial: none. Legal: none. Diversity: none. Risk Management: none.

Background Papers

None.

Officer to Contact

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Extract from Guidance for Scrutiny of Crime and Disorder Matters England

Section 3.4 Co-option

The regulations allow crime and disorder committees to co-opt additional members to serve on the committee. These co-optees can be specialists in particular areas and can bring great value and expertise to the committee's work.

Members can be co-opted in accordance with the Regulations, which allow a committee to co-opt additional persons provided that they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority. The committee can decide whether they should have the right to vote. However, the decision to allow them to vote should be taken in accordance with any scheme in place under Schedule 1 to the Local Government Act 2000. Membership can be limited to membership in respect of certain issues only. The council should take care to clarify the role of such a co-optee, who may be expected, as part of the committee, to hold his or her own organisation to account.

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

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

Under Schedule 1 of the Local Government Act 2000, councils can put in place a formal scheme (similar to the council's scheme of delegations) to allow a co-opted member to have full voting rights.

If you already have a scheme, your co-option plans for community safety must comply with it. Local authorities may prefer 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. So the council and its partners may agree that, although co-option to a committee might be appropriate, the co-optee should not have voting rights.

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.

Local authorities should take the following steps to involve police authorities in work undertaken by their committees.

Option 1

One member of the crime and disorder committee should be a member of the police authority. We envisage this being the approach that will be adopted by most (but not necessarily all) 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 also 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, the authorities delivering the work.

Agreement over these issues should – as we suggested at the beginning of this section – 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 scrutiny bodies or their partners from the fact that the scrutiny of community safety is about much more than the police force and their activities, as we 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 overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing.