Meeting Policy & Performance Overview & Scrutiny Committee

Date 25th January 2010

Subject Crime and Disorder (Overview & Scrutiny) Regulations 2009

Report of Scrutiny office

Summary To inform the Committee of the legislation requiring local authorities to create or designate a Crime and Disorder Committee to scrutinise crime and disorder matters, and to make arrangements for the Scrutiny of crime and disorder matters for the remainder of the municipal year.

Officer Contributors Melissa James, Overview & Scrutiny office

Status (public or exempt) Public

Wards Affected All

Enclosures Appendix A – Crime and Disorder (Overview & Scrutiny) Regulations 2009

Contact for Further Information: Melissa James, Overview & Scrutiny office 0208 359 7034 Melissa.James@barnet.gov.uk
1. **RECOMMENDATIONS**

1.1 That the Policy & Performance Overview and Scrutiny Committee delegate to the Business Management Overview & Scrutiny Sub-Committee the power to scrutinise crime and disorder matters for the remainder of the municipal year 2009/10.

1.2 That the Chairman of the Business Management Overview & Scrutiny Sub-Committee write to the Borough Commander, inviting him to address the Sub-Committee on 1st March 2010 to brief Members on crime and disorder matters in the borough.

1.3 That the requirements of the Crime and Disorder (Overview & Scrutiny) regulations be considered by the Policy and Performance Overview & Scrutiny Committee when setting its work programme for 2010/11.

2. **CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

2.1 The six priority outcomes set out in the 2009/10 Corporate Plan are: –

- A Successful City Suburb
- Strong and Healthy
- Promoting Independence
- A Bright Future for Children and Young People
- Clean, Green and Safe
- More Choice, Better Value

2.2 The following are also priority improvement objectives that relate to the overview and scrutiny function: –

- Converse with local people to increase their participation in democratic engagement
- Improve Member satisfaction with the scrutiny process

3. **RELEVANT PREVIOUS DECISIONS**

3.1 Special Committee (Constitution Review), 24 February 2009, Overview & Scrutiny: New Arrangements

4. RISK MANAGEMENT ISSUES

4.1 None in the context of the report.

5. EQUALITIES AND DIVERSITY ISSUES

5.1 Equalities and diversity issues underpin all the Council’s policies, plans and strategies. The Overview and Scrutiny process supports the proper assessment of equalities issues in policy development and service delivery.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 The statutory powers in relation to Scrutiny of crime and disorder matters place additional obligations on the work of Members and Officers.

7. LEGAL ISSUES

7.1 The crime and disorder powers in relation to Scrutiny are set out in the following legislation:

- Police and Justice Act 2006
- Local Government and Public Involvement in Health Act 2007
- Crime and Disorder (Overview and Scrutiny) Regulations 2009

8. CONSTITUTIONAL POWERS

8.1 The scope of Overview and Scrutiny Committees is contained within Part 2, Article 6 of the Constitution; the Terms of Reference of the Overview and Scrutiny Committees are set out in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).

9. BACKGROUND INFORMATION

9.1 The Crime and Disorder Act 1998

9.2 The Crime and Disorder Act 1998 placed a statutory duty on police and local authorities (together known as “responsible authorities”) to work together with key partners and agencies to formulate and implement local crime reduction strategies to reduce crime, disorder and fear of crime.

9.3 In 1998, Crime and Disorder Reduction Partnerships were set up across the UK, as required under the Act. These comprised representatives from the local authority, the Police, Police Authority, Fire Brigade, Health Trusts and Probation Service.

9.4 For the first time local authorities had a statutory obligation to consider crime and disorder implications for all its functions, shifting ownership and responsibility for crime reduction beyond the local police force.
9.5 In Barnet, the Safer Communities Partnership Board (BSCPB) acts as the Crime and Disorder Reduction Partnership and is the inter-agency mechanism within the borough to reduce crime, anti-social behaviour and promote social cohesion.

9.6 Membership of Barnet’s Safer Communities Partnership Board includes the following:

<table>
<thead>
<tr>
<th>Role</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Member for Community Safety and Community Engagement</td>
<td>London Borough of Barnet</td>
</tr>
<tr>
<td>Borough Commander</td>
<td>Metropolitan Police (Barnet)</td>
</tr>
<tr>
<td>Director of Environment and Operations</td>
<td>London Borough of Barnet</td>
</tr>
<tr>
<td>Borough Commander</td>
<td>London Fire Brigade</td>
</tr>
<tr>
<td>Non Executive Director</td>
<td>NHS Barnet (Barnet Primary Care Trust)</td>
</tr>
<tr>
<td>Assistant Chief Officer</td>
<td>London Probation Board</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>CommUNITY Barnet</td>
</tr>
<tr>
<td>Chairman</td>
<td>Barnet Magistrates Court</td>
</tr>
<tr>
<td>Link member</td>
<td>Metropolitan Police Authority</td>
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</tbody>
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9.7 **Police and Justice Act 2006**

The Police and Justice Act 2006 included a variety of provisions, several of which were not given immediate effect. Section 19 of the Act requires every local authority to have in place a crime and disorder committee with powers to:

(i) Review or scrutinise decisions made or other action taken in connection with the discharge by the ‘Responsible Authorities’ of their crime and disorder functions.

(ii) Make reports and recommendations with regards to the discharge of the Responsible Authorities functions.

9.8 For the purposes of the Act and the Regulations ‘Responsible Authorities’ are those defined in Section 5 of the Crime and Disorder Act 1998 which comprise a Crime and Disorder Reduction Partnership. These are as follows:

(i) The Local Authority
(ii) The Chief Officer of Police and the Police Authority
(iii) The Fire and Rescue Authority
(iv) The Primary Care Trust
(v) The Probation Service

9.9 Section 19 of the Police and Justice Act defines a local “crime and disorder matter” as a matter concerning

(a) Crime and disorder including antisocial behaviour or behaviour adversely affecting the local environment in the area represented by the member or

(b) The misuse of drugs, alcohol and other substances in that area.

**Councillor Calls for Action and Crime and Disorder Matters**
9.10 Councillor Calls for Action (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 for both local government matters and crime and disorder matters and came into force on 1 April 2009. The statutory requirement to implement CCfA applies to all Councils in England (with the exception of Town / Parish Councils) regardless of their Executive arrangements.

9.11 In November 2009, Council approved amendments to the Overview and Scrutiny Procedure Rules to introduce procedures for dealing CCfAs requests. The enactment of Section 19 of the Police and Justice Act (2006) means that any Member of the Council is now able to refer a crime and disorder matter which affects their ward to an Overview and Scrutiny Committee as set out in the Council’s Constitution. (check)

**New Legislation**

9.12 **Crime and Disorder (Overview and Scrutiny) Regulations 2009**

9.13 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (Statutory Instrument 942) came into force on the 30th April 2009. These supplement the provisions of Section 19 of the Police and Justice Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007) and set out the requirements for local authority crime and disorder Overview and Scrutiny arrangements in England and Wales.

9.14 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 make provision for the co-opting of additional members to the committee, the frequency of meetings, the provision of information, the attendance of officers and employees of responsible authorities and co-operating persons or bodies, and reports and recommendations.

9.15 The requirement to establish a ‘crime and disorder committee’ is stipulated in the Police and Justice Act 2006, and the Council has designated the Policy and Performance Overview and Scrutiny Committee as this body. Its functions include dealing with all matters relating to crime, crime and disorder legislation, anti-social behaviour and scrutiny of the Barnet Safer Communities Partnership. The Committee is also charged with making recommendations to Council on the appointment of representatives to serve on the Barnet Community Safety engagement Group (the body which has replaced the Police Consultative Group) and to receive regular reports as necessary from those representatives.

9.16 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 are attached as Appendix 1. The main provisions of the regulations are summarised below:

- 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;
- to submit reports or recommendations to the Council with respect to the discharge of those functions;
to have at least one meeting each Municipal Year dedicated to scrutinising crime and disorder matters;

to have power to co-opt members of Barnet’s Crime and Disorder Reduction Partnership when reviewing decisions and key policy matters;

that a co-opted person shall not be given full voting rights unless the Committee so determines;

where the committee makes a request to a responsible authority for information, such information must be provided within a reasonable timescale;

information must be depersonalised except in situations where personal details of a living individual would be necessary to carry out the scrutiny function;

the committee may require attendance of responsible authorities and cooperating bodies as long as reasonable notice has been given; and

to have regard, when exercising crime and disorder committee functions, to the duty placed on the Council pursuant to Section 17 of the Crime and Disorder Act 1998.

Crime and Disorder Scrutiny Arrangements

9.17 In order to allow crime and disorder functions to be scrutinised, the committee is asked to delegate to the Business Management Overview & Scrutiny Sub-Committee the power to scrutinise crime and disorder matters for the remainder of the municipal year 2009/10.

9.18 In requesting that the Sub-Committee discharge these functions, the committee is also asked to recommend that the Chairman of the Business Management Overview & Scrutiny Sub-Committee write to the Borough Commander inviting him to address the Sub-Committee’s meeting of 1st March 2010 on crime and disorder matters in the borough.

9.19 Members will also be asked to consider the requirements of the Crime and Disorder (Overview & Scrutiny) regulations when setting the 2010/11 work programme for this committee at its meeting of 13th April 2010.

9.20 Options for the Scrutiny of crime and disorder matters in 2010/11 may include:

- Delegating crime and disorder issues to the Business Management Overview and Scrutiny Sub Committee

- Delegating crime and disorder issues to their own Overview & Scrutiny Sub-Committee

- Establishing a Task and Finish Group with a specific remit to deal with crime and disorder scrutiny matters;

9.21 The views of Members on the above options are also sought.

10. LIST OF BACKGROUND PAPERS

10.1 Police and Justice Act 2006

10.2 Local Government and Public Involvement in Health Act 2007
10.3 Crime and Disorder (Overview and Scrutiny) Regulations 2009


Legal: MB

CFO: KB
The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(3) and 20(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 National Assembly for Wales 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


Co-opting of additional members

3.—(1) Subject to paragraphs (4), (5), (6) and (7), the crime and disorder committee of a local authority may co-opt additional members to serve on the committee where it considers this appropriate for the exercise of its functions.

(2) Subject to paragraph (3), a person co-opted to serve on a crime and disorder committee has the same entitlement to vote as any other member.

(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 not co-opt any person to serve on the committee where the committee is exercising its powers in respect of a decision or action for which that person was wholly or partly responsible or in which that person was otherwise directly involved.
(5) The number of additional co-opted members shall not, in relation any particular exercise of the crime and disorder committee’s powers, be greater than the number of permanent committee members.

(6) A crime and disorder committee shall not co-opt any person to serve on the committee who—

(a) is not an employee or officer of a responsible authority or of a co-operating person or body; or

(b) is a member of the executive of the local authority for the area covered by that crime and disorder committee.

(7) The crime and disorder committee shall consult the relevant responsible authority, co-operating person or body (as applicable) as to the most suitable person before co-opting an additional member.

(8) 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, no less than twice in every twelve month period.

**Information**

5.—(1) Where the crime and disorder committee makes a request for information relevant to the exercise of its functions 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 or, if some or all of the information cannot reasonably be provided on such date, as soon as reasonably possible.

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

(a) shall be redacted to the extent that it allows a living individual to be identified, unless (subject to sub-paragraphs (b) and (c)) the identification of such individual is necessary or appropriate in order to enable the crime and disorder committee to exercise its powers; and

(b) shall not include information that would prejudice current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.

**Attendance at committee meetings**

6.—(1) Subject to paragraphs (2) and (3), the 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 or otherwise to provide information.

(2) The crime and disorder committee must give the person whose attendance it requires in accordance with paragraph (1) at least two weeks’ notice of the date on which that person is required to attend, unless the person agrees to a shorter period of notice.

(3) A person whose attendance is required under paragraph (1) shall attend on the specified date, unless the person has a reasonable excuse.
REPORTS AND RECOMMENDATIONS

7.—(1) 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 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

(2) The crime and disorder committee shall review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers under section 19(1) of the 2006 Act.

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 to 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 1988, 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. To the extent of their membership, co-opted members have the same entitlement to vote as any other member.

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 twice in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information 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 a responsible authorities and 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 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

Regulation 7 also provides that a crime and disorder committee shall review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers under section 19(1) of the 2006 Act.