

PROTOCOL FOR THE SCRUTINY OF THE HEREFORDSHIRE CRIME AND DISORDER REDUCTION PARTNERSHIP

INTRODUCTION

The Police and Justice Act 2006 requires that from April 2009 every local authority ensures that it has a scrutiny committee designated as a “Crime and Disorder” Committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities who comprise a Crime and Disorder Reduction Partnership of their crime and disorder functions.

This protocol concerns the relationship between the Crime and Disorder Committee and the Crime and Disorder Reduction Partnership and how they will work together and has been developed jointly.

RELEVANT ORGANISATIONS

The Crime and Disorder Reduction Partnership (The Partnership)

The responsible authorities comprising the Partnership are local authorities, fire and rescue authorities, police authorities, the police, probation (from 1 April 2010) and primary care trust which together comprise a Crime and Disorder Reduction Partnership. In Herefordshire this Partnership is called “Safer Herefordshire”.

These responsible authorities have a duty to work in co-operation with the “co-operating bodies”: parish councils, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector.

The Crime and Disorder Committee (The Committee)

The Community Services Scrutiny Committee is one of the Council’s Scrutiny committees and consists of Councillors elected to Herefordshire Council. It has been designated by the Council as the Scrutiny Committee that will review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities who comprise a Crime and Disorder Reduction Partnership of their crime and disorder functions.

The Committee has the power to co-opt people to serve on it, subject to the Council’s Scrutiny Procedure Rules.

It will co-opt its representatives on the West Mercia Police Authority to assist the Committee when it considers matters relating to the Partnership.

PRINCIPLES OF CRIME AND DISORDER SCRUTINY

The Scrutiny Committee recognises that the role of scrutiny is to scrutinise the partnership as a whole.

The Committee will provide constructive challenge at a strategic level rather than adversarial fault finding at an operational level.

If an issue arises that relates specifically to a particular partner organisation it may be more appropriate to refer such issues to the governing bodies of that organisation for action.

Partners and those scrutinising their actions alike should be careful both to ensure that the demands that they make on each other are not unreasonable and that duplication is avoided.

FREQUENCY OF MEETINGS

The Crime and Disorder Scrutiny Committee will meet at least once a year and hold such other meetings as it requires.

The Committee will hold formal meetings, informal review group meetings and other methods of evidence gathering and public involvement as appropriate.

BUSINESS AT MEETINGS

The Committee will

- consider actions undertaken by the responsible authorities on the Crime and Disorder Reduction Partnership.
- make reports or recommendations to the local authority and partners with regard to community safety functions.

ATTENDANCE AT MEETINGS

The Committee may request the attendance of representatives of the Partnership at its meetings.

The Committee in exercising this power must be mindful of the capacity constraints of the partners being invited and the value they are likely to add to a discussion.

The Partnership is obliged to send a representative to attend unless reasonable notice has not been given.

Where any member or officer of the Partnership is requested to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

Where the Committee meets and people attend to assist the Committee those attending will be treated with respect and courtesy.

Reports and Responses to Reports

When the Committee prepares a report on an issue the Committee will provide the Partnership Manager with a draft review report and recommendations for circulation to partners for comment prior to publication. The Committee will expect comments within 15 working days. The Committee will consider comments received and may at its discretion amend its draft report.

Scrutiny will not be party political and will aim to achieve a consensus in its reports based on evidence.

Copies of the final report and recommendations will be sent to the Partnership Officer for circulation to and consideration by relevant partners.

The Partnership Manager will co-ordinate a response which should be submitted to the Democratic Services Officer within 28 days (or if this is not possible as soon as reasonably possible thereafter, with a revised submission date to be agreed with the Democratic Services Officer following consultation with the Chairman of the Committee).

Following receipt of the response, the Committee will agree with the relevant partner(s) how progress in implementing the agreed recommendations will be monitored.

AVAILABILITY OF COMMITTEE PAPERS

Meetings of the Committee will be conducted in accordance with the Council's Access to Information Rules.

Copies of published papers relating to the business of the Committee in addition to being available on the Council's website will be made available to the Partnership as reasonably required.

AVAILABILITY OF PARTNERSHIP PAPERS

The Partnership Manager will make published papers of Safer Herefordshire available to the Democratic Services Officer for circulation as appropriate.

AVAILABILITY OF OTHER PARTNERSHIP INFORMATION

The Partnership is under a duty to provide information requested by the Committee. The expectation will be that this information will be provided in a timely manner, as soon as is reasonably possible, generally within 10 working days.

The Crime and Disorder Scrutiny Committee will ensure that requests for information are well focused and thought through.

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 reasonable likely to prejudice legal proceedings or current or future operations of the responsible authority or co-operating body.

DEVELOPMENT OF A WORK PROGRAMME

The Committee will in agreeing a work programme consult the relevant partners on the community safety partnership.

If the community safety partnership is putting together a strategy, plan or policy, it will consider whether it needs to build in a process for scrutiny at a draft stage and inform the Committee so that the Committee can include the matter in its work programme.

PRESS RELEASES

The Partnership Officer will be informed of and consulted on any proposed official press release by the Committee relating to the scrutiny of Crime and Disorder matters prior to release being authorised.

The Democratic Services Officer will be informed of and consulted on any proposed official press release by the Partnership relating to the scrutiny of Crime and Disorder matters prior to release being authorised.

COUNCILLOR CALL FOR ACTION

This is a statutory provision giving a Councillor the opportunity to refer a local crime and disorder matter to the Crime and Disorder Committee. A local crime and disorder matter is defined as a matter concerning “crime and disorder” (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the area.)

Such requests will be dealt with in accordance with the Council’s Code for Councillor Calls for action. Guidance states that CCfA will be a means of “last resort” with issues being referred to a Scrutiny Committee after other avenues have been exhausted.

The Partnership Manager will be informed if a CCfA is lodged.

REVIEW OF THE OPERATION OF THE PROTOCOL

The operation of the protocol will be reviewed every six months by the contact officers and reports made as appropriate.

In the event of any dispute over the operation of the protocol the Chairman of the Committee and the Chairman of the Partnership will meet to discuss the matter and seek to resolve it. In the event of continued disagreement the matter will be referred to the Committee for consideration, which will make recommendations to the Partnership as necessary for its formal consideration.

CONTACTS

The relevant Democratic Services Officer will be the contact point for the Partnership.

The Partnership Manager will be the point of contact for the Committee.