

Scrutiny of Crime and Disorder Matters

Introduction and Background

The Police and Justice Act 2006 (S19) requires every local authority to ensure 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 of their crime and disorder functions. The responsible authorities are local authorities, fire and rescue authorities, police authorities, the police, and primary care trusts which together comprise a Crime and Disorder Reduction Partnership and the Probation Service.

The Home Office has issued guidance on the scrutiny of crime and disorder matters.

<http://cfps.org.uk.surface3.vm.bytemark.co.uk/publications?item=6951&offset=0>

Designating a Crime and Disorder Committee

The requirement for the Council to have a “Crime and Disorder” Committee does not require a separate Crime and Disorder Scrutiny Committee. It does require that a scrutiny committee is designated as such. When considering matters related to crime and disorder functions of the responsible authorities the Committee must be properly constituted for that purpose and comprise the appropriate membership.

Work programme

The guidance emphasises that the role of scrutiny should be focused on the Partnership as a whole and will be more effective if it focuses on the policy issues rather than a single organisation. It states that 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. The role of the Committee should be as *“a critical friend of the community safety partnership, providing it with constructive challenge at a strategic level rather than operational fault finding at an operational level.”*

The guidance notes that at a basic level the role of the Committee is

To consider actions undertaken by the responsible authorities on the CDRP

Make reports or recommendations to the local authority (and partners)

To consider Councillor Calls for Action

It adds that, *“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 community safety partnership and reflect local community need.”*

The Regulations require that the Committee meets “as the committee considers appropriate but no less than once in every twelvemonth period.

The guidance, does, however, make clear that:

“In addition the scrutiny function should consider community safety issues more consistently throughout the year, just as it would with any other subject matter.”

“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 cabinet member with community safety responsibilities or senior members of partner organisations such as the local police commander.”

The scrutiny of crime and disorder matters is only a part of the Committee’s work and part of the overall work programmes of the Scrutiny Committees.

The guidance provides a number of examples of effective crime and disorder scrutiny and suggests a number of key areas for scrutiny.

Roles identified in the guidance include

policy development,

contributing to the development of strategies

holding to account at formal hearings

performance management

Involvement in the Comprehensive Area Assessment (CAA), 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 and carrying out investigations which feed into the assessment process. (nb CAA is now defunct)

Particular strengths for scrutiny are identified as: engagement and involvement of local people and analysis of issues of local concern.

The guidance also states that, *“the scrutiny of community safety issues is just one part of a wider agenda in local policy making for partnership working” and not a “stand alone” exercise.* It suggests scrutiny can contribute to this agenda through its contribution to the CAA, through monitoring the delivery of partnerships against Local Area Agreement Targets and “understanding the wider implications of community issues, informed by section 17 of the Crime and Disorder Act 1998.

“The Council has a legal duty under section 17 of the 1998 Act to carry out all its various functions with due regard to the need to prevent crime and disorder in its area (likely to be extended to include reducing reoffending from April 2010.”

“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.”

Councillor Call for Action

The 2006 Act as amended also contains provisions allowing a Councillor to refer a local crime and disorder matter to the Crime and Disorder Committee (a Councillor Call for Action (CCfA)). The same CCfA procedure can be followed in relation to crime and disorder matters as for the Council’s other scrutiny committees, except that a crime and disorder matter must be considered by the designated Crime and Disorder Committee. The Council’s CCfA Code is set out at Part 5 section 10 of the Council’s Constitution.