



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Guidance for the Scrutiny of Crime and Disorder Matters – Wales

**Implementing Sections 19 and 20 of
the Police and Justice Act 2006**

Welsh Assembly Government
Guidance Circular No: 001/2010

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Introduction

Since the introduction of the partnership provisions in the Crime and Disorder Act 1998, there has been a sea change in the approach that local bodies have adopted to delivering safer communities in partnership. Police, local government and a range of other agencies have come together to tackle the crime and disorder problems that matter to the communities they serve, and the development in partnership working has contributed to a reduction in crime during that time.

Building on these developments, the Police and Justice Act 2006 made provision for a range of changes to the way in which Community Safety Partnerships (CSPs) in Wales fulfil their responsibilities in relation to tackling crime, disorder and substance misuse in their locality. These changes, contained in sections 19, 20 and 21 of the Police and Justice Act 2006, include a requirement that local authority scrutiny structures should consider crime and disorder matters.

The provisions in the Police and Justice Act 2006 requiring local authority scrutiny of crime and disorder commenced in Wales on 1 October 2009. On that date, Home Office regulations under that Act setting out in more detail what is required for local authority scrutiny of crime and disorder took effect in relation to Wales. (The Crime and Disorder (Overview and Scrutiny) Regulations 2009 - see Appendix C.)

This document provides advice and guidance to CSPs in how to meet the requirements of the legislation and on how the scrutiny process can help to further improve the way in which they tackle the crime and disorder issues that matter to their local communities.

At heart, scrutiny is about accountability. Councillors have a unique place in local decision making, providing a clear line of democratic accountability between decision-making and the people they serve. The new provisions will enable them to bring their unique perspective to bear on how CSPs are tackling crime and disorder and potentially benefit communities everywhere.

This guidance has been written for a variety of people:

- For those working in community safety, it will introduce them to scrutiny in local government, to the principles that underpin it, and to the positive contribution it can make to their work; and
- For councillors, and officers working in local authorities, it will provide information on community safety issues (including the national policies and structures) and give them advice on how scrutiny can add value to the work they do with partnerships.

Key points which may be particularly useful to certain groups are contained in **coloured boxes** throughout the document:

CSPs may find the information in the **orange** boxes most useful; councillors and local authority officers, the **purple** boxes and the **blue** boxes will be useful to all groups.

The guidance consists of the following sections:

- Section 1: an introduction to community safety, for members and officers who may be unfamiliar with some of the themes and the jargon.
- Section 2: an exploration, through some worked examples, of what good scrutiny of crime and disorder issues might look like.
- Section 3: a discussion of the practicalities, including the designation of crime and disorder committees and community safety partner responsibilities.

Notes on the wording and scope of the guidance

Where we have used the word “committee” in the guidance, in most instances we are referring to what the regulations call the “crime and disorder committee”. We have omitted the prefix to minimise unnecessary repetition of the phrase.

Section 1 - An introduction to community safety

1.1 Brief history

You might find this most useful if you are a scrutiny member or officer

1.1.1 The statutory partnerships originally created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder are known in Wales as Community Safety Partnerships (CSPs). In England they are known as Crime and Disorder Reduction Partnerships (CDRPs). These partnerships have grown and developed, including through further legislative changes in the Police Reform Act 2002 and the Police and Justice Act 2006.

1.1.2 CSPs consist primarily of five statutory 'responsible authorities' who are required to work together to jointly agree and deliver community safety priorities. The responsible authorities on the CSP are:

- The local authority.
- The police force.
- The police authority.
- The fire and rescue authority.
- The local health board.

1.1.3 The responsible authorities are responsible for working with other local agencies and organisations to produce an annual 3 year rolling plan and annual strategic assessments.

1.1.4 There are a range of bodies with whom the responsible authorities are required to co-operate, or to invite to participate in the work of the CSP. While the term "partnership" is applied to all those in the CSP, the responsible authorities are the only bodies or agencies under the duty to meet the statutory requirements.

1.1.5 The Policing and Crime Act 2009 includes provision for probation to become a responsible authority, and for the duties of CSPs to be expanded to include reducing re-offending. It is anticipated that these changes will take effect from April 2010.

1.1.6 A review of the partnership provisions of the Crime and Disorder Act 1998 as amended concluded in 2006 and subsequent amendments to legislation were made through the Police and Justice Act 2006, including a power to introduce statutory National Standards to make CSPs a more effective vehicle for tackling crime, anti-social behaviour and substance misuse in their communities.

1.1.7 Guidance on the statutory National Standards for CSPs is provided in the "Delivering Safer Communities: A guide to effective partnership working" which can be accessed on the Home Office website through the following link:
http://www.crimereduction.homeoffice.gov.uk/guidance_for_effective_partnerships.pdf

What does this mean for me?

Councillors and scrutiny officers might reflect on the fact that these CSPs have a relatively long history, which means relationships may be well established and partners cautious about how the dynamic may be affected by new scrutiny activity. They may also be used to working within a tightly defined framework, and may only recently have begun to adapt to an approach that is more flexible and allows more local discretion.

1.2 Community safety priorities

1.2.1 In order to identify and deliver on the priorities that matter the most to local communities, the responsible authorities are required to carry out a number of main tasks. These include:

- preparing an annual strategic assessment. This is a document identifying the crime and community safety priorities in the area, through analysis of information provided by partner agencies and the community
- producing an annual three year rolling partnership plan, laying out the approach for addressing those priorities
- undertaking community consultation and engagement on crime and disorder issues; and
- Sharing information between the responsible authorities and other partners within the CSP.

What does this mean for me?

The strategic assessment provides a chance to get underneath high-level information and think about how well the partnership understands the area and its mapping need. Some areas have access to quite sophisticated crime and anti-social behaviour mapping technology, for example, that councillors may be unaware of and find insightful.

1.3 Who delivers on community safety?

1.3.1 Community safety is not just about the police. Like every challenging outcome that local authorities and their partners deliver for their communities, community safety needs a wide range of people and organisations to be involved and contributing to address crime and its causes.

1.3.2 This theme was expanded upon by the Policing Green Paper, *From the Neighbourhood to the National: Policing our communities together*, published in July 2008, which emphasises the role both of CSPs, other partnership and of local communities in improving community safety.

1.3.3 The public policy imperative for close joint working, across a wide range of organisations and sectors, is consequently very clear.

1.4 The responsible authorities

1.4.1 In Section 1.1 we listed the statutory responsible authorities sitting on the CSP. While the role of scrutiny is to **scrutinise the partnership as a whole**, good scrutiny is based on relationships and mutual understanding. This section explains the individual roles within the partnership in more detail.

Local authority

1.4.2 Most local authorities have staff dedicated to community safety, though resources in smaller authorities may be limited. But community safety needs the support of a wide range of people throughout the council to be effective. The council has a legal duty under section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with due regard to the need to prevent crime and disorder in its area. Many of the factors that can affect levels of crime, anti-social behaviour and offending are the responsibility of the local authority, such as housing, education, social services, child safeguarding/welfare, planning, and alcohol licensing. It is therefore very important that the prevention of crime and disorder is mainstreamed throughout the various functions of the local authority, and scrutiny committees may wish to examine whether this is the case in their areas.

1.4.3 Local authorities also have a significant role in relation to children and young people, and local authority functions such as Youth Offending Teams and Children and Young People's Partnerships are important contributors to community safety. **Youth Offending teams** sit within the local authority but bring together multi-agency partnerships around education, health and social services. They are overseen nationally by the **Youth Justice Board**.

Police

1.4.4 The four Welsh police forces play a critical role in CSPs. The fundamental role of the police service can be described as:

- Upholding the law fairly and firmly.
- Preventing crime.
- Pursuing and bringing to justice those who break the law.
- Protecting, helping and reassuring the community.
- Being seen to act with integrity, common sense and sound judgment.

1.4.5 Each force is led by a Chief Constable, responsible for the direction and control of the force. Chief Constables have discretion in the way in which they organise their forces. Most are organised into Basic Command Units (BCUs). Below the BCU level there are **Safer Neighbourhood Teams**. These have been rolled out throughout England and Wales and are an important part of partnership working.

Police authority

1.4.6 Police authorities exist to hold police forces to account in their communities. Police authorities are committees comprised of locally elected councillor members and independent members, and the councillor members always hold a majority. Most police authorities have seventeen members (nine councillor members and eight independents), although a few including Dyfed Powys and South Wales have nineteen members (ten councillors and nine independents). Councillor membership will as far as possible reflect the political balance of the local authority. Independent members must live or work in the police authority area, and are appointed by the authority from a shortlist compiled by a selection panel. At least one independent member should be a lay justice (magistrate). Police authorities also have an officer structure which supports the work of the committee.

1.4.7 All authorities have a duty to ensure the maintenance of an efficient and effective police force for their areas, having regard to:

- the Home Secretary's Strategic Policing Priorities
- any objectives and performance targets determined by the authority
- any local policing plan issued by the authority.

1.4.8 They also have duties in relation to force compliance with the Human Rights Act 1998; ensuring forces collaborate where it would be in the interests of efficiency or effectiveness, and promoting equality and diversity within their police force. Police authorities have the power to appoint or remove the Chief Constable (with the consent of the Home Secretary), and have responsibilities in relation to their police force's finance: they set the budget for the force and the council tax precept.

1.4.9 The Association of Police Authorities (APA) represents and acts as the national voice of police authorities in England and Wales, and helps help police authorities in doing their job locally. In Wales, the Police Authorities of Wales (PAW) has been established as a Statutory Joint Committee representing all four authorities, to advise on policing matters in Wales and in particular to promote the collaboration agenda. The Association of Police Authorities has produced guidance for police authorities in respect of their role as members of the CSP, which can be found at <http://www.apa.police.uk/APA/Publications/Contributing+to+Crime+and+Disorder+Reduction+Partnerships.htm>

1.4.10 Together with the Home Secretary, police forces and police authorities make up the governance arrangements for policing through the 'Tripartite arrangement'. In essence, the 'tripartite arrangement' operates as follows:

- The **Home Secretary** is answerable to Parliament and the public for the provision of an efficient and effective police service, and is responsible for setting the strategic direction

for the police service for the year ahead and statutory performance indicators and targets against which police performance is measured.

- **Chief Officers of Police** retain overall operational independence. The Chief Officer is responsible for the direction and control of the force, including civilian staff and delegated financial management.
- **Police authorities** have a statutory duty to maintain an efficient and effective police force for the area and to hold the chief officer to account for the exercise of his functions and those of persons under his direction and control.

1.4.11 In holding the Chief Constable to account, police authorities carry out functions similar to those which the scrutiny committee might seek to exercise. It is important to emphasise that scrutiny bodies and police authorities should work closely together to ensure that their activities are complementary. This includes understanding the roles of police forces and police authorities in the governance of the police service, and it is for this reason that local authorities are **very strongly** advised to ensure that police authority representatives play an active role at crime and disorder scrutiny committees, particularly when the police forces are present (see section 3.5: Co-option).

Fire and rescue

1.4.12 Fire and rescue services have a relatively focused remit, but are often committed and enthusiastic members of CSPs. Fire and rescue is structured into three services across Wales. Accountability is provided through the fire authority. The **fire authority** is a committee of councillors. How this committee is made up depends on the boundaries of the fire service. Where the fire service covers more than one authority, there is an external committee that is made up of councillors from each of the local authorities in the area.

1.4.13 The contributions of the fire and rescue service may make to community safety might include:

- fire safety education, focusing on children in schools and groups in the community who may be particularly vulnerable
- road safety - reducing collisions and accidental deaths
- planning for, and reacting to emergencies such as floods; and
- being a positive mentor and role model for young people.

Local Health Boards

1.4.14 Local health boards are one of the five responsible authorities under the Crime and Disorder Act, and health bodies are critical partners in relation to community safety. Areas where health has a role in community safety include:

- tackling the misuse of alcohol, drugs and other substances, commissioning and providing appropriate drug and alcohol services
- arranging for the provision of health advice or treatment for people who put themselves or others at risk through their use of drugs or alcohol

- helping to support the victims of domestic violence; and
- working with other local partners to help prevent problems occurring in the first place, for example by alerting the police to licensed premises where a lot of alcohol-related injuries occur.

Probation

1.4.15 Each provider of probation services in an area is expected to become a responsible authority through legislative changes which are likely to take effect from April 2010. Probation will then have an equal role in partnerships alongside the other five responsible authorities. Some probation areas already have effective relationships and a clear role within local partnerships, although the duty placed on partnerships to address re-offending and on probation to be a full responsible authority will enhance this relationship in the future.

1.4.16 The aims of the National Probation Service are to:

- Protect the public.
- Reduce re-offending.
- Provide for the proper punishment of offenders in the community.
- Ensure that offenders are aware of the effects of their crimes on the victims of crime and the public.
- Rehabilitate offenders.

1.4.17 Protecting the public is the priority of National Probation Service and to achieve this Probation works in close partnership with other agencies including the Prison Service, the health services and local authority housing and social services. Offenders posing a risk of serious harm are managed through MAPPA (Multi-agency Public Protection Arrangements). The MAPPA began operating in April 2001. This body places a duty on the police, prisons and the National Probation Service to assess and manage risks posed by offenders in every community in England and Wales. In the most serious cases MAPPA can recommend increased police monitoring, special steps to protect victims and the use of closely supervised accommodation.

1.4.18 Probation strives to reduce re-offending by working with offenders to change their behaviour and addressing the issues that may lead them to re-offend. This work is delivered under seven pathways:-

- Accommodation.
- Education, Training and Employment.
- Health.
- Drugs and Alcohol.
- Finance, Benefits and Debt.
- Children and Families.
- Attitudes, Thinking and Behaviour.

1.4.19 Probation also targets Prolific Offenders (PPOs) who often have drug problems and commit crime to support their habit. After careful selection, the offenders are offered a place on the PPO scheme, which allows them fast access to services and support from local agencies and organisations. Swift action and penalties are imposed for any non-compliance with the programme. Offenders receive support in the form of increased contact with probation staff, drug rehabilitation and addiction counselling, help in finding somewhere to live, careers advice and training and help in changing behaviour to live crime free lives.

1.5 The performance landscape for crime and community safety

1.5.1 The performance landscape for community safety, and CSPs, is changing. Some of the changes are:

- introduction of the Policing Pledge
- greater focus on rigorous scrutiny of performance of the police force by the police authority
- external monitoring to move from the Home Office to Her Majesty's Inspectorate of Constabulary (HMIC)
- crime maps and neighbourhood-level information now available for all 43 forces from December 2008
- much more public information - surveys, website with quarterly information, public reporting of police authority inspections, letters from HMIC to chief constable and chair setting out performance issues and requiring an action plan.

Confidence target

1.5.2 Scrutiny committees should in particular be aware that the Home Office has abolished all national targets on crime except for one, which is a public perception indicator measured through the British Crime Survey. The question asks members of the public whether they agree that "The police and local council are dealing with the anti-social behaviour and crime issues that matter in this area." The Home Office have set a national confidence target for the police service in England and Wales, and each individual police force has also been set a target for improvement. It is important that scrutiny committees understand that improving confidence will be a top priority for local forces.

1.6 Scrutiny and community safety - working together

1.6.1 Community safety partners have a long history of working together and getting results. The introduction of crime and disorder scrutiny committees enhances existing partnership arrangements by developing a clear structure for overseeing and reviewing the delivery of joint responses on community safety and by creating a clearer link between partner agencies and the public on community safety.

1.6.2 Because the role of scrutiny should be focused on the partnership as a whole, 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.

Scrutiny, done well, can always add value. Public services can be improved by an independent eye providing balanced, researched and constructive ideas. Part of that success, however, depends on choosing the right topic and understanding the landscape. Here are some suggestions about how the scrutiny of crime and disorder matters could add value and focus on issues that matter to the public:

Neighbourhoods - Neighbourhoods are very important for both community safety and councillors, but understanding how to make the most of this connection may need some careful investigation - there is no national direction on what neighbourhoods should look like, so they are different everywhere. But every part of England and Wales has a neighbourhood policing team, and many local authorities have linked this with their own neighbourhood management and with ward councillors.

Confidence - The new confidence agenda for councils and the police presents real opportunities for scrutiny. As well as being a shared responsibility across the two organisations, it's also an area that councillors should have a unique perspective on. As the police and partners develop an increased focus on communicating and engaging with the public, scrutiny may be able to provide practical help and suggestions. This might draw on community knowledge, or help link the police with the experience of other services in the area that have been successful at building a connection with local people. Police authorities are tasked to hold the Chief Constable to account for performance against the confidence measure, so this might also be a fruitful area for joint scrutiny with the police authority.

Criminal justice - The Policing and Crime Bill contains measures to add reducing re-offending to the core areas of focus for CSPs, as well as increasing the responsibilities of probation. These changes, along with a clear focus on integrated offender management will mean that there will be a period of change. The Ministry of Justice is also encouraging magistrates to become more involved in engaging with the community. Partnerships might benefit from the support of scrutiny to help them manage these transitions successfully, and get the most from better engagement with the criminal justice community.

Section 2 - What good scrutiny of crime and disorder would look like - putting it into practice

2.1 What scrutiny is, and why it is important

You might find it most useful to read this section if you are a community safety partner

2.1.1 The Local Government Act 2000 changed the way in which county and county borough councils conducted their business. The previous committee system was replaced by a cabinet system whereby, in most cases, the council appointed a leader who chose up to 9 other councillors to form the cabinet or executive.

2.1.2 Now, most decision-making is carried out by an executive. This is a cabinet of a number of councillors, each with responsibility for a specific policy area. A small number of councils operate alternative arrangements, known as “The Fourth Option”, whereby, to a large extent, a politically balanced board replaces the executive. For the sake of this guidance, any reference to the executive can be read as including a board also.

2.1.3 To balance this concentration of executive authority and to ensure that other members could contribute to the council’s decision-making and policy development processes, provision was made for what was known as “overview and scrutiny”. Under section 21 of the Local Government Act 2000, local authorities altering their executive arrangements would have to set up a committee, or committees, of the council to carry out this overview and scrutiny work. It is up to each authority to decide what the roles of these committees would be, but most authorities have sought to establish a system whose responsibility would be both to hold the executive to account and to carry out policy development work. Common to all scrutiny functions is the fact that they can research issues and recommend actions to be taken, but their only powers are to advise and persuade, based on the evidence they gather and analyse.

2.1.4 Since 2000, the responsibilities and powers of scrutiny committees have expanded considerably. In some authorities the bulk of detailed scrutiny work is carried out away from committees, in “task and finish” groups (some authorities call these by different names, but they are basically small, time-limited informal panels made up of councillors, and sometimes people co-opted from the local community because of their experience or knowledge).

2.1.5 Also, in many cases scrutiny work now encompasses the work of partners, not just the local authority. The Assembly Government encourages this practice and intends to address this further through powers transferred to the Assembly on scrutiny and governance included in the Local Democracy, Economic Development and Construction Act 2009.

Principles of Scrutiny¹

2.1.6 There are four fundamental principles that should underpin scrutiny activity:

1. provides 'critical friend' challenge to executive policy-makers and decision-makers
2. enables the voice and concerns of the public and its communities to be heard
3. is carried out by 'independent minded governors' who lead and own the scrutiny process; and
4. drives improvement in public services.

Scrutiny in action

2.1.7 The practice of scrutiny varies across Wales, and it is not possible to adopt a nationwide approach or standard for scrutiny. The scrutiny arrangements under sections 19, 20 and 21 of the Police and Justice Act 2006, and the regulations that support them, are therefore based on a flexible, enabling approach.

If you are a community safety partner, you will have to work closely with your local authority to see how the scrutiny of community safety matters will work best for you.

2.1.8 A 'one size fits all' approach is not appropriate and this guidance provides examples of high-quality scrutiny work to support local authorities in developing an approach to crime and disorder scrutiny that both fits in with other scrutiny policies, takes account of local partnership arrangements, and is proportionate and therefore adds value to local crime and disorder activity. See Section 2.2.

Politics

2.1.9 If engagement with scrutiny (the concept of it, and as it is practiced in local authorities) is a new thing for you, you may be concerned about politics. You may be especially concerned that, by attending committee or giving evidence in another way, you will be drawn unwillingly into political debate.

Scrutiny in practice can be non-party political in its approach. Many councillors have done a great deal to ensure that a culture of consensus operates on committees, and members of different political groups work well together on many councils. While disagreements may arise, all councillors have a commitment to ensuring that the work they do, and the work that the authority does, meets the needs of local residents.

¹ According to research carried out by the Centre for Public Scrutiny

2.1.10 Sometimes this commitment manifests itself in political discussion and debate. As partners and councillors alike, you should recognise that scrutiny often examines subjects that are highly political in nature.

2.1.11 This is not necessarily a negative thing. Some of the best examples of good scrutiny are instances where members, officers and partners have harnessed the power of political debate to carry out thorough analysis of a given issue. For example, there have been a number of highly successful reviews into local residents' fear of crime - an emotive and political issue which members, with their understanding both of local politics and the local community, are extremely well placed to investigate.

2.2 Structural issues

2.2.1 Each of the four police authorities in Wales covers a number of different local authorities, which are fully encompassed within their area. This means that a single police authority may have to deal with a number of separate authorities in different CSPs within their areas. This can stretch resources, particularly within police authorities. Partners and scrutineers should be mindful of this problem. There is currently no statutory basis for joint scrutiny committees to be established in Wales and neighbouring scrutiny committees should have regard to this factor when setting their timetables.

During 2005, Rhondda Cynon Taf set up a Community Safety Scrutiny Working Group to undertake collaborative external scrutiny, which considered the successes and challenges faced by the CSP and the role of the County Borough Council. There were a number of positive outcomes arising from this scrutiny review, in particular the appointment of an officer to Head the CSP and the instigation of the roll-out of the SAFE (substance awareness for everyone) programme throughout Rhondda Cynon Taf. Feedback was received from the Council's Executive with regard to recommendations relating to the Authority. The South Wales Police's representative presented the Partnership's response to the recommendations to a meeting of the working group.

2.3 Key areas for scrutiny

Use of different techniques

2.3.1 Scrutiny can take a variety of different approaches to scrutinising community safety issues. While the focus of sections 19 and 20 and the regulations, is on committees, a lot of scrutiny work is likely to be undertaken in different ways.

- **Policy development** - scrutiny committees may carry out in-depth scrutiny reviews focused on a specific topic relevant locally. Often this is done by means of a task and finish group, which will examine evidence from a wide variety of sources before producing a report and recommendations, to which partners and/or the council's executive will have to respond. These pieces of work arguably have the most impact on local policy making, and we will provide you with some examples of them below.

- **Contribution to the development of strategies** - if the CSP is putting together a strategy, plan, or policy, it may be useful to build in a process for scrutiny at draft stage. Councillors can provide valuable evidence to support the drafting process - especially intelligence from the local community.
- **Holding to account at formal hearings** - bringing in representatives of the partnership and questioning them about their roles, responsibilities, and activities. This is the simplest method for scrutiny to "hold the partnership to account", though this has limitations in terms of constructive outcomes and should be a small part of interaction between scrutiny and the partnership.
- **Performance management** - examination of the performance of the partnership, often using high-level scorecards or, where appropriate, more detailed data. The best scrutiny functions will use this as an opportunity to look at performance "by exception" (which will highlight both particularly good, and particularly poor, performance). This could involve the committee looking at particularly good performance, to see what lessons can be learned, thus sharing good practice across all public and third sector organisations operating in the local area.

Particular strengths for scrutiny

2.3.2 Scrutiny can, by using the different techniques above, apply itself to a number of different policy areas. A number of particular strengths of scrutiny have been identified - engagement and involvement of local people, analysis of issues of local concern, and promotion of joint working - examples of successful reviews demonstrating these are provided.

Engagement and involvement of local people

2.3.3 Detailed scrutiny work can help the community safety partners to involve local people more in the work they carry out. This can be difficult for partners to do on their own, and the experience and knowledge - and community intelligence - which councillors can bring to the process is invaluable.

2.3.4 Of course, you may feel that a more flexible approach is required. Many authorities have involved local people closely in carrying out work by co-opting them onto informal "task and finish" groups instead of onto the formal committee.

Analysis of issues of local concern

2.3.5 The fear of crime is a significant issue for many people. This can cause problems for partners, who find it difficult to reconcile this perception with the reality, in many areas, of falling crime levels. This can be interpreted by local people as an unwillingness to respond to problems which they "know" exist in the local community, irrespective of the evidence which has been gathered by sources such as the council and the police. Scrutiny can play, and has played, a vital role in resolving this impasse and setting out a way forward for local people and professionals.

Analysis of issues of local concern

In Bridgend, the Scrutiny function has regularly considered the work of the CSP since 2004. Positive working relations exist between Committee Members and partners where Community Leadership roles have been discussed and clarified. As related to the reassurance agenda, Members have examined the effectiveness of the PACT process and the extent to which partners have been engaged in addressing community priorities. This has included consideration of the public's perception of the PACT meeting process and what steps could be taken to increase confidence in their effectiveness. Members are currently engaged in considering issues relating to Domestic Violence and Anti-Social Behaviour.

2.3.6 Anti-social behaviour is another issue which is often high on the local political agenda, connected to the more general fear of crime which has been covered above. Here, again, scrutiny can help to cut through perceptions and provide clear evidence to back up given policy recommendations.

In Cardiff, the scrutiny function carried out a review of the area's approach to community safety, with the intention of "mainstreaming" an understanding of community safety (mainly across the council), in response to the objectives of section 17 of the Crime and Disorder Act (which we explained in section 1).

Many of these issues will be explored in more depth in Section 3, below.

2.4 More general issues around partnership working

2.4.1 The scrutiny of community safety issues is just one part of a wider agenda in local policy-making for partnership working. Scrutiny has a significant opportunity to contribute to this agenda, and it is important that the scrutiny of community safety partners and community safety issues is not a stand-alone exercise. Scrutiny will have a role to play in linking up partners working across the spectrum of local policy-making - not just those working in community safety.

2.4.2 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.

Section 3 - Detailed guidance on sections 19 and 20 of the Act and the Regulations

3.1 What the legislation says

3.1.1 Section 19 of the Act requires every local authority (in Wales, each county or county borough council) to have a crime and disorder scrutiny committee with the power to review or scrutinise the work of the responsible authorities (in respect of their crime and disorder functions) and to make reports or recommendations to the local authority with respect to the discharge of those functions. Any report produced by such a committee must be sent to all the community safety partners. Any councillor can refer a local crime and disorder matter to this committee, whether they are members of the committee or not and to have it considered. A local crime and disorder matter is a matter concerning crime and disorder or the misuse of drugs, alcohol and other substances affecting all or part of the electoral area for which the member is elected or any person who lives or works in that area. If the committee decides not to consider any referred matter, they must provide an explanation to the councillor but if the matter is taken up, any report produced must be considered by the parent council or relevant community safety partner and they must spell out how they will respond and report back to the committee. (This is the so-called “councillor call for action” process).

3.1.2 Section 20 enables the Welsh Ministers to produce this statutory guidance in relation to Wales and also enabled the Secretary of State to make regulations in relation to the exercise of the functions of crime and disorder. In both cases, there must be consultation between the Welsh Ministers and the Secretary of State.

3.1.3 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (“the Regulations”) enable the crime and disorder committee of a local authority to co-opt members to the crime and disorder scrutiny committee and the committee may grant them voting rights. The committee may decide to limit the co-optees’ participation to defined subject areas. The co-optees must be officers or members of community safety partner bodies. Their membership can be withdrawn by the committee at any time.

3.1.4 The Regulations stipulate that the committee must meet at least once a year. Any request for information by the committee to community safety partners must be provided by a reasonable deadline set by the committee, subject to certain exceptions. The committee can also require a member of officer of a partner body to answer questions. When the committee sends a report to a partner body, they must respond within 28 days.

3.2 Committee Structures

3.2.1 **Section 19** of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinize decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.

3.2.2 The terms of reference of the committee are to scrutinise the work of the CSP and the partners who comprise it, **insofar as their activities relate to the partnership itself**. These partners are listed in section 1, above.

It will be up to each authority - along with its partners - to decide on the best way to put procedures in place for these new scrutiny powers.

- The Act and Regulations do not require councils to alter committee structures. There, must, however, be a formal place where community safety matters can be discussed. The community safety scrutiny role could be undertaken by a dedicated crime and disorder overview and scrutiny committee (or sub-committee) or by an existing scrutiny committee which deals with community safety issues. The committee can establish task and finish groups to look at particular issues and report back to the committee. That can be an effective way of dealing with a matter in detail but in an informal atmosphere.

Whether you are a councillor or a partner, you will find that scrutiny work is more effective where it focuses on a policy issue, rather than on a single organisation.

This is why the legislation gives powers to scrutinise the CSP, and the partners' functions which relate to the CSP rather than the partners per se- this supports a focus based on policy and finding solutions. Focusing on policy:

- **gives the partners the reassurance that the crime and disorder scrutiny committee is there to ensure that the CSP is accountable and its performance is improved, rather than just 'having a go' at the partners**
- **emphasises the fact that scrutiny is focused on improvement, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership**
- **means that there is wider scope for the committee, or group of members, to cut across organisational boundaries over the course of their investigation.**

3.3 Role of the committee

3.3.1 The role of the committee in whichever form it is applied should be as a 'critical friend' of the CSP, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.

3.3.2 At a basic level, the role of the committee is to do the following:

- To consider Councillor Calls for Action that arise through the council's agreed CCfA process. The box below refers to this further.
- To consider actions undertaken by the responsible authorities on the CSP.

- Make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well. We will discuss this issue later in this section.

3.3.3 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 CSP and reflect local community need.

Councillor Call for Action (CCfA) for crime and disorder matters came into force in October 2009. CCfA gives councillors a new right to raise matters connected to anti-social behaviour and substance misuse which are of local concern with their council's overview and scrutiny committee. Overview and scrutiny committees can then decide whether to use their powers to investigate the issue.

There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting and answer questions or make recommendations to the executive. They can also require the executive to review a decision that it has made. Any report produced by the committees as a result of a CCfA should be sent to the local authority, the community safety partners and the local councillor who raised the issue.

CCfA is therefore a valuable tool in equipping councillors to act as powerful advocates for the communities they serve and to strengthen still further their role as community champions. Councillors will of course continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to ask the overview and scrutiny committee to take the matter further.

The crime and disorder CCfA will be an important tool for CSPs to work together to resolve crime and disorder problems, in a forum which is open to the public. It should therefore boost public confidence that police and local authorities are acting on crime and anti-social behaviour issues. (It should be noted, however, that if a committee is discussing "exempt information" - described in Schedule 12A to the Local Government Act 1972 - which mainly refers to references to individuals - the committee may decide to exclude the public). Likewise, the public will be excluded if it is likely that confidential information would be disclosed to them in breach of the duty of confidence.

More information on CCfA can be found in the IDeA and CfPS Best Practice Guide <http://www.idea.gov.uk/idk/core/page.do?pagelId=9410176> Section 4.5 deals with community safety issues. The Assembly Government will review the operation of CCfAs in the community safety area - as well as experience in England - in deciding whether and how to apply them to wider areas of local government competence in considering use of its measure powers on scrutiny in 2010.

Note: Section 3.1 of the IDeA/CfPS guide refers to “vexatious and repetitive” calls for action. Regulations for England were introduced under the Local Government and Public Involvement in Health Act 2007 provide for when such calls may be disregarded. The Assembly or Welsh Ministers do not have such powers of regulation for the present. However, local authorities may wish to develop protocols which will spell out in what circumstances a matter is or is not included on an agenda and who decides on that. One would expect these to be similar to procedures for other scrutiny committees at the same authority. Such protocols may also outline the steps which a councillor may take in the hope of avoiding the need for a formal call for action. The protocol will also need to cover the speed at which calls for action could be expected to progress. As a general rule, a committee could be expected to meet no more than six weeks after receiving a legitimate call and the committee could expect the executive/ board to respond to any report they issue within a month of its receipt.

Protocols

Throughout this section it is suggested that partners and the scrutiny function at the local authority (or local authorities) might want to consider developing a short, flexible and meaningful protocol which lays down the mutual expectations of scrutiny members and partners of the community safety scrutiny process. This could well enable you to embed the committee’s work programme more effectively within its core purpose. Certainly, getting the work programme right will be crucial to the success of the scrutiny process for community safety.

If you are thinking of developing a protocol, do remember that it should be a means to an end - a method of improving the relationship between the scrutiny function and its partners. It is not a legal document setting down minimal standards or something which you are required to “comply” with.

Local authorities and CSPs across a police authority area might wish to consider collaborating to produce similar protocols.

3.4 Frequency of meetings

3.4.1 The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year and subject to any councillor calls for action which need to be discussed.

3.4.2 If a local authority decides to undertake “set piece” community safety scrutiny only once a year, this annual meeting could be in the form of an event looking at crime and disorder matters and discussing which crime and disorder matters should be considered in the next municipal year as matters of local concern.

In addition, the scrutiny function should consider community safety issues more consistently throughout the year, just as it would with any other subject matter. Although it is difficult to suggest an arbitrary figure for an “ideal” number of meetings, scrutiny functions and partners should work together to come up with local solutions, which might form a combination of formal meetings, informal “task and finish” groups, or other methods of evidence gathering and public involvement.

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.

3.5 Co-option

3.5.1 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. The Assembly Government urges local authorities to consider this option as a means of strengthening its scrutiny capacity. The regulations make clear that co-optees may, or may not, have voting rights, at the discretion of the committee and the committee may restrict these voting rights to particular policy areas.

3.5.2 The crime and disorder committee can only co-opt someone under the Police and Justice Act regulations if they are employees, officers or members of one of the responsible authorities (as listed in section 1) or are persons or bodies with whom the responsible authorities have a duty to work. Co-optees cannot be executive members of the local authority. 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. Councils and their partners should consider how these conflicts of interest might be resolved as part of more general agreements on co-option.

3.5.3 The Regulations give the power to the committee to decide who to co-opt. However, in the event of a committee deciding that it did wish to co-opt from one of the partner organisations, it may be preferable for the committee to simply endorse a nomination from

the organisation concerned, only refusing membership in exceptional circumstances, or if the nominee was ineligible, for instance because they were a member of the council's executive.

3.5.4 Like any other scrutiny committee, a crime and disorder committee can invite "expert witnesses" to provide evidence, if they so desire. Committees may well wish to consider third sector representatives in this respect. A number of these organisations will have expertise in relevant local fields.

Co-option and police authorities

3.5.5 Police authorities occupy a unique position within the landscape of CSPs. They have a clear, statutory role to hold to account the activities of the police.

3.5.6 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.

3.5.7 Local authorities should try to ensure that at least one member of the crime and disorder committee should be a member of the police authority. If this is not possible, a member of the police authority could be issued with a standing invitation to attend the committee as an "expert advisor". 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.

3.5.8 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.

3.5.9 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, or authorities, delivering the work.

3.5.10 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.

3.5.11 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.

3.5.12 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.

To co-opt or not to co-opt...

Cardiff City Council uses expert witnesses to improve its scrutiny reviews. In November 2007 the council did a theme review of the structure in the council for delivering crime and disorder reduction. Cardiff regularly looks to bring the highest profile experts possible for its theme reviews, such as Professor Michael Parkinson on competitiveness and Ben Page from Ipsos Mori on consultation. For this review they invited South Wales Police, Cardiff Local Health Board, the National Probation Service, Welsh Assembly Government and the Home Office to bring high level expertise and enhance their understanding of wider issues.

3.6 Responding to requests

Requests for information

As part of the crime and disorder scrutiny process, the relevant scrutiny committee will from time to time request further information from the CSP - performance information, for example.

When asked, the partnership will be under a duty to provide this information. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible. A period of 30 days would appear reasonable.

Timescales

3.6.1 CSPs will be obliged to respond to requests from committees within a reasonable time. The committee and the partnership may want to agree a certain timescale locally.

Partnerships should bear in mind the need for the information that you provide to be relevant to the committee's purposes. Avoid burying councillors beneath a morass of reports filled with technical jargon. This may provide you with an opportunity to reappraise how internal reports could be drafted in a more accessible style and made more widely publicly available. You could assign a named link officer in your organisation to act as a liaison with the scrutiny committee, to ensure that communication is swift and effective, and that requests for information can be dealt with smoothly.

If you are a councillor, or are an officer supporting councillors, you should ensure that requests for information are well focused and thought through. Requests should avoid duplication (with requests made quite recently, or requests being made by neighbouring councils which might impact on the same partner organisations).

Information requests and data protection

3.6.2 The information provided by partnerships 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 reasonably likely to prejudice legal proceedings or current or future operations of a partner organisation. In practice, it is unlikely that the committee will need to receive reports which will relate to specific individuals, or where specific individuals are mentioned in respect of crime and disorder matters.

3.6.3 Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised onto Part II of a committee agenda, as an item to be heard without the press or public present.

Making, and responding to, recommendations

3.6.4 If a committee drafts a report or recommendations which have an impact on community safety issues, the following should occur:

- Copies of the reports and recommendations and to whom they affect should be sent to the individual partners in accordance with Section 19(7) of the Police and Justice Act 2006.
- The relevant partner (or partners) should submit a response within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter).
- Following the receipt of the response, the committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

As already suggested, a protocol might be helpful to define how these arrangements will work in practice. Such a protocol could well make provision for the scrutiny function to informally consult the partnership on a report, or recommendations, before the report is formally submitted. This consultation will make it more likely that recommendations, when they are formally made, are relevant and realistic.

3.7 Attending committee meetings

3.7.1 From time to time, the committee may request the attendance of a representative of the partnership.

3.7.2 It is common practice in local authority Overview and Scrutiny work for people to attend to give evidence to scrutiny enquiries. It is often good practice for those attending to receive details of why they are attending such meetings.

If you are a community safety partner, and you receive such a request, you are obliged to send a representative to attend unless reasonable notice has not been given to the person of the intended date for the meeting. What is meant by “reasonable notice” is not clarified in the regulations or legislation and is something which could be defined in a local protocol on crime and disorder scrutiny as agreed by the committee and local partners.

You should not consider such an invitation as a threat. Instead, it is an opportunity for crime and disorder partners and the committee to discuss issues of mutual concern or to highlight positive work to help reduce crime and disorder. The attendance of officers/employees can also help support local public scrutiny. It will generally be more appropriate for more senior employees/officers to attend, mainly because they are likely to have the general expertise to enable them to answer policy questions at the meeting itself.

Likewise, if you are a councillor, you should not consider the power to invite representatives of the partnership to attend to discuss community safety issues as a power that you can exercise without regard to the capacity constraints of the partners you are inviting, or the value they are likely to be able to add to a committee discussion.

Glossary

Here are some terms you may come across that have not been mentioned elsewhere in this document:

- **Activity Based Costing (ABC)** - is an approach taken in the police which tries to measure how police time is spent, in order to improve efficiency. It is being scaled back for being too bureaucratic, but will still be used in a more limited way.
- **Analysis of Policing and Community Safety (APACS)** - is a performance measurement framework covering key services delivered by the police working on their own or in partnership with others. Previously Assessments of Policing and Community Safety it was subsequently renamed to reflect changes outlined in the Policing Green Paper. APACS is no longer an assessment framework but remains as a set of key performance indicators for policing and community safety.
- **Association of Police Authorities (APA)** - represents and acts as the national voice of police authorities in England and Wales, and helps help police authorities in doing their job locally. In Wales, the **Police Authorities of Wales (PAW)** has been established as a Statutory Joint Committee representing all four authorities, to advise on policing matters in Wales.
- **Justice Reinvestment** - is a concept from America that aims to reduce re-offending by moving resources down to the local level. There is a pilot currently being run to test this idea in London called "Diamond Districts".
- **Local Criminal Justice Board (LCJB)** - is the partnership board that oversees criminal justice. They are co-terminus with police authorities.
- **National Intelligence Model (NIM)** - is a business model for policing that uses intelligence about crime patterns to inform how resources, including across partnerships, are deployed.
- **Prolific and other Priority Offender scheme (PPO)** - is a scheme run by all CSPs to provide a focus on offenders who have been identified as posing the highest risk to communities.
- **Restorative Justice** - is an approach used alongside criminal justice to help victims feel a sense of closure, help offenders recognise the impact of their crime and reduce the chance they will re-offend.
- **Regulation of Investigatory Powers Act (RIPA)** - is a piece of legislation that gives local bodies powers to use covert techniques such as surveillance.
- **Serious and Organised Crime Agency (SOCA)** - is the national agency with responsibility for tackling crimes such as drug trafficking, money laundering and major fraud.
- **National Policing Improvement Agency (NPIA)** - is the policing equivalent of the Improvement and Development Agency (IDeA), producing guidance, learning and development and some national infrastructure.

- **Her Majesty's Inspectorate of Constabulary (HMIC)** - is the inspectorate for policing, and works alongside the Audit Commission on Comprehensive Area Assessment, and delivers APACS (see above).
- **Association of Chief Police Officers (ACPO)** - is the national body representing chief constables, but has a wider role in developing policy than most professional associations. In Wales ACPO Cymru (ACPOC) provides the Welsh perspective on strategic, operational and collaborative issues affecting policing in Wales.

First Step Resources

Crime Reduction Website

www.crimereduction.homeoffice.gov.uk

This website is the Home Office's one stop shop for information on crime reduction. There are some interesting sources of information - for example, at www.crimereduction.homeoffice.gov.uk/toolkits, topics cover a range of areas which might arise in a scrutiny review, such as Fear of Crime or Alcohol Related Crime. The toolkits include facts and figures and policy context for each topic, which could be a useful shortcut for desk based research. There is also a collection of research on a wide range of topics, from Neighbourhood Watch, to Street Sex Work to Taxi Robberies.

The research tab also has a page providing direction to all the latest sources of crime statistics.

Delivering Community Safety: a guide to effective partnership working (2007)

This is the official guidance for Crime and Disorder Reduction Partnerships in England, Community Safety Partnerships in Wales. It sets out statutory requirements, suggested practice, potential barriers and possible solutions and implementation checklists. If scrutiny is looking to test a partnership against the standard for good practice, this resource is the best place to start.

Flanagan Review Final Report (2008)

In 2007 the Home Office announced an independent review of policing by Sir Ronnie Flanagan to look at neighbourhood policing, bureaucracy, accountability and managing resources. Flanagan was Chief Inspector of Constabulary and is well respected in the policing community. His review was widely welcomed though he explicitly refused to make any positive recommendations about changes to structural accountability in the police. This is a readable report and is a useful insight into concerns and priorities in the policing community.

Engaging Communities in Fighting Crime (2008)

This independent review was led by Louise Casey, the former Respect Tsar with a reputation for toughness and plain speaking. The review focuses on why communities have lost confidence in criminal justice, and why they don't take a more active role in fighting crime. It is a useful read for scrutiny because it focuses on public perceptions, is written in a conversational style and makes practical and interesting recommendations, including for local authorities.

From the Neighbourhood to the National: policing our communities together (2008)

This is the latest Policing Green Paper, which paved the way for the Policing and Crime Act 2009. It provides the most recent expression of the current Government's perspective and intentions on policing and community safety. Readers should be aware, however, that the expressed intention to legislate for new Crime and Policing Representatives will not come to pass, as it was dropped from the Bill shortly before publication. Instead an internal Labour party review was set up under David Blunkett to look again at the difficult issue of local accountability of the police.

Integrated Neighbourhood Policing and Management

There is no publication to support this, but information about the project is available on the IDeA website. The IDeA and National Policing Improvement Agency are co-ordinating a group of 'exemplar sites' to help progress the integration neighbourhood policing with neighbourhood management - one of the key recommendations of the Flanagan Review.

Tackling Anti-Social Behaviour Website

www.respect.gov.uk

Anti-social behaviour is a key issue, and one that has particular importance for members of the public, and therefore for councillors. This website is a one-stop resource on everything to do with tackling anti-social behaviour. One resource that is particularly practical and interesting is the collection of step-by-step guides to tackling a range of very particular problems, from graffiti to mini-motos to fireworks. Scrutiny committees doing themed reviews may find helpful resources here to help them assess performance and identify positive recommendations.

National Community Safety Plan 2008-11 Cutting Crime: A new partnership 2008-11

These two documents were published together - one is the overarching strategy on crime, the other is a more focused document on community safety which replaces an earlier plan. The Community Safety Plan reflects the general drive across government to reduce the central burdens on local delivery, though councillors will note there is still a significant focus on national priorities which partnerships will be reacting to. These documents may not be as user-friendly for councillors as some other resources.

STATUTORY INSTRUMENTS

2009 No. 942

CRIMINAL LAW, ENGLAND AND WALES**The Crime and Disorder (Overview and Scrutiny)
Regulations 2009***Made - - - - 6th April 2009**Laid before Parliament 8th April 2009**Coming into force in accordance with regulation 1(2)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(3) and (4) of the Police and Justice Act 2006(a).

In accordance with section 20(4) of that Act, the Secretary of State has consulted with the Welsh Ministers(b) 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

2. In these Regulations—

“2006 Act” means the Police and Justice Act 2006;

“depersonalised information” means information which does not constitute personal data within the meaning of the Data Protection Act 1998(c).

Co-opting of additional members

3.—(1) The crime and disorder committee of a local authority may co-opt additional members to serve on the committee subject to paragraphs (2), (3), (4) and (5).

(2) A person co-opted to serve on a crime and disorder committee shall not be entitled to vote on any particular matter, unless the committee so determines.

(a) 2006, c. 48. Section 20 has been amended by section 121 and has been prospectively amended by sections 126 and 241, and part 6 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28).

(b) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(c) 2008 c.29.

(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 only co-opt a person to serve on the committee who—

(a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and

(b) is not a member of the executive of the committee's local authority (or authorities).

(5) 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 as the committee considers appropriate but no less than once in every twelve month period.

Information

5.—(1) Where a crime and disorder committee makes a request in writing for information, as defined in section 20(6A) of the 2006 Act^(a), 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 save that if some or all of the information cannot reasonably be provided on such date, that information must be provided as soon as reasonably possible.

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

(a) shall be depersonalised information, unless (subject to sub-paragraph (b)) the identification of an individual is necessary or appropriate in order to enable the crime and disorder committee to properly exercise its powers; and

(b) shall not include information that would be reasonably likely to prejudice legal proceedings or 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 paragraph (2), a 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.

(2) The crime and disorder committee may not require a person to attend in accordance with paragraph (1) unless reasonable notice of the intended date of attendance has been given to that person.

Reports and recommendations

7. 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

^(a) Section 20(6A) was inserted by section 121(2) of the Local Government and Public Involvement in Health Act 2007 (c. 28).

- (b) submitted to the crime and disorder committee within a period of 28 days from the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

Home Office
6th April 2009

Vernon Coaker
Minister of State

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 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 1998, 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.

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 once in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information as is 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 responsible authorities or 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 28 days of the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

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- (17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee.”

126 Reference of local crime and disorder matters to crime and disorder committees etc

- (1) The Police and Justice Act 2006 (c. 48) is amended as follows.
- (2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—
 - “(3) A local authority must—
 - (a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
 - (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
 - (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
 - (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
 - (6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—
 - (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
 - (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
 - (a) its decision, and
 - (b) the reasons for it.
 - (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
 - (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and

- disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
- (b) provide a copy of the report or recommendations to such of—
 - (i) the responsible authorities, and
 - (ii) the co-operating persons and bodies,as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
 - (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
 - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
 - (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
 - (b) the authority, body or person must—
 - (i) consider the report or recommendations;
 - (ii) respond to the committee indicating what (if any) action it proposes to take;
 - (iii) have regard to the report or recommendations in exercising its functions.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.
- (4) In subsection (11)—
 - (a) after the definition of “crime and disorder functions” insert—

“electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and
 - (b) for the definition of “local crime and disorder matter” substitute—

“local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
 - (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) the misuse of drugs, alcohol and other substances,which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”
- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.
- (6) In subsections (1) and (2), after “under” insert “or by virtue of”.
- (7) In subsection (5), omit—
 - (a) paragraph (f); and
 - (b) sub-paragraphs (i) to (iii) of paragraph (g).