

**OVERVIEW AND SCRUTINY COMMITTEES FOR CRIME AND DISORDER  
MATTERS: DRAFT REGULATIONS**

**REPORT OF THE CHIEF EXECUTIVE**

**Strategic Priorities: Safer and Prosperous City  
Corporate Performance Objective: CI01,CI04**

**1.0 Why has the report come to the Committee**

1.1 The purpose of this report is to update the Committee on the implications of the draft regulations for the statutory scrutiny of crime and disorder matters.

**2.0 Background**

2.1 The Police and Justice Act 2006 contained provisions requiring local authorities to have a Crime and Disorder Overview and Scrutiny Committee to review or scrutinise the decisions and actions of Crime and Disorder Reduction Partnerships (CDRPs) in England and Wales. Enactment of the provisions has been delayed due to a range of reasons including consideration of the review of policing arrangements and other local government legislation that contained similar provisions. However, draft regulations were received on 13<sup>th</sup> March 2009 requesting feedback by 25<sup>th</sup> March 2009. The Home Office has indicated that the provisions will come into effect on 30<sup>th</sup> April 2009.

2.2 The provisions will put in place arrangements to ensure that every local authority will have a committee (“the crime and disorder” committee) with the power to:

- Review or scrutinise the decisions made, or other action taken in connection with the discharge by the responsible authorities who comprise CRDPs in England and Wales. (NB: the responsible authorities are: local authorities; the police; police authorities; fire and rescue authorities; and primary care trusts).
- Make reports or recommendations to the responsible authority with respect to the discharge of those functions

2.3 The draft regulations are attached as appendix 1.

**3.0 Current position**

3.1 The draft regulations can be summarised as covering the following areas:

- The draft regulations refer to arrangements for the possible co-opting of additional members. Members should however note that the wording of the regulation is somewhat ambiguous and guidance is being sought from the Home Office on its correct interpretation;
- The Committee must meet at least twice in every 12 month period;
- Responsible and co-operating bodies must provide information to the committee if requested in relation to their CDRP functions. This would be in written form though the guidance is not particularly clear in this respect.
- Information must be supplied by a reasonable date given by the Committee
- Information must be depersonalised except in situations where personal details of a living individual would be necessary to carry out the scrutiny function. Although the guidance does not give detail of how these situations should be managed, existing provisions, such as the ability for the Committee to resolve to exclude the press and public from certain items to protect confidentiality, would remain available.
- Information should not be given that would prejudice any current or future operations of either individual partners working alone or in partnership.
- The Committee may request attendance of responsible authorities and co-operating bodies with at least 2 weeks notice. Attendance is compulsory unless there is a reasonable excuse.
- The Committee may make recommendations to a responsible authority or co-operating body and expect a written response within 1 month. The Committee shall review and monitor as appropriate these responses.

## **4.0 Implications for the Council**

- 4.1 The City Council has previously designated the Regeneration and Community Review Committee, which has responsibility for overview and scrutiny of the Safe City Strategic Priority, as its proposed scrutiny committee following the publication of the Police and Justice Act 2006. Whilst mindful of its non-statutory status in respect of the Act due to the non enactment of regulations, the Committee has, during the year, scrutinised a range of key Safer Sunderland Partnership (SSP) functions including the 2008-2023 Strategy and regular performance reports. The Committee also established a Task and Finish Group to look at issues relating to fear of crime which has involved visits and meetings with a range of responsible authority and cooperating body

members of the SSP. This has received the full cooperation of SSP partners.

- 4.2 For partners the scrutiny function will inevitably create some additional burden of reporting and submission of evidence. However, the SSP has always operated in an open manner that operates from a sound evidence and practice base, and additional robust challenge through scrutiny should further the development and delivery of measures to promote community safety and has the potential to increase community engagement and understanding of the work of SSP.

## **5.0 Recommendations**

- 5.1 The Review Committee is asked to note and comment on the draft regulations for statutory local authority scrutiny of crime and disorder matters.



(5) The number of additional co-opted members shall not, in relation any particular exercise of the crime and disorder committee's powers, be greater than the number of permanent committee members.

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

- (a) is not an employee or officer of a responsible authority or of a co-operating person or body; or
- (b) is a member of the executive of the local authority for the area covered by that crime and disorder committee.

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

(8) The membership of a person co-opted to serve on a crime and disorder committee may be withdrawn at any time by the committee.

### **Frequency of meetings**

4. A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period.

### **Information**

5.—(1) Where the crime and disorder committee makes a request for information relevant to the exercise of its functions to the responsible authorities or the co-operating persons or bodies, the authorities, or persons or bodies (as applicable) must provide such information in accordance with paragraphs (2) and (3)

(2) The information referred to in paragraph (1) must be provided no later than the date indicated in the request or, if some or all of the information cannot reasonably be provided on such date, as soon as reasonably possible.

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

- (a) shall be redacted to the extent that it allows a living individual to be identified, unless (subject to sub-paragraphs (b) and (c)) the identification of such individual is necessary or appropriate in order to enable the crime and disorder committee to exercise its powers; and
- (b) shall not include information that would prejudice current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.

### **Attendance at committee meetings**

6.—(1) Subject to paragraphs (2) and (3), the crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions or otherwise to provide information.

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

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

## Reports and recommendations

7.—(1) Where a crime and disorder committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the 2006 Act, the responses to such report or recommendations of each relevant authority, body or person shall be—

- (a) in writing; and
- (b) submitted to the crime and disorder committee within a period of 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

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

Home Office  
Date

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 to the provisions in section 19 of that Act by making provision for the exercise of powers by crime and disorder committees of local authorities.

Regulation 3 provides that crime and disorder committees may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1988, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”), subject to the provisions set out in that regulation. To the extent of their membership, co-opted members have the same entitlement to vote as any other member.

Regulation 4 provides that a crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than twice in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Regulation 6 provides that a crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

Regulation 7 provides that where a crime and disorder committee makes a report or recommendations to a responsible authorities and co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and

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

.

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