

BRIEFING NOTE

TO: COMMUNITY SERVICES SCRUTINY AND PERFORMANCE PANEL

DATE: 26 NOVEMBER 2009

RE: CRIME & DISORDER SCRUTINY

Purpose

To seek endorsement of the draft protocol for the scrutiny of crime and disorder between the Panel and Safer Walsall Partnership and conclude the process on whether or not the Panel co-opts crime and disorder representation.

Background

At the request of the Panel from its meeting that took place on 8 and 17 June 2009 this protocol has been developed in line with Home Office guidance to lay down the mutual expectations of the Community Services Scrutiny and Performance Panel and Safer Walsall Partnership. A copy of a draft protocol is attached at Appendix 1 to this report.

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 scrutinise decisions made, or other action taken in connection with the discharge by the Responsible Authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under section 19.

It is important to note that the terms of reference of the Panel are to scrutinise the work of Safer Walsall Partnership and the partners who comprise it, insofar as their activities relate to the partnership itself rather than operational activities of each partner organisation.

The role of the Panel should be as a 'critical friend' of Safer Walsall Partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.

For this reason, it is important to emphasise that the scrutiny of Safer Walsall Partnership and community safety issues is not a stand-alone exercise. It should always be seen in this wider context. 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.

Next Steps

Following agreement of the draft protocol by the Panel it is proposed to take it to Safer Walsall Partnership Board for their comments and approval. Once the Panel and the Partnership have agreed a final protocol it will become operational.

Co-option

Members will recall resolving to appoint two crime and disorder related co-opted members to the Panel from West Midlands Police and West Midlands Police Authority.

At the request of the Panel the two local Chief Superintendents were invited to become West Midlands Police co-opted members. Since the invitation policing arrangements in Walsall have been restructured meaning that there is now only one Chief Superintendent for the Walsall area. The new Chief Superintendent for the area, Kevin Bullas, was invited to join the Panel but has turned down the Panels invitation on the basis that he felt it inappropriate to be a part of a Panel that could be scrutinising his own organisation and that when such matters were being considered it would be favourable for him, or a representative of West Midlands Police to attend the meeting as a witness to be held to account.

West Midlands Police Authority have advised that they are happy to comply with the Panels request to co-opt a Member of the Police Authority. The nomination is expected to be confirmed before the meeting on 26 November. If the Panel are happy with the nomination Members will be required to make a recommendation for the appointment to go to Council as the body responsible for appointments to all Council Committees.

Recommendations

That:

- 1. subject to any comments Members may wish to make, the draft crime and disorder scrutiny protocol be approved, and;**
- 2. consider making recommendations to Council regarding the appointment of a co-opted member from West Midlands Police Authority.**

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Crime and Disorder Scrutiny Protocol

Purpose

From the 1st April 2009, and in accordance with the Police and Justice Act 2006, local authorities now have the power to scrutinise the Crime and Disorder Reduction Partnership in their area.

In order that this scrutiny process operates effectively, this protocol defines the expectations of Walsall Councils Crime and Disorder Overview and Scrutiny Committee (the Community Services Scrutiny and Performance Panel) and Safer Walsall Partnership (SWP). Safer Walsall Partnership is the Crime and Disorder Reduction Partnership for the borough of Walsall

Introduction

This protocol has been developed between Safer Walsall Partnership and the Community Services Scrutiny and Performance Panel. The publication of Regulations and good working practice has shaped this protocol, which may be revised by agreement between all interested parties to continually improve the scrutiny process.

Community safety partners in Walsall 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.

Scrutiny and Performance Panels are conducted in a manner of openness where members and partners work together to discuss issues of a common interest for the public good. Scrutiny and Performance Panel meetings are open to the public to attend and participate in, except in certain prescribed circumstances.

Scrutiny and Performance Panels are constructive forums where issues will be discussed and debated in order to seek improvements to services. They also act as a 'critical friend' to the council and its partners and will seek to offer constructive challenge at a strategic level rather than adversarial fault finding at an operational level.

Crime and Disorder Reduction Partnerships

Crime and Disorder Partnerships were created by Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder. They exist to ensure that a number of prescribed 'responsible authorities' work together and jointly agree the delivery of community safety priorities. The responsible authorities are:

- **The Local Authority**
- **The Police Force**
- **The Police Authority**
- **The Fire and Rescue Authority**
- **The Primary Care Trust**

The responsible authorities have a duty to work in cooperation with the 'cooperating bodies' that include probation, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools, governing bodies of an institution within the further education sector and social landlords.

In addition other partners can also be requested to sit on the CDRP. In Walsall the CDRP is represented by the SWP Board.

Role of Panel

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 scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under section 19.

Regulations also state that both responsible authorities and co operating persons or bodies must provide information requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Scrutiny and Performance Panels are non-decision making bodies who will make reports and recommendations to decision makers.

In Walsall, the Community Services Scrutiny and Performance Panel will perform the overview and scrutiny role in respect of crime and community safety matters. In accordance with the regulations the panel will also be the point of referral for Councillor Calls for Action (CCfA) that relate to community safety.

The terms of reference of the panel are to scrutinise the work of the community safety partnership and the partners who comprise it, insofar as their activities relate to the partnership itself. In order to achieve this, it may at times, be necessary to receive reports, ask questions and make recommendations to an individual or group of Safer Walsall Partnership member organisations. This will however in all cases relate to partnership activity and not the broader functions of the agencies that make up SWP.

Frequency of meetings

The Community Services Scrutiny and Performance Panel meets approximately nine times a year and it is recommended will consider crime and disorder issues no less than twice in every 12 month period. There is no restriction to the number of meetings a Panel may hold or the number of times the Panel can consider crime and disorder related issues.

Work Programme

The Community Services Scrutiny and Performance Panel sets its work programme for the year, prior to its first meeting after annual Council each year. It is proposed that Safer Walsall Partnership will be consulted prior to this meeting for the purpose of gaining suggestions for items to be included in the Panels work programme.

Co-opted Members

The Community Services Scrutiny and Performance Panel can recommend the appointment of co-opted members from the responsible authorities and co-operating bodies in the local area. Recommendations for appointments of co-opted members will be agreed by the panel and recommended to Council for appointment.

Commitments to each other

Information

SWP will nominate a lead contact officer for all scrutiny related activity. The lead contact officer may also if required nominate other suitable contact officers within the partnership for specific topics.

When the Community Services Scrutiny and Performance Panel requests information from Safer Walsall Partnership the information will usually be provided within **10 working days** of the information request.

The Community Services Scrutiny and Performance Panel commits to not normally making requests for information without allowing at least **10 working days** for a response to be received.

Where applicable information will be exchanged in line with the agreed SWP information sharing protocol.

Attendance at meetings

When requiring the attendance of an officer or employee of Safer Walsall Partnership the Community Services Scrutiny and Performance Panel will provide at least **10 working days** notice.

The officer or employee of Safer Walsall Partnership or their representative will normally respond to the request within **2 working days**. If the requested officer or employee cannot attend the meeting then they will where possible arrange a suitable substitute to attend the meeting in their place and provide notice of this substitution in advance of the meeting.

Making and Communication of Recommendations

Recommendations made by the Community Services Scrutiny and Performance Panel relating to community safety will be brought to the attention of the nominated officer at Safer Walsall Partnership. The nominated officer will then be responsible for communicating the recommendations to the relevant partner organisations for consideration.

Working Groups

When the Community Services Scrutiny and Performance Panel undertakes detailed investigations into crime and disorder topics through a working group the draft report and recommendations will be circulated to Safer Walsall Partnership Board Members for comments prior to publication.

The Community Services Scrutiny and Performance Panel will consider all comments received but they are not bound to include any amendments and/or produce a revised draft.

Responding to recommendations

The responsible authorities and co-operating bodies within Safer Walsall Partnership have 28 days to respond to recommendations made by the Community Services Scrutiny and Performance Panel. This response must be made in writing. If it is not possible to provide the information within the 28 day time limit a representative of Safer Walsall Partnership will inform the Chair of the Community Services Scrutiny and Performance Panel of the reasons for the delay and agree a new date by which the information will be provided.

The 28 days response period starts on the day that the recommendations are submitted to the nominated Safer Walsall Partnership officer. The nominated Safer Walsall Partnership officer will be notified of any crime and disorder recommendations as soon as practicable, but no longer than five working days, after meetings of the Community Services Scrutiny and Performance Panel.

Once notified of the recommendations the nominated Safer Walsall Partnership officer will communicate the recommendations to those crime and disorder partners affected as soon as is practicable.

Crime and Disorder Partners will supply their responses to recommendations to the nominated officer at Safer Walsall Partnership who will in turn inform the Chair of the Panel of the response to the recommendations within the 28 day deadline.

The Chair of the Panel will decide the most appropriate way to communicate the response to the recommendations to the remaining members of the Panel.

SWP will be consulted on any official press or media releases made by the Community Services Scrutiny & Performance Panel relating to the scrutiny of any area of SWP activity. Consultation should take place prior to the initial contact with the media, or in the case where the media make initial contact, prior to any release being made.

Councillor Call for Action

All Councillors now have the power to raise a 'councillor call for action' on crime and disorder matters to the Community Services Scrutiny and Performance Panel.

By using their powers of 'councillor call for action' Councillors will be able to place issues which affect all or part of their local ward or any person who lives or works in that area onto the agenda of the Community Services Scrutiny and Performance Panel on the following issues:

- 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.

Councillors have committed to using 'councillor call for action' as a means of last resort, in line with the protocol that was approved by Council, after all other avenues for resolving the matter have been exhausted.

In order to help avoid the need for Councillors to raise a 'councillor call for action' Crime and Disorder Partners commit to continue to assist Councillors to expeditiously resolve the issues they raise and to supply necessary information subject to appropriate data protection and information sharing protocols.

In the event of a 'councillor call for action' being raised the Performance and Scrutiny Team will notify the nominated Safer Walsall Partnership officer of the 'councillor call for action'. An agreement will then be reached as to what action needs to be taken to form a response to the 'councillor call for action' for reporting to the Community Services Scrutiny and Performance Panel.

Safer Walsall Partnership commits to assisting in the production of the formal response to the 'councillor call for action' and attending meetings of the Community Services Scrutiny and Performance Panel when a 'councillor call for action' affects an area that they have responsibility for (minimum notice period as identified above).