

AGENDA MANAGEMENT SHEET

Name of Committee Overview And Scrutiny Board

Date of Committee 4th November 2009

Report Title Protocol for the Scrutiny of Crime and Disorder Reduction Partnerships in Warwickshire

Summary The Police and Justice Act 2006 requires that every local authority has a Crime and Disorder Committee to scrutinise Crime and Disorder Reduction Partnerships initiatives aimed at reducing crime and disorder. This report introduces a draft protocol which aims to avoid duplication between the County and District Crime and Disorder Scrutiny Committees.

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No.

Would the recommended decision be contrary to the Budget and Policy Framework?

Background papers None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members Councillor John Appleton – Chair of OSB
- Cabinet Member Councillor Richard Hobbs
- Chief Executive
- Legal Sarah Duxbury
- Finance
- Other Strategic Directors
- District Councils All District and Borough Councils

Rugby Borough Council –

1) Fire and Rescue should be a signatory

2) In Table 1, mention should be made of the six equality strands (age, disability, gender, race, religion or belief and sexual orientation) particularly with regard to hate crime.

Health Authority

Police ACC Benjamin

Other Bodies/Individuals Kate Nash, Head of Community Safety and Localities, Katie Western, Acting Corporate Community Safety Manager – Comments received.

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Overview And Scrutiny Board - 4th November 2009.

Protocol for the Scrutiny of Crime and Disorder Reduction Partnerships in Warwickshire

Report of the Strategic Director Customers, Workforce and Governance

Recommendation

That the Overview and Scrutiny Board endorses the protocol for the scrutiny of Crime and Disorder Reduction Partnerships (CDRPs) in Warwickshire.

1. The Police and Justice Act 2006 which came into effect on 30th April 2009 requires that every local authority has in place a Crime and Disorder Scrutiny Committee with a power to scrutinise the functioning and effectiveness of Crime and Disorder Reduction Partnerships (CDRPs). This includes an ability to request information from responsible authorities engaged in CDRPs as defined by the Crime and Disorder Act 1998 – these include local authorities, the Police Force, Police Authority, Fire and Rescue and Primary Care Trust. From April 2010 Probation will become a responsible authority. For Warwickshire County Council the Crime and Disorder Committee is the Corporate Services and Community Safety OSC. However, the legislation does not differentiate between County and District Council's, therefore there is a need to ensure County and District Crime and Disorder Committees co-ordinate their work in order to avoid duplication and maximise resources. In order to achieve this a protocol agreed by all relevant parties is required.
2. In August this year a working group of officers from relevant partners was established to develop a protocol for Warwickshire. A draft protocol was produced and circulated to relevant parties for consultation in September, The draft protocol is attached as Appendix A. Very few comments were received during consultation. Any minor changes suggested have been made to the draft protocol although the comments from Rugby Borough Council can be found on the agenda management sheet. The protocol aims to distinguish between issues that should be scrutinised by the County Council's Corporate Services and Community Safety OSC and those that should be scrutinised by a District Level Crime and Disorder OSC.
3. Before the arrangements for crime and disorder scrutiny can be implemented it is necessary for the Overview and Scrutiny Board to agree the protocols. The Board is therefore requested to discuss the draft protocols and the comments received during consultation and agree the final wording.

DAVID CARTER
Strategic Director Customers
Workforce and Governance

Shire Hall
Warwick

05 October 2009

Warwickshire Crime and Disorder Scrutiny Protocol

1. Introduction

- 1.1 The overview and scrutiny of crime and disorder matters was a new power given to local authorities by the Police and Justice Act 2006 with effect from 30 April 2009. It requires that every local authority has in place a committee with power to review and scrutinise, and make reports or recommendations, regarding the functioning of the responsible authorities¹ that comprise a Crime and Disorder Reduction Partnership (CDRP). The new power forms part of the Government's commitment to strengthen the accountability of local CDRPs and enhance the role of local councillors and local communities in preventing and reducing crime.
- 1.2 In order to facilitate crime and disorder overview and scrutiny in Warwickshire, and to ensure that it operates efficiently and effectively in line with Ministerial Guidance, Warwickshire County Council, the Borough and District Councils and the CDRP responsible authorities need to develop and agree a protocol as outlined in this document.
- 1.3 Whilst the protocols lay the foundations for effective scrutiny, success will depend on following the practices agreed in these documents and maintaining good communication with one another.

2. List of signatory organisations

- 2.1 To include:
 - NHS Warwickshire
 - North Warwickshire Borough Council
 - Nuneaton and Bedworth Borough Council
 - Rugby Borough Council
 - Stratford-on-Avon District Council
 - Warwick District Council
 - Warwickshire County Council
 - Warwickshire Police
 - Warwickshire Police Authority
 - Warwickshire Probation Service

3. A summary of the crime and disorder (overview and scrutiny) regulations 2009

- 3.1 The key provisions of the legislation can be summarised as follows:

¹ Responsible authorities (within the meaning of section 5 of the Crime and Disorder Act 1998) are the local authority, police force, police authority, fire and rescue authority and the PCT. Cooperating bodies are probation, parish councils, NHS Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector.

- (1) Every local authority must create, or designate, a crime and disorder committee 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.
- (2) Crime and disorder committees must meet at least once a year.
- (3) Responsible authorities or co-operating bodies must provide such information requested by the crime and disorder committee within the timescale identified in the request.
- (4) Crime and disorder committees can request the attendance of a representative of a responsible authority or co-operating body in order to answer questions.
- (5) Responsible authorities or co-operating bodies must respond to any recommendations made by the committee within 28 days.
- (6) Crime and disorder committees can co-opt additional members to serve on the committee to add value and expertise to the committee's work. Co-optees must be an employee, officer or member (non-executive) of a responsible authority or cooperating body.

4. Key principles

4.1 This protocol is based on the following principles taken from the guidance issued by the Home Office and the Centre for Public Scrutiny in May 2009. These principles will guide the way in which the overview and scrutiny of crime and disorder is undertaken in Warwickshire:

- (1) Crime and disorder committees will scrutinise the work of the CDRP and the partners who comprise it, insofar as their activities relate to the partnership itself.
- (2) The role of the committee is as a 'critical friend' of the CDRP, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.
- (3) The County and District/Borough Councils of Warwickshire will take a coordinated approach to scrutiny of crime and disorder matters to minimise duplication and ensure consistency.

4.2 The protocol also encompasses the following principles of effective scrutiny, as advocated by the Centre for Public Scrutiny, which state that scrutiny should:

- (1) Provide 'critical friend' challenge to executive policy-makers and decision-makers.
- (2) Enable the voice and concerns of the public and its communities.
- (3) Be carried out by 'independent minded governors' who lead and own the scrutiny process.
- (4) Drive improvement in public services.

5. Arrangements for the overview and scrutiny of crime and disorder in Warwickshire

5.1 Warwickshire has four CDRPs covering the following areas:

- North Warwickshire
- Nuneaton and Bedworth
- Rugby
- Stratford and Warwick

5.2 The County is also required to have in place a county strategy group – the Warwickshire Safer Communities Partnership (WSCP) – whose role is to prepare a community safety agreement for the County area, bringing together any shared priorities identified at District/Borough level.

5.3 Bearing in mind the structures in place and the key principles identified in the previous section, Warwickshire’s local authorities will take the following approach to crime and disorder overview and scrutiny in order to fulfil the legislative requirements:

- (1) Each District/Borough Council will scrutinise their local CDRP – this may include scrutiny of the CDRP partnership plan, strategic assessment, performance reports, etc.
- (2) The County Council will scrutinise the WSCP – this may include scrutiny of the community safety agreement, associated strategies and performance reports, etc.
- (3) To minimise duplication, at the point where a committee wishes to request information/attendance from a responsible authority regarding a particular crime and disorder matter, committees will refer to **Table 1** and only pursue the request if the matter is not subject to scrutiny by another tier of local government.
- (4) Committees may suggest that a joint scrutiny review be established. All such proposals will be determined by the County Overview and Scrutiny Board (O&S Board).

Table 1: County and District/Borough areas of responsibility for crime and disorder overview and scrutiny:

County Scrutiny	District/Borough Scrutiny
Scrutiny of the WSCP, including the community safety agreement, associated strategies and performance reports, etc.	Scrutiny of the local CDRP, including its partnership plan and associated performance reports, etc.
Scrutiny of all activity relating to crime and disorder matters which is coordinated/ funded at county level,	Scrutiny of all activity relating to crime and disorder matters which is coordinated/ funded at district level,

<p>including:</p> <ul style="list-style-type: none"> ▪ Community safety activity (WCC Team) ▪ Domestic abuse strategy and commissioning ▪ Drug and alcohol strategy and commissioning ▪ Youth Offending Service ▪ Anti-social behaviour (County level strategy and actions) ▪ The contribution of several County level services, including: <ul style="list-style-type: none"> ○ Road Safety ○ Trading Standards ○ Warwickshire Fire & Rescue Service ▪ County strategy for community cohesion and counter terrorism ▪ Serious acquisitive crime initiatives, including the Business Crime Unit ▪ Safer neighbourhood strategy ▪ Safer Schools initiative ▪ Positive About Young People ▪ The contribution of the Probation Service ▪ The confidence agenda 	<p>including:</p> <ul style="list-style-type: none"> ▪ Community Safety (District/Borough Teams) ▪ Anti-Social Behaviour (District level strategy implementation/delivery) ▪ Community Warden Schemes ▪ The contribution of several District/Borough level services, including: <ul style="list-style-type: none"> ○ Environmental Services ○ Housing ○ Sports and Recreation ○ Licensing ▪ Specific projects established and managed at a district level e.g. domestic abuse, anti-social behaviour initiatives, acquisitive crime ▪ Local delivery of community cohesion and counter terrorism initiatives ▪ Safer neighbourhood delivery
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5.4 The role of the County O&S Board will be to:

- (1) Receive work programmes from all crime and disorder committees and identify any opportunities/consider any proposals for joint scrutiny reviews.
- (2) Commission scrutiny reviews, including joint reviews, and establish their membership as appropriate.
- (3) Arbitrate any disputes regarding the approach as outlined in this protocol.

6. Work programming

6.1 Crime and disorder committees will endeavour to use the following method to prioritise topics for inclusion on committee work programmes:

Criteria for selecting topics:

- Does the issue have a potential impact for significant section(s) of the population?
- Is it a matter of general public concern?

- Is the issue to be reviewed a key deliverable of a partnership plan/strategy?
- Is it a key performance improvement area?
- Is there a legislative requirement to undertake the review?

Criteria for rejecting topics:

- The issue is being examined elsewhere
- The issue was dealt with less than 2 years ago
- New legislation or guidance is expected within the year
- There is no scope for overview and scrutiny to add value/make a difference

6.3 CDRPs/WSCP will also be consulted on items for inclusion in committee work programmes to ensure that matters considered are relevant and timely.

6.4 Crime and disorder committee work programmes will be shared on an annual basis through the O&S Board to support the approach outlined in the protocol and to ensure any duplication of scrutiny is avoided.

7. Notice of required attendance at scrutiny meetings

7.1 Crime and disorder committees will give at least 6 weeks notice to responsible/cooperating authorities requesting their attendance at an overview and scrutiny meeting.

7.2 Attendance requests will clearly outline:

- The subject of the matter for scrutiny
- The key lines of enquiry
- Arrangements for the meeting

7.3 Responsible/cooperating authorities will advise the scrutiny committee as to who is best placed to attend on their behalf in view of the issue to be scrutinised.

8. Notice of information required for scrutiny

8.1 Crime and disorder committees will give at least 6 weeks notice to responsible/cooperating authorities requesting information to facilitate the overview and scrutiny process.

8.2 Requests for information will clearly outline:

- The subject of the information required
- The key lines of enquiry

- The format the information is required in
- 8.3 The provision of information to committees will be governed by relevant legislation and established protocols for the sharing of information.
- 8.4 Requests should avoid duplication with requests made within the previous 12 months.

9. Making and responding to recommendations

- 9.1 When preparing reports or recommendations, crime and disorder committees will involve and consult relevant responsible/cooperating authorities or the CDRP as a whole to ensure that recommendations are realistic and deliverable.
- 9.2 Reports where recommendations have been made should include an implementation plan, prepared by the committee and relevant responsible/cooperating authorities, outlining the actions required to implement those recommendations. Lead officers should also be identified. This will assist both the committee and the responsible/cooperating authorities to monitor the progress and outcomes achieved as a result of the scrutiny exercise.
- 9.3 Final reports and/or recommendations should be sent to the affected responsible/cooperating authorities with an appropriate covering letter.
- 9.4 As required in the legislation, responsible/cooperating authorities must respond to any relevant recommendations made by a crime and disorder committee within 28 days.
- 9.5 Crime and disorder committees will monitor, as appropriate, progress to deliver any recommendations made.

10. Co-option/expert witnesses

- 10.1 Crime and disorder committees will decide at a local level whether to co-opt additional members to serve on the committee, taking into account any local schemes established regarding co-option.
- 10.2 Crime and disorder committees may also benefit from the involvement of officers/members from responsible/cooperating authorities in scrutiny reviews as expert witnesses.

11. Reviewing the protocol

- 11.1 This protocol will be reviewed on an annual basis.