



Haringey Council

Overview and Scrutiny Committee

On 27 July 2009

Report Title. Scrutiny of Crime and Disorder Matters – Home Office Guidance

Report of: Chair of Overview and Scrutiny Committee

Contact Officer : Robert Mack, Principal Scrutiny Support Officer Tel: 0208 489 2921

Wards(s) affected: All

Report for: **N/A**

1. Purpose of the report (That is, the decision required)

- 1.1. To consider implications of new Home Office guidance on the scrutiny of crime and disorder matters.

2. Introduction by Cabinet Member (if necessary)

- 2.1. N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1. Addressing the prevention and reduction of crime, the fear of crime, the harm caused by drugs and alcohol and anti-social behaviour are all key parts of the cleaner, greener and safer priority. Collectively, these remain top priorities for residents.

4. Recommendations

- 4.1. That the Committee approves in principle the option to undertake the scrutiny of crime and disorder matters through the existing Committee, as explained below:

The new provisions contained in the Police and Justice Act 2006 mean that scrutiny of crime and disorder is now no longer a matter of choice but a requirement for local authorities. It requires every local authority to have a

committee with the power to review or scrutinise crime and disorder matters. However, there is no requirement to alter existing committee structures. The role can be undertaken by:

- A dedicated crime and disorder overview and scrutiny committee; or
- The main overview and scrutiny committee

4.2. That the Committee notes:

(a) that recommendation 4.1 above will require an addition to the Committee's terms of reference and procedure rules in the Council's Constitution, as explained in below:

The terms of reference of the designated committee are intended to be to scrutinise the work of the CDRP and the partners who comprise it insofar as their activities relate to the partnership itself. The role of the committee is to:

- Consider Councillor Calls for Action (CCfA) that arise through the Council's CCfA process. Although there are separate provisions for community safety and other local government matters, local authorities are expected to ensure that their procedures for CCfAs are the same in order to minimise bureaucracy
- Consider actions undertaken by the "responsible authorities" on the CDRP
- Make reports or recommendations to the Cabinet or full Council where appropriate.

and

(b) that a further report for this purpose will be submitted to the Constitution Review Working Group and full Council.

4.3. That a standing invitation be issued to the Metropolitan Police Authority (MPA) link member for Haringey to attend meetings of the Committee and specific engagement sought where it is considered that police authority input would be of particular benefit to the work of the Committee on crime and disorder matters.

4.4. That Haringey Community and Police Consultative Group (HCPCG) be invited to attend Committee meetings where community safety issues are being discussed and that consideration be given to co-opting a specific representative from HCPCG) onto relevant scrutiny reviews.

5. Reason for recommendation(s)

5.1. To enhance the work of the Committee and respond to the Home Office guidance

6. Other options considered

6.1. These are outlined within the report.

7. Summary

7.1. The Home Office has issued guidance on the scrutiny of crime and disorder matters and the implementation of Sections 19 and 20 of the Police and Justice Act 2006. The report outlines the implications of the legislation and the

accompanying guidance.

8. Chief Financial Officer Comments

8.1. The contents of this report sets out the implications for Overview & Scrutiny committee of the recently issued guidance around Sections 19 & 20 of the Police and Justice Act 2006.

8.2. The Chief Financial Officer notes that there is currently no expectation of any new financial implications for the Council as a result of this guidance as Haringey's CDRP is already well established as the Safer Communities Executive Board (SCEB) with funding allocated via the Area Based Grant (ABG). Scrutiny of community safety issues has been undertaken in Haringey for some years so the Authority is well placed to respond to the guidance.

8.3. The recommendations in sections 4.3 & 4.4 will not incur any new expenditure for the authority.

9. Head of Legal Services Comments

9.1 The legal and constitutional implications are set out in the body of the report.

10. Head of Procurement Comments – [Required for Procurement Committee]

10.1. N/A

11. Equalities & Community Cohesion Comments

11.1. People from black and ethnic minority communities have a disproportionately high risk of becoming a victim of crime. In addition, women and older people tend to suffer from higher levels of anxiety about crime.

12. Consultation

12.1. The adoption of the recommendations will enable the Committee to obtain a better understanding of community concerns and opinions as Haringey CPGC have a specific role in consulting the local community on community safety issues.

13. Service Financial Comments

13.1. There are no apparent financial implications arising from this issue although it is possible that there may be a long term increase in the amount of scrutiny activity. However, any increase is likely to be small and containable within current budget levels.

14. Use of appendices /Tables and photographs

14.1. None

15. Local Government (Access to Information) Act 1985

15.1. Background papers are as follows:

Home Office guidance for the Scrutiny of Crime and Disorder Matters _
England; Implementing Sections 19 and 20 of the Police and Justice Act
2006

16. Report

Introduction

16.1 New powers have been given to local authority scrutiny committees to scrutinise crime and disorder reduction partnerships (CDRPs). These have been provided through sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement on Health Act 2007. There have also been regulations passed under section 20 of the Police and Justice Act. These all provide an overall framework for the development of a closer relationship between CDRPs and scrutiny.

CDRPs

16.2 Crime and Disorder Partnerships were created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder. They require a number of prescribed “responsible authorities” to work together with other local agencies and organisations to develop and implement strategies to tackle crime and disorder, including anti-social and other behaviour adversely affecting the local environment as well as the misuse of drugs in their area.

16.3 The responsible authorities, as set out in Section 5 of the Crime and Disorder Act 1998, are currently:

- The Police service
- Police authorities
- Local authorities
- Fire and rescue authorities
- Primary care trusts (PCTs)

16.4 It is likely that probation authorities will be added to this list from April 2010 and the duties of CDRPs expanded to include reducing re-offending.

16.5 The responsible authorities are required to work in co-operation with a range of other bodies, including probation boards, NHS Trusts, NHS foundation trusts and registered social landlords (RSLs). They are also expected to invite a range of local private, voluntary, other public and community groups, including the public, to become involved.

- 16.6 CDRPs are part of the new area based performance framework and therefore not now subject to any central targets or funding streams other than those negotiated through local area agreements (LAAs). The CDRPs are required to carry out a number of specific tasks to ensure that they are identifying and delivering on the most important priorities for local people. These include:
- Preparing an annual strategic assessment identifying the local crime and community safety priorities
 - Producing a partnership plan
 - Undertaking community consultation and engagement
 - Sharing information between responsible authorities on the CDRP.
- 16.7 The clear emphasis within relevant community safety legislation is on the fact that it is a partnership activity and addressing crime is no longer just about the Police. The main drivers for crime are recognised as being linked closely to health, well-being, education and housing and therefore activity by relevant partners in these areas is regarded as a considerable source of influence.

Local Authorities

- 16.8 Whilst most local authorities now have dedicated community safety teams, community safety requires the support of a wide range of Council services to be effective, such as housing, adults social care, children's and environmental services. In addition, important roles are played by local authority based multi agency Drug and Alcohol Action and Youth Offending teams
- 16.9 Of particular relevance is the legal duty on local authorities under Section 17 of the Crime and Disorder Act 1998 to carry out their various functions with due regard to the need to prevent crime and disorder in their area. This states that
- “each local authority should take account of the community safety dimension in all of its work. All policies, strategies, plans and budgets need to be considered from the standpoint of their potential contribution to the reduction of crime and disorder.”*
- 16.10 The Police and Justice Act 2006 increased the scope of Section 17 of the 1998 Act to include anti-social behaviour, substance misuse and behaviour that adversely affects the environment.

The Police Service

- 16.11 The Police Service in London is divided up into 34 Basic Command Units (BCUs) which are coterminous with each borough (N.B. there are separate BCUs for Heathrow and the royal parks) each with a specific Borough Commander. Below BCUs are Safer Neighbourhood Teams, which have now been rolled out across England and Wales and are an important part of partnership working.
- 16.12 The role of the police authorities is to secure an efficient and effective police force for their area. The police authority sets the strategic direction for the service by, amongst other things, deciding how much council tax should be used for policing and putting in place local police priorities. In doing so, police authorities also have a statutory duty to consult communities.

- 16.13 The strategic role of police authorities is arguably an executive type function. They are also part of local CDRPs. However, their role in holding the Chief Constable to account is viewed by the guidance as a function similar to those which scrutiny committees seek to exercise. The guidance emphasises strongly the importance of scrutiny bodies and police authorities working closely together to ensure that their activities are complementary.
- 16.14 Police authorities are comprised of local councillors and independent members, with councillors holding a majority of one. The councillors are drawn from top-tier authorities using a formula to give political balance. In the case of London, the councillors are drawn from the London Assembly. Most police authorities have between 17 and 25 members. The Metropolitan Police Authority (MPA) has 23 members. There is a link member and officer for every London Borough. Haringey's link member is Joanne McCartney.
- 16.15 The guidance makes no reference to community and police consultative groups, which have an important statutory role in liaising between local communities and the Police Service and are funded by police authorities. They were set up after in response to the Scarman Report which was published in the wake of the 1981 Brixton riots, which also recommended that dialogue between the police and the community actually became mandatory.
- 16.16 CPCGs provide communities with a means of understanding and influencing policing decisions and policies that affect them as well as enabling them to hold their police service to account for the service they provide locally. Haringey CPCG undertakes a wide range of activities, including:
- Carrying out local consultation
 - Engaging, educating and exchanging information with young people
 - Running a Community Observers scheme in order to observe police operations
 - Working in partnership with the borough's SNTs and appointing members representation to every Ward Panel
 - Engaging with local stakeholders, including the local CDRP, and bringing key local issues to the attention of the MPA.
 - Running a Young People & Police Relations Project enabling the ongoing involvement of young people in policy-and-decision-making
 - Consulting, promoting and carrying out surveys on behalf of statutory partners and community organisations.

Other Responsible Authorities

- 16.17 Fire and rescue services, whilst having a relatively focused remit, are often key and active members of community safety partnerships. The functions of the fire and rescue service in relation to community safety involve fire safety education, road safety and planning for and reacting to emergencies.
- 16.18 PCTs are also statutory partners and have a specific community safety role in relation to:
- Substance misuse
 - Supporting victims of domestic violence
 - Prevention and information sharing

16.19 Probation services are expected to become responsible authorities from April 2010. In many cases, they have already developed a clear role within CDRPs but the role of CDRPs will also be extended to focus on prevention of re-offending which will entail a greater level of involvement.

Haringey CDRP

16.20 In Haringey, the CDRP is known as the Safer Communities Executive Board (SCEB). It reports directly to the Haringey Strategic Partnership. It is responsible for delivering the outcomes in the sustainable community strategy that relate to the prevention and reduction of crime, fear of crime, anti social behaviour and drug and alcohol misuse.

Scrutiny of Community Safety

16.21 Scrutiny of community safety is not something new. Since 2000, overview and scrutiny committees have had the power to report on any matters which affect the authority's area or the inhabitants of that area. However, the use of the power to scrutinise external services has been uneven, particularly in relation to community safety.

16.22 However, Haringey has successfully undertaken a large amount of scrutiny work on community safety issues. There was a standing Crime and Community Safety Scrutiny Panel for two years, between 2002 and 2004. In addition, there have been a number of well received in-depth reviews on specific community safety topics including youth re-offending, anti social behaviour, CCTV and street prostitution. As a result of this, Haringey is cited as an example of good practice within the guidance.

16.23 The new provisions contained in the Police and Justice Act 2006 mean that scrutiny of crime and disorder is now no longer a matter of choice but a requirement for local authorities. It requires every local authority to have a committee with the power to review or scrutinise crime and disorder matters. However, there is no requirement to alter existing committee structures. The role can be undertaken by:

- A dedicated crime and disorder overview and scrutiny committee; or
- The main overview and scrutiny committee

16.24 In both cases, task and finish review panels can be set up to undertake part or parts of the work with the main committee retaining ultimate responsibility.

16.25 The terms of reference of the designated committee are intended to be to scrutinise the work of the CDRP and the partners who comprise it insofar as their activities relate to the partnership itself. The role of the committee is to:

- Consider Councillor Calls for Action (CCfA) that arise through the Council's CCfA process. Although there are separate provisions for community safety and other local government matters, local authorities are expected to ensure that their procedures for CCfAs are the same in order to minimise bureaucracy
- Consider actions undertaken by the "responsible authorities" on the CDRP

- Make reports or recommendations to the Cabinet or full Council where appropriate.

16.26 The designated committee must consider crime and disorder issues at least once a year. Scrutiny committees may also set up joint scrutiny committees where they feel it appropriate. In exceptional circumstances, they may be required to do so by the Secretary of State.

Co-options

16.27 Committees can co-opt additional persons provided that they are not employees, officers, members of a responsible or co-operating body or members of the executive of the local authority.

16.28 The guidance strongly encourages scrutiny committees to engage with police authorities on the basis that they have a clear, statutory role to hold the police to account and it is considered vital that local the authority scrutiny role should complement this. It states that 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. There is also an expectation from the Home Office that there will be close engagement between the scrutiny committees and police authorities.

16.29 The guidance recommends two options for involving police authorities in their work that are applicable to Haringey:

- *Option 1* - A member of the police authority can issued with a standing invitation to attend the committee to act as an “expert adviser”. 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. Such an advisor would not be a formal member of the committee but would be able to participate in committee discussions as an expert witness. It is recommended that steps should also be taken to ensure that, where appropriate, the police authority has a direct input into the delivery of task and finish reviews that involve the police.
- *Option 2*: Committees can co-opt a police authority member onto them when policing matters are being considered, with police authority deciding the most appropriate member to appoint – this could be an independent or councillor member. This would provide a more direct link between the police authority and overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing.

16.30 As mentioned earlier, there are areas of police authority work which are arguably executive type functions, such as budget setting and their membership of local CDRPs. However, there are other parts that are indisputably more closely related to related to scrutiny. Perhaps of more relevance to the issue of engagement with the police authority are the practical considerations. Whilst there are link MPA Members for all boroughs, some are currently covering more than one borough including the link member for Haringey, who also covers Enfield. As part of their roles, they are already engaging with local CDRPs and CPCGs and involved in other relevant local

activities. In addition, the councillor members will have London Assembly commitments whilst independent members have often work full or part time. The MPA are currently considering their response to the guidance but there are undoubted resource implications.

- 16.31 It is therefore considered that the most effective way forward would be to adopt option one and issue a standing invitation to the link member. The expectation must nevertheless be that it will not always be possible for the link member to attend. However, where there are issues on committee agendas where it is felt that the police authority could or should make a particular contribution, input could actively be sought so that such involvement that they are able to provide is utilised where it is most beneficial. In terms of task and finish reviews, it is recommended that police authority involvement be considered on the basis on the topic being scrutinised and the potential contribution that the police authority can make.
- 16.32 It is also recommended that the Committee seeks to develop links to Haringey CPCG. The CPCG has strong links with the Police Service, the Police Authority and the CDRP. It has a clear role in holding the Police Service to account which is similar in many ways to that of scrutiny. It also has a specific role in community engagement with links into ward panels as well as mechanisms for obtaining the views of young people.
- 16.33 Their involvement in scrutiny has the potential to enhance the work that the Committee undertakes on community safety issues. They have a clear community engagement and consultative role and would therefore be in a good position to articulate the views and concerns of the local community. In addition, they will also be able to feed in their expertise and knowledge of community safety issues obtained through their involvement on the CDRP.
- 16.34 The volume of items on community safety issues on Committee agendas, whilst growing, would not as yet suggest that the regular presence of a representative from the CPCG would be of particular benefit. Instead, it is recommended that they specifically be invited to attend and contribute on the occasions when community safety issues are being discussed.
- 16.35 Co-option would be more appropriate for scrutiny reviews on community safety issues. It is recommended however that review panels take a pragmatic approach to CPCG involvement. In some cases, it might be of greater benefit to the review for them to be invited to give evidence, which co-opted membership of the panel may preclude them from doing. As, technically speaking, co-option would be on a non voting basis it is arguable whether there is any great benefit to be gained from co-option, provided that they are still able to contribute, so another option would be to issue a standing invite to review panel meetings.

Responding to Scrutiny of CDRPs

- 16.36 CDRPs will be obliged to respond to requests from committees within a reasonable time. The guidance states that the information provided by them 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.

16.37 It should be emphasised that the role of scrutiny, as outlined in the legislation and guidance, should be focused on the partnership as a whole rather than any specific partner organisation. If a committee drafts a report or recommendations which have an impact on CDRP issues, the guidance states that the following should occur:

- Copies of the reports and recommendations should be sent to the such responsible authorities or co-operating bodies as are affected by the report or recommendations,
- 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); and
- 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.

16.38 The current Haringey practice of a joint and collective response to scrutiny recommendations being considered by SCEB, via the Cabinet, and co-ordinated by the Council's community safety team would appear to satisfy the requirements of this.

Protocols

16.39 The guidance suggests that OSCs may wish to develop protocols that lay down the expectations of scrutiny and CDRP partners. However, the CDRP will normally be an integral part of the local strategic partnership and it would seem logical to include it within any more general protocols relating to the scrutiny of them and local improvement targets. It would also be inconsistent and potentially confusing to have different arrangements for CDRP issues. In addition, the previous scrutiny work on community safety issues has meant that a mutual understanding has already been built and contacts developed. CDRP partners have actively participated in scrutiny exercises and made a positive and valuable contribution. In the light of this, it is not considered that a separate protocol is required for CDRP matters.