

**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP
No. 4/2009-10**

COUNCIL 18 JANUARY 2010

Chair:
Councillor Kober

INTRODUCTION

- 1.1 This report covers a report considered by the Constitution Review Working Group at our meeting on 20 October 2009.

ITEMS FOR DECISION

2. CRIME AND DISORDER SCRUTINY – AMENDING THE TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 We were advised about changes to legislation that impose a duty on local authorities to scrutinise the actions of their local Crime and Disorder Reduction Partnerships. These changes are contained in the Police and Justice Act 2006, as amended by the Local Government and Public Involvement in Health Act 2007, and in related Regulations.
- 2.2 There must now be a Committee within every Council with power to scrutinise crime and disorder matters. This role can be undertaken either: (i) by a special Crime and Disorder Scrutiny Committee, or (ii) by the existing main Overview and Scrutiny Committee.
- 2.3 We were informed that a report on the new legislation and Government Guidance had been considered by the Overview and Scrutiny Committee on 27 July 2009. The Committee approved in principle option (ii) above. The Committee noted that this option would involve an amendment to its terms of reference in the Council's Constitution so that the crime and disorder scrutiny functions would be added to the Committee's existing functions.
- 2.4 The recommended amendments to the terms of reference of the Overview and Scrutiny Committee are set out in the Appendix to this report. The additional crime and disorder scrutiny functions are shown in italics and underlined as sub-paragraphs (h), (i) and (j). We noted that the Committee would have to consider crime and disorder issues at least once a year.
- 2.5 Sub-paragraph (h) will give the Committee new powers to review and scrutinise decisions or actions of the Council's partner authorities in discharging their crime and disorder functions. These partners are primarily the Metropolitan Police but also the Probation Authority and Health Authorities. The main focus is likely to be the review of the local Crime and Disorder Reduction Partnership Strategy and the

examination of its effectiveness. The Committee will have new powers to require the attendance of employees from the partner authorities on giving reasonable notice.

- 2.6 Sub-paragraph (i) adds the powers of Overview and Scrutiny Committee to submit reports and recommendations to Cabinet or full Council arising from the Committee's new crime and disorder scrutiny functions. Such reports will go to the Cabinet in the first instance as the Member body co-ordinating partnership working. In the event of a recommendation from Overview and Scrutiny Committee not being accepted by the Cabinet, the matter would be reported to full Council for determination.
- 2.7 Sub-paragraph (j) confers a new power on all Councillors, outside the membership of Overview and Scrutiny Committee, to refer any local crime and disorder matter to the Committee under the Councillor Call for Action Procedure. This is intended to cover, in particular, anti-social behaviour or behaviour adversely affecting the local environment and the abuse of drugs, alcohol or other substances in a Councillor's Ward.
- 2.8 Overview and Scrutiny Committee would be bound to consider a validly raised issue from an individual Ward Councillor that fell within the scope of the proposed Protocol. The Committee would decide whether or not to review the issue and whether to make recommendations on it to the Cabinet, to the relevant Council Director or to a partner agency.
- 2.9 We received a separate report on the Councillor Call for Action Procedure and the draft Protocol that will guide its use. We agreed that this draft Protocol should be the subject of further consultation with Members and the Haringey Strategic Partnership before it is reported to a future meeting of full Council for adoption. The Councillor Call for Action Procedure will be available not only for crime and disorder matters but also for a wide range of Council Service issues. We noted that it is intended to be a mechanism of last resort after the existing methods for resolving local problems had been tried and proved unsatisfactory.

WE RECOMMEND

That Members agree to add the crime and disorder scrutiny functions to the terms of reference of the Overview and Scrutiny Committee as set out in the Appendix to this report and resolve to adopt them as amendments to Part 3 Section C of the Council's Constitution.

APPENDIX

[the text shown in italics and underlined is recommended for addition or insertion and the text shown struck through is recommended for deletion]

COUNCIL'S CONSTITUTION

Part 3, Section C – Terms of Reference of Non-Executive Committees

2. Overview and Scrutiny Committee

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the area or its inhabitants;
- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Panels; and
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies;
- (h) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (i) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities; and
- (j) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure.