

**Public Safety Policy Development Group – The Role & Function of The Elected Member
When Dealing with ASB**

Contact Details:- Helena Goodwin
Designation:- Community Safety & Development Manager
Ext. No:- 2756
E Mail Address:- helgo@braintree.gov.uk

Background Papers: - Report From the PS PDG 2005 – 06 “An investigation into the Role & Function of the of the Elected Member when Dealing with Anti-Social Behaviour”
Crime& Disorder Act Review Guidance January 2006

Financial Implications:- Unknown until the Review of the Crime & Disorder Act is published.

Equalities Implications:- None

Legal Implications:- The forthcoming Legislation will have to be adhered to and implemented

Options:

1. For Cabinet to acknowledge and support the formal response received from the Responsible Authority Group, the statutory body of the Braintree District Community Safety Partnership (CDRP) in relation to the recommendations made by the PS PDG. To also agree that some of these recommendations are being progressed in line with forthcoming Guidance / Legislation.
2. For Cabinet not to support the recommendations and to advise of a possible course of redress.

Risks:

Maintaining excellent Partnership working with external agencies is crucial in the work of the CDRP. This must be remembered when discussing and making any recommendations from Braintree District Council. It is imperative that the Partnership maintains a cohesive approach to working with all partners and sectors of the community to address issues. Without this, there is a risk of decrease in sharing of information and possible narrowing of working practices.

Consultation:

Braintree District Responsible Authority Group
(Essex Fire & rescue Service, Essex County Council, Essex Police, Government Office for the Eastern Region, Essex Probation Service, Braintree District Council, Mid Essex Primary Care Trust, Essex Police Authority)

EXECUTIVE SUMMARY

REFERENCES FROM AREA COMMITTEES, PARTNERSHIP BOARDS AND OTHER GROUPS (PUBLIC SESSION)

INFORMATION: Cabinet noted the recommendations of the Public Safety Policy Development Group when considering its report on “The Role and Function of the Elected Member when dealing with Anti-Social Behaviour”. It was noted that these recommendations from the Policy Development Group’s meeting on 22nd March 2006 had been considered by the Council at its meeting on 19th April 2006 and Cabinet received an extract of the Council minutes. The Leader welcomed Councillor Banthorpe, Vice Chairman of the Scrutiny Panel, who presented the views of the Panel as set out in the minutes of its meeting held on 10th May 2006. Specifically this related to the establishment of a Crime and Disorder Committee.

In this respect it was agreed that Cabinet would await the passing of the legislation, and review any guidance before considering a recommendation to Council to establish a new Committee.

DECISION: That the recommendations of the Public Safety PDG, the minutes of the debate of full Council and the reference from the Scrutiny Panel be noted. That a commitment be given to returning to Cabinet within 3 months so far as this is reasonably practicable following consultation with the Council’s partners.

That the Scrutiny Panel be advised that its proposal regarding establishing a Crime and Disorder Committee be held in abeyance pending consideration of the new legislation.

DECISION

1. For Cabinet to acknowledge and support the formal response received from the Braintree District Community Safety Partnership (CDRP) in relation to the recommendations made by the PS PDG. And to agree that some of these recommendations are being progressed in line with forthcoming Guidance / Legislation.
2. For Cabinet not to support the recommendations and to advise of a possible course of redress.

Public Safety Policy Development Group – The Role & Function of The Elected Member When Dealing with ASB

Process & Progress

Communication was received on 1st September from Councillor Shelton (Chair of the PS PDG). The PSPDG support Cabinet's decision to await forthcoming legislation resulting from the review of the Crime & Disorder Act 1998. However, the PSPDG have requested that a series of recommendations contained within the report are progressed in the interim. In line with this request, the RAG have provided a response to each of the recommendations and provided information where the recommendations were already addressed.

The majority of the recommendations pertain to Essex Police meetings, these are not part of Braintree District Council, and hence, do not have any control over. Communication has therefore been made with Essex Police to request them to provide responses to the recommendations made. The RAG have been consulted and have agreed the responses.

The CDRP (RAG) Response to the Recommendations Made

A copy of the Report written by the PS PDG on 'The Role & Function of The Elected Member When Dealing with ASB' was provided to RAG Members along with a copy of the letter requesting Recommendations 1,2,3,4,and 5(v) are progressed prior to the review of the Crime & Disorder Act 1998.

For ease of co-ordinating and consulting on the report from the PS PDG with the RAG, all the recommendations have been consulted upon and responses received.

The recommendations and responses are detailed below: -

1. Policies are put in place to ensure the provision of information to Elected Members of District, Town and Parish Councils regarding local anti-social Behaviour issues with this to include agendas and minutes of meetings of Police Community Safety Tasking Groups (PCSTGPs) and the various Partnership Group.

Response from RAG

PCSTGp do not exist in all Districts by any means, although they are discussed as good practice. Members have an open invitation to attend and be part of any and all of the 3 monthly PCSTGp meetings for which minutes are available. Local issues should be raised through that forum. Part of the meeting is necessarily confidential as personal information is discussed and the Data Protection legislation must be complied with. Members are encouraged to form informal links with their Area Inspector who will have a good knowledge of local issues and be pleased to be given information about developing concerns. The Inspectors chair the Area PCSTGps, hence, are best place to receive concerns.

The Minutes and Agendas from the Responsible Authority Group are already available on the BDC Website. Hard copies are available from Democratic Services on request.

Action to be taken:

A formalised process for circulation of agendas and minutes for the PCSTGps is to be put in place. Members will be asked if they wish to receive the Minutes from the Tactical Meeting and Agendas. The Police will then email these to BDC Democratic Services, who will send them to Members via the BDC Corporate process. These will also be made available on the BDC website.

Timeframe: - October 2006

2. Policies be put in place which recognise and promote a full anti-social behaviour partnership role for the Districts Town and Parish Councils including supplying guidance and information regarding the use of PCSTGPs.

Response from RAG

Elected Members of Local Authorities should be involved in work under the Crime & Disorder Act, a useful part of which is identifying local issues as they develop and ensuring they are fed into the work of the PCSTGps and identified to the Area Inspector. Members are welcome to be involved in developing and delivering local initiatives for their wards. There has been an increase in Elected Member involvement within the Community Action Teams, and when these are initiated, the Ward Members are invited to attend.

Timeframe: Ongoing

3. Town and Parish Councils are positively encouraged and helped develop a local “anti-social behaviour community” similar to the Uckfield model referred to in the report.

Response from RAG

The CDRP encourage partnership working especially via the PCSTGps. The model developed by the CDRP for addressing ASB in the Braintree District is being piloted as Best Practice across Essex and was recently praised by CPA Peer Review Team. This Model meets effectively the local needs within the District and is being developed further. Increased involvement of Members being undertaken (2 above)

Timeframe: Ongoing

4. A set of comprehensive guidelines be adopted which ensure guidance for the Elected Member on how anti-social behaviour issues are taken up, progressed and monitored to conclusion including bringing anti-social behaviour issues to the PCSTGPs in a similar way to the lines recommended, b in appendix T (page 54)

Response from RAG

The dates, times and places of the PCSTGps are all set the same each month. These have been promoted via Member's Focus on a regular basis and also published on the Braintree District Council website. The functioning of the PCSTGps in two parts has been looked at by the Home Office and supported in its structure. Fully agreed that Members should receive feedback, one mechanism to do this is the attendance of Member's at the PCSTGps and to receive a copy of the minutes (although minutes do not always give all the information), but there may be benefit for all in further developing relationships with the Area Inspectors.

Areas discussed at the PCSTGp are collated and detailed in the Braintree District Community safety Partnership Performance Report & Statistics. This is updated monthly and available on the Braintree District Council Website.

Action: Member's to develop relationships with their Area Police Inspector

Timeframe: Promotion of PCSTGps undertaken on an ongoing basis

5. A clear protocol is adopted by the Council which recognises the significant role Elected Members play in dealing with anti-social behaviour with specific regard to:
 - (i) Firmly embedding community arrangements when dealing with anti- social behaviour into the local democratic process.
 - (ii) Putting in place guidance on progressing issues by Ward Councillors to the scrutiny committee.
 - (iii) To seek an increase in the Elected Member's representation on the Responsible Authority Group (RAG) or its successor.

Response from RAG

The role of the Elected Member is being recognised within the Crime & Disorder Act Review. Guidance is due to be published in December 2006. The RAG will discuss the Review and make decisions with the statutory position and reflect these within their Terms of Reference. The Funding & Strategy Team will commence a review of the CDRP and will undertake this in conjunction with the emerging legislation (Local Government White Paper, CADAR, LAA etc.)

Action: RAG to review the CDRP structure in line with forthcoming guidance and legislation

Timeframe: 3 months after all Guidance / Legislation has been received.

- (iv) Adopting the recommendation in Appendix T. for Elected Members to develop a new Council ASB working group to develop partnership, involvement and understanding.

Response from RAG

Covered in responses to item numbers 3 and 4 above

- (v) Setting up a complaints system on the lines of the recommendation by set out in Appendix T to enable complaints about the PCSTG to be heard and progressed.

Response from RAG

Complaints about Police can be made using the formal Police Complaints Procedure that is already in place.

At a local and partnership level however, perhaps a more effective way is to deal with any issues informally through the professional relationship with the Area Inspector or District Commander as appropriate.

Timeframe: - System already in place

- (vi) The RAG be approached regarding the involvement of Elected Members in participating in confidential items on the tasking groups.

Elected Members are bound by the same Data Protection rules as all practitioners. Responsibility for sharing data is an individual one in law under the Police responsibility; the RAG is not empowered to make this request. Participation in confidential matters and exchange of personal data is a matter of law and exercised on a need to know basis, why the information needs to be shared, for what purpose and how is it to be used. This is the same for all persons involved. The 'tasking' part of the PCSTGp covers operational working surrounding personalised data and operations to address the problems; as such only authorised operational Officers are in attendance to meet legislative requirements. This does not stop information being brought by the community to the 'tactical' part of the meeting, and this is encouraged.

Member's involvements are necessary to represent the community and are most welcome to participate in the tactical part of the meeting (as they are already)..

Action: Member's to be encouraged to report issues to the PCSTGps

Timeframe: Ongoing

- (vii) Having a policy in place which recognises that those responsible for crime and disorder - CROPs - will be held to account by the community who can insist on a response from the police.

Response from RAG

The work of the CDRP is all about partnership working. Increasingly, more people are becoming involved in all aspects of the work. Communities have a responsibility to take ownership for addressing issues and the whole process of partnership working is about bringing people together who can work together and take on collective responsibility and ownership for action as appropriate.

*The Police will respond to relevant issues where it is appropriate and within the remit of them as a Police Service. Where it is not within the scope of service provided, the police will respond with appropriate advice or referral. There cannot be a policy insisting that police act (may well not have the power or jurisdiction to do so). The Police are but **one** agency within the CDRP and are unable to solely deal with all issues although usually seen as the panacea. A policy will only create false expectations from the community.*

The Government's 'Respect Agenda' will be introducing 'Community Call For Action' on ASB. This forms part of the Crime & Disorder Act Review.

Action: Respect Agenda to form part of the CDRP Review

Timeframe: 3 months after all Guidance / Legislation has been received.

- (viii) The Council welcomes the introduction of Compulsory National Standards which will affect the Elected Member when dealing with antisocial behaviour.

Response from RAG

The work of the CDRP is in line with Best Practice from various sources. This includes standards on how the CDRP conducts its partnership working. Braintree District CDRP regularly leads the way, especially on ASB issues. At this time the CDRP will continue to develop and implement Best Practice from numerous sources.

General Overview

The RAG view the work of the PS PDG as a positive message that Members want to become more involved and help with resolving the issues. Many of the aspects are in place and the RAG need to consider how this can be communicated to Members to make sure they are aware of the opportunities available to them. The Police Public Engagement Plan will help when it is fully implemented although this is a while away. The Police would like to involve Members in the planning and implementation of Plan. There is a lot of scope for Members involvement in CDRP work and public communication. Mechanism for effective use of Members time and efforts need to be developed by the RAG.

Recommendation[s]

1. For Cabinet to acknowledge and support the formal response received from the Braintree District Community Safety Partnership (CDRP) in relation to the recommendations made by the PS PDG. And to agree that some of these recommendations are being progressed in line with forthcoming Guidance / Legislation.
2. For Cabinet not to support the recommendations and to advise of a possible course of redress.