

Minute Extract

Overview and Scrutiny Committee

16th September 2009



27. SCRUTINISING THE CRIME AND DISORDER REDUCTION PARTNERSHIP (POLICE AND JUSTICE ACT 2006)

The Scrutiny Manager presented a report concerning new powers for scrutinising Crime and Disorder Reduction Partnerships (CDRPs) which came into force on 30/4/09. However, the statutory guidance was not issued until July.

Each Council has an element of local discretion to determine how it wants to tackle CDRP scrutiny within the guidelines laid down.

The essential elements are as follows:-

* Every Council is required to designate an Overview and Scrutiny Committee to scrutinise how the CDRP Partnership Members are discharging their crime and disorder functions, and the Committee has to meet at least once a year. The Committee does not have to be a new O and S Committee or sub-committee – it can be the existing O and S Committee;

That Committee:-

- (i) can require information to be provided by CDRP partners, and it can require partners to attend meetings of the Committee;
- (ii) can require partners to respond to reports and 'have regard' to recommendations that it makes;
- (iii) will be responsible for considering Councillor Calls for Action in respect of crime and disorder matters.

It was noted that if the existing O and S Committee was designated as the responsible Committee it would ensure that all Councillor Calls for Action for both crime and disorder issues and other local government matters were dealt with by one Committee.

It was also noted that the guidance suggests that the CDRP Partnership and the Committee may wish to establish protocols setting out how the various arrangements will work in practice.

In considering the proposed amendments to the Constitution, Article 6.02 (b) I) is to be amended to read as follows:-

"I) to review or scrutinise *at a strategic level* the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;"

Following discussion, it was agreed as follows:-

DECISION

(1) That the Committee **RECOMMENDS** to Cabinet that the Overview and Scrutiny Committee be formally designated as the Crime and Disorder Committee and that the amendments to the Constitution as set out in the Appendix attached to the officer's report and as amended above, be incorporated;

(2) That the Overview and Scrutiny Committee work with the CDRP to develop a protocol on working practices to ensure that the scrutiny process for community safety matters is effective.

28. COUNCILLOR CALL FOR ACTION (POLICE AND JUSTICE ACT 2006 – IN RESPECT OF CRIME AND DISORDER ISSUES) (LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – IN RESPECT OF OTHER LOCAL GOVERNMENT MATTERS)

The Scrutiny Manager presented a report concerning new powers for Councillors called the Councillor Call for Action (CCfA) that came into effect on 1/4/09. Members were reminded that they had received a number of reports on this subject during the past 18 months when the legislation was going through the various consultative stages.

It was noted that CCfAs are intended to help Councillors resolve significant issues and problems on behalf of their residents. Where Councillors are not satisfied that real action has been taken to resolve the issue and the normal methods of resolution have been exhausted, they can as a last resort ask for the matter to be considered by the Overview and Scrutiny Committee with a view to triggering a scrutiny review.

The Officer's report set out the proposed process for dealing with CCfAs and included an Appendix containing a set of draft Guidance Notes for Councillors.

It was noted that the following matters are excluded from the CCfA:-

- * planning or licensing decisions;
- * matters where a person has a separate right of appeal or review;
- * matters which could be dealt with by formal complaints processes (unless systematic failure in a particular service can be demonstrated);
- * vexatious or persistent requests.

The Scrutiny Manager is to provide members of the Committee with a copy of the CfPS/IDeA guidance on the CCfA which includes examples of the types of issue that might be considered under the CCfA process.

Action Point: Scrutiny Manager to action.

Following discussion, it was agreed as follows:-

DECISION

1. The proposals for handling CCfAs as contained in the Officer's report be agreed in principle;

2. The Scrutiny Manager is to consult with the CDRP and other partners, and to report back to a future meeting of the Committee with the results of those consultations;
3. That it be **RECOMMENDED** to Cabinet that the CCfA be incorporated into the Council's Constitution.