

CRIME AND DISORDER FORUM

30 April 2009

FUTURE OF THE FORUM

Officer Reporting: Brian Martin

Introduction

In accordance with Section 19 of the Police and Justice Act every local authority is required to have a "Crime and Disorder Overview and Scrutiny Committee" with power 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 (i.e. members Crime and Disorder reduction Partnership), and to make reports or recommendations to the local authority with respect to the discharge of those functions.

Set out below is an extract from a report considering changes to the Constitution of the Council, which was presented to the Royal Borough's full Council meeting held on 21 April. This extract directly considers the requirement set out above.

The proposal set out in 3.3.7 in the extract below, to disband the current Crime and Disorder Forum, and to establish a Crime and Disorder Overview and Scrutiny Committee, was agreed at the Council meeting on 21 April 2009. The new Panel will be appointed with effect from the new Municipal Year, and discussions will now take place with partners to identify the most suitable persons to be appointed as co-optees to serve on the new Panel, having regard to the requirements of the regulations.

EXTRACT FROM COUNCIL REPORT ENTITLED 'AMENDMENTS TO THE COUNCIL CONSTITUTION' – 21 APRIL 2009.

- 3.3.1 In accordance with Section 19 of the Police and Justice Act every local authority is required to have a "Crime and Disorder Overview and Scrutiny Committee" with power 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 (i.e. members Crime and Disorder reduction Partnership), and to make reports or recommendations to the local authority with respect to the discharge of those functions.

- 3.3.2 Draft regulations have recently been issued and provide guidance on the operation of Crime and Disorder Overview and Scrutiny Committees. It is intended that these Regulations will come into force on 30 April 2009.
- 3.3.3. The regulations states that additional members may be co-opted to serve on the committee where it considers this appropriate for the exercise of its functions, subject to the following provisos:-
- a) a person co-opted will have the same entitlement to vote as any other member (subject to (c) below),
 - b) A co-opted person's membership may be limited to the exercise of the committee's powers in relation to a particular matter or type of matter.
 - c) a person may not be co-opted to serve on the Committee where the committee is exercising its powers in respect of a decision or action for which that person was wholly or partly responsible or in which that person was otherwise directly involved.
 - d) The number of additional co-opted members shall not, in relation any particular exercise of the crime and disorder committee's powers, be greater than the number of permanent committee members.
 - e) A crime and disorder committee shall not co-opt any person to serve on the committee who is not an employee or officer of a responsible authority or of a co-operating person or body; or is a member of the executive of the local authority for the area covered by that crime and disorder committee.
- 3.3.4 The Regulations stipulate that the Committee should meet no less than twice in every twelve month period and provides guidance on the information the Committee is entitled to receive from responsible authorities or co-operating persons. The Committee can also request the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions.
- 3.3.5 Any report produced by the Overview and Scrutiny Committee must be provided to each of the responsible authorities and also to each of the "co-operating persons and bodies" involved in crime and disorder partnerships. Anyone receiving a copy of the report or recommendations, either more generally in relation to crime and disorder, or in respect of a specific matter referred to a Member, must consider the report or recommendations and respond to the Crime and Disorder Overview and Scrutiny Committee indicating what action (if any) it proposes to take and must subsequently have regard to the report or recommendation in exercising its own functions.
- 3.3.6 The new provisions in the Act also impose a new duty on all Councillors to act when they are asked to consider a local crime and disorder matter by a person who lives or works in the area which the Councillor represents (Councillor Call for Action). Once notified, the Councillor must consider the matter and respond to the person who has asked for it to be considered, indicating what (if any) action the Councillor proposes to take. The Councillor may refer the matter to the Crime and Disorder Overview and Scrutiny Committee. However, if the Councillor declines to refer the matter to the

Committee, the person who asked for the matter to be considered may refer the matter to the Cabinet. Cabinet will be required to respond to the person who referred the matter to it, indicating what (if any) action it proposes to take or may decide to refer the matter to the Crime and Disorder Overview and Scrutiny Committee.

- 3.3.7 To satisfy the requirements of the Act and the proposed enacting Regulations, and also to avoid any unnecessary duplication of resources, it is proposed that the Crime and Disorder Forum be disbanded and a Crime and Disorder Overview and Scrutiny Committee be established, with a membership of 7 Councillors, with effect from the new Municipal year. It is suggested that the appointment of members to serve on the new Committee, together with the approval of the Panel's Terms of Reference, be made at the Annual Council meeting in May along with the appointment of Members to serve on the other Council Panels, Committee, Forums etc. In the meantime, discussions will take place with the relevant partners to identify the most suitable persons to be appointed as co-optees serve on the new Panel, having regard to the requirements of the regulations.