

AGENDA SUPPLEMENT

External Overview and Scrutiny Committee Meeting



Date: Tuesday 9 March 2010
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone



Keeping an eye on
Maidstone

Membership:

Councillors Hotson (Chairman), Batt, Mrs Gibson,
Hinder, Marchant, Paterson, Sherreard
and Yates

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11. URGENT ITEM: Crime and Disorder Reduction Partnership Scrutiny Protocols.	1 - 8

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Issued on 4 March 2010

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Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

EXTERNAL OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY 9 MARCH 2010

REPORT OF HEAD OF CHANGE AND SCRUTINY

Report prepared by Louise Smith

1. Crime and Disorder Reduction Partnership Scrutiny Protocols

1.1 Issue for Decision

1.1.1 To consider the resolution of Full Council to remove paragraph 7.3 of the CDRP Scrutiny Protocols.

1.2 Reason for Urgency

1.2.1 The Chairman stated at Full Council on 3 March 2010 that this item would be brought to this meeting as an urgent item to ensure that it did not cause delays to the CDRP Scrutiny process.

1.3 Recommendation of Head of Change and Scrutiny

1.3.1 That the resolution of Full Council to remove paragraph 7.3 of the CDRP Scrutiny Protocols be noted.

1.4 Reasons for Recommendation

1.4.1 The CDRP Scrutiny Protocols, attached to this report, were developed and agreed by the External Overview and Scrutiny Committee Chairman and the co-Chairmen of the Safer Maidstone Partnership (SMP).

1.4.2 The protocols were then considered by the full SMP, along with the External Overview and Scrutiny Committee.

1.4.3 Councillor English, at Full Council, stated that a recommendation was made by the Safer Maidstone Partnership to remove paragraph 7.3 from the protocols to enhance working relationships; this recommendation was not, however, passed to the Overview and Scrutiny Section and was consequently not reflected in the report that was considered by the External Overview and Scrutiny Committee on 12 January 2010.

1.4.4 Paragraph 7.3 reads: "Requests for information from the Crime and Disorder Committee to the Safer Maidstone Partnership will be limited to three requests per calendar year. Additional requests will be negotiated between the Chairmen of the Safer Maidstone Partnership and the Chairman of the Crime and Disorder Committee."

1.4.5 Members should consider whether they wish this paragraph to be reinstated in the protocols, or whether they are satisfied to leave this out, as agreed at Full Council.

1.5 Alternative Action and why not Recommended

1.5.1 Members could recommend that the paragraph is reinstated in the protocols, however its inclusion was intended to avoid any unnecessary administrative burden on the SMP; if the SMP has requested that the paragraph be removed, there is no benefit in its reinstatement.

1.6 Impact on Corporate Objectives

1.6.1 "A place that has strong, healthy and safe communities" – effective scrutiny of the SMP will improve its accountability and help to ensure that it is addressing the concerns of the Borough's communities.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.8 Relevant Documents

1.8.1 Appendices

None.

1.8.2 Background Documents

*Home Office Guidance for the Scrutiny of Crime and Disorder Matters –
England: Implementing Sections 19 and 20 of the Police and Justice
Act 2006* May 2009

MAIDSTONE PROTOCOLS FOR CRIME AND DISORDER REDUCTION PARTNERSHIP OVERVIEW AND SCRUTINY

- 1.** These protocols assume:
 - The continued operation of the Police and Justice Act 2006;
 - The continued existence of a Crime and Disorder Committee within the Overview and Scrutiny Function at Maidstone Borough Council (currently the External Overview and Scrutiny Committee);
 - The existence of a Crime and Disorder Reduction Partnership for the Borough of Maidstone (currently the Safer Maidstone Partnership);
 - A partnership approach, working with responsible authorities within the Borough (and, where appropriate, beyond) as a "critical friend".

- 2.** The purpose of this protocol is to ensure effective interaction between the Safer Maidstone Partnership and the Crime and Disorder Committee to:
 - Enhance the public accountability of the Safer Maidstone Partnership;
 - Establish acceptable and appropriate ways of working between the two bodies; and
 - Develop and maintain a positive working relationship for the benefit of the residents of the Borough of Maidstone.

- 3.** The protocols are based on the following principles:
 - Overview and Scrutiny of the Safer Maidstone Partnership should focus on supporting the reduction of crime and anti-social behaviour and reducing fear of crime and anti-social behaviour in the Borough of Maidstone.
 - Safer Maidstone Partnership Overview and Scrutiny should seek to minimise any unnecessary additional administrative burdens on responsible authorities.
 - Crime and Disorder Committee agendas need to be developed in conjunction with the Safer Maidstone Partnership.
 - It is the intention of the Crime and Disorder Committee to require the Safer Maidstone Partnership to demonstrate added value in the work it does.

- 4.** The Crime and Disorder Committee has the statutory power to:
 - Consider Councillor Calls for Action made in relation to community safety matters;
 - Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
 - Make reports or recommendations to the local authority with respect to the discharge of those functions.
 - "The responsible authorities" means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for

crime and disorder strategies) in relation to the local authority's area.

5. Maidstone Borough Council has a responsibility to work with Kent County Council and other district councils on the scrutiny of community safety issues where this is possible, for example through joint development of work programmes. The Overview and Scrutiny Team will seek to identify opportunities for joint working through the Kent and Medway Overview and Scrutiny Officer Network and present proposals to the Crime and Disorder Committee and the Safer Maidstone Partnership as these develop.

6. Communication

- 6.1 The Crime and Disorder Committee and the Safer Maidstone Partnership will each nominate a named officer to be the main point of contact. That officer will direct all correspondence to the appropriate person.
- 6.2 The Overview and Scrutiny function will inform the Safer Maidstone Partnership of all Overview and Scrutiny Committee work programmes on a six monthly basis to give Partners the opportunity to comment on any items that they feel appropriate to their own work. The Safer Maidstone Partnership will also be invited to propose future work items for the Crime and Disorder Committee where it wishes to do so, though the Committee is under no obligation to take these on.
- 6.3 The Safer Maidstone Partnership will inform the Crime and Disorder Committee of its forthcoming work on a six monthly basis and consult the Committee on its work where appropriate. In particular, the Safer Maidstone Partnership should consult the Crime and Disorder Committee on its Partnership Plan.
- 6.4 Both parties will inform the other of structure changes and significant changes to priorities or future plans to ensure accuracy of information.

7. Information Sharing

- 7.1 The Safer Maidstone Partnership will distribute public minutes of full Partnership, Policy group and Strategy group meetings to members of the Crime and Disorder Committee as soon as these are agreed.
- 7.2 The Crime and Disorder Committee may also request informal notes of delivery group meetings where this is relevant to work being carried out by the Committee.
- 7.3 Requests for information from the Crime and Disorder Committee to the Safer Maidstone Partnership will be limited to three requests per calendar year. Additional requests will be negotiated between the Chairmen of the Safer Maidstone Partnership and the Chairman of the Crime and Disorder Committee.

- 7.4 The Safer Maidstone Partnership is required to respond to requests for information by the Crime and Disorder Committee "as soon as reasonably possible". These requests from councillors should be well focussed and thought through.
- 7.5 Information provided to the Crime and Disorder Committee by responsible authorities should be depersonalised and should not include any information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority. These requirements cannot be bypassed by Schedule 12A of the Local Government Act 1972 i.e. by putting an item onto Part II of a committee agenda.

8. Meeting Protocols

- 8.1 The Committee has a duty to meet at least once a year and is recommended to meet at 6 monthly intervals to ensure the ongoing building and maintenance of knowledge. Review task and finish groups may meet outside of these formal meetings with the requirement to report findings in full at a Crime and Disorder designated meeting.
- 8.2 Officers or employees of responsible authorities or of co-operating persons or bodies are required to attend meetings of the Crime and Disorder Committee to answer questions or provide information. The Committee will endeavour to give at least one month's notice to persons requested to attend. The person required must attend on the specified date unless they have a reasonable excuse not too.
- 8.3 Prior to meetings between the Crime and Disorder Committee and the Safer Maidstone Partnership, the Overview and Scrutiny function will:
- Agree meeting dates as far in advance as possible;
 - Provide meeting paperwork at least 5 working days prior to the meeting;
 - Provide the Safer Maidstone Partnership with a list of proposed questions or key areas of inquiry.
- 8.4 When representatives of the Safer Maidstone Partnership are invited to attend meetings of the Crime and Disorder Committee, the following protocols will apply:
- Committee Members should endeavour not to request detailed information from representatives of the Safer Maidstone partnership at meetings of the Committee, unless they have given prior notice through the appropriate officer. If, in the course of question and answer at a meeting of the Committee, it becomes apparent that further information would be useful, the representative being questioned may be required to submit it in writing to members of the Committee through the appropriate officer.
 - In the course of questioning at meetings, representatives of the Safer Maidstone Partnership may decline to give information or

respond to questions on the ground that it is more appropriate that the question be directed to a more senior representative.

- Representatives of the Safer Maidstone Partnership may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information which would be exempt or confidential as defined in the Access to Information Act 1985. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private sessions.
- Committee members may not criticise or adversely comment on any individual representative of the Safer Maidstone Partnership by name.
- The Overview and Scrutiny Procedure Rules, as published in the Maidstone Borough Council Constitution, will apply to all meetings.

8.5 A record will be made of the main statements of witnesses appearing before the Committee and agreed with the witness prior to publication or use by the Committee. Committee meetings may be electronically recorded and web-cast.

9. Reporting and Recommendations

9.1 Section 19(2) of the Police and Justice Act 2006 states that where the Crime and Disorder Committee makes a report or recommendations, a copy shall be provided to each of the responsible authorities.

9.2 In accordance with Section 19(8) of the Police and Justice Act, the authority, person or body to which a copy of the report or recommendations is passed shall:

- a) Consider the report or recommendations;
- b) Respond to the Crime and Disorder Committee indicating what (if any) action it proposes to take; and
- c) Have regard to the report or recommendations in exercising its functions.

9.3 The relevant partner (or partners, including the full Safer Maidstone Partnership) will have 28 days to formally respond to any recommendations made by the Committee, or if this is not possible as soon as reasonably possible thereafter. The relevant partner(s) will inform the Crime and Disorder Committee Chairman if delays are expected.

9.4 The Overview and Scrutiny function will ensure that drafts of Committee reports are made available for comment by the Safer Maidstone Partnership Strategy Group and any adverse comments or concerns reported to the Committee before the final report is published.

9.5 The Chairmen of the Safer Maidstone Partnership will be given advance notice of the date of publication of the report and consulted on the text of any accompanying press release.

10. Co-option

10.1 The Crime and Disorder Committee may co-opt additional members as it sees appropriate. These co-optees:

- Have the same entitlement to vote as any other member;
- May not be co-opted where the committee is considering a decision or action for which that person was wholly or partly responsible, or otherwise directly involved;
- May not out-number the permanent committee members;
- Must be an employee or officer of a responsible authority or co-operating person or body; and
- Cannot be a member of the Executive.

The relevant responsible authority will be consulted as to the most suitable person prior to co-option, and the membership of the co-optee can be withdrawn at any time.

10.2 Home Office guidance for the scrutiny of crime and disorder matters, 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". In light of this guidance, Kent Police Authority will be invited to propose a member for co-option onto the committee when community safety matters are being considered.

11. These protocols will be reviewed after every third meeting of the Crime and Disorder Committee by the Committee Chairman and the Safer Maidstone Partnership Chairmen to ensure that they remain fit for purpose.