

- (b) Allowing Members to inspect documents at the Council's offices, with or without the ability to make notes, but without taking copies;
- (c) Requiring personal undertakings from Members as to confidentiality before providing information or documents on an individual basis.

13.4. **Monitoring**

The Proper Officer shall report annually to the Democracy & General Purposes Committee on the functioning of these Rules in respect of Members' Access to Information, including the number of instances where requests were declined and the rationale for such decisions.

C5. Maidstone Crime & Disorder Reduction Rules

1. Introduction

- 1.1. The Crime and Disorder Act 1998 requires various 'Responsible Authorities' to work together to develop and implement a Crime and Disorder Reduction Strategy for the area as well as a strategy for combatting the misuse of drugs, alcohol and other substances and a strategy for reducing re-offending. The Responsible Authorities are the Council, along with:
 - 1.1.1. Kent County Council;
 - 1.1.2. Kent Police and Crime Commissioner;
 - 1.1.3. Kent Chief Constable;
 - 1.1.4. Kent Fire and Rescue Authority;
 - 1.1.5. Clinical Commissioning Groups; and
 - 1.1.6. Probation providers
- 1.2. In exercising their functions the Responsible Authorities must also co-operate with various other bodies, known as 'Co-operating Authorities' including:
 - 1.2.1. Parish Councils
 - 1.2.2. NHS Trusts/NHS Foundation Trusts
 - 1.2.3. Governing bodies of schools
 - 1.2.4. Proprietors of independent schools
 - 1.2.5. Governing bodies of an institution
 - 1.2.6. Social landlords
- 1.3. The Safer Maidstone Crime and Disorder Reduction Partnership fulfils this function.
- 1.4. Every local authority must also establish a committee with responsibility for Crime and Disorder matters that has the power to:
 - 1.4.1. Review decisions made or action taken by the Responsible Authorities in connection with their crime and disorder functions; and
 - 1.4.2. Make reports or recommendations to the authority with regard to the discharge of these functions.

- 1.5. The Council has adopted the following rules and protocols for when the Overview & Scrutiny Committee exercises the crime and disorder functions.

2. Working Assumptions

This document assumes:

- 2.1. The continued operation of the Police and Justice Act 2006;
- 2.2. The continued existence of a Crime and Disorder Committee function within the Maidstone Borough Council Overview & Scrutiny Committee;
- 2.3. The existence of a Crime and Disorder Reduction Partnership for the Borough of Maidstone (currently the Safer Maidstone Partnership);
- 2.4. A partnership approach, working with responsible authorities within the Borough (and, where appropriate, beyond) as a "critical friend".

3. Purpose

The purpose of this document is to ensure effective interaction between the Safer Maidstone Partnership and the Crime and Disorder Committee to:

- 3.1. Enhance the public accountability of the Safer Maidstone Partnership;
- 3.2. Establish acceptable and appropriate ways of working between the two bodies; and
- 3.3. Develop and maintain a positive working relationship for the benefit of the residents of the Borough of Maidstone.

4. Principles

The protocols are based on the following principles:

- 4.1. 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.
- 4.2. Safer Maidstone Partnership should seek to minimise any unnecessary additional administrative burdens on responsible authorities.
- 4.3. Crime and Disorder Committee agendas need to be developed in conjunction with the Safer Maidstone Partnership.
- 4.4. 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.

5. Statutory Role

The Crime and Disorder Committee has the statutory power to:

- 5.1. Consider Member Calls for Action made in relation to community safety matters (that is the ability for any Member to refer a matter to the Crime and Disorder Committee for consideration and for the Committee to place the matter on the agenda and consider the matter);
- 5.2. 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
- 5.3. Make reports or recommendations to the local authority with respect to the discharge of those functions.

6. Responsibility for Joint Working

Maidstone Borough Council has a responsibility to work with Kent County Council and other district councils on community safety issues where this is possible, for example through joint development of work programmes.

7. Communication

- 7.1. 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.
- 7.2. The Democratic Services Team will inform the Safer Maidstone Partnership of all 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.
- 7.3. 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.
- 7.4. Both parties will inform the other of structure changes and significant changes to priorities or future plans to ensure accuracy of information.

8. Information Sharing

- 8.1. 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.

- 8.2. 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.
- 8.3. 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 Members should be well focussed and thought through.
- 8.4. 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.

9. Meeting Procedures and Protocols

- 9.1. 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.
- 9.2. 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 of the Overview & Scrutiny Committee.
- 9.3. Officers or employees of responsible authorities and 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 to.
- 9.4. Prior to meetings between the Crime and Disorder Committee and the Safer Maidstone Partnership, the Democratic Services Team will:
 - 9.4.1. Agree meeting dates as far in advance as possible;
 - 9.4.2. Provide meeting paperwork at least 5 working days prior to the meeting;
 - 9.4.3. Provide the Safer Maidstone Partnership with a list of proposed questions or key areas of inquiry.

- 9.5. When representatives of the Safer Maidstone Partnership are invited to attend meetings of the Crime and Disorder Committee, the following protocols will apply:
- 9.5.1. 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.
 - 9.5.2. 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.
 - 9.5.3. 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 Local Government (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.
- 9.6. Committee members may not criticise or adversely comment on any individual representative of the Safer Maidstone Partnership by name.
- 9.7. A record will be made of the main statements of witnesses appearing before the Committee and will be agreed with the witness prior to publication or use by the Committee. Committee meetings may be electronically recorded and web-cast.

10. Reporting and Recommendations

- 10.1. 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.
- 10.2. 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:
- 10.2.1. Consider the report or recommendations;
 - 10.2.2. Respond to the Crime and Disorder Committee indicating what (if any) action it proposes to take; and