

PROTOCOL FOR THE SCRUTINY OF CRIME AND DISORDER MATTERS **Horsham District Council**

1. Introduction

The power to scrutinise local Community Safety Partnerships (CSP) is granted through a number of pieces of legislation including: The Police and Justice Act 2006, the Local Government & Public Involvement in Health Act 2007. Most recently however the Crime and Disorder Overview and Scrutiny Regulations 2009 (and statutory guidance) has granted local authorities new powers for the scrutiny of crime and disorder and Councillor Call for Action (CCfA).

The legislation has widened the provisions of Overview and Scrutiny and defines those crime and disorder functions or matters that may be considered by Overview and Scrutiny Committees and those that are considered 'excluded matters'.

These require that every local authority has in place a committee with power to review and scrutinise, and make reports or recommendations, regarding the functioning of the responsible authorities (*which include*): *Horsham District Council, West Sussex County Council, West Sussex Fire and Rescue Service, Sussex Police, the Primary Care Trust and Surrey and Sussex Probation Service*) that comprise a Community Safety Partnership (CSP). The new legislation forms part of the Government's commitment to strengthen the accountability of local CSP's and enhance the role of local councillors and local communities in preventing and reducing crime. In Horsham District, the Scrutiny and Overview Committee has been designated the "Crime and Disorder Committee" for the purposes of scrutinising crime and disorder matters.

2. Purpose of the Protocol

The purpose of this protocol is to define the manner in which the Scrutiny and Overview Committee can scrutinise the Horsham District CSP and its partners with a view to facilitating good working relationships throughout the scrutiny process.

3. Principles of the Community Safety Scrutiny Operation

- (i) Community Safety Scrutiny is intended to be positive, objective and constructive. It should acknowledge good practice and recommend improvements where it feels these would be of benefit. The Scrutiny process should focus on service outcomes and seek to add value and drive improvements to public services.

- (ii) Community Safety and reducing crime and disorder for the people of Horsham District is dependant on many factors including the services provided through the Community Safety Partnership. This shared responsibility will be acknowledged by the Overview and Scrutiny Committee when undertaking scrutiny reviews.
- (iii) At all times, both Officers and Members of the organisations involved in crime and disorder scrutiny, representatives and Members of the public will be treated with respect and courtesy.
- (iv) The key organisations involved in the scrutinising of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in Horsham District, and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.
- (v) Crime and disorder scrutiny will be open and transparent.

4. The key provisions of the legislation

These are as follows:

- (1) Every local authority is required to have in place a Crime and Disorder Committee with power to review and scrutinise, and make reports and recommendations, regarding the discharge by the responsible authorities of their crime and disorder functions;
- (2) Crime and Disorder Committees must meet at least once a year;
- (3) Responsible authorities or co-operating bodies (*non statutory CSP members*) must provide such information requested by the Crime and Disorder Committee within the timescales identified in the request;
- (4) Crime and Disorder Committees can request the attendance of a representative of a responsible authority or co-operating body in order to answer questions;
- (5) Responsible authorities or co-operating bodies must respond to any recommendations made by the Crime and Disorder Committee within 28 days.
- (6) Crime and Disorder Committees can co-opt additional members to serve on the committee to add value and expertise to the Committee's work. Co-optees can include any person except a member of the local authority's executive.

5. Terms of Reference for the scrutiny and overview of crime and disorder in Horsham District

The function and terms of reference of the Scrutiny and Overview Committee in relation to Crime and Disorder issues are as follows:

- (1) to scrutinise the work of the CSP and the partners who comprise it, insofar as their activities relate to the partnership itself;
- (2) to make reports and / or recommendations to the Council with respect to the discharge by the CSP of its crime and disorder functions;
- (3) to act as a 'critical friend' of the CSP, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level;
- (4) to consider Councillor Call for Actions (CCfAs) that arise through the Council's CCfA process and which relate to Crime and Disorder matters.

Work Programming - The CSP will be advised in advance of any scrutiny review relating to a crime and disorder issue that the Scrutiny and Overview Committee is intending to undertake as part of its annual work programme.

Scrutiny Topics - These may include scrutiny of the CSP partnership plan, the strategic assessment, performance reports, or any activities relating to crime and disorder matters which are co-ordinated at district level. It is recommended that performance against the partnership plan be considered as the benchmark for any selected topic.

Notice of required attendance at scrutiny meetings -The Scrutiny and Overview Committee will give **at least 4 weeks notice** to responsible/co-operating authorities requesting their attendance at a scrutiny and overview meeting. Attendance requests will clearly outline the scope of the scrutiny exercise.

Notice of Information required for scrutiny -The Scrutiny and Overview Committee will give **at least 4 weeks notice** to responsible / co-operating authorities requesting information relating to the planning and operation of crime and disorder reduction activities and strategies that it requires in order to facilitate the overview and scrutiny process. Information provided by responsible/co-operating authorities should be depersonalised, unless the identification of an individual is necessary or appropriate for the Overview and Scrutiny Committee to properly exercise its powers. The information should also not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority/co-operating authorities.

Making and Responding to Recommendations - At the conclusion of its study, the Scrutiny and Overview Committee will consult the CSP on any draft reports and associated recommendations before they are published. Final reports and recommendations will be sent to the relevant responsible / co-operating authorities that are affected by the report or recommendations, plus other individuals or organisations that contributed to the study. As required by the legislation, responsible / co-operating authorities must respond to any relevant recommendations made by the Scrutiny and Overview Committee within 28 days of receipt.

Monitoring the Implementation of Recommendations - The Scrutiny and Overview Committee will monitor, as appropriate, progress in implementing any recommendations.

Reviewing the Protocol - This protocol will be kept under regular review to ensure it remains fit for purpose and compliant with emerging legislation.