

<b>Committee:</b>	<b>Date:</b>
Policy and Resources Committee	8 September 2016
<b>Subject:</b> Crime and Disorder Scrutiny Committee	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>

### Summary

The Crime and Disorder Act 1998 led to the creation of Crime and Disorder Reduction Partnerships (CDRPs), which were designed to develop and implement strategies to reduce crime and disorder. The City's CDRP – named the Safer City Partnership (SCP) and chaired by the Chairman of the Police Committee – was consequently established as a separate legal entity and is the vehicle by which the various partners, including the City of London Corporation, fulfil their statutory obligations and demonstrate their commitment to reducing crime, disorder and anti-social behaviour in the City.

The Police and Justice Act 2006 subsequently placed a requirement on every local authority, together with the Court of Common Council, to put in place a mechanism to review or scrutinise decisions made, or other action taken, in connection with crime and disorder functions and to hold the Safer City Partnership to account.

Following consideration by a number of Committees, several potential approaches were explored and it was considered that the optimal way of fulfilling this requirement would be to create a new dedicated Crime and Disorder Scrutiny Committee. This Committee would comprise the Chairman and Deputy Chairmen, or their representatives, of the four committees whose terms of reference cover, to a lesser or greater extent, the issue of community safety within the City of London – i.e. the Policy and Resources, Police, Community and Children's Services and Licensing Committees.

With a number of Members having recently queried the purpose of this Committee, which recently met for the first time, this report aims to clarify its role and responsibilities and explain the background to its establishment.

**Recommendation:**

Members are asked to note the report.

### Main Report

**Background**

1. The Crime and Disorder Act 1998 led to the creation of Crime and Disorder Reduction Partnerships (CDRPs), which were designed to develop and implement strategies to reduce crime and disorder. The City's CDRP – named the Safer City Partnership (SCP) – was consequently established as a separate legal entity and is the vehicle by which the various partners, including the City

of London Corporation, fulfil their statutory obligations and demonstrate their commitment to reducing crime, disorder and anti-social behaviour in the City. It is also a mechanism to respond to the concerns of residents, workers and visitors and address issues of victimisation and vulnerability.

2. The SCP is composed of the following bodies:

- The City of London Corporation\*
- The City of London Police\*
- London Fire Brigade\*
- London Probation Trust\*
- Clinical Commissioning Group\*
- HM Court Service
- British Transport Police
- Transport for London
- City of London Crime Prevention Association
- Residents' representatives
- Business representatives
- Voluntary Sector representative

Those marked with an asterisk are statutory partners under the Crime and Disorder Act (1998) and subsequent amendments.

3. The Police and Justice Act 2006 subsequently also required the establishment of a committee (except in the case of the Court of Common Council, which was excluded from the requirement to establish a dedicated committee as detailed in paragraph 8 and therefore had more discretion over how it carried out its scrutiny duty) to review or scrutinise decisions made, or other action taken, in connection with crime and disorder functions. These powers were provided to Local Authorities by Sections 19 and 20 of the Police and Justice Act 2006 (as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007) and complemented by the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

4. Formal guidance concerning these committees was published for the Scrutiny of Crime and Disorder Matters in May 2009, but this guidance did not prescribe how this scrutiny function should be undertaken and neither the Act nor the Regulations required local authorities to alter existing committee structures. They were clear that there must be, however, a formal place where community safety matters could be discussed and scrutinised and the guidance suggested that the crime and disorder scrutiny role could be undertaken by either a dedicated crime and disorder overview and scrutiny committee (or sub-committee) or an authority's main overview and scrutiny committee.

5. The guidance was clear in that there was an expectation for police authorities to play an active part in this scrutiny function and that the committee should therefore either involve a member of the police authority or, where not possible, a standing invitation should be extended for a member (or officer) of a police authority to attend the scrutiny committee as an expert witness.

6. The regulations left the frequency of meetings to local discretion, subject to a minimum requirement of once a year.
7. The Guidance further recommended that the role of the scrutiny committee, in whichever form was applied, should be as a critical friend of the CDRP providing it with constructive challenge at a strategic level and not 'adversarial fault finding at an operational level'. The committee should consider actions undertaken by the CDRP and make reports or recommendations to the local authority, in our case the Court of Common Council, and directly to the responsible partners, if necessary.
8. In order to meet the requirements, a number of approaches were considered at the time:

**i) to allow the Court of Common Council to fulfil this function directly**

The provisions of the Act specifically provided for this possibility, through paragraph 11(1) of Schedule 8 to the Police and Justice Act 2006, which states that, "The Common Council may discharge its duty under section 19(1) by itself acting as the crime and disorder committee of the Council..."

Accordingly, consideration was given to the possibility that no dedicated committee be established and that, instead, the Common Council discharge its duty to scrutinise crime and disorder matters by itself acting as the crime and disorder committee.

However, it was felt that this would not in practice provide the most effective mechanism for scrutiny, for a number of reasons. Firstly, one of the principles of scrutiny is that a member should not be involved in scrutinising a decision that they have been a party to. The involvement of a number of Members with the Safer City Partnership would naturally cause some conflict here. Furthermore, a committee comprising 125 Members, due to its size, would arguably not be an effective body for discharging such functions. This corresponds with the position in respect of most local authority functions e.g. Planning, where is no legal requirement to have a dedicated Planning Committee and planning functions could all technically be discharged by the Court should it so wish, but for reasons of practicality a specialist Committee is constituted.

In addition, meetings of the Court of Common Council are strictly governed by the conduct of debate as set out in Standing Orders and, other than the Town Clerk, officers traditionally do not participate in debates. It was felt that this could cause some issues in relation to the facilitation of proper scrutiny functions.

Moreover Standing Order 9 requires any report put before the Court to have been agreed by a Committee (or Sub Committee in those cases where the terms of reference confer the requisite authority). Procedurally there would therefore have been issues to resolve in facilitating appropriate reports to be laid before the Court.

In view of these various issues, it was therefore felt that this would not be an appropriate option.

**ii) to extend the terms of reference of the Policy and Resources Committee, or a sub-committee thereof, to explicitly have this function within its remit.**

It was noted that the terms of reference of the Policy and Resources Committee covered City security and emergency planning as well as general matters not otherwise expressly provided for within the terms of reference of any other Committee. Accordingly, the incorporation of the Crime and Disorder Scrutiny function within the Policy and Resources Committee's activity was also considered.

However, in its application to the City of London Corporation, there was some uncertainty at the time as to whether the Police and Justice Act 2006 allowed for a committee to discharge functions other than crime and disorder scrutiny functions. In other words, it was believed that for the City of London Corporation it may need to be that any committee was capable of only dealing with the scrutiny of crime and disorder and nothing else. It has since been clarified that this is not the case, subject to suitably crafted arrangements. However, notwithstanding this, it was also felt that the Policy and Resources Committee might not be the most appropriate forum for such scrutiny to take place and this option was therefore discounted.

**iii) to extend the terms of reference of the Health Scrutiny Sub Committee to allow it to also discharge scrutiny of crime and disorder functions.**

This Sub Committee, which had been established in 2001 in response to the requirements of the Health and Social Care Act 2001, was already a dedicated scrutiny committee in existence and was therefore also considered as a potential route through which the Crime and Disorder Scrutiny function could be exercised. However, similarly to the position outlined above with regard to the Policy and Resources Committee, there was concern that it would not be permissible for the sub-committee to deal with crime and disorder scrutiny as well as other matters. Further, the two subject areas were felt to be sufficiently distinct as to suggest limited merit in merging the two scrutiny areas in to one sub-committee.

**iv) to create a newly constituted Crime and Disorder Scrutiny Committee.**

The creation of a dedicated committee was therefore felt to be the most appropriate and pragmatic approach. It was recommended that any such Scrutiny Committee should include the Chairmen and Deputy Chairmen, or their representatives, of the Policy and Resources Committee, the Police Committee and the Community and Children's Services Committee on the basis that the terms of reference of these three committees covered, to a lesser and greater extent, the area of community safety within the City of London. In considering this proposal, Members were minded that the inclusion of representatives of the Licensing Committee would also be appropriate, given that Committee's role in considering the impact of licensed premises with relation to community safety.

This was consequently agreed by the Court of Common Council as the appropriate solution at its December 2009 meeting.

### **Current Position**

9. Having been established and terms of reference approved, the Committee was included within the 2010 White Paper and has continued to be appointed annually by the Court ever since. The terms of reference of the Committee are as follows:
  - (a) *To be responsible for the review and scrutiny of decisions made, or other actions taken, in connection with the discharge by the responsible authorities and other members of the Safer City Partnership of their crime and disorder functions;*
  - (b) *to make reports or recommendations to other committees and to the Court of Common Council with respect to the discharge of those functions; and,*
  - (c) *to have at least one meeting each year dedicated to scrutinising crime and disorder matters.*
10. No meeting of the Committee has been held since its inception. This was highlighted recently, at which point the various Chairmen and Deputy Chairmen were contacted and a first meeting arranged.
11. At this meeting, Members discussed the scrutiny function and the activities of the City's CDRP, with a view to better understanding how they might most effectively discharge their scrutiny function. The agenda, reports and minutes of that meeting are all publicly available at the following location: <http://democracy.cityoflondon.gov.uk/ieListDocuments.aspx?CId=173&MId=18738&Ver=4>
12. Given the City Corporation's committee system, under which overview and scrutiny committees (as utilised at other local authorities) are not in place, it was agreed that scrutiny training should be arranged for the Committee to aid Members' familiarity with the requirements of this role. In addition, it was agreed that Members should be given the opportunity to attend the next meeting of the Safer City Partnership, to better understand its work and provide a framework for future scrutiny. After this point, a further meeting of the Crime and Disorder Scrutiny Committee will be arranged at which the Committee will determine the areas of the CDRP's work which it wishes to scrutinise in more detail.
13. It should be noted that the City (and London in general) is in a somewhat anomalous position compared to the rest of the country in that there is no directly elected Police and Crime Commissioner (PCC). Through the Police Reform and Social Responsibility Act 2011, a clear legal basis was provided to the relationship between CDRPs (now referred to as Community Safety Partnerships – CSPs) and incoming Police and Crime Commissioners. The PCC has a power of accountability over CSPs and is able to provide additional funds for the CSP to use (although is not obliged to do so).

14. With no PCC for the City, it is therefore still incumbent on the Court of Common Council in its local authority capacity to hold the SCP to account.

### **Conclusion**

15. This report sets out the rationale behind the Crime and Disorder Scrutiny Committee's establishment and outlines its intended role and recent activity.

### **Appendices**

- None.

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