

Committee(s): Police Authority Board – For information Policy and Resources Committee- For decision	Dated: 15/02/2023 23/02/2023
Subject: Crime and Disorder Scrutiny Committee- Terms of Reference and Constitution	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: The Town Clerk	For Decision
Report author: Richard Holt, Governance Officer	

Summary

The City of London Corporation is required by section 19 of the Police and Justice Act 2006 to constitute a committee with the authority to review or scrutinise decisions made, or other action taken, in connection with the discharge by certain authorities of particular crime and disorder functions and to make reports or recommendations to the Common Council with respect to the discharge of those functions. The City of London Corporation does have a Crime and Disorder Scrutiny Committee, but it has not met in some time and it is clear that the current structure and constitution does not assist in facilitating the effective discharge of its obligations as defined by the relevant legislation.

It is, therefore, now recommended that the Crime and Disorder Committee be properly reconstituted to provide the scrutiny required. Proposed terms of reference for the Crime and Disorder Scrutiny Committee are therefore presented for Member consideration at Appendix 1 of this report. It is recommended that the Terms of Reference, subject to Members’ comment, be approved in order that the Committee can be reconstituted for the beginning of the new civic year.

Recommendations

Members are asked to:

- Approve the revised Crime and Disorder Scrutiny Committee Terms of Reference, as set out in Appendix 1; and
- Note the draft Crime and Disorder Scrutiny Committee Governance Advisory Schedule, set out at Appendix 2.
- Consider amendments to Standing Orders [29.3(a) and 22], such that membership of the Crime and Disorder Scrutiny Committee does not count towards the maximum number of Committees on which a Member may serve

and so that Chairs of other Committees would be eligible to also act as Chair of the Crime and Disorder Scrutiny Committee.

Main Report

Background

1. The Safer City Partnership (SCP) is a statutory partnership of five “responsible authorities”. The responsible authorities are those persons referred to in section 5(1) of the Crime and Disorder Act 1998. For the SCP these are the City of London Corporation, the Commissioner of the City of London Police, the NHS North East London Integrated Care Board (ICB), the London Fire Commissioner and London Probation Service. The responsible authorities are required to undertake certain crime and disorder functions (including formulating and implementing strategies for the reduction of crime and disorder in the City of London area and sharing certain information with each other for the same purpose).
2. The City of London Corporation is required by the Police and Justice Act 2006 to constitute a committee in accordance with the requirements of section 19 of the Act to with power to:
 - (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - (b) make reports or recommendations to the relevant Committee(s) of the Common Council with respect to the discharge of those functions.
3. The City Corporation does have a Crime and Disorder Scrutiny Committee (CDSC), but it has not met in some time. Some scrutiny of the SCP has previously been undertaken by the Safer City Partnership Strategy Board, which is appointed by the responsible authorities; however, that Board cannot fulfil the City Corporation’s statutory responsibilities to establish a committee which complies with the requirements set out in the paragraph above.
4. The governance of the SCP and its Strategy Board was recently reviewed and updated by the responsible authorities. This included updating the membership of the SCP Strategy Board and clarifying the scrutiny arrangements. In turn, this has afforded the opportunity to delineate the respective roles and remits of the SCP and CDSC and consider how the latter might be constituted more effectively, in order to provide a robust and meaningful scrutiny function.
5. The Governance Review recommended that refreshed arrangements in respect of the Crime and Disorder Scrutiny Committee be considered and Officers submit a report on the proposed new structure. Having considered the relevant factors and the Crime and Disorder Committee’s constitution and Terms of Reference in the light of the above, Officers have produced revised draft Terms of Reference for the reconstitution of a Crime and Disorder Scrutiny Committee.

6. These Terms of Reference, included at Appendix 1 to this report, have been produced in accordance with relevant sections of the Police and Justice Act 2006 and the Crime and Disorder Act 1998 and in collaboration with Officers from the Community and Children's Services Department, Comptroller and City Solicitor's Department, and the Police Authority and Governance teams in the Town Clerk's Department.
7. On the 11th of January 2023, an informal meeting of the prospective membership to be appointed to the Crime and Disorder Scrutiny Committee was held where Members reviewed the Committee's Terms of Reference. Members informally approved the Terms of Reference and observed that the Committee needed to meet more than the stated minimum of once a year to properly fulfil its scrutiny function.
8. In addition, Members noted that, whilst the Committee's Terms of Reference needed to remain focused on its statutory role, it was important to maintain the Governance Advisory Schedule as a guidance document to assist Members in understanding the role of the Committee in practice.
9. Members also observed that, as the Committee is proposed to be constituted by the Chairmen of the specified committees, half of the membership would be ineligible to stand as the Committee's Chair. Further to this it was suggested that a review of Standing Order 29.3(a) to include the Committee on the list of those committees which do not cause a Member to be ineligible to serve as the Chair of another committee be considered. Furthermore, Members also stated that a review of Standing Order 22.1 relating to the maximum numbers of committees on which Members can serve should be considered to ascertain the suitability of including the Crime and Disorder Scrutiny Committee on those committees not counting toward the maximum.

Current Position

10. Following the informal approval of the Crime and Disorder Scrutiny Committee's Terms of Reference have been finalised and are now presented for the consideration of the Policy and Resources Committee. The Governance Advisory Schedule is also appended to provide further context on the role and responsibilities of the Crime and Disorder Scrutiny Committee.
11. If approved, the Terms of Reference will be incorporated into the White Paper for 2023 to be considered by the Court of Common Council in order that a Crime and Disorder Scrutiny Committee may be properly constituted and appointed for the beginning of the new civic year.

Options

12. Option A: The recommended option is that the updated draft Terms of Reference for the Crime and Disorder Scrutiny Committee be approved as drafted.
13. Option B: The Terms of Reference are not approved, and Officers incorporate any requested changes in an updated draft. This option is not recommended as

the Terms of Reference have been drafted to directly comply with the relevant statutory requirements which limit the functions the Committee can undertake and, therefore, the scope to make significant changes to the proposed Terms of Reference are limited.

Proposals

14. It is proposed that the Crime and Disorder Scrutiny Committee's Terms of Reference be considered and approved for incorporation into the White Paper for 2023 to be considered by the Court of Common Council in order that a Crime and Disorder Scrutiny Committee may be properly constituted and appointed for the beginning of the new civic year.

Key Data

Strategic implications – The constitution of a Crime and Disorder Scrutiny Committee is expected to improve the strategic delivery of discharge by the responsible authorities of their crime and disorder functions. This will also contribute to Corporate Plan's outcome 1. Additionally, the Corporation's governance structure has a limited number of purely scrutiny committees operated under different local authority arrangements. The Crime and Disorder Scrutiny Committee may therefore provide an opportunity to extend Members' familiarity with these arrangements and further develop practices on the oversight and scrutiny which could be applied to other committees on which Members serve or their other governance activities in future.

Financial implications- There is the possibility of additional low-level expenditure associated with the Committee's scrutiny training however this would be covered by agreed learning and development budgets by the usual procedure.

Resource implications- The primary resource requirement for supporting the work of the Committee will be the required governance support and reporting from officers who support the Safer City Partnership. The decision in 2022 to allocate a dedicate governance support function for the Police Authority has provided sufficient resource to facilitate the required governance support for the Committee.

Legal implications- These are set out in the body of the report. This proposal is intended to ensure the City Corporation's compliance with statutory requirements.

Risk implications- The constitution of a Crime and Disorder Scrutiny Committee fully aligned to the provisions of the Police and Crime Act 2006 this is considered to be an effective mitigation of risks incurred by the non-compliance.

Equalities implications – The Committee completes a governance and scrutiny function which does not have a direct operational impact which could affect groups and individuals listed in the Equality Act 2010 Act. A Test of Relevance was completed to determine whether a full Equality Analysis was required.

Climate implications- None

Security implications- None

Conclusion

15. The Police and Justice Act 2006 requires the City of London Corporation to constitute a committee in accordance with its requirements, including the authority to scrutinise decisions made in the discharge by the responsible authorities of their crime and disorder functions.

16. To comply with this requirement it is recommended that the Crime and Disorder Scrutiny Committee's updated Terms of Reference be considered and approved to ensure the Committee can be reconstituted and effectively discharge its statutory functions.

Appendices

Appendix 1 – Crime and Disorder Scrutiny Committee Draft Terms of Reference

Appendix 2 – Crime and Disorder Scrutiny Committee Governance Advisory Schedule

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