

Report to Overview and Scrutiny Committee

Date of meeting: 16 April 2009

Report of: Constitution and Member Services
Standing Scrutiny Panel

Subject: Police and Justice Act 2006 – Community Safety Committees

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Recommendations:

(1) That in regard to the establishment of a Community Safety Committee under the Police and Justice 2006 Act, the Safer, Cleaner, Greener SSP be designated as the Council's Community Safety Committee;

(2) That consideration be given to the Committee's June 2009 meeting to the following:

- (a) the manner in which the statutory requirement for at least two meetings of the designated Community Safety Committee will be held;**
- (b) co-option arrangements; and**
- (c) the terms of reference of the Community Safety Committee, its membership and other constitutional changes for adoption by the Council.**

Report:

Introduction

1. Notification has recently been received from the Home Office that it is intended to bring into force Sections 19-21 of the Police and Justice Act 2006 with effect from 30 April 2009.

Statutory Requirements

2. Sections 19-21 are designed to ensure that every local authority will have a committee (to be called the "Crime and Disorder Committee") which will have the following powers:

- (a) To review or scrutinise the decisions made, or other action taken, in connection with the discharge by responsible authorities of their crime and disorder functions; and**
- (b) To make reports or recommendations to a local authority or any other partnership body on the carrying out of those functions.**

3. In addition, the Councillor call for action includes crime and disorder matters as well as other local government issues. These are dealt with in a separate report to this meeting.

4. These changes and the implementation of the Act will be introduced in new Government regulations which are as yet in draft form only. Key features of the draft regulations are summarised below:

Co-option

- (a) Committees will be able to co-opt additional members if this is considered appropriate for the Committee's functions;
- (b) co-optees will have the same voting rights as any other members;
- (c) co-optees' membership can be limited to a specific matter or group of issues;
- (d) Committees will not be able to co-opt any person who was involved in the decision or action under review;
- (e) the number of co-opted members must not exceed the number of permanent committee members;
- (f) co-optees are restricted to those who are employees or officers of the Council, any co-operating person or body;
- (g) members of a Local Authority Executive (Cabinet) may not be members of a Crime and Disorder Committee;
- (h) Committees will be required to consult the relevant body on the most suitable co-optee;
- (i) the membership of a co-opted person may be withdrawn at any time by the Committee.

Frequency of Meetings

- (j) Crime and Disorder Committees will be required to meet no less than twice in every 12 month period.

Requests for Information

- (k) Committees have rights to receive information from local authorities, co-operating persons or bodies when requested;
- (l) information must be provided no later than the date indicated in the Committee's request or within an agreed timescale which is reasonable in the circumstances;
- (m) information must exclude the identification of any living individual unless this is necessary or appropriate for the exercise of the Committee's powers.
- (n) information provided must exclude anything which would prejudice current or future operations of any responsible authority;

Attendance at Committee Meetings

- (o) Committees will be able to require the attendance of an officer or employee of a responsible authority or co-operating body in order to answer questions or provide information, subject to at least two weeks' notice of the date of the meeting being given;

(p) persons invited are required to attend unless there is a reasonable excuse for absence;

Reports and Recommendations of Committees

(q) where a Crime and Disorder Committee makes a report or recommendations to a responsible authority etc, responses by the recipients must be in writing and submitted to the Committee within a period of one month or as soon as possible thereafter;

(r) a Crime and Disorder Committee is required to review such responses and monitor the action (if any) taken by the responsible person or authority.

Implications for Epping Forest District Council

5. The Committee will appreciate that the timescale being provided by Government for the introduction of Crime and Disorder Committees is extremely short. It is suggested that the Committee at its April 2009 meeting (when Panels are appointed and the work programme agreed) should consider how Overview and Scrutiny is to meet the requirements of the 2006 Act in regard to the establishment of a Community Safety Committee. We considered four options as follows:

(a) Option 1 - Establish a new Committee under the Overview and Scrutiny banner;

(b) Option 2 – Amend the Terms of Reference of the Overview and Scrutiny Committee to cover crime and disorder responsibilities and designate that Committee as the Council's Community Safety Committee;

(c) Option 3 – Establish a new Community Safety SSP, amending the Terms of Reference of the Safer, Cleaner, Greener SSP by excluding crime and disorder matters and designating the new SSP as the Community Safety Committee.

6. The Standing Scrutiny Panel on the “Safer, Cleaner, Greener Initiative” includes within its Terms of Reference monitoring of crime and disorder issues. Recommendation (1) to this report sets out this option as our preferred solution.

7. The Act requires the Community Safety Committee to meet on a minimum of two occasions in every 12 months so it is important that the Council considers how this particular requirement is to be met. If a new body is established, two dates need to be included in the calendar of meetings. If an existing body is to be designated as the Crime and Disorder Committee, it may be necessary to consider having two designated meetings of the body concerned so that the Council is seen to meet the statutory obligations.

8. Memberships of the new Committee need to be agreed in June 2009 along with co-option proposals, any amendments to the Constitution and meeting dates. The Constitutional changes relating to this Committee will need to be adopted by the full Council as soon as possible after the Committee meeting in June.

9. This report is based on draft Government regulations on Crime and Disorder Committees. It remains possible that the details may change between now and final publication but it seems that the need to establish a Committee is clear and that the Council should be considering now how it intends to respond. Any changes in the final regulations will be reported to the Overview and Scrutiny Committee in June.