

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF SAFER, CLEANER, GREENER SCRUTINY STANDING  
PANEL  
HELD ON THURSDAY, 7 APRIL 2011  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.30 - 8.35 PM**

**Members Present:** Ms C Edwards (Chairman), W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, Mrs C Pond and P Spencer

**Other members present:** Mrs P Smith

**Apologies for Absence:** Ms J Hedges and G Mohindra

**Officers Present** J Preston (Director of Planning and Economic Development), J Nolan (Assistant Director (Environment & Neighbourhoods)), C Wiggins (Safer Communities Manager), P Gardener (EFDC Safer Communities Officer) and A Hendry (Democratic Services Officer)

**50. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Panel noted there were no substitute members.

**51. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**52. MINUTES OF THE LAST MEETING**

The notes from the 8 March 2011 meeting were agreed as a correct record.

The Portfolio Holder, Safer and Greener, Councillor Mrs Smith, asked the meeting how they wished to conduct future Crime and Disorder meetings. Did they wish to receive written reports or presentations from officers. The Panel agreed that they continue with a combination of written reports and oral presentations so that members could receive information in the most appropriate format.

**53. TERMS OF REFERENCE AND WORK PROGRAMME**

The Panel noted their Terms of Reference and Work programme.

**54. POLICE AND CRIME COMMISSIONERS**

Caroline Wiggins, the Safer Communities Manager, introduced the report on the proposed Police and Crime Commissioners. From 2012, regional Police and Crime Commissioners (PCC) are to be elected in all areas other than the Metropolitan and the City of London Police. They will have the power to appoint, suspend or dismiss Chief Constables. They will issue a Police and Crime Plan, setting out police and crime reduction objectives, set the forces budget, issue precepts and produce an annual report on progress against police and crime objectives.

The Panel noted that:

- The office of PCC will have its own legal personality distinct from the person holding the post;
- In that capacity it will own property, employ staff and make contracts;
- Each PCC will be supported by a team of at least 2 paid (publically funded) staff;
- Election will be held in 2012 and then every 4 years;
- The PCC will appoint a Police and Crime Panel and each local authority in the Police area will be represented on that Panel (usually the Safer Greener (or equivalent) Portfolio Holder);
- In a force area with more than one local authority, there will be a joint committee, consisting of at least 10 members appointed from the local authorities and 2 co-opted members appointed by the panel itself;
- The Panel would scrutinise decisions made by the PCC and could veto appointments, suspension or dismissal of a Chief Constable and police budget;
- They would also ensure the PCC's annual report, policing plan and any Her Majesty's Inspectorate of Constabulary reports are shared with local authorities;
- The PCC will not be an alternative to the current Community Safety Partnerships (CSP); and
- PCCs are not to be statutory partner of the CSPs.

Councillor Spencer asked if any doubts had been expressed about this new system? Mrs Wiggins replied that as far as the Home Officer were concerned this was going to happen. However, concerns were raised by officers over the wide area that each PCC would cover. The local one would cover all of Essex and they would get all the budgets; leaving local areas without any local funding for local schemes.

Councillor Jacobs stated he had more faith in current officers, such as the CSP, than in the new proposed PCC. Would the CSP still be in existence? Mrs Wiggins said that they would still be there, reporting back to this Scrutiny Panel.

Councillor Pond asked what was the difference between a Police and Crime Panel and a Joint Crime Committee. Mrs Wiggins replied that in a joint committee, consisting of a number of local authorities, would have to agree any proposals they made to the PCC.

Councillor Pond then asked if Police Authorities were being disbanded. She was told that they were, in May 2012 and their Budget would be handed over the new PCC.

The Panel noted that there was a consultation on the proposed PCC last year and it seemed that the various concerns raised were largely ignored by the Home Office.

Councillor Spencer wanted it confirmed that the Safer Communities Partnership would still be a statutory body, but without a budget. This was confirmed.

The meeting was worried that next year being the Olympic year, a lot of Police resources would be taken from our area to be used in East London. They wanted to be sure that the new regime would deploy resources fairly and that our area would not be left undermanned.

The Panel wanted an item added to their work plan for next year to be kept updated on the new PCC and so that the Chairman of the Safer Communities Partnership would have a clear reporting line. They would also like to receive the minutes from

any of the relevant meetings to help them keep in touch with developments and to enable them to help in any way they could.

**RESOLVED:**

- 1) That the report on the Police and Crime Commissioners be noted; and
- 2) The report be recommended to the Overview and Scrutiny Committee with the recommendations that two additional items be added to this Panel's work programme for the new year:
  - (a) That they be kept updated on the progress on the work for the new Police and Crime Commissioner; and
  - (b) That they be tasked with monitoring the use of police resources during the Olympic period.

**55. HOME OFFICE CONSULTATION - "MORE EFFECTIVE RESPONSE TO ANTI-SOCIAL BEHAVIOUR"**

Paul Gardener, the Safer Communities Officer introduced the report on the Home Office consultation on more effective responses to anti-social behaviour. They were looking to open up current legislation and bring it under one umbrella act. The Panel noted that the consultation period ran up to 3 May 2011 and that this Panel's response would be reported to the Overview and Scrutiny Committee on 11 April.

The consultation document was divided up into six parts:

- (1) **The Criminal Behaviour Order** – this will be a civil order available on conviction for any criminal offence, similar to an ASBO. Maximum penalty for breach proposed is 5 years imprisonment;
- (2) **The Crime Prevention Injunction** – this is a civil order of proof (balance of probabilities) making it easier to obtain. These two new powers are intended to replace the existing Anti-Social Behaviour Orders;
- (3) **The Community Protection Order (CPO)** – available to police and local authorities to restrict the use of a place or close a premises linked with persistent ASB;
- (4) **Police Direction Power** – this allows police to direct any individual causing or likely to cause crime and disorder away from a particular place and confiscate relevant items. If this came in, officers would like PCSOs to have the power of arrest to enable them to have a credible alternative when asking people to move on;
- (5) **Informal tools and out of court disposals** – the Home Office were exploring more community engagement to enhance the restorative approach, for example by introducing Acceptable Behaviour Contracts Panels chaired by trained local volunteers; and
- (6) **The Community Trigger** – this will be a new power given to local residents to ensure ASB is being dealt with by the relevant authorities in their area.

These were summarised in the report and the officers draft responses were attached as an appendix.

Councillor Spencer asked if the new ASBO system would mean more court cases. He was told it would not as it would be directed to a persistent offender, which they would try and get to before it went to court.

Councillor Spencer then asked if the power of citizen's arrest did exist and was told that it did. Councillor Jacobs agreed with officers that PCSO needed the power of arrest.

Councillor Smith referring to the informal tools and out of court disposals proposals thought the public would be asked to play a greater role, but how would local authorities play a part in this. Mr Gardener said it was designed to look at community punishments (also known as restorative justice). It was looking to empower local people to impose local punishments and to help keep young people out of the criminal justice system.

Councillor Smith asked if the proposed panels would sit under the police side or the local authority side. She was told that it would be a partnership, possibly in conjunction with the Restorative Justice Team in Essex and the Youth Offending Team. It would all tie up with the government's 'Big Society' initiative.

Councillor Breare-Hall asked what the resource implications were. Mr Gardener said that community punishments would need people to run courses, supervise offenders and generally monitor attendees. If they breach an order there would have to be some sanctions, such as taking them back to court. This will have manpower implications and we need to know what we will be signing up to and what resources would be needed.

**RESOLVED:**

- (1) That the Home Office consultation paper on more effective responses to Anti-Social behaviour be noted; and
- (2) That the suggested replies to the consultation be endorsed by the Panel and referred to the Overview and Scrutiny Committee.

**56. MINUTES FROM THE GREEN CORPORATE WORKING PARTY AND THE GREEN INFRASTRUCTURE WORKING GROUP**

The Panel noted:

- the minutes of the Green Corporate Working Party for 17 August 2010, 1<sup>st</sup> October 2010, 21 December 2010 and 3<sup>rd</sup> February 2011; and
- the minutes of the Green Infrastructure Working Group for 30 July 2010 and 1<sup>st</sup> December 2010.

**RESOLVED:**

That the minutes for the Green Corporate Working Party and the Green Infrastructure Working Group be noted.

**57. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE**

To report back to the Overview and Scrutiny Committee on the Police and Crime Commissioners report and the Home Office consultation document "more effective response to anti-social behaviour".