

New Scrutiny Powers on Crime and Disorder: amended version (LGiU)

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Overview

New powers and responsibilities for local government overview and scrutiny are brought in by the Police and Justice Act 2006. These will be introduced during 2008 (subject to confirmation). This briefing gives an introduction to the new roles for scrutiny introduced by the Act, so councils can start to prepare, and contribute to the debate about how the new roles are defined.

This paper does not aim to cover the whole of the implications for councils of the Police and Justice Act, only the scrutiny issues.

Key points:

- In England, a new council scrutiny duty over Crime and Disorder Reduction Partnerships, from Spring 2008
- Changes to arrangements for Crime and Disorder Reduction Partnerships by summer 2007
- A Community Call for Action for communities and ward councillors, from spring 2008
- Welsh Assembly Government to decide in the context of their proposals on extending scrutiny, as part of their response to the Beecham Review whether to introduce these arrangements or alternative arrangements in Wales.

England and Wales

The Police and Justice Act 2006 applies to both England and Wales. The Welsh Assembly Government can decide whether to bring the new scrutiny powers discussed here into force in Wales. This will be done in the context of the *Making the Connections: Delivering Beyond Boundaries* local government policy statement from the Welsh Assembly Government, which sets out proposals for an expanded scrutiny role for Welsh councils. The information in this briefing relates to England, unless Wales is specifically mentioned.

Briefing in full

Scrutiny powers in the Police and Justice Act 2006

Background

Since the Local Government Act 2000 introduced the executive/scrutiny split, councils have had the power to investigate community concerns beyond the council and its services. The Act says scrutiny arrangements should include the power to report 'on matters which affect the authority's area or the inhabitants of that area'. Many useful scrutiny reviews have been done on these wider issues. However, when this Act was passed, it required only members of the council executive and

staff to respond to scrutiny activities. Scrutiny bodies could invite others to attend or provide information, but not compel them.

Since then, the Health and Social Care Act 2001 (applying to England only) has included powers in relation to NHS scrutiny. Information and participation can be required from local NHS bodies, and a response to council scrutiny recommendations must be made.

The Local Government White Paper, *Strong and prosperous communities*, published in October 2006 proposes a further extended role for council scrutiny in England. This includes a Community Call for Action (CCfA,) explained later. Public agencies involved in the Local Area Agreement will be required to provide information to council scrutiny, and have regard to its recommendations. This will require new legislation: the Local Government and Public Involvement in Health Bill had its First Reading in December 2006.

Alongside this, the Police and Justice Act 2006 brings new powers to scrutinise Crime and Disorder Reduction Partnerships. New statutory roles for scrutiny committees to look at crime and disorder issues are being introduced. Behind these changes lies the desire to increase the visibility and accountability of partnerships locally, as well as ensure community redress if community safety issues have not been dealt with.

This expands the importance of council scrutiny as one of the means to exercise democratic power over a wider range of services and issues affecting the area. It creates new dynamics between overview and scrutiny, the Council as a whole, and its Executive. Councils need to work through the implications of these new policy developments, and plan for the new roles.

Effective partnerships to tackle crime and disorder

Crime and Disorder Reduction Partnerships in England (CDRPs), or Community Safety Partnerships in Wales, were established under the Crime and Disorder Act 1998. Agencies required to take part are the council, police, Primary Care Trust, Fire Authority and Police Authority. CDRPs are required to review the levels and patterns of crime and disorder in the area, and develop and implement strategies to tackle these problems. In two tier areas partnerships operate at a district level. These arrangements are now changing with the Crime and Disorder Act Review and the Police and Justice Act 2006.

The CDRP reform policies are part of a range of changes originating in the 2004 White Paper, *Building Communities, Beating Crime*.

What is changing and why?

The Home Office's intentions in implementing the CDRP Reform Programme is to make CDRPs more effective in tackling crime and disorder. Partnerships need to be:

Effectively led: Roles and responsibilities of partners will be defined to ensure all partners play an equal part in leading the partnership. There will be a new requirement to involve the cabinet member (portfolio holder) with responsibility for crime and community safety in the CDRP strategic planning.

Responsive and accountable to their communities: Making local partnerships more engaged with their communities, for example by:

- requiring Face the People sessions (open to the public and media)
- formalising local scrutiny powers over CDRPs
- introducing the Community Call for Action (CCfA)
- extending the role of the community safety portfolio holder
- requiring CDRPs to engage and communicate with their communities.

Intelligence led: Ensuring partnerships are more focussed on intelligence available about the incidence of crime and disorder, and that they allocate resources appropriately, by:

- adapting the National Intelligence Model, used by the police, to CDRP working
- improving intelligence sharing between partner organisations, and requiring intelligence sharing protocols to be in place
- enhancing community engagement so that local intelligence is fed into local decision-making
- replacing the current requirement for a three year Crime and Disorder Reduction Strategy, with a rolling three year plan which is updated annually, and therefore kept in line with up-to-date information
- requiring CDRPs to undertake regular strategic intelligence assessments to identify local crime and disorder issues and target resources accordingly.

Timetable

The Police and Justice Act 2006 became law in November 2006. However, the timetable for implementation of its various clauses will be spread over several years. This will be dependent on the publication and approval of Regulations and Guidance. It is likely that the new arrangements for Crime and Disorder Reduction Partnerships will be subject to staggered commencement from April 2007. This is subject to confirmation by the Home Office.

The Community Call for Action and the wider scrutiny power to look at the partnership in the round are likely to be developed in regulations in 2008. This work will be taken forward alongside DCLG proposals in the *Strong and prosperous communities* White Paper.

Councils are already empowered to scrutinise or review any local issue, however, and so can develop or continue scrutiny work on crime and disorder issues now, inviting the involvement of partner agencies on a voluntary basis.

Scrutiny of Crime and Disorder Reduction Partnerships – what is required?

Alongside the changes to CDRPs described above, the CDRP Reform programme also includes a new scrutiny role for local overview and scrutiny committees. Responsibility to scrutinise CDRPs should be identified within the council's overview and scrutiny arrangements. This can be within an existing committee: it does not have to mean establishing a new or stand-alone committee.

The general duty to look at partnership activity and community safety issues in a local area will apply to districts, metropolitan authorities, unitary authorities and counties (unlike the CCfA for community safety issues that will apply, in two-tier areas, to districts only).

This role, like the health scrutiny role, can involve contributions to strategy development, review of performance of the partnership in implementing the Crime and Disorder Reduction Reform programme, and in-depth select committee type enquiries into particular issues of local concern which need partnership solutions.

The Home Office has suggested that members of the police authority should be co-opted onto the overview and scrutiny committee. These proposals will be developed in Regulations and Guidance.

Community Call for Action

The Community Call for Action (CCfA) provisions (contained within the Police and Justice Act 2006) will give people a way to trigger action on particular issues of community safety or local concern that have not been adequately addressed by the police or their partners, especially those that require a multi-agency response. The Local Government White Paper, *Strong and prosperous communities*, October 2006 has proposed a parallel Community Call for Action to address local government concerns.

For crime and disorder issues, the CCfA is designed to give local communities a means to secure action from those agencies responsible for community safety (CDRP partners) if they have failed to address a persistent problem. It is designed to complement existing methods of complaint, not to replace them. The referral of a CCfA to a council overview and scrutiny committee is intended to be a last resort, with the majority of cases being resolved by the ward councillor.

Whilst the procedure for the CCfA is set out in the Police and Justice Act, more detail will be provided through guidance, which will be published by the Home Office in late 2007, with implementation set for April 2008. The implementation of the CCfA will be made in conjunction with the roll out of neighbourhood policing, and with the proposed local government CCfA announced in the October 2006 White Paper.

The strengthening of the ward councillor's role is central to the process because they will effectively act as a gatekeeper to the process. Members of the public will first contact their local ward councillor with an issue of community safety or local concern and they will determine the appropriate course of action.

The ward councillor will be expected to take up the concern with the appropriate agencies within the CDRP partnership. This could be through current formal arrangements for liaison or through informal means established by the ward councillor. If action is not taken by the CDRPs, the councillor will be able to refer the CCfA to the appropriate scrutiny committee. The scrutiny committee will be able to request the compulsory attendance of CDRP partner(s) at a scrutiny meeting, to answer questions and explain any action taken. The role of the scrutiny committee will be to gather evidence, question agencies, and potentially decide what action is needed, in dialogue with partner agencies.

The CDRP partners will have a duty to attend scrutiny meetings, and to respond to scrutiny reports and recommendations. They should give reasons for their response, particularly if recommended action is rejected.

The ward councillor is not obliged to accept a CCfA raised by a member of the community. If they feel the person is pursuing a persistent, trivial or vexatious complaint they are able to reject the CCfA. However, if the community member feels

their concern has not been adequately addressed they are able to raise the issue with the council executive. The executive will have the same power to deal with the CCfA as the ward councillor and can, where necessary, refer the matter to the relevant scrutiny committee.

Of course, taking up local complaints and issues, and securing action from responsible agencies is what councillors do now. The intention is formalise this best practice providing a stronger framework for action, thereby strengthening the role of the ward councillor. The Home Office has said they will support a training programme to assist ward councillors' understand their fundamental role within the process

Additional Information

Spreading the Word: Developing effective communications for community safety partnerships is a very useful LGiU publication supported by the Home Office. It can be ordered through the LGiU website or direct through Central Books mo@centralbooks.com It is priced at £10 (or £5 for LGiU affiliates).

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