

# TONBRIDGE & MALLING BOROUGH COUNCIL

## SCRUTINY COMMITTEE

16 June 2009

### Report of the Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 PROPOSED ARRANGEMENTS FOR THE SCRUTINY OF CRIME AND DISORDER ISSUES**

**To set out a proposed approach to the formal scrutiny of the work of the Borough's Community Safety Partnership as now required by the Police and Justice Act 2006.**

#### **1.1 Background to the New Arrangements**

- 1.1.1 Section 19 of the Police and Justice Act 2006 requires every local authority to establish a committee with the power to undertake the scrutiny of crime and disorder. Regulations and guidance to underpin this requirement were published in 2009. The committee's role will be to scrutinise the work of the community safety partnership and the partners who comprise it, insofar as their activities relate to the partnership itself. Responsible authorities are the local authority, the police, the police authority, fire and rescue service and the primary care trust. A range of other partners also play a role in the community safety partnership for the Borough.
- 1.1.2 The Act and Regulations are not prescriptive as to the way that this requirement should be implemented by individual authorities. Guidance suggests that the role might be undertaken by a dedicated committee set up specifically for that purpose, be subsumed within the terms of reference of an existing scrutiny committee, or be discharged through the establishment of a dedicated sub-committee or panel.
- 1.1.3 Regardless of the chosen approach, any committee should undertake three key tasks:
- To consider actions undertaken by the responsible authorities on the community safety partnership
  - Make reports or recommendations to the local authority with regard to community safety functions

- To consider any relevant councillor calls for action related to community safety issues.
- 1.1.4 The frequency of meetings of the committee are left to the discretion of the local authority subject to a minimum requirement of holding one meeting per year. Within two-tier areas, it is suggested that a joint approach is adopted where appropriate to address issues that cut across organisational boundaries. In terms of membership, regulations allow for the co-option of additional members to serve on the committee provided they are an employee or member of one of the responsible authorities or partner organisations. Executive Members of the local authority are not permitted to be co-opted. More specifically, it is recommended that the police authority should play an active role on the committee. If there is no member of the local authority who also serves as a member of the police authority, the committee should either achieve such representation via co-option or by inviting a representative to be an 'expert adviser' to the committee but not a formal member of it.
- 1.1.5 The committee has the power to ask the community safety partnership and its individual members to provide information to assist with the scrutiny process. The partnership is obliged to comply with such requests within a reasonable time. However, any information provided to the committee should generally be depersonalised unless there are exceptional circumstances. In addition, a committee is able to invite members of the community safety partnership to attend and give evidence on relevant issues.
- 1.1.6 Recommendations agreed by the committee should be sent to all responsible authorities or other partners who are affected by them. Partners then have 28 days in which to respond (or as soon as is reasonably practical). The committee will then need to agree monitoring arrangements regarding implementation of the recommendations.

## **1.2 Proposals for the scrutiny of the Tonbridge and Malling Community Safety Partnership**

- 1.2.1 Taking account of the Regulations and guidance as described above, it is necessary to make formal arrangements for the establishment of a scrutiny process relating to the work of the Tonbridge and Malling Community Safety Partnership. I believe that a local approach to this needs to be proportionate, needs to reflect the ongoing role of the Community Development Advisory Board which regularly deals with matters arising from the work of the Partnership, and needs to reflect the positive working relationships which currently exist between the Council and its community safety partners. The role of any new committee should therefore be primarily to assist the Partnership in taking forward its community safety responsibilities in a positive and constructive way. Taking this into account the following approach is recommended.

### **1.3 A Community Safety Scrutiny Sub-Committee**

- 1.3.1 It is suggested that the most effective means of undertaking the scrutiny of the Community Safety Partnership is to establish a Sub-Committee of the main Scrutiny Committee under the chairmanship of the Vice-Chairman. Membership of the Sub-Committee would be drawn from the existing membership of the Scrutiny Committee on the basis of nine members (8 Conservative and 1 Liberal Democrat). It is further suggested that a local representative of the Police Authority be a formal co-optee to the Sub-Committee. In general terms, as the Sub-Committee's role is to scrutinise the work of the Community Safety Partnership, it would not be advisable to seek any formal co-option from community safety partners themselves as they would normally be contributing to the review process as 'witnesses'. However, Members are invited to consider whether any further co-optees might be invited to join the Sub Committee, for example, either or both of the current Scrutiny Committee co-optees.

### **1.4 Arrangements for meetings of the Community Safety Scrutiny Sub-Committee**

- 1.4.1 It is suggested that, in the first instance, meetings of the Sub-Committee should be held twice in the year. A meeting in the September cycle would enable it to review progress regarding implementation of the Community Safety Partnership's action plan for that year and receive presentations from the Police and other relevant partners on latest crime figures and statistics. A further meeting in the February/March cycle would be useful in scrutinising the strategic assessment of crime issue prepared for the Community Safety Partnership and to assess and inform the draft action plan for the coming year.
- 1.4.2 If possible, to avoid additional programmed meetings, meetings of the Sub-Committee could be arranged for the same dates as meetings of the Scrutiny Committee with the business of the Sub-Committee either preceding or following the business of the Scrutiny Committee, depending upon the agendas of both. However, if this is not possible, then separate meetings of the Sub-Committee will need to be arranged.

### **1.5 Legal Implications**

- 1.5.1 Then above proposals reflect the requirements of Section 19 and 20 of the Police and Justice Act 2006 and the 2009 Regulations. The Council's Constitution provides for sub-committees to be appointed to fulfil overview and scrutiny functions. The formation of such sub-committees must be reported to the next meeting of the Council so that the Constitution may be amended accordingly.

### **1.6 Financial and Value for Money Considerations**

- 1.6.1 None

**1.7 Risk Assessment**

1.7.1 None

**1.8 Recommendations**

1.8.1 That a Community Safety Scrutiny Sub-Committee **BE ESTABLISHED** on the terms set out in this report;

1.8.2 That Group Leaders **BE INVITED** to nominate Members to the Sub-Committee on the basis set out above;

1.8.3 That any co-optees to the Sub-Committee, in addition to a representative of the Police Authority, **BE AGREED**;

1.8.4 That the Monitoring Officer **BE REQUESTED** to report to Council on changes to the Borough Council's Constitution to reflect the formation of the new sub-committee;

1.8.5 That the proposed arrangements **BE BROUGHT TO THE ATTENTION** of the Community Safety Partnership.

Background papers:

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Nil

David Hughes  
Chief Executive