

Subject: Introduction of Crime and Disorder Committees
Date of Meeting: 13 January 2009
Report of: Director of Strategy and Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Home Office is expected to implement legislation requiring local authorities to introduce Crime and Disorder Committees from 1 April 2009. This report builds on the verbal update given to the Governance Committee on 23 September 2008, with more detail on the government's timetable and the governance implications for Brighton & Hove City Council.

2. RECOMMENDATIONS:

That the Governance Committee:

- 2.1 Notes the government's intention to introduce Crime and Disorder Committees from April 2009.
- 2.2 Agrees to consider the local governance implications as part of the Council's six-month review of the constitution, and in light of statutory guidance and regulations expected early in 2009.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 Under the government initiative known as 'Councillor Call for Action' (CCfA), councillors will be able to refer certain matters to the relevant overview and scrutiny committee for consideration. The Local Government and Public Involvement in Health Act 2007 will introduce CCfA powers in respect of local government matters from 1 April 2009¹.
- 3.2 A CCfA power also exists in the Police & Justice Act 2006, enabling councillors to raise crime and disorder issues, particularly those relating to anti-social

¹ Para 4 of the Local Government and Public Involvement in Health Act 2007 (Commencement No. 8) Order 2008 [SI 2008/3110]

behaviour or the misuse of drugs, alcohol and other substances. Once in force, section 19 of the 2006 Act will require the Council:

- (i) to establish a crime and disorder committee (CDC) with power –
 - (a) to review or scrutinise decisions and actions taken by “responsible authorities”² in connection with their crime and disorder functions; and
 - (b) to make reports or recommendations to the Executive with respect to the discharge of those functions;
 - (ii) to make CCfA arrangements which enable any member who is not a member of the CDC to refer any local crime and disorder matter to the committee
- 3.3 When filing a report or recommendation to the Executive, the CDC must provide a copy to the appropriate responsible authorities, who in turn must respond to the CDC with an action plan for addressing the matter, and have regard to the report or recommendations in exercising their functions.
- 3.4 The Home Office consulted over this CCfA power in July 2008 as part of the broader local accountability arrangements for crime and disorder in the Policing Green Paper. Following that consultation, the Home Office announced in November³ their intention to introduce CCfA for crime and disorder matters in April 2009. A commencement order is expected in the New Year.
- 3.5 Both types of CCfA (local government and crime & disorder matters) will be supported by guidance published by the IDeA in partnership with the Centre for Public Scrutiny at the end of January 2009.
- 3.6 The Secretary of State may issue regulations as to the operation of CDCs, covering matters such as co-opting additional members and arrangements for referring a matter to the committee.
- 3.7 The Police & Justice Act⁴ requires the CDC to be an overview and scrutiny committee. However, the Council has discretion over whether to establish the CDC as a stand alone O & S committee or to incorporate its functions within another O & S committee.
- 3.8 The types of issue that may come before the CDC are currently dealt with by the Community Safety Forum (CSF). However, the CSF is not an overview and scrutiny body and cannot, as currently constituted, assume the mantle of CDC with all its attendant powers.

² In this context “responsible authorities” has the meaning given by section 5 of the Crime & Disorder Act 1998, namely the local chief officer of police, police authority, fire and rescue authority, Primary Care Trust, and the Council itself

³ See ‘Summary of Green Paper Consultation Responses and Next Steps’, para 1.11 - <http://police.homeoffice.gov.uk/publications/police-reform/green-paper-responses?view=Binary>

⁴ Section 19(9)(a)

- 3.9 It should be noted that the CSF next meet on 9 March 2009 and it is proposed that officers take a report to that meeting to update the Forum on the government proposals for CDCs, the potential impact on the CSF, and the recommendations made by the Governance Committee.
- 3.10 It is recommended that members wait for the publication of statutory guidance and regulations before considering how the CDC for Brighton & Hove should be accommodated within the Council's overview and scrutiny function. Since those provisions are expected early in 2009, it is further recommended that members consider the issue as part of the six-month review of the constitution, as the results from that exercise are due at broadly the same time.

4. CONSULTATION

- 4.1 Judith Macho, Assistant Director Public Safety, responsible for community safety and the Drug Action Team, has endorsed the report and provided input regarding the CSF.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 As part of the constitution review, a decision will need to be made on whether to introduce a Crime and Disorder Committee from April 2009 as a stand alone overview and scrutiny committee or to incorporate its functions into an existing O & S committee. There is likely to be a higher resource requirement for a stand alone committee, which may result in a small additional budget pressure in 2009/10 – the potential impact has not yet been quantified.

Finance Officer Consulted: Anne Silley

Date: 29 December 2008

Legal Implications:

- 5.2 Once established, the CDC will be subject, in addition to specific requirements under the Police & Justice Act and associated regulations, to those provisions in Part 2 of the Local Government Act 2000 which govern the operation of, and references to, all overview and scrutiny committees.

Lawyer Consulted: Oliver Dixon

Date: 29 December 2008

Equalities Implications:

- 5.3 The CSF comprises a diverse set of community representatives. If the role and composition of the Forum is to change when the CDC is established, the channel by which those representatives can continue to have a voice on community safety matters will need to be considered.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from the report

Crime & Disorder Implications:

- 5.5 The purpose of CDCs is to increase the accountability of those bodies responsible for tackling crime and disorder in the local authority area. The statutory requirement on these bodies to respond to reports and recommendations of the CDC and to have regard to their content in exercising their functions should ensure that their actions are more closely aligned to the crime and disorder issues raised by members on behalf of their constituents.

Risk and Opportunity Management Implications:

- 5.6 There is a risk that community-based representatives of the CSF could feel disenfranchised if the power to hold crime and disorder authorities to account sits primarily with the CDC. This will need to be addressed at the CSF meeting on 9 March 2009 (see paragraph 3.9 above)

Corporate / Citywide Implications:

- 5.7 CDCs will underpin the Council's corporate priority of open and effective city leadership, as a Council committee (the CDC) will have power to hold the "responsible authorities" in Brighton & Hove to account on crime and disorder matters. The fact that any member can refer a crime and disorder matter to the CDC means that all local residents have a route for raising concerns on such matters, if other channels have been exhausted.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None