

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 49

Brighton & Hove City Council

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| Subject: | Review of Cabinet Member Functions for Community Safety |
| Date of Meeting: | 26 January 2009 |
| Report of: | Director of Strategy & Governance |
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| Wards Affected: | All |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Community Safety has been an important function of the Council and is likely to increase in importance with new initiatives, such as the creation of a Crime and Disorder Committee and proposals in the Green paper on policing issued by the Home Office in July 2008. This report proposes a realignment of the Cabinet Member responsibilities to reflect this and to achieve greater co-ordination with related functions around equalities, inclusion and community affairs by transferring the Community Safety function from the Cabinet Member for Environment to the Cabinet Member for Community Affairs, Inclusion and Internal Relations.
- 1.2 This report is for consideration at 13 January Governance Committee and 15 January Cabinet. A verbal update will be provided for ECSOSC.

2. RECOMMENDATIONS:

- 2.1 That the **Governance Committee** considers and comments on the proposals from the Leader as set out in this report regarding the transfer of community safety functions currently delegated to the Cabinet Member for Environment to the Cabinet Member for Community Affairs, Inclusion and Internal Relations.
- 2.2 That the **Cabinet** agrees the proposals and authorises the Head of Law to make the necessary amendments to the Council's constitution.
- 2.3 That **Environment and Community Safety O&S Committee** notes this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Under the Council's constitution, Cabinet responsibility for Public Safety, which includes Community Safety and Civil Contingencies, is delegated to the Cabinet Member for Environment. The community safety functions are described in the constitution as including the co-ordination of the Council's functions regarding the police and public safety, making consultative arrangements under the Police Act 1996, drawing up community safety plans and co-ordinating the Council's functions under the Crime and Disorder Act 1998. This will expand to include initiatives relating to the Crime and Disorder Committee when section 19 of the Police and Justice Act 2006 comes into force. A full description of the functions as they appear in the Council's constitution is attached in appendix 1.

- 3.2 Although Community Safety has historically been part of the Environment Committee/ Cabinet Member portfolio, there are emerging issues that make a re-alignment of the functions necessary. They tend to suggest that it would be more appropriate for these functions to be discharged as part of the functions of the Cabinet Member for Community Affairs, Inclusion and Internal Relations (CAIIR). In particular:
 - 3.2.1 There is a recognised link between community safety (including the reduction of crime and disorder) and policies on community engagement, equalities and inclusion. These already form part of the Cabinet Member for CAIIR's portfolio.

 - 3.2.2 The Environment Cabinet Member portfolio, covering as it does Public Safety, Parks and Open Spaces, Travellers and Gypsies, Highways and Traffic, Parking, Waste, Conservation and Design, Coast Protection, Seafront, Environmental Health, Building Control, Trading Standards, Planning and Licensing, carries an extremely heavy workload. In order to provide Community Safety greater focus at Cabinet level, and given the overlap between community safety and the functions encompassed in the Cabinet member for CAIIR's remit, it would be more effective for these functions to be discharged as part of the same portfolio.

 - 3.2.3 Part of the Policing Green Paper, issued by the Home Office in July 2008, is about improving the connection between the public and the police. The Council responded to the Green Paper consultation and has an interest in proposals for directly elected crime and policing representatives, neighbourhood policing and holding the police to account through Councillor Call for Action.

By taking on responsibility for community safety matters, the Cabinet Member for CAIIR would be well placed to assimilate the Green Paper proposals that affect the Council and to give a political lead where required.

- 3.3 Under this proposal, Cabinet level responsibility for Civil Contingencies would remain with the Cabinet Member for Environment.

- 3.4 Under the Local Government Act 2000 the decision about individual portfolios remains with the Leader and with his/her permission, with the Cabinet. When the constitution was adopted, it was agreed that any permanent changes to the scheme of delegations should be considered by the Governance Committee who then makes recommendations to the decision-maker. The Leader is minded to introduce the changes outlined in the report with the decision taken at Cabinet. This report is therefore coming to the Governance Committee for comments/recommendations before going to the Cabinet for a decision.

4. CONSULTATION

- 4.1 The Leader of the Council and the relevant Cabinet members were consulted and they are supportive of the proposals.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from this report

Finance Officer Consulted: Anne Silley

Date: 17.12.08

Legal Implications:

- 5.2 The proposals in this report are in accordance with the Local Government Act 2000 and the Council's constitution

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 17.12.08

Equalities Implications:

- 5.3 The proposals will have positive equalities implications by enabling the discharge of community safety functions alongside equalities, inclusion and community affairs.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report

Crime & Disorder Implications:

- 5.5 The proposals will enable issues around crime and disorder to receive a more focussed attention and achieve greater co-ordination between crime and disorder and the wider community engagement agenda.

Risk and Opportunity Management Implications:

- 5.6 The proposals will provide the opportunity for greater co-ordination of related functions.

Corporate / Citywide Implications:

- 5.7 The proposals will assist the Council by providing greater focus and co-ordination at Member level between community safety and the wider community engagement agenda.

6. Evaluation of Alternative Options

- 6.1 The retention of the existing arrangements was considered, but for reasons set out in the report, the proposed changes will enable a more effective discharge of Council functions regarding Community Safety

7. Reasons for Report Recommendations

- 7.1 These are set out in paragraphs 3.2.1-3.2.3 of the report

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1: list of community safety functions currently delegated to Cabinet member for Environment

Background Documents

1. The Council's constitution

Delegated Functions – Cabinet Member for Environment

1. Public Safety

(a) Community Safety

To co-ordinate the Council's functions regarding the police and public safety and to take such action as is necessary, including:

- (i) making consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes providing that this shall not include the adoption of the Crime and Disorder Reduction Strategy.

(b) Civil Contingencies

To exercise the Council's functions in relation to emergency planning and business continuity, including the Council's functions under the Civil Contingencies Act 2004.

