



## **Crime and Disorder**

### **Protocol between Scrutiny and the Community Safety Partnership in Leeds**

**June 2011**

## **1.0 BACKGROUND**

- 1.1 The Local Government Act 2000 brought in new arrangements that clearly defined a scrutiny role for elected members in holding executives of councils to account, and in scrutinising the work of other agencies providing local services. The overview and scrutiny function of a local authority has the power to summon members of the executive and officers of the authority to answer questions, and can invite other persons to attend meetings to give their views or submit evidence.
- 1.2 There are four fundamental roles that define good scrutiny and underpin scrutiny activity:
1. provides 'critical friend' challenge to executive policy-makers and decision-makers;
  2. enables the voice and concerns of the public and its communities to be heard;
  3. is carried out by 'independent minded governors' who lead and own the scrutiny process; and
  4. drives improvement in public services
- 1.3 In recent years, the role and responsibilities of overview and scrutiny have expanded significantly, with the function now responsible for investigating the delivery of services provided by a wide range of public, private and third-sector partners.
- 1.4 Provisions in the Police and Justice Act 2006, namely Section 19, 20 and 21, extend the remit of local authorities to scrutinise crime and disorder functions. As a result, the Council has been required to designate a Scrutiny Board to act as the Council's 'Crime and Disorder Committee'.
- 1.5 The purpose of this protocol is to provide guidance and a common understanding on how scrutiny of crime and disorder will operate in Leeds. The publication of Regulations<sup>1</sup> and good working practice has shaped this protocol, which may be revised by agreement between all the interested parties in order to continually improve the scrutiny process. The aim is for all parties to help ensure that Scrutiny remains a positive and challenging process.

## **2.0 SCRUTINY BOARDS (GENERAL)**

- 2.1 The overall role and function of scrutiny is to hold decision-makers to account and secure improvements in local practice for local people via a contribution to policy development and review. As such, Scrutiny Boards do not have decision-making powers.
- 2.2 Scrutiny Boards are composed of Elected Members selected to represent the political balance of Leeds City Council. These Members will be the only members of the Board with voting rights and will be selected to serve for a period of 12 months. The membership of the Board will seek to avoid conflicts

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<sup>1</sup> The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (S.I.2009/942) and the Crime and Disorder (Overview and Scrutiny) (Amendment) Regulations 2010 (S.I. 2010/616).

of interest and where potential for this exists interests of those Members will be declared and subject to the Council's procedures on these matters<sup>2</sup>.

- 2.3 Scrutiny Boards may also seek nominations from other representative groups to act as co-opted members of the Board. These nominations may be for the duration of a municipal year and/or on an inquiry by inquiry basis, as set out in the Scrutiny Board Procedure Rules, Leeds City Council Constitution. However, the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and the 2010 amendment make specific provision for the co-option of additional members to serve on a 'Crime and Disorder Committee'.

### **3.0 SCRUTINY OF CRIME AND DISORDER IN LEEDS**

#### **3.1 Scope**

- 3.1.1 In its capacity as a 'Crime and Disorder Committee', the designated Scrutiny Board has powers to review or scrutinise decisions made (or action taken), in connection with the discharge by the 'responsible authorities' of their crime and disorder functions. These are the authorities responsible for crime and disorder strategies, as detailed in the Crime and Disorder Act 1998, Section 5<sup>3</sup>. The Act also introduced Crime and Disorder Reduction Partnerships (CDRPs) to develop and implement such strategies. However, since 1<sup>st</sup> March 2010 the Home Office use the term Community Safety Partnerships in replace of CDRPs. In Leeds, *Safer Leeds* is the city's Community Safety Partnership.
- 3.1.2 Responsible authorities also have a duty to work in conjunction with the 'co-operating' bodies, which involve parish councils, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector.
- 3.1.3 The Safer Leeds Partnership has an Executive and a Board. The Board meets quarterly and the Executive meets monthly. Membership comprises a number of responsible authorities\* and organisations as follows:
- 3.1.4 The Safer Leeds Executive comprises of Leeds City Council\*, West Yorkshire Police\*, West Yorkshire Police Authority\*, West Yorkshire Fire and Rescue Service\*, Local Strategic Partnership, NHS Leeds\*, West Yorkshire Probation Trust\* and Government Office for Yorkshire and the Humber.
- 3.1.5 The Safer Leeds Board comprises of Leeds City Council, West Yorkshire Police, West Yorkshire Police Authority, West Yorkshire Fire and Rescue Service, West Yorkshire Probation Trust, Prison Service, Government Office for Yorkshire and the Humber, CASAC, Leeds University, re'new, National Treatment Agency and Leeds Voice.
- 3.1.6 The Scrutiny Board will scrutinise the work of the Community Safety Partnership and the partners who comprise it, only insofar as their activities

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<sup>2</sup> Leeds City Council Constitution - Scrutiny Board Procedure Rules Section 2

<sup>3</sup> This was amended by the Policing and Crime Act 2009. Section 108 of the Act provides for every provider of probation services in a particular area, whose arrangements under section 3 of the Offender Management Act 2007 provide for it to be a responsible authority, to be added to the list of "responsible authorities" which comprise the Community Safety Partnership. It also extends the remit of CSPs to explicitly include the reduction of re-offending.

relate to the partnership itself. For the avoidance of doubt, the Scrutiny Board will not extend to the separate statutory functions of the partner bodies, nor will it entail scrutiny of individual cases.

3.1.7 The Police and Justice Act 2006 also makes provision for elected members to refer local crime and disorder matters to the Council's designated Crime and Disorder Committee. Local crime and disorder matters should be considered to encompass crime and disorder matters that affect all or part of the ward for which the member is elected or any person who lives or works in that area including:

- Antisocial behaviour;
- Other behaviour adversely affecting the local environment;
- The misuse of drugs, alcohol or other substances

3.1.8 While the Police and Justice Act 2006 makes separate provision for the referral of local crime and disorder matters, in practice the principles and processes involved are essentially the same as for any Councillor Call for Action (CCfA) referral. A separate Guidance Note on how to progress a CCfA is set out within the Council's Constitution.

## **3.2 Work items**

3.2.1 In its capacity as a 'Crime and Disorder Committee', the designated Scrutiny Board is responsible for considering any Member referred crime and disorder matter. At the beginning of each municipal year, the Community Safety Partnership will be invited to make any referrals to the Scrutiny Board which will be considered as part of its overall work schedule. Such referrals are to be formally agreed and presented by a representative of the Safer Leeds Executive.

3.2.2 Where the production of a specific report is requested and/or necessary for a particular Scrutiny Board meeting, then sufficient notice will be given for the preparation of that documentation. There will be a minimum of 7 working days notice.

## **3.3 Information to be supplied to the Board**

3.3.1 Where the Scrutiny Board makes a request in writing for information, this request will be directed to the Chair of the Safer Leeds Executive for action. This information must be provided no later than the date indicated in the request, or as soon as reasonably possible, but not beyond 2 weeks of the date indicated without the agreement of the Scrutiny Board Chair.

3.3.2 Where information has been requested by the Scrutiny Board in connection with their inquiries, this shall be depersonalised information, unless the identification of an individual is necessary or appropriate in order to enable the Scrutiny Board to properly exercise its powers.

3.3.3 However, requests made by the Scrutiny Board shall not include information that the disclosure of which would not be in the public interest or would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating bodies.

3.3.4 The Scrutiny Board will not publish confidential information in its reports or information which is exempt under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Where exempt information has been used in the preparation of a report by the Scrutiny Board the report, if published, will list the exempt information referred to in the preparation of the report but not reproduce it in the report. However, Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised onto a Scrutiny Board agenda as an item to be heard without the press or public present.

### **3.4 Attending Scrutiny Board Meetings**

3.4.1 As the 'Crime and Disorder Committee' the designated Scrutiny Board is required to meet no less than once in every twelve month period to carry out this particular function.

3.4.2 The Scrutiny Board may require the attendance of an officer of a responsible authority or of a co-operating body to answer questions. Where reasonable notice of the intended date is given, the responsible authority or co-operating body will be obliged to attend<sup>4</sup>.

3.4.3 The Scrutiny Support Unit will also try to give approximate times for items to be discussed. However, as items sometimes overrun, there may be a short waiting time.

3.4.4 Prior to a Scrutiny Board meeting, the Chair receives a briefing on items to appear on the forthcoming agenda from officers in the Scrutiny Support Unit. On occasion, officers from the responsible authorities or co-operating bodies may be requested to attend this briefing, or a separate session, to enable the Chair of the Scrutiny Board to be briefed ahead of the scrutiny meeting.

### **3.5 Conduct of Scrutiny Board Inquiries**

#### The role of Terms of Reference

3.5.1 The majority of Scrutiny Inquiries have agreed terms of reference. These are used to inform departments of the Council and partners of the emphasis of a particular inquiry.

3.5.2 Officers in the Scrutiny Support Unit will liaise with relevant officers of the Council and the responsible authorities and co-operating bodies during the preparation of Terms of Reference to ensure that the focus of the inquiry is relevant and the timing of it appropriate.

#### Co-opted Members

3.5.3 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 and the 2010 amendment make specific provision for the co-option of additional

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<sup>4</sup> The responsible authority or co-operating body should ensure that officers attending Scrutiny Board meetings are in a position to answer the Scrutiny Board's questions and are given appropriate support by their line managers.

members to serve on a 'Crime and Disorder Committee'. The Scrutiny Board has agreed to consider the co-option of any additional members on an inquiry by inquiry basis.

- 3.5.4 The Home Office guidance for the Scrutiny of Crime and Disorder Matters makes specific reference to the role of police authorities and emphasises the importance of ensuring that community safety scrutiny complements this role. It states that *'all local authorities should presume that the police authority should play an active part at committee when community safety matters are being discussed – and particularly when the police are to be present'*. One option suggested in the guidance is *'to consider co-opting a police authority member onto the committee when policing matters are being considered, and it would be for the police authority to decide the most appropriate member to appoint – this can be an independent or councillor member. This would provide a more direct link between the police authority and overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing'*

#### Gathering evidence

- 3.5.5 The evidence to be gathered will be detailed in the inquiry's terms of reference. This material may be considered at a scrutiny meeting which is open to the public or by a small working group of Board members deputed to undertake a specific evidence gathering task. In the latter case, working group members will report back to a full meeting of the Scrutiny Board on their findings.
- 3.5.6 The Scrutiny Support Unit will try to give guidance on what will be asked and sometimes possible question areas will be passed on to the responsible authorities or co-operating bodies to allow some time for preparation before the meeting. However, members may follow a related line of discussion and ask other questions on the day.

#### Preparation and publication of reports

- 3.5.7 At the conclusion of an inquiry, where considered appropriate, the Scrutiny Board will produce a preliminary report. This will be drafted by the Scrutiny Support Unit in conjunction with the Scrutiny Board Chair and agreed by the Board. This report will provide a summary of the evidence submitted, along with the Scrutiny Board's conclusions and recommendations. The Scrutiny Board will consult the Community Safety Partnership Executive and other relevant responsible authorities or co-operating bodies prior to finalising its report. Final reports will be published on the Council's website and be widely available to all relevant stakeholders and members of the public. Copies will be sent to each of the responsible authorities and each of the co-operating persons and bodies.

#### Response to reports

- 3.5.8 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about the exercise of crime and disorder functions by responsible authorities, a copy will be provided to each of the responsible authorities and each of the co-operating persons and bodies.

3.5.9 Where a relevant authority or co-operating persons or body has been notified, it must:

- consider the report and recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

3.5.10 The implementation of any agreed scrutiny recommendations will be monitored by the Scrutiny Support Unit and progress recorded at regular intervals.

### **3.6 Scrutiny Support Unit**

3.6.1 In summary, the work of the Scrutiny Support Unit entails:

- Providing a research and intelligence function to Scrutiny Boards (each of which has been allocated a different area of specialism)
- Managing programmes of inquiries for each of the Scrutiny Boards
- Providing support and guidance to witnesses
- Managing the presentation of witnesses, research and reports to Scrutiny Boards and/or carrying out research and reports “in house” as appropriate
- Assisting Scrutiny Boards to prepare reports of their inquiries and steering recommendations through the Council’s decision making arrangements
- Monitoring and tracking the implementation of scrutiny recommendations
- Leading the continuing development of the Overview and Scrutiny function

3.6.2 Contact the Scrutiny Support Unit at [scrutiny.unit@leeds.gov.uk](mailto:scrutiny.unit@leeds.gov.uk)