

Community Safety Scrutiny Committee Workshop
Thursday 17 January 2013 10:30
Committee Suites 1+2 Westfields

Present

Cllrs: H Murray (Chairman), C Andrew, M Grant, A Barrett and M Parsons

Officers: J Morley and M Nedderman

Absent

Cllrs: G Merry and P Nurse

The Committee met informally to discuss how the new committee would operate and what it would focus on in terms of ways of working, relationships and outputs.

The Chairman led the workshop and began by asking the group to define what scrutiny was (and what it wasn't) and what the purpose of the committee would be.

Scrutiny was:

- For the public
- In-depth analysis of the whole
- Challenging the executive (robust challenge)
- Seeking the truth
- Finding reasons for performance/outcomes
- Identify best practice/endorse good performance

In summary the group described the purpose of the committee as – “to seek the truth for the public good”.

Scrutiny wasn't:

- policy making (however it could inform policy development)
- party political
- about making statements
- discussion of individual issues or ward based pleading
- simply adversarial or confrontational

Powers of the Committee

The Community Safety Scrutiny Committee was designated as the Council's Crime and Disorder (C&D) Committee under the Police and Justice Act 2006. Section 19 of the 2006 Act set out the requirements for local authority scrutiny of crime and disorder matters. The powers and responsibilities of a C&D Committee were:

- power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- power to make reports or recommendations to the local authority with respect to the discharge of those functions.
- must provide a copy of any report or recommendations it makes to each of the responsible authorities, and to each of the persons with

whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating persons and bodies”).

- where a councillor is asked to consider a local crime and disorder matter by a person who lives or works in the area that the councillor represents the councillor may refer the matter to the crime and disorder committee. (Councillor Call for Action [CCfA])
- the crime and disorder committee shall consider any local crime and disorder matter referred to it by a member of the council and may make a report or recommendations to the local authority with respect to it.
- an authority, person or body to which a copy of a report or recommendations is provided shall consider the report or recommendations; respond to the crime and disorder committee indicating what (if any) action it proposes to take; and have regard to the report or recommendations in exercising its functions.
- In the case of a local authority operating executive arrangements the crime and disorder committee is to be an overview and scrutiny committee of the authority

In addition to the legislation the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (CDR 2009) contained the following elements.

- C&D Committee may co-opt representatives of CDRP partners as non-voting members of the committee
- Information must be provided to committees by the date indicated or “as soon as reasonably possible”.
- Attendance of an officer/employee of a responsible authority can be required (but reasonable notice must be given).
- Responses to reports/recommendations of the committee must be made in writing and within 28 days.

As an Overview and Scrutiny Committee of the Council the Committee also had general scrutiny powers provided in the Local Government Act 2000 and the Localism Act 2011. The 2011 Act amended the 2000 Act adding sections relating to scrutiny contained in the new Part 1A section 9F of the 2000 Act. The powers of overview and scrutiny committees included:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

- to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- the power to review or scrutinise a decision made but not implemented includes power to recommend that the decision be reconsidered by the person who made it.
- An overview and scrutiny committee of a local authority or a sub-committee of such a committee—
 - may require members of the executive, and officers of the authority, to attend before it to answer questions,
 - may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - may invite other persons to attend meetings of the committee.
- It is the duty of any member or officer mentioned above to comply with any requirement mentioned.

What is Community Safety?

Community Safety covered the Council's responsibilities in relation to Crime and Disorder Reduction Partnership. The role of the Community Safety Scrutiny Committee was to monitor the Borough's Crime and Disorder Reduction Partnership (CDRP), known as the Safer Cheshire East Partnership, and the responsible authorities that made up the partnership. These partners included:

- the Police,
- Fire and Rescue,
- Care Commissioning Group (Formerly Primary Care Trust [PCT]),
- Public Health
- The Council

Examples of issues which the CDRP was responsible for included:

- Antisocial Behaviour
- Domestic Abuse
- Road Safety
- Probation Service

The Community Safety Scrutiny Committee would also be responsible for monitoring:

- Flood Risk Management (under section 21F of LGA 2000)
- CCTV
- Emergency Planning

Ways of Working

The Committee discussed how it would operate. There were a variety of methods open to it which would need to be used in the correct way to ensure time and resources were used effectively. Timeliness of work was key to the effectiveness of the Committee's work; it was important that reviews and investigation did not take too long and become out of date however it was equally important that work wasn't rushed resulting in poor quality. The

appropriateness of work was also a factor in its effectiveness; carrying out a review or making recommendations on issues that are significant at the time would ensure resources were being used in an effective way. The following ways of working would be used to carry out the functions of the Committee:

- Attendance Request Forms – the Committee would issue a formal request to any witness that they required to attend a meeting or provide evidence. This request form would state clearly the intentions of the Committee and what was required from the witness. It was hoped that this would ensure that the required information was provided, and prepare witnesses for their interaction with the Committee. The Committee wanted to avoid the perception that the Committee was adversarial.
- Briefings – to set the scene and provide initial evidence/consider whether further investigation is required
- Desktop Exercises – online research, evidence gathering and analysis of information
- Inquiries – select committee approach rather than task and finish groups
- Site Visits – to help the committee understanding, improve relationships with partners and increase visibility in public
- Member specialisation – each member of the committee to develop knowledge of particular areas of the remit to improve the committees collective expertise
- Reporting Back – update on performance/impact of changes made/further work may be required

These ways of working would be integrated in a cyclical process to allow in-depth analysis and evaluation as well as continuous monitoring and challenge. Most of the briefings, inquiry and reporting back will take place at the Committee's public meetings however informal briefings and site visits may need to take place outside of these meetings. The Committee would need to elicit as much information as it could though the use of good questioning techniques and subsequently debate and discuss the issue separately.

Relationships

To carry out its work the Committee would need to develop strong relationships with:

- The CDRP (Safer Cheshire East Partnership) – Police, Fire and Rescue etc.
- The Cabinet as a whole – not just the Communities Portfolio Holder
- The Officers
- The public and local communities
- The Police and Crime Panel (PCP)
- Volunteer Groups and Charities

By developing strong relationships with these partners the Committee will benefit from the shared knowledge and cooperation of the collective to conduct through reviews and develop recommendations that are acceptable and relevant to those who will be required to implement them.

Protocol with CDRP

The Sustainable Communities Scrutiny Committee as the predecessor committee an agreed protocol with the Safer Cheshire East Partnership which set out the relationship with agreed lines of cooperation and responsibility. The Committee agreed that it would be appropriate to adopt a similar protocol between it and the partnership. Officers were asked to draft a protocol for the Committee to consider at its next meeting.

Outputs

Through its ways of working the Committee would produce a variety of outcomes that would hopefully improve performance of the Council and partners. Possible outputs of the Committee were:

- Identification of issues – highlight problem areas for officers/partners to improve
- Advice to cabinet/portfolio holder – e.g. propose that further investigation be carried out or change of approach may be needed
- Endorsement of a service – highlight the good work of a department/partner and promote continuity/expansion of service
- Formal Recommendations – Written recommendations sent to Cabinet/Chief Executive/Council/Responsible Authority. (The Committee would be entitled to a response/acknowledgement within 28 days)

Meetings

The Chairman outlined how he would like meetings and work to be conducted.

- Public meeting of the Committee should take place at 10:30 and be held in the Committee Suites 1 and 2 at Westfields.
- The room would be laid out in a horse shoe with witnesses sat opposite the Committee with a gallery behind them and to the sides.
- Visiting Members may be given time at the beginning of each item to make representations but not to take part in the subsequent discussion/decision.
- If a pre-meeting briefing was required for the Committee it would take place at 10:30 on the day of the meeting and the meeting would start at a later time that morning. This would be agreed by the Committee in advance and proper notice of the revised start time for the public meeting would be given.