

<b>MEETING:</b>	<b>THE COUNCIL</b>
<b>DATE:</b>	<b>22, OCTOBER, 2009.</b>
<b>TITLE;</b>	<b>SCRUTINY OF CRIME AND DISORDER FUNCTIONS.</b>
<b>PURPOSE:</b>	<b>TO EXTEND THE REMIT OF THE CARE SCRUTINY COMMITTEE TO INCLUDE STATUTORY CRIME AND DISORDER FUNCTIONS</b>
<b>PORTFOLIO LEADER:</b>	<b>CLLR. JOHN W. WILLIAMS, SENIOR PORTFOLIO LEADER - CARE.</b>
<b>AUTHOR:</b>	<b>DILYS PHILLIPS, HEAD OF DEMOCRACY AND LEGAL.</b>

### **GENERAL CRIME AND DISORDER SCRUTINY FUNCTIONS.**

1. Sections 19 and 20 of the Police and Justice Act 2006 (as amended) came into force in Wales on 01.10.09 and from that date every County and County Borough Council in Wales must have an overview and scrutiny committee with power to :-
  - review or scrutinise decisions made or action taken in connection with discharge of crime and disorder functions.
  - make reports or recommendations to the Council or the Board in connection with discharge of those functions, in which case it must supply a copy to each Responsible Authority and each Co-operating person or body.
2. The Responsible Authorities in Gwynedd are: Gwynedd Council; North Wales Police Force; North Wales Police Authority; North Wales Fire and Rescue Authority and the Betsi Cadwaladr University Local Health Board. It is anticipated that from April 2010 the North Wales Probation Service will also become a Responsible Authority.
3. The Co-operating persons or bodies in Gwynedd are : town and community councils in the County; Public Health Wales NHS Trust, school governing bodies maintained by the local education authority; proprietors of independent schools in the County; governing bodies of further education institutions and the National Assembly of Wales and registered social landlords within the county
4. The role of scrutiny is to scrutinise the work of the Community Safety Partnership, not the individual partner. In effect, this means that the committee will have power to scrutinise crime and disorder and substance misuse strategies that the Responsible Authorities are jointly required to formulate and implement under the Crime and Disorder Act 1998.

### **SCRUTINY OF LOCAL CRIME AND DISORDER MATTERS.**

5. The new legislation also requires the Council to :
  - enable any member of the Council to ensure that a local crime and disorder matter is included on the agenda and discussed at a meeting of the Committee.

- ensure that the Committee has power to make a report or recommendations to the Council or the Board with respect to any local crime or disorder matter in relation to a member of the Council.
6. A crime and disorder matter includes anti-social behaviour or other behaviour adversely affecting the local environment or the misuse of drugs, alcohol or other substances. To qualify as a local matter, the issue must affect either all or part of the electoral area for which that particular member is elected, or it must affect a person who lives or works in that area.
  7. In considering whether to make a report or recommendations to the Council or the Board in this situation, the Committee may have regard to any representations made by the member as to why it should do so. If the Committee does not make a report or recommendations it must notify the member of its decision and the reasons for it. If the Committee does make a report or recommendations it must provide a copy of the report or recommendations to the member concerned and to such Responsible Authorities and Cooperating Persons or bodies, as it thinks appropriate.

#### **REGULATIONS AND GUIDANCE.**

8. Regulations were brought into force in Wales on 01.10.09 to deal with the internal governance of the Committee. The regulations contain the following features :-
  - the Committee must meet to consider crime and disorder matters at least once per year.
  - the Committee will be able to co-opt employees, officers or members of a Responsible Authority or a Cooperating person or body.
  - Co-opted members are not entitled to vote without the agreement of the Committee. The membership of a co-opted member may also be limited to a particular matter or type of matter. Their membership may be withdrawn at any time by the Committee.
  - Responsible authorities and cooperating persons and bodies must provide information to the Committee when requested, within the timescales requested or as soon as reasonably possible.
  - Such information would be de-personalised, unless identification is necessary or appropriate to enable the committee to exercise its powers. Information could be excluded where it is likely to prejudice legal proceedings, current or future operations of the Responsible authority or Cooperating person or body.
  - The Committee may require officers or employees or Responsible authorities and Cooperating persons to bodies to attend before it (on reasonable notice) in order to answer questions.
9. The Welsh Assembly Government has issued draft guidance on the scrutiny of crime and disorder matters. The Guidance recommends that protocols be established between the Council and its partners in the Community Safety Partnership to deal with issues such as how to respond to requests for information from the Scrutiny Committee and the management of workload for the partner organisations which cover more than one council area. The Guidance also recommends that at least one member of the committee should also be a member of the police authority.

## **RECOMMENDATION**

10. The above matters were reported to the Care Scrutiny Committee on 29<sup>th</sup> September, 2009. Whilst noting that the new duties would add to the work load of the Committee, their recommendation was :
  - 10.1 To extend the remit of the Care Scrutiny Committee to include the statutory function of scrutinising crime and disorder matters, and to convene for this purpose at least once a year.
  - 10.2 To invite a Councillor who represents Gwynedd on the Police Authority to meetings of the committee as an observer.
  - 10.3 To co-opt two additional members (without a vote) on to the committee, one to represent the North Wales Police Force and the other to represent the local health board.
11. The Council is requested to adopt the recommendations of the Care Scrutiny Committee as listed in paragraphs 10.1 - 10.3 and to authorise the Monitoring Officer to make consequential amendments to the Council's constitution.