

Scrutiny of Crime and Disorder

PROTOCOL

1. Introduction

Sections 19 and 20 of the Police and Justice Act 2006 (as amended), require every County and County Borough in Wales to ensure it has an Overview & Scrutiny Committee with the power to:

- Review or scrutinise decisions made or action taken in connection with the discharge by the Responsible Authorities of their crime and disorder functions;
- Make recommendations to the local authority in connection with respect to the discharge of those functions.

Responsible Authorities' means the bodies and persons designated by section 5 of the Crime & Disorder Act 1998 – authorities responsible for crime and disorder strategies in relation to the local authority's area.

'Crime and Disorder functions' means functions conferred by or under section 6 of the Crime & Disorder Act 1998 which refers to the formulation and implementation of a strategies for the reduction of crime and disorder. These are

- (a) A strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) A strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
- (c) A strategy for the reduction of re-offending in the area.

2. Protocol

This protocol has been produced between Wrexham County Borough Council's designated scrutiny committee for crime and disorder and the Public Service Board. It sets out the powers and responsibilities of the parties concerned and provides a framework for effective scrutiny to take place.

The Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Welsh Assembly Government's Guidance for the Scrutiny of Crime and Disorder Matters and good working practice have shaped this protocol.

The aim of this protocol is not to reproduce the legislation and guidance but to agree how scrutiny of crime and disorder will work practically in Wrexham. This protocol may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.

3. Vision, Purpose and Principles of Scrutiny in Wrexham

In March 2015, Wrexham Council agreed the following vision, purpose and principles of scrutiny in Wrexham:

Vision:

Scrutiny is equally valued by all because it is an integral element of the decision making process.

Purpose:

Scrutiny in Wrexham will contribute to transparent, inclusive and accountable decision making, which will lead to better outcomes for local people.

Principles:

- Scrutiny will propose solutions to problems which will lead to improvement in public services
- Considers the interests and concerns of the public
- Is independent and takes responsibility for its role to enable clear and evidence based recommendations
- Provides constructive challenge on the implementation and effectiveness of decisions which is valued and respected by decision-makers.

4. Crime & Disorder Scrutiny In Wrexham

Wrexham Council's Constitution has allocated responsibility for crime and disorder scrutiny to an existing scrutiny committee. At the time of writing, this committee is the Safeguarding, Communities & Wellbeing Scrutiny Committee, however this is may change should the Council revise the terms of reference of its scrutiny committees. The designated scrutiny committee has the power to review and scrutinise those strategies which the responsible authorities are required to formulate and implement in accordance with the Section 6 of the Crime and Disorder Act 1998.

In Wrexham, these responsible authorities are:

- North Wales Police
- Wrexham County Borough Council
- Wales Probation Service (North Wales Area)
- North Wales Fire & Rescue Service
- Betsi Cadwaladr University Health Board

In Wrexham, the statutory function and duties of the Community Safety Partnership are discharged by the Public Service Board (PSB). The PSB's 'Our Wrexham Plan' includes the priority for the reduction of crime and disorder and the PSB's Partnership Delivery Board (PDB) 3 focuses on the delivery of those statutory elements of the Plan which relate to the crime and disorder function. Membership of the PSB and PDB3 includes the responsible authorities as well as other co-operating persons and bodies. Members of the PSB and PDB3 in fulfilling their crime and disorder function will hereafter be known as 'partners' for the purposes of this protocol.

Scrutiny of crime and disorder matters as defined in the legislation is therefore scrutiny of the PSB, and specifically of PDB3 and of the PDB3 Delivery Plan in so far as they relate to crime and disorder functions.

5. Co-option

The Scrutiny Committee may co-opt members from responsible authorities onto the Scrutiny Committee either generally for a period of time or for discrete reviews or discrete elements of reviews in accordance with the Crime & Disorder (Overview & Scrutiny) Regulations 2009. Voting co-optees will be bound by the Council's Ethical and Standards requirements during the period of co-option (in particular the Member Code of Conduct) and they may not vote unless specifically permitted to do so by the Scrutiny Committee. Non-voting co-optees will be expected to act in conformity with the Council's Standards regime as identified in its Constitution. The Scrutiny Committee may review or terminate such co-options at any time.

6. Principles and Working Practices

General

6.1 Legislation requires that a scrutiny committee must convene at least once in a 12 month period to consider the discharge by the responsible authorities of their crime and disorder functions.

6.2 The committee, acting in its role as the Crime and Disorder Scrutiny Committee, will comply with all relevant procedure rules as set out in the Council's Constitution.

6.3 Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other prejudicial interest that they have either in a scrutiny exercise or during a meeting of the scrutiny committee in accordance with relevant Codes of Conduct relating to standards of conduct and ethics applying to their organisations.

6.4 Crime and disorder scrutiny is not to be used as a complaints procedure. Case studies may however be used as part of supporting information for scrutiny exercises.

6.5 At all times officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will also be treated with respect.

6.6 Most scrutiny committee meetings are held in public in order to be as transparent as possible. PDB3 will provide information relating to the planning and operation of crime and disorder reduction activities and strategies that is required. This information shall ordinarily be depersonalised and shall not include confidential information that might impinge upon actual police operations or individuals unless appropriate, and consent is given for such information to be released. But there is provision for meetings or parts of meetings to be held in private, with the press and public excluded, in order to consider exempt or confidential information (as defined by the Local Government Act 1972). Advice is available as necessary from the Council's Monitoring Officer as to whether all or some of the evidence or information to be submitted to a meeting might fall into either of these categories. Parties submitting information should contact the Scrutiny Facilitator in the first instance to discuss.

6.7 Partners will be expected to inform each other in advance should there be any press releases over matters under active consideration by the scrutiny committee; however the Head of Corporate & Customer Services and/or the Chair of the scrutiny committee may speak to the press in advance of meeting to brief them about forthcoming scrutiny committee meetings.

6.8 Each of the partners and its co-operating bodies or persons will nominate a named contact person via the PDB3 Facilitator.

Correspondence & Communications

6.9 On the basis that PDB3 will generally be the most appropriate forum for communication between the scrutiny committee and the partners:

- general correspondence, and
- the outcome of scrutiny committee meetings and any views arising (as recorded in the minutes and recommendations of that meeting)

will be directed to the Chair of PDB3 with an expectation that this will be shared appropriately with partners and included on the agenda of the next meeting of the PDB.

6.10 Where a response is requested, there is an expectation that this will be provided within a reasonable timescale, or as specifically agreed with the Committee.

6.11 Correspondence specific to a responsible authority or co-operating body or person may be directed to that responsible authority. In such cases a copy will also be sent to the Chair of PDB3 on the basis outlined above.

6.12 All correspondence from the scrutiny committee will be copied to the PSB Chair.

Requests for Information and Committee Meetings

6.13 Requests for information from the scrutiny committee will clearly identify why the information is needed and what it is to be used for to enable the recipient(s) to identify the appropriate information to be provided.

6.14 The partners will provide the committee with the information requested as soon as reasonably practicable, and to a maximum of 30 calendar days following receipt of the request, unless a different timescale has been agreed with the Committee.

6.15 The committee has the power to require the attendance before it of a representative of a partner. In Wrexham, the Chair of PDB3 and the relevant partners will be consulted on the scheduling of meetings and requests for information. This will generally be an informal process undertaken via the PDB3 and Scrutiny Facilitators.

6.16 Approximately two weeks prior to a formal scrutiny committee meeting, relevant partners will be invited to attend an informal meeting with the Committee Chair, Vice Chair and Scrutiny Facilitator to discuss the upcoming meeting and any necessary preparations.

6.17 All Committee agendas, minutes and reports will be circulated to Committee Members, the named representatives of the partners and the Chair of PDB3 in accordance with statutory requirements (3 working days notice).

6.18 All correspondence from the scrutiny committee will be copied to the PSB Chair.

Reviews (Task & Finish Groups)

6.21 In Wrexham, the PSB Chair, PDB3 Chair and relevant partners will be consulted on any specific local crime and disorder reviews that the Scrutiny Committee is intending to undertake. They will be informed of the final scope of the reviews and will be given adequate notice of invitations to attend meetings of the Scrutiny Committee and any required information.

Scrutiny Committee Reports and Recommendations

6.22 In Wrexham, it is expected that by working in partnership, any general concerns, views and comments of the scrutiny committee will be dealt with as outlined in paras 6.9 - 6.12 above. This approach also mirrors the protocol for scrutiny of the PSB (previously Local Service Board) as agreed with the Local Service Board Executive in December 2014.

Should the scrutiny committee wish to make a formal report (for example following a scrutiny review) or recommendations using powers granted to it by legislation, the committee will specify that it wishes to invoke these powers and the following procedure will be followed:

- The relevant partner, PSB Chair and PDB3 (via Chair of PDB3) will be consulted on any draft or final reports, or recommendations.
- The scrutiny committee will report to the Local Authority (Executive Board) and a copy of the report and recommendations and to whom they apply will be provided to the relevant partner, PSB Chair and Chair of PDB3. The PDB3 Facilitator will be responsible for distribution to other partners. This report will advise the partner to whom the recommendations apply that it must (i) consider the report or recommendations; (ii) respond to the committee indicating what (if any) action it proposes to take; (iii) have regard to the report or recommendations in exercising its functions. (By virtue of the report being a report to the Local Authority, it will be a publicly available report unless it is considered exempt – see para 6.6 above)
- The PSB Chair or the relevant partner will submit a response within 28 days from the date of receipt or, if this is not possible, within a timescale agreed with the scrutiny committee.

6.23 Following receipt of the response the scrutiny committee will agree with PSB Chair, PDB3 and/or the relevant partner(s) how progress in implementing the recommendations will be monitored.

Councillor Call for Action

7 Legislation also gives Councillors the right to raise matters concerned with a local crime and disorder matter with the crime and disorder scrutiny committee. A separate protocol is in place for this purpose.

APPENDIX 1 – Background Documents

Guidance for the Scrutiny of Crime & Disorder Matters – Wales (Implementing Sections 19 and 20 of the Police and Justice Act 2006) Welsh Assembly Government Guidance Circular No: 001/2010

Crime and Disorder (Overview and Scrutiny) Regulations 2009

Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009

Sections 19 and 20 of the Police and Justice Act 2006 (as amended)

Crime and Disorder Act 1998 (as amended)

Wrexham County Borough Council Constitution

http://www.wrexham.gov.uk/assets/pdfs/key_docs/constitution_2014.pdf

Scrutiny Committee Work Programmes

Scrutiny committees meet each month and publish work programmes which list their work commitments for the coming months. Any organisation or member of the public can request that a scrutiny committee schedule an issue for consideration on its work programme. The decision as to whether to scrutinise an issue rests with the scrutiny committee and items will be scheduled according to relative priority.

These work programmes are available on the Council's website, at:-

http://www.wrexham.gov.uk/english/council/forward_work_programme/scrutiny.htm

Agendas and papers for meetings are available to the public 3 working days in advance of the meeting. Electronic copies can be accessed via the Council's online search facility

<http://moderngov.wrexham.gov.uk/mgListCommittees.aspx?bcr=1>

Hard copies can be provided on request.

Local Service Board (LSB) to Public Service Board (PSB)

Guidance within the Well Being of Future Generations (Wales) Act is prescriptive for LSBs. As of 31st March 2016 all LSBs were dissolved and on the 1st April 2016 Public Service Boards (PSBs) were established. The Act establishes Public Services Boards (PSBs) for each local authority area in Wales.

APPENDIX 2 – Contact Details (this Appendix will be updated by PDB3 Facilitator and Scrutiny Facilitator without the need for formal review)

Body / Organisation	Named Contact	Contact Details
Safeguarding Communities & Wellbeing Scrutiny Committee / Crime & Disorder Scrutiny Committee	Chair	
	Vice Chair	
	Facilitator	
Public Service Board	Chair	
	Facilitator	
Partnership Delivery Board 3	Chair	
	Facilitator	
Responsible Authorities		
Wrexham County Borough Council *		
North Wales Police *		
National Probation Service*		
Community Rehabilitation Company (Wales)*		
North Wales Fire & Rescue *		
Betsi Cadwaladr University Health Board *		
Other Co-operating Bodies & Persons*		

* Responsible Authority / co-operating persons or bodies as given in section 5 (1) of the Crime & Disorder Act 1998

** Co-operating persons and bodies as defined in section 5 (2) of the Crime and Disorder Act 1998 and prescribed in the 'Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009