

REPORT TO THE OVERVIEW & SCRUTINY COMMITTEE		Report No.11
Date of Meeting	12 June 2008	
Title of Report	Councillor Call for Action/Scrutiny of Crime and Disorder Reduction Partnerships	
Link to Corporate Priorities	Links to all	
Public Report	Yes	

<p>Summary of Report</p> <p>This report provides an update on the latest position on the Councillor Call for Action and scrutiny of Crime and Disorder Reduction Partnerships.</p>
<p>Officer Recommendations</p> <p>That the Committee notes the latest position on the Councillor Call for Action and scrutiny of Crime and Reduction Partnerships and awaits the Regulations and Guidance on implementation to be issued by the Department for Communities and Local Government.</p>

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	None	None	None	None

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1. Introduction

- 1.1 The purpose of this report is to update the Committee on recent developments in relation to the Community Call for Action (CCfA).

2 Proposals and Details

- 2.1 The “Councillor Call for Action” is introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (LGPIH Act). The act enables all Councillors (in England) to refer a “local government matter” to an Overview & Scrutiny committee for discussion. This can be done regardless of whether that Member is on the scrutiny Committee or not.

- 2.2 The Government anticipates that CCfAs will help Overview & Scrutiny committees to contribute more effectively to the community leadership role of Councillors. Overview & Scrutiny committees will be expected to have a new locality focus with the increased potential for area-based scrutiny reviews.

- 2.3 CCfAs are distinguished from more general requests for scrutiny in the following ways:

- The focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a local level;
- CCfAs are intended to address persistent problems that the local Councillor has been unable to resolve through the usual channels;
- When introduced as a legal requirement Councillors will be under a duty to consider requests from members of the public on certain issues;
- Scrutiny reviews resulting from CCfA will be undertaken by scrutiny panels composed largely of councillors from the affected locality. There is an expectation that the locality-based scrutiny reviews will be ‘short and sharp’, focused reviews and that the public see this as a responsive and un-bureaucratic process that delivers tangible outcomes.

- 2.4 Members should note that the Government has now agreed to align the previously separate versions of Call for Action policies (proposed by the Home Office, and the Department of Communities and Local Government) so that Section 1 of the Police and Justice Act 2006 (referred to as the “Community Call for Action”) will be incorporated into the “Councillor Call for Action” in the LGIPH Act.

- 2.5 The alignment of the two versions means that:

- The power to initiate a CCfA rests with the local councillor;
- It will be up to individual councillors to determine which issues to take forward as CCfAs;

- If a councillor decides not to refer a matter, no further action is taken under a CCfA;
- There will be no right of appeal for the constituent via the council's executive or policy committees;
- CCfA applies to all councils: Unitary and District Council overview and scrutiny committees will maintain their new role in relation to Crime and Disorder Reduction Partnerships (CDRPs) pending recommendations from the Flanagan Review;
- The CCfA may cover any local government matter relating to any function of the authority and affecting the councillor's ward or constituents and in two-tier areas County Councillors can raise CCfAs in relation to crime and disorder matters through their crime and disorder committees.

2.6 Whilst the implementation of the legislation is subject to government guidance and regulations, a table showing the key stages of a Councillor Call for Action (CCfA) is set out below:

Crime and Disorder Matter	Local Government Matter other than Crime and Disorder
A. The local Member will identify a Crime and Disorder matter which is of significant concern to the communities he/she represents, and may decide that the wider community interest justifies a CCfA.	A. The Local Member will identify an issue which is of significant concern to the communities he/she represents, and may decide that the wider community interest justifies a CCfA on a particular issue.
B. The local Member seeks to resolve the issue informally through the usual channels by taking up the concern with the appropriate agencies within the Crime and Disorder Reduction Partnership (CDRP).	B. The Local Member will seek to resolve the problem through the normal channels and service providers.
C. If the matter is not resolved the Local Member can refer the CCfA to the appropriate Scrutiny Committee.	
D. The Scrutiny Committee has a duty to consider the matter referred to it and there has to be an item on its agenda.	

<p>E. The Scrutiny Committee will act as the gatekeeper to ensure that the issues that it deals with are of genuine concern and interest to the community. It has a duty to respond saying either what action it is going to take, or if it is not going to take any action, why not. There is no obligation on the Scrutiny Committee to accept a CCfA raised by the Local Member. If the Committee feels that the Local Member is pursuing a persistent, trivial or vexatious complaint it is able to reject the CCfA.</p>	
<p>F. If the Scrutiny Committee accepts the CCfA, it can request the compulsory attendance of CDRP partners at a scrutiny meeting to answer questions and explain any action taken. As part of its investigation, the Committee will gather evidence, question agencies and potentially decide what action is needed, in dialogue with partner agencies. CDRP partners will have a duty to respond to scrutiny reports and recommendations and should give reasons for their response, particularly if recommended action is rejected.</p>	<p>F. If the Scrutiny Committee accepts the CCfA, it may choose to make recommendations to the Executive and relevant service providers after, if necessary, conducting an investigation of its own. Relevant public bodies will have a duty to respond to the Committee's investigations and recommendations.</p>
<p>G. The responses received to the scrutiny committee's investigations and recommendations will be publicised.</p>	

2.7 In addition, a draft flowchart showing the possible stages in a CCfA is attached as (Appendix 1).

3. Scrutiny of Crime and Disorder Reduction Partnerships

3.1 The Police & Justice Act 2006 introduces a role for scrutiny in ensuring public accountability of Crime & Disorder Reduction Partnerships.

3.2 Crime and Disorder Reduction Partnerships were introduced under the 1998 Crime and Disorder Act. They comprise of members of police, police authorities, health authorities, local authorities and probation committees They are required to specify a three yearly cycle of partnership working involving:

- The production of an audit of local crime and disorder.
- Local consultation on its contents.
- The formulation, implementation and monitoring of a strategy based on problems highlighted in the audit.

3.4 Since the Local Government Act 2000 introduced the executive/scrutiny split, councils have had the power to investigate community concerns beyond the council and its services. However, whilst some councils have conducted useful external reviews, only members of the councils executive and staff were required to respond to scrutiny

activities. Extension to this power first came with the Health and Social Care Act 2001, which extended scrutiny's powers in relation to local NHS bodies.

- 3.5 The new powers will require authorities to identify responsibility for the scrutiny of Crime & Disorder Reduction Partnerships within the council's overview and scrutiny arrangements. This can be within an existing committee (it does not have to mean establishing a new or stand-alone committee).
- 3.6 This role, like the health scrutiny role, can involve contributions to strategy development, performance review, and in-depth enquiries into particular issues of local concern which need partnership solutions.
- 3.7 The Home Office has suggested that members of the police authority should be co-opted onto the overview and scrutiny committee. These proposals will be developed in Regulations and Guidance.
- 3.8 Guidance on this new function has been delayed to await the Flanagan Review (review of policing led by Sir Ronnie Flanagan).

4. Timescale

- 4.1 The Department of Communities and Local Government's (DCLG) consultation on CCfAs closed on 20 March 2008. A report on the outcome of the consultation is due to be published by 12 June 2008. Regulations and guidance are due to be published later this year.

5. One Council

- 5.1 The Joint Overview & Scrutiny Transitional Board's terms of reference include considering Overview & Scrutiny arrangements for the new Wiltshire Council, and this includes arrangements for CCfAs. The County Council is considering a process whereby the Community Area Boards are used to consider CCfAs in the first instance so that the power to refer matters to scrutiny is only treated as an exception. Members may wish to comment on this proposal.

6. Other Authorities

- 6.1 A few authorities have started to consider how to introduce CCfAs. The furthest advanced of these is Kirklees MBC, which has begun piloting its version of the scheme. Although at implementation stage, no single measure has yet been used as a CCfA resulting in a scrutiny enquiry.
- 6.2 To support Councillors through the process Kirklees MBC has created a dedicated post of 'Scrutiny Assistant' who is Councillors' first point of reference for CCfA issues. They have also produced a "Councillor's Guide to CCfA".

7. Risk Assessment

- 7.1 On a practical level, the Committee may want to consider how to deal with the concern that CCfA could lead to overview and scrutiny committees' planned work programmes

being overwhelmed or even CCfA being used vexatiously. Other matters which the Committee may wish to consider once the guidance has been received are:

- What volume of CCfAs can be expected?
- How might our partners use the CCfA to request action/information from the Council?
- Should partners be co-opted on to relevant committees?
- Should we specify specific timescales?
- How should we publicise CCfA?

7.2 It is anticipated that only the most persistent issues, which local councillors have not been able to resolve will be referred to scrutiny. In considering the referral, the Overview and Scrutiny Committee will want to be assured that ward councillors have made every effort to try to find a local resolution.

Appendices:	<ul style="list-style-type: none"> • 1 - Flowchart showing the possible stages in a CCfA
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • Local Government and Public Involvement in Health Act 2007 • Police and Justice Act 2006

Previous Decisions Connected with this Report:

Report	Committee & Date	Minute Reference
None		