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**REPORT OF THE MONITORING OFFICER**

**AGENDA ITEM: 7**

**CRIME & DISORDER SCRUTINY COMMITTEE**

**Reason for the Report**

1. As from 1 October 2009 all County and County Borough Councils in Wales will be required to establish a committee to review or scrutinise crime and disorder functions. The committee may, but does not have to be a separate committee. The function could be allocated to an existing committee.

**Issues**

2. Sections 19 and 20 of the Police Justice Act 2006 (as amended) require every County and County Borough in Wales to ensure it has an overview and scrutiny committee with 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 reports or recommendations to the local authority in connection with the discharge of these functions in which case it must supply a copy to each responsible authority and each Co-operating person or body
3. The Responsible authorities are Cardiff Council, South Wales Police Force, South Wales Police Authority, Cardiff Local Health Board, and South Wales Fire Authority.
4. The Co-operating persons and bodies in Cardiff are currently the National Probation Service (South Wales Area).
5. This means that the committee will have power to scrutinise crime and disorder and substance misuse strategies that the Responsible authorities are required to formulate and implement under the Crime and Disorder Act 1998. Together these Responsible authorities form the Safer Capital Partnership (formerly the Cardiff Community Safety Partnership).
6. The new legislation will also require the Council to:-
  - Enable a member of the Council who is not a member of the committee to ensure that a local crime and disorder matter is included on the agenda

and discussed at a meeting of the Committee (members of the committee already have similar powers via Section 21A of the Local Government Act 2000)

- Ensure that the Committee has power to make a report or recommendations to the County Council or the Executive board with respect to any local crime or disorder matter in relation to a member of the Council.

A 'local 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 in the area represented by the Councillor.

## **Regulations**

7. Regulations have been issued – the Crime and Disorder (Overview and Scrutiny) Regulations 2009 - which come into force on 1 October 2009 and contain the following information:-

- The Committee must meet to consider crime and disorder functions as the committee considers appropriate, but no less than once per year;
- The committee may co-opt employees, officers or members of a Responsible authority or a Co-operating persons or body, provided that any member appointed is not a member of the Council's Executive.
- 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 Co-operating 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 Co-operating person or body
- The committee may require officers or employees of Reasonable authorities and Co-operating persons or bodies to attend before it (on reasonable notice) in order to answer questions
- When the Committee make a report or recommendation to a Responsible authority or Co-operating person or body the responses shall be in writing and submitted within 28 days or as soon as reasonably possible.

## **Guidelines**

8. Although they are expected imminently, there are no guidelines currently for Wales. However the guidelines which have been issued for England, are quite

extensive and amongst other things strongly recommend co-option of members from the partner bodies on to crime and disorder committees. They also identify a variety of methods of dealing with crime and disorder matters.

### **Proposal**

9. The whole future of scrutiny in Wales will be brought into sharp relief in the year ahead following developments in Parliament and the Welsh Assembly. As part of the work currently being undertaken in Citizen's Services, and across the Authority, the Policy Review & Performance Scrutiny Committee have been asked for their help in scrutinising the way Cardiff undertakes its scrutiny function. Therefore in order to fulfil these new statutory requirements the Council could expand (at least initially) the terms of reference of an existing scrutiny committee. The Community & Adult Services Scrutiny Committee would be the most likely candidate for this as it already has the scrutiny of Community Safety in its terms of reference.

### **Legal Implications**

All legal implications are contained within the report.

### **Financial Implications**

There are no financial implications arising directly from this report.

### **RECOMMENDATIONS**

The Constitution Committee recommends to Council that:-

1. The Community & Adult Services Scrutiny Committee be given the powers of a 'crime and disorder committee';
2. The City & County Solicitor be authorised to make such amendments to the Constitution as are required to enable the Community & Adult Services Scrutiny Committee to carry out the duties of a crime and disorder committee.

**Kate Berry**  
City and County Solicitor

Dated: 21 July 2009