

North Yorkshire County Council

Corporate & Partnerships Overview and Scrutiny Committee

21 January 2013

Links between Police and Crime Panel and Crime and Disorder Overview & Scrutiny Committees in North Yorkshire

1 Purpose of the Report

- 1.1 To consider the links between the Panel and other local scrutiny arrangements.
- 1.2 To introduce a draft protocol on the relationship between the Police and Crime Panel and the Local Authority Crime and Disorder Overview & Scrutiny Committees.

2 Background

- 2.1 Community Safety Partnerships (CSPs) bring agencies and communities together to tackle crime within our communities. There are seven within the local authority areas covered by the North Yorkshire Police and Crime Commissioner - Hambleton and Richmondshire CSPs having formally merged in June 2011.
- 2.2 Local authorities have specific powers to hold to account work being carried out by a CSP. Every local authority must have a committee with power to review and scrutinise the functioning of responsible authorities (local authorities, fire and rescue authorities, police authorities, and the police, primary care trusts in England and local health boards in Wales) which comprise a CSP.
- 2.3 This role can involve contributions to strategy development, review of performance of the partnership, and in-depth enquiries into particular issues of local concern which need partnership solutions. It is important to recognise however that these powers are limited to those services delivered by responsible authorities in partnership.
- 2.4 The PCC is not a 'responsible authority' for the purposes of community safety partnerships, but bearing in mind s/he will have a commissioning role over its activities, close joint working between PCCs and CSPs is inevitable. There is therefore a need to consider how CSP scrutiny and PCP scrutiny will relate to each other.

3 Protocol

- 3.1 A draft protocol, attached as Appendix 1, has been prepared by a group of scrutiny officers from the nine authorities. Its purpose is to help define respective responsibilities and inter-relationships.

3.2 The Panel approved the draft protocol in October but noted that comments on the draft were still being received. The Crime & Disorder Overview and Scrutiny Committees of the seven district councils and the City of York Council have approved the protocol subsequently.

4 Recommendation

4.1 That the Corporate & Partnerships Overview and Scrutiny Committee approves the Protocol.

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Background Documents: Nil

Annexe: Draft protocol between the Police and Crime Panel and the Crime and Disorder Overview and Scrutiny Committees in North Yorkshire and York

**Draft protocol between the Police and Crime Panel and the Crime and Disorder
Overview and Scrutiny Committees in North Yorkshire and York**

This protocol concerns the relationship between the Police and Crime Panel (Panel) and the Crime and Disorder Overview and Scrutiny Committees of:

Craven District Council	Scarborough Borough Council
Hambleton District Council	Selby District Council
Harrogate Borough Council	North Yorkshire County Council
Richmondshire District Council	City of York Council
Ryedale District Council	

The purpose of this protocol is to encourage the Panel and Overview and Scrutiny Committees to:

- (i) work in a climate of mutual respect and courtesy;
- (ii) have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way; and
- (iv) share work programmes, information or data to avoid the unnecessary duplication of effort.

Role of the Police and Crime Panel

Elected Police and Crime Commissioners and Police and Crime Panels were introduced by the 2011 Police Reform and Social Responsibility Act. Under the Act, the Commissioner will be responsible for holding the Chief Constable to account, securing an efficient and effective local police force and carrying out functions in relation to community safety and crime prevention.

The North Yorkshire Police and Crime Panel will be responsible for publicly scrutinising the actions and decisions of the Commissioner, including:

1. Reviewing and making a report or recommendation on the draft police and crime plan.
2. Reviewing the annual report from the Police and Crime Commissioner.
3. Reviewing and scrutinising decisions, or other action taken, by the Police and Crime Commissioner in connection with the discharge of her/his functions.
4. Publishing all reports and recommendations the Panel makes and sending copies to the constituent local authorities.

Role of the Scrutiny Committees

- as the designated Crime and Disorder Committee for each Local Authority in North Yorkshire and York

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions taken in connection with the discharge by the Responsible Authorities* of their crime and disorder functions.

Each of the Local Authorities in North Yorkshire and York has a committee that is designated as the Crime and Disorder Committee. Local crime and disorder issues are considered within the appropriate designated Overview and Scrutiny Committee of the District, Borough and City of York Councils. The Corporate and Partnerships Overview and Scrutiny Committee of North Yorkshire County Council provide constructive challenge at a strategic level within the County Council area.

*** Responsible Authorities are:**

Local Authorities
Police Force
Fire and Rescue Authority
Primary Care Trust (or successor bodies)
Probation

Note – the Police Authority was previously identified as a Responsible Authority. The Police and Crime Commissioner has NOT been designated as a responsible authority for these purposes. However the Police Reform and Social Responsibility Act places a mutual responsibility on Police and Crime Commissioners and the responsible authorities to co-operate to reduce crime, disorder and re-offending.

Working principles

Given the common aims of both the Scrutiny Committees and the PCP to scrutinise the delivery and effectiveness of measures aimed at reducing crime and disorder and enhance public safety, it is vital that they:

- (i) work in a climate of mutual respect and courtesy;
- (ii) have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way; and
- (v) share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Scrutiny Committees and the PCP are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. This protocol will not preclude either body from working with any other local, regional or national organisation to deliver their aims.

DRK

What will this mean in practice

PCP → Scrutiny

The Police and Crime Panel shall, in discharging its responsibility for commenting on the Police and Crime Plan or any variation of it, seek the views of the Scrutiny Committees. The Scrutiny Committees may, if they so wish submit written comments to the Panel.

The Police and Crime Panel shall, in discharging its responsibility for commenting on the Police and Crime Commissioner's Annual Report, seek the views of the Scrutiny Committees. The Scrutiny Committees may, if they so wish submit written comments or questions it considers merit raising with the Commissioner to the Panel.

Scrutiny → PCP

The Scrutiny Committees may, in discharging their responsibility for reviewing and scrutinising the Annual Report of the Community Safety Partnership, and reviewing or scrutinising decisions taken in connection with the discharge by the Responsible Authorities* of their crime and disorder functions, draw to the attention of the Panel any issues which would merit a discussion with the Police and Crime Commissioner.

PCP ↔ Scrutiny

Where either the Police and Crime Panel or the Scrutiny Committees consider that a particular issue (related to crime and disorder) would merit in depth investigation either by the Committees or the Panel this should be discussed by the Chairmen and Secretariat of both bodies to determine the scope of such a review and agree to which body would take lead responsibility. The aim is to avoid duplication of effort and resources.