



# Sustainable Communities Overview and Scrutiny Committee

<b>Date:</b>	<b>Monday, 1 June 2009</b>
<b>Time:</b>	<b>6.15 pm</b>
<b>Venue:</b>	<b>Committee Room 3 - Wallasey Town Hall</b>

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## AGENDA

### 1. DECLARATIONS OF INTEREST/PARTY WHIP

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

Members are reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

### 2. MINUTES (Pages 1 - 18)

To receive the minutes of the following overview and scrutiny committees:

Culture Tourism and Leisure (31 March)  
Environment ( 7 April)  
Housing and Community Safety (19 March)  
Streetscene and Transport Services (1 April)

### 3. APPOINTMENT OF VICE-CHAIR

In accordance with minute 4 of Cabinet (12/5/09), the Committee is requested to appoint a Vice-Chair.

**4. SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - TERMS OF REFERENCE (Pages 19 - 22)**

The terms of reference are attached for Members' information.

**5. SCRUTINY WORK PROGRAMME 2009-10**

The views of the Committee are requested concerning topics to be included in this year's scrutiny work programme.

A paper listing the reports from chief officers on key issues during the year will be circulated separately.

**6. PROPOSED FORMATION OF A TRAFFIC AND HIGHWAYS REPRESENTATION PANEL. (Pages 23 - 30)**

**7. GUIDANCE FOR THE SCRUTINY OF CRIME AND DISORDER MATTERS (Pages 31 - 78)**

Guidance has been issued by the Home Office regarding the implementation of the Police and Justice Act and the role of this overview and scrutiny committee in relation to the scrutiny of Crime and Disorder Partnerships. The document provides guidance on committee structures (Section 3) and the views of the committee are requested as to how it would wish to undertake the crime and disorder scrutiny role.

**8. TRADING STANDARDS SERVICE DELIVERY PLAN (Pages 79 - 88)**

**9. ANY OTHER BUSINESS**

To consider any other business that the Chair accepts as urgent.

## **CULTURE, TOURISM AND LEISURE OVERVIEW AND SCRUTINY COMMITTEE**

Tuesday, 31 March 2009

Present: Councillor J Hale (Chair)

Councillors G Ellis S Taylor  
M Redfern J Williams  
P Reisdorf

Apologies Councillor T Smith

### 20 **DECLARATIONS OF INTEREST/PARTY WHIP**

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement. No such declarations were made.

### 21 **MINUTES**

Resolved – That the minutes of the meeting held on 27 January and 3 February 2009, be received.

### 22 **MINUTES - MATTERS ARISING**

Further to minute 14 (Warrens Nursery – Petition for Allotments), the Chair asked for clarification regarding the timescale for the review of allotment provision and the options that are available for funding the development of the Allotment Strategy.

The Director of Regeneration referred to his update report on the work of the Development Officer (minute 25 post refers) and reported that a further progress report on the completion of the review would be presented to the September meeting of this committee.

Councillor Ellis asked for a legal opinion on the Council's duty under the Allotments Act to provide new allotment sites. The Director agreed to provide a written response to members regarding this matter.

Further to minute 16 (Capital Programme Bids) the Director of Regeneration gave a verbal update on the outcome of his department's capital programme bids which were listed in Appendix 2 to his previous report to the committee on 27 January. He reported that the schemes for Hoylake Golf Drainage (£400,000) and Landican Crematorium (£3m) were approved.

Members asked for further clarification regarding the application of the criteria which was used for the selection of capital programme schemes. The Director referred to changes in the criteria that affect the schemes that qualify for capitalisation. He agreed to pursue this matter with the Director of Finance and obtain a more detailed response for members.

Councillor Reisdorf asked for further information regarding funding for the improvement of play areas.

The Director reported that the Council had received funding approval for £1.2m under the "Playbuilders" scheme and a report would be presented to a future Cabinet meeting on the development of play policy. The Chair commented that this committee was responsible for play area sites and it should therefore be involved in identifying the play areas that could be improved utilising this funding.

**23 WIRRAL TOURISM STRATEGY - IMPLEMENTATION PLAN UPDATE (JANUARY TO MARCH 2009)**

Juggy Landay presented a quarterly update report on the tourism element of the Destination Marketing Office (DMO) for the period January to March 2009, highlighting the particularly difficult time now facing Wirral's tourism business community due to the current economic downturn, and the strategic approach that was being taken through the Implementation Plan to market Wirral's tourism offer more effectively, help businesses increase trade by attracting more businesses to the Borough, and ultimately encouraging long-term sustainability.

In response to a question from the Chair regarding support for tourism businesses during the current recession, he reported that the DMO was supporting all of the stakeholders and it was engaged with its partners in raising the profile of Wirral's unique facilities and its fantastic coast.

Resolved – That the Committee note the contents of this update report.

**24 WEST KIRBY REGENERATION - THE SAIL PROJECT**

This item had been placed on the agenda at the request of the Chair. He referred to the Cabinet's decision (minute 390 – 19/3/09 refers) to defer a decision on Carpenter Investments' revised design proposals for the Sail Project and reported that this committee had an input regarding the sailing school element of the scheme.

The Chair reported receipt of an email from Mr Martin Harrison on behalf of West Kirby Working Group, drawing attention to defects in the outline design.

Councillor Ellis highlighted some of the issues raised in the email relating to:

- (i) no provision for disabled persons' toilets;
- (ii) the reduced size of the boatyard
- (iii) deletion of the visitors/interpretation centre
- (iv) deletion of the chandler's boat repair shop
- (v) no first aid post

The Chair commented that the public had not seen the revised plans and the parking arrangements. He had particular concerns regarding an area at the junction with Dee Lane which was currently used as an open space for boat launching, but was now shown as a car parking area within the revised plans.

Mr Simon Smith, Acting Manager of the Sailing Centre, addressed the meeting. He reported that the existing building needed replacing and Carpenter's scheme would provide significant improvements in terms of the changing rooms, office accommodation, and a larger boat storage area.

There was a general discussion regarding the design issues and it was agreed that these matters should be drawn to the attention of Cabinet.

Resolved – That this Committee recommend to Cabinet that the officers be asked to liaise with the scheme's architects to ensure that the design issues identified by Members are addressed with specific attention drawn to the need for disabled persons' toilets and the provision of a chandler's boat repair facility.

## 25 **ALLOTMENT DEVELOPMENT OFFICER UPDATE**

Further to minute 14 (27/1/09) the Director of Regeneration reported upon the work of the Allotment officer to date in carrying out initial assessments of all the allotment sites managed by the department with individual site secretaries. An audit of public open spaces (including allotments) was also being undertaken as part of the review of Wirral's Local Development Framework, in accordance with planning policy guidance, to ascertain the use made of existing facilities, access in terms of location and costs and opportunities for new open space.

He reported that funding to employ the Allotment Development Officer was part of an additional £40,000 approved as part of the budget for 2008/09 but made available over a two year period. Approximately £20,000 of this budget allocation would be available to directly fund improvements or to use as match funding for external grant applications. Priorities for the use of this funding would be decided in agreement with the Allotment Steering Group. There were no additional funding implications at this stage but, depending on the outcome of the Allotment Development Officer's work, funding was likely to be required and this would be subject to further reports.

Resolved – That the Committee note this report and note that it will receive a further progress report at the September meeting.

26 **QUARTER THREE SCRUTINY PERFORMANCE MONITORING REPORT**

The Director of Regeneration submitted a report providing an overview of progress against performance indicators and key projects which are relevant to this overview and scrutiny committee.

Resolved – That the Committee note the contents of this report.

27 **ANY OTHER BUSINESS APPROVED BY THE CHAIR**

The Chair reported that this was the last meeting of the committee during the current municipal year and he thanked members and officers for their contribution to the work of the committee.

## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 7 April 2009

<u>Present:</u>	Councillor	D Roberts (Chair)	
	Councillors	S Moseley A Bridson J Williams	P Johnson J Keeley M Redfern
<u>Cabinet Member</u>	Councillor	G Gardiner	
<u>In Attendance</u>	Councillor	R Moon	A Taylor

### 33 DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

### 34 MINUTES

**Resolved – That the minutes of the meeting held on 28 January 2009 be approved.**

### 35 REDUCING THE COUNCIL'S CARBON FOOTPRINT - PROGRESS REPORT

The Director of Technical Services presented a six monthly progress report on the various projects being undertaken by Technical Services to achieve the Council's Corporate Objective to 'Reduce the Council's Carbon Footprint', as set out in the Carbon Reduction Programme. He set out performance to date in relation to the reduction of carbon emissions and commented that with the Cabinet approval of the implementation of the CRed initiative, the Council had now adopted the challenging CRed target of a 60% reduction by 2025 and would be working with residents, communities and both the public and private sectors to achieve their own reductions. He outlined the year on year improvements required by the Council to achieve the target and he provided details of progress on individual Council projects.

In response to various comments from members in relation to microgeneration and renewables, the Director referred to ongoing work to encourage the participation of schools and to alternative proposals for sustainable energy at Thurstaston Visitor Centre. He commented also that the biomass boiler at the Floral Pavilion was now fully operational and there were plans to install similar systems at the new developments at Woodchurch High School and Park Primary School. The boilers

were fuelled by woodchip pellets and he indicated that the system was classed as sustainable because of the proximity of supply. In response to a further question regarding staff business mileage, the Director proposed to present a report to a future meeting following analysis of the figures for 2008/2009.

**Resolved – That the performance and progress of the various Council ‘Carbon Footprint Reduction’ projects undertaken to date by the Technical Services Department be noted and endorsed.**

#### 36 **WIRRAL WASTE WATER TREATMENT WORKS - UPDATE**

The Director of Regeneration reported upon progress that had been made in tackling serious problems of odour nuisance and other issues arising from the Waste Water Treatment Works at Birkenhead, Meols and Bromborough. He introduced Mr L Jones and Mr P Bellis from United Utilities, who gave a detailed presentation on the measures developed and action taken to tackle the problems. The presentation identified the scope of improvement work at each plant and indicated that the total cost of the various projects amounted to £15.5m. The impact of the work had been a steady decline in the number of complaints and the combined commitment of officers, United Utilities staff, ward Councillors, members of the Overview and Scrutiny Committee and local residents had brought about a solution that the evidence suggested had resolved problems that had been a considerable blight on local communities.

Ward Councillors expressed their thanks on behalf of local residents for the significant improvements that had been achieved through close partnership working that had been developed between the Council and United Utilities.

**Resolved – That the measures taken to deal with the problems arising from the waste water treatment works in Wirral and the considerable improvements that have accrued as a consequence of the joint commitment of all those involved, be noted.**

#### 37 **LOCAL ENVIRONMENTAL QUALITY (LEQ) - PROJECT PLAN UPDATE**

Further to minute 180 (4 September 2008), the Director of Technical Services presented the latest version of the Local Environmental Quality (LEQ) Project Plan for 2008/2009. The Plan was prepared by Technical Services in partnership with Biffa Waste Services, Regeneration, Together Neighbourhood Management and local housing associations and it aimed to achieve the LEQ objectives set out in the Council’s Corporate Plan and Wirral Local Area Agreement. He outlined completed projects and provided updates in relation to various projects that were ongoing and were contained within the latest plan. He referred to an independent survey of the key Super Output Areas (SOA’s) undertaken by Encams, which revealed that the cleansing standards, as scored with the NI195 methodology, were almost three times as poor when compared with the overall Borough-wide scores. He presented the results of both an SOA-specific and a borough wide survey and he commented that the significantly greater improvement in the SOA areas compared to the rest of the Borough had demonstrated that the Council had ‘narrowed the gap’ in environmental quality standards. He reported that a new LEQ Project Plan was currently being developed for 2009/2010 and he set out projects being developed for next year to address LEQ issues throughout the borough.



A member referred to the continuing problems across the Borough associated with fly tipping, particularly on private land or on land in indeterminate ownership. The Director asked for details of specific problem areas to be notified to him and he commented that issues associated with Merseyrail would be dealt with at a regional strategic level. He referred also to the criteria for awards made under the Tidy Business scheme and agreed with members that greater publicity would help to promote the positive message they sought to convey. In response to a further comment in relation to projects outside SOA's, the Director agreed to hold a workshop for members with regard to the promotion of the Tidy Business Campaign across Wirral.

**Resolved – That the progress made in delivering the LEQ Project Plan for 2008/2009 be noted and endorsed.**

### 38 FLY TIPPING AND ENFORCEMENT - PROGRESS REPORT

Further to minute 43 (5 March 2008), the Director of Technical Services reported upon the current position with regard to performance against National Indicator NI196 (Fly Tipping). He commented that fly tipping had a significant and detrimental impact on the quality of life of the communities in affected areas and he outlined present enforcement initiatives being undertaken. In particular, fly tipping of domestic waste in alleyways and side waste at bin collection points was being tackled through a combination of education and robust enforcement for the most serious and persistent offenders, culminating in fixed penalties or court prosecutions as appropriate. He reported upon the results of a major education, awareness and enforcement campaign pilot, which took place in the Poulton area on 9 March 2009 and upon the results of a second round of inspections undertaken in the targeted area on 6 April 2009.

The Director provided an operational update with regard to street cleansing and reported upon a benchmarking exercise with other local authorities in order to improve performance sufficiently, by way of a reduction in the number of fly tipping incidents and an increase in the number of recorded actions, to achieve a top quartile position. In response to a comment from a member, the Director agreed to circulate the results of the benchmarking exercise direct to members. Consideration was also given to the issue of bins being left on the highway or in an unsafe position after collection. In response to further questions from members regarding the fees that were imposed in relation to stolen or missing bins, the Director agreed to circulate details of the charging policy to all members of the Council.

The Director reported also that the Government was committed to dealing with improving local environmental quality and tackling waste crime such as fly tipping. As part of DEFRA's continuing partnership with ENCAMS to tackle the issues, ENCAMS had provided free technical support for a select number of local authorities aimed at reducing fly-tipping, through the formulation of fly-tipping prevention strategies. As one of the selected authorities, Wirral Council and other LAA partners such as the Police, Fire Service and Environment Agency received a one day workshop in January 2009, where the discussion covered the extent and impact of fly-tipping in the local area, examined current initiatives, identified gaps in prevention and highlighted good practice. He commented that the work culminated in a multi-agency Fly-tipping Implementation Plan, which he appended to his report.

**Resolved –**

**(1) That the current position regarding fly tipping, as measured by National Indicator NI196, be noted.**

**(2) That the Fly-tipping Implementation Plan be endorsed and a progress report be presented to the relevant Overview and Scrutiny Committee in 12 months time in relation to progress in delivering the plan.**

**39 HEALTH AND SAFETY ENFORCEMENT ACTIVITY**

The Director of Regeneration reported upon recent work undertaken by Environmental Health Officers working within the Health and Safety Enforcement section of the Environmental Health Division and he outlined the progress made by a range of local and regional campaigns aimed at promoting the Health and Safety Commission's 'Fit 3' initiative. The initiative set the following national targets – a 35% reduction in the incidence rate of work related fatal and major injuries; a 6% reduction in incidence rate of cases of work related ill health and; a 9% reduction in the incidence rate of days lost due to work related injuries and ill health. The Health and Safety Enforcement Team had identified and prioritised those 'Fit 3' campaigns, projects and interventions that were most relevant to the workforce in Wirral and had fully supported the 'Fit 3' programme, recognising that in order to effectively contribute towards meeting the national targets, efforts needed to be focused in partnership with the HSE. To promote consistency, good practice and joint working on shared priorities across the Merseyside region the team also worked closely with 'Environmental Health Merseyside', a collaboration of all greater Merseyside Authorities. The Director commented also that whilst officers always tried to take a proportionate, informative and educative approach to enforcement, where there had been a clear and flagrant disregard for health and safety, it was necessary to consider formal action and he set out a number of the most recent prosecutions.

In response to comments from members in relation to the recovery of legal costs, the Director indicated that officers always sought to recover the costs incurred by the Department of Law, HR and Asset Management, external agents, and Environmental Health. However, the costs awarded, if any, were entirely at the discretion of the courts.

**Resolved – That the report be noted and the Health and Safety sections continuing work programme in support of The 'Fit 3' programme, be endorsed.**

**40 THE ROLE OF TRADING STANDARDS IN SUPPORTING THE NATIONAL ENFORCEMENT PRIORITY OF FAIR TRADING**

The Director of Regeneration reported upon legislative changes and Trading Standards activity to meet the national enforcement priority concerning fair trading. He indicated that it was a broad policy area and included trade descriptions, trade marks other misdescriptions of goods and services, doorstep selling and protecting the vulnerable from scams and rogue traders, and ensuring business compliance with consumer protection legislation. He commented that a National Indicator, NI 183, had been developed to ensure that local authorities targeted resources towards traders who deliberately broke the law and caused consumer detriment, rather than inspecting compliant traders.

**Resolved – That the report be noted and the work of the Trading Standards service in relation to fair trade in Wirral be endorsed.**

41 **QUARTER 3 - SCRUTINY PERFORMANCE MONITORING REPORT**

The Director of Technical Services provided an overview of progress against performance indicators and key projects in relation to the Technical Services and Regeneration Departments, which were relevant to the Environment Overview and Scrutiny Committee. He indicated that performance reports were in relation to relevant performance indicators and key actions that were contained within the council's corporate plan and departmental plans and they included any of 198 indicators featured within the national indicator set relevant to the committee.

In response to a comment from a member regarding sickness absence comparisons with other local authorities, the Director proposed to present a report to a future meeting of the relevant overview and scrutiny committee.

**Resolved – That the report be noted and a further progress report be presented to the next meeting of the relevant Overview and Scrutiny Committee.**

42 **REVIEW OF SCRUTINY WORK PROGRAMME**

The Chair presented an update report on the work programme for the Committee and, having regard to the views of the Cabinet in relation to scrutiny, requested members' consideration as to any issues they wished to be included within the work programme for the forthcoming municipal year for the relevant Overview and Scrutiny Committee with responsibility for those issues currently within the remit of this Committee.

In response to comments from members in relation to items that had been selected for inclusion in the Environmental Streetscene Services Contract Work Streams, the Director of Technical Services agreed to present a report to the next appropriate meeting. He also proposed to report further upon 'signposting' scripts that were being developed to ensure the right advice was given to members of the public.

**Resolved –**

**(1) That the report be noted and the officers be requested to report to the next meeting of the appropriate Committee in order to agree a work programme for the forthcoming municipal year.**

**(2) That the officers be requested to liaise with officers from Peel Holdings regarding the submission of the local Environmental Plan.**

43 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

The Chair and spokespersons thanked the members of the Committee and the officers in attendance for their commitment and hard work during the past municipal year.

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## HOUSING AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 19 March 2009

Present: Councillor A Taylor (Chair)  
Councillors C Blakeley B Kenny  
F Doyle AR McLachlan  
L Fraser

Deputies: Councillors T Anderson (in place of T Pritchard)

### 46 DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had a personal or prejudicial interest in any matters to be considered at the meeting and, if so, to declare them and state what they were. Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any matter to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor McLachlan declared her prejudicial interest in item 4 (Presentation – HMRI Progress in North Birkenhead and Tranmere) (minute 49 post) by virtue of the fact that some of the initiatives were focused within the Bidston and St James ward.

Councillor Kenny declared his prejudicial interest in item 4 (Presentation – HMRI Progress in North Birkenhead and Tranmere) (minute 49 post) by virtue of the fact that some of the initiatives were focused within the Birkenhead and Tranmere ward.

### 47 MINUTES

**Resolved – That the minutes of the meeting held on 15 January, 2009 be approved.**

### 48 PROPOSED ADJOURNMENT

Councillor Blakeley expressed disappointment that neither the Director of Regeneration nor the Cabinet Member were present at the Committee due to the Cabinet meeting on the same night. The clash was occurring because the Council calendar had been changed by Cabinet during the year so that Cabinet met every three weeks rather than every two.

It was moved by Councillor Blakeley and seconded by Councillor Fraser –

‘That the meeting be adjourned.’

The motion was put and lost (3:4).

The Chair read out a statement from Councillor G Davies in which he informed the Committee of his regret that he couldn't, for a second time this year, be present at the Committee meeting. He did take his responsibilities to the Committee very seriously.

Councillor Kenny stated that it was unfair to make a personal attack on Councillor Davies and Councillor McLachlan suggested as a scrutiny committee there was a need to work together.

Councillor Blakeley welcomed the statement from the Cabinet Member but stated that as a member of the Cabinet he was partly responsible for the decision to change to 3 weekly cycles, though he was not attacking him personally.

The Chair stated that it was unfortunate that the Cabinet Member could not be present but there was also no requirement that he should be.

#### 49 **PRESENTATION - ROUGH SLEEPERS AND STREET DRINKERS**

Catherine Green, Rehousing Services Manager, in the Regeneration Department, gave a presentation to the Committee on rough sleepers and street drinkers. She outlined the background, national picture and strategy, the situation in Wirral and future plans, including the work of the Town Centre Outreach Project, YMCA cold weather provision and partnership working.

She gave details of initiatives which needed to be built on, such as:

- Improvements to Charles Thompson Mission
- Housing Options Approach
- Hostels as Places of Change
- Enhanced drug and alcohol provision
- Housing Priority Panel
- Move-on Support
- Multi Agency Monitoring

Responding to members' comments both she and the Head of Housing and Regeneration explained the definition of a rough sleeper and the overlap with and differences to those persons regarded as homeless. Intervention measures meant that more people were being dealt with and that the statistics did not always show the real picture. Most victims of domestic violence would be picked up under statutory homeless legislation.

Members expressed a view that with the economic downturn there would perhaps be a need for more investment in provision for rough sleepers. They suggested that the target of zero rough sleepers by 2012 would not be achievable as there would always be a hardcore. A member suggested that the idea of a 'wet-house' where street drinkers could go during the day and where drinking could be controlled could be looked into. More resources were needed to address the problems of alcoholism.

**Resolved –**

**(1) That the thanks of the Committee be accorded to Catherine Green for her very informative presentation.**

**(2) That the Committee receive a further report on the issue in 12 months time.**

**50 PRESENTATION - HMRI PROGRESS IN NORTH BIRKENHEAD AND TRANMERE**

Chris Bowen, Housing Market Renewal Initiative Manager, Regeneration Department, gave a presentation to the Committee on the progress of the Housing Market Renewal Initiative in North Birkenhead and Tranmere and provided members with an update on each scheme in the two areas.

Responding to comments from members, Chris Bowen stated that with the closure of the Cavendish Enterprise Centre there was a rent support scheme to bridge the gap in any increase in rents, 100% in the first year, 80% in the second and so on for a five year period, for businesses having to move premises. He also referred to the national issue of confidence in the housing market and the scarcity of funds for new build schemes.

A member referred to the success of the Triangle Group Repair Scheme and offered congratulations to the whole team for this regeneration and also for the Ilchester Park scheme.

**Resolved – That the presentation and comments be noted.**

**51 QUARTER 3 SCRUTINY PERFORMANCE MONITORING REPORT**

The Director of Regeneration provided an overview of progress against performance indicators and key projects during the third quarter which were relevant to the Housing and Community Safety Overview and Scrutiny Committee. He set out progress of key projects, provided a direction of travel and target summary and highlighted those performance indicators that had either deteriorated, were not on target, were over-performing or were awaiting data.

Responding to comments from members, the Head of Housing and Regeneration reported that the absence figures were for the period December, 2007 to November, 2008, prior to agreement on the Strategic Asset Review, although there had not been any discernible rise in the figures following agreement to the review. It was possible to break the sickness figures down and he would look into this, however, there was a corporate way in which they were recorded.

In respect of the anti-dog fouling measures and 'reward cards' for dog owners, the Director stated that he would circulate to Committee members more information on the reward card scheme.

**Resolved – That the report be noted.**

52 **REVIEW OF SCRUTINY WORK PROGRAMME**

The Committee received an update on its work programme, which indicated the reports considered or to be considered by the Committee over the current municipal year.

The Chair thanked the Committee for their support in that they had managed to get through their programme of work for the year.

Members made comment on a possible future work programme, although until the situation was clearer as to which Committees there would be and their membership, it was felt that the best time to programme work would be at the start of the new municipal year.

**Resolved – That the report be noted.**

53 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

A member raised the issue of the housing waiting list and the statistics which were provided to Central Government.

The Director responded that he would be happy to provide a full written response on the compilation of these statistics.



## **STREETSCENE AND TRANSPORT SERVICES OVERVIEW AND SCRUTINY COMMITTEE**

Wednesday, 1 April 2009

<u>Present:</u>	Councillor	H Smith (Chair)	
	Councillors	T Anderson	D Mitchell
		P Hayes	P Reisdorf
<u>Apologies</u>	Councillors	R Abbey and A Hodson	
<u>Cabinet Member</u>	Councillor	J Quinn	

### **33 DECLARATIONS OF INTEREST/PARTY WHIP**

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement. No declarations were made.

### **34 MINUTES**

Resolved - That the minutes of the meeting held on 24 February, 2009 be accepted as a correct record.

### **35 ROAD SAFETY UPDATE**

This item had been placed on the agenda at the request of Councillor P Hayes. He referred to the timing of his request for an update report and reported that improving road safety to achieve the Corporate Priority of reducing the number of serious accident casualties on the highway network was identified as a key issue for detailed scrutiny within this committee's Scrutiny Work Programme for 2008/ 09.

The Director of Technical Services reported that road safety work was ongoing with partner agencies and the progress that was being made reflected the Corporate Improvement Plan priority to reduce road traffic accidents. The new Road Safety Project Plan for 2009 was currently being prepared for submission to the May/June Cabinet meeting and detailed analysis of the accident statistics for 2008 and comparative data would be used to identify priorities for action. The accident statistics were produced annually for the year ending 31 December, 2008 and the finalised results were still awaited,

The Director referred to previous discussions concerning the Ofsted Inspection Report and the commentary on KSI's which was based on 2006 figures. The provisional accident figures for 2008 showed the Council working together with partner agencies was continuing to make progress towards the achievement of local and national performance indicator targets. The highlights were:

Child KSI's (16/17 in 2008). This was the third consecutive year of improvement in excess of 50% over a 3 year period and on course to achieve the 2010 target.

Motorcyclists (21 in 2008) This was the fourth consecutive year of improvement and an 80% improvement over a 4 year period.

All KSI's (150 in 2008) This was the fourth consecutive year of improvement and a 27% improvement over a 4 year period.

Councillor Jean Quinn, Cabinet Member, emphasised the importance of road safety and suggested that Road Safety Project Plan which was currently being updated could provide an opportunity for this committee to undertake some detailed scrutiny work.

Members thanked the Director and his staff for their efforts in improving performance against the targets for reducing the number of serious accident casualties on the highway.

Resolved – That the report be noted.

## 36 **SCHOOL TRAVEL PLANNING - PROGRESS REPORT**

The Director of Technical Services submitted a report detailing the background and current status of the School Travel Plan (STP) initiative.

The primary aim of School Travel Plans was to steer the school community away from private car trips to and from school, and towards more sustainable form of travel, such as walking, cycling, use of public transport and car sharing. This process of change was known as Modal shift. The benefits included improved road safety around the vicinity of the school, increased health and fitness of the school community and reduced pollution. School Travel Plans were also linked to other programmes, such as the work of the Road Safety team and cycle training initiatives.

The Director reported that the STP detailed the issues and concerns of the school and local community through surveys and consultation. In addition to a variety of physical schemes designed to remove barriers to sustainable journeys to schools, a significant amount of consultation work was being undertaken, and a cross section of initiatives was detailed in the report (Appendix1). A range of physical schemes for inclusion in the 2009/10 programme would be reported to a future meeting of this committee.

He reported that despite the good overall progress (with 68.34% of schools adopted), the difficulties in engaging with remaining schools meant that the department was unlikely to meet the aspirational 100% target by 2010 and it was anticipated that this would now be met in 2011. The schools that were classed as 'hard to engage' were

those which had not as yet confirmed their submission date or, had indicated they would not be undertaking the development of a Travel Plan. In comparison to other areas of Merseyside (Table2) and with other local authorities in the North West (Appendix 3) Wirral was progressing comparatively well. The schools that had committed to develop their School Travel Plans between now and 2010 were listed in Table 3 to the report.

The government's national performance indicator 198 measured the proportion of school aged children in full time education travelling to school using various modes of transport and walking. The data was currently being compiled and progress against this indicator would be reported to a future meeting.

A graph showing the number of children killed or seriously injured in road crashes on Wirral's roads indicated that good progress was being made toward the national target of reducing such incidents by 50% by 2010.

The Director responded to questions from members relating to:

- Resourcing issues in terms of developing and updating STP's and undertaking a range of initiatives to generate "modal shift"
- Staffing turnover and recruitment issues
- The hard to engage schools (Table1) and the involvement of Members both individually (as school governors) and collectively through the decision of this overview and scrutiny committee to support the STP initiatives.

Resolved – That the Committee note and endorse the ongoing progress made in relation to School Travel Planning.

### 37 **CARDIGAN ROAD, NEW BRIGHTON - OUTSTANDING OBJECTIONS TO ADVERTISED TRAFFIC REGULATION ORDER**

The Director of Technical Services reported concerning two objections received in response to the notice of intention to introduce waiting restrictions on part of Cardigan Road, New Brighton.

The Director responded to the objections and reported upon the need for this scheme. He explained that the scheme was initially developed due to the receipt of a petition from the residents and carers of Cardigan Road regarding inconsiderate parking on the south side which can block access to and from their driveways. The scheme was welcomed by the local ward councillor who had attended the site meetings with residents.

He reported that Cardigan Road was wholly fronted by adapted housing for persons with physical and learning difficulties and the safe and expeditious movement of vehicles associated with this housing must take precedence over parking on the highway. It has been observed on site that the parking on part of the south side of Cardigan Road obstructed and hindered accessibility to the highway network for the residents as well as causing potential road safety concerns. Management by way of double yellow lines was considered the most appropriate measure to ease the situation.

The objectors' suggestion that the proposed "No Waiting At Any Time" restriction could be reduced to limited waiting had been considered but due to the nature of the disabilities of some of the residents on Cardigan Road, safe and unimpeded access to the highway network was needed at all times.

Resolved – That the Committee note the objectors' concerns but endorse the findings of this report and recommend to the Cabinet Member that the scheme to introduce a "No Waiting At Any Time" Traffic Regulation Order, as shown on Plan No. 31/09, be approved.

## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

In support of Objective 2 of the Corporate Plan, which is:

***to create a clean, pleasant, safe and sustainable environment, and in particular to:***

- ***sustain improved levels of recycling;***
- ***reduce the Council's carbon footprint;***
- ***reduce the number of people killed or seriously injured in road accidents,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive; and

(v) specifically, act as the Council's **crime and disorder committee** for the purposes of Section 19 of the Police and Justice Act 2006 (as amended);

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Streetscene and Transport Services**

- (1) Highways, streets and footpaths, including street lighting and related enforcement activities.
- (2) Traffic regulations and road safety.
- (3) The management of Council car parks.
- (4) Liaison with the MITA and other external organisations.
- (5) Reservoirs, sewerage and land drainage.
- (6) The provision of civil engineering services to the Council.
- (7) The provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.
- (8) Coast protection and sea defences.
- (9) Restricted and selective tendering for civil engineering services.
- (10) Grass cutting in residential areas

- (11) Weed control.
- (12) Refuse collection and street cleansing.
- (13) Advertisement control.

### **Environment**

- (14) Trading standards and consumer protection.
- (15) Food safety and hygiene.
- (16) Home safety.
- (17) Health education.
- (18) Control of communicable diseases.
- (19) Port health.
- (20) Monitoring of waste disposal.
- (21) Recycling
- (22) Public conveniences.
- (23) Preservation and improvement of amenities in residential areas.
- (24) Clean air and pollution control.
- (25) Abatement of nuisance (other than statutory nuisance in private dwellings).
- (26) Identification and action in relation to derelict land and buildings.
- (27) Sea Fisheries.
- (28) The development and implementation of strategies for continually improving sustainability and reducing the environmental impact of the Council, its policies, plans, programmes and services.

### **Culture, [Tourism] and Leisure**

- (29) The provision of leisure and cultural services including:
  - library services;
  - museums and galleries, promotion of the Arts;
  - civic theatres, entertainment and cultural activities;
  - swimming pools, sports halls and indoor recreation;
  - parks, recreation grounds, and adventure playgrounds;
  - public playing fields, outdoor sports facilities.
- (30) Community centres and public halls.

- (31) Sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (32) Resort activities, including publicity.
- (33) Beaches and the Beach Lifeguard Service.
- (34) The provision of country parks and allotment gardens.
- (35) The provision and management of cemeteries and crematoria.
- (36) The heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion.

### **[Housing and] Community Safety**

- (37) Community Safety including:
- Co-ordinating neighbour nuisance policies in the private and public sector.
  - Co-ordinating anti-social behaviour policies.
  - Working with partners, the Police and other Cabinet members on youth diversion schemes.
  - Working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team.
  - Working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet member for Environment.
  - The use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
  - The Council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers and duties;
  - Liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;
  - The development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social Behaviour Strategy
- (38) The operation and development of Community Patrol.

### **Corporate Resources**

- (39) The Emergency Plan and resilience issues.

### **All portfolios**

- (40) Those parts of the Corporate Plan within the remit of this Committee,
- (41) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.
- (42) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(43) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.



## WIRRAL COUNCIL

### SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE –

1 JUNE 2009

#### REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

#### PROPOSED FORMATION OF A HIGHWAYS AND TRAFFIC REPRESENTATIONS PANEL

##### 1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines previous practice in handling the receipt of unresolved petitions on highway and traffic matters and objections to Orders advertised under statutory procedures.
- 1.2 It recognises the wider remit of this Committee when compared with that of the former Streetscene and Transport Services Overview and Scrutiny Committee.
- 1.3 It proposes a streamlining of the business activity of this Committee to give more time to strategic issues by way of the establishment of a Highways and Traffic Representations Panel.

##### 2.0 BACKGROUND

- 2.1 Amongst other matters relevant to his discharge of duties, the Director of Technical Services is authorised to exercise the following powers and functions as described in the constitution of the Council in respect of highway and traffic matters:

A Exercise all the powers and duties of the Council arising under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Cycle Tracks Act 1984 and the Countryside and Rights of Way Act 2000 (including for those consents, licences and footpath matters specifically to be discharged as a non-executive function by the Licensing, Health and Safety and General Purposes Committee) as follows:-

- creation of highways under Part III of the Act;
- maintenance of highways under Part IV of the Act;
- improvement of highways under Part V of the Act;
- stopping-up and diversion of highways under Part VIII of the Act, including the making of gating orders.

B Exercise all the powers and duties of the Council under the provisions of the Road Traffic Regulation Act 1984 relating to the making of Traffic Regulation Orders, the establishment of pedestrian and school crossings, the provision of parking places and the placing of traffic signs, save for those orders where objections are raised, in which case, objections lodged to the making of a Traffic Regulation Order will be considered by the Streetscene and Transport Services Overview and Scrutiny Committee, prior to a decision being made by Cabinet as to the confirmation of the order or otherwise.

C Exercise all the powers and duties of the Council under the provisions of the Traffic Management Act 2004, including the civil enforcement of traffic contraventions.

D Consider and determine, in consultation with Ward Members and the Police, all applications for the provision of on-street parking bays for the disabled.

- 2.2 In exercising these powers, the statutory procedures in advertising the intent to regulate the highway generates objections which cannot be satisfied by officers and necessitates Member involvement.
- 2.3 Before making an Order, the order making authority, in this case Wirral Council as the Highway Authority, shall under the terms of the Local Authorities Traffic Orders Procedures Regulations 1996, consider all objections duly made and not withdrawn.
- 2.4 Within due process and under the Constitution of the Council, this role has been delegated to the Overview and Scrutiny Committee. Previously this was the Streetscene and Transport Services Overview and Scrutiny Committee and now it is your Committee. The specific terms of reference (inter alia) for your Committee being:
- highways, streets and footpaths, including street lighting and related enforcement activities.
  - traffic regulations and road safety.
- 2.5 In addition to your Committee considering unresolved objections to advertised highway and traffic Orders, it shall under Standing Orders 21 and 34, consider unresolved petitions. The appropriate reference in Standing Order 34 being inter alia:-
- (b) if the Chief Officer(s) cannot effect a remedy to the complaint within a reasonable time, the Chief Officer(s) shall submit, and report on, the petition to the next convenient meeting of the appropriate Overview and Scrutiny Committee or ordinary committee and shall advise the petitioners accordingly.
  - (c) if a petition is referred to committee in accordance with paragraph (b) above a representative of the petitioners shall be entitled to address the committee on the subject of the petition for a period of up to five minutes (or, exceptionally, for such longer period as the committee may allow).
- 2.6 The nature of reports submitted to the former Streetscene and Transport Services Overview and Scrutiny Committee were primarily traffic and highway related with objections and petitions being considered over a wide range of activity. Upon arriving at a recommendation, and if not a Key Decision item under the scheme of delegation, items were referred onto the Cabinet Portfolio Holder who had the authority to approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters to which objections have been lodged, and where he/she agrees with the recommendation.

### **3.0 CURRENT SITUATION**

- 3.1 Officers are mindful of the wider remit of your Scrutiny Committee compared with that previously enjoyed and also of the reduced number of meetings scheduled in the municipal year.
- 3.2 In relation to the change to the Constitution to halve the number of Overview and Scrutiny Committees, this would certainly help to promote a more strategic approach with more emphasis on a work programme focusing on important policy areas/decisions, however we would be left with the practical issue of how to deal with a large amount of lower level business considering objections to Traffic Regulation Orders etc which took up so much time of the Streetscene & Transport O&S Committee.
- 3.3 Over the last twelve months it is estimated that in the six sittings of the former Streetscene and Transport Services O&S Committee with five of these having had public representation, that five hours of Committee time has been spent in considering the reports and representations on these unresolved objections and petitions.

3.4 In terms of the future workload of the Department on highway and traffic matters, it is envisaged that community engagement on initiatives such as verge and pavement parking enforcement, the ongoing speed limit and traffic regulation order review, the roll out of capital schemes and the on-going receipt of petitions will continue to generate a significant workload not only for officers but for Committee in discharging and making decisions on unresolved issues.

3.5 With the current situation in the way in which the Council discharges its functions and responsibilities through the Overview and Scrutiny Committees and the reduced number of scheduled meetings, it is the Director's view that some assistance to the discharge of functions could be realised by streamlining the decision making process. Clearly this is for Members to determine, however the proposal below is seen as offering a workable solution.

#### **4.0 PROPOSAL**

4.1 This proposal is along the lines of that adopted by Liverpool City Council, which has for the last two years had a Highways and Traffic Representations Committee comprising of only three Members.

4.2 Over a twelve month period, the Highways and Traffic Representations Committee at Liverpool City Council met on a number of occasions looking at issues including:

- a proposed application for a Gating Order under s129a of the Highways Act 1980
- an objection to a proposed TRO relating to the reinstatement of a Disabled Residents Parking Place
- an objection received to the relocation of a set of speed cushions within the Local Safety Scheme
- objections received to proposed waiting restrictions
- objections received to a proposed TRO relating to pedestrian refuge islands
- an application relating to the amendment of the existing waiting restrictions (no waiting at any time)
- objections received to an application for a s115e Highways Act 1980 pavement café licence
- objections received to the Traffic Regulation Order (TRO) for an extension to the Football Match Parking Zone and the introduction of a 20 mph Zone and associated Hump Notice

4.3 Committee will note the similarity in the above subject matter to that discharged by Wirral Council's former Streetscene and Transport Services Overview and Scrutiny Committee.

4.4 Recognising that the decision-making powers lie with the full body of your Sustainable Communities Overview and Scrutiny Committee, *the proposal is to establish a Highways and Traffic Representations Panel which will not have executive decision-making powers, but will be able to hear both public representations and receive officers reports.* The Panel would then arrive at a decision on the issue in question which would then be subsequently referred on to the full meeting of your Committee for endorsement and then through normal due process for ratification by the Cabinet Member or indeed Cabinet.

4.5 It is envisaged that the public's opportunity for representation will be at the Panel and not at your main committee. It is also envisaged that meetings will be convened as and when required, be supported by Committee Services officers and for the meetings to be held at Wallasey Town Hall.

4.6 The proposed composition of the Highways and Traffic Representations Panel is:-

- the Chair of the Sustainable Communities Overview and Scrutiny Committee; plus
- Party Spokespersons or their nominees from the other two political parties.

## 5.0 APPOINTMENT OF PANELS – PROCEDURE

(a) Members of panels must be appointed by the parent committee; and appointments cannot be made by the Council. Standing Order 33 (1) requires that Committees should keep the need for panels under review and, in particular, the position must be reviewed at the first meeting of a Committee in each municipal year.

As a result of a High Court judgement, only named deputies may attend panel meetings in place of a permanent member. Standing Order 25(6) permits appointment of up to a maximum of eight deputies for each political group and such deputies shall be authorised to deputise for any member of their group who is unable to attend a meeting. It should be noted that deputies are normally called to serve in the order in which they are nominated.

Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political groups represented on the Council are entitled to attend meetings of all committees and sub-committees, with the right to speak but not to vote (Standing Order 25(4)).

Minutes of the Highways and Traffic Representations Panel will be submitted to this Committee for information.

(b) The suggested membership of the Highways and Traffic Representations Panel in 2009-2010 (including deputies) is shown below:

	<u>Members</u>	<u>Deputies</u>
1 Labour Councillor	H Smith Chair)	B Kenny J Williams
1 Conservative	S Moseley (S)	T Anderson J Hale S Taylor
1 Liberal Democrat	P Reisdorf (S)	D Mitchell M Redfern

## 6.0 FINANCIAL IMPLICATIONS

6.1 No direct financial implications, however there could be savings in officer time by streamlining the Committee's business, particularly if Panel meetings were held during the daytime.

## 6.0 STAFFING IMPLICATIONS

6.1 Existing staff are engaged in administering the objections and petitions process.

## 7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are no implications under this heading.

## **8.0 COMMUNITY SAFETY IMPLICATIONS**

8.1 There are no implications under this heading.

## **9.0 LOCAL AGENDA 21 IMPLICATIONS**

9.1 There are no implications under this heading.

## **10.0 PLANNING IMPLICATIONS**

10.1 There are no planning implications.

## **11.0 ANTI-POVERTY IMPLICATIONS**

11.1 There are no implications under this heading.

## **12.0 SOCIAL INCLUSION IMPLICATIONS**

12.1 There are no implications under this heading.

## **13.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

13.1 The highway and traffic matters referred to in this report have implications for all Wards.

## **14.0 BACKGROUND PAPERS**

14.1 There are no background papers. Relevant extracts of the Council's Constitution are referred to in the report.

## **15.0 RECOMMENDATIONS**

15.1 Committee is requested to note the report and approve the establishment of a Highways and Traffic Representations Panel as identified.

DAVID GREEN, DIRECTOR  
TECHNICAL SERVICES

**UNRESOLVED OBJECTIONS/PETITIONS CONSIDERED BY  
STREETSCENE & TRANSPORT OVERVIEW & SCRUTINY COMMITTEES  
JUNE 2008 – APRIL 2009**

**5 June 2008 (4 items out of 12)**

<b>Report Title</b>	<b>Decision</b>
<b>Irby Road, Pensby – Proposed Puffin Crossings</b>	Resolved - That this Committee endorses the provision of two puffin crossing schemes on Irby Road adjacent to the Pensby Girls and Pensby Boys Schools, as proposed in the Director's report.
Outstanding Petitions – Marfords Avenue, Bromborough	Resolved (4:3) - That this Committee endorses the recommendation of this report that no further action be taken at this time other than to monitor the situation.
Outstanding Petition – Heyes Drive/Leasowe Road, Leasowe	Resolved - That a site visit, at peak time, be organised for the Committee to see the situation more clearly.
Morpeth Wharf, Egerton Wharf, Tower Wharf, Tower Road, Birkenhead – Consideration of Objections to the Advertisement of a Traffic Regulation Order for Waiting Restrictions	Resolved - That this Committee notes both the objections to and comments in support of proposed waiting restrictions in Egerton Wharf, Morpeth Wharf, Tower Wharf and Tower Road, and recommends to the Cabinet Member that the traffic regulation order be made as advertised.

**23 June 2008 (1 item out of 3)**

<b>Report Title</b>	<b>Decision</b>
<b>Proposed Gating Order – Footpath running beneath Rock Ferry Bypass linking Rock Park (west side) and Rock Park (east side), Rock Ferry</b>	Resolved - That this Committee is satisfied that the criteria in section 2.2 of the report are met and, having considered the representations, recommend to Cabinet that the Gating Order be made.

**8 September 2008 (3 items out of 6)**

<b>Report Title</b>	<b>Decision</b>
<b>Northwood Road, Prenton – Objections to Proposed Waiting Restrictions</b>	Resolved – That the Committee note the objectors' concerns and comments  relation to proposed waiting restrictions for the junction of Northwood Road  and Woodchurch Road, Prenton and recommends to the Cabinet Member  that the Traffic Regulation Order be made as advertised.
Petition – North Wallasey Approach Road, Wallasey	Resolved –  (1) That the Committee note and endorse the progress made in relation to considering the petition as outlined in this report.  (2) That a further report be presented to the next

	meeting of this committee.
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Objections – Proposed Puffin Crossing – Heath Road, Bebington	Resolved (4:3) - That the Committee note the objections received and for the reasons stated in this report recommend to the <b>Cabinet Member</b> that the puffin crossing scheme, as shown on Drawing No. Beng/52/08, be approved for implementation.
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### 19 November 2008 (4 items out of 8)

Report Title	Decision
Objections: Safer Routes to School Schemes	Resolved – That the Committee note the objections received and for the reasons stated in this report recommend:  (i) to the <b>Cabinet Member</b> that the “Safer Routes to School” schemes, as shown on Drawing Nos. Beng62/08a, Beng62/08b, be approved for implementation.  (ii) to the Leader of the Council that the “Safer Routes to School” scheme, as shown on Drawing No Beng62/08c. , be approved for implementation.
Objections: Speed Reduction Scheme – Berrylands Road Area, Moreton	Resolved –  (1) That the Committee note the objections received and the officer responses and recommend to the <b>Cabinet Member</b> that the “Speed Reduction” scheme, as shown on Drawing No. Beng/67/08/a, be approved for implementation in the Berrylands Road Area. (2) That the Director be requested to give further consideration to the need to include physical traffic calming measures for Bradman Road and Eleanor Road.
Objections: Speed Reduction Scheme – Cross Lane Area, Bebington	Resolved –  (1) That the Committee note the objections received and the officers’ responses and recommend to the <b>Cabinet Member</b> that a revised “Speed Reduction” scheme, as shown on Drawing No. Beng/72/08/a, be approved for implementation in Cross Lane, Bebington. (2) That the Director be requested to monitor this scheme and report back to this committee in 12 month’s time.
Petition – North Wallasey Approach Road, Wallasey	Resolved – That the Committee endorse the findings of the report document Ref: 231813/01/C and the inclusion of this scheme in the LTP Capital Programme for 2009/10.
Merseyside Local Transport Plan – Progress Report 2008	Resolved – That the Committee endorse the Merseyside LTP Progress Report 2008.

## 8 December 2008 (No petitions or objections reported)

## 24 February 2009 (2 items out of 5)

<b>Report Title</b>	<b>Decision</b>
Objection: Safer Routes to School Scheme, St Albans Primary School	With the permission of the committee this item was withdrawn.
Objections to the Introduction/Amendment of Waiting Restrictions at Various Locations	With the permission of the committee this item was withdrawn
Quarter Three Performance Report	Resolved –  (1) That the Committee note the contents of this report. (2) That the Director of Technical Services be requested to report to a future meeting on the progress of the Streetscene Enforcement Strategy.

## 1 April 2009 (1 item out of 3)

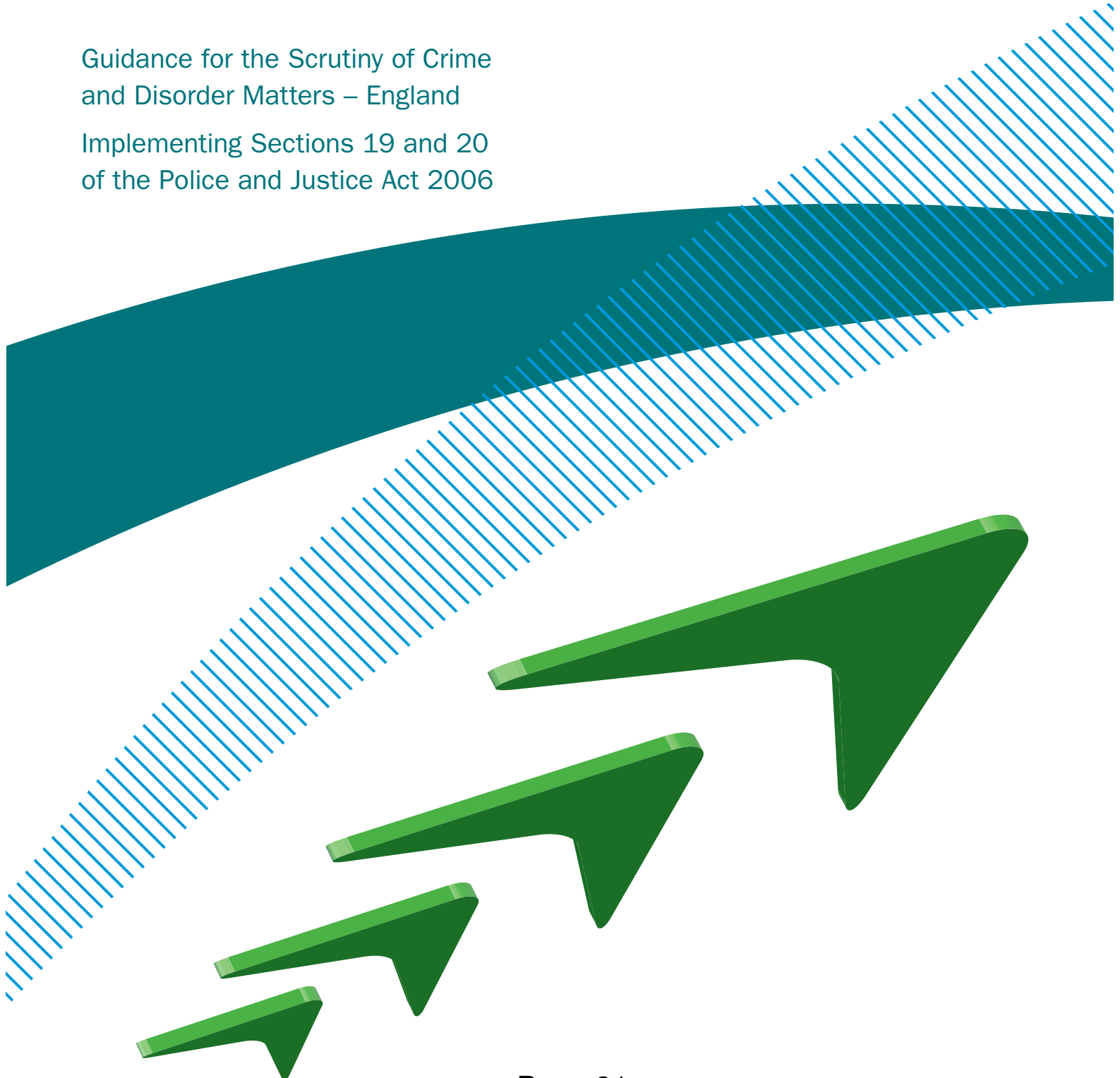
<b>Report Title</b>	<b>Decision</b>
Cardigan Road, New Brighton – Outstanding Objections to Advertised Traffic Regulation Order	Resolved – That the Committee note the objectors' concerns but endorse the findings of this report and recommend to the <b>Cabinet Member</b> that the scheme to introduce a "No Waiting At Any Time" Traffic Regulation Order, as shown on Plan No. 31/09, be approved.





**NATIONAL SUPPORT FRAMEWORK**  
DELIVERING SAFER AND  
CONFIDENT COMMUNITIES

Guidance for the Scrutiny of Crime  
and Disorder Matters – England  
Implementing Sections 19 and 20  
of the Police and Justice Act 2006





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## Introduction

Crime is consistently one of the top concerns for communities everywhere – and therefore working to keep the areas we live in safe and harmonious is an ongoing priority for politicians and public servants alike.

But, safety depends on far more than the action of the few professionals for whom it is their dedicated occupation. It needs a creative and cooperative approach that draws in other services – from licensing, to activities for teenagers, to planning – but also engages the community at large: businesses; faith groups; local charities; community groups; and individual members of the public.

Crime and Disorder Reduction Partnerships (CDRPs) have made significant progress over the past ten years, but further evolution is always required. Throughout this document you will see references to changes made as the result of recent reforms – reductions in bureaucracy, devolving responsibilities to the local level, streamlining of processes. The powers now given to enable councillors to scrutinise CDRPs are integral to this new landscape.

At heart, scrutiny is about accountability. Councillors have a unique place in local decision making, providing a clear line of democratic accountability between decision-making and the people they serve. The new provisions will enable them to bring their unique perspective to bear on how CDRPs are tackling crime and disorder and potentially benefit communities everywhere..

These powers are given to local authorities' scrutiny functions by sections 19 and 20 of the Police and Justice Act 2006 ('the Act') – as amended by section 126 of the Local Government and Public Involvement in Health Act 2007. There have also been regulations passed under section 20 of the Police and Justice Act. These provisions provide local authorities with a framework for the development of an ongoing relationship between CDRPs and scrutiny bodies.

This guidance has been written for a variety of people:

- For those working in community safety, it will introduce them to scrutiny in local government, to the principles that underpin it, and to the positive contribution it can make to their work: and
- For councillors, and officers working in local authorities, it will provide information on community safety issues (including the national policies and structures) and give them advice on how scrutiny can add value to the work they do with partnerships.

Key points which may be particularly useful to certain groups are contained in **coloured boxes** throughout the document: CDRPs may find the information in the **orange** boxes most useful; councillors and local authority officers, the **purple** boxes and the **green** boxes will be useful to all groups.

The guidance consists of the following sections:

- Section 1: an introduction to community safety, for members and officers who may be unfamiliar with some of the themes and the jargon.
- Section 2: an exploration, through some worked examples, of what good scrutiny of crime and disorder issues might look like.
- Section 3: a discussion of the practicalities, including the designation of crime and disorder committees and community safety partner responsibilities.

#### Notes on the wording and scope of the guidance

Where we have used the word “committee” in the guidance, in most instances we are referring to what the regulations call the “crime and disorder committee”. We have omitted the prefix to minimise unnecessary repetition of the phrase.

This guidance applies to England. Separate guidance covering Wales will be issued later in 2009 as the provisions will come into force in Wales on 1 October 2009.

# Section 1 - An introduction to community safety

## 1.1 Brief history

*You might find this most useful if you are a scrutiny member or officer.*

All councillors are now aware of the partnership landscape that connects so much of the work of local public services. But the history of partnerships has been a story of evolution more than design. Partnerships on safety are one of the oldest and most prescribed parts of the local strategic partnership family.

Crime and Disorder Reduction Partnerships (CDRPs) were created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder (although they are not called CDRPs in the statute). They are known as Community Safety Partnerships (CSPs) in Wales. They exist to ensure that a number of prescribed 'responsible authorities' work together to jointly agree and delivery community safety priorities. The responsible authorities are:

- The local authority
- The police force
- The police authority
- The fire and rescue authority
- The primary care trust

The responsible authorities have a duty to work in co-operation with the 'co-operating bodies' who are probation, parish councils, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and governing bodies of an institution within the further education sector. It is likely that from April 2010, probation authorities will become responsible authorities and the duties of CDRPs will be expanded to include reducing re-offending.<sup>1</sup>

Other partners can also sit on the CDRP, meaning that membership can vary widely across the country. However, the above core membership is the same for every partnership.

Since 1998, CDRPs have become an integral part of the work of police forces and local authorities in particular, though a wide range of partners may also be involved, tackling a range of local issues to do with safety.

Unlike most elements of local strategic partnerships, CDRPs have been subject in the past to a very significant amount of direction, legislation, and targets from the centre. A review of the Crime and Disorder Act concluded in 2006 and subsequent amendments to legislation were made through the Police and Justice

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<sup>1</sup> Provisions included in the Policing and Crime Bill

Act 2006. This resulted in regulations<sup>2</sup> and guidance that further evolved the work of CDRPs.

#### **What does this mean for me?**

Councillors and scrutiny officers might reflect on the fact that these CDRPs have a relatively long history, which means relationships may be well established and partners cautious about how the dynamic may be affected by new scrutiny activity. They may also be used to working within a tightly defined framework, and may only recently have begun to adapt to an approach that is more flexible and allows more local discretion.

### **1.2 Community safety priorities**

All CDRPs in England are now part of a new performance framework. What this means is that CDRPs should not be subject to any central targets or funding streams apart from what is negotiated through the Local Area Agreement. There are four main elements to the performance framework:

- National Public Service Agreements (PSAs) as measured through the National Indicator Set (NIS)
- the Local Area Agreement (LAA)
- Comprehensive Area Assessment (CAA)
- The Place Based Survey

Government identifies its priorities for reducing crime through these PSAs, whereas LAAs reflect local priorities.

PSAs and LAAs change periodically; it is important to emphasise that these will reflect, at local level, changes in the community safety landscape in the area, and, at national level, changes in national priorities reflected in government policy.

In order to identify and deliver on the priorities that matter the most to local communities, CDRPs are required to carry out a number of main tasks. These include:

- preparing an annual strategic assessment. This is a document identifying the crime and community safety priorities in the area, through analysis of information provided by partner agencies and the community.
- producing a partnership plan, laying out the approach for addressing those priorities;
- undertaking community consultation and engagement on crime and disorder issues; and
- Sharing information among the responsible authorities within the CDRP.

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<sup>2</sup> The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 and The Crime and Disorder (Prescribed Information) Regulations 2007



These key tasks have been affected by the changes put in place relating to the CDRP performance regime. More information can be found at Section 1.5.

#### **What does this mean for me?**

Targets in the LAA will be considered by scrutiny in any case – councils were given powers to scrutinise LAAs as part of the Local Government and Public Involvement in Health Act 2007. It may not provide best use of scrutiny resources to focus too much time on performance information. But the strategic assessment provides a chance to get underneath high-level information and think about how well the partnership understands the area and its mapping need. Some areas have access to quite sophisticated crime and anti-social behaviour mapping technology, for example, that councillors may be unaware of and find insightful.

### **1.3 Who delivers on community safety?**

*The Independent Review of Policing* carried out by Sir Ronnie Flanagan, and published in early 2008, stated that, “policing is far too important to be left to the police alone” (p 5). This is even more relevant when it comes to community safety and was behind the introduction of the Crime and Disorder Act 1998. Community safety is not just about the police. Like every challenging outcome that local authorities and their partners deliver for their communities, community safety needs a wide range of people and organisations to be involved and contributing to address crime and its causes.

This theme was expanded upon by the Policing Green Paper, *From the Neighbourhood to the National: Policing our communities together*, published in July 2008, which emphasises the role both of CDRPs, other partnerships and of local communities in improving community safety.

The public policy imperative for close joint working, across a wide range of organisations and sectors, is consequently very clear.

#### **Looking more widely at partnership**

A good illustration of how effective community safety needs to be creative and draw in the widest group of agencies is provided in the practical guide called *Tackling Gangs*. While gangs and gang violence may seem like a serious problem for the police to deal with, the guidance shows how real impact can only be achieved with a much wider approach. The guidance recommends creating a multi-agency partnership to include:

- Police
- Local authority: community safety, anti-social behaviour team, children and young people’s services, housing
- Crown Prosecution Service
- Further education colleges
- Prison Service

- Probation Service
- Youth Offending Team

Though these would provide leadership, there might be other organisations to involve to really make a difference:

- the business community – they have an interest in reducing crime and can provide job training, voluntary opportunities and sponsorship for projects;
- the voluntary and community sector – they can create vital links to hard to reach parts of the community, providing both trusted services and valuable information;
- Department for Work and Pensions and Driver and Vehicle Licensing Agency – they can help crack down on gang members committing benefit fraud or licensing offences
- Revenue and Customs – they can help tackle illegal import of weapons and drugs
- Primary Care Trusts – gang members will often report to A&E when injured, but not report to the police
- TV licensing – can go into gang members homes and be part of a campaign to put pressure on gang members

#### 1.4 The responsible authorities

In Section 1.1 we mentioned the statutory responsible authorities sitting on the CDRP. While the role of scrutiny is to **scrutinise the partnership as a whole**, good scrutiny is based on relationships and mutual understanding. This section explains the individual roles within the partnership in more detail.

##### *Local authority*

Most local authorities have staff dedicated to community safety, though resources in smaller districts may be limited. But community safety needs the support of a wide range of people throughout the council to be effective. The council has a legal duty under section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with due regard to the need to prevent crime and disorder in its area. This duty is likely to be extended to include reducing re-offending from April 2010<sup>3</sup>.

Public policy makers in local authorities and other sectors have grappled for some time with issues relating to the links between crime and services provided by the council and its partners. The relationships between specific services such as child welfare, education and training, health (including mental health), and crime and disorder priorities are complex.

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<sup>3</sup> Provisions included in the Policing and Crime Bill

A common priority is tackling anti-social behaviour. In order to successfully tackle anti-social behaviour you first need to understand it – therefore information exchange and analysis of the problem including those involved is the first stage. Co-ordinating services including youth support, drug and alcohol action, policing and park management will then be important given their links to those involved in anti-social behaviour. The solution to an anti-social behaviour problem does not lie with one service or partner agency alone.

The importance of giving people a good start in life is obvious – this is why local authority functions such as **Children’s Trusts** and **Youth Offending Teams** are important contributors to community safety. Youth Offending teams sit within the local authority but bring together multi-agency partnerships around education, health and social services. They are overseen nationally by the **Youth Justice Board**.

If people have jobs, relationships, houses and good mental health they are far less likely to commit crime or re-commit crime even if they have been convicted in the past. Other important partners are **Drug and Alcohol Action Teams** – another local authority team that leads a multi-agency partnership and links into the community safety partnership. **Housing services**, either in-house, arms length or from social housing providers, are an important partner, both in getting people settled but also in tackling problems such as estates whose design encourages crime. Apart from the specialist teams named above, **adult social services** have a role to play in working with people with chaotic lives and mental health needs in particular.

### *Police*

No one person is in overall control of policing in England and Wales. The current governance arrangement which involves chief officers of police, police authorities and the Home Secretary - what is known as the 'tripartite arrangement' - has evolved over time, based on the broad principles of political impartiality of the police, policing by consent of the public, the Government's overall responsibility for ensuring a safe society in which to live, and the need for the expenditure of public money to be properly accounted for.

There are 43 police forces in England and Wales, as against the 381 local authorities, which means that many police forces deal with several local authorities at once. For some areas this is more problematic than others. In London there is only one police force, the Metropolitan Police, for all 32 borough councils. However, London is divided into 34 **Basic Command Units** (BCUs) which are coterminous with each borough, with two separate BCUs for Heathrow and the Royal Parks.

Chief Constables have discretion to organise their force anyway they see fit, and may use a variety of different terms for the sub-units within the force, including BCU, Division, District or Borough. In Thames Valley Police there are only five BCUs, for example, but these are subdivided into “Local Policing Areas” that are coterminous with local authorities.

Below the BCU level there are **Safer Neighbourhood Teams**. These have been rolled out throughout England and Wales and are an important part of partnership working. The latest focus is on joining up Neighbourhood Policing with Neighbourhood Management.

### *Police authority*

The role of the police authority is to secure an efficient and effective police force for the area. This is done by setting the strategic direction for the police in the area for which the authority is responsible, and by holding the Chief Constable to account. All police officers and staff are accountable to the Chief Constable, and the Chief Constable to the police authority.

In order to do this, police authorities have an officer structure that supports a committee made up of local councillors and independent members, with councillors holding a majority of one. Councillors are drawn from top-tier authorities using a formula to give political balance. At least one of the independent members must be a magistrate. Most police authorities have between 17 and 25 members, though 17 is typical.

The police authority sets the strategic direction for the force by, amongst other things, deciding how much council tax should be used for policing (allocated by the use of precepts) and putting in place local police priorities. In doing so, police authorities also have a statutory duty to consult communities.

In holding the Chief Constable to account, police authorities carry out functions similar to those which the scrutiny committee might seek to exercise. It is important to emphasise that scrutiny bodies and police authorities should work closely together to ensure that their activities are complementary.

### *Fire and rescue*

Fire and rescue services have a relatively focused remit, but are often committed and enthusiastic members of community safety partnerships. Fire and rescue is structured into 50 services across England and Wales. Accountability is provided through the **fire authority**. The fire authority is a committee of councillors. How this committee is made up depends on the boundaries of the fire service. Where boundaries are co-terminous (which is the case for counties) the fire authority is a committee of the council. Where the fire service covers more than one authority, there is an external committee that is made up of councillors from each

of the local authorities in the area. The London Fire and Emergency Planning Authority is an exception. It oversees the London Fire Brigade, and is made up of eight members nominated from the London Assembly, seven from the London boroughs and two appointed by the Mayor.

The contributions of the fire and rescue service may make to community safety might include:

- fire safety education, focusing on children in schools and groups in the community who may be particularly vulnerable;
- road safety - reducing collisions and accidental deaths;
- planning for, and reacting to emergencies such as floods; and
- being a positive mentor and role model for young people.

#### *Primary care trust*

Health is a statutory partner in CDRPs through legislation. Its role is often problematic and they have been the most difficult partner to engage in CDRPs. Areas where health has a role in community safety include:

- tackling the misuse of alcohol, drugs and other substances, commissioning and providing appropriate drug and alcohol services;
- arranging for the provision of health advice or treatment for people who put themselves or others at risk through their use of drugs or alcohol;
- helping to support the victims of domestic violence; and
- working with other local partners to help prevent problems occurring in the first place, for example by alerting the police to licensed premises where a lot of alcohol-related injuries occur.

#### *Probation*

Each provider of probation services in an area is expected to become a responsible authority through legislative changes which are likely to take effect from April 2010. Probation authorities will then have an equal role in CDRPs alongside the other five responsible authorities. Some probation areas already have effective relationships and a clear role within local partnerships, although the duty placed on partnerships to address re-offending and on probation to be a full responsible authority will enhance this relationship in the future.

Probation is part of the **National Offender Management Service (NOMS)**, which also runs prisons and therefore has an important role in the criminal justice system. The changes planned through developments in NOMS will bring about **Probation Trusts** who will both commission and provide court and offender management services.

Some examples of probation's role include:

- preparing pre-sentence reports to help magistrates make sentencing decisions;
- supervising community orders, including **Community Payback**;
- helping offenders develop life skills so they can get back into education or employment;
- collaborating on programmes to tackle issues like drugs, drink driving and domestic violence; and
- supporting **Multi-Agency Public Protection Programmes (MAPPA)** which assess and control high risk offenders on release

### 1.5 The performance landscape for crime and policing

The performance landscape for community safety, and CDRPs, is changing.

Scrutiny should be aware that police and community safety partnerships are adjusting to significant changes in planning, monitoring and assessment. Although, the changes brought about in the Policing Green Paper should make it easier for the police to work even more collaboratively at the local level, but there may be a period of adjustment and learning, which could even create opportunities for scrutiny to contribute constructively through challenge and help with policy development.

Some of the changes are:

- introduction of the Policing Pledge;
- greater focus on rigorous scrutiny of performance of the police force by the police authority;
- external monitoring to move from the Home Office to Her Majesty's Inspectorate of Constabulary (HMIC);
- crime maps and neighbourhood-level information now available for all 43 forces from December 2008;
- much more public information – surveys, website with quarterly information, public reporting of police authority inspections, letters from HMIC to chief constable and chair setting out performance issues and requiring an action plan; and
- greater focus on self improvement and peer support. Regional Improvement and Efficiency Partnerships will have responsibility for supporting CDRPs.

#### **Confidence**

The most significant recent change for both the police and partnerships is in a new approach to dealing with community confidence. All other targets on crime have been abolished except for one, which is a public perception indicator measured through the British Crime Survey. The question they ask members of the public is whether they agree with this statement:

*The police and local council are dealing with the anti-social behaviour and crime issues that matter in this area.*

Confidence presents a significant opportunity for scrutiny – the most significant factor in the Metropolitan Police Service’s approach to confidence is community engagement. In representing the community, scrutiny has the potential to make a real contribution to understanding confidence and increasing it.

## **1.6 Scrutiny and community safety – working together**

Community safety partners have a long history of working together and getting results. The introduction of crime and disorder scrutiny committees enhances existing partnership arrangements by developing a clear structure for overseeing and reviewing the delivery of joint responses on community safety and by creating a clearer link between partner agencies and the public on community safety.

Because the role of scrutiny should be focused on the partnership as a whole, if issues arise which relate specifically to a particular partner organisation, it may be appropriate to refer such issues to the governing bodies of that organisation for action.

Scrutiny, done well, can always add value. Public services can be improved by an independent eye providing balanced, researched and constructive ideas. Part of that success, however, depends on choosing the right topic and understanding the landscape. Here are some suggestions about how the scrutiny of crime and disorder matters could add value and focus on issues that matter to the public:

**Neighbourhoods** – Neighbourhoods are very important for both community safety and councillors, but understanding how to make the most of this connection may need some careful investigation – there is no national direction on what neighbourhoods should look like, so they are different everywhere. But every part of England and Wales has a neighbourhood policing team, and many local authorities have linked this with their own neighbourhood management and with ward councillors.

**Confidence** – The new confidence agenda for councils and the police presents real opportunities for scrutiny. As well as being a shared responsibility across the two organisations, it’s also an area that councillors should have a unique perspective on. As the police and partners develop an increased focus on communicating and engaging with the public, scrutiny may be able to provide practical help and suggestions. This might draw on community knowledge, or help link the police with the experience of other services in the area that have been successful at building a connection with local people. Police authorities are tasked to hold the Chief Constable to account for performance against the

confidence measure, so this might also be a fruitful area for joint scrutiny with the police authority.

**Criminal justice** – The Policing and Crime Bill contains measures to add reducing re-offending to the core areas of focus for CDRPs, as well as increasing the responsibilities of probation. These changes, along with a clear focus on integrated offender management will mean that there will be a period of change. The Ministry of Justice is also encouraging magistrates to become more involved in engaging with the community. Partnerships might benefit from the support of scrutiny to help them manage these transitions successfully, and get the most from better engagement with the criminal justice community.

**Territory and hierarchy** – Partnership working is complex, particularly in areas with complex geography such as two-tier areas. There can be tensions between the county's LAA – which will have community safety targets - and district CDRPs – because in most cases CDRPs exist at district council boundaries although there is a requirement for county co-ordinating arrangements to add value and bring together district community safety activity. For scrutiny to be successful, councillors need to develop an understanding of what the local crime and disorder structures are, the dynamics that exist at different layers of partnership activity and of any tensions that might exist. Scrutiny provides an invaluable tool in offering an independent voice to challenge whilst still respecting local flexibilities and sensitivities.

### **Choosing a community safety topic...**

**Bedford Borough Council** has an effective process for choosing topics which has helped them work in closer partnership with the police. When developing the scrutiny work programme, they carry out a formal consultation process which includes direct mail to partner organisations, advertisements in the local media and borough and parish council newsletters, and discussions with the directly elected mayor, councillors and the citizen's panel.

On one occasion, the police responded to this invitation and requested a review of local "cop shops" and Police Community Support Officers (PCSOs). This created a context that was followed up by collaboration throughout the process. When a public forum was held in a local school to gather scrutiny evidence, it carried both the council and police logos and attracted a good audience. Members got 'their hands dirty' by spending half a day on the beat with PCSOs. PCSOs completed confidential questionnaires which also went to the council's own street and park rangers.

At the end of the process, the police and community safety teams remained involved, participating in both the review of the evidence and the informal meeting to consider what recommendations to include in the review final report.



As a result of this collaborative approach, the report was accepted and police implemented the majority of the recommendations, twice reporting back to the scrutiny committee on progress. More widely, the review developed and cemented relationships and demonstrated the value scrutiny can add to partners' own priorities.

Your contact for more information:

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## **Section 2 What good scrutiny of crime and disorder would look like – putting it into practice**

### **Section 2.1 What scrutiny is, and why it is important**

*You might find it most useful to read this section if you are a community safety partner.*

In 2000, the Government passed laws changing the way in which most councils conducted business and made decisions. Up until that point, decisions had been made in committees. All members of the council were on one of these committees and (theoretically) could play a part in the decision-making process.

Now, decision-making in all but a handful of small district councils (called “fourth option authorities”) is carried out by an executive. This is either an elected mayor, or a cabinet of a number of councillors, each with responsibility for a specific policy area.

To balance this concentration of executive authority and to ensure that other members could contribute to the council’s decision-making and policy development processes, the Government made provision for what was known as ‘overview and scrutiny.’ Under section 21 of the Local Government Act 2000, local authorities altering their executive arrangements would have to set up a committee, or committees, of the council to carry out this overview and scrutiny work. The Government did not specify what the roles of these committees would be, but most authorities sought to establish a system whose responsibility would be both to hold the executive to account and to carry out policy development work. Common to all scrutiny functions is the fact that they can research issues and recommend actions to be taken, but their only powers are to advise and persuade, based on the evidence they gather and analyse.

Since 2000, the responsibilities and powers of scrutiny committees have expanded considerably.

- Firstly, the bulk of detailed scrutiny work is now carried out away from committees, in “task and finish” groups (some authorities call these by different names, but they are basically small, time-limited informal panels made up of councillors, and sometimes people co-opted from the local community because of their experience or knowledge).
- Secondly, scrutiny work now encompasses the work of partners, not just the local authority. These powers have been given by a succession of pieces of legislation including the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 2007 (more details on these provisions can be found below).

## Principles of Scrutiny<sup>4</sup>

There are four fundamental roles that define good scrutiny and underpin scrutiny activity:

1. provides 'critical friend' challenge to executive policy-makers and decision-makers;
2. enables the voice and concerns of the public and its communities to be heard;
3. is carried out by 'independent minded governors' who lead and own the scrutiny process; and
4. drives improvement in public services

## Scrutiny in action

The practice of scrutiny varies hugely around the country. It is impossible to adopt a nationwide approach or standard for scrutiny, which is why both the introduction of crime and disorder scrutiny arrangements under sections 19 and 20 of the Police and Justice Act 2006, and the regulations that support them, are based on a flexible, enabling approach.

If you are a community safety partner, you will have to work closely with the relevant scrutiny bodies that cover your geographical area to see how the scrutiny of community safety matters will work best for you.

A 'one size fits all' approach is not appropriate and this guidance provides examples of high-quality scrutiny work to support local authorities in developing an approach to crime and disorder scrutiny that both fits in with other scrutiny policies, takes account of local partnership arrangements, and is proportionate and therefore adds value to local crime and disorder activity. See Section 2.2.

## Politics

If engagement with scrutiny (the concept of it, and as it is practiced in local authorities) is a new thing for you, you may be concerned about politics. You may be especially concerned that, by attending committee or giving evidence in another way, you will be drawn unwillingly into political debate.

Scrutiny as practiced in most authorities is generally non-party political in its approach. Councillors have done a great deal to ensure that a culture of consensus operates on committees, and members of all political parties work well together on many councils. While disagreements may arise, all councillors have a commitment to ensuring that the work they do, and the work that the authority does, meets the needs of local residents.

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<sup>4</sup> According to research carried out by the Centre for Public Scrutiny

Sometimes this commitment manifests itself in political discussion and debate. As partners and councillors alike, you should recognise that scrutiny often examines subjects that are highly political in nature.

This is not necessarily a negative thing. Some of the best examples of good scrutiny are instances where members, officers and partners have harnessed the power of political debate to carry out thorough analysis of a given issue. For example, there have been a number of highly successful reviews into local residents' fear of crime – an emotive and political issue which members, with their understanding both of local politics and the local community, are extremely well placed to investigate.

## **Section 2.2 – Structural issues**

### In English unitary areas

The boundaries of unitary areas in England (areas where a single local authority is responsible for a given geographical area), will only rarely match the boundaries of a police area, or the operational area of another partner (this is often called co-terminosity). Often, a single community safety partner might have to deal with a number of different authorities operating in neighbouring areas. This can have the effect of stretching resources, and duplicating scrutiny activity undertaken in different authorities. It may be a particular challenge for police authorities.

Because of the problem of co-terminosity, partners and those scrutinising their actions alike should be careful both to ensure that the demands that they make on each other are not unreasonable, and that neighbouring unitaries work closely with one another – aligning their work programmes to minimise duplication where possible.

London boroughs are also unitary authorities, but the governance position here is slightly different given the role played by London's Mayor. Community safety partnerships should still engage with London borough scrutiny as above, but there should be recognition that the Greater London Authority is likely to have an interest in some of the work of partnerships, where it has broader implications.

### In two-tier areas

Two-tier areas present some complications. These are where (usually) a number of district councils, and a single county council, operate in a given geographical area. Responsibility for specific services are divided between districts and counties. The division of services is historic in nature and can often be difficult for those outside the local government sector (and, indeed, for many within it) to understand.

Some district councils are so-called “fourth option” authorities. This means that they have not adopted the new executive arrangements, and still operate under the old committee system. However, most of these authorities operate a scrutiny function of some kind, which will need to accord to the same principles and requirements set out in this guidance for other authorities.

If you are working with a district council or county council as a partner, you should consider the following:

- You should not assume that you will be able just to talk to the county (or conversely the districts) to the exclusion of others, simply because they cover the same geographical area (and even though some district councillors are also county councillors).
- You should not assume that talking to the districts and the county will involve duplication of work – as stated above, they have separate roles and functions.
- You should encourage the districts and the county to work together to deliver a scrutiny function that is able to add most value in the context of what are likely to be quite complex local governance arrangements.

If you are a councillor or officer in a district or county council, you should consider the following:

- You should work with the other councils in the county area to see if you can develop a joint approach to the scrutiny of community safety issues. A number of counties have already started developing joint scrutiny across the board in a county – **Cumbria** and **Cambridgeshire** are examples of areas where councils have come together to carry out scrutiny work which cuts a cross a number of different authorities in a two-tier area. This could take the form of a standing arrangement, or a more ad hoc approach, whereby you could consider whether other councils in your area are likely to have an interest in the topic you are considering for scrutiny, and, if so, seek ways of working collaboratively.
- You should also work with other councils in developing your work programme. By so doing, you can identify areas where more than one authority is planning to carry out a piece of work on a given subject over the course of a municipal year. The evidence-gathering process can be planned so as to ensure that multiple pieces of work complement each other. There may be a possibility for carrying out such work jointly, as described above. This will minimise the risk that partnerships will be expected to contribute to a large number of reviews on a similar subject at the same time.
- Community safety partners may not understand the distinction between work undertaken in district and county councils. When planning joint work,

you should consider how districts and the county will work together on community safety issues. You should not assume that the county will automatically “lead” on community safety issues for the area.

## Section 2.3 – Key areas for scrutiny

### Use of different techniques

Scrutiny can take a variety of different approaches to scrutinising community safety issues. While the focus of sections 19 and 20 and the regulations, is on committees, a lot of scrutiny work is likely to be undertaken in different ways.

- **Policy development** – scrutiny committees may carry out in-depth scrutiny reviews focused on a specific topic relevant locally. Often this is done by means of a task and finish group, which will examine evidence from a wide variety of sources before producing a report and recommendations, to which partners and/or the council’s executive will have to respond. These pieces of work arguably have the most impact on local policy making, and we will provide you with some examples of them below.
- **Contribution to the development of strategies** – if the community safety partnership is putting together a strategy, plan, or policy, it may be useful to build in a process for scrutiny at draft stage. Councillors can provide valuable evidence to support the drafting process – especially intelligence from the local community.
- **Holding to account at formal hearings** – bringing in representatives of the partnership and questioning them about their roles, responsibilities, and activities. This is the simplest method for scrutiny to “hold the partnership to account”, though this has limitations in terms of constructive outcomes and should be a small part of interaction between scrutiny and the partnership.
- **Performance management** – examination of the performance of the partnership, often using high-level scorecards or, where appropriate, more detailed data. The best scrutiny functions will use this as an opportunity to look at performance “by exception” (which will highlight both particularly good, and particularly poor, performance), as part of their existing processes for monitoring performance across the Local Area Agreement. This could involve the committee looking at particularly good performance, to see what lessons can be learned, thus sharing good practice across all public and third sector organisations operating in the local area.

### Comprehensive area assessments and scrutiny

CAA is about providing for the public a rounded view of the performance of local public bodies and how they deliver in partnership. Judgements are based on the evidence that public bodies generate through their ordinary working, and therefore high-quality evidence from scrutiny will appropriately influence Audit Commission leads in making those judgements.

Generally speaking, scrutiny has two important roles to play within the assessment process:

1. Looking at the results of assessments, and using this data to decide which areas of crime and disorder/community safety activity should be the subject of scrutiny work.
2. Carrying out scrutiny investigations which feed into the assessment process. In particular, scrutiny may want to focus on identifying areas of exceptionally good performance that merit 'green flags.'

### Particular strengths for scrutiny

Scrutiny can, by using the different techniques above, apply itself to a number of different policy areas. We have identified a number of particular strengths of scrutiny – engagement and involvement of local people, analysis of issues of local concern, and promotion of joint working – and provide a number of examples of successful reviews demonstrating these.

#### *Engagement and involvement of local people*

Detailed scrutiny work can help the community safety partners to involve local people more in the work they carry out. This can be difficult for partners to do on their own, and the experience and knowledge – and community intelligence – which councillors can bring to the process is invaluable.

**Rugby** was one of the first councils to pilot the operation of community safety scrutiny. To involve the community in the work they undertake, they have decided to co-opt a number of community representatives onto the committee that looks at community safety issues..

Of course, you may feel that a more flexible approach is required. Many authorities have involved local people closely in carrying out work by co-opting them onto informal “task and finish” groups instead of onto the formal committee.

Even traditional public meetings can be worthwhile in gathering valuable evidence which can be used to influence future policy-making. **Waltham Forest** held a public meeting about knife crime, focusing on children and young people, which heard emotive evidence from victims and relatives on the devastating

effect of such crime on the community, as well as positive and constructive ideas on how the problem could be solved.

### *Analysis of issues of local concern*

The fear of crime is a significant issue for many people. This can cause problems for partners, who find it difficult to reconcile this perception with the reality, in many areas, of falling crime levels. This can be interpreted by local people as an unwillingness to respond to problems which they know exist in the local community, irrespective of the evidence which has been gathered by sources such as the council and the police. Scrutiny can play, and has played, a vital role in resolving this impasse and setting out a way forward for local people and professionals.

In **Harrow**, particular concerns arose when it became apparent that, although Harrow was London's safest borough in terms of violent crime, the fear of crime was rising almost exponentially, and was a key issue for residents as identified through the Quality of Life survey. Members decided to conduct a review on the subject which culminated in a conference bringing together local people and a wide range of community safety – and other – partners in the local community. This led to a more keener understanding amongst partners and the council of how the issues around perception of crime had arisen, and a commitment to tackling these issues. Recommendations were made which contributed to a significant reduction in the fear of crime the following year.

In **Middlesbrough**, members carried out work into the perceived problem of “teenagers hanging around”. Again, this was an issue of perception. By taking evidence from young people and those who felt threatened by their behaviour, members were able to build an understanding between the different groups involved, and present a report on the matter which informed local partners' responses to the fear of crime (and encouraged joint working between community safety partners and others).

Anti-social behaviour is another issue which is often high on the local political agenda, connected to the more general fear of crime which we have covered above. Here, again, scrutiny can help to cut through perceptions and provide clear evidence to back up given policy recommendations.

For example, responding to concerns about the rise in violent alcohol-related crime in its city centre, **Stoke** carried out a review of the issue which involved community safety partners, and others more widely involved in business and regeneration. Recommendations included the need to highlight to the council and partners of the good work already being undertaken and joint working between transport providers, the licensing authority, businesses and community safety



partners improve the night-time environment.

### *General benefits of joint working*

In **Redbridge**, the scrutiny function carried out an in-depth piece of work into CCTV. This resulted in the council and a number of partners – not just CDRP partners – putting together a strategy for the more effective deployment and use of CCTV cameras. This included the placement of relocatable cameras, and the requirement that the likely effectiveness of new installations would have to be demonstrated, with agreement being reached across the partnership.

As demonstrated by our case study example of **Haringey** – set out later in this document - scrutiny can also work well to improve relationships between partners.

Members in **Middlesbrough** have recently been carrying out work on the responses of the criminal justice system to the needs of victims of crime. This work involved a large number of local partners, including Youth Offending Teams and the Probation Service. It looked at the difficult issues around the differences between victims and perpetrators of crimes, and the chains of events that can lead one to the other. It evaluated the services provided to such people by a whole range of partners, identifying gaps and seeing where joint working needed to be improved. This kind of work is particularly valuable in creating more meaningful partnership working that can go beyond high-level agreement over strategy into sustained collaboration on operational issues.

In **Oxfordshire**, the county's Community Safety Scrutiny Committee carried out a review to answer the question, "How can Oxfordshire County Council and county councillors best engage with the county's Neighbourhood Action Groups?" These groups were set up to work with the police's small ward-level community policing teams. Recommendations were made which included the enhancement of information sharing between NAGs and other community safety partners – thus improving the extent to which community intelligence found its way into more strategic policy-making – and an increase in resources, both from the police and the council, to ensure that NAGs could be of maximum effectiveness.

In **Cardiff**, the scrutiny function carried out a review of the area's approach to community safety, with the intention of "mainstreaming" an understanding of community safety (mainly across the council), in response to the objectives of section 17 of the Crime and Disorder Act (which we explained in section 1).

Many of these issues will be explored in more depth in Section 3, below.

## **2.4 More general issues around partnership working**

The scrutiny of community safety issues is just one part of a wider agenda in local policy-making for partnership working. Scrutiny has a significant opportunity to contribute to this agenda, and will be doing so in a number of ways:

- through providing evidence to influence judgements as part of the Comprehensive Area Assessment;
- through monitoring the delivery of partnerships against the negotiated targets in the Local Area Agreement; and
- through an understanding of the wider implications of community safety issues, informed by section 17 of the Crime and Disorder Act.

For this reason, it is important to emphasise that the scrutiny of community safety partners and community safety issues is not a stand-alone exercise. It should always be seen in this wider context. Scrutiny will have a role to play in linking up partners working across the spectrum of local policy-making – not just those working in community safety.

Councils should develop ways to integrate the scrutiny of community safety issues within a cohesive and coherent strategy for the scrutiny of other partners and the services they deliver.

## Section 3 - Detailed guidance on sections 19 and 20 of the Act and the Regulations

### 3.1 Committee structures

**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 made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 (the Regulations) complement the provisions under section 19.

All authorities – including fourth option authorities - will need to create, or designate, a crime and disorder committee to deal with crime and disorder scrutiny (see section 2, above, for more detail on executive arrangements).

The terms of reference of the committee are to scrutinise the work of the community safety partnership and the partners who comprise it, **insofar as their activities relate to the partnership itself**. These partners are listed in section 1, above.

It will be up to each authority – along with its partners - to decide on the best way to put procedures in place for these new scrutiny powers.

The Act and the Regulations do not require councils to alter existing committee structures. There, must, however, be a formal place where community safety matters can be discussed. The crime and disorder scrutiny role could be undertaken by:

- a dedicated crime and disorder overview and scrutiny committee (or Sub-Committee) This may be required where there is specific demand – for example, in the case of larger authorities or those councils with a well-developed system of subject-based sub-committees; or
- the main overview and scrutiny committee, in those authorities which only have one or two scrutiny committees. The committee could establish task and finish groups with the specific remit to deal with crime and disorder scrutiny matters, while retaining the ultimate responsibility to look at community safety issues. A small group of Members with a specific remit to scrutinise these crime and disorder issues would enable the Members to focus/specialise on those issues and provide effective scrutiny of crime and disorder matters. The use of small task and finish groups of this type could prove to be an effective technique where local authorities and their partners would rather not use a formal committee for the discussion of all community safety issues.

### Section 3.2 Role of the committee

Whether you are a councillor or a partner, you will find that scrutiny work is more effective where it focuses on a policy issue, rather than on a single organisation.

This is why the legislation gives powers to scrutinise the CDRP, rather than the partners – this supports a focus based on policy and finding solutions. Focusing on policy :

- gives the partners the reassurance that the crime and disorder scrutiny committee is there to ensure that the community safety partnership is accountable and its performance is improved, rather than just 'having a go' at the partners;
- emphasises the fact that scrutiny is focused on improvement, on enhancing the performance of existing services, and on a constructive examination of the priorities of the partnership; and
- means that there is wider scope for the committee, or group of members, to cut across organisational boundaries over the course of their investigation.

The role of the committee in whichever form it is applied should be as a 'critical friend' of the community safety partnership, providing it with constructive challenge at a strategic level rather than adversarial fault-finding at an operational level.

At a basic level, the role of the committee is to do the following:

- to consider Councillor Calls for Action that arise through the council's existing CCfA process. Detailed guidance on CCfA has already been issued. Although the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 put in place CCfA provisions for community safety and for other local government matters respectively, local authorities should ensure that their procedures for all CCfAs are the same, to minimise unnecessary bureaucracy.
- to consider actions undertaken by the responsible authorities on the community safety partnership; and
- make reports or recommendations to the local authority with regard to those functions. In practice, the nature of the committee and its work should mean that recommendations will be directly for responsible partners as well. We will discuss this issue later in this section.

The committee should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the community safety partnership and reflect local community need.

**Councillor Call for Action (CCfA)** for both local government matters and for crime and disorder matters came into force in April 2009. CCfA gives councillors a new right to raise matters of local concern with their council's overview and scrutiny committee. Overview and scrutiny committees can then decide whether to use their powers to investigate the issue.

There are a range of options available to committees in considering how to respond. They could, for example, instigate a review of policy, call members and officers to attend a meeting, and answer questions or make recommendations to the executive. They can even require the executive to review a decision that it has made.

CCfA is therefore a valuable tool in equipping councillors to act as powerful advocates for the communities they serve and to strengthen still further their role as community champions. Councillors will of course continue to resolve issues informally, as they do now. But where they are not satisfied that real action has been taken to resolve the issue they have raised, they have the ability to ask the overview and scrutiny committee to take the matter further.

The crime and disorder CCfA will be an important tool for community safety partnerships to work together to resolve crime and disorder problems, in a forum which is open to the public. It should therefore boost public confidence that police and local authorities are acting on crime and anti-social behaviour issues.

More information on CCfA can be found in the IDeA and CfPS Best Practice Guide <http://www.idea.gov.uk/idk/core/page.do?pageld=9410176>

## Protocols

Throughout this section we suggest that partners and the scrutiny function at the local authority (or local authorities) might want to consider developing a short, flexible and meaningful protocol which lays down the mutual expectations of scrutiny members and partners of the community safety scrutiny process. This could well enable you to embed the committee's work programme more effectively within its core purpose. Certainly, getting the work programme right will be crucial to the success of the scrutiny process for community safety.

If you are thinking of developing a protocol, do remember that it should be a means to an end – a method of improving the relationship between the scrutiny function and its partners. It is not a legal document setting down minimum standards or something which you are required to “comply” with. The example below, of Haringey, illustrates the point of meaningful joint working, and of the virtues of seeking to build real relationships.

### **Building relationships with community safety**

**The London Borough of Haringey** has been doing in-depth reviews of community safety for many years, and has a strong relationship with community safety partners. Building that relationship for them was all about people. Firstly, the council community safety team sat across the corridor, and they built informal relationships as officers. Secondly, the cabinet member for community safety was once a scrutiny chair, and she acted as an advocate for scrutiny, suggesting ways that they could get involved and support what partners were doing. Thirdly, the police seconded an officer to work in the council for several years so the scrutiny function was able to build relationships with a familiar face. These opportunities enable the scrutiny function to build a reputation for being an independent voice. Partnerships can have their own tensions, and partners in Haringey learned that scrutiny could moderate between different views and carry out genuinely useful work that partners valued, supporting policy formulation and facilitating a community response. Their workstreams included:

- Anti-social behaviour – this was successful because it was deliberately timed to fit with a strategy the partnership was writing and could therefore feed into the strategy directly;
- CCTV – the partnership requested the scrutiny functions help as part of a wider review of CCTV, and even provided funding to engage Leicester University for expert advice; and
- street prostitution – this review also used a well-known criminologist, and it was so well regarded that Haringey’s scrutiny function was later called as a witness by the London Assembly during their own review of the topic across London

Your contact for more information:

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### **3.3 Frequency of meetings**

The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year.

If a local authority decides to undertake “set piece” community safety scrutiny only once a year, this annual meeting could be in the form of an event looking at crime and disorder matters and discussing which crime and disorder matters should be considered in the next municipal year as matters of local concern.

In addition, the scrutiny function should consider community safety issues more consistently throughout the year, just as it would with any other subject matter. Although it is difficult to suggest an arbitrary figure for an “ideal” number of meetings, scrutiny functions and partners should work together to come up with local solutions, which might form a combination of formal meetings, informal “task and finish” groups, or other methods of evidence gathering and public involvement.

As part of the accountability role of the committee, it might be useful to request the attendance of senior members of the partnership at key meetings through the year. This might include the chair of the partnership, the Cabinet member with community safety responsibilities, or senior members of partner organisations, such as the local police commander.

## **Two-tier scrutiny**

We touched briefly on issues of two-tier scrutiny in Section 2, but this section goes into more detail on the practicalities.

The requirements under sections 19 of the Police and Justice Act and the Regulations will apply to both county and district local authorities.

Whilst it will be for each local authority to decide how it will implement crime and disorder scrutiny, it makes sense that both tiers work together as far as possible to avoid any duplication. As explained in Section 2, above, districts and counties should consider developing a joint approach for looking at community safety issues that cut across organisational boundaries.

### Joint crime and disorder committees

**Section 21** of the Police and Justice Act 2006 amends section 5 of the Crime and Disorder Act to enable the Secretary of State to make an order requiring councils to appoint a joint committee to carry out crime and disorder scrutiny functions. This will be used **where CDRP mergers have taken place**, so that responsible authorities and co-operating bodies are not required to answer to two or more separate crime and disorder committees. Otherwise, committees may find it beneficial to work together informally..

A number of local authorities have already taken this joint approach and because of the link with the LAA and community safety, one possibility would be that community safety issues could form part of the work of a joint overview and scrutiny committee.

Councils in **Cumbria** have created a Joint Committee which aims to take a

strategic overview of the performance and delivery of the community strategy as co-ordinated through the Cumbria Strategic Partnership.

**Staffordshire County Council** have set up a Partnerships, Scrutiny and Performance Panel to examine the performance of the Local Area Agreement which includes the delivery of the community safety agenda.

A county-wide committee specifically for community safety might be made up of the chairs of the district council crime and disorder committees as well as some county councillors – it should be pointed out that councils will still need their own committees despite the existence of joint structures. This is as much for the sake of pragmatism as to meet the requirements of the Act – there will always be local community safety issues best dealt with by individual authorities.

While a joint approach to crime and disorder scrutiny is beneficial, it should not be undertaken instead of scrutiny by individual local authorities at a district or county level, but should be used to complement that form of scrutiny. It should also be emphasised that it is quite possible to take advantage of many of the benefits of joint working merely through enhanced communication between neighbouring authorities and their relevant partners. For many authorities and their partners, joint arrangements may not be appropriate or desirable at present.

### **Section 3.4 Co-option**

The regulations allow crime and disorder committees to co-opt additional members to serve on the committee. These co-optees can be specialists in particular areas and can bring great value and expertise to the committee's work.

Members can be co-opted in accordance with the Regulations, which allow a committee to co-opt additional persons provided that they are an employee, officer or member of a responsible authority or of a co-operating person or body and are not a member of the executive of the local authority. The committee can decide whether they should have the right to vote. However, the decision to allow them to vote should be taken in accordance with any scheme in place under Schedule 1 to the Local Government Act 2000. Membership can be limited to membership in respect of certain issues only. The council should take care to clarify the role of such a co-optee, who may be expected, as part of the committee, to hold his or her own organisation to account.

There is also a general power to include additional non voting members under section 21(10) LGA and paragraph 5 of Schedule 8 to the Police Justice Act.



## Co-option and Schedule 1 to the Local Government Act 2000

Under Schedule 1 of the Local Government Act 2000, councils can put in place a formal scheme (similar to the council's scheme of delegations) to allow a co-opted member to have full voting rights.

If you already have a scheme, your co-option plans for community safety must comply with it. Local authorities may prefer ask people [to contribute informally to small task and finish groups or to participate as non-voting members, rather than as full voting members of committees, to ensure that co-optees' work and contribution is focused on areas where they can add most value. So the council and its partners may agree that, although co-option to a committee might be appropriate, the co-optee should not have voting rights.

### Co-option and police authorities

Police authorities occupy a unique position within the landscape of community safety partnerships. They have a clear, statutory role to hold to account the police.

In this context, it is vital that local authorities' community safety scrutiny complements this role. Local authorities should, in all instances, presume that the police authority should play an active part at committee when community safety matters are being discussed – and particularly when the police are to be present.

Local authorities should take the following steps to involve police authorities in work undertaken by their committees.

#### *Option 1*

One member of the crime and disorder committee should be a member of the police authority. We envisage this being the approach that will be adopted by most (but not necessarily all) counties and unitaries.

However, there are a number of circumstances where this will not be possible. In many authorities (unitaries, counties and districts alike) there may be no member appropriate to sit on the committee in this capacity. The principal reasons would be:

- If the relevant local authority representative on the police authority is a member of the executive; or
- If the local authority has no direct member representation on the police authority. There are many areas for which this will be the case, given

that most police authorities cover large areas but only have 9 local councillor members.

### *Option 2*

The second option is for all other circumstances – covering most districts, and those counties and unitaries where having a police authority member on the committee will not be possible.

In these circumstances, a member of the police authority should be issued with a standing invitation to attend the committee as an “expert adviser”. Ideally this would be a police authority member, but subject to local agreement there may be some circumstances, and meetings, where a police authority officer would be more appropriate. For example, care will need to be taken when inviting police authority members to attend when they are also councillors.

Such an advisor would not be a formal member of the committee, but would be able to participate in committee discussion as an expert witness.

Steps should also be taken to ensure that, where appropriate, the police authority have a direct input into the delivery of task and finish reviews that involve the police. The level of involvement in such work that is appropriate can be decided between the police authority and the local authority, the authorities delivering the work.

Agreement over these issues should – as we suggested at the beginning of this section – form part of a protocol between the local authority and its partners. This will allow for local differences, and for agreement over further methods of engagement and involvement – the sharing of work programmes and delivery of joint work pertaining to the police, for example.

The vital thing to remember is that clear and sustained engagement between the police authority and the local authority, as equals, will be necessary to make sure that their roles complement each other. This goes beyond attendance at committee, which should be treated as only one element of this engagement.

These arrangements, and the unique relationship which is necessary between councils and police authorities, should not divert scrutiny bodies or their partners from the fact that the scrutiny of community safety is about much more than the police force and their activities, as we made clear in earlier sections.

### *Option 3*

The third option would be for committees to consider co-opting a police authority member onto the committee when policing matters are being considered, and it would be for the police authority to decide the most appropriate member to

appoint – this can be an independent or councillor member. This would provide a more direct link between the police authority and overview and scrutiny committee and would be particularly relevant if the committee is considering matters directly relevant to policing.

#### **To co-opt or not to co-opt...**

**Suffolk's Local Area Agreement Joint Scrutiny Panel** has adopted co-option as a new way to invigorate scrutiny and involve the community. The panel has appointed six Independent Community Members as permanent co-opted scrutiny members with full voting rights. An advertising campaign was held and applicants were put through a rigorous recruitment process. The roles are well-defined with both job specifications and person profiles. Though the roles were advertised in the media, the most effective marketing was through established networks of people already involved actively in the community.

The Independent Community Members are paid expenses but no salary, and are committed to six meetings a year. In practice, however, they are very enthusiastic and engaged and take part in a great deal more, including task and finish groups. The added dividend of these new faces has been a renewed interest and energy for scrutiny from existing councillors. An Independent Community Member was elected as Chairman by panel members.

The LAA Joint Scrutiny Panel, as well as involving the community, also links together relationships in a two-tier area. The panel has members from the county and each district and borough council in Suffolk, and is a forum which is an effective example of cooperation across the tiers.

**Cardiff City Council** uses expert witnesses to improve its scrutiny reviews. In November 2007 the council did a theme review of the structure in the council for delivering crime and disorder reduction. Cardiff regularly looks to bring in the highest profile experts possible for its theme reviews, such as Professor Michael Parkinson on competitiveness and Ben Page from Ipsos Mori on consultation. For this review they invited South Wales Police, Cardiff Local Health Board, the National Probation Service, Welsh Assembly Government and the Home Office to bring high-level expertise and enhance their understanding of wider issues.

Your contacts for more information:

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Richard Phillips, Cardiff City Council, [R.Phillips@cardiff.gov.uk](mailto:R.Phillips@cardiff.gov.uk)

## Section 3.5 Responding to requests

### Requests for information

As part of the crime and disorder scrutiny process, the relevant scrutiny committee will from time to time request for further information from the community safety partnership – performance information, for example.

When asked, the partnership will be under a duty to provide this information. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible.

### Timescales

Community safety partnerships will be obliged to respond to requests from committees within a reasonable time. The committee and the partnership may want to agree a certain timescale locally.

Partnerships should bear in mind the need for the information to be relevant to the committee's purposes. There is obviously little purpose in burying councillors beneath a morass of reports filled with technical jargon. This may provide you with an opportunity to reappraise how internal reports could be drafted in a more accessible style and made more widely publicly available. You could assign a named link officer in your organisation to liaise with the scrutiny committee, to ensure that communication is swift and effective, and that requests for information can be dealt with smoothly.

If you are a councillor, or are an officer supporting councillors, you should ensure that requests for information are well focused and thought through. Requests should avoid duplication (with requests made quite recently, or requests being made by neighbouring councils which might impact on the same partner organisations).

### Information requests and data protection

The information provided by responsible authorities and co-operating bodies must be depersonalised, unless the identification of an individual is necessary or appropriate in order for the committee to properly exercise its powers. The information should also not include information that would be reasonably likely to

prejudice legal proceedings or current or future operations of the responsible authority or co-operating body.. In practice, it is unlikely that the committee which will need to receive reports relating to specific individuals, or where specific individuals are mentioned in respect of crime and disorder matters.

Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise information by placing reports which are not depersonalised onto Part II of a committee agenda, as an item to be heard without the press or public present.

### Making and responding to recommendations

If a committee drafts a report or recommendations which have an impact on community safety issues, the following should occur:

- Copies of the reports and recommendations should be sent to the such responsible authorities or co-operating bodies as are affected by the report or recommendations, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 2006;
- The relevant partner (or partners) should submit a response within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter); and
- Following the receipt of the response, the committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

As we have already suggested, a protocol might be helpful to define how these arrangements will work in practice. Such a protocol could well make provision for the scrutiny function to consult the partnership informally on a report, or recommendations, before the report is formally submitted. This consultation will make it more likely that recommendations, when they are formally made, are relevant and realistic.

With this provision there is a clear link between the Police and Justice Act and the Local Government and Public Involvement in Health Act, which also requires partners to respond to requests for information, and to respond to reports and recommendations made by an authority's scrutiny function. Section 19 of the Police and Justice Act complements these existing powers.

### **Section 3.6 Attending committee meetings**

From time to time, the committee may request the attendance of a representative of the partnership.

It is common practice in local authority overview and scrutiny work for people to attend to give evidence to scrutiny enquiries. It is often good practice for those attending to receive details of why they are attending such meetings.

If you are a community safety partner, and you receive such a request, you are obliged to send a representative to attend unless reasonable notice has not been given to the person of the intended date for the meeting. What is meant by "reasonable notice" is not clarified in the regulations or legislation and is something which could be defined in a local protocol on crime and disorder scrutiny as agreed by the committee and local partners.

You should not consider such an invitation as a threat. Instead, it is an opportunity for crime and disorder partners and the committee to discuss issues of mutual concern or to highlight positive work to help reduce crime and disorder. The attendance of officers/employees can also help support local public scrutiny. It will generally be more appropriate for more senior employees/officers to attend, mainly because they are likely to have the general expertise to enable them to answer policy questions at the meeting itself.

Likewise, if you are a councillor, you should not consider the power to invite representatives of the partnership to attend to discuss community safety issues as a power that you can exercise without regard to the capacity constraints of the partners you are inviting, or the value they are likely to be able to add to a committee discussion.

### **Glossary**

Here are some terms you may come across that have not been mentioned elsewhere in this document:

- **Activity Based Costing (ABC)** –an approach taken in the police which tries to measure how police time is spent, in order to improve efficiency. It is being scaled back for being too bureaucratic, but will still be used in a more limited way.
- **Assessment of Policing and Community Safety (APACs)** – is the assessment framework for the police and community safety, and has been designed to link with Comprehensive Area Assessment. It replaces the Policing Performance Assessment Framework (PPAF).
- **Justice Reinvestment** – is a concept from America that aims to reduce re-offending by moving resources down to the local level. There is a pilot currently being run to test this idea in London called “Diamond Districts”.
- **Local Criminal Justice Board (LCJB)** – is the partnership board that oversees criminal justice. Though it is called “local” it usually operates at a higher level than the local authority.
- **National Intelligence Model (NIM)** – is a business model for policing that uses intelligence about crime patterns to inform how resources, including across partnerships, are deployed.
- **Prolific and other Priority Offender scheme (PPO)** – is a scheme run by all CDRPs to provide a focus on offenders who have been identified as posing the highest risk to communities.
- **Restorative Justice** – is an approach used alongside criminal justice to help victims gain a sense of closure, help offenders recognise the impact of their crime and reduce the chance they will re-offend.
- **Regulation of Investigatory Powers Act (RIPA)** – is legislation that gives local bodies powers to use covert techniques such as surveillance.
- **Serious and Organised Crime Agency (SOCA)** – is the national agency with responsibility for tackling crimes such as drug trafficking, money laundering and major fraud.

- **National Policing Improvement Agency (NPIA)** – is the policing equivalent of the Improvement and Development Agency (IDeA), producing guidance, learning and development, and providing some national infrastructure.
- **Her Majesty’s Inspectorate of Constabulary (HMIC)** – is the inspectorate for policing which works alongside the Audit Commission on Comprehensive Area Assessment, and delivers APACs (see above).
- **Association of Chief Police Officers (ACPO)** – is the national body representing Chief Constables, but has a wider role in developing policy than most professional associations.



**First Step Resources**

**Crime Reduction Website**

[www.crimereduction.homeoffice.gov.uk](http://www.crimereduction.homeoffice.gov.uk)

This website is the Home Office's one stop shop for information on crime reduction. There are some interesting sources of information – for example, at [www.crimereduction.homeoffice.gov.uk/toolkits](http://www.crimereduction.homeoffice.gov.uk/toolkits), topics cover a range of areas which might arise in a scrutiny review, such as Fear of Crime or Alcohol Related Crime. The toolkits include facts and figures and policy context for each topic, which could be a useful shortcut for desk based research. There is also a collection of research on a wide range of topics, from Neighbourhood Watch, to Street Sex Work to Taxi Robberies.

The research tab also has a page providing direction to all the latest sources of crime statistics.

***Delivering Community Safety: A guide to effective partnership working (2007)***

This is the official guidance for Crime and Disorder Reduction Partnerships. It sets out statutory requirements, suggested practice, potential barriers and possible solutions and implementation checklists. If scrutiny function is looking to test a partnership against the standard for good practice, this resource is the best place to start.

***Flanagan Review Final Report (2008)***

In 2007 the Home Office announced an independent review of policing by Sir Ronnie Flanagan to look at neighbourhood policing, bureaucracy, accountability and managing resources. Flanagan was then Chief Inspector of Constabulary and is well respected in the policing community. His review was widely welcomed though he explicitly refused to make any positive recommendations about changes to structural accountability in the police. This is a readable report and is a useful insight into concerns and priorities in the policing community.

***Engaging Communities in Fighting Crime (2008)***

This independent review was led by Louise Casey, the former 'Respect Tsar.' with a reputation for toughness and plain speaking. The review focuses on why communities have lost confidence in criminal justice, and why they don't take a

more active role in fighting crime. It is a useful read for those involved in scrutiny because it focuses on public perceptions, is written in a conversational style and makes practical and interesting recommendations, including for local authorities.

***From the Neighbourhood to the National: policing our communities together (2008)***

This is the latest Policing Green Paper, which paved the way for the Policing and Crime Bill. It provides the most recent expression of the current Government's perspective and intentions on policing and community safety. Readers should be aware, however, that the expressed intention to legislate for new Crime and Policing Representatives will not come to pass, as it was dropped from the Bill shortly before publication. Instead an internal Labour party review was set up under David Blunkett to look again at the difficult issue of local accountability of the police.

**Integration Neighbourhood Policing and Management**

There is no publication to support this, but information about the project is available on the IDeA website. The IDeA and National Policing Improvement Agency are co-ordinating a group of 'exemplar sites' to help progress the integration neighbourhood policing with neighbourhood management – one of the key recommendations of the Flanagan Review.

**Tackling Anti-social Behaviour Website**

[www.respect.gov.uk](http://www.respect.gov.uk)

Anti-social behaviour is a key issue, and one that has particular importance for members of the public, and therefore for councillors. This website is a one-stop resource on everything to do with tackling anti-social behaviour. One resource that is particularly practical and interesting is the collection of step-by-step guides to tackling a ranges of very specific problems, from graffiti to mini-motos to fireworks. Scrutiny committees doing themed reviews may find resources here to help them assess performance and identify positive recommendations.

***National Community Safety Plan 2008-11  
Cutting Crime: A new partnership 2008-11***

These two documents were published together – one is the overarching strategy on crime, the other is a more focused document on community safety which replaces an earlier plan. The Community Safety Plan reflects the general drive across government to reduce the central burdens on local delivery, though councillors will note there is still a significant focus on national priorities which partnerships will be reacting to. These documents may not be as user-friendly for councillors as some other resources.

STATUTORY INSTRUMENTS

2009 No. 942

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Disorder (Overview and Scrutiny)  
Regulations 2009

*Made*

6th April 2009

*Laid before Parliament*

8th April 2009

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 20(3) and (4) of the Police and Justice Act 2006<sup>(1)</sup>.

In accordance with section 20(4) of that Act, the Secretary of State has consulted with the Welsh Ministers<sup>(2)</sup> regarding the provisions in relation to local authorities in Wales.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

(2) These Regulations shall come into force in respect of local authorities in England on 30th April 2009 and in respect of local authorities in Wales on 1st October 2009.

**Interpretation**

2. In these Regulations—

“2006 Act” means the Police and Justice Act 2006;

“depersonalised information” means information which does not constitute personal data within the meaning of the Data Protection Act 1998<sup>(3)</sup>.

**Co-opting of additional members**

3.—(1) The crime and disorder committee of a local authority may co-opt additional members to serve on the committee subject to paragraphs (2), (3), (4) and (5).

(2) A person co-opted to serve on a crime and disorder committee shall not be entitled to vote on any particular matter, unless the committee so determines.

(3) A co-opted person’s membership may be limited to the exercise of the committee’s powers in relation to a particular matter or type of matter.

(4) A crime and disorder committee shall only co-opt a person to serve on the committee who—

(a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and

(b) is not a member of the executive of the committee’s local authority (or authorities).

(5) The membership of a person co-opted to serve on a crime and disorder committee may be withdrawn at any time by the committee.

#### **Frequency of meetings**

4. A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

#### **Information**

5.—(1) Where a crime and disorder committee makes a request in writing for information, as defined in section 20(6A) of the 2006 Act(4), to the responsible authorities or the co-operating persons or bodies, the authorities, or persons or bodies (as applicable) must provide such information in accordance with paragraphs (2) and (3).

(2) The information referred to in paragraph (1) must be provided no later than the date indicated in the request save that if some or all of the information cannot reasonably be provided on such date, that information must be provided as soon as reasonably possible.

(3) The information referred to in paragraph (1)—

(a) shall be depersonalised information, unless (subject to sub-paragraph (b)) the identification of an individual is necessary or appropriate in order to enable the crime and disorder committee to properly exercise its powers; and

(b) shall not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.

#### **Attendance at committee meetings**

6.—(1) Subject to paragraph (2), a crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

(2) The crime and disorder committee may not require a person to attend in accordance with paragraph (1) unless reasonable notice of the intended date of attendance has been given to that person.

#### **Reports and recommendations**

7. Where a crime and disorder committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the 2006 Act, the responses to such report or recommendations of each relevant authority, body or person shall be—

(a) in writing; and

(b) submitted to the crime and disorder committee within a period of 28 days from the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

*Vernon Coaker*  
Minister of State

Home Office  
6th April 2009

#### **EXPLANATORY NOTE** *(This note is not part of the Regulations)*

These Regulations are made under section 20(3) (in respect of local authorities in England) and 20(4) (in respect of local authorities in Wales) of the Police and Justice Act 2006. The Regulations supplement the

provisions in section 19 of that Act by making provision for the exercise of powers by crime and disorder committees of local authorities.

Regulation 3 provides that crime and disorder committees may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation.

Regulation 4 provides that a crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, no less than once in every twelve month period.

Regulation 5 provides that responsible authorities or co-operating persons or bodies must provide such information as is requested of them by the crime and disorder committee, subject to the provisions in that regulation.

Regulation 6 provides that a crime and disorder committee may require the attendance before it of a representative of a responsible authority or of a co-operating person or body in order to answer questions, subject to the provisions in that regulation.

Regulation 7 provides that where a crime and disorder committee makes a report or recommendations to responsible authorities or co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such report or recommendations of each relevant authority, body or person shall be in writing and within 28 days of the date of the report or recommendations or, if this is not reasonably possible, as soon as reasonably possible thereafter.

(1)

2006, c. 48. Section 20 has been amended by section 121 and has been prospectively amended by sections 126 and 241, and part 6 of Schedule 18 to the Local Government and Public Involvement in Health Act [2007 \(c. 28\)](#). [Back \[1\]](#)

(2)

The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c.32\)](#). [Back \[2\]](#)

(3)

[2008 c.29](#). [Back \[3\]](#)

(4)

Section 20(6A) was inserted by section 121(2) of the Local Government and Public Involvement in Health Act [2007 \(c. 28\)](#). [Back \[4\]](#)

## Appendix D

### Local Government Involvement in Public Health Act 2007 - Extract

#### Section 126

#### 126 Reference of local crime and disorder matters to crime and disorder committees etc

(1) The Police and Justice Act 2006 (c. 48) is amended as follows.

(2) In section 19 (local authority scrutiny of crime and disorder matters), for subsections (3) to (8) substitute—

“(3) A local authority must—

(a) ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and

(b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

(4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.

(5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).

(6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.

(7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—

(a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and

(b) provide a copy of the report or recommendations to such of—

(i) the responsible authorities, and

(ii) the co-operating persons and bodies,

as it thinks appropriate.

- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
  - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
- (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
  - (b) the authority, body or person 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.”
- (3) In subsection (9)(b), for “subsection (1)(b) or (6)” substitute “this section”.
- (4) In subsection (11)—
- (a) after the definition of “crime and disorder functions” insert—
 

“electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;”, and
  - (b) for the definition of “local crime and disorder matter” substitute—
 

“local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—

    - (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
    - (b) the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.”
- (5) Section 20 (guidance and regulations regarding crime and disorder matters) is amended as follows.
- (6) In subsections (1) and (2), after “under” insert “or by virtue of”.
- (7) In subsection (5), omit—
- (a) paragraph (f); and
  - (b) sub-paragraphs (i) to (iii) of paragraph (g).

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## WIRRAL COUNCIL

### SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

1 JUNE 2009

#### REPORT OF THE DIRECTOR OF REGENERATION

#### TRADING STANDARDS SERVICE DELIVERY PLAN (NATIONAL PERFORMANCE FRAMEWORK)

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##### 1.0 EXECUTIVE SUMMARY

1.1 This report seeks Members endorsement of the Trading Standard Service Delivery Plan for 2009/10.

##### 2.0 BACKGROUND

2.1 Historically the Trading Standards Division provided a brief statistical Annual Report under the Weights and Measures Act 1985 detailing work carried out under that legislation. This reporting mechanism did not reflect the increasing range of compliance responsibilities within the remit of the Division.

2.2 The work of the Trading Standards Division can be divided into four core responsibilities;

- Metrology (Weights and Measures),
- Safety (Product Safety and Under Age Sales);
- Fair Trading (Consumer Credit, Misleading and False Descriptions, Trademarks, Enterprise Act, Consumer Advice and Intervention)
- Quality Standards (Food standards and animal feeding stuffs).

2.3 The Department for Business, Enterprise and Regulatory Reform (BERR) National Performance Framework requires local authorities to prepare a Service Delivery Plan for its Trading Standard functions

2.4 The Framework has been developed by the Consumer Affairs Directorate of BERR with the Local Authority Co-ordinating Organisation for Regulatory Services (LACORS), the Office of Fair Trading (OFT), the National Weights and Measures Laboratory (NWML) and the Trading Standards Institute (TSI).

##### 3.0 DEVELOPMENT OF THE PLAN

3.1 In its white paper, "Modern Markets, Confident Consumers" the Government recognised that the national priorities for the Trading Standards Service are:

- Informed confident customers
- Informed successful businesses
- Enforcement of a fair and safe trading environment
- Efficient, effective and improving Trading Standards services

3.2.1 The Rogers Review of Local Authority Regulatory Priorities, which has been endorsed and accepted by the Government, sets six national enforcement priorities for local regulatory services. The priority relevant to Trading Standards is Fair Trading, which includes the

description of goods and services, trade marks and intellectual property, doorstep selling, protecting the economic interests of consumers and safeguarding the vulnerable from scams and rogue traders.

3.3 Both the Rogers Review and its predecessor, the Hampton Review, envisaged a Trading Standards Service which provided support to, and reduced burdens on, legitimate business, whilst targeting rogue traders who adversely impact on consumers and lawful business. The Trading Standards Division has achieved this aim by reducing unnecessary inspections to traders who comply with the law and targeting interventions in those areas, which pose the greatest threat to consumer welfare. This approach is reflected in National Indicator 183 which assesses the impact of trading standards services on the fair trading environment by measuring action taken to reduce complaint levels against non compliant traders.

3.4 The Service Delivery Plan encompasses the national priorities and also addresses community priorities. It focuses upon the contribution the Trading Standards Division makes to the Council's corporate objectives. The plan forms the basis of Trading Standards operational activity for 2009/10. The National Performance Framework requires that the service delivery plan be submitted to the relevant Member forum for approval.

3.5 The draft Service Delivery Plan ensures the maintenance of current measures to improve business compliance activity and enhance consumer welfare but also addresses implementation of new initiatives such as;

- Advisory activities to ensure that the most vulnerable members of the community receive casework support to protect them from rogue traders, including additional support provided by Age Concern.
- Refreshing the need to target enforcement activity at traders seeking to mislead and defraud vulnerable consumers.
- Develop links with the Financial Ombudsman Service to assist consumers with the resolution of complex consumer credit problems.
- Work collaboratively with the regional Trading Standards illegal moneylending, scambusters and tobacco control teams
- Provide training to health visitors on consumer safety dangers and nutrition relating to babies and toddlers.
- Work with NHS Wirral to make better use of food sampling resources in relation to diet and nutrition at takeaway premises. Using analytical data from 2008/9 survey to provide advice to take away premises on reducing salt, saturated fat and portion size.
- Conduct the 2<sup>nd</sup> phase of the LACORS project into the accuracy of weighing equipment used in Wirral University Trust Hospitals to measure drug and other therapeutic interventions.
- Make greater use of licence review procedures to impose conditions or suspend or revoke licences, to minimise the sale of alcohol to under 18s.
- Work with the police to target doorstep sellers preying upon the vulnerable and use powers under Fraud Act and Consumer Protection Regulations
- With Merseyside TS colleagues seek funding to conduct a survey seeking to reduce excess packaging

3.5 The draft service delivery plan for 2009/10 is attached to this report at Appendix 1.

#### 4.0 **FINANCIAL IMPLICATIONS**

4.1 The contents of the plan will be delivered within existing budgetary provision (with additional resources provided by NHS Wirral for under age sales of alcohol work).

## **5.0 STAFFING IMPLICATIONS**

5.1 The contents of the plan will be delivered within existing staffing arrangements (with additional resources provided by NHS Wirral for under age sales of alcohol work).

## **6.0 EQUAL OPPORTUNITIES IMPLICATIONS**

6.1 The Service Delivery Plan addresses equal opportunity issues. Equality Impact Assessments have been carried out on key areas of work.

## **7.0 LOCAL AGENDA 21 IMPLICATIONS**

7.1 The Service Delivery Plan includes the role the Trading Standards Service plays in relation to Local Agenda 21.

## **8.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

8.1 The plan applies to all Wards.

## **9.0 HUMAN RIGHTS IMPLICATIONS**

9.1 The Service Delivery Plan incorporates the human rights implications involved in enforcement action. The plan specifically addresses the need to provide staff training and increase public confidence in proper use of the Regulation of Investigatory Powers Act 2000.

## **10.0 COMMUNITY SAFETY IMPLICATIONS**

10.1 The Service Delivery Plan includes contributions to Wirral's Community Safety Strategy, particularly concerning protection of vulnerable groups.

## **11.0 PLANNING IMPLICATIONS**

11.1 None.

## **12.0 ANTI-POVERTY IMPLICATIONS**

12.1 Regulation focused on high risk elements of the credit industry and effective criminal enforcement action against loan sharks will increase financial protection. Greater use of Financial Ombudsman Service will increase options for resolving complex consumer credit complaints.

## **13.0 SOCIAL INCLUSION IMPLICATIONS**

13.1 Targeted provision of consumer support interventions will increase the confidence of vulnerable consumers.

## **14.0 BACKGROUND PAPERS**

14.1 National Performance Framework – Service Delivery Plan for Trading Standards Services.

## **15.0 RECOMMENDATION**

15.1 That members endorse the Trading Standards Service Delivery Plan for 2009/10.

Alan Stennard

Director of Regeneration.

This report was prepared by John Malone who can be contacted on 691 8640

## Appendix One

### THE SERVICE DELIVERY PLAN 2009/10

#### POLICIES TO MEET NATIONAL AND LOCAL PRIORITIES

##### Informed Confident Consumers 2009/10

##### **Provisions for educating, informing, advising and creating informed confident consumers.**

##### **Links to authority aims & priorities for improvement To create more jobs, achieve a prosperous economy and regenerate Wirral**

1 Review policy for advice and assistance to consumers in view of Office of Fair Trading consumer intervention strategy and equality guidance.

2 Maintain Consumer Support Quality Manual to the Community Legal Service Specialist Help Quality Mark standard

3 Develop and promote the Consumer Advice Club by employing a contractor

4 Promote responsible traders and increase choice to consumers by broadening the membership of the Local Authority Assured Trader Scheme Network approved Wirral Trader Scheme. Monitor feedback to ensure that business standards are maintained.

5 Provide consumer education in schools and increase participation in Easter Egg Challenge and other educational initiatives with partner agencies

##### **Links to authority aims & priorities for improvement To improve health and well being for all, ensuring people who require support are full participants in mainstream society**

6 Working with Age Concern to educate elderly consumers about door step crime, bogus callers and raise awareness of the No Cold Calling Zones and the Wirral Trader Scheme

7 Work with colleagues to provide Consumer Direct publicity, initial advice posters and publicise the illegal money lending team in libraries and One Stop Shops.

8 Work with Victim Support to identify vulnerable people able to benefit from a target hardening programme. Work with Home Improvement Agency to establish a referral protocol and signpost vulnerable consumers in need of property repairs and maintenance.

9 Working with the police, Community Safety, Wirral Wardens, Age Concern and Wirralwatch we will consult with communities to implement " No Cold Calling Zones" to deter unwanted traders and to provide reassurance to vulnerable consumers.

10 Analyse intelligence and target banks and building societies to minimise risk to vulnerable consumers through preventing withdrawal of large amounts of cash to pay rogue traders.

11 Improve through staff training the Rapid Reaction Response to provide a prompt approach to unsolicited traders calling on vulnerable consumers.

12 Review advisory activities to ensure that the most vulnerable members of the community receive casework support to protect them from rogue traders, including additional support provided by Age Concern.
13 Provide doorstep crime guidance material and speakers to targeted audiences.
14 Use Consumer Support Network and Ringmaster system to focus awareness of doorstep crime and disseminate warnings to vulnerable and targeted groups through networked alerts to members
15 Conduct 2 <sup>nd</sup> phase of the Local Authorities Coordinators of Regulatory Services medical weighing project into the accuracy of equipment used in healthcare
16 Work with NHS Wirral to make better use of food sampling resources in relation to diet and nutrition at takeaway premises. Using analytical data from 2008/9 survey to provide advice to take aways on reducing salt, saturated fat and portion size. Seek resources to enable community engagement
17 Take part in North West regional and Local Authorities Co-ordinators of Regulatory Services national food and feedingstuff sampling programmes to ensure that compositional, labelling and nutritional standards are maintained.
18 Provide training on consumer safety and nutrition relating to babies and toddlers to Health visitors

Informed Successful Business 2009/10

**Provisions to create informed successful businesses through education, information and advice.**

**Links to authority aims & priorities for improvement**

**To create more jobs, achieve a prosperous economy and regenerate Wirral**

19 Provide a metrology service to help businesses comply with legal requirements and maintain statutory traceability of equipment

20 Develop trader guidance packs and provide training for off-licence staff.

21 Provide detailed advice to Home Authority/ Primary Authority companies to enable them to comply with legal requirements, taking into account any additional responsibilities arising from Primary Authority.

22 Provide trader advisory pack to help small business deal with unwanted approaches from companies selling space in bogus publications in light of Business Protection Regulations and continue to work with Companies Investigation Branch to monitor non compliant companies. Explore possibility of civil action under Business Protection Regulations

23 Identify risk based inspections by intelligence to improve compliance and provide guidance to businesses.

24 Act as a responsible body under the Licensing Act 2003 in the vetting process for alcohol licences and contribute to the licensing review process.

25 With North West Trading Standards partners identify regional "Most Complained About Traders" to improve complaint handling of such high complaint level businesses.

26 Carry out high risk credit inspections at the request of the Office of Fair Trading. Develop links with the Financial Ombudsman Service to assist consumers with the resolution of complex consumer credit problems.

Enforcement of a Fair and Safe Trading Environment 2009/10

**Provisions to secure a fair and safe trading environment for the protection of all consumers in the community, to foster an environment in which genuine traders can flourish and drive out rogue traders.**

***Links to authority aims & priorities for improvement***

***To create a clean, pleasant, safe and sustainable environment***

27 Conduct surveys and identify areas of unsafe consumer products and initiate RAPEX alerts and publicity where appropriate.

28 Conduct intelligence led investigations into breaches of the law and ensure legal action meets standards of the reviewed enforcement policy

29 Work collaboratively with the regional illegal moneylending, scambusters and tobacco control teams.

30 Work with Police to investigate second-hand traders, car boot sales and electronic market places to detect supply of counterfeit goods and to disrupt the supply of stolen goods

31 Contribute to Crime and Disorder Reduction Partnership, Volume Property Crime Group and Joint Agency Group.

32 Work with the police licensing team to target under age sales of alcohol take appropriate prosecution and licensing review action.

33 Contribute to the Tobacco control strategy by undertaking under age sales surveys, advising business and investigating allegations of counterfeit tobacco.

34 Promote the responsible sale and use of fireworks.

35 Use intelligence to identify local problem traders and take proportionate Enterprise Act action to contribute to NI183.

36 Work with the police to target doorstep sellers preying upon the vulnerable and use powers under Fraud Act and Consumer Protection Regulations.

37 With Merseyside TS colleagues seek funding to conduct a survey seeking to reduce excess packaging.

38 Provide training sessions to Merseyside Police probationary officers.



Provision of an efficient, effective and improving Trading Standards Service 2009/10

**Provisions to develop and modernise the Trading Standards service and to ensure it is able to meet the requirements of this Service Delivery Plan efficiently and effectively including delivery of continuous improvements.**

*Links to authority aims & priorities for improvement*

*To be an excellent Council*

39 Maintain business satisfaction levels (NI182) at target of 75%.

40 Provide customer satisfaction surveys to every customer, who has had further advice and assistance, maintain national target of 90% and review process.

41 Prepare and issue press releases and respond to media enquiries, in conjunction with Press Office and Council media protocol.

42 Discuss performance at key issue exchanges and subsequent reviews in terms of service plan, annual performance report, Food Service Plan. Performance also discussed at each section's monthly meetings.

43 Develop and implement a staff training and development plan based on KIE and operational circumstances.

44 Work with TSNW colleagues to develop and implement regional strategies, surveys and service improvements. Through TSNW work with the North West Improvement and Efficiency Partnership and its sub regional derivatives

45 Through the Masterware user group enable data sharing with appropriate bodies and implement LAEMS and FSS systems, as required by the Food Standards Agency.

46 Share intelligence with other agencies in accordance with National Intelligence Model.

47 Review existing Food Standards policies and procedures following implementation of the Code of Practice.

48 Respond to consultations which impact upon the service.

49 Update and maintain website material

50 Provide basic advice training to local authority One Stop Shop colleagues, Citizen Advice Bureaux staff, Age Concern staff and obtain feedback through Consumer Support Network/Community Legal Services Partnership to identify gaps.

51 Maintain quality of RIPA procedures in light of OSC inspection, central register and provide staff training and increase public confidence

52 Maintain Memorandum of Understanding with Merseyside Police to enable asset recovery arrangements to ensure better use of resources

53 In accordance with Council Policy disclose outcomes of prosecutions on Trading Standards website

54 Assess the impact of DCATS training on staff and implication of TSI continuous professional development.

