

# COMMUNITY SAFETY FORUM

## Agenda Item 7

Brighton & Hove City Council

**Subject:** *The Councils new Constitution, Overview and Scrutiny arrangements and role of the Community Safety Forum*

**Date of Meeting:** 7 July 2008

**Report of:** *Head of Community Safety*

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**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Brighton & Hove has agreed a new constitution that sets out how the Council operates, how decisions are made and the procedures that are to be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law. The constitution commits the council to exercising all its powers and duties in accordance with the law, the 17 articles of the Constitution and in pursuit of the Councils overall vision which is set out within the Community Strategy.
- 1.2 The 17 Articles of the Constitution explain the rights of citizens and how the council operates . Article 6 explains the overview and scrutiny role and the role of the new Environment and Community Safety Overview and Scrutiny Committee in particular. Article 5.3 of the Constitution explains the role of the Community Safety Forum within the new arrangements.
- 1.3 This report sets out these new arrangements together with the anticipated changes which will arise from the implementation of Section 19 of the Police and Justice Act 2006.

#### 2. RECOMMENDATIONS:

- 2.1 That the Community Safety Forum consider the information within this report.

#### 3. THE NEW ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 Following the adoption of the new Constitution on 15<sup>th</sup> May 2008, the council has appointed an Overview and Scrutiny Commission and five Committees, one of

which is the Environment and Community Safety Overview and Scrutiny Committee.

3.2 The main new scrutiny roles to be carried out by all of the Committees, include:

- monitoring compliance of key decisions that have been set out within the Council's Forward Plan
- monitoring the Budget and Policy Framework of the Council and those service areas that are a particular responsibility of the Committee
- involvement in policy development at an early stage

Each Committee will therefore have a planned work programme to deliver.

3.3 The full Terms of Reference and procedure rules for the Environment and Community Safety Overview and Scrutiny Committee are appended to this report.(Appendix 1). Those Terms of Reference allow for any Member of the Committee to notify the Head of Scrutiny that she or he wishes an item to be included on the agenda for the next available meeting. The Committee will then decide if and how it wishes to pursue an agenda item (in accordance with the process and flow chart set out in Appendix 1). The Committee will need to consider the achievement of its planned work programme when considering whether or not it can accede to those new requests.

#### **4.0 The Community Safety Forum**

4.1 The Community Safety Forum and its Terms of Reference is included within the Council's Constitution as an Advisory Group (section 5.3). Those Terms of Reference which have been previously agreed by this Forum are also appended to this report. (Appendix 2)

4.2 The Community Safety Forum is however, asked to note that the Terms of Reference now requires any recommendations from the Forum to be made to the Cabinet Member for Environment in relation to matters that require council decisions and where there are links with other strategic priorities of the Council. That process will be facilitated through the Forums Chair, Councillor Geoffrey Theobald.

4.3 The Community Safety Forum is also asked to note that no 12 of the attached Terms of Reference which sets out the purposes of the Forum states:

"To refer matters that are the function of a Crime and Disorder Committee to the Environment and Community Safety Overview and

Scrutiny Committee in accordance with section 19 of the Police and Justice Act 2006”.

- 4.4 That section of the Act has yet to come into force (anticipated shortly) It will require the Council to establish a Crime and Disorder Committee. It is intended that the Environment and Community Safety Overview and Scrutiny Committee will subsume the new functions (for Crime and Disorder Committees) within its remit.
- 4.5 The new powers will allow for the referral of matters to the police for consideration and a response. Indeed the police will have a legal duty to ‘have regard to’ the report and recommendations of a Crime and Disorder Committee. Statutory guidance and regulations will set out the full procedures for referring matters to the Committee and the scope of its powers. The aim is to ensure that minimum standards of partnership working are applied and that the new scrutiny process ‘adds value’ to current CDRP arrangements.
- 4.6 Clearly the Community Safety Forum has a crucial role to play in these new arrangements. It could be said that the new statutory authority to call the police to account is a role that the Forum has traditionally filled through positive information sharing, dialogue and engagement directly with police representatives at each of its meetings. The structure of close partnership working throughout the wider Crime and Disorder Reduction Partnership also facilitates that process.
- 4.7 The Community Safety Forum is also, as the Terms of Reference state, the place where:
- key voluntary, independent and statutory agencies who play a significant role in the City in reducing Crime and Disorder and improving safety and quality of life, can work together ..
  - Involve Members in that process and ensuring that key decisions which affect the Council as a whole are referred to the appropriate decision making body
  - Enable consultation between residents, the Police Authority and Police
  - Refer matters to the Cabinet Member for Environment, the Cabinet or the Environment and Community Safety Overview and Scrutiny Committee as appropriate, either because they have significance for the Councils duties as a whole or for decision making
- 4.8 The council’s new Constitution now provides the facility to request the Forums Chair and Cabinet Member and any other Member of the Overview and Scrutiny Committee, to refer matters to the Environment and Community Safety Overview and Scrutiny (Crime and Disorder ) Committee.

4.9 However, the Community Safety Forum will continue to work towards increasing its effectiveness in achieving satisfactory outcomes and resolutions to the areas of work that are within its remit and within that of the wider Crime and Disorder Reduction Partnership. The full support of the Partnership will continue to be provided to enable the achievement of that aim.