

Part 5.7 – Carmarthenshire County Council Local Crime and Disorder Referrals: Guidance for Councillors

1 Introduction

1.1 The implementation of sections 19 and 20 of the Police and Justice Act 2006 in Wales has given local councillors the power to refer local crime and disorder issues to the Social Justice, Crime and Disorder Scrutiny Committee. These new powers strengthen the ability of the Committee to scrutinise key partners in relation to community safety, as from 1st October 2009.

1.2 As part of their community leadership role, councillors have always attempted to resolve issues on behalf of their local residents. The Local Crime and Disorder Referral (referred to as a **LCDR** in the remainder of this guidance) provides an additional avenue for councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.

2 How should I normally attempt to resolve a crime and disorder issue in my area?

2.1 Local issues can be resolved in a number of ways by councillors on behalf of their residents, including:-

- Informal discussions with officers or other councillors
- Approach the relevant Neighbourhood Policing Team or monthly local Partnerships and Communities Together (PACT) meeting
- Local Anti-Social-Behaviour Groups
- Formal discussions with officers and councillors
- Write a formal letter to the Executive Board Member on behalf of constituents
- Ask a question at Full Council
- Submit a motion to Full Council
- Public meeting
- Petition
- Complaint
- Freedom of Information request
- Communication with local MPs
- Web or email based campaigns

2.2 This is not an exhaustive list and councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local councillor can refer it to the Social Justice, Crime and Disorder Scrutiny Committee.

3 What is a Local Crime and Disorder Referral?

3.1 In order for the Committee to accept a LCDR as an agenda item for discussion at one of their meetings, the issue:-

- **must** concern crime and disorder and may include anti-social behaviour or other behaviour adversely affecting the local environment, such as the misuse of drugs, alcohol or other substances, **and**;
- **must** affect either all or part of a councillor's electoral area or it must affect someone who lives or works in that area.

3.2 A councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that an LCDR is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

3.3 A councillor may wish to use this process, for example, where multi-agency discussion and work has taken place in relation to a hotspot area at a local Anti-Social Behaviour Group but the action taken is not seen to be working. Despite complaints to the appropriate agencies, problems continue to occur at the hotspot area.

4 How and When should I make a LCDR?

4.1 A flowchart showing the process is provided at **Appendix 1**. A councillor may initiate the process by completing the form at **Appendix 2**. Further copies are available from Democratic Services. It is important that the local councillor specifies what outcome is expected from the referral. After completion the form should be returned to Democratic Services, who will log each request to track its progress and forward a copy of the form to the Head of Administration and Law (The Proper Officer) and the relevant scrutiny officer.

4.2 The Proper Officer will confirm whether or not the referral satisfies the requirements outlined in section 3 above to enable it to be placed on the agenda for discussion at a meeting of the Committee. Nevertheless, the Proper Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful.

4.3 Assuming that the referral meets the requirements in section 3 above, the member should still be careful to ensure that the timing of the referral is not premature and that all other potential remedies outlined in section 2 above have been exhausted, before a referral is made to the Committee. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined in section 5 below. If the Proper Officer believes that the referral is premature, he/she will advise the member accordingly.

5 What happens when my LCDR comes before the Committee?

5.1 It is up to the members of the Committee to decide whether, and in what form, to take the matter further. The Committee will use the following criteria to decide whether or not the referral is appropriate to be considered by Committee:-

- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the local councillor? Do the responses received by the referring councillor demonstrate that the matter is not being progressed?
- Has the committee considered a similar issue recently – if so, had the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the LCDR should be taken into account
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
- Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
- Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
- Is the issue part of an individual’s own personal agenda (an issue of genuine local concern should have an impact on the local community)?
- Is this an issue currently being looked at by another form of local scrutiny?
- And, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the member’s ward?

5.2 If the Committee decides not to accept the LCDR it must inform the councillor of the decision and the reasons for it.

5.3 If the Committee decides to accept the LCDR, it must decide how it intends to take the matter forward and include the LCDR in its work programme. This could include:-

Before holding a formal hearing:-

- Asking the relevant responsible authorities to respond to the LCDR
- Setting up a research or task and finish group to undertake a more in-depth review.

At a formal hearing:-

- Asking for further evidence and/or witnesses to be brought to a future meeting. The committee has the power to invite representatives from partner authorities to attend, where relevant, and to request information.

5.4 Any discussion in Committee would be based on how to achieve the outcomes that the councillor bringing the referral had specified. The discussion would explore potential solutions, and the item may end with the Committee recommending that certain action be taken by the relevant responsible authorities. It should be pointed out that discussions at committee will not necessarily resolve the issue immediately. However, the process can act as a spur for councillors and responsible authorities to work together to jointly develop policies to overcome the problem.

6 Potential outcomes from a LCDR

6.1 Following a formal hearing, there are a number of potential outcomes from the Committee meeting:-

- The Committee could determine not to make a report
- The Committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue
- The Committee could write a report and make recommendations on the LCDR to the relevant responsible authority.

6.2 Once the Committee has completed its work, the councillor who made the referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website (unless there are reasons why the committee treats the matter as an exempt item, in which case the report will not be made public).

7 Timescales for dealing with a LCDR

7.1 Once a LCDR has been assessed as meeting the requirements outlined in section 3.1, the item will be included on the next available Committee agenda, unless the councillor agrees to postpone or withdraw the referral on the basis that it is premature.

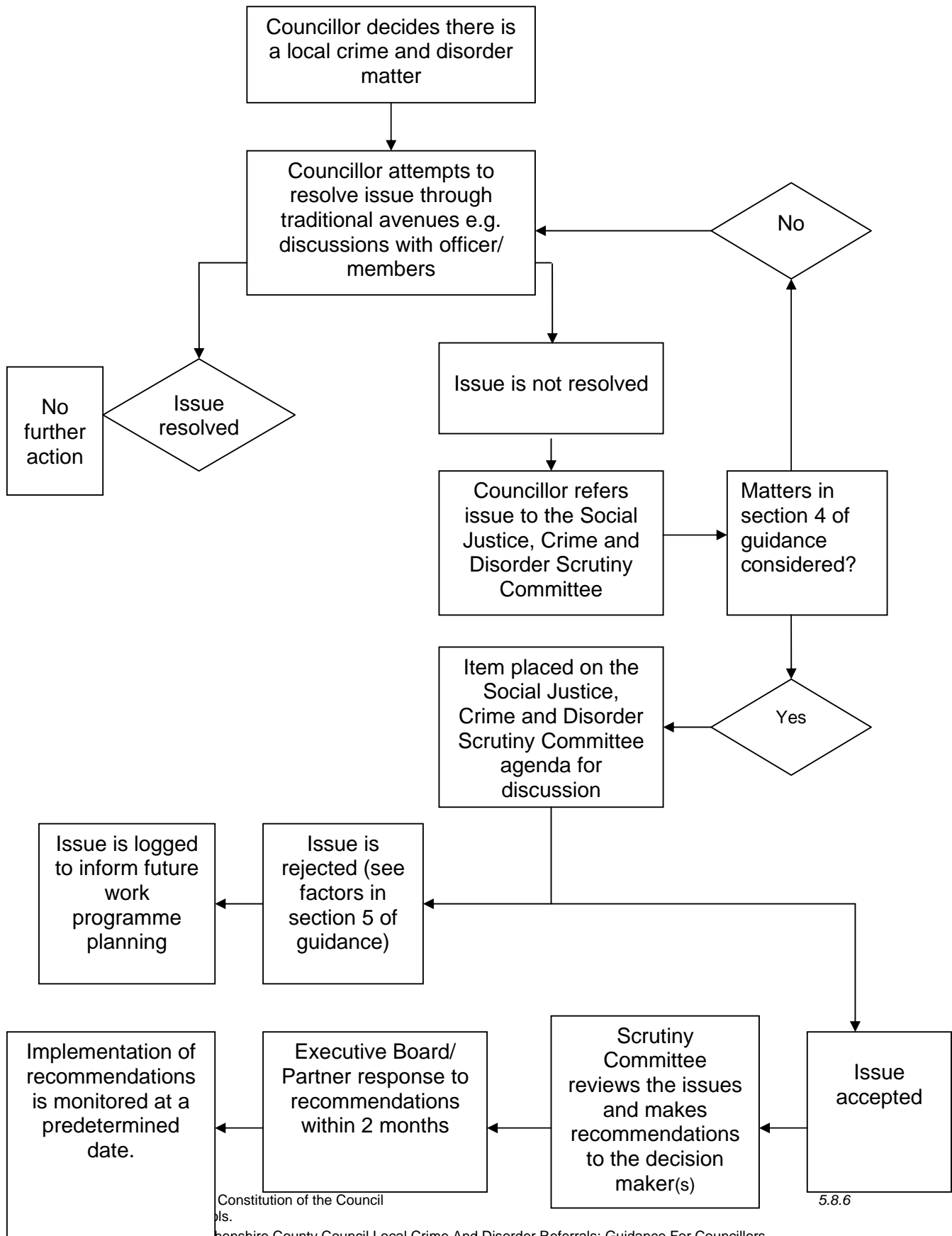
7.2 In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened. Should a LCDR hearing result in recommendations to the Executive Board or responsible authorities, they will be requested to make a response to the recommendations within 28 days and 2 months respectively.

7.3 The Committee will monitor implementation of any recommendations on a regular basis as part of its forward work programme.

8 Review of this Guidance

8.2 This guidance is based on a model prepared and approved by the Association of County Secretaries and Solicitors (ACSeS) in October 2009. ACSeS will review their model guidance in light of experience of the use of these procedures by local authorities in Wales, and this guidance may therefore be modified accordingly.

Flow Chart for Councillor Local Crime and Disorder Referral



COUNCILLOR LOCAL CRIME AND DISORDER REFERRAL

For the attention of the Head of Administration and Law

From: Councillor _____

Ward: _____

Contact details:

Telephone: _____

E-mail: _____

<p>SUBJECT</p>	
<p>Details: Please briefly explain what the issue is and how it affects your ward</p>	
<p>Action taken to date: Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date)</p>	<ul style="list-style-type: none"> • Informal discussions with officers or other members • Approach the relevant Neighbourhood Policing Team • Formal discussions with officers and members • Write a formal letter to the Executive Board Member on behalf of constituents • Ask a question at Full Council • Submit a motion to Full Council • Public meeting • Petition • Complaint • Freedom of Information (FOI) request • Communication with local MPs • Web or email based campaigns • Additional actions and further detail: <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Expected Outcome Please describe the outcome you hope to gain via this referral</p>	
<p>Papers attached: Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.</p>	

The following criteria will be taken into consideration when the Committee decide whether to progress with your LCDR:

- ◆ Have all reasonable attempts have been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- ◆ Has the committee considered a similar issue recently – if yes had the circumstances or evidence changed?
- ◆ Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the LCDR should be taken into account.
- ◆ Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- ◆ Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- ◆ Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
- ◆ Is the issue part of a personal agenda (an issue of genuine local concern should have an impact on the local community)?
- ◆ Is this an issue currently being looked at by another form of local scrutiny?
- ◆ And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in your ward?

Please consider whether you referral might be considered premature by the Committee. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he/she will advise you accordingly.