

### Appendix D

#### MEMORANDUM OF UNDERSTANDING BETWEEN THE CRIME AND DISORDER (OVERVIEW AND SCRUTINY) COMMITTEE AND THE DARTFORD COMMUNITY SAFETY PARTNERSHIP

##### Introduction

1. The Council has a legal duty under Section 17(1) of the Crime and Disorder Act 1998 to carry out all its various functions with regard to the need to prevent crime and disorder and reduce re-offending in its area.
2. The Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 grant the Council the power to scrutinise both crime and disorder matters through the Dartford Community Safety Partnership (the CSP). The legislative powers are intended to enable the Council's overview and scrutiny function to hold the CSP and other partner organisations to account for their performance, including their work with the Council, to meet specific local targets.
3. The Councillor Calls for Action provide a 'last resort' mechanism for the Council's overview and scrutiny function to try to resolve persistent local crime and disorder issues of genuine community concern, where all efforts by a local ward Councillor to find a solution through local action and discussion with the CSP etc, have been unsuccessful.
4. In order for the exercise of overview and scrutiny powers to be effective, it is vital that the CSP and other partners and stakeholders are engaged in the process and share a common understanding of the Council's overview and scrutiny aims. This Memorandum of Understanding has therefore been developed to embody that understanding and sets out the rights and responsibilities that relate to the parties concerned.

##### The CSP and main tasks

- 5.(a) The CSP comprises seven statutory bodies who have a legal duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder, including anti-social and other behaviour adversely affecting the local environment, as well as the misuse of drugs in their area:

Dartford Borough Council  
Kent Police  
Kent County Council  
Kent Fire and Rescue Service  
Kent Surrey and Sussex Community Rehabilitation Company  
Dartford, Gravesham and Swanley Clinical Commissioning  
Probation Service

- (b) The CSP works with numerous other agencies and voluntary groups.
- (c) In order to identify and deliver on the priorities that matter the most to local communities, the CSP is required to carry out a number of main tasks:
  - preparing an annual strategic assessment which identifies the crime and community safety priorities in the area, through analysis of information provided by partner agencies and the community;
  - producing a partnership plan, detailing the approach for addressing priorities;
  - undertaking community consultation and engagement on crime and disorder issues; and
  - sharing information among the responsible authorities.

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#### **Aims of overview and scrutiny**

6. To:

- (a) involve the responsible authorities, local people and community organisations, in overview and scrutiny activity;
- (b) develop a dialogue with the responsible authorities, service providers and other stakeholders external to the Council;
- (c) take up issues of concern to local people;
- (d) review whether the CSP's goals are being achieved; and
- (e) examine what can be done to solve problems and enhance the CSP's performance and achievement.

#### **Designated crime and disorder committee**

7. The Council's designated crime and disorder committee under section 19(1) of the Police and Justice Act 2006, is the Crime and Disorder (Overview and Scrutiny) Committee. The Committee is independent of the CSP.

8. There will be at least one ordinary meeting of the Crime and Disorder (Overview and Scrutiny) Committee in each municipal year in accordance with the Council's calendar of meetings. In addition, extraordinary meetings may be called as and when appropriate in accordance with the Council's Procedure Rules detailed in its Standing Orders.

9. The Committee's Terms of Reference

The overview and scrutiny of:

- (a) decisions and/or actions of the CSP and its partners, but only in so far as they relate to crime and disorder;
- (b) the CSP's annual strategic assessment;
- (c) the CSP's partnership plan;
- (d) community safety related local improvement targets measured through Local Area Agreements, Comprehensive Area Assessment and the Place Based Survey;
- (e) any other local crime and disorder matter related to the Council's/Cabinet's crime and disorder/community safety functions; and
- (f) the scrutiny of Councillor Calls for Action (on crime and disorder/community safety matters).

#### **Management of the Council's crime and disorder/community safety functions**

10. The Council's Director of Housing and Public Protection is responsible for the management of the Council's crime and disorder/community safety functions.

#### **Council representatives on the CSP**

11. The Leader of the Council, Director of Housing and Public Protection, Head of Housing, Enforcement and Regulatory Services Manager, Community Safety Manager and Community Safety Officer are the Council's nominated representatives on the CSP.

#### **CSP, responsible authorities named link officers and representatives**

12. The CSP, individual responsible authorities will assign a named link officer to liaise with the Council's Member Services [refer to sections 19-22 of this Memorandum of Understanding], to ensure that communication is swift and effective and that requests for information, responses to reports and/or recommendations and requests for CSP and responsible authorities' representatives to attend meetings, are dealt with, within the timescales referred

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to in the Committee's Protocol at Appendix A. Contact details of the named link officers will be notified to the Council's Member Services.

13. If summoned to attend meetings of the Crime and Disorder (Overview and Scrutiny) Committee, the CSP's representative will be its Chairman or Vice-Chairman.
14. If summoned to attend meetings of the Crime and Disorder (Overview and Scrutiny) Committee, the nomination/appointment by the responsible authorities of representatives and substitutes as participants in the overview and scrutiny process, will be at the discretion of their governing bodies or as detailed in their constitutions.

#### Underlying principles of crime and disorder overview and scrutiny

15. The following underlying principles of overview and scrutiny will assist in securing effective outcomes and adding value:

##### (a) Collaboration

- community safety and freedom from crime and disorder for the people of the Borough of Dartford is dependant upon many factors, including the services provided in partnership by/with the CSP. The CSP will work in partnership with the Crime and Disorder (Overview and Scrutiny) Committee to provide objective and effective scrutiny of crime and disorder in the Borough of Dartford. This shared responsibility should be acknowledged in any crime and disorder overview and scrutiny activity undertaken;
- increasingly, services are provided jointly or as a result of partnerships between the Council and other public sector organisations or other parties. Overview and scrutiny activities should therefore also reflect shared priorities, find shared solutions and be of mutual benefit;
- while overview and scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of mutual respect, trust and good faith with an understanding and commitment to the CSP's and Council's crime and disorder aims and objectives.

##### (b) Added Value

- it is vital that overview and scrutiny brings something new to reviews/scrutiny of crime and disorder functions and does not duplicate the many other forms of performance management and inspection that exist for public service providers.
- overview and scrutiny activities should make a distinct and positive impact and only be carried out where objective scrutiny/review by elected Councillors, will help progress to be made.
- overview and scrutiny activities should have a clear purpose. There should be a focus on crime reduction and improving the well-being of those who live and work in the Borough of Dartford.
- the overview and scrutiny process should be proactive in seeking out issues to examine, that will add most value.
- overview and scrutiny should be prepared to examine crime and disorder issues that cross service or agency boundaries and make appropriate recommendations to tackle such issues, whilst being mindful of potential implications for/on the CSP and/or other external organisations.
- overview and scrutiny should aim to develop feasible recommendations, which provide value for money by securing benefits that outweigh the cost of implementation.
- overview and scrutiny will be focused on improving services and service provision for the people of the Borough of Dartford and will concentrate on outputs that are intended to help improve community safety and reduce the fear of crime in the Borough.

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#### (c) Clarity

Overview and scrutiny of the CSP's crime and disorder functions:

- should be a transparent process which encourages open and honest discussion;
- should be well planned and timely;
- should be of particular issues and time-limited;
- should focus on strategic priorities and concerns, with a strategic view of performance usually aligned to key performance targets.

#### (d) Knowledge

- overview and scrutiny reports must be evidence-based in order to provide credible conclusions and recommendations;
- although the Crime and Disorder (Overview and Scrutiny) Committee will want to be informed, the overview and scrutiny process is not an 'expert' review/scrutiny of the CSP's crime and disorder function;
- the overview and scrutiny process should be impartial, in that it should be driven by the evidence, rather than by a particular standpoint.

#### (e) Accessibility

- it is a fundamental role of the overview and scrutiny process to ensure that there is full and equal access to the democratic process, through public involvement and engagement;
- the views and ideas of service users (and non-users), service providers and organisations and other agencies with an interest in the subject under review/scrutiny, are all valuable in effective scrutiny – overview and scrutiny should involve all stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach;
- constructive engagement and clear lines of communication should enable a two-way flow of information between crime and disorder overview and scrutiny and all those involved, including feedback of results.

#### Providing information to the Crime and Disorder (Overview and Scrutiny) Committee

16. The CSP, responsible authorities and the Crime and Disorder (Overview and Scrutiny) Committee, will respect the requirements of the Data Protection Act 2018 and UK GDPR. The provision of information to/for overview and scrutiny will be governed by relevant legislation and established protocols for the sharing of data.
17. To facilitate the overview and scrutiny process and in accordance with reg.4 of the Local Authorities (Overview and Scrutiny Committees)(England) Regulations 2012, requested information will be pro-actively provided by the CSP and responsible authorities (acting individually or collectively).

#### Notice of required attendance at committee meetings

18. Forward planning of the Crime and Disorder (Overview and Scrutiny) Committee's annual work programme will normally ensure the provision of reasonable notice of requests for information/the submission of written reports and/or required attendance at Committee meetings, of representatives of the responsible authorities.
19. The CSP and responsible authorities will be informed in advance by the Council's Member Services, of overview and scrutiny exercises (including their scope).

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20. Dates and times of meetings of the Crime and Disorder (Overview and Scrutiny) Committee, agendas, minutes and reports, will be circulated by the Council's Member Services, to the named link officer of the CSP and the responsible authorities.
21. Subject to 14 clear days' notice (i.e. 14 periods of 24 hours running from midnight to midnight excluding bank and public holidays and the day on which the meeting is held) and information being provided as to the nature and scope of the overview and scrutiny, representatives of the CSP and the responsible authorities and/or other organisations working with the CSP, may be invited under Section 21(13)(b) of the Local Government Act 2000 to attend the Crime and Disorder (Overview and Scrutiny) Committee meetings, to give evidence and/or answer questions.
22. Representatives of the CSP and the responsible authorities and/or other organisations working with the CSP should be willing to engage constructively with overview and scrutiny and attend meetings when invited.

#### **Access to information**

23. Reports, which are presented to the Crime and Disorder (Overview and Scrutiny) Committee, will be published on the Council's website [www.dartford.gov.uk](http://www.dartford.gov.uk) and circulated to the CSP and the responsible authorities' named link officers, 5 clear days before the Committee meeting.

#### **Style and conduct of committee meetings**

24. Meetings of the Crime and Disorder (Overview and Scrutiny) Committee will be conducted in accordance with the principles and procedures set out in the Overview and Scrutiny Procedure Rules and Access to information Procedure Rules of the Council's Standing Orders and in accordance with the Committee's Protocol at Appendix A.

#### **Reports and recommendations of the Crime and Disorder (Overview and Scrutiny) Committee**

25. The CSP and responsible authorities and co-ordinating body may be required by the Crime and Disorder (Overview and Scrutiny) Committee to have regard to the Committee's Overview or Scrutiny Report and/or recommendations (Section 9FF(2) of the Local Government Act 2000).

#### **Monitoring recommendations**

26. Agreed actions will form the basis against which performance of the CSP and responsible authorities will be measured by the Crime and Disorder (Overview and Scrutiny) Committee.

#### **Local improvement targets**

27. The Crime and Disorder (Overview and Scrutiny) Committee may scrutinise performance and delivery of the Kent County Council's KA2 – LAA crime and disorder/community safety local improvement targets.

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#### **Councillor Calls for Action**

28. The CSP and responsible authorities (either collectively or individually) will co-operate on matters related to Councillor Calls for Action.

#### **Resolving disputes about this Memorandum of Understanding**

29. If the CSP and responsible authorities (acting collectively or individually) believe that this Memorandum of Understanding is not being adhered to, the issue should be referred to the Crime and Disorder (Overview and Scrutiny) Committee for consideration and decision. The Committee's decision will be final.

#### **Review of this Memorandum of Understanding**

30. This Memorandum of Understanding will be reviewed jointly, on an annual basis or more frequently, if experience and circumstances highlight that amendments may need to be made.

#### **Complaints against the CSP**

31. Complaints against the CSP will be dealt with under the CSP's complaints procedure. Complaints relating to CSP activities submitted to the CSP against individual responsible authorities will be dealt with by the individual responsible authorities under their respective complaints procedure. The response to the complaint will be copied to the chairman of the CSP.

#### **Availability of support**

32. Further advice or information on any aspect of this Memorandum of Understanding or on overview and scrutiny at Dartford Borough Council, is available from Member Services by emailing [memberservices@dartford.gov.uk](mailto:memberservices@dartford.gov.uk) or telephoning the Member Services Manager on 01322 343430.