

The Council's Legal Responsibilities In Relation To Community Safety

- 1 The term "Crime and Disorder Partnership" is not set out in any legislation but is the collective term by which the public authorities covered by s5 are in practice known. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations set out how the responsible authorities are to work together. The responsible authorities are not just the council and the chief officer of police. I have listed the responsible authorities in the Act below.
- 2 There is no requirement to produce an annual report for scrutiny under the regulations. Under the regulations a "strategy group" responsible for preparing strategic assessments and preparing and implementing a partnership plan on behalf of the responsible authorities must be established (SIP). The group must consist of two or more persons appointed by one or more responsible authority (regulation 3(2)) and may be attended by representatives of other co-operating bodies and other invitees. The partnership plan is required to contain the statutory strategies and must be revised before the start of each year (regulation 10). 1 April is the start of the year. A summary of the plan must be published.
- 3 The Local Government Act 2000 includes crime and disorder scrutiny as one of the functions the council must ensure its scrutiny arrangements cover. The specifics of the duty are set out in the Police and Justice Act 2006 and related regulations and guidance as described below.
- 4 The committee designated as the Crime and Disorder Scrutiny Committee (Policy & Performance) has to meet at least once in every 12 months period to carry out the functions of reviewing and scrutinising decisions and actions in respect of the discharge of crime and disorder functions by "responsible" authorities. There is no specific requirement for an annual report. I believe the annual report that is produced covers the activities of the partnership as a whole. This would be consistent with the statutory guidance summarised below.

The responsible authorities under the Crime and Disorder Act s5 are:

- the council
- probation services in the area in pursuance of arrangements under [section 3](#) of the Offender Management Act 2007 which provide for it to be a responsible authority under this section
- chief officer of police
- the police authority
- fire and rescue authority
- clinical commissioning group

There is a duty to co-operate with:

- local probation boards

- providers of probation services operating within the area in pursuance of arrangements under [section 3](#) of the [Offender Management Act 2007](#) which provide for it to co-operate with the responsible authorities;
- any other prescribed bodies

The following are prescribed under regulations (Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004/118):

- National Health Service Trust established under [Part 1](#) of the [National Health Service and Community Care Act 1990](#) which manages a hospital, establishment or other facility in the council's area;
- an NHS foundation trust;
- the governing body of a maintained school,
- the proprietor of an alternative provision Academy that is not an independent school;
- the proprietor of a 16 to 19 Academy;
- the governing body of a further education institution
- a registered provider of social housing.

The responsible authorities must, having regard to the police and crime objectives set out in the relevant police and crime plan, formulate and implement:

- (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment);
- (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area
- (c) a strategy for the reduction of re-offending in the area.

The regulations require these to be included in a partnership plan.

There is a regulation making power which may be exercised to cover a number of issues including:

- to confer functions on a committee of, or a particular member or officer of, any of the responsible authorities;
- to provide for the holding of meetings with specified membership
- to direct the content and implementation and monitoring of the strategy.

Sections 19 and 20 of the Crime and Disorder Act 1998 and related regulations require the Council to have a committee with the functions of reviewing and scrutinising decisions and actions in respect of the discharge of crime and disorder functions by "responsible" authorities. The committee is required to meet at least once in every 12 month period to carry out this function. There isn't a requirement that the committee receive an annual report as such but this has been the practice as it enables the performance of the partnership as a whole to be considered.

In addition, the 2006 Act also allows members to refer any "local crime and disorder matter" raised with them by anyone living or working in their division to the crime and disorder committee.

The committee can review strategies as they are being developed and can also review implementation and actions taken quite apart from any annual report. It can call officers or employees of partners to meetings to answer questions and can make recommendations to the council's executive or to partners.

Guidance was issued concerning how this role should be carried out including that:

- the role should be one of a critical friend, providing constructive challenge at a strategic level.
- the focus should be on the entire partnership and if issues arise that relate specifically to a particular partner agency, it may be more appropriate to refer such issues to the governing bodies of that organisation.
- The scrutiny of partners should be "in so far as their activities relate to the partnership itself".
- the list of issues to be scrutinised should be agreed in consultation with relevant partners.

If the committee has just one set piece scrutiny of community safety during the year it should be "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".