EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER ACT 1998 (RESPONSIBLE AUTHORITIES) (NO. 2) ORDER 2007

2007 No. 1839

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order allows two Crime and Disorder Reduction Partnerships (CDRPs) in Kent to operate as though the local government areas of Dartford Borough Council and Gravesham Borough Council formed one combined area. The two CDRPs have been informally working together since January 2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This Order is made under section 5(1A) of the Crime and Disorder Act 1998. The Secretary of State is satisfied that the application is in the interests of reducing crime and disorder and of combatting the misuse of drugs and that it is supported by all of the responsible authorities, which comprise the CDRPs, within the combined area.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

5.2 This instrument only has practical effect in relation to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Sections 5 to 7 of the Crime and Disorder Act 1998 set out the statutory framework for responsible authorities to work with other local agencies and organisations to develop and implement strategies to tackle crime, disorder, misuse of drugs and anti-social behaviour in their area. These statutory partnerships are known as CDRPs. The responsible authorities are:

- the police
- local authorities

- fire and rescue authorities
- police authorities
- primary care trusts in England
- local health boards in Wales.

7.2 Section 97 of the Police Reform Act 2002 amended section 5 of the Crime and Disorder Act 1998 to allow CDRPs to combine if it was in the interests of reducing crime and disorder or of combatting the misuse of drugs. There are 349 CDRPs in England and 22 Community Safety Partnerships in Wales. These partnerships are organised on local government boundaries and are sited at unitary authority level in single tier authorities and district level in two-tier authorities in England.

7.3 The two CDRPs in Kent are already informally working together successfully as a combined partnership. However, certain requirements remain on each local CDRP until they are formally merged. To date, the central duty on CDRPs has been the production of audits and strategies on a three-year cycle. These duties are scheduled to be replaced by national standards for partnerships from 1 August subject to the ratification of other regulations being laid separately. Without a formal order to combine the CDRPs, those CDRP areas currently working together 'informally' as a merged partnership will each be required to fulfil these statutory duties independently. Therefore, they will need to consult, engage and involve their local communities separately in each of the local government districts. In addition, each partnership will need a separate strategy group, strategic assessment and partnership plan. Following merger, these statutory responsibilities will relate to the merged partnership area.

7.4 It is the CDRP responsible authorities themselves who have requested formal merger and the benefits for these partnerships as a result of combining are manifold. The pooling of expertise, knowledge, skills and resources will enable partners to more effectively tackle crime and disorder and the misuse of drugs at local level. Merger will also be beneficial in overcoming the practical barriers of partnership working in two tier areas. It will enable closer, more streamlined working between the county level services by reducing the number of CDRPs with whom these services must interact.

7.5 While this merger will be beneficial for the communities involved and all the relevant bodies have signed the application, it will be of limited interest outside the Kent area.

7.6 Guidance produced by the Home Office in 2005 for Home Office Regional Directors and CDRPs on the procedure for mergers has been followed in this application.

7.7 Partnerships' obligations to consult their communities under the national standards to be introduced from the 1st August 2007 will ensure that any changes resulting from this merger will be communicated to local communities.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is insignificant other than a reduction in bureaucracy and an increased focus on delivery.

9. Contact

9.1 Gregg Dyer at the Home Office: Tel: 020 7035 4866 or e-mail: gregg.dyer@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.