EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER ACT 1998 (RESPONSIBLE AUTHORITIES) ORDER 2010

2010 No. 970

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

2. Purpose of the instrument

2.1 This Order allows two Community Safety Partnerships (CSPs) (previously referred to as Crime and Disorder Reduction Partnerships in England) in North Nottinghamshire to operate as one combined CSP. The CSPs have been informally working together since spring 2007. It also allows six CSPs in Dorset to operate as one CSP. The six CSPs have been informally working together since February 2008.

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

3.1 None.

4. Legislative Context

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 applications from the North Nottinghamshire and Dorset CSPs are in the interests of reducing crime and disorder and of combating the misuse of drugs, alcohol and other substances and that it is supported by all the responsible authorities, which comprise the CSPs, within those areas.

5. Territorial Extent and Application

5.1 This instrument extends to England and Wales. This instrument applies to part of 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

What is being done and why

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 other substances, anti-social behaviour and, as from 1st April 2010, re-offending in their area. These statutory partnerships are now generally known as CSPs in England and Wales. The responsible authorities are:

- the police
- local authorities

- fire and rescue authorities
- police authorities
- primary care trusts in England
- local health boards in Wales
- probation service providers (as from 1 April 2010 where arrangements made under section 3 of the Offender Management Act 2007 provide for the provider to be a responsible authority)

7.2 Section 97 of the Police Reform Act 2002 amended section 5 of the Crime and Disorder Act 1998 to allow CSPs to combine if it was in the interests of reducing crime and disorder or of combatting the misuse of drugs, alcohol or other substances. These partnerships are organised according to local government boundaries and are sited at unitary authority level in single tier authorities and at district level in two-tier authorities in England.

7.3 The two sets of CSPs being merged are already informally working together successfully as combined partnerships. However, certain requirements remain on each local CSP until they are formally merged. Without a formal order to combine the CSPs, those CSP 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 areas. In addition, each partnership will need a separate strategy group, strategic assessment and partnership plan. Following the mergers, these statutory responsibilities will be placed on each of the merged partnership areas.

7.4 It is the CSPs' responsible authorities themselves who have requested formal mergers, 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 tackle crime and disorder and the misuse of drugs more effectively and efficiently at local level. Mergers 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 CSPs with whom these services must interact thereby simplifying partnership working and enabling more efficient use of resources.

Consolidation

7.5 Not applicable.

8. Consultation outcome

8.1 The Home Office Regional Deputy Directors for East Midlands and for the South West have consulted all the responsible authorities for the CSPs that will merge. All the relevant bodies have signed the relevant merger application confirming that they are satisfied that the application is in the interests of reducing crime and disorder and of combatting the misuse of drugs, alcohol and other substances. The responsible authorities include the local councils in the relevant area and therefore elected councillors will have been able to reflect the views of the wider public. The Department does not consider that wider public consultation is necessary given that this Order formalises existing working arrangements and is primarily a

structural change. Whilst these mergers will be beneficial for the communities involved, the Order will be of limited interest outside the North Nottinghamshire and Dorset areas.

9. Guidance

9.1 Guidance originally produced by the Home Office in 2004 for Home Office Regional Deputy Directors and CSPs on the procedure for mergers has been followed for these applications. The formally merged CSPs will need to continue to ensure that they comply with the statutory minimum standards introduced in 2007. *Delivering Safer Communities: A guide to effective partnership working* was issued in September 2007 and provides comprehensive guidance for partnerships to support the implementation of the national standards. Building on this, a National Support Framework for CSPs was introduced in May 2009. The support provided by the framework comes in many forms and is ongoing. It includes advice, guidance, information, toolkits, dissemination of best practice and peer-led support from a range of sources including the Home Office, Government Offices/the Home Office Crime Team in Wales and Regional Improvement and Efficiency Partnerships.

10. Impact

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

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

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 CSPs must produce a strategy identifying local community safety priorities and setting out the approach for addressing these priorities. This is published locally in summary form. The Secretary of State also has a power under section 7 of the Crime and Disorder Act 1998 to require CSPs to provide a report on such matters connected with the exercise of their functions as the Secretary of State may require.

12.2 Regional Government Offices provide a link between CSPs and central government and have a key role in improving the effectiveness of partnerships. They work closely with partnerships to monitor their work in relation to local and national priorities, and provide support and guidance on the implementation of the minimum standards.

13. Contact

Helen Cordy at the Home Office (Tel: 020 7035 3341 or email: helen.cordy@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.