EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER ACT 1998 (RESPONSIBLE AUTHORITIES) ORDER 2011

2011 No. 1224

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) in North Yorkshire to operate as one combined CSP. The CSPs have been informally working together since February 2010. It also allows seven CSPs in Norfolk to operate as one CSP. The seven CSPs have been informally working together since December 2010.

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 "1998 Act"). The Secretary of State is satisfied that the applications from the North Yorkshire and Norfolk CSPs are in the interests of reducing crime and disorder, of combatting the misuse of drugs, alcohol and other substances and of reducing re-offending and that it is supported by all the responsible authorities, which comprise the CSPs, within those areas.

5. Territorial Extent

5.1 This instrument extends to England and Wales.

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 1998 Act, as amended, 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 re-offending in their area. These statutory partnerships are generally known as CSPs in England and Wales. The responsible authorities, defined by section 5(1) of the 1998 Act, are:

- the police

- local authorities
- fire and rescue authorities
- police authorities
- primary care trusts in England
- local health boards in Wales
- probation service providers

7.2 Section 5(1A) of the 1998 Act sets out that the Secretary of State may by order provide in relation to two or more local government areas for the functions conferred by sections 6 or 7 to be carried out as if they constituted one area only, and for the responsible authorities in the new combined area to be those persons who would (apart from the order) be a responsible authority in relation to any one or more of the areas which are to be combined. Section 5(1B) provides that the Secretary of State may not make an order under subsection (1A) unless an application has been made jointly by all persons who would be the responsible authorities, and if she considers it in the interests of reducing crime and disorder, of combatting the misuse of drugs, alcohol or other substances or of reducing re-offending. 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, the misuse of drugs and re-offending 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 All the relevant bodies have signed the relevant merger application confirming that they support the merger. 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 Yorkshire and Norfolk areas.

9. Guidance

9.1 Guidance originally produced by the Home Office in 2004 for CSPs on the procedure for mergers has been followed for these applications.

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 1998 Act to require CSPs to provide a report on such matters connected with the exercise of their functions as the Secretary of State may require.

13. Contact

13.1 Roxana Bakharia at the Home Office (Tel: 020 7035 3670 or email: Roxana.bakharia@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.