EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) (AMENDMENT) REGULATIONS 2012

2012 No. 2660

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 The purpose of the instrument is to require Community Safety Partnerships ("CSPs") in England to send copies of their plans to the relevant Police and Crime Commissioner ("PCC"), and to allow the PCC to require members of the CSPs to attend meetings to discuss their community safety strategies.

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

3.1 None

4. Legislative Context

4.1 Section 6 of the Crime and Disorder Act 1998 ("the 1998 Act") requires the responsible authorities in any local government area (police, local authorities, fire and rescue authorities, Primary Care Trusts (England), Local Health Boards (Wales), and probation services) to work together in formulating and implementing strategies to tackle local crime and disorder in the area. When carrying out these functions the responsible authorities are commonly referred to as a Community Safety Partnership, although that term is not used in the Act.

4.2 The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 ("the 2007 Regulations") set out the way in which the responsible authorities are to carry out their functions as a CSP under section 6 of the 1998 Act. Regulation 10 provides for the preparation of a partnership plan for the local government area, which is to include the CSP's priorities. Regulation 9 provides for the preparation of a county level community safety agreement, which is to set out the ways in which the responsible authorities in the county might more effectively implement the identified priorities by joint working.

4.3 Section 1 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") replaces the police authority for each police area in England and Wales, outside London, with a directly elected PCC. Section 3 of the 2011 Act replaces the Metropolitan Police Authority with the Mayor's Office for Policing and Crime ("MOPAC"), an office held by the Mayor of London.

Collectively, PCCs and MOPAC are referred to in the 2011 Act as elected local policing bodies.

4.4 Section 10(1) of the 2011 Act requires an elected local policing body to have regard to the relevant priorities of the responsible authorities making up the CSPs in the police area. Section 6(1A) of the 1998 Act, as inserted by the 2011 Act, requires the responsible authorities to have regard to the police and crime objectives set out in the elected local policing body's police and crime plan.

4.5 Section 10(2) of the 2011 Act requires the elected local policing body and the responsible authorities to act in co-operation with each other in exercising their respective functions.

4.6 Section 6(3) and (4A) of the 1998 Act, as amended by the 2011 Act, allow Regulations to confer functions on PCCs in relation to the formulation and implementation of CSP strategies. This includes provision allowing PCCs to arrange for representatives of CSPs to attend meetings, for the purpose of assisting in the formulation and implementation of strategies.

5. Territorial Extent and Application

5.1 This instrument applies 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

What is being done and why?

7.1 We are keen that elected local policing bodies work in co-operation with community safety partners.

7.2 This instrument amends the 2007 Regulations so as to require CSPs to share their partnership plans and community safety agreements with the relevant elected local policing body. This is the simplest way of ensuring that the body is aware of each CSP's priorities, and is therefore able to take them into account in accordance with section 10(1) of the 2011 Act.

7.3 CSPs currently meet individually at local (often district) level. To support discussion of force-wide issues, encourage agencies to share information and work together, and to enable police and crime commissioners to take a strategic overview to drive and coordinate action, this instrument gives the PCC power to call together representatives of those authorities across their police area to attend a meeting.

Consolidation

7.4 As the amendments to the 2007 Regulations are relatively limited, the Department does not consider that consolidation would be appropriate.

8. Consultation outcome

8.1 Consultation has taken place with a range of partners who are working with the Home Office on the police and crime commissioner transition programme.

9. Guidance

9.1 We will be providing a short guidance note, although this will not go beyond explaining the Regulations in plain English.

10. Impact

10.1 No impact on business, charities or voluntary bodies is expected.

10.2 The impact on the public sector is expected to be minimal. CSPs are already required to prepare a partnership plan and (at the county level) community safety agreements; this instrument just requires these to be sent to the elected local policing body. CSPs currently meet individually at local (often district) level. This instrument gives the PCC power to call together representatives of the responsible authorities across the PCC's force area to attend a meeting. The burden of the responsible authorities is limited by the fact that this power may only be exercised after consulting with the responsible authorities concerned, and to the extent that the PCC considers it reasonable and proportionate in all the circumstances.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The impact of this instrument will reviewed 18 – 24 months after it has come into force.

13. Contact

Helen Harper at the Home Office (Tel: 020 7035 3197 or email: helen.harper@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.