EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER ACT 1998 (ADDITIONAL AUTHORITIES) ORDER 2007

2007 No.

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 extends section 17 of the Crime and Disorder Act 1998, which puts a duty on named agencies to consider the implications for crime, disorder and substance misuse as they carry out their business, to cover in addition the Greater London Authority, Transport for London and the London Development Agency.

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 17(4) of the Crime and Disorder Act 1998 as amended by Schedule 9 to the Police and Justice Act 2006.

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 Vernon Coaker, Parliamentary Under Secretary of State for the Home Department, has made the following statement regarding Human Rights:

"In my view the provisions of the Crime and Disorder Act 1998 (Additional Authorities) Order 2007 are compatible with the Convention."

7. Policy Background

7.1 Section 17 of the Crime and Disorder Act 1998 ('the 1998 Act') places named bodies under a duty to exercise their functions with regard to the likely effect on, and the need to do all that they reasonably can to, prevent crime and disorder. When used properly, section 17 provides an effective vehicle for mainstreaming community safety within local agencies. The Police and Justice Act 2006 further strengthened section 17 by extending its scope to

cover misuse of drugs, alcohol and other substances, anti-social behaviour and behaviour adversely affecting the environment.

7.2 The Greater London Authority (GLA) consists of the Mayor of London (the executive arm of the GLA) and the London Assembly (the scrutiny arm). The GLA also has four group organisations. These are Transport for London, the London Development Agency, the Metropolitan Police Authority and the London Fire and Emergency Planning Authority.

7.3 Following a consultation on the future of the Greater London Authority, the Government agreed to extend section 17 to cover the Greater London Authority, Transport for London (TfL) and the London Development Agency (LDA). The Metropolitan Police Authority and the London Fire and Emergency Planning Authority are already covered by section 17. The GLA, LDA and TfL have all voluntarily adopted Section 17 already and the attached order will formalise this duty.

7.4 Extending Section 17 to the GLA, TfL and LDA will ensure they take account of crime, disorder, substance misuse, anti-social behaviour and behaviour adversely affecting the environment in all their business. Community safety has a vital part to play in securing the wider GLA objectives in respect of London's social and economic development. Section 17 will put community safety at the heart of decisions made by both the Mayor and the Assembly on many areas, such as planning and transport.

7.5 Section 17 does not place a duty on named bodies to work in partnership with other agencies: this is contained in Section 5 of the Crime and Disorder Act 1998.

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 since the named agencies have already voluntarily adopted section 17.

9. Contact

9.1 Linda Claire Smith at the Home Office: Tel: 020 7035 3226 or e-mail: linda.claire.smith@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.