



Police and Justice Act 2006

2006 CHAPTER 48

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

Crime and disorder

19 Local authority scrutiny of crime and disorder matters

- (1) Every local authority shall ensure that it has a committee (the “crime and disorder committee”) with power—
- to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - to make reports or recommendations to the local authority with respect to the discharge of those functions.

“The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies) in relation to the local authority's area.

- (2) Where by virtue of subsection (1)(b) the crime and disorder committee makes a report or recommendations it shall provide a copy—
- to each of the responsible authorities, and
 - to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating persons and bodies”).

[^{F1}(3) A local authority must—

- ensure that its crime and disorder committee has power (whether by virtue of section 21(2) of the Local Government Act 2000 or regulations made under section 32(3) of that Act or otherwise) to make a report or recommendations

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- to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
- (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
- (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
- (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
- (6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
- (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
- (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
- (a) its decision, and
- (b) the reasons for it.
- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
- (b) provide a copy of the report or recommendations to such of—
- (i) the responsible authorities, and
- (ii) the co-operating persons and bodies,
- as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
- (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
- (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
- (b) the authority, body or person must—
- (i) consider the report or recommendations;
- (ii) respond to the committee indicating what (if any) action it proposes to take;

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- (iii) have regard to the report or recommendations in exercising its functions.]
- (9) In the case of a local authority operating executive arrangements—
- (a) the crime and disorder committee is to be an overview and scrutiny committee of the authority (within the meaning of Part 2 of the Local Government Act 2000 (c. 22));
 - (b) a reference in [^{F2}this section] to making a report or recommendations to the local authority is to be read as a reference to making a report or recommendations to the local authority or the executive.
- (10) Schedule 8 (which makes further provision about the crime and disorder committees of local authorities not operating executive arrangements, made up of provision corresponding to that made by section 21 of the Local Government Act 2000 and particular provision for the City of London) has effect.
- (11) In this section—
- “crime and disorder functions” means functions conferred by or under section 6 of the Crime and Disorder Act 1998 (c. 37) (formulation and implementation of crime and disorder strategies);
- [^{F3}electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;]
- “executive arrangements” means executive arrangements under Part 2 of the Local Government Act 2000;
- “local authority” means—
- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
- [^{F4}local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) the misuse of drugs, alcohol and other substances,
- which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.]

Textual Amendments

- F1** S. 19(3)-(8B) substituted for (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 126\(2\)](#), 245(5); S.I. 2009/959, [art. 2\(a\)](#); S.I. 2009/2539, art. 2(a)
- F2** Words in s. 19(9)(b) substituted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 126\(3\)](#), 245(5); S.I. 2009/959, [art. 2\(a\)](#); S.I. 2009/2539, art. 2(a)
- F3** Words in s. 19(11) inserted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 126\(4\)\(a\)](#), 245(5); S.I. 2009/959, [art. 2\(a\)](#); S.I. 2009/2539, art. 2(a)

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F4 Words in s. 19(11) substituted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 126(4)(b), 245(5)**; S.I. 2009/959, **art. 2(a)**; S.I. 2009/2539, art. 2(a)

Commencement Information

I1 S. 19 in force at 30.4.2009 for E. by [S.I. 2009/936](#), **art. 2(a)**

I2 S. 19 in force at 1.10.2009 for W. by [S.I. 2009/2540](#), **art. 2(a)**

20 Guidance and regulations regarding crime and disorder matters

- (1) The Secretary of State may issue guidance to—
 - (a) local authorities in England,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,
 with regard to the exercise of their functions under [^{F5}or by virtue of] section 19.
- (2) The National Assembly for Wales, after consulting the Secretary of State, may issue guidance to—
 - (a) local authorities in Wales,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,
 with regard to the exercise of their functions under [^{F6}or by virtue of] section 19.
- (3) The Secretary of State may by regulations make provision supplementing that made by section 19 in relation to local authorities in England.
- (4) The Secretary of State, after consulting the National Assembly for Wales, may by regulations make provision supplementing that made by section 19 in relation to local authorities in Wales.
- (5) Regulations under subsection (3) or (4) may in particular make provision—
 - (a) as to the co-opting of additional members to serve on the crime and disorder committee of a local authority;
 - (b) as to the frequency with which the power mentioned in section 19(1)(a) is to be exercised;
 - (c) requiring information to be provided to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (d) imposing restrictions on the provision of information to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (e) requiring officers or employees of the responsible authorities and the co-operating persons and bodies to attend before the crime and disorder committee to answer questions;
 - ^{F7}(f)
 - (g) specifying the periods within which—
 - ^{F8}(i)
 - ^{F8}(ii)
 - ^{F8}(iii)

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- (iv) the responsible authorities and the co-operating persons and bodies are to consider and respond to a report or recommendations made under or by virtue of section 19.
- (6) Regulations made by virtue of subsection (5)(a) may provide for a person co-opted to serve as a member of a crime and disorder committee to have the same entitlement to vote as any other member.
- [^{F9}(6A) In subsection (5)(c) and (d), references to information are, in relation to any crime and disorder committee, to information relating to—
- (a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or
 - (b) local crime and disorder matters in relation to which the committee has functions under or by virtue of section 19.]
- (7) In this section “local authority”, “crime and disorder committee”, “responsible authorities” [^{F10}, “co-operating persons and bodies”, “crime and disorder functions” and “local crime and disorder matters”] have the same meaning as in section 19.

Textual Amendments

- F5** Words in s. 20(1) inserted (30.4.2009 for E., 1.10.2009 for W.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 126\(6\)](#), 245(5); S.I. 2009/959, art. 2(a); S.I. 2009/2539, art. 2(a)
- F6** Words in s. 20(2) inserted (30.4.2009 for E., 1.10.2009 for W.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 126\(6\)](#), 245(5); S.I. 2009/959, art. 2(a); S.I. 2009/2539, art. 2(a)
- F7** S. 20(5)(f) repealed (30.4.2009 for E., 1.10.2009 for W.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 126\(7\)\(a\)](#), 245(5), [Sch. 18 Pt. 6](#); S.I. 2009/959, art. 2(a); S.I. 2009/2539, art. 2(a)
- F8** S. 20(5)(g)(i)-(iii) repealed (30.4.2009 for E., 1.10.2009 for W.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 126\(7\)\(b\)](#), 245(5), [Sch. 18 Pt. 6](#); S.I. 2009/959, art. 2(a); S.I. 2009/2539, art. 2(a)
- F9** S. 20(6A) inserted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 121\(2\)](#), 245(5); S.I. 2008/3110, art. 4(c)
- F10** Words in s. 20(7) substituted (1.4.2009) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 121\(3\)](#), 245(5); S.I. 2008/3110, art. 4(c)

Commencement Information

- I3** S. 20 in force at 30.4.2009 for E. by [S.I. 2009/936](#), [art. 2\(b\)](#)
- I4** S. 20 in force at 1.10.2009 for W. by [S.I. 2009/2540](#), [art. 2\(b\)](#)

21 Joint crime and disorder committees

In section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), after subsection (1B) there is inserted—

“(1C) An order under subsection (1A) above—

- (a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the “joint crime and disorder committee”) and to arrange for crime and disorder scrutiny

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functions in relation to any (or all) of those councils to be exercisable by that committee;

- (b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)—

“crime and disorder scrutiny functions”, in relation to a council, means functions that are, or, but for an order under subsection (1A) above, would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);

“the relevant provisions” means—

- (a) section 19 of the Police and Justice Act 2006;
 (b) section 20 of that Act and any regulations made under that section;
 (c) Schedule 8 to that Act;
 (d) section 21 of the Local Government Act 2000.”

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15 S. 21 in force at 30.4.2009 for E. by [S.I. 2009/936](#), [art. 2\(c\)](#)

22 Amendments to the Crime and Disorder Act 1998

Schedule 9 (which contains amendments to the Crime and Disorder Act 1998 (c. 37) in relation to crime and disorder strategies and other matters relating to the reduction of crime and disorder) has effect.

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16 S. 22 in force at 1.8.2007 for E. by [S.I. 2007/1614](#), [art. 3\(b\)](#)

17 S. 22 in force at 19.11.2007 for W. by [S.I. 2007/3073](#), [art. 2\(a\)](#)

18 S. 22 in force at 19.11.2007 for W. by [S.I. 2007/3251](#), [art. 2](#)

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