

2007 No. 1830

CRIMINAL LAW, ENGLAND

The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007

<i>Made</i>	- - - -	<i>22nd June 2007</i>
<i>Laid before Parliament</i>		<i>29th June 2007</i>
<i>Coming into force</i>	- -	<i>1st August 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(2), (3), (4), (5) and 114 of the Crime and Disorder Act 1998(a):

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 and shall come into force on 1st August 2007.

(2) These Regulations extend to England only.

Interpretation

2. In these Regulations—

“area” means a local government area in England;

“community safety agreement” means an agreement prepared in accordance with regulation 9;

“co-operating persons and bodies” means persons or bodies co-operating in the exercise of responsible authorities’ functions under section 5(2)(b) of the 1998 Act;

“county area” means any county in England within which one or more of the councils for the districts are not unitary authorities;

“county strategy group” means a group established in accordance with regulation 8;

“crime and disorder” means crime and disorder including anti-social behaviour and other behaviour adversely affecting the environment;

“crime and disorder committee” means a committee established in accordance with section 19 of the Police and Justice Act 2006(c);

“participating persons and bodies” means persons and bodies invited to participate in the exercise of the responsible authorities’ functions under section 5(3)(d) of the 1998 Act;

(a) 1998 c.37; section 6 was substituted by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 (c.48) and is in force from 1st August 2007 (S.I. 2007/1614). There are amendments to section 114 of the 1998 Act not relevant to these Regulations.

(b) Section 5(2) of the 1998 Act has been amended by section 97 of the Police Reform Act 2002 (c.30).

(c) 2006 c.48. Section 19 of the 2006 Act is not yet in force.

(d) Section 5(3) of the 1998 Act has been amended by section 97 of the Police Reform Act 2002.

“partnership monies” means monies provided by the Secretary of State and the responsible authorities for expenditure in accordance with the directions of the strategy group in support of the formulation and implementation of the strategic assessment and the partnership plan;

“partnership plan” means a partnership plan prepared under regulations 10 and 11;

“responsible authorities” means the responsible authorities for an area;

“strategic assessment” means an assessment prepared in accordance with regulations 5, 6 and 7;

“strategy group” means a group established in accordance with regulation 3;

“substance misuse” means the misuse of drugs, alcohol and other substances;

“the 1998 Act” means the Crime and Disorder Act 1998; and

“year” means a period of twelve months beginning on 1st April.

Functions in respect of the formulation and implementation of a strategy

3.—(1) For each area there shall be a strategy group whose functions shall be to—

- (a) prepare strategic assessments; and
- (b) prepare and implement a partnership plan;

for that area on behalf of the responsible authorities.

(2) Subject to paragraph (3) the members of the strategy group shall consist of one or more persons appointed from each responsible authority one of whom shall hold a senior position in that authority.

(3) Where the responsible authority referred to in section 5(1)(a) of the 1998 Act is a district council or a unitary authority and has an elected member responsible for community safety that member shall be one of the persons appointed under paragraph (2).

(4) The strategy group shall have in place arrangements governing the appointment of a chair, the period for which a person shall serve as chair and the grounds on which the chair may be removed during that period.

(5) The strategy group shall meet from time to time throughout the year as it considers appropriate.

(6) Strategy group meetings may be attended by persons who represent co-operating and participating persons and bodies and such other persons as the strategy group invites.

(7) At some point within each year the strategy group shall consider whether it, and those persons in the responsible authorities who work with the strategy group, have the requisite knowledge and skills to exercise their functions under these Regulations.

(8) The strategy group shall have in place arrangements governing the review of the expenditure of partnership monies and for assessing the economy, efficiency and effectiveness of such expenditure.

Information Sharing

4.—(1) The strategy group shall have in place arrangements for the sharing of information between responsible authorities and shall prepare a protocol setting out those arrangements.

(2) The information sharing protocol shall relate to the sharing of information—

- (a) under section 17A of the 1998 Act^(a);

^(a) Section 17A was inserted into the 1998 Act by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 and is in force from 1st August 2007 (S.I. 2007/1614).

- (b) under section 115 of the 1998 Act^(a); and
- (c) otherwise for the purpose of formulating and implementing a strategic assessment and partnership plan for the area.

(3) Each responsible authority shall comply with the protocol prepared under paragraph (1) and each shall nominate a person within that authority to facilitate the sharing of information under the protocol.

Strategic Assessments

5.—(1) During each year the strategy group shall prepare a strategic assessment on behalf of the responsible authorities.

(2) The purpose of the strategic assessment is to assist the strategy group in revising the partnership plan.

6. In preparing the strategic assessment the strategy group shall consider—

- (a) information provided to it by the responsible authorities;
- (b) information provided to it by co-operating persons and bodies;
- (c) information provided to it by participating persons and bodies;
- (d) information provided to it by the crime and disorder committee for the area;
- (e) the partnership plan for that year; and
- (f) any other information relating to crime and disorder and substance misuse in the area given to the responsible authorities by persons living and working in the area.

7. A strategic assessment shall include—

- (a) an analysis of the levels and patterns of crime and disorder and substance misuse in the area;
- (b) an analysis of the changes in those levels and patterns since the previous strategic assessment;
- (c) an analysis of why those changes have occurred;
- (d) the matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the area;
- (e) the matters which the persons living and working in the area consider the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the area;
- (f) an assessment of the extent to which the partnership plan for the previous year has been implemented; and
- (g) details of those matters that the strategy group considers should be brought to the attention of the county strategy group to assist it in exercising its functions under these Regulations.

Functions in respect of the formulation and implementation of a strategy at a county level

8.—(1) For each county area there shall be a county strategy group whose function shall be to prepare a community safety agreement for the county area on behalf of the responsible authorities in that county area.

(2) The members of the county strategy group shall consist of—

- (a) the chairs of each of the strategy groups for the areas within that county area;

(a) Section 115 has been amended by section 74 of, and Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c.43), section 97 of the Police Reform Act 2002, section 219 of the Housing Act 2004 (c.34), section 22 of, and Schedule 9 to, the Police and Justice Act 2006 (those amendments are in force from 1st August 2007 (S.I. 2007/1614)) and by S.I. 2000/90 and S.I.2002/2469.

- (b) where the council for that county area has an elected member responsible for community safety that member;
- (c) one or more persons appointed by the chief officer of police any part of whose police area lies within the county;
- (d) one or more persons appointed by the police authority any part of whose area so lies;
- (e) one or more persons appointed by the fire authority any part of whose area so lies; and
- (f) one or more persons appointed jointly by the Primary Care Trusts the whole or any part of whose area so lies.

(3) The county strategy group shall have in place arrangements governing the appointment of a chair, the period for which a person shall serve as chair and the grounds on which the chair may be removed during that period.

(4) The county strategy group shall meet from time to time throughout the year as it considers appropriate.

(5) County strategy group meetings may be attended by persons who represent co-operating and participating persons and bodies for the areas in the county area and such other persons as the county strategy group invites.

Community Safety Agreements

9.—(1) Before the end of each year the county strategy group shall prepare a community safety agreement for that year.

(2) The community safety agreement shall be based on the strategic assessments for that year prepared by the strategy groups for the areas in the county area.

(3) The community safety agreement shall identify—

- (a) the ways in which the responsible authorities in the county area might more effectively implement the priorities set out in these strategic assessments through coordinated or joint working; and
- (b) how the responsible authorities in the county area might otherwise reduce crime and disorder or combat substance misuse through coordinated or joint working.

Partnership plans

10.—(1) The strategy group shall prepare a partnership plan for the area.

(2) Before the start of each year the strategy group shall revise the partnership plan.

(3) When revising the partnership plan the strategy group shall consider the strategic assessment and community safety agreement produced during the year prior to the year referred to in paragraph (2).

11.—(1) The partnership plan shall set out—

- (a) a strategy for the reduction of crime and disorder and for combating substance misuse in the area in the three year period beginning with the year referred to in regulation 10(2);
- (b) the priorities identified in the strategic assessment prepared during the year prior to the year referred to in regulation 10(2);
- (c) the steps the strategy group considers it necessary for the responsible authorities to take to implement that strategy and meet those priorities;
- (d) how the strategy group considers the responsible authorities should allocate and deploy their resources to implement that strategy and meet those priorities;
- (e) the steps each responsible authority shall take to measure its success in implementing the strategy and meeting those priorities; and
- (f) the steps the strategy group proposes to take during the year to comply with its obligations under regulations 12, 13 and 14.

Community Engagement

12.—(1) For the purposes of preparing the strategic assessment and preparing and implementing the partnership plan the strategy group shall make arrangements for obtaining the views of persons and bodies who live or work in the area about—

- (a) the levels and patterns of crime and disorder and substance misuse in the area; and
- (b) the matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the area.

(2) The arrangements under paragraph (1) shall, so far as is reasonable, provide for consultation with—

- (a) persons who appear to the strategy group to represent the interests of as many different groups or persons within the area as is reasonable; and
- (b) persons who appear to the strategy group to represent the interests of those groups or persons within the area likely to be particularly affected by the implementation of the partnership plan.

(3) In making the arrangements under paragraph (1) the strategy group shall have regard to any other consultation with persons who live or work in that area that is undertaken by the responsible authorities in relation to the matters specified in sub-paragraphs 1(a) and (b) other than under these Regulations.

(4) The arrangements made under paragraph (1) shall provide that—

- (a) the strategy group hold one or more public meetings during each year;
- (b) that such meetings are attended by persons who hold a senior position within each of the responsible authorities;
- (c) the strategy group shall take steps as it considers appropriate to bring to the attention of persons who live or work in the area, or who might otherwise be interested, information about
 - (i) when such meetings are held; and
 - (ii) what was discussed at such meetings.

13. In preparing the partnership plan the strategy group shall consider the extent to which persons who live or work in the area might assist the responsible authorities in reducing crime and disorder and substance misuse in the area.

14. The strategy group shall publish in the area a summary of the partnership plan in such form as it considers appropriate, having regard to the need to bring it to the attention of as many different groups or persons within the area as is reasonable.

Guidance

15. In exercising their functions under these Regulations the responsible authorities shall have regard to any guidance given by the Secretary of State.

Transitional provisions

16.—(1) Until the commencement of section 19 (local authority scrutiny of crime and disorder matters) of the Police and Justice Act 2006 regulation 6 shall have effect as if paragraph (d) were omitted.

(2) For the year beginning 1st April 2008 for the references in these Regulations to revising the partnership plan there shall be substituted preparing the partnership plan.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 5 of the Crime and Disorder Act 1998 (“the 1998 Act”) gives certain public authorities in local government areas functions relating to the reduction of crime and disorder and the combating of substance misuse. Collectively these authorities are known as Crime and Disorder Reduction Partnerships (CDRPs). Section 6 of the 1998 Act places obligations on CDRPs to formulate and implement a strategy to reduce crime and disorder and combat substance misuse. These Regulations make further provision as to the formulation and implementation of that strategy.

Regulation 3 provides that CDRPs shall have a strategy group. The role of the strategy group is to prepare a strategic assessment in accordance with Regulations 5 to 7 and a partnership plan in accordance with Regulations 10 and 11. The strategic assessment is an analysis of the levels and patterns of crime and disorder and substance misuse in the area and the priorities the CDRP should adopt to address those matters. The partnership plan sets out a strategy for meeting those priorities and how that strategy should be implemented by the CDRPs. Under Regulation 9 there is a requirement that a county wide group produce a community safety agreement in two tier areas for the county based on the strategic assessments of each area in that county.

The Regulations also include provisions to facilitate information sharing within CDRPs and ensure that when preparing and implementing a strategic assessment and partnership plan the CDRPs engage with their local communities.

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