

**EXPLANATORY MEMORANDUM TO
THE CRIME AND DISORDER ACT 1998 (RESPONSIBLE AUTHORITIES)
ORDER 2009**

2009 No. 1033

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 three Crime and Disorder Reduction Partnerships (CDRPs) in South Nottinghamshire to operate as though the local government areas of Gedling Borough Council, Rushcliffe Borough Council and Broxtowe Borough Council formed one combined area. The three CDRPs have been informally working together since 14 July 2006.

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 Secretary of State is satisfied that the application is in the interests of reducing crime and disorder and of combating the misuse of drugs, alcohol and other substances and that it is supported by all the responsible authorities, which comprise the CDRPs, within the combined area.

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 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 Crime and Disorder Act 1998 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 anti-social behaviour in their area. These statutory partnerships are known as CDRPs in England and Community Safety Partnerships (CSPs) in Wales. The responsible authorities are:

- the police
- local authorities
- fire and rescue authorities
- police authorities
- primary care trusts in England
- local health boards in Wales

7.2 Section 97 of the Police Reform Act 2002 amended section 5 of the Crime and Disorder Act 1998 to allow CDRPs to combine if it was in the interests of reducing crime and disorder or of combatting the misuse of drugs. These partnerships are organised on 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 three CDRPs being merged are already informally working together successfully as combined partnerships. However, certain requirements remain on each local CDRP until they are formally merged. Previously, the central duty on CDRPs had been the production of audits and strategies on a three-year cycle. These duties were replaced by national standards for partnerships in England from 1 August 2007 (in Wales on 19 November 2007). Without a formal order to combine the CDRPs, those CDRP 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 merger, these statutory responsibilities will relate to the merged partnership area.

7.4 It is the CDRPs’ 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 more effectively tackle crime and disorder and the misuse of drugs 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 CDRPs with whom these services must interact.

Consolidation

7.5 Not applicable.

8. Consultation outcome

8.1 The Home Office Regional Deputy Director for East Midlands has consulted all the responsible authorities for the three CDRPs that will merge. All the relevant bodies have signed the merger application confirming that they are satisfied that the

application is in the interests of reducing crime and disorder and of combatting the misuse of drugs, alcohol and other substances. 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 this merger will be beneficial for the communities involved, the application will be of limited interest outside the South Nottinghamshire area.

9. Guidance

9.1 Guidance originally produced by the Home Office in 2004 for Home Office Regional Deputy Directors and CDRPs on the procedure for mergers has been followed in this application. The formally merged CDRP will need to continue to ensure that they comply with the statutory minimum standards introduced in 2007. *Delivering Safer Communities: A guide to effective partnership working* was issued in September 2007 and provides comprehensive guidance for partnerships to support the implementation of the minimum standards.

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 Under regulations introduced in 2007, CDRPs/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 Crime and Disorder Act 1998 to require CDRPs/CSPs to provide a report on such matters connected with the exercise of their functions as the Secretary of State may require.

12.2 Regional Government Offices provide a link between CDRPs/CSPs and central government and have a key role in improving the effectiveness of partnerships. They work closely with partnerships to monitor their work in relation to local and national priorities, and provide support and guidance on the implementation of the minimum standards.

13. Contact

Varsha Ratna at the Home Office (Tel: 020 7035 6174 or email: varsha.ratna@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.