

**EXPLANATORY MEMORANDUM TO**  
**THE CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF**  
**STRATEGY) (AMENDMENT) REGULATIONS 2011**

**2011 No. 1230**

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 Crime and Disorder (Formulation and Implementation of Strategy) (Amendment) Regulations 2011 make amendments to the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 ('the 2007 Regulations').

- 2.2 The purpose of the instrument is to revoke regulations which place unnecessary prescription on Community Safety Partnerships (CSPs) and to give CSPs greater flexibility to carry out their duties in a way that is locally determined.

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

- 3.1 None.

- 4. Legislative Context**

- 4.1 The Crime and Disorder Act 1998 (the '1998 Act'), as amended, establishes partnerships between police, local authorities, fire and rescue authorities, Primary Care Trusts/Local Health Boards, police authorities and probation. The purpose of these partnerships was to ensure that all these agencies work together to tackle local crime and disorder.

- 4.2 The 1998 Act places a duty on these 'responsible authorities' (as defined in section 5(1)) in accordance with section 5 and regulations made under section 6(2) to formulate and implement a strategy to reduce crime and disorder, combat substance misuse, and reduce re-offending. The 2007 Regulations set out such matters as how CSPs are to formulate and implement a strategy to address crime and disorder priorities by the establishment of strategy groups, to engage with communities, and to share information and work with other CSPs where they are part of the same county structure in England.

- 4.3 The instrument amends the 2007 Regulations to change the constitution of district and county strategy groups, to remove the requirement for district and county strategy groups to have in place arrangements governing the appointment of a chair, how often the district and county strategy groups should meet, and for the district strategy group each year to consider the skills and knowledge of the group. It also removes the requirement in regulation 11(1)(a) of the 2007 Regulations for the

partnership plan, prepared under regulation 10(1), to set out a strategy covering a set three-year period.

## **5. Territorial Extent and Application**

5.1 The instrument applies to England only.

## **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 The research evidence, together with feedback from partners, indicates that CSPs are at their most effective when they are able to focus on implementing locally devised solutions without being burdened or restricted by excessive central prescription. In recognition of the need for greater local flexibility, the Policing White Paper, 'Policing in the 21<sup>st</sup> Century: Reconnecting Police and the People', proposed to remove unnecessary prescription and bureaucracy by repealing some of the regulations for CSPs.

7.2 An informal consultation of CSPs in England and Wales to determine which regulations should be repealed was carried out between September 2010 and January 2011. The consultation found that the majority of partners agreed that the statutory duties to produce strategic assessments, partnership plans, consult the community and share information should be retained. However, they also identified that some of the regulations that narrowly prescribe how these duties should be carried out were unnecessary and, in some cases, restricted local flexibility.

7.3 The purpose of the amendments to the 2007 Regulations is to give local partners more freedom to decide how they carry out their functions. These changes recognise that such decisions are best made at a local level to meet the particular needs of each local area. The amendments form part of the Government's drive to reduce top-down bureaucracy and increase local autonomy and innovation.

### ***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 An informal consultation was carried among community safety partners in England and Wales and the majority of the proposed changes were welcomed by the local areas, the Home Office's Partnership Advisory Group, and the Welsh Assembly Government. CSPs and partners agreed with majority of the recommendations but

identified that some regulations should be retained and that additional regulations were suitable for removal.

## **9. Guidance**

9.1 Not applicable.

## **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 The Home Office will work alongside the Department for Communities and Local Government, the Local Government Association, to review the impact of the provisions a year after commencement and as necessary thereafter.

## **13. Contact**

13.1 Roxana Bakharia at the Home Office (Tel: 020 7035 3670) or email: [Roxana.bakharia@homeoffice.gsi.gov.uk](mailto:Roxana.bakharia@homeoffice.gsi.gov.uk)) can answer any queries regarding the instrument.