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WELSH STATUTORY INSTRUMENTS

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**2007 No. 3078 (W.265)**

**CRIMINAL LAW, WALES**

**The Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007**

<i>Made</i>	- - - -	<i>23 October 2007</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 October 2007</i>
<i>Coming into force</i>	- -	<i>19 November 2007</i>

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 6(2), (3), (4), (5) and (9)(b) and 114 of the Crime and Disorder Act 1998<sup>(1)</sup> and now vested in them<sup>(2)</sup>, make the following Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007 and these Regulations come into force on 19 November 2007.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations —

“the 1998 Act” (“*Deddf 1998*”) means the Crime and Disorder Act 1998;

“area” (“*ardal*”) means a local government area in Wales;

“co-operating persons and bodies” (“*personau a chyrff sy'n cydweithredu*”) means persons or bodies co-operating in the exercise of responsible authorities' functions under section 5(2)(3) of the 1998 Act;

“crime and disorder committee” (“*pwyllgor trosedd ac anrhefn*”) means a committee established in accordance with section 19 of the Police and Justice Act 2006<sup>(4)</sup>;

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(1) 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 19 November 2007 (S.I.2007/3073). There are amendments to section 114 of the 1998 Act not relevant to these Regulations.

(2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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

(4) 2006 c. 48. Section 19 of the 2006 Act is not yet in force.

“participating persons and bodies” (“*personau a chyrrff sy'n cymryd rhan*”) means persons and bodies invited to participate in the exercise of the responsible authorities' functions under section 5(3)(5) of the 1998 Act;

“partnership monies” (“*arian partneriaeth*”) means monies provided by the Secretary of State and the Welsh Ministers 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” (“*cynllun partneriaeth*”) means a partnership plan prepared under regulations 8 and 9;

“responsible authorities” (“*awdurdodau cyfrifol*”) means the responsible authorities for an area;

“strategic assessment” (“*asesiad strategol*”) means an assessment prepared in accordance with regulations 5, 6 and 7;

“strategy group” (“*grŵp strategaeth*”) means a group established in accordance with regulation 3;

“substance misuse” (“*camddefnyddio sylweddau*”) means the misuse of drugs, alcohol and other substances; and

“year” (“*blwyddyn*”) means a period of twelve months beginning on 1 April.

### **Functions in respect of the formulation and implementation of a strategy**

3.—(1) For each area there is to be a strategy group whose functions will 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 are to consist of one or more persons appointed from each responsible authority one of whom must hold a senior position in that authority.

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

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

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

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

## Information Sharing

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

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

- (a) under section 17A of the 1998 Act<sup>(6)</sup>;
- (b) under section 115 of the 1998 Act<sup>(7)</sup>; and
- (c) otherwise for the purpose of formulating and implementing a strategic assessment and partnership plan for the area.

(3) Each responsible authority must comply with the protocol prepared under paragraph (1) and 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 must 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 must 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 substance misuse in the area given to the responsible authorities by persons living and working in the area.

7. A strategic assessment must include—

- (a) an analysis of the levels and patterns of 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 each responsible authority should prioritise when exercising its functions to combat substance misuse in the area;
- (e) the matters which the persons living and working in the area consider that each responsible authority should prioritise when exercising its functions to reduce substance misuse in the area; and
- (f) an assessment of the extent to which the partnership plan for the previous year has been implemented.

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(6) 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 19 November 2007 (S.I.2007/3073).

(7) 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 Justice Act 2006 (those amendments are in force from 19 November 2007 (S.I. 2007/3073) and by S.I.2000/90 and S.I.2002/2469.

### **Partnership plans**

- 8.**—(1) The strategy group must prepare a partnership plan for the area.
- (2) Before the start of each year the strategy group must revise the partnership plan.
- (3) When revising the partnership plan the strategy group must consider the strategic assessment produced during the year prior to the year referred to in paragraph (2).
- 9.** The partnership plan must set out —
- (a) a strategy for combatting substance misuse in the area in the three year period beginning with the year referred to in regulation 8(2);
  - (b) the priorities identified in the strategic assessment prepared during the year prior to the year referred to in regulation 8(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 must 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 10, 11 and 12.

### **Community Engagement**

- 10.**—(1) For the purposes of preparing the strategic assessment and preparing and implementing the partnership plan the strategy group must make arrangements for obtaining the views of persons and bodies who live or work in the area about —
- (a) the levels and patterns of substance misuse in the area; and
  - (b) the matters which each responsible authority should prioritise when exercising its functions to combat substance misuse in the area.
- (2) The arrangements under paragraph (1) must, 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 must 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) must 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 must 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.

**11.** In preparing the partnership plan the strategy group must consider the extent to which persons who live or work in the area might assist the responsible authorities in reducing substance misuse in the area.

**12.** The strategy group must 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**

**13.** In exercising their functions under these Regulations the responsible authorities must have regard to any guidance given by the Welsh Ministers.

### **Transitional Provisions**

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

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

23 October 2007

*Brian Gibbons*  
Minister for Social Justice and Local  
Government, one of the Welsh Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## 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 (“the responsible authorities”) in local government areas functions relating to the reduction of crime and disorder and the combatting of substance misuse. Collectively these authorities are known in Wales as Community Safety Partnerships (CSPs). Section 6 of the 1998 Act places obligations on CSPs 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 the strategy to combat substance misuse.

Regulation 3 provides that CSPs must set up 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 8 and 9. The strategic assessment is an analysis of the levels and patterns of substance misuse in the area and the priorities the CSPs 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 CSPs.

The Regulations also include provisions to facilitate information sharing within CSPs and ensure that when preparing a strategic assessment and partnership plan the CSPs engage with their local communities. Regulation 13 makes provision for the responsible authorities to have regard to any guidance issued by the Welsh Ministers. A regulatory impact assessment has been carried out in connection with these Regulations and is available from Margaret Hanson at the Welsh Assembly Government; telephone 01685 72 9086; e-mail: [Margaret.Hanson@Wales.gsi.gov.uk](mailto:Margaret.Hanson@Wales.gsi.gov.uk).