

APPENDIX B Briefing on the Crime and Disorder Act Review

Summary of main aspects of the Police and Justice Bill

The White Paper 'Building Communities, Beating Crime: a better police service for the 21st century' (CM 6360), published in November 2004, set out central Government's strategy for strengthening the ability of the police and their partners to prevent, deter, detect and reduce crime. It set out three objectives to achieve this:

- To spread neighbourhood policing to every community with improved police responsiveness and customer service
- To modernise the police workforce to ensure that the service is fully equipped and able to deliver these changes
- To increase the involvement local communities determining how their communities are policed.¹

The bill includes:

- Police reform (includes amendments to the powers and duties of community support officers)
- Amendments to powers of Police
- Crime and Anti-Social Behaviour (includes amendments to the Crime and Disorder Act 1998, the role of overview and scrutiny committees, parenting orders and anti-social behaviour injunctions)
- Establishing Her Majesty's Chief Inspector for Justice, Community Safety and Custody

Review of Partnership arrangements

The Government's overall objective in carrying out a review of partnership arrangements as set out in the Crime and Disorder Act was to strengthen the visibility, responsiveness, membership and role of local partnerships. The aim is to make them the most effective possible vehicle for tackling crime, anti-social behaviour, behaviour adversely affecting the environment and substance misuse at a local level. **The review findings are not compulsory at this stage as the legislation needs to be enacted but it would be good practice to implement in advance of this happening.** Proposals from the review fell within 5 main headings and are summarised as follows:

Structures

- The strategic and operational decision making roles of the CDRPs (crime and disorder reduction partnerships) are to be split, with at least some of the strategic functions resting at the LSP level; the precise detail is to be considered further.²
- The CDRP is to operate as a thematic sub-group of the LSP, with the three year crime and disorder strategy aligned to the LSP community strategy.³

¹ Police and Justice Bill. (2006). *Explanatory Notes*. <http://www.publications.parliament.uk/pa/cm200506/cmbills/119/en/06119x--.htm>. Accessed 26 January 2006.

² Home Office. (January 2006). *Review of the Partnership Provisions of the Crime and Disorder Act 1998 – Report of Findings*. p. 2, p. 11

³ Ibid, p. 7

- Who should represent the partners will continue to be a local decision, but it will be mandatory for the Cabinet member with the community safety portfolio to sit on the LSP that 'owns' the LAA.⁴

Delivery

- Six monthly intelligence assessments are to replace the current three year audit. There will also be a requirement to produce a rolling three-year community safety plan (this is in keeping with other thematic three year rolling plans such as the CYPP, youth justice plan).
- There will be a requirement for greater use of intelligence-led approaches to community safety, adapted to partnership arrangements and enforced by national standards. This will need to be taken into consideration in the development of the HSP scorecard and also performance monitoring role for scrutiny.
- The information-sharing requirement on partners will be strengthened (s115 of the Crime and Disorder Act 1998).⁵

Governance and accountability

- To make CDRPs more visible to communities, the duty to report annually to the Home Office is to be replaced with a duty to report regularly to the community. Regular reporting should be considered as part of the LSP's communications strategy.⁶ In Harrow consideration should be given to linking into the wider community engagement agenda.
- Making the community safety portfolio holder a mandatory member of the LSP is intended to increase accountability. In terms of scrutiny, the relevant portfolio holder already attends the Strengthening Communities Scrutiny Sub-Committee for Q&A.
- The Respect Action plan indicates that senior representatives of the CDRPs will be expected to hold regular Q&As which would be open to the public, community groups and the media;⁷ this appears to be totally separate to the 'holding to account' by scrutiny but there may be potential for considering how these processes could be linked.
- The powers of the Overview and Scrutiny Committee are to be extended and ward councillors will also be given a specific role through the 'Community Call to Action' (a formalisation of councillors' existing constituency role).

Mainstreaming and national standards

- The definition of s17 of the CDA will be extended to include antisocial behaviour, behaviour adversely affecting the environment and substance misuse.⁸
- Compulsory national standards for partnership working will be developed which will outline the expectations on each partnership and each individual partner (including the roles and responsibilities of partners and chief officers).

⁴ Ibid, p. 12, p. 20

⁵ Ibid, p. 3

⁶ Ibid, p. 18

⁷ Ibid, p. 19; Respect Action Plan, p. 27

⁸ Home Office. (January 2006). *Review of the Partnership Provisions of the Crime and Disorder Act 1998 – Report of Findings*. p. 9

- The focus on s17 compliance already appears within the Safer and Stronger Communities aspect of CPA.⁹

Other

The other main area within the bill, which may potentially impact, relates to co-terminosity of borough command units (BCUs) and the local authority. Except where the Secretary of State allows, the bill specifies that BCUs must be co-terminous with local authority boundaries. However, BCU and local authority areas are not required to match each other on a one to one basis. It will be possible either for two or more local authority areas together to form one BCU area. It will be for the chief constable of a force to determine the number and area covered by each BCU but he must consult the police authority, local authorities, and the constituent members of the Crime and Disorder Reduction Partnerships in the police area and of the Local Criminal Justice Board before doing so.¹⁰

The Police and Justice bill will be the vehicle for the legislative changes required.

1. Structures	Change	Implications	Comments
	a) The strategic functions of Crime and Disorder Reduction Partnerships (CDRPs)/Community Safety Partnerships in Wales (CSPs) should be separated from the operational functions so to sharpen the roles and responsibilities between and within key agencies.	<ul style="list-style-type: none"> • Harrow Strategic Partnership will take on more of the strategic functions of the CDRP and this will be delivered through the LAA and Community Strategy processes (see appendix 1) • The Operational coordination of the CDRP will be delivered through the Safer Harrow partnership (see appendix 1). <p>Note: The precise detail of the balance of responsibilities between the CDRP and the HSP will need to be considered further and outlined in the national community safety standards that are to be developed.</p>	<ul style="list-style-type: none"> • Does the HSP has the staff capacity and technical knowledge of the Community Safety field to carry out strategic functions in line with the requirements of using evidence based problem-solving (National Intelligence Model)? • Can SHMG be assured that a transparent and evidenced based decision-making process using the NIM would be implemented by the HSP to commit resources that will help achieve the Safer Harrow strategic priorities?
	b) The list of responsible authorities under the 1998 Act can be	<ul style="list-style-type: none"> • Chief Officers of Fire and Rescue Services will be given the same "responsible authority" status as Chief Officers of Police. 	<ul style="list-style-type: none"> • Implementing the national standards and models of partnership working will require resources to train and monitor

⁹ Ibid, p. 23

¹⁰ Police and Justice Bill. (2006). *Explanatory Notes*. <http://www.publications.parliament.uk/pa/cm200506/cmbills/119/en/06119x--.htm>. Accessed 26 January 2006.

	extended by secondary rather than primary legislation.	<ul style="list-style-type: none"> • Development of national standards for partnership working will be implemented for the Safer Harrow partnership to follow. • Models of partnership working that outlines the roles and responsibilities of each agency involved in the Safer Harrow Partnership will be implemented. 	<p>the compliance of agencies.</p> <ul style="list-style-type: none"> • Should incorporate this into the 'How we build Safer and Stronger Communities' (Section 17) training programme that is currently under development but has not received any funding support.
2. Delivery	a) Adapt a National Intelligence Model (NIM) for partnerships and require its use in the strategic and operational functions of community safety	<ul style="list-style-type: none"> • HSP, SHMG and steering groups will need to implement the NIM in all of its strategic and operational functions. 	<ul style="list-style-type: none"> • Training of agencies in the use of NIM will need to be resourced and it would make sense to include this into the Safer and Stronger Communities' (Section 17) training programme.
	b) CDRPs/CSPs should undertake at least six-monthly strategic assessments	<ul style="list-style-type: none"> • Safer Harrow will need to ensure systematic sharing of depersonalised information is implemented by all Safer Harrow agencies to enable strategic assessments to be effective. • The strategic assessments will need to include crime, victim and offender data, along with other relevant local profiling for the purposes of risk assessment and resource allocation and draw on softer intelligence generated through community consultation and engagement carried out at district and neighbourhood level. • Systems will also need to be agreed about how standardised public feedback is gathered at least every six months. The Police already get quarterly feedback from residents through the Police Mori Survey but this is limited to specific crime and anti-social behaviour areas. Area Services in the Council frequently ask residents for their views but this is limited to the public realm e.g. litter and graffiti. Currently, there are gaps in asking residents about all of their community safety concerns e.g. drugs, alcohol, hate crime. 	<ul style="list-style-type: none"> • Need to decide if the GIS team in the Crime Reduction Unit is best placed to undertake the strategic assessment or if this should be commissioned externally? • Need to determine with the Home Office if a specific template is to be followed to develop the assessment. • A suggested public feedback system (See Appendix 4 for a diagram) is to incorporate this into the initiative to join up the ward level public meetings for Safer Neighbourhoods/Area services i.e. each ward to have only one joint-agency public meeting to prioritise community concerns. Additionally, the joining up of Safer Neighbourhoods and Area services could present opportunities to carry out joint ward level environmental audits and joint public surveys, surgeries and feedback that could then be incorporated into the strategic assessments as well as the public meetings. Feedback from each

			of the wards could be then incorporated into the overall borough strategic assessment framework that could be presented and publicly consulted on twice annually at the Scrutiny committee. This would create huge resource efficiencies for agencies.
	c) The requirement for triennial audits and strategies to be replaced with annual rolling three-year community safety plans.	<ul style="list-style-type: none"> • The HSP will now have the lead role in producing the rolling plan. Strategic assessments will need to be used to inform the rolling plan as well as the use of more frequent public survey and feedback processes at least every six months as mentioned above. Also need to coordinate the rolling plan with the community strategy, LAA and other relevant plans e.g. policing plan. • SHMG will have the role to take decisions and deploy resources by commissioning and co-ordinating the action plans required securing delivery of the CDRP's community safety priorities in the rolling plan. 	<ul style="list-style-type: none"> • Does the HSP have the staff capacity and technical knowledge to develop an annual rolling plan that incorporates the findings of a six monthly-evidenced based strategic assessment. • The national community safety standards will outline precisely the role and responsibilities of each agency involved in the Safer Harrow partnership. • This will require funding to deliver a training programme in order to enhance agency awareness and compliance with the national community safety standards that should be included in the broadened s17 training programme.
	d) Strengthen section 115 (data sharing) of the CDA and place a duty on responsible authorities to share depersonalised data, which is relevant for community safety purposes and which is already held in a depersonalised format.	<ul style="list-style-type: none"> • All Safer Harrow responsible agencies will have to arrange for systematic sharing of depersonalised information on a quarterly basis to the CRU/DAT. • Safer Harrow will need to implement an information sharing protocol that formally sets out the principles of the partnership's data sharing arrangements, detailing what will be exchanged, by whom, with whom, for what purposes and with which safeguards in place. An effective and enabling framework for inter-agency data exchange would need to include a shared understanding of its limits, as well as what it permits. • Need to ensure that, at the strategic decision making level, someone in each of the responsible authorities is 	<ul style="list-style-type: none"> • Need to ensure all responsible agencies are signed up to the information sharing protocol and have appropriate information sharing security arrangements in place. • The current Safer Harrow information sharing protocol will need to be enhanced to include extra requirements. • Will need to ensure that any datasets shared by agencies are shared in an acceptable format e.g. Microsoft excel. • This will require additional training and

		given formal responsibility for facilitating data and information sharing across all partnership agencies.	auditing/monitoring procedures to be implemented to enhance agency knowledge about information sharing and ensure compliance with 115- is included in broadened S17 training package.
	e) List of agencies to which section 115 applies can be extended by secondary rather than primary legislation.	<ul style="list-style-type: none"> • A wider range of agencies listed under the Crime and Disorder Act will have to share depersonalised information. This will mean that Safer Harrow will need to implement training and auditing/monitoring procedures to enhance agency knowledge about information sharing and ensure compliance with 115. 	<ul style="list-style-type: none"> • Information sharing has been included as one of the sections of the 'How we can build Safer and Stronger Communities' (S17) training programme but has not been given any funding support to implement by the Council or Safer Harrow partnership.
Governance & Accountability	a) Ensure that CDRPs/CSPs consult and engage with their communities on a regular and ongoing basis	<ul style="list-style-type: none"> • Safer Harrow will need to provide regular opportunities for local people to raise their concerns, in the knowledge that they will be listened to and their concerns addressed by local agencies. 	<ul style="list-style-type: none"> • This could be achieved through joining up the ward level Safer Neighbourhoods and Area Services public meetings, evidence base through carrying out joint environmental audits, public surveys and operational tasking arrangements.
	b) CDRPs/CSPs to produce regular reports to their communities	<ul style="list-style-type: none"> • Safer Harrow will be required to produce regular reports to their communities. The details of this will be set out in national standards after further consultation with stakeholders. These reports will need to be considered as part of the HSP overall communication strategy to avoid duplication. 	<ul style="list-style-type: none"> • This requirement should be included as one of the main priorities of 'the need to be implemented' Safer Harrow communications plan and group to achieve. The plan should detail the main Safer Harrow communications priorities and outline the responsibilities for delivery of the communications priorities. • Other means of engaging and encouraging citizen involvement will need to be implemented as part of the overall partnership communications plan e.g. internet, community TV, community events etc.

			<ul style="list-style-type: none"> • Broadening the ways in which Safer Harrow communicate and engage hard to reach groups will need to be incorporated into the overall plan e.g. offering publications in translation and enhancing young people’s participation in decision-making.
	<p>c) Repeal the requirement for CDRPs/CSPs to report on annual performance to the Home Secretary</p>	<ul style="list-style-type: none"> • Safer Harrow will need to clearly communicate to the public what community safety priorities are being delivered and how they are performing in order to allow the public to hold SHMG to account. 	<ul style="list-style-type: none"> • The joined up Safer Neighbourhoods/Area Services ward level public meetings could be used as a vehicle to communicate community safety issues to the public and for the public to monitor community safety performance at a ward level. It would make sense to hold a borough wide public meeting (possibly under the Scrutiny or Safer Harrow Management Group) every six months that highlights the issues in the strategic assessments and allows the public to hold SHMG to account.
	<p>d) Extend the powers of local authority Overview and Scrutiny Committees to encompass the work of CDRPs/CSPs</p>	<ul style="list-style-type: none"> • Scrutiny to play a key role as a check and balance on community safety decision-making, tackling cross cutting issues and supporting partnership working. • Formalise role for local authority scrutiny committees in looking at particularly difficult cases which cannot be resolved through the informal mechanisms which exist between the ward councillor and local partners • Council portfolio holder’s participation in the CDRP strategic decision making process is going to be mandatory to provide a link between the council’s leadership and SHMG decision-making process and ensure that chief officers are held to account. • Implements “scrutiny plus” involving members of Police (MPA), Fire Authorities and Primary Care Trust Boards that will bring a breadth and balance to the 	<ul style="list-style-type: none"> • Member development issue for all councillors to ensure that they follow the correct ‘community call to action’ process and to ensure that they are aware of key community safety principles and Safer Harrow work practices to aid their decision-making. • Will need to ensure that Safer Harrow is a regular feature on portfolio holders’ briefings. • A ‘community call to action’ tasking and tracking system should be implemented to ensure accountability and ultimately action called for by residents from agencies is implemented.

		<p>process allowing scrutiny committees to better reflect the cross cutting, multi-agency nature of much community safety work.</p> <ul style="list-style-type: none"> • Outlines 'community call to action' process (see Appendix 2) for the scrutiny committee to implement if it concludes that partnership action is necessary, as in the case of the mechanism for triggering action on specific issues, then the relevant community safety partners would have a duty to consider the recommendations and report back to the scrutiny committee on action that has been or will be taken, or on the reasons for deciding that action cannot be taken. The relevant partners would be under an additional duty to explain any decision not to take action at the next scrutiny committee meeting. • The seven Safer Harrow strategic leads, chair and/or Chief Officers will have to report to the scrutiny committee on any 'community calls to actions' as required. This may take the form of a Q&A, reflecting the sessions already held by Scrutiny with relevant portfolio holders. 	<ul style="list-style-type: none"> • The Overview and Scrutiny Committee will need to consider what the criteria will be for consideration of issues by the scrutiny and this will need to link into the tasking and tracking of actions by partners. • The paper indicates that the police authority would be co-opted to sit on the committee. • The wider expansion of scrutiny powers is to be developed as part of the white paper on local government and draft local strategic partnership guidance is expected during Summer 2006.
Mainstreaming	a) Broaden the definition of section 17 (mainstreaming crime reduction) so that agencies take account of anti-social behaviour, behaviour adversely affecting the environment and substance misuse	<ul style="list-style-type: none"> • The Section 17 project (how we build safer and stronger communities) currently being implemented has actually incorporated ASB and substance misuse – this project has currently received no council or Safer Harrow funding to support its implementation. 	<ul style="list-style-type: none"> • The Section 17 project has achieved five points of the 10-point Home Office guidance. The other steps that need implemented are resource dependent and the project has reached a 'plateau' in its progress unless resources are found to support the implementation of the other five steps.
	b) The list of agencies to which section 17 applies can be extended by	<ul style="list-style-type: none"> • S17 obligations will be extended to include the Police, Fire Authorities, Probation and PCT. • Each responsible authority should nominate a person to join the S17 project group in order to mainstream 	<ul style="list-style-type: none"> • This will broaden the S17 project specifically in terms of providing training and auditing processes across agencies. • The s17 project will require funding

	secondary rather than primary legislation	obligations across agencies.	support to ensure it broadened implementation.
National Strategies	a) A set of national standards for partnership working will be put in place	<ul style="list-style-type: none"> • The national standards will be compulsory for Safer Harrow Partnership agencies and will cover a number of key areas of partnership activity. Key areas will include: <ul style="list-style-type: none"> • Chief Officer's role in the implementation of a NIM framework to: <ul style="list-style-type: none"> • Produce annual three year rolling plans • Undertake regular strategic assessments • Use intelligence led problem-solving approach to support business processes such as performance, risk and financial management (described in chapter 3); • The benefits of engaging communities in crime and anti-social behaviour prevention and reduction (described in chapters 3 and 4); • Clarity around the roles and responsibilities of partner agency chief officers in providing leadership and strategic direction for the partnership at county, district and unitary level (described in chapter 2); • Ensuring their organisation's compliance with section 17 (described in chapter 5); • Clarity around inter-agency, and local democratic governance and accountability arrangements (described in chapter 4); and • The principles that govern information sharing such as information sharing protocols 	<ul style="list-style-type: none"> • This will create an additional training and compliance issue to ensure agencies are aware of the standards expected and are complying with them- This should be included in the broadened s17 training programme.
	b) Consultation with stakeholders on adopting a new name for English partnerships that better reflects this wider remit	<ul style="list-style-type: none"> • The Morgan Report¹¹ defined community safety 'as having both social and situational aspects, as being concerned with people, communities and organisations including families, victims and at risk groups, as well as with attempting to reduce particular types of crime and the fear of crime.' Many partnerships have been making a reality of this interpretation for some time, 	<ul style="list-style-type: none"> • It is highly likely that CDRP's will become known as the Community Safety Partnerships across both England and Wales.

		and in Wales local partnerships, known as Community Safety Partnerships, have been tackling crime and disorder and substance abuse issues since 2003.	
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Appendix 1:

HSP strategic functions in the CDRP

Identifying short, medium and long-term strategic priorities for community safety encompassing crime, anti-social behaviour, behaviour adversely affecting the environment and substance misuse.

- Commissioning and considering regular strategic intelligence assessments informed by community consultation and engagement
- Committing resources
- Overseeing performance and removing barriers to performance improvement
- Responsible for the interface between CDRPs and others with connected areas of responsibility (LCJBs, LSPs, DAATs, YOTs, CYPSPs, CTs and Police Authorities etc)

Safer Harrow operational functions

- Translating high-level strategic priorities into local action plans for delivery
- Key partners coming together on a more regular basis
- Commissioning and considering day to day 'operational' intelligence assessments to identify immediate priorities for action
- Commissioning community safety services and deploying resources – on either a locality or thematic basis
- Performance and risk management of community safety services

Appendix 2: Community Call to Action details of the Scrutiny and Overview Committee

Role of local authority overview and scrutiny committees:

- 2 Executive arrangements by a local authority must ensure that the authority have an overview and scrutiny committee with power—
 - (A) 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, and
 - (b) To make reports or recommendations to the local authority or the executive with respect to the discharge of those functions.
- 3 Where by virtue of subsection (2)(b) the relevant committee makes a report or recommendations it must provide a copy to each of the responsible authorities and to each of the co-operating persons and bodies.
- 4 Where a councillor of a local authority is asked to consider a local crime and disorder matter by a person who lives or works in the area which the councillor represents
 - a. The councillor must consider the matter and respond to the person who asked him to consider it, indicating what (if any) action he proposes to take;
 - b. The councillor may refer the matter to the relevant committee and, if he does not, the person who asked him to consider it may refer the matter to the executive of the local authority in question.

In this subsection and subsections (5) and (6) "local authority" does not include the county council for an area for which there are district councils.

- 5 Where a matter is referred under subsection (4)(b) to the executive of a local authority, the executive—
 - a. Must consider the matter, and
 - b. May refer it to the relevant committee.

- 6 The relevant committee must consider any local crime and disorder matter—
 - a. Referred to it by a councillor of the local authority in question (whether under subsection (4)(b) or not), or
 - b. Referred to it under subsection (5),

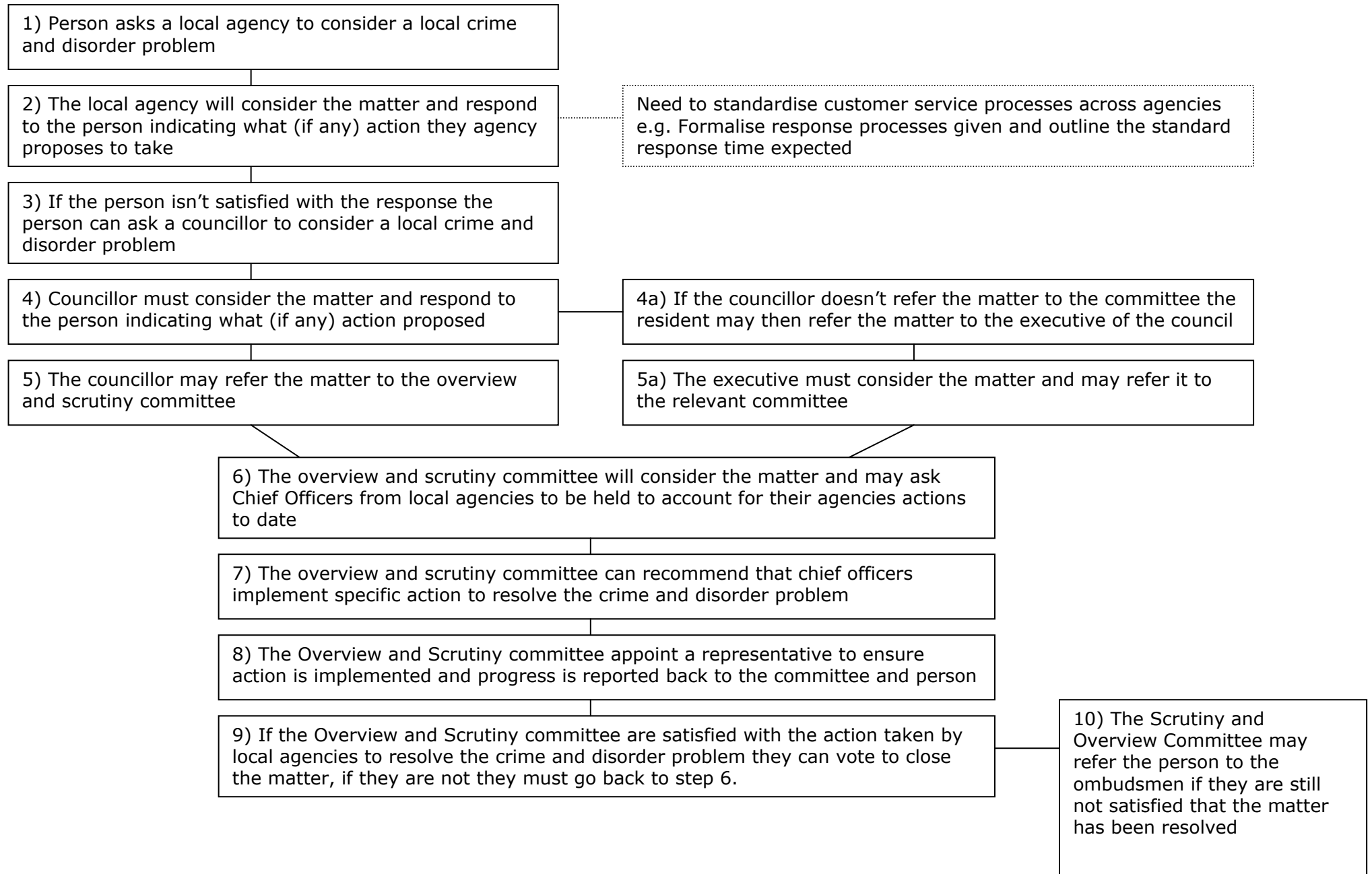
And may make a report or recommendations to the local authority or the executive with respect to it.

- 7 Where the relevant committee makes a report or recommendations under subsection (6) it must provide a copy to such of the responsible authorities and to such of the co-operating persons and bodies as it thinks appropriate.

- 8 An authority, person or body to which a copy of a report or recommendations is provided under subsection (3) or (7) must—

- a. Consider the report or recommendations;
- b. Respond to the relevant committee indicating what (if any) action it proposes to take;
- c. have regard to the report or recommendations in exercising its functions.

Appendix 3: Flowchart of the suggested Community Call to Action process



Appendix 4: Safer Harrow Strategic Framework

