

## **Community Safety Legislation summary – Annex A; SaferMK Partnership Terms of Reference**

The crime prevention and community safety legislation below provides the overarching statutory legalisation to Community Safety Partnerships.

### **Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 gave local authorities and police services duties to work together to develop crime and disorder assessments and implement reduction strategies and to work in partnership with other agencies as a Community Safety Partnership - to tackle the identified problems. Over the years this has evolved through legislation and practice.

Section 17 is a clause within the Crime and Disorder Act 1998 which seeks to ensure that public authorities ensure that they undertake their work in ways which support crime and disorder prevention and combating substance misuse in their area.

**"Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority ... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in its area"**

### **Police and Justice Act 2006**

The Police and Justice Act 2006 has comprehensively revised the Crime and Disorder Act 1998. The new Act placed a duty on responsible authorities to share evidenced-based data to support Community Safety Partnerships. This now also includes the Fire Service, Probation Service, and Health Service.

The legislation also places a new duty on Community Safety Partnerships to join together in a formal strategic group to undertake frequent strategic assessments of levels and patterns of crime and drug misuse in their area and to produce annual rolling three year community safety plans (details of which are contained in Statutory Instrument 1830 SI 2007/1830 and SI 2007/1830 (Explanatory Memorandum) which came into force on 1 August 2007.

The provision of information to undertake the strategic assessments are covered in Statutory Instrument 1831 SI 2007/1831 - Print version and SI 2007/1831 - Explanatory Memorandum.

### **Statutory Public Accountability for CSPs**

The provisions contained within Sections 19-21 of the Police and Justice Act 2006 extended the remit of local authorities to scrutinise the functioning of the local CSPs in England Wales. It puts in place arrangements to ensure that every local authority has in place a committee with power to review and scrutinise, and make reports or recommendations, about the functioning of the CSPs and its local responsible authorities (local authorities, probation (both CRC and NPS) fire and rescue authorities, the police, Clinical Commissioning Group formerly primary care trusts in England and local health boards in Wales), but not the Police and Crime Commissioner (PCC) . The PCC has its own scrutiny panel, MKC has 1 elected member on this panel.

## **Policing & Social Responsibility Act 2011**

The Policing & Social Responsibility Act 2011 covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences.

In addition it replaced police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability.

## **Unitary Area (Delivering Safer Communities Guidance 2007) amended in 2011 by the Police Reform and Social Responsibility Act**

Although the legislation makes reference to a 'strategy group', (In Milton Keynes the SaferMK Partnership is the strategy group).

- This group is ultimately responsible for preparing and implementing a strategic assessment and partnership plan
- Each of the five responsible authorities must be represented on the group
- At least one of the representatives from each of the five responsible authorities must hold a senior position within their home organisation
- Where there is an elected member responsible for community safety on the council for the district/unitary area, they must also be a member of this group
- The group can decide the frequency of its meetings and can invite others to their meetings
- There must be arrangements for appointing a chair, agreeing the period for which the chair can serve and the grounds on which the chair can be changed within this period
- At least once a year, the group needs to consider whether the partnership has the requisite skills and knowledge to meet the statutory requirements
- The strategy group will prepare an information-sharing protocol
- This protocol will be signed by all responsible authorities and will govern the sharing of information between the responsible authorities
- 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 what was discussed at such meetings and where the meetings are to be held
- The strategy group is responsible for the implementation of the partnership plan
- The strategy group must have in place arrangements for assessing the value for money of partnership activities
- The strategy group will take due regard to the policies and strategy of the elected Police and Crime Commissioner for the area.
- The strategy group should commission domestic homicide reviews according to the statutory guidance issued by the Home Office.

## **Domestic Violence, Crime and Victims Act 2004**

Put in place a statutory requirement for CSPs to coordinate a domestic violence homicide review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect.

## **Anti-social Behaviour, Crime and Policing Act 2014**

The act has introduced simpler, more effective powers to tackle anti-social behaviour and better protection for victims and communities. This Act also introduced the Community Trigger overseen by the Partnership.

**Other Statutory obligations:**

There are key statutory obligations that SaferMK has to consider, as part of its remit to reduce crime and the fear of crime. These are:

- Anti Social Behaviour
- Process to reduce reoffending
- Oversight of relevant elements of Contest including the Prevent agenda.
- Reduction of drug and alcohol abuse.

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