

Crime and Disorder Act Review: the next steps

Decisions

Members are asked

- 1. to agree the approach set out in this paper as the basis for further discussions with the Home Office and ODPM, on the development of local partnership work on crime and disorder and community safety.**
- 2. to endorse arrangements for LGA participation in the Home Office reference group working on detailed implementation plans for new measures following the review of the 1998 Crime and Disorder Act.**

Action required

- 3. Continued work by LGA officers as part of agreed LGA interventions**

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Summary

1. This report was requested at the last Board meeting. Members wished to discuss in more detail the LGA position on Home Office measures to be introduced following the Review of the Crime and Disorder Act 1988 (the CDA Review).

Background

2. The report to the Board's last meeting summarised the main recommendations of the CDA Review, which was published on 25th January 2006. The review proposes a number of new measures, designed to reinforce the workings of CDRPs/CSPs and Local Strategic Partnerships, and to strengthen public accountability and citizen engagement on community safety issues.
3. The Board was concerned to ensure that these proposals have been fully thought through, are viable in two tier as well as unitary areas, and are aligned with wider developments on LSPs and local area agreements.
4. Certain of the proposals in the CDA Review remain subject to the passage of the Police and Justice Bill. Others are proposed to be introduced via secondary legislation. The Bill has now concluded its Committee stage. Royal Assent is expected in autumn 2006, and roll-out of new measures planned for April 2007.

The new legislative proposals for crime and disorder/community safety partnership working

5. In summary, the proposed new legislative measures are as follows
 - extending S17 of the 1998 Act to cover anti-social behaviour, enviro-crime, alcohol and substance abuse
 - extending the number of 'responsible authorities' under the Act
 - replacing requirements for 3 year C&D strategies with an annual rolling community safety plan, with 6 month strategic intelligence assessments, linked in with the process of LAA review and 'refresh'.
 - assisting local partner organisations to share data, via further measures under S115 of the 1998 Act.
 - extending powers of local authority scrutiny, to encompass all activities of CDRPs/CSPs and widening the range of bodies involved in overseeing crime community safety activity

- introducing a new split between 'strategic' and 'operational' crime and disorder activities, and placing responsibility for the former at LSP level
 - mandating that the local authority cabinet member for community safety should sit on the LSP and take a leading role in the CDRP/ CSP
 - introducing a 'community call for action' (i.e a 'trigger' mechanism) whereby citizens/ neighbourhoods can raise issues and concerns)
 - introducing national standards for partnership working
 - extending the National Intelligence Model (NIM) as a partnership-based information system for a multi-agency problem-solving approach to crime and community safety.
6. The Home Office has recently set up a reference group and series of sub-groups to progress detailed work on implementation of the review. The LGA is involved in these meetings, as part of a wider programme of joint work with the Home Office. The APA, the Superintendents Association, the Audit Commission, NHS Confederation, and others are also taking part in the three sub-groups, which cover
- a) Accountability issues (national standards for partnership working, extension of overview and scrutiny, monitoring and inspection)
 - b) Delivering Community Safety (separation of strategic and operational functions, roles and responsibilities of CDRPs/ LSPs, rolling 3 year plans)
 - c) Information Management (6 monthly strategic assessments, adaptation of Police National Intelligence Model, and information-sharing.
7. LGA officers are chairing group a) above and providing input to all 3 groups.

Accountability issues – the context for LSPs and CDRPs

8. There is a marked distinction between the framework in which local strategic partnerships (LSPs) and local area agreements (LAAs) have developed, and that which applies to crime and disorder partnership working at CDRPs/ CSPs.
9. Local Strategic Partnerships are currently non-statutory bodies, bringing together local councils, other public sector partners, and the business and voluntary and community sectors. ODPM is now reaching conclusions on a major review of the role of LSPs, to take account of their new responsibilities for local area agreements. LAAs have been developed by ODPM via a non-statutory approach, relying largely on co-operation via LSPs and between tiers of local government.
10. As Members are aware, Crime and Disorder Reduction Partnerships are statutory bodies, established within a detailed legislative framework of statutory duties, 'responsible bodies', and defined partnership arrangements, introduced by the Home Office via the 1998 Crime and Disorder Act.

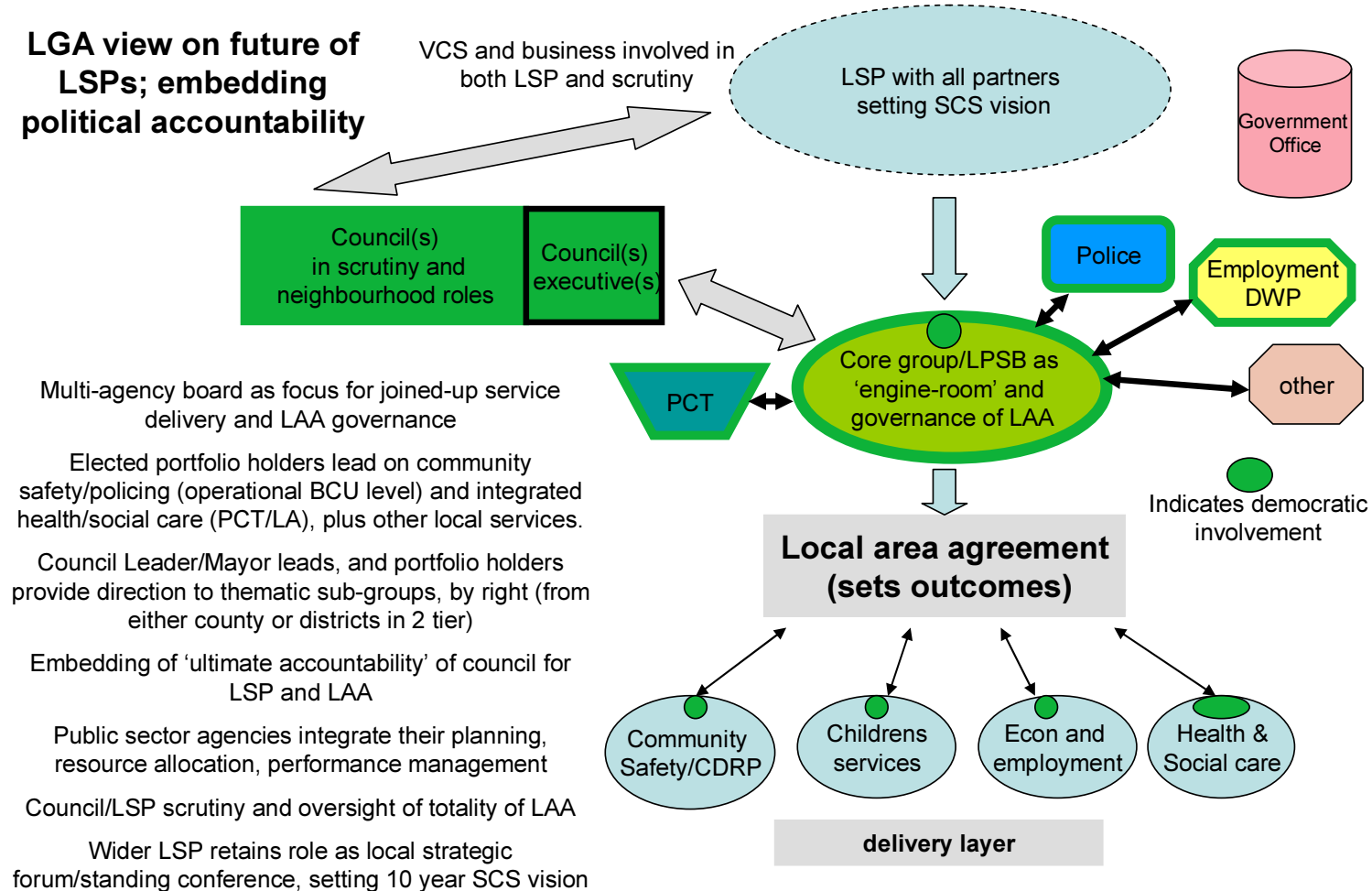
11. The two regimes are now converging to an extent, with ODPM considering a 'duty to co-operate' to be placed on LSP partners, along with other potential legislative levers to strengthen partnership working. But it appears that the LSP/LAA framework will remain essentially non-statutory, while in contrast the Home Office CDRP/CSP regime is now being updated via new primary legislation.
12. In considering the future relationship between CDRPs and LSPs, there are issues as to how these two approaches should best be aligned. Members will need to consider whether this variance between legislative and non-legislative approaches presents a fundamental obstacle to current ODPM and Home Office plans to re-position the respective roles of LSPs and CDRPs. The case made for a non-statutory approach is that it allows flexible and responsive implementation, which can adjust swiftly to context and circumstance, at both national and local level. LAAs have been rolled out rapidly, over the past 2 years. The case for a legislative approach is that more solid foundations are needed to ensure that crime and disorder work, and related local partnership activity, develops consistently across the country and with minimum standards assured.
13. If LSPs are to move into the role of 'partnership of partnerships', overseeing local area agreements, they will need to steer and influence the activities and decisions of many bodies, both statutory and non-statutory. ODPM have suggested a new 'duty to co-operate' as the appropriate legislative means of embedding this role, and the LGA has supported this in its March response to the ODPM consultation on LSPs. It may be felt that this provides a sufficient statutory framework for a new relationship between LSPs and CDRPs.

Political leadership of community safety/crime and disorder activity

14. In its response to the ODPM consultation on LSPs, the LGA has mapped out a suggested new landscape for local partnership working, building on developments in the past few years.
15. A key principle promoted by the LGA is that of embedding local political leadership and democratic accountability across the range of core partnerships that are now engaged in delivering 'better outcomes' for citizens through LSPs and LAAs. The relevant diagram, taken from the LGA response to the ODPM consultation paper, is shown overleaf.
16. The Home Office CDA review reflects a similar approach, and proposes that the local authority cabinet member with responsibility for community safety should be a mandated member of the LSP, and should take a lead role in CDRP/CSP sub-structures to the LSP.
17. The LGA has argued that a similar approach should apply to the main sub-partnerships of a LSP, responsible for the other three 'blocks' of local area agreements (i.e. children's services, health/social care, and economic

development/enterprise). The extent to which ODPM accept this argument will not be known until the June White Paper.

LGA view on future of LSPs; embedding political accountability



Multi-agency board as focus for joined-up service delivery and LAA governance

Elected portfolio holders lead on community safety/policing (operational BCU level) and integrated health/social care (PCT/LA), plus other local services.

Council Leader/Mayor leads, and portfolio holders provide direction to thematic sub-groups, by right (from either county or districts in 2 tier)

Embedding of 'ultimate accountability' of council for LSP and LAA

Public sector agencies integrate their planning, resource allocation, performance management

Council/LSP scrutiny and oversight of totality of LAA

Wider LSP retains role as local strategic forum/standing conference, setting 10 year SCS vision

Pros: gets closer to a real form of joined up governance/ public services, extending democratic accountability.

Cons: significant change to current perception of LSPs

18. In recent discussions with the APA, the LGA has agreed that consideration be given to finding ways to support local authority councillors as representatives on police authorities, to achieve better 'connectivity' between local councillors on the authority, the community safety portfolio holder, and all other local councillors.

Extension of overview and scrutiny

19. The LGA has already welcomed the Home Office/ODPM proposal to extend the powers of local authority overview and scrutiny committees to encompass the work of CDRPs/CSPs. This new measure should significantly improve longer-term prospects for increased democratic accountability in local crime and disorder issues.

20. The LGAs agreed objective is ensure that CDRPs are accountable to the communities and neighbourhoods they serve – an objective that has been given added weight with the creation of strategic police authorities and the expectation that CDRPs will play a key role at BCU level. To maximise CDRPs' potential to fulfil this role the LGA has supported the voluntary amalgamation of CDRPs where a BCU covers more than one local authority area.

21. Home Office proposals for a 'scrutiny plus' model, in which local authority overview and scrutiny committees would oversee the full range of community safety issues, would involve police authority members in joint local authority colleagues in exercising the scrutiny role.

22. There will be workload implications for local authorities, in this extension of the scrutiny role. Many councils have opted to carry out major one-off scrutiny exercises on issues such as anti-social behaviour or youth crime, given the level of public interest and concern. Continuous responsibility for scrutiny of all crime and disorder issues, involving a wider range of participants, will add new tasks that, if they are to be successfully carried out, will require enhanced support and training.

Relationship between local community safety work and the criminal justice system

23. In developing its wider thinking on joined-up governance for localities, the LGA is also giving consideration to other elements of the criminal justice system. The Home Office acknowledges, in the CDA review, that this is now a complex and sometimes overcrowded partnership landscape. Local Criminal Justice Boards (LCJBs) were introduced in April 2003. While they have distinct roles and responsibilities, the Home Office accepts that they are now part of a 'continuum of activities' and that they need to join up with CDRPs/CSPs on mutual areas of interest.

24. Options on the future of Probation Boards are also being considered by the Home Office, as part of the development of the National Offender Management Services (NOMs). It is possible that the boundaries of Probation Boards and LCJBs may be changed to make them co-terminous with the new police authorities.

25. It can be argued that CDRPs/CSPs, LCJBs, and Probation Boards should increasingly be seen as part of one integrated and simplified set of local partnerships, bound together by the LAA outcome framework and working in support of LSPs. The LGA has already made such representations to the Home Secretary, in respect of the current restructuring of NOMs.

Strategic and operational crime and disorder activities – implications for two-tier areas

- 26. The proposed split of ‘strategic’ and ‘operational’ crime and disorder functions has particular implications for two-tier areas. The proposal is that ‘strategic’ responsibilities should be handled at what the Home Office define as ‘LSP level’, and at county level in two-tier areas. .**
- 27. The argument made by the Home Office for assigning responsibilities in this new way is the perceived geographical disconnection between CDRPs and other key partner agencies such as LCJBs and DAATs. This is seen as hampering partnership working.**
- 28. The new role of LSPs in overseeing the preparation and delivery of local area agreements (LAAs) is a further major factor. In LAAs, the high-level outcomes for each thematic block (including Safer and Stronger Communities) are expected to be set by the upper tier LSP (or by county and district LSPs working together in two-tier areas).**
- 29. The introduction of LAAs has led many areas to review and reconfigure their local partnership arrangements. The third and final round of 63 areas in England are now starting preparing LAAs and will also be re-assessing the governance arrangements for partnership working. The broad model in which a community safety/crime and disorder partnership acts as a thematic sub-group of the LSP is already becoming fairly widespread in areas undertaking LAAs.**
- 30. There are examples where counties and districts have agreed new LAA governance arrangements in which a county-level community safety partnership has emerged to co-ordinate activity across district CDRPs. There are also examples where Districts are leading on the county-wide development of this element of the LAA. Successful working arrangements can be achieved, but it is fair to say that the integration of CDRP funding streams within LAAs, and the new role of county councils as accountable body for these, has created tensions. The proposed assignment of strategic and operational functions has to be seen in this context.**
- 31. The CDA Review attempts to define the two broad sets of functions as per the table overleaf. It is accepted that these categories need further refinement, and this is under discussion in the relevant Home Office sub-group:**
- 32. The principle of simplifying and rationalising the currently crowded landscape of local partnerships, and of clarifying roles where there is currently duplication and confusion, is supported by the LGA. But there needs to be scope for some flexibility and local discretion in the balance of responsibilities, particularly in the early stages.**
- 33. The first three of the ‘strategic’ responsibilities identified by the Home Office (in the above box) will anyway need to be overseen at LSP level, in the preparation of integrated sustainable community strategies (as proposed by the ODPM review of**

LSPs). Local area agreements will constitute the ‘action plan’ for such strategies, with defined outcomes, targets, and indicators for crime and disorder/community safety activity, alongside other LAA ‘blocks’.

Functions of CDRPs

STRATEGIC

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)

OPERATIONAL

- 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

(In two-tier local authority areas, this operational function may need to be carried out at sub-county level with groups of district CDRPs working together or at county level depending on the nature of the priority to be addressed. For example, a thematic group may be set up at county level to provide a strategic approach to tackling incidents of domestic violence across the whole area).

34. Commitment of resources will increasingly take the form of decisions on aligned or pooled funding streams, where districts, counties and partners will need to reach agreement within the LAA framework and where historic ring-fencing of funds to Government-specified targets is now diminishing. Location of these high-level responsibilities at LSP level therefore has logic.

35. LGA advisers have expressed doubts as to whether the membership of LSPs will have the specialist knowledge and experience to develop the detail of robust and deliverable community safety strategies.

36. In practice, LSPs are likely to continue to rely on the work of more specialist groupings, in developing crime and disorder strategies and in overseeing the 'safer and stronger' block of the LAA. In two-tier areas, some form of county-wide body is likely to be needed to undertake this role, i.e a 'strategic CDRP' which operates 'at LSP level' but which works alongside the LSP and has involvement from a wider range of 'responsible bodies' and crime and disorder practitioners than on the LSP itself.
37. In unitary areas, some LSPs may feel able to merge the tasks involved in carrying out 'strategic CDRP' functions along with the rest of their work, relying on support from an 'operational' CDRP and thereby rationalising their overall pattern of partnerships.
38. The fourth 'strategic' function proposed by the Home Office is responsibility for the interface between other partner bodies with connected roles (LCJBs, DAATs, YOTS, CYPSPs, Childrens Trusts and Police Authorities). This is a complex role. Arrangements for such interfaces will vary widely at present, depending on the history of partnership development in different areas. The LGA would therefore argue for initial flexibility on how this fourth strategic function is exercised, between LSP and CDRP. Any 'partnership standards' laid down by the Home Office (see below) should reflect this.
39. The 'operational' functions defined by the Home Office are those with which CDRPs/CSPs are currently heavily engaged. It is acknowledged that there will be times when, in two tier areas, a set of operational interventions may need to be initiated and overseen at county-level (such as a county-wide programme targeting a specific class of crime). For the proposed split of responsibilities to work, there will need to be close working between strategic and operational partnership bodies. Reconfigured LSPs and new governance arrangements for LAAs, now coming into place in all areas in England, should help make this happen in two-tier as well as in unitary areas.

Police force restructuring and implications of CDA review on Police Authorities

40. The Board has received separate reports on the latest developments on restructuring of police forces at strategic level, and on proposals in the Bill to place BCUs on statutory footing, coterminous with local authorities.
41. The proposals in the CDA Review, and the assignment of strategic and operational responsibilities to LSPs and CDRPs/CSPs respectively, are not intended to alter the accountability relationship between police authorities and forces.
42. Home Office proposals for a 'scrutiny plus' model, overseeing the full range of community safety issues, would involve Police Authority members in joining local authority colleagues in exercising the scrutiny role. . Care will need to be taken to ensure that this work

Community call for action

43. The Home Office propose the introduction of mechanisms for a 'community call for action' (first set out in the Cabinet Office 'Respect Action Plan'). Under such

arrangements, BCU commanders and other 'responsible authorities' (as designated under the Crime and Disorder Act 1998) will be required to take action, or explain reasons for non-action in response to public concerns.

44. Similar proposals for 'trigger mechanisms' form part of the wider debate initiated by David Miliband on 'double devolution' and citizen empowerment. The LGA supports the principles of strengthening community access to redress, reinforcing the role of ward councillors, and widening the remit and powers of scrutiny – while stressing that new mechanisms will lose local credibility unless means are found of resolving problems short of formal scrutiny processes.
45. The Bill proposes a form of escalation of 'calls for action', which would be addressed by Safer Neighbourhood Teams in the first instance and then raised via ward councillors to council scrutiny bodies. In the event of inaction by a ward councillor, a right of referral to the council executive is proposed. Ministers have made clear in debate in Parliament that this is intended as a power of last resort, and not a mainstream way of doing business. Draft guidance on the detailed operation of the legislation is under discussion at the relevant Home Office sub-group.

National standards for partnership working

46. The Home Office propose to introduce a set of National Standards for community safety partnership working. These would spell out expectations placed on partnership bodies, and on their constituent partners. Best practice from the Audit Commission and HMIC will be used in developing the standards, which are being developed in consultation with a range of stakeholders including the LGA/IDeA.

The suggested LGA line in discussions with the Home Office is that

- any such national standards should be developed as a minimum core for good practice, and not overly detailed prescription. Not all CDRPs are equipped or resourced to operate at the same level.
- nationally defined partnership standards should apply in common to all forms of local partnership working. Separate requirements, introduced by different Government departments for different types of partnership, will not be workable.
- clarity is needed as to who assesses whether standards are met, and on any measures or sanctions to be applied for 'underperformance'.
- current 'partnership standards' (e.g. the ODPM system for accreditation of LSPs in receipt of Neighbourhood Renewal Funding) are based largely on self-assessment. We would want to see similar arrangements made for CDRP standards, alongside the rigorous external assessment processes already applied to police forces and to local authorities.

47. The LGA is involved in the Home Office sub- group developing the proposed national standards, and these issues will be pursued there.

National Intelligence Model

48. The Home Office propose using the police National Intelligence Model (NIM) as a good practice framework for the data collection and intelligence-gathering needed to underpin community safety interventions.

49. Provided that NIM is applied as a generic framework, that can be applied alongside whatever streamlined national performance management arrangements emerge from current CLP discussions, this approach should prove acceptable to local authorities and partners.

50. Local authorities and LSPs are currently making good progress in building effective, real-time, online, systems for performance management of community strategies and LAAs. A variety of different propriety software systems are being used. The extended use of NIM to CDRPs/CSPs and LSPs (in their strategic community safety role) will need to be compatible with these developments.

Implications for Wales

51. The position on implementation of new partnership arrangements in Wales is different, in that Wales does not have local strategic partnerships (but has Community Strategy Partnerships, which are similar). Contact will be made with the WLGA to establish whether the Welsh Assembly will be pursuing a similar approach, in terms of the split of strategic and operational functions. If necessary, this issue will be pursued at the CLP sub-group on May 17th.

Financial/Resource Implications

52. There are no specific financial implications identified at this stage.

Conclusions

53. Many of the Home Office proposed measures for implementing the CDA review are in line with LGA policy and should prove welcome to local authorities and partners. Integration of planning and reporting processes with LAA timetables, and rationalisation of partnership arrangements should help all agencies involved.

54.

The proposals for embedded political leadership of local partnership work on community safety are in line with LGA thinking. The increased scrutiny role, and the growing neighbourhood dimension of community safety work are also welcome. The impact of a new 'community call for action', alongside other mechanisms already available to the public to raise specific concerns, is as yet untested. The LGA will wish to ensure that such arrangements achieve a balance between collectively agreed priorities and individual concerns.