



Crime and Disorder Act 1998

Section 17 Implementation Strategy

2006

Regeneration Department January 2006

1. Introduction and Background

In July 1998 the Crime and Disorder Act 1998 received Royal Assent, putting the recommendations of the Morgan Report 1991 on a statutory footing and gave Local Government a duty to contribute to crime reduction.

This strategy outlines the contribution to, process and recommendations for, crime reduction and mainstreaming of safer community initiatives within each of Copeland's directorates which would facilitate our compliance with Section 17 of the Crime and Disorder Act 1998 (CDA). The strategy also clarifies what this legislation means and attempts to demystify Crime Reduction and Community Safety for Copeland managers, elected members and employees of the authority.

The paper presents the strategic priorities and the approach which needs to be taken in order to mainstream crime reduction/community safety initiatives throughout the authority. It will use performance management as a tool to monitor and evaluate contributions (i.e. BVPI, LPSA and CPA) and will seek to identify cross organisational working, cross partnership working and key areas of delivery. The paper will focus primarily on:

- Crime and Disorder Act 1998
- Performance Management
- The legal challenge
- Policy links and integration
- Contributions to partnerships (CDRP and it's task groups)
- Impact on crime

2. The Crime and Disorder Act 1998

The Act laid the foundations for statutory Crime and Disorder Reduction Partnerships (CDRPs) and gave the lead responsibility to the Police and Local Authorities. This required that they produce audits and strategies to plan for future input to the reduction of crime in their area.

Section 17 placed a new duty on Police and Local Authorities to consider crime and disorder and community safety in all their activities. Potentially this is a useful and powerful tool and requires us all to look at the crime and reduction/community safety potential within all our policies, budgetary and other decisions and service provision.

Key sections of the Act concerning mainstream crime reduction are:

- **Section 5** placed a joint responsibility on local authorities and the police to develop and implement crime and disorder reduction

strategies in each local authority area (CDRP – jointly Copeland and Allerdale)

- **Section 6** set out the requirement for the partnerships to carry out a Crime and Disorder Audit and write a strategy for tackling crime and disorder giving targets to be met along the way. Strategies must be prepared every 3 years and reviewed on an ongoing basis (3 year strategy just refreshed and available on our website)
- **Section 17 requires all local authorities, including joint authorities and police authorities to consider crime and disorder reduction while exercising their duties.**
“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies 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 it reasonably can to prevent, crime and disorder in it’s area.”
- **Section 39** placed a duty on all local authorities with social services and education responsibilities to establish one or more youth offending Service (YOS) in their area. Chief Officers of police, probation committees (boards) and health authorities (Primary Care Trusts) are required to co-operate in establishing these teams.
- **Section 115** established the power to disclose information between crime and disorder partners (police, LAs, probation committees/boards, health authorities) so long as such disclosure is necessary or expedient for the purposes of the Act (i.e. to prevent and reduce crime and increase community safety)

3. Copeland Borough Council Aims and Objectives Key priorities

The traditional service centred approach of the authority provides an environment in which performance is mostly measured by the outputs of the service rather than the wider benefits to other services and organisations outside the Council and the community surrounding it.

However, the issues that matter to the people of Copeland – employment, health, education, safety, housing and the environment – cannot be delivered by one service or organisation. In response to this type of problem, the Government has taken three steps:

- introduced new duties for local authorities, for example the duty to prepare a community strategy for economic, social and environmental well being and Section 17 of the Crime and Disorder Act 1998.
- introduced cross cutting indicators which local authorities can only achieve by working across service and organisational boundaries
- introduced local Public Service Agreements between local and central government under which local authorities will need to commit to delivering key national and local priorities in return for agreed funding and financial rewards if they meet their targets.

Looking forward then, it should be anticipated that the reputation of the council and funding will depend in part on our ability to address cross cutting issues like crime and disorder reduction.

Therefore it is essential that all relevant parts of the organisation embrace crime reduction as an integral part of our work. This will be a key challenge over the coming years.

Aims:

The main aim of this strategy is to **‘ensure that crime and disorder reduction considerations are incorporated effectively within Copeland’s service planning and delivery processes in order to comply with Section 17 of the Crime and Disorder Act 1998’.**

It is also our aim to achieve corporate engagement with the West Cumbria Crime and Disorder Reduction Partnership and maximise the benefit of a partnership approach to crime reduction.

Objectives:

The main objectives underpinning this strategy are:

To raise awareness of and measure the contribution to crime reduction and community safety by providing training and information across the organisation

Identify best practice, areas of improvement and gaps in service provision

Development of strategic priority and delivery plans

Create a framework for performance management to facilitate effective monitoring of the impact of crime and the fear of crime

Key Priorities:

The strategy needs to focus primarily on the following priority areas:

- **Reduce crime in Copeland (PSA1)**
- **Reduce fear of crime and anti social behaviour (PSA2)**
- **Reduce drug crime and substance misuse (including alcohol) (PSA4)**
- **Reduce incidents of anti social behaviour and criminal damage**
- **Increase corporate engagement with Community Safety**

A work programme needs to be drawn up to meet requirements of the priority areas and an outline of the areas to be addressed are shown in appendix one. A survey has been recently carried out noting the main areas where work is already being carried out across the organisation to meet certain areas of Section 17, and also highlights the knowledge gaps and areas in which we need to improve. A summary of this survey is shown in appendix two.

Performance Management

As noted previously, the council needs to have a coherent plan for complying with Section 17 (CDA). This work programme needs to outline the corporate strategy, priorities and delivery plans for Copeland Borough Council identifying initiatives for each directorate and relevant services within, which deliver a contribution to crime reduction and community safety within Copeland.

The programme needs to indicate links to policy, other organisations and partnerships, as well as any links to the joint West Cumbria CDRP and the key crime reduction priority each initiative contributes to.

Where possible any links to performance indicators/measures such as best value (BVPI), local public service agreements (LPSA), public service agreements (PSA) and comprehensive performance assessment (CPA) will be shown.

The programme must be a working document and therefore will be reviewed at least on an annual basis when reviewing service plans across the organisation. The current processes within each service used to measure the performance of the initiatives will be used to feed into the Direction of Travel and Performance Improvement programmes.

Services where Section 17 will be particularly relevant include:

Planning
Housing
Refuse

Environmental Health
Leisure
Trading Standards
Licensing/Public entertainment
Legal

However, all areas of the council, and all employees and members can and should contribute to the reduction of crime and disorder within the borough.

4 The Legal Challenge

Section 17 (CDA 1998) will have variable impact on the services within the council, although this will be apparent in some more than others. This report outlines how each service can or already does contribute to crime reduction and/or community safety.

Non-compliance with Section 17 implementation (mainstreaming community safety) will leave Copeland Borough Council vulnerable to legal action, i.e. the risk that individuals, business or community groups who feel that the authority is in breach of its duty may challenge its actions and decisions in the courts. The Legal Services department should be an integral part of raising the awareness of this, ensuring legal compliance and responsibility, monitoring case law, evidence building, general legal advice (for example – anti social behaviour advice and support). This is especially important because the Crime and Disorder Act did not:

- Build in specific sanctions for local authorities who did not comply
- Specify what considering crime and disorder might entail
- Set up any enforcement structure
- Set up any structure to monitor how S17 obligations were met (e.g. Safer Communities Strategy – Strategic Priority and Delivery Plans and Performance Management)

However, in the absence of case law, it remains unclear as to what the courts would consider to be a breach of S17. Nevertheless it would be fair to say that the courts will seek evidence that an authority has done all it **reasonably** can to prevent/reduce crime and improve community safety. Evidence suggests that, in making this assessment, the courts will look for proof that the authority has a **coherent** plan for complying with S17 and that this plan is being implemented.

5 Policy Links and Integration

Complying with Section 17 is not enough – we need to be able to prove that we are complying. Therefore it is important that we create an audit trail for each and every decision or policy we make. All reports to members or committees should include an impact statement regarding crime and disorder. All meetings, debates and decisions should be minuted when crime and disorder issues are discussed and decisions lead to the exercise of the Council's powers. All reports which address community safety issues should be sent to the Community Safety Officer for perusal and comment.

Copeland has innumerable policies, however, very few indicate any explicit reference to S17. The programme therefore needs to identify links to current policy and over a period of time review all policies (both old and new) to ensure that they are brought up to date with S17 (CDA) requirements.

6 Contributions to Partnerships

As a 'Responsible Authority' ABC has a duty to contribute to the local CDRP and also plays a key role in the decision making process of this. The programme will give an outline of the contributions made by CBC which contribute to the CDRP agenda.

The Police Reform Act 2002 has recently made amendments to the CDA 1998, one of which was to make Health (Primary Care Trusts) a 'Responsible Authority'. This would mean that they become part of the decision making process for crime reduction and have a role to play in allocation of resources and identifying priorities. With this change are widening links which now include Local Strategic Partnerships (LSPs) who have Crime Reduction and community safety as a key theme within their partnership agenda and now the main funding for CDRPs is passported through LSPs it is important that these partners are aware of their responsibilities and of the role of the CDRP in their work.

7 Resource Implications

As this strategy is considering the implications of mainstreaming crime reduction and community safety activity within the authority, it would be prudent and beneficial to set a target for a 'cost of crime' strategy or cost benefit analysis to assess the benefits of forward planning and budgeting within mainstream funds for such activities.

8 Impact of Crime

It is difficult to measure exactly the impact on crime made by each initiative. The problem solving approach, which identifies a problem and then tackles it through

identified and agreed measures is one of the most effective methods of having a direct and clear impact on crime. However this can be needlessly bureaucratic process unless clear and concise processes are identified and followed through within corporate strategies and delivery plans and 'on the ground delivery'.

The West Cumbria CDRP has developed an action plan for tackling crime locally and CBC will link into this and produce information on services that impact upon the action plans. Also, there are district targets for the contribution to PSA1 using the BCS comparators. CBC has a target of 20% and will liaise with the CDRP to monitor the progress on this.

The use of crime data analysis over a set period in specific geographic areas can also give some correlation between crime levels and initiatives. It will be necessary to look at how CBC can use GIS data and mapping services to provide data to allow directorates to consider crime potential routinely.

9 Summary

The reality test on compliance will come with the increasing focus of inspection on Safer Communities provision. The 2005/6 CPA includes both S17 and Safer Communities delivery. This will be both corporate in terms of seeking evidence of outcomes in relation to strategic vision of the authority and more detailed inspection of delivery in frontline service areas.

Main Points:

The Council needs to adopt the draft strategy and ensure that the Corporate Strategy and Service Delivery Plans incorporate S17 (CDA) and Community Safety.

Each directorate needs to commit to regularly update plans and feedback on progress at quarterly intervals.

Each directorate needs to identify a lead officer to co-ordinate their directorate input to the plans and where necessary input to CDRP and related partnerships.

Mike Tichford
Head of Regeneration
Oct 2005

APPENDIX ONE

Mainstreaming Objectives

- Preparation of the work programme to include cross cutting community safety targets, feeding into the local CDRP strategy and targets to reduce crime and disorder within the Copeland area.
- Reduce the risk factors for future offending and address geographical concentrations of crime notably in town centres and neighbourhoods of high need by embedding Section 17 requirements in our Regeneration strategies and service plans
- To use the information provided by the CDRP to give a borough wide perspective on relative priorities both between themes (e.g. client groups/offence types) and between geographical areas to guide the council input to service plans and overall corporate strategy
- To ensure the Council's commitment to leading and supporting the process across the borough and give it's support to the West Cumbrian CDRP.
- To help to achieve the crime reduction targets set out in PSA1, 2 & 4
- To set out a checklist for crime reduction proofing so that services can show how crime reduction is embedded in their relevant strategies, plans and service delivery
- To establish systems to monitor the allocation of resources in relation to the priorities in the strategy and implementation of the work programme.

Work Programme

If agreed, this work programme will be sent to all service departments and members for comment. Service departments will be encouraged to put the improvement programme into their own words, translate it into practical action and set accountabilities and goals.

Service departments have the opportunity to add value by reflecting crime reduction in their services and how they can work with others (both internally and externally to the authority) to address specific issues.

Once the programme has been finalized it is proposed that arrangements for implementation should be as follows:

- the primary responsibility for action should lie with the service departments themselves so that crime and disorder reduction and community safety becomes an intrinsic part of the service provision
- corporate responsibility for overseeing implementation should be through the Strategic Management Group, incorporating assistance

from the Performance Improvement Unit in terms of collation of information, statistics, and performance monitoring.

- The Corporate Management Team should be responsible for ensuring that Section 17 is fully integrated into the overall Corporate Plan.
- Regular reports on progress should be made through the Direction of Travel and Improvement Group reporting process, by directorate.

Strategic Priorities

These are the key areas in which Copeland can contribute to crime reduction and community safety within the borough.

1 Take account of crime and disorder reduction in all that the Council does

Provide training on Section 17 across the authority to raise awareness and provide assistance in how to embed this into each service area

Services to review the gap analysis and show where they can add value or input to the various areas of crime reduction and community safety

Ensure that all policies comply with Section 17. Create an audit trail for each and every decision or policy we make. All reports to members or committees should include an impact statement regarding crime and disorder/community safety. All meetings, debates and decisions should be minuted when crime and disorder issues are discussed and decisions lead to the exercise of the Council's powers. All reports which address community safety issues should be sent to the Community Safety Officer for perusal and comment.

Ensure that Section 17 is embedded into all service and strategic plans and that performance measures and reporting mechanisms are put into place.

2 Work with the Crime and Disorder Partnership to reduce crime and disorder and to increase community safety.

Support the leadership of the process. This will include assistance with preparation of crime and disorder audits by the Audit Commission, CPA and other crime research teams. Also consultation with citizens, community groups and other agencies to ensure that we are taking the matter of crime reduction and community safety across the whole of the borough. Assistance in preparation of the LSP and CSP strategies. Representation on CDRP task groups, officer support groups and other borough wide initiatives. Promotion of good practice and building

awareness of ways in which citizens can help themselves and others through our publications and media contact.

3 Focus on priority themes and areas

The Council has a lead role in the priority areas for action in conjunction with the County and CDRP.

Priority areas are:

Anti social behaviour – establish more formal and better integrated partnerships between ourselves, RSLs, Police, YOS, the Education Service CJS, Youth Justice Boards and others to effectively tackle and intervene when young individuals show signs of offending regularly.

Tackle incidents of nuisance and noise.

Support the ASB unit by providing officer support to tackle the legal element and the cleaner, greener agenda.

Support the setting up of Rural Safety groups which allow communities to combat low level nuisance with support from the CDRP agencies.

Drugs and Alcohol – support the Prolific Offender scheme by prioritising offenders into temporary housing and supporting drug users in re-establishing normal lifestyles.

Continue with random checks on taxi licensing, door person licensing and licensed premises to ensure compliance with legislation.

Use our Communications and Marketing team to improve information to the public about safe drinking practices.

Continue to support and develop CCTV schemes in town centres where they can be sustained and are known to reduce crime and disorder.

Continue to improve on our safe alcohol policies within the workplace.

Vehicle Crime, Burglary and Theft – deliver the message of not leaving valuables on show in cars.

Improve the safety of existing public car parks using existing budgets to improve lighting, improve natural surveillance and possibly apply for secure car parking status. Street patrols in relation to parking could be extended to look at other areas such as litter, dog fouling and abandoned vehicles.

Effectively remove untaxed and abandoned vehicles in areas where they are regularly burnt out.

Market messages to young people warning them about the risk of mobile phone thefts.

Target domestic burglary within the SRB regeneration schemes

Tackle young offenders through the YOS particularly theft from cars – via final warning interventions and Court based interventions.

Reduce Crime -

Planning - design out crime.

Protection of open spaces

Support shop watch schemes in an attempt to reduce retail thefts.

Provide intelligence to the police, reporting known offenders to the police or Crimestoppers

Community Safety & Reducing Fear of Crime –

Ensure that we have policies on racial harassment and tackling violence and train our employees in these aspects. Reporting of incidents to the various authorities and keeping records of action taken.

Link into ethnic and minority groups to ensure that we are better informed.

Prepare and produce more crime prevention materials to be distributed across West Cumbria.

Use media to inform victims how they might report racial crime.

Conduct public opinion surveys in areas highlighted to have high crime and disorder to best gauge opinion and improve our knowledge base.

Raise the profile of the CDRP and use media outlets and communication sources of partners to better inform the public about local crime issues.