



Police and Justice Act 2006

2006 CHAPTER 48

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

Crime and disorder

19 Local authority scrutiny of crime and disorder matters

- (1) Every local authority shall ensure that it has a committee (the “crime and disorder 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;
 - (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.

“The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies) in relation to the local authority’s area.
- (2) Where by virtue of subsection (1)(b) the crime and disorder committee makes a report or recommendations it shall provide a copy—
 - (a) to each of the responsible authorities, and
 - (b) to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating persons and bodies”).
- (3) Where a member of a local authority (“the councillor”) is asked to consider a local crime and disorder matter by a person who lives or works in the area that the councillor represents—
 - (a) the councillor shall consider the matter and respond to the person who asked him to consider it, indicating what (if any) action he proposes to take;

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(b) the councillor may refer the matter to the crime and disorder committee.

In this subsection and subsections (4) to (6) “local authority” does not include the county council for an area for which there are district councils.

- (4) Where a member of a local authority operating executive arrangements declines to refer a matter to the crime and disorder committee under subsection (3)(b), the person who asked him to consider it may refer the matter to the executive of that authority.
- (5) Where a matter is referred under subsection (4) to the executive of a local authority—
- (a) the executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action it proposes to take;
 - (b) the executive may refer the matter to the crime and disorder committee.
- (6) The crime and disorder committee shall consider any local crime and disorder matter—
- (a) referred to it by a member of the local authority in question (whether under subsection (3)(b) or not), or
 - (b) referred to it under subsection (5),
- and may make a report or recommendations to the local authority with respect to it.
- (7) Where the crime and disorder committee makes a report or recommendations under subsection (6) it shall 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 (2) or (7) shall—
- (a) consider the report or recommendations;
 - (b) respond to the crime and disorder committee indicating what (if any) action it proposes to take;
 - (c) have regard to the report or recommendations in exercising its functions.
- (9) In the case of a local authority operating executive arrangements—
- (a) the crime and disorder committee is to be an overview and scrutiny committee of the authority (within the meaning of Part 2 of the Local Government Act 2000 (c. 22));
 - (b) a reference in subsection (1)(b) or (6) to making a report or recommendations to the local authority is to be read as a reference to making a report or recommendations to the local authority or the executive.
- (10) Schedule 8 (which makes further provision about the crime and disorder committees of local authorities not operating executive arrangements, made up of provision corresponding to that made by section 21 of the Local Government Act 2000 and particular provision for the City of London) has effect.
- (11) In this section—
- “crime and disorder functions” means functions conferred by or under section 6 of the Crime and Disorder Act 1998 (c. 37) (formulation and implementation of crime and disorder strategies);
- “executive arrangements” means executive arrangements under Part 2 of the Local Government Act 2000;
- “local authority” means—

- (a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council;
- “local crime and disorder matter”, in relation to a member of a local authority, means a matter concerning—
- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) in the area represented by the member, or
 - (b) the misuse of drugs, alcohol and other substances in that area.

20 Guidance and regulations regarding crime and disorder matters

- (1) The Secretary of State may issue guidance to—
 - (a) local authorities in England,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,with regard to the exercise of their functions under section 19.
- (2) The National Assembly for Wales, after consulting the Secretary of State, may issue guidance to—
 - (a) local authorities in Wales,
 - (b) members of those authorities, and
 - (c) crime and disorder committees of those authorities,with regard to the exercise of their functions under section 19.
- (3) The Secretary of State may by regulations make provision supplementing that made by section 19 in relation to local authorities in England.
- (4) The Secretary of State, after consulting the National Assembly for Wales, may by regulations make provision supplementing that made by section 19 in relation to local authorities in Wales.
- (5) Regulations under subsection (3) or (4) may in particular make provision—
 - (a) as to the co-opting of additional members to serve on the crime and disorder committee of a local authority;
 - (b) as to the frequency with which the power mentioned in section 19(1)(a) is to be exercised;
 - (c) requiring information to be provided to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (d) imposing restrictions on the provision of information to the crime and disorder committee by the responsible authorities and the co-operating persons and bodies;
 - (e) requiring officers or employees of the responsible authorities and the co-operating persons and bodies to attend before the crime and disorder committee to answer questions;
 - (f) specifying how a person is to refer a matter to a member of a local authority, or to the executive of a local authority, under section 19(3) or (4);
 - (g) specifying the periods within which—

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- (i) a member of a local authority is to deal with a request under section 19(3);
 - (ii) the executive of a local authority is to deal with a matter referred under section 19(4);
 - (iii) the crime and disorder committee is to deal with a matter referred as mentioned in section 19(6);
 - (iv) the responsible authorities and the co-operating persons and bodies are to consider and respond to a report or recommendations made under or by virtue of section 19.
- (6) Regulations made by virtue of subsection (5)(a) may provide for a person co-opted to serve as a member of a crime and disorder committee to have the same entitlement to vote as any other member.
- (7) In this section “local authority”, “crime and disorder committee”, “responsible authorities” and “co-operating persons and bodies” have the same meaning as in section 19.

21 Joint crime and disorder committees

In section 5 of the Crime and Disorder Act 1998 (c. 37) (authorities responsible for crime and disorder strategies), after subsection (1B) there is inserted—

“(1C) An order under subsection (1A) above—

- (a) may require the councils for the local government areas in question to appoint a joint committee of those councils (the “joint crime and disorder committee”) and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those councils to be exercisable by that committee;
- (b) may make provision applying any of the relevant provisions, with or without modifications, in relation to a joint crime and disorder committee.

(1D) In subsection (1C)—

“crime and disorder scrutiny functions”, in relation to a council, means functions that are, or, but for an order under subsection (1A) above, would be, exercisable by the crime and disorder committee of the council under section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);

“the relevant provisions” means—

- (a) section 19 of the Police and Justice Act 2006;
- (b) section 20 of that Act and any regulations made under that section;
- (c) Schedule 8 to that Act;
- (d) section 21 of the Local Government Act 2000.”

22 Amendments to the Crime and Disorder Act 1998

Schedule 9 (which contains amendments to the Crime and Disorder Act 1998 (c. 37) in relation to crime and disorder strategies and other matters relating to the reduction of crime and disorder) has effect.