

**Explanatory Memorandum to The Crime and Disorder Strategies  
(Prescribed Descriptions) (Wales) Order.**

This Explanatory Memorandum has been prepared by the Social Justice and Local Government Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Order 24.1.

**Dr Brian Gibbons – Minister for Social Justice and Local Government**

**Date: 16 November 2009**

**1. Description** – To update and amend the provisions in the Crime and Disorder (Prescribed Descriptions) Order 1998 by:

- Removing from the list of invitees to participate in the exercise of a responsible body's functions, those bodies that are no longer operating and amending those invitees that have changed their name.
- Adding to the list registered social landlords as a body with whom the responsible authorities are required to co-operate; and
- Including the Environment Agency in the list of bodies, with whom responsible authorities must invite one of each to participate in the preparation of plans and strategies to tackle crime and disorder and substance misuse in their area.

Following the recent reconfiguration of the NHS in Wales the new Public Health Wales NHS Trust falls within the definition of paragraph 2(2) (b) of the draft Order.

This is to ensure that all relevant bodies are included in Community Safety Partnership working arrangements in Wales.

**2. Matters of special interest to the Subordinate Legislation Committee –**

None.

**3. Legislative Background** – Section 22 of the Police and Justice Act 2006 amended Section 5 of the Crime and Disorder Act 1998 to allow the National Assembly for Wales to prescribe descriptions of persons or bodies who are required to co-operate with the responsible authorities in the formulation or implementation of strategies to tackle crime, disorder, substance misuse and anti social behaviour in their area.

Functions of the National Assembly for Wales have been transferred to the Welsh Ministers under Schedule 11 of the Government of Wales Act 2006; therefore the enabling power rests with the Welsh Ministers. The SI follows the negative resolution procedure.

**4. Purpose and intended effect of the legislation** – The names of the bodies listed in the Crime and Disorder Strategies (Prescribed Descriptions) Order 1998 is being updated and amended by removing from the list those bodies that no longer operate in Wales amending those listed that have changed their name.

Registered social landlords are part of the wider community and share the problems and challenges of that wider community. They have an important role in tackling anti-social behaviour and their inclusion will strengthen the ability of the Community Safety Partnership to effectively address crime and disorder in the community.

As a result of the Clean Neighbourhoods and Environment Act 2005 the Environment Agency has to establish how they will address environmental crime in their plans. Making the Environment Agency an invitee to participate will assist in tackling environment related crime and support Community Safety Partnerships when preparing their plans and strategies to tackle crime and disorder.

Following the recent reconfiguration of the NHS in Wales the new Public Health Wales NHS Trust falls within the definition of paragraph 2 (2) (b) of the Order i.e. “a National Health Service Trust” established under Part 1 of the National Health Service and Community Care Act 1990 (1) or Part 2 of the National Health Service (Wales) Act 1006 92). It is therefore a body whom the responsible authorities must co-operate with.

If not implemented this would mean that the provisions in the Crime and Disorder (Prescribed Descriptions) Order 1998 would not be updated and would not accurately reflect the range of partners involved in community safety work in Wales.

## **5. Consultation**

A consultation has been carried out which ran from the 6 October to the 2 November. The consultation was circulated to a broad range of community safety partners including Community Safety Officers, the Police Authorities for Wales, the Chief Constables for Wales and the 22 Chief Executives of the Local Authorities. The consultation set out a summary of the proposal, the legislative background and the reasons for the proposed changes.

We received 9 responses to the consultation and these were generally supportive of the proposed changes. No amendments or further actions were required as a result of these responses.

## **6. Regulatory Impact Assessment**

A Regulatory Impact Assessment (RIA) was not carried out because the proposal would not incur any additional costs to the partners concerned. The legislation has no impact on the statutory duties (sections 77 -79 GOWA 06) or statutory partners (sections 73-75 GOWA 06).