

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 8 – Miscellaneous **Chapter 2 – Other**

Other

Section 108 Strategies for crime reduction etc probation authorities

578. **Section 108** provides for every provider of probation services in a particular area, whose arrangements under section 3 of the Offender Management Act 2007 provide for it to be a responsible authority, to be added to the list of “responsible authorities” which comprise the CDRP (Crime and Disorder Reduction Partnerships in England) or CSP (Community Safety Partnership in Wales) in that area. It also extends the remit of CDRPs/CSPs to explicitly include the reduction of re-offending.
579. Subsection (2) adds every provider of probation services in a local government area, whose arrangements under section 3 of the Offender Management Act 2007 provide for it to be a responsible authority, to the list of responsible authorities for that area. The responsible authorities must work together and with other local agencies and organisations to formulate and implement crime and disorder strategies and strategies for combating the misuse of drugs, alcohol and other substances in the area. Prior to this, local probation boards were not responsible authorities but were required to co-operate with those persons and bodies who were. The Offender Management Act 2007 gives the Secretary of State power to make arrangements with providers of probation services from the public (probation trusts), private or third sector or to provide the services himself. Those arrangements will state whether the provider will be a responsible authority or whether they will remain a co-operating body.
580. Subsection (3) amends section 5(1B)(b) of the Crime and Disorder Act 1998 which limits the Secretary of State’s power to merge by order two or more partnership areas in England to cases where he considers it would be in the interests of reducing crime and disorder or substance misuse. This subsection extends these criteria to include reducing re-offending.
581. Subsection (4) extends the existing duties of responsible authorities to include a requirement to formulate and implement a strategy to reduce re-offending in the area.
582. Subsection (5) provides that the appropriate national authority for making regulations relating to strategies for reducing re-offending is the Secretary of State and the Welsh Ministers acting jointly.
583. Subsection (6) amends section 17 of the Crime and Disorder Act 1998. Section 17 places a duty on certain defined authorities, such as local authorities, to exercise their functions with due regard to the likely effect on, and the need to do all that it reasonably can to prevent, crime and disorder and substance misuse. This subsection expands this duty to include reducing re-offending.