



**Section 17 of the Crime and Disorder Act 1998**

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# Section 17 of the Crime and Disorder Act 1998

## 1. Key Points

- Parish and town councils have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area, under Section 17 of the Crime and Disorder Act 1998.
- Parish and town councils should review how they exercise their powers and deliver their services, in order to comply with Section 17.
- As the most 'grassroots' level of government, parish and town councils are in an ideal position to represent the views of their communities and ensure that local crime reduction strategies represent those views.
- Parish and town councils should be fully involved in their local Crime and Disorder Reduction Partnership (led by the district authority and police force).
- The most effective way to reduce crime at a local level is by following an evidence-based, problem-solving approach.
- Parish and town councils can pay for crime and disorder reduction by using their precept for funds, Parish Plan Grants and payments from developers under the Town and Country Planning Act, Section 106.

1.1 The Act introduces a partnership approach to local crime reduction; town and parish councils should be partners in that process. The Act also imposes certain duties on town and parish councils to consider crime and disorder reduction in everything they do.

1.2 The Crime and Disorder Act 1998 advocates the use of a holistic approach to crime and disorder. The Act highlights the establishment of a new modernising and radical agenda.

1.3 It seeks to encompass the two functions of crime prevention and community safety. The Act introduces, for the first time, a framework for partnership working at a local level.

1.4 The Crime and Disorder Act places a statutory 'duty' on the police and local authorities to work together with key partners and agencies in partnership to formulate and implement local crime reduction strategies.

1.5 The partners are required to:

- **Identify**, through local crime and disorder audits and consultation, key
- **Local crime and disorder priorities**
- **Formulate strategies** to assist in tackling these key priorities and
- **Reduce crime** at local level
- **Monitor** and **evaluate** those strategies.

## 2. Section 5(2) of the Crime and Disorder Act 1998

2.1 In exercising those functions, the responsible authorities shall act in co-operation with the following persons and bodies namely:

- a) Every police authority any part of whose police area lies within the area.
- b) Every probation committee or health authority, any part of whose area lies within the area.
- c) Every person or body of a description which is, for the time being, prescribed by order of the Secretary of State under this subsection.
- d) And it shall be the duty of those persons and bodies to co-operate in the exercise by the responsible authorities of those functions.

### 3. Section 17 of the Crime and Disorder Act 1998

- 3.1 '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 that it reasonably can to prevent, crime and disorder in its area.'
- 3.2 The greatest significance of Section 17 is the placing of ownership and responsibility for crime reduction beyond the police and on to a range of agencies. Section 17 has given these agencies a statutory responsibility to ensure that crime and disorder reduction is given the same importance in the decision-making process as other statutory responsibilities. Crime and disorder should not be seen as secondary considerations when making decisions.
- 3.3 Town and parish councils, therefore, must consider the impact on crime and disorder when undertaking their daily functions and services. This means not only positive impacts but also negative impacts. This is especially important when considering financial measures.
- 3.4 Compliance with Section 17 demonstrates the commitment and willingness of the local authority agents to address crime and disorder issues. However, non-compliance could instigate a legal challenge from the courts for failure 'to do all that it reasonably can to prevent crime and disorder in its area'.
- 3.5 Local authorities have the power, as commissioning bodies, to delegate work to parish and town councils (agency powers). This does not mean, however, that legal responsibilities are transferred across to the town or parish council. Both the local authority and the town or parish council assume responsibility, both in terms of their contractual obligation and their duty under Section 17 to do all that they reasonably can to prevent crime and disorder in their area.
- 3.6 **Complying with Section 17 is not enough – you have to be able to prove that you are complying with it.** It is therefore important to consider how you can create an audit trail for each and every decision made within the authority. All reports to members or committees should include an impact statement regarding crime and disorder. As stated earlier, this may be a positive or negative impact statement. In addition, it is important that debates and decisions are minuted to show that you have exercised your duty. If your knowledge of current crime and disorder reduction options would make it impossible to have an informed debate, you should seek expert advice – your local Crime and Disorder Reduction Partnership will be able to provide this.
- 3.7 All meetings need to be minuted – even when only two people are present – when crime and disorder is discussed and decisions lead to the exercise of the council's powers. This is especially important if the council representative involved gives a summary of decisions made, or the edited version is used by the authority as a base for decision-making.

### 4. Problem Solving and Crime Reduction

- 4.1 The stages of the problem-solving approach are:
  - a. **Audit** crime and disorder in the local area. By law, the local Crime and Disorder Reduction Partnership will have carried out a crime audit and should be able to provide data on the area covered by individual parish and town councils. Other agencies that have relevant data include the police, health authority, probation service and fire service.
  - b. The audit process should include **consultation** with the local community. As well as local residents and businesses, 'hard to reach' groups such as young people and ethnic minorities should be consulted. The following methods of consultation could be used: community meetings, focus groups, questionnaires and surveys.

- c. The audit and consultation will enable you to **identify** local crime and disorder **problems** (e.g. criminal damage and graffiti to bus shelters and community buildings; theft from vehicles in a local car park).
- d. Once the problems have been identified, you should **decide** your **priorities** – those problems that need to be addressed first.
- e. **Identify a range of options** for tackling your priorities. Past experience will be a valuable guide here: both local (from the Crime and Disorder Reduction Partnership and police) and national (based on **research** by the Home Office and other national organisations such as Nacro (A Social Justice Charity). Always include ‘doing nothing’ as one option.
- f. **Choose realistic options** from your list of possible options. In order to do this: identify what resources are needed, including funding, skills, labour and so on; identify how these resources will be found and identify the possible risks and benefits for the introduction of each of the possible options. Set a timetable for implementing the chosen option.
- g. Implement the **solutions** you have chosen based on the work carried out to identify and choose them.
- h. It is important to **set targets** for the options that are chosen, so that their success or failure can be measured. Targets should be SMART (specific, measurable, achievable, realistic and timetabled).
- i. The success of the options that are implemented should be **monitored**, by consulting the local police and community, and checking crime and disorder data. This will highlight possible failings and show whether targets are being achieved. In addition, any project that has a set time period should be evaluated at the end of its operative cycle.

## 5. Best Value: a guide to compliance

5.1 Parish and town councils may wish to consider carrying out a review of the ways in which they currently carry out their various functions and duties:

- **Challenge** the way services are delivered.
- **Consult** users, potential users and others.
- Demonstrate that the services are delivered **competitively**.
- Demonstrate how their performance **compares** with that of other parish and town councils delivering similar services.

5.2 By enforcing a Best Value ethos, you can demonstrate that your authority and parish/town council is looking at every opportunity to ‘mainstream’ crime and disorder and therefore demonstrate that you are actively complying with Section 17.

5.3 Through asking the following pertinent questions parish and town councils can ensure that they:

- Are accountable to the community for their actions and for the duties they perform.
- Realise what the concerns are of those within their communities in relation to crime and the fear of crime.
- Consider the implications of the duties and functions they perform and revise the effectiveness of each on a regular basis.

**Challenge** will involve asking:

- What contribution does a particular function or duty make with regard to reducing crime and disorder within the parish.
- Is the parish/town council doing all that it can to perform this function or duty effectively?

**Consultation** will involve asking:

- What will be the purpose of consulting others in relation to reducing crime and disorder?
- Who will be consulted/involved?
- What will they be consulted about?

- How will the consultation/involvement be achieved?
- Where and when will the consultation take place?

**Comparison** will involve asking:

- How do other parish and town councils perform similar functions/duties?

**Competition** will involve asking:

- What lessons can be learned from others and how can you apply them to your town or parish council?
- Are there any other agencies (for example community groups, voluntary sector, private sector) with whom you work together with to deliver a particular duty/function?

## 6. Sharing information in partnerships

6.1 Section 115 of the Crime and Disorder Act 1998 provides that any person can lawfully disclose information, where necessary or expedient for the purposes of the Act, to a chief officer of police, a police authority, local authorities, probation service or health authority, even if they do not otherwise have this power. In other words, sharing information on individuals within a Crime and Disorder Reduction Partnership does not infringe the Data Protection Act. Any parish council that is worried about information sharing should, however, seek legal advice.

## 7. Human Rights Act 1998

7.1 Although the Human Rights Act is a separate and distinct piece of legislation, there may be occasions when not complying with Section 17 may infringe individual rights under this Act. Equally, action taken to reduce crime may itself infringe individual rights under the Act.

## 8. Checklist for crime and disorder reduction

[Key powers and duties of parish and town councils](#) - A checklist of potential opportunities for town and parish councils to reduce local crime and disorder.