



# 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”).

[<sup>F1</sup>(3) A local authority must—

- (a) ensure that its crime and disorder committee has power (whether by virtue of section [<sup>F2</sup>9F(2) or ] 21(2) of the Local Government Act 2000 or regulations made under section [<sup>F3</sup>9JA(2) or ] 32(3) of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter

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- which is a local crime and disorder matter in relation to a member of the authority, and
- (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.
- (4) For the purposes of subsection (3)(b), arrangements enable a person to refer a matter to a committee if they enable him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
- (5) Subsections (6) and (7) apply where a local crime and disorder matter is referred to a crime and disorder committee by a member of a local authority in accordance with arrangements made under subsection (3)(b).
- (6) In considering whether or not to make a report or recommendations to the local authority in relation to the matter, the committee may have regard to—
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
  - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any power which it has by virtue of subsection (3)(a) in relation to the matter.
- (7) If the committee decides not to make a report or recommendations to the local authority in relation to the matter, it must notify the member of—
- (a) its decision, and
  - (b) the reasons for it.
- (8) Where a crime and disorder committee of a local authority makes a report or recommendations to the authority by virtue of subsection (3)(a), it must—
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the committee in accordance with arrangements made under subsection (3)(b), and
  - (b) provide a copy of the report or recommendations to such of—
    - (i) the responsible authorities, and
    - (ii) the co-operating persons and bodies,
 as it thinks appropriate.
- (8A) Subsection (8B) applies where the crime and disorder committee of a local authority—
- (a) makes a report or recommendations to the authority by virtue of subsection (3)(a), or
  - (b) provides a copy of a report or recommendations under subsection (2) or (8)(b).
- (8B) Where this subsection applies—
- (a) the crime and disorder committee must notify the authority, body or person to whom it makes the report or recommendations or provides the copy that paragraph (b) applies, and
  - (b) the authority, body or person must—
    - (i) consider the report or recommendations;
    - (ii) respond to the committee indicating what (if any) action it proposes to take;

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- (iii) 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<sup>F4</sup>...;
  - (b) a reference in [<sup>F5</sup>this section] 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.
- [<sup>F6</sup>(9A) In subsection (9) “overview and scrutiny committee” means—
- (a) in relation to England, an overview and scrutiny committee within the meaning of Chapter 2 of Part 1A of the Local Government Act 2000 (see section 9F of that Act), and
  - (b) in relation to Wales, an overview and scrutiny committee within the meaning of Part 2 of that Act (see section 21 of that Act).
- (9B) In the case of a local authority that operates a committee system and has appointed one or more overview and scrutiny committees under section 9JA of the Local Government Act 2000, the crime and disorder committee is to be one of those committees.]
- (10) Schedule 8 (which makes further provision about the crime and disorder committees of local authorities [<sup>F7</sup> in cases that are not within subsection (9) or (9B) ] and particular provision for the City of London) has effect.
- (11) In this section—
- [<sup>F8</sup>“committee system” has the same meaning as in Part 1A of the Local Government Act 2000 (see section 9B(4) of that Act);]
  - “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);
  - [<sup>F9</sup>“electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983; ]
  - “executive arrangements” means [<sup>F10</sup>—
    - (a) in relation to England, executive arrangements under Part 1A of the Local Government Act 2000, and
    - (b) in relation to Wales, executive arrangements under Part 2 of that Act;]  - “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;  - [<sup>F11</sup>“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), <sup>F12</sup>...
    - (b) the misuse of drugs, alcohol and other substances,  - which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, [<sup>F13</sup>or

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(c) serious violence (within the meaning of Chapter 1 of Part 1 of the Crime and Disorder Act 1998).]]

#### Textual Amendments

- F1** S. 19(3)-(8B) substituted for (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 126(2)**, 245(5); S.I. 2009/959, **art. 2(a)**; S.I. 2009/2539, art. 2(a)
- F2** Words in s. 19(3)(a) inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(2)(a)**; S.I. 2012/1008, art. 4(b)
- F3** Words in s. 19(3)(a) inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(2)(b)**; S.I. 2012/1008, art. 4(b)
- F4** Words in s. 19(9) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 3 para. 80(3), **Sch. 25 Pt. 4**; S.I. 2012/1008, art. 4(b)(c)
- F5** Words in s. 19(9)(b) substituted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 126(3)**, 245(5); S.I. 2009/959, **art. 2(a)**; S.I. 2009/2539, art. 2(a)
- F6** S. 19(9A)(9B) inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(4)**; S.I. 2012/1008, art. 4(b)
- F7** Words in s. 19(10) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(5)**; S.I. 2012/1008, art. 4(b)
- F8** Words in s. 19(11) inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(6)(a)**; S.I. 2012/1008, art. 4(b)
- F9** Words in s. 19(11) inserted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 126(4)(a)**, 245(5); S.I. 2009/959, **art. 2(a)**; S.I. 2009/2539, art. 2(a)
- F10** Words in s. 19(11) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 80(6)(b)**; S.I. 2012/1008, art. 4(b)
- F11** Words in s. 19(11) substituted (30.4.2009 for E., 1.10.2009 for W.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 126(4)(b)**, 245(5); S.I. 2009/959, **art. 2(a)**; S.I. 2009/2539, art. 2(a)
- F12** Word in s. 19(11) omitted (31.1.2023) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 21(a)**, 208(1); S.I. 2022/1227, reg. 4(m)
- F13** Words in s. 19(11) inserted (31.1.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 21(b)**, 208(1); S.I. 2022/1227, **reg. 4(m)**

#### Commencement Information

- I1** S. 19 in force at 30.4.2009 for E. by S.I. 2009/936, **art. 2(a)**
- I2** S. 19 in force at 1.10.2009 for W. by S.I. 2009/2540, **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police and Justice Act 2006, Section 19.