



GUIDANCE ON MERGING COMMUNITY SAFETY PARTNERSHIP AREAS UNDER SECTION 5 OF THE CRIME AND DISORDER ACT 1998 AS AMENDED BY SECTION 97(3) OF THE POLICE REFORM ACT 2002 AND SECTION 108 OF THE POLICING AND CRIME ACT 2009

1. Introduction

1.1 This paper provides guidance for Community Safety Partnerships on the procedure for the merger of community safety partnership (CSP) areas.

2. Background

2.1 Home Office ministers are clear that they see local partnership working as crucial, and that they do not wish to dictate local structures and mechanisms from the centre. Partnerships are free to arrange themselves according to local need and in order to facilitate this we have already removed a number of prescriptive regulations ([link to amended regulations](#)). Partnerships might consider that a formal merger could lead to further streamlining of resources resulting in a more efficient and effective service.

2.2 Section 5 of the Crime and Disorder Act 1998 as amended by section 97(3) of the Police Reform Act 2002 and section 108 of the Policing and Crime Act 2009, sets out the circumstances in which the responsible authorities for each CSP area can join together to work as a combined partnership in order to carry out their functions under sections 6 to 7 of the Act. Any such merger must be in the interests of reducing crime and disorder, combating misuse of drugs and/or reducing reoffending. It is also important that all the relevant responsible authorities have agreed to take such action.

2.3 Police and Crime Commissioners will be introduced in May 2012. They will need to work with other local leaders to deliver their goals and this will include establishing the most effective local arrangements including the agreement of any CSP mergers.

3. Process for merger

3.1 The process for merging CSP areas has been broken down into 3 stages – see flow chart at annex B. This section explains in further detail each of the stages set out in the flow chart.

3.2 The Home Office Community Safety Unit (CSU) are available to provide advice to applicants at all stages of the process.

Stage 1

3.3 In order to fulfil the requirements of the legislation, all responsible authorities across the areas wishing to merge must submit a joint application. In practice, before this can be done they will all need to agree to the merger and must also have consulted with their local stakeholders on the merits of the proposed merger. Further detail on the application can be found in section 4.

3.5 The completed application form must be submitted to the CSPEnquiries mailbox and clearly labelled in the following manner: *[Area] Merger Application [Date]*

Stage 2

3.6 CSU will consider the application submitted; if it demonstrates that all partners are in favour of the merger and that it will be in the interests of reducing crime and disorder, combating misuse of drugs and/or reducing reoffending, the application will be forwarded to Ministers for approval.

Stage 3

3.8 If Ministerial approval is received CSU will inform the partnerships involved and liaise with Home Office Legal Advisers for an order to be raised. It should be borne in mind that it may take a few weeks for an order to be raised. A copy of the order, showing the date on which the partnerships will be legally merged will be sent to the partnership.

4. Application

4.1 All applications for a formal merger need to be submitted together with the pro forma shown at Annex C.

4.2 The application must set out how the merger is *in the interests of reducing crime and disorder, combating the misuse of drugs or reducing reoffending*, and be made jointly by all responsible authorities concerned – these are requirements of the legislation.

4.3 The partnerships should gather an evidence base in support of a merger. The application could draw on the following evidence:

- Data by crime type – for each existing CSP and combined to give an aggregate local picture.
- Data on levels of offending/re-offending – again in each existing CSP and combined to give aggregate local picture
- Local engagement – this will provide a picture of how each existing CSP is engaging with their local community and help determine the engagement strategy for the new CSP.

4.4 Areas looking to merge should provide examples of existing joint working, and may wish to consider completing a joint strategic assessment. This should look at a range of performance and non-performance data across all the agencies of all the CSPs to be merged. Strategic planning should include consideration of the links with other local partnerships and agencies.

4.5 The application should also provide information on:

- The proposed structure of the merged CSP
- What difference will be seen to the existing CSP structures in each of the Local Authority areas
- The financial implications of the merger
- Any risks associated with merging the existing partnerships

4.6 In considering the merits of an application to merge, the Home Office will also take a range of additional factors into consideration. The following list is not exhaustive but gives examples of the type of additional information that may be considered:

- How the merged partnership will retain local sensitivity, consult with and be accountable to local people. For example, has the merged partnership developed a community engagement strategy for ongoing consultation with local people, businesses and community groups, which is sensitive to the diversity of areas within the merged partnership's geographic boundaries?
- How the merged partnership will manage its relationship with all the responsible authorities within the merged partnership area, and other local agencies, structures and partnerships dealing with health, drugs, crime and justice issues for the constituent local authority areas (ie LCJB, DAAT). For example, what local performance management and accountability arrangements will the merged partnership put in place?

- How the merger will lead to value for money and economies of scale
- How the pooling of local resources (financial as well as expertise, skills and knowledge) will achieve better results.

5. Good Practice

5.1 Partnerships that are considering merging may find it helpful to discuss the practical issues with a merged partnership that has been through the process and learned the lessons from it. We encourage merged partnerships to submit their examples, of:

- good practice around the issues outlined in paragraph 4.6 above
- barriers that have been overcome during the merger process, and
- lessons learned from it

5.2 We may then post these examples on the effective practice area of the Home Office website.

6. Further Information

6.1 Enquiries should be addressed to:

Community Safety Unit
Home Office
4th Floor South East, Fry Building
2 Marsham Street
London
SW1P 4DF

CSPEnquiries@homeoffice.gsi.gov.uk

The Crime and Disorder Act 1998 states:

5 Crime & Disorder Strategies

- (1) Subject to the provisions of this section, the functions conferred by section 6 below shall be exercisable in relation to each local government area by the responsible authorities, that is to say –
 - (a) the council for the area and, where the area is a district and the council is not a unitary authority, the council for the county which includes the district; and
 - (b) every chief officer of police any part of whose police area lies within the area.

The Police Reform Act 2002 states:

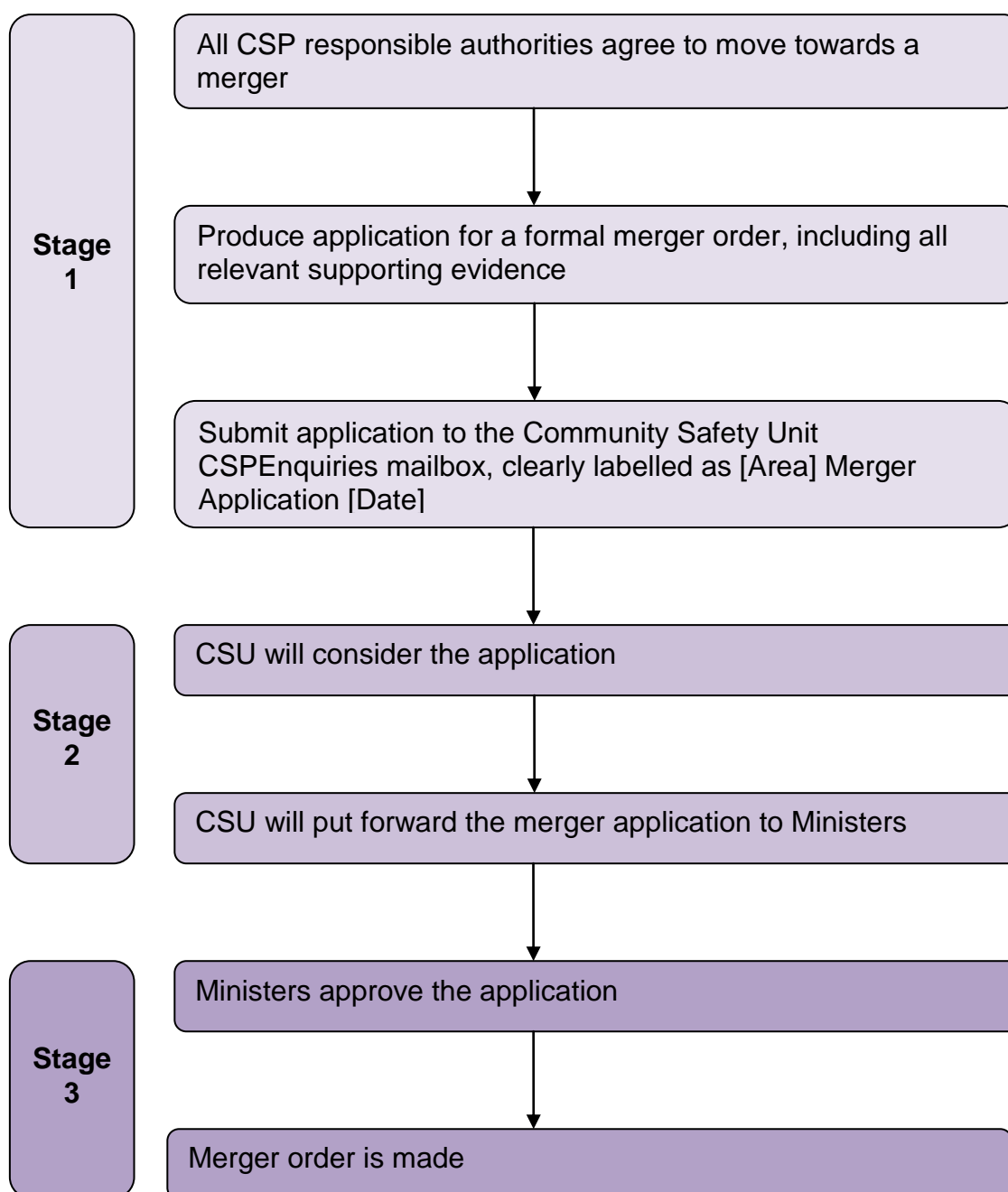
97 Crime & Disorder Partnerships

- (1) The Crime & Disorder Act 1998 (c. 37) shall be amended as follows.
- (2) In section 5 (authorities responsible for strategies). In subsection (1), after paragraph (b) there shall be inserted –
 - (c) every police authority any part of whose police area so lies;
 - (d) every fire authority any part of whose area so lies;
 - (e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and
 - (f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies.”
- (3) After subsection (1) of that section there shall be inserted –
 - “(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England –
 - (a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area: and
 - (b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.
 - (1B) The Secretary of State shall not make an order under subsection (1A) above unless –
 - (a) an application for the order has been made jointly by all the persons who would be responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and
 - (b) he considers it would be in the interests of reducing crime and disorder, or combating the misuse of drugs to make the order”.

The Policing and Crime Act 2009 states:

108 Strategies for crime reduction etc: probation authorities

- (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- (2) In section 5 (authorities responsible for strategies) after subsection (1)(a) insert—
 - (aa) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to be a responsible authority under this section;”.
- (3) In that section, in subsection (1B)(b), after “substances” insert “ or of reducing re-offending ”.
- (4) In section 6 (duty to formulate and implement strategy) at the end of subsection (1)(b) insert “; and
 - (c) a strategy for the reduction of re-offending in the area”.
- (5) In that section, in subsection (9)(c), after “disorder” insert “ or re-offending ”.
- (6) In section 17(1) (duty to consider crime and disorder implications etc) at the end insert “; and
 - (c) re-offending in its area”.

Process for Merger

CSP Merger Application Pro Forma

Date	
CSPs applying for formal merger	
Proposed name of new, combined CSP	
Are you satisfied that making an order under the Act for these CSP areas to merge will be in the interests of a) reducing crime and disorder, b) combating the misuse of drugs, or c) reducing reoffending?	
Is this application made by all responsible authorities in each of the areas concerned?	
We, the undersigned, certify that the application for merger is supported by all the appropriate responsible authorities in the combined area.	
Councils (Chief Executives)	
Police (BCU commander of police force Chief Officer)	
Police Authority (Chair)	
PCT (Chair/Chief Executive)	
Fire & Rescue Authority (Chair)	
Probation Trust (Chief Executive)	

Please submit this pro forma, together with your application to
CSPEnquiries@homeoffice.gsi.gov.uk