



To: All Bench Chairs

cc: Justices Chief Executives; Area Directors; Chairs of Area Judicial Fora;
District Judges (Magistrates' Courts) who sit on Justices' Issues Groups;
The Chief Executive of the Justices' Clerks' Society

9 March 2005

Dear Colleague

Crime and Disorder Reduction Partnerships

We are writing to give you support and guidance on the involvement of the Magistracy in local Crime and Disorder Reduction Partnerships (CDRP).

The Crime and Disorder Act 1998 (as amended) established Crime and Disorder Reduction Partnerships (CDRPs). A duty was placed on specified local bodies (including police, local authorities, police authorities, fire authorities and authorities concerned with health) to work together, through CDRPs, to tackle crime and disorder and misuse of drugs (substance misuse in Wales). They work with other agencies and bodies within the community, including those responsible for schools and probation.

Each of the CDRP districts matches the boundaries of the relevant local authority area; this means that there are 354 CDRPs in England and 22 Community Safety Partnerships in Wales. Community Safety Partnerships in Wales have responsibility for tackling both crime and misuse of drugs and alcohol.

A CDRP carries out what is called "an audit" of the nature and extent of crime, anti-social behaviour and drugs problems in the local area (including consultation with local communities). Based on that "audit", it is required to develop a three-year strategy to tackle priority problems identified, and to respond to the needs and concerns of local people; these strategies are published. The main members of the CDRP, usually supported by local government officials or other seconded officers, determine how resources should be deployed for crime reduction in line with the strategies, and the results are monitored.

CDRPs are funded through the Building Safer Communities Fund (which made available £72.3m in 2003/4 and is to make available £74m in 2004/5) and through other local sources.

CDRPs share areas of interest and need to work with Local Criminal Justice Boards; neither is accountable to the other, but their relationship is being examined by a Review, the findings of which are under consideration.

The present position of Magistrates

In several areas, Magistrates have attended meetings of CDRPs, but normally in other capacities such as members of police or fire authorities; only in a very few areas have Magistrates attended meetings in their capacity as Magistrates. This has largely been because there was a perception that there might be a conflict between their independent position as members of the judiciary and the function of CDRPs. The most obvious example is in relation to Prolific and other Priority Offenders, where CDRPs have a function in identifying the offenders who are to be brought before the courts.

It has, however, been found that attendance at meetings from time to time where no issues which affect the independent position of the Magistracy have been discussed has been valuable as a means of being regularly informed as to the plans of local agencies in areas which impact on criminal justice and initiatives that are being taken. Magistrates have often found it useful to explain the role of the Magistracy and to comment on the efficacy of the programmes that are in use or contemplated.

Magistrates as representatives to CDRPs

There is therefore much of value that could be achieved by Magistrates attending meetings of CDRPs on an occasional basis.

This must, however, be done on a basis that ensures that their independence is understood, respected and reflected in the arrangements.

(a) Attendance as representatives to and not members of the CDRPs

Magistrates should not become members of CDRPs, as these are bodies that carry out responsibilities on behalf of the Executive, including identifying certain categories of offender to be brought before the courts. Magistrates can, however, attend meetings as representatives of the Magistracy to CDRPs, without becoming members.

This form of attendance at Local Criminal Justice Boards has been adopted when judges attend occasional meetings of these Boards. In those areas where judges attend occasional meetings of LCJBs (or for certain agenda items), it is considered inappropriate for judges to be members of a body responsible for delivery of the plans of the Executive, but attendance as representatives of the judiciary is entirely consistent with judicial independence. They do not therefore become responsible for any of the duties imposed on LCJBs. Magistrates attending CDRPs, as members of the judiciary, should be in the same position and therefore be representatives and not members.

(b) Guidelines on meetings

It has been agreed that CDRPs must conduct meetings at which Magistrates are present on the strict understanding that Magistrates are present to hear of the concerns of the community in relation to the prevalence of particular kinds of crime and the programmes that are being undertaken in the community to make the community safer and reduce crime. No issues which affect the judicial position of Magistrates should be discussed. Without seeking to limit the generality of that position,

- (1) There should be no discussion of any particular case that is before the court, or may come before the court, or has been before the court.
- (2) There should be no discussion about the identification of Prolific and other Priority Offenders (though there can be discussion about the programmes available).
- (3) There should be no discussion of sentencing policy.

(c) Frequency of attendance

In asking Magistrates to undertake this yet further burden, we are very conscious of the time Magistrates already give. It must, of course, be for the decision of Magistrates locally how often they wish to attend, but you would not be expected to attend for more than three or four times a year at the most.

(d) Becoming a representative

It will be important for any Magistrate who attends meetings of the CDRP to keep the Justices Issues Group, and the Bench which covers the district of the CDRP, fully informed. The Justices Issues Groups should be responsible for co-ordinating the representatives across the area.

Conclusion

We very much hope that Magistrates will attend meetings of each of the CDRPs on the basis set out in this letter.

The Home Secretary warmly welcomes the proposals in this letter and endorses the guidelines set out.

The Magistrates' Association also welcomes a clear steer with regard to attendance at CDRPs, and the guidelines for discussions at meetings.

Yours sincerely



Rt Hon Lord Woolf of Barnes
Lord Chief Justice of England and Wales



Rt Hon Lord Falconer of Thoroton
Lord Chancellor and Secretary of
State for Constitutional Affairs