

**PERTH AND KINROSS COUNCIL****Community Safety Committee – 18 August 2010****CRIMINAL JUSTICE AND LICENSING (SCOTLAND) BILL****Report by Executive Director (Housing and Community Care)****ABSTRACT**

The Criminal Justice and Licensing (Scotland) Bill is likely to be passed as an Act by December 2010 and potentially implemented in April 2011. Part 14 of the Bill relates to Community Payback Orders. This will have significant implications for the delivery of Community based disposal within Perth and Kinross.

**1 RECOMMENDATIONS**

1.1 It is recommended that Committee:-

- (i) note the implications of the Criminal Justice and Licensing (Scotland) Bill and that there is likely to be significant increase in the use and availability of community penalties as opposed to custodial sentences.
- (ii) agree that Criminal Justice Services should continue to work closely with partner agencies from Health, Housing, Drug and Alcohol and Adult Literacy to ensure that the Aims and Objectives of the Bill can be met.
- (iii) agree that Criminal Justice Services and partners continue to explore synergies to comply with the Act.

**2 BACKGROUND**

2.1 This Bill brings together the following consultation papers –

- Reforming and Revitalising: Report of the Review of Community Penalties (2007)
- Scotland's Choice (2008)
- Fair, Fast and Flexible Justice (2008)

2.2 The aims and objectives of the Bill are:

- To achieve a positive impact on individuals to help them address and change behaviours which contribute to their offending, thereby improving the safety of local communities.
- To require individuals to make payback to the community by means of changing offending behaviours and provide opportunities to reintegrate themselves into society as law abiding and contributing citizens.
- By replacing an unnecessarily complex range of community sentences, to provide opportunity for increased public understanding and confidence in the use by Courts of non-custodial sentences.
- By creating a robust and consistently delivered community sentence, which enjoys public confidence, to improve the credibility of this as a sentencing option with judges and thereby provide a viable alternative to custody in appropriate cases.

- To ensure that the level of input matches the level of risk assessed to aid a reduction/cessation in offending as a means of paying back to the community.

### **3 PROPOSALS**

- 3.1 It is proposed that Criminal Justice Services continue to work closely with partner agencies from Health, Housing, Drug and Alcohol and Adult Literacy to ensure that the Aims and Objectives can be met.
- 3.2 It is proposed that Criminal Justice Services and partners continue to explore synergies to comply with the Act.

### **4 CONSULTATION**

- 4.1 There has been initial consultation with partners in Health, Housing, Drug and Alcohol and Adult Literacy in relation to the potential impact of the above Bill. Consultation is ongoing with the Association of Directors of Social Work (ADSW) and the Scottish Government Justice Department regarding its implementation.

### **5 RESOURCE IMPLICATIONS**

- 5.1 The staff time involved in planning and delivering the proposed Community Payback Orders is currently not funded within either the core or non core grants provided by central government for the delivery of Criminal Justice Social Work Services. The current consultation exercise will scope out whether the current funding arrangements will be adequate to meet the expectations of the Bill.
- 5.2 If the Bill is passed there will be a requirement to maintain two procedural systems and orders potentially for three years from March 2011 – 2014. This transitional period is likely to add additional resource pressures during a period of savings. Little guidance has been given to date, however it is anticipated that both financial and staffing resources are likely to be majorly stretched to meet the numbers, timescales and data management requirements of the Bill.

### **6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012**

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The relevant three objectives are as follows:-
- (i) A Safe, Secure and Welcoming Environment
  - (ii) Healthy, Caring Communities
  - (v) Confident, Active and Inclusive Communities

## 7. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- i) Assessed as **not relevant** for the purposes of EqIA

## 8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

## 9. CONCLUSION

- 9.1 This report highlights the potential implications of the Criminal Justice and Licensing (Scotland) Bill and its delivery by Criminal Justice Social Work Services and its partners. The scoping and preparation will continue to ensure that the statutory requirements of the Bill can be met and any resource implications that this may pose.

**David Burke**

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**Note:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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