

CAPITAL & INFRASTRUCTURE

BUILDING CONTRACT DIRECTIVE

DATE: August 2014

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REFERENCE

CRIME AND DISORDER ACT 1998 – Liaison with the Police Authority in compliance with the “Secured by Design Initiative”

1. Introduction

The Crime and Disorder Act 1998, Section 17, requires local authorities to have due regard to crime and disorder prevention in the exercise of their functions. Compliance with this requirement can be challenged by judicial services.

The last decade has seen a major change in the perception of which local authorities and other agencies should properly contribute to the reduction of crime. Hitherto in Britain the police were assigned primary responsibility for that task. More recently, the notion of partnerships in crime reduction has served to stress the significant crime reduction roles of public bodies, notably local authorities. The process which began with the Morgan Report in 1991 has culminated in the Crime and Disorder Act 1998, which designates local authorities and the police as jointly constituting local “Responsible authorities”.

Section 17 of the Crime and Disorder Act imposes a duty on each local authority to:

exercise its functions with due regard to the need to do all that it reasonably can to prevent crime and disorder in its area.

The Home Office Consultation Document “Getting to Grips with Crime: A New Framework for Local Intervention”, stated that the purpose was to:

give the vital work of preventing crime a new focus across a very wide range of local services.... It is a matter of putting crime and disorder considerations at the heart of decision making...

2. Liaison with the Police Authority – The “Secured by Design” Initiative

One of the important areas recognised as requiring particular attention under the Act, was the need to take crime prevention into account as a serious consideration in the planning of and design of new buildings and developments.

To address this issue police authorities have introduced an initiative entitled “Secured by Design”, and as part of this initiative have appointed “Crime Prevention Design Advisers” (CPDAs) who specialise in offering crime prevention advice on new and existing developments.

This advice is based on the principles of Crime Prevention Through Environmental Design (CPTED), which include Defensible Space, Natural Surveillance, Landscaping, Management, Physical Security and the creation of Psychological Barriers. The advice is aimed at reducing the opportunities for crime and reducing fear of crime.

NOTE:

THIS DIRECTIVE IS APPLICABLE TO THE MAJORITY OF SCHEMES BUT IT WILL NOT NECESSARILY BE APPROPRIATE TO ALL WORKS AND THEREFORE ON EACH SCHEME IT WILL BE NECESSARY TO CHECK THE SPECIFIC REQUIREMENTS.

There are three basic elements necessary for a person to commit crime – ABILITY, OPPORTUNITY and MOTIVE.

By providing security through good design of buildings and their surroundings or layout, it attempts to eliminate or reduce the intruder's ability and opportunity to commit crime – and reduces their motivation. This may well displace the problem elsewhere and account needs to be taken of that fact.

Crime prevention is defined as the anticipation, recognition, and appraisal of a crime risk and the need to take some action to remove or reduce it.

The implementation of such measures at the earliest opportunity in the design stage is the most economical and effective way of reducing the likelihood of a criminal attack.

It is essential that all these design measures are supported when the buildings are in use by good estate management.

There has been a general acceptance that the design of buildings and their surroundings are major factors affecting crime. It is recognised that certain elements in design can influence criminal behaviour for good or ill and the ability of citizens to exercise control over their own environment.

More information can be found on the Secure by Design website - <http://www.securedbydesign.com/professionals/details.aspx?forcecode=sussex>.

The Sussex Police Authority have appointed two "Crime Prevention Design Advisers": one to provide advice principally in the East Sussex area, and the other in the West Sussex area. Their names and contact telephone numbers are as follows

Crime Prevention Design Advisor:

CPDA East Sussex, Mid Sussex & Hove - Mr Dennis Donovan

Communications Department Sussex Police HQ Malling House Church Lane,
Lewes, Sussex BN7 2DZ

telephone: 01273 404868

email: dennis.donovan@sussex.pnn.police.uk

CPDA West Sussex & Brighton - Mr Phillip Edwards

Communications Department Sussex Police HQ Malling House Church Lane,
Lewes

Sussex BN7 2DZ

telephone: 01273 404868

email: phillip.edwards@sussex.pnn.police.uk

3. **Criteria for Arranging Consultation with the CPDA**

Liaison with the Sussex Police Authority is to be carried out during the design period on all new development projects with a gross internal floor area of 1000m² or over; and/or where the proposals could significantly impact upon the nature of the existing security of the campus, or upon the security systems or provisions that already exist on the site.

Where required in accordance with the above criteria, design consultants are to arrange liaison with the Sussex Police Authority, no later than two weeks prior to programmed date for submission of the scheme for planning approval.

4. **The County Council's Responsibilities**

The Council must always consider the implications of the Act, Section 17 during the design of buildings, whether or not the Police Authority are consulted under the arrangements set out above.

If advised by the Police Authority or others that a certain course of action would deter crime, the Council can decide not to follow that advice if there is good reason. One example might be advice that a building should have certain security measures installed. When these are costed, they could be beyond the budget. The Council are not obliged to put into place these measures, but must show that the reasons have been considered and discounted for good reason. The purpose of this is to always be in a position where it can be demonstrated that the Council has done all that it can "reasonably do" to prevent crime.

In some cases it may be advantageous to have a plan to show how the Council might be able to incorporate the suggested measures at a future date, when monies become available.

A third party suffering loss would always be able to make a claim against the Council. Whether or not they were successful would depend on whether the Council can be considered to have acted reasonably. In turn, the Police Authority must act reasonably when giving advice, and should have regard to limits or available resources.

CONCLUSION