WELSH STATUTORY INSTRUMENTS

2007 No. 3078 (W.265)

CRIMINAL LAW, WALES

The Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007

Made - - - -	*23 October 2007*
Laid before the National Assembly for Wales - -	*29 October 2007*
Coming into force - -	*19 November 2007*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 6(2), (3), (4), (5) and (9)(b) and 114 of the Crime and Disorder Act 1998(**1**) and now vested in them(**2**), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007 and these Regulations come into force on 19 November 2007.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations —

"the 1998 Act" ("*Deddf 1998*") means the Crime and Disorder Act 1998;

"area" ("*ardal*") means a local government area in Wales;

"co-operating persons and bodies" ("*personau a chyrff sy'n cydweithredu*") means persons or bodies co-operating in the exercise of responsible authorities' functions under section 5(2)(**3**) of the 1998 Act;

"crime and disorder committee" ("*pwyllgor trosedd ac anrhefn*") means a committee established in accordance with section 19 of the Police and Justice Act 2006(**4**);

(**1**) 1998 c. 37; section 6 was substituted by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 (c. 48) and is in force from 19 November 2007 (S.I.2007/3073). There are amendments to section 114 of the 1998 Act not relevant to these Regulations.

(**2**) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) Section 5(2) of the 1998 Act has been amended by section 97 of the Police Reform Act 2002 (c. 30).

(**4**) 2006 c. 48. Section 19 of the 2006 Act is not yet in force.

"participating persons and bodies" ("*personau a chyrff sy'n cymryd rhan*") means persons and bodies invited to participate in the exercise of the responsible authorities' functions under section 5(3)(**5**) of the 1998 Act;

"partnership monies" ("*arian partneriaeth*") means monies provided by the Secretary of State and the Welsh Ministers and the responsible authorities for expenditure in accordance with the directions of the strategy group in support of the formulation and implementation of the strategic assessment and the partnership plan;

"partnership plan" ("*cynllun partneriaeth*") means a partnership plan prepared under regulations 8 and 9;

"responsible authorities" ("*awdurdodau cyfrifol*") means the responsible authorities for an area;

"strategic assessment" ("*asesiad strategol*") means an assessment prepared in accordance with regulations 5, 6 and 7;

"strategy group" ("*grŵ p strategaeth*") means a group established in accordance with regulation 3;

"substance misuse" ("*camddefnyddio sylweddau*") means the misuse of drugs, alcohol and other substances; and

"year" ("*blwyddyn*") means a period of twelve months beginning on 1 April.

Functions in respect of the formulation and implementation of a strategy

3.—(1) For each area there is to be a strategy group whose functions will be to —

(a) prepare strategic assessments; and

(b) prepare and implement a partnership plan;

for that area on behalf of the responsible authorities.

(2) Subject to paragraph (3) the members of the strategy group are to consist of one or more persons appointed from each responsible authority one of whom must hold a senior position in that authority.

(3) Where the responsible authority referred to in section 5(1)(a) of the 1998 Act has an elected member responsible for community safety, that member is to be one of the persons appointed under paragraph (2).

(4) The strategy group must have in place arrangements governing the appointment of a chair, the period for which a person is to serve as chair and the grounds on which the chair may be removed during that period.

(5) The strategy group must meet from time to time throughout the year as it considers appropriate.

(6) Strategy group meetings may be attended by persons who represent co-operating and participating persons and bodies and such other persons as the strategy group invites.

(7) At some point within each year the strategy group must consider whether it, and those persons in the responsible authorities who work with the strategy group, have the requisite knowledge and skills to exercise their functions under these Regulations.

(8) The strategy group must have in place arrangements governing the review of the expenditure of partnership monies and for assessing the economy, efficiency and effectiveness of such expenditure.

(**5**) Section 5(3) of the 1998 Act has been amended by section 97 of the Police Reform Act 2002.

Information Sharing

4.—(1) The strategy group must have in place arrangements for the sharing of information between responsible authorities and must prepare a protocol setting out those arrangements.

(2) The information sharing protocol must relate to the sharing of information —

(a) under section 17A of the 1998 Act(**6**);

(b) under section 115 of the 1998 Act(**7**); and

(c) otherwise for the purpose of formulating and implementing a strategic assessment and partnership plan for the area.

(3) Each responsible authority must comply with the protocol prepared under paragraph (1) and nominate a person within that authority to facilitate the sharing of information under the protocol.

Strategic Assessments

5.—(1) During each year the strategy group must prepare a strategic assessment on behalf of the responsible authorities.

(2) The purpose of the strategic assessment is to assist the strategy group in revising the partnership plan.

6. In preparing the strategic assessment the strategy group must consider —

(a) information provided to it by the responsible authorities;

(b) information provided to it by co-operating persons and bodies;

(c) information provided to it by participating persons and bodies;

(d) information provided to it by the crime and disorder committee for the area;

(e) the partnership plan for that year; and

(f) any other information relating to substance misuse in the area given to the responsible authorities by persons living and working in the area.

7. A strategic assessment must include—

(a) an analysis of the levels and patterns of substance misuse in the area;

(b) an analysis of the changes in those levels and patterns since the previous strategic assessment;

(c) an analysis of why those changes have occurred;

(d) the matters which each responsible authority should prioritise when exercising its functions to combat substance misuse in the area;

(e) the matters which the persons living and working in the area consider that each responsible authority should prioritise when exercising its functions to reduce substance misuse in the area; and

(f) an assessment of the extent to which the partnership plan for the previous year has been implemented.

(**6**) Section 17A was inserted into the 1998 Act by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 and is in force from 19 November 2007 (S.I.2007/3073).

(**7**) Section 115 has been amended by section 74 of, and Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c. 43), section 97 of the Police Reform Act 2002, section 219 of the Housing Act 2004 (c. 34), section 22 of, and Schedule 9 to, the Police and Justice Act 2006 Justice Act 2006 (those amendments are in force from 19 November 2007 (S.I. 2007/3073) and by S.I 2000/90 and S.I.2002/2469.