

Youth Disorder and Engagement Bill

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TO

Impose a duty on local authorities to provide youth services and establish local partnerships to promote youth participation and engagement; and to make other provision in connection with the reduction of youth crime.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

General duties of local authorities

1 Duty to provide youth services

- (1) It shall be the duty of every local authority to provide youth services to all young people resident within the area of the local authority.
- (2) The purposes of youth services provided in pursuance of the duty under subsection (1) shall be to— 5
- (a) secure active involvement by young people in relevant activities,
 - (b) assist young people to realise their full potential and play a full part in the community, and
 - (c) thereby to reduce youth disorder. 10

2 Youth strategy

- (1) In pursuance of its duty under section 1(1), it shall be the duty of each local authority to prepare a youth strategy.
- (2) A youth strategy shall be prepared in partnership with— 15
- (a) young people resident within the area of the local authority,
 - (b) parents of those young people,
 - (c) voluntary organisations operating within the area of the local authority, and
 - (d) the bodies specified in section 4.
- (3) A youth strategy shall include, in particular— 20

- (a) an analysis of youth disorder in the area, including the hours of the day and the locations within the area where such disorder is most likely to take place,
 - (b) steps to secure the involvement in relevant activities of those young people who would (but for the steps taken in accordance with the provisions of this Act) be least likely to participate in such activities, 5
 - (c) steps to improve the availability and usage of the resources specified in subsection (4) for relevant activities generally and, in particular, their availability and usage for relevant activities at times that are appropriate in order to reduce youth disorder analysed in accordance with the provisions of paragraph (a), 10
 - (d) steps to ensure that, wherever practicable, due account is taken of best practice adopted by other local authorities,
 - (e) steps to ensure that a timely and appropriate response can be made to problems arising in particular localities at particular times, and 15
 - (f) steps to secure the involvement of parents of young people who would (but for the steps taken in accordance with the provisions of this Act) be least likely to engage with youth services.
- (4) The resources specified in this subsection are the facilities, buildings, services and other resources of – 20
- (a) the local authority,
 - (b) the bodies specified in section 4,
 - (c) voluntary organisations,
 - (d) faith groups, and
 - (e) businesses. 25
- (5) Each local authority shall revise its youth strategy from time to time, and at least every five years, having particular regard to –
- (a) monitoring and evaluation work undertaken by it in accordance with the provisions of section 3(1), and
 - (b) reports published under section 3(3) (whether by the local authority itself or by other local authorities). 30
- (6) A youth strategy prepared or revised under this section shall be published in such manner as the local authority concerned considers appropriate to enable the strategy to be brought to the attention of bodies, organisations and persons concerned. 35
- (7) In this Act, “relevant activities” means activities that –
- (a) are carried on using the resources specified in subsection (4) or otherwise,
 - (b) involve the participation of young people, and
 - (c) in the view of the local authority, promote or secure, or assist in promoting or securing, the purposes set out in section 1(2)(b) and (c). 40

3 Monitoring and evaluation

- (1) It shall be the duty of each local authority to monitor and evaluate the performance of functions and the provision of services under this Act.
- (2) In the course of each year after that in which section 1 of this Act comes into force, each local authority shall prepare a report of its monitoring and evaluation work under subsection (1) during the relevant period. 45

- (3) A report under subsection (2) shall be published in such manner as the local authority concerned considers appropriate to enable the report to be brought to the attention of bodies, organisations and persons concerned.

Partnership bodies

4 Partnership bodies and their duty of co-operation 5

- (1) The bodies specified in this section are –
- (a) the chief officer of police for a police area any part of which falls within the area of the local authority;
 - (b) a local probation board for an area any part of which falls within the area of the local authority; 10
 - (c) a youth offending team for an area any part of which falls within the area of the local authority;
 - (d) a local education authority for an area any part of which falls within the area of the local authority;
 - (e) where the local authority for the purposes of this Act is a county council for an area for which there are also district councils, those district councils; 15
 - (f) a person providing services under section 114 of the Learning and Skills Act 2000 (c. 21) (provision of services to support effective participation by young persons in education or training) in any part of the area of the local authority; 20
 - (g) in England, the Children and Family Court Advisory and Support Service; and
 - (h) in Wales, the National Assembly for Wales.
- (2) It shall be the duty of the bodies specified in this section to co-operate in the discharge by the local authority of their duties and functions under this Act. 25

Youth services and youth workers

5 Functions of youth services

- Without prejudice to the generality of its duties under sections 1 and 2, each local authority shall, in discharging those duties and functions, have particular regard to the desirability of – 30
- (a) securing the provision of appropriate information, advice and counselling;
 - (b) enabling and encouraging young people to set up and run their own activities and organisations; 35
 - (c) enabling and encouraging young people to be involved in the community;
 - (d) assisting young people to make the most of education and employment opportunities;
 - (e) equal opportunities with regard to gender, sexuality and ethnicity; 40
 - (f) meeting the needs of disabled young people, and the needs of young people with learning difficulties and mental health problems;
 - (g) promoting international visits and understanding; and

- (h) encouraging and developing inter-generational co-operation and understanding.

6 Youth services workers

- (1) Each local authority shall take reasonable steps to secure, in association with voluntary organisations operating within the area of the local authority and the bodies specified in section 4, that— 5
- (a) a sufficient number of persons is available to work with young people through or in connection with the youth services provided in accordance with the provisions of this Act;
 - (b) those persons are suitably qualified; 10
 - (c) appropriate opportunities are available for the training of those persons; and
 - (d) that those persons are persons in respect of whom an enhanced criminal record certificate has been duly issued in accordance with the provisions of section 115 of the Police Act 1997 (c. 50). 15
- (2) A person shall be regarded as suitably qualified for the purposes of subsection (1) if they hold a suitable qualification.
- (3) In this section “a suitable qualification” has the meaning prescribed by the Secretary of State by regulations.
- (4) The Secretary of State shall, from time to time, review the exercise of his power under subsection (3). 20

Miscellaneous and final provisions

7 Interpretation

- (1) For the purposes of this Act—
- “local authority” means any unitary authority, or any county council so far as they are not a unitary authority; 25
 - “local education authority” is to be construed in accordance with the provisions of section 12 of the Education Act 1996 (c. 56);
 - “relevant activities” has the meaning given by section 2(7);
 - “unitary authority” means— 30
 - (a) the council of any county so far as they are the council for an area for which there are no district councils,
 - (b) the council of any district comprised in an area for which there is no county council,
 - (c) the council of a county borough, 35
 - (d) the council of a London borough,
 - (e) the Common Council of the City of London;
 - “young people” shall be construed in accordance with the provisions of subsection (2);
 - “youth disorder” means— 40
 - (a) unlawful conduct, or
 - (b) other anti-social behaviour,
 by young people;

“youth offending team” has the meaning given by section 39 of the Crime and Disorder Act 1998 (c. 37).

- (2) In this Act “young people” means –
- (a) any person who has attained the age of 11, but has not yet attained the age of 19, and 5
 - (b) any person aged 19 or 20 who –
 - (i) has been looked after by a local authority at any time after attaining the age of 16; or
 - (ii) has a learning disability.
- (3) For the purposes of subsection (2) – 10
- (a) a person is “looked after by a local authority” if, for the purposes of the Children Act 1989 (c. 41), he is looked after by a local authority in England and Wales;
 - (b) “learning disability” means a state of arrested or incomplete development of mind which induces significant impairment of intelligence and social functioning. 15

8 Orders and regulations

- (1) The power to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under section 6(3) is – 20
- (a) to be laid before Parliament after being made, and
 - (b) subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred on the Secretary of State under this Act to make regulations or an order includes power – 25
- (a) to make different provision for different cases (including different provision in respect of different areas);
 - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and 30
 - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

9 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred by the Secretary of State by virtue of this Act; and* 35
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

10 Short title, commencement and extent

- (1) This Act may be cited as the Youth Disorder and Engagement Act 2005.
- (2) This Act shall come into force on such date as the Secretary of State may by order determine. 40
- (3) This Act extends to England and Wales only.

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To impose a duty on local authorities to provide youth services and establish local partnerships to promote youth participation and engagement; and to make other provision in connection with the reduction of youth crime.

*Ordered to be brought in by Ms Oona King,
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