

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

**18 OCTOBER
2011**

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - UPDATE

REPORT OF THE CHIEF EXECUTIVE

STRATEGIC PRIORITIES: SP3: SAFE CITY

CORPORATE PRIORITIES: CIO1: Delivering Customer Focussed Services, C102: Being 'One Council', C103: Efficient and Effective Council, C104: Improving partnership working to deliver 'One City'

1. Purpose of Report

- 1.1 The purpose of the report is to receive an update on the progress of the Police Reform and Social Responsibility Act 2011 and its implications for the Council.

2 Background

- 2.1 On the 15th September 2011, the Police Reform and Social Responsibility Bill completed its passage through Parliament, becoming the Police Reform and Social Responsibility Act 2011.
- 2.2 The three key elements of the Act that are of most relevance for Community Safety Partnership are:
- The abolition of Police Authorities to be replaced by directly elected Police and Crime Commissioners;
 - The creation of Police and Crime Panels;
 - Amendments to the 2003 Licensing Act
- 2.3 As the Bill went back and forth between the House of Commons and the House of Lords, hundreds of amendments were made to the different sections and clauses.
- 2.4 Whilst much of the detail will be provided in secondary legislative guidance, this briefing note summarises the key points and final changes made to the Bill as it became an enacted. This is structured around the three key themes above.
- #### **3 Police and Crime Commissioners, Police and Crime Panels and the Relationship with Community Safety Partnerships**

Police and Crime Commissioners

- 3.1 The Act includes the provision for the election of a Police and Crime Commissioner (PCC) for each police force area.
- 3.2 The role of a PCC is intended to increase the accountability of the police and strengthen the link between police and communities.
- 3.3 The PCC will replace the local Police Authority. This means that Northumbria Police Authority will be abolished and replaced by a single individual.
- 3.4 With the exception of London, which already has its PCC (via the Mayor of London), the public elections for PCCs in the remaining 42 police forces in England and Wales will take place on 15th November 2012. Their first term will be three and a half years, after which it will revert to a May cycle every 4 years. The Bill was amended so that a PCC's term is no longer limited to 2 terms. An amendment was made to allow Members of the House of Lords to stand for election to become a PCC, but existing serving Members of Parliament are not eligible to stand.
- 3.5 The PCC will:
 - be responsible for appointing their Chief Constable and holding them to account
 - determine local policing priorities, produce and publish a Police and Crime Plan, set a local precept and force budget
 - have the power to make community safety grants
 - become Responsible Authorities under the Crime and Disorder Act 1998 to work with Criminal Justice System (not Community Safety Partnership as this will only be a reciprocal duty to co-operate)
 - be able to appoint a deputy PCC
 - have to appoint a chief of paid staff (i.e. a chief executive) and a chief finance officer. They can appoint admin and other posts if they wish. The funding for these posts will come from their overall budget. They will have to publish details of the functions and costs of their staff.

Police and Crime Panel (PCP)

- 3.6 Police and Crime Panels (PCPs) will be made up of a maximum of 20 representatives, consisting of 10 elected members and a minimum of 2 co-opted members. Each local authority in the police force area will

have a seat on the panel. Any remaining seats can be filled so as to reflect the political make-up of the area.

3.7 The key role of the PCP is to:

- Scrutinise the work of the PCC and hold the PCC to account in the shape of an annual report, the police and crime plan, HMIC reports and other reports on activity, as and when these are necessary (and shared with councils)
- Play a supporting role to the PCC.

3.8 The panel has no decision-making role other than the vetoes. The panel can veto the chief constable selection and removal, can veto the precept, but can't veto the budget. The threshold for exercising the power of the veto over the commissioner's precept is two thirds.

3.9 The PCP can appoint an acting PCC from within its own ranks, should there be a vacancy.

3.10 The panel can invite the Chief Constable to panel meetings with the PCC.

3.11 The final Act now includes additional powers in that the panel are to be engaged in the appointment of the deputy PCC, their chief officer and their chief finance officer.

The Relationship between the SSP, PCC and PCP, Challenges and Opportunities

3.11 The SSP will need to develop a strong and effective working relationship with the PCC and PCP. There will be both challenges and opportunities in terms of building these effective working relationships. For example:

- One of the key challenges in the short term is for all of the local authorities in the force area to come together to agree how the PCP will be set up, how it will operate and who will sit on it. The onus is on local authorities to do this and the panel is required to be in place before the PCC is elected in November 2012. It should be noted that in the event that local authorities in the force area fail to appoint a panel, the Home Office will itself appoint one. Some areas of the country are already well advanced in their plans. It is now no longer a requirement to have the local authority portfolio holder for community safety as a panel member, as there may be a conflict of interest with the portfolio holder working closely with the PCC and CSP on the police and crime plan, and then being required to scrutinise the PCC and their plan.

- Each force area also has to nominate a lead authority who will receive the funding required to select members, host meetings, administer them etc.
- The Home Office Community Safety Grant that the council receives on behalf of the SSP will be transferred to the PCC from 1st April 2013 (although the Home Office has made it clear that this transfer could happen sooner in 2012-13). It will not become clear until the PCC is in post as to how they will re-allocate this funding. They may commission all services themselves, offer grants to providers or pass funding back to the CSPs to commission. This will mean a new line of accountability for partnerships. Initiatives currently funded by CSPs will need to evidence delivery and quality if they stand any chance of being re-commissioned once PCCs are elected. Some services may end up being merged for efficiency across boundaries. However, given that the SSP has been recognised as one of the leading CSPs nationally and has an excellent track record in delivering safer communities, it places it in a good position to forge strong links with the new PCCs once elected in November 2012. It should be noted that in London, with the PCC already being in place, Boris Johnson has made it clear that he will not be transferring the community safety grant back to the London CSPs.

3.12 Whilst the Commissioner will not be a responsible authority on the SSP, they will have the following powers and duties relating to community safety:

- Reciprocal duty for the PCC and responsible authorities to co-operate with each other for the purposes of reducing crime and disorder
- Power to bring a representative of any of all CSPs in their area together to discuss priority issues
- Power to require reports from their CSPs about issues of concern
- Power to approve mergers of CSPs on application of the CSPs concerned
- Power to commission community safety work from a range of local partners including, but not limited to, CSPs.

3.13 The Home Office has a partnership transition board at a national level and have set up a number of transition projects and transition funding that areas can bid for to support the move to PCCs (details are awaited). The Home Office has set aside £2m nationally to pay for this. The lead authority area chosen to host the panel can expect £30,000 for administrative support, £1,000 per panel member for expenses, £2,000 per force for meeting arrangements. This will only be funded in

year one by the Home Office, after that it will be the responsibility of the PCC.

4 Amendments to the Licensing Act

- 4.1 The recent amendments to the Licensing Act 2003 will provide local areas with greater powers to restrict the number of licensed premises; challenge inappropriate behaviour; and invoke a late night levy to help meet the costs of additional policing associated with the night time economy.
- 4.2 All of the proposals that were in the last stages of the Bill have gone through.
- 4.3 However, three key elements of the Act require further consultation and secondary legislation and these are:-
 - (i) the late night levy;
 - (ii) full cost recovery; and
 - (iii) early morning restriction orders.
- 4.4 It is anticipated that these will be concluded and powers made available for implementation by October 2012. Other elements within the Act will be available from April 2012.

5 Home Office and Local Government Association Support

- 5.1 Home Office detailed guidance on implementing the Act is expected in December 2011.
- 5.2 The Home Office will also run a series of regional road-shows in January 2012.
- 5.3 The Local Government Association (LGA) published a guide for local authorities in early September (see attached as a separate document). However, this was published just before the announcement on the delay to the elections of the Police and Crime Commissioners. It should be noted that the LGA guide is correct with the exception that the PCC elections will be on 15th November 2012, and not the 3rd May 2012.

6 Recommendation

- 6.1 That the report be noted and the Committee continue to receive periodic updates on the progress of the Act.