

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

8 FEBRUARY 2011

POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

REPORT OF THE CHIEF EXECUTIVE

STRATEGIC PRIORITIES: SP3 SAFE CITY

CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services, CIO4: Improving Partnership Working to Deliver 'One City'.

1.0 Purpose of the Report

- 1.1 The purpose of this report is to brief members of the Community and Safer City Scrutiny Committee on the recently published Police and Social Responsibility Bill.

2.0 Background

- 2.1 The Police Reform and Social Responsibility Bill was included in the Queen's Speech on 25th May 2010 and received its first reading on 30th November 2010. The Bill has had its second reading and is currently going through Committee stage. The key points of the Bill are listed below:-

- Abolishes police authorities and replaces them with directly elected Police and Crime Commissioners for each police force outside London, to be introduced from May 2012.
- Replaces the Metropolitan Police Authority with the Mayor's Office for Policing and Crime, to be run by the Mayor of London. (The Queen will continue to appoint the Metropolitan Commissioner and the Deputy Metropolitan Commissioner on the advice of the Home Secretary).
- Sets out the basic duties of a Police and Crime Commissioner, including publishing a police and crime plan, setting the local police and crime objectives, and setting the local precept and annual force budget (including contingency reserves) in discussion with the chief constable.
- Provides for Police and Crime Commissioners to appoint and, if necessary, suspend or dismiss the chief constable of their police force. The chief constable will retain control of all other officers of the police force.
- Provides for the establishment of Police and Crime Panels for each police area to advise and scrutinise the work of the Police and Crime Commissioner.
- Restores the right to non-violent protest around Parliament through repealing sections 132-138 of the Serious Organised Crime and Police Act (SOCPA) 2005; also prohibits encampments and other disruptive behaviour in Parliament Square.

- Provides for amendments to the Licensing Act 2003 in order to give the police and local authorities much stronger powers to remove licenses from, or refuse to grant licenses to, any premises that are causing problems.
- Allows local councils to charge more for late-night licenses to pay for additional policing.
- Provides for doubling the maximum fine for premises which persistently sell alcohol to under 18s, and for increasing the period of suspensions which can be imposed on such premises.
- Introduces greater flexibility in relation to the scrutiny and utility of temporary event notices.
- Amends the Misuse of Drugs Act 1971 by introducing a new power for the Secretary of State to temporarily ban new psychoactive substances ('legal highs') for up to one year whilst the health issues are considered by independent experts.
- Amends the constitution of the Advisory Council on the Misuse of Drugs to allow greater flexibility in the membership of the Council.
- Amends the Greater London Authority Act 1999 and the Local Government Act 1972 to enable local authorities to attach powers of seizure and retention of any property in connection with the breach of a byelaw.
- Amends the process for issuing private arrest warrants for universal jurisdiction offences.

2.2 Police and Crime Commissioners

Under the Bill's proposals:-

- Police Authorities will be abolished and replaced with Police and Crime Commissioners for each force outside of London, with the Mayor of London taking the role in the capital. Their salaries will be set by the Home Secretary on the advice of the Senior Salaries Review Body, and many of their functions are broadly similar to those of Police Authorities.
- Elections for commissioners will be every four years from May 2012 and held on the same day as local elections. The elections will be by the supplementary vote system and Commissioners will be limited to serving two terms.
- Commissioners will be required to produce a Police and Crime Plan, consulting local people on its content. Chief Constables will also have to have regard to the Plan.
- Commissioners will have to publish information to allow local people to assess their performance and that of Chief Constables.
- Safer Sunderland Partnership did not support the creation of Commissioners in its response to the consultation preceding the Bill and supported the view of the Local Government Group that the introduction of Commissioners could fragment local partnerships as competing electoral mandates pull the police and councils in different directions.

- Councils will have to jointly establish a Police and Crime Panel to scrutinise the work of their Commissioner.
- These will consist of a minimum of ten councillors and two co-opted members. The Panels will have to represent the political make up of the local area.
- The Panel will review and report on the draft Police and Crime Plan, review the annual report, review or scrutinise decisions taken by the Commissioner, and publish any reports it makes to the Commissioner. scrutinise the work of their Commissioner.
- The Panel will have the power to require the Commissioner and members of their staff to attend Panel meetings and respond in writing to any report it issues. The Panel will be able to suspend the Commissioner if they have been charged with an offence carrying a sentence of two or more years in prison.
- The Commissioner's proposed budget will be presented to the Police and Crime Panel, which will then review it and issue a report on it, with there being a power of veto for the Panel based on a three-quarters majority vote.
- Police and Crime Panels will appoint an acting Commissioner from amongst the Commissioner's staff if the Commissioner is incapacitated or is suspended.

The Northumbria Police Force area covers six local authority areas therefore will potentially have ten councillors and two co-opted members.

The Bill now proposes a power of the Police and Crime Panel to veto a Commissioners proposed budget as opposed to the Pre Bill Consultation proposal of a public referendum which Safer Sunderland Partnership opposed as being costly in its response. The Local Government Group are lobbying to seek that the veto is set at two thirds of the PCC rather than the proposed three quarters.

2.3 The relationship of Commissioners and Community Safety Partnerships

Under the Bill's proposals:

- Commissioners and Community Safety Partnerships will be able to enter into collaboration agreements covering more than one partnership, to produce strategies for reducing crime and disorder. A Commissioner will be able to compel partnerships to produce strategies if they are not doing so – a role currently held by the Home Secretary.
- the Local Government Group have indicated in their response to the Bill that Community Safety Partnerships should not be compelled to come together at Force level but rather should be encouraged to do so voluntarily by Commissioners. It is of note that the Commissioner will not become a responsible authority of the Community Safety Partnership. Additionally the Commissioner is to be empowered to give grants for crime reduction and it is possible that current funds such as the Basic Command Unit Fund could potentially be governed by the Commissioner rather than at local level as is currently the case.

3. Summary and next steps

- 3.1 The Bill is currently in Committee stage where detailed examination of each clause is being carried out. The Safer Communities team will continue to monitor progress of the Bill.

4. Recommendations

- 4.1 That the Community and Safer City Scrutiny Committee note the contents of the report.