

28 FEBRUARY 2012

THE INTRODUCTION OF POLICE AND CRIME COMMISSIONERS

Ward(s) All

Portfolios: Cllr Ali – Communities and Partnerships Portfolio

Executive Summary:

In November elections will be held throughout England Wales for the positions of Police and Crime Commissioners (PCCs). These positions will, in effect, replace police authorities. This report provides information to the scrutiny panel on the introduction of these roles. It describes the contents of the new legalisation, explains what will be happening, the powers of the incoming PCCs, the implications for Walsall and risks and a proposed action plan for how the authority, and the wider Safer Walsall Partnership, should be preparing for these changes.

Reason for scrutiny:

Previous meetings of the panel have identified that this is a highly significant development with potential implications for how policing is carried out in the Borough. Since then further guidance and clarification has been issued by the Home Office and we now have a clearer idea of the potential effects on our efforts to combat crime and the fear of crime. This is therefore a good opportunity to update members on the changes.

There are no particular outcomes expected from the panel meeting but it is hoped the report will provoke some discussion and endorsement of the actions that officers and partners have taken and will take over coming months.

Recommendations:

That the Panel:

1. Notes the contents of the report
2. Provides advice and guidance to officers on any other actions to be taken to prepare for the introduction of Police and Crime Commissioners.

Background papers:

- Police Reform and Social Responsibility Act 2011
- Police and Crime Commissioners Timeline (Home Office)

- Policing Protocol Order 2011 (Home Office)
- Shadow Strategic Policing Requirement (Home Office)
- Police and Crime Commissioners Update Bulletin – issues 1-5 (Home Office)
- West Midlands Police Authority - Strategic Policing Plan 2011–2015
- West Midlands Police Authority – Your Authority Your Voice
- Walsall Community Safety Plan 2011

Resource and legal considerations:

The new PCC will have statutory responsibility for setting the annual local precept and annual budget for the West Midlands Police. They will also make community safety grants to other organisations (including but not limited to local community safety partnerships – in our case the Safer Walsall Partnership). Funds for this purpose will be allocated by the Home Office. Until now these resources have been allocated by local authorities. The community safety grant to Walsall for 2012/13 is £151,719.

Citizen impact:

The impact is at this stage is not clear. The government's intention is to promote greater accountability for the police. The introduction of a directly elected, high profile individual who can hold the local chief constable and the police force in general, to account, is seen as a way of achieving this. But there are risks that this new approach will concentrate power at the West Midlands level to the possible detriment of local priorities and local community safety activity. These are explored further in the attached report.

Environmental impact:

No obvious impact.

Performance management:

Community safety is one of the council's main priorities. Public surveys repeatedly confirm that the safety of local neighbourhoods is very often the top priority for local residents. The Safer Walsall Partnership has identified crime reduction overall, reduction of anti social behaviour and reduction in the harm caused by substance misuse as its main objectives. To address these objectives there are local programmes of action agreed with and implemented by the council and its partners which have, over recent years, led to significant reductions in crime and anti social behaviour. The key question is whether an incoming PCC will support, promote and assist this work or alternatively whether they would want to set an alternative course which may run counter to locally agreed priorities.

Equality Implications:

The Home Office has undertaken an equality impact assessment of its proposals for policing, including the introduction of the PCC positions, and this is entitled “The Equality Impact Assessment Report - Policing in the 21st Century: Re-connecting the police and the people”.

Consultation:

Officers have consulted with the West Midlands Police Authority and other local authorities on the implications of the PCC. Briefings have been made and will continue to be made to the Safer Walsall Partnership, the Borough Leadership Team and this scrutiny panel.

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COMMUNITY SERVICES SCRUTINY AND PERFORMANCE PANEL 28 FEBRUARY 2012

THE INTRODUCTION OF POLICE AND CRIME COMMISSIONERS

1 Introduction

The Police Reform and Social Responsibility Bill received Royal Assent on 15 September 2011. A key provision of this legislation provides that 42 of the 43 Police Authorities across England and Wales will be abolished and, in 41 force areas, replaced with an elected Police and Crime Commissioner (PCC). Elections are to be held on November 15 2012, postponed from the original date in May.

The PCC will hold several key responsibilities, which include:

- Appointing the Chief Constable (CC) and holding them to account for the running of their force
- Setting out a 5 year Police and Crime Plan (in consultation with the CC,) determining local policing priorities.
- Setting the annual local precept and annual force budget
- Making community safety grants to other organisations aside from the CC (including but not limited to Community Safety Partnerships)

The PCC will be scrutinised by a Police and Crime Panel within each force area which will comprise of a representative from each local authority in the area with a minimum of 10 councillors and 2 co-opted members. There will be an opportunity for the Panel to increase their number of co-optees, both councillors and independents, up to a maximum panel size of 20. The Secretary of State will have a role in considering the appointment of these additional members.

The Panel will have a range of powers to maintain a regular check and balance on the performance of the PCC and will have the right of veto for the precept and Chief Constable appointment.

2 Effects and Implications

PCCs will not become a responsible authority on Community Safety Partnerships. There will however be a reciprocal duty for PCCs and responsible authorities to co-operate with each other and have regard to each other's priorities for the purposes of reducing crime and disorder (including antisocial behaviour), reducing reoffending and reducing substance misuse. PCCs will also be able to require a report from a CSP where they are not content that the Partnership is carrying out its duties effectively and efficiently. Any such request must be reasonable and proportionate.

Regulations can be used to confer further functions on PCCs– it is intended that they will be used to allow the PCCs to call representatives of CSPs together to discuss strategic priorities.

The PCC will hold a budget which will include the Home Office policing grant, the Home Office Community Safety Grant (currently an un-ring fenced element of the ABG,) the Home Office element of the Drugs Intervention Programme funding and funding for Victim Support. The Early Intervention Grant may also be added to this list, which is by no means comprehensive at this point, and funds raised through local authority precepts in the force area.

3 Potential Risks

The main risks are concerning the potential divide between a regional agenda for an incoming PCC and our efforts locally to deal with local community safety priorities. This could play out in a variety of ways, for example:

- Public confusion about roles and responsibilities with the local authorities and community safety partnerships pursuing one agenda and PCC potentially a different one
- PCCs elected on a single issue manifesto which undervalues the breadth of high priority but low public profile work
- Distortion of agreed priorities and resources. There is concern that resources may be diverted away to deal with high profile policing issues in other parts of the West Midlands area
- Potential lack of support from an incoming PCC for the work being done in Walsall
- Diversion of funding (until now administered by the local authority) to new priorities possibly not agreed by partners in Walsall and a corresponding pressure on local resources to meet locally agreed priorities.

4 Regional and local action in preparation for the PCC

There are three main issues we need to deal with in preparation for these changes:

- Firstly we need to understand more fully the changes and to do this to work with colleagues in other local authorities and West Midlands Police Authority to interpret information as it is released by the Home Office over coming weeks
- Secondly to communicate and raise awareness of the changes and their potential implications. This involves briefings for local councillors (such as this report to scrutiny) and partners as well as with colleagues in other local authorities

- Thirdly to ensure that our community safety partnership can provide reassurance to an incoming PCC that it is strong and effective.

To pursue these there are a number of action points:

1. Work with the West Midlands Police Authority Governance Transition Board on transition planning.
2. Participate in Home Office briefings to understand the issues and communicate these to other stakeholders
3. Ensure elected members are briefed and that information about suitable events is cascaded
4. With other Community Safety Partnerships across the West Midlands explore the scope for greater collaboration and sharing of resources to achieve economies of scale.
5. Collectively with other CSPs pull together 2012/13 expenditure plans and mechanisms for allocation of funding so that a clear picture can be drawn up of activity across the region, what priorities are in place and how CSPs are delivering against them.
6. Examine current services and projects and their dependence on grant funding in order that issues may be identified and mitigation explored.
7. Work together with partners, CSPs and the Police Authority to produce information which will be made available for candidates.
8. Support the Police Authority if required in information events for interested parties who may wish to stand.
9. Scrutinise manifestos of prospective PCC candidates to enable us to anticipate potential policy shifts.
10. Provide evidence for the continued effectiveness of projects supported through the community safety grant and to demonstrate that they fulfil a clearly identified local need and provide positive outcomes.
11. Implement the changes agreed at recent SWP workshop to strengthen governance of partnership and community engagement.
12. Monitor progress and developments at Safer Walsall Partnership Board to enable us to share amongst partners.

As information is becoming available from the Home Office we are now better placed than we were to assess the potential implications of these changes. But much of the impact of the PCC may not be clear until after the elections, when partners will have greater clarity on how the commissioner will approach the role.

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