

SUBMISSION TO COMMUNITY, HOUSING AND HEALTH (OVERVIEW AND SCRUTINY)

COMMITTEE

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Agenda Item: 5

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SUBMISSION BY CABINET MEMBER FOR COMMUNITY AND ORGANISATIONAL DEVELOPMENT

POLICE AND CRIME COMMISSIONERS

1. Purpose of Report

- 1.1 To provide Members with some context and background to the introduction of Police and Crime Commissioners (PCCs) and Police and Crime Panels (PCP) in England and Wales
- 1.2 To note that further opportunities to review and scrutinise progress and impact in relation to this appointment have been included within the Committee's Work Programme

2. The Role of the Police and Crime Commissioner (PCC)

- 2.1 The Police Reform and Social Responsibility Act has completed its passage through Parliament and the Home Office has confirmed the elections will be held on 15th November 2012; Commissioners will take up their posts on 22nd November 2012

Remit of the Police and Crime Commissioner

- 2.2 The PCC will be responsible for the following:
 - securing an efficient and effective police force for the area
 - appointing the chief constable, holding them to account for the running of the force and if necessary dismissing them
 - setting the police and crime objectives for the area by producing a Police and Crime Plan (in consultation with the chief constable)
 - setting the annual force budget and police precept, and produce an annual report setting out their progress against the objectives in the Police and Crime Plan
 - contributing to the national and international policing capabilities set out by the Home Secretary in the strategic policing requirement
 - cooperating with the criminal justice system in the area
 - working with partners to fund community safety activities to tackle crime and disorder
- 2.3 The responsibility of the PCC to work in partnership is of particular relevance to the District Council as we have a statutory duty, with other partners, to tackle crime and disorder (as set out in the Crime and Disorder Act 1998). Working together with the police, fire service, health, probation, housing and the voluntary sector, our Community Safety Partnership has achieved a significant reduction in crime and anti social behaviour in Lichfield District and we would wish to safeguard the effectiveness of current arrangements into the future.

- 2.4 There will be a mutual duty on PCCs and Community Safety Partnerships to co-operate to reduce crime, disorder and reoffending and to take into account each other's priorities when drawing up the Police and Crime Plan (in the case of the Commissioner) and the Strategic Assessments (in the case of Community Safety Partnerships). However, unlike the current Police Authority which is named as one of the 'responsible authorities' under the Crime and Disorder Act, the new PCC will not be a member of our CSP.
- 2.5 Although the legislation is not explicit about CSPs accounting to the PCC, the Commissioner will be able to require a report from a CSP on their work to reduce crime and disorder if they are of the view that the Partnership is not carrying out its crime reduction functions in an efficient and effective manner. PCCs will also have powers through regulations to convene and chair meetings with the CSPs in their force area to discuss strategic priorities.

Funding

- 2.6 For many years, CSPs have received community safety funding either directly from the Home Office or indirectly through the County Council; this has been used to support the activities of the partnership. The allocation has gradually diminished from in excess of £140k in 2004/5 to £22k in 12/13. From April 2013 this funding stream, along with a range of others (yet to be confirmed), will be paid directly to PCCs. It is likely that any ring fencing around these funding streams will be removed, enabling the PCC to deal with a pooled budget, giving them maximum flexibility and discretion to invest in priorities of his / her choosing.
- 2.7 It is likely that the PCC will seek to commission services from a mixed economy of providers (including from the public, private and voluntary / community sectors). It may therefore be necessary for CSPs to bid for funding from PCCs through an outcomes based, well evidenced business case.
- 2.8 An important local consideration is the ongoing funding of the Positive Futures project which is a prevention and diversionary programme targeting and supporting 10-19 year olds to stop them being drawn into crime and substance misuse and helping them to achieve their full potential. The District Council, together with the County Council, have been running a Positive Futures programme since 2002; more than 1500 children and young people from Burntwood have taken part in the activities offered. In 2012/13, the Positive Future Programme received a Home Office grant of £35k plus a further contribution of £6,500 from the community safety funding. However, from April 2013, District Council will need to look to the PCC for financial support as neither of these sources of funding, Home Office or community safety funding, will be available to fund the Positive Futures programme.

Staffing

- 2.9 PCCs will inherit current Police Authority staff after the elections and will have to retain them for six months while initial plans are made. Commissioners will be required to appoint or retain a Chief of Staff and Chief Finance Officer; appointment of a deputy is at their discretion.

3. Police and Crime Panels

- 3.1 A Police and Crime Panel (PCP) will have to be established for every police force area to scrutinise the PCC, and support them in the effective exercise of their functions. Each council in the force area (Staffordshire and Stoke on Trent in our case) will appoint a councillor on to the Panel, with the Panel having a minimum of 10 councillors and two co-opted members. A Panel may co-opt additional members including extra councillors provided the Panel does not exceed 20 members and the Home Secretary agrees to the increased size of the Panel. It is proposed that as far as reasonably practicable the local

authority members should represent the political make-up of the local authority or the local authorities taken together. The Panel must also seek to co-opt members that have the skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively.

3.2 Once it has been established, the Panel will be responsible for the following:

- requiring the PCC or a member of their staff to attend panel meetings to answer questions
- requesting the chief constable attends the panel to answer questions, where it has already required the Commissioner to appear before the Panel
- Appointing an acting Commissioner from among the Commissioner's staff if the Commissioner has resigned, been disqualified, is incapacitated or suspended
- vetoing the PCC's proposed precept if two thirds of the members of the panel vote in favour of doing so
- vetoing the PCC's proposed appointment of a chief constable if two thirds of the panel vote in favour of doing so
- reviewing the PCC's draft Police and Crime Plan
- reviewing the PCC's annual report
- holding confirmation hearings for the PCC's proposed chief executive, chief finance officer and any deputy PCC appointments
- dealing with complaints about the PCC, including passing on any allegations about criminal offences to the Independent Police Complaints Commission

3.3 The Panel must arrange for a public meeting after publication of the annual report. At the public meeting questions can be asked of the PCC and members of the PCC's staff.

3.4 PCCs will be responsible for requiring their forces' neighbourhood policing teams organising regular 'beat meetings' to enable residents to hold them to account. They will ensure the level of engagement is inclusive and representative of the whole community using innovative approaches, for example the use of social networks such as Facebook or Twitter.

3.5 In May 2012, Full Council gave approval in principle to the proposed terms of reference for the Police and Crime Panel and appointed the Cabinet Member - Community and Organisational Development to represent the Council at Panel meetings. The first shadow meeting of the Panel will take place in July.

4. Local Preparations

4.1 A countywide event was held 28th February 2012, facilitated by the Local Government Association (LGA), which resulted in an agreed way forward including the setting up of a Staffordshire and Stoke-on-Trent Project Group to prepare for the appointment of the PCC

4.2 The Project Group has identified the following work streams.

- **Funding streams and current programmes:** to identify funding streams which will go direct to the PCC, review performance of current programmes to ensure we are in a strong position to bid for future funding, identify projects to be recommissioned and undertake contingency planning should funding be withdrawn
- **Priority setting:** to identify future community safety priorities to help influence and shape the manifestos and priorities of the incoming PCC and also to contribute to the Police and Crime Plan

- **Communication:** to develop information for PCC candidates and for the appointed PCC, consider internal communications and information to the public
 - **Commissioning:** to identify existing commissioning arrangements which may be able to support the PCC's commissioning role, to consider how to prepare the 8 CSPs across Staffordshire to be able to engage with the new commissioning environment
- 4.3 In addition to linking in to the work of the Project Group, CSPs need to review their current partnership arrangements to ensure they are effective and efficient; evaluate and assess for value for money in their activities; and consider securing funding from other sources in support of their priorities.
- 4.4 Members will note that there are two further opportunities to review and scrutinise this issue within the work programme. This will include a report after the elections have taken place in November and an opportunity to feed into the Police and Crime Plan (subject to timescales in relation to the availability of a draft of this document).

5. Recommendation

- 5.1 That this report is noted and developments be presented to future meetings of the Community, Housing and Health Overview and Scrutiny Committee.

Background Documents:

- Police Reform and Social Responsibility Bill.
- Policing in the 21st Century: Reconnecting Police and the People.
- Police and Crime Panels: Guidance on role and composition
- Police and Crime Commissioners: A Guide for Councils
- Police and Crime Commissioners Bulletins