

## Scrutiny Standing Panel Agenda



### **Safer, Cleaner, Greener Scrutiny Standing Panel Thursday, 26th August, 2010**

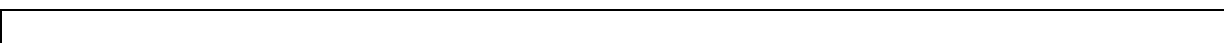
**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 6.30 pm

**Democratic Services Officer:** Adrian Hendry, Office of the Chief Executive  
email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

#### **Members:**

Councillors Ms C Edwards (Chairman), Ms J Hedges (Vice-Chairman), W Breare-Hall, A Boyce, Mrs T Cochrane, D Jacobs, Mrs S Jones, B Judd, G Mohindra, Mrs C Pond and P Spencer



#### **1. APOLOGIES FOR ABSENCE**

#### **2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

#### **3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

#### **4. NOTES FROM THE LAST MEETING (Pages 3 - 10)**

To agree the notes of the last meeting held on 1 July 2010.

**5. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 11 - 16)**

(Chairman / Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

**6. REVIEW OF SAFER CLEANER GREENER STRATEGY**

(Director of Environment and Street Scene) to receive a DVD presentation.

**7. CONSULTATION ON THE FUTURE OF POLICING (Pages 17 - 88)**

(Director of Environment and Street Scene) to consider the attached report.

**8. CONSULTATION ON THE FUTURE OF LICENSING (Pages 89 - 122)**

(Director of Environment and Street Scene) to consider the attached report.

**9. FUTURE MEETINGS**

To note the forward programme of meeting dates for the Panel. They are:

7<sup>th</sup> October 2010 (Crime & Disorder meeting);  
6<sup>th</sup> January 2011;  
24<sup>th</sup> February 2011 (Crime & Disorder meeting); and  
7<sup>th</sup> April 2011.

# Agenda Item 4

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF SAFER, CLEANER, GREENER SCRUTINY STANDING  
PANEL  
HELD ON THURSDAY, 1 JULY 2010  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.09 - 9.12 PM**

**Members Present:** Mrs C Edwards (Councillor) (Chairman), Ms J Hedges (Vice-Chairman), W Breare-Hall, A Boyce, K Chana, Mrs T Cochrane, D Jacobs, Mrs C Pond, P Spencer and D Stallan (Housing Portfolio Holder)

**Other members present:** Mrs M Sartin

**Apologies for Absence:** Mrs S Jones, B Judd and G Mohindra

**Officers Present** J Gilbert (Director of Environment and Street Scene), L MacNeill (Assistant Director (Operations, Administration & Finance)), J Nolan (Assistant Director (Environmental Health)) and A Hendry (Democratic Services Officer)

**1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was reported that Councillor D Stallan was substituting for Councillor Mrs S Jones and Councillor K Channa for Councillor G Mohindra.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3. NOTES FROM THE LAST MEETING**

The notes from 29 April 2010 were agreed as a correct record.

**4. TERMS OF REFERENCE AND WORK PROGRAMME**

(a) The Panel noted their Terms of Reference.

**(b) Work Programme:**

**Item 4 (b) – Waste Management – progress of recycling in flats** - Noted that the Council was making progress on the establishment of recycling facilities in blocks of flats in the District.

**Item 5 – Nottingham Declaration** – a note was tabled explaining the progress made on the climate strategy. The Panel noted that:

The Climate Change Strategy was criticised by the external auditor. It was clear that although some areas were achieving the milestones set out in the action plans, many areas have fallen behind. The Strategy was the first of its kind produced by EFDC and was always recognised as being a first step, which would require modification.

Progress updates on the Climate Change Strategy action plan had been produced. Although there had been some achievements in terms of milestones set out in the document, a large proportion of the actions had not been completed. The cause for the incomplete tasks would appear to be:

- No rigorous framework for active performance monitoring;
- Insufficient resources to complete tasks;
- Some actions/targets now recognised as being unrealistic in the timeframe set; and
- Progress was not measurable in many cases as targets were not calculated from baseline data.

A sub-group of the Green Corporate Working Party was set up to investigate progress on the Climate Change Strategy Action Plan. It was agreed that the entire strategy needed to be rewritten, to include:

- An accurate baseline from which to measure progress and decide on targets;
- Consultation with staff to ensure a realistic and detailed set of actions;
- A rigorous monitoring system with regular input from both the Green Corporate Working Party and the Safer Cleaner Greener Scrutiny Panel; and
- A representative or 'Environmental Champion' from each directorate who will be responsible for regular reporting on progress of objectives.

**Item 6 – Bobbingworth Tip** – (a) noted that remedial work had been completed although the planting had been difficult over the autumn and winter period. The park would soon be available for public access. (b) Once open the Management Group was to be set up.

**Extra Meeting** - The Panel noted that an extra meeting was to be arranged before October to look at the SCG Strategy.

**Crime and Disorder Meetings** – these meeting are to be publicised to raise public awareness. Members were asked to think about what related crime and disorder topics they would like to be discussed at the next Crime and Disorder meeting to be held in 7<sup>th</sup> October 2010. To put a note in the Council Bulletin asking for topics.

## 5. SAFER CLEANER GREENER STRATEGY - ENFORCEMENT ACTIVITIES

The Assistant Director Environment and Street Scene, Jim Nolan, updated the Panel on the enforcement activities of the council for the first six months of this year. He tabled a paper showing the number of incidents recorded. These are set out below:

### **Flytipping:**

Number of Flytipping incidents reported	672
Number referred to Environmental and Neighbourhood Officer	549
Number of investigations	303
Number of warning letters	31
Number of prosecutions	3

### **General complaints**

Number of general complaints dealt with by ENO's	771
These include 524 noise complaints (197 of which were out of hours)	

66 bonfire complaints  
43 waste duty of care complaints  
25 litter  
78 refuse nuisance  
19 licensing consultations

The team had also carried out 2 vehicle stop checks with Essex Police

Of the 303 investigations, only 3 resulted in prosecutions demonstrating how difficult it is to gather sufficient evidence to be able to mount enforcement action.

Asked if the figures were up or down from last year, Mr Nolan replied that some of these figures were not collected in the same format last year, but he could say that complaints about noise were up by 20% and that flytipping had also increased. This was the first year for the collection of these figures and that eventually there will be a year on year comparison.

Officers were asked if the figures for flytipping could be broken down by wards. The Panel noted that it may be possible, but the figures were presently collected for the government. Officers would try to do so for the next time and also try to break the figures down by rural and urban areas.

It was noted that EFDC was embarking on a joint venture with Essex County Council, which would enable Epping to access a regional database, which would enable officers to identify vehicle registration numbers and get background information on that vehicle. Members were asked to report any instances of flytipping that they came across, especially if they could supply a vehicle registration number.

## **6. SAFER CLEANER GREENER ACTION PLAN**

The Assistant Director Environment and Street Scene, Jim Nolan, updated the Panel on the Safer Cleaner Greener Action Plan.

They noted that:

- there were four hotspots for litter in the District, that were being monitored twice a week;
- that the Neighbourhood Team had been launched last year and that a response line was now available (01992 564500);
- the Crucial Crew and the Reality Road shows had just taken place in June. The Crucial Crew shows were aimed at year six children; and the Reality Road show was aimed at year nines;
- the CCTV policy was to go to the next Overview and Scrutiny Committee meeting;
- the council was achieving 100% of its target for removing offensive and racist graffiti within 48 hours of notification;
- the council was working with their various partners to reduce crime and anti-social behaviour in the district;
- officers had received training and approval had been given by Cabinet to introduce fixed penalty notices as an enforcement tool;
- officers would implement and monitor the actions in the Local Biodiversity Action Plan.

Officers were asked how the percentages of the crime reduction figures were arrived at. They replied that it was collated on the Home Office database and the targets were set by Essex Police.

**AGREED:** In order to ensue that the Panel receive up to date figures next year it was agreed that the July meeting of the Panel be put back by two weeks.

The Panel were concerned by the rumours of reduction in the budgets, as Essex County Council had already had some of its government partnership funding halved and so in turn were asking for 50% reductions in some of the District's partnerships expenditure.

**7. REVIEW OF SAFER CLEANER GREENER STRATEGY**

This item to be brought back to the next meeting.

**8. CCTV ACTION PLAN UPDATE**

The Panel noted the report on the CCTV Service Delivery Plan. The Plan was broken down into the following keys sections;

- (i) some background and historical context;
- (ii) national and local policies;
- (iii) aims and objectives;
- (iv) the current position in Epping Forest District;
- (v) the delivery plan and resource implications; and
- (vi) a number of detailed appendices.

The Panel noted that:

- The Council has a standardised buying policy for equipment;
- The CCTV system was operated by Council officers only;
- The CCTV systems were substantially funded from grants and by partnerships;
- The task column of the delivery plan needed "to do by" dates inserted ;
- The Police in the district thought the system was very effective, as it has HD quality images so the Police could identify persons and use as evidence;
- CCTV on Housing land are funded from the HRA budget.

Councillor Chana queried the CCTV camera by the shops in Manor Road, Grange Hill. He said that there was a dispute between the Parish Council and the shop owners about the costs and so it was taken away, why was this? Mr Nolan did not know specifically about this situation but promised to look into it.

**RESOLVED:**

That the Panel noted the six monthly progress report on the CCTV Service Delivery Plan.

**9. SPORTS HALL PROVISION AT WALTHAM ABBEY SWIMMING POOL**

The Assistant Director Environment and Street Scene, Laura Macneill, introduced a report updating the Panel on the provision of a sports hall at Waltham Abbey Swimming Pool. In July 2009 the Cabinet agreed to the proposal to build a sports hall at Waltham Abbey Swimming Pool. It was recommended that Sports and Leisure Management (SLM) undertake the work to planning pre-application stage. SLM had

appointed Hadfield Cawkwell and Davidson to undertake this work. The Cabinet also stated that the revenue consequences of the new facility must not increase costs to the Council.

The project is therefore reliant on the planning permission, the agreement by Cabinet on the future SLM contract and also, once fuller details of the scheme are known, the allocation of the capital funding which at present has been agreed in principle at £1.72 million.

**RESOLVED:**

That the progress of the project for the provision of a Sports Hall at Waltham Abbey Swimming Pool was noted.

**10. NEW TREE STRATEGY**

The Assistant Director Environment and Street Scene, Laura Macneill introduced a report on the new tree strategy. At the SCG Panel meeting in September 2009 members discussed the content of the tree strategy document and asked that it was also reviewed by the Green Infrastructure Working Party and asked them to report back to this Panel. They considered the strategy at their meetings in November and March and the outcome and recommendations were set out in the report.

The Panel noted that the document was on the Council's website and paper copies were in libraries and Parish and Town Offices. An article was also put in the Forrester explaining where the document could be viewed.

Members were of the opinion that hard copies should not be so widely distributed as they would be just filed away and not looked at. They were of the opinion that an email notification pointing out the availability of the document on the web would be just as effective and save paper. Also if a Town or Parish Council requests a paper copy, one could be supplied.

It was also noted that the Veteran Tree Project was not included in the document, this would be added.

**RESOLVED:**

- (1) That the content and outline of the document, subject to the addition of the Veteran Tree Project, was agreed;
- (2) That subject to the minimum print run, the existing printing paper specifications and distribution outlets be retained; and
- (3) That a draft of the new Tree Strategy be brought back to this Panel for agreement prior to its publication.

**11. REVIEW OF WASTE AND RECYCLING COLLECTION SERVICES DURING CHRISTMAS AND NEW YEAR 2009/10**

The Director of Environment and Street Scene, John Gilbert, introduced the report on waste and recycling collection services during Christmas and New Year 2009/10. This report covered the period of disruption during the period of bad weather (snow fall and icy conditions), coupled with the bank holidays closures. Because of the severe weather in January our contractor could not catch up with the delayed Christmas collectons. As it turned out as a district we did very well compared with

other authorities, only suspending services for just one day. The steps taken to bring services back to normal were highlighted in the report. The main actions undertaken to get collection services back to normal were:

- a) Suspend Special Collections (bulky waste item collection) to divert resources to help catch up refuse and recycling collections.
- b) Suspend street cleansing service, divert some crews to grit high streets/main roads and pavements to assist residents.
- c) Divert remaining street cleansing crews to work alongside refuse and recycling crews.
- d) Suspend normal 'side waste' policy and collect any waste placed next to normal collection container until service back to normal.
- e) Street cleansing crews to pile up recycling and residual sacks at easy to access road junctions or the nearest point that a freighter could safely access.
- f) Hire additional refuse freighters and crews in January 2010 to help clear the backlog.

During this time updating information was put on the Council's website to keep the public informed. Although the primary responsibility rested with SITA, Council officers also went out to check up on them. During this time there were also problems with the landfill sites and recycling processors which were either closed or inaccessible at various times. This meant that the refuse trucks could not drop off their loads. The Civic Offices were also closed over Christmas which caused a lot of customer frustration over this period. This also meant that no staff were able to update the pre-recorded telephone message that the Council used and members were asked to provide some guidance on staffing over the Christmas period.

Councillor Stallan noted that officers or SITA could not be criticised for the bad weather, the entire country came to a halt during this period. People would understand about the delays if only they were informed as to what these problems were. There was now a case into looking at not closing the offices down completely over the Christmas period. It may be that a skeleton staff was kept on for all major services, which would solve the updating problem.

Councillor Breare-Hall said this was the wrong time to open the offices at Christmas due to budgetary cuts. If there were problems with updating the Council's telephone messages could not a member of staff, who lived in Epping, come in and update it.

Councillor Pond agreed with Councillor Stallan, that there should be a skeleton staff manning the Council over the Christmas period and not just because of the bad weather; or could the staff at Langston Road answer the phones. Mr Gilbert replied that they were not there to answer the phones but to monitor the service.

Councillor Jacobs commented that if the Council was to seriously consider opening over the Christmas period then Councillors would need to know the costs involved and how it would operate. They needed to explore if the website could be updated remotely from home. Feedback was also needed from other Councils as to what they were doing.

Councillor Mrs Sartin added that answer phones and web pages were just technical



problems that could be overcome, and staff coming in should not prove too much of a problem.

Councillor Chana commented that other authorities have people who stay at home but are contactable for emergencies.

Councillor Mrs Edwards said these were all good ideas but it all came down to costs. The Panel needed to consider costs before they made any recommendations.

**RESOLVED:**

- (1) That the initial report on the on the service disruption over the Christmas and New Year period was noted.
- (2) That the Panel requested detailed information on:
  - a) the manning of the Civic Offices over the Christmas and New Year break;
  - b) the ability to update the website and the answer phone messages remotely;
  - c) what other councils do over the Christmas and New Year break; and
  - d) amending the various collection streams during adverse weather conditions.

**12. MINUTES OF THE WASTE MANAGEMENT PARTNERSHIP BOARD FROM 18 MAY 2010**

The Panel noted the minutes of the Waste Management Partnership Board from 18 May 2010.

**13. REPORT TO BE MADE TO THE NEXT OVERVIEW AND SCRUTINY MEETING**

To report back to the Overview and Scrutiny Committee on the CCTV Delivery Plan and the code of practice and the review of the Christmas waste services

**14. FUTURE MEETINGS**

The future meeting dates of the Panel were noted. An extra meeting was to be considered for September 2010.

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## TERMS OF REFERENCE - STANDING PANEL

**Title: Safer, Cleaner, Greener**

**Status:** Standing Panel

**Terms of Reference:**

1. To approve and keep under review the “Safer, Cleaner, Greener” initiative development programme.

*(Note: this development programme will encompass the three main issues and will therefore include matters such as:*

- (i) environmental enforcement activity*
- (ii) safer communities activities*
- (iii) waste management activities (in addition to WMPB information))*

2. To keep under review the activity and decisions of the Waste Partnership Member Board and the Inter Authority Member Working Group.
3. To receive reports from the Waste Management Partnership Board in respect of the operation of and performance of the waste management contract
4. To monitor and keep under review the Nottingham Declaration “action plan” and the Council’s progress towards the preparation and adoption of a sustainability policy and to receive progress reports on the Council’s Climate Change Strategy from the Green Working Group
5. (Subject to Cabinet approval of the Group) to receive and review the reports of the Bobbingworth Tip Management Group.
6. To act as the Council’s Crime and Disorder Scrutiny Committee and to keep under review the activities of the Epping Forest Safer Communities Partnership as a whole or any of the individual partners which make up the partnership.  
(a) That at least two meeting a year be dedicated as Community Safety Committee meetings.

**Work from The Leisure Task and Finish Panel:**

7. Waltham Abbey Sports Centre/ Swimming Pool:
  - To assess the feasibility of providing a new sports hall at the Waltham Abbey Swimming Pool;
  - To conclude the assessment commenced in 2007/08 of evaluating the current and potential future management arrangements at Waltham Abbey Sports Centre.
8. The on-going monitoring of the Youth Initiatives Scheme and Play Strategy.

**Chairman: C Edwards**

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## Safer, Cleaner, Greener Standing Panel

### Work Programme 2010-11

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
(1) Safer, cleaner, greener strategy (a) Enforcement activity – half yearly report (b) SCG Strategy Action Plan – half yearly report (c) Review strategy	July 2010 January 2011  July 2010 January 2011  July 2010 January 2011	(a) Received half yearly report in July 2010. (b) Received Strategy Action plan in July 2010. (c)	<del>4 July 2010</del> 26 August 2010 (extra meeting)  7 October 2010  6 January 2011  24 February 2011
(2) Community Safety (a) CCTV action plan – half yearly report (b) Receive reports from Community Safety Scrutiny meetings	July 2010 January 2011  To be determined	(a) received CCTV half yearly report in July 2010.	7 April 2011   Crime & Disorder Scrutiny meetings – The 2 meeting dates are October 2010 and February 2011
(3) Essex waste procurement process and Joint Committee (a) Receive notes/minutes of Member Partnership Board (b) Receive notes/minutes of Inter Authority Agreement Member Group	To be determined  To be determined		

**Safer, Cleaner, Greener Standing Panel**  
Work Programme 2010-11

Item	Report Deadline / Priority	Progress / Comments	Programme of Future Meetings
<p>(4) Waste Management Partnership Board</p> <p>(a) Receive minutes of Partnership Board</p> <p>(b) Progress of recycling in flats and similar buildings</p> <p>(c) Review of weather disruptions to services</p>	<p>To be determined</p> <p>July 2010 January 2011</p> <p>July 2011</p>	<p>(a) Minutes received at the July 2010 meeting.</p> <p>(b)</p> <p>(c) Reviewed at July 2010 meeting.</p>	
<p>(5) Nottingham Declaration</p> <p>(a) Progress against Declaration pledges – half yearly reports</p> <p>(b) Climate change strategy action plan – half yearly reports</p>	<p>July 2010 January 2011</p> <p>July 2010 January 2011</p>	<p>(a) Update given at July 2010 meeting.</p> <p>(b)</p>	
<p>(6) Bobbingworth Tip</p> <p>(a) Receive reports on availability for public access</p> <p>(b) Receive notes/minutes of management/liaison group</p>	<p>July 2010 To be determined</p> <p>To be determined</p>	<p>(a) Update given at July 2010 meeting.</p> <p>(b)</p>	

**Safer, Cleaner, Greener Standing Panel**  
**Work Programme 2010-11**

<b>Item</b>	<b>Report Deadline / Priority</b>	<b>Progress / Comments</b>	<b>Programme of Future Meetings</b>
<p>(7) Leisure issues</p> <p>(a) Receive progress reports on new sports hall at WASP</p> <p>(b) Receive progress reports on youth initiatives &amp; play strategy</p>	<p>July 2010</p> <p>October 2010</p>	<p>(a) Update given at July 2010 meeting.</p> <p>(b)</p>	

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### **Report to Safer, Cleaner, Greener Scrutiny Panel**

**Date of meeting: 26 August 2010**

**Subject: Home Office consultation – “Policing in the  
21<sup>st</sup> Century - Reconnecting police and the people”**

**Officer contact for further information: J Gilbert (01992 564062)**

**Committee Secretary: Adrian Hendry**

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#### **Recommendations/Decisions Required:**

- (1) To note the receipt of the Home Office consultation paper on the future of policing;**
- (2) To consider general responses and specific responses to the questions set by the consultation document; and**
- (3) Make recommendations to the Overview & Scrutiny Committee accordingly**

#### **Report:**

##### Introduction

1. On the 26<sup>th</sup> of July 2010 the Home Secretary, Theresa May MP, launched a consultation document entitled “*Policing in the 21<sup>st</sup> Century: Reconnecting the police and the people*”. This consultation follows the new Coalition’ Government’s stated intention to review the way policing works and to ensure that policing provides the type of service that local communities wish to see.
2. The consultation runs until the 20<sup>th</sup> of September 2010, and this panel’s responses will go forward to Overview and Scrutiny Committee on the 6<sup>th</sup> of September and then to the cabinet on the 13<sup>th</sup> of September. The Community Safety Partnership may also choose to submit its own response as well as individual partners within the partnership, such as the police and the Police Authority.
3. The consultation document is divided into five parts and the report which follows sets them out with a summary of the main issues. The full consultation document has been circulated with the agenda. The consultation document poses a number of questions which are set out in tabulated form towards the end of the report, with suggested responses for discussion and consideration.

##### The Consultation

###### Chapter one: The Challenge

4. The challenges are described as:
  - **services are accountable to Whitehall not to the public:** targets and standards driven by Whitehall

- **disempowered professionals:** too much bureaucracy and targets: police officers as 'form writers not crime fighters'; funding and restrictive guidance notes coming from Whitehall
- **visibility and availability:** only 11% of police officers are available to the public at any time
- **tightening resources:** Limits on departmental spending will be announced in the Comprehensive Spending Review on 20 October, with proposals for individual police force budgets to follow later on in the year

The consultation puts forward a new approach concentrating on the following areas:

- **empowering the public:** electing Policing and Crime Commissioners to hold police forces to account, strengthening the link between the police and the public
- **empowering the police:** cutting bureaucracy, central targets, removing restrictive health and safety procedures and freeing up police officers' time
- **shifting the focus of national Government:** a powerful new National Crime Agency to lead the fight against organised crime and strengthen our border security; greater collaboration between police forces to increase public protection and save money
- **empowering the Big Society:** a clear role for everyone, including members of the public, in cutting crime through beat meetings, neighbourhood watch schemes and voluntary groups.

#### Chapter two: Increasing Democratic Accountability

5. The consultation focuses on the need to increase local accountability and give the public a direct say on how their neighbourhoods are policed. Those changes will be achieved by 2012 through:

- **directly elected Police and Crime Commissioners** who will be accountable to the public for delivering safer communities and cutting crime and ASB
- the **abolition of Police Authorities**
- the **creation of Police and Crime Panels** for each force area, made up of councillors and appropriately skilled lay people, to oversee the work of the Commissioners (**not** the police)
- providing **more information** to the public about the situation in their neighbourhoods (about spending and performance on crime and ASB crime, value for money). From January 2011 crime data will be published in an open and standardised format. There is now a requirement to provide regular 'beat meetings'
- a more **independent Her Majesty's Inspectorate of Constabulary**

6. It is interesting to note that the issue of directly elected commissioners was consulted upon by the previous labour government, and despite a powerful response in opposition the government's original intention had been to press ahead. However, sometime later the government decided not to proceed with this policy. The creation of new police and crime panels, whilst clearly strengthening local oversight of the work of the Commissioner, is another layer which could be viewed as little more than a replacement for the abolished Police Authorities.

#### Chapter three: Removing Bureaucratic Responsibility

7. The consultation proposes a shift away from what is seen as a bureaucratically led police service to a democratically led service through:

- **abolishing** central targets
- **returning more responsibility to the police** for charging in minor offences from November 2010
- **scrapping unnecessary paperwork** like the 'stop' form
- **scrapping the Policing Pledge**

- **working with the police service and the Health and Safety Executive** to provide a common sense approach to health and safety

#### Chapter four: A National Framework for Efficient Local Policing

8. The consultation document discusses the problems of cross border policing, whether local, national or international. Government sees more cross border police activity and the sharing of resources, especially “back room” as well as better supporting policing across boundaries. This will be achieved through:

- **the phasing out of the National Policing Improvement Agency** by spring 2012
- **creation of a new National Crime Agency**
- **more collaboration between forces** and more value for money
- **clearer roles** for Association of Chief Police Officers and Her Majesty's Inspectorate of Constabulary

#### Chapter five: Tackling Crime Together

9. This part of the consultation builds on the creation of greater local police accountability. It makes the point that the entire criminal justice system needs to work better if crime is to be reduced.. The consultation emphasises the need to forge a better relationship between the people and the police and to ensure more effective co-operation between the various criminal justice system partners. It proposes to achieve this through:

- **more opportunities to get involved** in keeping neighbourhoods safe through attending ‘beat meetings’ and being members of Neighbourhood Watch
- **more opportunities for citizens to volunteer** with the police service and within the wider criminal justice system
- **a radical Criminal Justice System reform** strategy will be developed and implemented

10. The consultation states that Community Safety partnerships have generally been very successful and have a strong role in preventing crime and anti-social behaviour. The government intends to make CSPs more effective through:

- **recognising that partnership working will remain important** to offer a better service within tightening resources.
- **CSPs continuing** to play a strong role in preventing crime.
- through **repealing some of the regulations for CSPs** and leaving the helpful core statutory duty on key partners to work together, providing CSPs with the flexibility to decide how best to deliver for their communities.
- **considering whether to create enabling powers to bring together CSPs at the force level** to deal with force wide community safety issues and give Commissioners a role in commissioning community safety work.

#### New roles for key individuals and organisations

11. The consultation paper puts forward some far reaching changes in the way policing is to be delivered in the future, with new roles being created and changed roles for some existing organisations. These are set out as follows:

##### Police and Crime Commissioners:

12. A single Commissioner will be directly elected at the level of each force in England and Wales with the exception of the Metropolitan Police and the City of London Police, the British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police. They will be elected by 2012 for a set term of four years and no more than two terms, through most probably a preferential voting system. The Commissioners will have five key roles:

- representing and engaging with the local community
- setting priorities in a local strategic plan for the force that meet the policing needs of the local community
- holding Chief Constable to account for the full range of his/hers duties
- setting the force budget and setting the precept, ensuring value for money
- appointing and, where necessary, removing the Chief Constable

#### Police and Crime Panel

13. New Police and Crime Panels will be established to overview and test the decisions of Police and Crime Commissioners in each force area. They will be made up of elected councillors and independent and lay members of the community. The Panels will hold confirmation hearings for the post of Chief Constable and will be able to hold confirmation hearings for other appointments made by the Commissioner to his staff, but without having the power of veto. However, they will have a power to trigger a referendum on the policing precept recommended by the Commissioner.

#### National Crime Agency

14. It will be led by a senior Chief Constable with the responsibility to:
- lead the fight against organised crime and help to protect our borders (incl. creation of a Border Police Force)
  - harness and exploit the intelligence, analytical and enforcement capabilities of the existing Serious Organised Crime Agency (SOCA), but better connect these capabilities to those within the police service, HM Revenue and Customs, the UK Border Agency and a range of other criminal justice partners
  - be subject to robust governance arrangements, which will link to the role played by Police and Crime Commissioners

#### Association of Chief Police Officers

15. It will become the national organisation responsible for providing the professional leadership for the police service, taking the lead role on setting standards and sharing best practice across the range of police activities. It will play a leading role in ensuring that Chief Constables drive value for money, be expected to show strong leadership in promoting and supporting the greater use of professional judgement by police officers and staff and have a governance structure which will include a key role for Police and Crime Commissioners.

#### Her majesty's Inspectorate of Constabulary

16. It will become a strong independent Inspectorate, which through light touch inspection regimes will provide the public with objective and robust information on policing outcomes and value for money locally to help them make informed judgements on how well Police and Crime Commissioners and their forces are performing. It will also advise the Home Secretary where it is in the national interest to direct forces to collaborate.

#### Independent Police Complaints Commission

17. It will investigate complaints about the misconduct of Commissioners and be able to trigger recall and support the police in learning lessons and delivering a better service to the public.

#### Community Safety Partnerships

18. Through repealing some of the regulations constraining their activities, CSPs will have the flexibility to decide how best to deliver for their communities. Consideration will be given to legislating to enable CSPs to be brought together to operate at force level.

## Consultation responses

19. Each chapter of the consultation has within it a number of questions . These, with some suggested responses, are set out in the following table. The responses have been put forward from a district council perspective and not from that of the Community Safety Partnership which may well have a different response in some areas.

20. Where officers have left the response column blank, Members are requested to consider whether the Council should put forward a response.

## The Local Government Association

21. The Local Government Association has prepared a submission called “Improving Police Accountability: The LGA Proposal”. A copy of this is attached to the agenda, but the paragraphs below set out the main comments and proposals.

22. Perhaps not unsurprisingly the LGA strongly oppose the creation of an elected Police and Crime Commissioner, their reasoning being:

- (i) it would fragment existing partnerships;
- (ii) it would make place based budgeting very difficult;
- (iii) it would increase the likelihood of responsibility being passed between public agencies;
- (iv) it would divert resources away from less visible, but important, police activities; and
- (v) it would divert resource to the support of Commissioners rather than dealing with issues on the front line

23. The LGA believes that accountability could be enhanced on a cost effective basis through:

- (i) enhanced street and ward level accountability through the provision of timely local information, regular beat meetings etc;
- (ii) ensuring that the Chairmanship of CSPs is held by a member of the Council Executive, preferably the Member with responsibility for community safety issues;
- (iii) integrating senior police officers into council corporate management teams;
- (iv) regular attendance of senior police officers at cabinets, alongside the relevant portfolio holder;
- (v) the co-option of (non elected) community leaders onto overview and scrutiny committees;
- (vi) the reintegration of force accountability into council structures through the creation of Local Government Policing Executives. Each upper tier authority in a force area would appoint two “policing champions” who would then form the policing executive. These executives would in turn be scrutinised by joint scrutiny committees drawn from the upper tier authorities; and
- (vii) the policing executives taking responsibility to ensure cross force co-operation and accountability.

24. The above are radical alternatives to the government proposal, but there are issues from a CSP and district council perspective:

- (1) CSPs are partnerships, and as such the Chair should at some point rotate through the partners. Requiring the Chair to be a council elected member would potentially damage partnerships;
- (2) Local Government Policing Executives are established at upper tier only, with no apparent mechanism whereby districts and boroughs can exert influence. Even the scrutiny role is again restricted to the upper tier authorities. Given that successful CSPs exist at district level, any such Executive and scrutiny process must have within it the ability for second tier authorities to be formally engaged

25. It is however worthy of note that the current Chairman of the CSP is the Portfolio Holder for "Safer and Greener" and she will hold that post until June 2012. Furthermore, the special scrutiny meetings which look specially at crime and disorder issues, do enable the co-option of non elected persons where their presence would clearly assist the panel in its considerations.

Suggested consultation responses

Consultation questions	Comment(s)
<p><u>Increasing Democratic Accountability</u></p> <p>1. Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?</p>	<ul style="list-style-type: none"> <li>• A difficult area issue in endeavouring to preclude 'extremist' or 'one issue' candidates from succeeding at an election. Need also to ensure that political patronage is not allowed to cloud the process</li> </ul>
<p>2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?</p>	<ul style="list-style-type: none"> <li>• Another difficult area in seeking a balance between attracting a wide spread of candidates whilst at the same time dealing with concerns alluded to in the comments in question 1. above. Possibly the use of deposits, such as in elections might be considered to prevent frivolous candidatures.</li> </ul>
<p>3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?</p>	<ul style="list-style-type: none"> <li>• Keep the focus on local policing</li> <li>• Ensure local priorities are reflected</li> <li>• Commissioner representative on local CSPs (replace existing Police Authority representation), although for this to be practical there may need to be mergers of CSPs</li> <li>• Commissioner to be part of Safer Essex (force level group)</li> </ul>
<p>4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level</p>	<ul style="list-style-type: none"> <li>• Through existing channels including Neighbourhood Action Panels (NAPS) resident associations and so on</li> <li>• Working with CSP partners to consult jointly</li> <li>• Some concern here regarding force wide Commissioners (i.e. all of Essex) and how that person will be able to engage with communities effectively other than through the appointment of a number of Commissioner representatives and/or the merging of existing CSPs</li> </ul>
<p>5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?</p>	<ul style="list-style-type: none"> <li>• Ensure that the right resources are in the right place avoiding situations where the 'person who shouts loudest' gets the most attention.</li> <li>• Work with all partners to tackle issues</li> <li>• Ensure a good flow of accurate information on which to base decisions</li> </ul>
<p>6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with</p>	<ul style="list-style-type: none"> <li>• Use of clear language</li> <li>• Move away from the current target driven mentality focusing instead on</li> </ul>

Consultation questions	Comment(s)
other areas?	<p>the issues that are important to the local community</p> <ul style="list-style-type: none"> <li>• Provide clear definitions (i.e. through both simpler definitions and fewer categories of crime)</li> </ul>
<p><u>Removing Bureaucratic Accountability</u></p> <p>7. Locally, what are examples of unnecessary bureaucracy within police forces and how can the service get rid of this?</p>	<ul style="list-style-type: none"> <li>• “Prevent” and the bureaucracy surrounding the Counter Terrorism Local Profiles (CTLP)</li> <li>• Being able to decide locally what is appropriate, rather than central direction irrespective of local circumstances. This is particularly relevant in a force area such as Essex, with wide variations in its demographic makeup, and districts such as EFDC bordering a number of London Boroughs</li> <li>• How information is shared, with the provision of simpler and fewer information sharing protocols</li> </ul>
<p>8. How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?</p>	<ul style="list-style-type: none"> <li>• Be clear by asking people what they think they need, rather than giving them what the police think they need. This could easily result in less but more useful information provision</li> </ul>
<p>9. What information should HMIC use to support a more proportionate approach to their ‘public facing performance role’, while reducing burdens and avoiding de-facto targets?</p>	
<p>10. How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgement within a clear framework based around outcomes?</p>	
<p>11. How can we share knowledge about policing techniques that cut crime without creating endless guidance?</p>	<ul style="list-style-type: none"> <li>• Provide opportunities for secondment for Police Officers to different forces to see good practice</li> <li>• Provide a Good Practice database such as the “Local Government Regulation” (formerly LACORS) Local Government tool</li> </ul>
<p><u>A National Framework for efficient local Policing</u></p> <p>12. What policing functions should be delivered between forces acting</p>	<ul style="list-style-type: none"> <li>• Traffic Policing</li> </ul>



Consultation questions	Comment(s)
collaboratively?	<ul style="list-style-type: none"> <li>• Analytical work</li> <li>• Specialist resources such as (air support, marine, diving unit, scenes of crime, firearms and public order response, centralised intelligence handling).</li> <li>• Counter terrorism work</li> <li>• Prolific Offenders work</li> <li>• Back office functions</li> </ul>
13. What are the principal obstacles to collaboration between forces or with other partners and how they can they be addressed?	<ul style="list-style-type: none"> <li>• Information /Intelligence data systems that do not talk to each other</li> <li>• Parochialism with forces failing to work and plan forwards together. This can be an issue between the Essex Police and the Metropolitan Police for example</li> <li>• Culture of target driven senior officers, which in significant part is driven by the target culture of central government, which can result in a failure to sometimes fully recognise the benefits of partnership working and the pooling of resources</li> </ul>
14. Are there functions which need greater national co-ordination or which would make sense to organise and run nationally (while still being delivered locally)?	<ul style="list-style-type: none"> <li>• Counter terrorism</li> <li>• Internet Crime</li> <li>• Specialist Units</li> <li>• Organised crime</li> <li>• Border issues</li> <li>• Child Protection violent &amp; sex offender monitoring to comply with Richard Enquiry.</li> </ul>
15. How can the police service take advantage of private sector expertise to improve value for money, for example in operational support, or back office functions shared between several forces, or with other public sector providers?	<ul style="list-style-type: none"> <li>• There must be opportunities for public sector partners to provide and/or share back office functions such as HR, payroll and the like.</li> <li>• Spend time with partners to learn what they do, how they do and develop best practice solutions to common problems</li> </ul>
16. Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?	<ul style="list-style-type: none"> <li>• Internet Crime originating from outside UK borders</li> <li>• Sex Offenders</li> <li>• When operating locally it should be accountable to the newly created Commissioners or where relevant to groups of Commissioners</li> </ul>

Consultation questions	Comment(s)
<p>17. What arrangements should be in place in future to ensure that there is a sufficient pool of chief officers available, in particular for the most challenging leadership roles in the police service? Is there a role for other providers to provide training?</p>	<ul style="list-style-type: none"> <li>• Provide training for Senior Police Officers in the workings of Local Government and other partner agencies</li> <li>• Have a system whereby senior officers spend time with all statutory partner organisations to see how partners work</li> <li>• Senior police officers must be less insular in their approach to partner organisations</li> </ul>
<p>18. How can we rapidly increase the capability within the police service to become more business-like, with police leaders taking on a more prominent role to help drive necessary cultural change in delivering sustainable business process improvement?</p>	<ul style="list-style-type: none"> <li>• See comments in 17. above</li> </ul>
<p><u>Tackling Crime together</u></p> <p>19. What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?</p>	<ul style="list-style-type: none"> <li>• Make ASB and low level crime more of a priority for Police with a requirement for them to improve their responses to minor ASB thereby building a better rapport with the public</li> <li>• Reallocate resources to provide additional funding and support for neighbourhood Natch</li> <li>• Work with insurance companies to offer premium incentives for members of Neighbourhood Watch (NW)</li> <li>• Make membership of schemes such as Pub Watch and “Behave or Be Banned” (BOBB) Scheme mandatory for license holders</li> </ul>
<p>20. How can the Government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?</p>	<ul style="list-style-type: none"> <li>• Make volunteering more accessible through working with employers to release staff to volunteer</li> <li>• Consider 6 month voluntary work with the Police or similar agencies compulsory for school/college leavers, or as part of pre-employment training</li> </ul>
<p>21. What more can central Government do to make the criminal justice system more efficient?</p>	<ul style="list-style-type: none"> <li>• More victim focused. At present the balance lies too much with the perpetrator of crime and not with the victim. This discourages victims from coming forward to seek redress</li> <li>• The greater use restorative justice, thereby keeping some low level</li> </ul>

Consultation questions	Comment(s)
	<p>crime out of the mainstream justice process altogether</p> <ul style="list-style-type: none"> <li>• Speeding justice up. Too many cases take too long to bring to a conclusion, again discouraging victims from coming forward or from assisting the police in criminal investigations. This is also linked with retoring the balance between the victim and the criminal</li> <li>• Consider use of FPNs for ASB which PCSOs could issue.</li> </ul>
22. What prescriptions from Government get in the way of effective local partnership working?	<ul style="list-style-type: none"> <li>• Arbitrary campaigns – one size does not fit all</li> <li>• Too many information sharing protocols – have one National Information Sharing Protocol</li> </ul>

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# **Policing in the 21<sup>st</sup> Century: Reconnecting police and the people**

# Policing in the 21<sup>st</sup> Century: Re-connecting the police and the people

Ministerial foreword

Chapter 1: The challenge

Chapter 2: Increasing democratic accountability

Chapter 3: Removing bureaucratic accountability

Chapter 4: A national framework for efficient local policing

Chapter 5: Tackling crime together

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## Ministerial foreword



This Government's vision is for a free, fair and responsible society. At the heart of that vision is a radical shift in power and control away from government back to people and communities. Nowhere is that more true than in our plans for policing reform. Reform is critical. Increasing Government interference in recent years has changed the focus of the police. They have become responsive to government targets and bureaucracy rather than to people. They have become disconnected from the public they serve. Crime is still too high; too many individuals and neighbourhoods suffer anti-social behaviour; and only just over half the public have confidence that the issues that matter locally are being dealt with. At the same time the challenges we face have changed. Terrorism, a growth in serious organised crime and cyber-crime all require approaches which cross not just police force boundaries but international borders.

The mission of the police which was established by Sir Robert Peel as preventing crime and disorder has not fundamentally changed. Nor has the dedication of the officers and staff that have served since. But over time the model for policing initiated by Peel has slowly been eroded. His revolutionary model for policing in London was so successful, Parliament legislated for similar bodies across the country but subject to local accountability by people who knew the locality and what was wanted – initially magistrates and councillors in early forms of what would become police authorities. Over time however the role of central Government grew. As the number of police forces fell, police authorities took on bigger areas. They have since become remote and invisible, without the capability and the mandate to insist on the priorities of local people. Instead, central government sought to fill the vacuum in determining local priorities and performance.

So to achieve Peel's mission of preventing crime and disorder (which we now call anti-social behaviour), we need to once again reform policing in the country; restoring once more the connection between the police and the people, putting the public back in the driving seat and enabling the police to meet the new crime and anti-social behaviour challenges.

This paper signals the most radical change to policing in 50 years. We will transfer power in policing – replacing bureaucratic accountability with democratic accountability.

First we will transfer power back to the people – by introducing directly elected Police and Crime Commissioners, representing their communities, understanding their crime and anti-social behaviour priorities and holding the Chief Constable to account for achieving them, and being able to fire her or him if they do not. Chief Constables will be responsible for the day to day operations of their police force but accountable to the public via these individuals and not Whitehall. Together, they will lead the fight against crime and anti-social behaviour. Our plans will make the police more accountable, accessible and transparent to the public and therefore make our communities safer. Regular beat meetings will allow people to challenge the police's performance and accessible 'street level' crime data will shine a light on local crime trends and concerns.

Secondly, we will transfer power away from government – trusting police professionals. We will do away with central targets. Frontline staff will no longer be form writers but crime fighters: freed up from bureaucracy and central guidance and trusted to use their professionalism to get on with their jobs.

Thirdly, we will shift the focus of government. The previous government tried to micro manage local policing but did not support forces effectively on national issues. We will change this. We will create a new National Crime Agency to lead the fight against organised crime, protect our borders and provide services best delivered at national level.



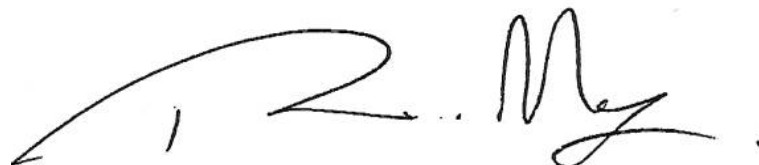
We want to ensure that the 'golden thread' that runs from local policing across force boundaries and internationally is not broken. The large scale devolution in power to local forces will be matched by a stronger, more streamlined approach on those issues that do require national coordination.

These changes will have to be made at a time of serious and difficult budget cuts. I have already been clear that the police will have to bear their fair share of the burden. That is why value for money will have to drive everything the police do.

The police are charged with keeping people safe; cutting crime and anti-social behaviour. I am confident that they will do all within their power to meet that responsibility, and preserve the frontline of the police service for local communities.

This document sets out our plans for police reform including elements that will be part of the Police Reform and Social Responsibility Bill that we will introduce in the Autumn. They represent exciting new opportunities for individuals, communities and police officers at all levels to shape the future of policing. I want to hear your views about how we can best make the reforms work.

I believe these radical reforms will build a strong new bridge between the police and the public. In short they will ensure policing for the people.

A handwritten signature in black ink, appearing to read 'Theresa May', with a large flourish at the end.

**RT HON. THERESA MAY MP  
HOME SECRETARY**

## Chapter 1: The challenge

1.1 Despite spending more on criminal justice than any other comparable country the UK is still a relatively high crime country compared with its neighbours.<sup>1</sup> Too many of us fear crime and anti-social behaviour (ASB)<sup>2</sup> and we turn a blind eye when we see it – often because we are fearful of the consequences of doing so, not because we don't care or can't be bothered.<sup>3</sup> In Germany, two thirds of people said they would intervene to stop ASB, in the UK two thirds would not.<sup>4</sup> After years of rising budgets and police numbers crime is still too high, people still feel unsafe and ASB blights too many communities.

1.2 Sir Robert Peel's first principle of policing stated: "The basic mission for which the police exist is to prevent crime and disorder". This remains the case, but the challenges facing communities and the police have changed over time. Since the 1960s, new technologies have helped police to keep up with advances in the way that crime is committed. The increased mobility of criminals has been matched by the patrol car and radio communication; analysis of crime and ASB hot spots allows response teams to see where they should be targeted.

1.3 But whilst technology has enabled the police to keep up with new types of crime and criminal, the ongoing centralisation of the police has left the service disconnected from the communities they are there to serve. The gap we need to fill today is one of accountability, not technology.

1.4 The approach of the last decade has been for central government to intervene more and more in local policing in an attempt to make it more accountable. There has been an ever increasing list of legislation with the specific aim of centralising policing. The Home Secretary has been given stronger and stronger powers to intervene; to set national objectives; publish data relating to performance; issue codes of practice and guidance; and direct police authorities. In 2001 this process of centralisation continued through the creation of the Home Office Police Standards Unit. Its aim was to strengthen the performance of local police command units and, in time, it would end up intervening in forces that were failing. Nowhere in this long list of reforms does the public appear as the natural democratic check and balance that Peel referred to in 1829 as the bedrock of police activity.

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<sup>1</sup> Criminal Victimization in International Perspective

[http://rechten.uvt.nl/icvs/pdf/files/ICVS2004\\_05.pdf](http://rechten.uvt.nl/icvs/pdf/files/ICVS2004_05.pdf)

<sup>2</sup> 53% of people in the UK find 'crime and violence' one of the three most worrying things, compared to 40% in Italy, 33% in France and 20% in Spain, Ipsos-MORI, May 2009

<sup>3</sup> Casey, L, Engaging Communities in Fighting Crime, Cabinet Office (2008)

[http://www.cabinetoffice.gov.uk/media/cabinetoffice/corp/assets/publications/crime/cc\\_summary.pdf](http://www.cabinetoffice.gov.uk/media/cabinetoffice/corp/assets/publications/crime/cc_summary.pdf)

<sup>4</sup> When asked if they would challenge a group of 14 year old boys vandalising a bus shelter, 64% of German respondents said they probably or definitely would, compared to 62% of British respondents said they probably or definitely would not. Anti-Social Behaviour Across Europe, ADT, 2006

1.5 The service has taken strides to make better connections with its community and its partners. In particular at a local level they are important partners in local Community Safety Partnerships (CSPs) and the service has rolled out dedicated Neighbourhood Policing Teams (NPTs) which are valued by their communities. These are all worthy reforms, spurred by the right ambition. They have gone some way to decentralise the service. But we need to go further to make it more accountable to local people.

1.6 The previous Government's approach failed to recognise problems that were more fundamental. They failed to recognise that those who should be in the driving seat, those who suffer when things don't work, are the public, not Government. And they undermined the professional discretion of the police – driving a wedge between the police and the public they are meant to serve.

1.7 Their approach and specific initiatives distorted the tripartite relationship that underpins policing – the relationship at a national level between central government, the professional leadership of the service and those responsible for its local accountability. Central government interfered too much in local issues, and failed to provide the right challenge and support for policing issues that went beyond force boundaries. Professionals saw their judgement undermined, leading them to take refuge in bureaucracy, looking upwards to Whitehall, rather than outwards to the public they joined to serve. Partnerships made strong steps in trying to work together to prevent crime, but were pulled in opposing directions by different Government departments.

1.8 The challenges the police service now face require a new approach.

#### Challenges of a service accountable to Whitehall not the public

1.9 To cut crime, policing relies not just on the consent of the people but their active cooperation. But the bond between the police and local people is not strong enough. The police have been encouraged to focus on the issues that national politicians have told them are important rather than the concerns of their local communities. Reports to Ministers and civil servants in Whitehall have taken precedence over information to help the public judge how well the police service is doing.

1.10 Targets and standards in policing were driven by Whitehall rather than the public. At best, national targets and standards have not taken account of local needs, and at worst eroded Chief Constables' professional responsibility for taking decisions to meet the particular needs of their local communities. All too often targets have driven perverse incentives. For example the 'Offences Brought to Justice' target incentivised officers to pursue easy to achieve low-level detections rather than focusing on more serious offences.

1.11 Many individual members of police authorities have made great efforts in recent years to improve police responsiveness and represent local communities. But despite these efforts the public are often unaware of police authorities themselves. A Cabinet Office review in 2007 highlighted that only

7% of the public would know to go to their Police Authority if they had a problem with policing in their local area. The public do not know how to influence local policing, let alone get actively involved. There is no direct way for the public to change or challenge those who govern policing on their behalf.

#### Challenges of disempowered professionals

1.12 Whitehall has not only caused a growing disconnect between the police and the people; it has disempowered the police themselves.

1.13 The police have been tied up in bureaucracy following central guidance setting out how they should do their work rather than using their professional judgement to get on with their jobs serving their communities. Police have become form writers rather than crime fighters, taken away from the public by bureaucracy and overly prescriptive central guidance. Despite record numbers of police officers and staff, the police are spending less time on the street.

1.14 Bureaucracy has not just been created by central Government. There are some inefficient and bureaucratic processes within the police itself that need to be addressed, for example forms or guidance created by forces themselves to cover their backs in a culture that is too 'risk averse'. Police officers and staff are being overwhelmed by the sheer volume of central policing guidance being issued. In the last year alone some 52 documents were issued and a further 60 were found to be in planning. The average length of such documents was just under 100 pages. These manuals contained over 4000 new promises, covering duties such as policing international cricket matches and data collection for missing persons.

1.15 National targets, multiple funding streams and restrictive guidance have also pulled community safety and criminal justice partners in different directions, creating elaborate and bureaucratic formal relationships rather than a practical focus on the outcomes that matter to their communities. Too much regulation and an increasingly intrusive state have crowded out the instinct of local people and voluntary organisations. We need to move beyond the era of bureaucratic accountability to one of democratic accountability.

#### Challenges of visibility and availability

1.16 A report published this month by Her Majesty's Inspectorate of Constabulary (HMIC) called *Valuing the Police* shows that the result of this bureaucratic form-filling, over prescription and central guidance is that only 11% of police officers are available to the public at any time.<sup>5</sup> This is not the service that the public should expect. The public should expect them to be on their streets, visible and available to serve and keep them safe.

1.17 But over the last decade the police service at all levels, from Chief Constables to front line professionals, has been expected to deal with an

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<sup>5</sup> Valuing the Police, HMIC, 2010, [http://www.hmic.gov.uk/SiteCollectionDocuments/Value%20for%20Money/VTP\\_NFS\\_20100720.pdf](http://www.hmic.gov.uk/SiteCollectionDocuments/Value%20for%20Money/VTP_NFS_20100720.pdf)

increasingly complex set of expectations. New challenges – most obviously work to counter terrorism, but also the growth in serious and organised crime, cyber crime, economic crime, child protection and domestic violence – have become central to the business of policing. The need for much more effective work with local authorities, the wider criminal justice system and many other partners, though never easy, is increasingly taken for granted. These challenges must be met while at the same time maintaining the public's continuing expectation – rightly – of greater visibility and availability on their streets.

#### Challenges of tightening resources

1.18 Spending on the police has increased by 24% in real terms since 2000/01 and stands at £13 billion a year today. Over the past decade the focus on public spending has been on money rather than value for money; inputs and officer and staff numbers rather than outcomes. Government and police forces have wasted money, such as the £6m spent advertising the Policing Pledge, telling people what the police ought to do, rather than ensuring money is used to fight crime.

1.19 In the Budget on 22 June 2010, the Chancellor announced that 'unprotected' Departments – including the Home Office – will face real cuts over the next four years. Police funding will have to take its fair share of this challenge. In its Comprehensive Spending Review, the Government will announce departmental spending limits on 20 October, with proposals for individual police force budgets following later in the year.

#### A new approach

1.20 The Government intends to rebalance the tripartite relationship to address these fundamental issues. Clear roles and relationships; with the 'golden thread' of British policing – from the national and international to the very local – renewed and strengthened, are at the heart of the Government's strategy for policing in the years ahead. This document provides more detail on the priorities and next steps.

1.21 It sets out a new deal for the public and a new deal for the police service. A deal where the public are in control and where the police can focus on cutting crime and making people feel safe.

- We will empower the public: introducing directly elected Police and Crime Commissioners who will give the public a voice and strengthen the bond between the public and the police through greater accountability and transparency so that people have more confidence in the police to fight crime and ASB. (Chapter 2)
- We will empower the police: removing bureaucratic accountability, returning professional responsibility and freeing up officers' time to get on with their jobs, out and about in local communities and not tied up in paperwork or meetings. (Chapter 3)

- We will shift the focus of national Government: ensuring the police are effective in dealing with serious crimes and threats that cross force boundaries or national borders, but in the end impact on local communities. And we will make the police at force, regional and national levels more efficient so that frontline local policing can be sustained. (Chapter 4)
- We will empower the Big Society; reforming our wider approach to cutting crime, making sure everyone plays their full part in cutting crime in a Big Society - wider criminal justice and community safety partners, the voluntary and community sector and individuals themselves. (Chapter 5)

1.22 The key priority for the police is to cut crime – keeping people safe from the harm caused by everything from ASB to serious crime and terrorism. Our vision for reform is based on outcomes achieved through a strengthened bond between the police and local people. We want the public to be safe and feel safe, have a real say in how their streets are policed and be able to hold the police to account locally, having more opportunity to shape their own lives. We want them to trust the police and know that they will be there for them when they need them and to have confidence that the criminal justice system has ethics and integrity, is working in their interests and making the best use of their money.

1.23 The Government will not centrally mandate priorities in each local area – we expect Police and Crime Commissioners to work with their local communities to establish the crime and ASB priorities that matter most locally, and for the public to hold them to account for the performance of their force. We also expect Police and Crime Commissioners to collaborate effectively on matters of regional and national importance.

#### Impact Assessment

1.24 To assist us in complying with the Coalition Government's regulation requirements this document is intended to stimulate discussion and elicit views both from those likely to be affected and any interested partners. Any legislative provisions brought forward following this consultation will be accompanied by a fully developed and robust Impact Assessment measuring the impact on the public, private and third sectors.

## Chapter 2: Increasing Democratic Accountability

2.1 We want to empower the public - increasing local accountability and giving the public a direct say on how their streets are policed. By 2012, the Government will have put in place the most radical change in policing for half a century. The public will have elected Police and Crime Commissioners and will be holding them to account for how policing is delivered through their force.

2.2 This will be achieved by:

- The abolition of Police Authorities and their replacement by directly elected Police and Crime Commissioners – ensuring the police respond to local priorities and are directly accountable to the public for delivering safer communities and cutting crime and ASB;
- Providing information to help the public know what is happening in their area and hold the police to account with accurate and timely information about crime, ASB and value for money in their neighbourhood;
- A more independent Her Majesty's Inspectorate of Constabulary (HMIC) that will shine a light on local performance and help communities hold their Police and Crime Commissioners and police forces to account.

### Police and Crime Commissioners

2.3 The police are currently held to account locally by Police Authorities, which were established as part of the major reform of policing in 1964, to ensure that the governance (the appointment of the Chief Constable and holding him or her to account) was independent of local politics by requiring a third of the members to be Magistrates. This independence was further augmented by the reforms in 1994, requiring a proportion of police authority members ('independent members') to be drawn from local communities.

2.4 Individual police authority members have worked hard to engage their communities, but Police Authorities remain too invisible to the public. The public do not know how to influence the way policing is delivered in their community, let alone get involved. There is no direct way for the public to choose the people that represent them - only 8% of wards elect councillors who are police authority members. We will abolish Police Authorities and put power directly in the hands of the public. For the first time ever the public will be able to directly vote for an individual to represent their community's policing needs.

2.5 Police and Crime Commissioners will be powerful representatives of the public leading the fight against crime and ASB. They will ensure that:

- The public can better hold police forces and senior officers to account;
- There is greater public engagement in policing both in terms of priority setting and active citizenship;
- There is greater public – rather than Whitehall – ownership of force performance; and,
- The public have someone 'on their side' in the fight against crime and ASB.

2.6 Police and Crime Commissioners will ensure that the police are held to account democratically, not bureaucratically by Whitehall. This is part of the deal for the police: removing micro-management by central government in local policing, in return for much greater responsiveness to and engagement with the public.

2.7 These reforms are too pressing for a lengthy Royal Commission on increasing policing accountability. The coalition agreement set out our intention to introduce Police and Crime Commissioners. We are keen to hear your views about how we can make this work most effectively. We will introduce legislation in the autumn and the public will be able to vote for their Commissioners for the first time in May 2012.

#### Scope and Remit of the Police and Crime Commissioner

2.8 We are determined to embed this reform into the existing force boundaries that people already understand. A single Commissioner will be directly elected at the level of each force in England and Wales with the exception of the Metropolitan Police (where local accountability is already strong) and the City of London Police. The British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police will not have Commissioners.

2.9 The Commissioner will hold the Chief Constable to account for the full range of his or her current responsibilities. Police and Crime Commissioners will have five key roles as part of their mission to fight crime and ASB:

- Representing and engaging with all those who live and work in the communities in their force area and identifying their policing needs;
- Setting priorities that meet those needs by agreeing a local strategic plan for the force;
- Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, and playing a role in wider questions of community safety;
- Setting the force budget and setting the precept. Our intention is to make precept raising subject to referendum. Further detail will be set out by the Department for Communities and Local Government (in England) and the Welsh Assembly Government (in Wales); and,
- Appointing - and, where necessary, removing - the Chief Constable.

2.10 Commissioners will need to appoint and lead a team to support them in their important responsibilities. The Government does not intend to prescribe these support arrangements in detail. It will be for individual Commissioners to decide how to ensure they have an effective support team with the right expertise and knowledge of the area – although the Government will, for example, require the appointment of an individual with appropriate financial skills, and establish process safeguards to ensure that appointments are made with propriety. Commissioners will need to demonstrate value for money to the electorate on any money spent on overheads rather than frontline policing.



2.11 The Government will work closely with the Welsh Assembly Government to ensure that the framework within which the directly elected Commissioners for the four forces in Wales operate reflects and respects devolved responsibilities.

### *Elections*

2.12 The Government wants candidates for Commissioners to come from a wide range of backgrounds, including both representatives of political parties and independents. Commissioners will have a set four year term of office and term limits of two terms. The Government intends to apply the existing framework for the conduct of local government and Parliamentary elections including the recognised eligibility criteria for standing for public office, in preparing for the first set of elections in May 2012. We are considering the appropriate voting system, and believe that a preferential voting system is the right option. We will work closely with local government representatives and the Electoral Commission to ensure that these elections are coordinated effectively and represent good value for money.

### *Role of the Chief Constable*

2.13 The operational independence of the police is a fundamental principle of British policing. We will protect absolutely that operational independence. Giving Chief Constables a clear line of accountability to directly elected Police and Crime Commissioners will not cut across their operational independence and duty to act without fear or favour. In fact Chief Constables will have greater professional freedom to take operational decisions to meet the priorities set for them by their local community – via their Commissioner. This will include being able to appoint all of their top management team.

### Specific responsibilities of Commissioners

2.14 We do not want to shackle Commissioners with reams of guidance and prescription on their role. Their local focus will be largely determined by the public. Set out below are some of the key responsibilities we intend all Commissioners to have and we welcome your views on these.

### *Local Policing*

2.15 Commissioners will have a clear responsibility for holding the Chief Constable to account to make sure that policing is available and responsive to communities. The work of neighbourhood policing teams to identify and meet the most local priorities in every community is a fundamental element of local policing, but local policing goes beyond that work; it is also the full service of response, investigation and problem solving across all communities. Effective local policing which provides the police with legitimacy and the confidence of their communities is essential for supporting the wider police mission of protecting the public from serious harms and threats.

2.16 The public need to see their police on their streets as much as they need to know their emergency call will be dealt with quickly. There is no 'one size fits all' model. Policing must vary according to the characteristics of different neighbourhoods. But neighbourhood teams need to be closely linked to other parts of local policing and other police functions, be part of

neighbourhood partnerships and neighbourhood management arrangements and engage with the community.

*Serious crime, protective services*

2.17 Crimes and criminals are not confined within force boundaries. Commissioners will be responsible for the full range of policing activity in which their Chief Constable and force engage and will need to look beyond their own force borders. They will need to balance local priorities and pressures with the cross boundary action, at national and regional level, also needed to secure operational efficiency. Chapter 4 sets out our approach to active cross-border collaboration. Commissioners will be under a strong duty to collaborate, in the interests of value for money and to tackle cross border, national and international crimes (such as fighting serious organised crime and terrorism).

*Wider community safety and criminal justice*

2.18 Policing cannot be effective if it is working in isolation. Chapter 5 sets out how policing needs to be delivered in partnership with the public, but also with key agencies at the local level and across the criminal justice system (CJS). Effective joint working with partners will be key to the success of Commissioners. Long-term strategies aimed at discouraging offenders from re-offending and preventing others from embarking on a life of crime rely on the work of other partners, providing access to justice, effective sentencing, punishment and rehabilitation of offenders, good education and activities for young people, drug and alcohol treatment, and action taken by local council and housing officers.

2.19 Commissioners will be enabled to play a considerable role in wider questions of community safety. We are considering creating enabling powers to bring together CSPs at the force level to deal with force wide community safety issues and giving Commissioners a role in commissioning community safety work.

2.20 The ability to deliver swift justice and reduce re-offending whilst delivering value for money for the CJS as a whole will be affected by the ability of the Commissioner and the rest of the CJS to work together effectively. The Government sees a potential future role for Commissioners in respect of the wider CJS as further reforms develop, but immediately we will look to place a reciprocal duty, albeit one that does not compromise the necessary independence of partners, on Commissioners and other criminal justice services to cooperate with each other. This will help ensure that the decisions each CJS partner takes on priorities and investment will take full account of the implications for colleagues. We will also explore how they can best work with Local Criminal Justice Boards.

*Value for money*

2.21 Commissioners will hold their police force to account for the money it spends and ensure that it delivers value for money for the public. A key responsibility of the Commissioner will be to:

- Report to the public in a transparent and open way how funding is being used;
- Hold forces to account for their local use of resources, including the use of any national arrangements for buying goods and services and making good use of nationally provided services; and
- Hold forces to account for their contribution to and use of collaboratively provided services within their region.

### *Diversity*

2.22 Engaging with the community requires a diverse workforce. Commissioners will be responsible for holding the Chief Constable to account for ensuring that their police force reflects the diversity of the population it serves. This is important in getting communities more involved in policing, ensuring the police can understand local communities' needs and to build trust and break down cultural barriers. This is essential for the public to report and help solve crimes. More than 25% of police officers are now female and BME representation stands at 4.4%, up from 2% in 1999. These figures are higher for PCSOs, standing at 44% and 11.5%.<sup>6</sup> We must ensure that much more progress is made with these changes – across the whole police service as well as local policing.

### *Devolved Government*

2.23 Responsibility for local government is devolved in Wales and we will be working closely with partners in Wales, including the Welsh Assembly Government, to ensure that there are checks and balances which make effective links to the different local government landscape in Wales. We want to ensure Commissioners and local government are empowered to make the decisions that work best for their local area.

### *London*

2.24 In London, the Metropolitan Police Authority will be abolished and the Greater London Authority will fulfil the scrutiny role discussed below. We are discussing with the Mayor of London and the Metropolitan Police Commissioner what further changes, if any, are needed in London to complement these reforms. In particular we need to ensure that any new arrangements reflect the Metropolitan Police Commissioner's wider national policing responsibilities.

### Checks and Balances

2.25 The public at the ballot box will be the ultimate judge of the success or failure of each Commissioner and how well they are serving their community. But the public need to have the right information to judge the Commissioner's performance and they need to know the Commissioner can be called to account with effective scrutiny and appropriate checks and balances, in particular at the local level.

### *Local Government and independent scrutiny*

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<sup>6</sup> R. Mulchandani and J. Sigurdsson Police Service Strength England and Wales, 31st March 2009, Home Office (2009) <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1309.pdf>

2.26 At the core of our proposals for appropriate checks and balances to the power of the new Police and Crime Commissioners is the establishment of a new Police and Crime Panel. This will ensure there is a robust overview role at force level and that decisions of the Police and Crime Commissioners are tested on behalf of the public on a regular basis. We will create Police and Crime Panels in each force area drawn from locally elected councillors from constituent wards and independent and lay members who will bring additional skills, experience and diversity to the discussions. We are clear that these relate to the Commissioner and not the force itself.

2.27 This Panel will be able to advise the Commissioner on their proposed policing plans and budget and consider progress at the end of each year outlined in a 'state of the force' report. If the Panel objects to the Commissioner's plans or budget they will be free, in the interests of transparency, to make their concerns public, or in cases of misconduct, to ask the Independent Police Complaints Commission (IPCC) to investigate the Commissioner. They will be able to summon the Commissioner to public hearings, take evidence from others on the work of the Commissioner, and see papers sent to the Commissioner as a matter of course except where they are operationally sensitive. They will hold confirmation hearings for the post of Chief Constable and be able to hold confirmation hearings for other appointments made by the Commissioner to his staff, but without having the power of veto. However, they will have a power to trigger a referendum on the policing precept recommended by the Commissioner.

#### *Scrutiny at neighbourhood beat meetings*

2.28 Neighbourhoods are the key level at which communities engage and are the building blocks of a Big Society. Police and Crime Commissioners will provide greater local accountability than ever before, but communities need a way of holding the police to account at the neighbourhood level. As set out in the coalition agreement we will require police forces to hold regular 'beat meetings' so that residents can hold them to account.

2.29 The term "beat meetings" conjures up an image of the same few people sitting around in a local hall. Police and Crime Commissioners will want to ensure that neighbourhood level engagement is inclusive and representative of the whole community. So they will be responsible for requiring that their forces' neighbourhood policing teams are having regular beat meetings at times and in places that are widely advertised, but also that they are taking an innovative approach to making the most of these meetings and other ways of engaging the full range of members of the public in diverse communities. For example, local police teams are already being encouraged to meet residents in supermarkets, old people's homes and schools – or online, via virtual beat meetings, Facebook or Twitter. And they are linking up with other services or prominent people in trusted voluntary or community groups such as neighbourhood managers - who are also engaging the public, to maximise the range of people they speak to.

2.30 Front line professionals need to be visible and available at times and in places where their communities can make their views known and assess

progress on their priorities, and Commissioners will provide a powerful new impetus and public voice in making this happen.

2.31 Local councillors, who are elected by every neighbourhood to represent their interests, will take a close interest in ensuring that Commissioners are securing effective policing for every neighbourhood in their area.

#### *Transparency*

2.32 For democratic accountability to be effective the public need independent transparent information on the performance of their Commissioner. When the public go to the ballot box to vote for their Commissioner, we want to ensure they have the full range of information available, so they can make their decision based on facts rather than anecdote and rumour. And we want to ensure that communities are able to engage properly with their Commissioner during their terms of office, so local policing plans will have a consultation phase with responses published.

2.33 The public must be able to see the performance of their police on crime, on antisocial behaviour and on how they spend the public's money. They must be able to compare this performance with how the police have performed in the past and how they are performing in relation to other neighbourhoods and forces.

2.34 From January 2011, we will ensure that crime data is published at a level which allows the public to see what is happening on their streets and neighbourhoods. We will require police forces to release this data in an open and standardised format that would enable third parties to create crime maps and other applications that help communities to engage and interact with their local police in a meaningful way. We will build on this over time to ensure that communities always have access to the most up to date and accurate picture of crime in their neighbourhoods. We will build on this over the next year by ensuring that the police are in a position to publish data more frequently than this, to bring the UK in line with best practice from other countries - some do so every week.

2.35 Across the public sector we are making changes to ensure that Government, and especially public spending, is transparent to the public, communities and businesses. As part of this we will make sure that police forces are providing information about how much of the taxpayer's money they receive and what they are doing with it.

2.36 We will also ensure that Police and Crime Commissioners – and their support teams - are subject to similar transparency arrangements. They will be subject to Freedom of Information requests, publish as default all papers and notifications of meetings, and all payments they make over £500 (in line with wider transparency arrangements for local government). They will also publish organograms and salaries of appointees of their small teams and establish a code of conduct (including gifts and hospitality). Policing Plans will need to be compliant with the Human Rights Act.

2.37 The Government will publish estimates of the cost of the elections and other aspects of the Commissioners policy in due course.

2.38 The Government will make proposals for the pay of Police and Crime Commissioners later in the year. These will reflect our focus on value for money and transparency, and take account of variation in force size and responsibilities.

#### *HMIC*

2.39 Her Majesty's Inspectorate of Constabulary (HMIC) will become a stronger advocate in the public interest, independent from the Government and the police service. We will ensure that HMIC has the powers to be able to undertake this critical role and strengthen the public's trust and confidence by providing them with objective and robust information on forces.

2.40 HMIC's role will be to work for the public to shine a light on policing outcomes and value for money locally and help them make informed judgements on how well Police and Crime Commissioners and their forces are performing in relation to local priorities and national obligations. It will do this through a light touch inspection regime and production of publicly accessible information and the publication of Value for Money Profiles providing comparative information on costs and outcomes. A more robust Inspectorate will not mean a return to unnecessary and burdensome regulation. Any inspection activity will need to be proportionate and add value.

#### *Checks and balances at the national level*

2.41 There are some issues of sufficient risk or national importance to warrant national oversight and requirement, and the Home Secretary intends to retain powers to ensure that these are dealt with effectively. These will include powers to ensure that events of national importance such as the Olympics are policed adequately and that the police service can provide an appropriate response to threats to national security or crisis. They will also include powers to ensure that our national policing capabilities and structures are used effectively to provide a proportionate response to future regional and national threats (both discussed in Chapter 4).

#### *Complaints and recall*

2.42 Police and Crime Panels and the IPCC will have a critical role in dealing with formal complaints against Commissioners. In the event of allegations of misconduct, we envisage that the Police and Crime Panels will receive complaints and will be able to refer them to the IPCC to investigate.

2.43 We will also introduce the power of recall in relation to Police and Crime Commissioners. Police and Crime Panels and the public may have a role in triggering the recall of Police and Crime Commissioners, but recall will only be used where the IPCC has ruled that serious misconduct has taken place.

2.44 If a Commissioner should resign or be unable to do their job, the Police and Crime Panels will be able to appoint an interim Commissioner until a by-election can be arranged or the Commissioner can return to the post.

**Consultation Questions:**

1. Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?

2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?

5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?



## Chapter 3: Removing Bureaucratic Accountability

3.1 Police officers should be crime fighters, not form writers. We have set out how we intend to replace bureaucratic accountability with democratic accountability. Police and Crime Commissioners are a crucial element of this but other changes are needed too. We need to move the responsibility for telling the police how they should do their jobs out of Whitehall and return it to Chief Constables, their staff and the communities they serve.

3.2 This second radical shift in power is already underway - from Whitehall to the police. Frontline officers and Police Community Support Officers (PCSOs) will be subject to less central bureaucracy so they can get on with the job of keeping the public safe. Currently, according to HMIC, only 11% of the police are visibly available to the public at any one time.<sup>7</sup> We need far more of them out on the streets, in communities, visible and available. We will stop officers filling in unnecessary forms, from 'stop' forms to data requests from central government. We want officers to focus on police work not paperwork and processes.

3.3 This will be achieved by:

- Ending Whitehall interference in policing – freeing the police from central control by removing Government targets, excessive centralised performance management and reviewing the data burden that is placed on forces – but ensuring that data is still available to local people;
- Reducing bureaucracy and promoting judgement – supporting professional responsibility and cutting red-tape;
- Ensuring that the leaders of the service take responsibility for keeping bureaucracy to a minimum at force level.

### Cutting the bureaucracy imposed by Whitehall on police forces

3.4 The Government will continue to have a role in setting the national strategic direction for the police, but it will have no role in telling the police how to do their job – that is for the police; or in holding them to account for how well they have done it – that is for the public and their Police and Crime Commissioner.

3.5 We have already removed the remaining Government-set target on police forces to improve public confidence. From now on it will be for communities to decide how well their force is doing. We have also removed the Government imposed Policing Pledge, which was often viewed as ten targets in disguise.

3.6 The increased provision of accurate and timely locally focused information to the public will be critical in empowering them to effect real change in their communities. We do not want to end up with a system where

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<sup>7</sup> Valuing the Police, HMIC, 2010, [http://www.hmic.gov.uk/SiteCollectionDocuments/Value%20for%20Money/VTP\\_NFS\\_20100720.pdf](http://www.hmic.gov.uk/SiteCollectionDocuments/Value%20for%20Money/VTP_NFS_20100720.pdf)

forces put out the minimum amount of data. Commissioners need to lead the way in ensuring that this is about showing the public the real figures; figures about what the public think matters locally, not what the force considers is important. HMIC will consider how to adapt their approach to shine a light on police performance on behalf of the public.

3.7 The previous Government not only adopted a centralist and top down approach to the police, but equally to partners across the criminal justice system and community safety world. Partnerships have focused on following prescriptive processes and targets set by Whitehall which have pulled them in different directions and prevented them from focusing on what matters locally. Chapter 5 sets out how we will remove some of this prescription so that public outcomes can be better achieved.

3.8 Over the years the amount of data central Government has collected to assess the police has piled up to the extent that it is getting in the way of common sense policing. It is important that crime data is recorded in a consistent way across the country so that the public can have trust in statistics and compare the performance of different forces. However, it does not all need to be reported on centrally. We will review the use of data for performance management, police assessment and public information so as to reduce bureaucracy and remove targets in disguise.

3.9 The public need to know that when they report crime to the police they will be taken seriously and that any information produced by the force, Commissioner or anyone else can be trusted. Objective information about forces on a standardised basis will be necessary as the public value comparable information, including as we set out earlier in relation to local crime data. We also want to explore how justice information can be made more transparent so the public can hold wider justice agencies to account.

3.10 This needs to be balanced with the need to reduce excessive recording and reporting arrangements that keep officers away from the front line. We will look again at the National Crime Recording Standard (NCRS) and how crime is recorded.

#### Reducing bureaucracy and promoting professional judgement

3.11 Too much police time is spent filling out forms and following procedures that are unnecessary and have come as a result of an overly risk averse culture. We want officers out on the streets fighting crime, but analysis shows the amount of time being spent on paperwork creeping up to 22% in 2007/08 with almost half of that not related to reported incidents. We want to restore professional judgement and discretion to the police. Whole shopping trolleys' worth of guidance is loaded onto the police during the course of a year. Whether this is guidance for officers on how to dress or 92 pages on how to ride a bike – this has to be reduced. Local police forces often think of better ways to do things but are prevented from making changes by strict guidelines. We will be ruthless in identifying those processes that are unnecessarily time-consuming for police officers and support staff. The police need to work with

partners across the criminal justice system to reform those CJS processes that generate bureaucracy for the police and vice versa.

3.12 By September, HMIC will have completed its analysis of how working practices and processes across the criminal justice system can be improved to reduce duplication and bureaucracy. We will look to its findings to identify specific measures to improve the efficiency of the processes necessary to get cases into and through the system and to deliver better outcomes for the public.

3.13 By the end of this year, we will scrap the national requirement for the 'stop' form in its entirety and reduce dramatically the burden of the stop and search procedures. We will also maximise the use of available technology to further reduce the paperwork in policing so that, for example, an officer will only need to record manually three pieces of information on a stop and search record.

3.14 We will take a close look at processes under the Regulation of Investigatory Powers Act (RIPA) and the Police and Criminal Evidence Act (PACE) to minimise the paperwork involved for police officers, balancing the importance of reducing unnecessary bureaucracy with the need for appropriate safeguards to protect the public from the improper use of some of these powers.

3.15 We will return decision making to police officers, which is why we are taking action to return charging decisions to officers for a broader range of summary offences and will roll this out from November 2010.

3.16 We will also remove barriers to a common sense approach to policing. This involves reforming those health and safety practices that underpin a risk aversion culture that can sometimes prevent police officers from intervening and protecting the public. Lord Young will publish his review of health and safety law and practice across the public sector, including policing, in September. Following on from this, we will work with our partners to ensure that police officers are able to get on and do their job unhindered by unnecessary regulation or practices. As a first step we will support the Health and Safety Executive to embed the approach taken by their guidance, *Striking The Balance*, which sets out a common sense approach to applying health and safety policy to policing, central to which is that police officers that do the right thing and put themselves in harm's way to keep the public safe should be properly recognised and supported.

3.17 These changes are the start of freeing the police to do their job - cutting crime and building confidence with the community they serve. We are keen to hear views on what else gets in the way of this.

#### Ensuring the leadership of the service takes responsibility

3.18 Not all bureaucracy is Government imposed. Much has been generated locally, sometimes as a result of the tendency to collect information and monitor it, even when no longer required to do so nationally or locally. Some

of it has been generated by national policing organisations, for example, ACPO and NPIA guidance. The service itself needs to examine its internal processes and doctrine which can lead to unnecessary bureaucracy. Action needs to be taken to challenge the culture of risk aversion that has developed in policing. Officers all too often collect information just in case it is needed rather than applying a common sense approach. This culture change will need to be supported and embedded by chief officers giving consistent messages to their forces about the information they need to collect and what is not needed. The police must be able to decide how incidents are dealt with and resolved and we will look to ACPO to show strong leadership in promoting and supporting the greater use of professional judgement by police officers and staff.

3.19 Police and Crime Commissioners will clearly have a role to play in getting the balance right between preserving the information and processes needed to focus on the public's priorities and removing anything that is inefficient or unnecessary.

3.20 Work will continue with Association of Chief Police Officers (ACPO) and IPCC to ensure that the revised misconduct and unsatisfactory performance procedures (introduced in December 2008) are used effectively. Those procedures enable local police managers to deal with public complaints, misconduct and poor performance in a less bureaucratic and adversarial way. They have helped shorten the timetable for dealing with cases and have placed more responsibility on local managers as part of their engagement with their neighbourhoods. In most serious misconduct cases, for example those which may lead to dismissal, they have reduced the time taken to hold officers to account.

**Consultation questions:**

7. Locally, what are examples of unnecessary bureaucracy within police forces and how can the service get rid of this?

8. How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?

9. What information should HMIC use to support a more proportionate approach to their 'public facing performance role', while reducing burdens and avoiding de-facto targets?

10. How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgement within a clear framework based around outcomes?

11. How can we share knowledge about policing techniques that cut crime without creating endless guidance?

## 4. A National Framework for Efficient Local Policing

4.1 Criminals do not stop at police force boundaries. The crime and ASB that play out in our communities and affect our businesses are often related to criminality and threats that start in another part of the country, or even another part of the world. So we need to ensure that we have the right resources in the right place to tackle this. For too long Government has tried to control nationally what is best done locally – but it has not done enough to support forces on issues that go beyond their area or to ensure that the right national capabilities are in place.

4.2 Police and Crime Commissioners will be focusing on holding their local police force to account for tackling crime and protecting the public. We need to ensure that local policing and Commissioners are supported by effective national arrangements. These arrangements need to support Commissioners to ensure their budgets are used to deliver the best possible outcomes and ensure that their local communities are kept safe from criminals who may operate across force or national boundaries.

4.3 Forces will need to find new ways of working that get the best possible value from their resources. By collaborating with other forces, they can make savings from back-office and support functions, and protect the public from serious and organised crime more effectively. And there are some things that need to be done just once, nationally.

4.4 This will be achieved by:

- Better **value for money in local policing** – ensuring sufficient officers and staff are available to the public at the times when they are needed most; and through a review of remuneration and conditions of service for police officers and staff.
- Better **collaboration between forces** to save money on back-office and operational support functions, and tackle serious and cross-boundary criminality more effectively.
- Simplifying national arrangements, including creating a **new National Crime Agency** that will lead the fight against organised crime, protect our borders and provide services best delivered at national level.

4.5 In all of this we want to secure the so-called “golden thread” of policing in this country - the connectivity from local, neighbourhood policing through protective services to international policing. Neighbourhood and local policing informs and supports operational activity to protect the public from serious threats, harms and risks. For example street drug dealing might be a neighbourhood policing priority, but it also provides intelligence about organised crime groups involved in drugs importation and supply. In recent years, community information has proven to be crucial in the countering of a number of terrorist plots and in assisting the police and its partner agencies in their investigations.

4.6 We are not going to create a much smaller number of “strategic forces” operating at regional level through compulsory mergers. The Government has considered and rejected this. Big is not necessarily beautiful or better value for money. British policing at its best is strongly grounded in local communities. The Government does not support the imposition of structural changes on local forces which will be seen by the public as creating vast and distant conglomerations, weakening their capacity to influence and hold to account those who keep them safe. Scarce resources in challenging times need to be focused on strengthening front line policing, not bankrolling controversial mergers with little public or political support. Any such changes would in any case take years to come to fruition, and in the meantime provide huge distraction for police leaders from their central mission of cutting crime and maximising value for money.

4.7 So we are not dramatically altering the force structure. But we are making clear that Chief Constables will be responsible for the totality of policing in their area, working with each other in collaboration and with the National Crime Agency, and held directly to account by the public through Police and Crime Commissioners.

#### Supporting better value for money in local policing

4.8 In order to maintain the service the public receives, we will make significant cuts to central Government and non-departmental public bodies. But the police will have to bear their fair share of the burden. The whole police service will need to show leadership about how to act professionally in more challenging economic circumstances. We need to make the most of every pound spent on policing to maintain and improve the quality of frontline service that the public receives.

4.9 The public want to know that crime and ASB is being dealt with in their neighbourhoods and that the police will be there for them when they need them.

4.10 Commissioners will be responsible for ensuring value for money at the local level and will want to ensure that their force is maximising all opportunities to drive effectiveness. We have for too long been focused on how many officers there are rather than looking at what they are being asked to do. Chief Officers have a clear role to ensure that the entire police workforce is more available than currently and more productive. Local communities will not accept a situation where only around a tenth of police officers are available on the streets at any one time. The police service will need to focus hard on improving this through better workforce management and organisation, and by looking critically at the roles being undertaken by officers in operational and business support functions and removing them from unnecessary administrative duties and routine tasks where their skills and powers are not properly used.

4.11 We should be using police staff for time-consuming functions previously performed by officers. For example, maintaining databases is not a good use of a sworn officer’s time. The job could be done by a specialist more

effectively and for considerably less money and will free the officer to spend more time on frontline policing. Forces could also consider using the private sector to provide certain services.

4.12 Evidence from the 14 forces engaged in the QUEST programme shows that the removal of wasteful elements of processes and resources across all areas of operational policing (including volume crime, neighbourhood policing and the CJS) as well as the back office business support function, can achieve significant productivity improvements and better outcomes for the public.

4.13 Forces will need to have a sophisticated understanding of local demand to ensure resources are deployed flexibly and effectively to match that demand, with shift patterns designed to maximise availability. This will reduce the need for spending on overtime across all areas of policing, which will be vital in reducing costs and maintaining service levels. And by maximising the use of available technology forces will be able to increase the time that officers spend on the streets, while saving taxpayers' money.

4.14 Individual forces can also play a role in reducing costs by encouraging greater involvement of the public and voluntary sector. Chapter 5 sets out how the police, and neighbourhood policing teams in particular, have a role in encouraging volunteering opportunities as police staff or special constables, taking part in joint patrols or in neighbourhood watch schemes which aim to deter crime.

4.15 HMIC will play a key role in highlighting for the public and Police and Crime Commissioners how local forces are making best use of their resources to meet local policing needs. It will produce publicly accessible information reflecting the priorities of the community, and Value for Money Profiles that provide rich comparative data enabling the public, Police and Crime Commissioners and chief officers to make detailed comparisons across force areas. HMIC will conduct Value for Money Inspections. These inspections will consider the value for money achieved by local activity; by the use of nationally provided contracts or services; and by collaborative work. Police and Crime Commissioners will be able to call upon HMIC to inspect their force or aspects of its work if they believe that the Chief Constable is unable to make sufficient progress on value for money.

4.16 We also want to spread information on which policing techniques are the most effective at cutting crime across the CJS. We would welcome your views on which agency is best placed to do this.

*Review of remuneration and conditions of service for officers and staff*

4.17 Expenditure on the workforce accounts for around 80% of police spending. It is therefore important to look carefully at these arrangements. We want to ensure that the remuneration and conditions of service for those that work in policing can support the delivery of an excellent service and provide the public with value for money. As part of the Coalition Programme, we have launched a full review of remuneration and conditions of service for



police officers and staff. We have made clear that the review will cover the arrangements for both officers and staff because it is important to look at the police workforce in the round. We will publish the terms of reference and membership of the review shortly.

4.18 The review will complement John Hutton's work on the Independent Public Service Pensions Commission, which will undertake a fundamental structural review of public service pension provision, including police officer and staff pensions. The Commission will make recommendations on how public service pensions can be made sustainable and affordable in the long-term, fair to both the workforce and the taxpayer, and ensure that they are consistent with the fiscal challenges ahead. The Commission will produce an interim report in September 2010, considering the case for short-term savings within the Spending Review 2010 period, consistent with the Government's commitment to protect those on low incomes. The Commission will produce a final report in time for Budget 2011.

#### A new approach to collaboration between forces

4.19 For policing functions that are not specifically local in nature, we need to strengthen the approach to how forces can collaborate together and with other partners in order to deliver these more efficiently and effectively. Police and Crime Commissioners will need to play a key role in making this happen across:

- a range of operational and back office support functions for which it is neither sensible nor affordable to adopt 43 different approaches; and
- frontline policing functions to protect the public from serious and cross boundary 'level 2' criminality<sup>8</sup> – these acute protective services (for example the investigation of major crimes such as homicides or dealing with organised crime gangs) can be delivered more efficiently and effectively.

4.20 This is not the same as mergers of forces – having police forces that are local, that the public can identify with and are responsive to their needs is an important principle of policing in England and Wales and one that we ought not to change. So, as stated above, we will not impose mergers on forces. We will consider requests for mergers only where they are voluntary, are supported by a robust business case and have community consent. Forces need to be looking at other options of enhanced collaboration as set out in this Chapter.

4.21 There are some areas where the current collaboration arrangements work well, for example around counter terrorism policing where we have regional and national structures which have enhanced the police service's capability. We think there are lessons to be learned here for other areas of

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<sup>8</sup> The National Intelligence Model (NIM) describes criminality as follows: Level 1 (local criminality that can be managed within a Basic Command Unit (BCU)), Level 2 (cross border issues, usually of organised criminals, major incident affecting more than one BCU), Level 3 (Serious crime, terrorism operating at a national or international level). Closing the Gap, HMIC (2005)

policing – specifically our response to organised crime, as recently highlighted by the Metropolitan Police Commissioner. For the most part though, the current collaboration arrangements can be extremely variable in demonstrating improved services or lower costs. In many areas, the governance and accountability arrangements are too weak and decisions over whether or not to collaborate are only reached after protracted debate and negotiation in which self-interest has been allowed to override the greater good.

4.22 Police and Crime Commissioners will cut through this bureaucracy and drive forward the collaborative effort in support of their Chief Officers. We will support them by introducing a strong duty to collaborate that will ensure that forces do this across the widest possible range of policing functions. This will support the police, both to reduce costs and to improve the protection of the public from serious and organised crime. It will enable decisions on collaborative ventures to be reached much more quickly than is currently the case, and will give greater democratic accountability to the delivery of collaborative policing functions. These functions are often less visible to the public, but no less important to their protection from harm locally.

4.23 In driving collaboration activity, we will expect Police and Crime Commissioners to hold their Chief Constables to account for:

- **meeting the professional standards for providing protective services set by ACPO**, including through collaboration, so that there is a minimum level of service on which the public can depend across the country, and sufficient consistency between forces so that, in times of crisis and emergency, they can still come together and operate effectively alongside each other;
- **determining the right group of forces to collaborate with**, taking account of existing collaborative infrastructures (for example those for counter-terrorism and for organised crime), providing greater consistency of approach and greater scale of opportunity;
- **identifying the elements of operational and business support services to collaborate on** in order to protect the public and deliver value for money. We would expect ACPO to provide a professional view on what these functions will be.

4.24 HMIC will assess decisions by individual forces and their Commissioners about where to collaborate with others and on the effectiveness of that collaboration in maintaining or improving services at a lower cost. We would expect HMIC to advise Government on the instances where forces and Commissioners have chosen not to collaborate where there are clear benefits for the wider police service. We will take steps to strengthen the current duty to collaborate in order that the Home Secretary can, when advised and it is in the national interest, direct forces to collaborate.

4.25 Within local areas and where it fits with the collaboration needed between forces, there may be opportunities to team up with other partners to provide some services. Collaboration at the neighbourhood level is already happening in some areas through neighbourhood management/partnership

approaches. Local collaboration could have the twin benefits of improving efficiency and partnership working. The private sector has the potential to play a key role in the provision of back office transactional services such as HR. We will also want to consider what other functions could be delivered through the private sector on behalf of groups of forces – such as custody facilities.

4.26 We will work with the police service to ensure that legislative opportunities are taken as soon as parliamentary time allows to reduce the bureaucracy relating to collaboration - by removing unnecessary regulations if necessary.

#### Simplifying the national arrangements

4.27 We want to support Police and Crime Commissioners with effective, clear and co-ordinated national arrangements. We want to improve, rationalise and bring coherence to the way things are done on what can be termed national level policing issues – encompassing both operational and operational support functions.

4.28 Our approach will involve ending the practice of procuring things in 43 different ways when it makes no sense to do so either operationally or financially; and introducing much stronger national coordination in respect of some cross-boundary operational policing challenges. We will also establish a new National Crime Agency to improve, in particular, our response to organised crime and enhance the security of our borders. As part of the streamlining of the national landscape, we will phase out the NPIA, reviewing how this is best achieved.

#### *An improved law enforcement response to organised crime*

4.29 Organised crime<sup>9</sup> causes significant harm to the UK and its interests, with social and economic costs to the country estimated at between £20 billion and £40 billion per year. Today's organised criminals are nimble, entrepreneurial and no respecters of local, regional or national boundaries. Some have a global reach. But the effects of their criminality are played out on our streets and in our communities on a daily basis.

4.30 Despite some improvements, and genuine successes against some criminal groups, our law enforcement response has lagged behind this threat. There are assessed to be around 38,000 individuals engaged in organised crime impacting on the UK, involving around 6,000 organised criminal groups. The harsh reality is that law enforcement is impacting on far too few of these criminals.

4.31 We will publish, later this year, a new overarching strategy for tackling organised crime from the very local to trans-national levels, which drives joined-up action by law enforcement and across Government, and raises public and private sector awareness. Ahead of that strategy, but in a move we see as being central to it, we are proposing an important change to the

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<sup>9</sup> Organised criminals are defined as “those involved, normally working with others, in continuing serious criminal activities for substantial profit, whether based in the UK or elsewhere”.

operational law enforcement landscape. We believe that we can have a more rational, better coordinated approach to organised crime than at present, providing a more effective and efficient response, and which can address the perceived lack of clarity and accountability in the current governance arrangements. Learning the lessons from our response to international terrorism, the intention is to link the responsibilities of local Chief Constables, and their Police and Crime Commissioners, with regional policing capabilities – under stronger national coordination and strategic direction.

#### *A National Crime Agency*

4.32 We will create a powerful new body of operational crime-fighters in the shape of a National Crime Agency. This should harness and build on the intelligence, analytical and enforcement capabilities of the existing Serious Organised Crime Agency (SOCA) and the Child Exploitation and Online Protection Centre. But the new Agency should better connect these capabilities to those within the police service, HM Revenue and Customs, the UK Border Agency and a range of other criminal justice partners.

4.33 We propose that the National Crime Agency will be led by a senior Chief Constable. It should be responsible for:

- **improving what we know about the threat from organised crime.** Building on existing work, we see the Agency having responsibility for mapping details of the individuals and organised crime groups operating in and against the UK. Its job will be to build a more comprehensive picture of actionable intelligence – the lifeblood of our response to the threat – subject to robust safeguards;
- **providing effective national tasking and coordination** of police assets. We see this as a logical extension of proposals already being developed by the UK’s law enforcement agencies to better coordinate the response to organised crime. In particular, we see the Agency bringing coherence to the activities of the range of what are presently uncoordinated regional policing capabilities.<sup>10</sup> The Agency will depend for its success on the effectiveness of these capabilities, but also on those within local police forces, with local identities, who have the trust and confidence of the local communities they serve. We are clear that our national safety and security begins with having safe and secure neighbourhoods. We see these new tasking and coordination arrangements being subject to an agreed, transparent operational protocol between chief constables and the new Agency;
- **ensuring more law enforcement activity takes place against more organised criminals, at reduced cost.** This means prioritising available resources in a more efficient and effective manner: targeting the most serious criminals for hard-edged enforcement but ensuring more lawful interventions take place to disrupt the activities of a much larger number of other criminals involved in organised crime groups – along the lines of the High Volume Operating Model devised by SOCA;

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<sup>10</sup> Made up of Regional Asset Recovery Teams; Regional Intelligence Units; and Regional Organised Crime Units.

- **strengthening our border policing arrangements**, to enhance our national security, improve immigration controls and improve our response to organised crime – most forms of which involve commodities, assets or people crossing the UK border at some point, in many cases illegally.

4.34 We envisage the new Agency being made up of a number of operational ‘commands’ under the leadership of the Chief Constable in charge – comprising, for example, an organised crime command; a border policing command; and (potentially) an operational support command. As explored below, there may also be other national issues for which responsibility could logically sit with the new Agency.

4.35 There will need to be clear, revised robust governance and accountability arrangements for the new National Crime Agency, recognising its intelligence-led operational focus. These will need to be more public facing than existing arrangements and must link to the important role which Police and Crime Commissioners will play in relation to individual police forces and collaborative ventures. We envisage, for example, Commissioners being under a duty to collaborate, not just with each other, but also with other bodies such as the new Agency. We recognise that it will be important for the public to have a clear line of sight in terms of the accountability of the new Agency, including its progress in achieving specific outcomes.

4.36 The establishment of a National Crime Agency and collaborative approaches would align with the work being led by ACPO to improve what is referred to as the ‘interoperability’ of the police service. In essence, this is about ensuring that different police units and personnel can work together seamlessly when required (such as in response to a terrorist incident; organised crime investigation; or large scale public event). For some distinct aspects of policing, this requires, for example, common standards of professional practice and equipment; compatible communications systems; and clarity about who is in charge of what.

4.37 Our starting proposition is that the focus of the new National Crime Agency should be on improving the operational response to organised crime and improving the security of our borders, since we judge these areas to be the most pressing in public protection terms.

4.38 But there are other cross-boundary crime challenges in which the new Agency might play an important role. For example, the Government has set out a commitment to strengthen the work of tackling serious economic crime, and we will consider how this would relate to a National Crime Agency. This will depend on the outcome of work on how to tackle economic crime. We will consider any possible implications for counter terrorist policing in due course and after full consultation. Counter terrorist policing already has effective national structures.

4.39 A large number of ‘national’ policing units have also emerged, over time, with a variety of responsibilities. The overall picture is now confusing and cluttered. And the public accountability for the activities of some of these

units is, at best, opaque. Some of these national units reside in individual forces (such as the Police Central e-Crime Unit within the Metropolitan Police Service). But a number of others come under the banner of ACPO – such as the Police National Information and Coordination Centre (PNICC), which is responsible for coordinating, when necessary, the national mobilisation of police resources. As ACPO repositions itself in a re-balanced tripartite, it may be that responsibility for some of the functions presently being carried out by these national units could be brought under the ambit of the National Crime Agency.

4.40 It is possible that – as we review the NPIA’s functions - some of them could also come under the ambit of the National Crime Agency, through establishing a distinct support command. But we would want to ensure that this did not detract from the new Agency’s operational focus. Over time, further additional responsibilities could be added.

4.41 The Strategic Defence and Security Review is currently considering organised crime within the context of the overall national security prioritisation process. The proposals outlined above will be developed in line with the Strategic Defence and Security Review and its consideration by the National Security Council consideration.

#### *Strengthening our borders*

4.42 The Coalition Programme for Government includes a commitment to establish a Border Police Force to enhance national security, improve immigration controls and crack down on the trafficking of people, wildlife, weapons and drugs. Currently, there are too many agencies working disjointedly on border controls and security which has led to gaps in process and communications, different lines of reporting and accountability, and no streamlined process, oversight or strategy about how goods and people move through checks and controls.

4.43 We propose that the Chief Constable who leads the National Crime Agency should be responsible for a Border Police Command. This new Command will work to a national strategy, including an assessment of risk and priorities and a programme of multi-agency operational activity. As part of these arrangements the new Command will have responsibility for coordinating and tasking those border enforcement operational staff who together will form the new Border Police capability. Legislative requirements will be taken as soon as parliamentary time allows. Steps to introduce the new arrangements on an incremental basis will commence immediately.

#### *The National Policing Improvement Agency*

4.44 The NPIA has done much to bring about welcome changes to policing. In particular it has acted as a catalyst for identifying areas for efficiency gains within forces, encouraging greater collaboration and identifying where economies of scale can be realised through national procurement frameworks. It has succeeded in the first stage of rationalising a number of different agencies responsible for supporting police forces. But now is the

right time to phase out the NPIA, reviewing its role and how this translates into a streamlined national landscape.

4.45 We will look at what aspects of the NPIA's functions are still needed and if so, how they might best be delivered in a new landscape, including alternative funding models. Some of its support functions are clearly critical to successful policing such as the provision of essential national police infrastructure, like central databases. We will look at options for how the NPIA's critical national infrastructure and value for money support functions are best taken forward. There might be an enhanced role for the Home Office in terms of the latter functions. Responsibility for the former could move to a distinct support command within the new National Crime Agency – provided that it did not detract from its operational focus.

4.46 We will work with the NPIA, wider police service and other partners and reach decisions about which of its functions should be delivered where, by the autumn this year. We envisage the NPIA being fully phased out by spring 2012.

4.47 We will seek to make the legislative changes to enable the creation of the new National Crime Agency as soon as parliamentary time allows. In doing so, we will work with the devolved administrations to establish the appropriate jurisdiction for the Agency. Our ambition is for the Agency to come fully into being by 2013, with key elements of its functions being operational before then as part of a transitional period.

*Driving a new national approach where it is needed*

4.48 As well as rationalising and strengthening some of our existing national assets through the establishment of the National Crime Agency, we need to develop new national approaches in a small number of instances where it is in the national interest to do so. This is not about fettering the judgement of Police and Crime Commissioners and Chief Constables locally in how they allocate resources to tackle local priorities – but instead about supporting them to get the best value for every pound spent.

4.49 The Government will therefore specify the contractual arrangements to be used by the police service to procure equipment and other goods and services. In many cases these will be arrangements put in place by central government, local government or other public bodies. In some cases where there is a need specific to the police service, where it will often be important to ensure the capability for inter-operability between forces, or no suitable contractual arrangements exist, new ones will be put in place.

4.50 A national approach is under way (the Information Systems Improvement Strategy) to ensure that the IT systems in all 43 forces can come together and 'talk to each other', that there are national arrangements for buying hardware and software and that there is a rationalised approach to IT support staff.

4.51 We will legislate at an early opportunity to ensure a coherent basis for the Home Secretary to specify procurement arrangements to be used by the police service, and to drive the convergence of IT systems. In the meantime, in order to ensure that savings are made as soon as possible, we will take forward proposals for regulations under existing legislation to specify certain contractual arrangements to be used by the Police Service. We are publishing a more detailed consultation alongside this one on the regulations for the mandation of goods and services.

4.52 In addition some policing functions can most sensibly be organised nationally. For example the police service is working to put in place a National Police Air Service. We will consider the case for further nationally organised services taking into account business planning being led by the police service.

*The Association of Chief Police Officers*

4.53 We want to professionalise the police at all levels. ACPO needs to play its role in this by repositioning itself as the national organisation responsible for providing the professional leadership for the police service, by taking the lead role on setting standards and sharing best practice across the range of police activities. ACPO's focus on professional standards means they should also play a leading role in leadership development, including some training programmes, while ensuring effective support and challenge from other providers. ACPO will continue to play a key role in advising Government, Police and Crime Commissioners and the Police Service on strategy, best practice and operational matters. Strategic policy will be set locally by Police and Crime Commissioners and nationally by the Government.

4.54 We will expect ACPO to play a leading role in ensuring that Chief Constables drive value for money, and have the capability to drive out costs in their forces. We will revoke the previous Government's planned creation of a Police Senior Appointments Panel.

4.55 ACPO itself recognises the need to increase its accountability for what it does and for the public funding it receives. It will need to have a governance structure which makes it accountable to those who fund it and have an elected mandate – both directly and indirectly – for policing; in short, the rebalanced Tripartite which will, in future, include a key role for Police and Crime Commissioners. We are working with ACPO to agree the most appropriate structure for achieving this, with accountability and transparency the key conditions.



**Consultation questions:**

12. What policing functions should be delivered between forces acting collaboratively?

13. What are the principal obstacles to collaboration between forces or with other partners and how they can they be addressed?

14. Are there functions which need greater national co-ordination or which would make sense to organise and run nationally (while still being delivered locally)?

15. How can the police service take advantage of private sector expertise to improve value for money, for example in operational support, or back office functions shared between several forces, or with other public sector providers?

16. Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?

17. What arrangements should be in place in future to ensure that there is a sufficient pool of chief officers available, in particular for the most challenging leadership roles in the police service? Is there a role for other providers to provide training?

18. How can we rapidly increase the capability within the police service to become more business-like, with police leaders taking on a more prominent role to help drive necessary cultural change in delivering sustainable business process improvement?

## Chapter 5. Tackling crime together

5.1 Replacing bureaucratic accountability with democratic accountability and strengthening national arrangements will help the police to cut crime. But it is not just the police who cut crime. The whole criminal justice system (CJS) needs to work together effectively to reduce crime – bringing offenders to justice, ensuring fair and proportionate justice, supporting victims and witnesses and preventing offending and re-offending. Even more than this it is not just the state that can cut crime. The role of the public has been clear since Sir Robert Peel stated ‘the police are the public and the public are the police’. Individuals and neighbourhoods with active citizens can help prevent crime and ASB and help the police to keep their area safe. But for too long Government has tried to impose services on communities, stifling local action and activism.

5.2 Public cooperation – not just passive consent - is essential for the police to do their job. We want to restore confidence in policing so more people get involved. More people providing information, ready to act as witnesses and confident that they will be supported when they stand up against ASB will help police cut crime.

5.3 Over the coming years we will have forged a partnership between people and police - on the one hand freeing up the police from the bureaucracy and targets that choke real localism, and on the other hand providing the incentives, training and encouragement for people from all walks of life to help to police their own communities. In partnership with criminal justice partners, we will have implemented radical reforms across the criminal justice system which - as with policing – will be focused more on the needs of local communities rather than on Whitehall. We will enable organisations to work together on rehabilitation to cut re-offending rather than being pulled apart by conflicting national targets and initiatives. We will have helped partners to work together with a focus on outcomes not processes. These reforms will have rebuilt public confidence in the criminal justice system, with people more able and willing to play an active role themselves as part of a Big Society.

5.4 We will achieve this by:

- enabling and encouraging people to get involved and mobilising neighbourhood activists;
- developing and implementing a radical CJS reform strategy;
- stripping away unnecessary prescription and bureaucracy in the partnership landscape.

### Enabling and encouraging people to get involved and mobilising neighbourhood activists

5.5 A key part of these reforms is increasing community involvement and promoting greater individual responsibility for keeping neighbourhoods safe.

Many of the services which will be involved in developing this new approach are devolved. We will need to work closely with the Welsh Assembly Government to see how our plans and theirs can come together.

5.6 Our focus will be on empowering individuals and communities not simply to be able to hold agencies to account, but also to underline that crime prevention is a shared responsibility. Solutions to local problems are often best found within communities, and drawing back the state will allow neighbourhood activists and groups to come forward and play their full role. We will provide greater opportunities for community activism and involvement through:

- Giving communities more power;
- Encouraging people to take an active role in their communities;
- Transferring power from central to local government;
- Supporting co-ops, mutuals and social enterprises; and
- Publishing Government data.

5.7 Doing these things, focusing more on what local people say they want rather than what Whitehall decides, will increase people's confidence in the criminal justice system. And this in turn is important if more people are to get involved and to support positive social norms in their communities. People need to trust the police and have confidence that action will be taken by the courts if they are going to play their part and report crime or give evidence. People need to feel safe in their streets and know that the police, housing associations and local councils will be there for them, if they are to come together as communities to solve problems such as youth crime or ASB.

5.8 Neighbourhoods are the key building block for the Big Society; they are where people engage and where frontline services are delivered. Neighbourhood policing teams have a crucial role to play in mobilising community involvement. Through being available, asking people what their concerns are, resolving them and telling people what they have done, neighbourhood policing has been important in increasing the confidence of their communities. And by being dedicated to neighbourhoods, officers and PCSOs can build the trust of communities so they can come forward and help the police detect and enforce crimes, often very serious ones.

5.9 We will promote the range of ways that citizens can get involved in keeping their neighbourhoods safe and encourage them to do so. A key step will be making it easier to access the police and report crime and ASB. We will look for a cost effective way of establishing the number '101' as a single national police non-emergency number for reporting crime and ASB. Over time, this would enable local partners to join up with the police to provide even more streamlined access and efficient services for the public according to local needs and local priorities.

5.10 Across the country, we want to support more active citizens: taking part in joint patrols with the police, looking out for their neighbours and passing on safety tips as part of Neighbourhood Watch groups or as Community Crime Fighters. More people will be advising the police as members of youth independent advisory groups, coming together as communities to sign

neighbourhood agreements which set out the local commitments of services and communities to tackle crime and ASB, having more of a say in how money is spent (participatory budgeting) and in how offenders make amends (community restorative justice). And people are volunteering more formally across the whole criminal justice and community safety spectrum – as special constables, magistrates, police cadets and victim support volunteers to name but a few.

5.11 By volunteering their free time, special constables and other police volunteers provide a tangible way for citizens to make a difference in their communities. They have a long history within the police. The number peaked at over 67,000 in the 1950s, but fell to around 24,000 in 1974 and 11,000 in 2004, although it has climbed to 15,000 today.

5.12 We want to see more special constables and explore new ideas to help unlock the potential of police volunteers in the workforce, for example as police ‘reservists’. They are a clear manifestation of the Big Society in action, demonstrating the role which individuals and communities have in helping to fight and prevent crime. As well as adding resilience, greater involvement of specials and volunteers will help open up the police service to a more diverse group of people with different skills and life experience.

5.13 We also want to support organisations that can and do make a difference to communities and not just rely on Government as the sole provider. We will work with the Office for Civil Society (in England) to develop a way forward with the voluntary and community sector, including mutuals, co-operatives, charities and social enterprises. We will encourage English forces to sign up to local compacts between themselves and the voluntary sector, which set out some key principles about how they work with each other.

5.14 Later this year, we will publish a new crime strategy, which will set out in greater detail how the approach to preventing and reducing crime will be reshaped in the Big Society.

#### Developing and implementing a radical CJS reform strategy

5.15 The Government is committed to devolving responsibility across the criminal justice partners as a whole. The CJS is currently too remote from communities, lacks transparency, and is not accountable to the public or sufficiently focused on the needs of victims. There is also work needed across the system to reduce waste and free professionals from central guidance and targets so they can focus on cutting crime and rebuilding confidence in the system. We will provide incentives, paying by results and ensuring that value for money and an understanding of the best evidence available underpins everything we do. This will include:

- A new approach to cutting crime, including a new approach to youth crime, tackling ASB – including more active citizenship and voluntary sector involvement - and effectively addressing the link between drugs, alcohol and crime;

- Police reform, as set out in this document, moving from bureaucratic to democratic accountability and passing power and judgement to the local level;
- Sentencing reform to ensure that it is effective in deterring crime, protecting the public, punishing offenders and particularly cutting re-offending;
- Developing a new approach to the rehabilitation of offenders, so that the public are protected, victims receive restitution and offenders are punished whilst being given the opportunity to turn their lives around. We want to create the right incentives for agencies to rehabilitate offenders and stimulate innovation by opening up the market to the private and not-for-profit sectors. Our vision is that all sentences, whether in prison or in the community, should not only punish, but also involve education, hard work and change, so that offenders can integrate into their communities more effectively than when they entered the criminal justice system;
- Reviewing the prison estate's contribution to rehabilitation and reducing reoffending and developing a sustainable and cost effective prison capacity strategy as part of the Spending Review.

5.16 Working closely with criminal justice agencies, we will ensure that the system is more coherent, accessible and transparent to the public. The CJS must reinforce responsibility and ensure that offending always has consequences that are visible to the law-abiding majority.

5.17 This cannot go on being a system where half of the police, the first (and often the only) representatives of the system most people will encounter, say they would speak critically of it. It needs to be a system in which communities and professionals alike take pride, where we are united with a common cause and shared values. We need to make sure we are making the most out of everyone who can help cut crime; with partners across the criminal justice and community safety world working together to focus on local communities and with those local communities playing an important role themselves.

#### Removing unnecessary central prescription around local partnerships

5.18 The police have a long history of partnership working. A range of statutory and non-statutory partnerships covering community safety and criminal justice which involve the police have developed over the last 13 years. These operate at different geographical levels but have some overlap in roles and remits, causing confusion about respective roles and bureaucracy that restricts their ability to work together effectively.

5.19 Effective partnership working will be particularly important as agencies work to offer a better service within tightening resources. The criminal justice system will be more effective if those that work within it are free to develop their own structures which will enable them to respond to different local circumstances, expectations and priorities.

5.20 CSPs and other local partnerships have played a strong role in preventing crime, and we want them to continue to do so. But we intend to

free local partners up as much as possible. We do not intend to simply re-draw the landscape in a different, yet still prescriptive way, but we will make the most of what works well, and leave as much local freedom as possible. Local people should have more say over the way that services are provided. We want local solutions to local problems. We will strip away unnecessary prescription and bureaucracy by repealing some of the regulations for CSPs, whilst retaining the helpful core statutory duty on those key partners to work together. We want your views on how best to achieve this. The Government has already stripped away the myriad of targets on Local Criminal Justice Boards thereby allowing them to focus on local issues.

5.21 Whilst policing and crime are non-devolved matters, many of the factors that can influence levels of offending and criminality – health, substance misuse, education and housing – are matters for which responsibility in Wales is devolved to the Welsh Assembly Government. In addition, three of the six CSP statutory partners – Local Authorities, Local Health Boards and Fire and Rescue – are devolved in Wales. We will work closely with the Welsh Assembly Government and partners in Wales to free partners from bureaucracy and enable locally determined partnership arrangements.

**Consultations questions:**

19. What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?

20. How can the Government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?

21. What more can central Government do to make the criminal justice system more efficient?

22. What prescriptions from Government get in the way of effective local partnership working?

23. What else needs to be done to simplify and improve community safety and criminal justice work locally?

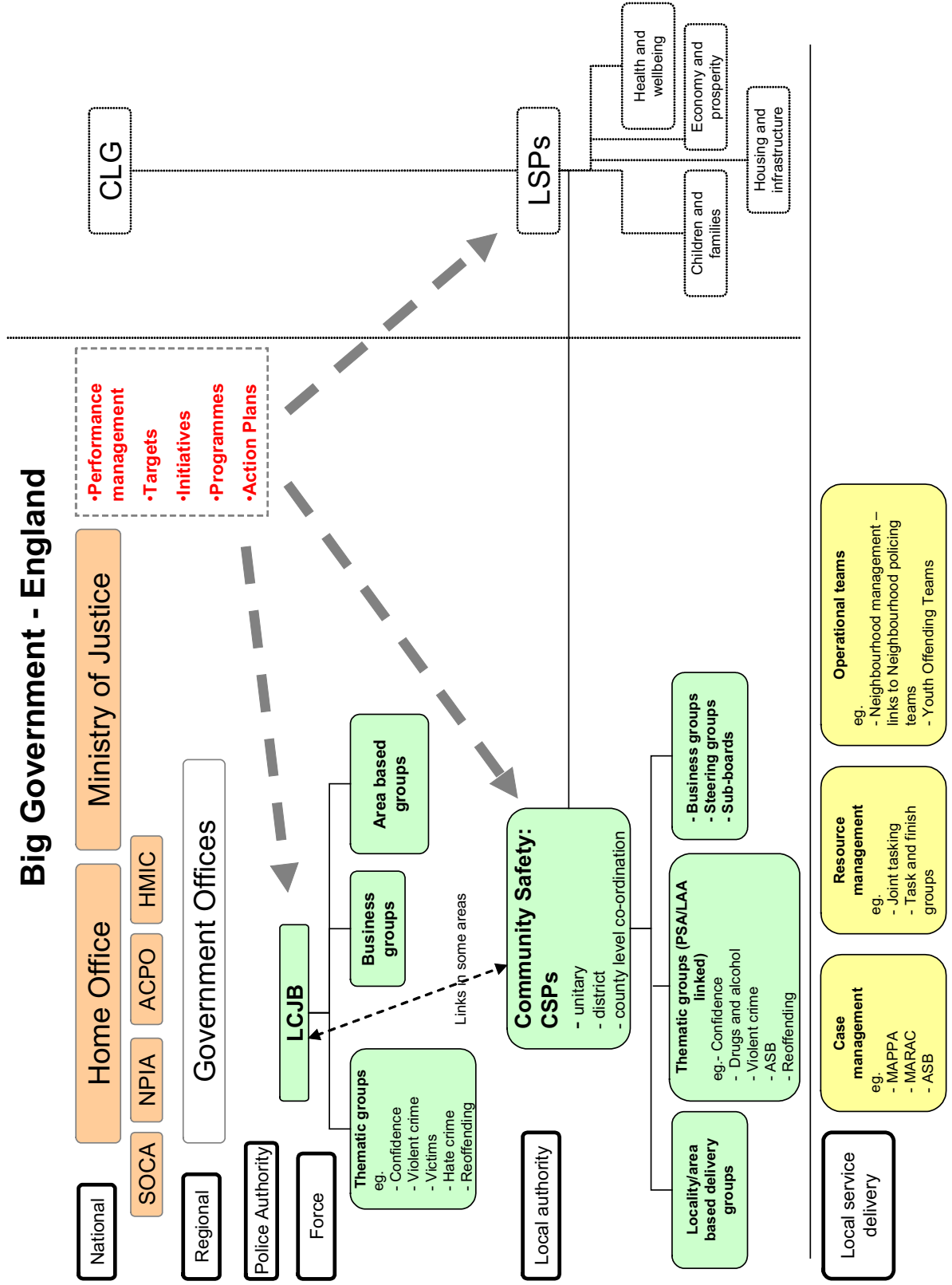


**Table 1: New roles for key individuals and organisations**

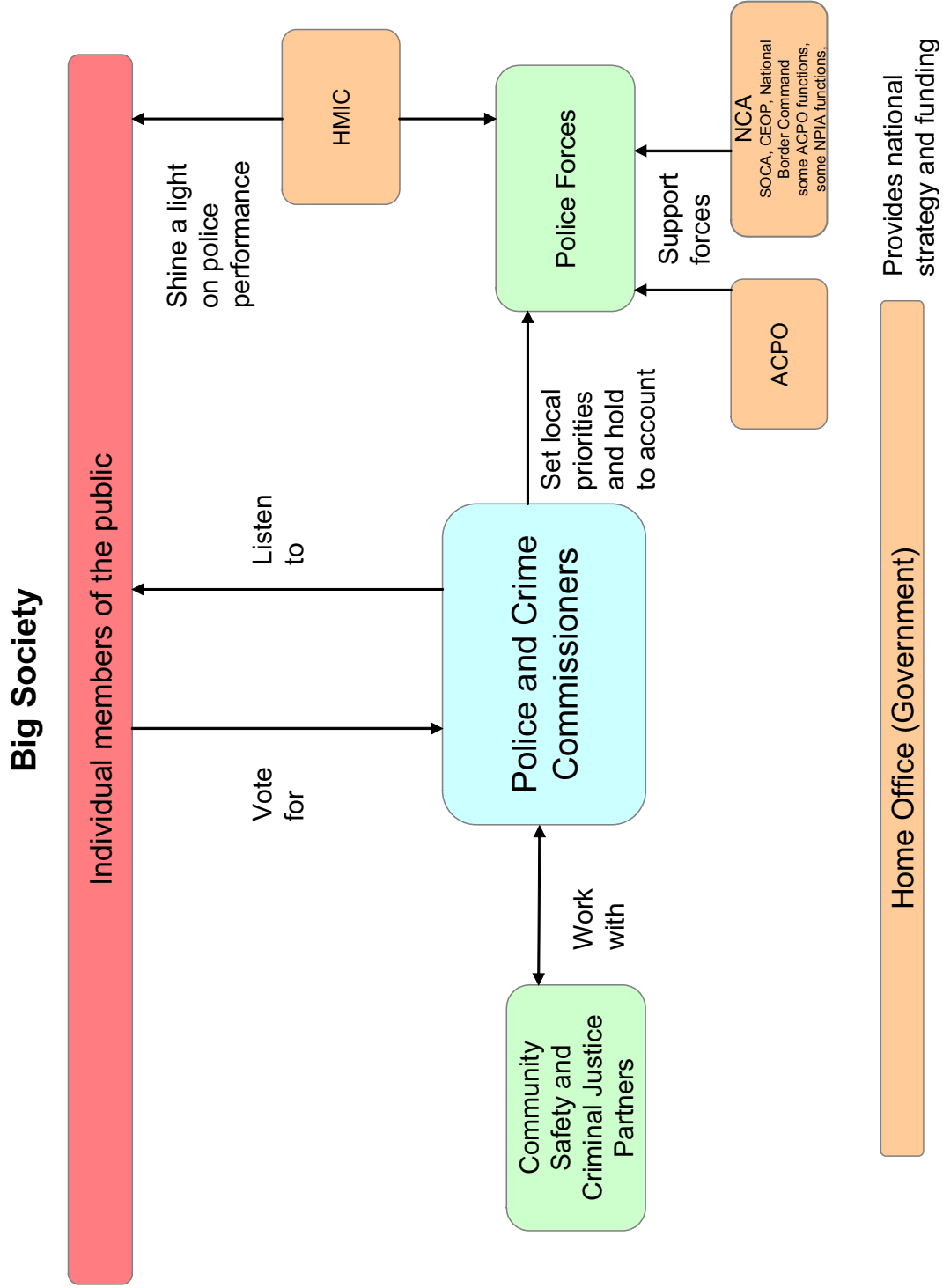
<p><b>Police and Crime Commissioners</b></p>	<p>Will be powerful representatives of the public in policing with a clear mandate. They will represent and engage with the public, set local policing priorities, agree a local strategic plan, hold the Chief Constable to account set the force budget and precept, appoint the Chief Constable and where necessary dismiss the Chief Constable.</p>
<p><b>Police and Crime Panels</b></p>	<p>Will, ensure there is a robust overview role at force level and that decisions of the Police and Crime Commissioners are tested on behalf of the public on a regular basis. They will be made up of locally elected councillors from constituent wards and independent and lay members who will bring additional skills, experience and diversity to the discussions</p> <p>They will hold confirmation hearings for the post of Chief Constable and be able to hold confirmation hearings for other appointments made by the Commissioner to his staff, but without having the power of veto. However, they will have a power to trigger a referendum on the policing precept recommended by the Commissioner.</p>
<p><b>Community Safety Partnerships (CSPs)</b></p>	<p>These partnerships bring together the various agencies with responsibility for community safety. By repealing some of the regulations for CSPs, and leaving the helpful core statutory duty on those key partners to work together, CSPs will have the flexibility to decide how best to deliver for their communities. We are considering creating enabling powers to bring together CSPs at the force level to deal with force wide community safety issues and giving Commissioners a role in commissioning community safety work. In Wales, we will work with the Welsh Assembly Government to agree what changes are needed.</p>
<p><b>Association of Chief Police Officers (ACPO)</b></p>	<p>Will become the national organisation responsible for providing the professional leadership for the police service, by taking the lead role on setting standards and sharing best practice across the range of police activities. It will also play a leading role in ensuring that Chief Constables drive value for money. It will be expected to show strong leadership in promoting and supporting the greater use of professional judgement by police officers and staff. It will have a governance structure which will include a key role for Police and Crime Commissioners.</p>
<p><b>National Crime Agency</b></p>	<p>Will lead the fight against organised crime and the protection of our borders. It will harness and exploit the intelligence, analytical and enforcement capabilities of the existing Serious Organised Crime Agency (SOCA), but better connect these capabilities to those within the police service, HM Revenue and Customs, the UK Border Agency and a range of other criminal justice partners.</p> <p>The Agency will be led by a senior Chief Constable and encompass a number of 'commands', including:</p> <ul style="list-style-type: none"> <li>• Organised crime - responsible for improving what we know</li> </ul>

	<p>about the threat from organised crime; providing effective national tasking and coordination; and ensuring more law enforcement activity takes place against more organised criminals at reduced cost.</p> <ul style="list-style-type: none"> <li>• Border Policing – responsible for coordinating and tasking border enforcement operational staff, working to a national strategy, including an assessment of risks and priorities</li> </ul> <p>The Agency may also take responsibility for other national policing functions, including some of those presently carried out by the National Policing Improvement Agency, which will be phased out.</p> <p>The Agency will be subject to robust governance arrangements, which will link to the role played by Police and Crime Commissioners.</p>
<p><b>Her Majesty's Inspectorate of Constabulary (HMIC)</b></p>	<p>Will be a strong independent Inspectorate, which through light touch inspection regimes will provide the public with objective and robust information on policing outcomes and value for money locally to help them make informed judgements on how well Police and Crime Commissioners and their forces are performing. They will advise the Home Secretary where it is in the national interest to direct forces to collaborate.</p>
<p><b>Independent Police Complaints Commission (IPCC)</b></p>	<p>Will investigate complaints about the misconduct of Commissioners and be able to trigger recall. Will support the police to learn lessons and deliver a better service to the public.</p>

**Diagram 1: What the policing landscape looks like now**



**Diagram 2: What the policing landscape will look like in the future**



## **Consultation text**

### **Scope of the consultation**

- Topic of this consultation:** This document sets the Government's vision for policing; how it will cut crime and protect the public, be more directly accountable to the public, offer value for money – all through greater collaboration, the introduction of Police and Crime Commissioners, less Government intervention and bureaucracy and more professional responsibility and judgement and a new policing and partnership landscape.
- Scope of this consultation:** The elements of this consultation can broadly be divided into two parts. The first are specific commitments already made in the Coalition Agreement where the Government is not consulting on whether they should happen, but how best they can be implemented. The second are broader areas where the Government is asking for views on whether and how to achieve its aims. Where possible this consultation follows the Code of Practice on Consultation.
- Geographical scope:** Policy on policing and criminal justice partners covers both England and Wales. Other important partners in preventing crime, such as local authorities, health and education, are devolved in Wales. We will work with the other devolved administrations to establish the appropriate jurisdiction for the National Crime Agency.
- Impact assessment (IA):** To assist us in complying with the Coalition Government's regulation requirements this document is intended to stimulate discussion and elicit views both from those likely to be affected and any interested stakeholders. Any legislative provisions brought forward following this consultation will be accompanied by a fully developed and robust Impact Assessment measuring the impact on the public, private and third sectors.

### **Basic Information**

- To:** We would like to hear from anyone who has an interest in policing and community safety.
- Duration:** The consultation starts on 26 July 2010 and ends on 20 September 2010 (8 weeks).
- Enquiries:** Home Office  
Police and Crime Communications  
6<sup>th</sup> Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
[CPGcommunications@Homeoffice.gsi.gov.uk](mailto:CPGcommunications@Homeoffice.gsi.gov.uk).

**How to respond:  
Additional ways to become involved:**

You can respond online at:

<http://www.homeoffice.gov.uk/policingconsultation>

This will be an online consultation exercise. A PDF consultation document will also be available to download online.

Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.

**After the consultation:**

The first step is for the consultation responses that are relevant to the legislation in the Police Reform and Social Responsibility Bill to be considered before the Bill's introduction in autumn 2010. The second step is that the responses to the wider elements of consultation will be summarised, and considered as part of further policy development.

### Responses: Confidentiality and Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

### Alternative formats

We will both offer, and provide on request, these formats under the Disability Act.

### Consultation criteria

Where possible the Consultation follows the Code of Practice on Consultation – the criteria for which are set out below.

***Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.***

***Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.***

***Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.***

***Criterion 4 – Accessibility of consultation exercises – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.***

**Criterion 5 – The burden of consultation – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees’ buy-in to the process is to be obtained.**

**Criterion 6 – Responsiveness of consultation exercises – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.**

**Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.**

The full Code of Practice on Consultation is available at:

<http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

#### Consultation Co-ordinator

If you have a complaint or comment about the Home Office’s approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence. Please DO NOT send your response to this consultation to Nigel Lawrence. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at: [Nigel.Lawrence@homeoffice.gsi.gov.uk](mailto:Nigel.Lawrence@homeoffice.gsi.gov.uk) or alternatively write to him at:

Nigel Lawrence, Consultation Co-ordinator  
Home Office  
Performance and Delivery Unit  
Better Regulation Team  
3<sup>rd</sup> Floor Seacole  
2 Marsham Street  
London  
SW1P 4DF



## **IMPROVING POLICE ACCOUNTABILITY: THE LGA PROPOSAL**

### **Introduction**

The police need to be accountable to the public they serve, and that accountability needs to be strengthened. However, introducing directly elected individuals to oversee the police is not, in the LGA's view, the best way to strengthen police accountability. In fact we believe directly elected individuals will weaken the ability of the police, councils and other public services in the fundamental objective of cutting crime. In particular we are concerned this model will:

- Fragment local partnerships which are vital in reducing crime and anti-social behaviour as competing manifesto commitments pull councils and the police in different directions;
- Make a place-based budgeting approach, which is key in driving out savings and improving services, more difficult;
- Increase the possibility that responsibility is passed between public agencies for failures to reduce crime;
- Divert resources from important, but less visible police activity, such as tackling serious and organised crime and violent extremism; and,
- Use scarce resources on servicing elected officials at the expense of frontline staff.

**The LGA believes a more efficient and cost effective way of increasing police accountability would be to reintegrate police accountability structures with local government. This would enhance and strengthen partnerships, provide the public with a greater say in policing and ensures that every penny can be used for frontline policing.**

### **What does strengthening accountability involve?**

For an organisation to be truly accountable, accountability needs to be embedded throughout the organisation at all levels, both in structures and culture. The public most want to have a say in what the police do and challenge how they do it at a street and neighbourhood level. But in order to keep our communities safe the police operate at a number of interrelated levels, both in terms of tackling criminality and

geographically - from the very local issues such as dealing with anti-social behaviour through to more serious crimes such as human and drugs trafficking, through to counter terrorism. The police therefore need to be accountable at each level: from the street and neighbourhood level, to ward level, to district and borough level, to city level, through to police force and combined police force levels.

In a number of forces around the country this accountability from the street to the force level and beyond already exists. The challenge is how this good practice can be formalised, fully integrated into place-based local government approaches, and replicated everywhere. It is no longer good enough to rely on local practice and willingness, as mechanisms need to be more visible and transparent to the public so they can press for appropriate action if necessary.

## **Providing greater local police accountability**

### *Street and ward level accountability*

The public's greatest appetite for having a say on what the police do, and challenging how they do it, is at the street and neighbourhood level. People are most interested in the crime and anti-social behaviour issues in the area immediately around their home and in neighbouring streets, and want to know what is being done to tackle it.

Visible and accessible neighbourhood policing teams are already in place to deal specifically with these issues. In many places they are also working in close partnership with councillors and councils to make the communities they serve safer. **Timely and relevant information in person from police officers and PCSOs or councillors, contact with local residents (for example through neighbourhood watch or tenants' associations), along with letters and newsletters** informing people of what is being done about specific issues would ensure a close connection with and challenge from local people.

At a ward level the local partnerships of neighbourhood policing teams (and on occasion the neighbourhood policing inspector for the area) and councillors can also deal with the more persistent or widespread local issues that may affect several streets or neighbourhoods or a village. **Regular beat meetings involving representatives from all relevant public services, in conjunction with up-to-date local crime information**, would enable the public to hold the local agencies tasked with cutting crime to account.

### City district accountability

Within the larger cities, more serious local crime issues such as tackling drug dealing and alcohol-related crime, are often dealt with at a district or area committee level. Police involvement at this level is usually led by inspectors through local non-statutory partnerships or operational task groups, which sit underneath the Community Safety Partnership (CSP).

Where there is an area or district committee this already provides a forum for the public either directly or through their councillors to hold the police to account. They are regularly attended by the appropriate police personnel, most usually the local inspector, and discuss local crime issues. The public can - and do - attend and ask questions of the police and council.

### District council and small unitary authority CSP accountability

More serious local issues and crime including licensing and youth work are dealt with at an authority level in district councils and small unitary authorities. Activity to prevent and tackle crime is driven by their CSPs. Typically police involvement in these CSPs is provided by inspectors or Basic Command Unit (BCU) or divisional commanders.

Although the public are generally less interested in engaging at this level of decision-making, in order to provide greater checks and balances on the police and greater transparency to the public, we believe district council and smaller unitary authority CSPs should move from being an officer level group to having greater elected representative involvement. This can be achieved by ensuring that the **CSP is chaired by a member of the council's executive, usually the portfolio holder with responsibility for community safety.**

Greater integration of the police with councils at a management level would help improve crime reduction performance, increase their connections with other public services and strengthen accountability. There are already a number of examples of good practice of **integrating police officers into local authority corporate management teams.** But there also needs to be strong working at the political level with the appropriate **police personnel regularly attending the council's cabinet meetings – alongside the council's portfolio holder for community safety** - to answer questions on performance, to look at the force's budget proposals alongside those of the council and to work with councillors to decide how to meet public expectations. Further integration might include giving the council a role in the appointment of the inspector, or BCU or divisional commander.

The public can challenge the police and seek redress through cabinet meetings and crime and disorder overview and scrutiny committees where they are able to attend and ask questions, and through the use of Councillor Calls for Action. This could be further strengthened by the **co-option of voluntary and business sector, faith community, and neighbourhood watch representatives onto the overview and scrutiny committee** to ensure a whole systems approach of examining an issue where many partners play a role.

#### City, metropolitan district, and large unitary council accountability

In city, metropolitan district and large unitary councils, crime and community safety issues, such as gun and gang crime and prostitution, are also dealt with by CSPs. Typically, police involvement in these CSPs is provided by BCU or divisional commanders or other senior staff officers.

As outlined in relation to district councils we believe that the CSP should be chaired by a member of the council's executive, usually the portfolio holder with responsibility for community safety. We also believe there should be greater integration of police officers into council corporate management teams so that they regularly participate in executive meetings. As with the district level CSPs there could also be a role for the council in the appointment of the BCU or divisional commanders they work with. Again challenge and redress can be provided not only through the executive, but also through the overview and scrutiny committee responsible for crime and disorder matters, which could also be strengthened by co-option from interested groups such as Community Empowerment Networks, local associations and individuals.

#### Force level accountability

At force level, chief constables and their senior officers are responsible with partners for managing the force, developing strategic plans, and prioritisation of force-wide issues. We believe that partnership working at this level would be best facilitated **by reintegrating police accountability into council structures**. This would:

- provide democratic accountability;
- be cost effective;
- require only minimal legislative changes;
- enhance and strengthen partnership arrangements;
- drive out duplicate spending; and
- deliver efficiency savings.

In 32 police forces we propose the establishment of new **Local Government Policing Executives** to replace police authorities. Upper-tier councils in these 32 forces would appoint two **policing champions** for their authorities. Directly elected mayors could also take on this role. The policing champions would then be their council's representatives on the Local Government Policing Executive.

The Policing Executives' functions would be similar to those currently accorded to police authorities: appointing and dismissing the chief constable and other senior police officers, establishing the priorities for the force, agreeing strategic policing plans and setting the police precept and the police force budget. A continued role for councillors in setting the police precept will preserve a critical link to local authorities and their budgets.

The size of the Policing Executives would depend on the number of principal authorities in the police force area, with equal representation irrespective of size of an upper-tier authority's population. This means the Executives would range from 4-20 members in size. The Executives could also be required to reflect the overall political balance across the authorities involved. The policing champions would be responsible for all policing activity in their areas, ensuring a good connection between local and force-wide issues.

The Local Government Policing Executives would be held to account and scrutinised by a nominated **joint policing overview and scrutiny committee drawn from the upper-tier authorities in the area**. These committees would be open to the public and allow questioning of the policing champions.

The size of the committee would be for the member authorities to agree, with the number of members nominated by each authority reflecting their population sizes. In order to ensure robust and effective scrutiny of the Policing Executives the membership of the committee would also have to reflect the overall political balance across the authorities involved. If necessary, the chair of the joint policing overview and scrutiny committee would be an opposition councillor. The committees, like other local authority committees would be able to strengthen further the scrutiny they provide by co-opting independent members to provide additional skills or local knowledge, and to ensure the interests of groups such as minority and ethnic and faith communities or the business sector were taken into account.

In local authorities, checks and balances on the Policing Executive are provided by overview and scrutiny committees and full council. To replicate this, **joint policing overview and scrutiny committees** would:

- make proposals to the Policing Executive;
- require the chief constable and other police officers to attend joint committee meetings to give evidence;
- approve the Policing Executive's draft budget for the force, with amendments requiring the agreement of at least 60% of the joint committee members voting.
- approve the Policing Executive's appointments of the force's chief officers, including the chief constable, through confirmation hearings.

In nine English forces (Cumbria, Hertfordshire, Gloucestershire, Lincolnshire, Norfolk, Northamptonshire, Suffolk, Surrey and Warwickshire) where there is just one principal authority – the county council – **the two county policing champions would form the Local Government Policing Executive** on their own. This structure would also facilitate even greater integration of police and council activity as the chief constable would be able to sit as part of the council's senior management team.

These two member Local Government Policing Executives would also be held to account by a joint policing overview and scrutiny committee. This would be formed by councillors from the county and districts in the county's area. Membership of the committee would have to reflect the overall political balance across the county and district councils, with the chair drawn from the largest opposition group on the county council.

#### Cross force accountability

Chief constables regularly liaise and meet with their counterparts in other forces to discuss serious or organised crime and counter-terrorism issues that cross force boundaries, or to seek assistance in relation to major incidents. **This level of activity should also see the police subject to democratic accountability.** This should be achieved in our view by each Local Government Policing Executive nominating two representatives (the nominations seeking to reflect the political balance on the Executive) who would work on an ad hoc basis with the chief constables to address the important issues being raised. They would then be able to report back to their Executives on the issues, with the Executives keeping local residents informed through their engagement with the public.

### Improving performance

The new performance framework suggested by the LGA in our offer to the new government of **streamlined inspection structures alongside stringent self-regulation and a sector-led programme of work to develop data collection systems, analytical capacity, and activity through LG Improvement and Development peer reviews at least every three years** will help to drive up police performance while reducing bureaucracy and central targets. Ensuring effective operation of Local Government Policing Executives will be important. Given the experience and competence of community safety portfolio holders, this new role of policing champions will be a welcome and deliverable policy.

### **Conclusion**

**This model delivers our shared aim of improving police accountability from the local to the national levels. At the local level, it provides the public with a greater say in policing priorities; at the partnership level, it importantly enhances rather than compromises crime prevention and joint working; at the force level it provides a more dynamic and effective accountability. It is completely consistent with place-based budgeting and would deliver real financial savings, ensuring that every penny can be used for frontline policing.**

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**Report to Safer Cleaner Greener  
Standing Scrutiny Panel  
Date of meeting: 26<sup>th</sup> August 2010**

**Portfolio: Safer Cleaner Greener**

**Subject: Consultation – Rebalancing the Licensing Act**

**Officer contact for further information: A Mitchell, Assistant Director Legal (01992 56 4017)**

**Committee Secretary: Adrian Hendry**

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**Recommendations/Decisions Required:**

**To comment on the suggested replies to the questions raised in the government's consultation document – Rebalancing the Licensing Act 2010**

**Report:**

1. The government acknowledges in this consultation document the importance of licensed premises to the economy of local areas. However, it also acknowledges that the changes to the licensing regime introduced by the Licensing Act 2003 have caused problems in some areas and the government would wish to give local licensing authorities additional powers to regulate licensing in their areas to allow them to respond more effectively to local concerns.

2. The consultation document raises a number of questions and officers have in their suggested replies taken into account issues that have been raised in the past. Members are requested to review these answers and make changes and additional comments where they consider necessary.

A copy of the Consultation Document and suggested replies are attached.

**Reason for decision:**

If the Authority comments it may be able to influence the government's proposals to amend the licensing legislation so that the issues identified by the Authority are addressed.

**Options considered and rejected:**

Not to respond, but the Authority would not then be able to take advantage of bringing the issues identified to the attention of government

**Consultation undertaken:**

The Senior Licensing Officer, The Environment and Neighbourhood Manager, The Safer Communities Manager

**Resource implications:**

Budget provision: None required

Personnel: Nil

Land: None

Community Plan/BVPP reference: Council Plan - Safer Community

Relevant statutory powers: Licensing Act 2003, Crime and Disorder Act 1998

Background papers: The Consultation Document

Environmental/Human Rights Act/Crime and Disorder Act Implications:

The government policy will impact on all of these issues

Key Decision reference: (if required)

## Proposed responses consultation questions

A list of the consultation questions included in this document is below.

- **Consultation Question 1:** What do you think the impact would be of making relevant licensing authorities responsible authorities?

The Licensing Authority acts in a quasi judicial manner and it should be impartial when making decisions. If it is made a responsible authority for the purpose of the Act then there may be the appearance of bias in decisions. – Members supporting officers. However, there is a case for involving the licensing authority in a limited way as outlined in reply to question no. 3.

- **Consultation Question 2:** What impact do you think reducing the burden of proof on licensing authorities will have?

The members sometimes wish to impose a condition that is desirable but not necessary to promote the licensing objectives. The reason may be their knowledge of the area. The burden of proof should be reduced to allow this, say for example “balance of probabilities”.

- **Consultation Question 3:** Do you have any suggestions about how the licence application process could be amended to ensure that applicants consider the impact of their licence application on the local area?

The officers processing the licensing applications should be able to make amendments to the licensing applications where the suggested conditions included in the operating schedule of application are too vague to be enforced or it is considered desirable that they should be more restrictive. In cases where there is no challenge the officers issue the licence. Potential objectors may not have commented as they may not realise the difficulty in enforcing a vague condition. The Licensing Authority should be able to negotiate better wording and if not agreed, refer the condition to the relevant licensing committee. The definition of interested parties could also be extended to cover those indirectly effected by the granting of a licence, e.g. residents living near to transport hubs serving a particular premises

- **Consultation Question 4:** What would the effect be of requiring licensing authorities to accept all representations, notices and recommendations from the police unless there is clear evidence that these are not relevant?

The members usually take this position. However, the purpose of a hearing is to review the evidence. If the Authority must accept the police recommendations then this would remove the reason for the hearing. The Authority looks at the wider issues such as the impact on the economy of the area.

- **Consultation Question 5:** How can licensing authorities encourage greater community and local resident involvement?

Options could include direct mailing of the local community rather than relying solely on boundary notices, extending even to consultation groups and open days. However, this is resource intensive for local authorities and therefore perhaps the burden could be shifted to the applicant with them having to demonstrate that the widest possible consultation had been undertaken as part of their application.

- **Consultation Question 6:** What would be the effect of removing the requirement for interested parties to show vicinity when making relevant representations?

It could be positive provide that the representations were relevant and steps taken to avoid the involvement of special interest groups who may lodge objections although the licence would not affect it or their members.

- **Consultation Question 7:** Are there any unintended consequences of designating health bodies as a responsible authority?

The licensing process may become entrenched in debate on the health issues of alcohol which is not its intended process. This should be dealt with at government policy level.

- **Consultation Question 8:** What are the implications in including the prevention of health harm as a licensing objective?

Provided this is handled sensibly there could be benefit. The evidence of the adverse affects of excessive alcohol are well documented, with the NHS meeting the costs. However, the difficulty lies in how to take this into account when dealing with an individual premises, although it would be possible to impose conditions relating to cheap alcohol offers etc. The difficulty lies in that unless such conditions are universally applied, the users of licensed premises will simply shift their allegiance to other premises where less restrictive conditions apply.

- **Consultation Question 9:** What would be the effect of making community groups interested parties under the Licensing Act, and which groups should be included?

This could be positive provided that the range of interested parties was not too wide. It might be difficult to decide which groups to include and the authority may be in danger of excluding some people unintentionally leading to appeals.

- **Consultation Question 10:** What would be the effect of making the default position for the magistrates' court to remit the appeal back to the licensing authority to hear?

Unless the proposal has not been understood it is difficult to see how this streamlines the appeals process. The magistrates would still have to hear the evidence and reach a decision to remit the case back to the Local Authority. This would mean that there is little saving of the Court's time, other than not having to go through the Licensing Authorities policies etc in detail.. Unless the remit back to the Authority is without specific instructions, the Licensing Committee would be obliged to follow the court's recommendation or face costs awards against it on subsequent appeals. This means that the Authority would not be retaining any power but would add a stage to the bureaucracy.

- **Consultation Question 11:** What would be the effect of amending the legislation so that the decision of the licensing authority applies as soon as the premises licence holder receives the determination.

There is a delay in obtaining a date for a hearing and so it would be an advantage if it took place immediately and it would deter frivolous appeals. However, it is important that any such change does not provide that the Authority would have to pay compensation or costs if its decision were subsequently to be overturned. This would likely to discourage the Authority from making difficult judgements due to the risk of future financial penalty.

- **Consultation Question 12:** What is the likely impact of extending the flexibility of Early Morning Restriction Orders to reflect the needs of the local areas?

We have no experience of the use of Early Morning Restriction Orders, but there is a potential benefit of extending flexible control as another means to ensure licences are fit for purpose for the character of a local area.

• **Consultation Question 13:** Do you have any concerns about repealing Alcohol Disorder Zones?

No concerns. The process is too unwieldy and costly. Sufficient Legislation already exists.

• **Consultation Question 14:** What are the consequences of removing the evidential requirement for Cumulative Impact Policies?

We have no experience of the use of CIP, but I can see the potential benefit of extending the ability of residents to express concerns, as another means to ensure licences are fit for purpose for the character of a local area.

• **Consultation Question 15:** Do you agree that the late night levy should be limited to recovery of these additional costs? Do you think that the local authority should be given some discretion on how much they can charge under the levy?

Agree in principle with this idea to impose late night levy and LA being provided with discretion to decide on levy and at what time the levy should apply.

• **Consultation Question 16:** Do you think it would be advantageous to offer such reductions for the late night levy?

Yes – this would promote self-regulation and good management.

• **Consultation Question 17:** Do you agree that the additional costs of these services should be funded by the late night levy?

Yes – as this would attach a cost to the opening times and issues that cause residents most concern. Cost may lead to a limited supply of appropriate late night venues.

• **Consultation Question 18:** Do you believe that giving more autonomy to local authorities regarding closing times would be advantageous to cutting alcohol-related crime?

Yes – In line with “localism”, allowing people who live in the area and understand the character of the area more chance of imposing the right opening hours on premises based on the specific character of the vicinity rather than national policy.

• **Consultation Question 19:** What would be the consequences of amending the legislation relating to TENs so that:

a. All the responsible authorities can object to a TEN on all of the licensing objectives?

This would allow objections on grounds of public nuisance and in many cases attract additional conditions being imposed

b. The police (and other responsible authorities) have five working days to object to a TEN?

Why only 5 days? If a full consideration required and negotiation with applicant, administration of process alone difficult to complete in 5 days. 10 days suggested as a minimum.

c. The notification period for a TEN is increased, and is longer for those venues already holding a premises licence?

Agree

d. Licensing authorities have the discretion to apply existing licence conditions to a TEN?

Agree – this would deter TEN proceedings being seen as a means to avoid important conditions

- **Consultation Question 20:** What would be the consequences of:
  - a. Reducing the number of TENs that can be applied for by a personal licence holder to 12 per year?
  - b. Restricting the number of TENs that could be applied for in the same vicinity (e.g. a field)?

- a. Agreed, since this would stop present abuses of the system
- b. Similarly agreed

- **Consultation Question 21:** Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

Yes

- **Consultation Question 22:** What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

Whatever limit is chosen it will still appear somewhat arbitrary. However, a lower limit of 7 and an upper limit of 14 appears reasonable

- **Consultation Question 23:** What do you think the impact will be of making licence reviews automatic for those found to be persistently selling alcohol to children?

The impact would be positive and send a very strong message around the illegality of selling alcohol to minors. It would hopefully decrease the amount of underage sales

- **Consultation Question 24:** For the purpose of this consultation we are interested in expert views on the following.
  - a. Simple and effective ways to define the 'cost' of alcohol
  - b. Effective ways to enforce a ban on below cost selling and their costs
  - c. The feasibility of using the Mandatory Code of Practice to set a licence condition that no sale can be below cost, without defining cost.

See comments to question 8 regarding the need for standards to be nationally applied

- **Consultation Question 25:** Would you be in favour of increasing licence fees based on full cost recovery, and what impact would this have?

The local tax payer should not be expected to subsidise the local licensing system, and the licence fees should reflect the full costs of administering the process. This will encourage applicants to consider all the financial consequences of licence application and will properly fund licensing authorities. This would mean that the regulation and enforcement of the conditions in the area would be improved.

- **Consultation Question 26:** Are you in favour of automatically revoking the premises licence if the annual fees have not been paid?

Yes. This would save the Authority time and money

- **Consultation Question 27:** Have the first set of mandatory conditions that came into force in April 2010 had a positive impact on preventing alcohol-related crime?

• **Consultation Question 28:** Would you support the repeal of any or all of the mandatory conditions?

No. They are useful tools for helping people understand/limit the amount they drink.

• **Consultation Question 29:** Would you support measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?

No. Although a large proportion of the trade act responsibly there are still those who do not. Licensing in general and the sale of alcohol in particular has a wide reaching effect on society, from a personal health perspective to the social consequences of anti social behaviour and worse. It is essential that these activities are strictly controlled. Experience has shown that this is what local people want and that they also want that control to be exercised at a local level.

Residents should be informed if a premises has a late licence if it effects their lives (ie noise at night)

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Home Office

# **REBALANCING THE LICENSING ACT**

## A CONSULTATION ON EMPOWERING INDIVIDUALS, FAMILIES AND LOCAL COMMUNITIES TO SHAPE AND DETERMINE LOCAL LICENSING

# MINISTERIAL FOREWORD



For too long town centres up and down the country have been blighted by crime and disorder driven by irresponsible binge drinking. Local communities have not had a strong enough voice in determining which pubs and clubs should be open

in their area and for how long they should trade. Local authorities have had their hands tied by an overly bureaucratic licensing regime meaning they have not been able to adequately respond to local concerns.

The majority of licensed premises are well run businesses, which provide a valuable service to their local communities and the Government recognises the important role which pubs can play as part of the fabric of neighbourhoods and villages. Whilst tackling alcohol-related crime is a priority for the Government, it will not be addressed at the expense of these responsible businesses. Instead, the Government's approach is to provide greater flexibility for communities to deal with the small minority of irresponsible premises that do not contribute to the well-being of local areas.

The Government believes that the Licensing Act is due an overhaul and that through this, the power to make licensing decisions needs to be rebalanced in favour of local communities. The presumption to approve all new licence applications that is embedded within the Licensing Act must be removed. And in its place a new licensing regime needs to be established with local authorities and the police better able to respond to local residents' concerns. If local communities don't want nightclubs open until six in the morning then the local authority should be able to respond flexibly to this concern. Similarly, if the local community does want a vibrant late-night economy, with premises open into the early hours, then the local authority should have the flexibility to charge a fee to pay for any additional policing this generates. Local tax payers shouldn't simply be left to pick up this cost.

Whilst the Government is determined to remove the bureaucracy behind licensing and to put local communities in the lead, it still has a role in setting the framework for responsible trading. For example, the Government is determined that irresponsible businesses which continue to flout the law by selling alcohol to children should no longer be able to trade. This will send a clear signal about individual behaviour and responsibility, and about what is and what isn't acceptable to the public. The Government is also concerned by those businesses that sell alcohol at a loss in order to gain wider trade. As evidenced by the Competition Commission's Groceries Market Inquiry in 2006-2008, all too often alcohol is sold at a price which simply doesn't reflect its cost. This sort of practice is irresponsible as it can lead to binge drinking and subsequent crime and disorder. The Government therefore intends to ban the sale of alcohol below cost price.

With the changes proposed in this consultation the Government believes the net result will be a fundamental shift in the licensing regime in this country, with more emphasis on local accountability and less emphasis on central interference. We welcome your views on these proposals, and on how they will support local decision making, local accountability, and vibrant local night-time economies.



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# 1. EXECUTIVE SUMMARY

1.01 Alcohol plays an important part in the cultural life of this country, employing large numbers in production, retail and the hospitality industry. The industry as a whole contributes around £8.5bn to the Exchequer through excise duty alone, and over 200,000 premises have a licence to sell alcohol. Central to this is a system of alcohol licensing that is effective in regulating sales and reflective of local demands. This document sets out the Government's proposals for overhauling the current licensing regime to give more power to local authorities and the police to respond to local concerns about their night-time economy, whilst promoting responsible business. The Government will be consulting separately on the Coalition's proposals to deregulate live music and similar performances.

1.02 Since the introduction of the Licensing Act there has been growing concern that the original vision of a vibrant "café culture" has failed to materialise. The Government intends to introduce more flexibility into the current licensing regime to allow local authorities and the police, to clamp down on alcohol-related crime and disorder hot spots within local night-time economies. To rebalance the licensing regime the Government is proposing the following measures:

- a. Give licensing authorities the power to refuse licence applications or call for a licence review without requiring relevant representations from a responsible authority.
- b. Remove the need for licensing authorities to demonstrate their decisions on licences 'are necessary' for (rather than of benefit to) the promotion of the licensing objectives.
- c. Reduce the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews.
- d. Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police.
- e. Simplify Cumulative Impact Policies to allow licensing authorities to have more control over outlet density.
- f. Increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises.
- g. Enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority and seeking views on making health a licensing objective.
- h. Amend the process of appeal to avoid the costly practice of rehearing licensing decisions.
- i. Enable licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences.
- j. Repeal the unpopular power to establish Alcohol Disorder Zones and allow licensing authorities to use a simple adjustment to the existing fee system to pay for any additional policing needed during late-night opening.
- k. Substantial overhaul of the system of Temporary Event Notices to give the police more time to object, enable all responsible authorities to object, increase the notification period and reduce the number that can be applied for by personal licence holders.
- l. Introduce tougher sentences for persistent underage sales.
- m. Trigger automatic licence reviews following persistent underage sales.
- n. Ban the sale of alcohol below cost price.
- o. Enable local authorities to increase licensing fees so that they are based on full cost recovery.
- p. Enable licensing authorities to revoke licences due to non-payment of fees.
- q. Consult on the impact of the Mandatory Licensing Conditions Order and whether the current conditions should be removed.

## 2. BACKGROUND

2.01 The police are fighting a constant and expensive battle against alcohol fuelled crime and anti-social behaviour. The last 5 years have introduced a new drinking culture in our towns and cities. The promised “café-culture” from 24 hour licences has not materialised, instead in 2009/10 almost one million violent crimes were alcohol-related and 47% of all violent crime was fuelled by alcohol. A fifth of all violent incidents took place in or around a pub or club, and almost two-thirds at night or in the evening. There are 6.6 million alcohol-related attendances at hospital accident and emergency (A&E) per year at a cost of £645 million. In addition, 1.2 million ambulance call outs each year costing £372 million are alcohol-related. The total costs of alcohol-related crime and disorder to the taxpayer are estimated to be between £8bn and £13bn.

2.02 The majority of people drink responsibly, but not enough has been done to enable local communities to take action against those that don't. It is vital that local communities – the public and their elected representatives – have the powers they need to tackle alcohol-related crime and anti-social behaviour whilst promoting local business and ensuring that those that drink responsibly are not unduly penalised. This challenge has to be achieved within the toughest economic climate for both the public sector and business that has been seen for decades.

2.03 In the past few years, legislation through the Licensing Act 2003, Violent Crime Reduction Act 2006 and Policing and Crime Act 2009 has been introduced to try and tackle the harms that arise from the misuse of alcohol. This legislation has not achieved the previous Government's objectives and has simultaneously introduced unnecessary additional burdens and bureaucracy in the system.

### COALITION AGREEMENT

2.04 In the Coalition Agreement, the Government set out a clear programme of reform around alcohol licensing to tackle the crime and anti-social behaviour that is too often associated with binge drinking in the night-time economy. In particular, the Government set out the following five commitments which are covered in this consultation.

- We will overhaul the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems.
- We will allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children.
- We will double the maximum fine for underage alcohol sales to £20,000.
- We will permit local councils to charge more for late-night licences to pay for additional policing.
- We will ban the sale of alcohol below cost price.

2.05 A sixth commitment to “review alcohol taxation and pricing to ensure it tackles binge drinking without unfairly penalising responsible drinkers, pubs and important local industries” is being taken forward separately by the Home Office and HM Treasury.

## **SHIFTING THE BALANCE OF RESPONSIBILITY FOR ALCOHOL RELATED CRIME AND DISORDER**

2.06 All too often high streets are filled on a Friday and Saturday night with revellers who are not encouraged to take responsibility for their own actions. They drink to excess and expect the taxpayer to meet the cost of their overindulgence. The Government wants a fundamental shift in responsibilities. Central Government will no longer be the primary driver for reducing and addressing the problems of alcohol-related crime and anti-social behaviour. Local authorities and local communities will have a greater say in what happens in their local area and individuals will become increasingly responsible for their own actions. The Government is committed to challenging the assumption that the only way to change people's behaviour is through adding to rules and regulations. In future, solutions to address alcohol-related problems will be found locally, and by encouraging individuals to take responsibility for their own actions.

## **STRIKING THE RIGHT BALANCE – PROMOTING BUSINESS AND CRIME PREVENTION**

2.07 The government is committed to striking an appropriate balance between supporting business and driving down alcohol-related crime and disorder. Encouraging innovation and supporting economic growth is vital during these challenging economic times. However, the two aims are not mutually exclusive as safer areas are more likely to be vibrant, attracting a greater range of people. There are numerous instances of local businesses working with the police and others to reduce alcohol-related harm whilst promoting their interests. Examples of this working in practice include the Retail of Alcohol Standards Group's Community Alcohol Partnerships which were successfully piloted in St Neots; Business Improvement Districts (BIDs); and the national Best Bar None (BBN) awards scheme.

2.08 BIDs are a public-private partnership in which businesses within a defined area pay a supplementary levy on their business rates, in

order to fund changes that will improve their trading environment and directly benefit their business. For many, this is achieved by implementing crime reduction initiatives that make the public feel safer and more inclined to visit. An excellent example of this initiative is Birmingham's Broad Street BID which covers the entertainment heart of the city. Amongst other things, the BID has developed town centre wardens, taxi marshalls and enhanced cleaning to tackle litter. During the BID's first year, police statistics showed a 60% reduction in general crime and a 28% reduction in violent crime (although it is not possible to conclude how much of the reduction was directly due to the BID).

2.09 The BBN award scheme was set up to acknowledge responsible and well run licensed premises. It provides an excellent way for the police to work with the licensed retail sector to raise standards and reduce crime. However, an additional benefit is that the high profile national awards ceremony attracts positive publicity for both the venue and the area. An excellent example of this is the Doncaster BBN scheme. An evaluation of the Doncaster scheme, carried out by the national BBN team, concluded that the scheme contributed to notable reductions in alcohol-related crime in Doncaster town centre, although the exact percentage amount could not be determined, because it was one of several evening economy measures that took place during this time. The evaluation noted that large reductions in violent offences were being recorded in the majority of BBN premises, and a number of additional benefits to licensed premises as a result of BBN accreditation were also noted.

2.10 Where these types of local schemes emerge the Government will encourage and support them, not interfere with them. Alongside this support, the role of Government is to ensure that the regulatory framework for alcohol reflects the needs of local communities, and empowers local agencies to act on their behalf. This is the focus of this consultation.



## 3. ABOUT THIS CONSULTATION

3.01 This consultation seeks views on proposals to deliver the Government's commitments on alcohol outlined in the Coalition Agreement. We are keen to hear from everyone who will be affected by the changes, including members of the public who are consumers of alcohol, those who are affected by alcohol-related crime, those that run or work in pubs, clubs, supermarkets and shops, criminal justice agencies, licensing authorities, and trade associations representing those who produce and sell alcohol. As the key commitments outlined have been published in the Coalition Agreement, this consultation primarily seeks views on the implications of implementing the proposals rather than inviting views on the commitments themselves.

3.02 This consultation runs for 6 weeks from 28 July to the 8 September and covers England and Wales, where these proposals apply. The Government has already consulted a number of key partners prior to publishing this consultation, which has included holding 8 meetings with over 55 stakeholders from the on and off trade, alcohol producers, police and local authorities, health and voluntary sectors.

3.03 Information on how to respond to this consultation can be found on the Home Office website at <http://www.homeoffice.gov.uk/about-us/consultations/>. Responses can be submitted online through the Home Office website or by post by sending responses to:

Home Office - Alcohol Strategy Unit,  
4<sup>th</sup> Floor Fry Building,  
2 Marsham Street,  
London,  
SW1P 4DF

You should contact the Home Office Alcohol Strategy Unit by email at [Alcohol.consultation@homeoffice.gsi.gov.uk](mailto:Alcohol.consultation@homeoffice.gsi.gov.uk) if you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.'

### DEVOLVED ADMINISTRATIONS

3.04 As most of these new measures will be introduced through the Police Reform and Social Responsibility Bill and include amendments to the Licensing Act 2003, they will only apply to England and Wales. We are yet to decide on how the ban on below cost sales of alcohol will be implemented. Were this ban to be implemented through the Mandatory Code of Practice for Alcohol Retailers or the Licensing Act 2003, it would only apply to alcohol sold in England and Wales. However, there is the possibility that the ban could be implemented across the whole of the United Kingdom if a more appropriate means of introduction is identified.

### IMPACT ASSESSMENT

3.05 The impact assessment which accompanies this consultation sets out further details of the estimated benefits and costs, including financial costs. Where costs have been estimated, these should be viewed as indicative only.

## 4. LICENSING LEGISLATION

4.01. The Licensing Act 2003 became law on 24 November 2005, and regulates licensable activities and qualifying club activities. These activities include:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; and
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

4.02. Licensable activities also include the provision of regulated entertainment and late night refreshment (Schedules 1 and 2). An authorisation is required in respect of any licensable activity; authorisation can comprise a premises licence, club premises certificate or temporary event notice and there can be one or more authorisations for the same premises. The processes and procedures governing each form of authorisation are contained in Part 3 (premises licences), Part 4 (club premises certificates) and Part 5 (permitted temporary activities) of the Act.

4.03. The Act introduced a single licence scheme for licensing premises and gave licensing authorities (in the form of a committee of not less than ten nor more than 15 members of the local authority which has responsibility for both personal licences to sell alcohol and premises licences) four licensing objectives, to ensure that licensable activities are carried out in the public interest.

4.04. A licensing authority can be a district or county council, London borough or one of the other bodies listed in section 3(1) of the Act, and its area is defined by reference to that of the corresponding local authority. The licensing authority must carry out its functions under the Act (licensing functions) with a view to:

- promoting the licensing objectives; and
- having regard to the statement of its licensing policy and licensing guidance issued by the Secretary of State.

4.05. The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

4.06. The Act enabled flexible opening hours for premises, consideration of the impact of opening hours on local residents and businesses, and gave local residents and businesses the right to make representations about applications. These representations must be based on the fact that one or more of the licensing objectives is being undermined.

4.07. A “responsible authority” (Police, Fire, Health & Safety, Planning, Environmental Health, Child Protection or Trading Standards) or an “interested party” (a person living or involved in business in the vicinity of the premises or a representative body of either) may make representations against an application or apply for a review of a licensed premises providing these objections pertain to the licensing objectives as listed above. A 28 day period is allowed for other responsible authorities or interested parties to also make representations. A hearing is held and those who expressed concerns are given the opportunity to present the issues in front of the licensing committee members. As a result of the hearing for either a licence application or review, the committee will make a decision; this may include refusing or revoking a licence or placing additional conditions on the licence.



## 5. GIVING MORE LOCAL POWERS TO REFUSE AND REVOKE LICENCES

5.01. Under the provisions in the 2003 Licensing Act there is a fundamental presumption in favour of granting an application for a licence to sell alcohol, which makes it difficult for local authorities to turn down applications. The Government wants to overhaul the licensing system to empower local councils and the police to clamp down on binge drinking hotspots and irresponsible retailers.

5.02. The Government proposes to change the balance of the Licensing Act to make licensing authorities more pro-active and empowered to take decisions. Currently under the Licensing Act a licensing authority can only refuse or remove a licence, or impose conditions on the licence upon review, if it can be proved that this 'is necessary' for the promotion of the licensing objectives and if a relevant representation has been made by a responsible authority. Refusals on this basis are rare partly because the licensing authority is not a responsible authority under the Act.

5.03. To make existing powers stronger and more responsive to local needs, it is proposed that relevant licensing authorities are made responsible authorities under the Licensing Act (or given equivalent powers). This would empower them to refuse, remove or review licences themselves without first having had to have received a representation from one of the other responsible authorities. This will also benefit the Cumulative Impact Policies (see next chapter) because licensing authorities will be able to refuse an application without representation.

**Consultation Question 1: What do you think the impact would be of making relevant licensing authorities responsible authorities?**

5.04. In making determinations on new and existing licences, licensing authorities are currently required under the Licensing Act to demonstrate that these actions are 'necessary' for the promotion of the licensing objectives in their local area. This places a significant evidential burden on the licensing authority. The Government is considering amending the

Act to reduce the burden on licensing authorities from the requirement to prove that their actions are 'necessary', to empowering them to consider more widely what actions are most appropriate to promote the licensing objectives in their area. All decisions will remain within the framework of promoting the licensing objectives and not any area the licensing authority stipulates. The Government is also exploring possible changes to the licence application process, to shift the onus onto applicants to consider and demonstrate to the licensing authority in their application, how granting their licence application will impact on the local area, and how they will mitigate any potential negative impacts.

**Consultation Question 2: What impact do you think reducing the burden of proof on licensing authorities will have?**

**Consultation Question 3: Do you have any suggestions about how the licence application process could be amended to ensure that applicants consider the impact of their licence application on the local area?**

5.05. When determining an application for a premises licence, an application for a licence review or the granting of a personal licence, the licensing authority must have regard to relevant representations or objection notices (in the case of personal licence applications) from the chief officer of police. We propose to strengthen the weight that licensing authorities must give to police representations (including those voiced by the police at a hearing) and objection notices by amending the legislation to require licensing authorities to accept all representations and notices and adopt all recommendations from the police, unless there is clear evidence that these are not relevant.

**Consultation Question 4: What would the effect be of requiring licensing authorities to accept all representations, notices and recommendations from the police unless there is clear evidence that these are not relevant?**

## **INVOLVING THE COMMUNITY AND THEIR REPRESENTATIVES**

5.06. Licensing authorities currently have to produce and publish a statement of licensing policy for each three year period, which they then have to have regard to when making a determination on a licence application. In producing this statement, the Licensing Act states that the authority must consult the chief police officer for the area, the fire authority and such persons as the authority considers representative of holders of premises licences, club premises certificates, personal licences and local residents and businesses. In reality, some licensing authorities do not consult widely and practitioners have stated that as a result, licensing statements can be too narrowly defined and not representative of the views and needs of the local community.

5.07. To overcome this, the statutory guidance will be revised to encourage licensing authorities to consult more widely when determining their licensing policy statement, without prescribing from the Centre the parties they must consult with. To support licensing authorities in doing this, simple templates for self-assessment (e.g. Those used successfully for the Purple Flag scheme) will be provided within the guidance.

5.08. The Licensing Act 2003 allows local residents to raise concerns regarding new licence applications or existing licensed premises. Local residents are classified as interested parties within the Act, and as such are able to make relevant representations to licensing authorities about the impact of licensed premises on the promotion of the licensing objectives in their area. Relevant representations are considered in the determination of new licence applications and may lead to reviews of existing licences. To reduce any uncertainty amongst residents as to whether or not they are in the vicinity of a premises – and therefore whether they are an interested party – the legislation will be amended to remove the requirement to show vicinity. This means that any person, body or business will be able to make a relevant representation on any premises, regardless of their geographic proximity.

5.09. Currently each local authority is required to have a petition scheme outlining how residents can submit petitions and how the local authority will respond.

**Consultation Question 5: How can licensing authorities encourage greater community and local resident involvement?**

**Consultation Question 6: What would be the effect of removing the requirement for interested parties to show vicinity when making relevant representations?**

## **PUBLIC HEALTH**

5.10. The determination of licensing decisions gives little consideration to the views of local health bodies, such as Primary Care Trusts (or their equivalents), as they are not included as responsible authorities within the Licensing Act. This means that they are unable to make representations to the local licensing authorities regarding concerns about the impact of new licensed premises on NHS resources. Designating health bodies as a responsible authority under the Act would enable them to make representations about the impact of new or existing licensed premises on the local NHS (primarily A&E departments and ambulance services) or more generally the safety of the public within the night-time economy. The expectation is that such representations would be based on analysis of the types of data already used to identify problematic premises and local violence hot-spots (e.g. alcohol-related A&E attendances or emergency response statistics), which will reinforce the Coalition Agreement commitment to roll-out A&E data sharing.

**Consultation Question 7: Are there any unintended consequences of designating health bodies as a responsible authority?**

5.11. Preventing harm to the health of the public is not currently a licensing objective. The Government would welcome views on making the prevention of health harm a material consideration for licensing authorities, either as a fifth licensing objective or as a discretionary power available to the authority where there is a particular local problem. This could allow licensing authorities to take account of local density of premises and hours of sale, and links to local alcohol-related illness and deaths. For example, this could mean restrictions on additional alcohol licences or additional hours of sale, whether within a defined area or within the local authority. Or it could mean encouraging or requiring premises to display sensible drinking messages or to promote low or non-alcoholic drinks.

5.12. This could mark a significant change in approach from the current Act and could have significant implications for businesses that incur additional costs or burden resulting from these decisions, and for their customers. The Government seeks views on how local areas might use this power, the implications for the public, businesses and local services, and whether this approach would be fair, targeted and proportionate.

**Consultation Question 8: What are the implications in including the prevention of health harm as a licensing objective?**

5.13. The Government considers that there is a case to be made for including additional bodies as interested parties under the Licensing Act. While all individuals resident in the vicinity are entitled to make representations about licence applications or existing licensed premises, the Government considers the scope of interested parties should be increased to cover bodies such as school governors, housing associations and registered social landlords which may wish to make representations as a collective, rather than as individual citizens.

**Consultation Question 9: What would be the effect of making community groups interested parties under the Licensing Act, and which groups should be included?**

**OVERHAULING THE APPEALS PROCESS FOR LICENCE APPLICATION DETERMINATIONS**

5.14. The Licensing Act and accompanying guidance sets out the process by which an applicant can appeal against a licence determination. If the licensing authority rejects a new licence application, or an application to vary or transfer a premises licence, the applicant can lodge an appeal against the decision within 21 days of being notified of the determination. An applicant can also appeal against other licensing determinations including personal licence applications, Temporary Event Notices and closure orders. The appeal must be made to the magistrates' court for the petty sessions area. An appeal can be lodged if:

- the licensing authority has rejected the application or imposed conditions outside those specified in the operating schedule accompanying the application or imposed additional conditions necessary for the promotion of the licensing objectives; or,
- the licensing authority rejects an application or takes action to remove a licensable activity from the licence or refuses to specify an individual as a designated premises supervisor.

5.15. Section 181 and Schedule 5 of the Licensing Act 2003 provide for a right of appeal to the magistrates' court against the decisions of licensing authorities. The applicant can appeal a licensing determination on the above grounds. Under the Act, parties who have made relevant representations in regard to a licence application also have a right of appeal against the determination of the licensing authority if they believe that the licence should not have been granted, or that different or additional conditions should have been imposed. These grounds therefore give scope for appeals to be lodged for a number of reasons and increase the burden on both courts and licensing authorities to conduct the appeal.

5.16. If an appeal is lodged against a licence determination, currently the magistrates' court has a number of options when determining an appeal. They can dismiss the appeal, substitute for the decision any other decision the licensing authority could have made, or remit the case to the licensing authority to hear (and dispose of in accordance with the direction of the court).

5.17. If the magistrates' court hears the appeal, case law, which predates the Licensing Act 2003, indicates that the appeal is by way of rehearing (*Sagnata Investments Ltd v Norwich Corpn* [1971]). In doing so, the court will have to regard to the licensing authorities' statement of licensing policy and guidance issued under section 182 of the Licensing Act. The appeals process therefore often takes the power away from the licensing authority to make the final decision on the application.

5.18. The Government is considering options to tighten the appeals process and ensure that fewer appeals are heard in court and that, where possible, the power for determining licensing decisions remains with the licensing authority throughout, while retaining appropriate procedural safeguards. Therefore we propose that remitting the case back to the licensing authority to hear should become the default position although the court will need to retain the power to dismiss the appeal or re-hear it if seen to be necessary. Any proposals taken forward will include safeguards to ensure that Article 6 ECHR rights to a fair trial are not compromised.

**Consultation Question 10: What would be the effect of making the default position for the magistrates' court to remit the appeal back to the licensing authority to hear?**

## **APPEALS BY APPLICANTS ON LICENCE REVIEWS**

5.19. Reviews of a premises licence can be applied for by either responsible authorities or interested parties under the Licensing Act. Following the hearing, the licensing authority can take a number of actions including, modifying the licence conditions, removing the designated premises supervisor and

suspending the licence for a period of up to 3 months. However the decisions taken by the licensing authority at the review hearing do not take effect until any appeal is disposed of. There is evidence to suggest that some decisions are appealed against purely to ensure that the premises is able to trade during a profitable period (e.g. Christmas), and that the appeal may often be withdrawn once this period had passed. The Government considers that the sanctions imposed by a licensing authority should come into force when the holder of the premises licence receives the determination of the decision from the licensing authority, and that the sanctions should remain unless and until an appeal to the magistrates' court is successful.

**Consultation Question 11: What would be the effect of amending the legislation so that the decision of the licensing authority applies as soon as the premises licence holder receives the determination.**

## 6. DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING

6.01. The Government wants to make sure that all local authorities have the power to address the pressures caused by extensive late night drinking, and the 24 hour licensing culture. The introduction of the Licensing Act has not given local residents any more say in how late their licensed premises can stay open, so more local flexibility is needed in determining closing times and setting the fees to reflect the costs of policing the late night economy.

6.02. The latest figures show that at 31 March 2009 there were 7,178 premises holding licences to retail alcohol for up to 24 hours. Of these, 845 were pubs, bars and nightclubs able to sell alcohol for consumption on the premises for up to 24 hours. The number of premises open to sell alcohol after midnight or between 3am and 6am is not precisely known. Excluding hotels, many of these premises do not actually sell alcohol during these hours, but merely have the authorisation to do so.

### EARLY MORNING RESTRICTION ORDERS

6.03. The Crime and Security Act 2010 has an uncommenced power to allow licensing authorities to make Early Morning Restriction Orders (EMROs) which restrict the sale of alcohol between 3am and 6am by any outlet with a premises licence or club premises certificate, if it is considered necessary by the licensing authority for the promotion of the licensing objectives. The aim of EMROs is to provide licensing authorities with an additional tool to use to promote the licensing objectives in their local area, by restricting alcohol sales between certain times. The Government intends to commence this power with a significant amendment to allow local councils to decide between which hours (e.g. from midnight to 6am) they would like to prevent premises from opening, according to what they believe to be most appropriate for their local area. This differs from the current situation which limits local councils to issuing the order only between the hours of 3am and 6am. The change would ensure that licensing authorities are given the freedom to respond to the needs of their local community in determining when premises can sell alcohol.

6.04. The relevant legislation will also be amended so that an EMRO could be created if it was felt to be “beneficial” for the promotion of the licensing objectives rather than if it is felt to be “necessary” as is currently the case, in order to bring it in line with the proposed changes to the Licensing Act in the previous chapter.

**Consultation Question 12: What is the likely impact of extending the flexibility of Early Morning Restriction Orders to reflect the needs of the local areas?**

### ALCOHOL DISORDER ZONES

6.05. Alcohol Disorder Zones (ADZs) were introduced via the Violent Crime Reduction Act 2006. They permit local authorities (with the consent of the police) to designate areas where there are problems with alcohol-related nuisance, crime and disorder as ADZs. In theory ADZs allowed councils to charge a levy on problem premises.

6.06. However, since the regulations for ADZs came into force in June 2008 no local authorities have chosen to establish one in their area. We have received feedback on ADZs from local authorities that indicates that this is due to the lengthy and costly process involved in setting up an ADZ, along with the negative impact creating an ADZ might have on an area’s image.

6.07. Local authorities have shown by not setting up any ADZs that they do not feel this policy is a suitable tool for tackling alcohol-related crime. Accordingly, the Government intends to repeal the legislation enabling ADZs. The policy intention behind ADZs will be met more effectively through the new late night levy, which is covered later in this consultation.

**Consultation Question 13: Do you have any concerns about repealing Alcohol Disorder Zones?**



## CUMULATIVE IMPACT POLICIES

6.08. Cumulative Impact Policies were introduced as a tool for licensing authorities to limit the growth of licensed premises in a problem area. They are a potentially useful tool for licensing authorities to limit the number of licensed premises, but can be used only when they have received relevant representations from a responsible authority on the potential cumulative impact. They are often considered to be bureaucratic for licensing authorities (particularly smaller ones) as the link to the licensing objectives means there is a high evidential burden on responsible authorities before one can be introduced. As of March 2009 there were only 129 Cumulative Impact Policies in place in England and Wales, and when in place they do not necessarily make it easier to refuse licence applications as relevant representations are still required in order for an application to be refused.

6.09. The Government proposes to simplify Cumulative Impact Policies and make them more responsive to local needs. It intends to remove the evidential requirement in order to reduce the burden on licensing authorities and encourage greater use of them. This will give greater weight to the views of local people as the licensing authority will not be constrained by the requirement to provide detailed additional evidence where such evidence is unavailable.

**Consultation Question 14: What are the consequences of removing the evidential requirement for Cumulative Impact Policies?**

## LATE NIGHT LEVY

6.10. The Government intends to legislate to enable licensing authorities to charge a late night levy to help pay for the cost of policing the local night-time economy, where this is deemed necessary.

6.11. It is intended that the levy would be introduced as an additional charge for licensed premises that local authorities have the discretion to introduce. This would apply to premises that have a licence to open beyond a specified time (e.g. all premises that open after midnight on any day of the week).

6.12. It may be possible to use the late night levy either as a means of recovering additional costs related to late night policing (in which case it would be determined by the additional cost of policing in the area it is applied, and the number of premises the cost is divided between). It may also be possible to allow the local authority some discretion over the amount that is charged for the levy.

**Consultation Question 15: Do you agree that the late night levy should be limited to recovery of these additional costs? Do you think that the local authority should be given some discretion on how much they can charge under the levy?**

6.13. It may be possible to charge different amounts for premises with reductions given to premises that are involved in schemes which reduce additional costs and which are deemed to be “best practice” (for example Best Bar None).

**Consultation Question 16: Do you think it would be advantageous to offer such reductions for the late night levy?**

6.14. As well as policing, it would be possible to give local authorities the discretion to use the late night levy to fund the additional costs of other services related to the consequence of alcohol on the night time economy such as taxi-marshalling or street cleaning.

**Consultation Question 17: Do you agree that the additional costs of these services should be funded by the late night levy?**

## AMENDING THE STATUTORY GUIDANCE TO MAKE IT CLEAR THAT MEASURES TO LIMIT OPENING HOURS CAN BE CONSIDERED

6.15. The Licensing Act 2003 introduced 24 hour alcohol licences, with the intention of allowing premises to adopt flexible opening hours. The objective was that consideration would be given to the impact of opening hours on local residents and businesses, and as part of this process, the Act gave local residents and businesses the right to make representations to the licensing authority to raise their concerns about new licence applications and the impact of existing licensed

premises on the local area. These representations must be based on the requirement that one or more of the licensing objectives is being undermined.

6.16. The aim behind introducing flexible opening hours was that through an extension of opening hours, concentrations of people leaving licensed premises at a set time should be reduced, with people dispersing more gradually from licensed premises at their different closing times. To this effect, in the guidance issued alongside the Licensing Act 2003, local areas were actively discouraged from implementing measures that could reduce this flexibility such as fixed closing times, staggered closing times and zoning; where fixed closing hours are set within a designated area. Many practitioners have reported that this advice is confusing and contrary to what local areas would like to do.

6.17. The Government intends to amend the guidance to make it clear to local areas that they can make decisions about the most appropriate licensing strategy for their area. Licensing authorities will be encouraged to consider using measures including fixed closing times, staggered closing times and zoning where they are appropriate for the promotion of the licensing objectives in their area. This change acknowledges the fact that different licensing approaches may be best for different areas and will empower licensing authorities to implement a licensing strategy that is best placed to meet the needs of their local area, based on their local knowledge.

**Consultation Question 18: Do you believe that giving more autonomy to local authorities regarding closing times would be advantageous to cutting alcohol-related crime?**

## 7. TEMPORARY EVENT NOTICES

7.01. A Temporary Event Notice (TEN) is a notification to the licensing authority that an individual intends to conduct licensable activities on a temporary basis for a period not exceeding 96 hours. There are several other statutory requirements which relate to a TEN, which restrict the number of persons allowed onto the premises, and the number of TENs that can be applied for in a year.

7.02. The TEN must be submitted to the licensing authority and the police at least ten working days in advance of the planned event. Only the police can object to a TEN, and only on crime prevention grounds. The police have 48 hours after the receipt of the TEN to object, and (unless the premises user agrees to modify the TEN) the licensing authority must hold a hearing to consider any objection that has been received. If the licensing authority decides that the objection is valid, it must issue a counter notice to the applicant at least 24 hours before the beginning of the event to prevent it going ahead.

7.03. The Government has recently amended the Licensing Act by Legislative Reform Order (LRO) on 19 July 2010 to extend the police objection period from 48 hours to two working days. The new arrangements, which come into force in October this year, will ensure that the police always have two full days to object to a TEN, even when it is submitted at the weekend or over a Bank Holiday. Restrictions on the use of LROs meant that it was not possible to use this mechanism to make more wide-ranging changes.

7.04. However the Government now has the opportunity to make a number of further simple changes to TENs in order to improve their effectiveness and ensure that events held using TENs are properly regulated. The proposed changes are: giving discretion to licensing authorities to apply existing licensing conditions for the period of a TEN when the applicant is already a licensed premises; extending the period of time that the police have to object (from two to five working days); and extending the right to object to other responsible authorities under the Act, including the right to object under the three other licensing objectives.

7.05. The Government also proposes to give the licensing authority the power to prescribe the exact address to where the TEN should be sent, as there is evidence to suggest that the service of the TEN to 'the relevant chief officer of police' results in delays in the proper person within the police receiving the details of the TEN. The licensing authority would be able to require that the papers be sent to a specific address for each of the responsible authorities under the Act, ensuring that TENs can be dealt with more efficiently.

7.06. The Government intends to amend the TENs structure to increase the period of notice that has to be given to a licensing authority in advance of the event. Currently this is 10 working days, but it is the Government's view that this should be increased to take account of the fact that extending the time that the police have to object to a TEN will impact upon the licensing authority's ability to schedule a hearing in advance of the event to consider any objections. The Government proposes that the legislation be amended so that TENs applied for where an existing premises licence is in operation would have to give a longer period of notice than applications for a TEN where there is no current premises licence. This could mean for example, that premises such as a pub or an off-licence would have to provide notice (for example) one month in advance, whereas a village fete or community event would be required to provide notice (for example) 15 working days in advance of the event.

7.07. The Government also proposes to restrict the number of TENs that a personal licence holder could apply for to 12 in one year. This would correspond with the number of TENs permitted at the same venue. The Government further intends to address the issue of the number of TENs that may be applied for in a single vicinity. Currently, it is possible for a field (for example) to have an unlimited number of TEN applications, with each TEN permitting up to 499 persons at each one. The Government proposes to amend the legislation to ensure that only one TEN would be able to be applied for in events such as this.



**Consultation Question 19: What would be the consequences of amending the legislation relating to TENs so that:**

- a. All the responsible authorities can object to a TEN on all of the licensing objectives?**
- b. The police (and other responsible authorities) have five working days to object to a TEN?**
- c. The notification period for a TEN is increased, and is longer for those venues already holding a premises licence?**
- d. Licensing authorities have the discretion to apply existing licence conditions to a TEN?**

**Consultation Question 20: What would be the consequences of**

- a. Reducing the number of TENs that can be applied for by a personal licence holder to 12 per year?**
- b. Restricting the number of TENs that could be applied for in the same vicinity (e.g. a field)?**

## 8. PROTECTING CHILDREN FROM THE HARM OF ALCOHOL

8.01. The quantity of alcohol consumed by children who drink alcohol has increased significantly in the past decade. The 2008 Smoking Drinking and Drug Use Survey found that the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units, this figure has more than doubled since 1990. Beer accounted for half of pupils' weekly intake (7.6 units), followed by alcopops (2.8 units), spirits (2.1 units) and wine (1.8 units).

8.02. Children's drinking is putting increasing pressure on the police and the health services. High levels of alcohol consumption are associated with a range of health harms and high risk behaviours, including unprotected sex and offending. 12,718 children in England aged 11-17 were admitted to hospital in 2008/09 with an alcohol-related condition (3,554 aged 11-15 and 9,164 aged 16-17). The UK has one of the highest rates in the EU of admission to hospital or A&E due to alcohol use by 15-16 year olds.

8.03. Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 37% of all offences reported by 10- to 17-year-olds but only 14% of respondents.

8.04. Despite the growing problem of children's alcohol misuse and the increasing impact on public services, not enough has been done at the local level to limit the availability of alcohol to children. The current powers do not go far enough to prevent selling alcohol to children. Although pupils' access to alcohol is typically by being given it by friends or parents, about half of pupils who have ever drunk also say that they do buy alcohol, despite being well below the age when they can legally do so.

8.05. The Government wants to take tougher action to penalise those premises found to be persistently selling alcohol to children. Currently, if a licence holder pleads not guilty to persistent underage selling and is prosecuted, then they face a fine of up to £10,000 and up to 3 months suspension of their alcohol licence. In

2008 there were 9 prosecutions with 4 fines issued. The average fine issued is £1,713. However, as an alternative to prosecution the police can give the licence holder the option to voluntarily accept a 48 hour closure notice which discharges criminal liability. The 48 hour suspension of alcohol sales was given 54 times in 2008/09. In addition, the police can ask the licensing authority to review the licence although it is not clear how many reviews have been conducted following a licence holder having been found persistently selling alcohol to children.

8.06. In the Coalition Agreement, the Government set out a commitment to double the fine for persistent under-age selling from £10,000 to £20,000. Alongside this, the Government is proposing to extend the period of voluntary closure that can be given by the police as an alternative to prosecution to bring this in line with the increased fine. Currently police can give a closure notice of up to 48 hours, but the Government is considering amending this closure period to set a minimum period of voluntary closure that can be given by the police of 168 hours (7 days) and is inviting feedback on this proposal and a suitable upper-limit for the voluntary closure period. The intention behind setting a minimum and upper limit for the period of voluntary closure is to give police the flexibility to decide upon an appropriate period of voluntary closure as an alternative to prosecution based on the type of premises being sanctioned. This could include consideration of the size of the premises and the type of business. This gives police the power to ensure that the sanction given is a proportionate penalty for the premises found to have committed the offence. Additional guidance will be issued to encourage police to use this sanction flexibly.

**Consultation Question 21: Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?**

**Consultation Question 22: What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?**

8.07. The Coalition Agreement also set out a commitment to allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children. Although licensing authorities already have the power to review a licence if a licence holder is found to be persistently selling alcohol to children, it is not clear in how many cases this review takes place. The Government is proposing amending the legislation to ensure that all premises found to be persistently selling alcohol to children will have their licence reviewed, regardless of whether they have opted for voluntary closure or prosecution. At the review process the licensing authority has the power to impose a 3 month licence suspension, impose further conditions on the licence or to revoke the licence. Ensuring that licence reviews are automatic in these circumstances gives licensing authorities the power to consider each case and if seen to be necessary, the power to make a decision to revoke the licence.

**Consultation Question 23: What do you think the impact will be of making licence reviews automatic for those found to be persistently selling alcohol to children?**

## 9. BANNING BELOW-COST SALES

9.01. There has been a growing concern over the last few years about how cheaply some alcoholic drinks are being sold. We are also aware of the public's unease and their perception of heavily discounted alcohol being a key contributory factor to unacceptable levels of alcohol-related crime and disorder – in many cases as a result of “pre-loading” in preparation for a night out.

9.02. According to the British Crime Survey, over a quarter of local residents perceive drunk and rowdy behaviour to be a problem in their area. There is a belief that most of the alcohol which contributes to this drunk and rowdy behaviour is irresponsibly priced and sold, allowing irresponsible drinkers to be able to get drunk cheaply. Examples of deals such as bottles of cider containing more than the weekly recommended unit guidelines but costing less than the price of a pint of beer in an average pub, continue to contribute to calls for action by Government. Victims of crime and anti-social behaviour, as well as senior figures from the enforcement and health sectors that have first hand experience of tackling the harms caused by excessive and irresponsible consumption, have long called on the Government to take firm action to tackle cheap sales of alcohol.

9.03. We are committed to ensuring that local people are able to enjoy all parts of their community without feeling intimidated by those who have drunk too much alcohol and to reducing the burden on frontline services of dealing with drunken behaviour. As set out in the Coalition Agreement, the government is carrying out a review of alcohol pricing and taxation and associated with this a ban on the sale of alcohol below cost. This consultation will inform the review. For more information go to: [http://www.hm-treasury.gov.uk/alcohol\\_taxation.htm](http://www.hm-treasury.gov.uk/alcohol_taxation.htm)

### LEGISLATIVE OPTIONS FOR BANNING BELOW-COST SALES

9.04. The definition of ‘cost’ has implications for the policy, powers required, enforcement and different incentives. The ‘cost’ of an alcoholic product differs between retail businesses as they negotiate their own prices with suppliers, have different internal cost structures and may

base overall profitability on a basket of goods. This can make it difficult for a retailer to prove, or an enforcement authority to check, whether a product has been sold ‘below cost’.

9.05. There are a number of ways in which such a ban might work, and Government must find an approach which is compatible with EU trade and competition laws and realistic to enforce. Most EU countries which have tried similar policies have banned selling below ‘net invoice price’ where the reference price is broadly the unit price on the invoice.

9.06. One option would be to specifically define an ‘average cost’. This might be easier to enforce than determining the true cost of each product, but could be a barrier to trade. An alternative option might be to introduce a mandatory licence condition by amendment to the Mandatory Code of Practice (Mandatory Licensing Conditions) Order 2010 through secondary legislation. Under these circumstances, it would be a breach of the licence condition to sell alcohol below what it cost the premises. This would have the advantage of not having to define what the cost is. Where responsible authorities or interested parties were concerned about the prices being offered in local premises this could trigger a licence review.

**Consultation Question 24: For the purpose of this consultation we are interested in expert views on the following.**

- a. **Simple and effective ways to define the ‘cost’ of alcohol**
- b. **Effective ways to enforce a ban on below cost selling and their costs**
- c. **The feasibility of using the Mandatory Code of Practice to set a licence condition that no sale can be below cost, without defining cost.**

# 10. REDUCING BURDEN AND BUREAUCRACY OF LICENSING AND COVERING ITS COST

## INCREASES IN LICENCE FEES

10.01. Licence fees have not been increased since their introduction and therefore some sort of increase is long overdue. This would be hugely welcomed by local authorities who have long argued that their enforcement costs exceed their fee income. The government commissioned Elton Report in 2006 concluded that there was a £43m shortfall for the three year period 2004/05 to 2006/07 and recommended an increase of 7% for the three year period 2007/08 to 2009/10. This has never happened and the Government therefore proposes to enable local authorities to increase the licence fees so that they are based on full cost recovery.

10.02. The Government also acknowledges that adopting a tougher licensing regime as outlined in these proposals may lead to an increase in the number of licence reviews conducted, and a subsequent risk of increased burden on local licensing authorities. Any additional burdens on licensing authorities should also be reflected in the level of licensing fees.

**Consultation Question 25: Would you be in favour of increasing licence fees based on full cost recovery, and what impact would this have?**

## AUTOMATIC REVOCATION OF LICENCE FOR NON-PAYMENT OF FEES.

10.03. The automatic revocation of licences for non-payment of fees is a simple change that could save local authorities many thousands of pounds currently spent in recovering unpaid annual fees through councils' own recovery sections and bailiffs. A precedent can be found for it in the Gambling Act. The Government proposes to amend the legislation so that a premises licence is automatically revoked if the premises has failed to pay the annual fees.

**Consultation Question 26: Are you in favour of automatically revoking the premises licence if the annual fees have not been paid?**

## DEREGULATION

10.04. In April 2010, the previous administration enacted a Mandatory Code of Practice (Mandatory Licensing Conditions) Order 2010 for Alcohol Retailers, which was intended to be introduced in two stages. The first stage, which took place in April 2010, imposed conditions on licensed premises to:

- (a) Ban irresponsible promotions in the on-trade
- (b) Ban dispensing alcohol directly into the mouths of customers
- (c) Ensure that free tap water was available in all licensed premises in the on-trade

10.05. The legislation for the Mandatory Code contained two further conditions for licensed premises. These will be introduced on 1 October 2010. These conditions were delayed to give business more time to prepare and will mandate all licensed premises to:

- (d) Ensure they have an age verification policy in place
- (e) Ensure they are able to offer smaller servings of beer, wine and spirits.

10.06. As the regulations have been enacted, it is not possible to prevent d) and e) coming into force in October. However, the Government believes strongly that regulation should only be used as a last resort, and that alternatives to regulation should be used wherever possible. We want to take the opportunity of this consultation to give people the chance to comment on the necessity, cost, and impact of the provisions outlined in the mandatory code.

**Consultation Question 27: Have the first set of mandatory conditions that came into force in April 2010 had a positive impact on preventing alcohol related crime?**

**Consultation Question 28: Would you support the repeal of any or all of the mandatory conditions (conditions (a) – (e) above)?**

10.07. The Government is also interested in further de-regulating the Licensing Act in order to reduce the administrative burden both on business and licensing authorities. For example the application forms for both a premises licence and a TEN could be reduced, and the requirement on the licensing authority to determine and publish a statement of licensing policy every three years could be removed.

**Consultation Question 29: Would you support measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?**

# 11. RESPONSES TO CONSULTATION

11.01. A list of the consultation questions included in this document is below.

- Consultation Question 1: What do you think the impact would be of making relevant licensing authorities responsible authorities?
- Consultation Question 2: What impact do you think reducing the burden of proof on licensing authorities will have?
- Consultation Question 3: Do you have any suggestions about how the licence application process could be amended to ensure that applicants consider the impact of their licence application on the local area?
- Consultation Question 4: What would the effect be of requiring licensing authorities to accept all representations, notices and recommendations from the police unless there is clear evidence that these are not relevant?
- Consultation Question 5: How can licensing authorities encourage greater community and local resident involvement?
- Consultation Question 6: What would be the effect of removing the requirement for interested parties to show vicinity when making relevant representations?
- Consultation Question 7: Are there any unintended consequences of designating health bodies as a responsible authority?
- Consultation Question 8: What are the implications in including the prevention of health harm as a licensing objective?
- Consultation Question 9: What would be the effect of making community groups interested parties under the Licensing Act, and which groups should be included?
- Consultation Question 10: What would be the effect of making the default position for the magistrates' court to remit the appeal back to the licensing authority to hear?
- Consultation Question 11: What would be the effect of amending the legislation so that the decision of the licensing authority applies as soon as the premises licence holder receives the determination.
- Consultation Question 12: What is the likely impact of extending the flexibility of Early Morning Restriction Orders to reflect the needs of the local areas?
- Consultation Question 13: Do you have any concerns about repealing Alcohol Disorder Zones?
- Consultation Question 14: What are the consequences of removing the evidential requirement for Cumulative Impact Policies?
- Consultation Question 15: Do you agree that the late night levy should be limited to recovery of these additional costs? Do you think that the local authority should be given some discretion on how much they can charge under the levy?
- Consultation Question 16: Do you think it would be advantageous to offer such reductions for the late night levy?
- Consultation Question 17: Do you agree that the additional costs of these services should be funded by the late night levy?
- Consultation Question 18: Do you believe that giving more autonomy to local authorities regarding closing times would be advantageous to cutting alcohol-related crime?
- Consultation Question 19: What would be the consequences of amending the legislation relating to TENs so that:
  - a. All the responsible authorities can object to a TEN on all of the licensing objectives?
  - b. The police (and other responsible authorities) have five working days to object to a TEN?
  - c. The notification period for a TEN is increased, and is longer for those venues already holding a premises licence?
  - d. Licensing authorities have the discretion to apply existing licence conditions to a TEN?



- Consultation Question 20: What would be the consequences of:
    - a. Reducing the number of TENs that can be applied for by a personal licence holder to 12 per year?
    - b. Restricting the number of TENs that could be applied for in the same vicinity (e.g. a field)?
  - Consultation Question 21: Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?
  - Consultation Question 22: What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?
  - Consultation Question 23: What do you think the impact will be of making licence reviews automatic for those found to be persistently selling alcohol to children?
  - Consultation Question 24: For the purpose of this consultation we are interested in expert views on the following.
    - a. Simple and effective ways to define the 'cost' of alcohol
    - b. Effective ways to enforce a ban on below cost selling and their costs
    - c. The feasibility of using the Mandatory Code of Practice to set a licence condition that no sale can be below cost, without defining cost.
  - Consultation Question 25: Would you be in favour of increasing licence fees based on full cost recovery, and what impact would this have?
  - Consultation Question 26: Are you in favour of automatically revoking the premises licence if the annual fees have not been paid?
  - Consultation Question 27: Have the first set of mandatory conditions that came into force in April 2010 had a positive impact on preventing alcohol-related crime?
  - Consultation Question 28: Would you support the repeal of any or all of the mandatory conditions?
  - Consultation Question 29: Would you support measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?
- 11.02. The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.
- 11.03. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000, the Data Protection Act (DPA) 1998 and the Environmental Information Regulations 2004.
- 11.04. If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 11.05. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 11.06. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.



# ANNEX A

## CONSULTATION CRITERIA

The Consultation follows the Government's Code of Practice on Consultation – the criteria for which are set out below:

*Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.*

*Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*

*Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.*

*Criterion 4 – Accessibility of consultation exercises – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.*

*Criterion 5 – The burden of consultation – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.*

*Criterion 6 – Responsiveness of consultation exercises – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.*

*Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.*

The full Code of Practice on Consultation is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

## CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence. Please DO NOT send your response to this consultation to Nigel Lawrence. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at: [Nigel.Lawrence@homeoffice.gsi.gov.uk](mailto:Nigel.Lawrence@homeoffice.gsi.gov.uk) or alternatively write to him at:

Nigel Lawrence, Consultation Co-ordinator  
Home Office  
Performance and Delivery Unit  
Better Regulation Team  
3rd Floor Seacole  
2 Marsham Street  
London  
SW1P 4DF

