

Report to Safer, Cleaner, Greener Scrutiny Panel



Date of meeting: 26 August 2010

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

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Committee Secretary: Adrian Hendry

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 26th of July 2010 the Home Secretary, Theresa May MP, launched a consultation document entitled “*Policing in the 21st 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 20th of September 2010, and this panel’s responses will go forward to Overview and Scrutiny Committee on the 6th of September and then to the cabinet on the 13th 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.