
REPORT TO THE MEETING OF THE EXECUTIVE 8 FEBRUARY 2012
PORTFOLIO: OVERALL STRATEGY AND POLICY DIRECTION**REPORT FROM THE CHIEF EXECUTIVE****SUBJECT: POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011; IMPLICATIONS FOR ROCHFORD DISTRICT COUNCIL****1 DECISION BEING RECOMMENDED**

- 1.1 To note that the elections in connection with the elected Police and Crime Commissioner will take place on 15 November 2012.
- 1.2 To note that there are likely to be further changes around the Partnerships agenda, related to both Community Safety and the wider Essex Partnership structure.
- 1.3 To note that from the 2012/2013 Municipal Year, the intention is to establish an Essex-wide Police & Crime Panel, with a contribution towards its operation from this Council of £2,000, to be funded from the Community Safety reserve.
- 1.4 To recommend to Full Council that the Council's representative on the Police and Crime Panel should be the Portfolio Holder for Young Persons, Adult Services, Community Care and Wellbeing, Health and Community Safety

2 REASON FOR RECOMMENDATION

- 2.1 To ensure that the District Council is prepared for the implications of the Police Reform and Social Responsibility Act 2011.

3 SALIENT INFORMATION**Background**

- 3.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent on 15 September. Principally, the Act provides for the establishment of the Office of Policing Crime Commissioner (PCC) for every force area in England and Wales (except the City of London), with elections to be held for PCCs on 15 November 2012, the PCC coming into office 7 days later. The office of PCC will be a salaried position. At that time, Police Authorities will be abolished.
- 3.2 If there are less than 3 candidates standing for the PCC, election will be by simple majority. If there are 3 or more candidates, the supplementary voting process will come into play (1st preference, 2nd preference, etc). The elected PCC will hold office for 4 years and, in many ways, will have the same role as Police Authorities. Appendix 1 sets out the PCC's key responsibilities, which

include appointing the Chief Constable, determining the budget and preparing a 5 Year Police & Crime plan.

- 3.3 The legislation also establishes Police and Crime Panels (PCP), who will have a role in holding elected Police and Crime Commissioners to account. Each council in the force area will need to appoint a councillor onto the PCP, which needs to have a minimum of 10 councillors and two co-opted members. The maximum size is 20 members, unless there is agreement by the Home Secretary to a larger number. Thus in Essex, we will be looking at a PCP of at least 17 members – 15 councillors plus 2 co-opted members. The key functions of a PCP are set out in Appendix 2. These include potentially vetoing the police precept, reviewing the Police & Crime Plan, and potentially vetoing the appointment of the Chief Constable. The Panel does not replace the Police Authority; that is replaced by the elected Police and Crime Commissioner. The Panel is seen as a ‘critical friend’ to the Police and Crime Commissioner.

4 DETAILED CONSIDERATIONS AND ISSUES

Relationship between the PCC and Elected Members

- 4.1 The arrival of an elected PCC in place of the Police Authority will create a new dynamic in terms of Local Authority/Police relationships and the presence of an elected Member with a public mandate and a large resource base, albeit in relation to policing and related issues such as community safety, is likely to impact on the current political relationships between authorities and their Members.
- 4.2 The issue has already been raised at the Essex Leaders’ Group of all the Essex Authorities to consider how both collectively and individually it would be best to engage with the elected Essex Police and Crime Commissioner.

Relationship between PCCs and Community Safety Partnerships

- 4.3 The introduction of PCCs represents a fundamental change for Community Safety Partnerships (CSPs). Unlike Police Authorities, the PCC will not be a ‘responsible authority’ under the Crime & Disorder Act 1998, so will not be a member of any CSP. However, the PCC has a wider duty in connection with Community Safety and will, therefore, need to work/communicate with CSPs. PCCs, when putting together his/her police and crime plan, must have regard to the priorities of the responsible authorities in his/her force area. Similarly, CSPs will need to have regard to the objectives in the PCC’s Police and Crime Plan when exercising their functions.
- 4.4 CSPs will find themselves accountable to PCCs and influenced/affected by the latter’s behaviour. Where CSPs are looking to merge, they will no longer need the approval of the Home Office – they will need the agreement of the PCC. The PCC will be able to require a report from a CSP on their work to reduce crime and disorder if the PCC has any concerns about the CSP’s role

and functions. PCCs will also be able to convene and chair meetings with the CSPs in their force areas.

- 4.5 Through their budget control, PCCs will also impact on CSPs' activities, priorities and actions. PCCs will be allocated the Community Safety Fund from the Home Office. Also, PCCs are likely to pick up the Drug Intervention Programme monies and other targeted funds, such as those related to Victim Support. Effectively, PCCs will become the key fund holder re the Community Safety agenda and the key commissioner of services. PCC's may choose not to give CSPs any funding at all or open up funding to wider competition. PCCs may decide to commission direct rather than through CSPs. As a consequence, there are question marks over the future and effectiveness of CSPs if resources are not forthcoming or they are effectively by-passed in terms of service delivery.
- 4.6 In Essex at present there are 11 CSPs operating at the local level (District or Combined Districts), plus Safer Essex at the county level, plus CSPs in both unitaries. It seems improbable that any PCC will wish to engage with 14 separate bodies and, if minded to resource CSPs, to provide funding for all 14 bodies, or commission through all 14 bodies.
- 4.7 Thus, the arrival of PCCs will present CSPs with a variety of challenges in Essex, including:-
- numbers, roles and responsibilities of CSPs, plus the dynamics between 'Safer Essex' and local CSPs;
 - resources or no resources or different types of arrangements in terms of commissioning if CSPs continue to play a role;
 - clarity, relevance and robustness of priorities, both at the county and local level and how these fit with the Police & Crime Plan;
 - there will also be an interesting dynamic/dilemma around the preparation of a 5 year Police & Crime Plan given that the PCC has a 4 year term of office.
- 4.8 The Rochford CSP is already in the process of formally merging with the Castle Point CSP so is 'ahead of the game' in that respect. However, further mergers may be required depending on the dynamic provided by the elected PCC.
- 4.9 Given the many changes to partnership structures already underway, driven both through organisational change and emerging agendas around health and wellbeing and community budgeting across Essex, it may well be opportune to again look at the Essex-wide partnership structure in that context and determine that a further radical review and rationalisation is required, not just of CSP's, but the other emerging arrangements across the County. Essex leaders considered this at their Joint Leaders meeting on 26 January and

recognised that the agenda was changing in such a way and at a pace which would necessitate further work on the Partnership agenda.

The Establishment of Police and Crime Panels

- 4.10 The legislation will require all the authorities in Essex to come together to establish and operate a Police and Crime Panel. In this context, a range of issues present themselves, and include:-
- How is the panel to be supported and paid for?
 - Should there be a 'host' authority?
 - What governance arrangements should there be?
 - How will members be selected? There may be issues around 'balance' and conflict of interests.
 - How will co-opted members be selected?
 - Terms of office/allowances/training and development, etc.
 - Venue(s) for meetings.
 - Arrangements for reporting back to individual councils, etc.
- 4.11 The PCP will in many ways be similar to Overview and Scrutiny Panels and Select Committees in holding the PCC to account. As said earlier, they are perceived by Government very much as the critical friend of the PCC. It is important that provisional arrangements are in place by the next municipal year, so that the PCP is ready to operate from the time the PCC is in existence.
- 4.12 In terms of the costs of operation, it is estimated that the full year costs of operating the PCP is likely to be at a minimum in the region of £50-60k, taking into account servicing, meeting and printing costs, training & development, etc. The Home Office has committed to providing £30k plus on-costs annually, to cover the provision of a basic reactive scrutiny panel. The Minister has made clear his view that significant expenditure on the PCP would be inappropriate.
- 4.13 When the Leaders' considered at their January meeting how best to take forward a PCP in Essex, there was general agreement of the need to form a PCP as early as possible. There was no disagreement around the need to ensure 'buy-in' from all the Essex Councils, with each Council contributing to the costs, with Districts paying £2k, the Unitaries £6k each and ECC £15K, giving an annual budget of £51k in the first instance plus the Home Office Funding making a total of £81k. This would enable adequate resource to ensure the PCP is effectively operational from the outset. A review of

resource requirements could then take place once the PCP has been operational for a 12/18 month period.

- 4.14 As to membership of the PCP, it is suggested that this District's representative should be the portfolio holder covering community safety, with a nominated term normally being for 2 years.
- 4.15 As for the two independent members, it was recognised at the Leaders' meeting that criteria for these would be best agreed by the shadow PCP, with recruitment taking place in time for independents to be appointed by November 2012. It was acknowledged that it would be good practice for the PCP to meet in different venues around the County, with between 4 and 6 meetings per year.
- 4.16 In terms of 'host' authority, Government guidance suggests that County Councils might be best placed to take on this role in parts of the country where the Police Force covers multiple upper tier and district council authorities. ECC, has agreed its willingness to do this and this was accepted at the Joint Leaders meeting.

5 RISK IMPLICATIONS

- 5.1 The introduction of elected Police & Crime Commissioners poses a number of risks in terms of the Policing and Community Safety agenda.

6 RESOURCE IMPLICATIONS

- 6.1 The resource implications are detailed in the report.

7 LEGAL IMPLICATIONS

- 7.1 The details outlined above are in accordance with the new legislation.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: _____

Chief Executive

Background Papers:-

Appendix 1 – Police and Crime Commissioner Responsibilities

Appendix 2 – Police and Crime Panel (PCP) Responsibilities

For further information please contact Paul Warren (Chief Executive) on:-

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Note: Please ensure that Member Services are provided with the original of the decision on the day it is taken (or by 10 am the following morning at the latest) to enable publication.

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ELECTED POLICE AND CRIME COMMISSIONER RESPONSIBILITIES

1.1 PCCs responsibilities will be to:-

- Set the strategic direction and objectives of the force through the 5 year Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary.
- Monitor the overall performance of the force including against the priorities agreed within the Police and Crime Plan.
- Decide the budget, setting a precept, allocating assets and funds to the Chief Constable.
- Appoint, and where necessary, remove the Chief Constable.
- Maintain an efficient and effective police force for the police area.
- Provide the local link between the police and the public, working to translate the legitimate desires and aspirations of the public into action on the part of the Chief Constable to cut crime and antisocial behaviour.
- Hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable.
- Publish information specified by the Secretary of State and information that the PC considers necessary to enable the people who live in the force area to assess the performance of the PCC and the Chief Constable.
- Comply with all formal requests from the Police and Crime Panel to attend their meetings.
- Prepare and issue an annual report to the Police and Crime Panel on the PCC's delivery against the objectives set within the Plan.
- Keep abreast of all complaints made against senior officers and staff, whilst solely acting to determine how best to manage complaints against the Chief Constable.
- A wider responsibility for the delivery of community safety and the ability to bring together CSPs at the force level.
- The ability to make crime and disorder reduction grants within their force area.
- The ability to enter into collaboration agreements between other PCCs and forces that benefit their force area and deliver better value for money and enhanced policing capabilities.

- A wider responsibility for the enhancement of the delivery of criminal justice in their area.
- The PCC can decide what support is needed to fulfil his/her role, though they have to appoint a chief of paid staff and a chief finance officer. There is the option of appointing a deputy PCC. The PCC will have to publish details of the functions and cost of staff supporting him/her.

POLICE AND CRIME PANEL (PCP) RESPONSIBILITIES

PCPs' responsibilities will comprise:-

- Requiring the commissioner or a member of their staff to attend the panel to answer questions.
- Requesting the Chief Constable attends the panel to answer questions where it has already required the commissioner to appear before the panel.
- Appointing an acting Commissioner from amongst the commissioners staff if the commissioner has resigned, has been disqualified from office, or is incapacitated or suspended.
- Vetoing the Commissioner's proposed precept if two-thirds of the members of the panel vote in favour of doing so.
- Vetoing the Commissioner's proposed appointment of a chief constable if two-thirds of the members of the panel vote in favour of doing so.
- Reviewing the PCC's draft Police and Crime Plan.
- Holding confirmation hearings for the PCC's proposed Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner appointments; and deal with complaints made about the PCC.