



Report of : Director of Environment and Neighbourhoods

Report to : Executive Board

Date: 14 December 2011

Subject: Police Reform and Social Responsibility Act 2011 – Implications of Elected Police and Crime Commissioner

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. To provide the Executive Board with a summary of the Police Reform and Social Responsibility Act 2011, which received Royal Assent on 15th September 2011.
2. Highlight the initial implications to the City of the introduction of an elected Police and Crime Commissioner (PCC).

Recommendations

3. Executive Board is asked to:
 - 3.1 Note the main strands of the Police Reform and Social Responsibility Act 2011 which has now received Royal Assent.
 - 3.2 Consider the implications of the introduction of an elected Police and Crime Commissioner.
 - 3.3 Note the role that the West Yorkshire Police Authority will play, in overseeing the transitional arrangements in preparation for the introduction of the Act.

1 Purpose of this report

- 1.1 The purpose of this report is to provide the Executive with an overview of the Police Reform and Social Responsibility Act 2011, which received Royal Assent on 15th September 2011, and to highlight the initial implications to the city of the introduction of a publically elected Police and Crime Commissioner.

2 Background information

- 2.1 Following the publication of the Home Office Consultation Paper 'Policing in the 21st Century: Reconnecting the police and the people', the coalition government put forward legislation that will alter the policing governance for England and Wales. The Police Reform and Social Responsibility Bill was introduced to the House of Commons on 30 November 2010. It received Royal Assent and therefore became an Act of Parliament, on 15th September 2011.
- 2.2 The Act contains two distinct measures with implications for the local authority.
 - It replaces police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability.
 - It amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities.
- 2.3 A separate review is currently investigating the impacts of changes to the 2003 Licensing Act, and this will form the basis of a future report to Executive Board.
- 2.4 This report aims to outline the initial implications of the introduction of a publicly elected Police and Crime Commissioner for the West Yorkshire Police Force region.

3 Main issues

- 3.1 The Police Reform and Social Responsibility Act received Royal Assent of 15th September 2011. A central theme within the Act is police governance and accountability. In an attempt to strengthen both, the Government will do the following:
 - Replace police authorities with directly elected Police and Crime Commissioners
 - Introduce Police and Crime Panels, to scrutinise the Police and Crime Commissioner's decisions and actions and assist them in carrying out their functions
 - Re-allocate Home Office funding from Community Safety Partnerships to the Police and Crime Commissioner
- 3.2 The role of the Police and Crime Commissioner (PCC) will be to:
 - Secure an efficient and effective police force for their area
 - Appoint the Chief Constable and hold them to account
 - Produce a five year Police and Crime Plan

- Set the annual force budget and police precept
- Produce an annual report setting out progress against the Police and Crime Plan
- Allocate crime and disorder reduction grants to any organisation or person in their force area
- Decide how much funding is spent on policing and how much funding is spent on community safety services (services that sit outside direct policing).

3.3 The appointment of the PCC will be made through a public election which will take place in November 2012. The post is open to any person who considers themselves able to undertake the role of the PCC, subject to relevant checks. Once elected, the PCC will hold office for a period of 4 years (3.5 years in relation to 1st term).

3.4 The PCC will be held to account by a Police and Crime Panel (PCP). The PCP will have the power to:

- Require the commissioner, a member of their staff or the chief constable to attend the panel
- Veto the commissioner's proposed precept if 2/3 of the panel agree to do so
- Veto the commissioner's proposed appointment of a Chief Constable if 2/3 of the panel agree to do so
- Review the PCC's draft police and crime plan
- Review the commissioner's annual report
- Hold confirmation hearings for the PCC's proposed chief executive, chief finance officer and deputy PCC.
- Deal with any complaints made about the PCC

3.5 In relation to resources, from April 2013 all funding to support police force costs will come directly through the office of the PCC. The PCC will determine the allocation of all resources to support police activity. This will be undertaken with the support of the force Chief Constable.

3.6 Home Office funding, currently channelled through local Community Safety Partnerships will also be pooled within the office of the PCC. Leeds benefits from a number of Home Office grants specifically aimed at addressing crime and offender behaviour. At present, the allocation of these funding streams is determined through local partnership arrangements. These include:

- Community Safety Fund (CSF) - £1.4m to 31st March 2013
- Drugs Intervention Programme (*DIP) – approx. £900k for 2011/12

*This does not include DIP funding aligned to the ring-fenced pooled treatment budget for drugs which is allocated through the Dept of Health's National Treatment Agency (NTA).

- 3.7 The Safer Leeds Executive is the city's statutory Community Safety Partnership (CSP), that oversees the use of the CSF. The partnership allocated £1.3m of the CSF to address Burglary, the city's main priority in relation to community safety. This decision was ratified by the Council's Executive Board in July 2011.
- 3.8 The DIP funding supports activity to assess and case-manage drug using offenders and ensure referrals are made to appropriate treatment services. The DIP funding is also aligned and supports the Integrated Offender Management (IOM) programme delivered from Mabgate Mills. The allocation of this funding is determined through a commissioning process overseen by the Joint Commissioning Group.
- 3.9 The above list is not comprehensive, and further information is currently being sought from the Home Office on the landscape of funding that will become part of the PCC's pooled budget.
- 3.10 From April 2013, all Community Safety related funding derived from the Home Office will be pooled within the PCC's budget. The PCC will be responsible for determining how these funds are allocated across the West Yorkshire region. The allocation of funding will be informed by the contents of the Police and Crime Plan, and determined through local commissioning arrangements.
- 3.11 The PCC will be responsible for determining local commissioning arrangements. They will be entitled to offer grants to any organisation they deem appropriate to support the delivery of the Police and Crime Plan.
- 3.12 There will be a mutual duty to co-operate between the PCC and the CSPs, and to have regard to each other's priorities and plans. To some extent the CSPs will be accountable to the PCC, as the PCCs can request reports from the CSP and convene meetings should they feel it necessary.

4. Initial Implications For Leeds

4.1 Election of the police and Crime Commissioner

- 4.1.1 The PCC will hold office for 4 year term. Public elections for the 1st term of office will take place on 15th November 2012, and the term of office for the PCC begins 7 days after i.e. at midnight on 22 November 2012. Thereafter, public elections will take place alongside local elections in May.
- 4.1.2 Each force area is required to nominate a host city, to house the office of the PCC. It has been agreed that Wakefield will be the hosting city for the West Yorkshire Force.
- 4.1.3 Every local authority will conduct their area count and then the results will be assimilated by Joanne Roney, Chief Executive of Wakefield Metropolitan Council, as Police Area Returning Officer (PARO). District Returning Officers will need to consider the availability of polling stations on Election Day and any other resources that may be needed to support the process, i.e. staffing.

- 4.1.4 The government has allocated an additional £25m to support local authorities in the running of public elections on 15 November 2012 (this is in addition to the £50m already allocated to undertake subsequent May PCC elections). The approximate cost of running a local election in Leeds is £686,000. However, the cost of running the election for the PCC, is expected to be slightly higher due to seasonal variations for example higher heating and lighting bills in polling stations. Also, due to existing commitments at the Town Hall, an alternative venue will have to be identified for the verification and count which will incur an additional cost.
- 4.1.5 The Government have advised Returning Officers that funding to support the delivery of the PCC election in November, will be fully reimbursed through the Home Office.
- 4.1.6 If there are only two candidates then the commissioner is returned under the simple majority system. If there are three or more candidates the commissioner is returned under the supplementary vote system. Appendix 1 provides an explanation of this voting system.
- 4.1.7 At this stage no further details are known, but the PARO's recommendation is that the count begins the morning after the elections have taken place to allow for the possibility of a complex and lengthy counting process, i.e. if no candidate receives 50% of the total vote.
- 4.1.8 This view is supported by the Returning Officer in Leeds due to the potential volume of postal votes in Leeds that will need to be opened and verified before they can be introduced into the count. Conducting the count on the following day allows sufficient time for the verification of postal votes handed in to polling stations at close of poll.

4.2 Police and Crime Panels

- 4.2.1 The local authorities for a police area must establish and maintain a Police and Crime Panel (PCP). For a multi-authority police area like West Yorkshire, the PCP will be a joint committee of the local authorities. The panel will be responsible for holding the PCC to account. The powers of the PCP are outlined in section 3.4. The PCP meeting at which the PCP review the PCC's annual report, must be open to the public, and as a joint committee, it is likely that other provisions relating to access to information will apply. Reports or recommendations made by the PCP to the PCC must be published.
- 4.2.2 The PCP for this area must have 10 elected members, appointed by local authorities, and a minimum of 2 co-opted members co-opted by the PCP. The PCP can co-opt additional members up to a total membership of 20, though the additional number of co-opted members must be approved by the Home Secretary. A councillor cannot be a co-opted member of the PCP, unless there are at least two other co-opted members who are not councillors.

- 4.2.3 The Act requires the local authorities for an area to make panel arrangements for the establishment and maintenance of the panel. These must cover:
- which authorities should appoint the extra members of the panels, where there are nine or fewer authorities;
 - payment of allowances;
 - administrative arrangements;
 - support and guidance to members and officers;
 - how the authorities will meet the costs of the panel;
 - how funds paid to meet the costs of the panel are to be paid to, or distributed between the relevant authorities; and
 - provision about co-optees (including their terms of office)..
- 4.2.4 Leeds' is currently allocated three seats on the West Yorkshire Police Authority (WYPA), the current representatives being two Labour and one Conservative elected member.
- 4.2.5 The West Yorkshire Police Authority has played a key role in supporting the Leeds Community Safety Partnership over the years. The key statutory duty of the authority is to secure the maintenance of an efficient and effective police force for the West Yorkshire area and hold the Chief Constable to account for the delivery of policing services. In addition the Authority is also responsible for the publication of a rolling three-year Policing Plan, setting out objectives for the year and proposed arrangements for the three year period, and monitor the performance of the Force against the Policing Plan.
- 4.2.6 Leeds has benefited enormously from its close working relationship with the WYPA, for example the Authority and the Council currently co-funds the city's 324 Police Community Safety Officers. The introduction of the Act will see the demise of the authority, with the WYPA ceasing to operate after 31st March 2012, after which time all staff and powers held by the authority will be transferred to the office of the PCC from 1st April 2012.
- 4.2.7 Authorities must ensure that the "balanced appointment objective" is met in relation to the PCP. That is, that the local authority members of the panel taken together:
- represent all parts of the police area;
 - represent the political make up of the authorities (when taken together); and
 - have the skills knowledge and experience necessary for the panel to discharge its function effectively .

"Local authority members" in this context include any co-opted members of the PCP who are members of the relevant local authorities.

- 4.2.8 In co-opting members who are not councillors, the PCP must ensure that (so far as reasonably practicable), the appointed and co-opted members of the PCP (when taken together) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively.

- 4.2.9 Discussions on the structure of the West Yorkshire PCP have been taking place with Council Leaders and Chief Executive Officers (CEO) through the West Yorkshire Leaders Board. They have suggested that a shadow PCP be established from May 2012, and that secretariat support to the PCP be provided by the Association of West Yorkshire Authorities (AWYA). However, the make-up of the West Yorkshire PCP has not been determined yet.
- 4.2.10 Representatives on the PCP will provide the main route into the PCC for each local authority. Subject to agreement, the Terms of Reference for the Safer Leeds Executive (CSP) will be changed to reflect that a representative from the PCP becomes a statutory member.
- 4.2.11 Leeds, Bradford and Wakefield, will be required to hold referendums in May 2012 to establish if residents wish to appoint an elected mayor. If Leeds residents vote to appoint a mayor, the successful candidate will automatically be allocated a seat on the PCP.
- 4.2.12 The Home Office have specified that it will be for the responsibility of each PCP to determine their governance arrangements. The WYPA is overseeing the transitional arrangements in preparation for the introduction of the Act for the West Yorkshire sub-region. They have established 11 project Boards to consider the complex issues that the introduction of the Act will produce. Representatives from each of the 5 districts will be asked to sit on relevant Boards to determine how the West Yorkshire arrangements will operate.

4.3 Police and Crime Plan

- 4.3.1 All resources currently allocated to support the West Yorkshire Police Force will, from 1st April 2013, come through the office of the PCC. They will be responsible for deciding the police budget, in consultation with the Police Chief Constable.
- 4.3.2 Following appointment, the PCC will have until 1st April 2013 to develop a 5 year police and Crime Plan. The plan will be refreshed annually and run to the 1st year of the term of the next PCC. The plan must take regard for the priorities of district Community Safety Partnerships (CSP), and in return district CSP plans, must take regard for the objectives set out in the Police and Crime Plan, when formulating and implementing their own.
- 4.3.3 Funding that is currently channelled through the City Council to address local Community Safety priorities, as set out in section 3.7, will be pooled within the budget of the PCC. The PCC will determine how this funding is allocated across the West Yorkshire sub-region.
- 4.3.4 The PCC will be responsible for consulting with the general public about their policing priorities, to inform the development of the Police and Crime Plan. They will also be required to produce an annual report outlining how they have spent their resources and what outcomes they have achieved.

- 4.3.5 In order to qualify for funding, Community Safety Partnerships will need to ensure their local priorities are reflected in the Police and Crime Plan. It is therefore imperative that the city ensures its community safety priorities are articulated clearly, and that it can demonstrate the effectiveness of the activity it wishes the PCC to support.
- 4.3.6 As mentioned in section 3.12, the PCC will determine the local commissioning arrangements for all community safety activity across the force area. The Home Office does not intend to issue guidance to the PCC to inform the commissioning process. PCC's will be required to adhere to financial regulations and procurement legislation, but other than this, the PCC will be entitled to allocate Community Safety grants, to any organisations they deem appropriate.
- 4.3.7 The removal of resources previously determined through local partnership arrangements, could significantly reduce the amount of funding available to support local priorities.

4.4 Multi Agency Working

- 4.4.1 Through the City's partnership arrangements, Leeds has developed a number of successful multi-agency projects, which bring together a range of different organisations to support the delivery of the City's priorities. Within the area of Community Safety, the City Council and West Yorkshire Police (WYP) have invested large sums from their mainstream budgets to support joint working between the two organisations. These include:
- Safer Leeds – LCC Officer and Police resources, including sharing the cost of the WYP seconded Chief Community Safety Officer
 - Police Community Support Officers (PCSO's)
 - Leeds Anti Social Behaviour Team (LASBT)
 - Youth Offending Service
 - Integrated Offender Management Service at Mabagte Mills
- 4.4.2 The total sum of investment from the authority into these initiatives is significant; support for the City's PCSO service alone is over £1.5m per annum.
- 4.4.3 All funding for local policing from April 2013 will come through the office of the PCC, this includes funding to support local partnership initiatives as outlined above. It will be the decision of the PCC, whether or not they continue to provide resources to support local multi-agency work in the future.
- 4.4.4 The Council will require a commitment from the PCC that any resource it provides to support local multi-agency work with the police, will be agreed in partnership and ring-fenced to address activity within the city, and not subsumed within the overall West Yorkshire Policing budget.
- 4.4.5 Further investigation needs to take place with the Police and other agencies, to understand the scale and potential implications of any significant shift in resources from local multi agency work from April 2013.

5. Next steps

5.1 There is much for the city to consider in relation to the introduction of a Police and Crime Commissioner, it is therefore suggested that a project group will be established to undertake more detail investigations on the implications, and report back to the Safer Leeds Executive and the Council's Executive Board. Representation is sought from the following service areas/partners:

- Safer Leeds
- Commissioning and Strategy – DIP/IOM programme
- Democratic and Central Services
- City solicitor / or nominee
- West Yorkshire Police
- West Yorkshire Probation – Integrated Offender Management
- Association of West Yorkshire Authorities

5.2 The main purpose of the project group will be to consider and make recommendations on:

- The potential withdrawal of activity currently funded by the CSF and DIP/IOM, and any other funds currently allocated via local partnership arrangements
- The potential withdrawal of funding which supports local multi-agency activity e.g. PCSO, LASBT, YOS, Safer Leeds
- The robustness of the existing performance management arrangements and collation of evidence to demonstrate the effectiveness of activity
- Ensure that the city's existing community safety partnerships are fit for purpose to enable strong links to be forged between the PCC and the CSP at the local level
- Better understand the role of local scrutiny arrangements and how these will link into and inform the work of the Police and Crime Panel
- Consider and make plans to mitigate any potential risks associated with the introduction of the PCC
- Provide support and advice to the Executive Board and Senior Officers on strategic issues if required
- Provide regular updates to Executive Members and partners on new developments as the Act is put in to practice
- Link in to the wider West Yorkshire transitional arrangements where appropriate

5.3 The Project group will be initially time limited to November 2012. It will be accountable to the Safer Leeds Executive Board, with issues of strategic / major significance escalated to the Council's Executive Board.

6. Corporate Considerations

6.1 Consultation and Engagement

6.1.2 West Yorkshire Police and Leeds City Council Services undertake regular consultation with residents through a wide range of means to assess local needs and priorities. The methods include community forums, PACT meetings, resident surveys, face to face meetings, local patrols and events, Area Committee meetings, newsletters and other media publications.

6.1.3 The Home Office is currently undertaking consultation at national level on the introduction of the Act. A Deep Dive exercise took place in West Yorkshire from 31st October – 4th November. Council, Police and Elected representatives, took part in detailed discussion with senior officers from the Home Office on the introduction of the PCC. West Yorkshire is one of four force areas across the county where Deep Dive exercises are taking place. The findings of the exercise will be published in December, prior to further national consultation taking place across the country in the New Year.

6.1.4 A national Home Office media campaign on the introduction of the PCC will commence in December. This is expected to continue right up to the election next November.

6.1.5 Local force areas will be required to develop local media strategies, in order to engage with the public prior to the vote taking place.

6.2 Equality and Diversity / Cohesion and Integration

6.2.1 Both LCC and WYP follow Equality procedures which ensure that their services are accessible to all the residents of Leeds. Services are developed and delivered in response to need and intelligence information, which aims to address inequality and improve lives.

6.2.2 The Home office has published equality impact assessment relating to the various elements of the Act. However, further work is required to understand the equality implications for Leeds.

6.3 Council Policies and City Priorities

6.3.1 The introduction of a PCC will have implications on the Safer and Stronger Partnership Board's priority to 'Make Leeds an attractive place to live, where people are safe and feel safe, and the City is clean and welcoming'.

6.4 Resources and value for money

6.4.1 The introduction of a Police and Crime Commissioner is likely to have significant resource implications from April 2013. All funds currently allocated to deliver police activity, including multi-agency work, will be determined by the commissioner in consultation with the Chief Constable.

6.4.2 Funds currently allocated through the Home Office to support local Community Safety activity, will also be pooled within the office of the PCC. This funding currently totals over £1m per annum, and is determined through local partnership arrangements.

6.4.3 In preparation for the introduction of the PCC, it is imperative that Leeds has a robust performance management process in place, and that clear evidence of outcomes, impact and value for money can be demonstrated.

6.4.4 Further work needs to take place to look at the current performance arrangements to ensure that these are fit for purpose.

6.5 Legal Implications, Access to Information and Call In

6.5.1 Implementation of the Act has implications for the Council's governance arrangements, not least the establishment of a new joint committee, the PCP. Constitutional amendments will follow from this, and from the abolition of the police authority. However, further investigation on this matter will take place through the project group, and reported back to the Safer Leeds Executive, the Councils Executive Board or General Purposes Committee where appropriate.

6.6. Risk Management

6.6.1 Further work needs to take place to fully understand the potential risks to the city's Community Safety Partnership and the delivery of its priorities. The project group will undertake this piece of work and report back to the appropriate Executive Board.

7. Recommendations

7.1 Executive Board is asked to note that the Police Reform and Social Responsibility Act received Royal Assent on 15th September, and that a public election will take place in the city in November 2012 to appoint Police and Crime Commissioner for the West Yorkshire Police Force area.

7.2 Note the initial implications associated with the introduction of an elected Police and Crime Commissioner from November 2012 set-out within this report.

7.3 Note that the West Yorkshire Police Authority will oversee the transitional arrangements in the preparation for the introduction of the Act, and recognise the excellent work that has taken place between the city and the Police Authority over the years.

7.4 Agree that a project group is established, to consider and make recommendations to the Safer Leeds Executive and the Councils Executive Board, on a range of issues as outlined in section 5 of this report in preparation for the appointment of the Police and Crime Commissioner.

8. Background documents

8.1. Police Reform and Social Responsibility Act 2011