



Report of : Director of Environments and Neighbourhoods

Report to : Executive Board

Date: 12 December 2012

Subject: Police Reform and Social Responsibility Act 2011 – Election Results and Update

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 Council's Executive Board with details of the newly elected West Yorkshire Police and Crime Commissioner and their key pledges.
2. Provide an update regarding the prescribed roles of Community Safety Partnerships, Scrutiny Committees and Police and Crime Panels.
3. Provide a general update on the preparatory work that has been taking place in the city in readiness for the new policy arrangements.

Recommendations

4. Executive Board is asked to note the contents of this report.

1 Purpose of this report

- 1.1 To inform Executive Board of the results of the November elections for the West Yorkshire Police and Crime Commissioner including their key pledges, and update the Board on ongoing work to prepare the city for potential changes to local partnership, scrutiny and commissioning arrangements.

2. Background information

- 2.1 Police and Crime Commissioners (PCCs) will be elected for every police force area in England and Wales, outside London. The elections took place on 15th November 2012. The first PCC will hold office for a period 3.5 years (4 years in relation to subsequent terms).
- 2.2 The PCC will have responsibility for:
- Appointing the Chief Constable and holding them to account for the running of the force.
 - Setting out a five year Police and Crime Plan based upon local priorities.
 - Setting the annual local precept and annual force budget.
 - Making grants to organisations aside from the police (including but not limited to Community Safety Partnerships).
- 2.3 The PCC will be constructively challenged and supported 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
 - Review the PCC's draft Police and Crime Plan
 - Review the PCC'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 Main issues

3.1 Election Results

- 3.1.1 The elections for the West Yorkshire Police and Crime Commissioner took place on Thursday 15th November. Turnout across West Yorkshire was 13.3%, with a total of 249,224 votes cast. The successful candidate was announced on Friday 16th November as the Labour Party candidate, Mark Burns-Williamson. Mr Burns-Williamson will hold office for 3.5 years, until May 2016.
- 3.1.2 Mr Burns-Williamson was elected to Wakefield Metropolitan District Council in 1998 and represents the Castleford Central and Glasshoughton Ward. He became a member of the West Yorkshire Police Authority in 1999 before earning the position of Chair of the West Yorkshire Police Authority in 2003. In September 2009 he was elected Deputy Chair of the Association of Police Authorities.
- 3.1.3 He was elected Chair of the Association of Police Authorities in October 2011 before then being awarded an OBE for services to the Community and Policing in the 2012 Honours List.

3.1.4 Mr Burns-Williamson, was established in post as West Yorkshire Police and Crime Commissioner on 22nd November 2012. His key election pledges are to:

- Stand against the £100m Government cuts of around 2000 police officers and staff in West Yorkshire
- Keep Police Officers and PCSO's on the beat, not hand police work over to private companies
- Strong and swift action on antisocial behaviour
- Be tough on crime, tough on the causes of crime, giving victims a greater voice
- Preserve operational independence of the police

3.1.5 The Commissioner has now been charged with developing a West Yorkshire Police and Crime Plan. The Plan will set out how the Commissioner intends to deliver on their key election pledges, and the commissioning arrangements that will be employed to support this.

3.1.6 The newly established Office of the Police and Crime Commissioner (OPCC) has established a cross district working group to support the development of the Plan. The Chair of Safer Leeds, the Director of Environments and Neighbourhoods, has been asked to be a member of the working group.

3.2 Building a Strong Working Relationship with the Police and Crime Commissioner (PCC)

3.2.1 Community Safety Partnerships (CSP)

Community Safety Partnerships will continue to operate as statutory bodies, however, the PCC will not be classed as a 'responsible authority' and therefore will not be obliged to sit on any of the West Yorkshire CSPs. Safer Leeds may wish to extend an invitation to the PCC or their nominee moving forward.

3.2.2 The Act explicitly states that both the PCC and CSPs must have regard to each other's priorities when exercising their functions and developing their respective plans. Despite this element of reciprocity the CSPs are to some extent directly accountable to the PCC, who can request reports from the CSP and can convene meetings of the CSPs and of the five West Yorkshire CSP Chairs as they feel necessary. They will not be empowered to enforce the merger of two or more CSPs (this could only take place should the CSPs involved agree to merge).

3.2.3 Local Crime and Disorder Committees/ Scrutiny Boards

Provisions in the Police and Justice Act 2006 extended the remit of local authorities to scrutinise crime and disorder functions and as of April 2009 each Council has been required to designate a Scrutiny Board to act as their 'Crime and Disorder Committee'. Crime and Disorder Committees have the powers to review or scrutinise decisions made (or action taken) by the local Community Safety Partnership and the 'responsible authorities' that comprise it, but only with regards to activities which relate to the Partnership itself.

3.2.4 The Police Reform and Social Responsibility Act has various implications for Local Crime and Disorder Committees. Although the Act did not change the legal remit of Local Authority Crime and Disorder Committees, they will not have the power to directly scrutinise the PCC because, as previously stated, he/ she will not be a 'responsible authority' on the CSP. PCCs will be directly elected by the public and

will be subject to a duty to consult with victims and the wider community, but will need to maximise their understanding of the needs of local people. The Act requires PCCs to consult with victims in setting policing priorities in their local area.

3.2.5 As the Committees can currently scrutinise the West Yorkshire Police Authority, the reforms signal a readjustment of responsibilities in relation to the scrutiny of policing in West Yorkshire. In this sense, the West Yorkshire Police and Crime Panel will be carrying out part of the role currently exercised by local Crime and Disorder Reduction Committees.

3.3 Moving Forward

3.3.1 There is significant benefit in building strong relationships with the Police and Crime Panel (PCP) and other CSPs. CSPs possess a wealth of understanding and knowledge about the key community safety issues affecting their communities and about those interventions that are most effective at addressing them. The Partnerships will continue to gather critical intelligence allowing them to respond to underlying causes and trends in relation to crime, community safety and anti-social behaviour.

3.3.2 Each CSP has agreed to contribute to a regular, West Yorkshire wide briefing for Panel members. CSPs will provide a valuable update on issues such as the impact of the Commissioner on crime trends in their district, the activity that has been commissioned in their district and the extent to which the Commissioner is having regard to their priorities and plans. It will be important to maintain regular dialogue between the five CSP Chairs and the PCP to ensure the Panel has a clear understanding of the real impact that the Commissioner is having across all of the communities in West Yorkshire.

3.3.3 Panel membership in Leeds is already aligned with CSP membership as the elected members sit on both bodies. This arrangement supports the transference of understanding and up to date intelligence from the CSP to the Panel and vice versa.

3.3.4 As well as there being many ways in which the CSPs can support the Panel, the Panel will be in a position to hold the Commissioner to account if he/she:

- Fails to have regard to CSP priorities when exercising their functions/ producing their plan
- Has a detrimental impact on the safety of communities in West Yorkshire
- Commissions costly, ineffective community safety interventions
- Fails to recognise the value generated under previous Partnership arrangements as demonstrated in the CSP 'business cases' which are currently being developed.

3.3.5 Furthermore, each of the three PCP representatives have now been linked in to one of the three Police Divisions. This will help to provide clear communication routes between the PCP and the city's three police divisions.

3.3.6 It has been agreed that local scrutiny officers will contribute to the regular West Yorkshire wide briefing for PCP members. This will ensure that the PCP is aware of any concerns about the PCC's activities that have been raised at a ward or district

level and will also ensure the PCP is made aware of any relevant findings or investigations which have been carried out.

- 3.3.7 Regular dialogue between the PCP and Scrutiny Chairs will also support the objectives outlined above. The PCP's primary focus will be on the strategic issues effecting West Yorkshire in its entirety and regular briefings with all five scrutiny functions will inevitably alert the PCP to any issues or concerns which are common to the whole Police force area.
- 3.3.8 As well as benefiting from investigations initiated by local scrutiny committees, the PCP may also choose to request that these committees carry out investigations on its behalf. In some instances this local input and knowledge may be critical, for example if the issue relates to a specific community, and would also enable local members to shape the investigation.
- 3.3.9 Local scrutiny committees can benefit from developing and sustaining strong links with the PCP as the PCP will be in a position to hold the Commissioner to account if he/she:
- Has a detrimental impact on the safety of communities in West Yorkshire
 - Raises public concern due to their behaviour/ approach
 - Acts in a way which would have previously prompted the Committee to 'call in the responsible authority.'
- 3.3.10 In the same way that a particular issue or concern may be best addressed by a local scrutiny committee, there will also be cases where the PCP leads on investigations on behalf of all five authorities. As already outlined, regular dialogue between the five authorities and the PCP is likely to identify some common issues and trends which need to be addressed by the PCP itself with the final outcome benefiting West Yorkshire as a whole. The AWYA will continue to work with the five lead scrutiny officers to identify where work programmes overlap and investigations can be combined. A clear mechanism will ensure the Panel can refer issues to the Scrutiny Committees and vice versa.
- 3.3.11 Although these are initial suggestions as to how the different 'bodies' may interact, they will need to be further shaped by those involved. The discussion between the PCP and the five CSP Chairs and the PCP and the five Scrutiny Committee Chairs is an important starting point in terms of clarifying the respective roles and understanding any immediate concerns. The PCP is considering some formal 'principles for engagement' to be developed which reflect the needs of the PCP, the five CSPs and the five Crime and Disorder Committees.

4.0 Leeds Update

4.1 It is proposed that a portfolio of key information is made available to the PCC candidates and members of the PCP. The proposed contents are as follows:

- Introduction to the Safer Leeds Partnership
- Overview of the partnership landscape in Leeds
- Overview of the city priorities

- The Safer Leeds Business Plan (includes achievements, governance, financial management and value for money)
- Key performance information
- Case Studies for key areas

4.2 The Safer and Stronger Communities Scrutiny Board agreed to work closely with the Safer Leeds Executive to develop a Leeds Community Safety Business Plan. This work has now been concluded. Recommendations have been received from Scrutiny Board for the consideration of the Safer Leeds Executive and these are outlined in a separate report.

4.3 Business Cases are now being put together for all of the main areas of activity where the partnership would want the PCC to continue investing. Appendix 1 provides a high level summary of Safer Leeds' 'Asks'. This information is also included within the Safer Leeds Business Plan.

5. Corporate Considerations

5.1 Consultation and Engagement

5.1.2 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.

5.1.3 As this is a National policy, the Home Office has led on consultation with citizens. A national radio and television campaign has taken place to raise awareness of the PCC elections and the role of the PCC.

5.1.4 Now that a West Yorkshire PCC has been elected, it is anticipated that further consultation work will take place, through the newly established Office of the Police and Crime Commissioner, across West Yorkshire to support the establishment of the sub-regions Police and Crime Plan.

5.2 Equality and Diversity / Cohesion and Integration

5.2.1 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.

5.2.2 The Home office has published equality impact assessment relating to the various elements of the Act. Further work will need to be undertaken to better understand local equality implications, once budget and commissioning arrangements have been confirmed by the Police and Crime Commissioner.

5.3 Council Policies and City Priorities

5.3.1 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'.

5.4 Resources and value for money

- 5.4.1 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.
- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 Further work needs to take place to look at the current performance arrangements to ensure that these are fit for purpose.

5.5 Legal Implications, Access to Information and Call In

- 5.5.1 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.

5.6. Risk Management

- 5.6.1 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 PCC working group will continue to undertake this piece of work, as the ambitions of the newly elected PCC emerge. Regular updates are given to the Safer Leeds Executive, and where appropriate reported up to the Council's Executive Board.

6. Recommendations

- 6.1 Executive Board is asked to note the contents of this report
- 6.2 Await further updates as and when appropriate, on the implications to Leeds on the appointment of Mark Burns-Williamson as the West Yorkshire Police and Crime Commissioner.

7. Background documents

none

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.