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Report of Director of Environments and Neighbourhoods

Report to Safer and Stronger Communities Scrutiny Board

Date: 3rd April 2012

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):	☐ Yes	⊠ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	☐ Yes	⊠ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	⊠ No

Summary of main issues

- To provide the Safer and Stronger Communities Scrutiny Board with a summary of the Police Reform and Social Responsibility Act 2011, and outline the initial implications to the City related to the introduction of an elected Police and Crime Commissioner (PCC) from November 2012.
- 2. Highlight the key areas that the Board may wish to consider in preparation for the introduction of an elected Police and Crime Commissioner.

Recommendations

- 3. The Safer and Stronger Communities Scrutiny Board is asked to:
 - (i) Note the main strands of the Police Reform and Social Responsibility Act 2011 and initial implications of the introduction of an elected Police and Crime Commissioner.
 - (ii) Consider the role of Scrutiny in preparing for the introduction of an elected Police and Crime Commissioner in the new municipal year.

1 Purpose of this report

- 1.1 The purpose of this report is to provide the Safer and Stronger Communities Scrutiny Board with an overview of the Police Reform and Social Responsibility Act 2011, and to highlight the initial implications to the city of the introduction of a publically elected Police and Crime Commissioner.
- 1.2 To outline the main areas that the Board may wish to consider in relation to its role as the Council's Crime and Disorder Committee in preparation for the introduction for an elected Police and Crime Commissioner for the West Yorkshire Police Force region.

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 covers five distinct policy areas:
 - Replaces police authorities with directly elected Police and Crime Commissioners, with the aim of improving police accountability
 - Amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities
 - Sets out a new framework for regulating protests around Parliament Square.
 Relevant sections of the Serious Organised Crime and Police Act 2005 would be repealed and the police would be given new powers to prevent encampments and the use of amplified noise equipment
 - Enables the Home Secretary to temporarily ban 'legal high' type drugs for up to a year, and removes the statutory requirement for the Advisory Council on the Misuse of Drugs to include members with experience in specified activities
 - Introduces a new requirement for private prosecutors to obtain the consent of the Director of Public Prosecutions prior to the issue of an arrest warrant for 'universal jurisdiction' offences such as war crimes or torture. The Government's aim in introducing this change is to prevent the courts being used for political purposes.
- 2.3 A separate review led by City Development, is currently investigating the impacts of changes to the 2003 Licensing Act.

3 Key Elements of the Act

- 3.1 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 on 15th 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 or a member of their staff to attend panel meetings to answer questions
 - Request the chief constable attends the panel to answer questions, where it has already required the Commissioner to appear before 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, including passing on any allegations about criminal offences to the independent Police Complaints Commission.
- 3.5 From April 2013 all funding to deliver policing, crime reduction and supporting the victims of crime will come directly through the office of the PCC. The PCC will be required to develop a 5 year Police and Crime Plan for the West Yorkshire Police

Force Area by 31st March 2013, which will be used to inform the allocation of funding. The Commissioner will also determine local commissioning arrangements. This will be undertaken with the support of the force Chief Constable.

- 3.6 The allocation of funding will be informed by the contents of the Police and Crime Plan. The PCC will be entitled to offer grants to any organisation they deem appropriate.
- 3.7 Home Office funding currently channelled through local Community Safety Partnerships will 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. £818k in 2012/13

*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).

- 3.8 The Safer Leeds Executive is the city's statutory Community Safety Partnership (CSP), it determines 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.
- 3.9 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.
- 3.10 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. Police and Crime Plan

- 4.1 Following appointment, the PCC will have until 31st March 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.
- 4.2 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 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.
- 4.4 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.
- 4.5 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.

5. Preparing for the introduction of the Reforms - West Yorkshire

- 5.1. The West Yorkshire Leaders have agreed that Wakefield will be the host city for the West Yorkshire PCP.
- 5.2 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). 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.
- 5.3 The election of the PCC will take place on the 15th November, with the PCC taking official office from the 22nd November. The 1st PCC will hold office for a period of 3.5 year, with subsequent PCC's being in post for a maximum period of 4 years.

5.4 West Yorkshire Police and Crime Panel

- 5.4.1 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 PCC are outlined in section 3.4.
- 5.4.2 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.
- 5.4.3 Discussions have been taking place through the West Yorkshire Leaders meeting to establish the sub-region's PCP. To date the following has been agreed:
 - A shadow PCP to be established in June 2012 and run alongside the West Yorkshire Police Authority until November 2012

- The five Political Leaders will seek approval from the Secretary of State for a panel consisting of 12 elected members and 2 independent members
- The 12 elected members will consist of:
 - § 3 Leeds
 - § 3 Bradford
 - § 2 Kirklees
 - § 2 Calderdale
 - § 2 Wakefield
- The 2 Independent members will be selected via open recruitment
- Leaders have endorsed the decision that Wakefield will be the host authority for the PCP and that the Association of West Yorkshire Authorities (AWYA) will provide secretariat support.
- 5.4.4 At the next meeting of the West Yorkshire Leaders on March 29th, further discussion will take place to agree the:
 - Process for appointing members to the PCP (elected and independent members)
 - PCP budget for 2012/13
 - Shadow PCP work programme.
- 5.4.5 Leaders are extremely keen to ensure that the PCP utilises information and intelligence collected locally (via CSPs/ Scrutiny Boards) and via the office of the PCC to assess the performance of the Commissioner and reduce unnecessary duplication.
- 5.4.6 Members of 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 become a statutory member.
- 5.4.7 Leeds, Bradford and Wakefield, will 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, though they are not obliged to take the seat if they do not wish to. The election of a city mayor, will also take place on the 15th November 2012.
- 5.4.8 In addition to the structural arrangements outlined above, a number of west Yorkshire project groups have been established to consider sub-regional working arrangements and opportunities for joint working. These include:
 - West Yorkshire Leaders and Chief Executives strategic decisions regarding make up of PCP
 - West Yorkshire Chief Legal Officers finalising PCP rules of procedure, joint committee agreements and arranging approval from the five full Councils
 - West Yorkshire Crime and Disorder Scrutiny Chairs and Lead Officers exploring the implications of the PCC/ PCP for local scrutiny arrangements, particularly relationship to PCP
 - West Yorkshire Member Development Officers developing a work programme for the shadow PCP to ensure members prepared for new role

- West Yorkshire Commissioning Group investigating current commissioning arrangements within each district, cross boarder working and sharing good practice
- West Yorkshire CSP leads WYPA 'partnership' group

6. Preparing for the introduction of the Reforms – Leeds

- 6.1 In preparation for the introduction of an Elected Police and Crime Commissioner, the Safer Leeds Executive has established a project group to undertake more detail investigations in to the implications of this element of the Act and report back to the Safer Leeds Executive and the Council's Executive Board on how best to mitigate any risks and maximise opportunities in relation to the city's community safety priorities.
- 6.2 The project group had its 1st meeting in January, and will continue to meet on a monthly basis until November 2012. The group consists of representatives from the follow services / agencies:

Community Safety (Safer Leeds)	Supt Keith Gilert (Chair), Chief Officer Liz Jarmin, Head of Community Safety Partnerships Lynda Rushton, Supporting Officer
Democratic and Central Services	John Kearsley, Chief Officer
West Yorkshire Police	Superintendent Tim Kingsman
Drug Intervention Programme/ Integrated Offender Management	Louise Hackett
West Yorkshire Probation	Neil Moloney, Head of Leeds Probation
Association of West Yorkshire Authorities	Clare Elliott, Association of West Yorkshire Authorities

- 6.3 The main purpose of the project group is 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 collate 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
 - Develop a local media strategy to publicise community safety successes in the city in preparation to the November 2012 elections

- 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
- 6.4 The Project group will be 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 and other appropriate Boards.
- The main focus of the project group to date, has been to develop a better understanding of the resources that are likely to be pooled within the office of the PCC, and those that are currently committed to multi agency work related to the delivery of the city's community safety priorities.
- 6.6 The two tables below provide a summary of the project group's initial findings in relation to resources:

Table 1 Home office Grants

Funding Source	Amount 2012/13	Funding Sources / Comments
Home Office Grant Funding	Approx. £8.8m	 Community Safety Fund confirmed to be pooled from April 2013 (£479k 2012/13). Drug Intervention Programme -awaiting confirmation April 2012 (£818k 2012/13) Prevent- awaiting confirmation (£85k 2012/13) Probation / DIP (£7.12m 2012/13) – Not confirmed as part of pooled budget. Includes contributions from LCC and other. YOS – transitional arrangement in place for 2012/13 with WYPA for approx £100k remainder to go direct to LCC YOS

Table 2 Leeds City Council Match Funded / Community Safety Related Projects

Funding Source	Amount 2012/13	Funding Sources
LCC - Multi-	Gross £5.96m	• PCSOs
Agency / Match	(includes	 Leeds Anti Social Behaviour Team
Funded projects	contribution from	Community Safety Service
	HRA)	Integrated Offender Management
		Victim Support
		CCTV (Leeds Watch)

6.7 The above tables are not comprehensive and are subject to change. The Government have not released a comprehensive list of funds / resources that will be pooled within the office of the PCC, therefore further research and analysis is

- required to understand the full picture and scale of the potential impact upon the delivery of the city's CS priorities.
- 6.8 Discussions are currently taking place with West Yorkshire Police HQ to identify funding that comes into Leeds to support multi-agency work e.g. ASB, PCSO's etc. Discussions are also taking place with the Home Office in relation to other funds that come in to the city at a West Yorkshire level e.g. drug testing budget and funding to support victims.

7. Contracting arrangements

- 7.1 In relation to the Burglary Reduction Programme, all contracts have been issued until March 2013. Projects are aware that funding will come to an end and although work needs to take place to consider how we are to sustain activity, contractually there will be no liabilities to the Partnership.
- 7.2 The Drug Intervention Programme and Integrated Offender Management are contracted annually with Safer Leeds. However, further investigation is required to understand the wider contractual obligations of ceasing this activity, for example, staffing, premises and subcontracting arrangements. Further work is taking place to understand the implications on services such as the drug testing programme which is commissioned at a West Yorkshire level.
- 7.3 Prevent has not yet been confirmed within the pooling arrangements. Currently the Council employs 1 FTE to undertake this work.
- 7.4 There is a three year agreement in place to support 30% of costs for 170 PCSOs across the city. The contract is renewable on an annual basis to 31st March 2014.
- 7.5 The Leeds Anti-Social Behaviour Team benefits from West Yorkshire Police resources in each of the three area based teams and a central core team based at 2 Great George street. Agreements were made with divisions to support this work as part of the Quest review. However, it is not clear at this time whether there is any formal contract in place to cement this arrangement.
- 7.6 Commitments are also in place to provide resources to support Leeds Community Safety service, but, again further work is needed to establish whether there is any formality to these.
- 7.7 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.
- 7.8 This may present opportunities in addition to concern about some resources and the Project Group will try to ensure that Leeds is best placed to seize any opportunities through good planning and evidencing. 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.

8. The Role of Local Authority Crime and Disorder Committees

- 8.1 Provisions in the Police and Justice Act 2006 extended the remit of local authorities to scrutinise crime and disorder functions and as from April 2009, the Council has been required to designate a Scrutiny Board to act as the Council's 'Crime and Disorder Committee'. The Safer and Stronger Communities Scrutiny Board has currently been assigned to fulfil this role.
- 8.2 In its capacity as a 'Crime and Disorder Committee', the Safer and Stronger Communities Scrutiny Board has powers to review or scrutinise decisions made (or action taken), by the local Community Safety Partnership (i.e. Safer Leeds) and the 'responsible authorities' who comprise it, only insofar as their activities relate to the partnership itself.
- 8.3 The Police Reform and Social Responsibility Act 2011 did not change the remit of local authority Crime and Disorder Committees. However, whereas Police Authorities were previously regarded as one of the 'responsible authorities' making up Community Safety Partnerships, the new Police and Crime Commissioners are not. Crime and Disorder Committees therefore have no remit to directly scrutinise their PCCs. This role lies clearly with the new Police and Crime Panels.
- 8.4 In view of this, there will be merit in Crime and Disorder Committees forging strong links with their respective PCP members as they will provide the main route to the PCC and therefore be in a position to relay to the PCC any issues that have been raised through local scrutiny and vice-versa.
- 8.5 A joint protocol between Scrutiny and the Community Safety Partnership already exists to provide guidance and a common understanding on how scrutiny of crime and disorder will operate in Leeds. As this protocol will need to be revisited in the new municipal year to reflect the changes made by the reforms, the Scrutiny Board may wish to expand this further and work with the West Yorkshire PCP to reach an agreement on how they will work effectively in the future. The draft shadow PCP work programme does include a session with the five West Yorkshire Scrutiny Chairs to discuss how their relationship can best work once the PCC has been appointed.
- 8.6 As mentioned previously, Community Safety Partnerships will need to ensure their local priorities are reflected in the Police and Crime Plan to qualify for funding. As the West Yorkshire Police and Crime Plan is expected to be in place by 31st March 2013, the Safer Leeds Partnership is undertaking work now to pull together supporting evidence to highlight local community safety priorities and demonstrate the effectiveness of the activity it wishes the PCC to support. In view of this, the Scrutiny Board may wish to track the progress of this work in the new municipal year.

Corporate Considerations

9.1 Consultation and Engagement

9.1.2 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.
- 9.1.3 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 2011. Council Officers, Police and Elected members, took part in detailed discussion with senior officers from the Home Office on the introduction of the PCC which will inform the implementation strategy for this element of the Act.
- 9.1.4 The Home Office intends to deliver a national media campaign in the run up to the public elections for PCC's. This is expected to commence imminently, and continue to the November 2012 elections.
- 9.1.5 Police Force areas will be required to develop local media strategies in order to engage with the public prior to the vote taking place.

9.2 Equality and Diversity / Cohesion and Integration

- 9.2.1 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.
- 9.2.2 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.

9.3 Council Policies and City Priorities

9.3.1 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'.

9.4 Resources and value for money

- 9.4.1 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.
- 9.4.2 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 £8.5m per annum, and is determined through local partnership arrangements.
- 9.4.3 Furthermore, early investigation has highlighted that the City Council contributes almost £6m in resources to support community safety activity in the city. This is a significant amount of funding, and its potential contribution to the PCC pooled budget should not be underestimated.

- 9.4.4 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.
- 9.4.5 Further work needs to take place to look at the current performance arrangements to ensure that these are fit for purpose.

9.5 Legal Implications, Access to Information and Call In

- 9.5.1 Implementation of the Act has implications for the Council's governance arrangements, not least the establishment of a new joint committee, the PCP. The five West Yorkshire Chief Legal Officers have worked together to produce the formal terms of reference for the PCP, a draft of the constitution/ procedures and protocols (for formal ratification by the shadow PCP) and a report which will allow each Council to establish and then appoint to the PCP at their annual Council meetings in May.
- 9.5.2 The process for agreeing allowances will then be supported by each Councils' remuneration panel. It will be for each local authority to cover their members' allowances from November 2012 onwards.
- 9.5.3 A Shadow PCP is to be established in June to run alongside the West Yorkshire Police Authority until November 2012.

9.6. Risk Management

9.6.1 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.

10. Recommendations

- 10.1 The Safer and Stronger Communities Scrutiny Board is asked to
 - (i) Note the main strands of the Police Reform and Social Responsibility Act 2011 and initial implications of the introduction of an elected Police and Crime Commissioner.
 - (ii) Consider the role of Scrutiny in preparing for the introduction of an elected Police and Crime Commissioner in the new municipal year.

11. Background documents¹

11.1 Police Reform and Social Responsibility Act 2011

11.2 Executive Board report – Police Reform and Social Responsibility Act 2011 – December 2011

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.