

NORTH YORKSHIRE COUNTY COUNCIL
CORPORATE AND PARTNERSHIPS OVERVIEW AND SCRUTINY
COMMITTEE

28 March 2011

Police Reform and Social Responsibility Bill

Summary

This report summarises the Police Reform and Social Responsibility Bill introduced in the House of Commons on the 30th November 2010 (Police Reform only).

1. Background

- 1.1 The Police Reform and Social Responsibility Bill introduced to the House of Commons on the 30th November 2010, comprises five parts and Sixteen Schedules. The intention of the Bill in part is to make provision with regard to the administration and governance of police forces.

2. Introduction

- 2.1 The Police Reform and Social Responsibility Bill comprises of five parts, the intention of this report is to focus on part 1: Police Reform, the structure of the report reflects that of the Bill and a summary of each sub section is provided below. Areas covered are Police and Crime Commissioners, Police and Crime Panels, Commissioners and Community Safety Partnerships and Commissioners and Chief Constables

2.2 Policing overview:

- The Bill seeks to introduce **directly elected Police and Crime Commissioners**, with first elections scheduled for May 2012.
- The Bill also seeks to introduce **Police and Crime Panels** to scrutinise the work of Commissioners. The Bill proposes these will have a minimum of ten directly elected representatives – councillors in England, and councillors or Assembly Members in Wales.

- The Police and Crime Panels will be able to veto a Commissioner's proposed budget by a three quarters majority vote. They will also be able to veto any candidate recommended by the Commissioner for Chief Constable.

3.0 Police and Crime Commissioners

Under the Bill's proposals:

- Police Authorities will be abolished and replaced with Police and Crime Commissioners for each force outside of London, with the Mayor of London taking the role in the capital. Their salaries will be set by the Home Secretary on the advice of the Senior Salaries Review Body, and many of their functions are broadly similar to those of Police Authorities.
- Elections for commissioners will be every four years from May 2012 and held on the same day as local elections. The elections will be by the supplementary vote system and Commissioners will be limited to serving two terms.
- Police commissioners will replace Police Authorities in setting strategic objectives, linking directly to their democratic mandate.
- Commissioners will be required to produce a Police and Crime Plan, consulting local people on its content. Chief Constables will also have to have regard to the Plan.
- Commissioners will be 'responsible authorities' under the Crime and Disorder Act 1998, and have a duty to co-operate with the criminal justice system.
- Commissioners will have to publish information to allow local people to assess their performance and that of Chief Constables.
- Commissioners will hold the police fund and may pay out damages and costs in legal proceedings; and enter into other contracts or other agreements acquire /dispose of property (inc land) and borrowing money.
- Commissioners will receive HMIC programme and reports and may request HMIC to inspect the force.

4.0 The role of the Police and Crime Panels (PCPs)

Under the Bill's proposals:

- Councils will have to jointly establish a Police and Crime Panel to scrutinise the work of their Commissioner.

- These will consist of ten members from the nine local authorities plus two independent members co-opted by the panel (total 12) all have equal voting rights. Co-opted members should have skills, knowledge to enable the Police and Crime Panel to discharge its duties effectively.
- The Police and Crime Panel should reflect the political balance across the force area as a whole (North Yorkshire and City of York).
- The Panel will have the power to require the Commissioner and members of their staff to attend Panel meetings and respond in writing to any report it issues.
- The Police and Crime Commissioner must publish an annual report on the exercising of the Police and Crime Commissioner functions and the progress against objectives and the end of each financial year. To be sent and reviewed by the Police and Crime Panel.
- Police and Crime Panels will appoint an acting Commissioner from amongst the Commissioner's staff if the Commissioner is incapacitated or is suspended.

Police and Crime Panel Scrutiny Functions

- The Panel will review and report on the draft Police and Crime Plan, review the annual report, review or scrutinise decisions taken by the Commissioner, and publish any reports it makes to the Commissioner.
- The Commissioners proposed budget will be presented to the Police and Crime Panel, which will then review it and issue a report on it, with there being a power of veto for the panel based on a three quarter majority vote.
- Appointment of a Chief Constable. The Panel must hold a public conformational hearing within 3 weeks of a Police and Crime Commissioner notification. The Candidate is required to hear and answer panel questions. The Panel will subsequently make a recommendation on appointment or veto on a $\frac{3}{4}$ majority to the Police and Crime Commissioner.
- Chief Constable call for resignation or retirement: The Police and Crime Panel must receive notification from the Police and Crime Commissioner and representation from the Chief Constable. As a result of the notification and representation the panel will hold a private scrutiny

meeting and may require the Police and Crime Commissioner and Chief Constable to attend. Recommendations will be made and must be within six week period. The Police and Crime Commissioner can choose to accept or reject recommendations (*repeated in 6.0*).

5.0 The relation of Commissioners and Community Safety Partnerships

Under the Bill's proposals:

- Commissioners and Community Safety Partnerships will be able to enter into collaboration agreements covering more than one partnership, to produce strategies for reducing crime and disorder. A Commissioner will be able to compel partnerships to produce strategies if they are not doing so.
- Commissioners will have the power to award crime and disorder reduction grants to any person in order to secure or contribute to securing crime and disorder reduction in the police area. The grant system applies to CSP's though not exclusively and will be subject to conditions deemed appropriate by the Commissioner.
- A high level of priority is placed upon both CSP's and Police and Crime Commissioners to work together in order to ensure community safety. Members of CSP's are required to co-operate with Police and Crime Commissioners under section 17 of the Crime and Disorder Act 1998 with particular regard to the implementation and preparation of a police and crime plan.
- Clause 10(2) of the Act requires Police and Crime Commissioners and other criminal justice agencies to make local arrangements to work together effectively. There is a strong expectation that CSP's and Police and Crime Commissioners will work together achieving outcomes for their communities.

6.0 Chief Constables and Police and Crime Commissioners

Under the Bill's proposals:

- Chief Constables will have to obtain the views of people in a neighbourhood about crime and disorder through regular meetings with local police officers and the public.
- Commissioners will be able to appoint, suspend or dismiss the Chief Constable, although the power to appoint deputy and assistant Chief Constables will sit with the Chief Constable not the Commissioner.

- The appointment of a Chief Constable will be subject to approval by the Police and Crime Panel who will be able to veto candidates on a three-quarters majority vote, although guidance states a veto by a two thirds majority vote would be preferable to increase the authority of the Panel.
- If the Commissioner wishes to dismiss a chief constable the Panel will have to hold a scrutiny hearing and make a report to the Commissioner

Ian Wolstenholme
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15 March 2011

Background Papers:

Police Reform and Social Responsibility Bill (Explanatory notes)

Police Reform and Social Responsibility Bill

Police Reform and Social Responsibility Bill (ninth sitting Tue 1 February 2011)