

Report of the Cabinet Member for Crime & Community Safety

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

POLICE AND CRIME COMMISSIONER - Update

Summary

1. The following report outlines the changes in legislation leading to policing and community safety being overseen by a Police and Crime Commissioner, supported by a Police and Crime Panel for each police force area. It also outlines work that has been undertaken in York in preparation for these changes and puts forward proposals to continue to develop the framework for community safety delivery in York and North Yorkshire.

Background

2. The Police Reform and Social Responsibility Act 2011 covers five distinct policy areas: police accountability and governance, alcohol licensing; the regulation of protests around Parliament Square,; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction purposes. This report only focuses on the area of police accountability and governance and its impact on community safety.
3. The Act replaces police authorities with directly elected Police and Crime Commissioners (PCC), with the aim of improving police accountability. PCCs will be elected in November 2012 for a four year term, subsequent elections will occur every fourth year on the first Thursday in May, in line with local and parliamentary elections.
4. Existing police authority staff will transfer to the PCC who will determine their future. The existing police authority Chief Executive will become the interim PCC Chief Executive and the PCC can appoint a deputy.
5. Every police force in England and Wales, with the exception of the Metropolitan Police and City of London (where the mayor will act) will

have a PCC. PCCs will produce a five year police and crime plan, set the force budget and determine the precept. They will have a reciprocal duty to co-operate with Community Safety Partnerships (CSPs) and will have to establish local co-operative arrangements with the Criminal Justice System.

6. PCCs and CSPs will have due regard for each others' priorities ie. Those set out in the Police and Crime Plan and within CSP Strategic Assessments and Partnership Plans. PCCs will be scrutinised by a Police and Crime Panel made up of representatives from each Local Authority in the police force area. Annex 1 sets out the role of the PCC and what that means nationally and for York.

Administration of the elections

7. The City of York's Chief Executive has been designated as the Police Authority Returning Officer (or PARO) for the North Yorkshire Police Authority (NYPA) Area. The PARO is responsible for handling candidate's nominations, ensuring consistent standards across the region and declaring the final result. She will work with the Returning Officers in each District to deliver an effective election
8. Each individual local authority's Returning Officer (RO) is responsible for running the election within their council boundary. Subject to any directions which the PARO may make the local RO will print ballot papers, issue postal votes, run polling stations and manage the count for their area.
9. NYPA has an electorate of around 600,000 with 730 polling stations and approximately 90,000 postal voters.
10. The voting system used in these elections will be the Supplementary Vote (see Annex 3), where each elector may express a first and second preference.
11. Funding for the election is similar to parliamentary (both UK and European) where each Returning Officer (including the PARO) is provided funds direct from the Home Office, the local authority incurs no cost and each Returning Officer must return accounts to the Home Office.
12. This is a large and complex election with obvious difficulties caused by the November timing, a complex nomination process and a complex two stage counting process. Because the election would otherwise have

coincided with the annual canvass the last date for publishing the register this year has been brought forward to the 16th October. This will prevent problems arising with people assuming that they are on the register but who would not have been had the register been published, as usual, in December.

13. However, it presents its own challenges not least being the fact that elections staff will be simultaneously engaged in making arrangements for the canvass, the local elements of the election and the regional elements.

Police and Crime Panel

14. The Act requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.
15. According to the Home Office, "Panels are not a replacement for the police authority. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected police and crime commissioner not through the police and crime panel. The panel will have an important scrutiny role in relation to the commissioner, however it is the commissioner who is taking on the role of the police authority and who the public will hold to account for the performance of their force."
16. The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
 - the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
 - the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
 - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
 - the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;

- the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
- the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
- the power to require the commissioner to attend the panel to answer questions;
- the power to appoint an acting commissioner (from within the commissioner's staff) when the elected commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
- responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

17. The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so.

Developing the panel arrangements

18. Elected member representatives (leaders or community safety portfolio holders) from the nine local authorities in York and North Yorkshire have been overseeing the development of the arrangements for the North Yorkshire Police and Crime Panel, through a task group established by Local Government North Yorkshire and York.

19. It is proposed that the nine local authorities each agree the formal panel arrangements, establishing it as a joint committee, and appoint their member(s) of the panel at or before their annual meetings in May 2012. This will allow time for the panel, before the commissioner is elected, to appoint co-opted independent members; agree the panel's rules of procedure; be briefed on relevant issues; and agree the panel's work programme for its first year. Until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the panel's powers will be limited to those necessary to prepare itself.

20. The draft panel arrangements (Annex 2) have been prepared in consultation with officers of the nine local authorities and considered by the elected member task group established by Local Government North Yorkshire and York.

Panel membership

21. In North Yorkshire and York, the panel will consist of ten councillors from the nine local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the panel. If a local authority has an elected mayor, she/he will automatically be a member instead of a councillor. All twelve members will have equal voting rights. When co-opting the independent members, the panel must ensure that, as far as is reasonably practicable, the appointed and co-opted members together have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.
22. It is proposed that City of York Council will appoint two councillors reflecting its relative size, policing issues and unitary status. The North Yorkshire districts and the County Council will each appoint one representative. Discussion is still ongoing with regards the processes for chairing the panel.
23. It is proposed that the lead local authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as is reasonably practicable) that the appointed members represent the political make-up of the local authorities within the police area (when taken together). It is also proposed that the nine authorities should aim to fulfil this duty as far as possible without resorting to additional co-options to the panel as increasing the size of the panel beyond the core 12 members would increase costs and reduce its effectiveness. Any additional co-options would require the approval of the Home Secretary.

Support for the Panel

24. It is proposed that North Yorkshire County Council will be the lead local authority for the panel and, within the overall budget agreed annually by the nine local authorities, will support the panel and its members. This support will be led by a named lead officer supplemented as required by additional specialist officers (eg finance officers when advising the panel on the commissioner's proposed budget and precept, legal officers when advising the panel on dealing with any complaints against the commissioner).
25. It is proposed that the costs of the panel, including support for the panel, will be contained within the grant to be provided by the Home Secretary to the lead local authority. The annual grant will be £53,330 plus £920 towards expenses per panel member, subject to review by the Home

Secretary in future. The LGA and Local Government North Yorkshire and York have both lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the Act requires that panel arrangements make provision about how the local authorities are to share the costs of the panel.

26. To avoid councillors from different authorities being paid different rates of allowances, if any, for panel membership, it is proposed that the nine local authorities should ask the independent remuneration committee of the lead local authority to make a recommendation on behalf of all the local authorities.
27. The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the nine local authorities in relation to the functions of the panel. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the nine local authorities before the commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year.

Potential impact of changes on York

28. In preparation for the changes, key stakeholder organisations eg Local Government Association, National Community Safety Network, Association of Chief Police Officers and the Home Office are advising CSPs to position themselves to evidence a sound track record of delivery and fully evaluated initiatives aligned to their partnership priorities and plans.
29. From April 2013, all community grant funding will be paid to the PCC alongside all other policing and related grants. PCCs may choose to commission all community safety services or to just utilise all funding to support policing. It is also anticipated that some YOT and DAAT funding which the council currently received direct will also be channelled through the PCC. It is therefore critical the CYC evidences a sound track record of delivery and crime reduction and positions itself so that following the introduction of the PCC we can demonstrate that funding directed through our community safety partnership will deliver results.
30. York has a well established CSP: Safer York Partnership (SYP) which has earned an excellent reputation with the Home Office for its implementation of an intelligence led business approach to tackle issues through multi-agency problem solving. The partnership is governed by

an Executive Board comprised of senior representation from the five statutory partners: Local Authority, police, fire and rescue, police authority, primary care trust and probation. The delivery structure is made up of multi-agency task groups addressing each of the priorities within the partnership plan: violent crime, serious acquisitive crime, anti-social behaviour and business crime.

31. Safer York Partnership implemented a National Intelligence Model based delivery structure in 2005 which focuses on victims, offenders and locations identified through multi-agency data and intelligence analysis and delivered through task groups aligned to each priority in the partnership plan. Action plans record the initiatives and projects designed to tackle these priorities and track performance against the targets set out in the partnership plan. All initiatives delivered through this process are fully evaluated on an annual basis.

Impact of Changes on Community Safety Delivery for York & North Yorkshire

32. When the Home Office first introduced Community Safety grant funding to the CSPs in 2002, some of that funding was specifically ring fenced for partnership development and capacity building. In addition, other ring fenced grants were introduced to support the appointment of specialist posts such as anti-social behaviour co-ordinators, and domestic violence co-ordinators.
33. In 2008, SYP undertook a significant staffing review which reduced the number of posts to enable those remaining to be mainstreamed within the Local Authority. A further directorate review in 2010/11 resulted in some changes to roles, responsibilities and realignment of directorate posts within an overarching Community Safety team. Whilst SYP does rely on external income sources to support the team, the posts are funded by and sit within the local authority's staffing structure.
34. The York and North Yorkshire Community Safety Forum set up a task and finish group to look at how the CSPs might need to prepare for the changes in community safety and in particular the election of PCCs. The group concluded that it was the role of each district to determine its own model for delivery of community safety in the future. As a result, some districts have rationalised their staffing structure and others; Selby, Richmondshire and Hambleton have sought to collaborate and share resource.
35. The Home Office is aware that many small CSPs rely on grant funding to sustain staff. Whilst they have encouraged merger of CSPs for some

years, the process by which this could be achieved was bureaucratic and required Home Secretary approval. Hambleton and Richmondshire CSPs opted to merge in line with other shared services between the two local authorities. However, they still rely on Home Office grant funding to support posts even in the merged structure. Under the new legislation, the PCC will be able to approve mergers between CSPs. However, this has to be at the request of the CSPs and cannot be forced by the PCC.

A Partnership Delivery Model

36. In 2010, Selby CSP recognised the limitation of sustaining a CSP delivery structure within the context of diminishing Home Office Grant funding. Because of the geographical location of Selby, there was no natural option to merge with another CSP within North Yorkshire. As Selby and York had worked closely when they formed the Central Area Basic Command Unit within the North Yorkshire police structure, there has been a long history of close work between the areas, although one is a Unitary and the other a district.
37. In order to address funding issues and retain a local delivery structure, over the last 18 months SYP & Selby CSP have developed a partnership approach with SYP providing strategic support (at a cost) to Selby including representation at strategic (county/force wide) meetings, full data and intelligence analysis to support local problem solving, access to SYP's delivery structure and staffing expertise, mediation and financial management of the Selby budget. This has left the local Community Safety Officer in Selby, working directly with local partners to facilitate multi-agency problem solving and develop local responses to local priorities.
38. Whilst initially, some concern was raised by the Selby CSP Board that Selby's interests would be lost within the context of York Unitary priorities, this has not been the case. Selby CSP operates as an entirely separate CSP and any joint work has been in the funding of initiatives pertinent to both CSPs in order to achieve economies of scale through a single purchasing process. With the exception of an increase in Burglary in September and October 2011, crime in Selby has continued to reduce and remained significantly lower than in the previous year. The Safer Neighbourhood Commander and Inspectors all report a significantly better relationship and collaboration between the CSP and the Safer Neighbourhood Policing Teams and Selby Community Safety Officer is well engaged in driving partnership problem solving through the tactical tasking and co-ordination meetings held fortnightly by the police.

39. It is felt that a wider partnership approach with a single strategic body providing the strategic / intelligence functions with local, maybe joint CSP operational delivery structures underneath could provide an successful model for community safety across the force area and be attractive to the new PCC.

Consultation

40. The Head of Community Safety City of York Council chairs the National Community Safety Network (NCSN). This is a practitioner network providing support and information to 500 organisations engaged in community safety across the UK. NCSN is represented on a number of Home Office working groups driving the transition programme for PCC and PCP preparation and has recently been awarded Home Office funding to develop the sharing off effective practice and peer support for practitioners in England and Wales. In addition, York has representation on the Local Government Association Community Safety Board and Advisors Group. Information received through these channels, has enabled SYP to position itself in a strong position to demonstrate value for money and effective delivery in preparation for the PCC.

Options

41. Option 1 – To appoint via annual council two council nominations to represent CYC on the Police & Crime Panel.
42. Option 2 – To await the establishment of community safety delivery processes for York and North Yorkshire police force area after the election of PCC in November 2012
43. Option 3 – To work with the CSPs in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the PCC post November 2012.

Analysis

44. At present, funding concerns within the district CSPs are prohibiting the development of long term sustainable solutions to delivery of local community safety priorities. Whilst some partnerships are reducing their service provision to a minimum, others are developing exit strategies to reduce their commitment until any reserves have been fully exploited. Because the PCC will be a completely new appointment with a wide range of responsibilities, it is unlikely that the elected post holder will be in a position to develop new structures for some time after appointment.

This, combined with a predicted rise in crime due to the impact of continued economic recession, could place in jeopardy the partnership problem solving approach which has been achieved to date and significantly lose the focus on community safety leading to increases in crime and fear of crime.

45. York's track record in partnership working combined with the development of a partnership approach with Selby CSP, places it in a strong position to lead on work to develop proposals for the long term delivery of community safety across the county and city. The relationship with Selby has demonstrated that local focus is not lost through taking a collaborative approach and that by broadening this approach there is potential to share resource between the districts, county and City of York.

Council Plan

46. The Council Plan refers to tackling crime and increasing community safety. In the light of legislative changes and given that the PCC will be measured on force crime reduction, York (with 40% of the force's total crime) has a crucial role to play in delivering community safety.

Implications

47. The implications arising from this report are:

- **Financial** – The council currently received approximately £100k to support crime reduction initiatives and £17k from Selby CSP to support the staffing costs of Safer York Partnership. From April 13 this funding will be channelled through the PCC. It is also anticipated that some funding that the council currently received direct which support DAAT & YOT services will also be channelled through the PCC.
- **Human Resources (HR)** - N/A
- **Equalities** – Community Safety is delivered through the Safer York Partnership Community Safety Plan. This plan has undergone a full EIA and its content is inclusive of all communities within the city of York.
- **Legal** - New Structures are determined by the Police Reform and Social Responsibility Act 2011

- **Crime and Disorder** - This report relates entirely to tackling crime and disorder.
- **Information Technology (IT) NA**
- **Property NA**
- **Other NA**

Risk Management

- a. No known risks.

Recommendations

48. The Cabinet is asked to:

- a. Approve option 3, to work with the CSPs in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the PCC post November 2012.
- b. Determine who the two CYC appointments to the Police & Crime Panel should be and recommend to Annual Council for appointment.

Reason: To ensure that Safer York Partnership's experience and reputation as a successful CSP is not lost in the process of change to establishment of structures for the force area of York and North Yorkshire.

Contact Details

Author:

Jane Mowat
Head of Community
Safety
CAN's

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director – Housing & Community
Safety

**Report
Approved**



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Wards Affected: *All*

All

For further information please contact the author of the report

Background Papers:

Annex 1 – The Role of the PCC

Annex 2 – Final Draft Panel Agreement

Annex 3 - Supplementary Vote System