

Police and crime commissioners:

a guide for councils





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POLICE

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Introduction

The government is committed to replacing police authorities with directly elected police and crime commissioners (PCCs) in England and Wales. With the Police Reform and Social Responsibility Bill having almost completed its passage through parliament, the Home Office is looking to hold elections for PCCs on 3 May 2012.

The introduction of police and crime commissioners will have a considerable impact on local authorities. There will be a mutual duty on PCCs and community safety partnerships (CSPs) to cooperate. Both will also have to have regard to each other's priorities when drawing up the police and crime plan (in the case of the commissioner) and their strategic assessments (in the case of CSPs). More fundamentally perhaps, funding (which has until now been given to CSPs by the Home Office) will, at the start of April 2013, be in the hands of PCCs.

Councillors will also play a vital role in holding PCCs to account. In England all the councils in a force area will have to appoint a member to serve on the police and crime panel for that area, while in Wales the Home Secretary will seek nominations from councils for councillors to serve on the panels. The panels' role will be to scrutinise PCCs' decisions and actions and also assist them in carrying out their functions. Panels will have the power to veto PCCs' precepts and nominees for chief constable, to summon the PCC to answer questions and to review the commissioners' police and crime plans.

This guide:

- explains what the role of police and crime commissioners will be
- sets out what they mean for community safety partnerships
- looks at the implications for partnerships of PCCs commissioning community safety services
- examines the role and responsibilities of police and crime panels.

In the next few months the Local Government Group (LG Group) will be publishing more detailed guides for CSPs on working with commissioners and for councils on setting up police and crime panels. The LG Group is also able to provide more in-depth assistance for member councils on these issues for free. Contact details can be found at the end of this booklet.

Police and Crime Commissioners

The government's intention is that the police authorities holding the police to account in Greater London, England and Wales will be abolished from May 2012 and replaced with police and crime commissioners in 42 police force areas. The City of London will remain the police authority for the City.

In London the role of police and crime commissioner for the Metropolitan Police will be carried out by the Mayor of London through the Mayor's Office of Policing and Crime. In the rest of England and Wales the government's plan is for elections for the post of police and crime commissioner to be held on Thursday 3 May 2012 using the supplementary vote system that is used in London to elect the Mayor. The PCCs will then hold office for four years.

In many ways the PCC will have the same role as police authorities. Their main responsibilities will be to:

- secure an efficient and effective police force for their area
- appoint the chief constable, hold them to account for the running of the force and if necessary dismiss them
- set the police and crime objectives for their area by producing a five year Police and Crime Plan (in consultation with the chief constable)

- set the annual force budget and police precept, and produce an annual report setting out their progress against the objectives in the Police and Crime Plan
- contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing Requirement
- co-operate with the criminal justice system in their area
- work with partners and fund community safety activity to tackle crime and disorder.

It will be up to the PCC to decide what support they need to fulfil their role, though they have to appoint a chief of paid staff and a chief finance officer, and will have the option of appointing a deputy police and crime commissioner. Other staff can be appointed as appropriate on merit, but the PCC will have to publish details of the function and cost of the staff supporting them. Initially existing police authority staff will be transferred to support PCCs, but the PCC will be able to decide whether they wish to retain them after six months.

Although the PCC sets the local objectives for their force and holds the police to account, operational responsibility for the day-to-day work of the police remains with the chief constable. Funding for the police will come from a variety of sources including the police grant paid by the Home Office, the precept the PCC sets and various other grants such as the Community Safety Fund.

PCCs and Community Safety Partnerships

The introduction of PCCs will mean a fundamental change for community safety partnerships. Unlike police authorities, commissioners will not be 'responsible authorities' under the Crime and Disorder Act 1998, so will not be members of CSPs.

There is however a provision included in the Police Reform and Social Responsibility Bill that places a mutual duty on PCCs and the responsible authorities on CSPs to cooperate to reduce crime and disorder and re-offending. The bill expands on this duty to also require that a PCC, when putting together their police and crime plan, must have regard to the priorities of the responsible authorities in their force area, while the CSPs will have to have regard to the objectives in the PCC's police and crime plan when exercising their functions.

In addition to having to cooperate with PCCs and have regard to their priorities when carrying out their functions, CSPs will to some extent find themselves accountable to commissioners. Where CSPs are looking to merge they will need the agreement of the commissioner, though they will no longer have to seek the approval of the Home Secretary to do so. PCCs will also be able to require a report from a CSP on their work to reduce crime and disorder, if the commissioner is of the view that the partnership is not carrying out its crime reduction functions in an efficient and effective manner. PCCs will, as well, be given powers through regulations to convene and chair meetings with the CSPs in their force area to discuss strategic priorities.

PCCs and Community Safety Partnership Funding

Alongside these provisions PCCs will also be able to make crime and disorder reduction grants to any organisation or person in their force area. In order to give PCCs a budget to make these sorts of grants the Home Office is looking to transfer various funds to PCCs from 2012.

The Community Safety Fund, which is due to be reduced by 60 per cent from April 2012, will be paid to PCCs from April 2013 at the latest (though the fund for London boroughs was transferred to the Mayor of London from April this year). The government would like to see the Community Safety Fund transferred to PCCs ahead of April 2013, so it is likely that some of the fund will be handed to PCCs in the 2012/2013 financial year, with one option being for CSPs to get six months funding and the PCC getting the remainder once they are in post. Though a final decision has yet to be made, it is also likely that these funds will not be ring-fenced, so PCCs will not be compelled to use them to fund community safety services.

In England other funding will also be given to PCCs; commissioners will receive the proportion of Drug Intervention Programme funding not going to Health and Wellbeing Boards, as well as funding for services to address violence against women and girls. The Welsh government have indicated that any funding they currently give Welsh CSPs will continue to be provided to CSPs and not diverted to PCCs. PCCs will, as well, be able to decide how much of the funding available for Police Community Support Officers is used to support neighbourhood policing and how much is put towards other priorities.

CSPs across the country are likely to find they face different funding issues as PCCs become commissioners of services. Some PCCs may take the view that all their budgets ought to go into funding policing, with none left for community safety services. Others may decide they will commission all community safety services in their area (as will happen in London from next year), leaving CSPs to compete with voluntary, charitable and private sector providers for community safety funding from the PCC. Other public services, such as probation trusts, may also be in a position to bid for funding, as well as commissioning services themselves. Still other PCCs may decide to work with CSPs to commission services jointly.

CSPs will therefore have to decide whether or not they wish to compete for funding to provide community safety services in their area. CSPs will want to consider this carefully as only a few services, if any, can continue to be delivered from their own resources. If a CSP does decide to compete for funding to deliver community safety activity in its area it will have to quickly be in a position to:

- demonstrate its effectiveness to a new PCC by evidencing what its programmes have delivered in terms of outcomes and evaluating the quality of services provided
- consider whether services need to be merged to lower costs and drive efficiencies, possibly with other CSPs
- review whether it can work with other partners in the force area to create a single commissioning framework so that services are more efficient and effective
- look at how it can tailor programmes to ensure delivery of key priorities for the PCC.



Police and Crime Panels – holding PCCs to account

Alongside the relationship councils will have with PCCs through CSPs, they will have a direct role in holding commissioners to account. A police and crime panel (PCP) will have to be established for every police force area to scrutinise the PCC, and support them in the effective exercise of their functions.

In London this role will be undertaken by a specific committee of the Greater London Assembly, which will perform the same function as other panels, but will operate in a slightly different manner. **In the rest of England** councils will have to come together to form the panels as joint committees of the relevant authorities.

In Wales, due to the decision by the Welsh Assembly Government to refuse to allow the creation of panels as local government committees (which is a devolved matter), the Home Secretary will appoint and support the police and crime panels. The Home Secretary also has the power to appoint the panels in England where councils have not appointed a panel, so if councils are unable to agree on the setting up of a panel the matter could be taken from them by the Home Office.

Each council in the force area will appoint a councillor on to the panel, with the panel having a minimum of 10 councillors and two co-opted members. Where there are less than 10 councils in the force area it will be up to them to decide how the additional places needed to reach the minimum figure of 10 councillors are filled. A panel may co-opt additional members including extra councillors provided the panel does not exceed 20 members – and the Home Secretary agrees to the increased size of the panel.

In setting up the panel, the councils involved will need to make arrangements that deal with how the panel is supported and how this support is paid for; how long members of the panel hold office for; what happens when panel members resign; what allowances are paid to members of the panel; how the role of the panel is promoted; and what support and guidance is provided to the members of the panels.

When appointing councillors to the panel, the councils concerned must look to satisfy the balanced appointment objective, and the panel then has to take the objective into account when appointing co-opted members. Additionally the panel must from time-to-time consider whether its power to co-opt members would enable it to meet the objective. The objective is for the members of the panel to represent all parts of the force area, represent the political make-up of the councils in the

force area when taken together, and have the requisite skills, knowledge and experience for the panel to function effectively.

There are no restrictions in the bill on what type of councillors can be appointed to the panel (as there are with council overview and scrutiny committees). However where there is a directly-elected mayor they will automatically become their authority's representative on the panel unless they appoint another representative. When starting to consider which councillors should be appointed to the panel, councils will have to consider whether the role executive councillors play might generate a conflict of interest. Leaders and community safety portfolio holders are likely to be in regular discussion with the PCC about local crime and disorder issues. Would they then be well placed to scrutinise the PCC on arrangements they may have reached with the PCC?

PCPs will have a range of powers to provide a check and balance to the PCC. The panel has the power to:

- require the commissioner or a member of their staff to attend the panel 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
- appoint an acting commissioner from amongst the commissioner's staff if the commissioner has resigned, has been disqualified from office, or is incapacitated or suspended

- veto the commissioner's proposed precept if two-thirds of the members of the panel vote in favour of doing so
- veto the commissioner's proposed appointment of a chief constable if two-thirds of the members of the panel vote in favour of doing so.

Once it has been established, there are a number of things the panel is required to do. It will have to 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 police and crime commissioner appointments; and deal with complaints made about the PCC – passing on any allegations about criminal offences to the Independent Police Complaints Commission for them to investigate.

Councils will therefore need to work through a range of issues in the next few months in order for them to ensure that their police and crime panel is established as soon as possible after the elections in May 2012 for police and crime commissioners. In fact the Home Office is keen for councils to have arrangements in place before PCCs are elected, so that commissioners can be scrutinised from an early stage.

Local Government Group support

The LG Group has been working with a number of councils in police force areas to start looking at the implications of police and crime commissioners for community safety partnerships, and what issues councils need to consider as they consider establishing police and crime panels.

This has been really helpful in working through the issues councils will face, such as:

- the options available for the composition of PCPs
- how the panel will be hosted and supported
- what changes need to be made to existing structures and processes for collaborative working such as putting together joint strategic assessments
- whether a joint commissioning framework could be established
- what links need to be made with other bodies in the force area.

If you would like to discuss what free support the LG Group can give your council, community safety partnership, or group of councils or CSPs, then please contact:

Chris Williams, about preparing CSPs for police and crime commissioners at christopher.williams@npia.pnn.police.uk

Mark Norris, about setting up police and crime panels at mark.norris@local.gov.uk

You can also keep in touch with the latest developments around police and crime commissioners on the Community Safety Community of Practice at <http://www.tinyurl.com/SaferCommsCoP>





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