

REPORT TO: Safer Policy & Performance Board
DATE: 13 March 2012
REPORTING OFFICER: Chief Executive
PORTFOLIO: Community Safety
SUBJECT: Police & Crime Commissioners
and Police & Crime Panels

1.0 INTRODUCTION

- 1.1 The Police Reform & Social Responsibility Act 2011 introduces a new regime for policing and community safety in England.
- 1.2 From November 2012, Police Authorities will be replaced by a Police & Crime Commissioner (PCC).
- 1.3 A new Police & Crime Panel (Panel) will also be established to scrutinise the activities of the PCC.
- 1.4 The introduction of the PCC and Panel will also change the relationship with the Council and the Community Safety Partnerships and other partners involved in crime reduction, crime detection and the criminal justice system.
- 1.5 What is proposed is the most radical reform in crime and community safety for many, many years.

2.0 RECOMMENDATION: That the report be noted.

3.0 BACKGROUND

- 3.1 A number of helpful Guidance Notes have been produced and the following are attached for information:
 - 3.1.1 – Police & Crime Commissioners – What you need to know
 - 3.1.2 – Home Office Guidance – Police & Crime Panels
 - 3.1.3 – LGA Guidance – Police & Crime Commissioners – A Guide for Community Safety Partnerships
- 3.2 Further Guidance is expected from Government imminently on the following and will be circulated when available:
 - 3.2.1 – PCC Elections

4.0 PREPARING FOR PCCS AND THE PANEL

4.1 Halton sits within the Cheshire Police Force area and preparation is underway for the transition from the Police Authority to a PCC.

4.1.1 A **Transition Group** has been established. It is chaired by the Police Authority Chief Executive, Mark Sellwood, and has representation from the Police Authority (the Chair, Chief Finance Officer and Deputy Chief Executive), the Police (the Chief Constable and support officers), Local Authorities (David Parr).

The Police Authority's Transition Board is now meeting on a regular basis.

The Board has now completed the planning phase of the transition and the focus for the next 10 months will be the successful delivery of activity across eight work streams in time for the Police and Crime Commissioners starting on 22 November 2012

4.1.2 David Parr has been nominated and accepted as the **Police Area Returning Officer (PARO)**.

Sir Howard Bernstein is the Regional PARO for the North West.

4.1.3 The Cheshire Force Area has nominated Warrington Council as the Host Authority for the **Police & Crime Panel**. Diana Terris is leading on this.

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5.0 ELECTIONS

5.1 Secondary legislation in respect of the elections is still awaited and it remains unclear whether the elections will be via postal vote or ballot box. However, the elections will be by the supplementary vote system, which asks voters to indicate first and second preferences. If no candidate has 50 per cent of the first preference votes, the two candidates with the highest number of first preference votes proceed to a second round count. In the second round of counting, ballots indicating a first preference for a candidate that lost the first round are reallocated according to the second preference indicated on the ballot paper.

5.2 Candidates for Police and Crime Commissioner must provide a £5,000 deposit when registering as a candidate, which they will get back if they receive more than 5% of the vote. To become a valid candidate, a person must be nominated by 100 people registered to vote in that police force area.

6.0 POLICE AND CRIME PANEL

6.1 As part of the checks and balances under this new model, a Police and Crime Panel will be introduced to scrutinise the work of the Police and Crime Commissioner. The Panel will have two key powers of veto over the Police and Crime Commissioner's council tax precept and the appointment of a Chief Constable. The Panel will undertake an important scrutiny function of the PCC and act as a critical friend.

6.2 The Home Office is in the process of drafting secondary legislation in respect of Police and Crime Panels, which should be issued in March 2012. As indicated above {para 2.1.2} the Home Secretary, wrote to all Local Authority Leaders on 23 January 2012 regarding arrangements for the Panel. The letter requests that local authorities give consideration to appointing a host authority and make arrangements for the establishment of the Panel by July 2012. In Cheshire, the Sub Regional Leadership Board has already agreed that Warrington Borough Council will be the host authority. Diana Terris and Mark Sellwood are due to meet to discuss the establishment of the Panel in February 2012.

6.3 In terms of funding the Panel, the Home Secretary's letter indicates that the Coalition Government will now provide additional funding and the host authority will be given:

- £53,300 for support and running costs
- £920 per panel member (for expenses incurred)

6.4 The Coalition Government has robustly stated that the policy intention is that the Panel will not simply replace the police authority, it will be solely responsible for holding the Commissioner to account, **not** the Chief Constable. Nor is it the Government's intention that the Panel should be viewed as a 'super partnership board'. During a speech earlier this month the Minister of State for Policing, stated that:

"Police and crime panels have an important scrutiny role in providing a check and balance that is carefully defined in the legislation...Their role should not be expanded...The limited funding that has been provided to panels will enable them to do their scrutiny job."

6.5 Once the Panel has been established, it is suggested that a general awareness raising event is held for Councillors across the Sub Region to inform them about the new police accountability model and the roles of the PCC and the Panel.

7.0 PARTNERSHIPS AND COMMISSIONING

7.1 Unlike the Police Authority, Police & Crime Commissioners will not be 'responsible authorities' on Community Safety Partnerships (CSPs). However, the provisions of the Police Reform and Social Responsibility Act 2011 provide:

- A mutual duty on Police and Crime Commissioners and CSPs to co-operate;
- A duty to have regard to each other's priorities;
- The Police and Crime Commissioner with the power to:-
 - make grants to a CSP;
 - call CSPs together to discuss force wide issues;
 - request a report from a CSP;
 - approve the merger of CSPs (if all the responsible authorities agree to a merger).

7.2 It is the Coalition Government's intention that, as part of PCC's role, they will be responsible for commissioning community safety services within their police area.

7.3 The Home Office are considering streamlining community safety grants into a single, non-ring fenced grant channelled through PCCs to facilitate their wider partnership and community safety role. The table below sets out the community funding streams that have been identified by the Home Office as potentially going to PCCs from 2013-14. These are not exhaustive, and are subject to agreement. The Early Interventions Grant and the Youth Offending Team Grant are not currently committed beyond 2012-13. It is possible some grants that would naturally go to PCCs may be discontinued before 2013-14.

Grant (national figures)	Currently paid to	Remarks
Drugs Intervention Programme (Main Grant)	Drug Action Teams	Drug Action Teams were established as a result of the 1995 National Drug Strategy. They are not required by statute but have assumed an effective coordinating role and comprise representation from Primary Care Trusts, Police, Local Authority and Probation. These organisations share the benefits, liabilities and opportunity costs of this funding.
Drug Testing Grant	Police Forces	This grant is only available to the so called "Intensive Areas" which do not include Cheshire, Halton & Warrington

Community Safety Partnership Funding	Local Authorities	Community Safety Partnerships were established by the 1998 Crime and Disorder Act. There is a statutory requirement for Police and Local Authority together with Police and Health Authorities and Probation Trusts to work together, and creates a duty for Primary Care Trusts to cooperate and for the Fire and Rescue Service to be invited to cooperate. These organisations share the benefits, liabilities and opportunity costs of this funding.
Positive Futures	Voluntary & Community Sector and Local Authorities	This funding is available from the Home Office to support diversionary projects and is granted on a project by project basis. Benefits, liabilities and opportunity costs are limited within the terms of each project.
Early Interventions Grant	Local Authorities	This grant began in April 2011 and pooled a number of smaller grants (Think Family, Children's Fund) that support services delivered in the main by Local Authorities, who bear the benefits, liabilities and opportunity costs of this funding.
Youth Offending Team Drug workers	Youth Offending Teams	Youth Offending Teams were established by the 1998 Crime and Disorder Act. There is a statutory requirement for Police, Probation and Local Authority to form such a team. These organisations share the benefits, liabilities and opportunity costs of this funding.
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7.4 It is likely that there will be some risks inherent in the transition from current arrangements to the new PCC commissioning model. For instance:

- Some of the delivery arrangements funded by these grants may be due for re-tendering in the near future. There is a risk that new tenders may be awarded for such a length of time that they may cut across the policy intent behind the alignment of these funding streams with PCCs.
- These grants may currently be used to fund posts and any potential staffing implications need to be fully understood.

7.5 The Local Government Association has recently published guidance for CSPs on Police and Crime Commissioners [para 2.1.3] and this suggests a number of preparatory steps which CSPs may wish to take including: planning a programme of evaluation for existing work, briefing senior managers and council leaders, providing a briefing pack for the PCC, discussing the possibility of a single strategic assessment and joint commissioning framework with other CSPs in the force area.

7.6 To ensure that the Cheshire Police Authority area is well positioned to respond to these changes, the Sub Regional Management Board on 27 January agreed that Halton would lead an audit of current spend across Cheshire associated with these grants and identify any risks. It is proposed that a Task and Finish group be established to consider the development of a short business case highlighting the success of the current arrangements and what could be delivered to support the Commissioner's manifesto commitments.

8.0 **PREPARATIONS FOR THE PCC AND PANEL IN HALTON**

8.1 The Safer Halton Partnership (SHP) is starting to prepare for the introduction of the PCC and the Panel.

8.2 The SHP is developing a "Welcome Pack" for the PCC. This will provide useful background for the PCC and will identify:

8.2.1 The current operating arrangement in Halton.

8.2.2 The community safety architecture in Halton.

8.2.3 The key players and partners involved directly and indirectly in crime and community safety in Halton.

8.2.4 The current crime and community safety priorities for Halton based on the JSNA, research and data.

8.3 It is hoped this document will provide the new PCC with a quick and comprehensive guide to Halton. This will enable the PCC to quickly understand Halton's needs and aspirations in respect of crime and community safety. In so doing this should encourage the PCC to invest in Halton, thereby maintaining and building on the progress made by the

Police and SHP to prevent crime, tackle crime, punish offenders and rehabilitate.

8.4 The CST is also developing separate and distinct Business Plans for each of Halton's priority community safety activities. Once again this is designed to provide the PCC with clear evidence of the community safety benefits of investing in what we are doing in Halton.

9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.