

## **The Police Reform and Social Responsibility Bill received Royal Assent in September 2011**

The Act will introduce significant democratic reform around policing when 41 elected Police and Crime Commissioners (PCCs) in England and Wales take office on 22 November 2012, one representative for each Police Force Area.

Voting on 15 November 2012 will allow the public to vote for their local PCC. The Government has been clear in its desire for the public to have a voice in policing and has also been clear about what it considers to be a lack of effective accountability exerted on policing by the current police authorities.

The PCC will be held to account in a number of ways with the ballot box being the ultimate judge of the success or failure of each PCC. Establishment of Police & Crime Panels (PCPs), as part of local government's accountability arrangements will ensure that locally elected councillors, as part of a Panel with co-opted independent members, further scrutinise the actions of the PCC in the public interest.

PCPs will have a key role in providing the checks and balances to the power of PCC's, but the PCP has no direct influence over the Chief Constable or operational policing matters. PCPs should be agreed by July 2012.

The PCP will have powers to make reports and recommendations about any actions and decisions taken by the PCC. It will have a specific role in scrutinising the draft Police and Crime Plan, council tax precept, chief constable appointments, and the Annual Report. It will also have the power to summon the PCC and their staff in for public questioning. They will be able to invite the Chief Constable to attend these public sessions, but will not be able to compel their attendance. Key to the scrutiny process will be transparency. The PCP will not scrutinise the performance of the force, its role is to scrutinise the actions and decisions of the PCC.

The PCC will have to publish information which will help the public to understand what is happening in their area. They are required to publish a 5 year Police and Crime Plan and an Annual Report which reports progress on the delivery of the plans. Their plan will include the annual local precept and annual force budget. The public can use this information to hold the PCC to account and to inform their view on the PCC's work/success. However, responsibility and oversight of operational policing matters remains with the Chief Constable for each force area.

Her Majesty's Inspectorate of Policing (HMIC) will also have the power to inspect forces and report back to the public with objective and robust information on which to make informed judgments about the effectiveness of the force and the PCC.

## **Strategic Policing Requirement**

The Act requires the Home Secretary to issue a Strategic Policing Requirement (SPR). The SPR describes the collective capabilities that police forces across England and Wales would have in place in order to protect the public from serious harm, and maintain national security; and will focus exclusively on those policing functions that aggregate to the national level - such as protecting the public from terrorism, public disorder and civil unrest, organised crime and the management of civil contingencies and critical incidents.

A 'shadow' non statutory SPR was published in late 2011 to inform the 2012/13 police force and police authority planning arrangements. This will be followed up by a statutory SPR in summer 2012.

Both PCCs and Chief Constables will be required to have regard to the Strategic Policing Requirement from November 2012 in their planning and resource allocation.

<http://www.homeoffice.gov.uk/publications/police/pcc/shadow-spr>

## **Policing Protocol**

The Home Secretary laid for the approval of Parliament on 21 November a Protocol that sets out how the new policing governance arrangements will work. It clarifies the role and responsibilities of PCCs, the mayor's office for policing and crime (MOPC), Chief Constables, police and crime panels and the London Assembly police and crime panel. It outlines what these bodies are expected to do and how they are expected to work together to fight crime and improve policing. The Protocol will therefore fundamentally underpin the key working relationships within the new policing landscape.

<http://www.homeoffice.gov.uk/publications/police/pcc/policing-protocol/>

In addition to their direct policing role PCCs will also have a remit to cut crime and will have commissioning powers and funding to enable them to do this. They will therefore need to work effectively with the community safety partnership arrangements in each force area. The Act puts in place a flexible framework for partnership working between the PCC and their community safety and criminal justice partners. This includes reciprocal duties to cooperate.

Regulations will also give the PCC a new power to call the responsible community safety partners from the various partnerships together to discuss issues affecting the whole police force area.

## **PCC Funding**

The PCC will be responsible for the policing budget. However, in addition to the policing pot the PCC will also receive a number of other funding pots when responsibility transfers to them from other local organisations from 1 April 2013. Whilst not yet confirmed it is anticipated that these will include both the city and county's Home Office Community Safety Grant, Home Office

element of Drug Intervention Programme funding, Violence Against Women & Girls Grant funding and the Youth Offending Service Youth Crime Prevention Grant.

These funding pots will be ring fenced to prevention and community safety activity in 2013-14 but from 1 April 2014 they will be not be ring fenced and will become part of the policing pot.

The Home Office is currently drafting a number of guidance documents in relation to the induction and role of the PCC, including commissioning arrangements and the establishment and role of PCPs.

### **Derbyshire's Police & Crime Panel**

A meeting was held on 25 January 2012 attended by representatives from all 10 local authorities across Derby & Derbyshire to discuss potential arrangements for a PCP for Derbyshire.

After some discussion the meeting agreed the following:

- Each local authority agreed to appoint one member therefore making 10 in total. This will happen formally by May at the latest following full council approval of appointments to outside bodies. (This is the minimum number required for a PCP. Membership can be extended up to a maximum of 20, inc 2 independents, with approval from the Home Secretary).
- The PCP will convene by July at the latest and thereafter co-opt its two independent members.
- The host authority will either be the City or the County Council (No appetite from Districts to host).
- No additional funding will be provided by any authority and as such activity will be restricted by the level of Home Office funding available. This will be clearly specified in the PCP's constitution.
- Once the host authority has been agreed that authority will draft a constitution which will be taken back to the full meeting for approval, prior to July 2012.
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A further meeting took place on 23 February 2012 between Derby City Council and Derbyshire County Council representatives to discuss PCP hosting arrangements.

It was noted at the meeting that further information had been given which outlined an increase in the funding available to support PCPs. The funding now stands at £53,300 plus £920 per panel member for 20 members (regardless of actual number of members) making a total of £71,700. It is proposed that the funding will not be ring-fenced in any way. In some areas it has therefore been agreed that member's expenses will be met by their host

organisation and as such not draw on the PCP funding. The Government funding is only guaranteed until the next Comprehensive Spending Review.

At the meeting Derby City Council representatives expressed the view the County Council is best placed to host the PCP given its links with the district councils and the county's geography, etc. The City does not want to host the panel and believes that if left for the Secretary of State to determine then the County Council would be appointed in any case. However, the City recognised that this is a joint committee and was concerned to ensure that the PCP is able to function without a negative financial impact on the host authority. It was agreed that it may be potentially viable to support a PCP if the full funding pot was available. In order to enable this it was agreed to seek the eight district/borough council's members views on the following proposals on the assumption that the PCP would meet fully four times per year as a basic premise:

- That each local authority funds its PCP member's expenses from its own budget without recourse to the PCP funding.
- That each local authority agrees to host a PCP meeting, standing the cost of any room and refreshments without recourse to the PCP funding.

At a further meeting on 7 March 2012 most district/borough authorities expressed support for these proposals, but no final agreement was reached. The County Council is now considering its position in relation to undertaking the role of host authority.

### **Derbyshire's Police & Crime Commissioner Transition Arrangements**

Derbyshire Police Authority has now established a formal Transition Board, which met for the first time on 14 February 2012. Partners will be asked to attend the Transition Board, as appropriate. The Board has drafted an action plan for taking forward key pieces of transition work.

In addition to the Board, the Police Authority has also established a Transition Project Group, which will be chaired by Phil Harper (recently retired from the Constabulary). Community safety partners will be represented in that group by Sally Goodwin (County) and Tim Clegg (City) and criminal justice partners by Rosemary Spilsbury, who is the Local Criminal Justice Board (LCJB) Business Manager. Updates from those meetings will be provided to the city and county Safer Communities Boards, as appropriate.

One key piece of work being taken forward as part of the transition arrangements is the identification of community safety arrangements across the force area particularly in relation to the 11 priorities identified in the annual threat and risk assessment and set out in the County Community Safety Agreement. This work was originally an agreed joint piece of work with Derby City and the Local Criminal Justice Board to identify areas of work which could be rationalised and/or where joint city and county arrangements could be established to reduce the burden on some countywide partners. This led to

the restructuring of Domestic & Sexual Violence and Anti Social Behaviour governance arrangements.

This piece of work has now evolved and widened out to collate appropriate information to inform the PCC of the current community safety partnership arrangements in the County (and City) and to identify current partnership arrangements around the 11 priorities. This work also includes the mapping of partnership funding against the priorities (though this has to be limited to some degree), identification of funding transferring to the PCC, as well identifying positive outcomes from current services including, where possible, value for money.

**Sally Goodwin**  
**Head of Community Safety**  
**Derbyshire County Council**  
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