

ENVIRONMENT & COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 29

Brighton & Hove City Council

Subject: Future of Crime & Disorder Scrutiny
Date of Meeting: 31 October 2011
Report of: Strategic Director Communities
Contact Officer: Name: Tom Hook Tel: 29-1110
E-mail: Tom.hook@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This paper outlines for Members elements of the Police Reform and Social Responsibility Act 2011, focusing on the impact of elected Police and Crime Commissioners. A similar paper was discussed at the Community Safety Forum on the 10th October and an extract from the draft minutes of that meeting are attached as **Appendix 1**.
- 1.2 Also presented to Members is background information on how crime and disorder matters are currently scrutinised in Brighton and Hove through the Community Safety Forum/ECSOSC protocol (**Appendix 2**).
- 1.3 Members are invited to comment upon the implications for the local accountability regarding crime and disorder matters and give officers a steer as to what scrutiny structures should be developed by the council.

2. Recommendations

- 2.1 That ECSOSC:
 1. Note and consider the information in the report and the potential implications arising from the appointment of Police and Crime Commissioners and Police and Crime Panels in November 2012. Further guidance, codes of practice and secondary legislation will be published for local authorities in November and January
 2. Make comment regarding the issues raised to be taken forward in developing a local response to the Police Reform and Social Responsibility Act 2011 and changes to the scrutiny function.

- 3. The Police Reform and Social Responsibility Act 2011 (PRSRA)**
- 3.1 The PRSRA 2011 introduces directly elected Police and Crime Commissioners (PCCs). For each police force area in the country the public will be asked to vote for one person to be elected to the role. The election will be held on 15 November 2012. At this point, police authorities will cease to exist and will hand all responsibility to the elected PCC.
- 3.2 In Sussex, the current Police Authority has 17 members, made up of elected councillors and independent lay people, who oversee, scrutinise and set the strategic direction of Sussex Police. The PCC will replace the current police authority membership /members in its entirety and will hold the Chief Constable to account. However, there will also be a Police and Crime Panel (PCP) who will in turn, hold the PCC to account and act as a 'check and balance' to the work of PCC.
- 3.3 There will be between 17 and 20 people on the Police and Crime Panel who will be made up of elected representatives from the district, borough, unitary and county councils in Sussex together with some independent member representation. There may also be co-opted members. The local authority is required to ensure that the Panel is in place and fully functional by October 2012. Information including secondary legislation and protocols are to be published as guidance for local authorities in coming months.
- 4. Specific Responsibilities of the Police and Crime Commissioner**
- 4.1 The main responsibilities of the PCC will be to:
- Secure an effective and efficient police force for their area
 - Appoint the Chief Constable and hold him/ her to account
 - Determine local policing priorities and in consultation with the Chief Constable, publish an five year Police and Crime Plan
 - Set the annual force budget and Council Tax precept
 - Produce an annual report setting out progress against the objectives in the Police and Crime Plan
 - Control of all central government funding for policing in the County
 - From 2013, have control of funding which currently is passed directly to local authorities to deliver the work of Community Safety Partnerships and Drug Intervention Programmes as well as funding for services to address violence against women and girls
 - Co-operate with the criminal justice system in their area
 - Contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing requirement
- 5. Implications of the PRSRA for Brighton and Hove**
- 5.1 Operational responsibility for the day to day work of the police will remain with the chief constable. However, the introduction of PCCs will

have a considerable impact on local authorities and could result in fundamental changes for community safety partnerships. Unlike police authorities, PCC's will not be 'responsible authorities' under the Crime and Disorder Act 1998, so will not be members of community safety partnerships.

- 5.2 However, there will be a mutual duty on PCCs and Community Safety Partnerships to co-operate to reduce crime and disorder and reduce offending. Both will also be required to have regard to each others priorities when drawing up the five year Police and Crime Plan and the Commissioners will be active participants in priority setting under the statutory requirements of the Crime and Disorder Act 1998. Together with statutory partners they will need to consider a strategic assessment and recommendations for reducing crime and disorder in the city and agree a Community Safety Strategy in consultation with communities and neighbourhoods. Community safety partnerships will to some extent be accountable to commissioners.
- 5.3 PCCs will be elected on a countywide mandate, however, it will be imperative that the needs and issues in relation to community safety and policing in Brighton and Hove and how those may differ from the rest of the county, are understood. In principle, the opportunity to do that will be through councils in a force area nominating representatives to serve on the Police and Crime Panel for the area. The Panel's role will be to scrutinise the PCC's decisions and actions, to veto the PCC's precepts and nominations for chief constable, to summon the PCC to answer questions and to review the commissioners police and crime plans.
- 5.4 Through those arrangements, the Commissioner and the Police and Crime Panel will also need to understand the sophisticated level of community engagement and participation in Brighton & Hove in order to effectively support the delivery of policing and community safety in the city.

6. Existing Accountability Mechanisms

- 6.1 Safe in the City is the local Community Safety Partnership (formally the Crime & Disorder Reduction Partnership: CDRP). The Crime and Disorder Act 1998 introduced a statutory duty that the police, local authorities and other Responsible Authorities work together and in partnership with others to reduce crime and disorder and improve safety in their local areas.
- 6.2 The Police and Justice Act 2006 made provision for the scrutiny of these partnerships through local designated crime and disorder scrutiny committees. The role of scrutiny is to scrutinise the partnership as a whole, as each organisation is already subject to its own accountability procedures.

6.3 Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.

6.4 In the Brighton and Hove ECSOSC is the officially designated Crime and Disorder Committee. However a protocol was agreed in 2009 managing the relationship between ECSOSC and the Community Safety Forum (**Appendix 2**).

7. Future Scrutiny Arrangements

7.1 Consultation will shortly start on changes to the scrutiny committee structure; this will recommend moving from 6 to 4 committees, broadly based on the Strategic Directors' portfolios of responsibilities. Most of the work would be undertaken through panels and workshop sessions with less reliance on formal meetings.

7.2 It is proposed therefore that community safety issues would be dealt with by a 'Communities Scrutiny Committee' (CSC), a separate 'Place Scrutiny Committee' would take ECSOSC's remaining responsibilities. The CSC would be designated as the Crime and Disorder Committee.

7.3 There are a number of questions Members may wish to consider in debating this issue namely:

1. How accountable will the new arrangements make Sussex Police to the population of Brighton and Hove?
2. Locally what arrangements would Members like to see implemented to complement the Police and Crime Commissioners and Police and Crime Panel (PCP)?
3. Are Members content for scrutiny of community safety/crime and disorder issues to be within a 'Communities' scrutiny committee? Or do they wish for a separate committee?
4. Do Members wish to retain the existing protocol between the Community Safety Forum and the Crime and Disorder Scrutiny Committee?

8. CONSULTATION

8.1 This paper is part of the consultation process with Members.

9. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

9.1 Any change to scrutiny arrangements would be met from within the existing scrutiny budget unless otherwise agreed.

Legal Implications

- 9.2 The Police Reform and Social Responsibility Bill received Royal Assent on 15 September 2011 and will be brought into force on an unspecified date by order of the Secretary of State.

Section 28 of the Act sets out the duties and other functions of the police and crime panels outside London, and cross-refers to Schedule 6 which defines how the panels are to be constituted. Section 29 grants the panels power to require attendance of and information from the Commissioner and his/her staff. Section 30 gives the panels power to suspend the Commissioner in defined circumstances.

All other relevant legislation is referred to in the body of the report.

Lawyer consulted: Oliver Dixon

Date: 14 /10/11

Equalities Implications:

- 9.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 9.4 There are no direct sustainability implications arising from this report.

Crime & Disorder Implications:

- 9.5 These are set out in the body of the report.

Risk and Opportunity Management Implications:

- 9.6 This report focuses on accountability issues, risks are therefore focuses on a lack of democratic accountability with regard to crime and disorder issues.

Corporate / Citywide Implications:

- 9.7 None directly from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Extract from the Community Safety Forum minutes (10th October)
2. The Crime and Disorder Protocol

Documents in Members' Rooms:

None

Background Documents:

The Council's Constitution

Appendix 2 – Protocol on relationship between the Community Safety Forum and the Environment and Community Safety Overview and Scrutiny Committee (Designated as the Crime and Disorder Committee)

As provided for under the Council's constitution, the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) is designated the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006 ('the Act').

It is recognised that the Community Safety Forum ('the Forum') is in a position to resolve many of the crime and disorder issues that members will wish to raise. Members wishing to raise a crime and disorder issue should direct the matter in the first instance to the Forum.

The ECSOSC will, when crime and disorder matters are referred to it without first being presented to the Forum, note them and refer them to the next appropriate meeting of the Forum.

In fulfilment of its role as CDC, the ECSOSC shall meet to review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every twelve month period. ECSOSC shall perform this role after considering:

- A six monthly update from the Chair of the Forum on its work
- LAA performance data on community safety issues

The ECSOSC shall also:

- Deal with any Councillor Call for Action that has already been to the Forum but remains unresolved
- Consider whether, following input from the Forum, to establish an ad hoc panel on a crime and disorder matter

Nothing in this protocol prevents a Member from raising issues directly at the ECSOSC in accordance with section 19 of the Act. It does, however, provide guidance to allow the most efficient and effective resolution of crime, disorder and community safety issues.