

**POLICE AND CRIME COMMISSIONERS
(Report by the Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 On 15th November 2012, a Police and Crime Commissioner will be elected for Cambridgeshire and he/she will take office on 22nd November. Although the Commissioner will be scrutinised by a Police and Crime Panel, the Social Well-Being Panel has an interest in this as, within the Council, it is responsible for scrutinising Crime and Disorder matters.

2. BACKGROUND

- 2.1 As has been said, elections for the Commissioner will take place on 15th November. The Commissioner will take office on 22nd November 2012. This will be a four-year term of office. The next election will be in May 2016 then four-yearly in May thereafter.

Police and Crime Commissioners will have responsibility for:

- Appointing the Chief Constable and holding them to account for the running of their force
- Setting out a 5 year Police and Crime Plan based on local priorities (developed in consultation with the Chief Constable, communities and others)
- Setting the annual local precept and annual force budget
- Making grants to organisations aside from the police (including but not limited to Community Safety Partnerships)

They will provide strong local leadership (underpinned by their democratic mandate) in the drive to cut crime and keep communities safe across a range of agencies and partnerships. There will be specific duties designed to achieve this:

- The community safety duty, specifies that a Commissioner must “in exercising its functions, have regard to the relevant priorities of each responsible authority (including the District Council); and
- The criminal justice duty states that the Commissioner and criminal justice bodies in that police area, “must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.”

Further details on the role of the Commissioner can be found in the attached Appendix.

- 2.2 As has been said, the Commissioner will be scrutinized by a Police and Crime Panel (PCC). A Policing Protocol was introduced by the Government in November 2011. It specifies clearly the PCC’s role and powers:

“The PCC

The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.

The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

The PCC has the legal power and duty to—

- (a) set the strategic direction and objectives of the force through the Police and Crime Plan (the Plan), which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
- (c) hold the Chief Constable to account for the performance of the force's officers and staff;
- (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;
- (e) appoint the Chief Constable (except in London where the appointment is made by the Queen on the recommendation of the Home Secretary);
- (f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
- (g) maintain an efficient and effective police force for the police area;
- (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable);
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
- (k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;
- (l) comply with all reasonable formal requests from the Panel to attend their meetings;
- (m) prepare and issue an annual report to the Panel on the PCC's delivery against the objectives set within the Plan;
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable."

2.3 The Home Office will provide PCCs with funding. This will be £53,300 plus £920 per Councillors for expenses (pro rata in the first year). This is intended to cover meeting costs, including the procurement of scrutiny support. The level of funding will be regularly reviewed.

- 2.4 Regulations will be produced covering PCC's right of veto, the Home Secretary's powers where partners have not been able to establish a PCC, and other practical matters such as nominations, appointments and notifications. Guidance will be published in the Spring.
- 2.5 With regard to the PCC, in the short term, partner authorities will have to identify a host authority, the PCC's Membership and its operating arrangements. A key issue will be the composition of the PCC. There should be a minimum of 10 Councillors and two co-opted individuals. The maximum size is 20 Councillors and co-opted members. There is a requirement that, as far as possible, the PCC should be balanced in terms of Members' political allegiances, their skills, knowledge and experience and the geography of the area. Achieving such balance will be a particular challenge in a two tier area such as Cambridgeshire, which will also include Peterborough. It is likely that the Centre for Public Scrutiny and/or the Local Government Association will be producing guidance to assist the setting up process. Discussions are already on-going locally in this respect with a view to establishing a shadow PCC in June to enable inductions to take place prior to the Commissioner taking office.
- 2.6 While all this is going on, the Council will still have a duty to scrutinise the local Crime and Disorder Reduction Partnership. Huntingdonshire Community Safety Partnership will invite new Commissioner to attend its 10th January 2013. Consideration will need to be given to how the local authority scrutiny and the work of the PCC will be circumscribed. The Cambridgeshire Scrutiny Network has started to do this.

3. CONCLUSION

- 3.1 The introduction of Commissioners represents a significant change in local crime and disorder arrangements. The Council is a relevant authority and will be involved in scrutinising his/her work. It will be important for the Panel to monitor how the new arrangements progress and to develop its own role in scrutinising crime and disorder matters.

BACKGROUND PAPERS

<http://www.homeoffice.gov.uk/police/police-crime-commissioners/>

Police and Crime Commissioners – What partners need to know, Home Office

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POLICE AND CRIME COMMISSIONERS

What partners need to know



Police and Crime Commissioners – What you need to know

Police and Crime Commissioners will be elected for every police force area in England and Wales outside London in November 2012. They will be at the vanguard of the Government's crime and policing reforms and are part of a programme of work to decentralise control and to put the public in the driving seat. This note explores the implications of these landmark policing reforms for other local leaders with whom Commissioners will need to work in partnership.

The Commissioner

The first elections will take place on 15th November 2012, with elected Commissioners taking up office a week later. Police and Crime Commissioners will have responsibility for:

- Appointing the Chief Constable and holding them to account for the running of their force
- Setting out a 5 year Police and Crime Plan based on local priorities (developed in consultation with the Chief Constable, communities and others)
- Setting the annual local precept and annual force budget
- Making grants to organisations aside from the police (including but not limited to Community Safety Partnerships)

Working in partnership

Commissioners will be new entrants to a complex local leadership landscape and will need to work collaboratively. Collective local leadership on crime, justice and community safety will be the key to cutting crime and improving outcomes for local people.

The mechanisms and practices of partnership working are complex and have developed over time. A Commissioner new to criminal justice (or perhaps new to the public sector altogether)

might be impatient with this complex landscape. The reforms may provide an opportunity for local leaders to review the current partnership landscape (where this is not already underway) with a view to simplifying and streamlining ways of working together.

Police and Crime Commissioners will need to work with a broad range of organisations and local authorities will be vital partners. In addition to a focussed role in scrutinising the Commissioner through Police and Crime Panels, local authorities and elected members will need to work closely with commissioners as partners. They will share an interest in improving outcomes and services in a range of areas from community safety and youth justice to health, safeguarding and civil contingencies.

The Government will be consulting on a potential future role for Commissioners in relation to support services for victims.

Commissioning

As well as their core policing role, Commissioners will have a remit to cut crime, and will have commissioning powers and funding to enable them to do this. Commissioners will need to work with each other and to have regard to cross border and national issues but, critically, they will need to work effectively with other local leaders in their police force area. This will include work to influence how all parties prioritise and bring together their resources to find local solutions to meet local problems and priorities. Strong partnership working, as well as exploring new working arrangements, will be central to success.

The Police Reform and Social Responsibility Act 2011 provides powers for Commissioners to award grants to any organisation or body they consider will support their community safety priorities. Commissioners will receive some consolidated grants made up of funding currently provided to a range of organisations and may decide to use them on projects that support their community safety objectives. Commissioners will be free to pool funding with local partners and will have flexibility to

decide how to use their resources to deliver against the priorities set out in the Police and Crime Plan.

In order to minimise bureaucracy and prevent disruption to programmes, Ministers have decided that existing arrangements for community safety and partnership funding will continue during 2012-13. In 2013-14, in addition to the main police grant and precept, Police and Crime Commissioners will also receive funding from the Community Safety Fund which will support local priorities which might include tackling drugs and crime, reducing re-offending, and improving community safety.

As Police and Crime Commissioners will be commissioning services to cut crime, the right connections will need to be in place with other local strategic and commissioning frameworks. For instance, new health commissioning arrangements are being introduced in England on a similar timetable. Health and Wellbeing Boards will be vital partners for Commissioners given their role in determining joint needs assessments against which services will be commissioned. Commissioners will need to develop common cause with partners on a range of crime and health issues and they will need to find the best ways to engage and influence, locally. This influencing role will be particularly critical with local authority and health partners and in Wales, with the Welsh Government, who will also have considerable spending power. Commissioners may wish to explore how innovative financial models such as payment by results or community budgets could operate and be used to transform how local services are designed and delivered to meet local needs.

For bodies hoping to be directly commissioned by the new Commissioners, including those who have historically been centrally funded, there is much that can be done to prepare. Ahead of the arrival of Commissioners in November (and, importantly, ahead of candidates declaring themselves over coming months) service leaders will want to ensure that the business case for existing programmes, or proposals for new approaches are robust. This could include considering the evidence base and value for money of programmes as well as

considering the fit between current partnership priorities, the needs of individuals and the potential interests of the Commissioner. This will apply equally to the statutory and voluntary sectors. Many areas are already initiating discussion amongst partners about the changes and how best to make the reforms work in their areas. In some places this includes considering how local leaders could support commissioning across multiple partnerships, agencies and areas or looking at driving better value for money providing a potential platform for work with the new Commissioner.

Cooperative duties

Police and Crime Commissioners will provide strong local leadership (underpinned by their democratic mandate) in the drive to cut crime and keep communities safe across a range of agencies and partnerships. Commissioners will need to work with other local leaders to improve outcomes for communities, and ensure that local resources are used effectively and efficiently. This could include channelling collective local efforts to join up the criminal justice system, drive out waste or streamline partnership arrangements. They could be a catalyst for partnership work to cut crime, encouraging joint planning, commissioning and prioritisation.

The Police Reform and Social Responsibility Act 2011 puts in place a flexible framework for partnership working between the Commissioner and their community safety and criminal justice partners. This includes two interrelated, reciprocal duties to cooperate (outlined at Section 10 of the Act) that will bind together the responsible authorities who work in partnership to deliver safer communities, as well as the partners across the criminal justice system. In Wales, these duties do not apply to functions devolved to the Welsh Government, although Commissioners and local partners should consider how their full range of functions and priorities can be aligned.

Though the two partnership duties are worded slightly differently, their intention is the same – to ensure that local leaders work together in the

public interest in order to maximise their collective impact. The **community safety duty**, specifies that a Commissioner must “in exercising its functions, have regard to the relevant priorities of each responsible authority”, referring to the authorities named in the Crime and Disorder Act 1998 and its amendments (Probation, Health, Local Authority, Police and Fire). It further specifies that the Commissioner and responsible authorities “must act in co-operation with each other” in exercising functions conferred by the 1998 Act. Commissioners will also have some specific powers in relation to community safety, which previously resided with the Home Secretary as they will be able to require a report from the responsible authorities on an issue of concern and to merge community safety partnerships with the consent of the authorities themselves. Regulations will also give Commissioners a new power to call the responsible authorities from the various community safety partnerships together to discuss issues affecting the whole police area.

The **criminal justice duty** states that the Commissioner and criminal justice bodies in that police area, “must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.” The criminal justice bodies included within this duty are those which currently comprise Local Criminal Justice Boards (Police, Prosecution, Courts, Youth Offending Teams, Prisons and Probation). This duty is framed in different terms to the community safety duty so that there can be no suggestion of Commissioners influencing decisions taken by criminal justice partners in individual cases – in particular, the independence of the judiciary and prosecutors is preserved.

The statutory duties are deliberately broad and flexible, to allow working arrangements to develop in a way that is most meaningful locally, and to leave room for innovation. Though their wording differs and there is overlap between the bodies named, the intention of both duties is the

same. They aim to ensure that the investment and prioritisation decisions taken by both Commissioners and their partners are made with a full understanding of the implications for partners on whom they are mutually dependent.

Relationship with the public

Police and Crime Commissioners will be directly elected by the public and will be subject to a duty to consult with victims and the wider community, but will need to maximise their understanding of the needs of local people. The Government has signalled its interest in getting neighbourhoods engaged with their public services (for example through beat meetings) and how victims are treated is essential to maintaining public trust and being able to police effectively. This is why the Act requires Commissioners to consult with victims in setting policing priorities in their local area.

Other local service leaders in the public and voluntary sector will also have mature public engagement mechanisms and may be able to make a valuable contribution to helping Commissioners to engage with and understand community concerns. Community safety partners have a duty under the 1998 Crime and Disorder Act to engage with communities and have much experience in this area. Equally criminal justice agencies have done a great deal to amplify the voice of victims and communities. Public and voluntary sector leaders could also provide Commissioners with the means to engage with potentially marginalised groups, such as young people or black and minority ethnic communities.

What can you do to prepare, locally?

Central Government has put in place a flexible framework for partnership working between Police and Crime Commissioners and their community safety and criminal justice partners. There are a range of actions that local leaders may wish to take to ensure that they are best prepared. Some of these are outlined within this note and include:

- Initiating early discussion amongst partners about the changes, seeking their views and agreeing how best to make it work
- Evaluating your partnership-working arrangements and the need and scope for simplification or clarification
- Considering current partnership priorities, and the potential involvement and interests of the Commissioner
- Marshalling the evidence base and value for money of your current programmes to support Commissioner investment decisions
- Understanding how the arrival of the Commissioner may affect your current programme and funding arrangements
- Discussing how you could support commissioning across partnerships and agencies, or across the police force area
- Considering how you can help Commissioners to understand the needs of local people, using existing engagement mechanisms.

Where to go for further information

Sector leaders are providing support to implement these changes in a number of ways, as it is local leadership which matters most in making the reforms a reality. Nationally, the Home Office has established a PCC website which contains information on the key issues relating to this reform programme at

www.homeoffice.gov.uk/police/police-crime-commissioners/

You can read the latest updates on transition work via regular bulletins at

www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/

You can also sign up for regular bulletins at the same address, or by emailing

PCCPartnersEnquiries@homeoffice.gsi.gov.uk

Annex – The role of the Police and Crime Commissioner

The Police and Crime Commissioner role will involve working with the public, the police and local partners to ensure effective policing, as well as contributing to national requirements.

Commissioners will provide strong local leadership on a range of priorities that extend beyond core policing to crime, justice and community safety. They will be part of a collective group of community

leaders who will need to collaborate in order to meet shared community outcomes and who will need to ensure that local resources are used effectively and efficiently in pursuit of those shared outcomes.

The scope of the PCC role is summarised in the table below:

<p>Setting the strategic direction and accountability for policing</p>	<p>Being accountable to the electorate.</p> <p>Setting strategic policing priorities.</p> <p>Holding the force to account through the Chief Constable, and consulting and involving the public.</p>
<p>Working with partners to prevent and tackle crime and re-offending</p>	<p>Ensuring that the police respond effectively to public concerns and threats to public safety.</p> <p>Promoting and enabling joined up working on community safety and criminal justice.</p> <p>Increasing public confidence in how crime is cut and policing delivered.</p>
<p>Invoking the voice of the public, the vulnerable and victims</p>	<p>Ensuring that public priorities are acted upon, victims are consulted and that the most vulnerable individuals are not overlooked.</p> <p>Complying with the General Equality Duty under the Equality Act.</p>
<p>Contributing to resourcing of policing response to regional and national threats</p>	<p>Ensuring an effective policing contribution alongside other partners to national arrangements to protect the public from other cross-boundary threats in line with the Strategic Policing Requirement.</p>
<p>Ensuring value for money</p>	<p>Responsible for the distribution of policing grants from central government and setting the precept raised through council tax.</p> <p>Responsible for setting the budget, including the police precept component of council tax, and deciding how it should be spent.</p> <p>Commissioning services from partners that will contribute to cutting crime.</p>

