

SOLACE BRIEFING
POLICE & CRIME COMMISSIONERS AND POLICE & CRIME PANELS
DECEMBER 2011

This briefing note provides information about the implications of The Police Reform and Social Responsibility Act 2011 for authorities in England only.

LEGISLATIVE FRAMEWORK

The Police Reform and Social Responsibility Act 2011¹ will replace Police Authorities with directly elected Police and Crime Commissioners (PCCs) for each police force outside London in England and Wales.

In London, the Mayor of London will act as the PCC for the Metropolitan police through the new Mayor's Office for Policing and Crime².

Part 1 of the Act also contains provisions for establishing Police and Crime Panels for each police area. In London, this role will be undertaken by a specific committee of the Greater London Authority (GLA) – The London Assembly Police and Crime Panel.

Commenting on the passing of the Act, the Minister for Policing and Criminal Justice commented, 'The Police Reform and Social Responsibility Act is a landmark in the government's agenda to decentralise control and return power to the people'³.

POLICE AND CRIME COMMISSIONERS

Elections and Candidates:

The Home Office has published an [information booklet](#) aimed at people thinking about standing for election to become a PCC.

PCC elections will be held on 15 November 2012 and subsequently every four years. PCCs are not limited to the number of terms of office they can serve.

The Returning Officer for a PCC election should be an acting returning officer for Parliamentary election for a constituency falling within the police force area. Each relevant local authority must make its staff available to the Returning Officer to enable them to carry out their functions.

Further information about the voting system, where elections will be held, and how they will be funded, is available on the [Home Office website](#).

Pay and staffing:

The Senior Salaries Review Body was commissioned by the Home Secretary to review the pay of PCCs. The Review Body has published its recommendations on

¹ The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011.

² The Mayor of London may delegate the day-to-day discharge of his policing and crime functions to a Deputy Mayor for Crime and Policing.

³ <http://homeoffice.gov.uk/media-centre/news/police-commiss>

the pay structure for PCCs in its [Report on the Pay of Police and Crime Commissioners 2011](#).

PCCs must appoint a Head of Staff and a person responsible for properly administering their financial affairs. They can also appoint staff to assist them in carrying out their functions but will be required to publish details of their staffing costs and functions. Initially existing police authority staff will be transferred to support PCCs.

PCC Functions:

PCCs will have similar functions to existing police authorities. These include:

Appointing the Chief Constable and holding them to account on behalf of the public for the running of the police force;

If necessary, suspending the Chief Constable or calling on him / her to retire or resign;

Setting out a five year Police and Crime Plan ("the plan"), in consultation with the Chief Constable, determining local policing priorities;

- The Plan should set out the priorities for local policing for the whole force area and how these will be delivered to reduce crime and disorder. It should also outline how resources will be allocated, any funding agreements and the arrangements for reporting on progress.
- The Plan must include and address the views of the public on local policing.
- The plan will be used by the PCC to hold the Chief Constable to account.
- The Plan must have regard to the [Shadow Strategic Policing Requirement](#) set by the Home Secretary. The Requirement is 'a statement of the collective capabilities that police forces across England and Wales will be expected to have in place to protect the public from cross-boundary threats'⁴. The Statutory Strategic Policing Requirement will be issued next summer and PCCs and Chief Constables will be required to have regard to the Statutory Requirement from November 2012 in their planning and resource allocation.

Publishing an Annual Report outlining progress made on delivering the Plan;

- PCCs will have a duty to monitor the overall performance of the force, including against the priorities agreed within the Police and Crime Plan.

Setting the annual local precept and annual force budget;

- PCCs will receive all funding related to policing and crime reduction and determine how this is allocated, with the exception of a select number of specific grants.
- PCC budgets will comprise the policing grant from the Home Office, various other specific grants, and funds raised through local authority precepts in the force area.

⁴ <http://www.homeoffice.gov.uk/publications/about-us/parliamentary-business/written-ministerial-statement/protocol-shadow-spr-wms/>

Provide the local link between police and communities.

- PCCs will be required to publish information which helps the public to understand what is happening in their area so they are able to assess the performance of the PCC and Chief Constable and hold them to account.
- The PCC should work to translate the legitimate desires and aspirations of the public into action.

PCCs and Community Safety Partnerships

Unlike police authorities, PCCs will not be “responsible authorities” under the Crime and Disorder Act 1998, and will therefore not be a member of Community Safety Partnerships (CSPs). The Police Reform and Social Responsibility Act 2011 does, however, articulate a framework for the relationship between PCCs and their community safety and criminal justice partners. This includes:

A reciprocal duty on PCCs and responsible authorities on CSPs to cooperate and have regard to one another’s priorities for the purposes of reducing crime and disorder, reoffending and substance misuse.

Under the new system, CSPs may find themselves accountable to PCCs. CSPs will need agreement from their PCC to merge. PCCs will be able to require reports from CSPs about issues of concern and, outside of London, will have powers to convene meetings with any or all of the CSPs in the force area to discuss strategic priorities.

PCCs will also be able to make crime and disorder reduction grants to any organisation or person in their force area. To this end, the Home Office will consolidate and transfer some existing funding to PCCs from April 2013⁵. A key component of the funding being transferred from local authorities to PCCs is the Community Safety Fund (CSF)⁶. PCCs will also 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.

Funding transferred to PCCs will not be ring fenced and PCCs will have discretion to use it for a range of activities that support their wider community safety objectives and commissioning role. CSPs will not, therefore, be the automatic recipients of PCC funding and may find themselves competing with voluntary, charitable and private sector providers for community safety funding from PCCs in the future.

Ministers have been clear that PCCs may take on a broader remit within the wider criminal justice system in the future and that PCCs’ funding and commissioning functions are expected to extend beyond the remit of CSPs.

⁵ The Home Office has confirmed that CSF and DIP funding will go to existing grant recipients in 2012/13 and will not be transferred in-part to PCCs prior to April 2013.

⁶ The Community Safety Fund available to local authorities has already been reduced by 20% in 2011/12 and will be reduced to a further 40% in 2012/13.

POLICE AND CRIME PANELS

The public will hold PCCs to account for the performance of their local police force but PCCs will also be scrutinised by Police and Crime Panels (PCPs). PCPs are intended to act as “critical friends” providing support and challenge to PCCs⁷.

Membership:

PCP membership will comprise one elected representative⁸ from each local authority in the force area and two independent members. There must be a minimum of ten elected representatives on the PCP and membership can be increased to a maximum of 20 members. Both top-tier and district councils will need to be represented on the PCP.

In appointing PCP members, local authorities must, as far as is practicable, consider the make-up of the force areas including its political make-up and the requisite skills, knowledge and experience for the panel to function effectively⁹. Councils should also consider whether the role Executive Councillors play might generate a conflict of interest.

Where local authorities fail to establish a PCP the Home Secretary has powers to intervene.

Functions:

PCPs have the following powers to enable them to maintain a regular check and balance on the performance of PCCs:

To confirm or veto the appointment of the Chief Constable and the level of the council tax precept. For both of these functions, at least two thirds of the panel will have to be in agreement.

To ask Her Majesty’s Inspectorate of Constabulary (“HMIC”) for a professional view when the PCC intends to dismiss a Chief Constable.

To scrutinise the Police and Crime Plan and make recommendations to the PCC, which the PCC must have regard to.

To review the PCC’s Annual Report, which the PCC must present to the PCP at a public meeting.

To require relevant reports and information from the PCC to enable the PCP to fulfil its statutory duties and to publish reports and recommendations about actions and decisions taken by the PCC. All PCP reports and PCC responses will be published to ensure transparency.

To require the PCC to attend the PCP to answer questions. PCPs will be able to invite the Chief Constable to attend these meetings but will not be able to compel their attendance.

To appoint an acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified.

⁷ Detailed information about the functions of, and interrelationships between, PCCs, Chief Constables and PCPs is provided in [The Policing Protocol Order](#), issued by the Secretary of State under Section 79 of the Police Reform and Social Responsibility Act.

⁸ Where there are elected city Mayors, they will automatically represent their local authority on the PCP unless they appoint another representative. Elected Mayors may draw up an advisory group on police and crime issues.

⁹ This is referred to as the Balance Appointment objective.

PCPs will not scrutinise the performance of the force; this is the role of the PCC. Consequently, the public will hold the PCC, not the PCP, to account for policing in their local area.

The London Assembly Police and Crime Panel

The powers of the London Assembly Police and Crime Panel (LAPCP) differ to those of PCPs outside of London.

As part of the GLA's budget setting process, the London Assembly has the power to amend the Mayor's proposed budget. If the Mayor is incapacitated, resigns or is disqualified, he/she will be replaced by the Deputy Mayor. The LAPCP can veto the appointment of a Deputy Mayor for Policing and Crime under certain conditions. The LAPCP will not have a formal role in the appointment or dismissal of the Commissioner of the Metropolitan Police.

The cost of PCPs

The Home Office has estimated that the total costs of PCPs will amount to approximately £2 million per annum, which includes: £36,000 for each force to deliver the scrutiny function, limited funds for meetings and member expenses.

MANAGING THE TRANSITION

The Home Office has established a Transition Programme, overseen by Nick Herbert MP, Minister of State for Policing and Criminal Justice. Under the programme there are two key projects, one focused on effective partnership working and the other around introducing checks and balances within the new system, including PCPs.

The Home Office has advised local authorities within a force area to appoint a Lead authority to take responsibility for the day-to-day running of the PCP. Lead authorities will receive Home Office funding to support this new responsibility.

From January 2012, the Home Office is arranging a series of events across England and Wales aimed at strategic level partners (Chief Executive level) to help prepare for PCCs. The events will include dedicated sessions on police and crime panels and partnership working.

The Home Office provide [regular bulletins](#) on the establishment of PCCs and their potential relationship with other local leaders.

Sources of information (accessed December 2011)

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

<http://www.homeoffice.gov.uk/media-centre/speeches/a-new-era-for-policing>

http://www.ome.uk.com/Police_and_Crime_Commissioners.aspx

<http://www.homeoffice.gov.uk/publications/police/pcc/have-got-what-takes/got-what-it-takes?view=Binary>

<http://www.drugscope.org.uk/Resources/Drugscope/Documents/PDF/Policy/SFCPolicyBriefing1.pdf>

<http://www.parliament.uk/briefing-papers/RP11-28>

<http://homeoffice.gov.uk/media-centre/news/police-commiss>

<http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/>

<http://www.wlga.gov.uk/english/equalities-social-justice-publications/wlga-lga-police-and-crime-commissioners-a-guide-for-councils/>



NOTES:

SOLACE is the representative body for senior strategic managers working in the public sector in the UK. We are committed to promoting public sector excellence. We provide our members with opportunities for personal and professional development, and seek to influence debate around the future of public services to ensure that policy and legislation are informed by the experience and expertise of our members. Whilst the vast majority of SOLACE members work in local government we also have members in senior positions in health authorities, police and fire authorities and central government.

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