

Police & Crime Commissioners and Police & Crime Panels – Update

1. Attached to this report as Appendix A is a draft Protocol relating to the relationship between Police & Crime Commissioners (PCCs), Chief Constables and Police & Crime Panels (PCPs). The document as it stands makes only one passing reference to Community Safety Partnerships (middle of page 3), relating to the 'ability' of PCCs "to bring together Community Safety Partnerships (CSPs) at the force level".
2. Further details were presented in a masterclass at the National Community Safety Network Conference on 7/8 June 2011. It appears that, notwithstanding the difficulties which it is experiencing in the House of Lords, the Government remains committed to the principle of directly elected PCCs, as set out in the Conservative manifesto, and will use all means at its disposal to ensure that it is enacted.
3. The Electoral Commission has recommended that the legislation needs to receive the royal assent at least six months before the target date, which is 15 May 2012, i.e. by early November 2011, in order to allow sufficient time for a properly organised electoral process, but this recommendation is not binding on Ministers.
4. The key powers of the PCC will be
 - (a) appointing the Chief Constable and holding him/her to account
 - (b) determining local policing priorities, particularly the Police & Crime Plan, setting a local precept and the force budget
 - (c) making community safety grants

They will have a reciprocal duty to co-operate with CSPs, the power to call CSPs to a meeting to discuss force-wide issues, and power to request reports. They will also take over the Home Secretary's power to approve mergers of CSPs, but only when requested by the CSPs concerned, and signed off by all the 'responsible authorities' on each CSP involved (i.e. Police, Council, Fire Authority, PCT and Probation Trust). Recent Government comments have emphasised the need for PCCs also to engage with the broader Criminal Justice System.

5. Their term will be for 4 years and there will be a limit of two terms.
6. Further details were given about PCPs. They will consist of at least 11 Councillors plus at least two additional members co-opted by the Councillors. Elected Mayors will automatically take one of the places for their authority. The role of the Panel will be to scrutinise the activities of the PCC, including receipt of an annual report from the PCC, and of the Police & Crime Plan, and relevant reports from Her Majesty's Inspectorate of Constabulary. In the event of a vacancy arising for the PCC, the Panel can appoint an acting PCC from its membership, and it has a power of veto over the appointment and removal of Chief Constables, and the precept, but only if 75% of the Panel support the veto. A proportional composition for a Cleveland PCC would be as follows:

Hartlepool	- 2
Middlesbrough	- 3
Redcar & Cleveland	- 3
Stockton	<u>- 4</u>
	12

7. One Local Authority in the force area will act as lead authority for the Panel, to be determined by local agreement, and will receive funding of £30k plus £920 per panel member.
8. I had the opportunity to ask Nick Herbert, the Minister of State for Police & Criminal Justice (with a role in both the Home Office and the Ministry of Justice) what his view was about our proposal to invite the PCC to join our Partnership (as set out in our response to the Government's White Paper 'Policing in the 21st Century: Reconnecting Police and the People', agreed at our meetings on 17 August and 28 September last year). His response was "I'm not averse at all to that happening..... the PCC would be mad if they didn't take it upthat's exactly the right approach", although he did also state that in the case of Forces which cover a large number of CSPs (as many as 27 in the case of Thames Valley) it may be impossible for the PCC to participate personally in all of them. Safe in Tees Valley is giving consideration to organising a sub-regional or regional seminar, with Nick Herbert as a speaker, to take place after the Royal Assent, and 'hustings' once candidates are declared.
9. In relation to ringfenced Government funding allocations, as previously reported to the Partnership on 15 February 2011, the PCC will take over responsibility for the Community Safety Fund from 2013/14. Our share of that funding will be £84,291 in 2012/13, (after allowing for expenditure on substance misuse services for young people). Key priorities supported through the funding in 2011/12 include Integrated Offender Management and Domestic Violence Services, along with funding for supplementary policing and some for the multi-agency ASB team.
10. A much more significant source of funding relates to the Drugs Intervention Programme, which is intended to reduce drug-related offending. The Stockton allocation for 2011/12 is just over £664k, of which £243k (37%) comes from the Home Office and the remaining £421k (63%) from the Department of Health. It is understood that the Home Office will allocate their 'share' to PCCs from 2013/14, and that there is consideration being given to doing so from part way through 2012/13. This could lead to significant complications in co-ordinating services, involving the PCC, the Partnership and Stockton Health & Wellbeing Board. In Stockton, the same provider, CRI, provides the main DIP funded services but also provides other key services funded via the Pooled Treatment Budget (PTB), which is all Department of Health money.
11. The idea of giving the DIP funding to the PCCs part way through 2012/13 is particularly problematic. The Home Office is understandably unenthusiastic about the prospect of PCCs having to wait 11 months before taking on their full role. However, any large-scale re-commissioning of services will require significant procurement expenditure and is likely to be bound by EU rules on procurement, in view of the sums involved across Cleveland. The staff team of Police Authorities will transfer to PCCs, and it will be a matter for the PCC

to decide how to manage their staff team in the future, but Police Authority staff teams have had no historic role in commissioning drug services.

12. Some of the national discussions have suggested that CSPs will need to 'cosy up' to PCCs in order to avoid loss of funding. In my opinion this view is based on an overstatement of the importance of Government funding received by CSPs and understatement of the importance of the mainstream resources deployed by the partner agencies, which are greater than the external funding by a very considerable margin.
13. It has also been suggested that CSPs need to 'look to their laurels' in order to convince the PCC of their continuing right to be taken seriously. In Stockton our crime rate has reduced by 51% between 2003/04 and 2010/11, compared to an average for the rest of Cleveland force of 42%, which in turn will be significantly higher than the England & Wales average – national figures are expected shortly for 2010/11, but will probably be about 35%.
14. I RECOMMEND that the Partnership agrees that as soon as candidates for the role of PCC are known, a letter should be sent to them all on behalf of the Partnership, setting out our offer to the successful candidate to join our Partnership, giving him/her the option of joining as a full voting member, or as an observer, and asking them to make a timely response to that offer which can be made known within their campaign.

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