

By: Kent Community Safety Team

To: Kent Community Safety Partnership, 6th March 2012

Classification: For Decision

Subject: Preparing for PCC's and PCP's

Summary: This paper outlines the roles and responsibilities of the forthcoming Police & Crime Commissioners and Police & Crime Panels and recommends that the Kent Community Safety Team is tasked with drafting a range of options to ensure positive relationships and engagement with these new bodies, for KCSPs consideration in July.

1. Background

- 1.1 The Police Reform and Social Responsibility (PR & SR) Act 2011 replaces the Police Authority with a directly elected Police and Crime Commissioner (PCC), with the aim of improving police accountability. The PCC will be introduced in November 2012 for a four-year term and will:
- determine the Policing Strategy for an area;
 - determine the force budget
 - set the local tax precept (police element)
 - appoint – and if necessary dismiss – the Chief Constable
- 1.2 Each police force area will also establish a Police and Crime Panel (PCP) to scrutinise and maintain a check and balance on the new PCC although the panel will not have direct control over a PCC's decisions.
- 1.3 Some of the functions of the PCP will include:
- Require the PCC to attend a public hearing to respond to concerns
 - Review draft Police and Crime Plan and make recommendations
 - Comment upon the Annual Report, which each locally elected Policing Body is required to produce (under section 12(1) of the PR & SR Act 2011) on:
 - (a) the exercise of the body's functions in each financial year, and
 - (b) the progress which has been made in the financial year in meeting the police and crime objectives in the body's police and crime plan
 - Review expenditure proposals and make recommendations
 - Require information in the possession of the PCC
 - Deal with complaints about the conduct of a PCC
 - Appoint an Acting PCC from the PCC's staff if the PCC is incapacitated or resigns

2. The Statutory Relationship between PCCs, CSPs and Criminal Justice System

- 2.1 Statutory duties that apply to police authorities on Community Safety Partnerships (CSP's) will not apply to PCCs. Provisions in the Police Reform and Social Responsibility Act place a mutual duty on PCCs and responsible authorities in CSPs to cooperate and reduce crime, disorder and re-offending.
- 2.2 Furthermore, the criminal justice duty states that the PCC and Criminal Justice bodies must also “make arrangements for the exercise of functions so as to provide an efficient and effective criminal justice system for the police force area.”

3. Engaging with the PCC - Partnership Arrangements

- 3.1 Both Home Office guidance for partners and recent LGA guidance suggest that where existing strategic level partnership structures exist, these should be looked at to see how they can be adapted to meet the needs of PCCs.
- 3.2 Presenting the PCC with pre-existing arrangements allows the PCC to engage with partnerships across the force area and would avoid duplication of new arrangements being created.
- 3.3 The PCC is not a ‘responsible authority’ for the purposes of community safety partnerships, but there will inevitably be close joint working between PCCs and CSPs.
- 3.4 The current community safety arrangements in Kent and Medway are complex and varied in terms of how they are organised and operate. There are 14 CSP's, including the Kent Community Safety Partnership that span 14 local authorities.
- 3.5 Further to the CSP arrangements, there are a number of “Boards” and forums related to community safety and the criminal justice agendas that are relevant to the PCC e.g. the Kent Criminal Justice Board, the Integrated Offender Management Group, the County Youth Justice Board, the Kent & Medway Domestic Abuse Executive to name but a few.
- 3.6 It is highly unlikely that a PCC would want, or indeed be able, to engage with all of these groups and therefore it is proposed that consideration is given to the Home Office and LGA guidance indicating that localities may wish to evaluate their partnership-working arrangements, with a view to the simplifying and streamlining the existing complex landscape. This would specifically look at providing an access point of engagement to partnerships for the PCC.

4. The PCP / Overview & Scrutiny Functions across the police force area

- 4.1 The Act makes provision for a protocol between the Chief Constable and the PCC, to define their relationship. This protocol will have a statutory basis but in local areas it could be supplemented to encompass the PCP, and possibly even community safety partnerships and the scrutiny committees that hold them to account.
- 4.2 Under the Police and Justice Act 2006, local authority scrutiny functions in shire districts and unitary areas have specific powers to hold to account work being carried out by the Community Safety Partnership (CSP). No change is proposed to this requirement.
- 4.4 It seems pertinent therefore that consideration be given to how CSP scrutiny and PCP scrutiny will relate to each other and to ensure they do not duplicate each other's work.

5. Preparing for the PCC / PCPs

- 5.1 CSPs and other community safety / criminal justice groupings in Kent & Medway will need to ensure that they are envisaged as willing partners to the PCC.
- 5.2 It is suggested that the time of transition is an opportune moment to create a stronger entity across the force area that provides better outcomes for local people at a reduced cost.
- 5.3 It is suggested therefore that a number of actions should be considered by the Responsible Authorities and other Public Agencies engaged with the Crime & Disorder agenda across Kent & Medway in preparation for the arrival of the PCC / PCP:-
- (a) evaluate the partnership-working arrangements in Kent & Medway, with a view to simplifying and if necessary, streamlining the existing complex partnership structures in order to provide a single access point for engagement for the PCC
 - (b) initiate a joint communications campaign on behalf of all Kent CSPs. to ensure PCC candidates are aware of CSP's capabilities, achievements, priorities and planning cycles.
 - (c) produce a welcome pack of information relating to community safety for the PCC
 - (d) the development of a joint commissioning framework across the force area
 - (e) design a single, joint strategic assessment or force wide summary document– considering partnership priorities, and the potential involvement and interests of the PCC
 - (f) Identify how CSP scrutiny and PCPs will relate to each other and to ensure they do not duplicate each other's work.

6. Recommendations

- 6.1 That the Kent Community Safety Partnership, tasks the Kent Community Safety Team, chaired by Steve Griffiths, Kent Fire and Rescue Service, to present a range of options to address the issues raised at 5.3, (a),(b),(c),(d),(e), (f) above for consideration at the July meeting of the KCSP.

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