

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Democratic Renewal Scrutiny Panel</b>
2.	<b>Date:</b>	<b>27<sup>th</sup> January 2011</b>
3.	<b>Title:</b>	<b>Police Reform &amp; Social Responsibility Bill</b>
4.	<b>Directorate:</b>	<b>Chief Executive's</b>

### 5. Summary

The Police Reform and Social Responsibility Bill comprises 156 clauses in five Parts and sixteen Schedules. The Parts cover:

- Police Reform;
- Licensing;
- Parliament Square Garden and surrounding area;
- Miscellaneous including misuse of drugs and arrest warrants; and
- Final Provisions.

Parts one and two are directly relevant to the Council. This report covers these provisions and identifies potential implications for the Council.

### 6. Recommendations

**That the Panel:**

- a) Receive the information set out in the report;**
  - b) Consider any potential implications for Community Safety and scrutiny of Crime and Disorder matters; and**
  - c) Receive further reports as the Bill passes through Parliament and detail commencement issues become known.**
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## 7. Proposals and Details

The Police Reform and Social Responsibility Bill received its first reading in the House of Commons on 30<sup>th</sup> November and started the Committee Stage on 18<sup>th</sup> January. The Bill comprises 156 clauses in five Parts and sixteen Schedules.

Part one, Police Reform; and Part two, Licensing are directly relevant to Council.

Part 1 covers provisions to abolish police authorities and replace them with directly elected Police and Crime Commissioners. Police and Crime Commissioners will be responsible for holding the chief constable of their police force to account for the full range of their responsibilities. The chief constable will retain responsibility for the direction and control of the police force.

The Bill provides that the first election of Police and Crime Commissioners will be on the ordinary day of local government elections in 2012. The term of office will be four years and Commissioners will only be able to hold office for a maximum of two terms. The two terms need not be consecutive. The method of election will be the supplementary vote system. The role will be a salaried position, with salaries set by the Secretary of State.

The work of the Police and Crime Commissioner will be scrutinised by a Police and Crime Panel. In South Yorkshire, the panel will consist of ten members drawn from the four councils. It will be for each council to select its members of the panel, but where there is an elected Mayor as in Doncaster, the Mayor will have to be one of the members. The panel will also have to reflect political balance. In addition the panel will co-opt two members who will be voting members of the panel.

The Police and Crime Commissioner will be required to produce the Police and Crime plan in the first year after being elected and may amend the plan during the term of office. The plan will be required to set out the following matters:

- The elected local policing body's police and crime objectives;
- The policing of the police area which the chief officer of police is to provide;
- The financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
- The means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;
- The means by which the chief officer of police's performance in providing policing will be measured; and
- The crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.

Before adopting or revising the plan, the Police and Crime Commissioner will be required to:

- Consult the relevant chief constable in preparing the draft plan or variation;
- Send the draft plan or variation to the relevant police and crime panel;
- Have regard to any report or recommendations made by the panel in relation to the draft plan or variation;

- Give the panel a response to any such report or recommendations, and
- Publish any such response.

Provisions are also included in Part 1 for Police and Crime Commissioners to appoint, suspend and dismiss the chief constable of their police force. The appointment of all other officers will remain a matter for the chief constable.

The Bill makes amendments to the Crime and Disorder Act 1998 (c. 37) in relation to Community Safety Partnerships and Local Crime and Disorder Reduction Strategies.

The principal amendments are:

- Police and Crime commissioners will not be members of Community Safety Partnerships;
- Conferring functions on a Police and Crime Commissioner in relation to strategies for any local government area that lies in their force area. This includes provision for the commissioner to arrange meetings to assist development and implementation of strategies; being chair of any such meetings; and being able to specify attendees which may include representatives of the responsible authorities comprising a Community Safety Partnership in their force area; and
- A power to require the responsible authorities comprising a Community Safety Partnership to submit a report on any matter relating to the exercise of their functions to the Police and Crime Commissioner in the case of them not being satisfied the responsible authorities within a Community Safety Partnership are performing their functions adequately.

The Bill provides that the Police and Crime Commissioner and bodies that are members of community safety partnerships formed under the Crime and Disorder Act 1998 (c. 37) will be required to co-operate with each other in the exercise of their respective functions.

The Police and Crime Commissioner will be required to produce an annual report in respect of each financial year covering how the Police and Crime Commissioner has carried out the functions and the progress made in meeting the objectives in the police and crime plan. Provisions are also made for the Police and Crime Panel to scrutinise the annual report.

In addition to the role of the Police and Crime Commissioner, there will be a duty placed on chief police officers to engage with local people. This involves engaging with people in each neighbourhood in the police area, in order to obtain their views about crime and disorder and provide information about policing. These arrangements should include regular community beat meetings and other forms of engagement, which allow all groups in an area to give their views on policing and hold their local police to account. Information could include statistical or other information relating to policing, crime and disorder.

Part 2 makes amendments to the Licensing Act 2003 (c. 17) to give licensing authorities, the police, local authorities with responsibility for controlling noise nuisance, and communities more powers in licensing decisions. The Bill also provides a role for Primary Care Trusts in licensing processes.

The Bill will give greater powers to licensing authorities to remove or refuse licences by enabling them to fulfil the same functions as existing responsible authorities, and to communities to make representations in relation to licensing decisions or call for a review of licensed premises. There is provision for doubling the maximum fine for premises which persistently sell alcohol to those under 18, and increasing the period of suspensions which can be imposed on such premises.

There is to be a reduction in the evidence required by licensing authorities and the police when making decisions. There are also provisions to give licensing authorities greater flexibility in making early morning restriction orders for a period of any duration between midnight and 6am, and to be able to impose different restrictions on different days.

The police and the Council exercising environmental health functions will be able to object to a temporary event notice and will be able to impose conditions on a temporary event notice in limited circumstances. Provisions will also enable premises users, in any calendar year, to hold a single event under a temporary event notice for up to seven days, use a single premises for up to 21 days and to give a limited number of temporary event notices later than the existing process permits.

## **8. Finance**

### Police and Crime Commissioner

The Police and Crime Commissioner will be responsible for setting a budget and issuing Council Tax precepts, becoming a major precepting authority under Part 1 of the Local Government Finance Act 1992 (c. 14)

The provisions will require the Police and Crime Commissioner to notify the Police and Crime Panel of the proposed precept, for the panel to consider the proposal and report on it, and for the commissioner to have regard to the report. The Police and Crime Panel will have the power to veto a proposed precept provided that three quarters of the total membership of the panel agrees. In the case of a veto being exercised, the Police and Crime Commissioner will be required to issue a different precept in accordance with the recommendation made by the Police and Crime Panel in its report.

There will be a requirement for the Police and Crime Commissioner to consult the public on the proposed precept, however, there will be no requirement for any separate consultation with payers of non-domestic rates.

Additionally, the Localism Bill, currently before parliament proposes amendments to the Local Government Finance Act 1992 (c. 14) to provide for referendums to be held in the case of “excessive” Council Tax increases being proposed. An “excessive” amount would be an increase above a figure determined by the Government. These provisions apply to a Police and Crime Commissioner in the capacity of a major precepting authority.

## Licensing

There will be new powers for the Council to enforce payment of unpaid fees by enabling suspension a premises licence or club premises certificate for non-payment of an annual fee. There will also be a requirement on the Secretary of State to review the impact of all the amendments to the regulatory regime under the Licensing Act 2003 after a period of five years following their coming into force.

The Bill makes provision to enable the Council to introduce a levy which will be payable by premises which supply alcohol as a part of the late night economy. The Council will be able to impose the levy on such premises for a period of any duration between midnight and 6am, although some premises may benefit from an exemption or discount. At least 70% of the funds generated by the levy will have to be paid to the Police and Crime Commissioner. It is proposed that such funds will also be paid to bodies which operate measures to address the effect of alcohol related crime and disorder.

### **9. Risks and Uncertainties**

Whilst the Government intends that the provisions of the Bill will commence in 2012, the Bill reserves the power to the Secretary of State, by Order, for commencements of the provisions. This provides some uncertainty over the timing of any issues arising for the Council.

The Council is monitoring all legislative developments that will have implications for the Councils through the Council's Local Government Reform Implementation Plan, and providing updates in the monthly Policy Briefing. These existing practices will safeguard the Council against any unexpected changes in government policy direction of previously unforeseen implications.

### **10. Policy and Performance Agenda Implications**

The Bill sets out the Government's policy approach following the "Policing in the 21<sup>st</sup> Century" White Paper and statements in the coalition programme regarding reforms to licensing provisions.

The Bill provides amendments to the Crime and Disorder Act 1998 (c.37) to allow the Secretary of State to make Regulations to confer functions on a Police and Crime Commissioner in relation to Local Crime & Disorder Strategies for any local government area that lies in their force area. This includes provision for the commissioner to arrange meetings to assist development and implementation of strategies; being chair of any such meetings; and being able to specify attendees which may include representatives of the responsible authorities comprising a Community Safety Partnership in their force area.

The provisions do not make any amendments to the referral of Crime and Disorder matters by the Members of the Council to the Council's Crime and Disorder Committee.

The key policy issues arising from the provisions of the Bill at this stage relate to governance and accountability. In summary:

- The Police and Crime Commissioner for South Yorkshire will be directly elected by the public;
- Rotherham MBC will appoint its members of the Police and Crime Panel for South Yorkshire;
- The Police and Crime Panel will scrutinise the Police and Crime Commissioner;
- The Council will maintain its functions in relation to the Safer Rotherham Partnership;
- The Police and Crime Commissioner will not be a member of the Safer Rotherham Partnership, but there will be a duty to co-operate;
- The Safer Rotherham partnership will continue to have responsibility for the Local Crime & Disorder Reduction Strategy, but the Police and Crime Commissioner will be able to engage in the development and implementation of the strategy;
- The Council's functions around the scrutiny of local crime and disorder will continue;
- Both the Police and Crime Commissioner and the Council / Safer Rotherham Partnership will consult the public on crime and disorder;
- The police will engage with communities at the neighbourhood "beat" level; and
- Members will continue to be able to refer crime and disorder matters to scrutiny.

Consideration will need to be given to how these range of inter-relating governance issues are formed into a cohesive package.

## **11. Background Papers and Consultation**

### Background papers

Police Reform and Social Responsibility Bill (Bill 116) as read the 1<sup>st</sup> time on 30<sup>th</sup> November 2010.

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