

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

3 September 2008

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 GREEN PAPER - "FROM THE NEIGHBOURHOOD TO THE NATIONAL : POLICING OUR COMMUNITIES TOGETHER"

Summary

A report to suggest a response to the Government's recent Green Paper on policing.

1.1 Introduction

1.1.1 In July the Government published a Green Paper in which it is consulting on various changes that it believes will make policing in England and Wales more effective. Members will be aware that a Green Paper differs from a White Paper in that the former is consultative and usually a precursor to a White Paper which sets out an intention to legislate. Green Paper proposals are, therefore, by no means certain to make their way into a future legislative programme.

1.1.2 The Green Paper is directed into three discrete parts:-

- 'Empowering Citizens'
- 'Professionalising and freeing up the police'
- 'Strategic role for Government'

1.1.3 It is only the first part that is of direct concern to the Council as the other two are primarily focussed on operational policing issues that it is more appropriate for police forces and police authorities to comment upon. This report addresses the key proposals in the first part of the Green Paper, therefore.

1.1.4 The full Green Paper can be found at

http://police.homeoffice.gov.uk/publications/police-reform/Policing_GP/

Any Member wishing a hard copy of the full 98 page document should let me know and I will arrange for this to be provided.

1.2 Proposals

- 1.2.1 The Green Paper recognises the important role that PCSOs have played in tackling local issues and providing high visibility reassurance to communities. It sets out core PCSO principles as follows:-

PCSOs will:

- Undertake public facing non confrontational duties in uniform;
- be visible in the communities on foot or cycle patrol (a vehicle if a rural community);
- deal with anti-social behaviour, low-level crime and incidents, local problems/priorities and quality of life issues;
- support and improve service to victims and vulnerable people; and
- conduct engagement and problem solving activity.

- 1.2.2 There is no doubt that PCSOs have been welcomed by local communities and the principles set out by the Government seem appropriate in terms of the role envisaged.

- 1.2.3 The Government recognises, however, that there is some confusion over what powers PCSOs have available to them and the intention is to undertake a review to clarify and codify these powers. Currently there are 'Standard Powers' and 'Discretionary Powers' for PCSOs. The former are available to all PCSOs and the latter are available in full or part at the discretion of Chief Constables. These powers are set out in **Annex 1**.

- 1.2.4 The Green Paper acknowledges the valuable work undertaken by Community Safety Partnerships but plans to make some important changes. The key changes are to make the Probation Service a 'responsible authority' to join the police, police authorities, local authorities, fire and rescue authorities and PCTs and to extend the statutory remit of CSPs to include reducing re-offending.

- 1.2.5 CSPs do already tackle re-offending in a variety of ways, particularly youth re-offending. Adding reducing re-offending as a statutory responsibility of CSPs does not present any particular problems, therefore, although it is disappointing that the Green Paper is silent on the provision of additional resources to enable this function to be carried out effectively.

- 1.2.6 The most important proposal within the Green Paper and arguably the most controversial is the intention to reform the way in which police authorities are constituted.

- 1.2.7 The majority of each police authority will no longer be formed from local councillors (county councillors in the case of Kent Police Authority). Instead, people will directly vote for individuals known as Crime and Policing Representatives (CPRs) to represent their concerns locally.
- 1.2.8 CPRs will sit on their local Community Safety Partnership and one of the CPRs in each area will chair the CSP. The CPRs will also sit on the police authority.
- 1.2.9 Each CPR would be elected on the basis of current CSP boundaries although in some places CSP areas will be combined to ensure rough parity between constituency sizes. In areas with a directly elected mayor that person would automatically be the CPR.
- 1.2.10 The Green Paper is silent on the question of the length of term that CPRs would serve although it is made explicit that serving Councillors would be permitted to stand for election as CPRs.
- 1.2.11 It is also the intention that, although directly elected CPRs would form the majority on police authorities, there would continue to be independent members and county councillors also serving on them.
- 1.2.12 A fund to be known as the Community Safety Fund is to be established which would be available to CPRs to enable them to address local priorities. However, this is not new money and is to be taken from existing BCU funds which are available to Police Area Commanders. The CPR will be required to consult CSP partners and local people on how best to spend the Community Safety Fund.
- 1.2.13 In the next section, I shall discuss the CPR proposal.

1.3 Discussion of CPR proposal

- 1.3.1 I have a number of concerns about introducing directly elected Crime and Policing Representatives. Firstly, it has the potential to create conflict as in a two tier area there would be three types of elected representative involved in CSPs (District Councillors, County Councillors and CPRs) with potentially competing mandates.
- 1.3.2 Secondly, unlike District and County Councillors which have to balance a range of issues in their deliberations, CRPs would be elected with a very narrow remit that again has the potential to create conflict.
- 1.3.3 It is also difficult to see on what basis candidates would be able to develop manifestos that enabled the electorate to differentiate between them in terms of the different outcomes that could be expected. Although CPRs would chair CSPs there is no suggestion that this would give them control of the decision making processes. In the main CSPs work by consensus, recognising that these are composed of sovereign independent bodies.

- 1.3.4 Even in the area of controlling resources it is difficult to see that a candidate for CPR could make electoral pledges since, if successful, they would be required to consult CSPs and local people before reaching spending decisions.
- 1.3.5 The proposal that CPRs should chair CSPs implies some form of primacy over other CSP partners and flies in the face of recent Home Office guidance that suggests that Chairs should be selected from amongst CSP partners based upon ability and skills. It is by no means certain that a newly elected CPR would possess the requisite skills to be an effective chair of a CSP made up of very disparate partners.
- 1.3.6 The proposal to move funding away from BCUs and put them under the control of CPRs is a very dubious proposition. BCU funding is currently used in a variety of ways by Area Commanders, including supporting targeted policing operations to tackle particular problems. Control of these resources is, therefore, held by an experienced senior police officer. It does not follow that a CPR will have the knowledge, skills or access to advice to make wise decisions about utilising resources and the proposals, although suggesting consultation with the CSP and local people, give full decision making powers to the CPR.

1.4 Conclusions and Recommendations

- 1.4.1 Elements of the Green Paper can be supported in my view but the proposals in respect of CPRs are not soundly based. These have the potential to create conflict between differing forms of elected representatives, unbalance CSPs and lead to less well evidenced and soundly based spending decisions.
- 1.4.2 **I RECOMMEND** that I be authorised to formulate a response based upon the contents of this report together with any other comments the Cabinet considers appropriate.

1.5 Legal Implications

- 1.5.1 None as this is a consultation.

1.6 Financial and Value for Money Considerations

- 1.6.1 None as this is a consultation.

1.7 Risk Assessment

- 1.7.1 No risk exists at present as this is a consultation.

Background papers:

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Nil

David Hughes
Chief Executive