

Briefing Paper for Overview and Scrutiny 16 December 2010

Police Reform and Social Responsibility Bill

- The Police Reform and Social Responsibility Bill has now started its passage through Parliament, following its introduction to the House of Commons on 30 November 2010.
- This Bill lays out the Government's plans for reforming the policing and licensing systems, establishing directly elected Police and Crime Commissioners to replace Police Authorities and creating new scrutiny committees made up predominantly of Councillors. It also looks to overhaul the Licensing Act 2003 with the introduction of new powers for licensing authorities and amends Temporary Events Notices.

<http://www.homeoffice.gov.uk/publications/legislation/police-reform-bill/>

Summary

Policing

- The Bill seeks to introduce Police and Crime Commissioners, from May 2012 to be directly elected by the public, set local policing priorities and hold chief constables to account whilst protecting the operational independence of the police.
- The Bill also seeks to introduce Police and Crime Panels to scrutinise the work of Commissioners. The Bill proposes these will have a minimum of ten directly elected representatives.
- The Police and Crime Panels will be able to veto a Commissioner's proposed budget by a three quarters majority vote. They will also be able to veto any candidate recommended by the Commissioner for Chief Constable.

Licensing

- Changes to the Licensing Act including supporting licensing authorities to take action locally, within a revised licensing framework.
- Measures to give communities and local authorities greater control over alcohol licensing to tackle problem premises. They will have new powers to restrict premises from selling alcohol late at night if necessary and be able to clamp down harder on premises who persistently sell to children - doubling the fine to £20,000.
- A stronger local influence on licensing decisions by allowing everyone the option to comment on licensing applications – not just those living close to premises, and ensuring health and policing concerns are considered more widely so that the impact of licensing on crime and disorder or public safety can be taken into account.

Policing

Police and Crime Commissioners

Proposals included in the Bill:

- Police Authorities will be abolished and replaced with Police and Crime Commissioners for each force outside of London, with the Mayor of London taking the role in the capital. Their salaries will be set by the Home Secretary on the advice of the Senior Salaries Review Body, and many of their functions are broadly similar to those of Police Authorities.
- Elections for commissioners will be every four years from May 2012 and held on the same day as local elections. The elections will be by the supplementary vote system and Commissioners will be limited to serving two terms.
- Commissioners will be required to produce a Police and Crime Plan, consulting local people on its content. Chief Constables will also have to have regard to the Plan.
- Commissioners will be 'responsible authorities' under the Crime and Disorder Act 1998, and have a duty to co-operate with the criminal justice system.

- Commissioners will have to publish information to allow local people to assess their performance and that of Chief Constables.

The role of the Police and Crime Panels (PCPs)

Councils will have to jointly establish a Police and Crime Panel to scrutinize the work of their Commissioner.

- These will consist of a minimum of ten councillors and two co-opted members. The Panels will have to represent the political make up of the local area.
- The Panel will review and report on the draft Police and Crime Plan, review the annual report, review or scrutinise decisions taken by the Commissioner, and publish any reports it makes to the Commissioner.
- The Panel will have the power to require the Commissioner and members of their staff to attend Panel meetings and respond in writing to any report it issues. The Panel will be able to suspend the Commissioner if they have been charged with an offence carrying a sentence of two or more years in prison.
- The Commissioner's proposed budget will be presented to the Police and Crime Panel, which will then review it and issue a report on it, with there being a power of veto for the Panel based on a three-quarters majority vote.
- Police and Crime Panels will appoint an acting Commissioner from amongst the Commissioner's staff if the Commissioner is incapacitated or is suspended

Extract from Home Office Equality Impact Assessment on Police and Crime Commissioners:

'To assist in ensuring that the Police Crime Commissioner (PCC) has as full regard to diverse community issues and matters within his force area, we will establish a Police and Crime Panel (PCP) for each Force Area to publicly scrutinize the PCC. We have decided that it is best to utilise existing elected individuals from Local Authorities, including district councils, to provide this function and for the Panels to be formed in the following way:

- *The minimum size of a Police and crime Panel within a force area shall be 10 councillors plus 2 co-opted independent members (12)*
- *For a force area that has more than 11 constituent local authorities (Local Authorities) or more, each authority in that area will be required to send 1 elected member to the panel. For example, Thames Valley has 18 Local Authorities and therefore will have a Panel of 20 members (18 + 2 co-opted)*
- *For a force area that has 10 constituent Local Authorities, each LA will be required to send 1 elected member (10 + 2)*
- *For a force area that has 9 constituent Local Authorities or less, each LA will be required to send 1 elected member and the remaining councilor seats will be appointed by the consensus of the continuant Local Authorities up to a maximum of 10 Councillors.*
- *Each PCP will have 2 co-opted members in addition to their Local Authority constituent members. We will set out in legislation the broad selection criteria for the co-opted members of the PCP. In co-opting members, the PCP must secure that, as far as is reasonably practicable, the members of the panel have, between them, the skills, knowledge, and experience necessary for the PCP to discharge its functions effectively.*

The relation of Commissioners and Community Safety Partnerships

- Commissioners and Community Safety Partnerships will be able to enter into collaboration agreements covering more than one partnership, to produce strategies for reducing crime and disorder. A Commissioner will be able to compel partnerships to produce strategies if they are not doing so.

Chief Constables and Police and Crime Commissioners

- Chief Constables will have to obtain the views of people in a neighbourhood about crime and disorder through regular meetings with local police officers and the public.
- Commissioners will be able to appoint, suspend or dismiss the Chief Constable, although the power to appoint deputy and assistant Chief Constables will sit with the Chief Constable not the Commissioner.
- The appointment of a Chief Constable will be subject to approval by the Police and Crime Panel who will be able to veto candidates on a three-quarters majority vote, although a veto by a two thirds majority vote would be preferable to increase the authority of Panels.
- If the Commissioner wishes to dismiss a chief constable the Panel will have to hold a scrutiny hearing and make a report to the Commissioner.

Licensing

New powers for councils

- Licensing authorities will become ‘responsible authorities’, gaining the power to intervene in licensing applications and to take action against existing premises licences where there are problems.
- The ‘light touch’ regime for ‘temporary events’ will be modified to allow council’s environmental health departments to intervene if events would disrupt or endanger the local community.
- The loophole which previously allowed premises to avoid existing controls by using temporary event notices will be closed – licensing authorities will be able to insist that existing licensing controls remain in place, and that the local community is properly protected.
- Councils will also be given more flexible powers to allow temporary events to go ahead, rather than having to adhere to the current rigid rules which have led to the cancellation of events, despite their potential benefit to the local community.
- The maximum period a temporary event can last will be extended to seven days.
- Licensing authorities will gain a crucial new power to suspend licences where annual fees are not paid. This will help councils to recover money owing and to tackle the minority of rogue businesses who do not comply.

Licensing Fees

- No announcement has been made on the Government’s proposals for reforming licensing fees.

Late night levy

- Councils will be able to require late night operators who supply alcohol between midnight and 6am to pay a levy in addition to their existing licence fees. The levy would be payable to licensing authorities, who would then deduct their administrative costs and could then use up to 30% of the levy income in providing extra measures to reduce or prevent crime and disorder. The remaining 70% of levy income must be paid to the police.

Other changes to the licensing system

- The burden on councils to produce, consult on and publish a licensing policy statement every three years will be replaced with a system by which councils can update policies whenever necessary.
- The extension of “Early Morning Restriction Orders to be applicable between 24:00 and 06:00 (previously 03:00 to 06:00)
- Fines for underage sales will be doubled from (from £10,000 to £20,000).

Seizure powers under byelaws

- Local authorities will be able to seize and retain property in connection with any breach of a byelaw.