

Proposed Local Government Measure Committee

LG(3)-04-08(p.1) Annex 1

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9th April 2008

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Delivering A Shared Responsibility Performance Improvement And Community Planning

I write as the Chair of the Association of Chief Police Officers in Wales (WACPO) in response to the above consultation document.

The Crime and Disorder Act 1998 was the first piece of legislation that placed a statutory requirement on public bodies to work in partnership to reduce crime and disorder and the experience of community safety partnerships is therefore very relevant to the proposals in this report because we have been taking forward a shared responsibility for nearly ten years.

In considering the objectives behind the Crime and Disorder Act the Association of Chief Police Officers is firmly of the view that its impact has been diluted by two factors. Firstly, its approach requires a long term focus and nature which unfortunately was not reflected in the performance measurement regime introduced by central government in

the 1980's and 1990's which had the effect of focusing action plans on short term outcomes. This meant that symptoms rather than causes of problems often became the focus of activity. It also led to the performance regime driving strategy rather than vice versa in a 'what get measured gets done' environment. The second factor that diluted the impact of the legislation was that performance measures focused solely on one partner - the police. As a consequence, other partners were not held to account for any lack of commitment or resources and this in turn reduced the holistic approach that a shared commitment requires.

Only very recently through the introduction of Assessments of Policing and Community Safety (APACS) has this changed. However, there has been a marked difference in approach in Wales and England. In England, the new performance arrangements for local government and its partners have been developed alongside one another to ensure alignment of the two frameworks to encourage partnership working and to monitor partnership accountability. It is as yet unclear how the arrangements will apply in Wales. In England, local agencies and partnerships are concentrating on tackling local priorities together with the aim of improving public confidence in local service delivery. If there is to be performance improvement in Wales then there must be a similar requirement in order to achieve a balanced assessment of the success of collaboration in the discharge of services and functions. (Currently there is the potential for Welsh police forces to be disadvantaged in comparison with their English counterparts because of the failure to mirror this approach).

In terms of the proposals for the Welsh Assembly Government to create a duty to co-operate, before making my detailed observations from a purely policing perspective, I would like to stress that although policing is not a devolved service, I speak on behalf of all of my Chief Constable colleagues when I say that the Police Forces in Wales are totally committed to collaborating with each other, and with the Assembly and the wider public services across Wales.

The Local Government and the Public Involvement in Health Bill has now received Royal Assent. Schedule 17 makes provision for amendments to Schedule 5 to the Government of Wales Act 2006 enabling the National Assembly to pass Assembly Measures in respect of Field 12 of its devolved powers namely Local Government. Specifically, in relation to the issue the Assembly are considering, in respect of Matter 12.4, it is stated that the Assembly will be able to make:

"Provision for and in connection with strategies of county councils and county borough councils for promoting or improving the economic, social or environmental well-being of their areas or contributing to the achievement of sustainable development in the United Kingdom, including provision imposing requirements in connection with such strategies on other persons with functions of a public nature." The wording of this paragraph appears to be wide enough to enable the Assembly to impose a specific duty in the terms set out in Annex A of the consultation document.

It is noted that of the bodies listed at paragraph A7, all (with exception of police authorities and police forces) exercise functions in areas which are within the devolved responsibilities of the Assembly. It is, therefore, our view that an enabling provision such as that contained in respect of Matter 12.4 in Schedule 17, and any Assembly Measure made in pursuance of it cannot impose the necessary duty on police authorities and police forces, responsibility for which has not been devolved and which are governed by the Police Act 1996 as amended. In other words, in order to impose the duty it will be necessary for the latter to be specifically amended. In this respect it is interesting to note paragraph 4 of Schedule 17 which would enable the National Assembly to alter a police area as a result of a change to a local authority area. However, this can only be done if the Secretary of State consents.

Thus the role of the Secretary of State in the tripartite governance of the police would at the least, require a similar provision to be inserted in order for the proposed duty to co-operate to be imposed on police authorities and police forces.

In summary, our early observations are that in order to impose such a duty to co-operate upon the Police Service there would need to be an amendment to the Police Act 1996, which would include requiring the consent of the Secretary of State before such a duty could be imposed. I would also add that it would, of course, be of some constitutional significance if the National Assembly were to acquire a power to impose a duty on Chief Constables in the way envisaged. Engagements between the Welsh Assembly Government and the Home Office, therefore, appears to be essential if it has not already occurred.

In terms of Community Planning, we responded in detail to the consultation document 'Local Vision - Preparing Community Strategies' in November last year and those views still stand. In addition, I would also want to make the following points.

I do hold a concern that the Welsh Assembly Government has still not recognised the importance of security and safety to the future well being of Wales. This may be because policing is not a devolved service but as I have said in other consultation responses, to exclude our contribution is to potentially set plans for Wales on sand.

I would therefore wish to make the point once more that crime and fear of crime are frequently cited in community surveys as the number one concern. Community planning should recognise this but seldom does. This is surprising because few areas escaped the long term social costs of poor planning decisions of the 1960's and 70's so clearly illustrated in the tower blocks of that era. Poor layout, poor lighting and bleak surroundings made life easy for criminals and very difficult to make safe. It happened because there was no requirement on planners to consider safety and as a result the true costs of those decisions fell on the residents who had to live with the consequences. Those tower blocks showed how important planning and design is in creating safer places by designing out crime and anti social behaviour. In our view security and safety should be an integral element of community planning. and be incorporated into any duty on local partners to co-operate. Placing a duty on public sector organisations to co-operate would be a significant step forward in community planning and we would support this proposal providing that it stopped short of mandatory shared budgets.

Chief Constable