

# **Social Justice and Regeneration Committee**

**SJR(2)-08-06(p.1)**

**Date: Wednesday 17 May 2006**

**Time: 9.30am-12.30pm**

**Venue: National Assembly for Wales**

**Title: Welsh Local Government Association Evidence to Social Justice and Regeneration Committee: Restructuring of Constabulary – Democratic Structures**

## **1. Introduction**

1.1 This Report has been prepared by the Welsh Local Government Association in response to the invitation from the Assembly's Social Justice and Regeneration Committee to submit evidence as part of its review of the governance models required to underpin a single strategic police authority (SPA) in Wales.

1.2 The Report aims to set out a number of issues in considering potential structures which would best deliver effective local policing and accountability and ensure proper democratic and public accountability. While no definitive structures are proposed, the Association believes that the role of local authorities and elected members must be central in providing community leadership in tackling crime, anti-social behaviour and promoting community safety.

## **2. Background and Context**

2.1 The Association has submitted evidence to the Committee previously concerning the Home Secretary's proposal to restructure the 4 Welsh police authorities. At that time our key concerns were:

Representation of all local authorities on a SPA

Support for regional and local governance and accountability to support the SPA in discharging its functions effectively

The need for detailed information as to how the costs of restructuring will be met and assurances that the costs will not fall on the public through increased Council Tax

Timely discussions on proposals to equalise police precepts given the wide variations currently in Wales

The need to retain and strengthen Basic Command Units (BCUs) and the importance of remaining coterminous with local authority boundaries

Protection of the Neighbourhood Policing agenda

Recognition and acknowledgement by the Home Office of the diverse political and cultural environment of Wales.

2.2 Progress has been made in resolving some of these concerns particularly the Home Office's recognition that all Welsh local authorities must be represented on a SPA. A number of issues and concerns however remain outstanding and it is hoped that the current consultation period now being undertaken by the Home Secretary will provide the opportunity to receive further information from the Home Office and for police and local authorities to engage in discussions to ensure the ensuing structures are 'fit for purpose' and build confidence in all communities that their policing needs will be met. To enable this to happen, more detailed and definite information needs to be made available from the Home Office as a matter of urgency.

2.3 The Association has had discussions with a wide range of stakeholders across Wales and hopes that this dialogue continues as matters progress. Members of the Association have differing views on the Home Secretary's proposal but all share concerns at the timetable for restructuring and the lack of information and detail that has been forthcoming. At a meeting of the Association's Full Council on 24 February, Members supported the decision of all 4 police authorities not to request a voluntary merger due to the need for more information. This is particularly the case when it comes to the financial proposals and its impact on Council Tax. We have recently written to the Home Office to seek more active dialogue on this matter which is a fundamental issue for councils and their communities and the Leader of the Association, Councillor Derek Vaughan, is due to meet with the Minister for Policing, Mrs Hazel Blears MP on 16 May. We will be able to update the Committee on the outcome of this meeting at the Committee's oral evidence session, the following day.

2.4 It is clear that many authorities are yet to be convinced that a single SPA will deliver more efficient and effective policing. The arrangements for accountability and governance will therefore be crucial in gaining support for a single police force across the whole of Wales. The police are undergoing a wide-ranging reform agenda, as set out in the Police Reform White Paper, 'Building Communities, Beating Crime' and the Police and Justice Bill. Likewise the Welsh public sector are also addressing the 'Making the Connections' agenda of collaboration, efficiency and the importance of citizen centred focus. Although policing is a non-devolved issue, the Assembly has responsibility for community safety and anti-social behaviour and therefore full account must be taken of the devolved context within which a SPA will operate.

2.5 It is our view that thus far the Home Office has failed to appropriately recognise the regional, cultural and geographical differences that exist within Wales. Regional and local arrangements will be important in enabling this to happen and as elected representatives, councillors are best placed to

represent local communities and promote local concerns and priorities.

### **3. Structures for Accountability and Governance – Issues for Consideration**

3.1 Local accountability must remain the core principle underpinning a SPA for Wales and the Association has expressed its support for arrangements to be put in place at both the local and regional levels to facilitate this. A number of concerns have been raised that an all Wales SPA will be too detached from policing priorities at these levels and while Level 2 protective services are also important, the delivery of policing at the local level is what the public value the most. Consequently structures must be put in place that enable priorities that are identified at the local level to be vocalised strongly and taken account of at the national level. The Association is keen to ensure that neighbourhood policing and services provided by the BCUs are protected and that at the local level, organisations work together in partnership to deliver effective services.

3.2 WLGA has recently set up its own regional structures and would therefore fully support regional committees in a single force structure. It is our view that this will help the SPA remain closer to the communities it serves and as far as is operationally practicable, the regional structures should reflect current regional boundaries and not confuse the regional map further. While the Home Office have recognised the potential need for regional committees in Wales, taking account of the geographical size of the country, section 107(4) of the Local Government Act 1972 currently prevents a police authority from delegating powers to a sub-region. It is the view of the Association, and one shared by the Police Authorities of Wales (PAW) and the Association of Police Authorities (APA) that section 107 (4) would need to be repealed to ensure that the SPA has enough flexibility to provide for structures that allow effective administration at the regional level. The Association as such, welcomes the recent confirmation from the Home Office that provision will be made in the Police and Justice bill to repeal section 107 (4).

3.3 Following from the above, initial discussions have reflected a view that regional committees would not need to be based in statute. The Association supports this view however there should be some debate on their formal status.

3.4 In considering what arrangements will successfully deliver regional and local accountability and governance, a number of related questions also arise:

What would be the make-up and membership of the committees? Who would appoint members at the local and regional level? Would there be co-opted members at the regional and local levels (but does section 104(7) of the Local Government Act also need to be repealed to enable this option to exist)?

What would the role of the Committees be? Would they have any delegated functions? Would there be delegated powers to individual members of the SPA to enable decision to be reached at the local level?

3.5 The Association believes that these issues need further detailed debate with stakeholders as the process of police restructuring continues. For example, the number of members on a SPA (as currently

proposed by the Home Office, this will be 43 members for a transitional SPA and 33 when the Police and Justice Bill amends the membership of police authorities) may impact upon the role members of the SPA play on either or both of the regional or local committees. However, the Police Authorities of Wales (PAW) are considering these issues in more detail and the Association has been consulted on their current thinking and proposals.

3.6 There are also a number of other relevant issues that should be considered further before final decisions are made on appropriate structures for regional and local accountability and governance:

The Home Office recently published its findings following a review of the partnership provisions of the Crime and Disorder Act. The recommendations include: a separation of the strategic and operational functions of Community Safety Partnerships (CSPs); the introduction of a 'community call for action'; shared accountability through increased powers for local authority overview and scrutiny committees; and improved visibility of the work of CSPs through regular reports to local communities. While the Association is aware that the Assembly Government are currently considering the findings of this review and their implementation, we would welcome further discussion on how the proposals currently under discussion could also provide for implementation of relevant recommendations from the Home Office review.

Sir Jeremy Beecham is due to report in July 2006 on the 'Review of Local Service Delivery' in Wales. The Review took evidence from the Welsh police authorities and the WLGA. In our evidence to the Beecham Review Team, the Association made a number of recommendations that would have potential to impact upon the community safety agenda. For example the concept of Local Area Agreements (as part of the arrangements for local strategic co-ordination) which are made up of shared outcomes, indicators and targets and aim to get public private and voluntary bodies working together to improve performance on an agreed set of outcomes. The Association has also highlighted the possibility of Local Public Services Boards to improve local performance to achieve shared outcomes.

The Association is also aware of the proposal to develop local policing boards and that these are currently being piloted in the areas of Swansea and the Vale of Glamorgan. The outcome of this pilot work needs further examination and we would want to ensure that any arrangements avoid duplication and take account of the potential for 'partnership overload'.

The current regional map reveals a multiplicity of regional structures in place. There is awareness of the need to clarify the regional map in Wales and it is anticipated that the Beecham Review may comment on this issue. Given the key role local authorities play in working with the police, the Association would seek to ensure that such considerations take account of the regional structures that local authorities themselves have recently put in place to aid collaboration and joint working.

3.7 The above issues highlights that there are a number of contemporary and anticipated policy areas that need to be considered further as to their potential impact on how local and regional accountability for policing and wider community safety issues are addressed. However, the Association believes that in

determining the arrangements, the following points should be taken on board:

There must be a sense of purpose to the arrangements to be put in place and effective delivery of governance and accountability must be central to this thinking.

The arrangements should build upon existing structures and reflect current and future requirements in relation to the crime and disorder agenda. They should also avoid duplication and not further exacerbate the feeling of 'partnership overload'

The structures should be solid enough to stand the test of time. The current structures have remained unchanged for some 30 years. Similarly, the new arrangements must ensure that they are strong yet flexible enough to support the current reform agenda and any future changes.

## **4. Conclusion**

4.1 In terms of police restructuring members of the Association have placed great importance on putting in place the necessary arrangements that will allow for regional and local governance and accountability. The important role of elected members in the community safety agenda cannot be overstated.

4.2 The Association welcomes the fact that the Home Office has sought views from the Assembly on what arrangements may be appropriate in Wales. However there are a number of concerns where clarity and further information from the Home Office would be helpful in ensuring all stakeholders are appropriately involved in discussions around the whole agenda of restructuring. This information needs to be provided in a timely manner as in some instances, changes to legislation are required. The Association therefore hopes that the Committee will be able to help highlight the concerns we share to the Home Office and seek answers in a speedy and timely manner.

4.3 Given the nature of the concerns highlighted in this Report, the speed at which this whole process has been run and the range of issues yet to be resolved, the Association also supports the recent request made by the Assembly's Minister for Social Justice and Regeneration to the Home Secretary for a year's extension to the timetable, that is, a shadow SPA operating with it becoming fully operational in April 2008 rather than 2007 with the existing Police Authorities continuing to operate until 2008. An extended timetable would allow for full discussion and detailed debate on the many issues yet to be agreed.

4.4 It is vital that all tiers of elected government in Wales ensure that there are in place robust options for the structure, membership and role of regional and local arrangements in any possible single police force. The Association looks forward to providing verbal evidence and discussing the issues raised in this report in more detail with members of the Committee on 17<sup>th</sup> May 2006.

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