

Social Justice and Regeneration Committee

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Date: Wednesday 17 May 2006

Time: 9.30am-12.30pm

Venue: National Assembly for Wales

Title: The Police Authorities of Wales Evidence to Social Justice and Regeneration Committee: Restructuring of Constabulary – Democratic Structures

Introduction

1. The Police Authorities of Wales (PAW) welcomes the opportunity to submit evidence to the Social Justice and Regeneration Committee in respect of democratic structures, which would underpin a new Strategic Police Force in Wales.

2. The Police Authorities of Wales (PAW) is a representative body of the four Police Authorities in Wales: Gwent Police Authority, Dyfed-Powys Police Authority, North Wales Police Authority and South Wales Police Authority. The main aims of PAW are to:

Consider and act upon issues affecting policing in Wales, particularly those that are under the control of the National Assembly for Wales.

Maintain a broad Welsh prospectus on police matters.

Promote and protect the interests of member Authorities.

Seek to influence the policing agenda at a national level on behalf of Police Authorities and local communities in Wales.

Support Police Authorities in securing efficient and effective policing services across Wales.

Enable Police Authorities to improve.

Promote awareness of policing needs and the role and achievements of Police Authorities.

Uphold and champion the principles of local accountability and policing by consent.

3. The Statutory responsibilities of Police Authorities are attached at Annex A.

As an overview, however, Police Authorities are responsible for:

Setting the budget for their police force, including the levels of council tax.

Determining the strategic direction for local policing through 3 year and annual plans.

Consulting local people about what they think are the most important things the police should be doing and setting local and policing priorities in light of that consultation.

Setting their force challenging targets to drive performance higher.

Continuously monitoring force performance against those targets and regularly reporting to local people on how well the force is doing.

Appointing Chief Constables and the senior management team and dealing with complaints against senior officers

Background

4. In September 2005 HMIC published its report, 'Closing the Gap: A Review of the 'Fitness for Purpose' of the Current Structure of Policing in England and Wales', which recommended the establishment of Strategic Police Forces in England and Wales. Following the Home Secretary's endorsement of the report, Police Forces and Authorities were asked to consider options for change in light of HMICs findings.

5. Despite a great deal of work by an all Wales Project Team on behalf of an all Wales Programme Board, (made up of the Police Authority Chairs and Chief Constables in Wales) the Board was unable to submit a preferred option for change in its December submission to the Home Office, as had been requested. This decision was principally due to a lack of necessary information from the Home Office, mainly on issues of funding, Council Tax, precept equalisation, governance and accountability.

6. On 6 February 2006, the Home Secretary announced that having carefully examined the final report on Police Force Structures submitted by the Wales Programme Board and the Chief HMI's assessment of the submission, a single force for Wales was 'the only one acceptable option'. Police Authorities were given until 24 February to decide if they could agree to a voluntary merger. None of the four Police Authorities in Wales were able to agree to this. This decision was largely due to a lack of necessary information particularly on issues of funding and precept equalisation.

7. On 3 March 2006 the Home Secretary wrote to the four Police Forces and Authorities in Wales

announcing his intention to amalgamate the four forces into a single Strategic Force.

Democratic Structures

8. In its previous evidence to the Committee the Police Authorities of Wales (PAW) stated that should a single Strategic Police Force and Strategic Police Authority (SPA) be established in Wales it would be vital to ensure a regional element underpinning a national structure. The reasons stated for this were:

We have a devolved Government and must work in partnership with both the Welsh Assembly Government and the Welsh Local Government Association;

To 'close the gap' that would otherwise result in a huge geographical and diverse area;

To provide effective and streamlined day to day administration of the Strategic Police Authority's policies, practices and directions; and

To reflect regional differences.

As such, PAW is pleased that the Welsh Assembly has been asked by the Home Office to give detailed consideration to local and regional accountability structures underpinning an SPA in Wales.

9. As part of PAW's previous evidence to the Committee, PAW presented a possible Governance Model. This Model highlighted the need for a 43 member SPA to ensure, under current legislative requirements, that every Unitary Council in Wales had representation. The Home Office has now agreed to the establishment of a 43 member SPA in Wales, albeit for a transitional period of 2 years. The Model also highlighted how regional and local accountability structures could look under an SPA and detailed the functions of each level of accountability.

Since the production of the Model, the long awaited Report on the Review of the Crime and Disorder Act has been published. The Report provides a template for England which involves splitting the Community Safety Partnerships (CSPs) into strategic and operational elements and enhancing the accountability of CSPs through the Local Strategic Partnerships (LSPs), a Community Call for Action mechanism and the Local Authority Overview and Scrutiny Committees. Responsibility for the implementation of the Reports findings in Wales rests with the Welsh Assembly as it is a devolved function.

The Governance Model has as such been amended to take account of the findings of the CDA Report and presents a mechanism by which Regional Policing Committees could undertake a scrutiny / monitoring role in relation to the operation of CSPs within their region. Bearing in mind the statutory responsibilities of the responsible authorities of a CSP, it seems important to obtain a consensus as to the role the regional committees of the SPA could perform, though the pivotal role of community safety seems closely related to their policing function and the balance of membership between elected

Councillors and appointed Magistrates and Independents seems to provide a ready made broad based membership suitable to a scrutiny and over view role in Wales. The amended Model is attached at Annex B and includes a summary of the responsibilities for the national, regional and local elements.

On 25th April a letter to the Association of Police Authorities from the Home Secretary confirmed that he would agree to the repeal of Section 107(4) of the LGA 1972 which would allow for the delegation of functions of a Police Authority to part of their area. However, it is not a totally unfettered power and the Home Secretary, under regulations can decide what can and cannot be delegated. While PAW is pleased with the proposed repeal of the 1972 legislation, (via the Police and Justice Bill currently in parliament), we have the following concerns:

The proposals appear to be cumbersome with considerable central control and prescription. We would argue partly with the local government act provisions to enable cabinet style devolved decision making and area based decision making, along the lines proposed in the Governance Model attached at Annex B. The local government arrangements currently limit what can be delegated and that model would seem sufficient. If the role of the Police Authority in future is to hold the Chief Constable to account, the proposed restrictions on delegation could undermine that role and responsibility.

It should be up to the SPA to determine how they undertake their duties and responsibilities within an overall constitutional framework delegating if they wish and not doing it if they do not wish. The key is to have the ability to act flexibly to tie in with key operational development and with Local Services across the public sector family. We must be allowed to discharge functions as effectively and efficiently as possible as we see fit.

13. In terms of the number and geographic boundaries of the regional committees, as has previously been indicated to the Committee, PAW is flexible on this point and we would envisage regional policing committees accommodating both operational policing requirements and also reflecting the regional planning of the Welsh Assembly Government and WLGA. In the short term, however, i.e. during any shadow period/for the first two years, PAW would wish to see the four existing police authority regions to be maintained to allow for a seamless transition from the current police authority areas.

North Wales

14. Dyfed-Powys, Gwent and South Wales Police Authorities have endorsed the revised Governance Model. The North Wales Police Authority considered the revised Model at a meeting on 7 April 2006. Members were unable to endorse the Model unless and until unambiguous assurances were received from the Home Office on the repeal of Section 107 (4) of the Local Government Act, 1972; the amendment of the Police Act 1996 to allow more than one Deputy Chief Constable in a Force; and also consensus on the Strategic Police Authority/Regional Committees relationship. Assurances have been given at Ministerial level within the Home Office in relation to the amendment of both the Local Government Act 1972 and the Police Act 1996, although clarification of the details is still required.

15. While all four Police Authorities are clear on the need for Regional Committees, North Wales Police Authority favours Regional Committees to be established by statute or under the Order establishing a SPA.

16. The four Chair and Clerks continue to work together to seek a unified approach and PAW remains positive that a way forward can be agreed upon.

The establishment of a Strategic Police Authority - Outstanding Issues

17. PAW is pleased that the Home Office has agreed to a membership of 43 to the SPA, allowing all 22 Local Authorities in Wales to be represented. The Home Office has stated, however, that this arrangement would be for a transitional 2 year period only and that membership would decrease to 33 (22 Councillors and 11 Independents) following enactment of the Police and Justice Bill. PAW would argue that a reduction in numbers of Independent Members at this stage is premature and evidences a substantial element of predetermination, which has occurred elsewhere on other particular issues. A review of the effectiveness of the SPA should be undertaken after it has been given a reasonable chance to bed-in and its effectiveness can be properly evaluated – not before it has even been formed.

18. There are also a number of other issues affecting the establishment of an SPA, which need to be fully and considerately addressed by the Home Office. Not least of these is the proposed timetable.

19. The Home Office has set a timetable as follows:

1 September 2006 – Shadow SPA created

1 April 2007 – SPA and Force become fully operational and existing forces and existing police authorities cease to exist.

20. The Home Office has stated that the following must happen between 1 September 2006 and 31 March 2007:

Appoint the Clerk and Officer having responsibility for financial affairs

Appoint the Chief Constable, Deputy Chief Constable, and Assistant Chief Constables

Prepare the Policing Plan

Prepare the budget for the new force

In addition to these key strategic matters, a host of other issues need to be considered and dealt with by the SPA by April 2007.

21. The Home Office has stated that members to the shadow SPA must come from the current membership of the precursor authorities and it is a matter for the precursor authorities to select those of their number to be appointed to the shadow SPA. This will not necessarily be an easy process to undertake by 1 September 2006.
22. It is the view of the Police Authorities of Wales that any Strategic Police Force and Authority should be created on the 1st April 2008, with a shadow SPA coming into existence in November 2006 and running until 31 March 2008.
23. PAW understands that the Chief Constables of Wales also consider that the 1st April 2008 is a much more suitable date for the creation of a combined Force with the period before that affording an opportunity to undertake appropriate implementation planning to ensure that the combined Force has the necessary infrastructure and internal processes and procedures to function as an efficient and effective combined Force from day one. PAW further understands that the start date of the 1st April 2008 is supported by the Welsh Assembly Government and the Welsh Local Government Association.
24. Home Office officials have informed PAW that the Home Secretary has concerns over a loss of momentum and the possibility of a planning blight if the date of 1st April 2007 were deferred to the 1st April 2008. We would argue that an implementation plan with key realistic milestones directed towards the 1st April 2008 would ensure that momentum was maintained and planning clearly focused.
25. The Treasurers of the four Police Authorities in Wales have discussed the financial issues relating to a 1st April 2007 start date for the SPA and have concluded that
- "..... Implementation of changes from 1st April 2008 will not be easy, but to do it from 1st April 2007 will involve so many compromises, and so many risks to the stability of the new organisation as to raise serious doubts as to its advisability".
26. Funding issues generally are complex and discussions on them are ongoing but a definitive position has not been reached at the time of writing this submission. The Police Authorities of Wales remain concerned in respect of the funding for closing the gap in protective services, the effects of precept equalisation on the base budget for a SPA, and the implications for the police service in Wales of a new formula for the allocation of the police grant. On the basis of work that is currently in progress on financial projections for a SPA for Wales, all the indications are that restructuring will result in a significant financial deficit for policing in Wales. An update in respect of these issues will be provided to the Committee at the oral evidence session.
27. Although consideration of issues pertinent to an April 2007 start are still at a preliminary stage, matters such as arranging comprehensive insurances for the new authority and force, and appointing a superannuation authority are all matters which require careful preparation and it is difficult to see how the appropriate procedures could be concluded within six months. The issue of insurance would require

a comprehensive specification to be prepared, and the appointment of insurance brokers, itself a time consuming exercise before the main tendering process, subject to OJEC timescales, could be undertaken. These matters illustrate as an example the practical difficulties involved in rushing towards a premature start.

Conclusion

28. The Police Authorities of Wales are committed to ensuring that any new Strategic Police Force in Wales has the right level and structure of accountability and is working hard to help ensure that effective and efficient democratic structures are put in place. We hope that the Committee is able support our proposals.

29. As is detailed above, there are a number of unresolved issues and insufficient understanding on the part of the Home Office currently hindering the effective consideration and planning in the event of the creation of a single force and SPA in Wales. PAW hopes that the Committee and the Assembly can help us in seeking full, clear and timely information from the Home Office.

30. The Police Authorities of Wales are grateful for the opportunity to submit evidence to the Social Justice and Regeneration Committee and hopes that the above is helpful. PAW would be happy, however, to elaborate or provide further information which may be of benefit. Should this be required, first contact should be made with our Policy Officer:

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