

**Report of the Acting Chief Executive to Chair and Members
of the Police Authority Executive
28th September 2011**

**Executive and Presenting: Mr Jeremy Holderness, Acting Chief
Executive**

Status: For information

**Title: Police Reform and Social Responsibility Act 2011 –
Transitional Arrangements**

1. Purpose

- 1.1 To seek the views of the Authority to the approach to be taken to transitional and other issues following the Royal Assent of the Act.

2.0 Recommendation

- 2.1 That Members give guidance, where appropriate, on the issues raised in this report.

3.0 Background

- 3.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent on 15 September. Principally, the Act provides for the establishment of the Office of Policing and Crime Commissioner (PCC) for every Force area in England and Wales (except for the City of London), with elections to be held for PCCs on 15 November 2012, the PCC coming into office 7 days later. The Office of PCC will be a salaried position. At that time, Police Authorities will be abolished.
- 3.2 In addition, all local authorities in the Force area will be under a duty to establish a Policing and Crime Panel (PCP) to hold the Commissioner to account. The PCP will have a role in confirming the appointment of the Chief Constable; the appointment of the Commissioner's Chief Executive and Chief Finance Officer and other staff of the Commissioner; and the Commissioner's precept and budget and the Policing Plan.

3.3 The PCC will have the following functions and will be directly accountable to the electorate for them:

- set the strategic direction and objectives of the force through the 5 year Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- monitor the overall performance of the force including against the priorities agreed within the Police and Crime Plan;
- decide the budget, setting a precept, allocating assets and funds to the Chief Constable;
- appoint, and where necessary, remove the Chief Constable;
- maintain an efficient and effective police force for the police area;
- provide the local link between the police and the public, working to translate the legitimate desires and aspirations of the public into action on the part of the Chief Constable to cut crime and antisocial behaviour;
- hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
- publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and the Chief Constable;
- comply with all formal requests from the Police and Crime Panel to attend their meetings;
- prepare and issue an annual report to the Police and Crime Panel on the PCC's delivery against the objectives set within the Plan;
- keep abreast of all complaints made against senior officers and staff, whilst solely acting to determine how best to manage complaints against the Chief Constable.

3.4 The PCC will have wider responsibilities than those relating solely to the police force, namely:

- a wider responsibility for the delivery of community safety and the ability to bring together Community Safety Partnerships at the force level;
- the ability to make crime and disorder reduction grants within their force area;
- the ability to enter into collaboration agreements between other PCCs and forces that benefit their force area and deliver better value for money and enhanced policing capabilities;
- a wider responsibility for the enhancement of the delivery of criminal justice in their area.

- 3.5 Under the Act, Chief Constables also have a redefined role. Both the PCC and the Chief Constable are established as 'corporations sole', each with the ability to enter into legally binding contracts, although the CC will need the approval of the PCC to enter into all contracts, other than contracts related to the employment of staff, and only the PCC can contract to acquire and dispose of land. In governance terms, this is a significant change from the current arrangements, where only the Police Authority, as the 'body corporate' has the power to contract.
- 3.6 Whilst the PCC will remain accountable for the 'Police Fund' this change to the way in which the tripartite operates will entail BOTH the PCC and the CC to appoint a Chief Finance Officer, maintain accounts; have those accounts audited; establish and maintain financial and contract regulations, etc.
- 3.7 The PCC will be responsible for appointing, and disciplining, the Chief Constable. The Chief Constable will appoint and discipline all other Chief Officers, although in some circumstances in consultation with the PCC.
- 3.8 The role of the Home Secretary within the tripartite will also change. Whilst the PCC will have a duty to have regard to the Strategic Policing Requirement - established annually by the Home Secretary - the PCC will have absolute discretion otherwise in terms of the strategic direction of policing in their area.
- 3.9 The Government has recognised that this change in the tripartite, and the potential power that can be exercised by both PCC and Chief Constable within it, needs to be regulated so as to secure the operational independence of Chief Officers whilst creating the conditions whereby PCCs can be fully and properly accountable to the electorate for the efficiency and effectiveness of policing in their area. Accordingly, a 'protocol' is to be agreed nationally outlining how the relationships between PCC, CC, PCP and the Home Secretary should operate in practice. As I understand it, this is still in the course of development.

4. Matters of Consideration

- 4.1 Despite the political uncertainty about the Government's police reform agenda having now ended, there remains some uncertainty about how precisely the new arrangements will operate and we anticipate a flow of secondary legislation and government guidance over the next month or so which will supply this detail.
- 4.2 However, the time is right now to start to plan for the ending of the current arrangements and the start of the new ones. I see the 'work to

be done' in this regard falling into a number of distinct but connected areas, namely

- Communication with the force, external stakeholders and the public about the new arrangements and how they might affect them. Of particular importance here is communication with staff in terms of the proposed transfer arrangements from police authorities to PCCs and thereafter, in appropriate cases, to the Chief Constable.
- Discussions (where they would be welcomed) with local authorities on the establishment of the Policing and Crime Panel.
- Discussions with Community Safety and Criminal Justice agencies about the implications of the new duties of the PCC in relation to those activities.
- Development of complementary internal control mechanisms, policies and practices for both the Chief Constable and the Office of the PCC to reflect their new governance responsibilities.
- Development of the internal and external infrastructures likely to be needed by the PCC in order to be able to discharge the PCC's responsibilities and how those can be harmonised with those of the Chief Constable.

4.3 Due to the current circumstances surrounding my appointment and the limited time I have had available, I am not sighted on what work, if any, has been commenced in connection with these matters. Nevertheless, this report is produced to present an opportunity for Members to discuss an overall approach to be taken from now on, after which I will prepare some suggestions for how such an approach can be implemented, for submission to the Leadership Panel after consultation with the Chief Constable.

JEREMY HOLDERNESS

Acting Chief Executive of the Police Authority

Background Documents

There are no background documents to this report