



**Havering**  
LONDON BOROUGH

# CRIME AND DISORDER COMMITTEE

29 November 2011

## Report

**Subject Heading:**

Police and Crime Commissioners

**CMT Lead:**

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**Policy context:**

The introduction of police and crime commissioners will have a considerable impact on local authorities.

### SUMMARY

The Government is committed to replacing police authorities with directly elected police and crime commissioners (PCCs) in England and Wales. The Police Reform and Social Responsibility Act has completed its passage through parliament and elections for PCCs will be held on 15 November 2012 (although this does not apply to London).

The introduction of police and crime commissioners will have a considerable impact on local authorities. There will be a mutual duty on PCCs and community safety partnerships to co-operate. Both will also have to have regard to each others priorities when the commissioner (in London's case the Mayor) writes the police and crime plan and strategic assessments in the case of community safety partnerships.

The current assumption is that secondary legislation will be laid in time for the transition from the Metropolitan Police Authority (MPA) to the Mayor's Office for Policing and Crime (MOPC) as a new functional body of the GLA at the beginning of January 2012. The proposed legal powers and duties for this new body and the assumptions made for the MOPC to be established are given in Appendix 1.

**RECOMMENDATIONS**

That the committee note the report

**REPORT DETAIL**

**Police and Crime Commissioners**

Police authorities holding the police to account in Greater London, England and Wales will be abolished in November 2012 and replaced with police and crime commissioners in 42 police force areas. The City of London will remain the police authority for the City.

In London the role of police and crime commissioner for the Metropolitan Police will be carried out by the Mayor of London through the Deputy Mayor with responsibility for policing. For the rest of England and Wales the government's plan is for elections for the post of police and crime commissioner to be held on Thursday 15<sup>th</sup> November 2012 using the alternative vote system that is used to elect the London Mayor. The PCC's will then be elected every four years.

The main responsibilities of the PCCs are not unlike that of the police authorities that they replace. Namely:

- Secure an efficient and effective police force for their area
- Appoint the chief constable, hold them to account for the running of the force and if necessary dismiss them
- Set the police and crime objectives for their area by producing a five year Police and Crime Plan, in consultation with the chief constable
- Set the annual force budget and police precept, and produce an annual report setting out their process against the objectives in the Police and Crime Plan
- Contribute to the national and international policing capabilities set out by the Home Secretary
- Co-operate with the criminal justice system in their area
- Work with partners and fund community safety activity to tackle crime and disorder

However, although the PCC will set the local aims and objectives, operational responsibility for the day to day work of the police remains with the chief constable. Funding for the police will come from a variety of sources including the police grant paid by the Home Office, the precept the PCC sets and various other grants such as the Community Safety Fund.

### **PCCs and Community Safety Partnerships**

Unlike police authorities, commissioners will not be 'responsible authorities' under the Crime and Disorder Act 1998 and will not be members of community safety partnerships.

There is however a provision that both organisations should co-operate to reduce crime and disorder and re-offending. A PCC when putting together its police and crime plan must have regard to the priorities of responsible authorities in their force area, whilst responsible authorities should give due regard to the police and crime plan whilst exercising their functions.

Alongside these provisions PCCs will also be able to make crime and disorder reduction grants to any organisation or person in their force area. In order to give PCCs a budget to make these sorts of grants the Home Office is looking to transfer various funds to PCCs from 2012.

The Community Safety Fund is due to be reduced by 60% from April 2012, will be paid to PCCs from April 2013 at the latest (in London this was transferred in April 2011).

### **Police and Crime Panels (PCPs) holding PCCs to Account**

Alongside the relationship councils will have with PCCs through community safety partnerships, they will have a direct role in holding commissioners to account. A police and crime panel will have to be established for every police force area to scrutinise the PCC, and support them in carrying out their functions.

In London this role will be undertaken by a specific committee of the Greater London Assembly.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:** The Community Safety Fund is set to be reduced by 60% so this may have implications on for projects the HCSP funds.

**Legal implications and risks:** No direct legal risks

**Human Resources implications and risks:** There are no direct risks

**Equalities implications and risks:** There no direct risks

**BACKGROUND PAPERS**

Local Government Group: Police and crime commissioners: a guide for councils

MPA Report – The Police Reform and Social Responsibility Act 2011

**Appendix 1 – Legal Powers and Duties of the Mayor’s Office for Policing and Crime**

The Mayor’s Office for Policing and Crime (MOPC) will have the following powers and duties

- Set the strategic direction and objectives of the MPS through the Police and Crime Plan which must have regard to the Strategic Policing Requirement (SPR) set by the Home Secretary
- Monitor the performance of the force including the priorities agreed within the Police and Crime Plan
- Hold the Commissioner to account for the performance of MPS officers and staff
- Decide the budget, allocate assets and funds to the Metropolitan Police Commissioner
- Secure that the Metropolitan Police Force is efficient and effective
- Provide the local link between the police and the public, working to translate the legitimate desires and aspirations of the public into action on behalf of the Commissioner on behalf the Commissioner to cut crime and anti social behaviour.
- Hold the Police Commissioner to account for the exercise of the functions of the Commissioner and the functions of persons under the direction and control of the Commissioner
- Publish information specified by the Secretary of State and information that the PCC considers necessary to enable the police who live within the Metropolitan Police area to assess the performance of the MOPC and Metropolitan Police Force Commissioner.
- Comply with all formal requests from the Police and Crime Committee to attend its meetings
- Prepare and issue an annual report to the Police and Crime Committee on the delivery of the Police and Crime Plan
- Keep abreast of all complaints made against senior officers and staff and deal directly with complaints against the Metropolitan Police Commissioner

For the MOPC to have these powers the following assumptions have been made:

- There is a political will for the MOPC to be established as soon as possible

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- There will no changes to other governance arrangements involved in policing London (City of London Police, British Transport Police etc.)
- The London Assembly Police and Crime Committee (PCC) will scrutinise the MOPC
- The policy intention behind the Act is to strengthen democratic control of the MPS
- Commencement orders will be laid in time for the MOPC to come into force in January 2012 (without an election)
- The MOPC must be adequately equipped to discharge its statutory and legal functions. These include those laid out in the Act, any associated legislation and the Mayor's priorities
- The MOPC will be the recipient of all funding related to policing and crime reduction. Allocating the funding and setting the budget is the responsibility of the MOPC.

The Home Office have established a Police and Crime Commissioner Transition Board and a separate strand of this project (Strand 10) are to ensure the transition in London and arrangements go as smoothly as possible.