

13 September 2010

Item 2

Government and parliamentary consultations and inquiries

Purpose of report

For decision

Summary

Over the summer the government has produced three consultations relating to areas that come now within the remit of the Board: Rebalancing the Licensing Act 2003; the Ministry of Justice's proposals to close a number of magistrates and county courts; and, the Home Office's publication 'Policing in the 21st century'. At the same time the Justice Select Committee of the House of Commons has launched an inquiry into the probation service and invited views from the LG Association. This report provides details of the consultations and sets out draft responses to them for the Board to consider.

Recommendation(s)

Board members are invited to:

- a. Note the three government consultations on licensing, court closures and reforming police accountability, and the inquiry into probation; and
- b. Comment on the draft LG Association responses to the court closures proposals and Policing in the 21st Century, and the outline of the submission to the probation inquiry.

Action

LG Association officers to finalise the LG Association's responses and evidence submission in light of members' comments.

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Background

1. Since the Board last met in July the government and the House of Commons have launched a number of consultations or inquiries that fall within the remit of the Board, all of which require a response by early September. These are:
 - Rebalancing the Licensing Act – empowering individuals, families and local communities to shape and determine local licensing (Home Office);
 - Proposals on the provision of courts services (Ministry of Justice);
 - Policing in the 21st century – reconnecting police and the people (Home Office); and
 - Inquiry into the Role of the Probation Service (House of Commons Justice Select Committee).

This paper provides Board members with a summary of the government's papers and the Select Committee inquiry and then sets out where appropriate draft responses from the LG Association for members to comment on.

Rebalancing the Licensing Act

2. At the end of July the Home Office launched 'Rebalancing the Licensing Act', which sets out the government's proposals to amend the Licensing Act 2003. The government's starting point for the consultation was their assessment that town centres and communities are being blighted by alcohol related crime and disorder, and communities have not had a strong enough say in licensing matters in their area. The Home Office outline a range of measures designed to give councils and the police more power to respond to local concerns about alcohol-related crime and disorder.
3. As the consultation period came to an end on 8 September, a draft response was circulated to Board members at the start of September, and following comments from members an amended response was submitted to the Home Office. The responses to 'Rebalancing the Licensing Act' will be used to inform the licensing measures included in the Police Reform and Social Responsibility Bill due to be introduced in October. Depending on what measures the government decides to proceed with, officers will be working with colleagues in the public affairs team to influence the Bill to ensure that local authority interests are represented.

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Proposals on the provision of courts services

4. As members are aware the government is looking to make significant reductions in expenditure in the next Spending Review which is due to be published next month. Government departments are therefore looking to make significant savings themselves. Her Majesty's Court Service (HMCS) is as a result consulting on closing a number of magistrates and county courts so that it can continue to provide a high quality courts service, while ensuring there is value for money.
5. HMCS argue that due to changes in population, transport and communications links there has been a decrease in the workload for some courts, and they are hearing too few cases and sitting infrequently. In addition some court buildings are outdated and do not provide a suitable facility for those attending court. In looking to revise the provision of courts HMCS has followed a number of principles including improving the utilisation of courts, ensuring courts are within a 60 minute commute on public transport of the majority of the public, ensure that access to courts in rural areas is addressed, that there is a move towards larger courts, and they provide specialist facilities in large strategic locations only.
6. There is no nationwide paper on the proposals to respond to as HMCS is conducting a series of consultations in specific areas of the country such as North and West Yorkshire and Warwickshire and the West Midlands. However local authorities are significant users of courts and the closures will have an impact on local government as a whole. The Board has previously also raised in responses to previous consultations (such as the 2009 Engaging Communities in Justice Green Paper) the importance of justice being seen to be done speedily and visibly in a community. It is therefore proposed that the Board write to the Ministry of Justice about the broad issues the court closure proposals raise. A draft letter is set out at **Appendix 1** and members are asked to comment on the proposals in it and to consider if any other additional points need to be included in the LG Association's submission.

Policing in the 21st Century

7. At its meeting in July the Board received a report on the government's commitment to replace police authorities with directly elected police and crime commissioners. A copy of the LG Association's agreed alternative model for improving police accountability was also tabled at the meeting. Since then the Home Office has published 'Policing in the 21st century', which sets out in more details the government's proposals for strengthening the link between the police and the public.

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8. The LG Association's Office Holders discussed the Association's approach to this issue, and agreed a formal position. This agrees with the government that police accountability needs to be strengthened, but takes the view that there are flaws with the government's proposal. The LG Association will therefore be advocating our own model as an alternative means for improving police accountability.
9. 'Policing in the 21st century' does not seek views on the best means of increasing police accountability. It is framed around the government's proposal to abolish police authorities and replace them with Police and Crime Commissioners (PCCs). It sets out the detail of what this change would mean, and seeks views on the architecture and structures surrounding the commissioners.
10. The Home Office proposes that commissioners will be elected for each force in England and Wales apart from the Metropolitan Police and the City of London Police in May 2012. Their role will be to hold chief constables to account, setting priorities in a local strategic plan for the force (which will have to comply with the Human Rights Act), setting the force budget and precept (though this would be subject to referendums as increases in local authority council tax are proposed to be), and appointing and removing chief constables. Other proposals around the PCCs include:
 - The appointment by commissioners of a team to support them, though one member of the team will have to have appropriate financial skills, and there will be safeguards to ensure the appointments are made with propriety.
 - Four year terms for PCCs, with term limits of two terms. The existing framework for local and parliamentary elections will be used including the criteria for standing for office, and the government is considering a preferential voting system for the elections.
 - A duty on commissioners to collaborate with other forces to save money and to tackle cross-border, national and international crime, and a duty on commissioners and other criminal justice agencies to cooperate with each other.
 - A role for PCCs in ensuring forces provide value for money, reflect the diversity of population they serve and their neighbourhood policing teams have regular and widely advertised beat meetings – though councillors will have an interest in ensuring that commissioners are securing effective policing for every neighbourhood in their area.
 - The creation of enabling powers to bring CSPs together at a force level, and a role for PCCs in commissioning community safety work.
 - Protecting the operational responsibility of chief constables and the police.

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- The creation of Crime and Policing Panels to provide checks and balances to PCCs (but not the force) in each force area drawn from councillors and independent and lay members. The panel will advise the commissioner on their plans and budget and consider progress each year in a 'state of the force report'. The panels will be able to summon the PCC to public meetings, hold confirmation hearings for the chief constable and be able to hold confirmation hearings for appointments to the commissioner's staff without a power of veto, have the power to trigger a referendum on the policing precept recommended by the PCC, and to appoint an interim commissioner where the PCC resigns or is unable to do their job.
 - Frequent publication of crime data so the public can see what is happening in their streets and neighbourhoods, and hold the PCC to account for police performance. HMIC will shine a light on policing outcomes and value for money to help the public make informed judgements on how well the commissioners are doing through a light touch inspection regime.
 - The retention of powers by the Home Secretary to ensure that issues and risks of national importance can be dealt with.
 - Subjecting PCCs to a power of recall, but only where the Independent Police Complaints Commission has ruled that serious misconduct has taken place.
11. As well as improving police accountability 'Policing in the 21st century' looks at reducing central bureaucracy so the police can get on with the job of keeping the public safe, restoring professional judgement and discretion, and getting better value for money from the police. This section of the paper has a focus specifically on how the police are organised and what support is provided nationally. It examines issues like better workforce management, collaborating on a range of operational and back office functions, the scrapping of the National Police Improvement Agency, and the creation of a National Crime Agency to help tackle organised crime through a focus on intelligence.
12. The paper concludes by looking at the partners the police work with to tackle crime. It sets out the government's intention to encourage the public to become more involved in keeping their neighbourhoods safe and changes to the criminal justice system such as introducing a rehabilitation revolution. It also sets out the government's intention of freeing up CSPs so they can find local solutions to the issue they face. This includes repealing some of the regulations for CSPs and seeks views on how this can best be done.
13. A draft response from the LG Association is set out in **Appendix 2**. Members are asked to comment on the draft, in particular the answers to the consultation questions. The response will then be amended in light of members' views and submitted to the Home Office in time for the conclusion of the consultation on 20 September.

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Justice Select Committee inquiry on probation

14. The House of Common's Justice Select Committee announced in late July that it is going to hold an inquiry into the probation service, and has invited the LG Association to submit written evidence. The context for the inquiry is the Government's commitment to introducing a rehabilitation revolution. The Committee is keen for the evidence it receives to address the following questions:
- Are probation services currently commissioned in the most appropriate way?
 - How effectively are probation trusts operating in practice? What is the role of the probation service in delivering "offender management" and how does it operate in practice?
 - Are magistrates and judges able to utilise fully the requirements that can be attached to community sentences? How effectively are these requirements being delivered?
 - What role should the private and voluntary sectors play in the delivery of probation services?
 - Does the probation service have the capacity to cope with a move away from short custodial sentences?
 - Could probation trusts make more use of restorative justice?
 - Does the probation service handle different groups of offenders appropriately, e.g. women, young adults, black and minority ethnic people, and high and medium risk offenders?
 - Is the provision of training adequate?
15. An outline of the LG Association's submission to the Committee will be made available to Members **in time for the Board meeting**. Members are asked to comment on the outline, with the submission then being drafted based on members comments on this and then sent to the Committee.

Conclusion and next steps

16. As indicated in respect of the individual consultations the draft responses from the LG Association will be amended in light of members' comments and the final documents submitted to the relevant Whitehall or parliamentary body.

Financial Implications

17. Any costs associated with work on this area will be met from existing LG Group budgets and resources.

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Implications for Wales

18. The court closures and 'Policing in the 21st century' consultations apply equally to Wales as they do to England. The Welsh Local Government Association is submitting their own response to the Policing in the 21st century consultation, and a copy of the draft response from the LG Association has been sent to them to allow for a coordinated response to the consultation from both organisations. Officers will provide an oral update at the meeting on any comments from the WLGA. The draft letter to the Ministry of Justice on court closures has also been sent to WLGA for comment and again officers will provide an oral update on these at the meeting.