

11 July 2011

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Police Reform and Social Responsibility Bill

Purpose of report

For information

Summary

This report summarises those changes made to the Police Reform and Social Responsibility Bill as a result of LG Group lobbying activity around the Bill since the previous report to the Board in March.

Recommendation(s)

Board members are invited to note the changes to the Police Reform and Social Responsibility Bill since March and the lobbying work around it by the LG Group.

Action

LG Group officers to incorporate members' comments into on-going work on the Bill.

Contact officer: Mark Norris
Position: Senior Adviser, LG Group
Phone no: 020 7664 3241
E-mail: mark.norris@local.gov.uk

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Police Reform and Social Responsibility Bill

Background

1. At the Board's meeting in March members received a report on the Police Reform and Social Responsibility Bill, and the Local Government Group's lobbying activities around the police and licensing sections in the Bill up until committee stage in the House of Commons.
2. Since the Board's meeting in March the Bill has completed its passage through the House of Commons, and is currently nearing the end of its passage through the House of Lords. In that time we have been lobbying extensively on a range of issues and a number of welcome changes have been conceded by the government as the Bill has been considered by both Houses.

The Bill's policing provisions

3. The provisions in the Bill to replace police authorities with directly elected police and crime commissioners did not change significantly in the House of Commons. However the Bill attracted a significant amount of attention from peers with a large number of amendments tabled for discussion at committee stage in the House of Lords. Unusually the first amendment considered by the Lords at committee stage was put to a vote, which the government lost. The amendment from Baronesses Harris (Liberal Democrat) and Henig (Labour) replaced the directly elected police and crime commissioner model, with a police and crime commissioner appointed by the police and crime panel from amongst its members. Since that vote, the House of Lords has been debating changes to this revised model.
4. The government has stated that it remains firmly committed to directly elected police and crime commissioners, which it is expected will be re-inserted into the Bill when it returns to the House of Commons. Due however to the significant opposition to the Bill in the Lords the government has had to make a number of concessions. Ahead of the first of four days devoted to the report stage the government tabled a number of their own amendments conceding a number of changes the Local Government Group has been lobbying for. They significantly improve the provisions in the Bill and will ensure that local authorities continue to play an important role in the governance of the police.
5. Since publication of the Bill we have consistently argued that the power the police and crime panels have to veto the commissioner's precept and nominee for chief constable should be exercised on two-thirds majority vote as against the three-quarters in the Bill. Government amendments supported by Baroness

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Hamwee and Lords Shipley and Beecham and agreed by the Lords will reduce the threshold for using the veto to two-thirds.

6. The Group has also argued that panels need to have the power to call the chief constable to appear before them to be able to seek a professional police view on the affect of the commissioner's plans and policies. Another government amendment will allow the panel to ask the chief constable to attend a meeting alongside the police and crime commissioner to answer questions from the panel.
7. Other amendments from the government will:
 - 7.1 Allow the police and crime panel to decide on the number of co-opted members provided there is a minimum of two and the maximum size of the panel does not exceed 20, with the Secretary of State having to agree to the number of co-opted members. Panels will also be under a duty to consider whether co-opting more members would allow them to meet the balanced appointment objective in the Bill.
 - 7.2 Highlight that the role of the police and crime panel is as much to support police and crime commissioners as to hold them to account.
 - 7.3 Require community safety partnerships when drawing up their crime and disorder strategies to have regard to the commissioner's police and crime plan.
 - 7.4 Allow police commissioners to appoint deputy police and crime commissioners, with the panel holding confirmation hearings to decide whether they agree with the commissioner's choice of deputy.
 - 7.5 Remove the two-term limit on how long a commissioner can hold office.
 - 7.6 Allow police and crime commissioners to be a member and vote in the House of Lords.
8. Most of these changes are sensible and will give panels a greater role, although the inconsistencies between the commissioner appointing a deputy and the panel's power to appoint an acting commissioner need to be resolved. The Group will continue to lobby for additional changes that we believe will provide a greater check on police and crime panels, such as a veto over the commissioner's budget and ensuring the deputies themselves have a democratic mandate.

The Bill's licensing provisions

9. As members will recall, the key change that the Group was looking to make to the licensing sections of the Bill was the inclusion of a clause in the Bill that would allow councils to set licensing fees themselves based on full cost recovery. As a result of correspondence with ministers by members of the Board, and Group

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lobbying activity the government tabled their own amendment covering licensing fees at report stage in the House of Commons to address this.

10. The government's amendment provides for councils to set their own fees, and in setting the fees to take account of the licensing authority's costs in discharging their licensing responsibilities, and a reasonable share of the licensing authority's general costs when acting under the Licensing Act. There is however a drafting error in the wording used by the Home Office which means that their clause would prohibit county councils' social services and trading standards functions from recovering their costs, as in two-tier areas the licensing authority is the district council. The Group arranged for an amendment to be tabled, on which the minister is now reflecting.
11. Other changes the Group has been seeking to make to the licensing section of the Bill include:
 - 11.1. Changing the allocation of the Late Night Levy so councils receive more than the 30% of the levy the government currently proposes.
 - 11.2. Allowing councils to decide which categories of premises should be exempt from Early Morning Restriction Orders in their area (mirroring the provisions in the Late Nate Levy) rather than having them prescribed by the Home Office.
 - 11.3. Addressing the loophole in the temporary events notice regime that allows notices to be granted without the transfer of conditions created by the original licence.
12. As with the policing section we will continue to lobby for these changes to be made to the licensing provisions in the Bill.

Conclusion and next steps

13. Once the Bill completes its report stage, it will be given its third reading in the House of Lords, which is due to take place shortly before parliament breaks for its summer recess. There was speculation that the government would try and ensure the Bill had royal assent before the summer, but we understand that the Bill will not return to the House of Commons until after the summer recess, so may not have royal assent until October.
14. The Group will be looking at what it can do to assist councils in preparing for the introduction of police and crime commissioners in May 2012, and the Board's Deputy Chair, Cllr Brooks, is already leading our involvement with the Home Office's Transition Sponsorship Board and the complaints, checks and balances and Police and Crime Commissioner capability project groups that sit under it.

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Financial Implications

15. Any work by the Group around the Bill will be met from existing budgets and resources.