

## **Update on the Police Reform and Social Responsibility Bill**

### **Purpose of report**

For information.

### **Summary**

This report provides the Board with a brief update on the parliamentary progress of the Police Reform and Social Responsibility Bill following the previous Board meeting.

### **Recommendation**

Members are asked to note the report.

### **Action**

LG Group officers to action as necessary.

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## **Update on the Police Reform and Social Responsibility Bill**

### **Background**

1. The Board meeting in July received a report on the changes that had been made to the Police Reform and Social Responsibility by the government and by the House of Lords during its passage through both Houses of Parliament.
2. The Bill received its report stage and third reading shortly after the July Board meeting, with the House of Lords concluding their detailed consideration of the Bill on 20 July 2011, just before parliament broke for summer recess.

### **The Bill's policing provisions**

3. A number of amendments were made to the policing section of the Bill during the passage through the Lords, and it was this section that received the greatest scrutiny from peers. Although a range of opposition amendments were pressed to the vote, all but one of these were unsuccessful, with all other changes to the Bill resulting from government amendments.
4. As was reported to the Board in July the one change the opposition peers were able to make to the Bill was to replace the directly elected police and crime commissioner (PCCs) model, with a model where the police and crime commissioner is appointed by the police and crime panel from amongst its members.
5. Other changes to the policing provisions included:
  - 5.1. A reduction in the threshold to exercise the police and crime panel's veto over the PCC's precept and nominee for chief constable from three quarters to two-thirds;
  - 5.2. The ability for the panel to request the chief constable attends a panel meeting alongside the PCC;
  - 5.3. Increasing the size of police and crime panels by allowing the panel to decide on the number of co-opted members provided there is a minimum of two and the size of the panel does not exceed 20;
  - 5.4. A requirement on the panel to support the PCC in exercising their functions as well as scrutinise them;
  - 5.5. Mutual duties on the PCC and community safety partnerships to have regard to each other's priorities when drawing up police and crime plans and crime and disorder strategies;

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- 5.6. Allowing police and crime commissioners to appoint deputies;
  - 5.7. Giving police and crime panels the responsibility of holding confirmation hearings for deputy police and crime commissioners as well as the PCC's appointments for chief executive and chief finance officer;
  - 5.8. Removing the two-term limit on how long a commissioner can hold office; and
  - 5.9. Allowing police and crime commissioners to be members of and vote in the House of Lords.
6. The government announced that it was making a further three amendments to the Bill on 7 September. These included a power to for the Secretary of State to make a financial code of practice for PCCs, and a change to the provisions in London about complaints against the Deputy Commissioner level. The most important change is that the date of the elections will be pushed back from May 2012 to November 2012, though subsequent elections will run on a four year-cycle from May 2016.

#### **The Bill's licensing provisions**

7. The Lords made no amendments to the licensing section of the Bill, although a number of LG Group proposed or supported amendments around the licensing fees, Late Night Levy, and temporary event notices were considered but not agreed. The main amendment so far as the Group's work has been concerned was the government's amendment allowing councils to set their own fees taking account of the licensing authority's costs in discharging their licensing responsibilities which remains in the Bill.

#### **Conclusion and next steps**

8. The Bill is now due to be returned to the Commons, for 'ping pong', when the amendments made in the Lords will be considered. As all but one of these changes were government amendments consideration in the Commons is likely to focus on the new police and crime commissioner model inserted by the Lords. How long 'ping pong' will last depends on what approach the Lords take to amendments made in the Commons. However at third reading, when a range of amendments were put to the vote, the government was able to win all the votes, and the amendments table on 7 September were described in the media as a compromise to ensure Liberal Democrat peers supported the Bill. All this suggests the Bill will be ready to receive royal assent relatively swiftly.
9. The Group's focus has therefore started to shift to helping councils prepare for the election of police and crime commissioners and what this will mean in particular for community safety partnerships and the establishment of police and crime panels. A short guide to police and crime commissioners and what this means for councils and community safety partnerships (CSPs) was published at

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the start of the month. This will be followed at a later date by two further guidance documents one on establishing police and crime panels and another on how CSPs can prepare for the introduction of PCCs including the changes in the commissioning of community safety activity. There will also be a one day conference on PCCs in October, and as detailed in the outside meetings report the Board's Deputy Chair Cllr Brooks has been representing the Group on the Home Office's PCC Transition Sponsorship Board. Officers have already been visiting councils to highlight the need for CSPs to prepare for the election of PCCs and what they can do, and to also discuss what is involved in establishing a police and crime panel. Further visits have already been arranged for September, and further ones may be added following publication of the LG Group guide.

**Financial Implications**

10. Any work by the Group will be met from existing budgets and resources.