

# Scrutiny Committee Briefing Note

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**Topic:** Police Reform and Social Responsibility Act: Update

**Date:** 21 February 2012

## Introduction

Police and Crime Commissioners will be elected for every police force area in England and Wales on 15 November 2012. They will take up office a week later (22 November 2012) and have responsibility for:

- Appointing the Chief Constable and holding them to account
- Setting a 5-year Police and Crime Plan
- Setting the police precept and police force budget
- Making grants to organisations to deliver local community safety priorities

## Legislation

A number of statutory instruments relating to the legislation were laid before Parliament in 2011. These enabled London to change arrangements ahead of elections across the rest of England and Wales. In 2012, further secondary legislation will be tabled, this includes:

- The process for nomination and appoint of local authority members to police and crime panels
- The process for the Home Secretary to establish police and crime panels where local authorities have failed to nominate or appoint members
- Regulations setting out the process for the setting of precepts in the event of a veto by the police and crime panel
- An order setting out the rules of conduct for the election of Police and Crime Commissioners
- Regulations and orders dealing with the functions, expenses, etc. of returning officers in Police and Crime Commissioner elections
- An order excepting the election of Police and Crime Commissioners from certain provisions of the Rehabilitation of Offenders Act 1974
- An order designating Police and Crime Commissioners as crown servants for the purposes of the Official Secrets Act 1989

## Funding arrangements

Commissioners will have a remit to cut crime and will have commissioning powers and funding to enable them to do this. Commissioners can award grant funding to any organisation or body that will support their community safety priorities. Commissioners will also be free to pool funding with local partners.

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## Partnership working

The Police Reform and Social Responsibility Act provides a framework for partnership working between the Commissioner and community safety partners. The community safety duty specifies that a Commissioner must “in exercising its functions, have regard to the relevant priorities of each responsibility authority” [those named in the Crime and Disorder Act 1998]. Partners must work together to exercise functions conferred by the 1998 Act. The Commissioners will have the power to require a report from the responsible authorities on an issue of concern. This power previously sat with the Home Secretary. The duty would also provide the Commissioner with the power to amalgamate community safety partnerships.

The Commissioner would also be subject to a criminal justice duty, which states the Commissioner and criminal justice bodies (those that currently constitute Local Criminal Justice Boards) in the police area “must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.”

## Timeline

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| November 2011    | Protocol Order laid in Parliament and Shadow Strategic Policing Requirement Issued                           |
| 16 January 2012  | Financial Management Code of Practice laid in Parliament   |
| Jan-Mar 2012     | Partner engagement events  |
| Jan/Feb 2012     | Home Secretary writes to Local Authorities inviting them to establish Police and Crime Panels                |
| February 2012    | Regulations laid detailing powers of veto, information requirements and establishing Police and Crime Panels |
| March 2012       | Electoral Commission guidance to candidates and returning officers   |
| April 2012       | PCP guidance including non-criminal complaints   |
| July 2012        | Deadline for local authorities to establish their own PCP  |
| Summer 2012      | Statutory Strategic Policing Requirement issued  |
| October 2012     | Last point candidates can declare  |
| 1 November 2012  | Deadline for PCPs being in place   |
| 15 November 2012 | Elections of PCCs  |
| 22 November 2012 | PCCs take office   |
| December 2012    | Provisional Police Grant Report 2013-14 to be laid in Parliament   |
| March 2013       | Deadline for agreement of PCCs Police and Crime Plan   |

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## Getting ready for the Police and Crime Commissioner: Opportunities

Documents produced by the Home Office identify the ways local authorities can prepare the introduction of the local Police and Crime Commissioner.

- Begin early discussions with partners about the changes, seeking views and agreeing how best processes can work
- Evaluate partnership working arrangements and the need and scope for simplification or clarification
- Consider current partnership priorities and the potential involvement and interests of the Commissioner
- Gather an evidence base and value for money of current programmes to support Commissioner investment decisions
- Understand how the arrival of the Commissioner may affect your current programme and funding arrangements
- Discuss how you could support commissioning across partnerships and agencies, or across the police force area
- Consider how you can help Commissioners understand the needs of local people using existing engagement mechanisms