

National Assembly for Wales
Communities and Culture Committee

The potential impact of the UK Government's
Police Reform and Social Responsibility Bill
for community safety in Wales

February 2011



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The Communities and Culture Committee

The main function of scrutiny committees is to examine within their remit the expenditure, administration and policy of the government and associated public bodies.

The Communities and Culture Committee's remit covers:

- housing;
- community safety;
- community inclusion including Communities First and the Spatial Plan;
- Welsh language, sport and culture.

Powers

The Committee was established on 26 June 2007. Its powers are set out in the National Assembly for Wales's Standing Orders, particularly SO 12. These are available at www.assemblywales.org

Committee membership



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(Chair)
Delyn
Labour



Mohammad Asghar
South Wales East
Welsh Conservative Party



Eleanor Burnham
North Wales
Welsh Liberal Democrats



Alun Davies
Mid and West Wales
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Chair's foreword

It is vital that policing is for the people, that strong ties exist between the police and the communities they serve. In Wales' devolved context, the police have an invaluable role in assisting the Welsh Government on a wide range of issues for which it has responsibility, such as community safety.

We understand the principles underlying the introduction of the UK Government's Police Reform and Social Responsibility Bill. The evidence of our inquiry outlined that work should go on to increase the democratic accountability of the police.

However, the challenge before Government is to translate welcome principles into effective practical realities. Unfortunately, the evidence of our inquiry has raised a number of significant concerns as to whether the UK Government's proposals will, in Wales, deliver the democratic accountability it is seeking. Moreover, it raises significant questions about the wider financial implications and transparency of the UK Government's intended Commissioner model, issues which could have significant implications for community safety in Wales.

On the basis of the evidence before us, we are therefore calling for the deferral in Wales of those aspects of the Bill which relate to the establishment of Police Commissioners and Police and Crime Panels.

On behalf of the Committee, I would like to offer my sincere thanks to all those individuals and organisations that gave us the benefit of their experience and advice, whether in formal committee meetings or in responding to our call for evidence. It would be impossible for us to have written this report without their hard work and contributions.

Finally, I would also like to thank all the members of the Communities and Culture Committee for their insights and input throughout this inquiry, and to express my gratitude to the Assembly Members who acted as substitute Members during this investigation.

The Committee's Recommendations

Headline recommendation:

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to defer introducing those aspects of the bill related to the abolition of Police Authorities, and establishment of Police Commissioners and Police Crime Panels in Wales, at least until the effectiveness of their impact in England has been assessed.¹

(Page 54)

Other recommendations:

The Committee's other recommendations to the Welsh Government are listed below, in the order that they appear in this report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions.

The Committee anticipates that Recommendation 1 may be disregarded by the Welsh Government if its Headline recommendation is not accepted and successfully implemented.

Recommendation 1. We recommend that the Welsh Government has dialogue with the UK Government to persuade it to work with Police Authorities in developing a consistent approach to community engagement and partnership working. This should build upon the progress already achieved in Wales, and improve the opportunities for local people to influence policing within the current structure.

(Page 27)

Recommendation 2. We recommend that the Welsh Government appropriately reviews its policies, including the 'Right to be Safe' strategy for tackling violence against women, to ensure that their objectives can be achieved and integrated with the policy landscape resulting from the final formulation of the Bill.

(Page 37)

¹ The inclusion of this report's 'Headline Recommendation' and 'Recommendation 4' were opposed by 2 Members of the Committee, Mark Isherwood AM and Mohammad Asghar AM, when this report was agreed on 17 February 2011. Sandy Mewies AM, Lynne Neagle AM, Val Lloyd AM (substituting for Joyce Watson AM), Rosemary Butler AM (substituting for Alun Davies AM), Dai Lloyd AM, Bethan Jenkins AM and Veronica German AM (substituting for Eleanor Burnham AM) indicated they supported the inclusion of the 'Headline Recommendation' and 'Recommendation 4' in this report.

Recommendation 3. We recommend that the Welsh Government has dialogue with the UK Government to persuade it to provide clear statutory guidance to Police and Crime Commissioners on national priorities. (Page 38)

Recommendation 4. We recommend that the Welsh Government has dialogue with the UK Government to persuade it to recommend that Police and Crime Panels are implemented on the basis of a consensual approach with the Commissioner, resting on an equal balance of power between the two parties. We anticipate this would include the Commissioner and Panel assuming an equal role in appointing or dismissing the Chief Constable, setting the precept and agreeing strategic priorities through the local Police and Crime Plan². (Page 41)

Recommendation 5. We recommend that the Welsh Government has dialogue with the UK Government to persuade it to provide guidance on the establishment of a consistent process, whereby Commissioners and Community Safety Partnerships ensure that their respective agendas and strategic objectives are aligned. (Page 48)

Recommendation 6. We recommend that the Welsh Government has dialogue with the UK Government to clarify how local governance of community safety issues will work in the Welsh context, following any changes resulting from the Bill. (Page 48)

Recommendation 7. We recommend that the Welsh Government has dialogue with the UK Government to emphasise that it should continue to develop clear protocols for guiding the relationship between the Commissioner, the Chief Constable and central Government. (Page 52)

Recommendation 8. We recommend that the Welsh Government has dialogue with the UK Government to persuade it to revisit the financial impact of the Bill's proposals on Local Authorities and consider reviewing the proposed funding for Police and Crime Panels accordingly. (Page 52)

² See footnote 1

Introduction

Who are we?

1. The Communities and Culture Committee is a cross party committee of the National Assembly for Wales, made up of Members from all 4 political parties represented at the Assembly.
2. The Committee is not part of the Welsh Government. Rather, the Committee is responsible for examining the expenditure, administration and policy of the Welsh Government, and associated public bodies, particularly in relation to Housing, Community Safety, Community Inclusion, the Welsh Language, Sport and Culture.
3. Sometimes we do this work by holding an inquiry into a particular issue. This involves us speaking with lots of different people to gather evidence about what's happening about a particular issue, before presenting our findings to Assembly and making recommendations to the Welsh Government.
4. This report details one such inquiry, entitled 'the potential impact of the UK Government's Police Reform and Social Responsibility Bill for Community Safety in Wales.'

What is the Police Reform and Social Responsibility Bill?

5. The *Police Reform and Social Responsibility Bill* was introduced in the House of Commons on 30 November 2010.³ The Bill covers five key policy areas, namely:

- police accountability and governance;
- alcohol licensing;
- the regulation of protests around Parliament Square;
- misuse of drugs;
- and the issue of arrest warrants in relation to private prosecutions for universal jurisdiction offences

³ The Bill applies to England and Wales. Clauses 149 and 150 of the Bill, which cover the misuse of drugs, will also apply to Scotland and Northern Ireland.

6. Key provisions in the Bill include:
- replacing police authorities with directly elected Police and Crime Commissioners (PCC) from May 2012, with the aim of improving police accountability;
 - amending the *Licensing Act 2003* to give more powers to local authorities and police to tackle any premises that are causing problems, doubling the maximum fine for persistent underage sales and permitting local authorities to charge more for late-night licences to contribute towards the cost of policing the late-night economy;
 - regulating protests around Parliament Square. Relevant sections of the Serious Organised Crime and Police Act (SOCPA) 2005 would be repealed and prohibiting encampments and other disruptive activity on Parliament Square;
 - enabling the Home Secretary to temporarily ban drugs for up to a year, and removing the statutory requirement for the Advisory Council on the Misuse of Drugs to include members with experience in specified activities;
 - introducing a new requirement for private prosecutors to obtain the consent of the Director of Public Prosecutions prior to the issue of an arrest warrant for 'universal jurisdiction' offences such as war crimes or torture. The Government's aim in introducing this change is to prevent the courts being used for political purposes.

7. Notably, following the majority of evidence being received in our inquiry, on 8 February 2011, Members of the National Assembly for Wales voted against a Legislative Consent Motion in respect of Provisions relating to Police and Crime Panels in Part 1 of the Police Reform and Social Responsibility Bill.

Why did we want to do an inquiry into the impact of the UK Government's Police Reform and Social Responsibility Bill for Community Safety in Wales?

8. The responsibility for policing and licensing falls outside the remit of the Welsh Government. As such, we did consider whether or not it would be appropriate for us to scrutinise the impact of this legislation.

9. However, we recognised that the police are key partners in delivering many of the Welsh Government’s policies, such as its safer and stronger communities agenda, intended to deliver greater community safety in Wales. We considered that any changes in the accountability and governance of the police could have a substantial knock-on impact for issues like community safety in Wales, which is both a devolved area of responsibility to Wales, and within the remit of our committee.

10. We were also aware that the police cannot- and do not seek to- tackle crime on their own. Many issues can affect the levels of criminality in Wales, including housing, health and social services, education and other children’s services, economic and community regeneration, domestic abuse and substance misuse. All these issues are devolved responsibilities to Wales. As such, we considered it imperative that we examined the issue of whether planned changes in the accountability and governance of the police in Wales took into account the devolved context.

11. Furthermore, we were aware that some clauses in the Bill provided for distinct arrangements for Wales, notably for Police and Crime Panels to include ‘one member appointed by the Welsh Ministers from among the local elected representatives.’

12. We therefore considered that it would be entirely appropriate for us to conduct an inquiry into the potential implications of the bill for community safety in Wales.

13. We noted that several of our witnesses commented that they were particularly pleased that we had carried out this inquiry, with Welsh Women’s Aid commenting, for example, that it:

“warmly welcomes the Communities and Culture inquiry into the potential impact of the UK Government’s Police Reform and Social Responsibility for community safety in Wales. We hope the Inquiry leads to improvements in understanding around the implications of these reforms.”⁴

⁴ CC(3)-02-11 Paper 1

Terms of reference

14. We agreed the following terms of reference for conducting an inquiry into ‘the impact of the UK Government’s Police Reform and Social Responsibility Bill for community safety in Wales’ on 13 January 2011.

15. The Communities and Culture Committee will:

- Examine the potential impact of the Police Reform and Social Responsibility Bill on community safety in Wales. This will include a consideration of:
 - The potential impact of the bill on community engagement in Wales, and the ability of the Police and Crime Commissioners to effectively represent communities at the Police Force area level;
 - How Community Safety Partnerships and wider criminal justice agencies in Wales will be affected under the new policing landscape;
 - The financial implications of the bill and the consequences for community safety in Wales;
- consider the potential impact on the bill for the democratic accountability of policing and community safety in Wales;
- consider the role of the National Assembly for Wales for approving the appointment of Welsh Government representatives to the Police and Crime Panels in Wales.

How did we conduct the inquiry?

16. We launched our inquiry into ‘the impact of the UK Government’s Police Reform and Social Responsibility Bill for community safety in Wales’ in January 2011 with a call for written evidence.

17. We received 10 responses to this call from a variety of statutory and third sector stakeholders. We also took oral evidence on the inquiry over two formal Committee Meetings, in January and February 2011.

18. We have provided this report to the UK Parliament’s Public Bill Committee with the intention of informing its deliberations. With this intention in mind, we set an unusually short deadline for providing responses to our call for evidence (3 weeks).

19. In this context, we consider it appropriate to acknowledge the concerns expressed- in particular- by Welsh Women’s Aid, about the speed with which the Bill itself had been developed, noting that:

“the consultation period for the proposed changes, ‘Policing in the 21st Century’, was only eight weeks instead of the usual twelve-week period. This timeframe did not give Welsh Women’s Aid and other organisations the necessary time to respond to the changes.”⁵

20. We also note the concerns raised by witnesses about the lack of details relating to the implementation of a number of the Bill’s proposals, with Welsh Women’s Aid commenting that:

“the information in the Bill is still very unclear, and that is a concern that we have about several things that have been proposed.”⁶

21. We are therefore particularly grateful to all those individuals and organisations that gave us the benefit of their experience and advice- both in formal committee meetings and in responding to our call for evidence- and for the speed with which they provided such. It would have been impossible for us to have written this report without their hard work and contributions.

⁵ CC(3)-02-11 Paper 1

⁶ National Assembly for Wales Record of Proceeding (RoP), Communities and Culture Committee, 27 January 2011, Paragraph (Para) 28

Key issues

22. Having carried out our inquiry, we are now able to provide a set of conclusions and evidence-based recommendations to the Welsh Government, and relevant others. A summary of our recommendations is detailed on pages 6-7 of this report.

23. There was agreement amongst many of our witnesses on a number of key themes during this inquiry. For example, most witnesses expressed concerns that the Bill's proposals would not increase the democratic accountability of the police in Wales.

24. Similarly, our witnesses were almost universally concerned about the financial implications of the Bill, particularly in the current economic climate.

25. We have considered these themes in greater detail over the 7 following chapters:

- The potential impact of the Bill on democratic accountability and community engagement;
- Police and Crime Plans;
- Police and Crime Panels;
- Partnership Working;
- The financial implications of the Bill;
- The case for deferring the establishment of Police and Crime Commissioners in Wales;
- The extension of powers to licensing authorities.

1. The potential impact of the Bill on democratic accountability and community engagement

Background

26. Responsibility for policing is currently based upon a tripartite relationship between the Home Secretary, the Association of Police Authorities⁷ and the Association of Chief Police Officers (ACPO):

“In theory, the tripartite arrangement sets out that the Home Secretary is responsible to parliament for the overarching efficiency and effectiveness of the service in England and Wales, as well as the maintenance of minimum service standards. Chief constables are responsible for the operational effectiveness of police forces. Police authorities are responsible for setting the strategic direction for each force and holding the chief constable to account on behalf of the local community.”⁸

27. Currently, there is a police authority for every police force in England and Wales. Most authorities consist of 17 members – nine councillors and 8 independent members – though some have more. Councillor members are chosen by local authorities (or joint committees of local authorities) and local magistrates are chosen by Magistrates' Courts Selection Panels. Applications to become independent members are advertised.

28. Under the existing structure, every police authority is under a statutory duty to take into account the views of the local community and to engage with the community in order to ensure they are adequately representing the views of local people on policing matters.

⁷ The functions of police authorities are governed by the Police Act 1996 and the Police Authority Regulations 2008. The majority of police authorities have 17 members, 9 of which are local councillors and 8 independent members, at least one of whom must be a magistrate. Dyfed Powys and South Wales police authorities both have 19 members: 10 councillors and 9 independents. The Gwent Police Authority has 17 members made up of 9 councillors and 8 independent members whilst North Wales Police Authority comprises 16 Members, 9 of which are local councillors and 7 are Independent Members.

⁸ Home Affairs Committee, *Policing in the 21st Century*, 10 November 2008, HC 364-1 2007-08, Para 232.

29. However, there has been a growing criticism in recent years that police authorities lack sufficient democratic accountability, and are not visible or accessible to the communities they serve and represent.⁹

30. In an attempt to remedy this, the UK coalition government made a commitment to improve local accountability for policing as part of the Programme for Government (May 2010), stating that it would:

“introduce measures to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives.”¹⁰

31. This commitment was subsequently taken forward in the Police Reform and Social Responsibility Bill. In particular, Part 1 of the Bill sets out clauses that would abolish police authorities in England (with the exception of the City of London) and Wales, and replace them with directly elected Police and Crime Commissioners for each force outside London, and the Mayor’s Office for Policing and Crime for the Metropolitan Police.¹¹ The Bill establishes that elections for Commissioners would take place every four years,¹² and that Commissioners may serve for up to two terms of four years.

32. The Bill also outlines clear requirements for the Commissioner to engage with the communities they represent and take into account local priorities and concerns when developing the Police and Crime Plan.

33. The Bill makes clear that a Commissioner must publish an annual report to include information relating to progress made in meeting the police and crime objectives set out in the police and crime plan. Information should also be made publicly available to enable the

⁹ *The role of police authorities in public engagement*, Myhill, A. Yarrow, S, Dalglish, D, Docking M. Home Office online report, 37/03; Cabinet Office, *Engaging Communities in Fighting Crime: a review* by Louise Casey, June 2008; Home Office, *Police and Crime Commissioners: Impact Assessment* (IA No:HO0021), 30 November 2010.

¹⁰ HM Government, *The Coalition: Our Programme for Government*, Chapter 6: Crime and Policing, P 13.

¹¹ *Police Reform and Social Responsibility Bill 2010-2011, Explanatory Notes*

¹² The Home Office estimates that each set of Commissioner elections would cost an additional £50 million every four years over and above the existing costs of local government elections. This additional cost would be met from the Home Office spending review settlement. *Home Office, Impact Assessment HO0021 – Police and Crime Commissioners*, 30 November 2010, p2

community to assess the performance of both the chief constable and Commissioner in preventing crime and disorder. Information relating to staffing, pay rates and any gifts or loans received must also be published

34. In order to ensure the priorities of the local community are taken into consideration when determining local policing objectives, the Commissioner must also seek the views of the community (and victims of crime) on draft police and crime plans and proposals for expenditure for that financial year.

How democratically accountable are police forces at the present time?

“what you are investigating this morning is a solution in search of a problem.”¹³

Steve Thomas, Chief Executive, Welsh Local Government Association

35. Our witnesses universally recognised that the premise behind the establishment of Police Commissioners was the intention of increasing the police’s democratic accountability. Notably, in their consultation document, *‘Policing in the 21st Century: Reconnecting police and the people. Summary of consultation responses and next steps’* the UK Government stated that:

“the public will be empowered to have a direct say in how their neighbourhoods are policed. This will be achieved through the introduction of Police and Crime Commissioners who will be tasked with representing the public and leading the fight against crime and anti-social behaviour. They will hold the chief constable to account; making sure that policing is responsive to communities’ needs.”¹⁴

36. Indeed, the Campaign Against Political Policing commented that currently:

“police authorities are not directly democratic bodies as none of its members are *directly* elected. Rather they are, at best, indirectly representative bodies, comprising higher tier (county

¹³ RoP, Communities and Culture Committee, 3 February 2011, Paragraph (Para) 4

¹⁴ Home Office: *Policing in the 21st Century: Reconnecting police and the people. Summary of consultation responses and next steps*. December 2010.

and unitary) councillors and independent members. There are normally only 17 members no matter how large the force area. The nine councillor members are not directly elected but are appointed by their council group leaders in proportion to their numbers in the higher tier council or councils which comprise the force area. The independent members are appointed through an open application system, although the final decision on membership rests with the councillor members of the authority. Current police authorities are not therefore very accountable, democratic or even necessarily representative.”¹⁵

37. The Minister of State for Policing and Criminal Justice went further, commenting that:

“police Authorities remain largely invisible and unaccountable to the public, who don’t have a clear view of who they are and what they do, while in fact, they hold significant powers relating to force budgets and strategic control. We are committed to scrapping the complex system of bureaucratic accountability and replacing it with democratic accountability. The introduction of PCCs [Police and Crime Commissioners] will mean for the first time the public will be able to directly vote for an individual to represent their community’s policing needs. That individual will be directly accountable to the public in a way that police authorities are not... PCCs [Police and Crime Commissioners] will be elected, therefore directly accountable through the ballot box to local people. This will give communities a greater and more direct say over policing. We are replacing bureaucratic accountability with democratic accountability. This will empower communities and reduce central government control.”¹⁶The Minister of State for Policing and Criminal Justice also suggested that few members of the public were aware of Police Authorities, noting that “according to Cabinet Office research in 2008 only 7% of the public know what a police authority does.”¹⁷

38. However, the majority of our witnesses indicated that they believed the Police and Police Authorities were already democratically accountable under the current structure.

¹⁵ CC(3) PRB 4

¹⁶ CC(3) PRB 10

¹⁷ CC(3) PRB 10

39. The Police Authorities of Wales (PAW), for example, asserted to us that “Police Authorities are democratically accountable to local communities through the local Councillors that sit on Police Authorities.”¹⁸ Indeed, the results of a survey undertaken by the Police Authorities of Wales questioned the premise that police authorities in Wales were anonymous, finding that “97% of those surveyed either agreed or strongly agreed that they had heard of Police Authorities and 82% agreed that they knew what a Police Authority does.”¹⁹

40. The strong commitment shown to community engagement by Police Authorities in Wales was also illustrated by a report into the police governance system by Her Majesty’s Inspectorate of Constabularies (HMIC): ‘*Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance.*’ This report highlighted the findings of an inspection carried out between September 2009 and July 2010 into 22 of the 43 Police Authorities across England and Wales. In reporting performance against the objective to engage with communities, the report indicates that:

“In the majority of inspections (19 out of 22 police authorities) there are good individual examples of particular members engaging well in their communities and acting on specific priorities identified locally. There is a strong commitment to finding out what communities need and want from the police service, with some authorities using innovative approaches to achieve this.”²⁰

41. However, the HMIC criticised half of all the Police Authorities they inspected, in forming their report, for failing to take community feedback into account when shaping Police priorities. But, whilst only two of the four Welsh Police Authorities were inspected (Gwent and South Wales), both were flagged as representing two out of the ten examples of good practice highlighted from Authorities across England and Wales.

42. For example, the Wales Audit Office and HMIC commented that Gwent Police Authority:

¹⁸ CC(3)-03-11 paper 2.

¹⁹ CC(3)-03-11 paper 2

²⁰ HMIC: *Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance.* October 2010.

“had initiated ambitious and wide ranging reforms to improve police performance and deliver high quality policing services to the people of Gwent. They were instrumental in establishing collaborative working with other authorities and forces in Wales to improve effectiveness and value for money.”²¹

43. The Wales Audit Office and HMIC considered that the South Wales Police Authority:

“is performing adequately overall, but performs well in the areas of performance scrutiny and engaging with communities. It is in a strong position to make further progress and improve. The Authority has developed a robust approach to its leadership over the past five years and there is now a more effective, constructive and challenging relationship with South Wales Police.”²²

44. These findings are especially pertinent when considering the evidence from Police Authorities Wales and the WLGA, which stated that the criticisms levied against Police Authorities in England do not reflect the position in Wales. Notably the WLGA asserted that:

“the premise upon which the proposals are based – that police authorities are ‘faceless’ and that there is an accountability deficit – is flawed and lacks appropriate understanding about how the current system operates, particularly within Wales... the seniority of local politicians who sit on Police Authorities reflects the seriousness that tackling crime and disorder, anti-social behaviour and protecting the public is given by local authorities.”²³

45. In oral evidence, the WLGA commented that:

“we have a system where we have engagement with police authorities. They have done a very good job in recent years. I am thinking, for example, of the row that occurred about the precept for South Wales Police a few years ago, which showed the police authority holding the chief constable to account in a

²¹ Wales Audit Office, Press Release: Gwent Police Authority is performing well and in a strong position to improve, 24 February 2010, available at http://www.wao.gov.uk/pressreleases_3104.asp

²² Wales Audit Office and HMIC, Police Authority Inspection- South Wales Police Authority, June 2010, Para 1

²³ CC(3)-03-11 paper 1

rigorous way. It may be the case that police authorities in England are perceived to be generally ineffective; in Wales, I do not think that they are.”²⁴

46. Welsh Women’s Aid concurred with this view, commenting that:

“processes are already in place under the present system. As it stands when discharging its functions, every police authority is under a statutory duty to take into account the views of the local community, and to make arrangements for obtaining the views of local people on policing matters (e.g. via surveys or meetings)... Furthermore, local Councillors are also under a duty to respond to ‘community call for action’ from anybody living or working in the area which they represent on a matter concerning crime and disorder... These opportunities already give local communities the ability to significantly impact on local policing issues.”²⁵

47. These views resonated with that expressed by the Welsh Government’s Minister for Social Justice and Local Government, in an oral statement to Plenary on 12 October, when he commented that police “forces [in Wales] are already accountable to their local communities through their police authorities.”²⁶

48. Indeed, the WLGA, Police Authorities of Wales and Welsh Women’s Aid collectively advocated that rather than “dismantling the entire system”²⁷ it would be more effective to increase public awareness of existing police authority representatives and their role amongst the public. Welsh Women’s Aid asserted that by contrast:

“there is no evidence that... having Police Commissioners... will increase the democratic accountability of community safety and policing.”²⁸

²⁴ RoP, Communities and Culture Committee, 3 February 2011, Para 8

²⁵ CC(3)-02-11 paper 1

²⁶ Oral Ministerial Statement, Carl Sargeant AM, Minister for Social Justice and Local Government, *The Welsh Assembly Government’s response to the Home Office consultation on the Police Reform and Social Responsibility Bill* 12 October 2010

²⁷ CC(3)-03-11 paper 1

²⁸ CC(3)-02-11 paper 1

The impact of the bill on representative democratic accountability

49. We consider that a fundamental principle of representative democracy is that elected representatives either govern, or hold those that govern to account for their actions.

50. However, a number of our witnesses expressed concerns about how effectively Police Commissioners would actually represent the people within their wide ranging geographic areas, in fulfilling these functions.

51. Welsh Women's Aid commented that whereas the 17-19 members of a Police Authority could represent a diverse range of genders, ethnicities, sexualities, rural or urban backgrounds, etc., this would not be possible for a single Commissioner. They commented that:

“replacing 17 or 19 members of a Police Authority with a single individual will decrease rather than increase the connection with the public, especially in large geographical areas such as Dyfed-Powys.”²⁹

52. Welsh Women's Aid also highlighted concerns around the likely demographic profile of the elected Commissioners. They commented that the typical, 'male, white and middle class' candidate for Commissioner will 'seriously undermine diversity in the accountability system.' This assertion was evidenced by research from The Equality and Human Rights Commission in 2009 which found that:

- only 25% of Police Authority Chairs and Chief Constables in Wales are women. Only 24% of Police Officers in Wales are women;
- there are no female Chief Executives of Wales's Top 100 private companies;
- only 18% of council leaders in Wales are women;
- only 25% of councillors in Wales are women. There are no black or Asian women councillors in Wales; and
- only 21% of local authority chief executives are women. 73% of all local authority staff being women.³⁰

²⁹ CC(3)-02-11 paper 1

³⁰ Equality and Human Rights Commission, 'Who runs Wales' February 2009, p5 and p8-10.

53. The Minister of State for Policing and Criminal Justice acknowledged that encouraging a diverse range of candidates to apply for the Commissioner position would be critical, observing that he had:

“set up a working group to consider how we may encourage a diverse range of candidates as possible. This work is in its early stages, but already we are considering how we may promote and support this aim.”³¹

54. However, in oral evidence, the WLGA commented that:

“we know that the issue of policing and crime attracts a certain political view. Our colleagues in the Local Government Association have concerns, particularly in the London area, about the role of possible British National Party candidates.”³²

55. Welsh Women’s Aid went on to emphasise that, by virtue of the number of representatives appointed to Police Authorities, there is more opportunity for membership to be drawn from a diverse field. They pointed out that:

“concentrating police accountability in the hands of one figure risks excluding those from minority or under represented groups. This could well serve to exacerbate tension in communities which are already fractured along religious or ethnic grounds.”³³

56. Both the WLGA and the Police Authorities of Wales made reference to the UK Government’s aim that candidates for Commissioners should come from a wide range of backgrounds, but stated that:

“in reality it will be difficult for independent candidates to be able to compete against political party candidates... this will be especially true for women and candidates from BME backgrounds.”³⁴

57. Welsh Women’s Aid agreed with this view, asserting that:

³¹ CC(3) PRB 10

³² RoP, Communities and Culture Committee, 3 February 2011, Para 26

³³ CC(3)-02-11 Paper 1

³⁴ CC(3)-03-11 Paper 2

“given the size of the constituencies that candidates standing for election will have to cover, they will in the main have to rely on party political organisations to reach the communities in their area to get their messages and commitments across. This could lead to politicians and political parties telling chief constables how to do their job and will interfere in day-to-day policing.”³⁵

58. The Campaign Against Political Policing commented that:

“An individual in order to get elected will normally need the support of a party machine to advertise and canvas. The most extensive and effective party machines are provided directly by the main parliamentary political parties. Therefore the likelihood of an independent member being elected as a Police and Crime Commissioner is simply remote. It is conceivable that an independent could be elected, but it is likely that in such circumstances to be on an extremist or highly populist ticket... National politics will be much more easily brought to bear in the new system. If most [Police Commissioners] are from the main parliamentary political parties it will be relatively easy for them to be directed by national political figures, in effect for them to be ‘whipped in’. Any independence of spirit could simply result in the withdrawal of party support at the next election.”³⁶

59. Indeed, the Campaign Against Political Policing noted that in New York:

“there have been clear instances of political interference in the operation of those local forces... when it became apparent that [Police Commissioner Bill] Bratton was getting, quite justifiably, the credit for the benefits the new policing arrangements were delivering [Mayor Rudolph] Giuliani sacked him... with only one person responsible for appointment inappropriate influence could not in future be ruled out.”³⁷

60. The Police Authorities of Wales commented that this politicisation of policing could have wide ranging implications, commenting that:

³⁵ CC(3)-02-11 Paper 1

³⁶ CC(3) PRB 4

³⁷ CC(3) PRB 4

“even where the decisions are sensible, they may be seen as “factional” i.e. in the interests of the political party or locality of the Commissioner rather than being in the interests of the whole community. There is a very real danger that this will undermine public confidence in the police.”³⁸

61. Similar concerns were raised by the Campaign Against Political Policing, which observed that:

“The furore over the alleged extended incidence of phone tapping associated with the News of the World serves to illustrate the importance of maintaining the theory and practice of a politically independent police service. Accusations are flying that the reason the Metropolitan Police have not fully investigated the extended allegations of phone tapping is because of its perceived close links with News International. In reality there is probably a much more mundane explanation for what the Metropolitan Police has or has not investigated. However, that is not the point; there is a suspicion of lack of independence which is already adversely affecting public confidence in the integrity of the investigation. How much more is the risk of that when politically aligned Police and Crime Commissioners are in place?”³⁹

62. Welsh Women’s Aid, the WLGA and Police Authorities of Wales all emphasised that voter turnouts at elections can be very low, which meant that commissioners could be voted into office on very low turnouts and on issues which matter to only a narrow proportion of the electorate.

63. However, the Minister of State for Policing and Criminal Justice asserted that:

“when the people of Wales realise the transformation that is occurring, and the impact it will have, I am confident that a large majority of people will want to turn out to vote. The significant interest in the crime data published on www.police.uk is testament to the fact given the opportunity people are very interested in how their streets are policed. The website received over 310 million hits in the first week. In addition, I would like

³⁸ CC(3)-03-11 paper 2

³⁹ CC(3) PRB 4

to add that the Government is clear that the duty of Government is not to tell people who should represent them (that is the electorate's prerogative). Recent elections show that we are right to trust the people on these matters. We would, however, seek to encourage people from all backgrounds and walks of life to come forward and stand as PCCs."⁴⁰

64. The Police Authorities of Wales went on to explain that given the size of the police force area, Commissioners could be voted in on, for example, urban issues thus disadvantaging the population living elsewhere. Indeed, Police Authorities Wales advocated that:

"A single election once every four years where one candidate secures a majority is a very narrow view of democracy."⁴¹

65. The Campaign Against Political Policing concurred with this view, commenting that Police and Crime Commissioners:

"will be elected by the supplementary vote system... [a Commissioner] with huge power and responsibility, may have been returned without a conclusive electoral mandate."⁴²

66. Welsh Women's Aid suggested that a compromise could be made: "the Police Authorities could remain, but to ensure the democratic accountability that the Home Office is seeking, the Commissioner could be elected as Chair of the Authority."⁴³ We understand that this suggestion was previously made by the Minister for Social Justice and Local Government,⁴⁴ but was rejected by the UK Government. The Minister of State for Policing and Criminal Justice commented that:

"this would served only to create a bureaucratic and invisible accountability model of police authorities in Wales that would not deal with the separation of roles and clarity that is needed between those scrutinising and those charged with governing. The cost of an elected Chair would be the same as electing a PCC [Police and Crime Commissioners] but the effectiveness of the model would be curtailed significantly by bureaucracy and lack of clarity. It would be the worst of all worlds. This would

⁴⁰ CC(3) PRB 10

⁴¹ CC(3)-03-11 paper 2

⁴² CC(3) PRB 4

⁴³ CC(3)-02-11 paper 1

⁴⁴ RoP, Communities and Culture Committee, 12 October 2010, Para 31

have resulted in a stark contrast to the strong accountability of the PCCs of England to the electorate within their force area. Policing is not devolved and so this is a contrast and an inequity that this Government could not allow to exist on such an important reserved matter”⁴⁵

67. However, the WLGA commented that:

“such a model would have addressed many of the concerns that have been identified and would have retained the positive relationship between the police and local authorities and would not have added an additional layer of bureaucracy and complexity to the system.”⁴⁶

68. We also noted an alternative model put forward by the Campaign Against Political Policing:

“replace the councillor members with directly elected police authority members. It is accepted that many elected police authority members will represent established political parties, but there would be more chance of independent members being elected and in any case the likely balance of members across all parties would enforce a more consensus approach to policing. Above all the broad membership base would ensure greater representation across the diversity and size of a force area.”⁴⁷

69. We are concerned that political parties will inevitably become instrumental in the election of Police and Crime Commissioners, under the Bill’s proposals. We consider that the evidence of this inquiry strongly suggests that this could have concerning implications for tackling ‘hidden’ policing issues, such as domestic abuse and terrorism. We did therefore consider making a recommendation to the UK Government to preclude politically linked candidates from standing for the post of Commissioner. However we considered that any definition of a ‘politically linked’ candidate would be difficult to maintain in practice. We also were concerned that preventing political parties from backing candidates could lead to electorates potentially voting for Commissioners with less knowledge of what they stood for.

⁴⁵ CC(3) PRB 10

⁴⁶ CC(3)-03-11 Paper 1

⁴⁷ CC(3) PRB 4

70. We consider that Police Authorities in Wales already provide a mechanism for the public to democratically hold policing in Wales to account. However, we consider that public awareness of such a mechanism could still be improved.

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to work with Police Authorities in developing a consistent approach to community engagement and partnership working. This should build upon the progress already achieved in Wales, and improve the opportunities for local people to influence policing within the current structure.

The impact of the bill on community engagement

“the police authority is the bridge between the policing service and the communities that we serve.”⁴⁸

Cilla Davies, Chair of Gwent Police Authority

71. The Bill also outlines clear requirements for the Commissioner to engage with the communities they represent and take into account local priorities and concerns when developing the Police and Crime Plan.

72. Similarly, the Bill makes clear that a Commissioner must publish an annual report to include information relating to progress made in meeting the police and crime objectives set out in the police and crime plan. Information should also be made publicly available to enable the community to assess the performance of both the chief constable and Commissioner in preventing crime and disorder. Information relating to staffing, pay rates and any gifts or loans received must also be published.

73. In order to ensure the priorities of the local community are taken into consideration when determining local policing objectives, the Commissioner must also seek the views of the community (and victims of crime) on draft police and crime plans and proposals for expenditure for that financial year.

74. Welsh Women’s Aid considered that these considerations could have a positive impact on community engagement, commenting that:

⁴⁸ RoP, Communities and Culture Committee, 3 February 2011, Para 79

“to a certain extent... the reforms may lead to people feeling that they can input into what is happening locally and having their views heard.”⁴⁹

75. The Association of Chief Police Officers (ACPO) Cymru commented that it welcomed “the specific provision within the Bill for obtaining views of victims of crime.”⁵⁰

76. However, Welsh Women’s Aid also noted that Police Authorities are already under a statutory duty to take into account the views of the local community, and to engage with the community in order to obtain their opinions on policing issues,⁵¹ levels of public confidence and whether the public believes their views are taken into account.⁵² They explained that Police Authorities are also required to engage with a wide range of people including marginalised groups and the elderly. Welsh Women’s Aid concluded that:

“these opportunities already give local communities the ability to significantly impact on local policing issues... instead of radically changing the present system it would be more beneficial to raise awareness of the functions that police authorities already have to engage with the public.”⁵³

77. Indeed, ACPO Cymru commented- in relation to the Bill’s requirement for a Chief Constable to make arrangements for ‘obtaining the views of persons within each neighbourhood’ – that:

“there is nothing new for us in this proposal as we and our predecessor Chief Constables have over several years pursued strategies and developed structures which have been aimed at improving our engagement with our many diverse communities.”⁵⁴

⁴⁹ CC(3)-02-11 Paper 1

⁵⁰ CC(3) PRB 1

⁵¹ Police Act 1996. Section 6(2) (aa) Section 96

⁵² Regulation 3 of the Police Authority (Community Engagement and Membership) Regulations 2010

⁵³ CC(3)-02-11 Paper 1

⁵⁴ CC(3) PRB 1

78. ACPO Cymru commented that because of such work “we did not consider that the generic criticism of Police Authorities applied to Wales.”⁵⁵

79. The WLGA highlighted the role of local ward level Police and Communities Together (PACT) meetings operating successfully across Wales in enabling local residents to highlight their concerns and opinions to the Police, Local Authorities and partner agencies. The requirement for local councillors to respond to, ‘community calls for action’ on any matter concerning crime and disorder was also cited by witnesses from Welsh Women’s Aid and the WLGA as a method by which the public are able to voice how their neighbourhoods should be policed.

80. Likewise ACPO Cymru noted:

“a number of initiatives including setting up dedicated Victim Care Units and undertaking detailed research in partnership with the Universities Police Science Institute to capture the views of witnesses and victims. As a result victim satisfaction across the force area has improved from 70% satisfaction to 90% satisfaction over the two period. In addition, the four police forces in Wales in partnership with the Crown Prosecution Service are currently undertaking a pan Wales review with the key aim of enhancing victim care.”⁵⁶

81. The WLGA and Police Authorities of Wales also noted serious concerns around the requirement in the proposed Commissioner model to only publish decisions where the decision forms part of a report required by the Police and Crime Panel. Police Authorities of Wales commented that whereas Police Authorities:

“operate on an inclusive basis and votes are rare. Our decisions are taken in public on the basis of published papers. In contrast, a Commissioner may not be at all transparent. Policies are likely to emerge from discussions with the Chief Constable without published papers or a public debate and be seen by the public as difficult to influence and the process as opaque.”⁵⁷

⁵⁵ CC(3) PRB 1

⁵⁶ CC(3) PRB 1

⁵⁷ CC(3)-03-11 Paper 2

82. The Campaign Against Political Policing was also concerned by the potential lack of transparency enabled by the Bill, commenting that:

“it is difficult to see how a [Police and Crime Commissioner], legally a corporate sole, can be subject to the same degree of public scrutiny and accountability... In practice [Police and Crime Commissioners] will have to come to political deals with the majority parties represented in the new [police and crime] panels. This will smack of deals done in smoke-filled rooms rather than an openly democratic and accountable process.”⁵⁸

83. The WLGA and Police Authorities of Wales suggested that this lack of transparency could perversely undermine the Government’s aim of improving accountability and public confidence in the police by decreasing transparency in the decision-making process.

84. Welsh Women’s Aid and Police Authorities of Wales also made the observation that the Bill appears to make little provision for local communities to hold their Commissioners to account and remove them from office in between elections, regardless of their performance or the public’s perception of them.

85. Evidence from the Independent Police Complaints Commission (IPCC) suggested that complaints against the police are a valuable source of information in driving police performance and engaging the police with local communities. They recommended that Commissioners should familiarise themselves with the types of issues being raised in complaints in order to acquire a more comprehensive understanding of local concerns. The benefits to forces of disseminating learning from complaints and investigations on a national level were also highlighted by the IPCC.

86. We consider that it would be valuable for more information to be made transparently available to the public about levels of crime, and police success in tackling such issues, regardless of whether or not the Bill’s proposals are implemented in Wales. We therefore welcome the UK Government’s decision that:

⁵⁸ CC(3) PRB 4

“the Commissioner will be placed under a duty to publish information which will help the public to understand what is happening in their area and to see how he is tackling the pressures and demands faced in taking strong and proportionate action against all crime types.”⁵⁹

87. In this context, we also welcome the UK Government’s recent initiative of introducing the www.police.uk website, to provide more information about police activity, crime levels and police successes.

The capacity of Police and Crime Commissioners

88. The Bill details that the core functions of a Commissioner will be the same as those of the current Police Authorities. Basic duties will include publishing a police and crime plan, setting the local police and crime objectives, and setting the local precept (thus allowing council tax to be levied to fund the police) and annual force budget in discussion with the chief constable.

89. Under the Bill, Police and Crime Commissioners will therefore be responsible for holding the chief constable of their police force to account for the full range of their responsibilities, although the chief constable will retain responsibility for the operational control of the police force. Chief constables will also acquire the right to appoint their own top management team (currently a responsibility of the particular Police Authority).

90. Under the Bill, the Police and Crime Commissioner must appoint a chief executive and a chief finance officer, and may appoint other staff.

91. The Bill also amends local government legislation, with the effect that the chief executive and chief finance officer have the same powers and duties as their equivalents in local authorities. In particular, the chief finance officer will automatically be designated as monitoring officer, with the duty of making a report in relation to any unlawful conduct or maladministration by the police and crime commissioner. The Bill also provides a police and crime commissioner with a general power to do anything intended to allow or assist him in discharging his functions.⁶⁰

⁵⁹ CC(3) PRB 10

⁶⁰ Police Reform and Social Responsibility Bill 2010-2011, Explanatory Notes

92. The commissioner for a police area may make a crime and disorder reduction grant to any person which, in the opinion of the commissioner, will secure, or contribute to securing, crime and disorder reduction in the force area.

93. A number of witnesses raised concerns that the capacity of Police Commissioners would be more limited than that of a Police Authority. The Police Authorities of Wales, for example stated it had:

“concerns regarding the capacity of one individual to undertake the appropriate level of scrutiny [of a Chief Constable] which is currently undertaken by 17-19 members.”⁶¹

94. The WLGA shared these concerns. The WLGA acknowledged that in practical terms, the Commissioner would clearly be able to delegate functions to other individuals, but suggested that this reality “undermines the directly elected premise behind the Commissioner model.”⁶²

95. Welsh Women’s Aid also expressed concerns about the capacity of one individual to represent and engage with all communities. The WLGA echoed this view commenting that no:

“one individual [can] effectively engage with, or seen to be accessible to local people and communities in such vast and diverse areas.”⁶³

96. The Campaign Against Political Policing likewise commented that:

“to be able to properly represent such large and culturally diverse areas is almost certainly beyond the capability of a single individual, yet this is what is required by the new bill.”⁶⁴

97. Welsh Women’s Aid also noted that they were concerned that the Commissioner model provided too little support for Commissioners, observing that:

“one of the strengths of police authorities is the support that members are able to give each other in holding senior police

⁶¹ CC(3)-03-11 Paper 2

⁶² CC(3)-03-11 Paper 1

⁶³ CC(3)-03-11 Paper 1

⁶⁴ CC(3) PRB 4

officers to account. The Police Commissioners are likely to be isolated in comparison, without even having any deputies.”⁶⁵

Does the Commissioner model place too much power in the hands of a single individual?

98. Several witnesses also expressed concerns that the Commissioner model placed too much power and responsibility in the hands of a single person. Welsh Women’s Aid asserted that:

“the amount of power that will be placed on one individual is unprecedented in British Constitutional arrangements and is extremely risky.”⁶⁶

99. These concerns were echoed by the WLGA and Police Authorities of Wales, which commented that:

“in no other public service does a single individual possess as much power as is proposed for the Commissioner. Nor is there an equivalent to the proposed relationship between the Commissioner and the Chief Constable. The lack of clarity over what is meant by operational independence and the fact that the Commissioner has the power to fire the Chief Constable (even if all members of the Panel believe this is inappropriate) is a recipe for disaster.”⁶⁷

⁶⁵ CC(3)-02-11 Paper 1

⁶⁶ CC(3)-02-11 Paper 1

⁶⁷ CC(3)-03-11 Paper 2

2. Police and Crime Plans

100. As noted in the preceding chapter, the Bill states that each Commissioner will be required to issue a local police and crime plan to set the strategic direction of the force.

101. A number of witnesses expressed concerns that if an elected Commissioner was not representative of a diverse community, this might have an impact upon the local policing priorities subsequently outlined in the Police and Crime Plan.

102. For example, Welsh Women's Aid suggested that the typical, 'male, white and middle class' commissioner candidate would be less likely to prioritise, 'women's issues', including domestic abuse, and could also impact negatively on other equalities groups such as Black Minority Ethnic groups (BME) and Lesbian, Gay and Transsexuals (LGBT). The Minister of State for Policing and Criminal Justice addressed these concerns in his written evidence to us, asserting that:

"PCCs [Police and Crime Commissioners] will be responsible for the totality of policing in their local area this includes 'hidden' crimes such as domestic violence and hate crime - which are crimes the Government takes very seriously. Not only have we created a duty in the Bill for the PCC [Police and Crime Commissioner] to consult and get the views of the community on policing but we have introduced a specific duty to consult with victims of crime. This is particularly significant when it comes to 'hidden' crimes such as domestic violence or hate crime, we must ensure that the victims have a voice and are able to influence how these crimes are dealt with, not only to improve the service they get but also to help prevent others from becoming victims. The office of Chief Constable requires that all crimes in the local area are dealt with effectively and the PCC will be there to ensure the Chief Constable performs this function to the best of their abilities."⁶⁸

103. Nevertheless, Welsh Women's Aid commented that if Commissioners wished to be re-elected they would be more likely to focus their attention on 'popular' issues, such as anti-social behaviour,

⁶⁸ CC(3) PRB 10

than 'hidden' issues, such as violence against women. Welsh Women's Aid (WWA) commented that:

"several forms of VAW [Violence Against Women] which are prevalent in Wales are largely BME-[Black Minority Ethnic]-specific, for example female genital mutilation (FGM), "honour"-based violence and forced marriage. Due to cultural expectations, these crimes are notoriously underreported, and statistics for these crimes therefore grossly under-represent their prevalence. WWA is concerned that the lack of victims disclosing their experiences to statutory services will make Commissioners think that these crimes are not a problem in their area... WWA is concerned that there will be a real risk that someone who has been popularly elected will be reluctant to make unpopular but perhaps necessary decisions. WWA sees a risk that, for example, anti-social behaviour will be prioritised over and above the large proportion of work that police do - which may be less visible, but which is nonetheless key to crime prevention or detection - such as serious organised crime, domestic abuse, terrorism etc. If an elected Commissioner wishes to ensure they are re-, the logical conclusion may be to divert funds from these 'behind the scenes' decisions to frontline visible policing. This may not be the best way to keep the community safe."⁶⁹

104. This view was supported by representatives from Police Authorities Wales, who commented- on the specific issue of domestic abuse that:

"operational responsibility for policing will remain with Chief Constables and as such, the Welsh Police Forces' commitment to tackling violence against women and girls both individually and in partnership is unlikely to change. However, the Commissioner will have a key role in setting the local policing plan and priorities and as such there is a potential risk should a Commissioner not see this issue as a priority."⁷⁰

105. In oral evidence, Police Authorities Wales commented that:

⁶⁹ CC(3)-02-11 Paper 1

⁷⁰ CC(3)-03-11 Paper 2

“the local policing plan could disappear, because a person could, perhaps, be elected on a ticket to do something different. For example, if they were elected on a pledge to get rid of binge drinking, antisocial behaviour and speeding, their emphasis is going to be on those things, so what happens to domestic violence, drug-related issues and the trafficking of children? Those are issues that people probably do not put at the top of their agendas.”⁷¹

106. This could, according to Welsh Women’s Aid lead to a, ‘postcode lottery’ of criminal justice and support services for victims of abuse as funding will be prioritised for more ‘popular’ crime and disorder issues. They stressed the consequences of this are far-reaching, and went on to explain that victims of domestic abuse are often required to move from the area in which they live to a new community, and require extensive support to keep them safe. They argued it is therefore vital that a consistent service is delivered across the four police force areas in Wales.

107. The Police Authorities of Wales expanded further upon this point, and raised the issue of politicisation of the police. They noted that a popularly elected Commissioner, appointed on the basis of an electoral mandate will be more likely to focus upon issues affecting the, ‘majority’ such as anti social behaviour. Several witnesses emphasised that Commissioners are not going to prioritise issues that the general public are either unaware of, or that do not affect them directly in their day to day lives, such as counter terrorism for example. This point was also commented on by the Campaign Against Political Policing, which observed that under the Bill’s proposals:

“the chief constable’s role becomes secondary and thereby capable of being compromised by the new power context created by the power the PCC [Police and Crime Commissioner] holds over the chief constable’s retention of office. The power of creating the policing plan shifts from the professional to the political. The context of policing in a force area thereby is shaped by political rather than policing considerations.”⁷²

108. However, ACPO Cymru asserted that:

⁷¹ RoP, Communities and Culture Committee, 3 February 2011, Para 110

⁷² CC(3) PRB 4

“The Bill makes clear that operational matters will remain the responsibility of the Chief Constable and staff working to the Chief Constable and in this respect it will not lead to any changes in the on-going commitment we have to working with our partners to tackle violence against women and to improve their safety. We do not therefore consider that the appointment of a PCC [Police and Crime Commissioner] would impact on this strategy from a purely policing or partnership perspective.”⁷³

109. Similarly, the Minister of State for Policing and Criminal Justice asserted that the Bill would not:

“remove the operational independence of the police service nor impinge of the office of constable. Rather the Bill sets the scene for an elected public office which is more open and transparent and fosters a constructive and effective working relationship with the chief constable.”⁷⁴

110. The Police Federation for England and Wales also raised the point that, ‘all-Wales strategies require an all-Wales approach’. The proposal to have separate Commissioners setting different agendas and priorities across the different police force areas in Wales has, according to the Police Federation, the potential to undermine initiatives currently being implemented by existing partners.

111. We consider that- regardless of whether the Bill’s proposals are established now, or in the future- it will be appropriate for the Welsh Government to review those policies which are heavily dependent upon the activity of the police. In particular, we are concerned that the ‘Right to be Safe’ strategy will need to reflect the developing political landscape being established by the UK Government.

We recommend that the Welsh Government appropriately reviews its policies, including the ‘Right to be Safe’ strategy for tackling violence against women, to ensure that their objectives can be achieved and integrated with the policy landscape resulting from the final formulation of the Bill.

⁷³ CC(3) PRB 1

⁷⁴ CC(3) PRB 10

112. We also consider that it would be valuable for the UK Government to address concerns expressed by our witnesses that the establishment of Police and Crime Commissioners will result in a 'post code lottery' of services. We recognise that Police and Crime Commissioners will need to address local issues through diverse means, but consider that the UK Government can still provide clear strategic direction in tackling national priorities.

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to provide clear statutory guidance to Police and Crime Commissioners on national priorities.

3. Police and Crime Panels

“you are adding an additional tier of bureaucracy and we do not think that the panel has the right level of powers to scrutinise the commissioner”⁷⁵

Naomi Alleyne, Director of Equalities and Social Justice, Welsh Local Government Association

113. The Bill also contains provisions for establishing Police and Crime Panels for each police force area. The Panels will comprise ten local councillors, two co-opted independent members and in Wales, a Welsh Government representative appointed by Welsh Ministers. The Panels will be intended to scrutinise and advise Commissioners⁷⁶.

114. The Minister of State for Policing and Criminal Justice asserted to us that:

“the Panel provides a robust overview at force level of decisions made by the Commissioner, ensuring that the system is one of good governance. Overall, the system will be far less bureaucratic than the present one.”⁷⁷

115. However, the WLGA, Police Authorities of Wales and Welsh Women’s Aid expressed concern that the limited powers afforded to the panels would restrict their potential to effectively scrutinise the Commissioner and hold him/her to account. For example, Welsh Women’s Aid observed that:

“the Bill does not clearly state what opportunity the Police and Crime Panels will have to hold Police Commissioners to account. Under the current proposals, the Police and Crime Panels do not have the right balance of powers and responsibility to provide robust checks and balances to a Police Commissioner and will not be strong enough to scrutinise and hold a Police Commissioner to account. It seems the Panels will

⁷⁵ RoP, Communities and Culture Committee, 3 February 2011, Para 13

⁷⁶ On 8 February 2011 the Members of the National Assembly for Wales voted against a Legislative Consent Motion in respect of provisions relating to Police and Crime Panels in Part 1 of the Police Reform and Social Responsibility Bill, this is discussed in more detail in chapter 6.

⁷⁷ CC(3) PRB 10

have very little say over the decisions made by a Police Commissioner.”⁷⁸

116. Both the WLGA and Police Authorities of Wales commented on the, ‘adversarial’ nature of the relationship between the Commissioner and the Police and Crime Panel. As representatives from Police Authorities of Wales noted, the relationship is based on tension and is not an effective partnership approach. The Police Authorities of Wales also commented that this adversarial relationship was indebted to the limited powers of the Panel, commenting that it was:

“not robust enough to challenge the Commissioner on fundamental issues without recourse to reporting dissatisfaction to the public or issuing a veto (on precepts and chief constable appointments). This could lead to an adversarial relationship between the Commissioner and the Panel. There is real concern that such public disagreements will result in dissatisfaction levels in the police rising and the public losing confidence in local policing.”⁷⁹

117. In the event that our Headline recommendation is not accepted, we consider it imperative that guidance is established that will steer Commissioners and Police and Crime Panels to work collaboratively together. In forming this conclusion, we have noted that concerns have been raised that the:

“current system can create unintended conflicts of interest if the current structure is sharing office space and a coffee machine with the chief constable’s office.”⁸⁰

118. However, we anticipate that guidance on collaborative working would not preclude Police and Crime Panels from scrutinising Commissioners, but would place a greater emphasis on their role as advising a commissioner, with a commissioner reciprocating by actively utilising such advice. We were therefore pleased that the Minister of State for Policing and Criminal Justice asserted that:

⁷⁸ CC(3)-02-11 Paper 1

⁷⁹ CC(3)-03-11 Paper 2

⁸⁰ RoP, Communities and Culture Committee, 3 February 2011, Para 120 (Mark Isherwood AM)

“the Panel will be a ‘critical friend’ of the Commissioner and they should work together in a supportive and constructive manner as well as be able to provide challenge and scrutiny when needed.”⁸¹

119. We anticipate this constructive relationship would include the Commissioner and Panel assuming, in practical terms, an equal role in appointing and/or dismissing the Chief Constable, setting the precept and agreeing strategic priorities through the local Police and Crime Plan.

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to recommend that Police and Crime Panels are implemented on the basis of a consensual approach with the Commissioner, resting on an equal balance of power between the two parties. We anticipate this would include the Commissioner and Panel assuming an equal role in appointing or dismissing the Chief Constable, setting the precept and agreeing strategic priorities through the local Police and Crime Plan.⁸²

The Welsh Government’s representative on a Police and Crime Panel

120. As currently drafted, the Police Reform and Social Responsibility Bill states that Police and Crime Panels should include ‘one member appointed by the Welsh Ministers from among the local elected representatives.’ In this Schedule a “local elected representative” (in relation to the police and crime panel for a police area) means any of the following:

“(a) a person who is a member of the National Assembly of Wales for an Assembly constituency which falls wholly or partly within the police area;

⁸¹ CC(3) PRB 10

⁸² The inclusion of this report’s ‘Recommendation 4’ was opposed by 2 Members of the Committee, Mark Isherwood AM and Mohammad Asghar AM, when this report was agreed on 17 February 2011. Sandy Mewies AM, Lynne Neagle AM, Val Lloyd AM (substituting for Joyce Watson AM), Rosemary Butler AM (substituting for Alun Davies AM), Dai Lloyd AM, Bethan Jenkins AM and Veronica German AM (substituting for Eleanor Burnham AM) indicated they supported the inclusion of ‘Recommendation 4’ in this report.

- (b) a person who is a member of the National Assembly of Wales for an Assembly electoral region whose area is the same as, includes part of, or is included in, the police area;
- (c) a person who is a member of a county council or county borough council whose area is the same as, or included in, the police area;
- (d) a person who is the elected mayor of the mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000) of a county council or county borough council whose area is the same as, or included in, the police area.”

121. We understand that the Explanatory Notes of the Bill are therefore erroneous in stating that panels should include, ‘an additional member appointed by Welsh Ministers from among members of the National Assembly for Wales.’

122. The Police Federation for England and Wales and Welsh Women’s Aid also made reference to the important role of the Welsh Government representative on the panels. This representation would, according to the witnesses, facilitate communications between the Home Office and the Welsh Government, and could also allow a more holistic approach to be taken in the implementation of all-Wales strategies. Welsh Women’s Aid suggested that this representative should be a Minister, commenting that:

“Ministers then need to feedback this information to the Social Justice and Local Government Minister... In our experience, without having a lead person in the Assembly Government taking responsibility for a certain area of work, it is difficult to obtain certain information and to hold Ministers to account.”⁸³

123. However, the Police Authorities of Wales and WLGA suggested that the identity of the Welsh Government’s representative on “Police and Crime Panels is a matter for Welsh Assembly Government Ministers.”⁸⁴ ACPO Cymru concurred that:

⁸³ CC(3)-02-11 paper 1

⁸⁴ CC(3)-03-11 paper 1

“Welsh Assembly Government Ministers should have the freedom to choose the most appropriate person for the role and that their choice should not be restricted to locally elected persons. For example, Police Authorities have benefited from independent members who have brought with them a range of skills, expertise and experience beyond that which elected members bring. We believe that the Ministerial choice should not be fettered.”⁸⁵

124. We consider that there is value in Welsh Ministers having a degree of flexibility in their choice of a representative for Police and Crime Panels.

⁸⁵ CC(3) PRB 1

4. Partnership working

125. The Minister of State for Policing and Criminal Justice commented to us that:

“Community Safety Partnerships will continue to play an important role cutting crime when Commissioners come into place in 2012. They will be able to provide information about their local areas to the Commissioner which will enable them to make the most out of their force wide role.”⁸⁶

126. Provisions in the Bill require Commissioners and Community Safety partnerships (CSPs) to cooperate with each other to reduce crime and disorder across their force areas. The Bill extends certain provisions, (currently only applicable in England) to Wales. This will enable the Commissioner to require a Community Safety Partnership to submit a report on any matter relating to their functions, and facilitate mergers of CSPs where the CSPs and Commissioner in question agree. In Wales, both these provisions also require the agreement of the Police and Crime Panel.

127. Evidence from the witnesses concurred to indicate that the issue of partnership working is particularly pertinent for Wales in view of the devolved context within which community safety operates. In particular, the strength of the partnerships that have been formed in Wales over recent years in tackling crime and improving community safety was also highlighted by Welsh Women’s Aid, the WLGA, the Police Federation and Police Authorities of Wales. For example, the Police Authorities of Wales commented that:

“community safety is delivered by a wide range of agencies over which the Commissioner will have no power. As is stated above, the Commissioner will have power over the CSPs [Community Safety partnerships], although the extent and benefit of this (particularly to partnership working) is unclear.”⁸⁷

128. The Police Federation suggested that:

⁸⁶ CC(3) PRB 10

⁸⁷ CC(3)-03-11 Paper 2

“the Bill takes no account of existing relationships and partnerships as they affect Wales, and the well founded interaction of Welsh Assembly Government, Welsh Local Government Association, Police Authorities Wales, Community Safety Partnerships, Police Federation of England and Wales, Association of Chief Police Officers and the public.”⁸⁸

129. The WLGA and Police Authorities of Wales commented that the proposals had the potential to weaken the strong partnerships already established across Wales between Police and Local Authorities in their delivery of community safety objectives. Notably, the recent report into police governance by HMIC highlighted that:

“most police authorities are exploring opportunities to work with local strategic partnerships, business and voluntary organisations (16 out of 22 police authorities). It was found to be increasingly the case, as the inspection programme progressed, that police authorities were able to more clearly describe how this activity contributed to community safety outcomes in their area.”⁸⁹

130. The potential shift in the allocation of Home Office funding for crime and community safety was also a concern for several witnesses. Funding previously allocated to Community Safety Partnerships will now be given directly to the Commissioner. Both the WLGA and Police Authorities of Wales noted that this may undermine partnership working and could limit Community Safety Partnerships in the work they are able to carry out, commenting that:

“operational responsibility for policing will remain with Chief Constables and as such, the Welsh Police Forces’ commitment to tackling violence against women and girls both individually and in partnership is unlikely to change. However, the Commissioner will have a key role in setting the local policing plan and priorities and as such there is a potential risk should a Commissioner not see this issue as a priority. This risk could be off-set with national direction from the Home Office - which is committed to the issue - it does raise questions, however, about the balance of power between the chief constable,

⁸⁸ CC(3) PRB 2

⁸⁹ HMIC: *Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance.* October 2010, p31-32.

commissioner and central government in determining policing priorities... CSPs [Community Safety partnerships] have a key role in delivering The Right to be Safe and yet there is a danger that Home Office funding could be allocated directly to Commissioners rather than CSPs... this shift in the allocation of funding could undermine partnership working and the sharing of resources amongst partners.”⁹⁰

131. ACPO Cymru concurred with these observations, noting that:

“existing funding streams which support CSP’s [Community Safety partnerships] will in the future become subject to spending decisions made by the Police and Crime Commissioner who will be able to award Crime and Disorder Grants. Whilst we do not know how this money would be spent, we are concerned that monies needed to support CSP’s should be maintained and we made this point strongly in our submission via ACPO to the UK Government. Should this funding be lost to the CSP’s, then local authorities will be hard pressed to make up the deficit at a time of reducing budgets.”⁹¹

132. The Minister of State for Policing and Criminal Justice acknowledged these concerns, commenting that:

“The funding arrangements for the next few years have yet to be finalised. However, they will include provision for PCCs [Police and Crime Commissioners] to have a budget to support their role in commissioning local services for community safety. The Commissioner will have a mandate to address community safety priorities identified by the electorate and they will have a budget to support this. This budget will be distributed by the Commissioner in the form of crime and disorder reduction grants to local organisation or individuals which could include the CSPs [Community Safety partnerships] and the statutory partners.”⁹²

133. More broadly, ACPO Cymru suggested that following the Bill:

“a National Policing Board for Wales could be established, made up of the four Chief Constables, the four PCC’s [Police and

⁹⁰ CC(3)-03-11 Paper 1 and Paper 2

⁹¹ CC(3) PRB 1

⁹² CC(3) PRB 10

Crime Commissioners] and chairs of the Police and Crime Panels, to continue the collaborative agenda at force, regional or national level as appropriate. In effect, this Board would replicate the existing Police Authorities of Wales arrangement which has worked so well and has enabled Wales to be viewed as a national leader of police initiated collaboration. It would help to broaden the PCC [Police and Crime Commissioners] perspective and enable strategic collaborative developments such as the Criminal Justice Board for Wales to continue.”⁹³

134. The potential for confusion and duplication in the governance of community safety issues in Wales was also a concern for witnesses. Local Authorities already have Crime and Disorder Scrutiny Committees in place to scrutinise the work of partnerships on behalf of local communities, and the WLGA commented that there was a “danger of duplication with”⁹⁴ such work.

135. The WLGA felt it was unclear how these arrangements will continue to work in view of the Commissioner’s level of scrutiny over partnerships. The Police Authorities of Wales also referred to the potential for conflict stemming from the role of Community Safety Partnerships in setting their Community Safety Plans, (based on evidence from their strategic assessments) and the local police and crime plan set by the Commissioner.

136. The Minister of State for Policing and Criminal Justice sought to address these concerns, commenting that:

“we are putting in place a number of mechanisms to ensure that productive discussion and challenge can take place between both parties. The collective aim of both bodies is to reduce crime and disorder in their local areas therefore we expect them to work together to achieve this. There is nothing that would prevent a Councillor sitting on the Local Authority Crime and Disorder Scrutiny Committee from sitting on the Police and Crime Panel – we expect local authorities as they decide who represents them at the Panel to make these decisions.”⁹⁵

⁹³ CC(3) PRB 1

⁹⁴ CC(3)-03-11 Paper 1

⁹⁵ CC(3) PRB 10

137. We consider that it is imperative that Commissioners and Community Safety Partnerships are able to work collaboratively in Wales. Clearly, if our Headline recommendation is recommended and successfully implemented, this will provide additional time to develop guidance on the establishment of a consistent process for such collaboration, and to clarify how local governance of community safety issues will work in a devolved context.

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to provide guidance on the establishment of a consistent process, whereby Commissioners and Community Safety Partnerships ensure that their respective agendas and strategic objectives are aligned.

We recommend that the Welsh Government has dialogue with the UK Government to clarify how local governance of community safety issues will work in the Welsh context, following any changes resulting from the Bill.

5. The Financial Implications of the Bill

138. The WLGA, Police Authorities of Wales, Welsh Women’s Aid and the Police Federation for England and Wales all agreed that the timing of the bill was inappropriate in view of the current financial climate, and noted that provisions outlined in the bill will have serious financial implications for community safety partners in Wales. For example, the Police Federation for England and Wales observed that:

“the UK Government have not addressed this issue as it affects Wales. If funding mechanisms are stretched or dissolved this will impact upon all Welsh communities with whom the police engage daily.”⁹⁶

139. The costs of replacing Police Authorities with directly elected Commissioners and Police and Crime Panels were estimated by the Police Authorities of Wales and the WLGA to be far in excess of the Home Office’s own estimates of between £52 – 78 million. Both witnesses quoted independent research commissioned by the Association of Police Authorities, which indicated the costs could exceed £100 million in the first four years of office. Welsh Women’s Aid commented that “these costs are disproportionate to any positive factors put forward by the Home Office for reform.”⁹⁷

140. In their report, *Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance (October 2010)*, HMIC emphasised that the cost of Police Commissioners are unlikely to be less than the cost of Police Authorities. The report also notes the additional communications expenses likely to be incurred in ensuring Commissioners are more visible to their communities. It is also worth acknowledging that in their assessment of costs associated with Police Authorities, HMIC found that the four Welsh Police Authorities were ranked within the seven least expensive of the 34 Police Authorities who submitted data.⁹⁸

⁹⁶ CC(3) PRB 2

⁹⁷ CC(3)-02-11 Paper 1

⁹⁸ HMIC’s assessment was based CIPFA Police Actual Statistics 2008–09 and includes cost of democratic representation, police authority support department and ‘other costs’ (contribution to partnership; surveys and consultations; contract printing (e.g. council tax leaflet, local policing summaries); external audit fees; and other related expenditure). Data not supplied by following police authorities: Wiltshire,

141. Evidence from the Police Federation for England and Wales also raised concerns about the proposals when set against the impact of reduced frontline policing and funding cuts to Community Safety Partnerships.

142. The new duty on Local Authorities to appoint and run the Police and Crime Panels will, according to both the WLGA and Police Authorities of Wales, have financial and resource implications for Local Authorities. Evidence from the WLGA and Police Authorities of Wales detailed that that:

“the Home Office has indicated that a sum of £30,000 will be available for each Panel to help fund the arrangements. (It is unclear whether this will be one-off payment).”⁹⁹

143. However, both witnesses were concerned that this would not be sufficient funding to establish, and maintain the panels on an on-going basis. The Police Authorities of Wales noted that:

“the Panels will not only require administrative support, but financial advice, legal advice, policy support etc. The Panels will have the right of veto over the Police element of the council precept, veto on the appointment of the Chief Constable and other duties in relation to reporting on the Local Policing plan, appointing a Commissioner if the incumbent leaves office mid-term etc. All these responsibilities will require expert senior professional advice. Local Authorities are currently facing unprecedented budget cuts and cannot be expected to fund these additional responsibilities.”¹⁰⁰

144. In oral evidence, the Police Authorities of Wales explained that:

“at the moment the proposal is for a one-off sum of £30,000 for the panel. Let us think about what a panel will need to do that job properly. It will need a clerk, a policy officer, someone at a senior level to take responsibility—that could be one of the local authority chief executives—financial support, such as one of the treasurers, and legal support on important issues. You cannot fund that with £30,000, and that is a one-off payment.

Cambridgeshire, Leicestershire, Nottinghamshire, Surrey, Essex, Thames Valley and City of London.

⁹⁹ CC(3)-03-11 Paper 2

¹⁰⁰ CC(3)-03-11 Paper 2

The costs of administering that system are huge. Yes, there are different ways of doing it, and all of those roles that I talked about are not necessarily full-time and could be done between local authorities, but there is a cost burden and it will have an impact.”¹⁰¹

145. The WLGA and Police Authorities of Wales also highlighted the additional costs associated with the proposal to establish the Commissioner and the Chief Constable as separate corporation soles, whilst the Police and Crime Panel will be a joint committee. This indicates that three separate entities will be established, requiring bureaucratic processes to address their legal, financial, human resources and communications requirements. Witnesses raised concerns regarding the additional costs and audit fees likely to be incurred as a result.

146. However, in response to these concerns, the Minister of State for Policing and Criminal Justice asserted that:

“I would like to draw the committee’s attention to the impact assessment that I have signed and laid before Parliament for the implementation of the PCC [Police and Crime Commissioners] policy in England and Wales. The statement can be found viewed on the Home Office website at the following link:
<http://www.homeoffice.gov.uk/publications/legislation/police-reform-bill/ia-police-crime-commissioners?view=Binary...> I expect the introduction of PCCs to be cost neutral, with the exception of the key additional cost of holding elections for which we have received additional Treasury funding... We estimate the total running cost of PCCs [Police and Crime Commissioners] to be between £52m - £78m based on 2012/13 prices (excluding the cost of PCC elections), the same cost of retaining the existing ineffective structure.”¹⁰²

147. We were also told that there was a risk of further costs associated with the potential for conflict between the Commissioner and the Chief Constable. The Police Authorities of Wales explained that the lack of clarity surrounding the balance of power between the Commissioner and the Chief Constable could exacerbate tensions, and may result in

¹⁰¹ RoP, Communities and Culture Committee, 3 February 2011, Para 84

¹⁰² CC(3) PRB 10

Chief Constables being dismissed or resigning. According to the Police Authorities of Wales, the subsequent costs associated with, 'paying off' Chief Constables and appointing new candidates would be substantial.

148. However, the HMIC inspection report into police governance, *Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance (October 2010)*, found that some confusion already exists as to where the governance responsibilities of police authorities end and the operational responsibilities of the chief constable begin.¹⁰³

149. We are concerned that clear protocols need to be developed to guide the development of relationships between Commissioners, Chief Constables and central Government. We are therefore pleased that the Minister of State for Policing and Criminal Justice asserted to us that he was:

“keen to develop a memorandum of understanding that will set out clearly the principles that aid the Home Office, the PCCs [Police and Crime Commissioners] and Chief Constables discharge their roles and responsibilities effectively.”¹⁰⁴

150. We also consider there to be a need to provide clarity and guidance to local authorities on the potential financial implications of the Bill, and potentially to appropriately revise and increase the funding provided to local authorities to meet their concerns around the degree of support required by police and crime panels.

We recommend that the Welsh Government has dialogue with the UK Government to emphasise that it should continue to develop clear protocols for guiding the relationship between the Commissioner, the Chief Constable and central Government.

We recommend that the Welsh Government has dialogue with the UK Government to persuade it to revisit the financial impact of the Bill's proposals on Local Authorities and consider reviewing the proposed funding for Police and Crime Panels accordingly.

¹⁰³ HMIC, *Police Governance in Austerity. HMIC thematic report into the effectiveness of police governance*, October 2010.

¹⁰⁴ CC(3) PRB10

6. The case for deferring the establishment of Police and Crime Commissioners in Wales

151. We have noted the concerns expressed by our witnesses throughout this report, about the degree to which Wales' policing system requires significant changes, as proposed by the Bill. The majority of our witnesses considered that Police Authorities in Wales already work effectively to bring local concerns into the strategic objectives of all those involved in crime and community safety, and this system provides a platform for further improvement.

152. We have also noted the substantial fears expressed by witnesses about the potential financial, transparency and capacity issues which the establishment of Police Commissioners would create in Wales, and the concerns raised that this could lead to a prioritisation of resources on 'popular' over 'hidden' issues. We have also heard concerns expressed about the effectiveness of Police and Crime Panels, as proposed by the Bill, in holding the Police and Crime Commissioner to account.

153. In light of this evidence, we consider that it would be appropriate to defer introducing those elements of the Bill that relate to the abolishment of Police Authorities, and establishment of Police Commissioners and Police Crime Panels in Wales, at least until the effectiveness of their impact in England has been appropriately assessed.

154. As noted in the introduction of this report, on 8 February 2011, Members of the National Assembly for Wales voted against a Legislative Consent Motion in respect of provisions relating to Police and Crime Panels in Part 1 of the Police Reform and Social Responsibility Bill.

155. Following this vote, the Minister of State for Policing and Criminal Justice asserted that:

“ the LCM vote earlier this week was not a vote on Police and Crime Commissioners. The provisions to allow for this are now reaching the end of Committee in the House of Commons. We had worked closely with the Welsh Assembly Government on how the proposals could be altered to better fit the

arrangements in Wales and the consent motion was a vote to enable those special arrangements to take effect in Wales. It is now the case that due to the abstention of the Welsh Assembly Government from the vote and the votes of others, this motion failed to pass, and the Government has no alternative but to consider how it may best introduce PCCs [Police and Crime Commissioners] within Wales, with suitable checks and balances outside of local government structures."¹⁰⁵

156. While we appreciate the Minister's suggestion of determining suitable checks and balances for the introduction of Police and Crime Commissioners outside of local government structures, we consider it would be more advantageous for the UK Government to temporarily defer those elements of the bill that relate to the abolishment of Police Authorities, and establishment of Police Commissioners and Police and Crime Panels in Wales. Should this new structure prove effective in England, the UK Government will be able to make a much stronger argument for introducing a similar system in Wales in the future.

157. Clearly, there will always room for improvement in the governance of policing in Wales: indeed, during our inquiry, one of our Members, Mark Isherwood AM, observed that he had "never had anyone outside the current system come to me to tell me that they are pleased with it. I have had many people raise concerns."¹⁰⁶

158. We believe that policing in Wales, cannot look back to the past and needs to constantly move forward. It is vital that its rules, regulations, behaviour, attitude and legislation should look forward. In doing so, however, we consider it appropriate that it is able to appropriately assess its future direction and path.

Headline recommendation: We recommend that the Welsh Government has dialogue with the UK Government to persuade it to defer introducing those aspects of the bill related to the abolition of Police Authorities, and establishment of Police Commissioners and Police Crime Panels in Wales, at least until the effectiveness of their impact in England has been assessed. ¹⁰⁷

¹⁰⁵ Police and Crime Panels must have approval from AMs, BBC News, 9 February 2011, <http://www.bbc.co.uk/news/uk-wales-politics-12406258>

¹⁰⁶ RoP, Communities and Culture Committee, 3 February 2011, Para 31

¹⁰⁷ The inclusion of this report's Headline Recommendation was opposed by 2 Members of the Committee, Mark Isherwood AM and Mohammad Asghar AM, when

159. We anticipate that following this deferral, at an appropriate juncture the Welsh Government would commission further research to identify levels of public engagement with Police Authorities, and to identify public appetite for change to the Commissioner model established in England.

this report was agreed on 17 February 2011. Sandy Mewies AM, Lynne Neagle AM, Val Lloyd AM (substituting for Joyce Watson AM), Rosemary Butler AM (substituting for Alun Davies AM), Dai Lloyd AM, Bethan Jenkins AM and Veronica German AM (substituting for Eleanor Burnham AM) indicated they supported the inclusion of the 'Headline Recommendation' in this report.

7. The extension of powers to licensing authorities

“when licences are issued to an individual or individuals, they have a social responsibility. They are making a profit from getting people drunk. Let us be frank about it. That is what they are doing; that is their business. With that comes a social responsibility.”¹⁰⁸

Dr Christopher Arnold, Brynawel House Alcohol Rehabilitation Centre

160. In an attempt to tackle crime and disorder, the Bill contains a number of key provisions to overhaul the *Licensing Act 2003*, to give more powers to Local Authorities and police to tackle any premises that are causing problems, doubling the maximum fine for persistent underage sales and permitting local authorities to charge more for late-night licences to contribute towards the cost of policing the late night economy.

161. Witnesses to our inquiry were broadly supportive of these proposals. For example, Brynawel House commented that:

“there needs to be a stronger focus on alcohol misuse and on the cost to society as a whole – as well as to individuals and families... we would support the extension of powers to licensing authorities and giving them the flexibility to use additional and alcohol control criteria as part of community planning.”¹⁰⁹

162. Similarly, the Police Authorities of Wales stated that they:

“welcome proposals particularly, the measures to tackle the persistent selling of alcohol to children. The increase in the level of fine from £10,000 to £20,000 is also a positive step as is the proposal to enable a police officer to issue a closure notice for premises where this offence is committed... Proposals in the Bill will strengthen the hand of licensing authorities in line with a key objective in [the Welsh Government’s] Substance Misuse Strategy.... we support the proposed Late Night Levy. It is a measure which will enable

¹⁰⁸ RoP, Communities and Culture Committee, 27 January 2011, Para 70

¹⁰⁹ CC(3)-02-11 Paper 2

partners to better tackle premises which currently place additional costs on forces. At a time of significant financial challenges on forces and local authorities we believe it is appropriate for the licensing industry to contribute to the costs of improved security and safety for those areas which are adversely affected by late night licensed premises.”¹¹⁰

163. However, on the issue of the late night levy, Brynawel House observed that:

“provision seems to make life complicated for everyone. Why put a levy on drinking rather than adjust licensing hours so that people do not all come out at 2 a.m. onto one street? That seems ludicrous from a policing point of view. There will be winners and losers in this, but the bottom line is that the loser is the person who dies from liver disease.”¹¹¹

164. The WLGA also raised concerns regarding the financial impact of the Bill upon Local Authorities. They noted that the requirement for Local Authorities to suspend a licence and claim unpaid fees as a civil debt will place extra demand on the resources of Local Authorities, commenting that:

“the lack of clarity on fees generally in the Bill is a concern as many authorities do not believe the current level of fees fully covers the expenses incurred.”¹¹²

165. The WLGA also expressed concern:

“about the proposal to change the issuing of temporary licences as it is felt that often such requests are for charitable events and this change could have a negative effect on such events. It is felt that some people will always apply for temporary licences rather than apply for a full licence as it may be seen as a cheaper and less challenging option, for example, as only the police can object to a temporary licence. Some concern about the late night levy has also been raised, for example, the impact of such an additional financial burden on some smaller late night operators. However, it is noted that there can be problems in the early hours of the morning and as

¹¹⁰ CC(3)-03-11 Paper 2

¹¹¹ RoP, Communities and Culture Committee, 27 January 2011, Para 107

¹¹² CC(3)-03-11 Paper 1

such, it may be reasonable to expect licensees to pay a contribution to the cost of policing etc. from the profits they make in staying open longer.”¹¹³

166. ACPO Cymru concurred that it would be reasonable to expect licensees to make a contribution towards the cost of policing, commenting that:

“it is a measure which will enable partners to better tackle premises which currently place additional and significant costs on forces. These premises, often grouped into areas geographically small, place disproportionate demands on police resources for significant periods of the night and well into the early morning and require resourcing over and above those provided to the vast majority of our communities. At a time of significant financial challenges on forces and local authorities we believe it is appropriate for the licensing industry to contribute to the costs of improved security and safety for those areas which are adversely affected by late night licensed premises.”¹¹⁴

167. We consider that the balance of evidence received in our inquiry broadly supports the Bill’s proposals in relation to the extension of powers to licensing authorities.

¹¹³ CC(3)-03-11 Paper 1

¹¹⁴ CC(3) PRB 1

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-ccc-home/cc_inquiries/cc3_inq_police_reform/cc_3_police_reform_papers_and_transcripts_.htm

27 January

Nesta Lloyd Jones,
Legal Issue Co-ordinator

Welsh Women's Aid

Dr Christopher Arnold,
Chief Executive Officer

Brynawel House Alcohol Rehabilitation
Centre

3 February

Steve Thomas,
Chief Executive
Naomi Alleyne,
Director of Equalities
and Social Justice

Welsh Local Government Association

Mr Alun Lewis,
Chair - North Wales
Police Authority
Mr Tal Michael,
Chief Executive - North
Wales Police Authority
Mrs Cilla Davies,
Chair - Gwent Police
Authority

Police Authorities Wales

List of written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at

http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-ccc-home/cc_inquiries/cc3_inq_police_reform/cc_3__pr_response__.htm

<i>Organisation</i>	<i>Reference</i>
ACPO Cymru	PRB 01
Police Federation of England and Wales	PRB 02
The Independent Police Complaints Commission	PRB 03
The Campaign Against Political Policing	PRB 04
Her Majesty's Inspector of Constabulary	PRB 05
Welsh Women's Aid	PRB 06
Brynawel House Alcohol Rehabilitation Centre	PRB 07
Welsh Local Government Association (WLGA)	PRB 08
Police Authorities Wales	PRB 09
Minister of State for Policing and Criminal Justice	PRB10