

LEGISLATIVE CONSENT MEMORANDUM

POLICE REFORM AND SOCIAL RESPONSIBILITY BILL – POLICE AND CRIME PANELS

Legislative Consent Motion

1. “To propose that the National Assembly for Wales, in accordance with Standing Order 26.4, agrees that those provisions relating to Police and Crime Panels in Part 1 of the Police Reform and Social Responsibility Bill, as introduced into the House of Commons on 30th November 2010, so far as they fall within the legislative competence of the National Assembly for Wales, should be considered by the UK Parliament”

Background

2. The Legislative Consent Motion at paragraph 1 above has been tabled by Carl Sargeant AM, Minister for Social Justice and Local Government, under Standing Order 26.4 of the Standing Orders (SO) of the National Assembly for Wales (the National Assembly). This Legislative Consent Memorandum is laid under SO26.2. SO26 prescribes that a Legislative Consent Motion must be tabled, and a Legislative Consent Memorandum laid, before the National Assembly if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within the legislative competence of the National Assembly.
3. The Police Reform and Social Responsibility Bill was introduced on 30 November 2010 and can be accessed here:

<http://www.publications.parliament.uk/pa/cm201011/cmbills/116/1116.i-v.html>

Summary of the Bill and its policy objectives

4. The main purpose of the Bill is to abolish Police Authorities in England and Wales and to introduce directly elected Police and Crime Commissioners, scrutinised by Police and Crime Panels.
5. The Bill contains a number of proposals that apply equally to Wales and England as follows:
 - Establishing Police and Crime Commissioners (PCCs) to be elected by the public
 - Giving the PCC the right to appoint, suspend and remove the Chief Constable subject to a power of veto by the Police and Crime Panel with regard to appointment and hold them to account

- Requiring the PCC to produce police and crime plans
 - Requiring Local Authorities to establish Police and Crime Panels to scrutinise the work of the PCC
 - Requiring the PCC to produce an annual report and attend a meeting of the Police and Crime Panel to respond to any recommendations they wish to make
 - Giving the PCC the power to set the police precept in local authority areas with a veto power available to Police and Crime Panels
 - Setting out the constitution of the Police and Crime Panels
 - Giving PCCs the power to convene meetings of all Community Safety Partnerships (CSPs) within their force area.
 - Giving PCCs the power to require reports from CSPs (N.B. in Wales the PCC will not have the power to require a report from CSPs on substance misuse without agreement from the Police and Crime Panel)
 - There are also a number of provisions in the Bill aimed at tackling alcohol misuse, such as granting further powers to local authorities to deal with problem premises and banning irresponsible drinks promotions,
 - Seizure, retention and forfeiture powers to strengthen the enforcement of good rule and government byelaws.
6. There are some elements of the Bill which are specific to Wales as follows:
- There will be a role for the Welsh Ministers alongside PCCs in respect of CSPs, and the Police and Crime Panel will be expected to unanimously agree certain decisions relating to CSPs.
 - An appointee of the Welsh Ministers will sit on the Police and Crime Panels.

Provisions in the Bill for which consent is sought

7. The Police Reform and Social Responsibility Bill sets out a number of provisions relating to Police and Crime Panels. These Police and Crime Panels are expressed as committees or joint committees of local authorities. Their role includes review and scrutiny and the making of

reports and recommendations. Matter 12.7 in Schedule 5 to the Government of Wales Act 2006 provides competence for such provisions. Matter 12.7 provides legislative competence in the following terms:

“Committees of principal councils with functions of
(a) review or scrutiny, or
(b) making reports or recommendations

A Legislative Consent Motion is therefore required.

Advantages of utilising this Bill

8. The Bill’s main purpose, provisions relating to the election of Police and Crime Commissioners is not devolved in Wales. There would be some advantage in utilising this Bill to ensure that arrangements in respect of the establishment of Police and Crime Panels in Wales reflect the balance of devolved and non-devolved functions.’

9. This Legislative Consent Memorandum has therefore been laid, and the Legislative Consent Motion tabled, before the National Assembly for consideration.

Financial Implications

10. There are no financial implications for the Welsh Assembly Government arising from the proposals in the Police Reform and Social Responsibility Bill. There will be costs for Local Authorities in appointing the administrative officer to support the Police and Crime Panel but the Home Office have agreed to provide funding for this.

Carl Sargeant AM
Welsh Minister for Social Justice and Local Government
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