

REVIEW OF THE PARTNERSHIP PROVISIONS OF THE CRIME AND DISORDER ACT 1998

INTRODUCTION

1. The purpose of this report is to inform Members of the recently published review of the partnership provisions of the Crime and Disorder Act 1998. This report also makes recommendations for change in respect of involvement of Humberside Police Authority in the Crime and Disorder Partnerships in the Humberside Police area.

BACKGROUND

2. The Government announced a review of the Partnership Provisions of the Crime and Disorder Act 1998 in the Police Reform White Paper "Building Communities, Beating Crime" in November 2004. The review was conducted jointly by the representative bodies of all the agencies with responsibility for authority status on Crime and Disorder Partnerships (CDRPs).
3. The partnership landscape has changed substantially since CDRPs were first created in 1998, this coupled with the development of Local Strategic Partnerships, Local Area Agreements and the changing role of local government presents new challenges for the CDRPs as well as police authorities. Changes in the criminal justice system and the delivery of the Police Reform agenda will also impact on how CDRPs function.
4. A number of the proposals in the report will require new or amendments to existing regulations. The recent Police and Justice Bill which was published at the same time as the CDRP review report will be the vehicle for these changes.

THE FINDINGS OF THE REPORT

5. The report contains a series of proposals broken down under five main sub-headings:
 - Structures
 - Delivery
 - Governance and Accountability
 - Mainstreaming
 - National Standards

Structures

The review proposes splitting the strategic and operational decision-making responsibilities of CDRPs. Given the important role that CDRPs will play in delivering the Safer and Stronger Communities block of the new Local Area Agreements the report concludes that CDRPs strategic functions should rest at the Local Strategy Partnership level. The four CDRPs within the Humberside Police area have reviewed their structures to reflect this requirement. The review highlights how important it is that those attending partnership meetings have the seniority to take decisions and commit resources on behalf of their organisation. The Government intend to develop national standards for partnership working that amongst other things will outline the role and responsibilities of each partner in helping to deliver community safety. Police authorities are of course one of those statutory partners.

Delivery

The report dispenses with the requirement for CDRPs to conduct three-year audits and introduces the requirement to undertake strategic intelligence assessments on a six-monthly basis. The National Intelligence Model will be used to inform this process. A new annual rolling three-year community safety plan will be produced.

Governance and Accountability

The White Paper "Police and Justice Bill", which was published at the same time as the review of the CDRPs, replaces the existing section 96 in the Police Act (the requirement for police authorities to consult). The duty to consult is replaced from primary legislation and is replaced with secondary legislation enabling the Secretary of State to order authorities to make consultation arrangements.

In contrast the review of the partnership provisions of the Crime and Disorder Act, report introduces the requirement for CDRPs to ensure that they consult and engage with their communities on a regular and ongoing basis and to provide regular opportunities for local people to raise their concerns and to provide valuable community intelligence. The White Paper on the Police and Justice Bill enables the Secretary of State to require police authorities to determine objectives and issue plans and reports for their policing area, as well as allowing him or her to specify a wide range of parameters such as timing, focusing and as stated, consultation arrangements. At the same time it repeals existing arrangements for 3 year strategy plans, local policing objectives, local policing plans and annual reports.

Members may consider that there are concerns here that the statutory duties on police authorities to determine local policing objectives have been diminished. This coupled with the streamlining of the CDRP planning processes may further undermine the balance of power in the tripartite relationship.

The requirement for CDRPs to produce an annual report to the Home Secretary and is replaced with a requirement on CDRPs to produce regular reports to their communities the details of which are to be determined. This appears to be in addition to the recent statutory requirement under the Serious, Organised Crime

and Police Act 2005 which requires police authorities to produce Local Policing Summaries.

It is intended to make CDRPS more democratically accountable and CDRP Managers will be expected to hold regular "face the people" briefings which are to be essentially question and answer sessions open to the public, media and community groups. It also recommends cabinet members with the portfolio of community safety should sit on the Local Strategic Partnership and thus participate in the CDRPs' strategic decision-making process. It is intended to extend the power of the local authority overview and scrutiny committees to encompass the work of CDRPs. Members may consider that this proposal is of some significance to police authorities.

The extract of the report relating to these proposed arrangements is quoted in full:

"The Police Reform Agenda will mean that the creation of larger forces will require police authorities to take a more strategic view when discharging their functions. Concerns have been expressed that this may lead to strategic forces and authorities being remote from communities at neighbourhood district level. We believe that the measures set out above for improving democratic accountability of all CDRP partners including BCU commanders together with the introduction of neighbourhood policing across the country will allay such concerns. BCU commanders, alongside other responsible authorities, would be answerable to the Overview and Scrutiny Committee for their contribution to the delivery of local community safety priorities as detailed above. The Police Authority would be co-opted to sit on the committee to ensure that they play a role insuring local policing priorities are reflected at a more strategic level and vice versa."

This paragraph raises a number of issues for police authorities. These are summarised as follows:

- This may be the Government's answer to the hanging question currently with police authorities in relation to governance at a local level. It appears to put an end to the opportunities for the development of "mini-police authorities".
- The duty of the police to co-operate in the new governance arrangements raises the issue that this could interfere with the detail of day-to-day management of policing operations and the accountability of BCU commanders to the Chief Constable.
- The proposed governance arrangements at a local level make the Police Authority a partner but not the accountable body for governance.

Mainstreaming and National Standards

The report indicates that it is intended to set a clear set of standards for those partners of CDRPs which will set out what is expected of each partnership and the roles and responsibilities of individual partners. The Home Secretary intends to add to the list of agencies to which section 17 applies by means of secondary legislation (Section 17 of the Crime and Disorder Act is the requirement for local authorities to consider crime and disorder in all decisions). The report highlights a

lack of consistent engagement from some of the agencies and sometimes inappropriate levels of representation with delegation of responsibility for attendance at partnership meetings to officers who lack the seniority to take decisions and commit resources on behalf of their organisation. This inhibits partnerships' ability to fulfil their potential and undermines the added value to communities that true corroboration can make. It is clear that the government expects partnership at CDRPs to be of a level which in the case of a Police Authority would be at Member level as officers are not empowered to commit resources at this level.

The legislative timetable means that Royal Assent is likely to be sought in the autumn of 2006 with the implementation of the measures following thereafter.

The Scene Locally

There is almost complete coterminosity between the Police Divisions, the Local Authority areas and the CDRP areas in the Humberside Police area; the only exception being the East Riding where there is a small anomaly which is currently being addressed.

Humberside Police Authority has a structure for engaging with the CDRPs. Members were appointed to the four CDRPs at the Annual General Meeting of the Police Authority and this is supported by regular attendance on the board of CDRPs by the Consultation & Partnership Manager and occasionally the Consultation & Partnership Officer who fully participate in the decision-making of the partnerships.

Performance of CDRPs is reported to the Consultation & Partnership Committee who scrutinise activity. There is no regular representation at the Consultation & Partnership Committee by CDRPs.

In addition Humberside Police Authority engages with all the four CDRPs when preparing the Local Policing Plan, Representatives from the CDRPs participate in the priorities and target setting and in this way a degree of synchronisation of all sets of plans is achieved.

Police Authority Members' attend some CDRP meetings but this is patchy.

The CDRPs usually participate at Police Authority public forums in A, B and C Divisions.

PROPOSALS

Having regard to the proposed national changes to the way CDRPs work it is proposed that it would be timely to revisit these arrangements. To fail to do so could result in marginalisation of Humberside Police Authority in respect of the development of CDRPs.

It is proposed that the Authority reviews membership involvement with CDRPs and refresh the commitment of the Authority towards CDRPs at an executive level. Members were identified for this purpose at the Annual General Meeting.

They are:

CDRP Board

Member/Substitute

Kingston upon Hull
(CitySafe)

Councillor Uzzell
(Substitute Councillor Black)

North Lincolnshire
(Safer Neighbourhoods)

Councillor Phillips
(Substitute Mr Ali)

East Riding of Yorkshire
(Safe Communities)

Councillor Rudd
(Substitute Councillor Stroud)

North East Lincolnshire
(Safer Communities)

Councillor De Freitas
(Substitute Councillor Tress)

It is also proposed that prior to the CDRP Board meetings the Consultation & Partnership Manager or the Consultation & Partnership Officer briefs the nominated Member of the Police Authority on the issues of the day and if necessary attend and support the Police Authority representative at CDRP Boards.

Activity of CDRPs will continue to be reported to the Consultation & Partnership Committee.

RECOMMENDATIONS

6. It is recommended that:
 - i. Members discuss the contents of this report;
 - ii. Members agree to the proposal in relation to improving Police Authority Member commitment to CDRPs;
 - iii. This report be forwarded to the full Police Authority meeting with that endorsement and that Members identified as representing the Police Authority on the CDRPs attend CDRP meetings at executive levels with full secretariat support.

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Background Documents: