

REPORT TO CABINET

Title: **GREEN PAPER ON POLICING – CONSULTATION RESPONSE**

Date: **25 September 2008**

Member Reporting: **Cllr J Grey**

Contact Officer(s): **Brian Martin, Community Safety Coordinator
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Wards Affected: **All**

1. SUMMARY

- 1.1 The Policing Green Paper “From the neighbourhood to the national: Policing our communities together” was published in July 2008. It contains some fundamental proposals for policing going forward and asks for the comments on the paper by 10th October 2008.
- 1.2 The green paper covers three main areas: empowering citizens more; professionalising and freeing up the police; and the strategic role for government.
- 1.3 Key areas the council believes are particularly important are;
- The concept of an elected “Sheriff”, termed Crime and Policing Representative, in the green paper
 - We welcome the idea of a local policing pledge
 - We would support the widening of Police Community Support Officer (PCSO) powers so they are consistent nationally and include the power of arrest and possibly appointment to the “office of constable”.
- 1.4 This report proposes a response to the questions raised in the green paper (See Appendix A, a pro-forma consultation document) and seeks authority for the Chief Executive to submit a formal response to the Green Paper based on discussions of the draft response at Cabinet.

2. RECOMMENDATION:

That authority be delegated to the Chief Executive to respond on behalf of the council to the Policing Green Paper “From the neighbourhood to the national: Policing our communities together” based on comments made by Cabinet on the draft response.

What will be different for residents as a result of this decision?
In practice little will be different in the short term for residents as the government will base any legislation arising from the Green Paper on its own strategy as tempered by this consultation process. The Council is responding to this Green Paper in its role a democratically elected community leader

3. SUPPORTING INFORMATION

Background

- 3.1 The green paper covers three main areas: empowering citizens more; professionalising and freeing up the police; and the strategic role for government. The paper is summarised in Appendix B which is available in the members room at the town hall and on line at [http://www.rbwmsafety4all.org.uk/public/App B Summary of Green Paper.pdf](http://www.rbwmsafety4all.org.uk/public/App_B_Summary_of_Green_Paper.pdf). The paper leans heavily on the views expressed in two influential reports: The Review of Policing by Sir Ronnie Flanagan and Engaging Communities in Fighting Crime by Louise Casey.
- 3.2 At the end of a number of the chapters consultees are asked to respond to questions raised within the green paper. Appendix A comprises the official consultation response form including questions and draft responses. Not all questions have been commented on as some of them require specialist knowledge.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	No response by Council to green paper	This clearly saves on officer time, but this paper has fundamental implications for policing and therefore our residents	Nil
2.	Comment on questions raised in the green paper.	This green paper has fundamental implications for policing and therefore our residents. It is therefore appropriate that the Council considers the implications in the green paper and responds on its residents' behalf.	A small amount of officer time.

4.2 Risk assessment

- 4.2.1 There are no risks associated with this proposed response.

5. CONSULTATIONS CARRIED OUT

- 5.1 No external consultation has been carried out in the preparation of this report.

6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

- 6.1 Corporate Services Overview and Scrutiny Panel is due to meet on 24th September 2008 and therefore any comments will be summarised at Cabinet the following day.

7. IMPLICATIONS

The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
n/a	n/a	n/a	n/a	n/a	n/a

Background Papers:

1. From the neighbourhood to the national: Policing our communities together, Home Office, July 2008
2. The Review of Policing by Sir Ronnie Flanagan. Independent Review, April 2008
3. Engaging Communities in Fighting Crime by Louise Casey, Cabinet Office, June 2008

Authorisation:

	Legal	Finance	Planning	Property	Procurement	DMT
Name:	n/a	n/a	n/a	n/a	n/a	approved
Date Approved:						20/8/08

	Directors Group	Lead Member	Ward Cllrs (if Appropriate)	Leader's Office	Scrutiny Panel
Name:	✓	✓		✓	✓
Date Approved:	20 th August 2008	21st August 2008		21st August 2008	24 th September 2008

Improving the connection between the public and the police

1. How can we best ensure that neighbourhood policing teams can hear from as many people locally as possible in shaping their plans?

The Neighbourhood Policing Programme has been rolled out across England and Wales, giving every community access to a dedicated local team. The Neighbourhood Policing Team's role is to engage with their community so that the police can understand the community's priorities and tackle them. (Free response)

Anything that removes the disconnect between police and the public is a good thing. NAGs are very useful, as long as they do not become full of 'professional activists'.

We also believe that each borough should elect a Sheriff (similar to the Crime and Policing Representative, but with more powers) who, like the Leader of the Council, will direct police resources into areas that the public believe are important. We would elect this sheriff on a 4 yearly basis, at the same time as the local elections (or at the correct time in the cycle - who those elected in thirds), in a similar way to the elected sheriffs in the United States. This individual would be based inside the police station and senior officers would be required (save where legal requirements prevent) to enact any and all of these directions using tactics decided by them.

For example, the Borough Sheriff would instruct the Police to target street crime; the police themselves might decide that the way to do this is through more regular patrols of badly lit areas.

The Sheriff could be a non-voting member of both the Council and, as appropriate, join the Council Cabinet to cement links of the local Council with police priorities. All of the sheriff's priorities could be published along with Cabinet Decisions, and might be debated as a fixed agenda item in the council's executive. Similarly the Council could have, under exceptional circumstances, the right to dismiss the Sheriff with a two thirds majority. This would immediately trigger a by-election.

We do not envisage this to affect the existing police structure of having an authority at the top of each Constabulary.

Clearly these ideas are in essence a 'for consideration' response but we feel greater democracy and localism should be at the heart of any intention to improve linkage between local people and their police.

Finally, given the shortage in housing for young police officers (particularly in the South East and London), we would suggest a return of community police houses – or at least some recognition of their need/supply by Housing Associations. They need not be manned stations but rather a visible presence in the community, and something that would help ensure that local officers build up person relationships with the community they serve.

2. What is the most effective means of encouraging customer service in the police?

The police service's customers are the general law-abiding public. However, people are also more individually customers of the police service – for example as victims, witnesses, or citizens. This experience of the police service shapes perceptions and feelings of safety and confidence. (Free response)

We believe that our proposal to create elected Sheriffs would improve customer services as poor performance in this area would be reported back to the Sheriff. We believe that the public would be more willing to complain about poor service to an elected Sheriff than they would the Police because the Sheriff is accountable directly to the Council and the public. We also believe that the concept of the policing pledge is a good one as this will ensure individual officers have clear targets to help them focus on what matters to residents.

3. Given the core role of PCSOs – which is one of high visibility patrol, community engagement and problem solving - do PCSOs have the right powers to enable them to do their job?

The current powers available to a PCSO can be found on page 18 of the main document. (Free response)

PCSO's have proved many of their doubters wrong and made a huge impact in the community by their solid intelligence work. They have proved the need for stronger links between individual police and members of the community. However their role as a visible presence is challenged, as they have limited powers (beyond those of a normal citizen) and can be unable to solve problems without a more established police backup.

We particularly believe that all discretionary powers should be given to all PCSOs.

We believe that PCSO's would receive warrant cards and, in time, become police constables so there is an established career path. Police Constables are highly trained and too small in number for the role we need them to perform, i.e. one of patrolling the streets and arresting offenders. The salary and skill level of PCSO's is high enough to perform the basic tasks of a Police Constable, leaving the better trained Constables to deal with investigative and challenging work. The UK is one of the few countries in the world where being an ordinary constable is a highly paid job, in most countries the pay equates to that of a skilled trades man.

This proposal would vastly increase the number of police constables and enable a huge police presence in our towns and cities during difficult periods such as nightclub closing time.

4. How can we ensure that police authorities and local authorities everywhere cooperate in tackling local people's priorities – including ensuring that the local pledge is delivered everywhere?

The police are not solely responsible for crime and disorder reduction; it is important that they work alongside their partners such as the police authority, fire and rescue services, the local council and health trusts. It is important that they cooperate in order to make communities safe. (Free response)

Local Area Agreements, though badly implemented, are useful in this regard. It's important that public authorities are forced to work together ensuring that they do not merely blame each other for problems. We also think that a Sheriff would help this process as they would provide a direct link in between the two. They would be able to explain problems with Police are having with Local Authorities without compromising the neutrality of the police.

5. What is the right balance between local council representation and independent members?

Under these proposals police authorities will have a majority of directly elected members, complemented by representation from local councils and independent members. (Free response)

We fundamentally support the right of people to elect those responsible for delivering a policing service. Whether this should be through a directly elected Sheriff or (and?) by improved localism is a matter for debate, but the green paper does not go nearly far enough in bringing policing and those responsible for it closer to the people.

This does not rule out the possibility of independent members in an authority, but the elected members should have clear control of, and a mandate from, their local policing area.

6. To what extent might police authorities be able to allocate part of their budgets by participatory budgeting?

Participatory budgeting is when ordinary citizens are able to decide how to allocate elements of a budget. (Free response)

Local residents want to feel safe in their community and want a system that 'works'. Participatory budgeting is a concept which sounds like a good idea, but has some risks. It does not make for continuity of staffing and generally consistency of approach and it risks the eloquent minority securing funds for pet initiatives at the expense of more needy communities. Moreover, the more local funding initiatives go the more diluted local people's knowledge will be on how best to tackle crime and disorder, for instance many people see CCTV as the answer to issues where professionals would address the causative factors differently. Therefore any allocation of funds to local pots would have to be handled very carefully – providing funding right down to individual neighbourhoods could be quite wasteful. The Sheriff should play a key role in helping ensure funds are spent wisely.

7. What other community safety budgets do you think might be suitable to be allocated in this way? (Free response)

We do not believe that it is vital to merge budgets because money is rarely the barrier to co-operation, merging budgets may give an appearance of inter agency co-operations without actually delivering it. The real way to ensure co-operation is by Local Area Agreements that force agencies together. We also see greater political direction as vital to this, once again a Sheriff could help deliver better co-operation

8. Do you consider the creation of the Communities Safety Fund to be the best way to use the money that currently makes up the BCU fund?

The BCU Fund is currently used at Basic Command Unit level to help deliver crime and disorder reduction locally and promote partnership working. The Community Safety Fund will be available to Crime and Policing Representatives to allow them to address locally identified priorities. (Free response)

In short, yes. **BCU Funding needs to be applied locally**, but it should not be seen as a simple way of getting funding into neighbourhoods. If BCU Funding were to be used in this way, there would need to be a considerable exercise to unbundle existing practices for using BCU funds and this might have a significant impact on resourcing. The important point here is the definition of the word local and whether that means an area the size of a street, or something the size of a BCU.

9. How might the Councillor Calls for Action be best used to complement the broader changes to local accountability arrangements for policing?

Councillor Calls for Action is a new power enabling local people to raise issues of concern on local Government and Crime and Disorder matters. The Councillor Calls for Action would allow councillors to raise local concerns with the relevant member of the local CDRP. In extreme cases it would allow the local councillor to refer a concern to the relevant overview and scrutiny committee for further action. (Free response)

Anything that brings decision making downwards, closer to the people is to be applauded, and CCfA has that at heart. Scrutiny is also important, but it often lacks any real power to change things: meetings with no impact on Cabinet, no public watching and little media interest. It is a good place to generate ideas, but often it is little else. Giving scrutiny powers to the grass roots does not nearly go far enough.

Councils should have the power to vote on policing priorities. Priorities are set nationally and Councils should have the authority to revise these in the light of local circumstance and conditions. A world where Anti Social Behaviour policy can be CCfA'd is one thing, but it would be wrong for CCfA to throw out the scheme that allocates Police to one area at the expense of another. We also believe that this vesting this authority in Councils would increase turnouts in local elections; people might see that their vote could actually change something.

Councils should have the power to vote on policing priorities; we need to be more of a democracy and less of a quangocracy. A world where Anti Social Behaviour policy can be CCfA'd is one thing, but it is something else to throw out the scheme that allocates Police to an area at the expense of another. We also believe that this power would increase turnouts in local elections; people might see that their vote could actually change something

Chapter 2: Professionalising and freeing up the police

Reducing bureaucracy and developing technology

1. How can we best involve frontline officers and staff in designing more effective and less bureaucratic processes?

We ask a lot of the police and so it is critical that they are able to focus on meeting those priorities in the most efficient way possible. We believe that frontline officers are best placed to identify what is effective and what is not. We propose that we create a bureaucracy champion who will convene a frontline practitioners group to test proposals of the police service, Government and CJS for impact on the frontline. (Free response)

Any strategy of removing bureaucracy will fail unless it's backed up by a genuine desire to see ordinary officers use their discretion, and support them in doing so. Stop and search is one example where the huge bureaucracy that goes with it is designed to ensure the correct percentage of each racial group is being monitored, but what is the point? If we allow officers their own discretion in who they stop, the need for the form filling would disappear. Front line officers are the people who bear the brunt of form filling and the benefits of removing processes that imply some limited "risk" increase by removal should be compared against the time gained in actually doing the main job of policing the community.

2. How can we ensure that new forms of bureaucracy do not replace those that we are committed to reducing? (Free response)

As above, if the policy is to muddle around the edges then we cannot ensure this does not happen. We must change our attitude to policing, empowering officers and trusting their decisions.

3. How best, together, can we tackle the risk aversion that Sir Ronnie Flanagan identified?

In his Report, Sir Ronnie Flanagan identified a number of areas that together had helped to create the bureaucracy that now surrounds the police. Sir Ronnie identified that the majority of these reasons stemmed from risk aversion. (Free response)

Many of the health and safety requirements issued since 1997 have made policing harder and harder. As an example police are advised not to allow those with minor head injuries into their car and instead wait for an ambulance, in theory this reduces the number of deaths whilst under police authority. In reality however the ambulances will not attend minor incidents quickly and therefore members of the public with these injuries are forced to get taxis to hospital. This is unacceptable.

On a more general level recent developments in policing have sought to remove discretion from officers. Investigations spending months discussing split second decisions are unhelpful. Obviously police must behave in a reasoned fashion, but at the same time government (local and national) must be willing to accept that even good officers will make mistakes: and sometimes these mistakes end in tragedy. These circumstances are not minimised by hounding out officers, or policing by central policy directive

Chapter 3: Defining roles and leadership in the police service

The NPIA will consult on how we can ensure that constables gain a wide professional understanding of their force's work through their initial training and deployment, and their subsequent development, balancing this requirement practically with the need to provide constables with the specialist skills to enable them to deliver professionally in the complex environment of 21st Century policing. The NPIA will also consult on how best to ensure that all new Police Constables are trained in providing the best possible quality of service to the public.

1) How can we best change the operation of Senior Appointments Panel to make it more proactive in succession planning and appointments, with greater strategic input into leadership development?

Currently the Senior Appointments Panel spends most of its time discussing individual chief officer applications to posts as they arise. We are proposing that in future, the SAP spends relatively more time on the strategy for the management of the overall pool of top police talent. (Free response)

The democratic approach to those in charge of senior appointments should be similar to those in any other area of senior public appointments – recruitment through the normal channels of those interested and qualified to do the job.

2) How should a scrutiny gateway for the renewal of fixed term appointments work? (Free response)

No comment

3) What is needed to recognise that it can be right for chief officers to leave a force before the expiration of their contract because that is best way forward for the individual or for the organisation?

Sometimes it can be right for an individual to leave before the end of their fixed term appointment not necessarily due to poor performance but because it is best for the individual or organisation. (Free response)

The public would assume that this already happens, as in any organisation

4) How can we establish better succession mechanisms, including in poor performing forces?

Currently candidates apply for chief officer roles as and when they are advertised and there is little/no succession planning. (Free response)

No comment

5) The government would also appreciate views on the proposed approach to Regulation 11's provisions on serving in another force as chief officer before becoming a chief constable.

Legislation demands that a chief officer must have served at least 2 years at chief officer rank in another force if they wish to become a chief constable. Regulation 11 allows for this to be waived in exceptional circumstances. (Free response)

No comment
No comment

Chapter 4: Focusing on development and deployment

- 1. The Government would be grateful for initial views on its outline three-year equality, diversity and human rights strategy for the police service.**

We are proposing to set minimum equality standards for policing, support and work with statutory staff associations and diversity staff support groups and to explore the possibility of widening the interpretation of the Genuine Occupational Requirement to increase representation of under represented groups in the police service and higher ranks of the organisation. (Free response)

No comment

- 2. The Government would be grateful for views on what impact (positive, negative or none) will the Green Paper proposals have on communities, police officers and staff from diverse backgrounds. This will inform further development of the Equality Impact Assessment for the Green Paper. (Free response)**

A strengthening of democracy for policing appointments and control will improve the visibility and accountability of the police to all communities.

Strategic role for Government

Chapter 5: Co-ordinating change in policing

- 1. Are our proposals for strengthening the National Policing Board and encouraging collective action on the small number of issues that demand national attention right?**

The National Policing Board is made up of representatives from NPIA, ACPO, APA, SOCA, HMIC and the Home Office. The NPB is the main forum for discussions on policing, allowing structured discussions on key strategic issues, and providing governance to joint work conducted at lower levels. In order for its support to be well-targeted, a new approach to decision-making is needed based on an agreed set of principles. We propose that these principles form the 'rules for engagement' which help determine when it is right for decisions to be taken nationally, encouraged regionally, or devolved locally. (Free response)

It is more important to allow local police areas to get on with the job, so yes, we agree with this.

2. Using the principles we have outlined, what issues should be decided at the national, regional and local level, and who should have responsibility for taking those decisions?

The principles outlined in the Green Paper are the importance of whether operational benefit and cost-effectiveness are maximised at that level. The decision-making level should be proportionate to the scale to the problem, and enable risk to be managed effectively. Those responsible for a decision should have the right skills and resources to deliver and to innovate, and should be accountable for their decisions. There should also have sufficient resilience and flexibility to meet changing demands and to ensure a consistent and high-quality approach is in place. (Free response)

National – IT strategy, Serious organised crime, national security issues, tackling the international drugs market, interregional coordination (i.e. is it happening), core processes, overall force budgetary requirements

Regional – broadly agree with green paper

Local – broadly agree with green paper

The overall decision about what should be decided at what level should lie with the NPB.

3. In what areas of policing should we give greater freedoms to frontline practitioners to enable them to deliver on local priorities and on seriousness in the most effective and efficient way? (Free response)

Police forces are currently piloting a scheme which allows officers discretion over making arrests rather than focusing on achieving set targets.

Removing bureaucracy and red tape will improve performance all around along with democratic control and a sensible approach to risk management. As there are plenty of laws in place, removing pressure on time through increased localism and reduced red tape will allow for increased “natural selection” and discretion to local forces to do what they want, across the piece, improving performance.

Chapter 6: Reinforcing collaboration between forces

1. What more can be done to build upon present policing arrangements to improve the security of our borders?

Currently there three main policing functions at ports, who work alongside the UKBA; Special Branch is responsible for national security and counter terrorism matters, Protective Security provide policing to secure the port infrastructure and General Policing deal with crime and disorder. (Free response)

No comment

2. If a border policing agency were created, how far should links with local forces and local accountability be preserved?

Any border policing agency independent of local forces would require a police authority-like structure to scrutinise its activities. We have proposed that locally elected Crime and Policing Representatives should make up a significant proportion of a police authority. (Free response)

No comment

3. What are the operational benefits and risks of creating a national police border force as proposed by ACPO?

ACPO propose creating a separate national police border force in England and Wales that would focus on all aspects of security and law enforcement at the borders, under its own chief constable. (Free response)

No comment

4. Are there any variations to ACPO's national policing model that could offer greater operational benefits than those currently being delivered under the present arrangements? (Free response)

No comment

5. What would be the main costs?

Proposals for changing present structures would need to be both affordable and cost effective. (Free response)

No comment

6. Will structural reform be required?

The scope and timing of changes to police structures may be dependant upon new legislation. Some would require constitutional changes to the police service, others just changes to working practices. (Free response)

No comment

Appendix B

This document is a summary of the green paper on policing. It is available in the Members Room at the Town Hall in Maidenhead and on the web at http://www.rbwmsafety4all.org.uk/public/App_B_Summary_of_Green_Paper.pdf