Police Reform and Social Responsibility Bill

Overview

The Police Reform and Social Responsibility Bill was presented on first reading to parliament on 30 November 2010. It will be on the order paper for a second reading on 13 December 2010. This stage will be the first opportunity for MPs to debate the general principles and themes of the Bill.

Briefing in full

Context

Early signs of what the Bill would contain were set out in the consultation, Policing in the 21st Century, earlier this year. This consultation proposed an increase in democratic accountability, removing red tape and developing a national framework for efficient, local policing. Several of the elements in the consultation were imported to the Bill. These include: plans to hold the first elections for police and crime commissioners (PCCs) in May 2012; and making police forces truly accountable to the communities they serve, ensuring that resources are pragmatically distributed, while giving the public a greater say in measures to reduce crime and improve community safety.

The Bill

The aim of the Bill, in the Home Secretary, Theresa May’s words, is to ensure, “these new measures will place the public back at the heart of our drive to cut crime, giving them a say in how their local area is policed by electing a police and crime commissioner, and strengthening the powers that police and councils need to tackle crime and disorder at a local level.” The Bill is split up into five parts, focusing on: police reform; amending the 2003 Licensing Act; creating a new legal regime for controlling Parliament Square; issuing arrest warrants on the application of a private prosecutor in relation to certain offences; and dates of commencement.

Police reform

- The Bill will abolish police authorities (excluding City of London) and replace them with directly elected police and crime commissioners (from May 2012) for each police force outside London, and the mayor’s office for policing and crime for the Metropolitan Police.
- Police and crime commissioners will be responsible for holding the chief constable of their police force to account for the full range of their responsibilities. The chief constable will retain responsibility for the direction and control of the police force.
- Provisions for establishing police and crime panels for advising and scrutinising the work of the police and crime commissioner.

Licensing Act 2003

- Licensing authorities, the police and local authorities will have responsibility for controlling noise nuisance and communities will have a greater say in licensing decisions.
- Measures to give communities and local authorities greater control over alcohol licensing to tackle problem premises. They will have new powers to restrict premises from selling alcohol late at night if necessary and be able to clamp down harder on premises who persistently sell to children - doubling the fine to £20,000.
- A stronger local influence on licensing decisions by allowing everyone the option to...
comment on licensing applications - not just those living close to premises, and ensuring
health and policing concerns are considered more widely so that the impact of licensing on
crime and disorder or public safety can be taken into account.
- A late night levy will be introduced, allowing councils to charge for late-night licences to pay
for extra policing - leaving premises to pay rather than the taxpayer.
- Immediate powers to temporarily ban the latest "legal highs" as soon as they become a
cause for concern and with tough penalties for those caught trafficking or supplying
temporarily banned substances.

New legal regime for controlling parliament square
- Sections 132 - 138 of the Serious Organised Crime and Police Act 2005 will be repealed.
The effect of that will be that Public Order Act 1986 s.14 will then apply.
- Restoration of the right to non-violent protest, whilst ensuring that the area around
parliament square is free from tents and other structures.

Issuing arrest warrants on the application of a private prosecutor in relation to certain
offences
- The actual offences are listed in clause 151 which will once enacted, insert sections into the
Magistrates' Courts Act 1980. This matter arose when certain Palestinians sought a warrant
for the arrest of former Israeli Foreign Minister Tzipi Livni - see BBC 15th December 2009.
The consent of the DPP, Keir Starmer, will be required before a warrant can be issued.
- Provisions relating to the Misuse of Drugs Act 1971 and also powers of seizure under
certain local government byelaws.

Dates of commencement
- The Act will mainly extend to England and Wales only though some provisions will also
extend to Northern Ireland and Scotland.
- The government outlined plans to move decision-making out of Whitehall and end the
restrictive era of top-down bureaucracy with a new framework of democratic accountability
for the police.

Reaction
So far there has been a mixed response to the first reading of The Bill. Cllr Richard Kemp,
vice-chairman of the Local Government Association, said: “The LGA still has concerns about
directly elected police commissioners. However, with government set on this path we have
consistently argued they must be subject to rigorous checks and balances while they serve.”

The Chair of Nottinghamshire Police Authority, Cllr Jon Collins viewed The Bill more negatively,
he said: "It is claimed that the introduction of directly elected commissioners will make the police
more accountable to local people...However, police forces are already accountable to local
people through locally elected councillors sitting on police authorities and independent
members who represent diverse communities. I remain to be convinced that one person will be
able to effectively replace the 17 members of the Police Authority."

Understandably trade bodies are concerned that empowering local people by making changes
to the Licensing Act may affect sales. Jeremy Beadles, chief executive of the Wine & Spirit Trade
Association said, “We remain concerned about the implications of the proposed late night levy,
not least the possibility that it may be seen by some local authorities as a way of simply raising
revenue.”

Comment
The LGIU has consistently opposed the concept of elected police commissioners. If local
councils and councillors already have an electoral mandate then they should be the natural
representatives for holding policing to account within communities. Theresa May’s concern that the police are ‘disconnected’ from communities will only proliferate if more red tape is added. This politicisation of policing may formalise relations and weaken collaboration between commissioners and local authorities, contravening the ethos of the ‘big society’. We have previously set out ideas for a local council commissioning model. In this model:

- there is no restructuring
- the police authority is retained to provide force oversight
- the police force retains full discretion to make operational decisions independently
- police forces, local authorities and their partners continue to work collaboratively to identify local priorities and deliver on the ground.

The Bill has avoided addressing some of the more ‘controversial’ elements mentioned in the Policing in the 21st Century consultation - e.g. changes to the appeal process - but there will still be much scope for the continued lobbying of government and MPs in the latter stages of The Bills evolution. As for cost of the reform, The Guardian suggests that it will cost £130m in the first year to set up the new police and crime commissioners. After that, there will be the on-going costs of periodic elections not to mention the staff they are likely to require.