

Social Justice and Regeneration Committee

SJR(2) 06-06 p.4

Date: 30 March 2006

Venue: Colwyn Bay Office

Time:1400

Title: Denbighshire County Council's Submission to the Social Justice and Regeneration Committee

Restructuring of Constabulary – Democratic Structures

1 This submission sets out the Council's concerns and views on the issues and options for regional and local accountability which would underpin a new Strategic Police Force in Wales.

2 The full Council has twice resolved unanimously – on 22 November 2005 and 14 February 2006 – that it is totally opposed to the Home Secretary's proposal to make an order amalgamating the Dyfed Powys, Gwent, North Wales and South Wales police areas with effect from 1 April 2007. The council continues strongly to recommend the retention of the status quo. Efficiencies and improvements should be made through increasing collaboration with other forces and partner organisations and not through restructure and merger.

3 Members have been particularly disappointed that the Home Secretary has not deemed it necessary to consult local authorities directly about this important issue, despite the fact that they are obviously key stakeholders in the process. Additionally, the time allowed by the Home Office for this major piece of work has been outrageous, particularly in terms of seeking input from partner agencies and the general public.

4 The following are critical issues on which Denbighshire County Council still requires clarification and reassurance:-

4.1 The council has argued that the police authority should consist solely of members appointed by county and county borough councils, with a minimum of one member appointed by each council. We welcome the confirmation by Hazel Blears MP in her letter of 3 February that each council would be directly represented on the strategic police authority, although we are concerned that we have yet to see any draft legislation from the Home Office to confirm this. (Indeed the absence of a draft amalgamation order as a focus for the consultation letter of 3 March is a general concern.) Our approach would underline the role of the police within the local government family, given the impact that police spending has on council tax levels across Wales, and ensure that the Home Secretary concentrated on the strategic legislative, policy and funding framework;

4.2 In terms of more local accountability mechanisms, the choice lies between the regional level or the Basic Command Unit. There is concern about overburdening the new structure with too many accountability and monitoring mechanisms. Whatever is put in place should be a statutory mechanism, should involve a majority of seats being filled by county councils and should hold to account senior police officers and police authority members from the area (so the latter could not be members of the board). The scrutiny boards should have an advisory/monitoring role and should not have precepting or levying powers. Denbighshire has suggested that each BCU should have a statutory board which would perform a scrutiny role in respect of performance of the BCU, its commander and the police authority member(s) who represent the area. The majority of members of the BCU Board should be appointed by county and county borough councils, with other partners in Wales such as community councils and the National Assembly appointing the remainder. Members of the police authority would not be eligible for appointment.

4.3 The existing power for individual councils to scrutinise a nominated police authority representative, under section 20 of the Police Act 1996, should be retained;

4.4 In terms of strategic joint working with the police, community safety partnerships remain the correct vehicle. Accountability that is set in a wider national framework will need to ensure local input still exists and individual BCU targets will need to be reflected in national policies. Hitherto, Denbighshire has sought to influence local targets through its community safety partnership (although many of those for the police are, in effect, set centrally or heavily influenced by the Home Office). In future this function might more appropriately be undertaken by a statutory board at BCU level, since it would have a greater level of political input. In line with the agenda set in Making the Connections, councils and the police should be able to choose to merge community safety partnerships, for example to align with BCU boundaries;

4.5 we are concerned about the potential impact of the provisions in clause 15 of the Police and Justice Bill (role of local authority overview and scrutiny committees). The new sections are unnecessary because there is nothing to prevent councils making such arrangements now in their constitutions. This should be a matter for local discretion, rather than a mandatory requirement. We are also concerned that the mechanisms set out in the new Section 21A of the Local Government Act 2000 for pursuing "local crime and disorder matters" risk distorting the work of councillors, scrutiny committees and cabinets or, worse still, similar provision being introduced for other areas of council responsibility such as roads, education or health. There is a danger that the mechanisms could be hijacked by misguided individuals or groups, and that scrutiny committees and cabinets will have to devote more time to very local issues rather than the strategic matters on which they should focus. We accept that the Assembly has powers of commencement for clause 15 and that the Minister has indicated she would not support the introduction of these provisions in Wales currently. We believe that they represent poor legislation and should be limited to England only. We would suggest instead that, if statutory accountability mechanisms for the police are to be introduced at regional or BCU level, they would represent a more suitable vehicle for individuals or groups to raise issues of concern about "local crime and disorder matters".

5 The remainder of this submission deals with matters that are perhaps not strictly to do with regional and local accountability mechanisms but nevertheless raise significant issues for people in Denbighshire and, we believe, across North Wales:

5.1 The operational benefits to be accrued by the citizens and communities of North Wales from an all-Wales merger are still not clear and have not been sufficiently evidenced. The scoring formula which was devised by the Home Office to assess different options for policing structures in Wales seems to have been geared towards the formation of an all-Wales force. Further work is needed to demonstrate that the increased capacity and capability in protective services will produce clear benefits. If one of those benefits is to increase North Wales' capabilities to deal with terrorism, it is not clear why funding for security at the ports of Holyhead and Mostyn has recently been cut by over £200,000;

5.2 the operational service must improve if these changes are to take place: the driving force behind the change cannot just be financial or to improve the ability to deal with Level 2 crime. The Council seeks reassurance that current levels of policing in Denbighshire will be maintained particularly in respect of neighbourhood policing. Organised and serious crime cannot overtake the core focus of BCU work, which is community based policing responding to Level 1 crime. A national force must not drain local resources away from Denbighshire, for example, community beat managers, police community support officers etc. The problems experienced in North Wales differ greatly from cities such as Swansea and Cardiff. Resources will need to be carefully controlled to ensure that smaller towns and more rural areas do not lose resources. There is concern that North Wales may be disadvantaged by the location of headquarters in South Wales. Many aspects of this are practical ones such as the increased capacity and resources which will be required for travelling to meetings etc. and how a single force will maintain the good work that North Wales Police have done in discharging their responsibilities under the Welsh Language Act 1993. In the North Wales context, it is vital that the existing positive relationship with Cheshire is not compromised in any way;

5.3 arising from concerns about redirection of resources, the costs of this reorganisation which is being imposed by the Home Office must be met in full by the UK Government. It would be unacceptable if the costs of reorganisation were to fall on the police service and were to result in cuts to services and/or increases in council tax. There must be sufficient capital and revenue funding to allow the merger to take place, without detriment to local council tax payers and neighbourhood policing. There should also be external validation that any decision to merge meets the legal and financial requirements of due diligence and good governance. The Home Office has suggested that the new force should borrow money to go towards the set-up costs in Wales, including revenue costs such as paying for any redundancies. This is possible if the Assembly makes the necessary regulations or gives capitalisation directions under section 16 of the Local Government Finance Act 2003. However the Home Office must provide in full additional revenue resources to meet the cost of any borrowing and its repayment;

5.4 from the outset of the new police force, there must be a single common precept across Wales. It is an inevitable consequence of moving to a single police force. This is not about increasing council tax, but ensuring that the proportion of police funding that comes from council tax is shared equally across Wales. There should not be transitional protection for any areas in Wales if the UK Government moves

ahead with its proposals. (Such protection could be justified only if it could be conclusively proved that existing levels of expenditure and council tax related directly to local choices about levels of activity or arose from demonstrable differences in efficient use of resources. We do not believe that such evidence exists and that the existing differences in levels of council tax may be more significantly influenced by the Home Office's police funding formula not adequately reflecting the differential costs of providing services in rural and urban areas, in Wales compared to England etc.);

5.5 It would also be essential that the police merger should have no impact on the structure of the fire and rescue service in Wales. This is the devolved responsibility of the Assembly: the Minister for Social Justice and Regeneration has repeatedly made clear that the Welsh Assembly Government has ruled out changes to the number of fire authorities or a merger of their three control rooms. In pursuance of this point, we have also raised concern that there should be no impact on the tri-service joint control room project in North Wales, which is nearing implementation. This is an excellent example of collaboration across the emergency services, in line with the agenda set in "Making the Connections", and will provide a robust, accessible service for people in North Wales. Technology should mean that, even if the police merger goes ahead, emergency calls can continue to be dealt with in North Wales by call handlers who are familiar with its geography.

March 2006