

Social Justice & Regeneration Committee

SJR(2)-10-06(p1) Annex 1

Date: Wednesday 21 June 2006

Time: 9.30am-12.30pm

Venue: Senedd, National Assembly for Wales

Title: Restructuring the Constabulary - Democratic Structures

Chapter 1

Introduction and Background

In September 2005, the Social Justice and Regeneration Committee were asked by the Welsh Assembly Government to examine and report on the implications for Wales of the then Home Secretary's decision to endorse the conclusions and recommendations of the Closing the Gap report. That report concluded that in order to meet the requirements of Level 2 (Protective Services) policing throughout England and Wales, the existing forces should be restructured to create forces with a minimum size of over 4000 police officers or 6000 total staff. In reality, in Wales, the only option that would meet this and another Home Office criterion relating to historic and regional identities would be a single strategic force for Wales.

The Committee's consideration of the Closing the Gap Report

In considering this report, the Social Justice and Regeneration Committee carried out a widespread written consultation exercise to which it received 33 responses. It also received oral evidence from a further 10 sources. The essence of the evidence received was:

that not enough time was being given to the consultation exercise;

the options for change were too narrow and provided for only one solution in the Welsh context;

details of the financial implications needed to be spelt out;

there was a danger that the restructuring and increased emphasis on Level 2 policing would be to the detriment of community policing;

what would be the effect on local accountability and the need to ensure job protection in the restructured

service?

Many of the responders saw no need for restructuring, wishing to maintain the status quo. This was particularly evident in the views received from North Wales' authorities and organisations.

The Committee's report

The Committee published its report in November 2005. Its conclusions and recommendations are detailed at Annex 1. In reaching its conclusions, the committee was convinced that there is a Welsh dimension to any restructuring of the Constabulary in Wales. Historical, geographical and cultural differences from England meant that solutions appropriate to English authorities are not always transferable across the border. The Committee also agreed that:

any additional costs resulting from restructuring should be met by the Home Office;

the priority for neighbourhood policing should remain; and,

that local accountability and job security are of paramount importance.

Consideration of the Committee's report

The Committee's report was considered in plenary session of the National Assembly for Wales on 6 December 2005. Plenary approved the report and agreed that it should be forwarded to the Home Secretary. Plenary also concluded that the cost of restructuring the police forces in Wales could be better spent on front line services and condemned the hurried and superficial consultation by the Home Secretary. It also agreed that the restructuring of police forces in Wales that results from the Closing the Gap report should not be prejudicial against the future transfer of responsibility for police forces in Wales from the Home Secretary to the National Assembly for Wales.

Home Office Response

The Home Secretary's response to the Social Justice and Regeneration Committee's Report and to the general consultation exercise it carried out with Police Authorities and Chief Constables was to announce that his preferred option was for the four existing police forces in Wales to merge into one All Wales Strategic Force. He announced his intention to produce draft legislation to that effect.

The Home Secretary did however agree that the proposed legislation would allow the National Assembly for Wales to impact on future issues relating to regional and local accountability which would underpin the new force. In order to assist in this process the UK Government have introduced an amendment to the Police and Justice Bill that allows the appointment of additional Deputy Chief Constables in Wales, so allowing regional governance within a single All Wales Strategic Force.

The Minister of Social Justice and Regeneration again referred the matter to the Social Justice and Regeneration Committee to gather evidence and report on the Democratic Structures that would most suit the Welsh requirement. The Committee's findings, conclusions and recommendations are outlined in the following chapters.

Chapter 2

Committee Considerations

2.1 Consultation

In response to the Minister's request for the Committee to consider and recommend on the regional and local accountability that should underpin an All Wales Strategic Force, the Committee embarked on a written consultation exercise. Selected interested parties were invited to submit their views on the options and issues for regional accountability. A copy of the consultation letter is at Annex 2. Twenty responses were received, including ten from local authorities in Wales and the three Fire and Rescue Authorities. Copies of all responses are at Annex 3

In addition to the written submissions, the Committee also invited a number of key organisations to appear before them in oral session. These organisations are listed at Annex . The written evidence in support of their presentations is at Annex 5. A transcript of the oral evidence is at Annex 6.

2.2 Issues raised

The main concerns raised were:

Despite the Home Secretary's pronouncement that he proposed to introduce legislation to merge the four existing police forces in Wales, a number of organisations re-iterated their objection to a single All Wales Strategic Force.

Concern was also expressed about the little time given for consultation and it was considered by many that the time frame for implementation was too restrictive.

The uncertainties surrounding the financing of the proposed merger also provided cause for alarm as did the prospect of re-organisation bringing with it expensive and socially unacceptable redundancies.

Worry was expressed that local accountability would suffer with the merger proposals, especially if the suggestion that the Board for the All Wales Authority should be restricted to twelve representatives. Many believed that in such a structure all 22 Welsh Local Authorities should be represented at the Wales level and that consideration should also be given to democratic accountability at Regional and even Basic Command Unit level.

Other issues raised surround :

the effect on precepts;

overcoming the natural obstacles of the size and geography of Wales,;

the development of the Welsh Language;

the devolution of police services in Wales to the Welsh Assembly;

co-terminosity with other emergency and public services; and

the ability of the Home Office to deliver the reform.

Consideration of all these issues is given in the ensuing paragraphs.

2.3 Consideration of Issues Raised

The Merger Process should be Halted

This suggestion is outside the Committee's remit. However, the recent change in the identity of the Home Secretary raises the question of whether proposals for the creation of an All Wales Strategic Force could be revisited. There is currently no indication of a change of heart from the Government about the proposed merger. Suggestions have however been made that the merger of the four Welsh Police Forces could be postponed for a period to allow for concerns about financing and the speed of change to be resolved. A formal announcement on this is expected from the Home Secretary shortly. In the mean time the committee is restricted to its existing remit.

The Consultation Period and the Time Frame for Implementation are Inadequate

This was a common view expressed by nearly all the respondents and those who provided oral evidence to the Committee. The criticism was not restricted to those who opposed the proposed merger. The general view was expressed that the whole process was being rushed and the information provided insufficient. It was pointed out that the timescale meant that communities and local police forces are unlikely to be able to have a say in how the force should develop at the local level. Pembrokeshire County Council suggested that the lack of co-operative Government would create difficulties for local authorities to deliver the 'Making the Connections' agenda. In providing evidence to the Committee, the Chief Constables in Wales expressed doubt that the proposed changes could be implemented within the given timescale and subsequently met with the Police Minister in the Home Office to discuss possible delays being built into the time-table.

Finance

Fears were expressed that the Home Office financial case is flawed, underestimating set up costs and overestimating annual savings. The need for full funding for the proposals was emphasised. It was felt that anything else would mean the under funding being met from increased precepts on local authorities which would in turn affect the monies available for the delivery of other essential local authority and emergency service functions. Respondents believed that there must be sufficient capital and revenue funding to allow the merger to take place without detriment to local council taxpayers. The point was also made that if the amalgamated force was required to borrow money to go towards set-up costs and revenue costs such as redundancy payments, the Home Office should provide the full revenue resources to meet the costs of borrowing and repayment.

In providing evidence to the Committee, the WLGA, the Police Authorities and the Chief Constables all expressed grave concern that detailed information on how the costs of restructuring will be met, together with assurances that the costs would not fall on the public through increased council tax remained outstanding. The Chief Constables in Wales, who to date had been supportive of the Home Office proposals, had written to the Home Office stating their intention to withdraw their support unless this issue was addressed. This will be the subject of the Home Office announcement referred to earlier in this report.

A single force for Wales would be the most sparsely populated of any of the forces in England and Wales. The way in which the Home Office funding formulae work in terms of the police service, has given rise to concerns that an All Wales Police Force could be underfunded.

Regional Authorities

Views were expressed that local communities must continue to have a significant say in the future policing of Wales. To this end, a Regional Tier should be created – possibly headed by a Deputy Chief Constable. The number of Regional Forces could reflect the existing structure of police forces in Wales, or alternatively could be re-aligned to achieve co-terminosity with the other protective and emergency services.

As a consequence of restructuring police forces in Wales, the opportunity may be taken to create regional forces and realign Local Resilience Partnerships to match the boundaries of the Fire and Rescue Services in Wales and the regional administrative areas of the Welsh Ambulance Service.

Local accountability

There is particular concern about the suggestion in the "Closing the Gap" report that the Police Authority should comprise just twelve members. With 22 Local Authorities in Wales, this would result in a decrease in local representation and a reduction in the influence of each community. Some local authorities stressed the importance of the Police Authority comprising members appointed by county

and county borough councils (Denbighshire County Council suggested exclusively) with a minimum of one member appointed by each council. It was also suggested that "watch committees" could be created at Basic Command Unit level to scrutinise and consider Community Policing Issues. Representatives of Community Councils could be members of such committees. If a regional structure is introduced, these too should be supported by Local Boards of elected representatives.

Staffing

Whereas a unified police force for Wales may provide the opportunity to increase efficiency and cost effectiveness by reducing duplication of resources, reorganisation will lead to redundancies – particularly it is expected amongst backroom staff. There is also a concern that any relocation of police officers will detract from localised policing with response units being located wider apart. There is a concern that the trend is to replace Police Officers with Community Safety Officers. Representatives of the Police Federation, in giving oral evidence to the Committee, emphasised that it was crucial to know how the gap at Level 2 was to be filled and if resources would need to be diverted from elsewhere to fill it. By filling the Level 2 gap, should not create a gap at Level 1 (Local Issues). Concerns were raised that Community Safety Officers will be used to cover the shortfall. Community Safety Officers are cheaper to employ, but have neither the same powers nor the restrictions in taking industrial action as traditional police officers.

Precepts

Police precepts in Wales vary between the highest in the North Wales Authority of £158 and the lowest in South Wales of £120 for a Band D property. Equalisation of precepts is necessary to ensure that the proportion of police funding that comes from council taxes is shared equally across Wales. Concern in South Wales is that equalisation will mean an increase for Council tax payers in the area, whilst the concern in North Wales is that the public support for higher police precepts would be undermined by reluctance to do the same in other areas of Wales. There is a question that if precepts are to be equalised, should that be done as a single exercise or should transitional arrangements be put in place over a period of time?

Size and Geography of Wales

Concern has been expressed that the proposed single force would be hindered by the geography and road structure in Wales. Suggestions have been made that the other emergency service call centre operatives have experienced difficulties with the centralisation of support services. The further stretching of communication chains may increase these difficulties. The case has been made by North Wales' organisations that there is a natural affinity between the area and the North West of England. The alternative argument is that the dividing of the country and the grouping of police divisions with neighbouring parts of England would be detrimental to identity and to economic and social progress.

Concern was expressed by a number of organisations that North Wales may be disadvantaged if the

headquarters for the new single Strategic Authority was located in the South. It was emphasised that there should be no presumption in favour of the headquarters of an All Wales Police Authority being based in Cardiff.

Welsh Language

A single Strategic Police Force for Wales would be required to produce a statutory Welsh Language Scheme. To supplement this, the Welsh Language Board has suggested that champions be appointed at all levels to promote the language. They also suggest that Welsh Language software is made available to facilitate the provision of Welsh language services. Also, the Home Office and Police Inspectorate should be required to monitor the standards of Welsh language services provided by police Forces in Wales.

Co-terminosity

Suggestions have been made that policing in Wales currently suffers from a lack of correspondence between police authority boundaries and those of other public bodies. The creation of a National Force could be an important step towards the creation of rational boundaries for public administration within Wales. The North Wales Fire and Rescue Service have stated that the co-terminous boundaries which currently enjoyed by the Fire and Rescue Service and Police in North Wales have contributed to the effectiveness of a number of collaboration ventures between the services. A Regional set up within a single Strategic Force based on the Fire Service structure could allow such collaboration to develop further throughout Wales. The Combined Fire Authority model in Wales has been recommended as a tried and tested method of corporate governance which ensures that all those responsible for decisions are accountable to the public using existing democratic processes.

The success of Community Safety and Local Resilience Partnerships and the links that have been established at Basic Command Unit level were emphasised. These could be built on.

Her Majesty's Court Service and the National Offenders Management Service emphasised the need to ensure that the benefits gained from co-terminosity and partnership working with both the courts and criminal justice agencies can be built on.

Failure of the Home Office to deliver

The Welsh Local Government Association, the Police Authority of Wales and the Welsh Chief Constables were united in their criticism of the Home Office in the whole consultation procedure. They pointed to the lack of information available to address the debate, unreasonable time-scales and a lack of appreciation of the Welsh dimension. The apparent absence of thought, knowledge and information on the financial impact of the proposed mergers were particularly frustrating. There were questions raised about the Home Office's ability to deliver.

Devolution of responsibility for the Police Services in Wales to the National Assembly for Wales

Dissatisfaction with the Home Office's handling of the proposed Police merger has possibly contributed to an increase in interest in the prospect of responsibility for the Police services in Wales being devolved to the National Assembly. The view has been expressed that any talks of reorganisation should be postponed until such a transfer of responsibility becomes a reality

Chapter 3

Conclusions and Recommendations

Members may wish to consider reaching conclusion and making recommendations in the following areas:

The Merger Process should be halted

This is outside the Committees remit, but the Committee may wish to note that the Home Secretary has changed since its Terms of Reference were drawn up and consider whether there is mileage in re-visiting the whole question of a single Strategic Force for Wales.

The Consultation and Time Frame for Implication are inadequate

The committee will wish to consider if they agree with this. In doing so they will wish to consider the evidence they received from individual organisations and authorities together with the WLGA, The Police Authorities for Wales and the Chief Constables in Wales, all of who suggested that this was so.

The committee will wish to consider recommending:

The timeframe for implementation of any reform of the police forces in Wales should be delayed for at least twelve months

That time should be used to carry out a far reaching and detailed consultation throughout Wales where all the implications of the proposed merger may be assessed

Finance

In its earlier report, the Committee concluded that the total cost of reorganisation should be met by the Home Office and that no additional burden should be placed on the Welsh tax payer through increased council tax. The Committee may wish to reiterate this. In doing so, they will wish to note that one off the criticism of the whole process has been a complete lack of information or even an understanding of the

implications from the Home Department.

The Committee may therefore wish to recommend that if a further period for consultation is granted, the exercise should be accompanied of a detailed financial assessment of both the costs and the proposed method of financing such costs. Members may wish to suggest that such a financial assessment should be conducted, or at least audited by an independent source.

Regional Police Authorities

Members may wish to consider whether an All Wales Strategic Force should be supported by regional Forces. In doing so they will wish to note that the Chief Constables in Wales are united in their belief that as a nation, Wales must be policed regionally. They were instrumental in getting changes to the Police and Justice Bill to make such a prospect workable. They have not however come up with suggestions of what regionalisation should look like in Wales. The Committee may wish to consider the alternatives. Some options are:

Co terminosity across the board based possibly on the current Fire service model (A change to the fire service arrangements would perhaps be too radical a change to contemplate)

Based on the existing Welsh Forces

National Assembly for Wales Regional boundaries

Myriad other options that could be devised

Without giving further detailed consideration of a regional structure, Members may wish to restrict their recommendation to the suggestion that a regional structure in Wales is necessary

Local Accountability

To a large extent, the essence of the whole exercise. Members will wish to decide:

Should every local authority be represented on an All Wales Strategic Police Authority?

Should that Authority be restricted to elected representatives only?

Should the Chief Constable, the Courts, NOMS, the Police Federation etc. also be represented?

If Regional Forces are created, could regional boards feed into the All Wales Authority in order to reduce the bureaucracy?

What should be the constitution of Regional Boards?

Should a form of "Watch Committee" be established at BCU level?

Have Community Councillors a role to play in the governance structure?

Staffing

Do Members of the Committee wish to comment on the prospect of an increasing number of Community Safety Officers (CSOs) being employed to undertake some traditional Police Officer functions? If so should CSOs be given additional powers? Should CSOs be restricted with regards their rights to take industrial action? The corollary to this is whether Police Officers should be allowed to undertake duties that could equally well be undertaken by civilian staff?

Precepts

Two questions the Committee will wish to address are whether they agree that in a single Strategic All Wales Force, should precepts be equalised and if so should the equalisation process be the subject of transitional as opposed to immediate change.

Size and Geography of Wales

The size and geography of Wales is one of the determining factors in suggesting that the nation should be policed regionally. Even with an All Wales Force close co-operation with appropriate forces across the border in England will remain.

In its previous report the committee recommended that the siting of headquarters for a single All Wales Strategic Authority should be in North Wales. They may wish to re-emphasise this point.

Welsh Language

It seems clear from the evidence received that the issues surrounding the Welsh Language rest not with the will or management of police Forces in Wales, but the failure of the Home department to recognise its significance in the Welsh context. Welsh language software should be provided and the Constabulary Inspectorate should be required to monitor the standards of Welsh language services provided by Welsh forces as part of its statutory duty. The Committee may wish to recommend accordingly.

Co-terminosity

The Fire Service, the Courts and NOMS and the WLGA have stressed the opportunity that the restructuring of Police Forces in Wales provides for increased participation amongst all agencies. One of

the main objections from a number of North Wales' organisations to a single force is the fear of disrupting existing successful partnership arrangements with other services. The North Wales success can be used as a blueprint for the rest of Wales.

Members of the Committee may wish to recommend that the Welsh Assembly government and appropriate Whitehall Departments take account of the regional set up that eventually emerges within Wales in determining their management and organisational structures.

Failure of the Home Office to Deliver

The committee has received evidence criticising the Home Office in providing information. Steve Thomas of the Welsh Local Government association summed it up with the words:

"since we last met the Social Justice and regeneration Committee, both we and the police authorities for Wales have faced an endless procession of confused middle ranking Home Office civil servants who seem to change on a weekly basis , and whose concept of Wales seems to be that it is something slightly to the west" of England." The Chief Constables in Wales – all four of whom agree in principle with the restructuring proposals also expressed doubts – particularly over the timing issue. Richard Brunstrom their spokesperson said: "We are now seriously concerned about whether what the Home Office is proposing to do by 1 April next year can, in fact be done – that is, whether it can be done at all, not only whether it can be done wisely." Members of the Committee will wish to consider making reference to this in its report.

Devolution of Police Responsibility to Wales

In its previous report, the Committee recommended that whatever form the restructuring took, it should not jeopardise the future devolution of responsibility for the police service in Wales to the National Assembly for Wales.

Members of the Committee will wish to consider repeating this message.