



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Social Justice and Regeneration Committee



Policy Review: Restructuring the Constabulary – Democratic Structures

June 2006

Social Justice and Regeneration Committee

Report

June 2006

If you would like further hard copies of this report or a larger print version please contact:

Claire Griffiths
Social Justice and Regeneration Committee
The National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: 02920 898034

E-mail: claire.griffiths@wales.gsi.gov.uk

Website: <http://www.wales.gov.uk>

ISBN 0 7504 8856 5

Social Justice and Regeneration Committee

Membership of the Committee

Janice Gregory (Chair)	Ogmore
Mick Bates	Montgomeryshire
Edwina Hart (Assembly Minister)	Gower
Mark Isherwood	North Wales
Laura Anne Jones	South Wales East
Huw Lewis	Merthyr Tydfil and Rhymney
Sandy Mewies	Delyn
Leanne Wood	South Wales Central

Contents

Chapter 1	Introduction and Background
Chapter 2	Committee Considerations
Chapter 3	Conclusions and Recommendations
Annex 1	Committee's Conclusions and Recommendations to <i>Closing the Gap</i>
Annex 2	Consultation letter
Annex 3	Written evidence received in response to the consultation exercise
Annex 4	List of oral presentations
Annex 5	Written statements received in support of oral evidence to Committee
Annex 6	Transcripts of Oral Evidence

SOCIAL JUSTICE AND REGENERATION COMMITTEE

POLICY REVIEW

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.

1.1 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;
- ◆ there would need to be more consideration given to the effect on local accountability and the need to ensure job protection in the restructured service

Many of the respondents 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.

1.2 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.

1.3 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.

1.4 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 and are based on the evidence given to us and found at Annexes 3, 5 and 6..

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 4. 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 Basic Command Unit (BCU) 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.

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. The Committee welcomes the announcement for the Home Secretary of a delay in the production of plans for restructuring in Wales.

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, Regional Tiers should be created – possibly headed by a Deputy Chief Constables. 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, it was suggested that 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 was particular concern about the suggestion in the “*Closing the Gap*” report that the Police Authority should comprise just twelve members. 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. We welcome that fact that the *Police and Justice Bill* allows for there to be more members in Wales to allow all Local Authorities to have a seat on the new Strategic Police Authority (SPA). It was also suggested that “watch committees” could be created at BCU level to scrutinise and consider Community Policing Issues. Representatives of Community Councils could be members of such committees. Many of the witnesses thought that, 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 civilian staff. There was also 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 (CSOs) 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. We heard evidence suggesting that the 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 was that equalisation will mean an increase for Council tax payers in the area, whilst the concern in North Wales was 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 was 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 was 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 assumption as to where the the headquarters of an All Wales Police Authority are sited.

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 suggested that Welsh Language software be 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 were 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 are 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 (NOMS) 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 was expressed that any talks of reorganisation should be postponed until such a transfer of responsibility becomes a reality.

CHAPTER 3

CONCLUSIONS AND RECOMMENDATIONS

3.1 The Consultation and Time Frame for Implementation

The committee considered the evidence they had received from individual organisations and authorities together with the WLGA, The Police Authorities for Wales and the Chief Constables in Wales, all of whom suggested that the timescale was unrealistic. We welcomed the announcement by the Home Secretary on 19 June of the plans for an all-Wales police force to be delayed which therefore rules out the possibility of the merger happening in April 2007.

We recommend that:

- **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**

3.2 Finance

In our earlier report, we 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. **We strongly adhere to this view and therefore recommend that:**

- **A detailed financial assessment of costs and proposed methods of financing should be carried out during the extended consultation period;**
- **That the financial assessment should be carried out and audited by an independent source**

3.3 Regional Police Authorities and Local Accountability

To a large extent, this is the essence of the whole exercise. We received evidence from the Chief Constables and Police Authorities in Wales that a regional structure should be maintained within an all-Wales police force. They and others were instrumental in getting changes to the Police and Justice Bill to allow the appointment of Deputy Chief Constables in Wales.

We recommend therefore :

- **That an all-Wales strategic police force should be supported by regional forces with local accountability and that the detail of this is explored in full during the extended consultation period;**
- **That the existing regional structures of other related services are taken into account if a regional structure for an all-Wales force is adopted;**

- **That alternative models suggested below are considered:**
- **Co-terminosity across the board based possibly on the current Fire service model**
- **Based on the existing Welsh Forces**
- **National Assembly for Wales Regional boundaries**
- **That there should be a Community Safety Partnership Committee established at BCU level.**
- **That there are representatives on the Strategic Authority from organisations such as the Courts Service, National Offender Management Service, Chief Constables, Police Superintendents' Association, Police Federation together with democratically elected representatives including town and community councillors**
- **That the Boards of Regional Forces (if created), could feed into the All Wales Authority in order to reduce bureaucracy and minimise disruption**

3.4 Staffing

Police staffing levels must at least maintain or improve on existing levels of service to the public. The Committee endorses the view that the current powers of serving police officers should be protected and does not wish the use of Community Support Officers to be to the detriment of police officers. In our earlier report, we endorsed the view that the restructuring of the police force will provide an opportunity to promote and enhance the work of civilian police staff and wish to strongly re-emphasise this.

We recommend that:

- **Over the next 12 months, the roles of police officers, community support officers, civilian staff and neighbourhood wardens is thoroughly examined and clarified;**
- **The extended consultation period is used to ensure that staffing arrangements in the new all Wales Police Force enable the best operational efficiency in order to provide the best level of**

3.5 Precepts

We recommend:

- That precepts should be equalised;
- That any equalisation should be subject to transitional arrangements rather than immediate change and must not be at the expense of service delivery.

3.6 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 if a Strategic Welsh Police Force is created, serious consideration should be given to the siting of the headquarters of such a force in the north of Wales. **The Committee wishes to re-emphasise this point.**

3.7 Welsh Language

From the evidence we received surrounding the issue of the Welsh Language, it is apparent that the Home Office has not recognised its significance.

We recommend:

- **That Welsh language software should be provided and fully funded by the Home Office;**
- **That HM Inspectorate of Constabulary be required to monitor the standards of Welsh language services provided by the Welsh force as part of its statutory duty.**

3.8 Devolution of Police Responsibility to Wales

In its previous report, the Committee recommended that any restructuring of Police Forces in Wales that results from the *Closing the Gap* report should not be prejudicial to any future transfer of responsibility for police forces in Wales from the Home Secretary to the National Assembly for Wales.

We wish to repeat this message.