



## **POLICE AND CRIME PANEL – 29 JUNE 2017**

### **POLICING AND CRIME ACT 2017**

#### **REPORT BY THE POLICE AND CRIME COMMISSIONER**

#### **PURPOSE OF THE REPORT**

*To update Panel Members on the Policing and Crime Act 2017 which received Royal Assent on 31 January 2017.*

#### **1. INTRODUCTION**

1.1 Members may be aware that the Policing and Crime Act 2017 received Royal Assent at the end of January. The Act includes a number of measures designed to improve police efficiency and effectiveness, enhance accountability and improve public confidence. The nine parts of the Act cover:

- Reforms of pre-charge bail to stop people remaining on bail for lengthy periods without independent judicial scrutiny;
- Greater flexibility for the rank structure and for the conferring of powers on police staff and volunteers;
- A new duty on police, fire and rescue and emergency ambulance services to collaborate in the interests of efficiency and effectiveness, including enabling PCCs to take on responsibility for fire and rescue services where a local case is made;
- Improving the response to those in mental health crisis, including stopping the detention of young people under 18 who are experiencing a mental health crisis;
- Reforms of the police complaints and disciplinary systems;
- Increase the maximum sentence for stalking involving fear of violence from 5 to 10 years;
- Amending the Police and Criminal Evidence Act 1984 (PACE), including to ensure that 17 year olds detained in police custody are treated as children for all purposes;
- Amending the firearms act to close loopholes that can be exploited by criminals and terrorists;
- Confer pardons, subject to conditions, for individuals convicted of now abolished gay sex offences;
- Improve protection for victims of forced marriage.

1.2 The following sections will update more fully on the areas of most interest to this Panel.

## **2. EMERGENCY SERVICES COLLABORATION**

- 2.1 These provisions introduce new duties on police, fire and rescue and emergency ambulance services to keep opportunities to collaborate under review, and further, to enter into collaboration agreements where it is in the interests of their efficiency or effectiveness. This sets a clear expectation that collaboration opportunities should be fully exploited.
- 2.2 The Act also enables a PCC to take on responsibility for the governance of fire and rescue in his or her area, and thus become the Police, Fire and Crime Commissioner ("PFCC"), where a local case is made and it appears to the Secretary of State to be in the interests of economy, efficiency and effectiveness or public safety. PCCs and PFCCs will also be able to make the case to take an additional step to delegate fire functions to a single chief officer for policing and fire under the single employer model. Where a PCC does not take responsibility for the governance of fire and rescue, the amendments to legislation made by section 7 of the 2017 Act will enable them to be represented on a Fire and Rescue Authority (FRA), outside of London, and treated as a member of that authority with voting rights, where an FRA agrees.
- 2.3 The merger of Dorset and Wiltshire Fire and Rescue Services in 2015 means that neither the Dorset nor the Wiltshire PCCs are able to consider a case for a PFCC locally. However, discussions are ongoing regarding the two PCCs potentially joining the Dorset and Wiltshire FRA in the future.

## **3. COMPLAINTS**

- 3.1 The Act introduces the potential for significant structural change regarding the handling of police complaints in response to a number of criticisms of the current system, including inefficiency in the process, a lack of confidence in its effectiveness, the length of time taken to resolve matters and the time involved in dealing with persistent and vexatious complaints.
- 3.2 PCCs will now have the discretion to choose whether to record and determine complaints themselves, or to supervise how their local police force exercises such functions. PCCs will also hear appeals against the handling of complaints deemed suitable for local resolution.
- 3.3 The goal of a more 'complainant-focussed system' will also see changes to the language used, with the abandonment of confusing terms and the extension of the definition of 'complaint' to cover not only the conduct of individual police officers but policing practices and service failure as well. All complaints will now be recorded.
- 3.4 As part of the strategic alliance programme it has been agreed to create a single alliance Professional Standards Department (PSD) for Devon & Cornwall and Dorset Police. PSD covers a number of functions including complaints and misconduct, anti-corruption, vetting, business interests, gifts and hospitality, information security, crime and incident recording, data protection and freedom of information.
- 3.5 Following approval of the PSD detailed business case, work has now progressed to the implementation phase, with an anticipated go-live date for the new single department of April 2018.
- 3.6 Deputy PCC Colin Pipe is also leading on work across the alliance to consider the implications of the Act and to develop and pilot an agreed approach by both PCCs to the future arrangements for receiving, recording, handling and resolving complaints. This will

see the PCC/OPCC playing a more enhanced role in police complaints in the future. It is hoped that this pilot will launch in the autumn of 2017 although delays in the enactment of required secondary legislation may limit some of this activity initially.

3.7 The Panel will be kept updated on progress accordingly.

#### **4. RISK/THREAT ASSESSMENT**

##### Financial/Resource/Value for Money Implications

4.1 None.

##### Legal Implications

4.2 None.

##### Implications for Policing Outcomes

4.3 The Act will potentially allow for improved outcomes with regard to police complaints with the opportunity for greater PCC involvement and influence and the streamlining of processes and terminology used.

##### Equality

4.4 None.

#### **5. RECOMMENDATIONS**

5.1 It is RECOMMENDED that this report be noted.

**MARTYN UNDERHILL  
POLICE AND CRIME COMMISSIONER**

Members' Enquiries to: Simon Bullock, Interim Chief Executive (01305) 229084

Press Enquiries to: Adam Harrold, Director of Operations (01305) 229084