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**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
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11TH November, 2010

BRIEFING SESSION STRATEGIC POLICY AND RESOURCES COMMITTEE

(To which all Members of the Council are invited.)

Dear Councillor,

I wish to remind you that a briefing session on the Draft Justice Bill (NI) – Part 3, Policing and Community Safety Partnerships will be held on Monday, 15th November, 2010 at 10.00 am in the Lavery Room (Room G05), City Hall.

I enclose for your information a copy of the briefing papers in this regard.

You are invited to attend

Yours faithfully,

PETER McNANEY

Chief Executive

AGENDA:

1. **Briefing Papers - Draft Justice Bill (NI) (Pages 1 - 34)**

To: The Chairman and Members of the Strategic Policy and Resources Committee



Belfast City Council

Report to:	Strategic Policy and Resources Committee Briefing
Subject:	Draft Justice Bill (NI) – Part 3, Policing and Community Safety Partnerships - Briefing Session
Date:	15 th November 2010
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, 3260
Contact Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281 Eve Bremner, Safer City Manager, Ext 3275

Relevant Background Information

1	On 18 th October, after Executive approval, the Department of Justice published the Draft Justice Bill (Northern Ireland). It is now intended that the Bill will be considered by the Justice Committee over the coming months with a view to being placed in statute by March 2011 in advance of elections in May 2011.
2	The Bill is a key commitment of the Hillsborough Castle Agreement on the devolution of policing and justice powers. It is being introduced with the intention of improving confidence in the criminal justice system; enhancing community engagement; improving efficiency and effectiveness of the criminal justice system; and improving access and services to the public and victims. Included in the Bill's 108 clauses are proposals to establish a new offender levy scheme and special measures for vulnerable victims and witnesses. It also proposes the introduction of fixed penalty fines for a range of offences, the creation of new Policing and Community Safety Partnerships, Legal Aid reform, streamlining the justice system and a range of measures to improve safety at major sporting events.
3	The reforms proposed in the Justice Bill (NI) 2010 are wide ranging and political parties are likely to consider the wider aspects of the reforms in detail. However this report is to provide Members with an overview of Part 3 of the Bill, which contains proposals relating to the establishment of Policing and Community Safety Partnerships (PCSP) and District Policing and Community Safety Partnerships (DPCSPs), and to seek members' views for the purposes of submitting a Council response.
4	The Strategic Policy and Recourses Committee of 22 nd October agreed to hold a briefing session on the draft Bill and to invite a senior representative from the Department of Justice to provide an overview of the aspects which relate to PCSPS of the draft Bill. Officials from the Department have confirmed their attendance.

5	Comments are required by 17th November ; however Belfast City Council has notified the Justice Committee that it will be unable to provide a response until after the Strategic Policy and Resources Committee of 19 th November and the Department has confirmed that it will accept a response at this time.
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Key Issues	
1	At present the Council plays a leading role in administering both the District Policing Partnership (DPP) and the Community Safety Partnership (CSP). Since their establishment (in 2003 and 2004 respectively) they have had considerable achievements such as the installation of over 200 alleygates throughout the city, the provision of a city-wide wardens service, and the establishment of over 80 Neighbourhood Watch schemes across the city. Through this work, and the work of the DPP in supporting public engagement, there has been significant progress in supporting communities to engage with service providers, and in particular the PSNI, in their efforts to tackle crime and antisocial behaviour. However the Justice Bill will provide enabling legislation for a new partnership arrangement which brings both partnerships and functions together.
2	<p>Appendix 1 provides greater detail on the proposed changes as a result of Part 3 of the Justice Bill (NI) 2010, while Appendix 2 contains the actual text from Part 3 of the legislation.</p> <p>The Bill specifically describes the new partnership model for Belfast. This includes:</p> <ul style="list-style-type: none"> • A new Belfast Policing and Community Safety Partnership (PCSP) which will perform the wider community safety role. This will also have with a sub committee known as the Policing Committee which shall meet to perform the functions of the current DPP. • For Belfast City Council four (one for each of the four Police Districts in Belfast) District Policing and Community Safety Partnerships (DPCSPs) and within each of these a sub committee known as the District Policing Committee.
3	<p>Some of the key issues that Committee may wish to consider include:</p> <p>3.1.1. The complexity of the proposed Belfast structures and implications for Members and administration. This in effect could increase the number of formal structures and meetings which the Council will have to administer and support. This raises the question as to whether such a structure will improve capacity to deliver services.</p> <p>3.1.2. Membership – the Bill requires representation on the PCSP and DPCSPs from elected and independent members; as well as designated organisations e.g. service providers. There is no upper limit on the number of members on PCSPs or DPCSPs therefore Council will also need to consider its position regarding the overall composition of the new partnership.</p> <p>3.1.3. Finance – the Bill states that the policing Board and the Department <i>may</i>, for each financial year make to the council a grant towards the expenses incurred by the Council in that year in connection with the establishment of, or exercise of functions by the PCSP and DPCSP. The Committee may wish to consider whether this clause provides sufficient assurance. In addition the Bill does not include reference to match funding from Council or other partner organisations. The Committee may wish to seek clarity in this regard.</p>

	<p>3.1.4. Status of the new partnership – the PCSP will be a statutory body in its own right (as with the previous DPP); this will therefore require the separate administration of FOI, Disability and Equality schemes amongst others. Consideration should therefore be given to the administrative requirements associated with this status and the overall relationship between the new PCSP and Council.</p> <p>3.1.5. Accountability and governance – the current recommendations include reporting requirements to the Joint Committee and Policing Board. Therefore it could be questioned whether the new model is providing a more integrated or streamlined process of governance and accountability as was hoped and the degree of accountability that rests with Council for the partnership is uncertain. The Committee may wish to seek clarity in this regard.</p> <p>3.1.6. Integration with other structures – the proposals in relation to Belfast will require the establishment of 1 PCSP and 4 DPCSPs; as well as corresponding Policing Committees for each. Further consideration is required as to how this structure would be aligned with existing local partnerships such as PACTs, Area Partnership Boards, neighbourhood structures, etc.</p> <p>3.1.7. Statutory Duty - The Bill requires that (Clause 20, Paragraph 1) "Each district council shall establish for its district a body to be known as a policing and community safety partnership". Clause 34 also requires that a public body must exercise its functions in relation to any community with due regard to:</p> <ul style="list-style-type: none"> ○ the likely effect of the exercise of those functions on crime and other antisocial behaviour in that community, and ○ the need to do all that it reasonably can to enhance community safety. <p>Practitioners generally regard this as a positive proposal that will strengthen partnership working, therefore Committee may wish to consider articulating its support for this in its response.</p> <p>3.1.8. Members Allowances – under the draft Bill, there is no provision that relates to the payment of member’s allowances (elected or independent) although reimbursement of expenses will be allowed for. The Committee may wish to consider the consequences of this change to the current system. It should be noted that officers are currently assessing whether and how this could be ameliorated by a review of Special Responsibility Allowance.</p>
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Resource Implications	
1	The legislation states that (Schedule 1, Para. 17 and Schedule 2, Para. 17) the Policing Board and Department may for each financial year make to the council a grant towards the expenses incurred by the Council in that year in connection with the establishment of, or exercise of functions by the PCSP and DPCSP.
2	Central government funding has not yet been confirmed for beyond the current financial year; though the Policing Board and DOJ did indicate during their public consultation that this review was not intended as a ‘cost cutting’ exercise. It is also hoped that by placing a duty on public service providers this may build upon the positive contributions of partner organisations already secured by the CSP to deliver services such as wardens and Get Home Safe operations.
3	Clarity is needed on the financial contribution expected from the Council in order to access this grant.
4	There are significant consequences for members of the new partnership as this legislation makes no specific provision for the payment of member’s allowances.

Next Steps

There is no decision required at this briefing session. However comments made on the Bill will be used to draft a Council response which will be presented for approval at the Strategic Policy and Resources Committee meeting of 19th November.

Documents Attached

Appendix 1 – Summary of key recommendations in Part 3 of the Justice Bill (NI) 2010
Appendix 2 – Actual Text from Part 3, Justice Bill (NI) 2010

NB The full Justice Bill (NI) 2010 can be viewed at:

http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm

Abbreviations

DPP – District Policing Partnership
CSP – Community Safety Partnership
PSNI – Police Service of Northern Ireland
DOJ – Department of Justice
PCSP – Policing & Community Safety Partnership
DPCSP – District Policing & Community Safety Partnership
FOI – Freedom of Information
PACT – Police, Partners and Community Together

SP&R Briefing, Monday 15th November 2010

Suggested questions which Members might wish to raise

1. The model for Belfast appears very cumbersome. It was hoped that the new approach would streamline the current partnership arrangements but what is proposed is five partnerships, each with a distinct policing committee. The Council has considerable concerns about the administrative burden that the new model will impose on Belfast City Council. It is also likely to place additional burdens on other agencies, particularly the PSNI.

It would be helpful if the Department could clarify the rationale behind this model for Belfast and outline what real and tangible benefits they believe the new Belfast model will produce? What differences will it make to improved safety and reduced crime?

2. It is noted that the Bill states that the Policing Board and the Department *may* make a grant to the Council. The Council took on responsibilities in relation to policing partnerships and community safety in good faith on the understanding that the Department would provide ongoing financial support.

What assurances are there that there will be no real cut in financial terms to the costs of administering the new partnership in Belfast?

Will there be a requirement, as at present, for a percentage of funding to be met by the Council and what is that likely to be? (currently for DPPs this is 25% of administrative costs).

3. It is our understanding that the new partnership will be a statutory body in its own right. Could the Department therefore clarify whether the Council will be held accountable for any aspects of the new partnership, and if so how?

Also, in light of this, what degree of oversight will the Council have for the new partnership and what relationship is it likely to have with the new joint committee?

4. Independent Members and Elected Representatives currently receive allowances for membership of the DPP. However it would appear that there is no specific allowance for this in the proposed new legislation. Is it the case that there will be no financial support for members (elected or independent) of the PCSP or Policing Committee other than reimbursement of expenses?
5. Can the Department clarify if there will be any change to how independent members are appointed under the proposed

arrangements and how can it be assured that these Independent members reflect the communities they represent?

6. Can the Department provide an assurance that there will be adequate provision and resource made available to support the training and development of the new partnerships?
7. Will the new arrangements with a new Joint Committee representing the DoJ and the Policing Board, mean that reporting requirements in respect of finance and performance will be streamlined?
8. What consultation on the model for Belfast has taken place to date and does it allow sufficient flexibility to ensure it can operate in a flexible way, particularly at a local level with a focus on integration, delivery, and engagement (as well as monitoring)?
9. How will the new structures allow for more effective community / public engagement at a local level?

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

**APPENDIX 1
SUMMARY OF KEY RECOMMENDATIONS IN PART 3 OF JUSTICE BILL (NI) 2010
POLICING AND COMMUNITY SAFETY PARTNERSHIPS**

1. Statutory Duty

The Bill requires that (Clause 20, Paragraph 1) "Each district council shall establish for its district a body to be known as a policing and community safety partnership".

Clause 34 also requires that:

(1) A public body must exercise its functions in relation to any community with due regard to.

- (a) the likely effect of the exercise of those functions on crime and other antisocial behaviour in that community, and
- (b) the need to do all that it reasonably can to enhance community safety.

2. Proposed Partnership Model

The intention is to create single Policing and Community Safety Partnerships (PCSP) that will have responsibility for the existing functions of the current CSPs and DPPs.

Belfast Model – Belfast shall have a main PCSP but under the legislation will also have the capacity to establish, for each police district¹ a 'district policing and community safety partnership' (DPCSP).

The PCSP and DPCSPs shall also each contain a 'Policing Committee' comprised of elected and independent members², who shall meet independently to perform what are known as the 'restricted' functions of the(D)PCSP e.g. the functions previously performed by the DPPs.

3. Membership of PCSP

The new PCSP comprised of three categories of members:

1. **Elected Members** - (8, 9 or 10; appointed by Council)³
2. **Independent Members** – (1 less than elected members; nominated by Council and appointed by the Policing Board)⁴
3. **Designated Organisations** e.g. Service providers – minimum of 4

NB There is no upper limit on the number of members comprising the overall Police and Community Safety Partnership.

¹ It is understood that this would allow a maximum of 4 DPCSPs to be established; clarification however will be sought in our response that this is indeed the case.

² See Schedule 1 and 2 of legislation

³ Elected Members of the PCSP and DPCSP also sit on the Policing Committee

⁴ Independent Members of the PCSP and DPCSP also sit on the Policing Committee

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

4. Chair and Vice-Chair of PCSP – for the first 12 months the Chair and Vice Chair of the Policing Committee shall act as such for the PCSP. The Chair shall be appointed by Council from the elected members and the vice-chair elected by the independent members. After the first 12 months the Chair and Vice-Chair shall be elected as per arrangements made by the Department. The Policing Committee however shall always be chaired and vice-chaired by an elected and independent member respectively. There is no upper limit on the number of members comprising the overall Police and Community Safety Partnership.

5. Membership of DPCSPs

The DPCSP will consist of:

1. **Elected representatives** - (6 members; appointed by Council)
2. **Independent members** - (1 less than elected members; nominated by Council and appointed by the Policing Board)
3. **Designated Organisations** e.g. Service providers – minimum of 4

NB Members of the DPCSPs need not be members of the PCSP and again there is no upper limit on the number of members in the DPCSP.

6. Chair and Vice-Chair of DPCSP – for the first 12 months the Chair and Vice Chair of the Policing Committee shall act as such for the DPCSP. The Chair shall be appointed by Council from the elected members and the vice-chair elected by the independent members. After the first 12 months the Chair and Vice-Chair shall be elected as per arrangements made by the Department. The Policing Committee however shall always be chaired and vice-chaired by an elected and independent member respectively.

7. Governance

The Police and Community Safety Partnership can be required, at different intervals and for varying purposes, to report to the Council and Policing Board and to the Joint Committee which is made up of representatives of the Department of Justice and Policing Board.

8. Financial Assistance

The legislation states that (Schedule 1, Para. 17 and Schedule 2, Para. 17) the Policing Board and Department may for each financial year make to the council a grant towards the expenses incurred by the Council in that year in connection with the establishment of, or exercise of functions by the PCSP and DPCSP.

NB Please note that the Bill does not contain reference to a stipulated match contribution from any specific partner organisation. Moreover, the above financial assistance cannot be used to pay allowances to members of the PCSP.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

APPENDIX 2 – ACTUAL LEGISLATION TEXT
PART 3 - JUSTICE BILL (NI) 2010

Establishment of PCSPs and DPCSPs

Clause 20.

(1) Each district council shall establish for its district a body to be known as a policing and community safety partnership (a “PCSP”).

(2) The district council for Belfast shall establish for each police district⁵ established under section 20(2) of the Police (Northern Ireland) Act 2000 (c. 32) a body to be known as a district policing and community safety partnership (a “DPCSP”).

Functions of PCSP

Clause 21.

(1) The functions of a PCSP shall be:

- (a) to provide views to a relevant district commander and to the Policing Board on any matter concerning the policing of the district;
- (b) to monitor the performance of the police in carrying out.
 - (i) the policing plan in relation to the district; and
 - (ii) the local policing plan applying to the district or any part of the district;
- (c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district;
- (d) to make arrangements for obtaining the views of the public about matters concerning the policing of the district and enhancing community safety in the district; and
- (e) to act as a general forum for discussion and consultation on matters affecting the policing of the district and enhancing community safety in the district;
- (f) to prepare plans for reducing crime and enhancing community safety in the district;
- (g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;
- (h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the district;
 - (i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a PCSP mentioned in subsection (1)(a), (b) and (c).

- (a) are referred to in this Part as its “restricted functions”; and
- (b) must be exercised, on behalf of the PCSP, by the policing committee of the PCSP.

⁵ It is understood that this would allow a maximum of 4 DPCSPs to be established; clarification however will be sought in our response that this is indeed the case.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

(3) References in this section to enhancing community safety in any district are to making the district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a PCSP shall have regard to the code of practice under section 23.

Functions of DPCSP
Clause 22.

(1) The functions of a DPCSP shall be.

- (a) to provide views to the relevant district commander and to the principal PCSP on any matter concerning the policing of the police district;
- (b) to monitor the performance of the police in carrying out.
 - (i) the policing plan in relation to the police district; and
 - (ii) the local policing plan applying to the police district;
- (c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the police district;
- (d) to make arrangements for obtaining the views of the public about matters concerning the policing of the police district and enhancing community safety in the police district;
- (e) to act as a general forum for discussion and consultation on matters affecting the policing of the police district and enhancing community safety in the police district;
- (f) to prepare plans for reducing crime and enhancing community safety in the police district;
- (g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;
- (h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the police district;
 - (i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a DPCSP mentioned in subsection (1)(a), (b) and (c).

- (a) are referred to in this Part as its “restricted functions”; and
- (b) must be exercised, on behalf of the DPCSP, by the policing committee of the DPCSP.

(3) References in this section to enhancing community safety in a police district are to making the police district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a DPCSP shall have regard to the code of practice under section 23.

(5) If the principal PCSP is satisfied that a DPCSP is carrying out any of the DPCSP’s functions in relation to a police district, the PCSP is not required to

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

carry out any corresponding function it has in relation to the part of its district comprising the police district.

(6) But subsection (5) does not prevent the principal PCSP exercising its functions in relation to the whole of the district where it appears to the principal PCSP to be necessary or appropriate to do so.

Code of practice for PCSPs and DPCSPs

Clause 23.

(1) The joint committee shall issue, and may from time to time revise, a code of practice containing guidance as to the exercise by PCSPs and DPCSPs of their functions.

(2) Before issuing or revising a code of practice under this section the joint committee shall consult.

(a) district councils; and

(b) the Chief Constable.

(3) The code of practice under this section may in particular include provisions concerning.

(a) the procedures for meetings;

(b) the holding of public meetings;

(c) the arrangements for giving notice of meetings, and in particular for the giving of such notice to district commanders and to the public;

(d) the arrangements for the submission by or to a PCSP, a DPCSP or a policing committee of reports and other documents;

(e) the arrangements for enabling questions on the discharge by police officers of their functions in the district to be put by members of the policing committee for answer by the relevant district commander or a police officer nominated by that district commander for the purpose;

(f) the arrangements for the monitoring by the policing committee of the performance of the police in carrying out.

(i) the policing plan in relation to the district; and

(ii) the local policing plan applying to the district or any part of the district;

(g) the arrangements to be made under section 21(1)(c) and (d) and 22(1)(c) and (d);

(h) the arrangements for dealings with the Policing Board, the Department and the joint committee.

(4) The joint committee shall arrange for any code of practice issued or revised under this section to be published in such manner as appears to it to be appropriate.

(5) In its application to a DPCSP, this section has effect with the substitution for references to the district of references to the police district.

Annual report by Belfast PCSP to council

Clause 25.

(1) The PCSP for the district of Belfast shall, not later than 4 months after the end of each financial year, submit to the council a general report on the exercise during that year of.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

- (a) its functions; and
 - (b) the functions of the DPCSPs.
- (2) When the PCSP submits its report under subsection (1) it shall at the same time.
- (a) send to the council copies of the DPCSP reports for the year;
 - (b) send copies of its report and the DPCSP reports for the year to the joint committee.
- (3) If the PCSP has made arrangements under section 21(1)(d) the report under subsection (1) shall include details of the arrangements.
- (4) Before any report is submitted under this section, the policing committee of the PCSP shall consult the district commander of each police district in the district of Belfast.
- (5) The council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.
- (6) The council may arrange for a DPCSP report to be published with the report submitted under subsection (1) if.
- (a) the council considers publication of the DPCSP report to be appropriate,
- or
- (b) the PCSP has requested the publication of the DPCSP report.
- (7) A "DPCSP report" is a report submitted to the PCSP under section 26.

Annual report by DPCSPs to principal PCSP

Clause 26.

- (1) A DPCSP shall, not later than 2 months after the end of each financial year, submit to the principal PCSP a general report on the exercise of its functions during that year.
- (2) A report under subsection (1) shall include details of the arrangements made under section 22(1)(d).
- (3) Before submitting any report under subsection (1), a DPCSP shall consult the relevant district commander.

Reports by Belfast PCSP to joint committee

Clause 28.

- (1) The PCSP for Belfast shall, whenever so required by the joint committee, submit to the joint committee a report on any matter which is specified in the requirement and is connected with the exercise of.
- (a) its functions, or
 - (b) the functions of a DPCSP.
- (2) A report under this section shall be made.
- (a) in such form as may be specified in the requirement under subsection (1);
- and
- (b) within the required period or such longer period as may be agreed between the PCSP and the joint committee.
- (3) The required period is.
- (a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the functions of a DPCSP;
 - (b) 3 months from the date on which the requirement under subsection (1) is

*NB Full details of the Bill and its clauses can be accessed at
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made, in any other case.

(4) When the PCSP submits its report under subsection (1) it shall at the same time send to the joint committee copies of any related DPCSP report.

(5) The joint committee may arrange for the publication, in such manner as appears to the joint committee to be appropriate, of.

(a) a report submitted under subsection (1);

(b) a related DPCSP report.

(6) A "DPCSP report" is a report submitted to the PCSP under section 29.

(7) A DPCSP report is related to a report submitted in pursuance of a requirement under subsection (1) if the PCSP imposed the requirement to submit the DPCSP report to enable it to comply with the requirement under subsection (1).

Reports by DPCSP to principal PCSP

Clause 29.

(1) A DPCSP shall, whenever so required by the principal PCSP, submit to the principal PCSP a report on any matter which is specified in the requirement and is connected with the exercise of the DPCSP's functions.

(2) A report under this section shall be made.

(a) in such form as may be specified in the requirement under subsection (1);
and

(b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the DPCSP and the principal PCSP.

(3) The principal PCSP may arrange for a report submitted under this section to be published in such manner as appears to the principal PCSP to be appropriate.

(4) Subsection (3) does not apply if the principal PCSP has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 28(1).

Reports by policing committee of Belfast PCSP to Policing Board

Clause 31.

(1) The policing committee of the PCSP for the district of Belfast shall, whenever so required by the Policing Board, submit to the Policing Board a report on any matter which is specified in the requirement and is connected with the exercise of.

(a) the restricted functions of the PCSP, or

(b) the restricted functions of a DPCSP.

(2) A report under this section shall be made.

(a) in such form as may be specified in the requirement under subsection (1);
and

(b) within the required period or such longer period as may be agreed between the policing committee and the Policing Board.

(3) The required period is.

(a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the restricted functions of a DPCSP;

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

- (b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.
- (4) When the policing committee submits its report under subsection (1) it shall at the same time send to the Policing Board copies of any related DPCSP policing committee report.
- (5) The Policing Board may arrange for the publication, in such manner as appears to the Policing Board to be appropriate, of.
 - (a) a report submitted under subsection (1);
 - (b) a related DPCSP policing committee report.
- (6) A “DPCSP policing committee report” is a report submitted to the policing committee of the PCSP under section 32.
- (7) A DPCSP policing committee report is related to a report submitted in pursuance of a requirement under subsection (1) if the policing committee of the PCSP imposed the requirement to submit the DPCSP policing committee report to enable it to comply with the requirement under subsection (1).

Reports by policing committee of DPCSP to policing committee of principal PCSP

Clause 32.

- (1) The policing committee of a DPCSP shall, whenever so required by the policing committee of the principal PCSP, submit to the policing committee of the principal PCSP a report on any matter which is specified in the requirement and is connected with the exercise of the restricted functions of the DPCSP.
- (2) A report under this section shall be made.
 - (a) in such form as may be specified in the requirement under subsection (1); and
 - (b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the policing committee of the DPCSP and the policing committee of the principal PCSP.
- (3) The policing committee of the principal PCSP may arrange for a report submitted under this section to be published in such manner as appears to the policing committee to be appropriate.
- (4) Subsection (3) does not apply if the policing committee of the principal PCSP has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 31(1).

Other community policing arrangements

Clause 33.

- (1) The policing committee of a PCSP or a DPCSP may, with the approval of the Policing Board, make arrangements to facilitate consultation by the police with any local community within the district of the PCSP or (as the case may be) the police district of the DPCSP.
- (2) Where it appears to the Policing Board that a policing committee has not made satisfactory arrangements under subsection (1) in relation to any local

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http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

community, the Policing Board may, after consultation with the policing committee, make arrangements to facilitate consultation by the police with that community.

(3) Arrangements made under subsection (1) or (2) may include the establishment of bodies.

(4) The Policing Board may defray the reasonable expenses of any body established by virtue of subsection (3).

(5) Before making any arrangements under this section a policing committee or the Policing Board shall consult the Chief Constable as to the arrangements that would be appropriate.

Duty on public bodies to consider community safety implications in exercising duties

Clause 34.

(1) A public body must exercise its functions in relation to any community with due regard to.

- (a) the likely effect of the exercise of those functions on crime and other antisocial behaviour in that community, and
- (b) the need to do all that it reasonably can to enhance community safety.

(2) In deciding how to comply with the duty in subsection (1), a public body must have regard to any guidance which is issued by the Department after consultation with the other Northern Ireland departments.

(3) References in this section to enhancing community safety in any community are to making the community one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In this section "public body" means.

- (a) a Northern Ireland department; and
- (b) a body listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7).

Functions of joint committee and Policing Board

Clause 35.

(1) The joint committee must.

- (a) assess the level of public satisfaction with the performance of PCSPs and DPCSPs;
- (b) assess the effectiveness of PCSPs and DPCSPs in performing their functions (other than restricted functions) and in particular, the effectiveness of the arrangements made under section 21(1)(d) or 22(1)(d).

(2) The Policing Board must.

- (a) assess the level of public satisfaction with the performance of policing committees of PCSPs and DPCSPs;
- (b) assess the effectiveness of policing committees of PCSPs and DPCSPs in performing the restricted functions of PCSPs and DPCSPs.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

SCHEDULE 1 - POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

Paragraph 1.

(1) In this Schedule, in relation to a PCSP “independent member” means a member appointed under paragraph 4; “political member” means a member appointed under paragraph 3.

(2) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words “if appointed” for the words “if elected”.

(4) In this Schedule, in relation to a PCSP and the holding of a local general Election “the transitional period” means the period.

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date; “reconstitution date” means the date published by notice of the Policing Board under paragraph 4(4).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Composition

Paragraph 2.

A PCSP shall consist of.

(a) political members appointed under paragraph 3;

(b) independent members appointed under paragraph 4; and

(c) representatives nominated by organisations designated under paragraph 7.

Political members

Paragraph 3.

(1) There shall be 8, 9 or 10 political members, as the council may determine.

(2) In making a determination under sub-paragraph (1), the council shall have regard to.

(a) the number of members constituting the council; and

(b) the duty imposed by sub-paragraph (3).

(3) A council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person’s appointment.

(5) A political member shall hold office until the day before the reconstitution date next following that member’s appointment.

(6) A person appointed to fill a casual vacancy shall hold office for the

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

remainder of the term of the political member in whose place that person is appointed.

(7) A political member ("P") shall cease to hold office if.

- (a) P resigns by notice in writing to the council;
- (b) P becomes disqualified for membership of the PCSP; or
- (c) P ceases to be a member of the council.

(8) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(9) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Independent members

Paragraph 4.

(1) The number of independent members shall be one less than the number of political members.

(2) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

(3) In appointing independent members the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community in the district.

(4) Where following a local general election the Policing Board has completed the arrangements for the appointment of the independent members of the PCSP for a district, it shall publish notice of the date which is to be the reconstitution date in relation to the PCSP for that district.

(5) Notice under sub-paragraph (4) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(6) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(7) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(8) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(9) An independent member shall cease to hold office if that member.

- (a) resigns by notice in writing to the council; or
- (b) becomes disqualified for membership of the PCSP.

(10) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(11) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

(12) The council may pay to independent members such expenses as the council may determine.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

Paragraph 5 (Independent Members cont'd).

- (1) Where appointments are to be made of independent members, the council shall nominate persons willing to be candidates for appointment.
- (2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.
- (3) The council shall notify the Policing Board of.
 - (a) the name of each person nominated by it under sub-paragraph (1); and
 - (b) such other information regarding those persons as it considers appropriate.
- (4) A person shall not be nominated under sub-paragraph (1) if that person.
 - (a) is disqualified for membership of the PCSP; or
 - (b) has not made a declaration against terrorism.
- (5) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as, when added to the number nominated by the council, equals twice the number of appointments to be made.
- (6) If the Policing Board does so, paragraph 4(2) shall have effect as if those persons had been nominated by the council.

Paragraph 6.

- (1) In exercising functions under paragraphs 4 and 5, a council and the Policing Board shall have regard to any code of practice under this paragraph.
- (2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by councils and the Policing Board of their functions under paragraphs 4 and 5.
- (3) Before issuing, or revising, a code of practice under this paragraph, the Department shall consult.
 - (a) the Policing Board;
 - (b) district councils; and
 - (c) the Equality Commission for Northern Ireland.
- (4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Representatives of designated organisations

Paragraph 7.

- (1) A PCSP must designate at least 4 organisations for the purposes of this paragraph.
- (2) A PCSP may at any time revoke a designation under sub-paragraph (1).
- (3) An organisation for the time being designated by a PCSP under this paragraph must nominate a person to attend a meeting of the PCSP or a committee appointed under paragraph 14.
- (4) A person who is so nominated and attends a meeting is to be treated as a member of the PCSP or the committee.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

Removal of members

Paragraph 8.

(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person ("P") from office as a political or independent member of a PCSP if satisfied that.

- (a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;
- (b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;
- (c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);
- (d) P has become bankrupt or made a composition or arrangement with P's creditors;
- (e) P has failed to comply with the terms of P's appointment; or
- (f) P is otherwise unable or unfit to discharge P's functions as a member of the PCSP.

(2) The "necessary disclosure", in relation to a conviction of an independent member, means full disclosure of it.

- (a) before the nomination of that member, to the council which nominated that member; and
- (b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.

(4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications.

- (a) in subsection (1), for the words from "after" to "the Assembly" substitute "when he is an independent member of a PCSP";
- (b) omit subsection (4);
- (c) in subsection (5), in the definition of "public meeting" after paragraph (c) insert.
"(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend)".

Disqualification

Paragraph 9

(1) A person is disqualified for being a political or independent member if that person is.

- (a) a police officer;
- (b) a member of the police support staff;

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

- (c) a member of the Policing Board; or
 - (d) an employee of the council.
- (2) A person removed from office under paragraph 8(1) is disqualified for membership of a PCSP until the date of the next local general election following that person's removal.
- (3) A person is disqualified for being an independent member of a PCSP if.
- (a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and
 - (b) the relevant period has not ended.
- (4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions).
- (a) release on licence;
 - (b) release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Chair and vice-chair

Paragraph 10.

- (1) For each PCSP there shall be a chair and a vice-chair.
- (2) For the period of 12 months after commencement, the chair shall be the person holding office under paragraph 12(2)(a) as the chair of the policing committee.
- (3) For the period of 12 months after commencement, the vice-chair shall be the person holding office under paragraph 12(2)(b) as the vice-chair of the policing committee.
- (4) At any time thereafter the chair and the vice-chair shall be elected in accordance with arrangements made by the Department.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chair or vice-chair in accordance with such terms as the council may determine.
- (6) A person may at any time resign as chair or vice-chair by notice in writing to the PCSP.
- (7) If the person holding office as chair or vice-chair ceases to be a member of the PCSP, that person shall also cease to hold that office.

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Procedure of PCSP

Paragraph 11.

- (1) The quorum for a meeting of a PCSP shall be one-quarter of the total number of members.
- (2) Every question at a meeting of a PCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.
- (3) If the chair and vice-chair are absent from a meeting of a PCSP, the members present shall elect one of their number to act as chair of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 23, a PCSP may regulate its own procedure.

Policing committee: constitution

Paragraph 12.

- (1) For each PCSP there shall be a policing committee consisting of.
 - (a) the political members; and
 - (b) the independent members.
- (2) For each policing committee there shall be.
 - (a) a chair appointed by the council from among the political members; and
 - (b) a vice-chair elected by the independent members from among such members.
- (3) In appointing to the office of chair, the council shall ensure that, so far as is practicable.
 - (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;
 - (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.
- (4) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office.
 - (a) as chair in accordance with the terms of that person's appointment;
 - (b) as vice-chair in accordance with such terms as the Policing Board may determine.
- (6) In determining terms under sub-paragraph (5)(b), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's election to that office.
- (7) A person may at any time resign.
 - (a) as chair by notice in writing to the council;
 - (b) as vice-chair by notice in writing to the Policing Board.
- (8) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

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Policing committee: procedure

Paragraph 13.

- (1) The quorum for a meeting of a policing committee shall be 5.
- (2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.
- (3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.
- (5) A policing committee may.
 - (a) constitute sub-committees of such 5 or more of its members as the policing committee may appoint; and
 - (b) delegate to a sub-committee so constituted any of the functions exercisable by the policing committee.
- (6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Other committees

Paragraph 14.

- (1) A PCSP may.
 - (a) constitute other committees of such 5 or more of its members as the PCSP may appoint; and
 - (b) delegate to a committee so constituted any of the functions of the PCSP (other than a restricted function).
- (2) A committee appointed under this paragraph may co-opt to the committee persons who are not members of the committee or the PCSP.
- (3) A person co-opted under sub-paragraph (2) may not vote on any matter, but otherwise is to be treated as a member of the committee.
- (4) The powers of any committee appointed under this paragraph shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the PCSP.

Indemnities

Paragraph 15.

The council may indemnify a member of a PCSP in respect of liability incurred by that member in connection with the business of the PCSP.

Insurance against accidents

Paragraph 16.

- (1) The council may insure against risks of a member of the PCSP meeting with a personal accident, whether fatal or not, while engaged on the

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business of the PCSP.

(2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the PCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Finance

Paragraph 17.

The Department and the Policing Board may for each financial year make to the council a grant towards the expenses incurred by the council in that year in connection with the establishment of, or the exercise of functions by, PCSPs.

Validity of proceedings

Paragraph 18.

The validity of any proceedings of a PCSP or a committee of a PCSP shall not be affected by.

- (a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or
- (b) any vacancy in the office of chair or vice-chair or among the other members.

Disclosure of pecuniary interests, family connections, etc.

Paragraph 19.

Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a PCSP and its members as if.

- (a) in those sections.
 - (i) any reference to a council were a reference to the PCSP;
 - (ii) any reference to a councillor were a reference to a member of the PCSP;
 - (iii) any reference to the clerk of the council were a reference to the person acting as secretary of the PCSP;
- (b) in section 28(4) of that Act for the words from "by any local elector" to the end there were substituted the words "by any person";
- (c) in section 29 of that Act any reference to the Minister were a reference to the Department.

Belfast PCSP

Paragraph 21.

(1) The preceding paragraphs of this Schedule have effect in relation to the PCSP for the district of Belfast with the following modifications.

(2) In paragraph 3 after sub-paragraph (3) insert.

- "(3A) The members of the PCSP who are appointed by the council in

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- accordance with this paragraph shall include the persons who hold the office of chair of each of the DPCSPs.”
- (3) In paragraph 5 after sub-paragraph (3) insert.
- “(3A) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of.
- (a) whether the person is also willing to be a candidate for appointment as an independent member of a DPCSP;
 - (b) if the person is so willing, the DPCSP or DPCSPs concerned.”.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

SCHEDULE 2 - DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

Paragraph 1.

(1) In this Schedule, in relation to a DPCSP.

“independent member” means a member appointed under paragraph 4;

“political member” means a member appointed under paragraph 3.

Section 20.

(2) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words “if appointed” for the words “if elected”.

(4) In this Schedule, in relation to a DPCSP and the holding of a local general Election “the transitional period” means the period.

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Policing Board under paragraph 4(3).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Composition (DPCSP)

Paragraph 2.

(1) A DPCSP shall consist of.

(a) 6 political members appointed under paragraph 3;

(b) 5 independent members appointed under paragraph 4; and

(c) representatives nominated by organisations designated under paragraph 7.

(2) The members of a DPCSP need not be members of the principal PCSP.

Political members (DPCSP)

Paragraph 3.

(1) The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person’s appointment.

(3) A political member shall hold office until the day before the reconstitution date next following that member’s appointment.

(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(5) A political member (“P”) shall cease to hold office if_

(a) P resigns by notice in writing to the council;

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

- (b) P becomes disqualified for membership of the DPCSP; or
 - (c) P ceases to be a member of the council.
- (6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.
- (7) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.

Independent members (DPCSP)

Paragraph 4.

- (1) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.
- (2) In appointing independent members the Policing Board shall so far as practicable secure that the members of the DPCSP (taken together) are representative of the community in the DPCSP's police district.
- (3) Where, following a local general election, the Policing Board has completed the arrangements for the appointment of the independent members of the DPCSP for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the DPCSP for that police district.
- (4) Notice under sub-paragraph (3) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.
- (6) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.
- (7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.
- (8) An independent member shall cease to hold office if that member_
- (a) resigns by notice in writing to the council; or
 - (b) becomes disqualified for membership of the DPCSP.
- (9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.
- (10) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.
- (11) The council may pay to independent members such expenses as the council may determine.

Paragraph 5 (Independent Members cont'd).

- (1) Where appointments are to be made of independent members of a DPCSP, the council shall nominate persons willing to be candidates for

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appointment.

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of_

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

(4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of_

(a) whether the person is also willing to be a candidate for appointment as an independent member of any other DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned;

(c) whether the person is also willing to be a candidate for appointment as an independent member of the principal PCSP.

(5) A person shall not be nominated under sub-paragraph (1) if that person.

(a) is disqualified for membership of the DPCSP, or

(b) has not made a declaration against terrorism.

(6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.

(7) If the Policing Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

Paragraph 6.

(1) In exercising functions under paragraphs 4 and 5, the council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing or revising a code of practice under this paragraph, the Department shall consult.

(a) the Policing Board;

(b) the council; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Representatives of designated organisations (DPCSP)

Paragraph 7.

(1) A DPCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A DPCSP may at any time revoke a designation under sub-paragraph (1).

(3) An organisation for the time being designated by a DPCSP under this paragraph must nominate a person to attend a meeting of the DPCSP or a committee appointed under paragraph 14.

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

(4) A person who is so nominated and attends a meeting is to be treated as a member of the DPCSP or the committee.

Removal of members (DPCSP)

Paragraph 8.

(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person ("P") from office as a political or independent member of a DPCSP if satisfied that.

- (a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;
- (b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;
- (c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);
- (d) P has become bankrupt or made a composition or arrangement with P's creditors;
- (e) P has failed to comply with the terms of P's appointment; or
- (f) P is otherwise unable or unfit to discharge P's functions as a member of the DPCSP.

(2) The "necessary disclosure", in relation to a conviction of an independent member, means full disclosure of it.

- (a) before the nomination of that member, to the council which nominated that member; and
- (b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.

(4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications.

- (a) in subsection (1), for the words from "after" to "the Assembly" substitute "when he is an independent member of a DPCSP";
- (b) omit subsection (4);
- (c) in subsection (5), in the definition of "public meeting" after paragraph (c) insert.
"(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend), and".

Disqualification (DPCSP)

Paragraph 9.

(1) A person is disqualified for being a political or independent member of a DPCSP if that person is.

- (a) a police officer;

*NB Full details of the Bill and its clauses can be accessed at
http://www.niassembly.gov.uk/justice/2007mandate/justice_bill.htm*

- (b) a member of the police support staff;
 - (c) a member of the Policing Board; or
 - (d) an employee of the council.
- (2) A person removed from office under paragraph 8(1) is disqualified for membership of a DPCSP until the date of the next local general election following that person's removal.
- (3) A person is disqualified for being an independent member of a DPCSP if.
- (a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and
 - (b) the relevant period has not ended.
- (4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions).
- (a) release on licence;
 - (b) release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Chair and vice-chair (DPCSP)

Paragraph 10

- (1) For each DPCSP there shall be a chair and a vice-chair.
- (2) For the period of 12 months after commencement, the chair shall be the person holding office under paragraph 12(2)(a) as the chair of the policing committee.
- (3) For the period of 12 months after commencement, the vice-chair shall be the person holding office under paragraph 12(2)(b) as the vice-chair of the policing committee.
- (4) At any time thereafter the chair and the vice-chair shall be elected in accordance with arrangements made by the Department.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chair or vice-chair in accordance with such terms as the council may determine.
- (6) A person may at any time resign as chair or vice-chair by notice in writing to the DPCSP.
- (7) If the person holding office as chair or vice-chair ceases to be a member of the DPCSP, that person shall also cease to hold that office.

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Procedure of DPCSP

Paragraph 11

- (1) The quorum for a meeting of a DPCSP shall be one-quarter of the total number of members.
- (2) Every question at a meeting of a DPCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.
- (3) If the chair and vice-chair are absent from a meeting of a DPCSP, the members present shall elect one of their number to act as chair of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 23, a DPCSP may regulate its own procedure.

Policing committee: constitution (DPCSP)

Paragraph 12.

- (1) For each DPCSP there shall be a policing committee consisting of.
 - (a) the political members; and
 - (b) the independent members.
- (2) For each policing committee there shall be.
 - (a) a chair appointed by the council from among the political members; and
 - (b) a vice-chair elected by the independent members from among such members.
- (3) In appointing to the office of chair, the council shall ensure that, so far as is practicable.
 - (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;
 - (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.
- (4) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office.
 - (a) as chair in accordance with the terms of that person's appointment;
 - (b) as vice-chair in accordance with such terms as the Policing Board may determine.
- (6) In determining terms under sub-paragraph (5)(b), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's election to that office.
- (7) A person may at any time resign.
 - (a) as chair by notice in writing to the council;
 - (b) as vice-chair by notice in writing to the Policing Board.

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(8) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

Policing committee: procedure (DPCSP)

Paragraph 13.

- (1) The quorum for a meeting of a policing committee shall be 5.
- (2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.
- (3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.
- (5) A policing committee may.
 - (a) constitute committees of such 5 or more of its members as the policing committee may appoint; and
 - (b) delegate to a committee so constituted any of the functions exercisable by the policing committee.
- (6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Other committees

Paragraph 14.

- (1) A DPCSP may constitute other committees of its members; and references in this paragraph to a committee are to a committee so constituted.
- (2) A DPCSP shall constitute a committee of its members if directed to do so by the principal PCSP.
- (3) A committee of a DPCSP shall consist of 5 or more members of the DPCSP.
- (4) The members of a committee of a DPCSP shall be appointed by the DPCSP.
- (5) A DPCSP may delegate any of its functions (other than restricted functions) to a committee constituted by it.
- (6) The powers of a committee of a DPCSP shall be exercised in accordance with and subject to directions given by the DPCSP.
- (7) The proceedings of a committee of a DPCSP shall be regulated in accordance with and subject to directions given by the DPCSP.
- (8) The approval of the principal PCSP is required to.
 - (a) the constitution of a committee under sub-paragraph (1);
 - (b) the members of a committee of a DPCSP to be appointed under sub-paragraph(4);
 - (c) the functions to be delegated to a committee under sub-paragraph (5);

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- (d) the exercise by a committee of any functions delegated to it under subparagraph (5);
- (e) the directions to be given to a committee under sub-paragraphs (6) and (7).

Indemnities

Paragraph 15. The council may indemnify a member of a DPCSP in respect of liability incurred by that member in connection with the business of the DPCSP.

Insurance against accidents

Paragraph 16.

- (1) The council may insure against risks of a member of the DPCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the DPCSP.
- (2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the DPCSP.
- (3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.
- (4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Finance

Paragraph 17. The Department and the Policing Board may for each financial year make to the council a grant towards the expenses incurred by the council in that year in connection with the establishment of, or the exercise of functions by, DPCSPs.

Validity of proceedings

Paragraph 18. The validity of any proceedings of a DPCSP or a committee of a DPCSP shall not be affected by.

- (a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or
- (b) any vacancy in the office of chair or vice-chair or among the other members.

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Disclosure of pecuniary interests, family connections, etc.

Paragraph 19. Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a DPCSP and its members as if.

(a) in those sections.

(i) any reference to a council were a reference to the DPCSP;

(ii) any reference to a councillor were a reference to a member of the DPCSP;

(iii) any reference to the clerk of the council were a reference to the person acting as secretary of the DPCSP;

(b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;

(c) in section 29 of that Act any reference to the Minister were a reference to the Department.

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