



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
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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