



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Draft Justice Bill (NI)
Date:	22 October 2010
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Relevant Background Information

The Department of Justice is currently in the process of developing a Justice Bill for Northern Ireland and has issued a consultation document on the 'Equality Impact Assessment for a Proposed Justice Bill'. This 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.

The draft Bill itself has not yet been released but the Executive approved the Bill for introduction on 7th October. It is intended that the Bill shall now be considered by the Justice Committee and Assembly with a view to being placed in statute by March 2011 in advance of elections in May 2011.

The consultation document on the Equality Impact Assessment provides a general overview of the areas which the Bill will cover as well as an assessment of impacts. Responses need to be returned by 4th November. The general areas covered are:

- An Offender Levy and Victims of Crime Fund
- Special Measures for Victims and Witnesses
- Live Links
- Policing and Community Safety Partnerships
- Sports Law and Spectator Controls
- Sexual Offences and Adjustments
- Adjustments to Sentencing Powers
- Alternatives to Prosecution
- Court and Bail Reform
- Legal Aid
- Court Rules and procedures.

These reforms 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 the proposals which are most likely to affect Council functions and services which are those relating to the Policing and Community Safety Partnerships.

At present the Council plays a leading role in administering both the Community Safety Partnership (CSP) and District Policing Partnership (DPP). Since their establishment (in 2004 and 2003 respectively) they have had considerable achievements such as the installation of over 200 alleygates throughout the city, the launch 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 together.

Key Issues

Proposed changes to the Community Safety and District Policing Partnerships.

Further to a specific public consultation in Spring 2010 on DPPs and CSPs, the Department of Justice (DOJ) now intends to move forward on a new model and will create the enabling powers through the proposed Justice Bill. At the time of writing the only publicly available official information on this is contained in the Equality Impact Assessment consultation document, which is available at www.dojni.gov.uk/index/public-consultations/current-consultations/justice_bill_eqia.pdf; though it is understood that the Bill and the Explanatory & Financial Memorandum will be available on the department website from 18th October. This makes it clear that the intention is to create single Policing and Community Safety Partnerships (PCSP); however it does not give any detail on the proposed new model at this stage.

Therefore, whilst the following details are based only on early discussions or correspondence with DoJ and are not subject to consultation at this point in time, it was considered prudent to make the Committee aware of the general direction of the proposals. As these are clarified and the draft Bill is made available, further reports will be brought back to the Committee.

1. Statutory Duty

The provisions are likely to include a statutory duty on specified public service providers to consider crime, anti-social behaviour and community safety implications in exercising their duties (similar to section 17 of the Crime and Disorder Act, 1998 in GB).

2. Proposed Partnership Model

The proposal is to merge DPPs and CSPs whilst retaining their core functions. It is likely that a model similar to that described below will be created.

'Police and Community Safety Partnership' (PCSP) Membership

A new PCSP comprised of three categories of members:

1. Elected Members (nominated by Council)
2. Independent Members (appointed by the Policing Board)
3. Service providers – a minimum of 4 representatives from delivery organisations (both statutory and voluntary sectors).

- Elected and Independent Members shall also meet separately, thus forming a **Policing Committee**, to undertake the police monitoring functions and reporting directly to NIPB on these issues.
- The Policing Committee shall have 15, 17 or 19 members (depending on local considerations); and there shall be one more elected member than independent.
- The Chair of the Policing Committee (an elected member) shall also chair the main Policing and Community Safety Partnership (at least for the first 12 months).
- There is no upper limit on the number of members comprising the overall Policing and Community Safety Partnership.
- The political members will be nominated by the Council to ensure, as far as practicable, the political members reflect the balance of parties prevailing among members of the Council.
- Independent Members will be appointed by the Policing Board. In appointing the members, the Board will, so far as practicable, ensure that independent members are representative of the community.

Belfast Sub-groups

- Belfast is obviously unique in terms of its current DPP arrangements and thus specific allowance will be made in the legislation for a Belfast structure which is still consistent with the overall framework.
- It is understood that there will be provision in the legislation for a maximum of four District Policing and Community Safety Partnerships (DPCSPs) of the main PCSP to be established in Belfast.
- The members of a DPCSP need not be members of the principal PCSP.
- The legislation also allows the PCSP to set up other delivery committees to look at specific issues, projects or neighbourhoods.

3. Governance

- As per the recommendations of those who responded to the consultation it is intended that there is a more streamlined line of accountability.
- The Policing and Community Safety Partnership shall therefore report, via Council, to a Joint Committee made up of representation from the Department of Justice and Policing Board.
- The Joint committee will also ensure more joined up strategic direction and administration of funding.

4. Financial Assistance

- Whilst central government spending for 2011/12 has not yet been agreed it has been articulated that that this is 'not a cost cutting exercise'.

- It is anticipated that, in line with current CSP arrangements, a grant shall be awarded to the local Council to support both the running of the new partnership and frontline service delivery. It is likely also that there will be an expectation for match funding to be sought to support this work.
- The Department of Justice has also indicated that it is likely under the new legislation / arrangements that there will no longer be specific requirements in relation to the payment of members' allowances (elected or independent); though expenses will however continue to be paid in line with NJC/ Local Government rates and conditions.

Resource Implications

Central government funding has not yet been confirmed though the DOJ did indicate during its 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.

Recommendations

The Committee is asked to note the report and consider whether it wishes hold a briefing session on the draft Justice Bill and to write to the DoJ inviting a senior representative to provide an overview of the relevant aspects of the draft Bill at that session.

Officers should be directed to consider the financial consequences of these decisions to Members and to bring back a report on how this might be ameliorated by a review of Special Responsibility Allowance.

Documents Attached

The Consultation Document can be viewed at www.dojni.gov.uk/index/public-consultations/current-consultations/justice_bill_eqia.pdf

Abbreviations

DPP – District Policing Partnership
 CSP – Community Safety Partnership
 PSNI – Police Service of Northern Ireland
 DOJ – Department of Justice
 PCSP – Police & Community Safety Partnership