

Appendix 1
Proposed Draft Response on behalf of Belfast City Council to the Draft
Justice Bill (NI) 2010
19th November 2010

Belfast City Council would like to thank the Justice Committee for inviting it to submit written evidence on the Draft Justice Bill (NI) 2010. This submission was considered by the Strategic Policy and Resources Committee on 19th November 2010 subsequent to a briefing session for all Council Members, at which officials from DOJ were in attendance.

It should be noted that both Belfast Community Safety Partnership and District Policing Partnership shall submit independent responses.

Overview

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) each has 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 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.

It has, however, become very apparent that there is increasing overlap and potential for duplication between the work of the CSP and DPP. Moreover, the distinction between CSPs and DPPs is not understood by the public and the administrative burden of sustaining two separate structures potentially reduces the Council's ability to focus on delivery of high quality, front line services. Therefore Belfast City Council welcomes the opportunity to shape the discussion regarding the establishment of a more integrated form of working that should ultimately result in an improved quality of life of the people who live in the city.

Therefore, in broad terms, the Council welcomes the move to bring the two structures together and to align the governance arrangements through the development of a Joint Committee.

However, having considered the proposals contained within Part 3 and Schedules 1 & 2 of the proposed legislation, Belfast City Council would have a number of concerns that it wishes to highlight to the Committee. In addition Belfast City Council wishes to seek clarity on a number of proposals in the draft legislation. The following sections therefore represent a summary of the key areas on which we would wish to comment.

Key Issues

Having considered Part 3, and Schedules 1 & 2, of the Justice Bill (NI) 2010 Belfast City Council wishes to highlight a number of areas for consideration by the Committee:

1. **The complexity of the Belfast structure** – Belfast City Council has played a fundamental role in leading and supporting both the CSP and

DPP since their establishment in 2003 and 2004 respectively. As such it is keenly aware of the potential overlap and duplication of these structures' work and also the considerable resource required to support the delivery of each. Therefore, **Belfast City Council welcomes the intention of the Minister to support better integration of the DPP and CSP** by the establishment of a PCSP.

However, Belfast City Council has significant concerns that the proposals (as currently set out) to establish 1 PCSP and 4 DPCSPs in the Belfast area will in practice increase the administrative burden (currently experienced in particular in respect of the DPP) and in so doing reduce our ability to delivery front line services in communities. It will also place a considerable burden on Elected Members who will sit both on the PCSP and DPCSPs. Therefore, **the Council would have grave concerns that the proposals, as currently formulated, will not bring the intended rationalisation or integration of current structures and service delivery; and will in fact add to the level of administration required at present.** We would therefore be keen to have further discussion with the Department regarding the specific proposals for Belfast.

2. **Integration with other structures** – It is also essential that the proposed structure acknowledges the role and potential links with other existing partnership structures within the city. The Council therefore believes that the Department should give **greater consideration of how the PCSP and DPCSPs will integrate with other existing structures; such as the West Belfast Community Safety Forum, PACT, area partnership boards, and neighbourhood structures.** Again, Council would welcome the opportunity to discuss this further with the Department.
3. **Ensuring local needs are at the heart of any changes** – **Belfast City Council believes that it is imperative that any resulting structural change should ultimately lead to improved community safety and policing across the city.** It is therefore essential that the Justice Bill enables the establishment of structures that support responsive and effective service delivery at a local level. Belfast City Council would therefore encourage the Committee to ensure that the changes proposed focus on making a difference in local areas. It would also suggest the input of representative community organisations into the development of this Bill to ensure the proposed changes contribute to this overall aim.
4. **Legal Status of the new partnership** – While Belfast City Council recognises the need for the PCSP to be a multi-agency structure **there remains a lack of clarity and concern around the legal status of the PCSP.** The proposal, for example, to establish the PCSP as a statutory body in its own right will carry a considerable administrative burden as a result of administering independent FOI, Equality and Disability schemes, etc. Moreover, Clause 21 of the Bill provides that the functions of the PCSPs will include providing of financial or other support to persons involved in crime reduction and community safety projects. However, unlike district councils, the PCSPs will not be constituted as 'bodies corporate', which would allow them to enter into, contractual arrangements such as funding agreements. While a

district council might agree to undertake a funding agreement on the PCSP's behalf, how would the matter be addressed if the proposed agreement was outside the council's statutory powers, or was in support of a project that the relevant council itself did not support politically? If it is envisaged that the Council, as is the case with the CSP, should undertake to do this on behalf of the PCSP then it is recommended that this should be made explicit in the legislation.

5. **Relationship to Council** – in light of the above **Belfast City Council would wish to seek greater clarity on the relationship between the PCSP and Council.** The legislation for example notes the intention for the PCSP to report into Council; however there is no clarity as to whether Council would assume any degree of accountability for the running and performance of the PCSP. The lack of clarity in respect of this issue has been experienced in relation to the current DPP arrangements and Belfast City Council would be keen to avoid this confusion in the future.
6. **Accountability** – Belfast City Council welcomes the intention in the proposals to streamline reporting and accountability through the establishment of a Joint Committee. It is noted however that there remains a direct line of reporting from the Policing Committee to the Northern Ireland Policing Board. **Belfast City Council, therefore, is concerned that the proposed model and processes will not, in practice, lead to a more streamlined process of reporting or accountability.** Moreover, greater clarity is sought regarding the relationship between Belfast City Council and the proposed Joint Committee.
7. **Financial support** – Belfast City Council welcomes the proposal to provide financial assistance to Council towards the running of the PCSP. The new legislation also places no specific requirement for match funding from the Council or any other organisation. Belfast City Council undertook to support the establishment of the both the DPP and CSP in good faith on the understanding that there would be sustained financial commitment from Central government. Therefore, **Belfast City Council would advocate that the wording places a greater commitment to continued financial assistance** (Schedule 1, Paragraph 17 should read 'shall' rather than 'may') and that this should be comparable with current arrangements. **Belfast City Council would also raise concerns that the withdrawal of allowances, in particular to independent members, will result in a reduced uptake and therefore input of such representatives.** Lastly, Belfast City Council would wish to advocate that sufficient resource is made available to support the development and training of the new partnership when it is put in place.
8. **Statutory Duty** – **Belfast City Council welcomes the proposal (Clause 34) to place a statutory duty on other public bodies to have due regard to community safety.** Some clarity is likely to be needed on which public bodies need to take this into consideration. However the Council considers this to be a crucial element of ensuring commitment of the relevant government departments and agencies and as such **it needs to remain a key component of the legislation.**

9. **Number of DPCSPs** – While Belfast City Council has expressed its concern with regard to the overly complex nature of the proposed structure in Belfast it is aware that the new partnership should ensure connectivity to local, area-based structures. **Belfast City Council would therefore seek clarity in respect of Clause 20, 2 of the draft Bill which requires the establishment of DPCSPs in each Police District.** The DOJ has currently advised that this requires 4DPSCPs. However, it is the Council’s understanding that there are two police districts (A & B) in Belfast and therefore the Council would seek clarity from the Committee in this regard.

10. **Appointment of independent Members** – Belfast City Council welcomes the continued role of independent members in the future partnership structure; though it reiterates its concerns regarding the withdrawal of allowances. During consultation, however, **concerns have been raised with regard to ensuring that independent members are independent and representative of the community.** Belfast City Council therefore would like reassurance that cognisance is taken of this in the appointment of independent members and that specifically individuals who hold public office or our members of political parties would be excluded from these appointments.

Other

Belfast City Council would also wish to raise a number of further queries with the Committee:

1. In Schedule 1, paragraph 10 (4) the legislation makes reference to the election of the Chair and vice-chair in accordance with arrangements made by the Department. Belfast City Council wishes to seek clarification as to the Department’s potential role in this process as it would advocate that this should be a process that is undertaken locally and this is allowed for in the development of the Code of Practice.
2. Clause 33 (1) makes provision that the PCSP or DPCSP “may” make arrangements to facilitate consultation by the police with any local community. While Clause 33 (2) goes on to state that the Policing Board may make arrangements for this to take place if it is not satisfied that satisfactory arrangements have been put in place. Belfast City Council believes that these statements are contradictory and there should be greater clarity on where there is the opportunity for genuine local determination.

If you have any queries in relation to this paper please contact:

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