

## The “Community Call for Action”: Regulatory Impact Assessment

### 1. Title of proposal: “Community Call for Action” (CCA)

### 2. Purpose and intended effect:

#### i) The objective -

2.1 The objective of this proposal is to give communities (defined as an individual or a community group raising an issue of community concern) a mechanism for them to request action on a community safety issue which they consider that the police and/or other crime and disorder reduction partners have failed to address adequately.

#### ii) Background –

2.2 The proposal was set out in the *Building Communities, Beating Crime* White Paper published in November 2004:

“The Government does not want to see local communities being left to fend for themselves because they have not been able to get a response from local agencies. Neither do we want the police or local authorities to be left to deal with recurring problems because they cannot get one or more of their partners to take action to resolve them. The Government therefore proposes introducing a specific mechanism to trigger such action.”

2.3 It was also included in the Respect Action Plan, published in January 2006.<sup>1</sup>

2.4 The mechanism will be introduced in the Safer Communities Bill, which will drive forward key elements of the police reform programme. It will help sustain further improvements in performance at neighbourhood, basic command unit, force, national and international levels. Amongst other provisions, the Bill will;

- a) establish the National Policing Improvement Agency (NPIA), a new non-departmental public body to promulgate good policing practice. The NPIA will take over many of the functions of the Police Information Technology Organisation (PITO) and the Central Police Training and Development Authority (Centrex);
- b) create a standard set of powers for Community Support Officers (CSOs) to enhance the public’s understanding of their role;
- c) place Basic Command Units (BCUs) on a statutory footing and require that their boundaries be coterminous with those of local authorities;

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<sup>1</sup> Respect Action Plan, January 2006: ISBN 1-84473-847-7  
<http://www.homeoffice.gov.uk/documents/respect-action-plan>

- d) increase the flexibility of the existing legislation governing the composition of police authorities and the selection of police authority members;
- e) exempt police authorities from requirements to conduct best value reviews and prepare best value plans;
- f) remove the requirement for the Secretary of State to issue a National Policing Plan and to enable a non-statutory National Community Safety Plan to be issued instead.

2.5 The CCA is an important part of the police reform responsiveness pillar, but equally key to the 'Respect' priority of empowering communities to get action on anti-social behaviour issues of real concern to them. ODPM also outlined plans to introduce wider local government triggers for action in the 5-year departmental strategy document published earlier this year.<sup>2</sup>

2.6 We have been working closely with ODPM to ensure that the CCA fits with their plans for the wider local government trigger. Our proposal to place the ward councillor at the centre of the process is very much in line with their work to build the capacity of ward councillors to act as community advocates and to engage on the community safety issues of top priority to local people. The CCA will sit as one of a range of tools available to ward councillors to get action on behalf of their communities.

### **iii) Rationale for Government Intervention:**

2.7 Local communities are reliant upon the police and their partners to provide an active response to community safety issues. Sometimes agencies are unable or unwilling to respond effectively. This can be due to a range of reasons:

- Agencies are left to deal with recurring problems in isolation, because they are unable to secure co-operation, or shared agreement, from community safety partners;
- Incidents occur at a very local level and are not captured by priority setting mechanisms at a higher level;
- Incidents may affect "hard to reach" communities, where engagement mechanisms are weak, such as some black and minority ethnic communities, or some rural communities;
- There may be inconsistent operational priorities between agencies;
- Incidents may arise outside annual planning cycles etc. and the necessary response may therefore be unfunded

2.8 Neighbourhood policing and other work to improve the responsiveness and customer focus of the police service, along with the proposals for greater accountability at the Crime and Disorder Reduction Partnership level will help

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<sup>2</sup> Sustainable Communities: People, Places and Prosperity :January 2005: Cm 6425

to address these problems. However, there will inevitably be some instances where a community is dissatisfied with the response of the local Crime and Disorder Reduction Partnership to an issue of particular local concern. These proposals will empower communities to request an improved response or at the very least an explanation of why action cannot be taken.

### **3. Consultation**

#### **i) Within Government**

3.1 The publication of the White Paper *Building Communities, Beating Crime* in November 2004, was approved by the Cabinet. The following Departments have been consulted in more detail during the development of the policy and preparation of this part of the Safer Communities Bill:

- The Home Office (the lead Department);
- The Office of the Deputy Prime Minister;
- The Treasury;
- Cabinet Office.

#### **ii) Public consultation**

3.2 The proposals were included in the consultation paper *Building Communities, Beating Crime*. The responses included comments on this particular proposal from ACPO, the APA, and the LGA amongst others.

3.3 The response to the proposal was mixed although the police had particular concerns. Generally, the police respondents were concerned that the mechanism should not result in the adverse skewing of police activity or provide a resort for those who can shout the loudest. The APA agreed with the proposal that ward councillors should be the way to initiate the trigger. They were clear that the mechanism should result in action being taken by other partners and not simply the police. The APA favoured a moderation of the operation of the mechanism by a joint scrutiny body of local and police authority representatives.

3.4 The LGA felt that there may be some value in the concept of such a mechanism, but that the practicalities needed careful consideration if it was not in practice to undermine partnership working.

3.5 ACPO had serious concerns over the proposals, especially the possible infringement on the operational responsibility of the police service.

3.6 The Government has considered the responses carefully and taken the comments on board in developing the proposals. The Home Office has worked closely with key stakeholders, including ACPO, the APA and the LGA as the policy has developed. Safeguards have been built into the process in response to concerns raised. There are basically three filters in the process.

The ward councillor can reject the call for action if he or she considers that the request is not a valid one of community concern, and the scrutiny committee can take the same decision, after hearing evidence from community safety partners. At the very end of the process, community safety partners can decide not to take action if it's not in the public interest to do so. We are also proposing in option 3 a duty on the scrutiny committee to co-opt a policy authority member, or a member of another responsible authority as required, when considering community safety issues referred in this way. We are also proposing that the duty at the end of the process should not for operations to be directed by the scrutiny committee, but rather for the partners to respond to their recommendations. This is in line with the view held by our policing stakeholders that a scrutiny committee must not be able to direct the operational action that the police must take, but rather to recommend whether further action should be taken to address the problem.

#### **4. Options**

##### Option One: Do Nothing

4.1 Under this option, we would rely on the police reform programme and emerging proposals around CDRP accountability to provide the resolution mechanisms for these kinds of problems.

4.2 The roll out of neighbourhood policing will enable every community to benefit from dedicated and accessible teams, led by police officers but involving special constables, community support officers, volunteers, neighbourhood wardens, the security industry and others. Communities will know who their local police officers are and how to contact them.

4.3 Neighbourhood policing goes further than just extra frontline resources. It will mean a better relationship with local communities through working directly with them to tackle crime and anti-social behaviour.

4.4 Increased CDRP accountability will result in more effective partnerships at local level, and a more efficient response to local priorities. The "face the people" sessions proposed in the Respect Action Plan will further increase the opportunities for people to get their voices heard by CDRP partners.

4.5 Sometimes the public do not see any point in reporting community safety problems, or taking a stand against anti-social behaviour because they do not think that action will be taken. Sometimes they hear nothing after the report has been made, or the problem does not go away. We need a way for people to raise things as a last resort, and to demand a fast response or at least an explanation when agencies have consistently failed to address the problem. This is an important part of the package of measures in the Police and Justice Bill to improve local accountability of service providers.

##### Option two: Referral of issues to independent arbitration body

4.6 Under this option, community safety issues could be relayed directly to an arbitration body (in this context, it might be possible to extend the role of the Independent Police Complaints Commission, for example, to provide an appellate function), or an individual (such as an ombudsman, drawing on the system which currently exists in Northern Ireland), to decide whether the grievance was legitimate or not.

4.7 Having established its legitimacy, the arbitration body or individual would have a set of powers to encourage local agencies to consider the full range of powers and interventions at their disposal to tackle the problem. The agencies would be under an obligation to take some action if the arbitration body thought that it was needed, or at the least to provide valid reasons for not taking action. However, this would mean the setting up of an entirely new body.

Option three: Ward councillor route to action, with option of referral to scrutiny in complex cases. This is the preferred option.

4.8 Under this option, members of the local community, or their spokesperson would approach their ward councillor with the problem. The councillor would have a crucial role in a) deciding whether there is a case for action and b) trying to resolve the problem without referring it on, through consultation with the CDRP and/or the relevant agencies. There would be an alternative route through the council executive if the community was dissatisfied with the response of the councillor. Publicity of the new powers may lead to an increase in the number of such requests received by ward councillors. However, these are issues which are of top priority to local communities, and as such are issues which ward councillors will already be faced with. This option gives ward councillors more powers to be able to do something about the problems, rather than adding significantly to their workload.

4.9 If the problem could not be resolved at this stage, the councillor would refer it formally to the existing scrutiny committee of the council. Regulations would specify the timescale within which the councillor should respond. We envisage two weeks. The scrutiny committee would have a duty to gather evidence from community safety partners, and consider whether there was a case for requiring a resolution of the problem. It would also have a role in analysing the problem and might in some circumstances recommend a course of action. In every case, the scrutiny committee would issue a report to the ward councillor, the community, the CDRP and the relevant service providers. It must say whether or not the committee regards the problem as one requiring resolution; and may make recommendations as to how it should be resolved. Regulations would also specify the timescale for a scrutiny committee response. We will discuss this further with stakeholders, but propose 28 working days.

4.10 At this point, the relevant community safety partners would have a duty to respond to the scrutiny report, setting out the action that they will take, or have taken. Again, we will specify the timescale within which this should

happen. Two weeks would seem reasonable. They should be able to give reasons for not taking action if a) the partner considers that it is not necessary to act in the interests of public safety or b) the partner considers that action could only be taken at the expense of unacceptable impact on some other aspect of service provision. The partners should provide reasons in writing to the scrutiny committee, ward councillor and community group if the decision is taken not to take any action. Any partner deciding not to take action at this stage should attend the next meeting of the scrutiny committee to explain its reasons in a public forum. The response of partners to a scrutiny report, and any failure to co-operate with the scrutiny committee will be picked up in their regular inspection framework under the broader 'citizen engagement' or 'community consultation' heading. However, the number of times a community call for action is used is not an indication of the effectiveness or otherwise of the CDRP.

4.11 This is our preferred option.

## **5. Costs and benefits**

### **i) Sectors and Groups Affected**

5.1 Those affected by options two and three would include:

- Ward councillors;
- Scrutiny Committees;
- “Responsible Authorities” and “Co-operating Bodies” of the CDRP (as defined in the Crime and Disorder Act 1998):
  - Responsible authorities –
    - Council (district, unitary and county)
    - Chief Officer of police
    - Police Authority
    - Fire Authority
    - PCT
  - Co-operating bodies -
    - Local probation board
    - Parish Council
    - Community Council (Wales)
    - NHS Trust
    - Governing body of a school
    - Proprietor of an independent school
    - Governing body of FE institution
- Registered Social Landlords; and
- Local Communities.

### **ii) Benefits**

#### ***Option two: Independent arbitration body***

5.2 The main advantage of this system would be its impartiality and freedom from possible accusations of political interference. Communities would benefit from being able to raise issues of local concern and to see some action on them, or at least to get a response from agencies to the request for action.

5.3 There is also a potential benefit to community safety partners. Independent arbitration would be a way to resolve disputes about one partner's refusal to take action on a particular problem, or disagreements about priorities and resource allocation.

### ***Option three: Ward councillor and possible scrutiny involvement***

5.4 The main benefit of this proposed mechanism over any alternative route to trigger action is that it works within existing structures. It adds formally to the duties on scrutiny committees and to the role of the ward councillor, but in practice the extra burdens on them will be minimal (see explanation under "costs") because most of them are already having to consider community safety issues, but without the extra tools and powers to actually get something done that this proposal offers (the ability to refer issues to scrutiny for councillors, and the ability to co-opt members, require evidence and then to demand a response from local agencies for scrutiny committees). This proposal is about extra tools to seek a solution to existing problems, not about additional burdens.

5.5 The proposal is clearly linked to ongoing work by the ODPM to improve the capacity of ward councillors to act as community advocates and to secure action on issues of local concern on behalf of their communities. Whilst there will be some training costs involved in making sure that councillors are able to use this proposed mechanism, they will be part of a wider programme of work being led by the ODPM and LGA to enable councillors to be more involved in priority issues such as community safety, and so to act more effectively on behalf of their communities.

5.6 The proposal brings a benefit to communities who will be able to secure some sort of response to a problem that has previously been unseen, ignored or not prioritised by local agencies. Their ward councillor may be able to secure a fast response from the relevant agencies under the threat of scrutiny involvement. If the problem does have to go to scrutiny, then the community will be guaranteed a response within a specified timescale due to the new duty on the relevant agencies to respond to any recommendations of the scrutiny committee.

5.7 For the police, and indeed for the CDRP as a whole, there will be a benefit from the greater incentive for partners to engage more readily in local community safety issues. Scrutiny involvement will act as a spotlight on partnership failings, and highlight any uncooperative partners. The threat of scrutiny involvement will be enough to enhance partnership working in many cases.

### iii) Costs Generated by the Proposals

#### ***Option two: Independent arbitration body***

5.8 This option would necessitate the creation of a completely new bureaucracy (i.e. an extensive independent arbitration body or a team of ombudsmen, operating at regional / local level) or the very significant extension of an existing body's (i.e. the IPCC's) powers.

5.9 Given the current drive to reduce bureaucracy and the high associated costs of creating a new arbitration system from scratch, or extending the existing remit of the IPCC, it is unlikely that this proposal would receive widespread political or public support.

5.10 This option also has the disadvantage of cutting out the ward councillor's role as arbiter. This means that significantly more issues would be referred directly to the arbitration body than would get to scrutiny through the ward councillor's filtering role. Arguably we could retain the ward councillor role as filter for requests for action in this scenario, but this would build the political dimension back into the process and so negate the arguments in favour of an independent body in place of a scrutiny committee.

#### ***Option three: Ward councillor and possible scrutiny involvement***

5.11 ***Ward councillor costs:*** There will be training costs for ward councillors to be able to fill this new role effectively. We would expect that we would take advantage of existing work being done by ODPM and the LGA to develop the capabilities and capacity of local councillors. There are also opportunities to build such training and development for local councillors into the anti-social behaviour, TOGETHER Academy approach. This option should not add significantly to the workload of councillors, because they are already approached by their constituents with these priority issues, and most will be responding as quickly and helpfully as possible. The proposal gives them another way to get some action on behalf of their local communities.

5.12 ***Scrutiny committee costs:*** We would expect scrutiny involvement to be infrequent and only in particularly difficult cases that cannot be resolved at a more informal level. The scrutiny committee would be able to reject cases on the basis that the councillor had not taken sufficient steps to resolve the problem without scrutiny involvement. We envisage that this will be via a simple checklist which we will suggest (not prescribe) in guidance. For example, one of the questions might be "has the councillor spoken to the BCU commander about the problem?" Our best estimate is that the scrutiny committee of an average sized district council would be involved in a maximum of ten cases a year. There will be local monitoring of numbers referred to the scrutiny committee during the first year.

5.13 Under this option though, there *would* be a new duty on scrutiny committees to consider requests referred in this way within a certain timescale – we are proposing 28 working days. However, the duty will be unlikely in

practice to add a significant extra burden to scrutiny committees. Over 60% of top tier local authorities are currently engaged in scrutinising community safety activity. The timescales and the obligation to consider community calls for action will mean that these have to be prioritised, but scrutiny committees are already prioritising issues for consideration, based on approaches from councillors. A trigger issue might mean that scrutiny of another issue may have to be delayed or dropped from the annual work programme for the committee.

**5.14 *Costs to community safety partners*** – There may be some costs involved in the new duty on partners to give evidence to the scrutiny committee, and for the responsible authorities which may be co-opted onto the scrutiny committee. Again in practice these costs will be minimal. We have already said that over 60% of top-tier authorities are looking at community safety issues. Attendance at meetings and giving evidence is therefore already part of the work of the police and other local partners. This option is unlikely to add a significant extra burden.

5.15 There will not be any additional costs to community safety partners in terms of taking action if it is recommended by either the ward councillor during the first stage of the process or by the scrutiny committee at the more formal stage. This is because the policy is about identifying local priorities that have not been picked up in the usual priority-setting processes rather than about additional resources to tackle particular problems.

5.16 It is very unlikely that a scrutiny committee would recommend action that cannot be taken without having an unacceptable impact on some other area of service provision, because this is just the kind of prioritisation issue that scrutiny will be looking at in depth. We would further expect that any action would take into account outcomes agreed within an area's Local Area Agreement. However, we propose that it is open to community safety partners to decline to take action even if the scrutiny committee has recommended that they should. They should only be able to decline if there are clear and justifiable reasons why taking action would a) not be in the public interest or b) result in an unacceptable impact on service provision in another area - in other words, if it would require extra resources even after any necessary re-prioritisation of activity. An alternative response might be for the partners to take stop-gap actions such as an agreement to review the situation again after 6 months.

5.17 If the partners do decline to take action at this stage, they will be legally required to attend the next public meeting of the scrutiny committee in order to defend their decision and explain the reasons for it. This will strongly discourage any inappropriate use of this provision, but allow genuine resource and prioritisation issues to be explained to the local community.

## **6. Enforcement, Monitoring and Evaluation:**

6.1 The response to a Community Call for Action (including any decision not to take action, against scrutiny committee recommendations) would be

considered as part of the usual inspection framework for the CDRP members (The new Justice, Community Safety and Custody Inspectorate and the Audit Commission). There would be no additional burden on the inspectorates – it would be considered under existing inspection headings around citizen focus and responsiveness, in the usual inspection rounds.

## **7. Small Firms Impact Assessment**

7.1 Not applicable.

## **8. Competition Assessment**

8.1 Not applicable.

## **9. Summary and Recommendation**

9.1 Option 3 addresses the issues that have been identified and need to be resolved without incurring the unnecessary costs associated with Option 2. Option 1 – Do nothing is not an acceptable alternative. Option 3 builds on existing structures and ways of working, and enhances the role of the ward councillor in dealing with community safety issues on behalf of his or her community.

## **10. Ministerial Declaration**

10.1. I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed

Rt. Hon. Hazel Blears MP, Minister of State for Crime Reduction, Policing, Community Safety and Counter Terrorism.

## **Contact**

### **The contact point for this RIA is:**

Stephanie Waddell  
Police Reform Unit  
Home Office  
6 Floor Fry Building  
2 Marsham Street  
London  
SW1P 4DF