

**KENSINGTON AND CHELSEA PARTNERSHIP STEERING GROUP
- 23RD MAY 2002 MEETING**

REPORT OF DIRECTOR OF STRATEGY & SERVICE IMPROVEMENT

**BEGINNING TO DELIVER ON THE COMMUNITY STRATEGY – THE BOROUGH
CONSTABLES SCHEME**

The Steering Group is invited to comment on the attached report on the development by the Council of a scheme to introduce Borough Constables.

FOR COMMENT

1. BACKGROUND

- 1.1 The Royal Borough has been continuing its work to develop proposals for the introduction of a Borough Constables scheme. At its meeting in July the Cabinet of the Council will be invited to decide on the introduction of a pilot scheme. The Cabinet is keen for its decision to be informed by the views of the remainder of the Council, the Kensington and Chelsea Partnership Steering Group, the Police Consultative Group and other relevant local organisations. Consultation is underway.
- 1.2 The final draft of the community strategy (Item 6 on the agenda) states that partner organisations in the Borough will aim to provide services that enable people to feel safe in their communities, both in their homes and when they are out and about. It states that one of the ways in which we will work towards this aim will be to consider carefully the feasibility of piloting a Borough Constables project.

2. THE SCHEME

- 2.1 The background and current position regarding the Borough Constables scheme is set out in the attached paper from the Assistant Town Clerk and Head of Scrutiny. Some of the issues which the Cabinet will need to consider are set out in paragraphs 8 and 9.

3. CONCLUSION

- 3.1 The Steering Group is invited to discuss the attached paper.

FOR COMMENT

Tony Redpath
Director of Strategy and Service Improvement

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KENSINGTON AND CHELSEA PARTNERSHIP STEERING GROUP

REPORT BY ASSISTANT TOWN CLERK AND HEAD OF SCRUTINY

BOROUGH CONSTABLES

Background

1. At its meeting on 28th February 2001, the previous Council Policy and Resources Committee commissioned a full feasibility study into the proposed establishment of a borough-wide Neighbourhood Wardens or Borough Constables service.
2. The study was undertaken in conjunction with the Metropolitan Police and the resulting report identified a number of options ranging from –
 - an “eyes and ears” wardens service (i.e. basically reporting problems for action by the relevant agencies); through to
 - a policing-style service able to take action directly in relation to low level crime and disorder, anti-social behaviour and environmental nuisance.
3. Following consideration of the report, a Cabinet Working Party was set up to undertake detailed investigations into the preferred option – namely, a Borough Constabulary. In looking into this matter further, the Working Party considered that:-
 - (i) There could be **no prospect** of the Council proceeding with a Borough Constables scheme if there was any question of Metropolitan Police resources devoted to the Royal Borough being reduced to an unacceptable level.
 - (ii) Further work on a Borough Constabulary would have to be conditional upon the necessary powers being made available to them so that they could take effective action to tackle low level crime and anti-social behaviour.
 - (iii) In addition, it would be vital that the establishment of such an on-street, policing-style service had the full and active support of the Metropolitan Police.
4. There has now been considerable progress in relation to (i), (ii) and (iii) above and the position in each case is summarised briefly below:-
 - (a) **Metropolitan Police numbers in the Royal Borough.** The results of a London-wide review of Metropolitan Police resources suggested that Police numbers in the Royal Borough might have to fall below 500 and the Leader of the Council announced that this was totally unacceptable (not least in the context of the ever-increasing Police precept). However, following a process of intensive negotiations, the Royal Borough was informed that we could look forward to a minimum and sustainable Police force of 544.

- (b) **Additional powers for a Borough Constabulary.** Under the terms of the Police Reform Bill that was published on 25th January 2002, bodies such as the Royal Borough (referred to in the Bill as Accredited Organisations) would be able to negotiate with the police for a list of powers including the following.

- issuing fixed penalty notices for offences such as cycling on the pavement, dog fouling and litter;
- the power to require names and addresses of offenders; and
- the power to detain offenders pending the arrival of a Metropolitan Police officer.

However, the Bill would not allow Borough Constables to use “reasonable force” when exercising the power of detention and, as indicated in paragraph 6 below, this matter is being pursued. Nevertheless, very welcome progress is clearly being made in providing the additional powers required for a Borough Constabulary.

- (c) **Police support.** Until quite recently, it was doubted whether the Metropolitan Police would be prepared to support a Borough Constabulary. In particular, it did seem as though they might have concerns regarding –

- a police-like uniform;
- our use of the term “constables” for our officers on the streets; and
- the exercise of any real powers of intervention.

In the event however, the local Police Commander has stated publicly that he would support the establishment of a Borough Constabulary, and New Scotland Yard have also indicated that they are unlikely to have any “in principle” objections.

Whilst expressing their support for the establishment of a Borough Constabulary, the Metropolitan Police have asked the Royal Borough to at least consider the possible alternative option of paying for civilian “auxiliaries” who would be employed and trained by the Metropolitan Police, who would be dedicated to the Royal Borough and who (under the Bill as currently drafted) would have more powers than Borough Constables (including the power to use reasonable force).

5. In the light of the positive developments around Metropolitan Police numbers, possible powers for a Borough Constabulary and likely Police support for such a scheme, the Executive considers that matters can now be moved forward.

Next Steps

6. Whilst welcoming the current provisions in the Police Reform Bill for a “menu” of new powers, it has been agreed that the Council should engage in lobbying in order to –

- ensure that, at the very least, the current provisions in the Bill are not watered down; and
- press for the power to use reasonable force, without which the power to detain (pending the arrival of a Police Officer) might be meaningless.

An amendment on the use of reasonable force was moved in the joint names of Lady Hanham and Lady Gardner during the House of Lords Committee Stage. In rejecting the amendment, the Home Office Minister stated that “The accredited persons are not under the direct and specific control of the Chief Constable; they are employees of someone else. That is why the reasonable use of force is ruled out”.

Nevertheless, this matter is being pursued in order to ascertain whether the Royal Borough and the Metropolitan Police might be able to put forward a joint proposal that would meet Government concerns. Any further information in this connection will be reported verbally at the meeting.

7. In the light of the generally positive progress that has been made in meeting key Council concerns, the Cabinet has indicated that we should now put preparatory work in hand for a possible pilot project. Such a project would aim to test the scheme in a selected area of the Royal Borough and, if it proved to be successful, the intention would then be to extend the service borough-wide. A report will therefore be made to the July meeting of the Cabinet with a view to a Key Decision being taken on the introduction of a pilot scheme.
8. The preparation of the Key Decision report will be a major piece of work that will need to encompass a very wide range of detailed and fully costed features including the following –
 - which area of the Royal Borough should be chosen for the pilot scheme;
 - staff numbers;
 - supervision/management arrangements;
 - training;
 - uniforms;
 - equipment (including protective equipment);
 - insurance cover;
 - communications facilities;
 - transport facilities;
 - operational base or bases (e.g. police stations by arrangement with the Metropolitan Police, Council offices and, possibly, strategically placed “police huts”);
 - patrol duties;
 - patrol hours and patterns;
 - working arrangements with the police (to be governed by operational protocols);
 - working inter-relationships with other on-street Council services.
9. There are a number of other relevant issues, including the following: -

- (i) As indicated immediately above, the development of a Borough Constables scheme will need to take full account of, and mesh with, the other street-based enforcement services, the parking attendants service, the Parks Police etc.
 - (ii) The local Metropolitan Police Commander has agreed to play a full part in both the preparatory work for a pilot scheme and also, of course, in the actual operation of the scheme on the ground.
 - (iii) As indicated above, consideration has yet to be given to which wards should comprise the possible pilot area. It has however been agreed that the selected area should **not** have a particularly high crime profile and this preferred method of approach is supported by the Police. Ward options will be included in the above-mentioned Key Decision report.
 - (iv) Any introduction of a pilot scheme will need to be preceded by full public consultations – particularly in the area selected for the pilot.
 - (v) The development (and the subsequent operation) of the scheme will of course need to draw in a number of interested organisations including –
 - the Scrutiny side of the Council;
 - the Local Strategic Partnership;
 - the Police Consultative Group; and
 - other relevant local organisations.
10. A Borough Constabulary would have substantial financial implications for the Council. Although the detailed investigations are currently in progress, the original feasibility study referred to in paragraph 1 above did include quite a lot of financial information. Based on that information, it is estimated that, in very broad terms, a pilot Borough Constables scheme operating in two wards would involve annual expenditure in the order of £500,000. Again, based on the details contained in the original feasibility study, it is likely that a borough-wide scheme would cost somewhere in the order of £4½ - £5 million a year.

Conclusion

11. The crime audit that underpins the Council's Crime and Disorder Strategy makes it very clear that residents' top priority is for an increased uniformed and visible presence on the Royal Borough's streets. Meeting this very clear demand will not always coincide with Metropolitan Police priorities, and the Cabinet therefore considers that a Borough Constabulary (working very closely with the Police) could make a real contribution to combating both crime and the fear of crime in the Royal Borough.

FOR DISCUSSION

L.G. Kaye
Assistant Town Clerk and Head of Scrutiny

Background Papers - Joint report by Town Clerk and Chief Executive and Borough Commander, Metropolitan Police to the Policy and Resources Committee's meeting on 28th February 2001; Joint Council and Police Feasibility Study into a Neighbourhood Wardens/Borough Constables Service, July 2001.

Any person wishing to inspect the above documents can do so by telephoning Mr. Leon Kaye on 020 7361 2998.