

SUSTAINING POLICING BY CONSENT IN LAMBETH

Introduction

This short paper provides an explanation of why Lambeth CPCG's Membership instructed their Board to stay CPCG's funding bid to MOPAC for 2013/14.

It first provides an historic context, within which Lambeth CPCG has had over 30 years' experience of community-police engagement, and a decade of community-community safety partnership engagement. During that time Lambeth has had notable, acknowledged successes in introducing adaptive innovation into engagement.

The paper sets out what Lambeth CPCG holds, on the basis of that experience, to be key principles for successful engagement and an assessment of the proposals for Safer Neighbourhood Boards against those principles.

The paper concludes with a proposal for a way to resolve the impasse and move forward.

Historic Context

Origins and Development

Borough based vehicles for constructive engagement or consultation between local communities and the police have existed in London from the early 1980's, following the publication of the Scarman Report in 1981. They took the form of Community-Police Consultative Groups and Lambeth was the first such. Over the years, some diversity of operating styles, of priorities and of specific initiatives has developed across the city, with many specific innovations originating in Lambeth. CPCGs have developed different titles under the generic 'Community Police Engagement Groups' or CPEGs. Nonetheless, true, credible and accessible engagement has remained their core common purpose.

Constitutional Forms and Independence

From the outset, independence was seen as a pre-requisite for credibility within the community. Prior to the reorganisation of London local government in 2000, these groups were funded directly by the MPS, but the MPS took no part in their organisation or direction. After 2000, the Metropolitan Police Authority (MPA) took over responsibility for their funding and in the early years sought to impose constitutional uniformity, on the basis that the CPEGs were 'agents' of the MPA in carrying out its statutory responsibilities, and that the MPA must both direct their actions and take responsibility for their liabilities.

These moves were controversial and the MPA sought Counsel's opinion. This was obtained from Thomas de la Mare of Blackstone Chambers and stated that CPEGs were **not** agents of the MPA, or

even part-agents, but rather autonomous community associations.¹ These the MPA may choose (or not) to fund in order to ensure that there was effective engagement between the community and the police at borough level. On the same basis, the MPA did not share any of the liabilities of individual CPEGs. This clarity on the issue of liabilities prompted a number of CPEGs (Lambeth included) to become incorporated bodies where they had erstwhile been associations with no limitations on liability. This further under-scored their independence.

Other Players in the Engagement Landscape

At the outset, CPEGs functioned as engagement vehicles between the community and the police. In this respect, policing was some decades ahead of other public services. The 1998 Crime and Disorder Act set up local Crime and Disorder Reduction Partnerships, of all those public agencies in each borough concerned with crime and community safety. CPEGs were sensibly encouraged to widen their engagement activity to encompass the Partnerships, whilst maintaining a key and particular focus on policing.

At the same time, other forms of engagement around policing were developed, most notably the Panels associated with the ward based Safer Neighbourhood Teams, which were progressively introduced across London from 2004 onwards.

Safer Neighbourhood Boards

The current Mayor, in his election manifesto for the 2012 Mayoral elections, signalled his intention to replace these Groups with borough based Safer Neighbourhood Boards. This he would do under the new role assigned to the Mayor, of Police and Crime Commissioner, under the Police Reform and Social Responsibility Act 2011. The manifesto commitment was set out in broad terms, but clearly envisaged very different model. Specifically, it appeared to revert to a model of local engagement vehicles which were indeed agents (in this case of MOPAC) with appointment replacing local association and with an agenda and tasks specified by MOPAC.

Timeline for CPEG Sign-up

The draft Mayor's Police and Crime Plan, set out for consultation in January 2013, made reference to these changes which, it indicated, would be consulted on in detail later in the year. Separately, CPEGs were told that there would be a consultation during March. In February, the 2013/14 funding round for CPEGs was initiated by MOPAC, and the guidance clearly set out that CPEG bids should indicate how they would work with partners to develop Safer Neighbourhood Boards in their boroughs but also that they should also include their own demise or 'exit'.

¹ See MPA Report: "Community and Police Consultative Groups development and reform programme and funding process for 2004/05" Report: 5 Date: 22 September 2003 By: Clerk.

<http://www.policeauthority.org/Metropolitan/committees/x-ce/2003/030922/05/index.html>

The consultation on the proposed Safer Neighbourhood Boards took place at a seminar event in City Hall on 17 April, just over a fortnight before the closing date for the CPEG funding bids. From this meeting, and briefings through LCP2 (the umbrella body for CPEGs) it became apparent that, whilst there would be flexibility in how each borough arrived at its Safer Neighbourhood Board, there were clear functions which they would be expected to undertake (see Appendix 1). Community engagement would be only one of ten functions and only as an overseeing role. Independent Custody Visiting or Stop and Search Monitoring would not be direct functions of the Board – these groups would not have membership of the Board but rather some unspecified relationship with it. The Boards would be limited in membership, to no more than 20, and there was no clarity as to how their membership would be chosen or how a democratic basis to their appointment (if any) would be assured or by whom.

Whilst having prepared a funding bid to meet the timescales, Lambeth CPCG's Board felt that the proposal outlined, even allowing for local flexibility, was sufficiently removed from long held principles of engagement in Lambeth, built on decades of successful experience, that CPCG's Membership should be allowed their say on the bid. This they had at an EGM on 30 May and by a large majority instructed the Board to stay the process.

CPCG for Lambeth's Principles for Effective Engagement

Below we set out what we consider to be key principles for effective engagement. It should be stressed that these are not theoretically derived. They are a *post hoc* articulation of over thirty years experience, through good times and bad, of successful community-engagement in Lambeth and it is worthwhile summarising what that has encompassed.

Lambeth CPCGs Experience

Lambeth has over the period developed a distinctive contribution within the borough and models of working. In a number of aspects these models have been picked up and replicated across the city. These have been extensively documented elsewhere, but in summary we should note:

- Monthly, well-attended opportunities for direct engagement between the local community and the police (for the last decade, the CSP);
- Diversification of formats for engagement including local fairs and community events, more deliberative style events and novel methods of engaging with particular groups eg Youth.
- In depth, joint-working with the police on recurrent problems and issues. This has become a well-established aspect of CPCG's work, of which three examples will suffice. An earlier example is the country's first Deaths in Custody report² on 1996. In 2002, Lambeth CPCG set up the first community-police Stop and Search Monitoring Group and made a submission to

² "Lessons from Tragedies: Deaths in Custody in the Metropolitan Police District 1986–95". Community-Police Consultative Group for Lambeth, London. Deaths in Custody Working Group of the Community-Police Consultative Group for Lambeth. 1996.

the MPA's Stop and Search Scrutiny. As well as using data and analysis from that submission, the Scrutiny's report recommended that other boroughs replicate the initiative from Lambeth³. Monitoring Groups have since been established in every London borough, now coordinated through a London wide forum. In 2005, CPCG formed a Mental Health Working Group specifically to input into another MPA Scrutiny, in this case a joint Scrutiny with the NHS into issues surrounding the detention of people with Mental Health issues. This Group was then instrumental in galvanising the response from the community and the agencies to the tragic death of Sean Rigg in 2008. Those efforts resulted in a ground breaking project, largely funded from charitable sources, to provide 24/7 access for detainees in custody, to Mental Health professionals.

- Other 'off-line' activities have included routinely providing observers and interlocutors to planned police operations as well as providing rapid, unplanned community intervention on occasions of potential community-police tensions.

It should be noted that these off-line activities, be they formalised working groups, planned involved in police operations or reactive response to emerging tensions, have been vital to developing working relationships and mutual understanding between the community and the police.

This track record has been acknowledged down the years, and CPCG was recognised as being in the top quartile of CPEGs in the MPAs Value for Money exercise and cited as a model of best practice by the MPS. Nonetheless Lambeth CPCG has recognised that the need to change and adapt, especially to the changing diversity of the borough and the changes in the 'engagement landscape', including the emergence of the Safer Neighbourhood Panels.

To that end a research project was commissioned, with the support of the CSP, which produced the Whose Shout? report⁴, to establish the state of play in Lambeth, identify the gaps and recommend ways forward. Whilst some of those recommendations have been adopted by both CPCG and the agencies, the SNB proposals provide a new impetus to revisit the insights of that report and to refresh its recommendations to current circumstances.

CPCG Principles: The 'What' of Engagement

At the heart of the British system of policing is the notion of policing by consent. The root cause of the disorder in Brixton in 1981 was the alienation of a community which was 'over-policed and under-protected'. For that community, policing was neither fair nor effective and consent was dramatically withheld.

³ MPA. "Report of the MPA Scrutiny on MPS Stop and Search Practice", 2004
(<http://policeauthority.org/metropolitan/downloads/stop-search/stop-search-report-2004.pdf>)

⁴ Catriona Robertson "Whose Shout?: Engagement on Community Safety in Lambeth" CPCG for Lambeth, 2010

Thirty years later, the MPS's own analysis its public confidence surveys (a metric for consent) identified that the key drivers for confidence were Effectiveness and Fairness. In that analysis, Fairness was reflected in both the treatment of individuals but also of the community as a whole, the latter through effective engagement⁵

Any system of engagement, and any vehicle set up to undertake it, must manifestly address both the Fairness and the Effectiveness of local policing.

CPCG Principles: The 'How' of Engagement

An engagement vehicle must be credible in the community. To achieve this it has to be both accessible and accountable to the community, and inclusively so. Whilst maintaining its focus on policing, it must also embrace the wider partnership of agencies addressing community safety with the CSP (in our case the Safer Lambeth Partnership). The vehicle must strike the right balance between partnership working and the capacity to take an independent line, manifestly expressing the community interest, when needs demand.

It must have the capacity not only to provide 'consultation events', sometimes seen as tick-box exercises, but to provide a place for the community, the police and the wider CSP to work together in-depth to address deep rooted and sometimes intractable problems and issues.

Accountability is ultimately guaranteed by ensuring proper constitutional arrangements and democratic processes within the vehicle itself. Any citizen within the community should be able to participate in the process and to offer themselves to their neighbours to serve in running the organisation and in setting the agenda, accepting that should they fail to respond to the wishes of the community then they will be rejected by it in open process. They are working as volunteers for their community, not for the police or for MOPAC. It is to the community that they must account.

Accessibility cuts through every aspect of opportunity to participate in engagement. It is determined by the frequency and variety of events where local people can challenge local police and partners and the responsiveness of such events to local circumstances, particularly following critical incidents. The importance of providing an opportunity for anyone to walk in off the street and raise their concerns, with the support of their community around them, should not be underestimated. But equally, accessibility means that anyone in the community should, if their neighbours support them in doing so, be able to develop their contribution beyond turning up at an event. There have to be open and transparent processes to enable them to do so. In particular, they should not be discouraged by onerous legal liabilities.

Inclusivity has to be reflected both in the way the vehicle operates – the type of events it holds, their format, location, times or the capacity and energy of its outreach – but also in its structure. A rigid and limited membership will inevitably constrain inclusivity and (worse) encourage tokenism.

⁵ Stanko, E. A. and Bradford, B. (2009), *Beyond Measuring 'How Good a Job' Police Are Doing: The MPS Model of Confidence in Policing*. Policing (2009) **3 (4)**: 322-330. See also:

<http://www.met.police.uk/about/performance/faq.htm>

Working in Depth. An engagement vehicle must be adaptable and innovative in ways that formal structures can inhibit rather than support. Examples would be joint working, in partnership, outside of formal engagement events. In Lambeth such examples have been our Mental Health Working Group, which provided the stimulus for the provision of Mental Health Professionals in custody suites or our Stop and Search Working Group, which provided the model for Stop and Search Monitoring Groups across London.

Partnership. We have already noted that CPEGs have developed to address the CSPs as well as the police specifically. But a successful vehicle must also in itself encompass a partnership within the community. This should include the diversity of community organisations which have a concern for community safety albeit that is not their prime focus (eg tenants and residents associations, faith groups, youth organisations and so on) as well as individual citizens.

How do the current proposals for Safer Neighbourhood Boards measure up?

Community Engagement

We first note that Community Engagement is just one of ten functions which the SNBs will be tasked with but in an oversight role. Who will actually do the work which, from experience, can be time consuming? How will it be resourced? Moreover, since the Board's other functions are effectively delegated MOPAC roles, is there not a conflict of interest?

Fairness and Effectiveness

The functions tasked to the SNB are heavily weighted to Effectiveness issues, with the possible exception of victims' complaints. This is especially so with the exclusion of the Independent Custody Visitors and of the Stop and Search Monitoring Groups. Any vehicle which fails to address both will fail to build confidence or underpin consent: it will lack credibility from the outset.

Performance reporting at borough level has been woefully undermined by resource issues and is now summary in the extreme. What dedicated resource shall the SNB have to review performance and to critically drill-down below the headline narrative?

Accountability

The SNB proposal appears to ultimately rest on some form of patronage or appointment, as originally set out in the Mayor's manifesto commitment. As such, it will not have credibility in the community as being accountable or capable of independence.

How do the current proposals for Safer Neighbourhood Boards measure up?*Accessibility*

As described, the model appears to be of a Board which will meet in public much in the same way as many statutory bodies currently do. It is not clear to what extent, if at all, ordinary members of the public will be able to contribute to the Board's deliberations or even to shape what those deliberations should be.

The lack of open democratic process means that there is no clear progression for individuals coming into contact with the SNB to develop their contribution.

There are onerous legal liabilities associated with some of the SNB functions, most notably monitoring victims' complaints. These are likely to be deterrence to participation.

Inclusivity

A Safer Neighbourhood Board where direct participation is limited in numbers must inevitably constrain Inclusivity and encourage tokenism.

Partnership

The SNB as posited appears to be an agency of MOPAC, effectively with delegated functions. It is unclear how this will relate to the local CSP.

Working in Depth

There appears to be no provision for the SNBs to have the capacity to work in depth on difficult issues and to develop innovative and adaptive solutions.

Conclusion

On this basis, Lambeth CPCG is not confident that the SNB, as far as we understand the proposal, is fit for the purpose required in Lambeth. We would expect this to be true for other boroughs, especially those facing similar community safety concerns and with a similar history of community police relations. We feel strongly, based on our experience, that such boroughs need engagement vehicles which meet principles set out in this paper. As the proposals stand the SNBs may well meet MOPACs perceived immediate policy objectives, and support MOPAC in its statutory functions. But they would fail local communities and local agencies and thereby, ultimately, fail MOPAC.

That doesn't mean that Lambeth CPCG does not recognise the need for change – the Whose Shout? Report was commissioned on the basis of such a recognition and offers useful insights and proposals for development.

Lambeth CPCG is keen to help develop community engagement in our borough, drawing on over 30 years' experience, adapting the insights and recommendations of the Whose Shout? report and addressing MOPACs requirements whilst adhering to what we hold to be important principles of engagement. Although Lambeth CPCG clearly has strong reservations about the SNBs as proposed, we will nonetheless undertake this work in good faith. We are very conscious of the obligation we have to Lambeth communities, and to our predecessors in CPCG, to do our utmost to secure continuing effective engagement in Lambeth.

In that spirit we will on a trajectory with an unknown terminus. For that reason we will not write CPCG out of the equation unless and until we have secured an at least adequate, and ideally improved, successor vehicle.

Appendix 1: SNB Functions – Current Understanding (taken from LCP2 Briefing)

- 1) Establishing policing priorities for each neighbourhood
- 2) Overseeing community consultation and engagement at borough level
- 3) Undertaking the specialist advisory role to the MPS .
- 4) Undertaking the duty to hear and monitor complaints from victims of crime.
- 5) Undertaking the duty to monitor crime performance and community confidence in their area.
- 6) Monitoring levels of complaints about borough-based police officers from the public .
- 7) Undertaking the statutory role of “Independent Custody Visitors”, responsible for visiting local offenders post-arrest.
- 8) Undertaking the duty to ensure that all wards have a ward panel of residents as a sounding board for the newly expanded Safer Neighbourhood .
- 9) Developing and submitting crime prevention bids for the Mayor’s problem-solving fund.
- 10) To play a significant role in Community Payback.

Appendix 2: MPS Confidence Model

