

# Devolving the beat

**From the history of medieval law to modern politics, Mark Hinge, the Federation's political advisor in Wales, takes a look at devolution and what it means for policing.**

Firstly, a short and varied history lesson. Then I shall reveal some of the devolved issues that lay ahead, for Wales, and the role of lobbying on behalf of the Police Federation across the whole of the UK.

Five hundred years before the Act of Union between Scotland and England, between the 11th century through to the 14th century, Welsh law was being made between the Princes of Wales and Kings of England.

Over time however, those already uneasy relationships became strained; murder and war ensued. The Prince of Wales, Llewellyn, had his head hewn from his body and it was taken from Wales. His dismembered head was kicked through the streets of London, to be left for 15 rotting years on a spike, 'crowned in ivy leaves' at The Tower of London.

The act of 'crowning in ivy' was in mockery of the ancient Welsh prophecy, which said that "a Welshman would be crowned in London as king of the whole of Britain". That prophecy however, did prove true when Henry Tudor, of Agincourt fame, became king in 1485.

It would be glib of me to say that throughout all of these murderous and regal accords not one 'stop and search' form was completed! But the ancient manuscripts do record some of these events, and the rest is down to both history and word-of-mouth. Is the above all true, and a full and frank account relating to those events? Well yes, if we accept that the written scripts are factual, and combine those with accepting that the life of man is 'three score years and ten', then all of



this took place in ‘living memory’, just seven ‘conversations’ ago.

Of course, much has happened since those days. The birth, or re-birth of political self-determination is a reality today and a democratic vote has created the Welsh Assembly, which is itself, rapidly heading towards being a parliament.

During the Government of Harold Wilson, attempts were made to make devolution happen; it failed. When Labour came to power in 1997 on a wave of political change, devolution came in 1998 to Wales and Scotland, and later – historically – peace in Northern Ireland.

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But what has all this to do with policing in the modern day? Well an awful lot really. As the trail of medieval historical events were played out in Wales they were also given a democratic airing in an early form of social-policing by a rebel noble called Owain Glyndwr. It was he, who in 1404, formed the first and second Welsh parliaments. For one thing, he was out to quash the punitive ‘English laws’ imposed even on the people who dared speak the Welsh language, and to give back to communities their own bit of policing and social justice. Such is the strength of this historical

past that they remain in the memories of people, and those past events coupled with a true democratic voice were the bedrock of modern devolution, a ‘devolutionary process’ that is still on-going to this day.

Since the time of the princes, we are now in the position that law today in Wales is also written in Welsh, sealed on parchment and signed by the sovereign. Devolution is here to stay.

Many say that the devolution process is not complete. Certainly there’s evidence to back up the desire of ‘full-powers’

There is in place a coalition government commitment that such full political processes should be delivered by 2011.

If you get a chance, visit Cardiff Bay and take a free tour of the Welsh Assembly’s ‘Senedd’, which is now Wales’ second largest tourist attraction. The history of the making of law in Wales has come a long way, founded from war, through to protest, and now towards a parliament.

For each police officer devolution here in Wales also gives an opportunity to better ‘the UK police officer’s lot’. The political and

law process in Britain is fragmented, as we now have differing laws existing in Scotland, Northern Ireland, England and Wales. As the new Counsel General for Wales, Carwyn Jones AM stated recently: “...already Wales has different laws to that of



Photography: Kathy de Witt/Alamy

England...as this institution gains more powers... it will be difficult to sustain a single jurisdiction.”

The rare opportunity also now exists for politicians to explore police and policy areas and issues that hitherto a singular and central government were either unwilling or unable to chance or pursue.

Let me take as an example police structures. The vexed issue of police pay and conditions versus bobbies on the beat, versus civilianisation, versus paper and form filling, versus targets, versus national priorities is a tired old political cliché that has gone around and around for longer than I can remember.

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The failed recent police force amalgamation process was for me a political catalyst; it’s not shelved, and it will return. During that seemingly tortuous lifetime of events the elected government body in Wales took the full consultation process to its heart.

Despite the then UK Police minister nonchalantly stating that “policing was not a devolved matter to Wales”, he ended up (and rightly so) standing in the corner, having been dressed down by a Welsh Government Minister who

had given a sharp and direct lesson to the UK Government on what the responsibilities of the Welsh Assembly Government are in relation to policing. Ouch.

That consultation process in Wales was thorough and the committee who conducted it understood policing, understood neighbourhood coppers, fully understood the roles of BCU’s and all that goes with it. I bet you a rest-day that not one Home Office guru has since read or even understood that report.

Taking that consultation process a stage further, it was apparent that opportunity existed to enshrine some of the Edmund-Davies Report into law and to create a basis for a voice for democratic accountability. I’m sure that idea will re-surface as amalgamations in Wales come to the fore once again.

There remains a wide range of police policy issues that need to be addressed, and as such, these areas can be immediately tackled by the Welsh Assembly (pictured above), at the same time perhaps becoming a

proving ground for the rest of the UK.

It cannot be right, even in a modern world, that somebody who is mentally ill is incarcerated into a police cell because resources do not exist to give this person an ounce of common decency. It is a fact that the most vulnerable in our society can die in custody, so it is incumbent upon the state to ensure the best possible care and control is available.

As the founder of the NHS, a Welsh Member of Parliament, Nye Bevan said in 1952: “The collective principle asserts that no society can legitimately call itself civilised if a sick person is denied medical aid because of the lack of means.” How right he is.

The Welsh Assembly has sought powers to legislate further and deeper on mental health, and the Police Federation will play its modest part to ensure that those who need medical help are given it, and those who need their collars felt are dealt with by existing law. Well, at least an opportunity exists to do so.

Similarly, the use of police vehicles as ambulances is a poor excuse for public





service delivery. I accept that the police 'preserve life', but is it right that the public are put in a position where police cars substitute for a failing ambulance service? And what of police officers exposed to infections via, say, bodily fluids, without proper medical care or back-up for the officers involved? The NHS Ambulance Trust staff would (rightly) be on strike if they were treated like that. This is an area that the Welsh Assembly can and must cogently address.

The recent police pay issue is an interesting dilemma for Wales. The Welsh Assembly spends some £158m on policing, and has to administer the democratic process such as police authorities, yet the Home Office seems to think that it should get no say whatsoever in the matter. The Home Office is wrong – the Assembly is legally empowered to voice these concerns under s.62 of the Government of Wales Act.

Just one week after the Federation's London March, a Welsh Assembly debate called for: "The Assembly Government to lobby the Westminster

Government to honour the recent pay award for the police in full with immediate effect."

Dr Brian Gibbons, the Minister with responsibilities for policing in Wales, said: "We, as an Assembly Government, are very disappointed that in this instance the independent review has not been adhered to, and we would look forward to the UK Government's being willing to do this. I know that this is a view that has been widely expressed in this Chamber, today and in the past, and I have written to the Home Secretary already to state that that is the view of the Assembly Government, and of Assembly Members as well."

Given that this comment is actually supported by 'the letter quoted', and the fact that the Welsh Assembly Government actually voted against, but supported the principle of the debate, there is a new emerging artery of political pressure mounting on Home Secretary Jacqui Smith.

The political juicy bit here is that this 'letter' comes from a Crown Minister in Wales; if it is supportive of the

implementation of the arbitration tribunal's ruling in full, and it is subsequently ignored by the Home Secretary, she would be in an untenable position as she would be effectively ignoring both elected members and Crown ministers, who themselves have a duty to public service delivery in Wales. I'm sure someone in the judiciary would have a view on that.

So, from humble beginnings and a basis in medieval law, policing and the role of lobbying governments has evolved. From my perspective, the Federation stand with dignity and professionalism in the way that they have conducted themselves. All it now takes is for government(s) to engage and appreciate what they have in a world-class leading police service, and to both respect it and witness history in the making.

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