

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Scrutiny Work Programme
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Executive Summary:

The Police and Crime Panel (PCP), established by the Police Reform and Social Responsibility Act 2011, is responsible for scrutinising and supporting the actions and decisions of the Police and Crime Commissioner (PCC).

The PCP Meeting on 9 April 2013 agreed a series of scrutiny topics to be included in its work programme. This report makes recommendations regarding the future approach to scrutiny taking account of these topics and resources available.

Recommendations and Reasons for recommended action

It is recommended that the PCP:

- Endorses the criteria and process for undertaking scrutiny, contained in this report.
- Limits itself to one proactive and one reactive scrutiny topic per year.
- Agrees the first topic for proactive Scrutiny: "How is the PCC making his commissioning decisions and what are his future commissioning intentions".
- Agrees the first topic for reactive Scrutiny: "The PCC's staff and consultancy appointments".
- Makes the Police and Crime Plan a standing item on future PCP agendas to assist with identifying reactive scrutiny topics.
- Asks the Host Authority to develop guidance covering the role of Task Group Chairs, and the involvement of witnesses and co-opted representatives in the scrutiny process.

The aim is to ensure scrutiny is undertaken in a planned way against priorities and within the limited resources available.

Alternative options considered, and reasons for recommended action

The alternatives would be to:

1. undertake scrutiny only on a reactive basis;
2. not undertake scrutiny at all; or
3. undertake a much more comprehensive programme of scrutiny.

Options 1 and 2 would severely restrict the scope and influence of the PCP's work. Option 3 could not be delivered within existing resources.

LGA guidance¹ advises the PCP could limit itself to reactively carrying out just the statutory/special functions and does not have to develop a scrutiny programme, but does not recommend this.

Background Papers: None

¹ http://www.local.gov.uk/c/document_library/get_file?uuid=8d1c912f-eb6d-47ac-bbfd-6e6e6ec7cac6&groupId=10171

I. Introduction

1.1 At its meeting on the 9 April 2013, the PCP was provided with a report outlining its statutory role and functions concerning scrutinising the work of the Police and Crime Commissioner (PCC). The PCP agreed the following scrutiny topics:

- How is the PCC improving communication/consultation with the Public?
- How is the PCC delivering the objectives in his Police and Crime Plan? (see 3.7 below)
- How is the PCC making commissioning decisions and what are his future commissioning intentions?
- How is the PCC improving confidence in the Police/Neighbourhood Policing across the Force area?
- How is the PCC strengthening relationships and showing leadership in partnership working?
- How is the PCC addressing issues of inequality amongst communities of geography and communities of interest across a large diverse geographical area?
- How is the PCC encouraging reporting and improving monitoring in the areas of domestic violence/abuse and sexual violence and support for victims.

1.2 The PCP did not prioritise the above topics, nor consider the resource implications, so the Host Authority has given further consideration to this.

2.0 CRITERIA FOR SCRUTINY TOPICS

2.1 Scrutiny, both reactive and proactive, is integral to the PCP's role in scrutinising the work of the PCC, and offering support and challenge.

2.2 The Home Office describes the role of the PCP as acting as a critical friend; a supportive, but independent, voice seeking to investigate the PCC in the interests of recommending – not directing, or seeking to coordinate – changes and improvements.

2.3 The Centre for Public Scrutiny (CfPS) document “A Cunning Plan? – Devising a Scrutiny Work Programme”² considers the pros and cons of ‘feasibility’ criteria for scrutiny topics. It has considered this, taking account of the fact that expending resources on investigating an issue needs to be clearly justified, and the importance of demonstrating that the scrutiny exercise actually adds value. If such criteria are to be adopted, the CfPS recommends that this should not be over-bureaucratic and should be as simple as possible.

2.4 The CfPS document refers to South Cambridgeshire's criteria for Council scrutiny which have been adapted here as a suggestion for the PCP to adopt as a set of principles upon which it will scrutinise the work of the PCC:

- **Public interest:** the concerns of local people should influence the issues chosen for scrutiny;
- **Ability to change:** priority should be given to issues that the PCP can realistically influence;
- **Performance:** priority should be given to the areas in which the Police and Crime Commissioner is not performing well;
- **Focus:** priority should be given to issues which have a significant impact on community

² <http://www.cfps.org.uk/domains/cfps.org.uk/local/media/uploads/20110311workprogrammingfinal.pdf>

safety priorities and issues identified in the Peninsula Partnership Strategic Assessment of Crime and Disorder;

- **Replication:** work programmes must take account of what else is happening in the areas being considered to avoid duplication or wasted effort.

2.5 It is suggested that potential future scrutiny topics are considered using the above five criteria and that the PCP decides whether any topic identified is scrutinised by the Panel or a Task Group commissioned by the Panel.

3.0 CONSIDERATIONS FOR CARRYING OUT SCRUTINY

3.1 When considering whether or not to undertake any scrutiny, the PCP needs to take account of the limited resources available, ie no additional funding has been allocated for separate Task Groups (eg for travel expenses). The PCP is therefore encouraged to undertake scrutiny as part of its normal meetings and/or to hold Task Group's on the same day as Panel meetings.

3.2 In addition, given the limited resources, the PCP is invited to consider limiting itself to one 'proactive' and one 'reactive' scrutiny topic per year and it is recommended that the first proactive topic from paragraph 1.1 above is "How is the PCC making his commissioning decisions and what are his future intentions." This would be consistent with the criteria in 2.4 above, and in particular; 'public interest', 'ability to change' and 'focus',

3.3 Given the recent high level of public and media interest in respect of the PCCs expenditure on recent staff appointments and consultancy, in liaison with the Chair of the PCP, it is proposed that this may be a suitable and timely first topic for reactive scrutiny. This would be consistent with the criteria in 2.4 above, and in particular; 'public interest' and 'ability to change'.

3.4 Paragraph 19 of the 'Panel Arrangements and Rules of Procedure' (PA&RoP) makes provision for setting up time-limited Task Groups from its membership to undertake specified functions of the PCP, which may include scrutiny work. Task Groups can make recommendations to the PCP with regard to the PCP's functions, but cannot take decisions on behalf of the PCP. Paragraph 23 of the PA&RoP sets out the process for requiring the PCC, or any member/s of his staff, to attend and answer any questions in this regard.

3.5 If it is agreed that the PCP will undertake a specific piece of scrutiny, the PCP will be invited to agree either which regular Panel meeting the topic will be scrutinised at, or to set up a Task Group.

3.6 If the PCP agrees to commission a Task Group, the PCP will be invited to nominate a Chair, other membership from the Panel and any co-opted representatives from outside the Panel, plus a deadline for reporting back to the PCP. It is suggested that this is scheduled on the same day as a regular PCP meeting to minimise the call on resources.

3.7 The Host Authority will agree the details of the process in consultation with the PCP Chair or the Chair of the Task Group (as relevant) using the document attached as Appendix 1.

3.8 To assist with identifying reactive scrutiny topics, the PCP might wish to consider having the Police and Crime Plan as a 'standing item' on the agenda for each PCP meeting, and invite the PCC to attend regularly to provide an update on progress.

3.9 Task Groups do not have to be politically or otherwise proportionate, but consideration should be given to representation across the Force area. To help the effectiveness of the

group, individuals' skills and expertise should be taken into account. It is recommended that the size of a Task Group should be between three and six members.

3.10 In order to ensure that any Task Group runs effectively, the Host Authority will develop guidance setting out the role of the Task Group Chair, witnesses and any co-opted representatives and the arrangements for their involvement in scrutiny reviews.

3.11 Task Groups are not required to be undertaken in public.