

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: End of Term of Office of Police and Crime Commissioner
Date: 15 April 2016
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Executive Summary:

The purpose of this report is for the Devon and Cornwall Police and Crime Panel (PCP) to:

- Undertake a review of its work over the term of the current Police and Crime Commissioner;
- Consider its methods of working for the term of the next Police and Crime Commissioner and advise the new Police and Crime Commissioner of these; and
- Review the use of the funding for Police and Crime Panels from the Home Office.

The reports provides an overview of the work that has been undertaken and details regarding the use of the budget and makes recommendations with regard to the way forward for the next term of office of the Police and Crime Commissioner (PCC).

Recommendations & Reasons for recommended action:

It is recommended that the Devon and Cornwall Police and Crime Panel:

- 1) Notes the report;
- 2) Agrees the current adopted and established methods of working as the basis of the preferred way forward for the new Police and Crime Commissioner's term of office;
- 3) Requests that the host authority provides the new Police and Crime Commissioner with a copy of this report and any recommendations resulting from its review; and
- 4) Notes the budget update for 2015/16;
- 5) Delegates to the lead officer in consultation with the Chair and Vice Chair the preparation of a development programme for panel members.

The above recommendations mean that the Panel has established methods of working for the term of the new PCC and the new PCC is clear what these are.

Alternative options considered, and reasons for recommended action:

The reason for the recommended action is to enable the Panel to undertake a review of its operation and use of funding to determine its effectiveness in scrutinising the work of the PCC on

behalf of the public to ensure its continuous development. Not to undertake such a review would be a retrograde step.

Background Papers:

None

1.0 Introduction

1.1 In November 2012, the Police Reform and Social Responsibility Act 2011 brought about the creation of the Police and Crime Commissioner (PCC), elected every four years with a mandate to direct the strategic priorities of the police force in a given area. This Act also created Police and Crime Panels (PCPs), bodies made up of locally elected Members and Independent Members within each force area, with the responsibility to scrutinise and support the work of the PCC. PCPs are obliged to meet in public, to publish their agendas and minutes, and to fulfil certain key statutory responsibilities. Their main responsibilities are:-

- To consider and review the PCC's draft Police and Crime Plan;
- To consider and review the draft policing budget and draft policing precept;
- To consider and review the PCC's annual report;
- To carry out hearings when the PCC proposes to appoint a new Chief Constable, a Deputy PCC, a Chief of Staff/Chief Executive or a Chief Finance Officer; and
- To work to resolve non-criminal complaints made about the PCC.

PCPs are the mechanism to ensure that every PCC is effectively and proportionately scrutinised in relation to their responsibilities. PCPs need to feel confident that their PCC is delivering the priorities that they set out in their Police and Crime Plans and that their decisions are ethical and sound. The legislation around PCPs states that they are 'not required to critically evaluate the decision making of the PCCs but must provide challenge and assurance, on behalf of their communities.'

2.0 Background

2.1 In the lead up to the first PCC elections in November 2012, it was decided that Plymouth City Council would undertake the role of host authority for the Devon and Cornwall PCP.

2.2 In July 2012 a shadow PCP met and a shadow Chair and Vice-Chair were elected. It was agreed that if the Chair came from a local authority situated in Devon, then the Vice-Chair would come from Cornwall Council and vice versa. Draft Panel Arrangements and Rules of Procedure were agreed for formal adoption once the PCP was fully constituted. A submission was also made to the Home Office in relation to the composition of the Panel which remains unchanged, as follows:

Devon and Cornwall Police and Crime Panel (total number of members = 20)	
<u>Local Authority in force area</u>	<u>Seats allocated</u>
Devon (County)	1
Devon Districts:	

East Devon	
Exeter	
Mid-Devon	
North Devon	
South Hams	
Teignbridge	
Torrige	
West Devon	
Cornwall	5
Plymouth	2
Torbay	
Isles of Scilly	
Independent Member – must be resident of Cornwall / Isles of Scilly	
Independent Member – must be resident of Devon (includes Torbay and Plymouth)	

The above enabled the shadow Panel to operate effectively and ensured it became fully constituted in order to scrutinise and support the PCC when elected.

- 2.3 The first meeting of the constituted PCP was held in October 2012, the Chair and Vice-Chair were elected and the draft Panel Arrangements and Rules of Procedure were formally agreed and adopted, as detailed in Appendix I of this report.
- 2.4 The Panel holds five formal public meetings per municipal year, with a provisional 6th meeting scheduled in case the precept proposal is vetoed by the PCP and a further meeting is required to consider the PCC's revised proposed precept. These meetings are usually held in July, October, December, February and April, with the provisional meeting also being held in February if required.

3.0 Current Adopted and Established Methods of Working

- 3.1 The Panel uses a work plan as its tool to plan and prioritise its work. It is a fluid document which is regularly updated and reviewed in order to ensure that the PCP's workload is manageable and correctly prioritised. The work plan is a standing item on each formal meeting agenda so that PCP Members can formally review and approve it and the public can be aware of work that is being undertaken.
- 3.2 The PCP undertakes a large proportion of its reviews via the provision of a written report from a relevant source, usually the Office of the Police and Crime Commissioner (OPCC) or the host authority, which are at times supported by a presentation. Previously, a presentation without a written report has been received from the OPCC but a written report (with recommendations if applicable) is now required for each item so that it can be published with the agenda and is therefore more transparent to the public

The PCP has a statutory responsibility to undertake the following reviews:

- The PCC's draft Police and Crime Plan;
- The draft policing budget and draft policing precept; and
- The PCC's annual report.

A response report from the PCP for each of the above is then produced which includes any recommendations agreed to be made. The PCC must have consideration in relation to the report and recommendations. With regard to the policing precept, the PCP may veto the level of precept proposed by the PCC and so a further meeting will be held to consider the alternative level of proposed precept (although this cannot be vetoed).

3.3 In addition to the work plan, the following items for review are standing items on each formal meeting agenda:

- PCC's Update Report;
- PCC's Performance Report; and
- A report from the OPCC in respect of any Non-criminal Complaints about the PCC.

The update report provides details of the activities and decisions the PCC has made since the previous PCP meeting and the performance report provides details of performance against objectives and performance measures in the Police and Crime Plan.

With regard to the PCP's statutory responsibility to resolve non-criminal complaints made about the PCC, although retaining overall responsibility for the process, in April 2013 the PCP agreed to delegate the responsibility for the informal resolution of non-criminal complaints to the Chief Executive of the OPCC. It was also agreed that a summary report about complaints received and resolved would be provided by the OPCC at each formal meeting for review by the Panel.

3.4 In July 2013 the Panel agreed to expand its work to include two detailed in depth reviews per municipal year and that one would be a "proactive" topic to review and the other would be a "reactive" topic to review. It was decided that there was not sufficient capacity in Members' time to conduct these reviews using a "Task and Finish" approach which would mean extra meetings for Members and that they should be incorporated into the scheduled formal meeting structure, as part of a meeting agenda, with the work plan organised to achieve this.

The first two reviews were undertaken later in the 2013 via the receipt of a report from the OPCC for the PCP to review. They were:

- The PCC's Commissioning Intentions Plan 2014/15 – 2016/17 (proactive topic); and
- The PCC's Staff and Consultancy Appointments and Expenses and Allowances (reactive topic).

3.5 In 2014, a select committee style approach to undertaking these reviews was trialed in order to provide a more robust and challenging method of scrutiny. As opposed to a report being provided in advance as a basis for questions to be asked, a call for evidence is undertaken and witnesses are asked to attend to answer questions in order to form an evidence base of findings from which recommendations are made. It was felt that this approach achieved its aim and provided a more effective means of challenge and it was therefore agreed that this approach would be adopted as the established approach for each future in depth proactive and reactive review.

The reviews that have since been undertaken using the select committee style approach are:

- The PCC and Chief Constable's Devon and Cornwall Police Public Contact Strategy – Station Enquiry Rationalisation (reactive topic for 2014);
- How is the PCC Strengthening Relationships and Showing Leadership in Partnership Working? (proactive topic in 2014); and
- Is the Significant Reduction in Engagement of Neighbourhood Watch Volunteers in Plymouth reflected across Devon, Cornwall and the Isles of Scilly and if so, what is the PCC Doing to Address It? (reactive topic in 2015).

Following each select committee review a final report detailing the findings of the review and subsequent evidence based recommendations is written and reviewed at the next meeting for formal approval. The PCC receives the draft non-approved version and is given the opportunity to comment on the recommendations either verbally or in writing, indicating how they have been/will be addressed. This response is also reviewed at the next meeting and from this it is determined which recommendations are unaddressed and therefore need to be included on the work plan for future review.

- 3.6 Pre agenda meetings are held prior to each meeting so that the Chair and Vice-Chair can discuss the agenda items and reports produced with the host authority prior to the agenda being published.
- 3.7 Pre-briefing meetings are held before each formal meeting so that PCP Members can informally discuss the agenda items and develop and decide on lines of questioning and discuss potential recommendations.

4.0 Special Statutory Functions Undertaken

- 4.1 The PCP has a statutory responsibility to carry out hearings when the PCC proposes to appoint a new Chief Constable, a Deputy PCC, a Chief of Staff/Chief Executive or a Chief Finance Officer.

The Panel has undertaken confirmatory hearings with regard to the recruitment of the current Chief Constable (February 2013) and the current OPCC Chief Executive (April 2014).

5.0 Other Work Undertaken

- 5.1 In addition to the in depth reviews undertaken as detailed in section 3 of this report, although not an exhaustive list, other notable reviews include:
- Review of Future Workforce Planning (the plans for transforming policing to cope with future demands and protecting neighbourhood policing as a result of reductions in funding and budgets);
 - Review of 101 (the work being undertaken to improve the service and the effectiveness of it);
 - Review of Strategic Alliance with Dorset (what has been enacted and what savings/efficiencies has this generated); and
 - Review of Volunteering and Special Constables (the effectiveness and integration of volunteering including the special constabulary into policing).
- 5.2 With regard to the responsibility for the informal resolution of non-criminal complaints being delegated to the Chief Executive of the OPCC, the Chair, Vice-Chair and host authority undertook a dip sampling exercise in September 2015 to ensure that the process

was being administered appropriately. The host authority produced a subsequent report confirming the outcome of the exercise to be satisfactory with recommendations made, which was reviewed and agreed by the PCP.

- 5.3 An extraordinary meeting was held in October 2015 to support the PCC in developing proposals and questions for consulting the public in relation to holding a referendum to ask for a larger increase in the policing precept due to proposed budget cuts (although changes in funding proposals made by central Government, meant that the consultation did not need to go ahead).

6.0 Outstanding Work Plan Items for the 2015/16 Municipal Year

- 6.1 At the time of writing this report, the various recommendations that the PCP has made which have been incorporated into agenda items, have either been dealt with or are due to be dealt with at the April 2016 PCP meeting.

7.0 Work Plan Items for the 2016/17 Municipal Year & the New PCC

- 7.1 In addition to the statutory items and the standing items due for review for the next municipal year when the new PCC is in office, there are a number of items already on the work plan that will be scheduled to be reviewed during 2016/17 by the PCP. These are:
- Proactive select committee review – How is the PCC Encouraging/Monitoring the Reporting of Domestic Violence and Abuse, Sexual Violence and Child Sexual Exploitation and the Support for Victims? (this select committee review was originally intended to be the proactive review for 2015 but was deferred due to the workforce planning work that took precedence and the fact that if undertaken in early 2016, it would largely be a reflective exercise due to the current PCC not standing for re-election);
 - Implementation of Victim Services (this is a review of progress following an initial review in February 2015);
 - Estates Programme (a review of the business cases and associated work taken place since becoming the PCC's responsibility);
 - Office Move (a review regarding the potential savings to be made from the proposal);
 - Regional Collaboration (a review of future potential regional collaboration of force control centres); and
 - 101 Review Update (a review on progress since the last review in February 2016).
- 7.2 Although not on the work plan currently, it is envisaged that following the Workforce Plan item due to be reviewed at the April 2016 meeting, there will be further work streams in relation to this issue.
- 7.3 It is anticipated that the proactive select committee review detailed in 7.1 will become the proactive review for 2016/17 and a reactive topic for review by select committee will be determined in due course.
- 7.4 With regard to the new PCC's Police and Crime Plan, although the legislation provides that the PCC must produce the Plan within 12 months of taking office, the PCP has recommended that the new PCC provides a full draft Police and Crime Plan for review at the first meeting of the Panel in the new municipal year ie. July 2016.

It was also recommended that Domestic Abuse and Sexual Violence is explicitly mentioned as a top priority within any new Police and Crime Plan reflecting the threat identified in the Peninsula Strategic Assessment and highlighted by Community Safety Partnerships in the force area.

Lastly it was recommended that the recommendations resulting from Cornwall Council's select committee review of the Engagement of Safer Cornwall Partners in the Domestic Homicide Review Process be built into police service plans, business plans and policies.

8.0 Assistance and Support to the PCP

- 8.1 As mentioned earlier in the report, Plymouth City Council undertakes the role of host authority for the PCP on behalf of all the local authorities in the force area.
- 8.2 Since mid-2013, Cornwall Council has been providing scrutiny assistance via advice and support to the host authority and the Chair and Vice-Chair (reference to the host authority in the report includes this assistance where applicable). This has included the introduction of the work plan currently used and the select committee approach to undertaking in depth reviews, which have both been adopted by the Panel as its established ways of working. Notably, Cornwall Council provided lead officer support to the PCP during December 2015 and January 2016.
- 8.3 In recognition of the assistance, advice and support provided by Cornwall Council during the years 2014/15 and 2015/16, Plymouth City Council has passed a proportion of the funding allocated by the Home Office to host the PCP to Cornwall Council. This is included in the officer costs below.

9.0 Use of Home Office Funding

- 9.1 Police and Crime Panels are supported financially by grant funding which is claimed from the Home Office by the Host Authority. For 2015/2016, the grant funding has continued to be paid in arrears. The total amount that could be claimed for the whole year is **£71,700** and this comprises the following non-ring-fenced elements:-
- £53,300 – Panel coordination and administration costs
 - £18,400 - (up to £920 per member for expenses). £920 is the maximum figure that is available for members to claim against expenses incurred in playing their role on the Panel.
- 9.2 For the purposes of making the half-yearly claims, expenditure has been monitored by the Host Authority. A breakdown of anticipated expenditure is 2015/16 is as follows –

Police & Crime Panel Funding Summary 2015/16	£
Administration (Officer Costs)	56914
Administration (Other Costs Venue, Webcasting, Printing Etc)	13494
Members Expenses (February 2016)	1372
Total	71,780

- 9.3 The Home Office has gained approval in 2015 to de-hypothecate police and crime panel funding for both England and Wales. This means that for grants issues in 2015/16 financial year, the grant payment was consolidated into one single payment, with no ring fencing for administration, expenses or translation costs, providing PCPs with increased flexibility over how to spend their grant
- 9.4 Support has been provided pro bono by an officer from Cornwall, and in 2014-15 and 15-16 one-off payments have been made to Cornwall Council for that officer's time.
- 9.5 The Panel's website will be updated to include the financial outturn for expenditure incurred in support of the Devon and Cornwall Police and Crime Panel during 2015/2016 and to meet the Home Office 'Transparency Requirement' as outlined in the Terms and Conditions of the Grant.

Future Panel Support

- 9.6 We have not yet received confirmation of funding for Police and Crime Panels in 2016/2017.
- 9.7 Support for the Police and Crime Panel has been transferred from the Neighbourhood and Community Service of the host authority into the Chief Executive's Office from March 2016 and is supported by the Policy Performance and Partnerships Team. A mixture of Democratic Support, Policy and Performance and Business Support will support the work of the PCP. The lead officer is the initial contact for members and the Office of the Police and Crime Commission for matters concerning the Panel, whilst drawing on expertise from within the Chief Executive's Office. The lead officer will also act as the initial point of contact for Community Safety Partnership Co-ordinators for matters concerning the Police and Crime Panel.
- 9.8 In addition to the support provided above and to ensure a resilient and equitable officer support service is delivered, we intend to build into the 16/17 budget an element to provide discrete project (task and finish) support. This funding pot would enable specific input when required from officers across the Devon and Cornwall area, including Plymouth City Council (such as input from Crime and Safety Partnerships) or task and finish work undertaken by the panel. It is anticipated that funding set aside for this purpose would be in the region of £5,000 (subject to confirmation of grant level).
- 9.9 Training and development provided to the panel has been limited. In 2016/17 we will make a proportion of funding (subject to confirmation of grant level) available for training and development purposes. Guidance is sought from the panel on how to proceed with a development programme which could include panel workshops hosted locally, attendance at external development sessions and attendance at national conferences.

10.0 Conclusions

- 10.1 Since its inception, the Panel has developed and evolved into a fully functioning scrutiny body providing an excellent level of challenge and support to the PCC. It has:

- Expanded its scope of work far wider than merely its statutory duties;
- Adopted and established the methods of work that it wishes to use as detailed in section 3 of this report which have enabled both the PCP and the PCC to have a clear understanding of the work that is due to be undertaken, and when and how it will be undertaken;
- Undertaken the special statutory duties of holding hearings in relation to the recruitment of the current Chief Constable and the current OPCC Chief Executive;
- Completed all of its scheduled work for the current PCC's term of office by the April 2016 meeting;
- Provided a clear number of issues that will be reviewed during the new PCC's first municipal year;
- Received an excellent level of support from the host authority

10.2 With regard to the PCP and its relationship with the PCC, as the PCP has adopted and established its ways of working and this has enabled the PCC to have a clear understanding with regard to the PCP's expectation regarding the work that is due to be undertaken, and when and how it will be undertaken. The PCC has embraced and welcomed the select committee approach as both an effective means of challenge and support and appreciates the work of the PCP in supporting him in his role.

10.3 The OPCC has also invested a lot of effort in developing the relationship and how information is provided so that effective reviews can take place. It uses the work plan as its tool for planning what it needs to provide to the PCP.

10.4 The extraordinary meeting held to support the PCC in developing proposals and questions for consulting the public in relation to holding a referendum to ask for a larger increase in the policing precept due to proposed budget cuts (although changes in funding proposals made by central Government, meant that the consultation did not need to go ahead), was appreciated. In recognition of this, the PCC invited a small number of PCP Members to be involved and provide input into the initial discussions that were held by the OPCC.

10.5 In the years since PCCs and PCPs came into being, both have been on a long journey and had steep learning curves. The House of Commons Home Affairs Committee has recently stated that PCPs must be better equipped to hold PCCs to account as they are the only mechanism for accountability of PCCs outside of elections every four years.

11.0 Recommendations

11.1 It is recommended that the Devon and Cornwall Police and Crime Panel:

- 1) Notes the report;
- 2) Agrees the current adopted and established methods of working as the basis of the preferred way forward for the new Police and Crime Commissioner's term of office;
- 3) Requests that the host authority provides the new Police and Crime Commissioner with a copy of this report and any recommendations resulting from its review; and
- 4) Notes the budget update for 2015/16;
- 5) Delegates to the lead officer in consultation with the Chair and Vice Chair the preparation of a development programme for panel members.

The above recommendations mean that the Panel has established methods of working for the term of the new PCC and the new PCC is clear what these are.