

Executive

Police and Crime Commissioner Thames Valley Police and Crime Panel

5 March 2012

Report of Head of Community Services

PURPOSE OF REPORT

To report on progress to date on the implementation of the Police Crime Commissioner (PCC) and the Thames Valley Police and Crime Panel (PCP) and to seek approval for proposed arrangements.

This report is public

Recommendations

The Executive is recommended to:

- (1) Support the offer from Buckingham County Council (BCC) to host the PCP.
- (2) Note the approach through the Chief Executives Thames Valley PCC Transition Group to work on the implementation process.
- (3) Note officer nominations on the Scrutiny Group and the Task and Finish Group.
- (4) Approve the nomination of the relevant Lead Member as the Council's representative on the Member Steering Group of the PCP.

Executive Summary

1 Introduction

- 1.1 This Executive Report provides an update and overview of progress so far in the implementation of the Police Crime Commissioner for Thames Valley. It also takes into account the proposal by BCC to host the PCP for the initial period of two years. Also included is a timetable of actions in a work programme developed by BCC.
- 1.2 The Police Reform and Social Responsibility Act 2011 places a statutory duty on local authorities to collectively establish a Police and Crime Panel (PCC) for their force area. It also introduced the new role of the Police and Crime Commissioner (PCC). PCC's will be directly elected by the public, with the elections taking place in November 2012.

- 1.3 The existing Thames Valley Police Authority will be abolished at that date. The first elections will take place on 15th November 2012, with elected Commissioners taking up office a week later.
- 1.4 Buckingham County Council (BCC) in the absence of any other expressions of interest has proposed to host the PCP for an initial period of two years. Funding of £53,500 is available to the host Authority.
- 1.5 In order to facilitate the election of the PCC and the creation of the PCP, BCC produced a business case and terms of reference for the Chief Executives Thames Valley Transition Group to work with Thames Valley Police Authority (TVPA) in the run up to the election and eventual abolition of TVPA.

Proposals

- 1.6 This report outlines key proposals for the Executive to consider. These proposals will help the Council demonstrate its continued commitment to reducing crime and disorder in the district, working with its partners, Thames Valley Police and with the PCC and includes:
 - That CDC supports the BCC proposal to host the PCP.
 - That officers represent the Council in the Thames Valley PCC Transition Group
 - That an elected member is appointed to the PCP, initially to serve on the Member Steering Group.

Conclusion

- 1.7 The Governments message is quite clear that there will be no prescriptive detail being handed down in the development of the PCC and PCP. However current guidance suggests a PCP role wider than that of light touch scrutiny. There is little guidance on how Community Safety Partnerships (CSPs) will communicate with the PCC other than the Act specifies CSPs as having a reciprocal duty to interact with the PCC. In addition the PCC has the authority to call CSPs to account where they appear to be failing.
- 1.8 In Oxfordshire the OSCP Board is developing a strategy to facilitate the PCC by creating a business plan to deliver priorities set out in the final TVPA Policing Plan and any additions created by the incoming PCC manifesto.
- 1.9 By supporting the BCC proposal it will allow the PCP to form prior to the PCC elections; vote on the co-optee members; and enable the Transition Group to create a briefing for the public and incoming PCC.

2 Background Information

- 2.1 Commissioners will be new entrants to a complex local leadership landscape and will need to work collaboratively. Collective local leadership on crime, justice and community safety will be the key to cutting crime and improving outcomes for local people

- 2.2 Police and Crime Commissioners will provide strong local leadership (underpinned by their democratic mandate) in the drive to cut crime and keep communities safe across a range of agencies and partnerships. Commissioners will need to work with other local leaders to improve outcomes for communities, and ensure that local resources are used effectively and efficiently. PCC's will have responsibility for:
- Appointing the Chief Constable and holding them to account for the running of their force
 - Setting out a 5 year Police and Crime Plan based on local priorities (developed in consultation with the Chief Constable, communities and others)
 - Setting the annual local precept and annual force budget
 - Making grants to organisations aside from the police (including but not limited to Community Safety Partnerships (CSP's))
- 2.3 The Police Reform and Social Responsibility Act 2011 puts in place a flexible framework for partnership working between the Commissioner and their community safety and criminal justice partners. This includes two interrelated, reciprocal duties to cooperate (outlined at Section 10 of the Act).
- 2.4 The community safety duty, specifies that a Commissioner must "in exercising its functions, have regard to the relevant priorities of each responsible authority", referring to the authorities named in the Crime and Disorder Act 1998 and its amendments (Probation, Health, Local Authority, Police and Fire). It further specifies that the Commissioner and responsible authorities "must act in co-operation with each other" in exercising functions conferred by the 1998 Act.
- 2.5 Commissioners will also have some specific powers in relation to community safety, which previously resided with the Home Secretary as they will be able to require a report from the responsible authorities on an issue of concern and to merge community safety partnerships with the consent of the authorities themselves. Regulations will also give Commissioners a new power to call the responsible authorities from the various community safety partnerships together to discuss issues affecting the whole police area.

Police Crime Panel

- 2.6 The Act creates a Police Crime Panel that provides the checks and balances to the PCC. The membership of the Panel in Thames Valley will be an elected member from each of the local authorities (18) with two independent members. The role of the panel is essentially scrutiny although initial papers suggest a wider role.
- 2.7 The PCP's role is to scrutinise the PCC. It will not scrutinise the Police Force as this is the responsibility of the Commissioner. Some of the Panel's functions will be to:
- Review and make recommendations on the draft Police and Crime Plan
 - Scrutinise the PCC, inviting the Chief Constable to attend before the PCP where appropriate
 - Review the PCC's appointment of Chief Exec, Chief Financial Officer and Deputy where one is appointed

- Make reports and recommendations on matters relating to the PCC
- Monitor all complaints and the informal resolution of such complaints where necessary
- Question the PCC on the annual report in a public meeting
- Veto powers on precept and appointment of Chief Constable (by 2/3rds majority)

2.8 Key benefits of the PCP are:

- It provides a formal mechanism for councillors from all local authorities across the Thames Valley to communicate directly with the Police Commissioner.
- It provides an opportunity for local authorities to influence collectively the work of the PCC. For example, the PCP will be a statutory consultee on the Police and Crime Plan.
- It will enhance public accountability and transparency on the work of the PCC. Meetings will be held in public (with the option of webcasting) and there is potential for the PCP to engage directly with the public. For example, councillors on the PCP will be representing the views of their electorate on community safety priorities and holding the Commissioner to account in the use and level of the precept (it has a formal veto power on the precept level).
- It will contribute to enhanced outcomes for residents through effective scrutiny of the objectives and targets associated with the Police and Crime Plan.

Thames Valley Chief Executives Police and Crime Commissioner Transition Group

2.9 At the Thames Valley Chief Executives meeting on the 31 January 2012, a structure was agreed that will enable governance of the partnership working required in the Thames Valley to prepare for the PCC and the establishment of a Thames Valley PCP.

2.10 Some tasks and actions were agreed in principle at the cross Thames Valley Community Safety Partnership event on 13th January 2012. These were :

- Development and sign off of Terms of Reference for the Transition Group
- Agreement on which Local Authority in Thames Valley will host the Thames Valley Police and Crime Panel. - Buckinghamshire County Council tabled a business case at the 8 February Home Office event held in Reading, proposing that as no other authority had tabled expressions of interest that they host the PCP for the initial period of two years.
- Preparation of a briefing note for prospective candidates on community safety partnership priorities which resonate across Thames Valley
- Establishment of a PCP.

In addition there was recognition of the need to:

- Establish a Task and Finish Group of Community Safety Colleagues (Comprising colleagues from Buckinghamshire, Oxfordshire, a representative from Berkshire Authorities and Probation) to draft a briefing

document on community safety, detailing the value added by CSPs and highlighting priorities, effectiveness and best practice to be signed off by this group. An officer from Community Services has been put forward.

- Establish a panel of Scrutiny colleagues from Thames Valley to develop documentation to support the constitutional issues and scrutiny arrangements for the Police and Crime Panel for agreement and preliminary sign off by this group. An officer from Law and Governance has been put forward.
 - Establish a Member Steering Group made up of one member per authority to provide the political steer for the set up of the PCP.
 - Discuss how best we can effectively engage with the PCC from the outset.
 - Determine what future engagement opportunities CSPs may have with the PCC.
 - Consider the resource being made available by the Home Office and agree what is required for Thames Valley within the confines of affordability.
- 2.11 The Transition Group will agree the proposals and processes for readiness to work with the Police and Crime Commissioner and to meet the statutory duty placed on Local Authorities in Thames Valley to establish a Police and Crime Panel.
- 2.12 The Group will ensure that any actions which require local member decisions are taken through their local authority processes in such a way as to enable this group to make decisions in a timely manner.
- 2.13 The Group will oversee the preparation of a Community Safety Partnership briefing document which:
- Identifies Community Safety priorities which resonate across Thames Valley
 - Acknowledges the role of partners in responding to crime and disorder
 - Provides examples of interventions and activities, evaluations and evidence of cost effectiveness
 - Demonstrates that priorities require different responses in different areas
 - Highlights good practice
- 2.14 The Group will publish this briefing note and make it available to members of the public and prospective PCC candidates.
- 2.15 The PCP Arrangements document will need to be signed off by the Group on behalf of the Thames Valley Local Authorities. These documents will be drafted by the TV Scrutiny Task and Finish Group. The details of the “Rules of Procedure” and the work programme of the PCP will be agreed by the Panel members at shadow meetings once the membership is confirmed.
- 2.16 The Group will also need to agree any on-going Thames Valley wide structures which may be necessary to:
- Support the hosting arrangements for the Thames Valley Police and Crime Panel
 - Maintain oversight of panel functioning
 - Promote the role of Partners and Community Safety Partnerships in supporting the Police in addressing crime and disorder issues

Time Frames

- 2.17 The Home Office has recently produced a document which highlights key milestones on the way to the election of the PCC. The deadline for establishing a PCP and agreeing a Panel Arrangements document is 1st July 2012 and Thames Valley colleagues will need to be able to inform the Home Office this has occurred. The Secretary of State has the power to impose arrangements in areas where there is failure to agree.
- 2.18 The Community Safety Priorities briefing document needs to be made public probably by the end of March 2012.
- 2.19 A Thames Valley outline timetable has been produced by BCC below:

Time Table

Action	Deadline
Agreement on lead for Hosting	Tues 8 Feb
Commence recruitment for Scrutiny Officer to support the PCP	February
First draft of panel arrangements document circulated to officer PCP group for comment	End February
HO guidance issued	March
Deadline for comments back from officer PCP group	Fri 9 March
Officer meeting held at Aylesbury to discuss arrangements paper	w/c 5 March
Revised paper sent to CEOs for consideration. This will include formal request for nominees and sign-off.	Thurs 5 April
CEO Police and Crime Commissioner Transition Group to sign-off principle arrangements for Panel	30 April
Start date for Scrutiny Officer	May
Deadline for LAs to provide written confirmation of nominees and arrangements	31 May
Shadow Panel meeting (agreement on meeting procedures/work programme)	July
Shadow Panel Meeting: Training/workshop for all members on community safety/scrutiny role	Sept/Oct 2012
First public meeting of Police & Crime Panel	Dec 2012

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To support BCC bid, including:
- BCC's proposal to host the PCP
 - That officers represent the Council in the Transition Group
 - That an elected member is appointed to the PCP, initially through the Member Steering Group
- Option Two** Not to support BCC's bid and to submit a CDC bid or support another bid from another authority

Consultations

None

Implications

Financial: There are no financial implications identified at this time. The Home Office is providing £53.3k per year to the Host Authority plus a maximum of £920 per member for expenses.

BCC is proposing to live within the resources provided by the Home Office whilst also meeting some of the on-costs for accommodation and start up. Resource requirements would be reviewed after one year.

Comments checked by Denise Taylor, Service Accountant 01295 221982

Legal: All councils in the Thames Valley are collectively responsible for demonstrating that the legal requirements for the establishment of the Police and Crime Panel are met. The Home Office requires two documents to be agreed by all councils on the Panel arrangements and Rules of Procedure. The Panel Arrangements document needs to be agreed unanimously across all councils by 1 July 2012.

One key area where collective agreement is needed is in relation to which mechanism to adopt for demonstrating that the 'balanced appointment objective' is met. This includes a requirement to demonstrate that the Panel membership overall is representative of the political make-up of the Thames Valley; geographically representative; and that members have the skills/experience necessary to discharge its functions effectively.

BCC will lead on the provision of legal advice on this matter.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Risk Management:

There are risks to none compliance

Comments checked by Claire Taylor, Corporate Strategy and Performance Manager, 01295 250652

Equalities

The procedure does not impact on CDC equalities policy

Comments checked by Claire Taylor, Corporate Strategy and Performance Manager, 01295 250652

Wards Affected

All

Corporate Plan Themes

A Safe and Healthy Cherwell

Lead Member

Councillor Reynolds
Deputy Leader of the Council

Document Information

Appendix No	Title
A	Police and Crime Commissioners Timeline
Background Papers	
None	
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