

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 5
18th October 2012	

Report of Chief Executive, Cambridgeshire Police Authority

Contact Officer(s) – Cristina Strood, Policy and Performance Manager, Cambridgeshire Police Authority
Contact Details – 01480 422471

FIRST 100 DAYS – DECISIONS FOR THE POLICE AND CRIME COMMISSIONER

1. PURPOSE

- 1.1 To inform the Panel of the key decisions required to be taken by the Police and Crime Commissioner between their election on 15 November and 31 March 2013.

2. RECOMMENDATIONS

- 2.1 The Panel is asked to note the decisions required by the Police and Crime Commissioner as set out in this report.

3. TERMS OF REFERENCE

- 3.1 The Police and Crime Panel will review or scrutinise the actions and decisions of the Commissioner including reviewing the draft Police and Crime Plan, the proposed precept and senior appointments (Chief Constable, Commissioner's Chief Executive and Chief Finance Officer, any Deputy Police and Crime Commissioner).

4. BACKGROUND

- 4.1 The Police Reform and Social Responsibility Act 2011 ("the Act") establishes elected Local Policing Bodies and Police and Crime Commissioners ("the Commissioner") in November 2012. The Act establishes core functions for the Commissioner and Chief Constable to keep Cambridgeshire safe and secure. Broadly these relate to:

- Public engagement
- Setting direction
- Resourcing and enabling delivery
- Being accountable.

The Act and implementing Regulations introduce a number of statutory decisions to be taken by the Commissioner:

- Proposed precept, Police and Crime Panel notified by 1 February 2013
- Police and Crime Plan which must set out the police and crime objectives and consider how the budget will be balanced in the short, medium and long term. The plan must be issued by 31 March 2013.
- Collaboration agreements.

- 4.2 The statutory decisions set out at 4.1 above also require a range of supporting decisions to be

taken by the Commissioner, these include:

- Medium term financial plan (MTFP) 2013-17
- Setting the Police and Crime Objectives
- Police and Crime Plan performance framework 2013-14 and the mechanisms to hold the chief constable to account
- Engagement processes with the public, the Police and Crime Panel and other external partners

Governance frameworks including risk management, audit and controls assurance processes, police conduct, collaboration governance, custody visiting.

4.3 Commissioners will be required to take an oath of impartiality, effectively as their declaration of acceptance of office. The Act states that the Commissioner cannot act (i.e. make decisions) until the declaration has been made, therefore the assumption is that the declaration of acceptance should be made by the 22 November. In terms of how the Commissioner will make decisions, the framework for decision-making and 'checks and balances' on decision-making includes:

- Police Reform and Social Responsibility Act 2011
- Policing Protocol Order 2011 and any localised protocols
- Financial Management Code of Practice
- National guidance and good practice models
- Local scheme of delegation/consent and financial regulations
- Joint Audit Committee and joint strategic risk register
- Oath of impartiality and Nolan principles of standards in public life.

4.4 Clearly the Commissioner will need to determine how they wish to carry out their functions and implement their manifesto. The Executive Team is not pre-empting that but is preparing foundations and developing options for the Commissioner, given the tight timescales. This is intended to enable the Commissioner to make key decisions shortly after taking up office, particularly during the immediate post-election period through to March 2013.

4.5 Key mechanisms for developing these options have been considered in public through the Authority and its Committees, in particular the elements to inform the Police and Crime Plan which were reported to Finance and Resources Committee on 5 September 2012. The issues outlined in this paper were considered by the Full Police Authority on 1 October.

5. KEY ISSUES

Statutory Decisions

5.1 Proposed Precept

Secondary Legislation under the Act requires the Commissioner to notify the Police and Crime Panel ("the Panel") of the proposed precept (the policing element of the council tax) by 1st February 2013. The Panel is then required to review the proposed precept by 8th February 2013.

5.1.1 The Authority in February 2012 agreed to include a 2% increase in council tax in each of the 3 forecast years (MTFP 2012/16). However, the Office of Budget Responsibility's calculations of council tax receipts show increases of 6% in 2013/14 and around 4% for the following 3 years.

(NB these increases will be the product of assumed Band D tax increases and increases in the council tax base). The current Band D council tax is £174.51 and 1% on council tax raises £0.5m.

5.1.2 Under the Localism Act 2011, the Government sets a limit on council tax increases. The limit was set at 4% for police authorities for 2012/13. It is hoped that details of the limit will be published at the same time as the Provisional Local Government Finance Settlement (including Police) in mid December 2012.

5.1.3 If an incoming Commissioner wished to champion a council tax increase in excess of the prescribed limit a referendum would have to be held and the costs of the referendum picked up by the Commissioner. In contrast, if an incoming Commissioner wished to champion, say, no increase in council tax for 2013/14, this would increase the budget gap by £1m annually.

5.2 **Police and Crime Plan**

The Act requires the Commissioner to set a Police and Crime Plan (“the plan”) by 31st March 2013, having consulted the Chief Constable and then having sent a copy to the Panel and responded to any recommendations from the Panel.

5.2.1 The Plan will set out the Commissioner’s police and crime objectives for policing and reducing crime and disorder, along with the financial and other resources to achieve them. In issuing the plan, the Commissioner must ‘have regard’ to the crime and disorder reduction priorities set by partners, the strategic direction of the criminal justice system and the national strategic policing requirement.

5.2.2 The creation of a draft victim and offender needs assessment, steered by representatives from the responsible authorities and voluntary sector, has initiated the dialogue between partners. This assessment is then being used, alongside the Constabulary’s Policing Strategic Assessment, to inform discussions between key stakeholders on what issues they feel should be considered by the Commissioner for inclusion in the police and crime objectives. Those who have been declared as prospective police and crime commissioners were also invited to this event.

5.2.3 Elements which have historically informed the Policing Plan such as the Constabulary and local authority Strategic Assessments, Medium Term Financial Plan, IT strategy, work force plan and collaboration initiatives have also been updated and were presented to the June and October Finance and Resource Committee meetings.

5.3 **Collaboration agreements**

Under the Act, Police and Crime Commissioners have a legal duty to collaborate where it is in the interests of the efficiency or effectiveness of their own or another police force. This is intended by Government to be a tool allowing police forces to achieve savings and to deal more effectively with crimes that go beyond a single force’s border. Wherever possible, decisions about collaboration should be made locally. But if there is a strong case that forces are failing to make the best use of their resources and should be collaborating in particular ways, or where there is a need for greater consistency and co-ordination in delivering particular functions at the national level, the Home Secretary can direct them to do so.

5.3.1 Work to deal with the budget gap over the MTFP 2013/17 and to balance the budget for 2013/14 has now focused on collaborative initiatives particularly for organisational support. The ‘Strategic Alliance’ agreement signed by the three Chief Constables and Police Authorities of Cambridgeshire, Hertfordshire and Bedfordshire in 2011 was driven by the need locally to improve service resilience while ensuring we remain within budget. The only areas that the three forces currently plan to deliver separately with their local partners (community safety partnerships and local authorities) are Local Policing and Protecting Vulnerable People.

5.3.2 As of April 2012, five tri-force functions have already gone live: Professional Standards Unit; Procurement Department; Scientific Services Unit; Armed Policing Unit; and Major Crime Unit. Plans to extend the collaboration are under way for the following functions: Dog Unit; Civil Contingencies and Public Order Planning Unit; Counter Terrorism and Domestic Extremism

Unit; Roads Policing Unit; Pensions Administration Unit; Firearms Licensing Department; Graphics and Print Department; and Organisational Support.

- 5.3.3 In the future, business cases to extend the collaboration will be considered by the three Chief Constables and incoming Police and Crime Commissioners. On organisational support, this will mean deciding whether the G4S outsourcing approach being developed through the full business case is the best way forward for Cambridgeshire. Other options to balance the 2013/14 budget are also being developed, should the outsourcing option to G4S be discounted after consideration of the full business case.

Supporting Decisions

5.4 Medium Term Financial Plan

The Commissioner will be responsible for setting the annual budget for their police force areas, including the level of precept (see 5.1). The Act also gives the Commissioner powers to make crime and disorder reduction grants; how these are proposed to be used must be set out in the Police and Crime Plan. The MTFP is a comprehensive strategic document which sets out a four year financial outlook for the Police and Crime Commissioner and the Constabulary and captures the costs of delivering the Policing and Crime Plan. The approach to progressing the MTFP was presented in more detail to the Authority's Finance and Resources Committee on 5th October 2012 and is being considered elsewhere on this agenda.

5.5 Police and Crime Plan Performance Framework 2013/14

A key role of the Police and Crime Commissioner is to hold the Chief Constable to account. Alongside the Police and Crime Plan, the Commissioner should set out the means by which performance should be measured and the suggested mechanisms to ensure this represents how partners are fulfilling their duty under the Crime and Disorder Act are in place. Work on a performance framework to compliment the work being undertaken to prepare for the creation of the first Police and Crime Plan is on-going.

5.6 Governance framework, including collaboration governance

The Home Office Commissioner candidate briefing on governance highlights that, in line with the Nolan principles, the Commissioner will need to put in place a good governance framework for their office. This should include the systems, processes, cultures and values in place. Good governance will enable the Commissioner to pursue their vision effectively as well as providing ways of controlling and managing risk.

The framework is likely to include a range of approaches for how decisions can be taken by the Commissioner and how the Chief Constable will be held to account. Options are being developed as to how this can be approached.

An Interim Audit Committee has been established and this committee has already considered an approach to risk management and controls assurance as recommended in the Financial Management Code of Practice.

Currently the governance of the strategic alliance is through each Police Authority informed by the recommendations of the Joint Working Group. With the demise of the Police Authorities, new governance processes for the strategic alliance are being developed.

5.7 Operating framework with Constabulary and Panel

The Commissioner will need to establish mechanisms for working effectively with the Chief Constable and the Panel. This might include the establishment of a localised protocol to customise, for Cambridgeshire, the Policing Protocol Order 2011.

5.8 **Commissioning framework and relationship with partners**

Currently Home Office grants are received by a range of bodies or partnerships (Community Safety Partnerships, DAAT, and YOT). Each of which has its own commissioning infrastructure.

The Commissioner will receive all the funding relating to policing and reducing crime (policing grant, precept, new grants which are to be transferred from the Home Office) and will be responsible for how it is spent.

Work has been initiated with partners to explore how best the Police and Crime Commissioner can add value to the existing local commissioning arrangements.

5.9 **Partnership engagement**

The Act puts in place a flexible framework for working in partnership. This includes two related, reciprocal duties to co-operate to support partnership working across community safety and criminal justice. The Commissioner will also need to work closely with local government and health.

This is a new era of partnership work. It is important that a joint understanding is created regarding how all partners can fulfil the 'reciprocal' partnership duty placed up on them to reduce crime and disorder and to comply with Section 17 of the Crime and Disorder Act 1998.

The Commissioner has been invited to attend the Criminal Justice Board and Cambridgeshire Countywide Strategic Community Safety Board. The Health and Wellbeing Board has received presentations on how their agenda overlaps with that of the Commissioner.

5.10 **Public engagement plan**

Building on the existing Police Authority and Constabulary Engagement Strategy the Commissioner will need to establish mechanisms through which they can work to be transparent, involve the public and understand community concerns. A new website is underdevelopment as are other options to take this agenda forward.

5.11 **Commissioner staffing**

At midnight on 21 November 2012 there will be a statutory transfer of all staff currently employed by Cambridgeshire Police Authority to the Cambridgeshire Police and Crime Commissioner (the new policing body). Police staff currently working under the 'direction and control' of the Chief Constable will continue to be engaged in that way.

Under the Act, every Commissioner must have a Chief Executive, who will also act as the monitoring officer, and a Chief Finance Officer. The Commissioner may also appoint a Deputy. It will be for the Commissioner to determine with the Chief Executive how the office will work. The Commissioner has a legal duty to give the monitoring officer the staff, accommodation and other resources which are needed so they can carry out their duties.

6. **IMPLICATIONS**

6.1 **Proposed Precept**

The Commissioner is required to notify the Police and Crime Panel of the proposed precept by 1st February 2013. The Panel is required to review the proposed precept by 8th February 2013.

6.2 **Police and Crime Plan**

The Act requires the Panel to review the draft Plan and make recommendations to the

Commissioner who must have regard to them.

6.3 **Other Police and Crime Commissioner Decisions**

The Panel must review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions. They can also make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.

7. **CONSULTATION**

7.1 None.

8. **NEXT STEPS**

8.1 None.

9. **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

9.1 [Decisions required by the Police and Crime Commissioner, Full Police Authority, 1st October 2012](#)

[Home Office Candidate Briefings](#)

[Police Authority Finance and Resources Committee](#), 5 September 2012

[Police Reform and Social Responsibility Act](#)

[Policing Protocol Order 2011](#)

10. **APPENDICES**

10.1 None.