

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 10
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Potential Approaches to Working with Local Authority Scrutiny.

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OPTIONS FOR A SCRUTINY PROTOCOL

1. PURPOSE

- 1.1 To provide the panel with potential options for ensuring effective scrutiny arrangements across and between agencies within Cambridgeshire.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Panel:

- assesses the options outlined in the paper;
- determines which, if any, option they wish to ask officers to develop further.

3. TERMS OF REFERENCE

- 3.1 Relates to 8. To support the effective exercise of the functions of the Police and Crime Commissioner.

4. BACKGROUND

- 4.1 The role of PCPs, and the work carried out by local authority overview and scrutiny committees that oversee community safety partnerships (CSPs), may well cover some of the same ground, and there will be likely to be some areas of potential synergy between the respective functions. This report, which draws heavily on guidance produced jointly by the LGA and the Centre for Public Scrutiny, identifies potential approaches to how these synergies can be maximized and respective roles and responsibilities clarified.
- 4.2 There are a number of different bodies carrying out a range of roles in local accountability around policing and community safety, reflecting the different and overlapping structures that have grown up. As crime and disorder are best tackled by multi-agency partnerships it is important these bodies are brought together. This is recognised in s10 of the Police Reform and Social Responsibility Act 2011 (the Act), which refers to the need for the PCC to work in partnership with other agencies, and people, to deliver his or her priorities.
- 4.3 The PCP will, in carrying out its scrutiny role, need to work in partnership with others including the PCC and other relevant bodies and organisations that deal with police and crime matters locally and may work with the PCC. Principally, this will be community safety partners (CSPs), which might receive funding from their PCC after April 2013.

Overview and Scrutiny Committees

- 4.4 CSPs are scrutinised by crime and disorder overview and scrutiny committees. Under the 2006 Police and Justice Act, councils are under an obligation to allocate this function to one of their committees. (This is a power that relates to the partnership as a whole rather than the individual partners. However, it should be noted that, through other mechanisms, scrutiny applies to some of these partners individually such as local authorities and NHS bodies). The work they carry out is

an important part of the landscape and the outcomes from their scrutiny should be shared, and passed between relevant bodies (particularly where matters of concern arise). This should help to make sure that scrutiny happens in the right place, at the right time and involves the right people.

- 4.5 The PCP should have a good overview of how resources might be effectively spent locally by CSP partners and others. Good links with CSP scrutiny committees of local authorities will help the PCP advise the PCC accordingly

Other scrutiny bodies

- 4.6 Scrutiny and accountability will be exerted in other ways too. Her Majesty's Inspectorate of Constabularies (HMIC) has an inspection role to which the PCP will need to have regard, in considering how the PCC addresses potential performance concerns within the local force. The local press, and the public, will also seek to exert influence, sometimes through consultation processes operated by the PCC or the local force.
- 4.7 As part of the landscape, there may also need to be links with local authorities' health scrutiny powers under the Health and Social Care Act 2012, given that joint or co-commissioning between the PCC and directors of public health may prove important both in reducing re-offending, and with early intervention on various matters relating to criminal justice and community safety. Such areas will provide further opportunities for the PCP to work together with local authority scrutiny functions. Furthermore the PCP may need to consider how they work with other panels given the joint working and collaboration already existing between forces and the desire by the government for this to increase.
- 4.8 Against this background it will be important for the PCP to remember its own specific role – that of holding the PCC to account. It will need to work with these other people, agencies and organisations to make sure that its work complements, rather than duplicates their own. This argument is further strengthened because ensuring the PCP provides effective scrutiny of the PCC could be a challenge given the limited resources available to fund PCPs even where a panel limits itself to carrying out just the functions provided for in legislation.

How might the PCP and Local Authority Scrutiny work effectively together?

- 4.9 Under the Police and Justice Act 2006, local authorities must scrutinise their area's community safety partnership (CSP). Under the 2006 Act they are only able to hold the partnership as a whole to account, rather than the individual partners. However councils can scrutinise some of the individual bodies, such as the NHS, within the partnership through other scrutiny legislation. These powers of scrutiny will remain under the new arrangements for policing, and as such CSP scrutiny and the PCP will need to work to avoid duplication in their work.
- 4.10 The PCC will not be a 'responsible authority' for the purposes of community safety partnerships. We have, however, noted above that PCCs will have the power to make grants to CSPs, and so there is the potential for CSP scrutiny to cut across areas of the panel's responsibility.
- 4.11 To avoid duplication, CSP scrutiny and the PCP will need to work together in:

Identifying issues of mutual interest and concern and selecting the best forum to investigate those issues. It may even be worthwhile under certain circumstances to consider joint panel/CSP scrutiny investigations into certain issues.

Ensuring that the panel is plugged in to local level issues within the force area, which will be impacted by PCC decision-making. The PCP will need some means to connect their work down to neighbourhood level. CSP Scrutiny provides them with a mechanism for doing this.

Sharing evidence. Joint working will mean a better use of resources as the panel is able to draw on evidence collected by CSP scrutiny and vice versa.

- 4.12 Where the panel includes non-executive councillors, some may also sit on CSP scrutiny

committees, making joint working between the two more straightforward. Where the panel is composed predominantly or entirely by executive-side members, the authorities in the force area will need to identify ways – relevant to each area – to achieve effective liaison between the PCP and CSP scrutiny committees.

- 4.13 This effective liaison could be achieved in a number of ways and is likely to evolve over time. Potential options for consideration by the Cambridgeshire PCP are outlined below.

Potential Options

Policing Protocol

- 4.14 The Home Office has produced a national protocol to define the relationship between the PCC, the PCP and the chief constable, which emphasizes these issues. In brief, the protocol affirms that:

the PCC will have responsibility for setting the ‘strategic direction and objectives of the force’, and monitoring performance including against the priorities in the police and crime plan;

the PCC will be responsible for holding the chief constable to account (but not fettering the chief constable’s operational independence, or that of the force);

the PCC will provide the ‘local link’ between the police and the public, working to ‘translate the legitimate desires and aspirations of the public into action’;

the PCC must comply with all formal requests from the PCP to attend their meetings;

the PCC must prepare and issue an annual report to the PCP on delivery against the objectives in the police and crime plan;

the PCC has wider responsibilities as well – making crime and disorder reduction grants, delivery of community safety, enhancement of the delivery of criminal justice in the area and bringing together CSPs at force level, and, importantly, the ‘ability to enter into collaboration agreements between other PCCs and force’.

- 4.15 The PCP’s role in the accountability landscape sits within this framework. The protocol, like the legislation, makes clear that it is not the responsibility of the PCP to scrutinise the chief constable, but instead the way that the PCC exercises his or her statutory function of providing strategic direction in local policing. This separation is a fundamental element of the new arrangements.

- 4.16 One potential way of ensuring effective liaison and engagement in the process may be to supplement the protocol with more practical detail about how accountability will be exercised, including the scrutiny arrangements for CSPs, and health, in the area as well. Some force areas are planning to prepare a ‘memorandum of understanding’ to ensure that shared expectations between the PCC, and other partners, are promoted. Were Cambridgeshire to consider such memoranda the role of PCP could also be considered. PCP’s or shadow PCP’s should be involved in the production of memoranda.

Cambridgeshire Scrutiny Protocol on Inter-Agency Cooperation

- 4.17 This option is a lighter touch, less binding version of the Policing protocol identified in 3.6.1 above. It is not without precedent in Cambridgeshire and such a protocol was developed under the auspices of Cambridgeshire Together in 2010. This original Protocol, which may serve as a blueprint for a similar agreement between local authority scrutiny arrangements and the Cambridgeshire PCP, is attached as Appendix 1.

- 4.18 The rationale for the development of such a protocol was that in order for local scrutiny bodies to exercise their broader role effectively and to improve outcomes locally, there needed to be close interaction between the relevant authorities and agencies. This has the potential to raise the quality of scrutiny work, enable good practice to be shared, coordinate the demands placed on

partners and may offer opportunities to pool resources.

- 4.19 One of the key principles, and one which is applicable in the context of the relationship between the Cambridgeshire PCP and the local authority overview and scrutiny bodies is that “all authorities and partners will work together respectfully constructively to maximise the exchange of information and experience, minimize bureaucracy and make best use of the time of Members and Officers of local authorities and other agencies”.

5. KEY ISSUES

5.1 Synopsis of Options

Option	Pros	Cons
Policing Protocol	Encompasses local authority scrutiny within the protocol arrangements between the PCP, the PCC and the Chief Constable	May be too early, and too restrictive to tie local authority scrutiny into the policing protocol where the relationships between the other players are more prescribed in the legislation.
Inter –authority Protocol	Limits the agreement and commitment to the local authorities and the PCP. Is light touch and flexible. Has precedent and can be built upon	May not go far enough in terms of defining the rules of engagement between local authority scrutiny and the PCP.
Structural Change	Potential to maximise resources and ensure solid close links between local authority scrutiny and the PCP.	It is potentially too early to assess the impact of the PCP. Such changes may not be palatable, or be too fundamental. They may not be warranted
Status Quo	Allow flexibility. Buys time to assess the role, scope and impact of the PCP.	Means that no arrangements are in place as the PCP begins its business which could potentially lead to overlap, confusion and duplication.

6. IMPLICATIONS

Structural Changes to CSP Scrutiny within Cambridgeshire Local Authorities

- 6.1 It may that, over time, the advent of the Cambridgeshire PCP may result in a shift in emphasis on how community safety and other related police and crime issues are scrutinised within local authorities.
- 6.2 For example this may result in local authorities reducing the amount of scrutiny they undertake in respect of their CSPs. Alternatively, there might be a greater pooling of resources between authorities to maximise effectiveness.
- 6.3 Pooling resources may also be a way of rationalising and simplifying the relationship between local authority scrutiny and the PCP. For example, in Gloucestershire, one county-wide

Community Safety Scrutiny Committee, with co-opted district council Members was established in 2009. Clearly this was well in advance of the 2011 Act but it has led to a much closer working relationship with the emerging PCP in the Gloucestershire force area.

- 6.4 Structural change, in whatever format, may not be appropriate or desirable in the Cambridgeshire context and it is unlikely that the effect and implications of the PCP and its work will be understood for some time. The level of ambition and scope of activity that the PCP undertakes will also likely to have an impact on any longer term commitments. Nonetheless it may be that consideration may be given to some form of structural change in the future and the PCP may wish to be part of, and influence, any such developments.

Status Quo

- 6.5 It may be that the Cambridgeshire PCP does not want to pursue any particular approach to building and codifying its relationship with the wider scrutiny network at this point. The implementation of the Cambridgeshire PCP is uncharted territory and there implications are difficult to predict. The PCP may therefore wish to allow a certain period to elapse before considering developing and agreeing any kind of working protocol.

7. CONSULTATION

- 7.1 N/A

8. BACKGROUND DOCUMENTS

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

- 8.1 *List any documents and other information used to write this report. DO NOT include exempt items. Be specific as anything you list here must be available for public inspection for several years after the committee meeting.*

Police and Crime Panels: A guide to Scrutiny - LGA and CfPS, September 2012

9. APPENDICES

- 9.1 Cambridgeshire Scrutiny Protocol on Inter-Authority Cooperation
<http://www.cambridge.gov.uk/democracy/documents/s1681/County%20Scrutiny%20Protocol%20Appendix%200A.pdf>

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